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

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, November 16, 2006.

Closed Session – City Council Chambers
3:00 p.m. Property and litigation

Work Session – City Council Chambers
4:00 p.m. Council questions/comments
Review of regular meeting
4:30 p.m. Quarterly goal update
5:00 p.m. Traffic calming update for Prospector and other areas
- Public input

5:50 p.m. Break

Regular Meeting – City Council Chambers
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF OCTOBER 26, 2006 AND NOVEMBER 2, 2006

V NEW BUSINESS

1. Resolution finding and promulgating the results of a special bond election held in the City on the question of the issuance by the City of $20,000,000 of general obligation bonds to acquire, improve and forever preserve park and recreational land, together with related historical or cultural improvements, to protect the conservation values thereof, to remove existing unneeded manmade improvements, and to make limited improvements for public access, parking and use; and providing for related matters

2. Authorization to the City Manager to execute a Construction Agreement with Nelson Bros. Construction Co. for the construction of the Boothill Pump Station in the amount of $1,232,300

3. Ordinance approving the Bernolfro Family Annexation and approving an Annexation Agreement and an amendment to the Park City Zoning Map to place the Bernolfro Family Property, at 175 West Snows Lane, into the Estate (E) District and the Sensitive Lands Overlay District (SLO)
   (a) Public hearing
   (b) Action

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

Posted: 11/13//06
See: www.parkcity.org

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

November 2006

17 Management Team meeting
23 **No meeting**
30 Closed session – property (1 hour)
Park City Cemetery – work – (30 minutes)
MFL - Park *Silly* Sunday Market and street closure – public hearing/action
2007 Sundance Film Festival - work: (1 hour)

- Exterior festival lighting proposal and demo – Max
- Special event parking discussion – Brian

Park Bonanza District – General Plan amendments – work/public hearing (1 hour)
Marsac Avenue (Hillside to Guardsman Connector) final plat – Brooks
Ordinance approving the Spiro Condominiums Buildings N – R, a record of survey plat, located at 1835 Three Kings Drive, Park City, Utah.
Ordinance approving amendments to the Land Management Code of Park City, Utah, to reflect re-organization of the Community Development Department, to comport with revisions to the Utah Code, and to address substantive amendments for Chapter 15- Definitions
Naming rights contract – New Business

December 2006

7 Update on noise/outdoor decks
Strategic plan for ice arena
14 Acceptance of audit report
Solid waste update
Sundance – supplement to Special Event License
Reacceptance of IHC Annexation Petition
21 UMPC/PCMR Annexation - New Business(possible action)
28 **No meeting**

January 2007

4 **No meeting**
11
16-17 Tentative – Council visioning workshop
18 **No meeting** – Sundance premiere
25

February 2007

1
8
15
22

March 2007

1
8
15
22
29

Pending Items:

MOU between Park City and Summit County for Animal Control Services
562 Main Street façade easement
Air quality discussion
Brewpub lease assignment – RDA
Regional bus service SLC

MEMO

Executive Department

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To: **City Council**
From: **Tom Bakaly, City Manager**
Subject: **2006 Council Goals Update**
Date: **November 16, 2006**

On November 16, 2006 we have scheduled time in work session to review City Council goals and action items.

Attached is the latest quarterly summary of action on Council goals for the period of July – September 2006. We continue to tentatively add (in bold) new action items to your goal status report based upon individual input from Council members, the Mayor and staff.

The report also includes quarterly summaries related to traffic calming and neighborhood service requests. This work session will provide an opportunity to for departments to provide operational updates on Council goals if requested.

2006 Park City Goals and Targets for Action – 3rd Quarter Report (July – September)

TOP PRIORITY				
Goal 1 Quality Water - Dana Williams and Candace Erickson; Alternate, Jim Hier				
Target for Action ***Staff Coordinator***	**Actions**	**Initial Target Date**	**Revised Target Date**	**Status**
1. Pipeline/Preferred Project Agreements Jerry Gibbs	Determine a preferred project with Weber Basin and Bureau of Reclamation 1. Complete Feasibility/Preferred Project Study by Bureau of Reclamation 2. Decision point – Park City/County may opt out 3. WBWCD Water Sales/Petition Agreement 4. Decision point – Park City /County may opt out	 04/04 03/05 04/05 05/06	 02/06 **12**/06 **12**/06 **12/07**	 **Complete** Pending Pending Pending
2. Water Conservation Strategy and Actions **Kathy Dunks**	Develop Outreach/Education/Task Force Plan 1. Water Conservation Task Force 2. Conservation and Drought Plans 3. Water Conservation education program 4. User rates review 2006 Comprehensive Review 5. Impact fee procedures review 2006 Comprehensive Review	 Monthly Annual Monthly 01/06 01/06	 **05**/06 **05**/06	 Ongoing Ongoing Ongoing **Complete** **Complete**
3. Water Treatment Plants **Kathy Dunks**	1. Judge: Resolve Plant Location and Land Transfer with Talisker 2. Judge: Determine Scope and Timing for Plant Design and Construction 3. Park Meadows Well Treatment Facility Design & Construction 4. Judge: Plant Design 5. Judge: Plant Construction	12/05 09/05 04/06 08/04 04/06	**11**/06 **11**/06 **08**/06 **04/07** 07/07	Pending Pending **Complete** Pending Pending
4. Other Water Solutions – Supply Options Jerry Gibbs	1. Summit County, Snyderville Basin Water Reclamation District Cooperation Discussions /Stream Flow Enhancements 2.JSSD Water Discussions	Annual Annual		Ongoing Ongoing

TOP PRIORITY				
Goal 1 Quality Water - Dana Williams and Candace Erickson; Alternate, Jim Hier				
Target for Action ***Staff Coordinator***	**Actions**	**Initial Target Date**	**Revised Target Date**	**Status**
4. Other Water Solutions (Cont.)	3. Water Strategic Planning and Goal Setting 4. Snyderville Basin Water Supply Study 5. Resolve Talisker Water Supply Source	09/04 10/05 12/05	02/06 11/06 **12/**06	**Complete** Pending **Complete**
5. Water Funding Strategy Jerry Gibbs	1. Pursue future appropriations and authorizations 2. Develop water strategy plan	Annual 09/05	 2/06	Ongoing **Complete**

TOP PRIORITY

Goal 2 *Preservation of Park City Character* – Marianne Cone and Dana Williams; Alternate, Candace Erickson

Target for Action ***Staff Coordinator***	**Actions**	**Initial Target Date**	**Revised Target Date**	**Status**
1. Old Town Improvements	1. Downtown Projects			
Interim Assignments	- Parking Garage **Open**		**02/06**	**Complete**
Alison Butz – Shell/Swede	**- Garage finishes/landscaping**		**08/06**	**Complete**
Eric DeHaan – Street Const.	- Town Plaza/Swede Alley			
	- USPS Talks, Site footprint determined	**06/07**		**Pending**
	- Public Dialogue	**09/07**		**Pending**
	- Design Complete	**12/07**		**Pending**
	- Base Construction Complete	**12/07**		**Pending**
	- Swede Alley Plaza Construction Complete	**10/08**		**Pending**
	- Shell space			
	- Schematic Design	**10/06**		**Pending**
	- Construction	**04/07**		**Pending**
	- Construction Complete	**09/07**		**Pending**
	- Marsac Building			
	- Space programming exercise	**02/07**		**Pending**
	- Design complete	**04/07**		**Pending**
	- Construction Start	**10/07**		**Pending**
	- Construction end	**10/08**		**Pending**
	2. Prospect Street – Construction	**11/06**		**Complete**
2. Affordable Housing	1. Update Affordable Housing Resolution	02/06	04/06	**Complete**
Phyllis Robinson	1. Monitoring of Deer Valley Drive Project	02/06	**12/06**	Ongoing
	3. Adoption of Affordable Housing Strategic Plan	03/06	**12/06**	**In Progress**
	4. Identify development options and resources for City-Owned parcels identified for affordable housing	05/06		**Complete**
	5. Housing General Plan Element Review and Update	09/06		**In Progress**
	6. Quarterly housing status updates	Ongoing		Ongoing
	7. Senior Housing	Ongoing		Ongoing
	8. Develop RFPs for Affordable Housing Development on Park Avenue and Snow Creek Parcels	**09/06**	**12/06**	**In Progress**

TOP PRIORITY				
Goal 2 *Preservation of Park City Character* – Marianne Cone and Dana Williams; Alternate, Candace Erickson				
Target for Action ***Staff Coordinator***	**Actions**	**Initial Target Date**	**Revised Target Date**	**Status**
3. Trash and Recycling Jerry Gibbs	1. **Adopt general** Trash Strategies 2. Research: Formation regarding Main Street trash and possible BID 3. Decision on recycling facility relocation	04/06 09/04	**06/06** **12/06** **07/07**	**Complete** **Pending** Pending
4. Environmental Initiatives Alison Butz	1. Adopt Environmental Strategic Plan 2. Identify Action Items for Strategic Plan **3.** Implement Strategic Plan **4. Installation of wind turbine(s) at Park City Ice Arena**	02/06 **07/06** 08/06 **10/06**	 **11/06** **11/06** **06/07**	**Complete** Pending **Pending** **Pending**
5. Historic Preservation Patrick Putt	1.HPB- Review of Historic District - - Significance Survey Complete 2. Upper Main Park Sandridge Structures 3.801 Park Ave Preservation -MPD preservation plan approved; project under construction 4. HPB - Historic District Guideline Review 5.Implementation of City-Owned Historic Structures Plan		 **01/07** **05/07** **05/07** **06/07** **06/07**	 **Complete** Ongoing Ongoing Ongoing Ongoing Ongoing
6. Assisted Living Phyllis Robinson	1. Facilitate Facility Discussions	Ongoing		Ongoing
7. Staffing Plan for Sustainable Vision and Implementation	**1. Pursue self-managed teams to frame policy direction and implement Council Goals**	**12/06**		**Pending**

TOP PRIORITY				
Goal 3 *Effective Transportation and Parking System* – Jim Hier and Roger Harlan; Alternate, Marianne Cone				
Target for Action ***Staff Coordinator***	**Actions**	**Initial Target Date**	**Revised Target Date**	**Status**
1. Traffic Calming **Brian Andersen**	**See attached Traffic Calming Summary Report**			
2. Regional Transportation Eric Nesset	1. Enhance Transit Marketing	Annual		Ongoing
	2. Year-round Bus Service to Kimball and Canyons operating through 12/31/04	Annual		Ongoing
	3. Pursue federal funding for buses, site, and expanded bus facility	09/04	Annual	Ongoing
	4. Complete Region-SLC-UTA Service Feasibility Analysis	12/04	2/06	**Complete**
	5 Update short-range transit plan with County	06/05	**12/**06	In Progress
	6. Secure land for expanded transit maintenance-storage facility	10/05	**12/06**	**In Progress**
	7. Implement employee carpool incentive program	Annual		Ongoing
	8. Implement action items from 7/8/05 Transit Planning Summit			
	a-Needs analysis and concept design for expanded transit storage maintenance facility	10/05	03/06	**Complete**
	b-Joint Planning/review task force IHC proposal	Ongoing		Ongoing
	c-Needs analysis and concept design for expanded transit storage maintenance facility	10/05	**09/**06	**Complete**
	d-Develop public education program concept and outline (program and resource)	10/05	**12**/06	In Progress
	e-Determine land needs for transit hub and park and ride (Quinn's and Kimball)	10/05	**12/06**	In Progress
	f-Draft 248 corridor agreement with UDOT	11/05	**12/06**	In Progress
3. Transportation Strategic Plan Kent Cashel	1. Adopt Plan and Strategies	02/06		**Complete**
	2. Implement Strategies	06/06	**12/06**	**In Progress**
	3. Annual Progress Report to City Council	**12/06**		**In Progress**

TOP PRIORITY				
Goal 4 *World Class, Multi-Seasonal/Resort Community* – Jim Hier and Marianne Cone; Alternate, Joe Kernan				
Target for Action ***Staff Coordinator***	**Actions**	**Initial Target Date**	**Revised Target Date**	**Status**
1. Economic Development *Interim assignments*	Implementation of 2006 Economic Development Strategic Plan Initiatives			
	1. Center for Applied Digital Media – set-up in PC	**06/06**		**Complete**
	2. Prospector/Bonanza Redevelopment Area (PBR District)	**09/06**	**12/06**	**Ongoing**
	3. Market analysis – inventory existing business types; compare against demand model	**01/07**		Pending
	4. **Implementation of economic development strategic plan**	**01/07**		Pending
2. Support for Arts **Gary Hill**	1. Art in Public Places Implementation	Ongoing		Ongoing
	2. Bus Shelter Implementation	08/05	**10/06**	**Pending**
	3. Installation of Sound Treasures	**08/06**	**06/07**	**Pending**
	4. Pocket Park Benches, Bike Racks	**05/07**		**In Progress**
3. Community Amenities and Events: Evaluation, Future Direction Alison Butz	1. Special Events Retention & Attraction	Ongoing		Ongoing
	- Economic Development Plan			
	2. Monitor Museum Expansion	11/04		Ongoing
	3. Destination Events/Activities Joint Venture			
	- Recruitment of Joint Venture Position	11/05	01/06	Complete
	4. Imperial Hotel Sold or Traded	09/04	**08/06**	**Pending**
	5. Strategic Plan for Farm	03/05	**08/06**	**Complete**
	6. Golf Course Pro Shop Acquisition	07/05	**10/06**	Pending
	7. Marsac Space and Remodel Planning	**10/06**		**Pending**
	8. Marsac Remodel/Construction			
	- construction beings	**10/07**		**Pending**
	- construction ends	**10/08**		**Pending**
	9. Joint Venture Update – Bob Kollar	**11/08**		**Complete**

HIGH PRIORITY				
Goal 5 Recreation, *Open Space and Trails* – Candace Erickson and Joe Kernan; Alternate, Marianne Cone				
Target for Action ***Staff Coordinator***	**Actions**	**Initial Target Date**	**Revised Target Date**	**Status**
1. Ongoing Open Space Acquisition Myles Rademan	1. Flagstaff - Distribution of open space contribution 2. Gambel Oak - Legislation 3. Red Maple/Air Force 4. 2006 Open Space Bond – Decision 5. Other Properties	03/04 10/04 10/04 **08/06** 09/06	 **10/**06 **10**/06 **11/06**	Ongoing Ongoing Ongoing **Complete** Pending
2. Conservation Easements Myles Rademan	1. Additional easement monitoring on new acquisitions 2. Conservation Easement on Farm	08/05 04/06	01/06 **12/06**	Pending Pending
3. Trail Development Plan Matt Twombly	1. Farm Trail Parking - Irrigation/trees, alternatives 2. Trailhead Parking Phase II a. Cove b. Round Valley – Quinn's Rec Complex c. Other sites as available 3. Round Valley Trails - Friends of Trails - Cross Country Ski Trails 4. **Citywide study for "Safe Streets/Walkable Communities", Pedestrian and Bicycle Facilities (Please see 11/16 Manager's Report)**	 09/04 04/05 11/05	 **09**/06 **06/07** **"** **"** **06/07** **06/07**	 **Complete** Ongoing " " " Pending Pending
4. Neighborhood Parks/City Park Ken Fisher	1. Completion of construction of 2 neighborhood parks 2. Skate Park - Completion 3. City Park Recreation Building - Task Force recommendation on potential uses **- Selection of Design Firm** **- Construction Contract** **- Remodel Complete** 4. Poison Creek – Recommendation on creek enhancements	10/05 02/06 12/06 **04/07** 02/06	**07/06** **08**/06 **09/06** **06/07**	**Complete** **Complete** **Complete** **Complete** **Pending** **Pending** **Complete**

HIGH PRIORITY				
Goal 5 Recreation, *Open Space and Trails* – Candace Erickson and Joe Kernan; Alternate, Marianne Cone				
Target for Action ***Staff Coordinator***	**Actions**	**Initial Target Date**	**Revised Target Date**	**Status**
4. Neighborhood Parks/City Park (Cont)	5. Old Town Stairs rights-of-way – Policy on use by residents 6. Replace Infield at City Park **7. Old Town Park (Wisnewski)** **- Conceptual Design** **- Public Input on Conceptual Design** **8. Lights on Basketball Court**	04/06 05/06 **02/07** **03/07** **06/07**	 **09/06**	**Complete** **Complete** **Pending** **Pending** **Pending**
5. Ice Rink Stacey Noonan	1. Ice Fundraising & Naming Campaign – local effort **- outside marketing effort begun** 2. Ice **Arena Opening** **3. Ice Arena Completion – final punch list** **4. Ice Arena Strategic Plan**	02/06 02/06 08/06 **11/06**	**11/06** **12/06** **12/06** **01/07**	**Complete** **In Progress** **Complete** **In Progress** **In Progress**
6. Recreation and Racquet Club: Next Steps Ken Fisher	1. Racquet Club/Recreation - Replacement of plumbing & remodel locker rooms - Long-term maintenance plan for facility - Recommendation – Future Capital Improvements **- Complete Recreation/Racquet Club Needs Assessment** 2. Frisbee Golf - Determine local ski area interest in developing Frisbee golf course **– located at the Canyons** 3. Dirt Jump Park- Plan in place for future facility location **- Extension of CUP for 2 more years** 4. Dog Park - Determine SBSRD interest in a regional facility **- Recommend location for site** **- Facilitate User Group meeting**	 04/06 04/06 05/06 **02/07** 05/06 09/06 **05/07** **10/06** **02/07**	 **04/07** **04/07** **12/06** **12/06**	 **Complete** Pending Pending **In Progress** **Complete** **In Progress** **Complete** **Complete** **Complete** **Pending**

HIGH PRIORITY				
Goal 5 Recreation, *Open Space and Trails* – Candace Erickson and Joe Kernan; Alternate, Marianne Cone				
Target for Action ***Staff Coordinator***	**Actions**	**Initial Target Date**	**Revised Target Date**	**Status**
7. Outdoor Recreation Complex **Matt Twombly**	1. Construction of fields and outbuildings complete **- Update to City Council** - Fields & Lights - Bleachers, Patio & Sod - Seed non-playing field lawn areas - Revegetation of Utility Lines -Maintenance & Restroom Building 2. Landscaping (trees, shrubs, drip irrigation)		 **08/06** **08/06** **08/06** **09/06** **10/06** **12/06** **06/07**	 **Complete** **Complete** **Complete** **Complete** **Complete** **In Process** **Pending**

HIGH PRIORITY				
Goal 6 Regional Collaboration and Partnerships				
Target for Action ***Staff Coordinator***	**Actions**	**Initial Target Date**	**Revised Target Date**	**Status**
1. Transportation Kent Cashel	See Goal #3			
2. Flagstaff-Wasatch County Tom Bakaly	1. Work with Wasatch County re SR-224 and public versus private access	09/04	04/06	Ongoing
3. Recreation Ken Fisher	See Goal #5			
4. Health Pace Erickson	1. Noxious weed coordination 2. Enforcement on private property	08/04 Ongoing		Ongoing Ongoing
5. Water Jerry Gibbs	See Goal #1			
6. Solid Waste Jerry Gibbs	1. Implementation of Solid Waste Alternatives 2. Summit County's new Solid Waste Collection Contract	11/05 04/06	**07/07** 06/07	Pending Pending
7. Mosquito Abatement Pace Erickson	1. Continued coordination with Summit County	Ongoing		Ongoing

OTHER PRIORITIES				
Goal 7 Open and Responsive Government to the Community – Roger Harlan and Joe Kernan; Alternate, Jim Hier				
Target for Action ***Staff Coordinator***	**Actions**	**Initial Target Date**	**Revised Target Date**	**Status**
1. Community Vision 2015 and Beyond Myles Rademan Pat Putt	1. Community Involvement & Outreach 2. Update Material for Vision Presentations 2006 3. Develop Neighborhood Request Tracking Report (attached – Attachment B) 4. 2nd Homeowners Social (1st weekend in August) 5. Neighborhood Interest Group Meetings 6. 20/30 Visioning - Hold Meetings/Recommendations/Plan 7. General Plan Review with Planning Commission 8. General Plan Update **Phase 1**	Monthly Monthly 05/04 Annual Ongoing 12/05 Ongoing **Annual**	 04/06 **12**/06	Ongoing Ongoing Ongoing Ongoing Ongoing Ongoing Ongoing Ongoing **Complete** **In Progress**
2. Budget Review & Benchmark (2005-2006) Gary Hill	1. **Collection of Phase I Demographic Data** 2. Development of Benchmarks (measures) 3. Bi-weekly budget review meetings 4. First set of Benchmark Data compiled **5. Draft of Long Range Financial Plan & Service Prioritization** **6. Finance/ERP System Conversion** **a. Bid and Quote** **b. Personnel and Payroll** **c. Position Budgeting** **d. Utility Billing** **e, Business Licensing** **f. Budget** **g. Planning and permits**	01/06 07/06 08/06 10/06 **12/06** **12/06** **01/07** **02/07** **03/07** **05/07** **08/07** **10/07**	**08/06** **12/06**	**Complete** **Complete** Pending **Ongoing** **In Progress** **In Progress** **In Progress** **In Progress** **Pending** **Pending** **Pending** **Pending**
3. Customer Service: Evaluation & Action Plan Myles Rademan	1. Accountability/responsibility training for Staff 2. Volunteer Bank 3. Customer Service **Surveys** 4. City "Fam" Tour	Monthly Ongoing Ongoing Annual	 1**1**/06	Ongoing Ongoing Pending Annual

OTHER PRIORITIES				
Goal 7 Open and Responsive Government to the Community – Roger Harlan and Joe Kernan; Alternate, Jim Hier				
Target for Action ***Staff Coordinator***	**Actions**	**Initial Target Date**	**Revised Target Date**	**Status**
	5. Employee Survey & Training - communication of results	Ongoing		Ongoing
4. Public Safety Lloyd Evans	1. Purchase of Additional Officer Safety Equipment 2. Emergency Response Plan Updated - Staff Training 3. Police Facility Project - Construction Starts **4. Police Facility Complete** 5. Community Oriented Program – **Citizens Academy**	**02/06** 04/06 04/06 **10/07** 	**10/06** **10**/06 **07/06** **12/06**	Ongoing Pending Complete **Pending** **Pending**
5. Communications Myles Rademan	1. Press Releases/Communication Strategies 2. Media Seminars 3. Sustainability Promotion 4. Leadership 101	Ongoing Ongoing Ongoing **Annual**		Ongoing Ongoing Ongoing **Ongoing**

Traffic Calming Summary Report
ATTACHMENT "A" TO QUARTERLY STATUS REPORT

Location	Date Recd	Phase 1 Meeting	Citizen Concerns	Phase 1 Follow-up	Date Completed
Prospector/ SR248	3/2006	3/2006	• Traffic using Prospector neighborhoods when school zones back traffic on SR248 • Removal of no left turn signs on SR248 and increased traffic • Traffic speeding and not stopping at stop signs	• Before TCC formed, no left turn signs were placed on SR248 at Wyatt Earp Way and Buffalo Bill Drive • Signs were later removed based on allocating enforcement resources at school crossings and traffic impacts on SR 248 and other neighborhoods • Initial meeting to advise TC process • **TCC did not receive a petition** • Data trailers constantly malfunctioning; data collection planned with new counter devices beginning July 2006 • **Data collected for both before and after school season start; copy given to HOA**	**2001** **2005** **Spring 06** **June 06** **Aug 06**
Comstock Drive	02/06		• **Vehicle towing requested for vehicles that block the bike/walk path** (safe pathway to school) • Traffic speed and **high traffic** volumes **(specifically *children at play*, *residential neighborhood*, *no through commercial traffic* and *4-way stop* signs and speed bumps)**.	• **Different concerns were received via** two petitions **to the TCC** • **TCC took** survey of options distributed – no one preference observed • Traffic counts planned • Data trailers constantly malfunctioning; data collection planned with new counter devices beginning July 2006 • TCC recommendation to integrate into walkable communities group • **Traffic data collected for the overall Prospector discussion**	**Feb 06** **Aug 06**

Traffic Calming Summary Report
ATTACHMENT "A" TO QUARTERLY STATUS REPORT

Location	Date Recd	Phase 1 Meeting	Citizen Concerns	Phase 1 Follow-up	Date Completed
Three Kings Drive			• Speeding	• **Residential complaint; no petition received** • Traffic counts planned • Data trailers constantly malfunctioning; data collection planned with new counter devices beginning July 2006 • **Data collected as test of new traffic counters; TCC recommends no change to speed limit signs until policy discussion regarding residential signs**	**Feb 06** **Aug 2006**
Meadows Drive	05/06		• Speeding	• **HOA meeting with residents to discuss TCC concerns** • **Citizen** request for permanent driver feedback signs • Ongoing enforcement occurring • Counts with new counters • **TCC recommendation pending data collection scheduled for Fall 06**	**2002** **June 06**

Traffic Calming Summary Report
ATTACHMENT "A" TO QUARTERLY STATUS REPORT

Location	Date Recd	Phase 1 Meeting	Citizen Concerns	Phase 1 Follow-up	Date Completed
Aspen Springs Drive	05/06		• **Additional 20 MPH sign** • Crosswalks on trail • Children playing signs	• **Petition received for 20 MPH sign and crosswalk at trail on Meadows Dr (west)**. • Request for lower than residential speed limit signs • Educate HOA on speed gun checkout program • **TCC recommendation to integrate crosswalk request into Trails Master Plan** • **Traffic count data collected** • **TCC advised HOA policy-obtain children playing ahead A-signs and place in yard**	**May 06** **Aug 06**
Risner Ridge	09/05		• Dangerous curve on American Saddler • Intersection approach on bend • Thru route not apparent	• Curve ahead signs installed • Stop ahead sign installed • Squiggly lines painted approaching stops • Further actions pending Spring 06 counts • **Counts pending winter season 06-07**	**9/05** **1/06**
The remaining items in this report are considered complete by the Traffic Calming Committee.					
Ridgeview	**7/2006**	**NA**	• Children playing ahead signs	• Advised TCC position of placement and purchase of Children playing ahead A-signs is up to HOA. Advised where to obtain.	**7/2006 TCC no further action**
Royal Street (Little Bell Condos)	**7/2006**	**NA**	• Request for speed limit signs and additional asphalt width	• TCC determined signs existed at that location in the past and facilitated replacement but determined no need for additional asphalt width	**8/2006 TCC no further action**

Traffic Calming Summary Report
ATTACHMENT "A" TO QUARTERLY STATUS REPORT

Location	Date Recd	Phase 1 Meeting	Citizen Concerns	Phase 1 Follow-up	Date Completed
Little Kate Road & Lucky John Drive	04/05	05/12/05	• Request reduction of the posted 25 mph speed limit • "Illegal" bike lane • Bicycle training for the kids in the neighborhood; • Sidewalk to provide a safe pedestrian way along Little Kate Road to McPolin Elementary School • Realign the Racquet Club driveway to align with Monitor & 4-way stop • Paint a crosswalk on Little Kate Road at Monitor Drive • Employ a crossing guard to work that crosswalk • More parking enforcement during Sundance Film Festival • Erect more speed regulatory signs.	• Police to assist in bicycle safety at McPolin • Other issues referred to the Neighborhood Program • Installed "20 MPH when children present" signs • Conducted counts; results for vehicle, pedestrian, cyclist traffic low • Three-way stop and crosswalks installed 11/05 at Little Kate / Evening Star with squiggly lines • Integration into Interplan study • TCC recommendation to refer to walkable communities group based on pedestrian tie-ins with surrounding pathways and potential cost defrayment with this larger effort • Council directed staff to not install 3-way stop at Little Kate and Monitor until Walkable Study completed	**TCC no further action** **Nov 2006**
SR 248/Kearns	08/05	NA	• Speeding • Noise, higher earth berms • Driver feedback signs • Increase Enforcement • Speed Humps	• UDOT will require a traffic study to adjust speed limits • Noise levels not a UDOT priority in this area. Referred request to "Neighborhood:" program • UDOT will not approve speed humps on a State Route • Enforcement is ongoing	**TCC No further action 2006**

