PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
FEBRUARY 16, 2006

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; and Gary Hill, Budget Manager; Lloyd Evans, Chief of Police; Colin Hilton, Economic Development Director; and Jonathan Weidenhamer, Planner

Russ Bachmeier and Eric Thompson, FFKR Architects

1. **Council questions and comments.** Candace Erickson reported on her trip to Lake Tahoe and the Friends of the Farm meeting. There have been requests to use the farm property for events and expanded use is an issue of discussion. She suggested that Council discuss the Farm and provide direction to the group. Jim Hier announced that he and staff met with a group interested in introducing a new film festival here in October. This event is much smaller than Sundance and he is very supportive of the concept. Marianne Cone commented on the flyer intended for Main Street merchants regarding unsightly trash dumped outside the dumpsters in Swede Alley and asked if there is a back-up plan. The City Manager stated that Jerry Gibbs is preparing a work session discussion on this problem and other aspects of trash. Ms. Cone felt something needs to be done sooner; the area is disgusting. The Mayor reported on a meeting with the ULCT and Wasatch County during the week. He pointed out that Park City is home to more Winter Olympians than any other community in the U.S. and read a letter of congratulations to gold medal winner Ted Ligety for the combined from our sister-city Courchevel. He proudly read a letter addressed to Chief Building Official Ron Ivie from the EPA informing Park City that it has archived the Silver Creek Tailings Site from its Superfund data base.

2. **Legislative update.** Gary Hill explained that SB170 has been significantly modified and now provides for noticing provisions and reporting on impact fees. The referendum bill will probably not move forward but may be studied this summer. SB268, property rights ombudsman, provides for an advisory opinion for a city, applicant, or third party with standing on an administrative decision on certain types of land use matters. He described the make-up of the board and the selection process. The impact of the advisory opinion is very limited and applies to collecting attorneys' fees, and the opinion is not admissible as evidence in an appeal or a dispute. In response to a question from Jim Hier, Gary Hill explained that there is a $150 filing fee but the program comes at a cost of about $300,000. Jim Hier pointed out that expanded noticing is a additional cost to cities and the City Attorney clarified if the zoning request is initiated by application, the applicants pay the noticing costs. Mr. Hill continued to report that the utility improvement district bill has been amended to clarify inconsistencies with other statutes and provides a fairer way to assess properties. The

same standard of petition requiring 2/3rds of the property owners' consent is maintained. Removing sales tax on food is not gaining momentum. HB147, the redistribution of sales tax on a county basis, will die this session and the transportation funding amendment looks unlikely to succeed this year. HB38, water reuse requirements, is a big deal because it allows us to have a regional water system. Candace Erickson noted that some water leases specify no reuse, and Mr. Hill stated he will explore this will the Legal Department. The ground water management plan has passed in the House and is now in the Senate. SB74 will create a task force to study competition of private and public recreation facilities. This is the third time this has been studied and funded at $200,000 to $300,000. In response to a question from Marianne Cone, he discussed school district and trails legislation. Mayor Williams acknowledged that SB268 is less offensive to cities than SB170, but it adds a higher level of bureaucracy to the planning process. Candace Erickson pointed out that this may prompt mediation between the city and the applicant, as opposed to litigating. Gary Hill explained that the City has not taken a position on SB268 because the language was not finalized. The majority of Council members agreed that the City should oppose the bill.

3. Police facility update. Colin Hilton explained that Council provided direction to proceed with designing a facility at the Snow Creek parcel. The initial schematic design was modified because of budget constraints, but sustainability options are incorporated. Although they add costs, it is an important goal of the City. There were challenges fitting the facility on the site and the projection for the original design was in excess of $7 million while there is $3.6 million budgeted. The project has been significantly scaled back and estimates refined, resulting in an estimate of $4.95 million ($4.2 million for construction and $750,000 for soft costs).

Chief Lloyd Evans referred to the space needs study conducted in 2004 with the goal of identifying needs 20 years out. The police department now operates in 12,500 square feet and to meet expansion in the future, 22,000 square feet is recommended. There was discussion of maintaining the police presence in the downtown area, but there are growth restraints at that location and the 2.7 acre Snow Creek site was selected. However, this site is also a challenge because of the 100 foot frontage protection zone setback and utility easements. Chief Evans stated that the schematic design focuses on functionality, centralization and expandability. Representatives from FFKR displayed renderings and discussed considerations in bringing project costs down from $7 million to $5 million. Architect Russ Bachmeier explained that in consideration of the 100 foot setback requirement, post office and utility easements, and the wetlands, it was decided to not modify the access road constructed for the post office. He pointed out circulation and parking, emphasizing that police needs two accesses to function. Not creating another access from SR224 and minimizing access from Snow Creek were two important planning principles.

Architect Eric Thompson stated that in an attempt to decrease costs, underground parking was eliminated, representing about $500,000. The front meeting room was decreased by about half of the square footage, reducing parking requirements. Costs can be further reduced by not selecting more expensive finishes, i.e., stone, heavy timbers, etc. He suggested using higher quality finishes on the front of the building and other applications on the less prominent sides. Marianne Cone expressed concerns about compromising the look of a very visible public building, acknowledging that cost is a consideration. Mr. Hilton referred to the McClaren space needs study in response to a question from Roger Harlan about meeting industry standards. Chief Evans added that the study forecasts the growth of the Department over 20 years. He pointed out that about 4,800 square feet is needed for storage and equipment. Colin Hilton stated that the Planning Commission has provided feed-back on the site plan and materials and will staff be returning with updated information.

He explained that this is before Council today because the schematic design is complete with cost projections. In order to move onto the next level of design, he felt it important to discuss sustainability options. The $3.6 estimate two years ago contemplated a downtown facility with parking costs covered in the parking structure budget. Hiding parking at the Snow Creek site came at a cost of $500,000 while surface parking is estimated at $100,000. The Snow Creek design is larger than the downtown model by about 5,000 square feet, representing $750,000 in construction costs. Aesthetic elements like the stone, glazing, and timbers add another $350,000 to $400,000, but the most staggering increase comes from the construction industry at 10% to 15% annual increases, representing $635,000. He stated that staff felt it important to share this information with Council at this time to determine sustainability features. He referred to his staff report, specifically the LEED's rating system and pointed out the options included in the base budget. Achieving the base LEED certification level of 26 points, is estimated at $200,000 and there are other tiers, ranging from Silver, Gold and Platinum ($400,000 and $500,000 for Silver and Gold).

Mayor Williams believed it important to incorporate green building components as a matter of public trust, which can be accomplished without subscribing to the LEED system. Mr. Hilton explained that the project team recommends investing on features that reduce the operating cost of the police facility and show a return in the future, i.e., smart lighting, windows, etc. He asked if Council prefers to set a fixed amount toward green application or participate in the LEED system which includes administrative costs for tracking and inspection. Staff believes the solution is using the LEED rating system internally but not formally enrolling in the program. There aren't many communities committed to the LEED approach and Mr. Bachmeier discussed his office building project in Salt Lake City, which could probably qualify for a silver rating. However, there are associated costs with the LEED certification process and the benefit needs to be evaluated against added expenditures. The Mayor interjected that these dollars would be better spent funding additional green elements. Candace Erickson urged Council members to decide on an allocation, and referred to donations for public art. She felt that investing in solar applications or efficient window systems seems appropriate because there is a return to the taxpayer in future savings. Mayor Williams expressed that it is not important to him to participate in the LEEDS program. Jim Hier agreed with Ms. Erickson's comments about promoting energy efficiency and recommended a 5% allowance for environmentally friendly elements and felt that the design team should determine those components. Marianne Cone agreed and indicated her support for passive solar. She suggested 4% with 1% for public art.

Candace Erickson expressed concern about the look of fencing around the parking lot and her preference to hide the parking entirely to the point of putting it underground. Mayor Williams asked if the surface parking meets projected needs. Mr. Bachmeier responded that the number of spaces meets the minimum for the zone and it is anticipated that the majority of parking is short-term. Jonathan Weidenhamer added that the reduction in square footage for the meeting room decreased parking requirements by about 30% and there was discussion about the change in elevation on the site and proposed landscaping which will screen surface parking from SR224.

With regard to compromising on the selection of finishes, Roger Harlan stated that the public will expect an aesthetically pleasing facility. Colin Hilton explained that the designers concentrated on the most visible side at the front of the building. He emphasized that if Council is supportive of under-grounding parking, staff needs to know now in preparation of the budget and bidding processes. Joe Kernan believed that the police facility needs to be reviewed in tandem with other capital projects to make a sound decision. He strongly felt exterior finishes should be authentic and agreed with Council member Cone about the allocation of 1% for art. Mr. Weidenhamer indicated that the amount of material has been reduced but not the quality. Ms. Erickson expressed that she will be satisfied if the parking is screened from SR224 and suggested that the police facility is compatible with the post office building but unique in its own design.

It was the consensus of Council to advance to the next design stage, but members were divided on the 1% contribution toward public art. Colin Hilton advised that the public art component can be defined during the budget review.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 16, 2006

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, February 16, 2006. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Jonathan Weidenhamer, Planner, Eric DeHaan, City Engineer; and Kathy Dunks, Water Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Parking structure project - Colin Hilton stated that the parking structure will be partially opened tomorrow afternoon and planning a formal grand opening is underway. Jim Hier suggested that the HMBA is notified and involved in the celebration.

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

Diebold voting machines – Kathy Dopp, election reform enthusiast, distributed a packet of information on the selection of the Diebold voting machines by Lt. Governor Gary Herbert. There is $500,000 identified in the contract earmarked for promoting these machines to the public, which she questioned as an appropriate use of HAVA funding. She emphasized the 1,000% increase in maintenance costs experienced by Maryland when switching to this system and also false representations by Diebold about doing business in number of offices throughout the state. Ms. Dopp urged Council to adopt a resolution in support of a new senate bill, introduced by Senator Scott McCoy, which would require routine mandatory independent audits of vote counts. Mayor Williams stated that staff will follow-up at the legislature. Ms. Dopp emphasized that there are measures in many industries and it is time to make sure that our votes count.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF FEBRUARY 2, 2006

Roger Harlan, "I move that we approve the work session notes and minutes of the meeting of February 2, 2006". Jim Hier seconded. Motion unanimously carried.

V CONSENT AGENDA PUBLIC HEARING

1. Ordinance approving a final condominium record of survey plat for The Moose Residences located at 1499 Park Avenue, Park City, Utah – Jonathan Weidenhamer, Planner, explained that approval will accommodate the individual sale of units. In response to a question from Marianne Cone, Mr. Weidenhamer explained that there is no additional open space donation, but there are public improvements like sidewalks

and an ADA unit. The Mayor opened the public hearing, and with no comments, closed the hearing.

2. Ordinance amending Title 11, Building and Building Regulations, Section 11-16-6, basis for establishing the areas of special flood hazard, of the Municipal Code of Park City, Utah – Eric DeHaan explained that approval will result in adopting revised flood insurance rate maps. FEMA expanded the flood hazard area within Park City which the City opposed. As a result, a consultant was hired to work with staff to analyze the data in the flood hazard report, which is an update from 1987. Flood insurance is required for all Fanny Mae or Freddie Mac mortgage holders and he pointed out some flood mitigation measures integrated into various developments. Candace Erickson asked that property owners who have been removed from the hazard area be notified that flood insurance is no longer necessary. Eric DeHaan explained that very few properties have been removed. Park Meadows was arbitrarily added and was never on the 1987 map, but removed after our objections. The properties on the west side of Main Street have been removed and those owners can be contacted; maps are available at City Hall and the Library. There was no public input rendered and the public hearing was closed.

VI CONSENT AGENDA

Candace Erickson, "I move to approve Consent Agenda Items 1, 2 and 3". Jim Hier seconded. Motion carried unanimously.

1. Ordinance approving a final condominium record of survey plat for The Moose Residences located at 1499 Park Avenue, Park City, Utah – See staff report and public hearing.

2. Ordinance amending Title 11, Building and Building Regulations, Section 11-16-6, basis for establishing the areas of special flood hazard, of the Municipal Code of Park City, Utah – See staff report and public hearing.

