



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 4, 1999**

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, February 4, 1999.

AGENDA

Work Session - City Council Chambers - Lower Level

5:00 p.m. Council questions and comments
5:20 p.m. Legislative update
5:50 p.m. Review of regular meeting

Regular Meeting - City Council Chambers - Lower Level

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 14, 1999

V CONSENT AGENDA

Ordinance approving a plat amendment to allow a lot combination of three lots into two lots at 1440 Eagle Way of the Aerie Subdivision, Park City, Utah

VI ADJOURNMENT

**PARK CITY COUNCIL RETREAT
FEBRUARY 5, 1999**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold a retreat at 2571 Lucky John Drive on Friday, February 5, 1999 from 9 a.m. to approximately 2 p.m. No formal action will be taken.

Posted: 2/1/99
See parkcity2002.org



**PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
FEBRUARY 4, 1999**

Present: Mayor Brad Olch; Council members Hugh Daniels; Roger Harlan; Chuck Klingenstein; Shauna Kerr; and Paul Sincock

Toby Ross, City Manager; Pat Putt, Planning and Zoning Administrator; Lloyd Evans, Chief of Police; and Jodi Hoffman, City Attorney

Kerri Nakamura, Utah League of Cities and Towns (ULCT)

1. Council questions and comments. Paul Sincock encouraged staff to coordinate with the Sewer and Fire Districts regarding the Y2000K issue, and understood that there will be a more in-depth report forthcoming. Chuck Klingenstein suggested that a thank-you be sent to Sundance regarding the success of the Film Festival. Roger Harlan noted that he would be somewhat reluctant to sign the letter as there was concern among Parks and Recreation Board members about the mismanagement of the banquet at the Racquet Club. He understood that the City incurred clean-up costs. There was discussion about obtaining a full report from staff on the event before a letter is sent and Paul Sincock felt it would be beneficial to have a debriefing on the Film Festival.

Hugh Daniels stated that he has seen people drive through the 6th Street Park and noticed that the post is missing on Main Street and there used to be a chain on the Park Avenue side. People are also parking there, and he would appreciate this being corrected. With regard to the announcement that Governor Leavitt's plan to expand SLOC to 50 members, adding 17 new people, he encouraged sending a letter to the Governor and Mayor Corridini strongly encouraging the appointment of elected officials from venue cities and counties to that expanded committee. Council agreed. In response to a question from Shauna Kerr regarding the large Film Festival party held at Harry O's, Pat Putt stated that there were no complaints from the Blue Church Lodge and Chief Lloyd Evans added that it was difficult to decipher the traffic and parking impacts since Main Street was so busy anyway. Paul Sincock asked about unlicensed shuttle services. The Chief of Police explained that the new ordinance took effect the first of January and the City did not meet the expectation of some of the taxi companies in the level of enforcement provided, which would have been nearly impossible. The Department responded to calls, responded to as many violations as possible and obtained fairly good compliance. He added that in response to a request to be flexible, there were warnings as opposed to citations and emphasized that there were complaints on both sides of the enforcement issue. There was discussion about "gypsy" cabs and shuttles.

Roger Harlan reported that the Friends of the Library will be donating gifts to the Library valued at \$14,000. Its annual luncheon, which has been sold-out, will be held at Harry O's on March 25 and the guest speaker is Pam Houston. He expressed his surprise that the School

District's bond issue did not pass within the City limits. Paul Sincock pointed out that there was an 11% vote turn-out and considering all property owners within the City limits, support was minimal.

2. Legislative update. Jodi Hoffman introduced Kerri Nakamura from the ULCT, who headed a project of coordinating budget data from cities throughout the state so that initiatives can be evaluated state-wide. Ms. Nakamura indicated that they could not make comparisons with different cities with the information filed with the State Auditor, so the ULCT gathered information from various communities. One of the main goals is to use this information to look at budgetary impacts of different legislation and another is for communities to compare itself with others. There are 64 communities in the data base, representing over 1.3 million people and although this is only 25% of the towns in Utah, it is 63% of the state's population. There is \$505 million in General Fund expenditures, \$143.8 million in property tax revenue, and \$188.6 million in sales tax. She referred to a chart on population breakdowns and most communities are in the of 1,000 to 6,000 population range. She feels that the ULCT has a fairly representative data base.

