PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 18, 2006

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, May 18, 2006.

Work Session – City Council Chambers
3:00 p.m. Council questions/comments
3:10 p.m. City Park Recreation Building remodel
3:30 p.m. Quinns Junction Sports Complex update
3:50 p.m. Budget overview – Capital Improvement Budget
5:20 p.m. Motion to close for litigation

Executive Session – Executive Conference Room
Closed session and dinner

Regular Meeting – City Council Chambers
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF APRIL 27 AND MAY 4, 2006

V CONSENT AGENDA PUBLIC HEARINGS

1. Continuation of hearing on Ordinance approving a street vacation and plat amendment for the Christians Replat described as Lots 28 – 30 and a portion of Lot 27 of Block 72 of the Park City Survey, also known as 130 Sandridge Avenue, Park City, Utah

2. Ordinance approving the 1135 Park Avenue Replat combining Lot 9 and portions of Lots 8 and 10 of Block 5 of the Snyder's Addition to the Park City Survey, Park City, Utah

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of Block 72 of the Park City Survey, also known as 130 Sandridge Avenue, Park City, Utah

2. Ordinance approving the 1135 Park Avenue Replat combining Lot 9 and portions of Lots 8 and 10 of Block 5 of the Snyder's Addition to the Park City Survey, Park City, Utah

3. Resolution adopting goals and strategies for solid waste for Park City, Utah

4. Authorization to the City Manager to execute the Statewide Utility License Agreement, in a form approved by the City Attorney, with the Utah Department of Transportation

5. Resolution commemorating the week of May 14, 2006 as National Police Week in Park City, Utah

6. Resolution acknowledging the week of May 21 – 27, 2006 as National Public Works Week in Park City, Utah

VII PUBLIC HEARING

Tentative budget for fiscal year 2006-2007 for Park City Municipal Corporation and its related agencies

VIII NEW BUSINESS

1. Authorization to the City Manager to execute a Construction Agreement, in a form approved by the City Attorney, with Build Inc. for the construction of the Boothill 2 MG Tank, in an amount not to exceed $1,399,138

2. Park City Fire District Station #31, 2360 Holiday Ranch Loop Road:
   (a) Call-up of a Conditional Use Permit approved by the Planning Commission on April 26, 2006
      - Staff presentation
      - Public input
      - Possible Action
   (b) Ordinance approving the Creekside subdivision plat, creating two lots of record, located at 2360 Holiday Ranch Loop Road
      - Continuation of public hearing
      - Possible action

IX ADJOURNMENT

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

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

Posted: 05/15/06
See: www.parkcity.org

Budget Calendar

May 4th

Work Session

- Presentation of the Tentative Budget
- Budget Overview & Timeline
    - Revenue/Expenditure Summary
    - Economic Outlook
- Operating Budget
    - Employee Classification Task Force
    - Part Time and Regular Pay Plan
    - Departmental Requests

Regular Meeting

- Public Hearing on the Tentative Budget

May 18th

Work Session

- Capital Improvement Projects (CIP)
    - CIP Prioritized List
    - Long-term / Citywide Needs
    - Existing CIP Requirements
    - New Projects
    - Ongoing Projects Updates

Regular Meeting

- Public Hearing on the Tentative Budget

May 25th

Work Session

- Capital Improvement Program (cont'd)
- Regional Collaboration & Economic Development
    - Transit Fund & Regional Transit
    - Economic Development Grant Policy
    - Business License Fees
    - Water Fund
    - Outstanding Issues

Regular Meeting

- Public Hearing on the Tentative Budget

June 1st

Work Session

- City Service Fees and Fee Resolution
- Personnel Policies and Procedures (P&P) Manual
- Outstanding Issues

Regular Meeting

- Resolution adopting the Personnel P&P manual Public Hearing on the Tentative Budget

Adoption of the Tentative Budget
Public Hearing on the Fee Resolution
Adoption of the Fee Resolution

June 8th
Work Session
Outstanding Budget Issues
Regular Meeting
Public Hearing on the Budget

June 15th
Work Session
Presentation of the Final Budget
Outstanding Issues
Regular Meeting
Public Hearing on the Final Budget
Adoption of the Final Budget by Ordinance
Redevelopment Agency Meeting
Public Hearing on the RDA Budgets
Adoption of the RDA Budgets by Resolution
Municipal Building Authority Meeting
Public Hearing on the MBA Budget
Adoption of the MBA Budget by Resolution

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

May 2006

18 **Roger and Candy gone**

25 **Roger gone**
Budget work session and public hearing
Resolution authorizing the Mayor to execute an Interlocal Agreement, in a form approved by the City Attorney, establishing a Summit County Council of Governments – Kent
Park City Fire Station Real Estate Purchase Contract
Construction Management Contract for Boothill Tank and Pump Station
Soils Ordinance Amendment – Ron Ivie
Telecommunications Franchise Agreement with All West/Utah, Inc.
Ordinance - 2260 Park Avenue – Jupiter Inn condo conversion - Ray

29 Memorial Day – offices closed

June 2006

1 **Jim gone**
Budget work session and public hearing and tentative adoption
Ordinance – 841 Empire Avenue plat amendment – Jon
MFL - William Corliss Memorial Ride – Monday, June 5 at 6 p.m.
MFL – Park City Community Fair, Saturday, June 10 at 10 a.m. – 1 p.m. City Park
MFL - Tour of Utah MFL – Saturday August 12 - 9 a.m. to 10 a.m.
Economic development grant – Applied Center for Applied Media, a Utah non-profit corporation – public hearing and consent

8 **Jim gone**
Budget work session and public hearing

15 Budget work session, public hearing and final adoption
Ordinance – Amendment to Municipal Code – Administrative Code Enforcement

22 Art Advisory Board interviews - work

29 Award of construction contract for police facility

July 2006

6
13
20
27

August 2006

3

10
17
24
31
One year review of Ordinance No. 05-49, outdoor display of merchandise – August 2006
One year review of land use associated with purchase of Aerie Drive/Deer Valley Drive property – August 2006

Pending Items:
Snow removal service levels
Mosquito Abatement District update - John Yassi, District Director
Eagle Pointe V annexation public hearing/action - Brooks
Amendment to LMC creating Community Transition Zone and amending Chapter 6 Master Planned Developments creating unit equivalent multiplier for (I) occupancy buildings
KPCW lease
General Plan update
Regional bus service SLC
Conveyance of easement from Iron Mountain & Associates
Briefing on parking regulations and event parking permits for Sundance – Fall 2006

City Council
Staff Report

Author:	**Jessica Moran, Recreation Supervisor**
Subject:	**City Park Recreation Building**
Date:	**May 8, 2006**
Type of Item:	**Work Session - Informational**

Recreation & Library Department

Summary Recommendations:

Staff and RAB recommend that the City Park Recreation Building be remodeled this all/winter, and the Park City Summer Day Camp continues to operate out of the recreation building during the summer months.

Description:

Topic:

Provide direction to RAB and staff with regard to the City Park Recreation Building remodel.

Background:

As part of their Visioning Session in September 2005, the Recreation Advisory Board recommended that an internal task force of city staff assess the City Park Recreation Building to determine the best use(s) of the building, and make a recommendation on the scope of either a building remodel, or new construction.

The City Park Recreation building was originally constructed in the mid 80's when the park was built. The building currently houses the Recreation Department's Summer Day Camp and the lower level acts as equipment storage for the Parks Department. The city currently has a lease agreement with the Boys & Girls Club, allowing them to use the facility during the school year. This agreement expires on May 31, 2006.

The City originally agreed to a two year lease with the Boys & Girls Club in the anticipation that the building would need to be remodeled and that the two years would give the Boys & Girls Club an opportunity to begin looking for a permanent year round facility.

Analysis:

City Council approved RAB's recommendation to assess the building, and in November of 2005 a task force including staff from the recreation, special events, library, parks and building maintenance departments met to discuss the building and to determine programming and space needs. Input was also received from the Boys & Girls Club, who currently leases the building during the school year. The task force recommended the following:

- Remodel of the interior space that would create two multi purpose rooms. These would be separated by a partition wall that would allow the space to be one large area or two smaller spaces.
- Enclosing the covered patio on the southwest corner for added square footage
- Interior access only bathrooms
- No expansion of the foot print of the current building

The task force felt that these improvements would meet the needs of current programs using the building and would make the space more attractive for other potential uses.

Staff then met with VCBO Architects, who came up with a preliminary drawing of the remodel, taking into account the recommended changes and upgrades requested. Please see Attachment 1 for this conceptual drawing.

The attached drawing meets the recommendations outlined by the task force. This plan would allow for more useable “multi-purpose” space indoors, includes additional restrooms accessible only from the inside of the building, increased storage space, and views of a computer area, art room and multi-purpose room from the office area (ideal for Day Camp use). Issues it does not address include renovation of the existing restrooms, and light and safety issues related to the roof. These would be addressed in the final design of the remodel.

On Tuesday, May 2nd staff met with the Recreation Advisory Board to present the conceptual drawing and discuss the remodel. RAB has given their support of the project, and recommends moving ahead with the remodel. A preliminary cost estimate for the remodel is $500,000, plus $36,000 for architectural, structural, mechanical and electrical design and engineering. There is funding available in the City Park CIP fund #48 to cover this estimated cost.

Construction of this remodel would be scheduled to begin in the fall of 2006, meaning that the city’s lease of the building to the Boys and Girls Club could not be renewed for the 2006-2007 school year. Boys & Girls Club management have been notified of the remodel, and they have indicated that they would like to renew the lease for the 2007-2008 school year. In the meantime, they plan to launch a serious site selection study and capital campaign for a permanent year-round location. The Boys & Girls Club has already begun working with the Park City School District to find a location for the 2006-2007 school year.

If Council directs staff to renegotiate the renewal of the school year lease with the Boys & Girls Club for 2007 – 2008, staff would look to have a lease in place by April 2007. The Recreation Department plans to continue operation of the Summer Day Camp program. This program, whose home base is the City Park Recreation Building, has been offered by Park City Recreation for over 20 years. It is a valuable and popular program for Park City residents, as evidenced by the 2005 summer when the camp operated close to capacity (for the building and staff:camper ratio) for the entire 10 weeks of the summer. In addition, the program is a terrific example of community cooperation, due to partnerships with the Kimball Art Center and Educational Advantage. It is an important link to other recreation programs, such as swim and skateboard lessons, as many children would otherwise be unable to participate in those programs were it not for the full-day summer day camp option. RAB is supportive of the continued operation of the Summer Day Camp.

In a recent meeting with the Boys & Girls Club the possibility of a partnership that would allow their staff to continue work during the summer, assisting with the Summer Day Camp, was discussed. Dependant on the future plans of the Boys & Girls Club, staff is willing to explore this option further, beginning with the summer of 2007. In the meantime, staff and RAB recommend that the City Park Recreation Building be remodeled this fall/winter, consistent with the attached drawing, and the Park City Summer Day Camp continues to operate out of the recreation building during the summer months.

Department Review & Input Received From:
Budget & Grants, Special Events, Recreation & Library, Public Works, Economic Development & Capital Projects and the Recreation Advisory Board.

Alternatives:

A. Approve the Request:
Provide direction to RAB and staff with regard to the City Park Recreation Building remodel. If Council is supportive of the remodel a RFP will be issued for design and preparation of construction documents so the project can begin this fall.

B. Modify the Request:
Council could modify the proposed remodel and direct staff to include or exclude items in the design.

C. Deny the Request:
Council could direct staff and RAB to reevaluate the proposed remodel of the City Park Recreation Building.

D. Continue the Item:
Council could delay the item to a later date and direct staff and RAB to provide additional information before forwarding any recommendation on the proposed remodel.

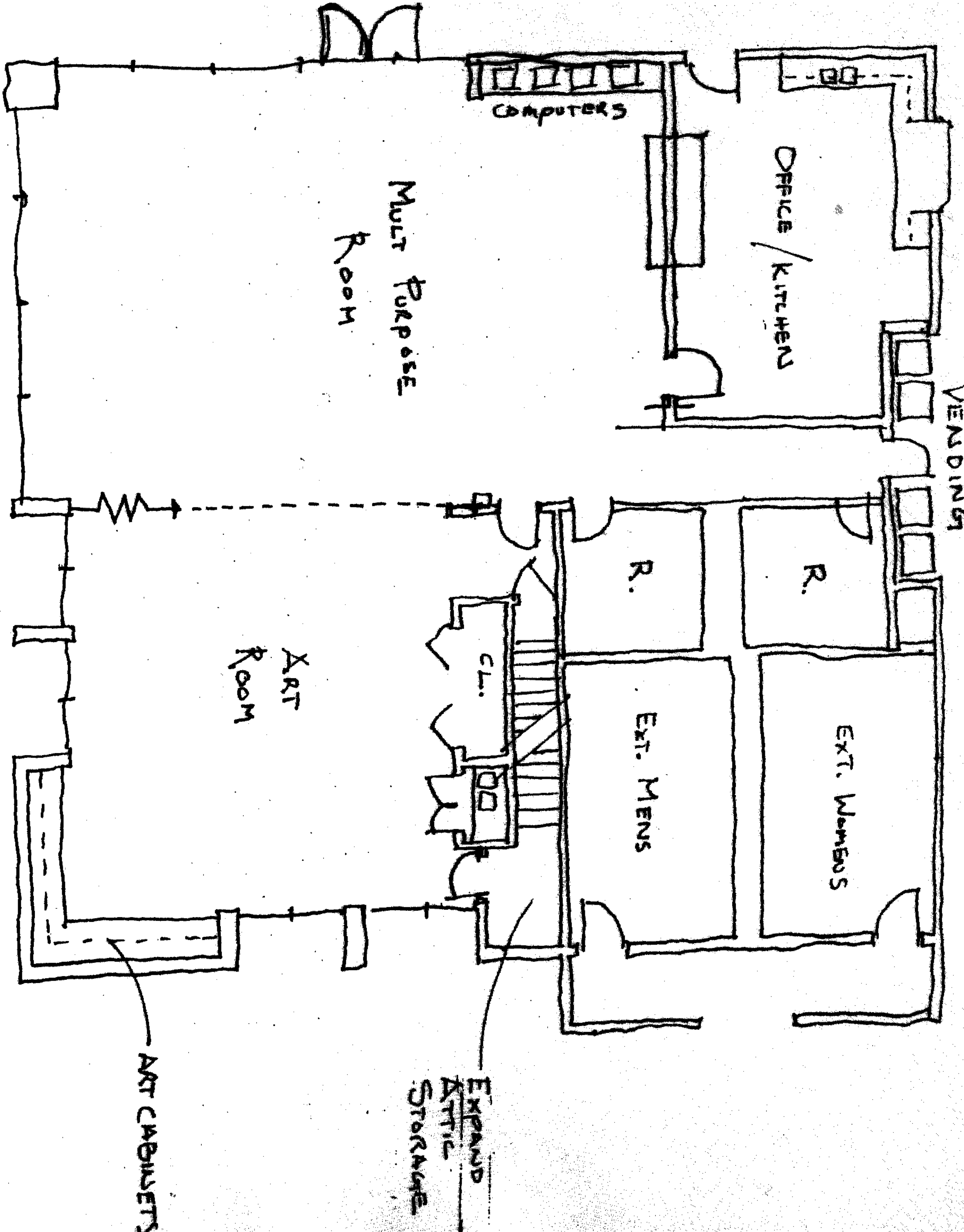
E. Do Nothing:
Council could take no action, meaning the City Park Recreation Building would stay as is.

Significant Impacts:

A remodel to the City Park Recreation Building would add much needed additional space to the building, meeting the needs of a wider variety of recreation programs, as well as outside use. The added room would significantly improve the functionality and safety for the Summer Day Camp program. Funds are currently budgeted in the City Park CIP Fund to cover the cost of the remodel.

Consequences of not taking the recommended action:
Delay the remodel of the City Park Recreation Building. Any delay would result in the project not being completed by the summer of 2007, displacing a reliable and popular summer program.

Recommendation:
Staff and RAB recommend that the City Park Recreation Building be remodeled this fall/winter, and the Park City Summer Day Camp continues to operate out of the recreation building during the summer months.


COMPUTERS
MULT PURPOSE ROOM
OFFICE / KITCHEN
VENDING
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ART ROOM
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EXT. MENS
EXT. WOMENS
ART CABINETS
EXPAND ATTIC STORAGE

City Council
Staff Report

Author: Stacey Noonan
Subject: Park City Ice Arena and Sports Complex Season End Update
Date: May 18, 2006
Type of Item: Informational

Summary Recommendation – Confirm staff's recommendation to operate a nine month season – August 2006 through April 2007 within the current FY 2007 operating budget.

Description: Park City Ice Arena

Topic: FY 2006 season overview, FY 2007 season direction.

Background: Performance at the new PC Ice Arena exceeded expectations while creating more year round sporting opportunities for the community. We were able to capitalize on the tail end of the 2006 Olympic fever and February 24th brought a fast and furious opening. It literally took a village to get the facility up and running. A volunteer program developed by the Human Resources department allowed staff from many departments to provide quality service while the I.T. and Recreation departments installed and dialed-in hardware and software to get the system set up operationally. The Finance department provided a good security perspective and assisted with cash handling procedures. Public Works took care of snow removal while the Transit department worked on providing transportation to and from the facility. The Economic Development staff continued to work with the construction crews to finish the "punch list", and the list goes on – every department was involved in one way or another. As a team, city staff came together to ensure the success of the first indoor skating season this community has been anxiously awaiting.

Financial projections are strong. Staff expects to collect approximately $40,000 more revenue than budgeted while coming in $10,000 below budget on expenses. This cuts the operating subsidy by $50,000, leaving the City in a net position of a $94,000 deficit vs. the original $144,000 shortfall originally projected (see attachment 1).

Through a collaborative City/Basin R.A.P. Tax grant application written by Bonnie Park, staff utilized $105,000 in grant monies to help defray operation and start up costs. Monies were granted to reduce labor costs in helping the National Ability Center start their recreational sled hockey program ($5,000) and to purchase safety pads for the new speed skating program (10,000). The remainder of the funds will be used to offset operations ($81,000) and to start our capital replacement fund ($9,000) as defined in the Inter-Local Cooperative Agreement. The Basin also supported the purchase of 20 sets of hockey gear ($4,000) to jump-start our new hockey program from a “Friends of Ice” fund collected in 2000.

The forecast shows equal subsidy from the City and the Basin at $94,000 each, again - $50,000 better than initial projections. Now that we have three months of operations under our belt, staff will monitor the 2007 budget and make adjustments to next season’s operating budget as needed and within City budget policies.

Program participation is strong. We averaged over 500 skaters during each of two - six week sessions of learn to skate, learn to play hockey, learn to speed skate and the adult hockey leagues (see exhibit 2). Although numbers were lower in session two for learn to skate, David Harris promoted a learn to speed skate class and enrolled 40 skaters. We will end our first season with two programs forming clubs: recreational sled hockey and speed skating. Next season we will promote the start of a figure skating club and youth hockey association.

The only real disappointment expressed from the public is the fact that we are closing our doors as planned from the beginning, on May 28th. Because staff had the rink turned over two days before the grand opening, we need to have some operational downtime to prepare for a healthy second season, including the replacement of the ice sheet. It will give staff critical planning time while we host the first indoor in-line hockey program, test the market for meetings, parties and small receptions, get concessions ready to open next season, develop staff training programs and install both an inventory and security system. This will also give staff time to get more involved in the planning and maintenance of the four fields. Marketing a year out will be important for the success of the outdoor portion of the sports complex in the summer of 2007.

Staff believes that given the strong financial performance of the rink for the first four months, we should open the arena in August 2006 and close mid to late April. We would like to test a month of summer ice and then close in April as skating volume drops off dramatically in the spring. Informal feedback from the public tells us people want to skate in the summer whereas actual skating volume tells us people want to be outside in the spring.

With everything considered, we can be proud of the new facility and initial usage. Moving forward, the opportunity for growth is huge and staff look forward to the challenges of next season.

Department Input & Review: This report has input and comments from the following departments: Economic Development, Legal, Special Events, Recreation-Library, Public Works, and from the City Manager. It was also reviewed by the Friends of Ice Advisory committee.

Alternatives: Reduce the skating season to seven months as originally planned – October through April.

Significant Impacts / Consequences of not taking the recommended actions: This would give staff less time to grow programs, build the skating base and does not meet the demand of the participants.

Staff Recommendation: Confirm staff's recommendation to operate a nine month season – August 2006 through April 2007 within the current FY 2007operating budget.

Attachments:

1. Financial Analysis
2. Program Volume

PARK CITY ICE ARENA

	2006 Full Year Forecast							2007 BUDGET		
	BUDGET		GRANTS/ADJ		ADJ BUDGET	FYF	B(W) BUDGET	Budget	ADJ'S	ADJ BUDGET
PERSONNEL	198,780				198,780	211,518	(12,738)	272,098	0	272,098
					0					
OPERATING	143,100		22,193	*	165,293	141,642	23,651	551,798	6,400	558,198
REVENUES	123,200		15,293		138,493	178,328	39,835	272,500	0	272,500
NET	218,680		6,900		225,580	174,832	50,748	279,298	6,400	285,698
Basin - Operating Subsidy	67,500		13,485		80,985	80,985	13,485	75,000		75,000
Basin-Capital Replacement	7,500		1,498		8,998	8,998	1,498			
NET W/BASIN / RAP Grant	143,680				144,595	93,847	65,731	204,298	6,400	210,698

Notes:

RAP Tax Grant:			
Total Award	105,276		
Speed Skating Safety Pads	10,293	*	
Labor-Sled Hockey	5,000	*	
Remainder	89,983		
10% to Cap. Replacement	8,998		
Operating	80,985		
Budget Adjustments	2006		2007
postage:courier service	3,400	*	3,400
cell phones	3,500	*	3,000

Park City Ice Arena
2006 Program Numbers

Program:	**Session I**	**Session II**
Learn to Skate - youth	227	144
Learn to Skate - PTA program	150	140
Learn to Skate - adult	30	24
Learn to Skate - Small & Tall	15	5
Learn to Skate totals:	**422**	**313**
Learn to Speedskate - youth	n/a	25
Learn to speedskate - adult	n/a	17
Learn to Speedskate totals:		**42**
Learn to Play Hockey - youth	28	47
Learn to Play Hockey - girls	7	6
Learn to Play Hockey - adult	14	13
Learn to Play Hockey - women	21	23
Hockey League - A/B/C	65	
Hockey League - A/B		49
Hockey League - C/D		16
Learn to Play Hockey totals:	**135**	**154**
Session totals:	**557**	**509**

programs/2006 program numbers.xls

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
APRIL 27, 2006

Present: **Mayor Dana Williams; Council members, Marianne Cone; Candace Erickson; Roger Harlan; Jim Hier; and Joe Kernan**

Tom Bakaly, City Manager Mark Harrington, City Attorney; Jerry Gibbs, Public Works Director; Bret Howser, Budget Analyst; Refer to Item 3 for a list of other staff members in attendance

1. Council questions/comments. The Mayor suggested that members render comments at the regular meeting since closed session ran longer than anticipated.

2. Solid waste goals and strategies. Jerry Gibbs referred to his staff report and urged members to comment on the draft. The intent of the document is to clearly state that Summit County operates the solid waste program. Marianne Cone believed that recycling has a long way to go and asked what "*support*" for recycling means. Mr. Gibbs responded that the County provides financial assistance to Recycle Utah which is shared by the City by providing the facility. Ms. Cone spoke about the need to implement a compost program for landscape materials from City projects. Clint Dayley acknowledged that most material goes to the landfill but Christmas trees are ground up with leased equipment. Marianne Cone felt that this program should be pursued. Jerry Gibbs pointed out that composting needs to be part of the overall solid waste plan and Summit County needs to develop this. There may be ancillary programs undertaken by the City, but the goals and strategies should relay the importance of composting as the County moves forward with its planning. The Mayor stated that there are a couple of commercial composters in North Summit County and there may be someone in the private sector that could be contracted for services.

Joe Kernan pointed out the nexus in diverting landfill costs by increasing the level of recycling and Jerry Gibbs agreed and discussed the importance of comprehensive long-term planning. He added that identifying the life of the landfill and acquisition costs for a new landfill needs to be factored to determine the scope of recycling. A piece-meal approach should be avoided and the County should take a comprehensive look at solid waste to outline goals and a course of action. Joe Kernan agreed and added that as a government, the County should operate at the lowest possible cost and if there are enhanced recycling programs, they should be limited to 10% of the cost of the solid waste budget. Mr. Kernan stated that he does not support an increased fee for garbage pick-up and hoped that the County will work with existing tax revenues to service the population, and he discussed the significant property tax revenue surplus from exclusive developments. He hoped that rather than raising fees for residents that the County look at existing and/or commercial sources and referred to significant property tax revenues projected to be generated from Empire Pass. The appropriateness of residents paying for a second trash can was supported by members. As a matter of equity, Candace

Erickson believed that some of the condominium projects should have the option of using cans, rather than paying for dumpsters, because many units are residences.

Jerry Gibbs advised that the trend in the industry to control solid waste flow is to generate more recycling and to charge for what is thrown away. He understood Mr. Kernan's position to be that collection is an essential service that the County should be providing as a part of the property taxes paid for residential properties. There are adequate property tax resources that should cover residential services as well as landfill operations which are Summit County's responsibilities.

Jim Hier understood that if solid waste becomes and operates as an enterprise fund that property taxes associated with trash pick-up will not be reduced accordingly. Roger Harlan strongly suggested encouraging the County to explore alternatives for recycling landscape materials because it must significantly add to the volume at the landfill. Mr. Gibbs explained that the Summit County Public Works Department has relayed that green waste is not a big problem County-wide.

Joe Kernan agreed with Ms. Erickson's comment about the County providing cans for condominium units and Jim Hier pointed out that condominium associations are being penalized because they are paying both property taxes and dumpster fees. Candace Erickson discussed a meeting with Recycle Utah Director Insa Reipen, Summit County Public Works Director Kevin Callahan and Jerry Gibbs which focused at looking at the solid waste flow comprehensively. This means setting objectives for the life of the landfill and setting forth recycling goals to accomplish projections. She continued that once the landfill is full, one option is relocating solid waste and discontinuing dumping at the landfill entirely. Some materials can be composted to save on transportation costs and she commented on the significant expense of incineration. She indicated that all of these approaches should identify a cost per resident.

Tom Bakaly understood from an inter-agency meeting, that Summit County is considering an enterprise fund fee which would cover all solid waste removal costs now covered in the General Fund. He proposed that direction be that the County explore a *pay as you throw fee* earmarked toward the landfill replacement and continue to cover operations with property tax. If some direction is not provided, there may be a tendancy to impose the fee and have property tax revenue cover costs. Mr. Bakaly believed that funding landfill replacement costs will likely be funded with a fee or property tax increase. Candace Erickson asked about tipping fees and Mr. Gibbs explained that they only relate to construction and commercial waste. Mr. Kernan suggested that the haulers absorb costs. He added that Summit County has one of the lowest landfill costs in the country and there is no reason to increase property taxes. The City Manager felt that the County is considering fees and not decreasing property taxes.

The Mayor believed that the program should be based on what Park City citizens already pay. He stated that aside from 2.1 in the staff report, the Council is generally supportive of the document. Ms. Cone suggested adding the language *other commercial areas* in 1.1, replacing *HMBA*. Joe Kernan felt it important to create a long-term equity plan for multi-family services. Jerry Gibbs felt that this relates to the County's interpretation of residential and commercial and Mr. Bakaly suggested coming back with a resolution on May 18 reflecting today's discussion.

3. Quarterly goals and performance measure updates. Bret Howser explained that the City has been developing the performance measure program over the last several years. Departments define programs administered and formulate performance measures for those programs. Self-managed teams reported on the effectiveness and success of various strategies, programs and projects. See staff report for details:

City Manager	Tom Bakaly, City Manager and Sharon Bauman, Analyst II
Legal	Mark Harrington, City Attorney
Police	Chief Lloyd Evans, Lieutenant Rick Ryan, and Lieutenant Phil Kirk
Building Maintenance	Mike Lennon, Building Maintenance Manager
Parks	Clint Dayley, Golf Course/Parks Manager
Streets	Troy Dayley, Streets Manager
Transit	Kent Cashel, Assistant Public Works Director and Eric Nesset, Transit Manager
Water	Kathy Dunks, Water Manager
Building	Ron Ivie, Chief Building Official
Planning	Patrick Putt, Planning Director
Engineering	Eric DeHaan
Special Events	Alison Butz, Special Events and Facilities Manager
Capital Projects and Economic Development	Colin Hilton, Economic Development Director
Recreation	Ken Fisher, Recreation Director
Library	Linda Tillson, Library Director
Ice Arena	Stacey Noonan, Ice Arena Manager
Golf	Craig Sanchez, Golf Director
Finance	Karen Robinson, Payroll Analyst
Human Resources	Brooke Moss, Human Resources Analyst
Budget	Seth Atkinson, Budget Analyst

Candace Erickson requested comparables from other communities to better assess accomplishments and Jim Hier pointed out that CTAC is addressing this issue. Joe Kernan stated that he finds it very helpful when staff provides updates when there is a change to implement a program or process to increase productivity.

4. Meeting questions/comments. See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 27, 2006

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6:40 p.m. at the Marsac Municipal Building on Thursday, April 27, 2006. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Brooks Robinson, Planner; David Maloney, Planner, Clint Dayley, Golf Course and Parks Manager; Polly Samuels-McLean, Assistant City Attorney; and Kirsten Whetstone, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

As liaison to Recycle Utah, Candace Erickson invited the public to participate in the hazmat collection at The Canyons on May 6, Pride in the Park Day on May 13, and the garage sale on May 20. Roger Harlan reported on his experience on a nuclear aircraft carrier off the coast of San Diego where he had an opportunity to visit with service men and women from Utah. He shared information on Prayer Day which will be commemorated at The Yarrow next Thursday. Jim Hier relayed that he attended meetings with the HMBA, transportation site selection committee, and the Chamber who is forecasting $4.5 million in revenues, of which $3.9 million will be generated from transient room tax which is up significantly from last year.

Joe Kernan disclosed that he has a recycling contract with Summit County. Mayor Williams stated that he and other jurisdictions met with the Summit County Commission about the $10 license fee. The group unanimously agreed to proceed. He was approached by the Literary Festival group to partner with the Library on promoting reading a selected book in the community. Marianne Cone advised that the Park City Library already has a reading program and the book will be announced on May 1. He reported on a meeting with resident Rick Scott who complained about loose dogs on the Poison Creek Trail. It is the City's intention to better post this trail about leash laws. The Mayor discussed his meeting with the Girls and Boys Club who report an average of 25 to 30 kids a day. The organization is displaced every year with summer camp but many employees from the Girls and Boys Club are hired by the City to run the camp. The Club is a real asset to the community and perhaps programs could be better integrated. The City Manager indicated that this can be further discussed on May 18. Mayor Williams reported on conversations with Senator Hatch's office regarding the immigration bill. The legislation proposes that all illegal immigrants be deported and he stated that he is not in favor of federal money being spent on a program that will not work. Another option is enforcing immigration laws at the local level which he believes would divide the community and diminish the effectiveness of outreach programs. Park City's position has been relayed to both Senators Hatch and Bennett and it is unlikely that something will be passed this year.

Mayor Williams announced that Myles Rademan was inducted into the College of Fellows at the APA Conference in San Antonio this week. This award is an incredible honor.

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

The Mayor invited the public to comment.

1. Complaint against the Legal Department – Steve Onysko, 2282 Doc Holiday Drive, stated that he is here to address shortcomings that he and his family has experienced with respect to citizen treatment by the Police Department and City Attorney's Office. The City Council is ultimately the responsible party for employee conduct and he distributed information to members that he asked to be kept confidential. The Mayor asked if this request is appropriate since this is a public meeting and Mark Harrington advised that upon request the correspondence would be classified according to code. Mr. Onysko recommended that if Council decides to discuss his issue that it be conducted in closed session.

