PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
FEBRUARY 7, 2008

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Gary Hill, Budget Manager; and Patrick Putt, Planning Director

1. Council questions/comments. Joe Kernan acknowledged that he didn't attend the meeting last week where the neighborhood traffic management program was discussed, which is an important area to improve. He pointed out the potential for inefficiencies because of the large membership of the internal traffic management committee and felt it may be more productive to reduce its size and/or allocate more resources to the group. Recommendations may be narrowed because of budget restraints and it may be more appropriate for the committee to recommend options based on various funding levels. Liza Simpson stated that WALC is making progress using a stakeholder approach by assigning funding to various projects; members are forming determinations on the Lucky John and Little Kate area. Roger Harlan complimented Deer Valley on its Freestyle Event held last weekend. He also attended the WALC meeting and the stakeholder concept seemed to help the group move ahead. He hoped that the piles of snow obstructing sight lines at intersections can be addressed at some point.

Jim Hier also praised the Freestyle Event. He explained that he instructed staff to send WALC meeting minutes to affected property owners as a courtesy which was supported by other Council members. Candace Erickson stated that the Deer Valley event was fun. She attended the RAB meeting where concepts on the Racquet Club, the future of the RAP Tax, and the dog park were reviewed. The Historical Society continues to work on its fund-raising and is appreciative of the City contributing toward a new roof. Mayor Williams spoke about the activities of the Beijing delegation.

He suggested that the Council consider supporting an ordinance banning plastic bags and that to subsidize businesses transitioning to corn starch products. Mr. Hier expressed his concern of singling out one element with a cost associated to it. The effort should be comprehensive although the idea is worth exploring. Roger Harlan felt it more prudent to try a public relations campaign before pursuing legislation. Candace Erickson agreed that the choice should be voluntary. Liza Simpson stated that her business switched from plastic to corn-based containers because the cost is almost equal. Joe Kernan asked for information on the difference in cost and whether the products can be recycled. He pointed out that the plastic bags create litter but have no carbon footprint impact.

2. Legislative update. Gary Hill explained that most bills are moving slowly and many don't have publicly released language. HB51, water rights forfeiture bill, is back on track and has gained support from stakeholders. SB20, forms of municipal government, passed out of committee and overall the ULCT believes this is a good bill. There is no movement on the RAP Tax proposal. Mr. Hill explained that the sponsor feels that no one industry should be singled out and he described meeting with cities and representatives on this issue. He may suggest limiting the redistribution to first class counties; Park City opposes SB218 as drafted. Government competition and privatization bills were discussed. SB38 would require cities to post all of their transactions in a searchable data base with the state and the impacts have been *glossed over* by the proponents. Mr. Hill emphasized the complexities of the proposal. He again discussed the negative impacts of the competition bills and noted that it should be up to citizens to decide what services should be provided by the municipality and the impacts on the private sector. SB19 is new and would require increased retirement contributions for public safety state employees and optional for local governments.

SB84 is a net metering bill which would help remove barriers to distribute renewal energy and SB173 and SB202 address carbon footprint reduction. Candace Erickson understood that public utilities are concerned about increased costs which would be passed on to their citizens. Mayor Williams emphasized that energy incentives have been available since the 1970s but have not been effective and some believe it is time that there be mandates and accountability. There was discussion that most cities rely on coal to produce energy and Joe Kernan pointed out the harmful effects with burning coal and felt it is worth paying more for energy if it is safer. Gary Hill described the status of the incorporation bill and the applications pending in Wasatch County. The bill is status quo and provides a little more protection for residents. As drafted, incorporation requires five petitioners, representing 40% of the land area before a petition can be proceed.

3. HPB work program. Patrick Putt relayed that in December, Council was updated on pending Land Management Code changes in the Historic District. Expanding the role of the Historic Preservation Board was a topic of discussion, specifically design review. At the direction of Council, staff explored additional duties including exploring the potential acquisition and funding sources to further preservation. Participating in the design review of any City-owned projects located in the Historic District and recommending the purchase of property to preserve the City's cultural resources are both recommended. Another is to investigate federal, state or local funding sources and mechanisms available to promote the preservation of the City's cultural resources. He explained another element involving formulating a recommendation to the Planning Commission and City Council on zoning boundary changes to preserve the integrity of the District, which may be downsizing the core and creating a transition zone. Recommendations to the Council on the amendments to the LMC and advice and guidance at the request of property owners or occupants on the construction, restoration, etc. of a historic resource are other suggestions to include in a work program.

Mr. Putt stated that he will report the Council's decision to the HPB at Monday's meeting. A joint work session with the Planning Commission and HPB is scheduled on Wednesday, February 27 to comprehensively look at the LMC and the Historic District Guidelines. Mayor Williams asked if the request for HPB review from an owner is an appeal. Patrick Putt stated that these are two separate processes. Formal Historic District determinations made by staff can be appealed before the HPB. The role described above is asking for input or direction before investing in designing a project, for instance. Joe Kernan asked that this task in the work program be better clarified. Roger Harlan expressed that the recommendations outlined in the staff report are headed toward the right direction. Liza Simpson feels the group will welcome the added responsibilities and the Mayor directed staff to move ahead.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 7, 2008

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 14, 2008. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Phyllis Robinson, Public Affairs Manager; Brooks Robinson, Planner; and Dave Gustafson, Project Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

<u>Snow removal</u> - Alex Butwinski, resident, complimented Council on its choices for appointments to the Public Art Advisory Board. He suggested that snow emergencies be extended with no parking on streets until the gutters are visible. Mr. Butwinski also recommended that the ordinance prohibiting throwing snow in the public right-of-way be either enforced or taken off the books. Airing PSAs on the radio discouraging people from doing this may be helpful.

