PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 1, 2010

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, July 1, 2010.

Closed Session
2:00 p.m. Personnel, property and litigation

Work Session
4:50 p.m. Council questions/comments
5:00 p.m. PC-SLC Transit Service pg 4
5:50 p.m. Break

Regular Meeting
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

III PUBLIC INPUT *(Any matter of City business not scheduled on agenda)*

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JUNE 17, 2010
pg 18

V RESIGNATIONS AND APPOINTMENTS
1. Consideration of four new appointments to the Library Board: pg 25
   - Suzette Lamb Robarge for a term expiring July 1, 2011
   - Carolyn Creek-McCallister a term expiring July 1, 2013
   - Fonya Kovacs for a term expiring July 1, 2013
   - Elizabeth "Sam" Wilkerson for a term expiring July 1, 2013

VI NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

1. Consideration of fee waivers for affordable housing (Habitat for Humanity) pg 28

2. Consideration of award of Economic Development Grants totaling $15,000 to Local Tourist pg 32

3. Consideration of award of Construction Agreement in a form approved by the City Attorney, with JB Gordon Construction for the construction of the Rail Trail Waterlines in the amount of $2,137,848. pg 53

4. Consideration of First Amendment to the Professional Services Agreement, in a form approved by the City Attorney, with Horrocks Engineers for waterlines from Quinns Water Treatment Plant to Wyatt Earp Way (Rail Trail Waterlines) in the amount of $53,292.
pg 64

VII OLD BUSINESS

1. Consideration of Ratification of Findings of Fact, Conclusions of Law, and Conditions of Approval for the Appeals of North Silver Lake Lot 2B Conditional Use Permit. pg 70

VIII ADDITIONAL DISCUSSION – AGENDA ITEMS

IX ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

Wireless internet service available in Marsac Building on Wednesdays and Thursdays – 4 p.m. to 9 p.m.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 8, 2010

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, July 8, 2010.

Posted: 06/28/10
See www.parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.
PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

July 2010 1

15 **Tom gone**
RAB interviews
PAAB Appointments
Norfolk Ave Reconstruction (work - 45 min)
Direction on Rail Central Pedestrian Connection (Bridge) - work
Tour of Utah MFL
321 McHenry Avenue plat amendment – KC
SA53 and 53B plat amendment – KC
6808 Silver Lake Drive plat amendment – KW
Award of contract for Testing and Special Inspection for the Recreation Center Remodel

22 **No meeting**

29 Quarterly goals
Environmental update and prioritization (1 hr)

August 2010

5 **Dana gone**

12

19

26

September 2010

2

9

16

23

30

October 2010

7

14

21

28

Pending Items:
Review of two year special event policy
Open space maintenance
U S Postal Service gang boxes in Old Town - MC
Wild land interface issues

City Council
Staff Report

DATE:	**Jul 1st, 2010**
DEPARTMENT:	**Public Works**
AUTHOR:	**Kent Cashel, Transportation Manager**
TITLE:	**PC-SLC Bus Service – Review Phase 1 Study**
TYPE OF ITEM:	Administrative

SUMMARY RECOMMENDATION:
Review summary findings of Phase I of the Park City to Salt Lake City (PC-SLC) transit study and direct Staff to complete phase 2 of the study. A final Staff recommendation, and Council decision, regarding PC-SLC service will be made as part of the Short Range Transit Development plan update scheduled to be completed June 2011.

A. Background

Park City and Summit County have formally expressed interest in investigating a Park City to Salt Lake City transit route as early as 2000.The timeline below provides background on key milestones in the development of the Park City to Salt Lake City transit concept.

2000 Short Range Transit Development Plan (SRTDP)
This 5 year business plan for the development of transit services included an analysis of SLC-PC service. The SRTDP's focus in 2000 was on building the Old Town Transit Center and enhancing local services. The plan explored but did not recommend the development of an SLC-PC transit route.

2003 Park City\Summit County SRTDP
The 2003 update of the SRTDP was developed in partnership with Summit County. The SRTDP's focus in 2003 was the development and integration of service along SR-224 to Kimball Junction. The plan investigated a Park City-Salt Lake City commuter service but did not recommend development of this transit route.

2006 LSC Concept Plan
In early 2006 Park City transit staff conducted a survey of western Summit county residents to assess the level of demand for a Park City to Salt Lake City transit service. This survey indicated strong rider demand. Staff contracted with LSC Transportation Consultants, Inc. (LSC) to summarize the survey results and to conduct concept level planning for a Park City to Salt Lake City transit service.

Begin Planning with Utah Transit Authority (UTA)
City Staff began working with the Utah Transit Authority (UTA) planning staff to investigate Salt Lake City demand for a PC-SLC transit route. Surveys of SLC business commuters indicated very strong demand for a Park City to Salt Lake City commuter service existed.

2007 PC-SLC Student Study
UTA and Park City engaged a team of University of Utah urban planning students to conduct an in-depth study of a Salt Lake City to PC transit route.

This study concluded that strong demand (both up and down canyon) existed for a Park City to Salt Lake City route (2200 riders per day). This study began to address, in detail, capital and operating costs of a PC-SLC transit route. The study concluded with a recommendation that Park City\Summit County\UTA should seriously consider implementing this service. The study left several operational questions unanswered.

Park City\Summit County SRTDP
The 2007 SRTDP again investigated a Salt Lake City-Park City transit service. The focus of this SRTDP was on development\expansion of capital facilities (e.g., an expanded maintenance and storage facility, Kimball Junction transit center, passenger shelters and park and rides) required to support the region's expanding transit system. The SRTDP included a statement that Park City\Summit County\UTA should work cooperatively to complete planning for an PC-SLC bus route.

2008 Tri-Party Letter of Intent
In June of 2008 Park City\Summit County\UTA jointly executed a letter of intent to complete a transit improvement plan for a PC-SLC transit service. The objective of this transit improvement plan is to provide clarity on the transit demand and operating characteristics of a well designed PC-SLC service. The agreement calls out 4 distinct deliverables for the first phase of the study. Those deliverables are:

<u>Phase I</u>

- o Determine rider demand for a PC-SLC route.
- o Determine route and stops.
- o Determine necessary equipment and facilities.
- o Determine economic feasibility of service <u>before</u> proceeding further with study.

After determining economic feasibility phase II of the study will begin. Phase II deliverables can be found below:

<u>Phase II</u>

- o Develop a cost sharing methodology for the service
- o Develop a plan for cooperatively pursuing Federal and State financial assistance.
- o Develop a plan to provide required local funding to operate the transit service.

Joint Planning Effort – The Study Team
A PC-SLC study team was formed with staff from Park City, Summit County and UTA (as well as Salt Lake County, UDOT, the Wasatch Front Regional Council) This study team has been meeting regularly to complete the PC-SLC study.

B. <u>Analysis</u>

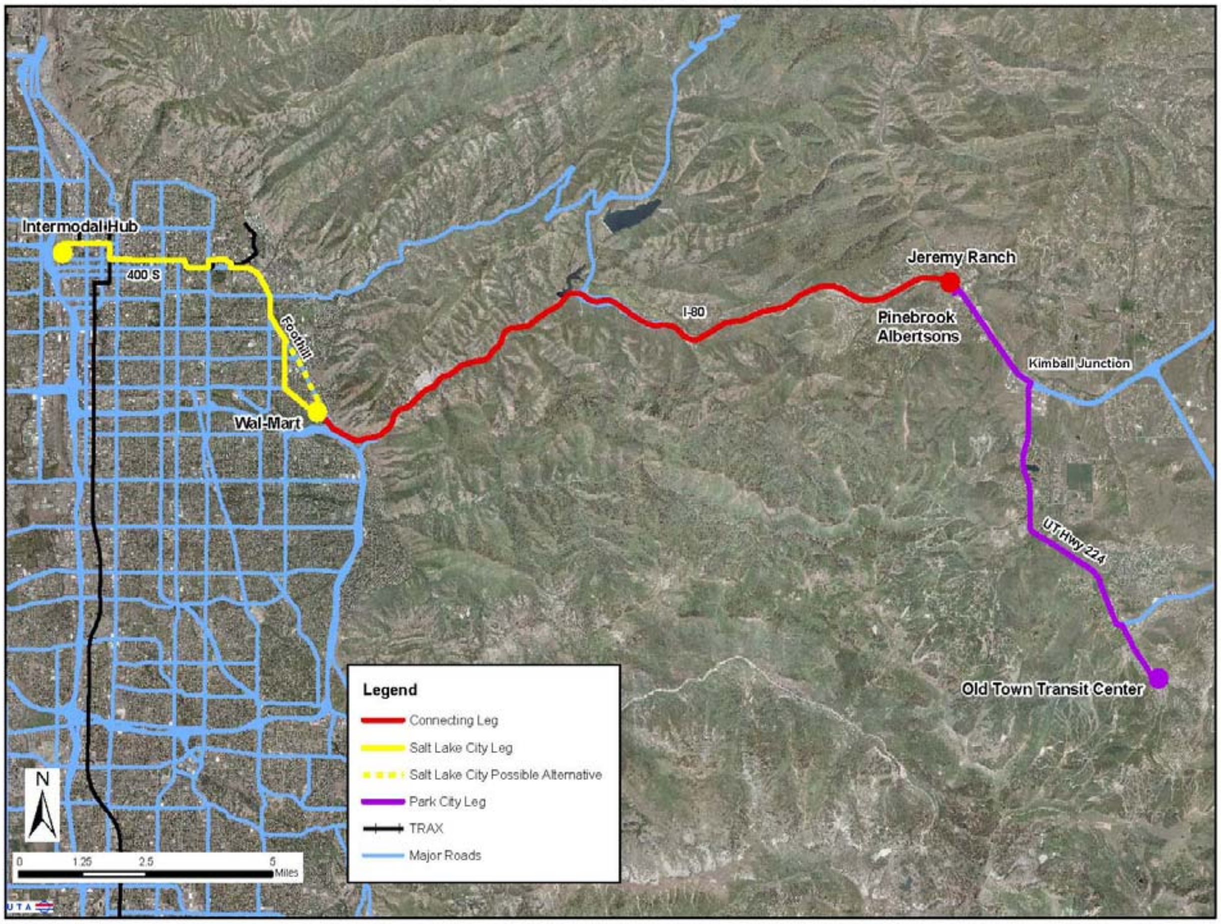
The study team has researched and completed the following study deliverables:

- Route and Stops have been determined
- Rider demand has been modeled and estimated
- Necessary equipment and facilities have been identified
- Economic feasibility has been assessed

A summary of each of these items follows:

Route and Stops

Salt Lake City / Park City Proposed Bus Routes



The map above depicts the recommended route for the SLC-PC bus service. The Park City leg of the route is depicted in purple and would include stops at:

- Old Town Transit Center
- Fresh Market
- Canyons
- Kimball Junction Transit Center (not yet built)
- Jeremy Ranch Park and Ride.

From these stops riders would be able to rapidly transfer to local service to get them to destinations not served by this route. The study team researched several alignments for the Salt Lake City leg of the service before determining the recommended alignment (depicted in Yellow).

The Salt Lake City Leg would include stops at:

- Foothill Drive Wal-Mart (which would serve as a park and ride)
- U of U stadium (transfer to light rail)
- 200 South & 1300 East
- 200 South and 700 East

- 200 South and 200 East
- 200 South and Main Street
- 200 South and 250 West
- Salt Lake City Central Station (Light rail and commuter rail transfers)
- Up to 6 additional stops not yet determined

Rider Demand

The study team looked at a wide spectrum of service options before arriving at two broad categories of service. Those categories are:

- Enhanced Bus (EB)

- Bus Rapid Transit (BRT)

Enhanced Bus (EB) would use commuter buses (such as pictured below). This service would also use transit signal prioritization (TSP) which consists of an electronic device which communicates with traffic signals and extends the green when buses are in the queue to allow the bus reduced wait time. TSP will shorten travel times for riders using the service.

Bus Rapid Transit (BRT)
BRT service would utilize specialized transit buses (and branding) such as depicted below. These buses are designed to load\unload quickly. The service would incorporate the following technology\equipment:

- Electronic fare payment
- Real time bus information
- Branded stops (which integrate at level boarding like light rail)
- Queue Jumps at key intersections (these are dedicated lanes which allow buses to bypass traffic backed up at signals).

The table on the next page displays forecasted ridership for three levels of Enhanced Bus (EB) ridership and two levels of Bus Rapid Transit (BRT). Operating details of each scenario are as follows:

A.) EB 45/120 Would operate 14 hours per day with 45 minute frequency during peak morning and afternoon hours. 120 minute frequency during other hours.

B.) EB 30/60 Would operate 14 hours per day with 30 minute frequency during peak morning and afternoon hours. 60 minute frequency during other hours.

C.) EB 30 Would operate 14 hours per day with 30 minute frequency all hours.

D.) BRT 30 Would operate 14 hours per day w/ 30 minute frequency

E.) BRT 30+ Would operate 20 hours per day on weekdays and 17 hours per day weekend.

Salt Lake to Park City Transit Daily Riders

Daily Service Hours	Scenario	SLC (yellow on map above)	Inter-County (red on map above)	PC (purple on map above)	Total Daily Riders
14	**A. EB 45/120**	624	355	211	1,190
14	**B. EB 30/60**	682	559	465	1,706
14	**C. EB 30**	799	653	700	2,152
14	**D. BRT 30**	1,146	946	700	2,792
17/20	**E. BRT 30+**	1,260	1,542	854	3,656

The ridership displayed above includes the following user groups:

- Commuters (up and down canyon)
- Recreational riders (Skiing, mountain biking, shopping and etc.)
- U of U students
- Sporting events (U of U)
- Special events (Sundance, Art Fest and etc.)

<u>Necessary Equipment and Facilities</u>

Enhanced Bus (EB) scenarios would utilize commuter buses currently in UTA's fleet. These buses would require some investment to retrofit the drive-trains with equipment needed to ensure adequate power\gearing for traveling up and down Parley's Summit. The service would also require Traffic Signal Prioritization (TSP) but would not involve significant changes to roadways or intersections. Existing bus stops and facilities would be utilized.

Bus Rapid Transit scenarios would utilize specialized buses that would need to be purchased. The service would incorporate TSP, real time bus information and electronic fare collection. The service would also incorporate queue jumpers at key intersections. The BRT 30+ scenario would include dedicated bus lanes in busy corridors served by the route.

Cost for equipment and facilities for each scenario can be found in the next section covering economic feasibility.

Economic Feasibility

The Tri-party agreement set forth the requirement to determine "economic feasibility" before proceeding further with the study. For the purpose of this report Staff has defined "economic feasibility" as a transit service that could be funded through one or more of the following sources:

1. Costs could be funded using:
    a. current transit revenues
    b. re-programming of existing transit revenues
    c. identification of new transit revenues
    d. combination of one or more of the above

It is important to note that Staff is not requesting a funding decision at this time only determining "economic feasibility' of the PC-SLC service.

The table below presents operating costs, capital costs and Investment per Rider (IPR) for each of the PC-SLC service scenarios.

Scenario	Daily Riders	Operating & Maintenance Costs (net of 15% fairbox)	Capital Cost	Investment Per Rider (or Subsidy)
A. EB 45/120	1,190	$1,810,022	$3,275,000	$4.17
B. EB 30/60	1,706	$2,746,240	$4,175,000	$4.41
C. EB 30	2,152	$4,119,360	$4,175,000	$5.25
D. BRT 30	2,792	$4,119,360	$6,735,000	$4.04
E. BRT 30+	3,656	$5,242,822	$6.7 to $80.4 Million	$3.93

A final cost sharing methodology has not been arrived at yet (this will be determined in phase 2 of the study). For this exercise Staff has assumed each of the three entities equally share costs (33.33% each). Based upon that assumption the City's operating costs for the scenarios would range from $603,343 to $1,747,647per year. The table below breaks out the 33.3% local share for each scenario.

Scenario	33.33% Share Operating Costs
A. EB 45/120	$ 603,343
B. EB 30/60	$ 915,322
C. EB 30	$1,372,983
D. BRT 30	$1,372,983
E. BRT 30+	$1,747,433

Existing revenues
Staff (from Budget and Transportation Divisions) conducted a high level analysis of Transportation Fund revenues and expenses to determine a rough idea of undedicated transportation revenues that may be available to fund a PC-SLC service. This analysis indicated approximately $500,000 in transit fund revenues were available. It is important to note that these funds could be affected by a change in economic conditions, federal financial assistance levels, or other currently un-programmed operations or capital expenditures. The table above indicates that existing revenues alone are unlikely to fund a PC-SLC service.

