PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 7, 2005

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, April 7, 2005.

6:00 p.m.
I ROLL CALL
II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF
III PUBLIC INPUT (any matter of City business not scheduled on agenda)
IV WORK SESSION NOTES AND MINUTES OF MEETING OF MARCH 24, 2005

V CONSENT AGENDA PUBLIC HEARINGS

1. Continuation of hearing on Ordinance approving a plat amendment and vacation of right-of-way located at 713 Norfolk Avenue, Park City, Utah (continue to April 28, 2005)
2. Ordinance approving an amendment to the record of survey plat for The Lodge, located at 2900 Deer Valley Drive, Park City, Utah
3. Ordinance approving a plat amendment for 9 Hillside Avenue
4. Ordinance approving a condo conversion for 2180-2186 Monarch Drive

VI CONSENT AGENDA

1. Continuation of hearing on Ordinance approving a plat amendment and vacation of right-of-way located at 713 Norfolk Avenue, Park City, Utah (continue to April 28, 2005)
2. Ordinance approving an amendment to the record of survey plat for The Lodge, located at 2900 Deer Valley Drive, Park City, Utah
3. Ordinance accepting certain public improvements at Empire Pass Subdivision (continue to April 28, 2005)
4. Ordinance approving a plat amendment for 9 Hillside Avenue
5. Ordinance approving a condo conversion for 2180-2186 Monarch Drive

VII NEW BUSINESS

1. Historical Society Lease
2. Contract for Quinns Recreation Complex - Hogan Construction, Addendum
3. Contract for Downtown Parking Structure – Jacobsen Construction, Addendum

IX ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted.
Posted: 04/04/05
See: parkcity.org

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

April 2005

14 Jan gone
No meeting
21 Business license regulations (Title 4) - work
Contract ,Jacobsen Construction – Downtown Parking Structure – Addendum No. 2 - New Business
28 Ordinance – Village at Empire Pass West Side, Pod A, final subdivision plat - BR
Contract, Hogan Construction – Quinn's Recreation Complex - Addendum No. 2 – New Business
Continuation of hearing on Ordinance approving a plat amendment and vacation of right-of-way located at 713 Norfolk Avenue, Park City, Utah
Continuation of hearing on Acceptance of certain public improvements at Empire Pass Subdivision

Pay plan adoption

May 2005

Budget discussions and departmental budget presentations

5 Ordinance - 1127 Woodside plat amendment – JW
Ordinance – 2300 Deer Valley Drive East, St. Regis Resort Deer Crest record of survey plat – KW
Approval of Auditor Contract - Lori
7 Clean-up Day
12 Kay gone
19 Resolution adopting a strategic plan for City owned properties
26
30 Memorial Day

June 2005

Budget discussions and departmental budget presentations

2
9 Adoption of budget
14-17 Innovations in Local Government - Sarasota
16 **No meeting**
23 Possible America's Cities - Atlanta
30

July 2005

7
14
21
25 Pioneer Day
28 **No meeting**

August 2005

4
11 **No meeting**
18
25

Pending Items:

Regional bus service SLC - work
Water Service District – Grant of easement from Iron Mountain Associates
Transit Center Land Match Resolution – Gary
CDBG preliminary hearing – July
Taxi regulations - May

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 24, 2005

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

Tom Bakaly, City Manager; Tim Twardowski, Assistant City Attorney; Phyllis Robinson, Consultant; and Kent Cashel, Deputy Public Works Director; Colin Hilton, Economic Development Director

Carol Potter, Trails Foundation; Peter Roberts and Elizabeth Swank, Arts Council;

1. Council questions/comments. Jim Hier reported on meetings he attended recently including the Chamber/Bureau Board, HMBA, Interagency, and a joint meeting with the School District and the Snyderville Basin Recreation District. Candace Erickson stated that she attended a Library Board meeting and the mayors and councils meeting hosted by the Summit County Commission. The cooperative clean-up day project was discussed and she pointed out that UDOT will be working on Browns Canyon this year. The two-year jurisdictional transfer task force will be meeting in interim committee to decide which roads to *"dump"* on communities and Ms. Erickson urged staff to become involved to protect our interests. Additionally, Road B and C funds will be adjusted per mile. The Canyons/Park West and Sun Peak /Old Ranch Road Intersections are slated for realignment this summer. She also reported on the joint meeting with the School District and Recreation District and urged Council to consider participating in the Summit County Fair parade this summer. Mayor Williams pointed out that the Rotary, Boys and Girls Club, BFI, UDOT and others have committed to Clean-Up Day on May 7 and suggested hosting a community barbecue at City Park for volunteers. He plans on attending the quarterly environmental meeting next week with the legislature, who will be formulating a state renewable energy bill next year. Council member Hier stated that he will be serving on the economic committee relating to the Deer Crest Inter-local Agreement. He pointed out that SB7, tourism bill, didn't actually pass this year because of a minor language change in the draft from the House to the Senate. It will return during special session in final form to be reviewed and adopted.

2. Sound garden. Phyllis Robinson stated that this work session is a follow-up to the introduction of this project and to receive some feed-back from Council on the concept as a whole. The sound garden is planned at the south end of City Park adjacent to the skate park. Carol Potter reported that she spoke with neighbors who supported the project and she showed a film on the success of this project in Michigan, specifically with regard to community involvement. It is ideal to have a location where people can drop by and work with the artist to collaborate on building the instruments.

Ms. Robinson relayed that the Art Advisory Board is recommending a $20,000 grant from the public art budget to be used for the sound garden. The total project budget is $36,500 and $5,000 has been received from the Summit Institute, $3,500 in-kind support from Mountain Trails and another donor. The remaining $8,000 will be requested through the restaurant tax application process. She asked Council for feedback on its support of using art funds and the location of the sound garden on City property, as proposed. She commented on the irrigation project proposed in the area this summer and the need to conduct a soil test. Staff resources are tight and she asked Council's priorities with regard to moving this project forward.

Ms. Robinson stated that the arts strategic plan provides for commissioned art which requires approval from City Council; however, this procedure creates a conflict with the normal purchasing policy requiring an RFP process. Tom Bakaly acknowledged that $20,000 triggers an RFP, but rather than issuing a formal RFP, he suggested making reasonable attempts to obtain three quotes. Peter Roberts pointed out associated problems with advertising a concept that is the artist's intellectual property. Carol Potter emphasized that the $20,000 also includes supplies and equipment. Jim Hier suggested that the City purchase the materials, and the City Manager advised that the purchasing policy prohibits splitting apart the bid by way of vendor and supplies. He agreed with concerns associated with intellectual property, but pointed out that there was no public process soliciting ideas for the south-end of City Park. If Council supports moving ahead with this artist, Tom Bakaly suggested that the purchasing policy be amended.

Marianne Cone viewed the artist as more of a facilitator for a community project and pointed out that commissioned art is part of the public art policy. The City Manager explained that there is a capital improvement fund containing $200,000 and the public art advisory board is charged to make recommendations to Council. The public art policy identifies commissioned art but it doesn't contemplate a selection process and he again suggested amending the purchasing policy to allow procurement of commissioned art without a selection process for contractors. In response to a question from Jim Hier, he explained that purchases over $10,000 require obtaining quotes and over $20,000 require an RFP process.

Peter Roberts added that the sound garden will be partially funded with the Brian Hess Memorial Fund and there was discussion about incorporating local artifacts in the piece. Elizabeth Swank spoke about the Art Council's role in fiscally managing projects and offered setting up an account for the sound garden and any service charge could be waived. There was consensus among Council members to proceed with the sound garden project to be located at City Park. Jim Hier recommended that staff draft capital project priorities for Council's review and Ms. Erickson believed that the project may not require City assistance until installation. Phyllis Robinson advised that the sound garden will require an approved CUP which is contemplated to be administrative. With regard to Mr. Hier's suggestion, it appears that the payment to the artist will be more than $10,000, absent the costs for materials. Jim Hier supported complying with the existing purchasing policy and to begin the advertising process to obtain quotes. Ms.

Cone suggested that the $20,000 payment for the artist come from other funding sources and Ms. Robinson pointed out that there will still be $20,000 of public funds allocated to the project. Tom Bakaly felt that staff can get this accomplished if the City pays for materials. Peter Roberts relayed that the artist will be in town next week to answer questions. Discussion ensued about a construction area and the Mayor noted that Jans will be vacating its Main Street location and that area will be available and convenient for residents. Mr. Bakaly reiterated that staff will find a purchasing solution and will only return to Council, if necessary.

3. Strategic plan for City properties with development potential. Kent Cashel explained that the City Manager directed staff to formulate a draft strategic plan for properties with development potential, but there was no clear direction from Council or the public for the use of certain properties. After Council input today, a public forum will be conducted to obtain more input, and staff will return in May with a final plan for adoption. A strategic plan would not tie future councils to any particular use, but identifies what the vision is at a point in time. There are hundreds of pieces of City-owned property and the committee set limits of reviewing property larger than one half acre, no open space, and no easements and arrived at 16 properties. He referred to the report, and asked for direction on specific recommendations and whether to broaden the scope of the analysis. Additionally, staff is also looking for direction on the public involvement aspect and is suggesting conducting an open house. Jim Hier expressed his surprise by the size of the North 40 Parcel and asked if it could be used for event parking. Mr. Cashel explained that much of that property is vertical and there is an easement to the north but staff will explore parking options. Discussion ensued regarding the easement and the steepness of the land. Mr. Hier believed the City should focus on a long-term solution for Public Works and not waste money on short-term fixes. Kent Cashel agreed, but at this point, cost effectiveness is more of a timing issue. The required paved area needed at the facility for turning buses was explained.

The Mayor stated that he would like to see the campus at the Library and Education Center remain unimproved and left as an open green space and Council members agreed. Marianne Cone supported moving the historic house from Colman to the Wisnewski lot, as recommended. The Mayor complimented Mr. Cashel on the quality of his report. Candace Erickson agreed with Mr. Hier about investing in permanent improvements for Public Works rather than temporary structures to house equipment. There was consensus to hold an open house. Colin Hilton pointed out that there are three potential uses associated with the old sewer treatment plant, including a fire station, water treatment, and a neighborhood park, which RAB is considering. It was agreed to present all of the ideas to the public through the open house forum.

4. Review of regular meeting. N/A.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 24, 2005

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, March 24, 2005. Members in attendance were Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Tim Twardowski, Assistant City Attorney; Jonathan Weidenhamer, Planner; Kirsten Whetstone, Planner, Brooks Robinson, Planner; Craig Sanchez, Golf Manager; Kent Cashel, Deputy Public Works Director; and Jeff Schoenbacher, Environmental Specialists.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Mayor's Youth Award - Robert Malcolm – Mayor Williams explained that Robert Malcolm received a Prudential Spirit of Community Award honoring outstanding community service by young Americans. Robert Malcolm explained that last year, when he was in 7th Grade, he conducted a community service project and collected over 800 items of winter clothing. He also created a 501(c) non-profit organization for tax benefits for donors and distributed the items to a variety of organizations. The Mayor commented on the importance of volunteerism and thanked Mr. Malcolm for his contributions to Park City.

2. Signing of conservation easements – Summit Land Conservancy – The Mayor signed easements for five parcels in Round Valley, part of the Rail Trail, and a Rossi Hill parcel. The President of the Summit Land Conservancy thanked the Mayor and Council for including them in preserving these parcels. The citizens of Park City feel strongly about protecting open space.

3. Council disclosures – Joe Kernan disclosed that both Talisker and Park City Corporation are his customers.

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

The Mayor invited public input.

1. Request from Centura Development - Craig Elliott, Elliott-Mahoney Architecture, discussed changes in the GC District in the Prospector, Kearns and Bonanza areas and felt it is timely to master plan the properties. Centura is talking with other property owners to work toward the redevelopment of the area. He asked the City to facilitate a master plan or charette. Mayor Williams relayed that the Council will be meeting with the Planning Commission on March 31 and he believed members will be open to consideration.

2, Park City Work Force Office - Melissa Finch, Department of Work Force Services, notified the Council that the Park City office will be closed by the end of the year but outreach services will still be offered through its Heber office. A full service office in Park City is prohibitively expensive, but there are many on-line services and applications available to users. The Mayor thanked her for their services over the years.

3. Renewable Energy Conference – Insa Riepen introduced David Bates and thanked Council for its support of the conference which was very successful last year. This year it will be held on April 5 from 8:30 a.m. to 4 p.m. at the Wasatch County Library and Senior Citizen Center in Heber. Mr. Bates spoke about his associated project relating to farming and urged the Council and public to attend.

4. Outdoor display of merchandise – Mike Imonti, Utah Ski and Golf, stated his expressed interest in purchasing the historic National Garage across the street on Park Avenue. He spoke about his interest in renovating the structure to accommodate an expansion of his business and also relayed his construction experience. He referred to the ordinance regulating outdoor displays which allows bicycles, kayaks and canoes. He recently purchased scooters for rent and encouraged Council to redefine the ordinance so that his moped rentals meet criteria. The City Manager responded that there will be a discussion on the outdoor display of merchandise in April. He pointed out that the ordinance contemplates display on private property only while he understood the scooters were located in public parking spaces which would not be allowed even in an expanded ordinance. Joe Kernan asked for an option compensating the City for street parking.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MARCH 3, 2005 AND MARCH 10, 2005

Joe Kernan, "I move to approve the work session notes and minutes of March 3, 2005 and March 10, as corrected". Marianne Cone seconded. Assistant City Attorney Tim Twardowski referred to correspondence from Greg Erickson specifically addressing the Quinns Partnership annexation petition. Mr. Erickson requested that Council consider the contents of his letter with respect to adoption of the minutes and inclusion in the record before the City Council. The City Council received copies of that correspondence to consider before adoption of the minutes. Part of the correspondence contained a March 8, 2005, written by Mr. Warren Peterson and addressed to the Park City Council. Staff confirmed with the author of that letter and his associates that it was not delivered on time and was not included on the record of March 10, 2005. Finally after receiving Mr. Erickson's letters, staff listened to an excerpt of the tapes of March 10 and recommends some minor changes to the March 10 minutes which have been distributed to and accepted by Council. Motion unanimously carried.

V CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance approving the Silver Star Subdivision, Park City, Utah **(motion to continue to March 31, 2005)** – Kay Calvert, "I move to continue to March 31". Jim Hier seconded. Motion carried unanimously.

2. Continuation of hearing on Ordinance approving a plat amendment and vacation of right-of-way located at 713 Norfolk Avenue, Park City, Utah **(motion to continue to April 7, 2005)** – The Mayor requested a motion to continue. Candace Erickson, "I so move". Jim Hier seconded. Motion unanimously carried

3. Ordinance approving a plat amendment for the property known as Lot 23 and Tract A of the Meadows Estates Subdivision #1A, located at 2858 Estates Drive, Park City, Utah – Jonathan Weidenhamer explained the application and the history of the development. The Planning Commission unanimously forwards a positive recommendation based on the findings in the ordinance. The Mayor opened the public hearing. With no comments, the hearing was closed.

4. Ordinance approving a subdivision to be known as the Knudson Subdivision creating two platted lots from one 6,072 square foot metes and bounds parcel, located at 1301 Park Avenue in Block 24 of the Snyder's Addition to the Park City Survey – Kirsten Whetstone, Planner, explained that the subdivision will create one 3,000 square foot lot and a 2,800 square foot lot. The Planning Commission forwarded a positive recommendation on this application on March 9. With no comments or questions from the Council or the audience, the Mayor closed the public hearing.

