PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 11, 2001

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, January 11, 2001.

AGENDA

Work Session

4:30 p.m. Oath of Office - Appointed City Councilman Jeff Mann
Council questions/comments
Review of regular meeting
5:00 p.m. Statutory and liaison appointments
5:15 p.m. UDOT corridor preservation agreement
5:30 p.m. The Cove plat extension

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF THE MEETINGS OF NOVEMBER 30, 2000 AND DECEMBER 14, 2000 AND SPECIAL MEETING MINUTES OF DECEMBER 11 AND DECEMBER 12, 2000

V CONSENT AGENDA

1. Resolution establishing a regular meeting date, time, and location for meetings of the City Council of Park City, Utah for 2001

2. Corridor preservation agreement with UDOT relating to the Snow Creek Drive traffic signal

VI RESIGNATIONS AND APPOINTMENTS

1. Appointment of Mayor Pro Tem and Alternate Mayor Pro Tem

2. Appointments of two members and an alternate to the Employee Transfer and Discharge Appeals Board

VII OLD BUSINESS

Ordinance approving an extension of plat approval for The Cove at Eagle Mountain Phase 2, Park City, Utah

VIII ADJOURNMENT

The Redevelopment Agency, Municipal Building Authority, and Water Service District will convene to set regular meeting dates and locations for 2001 and to appoint officers

Reception at Café Terigo, 424 Main Street, Park City, Utah

PARK CITY COUNCIL RETREAT
JANUARY 17 AND 18, 2001

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will be holding a retreat at The Homestead, 700 N. Homestead Drive, Midway, Utah on Wednesday January 17 and Thursday, January 18, 2001. The City Council **will not** hold its regularly scheduled meeting on Thursday, January 18, 2001.

Posted: 01/08/01
See parkcity2002.org

PARK CITY 1884

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JANUARY 11, 2001

Present: **Mayor Brad Olch; Council members Peg Bodell; Candace Erickson; Roger Harlan; Fred Jones; and Jeff Mann**

Toby Ross, City Manager; Mark Harrington, City Attorney; Kent Cashel, Transportation Director; Rick Lewis, Community Development Director; Kathy Kelly, Racquet Club Manager; Eric DeHaan, City Engineer; Brooks Robinson, Planner

1. **Oath of Office.** The Mayor administered the oath of office to Council-appointed Jeff Mann, who is filling Shauna Kerr's unexpired term of office to December 2001.

2. **Council questions and comments.** Ms. Erickson stated that she met with a wireless company concerned about opportunities for placement of temporary telecommunications facilities during the Olympics and complimented Alison Kuhlow and Frank Bell on presenting possible solutions. She reported on showing Park City to Olympic sponsors. Ms. Bodell felt that the presentation to the Historic District Commission by the Building Department was very helpful. She commented on the well-attended World Cup event held at Deer Valley last weekend. Kent Cashel noted that the crowds were much larger than anticipated and many patrons drove their cars which caused delays for buses and prompted traffic congestion.

Peg Bodell suggested that the Main Street Merchants be reminded that the City will only be funding half of the hanging flower basket program this year. The Mayor reported that he attended a SLOC Board meeting. The deficit is about $64 million with a contingency of $136 million. Ticket sales have gone very well and 87% of the budget has been achieved; 59 out of 165 sessions have been sold out. Tickets are still available for the majority of the sessions; Salt Lake is significantly ahead of Nagano, Atlanta and Sydney with regard to ticket sales a year out from the Games. The Mayor explained that cities were asked to adopt a country and he selected Norway; Council supported his decision. Fred Jones felt that the proposed Country Club Estates annexation application is an excellent opportunity for a joint planning process with the City and the County, which should begin immediately. There was discussion about a preliminary proposal of an exhibition area for art as a part of the project and the Mayor noted that it is typical that a developer presents a number of amenities when negotiating an annexation. Peg Bodell added that the developer needs to be sensitive about assigning the Arts Council to manage the gallery component. Rick Lewis reported that a joint planning commission meeting will be held on January 16 and Summit County will be amending its General Plan, including transfer density rights. Projects that propose increasing density over a certain number, must have half of the density supported by TDRs.

Mr. Jones added that the Olympic Celebration Committee will provide a report for Council's review prior to the retreat.

Roger Harlan added that he felt the World Cup event at Deer Valley was very successful but was concerned about the ability of an emergency vehicle to respond in the gridlock. There was discussion about upcoming Envision Utah workshops. In response to a question from Roger Harlan, Peg Bodell explained that she is exploring the interest in a joint summit with Wasatch and Summit Counties which can be discussed at the retreat. Mr. Harlan thanked staff for the report on the Racquet Club pool. Kathy Kelly reported that the last life guard quit and discussed the difficulties in recruiting this position in the winter. Jeff Mann stated that he also enjoyed the World Cup event last weekend at Deer Valley and felt that the traffic congestion was managed as well as possible.

3. Review of regular meeting:

Statutory and liaison appointments. The Mayor explained the process for appointing the Mayor Pro Tem and pointed out that the staff report is somewhat misleading as the position is not based on seniority, but rather the top vote-getter. Last year, Shauna Kerr was appointed Mayor Pro Tem and Roger Harlan as Alternate Mayor Pro Tempore. If the process is followed,, Roger Harlan would become the Mayor Pro Tem and Fred Jones, the Alternate. Candy Erickson and Peg Bodell would follow in that order. Peg Bodell suggested that liaison appointments be discussed later at the retreat. Council agreed.

UDOT corridor preservation agreement. Eric DeHaan explained that about three or four years ago, Council identified a signal at Snow Creek Drive and SR224 as a high priority. Sear Brown was retained to perform a signal warrant, however, UDOT concluded that the intersection did not warrant a traffic signal. Through the corridor preservation agreement, UDOT recognizes the traffic that will be generated with the opening of the new post office, the shopping center and in-fill of the Thaynes Canyon area, which would warrant a signal. The post office has contributed $75,000 toward the purchase of the signal. He continued that Summit County's corridor preservation agreement contemplates future traffic signals and SR224 will become a very signalized and controlled arterial route in 15 years. He advised that the City not request additional signals unless there is truly an identified need and discussed the regular requests he receives for a traffic light at Meadows Drive. The agreement is simple. It identifies potential signalized areas on SR224 and SR248 and encourages the City to use its planning efforts to limit development at signalized areas which dovetails with our frontage protection zone criteria. Approval of the agreement will trigger approval of the warrant for the Snow Creek Drive intersection and the design and bid process. There is $250,000 budgeted in the Capital Improvements Fund and a construction contract would have to be approved by Council. Mr. DeHaan stated that he recommends approval of the corridor preservation agreement with UDOT. In response to a question from Peg Bodell, he explained that the jurisdictional transfer deals with a different section of SR224 and is a separate matter. With regard to considering a round-about at this location, Mr. DeHaan explained that because of the volume of traffic on SR224 and SR248, it would not meet UDOT's criteria for a round-about, which is included in the packet. It is proposed that UDOT provide the hardware and the City required to perform sidewalk, curb and gutter work so that intersections align under the signal.

Fred Jones suggested that the Summit County entry corridor committee provide input on the agreement and that enough consideration of alternatives is given to a plan for the corridor. Signals may be the only solution, but he is not willing to accept that until a plan is reviewed. Ms. Erickson explained that Summit County's corridor preservation agreement with UDOT provides that no signal is permanent and the County has the ability to replace them in the future with round-abouts at its expense. Peg Bodell requested a copy of UDOT's site specific design criteria. The City Engineer stated that staff could conduct further research and meet with the task force. Bids should be opened by April so that it is completed this summer. Ms. Erickson agreed that a two month delay could push the project back a year, and it may be prudent to proceed with the understanding that the signal isn't permanent. Fred Jones felt that good engineering needs to be balanced with good design and there may be opportunities in the agreement for improvements in the future, i.e., round-abouts or medians. The Mayor noted that he doesn't disagree with any of the comments, but in consideration of the post office opening in a couple of weeks and the additional traffic impacts on SR224, he would like this to proceed as quickly as possible. He can not support waiting 30 days to approve a document which would allow the City to install a signal at the intersection. Patrons of the post office will not be pleased with a delay. The City Manager relayed that the entry corridor task force will be presenting its work to the Council on January 25 and perhaps this can be brought back to Council on that date. In the interim, the City Engineer could obtain the language from the County and discuss these issues and revised language with UDOT. Mr. Jones explained that he has been an advocate of the signal for years for safety reasons, but would like an agreement that provides for future improvements.

The Cove plat extension. Brooks Robinson explained that a public hearing was held on October 19, 2000 where there was extensive discussion on issues between the home owner association, the developer and builder which were not pertinent to the plat extension. At that meeting, action was continued until the groups had an opportunity to meet and resolve issues. That took place at the annual home owner association meeting on December 28, 2000 where there was a presentation by a technical engineer and an opportunity for questions from the home owners. He referred to the staff report including the minutes from that meeting and a list of attendees. Staff is recommending eliminating the original condition of approval #7 referring to the requirement of one home owners association, which would not limit the ability of the association to stay as one or bifurcate into two groups. He continued that it is recommended to grant the extension and not to involve the City in their civil issues. There was discussion about the length of the extension and the reason for the delay in recording the original plat. Mr. Robinson continued that if there are changes to the original plat, a new plat approval process before the Planning Commission and City Council would be required. The Mayor invited the public to comment.

Dick Welsh, representing The Cove ad hoc home owners committee, stated that he is not opposed to the development of Phase 2 of The Cove. He recalled that at the October meeting, the Council instructed the home owners to work with the developer and the developer and contractor met with the home owners at the annual meeting. Their paid contractors relayed that the building site is risk free on a location that a City document still refers to as *hazardous*. They have made it clear that they will exercise total control. Mr. Welsh noted that he was advised by an independent attorney that the CC&Rs are one-sided and reiterated difficulties in working with the developer. His group asked the developer to consider an insurance policy holding the home owners harmless in the event that any damage occurs because of soil instability of Phase 2. If the risk is limited, they felt it was a reasonable request. Their request was denied as was splitting the home owners association into two separate phases. They also suggested creating neighborhood associations, where the builder/developer would have total control, but would segment the risk from Phase 1 to Phase 2. This was also denied. They requested that a home owner be substituted on the three member architectural committee which was disallowed. The developer reversed her decision of allowing a home owner to elect two members on the Board of Directors, exercising her option to vote all of her shares. The home owner fighting for their interests was kicked off the Board. He continued that the builder/developer has the right to develop the property but the City's own approval document describes the site as *hazardous*. They are asking the City to protect them through the form of the separation of the home owners associations, through a neighborhood association, or mandating that the developer purchase an insurance policy. There was discussion about the ability of the home owners to gain control in four years. In response to a question from Peg Bodell about the round-table discussion, Mr. Welsh acknowledged that he elected not to participate because the meeting was already lengthy and he knew what they were going to say because he read the documents. At this point in the meeting, the developer had denied all of their requests.

Joe Tesch, attorney for The Cove L.C., pointed out that the only relevant statement made by Mr. Welsh is that his group doesn't object to an extension. His issues deal with contract law and under Utah law, CC&Rs are a contract between home owners and developers and contract law applies in this instance. Splitting the home owner association is not an appropriate consideration of the City. The developer has sold many units and the developer and owners have entered into a contract that clearly identifies one home owners association. Mr. Tesch emphasized that the developer is not willing to break her contracts. He attended the home owners meeting and stated that Mr. Welsh represents a minority of the people who were there and there were many testimonials supporting the developer and builder. He felt that Mr. Welsh's comments present a false impression and explained the situation of electing the new member. He recalled that the new member was actually nominated by Mr. Welsh, however, this meant that the other home owner representative was eliminated. Mr. Welsh's statements are unsubstantiated and there is another side of the story that need not be told tonight. Mr. Tesch added that his client is asking for a six month extension from tonight because the application has been delayed since October to accommodate meeting with the ad hoc home owners group who didn't bother to stick around for the meeting when these matter were discussed. There was discussion about the delay in recording the plat which related to the pace of development and financial considerations; the application for the extension was made in a timely manner. Brooks Robinson clarified that quite a bit of work has been completed for Phase 2 and the length of the extension was discussed. The City Attorney interjected that Council can use any date it deems appropriate.

Peg Bodell asked the City Engineer to address the City document identifying the property as *hazardous*. Eric DeHaan stated that he is not aware of the City using that term in any correspondence. Certainly, there are old maps generated by the Utah Geologic Minerals Survey that identify this ancient landslide and this may be what Mr. Welsh referred to. The work mentioned by Mr. Robinson includes storm drain and under drain installations and significant amounts of site inspections to install utilities and roads in accordance with the geo-technical engineer's recommendations. Mr. DeHaan added that the City staff would not be using the word *hazardous* to refer to Phase 2. In response to a request on a recommendation for the length of the extension from Peg Bodell, Mr. DeHaan recommended three months as there needs to be a new title report, signatures, SBSID process, etc.

Phyllis Moore, owner of Unit 10, took exception to Mr. Tesch's statements. She stated that there was a good turn-out at the December meeting, but she could not attend the round-table because she had to attend a party. There were people who walked out of the meeting because of the proceedings and many could not stay. Mr. Welsh does not represent a minority group but many longer term owners, and the new owners do not appreciate his efforts.

Brooks Robinson reviewed the following conditions of approval:

4. A professional engineer must certify the as-built adequacy of construction upon completion.
5. A landscape irrigation and under drain system must be approved prior to construction.
6. A note must be added to the plat, subject to review by the City Attorney, City Engineer and Community Development Department and agreeable to the applicant, stating that hazards exist due to soil instability. The City Attorney will create a letter stating that this is sufficient notice of hazards.

Mr. Robinson read the proposed plat note language. See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

PARK CITY 1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 11, 2001

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, January 11, 2001. Members in attendance were Brad Olch, Peg Bodell, Candace Erickson, Roger Harlan, Fred Jones, and Jeff Mann. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Eric DeHaan, City Engineer; and Tom Bakaly, Assistant City Manager.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business not scheduled on the agenda. Hearing none, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Ms. Bodell reported that the County Commission is considering changing its meeting date from Mondays to Thursdays. Eric DeHaan announced that the second open house on the Park Avenue preliminary design is scheduled on January 29 at 4 p.m. to 7 p.m. in the Marsac Building. Tom Bakaly reported that there is a legislative outing at The Canyons on January 20. The grand opening date for the transit center is targeted for February 15 and staff would like to accommodate Senator Bennett who was instrumental in getting funding for the project. He continued that it appears that grant funds may slightly exceed the cost of construction and if there are excess funds, they could be used to help acquire buses.

IV WORK SESSION NOTES AND MINUTES OF THE MEETINGS OF NOVEMBER 30, 2000 AND DECEMBER 14, 2000 AND SPECIAL MEETING MINUTES OF DECEMBER 11 AND DECEMBER 12, 2000

Roger Harlan corrected a name in the Minutes of December 14, 2000. Jeff Mann disclosed that he will be abstaining from voting as he was not in attendance. The Mayor requested a motion to approve, as corrected. Peg Bodell, "I so move". Candace Erickson seconded. Motion carried.

Peg Bodell Aye

Roger Harlan	Aye
Candace Erickson	Aye
Fred Jones	Aye
Jeff Mann	Abstention

V CONSENT AGENDA

The Mayor requested a motion to remove Item 2 and continue it until the 25th of January. Fred Jones, "I so move". Candace Erickson seconded. Motion unanimously carried. The Mayor asked for a motion to approve Item 1. Fred Jones, "I so move". Peg Bodell seconded. Motion unanimously carried.

1. Resolution establishing a regular meeting date, time, and location for meetings of the City Council of Park City, Utah for 2001 - See staff report.

2. Corridor preservation agreement with UDOT relating to the Snow Creek Drive traffic signal - See staff report and work session notes.

VI RESIGNATIONS AND APPOINTMENTS

1. Appointment of Mayor Pro Tem and Alternate Mayor Pro Tem - See work session notes. The Mayor requested a motion to appoint Roger Harlan as the Mayor Pro Tem and Fred Jones as the Alternate Mayor Pro Tem. Jeff Mann, "I so move". Candace Erickson seconded. Motion unanimously carried.

