PARK CITY
1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 27, 1999

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, May 27, 1999.

AGENDA

Closed session - City Council Chambers - Lower Level

3:30 p.m. Property acquisition

Work Session - City Council Chambers - Lower Level

3:55 p.m. Council questions/comments
4:10 p.m. Transportation Element - General Plan
4:30 p.m. Olympic update
5:00 p.m. Budget recap
5:20 p.m. Temporary closure of Heber Avenue
5:30 p.m. Review of regular meeting
- Plats
- Contract
- Leases

Regular Meeting - City Council Chambers - Lower Level

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

Press conference - U.S. Speed Skating Team - Chamber/Bureau

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF MAY 13, 1999

V PUBLIC HEARINGS

1. Ordinance approving a plat amendment to add a metes and bounds parcel to 2976 Estates Drive, Lot 33, and amending the Estates #1A Subdivision, Park City, Utah

2. Ordinance approving the plat amendment to combine the north half of Lot 14 and all of Lot 15, Block 29, of the Park City Survey, located at 475 Woodside Avenue, Park City, Utah

VI CONSENT AGENDA

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2. Ordinance approving the plat amendment to combine the north half of Lot 14 and all of Lot 15, Block 29, of the Park City Survey, located at 475 Woodside Avenue, Park City, Utah

3. Resolution adopting the Interlocal Agreement with Park City School District for "Cops in Schools" Program

4. Authorization to staff to enter into lease negotiations with Jim and Liza Totora for the restaurant space at the Racquet Club

5. Authorization to staff to enter into a lease agreement with ABC Reservations for kiosk space on Main Street

VII OLD BUSINESS

Award of contract and authorization to staff to enter into an agreement with DRD Paving in the amount of $220,484 for the Main Street bulb-out and Miners Park Projects

VIII ADJOURNMENT

Posted: 5/21/99
see parkcity2002.org

PARK CITY 1884

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MAY 27, 1999

Present: **Mayor Brad Olch; Council members Hugh Daniels; Roger Harlan; Shauna Kerr; Chuck Klingenstein; and Paul Sincock**

Toby Ross, City Manager; Lloyd Evans, Chief of Police; Jerry Gibbs, Public Works Director; Eric DeHaan, City Engineer; Frank Bell, Director of Olympic Planning; Tom Bakaly, Director of Capital Projects and Budget; Rick Lewis, Community Development Director; Kathy Kelly, Recreation Services Manager; Linda Cook, Project Manager

Mike Fox, the Dog House Restaurant

1. **Council questions and comments.** Roger Harlan referred to the employee recognition dinner last night and relayed his appreciation of employees who have served five or more years. In response to a question from Roger Harlan, Chief Lloyd Evans explained that a patrol car has been parked at the Bonanza Crossing in response to concerns raised. However, the number of people who cross is so sporadic that it is difficult to monitor an enforcement effort. Chuck Klingenstein felt that the area has to be dealt with comprehensively and asked if there is support to fund an analysis that includes lower Iron Horse Drive. Jerry Gibbs explained that the crossing is included in the CIP. Roger Harlan asked how the Chief would rank this pedestrian crossing and Lloyd Evans responded that there has not been a vehicle/pedestrian incident for some time, however there have been a couple on Iron Horse. Passing cars are the biggest concerns, and the City Manager interjected that the plan is to install an island. Hugh Daniels felt that the City has a plan and Jerry Gibbs explained the recommendation from the consultant, including a pedestrian light and sidewalk.

Ms. Kerr stated that she attended the Snyderville Basin Planning Commission meeting where the Round Valley project was discussed. There were some representations that because Park City bought the land that it did, that somehow that was the line beyond which development would occur. She assured them that this was just the line of bargain for exchange, not necessarily a planning effort. It appears as if there are no corridors for habitat and everything seems to be designed around the golf course. There are 11 different pods of development. Chuck Klingenstein understood that approval of the application would require a general plan amendment. Ms. Kerr added that the developer is recommending that the amendment and the development plan be processed simultaneously which doesn't seem appropriate. Hugh Daniels suggested that this be a joint subcommittee discussion with Summit County. Rick Lewis explained that the task force will be looking at the area globally and invited the Council to look at the plans on this project. Ms. Kerr added that there was discussion that if the concept is to work, it would have to be a receiving zone and there would have to be transfers from adjoining property owners.

In response to comments made by Paul Sincock, Lloyd Evans explained the police bike patrols in the park. Hugh Daniels expressed concerns about marketing Park City community events in Salt Lake City. The Woodside Avenue project is moving along well and the effort is cooperative. Hugh Daniels requested that a letter be written to the Summit County Commission to not hold Mayors Meetings on Thursdays; next Thursday they will be discussing the arts and recreation tax. A staff member should be in attendance to report back to Council. There was discussion about release of $8,750 to the Arts Council upon review of the RFP. Council discussed topics for the joint dinner meeting on June 9. Tom Bakaly announced there will be an open house on the downtown transit center next Thursday.

2. Transportation Element - General Plan. Eric DeHaan explained that the transportation element is a part of the second phase. The Planning Commission has reviewed this thoroughly and the wording is very intentional. The document is very sensitive to pedestrians, but it is undeniable that automobiles are a part of the community and there is a lot of attention to arterial and connector roadways. This is organized according to an outline with an issue statement up-front; the intent is to clearly identify goals which will be helpful in dealing with UDOT and developments in the future. There are items discussed in the transportation element that are relevant like the Old Town transit center. Mr. DeHaan stated that there will be a public hearing next week and action scheduled soon.

In addition to funding to expand transportation services into Summit and Wasatch Counties, Mr. Daniels suggested that agreements also need to be executed and this should be noted. In response to a question regarding transportation management, Mr. DeHaan explained that this involves intelligent traffic signage and congestion management. There was discussion regarding the language assuming jurisdictional control over State roads within City limits which was not changed. Roger Harlan asked if it is appropriate to prioritize needs in this document. Mr. DeHaan strongly discouraged that as this is an element of the General Plan or general policy. The capital improvements budget is more appropriate and elements of the General Plan should be updated regularly. Chuck Klingenstein felt that pedestrians and bikes should be prioritized over everything else by policy. Hugh Daniels agreed philosophically, but feared that this approach may force a planning decision where pedestrians receive priority over a better transportation plan for a project. Mr. Klingenstein stated that a statement may give planners and boards more direction to accommodate the needs of pedestrians and bikes and suggested adding a bullet. Mr. Daniels suggested adding the same interlocal agreement language under transit policies.

Mr. DeHaan pointed out drafted language on sidewalks, requiring sidewalks on one side of new streets, and both sides in commercial and recreational areas. He emphasized that this is a new policy statement. There is wording addressing Bonanza Drive, which was discussed earlier in work session, and he acknowledged that this is a weak link in our chain. There are no collector or paved roads accessing Deer Valley except through the Old Town area, which places a lot of stress on Bonanza Drive. There is a recommendation to monitor traffic volumes and conditions and install traffic signals when warranted at several intersections, including Bonanza/Iron Horse. The City has always been reluctant to take responsibility for traffic signals at City intersections because of staff costs. He added that the width and curve of Bonanza is awkward, but it is a vital artery for Park City and some traffic calming methods may result in intended consequences. With regard to development in the Round Valley area, Hugh Daniels preferred language that would prohibit not just avoid road construction to Park Meadows. Chuck Klingenstein felt the Deer Valley area should also be identified. Mr. DeHaan felt this would be appropriate and explained that the Planning Commission supports not allowing uncontrolled or excessive access, but wanted to leave an option.

Hugh Daniels suggested using the wording investigate rather than provide signal preemption technology and suggested consider as opposed to provide flex route services to residential neighborhoods. The City Engineer referred to language supporting the Old Town Transit Center which is critical to obtain funding. Mr. Daniels recommended adding a bullet regarding bus shelters. He understood that the Planning Commission removed the reference to the Snow Creek site and would feel more comfortable if it is mentioned. The Council agreed at generally identifying a site at SR224 and SR248.

3. **Olympic update.** Frank Bell referred to his written update distributed to Council. Staff continues to meet with SLOC to discuss issues of mutual concern. Given the funding situation at SLOC and the difficulties in getting a clear picture on revenues and expenditures, the city services agreement is based less on expectations of revenue than it is assessing appropriate roles and responsibilities for SLOC and the City. At some point there will be a financial resolution. He continued that the venue cities meetings are held monthly and there are a number of meetings this summer regarding the role of the state in assisting cities. Staff is moving along steadily on the federal funding issue for transportation on the highway and transit sides. All of the federal funding projects are on line and in the preliminary stages of subcommittee meetings in the Senate. There will be a variety of subcommittee meetings this month on Olympic transportation. If those funding requests are jeopardized in Congress, then the Olympics take on a very different nature. Mr. Bell pointed out the great advantage of the City Council in its familiarity with the Olympics over the last ten years; several other venue cities are now recognizing the complexity of holding the Winter Games. Mr. Bell pointed out that the Olympic budget will be reviewed on June 17 and will then be submitted to the state shortly thereafter. It appears that cities would be revenue neutral if they didn't have to deal with the public safety expenditures which can represent between 35% to 65% of the budget. There may be alternatives to finance these services.

4. **Budget recap.** See staff report. Tom Bakaly explained that the tentative operating budget will be scheduled for action next week, as well as authorization for him to set the tax rate. This is a no tax increase budget but the property tax rate will reflect the issuance of the general obligation bonds and that amount has not been identified to date. With regard to the Victim Advocacy Group, Mr. Bakaly stated that it has been determined that RDA funds can be used for operations. It is proposed to spend $20,000 in General Fund money and $5,000 in Lower Park

Avenue RDA funds for the Mountainlands grant. This will free up $2,500 and the Peace House will give $5,000 of its grant to the Victim Advocacy Group, totaling a grant of $7,500 with no net impact to City's General Fund grant allocation. All parties are in agreement. The remaining $2,500 will be given to the Peace House. This will be revisited next year. Mr. Bakaly referred to his staff report which outlines the changes agreed upon by the City Council regarding the capital improvement program. Building replacement and enhancements has been increased by $182,000 while computer equipment replacement has been reduced by $75,000 to accomplish this. He discussed a glitch in the system where the request was understated and represented as the recommended funded amount in the budget document; a corrected spreadsheet will be prepared for Council.

4. Temporary closure of Heber Avenue. Tom Bakaly explained that this project has appeared in the Downtown Action Plan and the equipment needs to be ordered. There is a public hearing next week for the street closure. If Council conceptually supports the proposal, staff would order the equipment for the park as it takes eight weeks for delivery. If Council changes its mind after the public hearing, the order can be canceled. Rick Lewis added that this concept has support from the Main Street Merchants Alliance. The park design is flexible so benches and planters can be moved, although bollards may be necessary to control traffic. U-turns will be prohibited at Heber and Main Street, and there will be additional signs. He explained that this is proposed to be a two-month trial during July and August. Ms. Kerr stated she is concerned about motorists continuing up Park Avenue and felt there should be signage by 7th Street. Rick Lewis relayed that John Lind suggested that something be painted on the surface of the street as well. Hugh Daniels expressed concern that this route is ingrained; speeding is already a problem and could worsen. He suggested something that sits in the street to slow cars down and disclosed he received calls from a number of residents concerned about forcing a large number of cars on Park Avenue. Mr. Daniels continued that he is somewhat uncomfortable with purchasing $35,000 worth of park enhancements without having a public hearing and a formal vote to close the street. In the event that Council proceeds with conceptual approval tonight to order the equipment which can be canceled, he emphasized that the Council has not made a formal decision to do this. Rick Lewis discussed the published and mailed notice process. Chuck Klingenstein understood that the equipment could be used elsewhere, and Mr. Daniels reiterated that ordering the equipment does not mean approval of the street closure as a public process must occur.

6. Review of regular meeting.

Lease at Racquet Club. Kathy Kelly explained that staff recently requested proposals for the restaurant space at the Racquet Club; there were three responses. Jim and Liza Totora, are proposing a family restaurant; Dance Tech a dance studio and snack bar; and the Mayors Youth Council is interested in using the space for a teen center. The recreation staff would like to give the restaurant use one more try and the tennis advisory committee has strongly recommended a restaurant. The dance studio proposal stipulated that the City would remove the major pieces of restaurant equipment. An outside wall would have to be removed because of the size of some of the equipment, creating limitations on the space in the future. Staff is requesting that Council authorize staff to enter into lease negotiations with Liza and Jim Totora. Paul Sincock suggested that the Youth Council contact the Totora's. Chuck Klingenstein disclosed that his daughter goes to Dance Tech heavily lobbied him, but supports the restaurant use.

Kiosk space on Main Street. Linda Cook explained that the RFP was widely distributed both in the paper and by fax among a number of the non-profits in town. Only two proposals, received by April1, complied with the requirements of the RFP and it is recommended that the lease be enter into with Donna Van Buren of ABC Reservations. Her proposal supported the non-profit organizations as well as the Main Street Business Alliance. Mike Fox, owner of the Dog House Restaurant, dropped off a proposal this afternoon. Ms. Cook strongly urged Council to stay within the RFP process.

Mike Fox stated that he just learned of this today and referred to his letter distributed to Council. He urged Council to exercise Option D in the staff report which is to continue the item to consider an alternative use for the kiosk. He stated he would like to sell hot dogs and would be open and staffed seven days a week from 11 a.m. to midnight. The staff would be able to give out parking tokens, and information. Paul Sincock asked why Council should consider this if he didn't participate in the RFP process. Mr. Fox explained that he was not aware of the RFP although he reads the Park Record and is a Chamber/Bureau member. He reiterated that they would be open 365 days a year for 13 hours a day and would meet the City's needs and ABC is not open a lot of the time. Paul Sincock expressed that this is an intriguing idea, but would have preferred that he submit his proposal as a part of the RFP process as it is unfair to other bidders. The Mayor agreed that this is a fairness issue. It was pointed out that the lease is for one year with a year option. The Mayor suggested that Mr. Fox explore a joint venture with ABC.

Prepared by Janet M. Scott

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PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 27, 1999

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, May 27, 1999. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Staff present were Toby Ross, City Manager; Kathy Kelly, Recreation Services Manager; Brooks Robinson, Planner; Derek Satchell, Preservation Planner; Rick Lewis, Community Development Director; and Mark Harrington, Deputy City Attorney.

II PUBLIC INPUT

1. Press conference - U.S. Speed Skating Team - Chamber/Bureau - The Mayor read a welcome speech which highlighted that Park City is the perfect place for athletes to live and train. The U. S. Olympic Committee and U.S. Speed Skating chose Park City in consideration of the altitude and the community feeling. Sports Life and the Rotary Club are finding families to "adopt an athlete" and the lodging and real estate community is helping the athletes find housing for the summer. Many restaurants are working to offer nutritious affordable meals to the athletes; the University of Utah is making sure they have information on classes or jobs in the area. He offered a warm welcome to the speed skaters and their coaches.

Nick Thometz, long track manager, thanked the Mayor, the community, and the Olympic Committee for their support of the U. S. Speed Skating Team as it prepares for the Games. The athletes are very excited about the opportunities here to reach their individual goals. He introduced Becky Sundstrum, Jennifer Rodriguez, Casey Boutier, and Finn Halvorsen. Bob Condron stated that USOC is financing the program and everyone will benefit. Carrie Shienberg, former member of the U.S. Ski Team, welcomed the young athletes and pointed out the enormous competitive advantage they will have with Park City as their home town. David Winder, Utah Economic Development Department, welcomed the athletes on behalf of the Governor. The goal of the state is to become a winter sport capital and a legacy fund has been established. There was discussion among the athletes of the evolution of the new clap skate. Mayor Olch and Joan Calder of the Chamber/Bureau were presented with team jackets.

2. Racquet Club restaurant space - proposal by Dance Tech - See New Business. Owner Nicole Fielding stated that she is aware of the history of three restaurants in that space and understood that Racquet Club patrons would prefer a snack bar as opposed to a restaurant. Having Dance Tech there would benefit the facility as they are a drop-off based business and parents often wait around. They have outgrown their current space and are looking at increasing their business.

Ms. Fielding emphasized that they are a child and teenage based business and there are programs for boys as well. There is an issue about the restaurant equipment, but she assured Council that she will be around in five years. Scott Fielding added that they will be using some of the equipment in conjunction with the snack bar but the operation should be scaled back. Dance Tech will bring more activity to the Racquet Club.

Barb Humphrey, patron of Dance Tech, warned Council not to repeat the same mistake and expect different results by putting a restaurant there for the fourth time, which is costing the City. The City should look beyond the equipment issue and consider a viable use in the space. The community should support cultural arts; this would be great for kids and a healthy mix at the Racquet Club.

Colleen Earnshaw, neighbor of the Racquet Club, patron of Dance Tech, and avid tennis player, stated that the restaurants didn't meet the needs of the tennis players. The kind of activity a restaurant brings to the parking lot is not so good because of the alcoholic beverages served. She urged Council to consider Dance Tech's proposal.

Chuck Klingenstein added that the staff reviewed the proposals as did the tennis advisory board. He understood that staff is recommending that a restaurant use be again considered. Roger Harlan interjected that the Parks and Recreation Board also looked at the issue. In response to a question from Paul Sincock regarding proposed revenues to the City, Ms. Kelly stated that that is still being negotiated. She explained that after talking with various groups, it was decided to have a restaurant that kids felt comfortable going to and the RFP solicited restaurant proposals. When Ms. Fielding called, staff tried to be open-minded, but the equipment was an issue. Dance Tech's proposal would cost the City money in the first year, because it would be extremely expensive to remove the equipment at the City's expense. Ms. Kerr stated that there are no funds in the CIP to remove walls. Ms. Kelly believed that the equipment including the tables and chairs is worth between \$60,000 to \$80,000; the City paid about \$17,000 for it.

With no further comments, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF MAY 13, 1999

Hearing no omissions or corrections, the Mayor requested a motion to approve. Paul Sincock, "<u>I so move</u>". Shauna Kerr seconded. <u>Motion unanimously carried</u>.

V PUBLIC HEARINGS

1. Ordinance approving a plat amendment to add a metes and bounds parcel to 2976 Estates Drive, Lot 33, and amending the Estates #1A Subdivision, Park City, Utah - See staff report. Planner Brooks Robinson explained that the plat amendment would add a remnant parcel from the golf course construction to a lot in the subdivision for the construction of a single family house. The setbacks would be compatible with the adjacent properties. The Planning Commission forwarded a positive recommendation to approve as conditioned. With no questions or comments, the public hearing was closed.

2. Ordinance approving the plat amendment to combine the north half of Lot 14 and all of Lot 15, Block 29, of the Park City Survey, located at 475 Woodside Avenue, Park City, Utah - See staff report. Derek Satchell, Preservation Planner, explained that these parcels are proposed to be combined into one lot to accommodate an existing non-historic single family house. The applicant would like to make improvements to provide for on-site parking. The Planning Commission and staff forwarded a positive recommendation. With no questions or comments, the public hearing was closed.

VI CONSENT AGENDA

Scott Fielding, Dance Tech, stated that they are not requiring that the equipment be moved as it is not an issue. The equipment could be screened with temporary walls. The Mayor requested a motion to approve Items 1 through 5 on the Consent Agenda; a motion was made by Chuck Klingenstein and there was discussion about removing Item 4 from the Consent Agenda. A substitute motion was made, Paul Sincock, "I move to remove Item 4 from the Consent Agenda for further discussion. Chuck Klingenstein seconded. Motion carried unanimously. Shauna Kerr, "I move approval of Items 1, 2, 3, and 5 of the Consent Agenda". Chuck Klingenstein seconded. Motion carried unanimously.

1. Ordinance approving a plat amendment to add a metes and bounds parcel to 2976 Estates Drive, Lot 33, and amending the Estates #1A Subdivision, Park City, Utah - See staff report and public hearing.

2. Ordinance approving the plat amendment to combine the north half of Lot 14 and all of Lot 15, Block 29, of the Park City Survey, located at 475 Woodside Avenue, Park City, Utah - See staff and public hearing.

3. Resolution adopting the Interlocal Agreement with Park City School District for "Cops in Schools" Program - See staff report.

4. Authorization to staff to enter into lease negotiations with Jim and Liza Totora for the restaurant space at the Racquet Club - See staff report, work session notes, public input, and New Business.

5. Authorization to staff to enter into a lease agreement with ABC Reservations for kiosk space on Main Street - See work session notes and staff report.

VII OLD BUSINESS

Award of contract and authorization to staff to enter into an agreement with DRD Paving in the amount of $220,484 for the Main Street bulb-out and Miners Park Projects - Rick Lewis explained that in late April four projects were bid; two on the bulb-outs on Main Street and the improvements to Miners Park. The bids were opened on May 12 and two contractors submitted bids. J. Pochynok Company was the low bidder with a combined bid of $211,606 and DRD Paving, bid separately, for a total of $222,486. Staff realized that Pochynok had not submitted the required 5% surety, did not bid the projects separately as requested, and decided to recommend the award of bid to DRD. Pochynok appealed that decision and submitted documentation to Council and DRD also submitted a letter indicating that the bid should be awarded to it. Mr. Lewis added that staff is requesting that Council hear the appeal and provide direction on disqualifying the Pochynok bid and awarding the bid to DRD, waiving the irregularities of the Pochynok bid and awarding the bid, or rejecting the bids and rebidding the projects. If the project is rebid, the turn-around time for awarding the contract would be three to four weeks and the project may interfere with Arts Festival.

John Pochynok stated that it is his position that he provided adequate surety and provided a certified check in the amount of $10,000 which was 5% of the City's advertised value of the projects. He has further submitted his bonding agent's letter of willingness to bond for performance and payment. The amount of the project is in question because the City has the right to negotiate the value of the contract up or down. The narrative in the bid document does not state that these are to be separate submittals and Base Bids 3 and 4, which share the same physical site, relates to one single set of drawings. Further there is an issue regarding licensure that should be addressed. Mr. Pochynok relayed that he is on the state board of the home builders association, and on a legislative committee currently working on the contractor licensure rules and the law. He holds an R-100 license for residential and light commercial up to three stories in height and has the ability to supervise crafts and trades. The other two categories are B-100, and E-100 which is a general engineering license and prohibits construction of structures built primarily for the shelter of people and animals. There are two such structures on the Miners Park, a bandstand and a gazebo. The analysis sent to Council indicates that the consultant instructed both bidders to bid the projects separately which is not wholly true and reiterated that the itemized list provided didn't adequately encompass the scope of work implied by the drawings. He stated that he asked if he could submit a lump sum or lump sum and itemized bid and the response was lump sum and he chose to do that. On the surety issue, he explained the reason he did not submit a bond but rather cash, was the pending deadline and he made application for surety. Mr. Pochynok clarified that he is currently remodeling the Shirt Off My Back Building which is landlocked by the Miners Park and part of the restroom was removed to accommodate equipment for the excavation with the consent of the City. He has requested, without response from the City, a 8 ft. by 45 ft. space for staging materials adjacent to the Shirt Off My Back Building during the course of the renovation of Miners Park. Otherwise, the business must shut down, the building gutted out, and the remodel accomplished through the front door. He added that he bid the jobs together as the site is tiny and more than one contractor competing for the space would be complex. The Mayor asked what would happen if there were a building in Miners Park. Mr. Pochynok stated that they would have to build through the front door of the building.