5. Ordinance approving the Rosol plat amendment to combine all of Lots 13 and 14, block 9 of the Snyder's Addition, to the Park city Survey into one lot of record, located at 1053 Woodside Avenue, Park City, Utah – Planner Whetstone pointed out the historic house straddles the lot line and this approval of the application will remove the property line to accommodate a remodel. This will create a 3,750 square foot lot and Ms. Whetstone mentioned that encroachments are addressed on the plat. The Planning Commission forwards a positive recommendation, as outlined in the ordinance. The Mayor opened the public hearing. Hearing no input, the hearing was closed.

6. Ordinance approving a rezone of City-owned property in Swede Alley from Historic Residential and Historic Commercial business to Public Use Transitional, and amending the Official Park City zoning Map – Jonathan Weidenhamer, Planner, explained that this is a rezone of multiple City-owned parcels in the Swede Alley area. The existing zoning is HCB and HR, and the application is to rezone the area to PUT including the area from the Transit Center, south to Grant Avenue, from Swede Alley east to Marsac Avenue. He stated that the purpose of the action is to accommodate planned and funded capital projects including the parking structure and town plaza. This was reviewed by the Planning Commission on March 9 who forwards a positive recommendation. The Mayor opened the public hearing and hearing no comments, closed the public hearing.

7. Ordinance approving the Marsac Parking Structure Subdivision which will combine multiple City-owned metes and bounds parcels located in the Swede Alley area of the Park City Survey into one lot of record – Jonathan Weidenhamer explained that this area was also addressed in Item 6. The application is for a one lot subdivision and it meets all criteria. The Marsac Municipal Building will remain as a non-complying structure because it doesn't meet setback requirements. The Mayor opened the public hearing and hearing no comments, closed the hearing.

8. Ordinance approving the Sernyak Subdivision which will combine three metes and bounds parcels in Block 24 of the Snyder's Addition to the park City Survey into two lots of record, located at 1359 Park Avenue – Planner Jonathan Weidenhamer explained that one lot will front Park Avenue and accommodate a renovated and relocated existing historic single family home. Lot 2 will have frontage on Woodside and will accommodate a new duplex. The Planning Commission held public hearings and forwards a unanimous recommendation to approve. The Mayor opened the hearing and with no comments, closed the public hearing.

9. Resolution amending Section 8.4.4, Golf Fees, of the Park City Fee Resolution and replacing Resolution No. 04-05 in its entirety – Craig Sanchez, Golf Course Manager, explained that approval of the resolution will decrease the resident rate from $33 to $32, extend the resident rate to Basin residents, and implement a reservation policy. In response to a question from Ms. Calvert, he noted that people will be charged 50% of the fee for not canceling tee times. The public hearing was opened, and hearing no input from the audience, Mayor Williams closed the public hearing.

10. Community Impact Board application – Kent Cashel, Deputy Public Works Director, stated that a public hearing is required to file an application with the Utah Community Impact Board, which provides low interest loans for construction of public infrastructure. The City is applying for a $2.5 million loan with a 20 year term at an interest rate of 2.5%. The funds will be used for the construction of the Park Meadows Well treatment plant, Spiro Tunnel antimony treatment, and an upgrade and replacement of deficient distribution system components. The Mayor opened the floor for comments on the application. Hearing no comments or input from the Council or the public, the public hearing was closed.

VI CONSENT AGENDA

Jim Hier, "I move we approve Consent Agenda Items 1 through 7". Kay Calvert seconded. Motion carried unanimously.

1. Ordinance approving a plat amendment for the property known as Lot 23 and Tract A of the Meadows Estates Subdivision #1A, located at 2858 Estates Drive, Park City, Utah – See staff report and public hearing.

2. Ordinance approving a subdivision to be known as the Knudson Subdivision creating two platted lots from one 6,072 metes and bounds parcel, located at 1301 Park

Avenue in Block 24 of the Snyder's Addition to the Park City Survey - – See staff report and public hearing.

3. Ordinance approving the Rosol plat amendment to combine all of Lots 13 and 14, block 9 of the Snyder's Addition, to the Park city Survey into one lot of record, located at 1053 Woodside Avenue, Park City, Utah – See staff report and public hearing.

4. Ordinance approving a rezone of City-owned property in Swede Alley from Historic Residential and Historic Commercial business to Public Use Transitional, and amending the Official Park City zoning Map – See staff report and public hearing.

5. Ordinance approving the Marsac Parking Structure Subdivision which will combine multiple City-owned metes and bounds parcels located in the Swede Alley area of the Park City Survey into one lot of record – See staff report and public hearing.

6. Ordinance approving the Sernyak Subdivision which will combine three metes and bounds parcels in Block 24 of the Snyder's Addition to the park City Survey into two lots of record, located at 1359 Park Avenue – See staff report and public hearing.

7. Resolution amending Section 8.4.4, Golf Fees, of the Park City Fee Resolution and replacing Resolution No. 04-05 in its entirety – See staff report and public hearing.

VII NEW BUSINESS

Laws property purchase of 3.92 acres located on SR248 in the amount of $285,000 – Planner Brooks Robinson explained that COSAC is recommending the purchase of approximately four acres of the Laws Property for $285,000. This money will come from the proceeds of the 2002 $10 million open space bond. COSAC met on March 8 and voted unanimously to forward a positive recommendation to purchase the parcel, which falls within the policy of acquiring properties in the entry corridors and adjacent to existing open space. This is a sizeable amount of money on a per acre basis, but the lots area platted in a subdivision that could have single family homes built on it. This is less than the City paid on a per acre basis for the UP&L parcel. The Mayor invited the public to comment; there was no input. Joe Kernan, "I move we approve the purchase of the 3.92 acres located on SR248 in the amount of $285,000". Marianne Cone seconded. Motion carried unanimously.

VIII OLD BUSINESS

Call-up of the February 9, 2005 Planning Commission approval of a conditional use permit to remove mine soils from Empire Canyon – Planner Brooks Robinson stated that considerable public input was rendered at the March 10, 2005 public hearing and additional mitigation measures were analyzed by staff in preparation for this meeting. Staff has provided additional information on the construction mitigation plan (CMP) relative to the direction of Council with regard to a $10,000 bond for speed control, no trailers, traveling down SR224 but up Royal Street, and additional traffic monitoring.

The applicant has set forth a schedule with the reconstruction of Marsac Avenue, which is the phase slated for this summer, including completing the section from the intersection to the Guardsman Pass connector. It is contemplated to conduct the reconstruction and mine waste hauling in tandem with added logistical measures. Mr. Robinson noted that staff tailored the CMP around the reconstruction which will *straighten out* Marsac Avenue and moves it further to the east, making Chamber Street a frontage road. It is felt that at this point, the Daly West site will be dry and ready to move soil and trucks can travel on the new realigned road. He explained that there was existing characterized waste at the Daly West and additional materials from the Flagstaff development area were added. With regard to Condition No. 15 about environmentally sensitive lands and Mr. Kernan's concerns about Richardsons Flats, he stated that the repository is not within or adjoining the site at the Daly West. The EPA regulates the Richardsons Flats repository and currently there are hundreds of thousands of cubic yards of material there and this is miniscule by comparison. Staff recommends affirmation of the Planning Commission's approval, with modified conditions for final adoption by the City Council. If the public hearing is reopened, he encouraged comments to focus on the aspects of the CMP.

Jim Tadison, Vice President of Talisker, expressed his hope that Council will accept this proposal which will alleviate many of the issues raised at the last meeting. Mayor Williams opened the public hearing and reiterated that input should be limited to the CMP.

Ed Brophy, Deer Valley Drive resident, was pleased to learn about the new plan. He asked that speeding be monitored on Deer Valley Drive.

Strike Fongeallaz, Marsac Avenue corridor resident, urged Council to deny the application even with added mitigation measures. It sets a precedent to move waste off the mountain and that was not part of the original agreement. This may be stopped during drainage construction on the Mine Road and would she would like the dates published in advance since she will be chased out of town. Our elected officials should do the right thing. The impacts can not be mitigated and compromise health and safety.

Charles Loyd, American Flag HOA, asked for clarification on the new CMP. Brooks Robinson again explained that added measures include a bond for speed control, temporary staging at Richardsons Flats and Empire Pass, to be approved by the County. There will be manned locations at the Hillside, Guardsman Connector and the round-about. Royal Street will be used for uphill truck traffic and SR224 for downhill. Mayor Williams pointed out that the realignment of the road would have created uphill traffic during that construction phase. Royal Street will not be used for the hauling of the mine waste.

Peter Marth, Hillside Avenue, emphasized the importance of this decision. He urged the Council to focus on the public and professional input provided not on staff's opinion, who is hired to look at this from a technical standpoint. It is Council's job to see it from an emotional perspective. Public input has been against moving the waste and he finds it disingenuous to return with a CMP that ignores whether to move the soil or not. Council has not responded to the public properly.

Maile Buker, Marsac Avenue corridor, thanked Council for reopening the public hearing. She is confident that Council will make the right decision which should reflect the will of the people who are the same people who elected members. The right thing is to deny the application because of the significant impacts that can not be adequately mitigated. The trade-off is too great and the most recent proposal barely makes a dent on the impacts. Although it does lessen the chance of truck accidents, it does nothing for the residential area, Bonanza commercial district and the already congested Kearns Boulevard. The length of time to complete the haul has always been a concern and both projects will be negatively impacted if conducted together. Do the right thing as our elected officials and deny the application.

Nick Kingery, Park City resident, explained that he also voted for the seated Council and pointed out that there is an opportunity to have someone else pay to move the tailings on the hill. He would like to see the soil moved and pointed out that it is not uncommon to only hear comments from the opposition and he urged Council to move ahead.

Norman Anderson stated that he agrees with Mr. Kingery. This is an opportunity and a step in the right direction. He urged Council to uphold the Planning Commission's approval of the CUP.

Ryan Etrum, 64 Ontario Canyon Road, stated that he is opposed to moving the mine waste because of the risks associated with the truck traffic. Something will happen and he doesn't understand the logic if the waste does not need to be moved.

With no further comments, the public hearing was closed and the Mayor invited the Council to disclose exparte communications. Kay Calvert stated that she spoke with Peter Marth, Maile Buker, Betty and Steve Albert, Peg Bodell, Mandy Scully, and Jim Tadison. Joe Kernan relayed that he conversed with Diane Mellon, David Hull, Mandy Scully, Tom Hurd, Maile Buker and Council members, mainly regarding the CUP process and some comments regarding the new CMP. Marianne Cone disclosed that she has had substantive conversations with Maile Buker, Kerry Gee, and an email exchange with Peggy Churchill of the EPA. Jim Hier stated that he exchanged emails with Dan Fetzer and Ruth Gezelius regarding the new proposal and both responded negatively. Candace Erickson relayed that a number of citizens visited her at work and she spoke with Harvey LaPointe about other possibilities. Mayor Williams stated that he apologized to Strike Fongeallaz about comments he made on March 10. He discussed the call-up with Joan Thompson, Kerry Gee, Peggy Churchill, four members of the DEQ, representatives of Talisker, Diane Mellon, Bruce Margolias, Mark Oliver, Harvey LaPointe, and staff.

Marianne Cone stated that she takes this job seriously, cares deeply about this town, and does not want to further impact Old Town residents. She understood from Kerry

Gee that the soils at Little Belle, which are considered more toxic, were capped and not moved to Daly West where there are two repositories. In response to a question from Ms. Cone regarding the characterization of the moved soils to the site, Mr. Gee explained that samples were taken, revealing lead and arsenic content, and are documented in reports. All of the material deposited at Daly West was removed from developable residential areas in the former Flagstaff project. The Little Belle and Quincy areas are not residential locations and there will never be any homes constructed on or near these waste piles. Little Belle was covered over the course of a couple of years during Deer Valley's ski expansion from 1998 through 2000. The high readings recorded in the EPA 's and the DEQ's reports were taken from a grab sample taken near the old load-out facility that remains. The capping and covering of those two mine tailings piles are consistent with the requirements in the agreement between UPCM and PCMC, which requires UPCM to reclaim or remediate mine waste sites. Even if EPA decided that the soils do not need to be covered, it doesn't matter because of the existing agreement with the City. Mr. Gee explained that residences can not be built on mine tailings and there are no residential areas contiguous with the Little Belle or the Quincy mine dumps. There was discussion about placing the soil on the contour of the land, rather than on the most level portion. Council member Cone asked if Anchor is an option and Mr. Gee stated that it is not. The land is not owned or controlled by UPCM and is also located in the conservation area. Brooks Robinson understood that there is provision for existing dumps to remain or to be capped under the development agreement, but the sites can not be used as repositories for additional material. There was discussion about high metal levels, the sampling program and the process for listing Empire Pass on the Hazardous Ranking System. Mr. Gee continued to explain that the soil surface water samples were collected and analyzed and EPA wrote a report. EPA and UPCM entered into a cooperative agreement outlining certain remediation work which must be performed to release the area. Lack of performance will result in listing the site on the Super Fund. Ms. Cone stated that she still feels the burden is too high to move the waste through town and hopes there is an alternative. Kerry Gee reiterated that because UPCM doesn't control the land, Anchor is not a possibility. The Anchor, Quincy, and/or Little Belle mine dumps are not a part of the mining company's cooperative agreement with EPA. In response to a comment made by Joe Kernan, Tim Twardowski explained that arriving at other options is another discussion and is not applicable to the CUP discussion. Council member Kernan understood that Council is hearing this issue to determine if it is legal and not necessarily if the plan is a good idea.

The Assistant City Attorney explained that the application approved by the Planning Commission is a CUP and the primary discussion and input relate to science and alternative locations. The call-up should be a re-examination of the impacts of the use, including the relocation of the mine soils and transportation down the Mine Road, as proposed. The primary question for the City Council to determine is whether or not the identified detrimental impacts of this use can effectively be mitigated, specifically with respect to the CMP. If Council concurs that the CMP is adequate, the CUP is affirmed. If the Council determines that the adverse impacts can not be adequately mitigated through the CMP, then the appropriate action would be to reverse the Planning Commission's approval and deny the application.

Jim Tadison explained to Jim Hier that Anchor is owned by Deer Valley. Kay Calvert acknowledged that truck traffic is a community-wide problem and Brooks Robinson spoke about the challenges with Park City's topography and limited road system, which results in moving dirt when there is construction activity. At this point, however, Park City is almost built out except for the Empire Pass area, the Sweeney Project, and Deer Valley parking lot development. Ms. Calvert again stated that she feels the truck traffic is dangerous throughout town. Jim Tadison emphasized that Talisker is keenly aware of the number of trucks generated and it is in its economic interests to minimize the number of truck movements; empty trucks cost money. He spoke about Talisker's snow-melting machine used last year which eliminated 800 truck trips hauling snow from Empire Pass, Silver Lake and Bald Eagle. It is also cheaper to melt the snow than truck it down the Mine Road. He assured Council that Talisker will continue to look for ways to minimize impacts and a centralized construction parking is being negotiated with Wasatch County for use of Richardson Flats. This is not a requirement.