2. Appointments of two members and an alternate to the Employee Transfer and Discharge Appeals Board - The Mayor requested a motion to appoint Jeff Mann and Peg Bodell and Candace Erickson as the Alternate to the Employee Transfer and Discharge Appeals Board. Peg Bodell, "I so move". Roger Harlan seconded. Motion unanimously carried.

VII OLD BUSINESS

Ordinance approving an extension of plat approval for The Cove at Eagle Mountain Phase 2, Park City, Utah - See staff report and work session notes. The public was invited to comment.

Timothy Smith, early buyer in The Cove, stated that they are not opposed to Phase 2 being built but are unhappy about the situation in Phase 2. He felt it is reprehensible that Mr. Tesch would imply that Mr. Welsh is a liar. Dick Welsh has been spending a lot of his time fighting for something that many others believe is necessary for The Cove. If there is no risk, he is puzzled why the developer won't indemnify them. He would like an answer from the developer why this simple solution has been rejected.

Mr. Tesch emphasized that he did not intend to implicate that Mr. Welsh was lying. He clarified that he thought his argument painted a false picture, but it wasn't a personal remark. In response to a question from Fred Jones, Brooks Robinson verified that at the time the Phase 1 plat was recorded, the soil condition of Phase 2 was known. Candace Erickson stated that she does not believe that Council has the right to stop the plat and hoped that differences can be worked out with both parties because it is a quality subdivision. Fred Jones agreed that the issues between the developer and the home owners are beyond the Council's purview and does not see a connection with the plat extension. Fred Jones, "I move that Council provide a three month extension and if the plat doesn't get recorded, it goes back to the Planning Commission". Peg Bodell seconded. Mr. Jones amended his motion to include striking the provision relative to the home owners association. Ms. Bodell accepted the amendment. Roger Harlan expressed that he hoped the parties would reconcile and believed that the Council has been consistent about its position with regard to CC&Rs.

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned and members attended a social at Café Terigo on Main Street.

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

Prepared by Janet M. Scott

Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY SUMMIT COUNTY UTAH
CORPORATE
Seal
MARCH 1, 1884

PARK CITY
1884

DATE: January 11, 2001
DEPARTMENT: City Manager
AUTHOR: Jan Scott, City Recorder
TITLE: Liasison appointments; Mayor Pro-Tem Appointments; and Meeting Dates
TYPE OF ITEM: Administrative/Legislative

SUMMARY RECOMMENDATIONS: Reviewing liaison appointments to boards, commissions and agencies in work session and adjusting assignments accordingly. These appointments do not require formal action at the regular meeting.

Appointing a Mayor Pro Tem and Alternate Mayor Pro Tem at the regular meeting, and adopting resolutions setting forth meeting dates for the City Council and its related agencies are recommended actions.

DESCRIPTION:

A. Topic: Appointments and setting meeting dates are both housekeeping matters. Setting regular meeting times, place and dates is a requirement of the state code.

B. Background: Historically, City Council members with the most years of service have been appointed as Mayor Pro Tem and Alternate Mayor Pro Tem; see minutes from last year. The regular meeting time of 6 p.m. has been in place since January 1986; prior to that, it was 5 p.m.

C. Analysis: N/A.

D. Department Review: N/A.

ALTERNATIVES:

A. Approve the request.

B. Deny the Request: The Council has the discretion to change the manner of appointing the Mayor Pro Tem or to change the meeting time, place, or date. However, it is required to adopt meeting dates by resolution and recommended to do so at the first meeting of the year..

C. Continue the Item: These items could be continued, but it is recommended that these actions take place at the beginning of the year.

RECOMMENDATION: See summary recommendation.

CITY COUNCIL APPOINTMENTS FOR 2000

City Board/Commission Liaisons

Board	Type	Member
Library Board	Voting	Roger Harlan
Parks, Recreation and Beautification Board	Non-voting	Roger Harlan
Employee Transfer and Discharge Appeals Board	Voting	Peg Bodell, Shauna Kerr, Alternate Candy Erickson
Customer Service Excellence Awards	Voting	Shauna Kerr and Candy Erickson
Old Town Transit Center Design Review Task Force	N/A	Fred Jones
City Council Grant Subcommittee	N/A	Roger Harlan and Candy Erickson
Planning Commission	Non-voting	Fred Jones
Historic District Commission	Non-voting	Peg Bodell
Town Lift Review Task Force	Non-voting	Roger Harlan, Alternate Peg Bodell

Interlocal Agency Liaisons

Team 1: Peg Bodell, Shauna Kerr and Fred Jones
Team 2: Candace Erickson, Roger Harlan, Brad Olch

Board	Type	Member
Summit County Commission	Non-voting	Alternate teams (see separate schedule)
Wasatch County Commission	Non-voting	Alternate teams (see separate schedule)
Park City School District	Non-voting	Shauna Kerr and Candace Erickson
Summit County Board of Health	Voting (2 positions)	Candace Erickson, Peg Bodell (1) and Paul Sincock (2)
Snyderville Basin SID Board of Directors	Voting - 4 year term	Brad Olch Reappointed to 1/2004
Park City Fire Service District	Voting - 4 year term	John Lind Reappointed to 1/2004
Park City Historical Society	Voting	Peg Bodell
Recycle Utah	Voting	Fred Jones and Alternate Brad Olch

Park City Arts Council	Voting	Brad Olch
Chamber/Bureau Executive Board	Voting	Brad Olch
Mountainlands Community Housing Trust	Voting	Candace Erickson and Tom Bakaly

Outside Agency Liaisons

Board	Type	Member
Mountainlands Association of Governments	Voting	Shauna Kerr
Interagency Task Force	N/A	Fred Jones and Alternate Peg Bodell
Olympic Venue Cities Committee	N/A	Roger Harlan and Shauna Kerr
Summit County Water Committee	N/A	Jerry Gibbs
Senior Center	N/A	Shauna Kerr ane Peg Bodell
ULCT/Qwest Legislative Policy	Voting	Shauna Kerr (appointed by ULCT - could submit letter of interest)
EPA	N/A	Fred Jones

Excerpt from January 6, 2000 meeting:

VII RESIGNATIONS AND APPOINTMENTS

1. Appointment of Mayor Pro Tem and Alternate Mayor Pro Tem - The Mayor explained that traditionally election results have been used as criteria for appointments and recommended that Shauna Kerr be elected Mayor Pro Tem and Roger Harlan Alternate Mayor Pro Tem. Roger Harlan would become Mayor Pro Tem next year and Fred Jones would be appointed Alternate Mayor Pro Tem. Shauna Kerr, "I move approval". Roger Harlan seconded. Motion carried unanimously.

Resolution No. 1-01

A RESOLUTION ESTABLISHING A REGULAR MEETING DATE, TIME, AND LOCATION FOR MEETINGS OF THE CITY COUNCIL OF PARK CITY, UTAH FOR 2001

BE IT RESOLVED by the City Council of Park City:

SECTION 1. REGULAR MEETING DATE. The regular meetings of the Park City Council shall be held on Thursdays at 6 p.m. at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah. Regular meetings are open meetings, where agenda items are scheduled for public hearing and/or action. The time may change if it is felt appropriate to schedule issues of general interest at a time that may better accommodate the public. Meetings may be canceled when there is no pending business, no quorum, or the regular meeting date falls on a holiday.

The schedule for City Council meetings in 2001 are as follows:

January 4, 11, 18, 25	July 5, 12, 19, 26
February 1, 8, 15, 22	August 2, 9, 16, 23, 30
March 1, 8, 15, 22, 29	September 6, 13, 20, 27
April 5, 12, 19, 26	October 4, 11, 18, 25
May 3, 10, 17, 24, 31	November 1, 8, 15, 29
June 7, 14, 21, 28	December 6, 13, 20, 27

SECTION 2. NOTICE OF PUBLIC MEETINGS. Notice shall be given, indicating the specific date, time, and location of the meeting. The agenda will be posted at the Marsac Municipal Building at least twenty-four (24) hours prior to each regular meeting, and same delivered to the local news media. The agenda for special or emergency meetings shall be noticed in the best manner practicable.

SECTION 3. WORK SESSIONS. Work sessions are open informational meetings, where new items are introduced or regular meeting agenda items are discussed for clarification prior to action. Typically, no formal action is scheduled or taken during a work session, but formal actions may be made to conduct the City's business, if it is deemed to be in the best interest of the public.

SECTION 4. CLOSED MEETINGS. Every meeting and work session is open to the public, unless closed pursuant to Sections 52-4-4 and 52-4-5 of the Utah Code. A closed meeting may be held upon the affirmative vote of two-thirds of the members of the public body present at an open meeting for which notice is given pursuant to Section 52-4-6, provided a quorum is present.

No closed meeting is allowed except as to matters exempted under Section 52-4-5; provided no ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting. The reason or reasons for holding a closed meeting, the roll call, and any dissenting vote to close the meeting, shall be entered in the memorandum of closed session and made a part of the minutes.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately.

PASSED AND ADOPTED this 11th day of January, 2001.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

Resolution No. RDA 1-01

A RESOLUTION ESTABLISHING A REGULAR MEETING DATE, TIME, AND LOCATION FOR 2001 MEETINGS AND APPOINTING OFFICERS OF THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF PARK CITY, UTAH

BE IT RESOLVED by the Redevelopment Agency of Park City:

SECTION 1. REGULAR MEETING DATE. The regular meetings of the Redevelopment Agency shall be held on Thursdays at 6 p.m. or immediately following the adjournment or preceding the convening of other meetings that may be scheduled at 6 p.m. Meetings shall be held at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah, except when there is no pending business or the regular meeting date falls on a holiday.

SECTION 2. NOTICE OF PUBLIC MEETINGS. Notice shall be given, indicating the specific location of the meeting. The agenda will be posted at the Marsac Municipal Building at least twenty-four (24) hours prior to each regular meeting, and same delivered to the local news media. The agenda for special or emergency meetings shall be noticed in the best manner practicable.

SECTION 3. WORK SESSIONS. Work sessions are open informational meetings, where new items are introduced or regular meeting agenda items are discussed for clarification prior to action. Typically, no formal action is scheduled or taken during a work session, but formal actions may be made to conduct the Agency's business, if it is deemed to be in the best interest of the public.

SECTION 4. CLOSED MEETINGS. Every meeting and work session is open to the public, unless closed pursuant to Sections 52-4-4 and 52-4-5 of the Utah Code. A closed meeting may be held upon the affirmative vote of two-thirds of the members of the public body present at an open meeting for which notice is given pursuant to Section 52-4-6, provided a quorum is present. No closed meeting is allowed except as to matters exempted under Section 52-4-5; provided no ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting. The reason or reasons for holding a closed meeting, the roll call, and any dissenting vote to close the meeting, shall be entered in the memorandum of closed session and made a part of the minutes.

SECTION 5. SPECIFIC MEETING DATES. The schedule for Redevelopment Agency meetings in 2001 are as follows:

January 4, 11, 18, 25	July 5, 12, 19, 26
February 1, 8, 15, 22	August 2, 9, 16, 23, 30
March 1, 8, 15, 22, 29	September 6, 13, 20, 27
April 5, 12, 19, 26	October 4, 11, 18, 25
May 3, 10, 17, 24, 31	November 1, 8, 15, 29
June 7, 14, 21, 28	December 6, 13, 20, 27

SECTION 6. APPOINTMENT OF OFFICERS. The officers of the Board of Directors of the Redevelopment Agency of Park City, Utah shall be as follows: The elected Mayor shall be the Chairman; the Mayor Pro Tempore shall be the Vice-Chairman; the Alternate Mayor Pro Tempore shall be the Alternate Vice-Chairman; the City Manager shall be the Executive Director; the City Recorder shall be the Secretary; and the Deputy City Recorder shall be the Deputy Secretary.

PASSED AND ADOPTED this 11th day of January, 2001.

PARK CITY REDEVELOPMENT AGENCY

Chairman Bradley A. Olch

Attest:

Janet M. Scott, Secretary

Approved as to form:

Mark D. Harrington, City Attorney

Resolution No. MBA 1-01

A RESOLUTION ESTABLISHING A REGULAR MEETING DATE, TIME, AND LOCATION FOR 2001 MEETINGS AND APPOINTING OFFICERS OF THE BOARD OF DIRECTORS OF THE MUNICIPAL BUILDING AUTHORITY OF PARK CITY, UTAH

BE IT RESOLVED by the Municipal Building Authority of Park City:

SECTION 1. REGULAR MEETING DATE. The regular meetings of the Municipal Building Authority shall be held on Thursdays at 6 p.m. or immediately following the adjournment or preceding the convening of other meetings that may be scheduled at 6 p.m. Meetings shall be held at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah, except when there is no pending business or the regular meeting date falls on a holiday.

SECTION 2. NOTICE OF PUBLIC MEETINGS. Notice shall be given indicating the specific location of the meeting. The agenda will be posted at the Marsac Municipal Building at least twenty-four (24) hours prior to each regular meeting, and same delivered to the local news media. The agenda for special or emergency meetings shall be noticed in the best manner practicable.

SECTION 3. WORK SESSIONS. Work sessions are open informational meetings, where new items are introduced or regular meeting agenda items are discussed for clarification prior to action. Typically, no formal action is scheduled or taken during a work session, but formal actions may be made to conduct the Authority's business, if it is deemed to be in the best interest of the public.

SECTION 4. CLOSED MEETINGS. Every meeting and work session is open to the public, unless closed pursuant to Sections 52-4-4 and 52-4-5 of the Utah Code. A closed meeting may be held upon the affirmative vote of two-thirds of the members of the public body present at an open meeting for which notice is given pursuant to Section 52-4-6, provided a quorum is present. No closed meeting is allowed except as to matters exempted under Section 52-4-5; provided no ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting. The reason or reasons for holding a closed meeting, the roll call, and any dissenting vote to close the meeting, shall be entered in the memorandum of closed session and made a part of the minutes.

SECTION 5. SPECIFIC MEETING DATES. The schedule for Municipal Building Authority meetings in 2001 are as follows:

37

January 4, 11, 18, 25	July 5, 12, 19, 26
February 1, 8, 15, 22	August 2, 9, 16, 23, 30
March 1, 8, 15, 22, 29	September 6, 13, 20, 27
April 5, 12, 19, 26	October 4, 11, 18, 25
May 3, 10, 17, 24, 31	November 1, 8, 15, 29
June 7, 14, 21, 28	December 6, 13, 20, 27

SECTION 6. APPOINTMENT OF OFFICERS. The officers of the Board of Directors of the Municipal Building Authority of Park City, Utah shall be as follows: The elected Mayor shall be the Chairman; the Mayor Pro Tempore shall be the Vice-Chairman; the Alternate Mayor Pro Tempore shall be the Alternate Vice-Chairman; the City Manager shall be the Executive Director; the City Recorder shall be the Secretary; and the Deputy City Recorder shall be the Deputy Secretary.

PASSED AND ADOPTED this 11th of January, 2001.

PARK CITY MUNICIPAL BUILDING AUTHORITY

____

Chairman Bradley A. Olch

Attest:

____

Janet M. Scott, Secretary

Approved as to form:

____

Mark D. Harrington, City Attorney

Resolution No. WSD 1-01

A RESOLUTION ESTABLISHING A REGULAR MEETING DATE, TIME, AND LOCATION FOR 2001 MEETINGS AND APPOINTING OFFICERS OF THE ADMINISTRATIVE CONTROL BOARD OF THE PARK CITY WATER SERVICE DISTRICT

BE IT RESOLVED by the Water Service District of Park City:

SECTION 1. REGULAR MEETING DATE. The regular meetings of the Water Service District shall be held on Thursdays at 6 p.m. or immediately following the adjournment or preceding the convening of other meetings that may be scheduled at 6 p.m. Meetings shall be held at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah, except when there is no pending business or the regular meeting date falls on a holiday.

SECTION 2. NOTICE OF PUBLIC MEETINGS. Notice shall be given, indicating the specific location of the meeting. The agenda will be posted at the Marsac Municipal Building at least twenty-four (24) hours prior to each regular meeting, and same delivered to the local news media. The agenda for special or emergency meetings shall be noticed in the best manner practicable.

SECTION 3. WORK SESSIONS. Work sessions are open informational meetings, where new items are introduced or regular meeting agenda items are discussed for clarification prior to action. Typically, no formal action is scheduled or taken during a work session, but formal actions may be made to conduct the Water Service District's business, if it is deemed to be in the best interest of the public.