Reprogramming revenues
It is possible that the PC-SLC service could be partially funded by cost savings realized by instituting reductions in current service which runs along the SR-224 corridor and would be duplicated by the PC-SLC service. It is also possible that additional funds could be realized by reductions in frequency or hours of service of other current service components. To accurately estimate what these revenues are is beyond the scope of this report. Staff recommends this work be completed as part of the Short Range Transit Development Plan update scheduled to begin in early 2011.

Identification of new revenues
It is possible that new revenues could be identified to provide funding for a PC to SLC service. Some of those sources could be one or more of the following:

- Federal operating assistance
- Partnerships with major employers
- Additional ¼ cent transit sales tax
- Other

<u>Federal operating assistance</u>
It is possible that additional operating assistance could be secured from the Federal Transit Administration to help fund a PC-SLC service. A determination of amounts and availability of such funding is a deliverable of the next phase of this study. No amount has been estimated to date.

<u>Partnerships with major employers</u>
Currently the three ski-areas operate a winter SLC-PC employee shuttle to move seasonal employees from SLC to PC to SLC each day during the winter. It is possible that these businesses (and others) may be willing to partner with the City\County\UTA to provide funding for a PC-SLC service if this service met their needs. A determination of amounts and availability of such funding is a deliverable of the next phase of this study. No amount has been estimated to date.

<u>Additional ¼ cent sales tax</u>
Provisions within the Utah State Code empower the City to levy (subject to voter approval) an additional ¼ cent transit sales tax. The budget department estimates this additional levy would raise approximately $1.56 to $1.86 million per year in 2012. This funding could be used to fund a range of regional transit services. These services and funding projections will be more fully explored in the update of the Short Range Transit development Plan scheduled for early 2011.

Staff thinks the City could assemble a financial package, using one or more of the above sources to finance a PC-SLC service. Staff recommends that Council direct Staff to complete phase 2 of the PC-SLC study. Completion of this study will provide critical information for the update of the Park City\Summit County Short Range Transit Development Plan.

A final Staff recommendation and Council decision on this service should be made as part of SRTDP update when all transit service elements can be considered simultaneously and constrained within a balanced financial plan. This update is scheduled to begin in early 2011 with completion by June\July of the same year.

Next Steps

The entities' Tri-Party Agreement sets out deliverables for phase 2 of the PC-SLC Transit Improvement Plan. Those deliverables are:

- Develop a cost sharing methodology for the service
- Develop a plan for cooperatively pursuing Federal and State financial assistance.
- Develop a plan to provide required local funding to operate the transit service.
- Identify risk management and human resource challenges of a joint operated service and determine strategies for addressing these.

Additionally, Staff thinks it is time for the City and County to arrange a meeting with UTA leadership, Joint Transit Advisory Board representatives (Liza Simpson and Claudia McMullin), and the City and County Manager. The purpose of this meeting would be to re-emphasize commitment to the PC-SLC study and to moving expeditiously toward a decision on the study's final recommendations.

Should Council agree with Staff that the PC-SLC service is "economically feasible" and to proceed with completing the study Staff will coordinate the above meeting and work toward study completion.

ALTERNATIVES

A. Approve The Recommendation.

Staff recommends Council review the summary findings of Phase I of the Park City to Salt Lake City (PC-SLC) transit study and direct Staff to complete phase 2 of the study. A final Staff recommendation, and Council decision, regarding PC-SLC service will be made as part of the Short Range Transit Development plan update scheduled to be completed June 2011.

B. Deny The Recommendation.

Council could direct Staff to discontinue the PC-SLC transit service study. This is not Staff's recommendation.

C. Defer the item to a later date.

Council could defer the item to a later date. Deferral for more than a few weeks may result in one or more of the City's partners abandoning the study effort. This is not Staff's recommendation.

D. Do Nothing.

Council could do nothing. This would have the same effect al alternative C. This is not Staff's recommendation.

SIGNIFICANT IMPACTS

Staff from the City, Summit County and UTA have dedicated significant time and effort to bring this study to completion of phase 1. Should Council determine to stop the study at this time this investment shall be lost.

DEPARTMENTAL REVIEW

This report has been reviewed and commented on by The City Manager’s Office, The City Attorney’s Office, Budget, and Public Works. All comments received have been integrated into this report.

RECOMMENDATION

Review summary findings of Phase I of the Park City to Salt Lake City (PC-SLC) transit study and direct Staff to complete phase 2 of the study. A final Staff recommendation, and Council decision, regarding PC-SLC service will be made as part of the Short Range Transit Development plan update scheduled to be completed June 2011.

Attached:
Tri-party letter of intent

Tri-Party
Transit Improvement Plan - Letter Of Intent

This Letter of Intent is made and entered into this 19 day of JUNE 2008, by and between Utah Transit Authority (UTA), Summit County (County) and Park City Municipal Corporation (PCMC) (collectively referred to herein as the "Parties").

Purpose: The purpose of this Letter Of Intent (hereinafter referred to as the LOI) is to clarify the understanding of Utah Transit Authority, PCMC and the County regarding cooperation on developing a detailed transit plan to provide a public transportation link between Park City's Old Town Transit Center, Kimball Junction and UTA's Salt Lake City Central Station (hereinafter referred to as the Transit Improvement Plan). The Parties agree to use best efforts to adhere to the concepts, ideas and tasks identified in this LOI. These concepts, ideas and tasks are not binding on the parties.

Whereas, regional collaboration and partnerships are high priorities for the Parties; and

Whereas, the Parties recognize that public transportation and traffic management are both regional issues that require regional collaboration; and

Whereas, the Parties acknowledge that the first step in providing enhanced public transportation is to have a clear understanding of the capital, institutional and management issues that must be addressed and financed; and

Whereas, the parties acknowledge that completing a Transit Improvement Plan will require a significant investment of staff resources and it is useful to have formal commitment of those resources in advance of beginning a cooperative effort; and

Whereas, it is the intention of the Parties to communicate, interact, and cooperate in good faith to develop, formally review and adopt, amend or reject a detailed Transit Improvement Plan.

Therefore, the Parties intend to work cooperatively, and in good faith, on the following:

A. The Parties agree that a Transit Improvement Plan is needed to clarify transit demand and the operating characteristics of a well designed PC-SLC transit service. The Parties intend to work cooperatively and expeditiously to accomplish the following:
   a. Determine rider demand (including geo location of that demand) for a SLC-PC route.
   b. Determine route and stops to efficiently and effectively serve that demand.
   c. Determine equipment and facilities necessary to efficiently and effectively serve transit demand.
   d. Determine that such transit service is economically feasible and to present these findings to each of the governing bodies before proceeding further with the study.

B. The Parties agree that a Transit Improvement Plan is needed to clarify the institutional and management challenges that must be addressed to put a PC-SLC transit route into operation. The Parties intend to work cooperatively and expeditiously to accomplish the following:
   a. Identify legal and\or legislative restrictions that may affect the entities ability to provide service outside their district boundaries. Develop strategies to address these challenges.
   b. Identify risk management challenges that would exist in cooperatively operating a transit system. Develop strategies to address these challenges.
   c. Identify human resource challenges that would exist in a cooperatively operated transit service. Develop strategies to address these challenges.

C. The Parties agree that a Transit Improvement Plan is needed to clarify the financial commitment that will be required to put a PC-SLC transit route into operation. The Parties intend to work cooperatively and expeditiously to accomplish the following:
   a. Develop a cost sharing methodology for financing the transit service.
   b. Develop a plan for cooperatively pursuing Federal and State financial assistance to aid in funding this transit service.
   c. Develop a plan to provide required local funding to operate this transit service.

D. The Parties agree that a Transit Improvement Plan will only be implemented after formal review and approval of the governing body of each program participant. When the Transit Improvement Plan is completed, the Parties agree to expeditiously review the plan, hold any required public hearings and to formally adopt, reject or amend the plan as each governing body deems appropriate and in its best interests.

E. The Parties agree to give advanced notice to the others if a different course of action or decision contrary to the terms herein is contemplated.

IN WITNESS WHEREOF, the parties have duly executed this LOI the day and year written above.

UTAH TRANSIT AUTHORITY

Utah Transit Authority General Manager

Attest:

Approved as to form:

Utah Transit Authority Attorney

Approved As To Form

UTA Legal Counsel

SUMMIT COUNTY

ROBERT RICHER, ACTING CHAIRPERSON

Attest:

Approved as to form:

COUNTY CLERKS SEAL SUMMIT COUNTY 1854 STATE OF UTAH

PARK CITY MUNICIPAL CORPORATION

Thomas B. Bakaly, City Manager

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

PARK CITY SUMMIT COUNTY UTAH
CORPORATE
Seal
MARCH 1, 1884

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JUNE 17, 2010

Present: **Mayor Dana Williams; Council members, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson**

Tom Bakaly, City Manager, Mark Harrington, City Attorney; Matt Cassel, City Engineer; Francisco Astorga, Planner; Thomas Eddington, Planning Manager; and Katie Cattan, Planner

Planning Commissioners Dick Peek, Julia Petit, Brooke Hontz, Adam Strachan, and Mick Savage

Jack Thomas, architect; Mary Wintzer and Mark Fisher, Bonanza Park property owners; and Michael Barille, consultant

1. Council questions/comments. Alex Butwinski spoke about the dedication of the Roger Dodger Park after Roger Harlan at the Park Silly Sunday Market and complimented the new banners at the ice arena. The HMBA held a meeting and a joint meeting with the HPB was held this week. He referred to a study revealing that cultural tourists spend significantly more per day on average than recreational tourists. Liza Simpson mentioned the favorable changes to the PSSM event. Candace Erickson commented her trip to New York and reported on Friends of the Farm business. Cindy Matsumoto reported on the School Board meeting and the Dump the Pump event. Mayor Williams recognized Chief Building Official Ron Ivie who worked for the City for 35 years and retired today. He felt that the Dump the Pump event was good and the new four-wheel drive buses are impressive. The HPB meeting was one of the best joint sessions with Council and he referred to Roger Durst's comment that preservation is a *delight* and hoped this concept can be communicated in the General Plan. Mayor Williams referred to his care package sent to former Governor Huntsman who now is ambassador to China and more specifically an economic development program with a renewable energy element between Utah and China. Liza Simpson displayed an inaugural edition of *Edible Wasatch* which is a magazine a number of communities in the country have produced.

2. Bonanza Drive reconstruction project – planters and turning lanes. Matt Cassel explained that staff is requesting direction regarding adding center planter boxes and color concrete turning lanes within the Bonanza Drive corridor in 2011 or 2012. The City has been negotiating with some property owners along the corridor for easements to install a tunnel. The planter boxes and color concrete turning lanes are elements recently proposed and staff believes these are good solutions. The contractor will be on-site for Phase 2 on July 6, leaving very little time to add these enhancements and because it is a UDOT's contract and federal money is involved, it is difficult to add anything at this point. For these reasons, staff is recommending an additional year to begin the work. In response to a comment from Mr. Butwinski, the City Engineer explained that three summers of construction is a lot which will be a consideration in scheduling construction and the planters will have power and water. The planters will be about 18" high, the medians will be more like mountable curb, and the color concrete is at grade. Liza Simpson expressed her support of the new design. Cindy Matsumoto disclosed that she is a tenant in the Bonanza business area and Joe Kernan indicated that he has many recycling clients in the district. Mr. Cassel stated that a public meeting will be held at Miners Hospital on June 22 from 4 p.m. top 6 p.m. on the project.

3. Planning Commission joint work session. The Mayor referred to the joint meeting with the HPB held during the week where a number of things were decided. The board will be involved with the General Plan rewrite, a liaison from the HPB may be involved in Historic District design review with staff, and the Board will be notified of any permit issued in the Historic District.

Thomas Eddington emphasized the importance of creating a long-term plan for Bonanza Park. Through a PowerPoint presentation, Francisco Astorga explained the Three Percent Strategy which accommodates 33% of future development on 3% of the available land. The benefits of applying this principle is creating a vibrant area, preserving key open space, conserving water, etc. which reflects some of Council's goals. This principle is dependent on having transportation corridors and mixed uses.

Mr. Astorga explained that form-based code is a newer type of principle. The traditional zoning process begins with a detailed list of uses for the zoning district, management of the use, and then the form. Form-based codes switch the order to first the form, then uses which are typically more permissive, and lastly the management. He displayed illustrations of traditional design with inefficient cul-de-sacs and form-based code design with a grid network. Form-based codes are intended to result in better designs. Circulation for pedestrians and bicyclists in Bonanza Park are high priorities and a grid network with narrow streets is natural traffic calming. He suggested maximum parking requirements rather than minimum and increasing density with zero line setbacks. Cul-de-sacs are inefficient for circulation when transportation problems occur like street closures.

Mr. Eddington stated that staff applied form-based code principles to the Bonanza Park area. The current road system does not provide much inner connectivity or street frontage and he displayed a 20 to 30 year out design with a grid network scheme with connections to the surrounding areas. Zero lot lines are recommended at a variety of heights to create a Main Street atmosphere in a primary and secondary block format. The areas behind buildings could be used for deliveries, dumpsters, pick-up, and surface parking. He suggested underground parking under the central plaza and the possibility of light rail in the long term.

Francisco Astorga stated that the area is approximately 76 acres with 644,396 square feet of existing building overall floor area. Mr. Eddington interjected that the zoning is General Commercial and Light Industrial on Ironhorse. He displayed a model with the current zoning with surface parking. A scheme with underground parking would result in 5.81 million square feet of net useable floor area. The third model is a master planned development with 60% open space and surface parking and is less than one million square feet. The fourth model is the same with underground parking at a square footage of 1.5 million square feet. A redevelopment site with the Code required 30% open space and surface parking renders 1.66 million square feet and the underground scenario produces 5.19 million square feet. He then addressed the variety of heights in the models, pointing out that the current height limit of 35 feet has not been applied. The overall net leasable floor area could total 4.5 million square feet.

Planning Commissioner Julia Petit stated that an example of a project with the same amount of square footage would be helpful for her. Thomas Eddington noted that The Montage is almost one million including parking. She felt that numbers from Redstone or Main Street would be good comparisons to grasp the build-out. The future economy needs to be considered in terms of sustaining those numbers as well as the impacts to Main Street. Liza Simpson agreed. The Mayor expressed concerns about buildings over six stories but likes the idea of applying form-based codes. Mixed uses add interest to the area; he also supports the transportation hub element and the grid system. Cindy Matsumoto also liked the grid system and is not opposed to a few six story buildings as long as it looks different than Redstone. Mr. Eddington explained that Redstone is linear with a man-made Main Street accommodating big box retail. This plan integrates uses, eliminates massive surface parking lots and maintains a smaller block pattern. Candace Erickson stated that she likes the form-based code concept but the Bonanza Park models are incredibly dense and she has issues with five stories and allowing six stories is unacceptable to her. She indicated that she is not convinced that zero lot lines is the way to proceed because of the many compromises made on Main Street. Mr. Eddington discussed the flexibility with determining the right-of-way width in a redevelopment design process. Ms. Erickson relayed that she has been thinking about redeveloping this area for a long time and knows that Bonanza Park shouldn't be a Gateway or Redstone. Again, the models are too dense.

Dick Peek added that the form-based code models promote walkabilitly, livability, and transit which are all goals relating to a sustainable community. Secondly, there are economic benefits. Ms. Erickson agreed with applying cutting edge concepts, but clarified that she has problems with the height and the density. Park City is different than many communities. Cindy Matsumoto pointed out that the current Code allows more density than the first model based on the form-based code. She again voiced her support of the grid system. Discussion ensued on the number of property owners involved in the redevelopment effort and a piecemeal result and the potential for this area being a receiving district for density transfers or density bonuses.

Mayor Williams believed that because of the residential component, more green space may be needed. Mr. Eddington added that this type of development would capture the regional market and would compliment Main Street. Brooke Hontz acknowledged the level of density which should be linked to the preservation and reduction of density in other places. Although a supporter of form-based codes, she felt that some current uses need to be maintained and it is important to determine the uses for the future.