Joe Kernan agreed with Mr. Harlan's earlier comments in work session about clearing intersections to improve sight lines. Tom Bakaly advised that crews will be addressing this problem throughout town once there is some break in plowing snow. There was discussion about using City parking lots for cars displaced off the street because of snow emergencies and hauling. Phyllis Robinson advised that this information is available on the website. Candace Erickson relayed incidences where residents have moved their cars, but the snow removal schedule changes unexpectedly but no one is advised. Jim Hier acknowledged that snow removal activities have been exasperated this year, but some improvements in the program have become evident which should be considered during the upcoming budget process.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 24, 2008

Roger Harlan, "<u>I move approval of the work session notes and minutes of the meeting of January 24, 2008</u>". Liza Simpson seconded. <u>Motion unanimously carried</u>.

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

1. Consideration of approving the appointment of Julie Hopkins and Anita Slevin to the Public Art Advisory Board to fill unexpired terms to July 1, 2008 and July 1, 2009 respectively – Jim Hier, "I move we approve the appointment of Julie Hopkins and Anita Slevin to the Public Art Advisory Board". Candace Erickson seconded. Motion unanimously carried.

2. Consideration of an Ordinance approving a plat amendment at 7888 Aster Lane, Park City, Utah – Planner Brooks Robinson explained that this application was continued at the Planning Commission level. The Mayor opened the public hearing and with no input from the audience, closed the hearing. Joe Kernan, "I move we continue the Ordinance approving a plat amendment at 7888 Aster Lane to March 13, 2008". Roger Harlan seconded. Motion unanimously carried.

3. Consideration of approving an amendment to a service provider agreement with FFKR for the Marsac Seismic Upgrade Project, in a form approved by the City Attorney, in an amount not to exceed $309,541 – Dave Gustafson explained that the scope of the seismic upgrade has increased dramatically over the course of the last four years. The geo-thermal, HVAC system, electrical, plumbing, and lighting are among some of the components contributing to the increases. He explained that architectural fees have also increased based on the 8.25% design development fee estimated by Jacobsen Construction. The design development fee came in at $5,292,014 for the Marsac Building for a total fee of $436,591 less $127,050 remaining from a contract, for an amended amount of $309,541. The Mayor invited public comment.

Alex Butwinski, resident, acknowledged that the decision has been made regarding the seismic upgrade of the Marsac Building. However, the increase in fees in this instance represents a fiscal curmudgeon and he is very concerned about the cost of the project. At some point, he asked whether this project will become economically infeasible. The construction management fee is 2 ½% fee or about $120,000 and when added with the architectural rates in Schedule B, totals 1,000 hours of architectural supervision time. This represents two and a half days a week on a full-time base which seems extraordinary. As a professional developer, he felt that most architects would be amenable to a contract fee on an hourly basis and pointed out that Dave Gustafson will be serving as the project manager. It was clarified that the fees for the shell space and plaza are included. The cost creep really bothers him and he doesn't recall anyone from the public in strong support of the project which should not be open-ended.

In response to a question from Roger Harlan about the 8.25% fee, Mr. Gustafson explained that there is a sliding scale which was set at 6.25% for the China Bridge parking structure, 7.25% for the police facility and 8.25% for the Marsac Building. He felt this is a fair fee and Mr. Butwinski interjected that architects will negotiate, especially on large projects. Mr. Harlan spoke about raising this topic after he was elected. An extensive discussion on alternatives was conducted and ultimately retrofitting the building was supported by the Council. Alex Butwinski asked if the seismic upgrade is the direction regardless of cost and Mayor Williams explained that costs increased because of added efficiencies to the project and members felt that City Hall should remain in the downtown core. In terms of process, Jim Hier explained that at the time of bidding the project the gross maximum price is formulated and this is the time to determine whether to proceed.

Mike Sweeney, business owner, stated that the $5.9 million is not realistic and is too low for the seismic upgrade of the Marsac Building. It will be more than $10 million to retrofit the building the right way and he strongly urged Council members to arrive at a fixed architectural fee. There are people in the community who could help keep the numbers down and the cap seems to be continually increasing. Jim Hier clarified that this is an extension to the contract to enter into a new phase of the project and does not represent growth in costs. It was budgeted but not yet authorized.

Joe Kernan clarified that members are committed to the building and the downtown area and keeping the building as City Hall controls the density on the property, although he is personally open to ideas of adding density if it doesn't increase traffic. Candace Erickson, "I move we approve the amendment to the service provider agreement with FFKR for the Marsac Seismic Upgrade Project in a form approved by the City Attorney". Jim Hier seconded. Motion unanimously carried.

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VII 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 3 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Alison Butz, Environmental Coordinator; and Jon Weidenhamer, Project Manager. Joe Kernan, "I move to close the meeting to discuss property and personnel". Candace Erickson seconded. Motion carried unanimously. The meeting opened at approximately 5 p.m. Jim Hier, "I move to open the meeting". Liza Simpson seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott

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