Traffic Calming Summary Report
ATTACHMENT "A" TO QUARTERLY STATUS REPORT

Location	**Date Recd**	**Phase 1 Meeting**	**Citizen Concerns**	**Phase 1 Follow-up**	**Date Completed**
Silverpointe			• Emergency access • Neighborhood parking in prohibited areas • Parking damaging landscaping • All-way stop request McHenry/Rossi Hill/Coalition	• PCFD confirms no known access problems but will monitor thru winter • Painted red curb and checked signs • Advised HOA to advise owners to stake properties • Stop request postponed until review of additional area development impacts are assessed	**TCC no further action 2005** **2006**
Empire & Lowell Avenues	**12/05**		• Speeding	• Installed residential speed limit signs	**TCC No further action Spring 06**

Neighborhood & Business District Needs Assessment
Request for Elevated Levels of Service Request (RELS) - ATTACHMENT "B" TO QUARTERLY STATUS REPORT

Deer Valley Drive and Sunnyside Drive Neighborhood

Weidenhamer

Status Report
'05 CIP budget - $50,000 placeholder for FY-06. **Staff met with neighborhood and prioritized requests – Project 1, sidewalk along north side of DV Drive from affordable housing to Sunnyside to be built fall '06. Projects 2 – 4 pending addition study/funding**

Target for Action	Responsible	Actions	Target Date	Status	Budget
1. Sidewalks	**Gibbs**	**Connect Mountainlands site to Greyhawk with a sidewalk. Sidewalks will not be plowed by City crews**	**Summer 2006**	**Approved – to be installed Summer /06**	**PCMC '05 CIP**
2. Cross Walks & Traffic Calming Devices	**Traffic Calming Group**	**Group has requested a formal traffic engineer study to more accurately measure speeds and traffic counts** **Make later recommendation based on data collection**	**07/06** **02/07**	**Traffic Calming Budget Pending**	**Need Traffic Calming approval to budget**
3. Pedestrian Lighting	Twombly (PCMC)	**Install street and pedestrian lights from Stonebridge condos to roundabout**	**12/07**	**Cost identified ($250k) not in CIP budget**	**No City funding Private funds: Deer Valley Resort; Neighborhood SID**

Neighborhood & Business District Needs Assessment *Request for Elevated Levels of Service Request (RELS) - ATTACHMENT "B" TO QUARTERLY STATUS REPORT*					
Deer Valley Drive and Sunnyside Drive Neighborhood Weidenhamer					
4. Bus Stop	Cashel	1. A City bus stop is approved at Mountainlands Housing Development. Concrete pad is installed. Tree needs to be trimmed prior to shelter installation. 2. The school bus stop will be temporarily relocated to the NW corner of Sunnyside and Deer Valley Drive to accommodate construction of 601 & 605 Deer Valley Drive at the NE corner.	**11/06** **11/06**		**Private** **Private**

Neighborhood & Business District Needs Assessment
Request for Elevated Levels of Service Request (RELS) - ATTACHMENT "B" TO QUARTERLY STATUS REPORT

Little Kate Road, Holiday Ranch Loop Road, Lucky John Drive

Status Report

Project has been split into both TC and Neighborhood Process to address capital projects requested. More information can be found under Traffic Calming Report, Attachment A. **During the summer of 2005 a temporary intersection realignment at Monitor & little Kate and bus pull out have been put into place. This fall a trial reconfiguration of the drop-off zone behind McPolin has been put in place. The school district and City have agreed to continue the trial period through the winter to consider additional testing and allow consideration (design & funding) of more permanent infrastructure. The walkable community study contract was approved on October 26, 2006. The study should be completed by March 1, 2007.**

Written Petition received – Per request of Staff, petition is being generated
Initial Internal Review – ongoing with TC Committee
Initial Communication to Council – Complete
Comprehensive Internal Review – **Complete**
Initiate Public Forum – ongoing
Communication to Council – **ongoing**
Initial Council Decision – 2006 CIP Prioritization - $75k for intersection/ $150k for Walkable Community Study
Walkable and bikeable study contract approved – October 26, 2006

Target for Action	Responsible	Action	Target Date	Status	Budget
1. Crosswalks	**Streets Dept**	**1. Crosswalks installed at Little Kate and Lucky John**	12/05	**COMPLETED**	**Existing budget**
2. Realign Racquet Club Entrance with Monitor Drive	Weidenhamer/ **Gibbs, Fisher**	**1. Funding allocation ($75k) put in '07 budget** **2. Phase 1A – temporary bus pullout** **3. Phase 1B – install stop signs if warranted** **4. Phase 2 – Racquet Club remodel; realign 4 way intersection/ 4-way stop; permanent bus pullout**	 **08/06** **08/06** **2008**	**Completed Update at 11/2 meeting**	**Funded through CIP**

Target for Action	**Target for Action**	**Target for Action**	**Target Date**	**Status**	**Budget**
3. **Pedestrian connection from** Little Kate from HRL to schools	Weidenhamer	**1. Council funded Walkable Communities Study – see Item 4**		**Study in process**	**$150k funded**
4. Study on Walkable Community/Trails Master Plan Update	**Weidenhamer**	**1. Project funded** **2. Staff defining Scope of Study** **3. Issue RFP** **4. Complete study** **5. Budget Recommendations**	**05/06** **Pending** **10/06** **02/07** **05/07**	**Completed** **Completed** **Completed** **In Process**	**$150k**

City Council
Staff Report

PUBLIC WORKS

Author:	**Jerry W. Gibbs**
Subject:	**TRAFFIC CALMING PROSPECTOR TRAFFIC**
Date:	**November 16, 2006**
Type of Item:	**Informational**

Summary Recommendations:

Staff recommends the City Council reaffirm the Neighborhood Traffic Management Policy (Traffic Calming) provide input on any changes to the criteria and guidance policies.

Description:

Topic:

Traffic Calming-Prospector Traffic

Background:

The Traffic Calming Committee (TCC) follows the guidelines set out in the traffic calming policies and the *Manual on Uniform Traffic Control Devices* (MUTCD). The TCC has pulled out the relative sections of the MUTCD and added current practices in the following draft administrative policy:

TRAFFIC CALMING
ADMINISTRATIVE POLICY
Park City, Utah
November 2006
Draft

INTRODUCTION

Standard:
Traffic control devices shall be defined as all signs, signals, markings, and other devices used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, or bikeway by Park City Municipal Corporation..

The Manual on Uniform Traffic Control Devices (MUTCD) is incorporated by reference in 23 Code of Federal Regulations (CFR), Part 655, Subpart F and shall be recognized as the national standard for all traffic control devices installed on any street, highway, or bicycle trail open to public travel in accordance with 23 U.S.C. 109(d) and 402(a). *The policies and procedures of the Federal Highway Administration (FHWA) to obtain basic uniformity of traffic control devices shall be as described in 23 CFR 655, Subpart F.*

Park City's Traffic Calming Committee (TCC) will follow the current edition of the MUTCD except where engineering studies and/or traffic programs in other cities may be substituted to justify a change in warrants and application.

Speed Limits

Speed limits are based on travel time and safety. In residential areas, travel efficiency is given a lower priority. Speed limits set arbitrarily low are ignored by neighbors, compliance is poor and the Police do not have the resources to strictly enforce. ***Residential streets in Park City will generally be posted at 25 mph.*** *The posted speed limit shall be within 8 miles per hour (MPH) of the 85th percentile speeds. Traffic engineering studies are required to justify a higher or lower speed limit. Passive measures such as adding guide lines (edge striping) and narrowing driving lanes to ten (10) feet may be used to lower traveling speeds. Neighborhoods may request physical changes to the roadway to reduce speeds. Physical changes shall follow the Traffic Calming Policy adopted by the City Council July 15, 2002.*

Driver Feedback Signs (DFS) are electronic signs that provide the driver his/her current speed and the posted speed limit. DFS should only be used on major through streets in residential areas where the 85th percentile speeds are in excess of the posted speed limit by 10 or more mph. DFS may be installed in other areas if special circumstances exist and a traffic engineering study supports the installation.

Guide Lines
Guide lines are edge marking added to a roadway on both sides of a roadway to give the visual appearance of a narrower driving area. Studies have shown a reduction of 1 to 2 mph can be anticipated. Lane width shall be no less than ten (10') feet.

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Children at Play
The TCC frequently receives requests for "Slow-Children at Play" signs. Federal Standards discourage the use of "Children at Play" signs. There is a wide spread false belief that traffic signs provide added protection. Studies have shown there is no long term reduction in speed. The TCC does not support the installation of "Children at Play" signs but do recommend if residents are concerned, they should purchase a "Children at Play" sandwich board or sign for display in their yard.

Crosswalks
Pedestrian and motorists have the same legal rights at unmarked crosswalks at intersections as they do at a location with crosswalk markings. Crosswalks work best where pedestrian volumes are relatively high and the potential for conflict with vehicles is also high. Unwarranted or random crosswalks that are seldom used by pedestrians may breed disrespect for the devices and make the ones that are truly necessary even less effective. The TCC has adopted a different warrant criteria developed by Fehr and Peers for Park City than recommended in the MUTCD for crosswalk in residential areas.

Residential Multi-way Stops
A stop sign is an effective traffic control device when used at the proper place under appropriate conditions. A stop sign is used at an intersection to assist drivers and

pedestrians in determining who has the right-of-way. Multi-way stop signs are used at intersections when traffic volumes on all approaches are approximately equal and at intersections where "warrants" justify. These "warrants" have been established by the U.S. Department of Transportation based on the expertise and experience of transportation engineers nationwide. These warrants are published as part of the Manual on Uniform Traffic Control Devices (MUTCD) by the Federal Highway Administration.

Per the MUTCD, Multi-way stops are not to be used for speed control or to arbitrarily interrupt traffic. When multi-way stop signs are installed at locations where they are not warranted, stop compliance is poor and there is an increase in vehicle operating costs, pollution, and noise. Well-developed, nationally accepted guidelines outlined in the MUTCD consider the amount of traffic at an intersection, the length of time traffic must wait to enter an intersection, and the safety of an intersection (number of stop sign preventable accidents).

Prospector is divided into four main areas: Prospector Park (residential area one lot east of Comstock to Prospector Park), Chatham (south of the rail trail), Prospector Village (one lot east of Comstock to Monarch Drive) and Prospector Square (commercial area). Over the last two years, staff has met with representatives from Prospector Park, Prospector Village and Prospector Square.

Prospector Park
The president of the Prospector Park HOA, Joe Maslowski, has expressed concerns on a number of issues. Staff has provided information and explanations to Mr. Maslowski in response to his requests. Staff has also shared traffic counts data. Some of the issues are:

- Removal of the left turn restriction on 248 at Wyatt Earp and Buffalo Bill
- Acceleration of vehicles eastbound on 248
- Failure to stop at stop signs
- Snow Removal
- Alternatives to restrict traffic flow on Sidewinder
- Parking enforcement

Traffic counts were obtained from the City's new in pavement traffic counters for pre and post start of the school year. The counts showed an increase of about 100 vehicles using Wyatt Earp to access the Prospector area. A formal petition has not been received for Traffic Calming or Neighborhood Enhancements.

Prospector Village
In February 06, two petitions were received from this area. The first petition requested a sidewalk/ bike path along Comstock to provide a safe route to McPolin. Comstock will be included in the walkability study currently under contract. The second petition had the following concerns:

- Install "Children at Play" signs
- Install "Residential Neighborhood" signs at each end of Comstock
- Install "No Through Commercial Traffic"
- Install four way stops at each intersection

- Install speed bumps

Prospector Square
A letter was received from the Prospector Square Property Owners Assoc in January 04 and processed under the "Neighbor Enhancement" Program. They requested:

- Sidewinder streetlight improvements
- Additional parking lot lights in their lots
- Mid block crosswalks at parking lots H, G and J.
- Install driver feedback signs
- Request the city to clear snow on exterior sidewalks
- Regulate overflow parking from Aspen Villas spreading into Prospector Square
- Equal treatment compared to Main Street

Analysis:

Brian Anderson is the lead staff person for the Traffic Calming Committee (TCC). Jon Weidenhamer is the lead staff person for the Neighborhood Enhancement Program. The committee members are the same for each group. The Neighborhood Traffic Management Policy (Traffic Calming) was adopted by the City Council in May 02. The traffic calming policy requires an initial petition from a group of at least five citizens identifying a concern(s), staff will meet with the petitioners to help identify the problem(s) to be solved, staff researching options and gathering data, report findings to a community meeting of the neighborhood, and determine next steps. The Neighborhood Enhancement Program follows the same format.

Prospector Park
In 2001, as part of the 248 reconstruction, "No Left Turn" signs were installed on 248 westbound at Wyatt Earp and Buffalo Bill. The Park City Police Department would respond a case by case request depending on officer assignments. The Department was assigning officers to the school zone and would occasionally police illegal turns onto Wyatt Earp. In spring of 2005, the Police Department requested the removal of the signs based on their current resource allocation and the increase expectation to prohibit left turning movements. The TCC agreed and the signs were removed.

In the early summer of 05, residents of Prospector Park indicated there was an increase in traffic once the signs were removed. Staff collected traffic data pre and post start of the 06-07 school year. Traffic increased about 100 cars on Wyatt Earp during the morning commute. Traffic counters were not placed on Comstock to determine if there was a corresponding change in traffic. The destination of the vast majority of these vehicles is to businesses in the Prospector area. The Prospector Park group would like the City Council to authorize the reinstallation of left turn restricted signs on 248 and provide the Police Department the resources to effectively enforce. Comstock would see an immediate increase in traffic. Staff does not recommend this change at this time. Large, impactful decisions such as this should be made during the budget process consistent with Council budget policies. Information from the "Walkable Communities" study will also be helpful for this decision.

The Prospector Park HOA has not submitted a petition for traffic calming or neighborhood enhancements. Their request is more in line with the Neighborhood Enhancement Policy.

Significant Impacts
If “No Left Turn” signs are found desirable, additional impacts to Comstock will need to be mitigated and additional resources for the Police Department will be required.

Staff Recommendations;
Process the request once it has been received through the neighborhood enhancement program and evaluate the impacts. Continue with the open dialogue and inform the City Council quarterly for the progress. Snow removal issues are being addressed as part of the annual snow training for seasons drivers.

Prospector Village
The issue of a safe sidewalk or bike path is along Comstock is included as part of the walkability study. The remainder of issues was not approved by the TCC.

Significant Impacts
Any recommendations to install additional regulatory signs needs to be consistent with the MUTCD or supported by a traffic engineering study. Lack of consistency could increase the City’s exposure from a risk management perspective and lessen the ability to provide enforcement.

Staff Recommendations:
Wait for the results of the walkability study.

Prospector Square
Staff worked with Councilman Kernan and Dean Berrett of the PSPOA to identify and plow an exterior sidewalk route from Pizza Hut to Park City Plaza. Last season was the first full season and no serious issues were encountered. The streetlight issues along Sidewinder were due to underground wiring caused by numerous contractor breaks over the last 25 years. This summer the street staff has repaired the faulty splices and is in the process of replacing ballast and other equipment.

Staff has been more sensitive to their concerns of equity with respect to plowing sidewalks. The remaining items were not approved.

Significant Impacts
Any recommendations to install additional regulatory signs needs to be consistent with the MUTCD or supported by a traffic engineering study. Lack of consistency could increase the City’s exposure from a risk management perspective and lessen the ability to provide enforcement.

Staff Recommendations:
Continue coordinating snow removal efforts and upgrading of the street lights.

Department Review:

The TCC is made up of representatives from Police, Engineering, Public Works, and Planning and has had an opportunity to review this staff report. In addition, the Street Division and Legal Department has reviewed the staff report.

Alternatives:

The Council should give staff input on the current direction proposed by the TCC.

Significant Impacts:

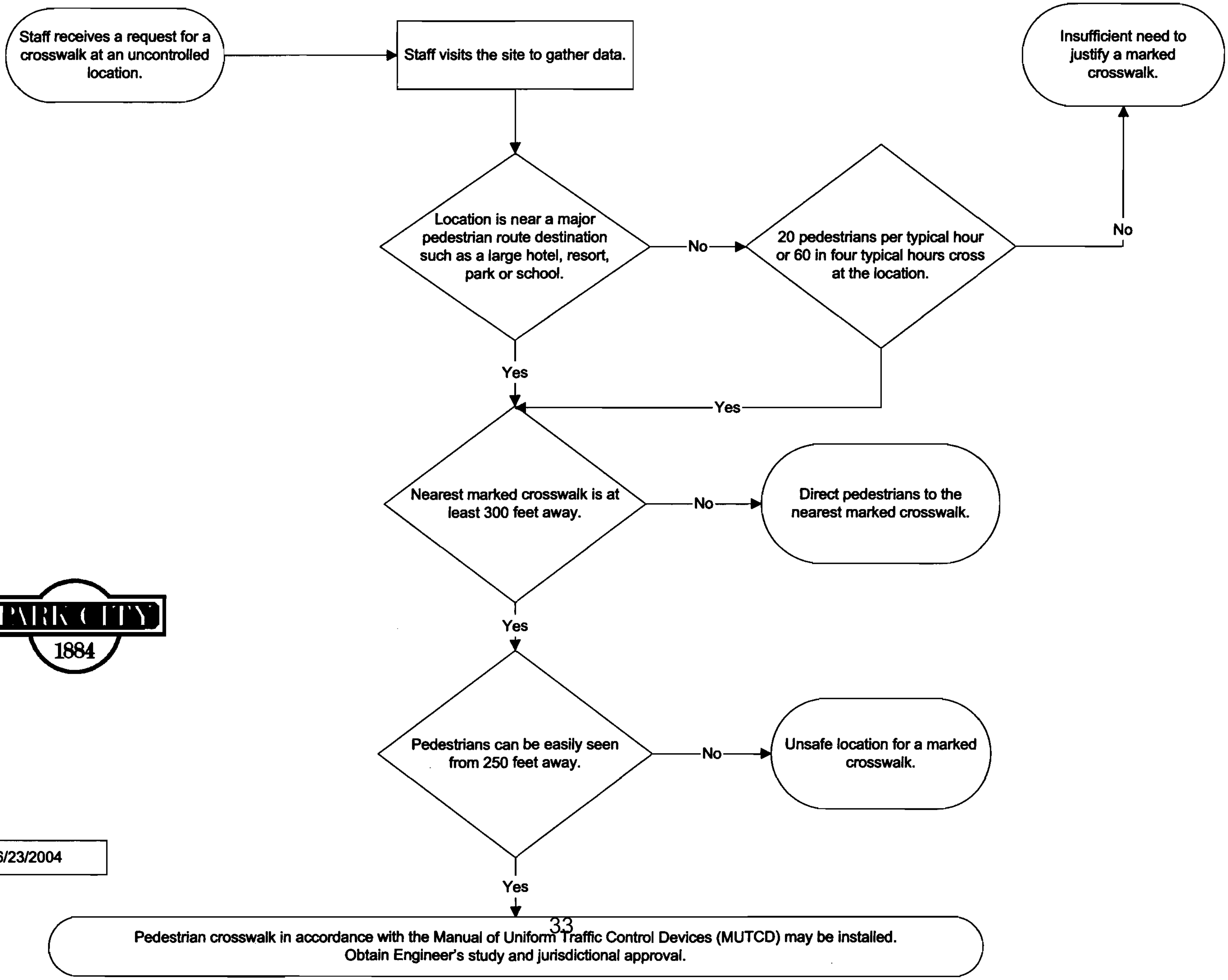
The TCC evaluates each petition and tries to apply consistent guidelines to develop solutions as set out by our policies and guidelines. The TCC solution is not always seen as compatible or desirable by the neighborhood. All TCC decisions are appeal able to the City Manager/City Council.

Recommendation:

Staff recommends the City Council reaffirm the Neighborhood Traffic Management Policy (Traffic Calming) provide input on any changes to the criteria and guidance policies.

Staff does not recommend installing “No Left Turn” signs at this time. The impacts should be evaluated and discussed as part of the budget process consistent with Council budget policies.

Park City Procedure for Crosswalk Placement at Uncontrolled Locations



6/23/2004

Prospector Traffic Concerns

Please join your Prospector neighbors at the Park City Council Meeting

This Thursday, November 16th

Marsac Municipal Building, Council Chambers

6:00PM

Many of you have voiced concerns about a variety of traffic issues affecting our neighborhood. In order to bring attention to these various concerns and to speed up the City's implementation of solutions to these problems, we need to voice our concerns, on the record.

Our best opportunity to bring the changes our neighborhood needs, is to show strong unified support at this meeting. **The larger our group, the better our chances** to effect meaningful change on each of the issues we will raise. Among those regularly expressed are:

Excessive speed prior to the 50MPH sign on 248 heading out of town;
Commuter traffic in Prospector trying to avoid delays in front of PCHS;
Redeployment of the "**No left hand turn sign**" from 248 onto Wyatt Earp;
Inadequate signage and striping at **crosswalks**;
Failure to stop at **stop signs**;
Inadequate winter plowing and towing enforcement, leading to narrowed roadways, etc…

I'm sure there are other issues too. But, you must be willing to attend and speak up or else we'll continue to get lost in the shuffle.

The growth initiatives in NoMA, and at Quinn's Junction will only worsen the problem.

So…. Let's make the effort, invest in Prospector, and protect the safety of everyone who wants to bike and walk in our neighborhood, especially our children.

Take one evening, stand together, support each other's concerns and once and for all get the relief our neighborhood desperately needs.

SEE YOU ON THURSDAY, THE 16th!

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 26, 2006

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

City Manager Tom Bakaly; City Attorney Mark Harrington; City Engineer Eric DeHaan; Senior Planner Jonathan Weidenhamer; Water Manger Kathy Lundborg; Deputy Public Works Director Kent Cashel; Public Works Director Jerry Gibbs; Special Events Facilitator Max Paap; Project Manager Matt Twombly

Work Session – City Council Chambers

1. Council questions/comments – Joe Kernan complimented the Commissioners Handbook. Marianne Cone noted that the Police Complaint Appeals Board was not included. Jan Scott responded that it had not been widely distributed, and it was a work in progress.

Marianne Cone spent Wednesday with the Mammoth Lakes Group who was visiting Park City on a city tour. She also attended the Public Art Advisory Board review of bench and bicycle rack submittals.

Roger Harlan announced the need for election judges. There has been talk about combining polling places in the Basin. Dana Williams mentioned the free shuttle service from Park City to Coalville provided by Park City Transportation and All Resorts for early voting.

Jim Hier attended the Leadership Dinner where Candace Erickson was honored as Leadership Person of Year. He attended the HMBA meeting and announced that PCMR and Rossignol were planning a 100th year anniversary, end-of-season, party on Lower Main. Sundance representatives sought HMBA help regarding ambush marketing as well as securing venues for Sundance in the Main Street Area. They are also planning to hold the Strike the Motherlode Program between Thanksgiving and Christmas and will likely request waivers on parking during that time period. There is also a group who hopes to host a Sunday Market on Lower Main for locals.

Special Events Facilitator Max Paap commented the Motherlode activities may include a sleigh ride which would travel along a portion of Poison Creek Trail and circle through the Marriott Summit Watch Plaza. That will be part of the Master Festival License discussion on November 9, 2006.

Mr. Hier reported a productive meeting with the School District regarding the Lucky John drop off and potential circulation issues with the School Campus area. The

Chamber Board of Directors received a status report on the Air Force from Tom Bakaly. The Chamber has joined with Richard Bizzaro of All Resorts Express to analyze potential routes to Slat Lake City and Provo to determine demand and costs for a shuttle service.

Candace Erickson provided updates from the Recycle Utah meeting: good wood project continues to grow; the Hazmat event was the largest ever and we need to discuss their pricing since it is in the Public Service Contract. Recycle Utah currently has the only e-waste program in the state and Lola has been working with the state on a model to create one per county. Special projects include outreach educational programs for adults and children. Regarding the Solid Waste Group, the County is re-examining the possibility of becoming the hauler. The Board of Health will be approving a tattoo and piercing ordinance at their next meeting, as well as next year's budget.

Ms. Erickson noted that receiving the award at the Leadership Dinner caught her by surprise. She added that it is easy to continue serving the City because she works with a great group of people, both staff and fellow Councilors.

Mayor Williams expressed pride in the Staff for their presentations to the Mammoth Lakes group. He stated the Governor's Office apologized for not inviting Park City to the discussion about the interconnect system. He received a report of a traffic accident at Park Avenue and Trappers Way (5th Street) and wondered about the accident history. Since it is a steep street, he wondered whether we could make it one-way or close it during the winter. He apologized for missing the COG meeting due to a mix-up.

2. <u>Joint Venture update</u> – Bob Kollar, Chamber Bureau, reviewed a summary of summer 2006 activities, which included destination events, community events and outreach efforts. He presented a comparison of visitor night data and sales tax revenues correlating to specific destination events that occurred in July, July and August.

Mr. Kollar stated the focus in August is on arts and culture offerings, which they hope to expand to help the Arts and Jazz Festivals receive broader national exposure. Triple Crown softball has helped July and the addition of a third week this year and the increase in number of teams increased the economic impact by about $1.5 million. He stated they were working with Triple Crown to distribute the teams more evenly over the three-week period. They have a good foundation of events at the end of June and they want to add other events, week by week, back from the end of June. They are concerned that visitor resources in the shoulder season may not be available to service events.

Mr. Kollar reported on his efforts to bring both boys and girls Lacrosse tournaments to Park City. He also attended the TEAMS (Travel, Events and Management in Sports) Conference produced by Sports Travel Magazine. This conference creates a marketplace for events rights holders to meet with entities interest in hosting sporting events. He had an opportunity to meet with over 100 events rights holders to discuss bid specifications and potential dates for various events. He is working to bring various local arts and culture groups together to form a cooperative marketing plan for the New York City Cultural Media Event in February 2007.

Bill Malone, Executive Director Chamber Bureau, emphasized that the Joint Venture has allowed more of the Chamber's budget to be used for events. The Chamber is enticing existing events to develop the destination side of the events that will have a greater economic impact for the community.

Roger Harlan asked about hosting hockey skills camps in the summertime. Bob Kollar explained the challenge of balancing the use of facilities between local and destination users. He is working with Stacey Noonan and Karen Yocum to find that balance.

3. Economic development grant update – Center for Applied Media

Jim Bannister and Robin Rankin, Center for Applied Media, reported that since receiving the grant in July they had located in the Gateway Office Building and had received three out-of-state contracts. They are developing educational outreach programs, locally and at the national level. In January will host a group sponsored by the Japanese External Trade Organization for a series of workshops, seminars and lectures. They have also received seed funds from a group who is interested in creating the first commercial CAM spin-off. They will return for another update in three months.

4. Transportation strategic plan – Walkability Study Contract

Senior Planner Jonathan Weidenhamer explained that Council would be considering the award of contract with Landmark Design during the Regular Meeting. As a prelude to that, Staff explained that the Walkable/Bikeable Study-Trails Master Plan Update is one component of the Transportation Strategic Master Plan.

Kent Cashel, Deputy Public Works Director, explained that the Transportation Master Plan was the sum of many elements: Walkability Study, Parking Management Plan, Traffic Calming Policy, Transportation Strategic Plan, Transit Development Plan and the General Plan. Any strategy, policy or management decision regarding one component often directly affected one or more of the other components, and explained some examples of those conflicts.

