

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MAY 18, 2006**

Present: Mayor Dana Williams; Council members, Marianne Cone; Jim Hier; and Joe Kernan

Tom Bakaly, City Manager Mark Harrington, City Attorney; Jessica Moran, Recreation Coordinator; Gary Hill, Budget Manager; Stacey Noonan, General Manager; Ken Fisher, Recreation Manager; Colin Hilton, Economic Development Director; Matt Twombly, Project Manager; Rich Miller, Recreation Advisory Board (RAB) member

Absent: Council members Roger Harlan and Candace Erickson

1. **Council questions/comments.** Jim Hier thanked everyone involved in organizing and participating in the community clean-up last weekend. He commented on the large amount of debris collected at the entrance of the Rail-Trail which still needs attention and Marianne Cone pointed out the dumpster problems there. Ms. Cone acknowledged the service awards party. Mayor Williams commented on the excellent conference he, Council member Cone, and staff members attended in Aspen on walkable communities.

2. **City Park Recreation Building remodel.** Jessica Moran explained that in September 2005, the Council agreed with the Recreation Advisory Board that an assessment of the Recreation Building is a high priority. The building was built in the mid-80s and does not currently meet programming needs. The reviewing task force included staff and members of the Boys & Girls Club whose lease expires on May 31. The group is making alternate arrangements for space during the 2006-2007 school year, and is pursuing permanent location.

She continued that VCBO Architects provided a preliminary drawing and the next step is to proceed with a request for proposals. The remodel is estimated at \$500,000. Staff and RAB recommend that the building be remodeled this fall and winter and the summer day camp continue to operate out of the building during the summer months. She explained that the plaza space will be enclosed. In response to a question from Marianne Cone about problems with the ceiling height, Ms. Moran explained that taking off the roof escalates costs, but there may be sky lights. There is a safety problem associated with the height of the roof on the outside of the building. In response to a question from Jim Hier, Ken Fisher recalled that the square footage is 1,800 but corrected the square footage calculation to \$3,600 later in the meeting.

Jessica Moran continued that the existing restrooms are contemplated to be remodeled and there will be new internal restrooms. In consideration of the size of the building and the \$500,000 estimate, Council member Hier suggested exploring the costs for constructing a new building as an option and Ms. Moran noted that the Building

Department determined that the Recreation Building is sound. Joe Kernan agreed that \$500,000 seems excessive for a remodel. Ken Fisher discussed the concept of realigning restroom entrances so that they are visible from the playing fields. It was clarified that VCBO arrived at the estimate. Marianne Cone discussed old plans contemplating a connection to Miners Hospital and added that she also feels the estimate is high. The City Manager explained that this discussion is an update and recommended proceeding with request for proposals to solicit design schematics and estimates. Ms. Cone indicated that she is familiar with VCBO's work and feels it is a creative design firm.

In response to a question from the Mayor, Rich Miller indicated that the Board focused more on function than cost and emphasized that \$500,000 is a rough estimate. Ms. Cone again brought up the connection plan proposed many years ago, and Tom Bakaly cautioned not to follow up since Cooper Roberts may bid on this project. Ken Fisher stated that the square footage is 3,600 not 1,800 and Jim Hier expressed that the remodel estimate is still too high at \$125/sq. Mayor Williams encouraged green building elements and members concurred that staff should proceed to solicit requests for proposals.

3. Budget overview – Capital Improvement Budget. Budget Manager Gary Hill stated that Park City is experiencing high growth and healthy revenues. The nature of the surplus is dependent upon sales tax; property tax is allocated to only a portion of operating costs. Joe Kernan asked about the increase in property tax collected last year and Mr. Hill responded that he will have to get that information. He further explained that property taxes cover approximately one-third of operating costs and then less stable revenue sources to cover the remaining costs are utilized. Growth is related to sales tax and as the economy grows, sales tax revenues and surpluses increase in tandem with fluctuations. Joe Kernan expressed that he would like to see the level of support from property taxes for operating costs over the years. He believes property taxes are being overlooked especially in consideration of exclusive properties coming on line.

Gary Hill clarified his comments by explaining that it's not solely sales tax but primarily sales tax. Last year, sales tax revenues increased 20% over the prior year and staff expects another increase this year, although not as large. He relayed that historically the City allocated \$1.5 million toward capital projects which increased to \$3 million over the past six years. Also, last year the General Fund operating expenditures increased by about \$1.5 million, resulting in a \$1.5 million transfer. In 2002, the Otis Study identified 21 streets in need of reconstruction and he identified using General Fund surpluses as the funding source. Mr. Hill noted that over the next 15 years, the City will need to bond for about \$22 million to complete the remaining 18 projects. Peak debt service would amount to approximately \$2.1 million and totals about \$1.3 million

averaging all of the debt payments over the next 15 years for OTIS. He emphasized that a surplus of \$1.5 million doesn't seem as significant when \$1.3 million is already committed to capital projects. Mr. Hill stated that there are commitments to projects that exceed the City's average annual transfer. According to our policy, one-time surplus revenues are allocated toward one-time capital expenditures.

He referred to a modification in the policy to encourage not committing surpluses to additional expenditures but rather to secure funding for previously identified needs. Another healthy surplus is expected this year and the new policy recommends supporting pre-existing commitments, i.e., asset management plan, recreation complex, public safety building. There was discussion about not relying on surpluses in the future. As an example, he explained that the loss of a sales tax generator like Anderson Lumber will impact next year's total. Joe Kernan took exception to the new policy language, specifically *"Revenues should not be used for new capital projects or programming needs."* He preferred more flexibility in the event a new project is determined to be a high priority. Jim Hier interpreted the statement to mean that new projects are added to the mix and prioritized with old projects. Maintaining the prioritization process supports comprehensively evaluating all projects. Gary Hill noted that he will rework the language to better reflect the intent. Jim Hier pointed out that guidelines are extremely helpful in the decision-making process and a policy can be changed at any time.

Colin Hilton stated that construction on the police facility will begin in July and he referred to the February 16 meeting where Council discussed green building applications. As a result, 4% of construction costs are committed to green building and 1% of the budget toward art elements. The budget is \$5.4 million, which includes both hard and soft costs. In response to questions from Joe Kernan, Mr. Hilton acknowledged that the estimate a couple of years ago for the police facility was \$3.6 million but it did not include parking costs, increased costs of construction, enhancements because of its location on the frontage protection zone, and building to a 20 year space need standard. Gary Hill added that the original budget contemplated using \$1 million of collected impact fees, and bonding for future impact fees plus some sales tax debt. The General Fund surplus transfer represents \$1.7 million to cover the cost for newly identified needs. Mr. Hilton added that construction is anticipated to take one year and the Police Department would move in August 2007.

With regard to downtown projects, Colin Hilton stated that nothing is slated in 2006, except the Prospect Street reconstruction. It is hoped that negotiations with the US Postal Service to determine the footprint for the Town Plaza will conclude by the end of August 2006. This would provide an opportunity to complete the design in the winter with construction scheduled in spring 2007 with a focus on the shell space and plaza elements. The Marsac Building renovation is contingent on the Police Department

moving and finishing the shell space at the parking structure as temporary office space for displaced departments in City Hall. The seismic upgrade for the Marsac Building is anticipated in August 2007. Mr. Kernan asked about the funding sources. Gary Hill explained that the Downtown Plaza is funded with \$1 million from the sale of assets and \$1.5 million from the extension of the RDA which is pledged toward sales tax debt.

Mr. Hilton reviewed the budget for the Quinns Junction Recreation Complex and Gary Hill pointed out that Phase 2 was budgeted at \$675,000 to be paid for from the sale of the Imperial Hotel. Based on Council direction, staff will obligate General Fund surpluses to pay for Phase 2. This reduces the scope somewhat but also moves it forward a year, taking advantage of current staging. Colin Hilton explained that trail connections have been added to the full plan as well as permanent bleachers. Matt Twombly referred to a trail grant application to the State of Utah where funds will probably not be received until next year. The purchase and sale of the Imperial was discussed. Mr. Hilton explained that remaining work at the Complex includes grading, landscaping, fields, maintenance buildings, restroom/concession building, curb and gutter for parking lots, trail bridges, walking paths, and sports lights. Gary Hill added that there is a budget for paving the entrance road.