He continued to explain that his son was a witness to a medical emergency and when the police responded, he was requested to fill out the standard voluntary statement form. His son chose not to provide a voluntary statement and the police arrested, booked, and jailed him for interference. The City dropped the charges after the family spent $1,000 in legal fees and a reimbursement for these charges was denied by the City Prosecutor.

Mr. Onysko continued that this is not his first bad experience with the way the Police and City Attorney Offices conduct themselves. He was charged with resisting arrest when he stopped at a safe distance to view police interacting with Hispanic members of the community. The Police Officer told him he was not allowed to watch and prior to his first hearing he was denied access to the police report. When he came to the building to obtain the report, the City Prosecutor threatened to arrest him if he didn't leave the building. Former City Council Member Peg Bodell escorted him to the building and he was provided with the documents by Mr. Harrington.

He is disturbed about the denial of his claim because it was signed by Mr. Daley, the City Prosecutor. They have a history and Mr. Onysko reported that he filed a complaint against him with the Utah Judicial Conduct Commission over several incidents and it seems like a lack of professional ethics to have Tom Daley review the claim. It should have been referred to an impartial person. He asked the Council to review the request for reimbursement for legal fees, acknowledging that the matter could be reviewed by the Police Appeals Board, except he doesn't want to hold the police officers culpable. The City Council sets policy. He emphasized that his charges were dropped after $3,000 of legal expenses and just being charged with something can damage your reputation. Mayor Williams explained that the Appeals Board was set up for this type of review and Mr. Onysko reiterated that he is not interested in bringing a complaint against the officers themselves as this is a policy problem. The City Council is allowing the City Attorney to flaunt the standards of civil liberties and he doesn't want the reputations of the officers marred because they are just doing their jobs. Candace Erickson acknowledged that the Council is ultimately responsible but there is no way to correct the action without filing a formal complaint. Mr. Onysko suggested forming a City Attorneys Review Board, because that is where the problem lies, not the Police Department. The police are doing their job but there should be impartiality in the City Attorneys Office when looking at evidence and he is not impressed by the performance of that office. The only remaining opportunity for citizens is filing a lawsuit and there should be another avenue available to the public. Jim Hier suggested that this matter be discussed in closed session at some date in the near future. In response to a question from Roger Harlan associated with his son and his roommate's medical problem, Mr. Onysko explained the incident appeared to be drug-related. However, his son was drug-tested and passed but this fact was ignored by the Legal Department.

2. <u>Summit County solid waste policy</u> - Derek Howard, Jupiter View Drive, stated that he represents the Parkview HOA; the project includes 36 condominiums in 12 triplexes. The collection of trash from commercial dumpsters has been disastrous and the HOA approached Kevin Callahan and the Summit County Commission to request residential trash pick-up. Mr. Callahan stated that the HOA would have to pay for the services, totaling $3,600 a year. After reviewing the solid waste policy, they paid to reserve their right to appeal in February. The policy describes multi-family residential dwellings as units less than four-plexes. The dumpsters were removed and the project is now clean. Mr. Howard reported that the County Commissioners were mixed, and Bob Richer suggested that this request is a subsidy but property tax revenues are earmarked in the General Fund to cover residential trash pick-up. The HOA is frustrated with the lack of process in the County and asked if the City will be willing to intercede on their behalf. The new contract will be introduced shortly and Mr. Howard emphasized that Park View meets the residential definition. The Summit County Public Works Director interpreted the meaning of *four-plex* to mean four units.

Jim Hier stated that he is willing to make a phone call to Commission members to get a better understanding of their policies and appeal on their behalf as he now understands the issue. Mr. Howard added that the cost of dumpsters and individual pick-up is about the same amount of money, but residential pick-up should be paid by Summit County which is in the policy included in the provider contract. In response to a question from Roger Harlan, Mr. Howard indicated that he didn't know the number of permanent residents but probably not many, but that is not relevant with regard to applying the policy.

Bruce Haines, HOA President, stated that he attended associated meetings and emphasized that second home owners are paying higher property taxes than primary residents. Jim Hier added that pick-up demands decrease when condominiums are empty and Mr. Howard stated that BFI is paid whether or not there is trash. The City Manager referred to the solid waste discussion in work session and the proposed resolution scheduled for adoption on May 18, 2006. This may be an opportunity for

Council to take a formal position on this issue; Jim Hier commented that he will follow-up. With no further comments, the public input session was closed.

IV CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance approving the Larkspur 5, Units 27-32 Condominium Record of Survey Plat, Park City, Utah - Brooks Robinson, Planner, explained the location of the project in Empire Pass. Units are approximately 3,500 square feet and meet all requirements of the RD Zone. The Planning Commission forwarded a positive recommendation to the City Council on April 12, 2006 based on the findings, conclusions of law, and conditions of approval outlined in the staff report. In response to a question from Roger Harlan regarding affordable housing obligations, Mr. Robinson explained that Empire Pass projects must provide 25% on-mountain affordable housing. Talisker has sold off pieces to other developers to assist in meeting their small housing obligations. Mayor Williams explained that there are eight or nine units already under construction in Empire Pass. Employee housing still costs the same as the market product which is double to triple the costs of construction in town. He expressed concerns about traffic generated by employees and asked if Council would consider building housing off-site for other projects. Brooks Robinson stated that some units are already built. The Mayor opened the public hearing and with no comments from Council or the audience, closed the public hearing.

2. Ordinance approving the Larkspur 4, Units 21-26 Condominium Record of Survey Plat, Park City, Utah – Brooks Robinson explained that this project is adjacent to Larkspur 5. These are tri-plex units and are compliant with all zoning regulations. The Planning Commission also forwards a positive recommendation and there was no public input rendered for Larkspur 4 and 5 at the meeting. The Mayor opened the public hearing and with no comments, closed the hearing.

3. Ordinance approving the 438 Ontario Replat combining Lot 11 and half of Lot 12 of block 48 of the Amended Plat of Park City, located at 438 Ontario Avenue, Park City, Utah – Planner David Maloney explained that the application contemplates enclosing a deck requiring this lot combination. Staff recommends approval as outlined in the staff report. The public hearing was opened and hearing no input, was closed.

4. Ordinance approving the Empire Subdivision Lot 1 of Block 29 of the Snyder's Addition to the Park City Survey, located at 911 Empire Avenue, Park City, Utah – Planner David Maloney explained that there is an existing historic house on the site and the setback is not met on three sides. Because there are existing interior lot lines and no new lots will be created, staff considers this structure to be compliant based on Section 2.2-4 of Chapter 15 in the LMC. The lot size is consistent with requirements of the HR-1 Zone and staff recommends approval as outlined in the staff report. The Mayor invited the public to comment and hearing no input, closed the public hearing.

V CONSENT AGENDA

Marianne Cone, "I move we approve Consent Agenda Items 1 through 5". Jim Hier seconded. Motion unanimously carried.

1. Ordinance approving the Larkspur 5, Units 27-32 Condominium Record of Survey Plat, Park City, Utah – See staff report and public hearing comments.

2. Ordinance approving the Larkspur 4, Units 21-26 Condominium Record of Survey Plat, Park City, Utah - See staff report and public hearing comments.

3. Ordinance approving the 438 Ontario Replat combining Lot 11 and half of Lot 12 of block 48 of the Amended Plat of Park City, located at 438 Ontario Avenue, Park City, Utah - See staff report and public hearing comments.

4. Ordinance approving the Empire Subdivision Lot 1 of Block 29 of the Snyder's Addition to the Park City Survey, located at 911 Empire Avenue, Park City, Utah - See staff report and public hearing comments.

5. Authorize the City Manager to enter into a contract in a form approved by the City Attorney's office with Utah Technology Assistance Program for a pavement management study and a sign inventory in the amount not to exceed $32,000 – See staff report.

VI NEW BUSINESS

1. Authorize the City Manager to enter into a contract in a form approved by the City Attorney's Office with Conexco for the sediment removal of 18th hole lake on the City Golf Course in the amount of $98,300 – Clint Dayley explained that the sediment is six inches deep and the dredging project is proposed to begin August 7 and completed by September 15, 2006. The project complies with the City's procurement policy and is a budgeted item. In response to a question from Candace Erickson regarding timing, Mr. Dayley explained that the lake's drain pipe can only handle low flows and the driest part of the season was selected. The pond will be drained about six weeks prior to construction to dry out. Ms. Cone asked about the fish and he explained that the water is drained over three to four days and staff will catch and release them in the upper pond. During the draining process, the fish typically find their way downstream. Roger Harlan asked if the project will negatively affect play and Mr. Dayley noted that there may be some minimal noise for about a week, but no other impacts. In response to a question from Joe Kernan, he advised that removed material is not hazardous and can be graded and seeded on site. Park City Mountain Resort is also participating in this project.

Candace Erickson, "I move we authorize the City Manager to enter into a contract, in a form approved by the City Attorney's Office, with Conexco for the sediment removal of the 18th Hole Lake on the City Golf Course in the amount of $98,300". Marianne Cone seconded. Motion unanimously carried.

2. Amendments to the Land Management Code - Chapter 1: General Provisions; General Provisions; Chapter 3: Off-Street Parking; Chapter 4: Supplemental Regulations; Chapter 6: Master Planned Developments; Chapter 7: Subdivision General Provisions; Chapter 8: Annexations relating to changes in the Utah State Code and to modify the use of the term Community Development Department and Community Development Director – Planner Kirsten Whetstone explained that the Planning Department is in the process of preparing amendments to the LMC to address planning and zoning issues that have surfaced over the past several years, the reorganization in the Community Development Department and compliance with state code. The remaining sections are being redlined and will be submitted to the City Council in the next couple of months. Last night, the Planning Commission forwarded a positive recommendation on Chapters 9, 10, 11, 12 and 14, leaving Chapters 2, 5 and 15.

On March 1, 2006, the Planning Commission forwarded a positive recommendation on the amendments before Council with a recommendation that the notice requirements be standardized in the Code to the greatest extent possible. The City's standard of notice is more stringent than the state code, but the Commission felt it important to maintain 14 day notice for out-of-state property owners. She distributed and detailed the revised notice matrix. She discussed language modifications regarding references to the Community Development Department, the Historic District Commission and the Uniform Building Code which no longer exist. Additional language has been added for solar energy, affordable housing, clarification purposes, emergency zoning, creating zoning districts, exactions, conditional use permits, notice to applicants, burden of proof, standard of review, conflicts of interest in appeals, and supplemental regulations. There have been changes in the subdivision ordinance including several language changes regarding plats and vacations. Ms. Whetstone continued that Chapter 8, Annexation Policy Plan, now requires that a zone be assigned when the property is annexed.

Substantive planning and zoning issues include noticing, and adding the ability for MPDs to apply a unit equivalent calculation of 2,000 square feet instead of using the table. Another amendment requires vehicles to park on paved surfaces which was prompted by a trend of parking in setback areas. Language regarding retaining walls, chain link fencing, parking, guest houses, and CUPs for telecommunication antennas in the Historic District has been clarified. The Ordinance is scheduled for public hearing and adoption and action tonight is at the sole discretion of Council.

In response to a question from Joe Kernan, Ms. Whetstone explained the unit equivalent calculation for residential and commercial. She acknowledged problems associated with taking advantage of maximizing unit equivalents at the expense of good planning. She read the added verbiage, *"One unit equivalent equates to 2,000 square feet of residential floor area and 1,000 square feet of commercial area. For purposes of calculating residential unit equivalents an applicant may use the following table"*. This is an *either- or* scenario determined during the MPD process. Jim Hier suggested maintaining the standard of 2,000 square feet equaling one unit equivalent and eliminating the table. As long as the table is an option, there will be abuses. Ms.

Whetstone agreed and acknowledged that the 2,000 square foot guideline is simpler. Jim Hier asked why the Commission wanted the table to remain in the LMC, and Ms. Whetstone believed that members desired to provide another option. Council member Hier again suggested that the table be stricken because it is ambiguous. Mayor Williams and Council members agreed. The Mayor opened the public hearing.

Mike Sweeney, Treasure Mountain Hill Project developer, agreed with Jim Hier's suggestion about simplifying unit equivalents by removing the table, acknowledging that they could conceivable lose 100,000 net square feet. Although the 1,200 square foot standard is limiting, it provides flexibility in design and results in better projects and they probably will request to use this approach. Mark Harrington advised that pending applications can take advantage of the new definition.

Mr. Sweeney indicated that many of his questions were addressed earlier by staff but he has further input. He warned that promoting solar panels may promote clutter and suggested that at some point in the future, the LMC may be amended to limit solar panels in certain zones. There should be a definition for *"moderate income housing"*, although he felt it should actually read *affordable* income housing. He then addressed the provision for courtesy mailings which take a lot of time and money for applicants. Mr. Harrington advised that they are required for the first public hearing but not continued hearings. If a project review occurs over a long period of time, or if a hearing is continued to a date uncertain, the applicant may be asked for additional notices. Mr. Sweeney felt that it should be clarified. He felt that monitoring parked vehicles on unpaved surfaces will be difficult to enforce and questioned its purpose. There was discussion about specific requirements for properties identified in the soils ordinance. Kirsten Whetstone explained problems associated with parking vehicles in setback areas and Jim Hier pointed out that there are unpaved driveways. Ms. Whetstone noted the language doesn't include driveways.

Mike Sweeney pointed out that guest houses are limited to 1,500 square feet unless additional floor area is approved by the Planning Commission for MPDs and suggested that CUPs be added. He urged the Council to consider including time lines for processing a CUP under an MPD as it took eleven years to get the Town Lift Bridge approved. When Senator Mansell's proposed bill was an issue a couple of months ago, Mr. Hier explained that the Council discussed creating some language for timing and process. The City Attorney recalled that the original bill identified hard time limits on processing CUPs, but the final draft substituted this requirement for *reasonable diligence*. Applicants who feel the process is unreasonably prolonged can raise formal due process objections heard by the governing body. Mr. Hier referred to general guidelines, which he understood are being developed by staff, to advise the public of typical time lines for a variety of applications. Mark Harrington advised that this is provided on the information sheets designed for each specific action. The Planning Department may be updating those, and he cautioned against including this in the LMC. Jim Hier felt it beneficial to provide general projections to encourage reasonable expectations.

The Mayor summarized that members agree to remove the unit equivalent table and Marianne Cone pointed out typographical errors in the document. In response to a question from Joe Kernan, Ms. Whetstone explained that the requirement to park on hard surfaces would be enforced on a complaint basis by the Code Enforcement Officer in the Building Department.

Jim Hier, "<u>I move that we adopt the Ordinance attached to the LMC amendment staff report, as amended</u>". Candace Erickson seconded. <u>Motion unanimously carried</u>.

VII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Marianne Cone, "<u>I move to close the meeting to discuss property and personnel</u>". Jim Hier seconded. <u>Motion carried unanimously</u>.

The meeting opened at approximately 4:30 p.m.

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

Prepared by Janet M. Scott

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MAY 4, 2006

Present: **Mayor Dana Williams; Council members, Marianne Cone; Candace Erickson; Roger Harlan; Jim Hier; and Joe Kernan**

Tom Bakaly, City Manager Mark Harrington, City Attorney; Patrick Putt, Planning Director; Gary Hill, Budget Manager; Kent Cashel, Assistant Public Works Director; Sharon Bauman, Analyst II; Ken Fisher, Recreation Manager; Linda Tillson, Library Manager; Lloyd Evans, Chief of Police; Ron Ivie, Chief Building Official; Eric DeHaan, City Engineer; and Colin Hilton, Economic Development Department

1. Council questions/comments. In response to a question from Marianne Cone regarding renovation plans for the Pace Barn and the pole barn across the highway from the McPolin Farm, Mr. Putt advised that a determination of significance will have to be made byby the Historic Preservation Board for both buildings. Ms. Cone commentediscussed on the Art Council's new website. Candace Erickson reported that construction has started on the community park at the Racquet Club and the installationupgrade of the new playground equipment in Prospector Park. The skate park project will begin shortly and the locker room project at the Racquet Club is underway. She discussed the Historical Society meeting, its expansion project and upcoming community events. Joe Kernan stated that the Talisker task force meetings have concluded. Roger Harlan reported on Ecumenical Prayer Day and the Park City Heights open house held during the week. Mayor Williams discussed the annual home owner's party to be held on July 22 in Prospector to also celebrate the delisting by EPA this year. A group from Vancouver visited the City Hall today to obtain information on hosting an Olympics. Jim Hier stated that he attended a special events meeting and a joint facilities meeting during the week. The Mayor added that Vai Lealaitafea was named "*Top Cop*" by KNRS-570 AM Radio.

2. Budget overview. Gary Hill explained the features of the Executive Summary and detailed the upcoming budget calendar. The City is in a period of outstanding economic growth. Last year, sales tax collection increased 20% over the previous year which was an all-time high and there will be an increase over that this year which is unprecedented. He cautioned that increases in sales tax revenues will be tempered somewhat because of the "hold harmless" legislation, and once phased out, Park City will be down to 62% of the 1%, which is historically the amount captured after the redistribution for population. Mr. Hill emphasized that this is affecting growth as opposed to losing dollars. The value of construction ranges from $51 million in 2002 which was significantly down because of the Olympics, to $119 million in 1999 and as of December 30, 2005, numbers reached $116 million. The value year-to-date this year is $33 million and if the trend continues, the total is anticipated to reach $120 million in building activity. There was discussion of the term *value of construction* and Jim Hier advised that it is the value assigned by the Building Department based on the national index. The calculation has nothing to do with the actual cost of construction or the sales price. Mr. Hill interjected that building activity typicallyends to reflects a healthy economy. Another indicator is the City's bond rating and staff is currently working on obtaining a higher rating.

Gary Hill explained that this is the second year of a two-year budget cycle, and the changes to the plan approved last year will be presented. The 2007 budget represents an approximate .69% increase over the 2006 budget. The recommended budget for 2007, excluding capital, is $34 million or a 2.4% increase over the 2007 plan and a 4% increase over the 2006 budget. The majority of the operating changes result from personnel requests in the General Fund and the Transportation/Parking Fund recommended by task forces. Some of the expenses in the Transit Fund are offset by County revenue. There are career development reclassifications in this year's recommended budget which are covered by individual departments by reducing other line items.

The Budget Manager explained the variety of task forces formed to study job classifications, the pay plan, bonuses, and the career development program. Kent Cashel explained that many employee classifications are driven by seasonal demands of the City and the make-up of the committee was represented by affected departments. The charge was to look at temporary and seasonal positions for possible reclassification and compliance with legal requirements. Data such as duration, number of hours per week, and provision of benefits were collected and a decision tree was created to analyze each position. He explained that they standardized position titles to *regular, seasonal* or *part-time non-benefited*. Mr. Cashel continued that employment contracts are typically recommended for short-term needs like project management or consulting services, but in some instances, positions evolve into a full time or long term need. The number of employment agreements has grown at a rapid pace and the committee identified decision points to properly classify positions. *Temporary* was defined as two years or less consistent withtying into the budget cycle. The group applied the existing pay plan where applicable and contracts were brought under the same pay rate methodology. Gary Hill stated that there are 27 contract employees and the task force recommends that 13 of them become full-time regular positions resulting in an increase in full-time equivalents. However, the budget impact is only a total of $4,300 because in most of these cases, the contract employees were receiving benefits and salaries were supported by the departmental budget. Mr. Cashel explained that every position will be processed through e run through this decision tree system.atic process.

He relayed that the full-time regular pay plan is examined every two years in tandem with the budget cycle, but the temporary pay plan is not reviewed regularly. Fortunately, the committee found matches in the regular pay plan with job descriptions and bench marks for most temporary positions and if a bench mark is not available, there is an internal equity process to set wages. This exercise resulted in a temporary pay plan linked to market pay. In response to questions from Councilmember Hier, Gary Hill explained that part-time non-benefited employees are not full-time equivalents and seasonal positions may work full time during a set duration of time; both classifications are included in the temporary pay plan. He explained a program where teaching golf pros collect a portion of the fee charged for lessons which is the practice for tennis. Impacts to changes in the pay plan by fund and department are identified and reflect $180,000 for the General Fund and $201,000 for all Funds. Discussion ensued regarding recruitment of bus drivers by way of pay and Mr. Cashel pointed out that a combination of things attracts people to jobs. Joe Kernan felt that distinguishing types of employment is helpful.

Gary Hill reported that the employee bonus task force compared our philosophy with other communities and found that the majority of cities providing performance bonuses don't distinguish between exempt and non-exempt employees. The recommendation is to establish the same bonus eligibility range for all employees; currently set atit is 6% for exempt and 4% for non-exempt annually. Further, it is recommended that it be increased from 6% to 7% while the City Manager is recommending 6%. With the new practice of awarding bonuses only in the event expectations are exceeded seemed somewhat counter-intuitive to reducing the bonus eligibility amount. It is hoped that this will prompt non-exempt employees to better communicate accomplishments. Tom Bakaly added that 6% seems more consistent than 7% with national averages and it makes sense to offer same standards to exempt and non-exempt employees.

Sharon Bauman, career development task force member, explained that last year Council approved the professional development classification program. The group is requesting an additional $25,000 for 2007 to fund temporary part-time help to assist employees whose work loads are too full to participate in the career development program. The other recommendation is to move the $20,000 budgeted for instant bonuses from the General Fund to a contingency fund fund earmarked for bonuses; this has no fiscal impact. In response to a question from Marianne Cone, Mr. Hill advised that the balance for this line item isn't rolled over, but rather re-appropriated. Ms. Bauman pointed out that the number of instant bonus awarded to co-workers is growing and relayed that the task force appreciates Council Council's and staff's support on the professional reclassification program. In response to a question from Jim Hier, Mr. Hill stated that the $25,000 is an estimate.

Ken Fisher explained personnel changes in recreation and a $60,000 adjustment for tennis in 2006 which is offset with revenues due to growth in the tennis programs. In 2007, there will be a $15,000 reduction in the tennis budget due to the reorganization of the department. In consideration of the resignation of Tennis Pro Warren Pretorius, staff proposes hiring a head tennis professional and a tennis operations supervisor, resulting in about a $15,000 savings. Mayor Williams asked questions relating to the budget for the operation of the new ice arena and Mr. Fisher responded that Stacey Noonan will provide a detailed presentation at the next Council meeting. The City Manager pointed out that the plan is to stay within the subsidy outlined in the inter-local agreement and Ken Fisher added that projected revenues for ice have been collected. Linda Tillson reported that the cataloger position was not recommended to be a full-time regular position by the task force but is introduced as a budget option request for the Library because of on-going needs.

Kent Cashel discussed the challenges in budgeting for regional fleet services when the County's budget calendar is not on the same cycle, often resulting in budget adjustments because the numbers are estimates. He explained the popularity and success of the Kimball Express service where the level of ridership is consistent with winter numbers implying that it is widely used by locals. The next option reflects increased dumping costs at the landfill and all municipalities will be charged. In response to a question from Marianne Cone, Kent Cashel advised that as gas prices climb, the County's portion increases for regional transportation. The dial-a-ride program to Quinns is now operating but there is little demand at this point. This service is being integrated with the senior mobility program to assign drivers. Mr. Cashel detailed the operating reductions in the Water Fund and pointed out the tremendous amount of tunnel maintenance needed. Mr. Hill explained that tunnel maintenance is considered a capital improvement project and funds are placed in reserve.

Joe Kernan described the level of snow removal services for Priorities, 1, 2 and 3 and asked if Council supports enhancing services by increasing the number of passes in areas after a storm. He suggested that Priority 3 be omitted entirely and asked that staff provide options and associated costs. Roger Harlan stated that he lives on a cull-de-sac which is a Priority 3 but residents expect that their street to be cleared. Mayor Williams suggested that this topic be discussed after the budget is adopted and considered next year. Kent Cashel explained that priorities are based on traffic, health, safety, and supporting the local resort economy. This discussion involves more than finding funding but also conforming to the operating philosophy. Gary Hill added that the difficulty is not necessarily calculating costs but formulating four or five scenarios that reflects the change in philosophy. He warned against throwing out a number prematurely and noted that the citizen service survey will provide more information.

Chief Lloyd Evans discussed budget adjustments in the Police Department which have no fiscal impact. There was discussion about reimbursing the department for police oversight of the transport of soils from Empire Pass. Ron Ivie relayed that there are no changes to his budget. Joe Kernan believed that a comparison of building and planning fees to the actual costs of doing business would be helpful for members. Mr. Ivie explained that the fee structure and valuation process are a package and every year fees are examined to ensure that they are consistent with national standards. Gary Hill indicated that he will provide more information. Patrick Putt spoke about the reorganization in the Planning Department, defining long and short term planning tasks, and the new Senior Planner position which will not require additional funds. Eric DeHaan explained that his half-time support position will now be shared with Special Events and Public Affairs. Colin Hilton stated that the overall operating requests for his team result in a net decrease to the budget and primary adjustments relate to the reorganization of the Special Events Department. Mark Harrington discussed two career development promotions in the Legal Department which are covered by the transfer of funds from other line items. Sharon Bauman continued that a technical adjustment is needed for Council's personnel line item to budget for taxes on the cash for benefits not taken.

3. Review of regular meeting. There was no discussion of agenda topics; see regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 4, 2006

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, May 4, 2006. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; David Maloney, Planner, Ray Milliner, Planner, and Brooks Robinson, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

<u>Call-up consideration of a Conditional Use Permit approved by the Planning Commission on April 26, 2006 for Fire Station #31, 2360 Holiday Ranch Loop Road</u> – Roger Harlan, "<u>I move that we have a call-up consideration of a Conditional Use Permit approved by the Planning Commission on April 26, 2006 for Fire Station #31, located at 2360 Holiday Ranch Loop Road</u>". Jim Hier suggested that the forum be de novo and Council member Harlan accepted that amendment to his motion. Marianne Cone seconded. <u>Motion unanimously carried.</u> Members clarified that they will solicit public input.

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

1. <u>Voting equipment demonstration</u> - Summit County Clerk Sue Follett requested some space in the Marsac Building for a few hours on Monday morning for a demonstration on the new Diebold voting machines. Council members expressed their support and Mayor Williams thanked her for keeping them well-informed during her tenure.

2. <u>Pandemic Influenza Planning Summit</u> – Katie Mullaly, Summit County Health Department, explained that counties have received Federal funding for pandemic influenza planning. She personally invited Council to attend a Planning Summit on June 12 and noted that she is also inviting local community organizations, churches, businesses, and clinics.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF APRIL 13 AND APRIL 20, 2006

Marianne Cone, "<u>I move approval of the work session notes and minutes of the meetings of April 13 and April 20, 2006</u>". Roger Harlan seconded. <u>Motion unanimously carried</u>.

V CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance approving the Empire Park Subdivision (lots 1, 2, 3, 4, 5, 6, 43 and 44 of Block 18 of the Snyder's Addition to the Park City Survey, located at 1201 Norfolk Avenue, Park City, Utah – Planner David Maloney explained that approval will create four lots of record. Roger Harlan commented on the challenges and negative impacts of staging and construction in the Historic District. Mr. Maloney explained that three lots will be vacant so there is area to work with on this particular site. Before building permits are issued, construction mitigation is addressed. The Mayor opened the public hearing and with no comments, closed the hearing.

2. Ordinance approving a Record of Survey Plat for the Parkwood Place Condominiums, located at 801-817 Park Avenue, Park City, Utah – Ray Milliner explained that the Planning Commission approved the master planned development and the development agreement. Approval of the plat allows the owner to sell units individually. The Mayor opened the public hearing. With no input, the public hearing was closed.

3. Ordinance approving the Donnelly Subdivision, combining portions of Lots 48, 49, 50, 51 and 52 of Block 78 of the Millsite Reservation to the Park City Survey, located at 41 Sampson Avenue, Park City, Utah – Planner Ray Milliner explained that approval will accommodate the expansion of an existing historic home on the site. The application meets all requirements of the Land Management Code and the Planning Commission forwarded a positive recommendation. Mayor Williams opened the public hearing and with no comments from the Council or the audience, closed the hearing.

4. Ordinance approving the amendment to Lots 1, 2, 3 and 4 of the Red Cloud Subdivision, Park City, Utah – Brooks Robinson stated this is an amendment to four of the 30 lots in the Red Cloud Subdivision (aka Pod D Empire Pass). There were concerns expressed by Wasatch County that the current alignment of the private road to Red Cloud could encourage encroachment into Wasatch County. Talisker and UPCM still own the four lots and are amenable to realigning the road a significant distance from the County line and also instituting a one foot protection strip along the Park City side of lots adjacent to the County line. The City has not received objections to this application to date. Joe Kernan disclosed that both Royal Street and Talisker Corp are clients of his. Jim Hier asked the definition of *protection strip*. Mr. Robinson explained that the plat addresses its intent and specifies that no road may be constructed across the one foot protection strip without the formal approval of Park City Municipal and Wasatch County. The Mayor thanked everyone involved in the process and opened the public hearing. With no public input, the hearing was closed.

VI CONSENT AGENDA

Jim Hier noted that the Resolution forming the Park City Heights Task Force also requires appointments. The City Manager explained that the Resolution contemplates the appointment of two Council members, three Planning Commissioners, and an ex officio member from the Snyderville Planning Commission. Jim Hier advised that he, Roger Harlan and Mayor Williams all desire to serve and other Council members indicated an interest in attending meetings from time to time. Discussion ensued about quorums and noticing requirements and the City Recorder advised that the task force meetings have to be noticed in any event because it is a public body formed by resolution. It was decided to leave the resolution as written. Jim Hier, "I move to approve Consent Agenda Items 1 through 6 with the provision the Roger and I are the voting members on the Park City Heights Task Force". Marianne Cone seconded. Roger Harlan encouraged members to look at the situation at 1201 Norfolk. He will vote in favor of the plat amendment but asked that his concerns regarding construction mitigation be on the record. Motion carried unanimously.

1. Ordinance approving the Empire Park Subdivision (lots 1, 2, 3, 4, 5, 6, 43 and 44 of Block 18 of the Snyder's Addition to the Park City Survey, located at 1201 Norfolk Avenue, Park City, Utah – See staff report, public hearing, and comments above.

2. Ordinance approving a Record of Survey Plat for the Parkwood Place Condominiums, located at 801-817 Park Avenue, Park City, Utah - See staff report and public hearing.

3. Ordinance approving the Donnelly Subdivision, combining portions of Lots 48, 49, 50, 51 and 52 of Block 78 of the Millsite Reservation to the Park City Survey, located at 41 Sampson Avenue, Park City, Utah - See staff report and public hearing.

4. Ordinance approving the amendment to Lots 1, 2, 3 and 4 of the Red Cloud Subdivision, Park City, Utah - See staff report and public hearing.

5. Sidewalk dining lease for Java Cow Café & Bakery, located at 402 Main Street, Park City, Utah - See staff report and public hearing.

6. Resolution forming the Park City Heights Annexation Task Force - See staff report and discussion above where Roger Harlan and Jim Hier were appointed as Council's representatives.

VII NEW BUSINESS

Authorization to the Mayor to execute an Amendment to the 1994 Deer Valley Water Facilities Improvement District in a form approved by the City Attorney – See staff report. Candace Erickson, "I move to authorize the Mayor to execute an Amendment to the 1994 Deer Valley Water Facilities Improvement District in a form approved by the City Attorney". Roger Harlan seconded. Motion unanimously carried.

VIII PUBLIC HEARING

Tentative budget for fiscal year 2006-2007 for Park City Municipal Corporation and its related agencies – See staff report and work session discussion. The Mayor opened the public hearing.

Mike Sweeney, HMBA, announced that Budget Manager Gary Hill will be addressing the executive or the full board to explain new business licensing fees as they relate to special events.

The Mayor requested a motion to continue the public hearing on the budget. Roger Harlan, "I so move". Marianne Cone seconded. Motion unanimously carried.

IX ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:30 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; and Mark Harrington, City Attorney; Myles Rademan, Public Affairs Director; and Craig Sanchez, Golf Director. Marianne Cone, "I move to close the meeting to discuss property, personnel and litigation". Jim Hier seconded. Motion carried unanimously. The meeting opened at approximately 4 p.m. Marianne Cone, "I move to open the meeting". Candy Erickson seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott

CITY COUNCIL
Staff Report

PLANNING DEPARTMENT

Subject:	**130 SANDRIDGE AVENUE**
Date:	**May 18, 2006**
Type of Item:	**Plat Amendment**

RECOMMENDATION: Staff recommends that the City Council review the proposed plat amendment at 130 Sandridge Avenue, conduct a public hearing and approve it according to the findings of fact, conclusions of law and conditions of approval in the attached ordinance.

