PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
FEBRUARY 12, 2004

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

Tom Bakaly, City Manager; and Director, Gary Hill, Analyst

1. **Council questions and comments.** Candace Erickson reported that she and the Mayor judged ice sculptures at PCMC as a part of its 40^{th} Anniversary Celebration. Last Monday she attended the Legislature with Gary Hill, who is very helpful and well respected at the Capitol. She added that Recycle Utah is working on its own water conservation program. Mayor Williams congratulated PCMC on its anniversary and the wonderful events our ski resorts produce. Twelve exchange students from Beijing visited him this week which was a great experience; he showcased gifts from China and pointed out that kids are very similar from all parts of the world. Jim Hier commented on the COSAC meeting where John Pollard spoke about a project to preserve wildlife in Round Valley. He advised that COOL is intending to request funding from the City for open space management and stewardship of the Flagstaff easements it holds. The Roosevelt Gap hotel is back for review by the Planning Commission because of proposed changes to the project.

2. **Legislative update.** Gary Hill stated that the exemption for clean energy generating plants was amended to exclude municipal waste incinerators. SB10, increasing the number of days to file a petition for a referendum from 35 to 45 days, will probably not pass. The bill affecting the Employees Discharge and Transfer Appeals Board continues to be amended to address concerns expressed by Park City. He continued SB120, making legally separated couples eligible for primary home exceptions, is now consistent with the Tax Commission ruling. There is still no language for the tourism funding bill. SB26 is a bill which would increase the public safety cost of living benefit from 2.5% to 4%. Mr. Hill described in detail a proposal to defer the potential fiscal burden to municipalities, which the ULCT will support with this amendment. SB58, amendments to the Alcoholic Beverage Commission regulations, cleans up last year's legislation and clarifies intent. HB341, children's internet protection act, would require all libraries to implement an internet protection policy and install filtering software on all computers in order to receive state funding. He understood that filtering software is not very effective and purchasing it is expensive, and at this point, Park City is opposed because the bill is so broad. Mr. Hill assured both Mayor Williams and Marianne Cone that he will follow-up on legislation regarding the process for allowing radio-active waste to enter Utah.

3. **Youth Services contract recommendations.** Mayor Williams disclosed that his daughter participated on the committee for the past five years. Gary Hill explained that the pubic service contract policy was amended last year as a part of the budget process. The Youth Advisory Committee was disbanded and Council decided to

distribute money for youth programs in the same manner other public service contracts are handled. An RFP was published last spring and the City received applications for several different services, but the committee felt they didn't meet the intent of the policy. Council then directed that funds could be spent on one contract or several, as long as the net benefit was to Park City youths. An RFP was again advertised, bids were received before Christmas, and a citizen subcommittee was formed to review applications. Mr. Hill noted that members were representative and very knowledgeable. The committee recommended funding for four applicants; no one was funded in full. These organizations include the Girls and Boys Clubs of Greater Salt Lake for $36,000; Big Brothers and Big Sisters of Utah for $10,000; Arts Kids for $20,000 and the Utah Athletic Foundation for $6,000, for a total of $72,000. The funding period is for 18 months or until June 30, 2005. The committee felt strongly that the money should be spent largely on Park City youth and recommend inserting performance measures in the contracts to ensure appropriate expenditures of funds. He mentioned that Council members Calvert and Erickson also served on the committee. Both expressed that they felt comfortable with recommending support to the Boys and Girls Clubs and Big Brothers and Sisters in response to a question from the Mayor. There was discussion about the program at the Winter Sports Parks and it was clarified that participation is available to kids within the School District which is consistent with the policy. Mr. Kernan asked why the application from the Norwegian School was denied. Gary Hill explained that there was some overlap of service and the dollars were intended for scholarships not general programs. Scholarships aren't specifically excluded, but funding them in the past has not been a practice and there was concern about how recipients would be selected. The committee also looked at the *best bang for the buck* by releasing funds for programs where it was felt that a greater number of individuals would be served.

The City Council supported staff's recommendations. Tom Bakaly stated that Council is not required to take formal action if there is agreement in work session.

4. **Review of regular meeting.** The Mayor announced that the Water Service District meeting has been canceled. With regard to the water agreement on the WSD agenda, Joe Kernan pointed out that the language describing the distribution of costs is confusing as well as a sentence in another paragraph. The City Manager expressed that the agreement provisions will be clarified before it returns to Council.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 12, 2004

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, February 12, 2004. Members in attendance were Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Staff present were Tom Bakaly, City Manager; Mark Harrington, City Attorney; Colin Hilton, Economic Development Director; Alison Butz, Special Events and Facilities Manager; and Myles Rademan, Public Affairs Director.