Mr. Hill explained the creation of the CIP building replacement enhancement fund in 1999 in the amount of \$75,000. Staff is recommending an allocation of \$2.3 million in one-time money toward this fund and will develop a schedule for infrastructure improvements. Over the course of the last year, staff has worked with residents on traffic calming and the budget reflects the realignment of the intersection of Monitor Drive and Little Kate and a recommendation to fund a study to update the Trails Master Plan in the amount of \$100,000. The study contemplates identifying new pedestrian and bicycle connections, existing deficiencies, and maintenance and operating requirements for a complete system. The OTIS study analyzed the replacement of existing required infrastructure while the trails study will propose new infrastructure and associated maintenance costs. Jim Hier suggested considering the cost of snow compaction for some trails for cross-country skiing.

He asked that the Comstock/SR248 intersection and the cross-walk to the seminary on SR248 be examined recognizing that the prioritization and public processes have not been determined at this point. Marianne Cone pointed out the value of input from the alternative transportation group who already has collected information on connections, problems, etc. Gary Hill agreed that there are many resources in the community; this work session deals with funding the study. He warned against defining time frames on associated trail improvements because of existing commitments. Joe Kernan felt that the City can find the money because of the value of exclusive developments coming on line. The City Manager added that if and when Council appropriates the \$100,000 for a study, staff will return with an action plan and a cost estimate. Mayor Williams

expressed the importance that the public remain involved and the benefits of an objective study.

Mr. Hill stated that an update to the area-wide recreation analysis is recommended this year to provide current information with regard to City's facilities. The equipment replacement schedule for the Racquet Club is included in the CIP Fund to clearly identify equipment and infrastructure projects. There is a recommendation to redesign the 14th tee and additional multi-use track in Round Valley which requires the purchase of a snowmobile and grader. Jim Hier recalled problems in maintaining snow on the track because of its south-facing exposure. The Budget Manager advised that the first \$10,000 is intended to plant trees for shade. Matt Twombly interjected that there are spotty areas, but staff is looking to use the existing road for portions of the track. There was discussion about snowfall levels over the years. It is recommended to earmark \$200,000 in the CIP into an ancillary pavement program to repair roadway damage due to freeze-thaw conditions last winter. Mr. Hill discussed changes to the CIP relating to transit operations and water projects. There is a 4% increase recommended for water rates, consistent with a plan adopted two years ago.

Mayor Williams suggested that in addition to committing \$100,000 to a comprehensive street/trails study, to consider funding street lights on Iron Horse. Tom Bakaly stated that he will follow-up. Mr. Hill commented that the proceeds from the sale of the Public Works storage parcel is earmarked for acquiring property elsewhere.

4. Quinns Junction Sports Complex update. Stacey Noonan stated that the new facility was very well received and there has been a lot of positive feed-back from the community. There were operational challenges when the rink opened in February and she thanked Council, staff and Friends of Ice who were extremely helpful by volunteering their time. The Recreation Complex has been open for three months providing an ice sheet and one artificial turf field. It will take some time to reach its full operating potential and like a new business, requires planning and testing programs. She relayed that staff is in the process of analyzing feed-back from program participants which is helpful to plan for next season. About 85% of revenues were collected in the first months, but there was a marked decrease in patronage with the warmer spring weather. Because of slow spring usage and the desire to test summer ice, staff is recommending an eight-month operating season opening in August and closing mid-April. The rink will close the end of May and staff will have an opportunity to refine operations and programs during the two month closure. She will return to Council in July to address the 2007 budget and discussed the financial impacts of increased energy costs which may be up 50%. Ms. Noonan emphasized however that it is important to keep skating affordable and without subsidies.

The ice sheet will be replaced and the new one completed in early August. She discussed a grant application submitted to the Restaurant Tax Committee for flooring to cover the sheet to accommodate special events. Staff is also looking at installing a security system and will address the configuration of the front reception area. Ms. Noonan remarked that the Basin's and the City's subsidies ended up to be equal at \$94,000 versus the \$144,000 budgeted for the City. The Friends of Ice and other user groups have been extremely helpful.

Mayor Williams reported that soccer parents are intending to purchase a bench which could be installed at the Complex. There was discussion about using propane at the facility because natural gas is not yet available and renewable energy applications. Marianne Cone expressed her support of wind power and the importance to begin thinking in these terms. Tom Bakaly explained that the conditional use permit application for a windmill is in the works. Mayor Williams recognized Ms. Noonan's leadership in promoting the success of the facility. Joe Kernan asked about the feasibility of parking on the fields for special events and Colin Hilton advised that it would significantly damage the artificial field. Under the right circumstances, vehicles could be parked on the grass fields but there is still a potential for damage to them and/or the irrigation system and he would not recommend this.

5. Review of regular meeting. The City Manager recommended that the resolution on solid waste be continued to the May 25 meeting. The City Council convened in closed session; see Memorandum of Closed Session in the regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

Jim Hier, "I move we close for litigation". Marianne Cone seconded. Motion carried.

Marianne Cone	Aye
Candace Erickson	Absent
Roger Harlan	Absent
Jim Hier	Aye
Joe Kernan	Aye

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 18, 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 18, 2006. Members in attendance were Dana Williams, Marianne Cone, Jim Hier, and Joe Kernan. Candace Erickson and Roger Harlan were excused. Staff present was Tom Bakaly, City Manager; Polly Samuels McLean, Assistant City Attorney; Jody Burnett contract counsel; Lloyd Evans, Chief of Police; Eric DeHaan, City Engineer, Ray Milliner, Planner; Mark Schaerrer, Kathy Dunks, Water Manager; and Patrick Putt, Planning Director.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Park City High School Soccer Team Victory – Mayor Williams congratulated the Soccer Team for winning the state title.

2. Misnomer regarding the use of ATVs on non-motorized trails by the Police Department – Chief Lloyd Evans referred to a misnomer about the Police Department regularly using ATVs for enforcement purposes on non-motorized trails. The ATVs were purchased for emergency response and special events, and equipment is not used to routinely patrol in any area. He emphasized that the Department's mission has not changed and the focus is responding to calls in a timely fashion. There have also been comments made about the use of motorcycles on trails and the Chief reiterated that they are only used for emergencies. The Department's mountain bike team routinely patrol trails, the parking structure, etc. He introduced Officer Mark Schaerrer, a member of the Peddling Pigs, an independent racing team formed by Park City police officers.

Officer Mark Schaerrer, dressed in the Peddling Pigs official uniform, explained that the team was formed last year. He detailed participation in a variety of local and regional competitions and highlighted upcoming events. He reiterated that this is a self-sponsored group, conducting its own fund-raisers.

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

The Mayor opened the public input session.

1. Use of ATVs for animal control enforcement - Martha Gorton, resident, expressed her dismay at the thought of Round Valley being patrolled by ATVs and people being ticketed for not leashing their dogs. She suggested that Round Valley be designated as a leash-free area and is pleased to learn that there won't be ATVs on trails. Mayor Williams clarified that ATVs may be used by officers dispatched to Round

Valley because of hunting violations or medical emergencies, for example. She suggested installing a trash can and bag dispenser at the trailhead so owners can pick up after their dogs.

Charlie Sturgis, business owner and resident, suggested that the funding allocated toward patrolling trails with ATVs and revenues collected for violations be reallocated to fighting crime. He stated that he filed a complaint with Summit County Animal Control on a dog bite incident and received no response. Although he lost wages and suffers permanent bodily damage, he still can't support the unnecessary over-enforcement of leash laws. *Let's come up with better solutions that the community can embrace.*

2. Tentative budget for fiscal year 2006-2007 for Park City Municipal Corporation and its related agencies - Park Meadows resident Carolyn Frankenburg approached the Council to discuss the budget. Upon request, the Mayor closed the public input session and opened the public hearing on the budget scheduled later in the meeting.

Coalition for Safe Streets recommendation - Carolyn Frankenburg thanked Council and staff members for their support in providing critical information and assistance in the traffic calming process. She described the vision of the Coalition to be creating the ideal urban community by encouraging walking and cycling throughout town. This type of lifestyle is promoted in Park City. The group came together because of mutual concerns about safety issues affecting their children on Little Kate and the Lucky John school drop-off. They were assigned to the traffic calming committee who recommended installing stop signs, striping some areas, adding a couple of crosswalks, and increasing enforcement. These measures have done *a little bit* to calm things down and the situation at the school drop-off has improved. However, driving habits have not changed and their streets are still dangerous for pedestrian and cycling traffic.

Ms. Frankenburg continued that the group realized that needed improvements are too costly to be handled through the traffic calming committee and began to look at things differently. They met with other advocacy groups and have learned that few streets are safe, transportation projects affect all of us, and the government should ensure that the impacts are positive. Residents are telling the Coalition that they want a multi-use trail network and connections to neighborhoods, schools, and shops. They want this to be an investment for residents and visitors alike. The Coalition is currently supported by the residents of Park Meadows, Prospector Square, Mountain Trails Foundation, alternative transportation committee, Park City Leadership Class XII, Recycle Utah, and the Recreation Advisory Board. Mayor Williams added Park City Municipal Corporation's involvement.

