

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 27, 2005**

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, January 27, 2005. Members in attendance were Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Gary Hill, Budget Manager; Patrick Putt, Planning and Zoning Administrator; Kirsten Whetstone, Planner; and Ray Milliner, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Council questions/comments - Candace Erickson reported on her visit on an aircraft carrier as a guest of the U S Navy. She had the opportunity to speak with the Captain, Admiral, Chief Medical Officer, Chief Petty Officer and enlisted men and women about their experiences in the Navy. The ship accommodates about 5,000 people; the average age is 19 and 15% are women. The Mayor explained that his office was contacted to participate in this national outreach program by a Navy commander who will be retiring in Park City.

Kay Calvert commented on an incident involving Police Officer Nick Kingery's outstanding customer service skills during the Sundance Film Festival. Joe Kernan also thanked Officer Kingery for his assistance while picking up recycling on Main Street last week. He suggested that patrons of special events be directed to our trail system, which is a lot safer than walking on streets where there are no sidewalks or adequate lighting. Marianne Cone congratulated Eric DeHaan on the award he received for the reconstruction of Park Avenue. She encouraged discussions on regional transportation with Salt Lake City, a service which would be very helpful during Sundance. The City Manager interjected that this issue will be coming to Council shortly. She expressed her support of Sundance but with the need to look at traffic issues.

Jim Hier reported on the Chamber Board of Director's meeting where the \$10 million tourism bill and the visitors center's move to the Utah Olympic Park were discussed. Ads are currently running on CBS in San Francisco. Visitor nights increased about 8% over 2003 and 7% over the Olympics. Surprisingly, the second, third and fourth quarters yielded an increase of 229,000 visitor nights between 2003 and 2004. He added that for the last half of the calendar year, revenues are up 19% while expenditures represent 2%. Third quarters have also been strong. Mr. Hier commented on inter-agency meeting discussions, including an accelerated schedule on roadway improvements to the Kimball Junction area and the \$20 million high school project contributing to an extremely busy construction season this summer.

Mayor Williams commended the work of enforcement and special event staff during Sundance and discussed the schedule for his *State of the City* presentation. He stated that it was disheartening to learn that parking garages at the bottom of Main Street were charging as much as \$25 a day during the Festival, which significantly added to traffic circulation problems.

2. Legislative update – Gary Hill distributed a list of proposed bills of interest to the City. There will be regular updates over the next five weeks. The Mayor requested that staff monitor a renewable energy bill and Mr. Hill invited Council input throughout this process.

3. Treasure Mountain Project - Patrick Putt reported that at last night's Planning Commission meeting, members requested that the City take an independent look at associated traffic and staff will be moving ahead with the study.

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

Mosquito abatement - Alex Butler – Mayor Williams explained that he met earlier with Ms. Butler on integrated pest control management and was so impressed with this eleven year old that he asked her to present her ideas with Council.

Alex stated that she is a student at Treasure Mountain Middle School and as a participant of the International Baccalaureate Program, is required to complete a community service project. Her proposal is to build and install bat houses as a part of the mosquito abatement program and she feels that the McPolin Farm area, Rail Trail, wetlands at TMMS, Jeremy Ranch or East Canyon Road would be ideal locations. The houses need to be 20 feet in the air, with one facing south, one facing southeast and one facing southwest. Ms. Butler noted that there are six different species of bats in the United States. Utah has four species; little brown bat, big brown bat, jorge bat, and the silver haired bat. A bat will eat on average 600 mosquitoes per hour. She displayed a bat house which holds about 200 bats and explained the construction of the house.

Alex continued to explain that she was inspired by the kids she met at the International Children's Environmental Conference, hosted by the United Nations, and has always had a deep love of nature, wildlife and science. She acknowledged that her only fear is losing a food source for the bats, if the mosquitoes are totally eliminated. Council member Hier asked about bats eating mosquitoes infested with West Nile Virus, Ms. Butler explained that they won't contract the disease. She added that there are superstitions and unfair prejudices about bats relating to Dracula and other myths, specifically the vampire bat. In response to a question from Marianne Cone, Alex explained that there are quite a few bats in Park City and if living quarters are provided, other than our houses, they will move into them and will come back every year bringing

more bats. Mayor Williams emphasized that this concept is consistent with national pest control recommendations. He presented her with the Mayor's Youth Award and added that he looks forward to working with her on this project.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 13, 2005

Marianne Cone, "I move that we approve the work session notes and minutes of the meeting of January 13, 2005". Kay Calvert seconded. Motion unanimously carried.

V PUBLIC HEARINGS

1. Ordinance approving a plat amendment for 7013 Silver Lake Drive, Lot 10, Amended Evergreen Subdivision, Park City, Utah – Kirsten Whetstone explained that the request is to relocate a ski easement located on Lot 10. On January 12, 2005, the Planning Commission forwarded a positive recommendation to approve the plat amendment as outlined in the Ordinance with one minor language change to Condition No. 4. There was no public input at the Planning Commission meeting. Jim Hier disclosed that he had a brief conversation with Brad Wilson confirming that currently he is the only member serving on the Evergreen Architectural Committee. The Mayor opened the public hearing.