3. Acceptance of Mayor and City Council disclosure statements for 2006 in the Official Minute Book – See staff report.

VII NEW BUSINESS

Authorization to City Manager to execute a Construction Agreement, in a form approved by the City Attorney, with SCI Inc for the construction of the Park Meadows Well Treatment Facility in an amount not to exceed $392,123 – See staff report. Kathy Dunks reported that this is the last contract for this project and the well is expected to be operational by May 1. In response to a question from Candace Erickson, Ms. Dunks explained that construction will comply with the City's hours of operation and will have minimal impacts to residents, especially compared to the installation of the pipe line last summer. Jim Hier, "I move we authorize the City Manager to execute a Construction Agreement, in a form approved by the City Attorney, with SCI Inc for the construction of the Park Meadows Well in an amount not to exceed $392,123". Joe Kernan seconded. Motion unanimously carried.

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present for a portion of the closed session was Tom Bakaly, City Manager. Candace Erickson, "I move to close the meeting to discuss personnel ". Joe Kernan seconded. Motion carried unanimously. The meeting opened at approximately 4 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

Janet M. Scott, City Recorder

PARK CITY SUMMIT COUNTY UTAH
CORPORATE
Seal
MARCH 1, 1884

City Council Staff Report

PARK CITY
1884

POLICE DEPARTMENT &
CAPITAL PROJECTS

Authors: Lloyd Evans
Colin Hilton
Subject: POLICE FACILITY PROJECT
Date: February 16, 2006
Type of Item: Review of Design & Budget Impacts

Summary Recommendation: Staff recommends a Council review and positive support for advancement of the design of the Police Facility given a report on the recently completed schematic design and projected cost forecast. Specifically, Staff would like clearer direction on support for green building applications and suggested parameters for bringing the Police facility back during the budget process for approval.

Description:

Topic: Police Facility Project

Background:
In October 2004 City Council directed staff to begin conceptual design and discussion for placement of the new public safety facility at the Snow Creek parcel. A preliminary budget of 3.6 million dollars was established and schematic design began in October 2005.

The design team presented the schematic design to the Planning Commission on December 14, 2005 for a preliminary review of the project. The Planning Commission provided positive feedback on the initial site planning, design, and volumetrics. The Commission provided direction to:

- develop the timber and glazing architectural elements on the entry way of the building façade;
- consider vehicular circulation patterns behind the building, including access to the public parking area aligning with the mail box drop-off area; and
- lastly to develop a landscape plan to hide the surface parking.

The Commissioners stressed the importance of the visual statement of the building in the entry corridor. They wanted a high level of attention paid to the design elements of the building not only from the west elevation facing SR224, but from both the approach into town from the north, and also from the south at Snow Creek Drive.

Schematic design drawings were submitted to Jacobson Construction for cost estimates. Initial cost projections exceeded our original estimates and approved budget.

A series of value engineering meetings were held to decrease the cost of construction. These efforts included the removal of all underground parking areas, greatly scaling back of the community meeting room and lobby area, and reduction of certain program areas defined by the initial McClaren space needs assessment.

The initial estimate on our conceptual design exceeded 7 million dollars. After the significant value engineering efforts and refinements of the cost estimates, we currently project a minimum $4.2 million cost of construction plus an additional $750,000 for soft costs (design, engineering, inspections, project management, and FF&E costs) for a total project budget estimate of $4.95 million. This figure does not include added budget for higher profile green building applications which could add an additional 3-12%.

Factors impacting the cost projections that were not present when the original budget was formulated included:

1. Parking areas – in the original downtown plan where Police was located there, parking areas for police personnel and visitors were picked up under the parking structure budget. At the Snowcreek site, the design team started with parking located underneath the building (hiding it from the entry corridor view) but had to minimize that cost – estimated at over $500,000- by keeping it outside on surface lots. Rough numbers – $100,000 impact.
2. Space program – In deciding to move from the Downtown location to Snowcreek, the positive side of that meant that the City could actually build the police facility to its 20 year & beyond space needs projection. In downtown we had been limited in size of what we could build and rely on other City spaces for meeting rooms, etc. Despite a concerted effort to pare back on the space needs, we still show a net increase of 5,000 sq' – at roughly $150 per sq' = $750,000 impact.
3. Entry Corridor location – given the important view corridor location, aesthetic features such as added use of glass & glazing, timbers, brick and stone veneers plus multiple building shifts to break up the massing have impacted the budget by roughly $350,000+.
4. Increased Costs of Construction – Staggering increases in the costs of construction have pushed new construction cost per square foot from our original budgeted number $130 sq' to over $155 sq'. This equates to a 25,000 sq' x $25sq' increase = $625,000 increase in two years since our original estimate.

All told, given the above numbers there is rationale for project budget increases to over $5.4 million. As previously stated, we currently project an ability to build the currently designed facility for a $4.95 million minimum after careful value engineering efforts. However, this base number still requires attention towards applying impacts towards incorporating smart green building elements.

During the January City Council visioning session a new emphasis was placed on sustainability. As part of the discussions with the design team, the inclusion of systems and approaches that would constitute a "green" building project has been discussed. Staff encourages a focus on the general areas of:

- Smart use and recycling of construction materials
- Utilize natural light where applicable and incorporate smart lighting systems throughout the rest of the facility.
- Focus on keeping operating costs lower by utilizing building systems that focus on energy conservation

In Exhibit "A" following this report, the project team has assembled a series of currently planned and potentially incorporated building construction options that constitute point values on the LEED certification process.

In order to objectively "measure" a building's attention towards green building applications, the LEED rating system is one tool to do so. Staff has mixed opinions on the use of the LEED rating system. On one hand, it offers a good third party evaluation of a project. However, costs to have the third party evaluation could take away from funds that could be spent on the actual project itself. One option that currently has Staff's favor is to utilize the LEED rating system, but do so without paying for the third party inspections and certificate. We could have the project team debate and conclude where we would fall on the point value system.

One key issue needing Council direction is how we approach a City project's design and eventual budget implications when incorporating green applications. Do we take a philosophy of shooting for a base level of LEED certification? Silver, Gold, or Platinum LEED target? If we pick a targeted level, does that then mean we will pay for building costs to whatever amount required to hit that LEED level? Or does Council favor setting a fixed dollar amount towards green applications? It is currently very challenging to forecast a budget need given the early discussions on our City's commitment level.

Staff recommends further discussions and preparation of budget implications to be brought back during the City Budget discussions later this year.

Analysis:

The immediate need is to advance the design of the facility. Staff feels that we can incorporate design elements that give us options to highlight different levels of green building systems.

At Thursday's Council meeting, we will have better costs estimates on many of the Exhibit A options identified.

Our hope is to highlight the current base construction challenge and discuss general parameters for incorporating green applications.

As it currently stands, we are looking at a June/July start of construction with a 1-yr period for construction completion.

Sustainable Design

City Council has recently provided direction to pursue "green" building design concepts to City projects. Rather than seeking a formal "LEED" accreditation, the Council has provided direction to use those resources to design to a higher LEED standard. As the City currently has no clear definition or specific green building goals at this time, Staff has provided direction to the architect to develop green "packages" in an attempt to clearly identify a cost/benefit analysis for sustainability options (i.e. how many LEED points, would any particular option give us). These packages will represent approximate LEED levels of green building design, and will be presented to the City Council during the meeting.

During the January sustainability discussions, there were discussions about how a "sustainable community" is about balance and not prioritizing one goal over the other. A sound economy, health natural environment and a diverse community are not in conflict but are all essential. The potential increase in cost from the financial impacts of a green building project should be discussed with regards to the impact to the overall City budget.

Alternatives:

A: Continue with the current design and address funding needs during he upcoming budget process (Staff Recommendation)

B: Modify Staff's recommendation per discussion at City Council meeting

C: Halt design – Change course

D: Do Nothing.

Consequences of not taking the recommended action:

Further delays on the police building will cause future delays in the Marsac remodel and incur additional construction costs if we push into the next building season

Recommendation:

Staff recommends a Council review and positive support for advancement of the design of the Police Facility given a report on the recently completed schematic design and projected cost forecast. Specifically, Staff would like clearer direction on support for green building applications and suggested parameters for bringing the Police facility back during the budget process for approval.

Exhibit A

The first list (items 1-23) are necessary to get to a basic level of LEED Certification (26-32 points). The second list (1-14) are additional options to get to a Silver (33-38 points) or Gold Certification (39-51 points). Based on estimated costs and City Council prioritization, these line items could move from list to list. Options without a dollar sign ($) are items already incorporated into the base design, and have no additional cost associated with them. The estimated cost of each of these items will be presented during the Work Session. The items to attain the base LEED Certification are the alternatives with lower costs in general. The more complicated and costly options are found in the list for Silver and Gold Ratings.

LEED Certified (26-32 points)

1 point		1.	Alternative Transportation - Provide bike storage and change rooms for 5% of the building occupants.
1 point	$	2.	Reduce Site Disturbance - Protect or restore open space on the site during construction.
1 point		3.	Reduce Site Disturbance - Exceed the local zoning open space requirement by 25%.
1 point	$	4.	Heat Island Effect - Provide shade or light-colored materials for at least 30% of the hard-scape areas on the site.
1 point		5.	Heat Island Effect - Provide a highly reflective roof surface.
1 point		6.	Light Pollution Reduction - Provide site lighting fixtures with 100% cut-off with no light falling on adjacent properties.
1 point		7.	Water Efficient Landscaping - Reduce the use of potable water for landscaping by 50%.
1 point	$	8.	Ozone Depletion - Install systems that do not use HCFC's (Hydrochloroflurocarbons) or Halons.
1 point	$	9.	Construction Waste Management - Divert 50% of the construction waste from the landfill through recycling and/or salvage.
1 point	$	10.	Resource Reuse - 5% of the building materials are reused, salvaged, or refurbished. Possibly the timber framing and decking.
1 point		11.	Recycled Content - 5% of the total value of materials in the building are recycled.
1 point		12.	Local/Regional Materials - A minimum of 20% of the materials and products are manufactured within 500 miles of the project site.
1 point	$	13.	Rapidly Renewable Materials - 5% of the total value of materials in the building are rapidly renewable materials.
1 point	$	14.	Certified Wood - 50% of the wood-based materials used in the project or the construction of the project (forms, barriers, etc.) shall be from a certified source.
1 point	$	15.	Carbon Dioxide Monitoring - Install a permanent carbon dioxide monitoring system in the building.
1 point	$	16.	Construction IAQ Management Plan - Contractor to develop an

			indoor air quality management plan for the construction process. Contractor must sequence construction to minimize the effect on the indoor air quality.
1 point	S	17.	Construction IAQ Management Plan - The contractor must flush-out the building for two weeks after construction is complete prior to occupancy.
4 points		18.	Low-Emitting Materials - Use adhesives, sealants, paints, carpet, and composite wood materials that have low or no VOC levels.
1 point	S	19.	Indoor Chemical & Pollutant Source Control - Provide entryway mats and/or grilles to capture pollutants before they enter the building. Isolate all interior pollutant sources from the rest of the building (copy areas, kitchen areas, cleaning areas, etc.).
1 point	S	20.	Controllability of Systems - Provide separate and individual control of systems within 15 of the perimeter walls.
1 point	S	21.	Thermal Comfort - Conform to ASHRAE standards for individual temperature and humidity control ranges to maintain individual thermal comfort.
1 point	S	22.	Thermal Comfort - Provide a permanent monitoring system to maintain thermal comfort.
1 point		23.	Daylight & Views - Provide daylight into and views out of 75% of the occupied space with visual tasks.

26 points total — Minimum required for LEED Certification.

LEED Silver Rating (33-38 points)
LEED Gold Rating (39-51 points)
Assuming all points can be realized, a minimum of 7 items from the following list would have to be added to the base certification (26-32 points) to achieve a Silver Rating. A minimum of 13 items would have to be added to achieve a Gold Rating.

Park City Police Facility — February 10, 2006
Sustainability Options - LEED Silver (33-38 points)
LEED Gold (39-51 points)

1 point	?	1.	Alternative Transportation - 2 bus lines must run within 1/4 mile of the project site to receive a point.
1 point	$?	2.	Alternative Transportation - 3% of the building occupants to use alternative fuel vehicles.
1 point	$	3.	Stormwater Management - Manage the stormwater discharge on site so that the flow rate after construction of the project is equal to or less than the flow rate prior to construction.
1 point	$	4.	Water Efficient Landscaping - Provide no irrigation system or use no potable water for the irrigation system. This may require some type of rain water collection system or the use of gray water for irrigation.
1 point	$?	5.	Water Use Reduction - Provide water efficient systems within the building (not including landscape irrigation) to reduce the potable water consumption by 20%.
5 points	$?	6.	Optimize Energy Performance - Achieve an increased level of energy performance above the required standard to reduce energy consumption. Receive 1 point for every 5% up to 50%. Current state standards are 25%.
1 point	$?	7.	Renewable Energy 5% to15% - Provide a means to generate electric energy on site, wind or solar to provide 5% to 15% of the total energy consumption for the building.
1 point	$	8.	Additional Commissioning - Hire a commissioning agent to be involved in the project throughout the design phase. On a small simple building like this there is not much real benefit to the Owner. Paying for a point.
1 point	$	9.	Measurement & Verification - Install metering equipment to measure and verify optimization of the building energy and water systems.
1 point	$	10.	Green Power - 50% of the power requirements for the building purchased from a renewable power source. Blue Sky.
1 point	$	11.	Construction Waste Management - Divert an additional 25% of the construction waste from the landfill, through recycling or reuse.
1 point	$?	12.	Recycled Content - 10% of the total value of materials in the building are recycled.