In response to a question from Ms. Hoffman, Mr. Pochynok stated that the consultant, Kurt vonPuttkammer, indicated that he could submit a lump sum. Chuck Klingenstein felt that the base bid sheets are specific and separate. There was debate about the narrative containing the wording "lump sum" and Shauna Kerr believed that the paragraph Mr. Pochynok referred to is related to the "total sum" for purposes of the bonding and is not providing him with an option to submit a lump sum bid. Mr. Pochynok stated there is a problem now because DRD submitted a lump sum bid.

David Harrison, owner of DRD Paving, pointed out language that the contract would be award to the lowest responsible bidder for "each base bid". There was also a surety for each base bid per the specifications. Had he been able to bid both as one job, it would have been cheaper. Mr. Harrison disclosed that he is an E-100 engineering contractor. The improvements include a 240 square foot redwood deck which is not a bandstand and some decorative timbers. He urged Council that he be awarded the contract because he was the responsible bidder on the project.

Paul Sincock recommended that Council award the contract to DRD Paving because it provided a response in exactly the form the City requested. It is never a good idea to rebid the same project with all of the numbers on the table. Roger Harlan agreed and timing is an issue. Hugh Daniels suggested that the City Council make a decision on the appeal before it awards a contract.

Kathy Higginson, owner of Shirt Off My Back, emphasized that this decision has relevance to their business which has been operating for 18 years. They are paying $5,000 to use part of the park and she relayed some of the problems delaying their project. They decided to do their remodel with the park renovation. Closing the business during the summer will result in the loss of $70,000. Shauna Kerr noted that although she is sympathetic to her situation, but this is an appeal and her construction project falls outside this decision. Ms. Higginson asked their recourse if they are denied access. Ms. Kerr responded that the decision about her construction project is outside the purview of the Council, and all it can entertain is who is awarded the contract. Chuck Klingenstein explained that Council is acting in a quasi-judicial manner and must look at the facts of the case which is a dispute on a contract.

Shauna Kerr, "I move that we uphold the staff's recommendation on awarding the bid to DRD Paving". Chuck Klingenstein seconded. Motion carried unanimously. Hugh Daniels requested more information on the project. Rick Lewis explained that the project that DRD bid on was for Miners Park and the bulb-outs only. Council authorized staff to enter into a contract for Base Bids 1 and 2 last week with different contractors. The design of the park was reviewed by the Parks and Recreation Board and the Planning Commission several months ago. Hugh Daniels found this extremely expensive for such a small park and bulb-out. The Mayor added that when staff negotiates the contract that DRD be encouraged to work cooperatively with John Pochynok. David Harrison stated that he can not control the bid documents but it is not in his interest to affect their project adversely and stated that he will make arrangements and do anything he can to accommodate their project. Rick Lewis continued that the contract with Shirt Off My Back allows the City to charge an additional $500 per day beginning June 1, assuming that our contractor would start construction on June 1. Since the contract documents will not be completed by that time, he asked if Council would entertain an extension. Council felt this could be handled administratively, but there should be a firm date. Hugh Daniels stated that there is a penalty so that the City's projects can begin on time, and while he supports a cooperative effort, the projects need to be on a time line. Shauna Kerr, "I move to approve that staff enter into a contract with DRD Paving in the amount of $220,484 for the Main Street bulb-out and the Miners Park projects with the understanding that we are not going to waive the $500 penalty, but set it aside temporarily. Rick will negotiate with the contractor that the penalty will not become effective until the contractor, DRD Paving needs to be in the site and the understanding that the contractor, DRD Paving will cooperate with the Pochynok contractor on the adjacent parcel and visa verse on coordinating the construction projects". Chuck Klingenstein seconded. Mark Harrington explained that there is already that flexibility with the City's agreement with Shirt Off My Back. Motion carried unanimously.

VIII NEW BUSINESS

Authorization to staff to enter into lease negotiations with Jim and Liza Totora for the restaurant space at the Racquet Club - See staff report, work session notes, and public input.

Liza Totora pointed out that the trend of families taking vacations, as opposed to couples, is increasing. There have been three restaurants at the Racquet Club, but there also has been three restaurants where Adolph's is located now and Adolph's is very successful. They are not looking to relocate but to start a new business and there is a need in this town for places where families can take their children and feel comfortable. The Racquet Club is a community place and there is a need for food service. She elaborated on this and providing an affordable restaurant for families. In response to a question from Paul Sincock, Ms. Totora stated that they will apply for a liquor license which is different than a private club license. Furnishings are a big part of making kids and families to feel comfortable in a restaurant and they are proposing a beach theme and equipping the restaurant with games. There is a lot of money invested in the restaurant equipment and having the equipment makes it possible to provide a reasonably priced menu in conjunction with the Racquet Club programs.

Roger Harlan believes that the Parks and Recreation Board reviewed this proposal and discussed Nacho Mamma's success with its expansion. He supports this proposal. Hugh Daniels stated that the first restaurant was there for a very long time with a local owner. The subsequent two restaurants were not locally owned which created problems. The RFP was for a restaurant and although the Fieldings have a great idea, other uses were not solicited. Shauna Kerr continued that this proposal is what she was envisioning and this may be a great place for teens to hang out like a teen center without the teens responsible for the business. Shauna Kerr, "I move that we approve that staff enter into negotiations for a lease with the Totoras for the new fun center for young people". Roger Harlan seconded. Motion carried unanimously.

IX ADJOURNMENT

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

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MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:30 p.m. Members in attendance were Mayor Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Staff present were Toby Ross, City Manager; Mark Harrington, Deputy City Attorney; and Jodi Hoffman, City Attorney. Roger Harlan, "I move to close the meeting to discuss property acquisition". Shauna Kerr seconded. Motion carried unanimously.

The meeting opened at approximately 4 p.m.

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

Prepared by Janet M. Scott

PARK CITY SUMMIT COUNTY UTAH CORPORATE Seal MARCH 1, 1884

Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY
1884

CITY COUNCIL REPORT

DATE: May 27, 1999
DEPARTMENT: Community Development
AUTHOR: Eric DeHaan, P.E., City Engineer
TITLE: Transportation Element of the General Plan

SUMMARY RECOMMENDATIONS: The City Council should discuss the Transportation Element and provide direction to the staff.

DESCRIPTION:

A. Topic: The General Plan forms the philosophical and legal basis for a town's zoning ordinances and land use decisions. The Transportation Element of the General Plan, which is presented for discussion at the Council's work session, is therefore important in Park City's long-range planning and in the various developments and project applications we consider.

B. Background: The Planning Commission has already considered (and recommended approval to the City Council) Phase 1 of the General Plan. The draft elements of Phase 2 are in various stages of completion and will be presented to the Council during 1999. The Environmental Element has been circulated for review. The Transportation Element has been in the process of preparation for about 15 months and the version presented here represents a version reflecting comments from three different Planning Commission meetings. The format of the element is consistent with that of the other elements.

C. Analysis: This is the revised Transportation Element. One of many points of discussion is the Streets Master Plan update. Park City adopted a Streets Master Plan in 1984 as well as a more recent Trails Master Plan. The 1984 Streets Master Plan identified a network of Arterial roadways and Collector roadways which is relevant still today. Maps of the City's Arterials and Collectors are attached for your review.

The Planning Commission's comments spanned the whole spectrum of Transportation issues and are reflected in this version of the Element. The Planning Commission did not support the Snow Creek Intermodal Center and all specific support for Snow Creek has therefore been removed from the Element.

D. Department Review: The document presented here has been reviewed by the Public Works Department as to maintenance concerns and transit issues, our Public Affairs Department as to various trails issues, the Planning Department and, of course, the Engineering Department. Twenty years of listening at meetings of our commissions and boards, conversations with our visitors and our citizens, and observation of our transportation methods and habits have gone into this document.

ALTERNATIVES: The City Council should discuss the Transportation Element at the Work Session. The Staff is looking for any input, whether general or specific, that would enable us to finalize the element in anticipation of its inclusion in Phase 2 of the General Plan. We are open to any degree of specificity.

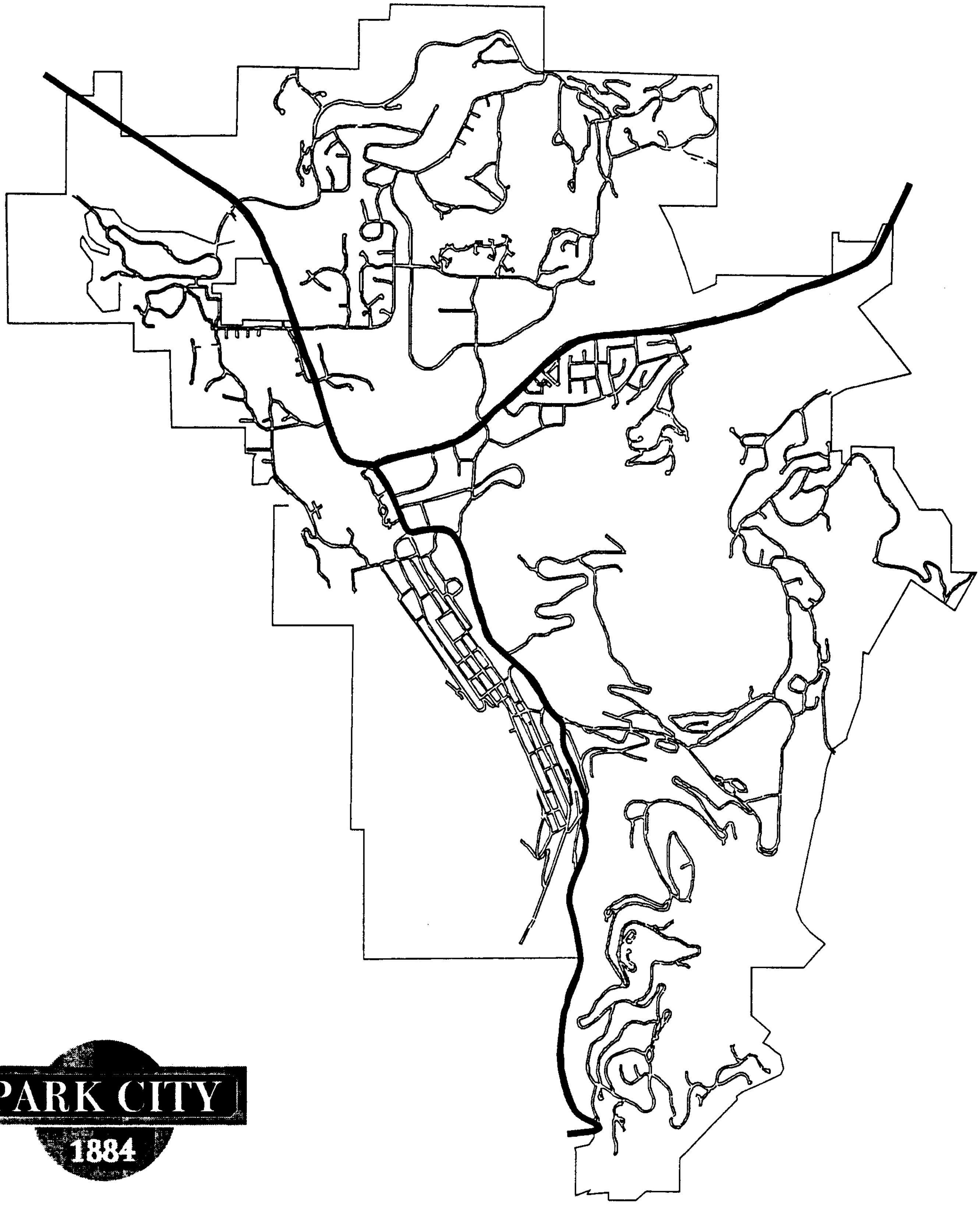
Because the General Plan is a general statement of policy, the staff anticipates that the City Council may want to avoid adding too many specifics, but we hope the Council will discuss such issues and give us directions.

SIGNIFICANT IMPACTS: The Transportation Element will guide Park City through the next phase of our development, and many significant decisions will be made relying in part upon this element. Other values such as safety and budgets will also enter into the public decision-making process. We therefore cannot dictate via the element, for example, that a much-needed bus system throughout the Snyderville Basin shall be created, but we can give strong encouragement for such a system subject to funds being made available. The element will also boost our ongoing efforts at trails planning and will clarify our intent that pedestrians shall be treated equally rather than as subservient to cars.

RECOMMENDATION: The City Council should discuss the Transportation Element and provide direction to the staff.

ARTERIAL ROADWAYS

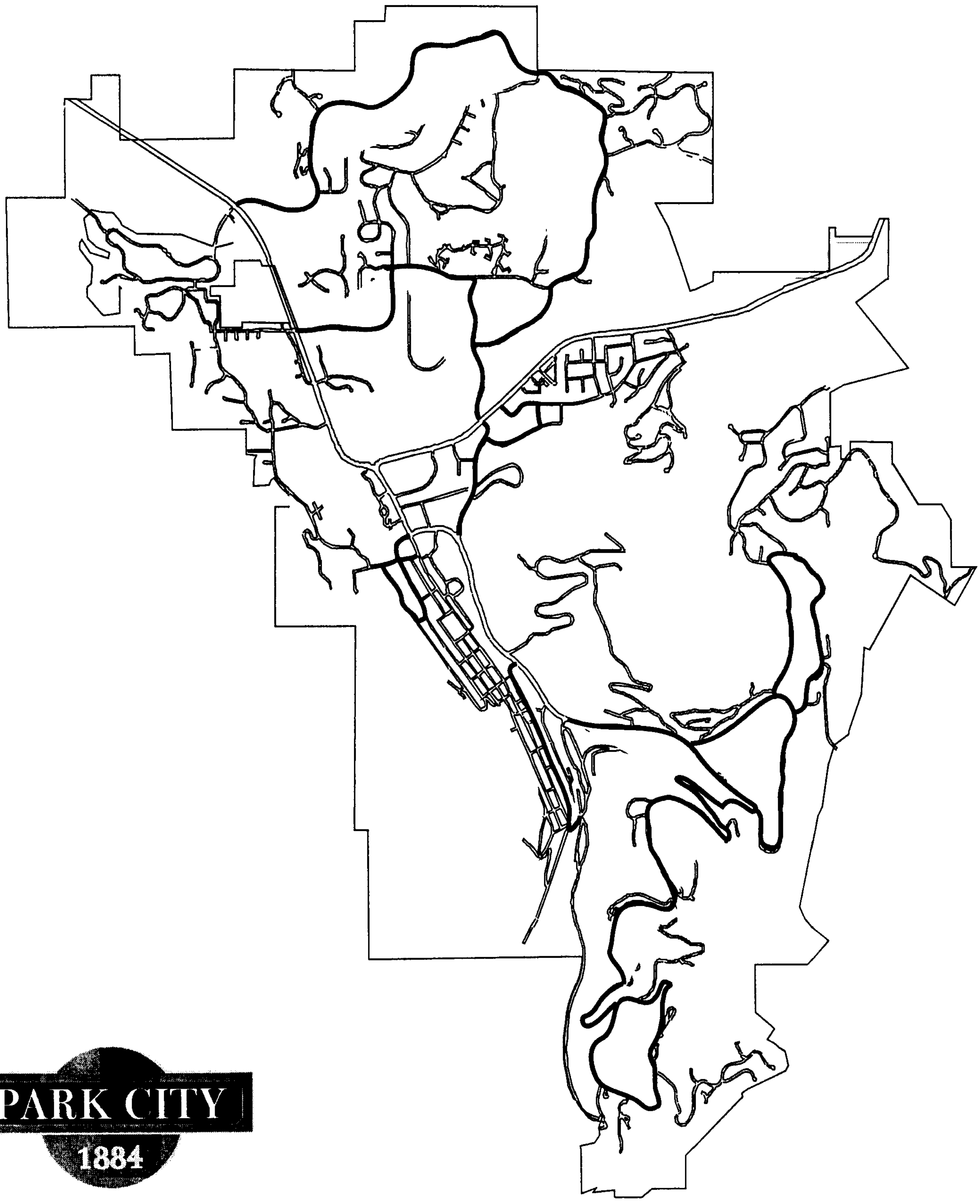
(Region to Region)



PARK CITY 1884

COLLECTOR ROADWAYS

(Region to Neighborhood)



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XI. TRANSPORTATION ELEMENT

Issue Statement

Park City was originally founded prior to the invention of the automobile, and many streets are narrow and randomly aligned. The renaissance of Park City has occurred in the "auto age." As a result, community transportation patterns (including travel within the area as well as regional access to Park City) have developed around the instant mobility provided by the private automobile. In recent years, however, the negative effects of our reliance on the automobile have become apparent, in the form of traffic congestion, parking shortages, and traffic noise. The private automobile, coupled with the strong growth of the region, threatens to degrade the character of the community that is the basis of Park City's success. While the importance of the private vehicle must be addressed and accommodated as part of this plan, the auto's appropriate role must be clearly delineated to minimize its negative impacts. It is critical for our survival as a mountain resort community that we integrate several methods of transit, including arterial roadways, increased bus service, interconnected mixed use trails, park and ride, shuttle services, and sidewalks in our pedestrian-oriented areas.

Discussion

In comparison with other American communities of similar size, Park City has a relatively well-rounded transportation system, including a strong local transit program and a substantial network of pedestrian and bicycle facilities. However, a large majority of travel in Park City – particularly among residents and employees – is still accomplished using a private vehicle. Of total travel during the peak winter season, approximately 90 percent consists of auto drivers and passengers, 8 percent consists of transit passengers, and 2 consists of pedestrians and bicyclists. Transit ridership is a substantially higher proportion of total travel among visitors than it is among residents. Within Park City, roughly 60 percent of travelers consist of "locals" – residents and employees – during the peak winter season, while visitors comprise the remaining 40 percent.

Specific problems relating to the use of the automobile consist of the following:

- Traffic congestion during morning and (particularly) evening peak travel periods during the ski season. Particular "hot spot" locations include the Deer Valley Drive/Park Avenue/Empire Drive intersection, the Deer Valley Drive/Swede Alley intersection, the Bonanza Drive/Kearns Boulevard intersection, and upper Main Street.

- Traffic congestion throughout the year in the Prospector Square area, generated by high traffic volumes and the many driveway intersections.

- Limited parking availability in the Old Town area, particularly during winter evenings and during special events.

- Traffic volumes and vehicle speeds on residential streets which exceed the environmental capacity of quiet neighborhoods.

- High-volume arterial streets (particularly State Highway 224 and 248) that form substantial "barriers" to pedestrian and bicycle travel.

Transportation options in Park City are constrained by a variety of factors:

- Topography plays a critical role in shaping the Park City transportation network. In particular, the steep slopes bounding the Old Town area funnel travel paths (on both auto and transit modes) through a narrow passage between the more open areas to the north and east.

- The existing built environment limits options to expand the roadway system. In the Old Town area, the presence of existing buildings (particularly historic structures) limit the feasible options to expand parking. Developed residential areas on the fringe of the community also limit the ability to provide new access to Park City and Deer Valley.

- Park City's sometimes severe winter weather impacts the design of transportation facilities. Roadway slopes should be limited to avoid undue hazard from icy conditions. In addition, snow removal and snow storage are important design considerations.

- Financial factors must be carefully considered in ensuring that transportation programs are sustainable. Both capital and operation/maintenance costs must be met within available funding.

- The dramatic variation in transportation demands generated by visitors reduces the effectiveness of building transportation facilities to meet peak demands. Given the high cost of new roadways and parking improvements, it is not financially feasible to build facilities for use only on the highest activity days. Rather, transportation management techniques must be developed to provide access during peak periods.

- During peak seasons, many of the people using Park City's transportation system consist of visitors that are unfamiliar with the roadway system, parking facilities or transit system. Clear signing and strong public information programs are therefore important in ensuring efficient mobility, but signing has its own negative visual impact.

Intent

Because transportation is so vital to our mountain resort lifestyle as well as the health and safety of residents and visitors, it is Park City's intent that this Transportation Element be of equal importance with other elements of the Park City General Plan. Park City wants to provide a balanced, integrated transportation system for residents, visitors, and employees that reduces congestion and pollution. We want to identify the overall transportation system network including trails, bike paths, and pedestrian walkways which will meet the needs of the community in the future. We must recognize the pervasive importance of the automobile, so we need to establish the 25-year primary and secondary roadway system for the developed areas of Park City and for expansion areas but it is the intent of Park City that this roadway system be non-growth inducing . In doing so, we must:

- Seek to balance public and private transportation both within and outside the Park City area by increasing the number of available transportation choices. Investigate expanding transit to the rest of Summit and Wasatch Counties subject to appropriate funding being provided.

- Continue to support a vibrant downtown while endeavoring to reduce congestion by motor vehicles.

- Minimize the need to construct new parking spaces through the use of shared parking.

- Consider assuming jurisdictional control over State roads within the City limits.

Management of transportation facilities to maximize the capacity of the existing system, properly applied, can relieve traffic problems at both a lower impact to the community and a lower total impact on municipal coffers. Management strategies can include the following:

- Remote parking/transit shuttle programs for special events, and for day skier access associated with peak ski periods.

- The use of traffic control officers to effect ingress and egress at activity centers during particularly heavy traffic periods.

- <u>Mobile</u> Intelligent Traffic Signing (permanent changeable message board signs are regarded as inappropriate for Park City).

- Shared use of parking facilities.

- Parking meters and/or fees for parking in lots and garages.

Key to efficient management of the transportation system is the use of *communication* tools to help solve *transportation* problems. Communication should be improved through the use of low-wattage radio transmissions, describing means to avoid traffic congestion, and encouraging the use of transit services and remote parking lots; mobile intelligent traffic signing (variable message signs); "reader board" displays providing real-time information regarding traffic congestion, provided in key activity centers such as ski base areas and public parking facilities; and information on parking and the alternative modes that is included in advertising and promotional information.