DESCRIPTION

Project Name:	130 Sandridge Avenue
Project Planner:	Ray Milliner
Applicant:	Julie Christians
Location:	130 Sandridge
Zone:	Historic Residential (HR-1)

BACKGROUND

130 Sandridge Avenue is platted as a portion of lots 27 and all of lots 28-30 of Block 72 of the Park City Survey. A historic single family home encroaches onto platted Chambers Street. A historic garage encroaches two feet onto City owned property used for the Sandridge parking lots. The Sandridge Avenue prescriptive right-of-way bisects the property between the home and garage.

The applicant is requesting a plat amendment to create one lot of record from the existing lots and portions of the platted Chambers Street right-of-way. To do this, the applicant is requesting that the City vacate the section of Chambers Street encroached upon by the existing home and its yard in exchange for a right-of-way dedication of existing Sandridge Avenue, including the portion of property where the garage stands. The City would grant an encroachment easement for the garage. When recorded, the plat amendment would create one lot of record of approximately 3,699 square feet. The City can only vacate r-o-w to the centerline of an adjacent property owner. A small portion of the requested area to be vacated is on the other side, but the City is the adjacent owner. So, if the Council approves the request, it is also quit claiming the interest on the other side.

ANALYSIS

The property is located in the Historic Residential (HR-1) zone. The proposed plat amendment will create 1 lot of record for the historic home. Access to the property is proposed from Sandridge Avenue.

Vacation

Central to the project is the issue of the proposed vacation of platted Chambers Street in exchange for the prescriptive Sandridge Avenue right-of-way. In order to execute the vacation, the City Council after receiving a recommendation from the Planning Commission must make findings of compliance with Resolution No. 8-98, "Resolution adopting a policy statement regarding the vacation of public right-of-ways within Park City, Utah." The resolution is divided into three sections; each with reviewable criteria necessary for a finding of compliance.

<u>**SECTION 1 Good Cause**: The City may generally find "good cause" when a proposal evaluated as a whole demonstrates a "net tangible benefit" to the immediate neighborhood and to the City as a whole (**SEE ANALYSIS BELOW**).</u>

<u>**Criteria 1: No increase in density**. Existing density shall be determined by counting the lots/units that the petitioner could reasonably obtain a building permit for at the time the petition is filed. The existing density must have existing access and must not require a plat amendment in order to obtain a building permit. Street right-of-ways will generally not be vacated to facilitate greater density, floor area or area disturbance</u>**. COMPLIES**

The applicant is requesting that the property be platted into one lot of record. The historic use of the property has been for one single family home on the property. The applicant is requesting that the City vacate a 2,149 square foot section of Chambers Street in exchange for the dedication of a 1,541 square foot section of the prescriptive Sandridge Avenue r-o-w. This vacation would increase the amount of square footage of the lot by approximately 608 square feet. The plat amendment would create a lot of approximately 3,699 square feet, and a possible building footprint of 1,502 square feet. The current property size, not including platted Chambers Street is approximately 3,331 square feet with a possible building footprint of 1,381 square feet. Therefore, the vacation would enable 121 additional square feet of building footprint.

To mitigate this increased footprint, staff recommends the Commission limit future footprint calculations to the square footage of the platted lots only. By doing this, the applicant would not be receiving any additional density or floor area as part of the street vacation.

<u>**Criteria 2: Neighborhood Compatibility**: The proposal shall be analyzed according to the following criteria: the application complies with all requirements of the LMC; the use will be compatible with surrounding structures in use, scale, mass and circulation; the use is consistent with the Park City General Plan, as amended; and the effects of any differences in use or scale have been mitigated through careful planning. The City shall consider the 15 criteria for a conditional use located in Chapter 15-1-10 of the LMC when considering compatibility.</u> **COMPLIES**

Staff has reviewed the proposed property against the LMC lot and site requirements and made the following findings:

HR-1 Site Requirements

	Required	Proposed
Lot Size	1,875 square feet, minimum	3,699 Complies
Building Footprint	1,381 square feet, Maximum Calculation based on existing platted lots.	1,381 square feet, Maximum
Front and Rear Yard	10 feet, Minimum	5 feet front, 10 feet rear. Complies per LMC Section 15-2.2-4
Side Yard	10 feet for a total of 24 feet Minimum	5 feet 21 feet. Complies per LMC Section 15-2.2-4
Height	27 feet above existing Maximum	27 feet above existing Maximum

In addition to meeting the minimum site requirements as stated in the LMC, the applicant would be required to submit an application for Historic District Design Guideline review, as well as a steep slope CUP for any development on a slope of greater than 30%. The existing historic building on the site is a significant building with a footprint of approximately 1,080 square feet. If the applicant were to propose an addition to the building they would have approximately 300 square feet of additional footprint.

Due to the prescriptive right-of-way of Sandridge Avenue and the encroachments onto platted Chambers Street and the Sandridge parking area, the existing single family home and detached garage do not meet current LMC setback requirements. The applicant's vacation proposal would remedy the setback problem in the rear as the vacation would include the property 10 feet beyond the home in the rear. Staff finds that although the proposed plat amendment would not create LMC compliant setbacks in the front and side, the building is a valid complying structure per LMC Section 15-2.2-4 that states, "Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures."

Criteria 3: Consideration: Proposals must compensate the City for the loss of the right-of-way. Consideration favored by the City will generally be financial (market value based upon square footage); open space dedication above and beyond normal subdivision or development requirements; trail or public access dedication above and beyond normal subdivision or development approval requirements; replacement of right-of-way dedication; and/or any public amenity deemed in the best interests of Park City's citizens. **COMPLIES**

Under the applicant's proposal, the compensation to the City would be the 1,541 square feet of property dedicated to the City as r-o-w. In turn, the applicant would receive 2,149 square foot piece of platted Chambers Avenue and an easement for the use and maintenance of the existing garage as long as it remains on the property.

Benefits to the City include:

- Acquisition of right-of-ways for Sandridge Avenue beyond the area currently encumbered by the prescriptive r-o-w.
- Resolution of encroachment of garage onto City owned Sandridge parking area and of home onto City owned Chambers Avenue.
- Acquisition of property through which a City water line runs.

Criteria 4: Utility of existing Right-of-Way. The City shall typically dispose of public right-of-way only when the right-of-way is no longer of significant utility to the City. The City shall consider the right-of-way's status as listed in the Streets Master Plan, the recommendation to the City Engineer, existing improvements and utilities within the right-of-way and the Capital Improvement Plan. Replacement of the prior right-of-way alignment or dedication of new right-of-way must meet the construction and width standards in the Streets Master Plan, unless otherwise reduced by the City Engineer. **COMPLIES**

Page A-28 of the 1984 Streets Master Plan lists the Sandridge Avenue as "obtain R-O-W" meaning it is of significant value to the City. The Streets Master Plan further lists existing Sandridge as a Standard Residential type street in fair condition. Standard Residential streets serve to collect and distribute traffic within residential neighborhoods. The proposed dedication would measure 16 feet in width at its narrowest and 26 feet at its widest with approximately 11 feet of pavement. These streets are generally required to have 25 feet of pavement within a 50 foot r-o-w. However, if the City Engineer determines that the site has either a unique circumstance or an alternative circumstance would result in a more appropriate design, an alternative design may be permissible. Page A-13 the Master Streets Plan shows "Sandridge R-O-W" (Chambers) as being excess right-of-way, meaning it is of lesser significance to the City.

SECTION 2. MATERIAL INJURY. The City must find that no person nor the public is "materially injured" by the proposal. "Materially injured" generally means direct or indirect injury to property or a property right as a result of the proposal. The injury must be significant enough to raise to the level of interfering with the injured party's use of his/her property or property right. The injury must be demonstrated by evidence on the record, or the City's reasonable inference therefrom, and shall not merely be conjecture nor public clamor. **COMPLIES**

Staff has reviewed the proposed vacation and determined that the existing street network will continue to provide access to property owners farther to the south on Sandridge Avenue. The property owner directly to the south of will still gain access from either Hillside Avenue or Sandridge Avenue.

There is also an existing water line that runs along existing Sandridge Avenue. This action on the site will protect this line, as it serves a number of single family homes in the neighborhood.

SECTION 3. JOINT MEETINGS. Joint meetings between the Planning Commission and City Council and Historic Preservation Board, as necessary are encouraged early in the process for large projects and master planned developments, which propose vacation and reconfiguration of public right-of-ways. **COMPLIES**

At its December 14, 2005 work session, the Planning Commission stated that no joint meeting would be necessary for this application.

NOTICE

Notice of this public hearing was sent to property owners within 300 feet on March 29, 2006. No public input has been received at the time of this writing.

ALTERNATIVES

1. The City Council may approve the plat amendment at 130 Sandridge Avenue as conditioned or amended, or
2. The City Council may deny the plat amendment at 130 Sandridge Avenue and direct staff to make Findings for this decision, or
3. The City Council may continue the discussion on the plat amendment at 130 Sandridge Avenue.

SIGNIFICANT IMPACTS

There are no significant fiscal or environmental impacts from this application.

DEPARTMENT REVIEW

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on December 13, 2005, where representatives from local utilities and City Staff were in attendance.

RECOMMENDATION

Staff recommends that the City Council review the proposed plat amendment at 130 Sandridge Avenue, conduct a public hearing and approve it according to the findings of fact, conclusions of law and conditions of approval in the attached ordinance.

EXHIBITS

Exhibit A – Proposed Ordinance
Exhibit B – Proposed Plat Amendment
Exhibit C – Site Survey

Ordinance No. 06-

AN ORDINANCE APPROVING A STREET VACATION AND PLAT AMENDMENT FOR THE CHRISTIANS REPLAT DESCRIBED AS LOTS 28-30 AND A PORTION OF LOT 27 OF BLOCK 72 OF THE PARK CITY SURVEY, ALSO KNOWN AS 130 SANDRIDGE AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property known as 130 Sandridge Avenue, has petitioned the City Council for approval of a Plat Amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on March 22, 2006 the Planning Commission held a public hearing on the proposed Plat Amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on May 18, 2006 the City Council held a public hearing on the proposed Plat Amendment; and

WHEREAS, the proposed Plat Amendment allows the property owner to combine three lots and a portion of one other into one lot of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the Plat Amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The applicant is the owner of lots 28-30 and a portion of Lot 27 of Block 72 of the Park City Survey.
4. There is an existing historic single family home on the property that encroaches onto platted Chambers Street.
5. There is an existing detached garage on the property that encroaches onto the City owned Sandridge parking lot.
6. Existing Sandridge Avenue bisects the property between the single family home and the garage (outside of the platted r-o-w).
7. There is an existing City water line under existing Sandridge Avenue. The applicant is proposing that the City vacate the section of platted Chambers Street encroached upon by the existing home in exchange for a right-of-way dedication of existing Sandridge Avenue.

8. The applicant is proposing no increase in the density currently allowed on the property by the HR-1 zone regulations.
9. The plat amendment would create a lot of approximately 3,699 square feet, and a possible building footprint of 1,381 square feet at 147 Ridge Avenue.
10. Calculations for the building footprint are based on the existing platted lots not including the proposed vacation property.
11. The HR-1 zone requires a minimum lot size of 1,875 square feet.
12. This plat amendment enables an exchange of property between the City and the applicant that would compensate the City for the loss of square footage by conveying the prescriptive Sandridge Avenue r-o-w.
13. As proposed, the applicant would receive approximately 2,149 square feet of platted Chambers Street in exchange for 1,541 square feet of the platted lots between the Sandridge parking lots and the single family home. Part of the vacated area is beyond the center line, but the City is the adjacent owner.
14. The 1984 Streets Master Plan lists the platted Chambers Street r-o-w as "excess R-O-W" meaning it is not of significant value to the City.
15. The proposed Sandridge Avenue R-O-W would range from 26.55 feet in width to 16.01 feet with approximately 11 feet of pavement running through it.
16. The City Engineer has reviewed the proposed vacation, and found that the unique circumstance of the historic building encroachments into the existing r-o-w, and the continued accessibility to adjacent properties the reduced r-o-w configuration is appropriate for the property.
17. The vacation will continue to provide access to property owners farther to the north and south on Sandridge Avenue.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for the proposed plat amendment and street vacation.
2. The proposed plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. The application is consistent with the Park City Streets Master Plan.
4. Neither the public nor any person will be materially injured by the proposed plat amendment.
5. As conditioned the plat amendment is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.

The applicant will record the plat amendment 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.

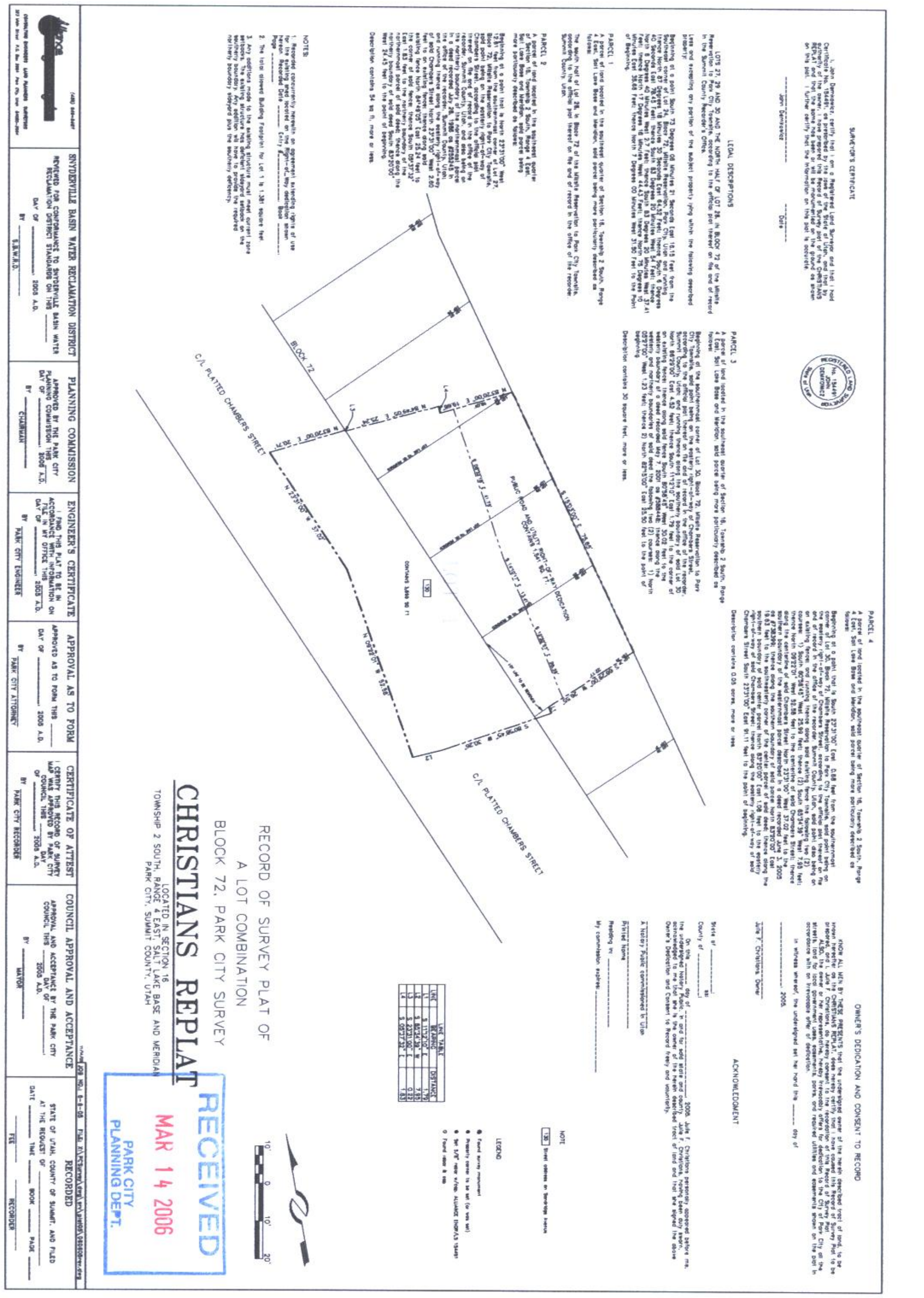
A note shall be added to the plat establishing the maximum footprint for 130 Sandridge Avenue at 1,381 square feet.

An easement shall be dedicated allowing the owner of the property to use, and maintain the existing garage in perpetuity as long as it is in existence. If the garage is removed from the property, the easement will no longer be in effect.

The City shall execute a quit claim deed for the vacated area beyond the center line of the r-o-w.

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

PASSED AND ADOPTED this 18th day of May 2006.

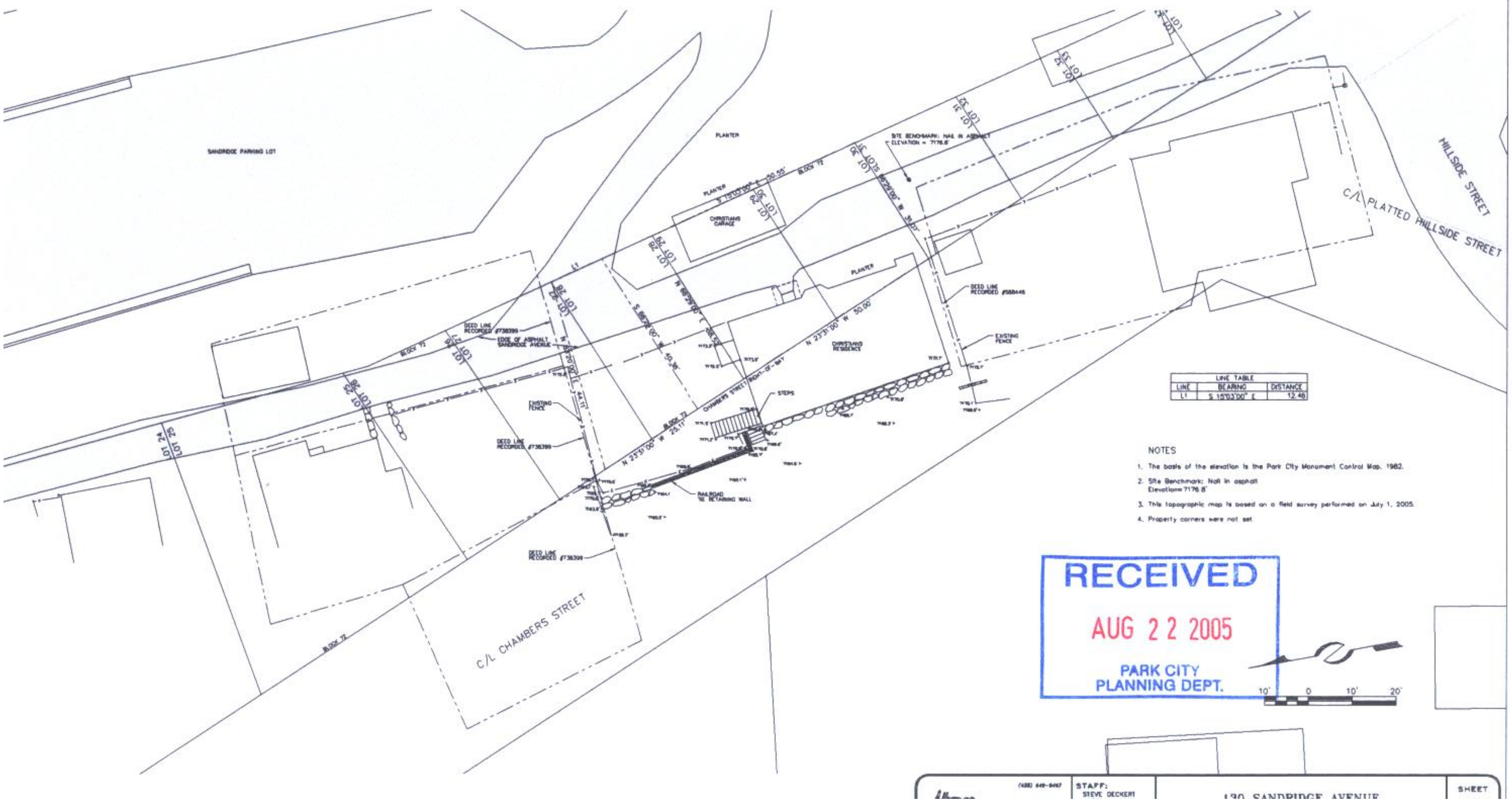


RECORD OF SURVEY PLAT OF
A LOT COMBINATION
BLOCK 72, PARK CITY SURVEY
CHRISTIANS REPLAT
LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH
RECEIVED
MAR 14 2006
PARK CITY
PLANNING DEPT.
SURVEYOR'S CERTIFICATE
LEGAL DESCRIPTIONS
OWNER'S DEDICATION AND CONSENT TO RECORD
ACKNOWLEDGEMENT
NOTES
LEGEND
C/L PLATTED CHAMBERS STREET
BLOCK 72
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
PLANNING COMMISSION
ENGINEER'S CERTIFICATE
APPROVAL AS TO FORM
CERTIFICATE OF ATTEST
COUNCIL APPROVAL AND ACCEPTANCE
RECORDED

SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a survey of the topography and location of improvements has been made under my direction of the lands shown and described hereon. I further certify that this survey is a correct representation of the spot elevations and improvements shown at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

REGISTERED LAND SURVEYOR No. 4938739 MARTIN A. MORRISON State of Utah



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 15°03'00" E	12.48

NOTES

1. The basis of the elevation is the Park City Monument Control Map, 1982.
2. Site Benchmark: Nail in asphalt
   Elevation= 7176.8'
3. This topographic map is based on a field survey performed on July 1, 2005.
4. Property corners were not set.

RECEIVED
AUG 22 2005
PARK CITY
PLANNING DEPT.

STAFF:
STEVE DECKERT

SHEET

CITY COUNCIL
Staff Report

PLANNING DEPARTMENT

Author: Ray Milliner
Subject: 1135 PARK AVENUE
Date: May 18, 2006
Type of Item: Plat Amendment

RECOMMENDATION: Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and approve it according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

DESCRIPTION

Project Name: 1135 Park Avenue Replat
Applicant: Tina Smith
Zone: Historic Residential (HR-1)

BACKGROUND

The applicant is the owner of Lot 9 and portions of lots 8 and 10 of Block 5, of the Snyder's Addition to the Park City survey. On February 27, 2006, the City received a completed application to combine each of these properties into one lot of record. The proposed lot would be approximately 2,962 square feet in size. There is an existing historic single family home on the property. The applicant intends to build an addition to the historic home. Concurrent with this application, the applicant has submitted a CUP for a reduction in the side yard setbacks pursuant to Section 15-2.2-4(A) of the LMC.

ANALYSIS

The purpose of the application is to combine the property into one lot of record. There is good cause for the application as the lot combination will bring the lot into compliance with state law by removing all interior lot lines and enabling the proposed addition to the home. Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

The property is located in the HR-1 zone, and within zone A of the FEMA Flood Insurance Rate Map. Therefore, the applicant must meet the criteria for the construction of a single-family home in the Historic District Design Guidelines and Land Management Code Chapter 15-2.2 as well as submit a flood elevation certificate to the Building Department prior to the issue of a building permit.

This plat amendment will create one lot of 39.5' x 75' (2,962 square feet) in dimension. The lot will be required to have 5' side yard setbacks (a CUP has been submitted currently to reduce the 5' requirement to 3' pending Planning Commission review), 10' front and rear setbacks and a maximum footprint of 1,253. The maximum height allowed for the lot will be 27 feet above existing grade.

NOTICE
Notice of this hearing was sent to property owners within 300' on April 12, 2006. No comments have been received by staff at the date of this writing.

ALTERNATIVES

1. The City Council may approve the plat amendment at 1135 Park Avenue as conditioned or amended, or
2. The City Council may deny plat amendment at 1135 Park Avenue and direct staff to make Findings for this decision, or
3. The City Council may continue the discussion on the plat amendment at 1135 Park Avenue.

SIGNIFICANT IMPACTS
There are no significant fiscal or environmental impacts from this application.

CONSEQUENCES OF NOT TAKING ACTION
The property will remain as platted and the proposed addition cannot be built.

DEPARTMENT REVIEW
The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on March 21, 2006, where representatives from local utilities and City Staff were in attendance.

RECOMMENDATION
Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and approve it according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

EXHIBITS
Exhibit A – Proposed Ordinance
Exhibit B – Proposed Plat Amendment

Ordinance No. 06-

AN ORDINANCE APPROVING THE 1135 PARK AVENUE REPLAT COMBINING LOT 9 AND PORTIONS OF LOTS 8 AND 10 OF BLOCK 5, OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY, PARK CITY, UTAH

WHEREAS, the owner of the property known as 1135 Park Avenue, has petitioned the City Council for approval of a Subdivision; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on April 26, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on May 18, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed plat amendment allows the property owner to combine one lot and portions of two others into one lot of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the Subdivision.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will combine one lot and portions of two others into one lot of record.
4. There is an existing historic single family home on the property.
5. Access to the property is from Park Avenue.
6. The proposed lot measures 39.5' x 75'.
7. The proposed lot is 2,962 square feet in size.
8. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
9. The maximum building footprint for the proposed lot is 1,253 square feet.
10. The maximum height limit in the HR-1 zone is 27 feet above existing grade.
11. Setbacks for the lot are 5' on the sides, and 10' in the front and rear.
12. The applicant has submitted a CUP application for a reduction in the side yard

setbacks from 5’ to 3’ pursuant to LMC Section 15-2.2-4(A).
13. Minimal construction staging area is available along Park Avenue.
14. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

6. There is good cause for this plat amendment.
7. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
8. Neither the public nor any person will be materially injured by the proposed plat amendment.
9. As conditioned the plat amendment is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.

Prior to the receipt of a building permit for construction on this lot, the applicant shall submit an application for Historic Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines.

Prior to the receipt of a building permit, the applicant shall submit a plan for flood protection that will be reviewed by the Building Department. A flood elevation certificate is required.

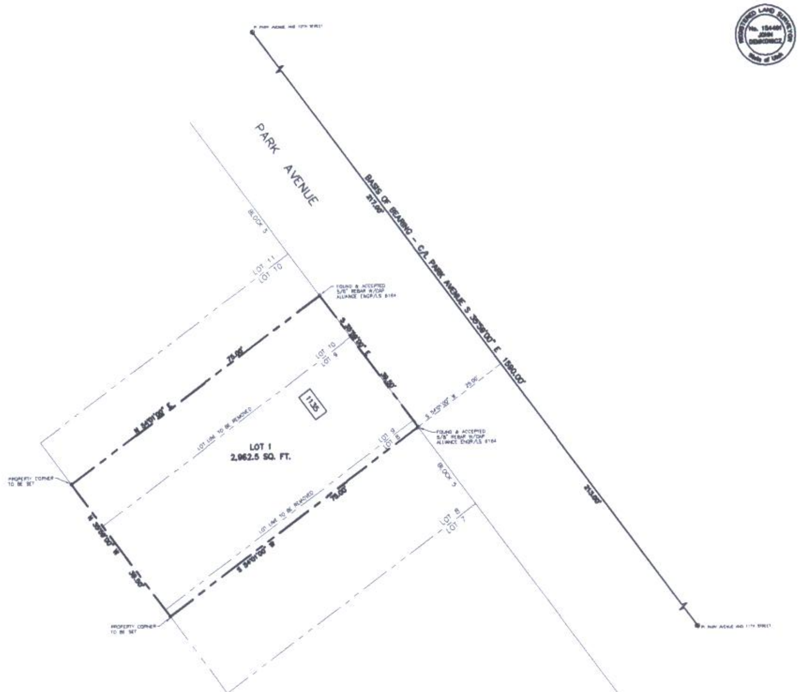
The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year’s time, this approval and the plat will be void.

A ten-foot-wide public snow storage easement shall be dedicated along the Park Avenue frontage of the lot.

No remnant lots are separately developable.

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

PASSED AND ADOPTED this 18th day of May 2006.



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owner(s), I have prepared this Record of Survey map of the 1135 PARK AVENUE REPLAT and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

John Demkowicz ______ Date ______

BOUNDARY DESCRIPTION

LOT 1: The Northerly 2 feet of Lot 8, all of Lot 9, and the Southerly half of Lot 10, Block 5, Snyders Addition to the Park City Survey, according to the official plat thereof, recorded 10/28/00, as Entry No. S-3651 of the official records in the office of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Tina M. Smith, the undersigned owner of the herein described tract of land, to be known hereafter as the 1135 PARK AVENUE REPLAT, does hereby certify that it has caused this Plat to be prepared, and does hereby consent to the recordation of this Plat.

ALSO, the owner or its representative, hereby irrevocably offers 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 an irrevocable offer of dedication.

In witness whereof, the undersigned set her hand this ______ day of ______________, 2006.

____
Tina M. Smith, Owner

ACKNOWLEDGEMENT

State of __________ }
ss:
County of __________ }

On this ______ day of ____________________ 2006, Tina M. Smith personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Tina M. Smith acknowledged to me that she is the owner of the herein described tract of land, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

____
A Notary Public commissioned in Utah

____
Printed Name

Residing in: ______________

My commission expires: ______________

NOTE:

1135 ADDRESS ON EMPIRE AVENUE

LEGEND

- Found survey monument
- Found rebar & cap
- Property corner to be set

10' 0 10' 20'

A LOT COMBINATION PLAT
A RESUBDIVISION OF LOTS 8, 9, AND 10 IN BLOCK 5, PARK CITY SURVEY

1135 PARK AVENUE REPLAT

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

JOB NO.: 1-2-06 FILE: X:\SnydersAddition\dwg\srv\plat06\010206.dwg

Alliance Engineering (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF ________, 2006 A.D. BY ________ S.B.W.R.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ________, 2006 A.D. BY ________ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ________, 2006 A.D. BY ________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF ________, 2006 A.D. BY ________ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ________, 2006 A.D. BY ________ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ________, 2006 A.D. BY ________ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ________ DATE ____ TIME ____ BOOK ____ PAGE ____ FEE ____ RECORDER

RECEIVED
FEB 27 2006
PARK CITY
PLANNING DEPT.

PARK CITY
1884

DATE: May 18, 2006
DEPARTMENT: Public Works
AUTHOR: Jerry W. Gibbs, P.E.
TITLE: Solid Waste Strategic Plan
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: **Adopt by resolution the 2006 Solid Waste Strategic Plan**

DESCRIPTION:

A. Topic: Solid Waste Strategic Plan

B. Background:

On March 23, 2006, staff discussed with the City Council:

- Dumpster litter on Swede Alley and the resources necessary to maintain
- County's consideration of making trash an Enterprise Fund and removing the General Fund contribution
- Determine the right mix of recycling in County Solid Waste Master Plan
- Park City's role in commercial trash hauling
- Assurances Park City would need if the County operated a residential trash service

Staff returned on April 27 to discuss the Prioritization of Solid Waste Initiatives. There were no comments on the proposed Vision. The discussion centered around solid waste as an essential service being provided by Summit County and equity within customer classes.

Analysis:

Vision: Park City believes that sustainability today will benefit generations to come. Summit County should continue to provide environmentally sound integrated solid waste management (waste reduction, land-filling, recycling, household hazardous materials diversion & composting) services for Park City citizens and businesses.

Department Review:
The following departments have had an opportunity to provide input to the process, Budget & Grants, Public Affairs, Public Works, Special Events, Economic Development and the City Administration.

ALTERNATIVES:

A. Adopt the 2006 Solid Waste Strategic Plan resolution (Staff recommended)

B. Continue the Item:

D. Do Nothing:

SIGNIFICANT IMPACTS:
The Summit County Commission is looking for input on how to proceed with trash collection. A citizen committee representing each town and populated areas in the Basin are reviewing selected issues. A comprehensive vision, goals and strategies from Park City may be helpful to the Commission to take a broader look at solid waste issues prior to the conclusion of the new trash-handling contract.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:
The lack of a clear direction will not optimize the solid waste services being provided.