SECTION 4. CLOSED MEETINGS. Every meeting and work session is open to the public, unless closed pursuant to Sections 52-4-4 and 52-4-5 of the Utah Code. A closed meeting may be held upon the affirmative vote of two-thirds of the members of the public body present at an open meeting for which notice is given pursuant to Section 52-4-6, provided a quorum is present. No closed meeting is allowed except as to matters exempted under Section 52-4-5; provided no ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting. The reason or reasons for holding a closed meeting, the roll call, and any dissenting vote to close the meeting, shall be entered in the memorandum of closed session and made a part of the minutes.

SECTION 5. SPECIFIC MEETING DATES. The schedule for the Water Service District meetings in 2001 are as follows:

January 4, 11, 18, 25	July 5, 12, 19, 26
February 1, 8, 15, 22	August 2, 9, 16, 23, 30
March 1, 8, 15, 22, 29	September 6, 13, 20, 27
April 5, 12, 19, 26	October 4, 11, 18, 25
May 3, 10, 17, 24, 31	November 1, 8, 15, 29
June 7, 14, 21, 28	December 6, 13, 20, 27

SECTION 6. APPOINTMENT OF OFFICERS. The officers of the Administrative Control Board of the Park City Water Service District shall be as follows: The elected Mayor shall be the Chairman; the Mayor Pro Tempore shall be the Vice-Chairman; the Alternate Mayor Pro Tempore shall be the Alternate Vice-Chairman; the City Manager shall be the Executive Director; the City Recorder shall be the Secretary; and the Deputy City Recorder shall be the Deputy Secretary.

PASSED AND ADOPTED this 11th day of January, 2001.

PARK CITY WATER SERVICE DISTRICT

____
Chairman Bradley A. Olch

Attest:

____
Janet M. Scott, Secretary

Approved as to form:

____
Mark D. Harrington, City Attorney

PARK CITY
1884

DATE: January 11, 2001
DEPARTMENT: Human Resources
AUTHOR: Kim Leier, Human Resources Manager
TITLE: Council appointments to the Employee Transfer and Discharge Appeal Board
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS: At the first council meeting of each year Council will appoint two members and an alternate to serve on the Employee Transfer and Discharge Appeal Board for one year.

DESCRIPTION:

The Employee Transfer Discharge and Appeal Board (ETDAB) consists of two appointed council members, an alternate to serve in their absence, three elected employees and an alternate from all employees represented. This appointment is in accordance with Utah State Code.

A. Background:

In November of 1999 council approved the establishment of ETDAB according to Section 2-6-2 within Title 2, Chapter 6 of the Municipal Code in conjunction with Park City Municipal Policies and Procedures and as set forth in Utah Code Annotated 10-3-1106, as amended. This statute prohibits the discharge or transfer of employees to a position with less remuneration because of the employee's politics or religious belief, or incident to, or through changes, either in the elective officers, governing body, or heads of departments. The statute also provides that any employee or officer who is discharged or transferred from one position to another, for any reason, shall have the right to appeal the discharge or transfer to the ETDAB. A formal appeal has not been heard by the ETDAB in more than fifteen years

C. Analysis:

The ordinance approving the establishment of the ETDAB was passed by Council in November of 1999. The appointment of council members must be made during the first regular council meeting of each year. The election of staff to serve on the ETDAB is currently underway. The ETDAB meets only when and if a formal appeal challenging a transfer or discharge is filed by a City employee. A formal appeal has not been filed in more than fifteen years. The ETDAB consists of two Council members and three full-time, regular City employees.

D. Department Review:

Legal Department
Human Resources

ALTERNATIVES:

A. Approve the Request:
Council is being asked to appoint two members and an alternate based on prior approval of ETDAB.

B. Deny the Request:
Denying the request is not an option as prior approval has already been made.

C. Continue the Item:
This action needs to take place during the first regularly scheduled council meeting of the new year.

SIGNIFICANT IMPACTS:
There are no significant impacts. This action coincides with the council liaison appointments to other boards and committees regularly occurring in January of each year.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:
Failure to make the required appointments would leave the City out of compliance with policies and procedures.

RECOMMENDATION:
The City Council should appoint two members and an alternate to serve on the Employee Transfer and Discharge Appeal Board for one year to stay in compliance with Park City and Utah State Code.

PARK CITY
1884

CITY COUNCIL REPORT

DATE: January 11, 2001
DEPARTMENT: Community Development
AUTHOR: Eric DeHaan, P.E., City Engineer Eric DeHaan
TITLE: Corridor Preservation Agreement with UDOT
Update on Snow Creek Drive Traffic Signal
TYPE OF ITEM: Administrative Approval of Agreement

SUMMARY RECOMMENDATIONS: Approval of the Cooperative Corridor Preservation Agreement between the Utah Department of Transportation and Park City.

DESCRIPTION:

A. Topic: UDOT has prepared an agreement entitled Cooperative Corridor Preservation Agreement ("Agreement"). The Agreement designates locations for existing or future traffic signal installation within Park City on the existing state highways. The Agreement is silent on the issue of the jurisdictional transfer from UDOT to Park City for a portion of 224. The Agreement will facilitate the proposed traffic signal at the intersection of Snow Creek Drive (Thaynes Canyon Drive) and S.R. 224. The proposed Agreement is attached.

B. Background: The Council is being asked to approve the Agreement for two reasons. The Agreement helps UDOT and Park City plan our entry corridors in recognition of the importance of the state highways in getting our employees and visitors to and from Park City. (The Agreement will effectively rule out traffic signals at locations not identified in the Agreement.) Second, the Agreement clears the way for the desired traffic signal at 224 and Snow Creek Drive. Attached is a letter from Ritchie Taylor, P.E., UDOT Region Two Traffic Engineer, which clearly states "The location (Snow Creek Drive/Thaynes Canyon Drive/224) will be warranted (for a traffic signal) with a signed agreement in place between Park City and UDOT."

Park City has entered into a design contract with Sear-Brown, a consulting engineering firm, for the preparation of construction plans for the signal. The Council approved that contract on June 8, 2000. Since that time Sear-Brown has been searching for a way to get UDOT to agree that a signal is warranted, and it appears that the Agreement is the best way to achieve that objective.

Please be aware that the Post Office has already paid us $75,000 toward the installation of the signal.

C. Analysis: The Agreement is fully compatible with our General Plan and with our Land Management Code. By designating specific locations for traffic signals, the Agreement will aid the Planning Commission and staff in directing development toward those intersecting streets and away from additional driveways on to 224, where possible. In turn, the landscaping and buffering along our entry corridors will be optimized in the long term. Specifically regarding the Thaynes Canyon Drive signal, the staff is optimistic that when the Inn at Shadow Creek eventually achieves completion the signal will draw traffic away from the residential streets in Thaynes Canyon.

D. Department Review: The Agreement and background information has been reviewed by the Office of Olympic Planning, Public Works, Community Development, and the Office of Capital Management and Budget. There are no outstanding concerns.

ALTERNATIVES:

A. Approve the Agreement: The Agreement will facilitate good planning for our state highways and will help achieve UDOT approval of the Thaynes Canyon Drive/Snow Creek Drive/224 signal.

B. Deny the Request to Approve the Agreement: This will postpone the signal at Snow Creek Drive for one or more years. Staff is aware that there is interest in the installation of a roundabout at the intersection instead of a signal, but staff is convinced that a roundabout is not a feasible option at this specific location. Not only would construction costs be expensive and the impacts to our golf course considerable, but UDOT's policy on roundabouts specifically prohibits roundabouts at intersections where traffic volumes entering the roundabout are not "roughly similar." Please review the attached twelve-page "Roundabout Guidelines, Utah Department of Transportation." The third paragraph states 'Roundabouts can efficiently handle certain types of intersections with decreased delay and greater efficiency than traffic signals where traffic volumes entering the roundabout are low to moderate, roughly similar and where there are a high number of left-turning vehicles." The Snow Creek Drive intersection fails the test for "moderate volume" and the test for "roughly similar" volumes. UDOT informs us that a roundabout will therefore not be considered.

C. Continue the Request: If the Council wants more information or of there is a desire to postpone the Snow Creek Drive signal installation, the Agreement can be continued.

SIGNIFICANT IMPACTS: The Agreement itself will have virtually no funding impact on our operating or capital budgets. The Agreement would allow us to proceed to final design for the Snow Creek Signal, for which $250,000 has already been appropriated. 2001 construction is anticipated.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:
Installation of the Snow Creek Drive traffic signal may be delayed.

RECOMMENDATION: Approval of the Cooperative Corridor Preservation Agreement between the Utah Department of Transportation and Park City.

UDOT
GOING THE EXTRA MILE

Michael O. Leavitt
Governor
Thomas R. Warne
Executive Director
John R. Njord
Deputy Director

State of Utah
DEPARTMENT OF TRANSPORTATION

James C. McMinimee. Director
Region Two
2010 South 2760 West
Salt Lake City, Utah 84104-4592
(801) 975-4900
FAX: (801) 975-4913
INTERNET: www.sr.ex.state.ut.us

October 30, 2000

Park City Corporation
P.O. Box 1480
445 Marsac Avenue
Park City, Utah 84060

ATTENTION: Eric DeHaan, City Engineer

SUBJECT: Corridor Preservation on SR-248 and SR-224
In Summit County
UTAH DEPARTMENT OF TRANSPORTATION
PARK CITY CORPORATION

Dear Mr. DeHaan:

Attached are five copies of our proposed cooperative corridor preservation agreement between UDOT and Park City Corporation.

Please review this document. If it is found to be satisfactory for the purposes intended, please have the proper officials sign and attest four copies and return them to this office for further processing. A copy of the fully executed agreement will be mailed to you when it is available.

Sincerely,

Vicki Thompson

Vicki W. Thompson
UDOT Region Two Contract Specialist

COOPERATIVE

CORRIDOR PRESERVATION AGREEMENT

THIS COOPERATIVE AGREEMENT, made and entered into this ___________ Day of _____________, 2000, by and between the **UTAH DEPARTMENT OF TRANSPORTATION,** hereinafter referred to as "**UDOT**", and **PARK CITY CORPORATION**, a Municipal Corporation of the State of Utah, hereinafter referred to as "**City**",

WITNESSETH:

WHEREAS, to facilitate traffic flow along the SR-248 corridor between the Junction of SR-224 to the Junction SR-40, and the SR-224 corridor between Meadow Drive and Bonanza Drive in Park City, the parties hereto desire to identify locations for existing or future traffic signal installation; and

WHEREAS, the **UDOT** has determined by formal finding that regulation of intersection points for future highway improvements is not in violation of the laws of the State of Utah or any legal contract with the **City.**

THIS COOPERATIVE AGREEMENT is made to set out the terms and conditions whereunder said rights of way shall be preserved.

NOW THEREFORE, it is agreed by and between the parties hereto as follows:

(1). To facilitate traffic flow along the SR-248 (Kearns Blvd.) corridor between the Junction of SR-224 to the Junction of SR-40, the following locations are identified as locations for existing or future traffic signal installation:

Junction SR-224	(existing signal)
Bonanza Drive	(existing signal)
High School West Parking Lot/West Villa Drive	(proposed)
Comstock Drive	~~(proposed)~~ (existing signal)
Wyatt Earp Drive	(proposed)

(2). To facilitate traffic flow along the SR-224 corridor between Meadow Drive and Bonanza Drive, the following locations are identified as locations for existing or future traffic signal installation:

Meadow Drive	(proposed)
Holliday Ranch Loop	(existing signal)
Snow Creek Drive/Thaynes Canyon	(proposed)
SR-248	(existing signal)
Deer Valley Drive	(existing signal)
Bonanza Drive	(existing signal)

(3). The parties hereto agree that traffic signals will only be installed at the intersections in the herein described SR-248 and SR-224 corridors and only as they become warranted. It is further agreed that it may be necessary to restrict certain types of movements in the future in order to maintain traffic flow and improve safety through the highway corridor. The **City** shall develop any master plans in this area around this concept and the parties hereto shall work towards the common goal identified in this agreement.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their duly authorized officers as of the day and year first above written.

ATTEST:

____

____

Title ______________________________

Date: ______________________________

PARK CITY, a Municipal Corporation of the State of Utah

By ______________________________

____

Title ______________________________

Date: ______________________________

(IMPRESS SEAL)

****

RECOMMENDED FOR APPROVAL: **UTAH DEPARTMENT OF TRANSPORTATION**

By ______________________________
Region Utilities and Railroads
Engineering Coordinator

Date: ______________________________

By ______________________________
Region Director

Date: ______________________________

APPROVED AS TO FORM:
JANET C. GRAHAM, ATTORNEY GENERAL

By: ______________________________
Title: Assistant Attorney General

Date: ______________________________

By ______________________________
"UDOT Comptroller Office
Contract Administrator"

Date: ______________________________

NOTE: THE ATTACHMENTS TO THIS LETTER ARE ON FILE IN THE OFFICE OF THE CITY ENGINEER.

UDOT GOING THE EXTRA MILE

Michael O. Leavitt
Governor
Thomas R. Warne
Executive Director
John R. Njord
Deputy Director

State of Utah
DEPARTMENT OF TRANSPORTATION

James C. McMinimee, Director
Region Two
2010 South 2760 West
Salt Lake City, Utah 84104-4592
(801) 975-4900
FAX: (801) 975-4913
INTERNET: www.sr.ex.state.ut.us

November 24, 2000

Eric DeHaan, P.E.
City Engineer
Park City Municipal Corporation
P.O. Box 1480
Park City, Utah 84060-1480

Dear Eric:

Attached is the recently completed signal warrant study for SR-224 at Thaynes Canyon Drive in your city. The study indicates that the intersection does not warrant a traffic signal at this time.

The location is listed on the corridor preservation agreement currently under review for SR-224 and SR-248 in Park City at this time. The location will be warranted with a signed agreement in place between Park City and UDOT. This is per Warrant 7, Systems Warrant as outlined in the Manual of Uniform Traffic Control Devices. If we do not end up with a signed agreement we will continue to study the location on a regular basis.

Regardless if and when a warrant is met we will do everything possible to expedite the construction of a signal at this location with your assistance.

Sincerely,

Ritchie Taylor

Ritchie Taylor, P.E.
Region Two SE Area Traffic Engineer

cc	Jim McMinimee	Region Two Director
	Mack Christensen	Traffic and Safety Studies Engineer
	Robert Hull	Region Two Traffic Operations Engineer

attachment

ROUNDABOUT GUIDELINE
UTAH DEPARTMENT OF TRANSPORTATION

Roundabouts have been used successfully in many cities throughout the world, including several in the U.S.A. They offer a proven form of traffic control that up to this point has not been applied extensively in Utah. There are many locations in the state that could benefit from the installation of a roundabout as an alternative to the more conventional intersection control methods.

This guideline sets forth the procedure required to justify a roundabout as the most appropriate form of control for a given situation. The procedure is intended to provide documented support in the decision to install a roundabout.

INTERSECTION CONTROL ALTERNATIVES

Roundabouts can efficiently handle certain types of intersections with decreased delay and greater efficiency than traffic signals where traffic volumes entering the roundabout are low to moderate, roughly similar and where there are a high number of left-turning vehicles.

There are three alternatives to roundabouts for intersection control. Each alternative will be discussed separately:

<u>Traffic Signals</u>: Are installed only after warrants are met as required by the Manual on Uniform Traffic Control Devices (MUTCD).

* Traffic signals assign right-of-way, provide an orderly movement of traffic and can improve capacity.

* Signals are mechanical devices that not only require maintenance but also periodically malfunction. They are also dependent upon electrical power and do not, therefore, provide any control during power failures.

* Many traffic violations occur at higher speeds so that the severity of accidents is often high.

* Permitted left turns and right turns on red introduce additional conflicts.

* At many locations where a signal is installed, the accident rate will increase.

<u>Two-Way Stop Control (TWSC)</u> can accommodate low traffic volumes with much less delay than traffic signals, but this control mode favors the major street (unstopped) movements at the expense of the minor street (stopped) movement. When the major street traffic volumes are heavy there is little or no opportunity for cross-street access.

All-Way Stop Control (AWSC) treats the cross-street movements more favorably, without the wasted time associated with traffic signals. However, the rate at which vehicles may enter an intersection (i.e. headway) under AWSC is relatively low and, therefore, the total intersection capacity is somewhat limited.

