

JANUARY 11, 2005

Minutes of the Public Hearings and City Council Meeting held on Tuesday, January 11, 2005 at 7:00 pm. at Alpine City Hall, 20 North Main, Alpine, Utah 84004 as follows:

The following members were present:

Mayor Philip D. Barker

City Council Members: Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby

Staff: Ted Stillman, Janis H. Williams, David Church, Shane Sorensen, Rachel McTeer and Jay Healey

Others: Jannicke Brewer, Dale Porter, Craig Skidmore, Evertt Williams, *New Utah*, Jim Tracy, Tracy Wallace, Janice Ann Brown, Downing Aiken, Kay Van Buren, Craig Carlisle, Willy Eklof, Trevor Larsen, Moana Burgess, MarKae Funk, Tyson Broadbent, Craig Broadbent, Elizabeth Nardi, Richard Mendenhall, Mary Mendenhall, Matt Guymon, Andy Spencer, Mitch Vreeland, John Tadge, Kathy Tadge, Travis Olsen, Loretta Stevens, Curtis Miner, Kevin Call, John B. Johnson, Curtis Philipp, Allaina Dayley, Jamie Bates and Police Chief Kip Botkin

PUBLIC HEARINGS – 7:00 pm: Mayor Phil Barker called the Public Hearings to order at 7:00 pm, welcomed those in attendance and introduced the Public Hearings as follows:

1. **FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT REGARDING THE SENSITIVE LANDS ORDINANCE.** Ted Stillman said the new Sensitive Land Ordinance replaces the prior Sensitive Lands Ordinance, and combines the prior Hillside Protection Ordinance, Floodplain and Wildland Interface Ordinance into one document along with rules and requirements. Mr. Stillman said the new ordinance will require the addition of an engineering geology report as outlines in the ordinance. The review process has changed whereas we will now have UGS or a second consultant review the report and give recommendations. Ted Stillman stated further several additional requirements such as in the case of a fault rupture, setbacks from the fault and if a geological report is required then a notice of the hazard will be recorded along with the property. There were no comments from the public

2. **FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT REGARDING AMENDMENTS TO THE DEVELOPMENT CODE.** Ted Stillman said the Development Code is constantly being changed. Proposed changes to this ordinance include the Sign Ordinance, the Fence Ordinance and PRD Open Space Ordinance. There were no comments from the public.

The Public Hearings adjourned at 7:08 pm.

CITY COUNCIL MEETING - Immediately following the Public Hearings:

I. **CALL TO ORDER.** Mayor Phil Barker called the City Council Meeting to order at 7:08 pm and welcomed those in attendance. The Scouts from Troop 853 were recognized and introduced.

II. **PRAYER/ OPENING COMMENTS** – Phil Barker

III. **PLEDGE OF ALLEGIANCE.** Chase Ostler from Troop 853 led the audience in the Pledge of Allegiance.

IV. **PUBLIC COMMENT.** Time has been set-aside for the public to express their ideas, concerns and comments on items not on the agenda. Mayor Phil Barker recognized Loretta Stevens for serving on the Planning Commission for many years.

MarKae Funk, PTSA President of Timberline Middle School, addressed a concern that they have.

The PTSA has noticed that the Playhouse has been allowed to advertise their plays by using A-frame signs; however, the signs advertising various school events have been taken down. Ted Stillman said that signs advertising community events are allowed on Canyon Crest and Ridge Drive, Westfield Road and Ranch Drive, the City Park and the "Alpine Entrance sign" on Alpine Highway. Mr. Stillman said that when there are several signs at one location, it becomes quite congested and this issue is being addressed.

Tyson Broadbent reported on his Eagle Project which he completed in November and asked for final approval. Mr. Broadbent had moved and constructed some trails that were on private property to city-owned property. Hata Puriri signed off on Tyson Broadbent's project.