Joe Tesch, attorney for the owner of Lot 22, stated that there was no public input at the Commission meeting because of lack of notice. He pointed out that although there was a legal notice in the *Park Record*, the City Council agenda for this meeting wasn't published until yesterday. The other problem is that the ski easement, as noted on the plat, is for the benefit of all of the subdivision owners and the City should notify everyone in the subdivision, rather than just owners within 300 feet. The City should consider due process and fairness issues. He questioned the finding that *there is good cause, and no one will be materially injured* and suggested it is a taking. If the relocation of the easement is granted, there will probably be a building permit issued on the property which will affect a lot of people. It is dangerous to amend plats on the assumption that other owners are not hurt. He felt it is inappropriate that the architectural committee consists of only one member, Brad Wilson, who approved his own plan in the last Evergreen lawsuit. The CC&Rs require a three-member committee and the ski easement belongs to everyone in the subdivision. He submitted that the approval from the architectural committee is not valid and felt that the letter of support from Bob Wells of Deer Valley Resort is irrelevant. With no further comments, the public hearing was closed.

In response to a question from Marianne Cone, Jim Hier relayed that according to Mr. Wilson, no one will volunteer to serve on the architectural committee. Joe Tesch interjected that his client has applied and has not been accepted.

2. Ordinance approving an amendment to the record of survey plat for the Lift Line Condominiums, located at 1403 Park Avenue, Park City, Utah – Ray Milliner explained that this is an application to combine Units 204 and 304. The work has been completed, but the original plat was never recorded and expired. An identical ordinance is before Council for approval. The Mayor opened the public hearing. Bonnie Peretti, real estate agent, explained that the plat was lost in the process. With no further comments, the public hearing was closed.

VI CONSENT AGENDA

Kay Calvert, "I move to continue Item 1 on the Consent Agenda to February 3, 2005". Candace Erickson seconded. There was discussion about having an opportunity to consider the testimony tonight and Ms. Calvert asked for more information on the membership of the architectural committee. Motion carried.

Kay Calvert	Aye
Marianne Cone	Aye
Candace Erickson	Aye
Jim Hier	Nay
Joe Kernan	Aye

Marianne Cone, "I move to approve Consent Agenda Items 2, 3 and 4". Kay Calvert seconded. Motion unanimously carried.

1. Ordinance approving a plat amendment for 7013 Silver Lake Drive, Lot 10, Amended Evergreen Subdivision, Park City, Utah – Item continued to February 3, 2005. See staff report and public hearing.

2. Ordinance approving an amendment to the record of survey plat for the Lift Line Condominiums, located at 1403 Park Avenue, Park City, Utah – See staff report and public hearing.

3. Acceptance of disclosure statements of the Mayor and City Council for 2005 – Staff recommends acceptance.

4. Acceptance of Wilburn West (Rossman) Annexation Petition – See staff report.

VII ADJOURNMENT

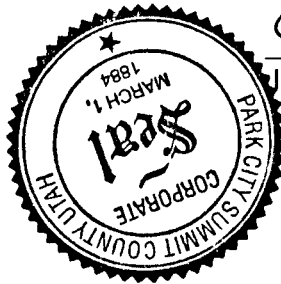
With no further business, the regular meeting of the City Council was adjourned.

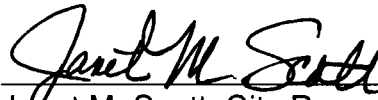
MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4 p.m. Members in attendance were Mayor Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager and Mark Harrington, City Attorney. Marianne Cone, "I move to close the meeting to discuss property and litigation". Kay Calvert seconded. Motion carried unanimously. The meeting opened at approximately 6 p.m.

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




Janet M. Scott, City Recorder



City Council
Staff Report

Planning

Author: Kirsten Whetstone
Subject: 7013 Silver Lake Drive plat amendment
Date: January 27, 2005
Type of Item: Administrative

SUMMARY RECOMMENDATION: Conduct a public hearing, consider public input, and approve an amendment to the amended Evergreen Subdivision plat to revise a ski easement on Lot 10.

Topic

Applicant:	Mary Francis Bailey
Project Address:	7013 Silver Lake Drive (Lot 10 Evergreen Subdivision)
Zoning:	Residential Development as part of the Deer Valley Master Planned Development (RD-MPD)
Adjacent Land Uses	Residential and Deer Valley ski runs
Reason for Review	Amendments to subdivision plats requires Planning Commission review and City Council approval.

