

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 16, 1986

ROLL CALL

Mayor Taylor called the regular meeting of the City Council to order at approximately 6:20 p.m. on Thursday, October 16, 1986 at the Marsac Municipal Building. Members in attendance were Mayor Taylor, Jim Santy, Kristen Rogers, Ann MacQuoid, Jim Doilney, and Tom Shellenberger. Staff present were Arlene Loble, City Manager; J. Craig Smith, Acting City Attorney; Mike Vance, Community Development Director; and Nora Seltenrich, Senior Planner.

PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business not scheduled on the agenda. Hearing nothing, the public input session was closed.

PUBLIC HEARING

None.

MINUTES OF MEETING OF OCTOBER 2, 1986 AND OCTOBER 9, 1986

Ann MacQuoid, "I move approval of both the October 2, and October 9 Minutes". Jim Santy seconded. Motion carried unanimously.

CONSENT AGENDA

Tom Shellenberger, "I move approval of the Consent Agenda". Ann MacQuoid seconded. Motion carried.

1. Approval of Class "B" and Set-Up License for Swiss Mountain Enterprises (Steeps at the Base Restaurant and Disco) Located at Gondola Building at Resort Center

2. Approval of Local Consent for Single Event Permit for Wasatch Mountain Food and Wine Society for Their Noveau Beaugalias Festival to be Held at Snow Park Lodge in Deer Valley on November 23, 1986

3. Approval of Local Consent for Single Event Permit for North American Airlines Ski Federation for Open House to be Held at the Park City Ramada Hotel on January 14 and 15, 1987

PUBLIC COMMUNICATIONS AND PETITIONS

Approval of Waiver of Building Related Fees in the Amount of \$2,464.17 for Restoration of 339 Park Avenue (National Historic Register) to David and Edward Cook - Mike Vance explained that the Cooks are in the process of renovating a house which is listed on the historic register and presently have the structure on moving blocks on the lot next door on Park Avenue. All of the restoration is being conducted under with federal guidelines. As consistent with Council action in the past, staff recommends that the building fees be waived. Councilman Shellenberger why the house has been moved.

David Cook - Petitioner, explained that a new foundation had to be installed and in order to accomplish that, the house had to be moved to the adjoining lot. Parking for four cars is intended and by moving the house, excavation under the existing building can be avoided.

Ann MacQuoid, "I move approval of the fee waiver". Tom Shellenberger seconded. Motion carried.

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Arlene Loble, City Manager clarified that Council approves fee waivers for projects under certain criteria including that the building be on the historic register or that a facade easement be donated to the State Historical Society. This particular renovation is being done under the Federal Standards of Rehabilitation which are extremely difficult.

COMMUNICATIONS AND REPORTS FROM COUNCIL AND STAFF

Jordanelle Project - The City Manager reported that there was a meeting on this project earlier this week which addressed the scope of the recreational uses surrounding the reservoir property and public hearings have been held. There was also discussion of whether the facilities would be maintained by the State or by the Bureau of Reclamations which is still being negotiated. Kristen Rogers expressed her concern that the draw down of the reservoir has been increased to 35 feet and the deadline for comments is tomorrow. (For the record, staff later learned that governmental agencies have until October 28 for response.) Ms. Rogers and Councilman Doilney strongly felt that Council send a letter indicating that the draw down rate be comparable to Deer Creek as it was always Council's intention to support an attraction in the area -- not an empty reservoir. The Chamber/Bureau will also be responding.

REPORTS FROM COMMISSIONS AND BOARDS

None before Council.

RESIGNATIONS AND APPOINTMENTS

None before Council.