In response to a question from Jim Hier about manned stations, Mr. Robinson explained that they are located at Hillside and the Guardsman Connector. Mr. Hier felt it important to include the round-about should there be a run-away vehicle and enhanced enforcement measures proposed should be clearly defined in the conditions of approval. Brooks Robinson pointed out that this is a management issue, but noted that the Chief of Police has committed to the CMP. Mr. Hier emphasized that he feels the projects requires constant monitoring and is unsure who pays for manpower. He stated that relocating dirt is not precedent-setting nor is capping soil, but it does add to our traffic problems. Although this affects many areas, he doesn't recall receiving a complaint from anyone on Kearns Boulevard, for instance. The soil must be moved and Richardsons Flats is a repository owned by the applicant. Kay Calvert agreed that the monitoring should be extensive. Candace Erickson expressed her struggles with this issue and was not in support of hauling until this new proposal was introduced. The fact that the road will be closed for reconstruction, and all other traffic will be going up Royal Street is a good option. She emphasized that Council decisions should not be based on emotions but on law and she feels the letter of the law has been met.

Candace Erickson, "<u>I move that we approve the Planning Commission's conditional use permit with the modifications that were made</u>". Kay Calvert seconded. Brooks Robinson clarified the condition with regard to enforcement to read that the Park City Police shall provide constant physical enforcement measures on SR224, Bonanza Drive, and SR248 during the hours of the trucking operation. There will also be an additional flag person with radio contact at the round-bout. In response to a question from Marianne Cone, it was explained that the soils moved to Daly West are above EPA standards. It was clarified for the benefit of Jim Hier that the only soils being hauled out of the Canyon are contaminated and other construction excavations need to be relocated on the mountain. Joe Kernan stated that he is not convinced that the soil needs to be moved and hopes the Council has the ability to sidestep the question and continue the call-up to arrive at a better solution. Mr. Twardowski stated that the call-up needs to be determined on its own merits. Mayor Williams explained that he has been employed as a soil conservation agent, spent five years fighting the EPA as a homeowner in Prospector, and sat on the watershed committee for the past six years. He appreciates the public input and the respectful dialog between everyone. He stated that there is definitive proof that arsenic and zinc from the water shed is infiltrating the water system. We have an opportunity for the first time for someone else to pay for remediation efforts. He stated that he is very concerned that capping the site will not eliminate the problem in the long-term and believes that the water shed will be better protected by moving the soil. This opinion is shared by Kerry Gee, Jeff Schoenbacher and Chief Building Official Ron Ivie. There is a directive from EPA to mitigate the site and the new proposal is improved. Although Mayor Williams indicated he does not vote, he stated that he supports moving the soil. The Mayor requested a vote on the motion on the floor. Motion carried.

Kay Calvert	Aye
Marianne Cone	Nay
Candace Erickson	Aye
Jim Hier	Aye
Joe Kernan	Nay

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 3 p.m. Members in attendance were Mayor Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Joe Kernan "I move to close the meeting to discuss property". Kay Calvert seconded. Motion carried unanimously.

The meeting opened at approximately 4:15 p.m.

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

Prepared by Janet M. Scott

____
Janet M. Scott, City Recorder

City Council
Staff Report

Author:	**Brooks T. Robinson**
Subject:	**Lodges Club at Deer Valley Condominium Conversion**
Date:	**April 7, 2005**
Type of Item:	**Administrative**

PLANNING DEPARTMENT

Summary Recommendations:
The Planning Department recommends the City Council open the public hearing, consider any public input and discuss the item. Staff has prepared findings of fact, conclusions of law and conditions of approval for approval of the Condominium Conversion for the City Council's consideration.

Topic:

Applicant	**Silver Baron Partners**
Location	**2800/2900 Deer Valley Drive East**
Zoning	**Residential Development (RD) as part of the Deer Valley Master Planned Development (MPD)**
Adjacent Land Uses	**Courchevel and Queen Esther residential, Open Space.**

Background:
On April 5, 1996, the Planning Commission approved a Conditional Use Permit for 125 residential condominium units utilizing 108 Unit Equivalents. This project is called The Lodges at Deer Valley. It is part of the Deer Valley Master Plan.

Buildings B, C, D, and E have been completed and occupied and now Building F is completed. In 2001 the Planning Commission approved a CUP amendment and Deer Valley MPD amendment to transfer of 7 UEs from neighboring Courchevel. With the completion of building F, there will be 109 units utilizing 94.41 Unit Equivalents (UEs). A total of 20.59 UEs are remaining for what would be Building A.

This application amends the current Record of Survey and plats the condominium record of survey for The Lodges Club. The proposal would create a separate project that would include Building F with the remaining 20.59 Unit Equivalents from Building A and Courcheval. The previous location of Building A on the north (Queen Esther) side of The Lodges project will be included in The Lodges Club condominium plat and is proposed to remain as open space.

The Planning Commission held a public hearing on March 23, 2005, and forwards a positive recommendation on this condominium Record of Survey. At the same time, the Planning Commission amended the Conditional Use Permit for The Lodges to create a separate project, The Lodges Club, and granted the Side Yard Exception under section **15-2.13-3(H) Other Exceptions.**

Analysis:
The project is located within the RD zoning district. The Lodges Club will be addressed as 2800 Deer Valley Drive East. The Record of Survey will create a separate lot for The Lodges Club with 24 residential units utilizing 21.25 Unit Equivalents. Commercial spaces as shown are for support to the Lodges Club only. No off-site traffic is to be generated from these commercial spaces.

Setbacks in the RD zone are as follows:

- Front: 20 feet
- Rear: 15 feet
- Side: 12 feet

The Lodges Club building meets the minimum setback requirements with the grant of exception noted above. This application meets the requisite subdivision requirements of Title 15-7 of the Park City Municipal Code and the amended Conditional Use Permit approval for The Lodges and Lodges Club.

<u>Department Review</u>
This project has gone through an interdepartmental review. No further issues were brought up at that time.

<u>Notice</u>
The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record. Several owners or their agents of units in Building E have called for further information on the request.

<u>Alternatives for The Lodges Club Condominium Conversion</u>

- The City Council may approve The Lodges Club condominium plat as conditioned or amended, or
- The City Council may deny The Lodges Club condominium plat and direct staff to make Findings for this decision, or
- The City Council may continue the discussion on The Lodges Club condominium plat.

<u>Significant Impacts</u>
There are no significant fiscal or environmental impacts from this application.

<u>Recommendation on The Lodges Club Condominium Conversion</u>
The Planning Department recommends the City Council open the public hearing, consider any public input and discuss the item. Staff has prepared findings of fact, conclusions of law and conditions of approval for approval of the Condominium Conversion for the City Council’s consideration as found in the Ordinance.

Ordinance No. 05-

AN ORDINANCE APPROVING THE LODGES CLUB RECORD OF SURVEY PLAT, PARK CITY, UTAH.

WHEREAS, the owners of the property known as The Lodges Club have petitioned the City Council for approval of The Lodges Club Record of Survey; and

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

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

WHEREAS, the Planning Commission held a public hearing on March 23, 2005, to receive input on The Lodges Club Record of Survey plat; and

WHEREAS, the Planning Commission, on March 23, 2005, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 7, 2005 the City Council approved The Lodges Club Record of Survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve The Lodges Club Record of Survey plat.

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

SECTION 1. APPROVAL. The Lodges Club Record of Survey plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:
1. The Lodges Club at Deer Valley is located at 2800 Deer Valley Drive East in the RD-MPD zoning district.
2. On April 5, 1996, the Planning Commission approved a Conditional Use Permit for The Lodges at Deer Valley encompassing 125 residential condominium units utilizing 108 Unit Equivalents.
3. In 2001 the Planning Commission approved an amendment to The Lodges CUP and the Deer Valley MPD to transfer 7 UEs from neighboring Courchevel.
4. Building F was approved for 20.75 Unit Equivalents but the construction of the building produced 21.25 UEs.
5. The Lodges Club (Building F) has 24 units requiring 48 parking spaces. Currently 35 spaces are in the underground parking lot. The Planning Commission finds that these 35 spaces are sufficient to park The Lodges Club until such time that the future building is constructed.

6. The Planning Commission may vary the Side Yard in subdivisions and MPDs pursuant to section 15-2.13-3(H) as long as there is ten feet between structures. Building F is separated from Building E by at least eighty (80) feet.
7. The proposed is consistent with the approved Deer Valley Master Planned Development and the Conditional Use Permit for The Lodges at Deer Valley.
8. The Planning Commission held a public hearing on March 23, 2005, and forwards a positive recommendation on this condominium Record of Survey.

Conclusions of Law:
1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:
1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey 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 for the plat will be void.
3. All conditions of approval of the Deer Valley Master Planned Development, and The Lodges Conditional Use Permit, as amended, shall continue to apply.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 7th day of April, 2005.

PARK CITY MUNICIPAL CORPORATION

____

Dana Williams, MAYOR

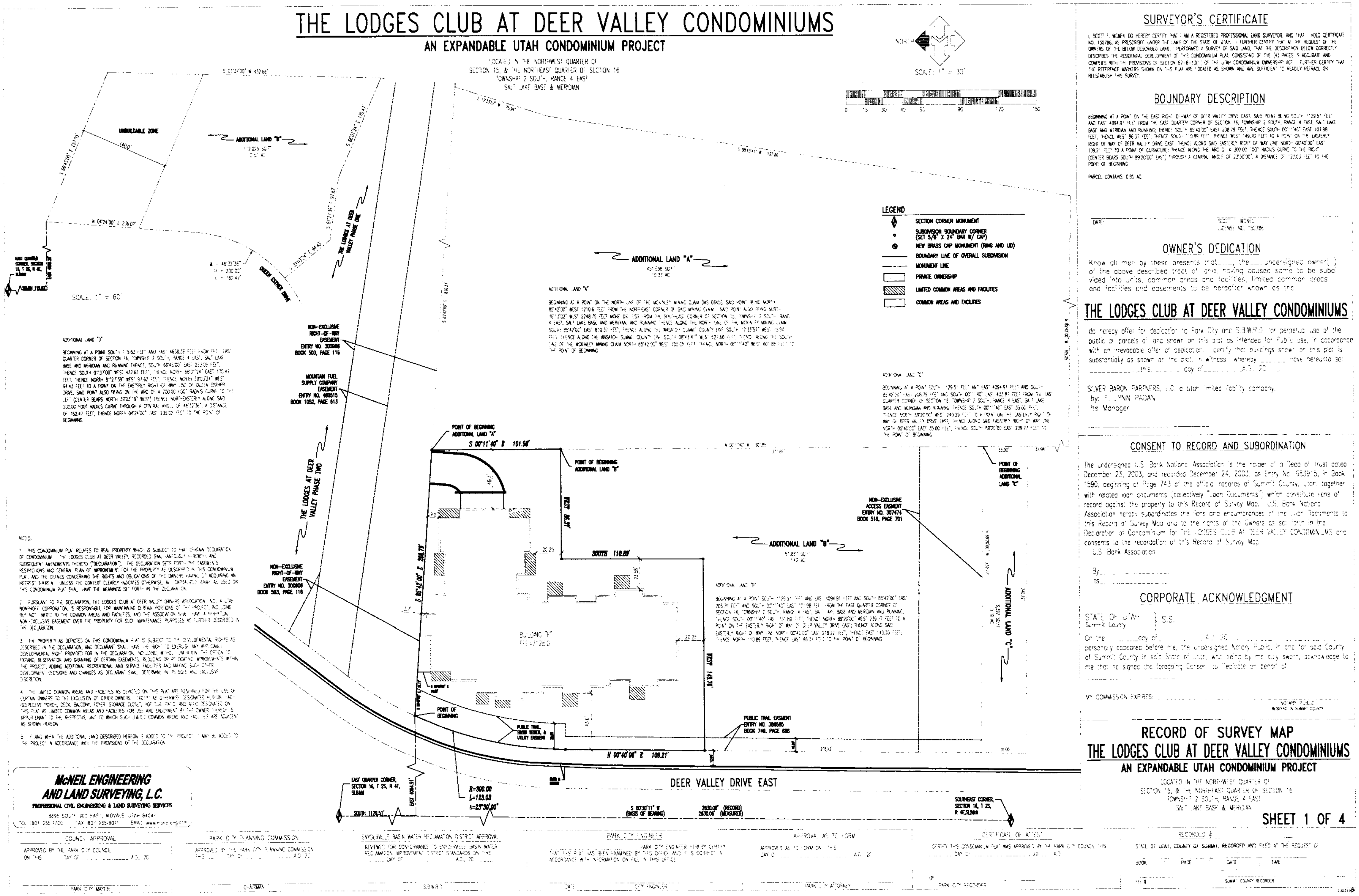
ATTEST:

____

Jan Scott, City Recorder

APPROVED AS TO FORM:

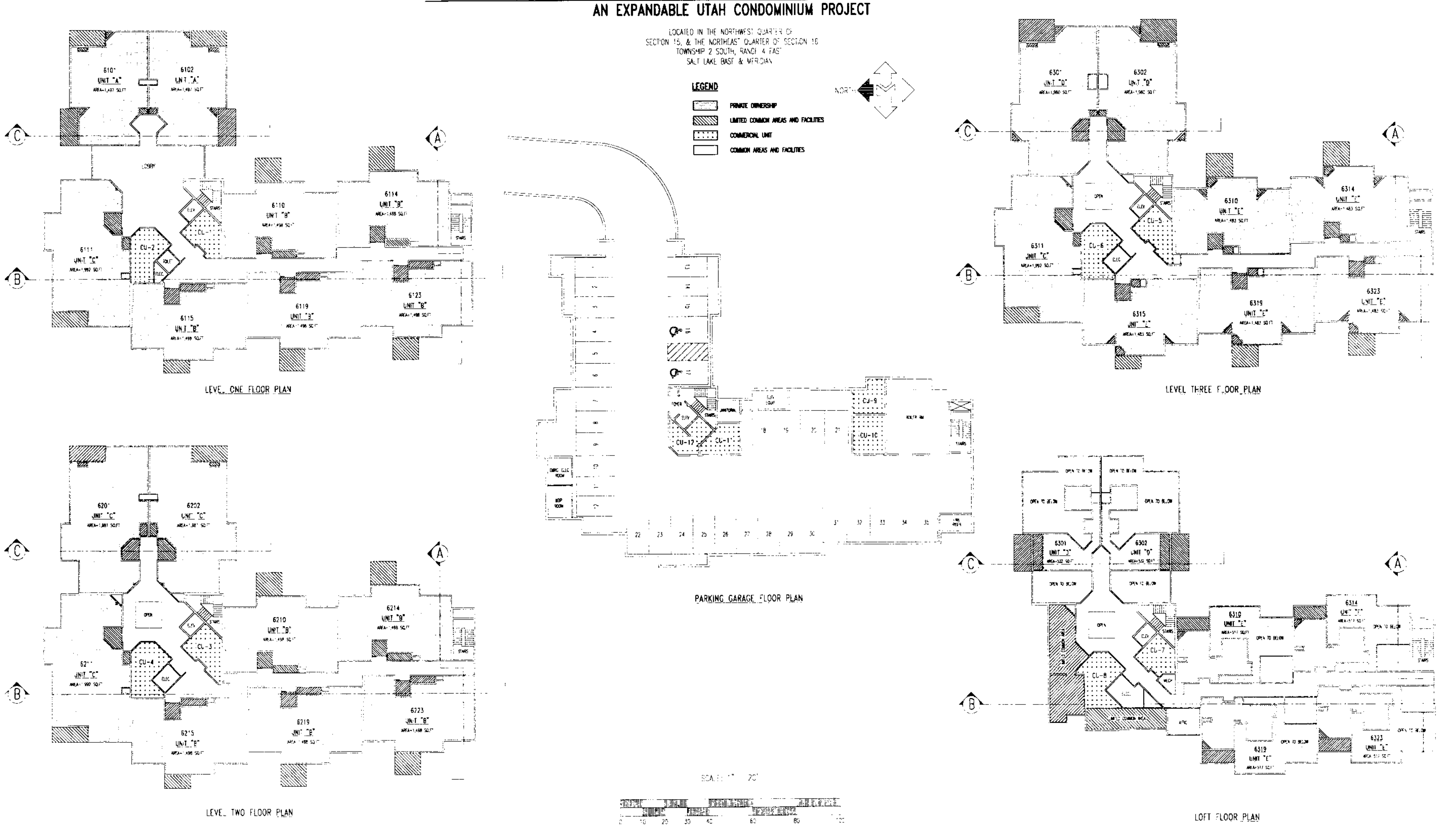
____
Mark Harrington, City Attorney


THE LODGES CLUB AT DEER VALLEY CONDOMINIUMS
AN EXPANDABLE UTAH CONDOMINIUM PROJECT
LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, & THE NORTHEAST QUARTER OF SECTION 16 TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN
NORTH
SCALE: 1" = 30'
SCALE: 1" = 60'
UNBUILDABLE ZONE
ADDITIONAL LAND "D"
ADDITIONAL LAND "A"
ADDITIONAL LAND "B"
ADDITIONAL LAND "C"
QUEEN ESTHER DRIVE
THE LODGES AT DEER VALLEY PHASE ONE
THE LODGES AT DEER VALLEY PHASE TWO
NON-EXCLUSIVE RIGHT-OF-WAY EASEMENT ENTRY NO. 300808 BOOK 503, PAGE 116
MOUNTAIN FUEL SUPPLY COMPANY EASEMENT ENTRY NO. 460615 BOOK 1052, PAGE 613
NON-EXCLUSIVE ACCESS EASEMENT ENTRY NO. 307474 BOOK 518, PAGE 701
PUBLIC TRAIL EASEMENT ENTRY NO. 386585 BOOK 746, PAGE 685
POINT OF BEGINNING ADDITIONAL LAND "A"
POINT OF BEGINNING ADDITIONAL LAND "B"
POINT OF BEGINNING ADDITIONAL LAND "C"
POINT OF BEGINNING
S 00°11'40" E 101.98'
WEST 86.37'
SOUTH 110.89'
WEST 149.70'
N 00°40'00" E 109.21'
S 85°42'00" E 208.79'
R=300.00
L=123.03
Δ=23°30'00"
DEER VALLEY DRIVE EAST
EAST QUARTER CORNER, SECTION 16, T 2S, R 4E, SLB&M
SOUTHEAST CORNER, SECTION 16, T 2S, R 4E, SLB&M
SOUTH 1129.51'
EAST 4094.91'
S 00°30'11" W (BASIS OF BEARING)
2630.08' (RECORD) 2630.06' (MEASURED)
LEGEND
SECTION CORNER MONUMENT
SUBDIVISION BOUNDARY CORNER (SET 5/8" X 24" BAR W/ CAP)
NEW BRASS CAP MONUMENT (RING AND LID)
BOUNDARY LINE OF OVERALL SUBDIVISION
MONUMENT LINE
PRIVATE OWNERSHIP
LIMITED COMMON AREAS AND FACILITIES
COMMON AREAS AND FACILITIES
SURVEYOR'S CERTIFICATE
BOUNDARY DESCRIPTION
PARCEL CONTAINS: 0.95 AC
OWNER'S DEDICATION
Know all men by these presents that ____ the ____ undersigned owner( ) of the above described tract of land, having caused same to be subdivided into units, common areas and facilities, limited common areas and facilities and easements to be hereafter known as the
THE LODGES CLUB AT DEER VALLEY CONDOMINIUMS
SILVER BARON PARTNERS, L.C. a Utah limited liability company
By: R. LYNN PADAN
Its Manager
CONSENT TO RECORD AND SUBORDINATION
CORPORATE ACKNOWLEDGMENT
NOTES:
McNEIL ENGINEERING AND LAND SURVEYING, L.C.
PROFESSIONAL CIVIL ENGINEERING & LAND SURVEYING SERVICES
RECORD OF SURVEY MAP
THE LODGES CLUB AT DEER VALLEY CONDOMINIUMS
AN EXPANDABLE UTAH CONDOMINIUM PROJECT
SHEET 1 OF 4
COUNCIL APPROVAL
PARK CITY PLANNING COMMISSION
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT APPROVAL
PARK CITY ENGINEER
APPROVAL AS TO FORM
CERTIFICATE OF ATTEST
RECORDED #

THE LODGES CLUB AT DEER VALLEY CONDOMINIUMS

AN EXPANDABLE UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST QUARTER OF
SECTION 15, & THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN



SHEET 2 OF 4

RECORDED #
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF
BOOK PAGE DATE TIME
FEE $ SUMMIT COUNTY RECORDER

McNEIL ENGINEERING
AND LAND SURVEYING, L.C.
PROFESSIONAL CIVIL ENGINEERING & LAND SURVEYING SERVICES
8895 SOUTH 900 EAST, MIDVALE, UTAH 84047
(801) 255-7700 FAX (801) 255-8071 EMAIL www.mcneileng.com

THE LODGES CLUB AT DEER VALLEY CONDOMINIUMS

AN EXPANDABLE UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST QUARTER OF
SECTION 15, & THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN

SCALE: 1" = 10'

LEGEND

- PRIVATE OWNERSHIP
- LIMITED COMMON AREAS AND FACILITIES
- COMMERCIAL UNIT
- COMMON AREAS AND FACILITIES

SHEET 3 OF 4

RECORDED #

STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF

BOOK PAGE DATE TIME

FEE $ SUMMIT COUNTY RECORDER

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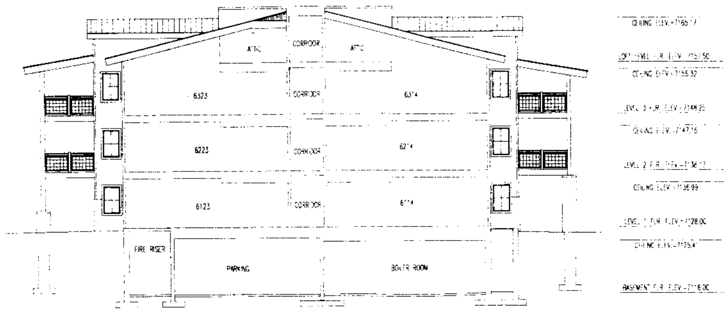
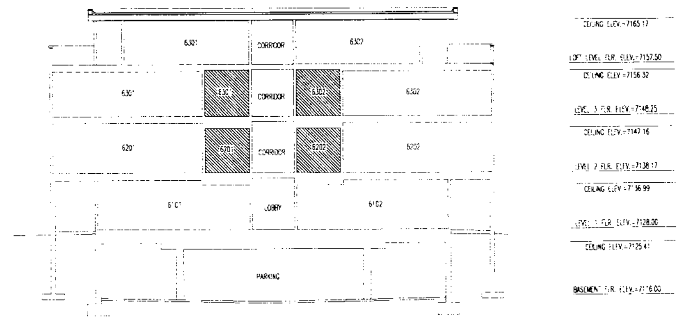


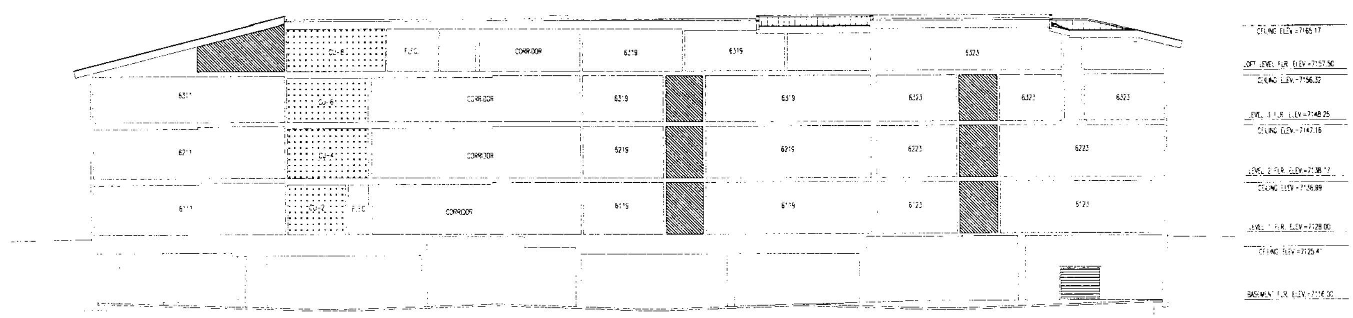
SECTION "A"



SECTION "C"

LEGEND

- PRIVATE OWNERSHIP
- LIMITED COMMON AREAS AND FACILITIES
- COMMERCIAL UNIT
- COMMON AREAS AND FACILITIES



SECTION "B"

SCALE: 1" = 10'

0 10 20 30 40 60 80 100

SHEET 4 OF 4

RECORDED #
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF
BOOK PAGE DATE TIME
FEE $ SUMMIT COUNTY RECORDER

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TEL (801) 255-7700 FAX (801) 255-8071 EMAIL www.mcne.org.com

City Council Staff Report

Author: Kirsten Whetstone
Subject: 9 Hillside Avenue
Date: April 7, 2005
Type of Item: Administrative

PLANNING DEPARTMENT

RECOMMENDATION: Staff recommends the City Council conduct a public hearing, discuss the proposed plat amendment, consider any input, and approved the plat amendment according to the findings of fact, conclusions of law and conditions of approval outlined in the Ordinance.

DESCRIPTION

Project Name: 9 Hillside Avenue plat amendment
Applicant: Steve Stanton
Location: 9 Hillside Avenue
Zone: Historic Residential (HR-1)

BACKGROUND

The applicant is requesting a plat amendment to combine all of Lots 2, 3, 4, 16, 17, and 18 Block 19 of the Park City Survey into one lot of record. An existing historic house straddles the lot lines. The owner of the lots has submitted plans to remodel the existing house and a plat amendment is required to address the underlying property lines. The plat amendment would create a single 8,207 sf lot. The Planning Commission approved this plat amendment on June 25, 2003 and the City Council approved the plat amendment on July 10, 2003 but the plat was not recorded and has since expired. On February 2, 2005 the owner resubmitted the same plat and is requesting approval in order to begin construction on the remodel. On March 23, 2005 the Planning Commission conducted a public hearing and forwarded a positive recommendation to the City Council.

ANALYSIS

The property is located in the HR-1 zone. The proposed remodel of the house is an allowed use in the HR-1 zone provided it meets the criteria in LMC Chapter 15-2.2, and the Historic District Design Guidelines. The property has access from platted Hillside Avenue. The proposed lot complies with the LMC regarding lot size, arrangement, general dimensions, and access requirements.

There are existing encroachments onto Lots 4 and 16, consisting of a deck and a stone wall. The proposed plat includes two separate easements to accommodate these encroachments. These easements address concerns voiced by the adjoining property owners regarding the accuracy of the existing survey. The deck encroaches from 14 Prospect Avenue, but the stone wall is located completely on the subject property, but ownership of said wall is disputed, hence the easement.

The plat amendment combines 6 lots of varying sizes into one new lot, Lot 1, which contains 8,207 sf of lot area. Lot 1 will have frontage along platted Prospect Avenue, Marsac Avenue, as well as Hillside Avenue. Setbacks for Lot 1, as identified by the Planning Director, and measured from the property lines, would be as follows:

10’ front yard setback from Prospect Avenue
10’ front yard setback from Hillside and Prospect

12’ side yard setback from adjacent properties to the south

The existing historic shed is a non-complying structure and is not required to comply with the required setbacks, provided it remains in the current location. Any new construction will be required to meet applicable code requirements.

No remnant lots are created by this proposal and the plat complies with applicable HR-1 District regulations.

NOTICE

Notice of this hearing was sent to property owners within 300' on March 9, 2005. Staff received a call from the property owner of the condominiums at 17 and 19 Daly who had questions about which lots were being combined but stated that she had no concerns regarding the plat amendment. A public hearing was conducted by the Planning Commission on March 23, 2005. There was no public input given at that hearing.

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 1, 2005, where representatives from local utilities and City Staff were in attendance.

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and consider approving the plat amendment to combine all of Lots 2, 3, 4, 16, 17, and 18 Block 19 of the Park City Survey, according to the findings of fact, conclusions of law and conditions of approval as stated in the attached Ordinance.

EXHIBITS

Exhibit A – Proposed Plat Amendment
Exhibit B – Site Survey

Ordinance.

AN ORDINANCE APPROVING A PLAT AMENDMENT TO COMBINE ALL OF LOTS 2, 3, 4, 16, 17, and 18 of BLOCK 19 of the PARK CITY SURVEY, LOCATED AT 9 HILLSIDE AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of Lots 2, 3, 4, 16, 17,and 18 of Block 19 of the Park City Survey, located at 9 Hillside Avenue have petitioned the City Council for approval of plat amendment to combine these lots into one 8,207 sf platted lot of record; and

WHEREAS, there is an historic structure at 9 Hillside that straddles the existing lot lines; and

WHEREAS, the property owner wishes to remodel and construct an addition on to the existing historic structure; and

WHEREAS, there are existing encroachments onto existing Lots 4 and 16, consisting of a deck and stone wall and the amended plat includes two separate encroachment easements to accommodate said encroachments; and

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

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

WHEREAS, the Planning Commission held a public hearing on March 23, 2005, to receive input on the proposed plat amendment; and

WHEREAS, the Planning Commission, on March 23, 2005, forwarded a positive recommendation to the City Council; and

WHEREAS, on April 7, 2005, the City Council held a public hearing and approved the proposed plat amendment; 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. APPROVAL. The plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

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 all of Lots 2, 3, 4, 16, 17, and 18 of Block 19 of the Park City Survey into one lot of record.
4. The proposed lot would consist of 8,207 square feet.
5. The plat amendment will not increase density on the lot.
6. The proposed lot has frontage along platted Prospect Avenue, Marsac Avenue, as well as Hillside Avenue.
7. No remnant lots will be created as a result of this application.

8. An historic single family residence is located on the property and straddles the existing property lines. The existing house would comply with the required setbacks for the new Lot 1.
9. There is an existing shed structure on existing Lots 3 and 4. This structure does not maintain the required setbacks and is considered a legal non-conforming structure.
10. An existing non-historic deck belonging to an adjacent property owner at 14 Prospect Avenue encroaches onto the subject property, specifically onto existing Lots 4 and 16.
11. An existing masonry retaining wall is located along the west side of the entire property as well as on existing Lot 16 between the houses at 9 Hillside and 27 Hillside.
12. The applicant is proposing to record two (2) separate easements as part of this plat amendment to accommodate the encroaching deck and the masonry retaining wall.
13. Required setbacks are 10' front yard setbacks from Prospect, Hillside, and Marsac Avenues and a 12' side yard setback along the side lot line adjacent to the properties to the south.
14. Parking, snow storage and construction staging is problematic in this neighborhood.
15. The property is within the Historic District and any new construction requires Historic Design review and approval.
16. On March 23, 2005, the Planning Commission conducted a public hearing. No public input was given at that hearing.

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.