The Mayor suggested calculating the population necessary to support redevelopment models. Alex Butwinski referred to the success of some towns in the east, like Ashbury Park where streets are very pedestrian friendly and mixing residential and commercial works very well. Liza Simpson expressed her appreciation of the hard work done and stated that she doesn't have a problem with the density. Thomas Eddington stated that the Planning Commission will continue to work on the General Plan on the fourth Wednesday of every month and Council will be updated. The Mayor discussed the benefits of having an internal TDR system. Katie Cattan added that one of the largest components of the form-based code is design which can be regulated by the City so that the result is not a Redstone or Gateway.

The Mayor invited public input. Architect Jack Thomas pointed out that a form-based code application may need additional design guidelines. He felt that the scale of development is a common scale and appropriate for Park City but pointed out the importance of ensuring aesthetics for the project.

Mary Wintzer, property owner, agreed with Ms. Hontz comments about preserving some services in the area and believes there is a demand for smaller residential units for first time buyers and the retired population. An attractive and unique commercial area will draw visitors and patrons regionally which is needed. Mayor Williams discussed green building applications and the goal of being proud of the redevelopment effort.

Property owner Mark Fisher stated that he is on-board with the plan admitting that the long-term infrastructure is an enormous challenge. The substation and Recycling Center have to be moved somewhere. He felt that providing Sundance with a conference center is an important consideration and transportation corridors should be clarified to better determine building heights and density. He suggested tying the substation to RDA use and considering constructing a convention center at that location although has heard that it could cost as much as $15 million.

Michael Barille suggested that a high level financial model be considered to ascertain the amount of density needed for the project to work and/or the scope of public improvements necessary for the neighborhood to feel and operate as it should.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 17, 2010

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, June 17, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Max Paap, Special Events Manager; Tommy Youngblood, Special Events Analyst; Bret Howser, Budget Manager; and Matt Cassel, City Engineer.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

III PUBLIC INPUT *(Any matter of City business not scheduled on agenda)*

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JUNE 3, 2010

Joe Kernan, "I move we approve the work session notes and minutes of the meeting of June 3, 2010, as corrected". Candace Erickson seconded. Motion unanimously carried.

V CONSENT AGENDA *(Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon under "Additional Discussion – Agenda Items")*

Alex Butwinski, "I move approval with a correction to the Personnel Polices and Procedures Manual". Joe Kernan seconded. Motion unanimously carried.

1. Consideration of a Resolution naming the Park City Skate Park the Roger Harlan Memorial Skate Park – "*The Rog"* and encouraging citizens to attend the *"Ride The Rog"* Dedication on June 26, 2010 – Staff recommends approval.

2. Consideration of a Resolution adopting the revised Personnel Policies and Procedures Manual, effective July 1, 2010, for Park City Municipal Corporation – Approved with correction.

VI NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

1. Consideration of a Master Festival License application, for the Brenda Smith Tree of Life Celebration to be held on June 20, 2010 at South City Park at the Sound Garden – Max Paap stated that the event is a gathering with amplified music and explained that staff considers the number of days City Park is programmed when recommending a special event. In response to a question from Mr. Butwinski, Mr. Paap explained that insurance riders can be obtained through the City's insurance for small events. The Mayor opened the public hearing and with no comments from the audience, closed the hearing. Liza Simpson, "I move we approve a Master Festival License for the Brenda Smith Tree of Life Celebration to be held on June 20, 2010 at South City Park at the Sound Garden". Candace Erickson seconded. Motion unanimously carried.

2. Consideration of a Master Festival License application for the Ralph Eridia Memorial Celebration to be held on June 27, 2010 at City Park and Jack Sutton Field – Max Paap relayed that the event will be held from 1 p.m. to 7 p.m. The Mayor opened the public hearing; there was no input and the hearing was closed. Candace Erickson, "I move we approve the Master Festival License application for the Ralph Eridia Memorial Celebration on June 27th". Liza Simpson seconded. Motion unanimously carried.

3. Consideration of a Master Festival License for the Firecracker Baseball Tournament to be held July 1-2-3 – Tommy Youngblood explained that this is the 10th year of the Firecracker Tournament which utilizes nine fields in town and is growing much like Triple Crown. In response to a question from Candace Erickson, applicant Dan Lane responded that the age group ranges from 8 to 18 year olds. The Mayor opened the public hearing and with no comments, closed the public hearing. Alex Butwinski, "I move we approve the Master Festival License for the Firecracker Baseball Tournament, as conditioned, on Thursday, Friday, Saturday, July 1-2-3, 2010 to be held at Quinns Sports Complex, Treasure Mountain Middle School and Park City High School fields". Cindy Matsumoto seconded. Motion unanimously carried.

4. Consideration of a Resolution adopting a final revised budget for fiscal year 2010 and the budget for fiscal year 2011 for Park City Municipal Corporation and its related agencies – Budget Manager Bret Howser relayed that the changes between the City Manager's recommended budget and the final budget are outlined in the staff report. Transit Fund monies will be allocated to the General Fund to help cover the shortfall in the short term. It appears from revenue estimates that the City is in the first level of the shortfall alert and staff is no longer recommending transferring resort cities sales tax from the Transit Fund which can be revisited. The Mayor invited public input; there was none, and the public hearing was closed. Tom Bakaly stated that staff is planning on returning in August with discussions on service levels, efficiencies, etc. Mr. Howser explained that a $25,000 operating budget adjustment has been made to the budget attachment subsequent to distribution. Liza Simpson, "I move we adopt the final revised budget for fiscal year 2010 and the budget for fiscal year 2011 for Park City Municipal Corporation and its related agencies". Candace Erickson seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Nay
Cindy Matsumoto	Aye
Liza Simpson	Aye

5. Consideration of a construction agreement with Cody Ekker Construction Company for the construction of the Sandridge Avenue Reconstruction Project in an amount not to exceed $235,957 and in a form approved by the City Attorney – Matt Cassel explained that four companies bid on the project and Cody Ekker was the low bidder. He indicated that only one person attended the open house so staff has been going door-to-door to get everyone's input. Another neighborhood meeting is scheduled on June 24 at 5:30 p.m. and if there is a low or no turn-out, staff will again reach out to the neighborhood. Ms. Erickson commended Mr. Cassel on his efforts which are over and beyond the norm. Candace Erickson, "I move we authorize the City Manager to execute a construction agreement with Cody Ekker Construction Company for the construction of the Sandridge Avenue Reconstruction Project in an amount not to exceed $235,957 and in a form approved by the City Attorney". Alex Butwinski seconded. Motion unanimously carried.

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Roger Evans, Building Official; Tom Daley, Deputy City Attorney; Kathy Lundborg, Water Manager; Jason Christensen, Legal Intern; Michael Kovacs, Assistant City Manager; and Mark Harrington, City Attorney. Candy Erickson, "I move to close the meeting to discuss property and personnel". Alex Butwinski seconded. Motion carried unanimously. The meeting opened at approximately 4:15 p.m. Alex Butwinski, "I move to open the meeting". Liza Simpson seconded. Motion unanimously carried.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott, City Recorder

City Council
Staff Report

PARK CITY 1884
RECREATION LIBRARY

Author:	**Linda Tillson, Library Director**
Subject:	**LIBRARY BOARD APPOINTMENTS**
Date:	**July 1, 2010**
Type of Item:	**Administrative**

Summary Recommendations:

Appoint Carolyn Creek-McCallister, Fonya Kovacs, and Elizabeth “Sam” Wilkerson each to serve a three year term on the Library Board. Appoint Suzette Lamb Robarge to complete a one year term, which is the remainder of Shaun Jackson’s term, who officially resigned on June 21, 2010.

Description:

A. Topic:

Library Board Vacancies

B. Background:

Park City Municipal Code and Utah State Code require municipal library board appointments to be made effective July 1 each year for a three year term. The board must have five members and may have as many as nine. All vacancies must be filled by Park City residents. The board has fluctuated between seven and nine members during the past few years. Currently, the Park City Library Board has eight board members. Three of the current member’s terms will end on June 30, 2010. Two of the trustees resigning have served two full terms and are not eligible to reapply for a year. One member served one three year term.

In accordance with City policy, ads for the Library Board vacancies ran in the Park Record and were aired on KPCW. Applications for Board positions were available at the Library and at the Mayor’s office. A total of four applications were received.

C. Analysis:

The Library Board has interviewed the candidates and is recommending the addition of all four applicants to the board. The attached letter from the Library Board Interview Committee Chair describes the qualifications of the following candidates. Adding these candidates will bring the total of voting board members to eight.

Name	Term	Expiration	Term
Suzette Lamb Robarge	1 year	July 1, 2011	1st
Carolyn Creek-McCallister	3 years	July 1, 2013	1st
Fonya Kovacs	3 years	July 1, 2013	1st
Elizabeth “Sam” Wilkerson	3 years	July 1, 2013	1st

D. Department Review:

City Manager, Legal Department, and Recreation Library Team.

Alternatives:

A. Approve the Request:

Make the appointments to ensure a fully staffed and legally constituted Library Board. The candidate's applications are attached for your consideration.

B. Deny the Request:

Make alternative appointments or reopen the recruitment process.

C. Continue the Item:

Utah Code requires municipal library board appointments to be made effective by July 1 each year.

D. Do Nothing:

Not an option. Code requirements stipulate timely appointments.

Significant Impacts:

The Library Board could function by law with only four members.

Consequences of not taking the recommended action:

Could miss Utah Code deadline of July 1 for having library board members in place.

Recommendation:

Appoint Carolyn Creek-McCallister, Fonya Kovacs, and Elizabeth "Sam" Wilkerson each to serve a three year term on the Library Board. Appoint Suzette Lamb Robarge to serve a one year term to fill the vacancy created by the resignation of Shaun Jackson.

June 2, 2010

Honorable Mayor and City Council,
The Park City Library Board currently has 3 openings for board members, all of which are for three year terms. After conducting interviews of the four candidates who applied, we propose adding all four of the following individuals to the board. (We believe that a fourth board member will be moving out of the area soon but even if this person did not leave the number would not exceed the total allowed by statute, which is 9).

> Carolyn Creek-McCallister: Carolyn works for the PC Chamber of Commerce as a Visitor Information Specialist and also owns a bed and breakfast here in town. She is very much in touch with visitors and guests and has a background in marketing. She has previously been on the board of the Peace House and a member of the PC Ambassadors and now would like to contribute time and energy to the library.
>
> Fonya Kovacs: Fonya has 3 boys in the Park City schools and her husband is the assistant city manager. She has previous experience working at a book store and is an avid library user. She describes herself as organized, detail oriented, a planner and an information junkie with good computer skills.
>
> Suzette Lamb Robarge: Suzette has not been involved with any other boards in Park City and is eager to get started. She is a reading specialist and currently tutors reading at PC Academy. She has volunteered in the past for the PC Education Foundation. She considers herself an avid reader and big fan of the library.
>
> Elizabeth "Sam" Wilkerson, PhD: Sam has lived in Park City for 6 years and has been impressed with the library since first arriving. She has a PhD in biophysics and biology. She is responsible for developing the first on-line courses for the University of California in the 1990's. She has volunteered at Deer Valley events in the past and is a frequent library user.

We appreciate your consideration of these applicants to the Park City Library Board. Please contact either Linda Tillson or me if you have any questions.

Sincerely,
Marlene Ligare, member Library Board (640-0114)

City Council Staff Report

Subject: Habitat for Humanity Affordable Housing Fee Waivers
Author: Phyllis Robinson
Department: Sustainability
Date: July 1, 2010
Type of Item: Administrative

Summary Recommendations:
Staff recommends that City Council waive the building permit fees associated with the Habitat for Humanity Affordable Housing Project at 154-156 Marsac Avenue. Staff further recommends that City Council waive the lesser of $5,000 per unit or the actual cost of Police, Roads and Street impact fees.

Background:
On February 7, 2008 Council approved the donation of city-owned property at 154 Marsac Avenue to Habitat for Humanity (HFH) of Summit and Wasatch County for the development of ownership housing for modest income households. The land transfer was contingent upon HFH receiving all necessary approvals including, but not limited to Subdivision, Planning Commission and Historic District Design Review. HFH received final approvals for this project at 154-156 Marsac Avenue in May 2010. They anticipate these units will be priced in the $175,000 - $225,000 range and are deed restricted affordable units. HFH will provide first and second mortgages at a zero percent interest rate.

In March 2008 City Council agreed to waive the necessary applications for Subdivision and Plat Amendment, a Conditional Use Permit, including a Steep Slope CUP, and Architectural and Design Review. Council further agreed to consider addition fee waivers at time of submission of building plans should HFH receive Planning Commission Approval.

Analysis:
Habitat for Humanity submitted a request for a fee waiver for application and permit fees. Section 11-12-13 of the Municipal Code provides that "any part of the fees included in this Title may be waived by the City Council upon recommendation of the City Manager, for those projects which are deemed to serve a beneficial public purpose that would be harmed by the City requiring the payment of such fees, such as low income housing projects." Section 11-13-4(a) further authorizes the City Council to "waive impact fees for construction of affordable housing, up to $5,000 per unit." The project, as proposed, is consistent with the Land Management Code definition of affordable housing.

To date $1,550 in Planning Department application fees have been waived. This is consistent with Section 11-12-13 of the Municipal Code as stated above. At this time HFH is prepared to submit building plans for the construction of these units. HFH is requesting a waiver of Building permit fees consistent with 11-12-13. They are also requesting fee waivers for the Police, Roads and Parks Impact fees in an amount not to exceed $10,000. This is consistent Section 11-13-4(a).

Staff recommends that the City Council authorize the waiver of the Building Permit Fees at this time. Staff further recommends that the City Council authorize the waiver of the lesser of actual cost or $5,000 per unit for Police, Roads and Parks impact fees. Until the plans have been submitted and reviewed it is not possible to determine the exact amount required. Staff does not recommend a waiver of water fees. Water fees are not part of the general fund, therefore any waiver requires a financial contribution to the water fund to offset the waiver. There is not an existing source of funds for such an offset.

Department Review:
This report has been reviewed by the Building, Police, Recreation, Legal and the City Manager.

Alternatives:

Approve the Request: Council may approve building and impact fee waivers as outlined above.
Modify the Request: Council may modify the request and approve a lesser amount for building and impact fee waivers. This will have a negative impact on project affordability.
Continue the Item: Council may continue the item and direct staff to return with additional information at a future meeting.
Deny the Request: Council may deny the request for fee waivers. These costs will be added to the overall project cost with a negative impact on project affordability.

Significant Impacts:
At this time staff is requesting fee waivers only for permit and impact fees that are part of the General Fund. Waiver of these fees will have a direct positive benefit on unit affordability.

Consequences of not taking the recommended action:
The cost per unit for the 154-156 Marsac Avenue will increase in direct proportion to fees paid by HFH to Park City.

Recommendation: Staff recommends that City Council waive the building permit fees associated with the Habitat for Humanity Affordable Housing Project at 154-156 Marsac Avenue. Staff further recommends that City Council waive the lesser of $5,000 per unit or the actual cost of Police, Roads and Street impact fees.

Habitat for Humanity®

May 18, 2010

Ms. Phyllis Robinson
Community & Public Affairs Manager
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

Re: Request for Waiver of Impact Fees Pertaining to Proposed Habitat for Humanity Construction Project at 154/156 Marsac Avenue

Dear Phyllis,

Following on our meeting in your office last week, I am writing on behalf of Habitat for Humanity of Summit and Wasatch Counties, Utah, Inc. ("Habitat") to request a waiver of impact fees relating to the proposed construction by Habitat of two (2) single-family homes on adjoining lots off Marsac Avenue that are being donated to Habitat by Park City Municipal Corporation (the "City").

Habitat is a non-profit organization that builds decent, affordable houses for working members of the community. As an independently organized affiliate of Habitat for Humanity International, Habitat has built 10 homes since 1995, benefiting 15 adults and 24 children who might not otherwise have had access to permanent, affordable housing. Habitat is led by a volunteer Board of Directors and a single paid staff member, and relies on tax-deductible donations of money and materials, as well as volunteer labor, to support its activities.

