PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 5, 2009

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Library and Education Center, Room 205, 1255 Park Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, February 5, 2009.

Closed Session
3:00 p.m. Property and litigation

Work Session
4:00 p.m. Council questions/comments
4:15 p.m. SR248 corridor plan Separate cover and P. 4 - 11
5:00 p.m. Park Silly Sunday Market – 2009 programming of upper Main Street
(a) Discussion Separate cover and P. 12 - 34
(b) Public input
5:50 p.m. Break

Regular Meeting
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF JANUARY 22, 2009 P. 35 - 43

V OLD BUSINESS *(Continued items)*

1. Consideration of an Ordinance approving the 2300 Meadows Drive subdivision plat
(a) Public hearing
(b) Motion to continue to a date uncertain

VI NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

1. Consideration of an Ordinance approving amendments to the Park City Land Management Code clarifying Financial Guarantee language to Chapters 1, 7, 11 and 15
(a) Public hearing
(b) Motion to continue to February 12, 2009

2. Consideration of Resolution authorizing the submittal of an application for a grant from the U.S. Bureau of Reclamation to assist in funding the installation of a fixed base automatic water meter reading system P. 44 - 59

3. Consideration of an Ordinance approving a one-year extension of the Boothill Parcel Plat, located near the corner of Monitor Drive and Kearns Blvd., Park City, Utah
(a) Public hearing P. 60 - 66
(b) Action

4. Consideration of Professional Services Agreement, in a form approved by the City Attorney, with Horrocks Engineers for the design and construction management of the SR-248 Pedestrian Crossing in the amount of $286,101 P. 67 - 83

VII ADJOURNMENT

Posted: 02/02/09
See: www.parkcity.org

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

February 2009

12 Award of contract for carbon and water website – DF
Ordinance approving amendments to the Park City Land Management Code clarifying Financial Guarantee language to Chapters 1, 7, 11 and 15
Ordinance – amendments to Municipal Code Titles 1 and 2
Ordinance – 395 Centennial Circle plat amendment – JD
Ordinance – 2001 & 2009 Lucky John Drive plat amendment - JD
Resolution adopting SR248 corridor plan – work/action

19 **No meeting**

26 Cost recovery policy for Recreation Fund
Racquet Club remodel – presentation by VCBO
Nepal Trip – work – LT
Land Management Code – Amendments SS CUP TE
Award of contract – Park City Website

March 2009

5 Emergency operations training – police facility (1 hour)

12

19 **No meeting**

26

April 2009

2

9 **Tom gone**

16 **No meeting**

23

30

Pending Items:

Sergio ice cream franchise - PM
Amendment to fee resolution - GRAMA
Water supply and demand
Resolution amending (or replacing) Resolution No. 20-07, adopting Affordable Housing Guidelines and Standards for Park City, Utah
Carrying capacity/market analysis survey
Wild land interface issues
No meeting – May 14 – Dana gone

City Council Staff Report

Subject: SR-248 Corridor Plan
Author: Kent Cashel, Deputy Public Works Director
Department: Public Works
Date: February 5th, 2009
Type of Item: Administrative

Summary Recommendations:
Staff recommends that City Council review and comment on the attached final draft of the SR-248 plan. Staff supports Lochner's recommendation for Alternative 3 (4 lanes w/ Bus-HOV). Staff will incorporate Council input into a final plan and return on February 12th for a final public hearing and Council consideration of adoption of the plan.

Background:
Council adopted the Entry Corridors Management Strategic Plan on March 20th, 2006. This strategic plan set forth objectives for the management of transportation and traffic along the City's entry corridor's (SR-224, SR-248 and Bonanza Drive). One of the key objectives identified in the strategic document is, "to gain a thorough understanding of volumes and travel patterns that make up the current and future traffic conditions along the entry corridors." Another key objective identified in the plan is, "ensure current capacity of entry corridors are utilized effectively before expanding roads or related infrastructure." These two objectives have been the impetus behind six individual studies that have recently been completed for portions of the SR-248 corridor.

The City's park and ride lot, to be located at Richardson Flats, will be utilized to remove single occupant vehicles, from the SR-248 corridor during peak hours and special events. Staff believes the success of the park and ride will be contingent upon providing transit the ability to move quickly along the SR-248 corridor so that users of the park and ride (voluntary or mandated) have the benefit of avoiding delays associated with congestion.

On February 28th, 2008 Council authorized Staff to execute a contract with Interplan Transportation Consultants to consolidate existing SR-248 studies into one corridor plan. This study accomplished the following tasks:

1. Consolidation of existing studies of portions of SR-248 into one comprehensive corridor plan.
2. Explored alternatives and developed recommendations for reducing transit travel times to and from the park and ride (e.g., dedicated bus lanes, bus use of shoulders, HOV lanes, queue jumping, signal prioritization and etc.)
3. Completed an inventory of existing UDOT right of way and conducted a needs analysis for additional right of way.

While Phase I the SR-248 Study provided a solid understanding of automobile challenges (and provided recommendations for congestion mitigation) along the SR-248 corridor, the study does not constitute a comprehensive corridor plan. Completing a comprehensive corridor plan required consideration of pedestrian and bicycle modes, public review and input and more detailed engineering.

On May 29th, 2008 City Council reviewed Phase I of the SR-248 Corridor study and provided direction on the alternatives to be studied and directed Staff to proceed with Phase II of the Study. Council directed Staff to further explore the following alternatives in Phase II of the study:

- No Build Alternative
- Directional Lanes
- Dedicated Bus\HOV Lanes
- Four Lane Widening

Staff also committed to incorporate recommendations from the WALC Committee into the alternatives for evaluation.

On July 31st, 2008 Council authorized execution of a contract with Lochner Inc. for the preparation of an SR-248 Corridor Plan. The Utah Department of Transportation (UDOT) agreed to participate in this study by assigning staff members to the study's steering committee and agreeing to provide $30,000 in funding.

Staff formed a steering committee made up of the following seven members:

Matt Cassel	Engineering
Jon Weidenhamer	Sustainability
Katie Cattan	Planning
Brett Howser	Budget, Debt, Grants
Lisa Baird	UDOT
Lisa Wilson	UDOT
Kent Cashel	Transportation

The steering committee has been meeting regularly to provide direction to Lochner Inc.

The steering committee formed a Stakeholder Committee to review the alternatives and provide feedback to the steering committee. The membership of the stakeholder committee is as follows:

Kim Mayhew	Deer Valley Ski Area
Carol Potter	Mountain Trails
Jenni Smith	Park City Mountain Resort
Mark Fisher	NoMa

Adam Strachan	Planning Commissioner
Kenzie Coulson	Sundance
Stephen Oliver	Park City School District

On September 9th, 2008 Staff held a stakeholder committee meeting to provide committee members with an overview of each of the alternatives and to gather stakeholder feedback.

On September 30th, 2008 a Public Open House was held at the Shadow Ridge Hotel. Approximately 35 individuals attended this open house and provided comment on the four alternatives being explored

On November 20th, 2008 City Staff and Lochner presented the study's initial findings to Council. At this time Council provided direction to focus on the following alternatives during the final phase of the study:

1. No Build
2. Directional Lanes
3. 4 Lane (minimal widening)
4. 4 Lane (Bus|HOV)

On January 20th, City and Lochner Staff held a stakeholder meeting to provide this group with findings of the study and to gather input from this group on its preferred alternative. Several members of the Stakeholder group did not attend this meeting.

On January 28th, City and Lochner Staff held an additional Stakeholder meeting, inviting all those stakeholders that who did not make the January 20th, meeting. The purpose and content of this meeting were identical to the January 20th meeting.

Staff and Lochner are ready to provide Council with the final study findings and to forward a final recommendation to Council.

Analysis:
The attached report contains detailed analysis of the following alternatives

Alternative #	Alternative Title	Alternative Description
1	No Build	Add no additional capacity to current roadway, apply transportation demand strategies.
2	Four Lane (Full Widening)	Full widening of roadway from SR-224 to US-40. On November 20th, 2008 Council directed Staff to not pursue this alternative further.
3	4 Lane BUS\HOV (minimal widening)	This alternative would widen section between Sidewinder Drive and Wyatt Earp Way to 4 lanes with center turn lane. East of Wyatt Earp, the planter would be removed and lanes narrowed to 11'

Alternative #	Alternative Title	Alternative Description
		between Wyatt Earp and the Richardson Flat Road. East of Richardson Flat Road the road would be constructed to 4 lanes with center turn lane. Outside lanes (between Richardson Flat Road and Wyatt Earp) would be restricted to High Occupancy Vehicles and Buses.
4	Reversible Lanes	This alternative would widen section between Sidewinder Drive and Wyatt Earp Way to 4 lanes with center turn lane. East of Wyatt Earp to Richardson Flat Road the planter would be removed and the center turn lane would be a reversible lane facility. East of Richardson Flat Road would be widened to four lanes with a center turn lane. Alternative 4a would allow all vehicles access to reversible lane. Alternative 4b would allow only Bus\HOV access to the reversible lane.

Each of the alternatives have some common elements that are important to understand and consider.

<u>4 lane widening - Wyatt Earp to Sidewinder Drive</u>
This section of road passes along the south side of the three school campus, there are numerous cross streets and parking lot accesses which contribute to a high level of turning movements onto and off of the highway.

These turning movements create two challenges for managing traffic along this section of the corridor. Those challenges are:

1. Turning movements onto and off the highway interrupt flow of traffic and reduce vehicle throughput.
2. Turning movements hinder ability to manage lanes as Bus\HOV lanes as traffic enter and exit roadway.

The SR-248 study has concluded that widening of this section of road (4 lanes with center turn lane) is required for any of the alternatives to improve corridor performance and manage congestion.

<u>Pedestrian Tunnel – Comstock Drive at SR-248</u>
This tunnel was recommended by the WALC and is scheduled for construction during the summer of 2009. This tunnel will connect neighborhoods on the north and south sides of SR-248 with a pedestrian facility that does not require crossing SR-248. This tunnel will be constructed to accommodate widening of the roadway to four lanes with a center turn lane.

Signalized pedestrian crossings will also be available at Park City High School, Monitor Dr., and Park Avenue. An additional signal is anticipated at Homestake Road which would provide another signalized pedestrian facility on the corridor.

Island Planter – Wyatt Earp Drive East to Richardson Flat Road
An island planter currently occupies the center turn lane of SR-248 (for approximately 1 mile east of Wyatt Earp Dr) where the road is sandwiched between PC Hill to the north and wetlands to the south.

All alternatives assumed removal of this island to reclaim this right of way and to minimize environmental impacts and costs. Widening the current platform of this section of road would involve cutting into the hillside or encroaching into the Silver Creek wetlands.

Stakeholder Feedback
Staff held a Stakeholder meeting on September 9th. At this meeting the stakeholder group reviewed the study alternatives and provided comment. In general the group preferred a phased approach using directional lanes in phase 1 and moving to a four lane widening with additional capacity programmed for bus\HOV when, and if, that should become necessary. A more detailed summary of comments received at this meeting is attached to the back this report.

On January 20th Staff held a stakeholder meeting to provide the group with study findings and recommendations (Council transportation liaisons Jim Hier and Roger Harlan were in attendance). The group was supportive of Lochner's recommendation.

On January 28th Staff met with Park City School District board representatives and staff to provide them with study findings and recommendations. The member's in attendance were supportive of the study recommendations. Michael Boyle (district board member) should be in attendance at Council February 5th meeting.

Public Feedback
A public open house was held on September 30th, 2008. At this open house the public was provided the opportunity to review and comment on the alternatives. Approximately 35 people attended this open house. Attendees were provided the opportunity to vote on their preferred alternative and to provide written or spoken comment.

In general attendees preferred the directional lanes alternative. However, attendees also supported the dedicated bus\HOV concept fro any additional road capacity. A more detailed summary of comments received at this meeting are contained as an Appendix to the SR-248 Corridor Plan.

At the beginning of the study a project website was set up at www.sr-248parkcity.com . This website provides information to the general public regarding the alternatives and an opportunity to provide public comment. This website will continue to gather public comment leading up to final Council adoption (tentatively scheduled for February 12th, 2009).

Staff has included information regarding the report, the website and City Council schedule for review and adoption of the plan in the January City Newsletter (distributed on January 27th, 2009).

WALC Recommendations

WALC identified SR 248 as part of their “Spine System”. Their recommendations for this corridor were for an underpass at the Comstock intersection (2009 Construction) and installation of a Class II Bike lane from SR 224 to US 40. A Class II bike lane includes a minimum striped 4’ lane, stencil of a bike symbol, and “bike lane” signs. All options explored in the study anticipate inclusion of these facilities.

Additional WALC recommendations will be considered for integration during the final design phase of the project as well as during the development of an operations management plan for the SR-248 corridor.

Funding Considerations

It is important to note that the Utah Department of Transportation has not identified, or budgeted, funding for SR-248 improvements. While this does not mean that funding cannot be secured it does mean that the City will need to have a solid strategy and put forth a significant effort to secure that funding if there is a desire to complete these improvements in the next few years.

Adopting a corridor plan, that is supported by UDOT is a significant first step in securing project financing. It is important to note that, in general, long term solutions will be far easier to gain State and Federal funding for than interim or phased plans.

Corridor Operations Management Plan

There are numerous operations questions which will need to be addressed prior to final design of any SR-248 project. This plan will address how the improved road is managed. This plan will address questions such as:

- How many people constitute an High Occupancy Vehicle (HOV)
- What Signage will be Required
- How do we enforce lane restrictions
- What will fines be?
- What hours and days will lane restrictions be in place

Alternative Corridors

One element of the SR-248 study explored alternative corridors that could be developed to provide additional road capacity in the future Chapter 3 page 12-18). It is important to note that the study of alternatives is only preliminary. Legal research, operational planning and public outreach would be needed to make a final determination on the viability of any alternative. Staff requests that Council review this section of the report and provide feedback regarding pursuing any of these alternatives further. In particular Staff is interested in receiving feedback regarding the rail trail concept.

Next Steps

Once the City has adopted the SR-248 plan Staff will begin working on next steps. The table below provides the key items that must be completed and the earliest dates that those steps could be completed. It is important to note that this schedule is dependant upon securing agency approvals and funding.

Task Item	Target Completion
UDOT Approval	March 2009
Environmental Study	October 2009
Construct SR-248 Tunnel	October 2009
Project submitted for inclusion in State Transportation Improvement Plan (TIP\STIP)	October 2009
Determine Funding Strategy and Sources	October 2009
Develop Corridor Operations Management Plan	December 2009
Design and Engineering	February 2010
Begin Construction	April 2010

Given current economic conditions and UDOT's recent deferral of many planned construction projects (due to revenue shortfalls) any SR-248 project may require more time than is indicated in this schedule.

Staff thinks it is critical that the City have a corridor plan, have the environmental work for that plan completed and to have the plan's projects listed in State planning documents (TIP\STIP). This preliminary work will ensure the City's project is ready to immediately pursue any funding opportunities that may arise. It is important to note that the City may need to finance the costs of environmental work to ensure this work is completed in a timely fashion. Staff will work with UDOT to determine timing of this work and if necessary present a budget option for this during the budget process this spring.

Staff recommends that City Council review and comment on the attached final draft of the SR-248 plan. Staff supports Lochner's recommendation for Alternative 3 (4 lanes w/ Bus-HOV). Staff will incorporate Council input into a final plan and return on February 12th for a final public hearing and Council adoption of the plan.

Alternatives:

A. **Approve the Request:** Council should review and comment on the draft SR-248 Corridor Plan. Staff supports Lochner's recommendation for Alternative 3 (4 lanes with Bus\HOV lane).

B. **Amend the Request:** Council could amend Staff's recommendation to include\exclude alternatives to explore in the final phase of study.

C. **Deny the Request:** Council could direct Staff to discontinue study.

D. **Continue the Item:** Council could continue the item to a later date.

E. **Do Nothing:** Council could do nothing.

Department Review:
This report has been reviewed by The City Manager's Office, The City Attorney's Office, the City Engineer, the Planning Division, the Sustainability Team.

Recommendation:
Staff recommends that City Council review and comment on the attached final draft of the SR-248 plan. Staff supports Lochner's recommendation for Alternative 3 (4 lanes w/ Bus-HOV). Staff will incorporate Council input into a final plan and return on February 12th for a final public hearing and Council consideration of adoption of the plan.

City Council
Staff Report

Subject: **Event Update- Park Silly Sunday Market/ HMBA Operational Plan**
Author: **Max J. Paap**
Department: **Sustainability**
Date: **February 5, 2009**
Type of Item: **MFL- Informational Update**

Summary Recommendation:
This report is informational and an update. Council should review the progress report which was a condition of the current approval for the 2009 Park Silly Sunday Market to identify a cooperative effort to work on product mix and programming of the entire Main Street in an effort to draw visitors to all areas of Old Town.

Background
The current Master Festival approval for the Park Silly Sunday Market for the 2009 season was adopted on November 20, 2008 that granted the organizers approval to activate 15 Sundays from 10:00 AM to 4:00 PM from June through September on Lower Main Street. That approval contains a condition which requires the Applicant to return to Council on or before February 5, 2009 to present a plan that identifies cooperatively working to address product mix and programming of more portions of Main Street. This cooperation was initially to be between the HMBA and PSSM. PCMC Sustainability scheduled weekly meetings to try to facilitate discussions between the two groups to achieve the cooperative effort that Council felt necessary for the success of the event. Weekly meetings have been conducted to facilitate this cooperative effort. Through the course of these meetings; PCMC Staff, HMBA, and PSSM have defined a “Basic Level of Success” that would concentrate on: 1) Cooperative Effort, 2) Vendor Mix, and 3) Programming of Main Street.