V. **CONSENT CALENDAR –**

- A. Business Licenses:
 - Matt Guymon – CLEAN CONTROL, LLC; 522 West 600 North
 - Matt Guymon – AIR MASTER HEATING & COOLING; 522 West 600 North
 - Steven N. Burrows – ACCESS HEALTH, INC; 72 N. Matterhorn Drive
 - Thomas H. Hughes – ALPINE PERSONAL LEARNING CENTER; 772 S. Stonehedge
 - Robert Sorensen & David Beckstrand–CANDLELIGHT MARKETING; 177 N. Meadowbrook Dr.
- B. Payment Requests:
 - STRANG EXCAVATING – Willow and Preston Canyon Debris Basins - \$116,542.44

Shane Sorensen said the debris basins are 99.9% complete and there will be one more draw.

MOTION: Kent Hastings moved to approve the Consent Calendar. Hata Puriri seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri and Hunt Willoughby. Nays: 0. Motion passed.

VI. **SCHEDULED ITEMS**

A. ANNEXATION POLICY PLAN. Ted Stillman said the amendment to the Annexation Policy Plan would include 8.79 acres just outside of Alpine's western boundary. The proposed annexation consists of 3 lots, 2 of which are owned by the Mendenhalls. A Public Hearing was held on the Annexation Policy Plan on October 26, 2004. Mr. Stillman said the Mendenhall property is currently in Highland City's Annexation Policy Plan and Highland has agreed to amend their plan and take the Mendenhall property out of it. The other change to the Annexation Policy Plan is the addition of the verbiage regarding Annexation Fees that "they would be determined on a case by case basis taking into consideration the off-site improvement requirements."

An Annexation Fee History with annexation fees charged on previous annexations was discussed as follows:

ANNEXATION FEE HISTORY

OCTOBER 26, 1993 (Annexation Ord.)

"Mr. Anderson also disagreed with the Annexation Fee of \$200 per acre. He felt that there needed to be some logical rationale for the Annexation Fee based on the benefits derived from the existing infrastructure".

MARCH 8, 1994 (Annexation Ord.)

"Mr. Anderson also suggested, and the Council later agreed, that the Annexation Fee be determined by the potential impact the annexed territory would have on the City rather than having the fee set at \$1,000 per lot".

AUGUST 23, 1994 (Annexation Ord.)

“Rob Bateman made a motion to include the \$3,000 per building lot as the annexation fee.....”

OCTOBER 11, 1994 (Annexation Ord.)

An explanation that the \$3,000 per lot Annexation Fee would be put towards the construction of a road along the east side of Alpine out to the mouth of American Fork Canyon.

JANUARY 10, 1995 (Westfield Oaks)

“The fee for the UP&L property had been \$3,000 per acre. Pheobe Blackham said it was her understanding that the fee for the UP&L property was arrived at after calculating how much it would cost to build a road out to SR-92. The Council said there were other factors considered such as infrastructure....Richard Mendenhall said it was his understanding the annexations fees were variable and should be determined by the cost incurred by Alpine City in the annexation process”.

JANUARY 24, 1995 (Westfield Oaks)

“The amount of annexation fee has been determined to be \$3,000 per equivalent lot...”

OCTOBER 24, 1995 (Taylor Smith)

“The property owners would pay the Annexation Fee of \$3,000 per acre....”.

DECEMBER 12, 1995 (Willow Canyon)

“The amount of the Annexation Fee has been determined to be \$3,000 per lot...”

MARCH 25, 1997 (McNeil)

“The Annexation Fee on previous annexations has been \$3,000 per lot.

MAY 27, 1997 (Annexation Ord.)

“An Annexation Fee will be negotiated between the City and the petitioners...”

SEPTEMBER 22, 1998 (McDaniel)

“The Annexation Fee be \$3,000 per acre”.

JANUARY 26, 1999 (Eastfield Orchards)

“Richard Nelson moved to grant final approval on Eastfield Orchards Subdivision Plat B subject to satisfying the city’s water policy and paying an Annexation Fee of \$3,000 per acre.

NOVERMBER 28, 2000 (Smooth Canyon)

“Annexation fee \$3,000 per acre

Kent Hastings asked what kind of off-site improvements we are looking at with the Janice Brown and Pack Orchards annexations and Ted Stillman said mostly roads. Mr. Stillman said that we are looking at immediate impact involving the subdivision and which needs that are tied to that subdivision.