Habitat is not only an affordable housing developer, it is also a mortgage lender. Home buyers are selected by Habitat on the basis of three principal qualifying criteria: 1) a need for affordable housing; 2) the ability to repay a mortgage to Habitat; and 3) a willingness to partner with Habitat by, among other things, contributing "sweat equity" to Habitat's construction efforts. Generally speaking, Habitat evaluates "need" by, among other things, targeting prospective home owners earning no more than 30% and 50% of area median income in Summit County. Habitat's loans are priced at zero percent (0%) interest, so Habitat earns no profit as a result of its lending activities. Mortgage principal paid to Habitat is deposited into a separate account, and used solely to build new homes for working families in need.

P.O. Box 682704 Park City, UT 84068 (435) 658-1400 www.habitatutah.org

Based on current projections, Habitat estimates the "Pechnik" homes will ultimately be priced somewhere in the range of $175,000-$225,000 (per home), which would place them squarely in the "affordable housing" category. Each of the home owners will execute first and second mortgage notes/deeds of trust with Habitat, a structure employed by Habitat to provide a financial incentive for the home owner to remain in the home over a long period and not, for instance, "flip" the home for a profit. Moreover, under its agreement with the City, Habitat has agreed to implement deed restrictions to ensure both homes remain in the local affordable housing pool.

Habitat's request for a waiver of impact fees is based on Section 11-13-4(A) of the Park City Municipal Code (the "Code"), which provides that the City Council may waive fees for construction of affordable housing, up to $5,000 per unit. As noted above, Habitat is proposing to build two (2) single-family homes; therefore, it is requesting a fee waiver of $5,000 per home, or $10,000 total. Habitat understands that none of the fee waivers previously granted to Habitat by the City under other provisions of the Code in connection with Habitat's applications for a Subdivision and Plat Amendment, a Conditional Use Permit, a Steep Slope CUP and/or for Architectural and Design Review, which total at least $1,550, will be included as part of or counted against this present fee waiver request.

On behalf of Habitat, I would like to thank the City for its ongoing and patient support for this project. Habitat looks forward to working with City officials and others across the community to bring this project to a successful and timely conclusion!

I can be reached directly by telephone at (435) 659-1688 or email at klofft@habitatutah.org with any questions regarding this request.

Sincerely,

Katherine Lofft

Katherine R. Lofft
Executive Director

City Council
Staff Report

Author: **Jonathan Weidenhamer**
Subject: **Economic Development Grant - Local Tourist**
Date: **July 1, 2010**
Type of Item: **Award of Economic Development Grants**

Summary Recommendation –The majority of the Economic Development Grant Committee (consisting of Executive, Sustainability, Budget and Planning Staff and Council Liaisons Butwinski and Simpson) recommends award of an Economic Development Grant in the amount of $15,000 to Local Tourist: $5,000 for Development of Local Content; and $10,000 for Development of the Trip Planner Account, in a form approved by the City Attorney.

Three Committee members recommend no award of grant monies.
One Committee member recommended only $7,500 for the Trip Planner portion.

Topic: Consideration of Award of Economic Development Grants

Background
The Economic Development Grant Policy (adopted June 2006) established criteria for the award of up to $20,000 annually to "attract and promote new organizations that will fulfill key priority goals of the City's current Economic Development Plan." Funding is available for relocation and new business start-up costs only. Unspent yearly fund balances are not carried forward to future years – meaning if the complete budget is spent early in the year, it would preclude further award until the next fiscal year.

We do not advertise or otherwise market the availability of these funds. Different than the annual budget review or special service awards, ED grant applications may be filed and awarded at any point during the fiscal year if funding is still available.

A copy of the full policy is attached as Exhibit A. Organizations must meet the following criteria in order to be eligible for a grant:

<u>Criteria #1</u> – The organization must demonstrate a sound business plan that strongly supports prioritized Goals of the current City Economic Development Plan.

<u>Criteria #2</u> **–** The organization must be unique and innovative; with a forecasted ability to generate overnight visitors who would spend dollars within the City's resort offerings.

<u>Criteria #3</u> – The organization must be new to Park City or represent a distinctly new enterprise supportive of the current priority Goals of the City's Economic Development Plan. Organizations must commit to and demonstrate the ability to do business in the City limits no less than three years. Funding cannot be used for 1-time events.

Criteria #4 – The organization must produce items or provide services that are consistent with the economic element of the City's General Plan; enhances the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the City.

Criteria #5 – Can forecast and demonstrate at the time of application an ability to achieve direct taxable benefits to the City greater than twice the City's contribution.

Criteria #6 – Fiscal Stability and Other Financial Support: The organization must have the following: (1) A clear description of how public funds will be used and accounted for; (2) Other funding sources that can be used to leverage resources; (3) A sound financial plan that demonstrates managerial and fiscal competence.

The City's Economic Development Program Committee reviews all applications and submits a recommendation to City Council members, who have final authority in judging whether an applicant meets these criteria. The City may reject any and all proposals, and waive any technical deficiency at its sole discretion.

Application Summary - See Exhibit A for full application.

Local Tourist is a resort destination guide designed specifically to garner and drive travelers to local resort businesses. Using a unique combination of immersive local information and proprietary search tools, Local Tourist informs and focuses the interests of fickle web consumers and efficiently delivers qualified customers directly to local businesses.

- Excerpt from Local Tourist Application

Local Tourist requested grant funding for three specific areas (detailed explanation attached as Exhibit B):

1) Continued development and publication of local content - $5,000 requested.
2) Further web development of the Local Tourist "Trip Planner Account", which allows users to create, manage, and add travel components to an online itinerary - $10,000 requested.
3) Drive Wasatch Front visitors - $20,000 requested.

Analysis

The majority of Committee members agreed the application met the Criteria, will provide a unique resource that will drive additional visitors to town, and further capture revenues. The Committee agreed the entrepreneurial history and relevant internet lodging based experience of the applicant's was impressive. The group additionally agreed the proposal is consistent with goals found in the City's Economic Development Plan (Exhibit C).

However, three Committee members (Briggs, Butwinski, Kovacs) specifically found the application did not meet two of the criteria, specifically (analysis in italics):

Criteria 2 – The organization must be unique and innovative; with a forecasted ability to generate overnight visitors who would spend dollars within the City's resort offerings. *Members in the Review Committee questioned the incremental growth generate, i.e.Is this creating new growth and visitors or just distributing would be existing bookings?*

Criteria #3 – The organization must be new to Park City or represent a distinctly new enterprise supportive of the current priority Goals of the City's Economic Development Plan. Organizations must commit to and demonstrate the ability to do business in the City limits no less than three years. Funding cannot be used for 1-time events. *Members in the Committee did not believe this to be a truly new business in that it was already up and running and that it isn't that unique, and lastly that they believed the business would still carry on and function without a grant.*

Department Review: These applications were reviewed by the Economic Development Program Committee, which consists of representatives of the Economic Development, Budget, Legal, and Planning Departments and City Manager's Office, as well as Council Liaisons Butwinski and Simpson. The majority of the Committee recommended awarding the $5,000 requested by the Local tourist for developing local content and $10,000 for developing the Trip Planner Account. One Member recommended funding the Trip Planner for only $7,500:

Person	Dept.	Reccommended Amount per Item Requested		
		Develop local content	Trip Planner Dlvpt.	Drive Wasatch Front visits
Kirsten Whetstone	Plng.	$5,000	$7,500	$0
Thomas Eddington	Plng.	$5,000	$10,000	$0
Jed Briggs	Budget	$0	$0	$0
Sharon Bauman	Exec.	$5,000	$10,000	$0
Michael Kovacs	Exec.	$0	$0	$0
Jonathan Weidenhamer	Sustain.	$5,000	$10,000	$0
Alex Butwinski	Council lias.	$0	$0	$0
Liza Simpson	Council lias.	$5,000	$10,000	$0

Significant Impacts: Award of grant monies is completely at City Council's discretion. The $20,000 annually is available until awarded, but once the funding is allocated, no further grants would be available during that fiscal year.

Additional Consideration:
The grant policy and criteria were developed in 2006. A technical read of the Grant criteria allow grants only for relocation and business start up costs only. Staff

recommends Council consider revisiting/ updating the policy for the next fiscal year to ensure it continues to reflect City and Council priorities.

Alternatives:

A. Approve an ED Grant of $15,000 to Local Tourist. Reserve the $5,000 remaining.
B. Approve an ED Grant of a different amount.
C. Deny the grant application.
E. Request additional information. This option would preclude the applicant from receiving any grants in FY 2010, but they would be eligible to apply in 2011.

Staff Recommendations: The majority of the Economic Development Grant Committee (consisting of Executive, Sustainability, Budget and Planning Staff and Council Liaisons Butwinski and Simpson) recommends award of an Economic Development Grant in the amount of $15,000 to Local Tourist: $5,000 for Development of Local Content; and $10,000 for Development of the Trip Planner Account.

Three Committee members recommend no award of grant monies.
One Committee member recommended only $7,500 for the Trip Planner portion.

Attachments:

Exhibit A – Economic Development Grant Policy
Exhibit B – Local Tourist Grant Application
Exhibit C – Economic Development Strategic Plan
Exhibit D – Draft Contract

Exhibit A
Economic Development Grant Policy (adopted June 15, 2006)

Annually, the City will allocate $20,000 to be used towards attracting and promoting new organizations that will fulfill key priority goals of the City's current Economic Development Plan. Funding will be available for relocation and new business start-up costs only.

ED Grant Distribution Criteria: Organizations must meet the following criteria in order to be eligible for an ED Grant:

> **Criteria #1 –** The organization must demonstrate a sound business plan that strongly supports prioritized Goals of the current City Economic Development Plan.
>
> **Criteria #2 –** The organization must be unique and innovative; with a forecasted ability to generate overnight visitors who would spend dollars within the City's resort offerings.
>
> **Criteria #3 –** The organization must be new to Park City or represent a distinctly new enterprise supportive of the current priority Goals of the City's Economic Development Plan. Organizations must commit to and demonstrate the ability to do business in the City limits no less than three years. Funding cannot be used for 1-time events.
>
> **Criteria #4 –** The organization must produce items or provide services that are consistent with the economic element of the City's General Plan; enhances the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the City.
>
> **Criteria #5 –** Can forecast and demonstrate at the time of application an ability to achieve direct taxable benefits to the City greater than twice the City's contribution.
>
> **Criteria #6 –** Fiscal Stability and Other Financial Support: The organization must have the following: (1) A clear description of how public funds will be used and accounted for; (2) Other funding sources that can be used to leverage resources; (3) A sound financial plan that demonstrates managerial and fiscal competence.

The City's Economic Development Program Committee will review all applications and submit a recommendation to City Council, who will have final authority in judging whether an applicant meets these criteria.

Economic Development Grant Fund Appropriations: The City currently allocates economic development funds through the operating budget of the Economic Development & Capital Projects department. Of these funds, no more than $20,000 per annum will be available for ED Grants.

Unspent fund balances at the end of a year will not be carried forward to future years.

ED Grant Categories: ED Grants will be placed in two potential categories:

(1) Business Relocation Assistance – This category of grants will be available for assisting an organization with relocation and new office set-up costs. Expenses that could be covered through an ED Grant include moving costs, leased space costs, and fixtures/furnishings/ and equipment related to setting up office space within the City limits.

(2) New Business Start-up Assistance - This category of grants will be available for assisting a new organization or business with new office set-up costs. Expenses that could be covered through an ED Grant include leased office space costs and fixtures/furnishings/ and equipment related to setting up office space within the City limits.

Application Process: Application forms may be downloaded from the City's www.parkcity.org website or available for pick-up within the Economic Development Office of City Hall. Funds are available throughout the City's fiscal year on a budget available basis.

Award Process: The disbursement of the ED Grants shall be administered pursuant to applications and criteria established by the Economic Development Department, and awarded by the City Council consistent with this policy and upon the determination that the appropriation is necessary and appropriate to accomplish the economic goals of the City.

ED Grants funds will be appropriated through processes separate from the biennial Special Service Contract and ongoing Rent Contribution and Historic Preservation process.

The Economic Development Program Committee will review all applications and forward a recommendation to City Council for authorization. All potential awards of grants will be publicly noticed 14 days ahead of a City Council action.

Nothing in this policy shall create a binding contract or obligation of the City. Individual ED Grant Contracts may vary from contract to contract at the discretion of the City Council. Any award of a contract is valid only for the term specified therein and shall not constitute a promise of future award. The City reserves the right to reject any and all proposals, and to waive any technical deficiency at its sole discretion. Members of the City Council, the Economic Development Program Committee, and any advisory board, Task Force or special committee with the power to make recommendations regarding ED Contracts are ineligible to apply for such Contracts. City Departments are also ineligible to apply for ED Contracts. All submittals shall be public records in accordance with government records regulations ("GRAMA") unless otherwise designated by the applicant pursuant to UCA Section 63-2-308, as amended.

Exhibit B – Local Tourist Application

Park City Economic Grant Application

May 2010

Local Tourist Executive Summary

Connecting Travelers with Local Businesses

Local Tourist is a resort destination guide designed specifically to garner and drive travelers to local resort businesses. Using a unique combination of immersive local information and proprietary search tools, Local Tourist informs and focuses the interests of fickle web consumers and efficiently delivers qualified customers directly to local businesses.

More than a simple business listing

Capturing the interest of today's online consumer requires more than just a business name and contact information. The expectation of online consumers is to find not only a merchant but also the product they are searching for online. Local Tourist's proprietary product search technology allows businesses to intelligently present and manage their entire inventory online; allowing them to place their product directly in consumer's hands.

Strategy

Content Attracts Users

When planning their next vacation, travelers are increasingly relying on travel media sites, referral sites, and metasearch to provide an informed perspective on selecting travel component options. Through informational, editorial, and advertorial content Local Tourist aspires to be the "local expert" of Park City. By providing a single resource for travelers to gather, qualify, and compare travel options in Park City, Local Tourist not only hopes to inform but also drive travelers to appropriate travel options. An informed and educated consumer results in more informed travelers who embrace more of what a Park City vacation can offer.

Goal

To Provide Resorts Businesses a More Efficient Means of Distribution

With more travelers as well as individual homeowners embracing direct distribution channels like HomeAway and VRBO, Local Tourist provides local property managers and other local resort businesses a more efficient marketing and distribution platform to attract users. Local Tourist's non-transactional approach, direct referral business model, content driven traffic strategy, and cross-vertical marketing model serve to lower acquisition costs across all travel products.

- Non-Transactional Approach – Local Tourist's non-transactional model ensures that our concentration remains that of informing our users and qualifying their interest in the offerings of our partners.
- Direct Referral Business Model - A more knowledgeable sales staff leads to higher conversion. Rather than duplicating our advertising partners' sales efforts, Local Tourist qualifies traveler interest and connects travelers directly to our advertising partners' sales team for detailed questions and booking.
- Content Driven Traffic Strategy - By actively building a community and forum for travel information and advice, Local Tourist hopes to organically attract users thereby maintaining a lower cost of acquisition for our resort business partners.
- Cross-Vertical Marketing – By marketing across multiple verticals and components of a travel itinerary, i.e. lodging, restaurants, etc., unrelated businesses can share the cost of customer acquisition and mutually benefit via cooperation on Local Tourist.

Economic Development Grant Application Form

Park City Municipal Corporation

Please provide five (5) copies of this application and requested attachments and send to the attention of The Economic Development Program Committee, Economic Development Office, Park City Municipal Corporation, PO Box 1480, Park City Utah 84060.

Criteria for awarding Economic Development Grants are identified in the City's Budget Policy. Please read this policy prior to submitting an application to ensure compliance.

(1) Organization Contact Information

Name: Local Tourist, LLC

Address: 7447 East Royal Street, Unit #131, Park City, Utah 84060

Phone: (877) 306-0718 Fax: (435) 783-2030

E-mail alan@localtourist.com

Web Site: www.localtourist.com

(2) Indicate the type of Economic Development Grant category that is applicable for this proposal:

___Business Relocation Assistance
_X_New Business Start-up Assistance

(3) Grant Request Amount: $20,000.00

(4) In addition to the above requested information, please provide the following:

A. A description of how your organization meets the ED Grant Criteria #1-#6 outlined in the City's Budget policy.
B. Summarize the economic and community benefits of having this organization in Park City.
C. Provide specific detail on how the requested funds would be used.
D. Detail any milestones or measures of success you would work with the City reporting on.