Kerri Nakamura explained the data base in detail through a computed assisted presentation, including queries and sorts, and encouraged Council to make suggestions. This presentation was given to the legislators on Local Officials Day, where the dependence on sales tax at the local government level was emphasized at an average of 45%, while the state is at 36%. However, Salt Lake City is more dependent on property taxes. Park City has some unique situations and actually brings in more sales tax than the total General Fund budget. She pointed out that the state doesn't have expenditure information on communities and the ULCT is the only agency gathering this data. On an average, 40% of budgets are dedicated toward public safety, or about \$157 per person. It was pointed out that capital expenditures are driven by growth and road and maintenance costs were discussed. Ms. Nakamura noted the challenge in having the same 64 cities respond to the information requests from the ULCT next year. She discussed the spending per citizen chart, and Chuck Klingenstein emphasized that Park City is different as a resort community as it may have 20,000 to 30,000 people in town during the ski season and the legislators may not recognize this. Jodi Hoffman pointed out that this project is designed to demonstrate the uniqueness of different communities to the state. Roger Harlan pointed out that Park City spends more money on library services than any other municipality or area in the state.

Jodi Hoffman continued that much of the legislation impacts our revenue sources. Proposed legislation includes the Quality Growth Act of 1999, the agricultural preservation bill, three different impact fee bills, Utah Property Taxpayer Protection Plan, removing sales tax from food which would be about a \$350,000 impact on Park City, and several Olympic bills. The Quality Growth Act is a "short-circuit" to the two and a half year old Envision Utah concept, which was designed to be a four year process. It is based on a Maryland plan and she believes the legislature has made a qualitative mistake in using this plan because of the major differences between Maryland and Utah. There is a 13 member commission established by the Act which will formulate principles. Those principles can be conflicting, i.e., protect property rights but aggregate densities, protect

property rights but expand open space, protect property rights but provide affordable housing. This was a regional or state growth plan, but the moderate Republican caucus and the Governor promoted an incentive based plan last summer, with new money to local jurisdictions to regionally plan and there were to be no mandates. The second plan was there would be local control; the third was no state subsidy for sprawl. The fourth aspect was there was going to be money for planning, funded by savings in energy conservation in state buildings. Ms. Hoffman stated that the first step toward quality growth was the Regulatory Barriers Bill which is now gone. This bill is now in the House and the outcome of the quality growth initiative in the Senate may be very different. There has been very little accommodation of local interest to date from summer to the present, and the focus is largely on private property rights and state mandated densities. In response to a question from Paul Sincock about state mandated densities, Ms. Hoffman explained that Envision Utah has gathered all the general plans from jurisdictions and it is proposed that the Wasatch Front and Back will be two times the size of San Diego in 2020. The goal of Envision Utah is to discourage sprawl and it is proposed that the state growth commission dictate that the general plans currently in place do not accommodate quality growth. Paul Sincock questioned the constitutionality of the state dictating densities to cities. Ms. Hoffman noted it is, and one objective is to eliminate certain categories of impact fees in exchange for new revenues.

She continued that the ULCT has taken a fairly strong position, and is recommending seven local government members on the commission for a clear majority. With regard to the local option 1/8 cent sales tax for the agricultural bill, the ULCT believes it needs to be on the ballot at the state level. In third class counties, like Summit County, 90% of the money that is collected needs to go to agriculture protection and 10% can go to open space and will be distributed by a seven member board of lay people, five of whom representing agriculture interests. Ms. Hoffman felt that with the decrease in ranches, it is possible that family members could be appointed creating conflicts. Conservation easements can be for one year to twenty years. Most of the money, about \$36 million will be generated from first and second class counties statewide, who will have to export 25% of that money to rural counties who adopt this. Seventy-five percent can go toward growth related needs, although funds can't go toward roads, public safety, fire trucks, etc., and some communities wouldn't know how to spend the money with these limitations. If this bill passes, the next push will be from the homebuilders to eliminate parks impact fees. Park City would lose half a million dollars if this occurs. Ms. Hoffman explained that there are three impact fee bills. HB114 requires a specific impact fee analysis and extensive waiting periods for adopting impact fees; it allows for class action suits, reverses the presumption of the validity of local ordinances, and requires crediting fee payers with past land donations. This means that if 50% of our parks land came through donations, the City could only charge 50% of new growth costs to growth and General Fund dollars would supplement the deficit.