Policies

Transit Policies

- Transit funding shall be adequate to operate services year-round, while also ensuring adequate replacement of capital assets. High-frequency service will be provided between all commercial and activity centers. Service to residential areas will depend upon the demand for and the cost-effectiveness of such service.

- Investigate expanding transit into the Snyderville Basin, and to serve commuters, subject to appropriate funding being provided.

- The availability and convenience of transit service shall be improved, to attract a greater proportion of visitors and residents.

- A series of transit facilities should be considered. If constructed, these facilities together with the rest of the City's transit system shall be operated to maximize the convenience of transit, pedestrian, and bicycle transportation options. Transit routes shall avoid residential streets if equivalent collector-road routes are available.

- The primary modes of access to Main Street commercial businesses shall be via transit, bicycle, and on foot. Persons arriving in the area via auto shall be encouraged to use parking facilities in Swede Alley, at the Resort Center, and at individual lodging facilities.

- The mobility of the public shall be optimized when evaluating all modal options together (one mode isn't more important than another, but overall mobility is very important). Transportation programs should focus upon moving people, rather than moving vehicles.

- Increase the proportion of visitor travel on transit service.

- Increase the proportion of resident travel on transit service.

Roadway Policies

- Paved roads shall be installed in new developed areas prior to building permit issuance. Roads shall conform to the Streets Master Plan even if this involves a higher standard than the development would otherwise necessitate. For example, the Silver Pointe Condos needed to install Rossie Hill Drive between two adjacent roads, not just along the project's front boundary.

- Neither roads nor trails will be closed for construction except for emergencies or safety reasons; detours must be reasonably convenient.

- All arterial roadways shall have Frontage Protection Zone protection and limitations on driveway access. Owners of property fronting on arterial roadways should be strongly encouraged to provide access from adjacent collector streets, or through shared use of driveways. To ensure long-term maintenance of adequate traffic conditions, it is crucial that arterial capacity not be degraded through unnecessary access points.

- The impact of traffic on residential streets should be minimized as much as possible through a combination of educational, enforcement and engineering strategies such as traffic calming devices.

- Improve substandard roads as appropriate for the neighborhood. As long as safety is not an issue, the width of roads and streets shall be minimized.

Bicycle/Pedestrian Policies

- Pedestrian and bicycle links between neighborhoods shall be provided concurrent with the first phase of any development. Trails shall conform to the trails master plan. Trails within and adjacent to Park City shall connect to trails which exist and/or are being planned within unincorporated Summit County.

- Portions of trails not presently connecting to other trails shall still be constructed, in anticipation of future trail construction in accordance with the trails master plan.

- In all residential areas, it is appropriate to construct sidewalk adjacent to the curb on one side of new streets. In all commercial and recreational areas, it is appropriate to construct sidewalks adjacent to the curb on both sides of new streets.

- Increase the proportion of total travel via non-motorized modes.

<u>Land Use Policies</u>

- Zoning shall recognize the interrelationship of land uses and transportation modes. No transportation improvements should be made which would encourage inappropriate or premature growth.

- Cluster land use densities close to major transit stops – The potential for transit ridership drops off dramatically with distance from the nearest transit stop, particularly when this distance exceeds 1/4 mile. Land use plans shall therefore concentrate high intensity uses near existing transit stops or modify the transit routes so an efficient transit stop lies within 1/4 mile.

- The street network should be developed to allow efficient transit service – Through streets shall be provided in new developments that allow transit service within easy walking distance of all residences and good access to adjacent arterial streets. Street plans should be reviewed by transit staff.

- Convenient pedestrian and bicycle connections to transit stops – As all transit passengers are also pedestrian (on one or both ends of their trip), safe and convenient pedestrian and bicycle facilities shall be provided to each transit stop.

- Site design that serves both auto and transit users – Rather than using parking lots to separate commercial uses from adjacent arterial streets (and transit stops), commercial developers shall be strongly encouraged to prepare site plans to cluster the commercial uses near major intersections. This encourages transit use by allowing a more convenient travel path from the bus stop, and also encourages increased walking between buildings.

- Mixed land uses – Zoning designations shall be reviewed to identify opportunities to provide neighborhood-serving commercial uses with convenient walking or bicycling distance from residential areas. This strategy reduces auto use while providing increased opportunities for transit and pedestrian activity.

- Drive-up windows are generally inappropriate outside of certain commercial areas and should be discouraged, or prohibited except in those areas.

- Development in commercial areas shall be pedestrian-friendly.

- A variety of landscaping and other compatible land uses shall be encouraged within road rights-of-way where feasible.

Parking Policies

- Due to the high "peaking" characteristic of parking demands during winter and summer and the high cost of providing additional parking in the Old Town area, it is not financially feasible to provide a space for *all* vehicles during the very busiest periods. Rather, a system of high-frequency transit shuttles serving outlying parking areas shall be developed.

- Reduce the peak winter commercial demand for parking in the Old Town area.

Actions

Roadway Improvements

- The Transportation Element of the General Plan and the Streets Master Plan shall reviewed annually and updated as necessary.

- Within other planning criteria, improve the safety and capacity of the State Highway 248/Bonanza Drive/Deer Valley Drive access route between Quinn's Junction and Old Town/Deer Valley/Resort Center. This corridor will become increasingly important to maintaining adequate traffic conditions as possible roundabouts, congestion, and new traffic signals reduce the ability of State Highway 224 to serve Park City. A very high level of design and esthetic quality is appropriate.

- Increase the management of the roadway system through communication technologies. Establish "real-time" communication program for traffic congestion, including low-wattage radio and mobile intelligent traffic signing.

- Review the capacity constraints of Bonanza Drive and develop design solutions to improve the vehicular and pedestrian movement through this area.

- Effect the following intersection improvements:
  - Park Avenue/Deer Valley Drive: Construct 2nd Southbound Left Turn Lane if gains in efficiency outweigh adverse aesthetic impacts and the impact on pedestrian convenience.
  - Park Avenue/Kearns: Construct 2nd Southbound Left Turn Lane if gains in efficiency outweigh adverse aesthetic impacts and the impact on pedestrian convenience.
  - Deer Valley Drive/Marsac: Construct Modern Roundabout
  - Deer Valley Drive/Swede Alley: Channelize

- Modify roadways between Old Town and the Resort Center to provide a direct route for transit vehicles that avoids Park Avenue/Empire/Deer Valley Drive intersection.

- When development occurs in the Round Valley Area, plan for road connections to U.S. 40 and S.R. 248 and avoid road connections to Park Meadows.

- Implement a City-wide traffic calming program, establishing standards for traffic calming techniques and graduated phasing of measures. Enforcement and sign-improvements should be considered for all residential streets with speeding problems. Proactive engineering strategies including traffic calming should be considered for residential streets carrying over 1,000 vehicles per day, experiencing a speeding problem that cannot be resolved through other measures, or where a majority of residents indicate a desire for physical modification.

- Provide signal pre-emption technology for emergency response vehicles.

- Continue our pro-active cooperation with the Utah Department of Transportation on the review of all projects affecting State Routes 224 and 248 and on any projects affecting that portion of U.S. 40 and its frontage roads in the vicinity of Park City. Consider taking jurisdictional control of State roads within the City limits.

- Slow the traffic on Marsac within the Old Town area by utilizing enforcement and calming techniques.

- Continue to implement road and street repairs and upgrades within Old Town while not widening Old Town streets, in general.

- Street systems should be intentionally designed to allow convenient pedestrian/bicycle access from nearby trails, public facilities, and commercial centers, as well as to allow convenient service by transit vehicles. Include appropriate control signs for trail/road intersections.

- Monitor traffic volumes and conditions and install traffic signals when warranted at the following intersections: Bonanza/Ironhorse, Park Avenue/Ironhorse, Highway 224/Snowcreek Drive.

- Modern roundabouts should be considered as an alternative to signalization, or to improve capacity of intersections.

Roadway Transit Improvements

The following modifications to the Park City roadway system are recommended to improve transit operations, and pedestrian access to transit stops:

- Modify Park Avenue between Heber Avenue and Empire Drive to better serve as a pedestrian/bicycle corridor. Through the elimination of some on-street parking and selective narrowing of travel lanes, additional street space should be provided for pedestrian facilities, transit stops, and landscaping. The street design, however, should ensure that emergency vehicles are not unduly delayed.

- Sign right turn lanes at signalized intersections as "bus jump-queue" lanes where appropriate, in order to provide a travel time savings to transit passengers.

- Implement street modifications to provide a direct travel route between Old Town and the Park City Resort base area. This will improve the convenience of transit service, while improving the operation of the Deer Valley Drive/ Park Avenue/Empire Drive intersection by reducing the number of bus movements.

- Formalize bus routes inside Park City's developed areas and within annexation areas. Provide bus turnouts and appropriate intersection radii on these routes.

Parking Improvements

- Develop and monitor parking programs in the Old Town area to encourage improved utilization of parking spaces.

- Meet the highest peaks in demand through shared use of existing parking, served by shuttles.

- Use Park City Mountain Resort and Deer Valley parking as overflow parking during peak winter evenings, served by high-frequency transit shuttle.

- Consider removing some parking on Main Street. Use this space to expand pedestrian areas, and to provide dedicated truck loading space.

- Remove some parking on Park Avenue to provide for expanded sidewalks, while maintaining adequate parking for area residents.

- Revise parking codes to encourage use of alternative transportation modes. In addition to the existing minimum parking requirements, maximum allowable parking limits should also be imposed to discourage excess parking that needlessly encourages auto use while reducing the urban design quality of new developments. Reductions in minimum parking requirements should also be allowed for shared use between nearby commercial and public uses, and for the provision of bicycle parking facilities.

Transit Improvements

- Apply advanced technologies and flexible service concepts to maximize the convenience of transit services.

- Maximize the role of the private sector in the provision of new transit services outside of Park City.

- Redesign fixed-route services to focus on major travel corridors, connecting commercial, recreational, residential and intermodal activity centers, including the following: Old Town, Prospector Square, Resort Center, Deer Valley Ski Area, the Park Avenue Corridor, Quinn's Junction, The Canyons, and Kimball Junction. Encourage or facilitate service on State Highway 224 outside of Park City if there is adequate operating subsidy from other public and/or private organizations along the service corridor.

- Provide Flex Route services to serve residential neighborhoods throughout Park City if financially feasible and operationally efficient. These routes will include scheduled service to bus stops, and will also serve individual homes on request. A fare shall be charged for deviation requests.

- Consider the creation of express transit routes which would avoid residential streets.

- Facilitate the provision of express commuter and skier service to downtown

Salt Lake City, with UTA or through a competitive contracting arrangement with a private transportation firm if financially feasible.

- Facilitate the development of commuter services to Kamas, Coalville, and Heber City. These services should be implemented gradually, in such a manner that operating costs can be completely recouped from passenger fares.

- Consider a high-frequency service between Old Town and the Resort Center during peak seasons, to reduce traffic congestion and parking demands in Old Town.

- Provide convenient, attractive and enjoyable facilities compatible in design with surrounding uses that encourage use of non-auto travel modes, maximize the efficiency of transit services, and bolster the economy of the community.

  – *Old Town Transit Facility (approximately 2,500 interior square feet) with five bus bays* <u>*maximum*</u> serving local fixed and flex routes, providing drop-off space for tour buses, providing shuttle services, providing bus information, and providing amenities for pedestrians and bicyclists. Facility shall be designed in scale and architecture in such a manner as to be compatible with adjacent historic buildings.

<u>Pedestrian/Bicycle Improvements</u>

- Maximize the potential use of non-motorized travel modes through provision of convenient, safe, and attractive facilities connecting all important activity centers.

- Consider the expansion of pedestrian facilities on Main Street through elimination of parking in key locations and/or the installation of "bump-outs" in the sidewalks.

- Complete the stairs renovation program.

- Construct an attractive auto/bike/pedestrian crossing of Kearns Boulevard (State Highway 248), in the vicinity of Comstock Drive, to reduce any safety hazard and to eliminate the substantial effect of the highway as a barrier to non-motorized travel.

- Consider the construction of an attractive bicycle/pedestrian underpass of State Highway 224, located between Kearns Boulevard and Holiday Ranch Loop Road, in order to eliminate the highway as a barrier to non-motorized travel.

- Require the installation of bicycle racks at all public, commercial and recreational facilities.

- Develop pedestrian connections from activity centers to transit facilities.

- The Trails Master Plan shall be reviewed and updated annually as needed.

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COUNCIL AGENDA REPORT

DATE: May 27, 1999
DEPARTMENT: Office of Capital Management & Budget
AUTHOR: Tom Bakaly, Director of Capital Programs & Budget
TITLE: FY 2000 Budget (next year) & FY 1999 Revised Budget (current year)
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION:

1) Review the budget on May 27th focusing on capital projects and grants; Conduct a Public Hearing on June 3rd and June 17th; Adopt the FY 1999-00 budget as recommended or with adjustments that occur during the upcoming budget review process (Tentative adoption is scheduled for June 3rd, 1999 and final adoption on June 17th, 1999).

2) Adopt the "Certified Property Tax Rate" {No Tax Increase Rate} for FY 1999-00. Adopt the tax rate for the issuance of General Obligation Bonds [*Actual tax rate will not be known until Mid June*].

3) Review & adopt the recommended changes to the FY 1998-99 budget - current year (Adoption is scheduled for June 3, 1999).

4) Review and approve the recommended plan for FY 2000-01 (Tentative adoption is scheduled for June 3, 1999 and final adoption on June 17th).

5) Provide direction regarding the temporary street closure of Heber Avenue (approximately July - September) and the purchase of roughly $35,000 in parks equipment for the new plaza area. A public hearing on this proposed temporary street closure is scheduled for June 3, 1999.

DESCRIPTION:

A. Topic: In accordance with Utah State Code, the City Council must adopt a budget for each fiscal year. State Law has recently been amended to allow cities to adopt a two year budget. Staff is recommending that the City continue its practice of officially adopting an annual budget for FY 1999-00 and a plan for FY 2000-01.

B. Background: On May 13th, staff presented a balanced budget to City Council. The capital and operating budgets were reviewed in detail by City Council on May 13 and May 20, 1999. The focus on May 27th will be to review comments and changes that were made during those reviews.

Budget Review Schedule

May 27th	Follow-up review of Operating Budget, CIP, Policies & Grants
June 3rd	1) Hold Public Hearing on the Budget and continue to 6/17/99
	2) Tentative adoption of recommended FY 1999-00 Budget
	3) Adoption of FY 1998-99 Amended Budget
	4) Tentative adoption of FY 2000-01 Plan
June 10th	Open Date (if necessary)
June 17th	Introduction of Olympic Budget
June 17th	Continuation and closure of the public hearing on the budget, with final adoption, by resolution, of the FY 1999-00 Budget, the FY 2000-01 Plan and the certified no increase tax rate and General Obligation Bond tax rate for FY 1999-00

C. Analysis:

OPERATING BUDGET

Departmental Changes: City Council did not request any changes to the Operating Budget when it was presented on May 20, 1999. A few minor changes are recommended by staff as follows:

Department\Program	Line Item	1999	2000	2001
Public Works\Streets	Equipment Rental (Annual Lease Payment For Salt Storage Dome)		$10,650	$10,650
City Manager\Capital Mgmt & Budget	Office Equipment (Move Funding From 1999 to 2000)	(50,000)	$50,000	

Grants:

Mountainlands: At the May 13, 1999 meeting, the City's grants program was discussed at length. City Council directed staff to research whether RDA funds could be used to fund a $5,000 affordable housing grant increase to Mountainlands Community Housing Trust. Staff has determined that this is a permitted use of RDA funds. Therefore, Mountainlands' grant for FY 1999-00 could be $25,000 ($20,000 General Fund and $5,000 in RDA funds). This frees up the $2,500 General Fund grant increase that staff had recommended for Mountainlands.

Victim Advocacy Group: The Victim Advocacy Group has requested a $10,000 grant from the City. At the May 13, 1999 meeting, City Council seemed unwilling to increase the annual grant allocation or further reduce the grant continency fund contribution to fund this grant request. Roughly 2 years ago, the Domestic Peace Task Force (DPTF) received a grant increase of about $5,000 from the City. At the time, the Victim Advocacy Group was part of the DPTF. City Council requested that the Victim Advocacy Group and the DPTF explore the possibility of transferring some of DPTF's grant funds to the Victim Advocacy Group.

Attached is a letter from Phyllis Robinson explaining the position of the DPTF. The DPTF is willing to transfer $5,000 of its grant allocation on an ongoing basis to the Victim Advocacy Group. By adding the $2,500 in grant funds made available by using RDA funds for the grant described above, Council could give an ongoing $7,500 grant to the Victim Advocacy Group with no net impact to the General Fund from what was presented on May 13, 1999. The DPTF is also willing, for this year, to act as a "pass-through" for the Victim Advocacy Group. This means that the City would give the DPTF an extra $2,500 and the DPTF would give the Victim Advocacy Group $7,500.

The Grants Subcommittee has discussed this issue and recommends, giving the Victim Advocacy Group a $7,500 grant as described above. The Grants Subcommittee recommends that this grant be on a one-time basis and would like to revisit the issue next year with additional information from the Victim Advocacy Group. Please see the attached spreadsheet for a complete listing of FY 1999-00 Grants.

Grantee	Description	FY 2000	FY 2001
Mountainlands	General Fund Contribution	($2,500)	
Mountainlands (Total Grant Amount to $25,000)	RDA Tax Increment Contribution	$5,000	$5,000
Domestic Peace Task Force	New Grant for the Victim Advocacy Group (Funded by a Reduction in the General Fund Contribution to Mountainlands)	$2,500	

CAPITAL IMPROVEMENT PROGRAM BUDGET (CIP)

On May 13, 1999, the City Council completed its project-by-project review of the CIP. Listed below are the changes resulting from that meeting. There are also some changes that staff is recommending that result in no additional increase to the CIP. Staff will also be moving some of the impact fee projects to alternative 1 and adding the Hillside project back into the impact fee Capital facilities Plan (CFP). Staff will also be doing some technical clean-up to the CIP and those changes will be presented to City Council when the CIP is tentatively adopted on June 3, 1999.

Based upon Council input at the May 13th meeting, the changes contained in the table below will be incorporated into the budget that will be tentatively adopted on June 3, 1999.

Project #	Project Description	Change
712	Building Replacement & Enhancements	$182,000
2	Information Systems Enhancements & Upgrades	$25,000
6	Equipment Replacement - Computer	($75,000)
5	Equipment Replacement - Rolling Stock	($132,000)
677	Olympic Plaza (Funds Transferred to 5 Year CIP Funding)	($56,607)
700	Gillmore Park & Ride Funding (Funds Transferred to 5 Year CIP Funding)	($50,000)
709	Property Improvements (Funds Transferred to 5 Year CIP Funding)	($41,000)
648	Five Year CIP Funding	$147,607
48	City Park (Move 2003-04 Impact Fees to Phase II)	($1,500,000)
739	City Park Improvements Phase II	$1,500,000
74	Meadows Drive	($257,500)
	Net Change	**($257,500)**

On May 13th Council members discussed moving funding from the Historic District Acquisition (Project 685) into 5 Year CIP Funding. It is staff's understanding that Council members agreed to leave the Historic District Acquisition project at its current level of funding. Based upon this understanding no changes have been made to the project funding.

<u>Heber Avenue Street Closure:</u> In October of 1998, the City Council endorsed the Downtown Action Plan for the Main Street and Swede Alley area. One recommendation in that plan was to close Heber Avenue between Main Street and Park Avenue and turn it into a plaza area.

The Historic Main Street Business Alliance (HMBA) has requested (attached) that Heber Avenue be closed this Summer as a two month test period for the Heber Ave. Plaza. The HMBA will discuss the "programming" of the proposed plaza at the May 27th Council meeting. Staff would like to get some direction from City Council about whether they are interested in closing Heber Ave. this Summer for about two months and turning it into a Plaza area. A temporary street closure like this requires a public hearing and one is scheduled for June 3, 1999. Staff would need to order the parks equipment for the plaza immediately as it takes roughly 8 weeks for delivery. Sufficient funds are available in the CIP for this $35,000 purchase. If Council supports the street closure idea on May 27th, staff would like to go ahead and order the equipment. If City Council changes its mind following the public hearing on June 3, 1999, staff could cancel the order.

D. Department Review: - To be provided as needed at designated dates.

ALTERNATIVES:

A. Approve the Request - Either approve the budget as recommended or as adjusted during City Council review over the next couple of weeks.

B. Deny the Requested Changes - City Council could deny (in total or in part) the recommended changes. The impact of such denial would need to be discussed on May 27th.

C. Continue the Item - June 17 is the last date that adoption can occur in order for us to meet the filing deadlines with the Counties and State.

D. Do Nothing - Not an Option.

SIGNIFICANT IMPACTS:

Establishes the level of service that the City will provide for the next year and authorizes expenditure of funds. The budget is balanced without a tax increase.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The specific impacts of not approving individual recommended changes will be discussed during budget presentations.

RECOMMENDATION:

The City Council should follow the budget presentation schedule described above and tentatively approve the recommended FY 1999-00 budget and changes to the FY 1998-99 budget (with revisions) by June 3, 1999. Final adoption of the budget occurs on June 17, 1999.

May 21, 1999

Mr. Tom Bakaly
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

Dear Tom:

This letter is a follow-up to our City Council discussion of May 13 regarding the funding request for the Victim Advocacy Program. As you are aware, the Victim Advocacy Program moved to Summit County in January 1999 and is no longer a part of the programs and services of the Domestic Peace Task Force.

At the request of the City Council I reviewed the sources and uses of the funding for the Domestic Peace Task Force. The grants from the Park City Municipal Corporation were used for operations of the Peace House. The annual budget for the Victim Advocacy Program was $66,867. Of that amount, 71 percent was funded by state and federal grants. The remaining 29 percent was covered by general fund raising of unrestricted funds by the Domestic Peace Task Force from sources such as US Bank, the Board of Realtors, and individual contributions.

We appreciate the difficult decisions facing the City Council regarding funding the Domestic Peace Task Force and the Victim Advocacy Program and offer the following recommendations.

- We know firsthand how critical the Victim Advocacy Program is to supporting victims of domestic violence and other crimes. There would be a loss to the women served by the Peace House if the Victim Advocacy Program was diminished due to funding. We are willing to voluntarily reduce our grant request by $5,000 to $19,905. This is approximately the level of funding we received from the City two years ago. We hope that the City Council would be willing to consider an additional amount of funding from the grants budget for the Victim Advocacy Program.