II COMMUNICATIONS FROM COUNCIL AND STAFF

1, Regional Ice Facility – Colin Hilton advised that the letter of intent for the regional ice facility has expired. After meetings with the ice committee and the Snyderville Basin Special Recreation District, it is recommended to amend the letter of intent to include Quinns Junction as one of the possible site locations. This does not preclude The Canyons' site from still being considered. He stated that if there is agreement among Council members, an amended letter of intent will be brought back to Council. The City Council concurred.

2. Leadership 101 – Myles Rademan reported on the annual class, hosted by the City, to be held on February 18 at The Yarrow Hotel.

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.

1. Wildlife preservation proposal for Round Valley – Resident John Pollard explained that he works with the Rocky Mountain Elk Foundation and would like to enhance the wildlife values in Round Valley. In the past, RMEF has pledged $50,000 to improve the natural grasslands and there may also be state funds available. He volunteered to work with the Department of Wildlife Resources with the blessing of Council. The interior barbwire could be removed and there are two or three springs in Round Valley that could be enhanced. The property requires on-going attention and coordination with the cutting of trails to protect elk habitat, for instance, would be helpful. He suggested forming a group like the *Keepers of Round Valley*. Jim Hier felt this is a great idea and suggested that Mr. Pollard work with staff and the group holding the conservation easements. Mayor Williams recommended conducting an inventory of fauna to control non-native species, which have invaded the area. The City Manager envisioned that an agreement between the City and this group outlining the scope and responsibilities of the project will be crafted.

2. Park City Debate Society – Colin Macaffey, resident, stated that his business refurbished the benches on Main Street as a contribution to the community last summer. He indicated that he is forming a newly formed social club, the Park City Debate Society. The purpose of the club is a forum for people to gather and discuss ideas relevant to Park City and the first debate is the mural in Swede Alley. Mr. Macaffey discussed in detail the artwork depicting our history from the settlement of the area to mining, skiing, and golfing. Members of the club disagree with the imagery of the mural and have a different perspective on our history. He asked for guidance for the club, including organizational suggestions, licensing, and holding a fund-raiser. The club will be meeting on Wednesdays at 7 p.m. at the Library and members are planning to raise funds by offering snow and ice removal services. The Mayor suggested that he work with the City Manager. The City Attorney advised that there are no City requirements on forming a club and as a non-profit, he would be exempt from licensing for a fund-raising event. In response to a question from Marianne Cone, Mr. Macaffey stated that there are now eight members.

Brian Hess, Director of the Arts Council, added that the mural was painted by Andrea Lichtner and was commissioned as part of the 1984 Centennial Celebration. The Arts Council has inventoried public art throughout town and has noted that this piece is in disrepair. He invited the debate group's input on the mural.

With no further comments, the pubic input session was closed.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 22, 2004

Jim Hier, "I move approval of the Work Session Notes and Minutes of the meeting of January 22, 2004". Kay Calvert seconded. Motion unanimously carried.

V CONSENT AGENDA

In response to a question from Jim Hier, Alison Butz explained that there is a lot of fluctuation with regard to what pieces will be permanently displayed on City property and moose that will remain displayed until April, but she will report back to Council. Candace Erickson, "I move approval of the Consent Agenda, Items 1 and 2". Jim Hier seconded. Motion carried unanimously.

1. Acceptance of disclosure statements – See attached affidavits.

2. Approval of display public art to be located at the Racquet Club and Coalition Park – Moose on the Loose Project – See staff report.

VI NEW BUSINESS

Authorize the City Manager to negotiate a contract in the amount of $100,000 in a form approved by the City Attorney for design and art work for the Olympic Legacy Entryway Enhancement Project on Highway 224 – Myles Rademan stated that in September 2002, the Council appointed an Olympic Legacy Committee to generate ideas for City projects and projects produced by other entities. In October 2003, the entryway project was authorized and the old Chamber kiosk site between the barn and Payday Drive was selected as the location. Olympic legacies are budgeted in the Capital Improvements Fund in the amount of $128,000 and Council discussed spending $100,000 on the entryway project and the remainder to purchase two mini-towers to be placed on Main Street and to fund site work. It was decided that the selection committee would be a jury and representative of interests and it was felt that this format would help to eliminate people lobbying members. He explained in detail the membership, including Jim Glenn from the state. Mr. Glenn works with communities on public arts projects for the state of Utah and his participation was very helpful in an effort to mirror national standards. The group extensively researched requests for proposals for public art projects on a nation-wide level, and it was decided early on that the award would not be limited locally, but the best project submitted would be recommended for our entryway. The RFP was published and placed on the Internet in October, which eventually was posted on web sites all over the country. On December 21, the City received 33 responses compliant with provisions outlined in the RFP. He described the pre-proposal meeting held for interested artists held in October. There was extensive publicity in Park City and Salt Lake.