Ms. Frankenburg described the variety of attractions and amenities in Park City and accessing these locations by non-motorized means should be a top priority for a resort

community. She asked that the City complete our streets for all users and asked for \$100,000 to update the master trails plan followed with an implementation plan. The Mayor commended the Coalition for championing and promoting a cause. He assured her that the Council has committed to budgeting \$100,000 for the study. An objective study may result in surprising recommendations. The Mayor commented on an excellent conference on walk-able communities he and Council member Cone attended in Aspen where creative solutions were promoted.

Carol Potter, Mountain Trails Foundation alternative transportation committee, thanked both the Council and the neighborhood for reaching consensus. She encouraged looking at the whole picture, specifically with regard to connections. Ms. Potter encouraged everyone to ride their bikes to work tomorrow to celebrate National Bike Week. She added that she would like to see Round Valley leash-free.

Lynn Peek, resident and bike enthusiast, described in detail a family ride to Davanza's in Old Town. She commented on the lack of a defined crosswalk at Bonanza, the dangers at Kearns and Bonanza, and the need for the family to cross illegally on Monitor because there are no sidewalks adjacent to the cemetery.

Andrew Knawer, McPolin Elementary 5th grader, stated that he likes to ride his bike to school but it is not safe on Little Kate. The street should be safe for people who bike and walk.

Joe Meslowski, Prospector Park HOA, stated that the Association is in full support of comments made by the Coalition. He asked that the City again install the no left hand turn sign previously posted on SR248 to discourage motorists from cutting through the residential area. Prospector neighborhoods need to be safer and having two parks in the area is almost an attractive nuisance. He discussed his specific driveway problem on Wyatt Earp and indicated that the neighborhood is planning on proceeding with the traffic calming process. He suggested hiring additional police officers or reallocating hours so there are more officers available during peak traffic hours. It would be ideal to commit a squad car to enforcement.

Derek Dymalski, McPolin Elementary, rides his bike to school but he never feels safe and always feels like he needs to be supervised.

Jen McCarthy, Little Bessie resident, complained in detail about the dangers on Comstock Drive, specifically during the winter. Her issues include the City not towing parked cars for snow removal and not being able to participate in the traffic calming process because of lack of signatures. There are cars parked close to the crosswalk so children can not access it safely.

Gurt Holmes Nagular, Moray Court, stated that there are not enough stop signs and often there are tire marks of cars crossing the sidewalk on Monitor. Her granddaughter Madeline, 2nd grader at McPolin Elementary, added that she is scared of the cars that drive too fast.

Nate, McPolin kindergarten student, commented that he likes to ride his bike to school. There's a lot of cars but there is a stop sign.

Tanya Knower, resident, read excerpts from a nostalgic article in *Newsweek* about getting to know a town by getting out of our cars and using sidewalks. The absence of sidewalks represents disturbing changes in the way we connect with one another.

Jim Hier, "I move we continue the public hearing on the budget and close it now". Marianne Cone seconded. Motion carried.

Marianne Cone	Aye
Candace Erickson	Absent
Roger Harlan	Absent
Jim Hier	Aye
Joe Kernan	Aye

Joe Kernan thanked the Coalition for forming a group committed to promoting safe walkways and he stated that *this is the best thing that has happened* in his term in office. Jim Hier recommended that if the Council is open to considering a leash-free area, that annexing other property in Round Valley should be explored.

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

Joe Kernan made a minor correction to the May 4 work session notes regarding the increase in costs with recycling. Marianne Cone, "I move approval of the work session notes and minutes of the meetings of April 27 and May 4, 2006 (as corrected)". Jim Hier seconded. Motion carried.

Marianne Cone	Aye
Candace Erickson	Absent
Roger Harlan	Absent
Jim Hier	Aye
Joe Kernan	Aye

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 – Planner Ray Milliner explained that approval contemplates a lot combination and land trade. The applicant's home rests primarily in the Chamber Street right-of-way and Sandridge Avenue runs through the front of the lot. Staff has worked with the Planning Commission and the owner in order to relocate the house and street. He recommended approval based on the proposed ordinance. The Mayor opened the public hearing.

Steve Deckert, Alliance Engineering consultant, relayed that owner Julie Christians was dismayed at the requirements of Resolution No. 8-98 with regard to compensating the City. As a 30-year resident in her historic home, it is difficult to comprehend paying someone for the ground under her home and yard. There may be instances in the future, where there is no ability to trade property and applying market values to historic residences may be presents a hardship for owners. He encouraged consideration of *truly historic* residents and homes.

With no further comments, the Mayor closed the public hearing.

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 – Planner Ray Milliner explained that the lot combination is necessary to accommodate an addition to the existing historic home. Staff recommends approval based on the findings, conclusions and conditions outlined in the Ordinance. The Mayor opened the public hearing and hearing no comments, closed the hearing. For the benefit of Marianne Cone, Mr. Milliner explained the location of the addition and associated setbacks.

VI CONSENT AGENDA

The Mayor requested a motion to continue the Resolution on solid waste to May 25, 2006. Joe Kernan, "I move that we continue Item 3 until next week, May 25 and approve Items 1, 2, and 4 through 6". Jim Hier seconded. Motion carried.

Marianne Cone	Aye
Candace Erickson	Absent
Roger Harlan	Absent
Jim Hier	Aye
Joe Kernan	Aye

1. 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 – See public hearing and staff report.

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 - See public hearing and staff report.

3. Resolution adopting goals and strategies for solid waste for Park City, Utah – This item was continued to May 25, 2006.

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 - See public hearing and staff report.

5. Resolution commemorating the week of May 14, 2006 as National Police Week in Park City, Utah – See attached Resolution; staff recommends approval.

6. Resolution acknowledging the week of May 21 – 27, 2006 as National Public Works Week in Park City, Utah - See attached Resolution; staff recommends approval.

VII PUBLIC HEARING

Tentative budget for fiscal year 2006-2007 for Park City Municipal Corporation and its related agencies – See public hearing comments made under Public Input. Jim Hier, “I move to reopen the public hearing”. Marianne Cone seconded. Motion carried.

Marianne Cone	Aye
Candace Erickson	Absent
Roger Harlan	Absent
Jim Hier	Aye
Joe Kernan	Aye

With no further comments, the Mayor closed the public hearing on the budget.

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 – Kathy Dunks explained that construction of the tank will be disruptive because the tank will be buried and reseeded.

She intends to notice the neighborhood since blasting is involved. Jim Hier, "I move that we authorize the City Manager to execute the Contract, per the staff report as just described". Joe Kernan seconded. Motion carried.

Marianne Cone	Aye
Candace Erickson	Absent
Roger Harlan	Absent
Jim Hier	Aye
Joe Kernan	Aye

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 – Mayor Dana Williams stated that staff will make a presentation on the project followed by public input. Attorney Jody Burnett introduced himself and added that he represents local governments on land use and zoning issues. To avoid potential conflicts of interest, he will act as independent counsel to the City Council and Assistant City Attorney Polly Samuels McLean will act as counsel for staff and the Planning Commission. The call-up will be de novo enabling new evidence to be introduced above and beyond that reviewed earlier in the process. He emphasized that Council is not restricted to the record of information considered by the staff or the Planning Commission. The Council will make an independent decision based on the merits of the proposal presented this evening and the subdivision plat is a separate action.

Patrick Putt, Planning Director, explained that this proceeding is a call-up of a Planning Commission conditional use permit approval and a recommendation to approve the subdivision plat for a public use and essential service facility in the ROS Zone. The actual use under discussion is an approximate 8,000 square foot, three-bay fire station sited on a 1.74 acre lot created as part of a two lot subdivision. The 8.5 acre sewer treatment plant site is identified in the Strategic Plan for city-owned property adopted by Council in 2005 for a variety of possible uses. Among those outlined were water infrastructure improvements, fire station, park site, and affordable housing. In May 2005, a public open house was held on the strategic plan and the proposed fire station on the property. He stated that the Fire District determined that the Park Avenue Fire Station no longer meets the needs of the community given the growth of both commercial and residential properties and is looking to better serve the community by expanding its facilities. The City recently approved a new fire facility to be constructed in the lower Deer Valley parking area and based on direction from the 2005 Strategic Plan for city-owned properties both City and District staff have been developing a plan to accommodate a new fire station and a real estate transfer agreement which must occur prior to construction.