  We would like to note, however, that while the Victim Advocacy Program has moved to the County, our operating budget has not decreased. We have expanded our community outreach and education and school-based programs.

- Further, the Domestic Peace Task Force would be willing to act as a pass-through of funds for the current fiscal year. This would respond to the concern of the City Council about essentially writing a check to Summit County Government. Beyond that we would request that the Victim Advocacy Program create a 501(c)(3) corporation that could be used for any future contributions of the Park City Municipal Corporation, as well as to assist other private fund raising.

We hope this is a satisfactory resolution. We sincerely appreciate the continued support from the Park City Municipal Corporation. If you have any additional questions, please contact me at (435)647-9674.

Very truly yours,

Phyllis M Robinson

Phyllis McDonough Robinson
Treasurer, Domestic Peace Task Force

c: Jennifer Harris, Executive Director
Jean Paulson, Victim Advocacy Program

PARK CITY MUNICIPAL COPRPORATION
GRANTS FY 2000 - Revised - May 27, 1999
Does not include Carry Forward from FY 1998-99 for Youth or Contingency

CATEGORY/DESCRIPTION	GRANT $ FY1999 Budget	% of BUDGET GENERAL FUND	GRANT $ FY2000 Budget	% of BUDGET GENERAL FUND
SPECIAL SERVICES				
Recycling	$10,828		$10,828	
Counseling Center	$7,500		$0	
Mountainlands Community Housing Trust			$20,000	
Chamber Bureau	$81,210		$81,210	
Historical Society	$25,121		$25,121	
Domestic Peace Task Force	$24,905		$27,405	
Sub-total Special Services	$149,564	1.06%	$164,564	1.19%
ARTS/CULTURE/HUMANITIES				
Sub-total Arts	$40,928	0.29%	40,928	0.30%
YOUTH				
Sub-total Youth	$33,871	0.24%	33,871	0.25%
RENT CONTRIBUTIONS				
KPCW	$25,172		25,172	
State Liquor Store	$15,320		15,320	
Recycling	$9,000		9,000	
Historical Society	$16,800		16,800	
Sub-total Rent Contribution	$66,292	0.47%	66,292	0.48%
GRANT CONTINGENCY FUND	$26,815	0.19%	4,692	0.03%
TOTAL GRANTS - GENERAL FUND	$317,470	2.25%	310,347	2.25%
GENERAL FUND BUDGET	$14,112,992		13,800,000	
HOUSING/RDA				
Mountainlands Community Housing Trust	$20,000		5,000	
Sub-total Housing	$20,000		5,000	
HISTORIC PRESERVATION				
Sub-total Historic Preservation	$200,000		200,000	
TOTAL GRANTS - All FUNDS	$537,470		**$515,347**	

HISTORIC MAIN STREET BUSINESS ALLIANCE
"A Marketing Organization to Benefit Main Street Businesses"
P.O. Box 1348, Park City, Utah 84060-1348

Interim Office: (435) 649-1677; Fax: (435) 649-1574
Interim Executive Director: Robbie L. Beck

May 7, 1999

Honorable Mayor and City Council Members
PARK CITY MUNICIPAL CORPORATION
P.O. Box 1480
Park City, Utah 84060-1480

Dear Mayor Olch and City Council Members:

At the suggestion of Tom Bakaly and Chuck Klingenstein at our May 4, 1999 Advisory Board Meeting we submit the following information for your consideration as it pertains to the CIP Budget:

1. The Historic Main Street Business Alliance (HMBA) Advisory Board enthusiastically embraces the October 1998 Downtown Action Plan and agrees with the project priorities as listed in the Executive Summary on pages 3-6.

2. In line with the Downtown Action Plan priorities, some of this summers priority projects, are the bulb-outs, the Transit Center and Heber Avenue. Currently we are running into an ordering deadline as it pertains to the physical elements Maria Barndt needs to order for the Heber Avenue Park test period. According to Maria's research these companies need orders 8 weeks prior to delivery. As we hope you will agree to the test period from July, 1 through August 1999, we need to order immediately to receive delivery prior to the parks opening. A **tentative** site plan is enclosed, as well as a price list of potential park components. A complete programming schedule will be sent to you at the end of the month. We would request $35,000 to construct this Park. Please note that most of this money would be spent on park components such as benches, bike racks, shade, planters, etc. that could be relocated to other City properties if the test does not produce positive results.

In closing we would like to again stress the importance of the CIP Budget information outlined in our letter of April 28, 1999 regarding the $2 million, over a three year period, that would be necessary and required for Main Street to remain desirable, competitive and most importantly productive and profitable.

Thank you for your time and consideration.

Sincerely,

Steve Hooker
HMBA Advisory Board President

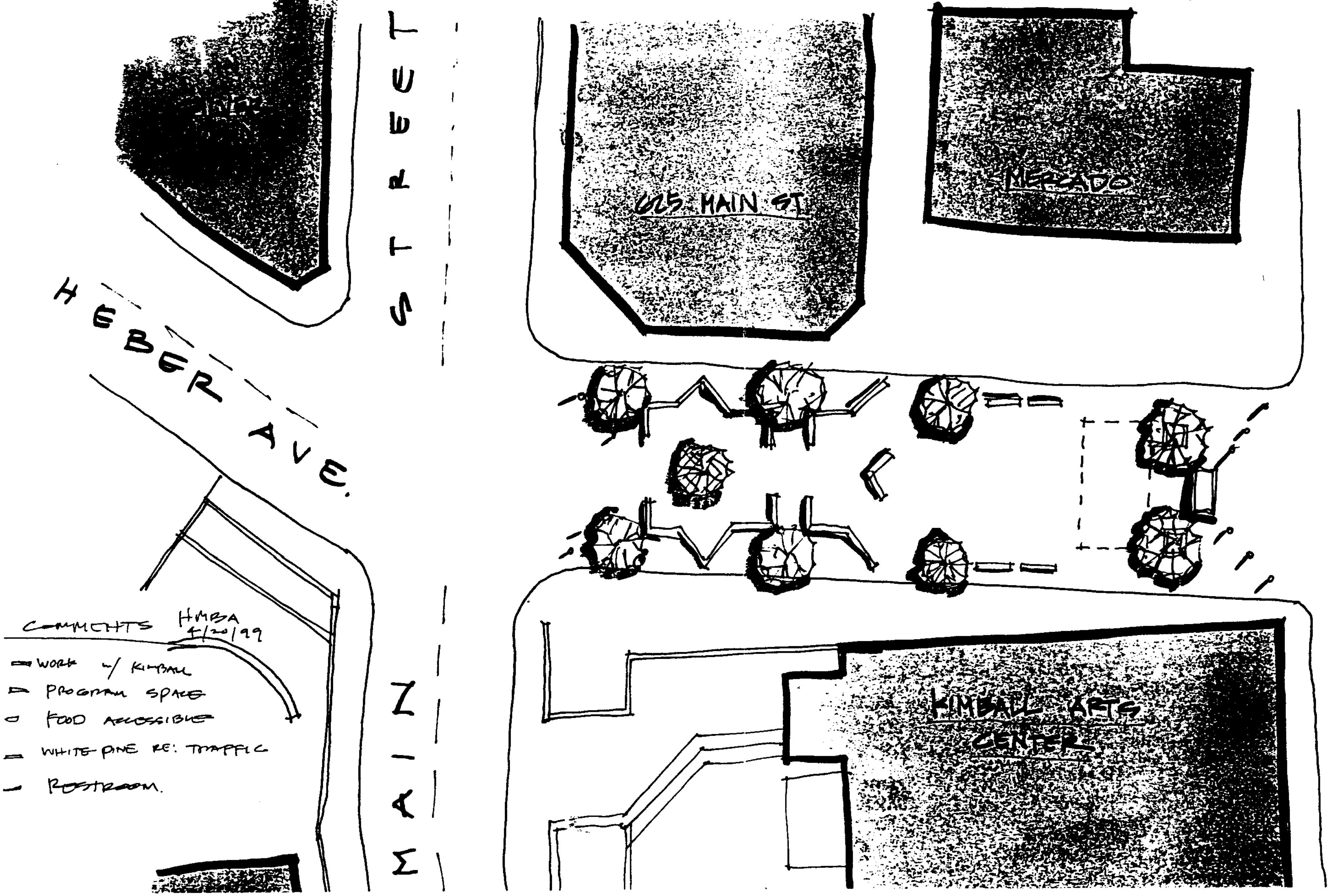
Robbie L. Beck
HMBA Interim Executive Director

cc: Tom Bakaly
HMBA Advisory Board

enclosures

HEBER AVE. CLOSURE CONCEPT

4/19/99



PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE: May 27, 1999
DEPARTMENT: Planning
AUTHOR: Brooks T. Robinson
TITLE: Strait replat
TYPE OF ITEM: Plat amendment and addition to Meadows Estates #1A subdivision

---

__SUMMARY RECOMMENDATIONS__ Conduct a public hearing, consider any public input, and approve the replat and addition to subdivision as conditioned.

DESCRIPTION

Owners	Brian and Evonne Strait
Location	2976 Estates Drive
Zoning	Residential Development - RD
Adjacent Land Uses	Residential, Park Meadows Golf Course
Reason for Review	Plat amendments require Planning Commission Review and City Council approval

B. Background

The Planning Commission heard this request on April 14, 1999 and forwards a positive recommendation to the City Council.

The property is legally described as lot 33 of the Meadows Estates #1A subdivision. It is rectangular in shape and 15000 square feet in size. The property is vacant and backs onto the Park Meadows Golf Course. The metes and bounds parcel to the rear (northeast) is approximately 6285 square feet. This parcel is one of several that were created after the completion of the golf course and were not needed by the golf course. These parcels were deeded to the adjacent property owners. This is the first of those parcels to be legally added to the Meadows Estates subdivision.

The applicant proposes to remove the lot line between lot 33 and the metes and bounds parcel thus creating a new lot 21,285 square feet in size. The lot is currently vacant. A 5-foot utility easement runs along the rear property line of lot 33.

The applicant is proposing that the rear setback be placed at the edge of the utility easement, which is approximately 87 feet from the angle point of the rear parcel. The applicant has agreed not to request an abandonment or relocation of the utility easement.

C. Analysis

The setback from the rear property line is 15 feet in the RD zone. The other houses in this subdivision have been constructed to this setback. The adjacent property owner of lot 34 has expressed concern that a new house on the larger lot could be constructed further back than is possible on surrounding lots (as much as 85 feet) and could block views and be incompatible with the neighborhood. As the applicant has agreed not to abandon or relocate the utility easement, the ensuing setback will be 10 feet further east (15-foot setback minus 5-foot utility easement) than the surrounding properties. The adjacent owner of lot 34 did not express concern for a house placed 10 feet further back than his.

D. Department Review

This project has gone through an interdepartmental review. There were no issues brought up at that time. At such time as a final plat is required, the City Engineer and City Attorney will review the plat as to form and compliance with the Land Management Code prior to recordation.

E. Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

F. Public Input

Staff has received two phone calls about this project. The adjacent owner of lot 34 was concerned about the resulting setbacks and possible house location. The proposed restrictions were acceptable to him.

ALTERNATIVES

A. The City Council may approve the re-plat and addition to the Meadows 1A subdivision with the conditions stated, or modify the conditions, or

B. The City Council may deny the re-plat and addition to the Meadows 1A subdivision and direct staff to prepare findings supporting this recommendation, or

C. The City Council may continue the discussion to a later date.

SIGNIFICANT IMPACTS

There are no significant fiscal or environmental impacts to the City with this amendment. A resulting house built to the setbacks of the RD zone could be larger and placed further back than is possible on the surrounding lots. A house with this configuration would not be compatible with the neighborhood. However, a plat note will require that the rear setback be the existing utility easement. This will result in house that is compatible in mass and scale with adjacent properties.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

The lot lines would remain the same.

RECOMMENDATION

Staff recommends that the City Council hold a public hearing, consider any public input, and approve of the re-plat and addition to the Meadows 1A subdivision based on the following findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

1. The lot is located at 2976 Estates Drive, also known as lot 33 of the Meadows Estates #1A subdivision, and is zoned Residential Development - RD.
2. Lot 33 and parcel 2 are currently vacant and owned by Brian and Evonne Strait.
3. The proposed Strait re-plat removes the rear lot line of existing lot 33 and adds 6285 square feet (parcel 2) to the lot.
4. The existing utility easement will remain and become the rear setback for the house. This setback is approximately 87 feet from the angle point of the rear parcel.
5. The Planning Commission forwarded a positive recommendation to the City Council of April 14, 1999.

Conclusions of Law:

1. There is good cause for this re-plat as a metes and bounds parcel becomes part of a legal subdivision.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed amended plat.

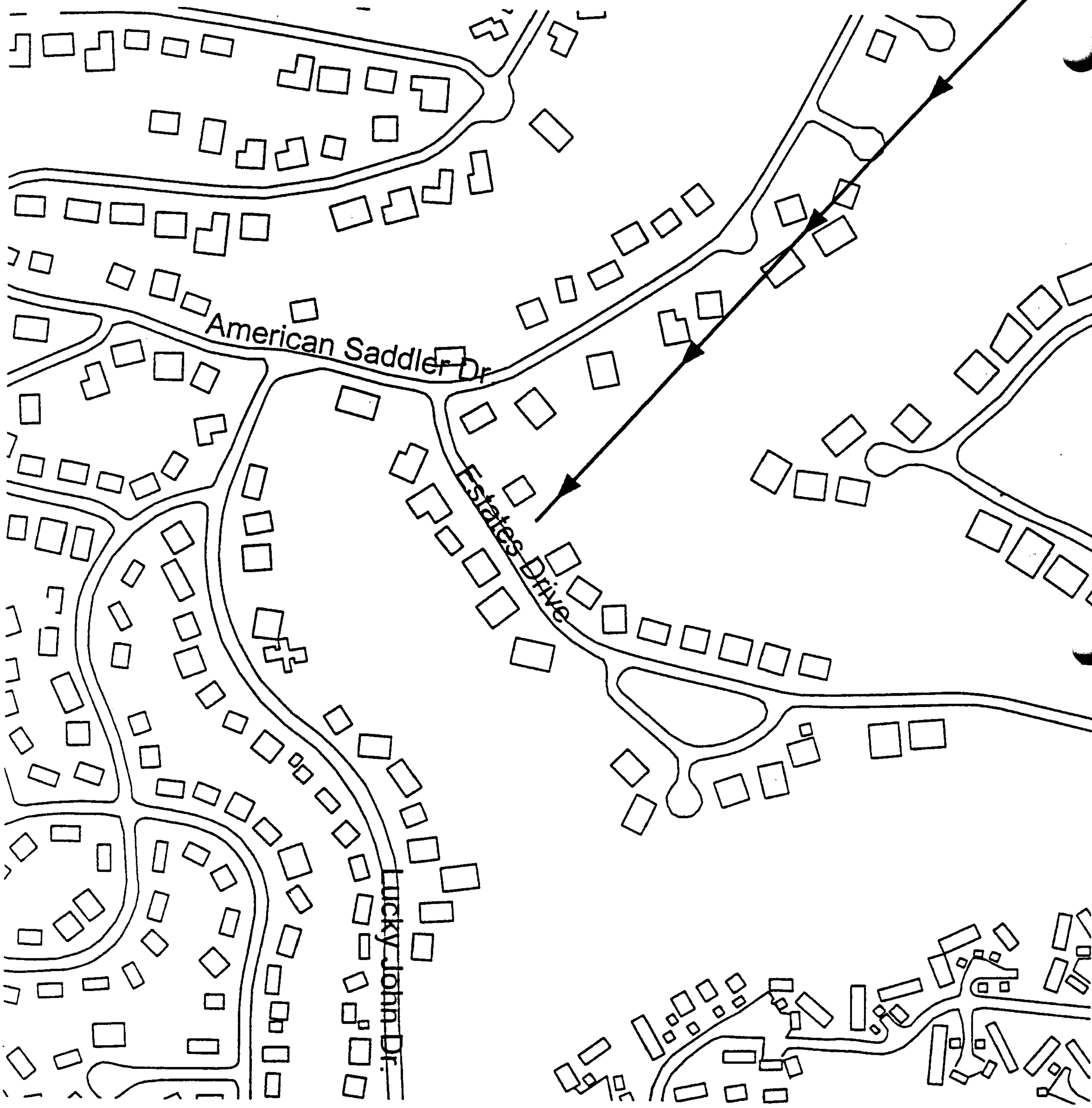
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. All other conditions of approval of the Meadows Estates #1A subdivision continue to apply.
4. The plat will show a rear setback line on the western edge of the existing utility easement, 87 feet from the rear angle point. This setback shall remain even if the utility easement is extinguished or relocated.

EXHIBITS

Exhibit A - Location Map
Exhibit B - Proposed Strait re-plat
Exhibit C - Proposed house plan.
M:\CDD\BTR\COUNCIL\CC99\ESTD2976.WPD

2976 Estates Dr.



PARK CITY 1884

Exhibit A
Vicinity Map

SURVEYOR'S CERTIFICATE

I, John [illegible], certify that I am a Registered Land Surveyor and that I hold Certificate No. [illegible], as prescribed by the laws of the State of Utah, and that this Lot Line Amendment Plat was prepared under my direction in accordance with the requirements of the Park City Municipal Corporation. I further certify that this plat accurately represents the surveyed property.

______________ John [illegible] ______ Date

LEGAL DESCRIPTION

PARCEL #1

ALL OF LOT 33, MEADOWS ESTATES SUBDIVISION, NO. 1A, according to the official plat thereof, on file and of record in the office of the Summit County Recorder.

PARCEL #2

[illegible]

Less and excepting from the above described PARCEL #2 the following described parcel:

[illegible]

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the hereon described tract of land, to be known hereafter as the STRAIT REPLAT, do hereby certify that we have caused this Lot Line Amendment Plat to be prepared, and we, [illegible] Strait and [illegible] Strait, husband and wife as joint tenants, hereby consent to the recordation of this Lot Line Amendment Plat.

ALSO, the owners or their representative, hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with and irrevocable of dedication.

In witness whereof, the undersigned set their hands this ______ day of ______________, 1998.

______________ [illegible] Strait, Owner

______________ [illegible] Strait, Owner

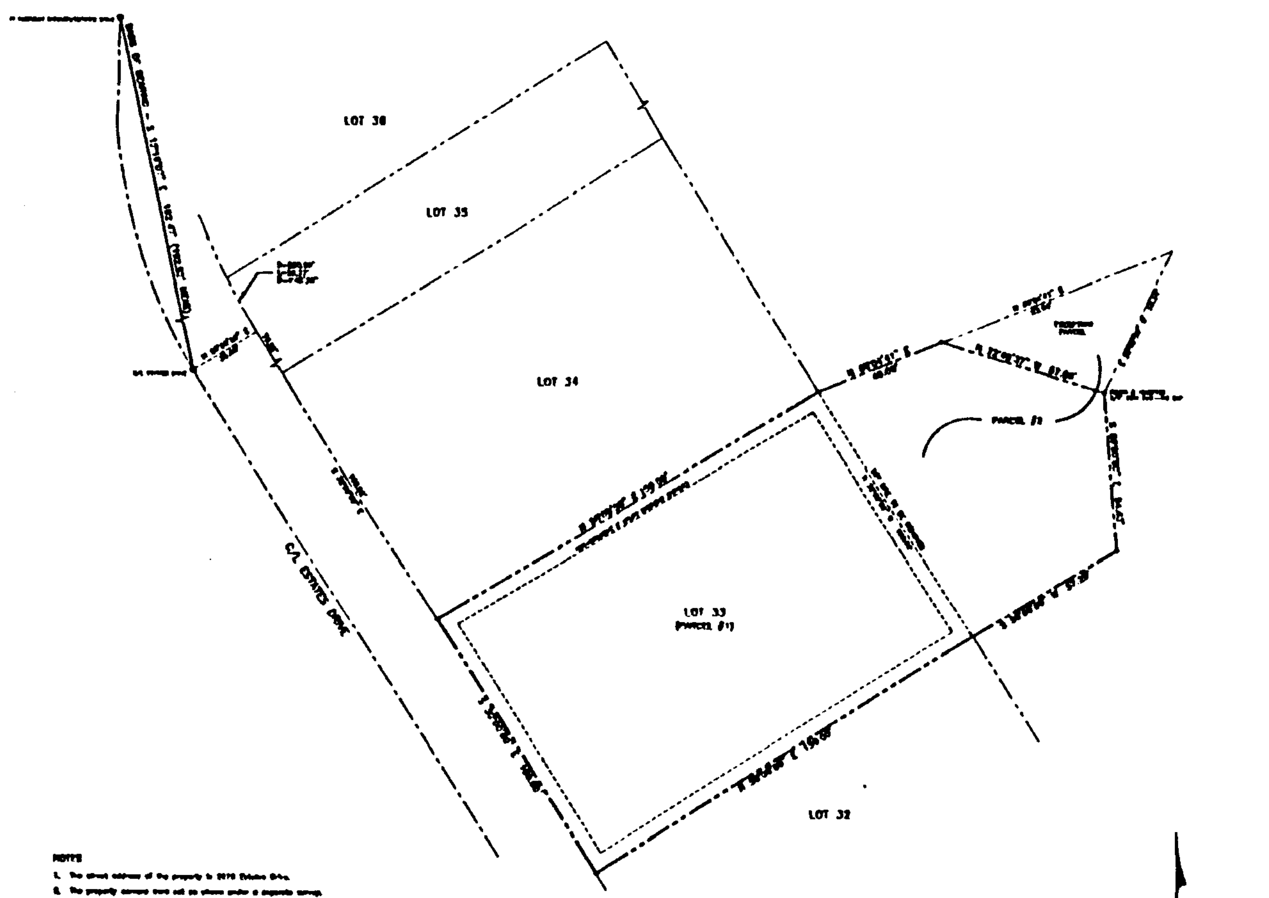
ACKNOWLEDGEMENT

State of Utah
County of Summit

On this ______ day of ______________, 1998, [illegible] Strait and [illegible] Strait personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, [illegible] Strait and [illegible] Strait, acknowledged to me that they are the owners of the herein described tract of land and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

______________ Notary Public

My commission expires______________



NOTES

1. [illegible]
2. [illegible]