The selection committee ranked proposals according to set criteria and narrowed them down to three finalists, who were provided $500 to produce a model and to present their proposal on January 30. This was a published public meeting but Mr. Rademan emphasized that selection was not accomplished through popular vote. The selection committee overwhelming agreed to recommend to Council the award to *Making Tracks*, conceived by Gerry Brown and Steven Gilbert of G Brown Designs, and Cliff Garden, from Cliff Garden Studio. He continued to relay that Jim Glenn, who couldn't be in attendance tonight, stated that this was one of the finest art selection processes he has ever participated in.

Brian Hess, Arts Council and selection committee member, stated that he felt the process was very systematic and fair. He is very comfortable with the process and pleased with the result.

Peter Roberts, Arts Council and selection committee member, explained that a variety of quality projects were submitted, and the committee conducted a good exchange on the merits of entries. There was a strong consensus among members and a belief that they selected the best project.

Elizabeth Swank, Arts Council and selection committee, stated she was thrilled with the jury process. There were diverse opinions in the beginning, but the final decision was enthusiastically supported by all members.

Gerry Brown, landscape architect, noted that there were many associated requirements that the proposal needed to meet, including a budget. In meeting funding, the team has procured donations of work and materials from interested contractors in the amount of $40,000.

Steven Gilbert, through illustration of the model, described in detail the components of the project, including the sculpture and landscaping. The message integrates the recreational nature of our community and the sculpture metaphorically suggests a track, i.e., skiing, biking, etc. while integrating the mountains in the background.

Cliff Garden, artist, explained that his public art pieces are designed to represent the feel of communities. Landscape features are essential to the sculpture, which could be expanded on the other side of the road. It is important to reflect the Olympics, but also capture the future. The stainless steel structure will play with light and can be treated with different finishes. He felt that the legacy should be unique, elegant, and something that represents Park City. Steven Gilbert discussed the shadow the sculpture will cast on the anniversary of the Games.

In response to questions from Jim Hier, Mr. Garden indicated that the finish has not been determined yet. He explained that the piece will be fabricated in Salt Lake where it will be built. Once it is constructed at the foundry, it will be cut apart and transported to the site, where it will be again welded into place. The Mayor asked if the piece will be lit. Mr. Brown explained that they are sensitive to the night sky ordinance and the sculpture will be lit within.

The Mayor invited the public to comment. Hearing no input, he requested a motion to approve. Kay Calvert, "I move approval to authorize the City Manager to negotiate a contract in the amount of $100,000 in a form approved by the City Attorney for design and art work for the Olympic Legacy Entryway Enhancement Project on Highway 224". Candace Erickson seconded. Motion unanimously carried

VII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned. The scheduled Water Service District meeting was canceled.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Staff present were Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Jim Hier "I move to close the meeting to discuss ". Candace Erickson seconded. Motion carried unanimously. The meeting opened at approximately 5 p.m.

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

Prepared by Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY SUMMIT COUNTY UTAH
CORPORATE Seal MARCH 1, 1884

City Council Staff Report

Author: Gary Hill
Subject: Youth Service Contracts
Date: February 12, 2004
Type of Item: Legislative

PARK CITY 1884

Budget, Debt, & Grants

Summary Recommendations:
Authorize the City to enter into Special Service Contracts for Youth Services with Boys and Girls Clubs of Greater Salt Lake, Big Brothers and Big Sisters of Utah, Arts Kids, and The Utah Athletic Foundation (Utah Olympic Park).

Description:
Topic:
Youth Programming Special Service Contracts

Background:
In spring of 2003 City Council amended the City's Public Service Contract Policy. The amendments included the creation of several new categories for service contracts and integrated the arts and youth grants into the same process. $72,636 was made available for Youth Services over two years. On April 7, 2003, staff received proposals from interested organizations to provide services in each of the service contract categories. Upon review, however, the Service Contract Subcommittee determined that none of the proposals submitted for Youth Programming were responsive.

On October 23, Council directed staff to request new proposals for Youth service contracts. Council also amended the City's Public Service Contract Policy to include language specific to Youth Contracts. The language clarified that Youth Service Contract funds could used for one contract or divided among several contracts as long as the sum total was to benefit all Park City area youth.