Roger Harlan asked what information this study would provide beyond the 2003 Trails Master Plan study. Planner Weidenhamer stated the goal of the study was to define a list of projects with associated estimated budget impacts to allow us to consider walkable projects Citywide during the next budget process. Mr. Harlan questioned why compilation of that information required the resources of an outside consultant. Jon responded that Staff needed to be able to understand what types of improvements should be made citywide, so that we can balance all potential projects against all the other projects under consideration. Kent Cashel added that receiving a broader range of input, integrating the information and placing it into a comprehensive plan does require support of independent experts in the area.

Council Member Marianne Cone asked whether this contract included the traffic study. Jon Weidenhamer responded that the traffic study is included in the scope of work. Jim Hier commented that Council had allocated $50,000 for traffic studies and he views this contract to have a $22,000 overrun to a $100,000 budget, with $50,000 yet to be spent on traffic impacts.

Mark Vlasic, Landmark Design, and team member, Matt Rifkin, Interplan, explained they did not view this as a traffic study in terms of roads, growth projects, mass transit, etc. They will make recommendations on trail options and will identify impacts those may, or may not have, on potential traffic impacts. Mr. Hier wanted to see potential traffic impacts of all recommended solutions. Mr. Rifkin stated the team recognizes that in order to make recommendations and present options, they have to consider traffic impacts.

Council Member Candace Erickson felt it was important to gain an understanding of volume and traffic patterns on the two main thoroughfares and questioned how we would distinguish the different types of traffic coming into town, whether it be construction related or generated by increased residential areas in the City's annexation boundary. Mr. Hier felt that type of study should be separate from this Walkability Study. Kent Cashel added that the Council of Governments is working with Mountainlands Association of Government to develop a model based on land use. He felt there were a number of independent studies that could be woven together.

Council Members commented on the cost of the automated telephone survey and expressed concern about its effectiveness. They agreed that public involvement was important, especially workshops and a public forum. Jon Weidenhamer reported that the steering committee had discussed this with the team and as a result, they reduced the scope of the phone survey and added neighborhood meetings. However, the team was confident the telephone surveys would garner input from a broader range of the community

Council Member Joe Kernan requested long term, short term and immediate options for a complete system, along with alternatives for solving the problems; and an evaluation of how to provide a minimum standard minimum of accessibility to all residents. Matt Rifkin assured Council they would not only provide their expertise, they would offer solutions, which Council will be able to consider when making budget decisions.

City Manager Tom Bakaly reviewed the evolution of the project. Staff was receiving individual pedestrian requests from many different parts of town and Council wished to take a broader look at the issue of walkability, being conscious of traffic impacts. Although the current scope may not accomplish that to Council's satisfaction, it could be expanded, up to $150,000. Jim Hier indicated that revising deliverables for Task 6 to include potential traffic impacts, favorable or unfavorable, would address his concerns.

Mayor Williams requested that the design team collect input and use their expertise to return to Council with suggestions. He was anxious to begin the study.

5. Snyderville Basin Water Transport Study - Mike Luers, General Manager of the Snyderville Basin Water Reclamation District and Mike Collins, Bowen and Collins, presented results of the Snyderville Basin Water Transport Study. The purpose of the study is to begin development of a basin-wide master plan in accordance with USBOR's recommendations outlined in the Snyderville Basin Water Supply Study Special Report. Both the City's governing body and the Water Reclamation District have placed a priority on the development of reliable water supply for current and future citizens. The study focuses on infrastructure needs so that imported water can be distributed within the Snyderville Basin.

The USBOR Study projects Basin water demand in 2050 to be 28,600 acre-feet per year and full development of all local water supplies will result in only 11,500 acre-feet per year. To meet the deficit of 17,100 acre-feet, the study recommends importation into the basin from the Lost Creek Canyon Pipeline Project and the East Canyon Pipeline Project. In order to organize the water importation, reuse, and stream augmentation, the study recommends a coordinated effort to develop a master plan for the basin, including all water suppliers and local government entities. A conceptual level design is included for the Mountain Regional Water Special Services District and Park City connection for delivering Rockport importation water to Park City and the Summit Water Distribution Company, and Park City emergency connections. A Raw/Reuse Water System would provide water for secondary irrigation and stream flow augmentation.

Projected costs for the improvements are: culinary improvements $22.6 Million; Park City/MWRSSD Connection $3.4 Million; Park City/SWDC Connection $2.2 Million; Lost Creek Canyon System Improvements, $3.2 Million; Raw/Reuse Water Improvements $37.5 million; Park City raw water connection $10.2 million.

No significant impacts were identified during the Environmental Review of cultural resources, visual impacts, fish and wildlife, threatened and endangered special, wetlands and contamination.

Implementation of the program is scheduled to begin with Phase 1 in 2008-2009 with future phases continuing through 2018. Further study requires endorsement of the plan by all agencies involved, public relations efforts, agency negotiations for cost allocations and final design.

Mike Luers clarified he was seeking indication from the various governing bodies that they were willing to consider this together to meet the overall demand of the community as a whole. Agreeing that this was consistent with the City's Water Strategic Plan, Council members concurred this was the right direction and requested time to review the study.

6. Recreation Advisory Board Update - Manager Ken Fisher introduced the RAB members: Rich Miller, Liza Simpson, Matt Gallivan, Jen Franklin and Moe Hickey. He reviewed the recommendations developed at their annual visioning session and requested feedback from Council.

Neighborhood Parks - There is approximately $450,000 for neighborhood park development and the Board would like to develop a park and improve access at the Wisnewski Parcel location. They envision it to be a low impact, passive park, which would improve access from Hillside Avenue to Swede Alley/Main Street.

Marianne Cone suggested memorializing the park as Dog Path Park. She recalled discussions among Historic Preservation Board members and wondered whether they should be involved. Ken Fisher responded that when the City owned the lots, HPB was interested in the creating a history park, but that property had been sold and there was nothing left to preserve. Candace Erickson suggested the option of placing a plaque discussing the history of the area.

Dog Park - A RAB sub-committee has identified a two-acre parcel adjacent to North 40 fields and recommends creation of a dog park. Access to the site is the dirt road running along the base of PC hill. They recommend using $20,000 from neighborhood park funds to finance the fence installation, but a key component of this proposal is creation of an active user group to raise funds and assist with maintenance of the park. Council members supported the location; however, funding/installation of fencing would be contingent on creation of a users group to assume maintenance and fund-raising responsibility.

Jim Hier commented that the City was beginning the process to annex Round Valley. He wondered what kind of reaction there would be to making Round Valley a leash-free area. Attorney Mark Harrington explained that Park City incorporates the Summit County Code by reference, and a local amendment would be required to accomplish that.

Racquet Club/Rec Needs Assessment – The 1997 Facilities Master Plan is outdated due to completion of many of the items that were recommended, and needs to be updated. Staff and RAB are working with Leisure Vision to complete a Recreational Needs Assessment that will enable the City to make informed decisions regarding future improvements to the Racquet Club and recreation.

City Park – The basketball court has been resurfaced and adjustable glass backboards have been installed. In response to requests for lights, RAB would like to install user-activated lights, similar to those at the tennis courts. The light poles would not exceed fifteen feet, and estimated costs are $15,000. The lighting will comply with City Codes.

Poison Creek Trail – The current trail width varies from eight to ten feet. RAB would like to widen the trail to ten feet through the Park. Public Works is reviewing the stability of an existing permastrand water line running along the trail as part of their pump station design. Trail improvements would not proceed until the stability tests have determined whether the line needs to be replaced. City Manager Tom Bakaly explained the funding source was the Trails Master Plan, which we are updating with the Walkability Study. Council concurred this project was not a priority this year.

Dirt Jump Park – The dirt jump park has been well received by park users. The existing Conditional Use Permit expires May 2007, and RAB recommends seeking a two-year extension. The fire station is currently required to create a construction mitigation plan to allow access to the skate park under the terms of the original skate park CUP, which expires in May 2007.

Engaging the underserved population in recreation programs - Although there is a scholarship fund through the Recreation Department's budget, it has been difficult to communicate that information and develop participation in the programs. The Board recommends creation of a subcommittee to explore creation of an informational pamphlet to explain how to participate in various recreation programs. The pamphlets would be distributed to organizations that work with these residents.

Roger Harlan praised the report. He encouraged the board to keep doing such a good job.

Mayor Williams thanked the board and recapped that everything but widening of the Poison Creek Trail had Council's support.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 26, 2006

Regular Meeting – City Council Chambers

I ROLL CALL

Mayor Dana Williams called the meeting of the City Council to order at 6:00 p.m. at the Marsac Municipal Building on Thursday, October 26, 2006. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier and Joe Kernan. Staff present were City Manager Tom Bakaly; City Attorney Mark Harrington; City Engineer Eric DeHaan; Senior Planner Jonathan Weidenhamer; Project Planner Matt Twombly, Senior Planner Brooks Robinson, and Planner Ray Milliner

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Joe Kernan disclosed that 350 Main, the Spur, Museum and Chamber are all his customers.

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

1. Summit and Wasatch Counties Domestic Violence Coalition update – Tina Kohfield and Cristina Sally explained the coalition is a group of community members from law enforcement, victim advocacy groups, public schools, Children's Justice Center, Family Services and shelter services. They discussed the impacts of domestic violence in Summit and Wasatch Counties and explained that domestic abuse was about power and control over another person. Costs and effects on communities ranged from court costs, police involvement, and medical costs. Effects on children often result in depression, increased aggression, and vulnerability to substance abuse, promiscuity and suicide. Women often suffer from multiple effects that ultimately create poor parenting skills. They stressed that pressure from the whole community can help and emphasized that perpetrators must be held accountable

There was no additional public input.

IV WORK SESSION NOTES OF MEETING OF OCTOBER 12, 2006

Roger Harlan, "I move approval of the work session notes of October 12, 2006 as amended by Joe Kernan". Joe Kernan seconded. Motion unanimously carried.

V CONSENT AGENDA PUBLIC HEARING

1. Ordinance approving the Powder Hound Condominium Record of Survey Plat, located at 685 Rossi Hill Drive, Park City, Utah - Senior Planner Brooks Robinson reviewed the staff report for condominium conversion of the Powder Hound Condominiums located on Lot 1, Snow Park Subdivision. The Mayor opened the public hearing. There was no public input and the hearing was closed.

2. Ordinance approving the Paintbrush Homes Phase 2, Units 8 and 9, Condominium Record of Survey Plat, Park City, Utah - Senior Planner Brooks Robinson reviewed the staff report for the PUD located in Empire Pass. Mayor Williams opened the hearing, and receiving no input, the hearing was closed.

3. Ordinance approving the 1031 Woodside Avenue Subdivision combining all of Lot 8 and half of Lot 9 Block 9, of the Snyder's Addition to the Park City Survey, located at 1031 Woodside Avenue, Park City, Utah - Planner Ray Milliner reviewed the staff report for a lot combination. He stated the existing modified A-frame structure on the lot would undergo construction, although a design review application had not been submitted. The Mayor opened the public hearing. Receiving no input, he closed the hearing.

4. Ordinance to create the 352 Main Street Plat combining all of Lot 13 and all of the First Amended 350½ Main Street Subdivision into one lot of record located at 352 Main Street, Park City, Utah - Planner Ray Milliner reviewed the staff report. The applicant has acquired an additional lot and wishes to combine it with the 350½ Main Street Subdivision for future development. None of the existing easements will be modified. .

Marianne Cone requested that better maps be included in staff reports.

VI CONSENT AGENDA

Project Manager Matt Twombly briefly explained the Cooperative Agreement with UDOT would allow us to begin the design and engineering for a portion of sidewalk along Kearns Boulevard. This is outside the scope of the Walkability Study.

Candace Erickson "I move approval of Consent Agenda Items 1 through 5" . Jim Hier seconded. Motion unanimously carried.

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5. Authorization to enter into a Cooperative Agreement with UDOT, in a form approved by the City Attorney, for a matching grant in the amount of $115,500 to construct a sidewalk along Kearns Boulevard

VII NEW BUSINESS

1. Award of contract to Landmark Design, in a form approved by the City Attorney, for a walk-able/bike-able community study in an amount not to exceed $122,270 – Senior Planner Jonathan Weidenhamer recapped direction given during Work Session to amend Task 6 of the Project Deliverables to include projected impacts of potential projects on current and future vehicular traffic.

Mayor Williams invited public input. Hearing none, he requested commented from Council Members. Roger Harlan appreciated the inclusion of traffic impacts to the deliverables.

Joe Kernan, "I move approval of the award of contract to Landmark Design for a Walkable Bikeable Community Study in an amount not to exceed $122, 270 ". Marianne Cone seconded. Motion unanimously carried.

2. Request to display outdoor art on City property – Park City Museum - Senior Planner Jonathan Weidenhamer introduced Linda McReynolds, Park City Historical Society. He explained the Society had requested permission to place a mining double cage artifact on the lawn area behind the Museum. Staff reviewed the proposal against criteria in the Land Management Code that regulates art on public property and recommended denial due to concerns about safety of the display, its impact on snow removal, and its relationship to the proposed museum expansion project. The proposal would require an encroachment agreement through the Engineering and Legal Departments. Staff requested that Council consider the recommendation to deny the request. He stated that Staff would create findings and conditions to allow the display if Council decided to approve it.

Planner Weidenhamer reported that Staff presented the proposal to the Public Arts Advisory Board who forwarded a recommendation to allow the display. Their recommendation required installation of a concrete base and the encroachment agreement to outline issues including snow removal and safety.

Linda McReynolds explained this was a unique circumstance and the display would be temporary. The double hoist will eventually be displayed in the expanded building and will be visible from Swede Alley. Jordanelle Special Service District currently has possession and the Historical Society faces the loss of the artifact if they are unable to take possession now. She stressed they will bear the burden of installation as well as removal and storage during construction of the Museum. It is an important enticement in their fundraising, which continues to go very well.

Council Member Cone relayed her confusion during the PAAB meeting. She viewed this piece as an artifact, not art, and did not want the Art Board to start reviewing placement of artifacts. She felt there should be another avenue for review. Planner Weidenhamer explained the existing policy for display on City property led Staff to pursue this course.

Council Member Hier commented Criteria 1, which the proposal did not meet, dealt with hazards, public rights of way, etc., and had nothing to do with "art." Mr. Hier commented that we would have to address snow storage on that site in the future.

Council Member Harlan suggested placement of a temporary plaque to maximize the location and draw attention to history.

Planner Weidenhamer presented amended language for Item 6 of the Analysis, ensure that the piece will be inspected to ensure the encroachment agreement identifies how it can be safety displayed. It will also prohibit extension of the display into the right-of-way, or restriction of vision. Additional Item 5 will be amended to request placement of a plaque to explain the display's relevance, as well as "stay off" signs to reduce the City's exposure to liability. He reviewed Findings of Fact and Conditions of Approval pursuant to Council's desire to approve the display

Candace Erickson,"I move approval of the Administrative Outdoor Display of Art City property at the Park City Museum subject to the Findings of Fact and Conditions of Approval presented by the Staff ". Jim Hier seconded. Motion unanimously carried.

VIII ADJOURNMENT

With no further business, the regular meeting of the city Council was adjourned at 6:60 p.m. Council members announced they would meet socially at Butchers.

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

Prepared by Sharon Bauman

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Prepared by Sharon Bauman

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
NOVEMBER 2, 2006

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Brian Andersen, Parking Manager; Lloyd Evans, Chief of Police; Kent Cashel, Assistant Public Works Director; Eric DeHaan, City Engineer; and Jonathan Weidenhamer, Planner

1. Council questions/comments. Roger Harlan stated that all units at The Line Condominiums have been sold. He urged the Council and audience to attend the University of Utah vs. Colorado State hockey game at 7:30 p.m. tonight at the ice arena. Candace Erickson reported on the Historical Society meeting where there was discussion about recruiting a pro bono attorney and planning the Dungeon Party to be held on Friday, November 17. She passed along the Historical Society's appreciation to Council for approving its display of art last week. Ms. Erickson pointed out that the required right-hand turn arrow at the intersection of Park Avenue and Empire Avenue was never re-painted, creating a confusing situation for motorists traveling through the intersection. Staff will follow-up. Jim Hier reported on a special events committee meeting where establishing a convention policy for the rink was recommended. Tom Bakaly advised that this could be included in the strategic plan scheduled for discussion at an upcoming work session. Marianne Cone commented on the fun employee Halloween party and the number of kids trick or treating on Main Street which has become a popular event. She applauded Sundance employees carpooling from Salt Lake to their new Park City headquarters. Joe Kernan commented on the opening of the new Basin trail from the Outlet Stores to Ecker Hill and the green building training held during the week. He referred to an email sent to Council members from Steve Bock regarding the process for obtaining building permits; there was discussion about providing one comprehensive response rather than individual Council members responding. The City Manager noted that this will be addressed in a manager's report as well. In response to a question from Marianne Cone, Jonathan Weidenhamer stated that staff will return to Council with an update on the extended trial use of outdoor patios on Main Street authorized in August. Mayor Williams discussed the success of the flex car system implemented in Portland and stated that he is encouraged by these types of sustainability programs.

2. Parking management review. Brian Andersen referred to the motorcycle parking space pilot program, recommended by the Park City Motorcycle Club. This suggestion was entertained because of the perception that bikes in parking garages are more vulnerable to vandalism and the availability of two small parking spaces, one on Main Street and other in Swede Alley. The Crosby Collection immediately complained about the designation of a motorcycle space in front of its establishment on Main Street.

He indicated that the number of motorcycles parked there did not exceed more than 8% of total vehicles parked downtown, and the designated spaces were probably somewhat underutilized. Since these are not useable by other vehicles, staff recommends continuing the program. Jim Hier felt that the space adjacent to the parking structure would be used more if it is signed. Marianne Cone brought up complaints raised by the Crosby Collection and questioned if maintaining this space is worthwhile. Candace Erickson relayed that she recently spoke with an employee of Crosby Collections who was not happy with this experiment all summer because of the associated noise and exhaust when doors are open. It was the consensus of Council to modify staff's recommendation to retain the Swede Alley space but to eliminate the Main Street motorcycle parking space.

Mr. Andersen explained that the City continues to receive requests to operate valet service downtown and he referred to the valet service operated in Swede Alley in the winter seasons of 1996 and 1997. The service was marginally success but required significant staff time to manage, which is expected with any valet service. The other challenges are locating valet stands to equitably accommodate restaurants while not negatively impacting other businesses. He stated that staff is not recommending implementing a valet program. Candace Erickson agreed and added that designating parking spaces for a valet service from the City's parking stock, in her mind, is not a good idea. The only way she envisioned it working is in certain locations where restaurants have access to and adequate space in Swede Alley. Jim Hier suggested that valet parking be considered next year because with the additional parking for the first time this winter, it may make sense. Brian Andersen clarified that the requests are not from local businesses but from valet companies wanting to operate in Park City, specifically during Sundance. He added that successful valet operations typically have a close parking resource and/or an office business mix which frees parking lots in the evenings. Joe Kernan stated that he doesn't support valet service because of potential congestion problems and doesn't see any benefit to the City. It was the consensus of Council not to consider valet parking requests.

Mr. Andersen acknowledged a recent suggestion from a Stein Eriksen shuttle driver to designate taxi drop zones on Main Street. He relayed that staff considered this in the past but the reality is that passengers prefer door-to-door service. Another downside is that designated spaces may be unused and/or there would be so many spaces required that the program would significantly reduce parking on Main Street. He referred to similar challenges associated with commercial deliveries and emphasized that staff does not recommend taxi stands for Main Street because it is such a long narrow street. Marianne Cone believed the shuttle driver suggested dropping off and picking up patrons on one side of the street and felt this would not require designated zones, but recognized there would be double parked vehicles. Tom Bakaly and others recalled that his public input was to implement a drop off zone and the Mayor interjected that he agreed that Main Street does not have enough room. Chief Lloyd Evans emphasized the difficulty in distinguishing between shuttles, taxis and limousines during peak times and reiterated that customers expect door-to-door service. He believed this proposal to be problematic unless one side of the street is dedicated to loading and unloading. Roger Harlan agreed.

As the owner of a recycling company, Joe Kernan pointed out the difficulties in serving establishments and/or delivering goods to businesses on the west side of Main Street, specifically from Heber Avenue to Fifth Street. Candace Erickson noted the general leniency by enforcement officers in not issuing parking tickets to double-parked delivery vehicles; she agreed that closing off one side of Main Street would significantly decrease parking. Council members agreed with staff's recommendation in not designating drop off zones.

Brian Andersen addressed the implementation of special event rates for large events like Sundance and the Arts Festival. He indicated that staff is exploring garage equipment, which will be an option presented during the upcoming budget review. Until that time, staff is recommending maintaining current garage time limits and regulations. Jim Hier requested a revenue analysis for the budget review. Marianne Cone expressed her opposition to a gated garage and prefers signs, i.e., designated employee parking. Candace Erickson also stated that she is opposed to installing a gate which would confuse patrons about the free four-hour parking offered. Mr. Andersen indicated that segregating the garage may prompt confusion and admitted here is no easy solution. Joe Kernan felt that installing a gate and issuing a parking ticket stub may make enforcement easier and Mr. Andersen clarified that e-ticketing would probably be utilized.

With regard to preferential parking, Mr. Andersen explained that this program is designed to encourage carpooling, which is already addressed in the Code. Staff is also recommending raising employee parking permits from $75 to $120. He added that these permits are transferable which is very beneficial for Main Street businesses. Jim Hier felt that the increase for employee permits is too much of an increase, and if preferential parking is being promoted, perhaps the cost of a parking permit for that use should be decreased as an incentive. There was discussion about the real cost of a parking space and Kent Cashel discouraged basing charges on a cost basis. The increase in the parking permit and implementation of preferential parking rates are efforts to reduce single occupied vehicles in a parking area which the City controls. It was decided to maintain fees and consider adjustments in the spring when amendments to the fee resolution are typically made.

3. Short range transit development plan alternative update. Kent Cashel explained that this project is a financial and operational plan in its early stages. There will be a public meeting held on November 8 at the Richins Building at 7 p.m. on elements contemplated to be included in the study, including service, management and capital. Alternatives include expanding express service on SR224 and providing a Kimball Junction circulator (i.e., trolley). Service to Empire Pass, Quinns Junction, Bonanza Drive, Solamere, Jeremy Ranch, Timberline, Summit Park, and Silver Creek will all be studied. Better serving special events and regional commuter service are other issues, as well as privatization of certain services. Also, implementing transit for seniors in the County would offer consistency with Park City's services. He added that the study will address better partnering with planners in terms of incorporating transit-friendly designs and evaluating transit impacts of proposed developments. There is a need to look at the management demands of the para-transit system and maintenance of existing bus stops and shelters. This plan will have a sustainable financial component and improvements may include shelters, stops, a maintenance facility and advanced technology. Roger Harlan pointed out the difficulties in recruiting qualified bus drivers to provide an expanded bus system and Mr. Cashel assured him that this topic will also be addressed in the plan as well as cost-sharing with the County. Joe Kernan asked about expanded service in Park Meadows and Mr. Cashel explained that staff was willing to move forward on this request in 2003 and although neighborhood meetings were well advertised, attendance was poor. As a result, expanded service in Park Meadows wasn't pursued because of the perceived lack of interest and the challenge in balancing current demands with existing resources. He added that at the November 8 meeting, alternatives on the realignment of Landmark Drive will also be discussed.

4. Traffic management issues:

Meadows Drive at SR224 – traffic signal, round-about, and speed limits. Eric DeHaan pointed out that for years, the City has been aware of the volume of traffic at this intersection and has monitored safety records and pedestrian and vehicular counts. In 2005, Project Engineering Consultants was hired by the City to conduct a traffic signal warrant study at the intersection and it was determined that a signal is warranted. There have been numerous meetings with UDOT on this issue and he explained that the signal coordinator system on SR224, enters into the state's analysis of the intersection. He stated that the City Council directed staff to explore the feasibility of a round-about at this intersection given its importance as an entry way to Park City. The counts at this location reflect 30,000 to 36,000 vehicles a day; there isn't a shoulder season here anymore and construction traffic is a large component. The letter from UDOT, included in the meeting packet, does not support a round-about but reserves the possibility of a signal. Mr. DeHaan added that UDOT disputes the results of Project Engineering Consultant's warrant.

He emphasized that in order to install a signal, the profile of the intersecting streets needs to match the elevated banked section on SR224. This will involve reconstruction of the approach legs at the intersection at a cost to the City of approximately $100,000; UDOT would cover the costs of the equipment and installation of poles, lights, signal controllers, and connections. Meadows Drive is horizontally aligned but utility boxes will need to be adjusted because of the turn lanes. Mr. DeHaan advised that reconstruction would also be required with the round-about alternative. UDOT is willing to consider a signalized intersection, but discourages round-abouts on state highways carrying high volumes of traffic.

The City Engineer recognized concerns expressed about the speed limit and pointed out that SR224 was designed for 55 to 60 mph speeds, measured and determined by

UDOT using the 85 percentile traffic engineering standard. In other words, 85% of roughly 30,000 cars a day travel 60 mph until the speed limit drops at Payday Drive. Given UDOT's guidelines for setting speeds, it will be challenging for the City to lower the speed limit through the intersection absent the use of a signal or round-about. He added that there is an underpass further north on SR224 designed for pedestrians to cross the highway. The safety record at the intersection is not abnormal and accidents that have occurred are not the type that would be affected by the installation of a signal. He stated that staff is looking for direction on continuing to pursue a round-about which was the expressed direction of Council members. The Mayor understood that a round-about would cost the City between $2 and $4 million and may take years to be approved while a signal could be installed in about a year, totaling about $200,000 to $300,000 and cost-shared between the City and UDOT. Mr. DeHaan stated that he couldn't guarantee that timeline at this point, but he felt it is a reasonable estimate.

Candace Erickson felt that the SR248/Deer Valley Drive round-about is too tight and asked how much area would be required for a round-about at this intersection and whether it is feasible. The City Engineer indicated the difficulties in meeting UDOT's standards for approach radiuses and curvatures, however, the engineering simply has not been done. Ownership of property is not considered to be problematic, unlike the wetlands, utility impacts and UDOT approvals. With regard to considering a round-about, Roger Harlan pointed out the low traffic volumes on Aspen Springs Drive and Meadows Drive which may not work for a round-about. In response to a question from Council member Cone on future growth in adjoining neighborhoods, Mr. DeHaan responded that traffic volumes from the east and west are not anticipated to substantially increase. The technology for detecting vehicles and activating signals was discussed. In response to a question from Joe Kernan about preparation work, the City Engineer emphasized that the work performed for a signal could not be applied to a round-about in the future; it requires completely different grading. The Mayor invited input from the audience.

Bill Gorton, Aspen Springs resident, stated that he is one of 212 signatures on a petition to install a signal, which he submitted for the record. It requests that the Council prioritize the installation of a traffic signal at the intersection of Meadows Drive, Aspen Springs Drive and SR224. He read a letter into the record thanking the Council for funding the 2005 independent study during the height of ski season warranting a signal, and commented on the UDOT study conducted in May which resulted in not warranting a signal. A September 2005 letter from UDOT stated that while the location does not quite meet the required traffic volume, the state will proceed with a signal project if the City is willing to participate in the cost of the project by constructing the improvements required on the legs of the intersection. He understood that the majority of work would focus on the west side of the intersection and the overall cost of the project is about $300,000 of which the City's share would be $200,000. He noted the significant cost of a round-about estimated at $2 to $4 million and the October 2006 letter from UDOT denying the City's request to consider a round-about at the intersection. While there are a number of reasons cited in the letter, Mr. Gorton emphasized UDOT's argument that installation of a round-about at an intersection of major and minor roadways will result in unacceptable delays on SR224. A round-about will also unfavorably allow priority to the cross-street traffic. Mr. Gorton stated that he shares the desire of Council to make the approach to Park City distinctive; however, unacceptable delays will not result in a desired distinction. This is a dangerous intersection despite the fact that no fatal accidents have occurred, it is only a matter of time before that will happen. He added that it is certain that the traffic on SR224 will continue to grow and adding a traffic signal to the existing eleven lights to Kimball Junction will not cause significant traffic delays and may very well save lives. He requested the City Council to appropriate the necessary funds to improve the intersection and to seek the installation of a traffic signal from UDOT as a matter of immediate priority.