RECOMMENDATION:
Adopt the 2006 Solid Waste Strategic Plan.

Resolution No. -06

RESOLUTION ADOPTING A SOLID WASTE STRATEGIC PLAN FOR PARK CITY, UTAH

WHEREAS, the Board of County Commissioners are responsible for the collection, processing and disposal of municipal solid waste in Summit County; and

WHEREAS, Solid Waste removal is an essential service provided by Summit County: and

WHEREAS, the citizens of Park City expect solid waste services to be provided in a cost effective and environmentally sensitive manner to our community; and

WHEREAS, the City Council has determined that it is in the public's best interest to have a strategic plan to communicate our Vision, Goals, and Strategies to the Summit County Board of County Commission.

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

SECTION 1. STRATEGIC PLAN. Park City here by adopts the following Solid Waste Strategic Plan. This Resolution hereby constitutes public notice that the Vision, Goals and Strategies listed herein are intended to guide decision-making.

PARK CITY MUNICIPAL CORPORATION
SOLID WASTE STSRATEGIC PLAN

GOALS	STRATEGIES	ACTIONS
1. Enhance the look of Main Street and Swede Alley by eliminating dumpster blight.	1-1. Have all dumpster screened or removed by June 2007 1-2. PCMC and HMBA to partner to develop strategies to improve trash handling by summer 2006 1-3. Cooperate with Summit County, Recycle Utah, commercial areas, PCMC and solid waste /recycle contractors to develop a commercial recycling program by Summer 2007	
2. The county should develop an integrated solid waste management plan by 2011 (the length of the next contract).	2-1. Summit County should consider a pay as you throw volume based rate structure for all solid waste disposal. 2-2. Summit County should adopt multiple tier customer classes to ensure equity within each class. 2-3. Property tax is an appropriate source to fund solid waste services. Funding levels should remain adequate to support the residential customer class cost of collection, processing and disposal. 2-4. Develop waste reduction strategies & goals based on the length of time the landfill should remain open and growth rates 2-5. Investigation of an urban composting and trash sorting operation	
3. The county should enhance its support for recycling.	3-1. Summit County should partner with PCMC to fund a permanent home for Recycle Utah. 3-2. Support of Recycle Utah in obtaining five tub grinders for yard and construction waste	
4. Summit County should explore the most cost-effective, safe, & environmental friendly method to remove residential and commercial trash and recycling	4-1. Complete a comparative analysis of public versus private trash hauling.	

<u>SECTION 2. EFFECTIVE DATE</u>. This Resolution shall take effect upon adoption.

PASSED AND ADOPTED 18th day of May 2006.

City Council Staff Report

CITY ENGINEER

Author: Eric DeHaan, P.E.
Subject: UDOT Statewide Utility License Agreement
Date: May 18, 2006
Type of Item: Agreement

Summary Recommendations:
The City Council should authorize the City Manager to sign the State Utility License Agreement with UDOT.

Description:

Topic:
UDOT is requiring Park City to enter into an agreement which clarifies our rights and responsibilities relative to utilities and related facilities within State highway rights-of-way.

Background:
UDOT has prepared a utility license agreement which would formalize the right for Park City to install and maintain our utilities, including water lines, fiber optic lines, and storm drains, in State highway rights-of-way. A copy of the agreement and its cover letter is attached.

In evaluating recent requests for utility relocation, UDOT determined that they had no record of any existing utility license agreement with Park City, not to be confused with the numerous Cooperative Agreements we have with UDOT that are project-specific. UDOT's cover letter is somewhat ominous where it states "…UDOT will not issue any permits until this agreement is executed." Park City will need a UDOT permit for our eventual reconstruction of Bonanza Drive and for our water transmission line associated with the new Boot Hill Pump Station, and probably for other projects, so we probably want to reach an agreement with UDOT as to such installations. This agreement would serve that purpose. UDOT will require expensive "flowable fill" in most trench backfill operations.

Analysis:
Park City has existing water lines and/or fiber optic lines within most of S.R. 224 and S.R. 248 (Kearns Boulevard) within Park City, as well as future projects already anticipated in Deer Valley Drive. The Public Safety Building may need to install utilities from S.R. 224.

Department Review:

The agreement and this report have been reviewed by Engineering, Public Works, Water, Legal, I.T., and the City Manager's office.

Alternatives:

Approve the Request:
This is the Staff's recommendation.

Deny the Request:
This would cause enormous bureaucratic delays with future City capital projects and in the short run, complicate private projects such as Red Cloud construction.

Continue the Item:
If the Council requires more information the action can be postponed, which will delay certain projects but not have any long-lasting impact.

Significant Impacts:
The requirement for "flowable fill" in Paragraph 11 (eleven) will add between $5 and $10 per linear foot for every utility project constructed within State highway rights-of-way. This will increase the cost of many future City projects, including any undergrounding of overhead utilities in the portion of Old Town adjacent to Marsac Avenue.

Recommendation:
The City Council should authorize the City Manager to sign the Statewide Utility License Agreement with UDOT.

State of Utah

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

JOHN R. NJORD, P.E.
Executive Director

CARLOS M. BRACERAS, P.E.
Deputy Director

APR 24 2006

April 21, 2006

Eric DeHaan
P.O. Box 1480
Park City, UT 84060

Dear Mr. DeHaan:

Attached are three copies of our Statewide Utility License Agreement presented for your signature. Do not fill out the agreement date field in the first paragraph of this document. The UDOT Comptrollers Office will fill out this section after the agreement has been fully executed.

Once you have signed all three agreements please mail them back to me for additional signatures at:

UDOT – Utilities & Agreements
4501 South 2700 West
Salt Lake City, UT 84114-8445

Once these agreements have been fully executed an original will be mailed back to you.

Your immediate attention to this matter is of great importance to you, since UDOT will not issue any permits until this agreement is executed. If you have any additional questions, please feel free to email me at mseely@utah.gov or by phone at 801-965-4176.

Sincerely,

Michael S. Seely, P.E.
Chief Railroad Engineer

Park City
P.O. Box 1480
Park City, UT 84060

Federal ID No. 87-6000260

STATEWIDE UTILITY LICENSE AGREEMENT

NONINTERSTATE

THIS AGREEMENT, made and entered into this ____day of ________, 2006, by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as **"UDOT"** and **PARK CITY**, a Political Subdivision in the State of UTAH, hereinafter referred to as the **"CITY"**.

WITNESSETH:

WHEREAS, UDOT desires to assist in expediting the approval of permits issued by **UDOT** for locating, constructing and maintaining storm drain systems, overhead and underground utility lines and related facilities ("facilities") within State Highway rights of way; and excluding the Interstate Highway Right-of-way; and

WHEREAS, it is the desire of the parties hereto that the terms of this agreement shall apply to all permits issued to allow access onto State Highway right of way, hereafter approved in accordance with this agreement; and

WHEREAS, the parties desire that this agreement shall apply to approved location and construction permits on State Highway rights of way in the State of Utah which are within the responsibility and jurisdiction of **UDOT**; and

WHEREAS, the parties desire that this agreement supersedes all previous agreements executed with UDOT

NOW THEREFORE, In consideration of the promises and mutual covenants and agreements contained herein, said parties hereby covenant and agree as follows:

(1) **UDOT GRANTS RIGHT:** **UDOT** hereby licenses the **CITY** to use State Highway right of way, which are within the jurisdiction and responsibility of **UDOT** for such facilities, as are located and described by mutually approved location and construction permits issued at the theme hereafter in accordance with this agreement and UDOT's "Rules For The Accommodation of Utilities and The Control and Protection of State Highway Rights of Way", pursuant to Utah Administrative Code R930-6.

(2) **STORM DRAIN SYSTEMS:** The **CITY** and **UDOT** jointly agree that any new connections made to the storm drain system over and above those contained in the original design will not be permitted except when agreed to in writing by both parties hereto.

will not be permitted except when agreed to in writing by both parties hereto.

(3) **APPROVAL:** Unless otherwise stated herein, or in any particular permit or agreement, all location, construction and maintenance permits hereafter executed pursuant hereto will be deemed to be governed by the provisions of this agreement. The applications and permits will be accompanied by two sets of plans for the proposed alignment of the **CITY's** facilities.

Such applications shall be presented to the appropriate **UDOT** Region/District Director or an authorized representative and said Region/District Director or representative shall have the authority hereunder to issue and approve the required permit as expeditiously as possible. The issuance and approval of said permit will enable the **CITY** to proceed with the work and use under the permit in accordance with the terms hereof.

(4) **RESERVATION AND SPECIAL PROVISIONS:** Each party hereto reserves the right to require the execution of a specific permit for any particular location and construction. Special provisions, as particular circumstances may dictate and as agreed upon the parties may be incorporated into any permit issued hereunder.

(5) **INSPECTION:** **UDOT** will routinely inspect the work of the **CITY** or its contractor to assure compliance with this utility line agreement and to insure proper compliance with State and Federal Regulations. These inspections shall be made by **UDOT** Region/District Director or an authorized representative. All costs of inspection shall be paid by the **CITY**.

(6) **COSTS:** The entire costs of the facilities installation shall be paid for by the **CITY**.

(7) **BEGINNING CONSTRUCTION:** All excavations and or other operations on **UDOT** property or right of way shall not be commenced by the **CITY** until and after notice has been given by the **CITY** to said **UDOT** Region/District Director or an authorized representative and requisite encroachment permit obtained. Construction shall be carried forward to completion in the manner required by said **UDOT** Region/District Director.

(8) **TRAFFIC CONTROL:** The **CITY** shall conduct their operation so there will be a minimum of interference without interruption of highway traffic. The **CITY** shall conform to such instructions of **UDOT** Region/District Director or an authorized representative as may be given and **UDOT** approved traffic control plan and the application of traffic control devices shall conform to the standards set forth in the current FHWA "Manual on Uniform Traffic Control Devices" during all operations of the **CITY**, in constructing said line. No lane closure shall be made without prior approval of **UDOT** Region/District Director or authorized representative. Traffic control plans showing detours and signing operations will be required in advance for review and approval for all lane closures. Peak hour lane closures may be prohibited.

(9) **EXCAVATION:** All excavation shall be made in compliance with the current Specifications for Excavation on State Highway Right of Way. No excavation will be made without first obtaining and posting the required permit. The **CITY** must also be cleared on a

variety of environmental laws by **UDOT** Region/District Director or an authorized representative before the permit is issued.

Jacking or boring is preferred to open trench excavation, and will be required in all cases of facilities crossing under and not parallel to paved surfaces, unless this is not feasible due to soil conditions, other facilities, substructures, or other conditions. Jetting by means of water or compressed air will not be permitted.

The pavement, sidewalk, curb and gutter, driveway, etc. shall be cut vertically along the lines forming the trench so that the adjoining pavement is not damaged.

The portion to be removed shall be broken up in a manner that will not cause damage to the pavement outside the limits of the trench. Any pavement damaged by operations outside the limits of the trench shall be replaced. Large broken paving materials shall be removed immediately from the site of the work.

(10) **EMERGENCY EXCAVATION:** An emergency excavation may be made without prior permit if there is imminent danger or loss of life or severe damage to property. In such emergency situations, the excavating parties must contact **UDOT** not later than the end of the first working day following the excavation. None of the provisions of these Regulations are waived for emergency situations except for the prior-permit requirement. In all cases the **CITY** shall comply with the State Law requiring notification of all utility owners prior to excavation.

(11) **BACKFILL AND COMPACTION:** All backfill and compaction shall be done in compliance with the current specifications for Excavation on State Highway Right of Way. In all urban areas and on rural highway with high volume traffic as determined by **UDOT**, flowable fill shall be used for backfill under paved areas and shall be in conformance with the requirements of Section 03575 for "Flowable Fill" of the State of Utah Current Edition of the "Standard Specifications of Road and Bridge Construction".

(12) **PROTECTION OF PAVED SURFACES:** The **CITY** shall use rubber cleats or paving pads when operating track equipment on or crossing paved surfaces.

(13) **RESTORATION OF EXISTING PAVEMENT:** The **CITY** shall at their own expense replace any pavement removed or damaged with pavement of a type and depth approved by **UDOT** Region/District Director or an authorized representative, including gravel base material.

The restoration will be accomplished within 48 hours after completion of excavation and backfill, unless additional time is granted in writing by **UDOT** Region/District Director or an authorized representative.

New or replaced pavement shall be constructed in conformance with the "Specifications for Excavation on State Highway Right of Way" and shall be subject to the inspection and approval of UDOT Region/District Director or an authorized representative. If weather conditions do not permit immediate placing of permanent pavement, a temporary pavement will be placed. As soon as weather will permit, the temporary pavement will be removed and replaced with a permanent pavement.

If the gravel surface, gravel shoulders or gravel surfaced approach roads becomes contaminated and is not consistent with **UDOT** specifications, such surfacing material will be entirely removed and replaced with new gravel surfacing material. The repairs to pavement or surface will include pavements which have been damaged with construction equipment or construction operations. **UDOT** will notify the **CITY** of the need to repair the pavement. If the **CITY** fails to comply with **UDOT's** request, then **UDOT** will have the option of restoring said roadbed at the expense of the **CITY**.

(14) **RESTORATION OF TRAFFIC SIGNAL EQUIPMENT:** Any traffic signal equipment or facilities which are disturbed or relocated as a result of the **CITY's** work must be restored in accordance with plans approved by **UDOT**. Restoration of traffic signal equipment must be done at the **CITY's** expense by a qualified electrical contractor experienced in signal installation, retained by the **CITY** and approved in advance by **UDOT**. Work shall be scheduled to ensure that disruption of any traffic signal operation is kept to a minimum.

(15) **CLEANING-UP HIGHWAY RIGHT OF WAY:** Upon completion of the work, all excess material shall be removed from within the limits of the highway. The disturbed surface shall be carefully graded to the lines and grades established. Seeding may be required to restore vegetation damaged or destroyed.

Any highway features or facilities such as paint stripes, signs, culverts, etc., disturbed or damaged during the progress of the work shall be properly restored to satisfy current standards and regulations.

(16) **MAINTENANCE:** The facilities shall at all times be maintained, repaired, renewed and operated by and at the expense of the **CITY**. The facilities will be serviced without access from any interstate highway or ramp. If the **CITY** fails to maintain the facilities, **UDOT** will notify the **CITY** of any maintenance needs.

If the **CITY** fails to comply, with **UDOT's** request, then **UDOT** reserves the right, without relieving the **CITY** of their obligation thereunder, to reconstruct or make repairs to the facilities, as it may consider necessary, and the **CITY** shall reimburse **UDOT** its cost.

(17) **FUTURE HIGHWAY CONSTRUCTION:** It will be understood and agreed to by the parties thereto and as part of the consideration for the agreement that **UDOT** will have the right to cross said facilities line at any point necessary in future construction, expansion or improvement of the State Highway System provided that **UDOT** uses due care in the protection of the facilities line in making the crossing.

(18) **RELOCATION COSTS:** In the event any highway at any future date is so reconstructed, the costs of relocating your facilities will be determined in accordance with Utah Code 72-6-116.

The **CITY** will meet with **UDOT's** contractor and will give him a schedule when the facilities will be relocated and will meet said schedule as not to delay the contractor.

(19) **LIABILITY:** The **CITY** may be required to post a continuous per R-930 "Accommodation of Utilities and the Control and Protection of State Highway Rights of Way" as

stated in 4.5 to guarantee satisfactory performance as provided in the agreement, license or permit. **UDOT** may proceed against said bond to recover all expenses incurred by **UDOT**, their employees or representatives in the sections of roadway interfered with by the **CITY** to restore to **UDOT** standards. These expenses refer to all expenses incurred in the repairing of portions of the roadway determined by **UDOT** inspectors to be inadequately restored or maintained by the **CITY**. The liability of the **CITY** shall not be limited to the amount of the bond. In the event any claims exceed the amount of the bond, **UDOT** may only claim the $100,000 maximum amount against the bond; however, the **CITY** shall be liable for any amounts exceeding the limits of the bond, but only to the extent the **CITY** may be liable for such claims under this permit.

(20) **<u>CANCELLATION OF PERMIT</u>:** If the **CITY** shall fail to construct, repair or remove said facilities in accordance with the terms of this agreement to the entire satisfaction of **UDOT**, or shall fail to pay **UDOT** any sum of money for the inspection, reconstruction, repair or maintenance of said facilities, **UDOT** retains the right to cancel the permit and remove said facilities and restore the highway at the sole expense of the **CITY**. Before **UDOT** cancels the permit, it will notify the **CITY** in writing, setting forth violations and will give the **CITY** a reasonable time to fully correct the same.

(21) **<u>ASSIGNMENT</u>:** Any permit granted hereunder may not be assigned without the prior written consent of **UDOT**. All assignees shall be required to file with **UDOT** a new application for the permit.

(22) **<u>SUCCESSORS AND ASSIGNS</u>:** All covenants and agreements therein contained shall be binding upon the parties hereto, their successors and assigns.

(23) **<u>UDOT MAINTENANCE OPERATIONS</u>:** Underground facilities must be buried to the proper depth to avoid conflict with **UDOT's** normal and routine maintenance activities. In entering into this utility line agreement with **UDOT** and obtaining a permit for the work, the **CITY** acknowledges this requirement and agrees to avoid such conflicts by placing its facilities to the required horizontal clearance and minimum depth of bury. Normal maintenance operations are those not requiring excavations in excess of the minimum horizontal clearance and depth of bury.

In all cases the **CITY** shall protect, indemnify and hold harmless **UDOT** for damages to lines within the horizontal or vertical clearances. Any noncompliance to the above may result in annulment of the **CITY's** permit. If the **CITY** is found to be in violation of its permit with respect to vertical or horizontal location, such violation may result in annulment of its permit.

(24) **<u>TERMINATION OF LICENSE AGREEMENT</u>:** Except as may be otherwise provided, this Agreement may be terminated at any time by either party upon thirty (30) days' advance written notice to the other, provided, however, that such termination shall not affect any permits theretofore issued and approved under the terms of this agreement, and such permits shall continue beyond the termination of this agreement on the same terms and provisions as are herein contained.

Approved by Park City, a Political Subdivision in the State of Utah, approved by:

Signature	Title	Date

RECOMMENDED FOR APPROVAL FOR THE UTAH DEPARTMENT OF TRANSPORTATION

By:	Date	By:	Date
Michael Seely, PE Chief Railroad & Utilities		Lyle McMillan Right of Way	

COMPTROLLER'S OFFICE

By:	Date
Cherise Young Contract Administrator	

APPROVED AS TO FORM: This Form Agreement has been previously approved as to form by the office of the Legal Counsel for the Utah Department of Transportation.

Mayor Williams,

In 1962, President John F. Kennedy signed Public Law 87-726 designating May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police Week. The law was amended by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, signed by President Bill Clinton, directing that the flag of the United States be displayed at half-staff on all government buildings on May 15 each year. While the actual dates change from year to year, National Police Week is always the calendar week, beginning on Sunday, which includes May 15.

I am trying to put together a few things here in Park City for Police Week and am enclosing a sample proclamation. I am hoping that you will be willing to issue one for our police department.

Thank you for your time and consideration,

Leslie Welker
Park City Police Department

RESOLUTION COMMEMORATING THE WEEK OF MAY 14, 2006 AS NATIONAL POLICE WEEK IN PARK CITY, UTAH

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police week; and

WHEREAS, the members of the law enforcement agency of Park City play an essential role in safeguarding the rights and freedoms of their community; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement professionals recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the law enforcement agency of Park city unceasingly provide a vital public service;

NOW, THEREFORE BE IT RESOLVED that the Mayor and City Council call upon all Park City citizens and all patriotic, civic and educational organizations to observe the week of May 14, 2006, as National Police Week with appropriate ceremonies and observances in which all residents may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

BE IT FURTHER RESOLVED that the community commemorate May 15, 2006 as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

PASSED AND ADOPTED this 18th day of May, 2006.

Resolution No. -06

RESOLUTION ACKNOWLEDGING THE WEEK OF MAY 21 – 27, 2006 AS NATIONAL PUBLIC WORKS WEEK IN PARK CITY, UTAH

WHEREAS, public works services provided in our community are an integral part of our citizen's everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, streets, and public buildings; and

WHEREAS, the health, safety and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction is vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform,

NOW THEREFORE, BE IF RESOLVED that the Mayor and City Council hereby do proclaim the week of May 21-27, 2006 as National Public Works Week in the City of Park City, and call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort and quality of life.

PASSED AND ADOPTED this 18th day of May, 2006.

City Council
Staff Report

PARK CITY
1884

Budget, Debt, & Grants

Author:	**Gary Hill, Budget, Debt, and Grants Manager**
Subject:	**FY 2006 Revised Budget, FY 2007 Budget**
Date:	**May 18, 2006**
Type of Item:	**Discussion/Legislative**

Description:

Topic:
FY 2006 Revised Budget and FY 2007 Budget

Background:
On May 4th, staff delivered the City Manager's Recommended Budget (Tentative Budget) to City Council and discussed proposed changes to the City's operating budget. Public hearings are currently scheduled for May 18th, 25th, June 1st, 8th, and 15th. Discussion/action is slated for these dates as follows, barring changes as needed.

May 18th – Capital Improvement Projects (CIP; Longterm/Citywide needs, new projects)

May 25th – Capital Improvement Projects (cont.), Regional Collaboration & Economic Development, Business License Fees.

June 1st – City Service Fees, Adoption of the Tentative Budget

June 8th – Policies and Procedures and Outstanding Issues

June 15th – Final Adoption of Budget

Analysis:
On May 18th, staff will focus on the CIP. Topics for discussion will include the following:

1) Revenue Outlook
2) Existing Needs and Debt Requirements
3) Ongoing Projects
4) Asset Management Plan
5) Neighborhood Requests/Walkable Communities
6) Recreation Projects
7) Public Works/Improvements

Revenue Outlook

The City is experiencing a period of high growth related to a very healthy economy. It should be noted that revenue growth is largely attributable to sales tax. Park City experienced a 20% increase in total sales tax revenue last year, and saw a correspondingly large transfer of General Fund surplus to the CIP to assist with unfunded capital projects(approx. $6 million). Last year constituted an all-time peak in sales tax collections, surpassing even the Olympic year of 2002.

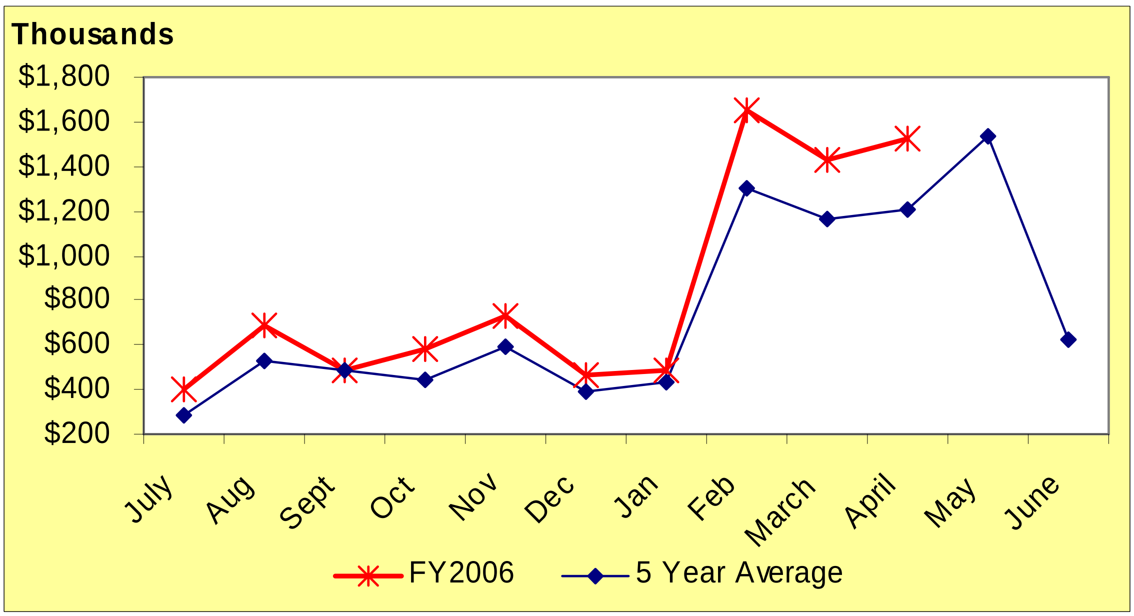
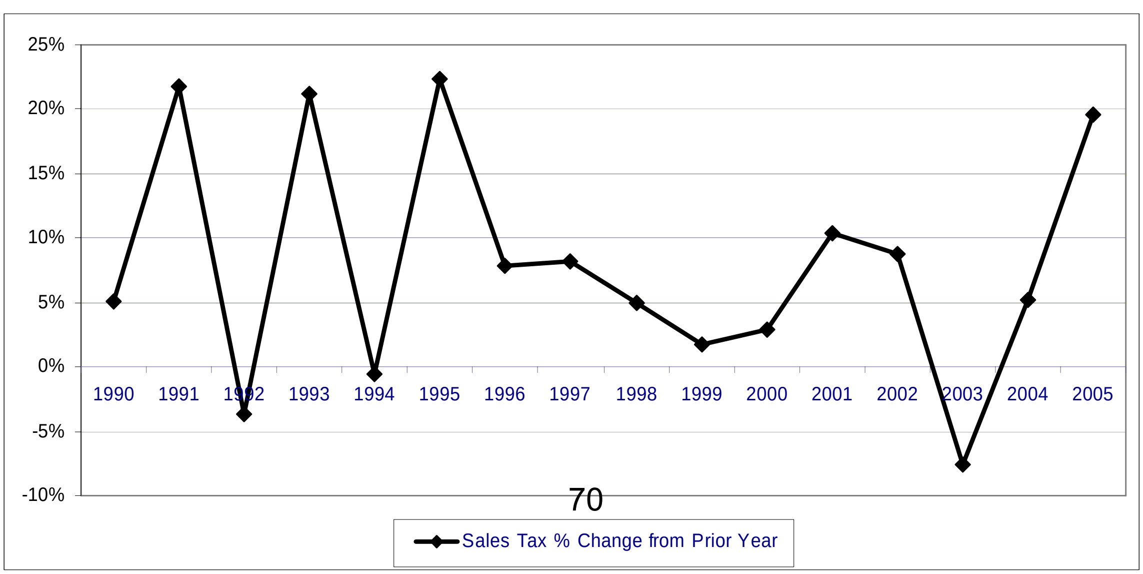


Figure 1 – FY 2006 Sales Tax Revenues compared to 5-Year Average

This year staff estimates that the City will see another increase in sales tax revenue, albeit smaller than last year's. This continued growth is atypical, as nearly every large increase in the last 15 years has been followed by a year of decreased



revenue (Figure 2).

Figure 2 – Annual Percent Change in Sales Tax Revenue since 1990

Assuming May and June revenues come in as anticipated, FY 2006 will mark only the second time in the last 15 years that the City has experienced a growth in sales tax revenue following a 20% increase. Careful attention should be paid to this trend, as sales tax is the City's most volatile revenue source. History would indicate that continued growth at this rate cannot be sustained and therefore should be treated as one-time in nature consistent with Council-adopted budget policies.

Existing Needs and Debt Requirements

Historically, the City has transferred approximately $1.5 million from the General Fund to the CIP at the end of the year. Over the course of the past few years, this has grown to about an average of $3 million annually. Last year, however, the City increased General Fund operations by $1.5 million, leaving about the historical average ($1,500,000) for future CIP needs.

In 2002, the City completed the Old Town Improvement Study (OTIS), which identified sales tax revenue bonds as the recommended funding source to reconstruct 21 streets in the Old Town area. It was anticipated that the debt payments would be funded from the $1.5 million annual "surplus".

This summer the City will complete the third of 21 street reconstruction projects outlined in OTIS. In order to complete the remaining 18 projects, the City will need to bond for approximately $22.3 over the next 15 years. Annual debt service will likely range from $280,000 to $2.2 million depending upon the year (see Figure 3).

Estimated
Additional
Annual Debt
Service
=
$1,292,140

Fiscal Year	All Series Principal	All Series Interest	All Series P & I
2006			
2007			
2008	$135,000	$146,250	$281,250
2009	$335,000	$345,500	$680,500
2010	$350,000	$328,750	$678,750
2011	$365,000	$311,250	$676,250
2012	$700,000	$634,000	$1,334,000
2013	$735,000	$599,000	$1,334,000
2014	$775,000	$562,250	$1,337,250
2015	$985,000	$714,500	$1,699,500
2016	$1,040,000	$665,250	$1,705,250
2017	$1,095,000	$613,250	$1,708,250
2018	$1,360,000	$791,750	$2,151,750
2019	$1,425,000	$723,750	$2,148,750
2020	$1,500,000	$652,500	$2,152,500
2021	$1,575,000	$577,500	$2,152,500
2022	$1,660,000	$498,750	$2,158,750
2023	$1,455,000	$415,750	$1,870,750
2024	$1,135,000	$343,000	$1,478,000
2025	$1,190,000	$286,250	$1,476,250
2026	$1,250,000	$226,750	$1,476,750
2027	$655,000	$164,250	$819,250
2028	$685,000	$131,500	$816,500
2029	$720,000	$97,250	$817,250
2030	$390,000	$61,250	$451,250
2031	$405,000	$41,750	$446,750
2032	$430,000	$21,500	$451,500
2033			
	$22,350,000	$9,953,500	$32,303,500

Figure 3 – Anticipated OTIS Debt Service

In addition to the OTIS-related requirements, the 5-Year CIP includes a number of projects that have General Fund surplus as a funding source. Figure 4 below shows the combined requirements through 2011.

	2007	2008	2009	2010	2011
Capital Projects	$1,693,459	$992,709	$1,678,709	$842,709	$632,709
Debt Service (OTIS)		$281,250	$680,500	$678,750	$676,250
Total	**$1,693,459**	**$1,273,959**	**$2,359,209**	**$1,521,459**	**$1,308,959**

Figure 4 –General Fund Surplus Revenues Earmarked for OTIS and CIP Projects

With General Fund surplus as the anticipated revenue source for these projects, it will be very important to monitor other competing needs. The Government Finance Officer's Association (GFOA) recommends that cities have a policy for how one-time revenues (i.e. surpluses) are to be spent. In light of the recent growth Park City is experiencing, staff recommends an amendment to the City's policy to guide how surplus General Fund balance will be appropriated. This will specify which types of projects in the City's CIP Plan will receive appropriations above what is anticipated. The recommended amendment is included below:

> The City Council may appropriate fund balance as needed to balance the budget for the current fiscal year in compliance with State Law. Second, provision will be made to transfer any remaining General Fund balance to the City's CIP Fund. ~~to be designated for projects included in the City's five year CIP plan .~~ These one-time revenues are designated to be used for one-time capital project needs in the City's Five Year CIP plan. Any amount above an anticipated surplus will be dedicated to completing current projects, ensuring the maintenance of existing infrastructure, or securing funding for previously-identified needs. The revenues should not be used for new capital projects or programming needs.

This policy is intended to help guide decisions on how to allocate funding in years with above-average surpluses. The purpose is to take advantage of one-time surpluses to pay for identified (but unfunded) projects, ensure the maintenance of existing infrastructure, or complete current projects sooner. The CIP recommendations included in this year's City Manager's Recommended Budget already reflect just such a sizeable one-time transfer from the General Fund to the CIP (approx. $4.7 million is anticipated). Therefore, the budget contemplates using the majority of the surplus to fund projects such as the Public Safety Building, Quinn's Recreation Complex, and the Asset Management Plan. Attachment A is a list of all CIPs that have a recommended change. The major projects will be discussed in some detail below.