Background

On October 22, 2004 the applicant submitted an application for a plat amendment to revise the location and extent of a private ski easement located on Lot 10 of the Evergreen Subdivision. The amended Evergreen Subdivision plat was recorded at Summit County on May 17, 1988. Lot 10 is located on the down hill side of Silver Lake Drive with direct access to adjacent Last Chance ski/hiking trail of the Deer Valley Resort (below the bridge) (see attached Exhibits). Lots 11, 12, and 13 gain access to the ski run across the back yards of Lots 9 and 10. Lot 9 also has direct access to the adjacent ski run.

A private ski easement exists over the entire back of Lots 9, 10, 11, 12, and 13 for the mutual benefit of lot owners to provide ski away access to and from adjacent runs. There is also a 30' wide ski easement located along the west property boundary (property line shared with Lot 9) of Lot 10. The subdivision plat identifies these easements as ski easements, but does not specifically limit use to particular lots.

Currently, there are houses on Lots 9, 10, 11, and 12 as well as on Lots 2 and 3 (across the street). The owner of Lot 2 also owns Lot 1 located directly on the Last Chance ski trail (above the bridge) across the street from Lot 9. Lots 2 and 3 have ski access across the ski easement on Lots 1 and 2.

The applicants are requesting that the easement across Lot 10 be revised as indicated on the plat amendment (see Exhibit). They propose to remove the 30' wide easement from the area between the houses on Lots 9 and 10 as this area is steep, narrow, and landscaped with boulders and large trees. Due to the physical constraints this 30' wide easement is not used in either summer or winter to gain access to the ski run (see letter from Joe Booker of 7008 Silver Lake Drive). The applicants also propose to move the ski easement further to the north behind the house to accommodate revisions to the rear of the house at 7013 Silver Lake Drive (lot 10).

On January 12, 2005 the Planning Commission held a public hearing and voted to forward to the City Council a positive recommendation to approve the plat amendment. There was no public comment at the meeting.

Analysis

Ski easements are platted on the Evergreen plat but are not separately recorded. The easements are for the private use and benefit of the owners of Evergreen. Staff has reviewed the Evergreen CC&Rs (Codes, Covenants & Restrictions) and finds that the Declarant, Deer Valley Resort Company, expressly reserved these platted ski easements for the benefits of the Owner of each Lot in the subdivision. While the ski easements are shown on a recorded plat, the City is not a party to the ski easement. Lot 10, owned by the applicants, is burdened by this ski easement, while all lot owners in the Evergreen subdivision are collectively benefited.

Since the location of the non-exclusive easement has been dedicated by subdivision plat, the State Code rules regarding modification and amendment apply (UCA 10-9-808-810). Any modification must therefore meet the standards of 1) good cause; and 2) no material injury. The October 14, 2004 letter from Bob Wells (see Exhibit) demonstrates good cause for the amendment.

Staff also finds that the proposed amendments to the ski easements cause no material injury in that the easement between Lots 9 and 10 is not usable as a ski easement. Staff has inspected this easement. In addition, the downhill lots take access from the easements behind those houses and the uphill lots have ski access via easements that exist over the rear of lots 1 and 2, with direct access to the Last Chance ski run above the bridge. The easement below the houses provides equal or superior access in the new configuration.

The applicant has submitted a letter from Mr. Joe Booker, owner of Lots 1 and 2 across the street who does not object to the amendments. The Evergreen Architectural

Notice

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

ALTERNATIVES

- A. The City Council may approve the plat amendment as conditioned or amended, or;
- B. The City Council may deny the plat amendment and direct staff to prepare findings supporting this recommendation, or
- C. The City Council may continue the discussion with direction to staff and the applicant to provide additional information and/or analysis.

SIGNIFICANT IMPACTS

There are no significant fiscal or environmental impacts with this application. Staff finds the proposal to be compatible with the surrounding development pattern.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

The ski easement will remain as is.

RECOMMENDATION

The staff recommends City Council conduct a public hearing, consider any input, and approve the plat amendment based on the findings of fact, conclusions of law and conditions of approval as stated in the attached Ordinance.

EXHIBITS

Ordinance

Exhibit A- Proposed plat amendment

Exhibit B- October 14, 2004 letter from Bob Wells

Exhibit C- December 7, 2004 letter from Brad Wilson

Exhibit D- December 16, 2004 letter from Joe Booker (Owner of Lots 1 and 2)

Ordinance No.