With the assistance of a projected presentation, the Planning Director commented that the site is located near the intersection of SR224 and the Holiday Ranch intersection and zoned ROS. Essential municipal services and buildings, such as a fire station, are considered conditional uses. It is the former sewer treatment plant site and there has been a significant amount of disturbance and site work on the property. It is also the current location of the temporary bike jump park. Mr. Putt pointed out the location of the wetlands, the Park Meadows Well and the associated 100 foot radius of the Wellhead Protection Zone. To the north of the property is McLeod Creek Estates, a single family residential neighborhood, to the east is Holiday Ranch Estates, and to the west the Parkview Condominiums which are zoned RDM. The McLeod Creek Trail runs adjacent to the property directly to the west and to the south is the Windrift Condominiums which are zoned RDM as well. He displayed a photo of the existing entrance into the property.

Mr. Putt explained that the subdivision includes 8.45 acres and the proposal is to subdivide the property into two lots. Lot 1 is the fire station lot and contains 1.74 acres. Lot 2 is located at the rear of the property and contains 6.71 acres and is accessed from Holiday Ranch Loop. A proposed 50 foot wide right-of-way is identified on the plat as being the primary means of access to Lot 2. The proposed right-of-way is intended to be aligned with Creek Drive, creating an aligned intersection. The CUP contemplates an 8,066 square foot three-bay fire station and the setbacks in the ROS Zone are a minimum of 25 feet from the property line. The proposed plan has the following setbacks: 130 feet from the Holiday Ranch Loop right-of-way; 115 feet from the west property line; 275 feet from the boundary of the Holiday Ranchette Subdivision; and 590 feet from the southernmost boundary line. He continued that wetland mitigation is one of the aspects of the project which has taken a considerable amount of work. The plan associated with this CUP was accepted by the US Army Corps of Engineers and the approved plan reflects the minimum amount of disturbance within the jurisdictional wetlands indicated on the site plan. Access has also been a topic of considerable review and its location is the product of balancing a number of issues, including minimizing impacts on the wetlands and creating a safe street design. The architecture of the building is similar to the recently constructed fire stations by the District. The 8,000 square foot building will include attractive exterior elements and the roof plan has been redesigned to minimize its height. The new roof design results in a height of 26.1 feet while the zone allows 33 feet. The parking requirement is nine spaces and 18 are being provided.

Mr. Putt stated that Lot 2 will remain under City ownership and currently has no development plan. He reiterated potential uses outlined in the Strategic Plan. Both the subdivision plat and CUP were heard before the Planning Commission on April 26, 2006. The Planning Commission forwarded a positive recommendation following the public hearing on the subdivision plat and approved the CUP with specific direction to staff and the Fire District to conduct an informal meeting with interested persons prior to

this meeting. The purpose of the meeting was to allow the exchange of information regarding the location of the proposed fire station, alignment of the street, and possible future uses on Lot 2.

Mr. Putt explained that approval of the CUP also included the granting of an exception for the building's setback from the wetlands. The sensitive lands regulations require a 50 foot setback of structures from any jurisdictional wetland. The Corps of Engineers is charged with approving a mitigation plan that results in the least amount of disturbance in the wetlands. The displayed rendering represents the plan that the Corps reviewed and approved. The Land Management Code's sensitive lands overlay section provides for an exception to the provisions of that chapter if deemed appropriate by the Planning Commission. As Planning Director, he felt that this approach would provide more public involvement. This is a *de novo* review and the Council is sitting in the capacity of the Planning Commission. He clarified that the Corps is mandated to approve the plan that results in the least amount of disturbance and the Corps' authority takes precedent over LMC requirements. He introduced the project team, including Harriet Wilson, Good Earth (wetland consultant), architect Kurt VonPuttkammer, and Fire District Assistant Chief Scott Adams. He invited questions from Council members. Jim Hier indicated his preference to hear public input first and other members agreed. Scott Adams relayed the significant amount of planning involved to best allocate the District's resources and this station is key to its plan in meeting the needs in the community. The Mayor opened the public hearing.

Chris Nelson, McLeod Creek resident, personally felt that notice was inadequate as he had no knowledge of the plan until he received a letter sent to adjacent home owners of the Planning Commission meeting held in April. The open house was only held two days ago and he felt the project *went real fast*. Now, out of nowhere, there are site plans, footprints, elevations, etc. which the public didn't have an opportunity to weigh in on until now, well after the design work has been done. The access is intended for the fire station and to also serve Lot 2 but the use has not yet been identified. He stated he has serious questions with regard to the old access road and the Army Corps of Engineers' determination of wetlands. The exception of the 50 foot right-of-way specifically accommodates access to Lot 2. The Mayor noted that at the conclusion of the public hearing, all questions will be addressed.

Alison Pitt, proponent of the City Council call-up, explained that she is an adjoining property owner and is not opposed to the fire station or the CUP. She stated she doesn't like the site plan and is concerned with the location of the access road, the subdivision plan, and encroachments in the Wellhead Protection Zone. She compared her situation to the City's frustration with the Air Force's authority (as a federal agency) to build on Park City's open space. In reading the staff report on the CUP that went to the Planning Commission versus the one for City Council, she discovered that 12 of the

28 findings had changed is very different than February's and April's versions. The open house was held on Tuesday after the City Council meeting packets were already distributed and as a resident, she felt that the Council doesn't want to hear neighborhood's comments. Ms. Pitt felt the staff report over-simplifies the Corps' position with regard to approving this plan.

Ms. Pitt stated that she conversed with Sean Zinzer, Chief of the Inter-Mountain Area Corps of Engineers regarding Nationwide Permit #39 which would be applied to this type of construction. She agreed that the Corps promotes the minimum amount of disturbance to wetlands but there are times when the Corps will allow up to a half acre of wetland impacts on a parcel under this type of permit. In fact, a permit is not required for one-tenth of an acre and under until after construction and anything larger requires a mitigation plan. Compensatory mitigation may include restoration, enhancement, creation, and/or preservation to offset the losses so there is no net loss of wetlands. The City is asking the neighborhood to accept a subdivision encroaching on a Well Protection Zone and wetlands. Staff has described the wetlands as manmade and low quality while the valuable wetlands on the site are located at the south end. This area would be a lot more expensive to mitigate and would require a 404 Permit from the Corps dealing with water quality. She is bothered by the staff report which indicates that *moving the road to the west would disturb wetlands beyond the one-tenth acre threshold permitted by the Army Corps*. Permit #39 4(j) reads, "*Since the primary responsibility for land use decisions is held by state, local and tribal governments, the Corps' scope of analysis is limited to significant issues overriding national importance such as navigation and water quality*". She concluded that there are many options recognizing that the Fire District's time line for spending funds is an issue. Ms. Pitt believes this is the site plan which could easily be approved by the Corps, but she questioned if it is the best plan with the least amount of impact to the neighborhood. She described this approach as the *cart before the horse* but recognized the need for the road to access Lot 2. It is her observation that the road disturbs wetlands and violates the Wellhead Protection Zone, compromising the water quality. There is 573.84 feet between the trail and McLeod Creek. The driveway needs to be 75 feet setback from the creek and 75 feet from the trail, leaving plenty of space to work with. Ms. Pitt encouraged consideration of a driveway in that location and changing the orientation of the station. The Fire District would have not have to share its driveway with Lot 2 and there wouldn't be any impacts from fire truck headlights. She spoke about corner lots being limited in the way of landscaping so that a clear line of sight is maintained for motorists. There are other options that can be pursued and she recommended remanding this to the Planning Commission without impacting the District's budget. Sean Zinzer, Corps of Engineers, indicated to her that 60 days is the normal review time for applications and because they already have information on the project, it may be less. She asked that there be an opportunity for more research before a decision is made.

Jean Rusk, McLeod Creek resident, pointed out that the Park Avenue Fire Station is located very close to the street and the entrance to the station is wide. This seems a lot safer than the private access road proposed for this project. She suggested that a light be installed somewhere on Holiday Ranch Loop Road alerting motorists that a vehicle is pulling out of the driveway, similar to underground garages. However, there shouldn't be a beeper.

With no further public input, the hearing was closed.

In response to a question from Joe Kernan about an estimate of frequency of calls, Scott Adams responded that the volume during the ski season is about five to six calls a day. The majority of calls relate to ski injuries and occur during the day. In the evenings, on average, 1.2 calls are received between the 11 p.m. and 7 a.m. time frame. The station would house a fire engine and an ambulance and would be staffed similar to the Park Avenue Station. Kurt VonPuttkammer added that there would be a maximum of seven firefighters exchanging shifts 7 a.m. every morning. The Mayor asked about a warning light for vehicles traveling on Holiday Ranch Loop. Assistant Chief Adams indicated that the District had not planned anything, but if warranted, would be willing to look at this. He pointed out that as a fire engine approaches the intersection, it is required to stop completely and look both ways before proceeding. Marianne Cone stated that there was a light at the Park Avenue Station which was removed and Scott Adams responded that it probably was not needed because the garage and driveway are so visible.