1 point	S?	13.	Ventilation Effectiveness - Provide effective delivery and mixing of fresh air to improve the indoor air quality. Studies have shown that this is difficult to achieve with a conventional overhead air distribution system, may need to go to under-floor distribution.
1 point	S?	14.	Controllability of Systems - Provide separate and individual control of systems for individual occupancy comfort throughout the normally occupied spaces.

18 total points
+ 26 from base LEED Certified package
44 total points = Gold Rating

City Council Staff Report

PLANNING DEPARTMENT

Subject: **1499 PARK AVENUE – MOOSE RESIDENCES RECORD OF SURVEY**
Date: **February 16, 2006**
Type of Item: **Administrative**
Applicant: **Blake Henderson**
Zone: **Recreation Commercial (RC)**
Planner: **Jonathan Weidenhamer**

Summary Recommendation: Staff recommends that the City Council review the proposed Record of Survey, conduct a public hearing, and consider approving the application.

Background

The Planning Commission reviewed this item at the February 8, 2006 meeting. A Public hearing was held. No public comment was received. The Planning Commission voted unanimously to forward a positive recommendation to the City Council.

The lot is located at 1499 Park Avenue and was created through a subdivision on June 30, 2005. The lot is 15,712 square feet. It is the site of the old Texaco Station and is located across from the 7-11 convenience store on Park Avenue. A Conditional Use Permit for a 10 unit multi–family dwelling was approved by the Planning Commission on July 13, 2005. The 10 unit project is currently under construction.

At this time the applicant has submitted a Record of Survey. Approval of which will allow the applicant the ability to convert each unit to private ownership.

Analysis

This request is to condominiumize the existing 10 unit multi-dwelling structure. Staff has evaluated the overall project against the Land Management Code regulations for the RC District, and determined the proposed application complies as presented with all requisite City Subdivision Codes for lot areas, configurations, and access. As part of this project the City will require to posting of a financial security to ensure all necessary public improvements are completed. A condition of approval will reference this request. The proposed record of survey is consistent with the June 13, 2005 CUP approval.

The units range in size from 1720 – 2066 square feet of living area. Each unit has underground private parking and storage associated with it.

Additionally a condition of approval will be added to ensure an Accessible unit will available in perpetuity as one of the 10 units. ADA parking has been provided on site, outside of this unit.

Notice
Notice of this hearing was sent to property owners within 300' on January 18,2006. 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 January 10, 2006, where representatives from City Staff were in attendance and found it to be in conformance with all current requisite City development codes. No additional unmitigated issues were identified.

Recommendation
Staff recommends that the City Council review the proposed Record of Survey, conduct a public hearing, and consider approving the application according to the findings of fact, conclusions of law and conditions of approval found in the attached ordinance.

EXHIBITS
Ordinance
Exhibit A - Proposed Plat

Ordinance No. 06-

AN ORDINANCE APPROVING A FINAL CONDOMINIUM RECORD OF SURVEY PLAT FOR THE MOOSE RESIDENCES LOCATED AT 1499 PARK AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the Henderson Subdivision located at 1499 Park Avenue, have petitioned the City Council for approval of a record of survey; and

WHEREAS, A Conditional Use Permit for a 10 unit multi –family dwelling was approved by the Planning Commission on July 13, 2005; and

WHEREAS, The applicant has submitted a Record of Survey, approval of which will allow the applicant the ability to convert each unit to private ownership; and

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

WHEREAS, on February 8, 2006 the Planning Commission held a public hearing to receive public input on the proposed record of survey and forwarded a positive recommendation of approval to the City Council; and

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

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

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

1. The property is located in the RC District at 1499 Park Avenue.
2. The findings discussed in the analysis section of this report are incorporated herein.
3. A Plat Amendment creating a 15,712 square foot lot out of a metes and bounds parcel was approved by the City Council on June 30, 2004.
4. A Conditional Use Permit for a 10 unit multi –family dwelling was approved by the Planning Commission on July 13, 2005.
5. A 20'non-exclusive public utility easement has been dedicated on the subdivision running east-west at the north end of the lot. A 10' snow storage and utility easement was dedicated on the west of the lot, running north – south.
6. Proper drainage, sidewalk, and utility installation is a public benefit.
7. The applicant has agreed to install a number of public improvements including: a new gutter along Woodside Avenue and 15th Street, a new sidewalk along 15th street between Park Avenue and Woodside Avenue, a new sidewalk along Woodside avenue, and sidewalk connections from the building to sidewalks at Park Avenue and 15th Street, an Accessible parking space, and van unloading area along 15th street.
8. Provision of a unit that meets ADA standards is a requirement of this development. A condition of approval will address this requirement.
9. The condominium plat will allow the applicant to sell each unit separately.
10. Separation between building eaves and power lines are required for purposes of

public safety.

11. The Planning Commission reviewed this item at the February 8, 2006 meeting. A Public hearing was held. No public comment was received. The Planning Commission voted unanimously to forward a positive recommendation to the City Council.

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

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

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

1. City Attorney and City Engineer review and approval of the record of survey and CCnR's for compliance with the State Code, 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 plat amendment is recorded at the Summit County Recorder's office prior to that date.
3. The applicant is required to provide a financial guarantee in an amount approved by the City Engineer and in a form satisfactory to the City Attorney to satisfy obligations for public improvements such as sidewalks and utility installation.
4. The Owners association shall be obligated to maintain the accessible parking space and unloading area. This includes snow removal in the winter.
5. The Owners association shall be obligated to provide a unit that meets ADA standards in perpetuity as one of the 10 units.

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

PASSED AND ADOPTED this 15 day of February, 2006.

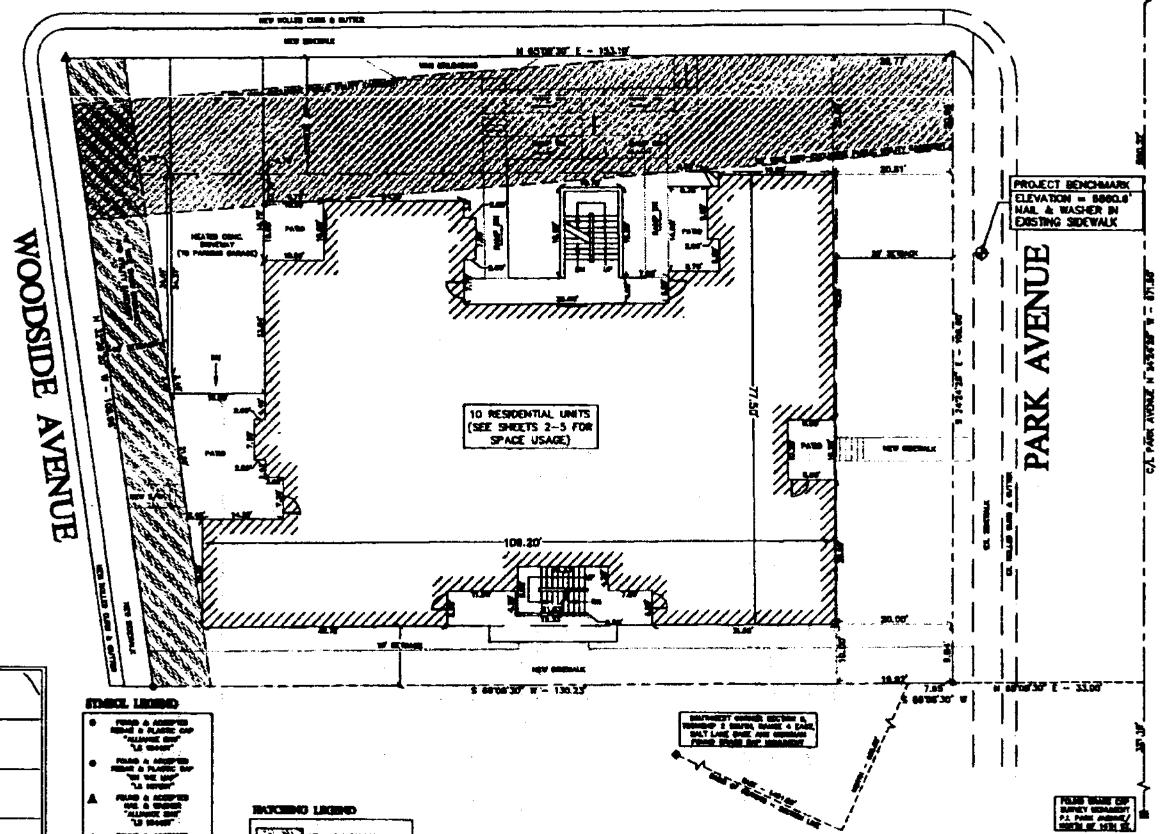
RECORD OF SURVEY MAP

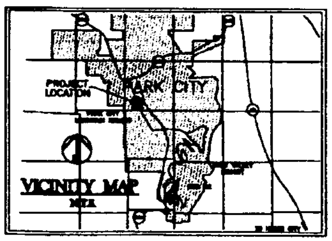
MOOSE RESIDENCES

– A 10 UNIT CONDOMINIUM PROJECT –
1499 PARK AVENUE
(CONTAINING 10 RESIDENTIAL UNITS)
A PARCEL OF LAND LOCATED IN SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