Mayor Barker and David Church suggested that the last sentence be removed. Hunt Willoughby questioned the first sentence and suggested that this sentence read:

“Annexation fees will be collected at the time of annexation. The amount of the fee will be determined on a case-by case basis taking into consideration the impact and cost to the city by the Annexation.”

MOTION: Hunt Willoughby moved to adopt the Annexation Policy Plan as amended with changes as discussed above. Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

B. ORDINANCE NO. 2005-01 – DRY CREEK RANCH ANNEXATION. Ted Stillman said the Mendenhall property is located adjacent to the western city limits on the south side of Westfield Road and the developer would like to annex 8.03 acres into Alpine City. The Planning Commission at their meeting of September 7, 2004 held a Public Hearing on the Annexation Policy Plan and the Dry Creek Annexation. Utah County's comments on the Dry Creek Annexation were discussed. The City Council held a Public Hearing on the Dry Creek Annexation On October 26, 2004 and a history of the city's Annexation Fees with the main conclusions of this research being as follows:

1. The \$3,000 was based on the cost of off-site improvements
2. Development Plans were always part of the annexations

Ted Stillman discussed several options pertaining to this annexation as follows:

Option 1—Don't annex the property

The applicants have stated that they do not plan on developing the property and that they plan on leaving it as a horse ranch. The applicants stated that they did not want to be forced into another jurisdiction. The Annexation Policy Plan which has been agreed to by Highland puts the Mendenhall property into Alpine which alleviates the problem of the Mendenhall's being forced into Highland.

Option 2- Annex the property with conditions:

1. That 13.33 acre feet of Alpine Irrigation Water be transferred to the City with the Mendenhall's retaining the right to use the water
2. That the Paisley lot be included in the annexation
3. That Westfield Road be improved as part of the annexation fees (curb, gutter, sidewalk and asphalt) along the frontage of the Paisley and Mendenhall properties. The estimated cost of the Westfield Road Improvements is \$59,916.60
4. That the property be zoned CR-40,000
5. That a recordable Annexation Plat be submitted

Ted Stillman said the terms and conditions of the annexation are contained in the Annexation and Development Agreement. Mr. Stillman said that improvements to Westfield Road would include curb and gutter on the south side of the street at an estimated cost for the road improvements being \$59,916.60.

Richard Mendenhall said the Mendenhall property currently has two homes on it that were built in the 1970's with a lane going down to both homes. Mr. Mendenhall said that both Paul and Robert Mendenhall are getting to the age where they are trying to put their estates in order and said they are not changing the use of the property. Richard Mendenhall said the property lines are not parallel to the city's boundary line and at some time there will be a problem. Currently one of the homes is being served with Alpine's culinary water and sewer. Mr. Mendenhall said he thought it was unfair to require the Mendenhalls to improve Westfield Road on their neighbor's frontage with no plans for reimbursement. Richard Mendenhall said this neighbor has not applied for annexation, but is being forced in and suggested that fees be deferred until development occurs.

Thomas Whitchurch said he was not worried about the impact of the development tonight, but impact to the city in the future. Mr. Whitchurch was concerned that this would be lost over a long period of time. Kent Hastings questioned the subdivision process and asked if this property wouldn't be required to improve Westfield Road when they develop. David Church said this was a good example of direct impact to the city. Right now Westfield Road is a substandard county road and the county is not motivated in keeping the road improved; however, if we annex this property then this section of road would become a city road and Westfield Road would need to be improved. Richard Mendenhall felt they were being required to improve Westfield Road when this annexation wouldn't cause an increased impact on this road, but Mr. Mendenhall said they would prefer not to take out any more of the pasture to widen the road. David Church said that we know the Mendenhall property will be developed and this road will be improved, but we don't know if the Paisley property will be subdivided.

Hunt Willoughby said the Annexation Agreement could be worded to state "the Mendenhall's would

be required to improve Westfield Road at the time of development.” Shane Sorensen said that if we don’t annex this property and improve Westfield Road, we would then have a bottleneck in that area. Jeff Ostler lives on Pfeifferhorn Drive and said there is a traffic problem on this part of Westfield Road. Me. Ostler said there is an “S” curve there and when it snows, the county doesn’t plow that stretch of the road and the city can’t. Jeff Ostler felt this stretch of road was a hazard. Mayor Barker suggested that we assess the part of the property up to the Mendenhall property and Ted Stillman said staff drove Westfield Road this morning and found problems with the road that was constructed in the new subdivisions in Highland.