Signed: ____
Alan J. Mao, Co-Founder, Local Tourist, LLC

Date: Thursday, May 20th, 2010

Park City Municipal Corporation: Economic Development Grant

Section A: Economic Development Grant Criteria 1-6

Criteria #1 – The organization must demonstrate a sound business plan that strongly supports prioritized Goals of the current City Economic Development Plan.

Park City Economic Development Plan: **Stated Goals [FY2010-FY2011] Updated 4/29/2010**	**Local Tourist Support of Development Plan Goals**
Further develop and market the uniqueness of Park City and why it is set apart from other mountain resort communities.	• Local Tourist's approach of building visitor interest through immersive local perspective content serves to distinguish Park City from competitor resorts • Local content, generated by both local residents and businesses, serves to build a human connection to visitors while expressing the "personality" of Park City • News coverage of local events, activities, and human interest pieces serve to form a personal connection to potential visitors • Travel guides, tips, and information serve to educate potential travelers while promoting Park City's competitive advantage over other mountain resort destinations
Facilitate the establishment of more "attractions/areas of interest" for both visitors (tourism economy) and residents (population economy).	• Local Tourist supports both established and newly developed "attractions/areas of interest" by creating a news forum, an effective marketing channel, and access to potential visitors.
Improve upon an already busy winter tourism season with efforts to maximize its full potential	• Travelers are increasingly relying on travel media sites, referral sites, and metasearch to provide an informed perspective on selecting travel component options, Local Tourist serves this segment of travelers while promoting Park City • Local Tourist aggregates the inventory of local property management companies and restaurants and allows users, though faceted search technology, to find the lodging product or restaurant that best suits their needs. By creating a market for travel products and local businesses Local Tourist provides a venue to engage potential visitors. • Local Tourist's cross vertical marketing platform, which promotes lodging alongside restaurants and other business [under development] allows visitors to explore all Park City business offerings thereby maximizing potential revenue generated from each visitor
Protect, preserve, and promote the historic Main Street downtown area as the heart of the region.	• While promoting Park City as a whole, Local Tourist distinguishes Park City neighborhoods and their respective characteristics so that visitors

	can tailor their own Park City experience. As a result, the Park City Main Street experience and area appeal is highlighted, differentiated and promoted. • Local Tourist is working with other community associations to further promote and differentiate the Historic Main Street area and businesses.

Park City Economic Development Plan: Stated Strategies [FY2010-FY2011] Updated 4/29/2010	**Local Tourist Support of Development Plan Strategies**
Promote locally owned, independent businesses	• Local Tourist through informative local information and travel advice creates a forum for potential visitors to learn about Park City; its local activities, events and ultimately, the services of local business. • Through cooperation and cross vertical marketing Local Tourist provides an effective and efficient marketing channel for local businesses. Cross vertical marketing along with Local Tourist's non-transactional approach allows local businesses to share marketing costs.
Extend visitor stays / fill beds	• The primary purpose of Local Tourist is to educate potential travelers and drive visitation to Park City. • The combination of travel options and community information focused on promoting local businesses, attractions and events; serve to broaden the concept of a Park City vacation. As Local Tourist promotes local activities and attractions; it promotes reasons to visit Park City. In that manner, Local Tourist encourages more frequent and longer stays by visitors. • Local Tourist presents Park City lodging options in a clear and complete format while allowing users to use lodging amenities and characteristics to "find" the lodging option that best suits their needs. As visitors are able to match their needs against property amenities, Local Tourist hopes to increase user conversion; thereby increasing visitation.
Make Park City more inviting and "User-Friendly" for organizers to throw events and for attendees to enjoy them	• As a resort destination guide, Local Tourist hopes to serve as an unbiased resource for potential visitors. Our proprietary search and presentation technology allow potential visitors to research, evaluate, plan, and reserve travel options with expert advice provided by Park City locals.
Target more Wasatch front (day visitors)	• Local Tourist is currently exploring marketing partnerships which target the Wasatch Front market

Criteria #2 – The organization must be unique and innovative; with a forecasted ability to generate overnight visitors who would spend dollars within the City's resort offerings.

Local Tourist provides potential visitors a unique forum to explore Park City through immersive local content and combine this "local perspective" with personal travel needs to plan their Park City vacation experience. As visitors determine the elements of their Park City vacation, that is lodging options, restaurants, etc., they are connected directly to local businesses.

For local businesses, Local Tourist's community directory and cross-vertical marketing allows for cooperation between separate elements of a visitor vacation. This cooperation allows for a "sharing" of customer acquisition costs and provides for higher conversion rates.

Ultimately, Local Tourist's primary purpose is to educate and inform potential visitors of the unique appeal of Park City in an effort to:

- Drive visitation to Park City
- Generate and direct demand to Park City local businesses
- Differentiate Park City from other ski resort destinations

A general forecast of Local Tourist projected impact in terms of overnight visitation and revenue generation is provided in "Criteria #5"; for a more detailed analysis the Local Tourist Business Plan is available upon request.

Criteria #3 – The organization must be new to Park City or represent a distinctly new enterprise supportive of the current priority Goals of the City's Economic Development Plan. Organizations must commit to and demonstrate the ability to do business in the City limits no less than three years. Funding cannot be used for 1-time events.

While traditional intermediary or indirect distribution, via "wholesalers," "tour operators," and "online travel agencies," has been an available means of distribution for property management companies and activity vendors for some time, their primary advantage, and subsequently value, of aggregation has been recently challenged by new technology and initiatives offering mass distribution and the promotion of owner direct nightly rental bookings.

Despite these challenges, intermediaries in and of themselves, remain a necessary distribution channel for property managers as certain distribution advantages are only provided by scale. Traditional intermediary channels provide value through aggregation by acting as a "one stop shop" for travelers seeking the travel agent experience; however, to remain competitive with newer aggregation initiatives the traditional role of the intermediary must be adapted in order to deliver more value to their property management partners.

Local Tourist is an effort to bridge the gap between traditional intermediary distribution and newer distribution platforms and direct to owner initiatives, e.g. HomeAway, VRBO.com, etc. Unlike traditional third party distribution which drives benefits solely from the aggregation of travel products, Local Tourist combines aggregation and robust search technology with immersive local content and information. The result is a complete platform that serves to first educate a potential visitor and then seamlessly guide him/her to the appropriate travel product. Once a potential visitor has indicated interest in a travel product, Local Tourist then refers that visitor directly to the property manager, restaurant, or travel activity vendor.

This methodology, in which consumer demand is delivered directly to property managers, restaurants, and activity vendors, rather than serviced by a central sales center, prevents the duplication of operations that is inherent in current traditional intermediary distribution. The Local Tourist approach ensures that the demand of potential visitors is well qualified and then directed to those who are most familiar with the product requested [the product vendor]; ensuring the highest possible conversion rate and the highest level of customer service.

In addition, by simply participating in the Local Tourist platform, local businesses are in fact "cooperating" with each other. Local Tourist's cross vertical approach, in which multiple businesses servicing different elements of a typical vacation, e.g. lodging providers and restaurants, allow vendors to "share" the customer acquisition costs; providing each vendor a lower cost than acquiring that consumer directly.

Local Tourist's, as detailed in Section A: #1, methodology of informing and educating potential visitors in an effort to increase tourism visitation to Park City is supportive of the overriding priorities and goals of the Park City Economic Development Plan.

Local Tourist's long term commitment to Park City is best evidenced by the level of capital investment, community ties, and relevant travel experience of its founders. Please reference the founder's history.

Criteria #4 – The organization must produce items or provide services that are consistent with the economic element of the City's General Plan; enhances the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the City.

Local Tourist produces a venue to promote the events, attractions, and personality that makes Park City distinctive and a Park City vacation memorable; our product comes in the form of visitors to Park City.

The method by which Local Tourist promotes Park City fosters and facilitates cooperation between local businesses as well as different service segments of a Park City vacation. Our vision is to create a community forum where information combines with travel products to create a single collaborative effort to promote Park City.

Criteria #5 – Can forecast and demonstrate at the time of application an ability to achieve direct taxable benefits to the City greater than twice the City's contribution.

During the first two (2) years of operation, Local Tourist forecasts online user traffic supportive of generating over 5,000 travel itineraries. Assuming an average estimated travel itinerary lodging component value of two thousand dollars ($2,000) and given the direct tax rate of 2.4%* the contribution of Local Tourist generated visitors is >$240,000 over a two year period, exclusive of tax collection on in town activities outside of lodging.

*Park City Tax Rate= Local Option Sales Tax (1.0%) + Resort City Sales Tax (1.1%) + Mass Transit Tax (0.3%)

In addition to the creation of taxable revenue, by providing an effective and more efficient means of product distribution and marketing, the Local Tourist platform assists local property management companies in remaining competitive with owner direct distribution channels (a.k.a. "Rental by Owner"), e.g. HomeAway.com, VRBO.com, Craigslist.com, etc. Local Tourist's non-transactional, i.e. non-commission, based approach combined with cross vertical marketing strategy allows for a more efficient approach as compared to a traditional "wholesaler", "tour operator", or "Online Travel Agent" in which high commissions are levied to property managers for marketing and distribution of vacation rental product. Local Tourist fosters cooperation between various sellers of travel products and allows for the "sharing" of customer acquisition costs. As such, Local Tourist, by providing a lower cost of marketing, shall allow property managers to more effectively compete with tax nebulous owner direct sales channels.

Criteria #6 – Fiscal Stability and Other Financial Support: The organization must have the following: (1) A clear description of how public funds will be used and accounted for; (2) Other funding sources that can be used to leverage resources; (3) A sound financial plan that demonstrates managerial and fiscal competence.

Local Tourist plans to use the Park City Economic Development Grant to subsidize several initiatives in line with Park City Economic Development Plan priorities and strategies. Costs of initiatives outside of funds provided by the Park City Economic Grant shall be provided by Local Tourist via direct funding from the founders.

Park City Economic Plan: Priority or Strategy	Local Tourist Initiative	Application of Park City ED Grant Funds	Total Cost & Planned Economic Grant Subsidy
Further develop and market the uniqueness of Park City and why it is set apart from other mountain resort communities.	Continued development and publication of local content in the form of articles, photography, video, etc. commissioned from local residents, businesses as well as staff writers and photojournalists	Park City ED Grant funds will be used to augment, in fact double, our budget for commissioned content; allowing for greater coverage, in terms of depth and number, of local events and stories of interest over the specified period. Editorial content will focus on educating visitors about tax generating products and services such as lodging, restaurants, retail, and vacation activities.	Initial 12 Month Budget: $5,000 Proposed Subsidy: $5,000 Revised 12 Month Budget: $10,000
Make Park City more inviting and "User-Friendly" for organizers to throw events and for attendees to enjoy them	Further web development of the Local Tourist "Trip Planner Account." Allows users to create, manage, and add travel components to an online itinerary.	At current, the "Trip Planner Account" supports basic functionality of account creation and basic trip itinerary management. Park City ED Grant funds will be used to subsidize the creation of active elements to this currently passive user account. Specifically, Local Tourist will develop technology to "suggest" other complimentary relevant trip elements to users through placements within the account as well as email "Trip Reminders" and other user contact points.	Development Budget: $20,000 Proposed Subsidy: $10,000
Target more Wasatch front (day visitors)	Local Tourist is in negotiations with a major Wasatch Front media outlet to explore distribution of Local Tourist product content in an effort to drive vacation interest and bookings to Park City. The partnership require the development of a content aggregation feed as well as new user tracking systems	Park City ED Grant fund will be used to subsidize the development of a content aggregation feed and external user tracking system. While this technology would specifically be developed for application in the "Wasatch Front media outlet" herein mentioned, once developed it could be applied to other media outlets as a means to promote Park City business to separate affinity groups.	Estimated Development Cost: $30,000 Proposed Subsidy: $20,000

While the initiatives outlined herein, represent distinct objectives, i.e. content creation, additional functionality, and content distribution, they are united in their purpose of increasing the user base and improving the user experience of Local Tourist. Local Tourist has determined that the greatest return lies in their parallel or simultaneous development; where increases in user traffic driven by broader distribution and rich content creation are reinforced by increased website functionality. In this manner each initiative serves to increase the return to the other; an increased audience is exposed to a more robust user experience leading to higher user conversion. Accordingly, Local Tourist has petitioned this council for maximum grant level in an effort to pursue these initiatives in concert and subsequently maximize return on investment.

In closing, Local Tourist would like to thank the Park City Municipal Corporation staff for their time and consideration in the review of our application for the Park City Economic Development Grant. Further we would like to encourage all staff members to visit and explore www.localtourist.com for a first had account of our local content, travel product placement, and search functionality.

While exploring www.localtourist.com we encourage you to try both our lodging and restaurant search as well as information section. Links are provided below.

Lodging Search: http://www.localtourist.com/parkcityutah/lodging.aspx

Restaurant Search: http://www.localtourist.com/parkcityutah/restaurants.aspx

Information Section: http://www.localtourist.com/parkcityutah/info/

Please feel free to send all feedback, comments, suggestions, etc. to: alan@localtourist.com

Local Tourist Founder's History

Founded and managed by former executives from the E-Commerce / Travel Industry, Local Tourist offers local resort based businesses access to enterprise level marketing strategies and website technology. As former executives of Ski West, Inc., Tom Raudorf and Alan Mao were members of a founding team that identified and capitalized on the need for an online aggregator for the vacation rental industry. Founded in 2001, Ski West entered the travel market following the tragedy of 9/11 and the collapse of the domestic travel market. Though challenged, the company attained profitability within its first year and produced 100% year-over-year growth for four successive years. In 2005, Ski West generated $1.3 million EBITDA on $32M in gross revenue.

By 2005, the company's product line included substantial lodging inventory from all luxury vacation home destinations across the Rocky Mountains including: Aspen, Vail, Beaver Creek, Telluride, Breckenridge, Keystone, Steamboat Springs, Jackson Hole, Big Sky, Sun Valley, Lake Tahoe, and Whistler. In addition to negotiating sales representation agreements with over 150 vacation rental property managers, Alan and Tom developed new services and added new profit centers that included ancillary products (ski rentals, lift tickets, and activities), which added incremental $3 million annually.

In 2005 Ski West, Inc. sought financing for future expansion as well as to provide security to shareholders. After pursuing both travel industry strategic alliances as well as a myriad of financing options, the founding team generated bids from three private equity firms, establishing a post-money enterprise valuation of over $33 million. In July 2005 the company negotiated a buyout with Salt Lake City based Overstock.com (NASDAQ: OSTK).

Following the merger, marketing efforts were improved through a focus on organic *Search Engine Optimization* , direct email marketing, and the optimization of existing *Search Engine Marketing* initiatives. A strategic effort towards increasing supplier (lodging partner) contracts allowed the company to greatly expand its service offering across all Rocky Mountain and Caribbean vacation destinations by increasing sales representation agreements to over 350 vacation rental property managers. The combined result of the operational, marketing, and supplier base increases allowed the company to achieve a gross revenue mark of $40 million by end of fiscal year 2006.

In October 2006 Overstock.com executive management was orchestrating a turnaround of the retail business and wished to restructure its focus towards the core discount shopping model. Through the efforts of the Ski West founding team, a sale was negotiated with Kinderhook Industries. Kinderhook Industries intended to actively manage the acquisition target but chose to retain Tom and Alan to secure the company's success while new management gained travel experience. Immediately upon the close of the transaction the company's name was changed from OTravel.com, Inc. to Mountain Reservations, Inc.

At the time of Tom and Alan's departure in July 2008, Mountain Reservations returned growth numbers of 25% year over year and exceeded $50 million in gross revenue. The company now operates under the name VacationRoost.com

Alan Mao

Alan most recently served as Vice President of Mountain Reservations, Inc. As Vice President he was responsible for leading the company's business development and supply chain management efforts. During his tenure, the company fostered over 350 partnerships representing nearly 40,000 properties and achieved over $50M in annual revenue. With over five years of executive level experience, he offers strong business development and sales management skills and broad operational knowledge. He served as the company's Vice President from 2003 – 2008 at which time he elected to move to an advisory role. Prior to his role as Vice President, Alan served as the company's Director of Sales and Vice President of Marketing, where he established the sales processes and marketing strategies currently in use by the company.