Jim Hier requested clarification on the *waiver* granted on the 50 foot setback. He is more interested in the interpretation of the sensitive lands ordinance not the Corps of Engineers' standards. Kurt VonPuttkammer explained that the LMC provides for an *exception* and in his opinion, this is a hardship case. Assistant City Attorney Polly McLean interjected that she advised the Planning Commission that the 50 foot sensitive lands setback is one of the criteria under the CUP. She also suggested that mitigation of the wetlands be a condition of the CUP. Jim Hier understood Ms. McLean as meaning there are 16 criteria outlined in the CUP analysis that need to be addressed. One of the criteria is the sensitive lands overlay area and the ability to mitigate any negative impacts may include the ability to waive a setback, if deemed appropriate. Ms. McLean explained that her legal analysis to the Planning Department is that the setback under one of the criteria is that it could be mitigated. Mr. Hier expressed his confusion about the ability to make an exception with the 50 foot setback but acknowledged that the northwest wetlands are manmade and considered insignificant. The Planning Director invited Harriet Wilson to discuss the permit process with the Corps.

Harriet Wilson explained that it is beneficial for applicants to arrange a pre-meeting with the Corps who is obligated to approve the plan that minimizes the fill footprint. The Fire District was proactive in the permitting process by sharing a variety of concepts for the site. If impacts are below one-tenth of an acre, no permit is needed but the Corps needs to be notified to track the loss of wetlands. The District actually obtained a 404 Permit which technically falls under the Nationwide Permit #39 as mentioned. The Corps appreciates being involved and informed about projects, including those not requiring permits, especially early in the planning process. She stated that compliance with the 50 foot setback created a larger in-fill footprint area which was not favored.

Mr. Hier reiterated that his concern is complying with the LMC. Patrick Putt explained that the LMC establishes 16 standards of review for CUPs. Chapter 15-1-10(e) reads, *"The Community Development Department and/or the Planning Commission must review each of the following items when considering a conditional use permit"*. He emphasized that these are items that must be considered, but they are not measurable standards. Criteria No. 15 deals with the wetlands, *"within the adjoining site, impacts on environmentally sensitive lands, slope retention, and appropriateness of the proposed structure to the topography of the site"*. Mr. Putt interpreted this to mean that the City needs to look at any environmentally sensitive land, including wetlands, to ensure that the impacts are mitigated as best possible with careful site planning. In this case, the applicant worked with the Corps to arrive at a plan that met federal standards. He felt that a plan including a 50 foot setback would not have resulted in a plan acceptable to the Corps of Engineers because of the increased level of disturbance. Staff believes Condition No. 15 has been met.

Mayor Williams understood that the total area of wetland disturbance for this proposal is .09 which is under the one-tenth of an acre guideline. He asked if the Army Corps reviewed both the historic access and the new alignment. Kurt VonPuttkammer, through illustration of a map, described alternatives discussed and associated issues. For the benefit of resident Chris Nelson, the Mayor emphasized that no decisions have been made for Lot 2 at this point and there will be a public process regarding the disposition of the property. In response to a question from Joe Kernan about the newly designed intersection, the City Engineer explained that it is recommended to concentrate traffic at one location, which also enables better planning for pedestrian crossings. He acknowledged the location described by Ms. Pitt, and explained that a four-way configuration is safer for pedestrians and vehicles. A separated entrance could prompt confusion about who has the right-of-way and he would have to know more about the design of the whole area before he could recommend that option. Jim Hier pointed out that the property is zoned ROS with a sensitive lands overlay and he wants to make sure that the CUP analysis for the project is an allowed application of the Code. Attorney Jody Burnett stated that the entire parcel would have to be planned to make a hardship determination. He indicated that he is comfortable with the

interpretation at 15-1-10(e)-15 providing the authority to approach it as a mitigation issue under the CUP process and then it is up to the Council whether the factual support is there to make that determination.

There was discussion about the height of the fire truck headlights and Assistant Chief Adams responded that they're about the same as most vehicles, in the 28" to 30" range. Ms. Cone brought up the access recommended by Ms. Pitt and Mr. VonPuttkammer pointed out that the McLeod Creek Trail head would end up being the entrance to the road affecting trail users and they oriented the design to the east to mitigate wetland disturbance. The site plan has its limitations because of space requirements for the turning radius for the fire trucks, bays, etc.

Tom Bakaly stated that staff looked at several alternatives for the road alignment which were reviewed by the Corps who determined that this design is the best choice. It was determined that complying with the 50 foot setback resulted in more site disturbance. He reiterated that several plans were discussed with the Corps and it was decided that this plan best mitigated the wetlands and the traffic engineer strongly recommends an aligned intersection for safety reasons. Mr. VonPuttkammer added that the Water Reclamation District and Safe Drinking Water Division also supports this approach. In response to a comment made by Joe Kernan, the City Manager clarified that the District was not required to obtain a permit from the Corps, but met with the division anyway. The Army Corps identified the proposal as the best plan to mitigate the wetlands, despite the location of the building within the 50 foot setback. The intention of the setback in the Code is to protect the wetlands, but this plan is more effective and specific to the site. Jim Hier stated that the most important issue for him is understanding the ability to waive the 50 foot setback. There was discussion about the landscape plan which screens the project. Marianne Cone stated that she walked the area and is pleased that the historic entrance is not recommended as access because of the stream and wetlands. Mr. VonPuttkammer pointed out the agreement between the City and Fire District for wetland work on the back parcel. Joe Kernan expressed that he has been provided adequate information addressing his concerns.

Jim Hier, "I recommend that we approve the conditional use permit for the Fire Station, per the findings of fact, conclusions of law, and conditions of approval outlined in the staff report". Joe Kernan seconded. Motion carried.

Marianne Cone	Aye
Candace Erickson	Absent
Roger Harlan	Absent
Jim Hier	Aye
Joe Kernan	Aye

(b) Ordinance approving the Creekside subdivision plat, creating two lots of record, located at 2360 Holiday Ranch Loop Road – Planning Director Patrick Putt explained that this application is for a two-lot subdivision zoned ROS and is located at the intersection of SR224 and Holiday Ranch Loop. It is 8.45 acres in size; Lot 1 will be 1.74 acres and the site of Fire Station #31 and Lot 2 is 6.71 acres and access to the property is by way of Holiday Ranch Loop. The plat also includes a 50 foot wide public right-of-way to Lot 2 directly offset from Creek Drive. The Planning Commission held a public hearing on April 26, 2006 and forwarded a positive recommendation. Staff also recommends approval as outlined in the Ordinance. The Mayor opened the public hearing.

Chris Nelson stated that the McLeod Creek neighborhood has been negatively impacted by projects over the years; however, they understand public safety. There were questions about the orientation of the building and the access which has been cleared up by vote on the CUP. Adjacent residents still have questions about the access road as a result of Lot 2 and the land-locking issue. Fifty feet is a huge right-of-way and there are questions as to the future development off of this road and the use for Lot 2. He questioned the quality of the wetlands and spoke about the history of uses on the site. It's been used as a storage area by Public Works, the well, and the Christmas tree drop-zone over the years. Loud noises emanating from the shredder and the well drilling projects are nuisances and Utah Power also installed infrastructure. Last year, the City built a million gallon holding tank there and another is slated this summer. He asked how much construction is reasonable and pointed out that the access road is unexplained. It's turning into an industrial zone and although he would like the entrance in a different place the roadway is directly across from his house. There will be more impacts and over the years the residents have been *hammered* by activities on this property. Mr. Nelson strongly urged Council not to develop Lot 2. He asked why it needs to be subdivided and why extend the access road. Mr. Nelson requested that the Council and Planning Commission rethink this access road, acknowledging that there was already a vote and reiterated his comments. Don't do anything with Lot 2.

Alison Pitt felt that as drawn, the plat will result in over-programming the site. The lower portion is the Well Protection Zone and there have been representations from staff that the steeper part will not be developed. She hopes this is true and her concern is that the lot is not over-programmed, increasing traffic and there is no traffic generation study. Ms. Pitt distributed photographs to Council members taken from her home with a view of the sensitive lands overlay ROS piece and the historic entrance. She spoke about the removal of vegetation associated with the pipeline project which should be reseeded, and hoped that the park is extended into Parcel 2.

Dan Smith, Park Meadows resident, believes this is an important area in town and he would love to see a park there. His kids use the bike jump park now and the area works well for passive recreation.