She added that there are three bills relating to the Utah Property Taxpayer Protection Act. SB155 property tax amendment would require a public vote whenever a property tax increase is proposed. HB318 allows for property tax deferrals in certain categories, i.e., elderly. There was

discussion about a fiscal analysis on these bills and the shortfalls of the state's information. Paul Sincock felt that the ULCT data may be viewed as suspect because it isn't official state data. Ms. Hoffman indicated that HB268 requires a judgment levy to go through the truth and taxation process. SB222 would provide a two year income tax credit for sales tax on food and in year three, sales tax is eliminated from food. Sales tax on food in Park City generates about \$350,000 annually. With regard to Olympic coordination oversight, there are four bills. She believes that legislators hope the process is honest and there isn't going to be a need of oversight of SLOC.

Paul Sincock emphasized that less than 2% of the state legislators have local experience and he is very concerned about special interests and legislative proposals that have no concept of the greater public interest or local government.

Prepared by Janet M. Scott, City Recorder



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 4, 1999**

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, February 4, 1999. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Staff present were Toby Ross, City Manager; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business not scheduled on the agenda.

Gordon Cummings, business owner, stated that he believes the taxi cab ordinance is good but the City has issued 26 business licenses. There are companies that are slipping through the system like the Airport Express Company, which has purchased a license but not all of its vehicles are licensed. Canyon Transportation is the same; Yellow Cab has no license and none of the limousines companies or Suburbans are licensed, which means there is no enforcement occurring. He pointed out that many people drive a taxi part-time, which distresses him, and suggested not allowing 26 companies to be licensed. Shauna Kerr noted that the City has to treat everyone equitably and anyone who meets the City requirements can be licensed, unless there is a franchise situation, and exclusive rights would be costly. Mr. Cummings suggested that licenses be issued to people doing business with an office in Park City on a year-round basis. Ms. Kerr interjected that the City doesn't do that for other businesses, and didn't feel it appropriate that the City limit licenses to prompt more business to selected companies. The City regulates business for health and safety reasons. Mr. Cummings felt that citizens who want to run a business year-round should be considered. Ms. Kerr reiterated that it is not a proper government service to determine whether someone should be in business year-round. The Mayor urged Mr. Cummings to work with the City Attorney and the Chief of Police. Paul Sincock pointed out that enforcement was discussed during work session and appreciated Mr. Cummings input. Gordon Cummings emphasized that he supports the ordinance and understands that things need to be worked out. Jodi Hoffman explained that some of the Wasatch Front cab companies were offended by the ordinance and called the Governor's Office who has intervened. She is meeting with four companies on Monday and expressed concern that this may encourage legislation prohibiting the City from enforcing the ordinance. She invited Mr. Cummings to attend that meeting.

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

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 14, 1999

Shauna Kerr, "I move approval". Hugh Daniels seconded. Motion carried unanimously.

V CONSENT AGENDA

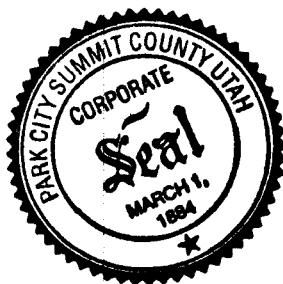
Ordinance approving a plat amendment to allow a lot combination of three lots into two lots at 1440 Eagle Way of the Aerie Subdivision, Park City, Utah - Roger Harlan felt that the City will lose property tax revenues when lots are combined. There was discussion about tax assessments. Hugh Daniels, "I move approval of the Consent Agenda". Chuck Klingenstein seconded. Motion carried unanimously.

VI ADJOURNMENT

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

The meeting for which these minutes were prepared as 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




Janet M. Scott, City Recorder

CITY COUNCIL STAFF REPORT

DATE: February 4, 1999
DEPARTMENT: Planning
AUTHOR: Brooks T. Robinson
TITLE: Eagle Way re-plat, Aerie subdivision
TYPE OF ITEM: Plat amendment; three lots into two

SUMMARY RECOMMENDATIONS Conduct a public hearing, consider any public input, and approve as conditioned.

DESCRIPTION

Owners	Karen Marriott and Richard Mullin
Location	1440 Eagle Way, Aerie subdivision
Zoning	Single Family - SF
Adjacent Land Uses	Residential
Reason for Review	Plat amendments require Planning Commission Review and City Council approval

B. Background

The Planning Commission reviewed this application at their meeting of December 16, 1998. The Commission approved the application as conditioned and forwarded a positive recommendation to the City Council

The property is legally described as lot 63 of the Aerie subdivision. It is rectangular in shape and approximately 12,500 square feet in size. The property is vacant. The owner of lot 62 (Marriott) and the owner of lot 64 (Mullin) own portions of lot 63 between them. Houses currently exist on lots 62 and 64.