ORDINANCES

None

OLD BUSINESS

1. Extension of One Year for a Trust Deed and Note for Drubar Partnership -

Mike Barnes - Representing Drubar Partnership, explained that a trade was accomplished between his partnership and the City last year located on the corner of Kearns Boulevard and Monitor Drive. The intent was to build an office building last spring for J. J. Johnson & Associates. Unfortunately the tenant's growth did not warrant construction and the project has been delayed for one year which was not considered in the trust deed note. As part of the negotiation, Drubar agreed to revegetate the lot on the corner as part of the trade. The security for the revegetation of the lot was \$12,000 and was made a part of the trust deed on the property that they hold from the City. Mr. Barnes appealed the Council on the basis that the project was delayed and further that the condition of the lot packed with paving material was caused by construction work commenced by different governmental organizations. He asked that the trust deed be extended for one year as it is their intent to finance the funds for the vegetation of the corner with the construction loan received in the spring.

Jim Doilney stated that at the time the trade was negotiated, he was involved in a business relationship with J. J. Johnson & Associates and abstained at that time. As a matter of consistency, Councilman Doilney disclosed that he will be abstaining on voting on this matter again.

Tom Shellenberger, "I move to extend the one year extension". Ann MacQuoid seconded. Motion carried.

Jim Santy	Aye
Kristen Rogers	Aye
Ann MacQuoid	Aye
Jim Doilney	Abstention
Tom Shellenberger	Aye

Craig Smith emphasized that the one year extension would be until June 1, 1987.

2. Approval of William Reed Settlement - The City Manager reminded Council that this approval of the agreement would clean up the collapsed garage on the entry to Deer Valley. This matter has been held up in lawsuits with respect to squatters right. Kristen Rogers, "I move approval". Jim Santy seconded. Motion unanimously carried.

3. Action on Call-Up Review for Sweeney Master Plan Approval - Arlene Loble stated that City Council called up the Sweeney Master Plan Project in January following its approval by Planning Commission last December. Action on the call-up and the height exception was delayed because of a bankruptcy which was filed with respect to the property involving City approvals to a prior developer. The Sweeneys and the City were cleared from the bankruptcy action and the project was then brought back to a Planning Commission and City Council joint work session held three weeks ago. As a part of the call-up, the Council could deny the total project; approve it as approved by Planning Commission; or make specific revisions to the plan. Action on the height exception is required regardless of the action on the call-up and should be dealt with separately.

Kristen Rogers, "I move that we approve the MPD with modifications: limiting the number of unit equivalents to 170, ~~limiting the height of the hillside properties to 33 feet, and the town/village properties to 43 feet~~". Council member Rogers then requested that the height language be stricken. Jim Doilney seconded subject to changing the motion to "158 units and that the Sweeneys present a phasing plan shorter than 20 years and no development at the Mid Station". Kristen Rogers, "I will amend my motion to include those changes". Motion died.

Jim Santy	Nay
Kristen Rogers	Aye
Ann MacQuoid	Nay
Jim Doilney	Aye
Tom Shellenberger	Nay

Tom Shellenberger, "I move to approve the Master Plan as approved by the Planning Commission". Ann MacQuoid seconded.

Jim Doilney stated for the record that if approved, the Council is creating more value than is presently there. If Mr. Horrigan, the elected member of the Council who later resigned, was still in office this 3:2 vote would never occur. He continued that a 20 year approval is creating rights never granted before and memorializing densities that will probably not be achievable. This vote upsets him more than any vote before him in his tenure. Ann MacQuoid added that anticipating what Al Horrigan would have done is strictly speculation and also felt that in terms of the 20 year approval, the approval process is based on a phasing of the project. Within the perimeters of the phasing, the project is only valid as long as the developer is living up to the provisions of that duration. It is important to note that there is nothing specified in the approval that this is a 20