Analysis:
Cooperative Effort -
Since the November 20, 2008 MFL approval (Exhibit A) PCMC, HMBA, and PSSM have met on a weekly basis in an effort to address any conflicts that may create a negative relationship between the weekly activities of PSSM and HMBA membership. All parties involved have worked diligently and effectively to carry out the direction given by Council. Staff finds in general the parties have met the intent of Council direction. Staff intends to assist in coordination between PSSM and HMBA and keep Council updated prior to commencement of the Market.

Vendor Mix-
Through the course of the meetings the group has identified six types of vendors that were of concern coming out of the 2008 PSSM:

- Farmer/Produce
- Jewelry
- Art/Photography
- Beverage (Beer Garden)

- Food- Snacks
- Food- On-site Cooking

Both PSSM and HMBA agreed that each type of vendor should be discussed on an individual level to achieve the level of cooperation that Council intended. There have been levels of resolve on most areas as displayed in Exhibit A- Clear Agreement Form. The area that has run into a stumbling block is the on-site cooking vendor: HMBA is strongly suggesting that there be no on-site cooking in the PSSM venue. Snack foods will be allowed in the Market, but both groups have yet to agree on the true definition of what a snack is. Staff will continue to work with PSSM and HMBA to not only define a snack, but also define how many of these vendors will be in the 2009 market. There has been a compromise to allow 5 on-site food vendors in the venue (down 8 from the 2008 market). At the time of this report, PSSM and HMBA have not come to a compromise on this issue. Also, Attachment B contains the vendor mix summary from the 2007 and 2008 Markets, and the anticipated mix for the 2009 Market.

Programming of Main Street-

Through the ongoing meetings, PSSM and HMBA have identified two types of programming of the street:

- Entertainment- Roving and spontaneous (Buskars)
- Entertainment- Set locations/Music stages

Roving entertainment could include jugglers, singers, dances that could integrate into all areas of Main Street without the necessity to close the street or eliminate parking. They could be an extension of the existing PSSM footprint, and utilize the performers that are already performing there. They would be a low impact presence to add vitality and entertainment throughout the entire street.

The other type of programming that was discussed would be more set in location; it could include programming of the Brew Pub parking lot, or Miner's Park. Programming set locations could also include utilizing paid parking spaces in front of existing businesses. These "Set" locations could be used for additional vendor space, music, or other types of entertainment.

Both PSSM and HMBA agree that with this additional programming there comes an additional cost. Both parties agree that they should work cooperatively to pursue additional sponsor money. Sponsorship money is down due to the current state of the economy, but both parties have agreed to pursue the funding for the common good of the entire street.

Funding seems to be a limiting factor in programming; Staff recommends that PSSM and HMBA jointly pursue funding sources through either:

- Special Service Contract with PCMC
- Joint Funding Endeavor with PC Chamber Bureau (Special Event Grant)

Currently, no action plan for increased programming is proposed.

Policy Questions for Council:

- *Is Council willing to wait to see if additional funding sources become available before further requiring specific minimum program measures by PSSM?*
- *Has HMBA and PSSM met Councils expectations in this area? Does Council want an amended operational plan by a date certain?*

Significant Impacts:
If PSSM and HMBA do not continue to work cooperatively and effectively on product mix and programming the street there could be a negative impact to the event and the relationships to existing businesses on the street.

Recommendation:
Affirm the direction and cooperative efforts of PCMC, HMBA, and PSSM to allow the 2009 PSSM season to proceed, as approved and conditioned. Council shall reserve the ability to request an operational plan prior to the first 2009 PSSM event to ensure that all parties have proceeded in a manner consistent with the original approval from November 20, 2008.

Exhibit A- City Council Minutes: November 20, 2008
Exhibit B – Clear Agreement Matrix
Exhibit C- Vendor Mix Matrix
Exhibit D- PSSM Submittal

Excerpt from November 20, 2008 City Council Meeting:

4. <u>Consideration of the Park Silly Sunday Market Master Festival License for 2009</u> – Jonathan Weidenhamer explained that staff is recommending approval for 15 Sundays from June 14 through September 27, except for the weekend of Arts Fest. The hours are proposed to be 10 a.m. to 4 p.m., not including loading times, which reflects the same terms as last year. Staff believes that the market was a great success from an operational standpoint and the extra measures the event organizers put into place to get patrons up the street, reduce parking impacts, and encouraging transit worked pretty well. Additional conditions of approval relate to the short term parking load and unload changes. The parking in front of the Kimball Art Center on Heber Avenue is currently two hours which is recommended to be reduced to 30 minutes and dedicated parking enforcement of the area is required. Volunteers will be used on a trial basis. Staff is recommending that an economic analysis be conducted; the first phase would be $10,000 to measure the direct fiscal impacts of the 2008 market on existing Main Street businesses. This will be conducted independently by the City who would contract with Wikstrom Economics. He warned that there is no *silver bullet* but any disproportionate impact to one type of business or blatant flaw should be identified. It is anticipated that Phase 1 would be completed by mid-January so that any operational changes could be made by February 1. Phase 2 is estimated at $15,000 and a long-term services agreement with PSSM would be anticipated at that point. He emphasized that Condition 18 specifies that the event organizers will have to fund the analysis but that will probably will be omitted because the City has typically been responsible for the costs of economic analyses in the past.

Mr. Weidenhamer stated that associated fees amount to about $22,000 and staff has the ability to waive up to $5,000. Additional fee waivers were denied in 2008; waivers are again requested this year and staff is again recommending denial because those types of fee waivers are usually associated with long-term service contracts like those held by Sundance and the Arts Festival. He reiterated that staff believes the event has been an operational success but there is a perception by some that the market presents competition with the Street, it is not a partner and additional compromises should be proposed. He referred to the staff report outlining operational changes to mitigate concerns, including addressing vendor mix, hours of operation, number of Sundays and venue location.

Since the meeting packet was distributed on Monday, Mr. Weidenhamer relayed that the HMBA rendered its formal position. Generally, the majority of the Board supports PSSM proceeding but would like a look at shorter hours and vendor mix to lessen potential competition with Main Street businesses. The HMBA also distributed a survey this morning and about 39 merchants responded and the event organizers have prepared a list of type and percentage of vendors. Since the staff report was published, the HMBA and PSSM have met and have made progress toward more compromise.

Jewels Harrison, event organizer, explained that eco-friendly elements of the festival were very successfully resulting in almost a zero waste event. She detailed recycling efforts and noted that only 7.5 bags of actual trash went to the landfill for the entire season. Kimberly Kuehn spoke about the rotation of a free booth to HMBA merchants which was a successful program and six businesses participated last year. Signs were added to direct people to the China Bridge Parking Structure and the trolley was rerouted. She stated that she negotiated a PSSM day of shopping on Sundays with bus carriers in Salt Lake and the passengers were dropped off on the top of Main Street. An average of five coaches for 11 out of the 15 Sundays were commissioned with 45 to 55 people on each bus, resulting in an additional 200 to 300 patrons on Main Street. Greyline Coaches offers five day tours and next year it will be offered for Park City so overnight visits are promoted. She suggested cooperative advertising with the HMBA and commented on the videos produced for the market on PCTV, KUTV, and Fox 13. A local live interview was broadcasted every Friday promoting historic Main Street. Ms. Kuehn stated that all of their advertising included historic Main Street and communication with merchants was enhanced. The hours were moved up to 10 a.m. to 4 p.m. in 2008 because of concerns expressed last year about the market taking away from breakfast business. Sidewalk sales could promote all of Main Street and she spoke about creating an inclusive street festival. The Mayor invited public input.

Jeff Ward, HMBA, stated that he doesn't have a lot to add to the information distributed to Council today. The majority of the Board supports PSSM and sees the potential for long term benefits to the Street. He felt that an on-going dialog can result in appropriate adjustments. There is not clear consensus from the membership or the Board about hours of operation and he is hopeful that the economic study will shed some light on this issue. The HMBA recognizes that the market can be a great addition and wants to be a partner. Mr. Ward referred to the staff report and asked for clarification on the wording *fatal flaw* and whether it would trigger a change in hours.

Mary Black, Hilda's, stated that she supports the growth of the PSSM which has been a great success. She felt that concerns about vendor mix can be worked out and strongly believed that the festival needs to be held every Sunday, even over the Fourth of July weekend in 2010. The hours should be extended into the evening and the scope should include the whole street. Her business was up 40%. Roger Harlan asked if the Salt Lake chartered passengers contributed to her sales and Ms. Black stated that she is unsure but most of her business seems to be local and second home owners. She saw more people that she recognized on Sundays than in the past and felt that having more people on the Street contributes to the ambiance of the market whether or not they are buying.

Monty Coates stated that he has three retail stores on Main Street which probably appeal more to the visitor than the resident customer and his experience is different than Hilda's. He relayed that he has been keeping close attention to Sunday sales over the past two years to better analyze the numbers and to create a history of sales. He stated that he has experienced a 78% drop in business on PSSM Sundays, but at the same time, sales on Mondays through Saturdays were flat. Sundays historically represented 20% of summer sales and now represent only 6%. He reserved judgment on this event last summer because he felt it added some needed *funk* to the Street and had hoped that sales would incrementally increase for Main Street businesses. However, he believes that the current configuration will never accomplish that. He felt that street events by nature are intended to enhance and bring awareness to the area, thereby increasing revenues to area businesses and should not cause greater impacts than benefits. Mr. Coates stated that he feels this was the intent of the PSSM, the event organizers have done an exceptional job, and he is impressed with their skills. He feels they have been acting in good faith to minimize impacts; however, there have been many businesses that have been harmed.

Mr. Coates stated that the market has some major flaws, duration and frequency, and the two combined creates a detrimental effect. Events attract people *like a moth to a flame*. Any event that has music, shopping, and entertainment will draw people but the problem is that PSSM holds patrons on lower Main Street all day long. It lasts the bulk of the day, it's every weekend all summer long, and replaces the natural flow of business rather than enhancing it. Any market on the Street should end no later than 1 p.m.; extended hours only benefit the market vendors in his view. This negates the opportunity to holding a street event by never releasing the visitors to shop and dine in the commercial district. The scale of the tenant mix looks like a two day festival and not a weekly market and Mr. Coates stated that the vendors compete directly with the majority of existing businesses. In many cases, the vendors are from outside the area increasingly the likelihood that revenues will leave the City. The tenant mix should enhance the business district, not replace it, and a weekly market should provide goods and services not commonly found on the Street. He reiterated that it should be limited to morning hours so it attracts people and releases them on Main Street. PSSM should not be allowed to continue in its current configuration and any event that has the power to affect the entire season over multiple years should be carefully analyzed to fully understand all of the ramifications. He understood the HMBA has tried to obtain meaningful economic data from other businesses and was shocked at the results of his own analysis. Mr. Coates felt that a decision should not be made until there is more information from the study to determine the scope of impacts.

Mayor Williams thanked Mr. Coates for his work and input. He asked if his businesses offered coupons or other incentives and Mr. Coates replied he didn't offer coupons but held sidewalk sales on several weekends which were not worthwhile.

Devon Stanfield stated that his gallery is located on lower Main Street and he definitely benefitted from the market. However, he operates another gallery in Aspen which holds weekly events like the PSSM throughout the summer but on Saturdays. In Aspen, the event is held on the opposite side of the commercial district so he is familiar with and understands both sides of the argument. He feels it is important to look at the overall picture. Summer is considered Aspen's high season now and part of the reason is that it host events all summer long. He feels that PSSM will end up helping merchants overall and is supportive of the hours. Mr. Stanfield pointed out that even if patrons aren't buying expensive art, they are creating an atmosphere.

Tim Helty, Silver Queen Gallery, stated that his business has been negatively affected by the market. He appreciated the event organizers meeting with him but urged Council not to approve 15 Sundays. The atmosphere the PSSM brings to town *cheapens* Park City. It doesn't attract the kind of clientele needed to support a business or that Main Street deserves.

With no further comments, the public hearing was closed.

The Mayor asked what Phase 1 will accomplish and Jon Weidenhamer explained that it will identify if any type or location of a business is onerously impacted. Phase 2 will analyze all of the indirect benefits of the event including surveying attendees of the market. Mr. Hier expressed that spending $10,000 on summarized data provided by the merchants this year and $15,000 to conduct independent surveys and a fiscal analysis later seems disproportionate. He felt that Council members could reach their own conclusions with the data provided by the HMBA and asked what the term *onerous* means. Mr. Weidenhamer acknowledged that it is a grey area. There was discussion about gathering information from other commercial areas in town.

Tom Bakaly pointed out the timing problem because it is going to be difficult to produce a meaningful analysis between now and the time PSSM needs to make decisions for the summer. He admitted that the study is a bifurcated approach pointing out problem areas in the short term and providing a more meaningful analysis to be completed through the year. Phase 1 is probably not going to provide the level of detail that would warrant conditioning the MFL. Mr. Hier felt it is not worth $10,000 if it is not detailed and Mr. Bakaly suggested a broader study that would be completed next year. Jim Hier agreed with not contracting with Wikstrom for Phase 1 but to conduct a comprehensive study including all of the data right now and continuing throughout the year. He also stated that he feels the retail stores on Main Street are very unique to the district. He questioned how much weight the Council could place on the findings of Phase 1 as proposed. The City Manager relayed that staff is leaning toward a comprehensive approach as well and asked if other specific conditions should be placed on the PSSM.

Roger Harlan noted that if the market sold more fruits and vegetables, it probably would not compete with the rest of the street. In response to a question from Liza Simpson Kim Kuehn described a list of ideas for the HMBA to promote Main Street in 2008 including greeters at the trolley stop, coupons, and sidewalk sales to make it more of a full street festival. Jeff Ward stated that he didn't recall a commitment from the HMBA to staff a person at the trolley but remembers discussions about integrating the street.

Mike Sweeney explained that the HMBA was going to try to help make upper Main Street more festive with the goal of having these merchants participate. The Board looked at conducting an independent analysis and found it was too expensive. He acknowledged the problem of motivating merchants, including lower Main Street. In today's economy, merchants need to do business differently and to be creative. Liza Simpson asked about programming music and Mr. Sweeney explained that the HMBA programmed Mountain Town Stages on a couple of occasions. He noted that some businesses on lower Main Street made financial contributions to the market to support its success. Mr. Sweeney expressed his support of the market, acknowledging that there are some impacts to some businesses.

Candace Erickson commented on how many locals she knows that attended the market and didn't buy anything. She agreed with Jim Hier about the wisdom of spending $10,000 on a study that probably will not provide the answers needed. She pointed out that the City has already provided tax-payers dollars to support the event by way of a grant. She didn't feel that the merchants on upper Main Street should have to work harder to recover from an event created for lower Main Street. She expressed that maybe the HMBA needs to create its own event on another day because the two are not co-existing well. It is unfair to ask merchants to expend more to remain status quo. Ms. Erickson referred to and asked for clarification of a statement in the staff report, *the event organizers may elect not to continue should the Council pursue certain regulatory options.*

Jewels Harrison responded that the assumption that the PSSM is causing the decline in business is not a fact, which is why a study would be helpful, and pointed out that the first year of the market was the first year the Redstone commercial area opened. People tend to create high expectations and forget that PSSM is only two years old and there are certain areas where they are experiencing growing pains. The demonstrated cooperation between everyone creates the real potential for positive things to happen. She asked for more opportunity to solve concerns and as an example, there will be an adjustment of vendor distribution of product. PSSM will lower the percentage of jewelry vendors to 15% and a jury process for selection will be formed. PSSM is willing to make changes without solid evidence and Ms. Harrison felt that the description of the PSSM patron is a gross misconception. The cost to advertise is much higher compared to manning a booth and creating a relationship with customers at the market and having them come back to the store.

Ms. Kuehn spoke about her experience launching product shows in a San Francisco mall and relayed solutions to balance the benefits to all tenants by programming locations throughout the mall. She emphasized that PSSM is only two years old and asked for an opportunity to work through issues together; the event will improve with time. Jewels Harrison pointed out that this year more farmers participated and increasing produce vendors is a priority. Candace Erickson stated that she has thought about closing Main Street over the weekends in the summer to host events like a street market, outdoor dining, etc. Ms. Kuehn expressed her enthusiasm about the idea. Ms. Erickson encouraged event organizers to continue to work with the merchants to promote upper Main Street.

Mayor Williams commented on the turn-over of businesses on lower Main Street over the years and the difference the market has made there. He suggested dropping Conditions #18 and #21 and encouraged the applicants to continue to work with all business owners. The scope of the economic analysis needs to be clearer and should not be a condition of the MFL. Spending $10,000 seems like a waste of money now because he didn't feel a fatal flaw will be identified.

Jim Hier suggested offering free parking in the Wasatch Brewpub on Sundays to encourage more foot traffic on upper Main Street. He observed a lot of folks cutting across to Swede Alley headed to the parking garage at about 4th Street rather than walking all the way up the street. He also felt that parking on the east side of Park Avenue from 7th Street to City Park should be barricaded to force patrons to park in the parking structure. Max Paap suggested that it be designated for the vendors. Jewels Harrison pointed out that this was implemented in 2008 and vendors parked in those spaces. Mayor Williams expressed doubts about the logic of offering free parking in the Wasatch Brewpub because there is already free parking available in Swede Alley and those spaces are closer to the event than the Brewpub.