GRAPHIC SCALE

OVERALL AREA TABULATIONS





LEGAL DESCRIPTION

SURVEYOR'S CERTIFICATE

NOTES

OWNERS DEDICATION AND CONSENT TO RECORD

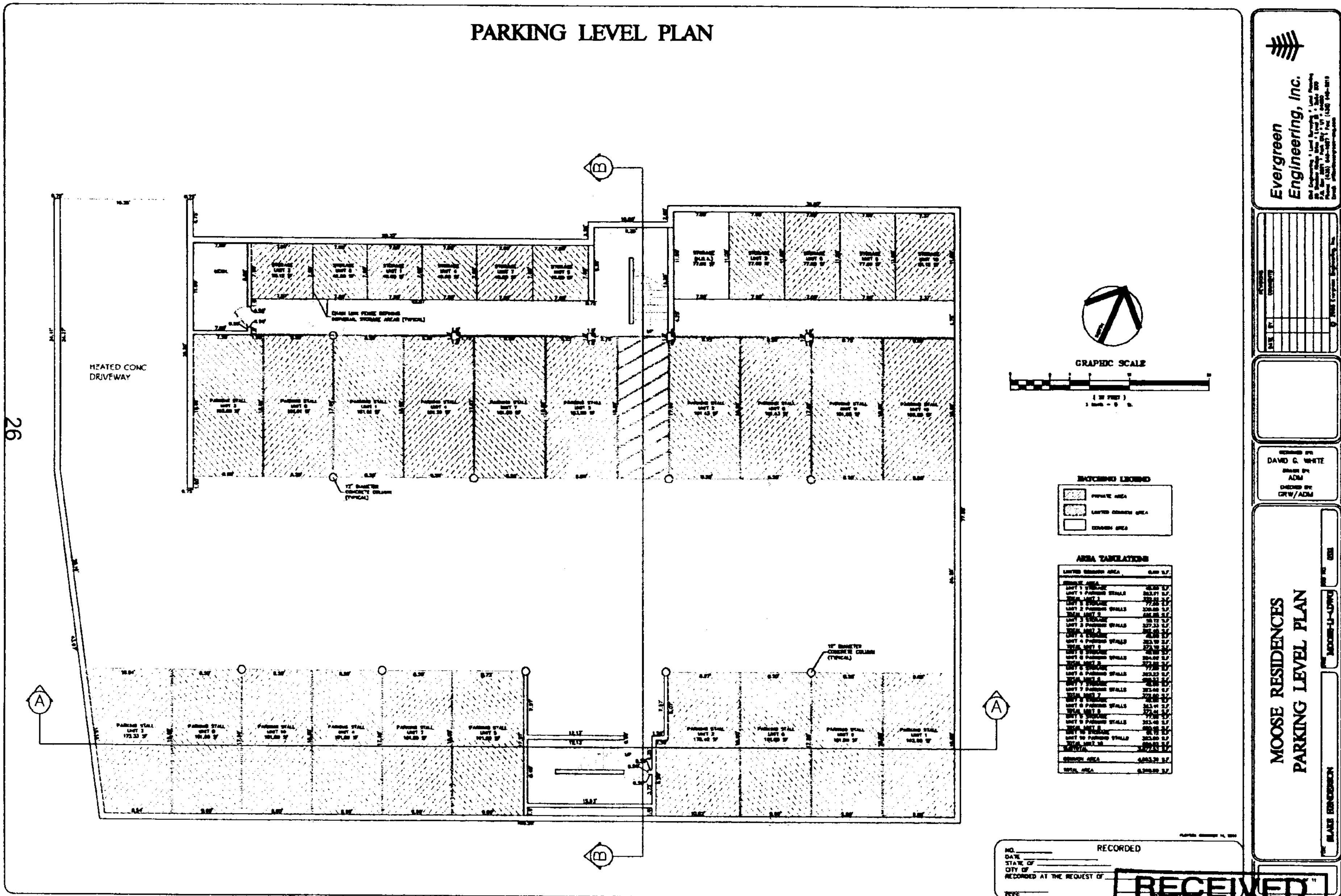
ACKNOWLEDGMENTS

SHEET 1 OF 11

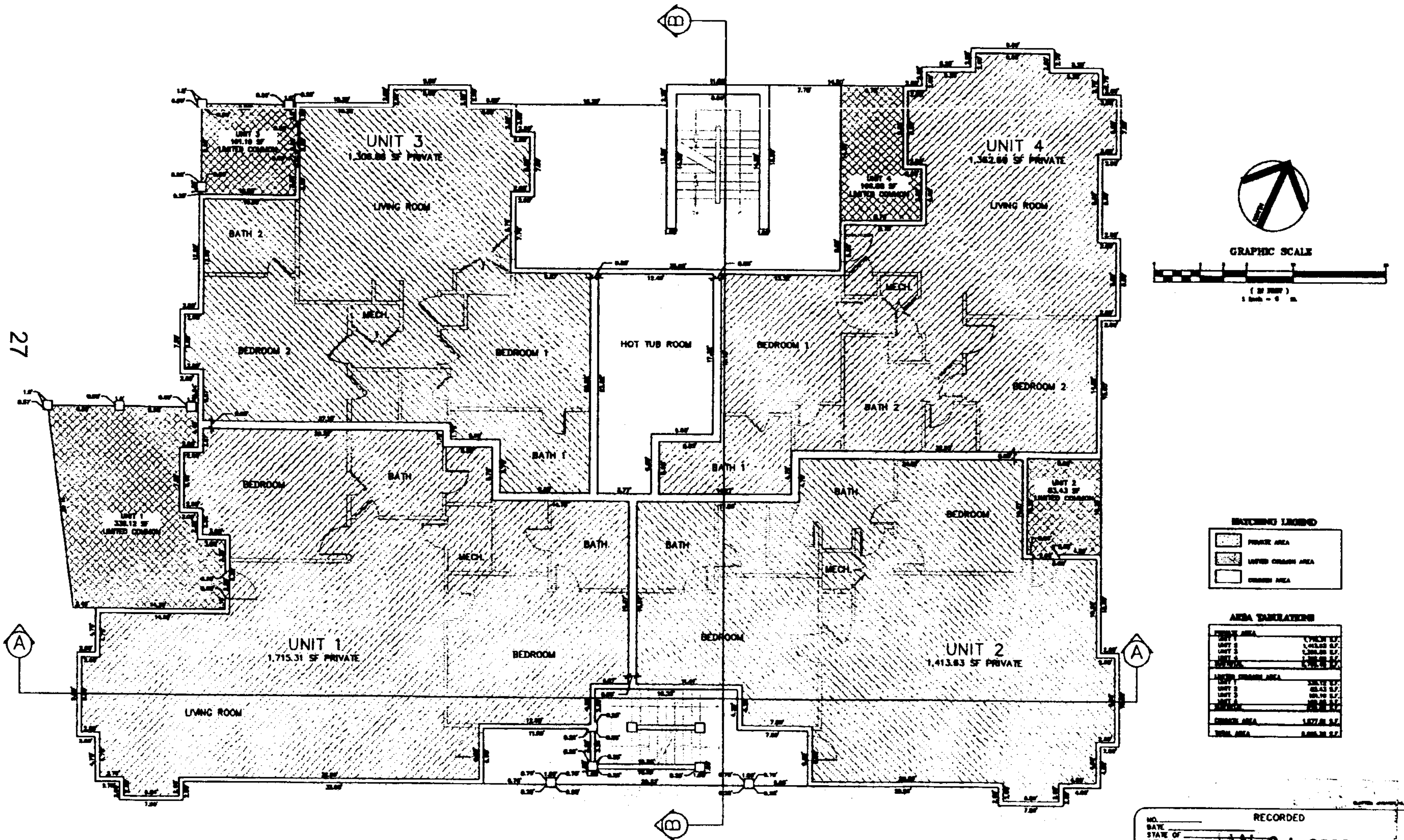
Evergreen Engineering, Inc.

SNYDERVILLE BASIN W.R.D.	CITY PLANNING COMMISSION	CITY ENGINEER	CITY COUNCIL APPROVAL	APPROVAL AS TO FORM	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF ________ AD 200__. BY: ________ SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS ____ DAY OF ________ A.D. 200__. ________ CHAIRMAN	THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS ____ DAY OF ________ A.D. 200__. ________ CITY ENGINEER	PRESENTED TO THE BOARD OF ________ CITY COUNCIL THIS ____ DAY OF ________ A.D. 200__ AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED. ________ MAYOR ________ CITY RECORDER	APPROVED AS TO FORM ON THIS ____ DAY OF ________ A.D. 200__. ________ CITY ATTORNEY	N°. ________ STATE OF ________ COUNTY OF ________ RECORDED AND FILED AT THE REQUEST OF: ________ COUNTY RECORDER

JAN 24 2006


PARKING LEVEL PLAN
HEATED CONC DRIVEWAY
GRAPHIC SCALE
HATCHING LEGEND
AREA TABULATIONS
RECORDED
Evergreen Engineering, Inc.
DAVID G. WHITE
ADM
CRW/ADM
MOOSE RESIDENCES
PARKING LEVEL PLAN
A
B

GROUND FLOOR PLAN



RECORDED
JAN 24 2006

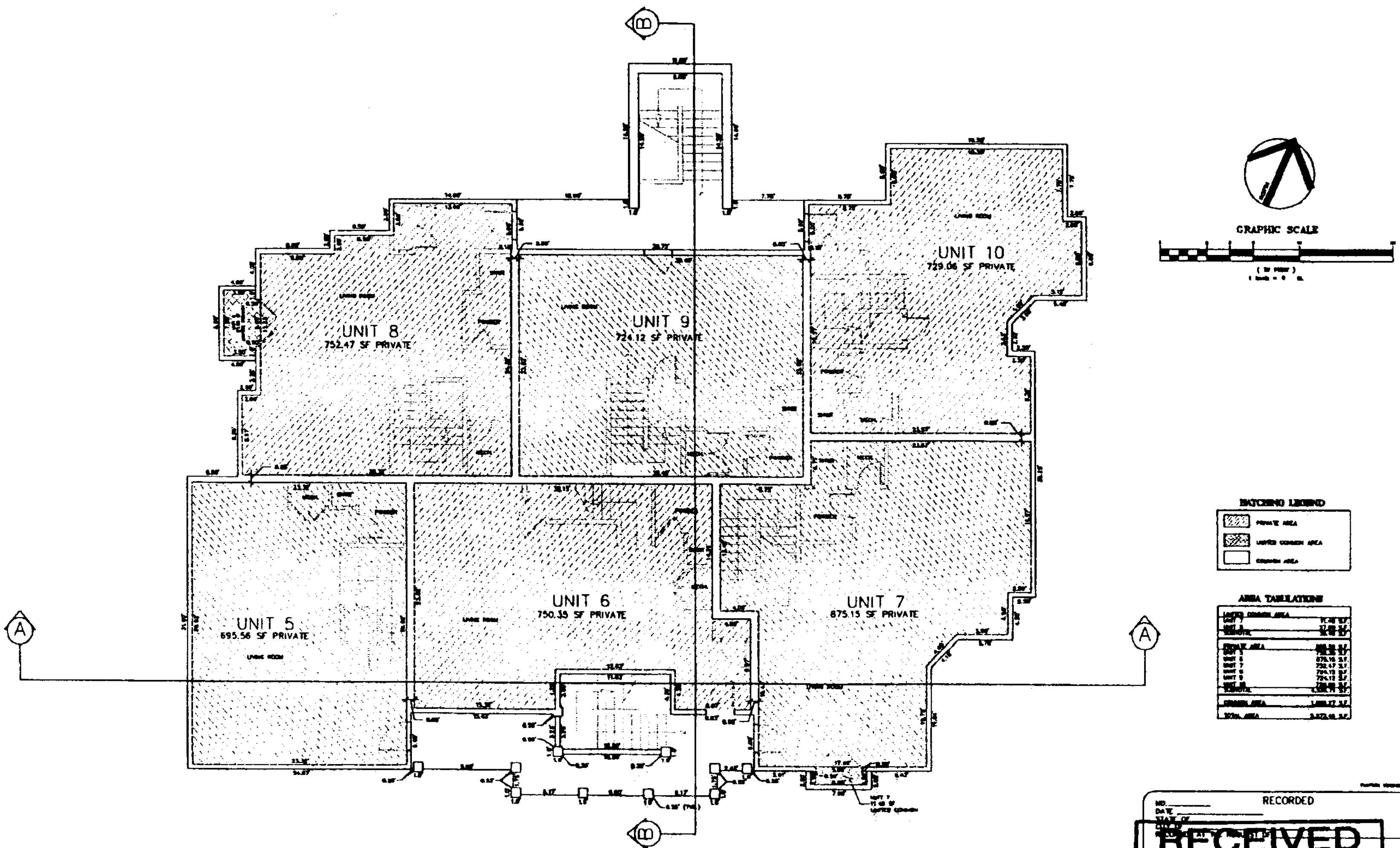
Evergreen Engineering, Inc.

DESIGNED BY: DAVID C. WHITE
DRAWN BY: ADM
CHECKED BY: GRW/ADM

MOOSE RESIDENCES
GROUND LEVEL PLAN

27

SECOND FLOOR PLAN



RECORDED

RECEIVED

DEC 16 2005

PARK CITY
PLANNING DEPT.