AN ORDINANCE APPROVING A PLAT AMENDMENT FOR 7040 SILVER LAKE

6. The existing 30' wide ski easement between Lots 9 and 10 is located on a very steep slope that is landscaped with large boulders and trees.
7. Lots 1, 2, and 3 have access to and from the ski runs via easements across Lots 2 and 3 and have a physically safe and ski-able access route to the Last Chance ski trail making the ski easement between Lots 9 and 10 unnecessary.
8. The revised and regarded ski easement across the back of Lot 10 will not diminish the ski access for Lots 11, 12, and 13.
9. Relocation of the ski easement enables an addition to occur on the lot which is consistent with adjacent lots and the subdivision generally.
10. Owner is aware that the City's authority to approve this plat amendment is currently being litigated in two cases (ABS v. Park City and Brad and Lisa Wilson (case No. 20040295); and ABS v. Brad and Lisa Wilson, Evergreen Architectural Review Committee, et. al (case No. 020500398)) and owner agrees to proceed at their own risk.
11. On January 12, 2005 the Planning Commission conducted a public hearing and voted to forward to the City Council a positive recommendation to approve the plat amendment. There was no public input given at the meeting.

Conclusions of Law:

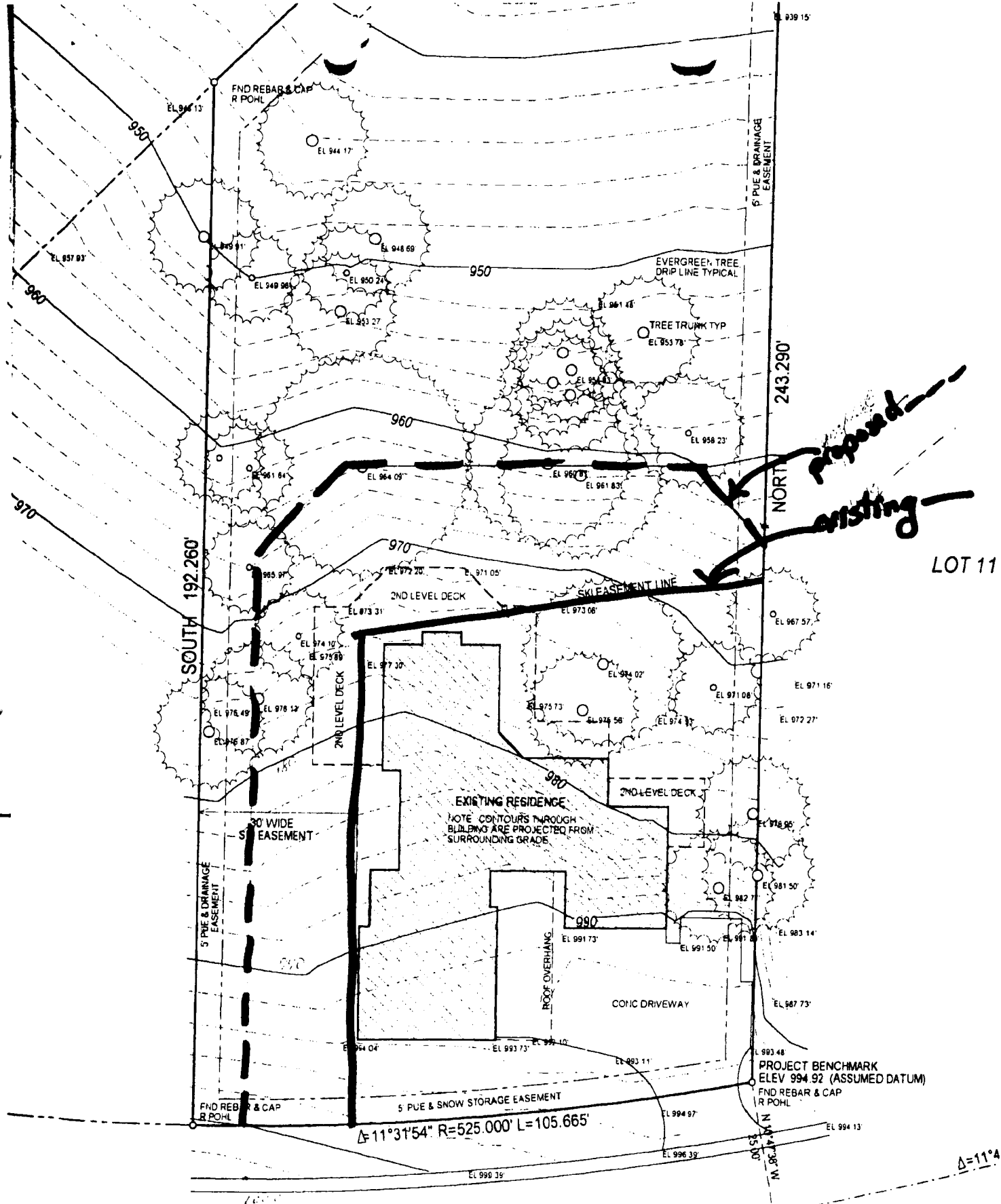
1. There is good cause for this plat amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