Alan's operational and business development skills had a direct impact across all verticals of the company. He has held leadership roles in sales, marketing, business development, and relationship management. Through his efforts, Alan has increased return on investment and made dramatic changes to the efficiency of the company. He is known for his ability to conceptualize and develop new business initiatives and structure resources to meet organizational goals.

Alan is a member of the company's founding team that guided Ski West, Inc. through its 2005 acquisition by publicly traded Overstock.com for $25 million. Alan again facilitated the acquisition of OTravel.com, Inc., to Kinderhook Industries and Castles Media Company in April 2007. Upon completion of the acquisition, the company was renamed Mountain Reservations, Inc.

Alan graduated from Vanderbilt University with a degree in International Business and Financial Economics. Alan currently resides in Park City, Utah where he is an active participant in the local volunteer community.

Tom Raudorf

Tom most recently served as Chief Operating Officer for Mountain Reservations, Inc. As Chief Operating Officer he was responsible for oversight of the company's operations with specific focus on sales management, technology, infrastructure, and information systems. During his tenure the company achieved over $50M in annual revenue. He brings more than five years of executive level experience and served as the company's Chief Operating Officer from 2003 - 2008 at which time he elected to move to an advisory role.

Tom was responsible for establishing a physical presence in new markets, while at the same time growing mature business operations in existing markets. His continued commitment to business development, brand strategy, customer experience and risk mitigation have significantly impacted profitability and growth. He is known for his ability to identify sales and growth impediments and implement changes to organizational structure, product lines, sourcing, sales channels, and market position.

Tom was a member of the company's founding team that guided Ski West, Inc. through its 2005 acquisition by publicly traded Overstock.com for $25 million. Tom again facilitated the acquisition of OTravel.com, Inc., to Kinderhook Industries and Castles Media Company in April 2007. Upon completion of the acquisition, the company was renamed Mountain Reservations, Inc.

Tom graduated from the University of Tennessee with a degree in biochemistry, cellular, and molecular biology. He lives in Park City, Utah, is an avid skier, and was a volunteer member of the National Ski Patrol for 10 years.

Exhibit C – PCMC Economic Development Strategic Plan

Park City Municipal Corporation – Economic Development Plan

As of: 5/20/2010

Vision

To provide long-term economic health for the greater Park City region through a proper balance of tourism initiatives and sustainable community desires for those that live in and visit the area. As a guiding principle, all economic development initiatives will consistently strive to sustain a vibrant multi-seasonal destination resort community.

Goals (FY2006-FY2007)

Top Priority

- Facilitate the redevelopment of the resort economy by using the Lower Park Avenue RDA as a means to implement projects
- Protect, preserve, and promote the historic Main Street downtown area as the heart of the region.
- Further develop and populate the event calendar, while continuing to balance impacts on community character and quality of life of residents, and quality of experience of visitors.
- Further develop and market the uniqueness of Park City and why it is set apart from other mountain resort communities.

High Priority

- Maintain and improve the balance of Sustainable Community goals by going beyond just economic initiatives to include social and environmental strategies.
- Facilitate the establishment of more "attractions/areas of interest" for both visitors (tourism economy) and residents (population economy).
- Proactively target business sectors that will fill voids left by departing companies or for smart redevelopment reasons.
- Improve upon an already busy winter tourism season with efforts to maximize its full potential.

Strategies

Existing City Resources

- Strategy 1: Promote the redevelopment of resort and commercial areas
- Strategy 2: Work towards a balanced transportation and pedestrian infrastructure plan throughout Park City. Support Walkability, Connectivity, and Safety as Economic Development Tools.
- Strategy 3: Continue to refine the event process to become more efficient and selective to events that are consistent with community goals and best ROI
- Strategy 4: Update Regulatory Codes to match priority goals of the Economic Development Plan
- Strategy 5: Promote smart development at the Quinn's Junction area
- Strategy 6: Focus on recreation spaces and facilities for attracting more tournaments and overnight visitors

City Has Participatory Role

- Strategy 6: Attract more festivals and events –winter & summer
- Strategy 7: Promote ways to grow new events and sustain existing events
- Strategy 8: Provide additional Recreation Opportunities as Attractions
- Strategy 9: Provide more cultural tourism attractions
- Strategy 10: Extend visitor stays / fill beds
- Strategy 11: Enhance existing attractions
- Strategy 12: Create a cultural alliance
- Strategy 13: Promote Redevelopment within Park City
- Strategy 14: Retention and development of existing businesses
- Strategy 15: Make Park City more inviting and "User-Friendly" for organizers to throw events and for attendees to enjoy them

No Current City Resources to Accomplish

- Strategy 16: Target more Wasatch front (day visitors)
- Strategy 17: Apply the tag line "User Friendly" to projects and marketing programs geared towards showing how easy and fun it is to live and visit Park City

City's Role Unclear

- Strategy 18: Provide greater participatory attractions
- Strategy 19: Promote greater diversity of the commercial mix
- Strategy 20: Strengthen the existing Commercial Mix (City-Wide)
- Strategy 21: Develop additional funding and marketing sources for events
- Strategy 22: Promote locally owned, independent businesses
- Strategy 23: Promote community (social) sustainable community goals such as affordable housing

Projects / Programs

Top Priority Projects

1. Assist in redevelopment of resort and commercial areas
2. Events – Overhaul process & fee schedule; prioritize calendar
3. Market Analysis/Needs Assessment (downtown)
   a. Identify preferred commercial mix
   b. include study on residential & impact/carrying capacity
4. Assist in business attraction/retention of both resort-based and year round businesses
5. Downtown Capital Projects
   a. Downtown Plaza
   b. Pedestrian improvements

High Priority Projects

- Continue building trail network infrastructure and Urban pathways
- Assist in renovation of the Main Street Mall
- Assist PC businesses on retention & dvlpmnt initiatives
- High Altitude Training Destination ↓

Priority Projects

- Monitor commercial mix in Main Street Storefronts
- Interconnect
- Smart Messaging signs for parking information / events

Key

red – changes

↑ - Move Up in priority

↓ - Move down in priority

---- - Strike out = to be deleted

Exhibit D

Economic Development Grant Contract

ECONOMIC DEVELOPMENT GRANT CONTRACT BETWEEN
LOCAL TOURIST AND PARK CITY MUNICIPAL CORPORATION

THIS AGREEMENT is made and entered into this th day of , 2010, by and between **LOCAL TOURIST** and **PARK CITY MUNICIPAL CORPORATION** (hereinafter "City").

WITNESSETH:

WHEREAS, as part of the budget process, the City Council appropriates Economic Development funds to contract with organizations who meet the economic development grant program requirements outlined by the City's Budget Policy; and

WHEREAS, organizations must meet certain criteria in order to be eligible for an Economic Development Grant Contract; and

WHEREAS, applicants are eligible to apply for an Economic Development Grant Contract year round, the City will award Contracts through an application process administered by the Economic Development Grant Program Committee; and

WHEREAS, pursuant to Sections 10-8-2 and 10-2-84 of the Utah Code Annotated, the City Council hereby finds that the provision of City funds herein is consistent with the Park City General Plan, and provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the City; and

WHEREAS, notwithstanding the recitals above, the City desires to provide grant funds in exchange for positive economic impact benefit at least equal to the current fair market value to the City's contribution; and

WHEREAS, the Economic Development Grant program committee evaluated and approved the Economic Development grant request by Local Tourist for assistance towards website development.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein set forth, the sufficiency of which is hereby acknowledged, that parties agree as follows:

ARTICLE I
TERM AND ALLOCATION

Local Tourist shall have an Economic Development Grant contract with a term of three years. The City will allocate the full grant amount upon execution by both parties.

TOTAL amount available for allocation: $15,000

ARTICLE II
SERVICES TO THE COMMUNITY

In exchange for the City's contribution, Local Tourist agrees to:

- Operate the Website in Park City for a minimum of three years, including regular updates to local content as outlined in their proposal.

Both parties agree that the above service provided to the community represents a good faith exchange of current fair market value for the City's contribution.

ARTICLE III
HOLD HARMLESS/NO AGENCY

Local Tourist agrees to defend, indemnify, and hold harmless City, its officers, agents, and employees from and against all losses and expenses, including costs and attorney's fees, resulting from any injury, including death, to any person or damages to property of others arising out of the acts or omissions of the Distillery in the performance of work under this agreement. Local Tourist is an independent entity and nothing herein shall be construed to create any agency, nor employee relationship with the City.

ARTICLE IV
DISSOLUTION

On dissolution of the organization or project prior to three years any remaining funds attributable to the City shall revert to the City in a prorated amount.

ARTICLE V
RECORD KEEPING/AUDIT

Local Tourist agrees to keep accurate books and records of expenditures related to its operation. The City or its independent auditor reserves the right to conduct its own audit of books and records at reasonable times and places during ordinary business hours. If the grant money has not been used as agreed herein, the City shall be entitled to a full or partial refund of the grant.

ARTICLE VI
AMENDMENT

This Agreement may be amended with the approval of the City Council and Local Tourist. This Agreement may not be amended, except by an instrument in writing signed on behalf of each of the parties hereto.

ARTICLE VII
EFFECTIVE DATE

The effective date of this Agreement is the date first written above.

PARK CITY MUNICIPAL CORPORATION

____
Thomas B. Bakaly, City Manager

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark Harrington, City Attorney

Local Tourist

____
Alan Mao, Manager

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this day of , 2010, before me, the undersigned notary, personally appeared Alan Mao, personally known to me/proved to me through identification documents allowed by law, to be the person whose name is signed on the

City Council Staff Report

Author:	**Roger McClain, Water Projects Manager** **Kathy Lundborg, Water Manager**
Subject:	**RAIL TRAIL WATERLINES CONSTRUCTION CONTRACT**
Date:	**July 1, 2010**
Type of Item:	**Administrative**

PUBLIC WORKS

Summary Recommendations:
Staff recommends Council authorize the City Manager to execute a Construction Agreement, consistent with Park City Municipal Corporation's standard Professional Services Agreement in a form approved by the City Attorney, with JB Gordon Construction, Inc., for the construction of the Rail Trail Waterlines for a lump sum amount of $2,137,848. The price includes the base bid of $1,972,511, a $148,902 additive item for Park City Heights Alternative, and a $16,435 additive item for Snyderville Basin Water Reclamation District Manhole Access Alternative.

Description:
Water Strategic Plan Topic: Infrastructure, Strategy/Policy: Implement Capital Facilities Plan

Topic:
Rail Trail Waterlines from Quinn's Junction Water Treatment Plant to Wyatt Earp Way. Waterline segments included in this project include: Raw Water Infrastructure Project Phase IIA, Finished Water Infrastructure Project, Judge Tunnel Water Line Phase I, Fairway Hills water line connection, and Park City Heights water distribution line stub.

Background:
In 2009 the Lost Creek Canyon Project, that delivers Park City's 2,500 acre-feet of water to the top of Promontory (Signal Hill Reservoir), was completed. Since then, three segments of the Raw Water Line (Promontory Phase, Lower Silver Creek Phase, and Quinn's Junction Phase) that will deliver water from Signal Hill Reservoir to the Quinn's Junction Water Treatment Plant (QWTP) have been under construction and are nearing completion. Recently, the QWTP construction began with operations scheduled to start in the fall of 2011.

To facilitate the extension of the Raw Water Line through Park City and the connection of the QWTP to the existing Park City water distribution system, alignment alternatives for the routing of lines from the QWTP site to Wyatt Earp Way were evaluated. The Rail Trail Waterlines project which includes three pipelines (a 20-inch ID finished waterline, an 18-inch ID raw waterline, and 12-inch ID Judge Tunnel waterline) generally follows the selected alignment alternative that best met all criteria. To consolidate construction activities, all three water lines will be installed within one common trench approximately 1 mile in length ending at Wyatt Earp Way.

On **May 6, 2008** Park City entered into an Agreement with Intermountain Health Care to provide the IHC site with an emergency water supply by March 31,2009. This date was later extended to November 30, 2010, through a mutual agreement with IHC and the City. The finished waterline being constructed as part of this project will provide the IHC emergency water.

With the recent annexation of the Park City Heights area, the Development Team and Water Dept. Staff have evaluated several alignment alternatives to provide a connection from the Park City water distribution system to the proposed development site. The selected alternative best meeting all criteria for constructability, scheduling, and cost proposes the installation of a water main stub extending from the QWTP site to the south side of the Silver Creek crossing and located within the Rail Trail Waterlines common pipeline trench. At the request of the Park City Heights Development, this water main stub has been included in the Rail Trail Waterline bid. Costs related to this water main stub have been identified in a separate Additive bid schedule item and per the Park City Heights Water Agreement will be reimbursed to Park City

During May 2010, staff met with the project corridor stakeholders. Subsequently, on June 8, 2010 a public Open House was held at the Treasure Mountain International School, where seven people attended.

Proposed Construction:

The Rail Trail Waterlines pipeline will be routed from the QWTP which is located on the north side of Silver Creek, west along an existing sanitary sewer maintenance road to a location where the pipelines will cross under Silver Creek and the Rail Trail. The water lines will then continue along the south side of the Rail Trail to Wyatt Earp Way. The Finished Water Line and the Raw Water Line will continue within Wyatt Earp Way to the intersection of Sidewinder Drive. There the Finished Water Line will connect to the existing culinary water distribution system and the Phase II Raw Water Line will be stubbed for future extension (see attached map).

All water line improvements will be located within State of Utah lands, Park City Municipal Corporation properties, and public streets. A water line easement has been submitted to the State of Utah with approval pending final negotiations by the Park City Legal Department and a Land Value Appraisal. The State of Utah has approved a construction easement across its lands. Park City will be assessed annually for the permanent easement.

The existing Rail Trail will be used for construction access (except for bridges) to a large portion of the waterline project. To address the anticipated disturbance and damage to the Rail Trail surface the base bid includes milling and repaving the Rail Trail from

Richardson Flat Road to Wyatt Earp Way. A Plan for temporary routing of the Rail Trail to an alternate location during construction activities has been approved by the Mountain Trails Foundation, the State, and the BLM. The Rail Trail will not be closed during construction; however, the temporary trail will not be a paved surface. Requirements for coordination and special trail signing are included in the bid.

Water line installation within the Rail Trail pavement surface has been minimized to impact only a 230-foot section of existing rail bed (where the water line alignment crosses from the north to the south side of the Rail Trail and Silver Creek). Imported trench fill material, consisting of a low strength concrete-soil mix material, has been required in this area to maintain the integrity of the existing rail bed.

The entire length of the project is within the Park City Soils Ordinance Boundary. Geotechnical investigations indicate that the pipeline alignment will cross areas of contaminated soils. The required construction methods for managing the soils and groundwater discharges will meet the Soils Ordinance and a State of Utah UPDES Discharge Permit. All excavated soils will be reintroduced on site and managed as trench backfill and site fill in designated areas. All disturbed and site fill areas will be capped with imported topsoil and seeded. Where in-situ testing of the disturbed and site fill areas indicates the surface soils exceed the Soils Ordinance vacant property Lead limit of 1000 mg/Kg, imported topsoil will be placed to a depth of 6 inches in accordance with the Soils Ordinance. The Contractor is required to manage the construction dewatering and pipeline testing water and not discharge into Silver Creek without prior sampling and treatment if necessary.

Based on geotechnical investigations, the Engineer has determined that approximately 4000 cubic yards of the pipeline alignment will require rock excavation equipment or blasting. The base bid includes this estimated quantity of trench rock excavation.

The base bid also includes a fiber optic conduit to facilitate the future installation of security and communication lines from Park City to the QWTP and possibly other City facilities.

To improve maintenance access to existing SBWRD sanitary sewer improvements along the Rail Trail, the SBWRD has requested that several minor construction items be included in the construction contract. These items have been identified in a separate bid schedule. Costs associated with these items will be reimbursed to Park City by the SBWRD (see attached Agreement).

The Rail Trail Waterlines project is scheduled to be completed by November 5, 2010. Once completed, finished water can be delivered from the Park City public water system in Wyatt Earp Way to the existing water distribution line at the QWTP, fulfilling PCMC's contractual responsibility to IHC for provision of an emergency water source.