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year approval and there is only an indication that the master plan will take somewhere between 15 and 20 years. If at any time that phasing is not carried out to the degree indicated in the approval, the developer has to come to the Planning Commission for approval once again for the entire project -- not just failure of the phasing period. Ms. MacQuoid continued that just as has happened with other projects, this project is based on the developer carrying out every two years what he has committed. Completion could, however, take place in two years, ten years, or fifteen years. Ms. MacQuoid added that in review of this project, the Planning Commission arrived at an approval that is within the existing density requirements and has been pointed out, may not be economically realistic or feasible but in today's economy many of the projects here in Park City would not be economically feasible yet at one time were. She felt that there never could have been in excess of 400 units built on the hillside. She did believe that at some point in time the hillside could have been stripped with roadways going up and across the hill and that in her view the reason for approving this master plan development is not creating an economic advantage to anyone, or creating density, or debating whether or not the density was allowed. Clearly it is allowed and whether it is feasible is moot. The property had not been rezoned in previous years, and the trade-out for 110 acres (discussed as 101 but later confirmed by staff as 110) of recreational open space zoning on the vegetated hillside is a valid proposal.

Kristen Rogers urged Council members to consider carefully the vote. She felt that it may be the most important vote that they take in their terms. The project will have the most dramatic effect on the character of Park City in consideration of any project built or approved. It will set a tone for the development of the community that can't be reversed and if the rationale behind its approval is to acquire open space, she emphasized that it may be more costly to acquire open space by allowing these large sky scraper type buildings to be built; than if the City actually bought the land outright. There are other ways to acquire open space that can have less of an affect on the long term of Park City. If the approval would be done in the name of economic development, she would like Council to consider that there are intangibles that are part of economic development not just projects and money. One of the intangibles is the feeling of our town -- the clustering of small houses clinging to hillsides and that these towers will destroy that forever. She again urged Council not to pass the motion.

Tom Shellenberger added that there is a building approved already in a much more visible part of town that is as high as these buildings will be. This project will be in a gulch which will minimize the impact because of the surrounding hillside, and would not have the impact Council member Rogers is visualizing. Kristen Rogers argued that it is her understanding that the referred approved building is 75 feet and the Sweeney building is 90 feet and perched up above the town and is much more visible.

Jim Doilney stated that during the replacement interview process of several City Council candidates, he was one of Jim Santy's strongest supporters. During that process, Council explicitly asked how applicants felt about the Sweeney application. Mr. Doilney emphasized that response on this issue was a critical factor and he recalled that Mr. Santy indicated something as strong as a "building moratorium". Although Councilman Doilney respects Councilman Santy, he felt that there has to be a commitment to follow through on the principles discussed during the process which he made to the Council and one that Mr. Doilney took very seriously. This vote would be the polar

opposite of the philosophies expressed during that interview and although in his mind's eye Jim Santy does not see it that way -- the perception that Mr. Doilney had at least as one individual, couldn't have been stronger that that was where Mr. Santy was philosophically and for that reason Mr. Doilney felt that it was fair to appoint someone with similar views who would replace Al Horrigan. The commitment to development principles is one that isn't subject to change of opinion and he urged Mr. Santy to consider the position he is taking.

Tom Shellenberger reminded Councilman Doilney that as long as he has been on the Council, he couldn't remember anyone who changed his mind more than Al Horrigan. Mr. Shellenberger continued that during the interview process he did recall Jim Santy using the word "moratorium" but interpreted it to be in generalities and didn't feel it was directed at the Sweeney Project. The Mayor called for a vote.

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Jim Santy	Aye
Kristen Rogers	Nay
Ann MacQuoid	Aye
Jim Doilney	Nay
Tom Shellenberger	Aye

Motion carried.

4. Approval of Height Exception for Sweeney Master Plan Approval - The City Manager explained that the height exception would pertain to the following parcels: Coalition East on Park Avenue for 40 units for 55 feet (permitted height 28 feet); the Coalition West, zoned for 13 units for 35 feet (HR-1 - permitted height 28 feet); Creole Gulch 161.5 unit equivalents for 95 feet (permitted 28 feet); Town Lift Mid-Station 55.5 unit equivalents for 55 feet (permitted 28 feet). These can be acted on together or individually by Council.