Candace Erickson believed that the only thing that needs to be changed is the hours and Ms. Kuehn asked for an additional year of operation before a change in hours is considered. Ms. Harrison felt it beneficial to be able to study two years of operations under the same terms and Liza Simpson felt this is a valid point. She urged the applicants to work hard to encourage pedestrian traffic to upper Main Street adding that it is not solely their responsibility but they have experience and skills in marketing. Jewels Harrison expressed their willingness to help but the merchants have to make a commitment too. She hoped hours would not be shortened because of the time needed for set-up and dismantling the event. There are people who travel from the Valley that intend to spend a whole day on the Street. Jim Hier recommended that the City work with the HMBA to try to program something on the upper end of Main Street. He felt the Phase 2 date should be changed from July to August.

Ms. Harrison explained that vendor payments or sponsorship money can not be accepted until they have a MFL to move forward. She urged Council to please make a decision tonight so that they can begin to plan for 2009. Kimberly Kuehn stated that the HMBA seemed pleased with the commitment to change vendor mix and product. Jeff Ward indicated that they discussed a different percentage for mix but he was unsure what it actually meant. Tom Bakaly suggested continuing this item to December 4, have the HMBA and PSSM members clarify tasks and responsibilities, and reflect those in conditions of approval. Mayor Williams recommended approving the MFL with a condition to return in a month or two with a mitigation plan. He felt that in order for the economic study to be meaningful that another year of operation is necessary and again suggested that Conditions #18 and #21 be removed. He felt that Mr. Coates comments are valid about the market competing with similar products sold by Main Street businesses. Max Paap confirmed that 15 Sundays from 10 a.m. to 4 p.m. remains the same for 2009

Liza Simpson, "I move that we approve the Master Festival License application for the 2009 Park Silly Sunday Market with these amendments to the conditions of approval; drop #18 and #21, and add a condition of approval that the HMBA, staff and PSSM organizers return ~~before January 8th~~ **by February 5th** with an action plan to address the

HMBA's concerns". The Mayor suggested changing the deadline to mid-February; the number of Sundays and hours remain the same. Jim Hier asked if the plan should be better defined, i.e., vendor mix, activities to generate pedestrian traffic on Main Street. Discussion ensued about the potential requirement for the HMBA to apply for a separate MFL. Liza Simpson accepted the modifications to her motion. Jim Hier seconded. The Mayor clarified that the terms are the same and Conditions #18 and #21 are removed, and by February 5, 2009, the HMBA, staff and the PSSM agree to return with a plan which identifies cooperatively working on product mix and programming the rest of Street to draw patrons. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent
Liza Simpson	Aye

PSSM approval 2.5.09

ITEM	AGREEMENT	RESPONSIBLE	ACTION	DELIVERABLE/ to do
Vendor Mix		PSSM		PSSM to identify overall number & type by year
Farmer/Produce	More produce/farmers	PSSM	Reached out to over 190 Utah farmers/ provided free booth space/ Provided "3rd Party" vendors	Make farmers/produce space a high priority and consistently strive to keep these types of vendors in integral part of the Market
Jewlery	Limit type and amount of vendors	PSSM	Limited to 10% of total booths	PSSM jewelry will be juryed for the 2009 Market; with a February 15th deadline. Only accepting hand-made jewelry; no mass produced jewelry.
Art/photography	Limit type and amount of vendors	PSSM	Limited to 60% of total booths	PSSM will monitor the photography applicants and will institute a juryed category for photography, as needed.
Beverage- Beer	keep beer garden	PSSM	OK to keep beer garden; HMBA would prefer no beer garden, but acknoledges it is a critical funding source for PSSM	PSSM will continue to operate the beer garden and will obtain the proper permits
Food- Snacks	Allow snack vendors	PSSM	Define what types of food are snacks	PSSM/ HMBA will agree on what are snacks and number of snack vendors in the Market. PSSM has agreed to discuss at a later date/ HMBA has no authority
Food- On -Site Cooking	Look into food mix	PSSM/HMBA	Ongoing negotiations	See Gaps/ TBD below
Programming				
Entertainment- Roving	Look to expand their performances onto other locations on Main Street	PSSM	Ongoing negotiations	Parties agree that some sort of spontaneous/roving entertainment (Buskers) would help to move visitors up the street.
Entertainment- Music Stages	Look to move them out of current market footprint to other Main Street locations	PSSM	Ongoing negotiations; including Mountain Town Stages	Identify: locations, what, hours, how, etc
Vendors	Look to expand market to other Main Street locations	HMBA	Ongoing negotiations	HMBA will Campaign to encourage businesses to come out on street using new sidewalk sales rules. Or program other spaces. Both parties will joinly pursue funding.
Outreach/other				
sponsor $	work together to pursue additional sponsor $	HMBA & PSSM	use sponsor $ to help defray costs of event	Carry message of positive of PSSM/HMBA cooperation to benefit the entire street

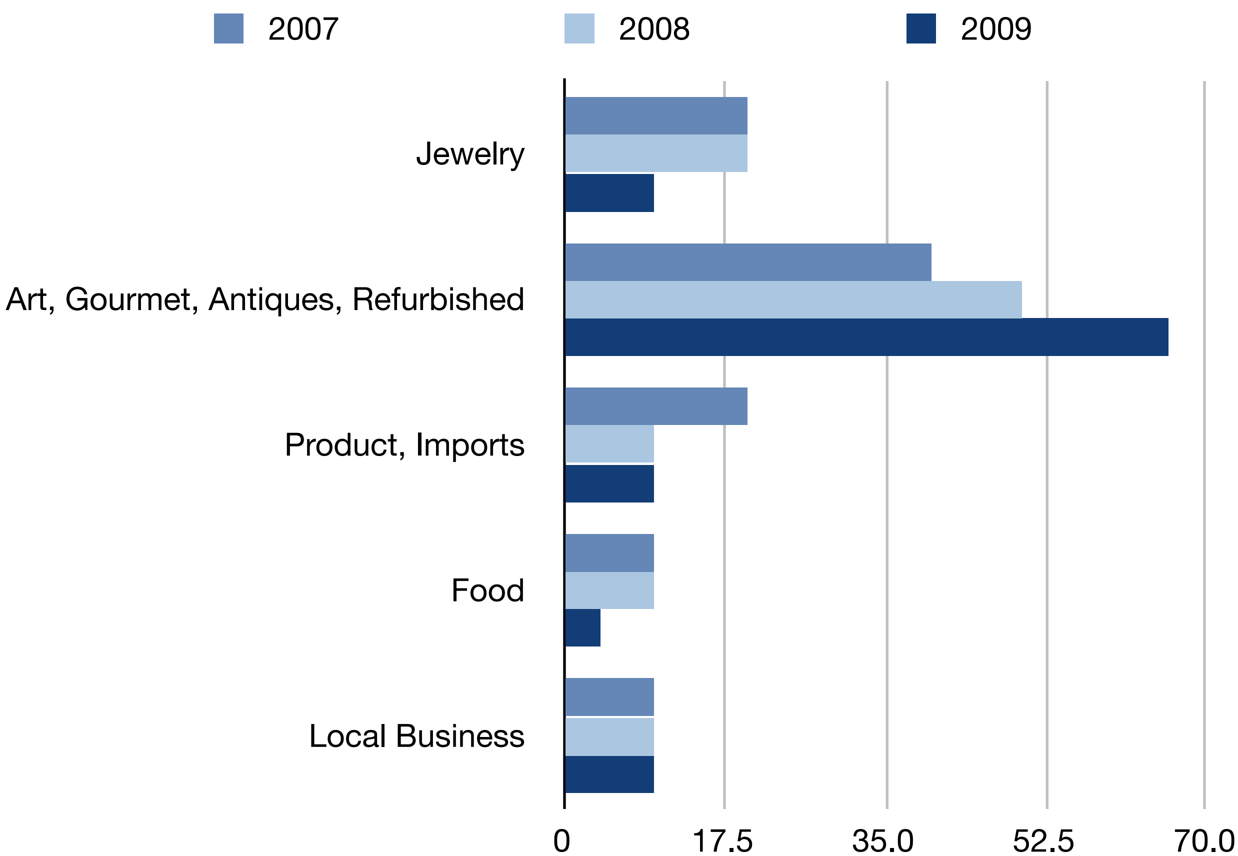
PR	HMBA will do	HMBA	Continued	Create positive PR & awareness of positives, opportunities (s.sales, etc.), trolly, etc
Ex-Officio member	Have HMBA representation at PSSM board meetings	HMBA/PSSM	PSSM/HMBA to agree on who will serve and define that role	Create a positive and effective relationship between PSSM/HMBA as we move forward
Test Event	Agreement to look at options	HMBA/PSSM	Still defining quantity and operational plans	To successfully spread the market-goers throughout Main Street by increased programming
Joint Funding	Look to jointly apply for a Special Service Contract and /or Chamber Event Grant	HMBA/PSSM	Have PSSM/HMBA jointly apply	PCMC work with PSSM/HMBA to nurture the joint application.
GAPS/INFO NEEDED/ TBD				
Food vendor mix - On site cooking	No agreement	PSSM/HMBA	Continued negotiation	HMBA asking for consideration of no food vendors beyond "snacks". PSSM wants 5 additional food vendors beyond snacks. There were 8 on-site cooking vendors in the 2008 market PSSM offering first right of refusal to existing HMBA people for spaces; PCMC suggests second right of refusal to PC Restaurant assoc. members. PCMC finds PSSM compromise meets Council's intent.

Vendor Mix

Prepared for: February 5, 2009 Park City Council Meeting
Prepared by: Jewels Harrison, Visionary Director

January 25, 2009

2007 Vendor Mix 100 Paid Spaces	2008 Vendor Mix 120 Paid Spaces	2009 Vendor Mix 130 Paid Spaces
Art (includes jewelry), Antiques, Refurbished -Approximately 45 Participants each Sunday	**Art, Antiques, Refurbished** -Approximately 50 Participants each Sunday	**Art, Antiques, Refurbished** -Approximately 75 Participants each Sunday
Gourmet/Bakery Food -Approximately 15 throughout season	**Gourmet/Bakery Food** -Approximately 10 throughout season	**Gourmet/Bakery Food** -Approximately 10 throughout season
Jewelry not a separate category from Art -Approximately 24 participants each Sunday -Allowed vendors of other categories (Art or Product/Imports) to carry small amount of jewelry.	**Jewelry** -Limited to maximum of 24 Participants each Sunday -Allowed vendors of other categories (Art or Product/Imports) to carry small amount of jewelry.	**Jewelry** -HMBA offering: Juried Category no applicants after February 15, 2009 -HMBA offering: Limit to 13 Participants each Sunday -HMBA offering: All vendors wanting to sell jewelry must apply and be juried. -HMBA offering: No mass produced jewelry allowed- only handmade.
Mass Produced Products or Imported Goods -Approximately 20 Participants each Sunday	**Mass Produced Products or Imported Goods** -Approximately 12 Participants each Sunday	**Mass Produced Products or Imported Goods** -Approximately 13 Participants each Sunday
Food (Onsite Cooking) -Approximately 10 Participants during the season	**Food (Onsite Cooking)** - 8 Participants during the season	**Food (Onsite Cooking)** -HMBA offering: Limit to 5 Participants each Sunday -HMBA offering: March 1,2009 reserve Onsite Cooking space availability only to Main Street Restaurants.
Local Business -Approximately 10 Participants during the season -$35 Fee for Local Farmers	**Local Business** -Approximately 12 Participants during the season -Free Space offering to Main Street Business each Sunday -$15 Fee for Local Farmers	**Local Business** -Approximately 13 Participants during the season -Free Space offered to HMBA Main Street Business each Sunday -Free Space offered to Local Farmers



*Percentages indicate guidelines. PSSM first commitment is to meet MFL criteria of filling maximum number of spaces.

Park Silly Sunday Market

January 23, 2009

Hello Tom,

Here is the information requested on PSSM's effort's with the HMBA.

1. PSSM's new ideas for 2009-Please add to matrix.
2. PSSM's 2008 season execution to HMBA requests- continuing efforts and execution for 2009 season. Please add to matrix.
3. Main Street sales revenue numbers for year/breakdown of market months. Please add to council packet.
4. Percentage of HMBA Main Street communication.
5. PSSM's questions to HMBA and city.
6. 2008 Press release Media booklet
7. Video of Park Silly Market-promotion of all of Main Street/Park City
8. Video of PR/Media –live interviews (47)- TV clips-promoting "All of Main Street and Park City"

We are looking to grow all aspects of relationships to be more of a partnership with this successful event with the city and the HMBA!!!

Main Street Revenue During Market Months							
		SICName					
Fiscal Year	Month	Lodging	Other	Resturant/Bar	Retail	Service	Grand Total
2006	June	$ (737)	$ 2,020	$ 25,052	$ 25,793	$ 4,435	$ 56,562
	July	$ 5,062	$ 2,558	$ 23,374	$ 13,971	$ 1,416	$ 46,380
	August	$ 6,106	$ 2,189	$ 24,035	$ 14,210	$ 1,065	$ 47,605
	September	$ 6,297	$ 2,500	$ 28,117	$ 48,079	$ 4,685	$ 89,678
	Total	$ 16,727	$ 9,266	$ 100,578	$ 102,053	$ 11,601	$ 240,225
	% of year	15%	33%	25%	27%	21%	25%
2006 YTD Total		$ 111,954	$ 27,886	$ 401,068	$ 371,974	$ 54,630	$ 967,511
2007	June	$ 9,089	$ 3,036	$ 20,858	$ 30,736	$ 14,852	$ 78,571
	July	$ 4,532	$ 2,285	$ 29,572	$ 17,720	$ 1,050	$ 55,158
	August	$ 6,600	$ 2,322	$ 25,693	$ 20,991	$ 3,259	$ 58,865
	September	$ 4,305	$ 2,499	$ 26,053	$ 42,167	$ 5,934	$ 80,957
	Total	$ 24,526	$ 10,142	$ 102,175	$ 111,614	$ 25,094	$ 273,551
	% of year	18%	30%	25%	27%	35%	26%
2007 YTD Total		$ 134,220	$ 34,216	$ 413,299	$ 408,509	$ 70,955	$ 1,061,199
2008	June	$ 959	$ 2,429	$ 24,068	$ 25,621	$ 1,405	$ 54,483
	July	$ 1,114	$ 4,461	$ 37,702	$ 17,040	$ 2,519	$ 62,836
	August	$ 10,787	$ 1,291	$ 30,469	$ 19,937	$ 2,605	$ 65,089
	September	$ 5,256	$ 4,146	$ 33,073	$ 44,523	$ 6,894	$ 93,892
	Total	$ 18,116	$ 12,326	$ 125,312	$ 107,121	$ 13,424	$ 276,300
	% of year	15%	32%	26%	29%	17%	25%
2008 YTD Total		$ 122,291	$ 38,902	$ 490,484	$ 367,925	$ 80,522	$ 1,100,124

Here are the sales tax numbers for Main Street for 2006 and 2007. I thought they were interesting.

1. Total sales on Main Street in 2007 was 10% higher compared to 2006.
2. Total sales tax on Main Street in 2007 (June through October) was up 16% from 2006.
3. Restaurant sales tax on Main Street was up 2% in 2007 compared to 2006 in the months June through October.
4. Retail sales tax on Main Street was up 16% in 2007 compared to 2006 in the months June through October.
5. Lodging sales tax on Main Street was up 1% in 2007 compared to 2006 in the months July through October
(According to these figures there was a 9,000% increase in comparing June 2006 to 2007). This is Main Street Only!
6. The category "other" (don't know what that is) was up 8% in 2007 compared to 2006 in the months June through October.