Analysis:

The Rail Trail Waterlines construction project was advertised in the Park Record on June 9 and 16, 2010, Intermountain Contractor on June 14 and 21, 2010, and on the Park City Website beginning June 8, 2010. A non-mandatory pre-bid meeting was held and on June 23, 2010 ten bids were received and opened. The following summarizes the bids:

Contractor	Base Bid	Additive Item #1 (Park City Heights w/l)	Additive Item #2 (Fairway Hills w/l)	Additive Item #3 (SBWRD Impvt's)	Total Bid
Engineer's Estimate	**$3,251,430**	**$149,900**	**$89,041**	**$15,750**	**$3,506,121**
SCI, Inc.	$3,244,073	$218,702	$121,072	$68,315	$3,652,162
Lyndon Jones Excavating	$2,300,575	$157,247	$79,246	$38,260	$2,368,869
Condie Construction	$2,161,631	$114,130	$81,503	$11,605	$2,813,757
Counterpoint Const.	$2,536,259	$153,341	$70,063	$54,094	$2,346,823
Whitaker Construction	$2,130,994	$117,711	$82,358	$15,760	$2,737,533
Newman Construction	$2,447,948	$159,143	$95,871	$34,571	$2,732,401
Innovative Excavating	$2,492,956	$146,779	$78,801	$13,864	$2,889,734
Geneva Rock Products	$2,528,220	$219,650	$121,344	$20,520	$2,889,734
JB Gordon Const.	**$1,972,511**	**$148,902**	**$84,374**	**$16,435**	**$2,222,222**
Spade Excavating	$2,192,059	$131,223	$80,414	$38,420	$2,442,116

JB Gordon Construction, Inc. is the lowest responsive bidder. Qualifications and Bid Documents were verified by our Engineer, Horrock's Engineering (Horrock's Contractor recommendation letter is attached) and Staff. Staff therefore recommends JB Gordon Construction, Inc., as the successful Bidder.

The City's Project Manager, Roger McClain, will be working under the guidance of the Water Manager.

Department Review:

This report has been reviewed by representatives of Public Works, Legal, and the City Manager's Office and their comments have been integrated into this report.

Alternatives:

A. Approve the Request:

Accept the Bid and authorize the City Manager to execute a Construction Agreement, consistent with Park City Municipal Corporation's standard contract/agreement and in a form approved by the City Attorney, with JB Gordon Construction, Inc., for the construction of the Rail Trail Waterlines in the amount of $2,137,848. (Staff Recommendation)

B. Deny the Request:
Council could deny Staff's request. Denying the request would delay the finished water line connection and result in a failure to meet the terms of the IHC Agreement.

C. Continue the Item:
Council could continue the request. Continuing the request and not awarding the Contract within 60 days of Bid Opening (July 23, 2010) may require staff to re-bid the project or negotiate with JB Gordon Construction, Inc., the expected price increases for next year. The City would incur consultant fees for re-bidding the project and would have to negotiate with landowners for access and construction easement time extensions. Continuing the request would also result in a delay to the finished water line connection and failure to meet the terms of the IHC Agreement.

D. Do Nothing:
Staff does not recommend this alternative. Doing nothing would also delay the finished water line connection and result in a failure to meet the terms of the IHC Agreement.

Significant Impacts:

The costs associated with this project are approved in the FY2011 CIP budget.

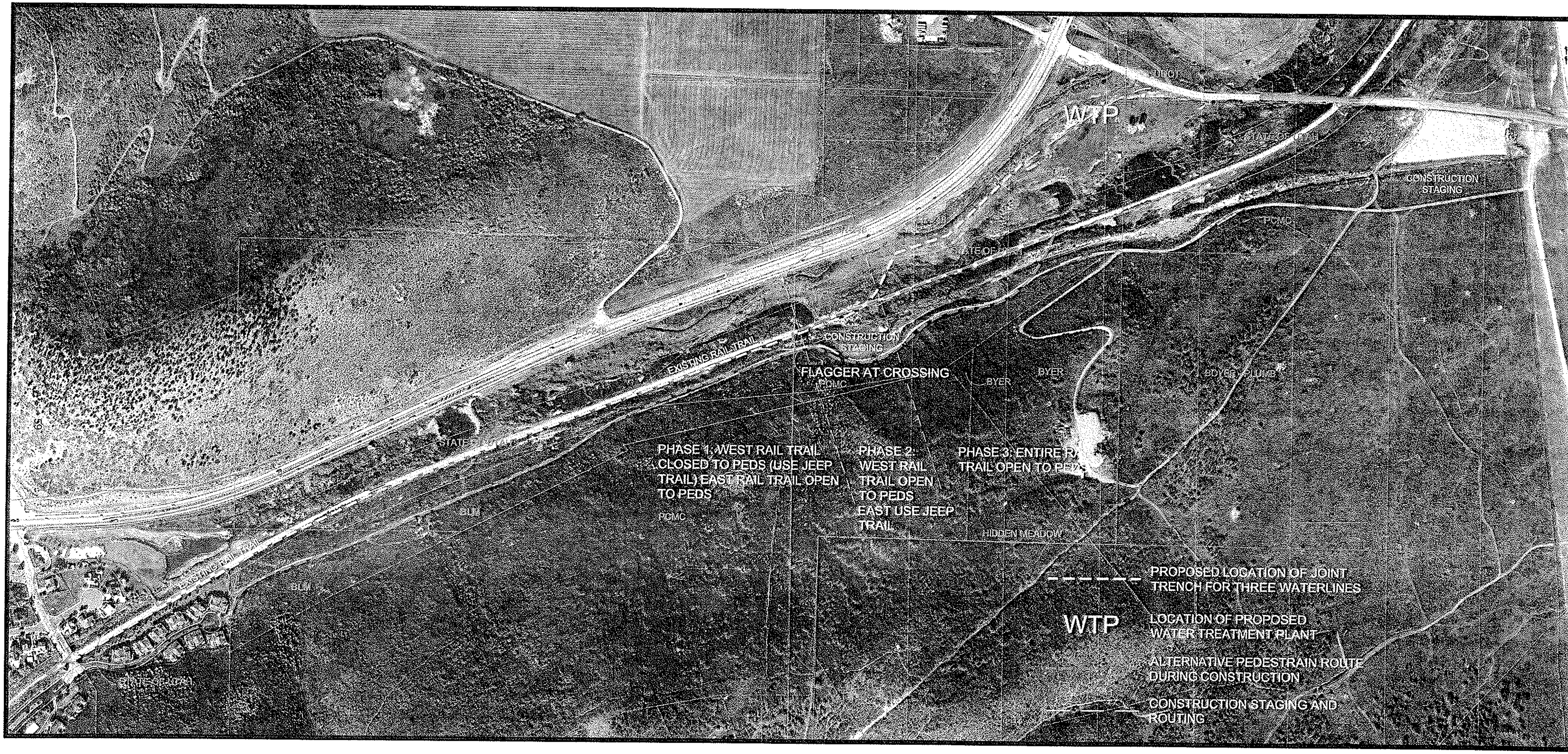
The installation of the finished waterline is critical to the operation of the treatment plant and the delivery of culinary water to meet existing contractual obligations.

Easement Assessment
As stated, Utah State Parks will annually assess the City for the 20-feet wide permanent water easement. The estimated annual assessment amount will be $16,000 (subject to the final Land Value Appraisal).

Recommendation:

Staff requests and recommends Council accept the Bid submitted by JB Gordon Construction, Inc.,and authorize the City Manager to execute a Construction Agreement, consistent with Park City Municipal Corporation's standard contract/agreement and in a form approved by the City Attorney, with JB Gordon Construction, Inc., for the construction of the Rail Trail Waterlines in the amount of $2,137,848.

Exhibits:
Exhibit A – Rail Trail Waterlines Alignment Display
Exhibit B – Engineer's Contractor Recommend
Exhibit C – Scope of Work



HORROCKS
ENGINEERS

Rail Trail Waterlines Exhibit

CONSTRUCTION AND PEDESTRIAN ROUTING
ALIGNMENT WITHIN RAIL TRAIL PARK CITY, UT
NTS

2162 West Grove Parkway Ste 400
Pleasant Grove, Utah 84062
www.horrocks.com

HORROCKS ENGINEERS

Tel: 801.763.5100
Salt Lake line: 532.1545
Fax: 801.763.5101
In state toll free: 800.662.1644

June 24, 2010

Roger McClain
Project Manager
Park City Water Department
1053 Iron Horse Drive
Park City, UT 84060

Subject: Rail Trail Waterlines – Contractor Selection: Letter of Recommendation

Dear Roger:

Attached is the bid tabulation for the Rail Trail Waterline Project. The low bidder was JB Gordon Construction. Their bid was $2,222,222. There were a total of 10 bidders for this project with an average bid price of $2,669,375.42. The engineers estimate was $3,579,921.00 which represents a 25% difference in contractor bid to engineers estimate.

Also Attached is a copy of the Notice of Award for signature upon Council Approval.

We recommend the project be awarded to JB Gordon Construction. We have checked their license, bonding, and references and have found everything in order.

If you have any questions please call.

Sincerely,
HORROCKS ENGINEERS

Rob Sunderlage, P.E.
Project Engineer

cc: file

enclosed: RTW Bid Tabulation
Notice of Award

Project Scope of Work

PURPOSE: For the project known as the Rail Trail Waterlines (hereinafter "Project"), which consists of new ductile iron pipe water lines in a common trench approximately 5,100 feet in length, valves, air/vac vaults, fire hydrants, cathodic protection, surface restoration, etc.

SECTION 1. SCOPE OF WORK. Contractor shall furnish all labor, materials and equipment to complete the Project, consisting of the work described in the Information for Bidders as the Base Bid, and the following additive alternates:_Additive #1 Park City Heights Alternative and Additive #3 SBWRD Manhole Access Alternative, as specifically set out in the contract specifications, which is made a part hereof by reference, herein called the "Project."

The Project will be bound by the specifications referenced herein, according to the Advertisement for Bid, the Information for Bidders, the General Project Requirements and Specifications provided by City, the Bid of the Contractor, Bid Bond, Drawings, Notice of Award and Notice to Proceed, collectively referred to as the Contract Documents, all of which are incorporated herein by reference and on file in the Water Department. To the extent that this Agreement conflicts in any way with a proposed form agreement which may have been submitted as part of the bid specifications, this Agreement shall control.

If any of the work performed by Contractor in any phase of the Project does not meet City standards as outlined in the bid documents and specifications, then Contractor shall immediately repair or correct the work at no additional cost to City.

A. SUBCONTRACTORS. No part of this contract shall be subcontracted by the Contractor without prior written approval by City through the Project Manager/Engineer. The Contractor shall be fully responsible to the City for the acts and omissions of its Subcontractors and of persons either directly or indirectly employed by them, as it is for the acts and omissions of persons directly employed by it.

If written approval is granted to subcontract a part of this contract the Contractor shall require each subcontractor that physically performs services within Utah to submit an affidavit to the Contractor stating that the subcontractor has used E-Verify, or equivalent program, to verify the employment status of each new employee.

The Contractor shall, within ten (10) days of submittal of request for final payment, include an affidavit showing satisfactory evidence that all claims of subcontractors, laborers and material men who supplied services or materials to the Project have been fully paid, discharged, or waived. The Contractor shall submit lien waivers for each pay release.

If the City reasonably believes that Contractor has failed to pay Subcontractors, material men, or laborers for work on the Project within a reasonable time of when payment is due, then City may, after having notified the Contractor, either pay unpaid bills or withhold from the release of Contractor's payment bond for this Project, a sum of money deemed reasonably sufficient to pay any and all such lawful claims until satisfactory evidence is furnished that all liabilities have been fully discharged and a ten percent (10%) fee for administering such claims.

B. STANDARDS OF WORKMANSHIP. Contractor shall demonstrate workmanship equal to or better than current industry standards for this Project. Where Park City specifications exist (for example, asphalt, concrete, irrigation, sprinkling system and landscaping), they shall provide the benchmark for determination of acceptability.

C. INSPECTION AND TESTING. All materials and equipment used in the construction shall be subject to inspection by the Project Manager/Engineer. If laws, ordinances, rules or regulations of any public authority having jurisdiction require any work to specifically be inspected, tested or approved by someone other than Project Manager/Engineer, the Contractor shall give the Project Manager/Engineer timely notice of readiness. Inspections, tests or approvals by the City or appropriate authorities will not relieve the Contractor from obligations to perform the work in accordance with the requirements of the Contract Documents and/or provisions. The Project Manager/Engineer and other designated persons will at all times have access to the work. All work shall ultimately be inspected for final acceptance by the Project Manager/Engineer within a reasonable time upon receipt of notice from the Contractor that work is complete and ready for final inspection.

During construction, the work will be inspected and observed by the Project Manager/Engineer or his designated representative. All work that is deficient or does not meet specifications shall be removed and replaced with proper material at Contractor's expense.

D. WARRANTY. Contractor warrants that all materials and supplies used in the construction of the Project shall be new, except as otherwise agreed to in writing by the City's Representative. All materials, equipment, parts and labor and any necessary corrections to the Project shall be guaranteed for a period of at least one (1) year and two (2) years from leaks following the date of substantial completion of the Project under the terms of the performance bond or as provided in the project specifications and construction documents, whichever is longer.

preceding or attached document, and acknowledged that he signed it voluntarily for its stated purpose as Manager of Local Tourist.

____
Notary Public

City Council Staff Report

Author:	**Roger McClain, Water Projects Manager** **Kathy Lundborg, Water Manager**
Subject:	**WATERLINES FROM QUINNS WATER TREATMENT PLANT TO WYATT EARP WAY (RAIL TRAIL WATERLINES) DESIGN CONTRACT AMENDMENT 1**
Department:	**Public Works**
Date:	**July 1, 2010**
Type of Item:	**Administrative**

Summary Recommendations:
Staff recommends Council authorize the City Manager to execute the First Amendment to the Professional Services Agreement, in a form approved by the City Attorney, with Horrock Engineers, for the design of the Waterlines from Quinns Water Treatment Plant to Wyatt Earp Way (Rail Trail Waterlines) in an amount of $53,292.

Description:
Water Strategic Plan: Source Strategies & Polices

- Maximize the availability of Park City's water from the Rockport Importation project

Topic:
Park City Raw Water Infrastructure Project including raw water line from Promontory to Quinn's Junction Water Treatment Plant, continuation of raw water line to Park City Municipal Golf Course, raw water tank(s), and Judge Tunnel line extensions.

Background:
This Winter, City Council authorized the City Manager to execute the Professional Services Agreement with Horrock Engineers to design the Waterlines from Quinns Water Treatment Plant (QWTP) to Wyatt Earp Way (Rail Trail Waterlines). The original scope of work was based on selected Rail Trail alignment that was identified in the Park City Finished Waterline Alignment Evaluation and Phase II, III, and IV Raw Water Alignment Evaluation alignment studies which were completed in October 2009.

As the design progressed, in the Spring of 2010 the preliminary alignment was field reviewed following snow melt and during the high runoff period. Issues were identified that raised concerns about following the selected alignment. These issues included:

- The wetlands delineation identified areas along the Rail Trail in conflict with the alignment. These areas would need to be avoided or mitigated.
- A risk assessment of the waterline alignment with respect to site conditions such as the rail trail bed, groundwater, and surface high-water levels was performed.

Constructability concerns and the long-term safeguard of pipeline were key issues.

Given the risk that these issues posed, Staff decided to have the Engineer examine an alignment alternative. The alternative was determined to have several lesser issues, and therefore a re-alignment of a segment of the pipelines was selected.

