PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 3, 1995

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, August 3, 1995.

AGENDA

Closed Session

4:00 p.m. Litigation

Work Session

4:30 p.m. Council questions and comments
4:45 p.m. Olympic presentation
5:30 p.m. Review of regular meeting
Olympic Parkway master plan
Meeting questions/comments

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

Lions Club International

III MINUTES OF MEETING OF JULY 27, 1995

IV PUBLIC HEARING

1. Ordinance approving the amendment to the Park City Survey Plat for 6 King Road, Park City, Utah

2. Ordinance approving the amendment to the Millsite Reservation regarding 220 Daly Avenue Park Avenue, Utah (aka Potters Corner)

V CONSENT AGENDA

1. Ordinance approving the amendment to the Park City Survey Plat for 6 King Road, Park City, Utah

2. Ordinance approving the amendment to the Millsite Reservation regarding 220 Daly Avenue Park Avenue, Utah (aka Potters Corner)

3. Resolution adopting revised certified tax rate for Fiscal Year 1995-96 for Park City, Utah

4. Authorization to staff to select insurance underwriting services in an amount not to exceed $180,000

5. Purchase of two electronic changeable message boards from Safety Supply & Sign in the amount of $53,400

6. Award of architectural design contract for a public works facility to The Richardson Design Partnership in the amount of $172,682, plus 6% of the estimated construction costs of all additions

VI OLD BUSINESS

Resolution adopting Olympic Parkway Master Plan

VII COMMUNICATIONS FROM COUNCIL AND STAFF

VIII ADJOURNMENT

Posted: 7/31/95

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 3, 1995

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, August 3, 1995. Members in attendance were Brad Olch, Ruth Gezelius, Roger Harlan, Lou Hudson, Shauna Kerr, and Leslie Miller. Staff present were Toby Ross, City Manager; Janice Lew, Planner; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

Lions Club International - A representative from the Lions Club International was scheduled to speak, but was not in attendance.

The Mayor invited the public to comment on any matter of City business; hearing none, the public input session was closed.

III MINUTES OF MEETING OF JULY 27, 1995

Leslie Miller asked that the statement about completing an open space plan by the end of the year be more specific. Lou Hudson will abstain as he was not in attendance. Ruth Gezelius, "I move approval with the correction to the work session notes, as noted". Roger Harlan seconded. Motion carried.

Ruth Gezelius	Aye
Roger Harlan	Aye
Lou Hudson	Abstention
Shauna Kerr	Aye
Leslie Miller	Aye

IV PUBLIC HEARING

1. Ordinance approving the amendment to the Park City Survey Plat for 6 King Road, Park City, Utah - See attached staff report. With no questions or comments from the Council or the public, the public hearing was closed.

2. Ordinance approving the amendment to the Millsite Reservation regarding 220 Daly Avenue Park Avenue, Utah (aka Potters Corner) - See attached staff report. With no questions or comments from the Council or the public, the public hearing was closed.

V CONSENT AGENDA

Ruth Gezelius, "I move approval of Consent Agenda Items 1 through 6". Shauna Kerr seconded. Motion carried.

1. Ordinance approving the amendment to the Park City Survey Plat for 6 King Road, Park City, Utah - See attached staff report.

2. Ordinance approving the amendment to the Millsite Reservation regarding 220 Daly Avenue Park Avenue, Utah (aka Potters Corner) - See following back-up.

3. Resolution adopting revised certified tax rate for Fiscal Year 1995-96 for Park City, Utah - A recalculation of property valuations required the adoption of a resolution setting a new certified tax rate. The rate identified in the resolution is .002675 which represents a "no tax increase".

4. Authorization to staff to select insurance underwriting services in an amount not to exceed $180,000 - See staff report.

5. Purchase of two electronic changeable message boards from Safety Supply & Sign in the amount of $53,400 - See staff report.

6. Award of architectural design contract for a public works facility to The Richardson Design Partnership in the amount of $172,682, plus 6% of the estimated construction costs of all additions - See attached back-up.

VI OLD BUSINESS

Resolution adopting Olympic Parkway Master Plan - Ms. Miller pointed out that there was a great deal of discussion about passive recreation and suggested the following language changes:

> WHEREAS, the ~~Olympic Parkway~~ (SR224) Entry Corridor is a critical feature of our community, as it provides visual open space, passive recreational opportunities, wetlands, wildlife habitat, and expresses a statement about the character of Park City, Utah to visitors and residents alike; and

7. **Special Events.** Special events will be limited as not to interfere with the "open space" character of the farm. The Parks, Recreation, and Beautification Advisory Board's recommendation of only permitting passive summer events sponsored or co-sponsored by the City of not more than 50 to 100 people in the vicinity of the bar will

be the guideline. Winter spectator activities in conjunction with cross-country ski racing and biathlon races are acceptable uses.