LEGEND

LOT LINE AMENDMENT PLAT

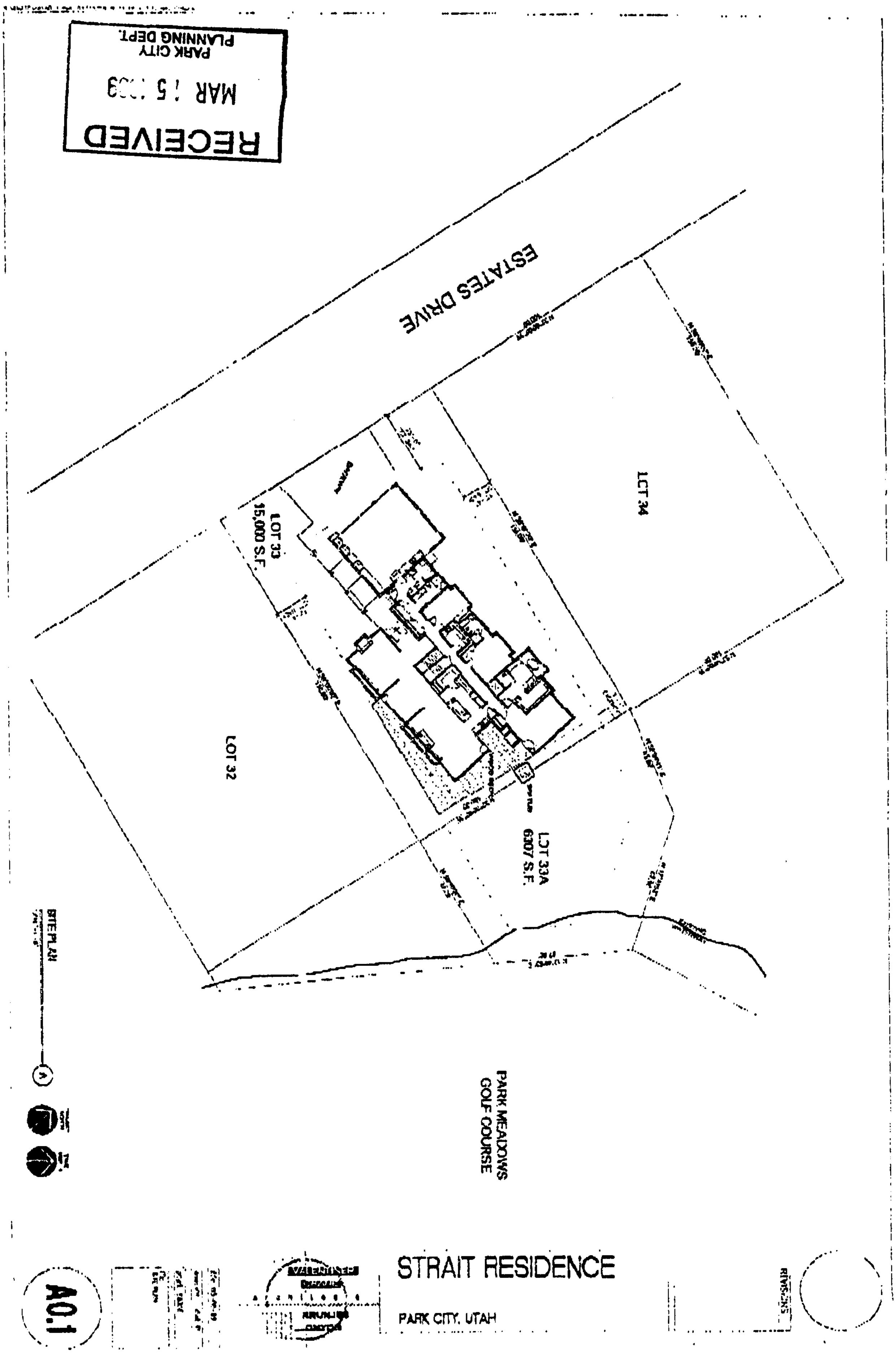
STRAIT REPLAT

LOCATED IN SECTION 4
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

RECEIVED
OCT 28 1998
PARK CITY
PLANNING DEPT

SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	COMMUNITY DEVELOPMENT DIRECTOR	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS ______ DAY OF ______, 1998 A.D. BY ______ S.B.S.I.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ______ DAY OF ______, 1998 A.D. BY ______ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ______ DAY OF ______, 1998 A.D. BY ______ ENGINEER	APPROVED AS TO FORM THIS ______ DAY OF ______, 1998 A.D. BY ______ PARK CITY ATTORNEY	APPROVED BY ADMINISTRATIVE AUTHORITY OF THE PARK CITY COUNCIL THIS ______ DAY OF ______, 1998 A.D. BY ______ COMMUNITY DEVELOPMENT DIRECTOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ______ DATE ______ TIME ______ BOOK ______ PAGE ______ FEE ______ RECORDER

EXHIBIT B


RECEIVED
MAR 15
PARK CITY
PLANNING DEPT.
ESTATES DRIVE
LOT 34
LOT 33
15,000 S.F.
LOT 32
LOT 33A
6307 S.F.
SITE PLAN
PARK MEADOWS
GOLF COURSE
STRAIT RESIDENCE
PARK CITY, UTAH
A0.1

54

EXHIBIT C

Ordinance No. 99-

AN ORDINANCE APPROVING A PLAT AMENDMENT TO ADD A METES AND BOUNDS PARCEL TO 2976 ESTATES DRIVE (LOT 33) AND AMEND THE MEADOWS ESTATES #1A SUBDIVISION, PARK CITY, UTAH

WHEREAS, the owners of the property known as lot 33 of the Meadows Estates #1A subdivision have petitioned the City Council for approval of a revision to the final plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on April 14, 1999, to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission, on April 14, 1999, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 27, 1999, the City Council held a public hearing to receive input on the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the plat amendment and addition to the Meadows Estates #1A subdivision.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The Meadows Estates #1A subdivision plat is hereby amended as shown in Exhibit A subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The lot is located at 2976 Estates Drive, also known as lot 33 of the Meadows Estates #1A subdivision, and is zoned Residential Development - RD.
2. Lot 33 and parcel 2 are currently vacant and owned by Brian and Evonne Strait.
3. The proposed Strait re-plat removes the rear lot line of existing lot 33 and adds 6285 square feet (parcel 2) to the lot.
4. The existing utility easement will remain and become the rear setback for the house. This setback is approximately 87 feet from the angle point of the rear parcel.

Conclusions of Law:

1. There is good cause for this re-plat as a metes and bounds parcel becomes part of a legal subdivision.

2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed amended plat.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. All other conditions of approval of the Meadows Estates #1A subdivision continue to apply.
4. The plat will show a rear setback line on the western edge of the existing utility easement, 87 feet from the rear angle point. This setback shall remain even if the utility easement is extinguished or relocated.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.
PASSED AND ADOPTED this 27th day of May,1999.

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch, Mayor

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, Deputy City Attorney

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931, as prescribed by the laws of the State of Utah, and that this Lot Line Amendment Plat was prepared under my direction in accordance with the requirements of the Park City Municipal Corporation. I further certify that this plat accurately represents the surveyed property.

John Demkowicz ____________ Date ________

LEGAL DESCRIPTION

PARCEL #1

ALL OF LOT 33, MEADOWS ESTATES SUBDIVISION, NO. 1A, according to the official plat thereof, on file and of record in the office of the Summit County Recorder.

PARCEL #2

Beginning at the southeast corner of LOT 33, MEADOWS ESTATES SUBDIVISION, NO. 1A, as recorded in Summit County, Utah, and running thence ...

Less and excepting from the above described PARCEL #2 the following described parcel: ...

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as the STRAIT REPLAT, do hereby certify that we have caused this Lot Line Amendment Plat to be prepared, and we, Brian Strait and Evonne Strait, husband and wife as joint tenants, hereby consent to the recordation of this Lot Line Amendment Plat.

ALSO, the owners or their representative, hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with and irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this ______ day of ____________ 1998.

Brian Strait, Owner

Evonne Strait, Owner

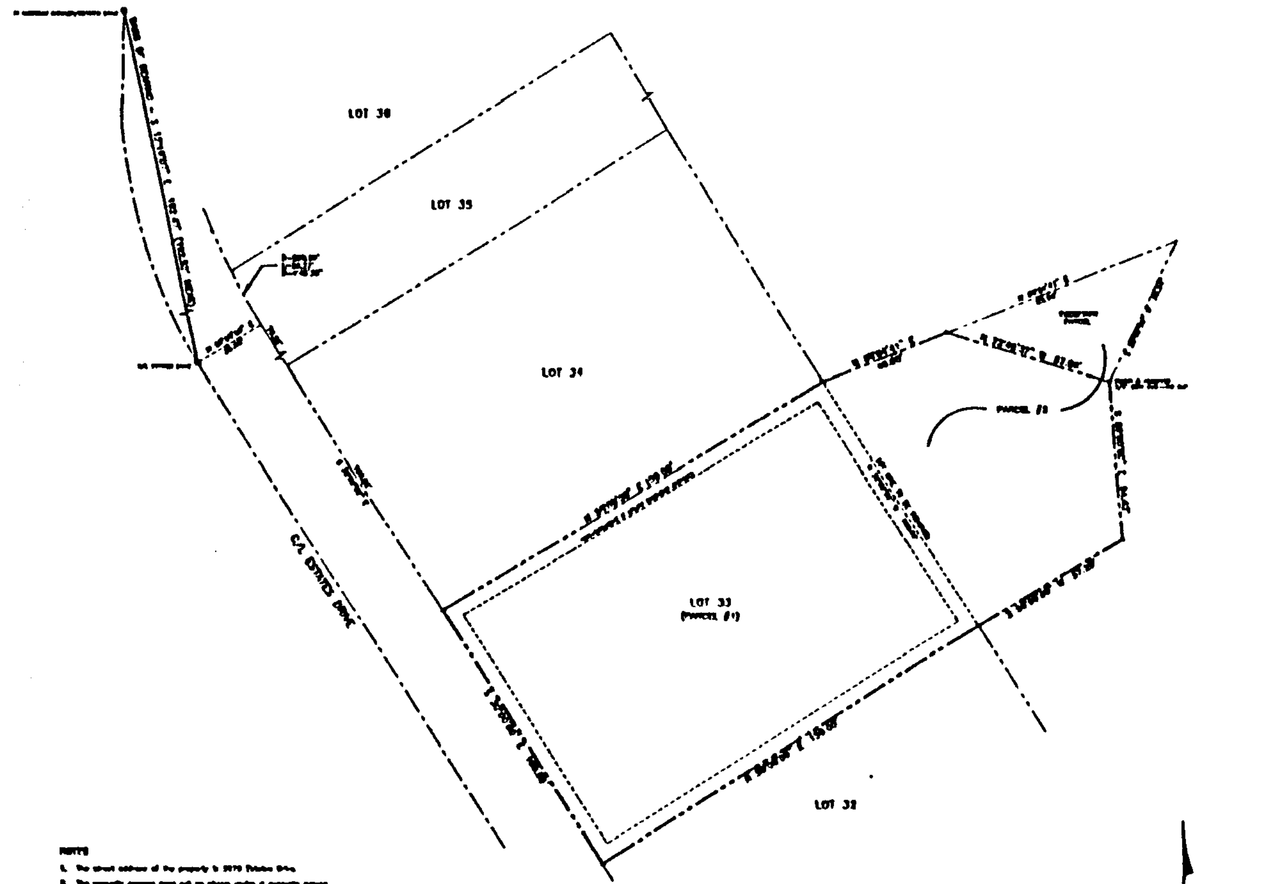
ACKNOWLEDGEMENT

State of Utah
County of Summit

On this ______ day of ____________ 1998, Brian Strait and Evonne Strait personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Brian Strait and Evonne Strait, acknowledged to me that they are the owners of the herein described tract of land and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Notary Public

My commission expires ____________



NOTES

1. The street address of the property is 2870 Estates Drive.
2. The property corners were set as shown under a separate survey.

LEGEND

RECEIVED
OCT 28 1998
PARK CITY PLANNING DEPT

20 0 20 40

LOT LINE AMENDMENT PLAT

STRAIT REPLAT

LOCATED IN SECTION 4
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	COMMUNITY DEVELOPMENT DIRECTOR	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS ______ DAY OF ________ 1998 A.D. BY ________ S.B.S.I.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ______ DAY OF ________ 1998 A.D. BY ________ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ______ DAY OF ________ 1998 A.D. BY ________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ______ DAY OF ________ 1998 A.D. BY ________ PARK CITY ATTORNEY	APPROVED BY ADMINISTRATIVE AUTHORITY OF THE PARK CITY COUNCIL THIS ______ DAY OF ________ 1998 A.D. BY ________ COMMUNITY DEVELOPMENT DIRECTOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ________ DATE ______ TIME ______ BOOK ______ PAGE ______ FEE ______ RECORDER

EXHIBIT A

57

PARK CITY 1884

CITY COUNCIL REPORT

DATE: **May 27, 1999**
DEPARTMENT: **Planning Department**
AUTHOR: **Derek Satchell**
TITLE: **475 Woodside Avenue - Plat Amendment**
TYPE OF ITEM: **Legislative**

SUMMARY RECOMMENDATIONS: Conduct a public hearing and approve the proposed combination of a portion of Lot 14 and all of Lot 15, Block 29, of the Park City Survey into one (1) lot to accommodate an existing single-family structure as conditioned.

DESCRIPTION:

A. TOPIC

Project Name:	475 Woodside Avenue Plat Amendment
Owners:	Adele Langton
Location:	475 Woodside Avenue
Zoning:	Historic Residential District (HR-1)
Adjacent Land Uses:	Residential
Project Planner:	Derek Satchell

B. BACKGROUND.

The owner, Adele Langton, submitted an application to combine the north ½ of Lot 14 and all of Lot 15, Block 29 of the Park City Survey into one (1) lot, in order to accommodate an existing single-family structure. No outstanding issues, other than the necessary structural modifications, were identified. The existing non-historic structure will need to comply with the Park City Historic District Design Guidelines and the Land Management Code. Project compliance with these regulations will be handled administratively by Staff--no application for Historic District Commission review is required.

The Planning Commission conducted a public hearing and forwarded a positive recommendation to the City Council at their on April 28, 1999 meeting.

C. ANALYSIS.

This request is to formally combine one and a half lots to create one (1) 2812.5 square foot lot for an existing single-family residence. Staff has evaluated the overall project against the Land

Management Code (February 25, 1998) and (December 2, 1998) regulations for the HR-1 District. Staff determined the proposed lot combination complies as presented with all requisite City codes.

The existing non-conforming structure is not historically significant and will maintain its current non-conforming setbacks. The applicant is proposing to create a single lot in order to reconstruct the existing retaining wall on the front of the property, while providing for two non-conforming off-street parking spaces under the front of the house. The two (2) existing parking spaces on the front of the property currently encroach into the Woodside right-of-way entirely. The applicant proposes to rebuild the existing foundation and incorporate two (2) parking spaces which would lessen the existing encroachment into the right-of-way by approximately seven feet.

		Proposed	
Current Use		Single-family residence	
Lot Size		2812.5 square feet	
F.A.R.		1968 square feet + 400 square feet for garage	
Setbacks			
	• Front	10 feet minimum (7 feet existing)	Front and Rear setbacks must total 30 feet
	• Rear	10 feet minimum (19 feet existing)	
	• Side	3 feet minimum, total 10 feet (1 foot encroachment to south, and 7 foot setback to the north)	
Height		27'	
Parking		2/unit (2 existing non-conforming spaces)	
Design		Administrative Design Review	

The remnant lot created by the proposed plat amendment (south ½ of Lot 14) is tied to Lot 13 by common ownership. The proposed plat amendment would comply with the HR-1 District regulations. This proposal does not increase the density on the lot. The proposed 37.5' wide lot is consistent with other lot sizes in the immediate area.

Staff has added a condition to the Plat Amendment which would restrict any additional units, such as accessory apartments. Additional accessory units in this area could negatively affect the neighborhood in terms of parking, mass and scale. The proposed lot size is compatible with the current ownership pattern along Woodside Avenue. Structures in the neighborhood are typically historic, new single- family and duplex homes. After reviewing the request, the Community Development Department finds that the creation of the new lot is in compliance with the Land Management Code, and supports the plat amendment.

The Plat Amendment is being processed through the Planning Commission and City Council procedure due to the fact that State Law prohibits use of the administrative approval when the action results in the creation of a remnant lot. The Community Development Director does not have the authority to approve a lot line adjustment that creates a remanent lot even though signatures from all adjacent properties owners have been submitted.

D. NOTICE

Notice of this hearing was sent to property owners within 300' on April 13, 1999 as part of the Plat Amendment procedure. No formal comments have been filed at the time of this report.

E. DEPARTMENT REVIEW

The Community Development Department has reviewed this request. The City Attorney's Office will review the plat prior to recordation. The request was discussed at a Staff Review Meeting on March 16, 1999, where representatives from local utility companies and City Staff were in attendance and found it to be in conformance with all requisite City development codes of which we are currently aware. Although the proposed parking will encroach into the Woodside Avenue right-of-way by approximately five feet, it is an improvement upon the existing non-conforming parking condition, and deemed allowable by the City Engineer as described in Section 7.1.4(d) of the Land Management Code.

ALTERNATIVES

A. Approval of the proposed plat amendment combining the north ½ of Lot 14 and all of Lot 15, Block 29 of the Park City Survey, and thereby removing the common lot lines between the lots and allowing for the parcel to accommodate the existing single-family residence.

B. Deny the plat amendment and retain the original Record of Survey which would prohibit the applicant from making the proposed modifications to the existing structure.

C. Continue the item and request further evaluation from the Staff.

SIGNIFICANT IMPACTS:

The proposed amendment will result in one (1) lot which will meet the lot requirement for the HR-1 District. The plat amendment will not increase the density of the lot. Given the type of work required to replace the foundation of the existing dwelling and the existing non-conforming parking situation, the lot combination results in the structural stabilization of the building as well as an improvement of the existing off-street parking conditions.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the plat amendment is not approved as proposed, the necessary structural repairs to the existing foundation will not be permitted and the existing non-conforming parking situation will not improve.

F. RECOMMENDATION:

Staff recommends that the Planning Commission conduct a public hearing and consider Staff's recommendation to forward a positive recommendation to the City Council to combine the north ½ of Lot 14 and all of Lot 15, Block 29 of the Park City Survey based on the following:

Findings of Fact:

1. The property is located in the Historic Residential District (HR-1).

2. The amendment will combine the north ½ of Lot 14 and all of Lot 15 to allow for necessary foundation repairs and the improvement of the existing non-conforming parking situation.

3. The lots are occupied by an existing non-historic dwelling which currently has a non-conforming setback.

4. The lot line adjustment will not increase density on the lot.

5. Adding an accessory unit to the lot would negatively impact the neighborhood by increasing traffic and parking demands.

6. Dedication of a ten (10) foot non-exclusive snow storage easement along Woodside Avenue is necessary to provide adequate snow removal services.

7. Remnant portion of Lot 14 is not owned by the applicant.

Conclusions of Law:

1. There is good cause for the amendment.

2. Neither the public nor any person will be materially injured by the proposed plat amendment.

3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the lot line adjustment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.

2. No remnant lot created is separately developable.

3. A ten (10) foot non-exclusive snow storage easement along Woodside Avenue shall be dedicated to the City on the plat.

4. Design of the proposed retaining walls, along with any proposed modifications to the existing

structure require review and approval for compliance with the Historic District Design Guidelines pursuant to Chapter 4 of the Land Management Code. The front facade shall be designed to minimize large, unbroken expanses of wall area beneath the front deck on the dwelling.

5. All significant vegetation removed during this project, shall be replanted on the lot.

6. A note shall be added to the Plat stating that no accessory apartments and lockout units shall be permitted as part of this existing structure on this newly created lot. The lot shall only contain one (1) single-family home.

7. Building Permits for Lot A may not be issued until the plat is recorded.

8. All Standard Project Conditions shall apply (Please see Exhibit C - Standard Project Conditions).

9. This approval shall expire one year from the date of Planning Commission approval, unless this Plat Amendment is recorded prior to that date.

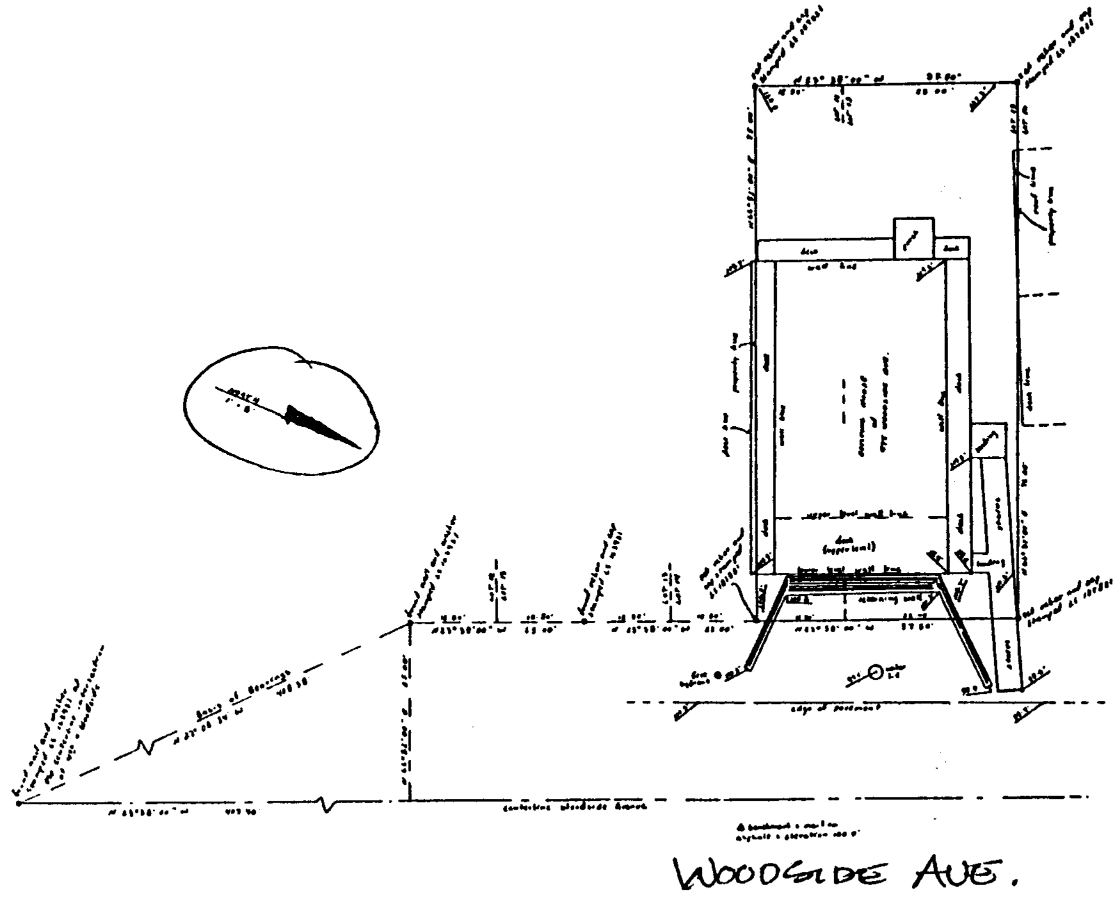
EXHIBITS:

Exhibit A - Location Map
Exhibit B - Existing Plat
Exhibit C - Proposed Plat
Exhibit D - Standard Project Conditions

475 Woodside Ave.

Exhibit A
Vicinity Map

RECORD OF SURVEY and SITE SURVEY,
The North ½ of Lot 14 and All of Lot 15, Block 29, Park City Survey.