Ann MacQuoid, "I move that with the height exceptions there are four height exceptions requested and that those height exceptions be approved by Council with the following modification. That is that in the what is called the Creole Gulch where the request is for a maximum of 95 feet that that be limited to 75 feet and that specifically the condition that is 5(e) in the conditional permit read:

"The Creole Gulch site shall be limited to a maximum height of 75 feet. An average overall height of less than 45 feet shall be provided and no portion of any building shall exceed either elevation 7,250 feet for the easternmost building or elevation 7,275 feet for the balance of the project."

The other revision would be that at the Town Lift Mid-Station instead of 55 feet, the height be limited to 45 feet and that condition 5(d) be revised:

"The Town Lift Mid-Station development is restricted to a maximum height of 45 feet. The maximum height of 35 feet is required for at least 90% of the total unit equivalent volume of all above grade buildings and an overall average height of less than 25 feet measured from natural undisturbed grade. No portion of any building shall exceed the elevation 7,240 feet above main sea level."

And that the rest of the conditions outlined in the height exception request which does specify the rezoning of the 110 acres to ROS zoning be maintained as approved by the Planning Commission."

Tom Shellenberger seconded. Craig Smith emphasized that at the time of Planning Commission approval, it was unclear when the ROS zoning would take place and felt that language to the motion should be added which he believed to be the intent of the petitions: "that the area designated for ROS zoning take place before a plat, building permit, or conditional use permit is approved by the City". Ann MacQuoid, "I would add that to my motion". Tom Shellenberger amended his second.

Jim Santy	Aye
Kristen Rogers	Nay
Ann MacQuoid	Aye
Jim Doilney	Nay
Tom Shellenberger	Aye

XII NEW BUSINESS

Award of Bid to Intermountain Coach for Elderly/Handicapped Van for Senior Citizens in the Amount of \$34,435 (Federal 80%/City 20%) - Bids were received and opened September 19, 1986 for one four-wheel drive elderly/handicapped van for one Park City's senior citizens as follows:

Collins Industries	\$31,033
Intermountain Coach	34,435
National Coach	38,000
Hasco Inc.	39,637
Tates Inc.	42,690

Collins Industries is the low bidder, however, they do not meet specifications as to the warranty provision, interior height and aisle width. Staff recommends acceptance of the Intermountain Coach bid subject to specified delivery date of 90 days. Although they are over the \$30,000 budgeted (\$4,435 over budget), the federal government has concurred with awarding the bid to the second lowest bidder, Intermountain Coach.

Federal participation will occur only if there is an under-run somewhere in the other line items of this particular grant. If an under-run does not occur, possibly we will have to pick up the costs with the completion of the overall grant. It is also feasible that UDOT may have money available when they audit to cover it for us at an 80%/20% split on the over-run. Cost factors involve:

	<u>Federal 80%</u>	<u>City 20%</u>
Budgeted \$30,000	\$24,000	\$ 6,000
Bid at 34,435	27,578	6,887

Budget revision:

With federal participation	\$ 887
Without federal participation	4,435

The Transportation Department has been working with Park City School District to find a solution to the transportation needs of a paraplegic student at Park City High School. The School District does not have a wheelchair lift-equipped vehicle and has requested to use the City's. All aspects of this arrangement have been determined to the satisfaction of both parties involved, and has been in place on a trial basis until formally approved by Council.

Tom Shellenberger, "I move approval". Jim Santy seconded. Motion carried unanimously.

XIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned and the Municipal Building Authority meeting convened.

MEMORANDUM OF CONVENING CLOSED SESSION

City Council convened in closed session on Thursday, October 16, 1986 at the Marsac Municipal Building at approximately 5 p.m. Members in attendance were Mayor Hal Taylor, Jim Santy, Kristen Rogers, Jim Doilney, Ann MacQuoid, and Tom Shellenberger. Staff present were Arlene Loble, City Manager; and Craig Smith, Acting City Attorney. Jim Doilney, "I move to close the meeting to discuss litigation". Ann MacQuoid seconded. Motion carried unanimously. The meeting opened at the convening of the regular meeting of the City Council at 6:20 p.m.

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

Prepared by Jan Scott Freeman


Deputy City Recorder

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