Tom Cahalan, President of Aspen Springs HOA, stated that the Board discussed both the round-about and signal options as methods to make the intersection safer. He indicated that the subdivision is in support of a round-about because it is a more aesthetic option for our entryway statement and would effectively handle traffic problems. He acknowledged that costs have to be considered but a round-about would distinguish Park City from the County. If a round-about is impossible, the neighborhood would support a traffic signal to address safety issues. He submitted a letter for the record.

Vince Desimone, Mountain Top Drive, relayed that he worked as a traffic engineer in California and it is his conclusion that a traffic signal is a way to achieve mobility when coordinated with the other lights on SR224. With regard to the issue of safety, a traffic signal is a positive method of achieving control over vehicles. The round-about would cause motorists to slow down but it has the potential of creating a dangerous situation with vehicles traveling at a high speeds and slower vehicles entering from the side streets. Residents in adjoining neighborhoods often use the signal to the south because they are afraid of turning into the intersection in its current condition. He believed that once a signal is installed, more people will use the intersection; traffic counts will increase at the intersection and accidents occurring within adjoining neighborhoods will decrease. Park City's image as a resort community is very important. Mr. Desimone stated that the intent of maintaining a rural look by not designing SR248 as a four lane highway was a mistake. A round-about would be frustrating and confusing for visitors as well.

Former Mayor Brad Olch, Mountain Top resident, expressed his support and involvement in the Deer Valley round-about, which was significantly funded by the Federal Transit Administration. He asked how the $2 to $4 million cost would be covered. Tom Bakaly explained that the City would apply directly for federal funds; costs would be shared at 80% by the federal government and 20% matched by the City if approved. Mr. Olch emphasized that the round-about was tied to the Olympics and it's difficult to predict the City's success on procuring federal funding for another round-about project. He expressed that UDOT missed opportunities leading up to the Olympics in procuring funding to install round-abouts at Kimball Junction, the Olympic Park, and The Canyons. He urged Council members to consider installing a traffic signal which would be the most cost effective and timely way to address safety issues.

Kent Winterhauler understood that this intersection is identified in the Corridor Preservation Agreement between the City and UDOT as being a major intersection and justifying the installation of a traffic signal. He asked if the Agreement would be violated if a round-about is pursued over UDOT's objections. Mark Harrington advised that the process for obtaining permission for a round-about would require UDOT approval at some point and the Agreement would have to be amended. Eric DeHaan stated that there would be an additional cooperative agreement with UDOT detailing maintenance and landscaping.

Mayor Williams stated that he witnessed a fatality at the intersection 12 years ago when SR224 was a two-lane road. As much as he would like to see a round-about there, he didn't believe the City should wait. Joe Kernan expressed that he would like to continue to pursue a round-about in the long-term but he wholly supports the installation of a traffic signal now. In response to a question from Ms. Erickson about funding the project, Tom Bakaly stated that a dialog would begin with UDOT and the project would be included for consideration with other City capital priorities within budget discussions in the spring. If a favorable decision is rendered in June, the signal would probably be completed until the end of the summer.

Candace Erickson spoke about her commitment to a round-about but one consideration that didn't occur to her before tonight is that providing a pedestrian crossing at the intersection would be impossible. She felt that people will not walk to the Farm and use the underpass to cross SR224. With regard to Mr. Desimone's comments about SR248, she totally supported the City's decision on the two-lane design, because if it were four lanes, the Council would be having this same discussion with Prospector neighborhoods. Two lanes result in slower traffic. Marianne Cone expressed her desire to continue to pursue a round-about. Jim Hier stated that there are a lot of things he would love to have, but can't afford them and the round-about fits in that category. He supports beginning the process for installing a signal and scheduling the project as a part of prioritizing the CIP projects this spring. Roger Harlan agreed with Mr. Hier's comments. He added that a traffic signal will not guarantee that the potential for serious accidents at this intersection will be eliminated and there is documentation that accidents often occur when new lights are installed. Joe Kernan stated that he would still like to pursue a round-about in the long-term. In response to questions from Marianne Cone, Eric DeHaan estimated that a signal could be operational in about a year and reported that there are very few accidents in the Deer Valley round-about. In order to pursue a round-about, he explained that a consultant would have to be hired to interact with UDOT on its policies and the engineering work would probably be in the $100,000 range.

The Mayor acknowledged that the majority of members agree to immediately initiate the process for signalization at the intersection. With regard to direction on pursuing a round-about sometime in the future, Jim Hier asked that this be discussed as a budget option and at that time; a decision can be made about the feasibility of a round-about.

Traffic management in the Deer Valley Drive round-bout this winter. Eric DeHaan relayed staff concerns about traffic congestion occurring westbound from Deer Valley Resort during ski season. He believes drivers, especially visitors, stop at the leg of the round-about intersection because of the perception of not having enough room to proceed and being aware of motorists traveling south on SR224 toward the round-about. Chief Lloyd Evans agreed and explained that drivers react to stimuli in different ways, especially in unfamiliar situations. Drivers typically slow down or stop and even though an officer may be waiving motorists through, people often revert to their impulses.

Mr. DeHaan explained the two-pronged approached recommended this season, including new barricades and a police presence; Deer Valley employees will not be directing traffic. Joe Kernan suggested that a sign be posted on Deer Valley Drive, advising motorists to turn right at the round-about. Mr. DeHaan believed that this has the potential of confusing Deer Valley Resort customers. In the longer term, it is staff's intent to contact UDOT with a plan to make the round-about more of an *oblong-about* providing more room on this leg. He pointed out significant congestion problems regularly occurring on Marsac Avenue before the round-bout was constructed and when Deer Valley was annexed, traffic problems were expected. In fact, in the first years of operation, ticket sales were metered and limited because of that reason. This problem is most evident about 15 days during the ski season and some special events from time to time. Joe Kernan suggested that the portable electronic sign be used to alert motorists to turn right at the round-about on those peak days. Mr. DeHaan appreciated the suggestion; staff will follow-up. Chief Lloyd Evans reported that he and Pace Erickson are working with a traffic safety company on signage on this issue. There was discussion that Deer Valley be advised not to direct traffic at the round-about; assigning employees at the resort's parking lot would more beneficial. Council members agreed with staff's recommendation.

Three-way stop at Monitor Drive and Little Kate Road. Eric DeHaan discussed the potential of remodeling the Racquet Club, including reconfiguring the front parking lot. The middle of the three entrances into the Racquet Club is blocked off which seems to be working well, resulting in a three-way intersection. There are no stop signs on Little Kate and residents have requested a three-way stop to calm traffic. Staff feels the current stop sign is adequate since there isn't a high accident rate at this location. In response to a question from Jim Hier, Mr. DeHaan replied that the City doesn't have traffic counts. Expressed concerns relate more to motorists driving over the curb onto the sidewalk on Monitor Avenue, rather than volume of traffic. As a result, counts have not been conducted at this intersection. Jerry Gibbs interjected that counts have been conducted on Little Kate further east of the intersection. Discussion ensued about considering a four-way stop in the future and differing staff opinions. The City Manager explained his rationale for a three-way stop citing the Evening Star situation; staff is not recommending a multi-stop sign a time. Candace Erickson felt that eventually the intersection will be a four-way stop and people might as well get used to it now. Marianne Cone felt there is good visibility at that location and if there is a stop sign at the Racquet Club entrance, there's the potential that traffic will be backed-up.

The residents she has spoken with in the neighborhood do not perceive the intersection as a problem and don't feel a stop sign is necessary. Joe Kernan supported beginning with a three-way and then changing it to a four-way stop. Mayor Williams understood that the residents directly adjacent to the intersection favored a four-way stop. He suggested that the northeast corner curb be raised on the corner of the sidewalk. The City Engineer advised that the curb slopes to street level for handicap access. Ms. Erickson believed that driving on the corner of the sidewalk was prompted by a pothole in the street that motorists were trying to avoid. Roger Harlan asked about the location of bus stops and Mr. DeHaan relayed that bus stops are typically distanced from intersections to avoid congestion and the current plan is to leave the shelter in its current location. He understood consensus to be to install a three-way stop at this time and returning to Council when a reconfigured Racquet Club entrance is proposed. Dana Williams suggested waiting to make a decision until the walk-able communities study is completed and to not install stop signs now. Council members agreed.

Update on Lucky John Drive school campus drop-off. Mayor Williams questioned the resistance from the School District on this project, who in his opinion is the biggest contributor to traffic issues on SR248 and the Park Meadows' neighborhood. Jonathan Weidenhamer explained that he presented the project to the School Board and believed members were unclear about who would benefit. At the meeting, the Board heard from adjacent residents who felt there would be negative impacts. The Board questioned the need for a drop-off if it doesn't improve safety. However, the trial was successful and the School District decided to extend the use of the drop-off through the winter and to continue to monitor comments from the neighborhood. Council members supported the plan.

Swearing-in of Police Officer Nicole Baldwin. Chief Lloyd Evans introduced Ms. Baldwin and the Mayor administered the oath of office.

Public input:

Lowered speeds limit on SR224. The Mayor recognized latecomers to the meeting interested in the traffic signal discussion and described the direction from Council.

Charles Bova, Aspen Springs, extended his appreciation for Council's decision to fund the signal. He asked that the speed limit be lowered in the meantime because it's difficult for residents to exit the subdivision. The speed limit is 45 mph at the Colby School and if it was lowered to 45 mph the entire stretch it would be enforceable, logical and safer. Marianne Cone encouraged him to contact UDOT and Mayor Williams explained the method for determining speed limits set by the state. He felt that traffic speeds will naturally decrease with the installation of a signal. Eric DeHaan explained that speed limits are based on actual speeds data which resulted in the 45 mph change at The Canyons. The process would be to request a speed study to be conducted by UDOT; the 85 percentile formula was again discussed. Jim Hier emphasized that the City doesn't have the authority to make that decision and the City will probably be more successful in getting a signal than in lowering the speed. However, the signal will affect the speed. Mr. Bova clarified his concern about ensuring safety in the meantime.

Prepared by Janet M. Scott, City Recorder

MEMORANDUM

November 9, 2006

VIA E-MAIL

TO: The Attached Distribution List

FROM: Richard J. Scott
Brandon T. Johnson

RE: Park City, Utah
Special Bond Election — November 7, 2006

Congratulations on the successful bond election!

SPECIAL BOND ELECTION — CANVASS PROCEEDINGS

Please find enclosed a copy of the initial draft of the canvass proceedings concerning the outcome of the special bond election that will be considered for adoption by the City Council at its regular meeting scheduled for November 16, 2006. The enclosed draft is suitable for inclusion into City Council packets for its consideration at the November 16 meeting.

We are coordinating with each County Clerk's office to receive the election materials that will enable us to complete the canvass proceedings.

Please advise of any questions or comments that you may have on the enclosed canvass proceedings by Tuesday, November 14.

In addition, please find enclosed an initial draft of canvass procedural steps or "script" for adoption of the resolution finding and promulgating the results of the special bond election. As you will see, the enclosed provides step-by-step procedures to follow during the canvass of the results of the special bond election.

Prior to the City Council's canvass of the election results on November 16, we will provide you with execution originals of the canvass proceedings, together with a revised copy of the canvass "script."

AGENDA LANGUAGE

Suggested agenda language for inclusion in the agenda that is posted at the City's office and provided to media at least 24 hours prior to the November 16 regular meeting of the City Council is:

> Resolution finding and promulgating the results of a special bond election held in the City on the question of the issuance by the City of $20,000,000 of general obligation bonds to acquire, improve and forever preserve park and recreational land, together with

> related historical or cultural improvements, to protect the conservation values thereof, to remove existing unneeded man-made improvements, and to make limited improvements for public access, parking and use; and providing for related matters.

Richard Scott can be reached by telephone at (801) 536-1401 and by e-mail at scott@chapman.com. Brandon Johnson can be reached by telephone at (801) 536-1407 and by e-mail at bjohnson@chapman.com. Our legal assistant, Jan Drake, can be reached by telephone at (801) 536-1415 and by e-mail at drake@chapman.com.

RJS/BTJ/jd
Enclosures

PARK CITY, UTAH
SPECIAL BOND ELECTION, NOVEMBER 7, 2006

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Park City, Utah

November 16, 2006

The City Council (the *"City Council"*) of Park City, Summit County, Utah (the *"City"*), met in regular public session on November 16, 2006, at its regular place of meeting in the City Council Chambers, located in the Marsac Building, at 445 Marsac Avenue in Park City, Utah, at 6:00 p.m., due, legal and timely notice of the meeting having been given to all members as required by law.

The meeting was duly called to order by the Mayor with the following members of the City Council being present, constituting a quorum of the City Council:

Dana Williams	Mayor
Marianne Cone	Councilmember
Candace Erickson	Councilmember
Roger Harlan	Councilmember
Jim Hier	Councilmember
Joe Kernan	Councilmember

Absent: ________________.

There were also present:

Tom Bakaly	City Manager
Mark D. Harrington	City Attorney
Janet M. Scott	City Recorder

After the minutes of the preceding meeting had been read and approved, the City Recorder presented to the City Council an affidavit evidencing the giving of not less than twenty-four (24) hours' public notice of the agenda, date, time and place of the November 16, 2006 regular public meeting of the City Council in compliance with the requirements of Section 52-4-202(1), Utah Code Annotated 1953, as amended, by (1) posting written notice of the meeting at the principal office of the City Council, and (2) providing notice to at least one newspaper of general circulation within the geographic jurisdiction of the City or to a local media correspondent. The affidavit was ordered recorded in the minutes of the meeting and is as follows:

STATE OF UTAH)
)
COUNTY OF SUMMIT)

I, Janet M. Scott, the duly qualified and acting City Recorder of Park City, Summit County, Utah (the *"City"*), do hereby certify, according to the records of said City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202(1), Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours' public notice of the agenda, date, time, and place of the November 16, 2006 regular public meeting held by the City Council of the City (the *"City Council"*), by:

(a) causing a Notice of Public Meeting to be posted at the principal office of the City Council, located in the Marsac Building, at 445 Marsac Avenue in Park City, Utah, on November __, 2006, at least twenty-four (24) hours before the convening of the meeting, in the form attached hereto as *Exhibit A*; said Notice of Public Meeting having continuously remained so posted and available for public inspection during the regular office hours of the City until the convening of the meeting; and

(b) causing a copy of the Notice of Public Meeting in the form attached hereto as *Exhibit A* to be provided on November __, 2006, at least twenty-four (24) hours before the convening of the meeting, to *The Park Record*, a newspaper of general circulation within the geographic jurisdiction of Park City, Utah.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of Park City, Summit County, Utah, this 16th day of November, 2006.

Janet M. Scott
City Recorder

[SEAL]

EXHIBIT 1

[ATTACH NOTICE OF PUBLIC MEETING]

It was noted that, as required by Section 52-4-203, Utah Code Annotated 1953, as amended, written minutes and a recording of this meeting are being kept.

After the conduct of other business not pertinent to the following, the Mayor announced that one purpose of the meeting was to canvass the results of the special bond election held in the City on Tuesday, November 7, 2006 (the *"Special Bond Election"*), at the same time as the regular general election, on the question of the issuance of $20,000,000 General Obligation Bonds of the City. The City Council thereupon convened as a board of canvassers (the *"Board of Canvassers"*), and the City Recorder of the City (the *"City Recorder"*) presented to the Board of Canvassers the returns of the Special Bond Election on the proposition hereinafter set forth, such returns having been provided by the County Clerks of Summit and Wasatch Counties, Utah (collectively, the *"Election Officers"*), and printed by the apparatus used to tabulate the results of such Special Bond Election.

The returns printed by the tabulating apparatus included a count of the votes cast at the Special Bond Election by absentee ballots and provisional ballots received by the Election Officers as required by law before the canvass of the regular general election by the Board of County Commissioners of Summit County, Utah, sitting as a board of canvassers on November 15, 2006, and by the Board of County Commissioners of Wasatch County, Utah, sitting as a board of canvassers on November 14, 2006, as applicable. The City Recorder stated that no additional absentee ballots had been received in the office of either Election Officer after 12:00 Noon on the date the respective Board of County Commissioners canvassed the regular general election and before 12:00 Noon on the date hereof; therefore it was not necessary to appoint any election judges to count additional absentee ballots. The returns from each voting precinct of Summit County, Utah (*"Summit County"*) and Wasatch Counties, Utah (*"Wasatch County"* and collectively with Summit County, the *"Counties"*) were ordered filed with the official records of the City.

It was thereupon moved by _______________, seconded by _______________, and carried that the Board of Canvassers publicly proceed to canvass and declare the results of the Special Bond Election. The returns of the Special Bond Election from each voting precinct of the Counties were then canvassed by the Board of Canvassers, and it was determined that:

1. the total of votes cast in the Special Bond Election on the proposition (including any vote by absentee ballot counted with the other ballots cast at the polling places, to which have been added votes validly cast by additional absentee ballots and provisional ballots) were ascertained to have been cast for and against the proposition as follows:

VOTES CAST BY RESIDENTS OF THE CITY	**TOTAL # VOTES CAST**	**TOTAL # YES**	**TOTAL # NO**
Summit County			
Wasatch County	___	___	___
TOTAL:	___	___	___

and;

2. the number of persons seeking to vote who were challenged, the number of those challenged and permitted to vote by provisional ballot, and the number of provisional ballots that were counted from each and every polling place established for the Special Bond Election are as follows:

CITY RESIDENTS	CHALLENGED VOTERS	PROVISIONAL BALLOTS ISSUED	VALID PROVISIONAL BALLOTS
Summit County			
Wasatch County	___	___	___
TOTAL:	___	___	___

The following resolution was thereupon introduced in written form for consideration by the City Council. After due consideration of the resolution by the City Council, _______________ moved for its adoption, and _______________ seconded the motion. On being put to a vote, the motion was carried by the following vote:

AYE: _______________

____

____

____

____

NAY: _______________.

The resolution is as follows:

RESOLUTION NO. ___-06

A RESOLUTION finding and promulgating the results of a special bond election held in Park City, Summit County, Utah, on November 7, 2006, to determine the issuance of $20,000,000 General Obligation Bonds of the City to acquire, improve and forever preserve park and recreational land, together with related historical or cultural improvements, to protect the conservation values thereof, to remove existing unneeded man-made improvements, and to make limited improvements for public access, parking and use; ratifying and confirming acts done in connection therewith; and providing for related matters.

***   ***   ***

WHEREAS, pursuant to a resolution duly adopted on August 17, 2006, a special bond election was called by the City Council (the *"City Council"*) of Park City, Summit County, Utah (the *"City"*), to be held on November 7, 2006 (the *"Special Bond Election"*), at the same time as the regular general election, for the purpose of submitting to the qualified, registered electors of the City the bond proposition hereinafter set forth; and

WHEREAS, the Special Bond Election was duly and regularly held and the results thereof on the proposition at each polling place have been counted and tabulated by the tabulating apparatus used in conjunction with the Special Bond Election; and

WHEREAS, the returns printed by the tabulating apparatus used to count the votes cast at the Special Bond Election (including any vote by absentee ballot counted with the other ballots cast at the respective polling place, to which have been added votes validly cast by additional absentee ballots and provisional ballots) have been certified by this City Council as the official return from each and every polling place established for the Special Bond Election; and

WHEREAS, a majority of the qualified, registered electors of the City who voted at the Special Bond Election voted in favor of the bonds described in the proposition hereinafter set forth, and the results of the Special Bond Election have today been officially canvassed by this City Council and declared to have resulted in favor of the approval of such proposition;

NOW, THEREFORE, Be It Resolved by the City Council of Park City, Summit County, Utah, as follows:

Section 1. There having been furnished to the City Council the returns of the Special Bond Election held in the City on November 7, 2006, printed by the tabulating apparatus employed in conjunction therewith, it is hereby officially found, determined and declared that, as to the proposition set forth in full in Section 2 of this Resolution, _____ votes were cast, of which _____ votes were in the affirmative and _____ votes were in the negative, _____ voters were challenged, and of the challenged voters, _____ were permitted to vote by provisional ballot, and of the _____ provisional ballots issued, _____ provisional ballots were valid and therefore counted.

Section 2. At the Special Bond Election on the proposition appearing below, a majority of the qualified, registered electors of the City voting on the following proposition and a majority of the qualified, registered electors of the City receiving ballots have assented to the issuance of the bonds described in such proposition:

CITY PROPOSITION NUMBER 1

> Shall Park City, Utah be authorized to issue general obligation bonds in an amount not to exceed $20,000,000 and to mature in no more than 21 years from the date or dates of such bonds to acquire, improve and forever preserve park and recreational land, together with related historical or cultural improvements, to protect the conservation values thereof, to remove existing unneeded man-made improvements, and to make limited improvements for public access, parking and use?

Therefore, the City is authorized to proceed with the issuance of the bonds specified in the foregoing proposition.

Section 3. The returns printed by the tabulating apparatus employed to count and tabulate the votes cast at the Special Bond Election (including any vote by absentee ballot counted with the other ballots cast at the respective polling place and to which have been added votes validly cast by additional absentee ballots and provisional ballots), a true and correct copy of such returns from Summit County, Utah being attached hereto as *Annex 1* and a true and correct copy of such returns from Wasatch County, Utah being attached hereto as *Annex 2,* are hereby certified by the City Council as the official returns for the Special Bond Election from each and every polling place established for the Special Bond Election.

Section 4. Only qualified, registered electors of the City under the Constitution and laws of the State of Utah were permitted to vote on the proposition submitted at the Special Bond Election.

Section 5. Notice of the Special Bond Election, embracing all matters required by law to be contained therein, was given by publication on October 11, 2006, October 18, 2006, and October 25, 2006, in *The Park Record*, a newspaper of general circulation in the City. The date of the first of these publications was not less than twenty-one (21) days nor more than thirty-five (35) days prior to the date set for the Special Bond Election. The notice of the Special Bond Election, as published, is hereby in all respects approved, ratified and confirmed.

The City Council did, by resolution adopted on October 5, 2006, designate the polling places for the Special Bond Election. The City Council did provide or cause to be provided the necessary voting devices, voting booths, ballots, ballot boxes, ballot labels, ballot sheets, and any other records and supplies needed for the conduct of the Special Bond Election. The ballots used at the Special Bond Election were in the form provided by law. There were furnished to the poll workers for each polling place a registration list or copy thereof listing all registered electors entitled to use such polling place to vote in the Special Bond Election. The persons who served as the election officials at the Special Bond Election in each voting precinct were duly and properly appointed to serve in such capacity and in connection with the regular general election in accordance with law. The places of all absent poll workers were properly filled in accordance with law. Before opening the polls, the poll workers were properly sworn in accordance with law. The early voting period for the Special Bond Election was held and conducted in accordance with law. On the day of the Special Bond Election, the polls at the polling places were opened at 7:00 a.m. and remained open until, and not later than, 8:00 p.m. Only persons registered and qualified as electors and entitled to vote in the Special Bond Election under the Constitution and laws of the State of Utah voted at the Special Bond Election. After the closing of the polls, the necessary records were made by the poll workers and all other election officials in accordance with law, and all ballots (including electronic ballots, absentee ballots and provisional ballots) were secured by such election officials, prepared for and delivered to the Election Officers, as applicable, and the City Council, as required by law.

All votes cast by absentee ballots and provisional ballots received as required by law by the Election Officers were counted and the resulting tally was included in the official canvass by the City Council and the returns printed by the tabulating apparatus in the manner prescribed by law.

All things whatsoever required by law to be done in connection with the calling and holding of the Special Bond Election and the counting of the results of the Special Bond Election were properly and duly performed in manner and form as required by law.

Section 6. The City Council hereby ratifies, confirms, approves and finds to be in all respects regular and in compliance with law all proceedings taken, acts performed, notices given, electronic ballots prepared, absentee ballots and provisional ballot envelopes printed, election officials appointed, including the election officers appointed to test the voting devices used in the Special Bond Election and to test and operate the tabulating apparatus employed to count the votes cast at the Special Bond Election, polling places used and things done in connection with the calling, giving notice and holding of the Special Bond Election and the counting of the votes cast at the Special Bond Election in accordance with the provisions of Chapter 4, Title 20A of the Utah Code Annotated 1953, as amended (the *"Utah Code"*).

Section 7. The City Council, having adopted this Resolution pursuant to the provisions of Section 11-14-207 of the Utah Code, determining that a majority of the qualified, registered electors of the City voting on the aforesaid proposition assented to the issuance of such bonds, the City is, therefore, authorized to proceed to issue the bonds voted at the Special Bond Election as permitted in Section 11-14-301 and in Chapter 27 of Title 11 of the Utah Code.

Section 8. The bonds approved at the Special Bond Election shall be sold as provided by law.

Section 9. This Resolution shall be effective immediately upon its adoption.

ADOPTED AND APPROVED this 16th day of November, 2006.

PARK CITY, SUMMIT COUNTY, UTAH

By ______________________________
Dana Williams
Mayor

[SEAL]

ATTEST:

By______________________________
Janet M. Scott
City Recorder

APPROVED AS TO FORM:

By ______________________________
Mark D. Harrington
City Attorney

(Other business not pertinent to the above appears in the minutes of the meeting.)

Pursuant to motion duly made and carried, the meeting was adjourned.

PARK CITY, SUMMIT COUNTY, UTAH

Dana Williams
Mayor

[SEAL]

ATTEST:

Janet M. Scott
City Recorder

STATE OF UTAH)
)
COUNTY OF SUMMIT)

I, Janet M. Scott, the duly qualified and acting City Recorder of Park City, Summit County, Utah (the *"City"*), do hereby certify, according to the records of said City in my official possession, that the foregoing is a full, true and correct copy of the extracts of minutes of a regular public meeting of the City Council of Park City, Summit County, Utah (the *"City Council"*) held on November 16, 2006, including a resolution adopted at the meeting, as recorded in the regular official book of minutes of the proceedings of the City Council kept in my office, that all members were given due, legal and timely notice of said meeting, that the meeting therein shown was in all respects called, held and conducted in accordance with law and in full conformity therewith, and that the persons therein named were present at the meeting, as therein shown.

I further certify that attached hereto as *Exhibit A* is a true and correct copy of the ballot sheet that was prepared for use by qualified electors of the City residing in Summit County, Utah (*"Summit County"*) in casting a vote by means of an absentee ballot or provisional ballot at the November 7, 2006 special bond election held in the City and that was taken from the same printing as the ballot sheets actually used at that election. I further certify that a true and correct copy of the electronic ballot that was prepared for use by qualified electors of the City residing in Summit County in casting a vote by means of the direct electronic voting device at the November 7, 2006 special bond election held in the City was in the same form as the ballot sheet attached as *Exhibit A* hereto, excluding the section entitled "Instructions to Voters."