Finally, Council directed staff to work with the Service Contract Subcommittee to select a citizen task force to review and recommend youth contract proposals.

Analysis:
In December staff advertised a request for youth service contract proposals. Staff and the Service Contract Subcommittee also formed a seven member citizen taskforce to review the applications. As per Council direction, the taskforce was comprised of three PTO representatives, two youth representatives, and two at large

members. The taskforce (which included Candy Erickson and Kay Calvert as Council liaisons) was made up of the following members:

- Patti Shirey (McPolin Elementary PTO),
- Suze Weir (Treasure Mountain PTO),
- Dale Hart (Park City High School PTO),
- Megan Williams (Park City High School Senior),
- Nicole Roth (Park City High School Sophomore),
- Lani Furr (At large member), and
- Dave Staley (At large member)

The group met two times in January and February and reviewed each of the applications. Based on the criteria set forth in the Public Service Contract Policy, the taskforce recommends dividing the funding between four applicants. The recommendations are detailed below:

Organization Name	Recommended 2 Year Amount	
Boys and Girls Clubs of Greater Salt Lake	$	36,000
Big Brothers Big Sisters of Utah, Inc.	$	10,000
Arts Kids	$	20,000
Utah Athletic Foundation	$	6,000
Total	$	72,000

The taskforce felt that these organizations best met the Public Service Contract criteria and would provide a benefit to Park City youth as a whole. As outlined by the Policy, each of the applicants will be required to demonstrate contract compliance through performance measures as well by showing how the funds will have been used for Park City youth. The contracts will run through June 2005.

Department Review:
Budget, Debt, & Grants; Executive; Recreation

Alternatives:

Approve the Request:

Council should authorize staff to enter into Special Service Contracts with the following organizations:

- **Boys and Girls Clubs of Greater Salt Lake** ($36,000),
- **Big Brothers Big Sisters of Utah** ($10,000),
- **Arts Kids** ($20,000), and
- **Utah Athletic Foundation/Utah Olympic Park** ($6,000).

Deny the Request:
Council could deny the request and direct staff to wait until next spring to review the public service contract policy as a part of the budget process.

Continue the Item:
Council could continue the item and direct staff to provide further information at a latter date.

Do Nothing:
Doing nothing would be the same result as denying the request.

Significant Impacts:
$36,318 is currently budgeted for Youth contracts this year, with an equal amount scheduled for FY 2005. One half of each contract amount will be available upon execution of the contract, with the remainder to be distributed next Fiscal Year upon demonstration of progress toward contract completion as outlined in the Public Service Contract policy.

Consequences of not taking the recommended action:
The Public Service Contract policy requires that "unspent fund balances at the end of a year...not be carried forward to future years." Any contract for youth services entered into after this fiscal year would only be for half the total amount available for two years. By entering into Youth contracts now, the City can best use available funds to enhance youth programs in the City.

Recommendation:
Authorize the City to enter into Special Service Contracts for Youth Services with Boys and Girls Clubs of Greater Salt Lake, Big Brothers and Big Sisters of Utah, Arts Kids, and The Utah Athletic Foundation (Utah Olympic Park).

Attachments: List of all organizations applying for Youth Service Contracts

Youth Service Contract Applicants
December 15, 2003

Organization	Requested Amount	
Park City Historical Society & Museum	$	10,000
Swaner Nature Preserve	$	12,500
Boys and Girls Clubs of Greater Salt Lake	$	72,000
Big Brothers Big Sisters of Utah, Inc.	$	20,000
Norwegian Outdoor Exploration Center	$	20,000
Arts Kids	$	22,500
Utah Athletic Foundation	$	20,000

Total Amount Requested **$** **177,000**

To: Honorable Mayor/Members of City Council
From: Jan Scott, City Recorder
Date: February 12, 2004

Acceptance of disclosure statements

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

STATE OF UTAH)
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COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Kay Calvert, and having been first duly sworn, deposes and says as follows:

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

2. That I reside at 1505 Crescent Road, Park City, Utah

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

K Calvert Consulting

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

Own property at:
Block 52 Lot 1, Park City
1505 Crescent Road, Park City

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

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

STATE OF UTAH)
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COUNTY OF SUMMIT)

AFFIDAVIT

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

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

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

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

Spouse is President of the Park City Board of Education

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

Own property at:
86 Prospect Avenue, Park City

Treasurer – Park City Professional Artists Association
Trustee – Kimbal Art Center

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

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

STATE OF UTAH)
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COUNTY OF SUMMIT)

AFFIDAVIT

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

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

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

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

Park City Mountain Resort
Cole Sport
IC Group

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

Own home at 2614 Little Kate Road.