The applicants propose to eliminate lot 63 and divide it between lots 62 and 64. The existing lot lines between lots 62 and 63 and between lot 63 and 64 would be removed and a new lot line would be created. Approximately 9375 square feet will be added to lot 62 and 3125 square feet added to lot 64.

C. Analysis

Lot combinations are allowed within the SF zone. The two new lots will have square footages of 22,438 (former lot 62, new lot B) and 15,625 (former lot 64, new lot A). These sizes are well within the norms of other lots in the Aerie subdivision. The existing houses are well under the maximum house size allowed as a result of the re-plat. Any increase in house square footage on a combined lot must meet the criteria set forth in section 7.15.7 of the Land Management Code.

D. Department Review

This project has gone through an interdepartmental review. There were no issues brought up at that time. At such time as a final plat is required, the City Engineer and City Attorney will review the plat as to form and compliance with the Land Management Code prior to recordation.

E. Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

F. Public Input

No input was given at the Planning Commission public hearing.

ALTERNATIVES

- A. The City Council may approve the application with the conditions stated, or modify the conditions, or
- B. The City Council may deny the application and direct staff to prepare findings supporting this recommendation, or
- C. The City Council may continue the discussion to a later date.

SIGNIFICANT IMPACTS

There are no significant fiscal or environmental impacts to the City with this amendment. The lot sizes are in keeping with the rest of the Aerie subdivision and there are no compatibility issues.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

The ownership and lot lines would remain the same.

RECOMMENDATION

Staff recommends that the City Council hold a public hearing, address any public input, and consider approval of the Alta Vista subdivision plat amendment based on the following findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

1. The lot is located at 1442 Eagle Way, also known as lot 63 of the Aerie subdivision, and is zoned Single Family-SF.
2. Lot 63 is currently vacant and portions are owned by Karen Marriott and Richard Mullin.
3. The proposed Eagle Way re-plat eliminates lot 63 and adds 9375 square feet to lot 62 (Marriott) and 3125 square feet to lot 64 (Mullin).

Conclusions of Law:

1. There is good cause for this amended plat as the plat will result in a reduction in density.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed amended plat.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the amended plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. All other conditions of approval of the Aerie subdivision continue to apply.
4. Increased house sizes, and required setbacks, will be governed by section 7.15.7 of the Land Management Code.

EXHIBITS

Exhibit A - Location Map
Exhibit B - Proposed Eagle Way re-plat
Exhibit C- Existing Conditions Map
Exhibit D - Proposed Ordinance

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1. The following is a list of the names of the persons who have been appointed to the various committees of the Board of Directors of the City of New York, for the year 1904:

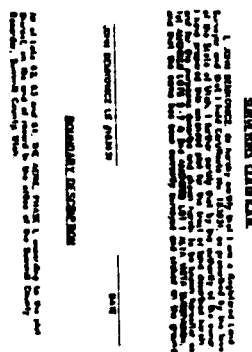
There is a very real danger that the Government will be forced to take drastic action to deal with the situation. The Government must be prepared to take such action if necessary. The Government must be prepared to take such action if necessary.

State of _____
County of _____

County of _____

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 By Committee (page$</sub></sup>~~***



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TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALINE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