Ongoing Projects

Police Facility – CIP 671

The new Police Facility at the Snowcreek site is on target for a possible start of construction in July 2006. City Staff came to a February 16, 2006 Council meeting to review the schematic design, anticipated costs of construction, and thoughts on green building applications. Council direction allowed staff to proceed with final design given parameters that included allocating an additional 4% of costs of construction to green building elements ($176,000) and 1% for a public art piece ($44,000). The overall project budget requirement is estimated at this time to be $5.4 million. Of that $4.4 million is attributable to costs of construction and approximately $1 million for anticipated soft costs (design fees, specialty inspections, FF&E costs, project management services, geotechnical reports, site surveys, and utility costs). Staff will return to City Council for a contract award in late June. The increase to the requested budget reflects the additional green building elements, art component, increased costs of construction, and design characteristics given its entry corridor location.

Downtown Improvement Projects
With the first phase of Downtown Improvements coming to a close, the second phase will see land & property negotiations, planning and design work through 2006 and into 2007. This will keep the Swede Alley area construction free in the summer of 2006 and an anticipated start of phase two construction in April 2007.

- Town Plaza / Shell Space and Pedestrian Improvements – CIP 786

  Negotiations with the US Postal service will take place in the Summer of 2006, ideally finding a win/win scenario on land use in and around the existing downtown post office location. This will determine the "footprint" of space that the Town Plaza will be designed to. In a best case scenario, those discussions and potential purchase/easement/lease agreements will move into public input discussion related to the design in August / September. Final design would target a February 2007 completion and start of work in April 2007. Construction of an envisioned "shell space" building (estimated at $750,000) at the end of the new parking structure, a Swede Alley realignment, and a potential post office remodel would be the early priorities of construction in 2007. There is no change in funding for this project, which currently shows an unfunded amount of $400,000 - $800,000.

- Marsac Building Renovation – CIP 770

  The proposed budget includes an increase of $750,000 in FY 2008. This increase reflects the desire to do a bit of rearranging of department workspace as well as increasing costs of construction. The planned seismic improvements and mechanical system upgrades would be the main costs of construction. For efficiency and logistical planning reasons, the timing should be tied to the opening of the new Police Facility (August 2007).

Quinn's Recreation Complex (Park City Ice Arena & Sports Complex – Various CIPs)
Phase I of the Recreation Complex is nearing completion. The recommended budget for Phase I includes an adjustment of $350,000 to replace impact fees that were used for debt service and an additional $200,000 in General Fund surplus to replace anticipated revenues from the sale of the Grant Avenue apartment (which will not occur until FY 2007).

Phase II (budgeted at $675,000) was to be funded from proceeds from the sale of the Imperial Hotel. Staff recommends de-obligating the Imperial proceeds and funding Phase II with General Fund surplus at $335,000 in this fiscal year (FY 2006). Although a reduction in budget, funding Phase II in this fiscal year will allow staff to complete as much of the planned Phase I and Phase II design elements as possible while the contractor is mobilized and key costs of construction are locked in at pricing set a year ago. Given the proposed adjustments to the budget, Staff would prioritize use of funds in the following manner:

1. Successful completion of approved scope of work
2. Completion of remaining trails / sidewalk connections
3. Completion of permanent bleachers at Field A
4. Completion of phase 2 shade structure pavilion

Quinn's Junction Maintenance Equipment/Road Funding
The tentative budget also includes a one-time recommended appropriation of $85,000 for maintenance equipment for the recreation fields at Quinn's Junction (CIP 831). An additional $15,000 is recommended to repair the entry road to the complex, which has suffered considerable wear and tear due to construction (CIP 859).

All other changes to the Quinn's Project budget are technical in nature, and have an offsetting reduction elsewhere in the CIP.

The total capital project costs associated with the Quinn's Recreation Complex is $12.4 million dollars.

Asset Management Plan – CIP 852

Park City's physical assets are critical to the City's mission. Not only do these assets support the daily lives of Park City's residents and guests, they also represent significant financial worth. The value of the City's capital assets, net of accumulated depreciation, exceeds $67 million.

Buildings are one of the tools to support and accommodate the operations of the City. Ensuring that the buildings are effectively and efficiently supporting the operations of the City, particularly those aspects which are critical to the goals and objectives is the purpose of Asset Management.

The goal of the proposed Asset Management CIP is to establish an initial balance and a fixed replenishment amount from operational revenues. Even though the expenditures from the Replacement Fund vary widely from year to year, the annual appropriation to the Fund remains constant and the Fund serves as an equalization device.

Goals
Protect assets
Prolong the life of systems and components
Improve the comfort of building environments
Ensure sufficient funds are budgeted
Plan for future needs

Outcomes

More reliable systems
More cost effective operations
Fewer disruptions to work environments and schedules
Increased accuracy in budgeting for capital replacement expenses

In 1999 the City hired CH2MHill to provide a comprehensive study on the condition of the City's buildings including a recommendation for funding capital replacement and maintenance. Staff has updated this study to create a recommended funding strategy. The Tentative Budget includes a first year appropriation of approx. $2.3 million. This amount will help the City "catch up" to what would have been the balance of the Asset Management CIP had funding been set aside as recommended by CH2MHill in 1999.

Staff also recommends an ongoing appropriation of about $500,000. The City currently funds about $125,000 each year for capital maintenance/replacement of some facilities ($50,000/year for the Racquet Club and $75,000/year for general building replacement and enhancement). These CIP projects will be eliminated and wrapped into the comprehensive capital replacement schedule that will be developed by staff over the course of the next several months. This schedule will dictate how and when Asset Management funds are to be spent.

The Asset Management Plan will become an integral part of the City's long term plan to maintain and replace the City's primary assets in a fiscally responsible manner. This program will be discussed at some length at Council on May 18th.

Neighborhood RELS Committee and Walkable Communities

The Traffic Calming and Neighborhood RELS Committee has worked with residents during the last year to identify needs related to neighborhood traffic and pedestrian improvements in the Park Meadows area. The Tentative Budget includes two projects recommended for funding to address these needs. They include the realignment of the intersection of Little Kate and Monitor Drive (at the entrance of the Racquet Club – CIP 849), and $100,000 for a comprehensive study to update the Trails Master Plan (TMP – CIP 854). The existing TMP is generally a guide for new development and does not address urbanized areas. The scope of the update to the TMP would include a City-wide study of walkable communities, pedestrian safety, and other potential trail enhancements. City-wide connectivity would be an overriding goal of the update. Similar to OTIS, the plan would generate a list of potential projects and rank them in prioritization.

While OTIS contemplated the reconstruction of aging infrastructure to reduce operating costs, a study of new trails and sidewalks will identify additional operating and maintenance costs in addition to a possible expectation of new, enhanced projects. The proposed study will also evaluate ongoing operating requirements associated with trails and sidewalks. Finally, the study will identify areas of the current trails system that require attention or improvements and make a recommendation for ongoing maintenance. A draft scope of the proposed study is included with the report as Attachment C.

Recreation Projects

Recreation Needs Analysis – CIP 855
In 2002, the City and the Snyderville Basin Special Recreation District (Basin Recreation) completed a joint recreation needs study to identify what area residents desired as recreation amenities. The recommended budget includes $25,000 for an update of the study to help determine how we can best update or improve our facilities (including the Racquet Club) to meet the area's recreation needs. $50,000 in additional funding is also recommended to begin preliminary design on Racquet Club or other recreation improvements as supported by the study.

Racquet Club Recreation Equipment Replacement – CIP 848
Much of the fitness and recreation equipment used at the Racquet Club was obtained when the City purchased the facility. During last year's budget process, the CIP Prioritization Committee requested that the Racquet Club develop a schedule for replacement of its recreation equipment such as treadmills, stationary bicycles, pool equipment. Attachment B to the staff report shows the recommended replacement schedule. The CIP includes a recommended annual appropriation of $50,000. This will only be used to replace fitness and recreation equipment. Capital requirements will be paid for with money from the Asset Management CIP.

Cross Country Improvements – CIP 851
Staff has received recommendations for improvements to cross country infrastructure from users of the City's cross country facilities. The CIP Budget includes $10,000 in FY 2007 for a snowmobile and groomer that would be used to lay multi-user track in Round Valley. It is anticipated that operating costs would be covered in existing budgets or perhaps assumed through a partnership with other local organizations.

Recreation Building
Staff is recommending a remodel of the Recreation Building in City Park. There are no recommended changes to the budget for the Recreation Building in City Park as funding already exists, but please refer to this week's manager's report for more information.

Public Works/Improvements

Pavement Management - CIP 85
This winter was particularly hard on streets in Park City. The Public Works department is currently in the process of assessing the damage and developing a repair schedule. The City has a Pavement Management CIP which includes an annual appropriation of approx. $300,000 in State Class C Road Funds as well as a

transfer from the General Fund of $100,000. The CIP is intended to provide for routine maintenance, and does not include funding for the repairs that will be required this spring. The City Manager's Recommended Budget includes a one-time appropriation of $200,000 to help repair damage sustained this past winter.

Transit 5-Year Capital Plan – Various CIPs
Staff spent a significant amount of time during this budget process to re-evaluate the performance of Transit Fund and polish the transit capital plan. The study was run parallel to and in conjunction with the business license fees study, which includes an increase in business license fees to help fund the increasing demand for transit programs and projects.

One of the more significant outputs of the study was a streamlined five-year capital plan for the Transit Fund. Each project was evaluated and updated based on the most current data and projections. Some projects were done away with, while others were combined. Staff identified necessary costs for bus replacement and transit expansion, and then tabbed the funding sources for those expenses. The plan reduces the amount of transit operating revenue budgeted for capital expenses in FY 2007 by $185,000. The plan also updates replacement and expansion needs for FY 2008 – 2011. The plan also includes a recommended increase in business license fees to fund enhanced service levels. The changes to business license fees will be discussed in detail on May 25th.

Water Projects – Various CIPs
There are several changes to the water projects in the CIP. Changes to the Water Fund are reflective of the City's continuing commitment to secure Park City's water needs through improvements to the City's water infrastructure. Projects that will have amended capital improvement budgets include the three projects funded by the City's loan from the Community Impact Board (CIB):

- Park Meadows Treatment Plant
- Boothill Water Storage Tank
- Boothill Pump Station

Other CIP changes in the Water Fund are the result of the postponement and reduction in scope of the Spiro Water Treatment Plan. The Water Operations budget will be reduced by approx. $390,000 beginning in FY 2007. These funds will be used to fund additional tunnel maintenance and water infrastructure improvements.

Public Works Storage Parcel – CIP 710
The Shortline Parcel adjacent to the Public Works facility was sold this last year for approx. $996,000. As the Shortline area was originally intended as additional space for the Public Works complex, staff has recommended budgeting the sale proceeds in CIP 710 (Public Works Storage Parcel).

A. Department Review:
The Budget, Debt, and Grants and City Manager departments reviewed this report. Other departments have considered other relevant portions.

Alternatives:

A. Hold a Public Hearing on operating budget requests and provide direction about budget issues

B. Continue the Item: Time will be available on May 25th to address any outstanding CIP issues. Council could choose to give additional direction at that time.

C. Do Nothing

SIGNIFICANT IMPACTS: The City's budget must be balanced. Staff recommends that Council provide policy direction on budget issues. Any unresolved issues should be discussed by June 8th so that the Final Budget can be prepared for adoption on June 15th.

RECOMMENDATION: The City Council should follow the budget presentation schedule described above and provide direction concerning budget policies and issues if needed.

Attachments:
A – CIP Changes from the 2006 Budget
B – Racquet Club Equipment Replacement Schedule
C – Draft Scope for Walkable Community Study

CIP Changes from 2006 Approved

			Data											
CIP#	Project Name	Revenue	06 Adj	06 Bud	07 Adj	07 Bud	08 Adj	08 Bud	09 Adj	09 Bud	10 Adj	10 Bud	11 Adj	11 Bud
37	Hillside Avenue Design & Widening	BOND PROCEEDS		$0		$0		$0		$0		$0	$1,000,000	$1,000,000
		IMPACT FEES	-$600,000	$0		$0		$0		$0		$0		$0
		STREETS IMPACT FEES	$600,000	$600,000		$0		$0		$0		$0		$0
48	City Park Improvements	BOND PROCEEDS		$0		$0		$0		$0		$0		$0
		IMPACT FEES	-$444,426	$0		$0		$0		$0		$0		$0
		OTHER CONTRIBUTIONS		$0		$0		$0		$0		$0		$0
		TRANS FROM DEBT SERVICE FUN		$292,653		$0		$0		$0		$0		$0
		TRANSFER FROM CIP		$0		$0		$0		$0		$0		$0
		Transfer from Sales Tax DSF - 2005(		$271,616		$0		$0		$0		$0		$0
		STREETS IMPACT FEES	$444,426	$444,426		$0		$0		$0		$0		$0
		PROP TAX INCREMENT RDA		$100,000		$100,000		$0		$0		$0		$0
		TRANS FROM DEBT SERVICE FUN		$13,180		$0		$0		$0		$0		$0
		TRANS FROM DEBT SERVICE FUN		$0		$0		$0		$0		$0		$0
85	Pavement Management Impl.	CLASS "C" ROAD		$315,506		$300,000		$300,000		$300,000		$300,000		$0
		TRANS FR GEN FUND	$200,000	$909,188		$100,000		$100,000		$100,000		$100,000		$0
93	Tunnel Maintenance	BOND PROCEEDS		$0		$0		$0		$0		$0		$0
		WATER SERVICE FEES		$127,571	$125,000	$250,000	$445,000	$570,000	$155,000	$280,000	$165,000	$290,000	$300,000	$300,000
419	Transit Coaches Replacement & Renewal	BEGINNING BALANCE		$0	-$392,000	$0	-$124,000	$0		$0	-$197,100	$0		$0
		FEDERAL GRANTS	$543,904	$1,506,404	$104,470	$1,672,470	$640,000	$1,136,000		$0	$560,000	$1,348,000	$20,000	$20,000
		TRANSIT SALES TAX	$525,000	$525,000	$152,594	$152,594	$107,594	$107,594	$107,594	$107,594	$107,594	$107,594	$107,594	$107,594
		REGIONAL TRANSIT REVENUE	-$70,127	$0		$0		$0		$0		$0		$0
445	Affordable Housing Program	FEDERAL CDBG GRANT		$0		$0		$0		$0		$0		$0
		INTEREST EARNINGS		$0		$0		$0		$0		$0		$0
		OTHER MISCELLANEOUS		$6,682		$0		$0		$0		$0		$0
		TRANSFER FROM CIP		$364,718		$0		$0		$0		$0		$0
		FEE IN LIEU HOUSING	$206,407	$385,891		$0		$0		$0		$0		$0
		PROP TAX INCREMENT RDA		$400,000		$200,000		$200,000		$200,000		$200,000		$0
		TRANS FROM DEBT SERVICE FUN		$25,806		$0		$0		$0		$0		$0
		LOAN PROCEEDS		$32,000		$32,000		$32,000		$0		$0		$0
		BEGINNING BALANCE		$8,038		$0		$0		$0		$0		$0
629	Implement Bus Graphics	RESORT TAX TRANSPOR	-$89,672	$0		$0		$0		$0		$0		$0
630	Bus Shelters	BEGINNING BALANCE		$0		$0		$0		$0		$0		$0
		DOT CONTRIBUTIONS		$0		$0		$0		$0		$0		$0
		FEDERAL GRANTS		$148,678		$16,000		$16,000		$0		$0		$0
		TRANS FR GEN FUND	-$4,000	$0	-$4,000	$0	-$4,000	$0		$0		$0		$0
		TRANSIT SALES TAX	$4,000	$4,000	$4,000	$4,000	$4,000	$4,000		$0		$0		$0
		REGIONAL TRANSIT REVENUE		$0		$0		$0		$0		$0		$0
634	Motor Change-out and Rebuild Program	WATER SERVICE FEES		$15,658	$10,000	$25,000	$10,000	$25,000	$10,000	$25,000	$10,000	$25,000	$25,000	$25,000
648	5 Year CIP Funding	BEGINNING BALANCE		$0		$0		$0		$0		$0		$0
		TRANS FR GEN FUND	-$800,000	$4,822,956		$0		$0		$0		$0		$0
		BOND PROCEEDS		$0		$0		$0		$0		$0		$0
		PROP TAX INCREMENT RDA		$488		$0		$0		$0		$0		$0
		PROP TAX INCREMENT RDA	-$14,989	$0		$0		$0		$0		$0		$0
		TRANS FROM DEBT SERVICE FUN	$14,989	$14,989		$0		$0		$0		$0		$0
		COMPUTER REPLACEMENT		$0		$0		$0		$0		$0		$0
		WATER SERVICE FEES		$0		$0		$0		$0		$0		$0
		OTHER MISCELLANEOUS		$100,485		$0		$0		$0		$0		$0
		RESORT TAX TRANSPOR		$93,133		$0		$0		$0		$0		$0
		TRANSIT SALES TAX		$20,336		$0		$0		$0		$0		$0
671	Public Safety Complex	IMPACT FEES	-$980,462	$0		$0		$0		$0		$0		$0
		TRANS FR GEN FUND	$1,500,000	$1,500,000	$325,000	$425,000		$0		$0		$0		$0
		Transfer from Sales Tax DSF - 2005(		$2,500,000		$0		$0		$0		$0		$0
		PUBLIC SAFETY IMPACT FEES	$980,462	$980,462		$0		$0		$0		$0		$0
672	Old Town Intermodal Center	TRANS FR GEN FUND	-$10,000	$0		$0		$0		$0		$0		$0
		FEDERAL GRANTS		$0		$0		$0		$0		$0		$0
		OTHER MISCELLANEOUS	-$10,635	$0		$0		$0		$0		$0		$0
		RESORT TAX TRANSPOR		$0		$0		$0		$0		$0		$0
		TRANSIT SALES TAX		$0		$0		$0		$0		$0		$0
697	Traffic Calming	BEGINNING BALANCE		$50,406		$0		$0		$0		$0		$0
		SALE OF ASSETS	$20,200	$20,200		$0		$0		$0		$0		$0
		PROP TAX INCREMENT RDA		$58,895		$0		$0		$0		$0		$0
		RENTAL INCOME		$6,361		$0		$0		$0		$0		$0
705	Water Department Infrastructure Improvement	WATER SERVICE FEES	-$369,311	$0	$113,061	$369,311	-$7,650	$256,250	-$8,000	$263,900	-$8,100	$271,900	$280,000	$280,000
708	Trails Master Plan Implementation	OTHER MISCELLANEOUS		$0		$0		$0		$0		$0		$0
		RECR, ARTS&PARK-RAP TAX GRA		$12,654		$0		$0		$0		$0		$0
		STATE CONTRIBUTION		$0		$0		$0		$0		$0		$0

CIP Changes from 2006 Approved

CIP#	Project Name	Revenue	06 Adj	06 Bud	07 Adj	07 Bud	08 Adj	08 Bud	09 Adj	09 Bud	10 Adj	10 Bud	11 Adj	11 Bud
708	Trails Master Plan Implementation	TRANS FR GEN FUND		$51,729		$50,000		$0		$0		$0		$0
		RESTAURANT TAX GRANT	$10,500	$10,500		$0		$0		$0		$0		$0
		OTHER MISCELLANEOUS		$51,911		$0		$0		$0		$0		$0
		TRANS FROM DEBT SERVICE FUN		$398,752		$0		$0		$0		$0		$0
710	Public Works Storage Parcel	SALE OF ASSETS	$996,850	$996,850		$0		$0		$0		$0		$0
		WATER SERVICE FEES		$100,000		$50,000		$50,000		$50,000		$50,000		$0
		TRANSIT SALES TAX		$124,150		$0		$0		$0		$0		$0
712	Building Replacement and Enhancement	TRANS FR GEN FUND	-$75,000	$114,858	-$75,000	$0	-$75,000	$0	-$75,000	$0	-$75,000	$0		$0
		TRANS FR GEN FUND		$161		$0		$0		$0		$0		$0
		DEPREC. FUND BALANCE		$0		$0		$0		$0		$0		$0
713	Golf Course Improvements	FEDERAL GRANTS	$10,500	$10,500		$0		$0		$0		$0		$0
		GOLF FEES	-$10,500	$146,500		$140,000		$235,000		$135,000		$50,000		$0
		OTHER MISCELLANEOUS		$0		$0		$0		$0		$0		$0
		RECR, ARTS&PARK-RAP TAX GRA	$15,000	$15,000		$0		$0		$0		$0		$0
749	Ice Facility	BOND PROCEEDS		$0		$0		$0		$0		$0		$0
		DONATIONS		$926,351		$0		$0		$0		$0		$0
		INTEREST EARNINGS	$12,547	$12,547		$0		$0		$0		$0		$0
		OTHER MISCELLANEOUS	$4,215	$4,215		$0		$0		$0		$0		$0
		RECR, ARTS&PARK-RAP TAX GRA	$10,293	$10,293		$0		$0		$0		$0		$0
		TRANS FR GEN FUND	$530,450	$530,450		$0		$0		$0		$0		$0
		TRANS FROM DEBT SERVICE FUN		$2,000,000		$0		$0		$0		$0		$0
		TRANSFER FROM CIP		$0		$0		$0		$0		$0		$0
758	Racquet Club Building Improvements	OTHER CONTRIBUTIONS		$0		$0		$0		$0		$0		$0
		RECR, ARTS&PARK-RAP TAX GRA		$46,992		$0		$0		$0		$0		$0
		TRANS FR GEN FUND	$45,994	$88,779	-$50,000	$0	-$50,000	$0	-$50,000	$0	-$50,000	$0		$0
760	Homeland Security Improvements	FEDERAL GRANTS	$42,894	$42,894		$0		$0		$0		$0		$0
		OTHER MISCELLANEOUS		$58,007		$0		$0		$0		$0		$0
762	Recreation Complex	BOND PROCEEDS		$0		$0		$0		$0		$0		$0
		IMPACT FEES		$561,921		$0		$0		$0		$0		$0
		OTHER MISCELLANEOUS	$50,000	$50,000		$0		$0		$0		$0		$0
		RECR, ARTS&PARK-RAP TAX GRA		$0		$0		$0		$0		$0		$0
		SALE OF ASSETS		$0		$0		$0		$0		$0		$0
		TRANS FR GEN FUND	$350,000	$2,400,000		$0		$0		$0		$0		$0
		TRANS FROM DEBT SERVICE FUN		$0		$0		$0		$0		$0		$0
		Transfer from Sales Tax DSF - 2005(/		$2,420,913		$0		$0		$0		$0		$0
		RESTAURANT TAX GRANT	$105,000	$105,000		$0		$0		$0		$0		$0
		OPEN SPACE IMPACT FEES		$0		$0		$0		$0		$0		$0
		PROP TAX INCREMENT RDA		$447,427		$0		$0		$0		$0		$0
763	Spiro Treatment Plant	BOND PROCEEDS	-$2,128,730	$5,945		$0		$0		$0		$0		$0
770	Marsac Seismic Renovation	BEGINNING BALANCE		$2,750,000		$0	$750,000	$750,000		$0		$0		$0
773	Boothill Tank.	BOND PROCEEDS	-$208,990	$0		$0	-$1,280,000	$0		$0		$0		$0
		WATER IMPACT FEES		$0		$0	-$320,000	$0		$0		$0		$0
		WATER SERVICE FEES		$19,127		$0		$0		$0		$0		$0
		BOND PROCEEDS (CIB)	$1,796,523	$1,796,523		$0		$0		$0		$0		$0
774	Boothill Pump station	BOND PROCEEDS	-$2,500,000	$0		$0		$0	-$987,500	$0		$0		$0
		WATER IMPACT FEES		$4,818		$0		$0	-$987,500	$0		$0		$0
		BOND PROCEEDS (CIB)	$1,912,852	$1,912,852		$0		$0		$0		$0		$0
775	Park Meadows Well Water treatment. Funded by user	BOND PROCEEDS	-$950,000	$0		$0		$0		$0		$0		$0
		WATER IMPACT FEES		$335		$0		$0		$0		$0		$0
		WATER SERVICE FEES		$0		$0		$0		$0		$0		$0
		BOND PROCEEDS (CIB)	$740,625	$740,625		$0		$0		$0		$0		$0
781	Lower Norfolk	BOND PROCEEDS		$0	$56,000	$1,792,000	$0	$0		$0		$0		$0
782	Woodside - North of 13th	BOND PROCEEDS		$0	$1,075,000	$1,075,000	-$1,045,000	$0		$0		$0		$0
786	Town Plaza	Transfer from Sales Tax DSF - 2005(/		$1,709,629		$0		$0		$0		$0		$0
		BOND PROCEEDS		$0		$0		$0		$0		$0		$0
		SALE OF ASSETS	-$1,000,000	$0	$1,000,000	$1,000,000		$0		$0		$0		$0
791	Public Art	TRANS FR GEN FUND		$188,000		$0		$0		$0		$0		$0
		RESTAURANT TAX GRANT	$5,000	$5,000		$0		$0		$0		$0		$0
794	Golf Maintenance Equipment Replacement	GOLF FEES		$111,604		$75,000		$75,000		$75,000		$75,000		$0
		RESTAURANT TAX GRANT	$12,000	$12,000		$0		$0		$0		$0		$0
795	Open Space Improvements	BEGINNING BALANCE		$62,750		$0		$0		$0		$0		$0
		OTHER CONTRIBUTIONS	$381,039	$604,647		$0		$0		$0		$0		$0
797	Bus Closed Circuit TV	FEDERAL GRANTS	-$56,000	$0		$0		$0		$0		$0		$0
		TRANSIT SALES TAX	-$14,000	$0		$0		$0		$0		$0		$0
798	Tennis Bubble Replacement	BEGINNING BALANCE		$150,000		$0		$0		$0		$0		$0
		SALE OF ASSETS		$0		$0	$30,000	$30,000		$0		$0		$0
		TRANS FR GEN FUND		$0		$0	$30,000	$30,000		$0		$0		$0

CIP Changes from 2006 Approved

CIP#	Project Name	Revenue	06 Adj	06 Bud	07 Adj	07 Bud	08 Adj	08 Bud	09 Adj	09 Bud	10 Adj	10 Bud	11 Adj	11 Bud
805	Neighborhood Parks	BOND PROCEEDS		$0		$0		$0		$0		$0		$0
		TRANS FROM DEBT SERVICE FUN	$269,058	$1,439,867		$0		$0		$0		$0		$0
810	JSSD: additional 12" water connection	TRANS FR GEN FUND	$100,000	$100,000		$0		$0		$0		$0		$0
		SALE OF ASSETS	-$200,000	$0		$0		$0		$0		$0		$0
		TRANS FR GEN FUND		$0		$0		$0		$0		$0		$0
		WATER IMPACT FEES		$50,000		$0		$0		$0		$0		$0
		WATER SERVICE FEES	$100,000	$100,000		$0		$0		$0		$0		$0
811	Quinn's Junction - Mountain Regional water tie-in	WATER IMPACT FEES		$0	$400,000	$400,000		$0		$0		$0		$0
814	Flagstaff Transit Transfer Fee	OTHER CONTRIBUTIONS	-$184,751	$0		$0		$0		$0		$0		$0
		OTHER CONTRIBUTIONS	$381,039	$565,790		$0		$0		$0		$0		$0
818	Meadows Drive Traffic Signal	TRANS FR GEN FUND		$0		$0	$50,000	$50,000		$0		$0		$0
		STREETS IMPACT FEES		$0		$0	$50,000	$50,000		$0		$0		$0
822	Medium Range Bus Storage	FEDERAL GRANTS	-$200,000	$0		$0		$0		$0		$0		$0
		REGIONAL TRANSIT REVENUE	-$50,000	$0		$0		$0		$0		$0		$0
831	Quinn's Rec - Maintenance Equipment	TRANS FR GEN FUND	$85,000	$85,000	-$50,000	$0		$0		$0		$0		$0
834	Quinn's Ice/Fields Phase II	SALE OF ASSETS		$0	-$675,000	$0		$0		$0		$0		$0
		TRANS FR GEN FUND	$335,000	$335,000		$0		$0		$0		$0		$0
838	Museum Expansion	OTHER CONTRIBUTIONS	-$100,000	$0		$0		$0		$0		$0		$0
		RESTAURANT TAX GRANT	$150,000	$150,000		$0		$0		$0		$0		$0
840	Impact Fees	IMPACT FEES	-$160,000	$0	-$160,000	$0	-$170,000	$0	-$180,000	$0	-$690,000	$0		$0
		STREETS IMPACT FEES	$90,055	$90,055		$0		$0		$0		$0		$0
		PUBLIC SAFETY IMPACT FEES	$9,926	$9,926		$0		$0		$0		$0		$0
		OPEN SPACE IMPACT FEES	$1,157,308	$1,157,308		$0		$0		$0		$0		$0
		WATER IMPACT FEES	$1,879,731	$1,879,731		$0		$0		$0		$0		$0
841	Streets Impact Fees	IMPACT FEES	-$75,000	$0	-$75,000	$0	-$80,000	$0	-$85,000	$0	-$90,000	$0		$0
842	County Vehicle Replacment Fund	REGIONAL TRANSIT REVENUE	$46,930	$46,930		$0		$0		$0		$0		$0
843	Transit Expansion	FEDERAL GRANTS		$0	$237,952	$237,952	$449,946	$449,946	$240,000	$240,000		$0	$240,000	$240,000
		TRANSIT SALES TAX		$0	$29,744	$29,744	$56,243	$56,243	$30,000	$30,000		$0	$30,000	$30,000
		REGIONAL TRANSIT REVENUE		$0	$29,744	$29,744	$56,243	$56,243	$30,000	$30,000		$0	$30,000	$30,000
844	Deer Valley Fire Flow Tie-In	OTHER CONTRIBUTIONS	$50,000	$50,000		$0		$0		$0		$0		$0
845	Solamere Pump Station Upgrade	OTHER CONTRIBUTIONS	$150,000	$150,000		$0		$0		$0		$0		$0
846	Emergency Power	WATER SERVICE FEES		$0		$0	$50,000	$50,000		$0		$0		$0
847	Boothill Transmission Line	FEDERAL GRANTS		$0		$0	$1,420,000	$1,420,000		$0		$0		$0
		OTHER CONTRIBUTIONS	$300,000	$300,000		$0		$0		$0		$0		$0
848	Racquet Club Program Equipment Replacement	TRANS FR GEN FUND		$0	$50,000	$50,000	$50,000	$50,000	$50,000	$50,000	$50,000	$50,000	$50,000	$50,000
849	Intersection Realignment Monitor Dr & Racquet Club	TRANS FR GEN FUND		$0	$75,000	$75,000		$0		$0		$0		$0
850	Monitor Drive Pedestrian Improvements	TRANS FR GEN FUND		$0		$0		$0		$0		$0		$0
851	Cross Country Snowmobile & Roller	TRANS FR GEN FUND		$0	$10,000	$10,000		$0		$0		$0		$0
852	Asset Management/Replacement Program	TRANS FR GEN FUND	$2,331,959	$2,331,959	$523,459	$523,459	$582,709	$582,709	$582,709	$582,709	$582,709	$582,709	$582,709	$582,709
853	Little Kate Recrown/Improvements	TRANS FR GEN FUND		$0		$0		$0		$0		$0		$0
854	Walkable Community/Safe Pedestrian Study	TRANS FR GEN FUND		$0	$100,000	$100,000		$0		$0		$0		$0
855	Update Recreation Needs & Facility Assessment	TRANS FR GEN FUND		$0	$75,000	$75,000		$0		$0		$0		$0
856	Ice Facility Capital Replacement	COUNTY/SP DISTRICT CONT	$13,998	$13,998		$0		$0		$0		$0		$0
857	China Bridge Control Equipment	TRANS FR GEN FUND		$0		$0		$0		$0		$0		$0
858	Parking Meter Replacement	METER REVENUE		$0	$24,000	$24,000	$24,000	$24,000	$24,000	$24,000	$24,000	$24,000	$24,000	$24,000
859	Quinn's Public Improvements	TRANS FR GEN FUND	$284,550	$284,550		$0	$70,000	$70,000		$0		$0		$0
860	Sales Tax Bond Contingency	Transfer from Sales Tax DSF - 2005(	$492,415	$492,415		$0		$0		$0		$0		$0
861	OTIS Phase II(a)	BOND PROCEEDS		$0		$0	$4,036,704	$4,036,704		$0		$0		$0
862	OTIS Phase II(b)	BOND PROCEEDS		$0		$0		$0		$0		$0	$6,678,875	$6,678,875
863	OTIS Phase III(a)	BOND PROCEEDS		$0		$0		$0		$0		$0		$0
864	OTIS Phase III(b)	BOND PROCEEDS		$0		$0		$0		$0		$0		$0
Grand Total			$8,992,046	$48,111,464	$3,039,024	$9,383,274	$5,756,789	$10,812,689	-$1,143,697	$2,493,203	$389,103	$3,474,203	$9,368,178	$9,368,178

Program Equipment Replacement Schedule

		FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
	# of pieces					
Fitness Equipment & Yr Purchased						
Spin Bikes - 1998	16	$21,400				
Star Trac Treadmill - 1998	2	$9,500				
Sci Fit Upright Bike - US Ski team	1	$1,500				
Pro-Elite Dip and Pull-up Stand - 2000	1	$550				
Precor Elliptical - 2001	1	$3,699				
Stairmaster Upright Bike - 2003	1	$2,699				
Pro-Elite Smith Machine - 2000	1		$1,950			
Pro-Elite Cable Cross Machine - 2000	1		$2,790			
Stairmaster Stair Climbers - 2000	2		$6,798			
Stairmaster Recumbent Bikes - 2000	3		$8,997			
Nordic Track Treadmill - 2004	2			$10,390		
Nordic Track Incline Trainers - 2004	2			$14,190		
Schwinn Row Machine - 2004	1			$1,099		
Schwinn Spin Bikes - 2004	2			$2,498		
Life Fitness Ellipticals - 2004	3			$11,997		
Life Fitness Treadmill - 2004	1			$5,275		
Hammerstrength Weight Machines - US Ski	8				$12,944	
Pro-Maxima Pulldown and Row Machine - 200	1				$329	
Pro-Maxima Hip Sled - 2002	1				$1,395	
Pro-Maxima Hyperextension - 2002	1				$275	
Nautilus Circuit Weight Machines	12					$39,888
Tennis Equipment						
Ball Machine #1	1	$5,500				
Ball Machine #2	1			$5,500		
Ball machine #3	1					$5,500
Tennis Nets	4	$1,200	$1,200	$1,200	$1,200	$1,200
Tennis Benches	6	$2,100				
Tennis Court Dividers	2	$2,000	$2,000	$2,000	$2,000	$2,000
Pool Equipment						
Pool Covers			$3,700			
Pool Furniture			$4,000	$1,000	$1,000	$1,000
Shade awning						$2,800
Lane Lines						$2,000
Audio Visual Equipment						
Fitness Center						
Cardio Loft				$500		
Group Fitness Studio		$500				
Spin Studio			$500			
Pool					$500	
Cardio Theatre			$2,000			$500
Gymnasium						
Gym Curtain Divider			$9,000			
Basketball Standards					$27,000	
Scoreboard					$5,000	
Total Program Replacement Cost Per Year		**$50,648**	**$42,935**	**$55,649**	**$51,643**	**$54,888**

Walkable/Bikable Community Study

The following is a preliminary draft of items that may be considered as a part of the Trails Master Plan Update for Walkable/Bikable Communities.