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APR 08 1999
PARK CITY
PLANNING DEPT.

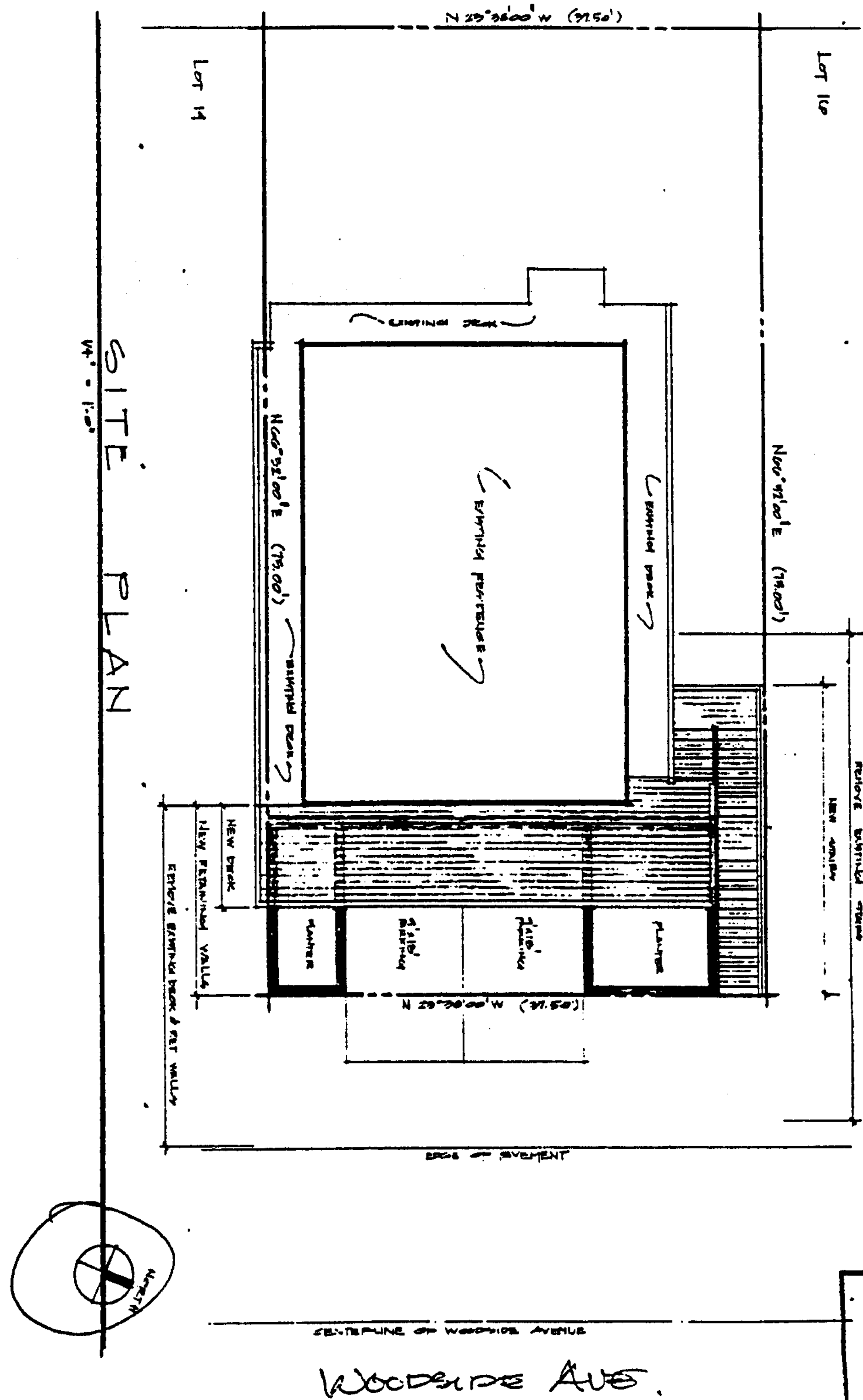
SURVEYORS CERTIFICATION:
I, [illegible], hold license number [illegible] as prescribed by [illegible] of the State of Utah, and certify that I have made a survey of the property shown hereon and as described in the notes and legal below.

SURVEY NOTES:
1. The basis of bearings is as shown.
2. Survey monuments were found or set as shown.
3. The purpose of this survey is [illegible] property corners, location of [illegible] and elevations.
4. This survey was requested by [illegible]
5. This survey was performed in October, 1998
6. All bearings and distances shown were measured and are [illegible] the bearings and distances of the Park City Survey and [illegible] surveys recorded for Block 29.
7. Alteration of any survey data without the Surveyor's consent [illegible] this survey invalid.
8. The approximate [illegible] elevation of the property is [illegible]
9. The encroachment of structures onto the property [illegible]

LEGAL DESCRIPTION:
The Northerly one-half of Lot 14 and All of Lot 15, Block 29, [illegible] Survey, located in Section 16, Township 2 South, Range 4 [illegible] Lake Base and Meridian, Park City, Summit County, Utah.

surveyed by

64



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65

LANGTON RESIDENCE

A REMODEL AND ADDITION FOR ADELE LANGTON

STOKER ARCHITECTURE

MICHAEL J. STOKER, AIA - ARCHITECT

SP-1

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The proposed project is approved as indicated on the final approved plans. except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including. but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes: the Park City Design Standards. Construction Specifications. and Standard Drawings; and any other standards and regulations adopted by the City Engineer and all boards. commissions. agencies, and officials of the City of Park City.

2. All modifications to plans as specified by conditions. and all final design details. such as material and color samples. shall be submitted to and approved by the Community Development Department prior to issuance of any building permits.

3. The applicant is responsible for compliance with all conditions of project approval.

4. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.

5. Final landscape plans. when required. shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy. or an acceptable guarantee, in accordance with the Land Management Code. shall be posted in lieu thereof.

6. Construction staging areas shall also be clearly defined and approved by the Community Development Department, and shall be placed so as to minimize site disturbance. The landscape plans shall include plans for revegetation of all areas disturbed during construction.

7. Final grading, drainage, utility, erosion control and revegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.

8. All proposed public improvements. such as streets. curb and gutter. sidewalks. utilities, lighting, trails. etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards. Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees. as determined by the Community Development Department. posted prior to occupancy.

9. All construction shall be completed according to the approved plans on which building permits are issued. The approved plans include all site improvements shown on the site plan. "Site improvements" shall include all roads. sidewalks. curbs. gutters, drains. drainage works. grades. walls. landscaping, lighting. planting. paving. paths. and trails, and similar improvements. as shown on the set of plans on which final approval and building permits are based.

10. Any desired modifications to approved plans. after the issuance of a building permit. must be specifically requested and approved in writing prior to execution.

11. Plans shall conform to all design standards for persons with disabilities as required by any applicable federal. state and local laws.

12. Access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.

13. The required utility easements along street frontages shall include language to allow for these areas to be used for snow storage. Typically. a 10-foot snow storage easement is required above Deer Valley Drive (approximate elevation of 7.200 feet). A five feet easement is necessary below this elevation.

14. Lockout units are not permitted unless specifically approved.

15. The infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the <u>Land Management Code</u>. or termination of the permit as specifically conditioned.

17. The name of a master planned development, plat, record of survey, subdivision. condominium project, or other approved project may not be changed without review and approval by the Community Development Department. said approval is not to be unreasonably withheld. The Community Development Department's review shall be limited to prevent confusion of the project with others in terms of emergency and delivery services and project identification.

Ordinance No. 99-

AN ORDINANCE APPROVING THE PLAT AMENDMENT TO COMBINE THE NORTH ½ OF LOT 14 AND ALL OF LOT 15, BLOCK 29, OF THE PARK CITY SURVEY, LOCATED AT 475 WOODSIDE AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the north ½ of Lot 14 and all of Lot 15, Block 29, Park City Survey have petitioned the City Council for approval of a revision to the final plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on April 28, 1999, to receive input on the proposed plat;

WHEREAS, the Planning Commission, on April 28, 1999, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 13, 1999, the City Council held a public hearing to receive input on the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the record of survey and plat amendment.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS. The following findings are hereby adopted.

1. The property is located in the Historic Residential District (HR-1).

2. The amendment will combine the north ½ of Lot 14 and all of Lot 15 to allow for necessary foundation repairs and the improvement of the existing non-conforming parking situation.

3. The lots are occupied by an existing non-historic dwelling which currently has a non-conforming setback.

4. The lot line adjustment will not increase density on the lot.

5. Adding an accessory unit to the lot would negatively impact the neighborhood by increasing traffic and parking demands.

6. Dedication of a ten (10) foot non-exclusive snow storage easement along Woodside Avenue is necessary to provide adequate snow removal services.

7. Remnant portion of Lot 14 is not owned by the applicant.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned plat amendment, that neither the public nor any person will be materially injured by the proposed amendment and that the proposal is consistent with both the Park City Land Management Code and State subdivision requirements.

SECTION 3. PLAT APPROVAL. The plat amendment to combine the north ½ of Lot 14 and all of Lot 15, Block 29, of the Park City Survey, known as 475 Woodside Avenue Plat Amendment, is approved as shown on Exhibit B, with the following conditions:

1. City Attorney and City Engineer review and approval of the lot line adjustment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.

2. No remnant lot created is separately developable.

3. A ten (10) foot non-exclusive snow storage easement along Woodside Avenue shall be dedicated to the City on the plat.

4. Design of the proposed retaining walls, along with any proposed modifications to the existing structure require review and approval for compliance with the Historic District Design Guidelines pursuant to Chapter 4 of the Land Management Code. The front facade shall be designed to minimize large, unbroken expanses of wall area beneath the front deck on the dwelling.

5. All significant vegetation removed during this project, shall be replanted on the lot.

6. A note shall be added to the Plat stating that no accessory apartments and lockout units shall be permitted as part of this existing structure on this newly created lot. The lot shall only contain one (1) single-family home.

7. Building Permits for Lot A may not be issued until the plat is recorded.

8. All Standard Project Conditions shall apply (Please see Exhibit C - Standard Project Conditions).

9. This approval shall expire one year from the date of Planning Commission approval, unless this Plat Amendment is recorded prior to that date.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 13th day of May, 1999.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, Deputy City Attorney

PARK CITY
1884

DATE: May 20, 1999
DEPARTMENT: Public Safety
AUTHOR: Lloyd D. Evans, Sr.
TITLE: Chief of Police
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS:

Staff recommends that City Council: 1) Adopt a resolution solidifying an inter-local agreement with the Park City School District to allow the police department to apply for a federal grant to expand the Youth Services Officer Program; and 2) Authorize the City Manager and Chief of Police to execute a letter of 'Intent to Retain' to indicate a good faith effort on the part of the City to the U.S. Department of Justice COPS in Schools, Grant Program to retain the COPS officer after the grant period expires.

DESCRIPTION:

A. Topic:

Inter-local agreement with Park City School District and a letter of 'Intent to Retain'

B. Background:

In 1995 the Park City School District and the Park City Police Department entered into a hand-shake partnership to joint fund and administer a program that would put a police officer full time in the Treasure Mountain Middle School to focus on gang intervention and at risk behaviors. The School District has contributed $22,000 annually and use of office space for the Police Department at the high school to support the Youth Services Program (YSO). The department has furnished a police officer, uniforms/equipment, vehicle, office equipment/furnishings and overtime costs, as well, we have provided additional officer coverage for school activities when available.

Currently the U. S. Department of Justice, Office of Community Oriented Policing Services, offers a matching grant program that targets placement of police officers in schools on a full time basis. This program requires that a partnership exist between the law enforcement jurisdiction and a specific school or school district and that after expiration of the three year grant, a good faith effort will be made by the grantee, Park City Police Department, to maintain the school officer as a full time position.

The YSO program has expanded to cover a larger area of concern and responsibility than originally established in 1995 and a need to add an additional officer has become evident to support the program's successes, the increasing student population and increasing requests for resources and services. These needs have lead to the desire to make application for this grant at this time.

C. <u>Analysis</u>:

This Inter-Local agreement and letter of Intent to Retain, will allow the Police Department to apply for funding that is available through the U.S. Department of Justice, Community Oriented Policing Services, for placement of law enforcement officers, full time, on school campuses.

Both the Police Department and School District have found great benefit in having an officer assigned full time to the schools, however, because of time constraints, a single officer is not able to meet the expanding role and demands that both entities are placing on the position. The Police Department uses this officer for programs that the School District may not see as a direct benefit to their operation, however, it allows the department to provide other services to youth related programs that would otherwise be provided by using another police officer, thus decreasing, in our view, the effectiveness of the Youth Services Officer Program overall.

Our desire to expand the YSO program has existed for several years, however, other man power priorities captured our attentions and diverted our focus. Now that the COPS grant program is offering funding for just this purpose, it is felt that now is the time to make application. And, in conjunction with the anticipated funding, included in the Public Safety FY 1999-2000 budget is a request for an additional officer, a position that would accommodate the funded position, if awarded by DOJ.

With the ever increasing concern for school safety issues, there is plenty of need for police officer attention to programs, classes, and planning efforts in schools that may help reduce turency, on campus violence, weapons and drugs on campus and encourage tolerance, understanding and provide options for those who may feel they have none otherwise.

D. <u>Department Review</u>:

This staff report has been reviewed by the Legal Department and the City Manager.

<u>ALTERNATIVES</u>:

A. <u>Approve the Request</u>:

Approval of this request will allow application to be made to the U.S. Department of Justice for a grant that will expand and enhance to our Youth Services Program currently being coordinated by the Police Department.

B. Deny the Request:

Denial of this request will relegate this program to status quo.

C. Continue the Item:

This item could be continued, however, we are hoping that the application and approval process for this grant will occur in such a manner as to allow for this position to be filled and trained by the beginning of school in late August 1999.

D. Do Nothing:

Doing nothing will again relegate this program to status quo.

SIGNIFICANT IMPACTS:

The most significant impact is the personnel and equipment costs for the officer position. However the grant will need to be awarded first and mere submission of the application does not guarantee an award. But should the grant be awarded, it will cover all personnel costs for three years, ranging from $44,199 in year one to $53,303 in year three. There would be a significant initial equipment cost for bring an officer into the department of approximately $35,000, the bulk of which is for vehicle and related emergency response equipment, however that cost dramatically decreases in following years.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The consequences are difficult to identify, however forward progress in meeting the planning and educational process demands combating school related violence and crime will be slowed significantly.

RECOMMENDATION:

It is staff's recommendation that City Council approve: 1) The resolution approving an Inter-Local Agreement between the Park City Police Department and the Park City School District creating a partnership that will allow the Park City Police Department to apply for a federal grant to expand and enhance its Youth Services Program; and 2) Authorize the City Manager and Chief of Police to execute an 'Intent to Retain' letter indicating a good faith effort to retain the the funded officer position after the grant award expires.

MEMORANDUM

TO: U.S. Department of Justice
Office of Community Oriented Policing Services

SUBJECT: **INTENT TO RETAIN**

This memorandum is to inform the U.S. Department of Justice that the Park City Police Department a division of Park City Municipal Corporation intends to retain, beyond the three year grant award, any officer position that is awarded by the COPS in Schools grant program.

The granted position will become part of the authorized strength of the police department and will be funded, after completion of the COPS in Schools grant pay-out, through the standard budgeting processes which have been established by Park City Municipal Corporation and Utah state law.

________________________________ ________________________________
Law Enforcement Executive's Signature Date
Lloyd D. Evans, Sr., Chief of Police

________________________________ ________________________________
Government Executive's Signature Date
Dr. Toby A. Ross, City Manager

PARK CITY
1884

Resolution No. __-99

A RESOLUTION APPROVING THE INTERLOCAL AGREEMENT–COPS IN SCHOOLS PROGRAM BETWEEN THE PARK CITY POLICE DEPARTMENT AND THE PARK CITY SCHOOL DISTRICT

WHEREAS, it is in the best interest of Park City Municipal Corporation to authorize the filing of all applications with the Office of Community Oriented Policing Services (COPS), Department of Justice, United States of America for operating assistance grants under the COPS in Schools Grant Program as authorized by the Public Safety and Partnership Act of 1994; and

WHEREAS, the Department of Justice is authorized to make grants to local law enforcement agencies as an incentive to build working relationships with schools to use community policing efforts to combat school violence; and

WHEREAS, the Park City Police Department is a division of Park City Municipal Corporation, a duly created political municipality of the State of Utah, having the authority to accept grants from the federal and state government and to enter into contracts in order to obtain aid, assistance, and cooperation under federal legislation and state regulations; and

WHEREAS, contracts for financial assistance will impose certain obligations upon the Park City Police Department; and

WHEREAS, the Park City Police Department's entry into a partnership agreement with either a specific school official or with an official with general educational oversight authority within that jurisdiction is a precondition of eligibility for grant funds, as required by the U. S. Department of Justice, COPS in Schools Grant Program; and

WHEREAS, the schools subject to this agreement are within the jurisdiction of the Park City Police Department; and

WHEREAS, the Park City Police Department and the Park City School District acknowledge that an informal partnership supporting a school-based officer program has existed since 1995, and

WHEREAS, both the Park City Police Department and the Park City School District are interested in and willing to continue a partnership that supports a school-based officer program; and

WHEREAS, both the Park City Police Department and the Park City School District have concluded and agree that an expansion of the school based officer program by one officer will be beneficial to both parties and the community as a whole; and

WHEREAS, the threat of school violence increasingly presents new challenges to the Park City School District and the Park City School District wishes to pro-actively partner with the Park City Police Department to increase Park City Police Department's presence in the schools; and

WHEREAS, the Interlocal Cooperation Act authorizes the contracting for additional police services between two or more public agencies:

NOW, THEREFORE, BE IT RESOLVED by the City Council of Park City, Utah that the City Council hereby approves the execution of the Interlocal Agreement–COPS in Schools Program, (attached as "Exhibit A") in a form approved by the City Attorney's Office.

PASSED AND ADOPTED this 27th day of May, 1999.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

Attest:

____
Janet M. Scott, City Recorder

Approved to form:

____
Mark D. Harrington, Deputy City Attorney

INTERLOCAL AGREEMENT- "COPS IN SCHOOLS" PROGRAM

This Agreement is between the Park City Police Department ("Department"), a division of Park City Municipal Corporation ("City"), and the Park City School District ("District").

Whereas, the Department and the District acknowledge that an informal partnership supporting a school based officer program has existed since 1995; and

Whereas, both parties are interested in and willing to continue a partnership that supports a school-based officer program; and

Whereas, both parties are willing to continue to provide administrative and financial support to a school based officer program for the foreseeable future;

Whereas, both parties have concluded and agree that an expansion of the school based officer program by one officer will be beneficial to both parties and the community as a whole; and

Whereas, the threat of school violence increasingly presents new challenges to the District and the District wishes to pro-actively partner with the Department to increase Department presence in the schools; and

Whereas, the Interlocal Cooperation Act authorizes the contracting for additional police services between two or more public agencies.

Now therefore, based upon mutual consideration the sufficiency and receipt of which is hereby acknowledged, the Department and District agree as follows:

I. THE DISTRICT AGREES TO:

A. Permit the officers assigned by the Department access to the schools within the District as agreed by the Chief of Police and Director of Student Services, and provide the officers administrative office space, as requested and agreed to by the Chief of Police and Director of Student Services.

B. Contribute $22,000 annually to the Department as a local match to help offset increased costs to the Department, not covered by the "COPs IN SCHOOLS" grant.

C. Meet with the Department as needed to discuss policing strategy and programming needs, including but not limited to: gang problem identification and documentation, at-risk intervention, mentoring activities, conflict/dispute resolution, truancy programs, amount of dedicated hours deployed to school activities, problem solving projects, general school security and links to overall community policing strategies.

II. THE CITY AGREES TO:

A. Provide two officers to be assigned to schools as agreed by the Chief of Police and Director of Student Services.

B. Apply and administer the necessary federal COPs grants for funding for the program.

C. Meet with the District as needed to discuss policing strategy and programming needs, including but not limited to: gang problem identification and documentation, at-risk intervention, mentoring activities, conflict/dispute resolution, truancy programs, amount of dedicated hours deployed to school activities, problem solving projects, general school security and links to overall community policing strategies.

III. TERM. This Agreement shall have a term of three years and shall automatically renew for subsequent terms of three years unless either party give 180 days written notice of termination, prior to said renewal. In no event shall this Agreement have a term in excess of 50 years.

DATED this ___ day of May, 1999.

PARK CITY POLICE DEPARTMENT

____

Law Enforcement Executive Signature
Lloyd D. Evans, Sr., Chief of Police

ACKNOWLEDGMENT

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

On this ___ day of ______________, 1999, personally appeared before me Lloyd D. Evans, who being duly sworn, did say that he/she is the Chief of Police of the Park City Munic. Corp., and acknowledged to me that the preceding Agreement was signed on behalf of said government entity, duly approved by resolution of the governing body.

____

NOTARY PUBLIC

Approved as to form:

____
City Attorney's Office

PARK CITY SCHOOL DISTRICT

____
Park City School District Executive Signature
Tom VanGoder, Director of Student Services

ACKNOWLEDGMENT

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

On this ___ day of _____________, 1999, personally appeared before me Tom VanGoder, who being duly sworn, did say that he/she is the Director of Student Services of the Park City School District, and acknowledged to me that the preceding Agreement was signed on behalf of said government entity, duly approved by resolution of the governing body.