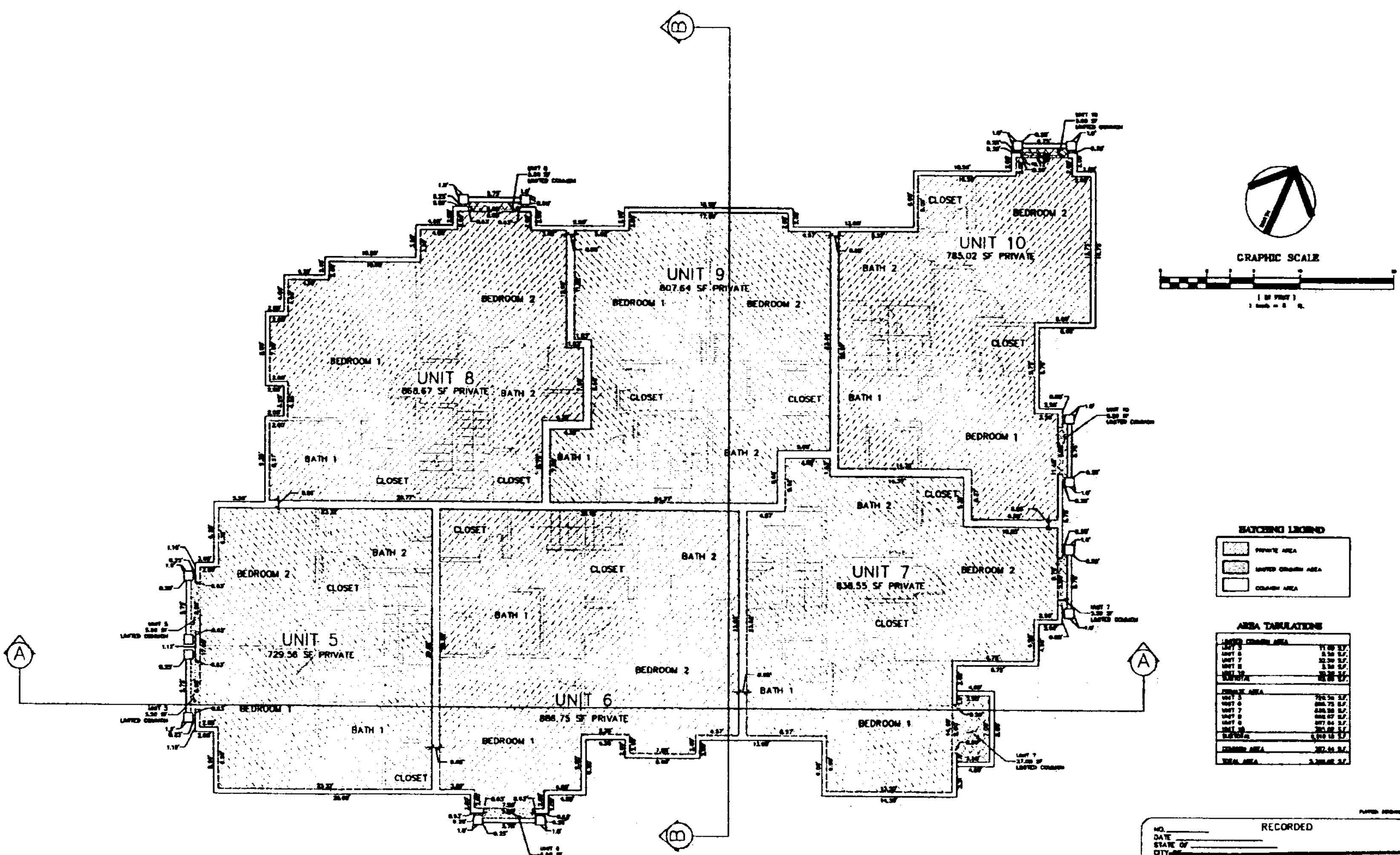
Evergreen Engineering, Inc.

DAVID G. WHITE
ADM
GRW/ADM

MOOSE RESIDENCES
PARKING LEVEL PLAN

BLAKE HENDERSON

THIRD FLOOR PLAN



RECORDED

RECEIVED
DEC 16 2005
PARK CITY
PLANNING DEPT.

Evergreen Engineering, Inc.

DAVID G. WHITE
ADM
CRW/ADM

MOOSE RESIDENCES
PARKING LEVEL PLAN

FIFTEENTH STREET / NORTH ELEVATION

Evergreen
Engineering, Inc.

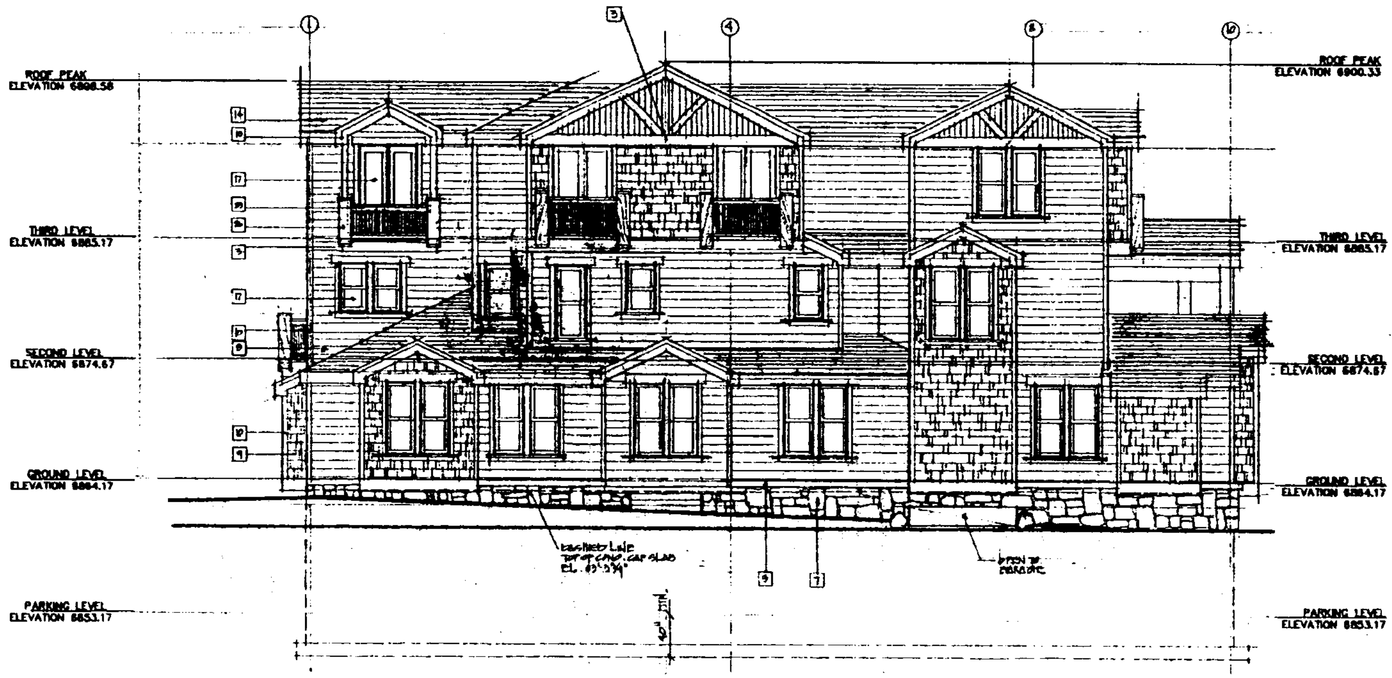
DAVID G. WHITE
ADM
CRW/ADM

MOOSE RESIDENCES
FIFTEENTH STREET / NORTH ELEVATION

RECORDED
NO.
DATE
STATE OF

RECEIVED
DEC 16 2005
PARK CITY
PLANNING DEPT.

PARK AVENUE / EAST ELEVATION



Evergreen Engineering, Inc.

DAVID G. WHITE
ADM
DRW/ADM

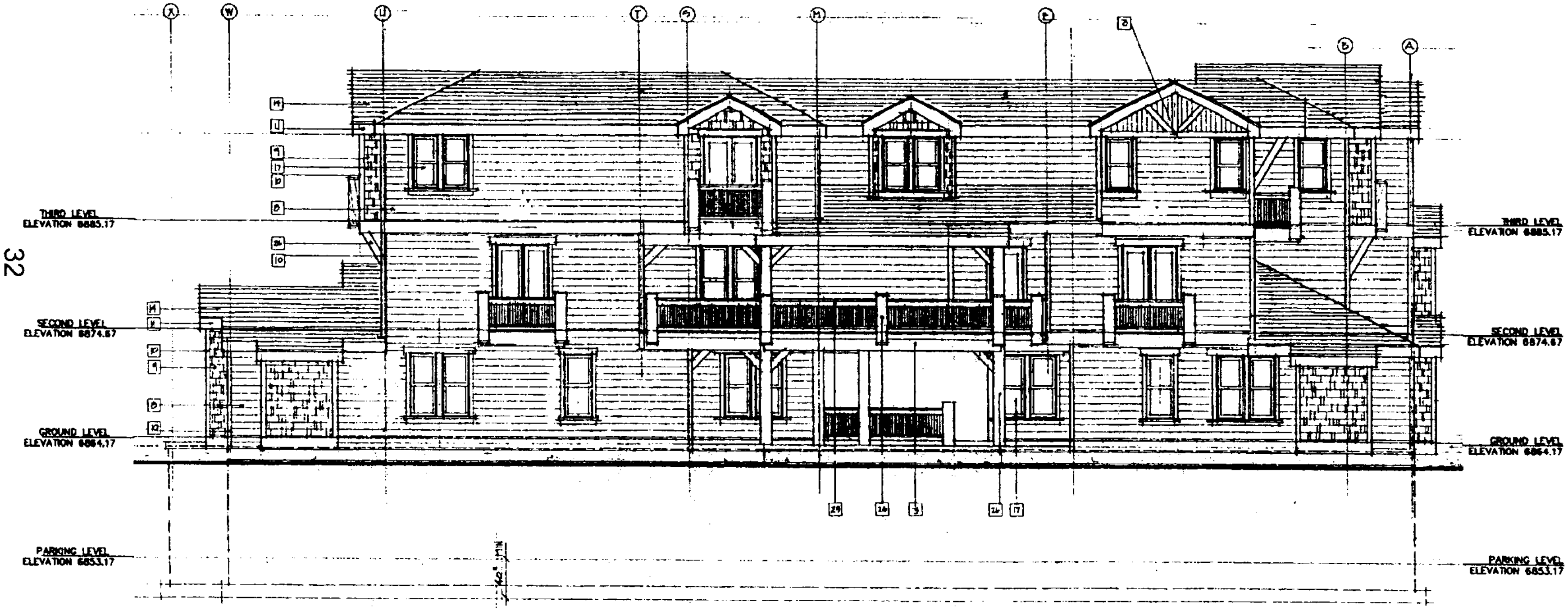
MOOSE RESIDENCES
PARK AVENUE / EAST ELEVATION

BLAKE HENDERSON

RECORDED

RECEIVED
DEC 16 2005
PARK CITY
PLANNING DEPT.

SOUTH ELEVATION



Evergreen Engineering, Inc.

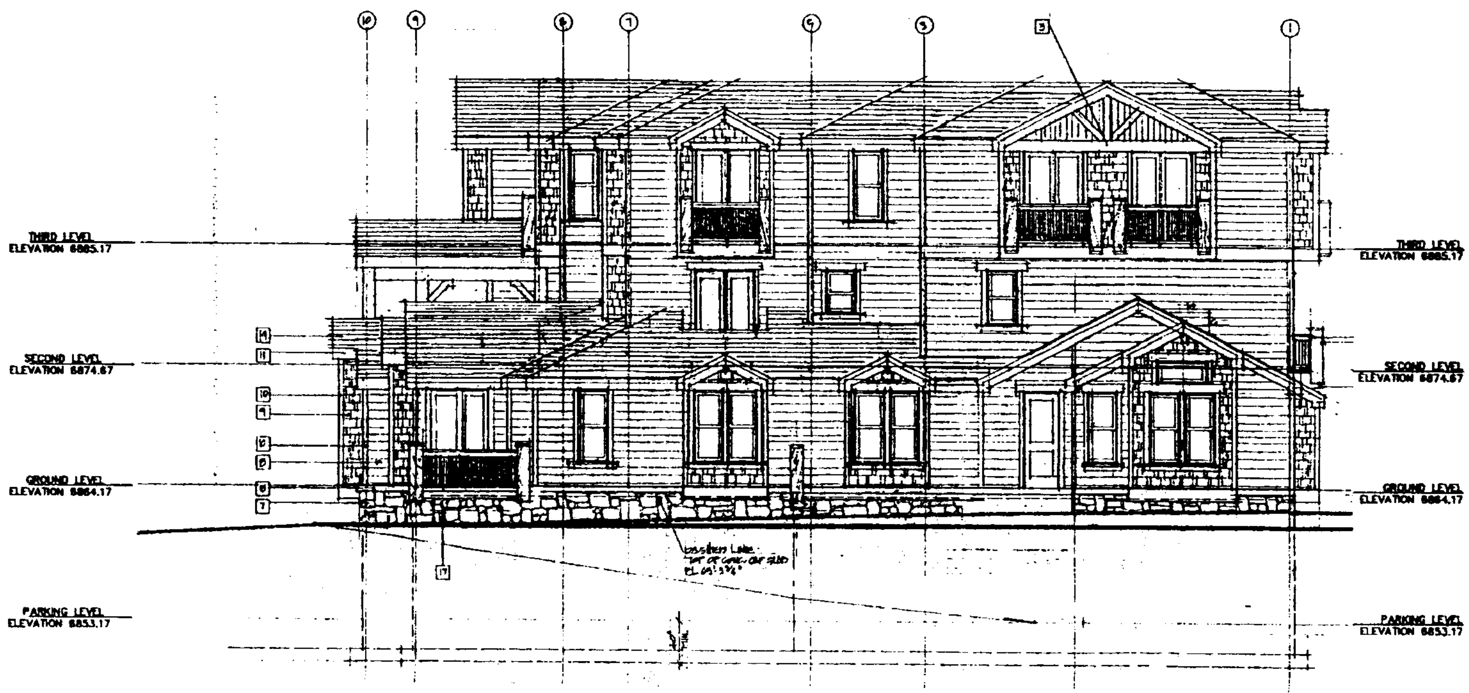
DAVID G. WHITE
ADM
GRW/ADM

MOOSE RESIDENCES
SOUTH ELEVA

RECORDED

RECEIVED
DEC 16 2005
PARK CITY
PLANNING DEPT.