Conditions of Approval:

1. 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.
2. 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.
3. All new construction shall comply with the HR-1 District Lot and Site Requirements in LMC Section 15-2.2-3, which may include a Conditional Use Permit for development on steep slopes if such new construction involves areas of 30% or greater slope.
4. Encroachment easements to resolve the encroaching deck and retaining walls are shown on the proposed plat.
5. No building permits, with the exception of interior remodels, shall be issued prior to final recordation of the plat at the County Recorder's Office.
6. Ten (10) foot non-exclusive snow storage easements shall be dedicated to the City on the plat along the property lines fronting Prospect, Hillside, and Marsac Avenues.
7. 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.

8. The City Engineer shall review the slope, configuration and drainage pattern of any proposed driveway, as well as the utility plan for the property. No construction, grading, or construction staging is permitted within the Hillside Avenue, Prospect Avenue, or Marsac Avenue rights-of-way without prior approval from the City Engineer.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 7th day of April, 2005.

PARK CITY MUNICIPAL CORPORATION

____

Dana Williams, MAYOR

ATTEST:

____

Janet M. Scott, City Recorder

APPROVED AS TO FORM:

____

Mark Harrington, City Attorney

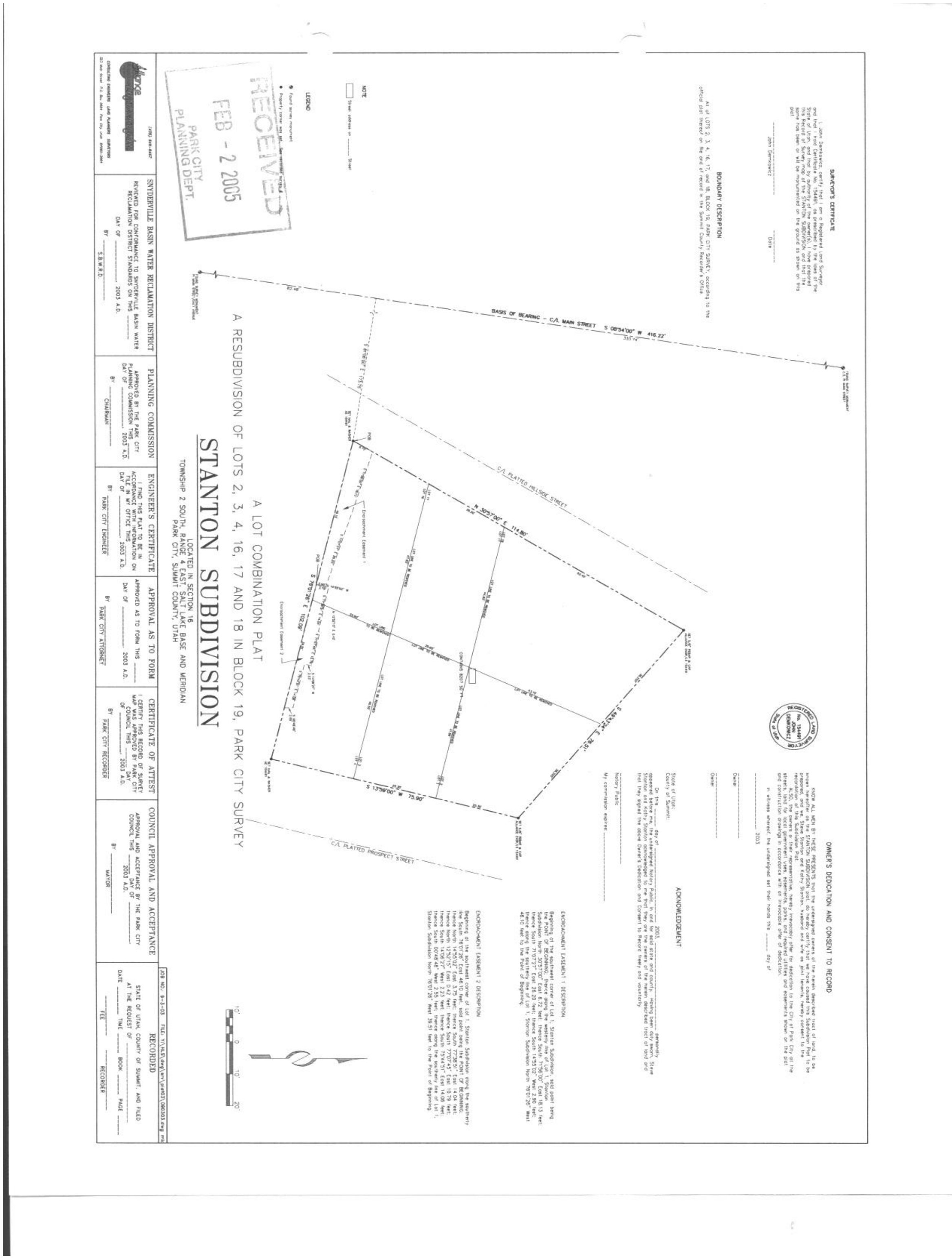


Exhibit A- 9 Hillside plat

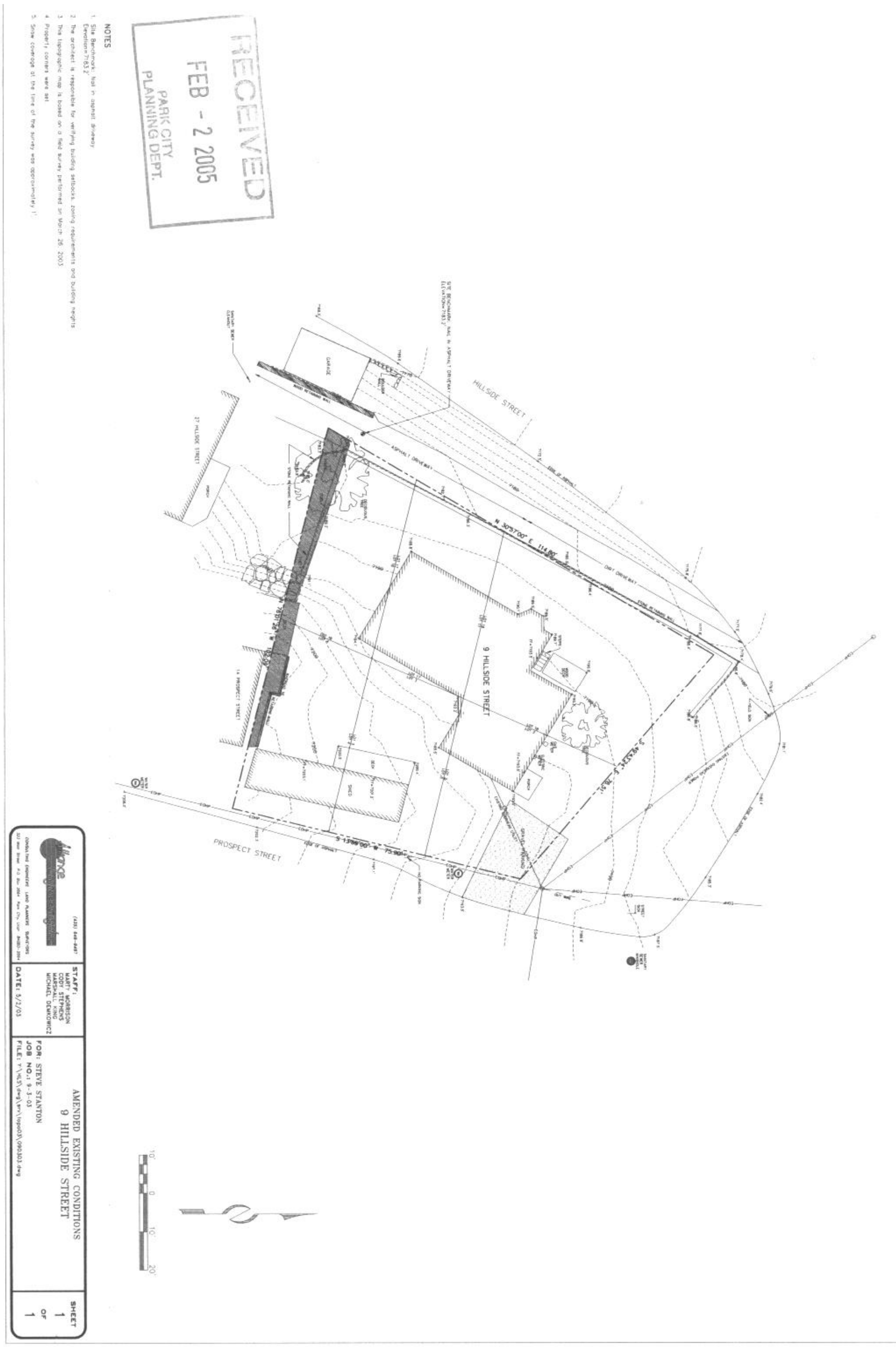


Exhibit B- 9 Hillside Existing Conditions

Planning Commission
Staff Report

Subject: **2180 / 2186 MONARCH DRIVE**
Date: **April 7, 2005**
Type of Item: **Condominium Conversion**

PLANNING DEPARTMENT

Summary Recommendation: Staff recommends that the City Council review the proposed condominium conversion, conduct a public hearing, take public input, and consider approving it according to the findings of fact, conclusions of law and conditions of approval attached to this staff report.

Description

Owner:	Steven Tourkin and Mike Gross
Location:	2180 / 2186 Monarch Drive
Proposal:	Condominium Conversion
Zoning:	Single Family (SF) zone
Adjacent Land Uses:	Residential
Planner:	Ray Milliner

Background

The applicants are the owners of two existing duplexes at 2180 and 2186 Monarch Drive. Each of the lots was platted as a duplex lot on the Prospector Village plat and constructed as such. The applicant is proposing to remove the lot line separating the two structures and create a four unit condominium project that would then enable the applicants to sell each unit separately. This application was reviewed by the Planning Commission on March 23, 2005 and a positive recommendation was forwarded to the City Council.

Analysis

This request is to create a four unit condominium from two existing duplexes. Staff has evaluated the overall project against the Land Management Code regulations for the SF District, and determined the proposed application complies as presented with requisite City codes, including setbacks, which are 10' in the front (for a garage) 15' in the rear and 5' on the sides; height, the buildings as built are approximately 33' above existing grade, the maximum height for a structure in the SF zone; and parking, two on site spaces are required for each unit, 8 are provided in a two car garage for each unit. No additional construction for the buildings is proposed at this time.

Notice

Notice of this hearing was sent to property owners within 300' on March 9, 2005. No formal comments have been filed at the time of this report.

Department Review

The Planning, Building and Planning Departments have reviewed this request. The City Engineer and City Attorney's Office will review the plat prior to recording. The request was discussed at a Staff Review Meeting on March 1, 2005, where representatives from City Staff were in attendance.

Recommendation
Staff recommends that the City Council review the proposed condominium conversion, conduct a public hearing, take public input, and consider approving it according to the findings of fact, conclusions of law and conditions of approval attached to this staff report.

EXHIBITS
A – Proposed Ordinance
B - Proposed Plat

Ordinance No. 05-

AN ORDINANCE APPROVING A PLAT AMENDMENT FOR THE PROPERTY AT 2180 AND 2182 MONARCH DRIVE, PROSPECTOR VILLAGE SUBDIVISION, PARK CITY, UTAH

WHEREAS, the owner of the property known as 2180 and 2182 Monarch Drive, 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 23, 2005 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 plat amendment allows the property owner to modify the existing building pad; 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:

Findings of Fact

1. The property is located in the Single Family (SF) zone at 2180 and 2186 Monarch Drive.
2. The property is located on Lots 75 and 76 of the Prospector Village Subdivision.
3. There is an existing duplex on both lot 75 and lot 76.
4. Each of the lots was platted as a duplex lot on the Prospector Village Subdivision.
5. The Land Management Code requires setbacks of ten feet in the front, 15 in the rear and five feet on the sides for a structure of this size.
6. The structure meets the setback requirements.
7. There is no maximum square footage requirement for buildings in the Prospector Village Subdivision.
8. The project complies with the LMC requirements for maximum, height, and lot setbacks.
9. There are 8 parking spaces provided on site. Two for each unit.
10. The condominium conversion creates a 4 unit condominium project.
11. No additions or other structural changes are proposed as part of this plat.
12. No remnant lots are created as part of this application.
13. The condominium plat will allow the applicant to sell each unit separately.

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

1. There is good cause for this condominium plat.
2. This approval as conditioned is consistent with the Park City Land Management Code and applicable state law governing condominium plats.
3. This approval as conditioned does not adversely affect the health, safety, or welfare of the citizens of Park City.
4. Neither the public nor any person will be materially injured by this plat amendment.

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

1. City Attorney and City Engineer review and approval of the condominium plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recording
2. This approval shall expire one year from the date of City Council approval, unless this condominium plat amendment is recorded at the Summit County Recorder's office prior to that date.
3. All standard conditions of approval shall apply.
4. No utility reconstruction is approved. The CC&RS shall address utility billing for any shared utility services.

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

PASSED AND ADOPTED this 7th day of April 2005.

PARK CITY MUNICIPAL CORPORATION

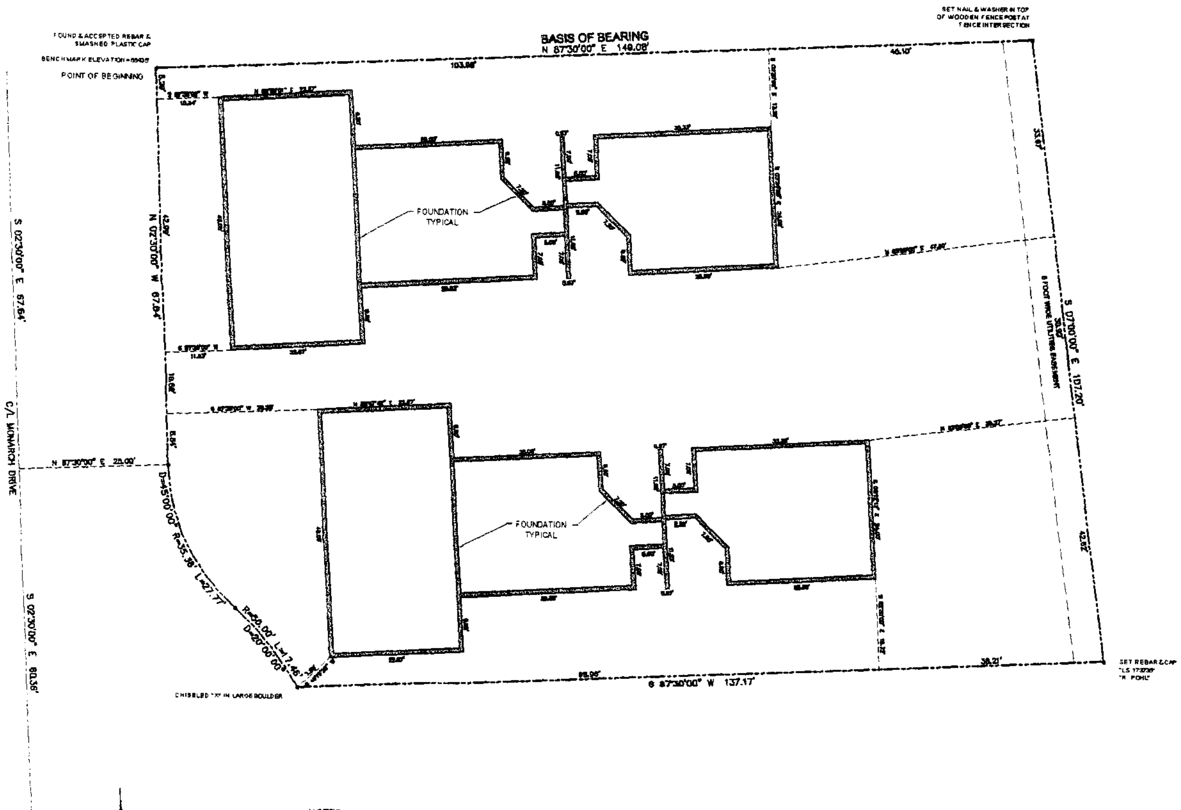
____
Dana Williams, Mayor

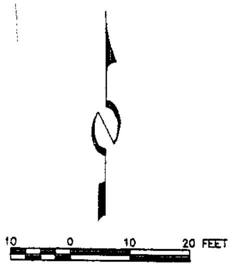
Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney





SURVEYOR'S CERTIFICATE

I, Christopher R. Braun, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 5152604 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owner, this Record of Survey Map of MONARCH CONDOMINIUMS OF PARK CITY, a Utah Condominium Project in accordance with the provisions of Section 57-8-13 of the Utan Condominium Ownership Act. I further certify the buildings and property are shown correctly

Christopher R. Braun L.S. 5152604 ______ Date

BOUNDARY DESCRIPTION

All of Lot 75 and 76 of the Prospector Village Subdivision lying within the Northeast quarter of Section 9, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Park City, Summit County, Utah, more particularly described as follows;

Beginning at the southwest corner of Lot 74 of said Prospector Village Subdivision, said point being the POINT OF BEGINNING; thence North 87° 30' 00" East, a distance of 149.08 feet; thence South 07° 00' 00" East, a distance of 107.20 feet; thence South 87° 30' 00" West, a distance of 137.17 feet to the point of curve of a non tangent curve to the left, of which the radius point lies South 62° 30' 32" West, a radial distance of 50.00 feet; thence northwesterly along the arc of said curve, through a central angle of 20° 00' 00", a distance of 17.45 feet to a point of reverse curve to the right having a radius of 35.36 feet and a central angle of 45° 00' 00"; thence northwesterly along the arc of said curve, a distance of 27.77 feet; thence North 02° 30' 00" West, a distance of 67.64 feet to the POINT OF BEGINNING. Containing 16,073.71 square feet or 0.369 acres, more or less.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: that the undersigned, Steven C. Tourkin and Mark A. Gross with respect to an undivided 50 % interest each as tenant in common, owners of the tract of land described herein as the MONARCH CONDOMINIUMS OF PARK CITY, a Utah Condominium Project located on said tract of land, has caused a survey to be made and this Record of Survey Map to be prepared, do hereby give their consent to the recordation of this Record of Survey Map and submit this property to the Utah Condominium Ownership Act. Further, the owners do hereby irrevocably offer for dedication to Park City Municipal Corporation, the Snyderville Basin Water Reclamation District, the Park City Fire Protection District, a non-exclusive easements over the utility easements, public trail easements, and snow storage easement shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement, and for trail access by the general public, in accordance with an irrevocable offer of dedication. The owners further certifies all buildings are built as shown.

In witness whereof, the undersigned have set their hand on this _____ day of ___________ 2005.

By ____________________
Steven C. Tourkin

By ____________________
Mark A. Gross

ACKNOWLEDGMENT

State of ___________)
) ss:
County ___________)

On this _____ day of ___________, 2005, personally appeared before me the undersigned Notary Public in and for the said State and County, Steven C. Tourkin, who after being duly sworn, acknowledged to me that he is an owner of the herein described tract of land, and that by him personally was signed and the day and year above set forth

____
Notary Public
My commission expires: ________

ACKNOWLEDGMENT

State of ___________)
) ss:
County ___________)

On this _____ day of ___________, 2005, personally appeared before me the undersigned Notary Public in and for the said State and County, Mark A. Gross, who after being duly sworn, acknowledged to me that he is an owner of the herein described tract of land, and that by him personally was signed and the day and year above set forth.

____
Notary Public
My commission expires: ________

NOTES

1. FLOOR PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWING PROVIDED BY NEIL H. SORENSEN, DESIGNER, AND FIELD VERIFIED.
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL FOUNDATION WALLS MEASURE 0.67 FEET AND ALL EXTERIOR WALLS MEASURE 0.50 FEET, UNLESS OTHERWISE INDICATED.
4. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
5. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP
6. BENCHMARK: SEE SHEET 1 OF 3 FOR LOCATION AND ELEVATION. ALL FLOOR ELEVATIONS ARE ABOVE SEA LEVEL.
7. UNLESS OTHERWISE INDICATED, ALL BUILDING TIES TO PROPERTY LINE ARE PERPENDICULAR.
7. ALL UNITS MAY ADD AN AIR CONDITIONING CONDENSOR TO THE COMMON OWNERSHIP AREA

LEGEND

S.F. REPRESENTS SQUARE FEET
FP REPRESENTS FIREPLACE.
● SET REBAR & CAP LS# 173736. (Unless otherwise noted)

COMMON OWNERSHIP
PRIVATE OWNERSHIP
EXPANDABLE PRIVATE OWNERSHIP
LIMITED COMMON OWNERSHIP

RECORD OF SURVEY MAP

MONARCH CONDOMINIUMS OF PARK CITY

A UTAH CONDOMINIUM PROJECT

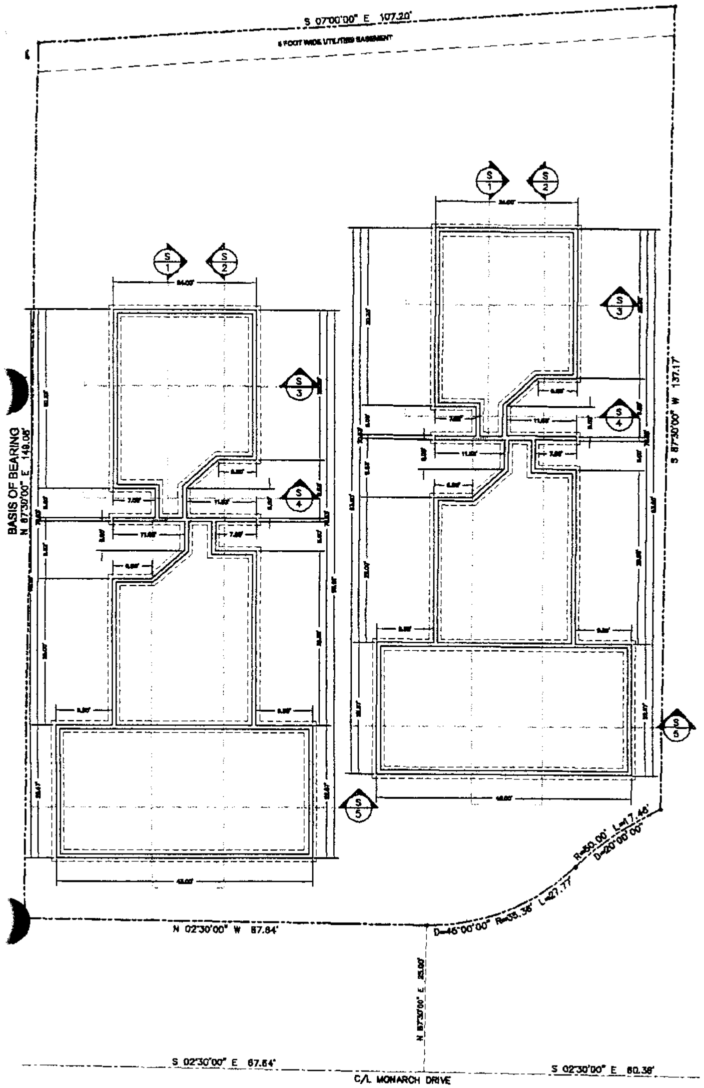
LOCATED IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

Recorded concurrently herewith is the Declaration of Homeowners of Monarch Condominiums of Park City

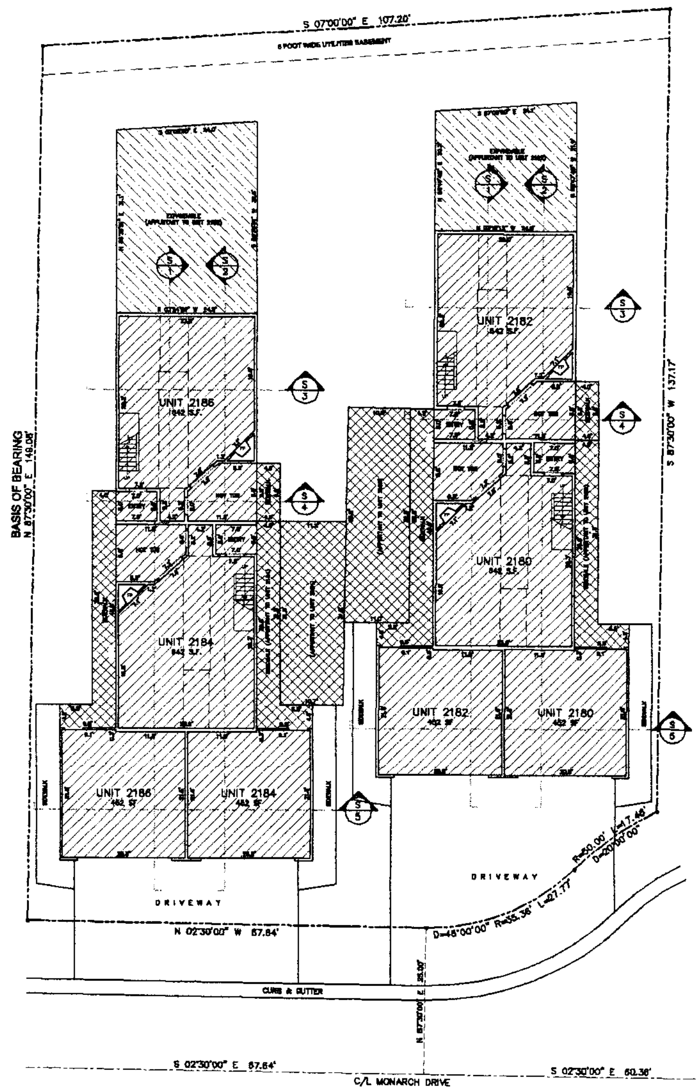
Job No: 2-12-04 File: Tourkin-P1

PAGE 1 OF 3

PARK CITY SURVEYING, INC.	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
2041 SIDEWINDER DRIVE, SUITE 1 P.O. BOX 3003 PARK CITY, UTAH 84060 (435) 649-2918	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF ________ 2005 A.D. BY: ________ S.B.W.R.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ________ 2005 A.D. BY: ________ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ________ 2005 A.D. BY: ________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF ________ 2005 A.D. BY: ________ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ________ 2005 A.D. BY: ________ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ________ 2005 A.D. BY: ________ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ________ DATE: ____ TIME: ____ BOOK: ____ PAGE: ____ ________ FEE ________ RECORDER



FOUNDATION PLAN



MAIN LEVEL PLAN

LEGEND

S.F. REPRESENTS SQUARE FEET.

FP REPRESENTS FIREPLACE

● SET REBAR & CAP LS# 173736.
(Unless otherwise noted)

SQUARE FOOTAGE TABLE

UNIT NUMBER	LEVEL 1	LEVEL 2	TOTAL	EXPANDABLE
UNIT 2180	1232	763	1995	
UNIT 2182	1232	763	1995	506
UNIT 2184	1232	763	1995	
UNIT 2186	1232	763	1995	763

COMMON OWNERSHIP

PRIVATE OWNERSHIP

EXPANDABLE PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

NOTES:

1. FLOOR PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWING PROVIDED BY NEIL H. SORENSEN, DESIGNER, AND FIELD VERIFIED

2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.

3. ALL FOUNDATION WALLS MEASURE 0.67 FEET AND ALL EXTERIOR WALLS MEASURE 0.50 FEET, UNLESS OTHERWISE INDICATED.

4. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS

5. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP

6. BENCHMARK. SEE SHEET 1 OF 3 FOR LOCATION AND ELEVATION. ALL FLOOR ELEVATIONS ARE ABOVE SEA LEVEL

7. UNLESS OTHERWISE INDICATED, ALL BUILDING TIES TO PROPERTY LINE ARE PERPENDICULAR.

7. ALL UNITS MAY ADD AN AIR CONDITIONING CONDENSOR TO THE COMMON OWNERSHIP AREA

10 0 10 20 FEET

RECORD OF SURVEY MAP

MONARCH CONDOMINIUMS OF PARK CITY

A UTAH CONDOMINIUM PROJECT

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

Recorded concurrently herewith is the Declaration of Homeowners of Monarch Condominiums of Park City.