Main Street								
		SICName						
Fiscal Year	Month	Lodging	Other	Resturant/Bar	Retail	Service	Grand Total
2006	1	$ 27,212	$ 2,903	$ 65,885	$ 44,465	$ 4,343	$ 144,808
	2	$ 16,222	$ 2,630	$ 46,424	$ 33,612	$ 7,621	$ 104,384
	3	$ 25,132	$ 4,859	$ 71,753	$ 75,462	$ 13,774	$ 190,979
	4	$ 3,565	$ 1,532	$ 22,424	$ 17,840	$ 3,189	$ 51,703
	5	$ 165	$ 1,799	$ 15,517	$ 8,886	$ 927	$ 27,294
	6	$ (737)	$ 2,020	$ 25,052	$ 25,793	$ 4,435	$ 56,562
	7	$ 5,062	$ 2,558	$ 23,374	$ 13,971	$ 1,416	$ 46,380
	8	$ 6,106	$ 2,189	$ 24,035	$ 14,210	$ 1,065	$ 47,605
	9	$ 6,297	$ 2,500	$ 28,117	$ 48,079	$ 4,685	$ 89,678
	10	$ 2,901	$ 1,480	$ 14,396	$ 14,806	$ 751	$ 34,334
	11	$ 4,704	$ 1,046	$ 16,452	$ 20,850	$ 1,252	$ 44,303
	12	$ 15,325	$ 2,371	$ 47,639	$ 54,000	$ 11,175	$ 130,510
2006 Total		$ 111,954	$ 27,886	$ 401,068	$ 371,974	$ 54,630	$ 968,540
2007	1	$ 29,951	$ 4,956	$ 69,254	$ 32,746	$ 5,399	$ 142,306
	2	$ 32,892	$ 4,521	$ 51,661	$ 31,814	$ 7,885	$ 128,773
	3	$ 8,885	$ 4,973	$ 74,881	$ 77,134	$ 10,845	$ 176,720
	4	$ 183	$ 2,437	$ 14,680	$ 20,874	$ 6,431	$ 44,605
	5	$ 922	$ 2,176	$ 23,711	$ 8,628	$ 16	$ 35,453
	6	$ 9,089	$ 3,036	$ 20,858	$ 30,736	$ 14,852	$ 78,571
	7	$ 4,532	$ 2,285	$ 29,572	$ 17,720	$ 1,050	$ 55,158
	8	$ 6,600	$ 2,322	$ 25,693	$ 20,991	$ 3,259	$ 58,865
	9	$ 4,305	$ 2,499	$ 26,053	$ 42,167	$ 5,934	$ 80,957
	10	$ 5,314	$ 1,463	$ 14,164	$ 23,368	$ 1,270	$ 45,579
	11	$ 3,133	$ 998	$ 15,445	$ 14,237	$ 1,628	$ 35,442
	12	$ 28,415	$ 2,551	$ 47,327	$ 88,092	$ 12,386	$ 178,771
2007 Total		$ 134,220	$ 34,216	$ 413,299	$ 408,509	$ 70,955	$ 1,061,199
2008	1	$ 35,053	$ 4,825	$ 65,143	$ 29,787	$ 11,075	$ 145,883
	2	$ 5,217	$ 4,629	$ 67,222	$ 50,171	$ 12,486	$ 139,724
	3	$ 6,499	$ 4,162	$ 95,098	$ 64,681	$ 15,423	$ 185,863
	4	$ 17,574	$ 1,725	$ 28,418	$ 13,513	$ 2,944	$ 64,174
	5	$ 14,261	$ 1,495	$ 26,593	$ 11,435	$ 1,604	$ 55,388
	6	$ 959	$ 2,429	$ 24,068	$ 25,621	$ 1,405	$ 54,483
	7	$ 1,114	$ 4,461	$ 37,702	$ 17,040	$ 2,519	$ 62,836
	8	$ 10,787	$ 1,291	$ 30,469	$ 19,937	$ 2,605	$ 65,089
	9	$ 5,256	$ 4,146	$ 33,073	$ 44,523	$ 6,894	$ 93,892
	10	$ 2,402	$ 3,368	$ 14,968	$ 11,382	$ 4,449	$ 36,570
	11	$ 5,998	$ 2,246	$ 17,982	$ 16,910	$ 1,655	$ 44,791
	12	$ 17,170	$ 4,125	$ 49,749	$ 62,925	$ 17,461	$ 151,431
2008 Total		$ 122,291	$ 38,902	$ 490,484	$ 367,925	$ 80,522	$ 1,100,124

Park City Sunday Market

January 4, 2009

To the HMBA and City staff,

Here are our peace offerings to add the matrix being built for our summer event for the season of 2009.

- PSSM's extensive recruitment for farmers involved attending farmers markets throughout the state prior to the end of the 2008 growing season to invite them in to joining our market. We have now added 192 farmer contacts to our database for recruitment from the Utah Agricultural department and other outreach. Media outreach to inform all farmers of the FREE SPACE available at the market for the 2009 season.
- Jewelry will be juried this year with February 15th deadline. Accepting only 10% of the overall number of spaces for the category. A total of 13 jewelers. Only accepting hand-made jewelry. No mass produced jewelry.
- This year we are monitoring the photography applicants and will institute a juried category for photography as needed.

    - PSSM will continue to consult ongoingly, with individual Main Street Merchants for their feedback regarding the Market and will meet directly with an HMBA board member as a liason for feedback from the street/organization.

- Beer Garden sales are one of the main income generators for providing free space to over 80 not for profit groups and to continue providing a free event for the community.
- PSSM will provide first right of approval for on-site cooking food spaces with a deadline of March 1, 2009 to Main Street restaurants. PSSM will work with the HMBA in informing their members of the opportunity. We will continue to offer first right of approval to the Restaurant Association. There will only be 5 on-site cooking spaces available in the 2009 season. Snacks will remain similar to what has been present the last two seasons.

- PSSM supports the HMBA's idea of Main Street Restaurants having kiosks in front of their businesses providing samples or quick eat options from the restaurant. PSSM believes that more participation in the form of restaurants and sidewalk sales along with performers will create more energy and draw to the upper part of the street.
- PSSM will continue collaborating with the HMBA on gaining sponsorship dollars to grow the programming that is needed in public spaces. PSSM is currently in communication with Steve and Britney at DDRM (Main Street Mall). PSSM will require the support and collaboration of the HMBA in creating sponsorships to program the entirety of the street. PSSM will address any programming ideas with the HMBA as sponsorship dollars become available.

PSSM Requests addition to the matrix the continuing programs for 2009 based upon what was completed by PSSM in the 2008 season.

- (1) Free booth space rotation for HMBA members with list provided to PSSM by May 1, 2009. Total of 15 weeks.
- Placement of 14 signs directing foot traffic to Main Street placed on Deer Valley DR., China Bridge and Sweede Alley.
- Continue to work with PCMR on rerouting of Trolley up Main Street.
- Continue to work with Grey Line Bus Tours delivery of 200 passengers/ bus to Main Street on Sundays.
- Continue to include HMBA in PR/ advertising/ marketing efforts. PSSM welcomes any cooperative advertising dollars and ideas from the HMBA.
- Continue to encourage sidewalk sales for Main Street merchants.

PSSM results- execution for 2008-Please include into matrix for 2009 Season for PSSM to continue efforts

Hmba's involvement with the free booth space rotation program

- 10 out of 15 Sundays used the booth
- Historic Museum, Bahnoff, Red Banjo, Aura Spa, Village Candy(4), clear Channel (2)

How effective was the signage from China Bridge to Main Street?

- 14 new "A" frame signs
- Directed people traffic to upper Main

The new route for the trolley-effective?

- Per Destry Pollard-Overall passenger counts from 2007 were in fact higher than 2008. But there are several factors as to why this is so The silly market being one. Type of trolley used on that day (small bus was used twice in 08) is another. In 2007 the average daily count on Sunday was 452 with a total of 7,690
  4 Sundays in 2008 passenger counts were higher than 2007.

Grayline bus tours dropped off on upper Main Street

- Per AllResort/Lewis Stages/Grayline-Geary Furin
- Average of 5 couches with average of 45 to 55 people each-averaging 200 to 300 people 11 out of 15 Sunday's

Pr efforts thru our media/marketing plan that was a joint effort for all of us

- Co-op advertising with HMBA-Clear Channel
- Video's for b-roll TV, print, radio –advertising all of Main Street

SILLY MARKET--Communication with merchants on Main Street—one-on-one

- Kimberly and PSSM staff met through-out the season to chat with merchants about business on Sundays and in general.
- Last years relationships are in a much better standing this year.
- Working together as a team on solutions and idea's

Change of hours --effective? moved hours to 10:00 to 4:00

- Waiting to hear back from HMBA on programming the Street till dinner hour (music, entertainment etc.
- Mtn. Town Stages Labor Day had music at the Minors Park!

Side walk sales--who is proactive on the street

- Over 15 Sunday's we had an average of 6 side walk sales each Sunday!
- Proactive merchants-Quicksilver, Quicksilver Kids, Overland, Destination Sports, PC Museum, Expanding Heart, Rocky Mtn. x-mas, Banhoff, Mt. Body, PC Artwork, LaNiche, Village Keepsakes, Dancing Hand Gallery, Alpaca, Flat Rabbit

Park Silly Sunday Market

January 4, 2009

To the HMBA and City staff,

PSSM board of directors has requested the following questions be addressed from agenda items submitted on Dec. 1, 2008 and again on December 11, 2009 in our meeting at the Miner's Hospital.

1. 2009 Solutions and ideas from everybody to make the street more effective for all of Main Street Merchants. Detailed "formalized list" of execution on responsibilities.
Let's brainstorm together!! (I love this part!)

2. Communication expectations between us ALL--HMBA, city and PSSM (example's of attending HMBA meeting's, content of city staff reports before council etc..)

3. "Letter of intent" between HMBA, city and PSSM. Moving forward for approval for each year. Timing and such..

4. At what measure do we state to move the event off Main Street--example 25% or 50% of Main Street Merchants not happy with the location of the market. Make or break year?

5. Where are we with Karen Wickstrum? Are we still moving forward with report for the 2009 season?

6. Where does everybody stand with the proposition of us going for a long term contract with the city for Main street location of the market? Time frame for PSSM--1, 2 year's?

7. 2nd MFL--How does that effect everybody? Why did we last year vote not to have a second MFL?

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JANUARY 22, 2009

Present: **Mayor Dana Williams; Council members Candace Erickson; Roger Harlan; Jim Hier; Joe Kernan; and Liza Simpson**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Phyllis Robinson; Public Affairs Manager; Diane Foster, Environmental Manager; Thomas Eddington, Planning Director; Matt Cassel, City Engineer; Kent Cashel, Transportation Manager; Jeff Schoenbacher, Environmental Specialist; Matt Twombly, Project Manager; Heinrich Deters, Project Manager

Dina Blaes, Preservation Consultant

1. Council questions/comments. Roger Harlan reported that he reviewed options for SR224 with staff and attended the School Board meeting. Building costs for the high school came in under the $31 million budget by $250,000. He understood the Board may consider participating in the cost of providing library services to County students. He attended a Mountainlands Community Housing meeting where he learned that the County is better monitoring affordable housing deed restricted properties through legislation. Phyllis Robinson stated that affordable housing properties are being listed in the MLS with related information disclosing restrictions. Candace Erickson reported that Recycle Utah is holding and organizing fund raisers to help the organization during this poor commodity market, but donations have been effective. Friends of the Farm discussed upcoming community events. She discussed the importance of installing an ADA compliant path so the application will quality for grant money committed to the display of farm implements.

She continued to report that several constituents contacted her about the width of Hillside Avenue and asked that Council reconsider its decision for a 20 foot width. Most felt that 16 feet was adequate so that Hillside is essentially one lane but wide enough for emergency traffic, if needed, and they questioned if emergency traffic would even use Hillside Avenue. Matt Cassel clarified that previous direction was 18 feet with 2.5 feet of curb and gutter. The engineers can still proceed with the design. Members agreed to hear this again at its work session on February 12. Joe Kernan felt it important to provide information on potential liability to the City at the meeting if the street is not designed to standards.

Liza Simpson commented on her trip to DC for the Inauguration. Jim Hier stated that he attended the Ski Utah meeting where a drop in retail and lodging numbers were discussed. Mayor Williams complimented staff on Sundance, specifically the Inauguration telecast on lower Main Street. He also attended the receptions hosted by the Democrats and Republicans that day and will meet a delegation from China at the Governors Mansion tonight.

2. Environmental Strategic Plan. Diane Foster explained that this is slated for adoption on the regular meeting agenda tonight. She updated members on on-going projects. Energy conservation within municipal facilities is 90% complete. A vendor has been selected for the solar project and a heat recovery system will be installed in the ice arena. The approach for the municipal carbon footprint involves internal teams and the fuel reduction task force has been very successful in its efforts. Energy reduction plan numbers for various departments will be available in the spring and at that time Council will be better prepared to set goals. She continued that the wind testing at the Ice Arena is underway and final results are anticipated in April. Members of the Community Advisory Board include heads of organizations and the press to add rigor to the process and to help with community engagement and outreach as the program moves forward. The municipal carbon footprint will return to Council in March. Ms. Foster reported that the community is the recipient of a $90,000 matching grant from the Knight Foundation and support has been received from the Park City, Summit County, Recycle Utah, and the National Resources Defense Fund. The community carbon/water face book was discussed which is an excellent resource to share profiles, ideas, data, tax incentives and rebates. The website will also have a news feed.

The plan has been re-organized so that goals are better defined and she asked members about including metrics at this point. Mayor Williams emphasized the importance of setting attainable and realistic goals which can be measured. Jim Hier believed that costs should be identified to accomplish each goal so that better decisions are made in prioritizing expenditures. Ms. Foster suggested providing a dollar range for a project and cost estimates for short and long term goals. Performing on return on investment numbers may be more difficult for some of the community elements. Joe Kernan agreed that it would be beneficial to have this information to focus and invest on projects providing the most benefit for the dollar. Ms. Foster pointed out the success of the fuel reduction program, considered low hanging fruit, but looking at the more expensive long term strategies. Joe Kernan discussed the effort spent on reducing plastic bag use which may not be as effective as energy efficient light bulbs, for instance. Mayor Williams pointed out large future projects like the resorts building out their parking lots and the Treasure Hill Project and suggested amending the LMC to achieve certain environmental standards.

Diane Foster explained that if the City operates a bus to the Park and Ride, there would be a net carbon increase to the municipality but a net carbon decrease for the community. Jim Hier suggested using more than one set of measurements since community markers are much broader. Roger Harlan believed there are inherent conflicts with providing improvements for the public, like lighting, and reducing energy use but Ms. Foster felt that greater lighting can be achieved while preserving night skies and cutting energy costs.

She understood direction to be that completion dates will be revisited at a later time once goals are defined. Staff is looking to confirm that the ecological footprint will be determined after the community is engaged with water and energy conservation programs. Similarly, she would prefer to measure carbon and water after citizens are involved. Ms. Simpson suggested that these be dropped from the resolution until further discussion and placed on a *waiting list*. Diane Foster agreed and members expressed an interest in holding a future work session on the waiting list items.

She confirmed policy with Council that municipal facilities be designed to LEED building standards but not to contract with a third party for the LEED verification process. The Mayor stated that he feels comfortable with the building staff inspecting construction but is willing to listen to arguments on justifying the cost of obtaining LEED certification. Mr. Harlan did not feel credibility is an issue here but Mr. Kernan expressed that as LEED becomes more familiar to people, it will become a more valuable label. Candace Erickson acknowledged the significant expense of obtaining LEED certification and feels the City's building practices are cost effective and efficient in consideration of spending taxpayers' dollars. She believes the cost of the certification may come down and at some point, there may be someone on staff who is LEED certified. Liza Simpson stated that she is not comfortable with spending more money on top of the funds committed to build or retrofit our buildings and is hopeful of bringing this skill set in-house. This way, projects could be better monitored. Diane Foster pointed out that employee Kayla Sintz is a certified LEED architect.

She continued to explain that the City is now participating in the County's air monitoring program and looking to hire an outside consultant to perform comprehensive air quality monitoring testing. Staff is planning on returning to Council with a proposal and estimate. Jeff Schoenbacher described the importance of modeling and inventorying current emission sources. Once this data is compiled, projected emission factors can be determined on a five to ten year timeframe to help gauge at what point in time institutional controls are needed to reduce emissions. Jim Hier stated that he needs estimates before proceeding and feels that monitoring a couple more locations would be helpful. Jeff Shoenbacher indicated that air monitoring is pretty complex and the locations of monitors need to be strategically placed based on a monitoring plan representative of the population. Monitoring a municipality is much different than a power plant because there are mobile conveyances that are more difficult to gauge. Good data is based on a good plan and he suggested hiring a consultant. Discussion ensued about car emissions being the most impactful source and Mr. Schoenbacher noted that conducting a study will determine the air quality now and provide the public with the basis for a comprehensive study. He again discussed strategically placing monitors and Joe Kernan expressed his support of the program. Liza Simpson understood that staff will return to Council with a defined plan and an estimate. Diane Foster added that there may be some federal funding sources available. There was discussion about creating an RFP for consulting services and information about funding sources and returning to Council. Roger Harlan expressed his support of the projects and Ms. Foster pointed out that hiring a consultant is the staff preferred option rather than purchasing and randomly installing monitors. At this point in the meeting, Mayor Williams was excused to attend a function in Salt Lake.

2. Sidewalk and pathway lighting. Matt Twombly noted that last November during the quarterly review of goals, Council discussed the lighting on Deer Valley Drive, Iron Horse Drive, Kearns Boulevard and an overall lighting plan as it relates to WALC projects. Based on Council direction, staff met to discuss lighting as part of a plan consistent with WALC and on Iron Horse lighting as part of the Bonanza reconstruction project. Staff proceeded with developing a plan consistent with WALC to light specific pathways and sidewalks throughout town and met with a consultant to learn about new technologies. The City has no overall comprehensive plan for lighting and the LMC should be updated to reflect today's technologies. He referred to the variety of overhead lighting fixtures throughout town which is a challenge when responding to service requests and maintenance needs. He asked for confirmation to light the Iron Horse sidewalk as part of the Bonanza Drive reconstruction project, light Deer Valley Drive along with the other street improvements scheduled for the area. A draft sidewalk and pathway lighting plan is included in the staff report and he asked that Council consider this for future adoption as part of the Trails Master Plan to make sure that any future lighting projects are consistent with the WALC update and the Trails Master Plan.

Jim Hier referred to the proposal for the Deer Valley Loop section and pointed out the lack of foot traffic in the area to warrant lighting. Most condominium guests use shuttle services rather than walking. Heinrich Deters interjected that the infrastructure exists with an eight foot path for future development of the area. Mr. Hier indicated that if the plan were phased he would schedule it last after an assessment is made of the traffic generated with the development of the parking lots. Mr. Twombly felt that timing can be easily adjusted. Liza Simpson questioned the proposed lighting for Monitor Drive and Mr. Deters acknowledged that the project map should be scrutinized but the feeling was to connect commercial and resort districts, including the Racquet Club.