Ms. Miller pointed out that using the word "Olympic" may be challenged and suggested that it be referred to as the "SR224 Entry Corridor", as opposed to the "Olympic Parkway Entry Corridor". Ruth Gezelius, "I move that we approve the Resolution adopting the Entry Corridor Master Plan". Leslie Miller seconded. Motion carried.

For the benefit of Leslie Miller, the City Manager stated that there is a budgeted fund for maintenance on an on-going basis.

VII COMMUNICATIONS FROM COUNCIL AND STAFF

Ruth Gezelius reported that the new Wanship animal control shelter was filled to capacity within 24 hours.

VIII ADJOURNMENT

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

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MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4 p.m. Members in attendance were Brad Olch, Ruth Gezelius, Lou Hudson, Roger Harlan, and Shauna Kerr. Staff present were Toby Ross, City Manager; Mark Harrington, Assistant City Attorney; and Jodi Hoffman, City Attorney. Ruth Gezelius, "I move to close the meeting to discuss litigation". Shauna Kerr seconded. Motion carried unanimously.

The meeting opened at approximately 4:30 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 Janet M. Scott

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Janet M. Scott
Deputy City Recorder

PARK CITY COUNCIL WORK SESSION
SUMMIT COUNTY, UTAH
AUGUST 3, 1995

Present: **Brad Olch, Roger Harlan, Lou Hudson, Shauna Kerr, Ruth Gezelius, Leslie Miller, Toby Ross, Jodi Hoffman, Myles Rademan, Eric DeHaan**

1. Council questions and comments.

__Frandsen Subdivision__. Ruth Gezelius referred to a letter from Leslie Miller to staff requesting additional information on the pending Frandsen Subdivision application as it relates to vacation of right-of-way. She asked the status of Ms. Miller's involvement in this property and if Council supported staff spending time on the research tasks. For reference, the request includes:

1. Total square footage of the area to be vacated.
2. A valid appraisal of the value of the parcel as it is currently zoned.
3. The total amount of property tax paid on the structure at 1439 Woodside since Frandsen alleged ownership.
4. A copy of the actual deed to the structure at 1439 Woodside.
5. A copy of the survey of the total area proposed for vacation and subdivision.
6. An inventory of the significant vegetation on the public parcel as well as the parcels proposed for development.
7. Land Management Code that references the destruction of public property and penalties and municipality's failure to respond.
8. The total cost accrued in legal fees for the defense of the Frandsen vs. Park City lawsuit in 1984.
9. All options as outlined by statute for vacation of public property.
10. A summary of all legal and/or contractual arrangements between Park City and Frandsen during the past 15 years. (Please include Prospector Square tailings issue, 1439 Woodside lawsuit, Swede Alley property, and 1445 Woodside building pad.)
11. A copy of the building permit for reroofing 1439 Woodside.

Ms. Miller responded that to date, she has not been advised by the City Attorney that she has a conflict of interest. Ms. Gezelius noted that such a major request for staff time should be brought to Council for direction. Ms. Miller clarified that although the letter is addressed to staff, it was copied to Council with the intention of discussing. Councilmember Miller asked Council if they had a problem with any of the requests and pointed out that Community Development Director Rick Lewis only identified three items that might require additional staff time. She felt that this information is pertinent to being able to make a valid judgment when the issue is before Council.

The Mayor commented that he is concerned about staff time, but also consistency. Council has dealt with several vacation issues and the Schneckloth subdivision comes to mind. The Mayor continued that with this application, Ms. Miller was more concerned that staff was bogging down the process with demands on the applicant. Brad Olch felt that the Frandsen Subdivision is a minor issue when considering the priorities of the work plan for staff. He again stressed the inconsistency of Ms. Miller's attitude with the Frandsen application and the Schneckloth application. Ms. Miller responded that there is an enormous distinction between the applications, which is the amount of right-of-way. The Frandsen request involves significant public property and she recommended that the Council become familiar with the issue and make an informed decision. The items of clarification are relative and pertinent, and public information. She noted that the Frandsen Subdivision is different from the Schneckloth Subdivision in many ways, but specifically the amount of square footage. Ms. Miller feels it is important to the public to understand why the Council is giving public land to a private citizen.