____
NOTARY PUBLIC

Approved as to form:

____
Attorney for the School District

PARK CITY 1884

Council Agenda Report

DATE: May 20, 1999
DEPARTMENT: Recreation Services
AUTHOR: **Kathy Kelly**
TITLE: **Restaurant RFP**
TYPE OF ITEM: Lease

SUMMARY RECOMMENDATIONS:

Authorize the Recreation Services Department to enter into lease negotiations with Jim and Liza Totora.

DESCRIPTION:

A. Topic:

Three responses were received to a Request for Proposal for the restaurant space at the Racquet Club.

B. Background:

The PastaBowl Restaurant broke its lease and moved out of the Racquet Club in March 1999. The Recreation Staff prepared a Request for Proposal which specifically outlined our vision of a restaurant which would successfully operate in this space. Among other items we requested: family oriented menu, decor and activities with a very casual atmosphere; a focus on children and teens with an extensive children's menu, entertainment for children and teens; service for Racquet Club customers as a priority.

Three proposals were received.

1. Liza and Jim Totora, owners of Nacho Mama's Restaurant: Jim and Liza are interested in running a family restaurant, which would have a child and teenage friendly environment. The target audience would be ages 10 to 20, as wll as Club customers. Their menu would include burgers, wraps, deli style standwiches, smoothies, and an ice cream "parlor." Other ideas include "punch cards" that could be pre-purchased for children, and used to purchase food. They are interested in doing all the catering for tennis socials and other Racquet Club events. They have also proposed doing joint ventures with the Racquet Club, such as birthday parties. Liza and Jim

propose a close, working relationship with Racquet Club staff. They are also interested in meeting with the Mayor's Youth Council for their input. They are open to doing weekend night events such as "battle of the bands" and dances.

2. Dance Tech Studio. Nicol and Scott Fielding proposed turning the restaurant space into a dance studio and snack bar. Dance Tech Studio is currently located on Iron Horse Drive. Their program has grown to the point where they need a larger space. They propose a remodeling of the restaurant area into a studio and snack bar. The snack bar, would serve drinks and healthy snacks: smoothies, bottled water, sodas, hot dogs, baked potatoes sandwiches, and package ice cream products are some of the items proposed. This proposal requests that the City remove all restaurant equipment that would not be utilizied by the snack bar.

3. The Mayor's Youth Council of Park City sent a letter requesting that the Recreation Department work with them in turning the space into a Teen Center. No details were offered.

C. Analysis:

The Recreation Department's goal is to have a restaurant in the space, to provide food services to its patrons. As the restaurant equipment and furnishings are owned by the City, we have the opportunity to provide a "turn-key" opportunity to a leasee. Removing the restaurant equipment from the space would be costly as a wall would need to be removed and a crane employed to take out the exising kitchen equipment.

The Department is also interested in a venture which will bring revenue into the Recreation Fund.

Jim and Liza Totora are established, successful restaunteurs in Park City. In our preliminary meetings with them, we were impressed by their energy and ideas. We would like authorization to pursue a lease with them as soon as possible. They would like to be open in time for the summer season.

The Totora's are asking for lower rent for the first year in order to re-model and get their business going. Rent in the second and third years would increase. The short term loss of revenue would be justified if the restaurant is successful in the long run. They have also agreed to let the Racquet Club keep the large office that has traditionally been part of the lease. This is needed for the winter Golf Office.

D. Review:

The City Manager's Office and the Legal Department have reviewed this proposal.

ALTERNATIVES:

A. Approve a lease negotiation with Jim and Liza Totora.

B. Approve a lease negotiation with Dance Tech Studio.

C. Direct staff to work with the Mayor's Youth Council on a teen center concept.

D. Solicit more proposals.

<u>SIGNIFICANT IMPACTS</u>:

Approval of the Dance Tech Studio proposal would mean costs for the Recreation Fund in remodeling the space, and would result in a snack bar instead of a restaurant.

The Teen Center proposal would create a need for an increase in the general fund subsidy to the Recreation Fund.

Soliciting more proposals would mean the leassee would miss the busy summer season.

DATE: May 6, 1999
DEPARTMENT: Capital Management and Budget
AUTHOR: Linda Cook
TITLE: Project Administrator
TYPE OF ITEM: Lease Authorization - Main Street Kiosk

SUMMARY RECOMMENDATIONS:
Review the selection committee recommendation and grant a new lease in a form approved by the City Attorney's Office for the Main Street Kiosk with ABC Reservations Central, Donna VanBuren, Owner, for a term of one year, with an option to renew for one additional year.

A. Background:
When the original lease and option to renew expired, staff published a Request for Proposals to consider bids by prospective tenants of the Main Street Kiosk (RFP attached). The Main Street Kiosk, located at 514 Main Street, is currently used as a ticketing, reservation and information referral center, occupied by ABC Reservations Central. Owner Donna VanBuren is currently paying $165 per month. The 133 sq.ft. space is considered surplus municipal space.

B. Analysis:
Staff received only two proposals (proposal letters attached). The RFP was posted twice in the Park Record and faxed to a list of community nonprofit organizations, as well as three merchants who expressed an interest in the Kiosk.

A staff committee (Linda Cook, Tom Bakaly and Hope Bleeker) invited Robbi Beck, Executive Director of the Historic Main Street Business Alliance to review the proposals and assist in a recommendation based on the criteria in the RFP to promote/enhance commerce on Main Street. Notably, Robbi Beck and Hope Bleeker provided background information but asked to be excused from a vote on the selection recommendation as they work closely with the proprietors of both businesses submitting proposals.

The two proposals speak to very similar business activities. Both are tourism based, reservation and ticketing businesses promoting local activities. Both proposals met the criteria listed in the RFP. A discernible difference between the two proposals exists where ABC Reservations Central has promoted a strong nonprofit support arrangement with "at-cost" or "below-cost" services provided for arts and cultural promotions, as well as a current arrangement with the Historic Main Street Business Alliance to promote commerce on Main Street. The selection committee agreed that ABC's proposal was stronger to meet the criteria of "The potential for public vs. private benefit, i.e. service vs. strictly retail".

The current rental rate and the proposed rental rates are well below market for the area. Both businesses are willing to pay $200 per month, which translates to an annual rate of $2400 (**$18.00 per square foot**). The space is very small and the City has had a difficult time finding internal uses for the Kiosk. The proposed rates reflect the size and utility of the Kiosk, as well as consideration of the City's benefit from the parking information and the staffing that each business would provide.

Staff is mindful of the precedent established for Olympic use options for City-owned space. This lease should not conflict, as renewal will expire in June or July of 2001. At this time, staff is aware of no specific intended Olympic use, although such is expected to emerge. However, no additional option for renewal or right of first refusal is recommended.

C. Department Review:

Capital Management and Budget
Parking Services
Legal
Olympic Services

ALTERNATIVES:

A. Approve the Request:
Authorize the Mayor to execute a lease with ABC Reservations Central for one year, with a one year option to renew, for the Main Street Kiosk at an annual rate of $2400.00. Exercising the option to renew would be contingent upon the lessee providing the service to the City as outlined in the proposal. Note: Both businesses met the RFP criteria and are otherwise equally suited to lease the Kiosk. Staff is recommending a lease with ABC Reservations Central based on review of the proposal criteria.

B. Modify the Request:
Authorize the Mayor to execute a lease with Utah Escapades for one year, with a one year option to renew, for the Main Street Kiosk at an annual rate of $2400.00. Exercising the option to renew would be contingent upon the lessee providing the service to the City as outlined in the proposal. Note: Both businesses met the RFP criteria and are otherwise equally suited to lease the Kiosk. Council may find the proposal by Utah Escapades more compelling based on review of the RFP criteria.

C. Deny the Request:
In the RFP, the City reserved the right to reject all proposals. Council could reject the proposals if aware of a more suitable use of the surplus municipal space. At this time, Staff is aware of no alternative uses for the Kiosk that outweigh the benefit of a lease with either of the two businesses proposed.

D. Continue the Item:
Council members could continue the item if they wish to review the proposal packages themselves or consider alternative uses for the Kiosk.

SIGNIFICANT IMPACTS:

Leasing the Kiosk based on the RFP criteria represents an opportunity to generate some revenue for surplus space. Additionally, the lease is based on the requirement to distribute and display information pertinent to the City's Paid Parking Program. Parking tokens may be sold from the Kiosk and a ticket deposit area may be provided. A lease with either business proposer has potential to positively impact local tourism, community activities and/or enhance commerce on Main Street.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:
If Council chooses to reject the proposals and finds no alternative use for the Kiosk, the space will presumably be vacant.

RECOMMENDATION:
Staff recommends that the Main Street Kiosk be leased to ABC Reservations Central at an annual rate of $2400. Staff bases the recommendation on ABC Reservations' perceived public service vs. strictly retail arrangements. Staff is aware that ABC Reservations has arranged to work with various Nonprofits and Main Street organizations to promote local activities at a reduced rate.

If Council is of the opinion that there is no discernible difference between the two proposals, and Council still wishes to lease the space per the Request for Proposals, Council should consider that ABC Reservations Central has been a tenant in good standing in the Kiosk since April 1992.

Staff is aware that the Kiosk may present an opportunity for Olympic use and have structured the lease term to no later than the summer of 2001 to consider potential Olympic use.

Park City Municipal Corporation

Request for Proposals

Main Street Kiosk

Park City Municipal Corporation is seeking a tenant to lease the Main Street Kiosk, located at 514 Main Street, Park City, Utah. Located in the historic Old Town area, the kiosk most recently was used as a ticketing, reservation, and information referral center. The kiosk is approximately 133 square feet and was most recently rented for $165.00 per month. Park City Municipal Corporation is offering a one year lease, with the option of a one year renewal, for this surplus municipal space, unless the City requires the use of the kiosk at the end of the original lease period. The City anticipates approving a lease for occupancy by June 1, 1999
Proposals should include:

- Name, address and telephone number of your organization's contact person
- Three business references
- Description of the proposed use of the kiosk
- Proposed rental rate

Selection will be made by the City Council following a recommendation from a staff selection committee, according to the following criteria:

- The potential of the proposed use to broadly promote local tourism, community activities and/or enhance commerce on Main Street.

- Willingness to: 1. coordinate the sale of parking tokens with the City's Public Works Department; 2. distribute transit and parking information; 3. provide an area to deposit parking tickets; and 4. display a sign approved by the City indicating that parking information is available within the kiosk.

- Willingness to staff the kiosk during regular business hours year-round.

- The potential for public vs. private benefit, i.e., service vs. strictly retail.

- The proposed rental price.

The City reserves the right to reject all proposals
All interested firms and individuals should submit proposals (two page maximum + business references) **by 5:00 p.m., April 1, 1999**, to:

> Linda Cook, Project Administrator
> P.O. Box 1480, 445 Marsac Avenue
> Park City, UT, 84060.

For additional information call Linda Cook, 615-5008

ABC RESERVATIONS CENTRAL

March 31, 1999

Park City Municipal Corporation
Linda Cook, Project Administrator
P.O.Box 1480, 445 Marsac Avenue
Park City, UT, 84060

Dear Ms. Cook,

Thank you for the opportunity to submit a proposal for the lease of the Main Street Kiosk Space at 514 Main Street.

ABC RESERVATIONS CENTRAL, formerly known as The Adventure Center, has been leasing that space from the city since 1988, providing a central location for ticketing, reservations, and information for all the arts and activities in the Park City area. We would very much like to continue operating in that space, in the same manner as in the past. The only exception would be that we would expand our services to include the following:

1. Work with the **Historic Main Street Business Alliance** to help promote commerce on Main Street by:
    - Providing a central location for coordinating special Main Street promotions, ie.: redemption center for special coupon offers.
    - Maintaining a Data-base of visitors and shoppers on Main Street, produced from promotional raffles & coupons and other available sources.
    - Packaging activities and reservations to include Main Street shopping sprees, in coordination with the Business Alliance special promotions.

2. Help establish, in conjunction with the Chamber Bureau, an **"Attractions/Activities Association"**, developing a Coupon Book and coordinating other joint marketing efforts for activities, arts and events in the area, as well as providing reservations for Association members at cost or no cost.

3. Provide a central ticketing/information location for all art and cultural organizations within the community, at cost or no cost, and work with the **Arts Council of Park City & Summit County** to assist in their efforts, including promoting and packaging "Cultural Tourism."

Additionally, as requested in the RFP, **ABC RESERVATIONS CENTRAL** is happy to:

- Coordinate the sale of parking tokens with the City's Public Works Department, facilitating the sale of such by including them in packages, when feasible.
- Distribute Transit and Parking information
- Provide an area to deposit parking tickets
- Display a sign approved by the City, indicating that parking information is available within the kiosk.

We intend to continue to staff the kiosk during regular business hours on a year-round basis, as in the past, and agree to pay the current rent, with an annual increase of 10%, or to match or accept whatever rent proposal the City receives or requires, as long as it is reasonable enough to allow us to still offer gratis or "at cost" services to the various non-profit organizations in the community.

ABC RESERVATIONS CENTRAL only represents activities and events that offer the highest of standards and the best of value, to insure a quality experience by everyone. Our main focus has always been to provide convenient and excellent service to both locals and tourists alike, making certain that all the wonderful opportunities for entertainment and culture within our resort community are easily accessible to all, and are safe, fun and memorable. We are dedicated to continue in this endeavor, along with assisting the City and the various non-profit organizations in their efforts, to make certain that Main Street and our community is one that people want to return to enjoy again and again.

Respectfully,

Donna VanBuren
Owner

ABC RESERVATIONS CENTRAL • P.O. Box 157 • Park City • Utah • 84060 • (801)649-ABCD • (800)820-ABCD

a destination management company

TO: Park City Municipal Corporation
FROM: Sally Elliott
DATE: March 31, 1999
SUBJECT: Main Street Kiosk

PROPOSAL TO LEASE
MAIN STREET KIOSK

NAME, ADDRESS AND TELEPHONE NUMBER OF CONTACT PERSON:
Sally Elliott - UTAH ESCAPADES
2690 Sidewinder Dr.
Park City, UT 84068
435-649-9949, 800-268-UTAH(8824)
FAX 435-649-9948
email: infoue@utahescapades.com
www.utahescapades.com

THREE BUSINESS REFERENCES:
Russell Wong - Main Street Mall - 645-9846
Jan Wilking - Lodestar Magazine - 649-5806
Joan Calder - Park City Chamber/Bureau - 649-6100

DESCRIPTION OF THE PROPOSED USE OF THE KIOSK:
Utah Escapades is a destination travel management company serving groups, corporations, conventions and associations throughout the Intermountain West. We actively market our services to meeting planners, tour operators, association executives and corporations. Our most exciting product is, of course, Park City!! We contract with all local companies to provide event locations, lodging, catering, entertainment, transportation, speakers and activities. We have no exclusive contracts with any provider and think of ourselves as sort of a "for profit" Chamber of Commerce, bringing people to town and marketing the services of Park City businesses.

Though our primary focus is groups, we also serve the families and individuals who ask us for help making plans and reservations.

Several months ago, we joined Park City Transportation in offering van tours of Park City with a focus on history. The cost of the tour is $25, $2 of which is either paid as commission to the booking agency, or sent as a donation to the Park City Museum. We work to complement the Park City Historical Society in telling the Park City story. Having a presence in the Main Street Kiosk would enable us to offer a greater presence to the "walk-in" Main Street client by booking not only our own tours, but those attractions of other Park City businesses: Park City Silver Mine Adventure, snowmobile tours, bicycle adventures, cultural performances, cross country and snowshoe adventures, hikes etc. With Utah Escapades on hand to represent all related businesses in Park City, we feel that the benefit is spread to a larger number of people.

Now that Utah Escapades has mastered the parking puzzle with hang tags for our own employees, we would be more than happy to assist Park City Municipal in dispensing tokens and information about parking and public transit and to serve as a repository for parking tickets.

In order to achieve the greatest benefit for Park City Municipal, it would be necessary to keep the Kiosk open during the hours paid parking is in effect. Though Utah Escapades' normal business hours are 9:00 a.m.-5:00 p.m., Monday through Friday, we are willing to hire additional staff to extend the hours to accommodate Main Street weekend and early evening traffic.

PROPOSED RENTAL RATE: $200/month.
While we recognize that the proposed rental rate is significantly below market rate for Main Street, it reflects what we believe to be a reasonable rate considering the additional service we will offer you as a trade-off.

Since we all know that everything is negotiable, I stand ready to answer any questions you might have and amend this proposal to better suit your needs. I have a very clear recollection of the initial negotiation for lease of this space, and I understand that in the near future you may have different requirements.

Thank you for your consideration.

Yours,

Sally Elliott

Sally Elliott

PARK CITY
1884

CITY COUNCIL REPORT

DATE: May 27, 1999
DEPARTMENT: Community Development
AUTHOR: Rick Lewis
TITLE: Miner's Park & Main Street Bulb-out Project
TYPE OF ITEM: Appeal of Contract Award

SUMMARY RECOMMENDATION: Review the appeal from J. Pochynok Company and determine if the submitted bid was in substantial compliance with bidding requirements or if the irregularities were significant enough to reject the bid and award Base Bid #3 and Base Bid #4 to the next lowest bidder, DRD Paving, as recommended by Staff.

DESCRIPTION:

A. Topic:

1. Appeal of staff recommendation to reject the bid for the construction of bulb-outs and improvements to Miner's Park submitted by J. Pochynok Company.
2. Award of Base Bid #3 and Base Bid #4.

B. Background: Bids for the improvements to Miner's Park and the construction of two sidewalk bulb-outs on Main Street were publicly opened at 2:00 P.M. on Wednesday, May 12, 1999.

The bid document required itemized bids for Base Bid #1 (Sandridge Parking Lot Phase 3), Base Bid 2 (Sandridge Parking Lot Phase 3), Base Bid #3 (Bulb-outs) and for Base Bid #4 (Miner's Park). See "Bid Form" attached as Exhibit A. Sketches and plan details for Miner's Park and the Bulb-outs were included in the bid documents. The City's consultant designer, Kurt von Puttkammer, and Evergreen Engineering were available to answer questions from all interested bidders. Bids for all four projects were not necessary to be considered.

Two bids were received for Base Bid #3 and Base Bid #4. J. Pochynok Company did not use the Bid Form and instead bid the projects combined for a total bid of $211,606. DRD Paving completed the Bid Form and bid $85,007.44 for Base Bid #3 and $137,479.04 for Base Bid #4. The combined bid from J. Pochynok Company was less than DRD Paving's combined total of Base Bids #3 and #4 by $10,880.48; however there were some irregularities with the Pochynok bid. Each bidder was required to submit a financial surety in the amount of 5% of their bid.

Pochynok's surety should have been $10,580.30 but he only submitted $10,000. In addition, Pochynok did not submit a separate bid for Base Bid #3 and for Base Bid #4. The other bidder DRD Paving submitted the proper financial surety and bid the projects separately as directed.

See separate Legal Memorandum for response to issues raised regarding licensing and surety letter.

C. <u>Analysis</u>: The bid document is clear that the projects were to be bid separately, and the bid sheet provided a space for Base Bid 3 and Base Bid 4. In addition, the City's consultant Kurt von Puttkammer directed both bidders, in telephone conversations, to bid the projects separately. J. Pochynok Company chose to ignore the directions and to submit their bid in letter form rather than on the bid sheet provided in the bid documents. In addition, J. Pochynok did not submit the proper financial surety along with their bid. The next lowest bidder, DRD Paving followed the instructions in the bid document. Both bid submittals are available in the Legal Department for review.

The bid process allows us to waive irregularities if it is determined to be in the City's best interest. Even though the irregularities may seem minor to J. Pochynok Company, staff is concerned that the public bid process must remain consistent to assure fairness. Therefore, staff has concluded that the bid of J. Pochynok Company should be disqualified. J. Pochynok Company objected and filed the attached letter (Exhibit B) as an appeal. The Contracts and Purchasing Policy of the Budget Policies and Objectives section 9p.46-7) requires the City council to hear appeals of any bidding action. DRD Paving has also submitted a letter for consideration (Exhibit C)

<u>ALTERNATIVES</u>:

A. Disqualify the bid by J. Pochynok Company because of the irregularities, and authorize staff to enter into an agreement with DRD Paving for the construction. This is the recommended action.

B. Reject all bids for Base Bid #3 and Base Bid #4 and rebid the project. This will require the project to be delayed

C. Waive the irregularities of the bid by J. Pochynok Company and authorize staff to enter into an agreements for the construction. Staff recommends rejecting all bids prior to this option.

<u>SIGNIFICANT IMPACTS</u>: The Main Street project have a critical time element requiring all work to be completed by August 5 prior to the Arts Festival. Main Street merchants are also concerned about major construction occurring during the summer, therefore, it is important that the project start as soon as possible.

<u>STAFF REVIEW:</u> The Legal Department has reviewed the bid documents and letters from J. Pochynok Co. and DRD Paving and will provide the Council with a protected memo addressing the merits of each by separate cover.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Contractors may consider our bidding policies as unfair and inconsistent. Rebidding would delay the start of the project by three of four weeks and could create a conflict with the Arts Festival. In addition, the Main Street merchants have indicated that August and September are their busiest time periods during the summer. Construction on Main Street in August and September would be a problem for them.

RECOMMENDATION: Review the appeal and make a determination as to which contractor should be awarded the bid. Authorize staff to enter into an agreement with the chosen contractor.

TABLE OF CONTENTS

SANDRIDGE PARKING LOT PHASE 3 PROJECT

EXHIBIT A

INVITATION TO BIDDERS

Sealed Bids will be received by Park City Municipal Corporation for:

Sandridge Parking Lot Project and Main Street Improvements

Bids will be in accordance with the Drawings and Specifications as prepared for the project and may be obtained from:

Evergreen Engineering, Inc.

614 Main Street, Suite 305

Park City, Utah 84060

upon receipt of $30.00 fee per set of which no part is refundable. Payments shall be payable to Evergreen Engineering, Inc.

Prior to any bidder receiving Drawings and Specifications, it will be necessary to have on file at the Park City Municipal Corporation offices a copy of his current Utah State Contractors License covering the type of work to be done and a statement from his Surety Company evidencing bond-ability to the amount of the contract.

Sealed bid will be received on or before:

10:00 A.M. May 10th 1999,

at the office of Jerry Gibbs, Public Works, 1053 Iron Horse Drive, Park City, Utah at which time they will be opened and read aloud.