Ms. Simpson referred to comments in the staff report regarding cost, including the significant amount of staff time, hiring an outside consultant and/or reprioritization of staff's current work program needed to implement the plan. Jim Hier believed this program is tied to amending the LMC and the work plan of the Commission should be considered first. The LMC could refer to a strategic plan which could be updated more easily. Matt Twombly understood that Planning is proceeding with amendments to architectural chapters of the LMC and the General Plan. Roger Harlan felt there are certain areas with demonstrated pedestrian needs while there are sections of the Deer Valley Loop without sidewalks. Popular walkways should be prioritized for upgrades. Matt Twombly explained that Deer Valley Loop lighting is intended for a future phase at build-out because it is a recreation center. There is no current funding for the lighting plan other than for Iron Horse and Deer Valley Drive. He explained that having criteria in place will assist in responding to neighborhood requests for lighting. Joe Kernan felt promoting alternative transportation is important which relates to adequate lighting. He pointed out the amount of light reflected off the snow and Matt Twombly again discussed exploring new lighting technology. Mr. Kernan agreed that the Planning Commission should be involved and Candace Erickson voiced her support of the Monitor Drive lighting project.

Mr. Hier stated that installing lighting on Bonanza Drive or Iron Horse before standards have been formulated would be a mistake. Priorities could be set at the implementation stage. Ms. Erickson expressed concerns about significant delays in installing lighting while standards are being created. Mr. Hier explained that standards do not need to be incorporated in the LMC but just referenced. The plan should be a stand-alone document and he didn't find waiting a year is a big issue. Matt Twombly explained that the Bonanza Drive lighting project is intended to proceed, but timing is at Council's discretion. Joe Kernan believed lighting should be discussed during the budget review as part of the walk-ability projects.

Tom Bakaly stated that staff is recommending a new program similar to developing policies for undergrounding utilities or walk-ability rather than using incremental approaches. He acknowledged that creating the program may impact other work projects and based on the discussion today, staff can ascertain the impacts and return to Council during budget time or before for more discussion. Liza Simpson commented that she understands the benefits of a comprehensive lighting plan but has difficulty envisioning what that gives the community versus operating the way we've been operating in response to requests for elevated levels of service. She didn't feel Iron Horse should drive the timing. Mr. Bakaly emphasized that prioritizing projects will be a topic at the Visioning Session.

Mr. Twombly stated that a plan would return to Council for adoption and Iron Horse and Bonanza Drive projects will proceed as planned. He added that new lighting technologies will also be explored and evaluated.

4. Historic Sites Inventory. Dina Blaes referred to public input at the Planning Commission public hearing held on January 7, 2009 where people voiced support of the amendments and the Planning Commission forwarded a positive recommendation on the amendments. The staff report outlines the history, intent of the amendments and changes made as a result of the work session held on January 8, 2009. Specifically, the definitions of *dissimilar locations* and *significance* to remove the circular reference to *important*, were modified. Council also asked to consider eliminating some of the major alterations that destroy essential historical form from the section pertaining to designation of significant sites. She emphasized the need to maintain the language in the LMC as presented because standards relay what is important to preserve. The intent is to retain as much historic material as possible while balancing the need to replace the building with new materials. The wholesale removal of old materials with new materials to make the structure look old should be avoided.

Ms. Blaes pointed out two grammatical changes and adding language in the essential historical form section, *changes in pitch roof of the main roof of <u>the primary façade</u>*. This is important wording because at the ridge line of the historic roof, a whole new roof on the addition in the rear was built on a number of remodels in the 1980s and 1990s. It is important to include this language in the LMC in order for these structures not to be removed from the list of significant buildings. She acknowledged that the pitch of the roof was altered after the period of significance but there are a tremendous number of these structures. The current trend has been building additions below the roof line so they are not visible from the public right-of-way.

In response to a question from Joe Kernan about the number of historic structures potentially saved under this program, Ms. Blaes responded nearly 400 buildings. Many of those will be landmark structures, but the Historic Sites Inventory and LMC amendments will increase the number of buildings protected by about 20% over the 2007 Historic Building Inventory and only one or two have the potential of being lost. Jim Hier expressed confusion about the wording *achieved significance in the past 50 years*, asking who determines exceptional importance to the community and how is that defined. Dina Blaes noted that a landmark site must meet National Register criteria and defined terms for significance in the LMC. She cited Section (c) *It is important in local or regional history, architecture, engineering or culture associated with at least one of the following*, and used Alf Elgen house as a hypothetical. If there is enough evidence in the historical record, a pretty strong argument can be created about whether or not something has achieved significance in the last 50 years.

Roger Harlan used the Centennial House on Main Street as an example of a building needing a variety of major repairs and using new replacement materials that look historic in the restoration. Ms. Blaes stated that this structure was not always in this state of disrepair but people have ripped features out that have resulted in structural decay and problems. She advised to repair what can be repaired and what can't be repaired is replaced in kind. There may be extensive replacement of the material, and she discussed preserving and replacing exterior boards. Jim Hier asked if approval would determine A-frames as having historic value. She explained that the Council could direct the HPB to survey A-frames to determine if they warrant inclusion on the inventory. Most of those are mid to late 1960s and probably the next time an inventory is conducted, they will be included in the analysis and the Council, as the policy-making board, decides whether A-frames are important to retain.

Candace Erickson questioned whether a date should be used rather than the 50 year standard so that the mining era is the focus, not necessarily Park Meadows homes coming of age. Tom Eddington emphasized that the standard is 50 years but a structure has to meet all three criteria. Ms. Blaes reported that the relocated historic Doc Holiday home is not considered to be in a dissimilar location and will remain as a significant site, however, since it was moved from Coalville to Prospector Village, it won't meet landmark status.

Prepared by Janet M. Scott, City Recorder

SPECIAL PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 22, 2009

I ROLL CALL

Mayor Pro Tem Candace Erickson called the regular meeting of the City Council to order at approximately 6 p.m. at the Police Facility, 2060 Park Avenue, on Thursday, January 22, 2009. Members in attendance were Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Mayor Dana Williams was absent and excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Matt Cassel, City Engineer; Todd Touchard, Water Project Manager; Diane Foster, Environmental Sustainability Manager; Tom Eddington, Planning Manager; and Dina Blaes, Preservation Consultant.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

With regard to the Resolution adopting environmental initiatives, Joe Kernan disclosed that he owns a local recycling business.

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

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 8, 2009

Roger Harlan, "I move approval of the work session notes and minutes of the meeting of January 8, 2009". Joe Kernan seconded. Motion unanimously approved.

V NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

1. Consideration of reimbursement to Intermountain Health Care for the installation of gas service at the Park City Ice Arena in the amount of $137,359 - Matt Cassel explained that IHC covered the upfront capital costs to bring gas service to the Quinns Junction area for the hospital. It was always the intent that the arena would tie into the service and the City would participate in the cost and he explained three options outlined in his staff report. The cost savings from the use of propane to natural gas is about $80,000 annually. Roger Harlan, "I move approval of reimbursement to Intermountain Health Care for the installation of gas service to the Park City Ice Arena in the amount of $137,359". Joe Kernan seconded. Motion unanimously carried.

2. Consideration of Construction Agreement in the amount of $77,035, in a form approved by the City Attorney, with Landmark Excavating, Inc. for the Fairway Hills Pump Station Project – Todd Touchard explained that the Fairway Hills pump, which is at capacity, feeds into the Quinns Junction area and IHC will pay 17.1% of the cost of

the project. The City received very favorable bids on the project which was estimated at $136,000 while a low bid of $77,000 was submitted and is recommended to accept. There will be no disruption in service. The Mayor Pro Tem invited public input; there was none. Liza Simpson, "I move we authorize the City Manager to execute a construction agreement in the amount of $77,035, in a form approved by the City Attorney, with Landmark Excavating for the Fairway Hills Pump Station Project". Jim Hier seconded. Motion unanimously carried.

3. Consideration of a Resolution declaring Park City's vision, goals, policies and action plan in promotion of environmental initiatives for Park City Municipal Corporation and the community – Diane Foster explained that staff is recommending approval of the Resolution adopting a strategic plan with the following amendments. Under Goal 1, Objectives 1.2 and 1.5 will be moved to the wait list and Objectives 1.1, 1.3, 1.4 and 2.2 will have a period placed before the word *by* and the remainder of the sentence deleted. Candace Erickson invited public input; there was none. Jim Hier, "I move we approve the Environmental Strategic Plan update as modified". Liza Simpson seconded. Motion unanimously carried.

4. Consideration of an Ordinance approving amendments to the Land Management Code of Park City, Utah to address revisions in Chapters 11 and 15 (Historic Sites Inventory) – Dina Blaes referred to the work session discussion where modifications to the ordinance draft were explained and recommended. The temporary zoning ordinance was enacted in August and will expire on February 7 and staff is recommending adoption so that the Historic Sites Inventory is reviewed and adopted by the Historic Preservation Board on February 4. It was explained that this amendment recognizes the Historic Sites Inventory and does not address steep slope conditional use amendments. Ms. Blaes added that the Historic Sites Inventory will broaden the number of buildings protected under the existing demolition process within the LMC. It is anticipated to return to Council with broader changes to Chapter 11 that pertain to the Design Guidelines. The Mayor Pro Tem opened the public hearing; with no comments, the public hearing was closed. Liza Simpson, "I move that we adopt the proposed amendments found in the draft ordinance as amended by Dina Blaes earlier". Joe Kernan seconded. Motion unanimously carried.

VI ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:30 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Dana Williams later left the meeting during work session. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Phyllis Robinson, Public Affairs Manager; Kent Cashel, Transportation Manager; and Mark Harrington, City Attorney. Joe Kernan, "I move to close the meeting to discuss property, litigation and personnel“. Jim Hier seconded. Motion carried unanimously. The meeting opened at approximately 4 p.m. Roger Harlan, “I move to open the meeting”. Jim Hier seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott

Janet M. Scott, City Recorder

City Council
Staff Report

Subject: Resolution to submit application for Water for America USBR Grant
Author: Tamara Lindsay
Department: Water
Date: February 5, 2009
Type of Item: Legislative

Summary Recommendations:
Staff recommends that Council approve a resolution authorizing the submittal of a grant application for the Water 2025 – Water for America: Water Marketing and Efficiency Grant offered by the U.S. Bureau of Reclamation to assist in funding the installation of a fixed base automatic water meter reading system.

Topic/Description:
Official Resolution authorizing the submittal of an application for a grant from the U.S. Bureau of Reclamation to assist in funding the installation of a fixed base automatic water meter reading system.

Background:
In May, 2008, staff received approval from Council to proceed with the Fixed Base Automatic Water Meter Reading (AMR) project. Since then, staff published the Request for Proposals and received four proposals within the published deadline of November 14, 2008. Staff is currently in the process of reviewing the proposals and plans to bring a recommendation to Council in March, 2009.

In October, 2008, the US Bureau of Reclamation announced the Water 2025: Water Marketing and Efficiency Grant opportunity. This announcement was directed toward applications that can be completed within 24 months and that expand, protect, and conserve our nation's water resources through water conservation, efficiency improvements, and/or water markets. The grant guidelines stipulated four Task Areas that would be eligible for consideration:

Task A – Water Banks and Water Markets
Task B – New Technologies for Improved Water Management
Task C – Canal Lining
Task D – Measuring Devices.

The AMR project fits into the Task D description: Projects that construct/install measuring devices that will allow water supplies to be more accurately measured, tracked through the delivery system, and distributed.

Analysis:

Phasing: The AMR project will be implemented in phases beginning in April, 2009 and continuing through September, 2010. This phasing plan meets the grant's 24 month project completion requirement. The project was phased in this manner to spread the funding over three fiscal years. If Park City is awarded this grant, it may be possible to accelerate the project's completion date to June, 2010. This would allow staff to capture a full irrigation season's data in the summer of 2010. USBR anticipates announcements of awards by May, 2009.

Key project goals: Park City Municipal Corporation seeks to implement a fixed network automated water meter reading system for its customers to address the following issues:

1. Applying new metering and data collection systems using new and proven technologies to increase the accuracy and timeliness of the monthly meter readings.
2. Enabling 'real time' access to customer data throughout our organization to help streamline the daily business activities such as connect, disconnect and transfer readings.
3. Enabling 'real time' access to customer data to our customers through web access to help the customer determine, track and control their water consumption.
4. To establish an advanced method of determining where water leaks are to recover lost revenue and conserve water.
5. To gain a clearer understanding of water demand peaks through 'real time' consumption information.

Timing of Award: The USBR Water for America grant application was submitted by staff within the January 14, 2009 deadline. The USBR allows an additional 30 days to submit the Official Resolution approved by City Council. Staff plans to submit this resolution immediately following Council approval. The USBR anticipates announcement of awards by May, 2009.

Department Review:
Water; Public Works; Legal; City Manager

Alternatives:

A. Approve:

Approve a resolution authorizing the submittal of an application for a grant from the U.S. Bureau of Reclamation to fund the installation of a fixed base automatic water meter reading system.

B. Deny:

Without the approval, staff would not be able to complete the grant application, which would eliminate us from being considered for the award.

C. Modify:

Modification would delay the resolution, resulting in disqualification of the grant application.

D. Continue the Item:

Same effect as C.

E. Do Nothing:

Same effect as B.

Significant Impacts:

Approving the resolution would complete a requirement of the grant application. The maximum award, should the City be granted the award, is $300,000.00. The extra funding would enable the project to be completed sooner.

Consequences of not taking the recommended action:

Without the authorization, staff would not be able to complete the grant application, which would eliminate us from being considered for the award.

Recommendation:

Staff recommends that Council approve a resolution authorizing the submittal of a grant application for the Water 2025 – Water for America: Water Marketing and Efficiency Grant offered by the U.S. Bureau of Reclamation to assist in funding the installation of a fixed base automatic water meter reading system.

Attachments:

A – Official Resolution
B - Water for America Grant Application

Attachment A

RESOLUTION NO. ______

RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR A GRANT FROM THE U.S. BUREAU OF RECLAMATION TO ASSIST IN FUNDING THE INSTALLATION OF A FIXED BASE AUTOMATIC WATER METER READING SYSTEM

WHEREAS, the United States Bureau of Reclamation (USBR) as part of the Water 2025 Challenge Grant Program is offering grants for projects that demonstrate innovative technologies to promote water conservation; and

WHEREAS, USBR has issued a Request for Proposal Number 09SF811468 (the RFP) stating the requirements and terms for receiving a Water 2025 Challenge Grant; and

WHEREAS, Park City Municipal Corporation proposes to install a fixed base automatic water meter reading system that will allow hourly meter readings to better control demand during peak water usage periods and will allow for more timely leak detection and repair; and

WHEREAS, it would be in the best interests of Park City Municipal Corporation to submit this grant application for the project that will begin in spring of 2009 and is expected to take approximately 24 months to install; and

WHEREAS, Park City Municipal Corporation's application to USBR will request $300,000.00 in grant funds (the maximum available) for the project, the total cost of which is estimated at approximately $1,700,000.00, and Park City Municipal Corporation is capable of providing $1,400,000.00 in materials and in-kind services to complete the project as specified in the RFP funding plan; and

WHEREAS, Park City Municipal Corporation certifies that it has sufficient funding as specified in the RFP's funding plan; and

WHEREAS, this grant application does not constitute a legally binding commitment on the part of Park City Municipal Corporation to accept an award of the grant funding nor to implement any project; and

WHEREAS, the City will work with Reclamation to meet established deadlines for entering into a cooperative agreement; and

WHEREAS, if Park City Municipal Corporation is selected by the USBR to receive a Water 2025 Challenge Grant agreement under the RFP, Park City Municipal Corporation will work with USBR to meet the established deadlines in the proposal, and the terms and conditions of the funding would be presented to City Council for review and consideration prior to acceptance.

NOW, THEREFORE, BE IT RESOLVED that the Park City Council does hereby authorize the City Manager to take all actions necessary to submit a grant application to the USBR to request a $300,000 grant, and to attach to the application as required, a certified copy of this Resolution as evidence of such authorization.

BE IT FURTHER RESOLVED that if Park City Municipal Corporation is offered grant funding from the USBR, the terms and conditions of such funding shall be reviewed by Council and Council shall determine whether to authorize acceptance of the funds.

EFFECTIVE DATE. This resolution shall become effective upon adoption.

PASSED AND ADOPTED this 5th day of February 2009.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Dana Williams

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

Attachment B – Water for America Grant Application

GRANTS.GOV℠

Grant Application Package

Opportunity Title:	Water for America: Water Marketing and Efficiency Grant
Offering Agency:	Bureau of Reclamation, Denver Office
CFDA Number:	15.507
CFDA Description:	Water 2025
Opportunity Number:	09SF811468
Competition ID:	
Opportunity Open Date:	10/17/2008
Opportunity Close Date:	01/14/2009
Agency Contact:	Randale Jackson Grant Specialist E-mail: rjackson@do.usbr.gov Phone: 303-445-2432

This electronic grants application is intended to be used to apply for the specific Federal funding opportunity referenced here.

If the Federal funding opportunity listed is not the opportunity for which you want to apply, close this application package by clicking on the "Cancel" button at the top of this screen. You will then need to locate the correct Federal funding opportunity, download its application and then apply.