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New York, N.Y. 10038

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EXHIBIT A - EAGLE WAY PLAT

RECEIVED

PARK CITY
PLANNING DEPT.
OCT 19 1938

1440 Eagle Way

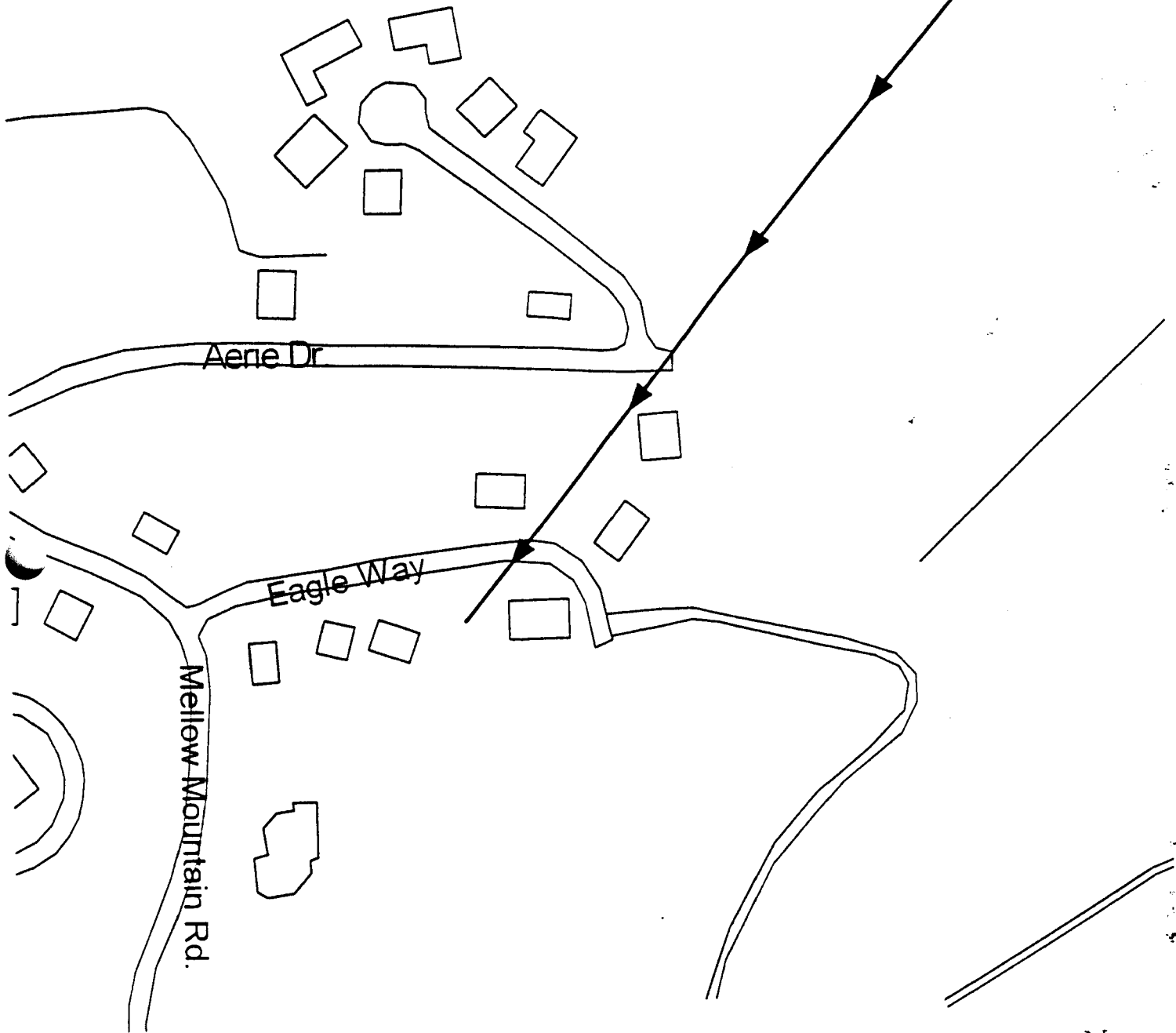
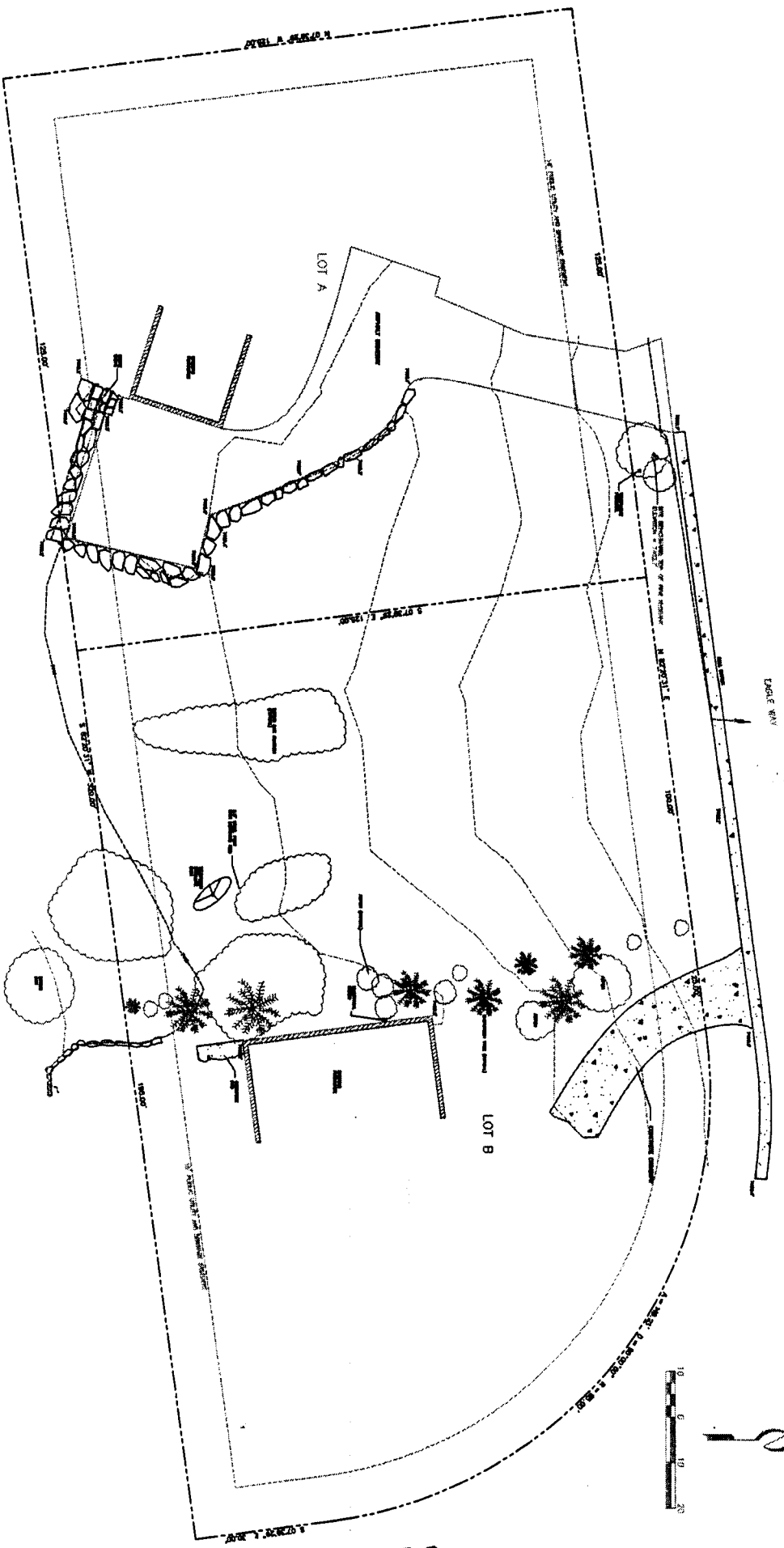