Other modifications to the design scope include:

- The entire project lies within the Prospector Soils Ordinance Boundary limits. With the uncertainty of soils disposal site availability, the project design scope was modified to include site re-grading to provide for the reintroduction of <u>all</u> excavated soils into fill areas along the alignment.
- Geotechnical investigation results indicated moderate to severe corrosive soils are present along the pipe alignment. The selected pipe material (ductile iron pipe) was evaluated with respect to the risk exposure to the water supply system. It was determined that specialized pipe corrosion protection should be provided on the piping. Specialized design services were requested to specify a cathodic protection system for the piping.
- The scope of services is expanded to include the design of the Fairway Hills waterline connection through the water treatment plant. This was included in Horrocks design to ensure that the IHC connection would not be impacted by delays to the Quinns Water Treatment Plant design and construction.
- The scope of services is expanded to include design and construction services related to the addition of a culinary water main stub to service Park City Heights. Design fees for these services will be reimbursable to Park City through an Agreement with the Park City Heights Development.
- The scope of services is expanded to include design and construction services related to the SBWRD's request to include several minor improvements for maintenance access to existing SBWRD sanitary sewer improvements along the Rail Trail. Design fees associated with these items will be reimbursed to Park City by the SBWRD (see attached Agreement).
- To improve construction access to the project (which should result in better bid pricing), temporary Rail Trail routing plan & signing exhibits, drawing, details, and special provisions were included in the project.
- Design of the extension of the Raw Water and the Finished Water Lines to the intersection Wyatt Earp Way and Sidewinder Drive. This addition completes the Finished Water tie-in to the upgraded existing distribution system. The extension required supplemental survey, subsurface utility locating, and additional design work.
- The original scope of services included fees for the anticipated design of a Rail Trail bridge and a separate bid package. These items were not included in the project and therefore result in a credit.

Analysis:

The proposed First Amendment captures additional costs for design, construction engineering services, and geotechnical engineering services.

Wyatt Earp (Rail Trail to Sidewinder):	Design	$10,100
	Geotechnical Services	$ 1,802
Re-alignment / Soils Disposal:	Design	$8,900
	Geotechnical Services	$7,334
Fairway Hills Waterline:	Design	$5,700
Rail Trail Access:	Design	$6,200
Cathodic Protection:	Design	$2,400
	Construction Services	$5,100
Subtotal:		**$47,536**

The proposed First Amendment captures credits for design & construction engineering services.

Rail Trail Bridge Design:	Design	($11,690)
Separate Bid Package:	Design	($1,954)
Subtotal:		**($13,644)**

The proposed First Amendment captures additional costs for design & construction engineering services and geotechnical engineering services but the costs are reimbursable to Park City by Agreement.

Park City Heights Waterline Stub:	Design	$9,100
	Construction Services	$6,700
SBWRD Improvements:	Design	$2,400
	Construction Services	$1,200
Subtotal:		**$19,400**
Total First Amendment:		**$53,292**

The two entities responsible for the reimbursable costs are Park City Heights Development and the Snyderville Basin Water Reclamation District.

There are no previous change orders to the contract.

Department Review:
This staff report has been reviewed by Public Works, Legal, and City Manager.

Alternatives:

A. Approve the Request:
Staff recommends Council authorize the City Manager to execute the First Amendment to the Professional Services Agreement, in a form approved by the City Attorney, with Horrocks Engineers, for the design of the Park City Waterlines from Quinns Water Treatment Plant to Wyatt Earp Way (Rail Trail Waterlines) in an amount of $53,292.

B. Deny the Request:
Council could deny Staff's request. Denying the request would delay the design of the time-critical project as described above.

C. Continue the Item:
Council could continue the request. Continuing the request would delay the design of the time-critical project as described above.

D. Do Nothing:
Staff does not recommend this alternative. Doing nothing would also delay the design of the time-critical project as described above.

Significant Impacts:

The costs associated with this project are approved in the FY2011 CIP budget.

The installation of the finished waterline is critical to the operation of the treatment plant and the delivery of culinary water to meet existing contractual obligations.

Recommendation:
Staff recommends Council authorize the City Manager to execute the First Amendment to the Professional Services Agreement, in a form approved by the City Attorney, with Horrocks Engineers, for the design of the Park City Waterlines from Quinns Water Treatment Plant to Wyatt Earp Way (Rail Trail Waterlines) in an amount of $53,292.

FIRST ADDENDUM TO PARK CITY MUNICIPAL CORPORATION SERVICE PROVIDER/PROFESSIONAL SERVICES AGREEMENT

THIS FIRST ADDENDUM is made and entered into in duplicate this ____ day of ________________, 2010, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation and political subdivision of the State of Utah ("City"), and HORROCKS ENGINEERS, an Utah corporation having offices located at Salt Lake City, Utah ("Service Provider") to amend the Service Provider Agreement signed and executed by the Parties on February 26, 2010.

WITNESSETH:

WHEREAS, the parties entered into a Professional Services Agreement on February 26, 2010 (hereinafter "Original Agreement"); and

WHEREAS, both parties to the Original Agreement desire to amend the Original Agreement to include additional scope, fees and time to complete additional projects of similar scope to those described in the Scope of Services in the Original Agreement; and

WHEREAS, the parties desire to amend the Original Agreement to provide sufficient time for such performance.

NOW, THEREFORE, in consideration of the mutual promises made herein and other valuable consideration, the parties hereto now amend the Original Agreement as follows:

1. **INCREASE of $53,292.** Park City shall pay Service Provider for professional services in an amount not to exceed $281,644, which is an increase to the Original Agreement for additional professional services. The amended Scope of Services is attached hereto as Exhibit A.

EXTENSION OF TERM. The term of the Original Agreement shall be extended to a termination date of December 30, 2010, or upon such later date as agreed to in writing by City and Service Provider, as provided for in Paragraph 23 of the Original Agreement.

2. **OTHER TERMS**. All other terms and conditions of the Original Agreement shall continue in full force and effect and shall not be affected by this First Addendum.

3. **ENTIRE AGREEMENT**. This First Addendum is a written instrument pursuant to Paragraph 23 of the Original Agreement between the parties and cannot be altered or amended except by written instrument, signed by both parties.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first herein above written.

PARK CITY MUNICIPAL CORPORATION
445 Marsac Avenue
Post Office Box 1480
Park City UT 84060-1480

____
Thomas B. Bakaly, City Manager

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

SERVICES PROVIDER
HORROCKS ENGINEERS
Address: 2162 West Grove Parkway Suite 400
Pleasant Grove UT 84062
801-763-5100
801-763-5101 fax

Tax ID#: 87-0296502

____
Signature

____
Printed name

____
Title

Corporate Acknowledgment

STATE OF UTAH)
) ss.
COUNTY OF __________________)

On this ____ day of ___________________, 2010 personally appeared before me _________________________, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed), did say that he/she is the _________________________ (title) of ________________________, Inc. by Authority of its Bylaws/Resolution of the Board of Directors, and acknowledged to me that said Corporation executed the same.

____
Notary Public

City Council
Staff Report

PLANNING DEPARTMENT

Subject: North Silver Lake Lot 2B
Author: Katie Cattan
Date: July 1, 2010
Type of Item: Quasi-Judicial - Appeal of CUP Application

Summary Recommendation

Staff requests that the City Council ratify the findings of fact, conclusions of law, and conditions of approval for the Appeals of North Silver Lake Lot 2B Conditional Use Permit.

Topic

Appellants:	#1: Eric Lee, Attorney representing adjacent property owners, and #2 Lisa Wilson, resident
Location:	Lot 2B Subdivision of Lot 2, North Silver Lake
Zoning:	Residential Development (RD)
Adjacent Land Use:	Ski resort area and residential
Reason for review:	Appeals of Planning Commission decisions are reviewed by City Council

Background

Under the Deer Valley Resort Master Plan Development (MPD) the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,552 square feet of commercial and support space. The Deer Valley MPD requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC Section 15-1-10.

The original CUP application was before Planning Commission on five different occasions (August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009). During the July 8, 2009 review, the Planning Commission approved the application with a 3 – 1 vote. One Commissioner abstained.

On July 17, 2009, the neighboring property owners submitted an appeal of the Conditional Use Permit (CUP) approval of the North Silver Lake Subdivision Lot 2B. The City Council reviewed the appeal on October 15, 2009 and November 12, 2009. During the November 12, 2009 meeting, the City Council remanded the CUP application to the Planning Commission with specific items included in the order to be addressed.

The Planning Commission reviewed the remand during two work sessions on November 11, 2009 and January 13, 2010 and two Planning Commission regular agenda meetings on March 10, 2010 and April 28, 2010 to address the order and findings of the City Council. The Planning Commission approved the revised conditional use permit with a four to one vote on April 28, 2010.

The approval was appealed by two separate parties. On May 7, 2010, Eric Lee submitted an appeal (Exhibit A). On May 10, 2010, Lisa Wilson submitted an additional appeal (Exhibit B). The City Council reviewed the appeal on June 24, 2010. All parties stipulated to additional condition of approval #19. The Council did not find merit in the notice issues, the compatibility of revised design or other issues raised in Ms. Wilson's appeal. The Council added an additional requirement of an opportunity for neighborhood input prior to approval of the phasing plan(s), but found that the Planning Commission adequately addressed the issues of the remand. Accordingly, the City Council affirmed and denied in part the Planning Commission's decision to approve the North Silver Lake Lot 2B Conditional Use Permit.

Findings of Fact, Conclusions of Law and Conditions of Approval re: NSL Subdivision Lot 2B Conditional Use Permit.

On July 1, 2010, having been duly advised, the City Council hereby modifies the Planning Commission Findings of Fact, Conclusions of Law, Conditions of Approval and Order with minor corrections to the findings and conditions (underlined) as follows:

Findings of Fact

1. The subject property is at 7101 North Silver Lake Drive. This property is also known as Lot 2B of the North Silver Lake Subdivision.
2. The proposed development is located within the Deer Valley Master Plan Development.
3. Within the Deer Valley Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,552 square feet of commercial and support space.
4. The applicant has applied for a conditional use permit for the development of 54 units located on Lot 2B of the North Silver Lake Subdivision. The applicant has included 5102 square feet of support commercial space within this application. The project consists of 16 detached condominium homes and four condominium buildings containing 38 condominium units. The remaining commercial units are not transferable.
5. The North Silver Lake Subdivision Lot 2B is 5.96 acres in area.
6. The Deer Valley Master Planned Development (MPD) requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC chapter 15-1-10.
7. The Deer Valley MPD determines densities on parcels as an apartment unit containing one bedroom or more shall constitute a dwelling unit and a hotel

room or lodge room shall constitute one-half a dwelling unit. The Deer Valley MPD does not limit the size of units constructed provided that following construction the parcel proposed to be developed contains a minimum of 60% open space and otherwise complies with MPD and all applicable zoning regulations.

8. Within the Deer Valley MPD development parcels exhibit there is a note for the NSL Subdivision Lot 2D Open Space stating "This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B." Lot 2D is 4.03 acres in size.
9. Within the original North Silver Lake Subdivision, the Bellemont subdivision was allowed to also utilize Lot 2B towards the 60% open space requirement. The Bellemont Subdivision utilized ¼ acre of the Lot 2B parcel to comply with the open space requirement.
10. The current application site plan <u>contains 70.6%</u> of open space on the site including the remainder 3.78 acres of open space on Lot 2D.
11. The property is located in the Residential Development zoning district (RD) and complies with the Residential Development ordinance.
12. The property is within the Sensitive Lands Overlay Zone and complies with the Sensitive Lands Ordinance.
13. The height limit for Lot 2B was established at 45 feet within the Deer Valley Master Plan. The development complies with the established height limit, with the <u>allowance</u> of five feet for a pitched roof.
14. The onsite parking requirements for the four stacked flat condominiums have decreased 25% in compliance with section 15-3-7 of the Land Management Code. The Planning Commission supports a 25% reduction in the parking for the stacked flats within the development.
15. The Planning Commission held public hearings on August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009.
16. The Planning Commission approved the CUP on July 8, 2009.
17. An appeal of the CUP approval was received July 17, 2009 within ten days per LMC 15-1-18.
18. The City Council reviewed the appeal of North Silver Lake lot 2B on October 15, 2009 and on November 12, 2009.
19. On November 12, 2009, the City Council remanded the Conditional Use Permit back to the Planning Commission with three specific items to be addressed within the order.
20. The Planning Commission reviewed the North Silver Lake Conditional Use Permit remand on November 11, 2009 and January 13, 2010 and two Planning Commission regular agenda meetings on March 10, 2010 and April 28, 2010. <u>The Planning Commission approved the revised Conditional Use Permit on April 28, 2010.</u>
21. <u>The Conditional Use Permit was appealed by two separate parties within ten days of the Planning Commission approval.</u>
22. <u>The design for Building 3 decreased the overall square footage of the Building 3 twenty-five percent (25 %), reoriented the building on the site, and divided the original single building into two interconnected buildings of smaller scale and size than the original single building.</u>

23. <u>The landscape plan was modified to comply with the Wild Land Interface regulations.</u>
24. <u>Construction phasing and additional binding beyond a public improvement guarantee has been required.</u>

<u>Conclusions of Law</u>

1. The application is consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. The Use is compatible with surrounding structures in use, scale, mass, and circulation.
3. The Use is consistent with the Park City General Plan.
4. The effects of any differences in Use or scale have been mitigated through careful planning.
5. The Planning Commission did not err in approving the application.

<u>Conditions of Approval</u>

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. This plan must address mitigation for construction impacts of noise, vibration, and other mechanical factors affecting adjacent property owners. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be included within the construction mitigation plan.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be adhered to. A member of the Planning Staff and Planning Commission will be invited to attend the pre-installation conference. Prior to operating any excavation machinery, all operators of any excavation machinery must sign off that they have read, understand, and will adhere to the Temporary Tree and Plant Protection plan.
5. A landscape plan is required with the building permit. The landscape plan must reflect the site plan and existing vegetation plan as reviewed and approved by the Planning Commission on <u>April 28, 2010</u>.
6. The developer shall mitigate impacts of drainage. The post-development run-off must not exceed the pre-development run-off.
7. Fire Marshall review and approval of the final site layout for compliance with City standards is a condition precedent to building permit issuance. The proposed development shall comply with the regulations of the Urban Wild Land Interface Code. A thirty foot defensible space will be mandatory around the project, limiting vegetation and mandating specific sprinklers by rating and

location. The Fire Marshal must make findings of compliance with the urban wild land interface regulations prior to issuance of a building permit.

8. Approval of a sign plan is required prior to installation of any signs on the property.
9. Staff review and findings of compliance with the lighting regulations of LMC Section 15-5-5(I) are required prior to the issuance of an electrical permit.
10. This approval will expire June 24, 2011, 12 months from June 24, 2010, if no building permits are issued within the development. Continuing construction and validity of building permits is at the discretion of the Chief Building Official and Planning Director.
11. Approval is based on plans reviewed by the City Council on June 24, 2010. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.
12. The SWCA wildlife mitigation plan dated April 15, 2009 must be included within the construction mitigation plan and followed.
13. The two ADA units are to be platted as common space and cannot be separately rented without renting another unit.
14. The Sustainable Design Strategies created by Living Architecture as reviewed by the Planning Commission on April 28, 2010 must be adhered to within the building permit process. Any substantial deviation from this plan must be reviewed by the Planning Commission.
15. The final condominium plat for North Silver Lake Lot 2B may not exceed the square footage for common space, private space, and commercial space as shown in the plans approved by the City Council on June 24, 2010.
16. A bond shall be collected prior to issuance of a grading or building permit to cover the cost of the landscape plan as approved.
17. A phasing and bonding plan to ensure site restoration in conjunction with building phasing beyond a public improvement guarantee must be approved by the Building Department. The plan shall include re-vegetation for perimeter enhancement and screening into the project, soil capping for any new disturbance and previous disturbance of the site, and clean-up of all staging areas. Prior to building department action on approving each phase of the phasing plan, the developer and building department shall conduct a neighborhood meeting, with minimum notice to both appellants and any HOAs registered with the City within the 300 foot notice period.
18. A bond shall be collected at the time of Conditional Use Permit Approval to ensure that the existing impacts of the site will be repaired at the time of CUP expiration or extension. At such time, the existing rock area of the site shall be capped with soil and re-vegetated and new landscaping along the perimeter entrance shall screen the view into the project. If a building permit is issued within one year, this bond shall be released.
19. No lockout units are permitted within this approval.

Order:

1. Appeal #1 from Eric Lee is affirmed and denied in part. The CUP is approved with the amended Findings of Fact and Conditions of Approval as stated

within the staff report.

2. Appeal #2 from Lisa Wilson is denied in whole. The CUP is approved with the amended Findings of Fact and Conditions of Approval as stated within the staff report.

Dated this ___ day of July, 2010.

____
Dana Williams, Mayor