This opportunity is only open to organizations, applicants who are submitting grant applications on behalf of a company, state, local or tribal government, academia, or other type of organization.

* Application Filing Name: Park City Municipal Corporation

Mandatory Documents

Move Form to Complete =>

Move Form to Delete <=

Mandatory Documents for Submission

Application for Federal Assistance (SF-424)

Open Form

Optional Documents

Budget Information for Non-Construction Program
Assurances for Non-Construction Programs (SF-42

Move Form to Submission List =>

Move Form to Delete <=

Optional Documents for Submission

Disclosure of Lobbying Activities (SF-LLL)
Attachments
Budget Information for Construction Programs (S
Assurances for Construction Programs (SF-424D)

Open Form

Instructions

1 **Enter a name for the application in the Application Filing Name field.**

- This application can be completed in its entirety offline; however, you will need to login to the Grants.gov website during the submission process.
- You can save your application at any time by clicking the "Save" button at the top of your screen.
- The "Save & Submit" button will not be functional until all required data fields in the application are completed and you clicked on the "Check Package for Errors" button and confirmed all data required data fields are completed.

2 **Open and complete all of the documents listed in the "Mandatory Documents" box. Complete the SF-424 form first.**

- It is recommended that the SF-424 form be the first form completed for the application package. Data entered on the SF-424 will populate data fields in other mandatory and optional forms and the user cannot enter data in these fields.

- The forms listed in the "Mandatory Documents" box and "Optional Documents" may be predefined forms, such as SF-424, forms where a document needs to be attached, such as the Project Narrative or a combination of both. "Mandatory Documents" are required for this application. "Optional Documents" can be used to provide additional support for this application or may be required for specific types of grant activity. Reference the application package instructions for more information regarding "Optional Documents".

- To open and complete a form, simply click on the form's name to select the item and then click on the => button. This will move the document to the appropriate "Documents for Submission" box and the form will be automatically added to your application package. To view the form, scroll down the screen or select the form name and click on the "Open Form" button to begin completing the required data fields. To remove a form/document from the "Documents for Submission" box, click the document name to select it, and then click the <= button. This will return the form/document to the "Mandatory Documents" or "Optional Documents" box.

- All documents listed in the "Mandatory Documents" box must be moved to the "Mandatory Documents for Submission" box. When you open a required form, the fields which must be completed are highlighted in yellow with a red border. Optional fields and completed fields are displayed in white. If you enter invalid or incomplete information in a field, you will receive an error message.

3 **Click the "Save & Submit" button to submit your application to Grants.gov.**

- Once you have properly completed all required documents and attached any required or optional documentation, save the completed application by clicking on the "Save" button.
- Click on the "Check Package for Errors" button to ensure that you have completed all required data fields. Correct any errors or if none are found, save the application package.
- The "Save & Submit" button will become active; click on the "Save & Submit" button to begin the application submission process.
- You will be taken to the applicant login page to enter your Grants.gov username and password. Follow all onscreen instructions for submission.

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424

Version 02

* 1. Type of Submission:	* 2. Type of Application:	* If Revision, select appropriate letter(s):
☐ Preapplication	☒ New	
☒ Application	☐ Continuation	* Other (Specify)
☐ Changed/Corrected Application	☐ Revision	

* 3. Date Received: 01/13/2009	4. Applicant Identifier:
5a. Federal Entity Identifier:	* 5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:	7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name: Park City Municipal Corporation

* b. Employer/Taxpayer Identification Number (EIN/TIN): 87-6000260	* c. Organizational DUNS: 093122893

d. Address:

* Street1:	445 Marsac Ave
Street2:	PO Box 1480
* City:	Park City
County:	Summit
* State:	UT: Utah
Province:	
* Country:	USA: UNITED STATES
* Zip / Postal Code:	84060

e. Organizational Unit:

Department Name: Public Works	Division Name: Water

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:	Ms.	* First Name:	Tamara
Middle Name:			
* Last Name:	Lindsay		
Suffix:			

Title: Water Resource Analyst

Organizational Affiliation:

* Telephone Number: 435-615-5331	Fax Number: 435-615-4904

* Email: tlindsay@parkcity.org

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

9. Type of Applicant 1: Select Applicant Type:

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Bureau of Reclamation, Denver Office

11. Catalog of Federal Domestic Assistance Number:

15.507

CFDA Title:

Water 2025

*** 12. Funding Opportunity Number:**

09SF811468

* Title:

Water for America: Water Marketing and Efficiency Grants for Fiscal Year 2009

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Park City, Utah

*** 15. Descriptive Title of Applicant's Project:**

Installation of a Fixed Network Automatic Water Meter Reading and Leak Detection System

Attach supporting documents as specified in agency instructions.

Add Attachments | Delete Attachments | View Attachments

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424

Version 02

16. Congressional Districts Of:

* a. Applicant: 1

* b. Program/Project: 1

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment | Delete Attachment | View Attachment

17. Proposed Project:

* a. Start Date: 06/01/2009

* b. End Date: 05/31/2011

18. Estimated Funding ($):

* a. Federal	300,000.00
* b. Applicant	1,328,000.00
* c. State	0.00
* d. Local	0.00
* e. Other	0.00
* f. Program Income	0.00
* g. TOTAL	1,628,000.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☒ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

☐ Yes ☒ No

Explanation

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: Mr.

* First Name: Thomas

Middle Name: B.

* Last Name: Bakaly

Suffix:

* Title: City Manager

* Telephone Number: 435-615-5180

Fax Number: 435-615-4901

* Email: tbakaly@parkcity.org

* Signature of Authorized Representative: Bret Howser

* Date Signed: 01/13/2009

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Standard Form 424 (Revised 10/2005)
Prescribed by OMB Circular A-102

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

*** Applicant Federal Debt Delinquency Explanation**

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C.1352

Approved by OMB
0348-0046

Review Public Burden Disclosure Statement

1. * Type of Federal Action:
- [ ] a. contract
- [x] b. grant
- [ ] c. cooperative agreement
- [ ] d. loan
- [ ] e. loan guarantee
- [ ] f. loan insurance

2. * Status of Federal Action:
- [ ] a. bid/offer/application
- [x] b. initial award
- [ ] c. post-award

3. * Report Type:
- [x] a. initial filing
- [ ] b. material change

4. Name and Address of Reporting Entity:

[x] Prime [ ] SubAwardee

* Name: Park City Municipal Corporation
* Street 1: 445 Marsac Avenue   Street 2: PO Box 1480
* City: Park City   State: UT: Utah   Zip: 84060

Congressional District, if known: 1

5. If Reporting Entity in No.4 is Subawardee, Enter Name and Address of Prime:

6. * Federal Department/Agency: Bureau of Reclamation

7. * Federal Program Name/Description: Water 2025

CFDA Number, *if applicable:* 15.507

8. Federal Action Number, *if known:*

9. Award Amount, *if known:* $

10. a. Name and Address of Lobbying Registrant:

Prefix: Mr.   * First Name: James   Middle Name: C.
* Last Name: Barker   Suffix:
* Street 1: 1101 30th Street, NW, Suite 200   Street 2:
* City: Washington   State: DC: District of Columbia   Zip: 20007

b. Individual Performing Services (including address if different from No. 10a)

Prefix: Mr.   * First Name: James   Middle Name: C.
* Last Name: Barker   Suffix:
* Street 1:   Street 2:
* City: State: Zip:

11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when the transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

*** Signature:** Bret Howser

***Name:** Prefix: Mr.   * First Name: Thomas   Middle Name: B.
* Last Name: Bakaly   Suffix:

Title: City Manager   **Telephone No.:** 435-615-5180   **Date:** 01/13/2009

Federal Use Only:

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Standard Form - LLL (Rev. 7-97)

ATTACHMENTS FORM

Instructions: On this form, you will attach the various files that make up your grant application. Please consult with the appropriate Agency Guidelines for more information about each needed file. Please remember that any files you attach must be in the document format and named as specified in the Guidelines.

Important: Please attach your files in the proper sequence. See the appropriate Agency Guidelines for details.

1) Please attach Attachment 1	Technical Proposal.pdf	Add Attachment	Delete Attachment	View Attachment
2) Please attach Attachment 2	Funding Plan.doc	Add Attachment	Delete Attachment	View Attachment
3) Please attach Attachment 3	RESOLUTION.pdf	Add Attachment	Delete Attachment	View Attachment
4) Please attach Attachment 4	Budget Proposal.pdf	Add Attachment	Delete Attachment	View Attachment
5) Please attach Attachment 5	Conservation Plan.pdf	Add Attachment	Delete Attachment	View Attachment
6) Please attach Attachment 6		Add Attachment	Delete Attachment	View Attachment
7) Please attach Attachment 7		Add Attachment	Delete Attachment	View Attachment
8) Please attach Attachment 8		Add Attachment	Delete Attachment	View Attachment
9) Please attach Attachment 9		Add Attachment	Delete Attachment	View Attachment
10) Please attach Attachment 10		Add Attachment	Delete Attachment	View Attachment
11) Please attach Attachment 11		Add Attachment	Delete Attachment	View Attachment
12) Please attach Attachment 12		Add Attachment	Delete Attachment	View Attachment
13) Please attach Attachment 13		Add Attachment	Delete Attachment	View Attachment
14) Please attach Attachment 14		Add Attachment	Delete Attachment	View Attachment
15) Please attach Attachment 15		Add Attachment	Delete Attachment	View Attachment

BUDGET INFORMATION - Construction Programs

OMB Approval No. 4040-0008
Expiration Date 07/30/2010

NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case, you will be notified.

COST CLASSIFICATION	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Columns a-b)
1. Administrative and legal expenses	$ 20,720.00	$	$ 20,720.00
2. Land, structures, rights-of-way, appraisals, etc.	$ 0.00	$	$ 0.00
3. Relocation expenses and payments	$ 0.00	$	$ 0.00
4. Architectual and engineering fees	$ 0.00	$	$ 0.00
5. Other architectural and engineering fees	$ 0.00	$	$ 0.00
6. Project inspection fees	$ 0.00	$	$ 0.00
7. Site work	$ 16,800.00	$	$ 16,800.00
8. Demolition and removal	$ 0.00	$	$ 0.00
9. Construction	$ 0.00	$	$ 0.00
10. Equipment	$ 1,429,049.00	$	$ 1,429,049.00
11. Miscellaneous	$ 13,070.00	$	$ 13,070.00
12. SUBTOTAL *(sum of lines 1-11)*	$ 1,479,639.00	$ 0.00	$ 1,479,639.00
13. Contingencies	$ 147,964.00	$	$ 147,964.00
14. SUBTOTAL	$ 1,627,603.00	$ 0.00	$ 1,627,603.00
15. Project (program) income	$	$	$ 0.00
16. TOTAL PROJECT COSTS *(subtract #15 from #14)*	$ 1,627,603.00	$ 0.00	$ 1,627,603.00
FEDERAL FUNDING			
17. Federal assistance requested, calculate as follows: (Consult Federal agency for Federal percentage share.) Enter the resulting Federal share.	Enter eligible costs from line 16c Multiply X 19 %		$ 309,244.57

Previous Edition Usable

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Standard Form 424C (Rev. 7-97)
Prescribed by OMB Circular A-102

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Approval No.4040-0009
Expiration Date 07/30/2010

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant:, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29) U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statue(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statue(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.

14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq).

18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

* SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	* TITLE
Bret Howser	City Manager
* APPLICANT ORGANIZATION	* DATE SUBMITTED
Park City Municipal Corporation	01/13/2009

SF-424D (Rev. 7-97) Back

City Council
Staff Report

Subject: Boothill Parcel Plat
Author: Jeff Davis
Date: February 5, 2009
Type of Item: Administrative- Extension of Plat

PARK CITY 1884 PLANNING DEPARTMENT

Summary Recommendations
Staff recommends the City Council hold a public hearing for the Boothill Parcel Plat extension, located at the northeast corner of the Park City Cemetery near the intersection of Kearns Blvd., and Monitor Drive and consider approving it based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Applicant:	Black Bear Development LLC.
Location:	Parcel #PCA-110-A next to the City Cemetery
Zoning:	GC-General Commercial
Adjacent Land Uses:	Residential Condominiums, Cemetery and City Pump Station.
Reason for Review:	A Plat creating a single lot requires review by the Planning Commission and approval by the City Council. An extension of the plat approval is reviewed by the City Council.

Background
On November 3, 2008, the City received a completed application for an extension of a plat approval. The applicant is requesting to subdivide a 35,252 square foot metes and bounds parcel into one lot of record.

On November 15, 2007, this application was reviewed and approved by City Council. The applicant is requesting a one year extension of approval in order to come to an agreement with the Snyderville Basin Water Reclamation District regarding a sewer lateral and working out an access and utility easement.

The property is located in the General Commercial (GC) zone. If successful, the applicant will develop the property as an office use. On March 20, 1986, the applicant acquired the parcel from the City with certain restrictions on the sale. The restrictions included:

1) That the property can only be used for professional offices and parking associated therewith. No retail sales, food service, bar or tavern, warehouse, theater or place of public assembly, church, school or transient lodging may be done on the property for a period of fifty (50) years.

2) The total building footprint cannot exceed 7,000 square feet, and the floor area may not exceed 18,000 square feet.
3) The building height may not exceed thirty-five (35’) above natural grade at any point.
4) The City retained an easement over the parcel to provide an access road to the Boothill Water tank. The location would be specifically described on the final site plan for the building, but shall provide a road fifteen feet (15’) wide that does not exceed 15% grade as it crosses the subject property. The road will be maintained across the property at the expense of the property owner and may be combined with parking area access roads.

Black Bear Development LLC has applied for a subdivision plat to create a one lot subdivision upon which they intend to construct an office building pursuant to the conditions listed above.

Analysis
The proposed plat memorializes a metes and bounds parcel into a lot of record adjacent to the City owned Boothill Parcel. The City Council approved the plat on November 15, 2007. A condition of approval of the plat is to record the final plat within one years time. However, due to issues regarding the utility access shown on the adjacent Boothill Condominiums plat, the Snyderville Basin Water Reclamation District has not given final approval or signed the plat. In addition, applicant is exploring alternative access to the property. Therefore, the applicant has requested that an additional one year extension be considered by the City. This request was received on November 3, 2008, prior to the expiration of the plat approval.

The current access road to the Boothill Water Tank and Pump Station are on the City property; this has been confirmed by a survey done by the City Water Department. As a condition of the sale from the City, an access easement exists over the parcel. The City is not required, nor do they propose, to abandon the right to this easement.

The access to the property is through a triangular sliver of land belonging to the Boothill Condominiums. It shows as an access easement on the plat, and is reflected in the title report. Applicant has agreed, and a plat note has been required, indicating that applicant will maintain the access easement and landscaping.

Other conditions listed on the ordinance are requirements necessary before the final plat can be signed. These relate to wording of plat notes to remove references to Grantor and Grantee and to insure the applicant has satisfied the requirements of Snyderville Basin Water Reclamation District, who must sign the final plat.

The proposal is consistent with the Land Management Code regarding subdivisions and plats. There has been no change in circumstance or the subdivision regulations of the Land Management Code requiring additional review and conditions of approval. Staff finds good cause for this plat amendment extension, in that the extension of the plat amendment will allow for the conditions imposed on the sale of the property by Park City to be realized, and needed office space to be constructed in compliance with those conditions.

Department Review

This project has gone through an interdepartmental review with the Planning Department, Building Department, City Engineer, Legal Department and Utilities. The issues discussed have been resolved except for requirements of Snyderville Basin Water Reclamation District, which are addressed as conditions of approval.

Notice

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

Public Input

No public input has been received as of the time of the writing of this report.

Alternatives

- The City Council may approve the Boothill Parcel Plat extension as conditioned or amended, or
- The City Council may deny the Boothill Parcel Plat extension and direct staff to make Findings for this decision, or
- The City Council may continue the discussion on the Boothill Parcel Plat extension, or
- The City Council may remand the Boothill Parcel Plat extension to the Planning Commission for further discussion.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The existing metes and bounds parcel would remain and no office building could be built.

Recommendation

Staff recommends the City Council hold a public hearing for the Boothill Parcel Plat extension, located at the northeast corner of the Park City Cemetery near the intersection of Kearns Blvd., and Monitor Drive and approve it based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Boothill Plat

Ordinance No. 07-

AN ORDINANCE APPROVING A ONE YEAR EXTENSION OF THE BOOTHILL PARCEL PLAT, LOCATED NEAR THE CORNER OF MONITER DRIVE AND KEARNS BLVD., PARK CITY, UTAH.

WHEREAS, the owners of the property located at the northeast corner of the Park City Cemetery between the Boothill Condominiums and the City's pump station, have petitioned the City Council for approval of the Boothill Parcel Plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 24, 2007, to receive input on the Boothill Parcel Plat;

WHEREAS, the Planning Commission, on October 24, 2007, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 15, 2007, the City Council held a Public Hearing on the Boothill Parcel Plat and approved the proposed plat; and

WHEREAS, November 3, 2008, the received a completed application requesting a one year extension of the approved plat; and

WHEREAS, on January 8, 2009, the City Council held a public hearing on the Boothill Parcel Plat extension; and

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

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

<u>SECTION 1. APPROVAL.</u> The above recitals are hereby incorporated as findings of fact. The Boothill Parcel Plat extension, as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

<u>Findings of Fact</u>:

1) The property is located near the intersection of Monitor Drive and Kearns Blvd northeast of the cemetery and between the Boothill Condominiums and the City's pump station.
2) The zoning is General Commercial (GC), and surrounded by the cemetery

and residential condominiums.