A roundabout has no sequential assignment of right-of-way and therefore little wasted stopped time. Left turns are not subordinated to through traffic. Vehicles enter under yield control instead of stop control and therefore have lower head ways and can have higher capacities. There are no electrical components to malfunction.

Roundabouts, on the other hand, have their own limitations:

* Steady-state entry head ways are shorter at traffic signals because of the positive assignment of right-of way. By using long cycle times to minimize the effects of startup lost time, it is possible under most conditions to achieve higher approach capacities at signalized intersections..

* Normally the cost for a roundabout is more expensive to implement than a traffic signal..

* Since roundabout operation is not periodic, it is not possible to coordinate the operations of roundabouts on an arterial route to provide smooth progression for arterial flows. Also they can't be adjusted for varying approach volumes, for time of day or special events.

* Roundabouts offer the least positive form of control. Each vehicle entering the intersection must yield to all traffic that has already entered.

* Roundabouts impose a new form of traffic control that is not familiar to motorists in Utah.

Therefore, roundabouts are not the solution to all traffic problems at all locations. Careful study is required to identify the most appropriate control mode at any given location. The studies required to justify the installation of traffic signal control and all-way stop control are based on the warrants and requirements set forth in the *Manual of Uniform Traffic Control Devices (MUTCD)*. No such warrants or requirements exist for roundabouts.

Two general questions must be answered to justify a roundabout as the most appropriate form of control at any intersection: If these questions can be answered favorably, then a roundabout should be considered as a logical candidate control mode.

* Will a roundabout be expected to perform better than other alternative control modes? In other words, will it reduce delay, improve safety or solve some other operational problem?

* If any contraindicating factors (as described below) exist, can they be resolved satisfactorily?

A thorough traffic study is required to answer these questions.

CONTRAINDICATING FACTORS

The term "contraindication" is defined in the *Webster's Dictionary* as "something (as a symptom or condition) that makes a particular treatment or procedure inadvisable." A contraindicating factor for selecting a roundabout as an intersection control device would be any condition that might reduce the effectiveness of a roundabout. Keep in mind that almost all intersections have conditions that could be considered as contraindicating factors for <u>any</u> intersection control device, including signals.

Worldwide experience has shown that there are conditions under which roundabouts may not perform well enough to be considered as the most appropriate form of control. These factors must be examined carefully as a part of the justification process. Although these factors may not preclude the choice of a roundabout, they would indicate that there is a potential problem and that mitigation efforts should be detailed in the justification process (see Appendix B). A number of contraindicating factors are listed below:

* Physical or geometric complications that make it impossible or uneconomical to construct a roundabout. These could include right of way limitations, utility conflicts, drainage problems, etc;

* Proximity of generators of significant traffic that might have difficulty negotiating the roundabout. For example, a fire station right at the intersection, or an institution that serves blind people might be considered a contraindication;

* Proximity of other traffic control devices that would require preemption, such as railroad tracks, drawbridges, etc;

* Downstream bottlenecks that would routinely back up traffic into the roundabout, such as overcapacity signals, freeway entrance ramps, etc;

* Problems of grades or unfavorable topography that may limit visibility or complicate construction;

* Intersections of a major arterial and a minor arterial or local road where an unacceptable delay to the major road is created. Roundabouts delay and deflect all traffic entering the intersection which could cause excessive delay to the major arterial;

* Heavy pedestrian movements that would have trouble crossing the road because of high traffic volumes. This indication would also include special need pedestrian areas (areas with a large number of children, elderly people, etc.);

* Isolated intersections located within a coordinated signal network. In these situations, the level of service of the arterial might be better with a signalized intersection incorporated into the system;

* Roadways with reversible lanes for morning and afternoon peak periods;

* Routes where large combination vehicles or over-dimensional vehicles will frequently use the intersection and insufficient space is available;

* Areas with a large number of cyclists. Although roundabouts readily accommodate the bicyclist, areas with a large number of bicyclist and insufficient crossing opportunities (due to high traffic volumes) would need additional review and evaluation.

The existence of one or more of these conditions does not necessarily preclude the installation of a roundabout. However, the presence of any contraindication suggests that special attention should be given to the design and operation to ensure that problems are resolved.

REASONS TO INSTALL A ROUNDABOUT

To provide an organized approach to the justification process, a series of categories has been developed, each of which represents a good reason to install a roundabout. A brief description of the justification categories is provided.

Community Enhancement

Projects qualifying for roundabout treatment in this category should demonstrate that a roundabout is an essential part of the community's development plan for a given area, and not just an arbitrary idea. Roundabouts in this category would typically have one or more of the following characteristics:

* They are often located in commercial and civic districts. Traffic volumes would typically be low to moderate; otherwise, one of the more operationally oriented justification categories would normally be more appropriate;

* Aesthetics are an important factor in this category. Particular attention will be required with respect to choice of materials, landscaping requirements, etc.; and

* They will not generally be proposed as a solution to traffic problems. Therefore, any contraindications that would imply either operational or safety problems should be taken very seriously.

Traffic Calming

Projects qualifying for roundabout treatment in this category should demonstrate that there is a need for traffic calming along the intersecting roadways. Such roundabouts are primarily located in residential areas on local roads.

* In these areas the implementation of a roundabout may reduce speed, reduce conflicts, and may result in shorter crossing distance for pedestrians.

Safety Improvement

Projects qualifying for roundabout treatment in this category should demonstrate that there is a safety problem at the intersection. In addition, it should be documented how the roundabout treatment will improve safety at the intersection. A special review of accident reports and the type of accidents occurring is usually necessary. Examples of safety problems include:

* High rates of crashes involving conflicts that would be readily resolved by a roundabout (right angle, head-on, left/through, Uturns, etc) by eliminating right angle conflicts and reducing the number of conflict points;

* High crash severity that could be reduced by the slower speeds associated with roundabouts;

* Site visibility problems that reduce the effectiveness of stop sign control; and

* Inadequate separation of movements, especially on single-lane approaches.

Special Condition

Roundabouts have shown the capability of handling unusual geometrics such as intersections with skewed angles and off-set alignments. However, skewed angles and off-set alignments should not be used as primary justification but as a support.

COMMON DATA REQUIREMENTS

The following information will normally need to be obtained for all roundabout justification.

* Data items needed for a signal warrant study:

  Twenty-four hour approach volumes,
  Peak hour turning movement counts,
  Existing geometrics,
  Pedestrian and bicycle volumes, if applicable,
  Distance to other intersections,
  Crash experience,
  Institutional locations: schools, etc.,
  Posted speed limits, and
  Area population;

* Physical and right of way features and limitations;

* Site development features: businesses, driveways, etc; and

* Community considerations: need for parking, landscape character, etc.

* Anticipated growth based on governing comprehensive plan;

* Types of vehicles using the intersecting roadways;

* Transit routes along intersecting roadway;

* Adjacent land uses, especially if the roundabout is proposed as a community enhancement project;

* Access to adjacent properties;

* Compatibility with adjacent intersections;

* Availability of power and lighting; and

* Posted and design speeds along the intersecting roads.

CONSIDERATION OF A ROUNDABOUT

General guidance for the use of a roundabout:

ADT Volumes - Traffic Volume on approach lanes should be approximately equal with similar functional classification and characteristics.

The capacity of a roundabout shall be defined at each entry point. As a general rule, the sum of the circulating volume and the entering volume shall be limited to less than 1800 vehicles/hour for a single lane approach and less than 3400 vehicles/hour for a two lane approach, based on the figures below. The V/C ratio should not exceed .85 for normal operation. (Figure 1 through 8) - (The included worksheet #1 can be used to develop the capacity and V/C ref. for a 1 or 2 lane entry roundabout).

The capacity of a series of intersections shall be based on the delay through the entire segment. Any delay comparison shall consider the average delay for a vehicle passing through the system.

Pedestrians: Special considerations shall be given to areas with high pedestrian demand. In areas where school age pedestrians are expected, the roundabout should not be used unless it can be shown that the pedestrians can be accommodated safely.

In the United States there is little documental information about the operation of roundabouts with 3 or more approach lanes. Therefore roundabouts with more than 2 approach lanes should not be used.

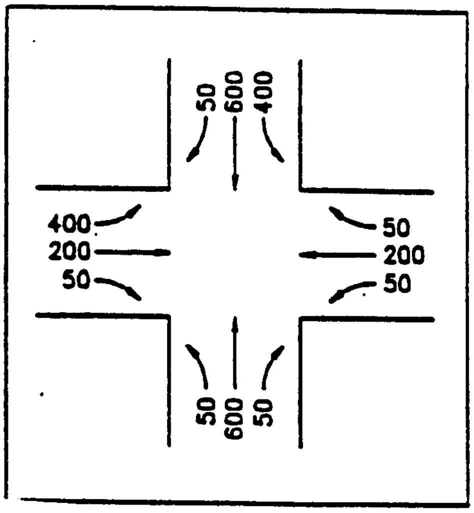


FIGURE 1 Typical turning movement diagram

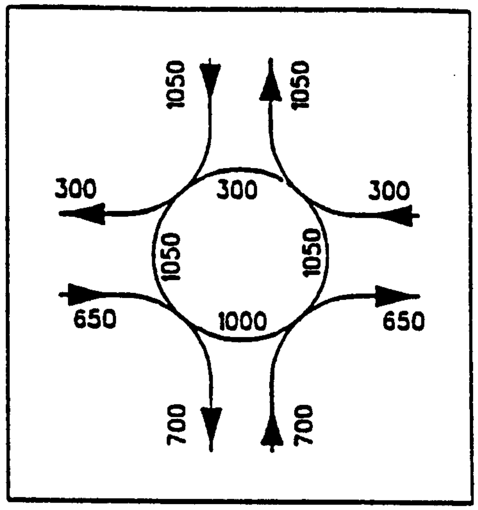


FIGURE 2 Roundabout entry and circulating flows

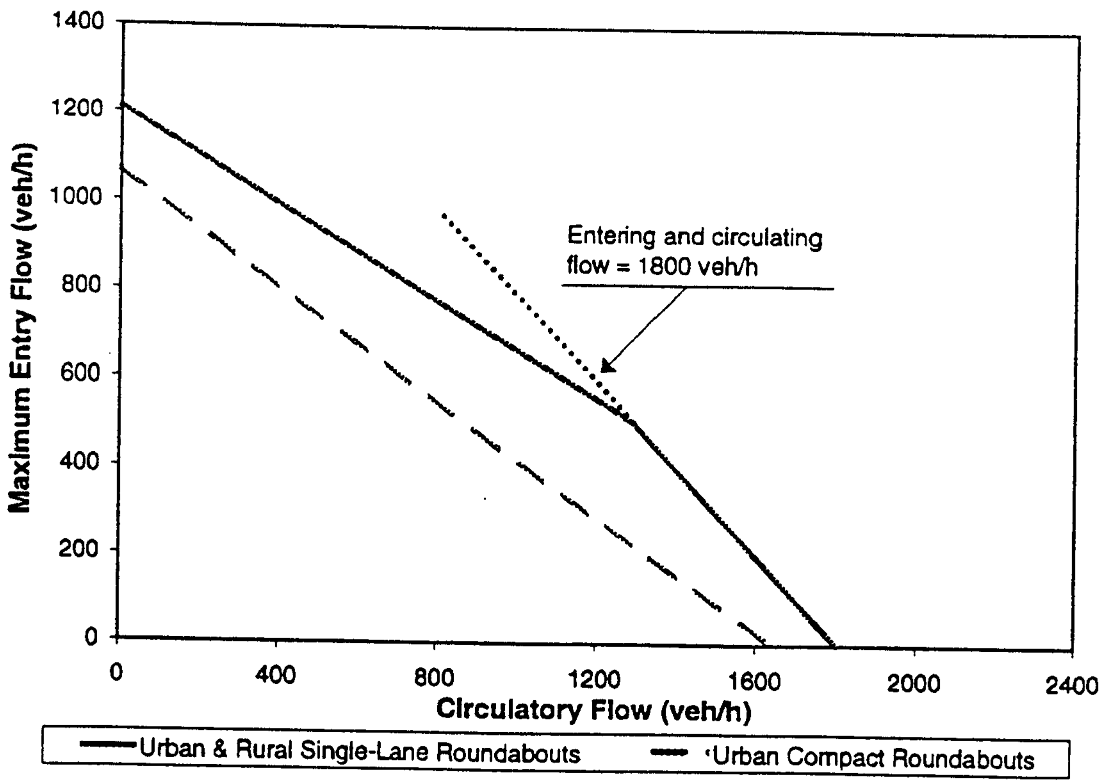


FIGURE 3 Entry capacity for a single lane roundabout with a 13 foot wide entry lane and one circulating lane.

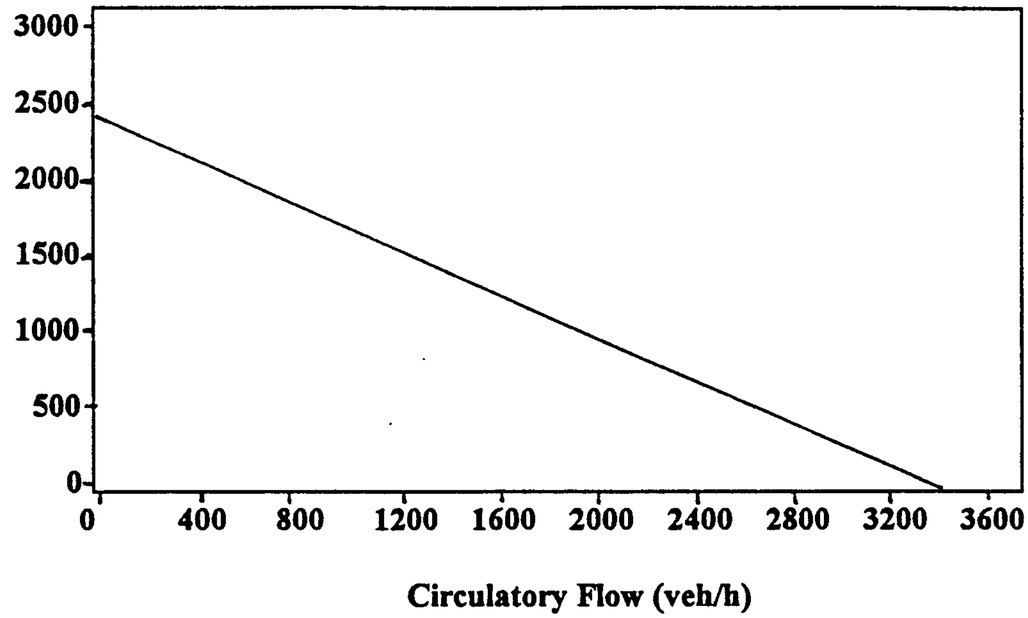
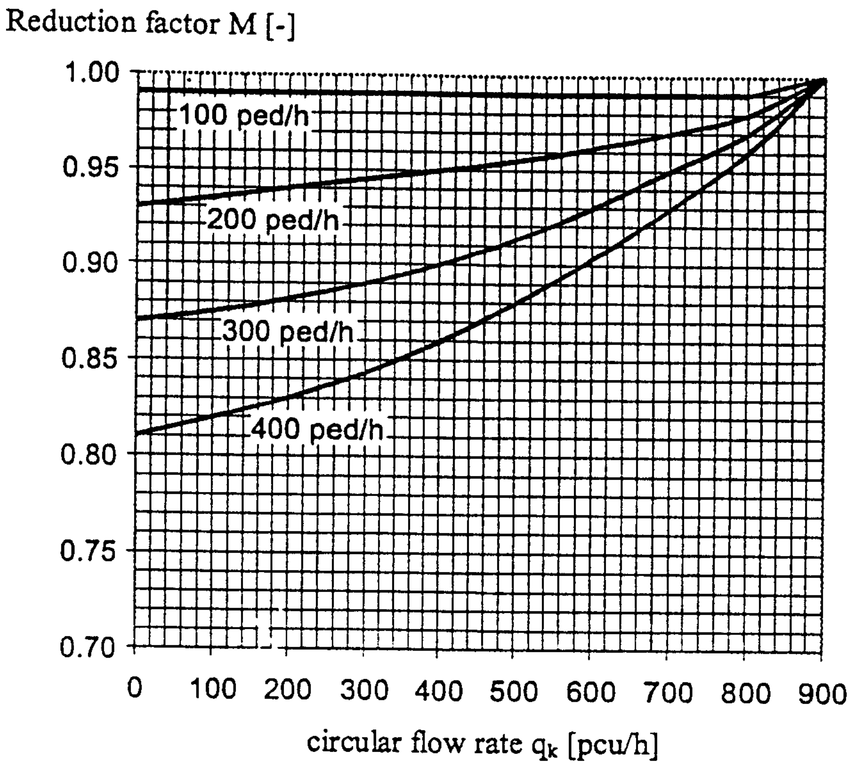


FIGURE 4 Entry capacity for a roundabout with two 13 foot wide entry lanes and two circulating lanes.