With no further comments, the public hearing on the subdivision was closed. Mayor Williams expressed that the Council's concerns are similar to those expressed by Chris, Alison and Dan with regard to development on the property. The Council has an obligation to look at all city-owned parcels with development potential and any density on Parcel 2 would only be five to eight units and that may not be likely. The Council clearly heard the requests for a park in Park Meadows and there are funds set aside for neighborhood projects. The Mayor emphasized that there has been no plan at this point and the neighborhood will be noticed on any proposals. Again, no decisions have been made for Lot 2.

Jim Hier asked if there are any newly approved streets with less than a 50 foot right-of-way. Eric DeHaan answered yes, because there are many subdivisions that front existing streets that are of a lesser dimension. Private streets must comply with the 50 foot standard to provide for utilities, snow storage, and pedestrian elements. However, they are paved to 30 feet not the full 50 feet. Mr. DeHaan explained the value of extending the road and utilities to Lot 2 when it is being constructed rather than at a later date when the fire station is occupied. Mr. Hier agreed with Ms. Pitt that it wouldn't be prudent to land-lock the parcel and explained a casual comment he made about affordable housing on Parcel 2 during the discussion about possible locations for neighborhood parks a couple of years ago. His comments were misconstrued leading the public to believe that a decision had been made with regard to affordable housing on the site. He personally would find it difficult to approve additional density on the site given the fact that the fire station is approved. However, even a park would prompt construction activity.

Marianne Cone, "I move that we approve the Ordinance for the Creekside Subdivision plat creating two lots of record, located at 2360 Holiday Ranch Loop Road according to the findings of fact, conclusion of law and conditions of approval outlined in the attached draft ordinance". Jim Hier seconded. Motion carried.

Marianne Cone	Aye
Candace Erickson	Absent
Roger Harlan	Absent
Jim Hier	Aye
Joe Kernan	Aye

IX ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

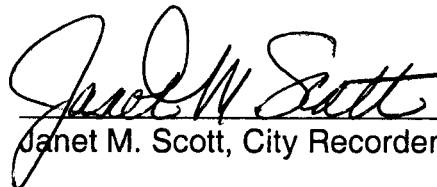
The City Council met in closed session at approximately 5:20 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Jim Hier, and Joe Kernan. Candace Erickson and Roger Harlan were excused. Tom Bakaly, City Manager; Polly Samuels McLean, Assistant City Attorney and Jody Burnett, independent counsel were also present. Jim Hier "I move to close the meeting to discuss litigation". Marianne Cone seconded. Motion carried. The meeting opened at approximately 6 p.m. with the convening of the regular meeting.

Marianne Cone	Aye
Candace Erickson	Absent
Roger Harlan	Absent
Jim Hier	Aye
Joe Kernan	Aye

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




Janet M. Scott, City Recorder

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 2000. 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.

Received From:

Budget 2 - 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:

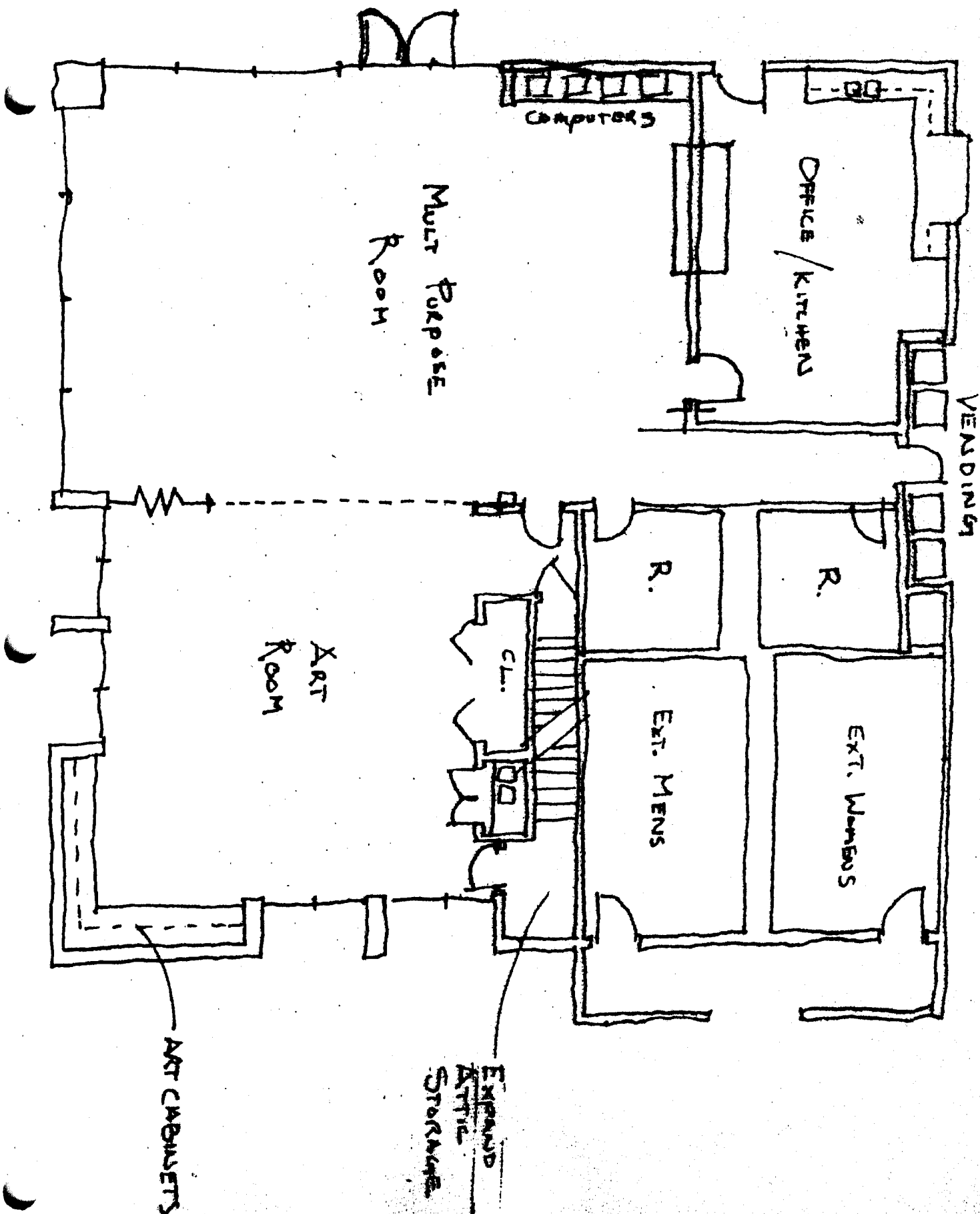
A remodel to the City Park Recreation Building would add much needed additional space to the building, meeting the needs of a wider variety of recreation programs, as well as outside use. The added room would significantly improve the functionality and safety for the Summer Day Camp program. Funds are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



City Council Staff Report

PARK CITY

1881

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 2007 operating budget.

Attachments:

1. Financial Analysis
2. Program Volume

PARK CITY ICE ARENA								
2006 Full Year Forecast								
	BUDGET	GRANTS/ADJ	ADJ BUDGET	FYF	B(W) BUDGET	2007 BUDGET		
PERSONNEL	198,780		198,780	211,518	(12,738)	Budget	ADJ'S	ADJ BUDGET
			0			272,098	0	272,098
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:								
<u>RAP Tax Grant:</u>								
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							
<u>Budget Adjustments</u>								
	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

CITY COUNCIL Staff Report



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

PLANNING DEPARTMENT

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.

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**).

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. **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.

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. **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.

CITY COUNCIL Staff Report



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

PLANNING DEPARTMENT

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.



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 STRATEGIC 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.	

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect upon adoption.

PASSED AND ADOPTED 18th day of May 2006.

City Council Staff Report

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,

A handwritten signature in black ink, appearing to read "Michael S. Seely".

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) **CANCELLATION OF PERMIT:** 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) **ASSIGNMENT:** 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) **SUCCESSORS AND ASSIGNS:** All covenants and agreements therein contained shall be binding upon the parties hereto, their successors and assigns.

(23) **UDOT MAINTENANCE OPERATIONS:** 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) **TERMINATION OF LICENSE AGREEMENT:** 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 Lyle McMillan
Chief Railroad & Utilities 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 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 IT 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

1881

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

Budget, Debt, & Grants

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.

