PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 21, 2005

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, April 21, 2005. Members in attendance were Dana Williams, Kay Calvert, Marianne Cone, Jim Hier, and Joe Kernan. Candace Erickson was excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Patrick Putt, Planning Director; Colin Hilton, Economic Development Director; Matt Twombly, Project Manager, and Phyllis Robinson, Contractor.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Kay Calvert announced that Council will be socializing with the Historical Society after the meeting tonight. Jim Hier reported that he participated in interviews for auditors. He asked that staff consider commissioning a study on the economic impacts of PRI's proposal for 600,000 square feet of commercial at Kimball Junction on Park City. He asked that staff explore the cost of a study and in response to a question from Marianne Cone; replied that this project has come up during inter-agency meetings, primarily with regard to traffic and he clarified his concern about competing for sales tax dollars. Dana Williams reported on a conference he attended in California and presented a Blue Sky update. Last year's goal of 5% participation has been significantly surpassed at 10.8% and Park City falls within the top 5% of purchasers of wind power in the United States. He added that the state is formulating an energy policy, including renewable types.

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

The Mayor invited the public to comment on any matter of City business not scheduled on the agenda.

<u>Family law hearings pilot program</u> - Attorney Christina Miller stated that she and Ned Stone, also in attendance, are local family law attorneys. Since learning of a new pilot program mandated by the state affecting family law cases, to begin May 1, she has contacted the Mayor, Governor, County Commission, State legislators, Court Administration Office, and all family law attorneys in Park City. She explained divorce cases where many hearings can occur on temporary matters, i.e., alimony and child support, and eventually there is a trial. In Salt Lake, motion hearings are heard by commissioners and the final trial is heard by a judge. Ms. Miller stated that the legal community heard on Monday that all Summit County litigants must go to Salt Lake for hearings and there is no longer the opportunity to use the Justice Center and have cases heard by judges or court commissioners. She felt that the state can not mandate this because of a Utah Rule of Civil Procedure which provides that cases must be heard in the county in which they are filed. Attorney Stone added that Summit County is the

only location being forced to travel to Salt Lake and there is concern about the financial impacts to litigants and the disincentive to hire Summit County attorneys. He spoke about potential backlash for insisting on hearings in Summit County and it is their intent to gather as much support as possible. Ms. Miller pointed out the lack of outreach from the state to obtain input from affected persons and understood the program is supported by the judges because the commissioners don't want to travel to Park City. Ned Stone believes that Park City only needs a commissioner two times a month. There was discussion about attending a meeting scheduled at the Summit County Justice Center tomorrow at noon, City officials expressing concerns in writing, and meeting with the State Court Administrator.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MARCH 31 AND APRIL 7, 2005

Marianne Cone pointed out two minor typographical errors. Kay Calvert, "<u>I move to approve the minutes</u>". Jim Hier seconded. <u>Motion carried</u>.

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

V CONSENT AGENDA

<u>Approval of leases for sidewalk dining for Eating Establishment, 317 Main; Main Street Pizza & Noodle, 530 Main and Java Cow, 402 Main</u> – Patrick Putt, Planning Director, referred to the staff report and explained that these leases were granted in May 2004 with a provision that they be reviewed a year later. The season runs from April to October and staff recommends approval of these three outdoor dining leases. Jim Hier, "<u>I move approval of the Consent Agenda</u>". Joe Kernan seconded. <u>Motion carried</u>.

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

VI NEW BUSINESS

1. <u>Amendment #1 to the Jacobsen Construction Inc. Contract, in a form approved by the City Attorney for work related to the China Bridge parking expansion and utility</u>

relocation project in the amount of ***$6,257,170*** ~~$6,200,000~~ – Colin Hilton explained that staff has been negotiating the guaranteed maximum price with Jacobsen and is pleased to report that the bids were in line with estimates. With the reduction in parking spaces, there were minor alterations, including the location of the compactor building and enhancements like awnings which have now been incorporated in the base costs for the parking structure. Additional work beyond the parking structure includes the relocation of the overhead utilities in Swede Alley. In response to a comment from Jim Hier, Mr. Hilton clarified the three specific CIP accounts for downtown improvements. Discussion ensued regarding the removal of trees from Swede Alley and replanting them in Prospector Park. The Mayor invited public input; there as none. Jim Hier, "I move approval of Amendment #1 to the Jacobsen contract for the China Bridge and associated projects. Kay Calvert seconded. Motion carried.

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

2. Authorization to the City Manager to enter into a professional service provider contract for the China Bridge and Quinn's Junction Recreation projects in a form approved by the City Attorneys Office to Consolidated Engineering Laboratories in the amount of $44,737 – Matt Twombly explained that the contractor will provide special inspection and testing, which are required by code. Kay Calvert, "I move approval to authorize the City Manager to enter into a professional service provider contract for the China Bridge and Quinn's Junction Recreation projects in a form approved by the City Attorneys Office to Consolidated Engineering Laboratories in the amount of $44,737". Marianne Cone seconded. Motion carried.

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

VII OLD BUSINESS

Lease amendment for additional space within the Old City Hall Building, located at 528 Main Street, to the Park City Historical Society – Phyllis Robinson explained that the space was occupied by Strachan & Strachan law offices. The existing lease provides the opportunity for the Society to exercise a first right of refusal on any additional space which becomes available in the Old City Hall Building, which it has. The rent for the

870 square foot space will be an additional $2,417 which represents the portion of Municipal Building Authority debt attributed to that portion of the building. The Historical Society has applied for a rent contribution which has not yet been considered. She discussed the Historical Society's great success in meeting fund-raising goals and recommended that the tenant improvements addendum be executed. Joe Kernan, "I move we approve the lease amendment for additional space in the Old City Hall Building to the Historical Society". Kay Calvert seconded. Motion carried.

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

IX ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4 p.m. Members in attendance were Mayor Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson (excused at regular meeting), Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager and Mark Harrington, City Attorney. Kay Calvert, "I move to close the meeting to discuss property, personnel and litigation". Joe Kernan seconded. Motion carried unanimously.

The meeting opened at approximately 6 p.m.

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

Prepared by Janet M. Scott, City Recorder