Number of vehicle spaces in the short lane, n_f	Factor (applied to double-lane approach capacity)
1	0.707
2	0.794
4	0.841
6	0.906
8	0.926
10	0.939

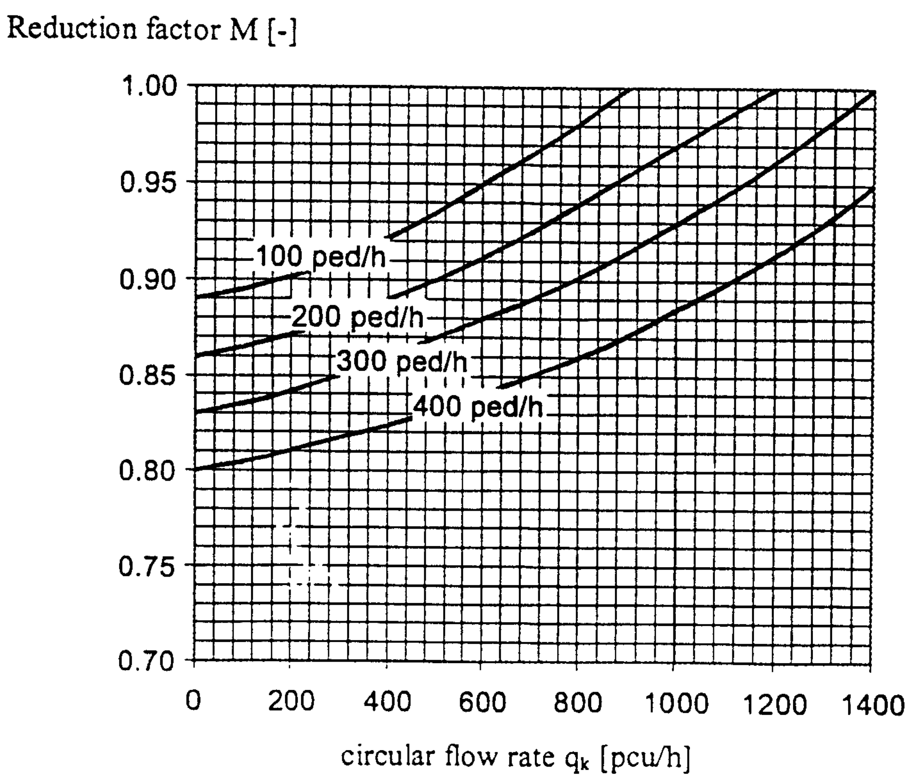
FIGURE 5 Capacity reduction factors for short lanes.

FIGURE 6 Capacity reduction factor *M* for a single-lane roundabout assuming pedestrian priority.



Source: (7)

FIGURE 7 Capacity reduction factor *M* for a double-lane roundabout assuming pedestrian priority.



Source: (7)

The effects of conflicting pedestrians on approach capacity decrease as conflicting vehicular volumes increase, as entering vehicles become more likely to have to stop regardless of whether pedestrians are present.

FIGURE 8

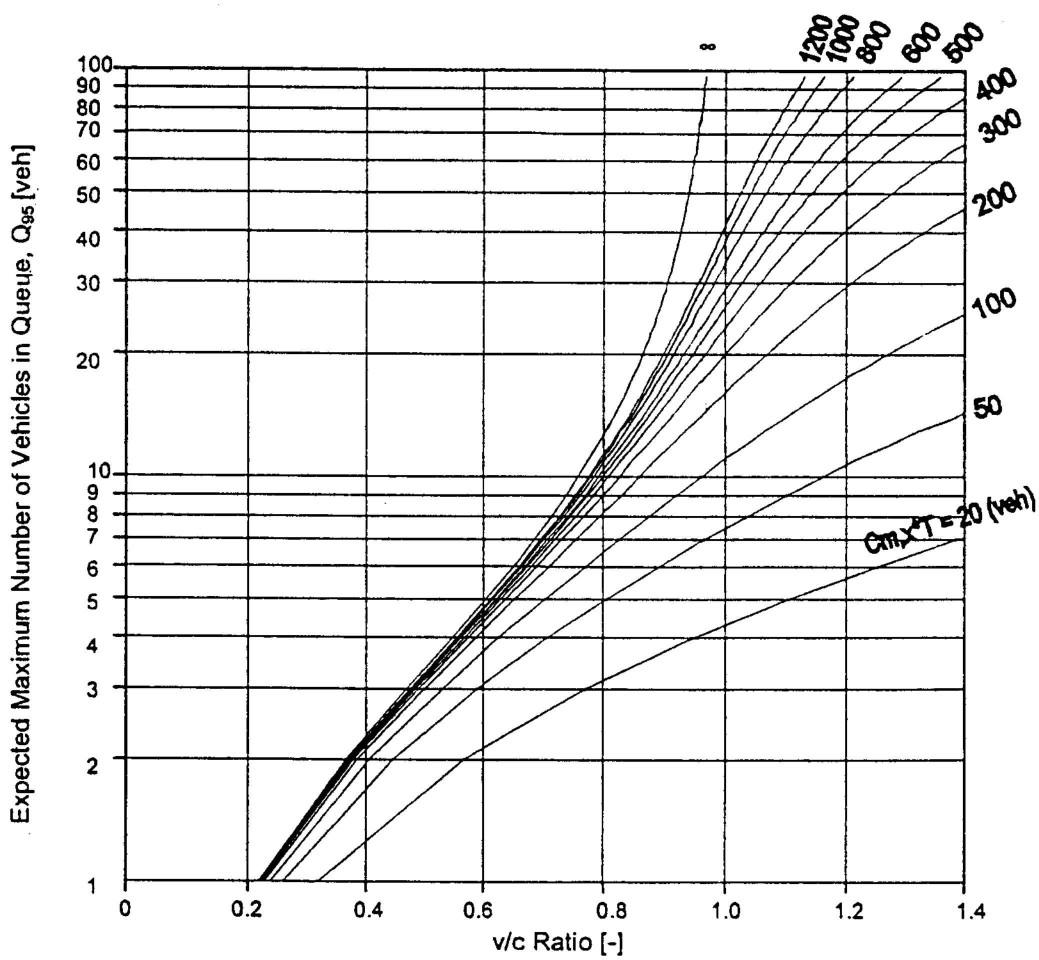
Q_{95} = 95th percentile queue, veh,

v_x = flow rate for movement x, veh/h,

$c_{m,x}$ = capacity of movement x, veh/h, and

T = analysis time period, h (T = 0.25 for a 15-minute period).

Exhibit 4-10. 95th-percentile queue length estimation.



Source: (1), (11)

51

Worksheet Aid for Four-Legged Roundabout Performance.

Location									
Analyst		Date				Traffic Volume Basis			
Movement		Contribution to Circulating Volume							
Direction	Volume	NB Entrance		WB Entrance		SB Entrance		EB Entrance	
NBL				1.0		1.0			
NBT				1.0					
NBR									
NB U-TURN				1.0		1.0		1.0	
WBL						1.0		1.0	
WBT						1.0			
WBR									
WB U-TURN		1.0				1.0		1.0	
SBL		1.0						1.0	
SBT								1.0	
SBR									
SB U-TURN		1.0		1.0				1.0	
EBL		1.0		1.0					
EBT		1.0							
EBR									
EB U-TURN		1.0		1.0		1.0			
CIRCULATING VOLUME									
ENTRY VOLUME (L+T+R+U)									
ADJUSTED VOLUME (factor for trucks & bicycles)									
BASE CAPACITY (compact/single/double)									
ADJUSTED CAPACITY (factor for short lanes & pedestrians)									
VOLUME/CAPACITY									
No. OF LANES REQUIRED									
DELAY /VEHICLE									
AVERAGE QUEUE									
95% QUEUE									

Justification for a Roundabout

A roundabout shall be justified based on the following:

Capacity Analysis shall be conducted to determine the level of service (delay) for a roundabout compared to a traffic signal or other traffic control devices. The analysis shall be performed based on the information in this guideline and by the use of Rodel or Sidra Computer Simulation process or in the case of single lane approaches, the Highway Capacity Manual (HCM) process can be used.

This analysis shall compare the level of service based on the delay encountered and each analyzation point using the delays identified for each level of service as indicated in the HCM.

April 20, 2000

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE: January 11, 2002
DEPARTMENT: Planning
AUTHOR: Brooks T. Robinson
TITLE: Cove at Eagle Mountain Phase II
TYPE OF ITEM: Subdivision, Extension of Plat Approval

<u>SUMMARY RECOMMENDATIONS:</u> Re-open the public hearing, consider any public input, and approve a six-month extension.

DESCRIPTION

Agent/Owners	Jack Johnson Co., for the owners
Location	East side of Meadows Drive across from Gallivan Loop
Zoning	RD-MPD
Adjacent Land Uses	Residential, Golf Course, Open Space
Reason for Review	Subdivisions require Planning Commission Review and City Council approval

B. Background

The project is described as Phase II of the Cove at Eagle Mountain, formerly known as East Cove of Quarry Mountain. It is located on the east side of Meadows Drive across from The Cove Phase I. Retaining walls, utilities and roads have been installed for Phase II, but no building permits for condos have been applied for.

The City Council approved the subdivision plat on September 2, 1999. A Condition of Approval was that the plat must be recorded with Summit County within one year or the plat and approval are void. On August 29, 2000 staff received a request from the applicant (Exhibit D) for a six month extension on the approval.

The City Council opened the public hearing at its regular meeting on October 19, 2000. After receiving comments from Phase I homeowners and the representatives of The Cove L.C. the Council continued the discussion until after the two parties could meet and resolve their differences. Subsequent to the October 19 Council hearing, the ad-hoc homeowners committee and The Cove L.C. traded correspondence (Exhibits E and F) over the issues. The Annual Meeting of the Cove HOA took place on December 28, 2000. Staff has received correspondence related to the outcome of the HOA meeting (Exhibit G). Council has been copied on many of the previous correspondence by the developers and the ad-hoc homeowners committee.

C. Analysis

There are no provisions or criteria within the Land Management Code for extensions of approved subdivisions. Technically, the Council is being asked to amend the prior ordinance and its conditions of approval. Typically, the City has granted extensions if they are due to technical difficulties such as corrections to the plat, signatures, or getting financing in place and these issues were close to being resolved. The City has not granted extensions, six months or otherwise, based on whether the real estate market warrants a certain product. In order to grant the extension, the Council should find "good cause" for the extension and that no person nor the public will be materially injured.

Staff has reviewed the extension request and the concerns of the Cove I homeowners and supports the request provided the following conditions are added to the approval:

1. All grading and retopsoiling in Eagle Pointe outside of approved lots ceased by November 15, 2000, with seeding to be completed by June 15, 2001.
2. Extension of approved plan is granted with no changes. Any proposed changes will require that the applicant re-file with the Planning Commission and receive the appropriate approvals.

Further, so as not to limit the ability of the homeowners to vote to separate the HOA pursuant to the CC&Rs and by-laws, staff recommends elimination of original Condition of Approval #7 requiring one HOA. Staff found no discussion as to why this condition was originally included, but staff recalls a general concern about consistency of road and common area maintenance by two separate HOAs. The City has had problems of this nature in areas of Deer Valley and thought one HOA would simplify the maintenance. However, given the concerns of the Phase I owners, staff supports removal of this condition.

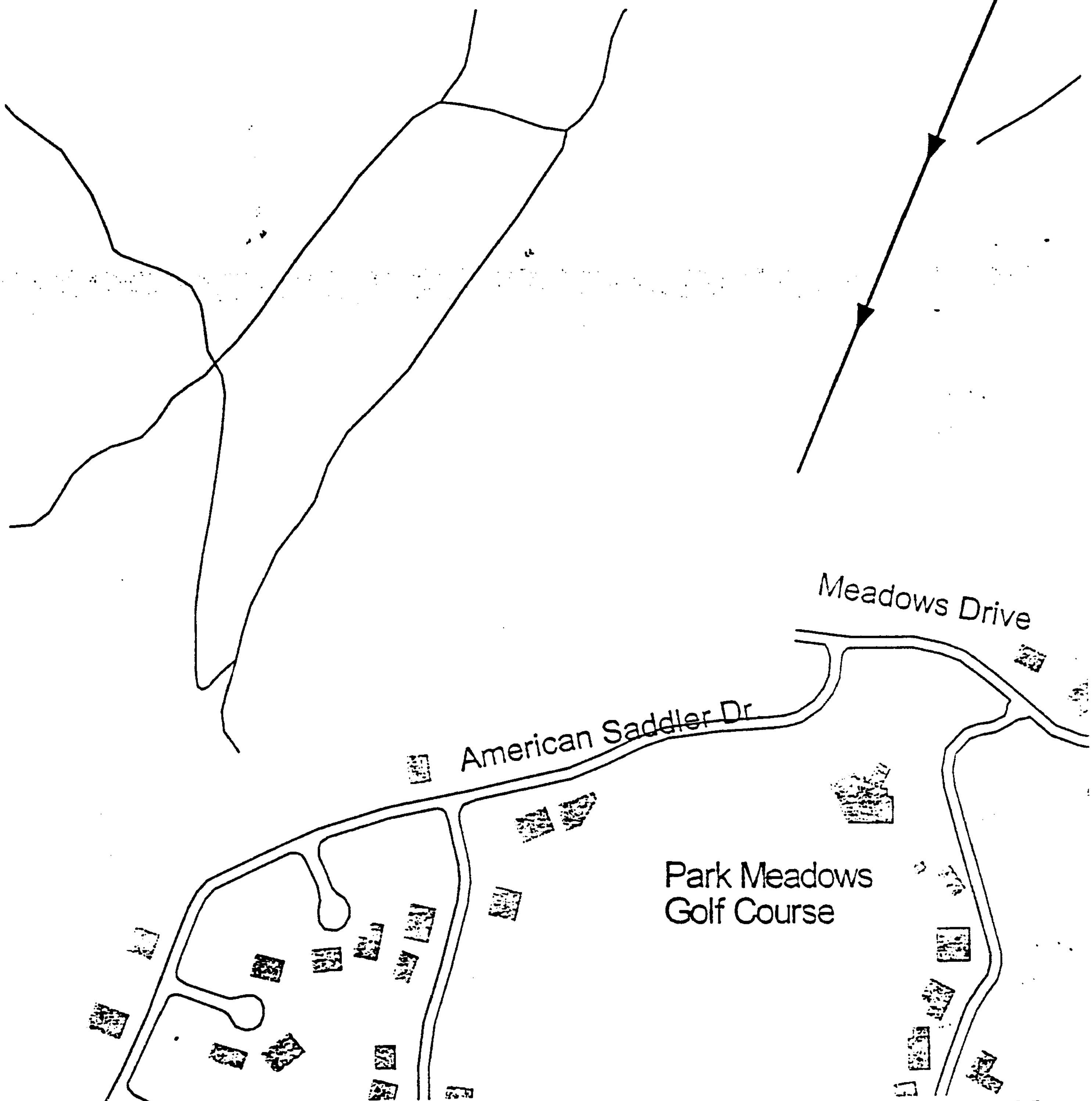
D. Recommendation

Staff is requesting that the Council reopen the public hearing, consider any input and approve the six-month extension of the plat approval.