Each bid must be accompanied by a bid bond, bank draft or Certified Check payable to Park City Municipal Corporation in the amount of five-percent (5%) of the bid. If a bank draft or Certified Check is used in lieu of the bid bond, a certificate from an approved Surety Company guaranteeing execution of a 100% Performance and Materials Payment Bonds shall accompany the bid.

Park City Municipal Corporation reserves the right to reject any or all bids in the interest of Park City Municipal Corporation.

Documents may be examined in the office of the owner during normal working hours.

Bids will be considered good for only 60 days.

INSTRUCTION TO BIDDERS

1. Drawings and Specifications

Drawings and specifications may be obtained from Evergreen Engineering, Inc. at 614 Main Street , Suite 305, Park City,(435) 649-4667 for $30.00 per set.

2. Scope of Bid

The work includes filling, grading, placement of asphalt, curb gutter, striping, storm drain, brick pavers, pedestrian amenities and landscaping.

3. Proposals

Before submitting a proposal, each bidder shall carefully examine the drawings, specifications and other contract documents; shall visit the site of the work; shall fully inform himself as to all existing conditions and limitations; and shall include in the proposal the cost of all items included in the contract.

4. Contract and Bond

The Contract Agreement will be on a form similar to that which is bound in these Project Contra Documents. The completion date of construction will be as indicated in the proposal.

The successful bidder simultaneously with the execution of the contract agreement will be required to furnish a Performance and Payment Bond in the amount equal to one hundred percent (100%) of the contract price, said bond shall be secured from a company satisfactory to Park City Municipal Corporation.

5. Listing of Subcontractors

The experience and responsibility of subcontractors may have bearing on the choice of a contractor by the OWNER and ENGINEER.

All bidders shall deliver to OWNER with the bid proposal for OWNER approval, a list of the names of any subcontractors, type of work to be performed, and dollar amount for each of the principal parts of the work. Each principal part shall mean a subcontract dollar value in excess of $1,000.00.

Such list shall be binding upon the CONTRACTOR, however, OWNER has a right to reject any or all subcontractors listed or unlisted which OWNER and/or ENGINEER feels is unqualified to do the work. OWNER may withhold awarding contract to any particular bidder if one or more of his proposed subcontractors are considered by the OWNER to be unqualified.

6. Interpretation of Plans and Specifications

If any person contemplating submitting a bid for the proposed contract is in doubt as to the true meaning of any part of the drawings, specifications or other proposed contract documents, he may submit to the ENGINEER written request for an interpretation thereof. The person submitting the request will be responsible for its prompt delivery. Any interpretation of the proposed documents will be made only by Addendum duly issued and a copy of such Addendum will be mailed or delivered to each person receiving a set of documents. Neither the OWNER nor the ENGINEER will be responsible for any other explanations or interpretations of the proposed documents.

7. Addenda or Bulletins

Any Addenda or bulletins issued during the time of bidding shall become part of the documents loaned to the bidders for the preparation of his bid, shall be covered in the bid, and shall be made a part of the Contract.

8. Award of Contract

The Contract will be awarded to the lowest responsible bidder for each Base Bid meeting the experience and contractor qualifications, provided his bid is reasonable and it is in the interest of the OWNER to accept it. The OWNER reserves the right to waive any technicalities or formalities in any bid or in the bidding. The OWNER may review the bids for up to 60 days prior to award.

9. Cost Breakdown and Construction Schedule

The successful CONTRACTOR shall submit as part of his bid a cost breakdown showing the cost of various segments of the work according to a specification heading, the total amount equaling the contract price. This breakdown shall be used as the basis for the payment of estimates and as a basis for change orders as stated in the Contract Documents. Upon award the successful bidder shall submit a construction schedule prior to beginning of any work.

10. Right to Reject Proposals

The OWNER reserves the right to reject any or all proposals.

11. Time is Essence and Award of Contract

Time is essence of the Contract. The OWNER will attempt to offer the Contract to the successful bidder (as selected by OWNER) within seven (7) days after opening of bids.

12. Withdrawal of Bids

Bids may be withdrawn on written or telegraphic request received from bidders prior to the time fixed for opening. Telegraphic request must be received by OWNER in written form before bid opening. Negligence on the part of the bidder in preparing the bid confers no right for withdrawal of the bid after it has been opened.

<u>BID FORM</u>

NAME OF BIDDER____, 1997

TO: Park City Municipal Corporation
Public Works Department
1053 Iron Horse Drive
P.O. Box 1480
Park City, Utah 84060

Gentlemen:

The undersigned, in compliance with your invitation for bids for the SANDRIDGE PARKING LOT and MAIN STREET IMPROVEMENTS, PARK CITY, UTAH, having examined the Drawings and Specifications and related Documents and the site of the proposed work and being familiar with all of the conditions surrounding the construction of the proposed project including the availability of labor, hereby propose to furnish all labor, material and supplies as required for the work in accordance with the Contract Documents as specified and within the time set forth and at the price stated below. This price is to cover all expenses incurred in performing the work required under the Contract Documents of which this proposal is a part:

I/We acknowledge the receipt of the following addenda:__________________________ ______.

For all work shown on the Drawings and described in the specifications, I/We agree to perform for the Sum of:

Base Bid No. 1____Dollars $_______________
(In case of discrepancy, written amount shall govern)

Base Bid No. 2____Dollars $_______________
(In case of discrepancy, written amount shall govern)

Base Bid No. 3____Dollars $_______________
(In case of discrepancy, written amount shall govern)

Base Bid No. 4____Dollars $_______________
(In case of discrepancy, written amount shall govern)

I/We guarantee to complete the Base Bid 1, Base Bid 2, Base Bid 3 and/or Base Bid 4 work within 45 calendar days after receipt of "Notice to Proceed", should I/We be the successful bidder. This bid shall be good for 30 days after bid opening.

Enclosed is _______________, as required, in the sum
(Bond or Check)
of ____.

The undersigned CONTRACTOR'S License number for Utah is ______________________

Upon receipt of Notice of Acceptance of this bid, the Undersigned agrees to execute the Contract within five (5) days and deliver OWNER Protective Bond in the prescribed form in the amount of 100% of the General Construction Contract Price for faithful performance of the contract. The Certified Check, Cashier's Check or Bid Bond attached, in the amount not less than five percent (5%) of the above Bid sum, shall become the property of Park City Municipal Corporation, in the event that the contract is not negotiated and/or the OWNER Protective Bond delivered within the time set forth, as liquidated damages for the delay and additional expense caused thereby.

List all subcontractors whom you intend to use for any work over One Thousand Dollars ($1000.00)

Base Bid No. 1

Subcontractor	Work to be Performed	Dollar Amount
Subcontractor	Work to be Performed	Dollar Amount
Subcontractor	Work to be Performed	Dollar Amount

Bas Bid No. 2

Subcontractor	Work to be Performed	Dollar Amount
Subcontractor	Work to be Performed	Dollar Amount
Subcontractor	Work to be Performed	Dollar Amount

Base Bid No. 3

Subcontractor	Work to be Performed	Dollar Amount
Subcontractor	Work to be Performed	Dollar Amount
Subcontractor	Work to be Performed	Dollar Amount

Bas Bid No. 4

Subcontractor	Work to be Performed	Dollar Amount
Subcontractor	Work to be Performed	Dollar Amount
Subcontractor	Work to be Performed	Dollar Amount

SANDRIDGE PARKING LOT
PHASE 3

BASE BID NO. 1

ITEM NO.	QUANTITY	ITEM DESCRIPTION	UNIT BID PRICES	AMOUNT
1	1 Lump Sum	Mobilization		
2	1 Lump Sum	Rough Grading		
3	17,000 SF	Scarify/Compact Rotomill		
4	425 Tons	Asphalt		
5	600 LF	Highback Curb and Gutter		
6	45 LF	Rolled Curb and Gutter		
7	1 Each	Inlet Box		
8	60 LF	12" ADS Storm Drain		
9	30 SY	RipRap		
10	1 Each	Concrete Apron		
11	1 Lump Sum	Keystone Wall (Complete)		
12	1 Lump Sum	Parking Line Painting		
			PROJECT TOTAL	

SANDRIDGE PARKING LOT
PHASE 3

BASE BID NO. 2

ITEM NO.	QUANTITY	ITEM DESCRIPTION	UNIT BID PRICES	AMOUNT
1	1 Lump Sum	Topsoil		
2	1 Lump Sum	Demolition/Tree/Boulder Removal		
3	1 Lump Sum	Grading		
4	7380 SF	Irrigation		
5	3200 SF	Lawn (Sod)		
6	5 CY	Slag (4") & Placement		
7	93 SF	Concrete Walk (4")		
8	32 LF	Railing		
9	291 LF	Concrete Curb		
10	387 LF	Synthetic Wood Edging- 'Trek'		
11	170 SF	Turf Block (10'x17' area)		
12	25 CY	Mulch & Placement		
13	992 Ea	Bulbs-Tulip ("Apeldom")		
14	3 Ea	Malus 'Spring Snow' 2" Cal.		
15	1 Ea	Acer negundo 'Sensation' -(Clump) 2" Cal.		
16	5 Ea	Picea pungens 'Glauca' 7' - 8'		
17	25 Ea	Salix exigua 5 Gal.		
18	30 Ea	Comus sericea 5 Gal.		
19	5 Ea	Euonymus alatus ' Compacta' 5 Gal.		
20	218 Ea	Hemercoallis Hybrid		
21	2 Ea	Acer ginnala ('Red Flame') 8' - 10'		
22	7 Ea	Betula nigra (multi) 8' -10'		
23	13 Ea	Misc. Perennials 1 Gal.		
24	50 Ea	Mahonia repans 1 Gal.		
25	5 Ea	Creeping Jenny (Flats)		
26	1 Lump Sum	Relocate Existing Trees		
27	10 Ea	Pinus mugo "pumilio" - 5 Gal.		
			PROJECT TOTAL	

100

MAIN STREET
PEDESTRIAN IMPROVEMENTS
BASE BID NO. 3

ITEM NO.	QUANTITY	ITEM DESCRIPTION	UNIT BID PRICES	AMOUNT
1	Square foot	Concrete sidewalk		
2	Square foot	Custom concrete pattern		
3	Square foot	Uni-cobble pavers		
4	Each	3' diameter boulder		
5	Linear foot	Concrete seat wall		
6	Square foot	Concrete sidewalk 4' wide		
7	Square foot	Sod		
8	Linear foot	Saw cut existing sidewalk		
9	Per 8' lenght	Heavy timber 8" x 8" min.		
10	Each	Malus Ioensis "Klehms Improved" 3" Cal.		
11	Each	Paeonia "Mme vernville" 1 Gal.		
12	Each	Pinus mugo mugo		
13	CY	Mulch & Placement		
13	CY	Topsoil & Placement		
			PROJECT TOTAL	

MINER'S PARK
IMPROVEMENTS
BASE BID NO. 4

ITEM NO.	QUANTITY	ITEM DESCRIPTION	UNIT BID PRICES	AMOUNT
1	Square foot	Asphalt		
2	Square foot	Stamped asphalt		
3	Square foot	Uni-cobble pavers		
4	Linear foot	Concrete curb and gutter		
5	Linear foot	Concrete seat wall		
6	Each	Tree grate		
7	Each	Light bollard		
8	Each	Movable bench		
9	Linear foot	Vertical heavy timber 8" x 8" min.		
10	Each	Malus loensis "Klehms Improved" 3" Cal.		
11	Each	Paeonia "Mme vemville" 1 Gal.		
12	Each	Pinus mugo mugo		
13	CY	Mulch & Placement		
14	CY	Topsoil & Placement		
15	Linear foot	saw cut existing right-of-way		
			PROJECT TOTAL	

TO BE SUBMITTED WITH BID

SUBSTITUTIONS

The following substitutions of materials and/or equipment are proposed:

Base Bid No. 1

ITEM	MANUFACTURER AND DESCRIPTION	ADDITION	DEDUCTION

Base Bid No. 2

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Base Bid No. 3

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Base Bid No. 4

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Respectfully Submitted,

______________________________ Seal (If a Corp.)

Print Name

____

Address

____

____

Signature Date

EXHIBIT B

J. POCHYNC COMPANY, INC.
DESIGN/BUILD • GENERAL CONTRACTORS

Honorable Mr. Toby Ross, City Manager and
Park City Council
Park City Municipal Corporation
Marsac Building
Park City, Utah 84060

Subject: Miners Park and Main Street Pedestrian Improvements

J. POCHYNOK COMPANY, INC. (JPC) requests that PCMC accept its bid to perform work on the subject project for the following reasons:

1. JPC has submitted the lowest responsible bid for the work in question. The work represented by unit price lists Base Bid 3 and 4 has been offered combined. This has been done for the following reasons: 1) The bid documents provided by PCMC in the Table of Contents do not list Unit Price Base Bid Numbers for Statements of Work (SOW) 3 & 4. 2) There is no descriptive narrative with the invitation to bid documents to provide a clear and distinct definition of the SOW's for what PCMC is representing as individual work packages. 3) This as well as the fact that no request, definition or narrative exists in the invitation to bid that requires separate pricing submittals leaves the format and combination of the Base Bids 1 through 4 to the enterprise of the bidders. JPC has shown initiative, enterprise and expertise in construction management as well as creativity by combining Base Bids 3 and 4 to offer the best responsible pricing to PCMC. The lack of clear definition and narrative created an invitation to bid that is so ambiguous that free and equal competition via submittal of unit price schedules provided was impossible. None of the bidders chose to use the unit price lists provided for Base Bids 3 and 4 in the invitation to bid because it did not adequately express the SOW implied by the invitation to bid documents drawings. This is the strongest evidence possible to support the JPC's claim of ambiguity of the invitation to bid documents. Therefore, in consideration of these ambiguities JPC developed a responsive proposal that combined Base Bids 3 & 4 and was the most time and economically efficient (low bid) for PCMC. This concept is further supported by PCMC's willingness to enter into a contract with DRD Paving for both Base Bids 3 & 4 combined. Jerry Gibbs advised JPC that individual pricing could have been submitted with a discount for a combined award. If this is in fact the

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arrangement that has been or is anticipated to be reached with DRD Paving then some possibilities exist: 1) JPC has recognized and offered that concept in spite of the ambiguities of the invitation to bid documents and should be awarded the contract 2) Any such negotiations to achieve such a discount initiated by PCMC or subsequent offers accepted from DRD further supports JPC's claim that Base Bids 3 and 4 are indeed a singular activity 3) PCMC views the work packages as a single combined activity in their recommendation of awarded to DRD Paving. However, in the same action penalizes JPC, through a claim of non-responsiveness, for recognizing this concept during the course of attempting to interpret the invitation to bid documents and subsequent bid preparation and submittal. JPC has provided a CSI cost coded unit breakdown of its combined lump sum offer. DRD Paving did not provide this.

2. The same bid documents do not specify or state anywhere in their entirety that each of the Base Bids 1 through 4 are to be bid upon separately. If this were the case then a surety letter or check would be required for each separately not for a combined amount. DRD Paving has submitted a single letter of Surety and has been deemed responsive. Further, during the bid opening at the Public Works Department DRD Paving made loud vocal protests and appealed to the Public Works Director "you know me, we have done a lot for the City and this Department...come on." These statements were not clarified or supported by evidence at the time and DRD Paving then made a request for a private meeting with PCMC to discuss the matter after the bid opening. JPC was not offered or afforded an opportunity to argue the merits of its offer, therefore this request is submitted.
3. The certified check provided by JPC for $10,000.00 was the correct amount according to the published amended advertisement for bids provided by the PCMC Community Development Department. Slight differences due to last minute bid changes or submittals based on addendum 1 by subcontractors that altered the final bid amount when compared to the PCMC advertised estimate should not be cause to consider the bid nonresponsive. A bid can only be held nonresponsive if it fails to provide surety or places qualifications or conditions in the contract different from those in the invitation to bid or if it offers performance that varies from the invitation to bid with respect to the method of performance, time of performance, or the nature of the work required to be done. JPC's bid, in fact, is compliant with all of these items mentioned. JPC claims PCMC is "nit-picking" this issue in an inappropriate determination of non-responsive bidding. Further, PCMC's actions constitute a restraint to free competition. The two (2) reasons listed for considering the bid non-responsive (improper surety and combination of Base Bids 3 & 4) were provided via telephone conversation with Jerry Gibbs. These were the exact claims made by DRD Paving at the bid opening and the basis of their request for the private meeting. The sanctity of the bid process must be maintained, however, applying the same strict interpretation used to reject JPC's bid, DRD Paving's bid must be considered non-responsive because it does not provide separate surety for

each work package bid upon. Further, DRD Paving offered a lump sum and did not provide the unit cost breakdown sheet provided in the invitation to bid documents provided by PCMC nor a CSI cost breakdown. JPC's offer was a lump sum with a CSI unit price breakdown. The point must be made that PCMC has the right to accept a bid with minor irregularities. This was stated at the bid letting by Jerry Gibbs and is written in the invitation to bid documents. JPC's bid does have minor irregularities but not to the extent of tainting the sanctity of the bidding process. The same level of irregularities exists in the bid offered by DRD Paving. Further, consider the situation reversed such that if PCMC chose to accept JPC's bid, with minor irregularities then JPC could not seek relief from performance nor petition successfully for return of the Surety offered using as a defense the same claims of irregularities that PCMC is making for rejection of JPC's bid. JPC would be faced with two possibilities: 1) perform with fidelity on the contract 2) not perform and forfeit the Surety ($10,000.00).

4. JPC has taken no exceptions to the SOW or the type, quantity and quality of materials required as evidenced by its bid documents. JPC offered a competitive bid because it was suggested by PCMC that it would be in the best interest of a current project at 405 Main Street (extension and remodel of The Shirt Off My Back "TSOMB" building) to concurrently manage the subject project. This is because of access problems, parking requirements, coordination and staging issues and other potential problems associated with too many people trying to occupy a small and highly public jobsite with short duration intensive activity. JPC was further advised that the competitive bidding process would be used to select a contractor. Therefore JPC submitted a bid in response to PCMC's advertisement and invitation to bid. JPC offers as character, performance, fidelity and quality of work references, David G. White, Architect for 405 S. Main Street and Ron Ivie, Chief Building Official for PCMC. There has never been any doubt expressed regarding JPC's ability to perform in terms of capability, quality or fidelity mentioned by anyone at PCMC as reason for rejection of the bid. JPC believes this is not an issue. JPC admittedly does not have an active bonding agent because, until now, 100% of its work has been private not public sector. Application is currently in place with the Fred A. Moreton Company to provide surety. JPC was made aware of this project by PCMC at time when it had already been advertised and only a few days remained to submit a bid. JPC's developed a bid that is responsive, responsible and the lowest competitive offer during this time period. This demonstrates JPC's interest, commitment and capability to perform under adverse conditions required by this project.
5. JPC believes the hostility directed toward it by DRD Paving will continue on the jobsite and will be an impediment to cooperative and efficient sharing of access, materials staging, cleanup and other coordination issues. This is a significant issue because JPC is working under a $500.00 per day penalty clause per agreement between the Owners of TSOMB and PCMC, if access to the Miners Park is impeded by its construction activities after May 29, 1999.

JPC has proceeded on this project under an excavation permit with only a non-specified clause in the access agreement to negotiate any extensions. This provides very limited protection to the Owners of TSOMB and JPC because PCMC has not responded to JPC's request to set aside 2 parking places in front of TSOMB and/or Miners Park for the 3-month construction period. Further, PCMC has not responded to JPC's request, as stated in the already submitted Construction Mitigation Plan, for a staging area in Miners Park adjacent to TSOMB's existing building nor has PCMC provided any shared access plan for concurrent construction activities that will occur on the TSOMB remodel and the Miners Park renovations. The unknown General Conditions of the work to be performed for both of these projects with two contractors occupying the same site with different motivations increase liability and risk to JPC as well as PCMC. JPC has advised PCMC that its period of performance is 90 days on the TSOMB project which overlaps the entire period of performance of the work of Base Bids 3 and 4. In summary, the lack of amicable working relationship and the cumbersome nature of the required coordination planning with two participants as well as the short period of performance will add cost and potentially time to both projects.

JPC requests that PCMC accept its bid for Miners Park Renovations and Main Street Improvements because it is responsive, the lowest price and is in the best interest of the public and private Owners involved.

Thank you for your consideration of this request.

Sincerely,

John Pochynok

Encl.: Advertisement of Bid by PCMC
Bid Cover Letter by JPC

Cc: Jerry Gibbs
Rick Lewis

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To MR. RICK LEWIS	From DAVID HARRISON
Co.	Co.
Dept.	Phone #
Fax # 435-615-4906	

DRD

May 18, 1999

EXHIBIT C

Mr. Mark Harrington, Deputy City Attorney
P.O. Box 1480
Park City, Utah
84060

MAY 20 1999
PARK CITY PLANNING DEPT.

Re; Main Street Improvements, Base Bid No.3
Base Bid No.4

Dear Mr. Harrington,

As per GRAMA we are requesting the following information.

1. Bid abstract of the project.
2. Original bid specification book.
3. Copy of Pochynok Construction bid documents.

This letter will serve as written notice concerning the following issues.

It is our position that we are the apparent qualified low bidder. for Base Bid No.3, and Base Bid No.4, of the Main Street Improvements Project.

We are listing the reasons we believe that the bid of Pochynok Construction should not be considered.

1. Poychnok Construction did not list Base bid no.3 or Base Bid No.4, as separate projects. Instead he gave a combined bid for both projects.

The bid documents required separate bids to determine a low bidder for each project.

In addition I was told by Chris Rideoul, the Engineer for the project, that it was mandatory that the bids had to be bid as per the bid documents. That the projects had to be bid seperatly.

Had we been able to bid the projects together, it would have changed our bid.

2. Poychnok Construction did not submit the required 5% bid bond in his bid.

3. Poychnok Construction did not have the required Surety Letter listing his bonding agent and their commitment to provide the required Performance and Payments bonds as per specifications.

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MAY 20 1999
PARK CITY PLANNING DEPT.

4. Poyohnok Construction does not have the required Contractors license and Classification to bid or sign a contract for this work.

To verify this item please contact Mr. Wayne Holman At the Utah State Department of Commerce, Division of Professional Licensing, at 530-6639.

To bid on this work or sign contracts for said work the contractor must have a E-100 Classification.

Mr. Poyohnok has an R-100 License, #262785.

It is our position that any one of the items should be grounds to award the contract to our firm.

Our company should not be punished because we bid the work as per written and verbal direction of the owner.

Thank you for your attention to these matters.

Sincerely,

David O. Harrison

cc: file
Bonding Agent legal

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