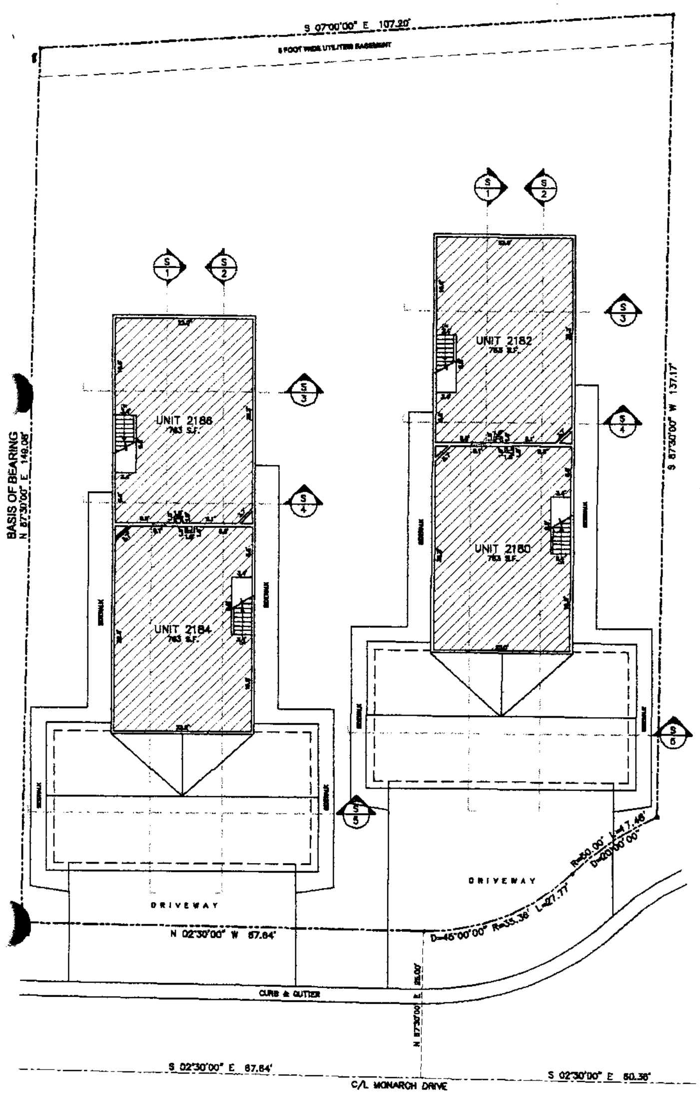
SHEET 2 OF 3

Job No: 2-12-04 File: Tourkin-p2

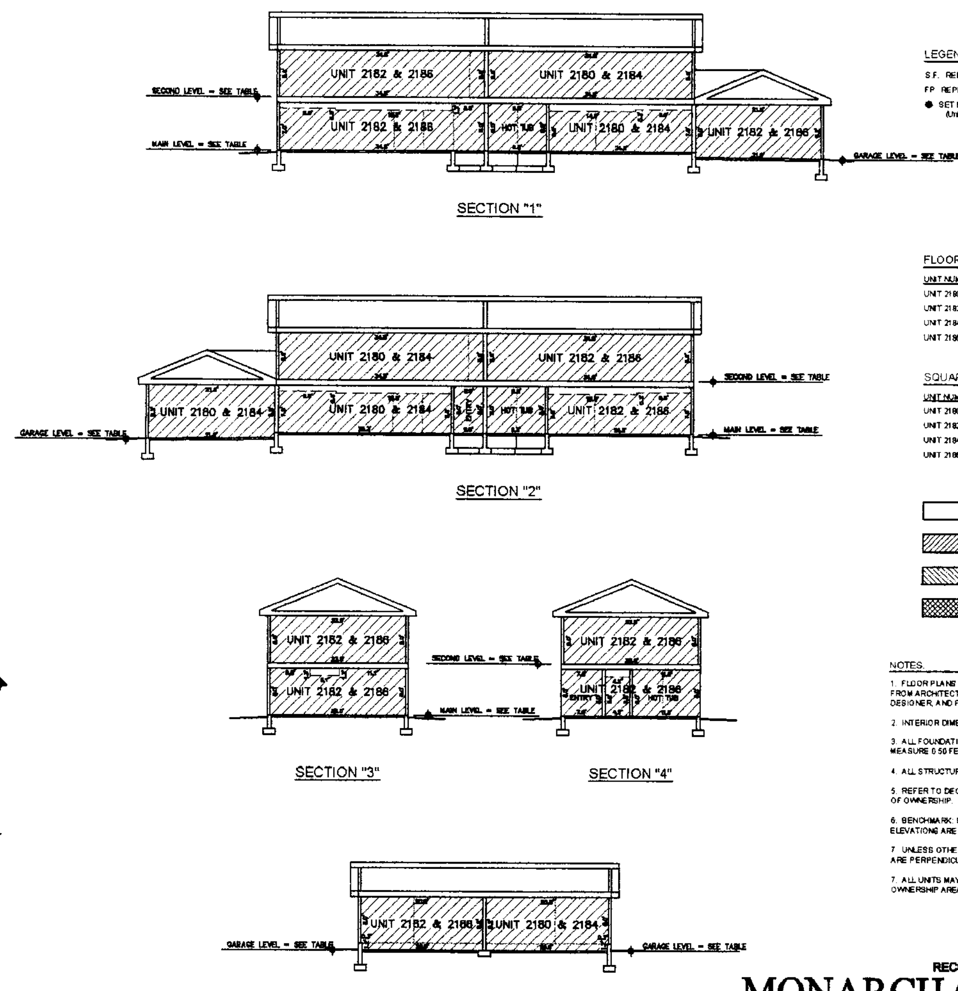
RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ______
DATE ______ TIME: ______ BOOK: ______ PAGE ______

______ FEE ______ RECORDER



SECOND LEVEL PLAN



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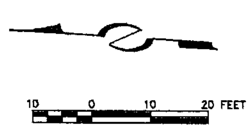
SECTION "5"



LEGEND

S.F. REPRESENTS SQUARE FEET

FP REPRESENTS FIREPLACE.

● SET REBAR & CAP LS#173736. (Unless otherwise noted)

FLOOR ELEVATION TABLE

UNIT NUMBER	MAIN LEVEL	SECOND LEVEL	GARAGE LEVEL
UNIT 2180	6542.6	6551.6	6541.6
UNIT 2182	6542.6	6551.6	6541.6
UNIT 2184	6542.5	6551.5	6541.5
UNIT 2186	6542.5	6551.5	6541.5

SQUARE FOOTAGE TABLE

UNIT NUMBER	LEVEL 1	LEVEL 2	TOTAL	EXPANDABLE
UNIT 2180	1232	763	1995	
UNIT 2182	1232	763	1995	506
UNIT 2184	1232	763	1995	
UNIT 2186	1232	763	1995	763

COMMON OWNERSHIP

PRIVATE OWNERSHIP

EXPANDABLE PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

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Recorded concurrently herewith is the Declaration of Homeowners of Monarch Condominiums of Park City.

SHEET 3 OF 3

Job No: 2-12-04 File: Tourkin-p3

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ______
DATE. ______ TIME: ______ BOOK: ______ PAGE. ______

FEE RECORDER

City Council
Staff Report

Budget, Debt and Grants

Author: Phyllis McDonough Robinson
Subject: Historical Society Lease Amendment
Date: April 7, 2005
Type of Item: Administrative

Summary Recommendations:
Review and approve the lease amendment for additional space within the Old City Hall Building located at 528 Main Street to the Park City Historical Society.

Description:

A. Topic:
Lease amendment for additional rental space Old City Hall Building to the Park City Historical Society.

B. Background:
The Park City Historical Society has a 99 year lease with the City for certain space located at 528 Main Street. The lease includes terms allowing the Historical Society to acquire additional space within the building at the time it becomes available for lease. The lease for the 2nd Floor space occupied by Strachan and Strachan Law Offices expires on March 31, 2005. Park City Historical Society wishes to exercise its right-of-first refusal for this additional space, which will add approximately 870 square feet to the Historical Society's current lease.

C. Analysis:
The Historical Society has been working on a long-term plan to increase their presence in the community and increase private funding support. The increase in rental space for museum expansion is a key component of this strategy. The current Special Service Contract between Park City Municipal Corporation and the Park City Historical Society outlines milestones that must be met in order for the Park City Historical Society to exercise its right-of-first refusal. The organization has exceeded its fund raising milestone.

Performance goals related to submittal of plans to the building department have been modified to reflect a more comprehensive planning process. Initial performance goals indicated a submission date of 2004. More recently, the Park City Historical Society has taken a step back from the development of building or renovation plans in order to more fully analyze its exhibit, programming, education and administrative space needs prior to developing building renovation and/or expansion plans. It is anticipated that this milestone will be met in summer 2005. This will be reflected in any future Special Service Contracts

The proposed lease amendment will further Council's goal of economic development and cultural tourism by preserving and expanding the museum's role on Main Street.

D. Department Review:
Legal, City Manager, Planning and Budget, Debt and Grants have reviewed this staff report.

Alternatives:

A. Approve the Request:

Approve the lease amendment and allow the Historical Society to expand into the 2nd floor space at 528 Main.

B. Modify the Request:

Modify the terms and approve the lease, allowing the Historical Society to lease the space at 528 Main Street.

C. Deny the Request:

Deny the lease, thereby requiring the Historical Society to relocate the museum.

D. Continue the Item:

The City Council may continue the item for more information and discussion.

Significant Impacts:

The proposed First Amendment to the Lease binds future Councils in leasing the additional space to the Historical Society. This would prevent future municipal use of the additional space until the lease expired or until the lease is otherwise lawfully terminated.

All discussions regarding the Special Service Contract and the City's contribution contemplated forgone rent. No capital improvement costs will be contributed by the City for the improvement of the additional space.

Consequences of not taking the recommended action:

The Historical Society would need to either abandon/delay their planned expansion or relocate the museum, which could mean that the museum would no longer be located on Main Street.

Recommendation: Approve the First Amendment to the Lease allowing the Park City Historical Society to occupy additional space within the Old City Hall Building located at 528 Main Street.

Exhibits:

Exhibit A – First Amendment to Lease Agreement

EXHIBIT A
FIRST ADDENDUM TO PARK CITY MUNICIPAL CORPORATION AND PARK CITY HISTORICAL SOCIETY LEASE AGREEMENT

THIS FIRST ADDENDUM is made and entered into in duplicate this ____ day of March, 2005, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation and political subdivision of the State of Utah ("Landlord"), and PARK CITY HISTORICAL SOCIETY, ("Tenant") to amend the Lease Agreement executed by both Parties on September 11, 2003.

WITNESSETH:

WHEREAS, the parties entered into a long term Lease Agreement on September 11, 2003 (hereinafter "Original Agreement") for certain property located within the Old City Hall Building, 528 Main Street, Park City, Utah; and

WHEREAS, the parties desire to amend the Original Agreement to include additional leased space on the second floor of the same building,

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

1. **<u>PROPERTY</u>**. The additional space leased is on the second floor of the Old City Hall, having a street address of 528 Main Street, Park City, Utah (hereinafter "Additional Space"). The Additional Space contains approximately 480 square feet of office area and 390 square feet of common area for a total of approximately eight hundred and seventy (870) gross square feet with access through the first floor and stairs.

2. **<u>TERM</u>**. The Lease term, for the Additional Space shall commence upon execution and shall run concurrently with the Term of the Original Agreement unless sooner terminated under the provisions of the Original Agreement or by joint agreement of the parties.

3. **<u>RENT</u>.** The base rent for the Additional Space shall be Fourteen Thousand Two Hundred Eighty-Seven Dollars and Ninety-One Cents ($14,287.91) per year. Rent payments shall be waived until July 1, 2005. Payment of the rental fees after July 1, 2005 may be waived subject to the annual approval of a Special Service Contract by the City Council of Park City. The annual rent for the space shall increase 3% on July 1st of each year with the increase beginning on July 1, 2006. Rent payments shall be due by the first of the month.

4. **<u>TENANT IMPROVEMENTS.</u>** The Tenant agrees to install, at its own expense, all specialized equipment and displays needed for the operation of its museum and future exhibitions, offices and other facilities it may require. This includes any additional partitioning, specialized or additional electrical and mechanical equipment, air conditioning, internal heating, and any other tenant improvements that are necessary for the Tenant's intended use of the space. Any tenant improvement items that can be removed at the end of the lease without causing substantial damage to the remaining walls, ceilings, or other finishes may be removed by the Tenant at the termination or expiration of the lease. All work done by the Tenant must comply with the applicable building codes including but not limited to the Park City Land Management Code, International Building Code, applicable ADA requirements, Historic District Guidelines, use of a competitive and open selection process, although price need not be the sole determining factor; use of standard public contract protections including: payment and performance bonds, insurance, payment retention, liquidated damage and construction mitigation plans.

5. **OTHER TERMS**. All other terms and conditions of the Original Agreement shall continue to apply generally and specifically to the Additional Space.

6. **ENTIRE AGREEMENT**. This First Addendum is a written instrument pursuant to Paragraph 25 of the Original Agreement cannot be altered or amended except by written instrument, signed by both parties.

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

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, Mayor

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
City Attorney's Office

PARK CITY HISTORICAL SOCIETY, INC.

____
Linda McReynolds, Board President

ACKNOWLEDGMENT

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

On this ___ day of __________, 2005, personally appeared before me Linda McReynolds, who being duly sworn, did say that she is the Board President for the Park City Historical Society, Inc., and acknowledged to me that the preceding First Addendum was signed on behalf of said Park City Historical Society, Inc, and she acknowledged that the Park City Historical Society did execute the same for its stated purpose.

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Notary Public

City Council
Staff Report

Author: Colin Hilton
Subject: Quinn's Recreation Complex
Hogan Construction Contract Addendum
Early Mobilization prior to GMP establishment
Date: 3-24-05
Type of Item: Award of Contract

Summary Recommendation - Staff recommends approval of an Addendum to the existing Hogan & Associates Construction Agreement in a form to be approved by the Legal Department in the amount of $ 1,304,703.

Description:

A. **Topic: Quinn's Rec. Complex – Hogan Construction Contract Addendum**

B. **Background:**

At a November 18, 2004 meeting, City Council approved:

1. A modification to the City's Contracting and Purchasing Policy to allow the "CMGC – (Construction Manager / General Contractor)" form of construction contract
2. A CMGC Construction Agreement with Hogan & Associates for work associated with the Quinn's Recreation Complex

The CMGC Construction Agreement with Hogan & Associates allowed the City to involve the Construction Manager/General Contractor (Hogan) in the design stage of the project that directly led to modifications to the design based on "constructability reviews, construction market knowledge, and value engineering efforts to get the most out the funds targeted for the project. This has worked very well, especially given our tight budget and escalating construction costs.

<u>The process Staff followed to choose Hogan & Associates is summarized below:</u>

A selection committee comprised of eight people (Charlie Wintzer, Rex Dabling, Grant Thomas, Ron Ivie/Roger Evans, Matt Twombly, Bonnie Park, and Colin Hilton) met to review proposals and interview short-listed forms for the designation of the Construction Manager / General Contractor for the Quinn's Recreation project. Our rigorous process selected Hogan & Associates Construction, Inc. as the most qualified firm to oversee the construction of this project.

The following summarizes the process to choose the Quinn's Recreation Complex CMGC:

1. A 14-page RFQ-RFP was made available starting September 15, 2004 and was advertised in two successive printings of both the Salt Lake Tribune and the Park Record. The RFQ-RFP Advertisement Dates were between September 11 – September 15, 2004.

2. Downloadable copies were available at the City's website starting on September 15th. Additionally, instructions for faxed copies, emailed copies, or hard copies for pick-up were outlined in the notice.

3. A non-mandatory pre-submittal meeting was held on Thursday, September 23, 2004, 9:00 am, at City Hall, Council Chambers, 445 Marsac Avenue, Park City, UT 84060. This allowed prospective firms to better understand the proposed project and requested services.

4. Nine (9) Proposals were submitted by our due date of Tuesday, October 5, 2004, 3:00 pm. They included the following firms: Big-D Construction, Heil Construction, Sahara Construction, Hogan & Associates Construction, Inc., Okland Construction, Layton Construction, Inter-West Construction, Cal Wadsworth Construction, and Jacobsen Construction.

5. Copies of the proposals, evaluation sheets, and instructions were circulated to the Selection Committee for review prior to our first meeting. The first selection committee meeting took place on Friday, October 8, 2004, 9:00 am at City Hall.

The selection committee discussed the proposals and provided their top three picks based on their individual interpretation of the selection criteria outlined in the RFQ-RFP and instructions provided in how to complete the evaluation sheet.

The selection committee short-listed the top four (4) ranked firms; Sahara, Hogan, Layton, and Jacobsen based on the committee's collective votes tallies.

6. Notice was sent to all firms on Friday afternoon, October 8th. The faxed letter stated whether a firm was short-listed and moved into the second phase of selection or whether the firm had been eliminated from the selection process.
7. By Wednesday, October 20, 2004 - 2:00pm, all short listed firms (Sahara, Hogan, Layton, and Jacobsen) had submitted a requested Preconstruction Services and Construction Services Fee Proposal Work Plan to City Hall. Copies were distributed to selection committee members the following day.
8. Short-listed firms came into City Hall for oral interviews on Friday, October 22, 2004. Interviews were held as follows: 8:00am-Layton, 9:00am Sahara, 10:00am Hogan, 11:00am Jacobsen.
9. Discussion and evaluation following the interviews produced two clear "leading candidates" for the desired selection. They were Hogan & Layton. Each had excellent presentations and qualifications to do the job well. The selection committee reviewed pricing and fee proposal data as an additional selection criteria category.
10. Further discussion amongst the selection committee honed in on dissecting the last selection criteria outlined in the RFQ-RFP, that being the Preconstruction &

Construction Services Work Plan. The distinguishing factors within that criteria of the Preconstruction & Construction Services Work Plan included:

a. Pricing & Proposed fees
b. Proposed Staff Quality
c. Proposed Staff Experience

After careful review and discussion, the selection committee overwhelmingly chose Hogan Construction as the choice to be the City's CMGC for the Quinn's Recreation Complex project. Also note that Hogan submitted the lowest proposed fee.

A copy of the original Agreement is available upon request.