EXHIBITS

Exhibit A - Location Map
Exhibit B - Proposed Subdivision Plat
Exhibit C - Cove Phase II Conditions of Approval
Exhibit D - Request for Extension
Exhibit E - Dec 5, 2000 letter from Ad-Hoc Homeowners Committee
Exhibit F - Dec 18, 2000 response from The Cove L.C.
Exhibit G - Jan 2, 2001 letter from The Cove, L.C.
Exhibit H - Redlined Ordinance

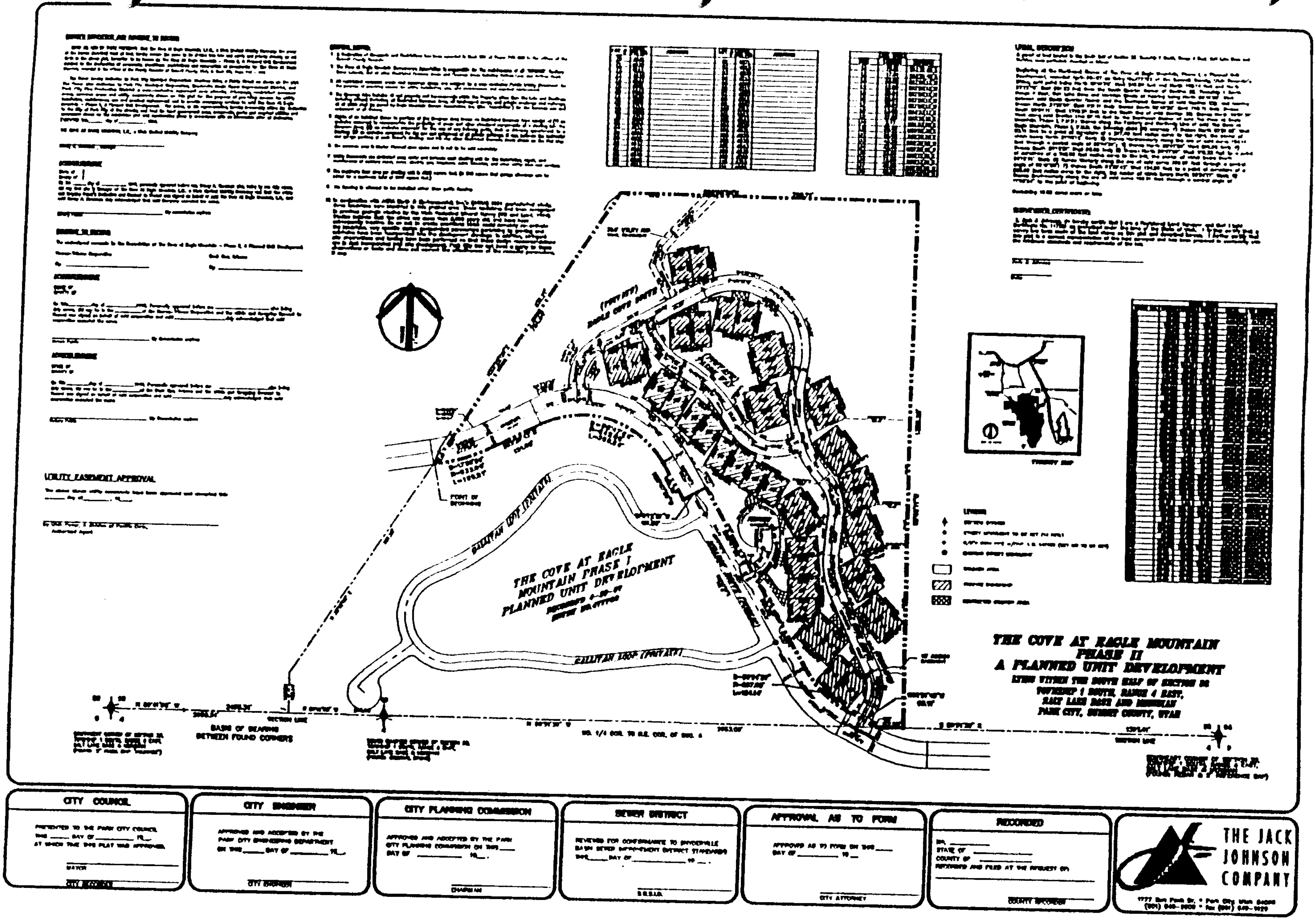
East Cove Phase II



PARK CITY 1884

Exhibit A
Vicinity Map

N



THE COVE AT EAGLE MOUNTAIN
PHASE II
A PLANNED UNIT DEVELOPMENT
LYING WITHIN THE SOUTH HALF OF SECTION 36
TOWNSHIP 1 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH
THE COVE AT EAGLE MOUNTAIN PHASE I PLANNED UNIT DEVELOPMENT
GALLIVAN LOOP (PRIVATE)
BASIS OF BEARING BETWEEN FOUND CORNERS
SECTION LINE
UTILITY EASEMENT APPROVAL
LEGEND
VICINITY MAP
CITY COUNCIL
PRESENTED TO THE PARK CITY COUNCIL THIS ___ DAY OF ___ 19__ AT WHICH TIME THIS PLAT WAS APPROVED.
MAYOR
CITY RECORDER
CITY ENGINEER
APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS ___ DAY OF ___ 19__
CITY ENGINEER
CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS ___ DAY OF ___ 19__
CHAIRMAN
SEWER DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS THIS ___ DAY OF ___ 19__
S.B.S.I.D.
APPROVAL AS TO FORM
APPROVED AS TO FORM ON THIS ___ DAY OF ___ 19__
CITY ATTORNEY
RECORDED
STATE OF
COUNTY OF
RECORDED AND FILED AT THE REQUEST OF:
COUNTY RECORDER
THE JACK JOHNSON COMPANY

EXHIBIT B

Taken from the September 2, 2000 Ordinance approving the Cove II subdivision:

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

Findings of Fact:

1. The subdivision project known as the Cove at Eagle Mountain Phase II is located on the east side of Meadows Drive across from Gallivan Loop and is zoned RD-MPD.
2. The proposed subdivision consists of 42 units in a twin home arrangement and is consistent with the Quarry Mountain MPD.
3. New development creates a need for water and other utilities, and trail connections.
4. The units will be served by private streets.
5. The maximum floor area per dwelling unit is 4500 square feet plus 600 square feet for a garage.
6. The MPD approval included a requirement for a trails Master Plan.
7. The Planning Commission forwarded a positive recommendation on July 28, 1999.

Conclusions of Law:

1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code, the Quarry Mountain MPD and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. Approval of the subdivision, 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 subdivision for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. Trail easements dedicated to the City must be approved by staff and shown on the plat prior to recordation.
3. A water line easement (30 feet permanent, 50 feet for temporary construction) must be approved by staff and shown on the plat prior to recordation.
4. A professional engineer must certify the as-built adequacy of construction upon completion.
5. A landscape irrigation and under drain system must be approved prior to construction.
6. A note must be added to the plat, subject to review by the City Attorney, City Engineer and Community Development Department and agreeable to the applicant, stating that hazards exist due to soil instability. The City Attorney will create a letter stating that this is sufficient notice of hazards.
7. Phase II will be incorporated into the Phase I HOA with amended CC&R's.
8. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this

Exhibit C

approval and the plat will be void.

9. All other conditions of approval of the Quarry Mountain MPD are in full force and effect.
10. The trail from the open space near Round Valley to Meadows Drive remain open during construction.
11. Meadows Drive will be completed as per the approval of Phase III, known as Eagle Pointe.
12. Rock sorting operations within Gallivan Loop will be discontinued.

Exhibit C

Exhib

The Cove at Eagle Mountain, L.C.

6355 MetroWest Blvd, Suite 330
Orlando, Florida 32835
{407} 523-2323 • Fax {407} 578-8323

August 29, 2000

Brooks Robinson
Park City Development

Re: The Cove at Eagle Mountain – Phase II
Subdivision/ P.U.D. Plat Recordation

Dear Brooks:

This letter is written to request a 6-month extension on the recording of The Cove at Eagle Mountain – Phase II Subdivision Plat. We are aware the project was approved by Park City Council for its Final Plat on September 5, 1999 and that the 1-year approval is about to lapse.

The reason for the delay is based upon the fact that over the last few months we have been researching the condominium/real estate market in Park City to determine if a new product is warranted in this phase of The Cove. With the magnificent views from this parcel, the current footprint and architectural design may want to be shifted or slightly modified from the previous approval to blend within today's market.

Can you please schedule a meeting with the City Council to extend the recording of the plat by 6-months? We understand that if significant changes occur with the design of the project we will be required to go back before the Planning Commission for their review and approval.

Very truly yours,

Nancy A. Rossman

NAR/kmg

EXHIBIT D

December 5, 2000

To: Homeowners, The Cove, Phase I

From: The Cove Ad-Hoc Homeowners Committee

Subject: Review of the 2000 Fiscal Year

The Ad-Hoc Homeowners Committee (AHHC) for The Cove, Phase I, want to take this opportunity to review certain events that transpired during the 2000 Fiscal Year. We'd also like to bring everyone up to date regarding the concerns and risks inherent in the Phase II expansion program. Our objective is to be sure you have a copy of this document prior to the Annual Homeowners Meeting, scheduled for Thursday, December 28 at 6:30 PM at the Radisson Hotel.

The Ad Hoc Committee (AHHC)

Before reviewing events in The Cove, we believe it appropriate to qualify what the AHHC is and to attempt to address whether it represents the interests of the homeowners in a fair and judicious manner. The AHHC is an organization comprised of every homeowner that pays dues to the Homeowners Association. There are 20-25 homeowners who are particularly active in the AHHC and have attempted to represent the interests of all. We meet as often as events warrant but typically no less than every month or two. We welcome input, criticism and suggestions from every homeowner.

Some of you may have been told that the AHHC "is just one or two troublemakers". Let us assure you that the 20-25 individual homeowners noted above have taken active roles in our meetings and discussions and have generally agreed unanimously with every initiative we have taken. We have also found that as we inform new Cove Homeowners about the current state of affairs, they invariably ask to join with us to help promote the AHHC initiatives.

Because we are experiencing similar problems and frustrations with the same builder/developer (B/D) as the homeowners at Eagle Pointe Ridge, we have developed a relationship with their Ad-Hoc Homeowners Committee to share information and discuss strategy. We have also developed strong and continuing relationships with the City Engineer, the Director of the Building Department and several of his Inspectors, several Planning Department representatives and other relevant personnel at Park City Municipal Corporation. Under the Freedom of Information Act, we have also examined pertinent City's files as they pertain to The Cove.

With the importance of maintenance at The Cove, we are in frequent communication with Donna Van Buren and her staff at Greater Park City Properties (GPCP), our external property management firm. Incidentally, we believe they are doing an excellent job. Lastly, we have established and refined contacts with representatives of the local real estate community that are involved with selling Cove units.

The AHHC was formed with the full backing of the builder-developer (B/D) as an alternative channel of communication with the homeowners. In fact, Nancy Rossman commented at last year's Annual Meeting that she thought the idea of an Ad-Hoc Committee was a good one. She requested GPCP to process our mailings to the homeowners and to charge the costs as an expense item to The Cove Operating Budget. You may be interested that the B/D has now rescinded that instruction. The AHHC now self-funds all our expenses.

One-question homeowners might properly ask is whether the AHHC speaks for them. To that we can only reply that we seek the widest possible homeowner input and are open to all points of view. Our only objective is to improve our community and to continuously promote a townhouse development that we can all be proud of and happy to live in. However, we acknowledge that we can only serve your interests if you share your views and concerns with us. Please accept this as your invitation to become personally involved with the AHHC. We welcome everyone who is interested in our community and its improvement.

EXHIBIT E, 1

Phase II - A Potential High Risk Situation For Phase I Homeowners

The first issue we want to comment upon relates to the risks inherent in the Phase II project expansion within the context of a consolidated Homeowners Association. Since the AHHC raised the visibility of the potential financial and legal liability introduced by Phase II, the B/D has decided to cover the issue at a roundtable discussion following the Annual Meeting. Because of its criticality to all homeowners, we believe this discussion should be an intregal part of the Annual Meeting agenda. If you agree, please request the B/D to put it on the formal agenda.

To provide you with some background information, we are including a letter the AHHC sent to the Park City Mayor and City Council. Several members of AHHC spoke at an October 19 City Council Meeting on the subject of Phase II and addressed many of the issues raised in the letter. They specifically asked whether the City would accept responsibility for any problems caused by Phase II's inherent soil instability. The City responded that The Cove Homeowners Association is responsible for any damage that may occur to Meadows Drive or to Phase II. The City categorically stated they would not indemnify us. We also learned that the City Engineer had voiced his concerns regarding "the long term liability for the City caused by the unusual underdrain system" necessitated by the construction of Phase II. Several City officials had noted their concern that this unusual underdrain system could even result in damage to Meadows Drive. As a consequence, the City stipulated as a condition of the original approval of Phase II that the "The underdrain system will be the sole responsibility of The Cove Homeowners Association." Why the Homeowners and not the builder/developer?

Following an extensive discussion before City Council, the City requested the two parties to meet (i.e. the Homeowners and B/D Board of Directors) to try to bridge the differences between the parties without resorting to City intervention. Ms. Rossman said she would immediately arrange a meeting with all interested parties. The AHHC requested Ms. Rossman to delay the discussion until the Annual Meeting in December to provide an opportunity for the greatest number of homeowners to participate. After considerable back and forth and letters to the Mayor and City Council, Ms. Rossman agreed to reschedule the subject for the Annual Meeting. Ms. Rossman also stated that she was prepared to bring some of her paid engineering contractors to the Annual Meeting to provide additional information and to answer questions on the matter. We urge you to take the opportunity to ask questions of members of the AHHC or the B/D in advance of the Annual Meeting.

The AHHC has suggested two possible solutions to eliminate the risks for Phase I Homeowners. The first and best solution is to split the Homeowners Associations in two. We would also recommend maintaining the common amenities, such as the pool and tennis courts, for the use of the residents of both Phase I and Phase II. Costs of upkeep of the amenities as well as common utilities would simply be prorated among all homeowners, Phase I and II. By segmenting the Homeowners Association in two, we would totally eliminate the soil instability risks introduced by Phase II. In addition, we would finally be in a position to manage the affairs of our own community and improve the attractiveness of the project so that it begins to look like the upscale property we had all hoped for when we originally bought in The Cove. Finally, we could eliminate the inherent conflict of interests between the B/D and the Homeowners. (This conflict will remain as long as the B/D controls the Board of Directors. Under the present CC&R's, this control will last up to four more years.)

You should be aware that one member of the B/D management called a number of homeowners prior to the City Council meeting to state that homeowner dues could be anticipated to rise from 100 - 200% if the Association was split in two. Ms. Rossman said several residents had even signed letters stating they did not want to split. One of the AHHC's representatives advised the City Council that the dues would likely not rise and that this was simply a "scare tactic" employed by the B/D. <u>To be very clear, the AHHC does not expect homeowner dues to increase at all because of a split.</u> There is no logical reason why they should increase. Additionally, we expect to obtain a great deal more value-add from every homeowner dollar of dues as an independent, self-governing Homeowners Association.

Another reason that separation is the best solution relates to the lack of supervision and oversight of The Cove on the part of the current Board of Directors. The last meeting of the Board of Directors was held in

March of 2000. We believe every homeowner would agree that our affairs deserve more attention and focus than this. A separate Homeowners Association detached from the B/D would provide for direct and timely homeowner controlled fiscal and property management, a substantial improvement over the present situation.

At last year's Annual Meeting, the Board of Directors brought up the subject of earthquake insurance for consideration. It was decided to table the matter temporarily. Information gathered later by the AHHC from the City Engineer and other qualified experts helped convince the homeowners to vote against purchasing an earthquake insurance policy. That decision saves the homeowners approximately $18,000 every year. Now, with the addition of Phase II and its history as the location of ancient landslides and soil instability, we might be forced to reconsider and have to purchase this extraordinarily expensive insurance. This expense would then have to be borne by every Phase I homeowner for an insurance risk almost solely due to the addition of the less stable, hilly location of Phase II to a consolidated Homeowners Association.

Ms. Rossman has stated that only a few homeowners want separation. That simply is untrue. We have informally polled approximately 20-25 homeowners and with only one or two exceptions every homeowner believes our interests would be substantially better served by separation. Ms. Rossman has made the argument that she needs control to make sure we don't allow the property to deteriorate and thus negatively impact her financial investment in Phase II. We believe we can assure her that separation will result in Phase I being much better maintained and its appearance substantially enhanced. In essence, we believe Ms. Rossman's financial interests will be better served by separation.