3) The proposed lot was previously part of the city owned property located in the Northwest Quarter of Section 9, Township 2, South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah, and is 35,252 square feet in area.
4) Park City Municipal sold said property on March 20, 1986 with conditions imposed on the property.
5) The conditions were intended to apply to any future development of the property.

Conclusions of Law:

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

Conditions of Approval:

1) The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2) The applicant will record the plat amendment at the County within one year from the date of City Council extension of approval.
3) If recordation has not occurred within one year's time, this extension of approval for the plat will be void.
4) The property can only be used for professional offices and parking associated therewith. No retail sales, food service, bar or tavern, warehouse, theater or place of public assembly, church, school or transient lodging may be done on the property for a period of fifty (50) years commencing March 20, 1986.
5) The total building footprint cannot exceed 7,000 square feet, and the floor area may not exceed 18,000 square feet.
6) The building height may not exceed thirty-five (35') above natural grade at any point.
7) The City retained an easement over the parcel to provide an access road to the Boothill Water tank. The location shall be specifically described on the final site plan for the building, but shall provide a road fifteen feet (15') wide that does not exceed 15% grade as it crosses the subject property. The road will be built and maintained across the property at the expense of the property owner and may be combined with parking area access roads.
8) Notes shall be placed on the plat memorializing Conditions 4, 5, 6 and 7.
9) All issues concerning access and utility easements will be resolved with the Snyderville Basin Water Reclamation District prior to recordation.

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

PASSED AND ADOPTED this ____ day of _____2009.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, MAYOR

ATTEST:

____
Jan Scott, City Recorder

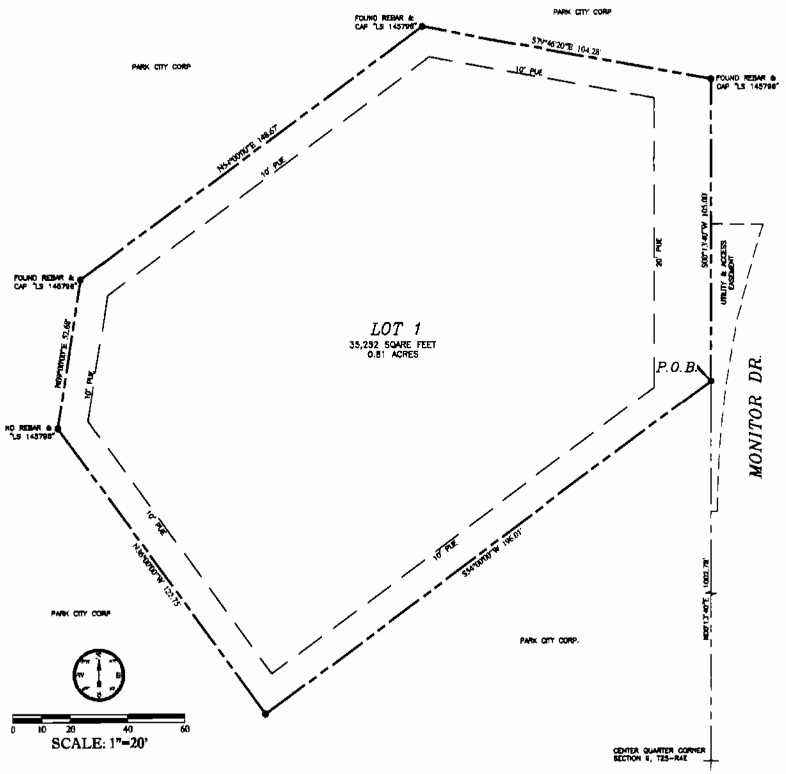
APPROVED AS TO FORM:

____
Mark Harrington, City Attorney

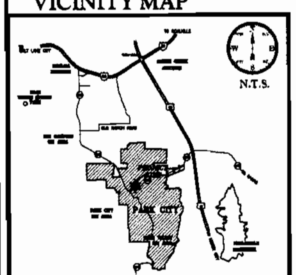
BOOTHILL PARCEL PLAT

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

SHEET 1 OF 1



VICINITY MAP



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOWN ALL MEN BY THESE PRESENT: THAT BLACK BEAR DEVELOPMENT, LLC IS THE OWNER OF THE HEREON DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS, HEREAFTER TO BE KNOWN AS "BOOTHILL PARCEL PLAT", DOES HEREBY DEDICATE TO

EXECUTED THIS _______ DAY OF ______________, 2007

BY BLACK BEAR DEVELOPMENT LLC
ITS REPRESENTATIVE

____
BY: HARISON HORN

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF SUMMIT)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _______ DAY OF __________ 2007
BY ______________________

____
NOTARY PUBLIC

____
MY COMMISSION EXPIRES

____
RESIDING AT

SURVEYOR'S CERTIFICATE

I, ERIC D. ROBINS, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 8152671 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY, ON BEHALF OF JACK JOHNSON COMPANY, THAT A SURVEY HAS BEEN MADE OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON. I FURTHER CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW

LEGAL DESCRIPTION

BEGINNING AT A POINT WHICH IS NORTH 00°13'40" EAST, 1002.78 FEET FROM THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER AND ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 54°00'00" WEST, 196.01 FEET; THENCE NORTH 36°00'00" WEST, 122.75 FEET; THENCE NORTH 00°00'00" EAST, 52.68 FEET; THENCE NORTH 54°00'00" EAST, 148.67 FEET; THENCE SOUTH 79°46'20" EAST, 104.28 FEET TO SAID WEST LINE OF THE NORTHEAST QUARTER OF SECTION 9, THENCE SOUTH 00°13'40" WEST, 105.00 FEET ALONG SAID WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 9 TO THE POINT OF BEGINNING.

TOGETHER WITH A 100 FOOT UTILITY AND ACCESS EASEMENT AS SET FORTH ON THE RECORD OF SURVEY MAP OF BOOTHILL CONDOMINIUMS RECORDED MARCH 5, 1982 AS ENTRY NO. 189192 OF THE OFFICIAL RECORDS. SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A UTILITY AND ACCESS EASEMENT OVER THE FOLLOWING DESCRIBED PROPERTY

BEGINNING AT THE CENTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 00°13'40" EAST, 937.44 FEET ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 9, TO THE TRUE POINT OF BEGINNING AND RUNNING THENCE NORTH 00°13'40" EAST, ALONG SAID WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 9, A DISTANCE OF 100.00 FEET; THENCE SOUTH 89°52'10" EAST, 18.26 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF A 60.00 FOOT WIDE ROAD KNOWN AS MONITOR DRIVE. SAID POINT BEING ON A 320.40 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 71°34'29" EAST, 320.40 FEET). THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND RIGHT OF WAY LINE 101.76 FEET THENCE NORTH 89°46'20" WEST, 2.26 FEET TO THE TRUE POINT OF BEGINNING.

PLAT NOTES

1. THIS SITE IS ZONED (GC) GENERAL COMMERCIAL.

2. THE MINIMUM FRONT YARD IS TWENTY FEET FOR ALL MAIN AND ACCESSORY BUILDINGS AND USES. THE TWENTY FOOT FRONT YARD MAY BE REDUCED TO TEN FEET, PROVIDED ALL ON-SITE PARKING IS AT THE REAR OF THE PROPERTY OR UNDER GROUND. THE MINIMUM SIDE AND REAR YARD IS TEN FEET.

3. NO VISUAL OBSTRUCTION IN EXCESS OF TWO FEET IN HEIGHT ABOVE ROAD GRADE SHALL BE PLACED ON ANY CORNER LOT WITHIN THE SITE DISTANCE TRIANGLE.

4. THE PROPERTY MAY BE USED ONLY FOR PROFESSIONAL OFFICES AND THE PARKING ASSOCIATED WITH THOSE OFFICES. NO RETAIL SALES, FOOD SERVICE, BAR OR TAVERN, WAREHOUSE, THEATRE OR PLACE OF PUBLIC ASSEMBLY, CHURCH, SCHOOL, OR TRANSIENT LODGING USES MAY BE MADE OF THE PROPERTY.

5. THE TOTAL LAND AREA ENCOMPASSED WITHIN THE FOUNDATION AND EXTERIOR WALLS OF THE BUILDING CONSTRUCTED ON THE PROPERTY MAY NOT EXCEED 7,000 SQUARE FEET OF 1 AND AREA.

6. THE MAXIMUM BUILDING FLOOR AREA, EXCLUSIVE OF THE PARKING, MAY NOT EXCEED 16,000 SQUARE FEET.

7. THE MAXIMUM BUILDING HEIGHT MAY NOT EXCEED 35 FEET ABOVE THE NATURAL GRADE AT ANY POINT.

8. PARK CITY MUNICIPAL CORPORATION RESERVES AN EASEMENT OVER THE PARCEL TO PROVIDE AN ACCESS ROAD TO THE BOOT HILL WATER TANK. THE ACCESS ROAD LOCATION WILL BE SPECIFICALLY DESCRIBED UPON COMPLETION OF A FINAL SITE PLAN OF THE GRANTEE'S IMPROVEMENTS, BUT SHALL PROVIDE A ROAD FIFTEEN (15) FEET IN WIDTH THAT DOES NOT EXCEED FIFTEEN (15) PERCENT GRADE, AS IT CROSSES THE SUBJECT PROPERTY AND RE-CONNECTS TO THE EXISTING TANK ACCESS ROAD. THE ROAD WILL BE GRADED AND GRAVELED AT THE EXPENSE OF THE GRANTEE, AND MAY BE COMBINED WITH PARKING ACCESS ROADS.

9. GRANTOR DOES NOT WARRANT ACCESS OVER THE PROPERTY OWNED BY THE BOOT HILL CONDOMINIUMS PROPERTY FRONTING THE MONITOR DRIVE, ALTHOUGH THE RECORDED PLAT FOR THAT PROJECT APPEARS TO GRANT A GENERAL "ACCESS EASEMENT" OVER THE EXTREME SOUTH END OF THE CONDOMINIUM PROPERTY.

NOV 03 2008

JACK JOHNSON COMPANY
Designing World Destinations

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _______ 2007

____
PARK CITY RECORDER

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS THIS _____ DAY OF _______, 2007

____
S.B.W.R.D.

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF _______ CITY COUNCIL THIS _____ DAY OF _______, 2008 AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED

____
MAYOR

CITY ENGINEER

APPROVED AND ACCEPTED BY THE _______ CITY ENGINEERING DEPARTMENT ON THIS _____ DAY OF _______ 2007

____
CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE _______ CITY PLANNING COMMISSION ON THIS _____ DAY OF _______ 2007

____
CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS _____ DAY OF _______ 2007

____
COUNTY ATTORNEY

RECORDED

ENTRY NO. _______, BOOK _______, PAGE _______
STATE OF UTAH, COUNTY OF SUMMIT
DATE _______ TIME _______
RECORDED AND FILED AT THE REQUEST OF

____

City Council Staff Report

Subject: Professional Services Contract for SR-248 Pedestrian Tunnel Project
Author: Matthew Cassel, P.E., City Engineer
Department: Engineering
Date: February 5, 2009
Type of Item: Administrative

Summary Recommendations:
The Council should consider authorizing the City Manager to sign the attached Service Provider/Professional Services Agreement with Horrocks Engineering for engineering services related to the design and construction of a pedestrian tunnel across SR-248 in an amount not to exceed $286,101.

Topic/Description:
This contract with Horrocks Engineering will provide for the necessary design work on this important walkability project. Horrocks Engineering will also advertise the project for bid and manage the construction contract. Construction bidding for this project is anticipated to occur in early summer.

The pedestrian tunnel crossing SR-248 is anticipated to be located immediately east of Comstock Drive. The project includes the tunnel, stairways to the tunnel, social engineering to encourage pedestrians to use the tunnel, and lighting and ramps to meet ADA requirements. Proposed improvements also include the relocation/modification of an existing water main and an existing sewer, allowance for two future water mains, modifications to the storm drain system as required, design of retaining walls to meet grades on the stairways and ADA ramps and the coordination with dry utility companies for protection, upgrade or replacement of their facilities. As part of the design process, impacts to traffic during construction will also be addressed. Heating of the stairs and video cameras may also be incorporated into the project. Because the pedestrian tunnel crosses UDOT right-of-way, coordination with UDOT and obtaining their approval is imperative.

UDOT has been involved with this project since its inception in the trail master plan update and walkable/bikeable neighborhood study completed in 2007. At that time, UDOT was in favor for this project.

The funding for this project will be provided from Walkability Improvement Bond funds. The total budget for the design and construction is $3,050,000 plus an additional $72,000 for the social engineering efforts for a total project budget of 3,122,000. After this design and construction management contract, $2,835,899 remains for the actual construction of the pedestrian tunnel.

Background:
A trail master plan update and walkable/bikeable neighborhood study was prepared by Landmark Design for Park City and completed in early 2007. The purpose of the study was to provide planning and design guidance to improve walking and biking in urban Park City with the intent to establish a clear and detailed list of projects to improve safety, connectivity and efficiency. From the study, a safe passage across SR-248 was ranked as an essential project. A 15 million dollar "walkability bond" was passed by the public in 2007. The Council subsequently allocated funding during the 2008 budget to this project, based on recommendation of the public WALC committee.

Analysis:
A review committee consisting of Kent Cashel (Public Works), Todd Touchard (Public Works), Bryan Atwood (SBWRD), Tom Eddington (Planning) and Matt Cassel (Engineering) evaluated eleven submitted SOQ/Proposals from engineering firms as listed below:

FIRM
Alliance Engineering
Bush & Gudgell
Caldwell Richards Sorensen
Gilson Engineering
Horrocks Engineering
H.W. Lochner
Nolte Associates
PEC
Stanley Consultants
Stantec, Inc.
Ward Engineering Group

The review committee evaluated each firm according to a list of criteria including experience on similar projects, strength of individual firm members, familiarity with PCMC & SBWRD specifications and procedures, project management skills, communication skills, and technical skills. The selection committee determined that Horrocks Engineering was the best choice for providing professional design services to the City on this project. The final scope of services and fee were negotiated with Horrocks Engineering.

Department Review:
This report has been reviewed by Planning, Sustainability, Public Works, City Manager, and Legal. All issues have been resolved.

Alternatives:

A. Approve the Request:
This is the staff's recommendation.

B. Deny the Request:

This would make it impossible to complete the design in time for the 2009 construction season.

C. Continue the Item:

If the Council needs more information the item can be continued, but completing the construction during schools summer break may be difficult.

D. Do Nothing:

This option would make it impossible to complete the design in a timely manner.

Significant Impacts:

The engineering design will have no significant impacts, whereas the actual construction of the tunnel will heavily impact the flow of traffic along State Route 248. This impact will be addressed during the design of the tunnel and will be coordinated with UDOT.

The funds for both the engineering contract and the 2009 construction have been appropriated, and there are no budget impacts which the Council hasn't already considered in the FY2009 budget. With the current tight economic conditions, it is possible to delay the construction of this project until the year 2010. It is staff's recommendation to move forward with the engineering design of the tunnel and decide in the next few months whether to delay the construction portion of the project until the year 2010.

Consequences of not taking the recommended action:

The pedestrian tunnel across SR-248 is a high priority project as determined in the 2007 walkability/bikeable neighborhood study. Not commencing an engineering design contract now would delay these necessary facilities.

Recommendation:

The Council should consider authorizing the City Manager to sign the attached Service Provider/Professional Services Agreement with Horrocks Engineering for engineering services related to the design and construction of a pedestrian tunnel across SR-248 in an amount not to exceed $286,101.

Exhibit A – Proposed Contract

PARK CITY MUNICIPAL CORPORATION SERVICE PROVIDER/PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into in duplicate this ____ day of _____________, 2008, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation, ("City"), and Horrocks Engineers, a Utah corporation ("Service Provider").

WITNESSETH:

WHEREAS, the City desires to have certain services and tasks performed as set forth below requiring specialized skills and other supportive capabilities; and

WHEREAS, sufficient City resources are not available to provide such services; and

WHEREAS, the Service Provider represents that the Service Provider is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise, where required, to perform the services and/or tasks set forth in this Agreement.

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, the parties hereto agree as follows:

1. SCOPE OF SERVICES.

The Service Provider shall perform such services and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance thereof, as are identified and designated as Service Provider responsibilities throughout this Agreement and as set forth in the "Scope of Services" attached hereto as "Addendum A" and incorporated herein (the "Project"). The total fee for the Project shall not exceed **$286,101.00** Dollars.

2. TERM.

The term of this Agreement shall commence on the date of execution on this Agreement and shall terminate on December 31, 2009 or earlier, unless extended by mutual written agreement of the Parties.

3. COMPENSATION AND METHOD OF PAYMENT.

A. Payments for services provided hereunder shall be made monthly following the performance of such services.

B. No payment shall be made for any service rendered by the Service Provider except for services identified and set forth in this Agreement.

C. For all “extra” work the City requires, the City shall pay the Service Provider for work performed under this Agreement according to the schedule attached hereto as “Addendum B,” or if none is attached, as subsequently agreed to by both parties in writing.

D. The Service Provider shall submit to the City Manager or his designee on forms approved by the City Manager, an invoice for services rendered during the pay period. The City shall make payment to the Service Provider within thirty (30) days thereafter. Requests for more rapid payment will be considered if a discount is offered for early payment. Interest shall accrue at a rate of six percent (6%) per annum for services remaining unpaid for sixty (60) days or more.