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

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

STATE OF UTAH)
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COUNTY OF SUMMIT)

AFFIDAVIT

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

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

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

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

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

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

Own property at:
2599 Morning Sky Court, Park City

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

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

STATE OF UTAH)
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COUNTY OF SUMMIT)

AFFIDAVIT

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

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

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

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

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

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

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

50% owner of County Curbside Inc., a recycling company which contracts with Summit County to pick up recycling in several Park City neighborhoods and all of South Summit County, valued at approximately $7,500 per month

Part-time employee of Deer Valley Ski resort, typically working 20 to 30 days per year for several thousand dollars in compensation and ski privileges

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

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

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

STATE OF UTAH)
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COUNTY OF SUMMIT)

AFFIDAVIT

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

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

2. That I reside at:

2384 Doc Holiday Drive, Park City, Utah

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

Associate broker with Coldwell Banker Residential Realty

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

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

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

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

City Council
Staff Report

PARK CITY 1884

Special Events and Facilities Department

Author:	**Michelle Barrus and Alison Butz**
Subject:	**Moose on the Loose**
Date:	**February 12, 2004**
Type of Item:	**Administrative**
	Display of Public Art - Moose

Summary Recommendations:
Review and approve the License for the placement of two pieces of art (Moose) on City property.

Description:
Topic:
The City has received a donation of one moose to display, as well as one moose to temporarily display until April.

Background:
Through the Moose on the Loose Program the City has received a donation of a moose for permanent placement on City property from a group of citizens headed by Denna Fleming. The donated moose will be located in Coalition Park at the corner of 9th Street and Park Avenue. A second moose is on loan to the City to display through April. This moose will be temporarily located at the entrance of the Racquet Club at 1200 Little Kate Road. The Arts Council is currently forming a process for Council to select an Public Art Advisory Board. In the meantime, staff recommends both moose be displayed at least through the winter or such time as the Board makes a recommendation to Council. Brian Hess of the Arts Council was informed of staff's recommendation for the moose and had no objections.

Analysis:
The Land Management Code (LMC), Section 15-4-15, states requirements for the outdoor display of works of art. For display of art on public property, the Planning, Engineering and Building Departments review the locations for compliance with applicable building codes to make sure the display does not create a hazard to the public. Upon compliance with the set criteria, the Moose will be displayed.

Department Review:
The Moose on the Loose program has been reviewed all applicable City departments.

Recommendation:
Review and approve the placement of art on City property based upon the following:

1. Planning, Building and Engineering Departments shall approve the final site plan pursuant to Section 15-4-15(B) of the Land Management Code.

2. The City will accept liability for the loaned moose (Racquet Club) and insurance contrary to Section 15-4-15(B)(4) of the Land Management Code.

City Council Staff Report

Author:	**Myles Rademan, Alison Butz and Colin Hilton** Public Affairs & Communications
Subject:	**OLYMPIC LEGACY**
Date:	**February 12, 2004**
Type of Item:	**Administrative**
	Selection Committee Recommendation

Summary Recommendations: Authorize the City Manager to negotiate a contract in the amount of $100,000 in a form approved by the City Attorney for design and art work for the Olympic Legacy Entryway Enhancement Project on Highway 224. Please note that the recommended design and recommended design team will be announced at this week's meeting. Staff will return to Council to award the contract at a future date.

Description:

Topic:

Selection Committee Recommendation - Olympic Legacy Entryway Enhancement Project

Background:

City Council budgeted $128,000 for Olympic legacies. The Olympic Legacy Committee decided to construct an Olympic Legacy Entryway Enhancement Project. A Request for Proposals (RFP) describing the project parameters was prepared by staff in conjunction with the Park City Arts Council and the State of Utah Public Arts Program and distributed nationwide. A 16 member Selection Committee with representatives from the Council, Staff, Planning Commission, Arts Council, Chamber, State, and artists-at-large was established to judge the 33 entries responsive to the RFP and to make a final recommendation to the Council.

The Selection Committee met in November and narrowed the initial 33 entries down to 3 finalists. Each finalist was awarded a $500 stipend to construct a model (maquette) of their proposal and personal presentations were made to the Selection Committee on Friday, January 30. The three maquettes are available for viewing in the City Council Chambers.