Trails Master Plan (TMP)

- The Trails Master Plan was adopted by Council in 1983. It was updated and adopted by Council in 1993, and 2003.
- The TMP, maps, and subsequent adoptions were produced by City staff.
- The TMP is a supplement to the General Plan and Land Management Code for securing easements, dedications, and the construction of public trails by development.
- The Goals and Objectives section of the TMP outlines general guidelines for the design, development and implementation of the TMP.
- The TMP refers to AASHTO (American Association of State Highway and Transportation Officials Guide) which provides more detail on the construction of bicycle paths and roadways including desired separation widths, design speeds, horizontal alignment, grades, sight distances, intersections, signs, markings, pavement structure, drainage.
- The (AASHTO) Guide for the Development of Bicycle Facilities is usually referred to for the design of trails and pathways for bicycles, where bicycles are generally used on most streets and highways in the United States and are considered a moving vehicle as they travel although not motorized.
- Appendix D Trail-head Work Plan and Appendix E Policy Recommendation were developed by the Park City Parks, Recreation and Beautification Advisory Board as short term action items for staff.

Assumptions

- The Park Meadows neighborhood has requested funding for a series of major capital projects including a major road reconstruction, sidewalks, crosswalks, intersection realignments, and other pedestrian and trail connections.
- Through the RELS process staff has recommended a neighborhood sidewalk connection as contemplated in the TMP. The neighborhood is opposed to a sidewalk and requested a separated pathway.
- The neighborhood agrees that the City should consider the issue of walkable/bikeable streets citywide.
- Based on the City Council's community wide goal #5 - Recreation Open Space and Trails, action item #3 - Trail Development Plan, which also includes an evaluation of city-wide sidewalks as part of the TMP; and neighborhood input at the March 30, 2006 City Council Meeting, and direction from Council, staff is proposing to fund an update to the TMP through the CIP process for trails, pathways and safe streets for pedestrians and bicyclists.

Scope of Study

- Priorities for construction:
  - Factors for prioritization:
    - Connection to existing facilities, neighborhoods, etc
    - Pedestrian/bicycle counts
    - Percent of School aged children
    - Average Daily Traffic (ADT) on street
    - Existing facilities
    - Availability of funding (See Funding)
    - Constructability
    - Environmental impacts
    - Land acquisition costs – including right-of-way
    - Time frame of construction
    - Neighborhood/area support
    - Staff resources required
    - Annual operating & maintenance costs
    - AASHTO Standards
    - Engineering and public safety standards for streets(MUTCD)
  - Areas of priority:
    - School zones
    - Resort areas
    - Transit & Inter-modal zones
    - Commercial zones
    - Recreation facilities
    - Parks
    - Residential neighborhoods
    - Annexation areas
    - Open Space
    - Major arteries (collector & arterial roads) → Connectivity
- Funding
  - Capital Improvement Program:
    - General Fund
    - RDA
    - Special Improvement District (SID)
    - Other private funding sources
    - Grants: Difficulty in administration from easy for Local grants to hardest for Federal Funds
      - Restaurant Tax
      - RAP Tax
      - Misc. Trail Grants such as Bikes Belong
      - State Trails Grants
        - State Recreational Trails grants
        - River and Stream Enhancement funds
      - State Sidewalks on Highways
      - Safe Routes to Schools
      - National Recreational Trails funds
      - Land and Water Conservation funds

        - Transit funds
        - Federal Transportation Enhancement funds
    - General Obligation Bonds
- Implementation Strategy
    - Based upon the Priorities and Funding assessment a 20 year plan will be developed for the capital improvements.
- Consideration of Pilot Program
- Communication and Meetings
    - The study/consultants/staff will hold Neighborhood, Homeowner's Associations, Citywide meetings to help define the prioritization process and timeline for the study.
    - The study will also entail meetings before the Recreation Advisory Board (RAB), Planning Commission, City Council
- Update to the Trails Master Plan and Map
    - Incorporate the results of the Study into the Trails Master Plan and Map.
- Council Adoption - spring 2007

City Council
Staff Report

PUBLIC WORKS

Author:	**Kathy Dunks**
Subject:	**BOOTHILL 2MG TANK CONSTRUCTION CONTRACT**
Date:	**May 18, 2006**
Type of Item:	**Administrative**

Summary Recommendations:
Staff recommends Council authorize the City Manager to execute a Construction Agreement, in a form approved by the City Attorney, with Build Inc. for the construction of the Boothill 2 MG Tank for a lump sum amount of $1,399,138.

Description:

Topic:
Boothill 2 MG Tank Construction.

Background:
The Boothill Tank and Pump Station are the next steps in a multi-step system upgrade. Last summer new pipelines were installed on Boothill from the Park Meadows and Divide Wells to the new valve vault on Boothill and another pipeline was constructed from the vault to Monitor Dr. These pipelines were needed to facilitate chlorine contact time for the Park Meadows well treatment, to improve blending options for Spiro water, increase fire flow protection to Park Meadows & Prospector areas, and provide a transmission line for the new pump station.

The new 2 million gallon underground storage tank (reservoir) is scheduled to be constructed next to the existing Boothill tank and will be tied into the new valve vault. The pump station is also scheduled to be constructed this summer at the base of Boothill, north of the eastern corner of the cemetery, behind the Boothill Condos. The next and final step will be to build a new transmission line from Monitor Dr, across Kearns, up Bonanza to Deer Valley Drive, Deer Valley Drive to about 12th, across City Park where it will be tied in with the transmission line that extends from Woodside. The transmission line will not be constructed until at least 2008, depending on funding.

Once the tank is constructed, it will go online immediately to help provide the much needed equalization storage to meet current peak day demands. Once the pump station and transmission line are constructed, the pump station will be able to provide source redundancy to Old Town and will be a primary way of providing water to the Empire Pass area.

The Boothill tank was originally bid in the spring of 2004 as a combined project with the valve vault and pipelines that were constructed last summer. The tank portion of the low bid of ~$1.84M was about $890,000. However, due to budget constraints, it was decided to remove the tank from the project and re-bid only the valve vault and pipelines as a separate project. Construction of the valve vault and pipelines began in the fall of 2004 and was completed last summer. The tank construction was pushed to this year as funds are now available.

The Boothill 2MG Tank construction project was advertised this spring in the Park Record and Salt Lake Tribune. Five Bids were received and opened on May 4, 2006.

Analysis:
The following summarizes the bids:

Contractor	**Total Bid**
Engineer's Estimate	$1,506,625
ABCO Construction	$1,454,775
Build, Inc.	**$1,399,138**
COP Construction	$2,320,225
Dale Cox Contracting	$1,713,203
Gerber Construction	$1,548,000

Build, Inc. is the lowest qualified bidder. Qualifications and Bid Documents were verified by our Engineer, Stantec Consulting (see attached letter). Staff therefore recommends Build, Inc. as the successful bidder.

The budget for the construction was set at $1,713,000, which includes contingency.

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

Alternatives:

A. Approve the Request:
Staff recommends Council authorize the City Manager to execute a Construction Agreement, in a form approved by the City Attorney, with Build Inc. for the construction of the Boothill 2 MG Tank for a lump sum amount of $1,399,138.

B. Deny the Request:
Council could deny Staff's request. Denying the request would delay the much-needed Boothill Tank.

C. Continue the Item:
Council could continue the request. Continuing the request would delay the much-needed Boothill Tank.

D. Do Nothing:

Staff does not recommend this alternative. Doing nothing would also delay the much-needed Boothill Tank.

Significant Impacts:

The Boothill 2MG Tank construction project is funded in the approved FY05/06 budget.

Recommendation:

Staff recommends Council authorize the City Manager to execute a Construction Agreement, in a form approved by the City Attorney, with Build Inc. for the construction of the Boothill 2 MG Tank for a lump sum amount of $1,399,138.

Stantec Consulting Inc.
3995 South 700 East Suite 300
Salt Lake City UT 84107
Tel: (801) 261-0090 Fax: (801) 266-1671
stantec.com

Stantec

May 10, 2006

Ms. Kathy Dunks, PE
Park City Municipal Corporation
PO Box 1480
Park City, UT 84060

Reference: Boothill 2 MG Tank – Review of Build, Inc. Bid

Dear Kathy:

We have reviewed the Bid submitted by Build Inc. for the Boothill 2 MG Tank and have prepared the following summary:

- Bid - This form appears complete. The business type was not listed but was confirmed to be a Corporation.
- Bid Schedule - The extrapolation of costs from quantities and unit prices appears correct. The total bid amount of $1,399,138.00 appears correct.
- Bid Bond - A bond of 10% was supplied as required. The Western Surety Company was not contacted.
- Addenda - Receipt of Addendum #1 was acknowledged.
- Information Required of Bidder - This information appears complete. The List of Proposed Subcontractors did not include a blasting contractor. Salt Lake Seismic will perform the blasting per discussions with Tye Shumway following the bid opening. Fred Stromness was contacted and confirmed their manpower availability to meet the project schedule as well as the business type. Thomas Jessup will be the chief construction superintendent and Tim Binfet will be the field superintendent. I contacted several of their references and received positive feedback.

Reference: Boothill 2 MG Tank – Review of Build, Inc. Bid

Build Inc. is considered one of the top tank contractors in the area and is a well-qualified and reputable company.

If you have any questions or need additional information, please call.

Sincerely,

STANTEC CONSULTING INC.

Michael P. Kobe, PE
Senior Associate
Tel: 801-261-0090
Fax: 801-266-1671
mkobe@stantec.com

CONSTRUCTION AGREEMENT

THIS AGREEMENT is made and entered into as of this 18th day of May, 2006, by and between PARK CITY MUNICIPAL CORPORATION, P O Box 1480, Park City UT 84060, a municipal corporation of the state of Utah (hereinafter "City"), and BUILD, INC., 5190 W 700 S, Salt Lake City, UT 84101, which is a (*check one*) _X_ corporation ___ partnership ___ sole proprietorship ___ limited liability company (hereinafter "Contractor").

PURPOSE: For the project known as the BOOTHILL 2 MG TANK (hereinafter "Project"), which consists of the construction of the Boothill 2 MG Tank in accordance with the Contract Documents and Park City Standards, Construction Specifications, and Standard Drawings.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties hereby agree as follows:

SECTION 1. SCOPE OF WORK. Contractor shall furnish all labor, materials and equipment to complete the Project, consisting of the work described in the Information for Bidders as the Basic Bid, and the following additive alternates: None, as specifically set out in the contract specifications, which is made a part hereof by reference, herein called the "Project."

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

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

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

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

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

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

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

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

D. WARRANTY. Contractor warrants that all materials and supplies used in the construction of the Project shall be new, except as otherwise agreed to in writing by the City's Representative. All materials, equipment, parts and labor and any necessary corrections to the Project shall be guaranteed for a period of one (1) year following the date of substantial completion of the Project under the terms of the performance bond.

SECTION 2. PERFORMANCE AND PAYMENT BONDS. Contractor shall furnish to the City payment and performance bonds satisfactory to the City guaranteeing Contractor's payment and performance, in the amount, for each separately, of one hundred percent (100%) of the Contract Amount.

SECTION 3. INSURANCE. Unless otherwise specified in the bid documents, the Contractor shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, their agents, representatives, employees, or subcontractors.

The Contractor shall provide a Certificate of Insurance evidencing:

> **A.** Automobile Liability insurance with limits no less than five hundred thousand dollars ($500,000) combined single limit per accident for bodily injury and property damage.
>
> **B.** Commercial General Liability insurance written on an occurrence basis with limits no less than one million dollars ($1,000,000) combined single limit per occurrence and two million dollars ($2,000,000) aggregate for personal injury, bodily injury and property damage. Coverage shall include but not be limited to: blanket contractual; products/completed operations; broad form property damage; explosion, collapse and underground (XCU) if specifically requested; and employer's liability.
>
> **C.** Professional Liability (Errors and Omissions) insurance written on an occurrence basis with limits no less than one half million dollars ($500,000) combined single limit per occurrence.
>
> **D.** Workers Compensation insurance written on an occurrence basis with limits no less than one half million dollars ($500,000) combined single limit per occurrence.

The City shall be named as an additional insured on the insurance policies and a copy of the endorsement naming the City as an additional insured shall be attached to the Certificate of Insurance. The City reserves the right to request certified copies of any required policies.

The Contractor's insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

SECTION 4. CONTRACT AMOUNT, ACCEPTANCE OF WHOLE, ADDITIONS. City shall pay Contractor the total sum of **ONE MILLION THREE HUNDRED NINETY NINE THOUSAND ONE HUNDRED THIRTY EIGHT DOLLARS ($1,399,138)** ("Contract Amount") for all work and materials expended to complete this Project, which shall include the cost of all bonds, insurance, and all charges, fees, permits (including water and sewer fees, unless waived), expenses or assessments of whatever kind or character that are or may be necessary to complete this Project, including any additive alternates listed within the Scope of Work described in Section 1.

SECTION 5. PERMITS AND FEES. As set out in Section 4 above, the Contract Amount includes the price of all normally applicable fees and permits. The City may, at its discretion, arrange for the waiver of certain fees, permits and expenses.

SECTION 6. TERMS OF PAYMENT. The City shall pay for services provided hereunder according to and in an amount not to exceed that detailed in the attached payment schedule (Attachment A) and only upon Contractor's request on forms approved by and submitted to the Project Manager. The City shall make payment within thirty (30) days thereafter. Requests for a more rapid payment may be considered if a discount is offered for early payment. At no time shall the aggregate amount of money paid to the Contractor in proportion to the Contract Amount be greater than the proportion of the work performed at that point to the total Project work. No payment shall be made for any service rendered by the Contractor except for services set forth and identified in this Agreement. The City reserves the right to withhold payment in whole or part from the Contractor for non-compliance with the provisions of the Contract Documents.

A. RETAINAGE. The City may, in its sole discretion; (1) retain five percent (5%) of the value of all work done and materials or equipment supplied as part security for the fulfillment of the Agreement by the Contractor; or (2) retain the final payment of up to five percent (5%) of the total project amount. As work nears completion and solely at the City's discretion, the City may reduce the retainage to an amount more in line with the work remaining. The City reserves the right to retain all amounts previously withheld or due, including any liquidated damages, until all services specified herein are complete. Any money withheld pursuant to this section shall be placed in an interest bearing account and the interest shall also be payable to the Contractor upon final payment.

Before final payment is made, the Contractor must submit evidence satisfactory to the City that all payrolls, material bills, subcontracts and all outstanding indebtedness in connection with the Project have been paid for.

The City may withhold a reasonable amount of the payment bond sufficient to cover any outstanding indebtedness or monies owed or claimed by any person who supplied work or materials to the Project plus ten percent (10%) of such indebtedness as the City's cost of administering such claims until Contractor supplies a release satisfactory to the City, signed by all persons who have supplied labor or materials to the Project or, at the City's option if no claim is made, until 105 days after the date on which any person performed the last of the labor or supplied the last of the material for the Project and upon written request from the Contractor.

The Contractor shall supply to the Project Manager/Engineer within a reasonable time after his request a signed statement verifying all the suppliers, subcontractors and other persons who have supplied labor or materials to the Project.

B. **FINAL PAYMENT**. Acceptance by the Contractor of the final payment from the City shall release the City of all claims, demands and liability of the Contractor, its officers, agents, employees and subcontractors, whether communicated or not by the Contractor, except with respect to those matters referred to in writing delivered to the Contractor and approved in a signed writing by the Project Manager.

SECTION 7. COMPLETION TIME. The work on this Project shall commence within ten days of receipt of the Notice to Proceed and shall be completed by (insert date). Work stoppage due to inclement weather conditions and other factors must be approved in writing by the Project Manager. Inclement weather shall not otherwise constitute cause for delay. Unless otherwise agreed by the City by Change Order, no damages shall become due to Contractor for City caused delay. A Change Order for delay will generally be accepted for delay so excessive and unreasonable that it is beyond the scope of the Contract or delay attributed to direct, active or willful interference by the City. The Change Order must be based upon actual damages sustained by the Contractor which are directly attributed to the delay.

In the event that Contractor fails to complete all of the work required herein within the time limit set out above, then for each partial or complete day during which the work remains uncompleted thereafter, the Contractor agrees to pay the City **One Hundred Dollars ($100.00)**, (NOTE: liquidated damages clause must be agreed to by Contractor, if no mutual agreement, then no liquidated damages) which the parties believe, due to the difficulty of actually assessing the damages the City will suffer in the event of such a delay, is a fair estimate of the loss the City will suffer. The parties agree that the daily liquidated damages provided for herein is reasonable and fair, and is not a penalty. TIME IS OF THE ESSENCE IN THIS AGREEMENT.

SECTION 8. ADDITIONAL WORK/CHANGE ORDERS. The City may enlarge or reduce the work to be performed by Contractor hereunder by written notification to Contractor, including changes to the plans and specifications. The City shall pay Contractor for any additional work so requested, and shall reduce the payment to the Contractor for any reduction in labor, materials, overhead and profit margin resulting from the reduction in the work. Except as the City shall so notify the Contractor in writing, it is understood and agreed by the parties hereto that no money will be paid to the Contractor for any new or additional labor or materials furnished unless a written modification is agreed to in a document signed by both parties.

The value of any work covered by a change order or of any claim for increase or decrease in the contract price shall be determined by one or more of the following methods in order of precedence listed below:

A. An agreed lump sum; or in the event the parties cannot agree; then

B. The unit rate for the work bid by the Contractor, if applicable, or in the event there was no such rate bid; then

C. The actual cost for: (1) labor; (2) materials; (3) supplies; (4) equipment; (5) direct overhead (not to exceed 5% of the sum total of items 1-4, unless approved by the City); and (6) other services necessary and approved by the City to complete the work. In the event of a net increase in the Contract Amount for a change order as a whole, the City shall allow a payment to the Contractor of an additional ten percent (10%) of the actual cost of the work, not including direct overhead or bond costs, to cover the cost of general overhead and profit. The Contractor may also charge the City for actual cost of the net increase in bond costs as a result of the overall change to the Contract Amount. The City specifically reserves the right to request documentation, including but not limited to payroll stubs, bond bills, and invoices, to validate the Contractor's calculations.

SECTION 9. DISPUTES. Except as otherwise provided in this Agreement, any disputes concerning a question of fact arising under this Agreement which is not disposed of by Agreement shall be decided by the City. The decision of the City shall be final and conclusive unless, within thirty (30) days from the date of receipt of such decision, the Contractor shall mail or otherwise furnish the City a written signed appeal addressed to the Project Manager/Engineer. In connection with any appeal proceeding under this clause, the Contractor will be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor will proceed diligently with the performance of the contract and in accordance with the City's decision. The decision of the City shall be final and conclusive, but shall not be arbitrary or unreasonable. Although this Contract has been drafted by the City, the Contractor expressly agrees that any ambiguity herein shall be resolved in favor of the City.

SECTION 10. DEFAULT, REMEDY AND TERMINATION. The City may terminate this agreement upon the occurrence of one or more of the following events:

A. If Contractor or any Subcontractor should substantially violate any of the provisions of this contract;

B. If Contractor substantially fails to perform any part of this Agreement;

C. If Contractor repeatedly fails or becomes unable to perform the services under this Agreement as required herein, or substantially fails to provide services under this Agreement for a period of seventy-two (72) hours;

D. If Contractor (1) shall become insolvent in a bankruptcy sense; (2) shall be generally not paying its debts as they become due, or within a reasonable time thereafter; (3) shall suffer, voluntarily or involuntarily, the entry of an order by any court or governmental authority authorizing the appointment of or appointing of a custodian (as that term is defined in 11 U.S.C. '101[10]), receiver, trustee, or other officer with similar powers with respect to it or any portion of its property which remains undismissed for a period of ninety (90) days; (4) shall suffer, voluntarily or involuntarily, with or without judicial or governmental authorization, any such custodian, receiver, trustee, or other officer with similar powers to take possession of any part of its property which third party remains in possession for an excess of ninety (90) days; (5) shall suffer, voluntarily or involuntarily, the filing of a petition respecting an assignment for the benefit of creditors which is not dismissed for a period of ninety (90) days; (6) shall be dissolved; (7) shall become the subject of any proceeding, suit, or action at law or in equity under or relating to any bankruptcy, reorganization or arrangement of debt, insolvency, readjustment of debt, receivership, liquidation, or dissolution law or statute or amendments thereto to be commenced by or against it or against any of its property which remains undismissed for a period of ninety (90) days; (8) shall voluntarily suspend substantially all of its business operations; (9) shall be merged with, acquired by, or otherwise absorbed by any individual, corporation, or other business entity or organization of any kind except for any individual corporation or other business entity or organization which is controlled by, controlling, or under common control with the Contractor; or (10) shall take action for the purpose of any of the foregoing,

After serving ten (10) days written notice on the Contractor and its surety of its intention to terminate the services of Contractor, and if within ten (10) days after serving such notice, the violation is not corrected to City's reasonable satisfaction, the City then may take over the work and prosecute it to completion by contract or by any other method it may deem advisable at the expense of the Contractor. The Contractor and the bonding company shall be liable to the City for any reasonable cost occasioned by the City in excess of the amount agreed for the service herein.

The Contractor shall be entitled to a hearing before a City hearing officer upon the issue of termination if it submits a written request therefore within seven (7) days of the service of the notice of the City's intent to terminate. The Contractor shall be entitled to be heard at such hearing on the issue of termination. The Contractor shall not bring an action against the City, its officers, agents or employees arising out of or relating to the termination of this Agreement before the decision is issued by the City's hearing officer(s).

Waiver of any default shall not be deemed to be a waiver of any subsequent default. Waiver of any provision of this Agreement shall not be construed to be modification of the terms of this Agreement, unless stated to be such in writing, signed by the City's authorized representative.

The Contractor shall continue the performance of this agreement to the extent not terminated under the provisions of this section.

The rights and remedies of the City provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this agreement.

SECTION 11. HOLD HARMLESS INDEMNIFICATION. The Contractor clearly and unequivocally agrees to indemnify and to hold the City and its agents, employees, and officers, harmless from and shall process and to defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the Contractor's performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Contractor or others; and provided further, that nothing herein shall require the Contractor to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The Contractor expressly agrees that the indemnification provided herein constitutes the contractor's waiver of immunity under Utah Code Section 34A-2-105 for the purposes of this Agreement. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement. No liability shall attach to the City by reason of entering into this Agreement except as expressly provided herein.

SECTION 12. CONTROLLING LAW. These general conditions shall be construed in accordance with and enforced under the laws of the State of Utah. Any action of law, suit in equity, or judicial proceeding for the enforcement of the Agreement, or any provisions thereof, shall be instituted and maintained only in any of the courts of competent jurisdiction in Summit County, Utah.

SECTION 13. ASSIGNMENT. The Contractor shall not assign nor transfer any interest in this agreement without the prior written consent of the City, provided however, that claims for compensation due or to become due the Contractor from the City under this agreement may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment shall be promptly furnished to City.

SECTION 14. SAFETY AND TRAFFIC CONTROL. Contractor shall take all reasonable precautions to protect the safety of pedestrians, school children, motorists, and others who may use or come near to the Project site, including but not limited to compliance with the Manual of Uniform Traffic Control Devices.

SECTION 15. SAFETY AND PROTECTION OF THE WORK. Contractor shall be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the project work. Contractor shall provide reasonable protection to prevent damage, injury or loss to employees on the Project work and all other persons who may be affected thereby, materials and equipment, whether on or off the site, and other property at the work site or adjacent thereto, including trees, shrubs, lawns, walks, pavements, roadways, structures and utilities not designated for removal, relocation or replacement in the course of construction. In addition, the Contractor shall give all notices and comply with all applicable laws, ordinances, rules, regulations and lawful orders of any public authority bearing on the safety of persons or property or their protection from damage, injury or loss.

The Contractor shall erect and maintain, as required by the existing conditions and progress of the work, all reasonable safeguards for safety and protection, including posting danger signs and other warnings against hazards, setting safety regulations, and notifying owners and user of adjacent utilities.

The Contractor shall promptly remedy all damage or loss to any property referred to in this Section caused in whole or in party by the Contractor, any subcontractor, sub-subcontractor or anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable and for which the Contractor is responsible, except for acts or omissions by the City or anyone directly or indirectly employed by it, or by anyone for whose acts it may be liable, and not attributable to the fault or negligence of the Contractor. Contractor shall remove from the site all cuttings, debris, equipment and unused material.

SECTION 16. UNENFORCEABLE CONTRACT, WAIVERS. In the event that any provision of this contract shall be ruled invalid and unenforceable, the remaining provisions shall be valid and binding upon the parties. One or more waivers by either party of any provision, term or covenant shall not be construed by the other party as a waiver of a subsequent breach of the same provision by the other party.

SECTION 17. ENTIRE AGREEMENT. This contract represents the entire integrated agreement between City and Contractor and supersedes all prior negotiations, representations or agreements, either written or oral. This agreement may be amended only by written modification signed by both parties.

SECTION 18. COMMENCEMENT OF WORK. Contractor will commence work as required by the specifications within ten calendar days after receiving the NOTICE TO PROCEED.

SECTION 19. UTILITIES. The right is reserved to the owners of public utilities and franchises to enter upon the street or work site for the purpose of making repairs or changes of their property that may become necessary by the work. The City shall also have the privilege of entering upon the street or work site for the purpose of repairing culverts, storm drains, water system repairs or adjustments and any and all other necessary City work.

The Contractor takes the whole risk, responsibility and expense with respect to the location of utilities, and in working with utility owners about locating, moving, repairing, and modifying utilities. All utility locations shown on the plans and specifications are approximate and are marked on the plans, if at all, only for convenience. The City makes no representation about the location of any such utilities, and Contractor is encouraged to contact utility companies and owners about the location of all utilities that may be impacted by or impact the Project work.

<u>SECTION 20. HOURS AND DAYS OF WORK</u>. All work performed by the Contractor, its subcontractors, materialmen, agents and employees shall be performed during work hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday unless otherwise specified in a Conditional Use Permit or Construction Mitigation Plan. In individual Construction Mitigation Plans, the Building Official may further reduce the hours or days of work for Special Events or as other circumstances may reasonably warrant. When work is prohibited, no exterior construction, excavation or delivery of supplies and concrete are allowed. Interior work, however, may be allowed Monday through Sunday, with no limitation on hours for the following types of construction:

A. Interior work on individual single-family home construction or addition projects not involving materials or supply deliveries

B. Construction of decks, patios, landscape walls less than 4 feet in height, and fences on individual single-family lots

C. Non-mechanized exterior painting on individual single-family residences

D. Non-mechanized landscaping on individual single-family residences

E. Survey work not involving grading or use of power equipment to cut vegetation.

Extended Hours Special Permit. The Building Official may authorize extended hours for construction operations or procedures which, by their nature, require continuous operation or modify or waive the hours of work on projects in generally isolated areas where the extended hours do not impact upon adjoining property occupants. In such cases, the Building Official shall issue a Special Permit identifying the extended hours. Contractor shall display the special permit on site.

Special Event Regulations. The Building Official and/or Police Chief may, at their discretion, restrict construction activity, including governmental or special improvement agencies, in order to assure the public safety during special events within the City. Special events shall include, but not be limited to the Art Festival, Film Festival, ski events, and holiday events.

<u>SECTION 21. CONSTRUCTION MANAGEMENT PLANS</u>. Contractor shall submit a Construction Mitigation Plan to be approved by the Community Development Department, for all building permits. The Community Development Department may waive this requirement for minor remodels, additions and interior construction where the impact on adjacent property is minimal. This plan shall be written and shall address, to the satisfaction of the Community Development Department.

A. Hours and Days of Operation. The Construction Mitigation Plan shall specify the daily construction start and finish times. Construction activity occurring outside of the times specified in Section 11-14-6 of the Park City Municipal Code may only be allowed by Special Permit issued by the Building Official or the City Engineer.

B. Parking. The Construction Mitigation Plan shall include a parking plan. Construction vehicle parking may be restricted at construction sites so as to not block reasonable public and safety vehicle access along streets and sidewalks. Construction parking in paid or permit only parking areas require the Public Works Department review and approve a parking plan. The plan shall also include anticipated temporary parking, e.g. delivery vehicles, large equipment parking.

C. Deliveries. The Construction Mitigation Plan shall identify proposed delivery locations and routes. Deliveries of construction materials and supplies including concrete may be regulated as to time and routing if such deliveries will cause unreasonable noise, parking, or access issues. In order to reduce the number of delivery trips to construction sites, the stockpiling of materials on or near the site may be required. In the case of multiple construction sites in close proximity, a common materials storage and staging site may be required.

D. Construction Phasing. Due to the narrow streets, small lot configuration, topography, traffic circulation, weather, construction parking and material staging problems, projects in the Historic District and other areas of the City may be required to be phased if more than one project is under construction in close enough proximity to create public safety or nuisance problems. In cases where phasing is deemed necessary by the Community Development Department**,** the first project to receive a building permit shall have priority, however, the Building Official shall have the authority to phase projects as necessary to assure efficient, timely and safe construction.

E. Trash Management and Recycling. Construction sites shall provide adequate storage and a program for trash removal**.**

F. Control of Dust and Mud on Streets. A program for the control of dust or other airborne debris shall be required. Provision must be made to eliminate the tracking of mud on streets and a program shall be required to remove any such mud daily.