WOODSIDE AVENUE / WEST ELEVATION



Evergreen Engineering, Inc.

DAVID G. WHITE
ADM
CRW/ADM

MOOSE RESIDENCES
WOODSIDE AVENUE / W[illegible] ELEVATION

City Council Staff Report

PARK CITY 1884

CITY ENGINNEER

Author: Eric DeHaan, City Engineer
Subject: AN ORDINANCE AMENDING TITLE II, Building and Building Regulations Code Section 11-16-6, Basis for Establishing the Areas of Special Flood Hazard, of the Municipal Code of Park City
Date: February 16, 2006
Type of Item: Municipal Code Amendment

Summary Recommendations:
The Council should approve the ordinance amending Title II, Building and Building Regulation Code, Section 11-16-6, Basis for Establishing the Areas of Special Flood Hazard, of the Municipal Code of Park City.

Description:

Topic:
The Federal Emergency Management Agency (FEMA) operates the Federal Flood Insurance Program (FIP). This program underwrites flood insurance programs and requires certain lenders such as Freddie Mac and Fannie Mae to mandate flood insurance on properties within special flood hazard areas. From time to time FEMA changes the Flood Insurance Rate Maps (FIRMs) to modify the special flood hazard areas. Communities which fail to adopt the updated FIRMs are kicked out of the FIP, which may make affordable mortgages harder to obtain.

Background:
For over a year, FEMA and their engineering consultant, Michael Baker Jr., Inc., have been preparing and revising the FIRMs for Summit County and Park City. Building Official Ron Ivie worked with our own civil hydrologic engineering consultant, Gus Sharry with Canyon Engineering, to review the FEMA mapping and to obtain necessary revisions.

Analysis:
At this time the staff feels that the mapping is probably about as good as can be expected. It is always in FEMA's interest to expand the special flood hazard areas in upscale communities in order to maximize cash flow into the FIP, which has been hard hit by Hurricane Katrina and many other major flooding events. In light of FEMA's interest in keeping large special flood hazard areas designated on the FIRMs, the staff feels that it is not in Park City's interest to spend further City money or engineering studies that would probably only fine-tune the FIRMs to a minor extent.

Department Review:
This report and the Municipal Code amendment have been reviewed by the Building Official, the City Engineer, and the Legal Department. There are no remaining unresolved issues.

Alternatives:

Approve the Request:
The Council can approve the attached Ordinance adopting the revised FIRMs as part of our Municipal Code. This is the alternative recommended by staff.

Deny the Request:
The Council can deny the Ordinance. This will result in Park City being suspended from the Federal Flood Insurance Program, which may make affordable mortgages more difficult to obtain and which could adversely affect the state and Federal response to any flooding in Park City.

Continue the Item:
The Council can continue the ordinance to a future meeting if they desire more information. The deadline for adopting the revised FIRMs is March 16, 2006.

Significant Impacts:
The primary impact of staying in the FIP is to facilitate private mortgage financing which involves Fannie Mae or Freddie Mac underwriting. There is very little impact on Park City Municipal Corporation arising from this Municipal Code Amendment. One historic question has been clarified, however. The Imperial Hotel is clearly not in a special flood hazard area on the newly revised maps.

Consequences of not taking the recommended action:
In the event we fail to adopt the new FIRMs by March 16, 2006 we will be kicked out of the Federal FIP.

Recommendation:
The Council should approve the ordinance amending Title II, Building and Building Regulations, Section 11-16-6, Basis for Establishing the Areas of Special Flood Hazard, of the Municipal Code of Park City.

Ordinance No. 06-

AN ORDINANCE AMENDING TITLE 11, BUILDING AND BUILDING REGULATIONS CODE, SECTION 11-16-6, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, OF THE MUNICIPAL CODE OF PARK CITY

WHEREAS, the Federal Emergency Management Agency updated its Flood Insurance Study and the Flood Insurance Rate Map; and

WHEREAS, to comply with federal regulations to receive flood insurance coverage those updates must be reflected;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

Section I. Amendment. Title 11, Building and Building Regulations Code, Section 11-16-6, Basis For Establishing the Areas of Special Flood Hazard, of the Municipal Code of Park City is hereby amended as follows:

11- 16- 6. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated ~~July 16, 1987~~ March 16, 2006, with accompanying Flood Insurance Rate Map (FIRM) dated March 16, 2006, is adopted by reference and declared to be a part of this Chapter. The study and FIRM are on file at the Park City Planning Office, 445 Marsac Avenue, Park City, Utah.The City may, from time to time, adopt additional or updated maps prepared by FEMA, which maps would then further define the areas of special flood hazard.

Section II. Effective Date. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 16th day of February, 2006.

To: Honorable Mayor/Members of City Council
From: Jan Scott, City Recorder
Date: February 16, 2006

Acceptance of disclosure statements

State law requires elected officials to annually file a disclosure statement with the City Recorder and Park City complies by way of action on the agenda. The affidavits must be kept current, and Council is encouraged to promptly update information when changes occur. Staff recommends acceptance.

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Marianne Cone, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at 86 Prospect Avenue, Park City, Utah

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

Spouse is President of the Park City Board of Education

4. That I have the following investments and personal interest which could have the appearance of a conflict of interest:

Own property at:
86 Prospect Avenue, Park City

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this 16th day of February, 2006.

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Candace Erickson, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at: 2614 Little Kate Road, Park City, Utah

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

Park City Mountain Resort
Cole Sport
Spouse is employed by Stantec Inc.

4. That I have the following investments and personal interest which could have the appearance of a conflict of interest:

Own home at 2614 Little Kate Road.

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this 9th day of February, 2006.

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Roger Harlan, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at 2558 Geronimo Court

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

N/A

4. That I have the following investments and personal interest which could have the appearance of a conflict of interest:

Own home at 2558 Geronimo Court.

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this 16th day of February, 2006.

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Jim Hier, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at 2599 Morning Sky Court, Park City, Utah 84060

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

Real estate agent for Jess Reid Realty, Park City, Utah

4. That I have the following investments and personal interest, which could have the appearance of a conflict of interest:

Own property at:
2599 Morning Sky Court, Park City

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction, which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this 16th day of February, 2006.

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Joe Kernan, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at 1970 Stryker Avenue, Park City, Utah 84060

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

Owner of Good Earth Recycling, a Park City company having contracts with numerous local businesses, individuals, organizations, and governmental entities including a contract with Park City Municipal Corporation for recycling pick-up services valued at approximately $200 per month

4. That I have the following investments and personal interest, which could have the appearance of a conflict of interest:

Own property at 1970 Stryker Avenue, Park City, Utah 84060

50% owner of County Curbside Inc., a recycling company which contracts with Summit County to pick up recycling in several Park City neighborhoods and all of South Summit County, valued at approximately $11,000 per month

Minority interest of 2,500 shares in American Skiing Company, the owner of the Canyons Ski Resort.

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction, which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure.

FURTHER Affiant sayeth naught.

DATED this 16th day of February, 2006.

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Dana Williams, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of Mayor.

2. That I reside at:

2384 Doc Holiday Drive, Park City, Utah

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

Associate broker with Coldwell Banker Residential Realty

4. That I have the following investments and personal interest which could have the appearance of a conflict of interest:

Own property at 2384 Doc Holiday Drive, Park City, Utah

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this 8th day of February, 2006

City Council
Staff Report

PARK CITY 1884

Author:	**Kathy Dunks**
Subject:	**PARK MEADOWS WELL TREATMENT FACILITY CONSTRUCTION CONTRACT**
Date:	**February 16, 2006**
Type of Item:	**Administrative**

PUBLIC WORKS

Summary Recommendations:
Staff recommends Council authorize the City Manager to execute a Construction Agreement, in a form approved by the City Attorney, with SCI, Inc. for the construction of the Park Meadows Well Treatment Facility for a lump sum amount of $392,123.

Description:

Topic:
Park Meadows Well Treatment Facility Construction.

Background:
After receiving the letter from the Utah State Division of Drinking Water (DDW) dated September 8, 2005, that documented that UV disinfection could be allowed through filtration avoidance regulations, Staff proceeded with a UV disinfection project and the following has occurred:

- October 6, 2005, City Council approved Staff's recommendation to authorize the City Manager to execute an agreement with Carollo Engineers to design the Park Meadows Well Treatment Facility. Carollo began the design.
- January 12, 2006, City Council approved Staff's recommendation to authorize the City Manager to execute a Procurement Agreement with Trojan Technologies for the procurement of the Park Meadows Well UV Disinfection System for a lump sum amount of $93,800.

When the design was being finalized, Carollo pre-qualified Contractors. The prequalification was advertised in the Park Record and Salt Lake Tribune. Only two responses were received after the first round of advertising in the Park Record, so a second round of advertising was completed in the Park Record and the Salt Lake Tribune. Three additional responses were received. The Contractors who responded included: Counterpointe, Peck-Ormsby, SCI, J&R Development, and Hills Construction. J&R Development was not pre-qualified due to past issues with scheduling problems revealed through their references. The other four were pre-qualified.

Bid packages were obtained by the four pre-qualified Contractors, a pre-bid meeting was held on January 25, 2006, and bids were received and opened on February 6, 2006.

Analysis:
Bids were received from all four Contractors. The following summarizes the bids:

Contractor	Base Bid	Bid Alternate	Total with Alternate
Engineer's Estimate	$476,200	$16,000	$492,200
SCI, Inc.	$362,223	$29,900	$392,123
Hills Construction	$399,780	$29,200	$428,980
Peck Ormsby	$407,800	$28,000	$435,800
Counterpointe	$431,500	$28,800	$460,300

SCI, Inc. is the lowest qualified bidder. Staff therefore recommends SCI, Inc. as the successful bidder.

The bid alternate is for removing all of the electrical equipment that has been piece-mealed into the Park Meadows Well building with a new Motor Control Center (MCC) and installing the electrical equipment within the MCC. The MCC results in a cleaner, safer electrical setup within the well building. It was offered as an alternate to see if the budget allowed for the work once base bid prices were obtained.

The budget for the construction was set at $572,000, which includes contingency. Staff is therefore recommending that the Bid Alternate be included in the contract and the total of $392,123 is what is recommended for authorization.

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

Alternatives:

A. Approve the Request:
Staff recommends Council authorize the City Manager to execute a Construction Agreement, in a form approved by the City Attorney, with SCI, Inc. for the construction of the Park Meadows Well Treatment Facility for a lump sum amount of $392,123.

B. Deny the Request:
Council could deny Staff's request. Denying the request would delay the much-needed Park Meadows Well treatment completion.

C. Continue the Item:
Council could continue the request. Continuing the request would delay the much-needed Park Meadows Well treatment completion.

D. Do Nothing:

Staff does not recommend this alternative. Doing nothing would also delay the much-needed Park Meadows Well treatment completion.

Significant Impacts:

The Park Meadows Well Treatment Facility project is funded in the approved FY05/06 budget.

Recommendation:

Staff recommends Council authorize the City Manager to execute a Construction Agreement, in a form approved by the City Attorney, with SCI, Inc. for the construction of the Park Meadows Well Treatment Facility for a lump sum amount of $392,123.