I further certify that attached hereto as *Exhibit B* is a true and correct copy of the ballot sheet that was prepared for use by qualified electors of the City residing in Wasatch County (*"Wasatch County"*) in casting a vote by means of an absentee ballot or provisional ballot at the November 7, 2006 special bond election held in the City and that was taken from the same printing as the ballot sheets actually used at that election. I further certify that a true and correct copy of the electronic ballot that was prepared for use by qualified electors of the City residing in Wasatch County in casting a vote by means of the direct electronic voting device at the November 7, 2006 special bond election held in the City was in the same form as the ballot sheet attached as *Exhibit B* hereto, excluding the section entitled "Instructions to Voters."

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Park City, Summit County, Utah, at Park City, Utah, this 16th day of November, 2006.

Janet M. Scott
City Recorder

[SEAL]

ANNEX 1

[ATTACH COPY OF RETURNS PRINTED BY THE TABULATING APPARATUS FROM SUMMIT COUNTY]

ANNEX 2

[ATTACH COPY OF RETURNS PRINTED BY THE TABULATING APPARATUS FROM WASATCH COUNTY]

EXHIBIT A

[ATTACH ORIGINAL BALLOT SHEET — SUMMIT COUNTY]

EXHIBIT B

[ATTACH ORIGINAL BALLOT SHEET — WASATCH COUNTY]

PARK CITY, UTAH — SPECIAL BOND ELECTION, NOVEMBER 7, 2006

CANVASS OF RESULTS, NOVEMBER 16, 2006

CANVASS PROCEDURE	COUNCIL	CITY RECORDER
Convene as a board of canvassers (page 5)	X	
1. City Recorder presents to the Board of Canvassers final returns printed by the tabulating apparatus. (page 5)		X
2. City Recorder states to the Board of Canvassers: "Neither the County Clerk of Summit County nor the County Clerk of Wasatch County, as the Election Officers, received additional absentee ballots after the canvass of the regular primary election by the Board of County Commissioners of their respective County and prior to the City Council's canvass of the results of the special bond election; *therefore*, there are no additional absentee ballots to count." (page 5)		X
3. The Mayor orders that the returns be filed in the official records of the City. (page 6)	X	
1. Mayor asks for a motion to publicly proceed to canvass and declare the results of the special bond election. (page 6)	X	
2. Motion/Second/Vote.	X	
3. Canvass and declare results (summarized below): Total number of votes cast: _______ Total number of affirmative votes: _______ Total number of negative votes: _______ Total number of challenged voters: _______ Total number of challenged voters issued provisional ballots: _______ Total number of provisional ballots counted: _______	X	
Discussion and questions.	X	
1. Mayor asks for a motion to adopt the resolution finding and promulgating the results of the special bond election. (page 7)	X	
2. Motion/Second/Vote.	X	
Adjourn as a board of canvassers and reconvene as the City Council for the conduct of other business, if any.	X	

City Council
Staff Report

PUBLIC WORKS

Author: Kathy Lundborg
Subject: BOOTHILL PUMP STATION CONSTRUCTION CONTRACT
Date: November 16, 2006
Type of Item: Administrative

Summary Recommendations:
Staff recommends Council authorize the City Manager to execute a Construction Agreement, in a form approved by the City Attorney, with Nelson Bros. Construction Co. for the construction of the Boothill Pump Station for a lump sum amount of $1,232,300.

Description:

Topic:
Boothill Pump Station Construction—follows the Water Strategic Plan regarding "Infrastructure" and the strategy of implementation of the Capital Facilities Plan.

Background:
The Boothill Pump Station is the next step in a multi-step system upgrade. This summer the Boothill Tank Construction began and will be finished by the end of the year. Last summer new pipelines were installed on Boothill from the Park Meadows and Divide Wells to the new valve vault on Boothill and another pipeline was constructed from the vault to Monitor Dr. These pipelines were needed to facilitate chlorine contact time for the Park Meadows well treatment, to improve blending options for Spiro water, increase fire flow protection to Park Meadows & Prospector areas, and provide a transmission line for the new pump station.

The pump station is scheduled to be constructed through the winter and into next summer at the base of Boothill, north of the eastern corner of the cemetery, behind the Boothill Condos. The next and final step will be to build a new transmission line from Monitor Dr, across Kearns, up Bonanza to Deer Valley Drive, Deer Valley Drive to about 12th, across City Park where it will be tied in with the transmission line that extends from Woodside. The transmission line will not be constructed until at least 2008, depending on funding.

Once the tank is constructed, it will go online immediately to help provide the much needed equalization storage to meet current peak day demands. Once the pump station and transmission line are constructed, the pump station will be able to provide source redundancy to Old Town and will be a primary way of providing water to the Empire Pass area.

The Boothill Pump Station construction project was advertised this fall in the Park Record and Salt Lake Tribune. Five bids were received and opened on November 7, 2006.

Analysis:
The following summarizes the bids:

Contractor	Total Bid
Engineer's Estimate	$1,768,229
Nelson Bros.	**$1,232,300**
COP Construction	$1,333,000
Vancon	$1,358,000
Counterpointe	$1,400,000
ABCO	$1,675,000

Nelson Bros. is the lowest qualified bidder. Qualifications and Bid Documents were verified by our Engineer, Bowen, Collins & Associates, Inc. (see attached letter). Staff therefore recommends Nelson Bros. as the successful bidder.

The budget for the construction was set at $1,710,300, which includes contingency. Funding for this project was approved in the FY 2007 budget (CIB Bond).

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

Alternatives:

A. Approve the Request:
Staff recommends Council authorize the City Manager to execute a Construction Agreement, in a form approved by the City Attorney, with Nelson Bros. Construction Co. for the construction of the Boothill Pump Station for a lump sum amount of $1,232,300.

B. Deny the Request:
Council could deny Staff's request. Denying the request would delay the construction of the pump station and the funds are available now through a CIB loan. The pump station is needed to supply water to Empire Pass and provide redundancy to Old Town.

C. Continue the Item:
Council could continue the request. Continuing the request would delay the construction of the pump station and the funds are available now through a CIB loan.

D. Do Nothing:
Staff does not recommend this alternative. Doing nothing would also delay the construction of the pump station and the funds are available now through a CIB loan.

Significant Impacts:
The Boothill Pump Station construction project is funded in the approved FY06/07 budget.

Recommendation:
Staff recommends Council authorize the City Manager to execute a Construction Agreement, in a form approved by the City Attorney, with Nelson Bros. Construction Co. for the construction of the Boothill Pump Station for a lump sum amount of $1,232,300.

BOWEN
COLLINS
& Associates, Inc.
Consulting Engineers

756 EAST 12200 SOUTH, DRAPER, UTAH 84020
Tel. (801) 495-2224 Fax (801) 495-2225

November 8, 2006

Ms. Kathy Lundborg
Water Manager
Park City Municipal Corporation
P.O. Box 1480
Park City, Utah 84060

Project: Boothill Pump Station

Subject: Bid Evaluation

Kathy,

Bids were received from general contractors for the Boothill Pump Station Project at the Park City Municipal Corporation Public Works office on Tuesday, November 7, 2006 at 3:00 PM. Five contractors submitted bids for consideration.

We reviewed the submitted bids and required information from the apparent low bid contractor and prepared the attached table containing a summary of the bids.

Bidder	Bid Amount
Nelson Brothers Construction Co.	$1,232,300
COP Construction	$1,333,000
Vancon, Inc.	$1,358,000
Counterpoint Construction Co.	$1,400,000
ABCO Construction	$1,675,000

The criteria for bidding by contractors for construction of the Boothill Pump Station Project are summarized below.

1. Three similar projects of comparable size and complexity within the last 5 years
2. Valid contractors license in appropriate classification
3. Proposed project superintendent with 3 similar projects within the last 5 years
4. Proposed project superintendent shall be dedicated to the project.

All bidders submitted acceptable bids which were signed, acknowledged the five addendums, contained information required of bidders and bid bonds.

For the apparent low bidder, Nelson Brothers Construction, we have reviewed their references and had the following comments:

East Canyon Water Treatment Plant (2002) – Tena Campbell of Bowen, Collins & Associates

- Good workmanship
- Easy to work with Lee Redd (project manager) and Rick Henwood (superintendent)
- Good value engineering suggestions
- Hard time with schedule

Holliday Water Treatment Plant (2002) – Marlin Sundberg of Holliday Water Company

- Excellent job
- Would hire them again for a similar project
- Like the superintendent, Ingo, so well that they hired him
- No schedule or budget issues

Jordan Valley WCD Two Booster Stations (1999) – Ted Simms of CH2MHill

- Worked with Russ Nelson now at Hills Construction
- Great quality work
- Worked well with them
- Hard time maintaining schedule

Jordan Valley WCD Well Pump House (2000) – Ron Rash of Carollo Engineers

- Was unable to speak with Ron but left a message

Central Valley Water Reclamation Facility Secondary Sedimentation System Expansion (2006) – Tom Holstrom of Central Valley WRF

- Was unable to speak with Tom but left a message

Nelson Brothers Construction Company provided a letter with their bid (see enclosed) in which they commit to meet the schedule. David Nelson is the proposed superintendent for the project. He was not the superintendent on the reference projects that we made contact on.

Based on the information above, Nelson Brothers Construction Company appears to comply with all requirements of the bid, and we recommend that an award be made to them for the Boothill Pump Station Project.

Please contact us at your earliest opportunity with any questions or comments you may have.

Sincerely,

Bowen, Collins & Associates

Tena Campbell

Tena Campbell, P. E.
Project Engineer

enclosure

November 7, 2006

Park City Corporation

Project: Boothill Pump Station

To Whom It May Concern:

If awarded a contract to construct the Boothill Pump Station, we will issue all purchase orders and subcontracts within 2 weeks of receiving a "Notice of Award" letter. It will take about 4 weeks to acquire and submit material information for review and approval.

We would begin the construction work once the permits are obtained and submittals are approved. The actual construction time will probably take less than 252 days. We will coordinate the construction schedule with the owner's and engineer's input.

CONSTRUCTION AGREEMENT

THIS AGREEMENT is made and entered into as of this ____ day of _____________, 2006, by and between PARK CITY MUNICIPAL CORPORATION, P O Box 1480, Park City UT 84060, a municipal corporation of the state of Utah (hereinafter "City"), and NELSON BROS., 347 W 1600 S, Salt Lake City, UT 84115, which is a (*check one*) _X_ corporation ___ partnership ___ sole proprietorship ___ limited liability company (hereinafter "Contractor").

PURPOSE: For the project known as the BOOTHILL PUMP STATION (hereinafter "Project"), which consists of the construction of the Boothill Pump Station in accordance with the Contract Documents and Park City Standards, Construction Specifications, and Standard Drawings.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties hereby agree as follows:

SECTION 1. SCOPE OF WORK. Contractor shall furnish all labor, materials and equipment to complete the Project, consisting of the work described in the Information for Bidders as the Basic Bid, and the following additive alternates: None, as specifically set out in the contract specifications, which is made a part hereof by reference, herein called the "Project."

The Project will be bound by the specifications referenced herein, according to the Advertisement for Bid, the Information for Bidders, the General Project Requirements and Specifications provided by City, the Bid of the Contractor, Bid Bond, Drawings, Notice of Award and Notice to Proceed, collectively referred to as the Contract Documents, all of which are incorporated herein by reference and on file in the Public Works Department. To the extent that this Agreement conflicts in any way with a proposed form agreement which may have been submitted as part of the bid specifications, this Agreement shall control.

If any of the work performed by Contractor in any phase of the Project does not meet City standards as outlined in the bid documents and specifications, then Contractor shall immediately repair or correct the work at no additional cost to City.

A. SUBCONTRACTORS. No part of this contract shall be subcontracted by the Contractor without prior written approval by City through the Project Manager/Engineer. The Contractor shall be fully responsible to the City for the acts and omissions of its Subcontractors and of persons either directly or indirectly employed by them, as it is for the acts and omissions of persons directly employed by it.

The Contractor shall, within ten (10) days of submittal of request for final payment, include an affidavit showing satisfactory evidence that all claims of subcontractors, laborers and materialmen who supplied services or materials to

the Project have been fully paid, discharged, or waived. The Contractor shall submit lien waivers for each pay release.
If the City reasonably believes that Contractor has failed to pay Subcontractors, materialmen, or laborers for work on the Project within a reasonable time of when payment is due, then City may, after having notified the Contractor, either pay unpaid bills or withhold from the release of Contractor's payment bond for this Project, a sum of money deemed reasonably sufficient to pay any and all such lawful claims until satisfactory evidence is furnished that all liabilities have been fully discharged and a ten percent (10%) fee for administering such claims.

B. STANDARDS OF WORKMANSHIP. Contractor shall demonstrate workmanship equal to or better than current industry standards for this Project. Where Park City specifications exist (for example, asphalt, concrete, irrigation, sprinkling system and landscaping), they shall provide the benchmark for determination of acceptability.

C. INSPECTION AND TESTING. All materials and equipment used in the construction shall be subject to inspection by the Project Manager/Engineer. If laws, ordinances, rules or regulations of any public authority having jurisdiction require any work to specifically be inspected, tested or approved by someone other than Project Manager/Engineer, the Contractor shall give the Project Manager/Engineer timely notice of readiness. Inspections, tests or approvals by the City or appropriate authorities will not relieve the Contractor from obligations to perform the work in accordance with the requirements of the Contract Documents and/or provisions. The Project Manager/Engineer and other designated persons will at all times have access to the work. All work shall ultimately be inspected for final acceptance by the Project Manager/Engineer within a reasonable time upon receipt of notice from the Contractor that work is complete and ready for final inspection.

During construction, the work will be inspected and observed by the Project Manager/Engineer or his designated representative. All work that is deficient or does not meet specifications shall be removed and replaced with proper material at Contractor's expense.

D. WARRANTY. Contractor warrants that all materials and supplies used in the construction of the Project shall be new, except as otherwise agreed to in writing by the City's Representative. All materials, equipment, parts and labor and any necessary corrections to the Project shall be guaranteed for a period of one (1) year following the date of substantial completion of the Project under the terms of the performance bond.

SECTION 2. PERFORMANCE AND PAYMENT BONDS. Contractor shall furnish to the City payment and performance bonds satisfactory to the City guaranteeing Contractor's payment and performance, in the amount, for each separately, of one hundred percent (100%) of the Contract Amount.

<u>SECTION 3. INSURANCE</u>. Unless otherwise specified in the bid documents, the Contractor shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, their agents, representatives, employees, or subcontractors.

The Contractor shall provide a Certificate of Insurance evidencing:

> **A.** Automobile Liability insurance with limits no less than five hundred thousand dollars ($500,000) combined single limit per accident for bodily injury and property damage.
>
> **B.** Commercial General Liability insurance written on an occurrence basis with limits no less than one million dollars ($1,000,000) combined single limit per occurrence and two million dollars ($2,000,000) aggregate for personal injury, bodily injury and property damage. Coverage shall include but not be limited to: blanket contractual; products/completed operations; broad form property damage; explosion, collapse and underground (XCU) if specifically requested; and employer's liability.
>
> **C.** Professional Liability (Errors and Omissions) insurance written on an occurrence basis with limits no less than one half million dollars ($500,000) combined single limit per occurrence.
>
> **D.** Workers Compensation insurance written on an occurrence basis with limits no less than one half million dollars ($500,000) combined single limit per occurrence.

The City shall be named as an additional insured on the insurance policies and a copy of the endorsement naming the City as an additional insured shall be attached to the Certificate of Insurance. The City reserves the right to request certified copies of any required policies.

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

<u>SECTION 4. CONTRACT AMOUNT, ACCEPTANCE OF WHOLE, ADDITIONS</u>. City shall pay Contractor the total sum of **ONE MILLION THREE HUNDRED NINETY NINE THOUSAND ONE HUNDRED THIRTY EIGHT DOLLARS ($1,399,138)** (“Contract Amount”) for all work and materials expended to complete this Project, which shall include the cost of all bonds, insurance, and all charges, fees, permits (including water and sewer fees, unless waived), expenses or assessments of whatever kind or character that are or may be necessary to complete this Project, including any additive alternates listed within the Scope of Work described in Section 1.

SECTION 5. PERMITS AND FEES. As set out in Section 4 above, the Contract Amount includes the price of all normally applicable fees and permits. The City may, at its discretion, arrange for the waiver of certain fees, permits and expenses.

SECTION 6. TERMS OF PAYMENT. The City shall pay for services provided hereunder according to and in an amount not to exceed that detailed in the attached payment schedule (Attachment A) and only upon Contractor's request on forms approved by and submitted to the Project Manager. The City shall make payment within thirty (30) days thereafter. Requests for a more rapid payment may be considered if a discount is offered for early payment. At no time shall the aggregate amount of money paid to the Contractor in proportion to the Contract Amount be greater than the proportion of the work performed at that point to the total Project work. No payment shall be made for any service rendered by the Contractor except for services set forth and identified in this Agreement. The City reserves the right to withhold payment in whole or part from the Contractor for non-compliance with the provisions of the Contract Documents.

A. RETAINAGE. The City may, in its sole discretion; (1) retain five percent (5%) of the value of all work done and materials or equipment supplied as part security for the fulfillment of the Agreement by the Contractor; or (2) retain the final payment of up to five percent (5%) of the total project amount. As work nears completion and solely at the City's discretion, the City may reduce the retainage to an amount more in line with the work remaining. The City reserves the right to retain all amounts previously withheld or due, including any liquidated damages, until all services specified herein are complete. Any money withheld pursuant to this section shall be placed in an interest bearing account and the interest shall also be payable to the Contractor upon final payment.

Before final payment is made, the Contractor must submit evidence satisfactory to the City that all payrolls, material bills, subcontracts and all outstanding indebtedness in connection with the Project have been paid for.

The City may withhold a reasonable amount of the payment bond sufficient to cover any outstanding indebtedness or monies owed or claimed by any person who supplied work or materials to the Project plus ten percent (10%) of such indebtedness as the City's cost of administering such claims until Contractor supplies a release satisfactory to the City, signed by all persons who have supplied labor or materials to the Project or, at the City's option if no claim is made, until 105 days after the date on which any person performed the last of the labor or supplied the last of the material for the Project and upon written request from the Contractor.

The Contractor shall supply to the Project Manager/Engineer within a reasonable time after his request a signed statement verifying all the suppliers, subcontractors and other persons who have supplied labor or materials to the Project.

B. FINAL PAYMENT. Acceptance by the Contractor of the final payment from the City shall release the City of all claims, demands and liability of the Contractor, its officers, agents, employees and subcontractors, whether communicated or not by the Contractor, except with respect to those matters referred to in writing delivered to the Contractor and approved in a signed writing by the Project Manager.

SECTION 7. COMPLETION TIME. The work on this Project shall commence within ten days of receipt of the Notice to Proceed and shall be completed by (insert date). Work stoppage due to inclement weather conditions and other factors must be approved in writing by the Project Manager. Inclement weather shall not otherwise constitute cause for delay. Unless otherwise agreed by the City by Change Order, no damages shall become due to Contractor for City caused delay. A Change Order for delay will generally be accepted for delay so excessive and unreasonable that it is beyond the scope of the Contract or delay attributed to direct, active or willful interference by the City. The Change Order must be based upon actual damages sustained by the Contractor which are directly attributed to the delay.

In the event that Contractor fails to complete all of the work required herein within the time limit set out above, then for each partial or complete day during which the work remains uncompleted thereafter, the Contractor agrees to pay the City **One Hundred Dollars ($100.00)**, (NOTE: liquidated damages clause must be agreed to by Contractor, if no mutual agreement, then no liquidated damages) which the parties believe, due to the difficulty of actually assessing the damages the City will suffer in the event of such a delay, is a fair estimate of the loss the City will suffer. The parties agree that the daily liquidated damages provided for herein is reasonable and fair, and is not a penalty. TIME IS OF THE ESSENCE IN THIS AGREEMENT.

SECTION 8. ADDITIONAL WORK/CHANGE ORDERS. The City may enlarge or reduce the work to be performed by Contractor hereunder by written notification to Contractor, including changes to the plans and specifications. The City shall pay Contractor for any additional work so requested, and shall reduce the payment to the Contractor for any reduction in labor, materials, overhead and profit margin resulting from the reduction in the work. Except as the City shall so notify the Contractor in writing, it is understood and agreed by the parties hereto that no money will be paid to the Contractor for any new or additional labor or materials furnished unless a written modification is agreed to in a document signed by both parties.

The value of any work covered by a change order or of any claim for increase or decrease in the contract price shall be determined by one or more of the following methods in order of precedence listed below:

A. An agreed lump sum; or in the event the parties cannot agree; then

B. The unit rate for the work bid by the Contractor, if applicable, or in the event there was no such rate bid; then

C. The actual cost for: (1) labor; (2) materials; (3) supplies; (4) equipment; (5) direct overhead (not to exceed 5% of the sum total of items 1-4, unless approved by the City); and (6) other services necessary and approved by the City to complete the work. In the event of a net increase in the Contract Amount for a change order as a whole, the City shall allow a payment to the Contractor of an additional ten percent (10%) of the actual cost of the work, not including direct overhead or bond costs, to cover the cost of general overhead and profit. The Contractor may also charge the City for actual cost of the net increase in bond costs as a result of the overall change to the Contract Amount. The City specifically reserves the right to request documentation, including but not limited to payroll stubs, bond bills, and invoices, to validate the Contractor's calculations.

SECTION 9. DISPUTES. Except as otherwise provided in this Agreement, any disputes concerning a question of fact arising under this Agreement which is not disposed of by Agreement shall be decided by the City. The decision of the City shall be final and conclusive unless, within thirty (30) days from the date of receipt of such decision, the Contractor shall mail or otherwise furnish the City a written signed appeal addressed to the Project Manager/Engineer. In connection with any appeal proceeding under this clause, the Contractor will be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor will proceed diligently with the performance of the contract and in accordance with the City's decision. The decision of the City shall be final and conclusive, but shall not be arbitrary or unreasonable. Although this Contract has been drafted by the City, the Contractor expressly agrees that any ambiguity herein shall be resolved in favor of the City.

SECTION 10. DEFAULT, REMEDY AND TERMINATION. The City may terminate this agreement upon the occurrence of one or more of the following events:

A. If Contractor or any Subcontractor should substantially violate any of the provisions of this contract;

B. If Contractor substantially fails to perform any part of this Agreement;

C. If Contractor repeatedly fails or becomes unable to perform the services under this Agreement as required herein, or substantially fails to provide services under this Agreement for a period of seventy-two (72) hours;

D. If Contractor (1) shall become insolvent in a bankruptcy sense; (2) shall be generally not paying its debts as they become due, or within a reasonable time thereafter; (3) shall suffer, voluntarily or involuntarily, the entry of an order by any court or governmental authority authorizing the appointment of or appointing of a custodian (as that term is defined in 11 U.S.C. '101[10]), receiver, trustee, or other officer with similar powers with respect to it or any portion of its property which remains undismissed for a period of ninety (90) days; (4) shall suffer, voluntarily or involuntarily, with or without judicial or governmental authorization, any such custodian, receiver, trustee, or other officer with similar powers to take possession of any part of its property which third party remains in possession for an excess of ninety (90) days; (5) shall suffer, voluntarily or involuntarily, the filing of a petition respecting an assignment for the benefit of creditors which is not dismissed for a period of ninety (90) days; (6) shall be dissolved; (7) shall become the subject of any proceeding, suit, or action at law or in equity under or relating to any bankruptcy, reorganization or arrangement of debt, insolvency, readjustment of debt, receivership, liquidation, or dissolution law or statute or amendments thereto to be commenced by or against it or against any of its property which remains undismissed for a period of ninety (90) days; (8) shall voluntarily suspend substantially all of its business operations; (9) shall be merged with, acquired by, or otherwise absorbed by any individual, corporation, or other business entity or organization of any kind except for any individual corporation or other business entity or organization which is controlled by, controlling, or under common control with the Contractor; or (10) shall take action for the purpose of any of the foregoing,

After serving ten (10) days written notice on the Contractor and its surety of its intention to terminate the services of Contractor, and if within ten (10) days after serving such notice, the violation is not corrected to City's reasonable satisfaction, the City then may take over the work and prosecute it to completion by contract or by any other method it may deem advisable at the expense of the Contractor. The Contractor and the bonding company shall be liable to the City for any reasonable cost occasioned by the City in excess of the amount agreed for the service herein.

The Contractor shall be entitled to a hearing before a City hearing officer upon the issue of termination if it submits a written request therefore within seven (7) days of the service of the notice of the City's intent to terminate. The Contractor shall be entitled to be heard at such hearing on the issue of termination. The Contractor shall not bring an action against the City, its officers, agents or employees arising out of or relating to the termination of this Agreement before the decision is issued by the City's hearing officer(s).

Waiver of any default shall not be deemed to be a waiver of any subsequent default. Waiver of any provision of this Agreement shall not be construed to be modification of the terms of this Agreement, unless stated to be such in writing, signed by the City's authorized representative.

The Contractor shall continue the performance of this agreement to the extent not terminated under the provisions of this section.

The rights and remedies of the City provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this agreement.

SECTION 11. HOLD HARMLESS INDEMNIFICATION. The Contractor clearly and unequivocally agrees to indemnify and to hold the City and its agents, employees, and officers, harmless from and shall process and to defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the Contractor's performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Contractor or others; and provided further, that nothing herein shall require the Contractor to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The Contractor expressly agrees that the indemnification provided herein constitutes the contractor's waiver of immunity under Utah Code Section 34A-2-105 for the purposes of this Agreement. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement. No liability shall attach to the City by reason of entering into this Agreement except as expressly provided herein.

SECTION 12. CONTROLLING LAW. These general conditions shall be construed in accordance with and enforced under the laws of the State of Utah. Any action of law, suit in equity, or judicial proceeding for the enforcement of the Agreement, or any provisions thereof, shall be instituted and maintained only in any of the courts of competent jurisdiction in Summit County, Utah.

SECTION 13. ASSIGNMENT. The Contractor shall not assign nor transfer any interest in this agreement without the prior written consent of the City, provided however, that claims for compensation due or to become due the Contractor from the City under this agreement may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment shall be promptly furnished to City.

SECTION 14. SAFETY AND TRAFFIC CONTROL. Contractor shall take all reasonable precautions to protect the safety of pedestrians, school children, motorists, and others who may use or come near to the Project site, including but not limited to compliance with the Manual of Uniform Traffic Control Devices.

SECTION 15. SAFETY AND PROTECTION OF THE WORK. Contractor shall be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the project work. Contractor shall provide reasonable protection to prevent damage, injury or loss to employees on the Project work and all other persons who may be affected thereby, materials and equipment, whether on or off the site, and other property at the work site or adjacent thereto, including trees, shrubs, lawns, walks, pavements, roadways, structures and utilities not designated for removal, relocation or replacement in the course of construction. In addition, the Contractor shall give all notices and comply with all applicable laws, ordinances, rules, regulations and lawful orders of any public authority bearing on the safety of persons or property or their protection from damage, injury or loss.

The Contractor shall erect and maintain, as required by the existing conditions and progress of the work, all reasonable safeguards for safety and protection, including posting danger signs and other warnings against hazards, setting safety regulations, and notifying owners and user of adjacent utilities.

The Contractor shall promptly remedy all damage or loss to any property referred to in this Section caused in whole or in party by the Contractor, any subcontractor, sub-subcontractor or anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable and for which the Contractor is responsible, except for acts or omissions by the City or anyone directly or indirectly employed by it, or by anyone for whose acts it may be liable, and not attributable to the fault or negligence of the Contractor. Contractor shall remove from the site all cuttings, debris, equipment and unused material.

SECTION 16. UNENFORCEABLE CONTRACT, WAIVERS. In the event that any provision of this contract shall be ruled invalid and unenforceable, the remaining provisions shall be valid and binding upon the parties. One or more waivers by either party of any provision, term or covenant shall not be construed by the other party as a waiver of a subsequent breach of the same provision by the other party.