<u>Services Outlined in the original Agreement:</u>

Preconstruction services, in the amount of $22,080 covered costs associated with:

1. Reviewing the schematic design documents for constructability, construction logic, clarity, scope and logistics. Attendance at weekly design meetings and input on schedule, budget, and constructability.
2. Creating and updating a "project schedule."
3. Providing cost estimates on a "as needed basis," along with a required full estimate after the Design Development set of drawings.
4. Preparation of bid package announcements and the process to pre-qualify subcontractors and administer the bid process.

C. Analysis

The City Council's approval of the Hogan & Associates CMGC Contract in November of 2004 only committed funds associated with the "Pre-construction services" as outlined above.

The Contract Agreement outlined a process to provide a Guaranteed Maximum Price (or GMP) at a time later in the design process. As we have now completed the project design and are receiving subcontractor bids for work, an overall GMP is currently being developed.

Through a future contract "Amendment #1," approved by the City Council, PCMC and Hogan Construction will negotiate and come to agreement on fees associated with work designed by the Architect of Record (Sports Design Alliance).

The ideal scenario is that Staff brings forth to City Council, one overall Amendment to the Agreement that has the entire GMP outlined. In this approach, all questions about pricing are addressed in one City Council review. An alternative to this, as Staff is requesting, is to approve an initial Addendum for work related to getting the General Contractor mobilized and started with early construction efforts. For the Quinn's Recreation Complex project, Staff is targeting a rink opening as early in the Winter'05-'06 as possible to take advantage of the typical spike in ice rink interest during an

Olympic year. This translates to higher revenue collections and better probabilities of getting the community interested in using the ice facility.

The following is a summary of the current proposed Activity / Construction schedule:

April 7th - Council review of proposed Addendum (Mobilization, Earthwork, and Building concrete)
April 14th – CMGC receipt of subcontractor bids necessary to complete a GMP
April 15th – Target date – Notice to Proceed (NTP) for Addendum work
April 18th - Target construction start date
April 28th - Council review of proposed Amendment #1 (GMP with available funds)
Fall 2005 - Possible Council review of Amendment #2 ("Finishes" and phased construction work that was not previously funded)
Feb 1, 2006 – Target completion date
Feb 10, 2006 - Rink Grand Opening – (tied to opening of the 2006 Winter Olympics, Turin, Italy)
July 15, 2006 - Target completion and opening of outdoor fields (Triple Crown)

Hogan construction, acting as the selected CMGC for the City, posted advertisements for subcontractor bids in the March 9th and 12th Park Record editions, the March 10th Deseret News/Salt Lake Tribune, and March 14th Intermountain Contractor media outlets. Pre-Qualification criteria were required for certain trades. Per our Agreement with Hogan & Associates Construction, they followed our City Policies and requirements for soliciting subcontractor bids.

The "critical path" cost items of Contractor General Conditions/Mobilization, Rink Earthwork, and Rink Building Concrete were assembled and reviewed by the City Staff and GTCI consultant Grant Thomas the week of March 28th. The following details the pricing outlined for the proposed Addendum:

General Conditions (pro-rata portion)	$ 41,640
Rink Earthwork Bid	$ 80,147
Rink Concrete Bid	$ 1,113,093
CM Fee	$ 11,932
Total Bond (perf. & payment)	$ 42,975
Contingency (pro-rata portion)	$ 14,916
Total =	$ 1,304,703

The total amount for the Addendum, as outlined above, is for work related only to the rink facility. When Staff returns on April 28th, costs associated with the Fields and other buildings in the complex will be covered in those numbers. Total estimated construction costs (funded) for the entire project is $6.9 million dollars.

D. Department Input & Review: This report has input and comments from the following departments: Economic Development & Capital Projects, Legal Department, Budget Manager, City Engineer, and City Manager's Office.

E. Alternatives:

A. **Approve the Proposed Addendum to the Hogan Construction Contract: (Staff recommendation)**
B. **Modify the Requested Actions:**
C. **Deny the Request:**
D. **Continue the Item:**
E. **Do Nothing:**

F. Significant Impacts / Consequences of not taking the recommended actions:
A delayed action would negatively impact the project schedule.

Staff Recommendation: Staff recommends approval of an Addendum to the existing Hogan & Associates Construction Agreement in a form to be approved by the Legal Department in the amount of $ 1,304,703.

Attached Exhibit: Hogan & Associates Contract Addendum

ADDENDUM – AUTHORIZATION FOR EARLY MOBILIZATION TO STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONSTRUCTION MANAGER

Pursuant to Terms of the Agreement between Owner (Park City Municipal Corporation) and Construction Manager (Hogan & Associates Construction) dated December 22, 2004, for construction of the Quinn's Recreation Complex, the Owner and the Construction Manager establish a not to exceed price for the Work as set forth below:

ARTICLE I
SCOPE OF WORK - NOT TO EXCEED PRICE

The Construction Manager will perform the following Work with a Not-to-Exceed fee of One Million Three hundred and four thousand seven hundred and three Dollars ($1,304,703).

General Conditions (pro-rata portion)	$ 41,640
Rink Earthwork Bid	$ 80,147
Rink Concrete Bid	$ 1,113,093
CM Fee	$ 11,932
Total Bond (perf. & payment)	$ 42,975
Contingency (pro-rata portion)	$ 14,916
Total =	$ 1,304,703

This Price is for the performance of the Work in accordance with the "Addendum Proposal" dated April 4, 2005, from Hogan & Associates Construction and incorporated herein by this reference as "Addendum – April 4, 2005").

ARTICLE II
CONTRACT TIME

The Construction Manager acknowledges that the Substantial Completion Date is January 30, 2006 and the Final Completion Date is February 24, 2006.

OWNER:	**CONSTRUCTION MANAGER**
By:______________________	By: ______________________
Date:______________________	Date:______________________
Attest: ______________________	Attest: ______________________

City Council
Staff Report

Author: Colin Hilton
Subject: Downtown Improvements, Parking Structure
Jacobsen Construction, Inc. Contract Addendum
Early Mobilization prior to GMP establishment
Date: 3-24-05
Type of Item: Award of Contract

Summary Recommendation - Staff recommends approval of an Addendum to the existing Jacobsen Construction, Inc. Agreement, in a form to be approved by the Legal Department, for work related to the Downtown Parking Structure in the amount of $127,024.

Description:

A. Topic: Downtown Improvements, Jacobsen Contract Addendum

B. Background:

At a December 2, 2004 meeting, City Council approved:

1. A CMGC Construction Agreement with Jacobsen Construction, Inc. for work related to our City Downtown Improvements.

The CMGC Construction Agreement with Jacobsen allowed the City to involve the Construction Manager/General Contractor (Jacobsen) in the design stage of the project that directly led to modifications to the design based on "constructability reviews, construction market knowledge, and value engineering efforts to get the most out the funds targeted for the project. This has worked very well, especially given our tight budget, complex work area in Swede Alley and escalating construction costs.

<u>The process Staff followed to choose Jacobsen Construction is summarized below:</u>

A selection committee comprised of eight people (Charlie Wintzer, Rex Dabling, Grant Thomas, Ron Ivie/Roger Evans, Jonathan Weidenhamer, and Colin Hilton) met to review proposals and interview short-listed forms for the designation of the Construction Manager / General Contractor for the Downtown Projects. Our rigorous process selected Jacobsen Construction, Inc. as the most qualified firm to oversee the construction of this project.

The following summarizes the process to choose the Downtown Projects CMGC:

1. A 14-page RFQ-RFP was made available starting September 15, 2004 and was advertised in two successive printings of both the Salt Lake Tribune and the Park Record. The RFQ-RFP Advertisement Dates were between September 11 – September 15, 2004.

2. Downloadable copies were available at the City's website starting on September 15th. Additionally, instructions for faxed copies, emailed copies, or hard copies for pick-up were outlined in the notice.

3. A non-mandatory pre-submittal meeting was held on Thursday, September 23, 2004, 10:00 am, at City Hall, Council Chambers, 445 Marsac Avenue, Park City, UT 84060. This allowed prospective firms to better understand the proposed project and requested services.

4. Nine (9) Proposals were submitted by our due date of Tuesday, October 5, 2004, 3:00 pm. They included the following firms: Layton, Sahara, Okland, Wadman, Big-D, Cal Wadsworth, Gramoll, Hogan, and Jacobsen.

5. Copies of the proposals, evaluation sheets, and instructions were circulated to the Selection Committee for review prior to our first meeting. The first selection committee meeting took place on Friday, October 8, 2004, 9:00 am at City Hall.

The selection committee discussed the proposals and provided their top three picks based on their individual interpretation of the selection criteria outlined in the RFQ-RFP and instructions provided in how to complete the evaluation sheet.

The selection committee short-listed the top four (4) ranked firms; Okland, Big-D, Hogan, and Jacobsen based on the committee's collective votes tallies.

6. Notice was sent to all firms on Friday afternoon, October 8th. The faxed letter stated whether a firm was short-listed and moved into the second phase of selection or whether the firm had been eliminated from the selection process.
7. By Wednesday, October 20, 2004 - 2:00pm, three of the four short listed firms (Okland, Hogan, and Jacobsen) had submitted a requested Preconstruction Services and Construction Services Fee Proposal Work Plan to City Hall. Big-D notified the City that they were pulling out of the selection process due to too much workload. Copies of the three remaining firms work plans were distributed to selection committee members the following day.
8. Short-listed firms came into City Hall for oral interviews on Friday, October 22, 2004. Interviews were held as follows: 1:00pm-Hogan, 2:00pm Jacobsen, 3:00pm Okland.
9. Discussion and evaluation following the interviews produced two clear "leading candidates" for the desired selection. They were Jacobsen and Okland. Each had excellent presentations and qualifications to do the job well. The selection committee reviewed pricing and fee proposal data as an additional selection criteria category.
10. Further discussion amongst the selection committee honed in on dissecting the last selection criteria outlined in the RFQ-RFP, that being the Preconstruction & Construction Services Work Plan. The distinguishing factors within that criteria of the Preconstruction & Construction Services Work Plan included:
    a. Pricing & Proposed fees
    b. Proposed Staff Quality
    c. Proposed Staff Experience

After careful review and discussion, the selection committee overwhelmingly chose Jacobsen Construction as the choice to be the City's CMGC for the Downtown Projects. Also note that Jacobsen submitted the lowest proposed fee.

A copy of the original Agreement is available upon request.

Services Outlined in the original Agreement:

Preconstruction services, in the amount of $9,500 covered costs associated with:

1. Cost Estimating and cost model development
2. Schedule development
3. Value comparisons
4. Life cycle cost analysis
5. Constructability analysis
6. Value engineering
7. Drawing specification review
8. Procurement planning
9. Bid process management

C. Analysis

The City Council's approval of the Jacobsen CMGC Contract in December of 2004 only committed funds associated with the "Pre-construction services" as outlined above.

The Contract Agreement outlined a process to provide a Guaranteed Maximum Price (or GMP) at a time later in the design process. As we have now completed the project design and are receiving subcontractor bids for work, an overall GMP is currently being developed.

Through a future contract "Amendment #1," approved by the City Council, PCMC and Jacobsen Construction will negotiate and come to agreement on fees associated with work designed by the Architect of Record (FFKR Architects).

The ideal scenario is that Staff brings forth to City Council, one overall Amendment to the Agreement that has the entire GMP outlined. In this approach, all questions about pricing are addressed in one City Council review. An alternative to this, as Staff is requesting, is to approve an initial Addendum for work related to getting the General Contractor mobilized and started with early construction efforts. For the Downtown Parking Structure project, Staff is targeting a parking structure opening by December 15th, 2005 in order to clear the way for the holiday tourist season.

The following is a summary of the current proposed Activity / Construction schedule:

April 7th - Council review of proposed Contract Addendum (Mobilization and Earthwork)
April 12th – CMGC receipt of subcontractor bids necessary to complete a GMP

April 15th – Target date – Notice to Proceed (NTP) for Addendum work
April 18th - Target construction start date
April 21st - Council review of proposed Amendment #1 (GMP)
Dec 15 – Target completion date

Jacobsen Construction, acting as the selected CMGC for the City, posted advertisements for subcontractor bids in the March 16th and 19th Park Record editions, the Deseret News/Salt Lake Tribune, and Intermountain Contractor media outlets. Pre-Qualification criteria were required for certain trades. Per our Agreement with Jacobsen Construction, they followed our City Policies and requirements for soliciting subcontractor bids.

The "critical path" cost items of Contractor General Conditions/Mobilization and early earthwork were assembled and reviewed by the City Staff and GTCI consultant Grant Thomas. The following details the pricing outlined for the proposed Addendum:

General Conditions (1-month)	$ 15,444
Temporary Fencing, Site demo, barricades, traffic control, Erosion control, clear & grub, waterline relocation	$ 108,000
CM Fee	$ 3,580
Total =	$ 127,024

The total amount for the proposed Addendum, as outlined above, is for work related early mobilization, temporary fencing, barricades, site demolition, traffic control, erosion control, clearing and grubbing, and a waterline relocation. Staff will return on April 21st to review the overall proposed GMP. Total estimated construction costs for the parking structure is $5.75 million plus costs relating to utility relocations (number still pending).

D. Department Input & Review: This report has input and comments from the following departments: Economic Development & Capital Projects, Legal Department, Budget Manager, City Engineer, and City Manager's Office.

E. Alternatives:

A. **Approve the proposed Addendum to the Jacobsen Construction Contract: (Staff recommendation)**
B. **Modify the Requested Actions:**
C. **Deny the Request:**
D. **Continue the Item:**
E. **Do Nothing:**

F. Significant Impacts / Consequences of not taking the recommended actions:
A delayed action would negatively impact the project schedule.

Staff Recommendation: Staff recommends approval of an Addendum to the existing Jacobsen Construction, Inc. Agreement, in a form to be approved by the Legal Department, for work related to the Downtown Parking Structure in the amount of $127,024.

Attached Exhibit: Jacobsen Construction, Inc. Contract Addendum

ADDENDUM – AUTHORIZATION FOR EARLY MOBILIZATION
TO STANDARD FORM OF AGREEMENT
BETWEEN OWNER AND CONSTRUCTION MANAGER

Pursuant to Terms of the Agreement between Owner (Park City Municipal Corporation) and Construction Manager (Jacobsen Construction, Inc.), dated April 4, 2005, for construction of the new Downtown Parking Structure and related Utility Work, the Owner and the Construction Manager establish a not to exceed price for the Work as set forth below:

ARTICLE I
SCOPE OF WORK - NOT TO EXCEED PRICE

The Construction Manager will perform the following Work with a Not-to-Exceed fee of one hundred twenty seven thousand and twenty four dollars ($127,024)

General Conditions (1-month)	$	15,444
Temporary Fencing, Site demo, barricades, traffic control, Erosion control, clear & grub, waterline relocation	$	108,000
CM Fee	$	3,580
Total =	$	127,024

This Price is for the performance of the Work in accordance with the "Addendum Proposal" dated April 4, 2005, from Jacobsen Construction, Inc. and incorporated herein by this reference as "Addendum – April 4, 2005").

ARTICLE II
CONTRACT TIME

The Construction Manager acknowledges that the Substantial Completion Date is December 15, 2005 and the Final Completion Date is January 15, 2006.

OWNER:

By:_______________________________

Date:_____________________________

Attest: ___________________________

CONSTRUCTION MANAGER

By: _______________________________________

Date:______________________________________

Attest: ____________________________________