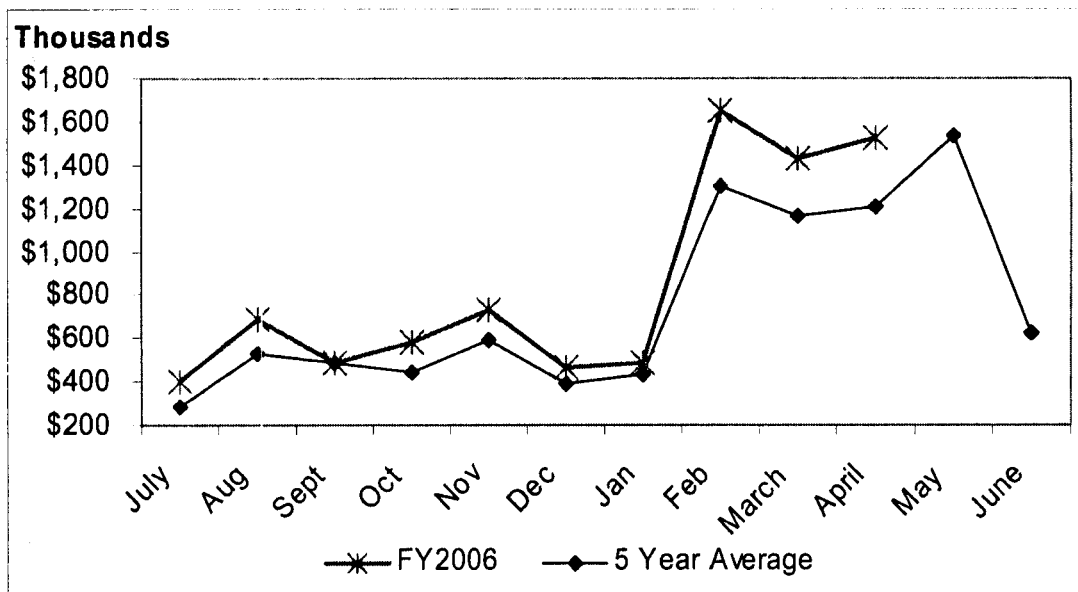
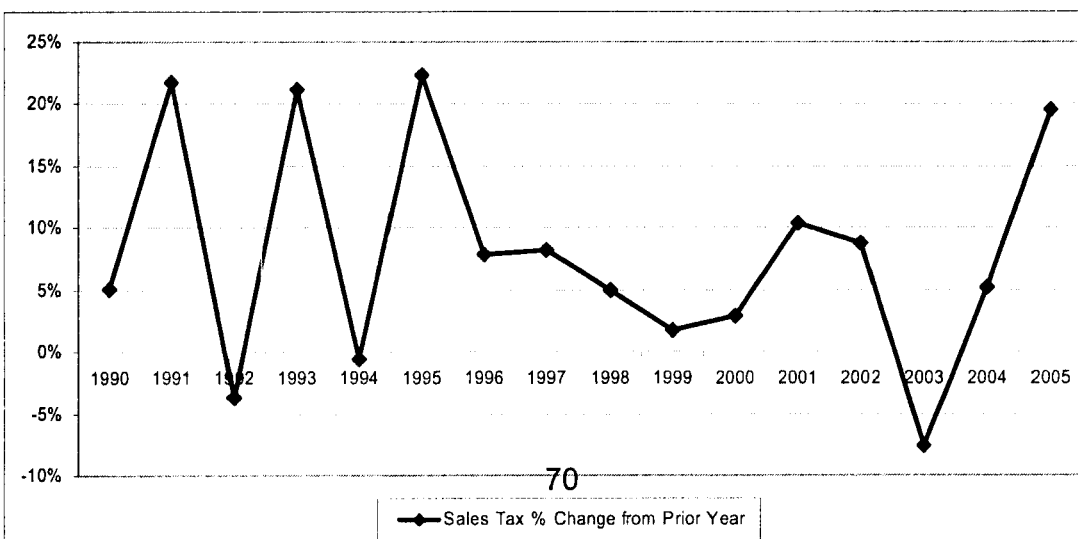


Figure 1 – FY 2006 Sales Tax Revenues compared to 5-Year Average

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

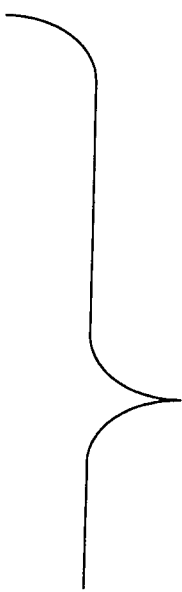
Assuming May and June revenues come in as anticipated, FY 2006 will mark only the second time in the last 15 years that the City has experienced a growth in sales tax revenue following a 20% increase. Careful attention should be paid to this trend, as sales tax is the City's most volatile revenue source. 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