SECTION 17. ENTIRE AGREEMENT. This contract represents the entire integrated agreement between City and Contractor and supersedes all prior negotiations, representations or agreements, either written or oral. This agreement may be amended only by written modification signed by both parties.

SECTION 18. COMMENCEMENT OF WORK. Contractor will commence work as required by the specifications within ten calendar days after receiving the NOTICE TO PROCEED.

SECTION 19. UTILITIES. The right is reserved to the owners of public utilities and franchises to enter upon the street or work site for the purpose of making repairs or changes of their property that may become necessary by the work. The City shall also have the privilege of entering upon the street or work site for the purpose of repairing culverts, storm drains, water system repairs or adjustments and any and all other necessary City work.

The Contractor takes the whole risk, responsibility and expense with respect to the location of utilities, and in working with utility owners about locating, moving, repairing, and modifying utilities. All utility locations shown on the plans and specifications are approximate and are marked on the plans, if at all, only for convenience. The City makes no representation about the location of any such utilities, and Contractor is encouraged to contact utility companies and owners about the location of all utilities that may be impacted by or impact the Project work.

SECTION 20. HOURS AND DAYS OF WORK. All work performed by the Contractor, its subcontractors, materialmen, agents and employees shall be performed during work hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday unless otherwise specified in a Conditional Use Permit or Construction Mitigation Plan. In individual Construction Mitigation Plans, the Building Official may further reduce the hours or days of work for Special Events or as other circumstances may reasonably warrant. When work is prohibited, no exterior construction, excavation or delivery of supplies and concrete are allowed. Interior work, however, may be allowed Monday through Sunday, with no limitation on hours for the following types of construction:

A. Interior work on individual single-family home construction or addition projects not involving materials or supply deliveries

B. Construction of decks, patios, landscape walls less than 4 feet in height, and fences on individual single-family lots

C. Non-mechanized exterior painting on individual single-family residences

D. Non-mechanized landscaping on individual single-family residences

E. Survey work not involving grading or use of power equipment to cut vegetation.

Extended Hours Special Permit. The Building Official may authorize extended hours for construction operations or procedures which, by their nature, require continuous operation or modify or waive the hours of work on projects in generally isolated areas where the extended hours do not impact upon adjoining property occupants. In such cases, the Building Official shall issue a Special Permit identifying the extended hours. Contractor shall display the special permit on site.

Special Event Regulations. The Building Official and/or Police Chief may, at their discretion, restrict construction activity, including governmental or special improvement agencies, in order to assure the public safety during special events within the City. Special events shall include, but not be limited to the Art Festival, Film Festival, ski events, and holiday events.

SECTION 21. CONSTRUCTION MANAGEMENT PLANS. Contractor shall submit a Construction Mitigation Plan to be approved by the Community Development Department, for all building permits. The Community Development Department may waive this requirement for minor remodels, additions and interior construction where the impact on adjacent property is minimal. This plan shall be written and shall address, to the satisfaction of the Community Development Department.

A. Hours and Days of Operation. The Construction Mitigation Plan shall specify the daily construction start and finish times. Construction activity occurring outside of the times specified in Section 11-14-6 of the Park City Municipal Code may only be allowed by Special Permit issued by the Building Official or the City Engineer.

B. Parking. The Construction Mitigation Plan shall include a parking plan. Construction vehicle parking may be restricted at construction sites so as to not block reasonable public and safety vehicle access along streets and sidewalks. Construction parking in paid or permit only parking areas require the Public Works Department review and approve a parking plan. The plan shall also include anticipated temporary parking, e.g. delivery vehicles, large equipment parking.

C. Deliveries. The Construction Mitigation Plan shall identify proposed delivery locations and routes. Deliveries of construction materials and supplies including concrete may be regulated as to time and routing if such deliveries will cause unreasonable noise, parking, or access issues. In order to reduce the number of delivery trips to construction sites, the stockpiling of materials on or near the site may be required. In the case of multiple construction sites in close proximity, a common materials storage and staging site may be required.

D. Construction Phasing. Due to the narrow streets, small lot configuration, topography, traffic circulation, weather, construction parking and material staging problems, projects in the Historic District and other areas of the City may be required to be phased if more than one project is under construction in close enough proximity to create public safety or nuisance problems. In cases where phasing is deemed necessary by the Community Development Department**,** the first project to receive a building permit shall have priority, however, the Building Official shall have the authority to phase projects as necessary to assure efficient, timely and safe construction.

E. **Trash Management and Recycling**. Construction sites shall provide adequate storage and a program for trash removal**.**

F. **Control of Dust and Mud on Streets**. A program for the control of dust or other airborne debris shall be required. Provision must be made to eliminate the tracking of mud on streets and a program shall be required to remove any such mud daily.

G. **Noise**. Construction activity shall not exceed the noise standards as specified in Section 6-3-9 of the Park City Municipal Code.

H. **Grading and Excavation**. Because of the truck hauling involved in grading and excavation, restrictions on trucking routes as well as the hours of operation may be necessary to mitigate the adverse impacts from such operations. Destination and total cubic yards of excavated material shall be noted.

I. **Construction Sign Requirements**. A sign, indicating the name of the party responsible for the Project shall be posted in a location where such sign is readable from the street or driveway to the construction site. The sign shall not exceed 12 square feet in size, six feet in height and shall not exceed a letter type of 4". Information on the sign shall include, at a minimum:

1. Name, address and phone number of contractor;
2. Name, address, and phone number of person responsible for the project; and
3. Phone number of party to call in case of emergency.

No additional fee is required for this sign.

SECTION 22. TOILET FACILITIES AND CONTAINERIZED TRASH SERVICE REQUIRED.

A. The Contractor shall obtain and maintain on the site a container of suitable size and design to hold and confine trash, scraps, and other construction related refuse created or accumulated on the site. All such construction refuse shall be maintained in a closed container at all times, until transferred to the landfill.

Containers may be placed in setback areas, provided that the placement of the container does not obstruct the view of motorists on adjoining streets and thereby create traffic hazards. Contractor shall not permit accumulated debris, litter, or trash on the construction site to blow or scatter onto adjoining properties, including the public street or to accumulate on the site outside of the container, or on transit to the landfill or dump. The owner or contractor shall service the container as frequently as needed to prevent trash from over-flowing.

B. The Project site shall have permanent toilets, or an approved temporary toilet facility positioned in a location approved by the Building Department, at the rate of one toilet per fifteen on-site employees (1-15 employees = one toilet, 16-30 employees= two toilets and so on).

SECTION 23. OBEY LAWS. Contractor shall obey all laws, ordinances and regulations of the United States, the State of Utah, and Park City in performing this Agreement.

SECTION 24. NONDISCRIMINATION.

A. The City is an equal opportunity employer.

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

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

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

SECTION 25. THIRD PARTY RIGHTS. Nothing herein is intended to confer rights of any kind in any third party. No member, officer, or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

SECTION 26. PROJECT MANAGER/ENGINEER. The Project Manager/Engineer for this Project is ____ ________________, or such other person designated by the City Engineer or Public Works Director to the Contractor orally or in writing.

SECTION 27. PARTIES' REPRESENTATIVES. For purposes of notice required or desired by the parties, or communication involving the services under this Agreement, such notice or communication shall be deemed to have been given when personally delivered or mailed, or sent by facsimile transmission certified mail, postage pre-paid, to the parties at the following addresses:____ ________________________

Contractor: __________________________, or such other person designated in writing by the Contractor's chief administrative officer, at the Contractor's address set out first above;

Park City: Project Manager/Engineer, at the address set out first above for the City, or when given to such other person as either of the above representatives shall designate in writing. The designation of any address may be changed by notice given in the same manner as provided in this paragraph.

SECTION 28. SEVERABILITY. Should any part of this Agreement for any reason be declared invalid, such decision shall not affect the validity of any remaining provisions, which remaining provisions shall remain in force and effect as if this Agreement had been executed with the invalid portion thereof eliminated, and it is hereby declared the intention of the parties that they would have executed the remaining portion of this Agreement without including any such part, parts, or portions which may, for any reason, be hereafter declared invalid. If any provision of this Agreement is held invalid or unenforceable with respect to particular circumstances, such provision shall nevertheless remain in full force and effect in all other circumstances.

IN WITNESS WHEREOF, the parties have entered into this agreement on the day and year set out at the top of this Agreement.

City Council
Staff Report

PLANNING DEPARTMENT

Author:	**Kirsten Whetstone**
Subject:	**BERNOLFO FAMILY ANNEXATION**
Date:	**November 16, 2006**
Type of Item:	**Legislative – Annexation and Amendment to Zoning Map**

Summary Recommendations: Staff requests the City Council conduct a public hearing; review the requested annexation, preliminary subdivision plat, and amendment to the PC zoning map; and approve the annexation and zoning map amendment, according to the findings of fact, conclusions of law and conditions of approval in the attached ordinance.

DESCRIPTION

Project Name:	Bernolfo Family Annexation
Applicant:	Hank Rothwell, Bernolfo Family Partnership
Representative:	Alliance Engineering
Location:	175 W. Snows Lane, west of Thaynes Subdivision #4
Zone:	Proposed Estate (E) and Sensitive Lands Overlay (SLO)

BACKGROUND

On November 4, 2005, the applicant filed a petition for annexation with the City Recorder for annexation of one (1) 6.545 acre metes and bounds parcel currently within the jurisdiction of Summit County. The application was completed on March 23, 2006. The property is located directly west of Thayne's Canyon Subdivision #4, north of the Spiro Tunnel Annexation and MPD, and south of Snow's Lane. One house and associated outbuildings currently exist on the property.

Access to the property is via a private easement over Snow's Lane, a private drive. There is also a platted, private access easement over Silver Star Court, within the Silver Star Subdivision adjacent to the south, extending from Three Kings Drive.

The current Summit County zoning for the property is Mountain Remote (*1 unit per 20 acres).* In addition to the house, there is a garage, barn, springhouse, pond, and irrigation pump on the property.

The applicant is requesting the property be annexed and zoned Estate (E). The applicant has also filed an annexation plat and preliminary subdivision application for two (2) single-family lots (Exhibits A and C). The property is legally described in Exhibit B. One lot is proposed to be 3.31 acres for the existing house and the other lot is proposed to be 3.235 acres for construction of a future house. Minimum lot size in the Estate zone is three (3) acres.

On April 13, 2006, the Park City Council accepted the petition for annexation. The City Recorder certified the petition on May 15, 2006, and notice of acceptance was sent to all affected entities. The Summit County Board of County Commissioners heard this petition on June 14, 2006, and did not protest the annexation petition. The County Commissioners did not state any objectives to the proposed annexation. No protests were submitted to the City during the protest period.

The Planning Commission reviewed this application on July 26, 2006, and the public hearing was continued to October 11th to allow staff and the applicant to address issues related to water, wetlands, and access.

Procedurally, the Planning Commission forwards a recommendation on annexation petitions to the City Council for final action. Both the Planning Commission and the City Council will conduct public hearings on the annexation and preliminary subdivision plat.

On October 11, 2006, the Planning Commission conducted a public hearing and forwarded a positive recommendation on the annexation and amendment to the zoning map. There was public input expressed regarding land uses allowed in the Estate zoning district. The applicant has agreed to include certain land use restrictions in the annexation agreement. The size of the property is such that the proposed density of two units is the maximum density allowed on the 6.545 acre parcel.

ANALYSIS

The property consists of a 6.545-acre parcel that is contiguous to the Park City Municipal boundary. The parcel is within the Annexation Expansion Area, as described by the adopted Annexation Policy Plan. The applicant proposes to subdivide the property into two lots of record. One lot is proposed for an existing house (including several out buildings) and one lot is vacant. Access to the existing house would remain from Snows Lane with access to the vacant lot from Silver Star Court.

The Annexation Policy Plan requires an annexation evaluation and staff report to be presented that contains certain items (see Section 15-8-5 (B)). The staff analysis is as follows:

1. <u>General Requirements of Section 15-8-2</u>

The annexation meets the general annexation requirements as stated in Section 15-8-2. See Section E of this staff report for a detailed analysis of the annexation as it relates to Section 15-8-2.

2. <u>Map and natural features</u>

The property consists of a 6.545-acre parcel that is contiguous to the Park City Municipal boundary. The parcel is within the Annexation Expansion Area, as described by the adopted Annexation Policy Plan. There are areas of wetlands and irrigation ditches on the property. There are also areas of steep slopes. The building site hasn't been determined yet. It will be determined at the time of final subdivision plat review, subject to a sensitive lands analysis, and may need to be adjacent to Silver Star for emergency access facilitation.

3. Residential Density

The applicant proposes to subdivide the property into two lots of record. The proposed zoning of Estate requires 3 acres per single-family dwelling. Each lot would contain at least 3 acres. Access to the existing house is from Snows Lane and access to the vacant lot is proposed from Silver Star Court, a private street located within the Silver Star Condominium project (within the Park City Municipal boundary). An access easement exists on Silver Star Court for the subject property.

4. Land Uses-existing and proposed

Staff recommends that the property be zoned Estate (E), subject to the Sensitive Lands Overlay (SLO). A total of two single-family dwellings are proposed, which is compatible with the surrounding neighborhood in terms of land use. Adjacent properties are residential (Silver Star cottages- single family and duplexes, Kings Court single family homes, and large estate/rural properties). Staff recommends a maximum limit of disturbance area be determined during the final subdivision plat review, which would include disturbance for the driveway, utility installations, approved out buildings, and similar uses. Allowed agricultural use of the lots should be excluded from the limits of disturbance restrictions. The City's affordable housing resolution requires an affordable housing obligation equivalent to 15% of the total new unit equivalents (1 ue), or 15% of the in-lieu fee for one unit equivalent

Estate zoning is compatible with the adjacent zoning of Thaynes Canyon (Single Family (SF) and Silver Star condominiums (Residential RD), and the rural county lands to the west.

Wildlife - The applicant reviewed wildlife information provided by the Utah Division of Wildlife for the project area to measure potential impacts on wildlife resources of the proposed annexation and development. Potential impacts on wildlife resources on lands adjacent to the proposed development were also evaluated. Deer, elk, and moose may be found on the property, which is adjacent to vast areas of undeveloped lands. The property is not within areas or within close proximity to areas identified as critical sage grouse habitat. The proposed addition of one single-family house will have limited impacts on existing wildlife in the area, as it will be in an area currently developed with other residential structures.

Environmental Issues – There are areas of wetlands and irrigation ditches on the property (Exhibit D). There are areas of steep slopes on the property. The annexation is outside the City's Soils Ordinance District and is not located within the Spiro point source protection zone. Furthermore, the City does not have any environmental assessments or known previous history of the site being impacted with historic mining impacts or other industry. It should be noted that the site is situated within the Silver Creek Watershed drainage. Due to this classification, any work resulting in a land disturbance equal to or >1 acre will need to strictly adhere to Park City's Storm Water Management Plan and implement storm water Best Management Practices. At the time of subdivision review, staff will recommend conditions of approval to address this issue. Staff recommends that the property be included within the Sensitive Lands Overlay (SLO) District.

<u>Utility & Access</u> – At this time the applicant has proposed a preliminary utility and access strategy to serve the property. The applicant has met with the Snyderville Basin Water Reclamation District, the City Engineer, and the Public Works Director and has received direction that the future house and the existing house, which is currently using well water and is on a septic system, will be required to be served with City water for culinary and landscaping purposes. Existing water rights and the well can be utilized by the lot owners for agriculture related irrigation. A water line and sewer main could be extended from Silver Star Court to service this property. Other utilities exist in the immediate area. A utility plan is required to be submitted with the final subdivision plat, for review and approval by the City Engineer, as a condition precedent to recordation of the subdivision plat. Appropriate guarantees for any public improvements associated with development on this property will be required prior to issuance of any building permits. Fire hydrant locations will need to be addressed to the satisfaction of the City Engineer and Fire Marshall.

5. <u>Character and Development of adjacent property</u>

Surrounding land uses include a single-family subdivision to the east (Thayne's Canyon #4, a multi-unit development to the south (Spiro Tunnel MPD- Silver Star Condominiums) and multi-acre rural/agricultural properties located outside of the City limits to the east and north. These multi-acre rural properties are located within the Mountain Remote zoning district in the County.

6. <u>Zoning- existing and proposed</u>

The parcel is currently zoned Mountain Remote in Summit County, subject to the Snyderville Basin General Plan. The requested zoning is Estate (E). Minimum lot size in the Estate zone is three (3) acres. Maximum density is 1 unit per 3 acres. Staff is recommending that the property be included in the Sensitive Lands Overlay District as well (Exhibit E).

The Estate district allows, as an Allowed Use, the following: single family dwellings, duplex dwellings, secondary living quarters, lockout units, accessory apartments, nightly rental, home occupation, various child care uses, accessory buildings and uses, conservation and agricultural activities, and parking areas with 4 or fewer spaces.

The Estate district requires a Conditional Use Permit, subject to a public hearing, compliance with LMC Section 15-1-10, and approval by the Planning Commission, for the following uses: guest house, group care, child care, churches and schools, essential municipal public utilities, telecommunication and satellite antennas, plant and nursery stock products and sales, raising and grazing of livestock, cemetery, bed and breakfast inn, ski runs and ski lifts, recreation facilities, commercial stables, mines and mine exploration, and various commercial and multi-unit residential projects subject to the Master Planned Development requirements (LMC Section 15.

The applicant has submitted a letter (see Exhibit F) requesting limitations on allowable uses. The applicant is requesting the property be limited to single-family dwellings and related accessory uses.

Staff does not generally recommend using plat notes to restrict conditional uses or secondary uses, such as accessory apartments, lock-outs, nightly rental, etc., that can be applied for under the specific criteria outlined in the Land Management Code, unless there are conditions specific to the property that warrant such restrictions. Such conditions might be substandard emergency access, substandard streets, extremely steep slopes, etc. However, restricting the density to 2 single- family units is consistent with the intent of the Estate zoning district. Given the rural nature of some of the adjacent properties, staff believes it is appropriate to include restrictions against certain land uses, such as hotels and commercial child care facilities.

The proposed zoning of Estate is consistent with Park City's General Plan for the West Mountain area and with the surrounding zoning and land uses.

7. Goals and Policies of the Park City General Plan

The General Plan identifies this property as being within the Park City Resort/West Hill Planning Area, and indicates that the majority of development should occur within, or immediately adjacent to, the existing City limits at the base of the ski area. Any residential development in this area should be clustered and not spread out over the hillside. The Plan also encourages within this Area, development of more summer hiking, biking, and horse-riding trails and for these trails to connect with other existing trails.

This annexation is consistent with the goals and policies of the Park City General plan in that the annexation provides the property owner with the ability to propose one additional single-family lot that is logical, reasonable, and consistent with the General Plan. Approximately 80% of the annexation property would remain undeveloped with disturbance limited to .5 acres for each lot.

Staff has reviewed the property with the Applicant in terms of future trails and the Applicant has agreed, and included language in the annexation agreement, to dedicate a public trail easement along the west property boundary, subject to the City obtaining public access to the northwest property corner and into Thayne's Canyon. Part of the access easement agreement with the Silver Star developer facilitates ski trail access for this area.

It is reasonable to provide municipal level services to this property adjacent to existing single family and multi-family subdivisions. The annexation provides a transition area of estate residential density between existing single family/condominium development to the south and east and the rural/agricultural uses to the west.

8. Assessed valuation

Annexation of the proposed area will not have a negative impact on the property's assessed valuation.

9. Demand for municipal services

All essential services will be provided by existing entities, with the exception of water. These services include: Park City Fire District, Snyderville Basin Water Reclamation District (SBWRD - sewer), Park City School District, Questar gas, Rocky Mountain Power- power, Comcast - cable, Qwest - gas, and BFI trash removal.

The City Public Works director has required that both lots be served with city water for culinary and domestic landscaping uses to alleviate future water issues should the existing well draw down. The existing well can continue to be used for agricultural uses and landscaping on the property. As a condition of plat recordation, the applicant will be required to pay all applicable water impact fees. There is sufficient pressure in the applicable water zone/tank to adequately service the area.

10. Effect on City boundaries

This annexation does not create an island, peninsula, or other irregular shaped City boundary. This annexation provides contiguity to the City Limits for a 12-acre rural property adjacent to the west.

11. Timetable for extending services

Utilities stubs will be provided from the Silver Star subdivision, as utility work occurs on the condominium project. A line extension agreement with SBWRD to the two lots will be necessary prior to final recordation of the subdivision plat.

12. Revenue versus costs

There is one existing single family home on the property accessed from Snows Lane. This street is a private street and will not become a public street with this annexation. If the property is annexed and the plat is recorded, a second single family home could be constructed by the property owner. The lot owner will maintain the driveway access to the future house, from Silver Star Court. It will not become a public drive maintained by the City.

13. Tax consequences

The property will be entirely privately owned. Taxes will be generated through property taxation for the 2 residential units. Discussions with the County auditor and assessor's offices indicate that the base rate charged for the property tax will be determined by the appraised value of similar houses.

14. Impact on Summit County

Because the annexation contains only two residential lots, the percentage of the overall property tax collected is small, and no sales tax is expected to be generated, impacts on Summit County will be minimal.

15. Historic and cultural resources

This annexation will include an historic house within the Park City limits. The existing house at 175 Snows Lane is more than 50 years old and is considered to be an historic structure due to the age of construction. No determination of historical significance has been made. Any additions to this house require review by the Planning Department for compliance with the Historic Design Guidelines. The annexation therefore has a significant public benefit in the area of historic or cultural resources, in that an historic structure will be included within the City limits.

Annexation Policy Plan

Purpose (Section 15-8-1)

Chapter 8 of the Land Management Code is considered Park City's annexation policy plan and declaration. In Section 15-8-1 the Code states the following:

The annexation requirements specified in this Chapter are intended to protect the general interests and character of the community; assure orderly growth and development of the Park City community in terms of utilities and public services; preserve open space, enhance parks and trails; ensure environmental quality; protect entry corridors, view sheds and environmentally Sensitive Lands; preserve Historic and cultural resources; create buffer areas; protect public health, safety, and welfare; and ensure that annexations are approved consistent with the Park City General Plan and Utah State Law.

Staff finds that the proposed annexation meets the above stated purposes in that this annexation contributes to the achievement of the goals and policies of the Park City General Plan and further protects the general interests and character of Park City by providing a transition area for land uses, bringing a historic structure in the City limits, promoting an opportunity to review this area for additional trails and open space connections, and developing consensus with Summit County on appropriate development patterns in a joint-planned area.

In addition the Annexation Policy Plan states:

If practical and feasible, boundaries of an Area proposed for annexation shall be drawn:

(A) Along the boundaries of existing special districts for sewer, water, fire, and other services, along the boundaries of school districts whose boundaries follow City boundaries… and along the boundaries of other taxing entities;
(B) To eliminate islands and peninsulas of territory that is not receiving municipal type services;
(C) To facilitate the consolidation of overlapping functions of local government;
(D) To promote the efficient delivery of services; and

(E) To encourage the equitable distribution of community resources and obligations.

It is the intent of this Chapter to ensure that Property annexed to the City will contribute to the attractiveness of the community and will enhance the resort image which is critical for economic viability, and that the potential deficit of revenue against expense to the City is not unreasonable.

Staff has reviewed this annexation proposal against these stated purposes and finds that the proposal is consistent with and furthers the interest of the Park City Annexation Policy Plan in that the proposed annexation area is within the boundaries of existing special districts for fire, sewer and school districts. The annexation will bring the property into the Park City Municipal Corporation boundary and enable services such as police and water that are more easily accessible from the City than the County. The proposal also sets an appropriate land use precedent for the area that is consistent with the City's General Plan.

General Requirements (Section 15-8-2)

Staff has reviewed the proposed annexation and preliminary plat against the following general requirements (findings in ***italics***). The following specific requirements are hereby established for annexation to Park City:

(A) Property under consideration of annexation must be considered a logical extension of the City boundaries.

Complies. The property is contiguous to the Park City Municipal boundary at the Spiro Tunnel Master Planned Development and along the western property line of the Thayne's Canyon Subdivision #4. The proposed lots are consistent with the existing development in the area.

(B) Annexation of Property to the City must be consistent with the intent and purposes of this Chapter and the Park City General Plan.

Complies. This annexation proposal has been submitted and processed consistent with the intent and purposes of the Annexation Policy Plan. The annexation petition has been accepted by the City Council and the petition certified by the City Recorder. The applicant submitted all required documents and information, per LMC Section 15-8-3 (A)-(J) and including all submittal requirements as stated on the application form. The property has been posted and affected property owners have been notified of the public hearing. Legal advertisement has been posted in the Park Record. The property falls within the Park City Annexation Expansion Area boundaries.

(C) Every annexation shall include the greatest amount of Property possible that is a contiguous Area and that is contiguous to the City's municipal boundaries.

Complies. ***Property is defined in the Land Management Code as Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real Property of the same Person or Persons. The property is contiguous to the Park City Municipal boundary. The property is a contiguous area, in that it consists of all of the contiguous property owned or controlled by a common owner, the Bernolfo Family Partnership.***

(D) Piecemeal annexation of individual small Properties shall be discouraged if larger contiguous Parcels are available for annexation within a reasonable time frame in order to avoid repetitious annexations.

Complies. ***The annexation area constitutes the largest area possible owned by the applicant (see above). At 6.545 acres, this is a relatively small parcel. The property is contiguous to the Park City Municipal boundary. Although the statute (LMC) expresses a preference for larger annexations and stresses the need to avoid annexing in a piecemeal fashion, at the current time larger contiguous parcels, which have different owners, are not available for annexation within a reasonable timeframe.***

(E) Islands of county jurisdiction shall not be left or created as a result of the annexation and peninsulas and irregular boundaries shall be avoided.

Complies. ***This annexation does not create an island, peninsula, or an irregular boundary.***

(F) In addition to services provided by existing districts, such as sewer, fire protection, and public schools, the following urban level services, consistent with those normally provided in the rest of the incorporated boundaries will be provided to annexed Areas: ***Complies as outlined below.***

1. Police protection - ***City Police protection currently provided by special agreement with the County Sheriff for routine calls. Criminal investigation currently responsibility of the County Sheriff and would transfer to the City.***

2. Snow removal on Public Streets ***The proposed driveways leading to the property will remain private drives. All snow removal will be the responsibility of the owners of the subject lots.***

3. Street maintenance ***The City will not be financially responsible for providing maintenance of private property.***

4. <u>Planning, zoning, and Code enforcement</u> ***Currently Summit County Planning and Building Department and would transfer to the City departments of planning and building.***

5. <u>Availability of municipal sponsored parks and recreational activities and cultural events and facilities</u> ***Parks are public and open to County and City residents. This annexation could potential provide trails that link the City and future open space and recreation parcels.***

6. <u>Water services as the Area is developed. Existing water treatment and storage facilities may currently be inadequate to provide services to the annexed Area. Developers of the annexed Area are required to pay for the cost of improvements related to the extension of and connection with the City lines and systems as well as participate in additional improvements such as storage capacity and distribution as necessary for safe, reliable, and efficient water flows.</u> ***The lots are required to be served with City water for culinary and formal landscaping purposes. The existing water rights and well can be utilized by the lot owners for agricultural related irrigation. A water line and sewer main are proposed to be extended from Silver Star Court to service this property. A final utility plan will be submitted for approval by the City Engineer, as a condition precedent to recordation of the subdivision plat.***

(G) If feasible and practical, water and sewer lines shall be extended to the Area proposed for annexation. Expenses associated with such extension shall be the responsibility of the Applicant(s). The City shall determine timing and capacity of extending water to the proposed annexation area. The Water Reclamation district shall determine timing and capacity of extending sewer service to the proposed annexation area.