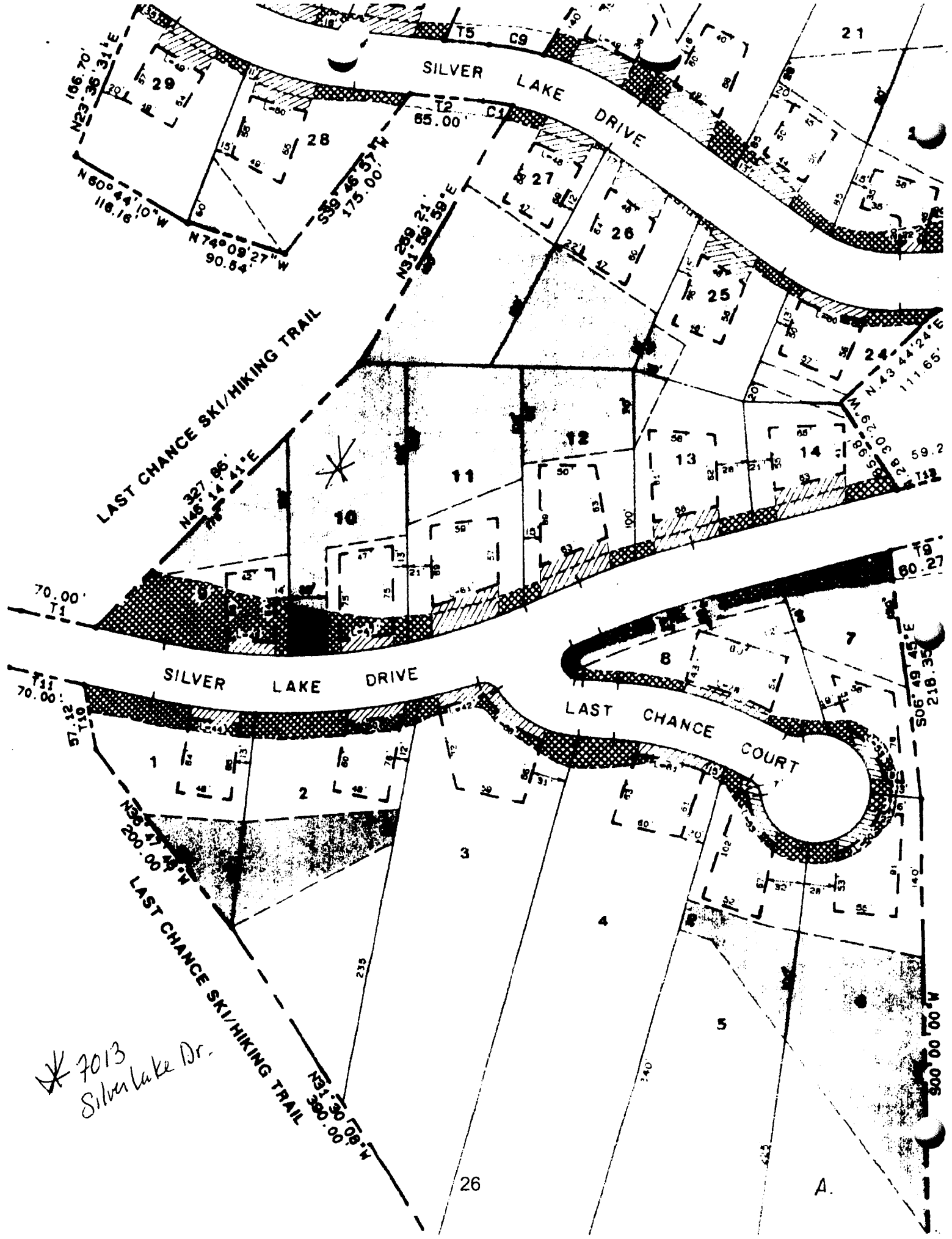
Conditions of Approval:

1. The Conditions of Approval for the Evergreen subdivision, as amended remain in full force and effect.
2. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
3. The applicant will record the 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.
4. If it is determined by judicial ruling that the City does not have the authority to approve relocation of any of the ski easements by plat amendment, this ordinance shall be null and void.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 27th day of January, 2005.





* 7013
Silver Lake Dr.



DEER VALLEY

October 14, 2004

Mr. Tom Barham
Mr. Michael Upwall
By Fax to 649-7945

Re: Remodel and Addition to Bailey Residence at Lot 10 Evergreen

Dear Tom and Mike:

Thank you for the submission of plans for addition and remodel of the subject existing residence at Lot 10 Evergreen. The Declarant, Deer Valley Resort Company, has reviewed the plans for compliance with the CC&Rs of the subdivision and the Deer Valley Design Guidelines. The Declarant approves the plans with the following conditions and comments:

1. We assume that upon completion of the remodel and addition landscaping will be restored consistent with that presently existing.
2. Water and drain lines may be in outside walls in the Main level master bath, laundry and butler areas. If this is the case extra care should be taken in insulation and heating of these areas to prevent freezing.
3. Construction drawings (a) should be stamped by a licensed structural engineer, (b) provide for the minimum insulation requirements set forth in Section IV.11(f) of the CC&Rs, and (c) provide for fire sprinklers.
4. Roof appurtenances including vents are required by the CC&Rs to be contained within the roof and roof structures. This appears to be the case by final details are not reflected on the drawings received.
5. A portion of the existing residence encroaches slightly into the ski easement reflected on the plat of the subdivision on the west side. The rear and west side decks of the proposed addition also encroach onto the platted ski easement. Such encroachments are at the risk of the owner. In the Declarant's opinion, the encroachments proposed are minimal and of no practical consequence. However, the Declarant has no authority on its own to modify the subdivision plat. Two alternatives are available, one being to obtain the written consent, in recordable form if possible, of the owners of Lot 9 on the west side, Lot 2 across the street to the South, and Lot 11 on the east side, and the second being to process a plat amendment with Park City Municipal Corporation. The plat amendment process is the preferred alternative since it would modify the plat so that the encroachments are no longer encroachments and preclude future objection.

P.O. Box 889 • PARK CITY, UTAH 84060-0889 • 435.649.1000 • FAX 435.649.1910
www.deervalley.com

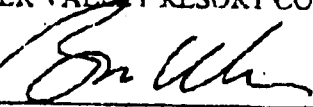
DEER VALLEY*

The design review is a general one. It is not intended to substitute for building review as administered by Park City Municipal Corporation and other government agencies nor is it a substitute for professional architecture or engineering practice. The review is administered by lay personnel for the purpose of assisting in the development of a project that is compatible with the quality of the overall Deer Valley Resort, that avoids problems experienced by others in development in a mountain climate, and that complies with CC&Rs applicable to the property and the Deer Valley Design Guidelines. The Declarant does not assume any responsibility or liability to present or future owners of the property reviewed or to adjacent or nearby property owners.

Thank you for your cooperation.

Very truly yours,

DEER VALLEY RESORT COMPANY

By 
Robert W. Wells

Cc: Brad Wilson - Evergreen Architectural Review Committee

December 7th 2004

Mr. Tom Barnham
Mr. Michael Upwall
Via Fax 649-7945

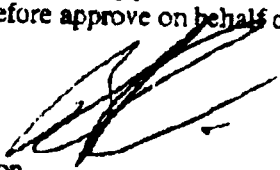
Re: Remodel and addition to Bailey Residence at Lot 10 Evergreen.

Tom and Mike,

As the representative for the Evergreen Architectural Committee I have reviewed your plans for compliance with the CC&R's. I have noted and concur with the five points mentioned in Bob Wells letter dated 10/14/04. I would add to his comment five that my recommendation is that the plat amendment approach be taken even if the neighbors approve of the removal of part of the ski easement.

Based on everything you submitted I believe you are in compliance with the CC&R's and I therefore approve on behalf of the Architectural Committee.

Sincerely,



Brad Wilson

Cc: Bob Wells Deer Valley

"To: Park City Planning Department
C/O Kirsten Whetstone

December 16, 2004

From: Joe Booker

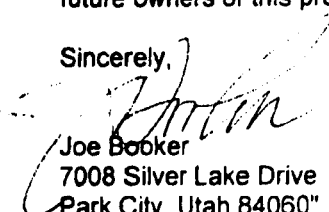
RE: Request for Plat Amendment by Owner of 7013 Silver
Drive, Park City, Utah

It is my understanding that The Mary Frances Bailey Revocable Trust, Owner of the property located at 7013 Silver Lake Drive on lot 10 of the Evergreen Subdivision, has applied for a plat amendment which would abandon the ski easement between lot 9 and lot 10.

I am the owner of lots 1 and 2 of the Evergreen Subdivision and the home located at 7008 Silver Lake Drive, Park City, Utah. My property is located directly across the street and immediately south of 7013 Silver Lake Drive.

Please be advised that I have no objections whatsoever to the proposed plat amendment which would abandon the ski easement between lots 9 and 10 as described above. It is a treacherous slope which would preclude all but the most experienced skier from accessing the easement safely. To my knowledge no previous owner of my property has ever used the easement. Also safer and easier ski access is available to and from my property and the property adjacent to my house precluding forever in my judgment the need for the abandoned easement in the future by future owners of this property.

Sincerely,



Joe Booker
7008 Silver Lake Drive
Park City, Utah 84060"





CITY COUNCIL Staff Report



Planner: Ray Milliner
Subject: 1403 PARK AVENUE ROS AMENDME
Date: January 27, 2005
Type of Item: Administrative; Plat Amendment

PLANNING DEPARTMENT

RECOMMENDATION: Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and consider approving it according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

DESCRIPTION

Project Name: 1403 Park Avenue
Project Planner: Ray Milliner
Applicant: Lift Line HOA
Location: 1403 Park Avenue
Zone: Historic Residential Medium (HRM)

BACKGROUND

The applicants are the owners of units 204 and 304 of the Lift Line condominiums located at 1403 Park Avenue. The applicant is requesting a record of survey amendment to the existing Lift Line Condominium plat to accommodate an existing structural change, which added a stairwell connecting units 204 and 304, made to the building in 1998. On July 28, 1999, the Planning Commission reviewed and forwarded a positive recommendation to the City Council a similar amendment. The amendment was reviewed by the City Council on September 2, 1999 and approved (see attached ordinance Exhibit B). The approval was not recorded within one year of approval and expired.