EXHIBIT B - LOCATION MAP



EXHIBIT C - EXISTING CONDITIONS MAP



PROPOSED CONDITIONS
 1. EXISTING CONDITIONS
 2. PROPOSED CONDITIONS



	REVIEWED:	STAFF:	PAGE 1 OF 1	EXISTING CONDITIONS MAP THE AERIE - PHASE I LOT B
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Ordinance No. 98-

AN ORDINANCE APPROVING A PLAT AMENDMENT TO ALLOW A LOT COMBINATION OF THREE LOTS INTO TWO LOTS AT 1440 EAGLE WAY OF THE AERIE SUBDIVISION, PARK CITY, UTAH

WHEREAS, the owners of the property known as lots 62 and 64 of the Aerie Subdivision have petitioned the City Council for approval of a revision to the final plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on December 16, 1998, to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission, on December 16, 1998, forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 4, 1999, the City Council held a public hearing to receive input on the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the plat amendment.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The Aerie subdivision plat is hereby amended as shown in Exhibit A subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The lot is located at 1442 Eagle Way, also known as lot 63 of the Aerie subdivision, and is zoned Single Family-SF.
2. Lot 63 is currently vacant and portions are owned by Karen Marriott and Richard Mullin.
3. The proposed Eagle Way re-plat eliminates lot 63 and adds 9375 square feet to lot 62 (Marriott) and 3125 square feet to lot 64 (Mullin).

Conclusions of Law:

1. There is good cause for this amended plat as the plat will result in a reduction in density.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed amended plat.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the amended plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. All other conditions of approval of the Aerie subdivision continue to apply.
4. Increased house sizes, and required setbacks, will be governed by section 7.15.7 of the Land Management Code.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.
PASSED AND ADOPTED this 4th day of February 4, 1999.

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch, Mayor

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, Deputy City Attorney