<u>Complies.</u> Water is available (see above). Sewer service is available in the area, but will need to be extended. The applicant is working with the SBWRD on a line extension agreement that would be necessary prior to subdivision plat approval. Extension of the sewer and water mains would be the responsibility of the applicant.

(H) Before considering requests for annexation the City shall carefully analyze the impacts of annexation of an Area, taking into consideration whether the Area will create negative impacts on the City and considering whether the City can economically provide services to the annexed Area. Community issues such as location and adequacy of schools and community facilities, traffic, fire protection, particularly in Wildfire/Wildland Interface Zones, useable open space and recreation Areas, protection of Sensitive Lands, conservation of natural resources, protection of view corridors, protection and preservation of Historic resources, affordable housing, balance of housing types and ownership, adequate water and sewer capacity to serve the future needs of the proposed annexation Areas shall also be considered.

<u>Complies.</u> These impacts of annexation have been reviewed and analyzed (see above). There is a net benefit to the City as a result of this annexation, due to the community benefits of an historic house included within the City Limits, a transition of uses in this area, trail easements, and visual open space. The applicant will be financially responsible to provide all basic infrastructure and utilities including water, sewer, power, gas, and cable. The City will provide basic public services including police, planning and building services, etc.

(I) Situations may exist where it is in the public interest to preserve certain lands from Development where there exist Geologic Hazards, excessive Slopes, flood plains or where the need for preservation of community open space and/or agricultural lands is consistent with the General Plan. In such circumstances, annexation may occur as a means of retaining those lands in a natural state.

<u>Complies.</u> There are areas of wetlands and irrigation ditches on the property. There are areas of steep slopes on the property. The annexation is outside the City's Soils Ordinance District and is not located within the Spiro point source protection zone. Preliminary site analysis demonstrates sensitive lands exist on the site. Therefore, designating the area as subject to the SLO regulations is appropriate. The subdivision plat will identify the limits of disturbance areas to protect these sensitive lands from development activity and appropriate setbacks from very steep slopes, consistent with the SLO Regulations.

(J) The City shall consider annexation of unincorporated Areas of Summit County that are within the annexation expansion Area.

<u>Complies.</u> This property is within the Park City Annexation Expansion Area, adopted by the City Council in 2003.

(K) In general, the City does not favor annexation of territory, which should be located within another municipality, nor does it favor the annexation of unincorporated territory solely for the purpose of acquiring municipal revenues, or for retarding the capacity of another municipality to annex.

<u>Complies.</u> The purpose of this annexation is not to acquire municipal revenues or to retard the capacity of another municipality to annex this property. Provision of municipal services for this property is more efficiently

provided by Park City than by Summit County.

(L) Annexations that expand the resort and/or tourist economy provide second home or rental residential Properties, preserve environmentally Sensitive Lands, and provide significant public open space and community facilities are preferred.

<u>Complies.</u> This annexation will provide a large lot residential property near a resort bed base area, incorporate an historic structure within the City boundaries, and provide an easement for a future trail. It is logical and reasonable to provide municipal level services to this property.

Annexation Agreement

The Annexation Policy Plan establishes a requirement for an Annexation Agreement to be approved by the City Council to address standard conditions that must be met prior to completion of the annexation. Staff finds that the proposed annexation, as outlined in the draft annexation agreement, attached, complies with the requirements and criteria of the Park City Annexation Policy Plan regarding Annexation Agreements (Exhibit H).

DEPARTMENT REVIEW

The request was discussed at a Staff Review Meeting on May 23 and August 22, 2006 where representatives from local utilities and City Staff were in attendance.

PUBLIC INPUT

Property owners within 300 feet of the project were notified on July 14th and October 30th, 2006. The property was properly posted and legally noticed. There has been public input regarding land uses allowed in the Estate zone (commercial day care, hotels, duplexes, etc.) and concerns regarding construction impacts and placement of the future house. (Exhibit G)

ALTERNATIVES

- Conduct a public hearing and adopt the ordinance annexing the 6.545 acre parcel into Park City and amending the Park City Zoning Map to include this parcel within the Estate zoning district, and within the Sensitive Lands Overlay district.
- Conduct a public hearing and direct staff to incorporate additional language in the Ordinance.
- Continue this item to a date certain.

SIGNIFICANT IMPACTS

Annexation of the Bernolfo Family parcel would place one existing and one future single family home within the Park City municipal limits and enable services to be provided, such as police, water, planning, and zoning enforcement, that are more easily accessible from the City than the County. The proposal also sets an appropriate land use precedent for the area that is consistent with the City's General Plan.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

The parcel would not be annexed into Park City and the Applicant would be required to apply to the Summit County Commission for development and/or subdivision requests. The parcel could potentially be combined with other adjacent County parcels as part of a larger development.

RECOMMENDATION

Staff recommends the Council conduct a public hearing, consider any input, and adopt the attached ordinance to annex the Bernolfo Family Annexation parcel. Staff also recommends the Council amend the Park City zoning map to zone the subject parcel E- Estate and place it within the Sensitive Lands Overlay district.

EXHIBITS

A. Proposed Annexation Plat
B. Legal Description
C. Preliminary Subdivision and site plans
D. Site Analysis and maps
E. Proposed Amendment to the Park City Zoning Map
F. Letter from the Applicant
G. Letter and signatures from the adjacent neighborhood
H. Annexation Agreement

Ordinance No. 06-

AN ORDINANCE APPROVING THE BERNOLFO FAMILY ANNEXATION AND APPROVING AN ANNEXATION AGREEMENT AND AN AMENDMENT TO THE PARK CITY ZONING MAP TO PLACE THE BERNOLFO FAMILY PROPERTY, AT 175 WEST SNOWS LANE, INTO THE ESTATE (E) DISTRICT AND THE SENSITIVE LANDS OVERLAY DISTRICT (SLO)

WHEREAS, the owner of the property known as the Bernolfo Family Property have petitioned the City Council for approval of an annexation into the Park City limits; and

WHEREAS, the property is approximately 6.545 acres in size and is located at 175 West Snows Lane, west of Thayne's Canyon Subdivision #4; and

WHEREAS, the Bernolfo Family Property parcel will be zoned E (Estate) and SLO (Sensitive Lands Overlay); 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 public hearings on July 26th and October 11th, to receive input on the proposed annexation and zoning; and

WHEREAS, the Planning Commission, on October 11, 2006, forwarded a positive recommendation on the proposed annexation and zoning to the City Council; and

WHEREAS, on November 16, 2006, the City Council held a public hearing to receive input on the proposed annexation and zoning; and

WHEREAS, it is in the best interest of Park City, Utah to approve this amendment to the official Park City Zoning Map, this annexation will provide a large lot residential property near a resort bed base, will incorporate an historic structure within the City limits, and will provide a pedestrian trail easement for a future public trail.

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

<u>SECTION 1. ANNEXATION APPROVAL.</u> The annexation of the Bernolfo Family parcel, located at 175 West Snows Lane, is hereby approved as shown on the annexation plat (Exhibit A) and according to the Findings of Fact,

Conclusions of Law, and Conditions of Approval as stated below. The analysis section of the City Council Staff Report is incorporated herein.

SECTION 2. ZONING MAP. The Bernolfo Family Property amendment to the official Park City Zoning Map is hereby approved as shown in Exhibit B.

SECTION 3. FINDINGS OF FACT, CONCLUSIONS OF LAW, AND CONDITIONS OF APPROVAL.

Findings of Fact:

1. The Bernolfo Family Property is currently located in unincorporated Summit County and may be annexed to Park City.
2. As part of the annexation petition the petitioner has requested Estate (E) zoning for the entire 6.545-acre parcel.
3. The proposed land uses are consistent with the purpose statements of the proposed zoning district. The applicant has volunteered to not allow hotels, commercial day care, bed and breakfast uses, nightly rental, and lock-out units. These restrictions are reflected in the annexation agreement.
4. Preliminary site analysis demonstrates existence of sensitive lands on the property. Therefore, the proposed SLO zoning is appropriate.
5. The proposed annexation meets the purposes stated in the Annexation Policy Plan, in that this annexation contributes to the achievement of the goals and policies of the Park City General Plan and further protects the general interests and character of Park City by including an historic structure within the Park City boundary, provides an opportunity for future pedestrian trail connections in the area, and provides a transition in land uses in the area.
6. The annexation will bring the property into the Park City Municipal Corporation boundary and enable services to be provided to the Property, such as police and water, which are more easily accessible from the City than the County.
7. Annexation of this parcel will not create an island, peninsula, or irregular city boundary. The annexation is a logical extension of the City Boundary.
8. This property is located within the Park City Annexation Expansion Area, adopted by the City Council in 2003.
9. Provision of municipal services for this property is more efficiently provided by Park City than by Summit County.
10. Areas of wetlands, irrigation ditches, and steep slopes have been identified on the property. It is reasonable to include this property within the Sensitive Lands Overlay Zone. There are areas of steep slopes on the property which are due to man-made conditions.
11. The annexation is outside the City's Soils Ordinance District and is not located within the Spiro point source protection zone. Furthermore, the City does not have any environmental assessments or known

previous history of the site being impacted with historic mining impacts or other industry. The subdivision plat will identify the limits of disturbance areas and appropriate setbacks from very steep slopes, consistent with the SLO regulations.

12. Review of a subdivision plat, upon annexation, will provide an opportunity to review utility issues and site-specific review to determine location of the future building pad. Part of the access easement agreement with the Silver Star developer facilitates ski trail access for this area.
13. It is reasonable and logical to provide municipal level services to this property adjacent to existing single family and multi-family subdivisions. The annexation provides a transition area of estate residential density between existing single family/condominium development to the south and east and the rural/agricultural uses to the west.
14. The application is subject to the City's Affordable Housing Resolution 17-99.

Conclusions of Law:

1. The Zoning Map amendment is consistent with the Park City Land Management Code and General Plan.
2. Approval of the Annexation and Zoning Map amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The Official Zoning Map shall be amended to include the Bernolfo Family property within the Estate (E) District and within the Sensitive Lands Overlay (SLO) Zone.
2. The annexation agreement shall be fully executed and recorded with the Annexation Plat.

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

PASSED AND ADOPTED this --- day of ----- 2006.

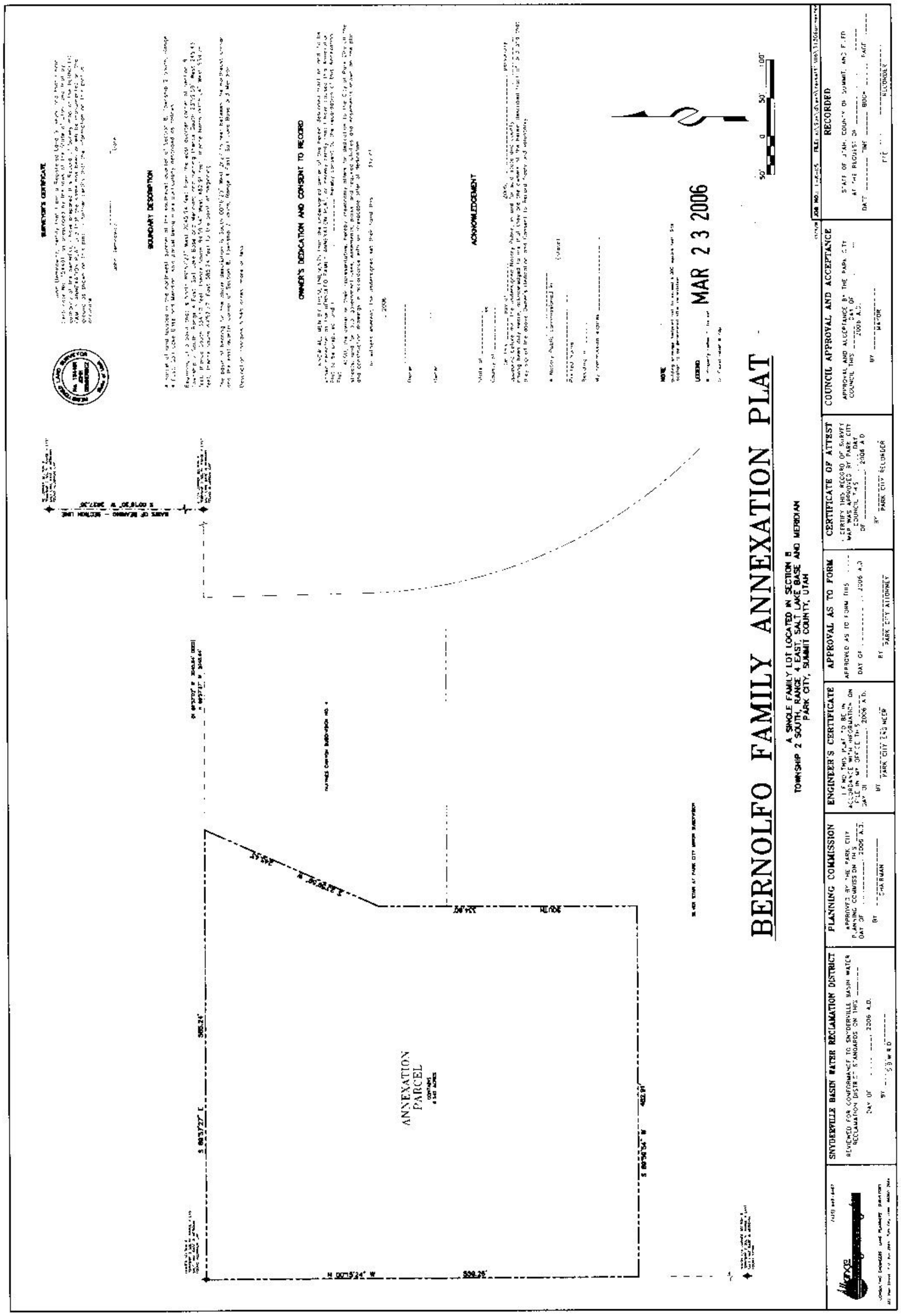

BERNOLFO FAMILY ANNEXATION PLAT
A SINGLE FAMILY LOT LOCATED IN SECTION 8
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH
MAR 23 2006
ANNEXATION PARCEL
SURVEYOR'S CERTIFICATE
BOUNDARY DESCRIPTION
OWNER'S DEDICATION AND CONSENT TO RECORD
ACKNOWLEDGEMENT
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
PLANNING COMMISSION
ENGINEER'S CERTIFICATE
APPROVAL AS TO FORM
CERTIFICATE OF ATTEST
COUNCIL APPROVAL AND ACCEPTANCE
RECORDED
S 89°51'27" E
365.24'
N 00°15'24" W
S 00°08'34" W
422.91'

EXHIBIT A

A parcel of land located in the northwest quarter of the southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 89°57'27" West 2045.94 feet from the east quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence South 23°59'59" West 245.43 feet; thence South 334.60 feet; thence South 89°59'54" West 299.42 feet; thence North 09°19'02" East 339.59 feet; thence North 32°43'10" East 266.08 feet to the quarter section line between the east quarter corner and the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence along said quarter section line South 89°57'27" East 200.44 feet to the point of beginning.

The basis of bearing for the above description is South 00°16'20" West 2627.35 feet between the northeast corner and the east quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

EXHIBIT B

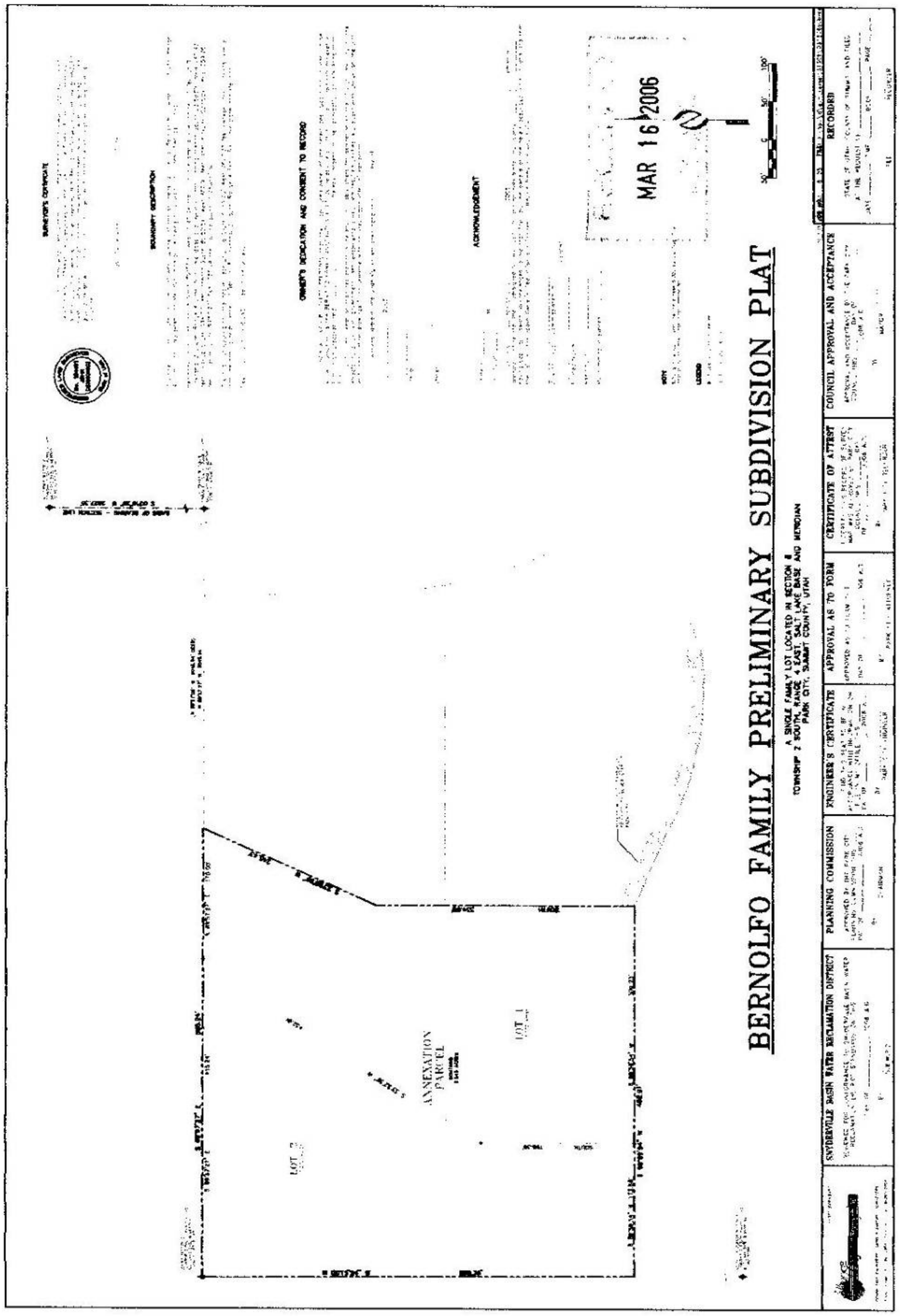
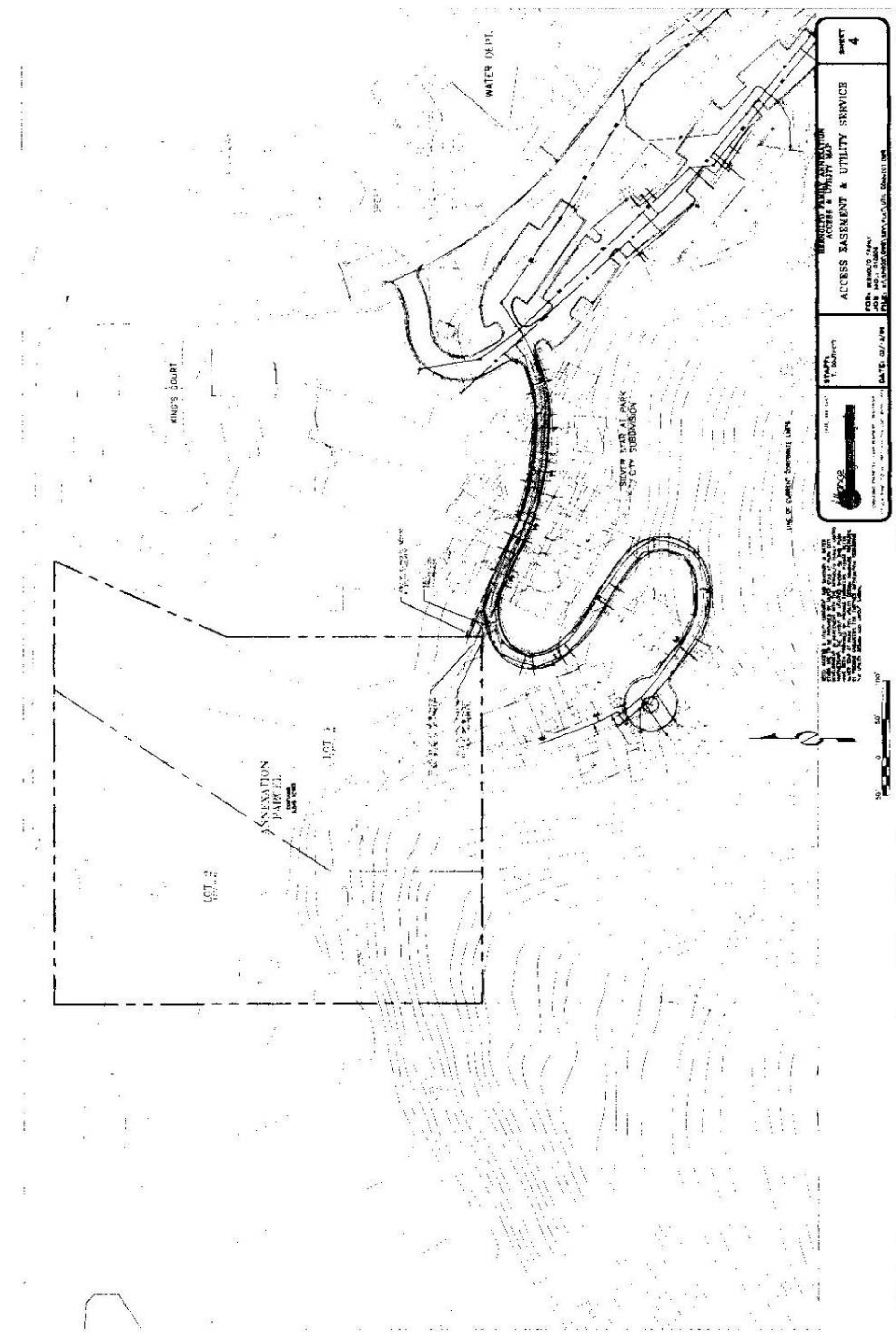
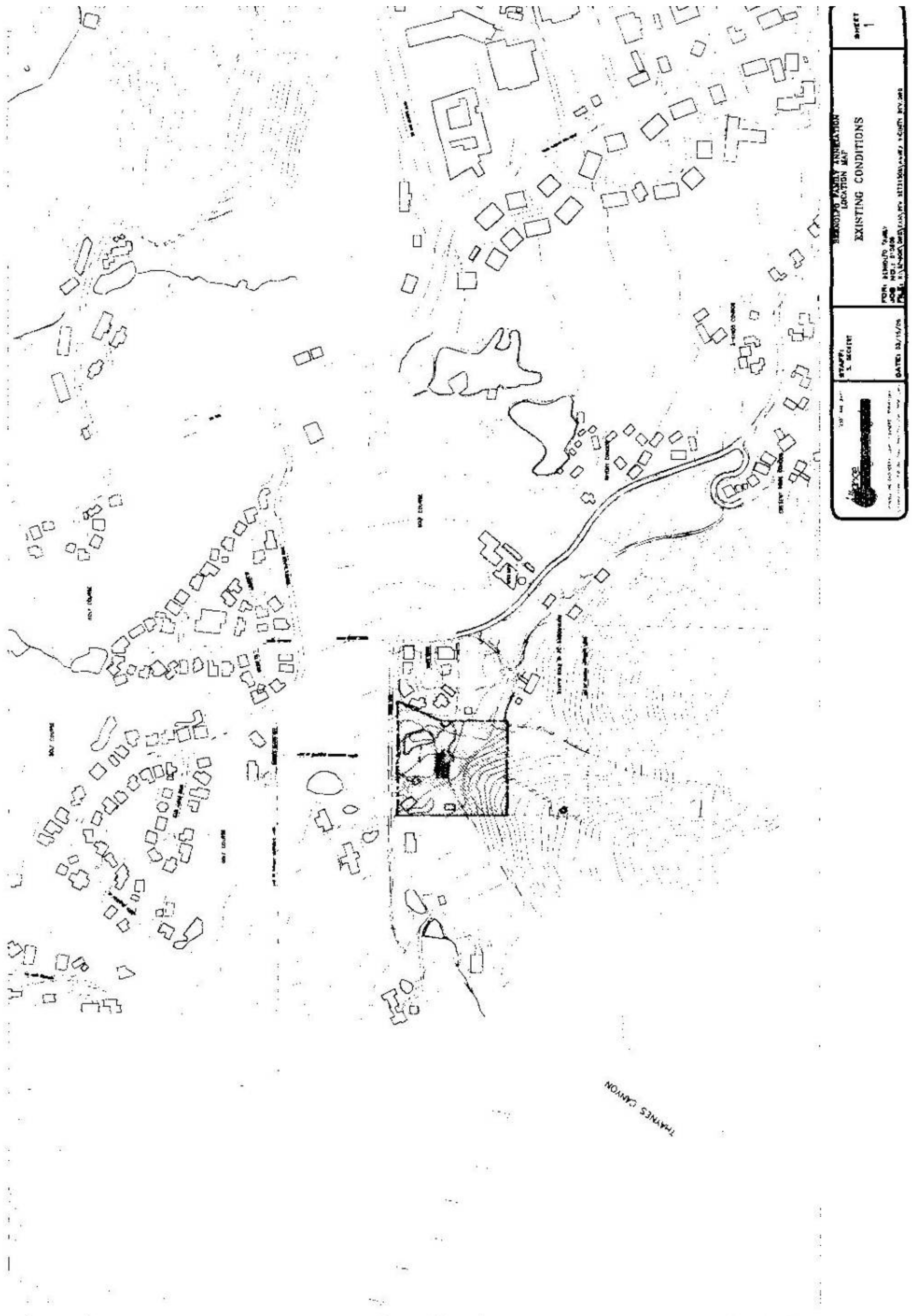

BERNOLFO FAMILY PRELIMINARY SUBDIVISION PLAT
MAR 16 2006
ANNEXATION PARCEL
LOT 1
LOT 2
PLANNING COMMISSION
ENGINEER'S CERTIFICATE
APPROVAL AS TO FORM
CERTIFICATE OF ATTEST
COUNCIL APPROVAL AND ACCEPTANCE
RECORDED

EXHIBIT C


WATER DEPT.
KING'S COURT
ANNEXATION PARCEL
ACCESS EASEMENT & UTILITY SERVICE
SHEET 4


EXISTING CONDITIONS
THAYNES CANYON

The purpose of this report is to describe the existing conditions of the Bernolfo (Rothwell) property relative to the Sensitive Lands Ordinance (SLO). The SLO analysis has allowed us to locate a building site(s) for one single family home, thus subdividing the property into two 3 acre minimum sized lots, which is the purpose of this annexation application. However, there are some man-made constraints which exist on the property that limit our ability to site an accessory building (garage) and access route (driveway) with the least amount of impact. We are requesting relief from very steep slope setbacks (SLO) to allow for more flexibility in developing the site, and also the assurance that waterways that are considered ditches be subject to a reduced setback, as allowed in the SLO.