G. Noise. Construction activity shall not exceed the noise standards as specified in Section 6-3-9 of the Park City Municipal Code.

H. Grading and Excavation. Because of the truck hauling involved in grading and excavation, restrictions on trucking routes as well as the hours of operation may be necessary to mitigate the adverse impacts from such operations. Destination and total cubic yards of excavated material shall be noted.

I. Construction Sign Requirements. A sign, indicating the name of the party responsible for the Project shall be posted in a location where such sign is readable from the street or driveway to the construction site. The sign shall not exceed 12 square feet in size, six feet in height and shall not exceed a letter type of 4". Information on the sign shall include, at a minimum:

1. Name, address and phone number of contractor;
2. Name, address, and phone number of person responsible for the project; and
3. Phone number of party to call in case of emergency.

No additional fee is required for this sign.

SECTION 22. TOILET FACILITIES AND CONTAINERIZED TRASH SERVICE REQUIRED.

A. The Contractor shall obtain and maintain on the site a container of suitable size and design to hold and confine trash, scraps, and other construction related refuse created or accumulated on the site. All such construction refuse shall be maintained in a closed container at all times, until transferred to the landfill. Containers may be placed in setback areas, provided that the placement of the container does not obstruct the view of motorists on adjoining streets and thereby create traffic hazards. Contractor shall not permit accumulated debris, litter, or trash on the construction site to blow or scatter onto adjoining properties, including the public street or to accumulate on the site outside of the container, or on transit to the landfill or dump. The owner or contractor shall service the container as frequently as needed to prevent trash from over-flowing.

B. The Project site shall have permanent toilets, or an approved temporary toilet facility positioned in a location approved by the Building Department, at the rate of one toilet per fifteen on-site employees (1-15 employees = one toilet, 16-30 employees= two toilets and so on).

SECTION 23. OBEY LAWS. Contractor shall obey all laws, ordinances and regulations of the United States, the State of Utah, and Park City in performing this Agreement.

SECTION 24. NONDISCRIMINATION.

A. The City is an equal opportunity employer.

B. In the performance of this Agreement, the Contractor will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap; provided that the prohibition against discrimination in employment because of handicap shall not apply if the particular disability prevents the proper performance of the particular worker involved. The Contractor shall ensure that applicants are employed, and that employees are treated during employment without discrimination because of their race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap. Such action shall include, but not be limited to: employment, upgrading, demotion or transfers, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and programs for training including apprenticeships. The Contractor shall take such action with respect to this Agreement as may be required to ensure full compliance with local, state and federal laws prohibiting discrimination in employment.

C. The Contractor will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap.

D. If any assignment or subcontracting has been authorized by the City, said assignment or subcontract shall include appropriate safeguards against discrimination. The Contractor shall take such action as may be required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.

SECTION 25. THIRD PARTY RIGHTS. Nothing herein is intended to confer rights of any kind in any third party. No member, officer, or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

SECTION 26. PROJECT MANAGER/ENGINEER. The Project Manager/Engineer for this Project is ____ ________________, or such other person designated by the City Engineer or Public Works Director to the Contractor orally or in writing.

SECTION 27. PARTIES' REPRESENTATIVES. For purposes of notice required or desired by the parties, or communication involving the services under this Agreement, such notice or communication shall be deemed to have been given when personally delivered or mailed, or sent by facsimile transmission certified mail, postage pre-paid, to the parties at the following addresses:_______________________________________ ______________________

Contractor: ________________________, or such other person designated in writing by the Contractor's chief administrative officer, at the Contractor's address set out first above; Park City: Project Manager/Engineer, at the address set out first above for the City, or when given to such other person as either of the above representatives shall designate in writing. The designation of any address may be changed by notice given in the same manner as provided in this paragraph.

SECTION 28. SEVERABILITY. Should any part of this Agreement for any reason be declared invalid, such decision shall not affect the validity of any remaining provisions, which remaining provisions shall remain in force and effect as if this Agreement had been executed with the invalid portion thereof eliminated, and it is hereby declared the intention of the parties that they would have executed the remaining portion of this Agreement without including any such part, parts, or portions which may, for any reason, be hereafter declared invalid. If any provision of this Agreement is held invalid or unenforceable with respect to particular circumstances, such provision shall nevertheless remain in full force and effect in all other circumstances.

IN WITNESS WHEREOF, the parties have entered into this agreement on the day and year set out at the top of this Agreement.

City Council
Staff Report

PLANNING DEPARTMENT

Author: Jonathan Weidenhamer
Subject: Park City Fire District – Fire Station #31 Conditional Use Permit for a Public Institution & Essential Public Utility Use & Facility
Date: May 18, 2006
Type of Item: Administrative – City Council Call-Up Review

Summary Recommendations:
The Planning Department recommends the City Council conduct a public hearing and approve a Conditional Use Permit for the Park City Fire Service District Station #31 based on the findings of fact, conclusions of law, and conditions of approval as outlined in this staff report.

Topic

Applicant:	Park City Fire Service District (PCFSD) 2060 Holiday Ranch Loop Road (Lot 1 Creekside Subdivsion)
Zoning:	Recreation Open Space with Sensitive Lands Overlay (ROS w/SLO)
Adjacent Land Uses:	Residential (Windrift, Saddle, and Park View Condominiums, Holiday Ranchettes, Park Meadows I, and McLeod Creek Subdivisions

Background
PCFSD filed an application for Conditional Use Permit to build a fire station on Lot 1 of the Creekside Subdivision on October 12, 2005. That application was deemed complete on November 1, 2005. The Planning Commission voted unanimously to approve the CUP at their meeting on April 26, 2006; a public hearing was held. Input from the neighborhood and other members of the public was taken (Exhibit H – meeting minutes & written comment from neighbor). Staff has received additional public comment since the April 26th Planning Commission Meeting including a request from an adjoining property owner submitted on May 1, 2006 seeking to have the Council call up the decision (Exhibit I).The City Council at their May 4, 2006 meeting called up the approval per Section 15-1-18(I) of the LMC. Direction was provided to review the CUP de novo.

Per direction from the Planning Commission the City and Fire District will host a public input session on May16, 2006 to provide additional details, address concerns, and gather additional public input. Attendees will have the opportunity to provide written comment which will be compiled and submitted in writing by staff to the City Council at their meeting on May 18, 2006.

The Parcel is zoned ROS with Sensitive Lands Overlay (SLO). A fire station over 600 square feet is a Public/Quasi Public Institution/ Essential Public Utility Use/Facility and is a Conditional Use in the zone. Currently the City has a CUP for a dirt jump park at the rear of the site. The Dirt Jump CUP expires on May 31, 2007. A portion of the dirt jump park encroaches into the rear of proposed Lot 1. Construction of the fire station on this site will not conflict with the existing approval of the dirt jump park as construction can be phased around the existing use. Construction of a Fire Station on Lot 1prohibits continuation of the dirt jump parks in its existing configuration after this summer season.

One of the specific topics the Planning Commission considered in their April 26, 2006 approval was the Sensitive Lands Overlay (SLO) which establishes additional mitigation criteria for development. The proposed building does not meet the 50' wetland setback requirements of the SLO. The original recommendation regarding wetlands supported a Hardship argument that the required wetland setbacks would "deny all reasonable use of the property". Staff's recommendation has changed. At this time, staff finds through the Army Corps permitting and mitigation process, the 50' setback requirement for wetlands has been adequately mitigated. This is explaned in greater detail in the analysis section, criteria 16.

Concurrent with this CUP application, there is also an application for approval of the Creekside Subdivision. The application would subdivide the 8.45 acre City-owned parcel at 2060 Holiday Ranch Loop Road into 2 lots (Exhibit B). The Planning Commission forwarded a positive recommendation on the proposed subdivision on April 26, 2006. The City has agreed to sell Lot 1 (1.74 acres) of this subdivision to the Park City Fire Service District (PCFSD) in order for them to build a fire station. The Creekside Subdivision would need approval from the City Council and recordation prior to any development on proposed Lot 1. The remainder of the site will be 6.71 acres and will remain City-owned (Lot 2).

The City's strategic plan for City-owned parcels, adopted by resolution in September 2005, identifies this overall site as a possible location for the following land uses: "Fire Station, Park, Water Treatment Plant and infrastructure, Affordable Housing, Public works expansion, trade-sell". As background to adoption of that strategic plan a public input session was held at Miners Hospital on May 4, 2005. One specific topic of discussion at this public meeting was the possible location of a fire station at this site. The Fire District also had representation at this input session to address any questions. In general the neighborhood was supportive of the fire station, but expressed concern regarding the potential of also having affordable housing at this location (Exhibit J - Park Record Article May 11, 2005).

At this time the City has not programmed any specific land use or project for the rear of this site (Lot 2). A park or similar use would be an Allowed Use, while affordable housing would require a rezone and CUP or MPD, which would include public approval/hearing processes.

The proposal is for a 3 bay 8,066 square foot fire station. It includes: living areas, office, fitness room, kitchen, storage, work shop, and 7 bed rooms. The site plan indicates18 parking spaces. The building has a pitched roof, with its highest ridge being approximately 30' in height. The Fire District is currently providing service to this part of town from their existing Park Avenue station. The purpose for this Fire Station relocation is to provide better fire protection and emergency medical services to the northern Park Meadows area of town. Insurance ratings necessitate the Fire District maintain a 3 mile coverage radius (Exhibit E – memo from PCFD). This site has been identified as a preferred site due to its location on a major collector road, proximity to Park Meadows, and convenient access to major arterial routes into the rest of town.

The site planning at this location has been challenging in that it is encumbered with streams, wetlands, irrigation ditches, 2 City wells, and the surrounding Well Head Source Protection Zones. Public drinking water systems are responsible for protecting their sources from contamination. The State Division of Drinking Water identifies 2 Source Protection Zones. Zone 1 is a 100' radius from any wellhead, Zone 2 is a 300' radius. The proposed fire station and associated infrastructure is located within Zones 1 and 2 for both the Park Meadows and Divide Wells (the road is within Zone 1,and the fire station itself is within Zone 2). State requirements prohibit sewer infrastructure in Zone 1, and generally exclude any construction within Zone 2. If unique construction precautions are met, the State Division of Drinking water can issue a special exception permit to allow construction in the Source Protection Zones.

Preliminary construction documents and utility plans have been designed to meet these standards. These regulations have heavily influenced the site planning and location of the road and building, by pushing them further west, away from the Source 1 Protection Zone. The City's water department has applied to the State for a Special Exception Permit. Issuance of this special exception permit is required prior to issuance of any building permits. This is addressed as a condition of approval.

So as not to preclude any future development on Lot 2 of the Creekside Subdivision a preliminary civil plan has been developed that would stub out utilities at the rear edge of the Fire District's new driveway during construction of the Fire Station.

Analysis

Conditional Use Review

Staff has reviewed the proposed CUP with respect to the conditional use criteria as outlined in LMC 15-1-10 as follows:

1. Size and location of the site: **No Unmitigated Impacts.** The site is located at 2060 Holiday Ranch Loop road at the old sewer treatment site. It is located directly south of the intersection of McLeod Creek Road and Holiday Ranch Loop Road. The site

is Lot 1 of the Creekside Subdivision, and is 1.74 acres. The site is of sufficient size for the proposed station.

2. Traffic considerations: **No Unmitigated Impacts.** Access to the site is via a 50' easement dedicated on the plat located directly across from Creek Drive. Holiday Ranch Loop Road is one of Park Meadows main Collector roads and is 43' wide at this intersection. The location of this curb cut is beneficial to PCFSD in that the road is wide and very straight in this location allowing for good visibility and safe vehicle movements at the intersection. During initial site planning the applicant considered alternative locations for this curb cut.

   Because of the wetland distribution on the site and the location of the McLeod Creek Trail, inadequate separation from Creek Drive could be obtained, so at the City Engineers request the intersection aligns opposite existing Creek Drive. LMC Section 15-3-3 specifies that driveways intersect collector roads such as Holiday Ranch Loop Road at least 75' from the Creek Drive intersection which would create an unacceptable wetland impact (30' of paved road and 50' right-of-way would have disturbed wetlands beyond the 1/10 acre threshold permitted by the Army Corps). Creating a four-way intersection at the current Creek Drive intersection location is therefore the best engineering solution in the opinion of the City Engineer.

   The road easement will include utility easements. All utilities necessary for development on the site are currently located adjacent to the site. The new road shall remain a private driveway for the Fire District. All maintenance of this road including maintenance, snow removal, etc. will be the Fire District's responsibility. Should development occur at the rear of the lot it is anticipated that the City would accept a dedication of the easement as a public right-of-way and accept maintenance of it. The City, through the Subdivision process, requires the Fire District to dedicate road widths and utility easements as well build the road to accepted City engineering standards in the event that this driveway were to become a public street. These standards are the same regardless of the type of development at the rear of the site. Traffic generated by this station is minimal and will not negatively impact the adjacent streets.

3. Utility capacity: **No Unmitigated Impacts.** All utilities necessary for development on the site are currently located adjacent to the site. A line extension agreement with the Sewer District (SBWRD) is necessary, and shall be a condition of approval necessary prior to issuance of building permits. So as not to preclude future development on Lot 2 a preliminary civil plan has been developed that would stub out utilities at the rear edge of this new driveway during construction of the Fire Station. At this time the City has not programmed any specific land use or project for this location.

4. Emergency vehicle access: **No Unmitigated Impacts.** The proposed road will be 30' of pavement and provides adequate widths for emergency vehicles. Holiday Ranch Loop Road is one of Park Meadows main Collector roads and is 43' wide at

this intersection. The location of this curb cut is very beneficial to PCFD in that the road is wide and very straigt in this location allowing for safe access for emergency vehicles onto Holiday Ranch Loop Road. Construction of the fire station shall not block access to the dirt jump parks for emergency vehicles. The construction mitigation plan, which will be approved as part of the building permit shall address this.

Input has been received from the public voicing concerns about maintaining response times to Old Town (Exhibit H minutes, new written comment – Exhibit I). The Park Avenue station will not be vacated until the Park Meadows station is operational. It is also anticipated that construction of a new fire station will begin on Deer Valley Drive this summer. This new fire station will increase the number of available fire fighters in Park City by 4. Although in isolated areas of Park City response times will increase due to this relocation, with the addition of the new Deer Valley Drive Station, in general, response times to the entire town will be shortened while the service level shall increase.

5. <u>Location and amount of off-street parking:</u> **No Unmitigated Impacts.** The proposal includes 18 on-site parking spaces. Nine spaces are required per the LMC standards which require 1 space per 1000 square feet of development. The fire station as proposed exceeds LMC parking requirements. Most of the available parking ((15 spaces) is located to the rear of the building and will be screened by landscaping. A limited number of spaces (3) are available in the front of the building for visitors and to provide ADA access. These spaces are also located behind landscaping (see criteria 7).

6. <u>Internal circulation system</u>: **No Unmitigated Impacts.** The Creekside Subdivision will dedicate a 20' trail easement along McLeod Creek, at the westerly lot line. The plat will also dedicate a non-exclusive public access easement along the new road that will ensure access to lot 2. Access to Lot 2 for both maintenance vehicles and emergency vehicles shall not be blocked by construction. A condition of approval references this.

7. <u>Fencing, screening and landscaping to separate uses:</u> **No Unmitigated Impacts.** At this time, fencing is not proposed except during construction. Currently a chain link fence exists at the front of the site. The Fire District will be responsible for removal of the fence from the new road to the westerly edge of the property. A condition of approval addresses this. A landscape plan is proposed to mitigate any visual impacts on adjacent properties (Exhibit C). The plan indicates a combination of 6' tall evergreen trees, 1" caliper deciduous trees and other shrubs, perennial ground and seed cover. At the north corner of the new private driveway and Holiday Ranch Loop Road, the plan identifies heavy vegetation to help screen the building and exiting vehicles from the adjacent residential neighborhood. In response to neighborhood concerns the Fire District has stipulated that they will incorporate a large berm in this location to further separate uses. Approval of a final landscape plan by the City's Landscape Architect is a condition precedent to issuance of full building permit. A

condition of approval references this.

8. Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots: **No Unmitigated Impacts.** Locating the building on this site has been extremely challenging in that it is encumbered with streams, wetlands, irrigation ditches, and 2 City wells and their surrounding well head source protection zones. Due to the construction limitations in these Source Protection Zones pushing the site location to the west, the LMC SLO required setbacks of Section 15-2-21-6(F) (50' setback from delineated wetlands and stream corridors, and 20' setbacks from irrigation ditches), as well as Army Corps preference to avoid development near the more critical wetlands at the rear of the site, and unwillingness to accept other proposed site locations, staff finds the proposed location of the building is the most appropriate.

   The ROS district requires 25' setbacks. At its closest point the building will be located 130' from Holiday Ranch Loop Road, 115' from the lot line to the west (towards Park View, and 275' from the Holiday Ranchettes Subdivision to the east. These large setbacks mitigate for the size and massing of the building (8,066 sf). While the building facades are not large enough to require façade shifts, the design incorporates approximately 12' of shift at either side of the apparatus bay at the front, and an 8' shift around the bays in the rear. A covered patio that runs along the front of the building, outside of the apparatus bays also provides depth and relief to the massing, as do the timbers above the bay doors. The required zone setbacks are 25'. The proposal exceeds this standard. The maximum height limit is 28', plus 5' for a pitched roof. The proposal has a pitched roof and is 30' in height.

9. Usable open space: **No Unmitigated Impacts.** The building has a footprint of approximately 8,066 sf and sits on a 1.74 acre site. A Wetland Delineation for the site was accepted by The US Army Corps of Engineers on October 4, 2002. It identifies approximately 0.8 acres of wetlands on this lot, 0.094 acres of which will be disturbed. Much of the remainder of the lot outside of the buiding pad, roads, and parking will be landscaped. There is no open space requirement associated with this development.

10. Signs and lighting: **No Unmitigated Impacts.** Preliminary lighting plans for the parking lot, road, or the building exterior have not been submitted at this time. Street and parking lot lights will be reviewed and approved by the Planning Staff for consistency with 15-3-3(C) Parking Area Lighting standards and 15-5-5(I) Architectural Lighting standards of the LMC. This will be addressed as a condition of approval. No signs have been approved at this time.

11. Physical design and compatibility with surrounding structures in mass, scale and style: **No Unmitigated Impacts.** The proposed building is compatible as proposed with the surrounding structures in mass, scale, and style. Building materials common to the neighborhood have been introduced to the building including: stone wainscot, high resolution asphalt roof shingles, aluminum clad wood windows, and

wood columns, and heavy timber architectural trusses. The building also incorporates stucco finishes around the windows and doors and metal soffit and fascia. Although roughly double the square footage of the surrounding single family houses the building setbacks are increased to over 115'.

12. <u>Noise, vibration, odors, steam, or other mechanical factors that might affect people:</u> **No Unmitigated Impacts.** Staff finds any impacts generated by the use of safety sirens has been mitigated by the following excerpt from a memo from the PCFSD (Exhibit E):

    The operating procedures for the PCFSD on the usage of sirens when responding to an emergency is two fold. First, we must meet the requirements of the Utah State Law and second, we must use common sense.

    The PCFSD is not in the habit of abusing the operation of the siren and emergency warning lights. When the PCFSD responds from residential areas, we must exercise caution. We do not routinely activate the siren if it is not warranted. The PCFSD will follow the same procedure as we currently do at our Park Avenue station, in that as the apparatus pulls out of the station onto the street, and there is no traffic or other circumstances present to alert motorist or citizens of the approaching fire apparatus, the siren will not be activated until the fire apparatus approach any major intersection or roadways. However, if circumstances present themselves, and in accordance with Utah State Law, the siren and emergency warning lights will be activated to warning motorists and citizens that an emergency vehicle is approaching.

    To date, I am not aware of any instances in which our firefighters have abused this privilege or procedure. However, if this ever became an issue, the PCFSD is willing to discuss this with the community, as we do with any issue that might raise and seek an equitable solution.

    Should noise complaints be received the Fire District shall be required to create a Noise Mitigation Plan. This will be referenced as a condition of approval.

13. <u>Control of delivery and service vehicles, loading and unloading zones, and screening:</u> **No Unmitigated Impacts.** Service and delivery to this location will be minimal. The driveways and paving areas are designed to allow the fire trucks to maneuver comfortably on the site. A landscape plan has been submitted to demonstrate how the apparatus bays are screened (Exhibit C).

14. <u>Expected ownership and management of the property:</u> **No Unmitigated Impacts.** The Planning Commission is currently reviewing an application to subdivide the City-owned parcel at 2060 Holiday Ranch Loop Road into 2 lots known as the

Creekside Subdivision (Exhibit B). The City has agreed to sell Lot 1 of this subdivision to the Park City Fire District. A finalized Real Estate Purchase Contract will be a condition of approval prior to recordation of the Plat. The remainder of the site will be 6.71 acres and will remain City-owned (Lot 2). The new road shall remain a private driveway for the Fire District. All maintenance of this road including upkeep, snow removal, etc. will be the Fire District's responsibility. Should development occur at the rear of the lot it is anticipated that the City would accept the road as a public road, and accept maintenance of it.

15. Architectural and Uniform Building Code review: **No Unmitigated Impacts.** At this time general architectural details, colors, and materials have been submitted. The general architecture is consistent with the Park City Architectural Design Guidelines. Prior to permit issuance all construction shall meet the City's building code review and shall be consistent with the architectural standards of the LMC.

16. Sensitive Lands Review. **No Unmitigated Impacts.** Staff finds the proposed CUP to be consistent with all requisite SLO requirements with the exception of the required 50' Wetland Setbacks as stated in 15-2.21-6(F). Staff finds the 50' setback requirement for wetlands have been adequately mitigated.

Section 15-2.21-2 of the LMC outlines the Overlay Review Process as having four primary steps (A-D):

(A) SENSITIVE AREA DETERMINATION. Applicants for Development must identify the Property's sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, wetlands, Stream Corridors, and wildlife habitat Areas and provide at time of Application a sensitive Area analysis. Evergreen Engineering has prepared a Sensitive Area Determination by documenting an existing conditions analysis. The locations proposed for development contain Sensitive Lands specifically, wetlands (see section B below).

(B) APPLICATION OF OVERLAY ZONE REGULATIONS. Regulatory standards apply to the type of sensitive Area delineated. Section 15-2.21-6(F) of the LMC requires the following setbacks for wetlands:

> *(F)* ***SETBACKS****. The following Setbacks are required:*
>
> *(1) Setbacks from wetlands shall extend a minimum of fifty feet (50') outward from the delineated wetland edge.*

A Wetland Delineation for the site was accepted by The US Army Corps of Engineers on October 4, 2002. It identifies 1.0 acres of wetlands at the front of the site and 0.85 acres at the rear of the site. The wetlands at the front of the site are man-made, lacking in quality and are neet critical to the balance of the more significant wetlands located at the rear of the lot (although still considered by the LMC definition as a Significant Wetland). The current proposal places the southwest corner of the building on the edge of delineated wetlands. The proposed building is located 32’ from wetlands at its northeast corner, and 43’ from wetlands at the south. The proposal will disturb approximately 4,109 square feet (0.094 acres) of wetlands and requires a permit from the Army Corps of Engineers. Section 15-2.21-6 of the LMC regulates and protects wetlands and stream corridors from adverse effects of development, and requires 50’ setbacks from all delineated wetlands.

Although the Fire District has submitted a number of potential site plans for review that met or exceeded the LMC required setbacks, they were not acceptable to the Army Corps. The Army Corps is required to permit the site plan that minimizes impacts to all site wetlands. They would not accept other site proposals despite the 50’ setbacks because they had a larger overall negative impact on site wetlands. The site plan that is attached (Exhibit C) is the preferred alternative of the Corps of Engineers. The mitigation plan that was permitted by the Army Corps on April 18, 2006 (Exhibit F), concludes that the wetlands at the north portion of the site that are being disturbed are man made, lacking in quality, and not critical to the balance of the more significant wetlands located towards the rear of the site. The Army Corps permit and mitigation plan acknowledges that it is adequate to mitigate for any impact and/or removal of wetlands at the front of the lot with a program that enhances the remainder of the more critical wetlands towards the rear of the lot. The approved mitigation plan requires best management practices during construction to protect adjacent wetlands, and a maintenance program removing the thistle and other weeds in the rear wetlands that will repair and enhance their quality.

Per Section 15-2.21-6(H) of the LMC, staff may approve wetland restoration and enhancement projects if they have been reviewed by a qualifed professional and approved by the appropriate state and federal agencies. Through the Army Corps permitting and mitigation process, coordinted by Wise Earth Wetland and Soil Consultant, Staff finds the 50’ setback requirement for wetlands have been adequately mitigated based on the following:

(a) The McLeod Creek has been channelized over the years due to many man made improvements in the general vicinity including roads, residential subdivisions, and other commercial development. Its location in relation to the site in general runs south to north along the western most property edge. The building is located 62’ from the McLeod Creek Stream Corridor and meets the required 50’ setback.

(b) 10’ asphalt trail separates McLeod Creek from the delineated wetlands being disturbed. The disturbed area is a very small piece of wetland (approximately .2 acres), only .094 acres of which is being disturbed.

(c) The wetlands located on the northern portion of the site have been caused by development and other man made uses on the site including the old sewer treatment facility, road and trail improvements, public works storage, and putting existing surface water in culverts where convenient for activity on the parcel.

(d) The wetlands on the north portion of the site are not associated with permanent surface water.

(e) The project does not meet LMC SLO required setbacks of Section 15-2-21-6(F)(1): 50’ setback from delineated wetlands, in that the building’s southwest corner is located on the edge of delineated wetlands, and is located 32’ from wetlands at its northeast corner, and 43’ from wetlands at the south. The project meets or exceeds all other LMC standards for SLO Regulations on Wetlands and Stream Protection (15-2.21-6).

(f) The site is encumbered with streams, wetlands, irrigation ditches, 2 City wells and their surrounding Well Head Source Protection Zones. The proposed fire station and associated infrastructure is located within Source Protection Zones 1 and 2 for both the Park Meadows and Divide State requirements prohibit sewer infrastructure in Zone 1, and generally exclude any construction within Zone2. Preliminary construction documents and utility plans have been designed to meet the standards for a special exception permit. These standards have heavily influenced the site planning and location of the road and building by pushing the infrastructure and building further west, out of the Zones.

(g) Wise Earth has met with the Army Corps of Engineers on site. Their evaluation of the wetlands at the north portion of the lot is that they are man made, lacking in quality, and not critical to the balance of the more significant wetlands located towards the rear of the lot. The Army Corps permit and mitigation plan acknowledges that it is adequate to mitigate for any impact and/or removal of wetlands at the front of the lot with a program that enhances the remainder of the more critical wetlands towards the rear of the lot.

(h) Jason Gipson of the Army Corps of Engineers has indicated that when a Corps preferred alternative (Habitat Restoration Project) is permitted, the constraints of that permit typically take precedent over local ordinances.

(i) A plat note shall be added to the Creekside Subdivision recognizing the wetlands on the site. This shall be referenced as a condition of approval.

(C) SITE DEVELOPMENT SUITABILITY REVIEW. Staff shall review the sensitive Area analysis and delineation of sensitive lands. Staff shall report to the Applicant and the Planning Commission those appropriate Areas for Development. With the exception of the Wetlands, the remainder of the site proposed for development is appropriate for development based on the following features and conditions:

- Slope - The applicant has submitted topographic information for the site. The site design avoids development on slopes greater than 15%.

- Grading- The building will be located on the flat portion of the lot. Necessary grading is minimal.

- Ridge Line Areas/Designated Entry Corridors and Vantage Points - The site does not contain designated Ridgeline Areas nor is it located within any vantage points. It is not within the City’s Entry Corridor.

- Vegetative Cover – The site is sparsely vegetated with only the wetland areas having significant vegetation. These areas are filled with thistles and other weeds, and will be enhanced through the wetland mitigation permit (Exhibit F).

- Storm Water Runoff & Drainage – Development of Lot 1 is proposed on areas that will drain into the wetlands. The permit application and mitigation plan for wetland impacts addresses a mitigation plan. Best Management Practices will be used during construction.

- Natural Resources (wildlife, vegetation) - According to the Utah Division of Wildlife Resources GIS information on Threatened, Endangered, and Sensitive Species occurrences, there are no Federally Endangered Species, Wildlife Species of Concern, or Species receiving management under a Conservation Agreement in the area where the project is proposed.

- Stream Corridors & Irrigation Ditches – Setbacks from Stream Corridors shall extend a minimum of fifty feet (50') outward from the Ordinary High Water Mark. Setbacks from irrigation ditches shall extend a minimum of twenty feet (20') from the Ordinary High Water Mark.

  The building is located 62’ from the McLeod Creek Stream Corridor and meets the required 50’ setback. Water downstream from the Mount Air Headgates currently runs through the site. The site survey indicates a further diversion of one of the site water sources, Thiriot Spring Creek which enters the parcel at the southern edge of the property, approximately 137’ west of the easterly property line. Based on the State’s 1920’s Hydroplat, the easterly split is known as the Bates Snyder & Dorrity Ditch (Dorrity Ditch), approximately 240’ of which is located within a culvert.

  The westerly split is identified by the Hydroplat as a portion of East Canyon Creek. Staff finds that the original development on the lot of the old water treatment plant has diverted this platted portion of East Canyon Creek to the west into what is now known as McLeod Creek (tributary to East Canyon Creek), which runs south to north along the westerly boundary of the lot. Staff also finds that this westerly split is a ditch, not an irrigation ditch, that collects overflow and leakage from the Dorrity Ditch and McLeod Creek. Within Lot 1 this ditch will be put in a culvert. This culvert in Lot 1 would not disturb any existing water conveyance. There is an existing Stream Alteration Permit for East Canyon Creek that would allow construction in this area provided existing conveyance of any water is not disturbed (no increase or decrease of consumption). Prior to recordation of the subdivision creating this lot, staff shall seek affirmation of this from the State Engineer’s Office. A condition of approval addresses this. The proposed road location is 60’ from the Dorrity Ditch, which is an irrigation ditch. The road and building exceed the required 20’ setback from all irrigation ditches on the site. See analysis in above section B regarding wetlands.

(D) HARDSHIP RELIEF. If the Applicant demonstrates that the regulations would deny all reasonable Use of the Property, the Planning Commission may modify Application of these regulations to provide the Applicant reasonable Use of the Property. Not Applicable – The applicant has not requested any hardship relief.

Department Review
This project has gone through an interdepartmental review including Staff Review meetings on February 21, 2006 and March 21, 2006.

Notice
The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record. No public input has been received by the time of this report.

ALTERNATIVES

4. Approve the Fire Station CUP at 2060 Holiday Ranch Loop Road as conditioned or amended. **This is staff's recommendation,** or
5. Deny the CUP at 2060 Holiday Ranch Loop Road and direct staff to make Findings for this decision, or
6. The City Council may continue the discussion on the CUP at 2060 Holiday Ranch Loop Road, or
7. The City Council may remand the CUP back to the Planning Commission

SIGNIFICANT IMPACTS

a. A Fire Station on Lot 1prohibits continuation of the dirt jump parks in its existing configuration after this summer season.
b. Not approving a Fire Station at this location would force the Fire District to find an alternative location
    i. This could compromise PCFD's ability to meet the 3 mile coverage radius for northern Park Meadows which would impact their insurance ratings, and service levels.
    ii. The PCFD has secured funding to build the new fire stations at the Canyons, at lower Deer Valley, and at this location. If they do not use the funds, they are exposed to losing the funding.