Breaking News in Voting & Election Systems - Prepared by Kathy Dopp - February 16, 2006

- Lt. Governor Gary Herbert has just awarded a $500,000 contract to a PR firm using Utah's Help America Vote Act (HAVA) funds (our tax dollars) to help Diebold "sell" its voting systems to Utah voters. HAVA funds are allowed to be used for "voter education", so this misuse of funds by Lt. Governor Herbert to propagandize Utahns to accept the Diebold DRE's is on the edge of legal acceptability. *Please ask to see a copy of this contract for yourself.*

- Governor Robert Ehrlich, R-MD wrote a letter calling for Paper Ballots, decrying the lack of Diebold's security, and speaking of the 1000% Increase in Maintenance Costs for Maryland's Diebold Voting System! Maryland is the same state where Linda Lamone, President of the National Association of State Election Directors, is the state Election Director. Lamone has pushed for unverifiable elections (that lack any independent means for detecting or correcting vote count errors) nationwide. Over Lamone's objections, Maryland's legislators are now overwhelmingly supporting a bill which will require independent vote count audits using voter verifiable paper ballots. *(Governor Ehrlich's letter is attached)*

- The National Election Data Archive's statisticians and mathematicians recommend new common-sense measures for ensuring vote count accuracy, and released a "Novice's Guide to Why the Ohio 2004 Exit Poll Discrepancy Matters to Americans". This report can be found at http://electionarchive.org/ucvAnalysis/US/exit-polls/Ohio2004-US-future.pdf *(4 pages plus press release are attached)*

- Diebold is claiming that the phone company erred in advertising 16 fictitious Diebold locations in Utah that do not exist! *Please ask Diebold how many offices it really has in Utah and where its real office locations are, and ask Diebold if the phone company also goofed in the other 20 states where Diebold lists fictitious office locations in the white pages that are really Walmart locations.*

- *Please pass a resolution in support of Utah SB259, introduced by Senator Scott McCoy which would require a routine mandatory independent audit of vote count accuracy in Utah's elections.*

STATE OF MARYLAND
OFFICE OF THE GOVERNOR

ROBERT L. EHRLICH, JR.
GOVERNOR

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TTY USERS CALL VIA MD RELAY

February 15, 2006

Chairman Gilles Burger
Maryland State Board of Elections
P. O. Box 6486
151 West Street, Suite 200
Annapolis, MD 21401-0486

Dear Chairman Burger:

As you are aware, there has been widespread national concern about the reliability and security of electronic voting systems. Many states have decertified Diebold voting machines, including those similar to the ones used in Maryland, because certain components were never subjected to federal testing. In light of these recent national decertifications and the Maryland General Assembly's decision to override my vetoes of bills implementing early voting and allowing voters to cast ballots anywhere in the state, I no longer have confidence in the State Board of Elections' ability to conduct fair and accurate elections in 2006.

California, Pennsylvania, and dozens of local jurisdictions recently have decertified or denied certification to the Diebold voting machines pending further testing by federal authorities, citing, among other concerns, the potential for manipulation of election results due to the susceptibility to tampering of the vote-counting memory cards. In response, the Independent Testing Authority (ITA) has been reviewing Diebold voting systems and their electronic components for almost two months and has not released any findings. The State Administrator issued a letter to Diebold requesting daily status reports on the testing, but to my knowledge, no information has been shared with the State Board of Elections members, the Administration or the General Assembly about the implications for Maryland with regard to this testing.

It is imperative that I receive accurate information on the potential consequences that these test results may have on Maryland's ability to conduct fair and accurate elections this year. In discussions with my staff, you have stated that members of the State Board of Elections have not received regular updates on the testing controversy. I believe that it is time for the Board to get aggressive in responding to citizens' concerns over public confidence in the elections system.

I am also disheartened by the unresponsiveness of the State Administrator to the issue of voter verification. It is my personal belief that the voters of Maryland should be allowed to vote a paper ballot or have a voter verification paper-trail to electronic voting as reassurance to voters that their votes are being accurately cast. Therefore, I had requested that the Commission on the Administration of Elections chaired by George Beall, evaluate the potential for the introduction of this technology in Maryland. The Commission intended to rely on the report commissioned by the State Board of Elections and being compiled by Dr. Donald Norris of UMBC. That report was due to be completed in early December. I am sure that you share my disappointment that Dr. Norris' report still has not yet been released and that the Beall Commission has been unable to complete its work.

I also continue to be troubled by the rapidly escalating costs of election administration in Maryland, especially in comparison to fiscal estimates that were prepared for the General Assembly. In 2001, Governor Glendening signed House Bill 1457 requiring the State Board of Elections to select and implement a uniform statewide voting system. At that time, the General Assembly's fiscal note for House Bill 1457 estimated that the total cost would be $36,890,000. The actual cost, which has been financed by the State Treasurer was $65,564,674 – an almost 78 % increase from the original cost estimate. However, this misjudgment pales in comparison to the 1000% increase for estimates of the annual maintenance costs for this system. The 2001 fiscal note estimated such maintenance would be $858,000. For the upcoming fiscal year, the State Board of Elections requested $9,528,597 for these costs. The cost of Maryland's Diebold voting machines has skyrocketed as our confidence in the system has plummeted.

In 2005, the State Board of Elections provided a fiscal estimate of $175,000 for the State costs associated with an early voting program, which will now be implemented because the General Assembly overrode my veto. Astonishingly, the State Administrator recently submitted a supplemental budget request that increases these statewide costs from $175,000 to $11.5 million. Ironically, the supplemental budget justification provided by the State Administrator focuses on the potential for voter fraud and strikingly echoes the findings of the Beall Commission and the concerns raised in the floor debate by those opposed to the legislation.

These repeated instances of inaccurate fiscal estimates damage the credibility of the State Board of Elections and makes an informed judgment by the General Assembly of the fiscal implications of electronic voting and early voting impossible. The State Board of Elections continues to pursue an electronic fix at a time when electronic technology for voter registration is untested in Maryland and could create more problems than it solves. I do not want to repeat the mistakes made in 2001 when Maryland adopted emerging technology without understanding fully the potential consequences of a new era of electronics in election administration.

At the least, we should re-evaluate our position as of February 2006 – just a mere seven months before the primary election. It is essential the State Board of Elections aggressively advocate its previously adopted position before the General Assembly that any early voting program be deferred until the 2008 election and that legislation be passed to enact this deferral.

I also direct the State Board of Elections provide me with a written report by February 28th that addresses each of the issues cited below:

Diebold Voting Systems

1. What specific electronic components are being tested by the ITA and how does it relate to the Diebold voting systems used in Maryland?

2. Have other jurisdictions decertified or failed to certify any version of the Diebold Optical Scan or Touch Screen (DRE) systems used in Maryland?

3. What does the Maryland Election Law statute provide regarding the certification of election systems? Under what circumstances does it require the State to decertify an elections system?

4. What is the State Board of Elections' contingency plan if the current voting system is decertified, or otherwise found to be incapable of administering a 2006 election free of any charges of compromise?

5. Can new machines be successfully procured for use in the 2006 elections?

6. What are the likely mitigation steps necessary to ensure public confidence in our elections system?

Voter Verification Systems

1. When will the Voter Verification Study conducted by UMBC be available for review?

2. What is the State Board of Elections' plan if the General Assembly requires the Board to purchase a voter verified paper audit trail or optical scan machines to replace the current system in time for the 2006 elections?

3. What voter verification system technologies are compatible with our current voting system?

4. Could we acquire and implement a statewide voter verification system for the 2006 elections?

5. What is the estimated cost to the State to acquire a voter verification system for the 2006 elections?

6. How do the costs of a statewide voter verification system compare to the costs of implementing a statewide optical scan system?

Early Voting

1. What is the State Board of Elections' plan for implementing Early Voting for the 2006 elections?

2. What is the position of the county and local boards of election on the implementation of early voting for the 2006 election?

3. What is the State Board of Elections' plan for administering early voting in a secure manner if the State is unable to purchase electronic pollbooks for the 2006 elections?

Finally, I want to express my disappointment with the State Board of Elections' staff. The State Board of Elections is intended to be an independent, non-partisan agency and should not take positions on partisan election law issues. While I expect the Elections Administrator and her staff to testify on all issues relating to the administration of elections as directed by their Board, it has become evident that they have been working primarily on behalf of partisan legislators and their interests and not on the interests of the citizens of Maryland. A recent legislative briefing revealed actions by a staff member of the Board of Elections where he was surreptitiously advocating to override the Governor's veto in direct opposition with the Board's position. The recurring lack of judgment by the State Board of Elections' staff cannot not be tolerated. I urge the State Board of Elections to restore the independence and fairness of the elections office; otherwise we risk losing public confidence in Maryland's election processes.

Very truly yours,

Robert L. Ehrlich, Jr.

Robert L. Ehrlich, Jr.
Governor

cc: The Honorable William Donald Schaefer, Comptroller
The Honorable Nancy K. Kopp, State Treasurer
The Honorable Thomas V. Mike Miller, Jr., President of the Senate
The Honorable Michael E. Busch, Speaker of the House
Members, Governor's Commission on the Administration of Elections
Cecilia Januszkiewicz, Secretary of Budget and Management

For immediate release by the National Election Data Archive: February 16, 2006
Contact: Kathy Dopp, Kathy@uscountvotes.org 435-658-4657

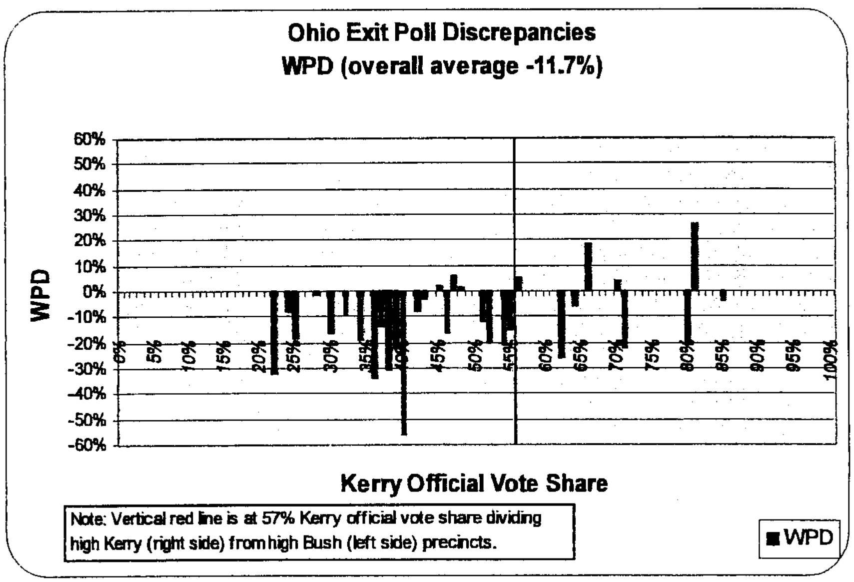
Statisticians Recommend New Measures to Ensure Vote Count Accuracy

Release "Ohio's 2004 Exit Poll Analysis for Novices"

Why should Americans care about possible 2004 vote miscounts? The 2004 election is over. It's old news. The only reason for rehashing prior elections is to ensure that our votes are counted the way voters intend in the future. Should Americans trust that our votes are counted accurately; or is wholesale electronic election tampering occurring? How could the evidence of vote tampering be hidden? Are the future of democracy and U.S. elections at stake? The U.S. press has dismissed exit polls as surprisingly inaccurate in the 2004 presidential election when exit polls conflicted with official vote counts. Were exit polls wrong or were vote counts altered?

On February 14, 2006, the National Election Data Archive, a group of volunteer mathematicians and statisticians, released a report asking that new measures be taken immediately in order to assure the integrity of future U.S. election results. Their new report discusses why current measures to ensure vote count accuracy, such as testing and certification, are inadequate; discusses how evidence of vote miscounts are hidden by current election reporting procedures; and recommends independent vote count audits, public detailed election data monitoring, and public exit poll data.

The National Election Data Archive's report also summarizes a scientific analysis of Ohio's precinct-level exit polls in layman's terms. Why should Americans care about Ohio's 2004 vote counts? Ohio was a key battleground state. Whichever presidential candidate won Ohio became president. Ohio is also the only state for which pollsters publicly released sufficient precinct-level exit poll and vote count data to perform a valid mathematical analysis. Exit polls by the same exit polling firm, Edison/Mitofsky International, were recently used to judge when elections in the Ukraine and Azerbaijan were valid. Exit polls in the 2004 presidential election were not just randomly inaccurate: Bush's reported vote tally was higher than the exit polls anticipated and the inaccuracy was highest in precincts with the highest reported Bush vote. The pollsters said: "Bush voters completed fewer exit polls." However, the National Election Archive's analysis finds that the exit poll error explanation is inconsistent with the data and claims that John Kerry might be president today, if votes had been accurately counted in Ohio.