E. The Service Provider reserves the right to suspend or terminate work and this Agreement if any unpaid account exceeds sixty (60) days.

4. <u>REPORTS AND INSPECTIONS</u>.

A. The Service Provider, at such times and in such forms as the City may require, shall furnish the City such statements, records, reports, data, and information as the City may request pertaining to matters covered by this Agreement.

B. The Service Provider shall at any time during normal business hours and as often as the City may deem necessary, make available for examination of all its records and data with respect to all matters covered, directly or indirectly, by this Agreement and shall permit the City or its designated authorized representative to audit and inspect other data relating to all matters covered by this Agreement. The City may, at its discretion, conduct an audit at its expense, using its own or outside auditors, of the Service Provider’s activities, which relate directly or indirectly, to this Agreement.

5. <u>INDEPENDENT CONTRACTOR RELATIONSHIP</u>.

A. The parties intend that an independent Service Provider/City relationship will be created by this Agreement. No agent, employee, or representative of the Service Provider shall be deemed to be an employee, agent, or representative of the City for any purpose, and the employees of the Service Provider are not entitled to any of the benefits the City provides for its employees. The Service Provider will be solely and entirely responsible for its acts and for the acts of its agents, employees, subcontractors or representatives during the performance of this Agreement.

B. In the performance of the services herein contemplated the Service Provider is an independent contractor with the authority to control and direct the performance of the details of the work, however, the results of the work contemplated herein must meet the approval of the City and shall be subject to the City's general rights of inspection and review to secure the satisfactory completion thereof.

6. <u>SERVICE PROVIDER EMPLOYEE/AGENTS</u>.

The City may at its sole discretion require the Service Provider to remove an employee(s), agent(s), or representative(s) from employment on this Project. The Service Provider may, however, employ that (those) individuals(s) on other non-City related projects.

7. <u>HOLD HARMLESS INDEMNIFICATION</u>.

A. The Service Provider shall indemnify and hold the City and its agents, employees, and officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the Service Provider's defective performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Service Provider; and provided further, that nothing herein shall require the Service Provider to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The Service Provider expressly agrees that the indemnification provided herein constitutes the Service Provider's limited waiver of immunity as an employer under Utah Code Section 34A-2-105; provided, however, this waiver shall apply only to the extent an employee of Service Provider claims or recovers compensation from the City for a loss or injury that Service Provider would be obligated to indemnify the City for under this Agreement. This limited waiver has been mutually negotiated by the parties, and is expressly made effective only for the purposes of this Agreement. The provisions of this section shall survive the expiration or termination of this Agreement.

B. No liability shall attach to the City by reason of entering into this Agreement except as expressly provided herein.

8. <u>INSURANCE</u>.

The Service Provider shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Service Provider, their agents, representatives, employees, or subcontractors. The Service Provider shall provide a Certificate of Insurance evidencing:

A. General Liability insurance written on an occurrence basis with limits no less than two million dollars ($2,000,000) combined single limit per occurrence and four million dollars ($4,000,000) aggregate for personal injury, bodily injury and property damage.

   The Service Provider shall increase the limits of such insurance to at least the amount of the Limitation of Judgments described in Section 63-30d-604 of the Governmental Immunity Act of Utah, as calculated by the state risk manager every two years and stated in Utah Admin. Code R37-4-3.

B. Automobile Liability insurance with limits no less than two million dollars ($2,000,000) combined single limit per accident for bodily injury and property damage.

C. Professional Liability (Errors and Omissions) insurance written on claims made basis with limits no less than one million dollars ($1,000,000) combined single limit per occurrence.

D. Workers Compensation insurance limits written as follows:
   Bodily Injury by Accident $500,000 each accident;
   Bodily Injury by Disease $500,000 each employee, $500,000 policy limit

E. The City shall be named as an additional insured on the insurance policies, as respect to work performed by or on behalf of the Service Provider and a copy of the endorsement naming the City as an additional insured shall be attached to the Certificate of Insurance. The Certificate of insurance shall warrant that the City shall receive thirty (30) days advance notice of cancellation. The City reserves the right to request certified copies of any required policies.

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

9. TREATMENT OF ASSETS.

Title to all property furnished by the City shall remain in the name of the City and the City shall become the owner of the work product and other documents, if any, prepared by the Service Provider pursuant to this Agreement (contingent on City's performance hereunder).

10. COMPLIANCE WITH LAWS.

A. The Service Provider, in the performance of this Agreement, shall comply with all applicable federal, state, and local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals, and any other standards or criteria as described in this Agreement to assure quality of services. Unless otherwise exempt, the Service Provider is required to have a valid Park City Business License.

B. The Service Provider specifically agrees to pay any applicable fees or charges which may be due on account of this Agreement.

11. NONDISCRIMINATION.

A. The City is an equal opportunity employer.

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

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

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

12. ASSIGNMENTS/SUBCONTRACTING.

A. The Service Provider shall not assign its performance under this Agreement or any portion of this Agreement without the written consent of the City, and it is further agreed that said consent must be sought in writing by the Service Provider not less than thirty (30) days prior to the date of any proposed assignment. The City reserves the right to reject without cause any such assignment.

B. Any work or services assigned hereunder shall be subject to each provision of this Agreement and property bidding procedures where applicable as set forth in local, state or federal statutes, ordinance and guidelines.

C. Any technical/professional service subcontract not listed in this Agreement, must have express advance approval by the City.

13. CHANGES.

Either party may request changes to the scope of services and performance to be provided hereunder, however, no change or addition to this Agreement shall be valid or binding upon either party unless such change or addition be in writing and signed by both parties. Such amendments shall be attached to and made part of this Agreement.

14. MAINTENANCE AND INSPECTION OF RECORDS.

A. The Service Provider shall maintain books, records and documents, which sufficiently and properly reflect all direct and indirect costs related to the performance of this Agreement and shall maintain such accounting procedures and practices as may be necessary to assure proper accounting of all funds paid pursuant to this Agreement. These records shall be subject at all reasonable times to inspection, review, or audit by the City, its authorized representative, the State Auditor, or other governmental officials authorized by law to monitor this Agreement.

B. The Service Provider shall retain all books, records, documents and other material relevant to this Agreement for six (6) years after its expiration. The Service Provider agrees that the City or its designee shall have full access and right to examine any of said materials at all reasonable times during said period.

15. POLITICAL ACTIVITY PROHIBITED.

None of the funds, materials, property or services provided directly or indirectly under the Agreement shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office.

16. PROHIBITED INTEREST.

No member, officer, or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

17. MODIFICATIONS TO TASKS AND MISCELLANEOUS PROVISIONS.

A. All work proposed by the Service Provider is based on current government ordinances and fees in effect as of the date of this Agreement.

B. Any changes to current government ordinances and fees which affect the scope or cost of the services proposed may be billed as an "extra" pursuant to Paragraph 3(C), or deleted from the scope, at the option of the City.

C. The City shall make provision for access to the property and/or project and adjacent properties, if necessary for performing the services herein.

18. TERMINATION.

A. Either party may terminate this Agreement, in whole or in part, at any time, by at least thirty (30) days written notice to the other party. The Service Provider shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The Service Provider shall promptly submit a termination claim to the City. If the Service Provider has any property in its possession belonging to the City, the Service Provider will account for the same, and dispose of it in a manner directed by the City.

B. If the Service Provider fails to perform in the manner called for in this Agreement, or if the Service Provider fails to comply with any other provisions of the Agreement and fails to correct such noncompliance within three (3) days written notice thereof, the City may immediately terminate this Agreement for cause. Termination shall be effected by serving a notice of termination on the Service Provider setting forth the manner in which the Service Provider is in default. The Service Provider will only be paid for services performed in accordance with the manner of performance set forth in this Agreement.

19. NOTICE.

Notice provided for in this Agreement shall be sent by certified mail to the addresses designated for the parties on the last page of this Agreement.

20. **ATTORNEYS FEES AND COSTS**.

If any legal proceeding is brought for the enforcement of this Agreement, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party, in addition to any other relief to which such party may be entitled, reasonable attorney's fees and other costs incurred in that action or proceeding.

21. **JURISDICTION AND VENUE**.

A. This Agreement has been and shall be construed as having been made and delivered within the state of Utah, and it is agreed by each party hereto that this Agreement shall be governed by laws of the state of Utah, both as to interpretation and performance.

B. Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement, or any provisions thereof, shall be instituted and maintained only in any of the courts of competent jurisdiction in Summit County, Utah.

22. **SEVERABILITY**.

A. If, for any reason, any part, term, or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

B. If it should appear that any provision hereof is in conflict with any statutory provision of the state of Utah, said provision which may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform in such statutory provisions.

23. **ENTIRE AGREEMENT**.

The parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall constitute material breach of contract and cause for termination. Both parties recognize time is of the essence in the performance of the provisions of this Agreement. It is also agreed by the parties that the forgiveness of the nonperformance of any provision of this Agreement does not constitute a waiver of the provisions of this Agreement.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

ATTACHMENT A
WORK PLAN AND APPROACH

QA/QC Process

Horrocks Engineers is committed to delivering a quality product on schedule and within budget. Quality is exhibited by conforming to requirements, achieving cost control and constructability, and meeting schedule. In order to ensure the highest quality engineering services, we have instituted an in-house Quality Assurance/Quality Control (QA/QC) program.

At the beginning of each project, an independent, project specific QA/QC Team is assembled. For the Park City project, Ron Mortimer, will lead the QA/QC team. A project design manual will be developed which sets forth the requirements and standards to be followed on the project. A separate QA/QC Action Plan that requires both QC and QA sign-off responsibilities from the project engineers and QA/QC Team will also be prepared. All engineering work such as design analysis, drawings, specifications, reports, and estimates will be checked and reviewed on a regular basis by project team members. Separate reviews will be performed at the completion of key design phases by the QA/QC Team before the project is submitted to the client.

Our QA/QC program has significant cost and schedule control elements. Project cost control will be evaluated in two subcategories: 1) design costs; and 2) construction costs. Our design cost will be managed directly by our Project Manager, Stuart Adams. During monthly team meetings, the budget and time charges will be reviewed with each discipline lead.

Construction cost will be controlled by an on-going value engineering process. During the development of preliminary plans, we will establish an estimated construction cost. As the design continues, changes that affect construction cost will be tracked by our Project Manager and QA/QC Team. These changes will be reviewed in monthly team meetings. An updated construction cost estimate will be maintained and provided to Park City staff.

Critical Issues and Solutions

As mentioned in the narrative of the RFP, coordination with UDOT and Park City staff will be critical to the success of this pedestrian crossing. SR 248 currently conveys a significant volume of traffic through Park City and is the main connection point from Hwy

40 into Park City. As this area to the east continues to grow, the redevelopment or expansion of SR-248 is likely. A key part of Horrocks' responsibility throughout the design and coordination of this project is to communicate with and understand the current and future needs of UDOT and Park City particularly as it pertains to SR-248.

Through our site visits and meeting with city staff as well as the utility companies that this project may affect, we have obtained a knowledge of some of the issues that pertain to this crossing and have been developing ideas for how best to approach this design.

The RFP lists 5 Tasks that outline the scope of services for this project, 1. Preliminary Design, 2. Design, 3. Bidding Support, 4. Construction Support and 5. Post Construction. In addition to these Tasks, we emphasize the following areas that we feel are necessary to make this a successful project;

UDOT COORDINATION

As stated earlier in this proposal, we have multiple strong relationships with UDOT and have the necessary understanding of how UDOT's procedures are to be implemented in order for a successful project. Communication is key with any project and especially with a project that involves a critical area to both the City and UDOT.

We will work with Kent Cashell to develop an understanding of the ROW issues that exist in this area. We will determine how the crossing design will impact the ROW and obtain the necessary approvals to construct within the ROW. Since entrance locations will largely determine how the ramps and stairways are to be designed, it will be critical to establish this from the beginning of the project.

A clear understanding of the site limitations will be established at the beginning of our design efforts.

ALIGNMENT AND ACCESSIBILITY OF PEDESTRIAN BRIDGE

As much of this pedestrian traffic will be school children (with the proximity of 3 schools immediately north of the proposed crossing location,) safety and accessibility will be considered as well as the most economically viable location for this crossing.

It is understood that the proposed crossing is anticipated to be immediately East of Comstock Drive. Our approach would be to consider the possibility locating the tunnel on the west of Comstock Drive and then recommend the best location based on analysis of pedestrian and traffic movements and how this may affect the functionality of this crossing. This includes going beyond the immediate location of the crossing – we would analyze the approach sidewalks as well as the intersection sidewalks and consider what modifications may be made in these areas to better the pedestrian movement for this area.

CROSSING DESIGN – FUNCTION AND AESTHETIC

As a company, Horrocks has designed several roadway crossings that not only meet the budget demand of the city but also consider the aesthetic that the city is hoping to achieve. We are aware of the value that Park City places on aesthetic design and will work with City Staff to develop the best design suited for this crossing. This approach includes designing the structure as well as the ramp systems, retaining walls and landscaping features and integrating them to provide form and function as well as safety. This system needs to provide the convenience necessary to pull pedestrian from crossing this road at grade.

With respect to landscaping, we will pursue opportunities to provide berming between the pathway and SR 248 as a design aesthetic. Since the project location is within the soil ordinance boundary, landscape berms can be an effective way to utilize the excavated material and minimize the offhaul to Richardson Flat.

We will present options for the box structure that will serve as the tunnel for the crossing as well as treatments along the face of the tunnel for aesthetic value. The retaining walls, integrated stairways and ADA ramps will be designed with close coordination with the City staff to ensure that the design meets the objective of the City.

STORM DRAINAGE

One area that will need to be significantly investigated is the drainage in and around the proposed crossing. Currently there exist a series of underground culverts that route stormwater from the roads and landscape areas. Some of the outfall locations are unknown at this time. This system will be analyzed and a best solution will be developed that will not only meet the conveyance needs of the current project, but anticipate the future needs of this area.

Due to the depth of the proposed crossing, the tunnel drainage will need to be routed to an adequate outfall that may be a significant distance from the crossing. We will work with the City to ensure the most economical option is determined.

EXISTING AND FUTURE UTILITY COORDINATION

Horrocks has years of experience in underground utility locating and utility design, we will make the necessary efforts to coordinate with all of the relevant utility companies to determine their needs as well as any potential conflicts that the chosen alignment may cause to their systems. We will look at the future needs and determine what “extra” conduits should be installed with the culvert to accommodate future demands .

We have meet with Bryan Atwood of the Snyderville Basin Water Reclamation District regarding the sanitary sewer in the project area. It appears that there will be no conflicts in relation to the existing sewer lines and this project should have no impact on their system. Bryan did not indicate that any future or replacement lines would need to be integrated into the design.

Based on our experience with this type of project, we feel that the allotted budget of $3,050,000 will be more than ample for a crossing that meets the aesthetic and function that the City desires. As part of our scope, we will estimate construction costs and work with the City to pursue how added features can be incorporated such as heated stairs and video equipment, as well as other items that may be of value. We pride ourselves in working to reduce the necessary budget when possible while providing the quality that the City demands.

ATTACHMENT B
MANHOURS AND FEE

Task & Description	Total Cost	Total Hours
Task 1 - Preliminary Design	**63,486**	**526**
- Obtain and plot property ownership information		
- Review existing survey date, supplement as needed		
- Review & evaluate existing site conditions		
- Coord. w/ utility companies for their existing & future facilities		
- Develop up to (3) concept alternatives with cost estimates		
- Determine impacts to traffic, properties, and mitigation measures		
- UDOT coordination		
- Meetings w/ Park City staff (4)		
- Stakeholder's meetings (2)		
- Public meetings (1)		
Task 2 - Design	**107,868**	**752**
- Geotechnical consultant		
- Landscape consultant		
- Utility Potholing (Reserve)		
- Incorporate prelim design comments into final design		
- Prepare final PS&E construction documents		
- Prepare bidding and contract documents		
- Stakeholder's meetings (1)		
- Meetings w/ Park City staff (2)		
- 60% & 90% review meetings w/ Park City staff (2)		
- Obtain permits/approvals (UDOT, SBWRD, PC Water Dept, etc.)		
- Final design public meeting (1)		
Task 3 - Bidding Support	**5,217**	**45**
- Provide electrical copies of contract docs for bidding,		
- Advertise the bid, and arrange and conduct the pre-bid mtg,		
- Issue addendums and attend and conduct the bid opening,		
- Evaluate bids and make recs and prepare contracts for const,		
Task 4 - Construction Support	**97,130**	**1,026**
- Arrange and conduct pre-construction conference		
- Arrange and conduct public meeting with contractor		
- Provide full-time construction observation (Inspector)		
- Provide construction administration support (R.E., P.M., & Proj. Eng.)		
- Provide monthly construction report to PCMC		
- Final project walk-through		
- Provide closeout of project		
Task 5 - Post Construction	**7,266**	**68**
- Provide record survey on constr facilities,		
- Provide contractor drawings for preparation of record drawings,		
- Prepare record drawings		
Total Labor	**$280,967**	**2,417**

Direct Costs:	
Mileage (7,600 miles @ $0.59/mi)	4,484
GPS	
Printing (Estimated)	650
TOTAL DIRECT COSTS	$5,134
PROJECT TOTAL	**$286,101**