

1 Minutes of the Special Meeting of the City Council held July
2 8, 1988 at 7:00 a.m. to review the Downtown Project with the
3 contractor.
4

5 Present: Mayor: Dean S. Stahle
6 Council Members: C. Harold Shafter, Barbara Holt,
7 Phyllis C. Southwick, Bob
8 Gramoll and H. Keith Barton
9 City Manager: Tom Hardy
10 City Attorney: Layne B. Forbes
11 Asst. City Engineer: Paul C. Rowland
12 Asst. City Attorney: Russell L. Mahan
13 Various merchants from the downtown area
14 Brad Green M. C. Green and Sons
15

16 Official notice of this meeting had been given by posting a
17 written notice of same and an Agenda at the City Hall and by
18 notifying the following newspapers of general circulation: Deseret
19 News, Davis County Clipper and Salt Lake Tribune.
20

21 Mayor Stahle called the meeting to order at 8:00 a.m. and
22 turned the meeting over to City Manager Tom Hardy.
23

24 Mr. Hardy presented the background on the downtown project,
25 where we were with it, why we were behind, and why the contractor
26 presented the proposal he did to proceed north as opposed to south.
27 Mr. Hardy indicated that he was approached by the Assistant City
28 Engineer and the contractor on Friday afternoon, July 1, 1988, to
29 review the alternative of going north as opposed to south. Mr.
30 Hardy indicated that he contacted Mayor Stahle and asked the Mayor
31 to sit in on the discussions. Based on what the contractor stated,
32 the staff recommendation from the Engineering Department, and the
33 desire to not interfere with the Downtown Project, a decision was
34 made Friday afternoon to allow the contractor to proceed north as
35 opposed to proceeding south as originally called for in the contract
36 specifications and documents approved by the City Council. Mr.
37 Hardy then indicated that subsequent to the Wednesday evening
38 meeting of July 6, 1988, the contractor had been notified to cease
39 construction going northbound and to immediately begin going south
40 as per the Council decision.
41

42 Mayor Stahle then explained both his reasoning for supporting
43 the decision that was made to proceed northbound, as well as the
44 reasoning for not contacting the Council and consulting with them.
45 He indicated that this was an Executive as opposed to a Legislative
46 matter and that the contract documents were to be enforced and
47 administered by the Engineering Department of the City.
48

49 Doug Smith, a local merchant, felt that the original decision
50 was proper and that the road work should proceed northbound. He
51 further felt that the road ought to be kept open for the maximum
52 time possible. Lois Pickett than spoke, and indicated that Sidewalk
53 Days could be put back one week if needed for the Downtown Project.
54 She further indicated that the Downtown Merchants had been damaged
55 by the total closure, and felt that the road should be kept open it
56 at all possible.
57

1 Councilman Shafter then expressed his feeling that the road
2 ought to be shut down totally, since it was more efficient and
3 effective for the contractor to work without the large amounts of
4 traffic involved on Main Street. The merchants present at the
5 meeting strongly disagreed with Councilman Shafter's feelings, and
6 indicated that total closure was very adverse to their business.
7

8 Councilman Barton then indicated that while he understood that
9 feelings may have been caused by the decision to go north being made
10 without consultation with the Council and the merchants, he support
11 the move because he felt it was in the best interest of the
12 merchants and in the best interest of Sidewalk Days.
13

14 Councilman Gramoll stated that he felt the issue had already
15 been discussed and decided. He felt that the contract documents
16 were clear and that commitments were made to the merchants going
17 south, that they were going to be disrupted at a certain time. He
18 indicated that by changing the method of construction the City had
19 broken faith with the merchants on the south. He further stated
20 that the street ought to be closed totally rather than "playing
21 games" by trying to keep the traffic open and the area under
22 construction at the same time.
23

24 Councilwoman Holt stated that the decision to close the three
25 block area from 100 North to 200 South was also made to help
26 expedite the construction in the 200 South to 500 South area. She
27 indicated that the merchants were expecting disruption at a certain
28 time, and that this would disrupt their plans after advertisements
29 and signs had been prepared.
30