ANALYSIS

The property is located in the HRM zone. The proposed use is allowed in the zone. As stated, the changes to the structure were made in 1998 connecting the lower garage to unit 204 and a stairwell connecting unit 204 to unit 304. No loss of parking results from this application; however the applicant is proposing that the corner garage space for unit 304 be converted to private ownership because of the direct entrance to the unit.

NOTICE

Notice of this hearing was sent to property owners within 300' on December 30, 2004. Staff has received no comments from the public at the time of this writing.

DEPARTMENT REVIEW

Ordinance No. 05-

AN ORDINANCE APPROVING AN AMENDMENT TO AMEND THE RECORD OF SURVEY PLAT FOR THE LIFT LINE CONDOMINIUMS, LOCATED AT 1403 PARK AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property known as Lift Line Condominiums units 304 and 204 , has petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on January 12, 2005 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to remove one lot line between two lots of record creating one lot of record; 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. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential Medium (HRM) zone.
2. The HRM zone is a residential zone characterized by a mix of contemporary residences, condominiums and smaller historic homes.
3. Work on the building to combine units 204 and 304 of the Lift Line Condominiums was completed in 1998.
4. An amendment to the Record of Survey Plat to accommodate the work was reviewed by the Planning Commission on July 28, 1999.
5. The City Council approved the amendment to the Record of Survey on September 2, 1999.
6. The record of survey approval from 1999 was not recorded within one year of City Council approval and therefore expired.
7. The amendment will combine units 304 and 204 of the Lift Line Condominiums into one unit, thereby memorializing the work done in 1998.
8. The proposed amendment will not result in an increase to the square footage of the Lift Line Condominiums.
9. The proposed amendment will not reduce the number of parking spaces

- available at the Lift Line Condominiums.
10. The property has frontage on Park Avenue.
 11. No remnant lots will be created as a result of this application.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this amendment.
2. The amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed amendment.
4. As conditioned the amendment is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval are a condition precedent to recording the plat.
2. The private ownership garage for unit 304 shall remain as a parking space.
3. All other conditions of approval of the Lift Line Condominium project continue to apply.
4. The applicant will record the plat amendment 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.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 27th day of January 2005.

[illegible]

To: Honorable Mayor/Members of City Council
From: Jan Scott, City Recorder
Date: January 27, 2005

Acceptance of disclosure statements

State law requires elected officials to annually file a disclosure statement with the City Recorder and Park City complies by way of action on the agenda. The affidavits must be kept current, and Council is encouraged to promptly update information when change occurs. Staff recommends acceptance.

STATE OF UTAH)
 ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Dana Williams, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of Mayor.

2. That I reside at:

2384 Doc Holiday Drive, Park City, Utah

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

Associate broker with Coldwell Banker Residential Realty

4. That I have the following investments and personal interest which could have the appearance of a conflict of interest:

Own property at 2384 Doc Holiday Drive, Park City, Utah

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this 27th day of January, 2005.

STATE OF UTAH)
 ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Kay Calvert, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at 1505 Crescent Road, Park City, Utah

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

K Calvert Consulting

4. That I have the following investments and personal interest which could have the appearance of a conflict of interest:

Own property at:
1505 Crescent Road, Park City

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this 27th day of January, 2005.

STATE OF UTAH)
 ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Marianne Cone, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at 86 Prospect Avenue, Park City, Utah

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

Spouse is President of the Park City Board of Education

4. That I have the following investments and personal interest which could have the appearance of a conflict of interest:

Own property at:
86 Prospect Avenue, Park City

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this 27th day of January, 2005.

STATE OF UTAH)
 ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Candace Erickson, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at: 2614 Little Kate Road, Park City, Utah

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

Park City Mountain Resort
Cole Sport
Spouse is employed by Stantec Inc.

4. That I have the following investments and personal interest which could have the appearance of a conflict of interest:

Own home at 2614 Little Kate Road.

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this 27th day of January, 2005.

STATE OF UTAH)
 ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Jim Hier, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at 2599 Morning Sky Court, Park City, Utah 84060

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

Real estate agent for Jess Reid Realty, Park City, Utah

4. That I have the following investments and personal interest, which could have the appearance of a conflict of interest:

Own property at:
2599 Morning Sky Court, Park City

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction, which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this 27th day of January, 2005.