Another less desirable resolution to the Phase II risk would be for the B/D to buy an insurance policy to protect us and hold us harmless from any catastrophes caused by the inherent soil instability of the Phase II plot. If Ms. Rossman feels her soil engineering contractors are correct, why not show her confidence in their work by insuring the Phase I homeowners against any risk that might occur. Ms. Rossman refused to even discuss this approach leading us to wonder if she too has concerns about what Park City referred to as this "hazardous" parcel of land. Any other ideas or suggestions you have would be appreciated. Perhaps a bond or some other kind of warranty may be appropriate.

Please do some research on this matter yourself and come prepared at the Annual Meeting to participate in the discussion regarding Phase II's inherent risk and potential liability for Phase I homeowners. This matter must be decided before it comes back for final consideration by the Mayor and City Council on January 11, 2001.

<u>Other Activities of the AHHC for Fiscal Year 2000</u>

There were a number of specific initiatives taken by the AHHC over the course of the 2000 Fiscal Year. These initiatives were always taken with advice and counsel of as many homeowners as we could contact and hopefully in the general interest of the community as a whole. Following is a brief recitation of these initiatives.

- First, the AHHC worked closely with the new property management company (GPCP) to initiate corrective action on the many Cove deficiencies that had been repeatedly pointed out during the past couple of years. We assisted in putting together and submitting a list of these deficiencies (a punch list) together with timeframes for corrective action to be taken and an assignment of responsibility for action (i.e. B/D or Homeowner Association). A substantial number of the punch list action items were classified as B/D responsibility. These action items were generally agreed to by Richard Jaffa on behalf of the B/D as builder expense and many, but not all, have been corrected.

  We have closely monitored the completion of the punch list. Our sole objective in this endeavor was to protect your investment in your unit and to enhance your satisfaction with The Cove. Most residents expected that The Cove would be an <u>upscale</u> Planned Unit Development (PUD). So far, it has fallen far short of those expectations. Our contention is that only through vigorous follow-up with the B/D to continuously upgrade the community will we ever realize our dreams and expectations for The Cove.

E3

- The second issue we want to comment on is the B/D's decision to build a "3-story" building inside The Cove's central core. Many Cove homeowners were "shocked and angered" on their return to The Cove this summer to see a huge, reversed, 3-story building being constructed. Not only was this huge building a 3-story rather than 2-story structure, but it had been physically realigned so as to interfere with the view of many existing Homeowners. This is in direct violation of the original specifications and drawings and contradicts what many buyers had been told prior to purchase.

  The AHHC wrote to all homeowners about this affront. We requested that the B/D re-align the roofline to conform with those of neighboring units and to reduce the height of the structure to a 2-story unit that was originally planned for that building pad. The President of Prudential Coleman Real Estate (the marketing agent for the project) apparently agreed and told one affected homeowner that the new building "is out of place and should not have been built". With the assistance of the City, we were successful in getting the building lowered but only by a few inches to bring it into conformity with City code. However, the B/D flatly refused to make any additional modifications. In fact, the B/D refused to even discuss the matter further.

  You should be aware that two homeowners have filed a legal action against the B/D for this inappropriate structure. One element of that legal action alleges that the B/D violated their fiduciary responsibilities to the homeowners by arbitrarily changing the footprint of the building without homeowner notification or input. A grievance has also been filed with the Utah Board of Realtors to investigate the use of "fraudulent marketing tactics by the selling agent and the builder/developer". Despite the B/D saying this is not really a 3-story structure, take a look at it yourself. Then study the special Prudential-Coleman marketing brochure regarding this building.

- Hanging banners of protest on the 4th of July was another AHHC initiative. The banners were a direct outgrowth of the frustration homeowners had experienced with the poor external maintenance and upkeep of The Cove as well as the construction of the three-story building. Particular frustration was focused on landscaping problems, a constantly malfunctioning and broken irrigation system, and the generally unkempt appearance of the project as a whole. This frustration was further manifested in homeowner inability to get the B/D's attention to correct these problems.

  Over a dozen different homeowners offered to hang banners to demonstrate their dissatisfaction with the B/D and their failure to correct obvious defects in the community. While the AHHC realized there might be some who would not agree with the use of the banners, we felt we were left with little choice. Repeated attempts to achieve corrective action over the course of many months had met with failure. In essence, polite requests and dignified business correspondence got us nowhere.

  As a consequence, nine large banners were hung over the long July 4th holiday. The attention our efforts achieved was astonishing. Several homeowners were interviewed by <u>The Park Record</u> about our goals and the real estate community all took note of the frustration with this particular B/D. Shortly after the banner initiative, we were finally successful in getting corrective action initiated. We have only heard from three homeowners who opposed our approach to get B/D attention. We respect these contrary views and simply ask that you get directly involved in AHHC activities so your views will always be considered.

- The next issue is the lake/detention pond adjacent to the pool/tennis courts. Despite many attempts, the AHHC believes it has been unsuccessful in getting the B/D to meet their original commitments on this section of the property. Many homeowners were told when they purchased their unit that a pond or lake was to be established in this area. Some of the original marketing materials seemed to confirm this. Most of us would never have conceived that we would be left with the unsightly mess we now find. The B/D has said that their intention all along was to establish the resulting "water detention facility". If any of you have viewed what many of our inside Gallivan Loop neighbors have to look at out their windows, we're sure you'd want this area cleaned up. It detracts from the property as a whole.

E4

We have tried to get the City to force the B/D to correct the problem. So far, we have met with sympathy but little success. The B/D feels by planting a few water tolerant willow trees, they have done everything necessary. This area is an eyesore for the entire community. It serves to degrade our property values. Please help the AHHC to get this issue corrected by the B/D.

* * * * * * * * * * *

We hope we have given you some insight into the workings of the AHHC. We further hope we have motivated you to become involved. The Cove can be a wonderful community but only if we all pull together to correct its flaws and assume at least some personal responsibility for its management and oversight. Please consider taking an active role in the management of our affairs at The Cove. By using the power of our community joining hands for the common good, we can achieve a shared goal of enhancing the livability and the asset value of our homes in The Cove. Please feel free to call any of the following that have reviewed and approved this letter.

Allmand-Smith, Henderson, Frates, Welsh, Kelly, Moore, Slack, Cate, Roberts, Traczyk, DeMaria, Hayes, Trembly, Bolton, Walter,Pellegrine

Sincerely,

Cc: Nancy & Ruth Rossman
Richard & Scott Jaffa
Bill Coleman

October 2, 2000

To: Mayor Brad Olch and Members of the City Council
Park City Municipal Corporation
445 Marsac Avenue - PO Box 1480
Park City, UT 84060-1480

From: The Cove Ad Hoc Homeowners Committee

Subject: Request For Denial and /or Delay of Applicant Request To Extend Time To Record The Cove - Phase II

This letter is written regarding a request by The Jaffa Group and Olympus Construction (submitted by Jack Johnson and Company) to be considered by the City Council at their meeting on Thursday, October 12. To provide you with some background, City Council formerly approved Phase II of The Cove on September 2, 1999. According to Condition #8 of the July 28, 1999 Planning Committee meeting, the applicant had one year from the date of the City Council approval (i.e. September 2, 2000) to record the property with Park City and Summit County or "the original approval would be voided". The applicant failed to secure such recording. Now they have come back to the City to request a six-month extension beyond the allowed one-year in order to complete the mandated recording procedure.

Based on conversations with City officials, Eric DeHaan and members of the Planning Department staff, the normal procedure under these circumstances is for the original approval to be voided and for the applicant to be requested to go back through the standard Planning Committee and City Council review and approval process - essentially starting over. In our opinion, one year is more than enough time for the recording process to have been completed. We urge you to deny applicant's request for an extension and instead require them to recycle back through the review and public input process.

The reason for this request is that the homeowners most directly affected by the Phase II parcel (i.e. the homeowners of Phase I) were denied the opportunity to provide public input during the original review process in 1999, since we were never informed of its scheduling. As a consequence, there was no public input. Mr. Mayor, you may recall that I wrote to you about this subject a week or two ago requesting that existing Cove Phase I homeowners henceforth be informed of all future Planning Committee and/or City Council consideration of Phase II, the Forsey Parcel and other nearby projects. (See Attachment A.)

As you may be aware, the current homeowners in the Cove have had a series of ongoing disagreements with the builder/developer (Rossmans and Jaffas). We have had a number of meetings with Richard and Scott Jaffa to address our concerns, all essentially to no avail. In the interest of full disclosure, there have been some modest cosmetic improvements that have been made but the most serious problems remain. The homeowner's sense of frustration with the builder/developer in ever addressing our concerns finally led to a program of "civil disobedience" that culminated in the display of 3' by 8' banners on our homes over the July 4th holiday weekend (essentially suggesting "buyer beware"). This effort on the part of many of the Phase I homeowners generated a surprising amount of public comment and publicity. We undertook it understanding full well the potential for undermining the value of our own homes. Essentially, we felt we were left with no other choice.

We have been unable to convince the Olympus Construction, specifically Richard and Scott Jaffa, to undertake a concerted action program to correct many of the deficiencies in the project. The feelings of frustration and anger run strong and deep within this subdivision of some 65 dwellings. Had we been given the opportunity during the original City Council and Planning Commission public input sessions regarding Phase II, a substantial number of homeowners would have come before you to present our complaints and concerns and to ask for your help.

Of great concern with respect to Phase II, are the facts surrounding soil instability which were repeatedly referred to as a "hazard" in the work-in-progress reports of the Planning Department file by Mr. DeHaan and other City officials. There were numerous comments in the file that this plot of land is located on the site of ancient landslides. It was also stated that normal landscape irrigation of Phase II would most likely increase the chances of soil instability as well as the suggestion of possible landslide risk. As a result, the landscape plans and available options for Phases I and II are quite incompatible with one another because of the inherent geo-technical differences caused by water, soil instability, etc. Because of this landscape incompatibility, the Phases will never really look alike (nor will they require the same level and type of maintenance).

A study of the Planning Department files uncovered the fact that the builder/developer was directed to undertake an extensive program to "dewater the hillside". In addition, the City Engineer also voiced his concern regarding "the long term liability for the City caused by the unusual underdrain system". Concern was raised that this unusual underdrain system could even cause damage to Meadows Drive. As a consequence, the City stipulated that "The underdrain system will be the sole responsibility of The Cove Homeowners Association" for Phases I and II. To be frank, the existing Cove homeowners are completely in the dark as to the potential fiscal impact and other potential liability which all of this may impose.

Since the builder/developer administratively tied The Cove Phase I and Phase II Homeowner Associations together as a single legal entity, many Phase I homeowners are extremely concerned about the future risks and extraordinary costs we may be forced to underwrite to maintain Phase II. None of the existing Cove homeowners I have spoken with were ever informed of the risks of tying of Phases I and II into a single legal entity or of the soil stability problems, irrigation concerns and the need to build and maintain an underdrain system that Phase II would precipitate.

You might ask why we didn't simply ask The Cove Homeowners Association to speak to you on our behalf on this matter. That is because the existing Cove Homeowners Association is totally controlled by the builder/developer, until such time as Phase II is built out (per the CC&R's). Essentially, the builder/developer has three (3) votes for each unfinished lot they own (in the combined Phases I and II) for every one (1) vote for each existing homeowner, providing them with mathematical control until such time as Phase II is virtually built out. Thus, the builder/developers control the Board and obviously have very different objectives than those of the homeowners. Since they conduct few Board meetings and the homeowners are generally not informed of their scheduling, that communication channel appears to be closed to us.

I hope you can now appreciate our concerns regarding The Cove, Phases I and II, and our wish to provide City officials with our thoughts on the matter in an open public session. If you conclude that you are unable to simply deny petitioner's application, as the current City process would seem to stipulate, then we ask you to table the matter on October 12. You could then reschedule it for a later time when a number of Cove homeowners will be prepared to come before you to engage in open public dialogue regarding the problems we face with this particular builder/developer. We would also like to ask you to impose several conditions on the builder/developer. Specifically, we would ask you to impose these conditions before approving the commencement of the buildout of Phase II:

- The Homeowner's Association be bifurcated into two legal entities - a separate and standalone Homeowner's Association for Phase I and one for Phase II.
- The builder/developer be directed to build the lake originally promised and shown in the plans and specifications for Phase I. Currently, they have only installed an ugly storm drain detention system instead of the promised landscaped pool. This would help deal with the significant projected drainage runoff from Phase II and make good on their original vision and marketing of The Cove.

We greatly appreciate your consideration of this matter and look forward to your decision. We believe our requests are both fair and reasonable under the circumstances. Thank you for your help.

Respectfully,

The Cove Ad Hoc Homeowners Committee

By: Dick Welsh
647-3416
<dcwelsh @ parkcity US.com>

cc: Eric DeHaan
Bruce Robinson

FYI

The Cove At Eagle Mountain, L.C.

6355 Metrowest Blvd, Suite 330
Orlando, Florida 32835
{407} 523-2323 ♦Fax {407} 578-8323

TO: **Homeowners, The Cove**

FROM: **The Cove at Eagle Mountain, L.C. (Nancy Rossman)**

DATE: **December 18, 2000**

RE: **The December 5, 2000 Memo from The Cove Ad Hoc Homeowners' Committee**

I felt it important to briefly discuss some of the matters contained in the December 5, 2000 memo from The Cove Ad Hoc Homeowners' Committee which was forwarded to all the homeowners and copied to myself, Ruth Rossman, Richard and Scott Jaffa, and Bill Coleman.

Let me begin by saying that I think any time a group of homeowners want to contribute to the betterment of the community that it is a good thing and one that I would encourage. I do feel, however, in this specific instance that many of the statements contained in the December 5, 2000 memo from The Cove Ad Hoc Homeowners' Committee mischaracterizes previous statements, mischaracterizes the facts, and in some cases, plainly distorts what has been happening at The Cove for quite sometime.

It is very hard without writing a four or five page letter going through the December 5th memo paragraph by paragraph to hit every single point that I disagree with. I am not going to do that.

I am pleased that the Ad Hoc Committee has acknowledged that Greater Park City Properties was doing an outstanding job for The Cove. I would agree with that. The December 5th Ad Hoc Committee letter went further and stated that separating the homeowners' association would somehow make maintenance issues and other financial considerations better. I believe this not to be true. In fact, I believe the contrary is true; adding more units will probably lower the costs for everyone. I do not believe that the number of meetings a year of the Board affects the level of service that we, as a homeowners' association, are receiving from Greater Park City Properties. I also feel that they are doing an outstanding job and have addressed many of the needs of the homeowners and the developer, with respect to the project.

The open forum discussion that will take place following the annual meeting of the homeowners on December 28 was voluntarily moved from mid-November to the end of the December date in order to facilitate having more homeowners available to attend. However, please note that this is not an agenda item for the association and will not be discussed during the association meeting. Following the meeting, the consultants and myself will be available to answer questions and concerns any homeowner has. I hope that we will have a full and

EXHIBIT F,

constructive discussion regarding the underdrain systems and soils of Phase II, The Cove. Bill Gordon of AMEC Earth & Environmental will be in attendance, as well, as Jeff Graham of Jack Johnson & Company.

With respect to separating the two phases of The Cove into separate homeowners' associations, I have previously addressed this specifically, and will state it again so that there will be no misunderstanding. The developer, The Cove at Eagle Mountain, L.C., will not agree to separate the homeowners' associations. This is a two-phased development which was always contemplated to have one homeowners' association. Every homeowner took title and received recorded documents in their title work that was very clear as to this matter. It is a contractual obligation of the developer to maintain it as one homeowners' association. The City cannot require the separation of the homeowners' association and it is my understanding that they are not going to attempt to do so.

In reference to statements contained in the memo regarding the "3-story" building which resulted in banners being hung by some homeowners, please note these acts were in violation of the CC & Rs and in violation of the City of Park City's Code. This is an issue that is appropriately brought up with Olympus Construction, L.C., but not with The Cove at Eagle Mountain, L.C. Two homeowners did ask Olympus Construction, L.C. to pay significant sums of money to them and they would quietly "go away". Olympus Construction, L.C. refused to do so. As I have been advised by the City, Olympus Construction, L.C. abided by all of the requirements imposed by the City of Park City, with respect to this building. It is also important to note that the mass of the building did not increase. Clearly this issue is an issue that should be raised by the homeowner to Olympus Construction, L.C. and not to the Association, and not to The Cove at Eagle Mountain, L.C., the developer.

As far as I know, there has been no legal action filed by any homeowner.