31 Frank Holbrook, a local merchant, stated that he did not care
32 if his area was done by Sidewalk Days, but he felt that once the
33 project had started north, it should be continued north until the
34 work was finished. He indicated that his area had been disrupted
35 since the beginning of the project, while those merchants between
36 200 South and 500 South had pretty much had "business as usual."
37

38 The contractor, Brad Green, then presented his feelings to the
39 Council. He indicated that he felt a decision needed to be made
40 inasmuch as he had applied for 37 days of extensions and 21 change
41 orders with 6 more coming. He said that both costs and delays will
42 result from a change in direction. He further stated that he was
43 at the client's disposal and would be doing his best to minimize the
44 concerns of merchants whichever way he went. He felt that the road
45 should be closed totally, but could appreciate the concerns of the
46 merchants to keep some traffic on the road. He felt a compromise
47 would be to keep the street open until he needed to close both sides
48 to insure quality at which time he would request closure. He
49 further stated that he felt that going north was the proper phasing
50 of construction, and that it could be done with the least impact to
51 the merchants, particularly during the Sidewalk Days. He indicated
52 that he would do everything in his power to make sure that all
53 phases of the project that could be completed by Sidewalk Days were
54 completed, and that the area from 100 North to 200 South would not
55 be under construction during the Sidewalk Days time.
56

1 Councilwoman Holt then stated that her position revolved around
2 the integrity of the contract documents, and what had originally
3 been agreed to between the City, the contractor and what had been
4 communicated to the merchants. The City Manager explained that the
5 contract schedule had already been abridged by the Council when the
6 three block area was shut down. The original contract documents
7 called for half street construction beginning at 100 North and
8 proceeding south on the east side, then turning west and coming back
9 up the street. He explained that the decision to go north would
10 result in 2 1/2 days of delay to the contractor.

11
12 Russell Mahan, Assistant City Attorney, told the Council that
13 he had reviewed the contract documents and felt that the decision
14 made last Friday was both proper and within the authority of the
15 staff to do so, but also indicated that the Council had the
16 authority to undo, with whatever costs were involved, the decision
17 of the staff. The Mayor then indicated that the Executive authority
18 was properly applied. Russell Mahan clarified that while all the
19 decisions made by the staff and Mayor were proper, it was also
20 proper for the Council to review that decision and to change it if
21 they deemed fit.

22
23 Randy Sant, Executive Director of the Redevelopment Agency,
24 clarified that a Redevelopment Agency meeting was used to decide the
25 closure of the three block area, and that that was a different
26 phasing of construction than the other six blocks.

27
28 Councilman Shafter indicated that he would have voted to go
29 north if he would have had the information that he had received this
30 morning. He felt badly that the decision that was made Wednesday
31 night had created the problems that it had.

32
33 Councilwoman Holt indicated that she felt good with the
34 original decision and urged the Council to stand fast by it.

35
36 After further discussion regarding this matter, Councilman
37 Shafter made a motion that the contractor be allowed to continue
38 north from 100 North to 400 North, and that he further be allowed
39 to proceed on street closure as he deems fit. He further indicated
40 that the motion included a provision that there would be no active
41 construction in the three block area from 100 North to 200 South
42 during Sidewalk Days. The motion was seconded by Councilwoman
43 Southwick. Mayor Stahle called for a vote on the motion, and the
44 motion passed 3 to 2 with Councilmen Shafter, Southwick and Barton
45 voting in favor of the motion and Councilmen Gramoll and Holt voting
46 in opposition to the motion.

47
48 There being no further business to transact, a motion to
49 adjourn the meeting was made by Councilwoman Holt, seconded by

1 Councilman Barton and passed unanimously. The meeting then
2 adjourned at 9:54 a.m.

3
4 Respectfully submitted,

5
6 /s/Tom Hardy
7 City Manager

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9
10 Dean S. Stahle
11
12 MAYOR

13
14
15 John F. Hanson
16 CITY RECORDER
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18
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