Analysis:

Selection Process

A selection committee of sixteen (16), from which members included representation of Park City residents and from the Utah Arts Community, reviewed all thirty-three (33) proposals submitted and initially narrowed down the proposals to ten (10).

Each proposal was evaluated on its own merits, using the information submitted and applying the criteria as outlined in the RFP.
The review criteria were as follows.
1. The quality and comprehensiveness of the submission.
2. The aesthetic qualities of the artist, design professional, and/or team's body of work as represented in the slide/print/CD/video submissions.
3. The artist, design professional, and/or teams quality of work and technical skills in design, sculptural and landscape media as represented in the submissions.
4. The experience of the artist, design professional, and/or teams in successfully designing, fabricating, administering, and completing public art, sculptural projects and/or site finish.
5. The conceptual basis for the artist, design professional, and/or teams body of work as defined in the written statements.
6. The artist, design professional, and/or teams training and education.
7. History of meeting project budgets.
8. And most importantly, the originality of the design and whether it fulfills Park City's vision of a captivating, beautiful, memorable, highly visible and clearly and unmistakably recognizable Olympic Legacy Entryway statement.

The committee further reduced the proposals out of the ten (10) to the top three (3). Each of the three (3) were requested to develop a model of each proposal and present it to the committee for final review.

The evaluation concluded that the recommended design, which will be unveiled at the February 12 Council meeting as part of a press conference, ranked highest among the remaining three (3) proposals. The recommended design is felt to have lasting artistic merit and a theme reflecting Park City's sports and Olympic heritage in accordance with the RFP. In addition, the sculpture will help frame and delineate Park City's entryway on Highway 224.

The selected design is fluid and needs further definition and input. The Selection Committee has posed a number of questions and suggestions that staff will explore with the designers, but the Selection Committee clearly feels that theirs is the most appropriate design concept and recommends that the City Council authorize the City Manager to negotiate a contract. Staff will return to Council in March 2004 to award the contract once the scope of work is mutually acceptable to both parties.

Department Review:
Public Affairs, Capital Projects, Planning & City Manager

Alternatives:
- Authorize the City Manager to negotiate a contract in the amount of $100,000 on a form approved by the City Attorney for selected design and art work for the Olympic Legacy Entryway Enhancement Project on Highway 224.

- Modify the recommendation to negotiate the $100,000 contract to the selected project, and select another of the entries.

- Deny the recommendation to negotiate the $100,000 contract to the selected project and do not construct the Olympic Legacy Entryway Enhancement Project.

- The City Council may continue the hearing for more information and discussion.

Significant Impacts:
Staff and Council will have to consider site preparations on Highway 224, and work with UDOT and the USOC on certain design parameters. The $100,000 budget will be sufficient to build the sculpture and accomplish minor site modifications. An additional $14,000 is available for site work related to the project. Additional funding could be needed over time to implement the entire vision of a comprehensive gateway/entryway treatment that would utilize sites other than those included in the RFP. Other funding and fundraising efforts should possibly be considered at a future date.

At this time the Olympic Legacy line item in the budget has a total of $128,000. The Olympic Legacy Entryway Enhancement Project on Highway 224 will cost $100,000. Two additional mini-towers are proposed for Main Street at a total cost of $14,000 leaving $14,000 for site work related to the Olympic Legacy Entryway Enhancement Project or other projects.

Consequences of not taking the recommended action:
Funds for this project have been budgeted. If the Council chooses not to act then idea of an Olympic Legacy Entryway Enhancement will not be accomplished. The current time frame contemplates awarding the contract on February 12, and having the sculpture constructed and installed by the Fall of 2004, and formally dedicated in honor of the 3rd anniversary of hosting the 2002 Olympic Winter Games in February 2005.

Recommendation:
Authorize the City Manager to negotiate a contract in the amount of $100,000 on a form approved by the City Attorney for selected design for the Olympic Legacy Entryway Enhancement Project on Highway 224. Staff will return to Council to award the contract at a future date.

Note: The selected design will be distributed at Thursday's meeting.

City Council
Staff Report

PARK CITY
1884

Public Works

Author: Jerry Gibbs, Director of Public Worl
Tom Daley, Deputy City Attorney
Subject: Summit County Water Project
Date: February 12, 2004
Type of Item: Agreement

Summary Recommendations:
Authorize the Chairman of the Park City Water Service District to sign an agreement with Summit County and Mountain Regional Water Special Service District to agree to cooperate on a Summit County Water Project.