Recommendation
The Planning Department recommends the City Council conduct a public hearing and approve a Conditional Use Permit for the Park City Fire Service District Station #31 based on the findings of fact, conclusions of law, and conditions of approval as outlined below:

Findings of Fact

1. The Planning Commission voted unanimously to approve a Conditional Use Permit for a Fire Station at 2060 Holiday Ranch Loop Road at their meeting on April 26,

2006. A public hearing was held. Input from the neighborhood and other members of the public was taken.

2. The City Council at their May 4, 2006 meeting called up the approval per Section 15-1-18(I) of the LMC. Direction was provided to review the CUP de novo.
3. The Parcel is zoned ROS. A fire station is a Public/Quasi Public Institution/ Essential Public Utility Use/Facility and is a Conditional Use in the zone.
4. The site is located at 2060 Holiday Ranch Loop road at the old sewer treatment site. It is located directly south of the intersection of McLeod Creek Road and Holiday Ranch Loop Road. The site is Lot 1 of the Creekside Subdivision, and is 1.74 acres. The Creekside Subdivision is currently under review by the Planning Commission for a recommendation, and would need approval from the City Council and recordation prior to any development on proposed Lot 1.
5. Currently the City has a CUP for a dirt jump park at the rear of the site. The Dirt Jump CUP expires on May 31, 2007. A portion of the dirt jump park encroaches into the rear of lot 1. Construction of the fire station on this site will not conflict with the existing approval of the dirt jump park as construction can be phased around the existing use. Construction of a Fire Station on Lot 1will prohibit continuation of the dirt jump parks in its existing configuration after this summer season.
6. The proposal is for a 3 bay 8,066 square foot fire station. It includes: a living area, office, fitness room, kitchen, storage, work shop, and 7 bed rooms. The site plan indicates18 parking spaces. The highest ridge of the building is approximately 30' in height.
7. The purpose for this relocation is to provide better fire protection and emergency medical services to the northern Park Meadows area of town. Insurance ratings necessitates the Fire District maintain a 3 mile coverage radius.
8. So as not to preclude any future development on Lot 2 a preliminary civil plan has been developed that would stub out utilities at the rear edge of the Fire District's new driveway during construction of the Fire Station.
9. The City's strategic plan for City-owned parcels, adopted by resolution in September 2005, identifies this overall site as a possible location for the following land uses: "Fire Station, Park, Water Treatment Plant and infrastructure, Affordable Housing, Public works expansion, trade-sell". A public input session was held at Miners Hospital on May 4, 2005. One specific topic of discussion at this public meeting was the possible location of a fire station at this site. The Fire District also had representation at this input session to address any questions. In general the neighborhood was supportive of the fire station, but expressed concern regarding the potential of also having affordable housing at this location.
10. At this time the City has not programmed any specific land use or project for the rear of this site (Lot 2). A park or similar use would be an Allowed Use, while affordable housing would require a rezone and CUP or MPD, which would include public approval/hearing processes.
11. Access to the site is via a 50' road easement dedicated on the plat located directly off of Holiday Ranch Loop Road, located directly across from McLeod Creek Drive. Holiday Ranch Loop Road is one of Park Meadows main Collector roads and is 43' wide at this intersection. The location of this curb cut is very beneficial to PCFD in that the road is wide and very straigt in this location allowing for safe vehicle

movements at the intersection and ease of access for emergency vehicles. During initial site planning the applicant considered alternative locations for this curb cut. The road has been located in its current location due to wetland considerations and concerns over proximity to the McLeod Creek Trail.

12. The City Engineer has determined that an intersection alignment opposite Creek Drive is the best alternative location for a driveway to Lots 1 and 2 of the Creekside Subdivision.
13. The new road shall remain a private driveway for the Fire District. All maintenance of this road including upkeep, snow removal, etc. will be the Fire District's responsibility. Should development occur at the rear of the lot it is anticipated that the City would accept a dedication of the easement as a public right-of-way and accept maintenance of it. The City, requires the Fire District to dedicate road widths and utility easements as well build the road to accepted City engineering standards in the event that this driveway were to become a public street. These standards are the same regardless of the type of development at the rear of the site.
14. Traffic generated by this station is minimal and will not negatively impact the adjacent streets.
15. A line extension agreement with SBWRD is necessary, and shall be a condition of approval necessary prior to issuance of building permits.
16. The proposed road width of 30' provides adequate widths for emergency vehicles.
17. The proposal includes 18 on-site parking spaces. Nine spaces are required per the LMC standards which require 1 space per 1000 square feet of development. The fire station as proposed exceeds LMC parking requirements. Most of the available parking ((15 spaces) is located to the rear of the building and will be screened by landscaping. A limited number of spaces (3) are available in the front of the building for visitors and to provide ADA access. These spaces will also be landscaped.
18. Input has been received from the public voicing concerns about maintaining response times to Old Town. The Park Avenue station will not be vacated until the Park Meadows station is operational. It is also anticipated that construction of a new fire station will begin on Deer Valley Drive this summer. This new fire station will increase the number of available fire fighters in Park City by 4. Although in isolated areas of Park City response times will increase due to this relocation, with the addition of the new Deer Valley Drive Station, in general, response times to the entire town will be shortened while the service level shall increase.
19. At this time, fencing is not proposed except during construction. Currently a chain link fence exists at the front of the site. The Fire District will be responsible for removal of the fence from the east of the new road to the westerly edge of the property.
20. The landscape plan indicates a combination of 6' tall evergreen trees, 1" caliper deciduous trees and other shrubs, perennial ground and seed cover. At the north corner of the new private driveway and Holiday Ranch Loop Road, the plan identifies heavy vegetation to help screen the building and exiting vehicles from the adjacent residential neighborhood. In response to neighborhood concerns the Fire District has stipulated that they will incorporate a large berm in this location to further separate uses.

21. The ROS district requires 25' setbacks. At its closest point the building will be located 130' from Holiday Ranch Loop Road, 115' from the lot line to the west (towards Park View, and 275' from the Holiday Ranchettes Subdivision to the east. These large setbacks mitigate for the size and massing of the building (8,066 sf).
22. The building design incorporates approximately 12' of shift at either side of the apparatus bay at the front, and an 8' shift around the bays in the rear. A covered patio that runs along the front of the building, outside of the apparatus bays also provides depth and relief to the massing, as do the timbers above the bay doors.
23. The maximum height limit is 28', plus 5' for a pitched roof. The proposal has a pitched roof and is 30' in height, and meets required zone standards.
24. The building is located 62' from the McLeod Creek Stream Corridor and meets the required 50' setback in Section 15-2.21-6(F)(2). The proposed road location is 60' from the Dorrity Ditch. The road and building exceed the required 20' setback from all irrigation ditches on the site required by Section 15-2.21-6(F)(3) of the LMC.
25. Staff finds the proposed CUP to be consistent with all requisite SLO requirements with the exception of the required 50' Wetland Setbacks as stated in 15-2.21-6(F). Staff finds the 50' setback requirement for wetlands have been adequately mitigated.
26. A Wetland Delineation for the site was accepted by The US Army Corps of Engineers on October 4, 2002. It identifies 1.0 acres of wetlands at the front of the site and 0.85 acres at the rear of the site. The current proposal places the southwest corner of the building on the edge of delineated wetlands. The proposed building is located 32' from wetlands at the northeast corner, and 43' from wetlands at the south. The proposal will disturb approximately 4,109 square feet (0.094 acres) of wetlands and requires a permit from the Army Corps of Engineers. The Army Corps is required to permit the site plan that minimizes impacts to all site wetlands, and they would not accept any of the other site proposals because they had a larger overall negative impact on site wetlands. The current proposal is the preferred alternative of the Corps of Engineers.
27. The mitigation plan that was permitted by the Army Corps on April 18, 2006 concludes that the wetlands at the north portion of the lot that are being disturbed are man made, lacking in quality, and not critical to the balance of the more significant wetlands located towards the rear of the lot. The Army Corps permit and mitigation plan acknowledges that it is adequate to mitigate for any impact and/or removal of wetlands at the front of the lot with a program that enhances the remainder of the more critical wetlands towards the rear of the lot. The approved mitigation plan requires best management practices during construction to protect adjacent wetlands, and removal of thistle and other weeds in the rear wetlands that will repair and enhance their quality.
28. Per Section 15-2.21-6(H) of the LMC, staff may approve wetland restoration and enhancement projects if they have been reviewed by a qualitifed professional and approved by the appropriate state and federal agencies. Through the Army Corps permitting and mitigation process, coordinted by Wise Earth Wetland and Soil Consultant, Staff finds the 50' setback requirement for wetlland have been adequately mitigated based on the following:

(a) The McLeod Creek has been channelized over the years due to many man made improvements in the general vicinity including roads, residential subdivisions, and other commercial development. Its location in relation to the site in general runs south to north along the western most property edge. The building is located 62' from the McLeod Creek Stream Corridor and meets the required 50' setback.
(b) A 10' asphalt trail separates McLeod Creek from the delineated wetlands being disturbed. The disturbed area is a very small piece of wetland (approximately .2 acres), only .094 acres of which is being disturbed.
(c) The wetlands located on the northern portion of the site have been caused by development and other man made uses on the site including the old sewer treatment facility, road and trail improvements, public works storage, and putting existing surface water in culverts where convenient for activity on the parcel.
(d) The wetlands on the north portion of the site are not associated with permanent surface water.
(e) The project does not meet LMC SLO required setbacks of Section 15-2-21-6(F)(1): 50' setback from delineated wetlands, in that the building's southwest corner is located on the edge of delineated wetlands, and is located 32' from wetlands at its northeast corner, and 43' from wetlands at the south. The project meets or exceeds all other LMC standards for SLO Regulations on Wetlands and Stream Protection (15-2.21-6).
(f) The site is encumbered with streams, wetlands, irrigation ditches, 2 City wells and their surrounding Well Head Source Protection Zones. The proposed fire station and associated infrastructure is located within Source Protection Zones 1 and 2 for both the Park Meadows and Divide State requirements prohibit sewer infrastructure in Zone 1, and generally exclude any construction within Zone2. Preliminary construction documents and utility plans have been designed to meet the standards for a special exception permit. These standards have heavily influenced the site planning and location of the road and building by pushing the infrastructure and building further west, out of the Zones.
(g) Wise Earth Wetlands/Soil Science Consultants has met with the Army Corps of Engineers on site. Their evaluation of the wetlands at the north portion of the lot is that they are man made, lacking in quality, and not critical to the balance of the more significant wetlands located towards the rear of the lot. The Army Corps permit and mitigation plan acknowledges that it is adequate to mitigate for any impact and/or removal of wetlands at the front of the lot with a program that enhances the remainder of the more critical wetlands towards the rear of the lot.
(h) Jason Gipson of the Army Corps of Engineers has indicated that when a Corps preferred alternative (Habitat Restoration Project) is permitted, the constraints of that permit typically take precedent over local ordinances.
(i) A plat note shall be added to the Creekside Subdivision recognizing the wetlands on the site. This shall be referenced as a condition of approval.

<u>Conclusions of Law</u>

1. The CUP, as conditioned, complies with all requirements outlined in the applicable sections of the Land Management Code, Section 15-1.10 review criteria for Conditional Use Permits, and Chapter 2.21 Sensitive Area Overlay Zone.
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The CUP has been noticed and public hearings held in accordance with the LMC.
4. Any effects in difference in use or scale of the Conditional Use Permit have been mitigated through careful planning and conditions of approval.

Conditions of Approval

1. A final lighting plan, including a parking lot lighting plan, shall be submitted to and approved by the City as a condition precedent to full permit issuance. All exterior lighting shall conform to the City's lighting ordinances including LMC Sections 15-5-5-(I) and 15-3-3(c).
2. Recordation of the Creekside Subdivision plat is a condition precedent to issuance of building permits.
3. Mechanical equipment shall be painted, hidden with architectural features, located and/or landscaped to mitigate negative impacts on the architectural intent of the buildings and such that noise, vibration, odors, steam, and impacts on the neighboring properties are minimized to the greatest degree possible.
4. Approval of this Conditional Use Permit shall expire two years from the date of Planning Commission approval.
5. A line extension agreement with SBWRD to connect to sewer service to existing infrastructure in Holiday Ranch Loop Road is required before additional services can be extended to serve the Creekside Subdivision. This is necessary prior to issuance of any building permits.
6. Issuance of this special exception permit from the Utah Division of Drinking Water for development within source protection areas is required prior to issuance of any building permits.
7. The City's Landscape Architect shall approve a Landscape plan prior to issuance of full building permits.
8. Construction of the fire station shall not block access to the dirt jump parks for maintenance or emergency vehicles. The construction mitigation plan, which will be approved as part of the building permits shall address this.
9. The Fire District will be responsible for removal of the fence from the east of the new road to the westerly edge of the property.
10. Should noise complaints be received the Fire District shall agree to create a Noise Mitigation Plan.
11. Prior to permit issuance all construction shall meet the City's building code review and shall be consistent with the architectural standards of the LMC.
12. A plat note shall be added to the Creekside Subdivision recognizing the wetlands on the site.

Exhibits*

Exhibit A – Location Map
Exhibit B – Creekside Subdivision
Exhibit C – Site Plan & Landscape Plan

Exhibit D – Elevations & Floor Plans
Exhibit E – Park City Fire Service District Memo (ISO Ratings & Noise Mitigation)
Exhibit F – Army Corps Permit & Wise Earth application and mitigation plan for wetland impacts
Exhibit G – Original Site Wetland Delineation (2002)
Exhibit H – 4/26/06 Planning Commission Minutes & written submission from Alison Pitt
Exhibit I – Additional written public input
Exhibit J – Park Record Article "Neighbors Want Park, Public Services" – May 11, 2005
Exhibit K – Strategic Plan for City – owned property

* Full size exhibits are available at the Planning Department. All exhibits are available online at: www.parkcity.org or by contacting the City Recorder at 615-5007.

City Council
Staff Report

PLANNING
DEPARTMENT

Author:	**Jonathan Weidenhamer**
Subject:	**Final Subdivision Plat - Creekside Subdivision** **2060 Holiday Ranch Loop Road**
Date:	**May 18, 2006**
Type of Item:	**Administrative**

Recommendation:
Staff recommends that the City Council hold a public hearing and approve the Creekside Subdivision according to the findings of fact, conclusions of law and conditions of approval outlined in the attached draft ordinance.

Topic

Applicant	Park City Municipal Corporation
	2060 Holiday Ranch Loop Road (Old Sewer Treatment Site)
Zoning	Recreation Open Space with underlying Sensitive Lands Overlay (ROS w/SLO)
Adjacent Land Uses	Residential (Windrift and Saddle Condominiums, Holiday Ranchettes, Park Meadows I, and McLeod Creek Subdivisions

Background
Park City Municipal Corporation filed a subdivision application for the Creekside Subdivision on November 1, 2005. That application was deemed complete on November 1, 2005. The application requests subdivision of the 8.45 acre metes and bounds parcel known as the Old Sewer Treatment Site into 2 parcels (Exhibit B). Lot 1 will be approximately 1.74 acres. The City has agreed preliminarily to sell Lot1 to the Park City Fire District in order for them to build a fire station. A finalized Real Estate Purchase Contract will be a condition of approval prior to recordation of the Plat. The remainder of the site will be 6.71 acres and will remain City-owned (Lot 2).

The parcel is zoned ROS. A fire station is a Public/Quasi Public Institution/ Essential Public Utility Use/Facility and is a Conditional Use in the zone. A concurrent application is being processed for the CUP. Immediately to the north is Parkview condominiums, zoned RD; to the south is Holiday Ranchettes Subdivision, zoned SF; across the street to the north is McLeod Creek Subdivision, also zoned SF. Currently the City has a 2 year CUP for a dirt jump park at the rear of the site. The CUP expires after this summer season. Construction of a fire station on this site will not conflict with the dirt jump park. Potential construction related impacts on the bike park will be addressed during the CUP process.

Analysis
Access and Utilities

Access to the two lots is via a 50’ road easement dedicated on the plat, located off of Holiday Ranch Loop Road directly across from McLeod Creek Drive. This easement will include access and utility easements. Because of the wetland distribution on the site and the location of the McLeod Creek Trail, inadequate separation from Creek Drive could be obtained, so at the City Engineers request the intersection aligns opposite existing Creek Drive. LMC Section 15-3-3 specifies that driveways intersect collector roads such as Holiday Ranch Loop Road at least 75’ from the Creek Drive intersection which would create an unacceptable wetland impact. Creating a four-way intersection at the current Creek Drive intersection location is therefore the best engineering solution in the opinion of the City Engineer.

All utilities necessary for development on the site are currently located adjacent to the site. A line extension agreement with SBWRD is necessary, and shall be a condition of approval necessary prior to plat recordation. The new road shall remain a private driveway for the Fire District. All maintenance of this driveway including maintenance, snow removal, etc. will be the Fire District’s responsibility.

So as not to preclude future development on Lot 2 a preliminary civil plan has been developed that would stub out utilities at the south (rear) edge of this new driveway during construction of the Fire Station. Should development occur at the rear of the lot it is anticipated that the City would accept a dedication of the easement as a public right-of-way and accept maintenance of it.

The City’s strategic plan for City-owned parcels, adopted by resolution on September 22, 2005, identifies this overall site as a possible location for the following land uses: “Fire Station, Park, Water Treatment Plant and infrastructure, Affordable Housing, Public works expansion, trade-sell”. As background to adoption of that strategic plan a public input session was held at Miners Hospital on May 4, 2005. One specific topic of discussion at this public meeting was the possible location of a fire station at this site. The Fire District also had representation at this input session to address any questions. In general the neighborhood was supportive of the fire station, but expressed concern regarding the potential of also having affordable housing at this location (Exhibit J - Park Record Article May 11, 2005).

At this time the City has not programmed any specific land use or project for the rear of this site (Lot 2). A park or similar use would be an Allowed Use, while affordable housing would require a rezone and CUP or MPD, which would include public approval/hearing processes.

The lot arrangement, building site, square footage, lot dimension, access, and road design are consistent with the Land Management Code, Section 15.7.3-3: Subdivisions—General Lot Design Requirements.

Wetlands and Water

Water downstream from the Mount Air Headgates currently runs through the site. The site survey indicates a further diversion of one of the site water sources, Thiriot Spring Creek which enters the parcel at the southern edge of the property, approximately 137' west of the easterly property line. Based on the State's 1920's Hydroplat, the easterly split is known as the Bates Snyder & Dorrity Ditch (Dorrity Ditch), approximately 240' of which is located within a culvert.

The westerly split is identified by the Hydroplat as a portion of East Canyon Creek. Staff finds that the original development on the lot of the old sewer treatment plant has diverted this platted portion of East Canyon Creek to the west into what is now known as McLeod Creek (tributary to East Canyon Creek), which runs south to north along the westerly boundary of the lot. Staff also finds that this westerly split is a ditch that collects overflow and leakage from the Dorrity Ditch and McLeod Creek. Within Lot 1 this ditch will be put in a culvert. This culvert in Lot 1 would not disturb any existing water conveyance. There is an existing Stream Alteration Permit for East Canyon Creek that would allow construction in this area provided existing conveyance of any water is not disturbed (no increase or decrease of consumption). Prior to recordation of the subdivision creating this lot, staff shall seek affirmation of this from the State Engineer's Office. A condition of approval addresses this.

A Wetland Delineation for the site was accepted by The US Army Corps of Engineers on October 4, 2002. It identifies 1.8 acres of waters that are tributary to McCleod Creek, and .05 acres that is the result of an irrigation diversion. Section 15-2.21-6 of the LMC regulates and protects wetlands and stream corridors from adverse effects of development. The current proposal places the southwest corner of the building on the edge of delineated wetlands. The proposal will disturb approximately 4,109 square feet (0.094 acres) of wetlands and requires a permit from the Army Corps of Engineers. The Army Corps is required to permit the site plan that minimizes impacts to wetlands. The Fire District has submitted a number of potential site plans for review. The site plan that is attached (Exhibit C) is the preferred alternative of the Corps of Engineers. Wise Earth Wetlands/Soil Consultants have prepared a Mitigation Plan for Wetland Impacts that was permitted by the Army Corps on April 18, 2006. The Mitigation Plan from that permit is attached as Exhibit F.

<u>Wellhead Protection Zone</u>
Public drinking water systems are responsible for protecting their sources from contamination. The State Division of Drinking Water identifies 2 Source Protection Zones. Zone 1 is a 100' radius from any wellhead, Zone 2 is a 300' radius. The proposed fire station and associated infrastructure is located within Zones 1 and 2 for both the Park Meadows and Divide Wells (the road is within Zone 1,and the fire station itself is within Zone 2). State requirements prohibit sewer infrastructure in Zone 1, and generally exclude any construction within Zone2. If unique construction precautions are met, the State Division of Drinking water can issue a special exception permit to allow construction in the Source Protection Zones. Preliminary construction documents and utility plans have been designed to meet these standards, which has heavily influenced the site planning and location of the road and building, by pushing them further west,

away from the Source Protection Zones. The City's water department has applied to the State for a Special Exception Permit. Issuance of this special exception permit is required prior to issuance of any building permits. This is addressed as a condition of approval.

Department Review
This project has gone through an interdepartmental review including Staff Review meetings on February 21, 2006 and March 21, 2006.

Notice
The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record. No public input has been received by the time of this report.

ALTERNATIVES

8. The City Council may approve the subdivision at 2060 Holiday Ranch Loop Road as conditioned or amended, or
9. The City Council may deny the subdivision at 2060 Holiday Ranch Loop Road and direct staff to make Findings for this decision, or
10. The City Council may continue the discussion on the subdivision at 2060 Holiday Ranch Loop Road.

SIGNIFICANT IMPACTS
Should the subdivision not be approved, the Fire District would not relocate, which could negatively impact their service levels in the Park Meadows area. The City's well infrastructure would continue to exist on a metes and bounds parcel. The proposed trail easement would not be recognized.

Recommendation
Staff recommends the City Council hold a public hearing and approve the Creekside Subdivision according to the findings of fact, conclusions of law and conditions of approval outlined in the attached draft ordinance.

Exhibits*
Draft Ordinance
Exhibit A – Location Map
Exhibit B – Creekside Subdivision
Exhibit C – Site Plan & Landscape Plan
Exhibit D – Elevations & Floor Plans
Exhibit E – Park City Fire Service District Memo (ISO Ratings & Noise Mitigation)
Exhibit F – Army Corps Permit & Wise Earth application and mitigation plan for wetland impacts
Exhibit G – Original Site Wetland Delineation (2002)
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Ordinance No. 06-

AN ORDINANCE APPROVING THE CREEKSIDE SUBDIVISION WHICH WILL CREATE A TWO LOT SUBDIVISION OUT OF A 8.45 ACRE METES AND BOUNDS PARCEL.

WHEREAS, Park City Municipal Corporation, owners of the 8.45 acre parcel, have petitioned the City Council for approval of a subdivision; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on April 26, 2006 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed subdivision allows the property owner to create a 2 lot subdivision; and

WHEREAS, lot 1 of the subdivision will be sold to the Park City Fire District in order that they build a new fire station providing better fire protection and emergency medical services in the northern portion of Park City; and

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

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

<u>SECTION 1. FINDINGS OF FACT.</u> The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. Park City Municipal Corporation filed a subdivision application for the Creekside Subdivision on November 1, 2005. That application was deemed complete on November 1, 2005. The Creekside Subdivision creates two lots of the metes and bounds parcel known as the Old Sewer Treatment Site. Lot 1 will be approx 1.74 acres. Lot 2 will be 6.71.
2. The City has agreed to sell Lot1 to the Park City Fire District in order for them to build a fire station. A finalized Real Estate Purchase Contract will be a condition of approval prior to recordation of the Plat.
3. The Parcel is zoned ROS. A fire station is a Public/Quasi Public Institution/ Essential Public Utility Use/Facility and is a Conditional Use in the zone. A concurrent application is being processed for the Conditional Use Permit.
4. Immediately to the west is Parkview condominiums, zoned RD; to the east is Holiday Ranchettes Subdivision, zoned SF; across the street to the north is Mcleod Creek Subdivision, also zoned SF.
5. Currently the City has a 2 year Conditional Use Permit for a dirt jump park at the rear of the site. The CUP expires after the 2006 summer season. Construction of a fire station on this site will not conflict with the dirt jump park.
6. Access is provided via a 50’ wide road easement dedicated on the plat, located directly across from McLeod Creek Drive. This easement will include access and utility easements. The new road shall remain a private driveway for the Fire

District. All maintenance of this road shall be the Fire District's responsibility. Should development occur at the rear of the lot it is anticipated that the City would accept a dedication of the easement as a public right-of-way and accept maintenance of it.

7. The City Engineer has determined that an intersection alignment opposite Creek Drive is the best alternative location for a driveway to Lots 1 and 2 of the Creekside Subdivision.
8. All utilities necessary for development on the site are currently located adjacent to the site. A line extension agreement with SBWRD is necessary to complete sewer service.
9. So as not to preclude future development on Lot 2 a preliminary civil plan has been developed that will extend utilities at the rear edge of this new driveway during construction of the Fire Station. At this time the City has not programmed any specific land use or project for Lot 2. The City's strategic plan for City-owned parcels, adopted by resolution on September 22, 2005, identifies this location as a possible site for the following land uses: Fire Station, Park, Water Treatment Plant and infrastructure, Affordable Housing, or a Public works expansion.
10. The lot arrangement, building site, square footage, lot dimension, access, and road design are consistent with the Land Management Code, Section 15.7.3-3: Subdivisions—General Lot Design Requirements.
11. Water downstream from the Mount Air Headgates currently runs through the site. The site survey indicates a further diversion of one of the site water sources, Thiriot Spring Creek which enters the parcel at the southern edge of the property, approximately 137' west of the easterly property line. Based on the State's 1920's Hydroplat, the easterly split is known as the Bates Snyder & Dorrity Ditch (Dorrity Ditch), approximately 240' of which is located within a culvert.
12. The westerly split is identified by the Hydroplat as a portion of East Canyon Creek. Staff finds that the original development on the lot of the old water treatment plant has diverted this platted portion of East Canyon Creek to the west into what is now known as McLeod Creek (tributary to East Canyon Creek), which runs south to north along the westerly boundary of the lot. Staff finds that this westerly split is a ditch that collects overflow and leakage from the Dorrity Ditch and McLeod Creek. Within Lot 1 this ditch will be put in a culvert. This culvert in Lot 1 would not disturb any existing water conveyance. There is an existing Stream Alteration Permit for East Canyon Creek that would allow construction in this area provided existing conveyance of any water is not disturbed.
13. A Wetland Delineation for the site was accepted by The US Army Corps of Engineers on October 4, 2002. It identifies 1.8 acres of waters that are tributary to McCleod Creek, and .05 acres that is the result of an irrigation diversion. The site plan that is attached (Exhibit C) is the preferred alternative of the Corps of Engineers. Wise Earth Wetlands/Soil Consultants have prepared a Mitigation Plan for Wetland Impacts that was permitted by the Army Corps on April 18, 2006. The Mitigation Plan from that permit is attached as Exhibit D.
14. The State Division of Drinking Water identifies Well Head Source Protection Zones. Zone 1 is a 100' radius from any wellhead. Zone 2 is a 300' radius from

any wellhead. State requirements prohibit construction within the wellhead protection zones without a special exception permit. Development of the road for the fire station will occur within the Zone 1 Source Protection Zone for the City's Divide and Park Meadows Wells. Development of the fire station building will occur within Zone 2. If special construction precautions are met, the State Division of Drinking water can issue a special exception permit to allow construction in the Source Protection Zones. Preliminary construction documents and utility plans have been designed to meet these standards. The City's water department has applied to the State for a Special Exception Permit.

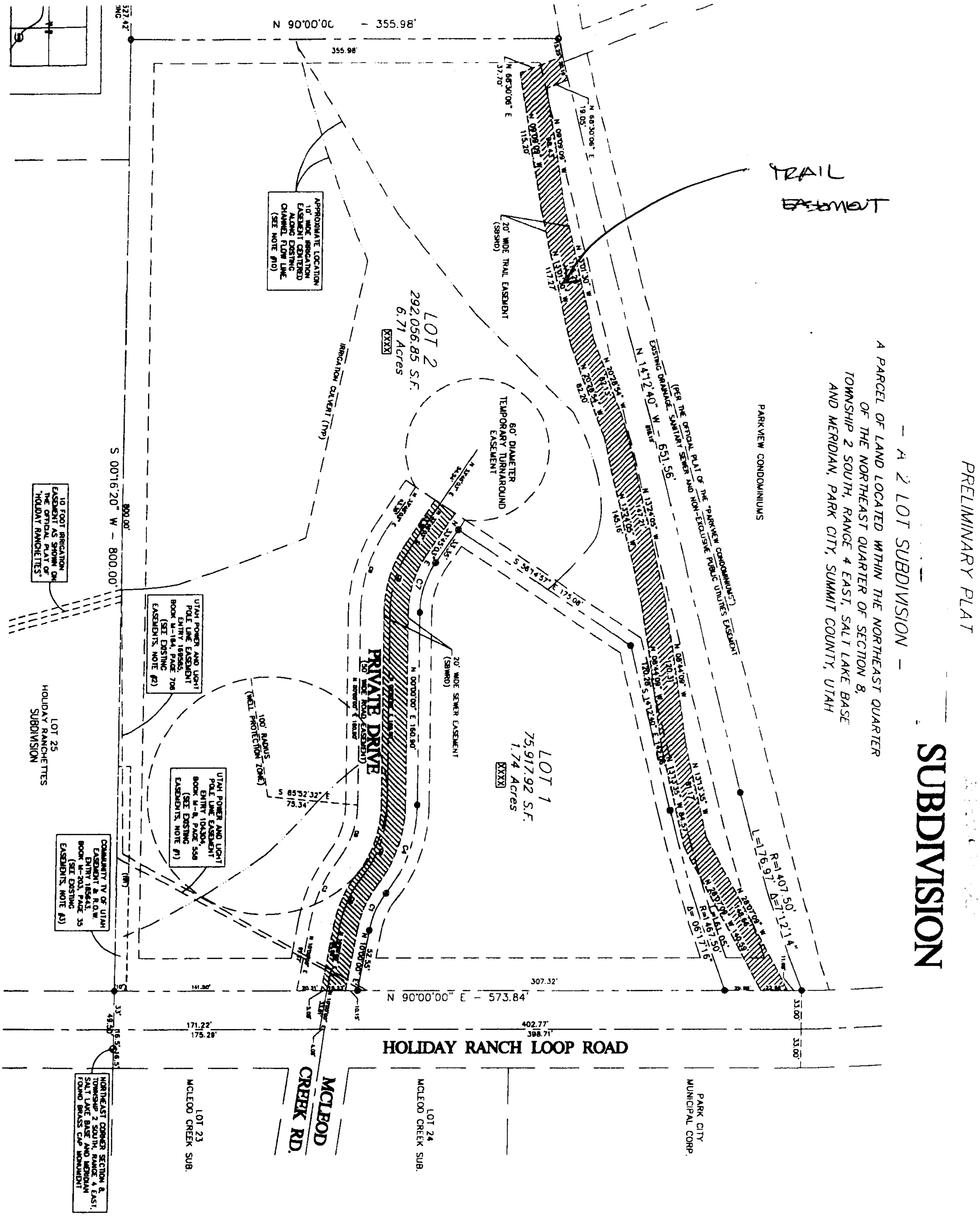
SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Subdivision Plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
2. A finalized Real Estate Purchase Contract will be a condition of approval prior to recordation of the Plat.
3. All maintenance of the road including upkeep, snow removal, etc. will be the Fire District's responsibility, until such time that all development and infrastructure on Lot 2 is completed and accepted by the City. The road shall be built to City specifications (30' asphalt width, 7" asphalt depth, and 21" of road base).
4. Confirmation from the State Engineer's office that this project will not alter conveyance of any water in this location shall occur prior to issuance of any builiding permit.
5. If recordation of this subdivision plat has not occurred within one year's time from the date of City Council approval, this approval and the plat will be void.
6. A line extension agreement with SBWRD is necessary prior to plat recordation.
7. Issuance of a special exception permit from the State Division of Drinking water is required for construction in the well head protection zones prior to issuance of any building permits.
8. A financial guarantee for public improvements in an amount approved by the City Engineer in a form approved by the City Attorney must be in place prior to recordation of the plat.
9. A plat note shall be added recognizing the wetlands and Sensitive Lands Overlay regulations

<u>SECTION 4. EFFECTIVE DATE</u>. This Ordinance shall take effect upon publication.



Ex. B - SUBDIVISION