I do think it is important to note that the banners being hung and some of the discussions that certain homeowners had with potential purchasers, as well as the demonstrations during the July 4th weekend, could significantly affect the values of your home at The Cove. During the July 4th weekend, there was a decline in both sales and in serious potential buyer traffic, which may in fact, have been the result of some of your fellow homeowners' banner-hanging activities.

The last issue that was addressed in the December 5th memo was regarding the detention pond. I have reviewed all of the original marketing materials and have not found anything that indicated that there was going to be a lake. In fact, both The Cove at Eagle Mountain, L.C. and the City concur that no lake was ever contemplated or shown on any plans submitted to the City.

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I believe the December 5, 2000 memo implies that the Ad Hoc Committee was the reason why certain matters were addressed by the Association. This is a false statement. The Association, under the management of Greater Park City Properties, as well as the direction of the Board of Directors and The Cove at Eagle Mountain, L.C., have been very responsive to homeowners' concerns relating to Association issues, including the overall maintenance of the project. We have the same interests as every homeowner does, with respect to maintaining The Cove to a standard that we can be proud of and is consistent with the quality of the townhomes constructed.

We certainly look forward to seeing you at the Homeowners' Annual Meeting and we encourage everyone to stay after the annual meeting for the open forum discussion.

Very truly yours,

Nancy and Ruth Rossman

cc: Richard Jaffa
Scott Jaffa
Bill Coleman
Donna Van Buren
Joe Tesch
Mayor Brad Olch
City Council

NAR/aas

utah/homeowners12-18-00

F3

The Cove at Eagle Mountain, L.C.

6355 MetroWest Blvd, Suite 330
Orlando, Florida 32835
(407) 523-2323 ♦Fax (407) 578-8323

January 2, 2001

Mayor Bradley A. Olch
City Mayor
P.O. Box 1480
Park City, UT 84060-1480

Dear Mayor Olch:

I am pleased to advise you that on December 28, 2000 after The Cove Homeowners' Annual Meeting, we held (pursuant to the City's direction given to me in October) an open forum discussion relating to Phase II.

As you know, after being advised that a couple of homeowners requested the City continue this matter until after the first of the year 2001, the November 9 open forum discussion was postponed until December 28. This was done in an effort to accommodate the requests of the most vocal homeowners and their insistence that the discussions occur after the annual meeting.

I did so in the spirit of good faith to the homeowners, as well as, to demonstrate to the City my ongoing attempts to address concerns of homeowners.

Bill Gordon of AMEC Earth and Environmental made a short presentation and then both he and Jeff Graham of Jack Johnson Company answered questions from homeowners. Based on the questions and comments of the homeowners, I believed the homeowners who attended the meeting left comfortable with the facts and do not have ongoing concerns regarding Phase II.

I have attached a copy of the attendance sheet that shows who attended the annual meeting, and who attended the open forum discussion held subsequent to the annual meeting, as well as, the minutes from the open forum discussion.

What was surprising to me, and frankly disappointing to me, was that the handful of homeowners who have made themselves vocal to City Council and City Staff regarding this issue and who, at least partially comprise the "Ad Hoc Committee", chose not to stay after the annual meeting to attend and participate in these discussions. I found that the decision not to stay and participate in the meeting was contrary to the spirit of cooperation that I had hoped would prevail.

EXHIBIT G, 1

Bradley A. Olch
January 2, 2001
Page Two

In any case, I am pleased that the meeting went well and those who attended the meeting and heard from the consultants left the meeting feeling good about Phase II. I look forward to seeing you when the plat extension comes before the City Council on January 11, 2001.

Very truly yours,

Nancy A. Rossman

NAR/aas

Cc: Jeff Graham
Bill Gordon
Joe Tesch
Eric DeHaan
Mark Herrington
Toby Ross

C:\...\citycounc.i01-02-01

THE COVE AT EAGLE MOUNTAIN
ROUND-TABLE DISCUSSION WITH HOMEOWNERS, DEVELOPER AND BUILDER

As Directed by the Park City Council
January 4, 2001

MINUTES

I. Welcome/ Call to Order/ Attendance (See attached list for attendance):

The meeting was called to order by Nancy Rossman. She explained that in a meeting held with the Park City Council in October regarding approvals for Phase II, certain members of the HOA had written letters to the Mayor and City Council and spoke at the meeting, stating they were concerned with Phase II in matters of soil stability and drainage, and were afraid that Phase II would cause additional liability and expense to those members of Phase I. Nancy stated that the city requested that the Board and Homeowners meet to try to reconcile any differences without the city being involved, which Ms. Rossman agreed to do immediately. However, at the request of Ad Hoc Committee, the meeting was delayed until the Annual Meeting, so more owners could receive notice of it.

She stated this meeting was to help everyone fully understand the issues and bring resolution to any controversial matters. She then introduced Bill Gordon from AMEC/AGRA, the firm that prepared the soils/geology report regarding Phase II.

II. Phase II - Bill Gordon, Explanation of Soils/Geology:

Mr. Gordon presented a history of his study of the property. In 1994,, per the Jack Johnson Company, he undertook a study of the geology of the soils to determine if anything would preclude or hamper development on the property. The study in 1994 identified 3 "ancient" landslides. He explained that "ancient" means 5000 years or more, and that an "ancient landslide" was one that had displayed no activity in over 5000 years, or was "inactive." In fact, he stated that the bottom of the west facing hill, upon which phase I and most of Park Meadows in general is built, has filled up with sediment and formed a buttress of sorts, shoring up the hillsides (such as Phase II), to cause this area to be even more stable than before.

Mr. Gordon explained that the city's concern, as with any development in the Park City area, is to make certain nothing would be built that could "retrigger" a slide. The grading, retaining walls, etc. that are required will actually make the hillside better than when started.

Water and earthquakes are catalysts of landslides. Drains and subdrains are therefore being included in the plan. All water will be discharged into the subdrains. Additionally, landscaping drains will be included.

Regarding the question of an earthquake or fault, he stated that faults, like landslides, are only of significance if the are ACTIVE. Since these are inactive, he stated that development will NOT retrigger a landslide.

Mr. Gordon ended by stating that everything being proposed and required is no different from almost all development in the Park City area.

A question was asked whether this development would negatively impact wildlife in the area. Mr. Gordon deferred the question to Jeff Graham, engineer for the project. Mr. Graham stated that the entire Park Meadows areas had gone through a master-planning process to make certain that all areas approved for development would not be a negative impact on wildlife.

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Nancy Rossman stated that the city's significant open space requirement also helped in that matter and that the trail system, of which phase II is part of, provides a potential corridor for wildlife, even though that is not a requirement of the trail.

Frank Traczyk asked if the HOA was going to experience a higher degree of liability because of the landslide issue in Phase II. Mr. Gordon answered that his firm has asserted there will be no problems of that sort associated with the project. He used as a reference Iron Canyon, saying it was an "ancient slide" area of the same age as phase II. The same notes and resulting precautions were taken on that development. He said Phase II is no different from any other hillside development in the Park City foothills in general.

Frank Traczyk than asked if Phase II would need earthquake insurance, unlike Phase I. Mr. Gordon said in his professional opinion, No. He said as long as city requirements are followed, which they have to be, and which through the numerous site observations, they were, retaining walls, drainage systems, etc. will maintain and in fact improve the stability of the soils and geology.

Nancy asked if there were any further questions for Mr. Gordon regarding Phase II. There were none. The following other issues were brought up, with the discussions included:

III. Detention Pond in Phase I: Alice Mayerstein asked for a full discussion on the matter to take place since there seemed to be some controversy related to the detention pond. Jeff Graham explained that its purpose was not as a "retention" pond to retain water but as a "detention" pond to handle the flow from large storm events.

A homeowner stated that he saw on one sales map that this area was shown in blue. The same homeowner stated that a sales agent named "Janey" had told him that it "would be a pond." Nancy Rossman responded that she was not aware of any sales person making this statement and the Bill Coleman and the Prudential Coleman files were reviewed and found no marketing plans that indicated the pond was to be anything but a "Detention" Pond.

Buffy Mayerstein asked if it was conceivable to improve the aesthetics of the areas and still maintain its purpose. Jeff Graham mentioned a few options, but stated that during the next 2-3 years of construction, it will be difficult to have the area looking as nice as it eventually will after construction is complete, since the pond's purpose in great degree is to handle runoff during construction.

If was ultimately agreed that aesthetic and functional solutions should be explored and this will be one of the issues that the newly formed Landscape Committee will work on. Jeff Graham agreed to attend those meetings and present plans and alternatives.

IV. Adjournment: Nancy asked if there were any further questions or comments. With none forthcoming, the meeting was adjourned at 9:15PM.

Cove at Eagle Mountain
Attendance Record
Annual Meeting 2000 and Round-Table Discussion with Developer/Ad Hoc Committee

Unit	Unit Type	Owner Code	Owner	Present at Annual Meeting Yes = Attend P = Proxy	Present at "Round-Table" Immediately Following Annual Meeting	* = Ad Hoc Committee
1	Large	2675	Jeff & Carla Marolf			
2	Large	2679	Russell Carter			
3	Large	2683	Tim and Claire Allmand-Smith	P	No	*
4	Large	2687	Marilyn Henderson	P	No	*
5	Large	2691	Stephen Frates	Yes	No	*
6	Large	2695	Richard & Charlotte Welsh	Yes	No	*
7	Large	2699	PRN Investments	Yes	Yes	
8	Large	2703	James Scroggs	Yes	No	*
9	Large	2707	Patrick & Jane Smith			
10	Large	2711	Anthony & Phyllis Moore	Yes	No	*
11	Large	2715	Jim & Adele Forman	Yes	Yes	
12	Large	2719	Buffy & Alice Mayerstein	Yes	Yes	
13	Large	2723	Francis Kennedy	P		
14	Large	2727	Katie & Paul Slack	Yes	No	*
15	Large		VACANT	Yes		
16	Large	2735	Morton & Kathryn Groves			
17	Large	2739	Theodore R. Samuels	P		
18	Large	5	Elizabeth Solomon	Yes	No	
19	Large	16	Mark & Patricia Lucas	Yes	Yes	
20	Large	12	Douglas Matthews	Yes	Yes	
21	Large	8	Amy Anderson	Yes		
22	Large	4	Hank & Jeri Haney	Yes	Yes	
23	Large	2744	Ed & Geri DeMaria			*
24	Large	2748	Terry & Karen Jensen	Yes	Yes	
25	Mid	2752	David & K. Sullivan Hayes	Yes	No	*
26	Mid	2756	Thomas and Kelly Trembley	Yes	No	*
27	Large	2760	David & Sharol Forsell	P		
28	Large	2764	David & Susan Fine			
29	Mid	2768	Cheryl Fine	Yes	No	
30	Mid	2772	Douglas & Nancy Matthews	Yes	Yes	
31	Large	2776	George & Bonnie Champion			
32	Large	2780	Don & RoseMarie Balke	Yes	No	
33	Large	2788	Mark & Margaret Stone			
34	Large	2792	Margaret Anderson			
35	Large	2796	Charles Paris	Yes	No	
36	Large	2800	John Friedman			
37	Mid		VACANT	Yes		
38	Mid	2789	Russell & Debra Yang	Yes	No	
39	Mid	2791	Raymond & Dawn Moeller	Yes	No	
40	Mid	2797	Morgan and McDonnell	P		
41	Mid	2801	Carman Bolton	Yes	No	*

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Cove at Eagle Mountain
Sign In Sheet - Annual Meeting 2000, Page 2

42	Mid	2803	Brian & Jill Johnson	P		
43	Mid	2809	Elizabeth Malkerson			
44	Mid		VACANT	Yes		
45	Mid	2813	Robert & Linda Pellegrine			*
46	Large		VACANT	Yes		
47	Large		VACANT	Yes		
48	Large	2736	Timothy & Jacqulin Fehr	Yes	Yes	
49	Small	2668	Carol Marsch			
50	Small	2670	Alan Martz			
51	Small	2672	Robert & Linda Pellegrine			
52	Small	2674	Bradley Jones			
53	Small	2678	Mark & Margaret Stone			
54	Small	2680	Emily A. Walter	P		*
55	Small	2682	Monique Cate			*
56	Small	2684	Jeff & Carla Marolf			
57	Small	2688	Wendy Roberts	Yes	No	*
58	Small	2690	c/o W. Becker PC Partners LLC			
59	Small	2692	Frank Traczyk	Yes	Yes	*
60	Small	2694	Kenneth & Susan Bartholomew			
61	Mid		VACANT	Yes		
62	Mid	2700	Aleda Toma			
63	Mid		VACANT	Yes		
64	Mid		VACANT	Yes		
65	Mid		VACANT	Yes		
66	Mid		VACANT	Yes		
67	Mid		VACANT	Yes		
68	Mid		VACANT	Yes		
69	Mid		VACANT	Yes		
69			Total	P = 8 Yes = 39		
56			Total Sold	47	10	
81%			% Sold			
13			Total Vacant(Unsold or Incomplete)			
19%			% Vacant			

VACANT units were represented by the developer, in attendance

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Ordinance No. 01-

AN ORDINANCE AMENDING ORDINANCE 99- APPROVING THE SUBDIVISION OF THE COVE AT EAGLE MOUNTAIN PHASE TWO LOCATED AT MEADOWS DRIVE AND GALLIVAN LOOP, PARK CITY, UTAH WITH AN EXTENDED DATE OF EXPIRATION

WHEREAS, the owners of the property known as The Cove at Eagle Mountain II have petitioned the City Council for approval of a subdivision plat extension; and

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

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

WHEREAS, the Planning Commission held a public hearing on July 28, 1999, to receive input on the proposed subdivision plat;

WHEREAS, the Planning Commission, on July 28, 1999, forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 2, 1999, the City Council held a public hearing to receive input on the subdivision plat; and

WHEREAS, the plat approval expired on September 2, 2000.

WHEREAS, the applicant filed for an extension of the Plat Approval on August 29,2000

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

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

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

Findings of Fact:

1. The subdivision project known as the Cove at Eagle Mountain Phase II is located on the east side of Meadows Drive across from Gallivan Loop and is zoned RD-MPD.
2. The proposed subdivision consists of 42 units in a twin home arrangement and is consistent with the Quarry Mountain MPD.
3. New development creates a need for water and other utilities, and trail connections.
4. The units will be served by private streets.
5. The maximum floor area per dwelling unit is 4500 square feet plus 600 square feet for a garage.
6. The MPD approval included a requirement for a trails Master Plan.

7. The Planning Commission forwarded a positive recommendation on July 28, 1999.

Conclusions of Law:

1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code, the Quarry Mountain MPD and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. Approval of the subdivision, 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 subdivision for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. Trail easements dedicated to the City must be approved by staff and shown on the plat prior to recordation.
3. A water line easement (30 feet permanent, 50 feet for temporary construction) must be approved by staff and shown on the plat prior to recordation.
4. A professional engineer must certify the as-built adequacy of construction upon completion.
5. A landscape irrigation and under drain system must be approved prior to construction.
6. A note must be added to the plat, subject to review by the City Attorney, City Engineer and Community Development Department and agreeable to the applicant, stating that hazards exist due to soil instability. The City Attorney will create a letter stating that this is sufficient notice of hazards.

~~7. Phase II will be incorporated into the Phase I HOA with amended CC&R's.~~

7. The applicant will record the subdivision at the County ~~within one year from the date of City Council approval~~ by July 11, 2001. If recordation has not occurred ~~within one year's time~~ by July 11, 2001, this approval and the plat will be void.
8. All other conditions of approval of the Quarry Mountain MPD are in full force and effect.
9. The trail from the open space near Round Valley to Meadows Drive remain open during construction.
10. Meadows Drive will be completed as per the approval of Phase III, known as Eagle Pointe.
11. Rock sorting operations within Gallivan Loop will be discontinued.
12. All grading and retopsoiling in Eagle Pointe outside of approved lots ceased on November 15, 2000, with seeding to be completed by June 15, 2001.
13. Extension of approved plan is granted with no changes. Any proposed changes will require that the applicant re-file with the Planning Commission and receive the appropriate approvals.

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

PASSED AND ADOPTED this ~~2nd day of September 1999~~ 11th day of January, 2001.

PARK CITY MUNICIPAL CORPORATION

____
Bradley A. Olch, MAYOR

ATTEST:

____
Jan Scott, City Recorder

APPROVED AS TO FORM:

____
Mark Harrington, City Attorney