In June 2005 The Election Science Institute (ESI) and pollster Mitofsky issued a paper "*Ohio 2004 Exit Polls: Explaining the Discrepancy*" which asserts that an exit poll error explanation "is much more likely than the fraud accusation theory to account for most, if not all, of the observed discrepancy between the exit polls and the actual results." Precinct-level exit poll data released with ESI's report shows that the overall average discrepancy between Ohio's exit poll and certified vote count margins between Kerry and Bush was 11.7 percentage points.

However, In October, 2005, the National Election Archive released a paper which gives counterexamples to show that the Election Science Institute's analysis is based on an invalid premise.[1] On January 17, 2006 the National Election Archive released its own scientific Ohio exit poll discrepancy analysis, "*The Gun Is Smoking: 2004 Ohio Precinct-level Exit Poll Data Show Virtually Irrefutable Evidence of Vote Miscount*"[2]. This analysis concludes that Ohio's exit poll discrepancy pattern is consistent with outcome-altering errors in vote counts.

Two things are certain in this controversy about U.S. exit poll accuracy:

1. The Election Science Institute and the National Election Archive cannot both be correct, and
2. Any university mathematics department in America could evaluate the two conflicting studies and decide which analysis is mathematically correct.

The National Election Archive challenges every journalist interested in discovering if outcome-altering vote miscounts or exit poll error is the more probable cause of Ohio's exit poll discrepancy; to help resolve this critical question. The answer may make the difference as to whether Americans take steps to ensure vote count accuracy in future elections or not. The National Election Archive urges the National Election Pool media consortium to accept this "math challenge" by sharing these two conflicting election studies with mathematics faculty at any university to determine which analysis is mathematically correct.

http://electionarchive.org/ucvAnalysis/OH/Ohio-Exit-Polls-2004.pdf and
http://electionscience.org/reports/view_reports

http://electionscience.org/Members/stevenhertzberg/report.2005-07-19.7420722886/report_contents_file/

The survival of democracy and the future of our civilization may depend on taking steps to ensure the accuracy of elections. As the Election Science Institute said, "The public has a right to know exactly how elections work and to verify for themselves that the voting and the counting is done right."

NEDA's full February 16th report can be found online at
http://electionarchive.org/ucvAnalysis/US/exit-polls/Ohio2004-US-future.pdf

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[1] "Mathematical Proof that Election Sciences Institute's Test to Rule Out Vote Fraud Is Logically Incorrect," http://electionarchive.org/ucvAnalysis/US/exit-polls/ESI/ESI-hypothesis-illogical.pdf

[2] http://electionarchive.org/ucvAnalysis/OH/Ohio-Exit-Polls-2004.pdf

Abstract

The only reason for rehashing the 2004 election is to ensure that our votes are counted accurately in the future, the way voters intend. Why do Americans believe that our vote counts are accurate? Is wholesale electronic election tampering now possible? How is the evidence of vote tampering hidden?

The U.S. press has dismissed exit polls as surprisingly inaccurate in the 2004 presidential election. Are U.S. exit polls truly inaccurate? The 2004 exit polls were not randomly inaccurate. Errors were not roughly equal in both directions. Kerry won the election according to exit polls, but Bush won the election according to reported machine vote counts. The discrepancy between reported votes and exit poll shares tended to be more severe in precincts that reported more votes more for Bush. The pattern of discrepancy between exit polls and reported vote cannot be explained by random error.

Ohio was the swing state that gave GW Bush enough electoral votes to become president. Ohio is also the only state for which pollster Warren Mitofsky has publicly released sufficient precinct-level vote count and exit poll data for study. In Ohio there was a whopping 11.7% difference between exit polls and reported vote margins calculated from this precinct-level data. One explanation has been offered by the pollsters Edison & Mitofsky: "Kerry voters completed more exit polls than Bush voters". However, our analysis of observed exit poll patterns shows that Ohio's patterns of precinct-level discrepancy cannot be plausibly explained by a higher exit poll completion rate by Kerry voters; and are more consistent with outcome-altering vote miscounts.

If common sense measures to detect and correct vote count errors are not employed, then we cannot expect votes to be counted the way voters intend; and our republican form of government may cease to exist. To make sure that U.S. votes are accurately counted, independent vote count audits, more detailed election data reporting and analysis, and public exit polling data are needed, prior to candidate concession.

Who Cares About the 2004 Election Anymore?

The 2004 election is over. GW Bush is in office. That isn't going to change. There is no reason to care about vote miscounts in Ohio -- unless the issue is to make sure that vote counts more accurately reflect voter intent next time. The future of democracy and U.S. elections are at stake. Measures need to be taken immediately in order to assure the integrity of future American election results. If we know how and where votes were miscounted, then we may be able to put a stop to it.

Ohio is the only state for which precinct-level exit poll and vote count data, along with sufficient raw exit poll surveys to estimate the number of exit poll respondents, has been publicly released. If pollsters would release the voting equipment used for each precinct they sampled, the poll discrepancies could be compared with the voting equipment used. This might allow analysts to detect irregular patterns for further investigation.

We Count Votes Accurately. Don't We?

Computers Bank Accurately, so Computers Can Count Votes

Banks conduct routine independent audits to detect and correct any errors and to prevent insider embezzlement. Bank depositors are given receipts of transactions, and bank staff knows who owns which accounts and how much money is in them. On the other hand, votes are deposited anonymously. Securing a voting system presents more challenges than securing banks. Even with security measures that far exceed voting system security, bank systems have been breeched; and because of the openness of bank records, it is easier to catch perpetrators and make corrections in the data than to correct wrongly recorded votes.

Election Officials Do "Logic & Accuracy" Testing

"Logic and accuracy" testing is only what is normally called "functionality" testing in other fields. It is performed before an election to see if machines accurately count test ballots. Most voting equipment is placed in a test mode for functionality and data testing. The code for test mode could easily be written to operate the machine correctly so as to bypass detection of tampering, but the code for the actual election could count fraudulently. Therefore "logic and accuracy" testing will detect only some types of innocent errors, but is inadequate for detecting deliberate attempts to tamper.

Voting Machines Are Tested & Certified

Many serious flaws have been missed in the current voting machine testing process. It is not possible to test enough to detect all possible errors or malicious programs. Backdoors as well as "Easter eggs" (hidden programs within the main application set to open and operate on a specific date) are easily programmed undetectably into any computer system. In addition, after testing, upgrades and updates to the software, hardware, or drivers of voting machines are often not tested. Just recently, illegal interpreted software that allows hackers to tamper with election results, while passing all logic and accuracy testing, was discovered on Diebold's memory cards for both its DRE and its optical scan vote counting equipment. This caused California to decertify Diebold for a third time. Yet this illegal software was completely missed by the testing and certification process.

Election Officials Guard Voting Equipment

Proponents of paperless electronic voting equipment would like us to believe that programmers never make innocent errors and that tampering with vote counting processes can be prevented by having election officials guard the voting equipment from "outsiders" and "voters". However, any system is most at risk of attacks, hacking and tampering, not from outsiders, but from insiders within the system.

How Is the Evidence of Vote Miscounts Hidden?

There is a huge financial incentive to tamper with vote counts. Election winners control budgets and contracts worth millions, even billions, of dollars.

It is difficult or impossible to detect or correct vote miscounts because:

- Detailed exit poll data may be withheld by the private exit polling firm and their media clients
- Detailed vote count data may be withheld by county election officials. Insiders can pad votes for one candidate in one vote type while simultaneously subtracting votes for a different candidate in another vote type, without raising any suspicions, because the counts are added together before they are publicly reported.
- New electronic and old mechanical voting equipment may not leave any discernable evidence when tampering has occurred.
- Many voting systems lack voter verified hand-countable paper ballots that can be used to perform independent audits of vote count accuracy.
- Election officials may misinform or under-inform reporters.

Summary and Conclusions

All parties agree that the 2004 exit poll discrepancy nationwide and in Ohio cannot be explained by random *sampling error.*

If there is an *exit poll error* explanation for the exit poll discrepancy, then the effects of particular exit polling factors could be linked to the amount of "within precinct discrepancy" (WPD) by a statistical analysis that could be replicated by independent analysts. None has been offered by pollsters. A tendency for Bush voters to complete fewer exit polls cannot by itself explain the Ohio discrepancies.[30]

If an exit poll error explanation that is supported by data and scientific analysis is not forthcoming from the exit pollsters, there is no other alternative but to accept a *vote miscount* explanation for the 2004 presidential exit poll discrepancy.

Ohio's precinct-level exit poll and vote count data are consistent with outcome-altering vote miscounts.

What Shall We Do About the Upcoming 2006 and 2008 Elections?

Independent Audits

Routine independent audits of as few as 1% to 5% of the vote counts, if randomly selected, can assure voters with over 95% probability, that if there are any errors in as few as 10% of vote counts, the errors will be detected. Independent audits require comparing a hand-count of voter verified paper records of votes cast with the machine counts. US Count Votes has proposed vote count audit procedures for adoption that are available on ElectionArchive.org.

Conceding Elections Only After Analyzing Election Data

Every state's open records laws give the public the right to obtain the detailed vote count data that often reveals suspicious patterns indicating vote miscount. If candidates continue to concede elections without first making sure that votes are counted accurately, it will not be possible to ensure that the right candidates are sworn into office. Candidates could demand, at a minimum, to see their own detailed vote counts broken out by precinct and by type of vote (absentee, early, provisional – early, provisional – Election Day, mail-in, military, overseas, and Election Day).

Public Election Data Monitoring

The bad news is that not one state in the U.S. today monitors its own detailed vote count data for accuracy, and every county election office in the U.S. currently reports its election results in a way that hides the evidence of election tampering.

The November 2004 New Mexico election serves as an apt example: There were 10,000 more absentee ballots counted than were actually cast; and in New Mexico counties using paperless electronic voting machines, there was up to a 20% rate of under-votes (no vote recorded for president) in some precincts where allegedly many voters cast straight-party votes, but then decided not to cast any vote for the U.S. presidential race. These two highly suspicious patterns were hidden because Election Day missing votes are added together with the extra absentee votes before public reporting, canceling the evidence.

[30] NEDA/USCV estimates (p. 23 of January 2006 report) indicate that a pervasive bias of 1.18 (Kerry voter exit poll response of 59% to Bush voter response of 50%) would explain more significant precinct level discrepancies than any other level of pervasive bias. But this would still leave 15 precincts (31% of the 49) with significant, and overwhelmingly negative (11 out of the 15), exit poll discrepancies. Moreover, as is noted in the text above, rBr, of *any* magnitude, is *not* consistent with aggregate exit poll response rate averages from the national data reported by E/M.

The good news is that the public has a legal right to obtain the detailed vote count data that reveals such problems. The National Election Data Archive is seeking funding to build and maintain a public election data archive on the Internet so that volunteers and election officials in every state can upload detailed vote count data, to make it publicly available to independent analysts.

Public Exit Polls

Public exit polling data could be used to help pinpoint precincts, counties, and voting systems with suspicious vote counts for further investigation and analysis. Currently Edison/Mitofsky, a private polling company, conducts U.S. exit polls for the National Election Pool comprised of major media clients, and the data is kept secret. The justification is that voter anonymity would be at risk in smaller precincts if exit poll and vote count data were released, allowing the precincts to be identified. This concern about revealing particular voters' votes seems overblown and could be overcome by adding smaller precincts together when publicly reporting data. Mitofsky has used exit polls overseas to judge when elections are suspect. Public U.S. exit polls could likewise be used to gauge the accuracy of U.S. vote counts.

The following data is needed for each precinct, to perform basic exit poll discrepancy analysis:

1. Exit poll shares
2. Official reported vote shares
3. Exact exit poll sample sizes

When analysis of the above data shows significant unexplained discrepancy patterns consistent with outcome-altering vote miscounts, additional precinct-level data is needed including:

1. information on pollsters and polling conditions
2. voting equipment vendor, type and methods used for each vote count
3. county labels
4. detailed vote count data broken out by vote type (absentee, overseas, election day, provisional, early) for all precincts

If exit poll analysis still shows significant unexplained discrepancy or discrepancy correlated with voting equipment or county, then additional data and measures are needed including

1. precinct identifiers,
2. detailed on-the-ground investigation of significant exit polled precincts, and
3. independent audits or hand-counts of voter-verified paper ballots in suspect precincts

Summary of Recommendations for Election Integrity

The accuracy of any system depends on a routine process for detecting and correcting errors. Independent vote count audits and public release and monitoring of detailed election data are needed to detect and correct vote count errors. Candidates could help to achieve basic safeguards for democracy by refusing to concede elections until after obtaining and analyzing their own detailed vote count and exit poll data in future elections.

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