City Manager Toby Ross clarified that this issue is a vacation of right-of-way and the City doesn't have a choice to use right-of-way for anything other than right-of-way. It is not the same as if the City were to give away part of a park. Ms. Miller countered that technically that is probably a correct characterization, but not to vacate would open up other options that Council has not discussed. She added that some options were addressed in a protected memo from the City Attorney and Ms. Miller requested that this correspondence be again distributed to Council for reference. She pointed out that each vacation is unique and different. For the benefit of Roger Harlan, Shauna Kerr explained that Ms. Miller asked these questions at the Planning Commission meeting and the members could not answer these questions and echoed the same concerns. Leslie Miller stated that she raised these issues at the Commission meeting as a private citizen.

Toby Ross asked if Ms. Miller felt comfortable that staff would respond to eight requests but not Nos. 2, 3, and 8. She stated that she is partially comfortable but that No. 2 is extremely important and the tax issue which has been used by Mr. Frandsen is pertinent. She stated that she has that information and will share it with staff. The Mayor noted that because Ms. Miller is close to the issue that if she has any information he encouraged her to share it with staff. Mr. Ross stated that with regard to No. 8, he spoke to Craig Smith, former Assistant City Attorney, who indicated that legal time totaled less than 50 hours. As a City employee, his rate could be estimated at about $15/per hour and legal costs would be calculated at less than $1,000.

With regard to appraisals, City Engineer Eric DeHaan stated that appraisals are not prepared for street vacations. He explained the work demands associated with his position in an appraisal job, that it can be expensive and may delay the process, which nobody would want to do. He did not feel an appraisal would be pertinent because this is street right-of-way, platted for the purpose of access, and not a developable lot. An appraiser would be searching for other uses, and the answer is that it is only of value to the abutting property owner once vacated. Mr. DeHaan indicated that appraisers typically ask him for all of the information to prepare an appraisal and he would consider it a favor if the Council didn't request an appraisal. He stressed that this is not a Deer Valley or Prospector lot. Ms. Miller countered that there is misrepresentation because the staff is technically oriented. One of the options of Council is not to vacate and there is a value currently as it exists to the taxpayer. That value needs to be appraised and evaluated. She emphasized that it is not a section of a street or five square feet, but two Historic District sized lots. Ms. Miller stated that it is currently being used as lots and that is an important point in this issue and this should not be overridden. The City Manager agreed that it is a "big chunk" of a street and felt that is the reason why an appraisal would probably not lend useful information but enough information would be provided to Council to make a good decision without a formal appraisal.

With regard to the conflict of interest issue previously brought up, the City Manager clarified that the City Attorney addressed this with regard to a previous situation and not the vacation of this property. He asked Ms. Miller if she would be interested in having an evaluation of potential conflicts. For the record, Ms. Miller stated that when she and Ms. Hoffman spoke, the City Attorney encouraged her to speak at the Planning Commission meeting. At that time, Ms. Miller indicated her reluctance because of confusion in the public's eye to be a Councilmember and speak on the record as a citizen. Ms. Miller stated that after some thought, concluded that she should not abrogate her rights as a citizen. Leslie Miller indicated that she would like to have the City Attorney's opinion on the conflict of interest issue. Roger Harlan pointed out that the issue is clouded because Ms. Miller used to be a tenant of Mr. Frandsen. Ms. Miller responded that she has stated on the record what her relationship has been and did not feel that this has biased her position on the issue. For the benefit of the City Attorney, Ms. Miller stated that the conflict of interest information should be communicated as Ms. Hoffman sees fit.

Other questions and comments. Roger Harlan brought up the poor signage for events at the Library and Education Center, and specifically the International Music Festival. Discussion ensued regarding installing a special event sign at the Center.

For the benefit of Leslie Miller, Toby Ross explained that the construction at the high school is for the expansion. School fields are in the design phase and the District has agreed to grade the area for fields in conjunction with the construction project. The award of bid for field construction will probably come to Council in September.

Leslie Miller discussed the concerts in the park and pointed out the parking problems and if the Chamber continues to advertise in Salt Lake, it should provide a parking plan. Joan Calder, Executive Director of the Chamber/Bureau, explained that the attendance last night was not typical as there were about 500 attendees as compared to the average 200. It was clear that that was because of the musical group and the Chamber will not schedule them again at the City Park venue. A survey indicated that 70% of the audience was local. Ms. Calder stated that the Chamber did not solicit advertising in Salt Lake; someone else must have picked up the event.

Olympic presentation. Myles Rademan presented a slide show on Budapest, where the 2002 Olympic award was announced and a video that the Olympic Bid Committee presented to the International Olympic Committee. Council discussed formulating an Olympic vision and code of ethics. The importance of including all levels of the community in the planning and enjoyment of the Winter Games was addressed.

Review of regular meeting. See regular meeting minutes and accompanying back-up material.

Prepared by Janet M. Scott