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

CIP Changes n 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	\$0	\$0	\$0	\$0	\$0
		RESTAURANT TAX GRANT	\$10,500	\$10,500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		OTHER MISCELLANEOUS	\$51,911	\$51,911	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
710	Public Works Storage Parcel	TRANS FROM DEBT SERVICE FUN	\$398,752	\$398,752	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		SALE OF ASSETS	\$996,850	\$996,850	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		WATER SERVICE FEES	\$100,000	\$100,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
712	Building Replacement and Enhancement	TRANSIT SALES TAX	\$124,150	\$124,150	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		TRANS FR GEN FUND	\$114,858	\$114,858	\$75,000	\$75,000	\$-75,000	\$-75,000	\$-75,000	\$-75,000	\$-75,000	\$-75,000	\$-75,000	\$-75,000
		DEPREC. FUND BALANCE	\$161	\$161	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
713	Golf Course Improvements	FEDERAL GRANTS	\$10,500	\$10,500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		GOLF FEES	\$10,500	\$10,500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		OTHER MISCELLANEOUS	\$146,500	\$146,500	\$140,000	\$140,000	\$235,000	\$235,000	\$135,000	\$135,000	\$50,000	\$50,000	\$50,000	\$50,000
749	Ice Facility	RECR, ARTS&PARK-RAP TAX GRA	\$15,000	\$15,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		BOND PROCEEDS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		DONATIONS	\$926,351	\$926,351	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		INTEREST EARNINGS	\$12,547	\$12,547	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		OTHER MISCELLANEOUS	\$4,215	\$4,215	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		RECR, ARTS&PARK-RAP TAX GRA	\$10,293	\$10,293	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		TRANS FR GEN FUND	\$530,450	\$530,450	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		TRANS FROM DEBT SERVICE FUN	\$2,000,000	\$2,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		TRANSFER FROM CIP	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
758	Racquet Club Building Improvements	OTHER CONTRIBUTIONS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		RECR, ARTS&PARK-RAP TAX GRA	\$46,992	\$46,992	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
760	Homeland Security Improvements	TRANS FR GEN FUND	\$45,994	\$88,779	\$-50,000	\$0	\$-50,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		FEDERAL GRANTS	\$42,894	\$42,894	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		OTHER MISCELLANEOUS	\$58,007	\$58,007	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
762	Recreation Complex	BOND PROCEEDS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		IMPACT FEES	\$561,921	\$561,921	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		OTHER MISCELLANEOUS	\$50,000	\$50,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		RECR, ARTS&PARK-RAP TAX GRA	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		SALE OF ASSETS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		TRANS FR GEN FUND	\$350,000	\$2,400,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		TRANS FROM DEBT SERVICE FUN	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		Transfer from Sales Tax DSF - 2005/6	\$2,420,913	\$2,420,913	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		RESTAURANT TAX GRANT	\$105,000	\$105,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		OPEN SPACE IMPACT FEES	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		PROP TAX INCREMENT RDA	\$447,427	\$447,427	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
763	Spiro Treatment Plant	BOND PROCEEDS	\$-2,128,730	\$5,945	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
770	Marsac Seismic Renovation	BEGINNING BALANCE	\$2,750,000	\$2,750,000	\$0	\$0	\$750,000	\$750,000	\$0	\$0	\$0	\$0	\$0	\$0
773	Boothill Tank	BOND PROCEEDS	\$-208,990	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		WATER IMPACT FEES	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		WATER SERVICE FEES	\$19,127	\$19,127	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
774	Boothill Pump station	BOND PROCEEDS (CIB)	\$1,796,523	\$1,796,523	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		BOND PROCEEDS	\$-2,500,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		WATER IMPACT FEES	\$4,818	\$4,818	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
775	Park Meadows Well Water treatment. Funded by user	BOND PROCEEDS (CIB)	\$1,912,852	\$1,912,852	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		BOND PROCEEDS	\$-950,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		WATER IMPACT FEES	\$335	\$335	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		WATER SERVICE FEES	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		BOND PROCEEDS (CIB)	\$740,625	\$740,625	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
781	Lower Norfolk	BOND PROCEEDS	\$0	\$0	\$56,000	\$1,792,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
782	Woodside - North of 13th	BOND PROCEEDS	\$0	\$0	\$1,075,000	\$1,075,000	\$-1,045,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
786	Town Plaza	Transfer from Sales Tax DSF - 2005/6	\$1,709,629	\$1,709,629	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		BOND PROCEEDS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
791	Public Art	SALE OF ASSETS	\$-1,000,000	\$0	\$1,000,000	\$1,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		TRANS FR GEN FUND	\$188,000	\$188,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
794	Golf Maintenance Equipment Replacement	RESTAURANT TAX GRANT	\$5,000	\$5,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		GOLF FEES	\$111,604	\$111,604	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000
795	Open Space Improvements	RESTAURANT TAX GRANT	\$12,000	\$12,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		BEGINNING BALANCE	\$62,750	\$62,750	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
797	Bus Closed Circuit TV	OTHER CONTRIBUTIONS	\$381,039	\$604,647	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		FEDERAL GRANTS	\$-56,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		TRANSIT SALES TAX	\$-14,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
798	Tennis Bubble Replacement	BEGINNING BALANCE	\$150,000	\$150,000	\$81	\$81	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		SALE OF ASSETS	\$0	\$0	\$0	\$0	\$30,000	\$30,000	\$0	\$0	\$0	\$0	\$0	\$0
		TRANS FR GEN FUND	\$0	\$0	\$0	\$0	\$30,000	\$30,000	\$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
805	Neighborhood Parks	BOND PROCEEDS			\$0	\$0			\$0	\$0			\$0	\$0
		TRANS FROM DEBT SERVICE FUND	\$269,058	\$1,439,867					\$0	\$0			\$0	\$0
810	JSSD: additional 12" water connection	TRANS FR GEN FUND	\$100,000	\$100,000					\$0	\$0			\$0	\$0
		SALE OF ASSETS	\$-200,000						\$0	\$0			\$0	\$0
		TRANS FR GEN FUND	\$0						\$0	\$0			\$0	\$0
		WATER IMPACT FEES	\$50,000						\$0	\$0			\$0	\$0
		WATER SERVICE FEES	\$100,000	\$100,000					\$0	\$0			\$0	\$0
811	Quinn's Junction - Mountain Regional water tie-in	WATER IMPACT FEES			\$400,000	\$400,000			\$0	\$0			\$0	\$0
814	Flagstaff Transit Transfer Fee	OTHER CONTRIBUTIONS	\$-184,751						\$0	\$0			\$0	\$0
		OTHER CONTRIBUTIONS	\$381,039	\$565,790					\$0	\$0			\$0	\$0
818	Meadows Drive Traffic Signal	TRANS FR GEN FUND	\$0				\$50,000	\$50,000	\$0	\$0			\$0	\$0
		STREETS IMPACT FEES	\$0				\$50,000	\$50,000	\$0	\$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	\$0
834	Quinn's Icefields Phase II	SALE OF ASSETS	\$0		\$-675,000		\$0	\$0	\$0	\$0			\$0	\$0
		TRANS FR GEN FUND	\$335,000	\$335,000			\$0	\$0	\$0	\$0			\$0	\$0
		OTHER CONTRIBUTIONS	\$-100,000				\$0	\$0	\$0	\$0			\$0	\$0
838	Museum Expansion	RESTAURANT TAX GRANT	\$150,000	\$150,000			\$0	\$0	\$0	\$0			\$0	\$0
		IMPACT FEES	\$-160,000		\$-160,000		\$-170,000	\$-170,000	\$-180,000	\$-180,000	\$-690,000		\$0	\$0
840	Impact Fees	STREETS IMPACT FEES	\$90,055	\$90,055			\$0	\$0	\$0	\$0			\$0	\$0
		PUBLIC SAFETY IMPACT FEES	\$9,926	\$9,926			\$0	\$0	\$0	\$0			\$0	\$0
		OPEN SPACE IMPACT FEES	\$1,157,308	\$1,157,308			\$0	\$0	\$0	\$0			\$0	\$0
		WATER IMPACT FEES	\$1,879,731	\$1,879,731			\$0	\$0	\$0	\$0			\$0	\$0
841	Streets Impact Fees	IMPACT FEES	\$-75,000		\$-75,000		\$-80,000	\$-80,000	\$-85,000	\$-85,000	\$-900,000		\$0	\$0
842	County Vehicle Replacement Fund	REGIONAL TRANSIT REVENUE	\$46,930	\$46,930			\$0	\$0	\$0	\$0			\$0	\$0
843	Transit Expansion	FEDERAL GRANTS			\$237,952	\$237,952	\$449,946	\$449,946	\$240,000	\$240,000	\$240,000	\$240,000	\$240,000	\$240,000
		TRANSIT SALES TAX	\$0		\$29,744	\$29,744	\$56,243	\$56,243	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000
		REGIONAL TRANSIT REVENUE	\$0		\$29,744	\$29,744	\$56,243	\$56,243	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000
844	Deer Valley Fire Flow Tie-In	OTHER CONTRIBUTIONS	\$50,000	\$50,000			\$0	\$0	\$0	\$0			\$0	\$0
845	Solamere Pump Station Upgrade	OTHER CONTRIBUTIONS	\$150,000	\$150,000			\$0	\$0	\$0	\$0			\$0	\$0
846	Emergency Power	WATER SERVICE FEES	\$0				\$50,000	\$50,000	\$0	\$0			\$0	\$0
847	Boothill Transmission Line	FEDERAL GRANTS	\$300,000	\$300,000			\$1,420,000	\$1,420,000	\$0	\$0			\$0	\$0
		OTHER CONTRIBUTIONS			\$0	\$0	\$0	\$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	\$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 Recrow/Improvements	TRANS FR GEN FUND	\$0		\$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	\$0
857	China Bridge Control Equipment	TRANS FR GEN FUND	\$0		\$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	\$0	\$70,000	\$70,000	\$0	\$0			\$0	\$0
860	Sales Tax Bond Contingency	Transfer from Sales Tax DSF - 2005/06	\$492,415	\$492,415			\$0	\$0	\$0	\$0			\$0	\$0
861	OTIS Phase II(a)	BOND PROCEEDS	\$0		\$0	\$0	\$4,036,704	\$4,036,704	\$0	\$0			\$0	\$0
862	OTIS Phase II(b)	BOND PROCEEDS	\$0		\$0	\$0	\$0	\$0	\$0	\$0			\$0	\$0
863	OTIS Phase III(a)	BOND PROCEEDS	\$0		\$0	\$0	\$0	\$0	\$0	\$0			\$0	\$0
864	OTIS Phase III(b)	BOND PROCEEDS	\$0		\$0	\$0	\$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

	# of pieces	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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 REELS 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



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

PUBLIC WORKS

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.

Stantec

May 10, 2006
Ms. Kathy Dunks, PE
Park City Municipal Corporation
Page 2 of 2

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 part 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.

SECTION 20. HOURS AND DAYS OF WORK. 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.

SECTION 21. CONSTRUCTION MANAGEMENT PLANS. 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



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

PLANNING
DEPARTMENT

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
Subdivision)
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 May 16, 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 1 prohibits 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 explained 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 indicates 18 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 15-8-3 specifies that driveways intersect collector roads such as Holiday Ranch Loop Road at least 75' from the Creek Drive intersection which would create a lot (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 straight 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. Location and amount of off-street parking: **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. Internal circulation system: **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. Fencing, screening and landscaping to separate uses: **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 building 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. Noise, vibration, odors, steam, or other mechanical factors that might affect people: **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. Control of delivery and service vehicles, loading and unloading zones, and screening: **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. Expected ownership and management of the property: **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 not 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 qualified professional and approved by the appropriate state and federal agencies. Through the Army Corps permitting and mitigation process, coordinated 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 Zone 2. 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 1 prohibits 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(l) 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 1 will 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 indicates 18 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 straight 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 qualified professional and approved by the appropriate state and federal agencies. Through the Army Corps permitting and mitigation process, coordinated by Wise Earth Wetland and Soil Consultant, Staff finds the 50' setback requirement for wetland 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 Zone 2. 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.

Conclusions of Law

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

PARK CITY

1881

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

**PLANNING
DEPARTMENT**

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 Lot 1 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.

Wellhead Protection Zone

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, 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)
- 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 contact the City Recorder at 615-5007.

**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:

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. 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 building 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

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

PRELIMINARY PLAT

SUBDIVISION

A PARCEL OF LAND LOCATED WITHIN THE NORTHEAST QUARTER
OF THE NORTHEAST QUARTER OF SECTION 8,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

PARK VIEW CONDOMINIUMS

TRAIL
EASEMENT