Description:
Topic:
Water Agreement

Background:
Weber Basin, Park City and the County have been discussing a water project since an MOU was signed November 27, 1996. The MOU reserved water until November 27, 2003. Weber Basin identified 5000 acre feet of water from Smith - Morehouse and other Weber Basin surface sources in addition to 1600 acre feet of underground water to be used under exchange contracts.

Reservation fees have been charged by Weber Basin for each acre-foot of reserved water. If Weber Basin ultimately constructs the water importation project, reservation fees will be used by Weber Basin for design, engineering, construction and other uses related to the development of underground and surface sources.

A committee of staff members from Park City and Summit County formed in 1999 to finalize the details of an inter-local agreement. Numerous meetings were held with the county and Weber Basin. By the end of 1999 the county and the City had decided to move forward with Weber Basin in a 5000 ac-ft designed to import water from Weber Basin sources.

In 2000, the committee was increased to include two representatives from the City Council (Council members Erickson and former council member Jones) and one representative from the county commission (Commissioner Schifferli). The county hired a water manager to help identify their needs and changed Atkinson name to Basin Regional Water Service District and later to Mountain Regional Water Special Service District. A long term look at Basin demand showed a need of 10,000 ac-ft. In February 2000 the county's water utility developed a Long Range Strategic Water Plan calling for the development of the Upper Weber River Project.

The Upper Weber River Project used a groundwater approach to meet the initial demands for the county. The surface diversion was planned in Phase IV of the Upper Weber River Project; it would be constructed only if the wells did not produce a sufficient amount of water. It became apparent in early 2002 a groundwater approach would not be viable.

During the spring of 2002 Mountain Regional decided to pursue the Lost Creek Canyon Pipeline to convey surface water and culinary water to the Promontory area. The Project has been funded and is underway. In late 2002 the Mt Regional agreed to let the City move forward with Weber Basin on its own. The county wanted only the opportunity to rejoin the project prior to construction if Weber Basin had water available. An agreement was drafted and the county signed the agreement, however, the City chose not to execute the agreement.

On November 20, 2003 the City Council authorized the Mayor to sign an agreement with Weber Basin Water Conservancy District, Park City Water Service District, Summit County and Mt Regional to extend the 1996 MOU an additional six months. Weber Basin approved the agreement on November 21 and the County adopted the agreement on November 26. A final agreement between Park City Water, Summit County, Mountain Regional, Weber Basin and possibly BOR must be adopted before the reservation of Weber Basin water expires on April 30 2004.

Analysis:
The proposed agreement provides that, Park City Water Service District, Mt. Regional Water Service District and Summit County will work cooperatively on a water importation project called the " Summit County Project" with Weber Basin, and possibly the Bureau of Reclamation (BOR). The agreement, contingent on the BOR feasibility study, requires the parties to:

- Work jointly on federal funding opportunities and not pursue funding that would detrimentally affect funding for the Summit Count Project.
- Share water generated by the Lost Creek Project surplus to Promontory's needs.
- Expand existing facilities as necessary to deliver water from the Summit County Project.
- Enter into reciprocal wheeling agreements based on actual capacity cost and depreciation.
- Pursue a BOR/Weber Basin Project if the BOR's feasibility study identifies a recommended project.
- Provide surplus water rights to one another.

Department Review:

The City Manager, Deputy City Attorney, Public Works Director and Council Member Erickson have been involved in discussion with the County over the last four years.

Alternatives:

Approve the Request:
Authorize the Chairman of the Park City Water Service District to sign an agreement with Summit County and Mountain Regional Water Special Service District to agree to cooperate on a Summit County Water Project. (Staff recommended)

Deny the Request:
This alternative would require us to work independently of the County and Mt. Regional to pursue with Weber Basin or other entities the importation of water to Park City.

Continue the Item:
The agreement could be continued for a short period of time. The value in the agreement is to formalize each agency's effort and to cooperatively pursue funding and a project.

Do Nothing:
This alternative would limit Park City's option to solve its long-term water needs.

Significant Impacts:
The agreement requires Park City Municipal/Park City Water and Mt. Regional/Summit County to pursue a solution(s) to each of our long-term water needs jointly.
The ability to wheel water allows each agency to move water without duplicating resources.

Consequences of not taking the recommended action:
An independent approach to federal funding could limit the amount each party is able to secure through our respective Congressional representatives.
Each agency may be required to duplicate water infrastructure at a higher unit cost and pay a higher cost per ac-ft to develop two smaller projects.

Recommendation:
Authorize the Chairman to sign a cooperative agreement with Summit County and Mt Regional.