AFFIDAVIT

Comes now Joe Kernan, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at 1970 Stryker Avenue, Park City, Utah 84060

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

Owner of Good Earth Recycling, a Park City company having contracts with numerous local businesses, individuals, organizations, and governmental entities including a contract with Park City Municipal Corporation for recycling pick-up services valued at approximately \$200 per month

4. That I have the following investments and personal interest, which could have the appearance of a conflict of interest:

Own property at 1970 Stryker Avenue, Park City, Utah 84060

50% owner of County Curbside Inc., a recycling company which contracts with Summit County to pick up recycling in several Park City neighborhoods and all of South Summit County, valued at approximately \$11,000 per month

Minority interest of 2,500 shares in American Skiing Company, the owner of the Canyons Ski Resort.

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction, which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure.

FURTHER Affiant sayeth naught.

DATED this 27th day of January, 2005.

CITY COUNCIL

Staff Report



Subject: WILBURN WEST ANNEXATION PETITION
Date: January 27, 2005
Type of Item: Legislative

RECOMMENDATION: Staff recommends that the City Council Review the submitted annexation petition and take action to either accept or reject the petition for annexation.

DESCRIPTION

Project Name: Wilburn West Annexation
Project Planner: Ray Milliner
Applicant: Nancy Rossman
Location: Metes and Bounds Parcel Located adjacent to the Cove Phase II in Summit County between The Cove and the Round Valley City Owned Open Space

BACKGROUND

On January 5, 2005 the applicant filed a petition for annexation with the City Recorder for annexation of a metes and bounds parcel of 40.73 acres currently within the jurisdiction of Summit County. The parcel is located between the Cove Phase II condominiums and the City owned open space in Round Valley. Access to the property is proposed from existing Eagle Cove Drive. No other applications have been filed as part of this application, however the applicant is requesting that the property be zoned RD with an allowance of 3 duplexes for a total of 6 units.

Staff has worked with the applicant to ensure that all materials required to form a complete annexation petition according to provisions of the City's Annexation Policy Plan have been filed. A signed annexation plat, prepared by a licensed surveyor, has been filed. The applicant also has provided necessary notification of the intent to file the petition to the required affected entities.

The property is currently undeveloped. Information regarding ownership, wildlife, traffic, water rights, affordable housing, public utilities and fiscal impacts have been submitted as part of this annexation petition.

ANALYSIS

The property consists of a 40.73 acre metes and bounds parcel that is contiguous to the Park City Municipal boundary. The parcel is within the Annexation Expansion Area, as described by the adopted Annexation Policy Plan. After determining that the annexation petition application is complete pursuant to the City's Annexation Policy Plan, staff scheduled the petition for City Council acceptance or rejection at its first regularly

scheduled meeting that is at least 14 days after the date the petition was filed, as required by state law.

Municipal annexation is a legislative act governed procedurally by Utah state law. Once the annexation petition is filed with the City Recorder, the petition (not the annexation) is presented to the municipal legislative body for acceptance or rejection. Because annexation is a legislative act, the Council's decision to accept or reject the petition is not governed by statutory criteria: subject to constitutional restraints, acceptance or rejection is at the Council's discretion. It is important to note that a decision to reject the petition ends the annexation process, while a decision to accept the petition allows the process to continue for further consideration via the certification and subsequent public hearing process. Acceptance of the petition does not represent final action or approval of the annexation.

If the Council accepts the petition, then a 30-day certification review process will commence wherein Staff will determine whether the petition meets all requirements of Utah State Code Sections 10-2-403(2), (3), and (4). If staff determines that the petition meets these requirements, then the City Recorder will certify the petition and commence the public notification and hearing process. If staff determines that the petition fails to meet any of the statutory requirements, then the City Recorder will reject the petition and deliver written notification of rejection to the applicant and other parties required by state law. The applicant then will have the opportunity to modify the petition to correct the deficiencies for which it was rejected and re-file the petition with the City Recorder.

Alternatives: It is important to note that pursuant to Utah State Code Section 10-2-405(1)(a)(i)(B), if the Council does not take action on this annexation petition at its first regularly scheduled meeting that is at least 14 days after the date the petition was filed (this meeting, January 27, 2005), then the annexation petition shall be considered accepted for further consideration. Accordingly, taking no action and/or continuing this item are not options available to the Council; either action represents acceptance of the petition. Council alternatives include:

1. Accept the annexation petition for further consideration, thereby triggering the 30-day certification review process;
2. Reject the annexation petition, thereby ending the annexation process; or
3. Do nothing or continue the item. Pursuant to state law, the annexation petition is considered accepted for further consideration, thereby triggering the 30-day certification review process.

RECOMMENDATION

Staff recommends the Council review the petition for annexation of the acre parcel and take action to either accept for further review, or reject, the petition.

EXHIBITS

Exhibit A – Proposed Annexation Plat