<u>Description:</u>
The 6.54 acres comprising the Bernolfo Annexation property consist of:

1) gently sloping, grassy pastureland, including a spring and an associated irrigation ditch (an acre in size),
2) a spring-fed, man-made pond and outlet ditch (one quarter acres in size),
3) scrub oak and box elder covered hillside, traversed by a dirt road which runs approximately fifty feet above the toe of the hillside (approximately two and a quarter acres in size),
4) an existing historic home, barn, accessory building, lawn, and treed areas which make up the balance of the property.

<u>Existing Conditions:</u>
Existing natural conditions have been identified, in some cases mapped, and then subsequently analyzed to address the SLO and to develop a feasible building envelope for the one additional lot and home site that the applicant wishes to develop.

Soils and Geologic Hazards: A soils and geo-technical report will be prepared in conjunction with the subdivision application. No geologic hazards are known to exist on the property. The Bernolfo Annexation area is outside the city's Soils Ordinance District and is not within the Spiro Point Source Protection Zone.

Vegetative Cover: The north-facing hillside at the south end of the property is densely covered by chokecherry, scrub oak, serviceberry, low-growing under story that includes mountain lover, and various grasses. The flatter, lower land has historically been grazed and is covered in pasture grasses. Adjacent (north) to this 2 acre open pasture area is more canopied vegetation surrounding a spring which feeds the pond. The plant growth here consists of box elder, serviceberry, creeping grape, mountain lover and grasses.

Wetlands and Hydrology: Currently, a wetlands analysis by an ACOE certified wetlands delineator is being conducted to identify and map the pond, springs, streams and ditches.

Wildlife: A review of wildlife information was conducted after gathering data from the Utah Division of Wildlife Resources on habitat for elk, moose, mule deer, sage grouse, ruffed grouse, and blue grouse, as well as other threatened and endangered animal and plant species. The property is not within areas identified as critical for elk, moose, sage grouse (winter habitat), or sage grouse (brood habitat). Mule deer, blue grouse and ruffed grouse may be found on the property according to UDWR mapping for those species. No UDWR quad areas for threatened or endangered plant species overlay the property. UDWR quad areas for threatened or endangered animal species were found to overlay the property, however this overlay area also covers the entire state of Utah. No threatened and endangered animal species are known to exist on the property at this time.

EXHIBIT D

Slopes: A slope analysis has been conducted with the following results:

Slopes 0 – 15%	67.4% (4.4 acres)
Slopes 15 – 30%	10.7% (0.7 acres)
Slopes 30 – 40%	6.5% (0.4 acres)
Slopes 40% plus	15.4% (1.0 acres)

Steeps slopes associated with natural (not man-made) contours have been mapped and will be restricted to development as outlined in the SLO. See man-made conditions, below.

Visual impacts: Visual impacts are anticipated to be minimal as the primary building envelope and accessory building location are located at an elevation of approximately 6865', well below the majority of the Silver Star development nearby, and about 10' lower than the existing corporate house on the property.

Streets and Roads: Driveway access to the one proposed home site is planned from the Silver Star development and will likely required one stream crossing. The driveway will be built with minimum environmental damage and within acceptable public safety parameters.

Man-made Conditions:

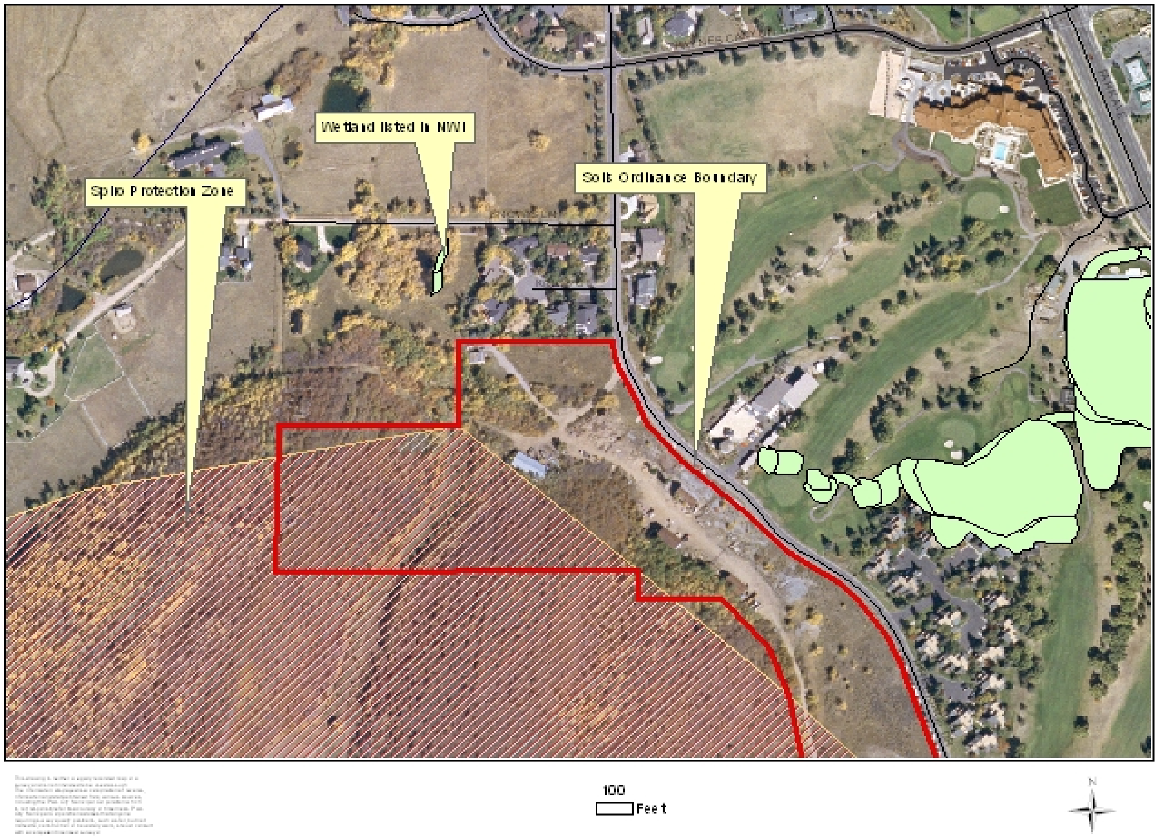
In addition to the natural conditions inherent to the Bernolfo property, other impacts exist on the site affecting the availability of areas suitable for locating the building envelope, accessory building and driveway.

Irrigation ditches: The pond on the property was man-made for irrigation purposes. Historic agricultural uses over the years have impacted the courses of the spring water as it has run over the property, and, as such, two or three irrigation ditches direct this water toward Three Kings Road, and where if eventually runs east of the road through the golf course.

Currently, a wetlands analysis by an ACOE certified wetlands delineator is being conducted to identify and map the pond, springs, streams and ditches. The SLO allows for, and this application is seeking, a reduced setback of 20 feet to any irrigation ditches which result from the wetlands analysis.

Cut and fill slopes: There is an existing dirt road cut into the north-facing hillside which was once an access road to both town and Thaynes Canyon. This 18'-wide road segment that both cuts into the hill on the uphill, and fills onto the flat pasture on the downhill is currently not in use. We are anticipating, however, that future access to the property will likely require use of all or part of it. Additionally, these road cuts and fills have created “steep slopes” (40 percent, plus) on both sides of the platform, most importantly affecting the downhill pasture land that is highly suitable for building.

If the SLO setback to very steep slopes (50') is adhered to, the availability of desirable building area is reduced by half (from 1.0 acre to .47 acre). We are thus requesting a setback reduction, as the SLO provides, from 50 to 20 feet due to the artificial slope condition created by the road cuts and fills. A variation to the setback would not cause an intrusion of any proposed buildings into any ridge line areas, or create excessive cut and fill slopes, additional erosion, or land subsidence. All prohibitions within the SLO for very steep slopes shall be followed. Without relief from the SLO slope setback, the ability to site the primary building and secondary uses is greatly impacted.


Wetland listed in NWI
Spiro Protection Zone
Soils Ordinance Boundary
100
Feet
N

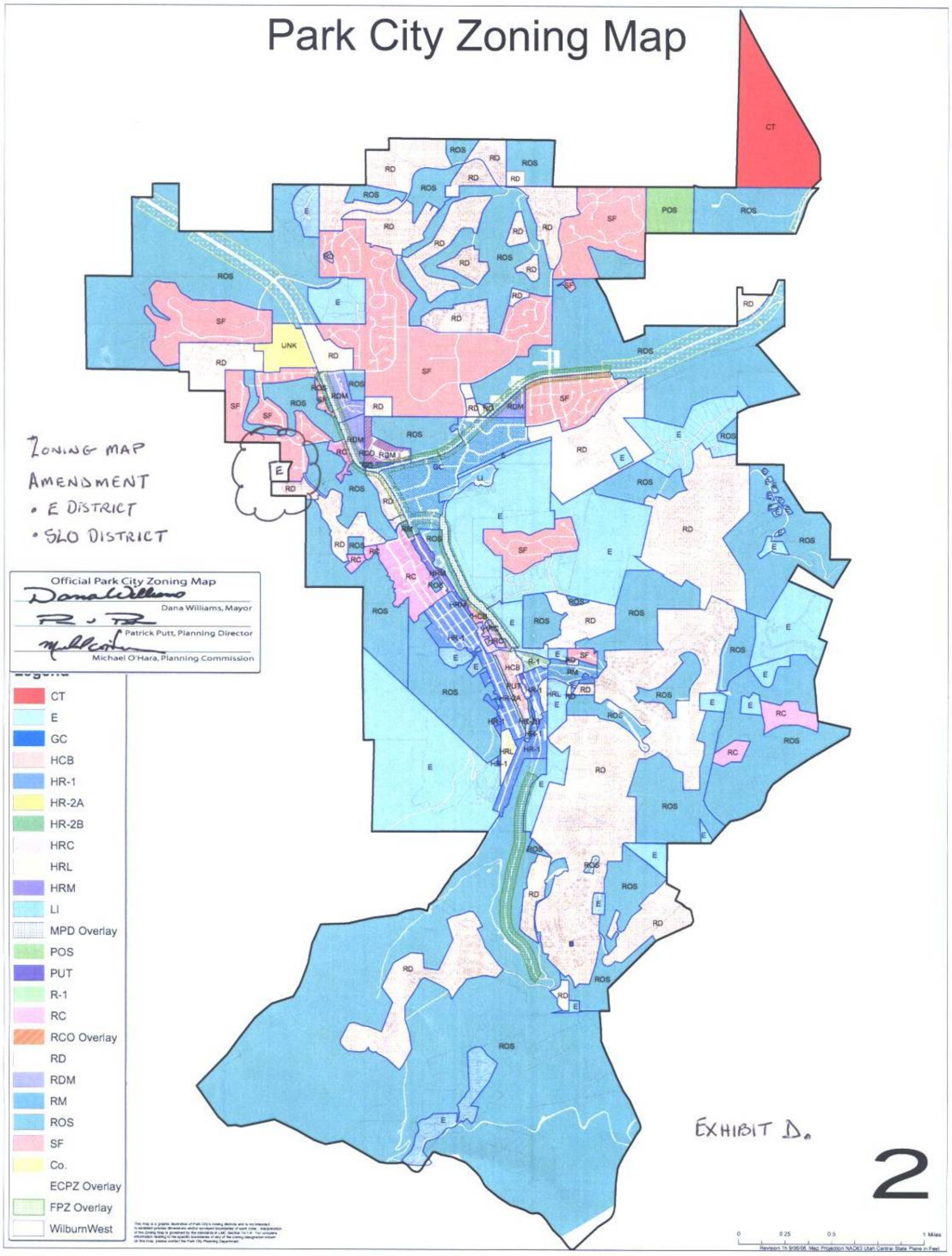

Park City Zoning Map
ZONING MAP
AMENDMENT
• E DISTRICT
• SLO DISTRICT
Official Park City Zoning Map
Dana Williams, Mayor
Patrick Putt, Planning Director
Michael O'Hara, Planning Commission
CT
E
GC
HCB
HR-1
HR-2A
HR-2B
HRC
HRL
HRM
LI
MPD Overlay
POS
PUT
R-1
RC
RCO Overlay
RD
RDM
RM
ROS
SF
Co.
ECPZ Overlay
FPZ Overlay
WilburnWest
EXHIBIT D.
2

EXHIBIT E

Alliance Engineering Inc.

March 15, 2006

Ms. Kirsten Whetstone
Senior Planner
Community Development Department
Park City Municipal Corporation
P.O. Box 1480
Park City, Utah 84060-1480

RE: ROTHWELL FAMILY ANNEXATION PETITION – REVISED - SNOWS LANE
(Previously 'Bernolfo Family' Annexation Petition)

Dear Kirsten:

Please find enclosed herewith revised materials to our initial application for the Rothwell family property, owned by a Family Limited Partnership, located on Snows Lane in Summit County and adjacent to the Silver Star at Park City Subdivision and the Thayne's Canyon Subdivision No. 4.

This current request includes all of the Rothwell family property (6.545 acres) to be annexed into the city limits. The intent is to subdivide the property into two equal meets and bounds parcels. There is an existing family house on the proposed westerly parcel which is accessed via Snows Lane. Hank Rothwell has recently met with Mr. Mel Armstrong about annexing all of the subject property to Park City. Mr. Armstrong indicated he would not object to the annexation and would allow access to the existing house for the present and into the future. The access to the existing house is a prescriptive right created by decades of use.

It is also the objective of this proposed subdivision and annexation to create the opportunity to develop a single family home on the proposed easterly parcel at some point in the future under the Estate Zone for the other sibling in the family partnership. It is their intention to give both siblings the ability to live on the property in their respective houses once the approval has been granted. The property has historic and legal access through the old UPCMC Spiro property now known as Silver Star. The developers of the Silver Star subdivision have agreed to and are presently improving and platting the utility services and access way necessary to serve this home site. This access was formalized on the Silver Star Plat.

323 Main Street P.O. Box 2664 Park City, Utah 84060 435-649-9467 FAX 435-649-9475

EXHIBIT F

Please call if you have questions or need further clarification on this annexation application.

Yours Truly,

ALLIANCE ENGINEERING, INC.

Tracey M. Douthett
Planner/Landscape Architect

td:TD x:\ae\docs\misc\bernolfoannexation2.doc

BERNOLFO FAMILY PARTNERSHIP
175 Snows Lane
Park City, Utah 84060

August 21, 2006

Park City Planning Commission
Park City, Utah 84060

Re: Annexation Request

We have requested Annexation with a zoning of Estate. It was our feeling that this was an appropriate zoning given the transitional nature of the property. Our interest is to have two single family homes and related outbuildings on the site. It is our understanding that part of the Annexation process calls for an Annexation Agreement to be created between the City and the Applicant. Within the Annexation Agreement we are willing to have additional restrictions placed on the property that are appropriate.

Of the Allowed Uses within the Estate Zone we are willing to restrict the sites so that a Duplex would not be allowed. Similarly we are not interested in Lockout Units or Nightly Rental. We would be happy to additionally restrict the future commercial Child Care uses of the sites. Regarding the Conditional Uses possible on the sites it seems inappropriate to preclude most of these because the community would be involved in any Conditional Use Request, however we would specifically restrict the future use to preclude either Hotel, Minor or Hotel, Major.

I hope this helps define our proposed uses of the two potential Estate lots that hopefully would be created by the Annexation.

Thank you in advance for your consideration

Sincerely

Hank Roll

EXHIBIT E

September 8, 2006

Re: Hank Rothwell, Bernolfo Family Partnership request for annexation

Dear Planning Commission Members,

As owners of adjacent and surrounding homes in the Thaynes Canyon community we have concerns pertaining to the request of the Hank Rothwell, Bernolfo Family Partnership for annexation of their 6.545 acre property into Park City. Their request for annexation and estate zoning, if accepted, would allow one unit per three acres instead of one unit per twenty acres as currently zoned. Although we understand and respect the desire of the family to divide their property so that each of their children will be able to have a house we are worried that under the estate zoning regulations something other than a single family residence could be permitted.

We are now bordered on the south by Silver Star, Sundance and Park City Mountain Resort and to the east by the golf course, Park City Municipal water plant and Hotel Park City with their cottages . The idea of anything other than a single family residence being built on the Rothwell/Bernolfo property is a frightening prospect when we are struggling to maintain our neighborhood and its residential character even as we are rapidly being surrounded by cottages, condominiums, and commercial buildings.

We have already seen the end of an era in Thaynes Canyon with the impact of the Silver Star project on the deer, elk and moose filled mountains around us. We would like to request that for the sake of the current residents, the animals and the vital wildlife habitat in our area no more than a single family house be allowed. For us to endorse the Rothwell/Bernolfo request we need to be assured by wording in the land management code that there is no possibility of additional development or uses other than a single family residence now or in the future.

We thank you for your consideration and hope to have your support and understanding in this matter.

EXHIBIT G

Signatures for Hank Rothwell/Bernolfo Family Partnership annexation letter:

RA STRAUCHEY [signature] 8 KINGS C
rry Armstrong [signature] 170 Snow Ln.
Mel Armstrong [signature] "
AN PETERS [signature] 6 Kings Ct
nie Peters [signature] 6 Kings Ct
phine & Frank Janger [signature] 1 Kings Ct
RUTH WILLIAMSON [signature] 7 Kings Court
GEORGE WILLIAMSON [signature] 7 Kings Court
uzanne Engelhardt [signature] 2 Kings Co

Signatures for Hank Rothwell/Bernolfo Family Partnership annexation letter:

Polly Makoff [signature] #4 King
Carolyn Williams [signature] 1920 Three King
Lisa + Dale Schoon [signature] 2053
[signature] Kimball Whitesides 1940
[signature] Suzette Lamb-Robarge 1980
Gwen + Patrick Reddish 205 Snows Lane Three

EXHIBIT H

When recorded, please return to:
PARK CITY MUNICIPAL CORPORATION
City Recorder
PO Box 1480
Park City UT 84060

ANNEXATION AGREEMENT
FOR THE BERNOLFO FAMILY ANNEXATION

This Annexation Agreement is made by and between Park City Municipal Corporation (Park City) and the Bernolfo Family Trust, Owner (hereafter referred to as "Petitioner") to set forth the terms and conditions under which Park City will annex land owned by Petitioner into the corporate limits of Park City and extend certain municipal services to that property. This Agreement is made under authority of 10-2-401 et. Seq. of the Utah Code, Annotated 1953, as amended, and shall serve as a supplemental annexation policy declaration when executed by all parties. In consideration of Park City's agreement to annex Petitioner's property and in consideration of the mutual promises contained herein, the parties agree that the terms and conditions of annexation shall be as follows:

1. **Property.** The property to be annexed is approximately 6.54 acres in size as depicted on the annexation plat, attached as Exhibit A, and as more fully described in the legal description, attached as Exhibit B, and the preliminary plat, attached as Exhibit C, and incorporated herein by reference (hereafter referred to as the "Property").

2. **Zoning.** Upon annexation, the entire Property will be zoned E, Estate. The Estate zoning district allows a residential density of one unit per three acres. Lot 1 is currently vacant. An existing house occupies Lot 2. The Petitioner proposes one single family dwelling unit on each Lot. The Estate zone permits additional uses as either allowed uses or conditional uses, which are subject to additional review and approval by the Planning Department and/or Planning Commission as stated in the Land Management Code, Section 15-2.10-2. The entire Property shall also be included within the Sensitive Lands Overlay District.

3. **Master Plan and Subdivision Plat Approval.** Due to the limited development capacity under the proposed zoning for the Property, a Master Planned Development is not required. The Planning Commission has reviewed a preliminary subdivision plat, as shown in Exhibit C and is in agreement with the basic layout proposed. This agreement, however, does not represent approval of the subdivision plat and utility plans. Following completion of the annexation process, pursuant to Utah Code Annotated Section 10- 2-425, development on the Property shall be governed by the zoning designation provided herein, this Agreement, and the Park City Land Management code in effect at the time complete subdivision and building permit applications are filed with Park City.

4. **Density.** The total density of the Bernolfo Family Annexation, as described in Exhibit B, is 1 residential unit on each 3 acre lot, for a total of two residential units and other allowed uses in the Estate zone, except as restricted herein. This density is within the density range allowed by the Estate zone. However, Petitioner voluntarily agrees that it shall not be permitted to construct duplexes, lockout units nor major or minor hotels. Petitioner further agrees that it may not use any buildings for bed and breakfast uses, nightly rental uses or commercial child care.

5. **Trails.** Park City has reviewed potential trail needs and requests a ten foot (10') trail easement be granted to the City along the western property boundary for public use at such time as the City has acquired connecting public trail easements to Thayne's Canyon Drive and/or Three Kings Drive and has acquired a public trail easement that connects into the Thayne's Canyon/Spiro trail system. The intent is for the public trail easement to be dedicated with recordation of the final subdivision plat.

6. **Open Space**. The Bernolfo Family Annexation does not include dedicated open space parcels.

7. **Affordable Housing.** The Petitioner shall comply with all applicable Affordable Housing requirements of Resolution 17-99, prior to issuance of a Certificate of Occupancy for all new construction on Lot 1.

8. **Fire Prevention Measures.** Because of significant wild land interface issues on the Property, if required by Park City, the Petitioner agrees to implement a fire protection and emergency access plan, to be submitted prior to issuance of any building permits, and to be reviewed and approved by the Fire Marshall and Chief Building Official for compliance with applicable building and fire codes.

9. **Roads and Road Design.** No new public or private streets or roads are proposed as part of this annexation. Maintenance of existing Silver Star Court, a private road, shall be by the entity holding fee title to the property and subject to any recorded agreements between the fee title owner and the Petitioner, and shall be addressed as a plat note on the final subdivision plat. There is an existing private road shown on Exhibit C which may be used as a driveway or circulation drive within the Property. For those purposes it may be improved by grading and/or surfacing it to a width no greater than fifteen (15) feet with occasional pull out areas of no greater than 20' in width for parking vehicles. Details of this driveway shall be reviewed and approved by the Planning Commission and City Council during subdivision platting.

10. **Sanitary Sewer.** Alignment of the sanitary sewer to Lots 1 and 2 from Silver Star Court shall be determined by the Snyderville Basin Water Reclamation District (SBWRD), according to their standards or review, as part of the subdivision plat and utility plan review. The preferred alignment shall be determined, which results in the least visual impact and site disturbance. A line extension agreement with SBWRD is required prior to final plat recordation. The applicant prior to construction of sewer improvements shall provide sewer easements as required by SBWRD.

11. **Dedication of Water Rights.** So long as the development is limited to two (2) single family residences with permitted accessory buildings, the Petitioner shall not be required to dedicate water rights as a condition of this annexation. Petitioner shall be required to pay all water development impact fees and water connection impact fees pursuant to City's impact fee ordinance in effect at the time such fees are imposed.

12. **Water Infrastructure and Other Water System Costs.** Except as set forth above, as a condition of this Agreement, the Petitioner shall construct and dedicate all necessary water facilities and easements as determined by the City during the final subdivision and utility plan review process. A financial guarantee for the completion of such facilities shall be a condition precedent to recordation of the final subdivision plat. All such facilities shall be constructed to specifications approved by the City Engineer. Upon completion of such facilities, easements and appurtenances, all to the satisfaction of the City Engineer, the Petitioner shall dedicate the easements and water facilities to the City. The Parties agree that the City will not use Eminent Domain to acquire any necessary easements. Petitioner agrees to install a meter, in compliance with state law and Division of Water Right regulations, on both the well and the surface water diversion on the Property prior to approval of the final subdivision plat.

As a condition of this Agreement, any proposed relocation of existing utilities and improvements are subject to approval by the City and any such relocation shall be paid for entirely by the Petitioner, together with standard inspection fees and adequate financial securities. Petitioner shall provide storm run-off detention easements and facilities, or approved alternatives, as approved and determined by the City Engineer. Timing of such improvements shall be determined at the time of final plat approval.

13. **Sensitive Lands Review:** At the time of annexation the entire Property shall be included within the Sensitive Lands Overlay District (SLO). A sensitive lands analysis was submitted and reviewed by the Planning Commission during the annexation review. In order to understand visual impacts of a house on Lot Two, a visual analysis shall be presented to the Planning Commission, at the time of review of the subdivision plat. The visual analysis shall use the LMC Vantage Points as stated in LMC Section 15-15-1.243 Vantage Points. The Building Footprint on Lot one shall be limited to approximately 10,000 Sf. All Building Setbacks shall be consistent with the E-Estate zone. Maximum Limits of Disturbance for construction of the house and landscaping shall be determined at the time of review of the subdivision plat.

As shown on Exhibit C, there are certain irrigation ditches and an irrigation pond which have been constructed at points A, B and C. Setbacks from these irrigation ditches shall be twenty (20) feet.

There are certain Very Steep slopes of minor height on the Property which have historically been crossed by a private road and subject to other uses. These uses have existed for fifty (50) or more years and have not resulted in any landslides or other sloughing. The Property also has few available building sites. Therefore, the Planning

Commission may consider allowing twenty (20) foot setbacks from two of the most northern Steep Slopes, consistent with a Sensitive Lands Analysis and criteria outlined in Section 15-2.21 (A) Sensitive Land Regulations- Slope Protection, at the time of subdivision plat approval.

14. **Planning, Building, and Inspection Fees.** Petitioner is responsible for all planning, building, subdivision, and construction inspection fees required by the City at the time of application and/or approvals.

15. **Impact and Building Fees.** Petitioner shall pay all generally applicable fees, such as development impact, park and recreation land acquisition, building permit, and plan check fees due for construction on the Property at the time of application for building permits.

16. **Acceptance of Public Improvements.** Petitioner shall offer to Park City title to those water facilities, easements and appurtenances, upon Petitioner's fulfillment of all Code requirements and Park City's final approval of the infrastructure construction.

17. **Snow Removal and Storage.** Park City is not obligated to remove snow from private streets within the Property or from Silver Star Court.

18. **Fiscal Impact Analysis.** The fiscal impact analysis submitted with the petition, including revenue and cost assumptions related to the annexation and development of this Property, is hereby accepted and approved by the City.

19. **Comprehensive Review and Analysis of Surrounding Property.** The Petitioner submitted with the petition for annexation a comprehensive land use review and analysis of the surrounding properties.

20. **Effective Date.** This Agreement is effective as of the date of the Ordinance authorizing its execution.

21. **Governing Law.** The laws of the State of Utah shall govern this Agreement. Jurisdiction and venue are proper in Summit County.

22. **Real Covenant, Equitable Servitude.** This Agreement constitutes a real covenant and an equitable servitude on the Property. The terms of this Agreement touch and concern and both benefit and burden the Property. The benefits and burdens of this Agreement run with the land, and are intended to bind all successors in interest to any portion of the Property.

23. **Assignment.** This Agreement is also a personal obligation of the Petitioner. Petitioner may assign its obligations under this Agreement, only upon prior written consent of the City, upon demonstration that the City's rights are adequately secured by the assignment. Consent to assignment shall rest in the sole discretion of the City.

24. **Compliance with City Code.** Notwithstanding paragraph 20 herein, from the time of City Council approval of this agreement, Petitioner and his agents shall comply with all City Codes and Regulations pertaining to the subject Property.

25. **Full Agreement** This Agreement contains the full and complete agreement of the parties regarding the Bernolfo Family Annexation and there are no other agreements between these parties in regard to the annexation of the Property. Only a written instrument signed by all parties hereto may amend this Agreement. No Third-party beneficiaries are created by this agreement.

DATED this _______ day of ____________, 2006.

Exhibits: A) Annexation and Zoning Plat
B) Legal Description
C) Preliminary plat

(Signatures, jurats, attestations, approved as to forms etc will be added prior to official signatures)