Agreement Between
Park City Water Service District, Summit County, Mountain Regional Water Special Service District, and Implementing the Summit County Project

This Agreement is entered into this 12th day of February, 2004, by and between Park City Water Service District, a special service district organized and existing pursuant to the provisions of Utah Code Annotated '17A-2-1301 *et seq.*, 1953, as amended **(Park City Water**), Summit County, a county and political subdivision of the State of Utah pursuant to Utah Code Annotated '17-50-1 *et seq.*, 1953, as amended (**Summit County)**, and Mountain Regional Water Special Service District, a special service district organized and existing pursuant to the provisions of Utah Code Annotated '17A-2-1301 *et seq.*, 1953, as amended (**Mountain Regional**), Park City Water, Summit County, Mountain Regional and Weber Basin are hereinafter sometimes referred to as a **Party** and collectively as the **Parties**.

WHEREAS, Summit County, Mountain Regional (as successor in interest to the Atkinson Special Service District and Basin Regional Water Special Service District) and Weber Basin Water Conservancy District (**Weber** Basin) entered into a certain Memorandum of Understanding and Agreement, dated November 27, 1996 (the **MOU**), which sets forth a framework for the development of a water project to deliver water, made available from Bureau of Reclamation (**BOR**) and Weber Basin sources, for distribution within the service areas of Mountain Regional and Park City Water; and

WHEREAS, the Parties desire to move forward with the development of the **Summit County Project** and have entered into an agreement extending the 1996 MOU through April 30, 2004; and

WHEREAS, the Summit County Project will be either a project constructed by the BOR following a study to evaluate the feasibility of importing water into the Snyderville Basin (**Feasibility Study**) or one or more other projects constructed by Weber Basin with Park City Water and/or Mountain Regional; and

WHEREAS, since entering into the MOU, Summit County and Mountain Regional have developed the Lost Creek Canyon shallow wells and pipeline which comprise Phase I of the project described in the MOU; and

WHEREAS, the State Engineer has approved the diversion of 1,600 acre feet of water from the Lost Creek Canyon Project under Weber Basin exchange contracts; and

WHEREAS, the Parties agree that the intent and purpose of the MOU will be fulfilled by Park City Water and Mountain Regional constructing the Summit County Project to deliver water to Mountain Regional and Park City Water as provided below.

WHEREFORE, THE PARTIES AGREE AS FOLLOWS:

SECTION I. LOST CREEK CANYON PROJECT

A. Design, Construction, Ownership and Operation of the Lost Creek Canyon Project. The Lost Creek Canyon Project, which consists generally of a shallow well collection system above the Rockport Reservoir, a pump station, a twenty-four inch pipeline, a treatment plant with a capacity of three million gallons per day, and all facilities necessary to transport and deliver water from the shallow wells into the raw water reservoir and treatment plant located in the Promontory Development, shall be acquired, designed, constructed, owned, operated, maintained, repaired and replaced by Mountain Regional at its sole cost and expense.

B. Lost Creek Canyon Project Costs and Financing. All costs and expenses incurred by Mountain Regional in the development and construction of the Lost Creek Canyon Project, including, but not limited to, legal costs, easement acquisition costs, environmental costs, engineering and design costs, construction costs, including labor and materials, and debt service costs (including interest), and costs of issuance shall become a part of the Lost Canyon Creek Project and shall be financed by Mountain Regional.

C. License for Park City Water's Use of the Lost Creek Canyon Project. Mountain Regional hereby licenses to Park City Water the right to receive water developed by the Lost Creek Canyon Project as follows:

1. Park City Water shall have the right to receive thirty-eight percent (38%) of the first 1,600 acre feet of water developed by the Lost Creek Canyon Project that is surplus to Promontory's demand.

2. Park City Water shall have the right to receive up to fifty-percent (50%) of water developed in excess of 1,600 acre feet up to a maximum annual delivery to Park City Water of 2,500 acre feet.

3. The license shall be effective on the date of execution of this Agreement and shall expire at such time as the Summit County Project is capable of delivering annually to Park City Water 2,500 acre feet of water.

   Park City Water's cost for water developed by the Lost Creek Canyon Project shall be based on Mountain Regional's direct costs incurred in delivering water to Park City Water. Direct costs shall include water lease fees and costs for treatment, testing, concurrency, pumping, utilities, operations and maintenance and any other incremental costs incurred by Mountain Regional to provide water to Park City Water. Park City Water shall pay its proportionate share of Mountain Regional's direct costs for delivering water through the Lost Creek Canyon Project. Park City's proportionate share of direct costs shall be determined by multiplying Mountain Regional's total direct costs for the calendar year times a ratio,