MOTION: Hunt Willoughby moved that we direct staff to develop an Annexation Policy Agreement for the Mendenhall property with annexation fees determined and based on the cost to improve Westfield Road in front of the Paisley property being constructed to city standards and that Westfield Road be partially improved to provide a smooth transition with contiguous portions of the road and that at the time the Mendenhall’s develop their property that the remainder of Westfield Road be improved to city standards. Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

C. HERITAGE HILLS ANNEXATION. Ted Stillman said the developers have requested that the City Council determine the Annexation Fees and Impact Fee reimbursement for the Heritage Hills Annexation as follows:

ANNEXATION FEES - A history of Annexation Fees was discussed earlier in the meeting. The \$3,000 per acre annexation fee that has been used for a number of years was based on constructing an off-site road down to SR-92 in Highland. City Staff proposed that Annexation Fees be calculated as follows:

1. On a case-by-case basis
2. Be based on the off-site impacts to the city of the Development

Ted Stillman said that In the case of the Heritage Hills annexation the Annexation Fee would be the construction of Alpine Blvd. from Grove Drive to Main Street including the Main Street/Alpine Blvd. intersection. Heritage Hills would also construct a cul-de-sac on Elk Ridge Lane.

IMPACT FEES—Alpine Blvd. is on the Street Impact Fee Schedule. Alpine Blvd. is a collector class street and requires 36 feet of pavement as compared to a residential street, which requires 30 feet of pavement. As part of the Street Impact Fee calculations the city will reimburse developers for the difference between a collector class street and a residential class street and in the case of Heritage Hills this reimbursement will amount to \$25,000.

MOTION: Thomas Whitchurch moved that the city enter into an agreement to acquire the land for the cul-de-sac and that the developer pay the hard costs for Elkridge Lane. Hunt Willoughby seconded. Ayes: Kimberly Bryant, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 1. Hata Puriri voted nay. Motion passed.

Ted Stillman went over the history of the alignment of Elkridge Lane and said the best place for that road would be as far to the east as possible. Mark Grant owns Elkridge Lane fee simple but had an agreement with the Lindsay’s to allow them to use the lane to access their property. Downing Aiken said that Concept plans were submitted with the road to be on Heritage Hills’ property and Dr. Grant said it didn’t make sense to him to have two roads and that he would like to see the road aligned to the east as long as Heritage Hills developed this road. Hunt Willoughby felt it was poor planning to have the city condemn the property to build this road for circulation purposes and said it makes sense from the city’s point to have a right-of-way and many of the items listed in Dr. Grant’s letter would not change. Downing Aiken said there was enough property to build a partial-width road if it was built further to the west; however, they would have to get an exception from the City Council based on the ordinance. Ted Stillman recommended that Elkridge Lane be built as far to the east as possible. Kay Van Buren said submission No. 22 meets all the city’s standards and discussed the road issue at length. Craig Carlisle, Attorney for the Heritage Hills developers, asked for clarification on the reimbursement costs, if this would include the fees for condemnation and attorney’s costs and Kay Van Buren asked for clarification on the requirements that have been imposed on this development.

David Church said the city is offering their services in acquiring the property for the road that has a better alignment. Mayor Barker suggested this be tabled until the next City Council Meeting.

MOTION: Hunt Willoughby moved that based on the preliminary design of Elkridge Lane that has been done that we direct staff to work with the developers and property owners in acquiring the property needed and then have this come back to the City Council in two weeks with a resolution. Thomas Whitchurch seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

D. NORTHPOINTE RIGHT-OF-WAY AGREEMENT. Ted Stillman said that Northpointe is a 25-lot Subdivision located on the former Ed Patterson property on North Main and the developers have added six acres of an unrecorded Eastview Plat to this Subdivision. Mr. Stillman said the developers do not want to move ahead with the development at this time; however, they are willing to dedicate a right-of-way for the extension of Alpine Blvd. to the city in exchange for the following:

1. The city allow Plat A to be recorded within 3 years
2. The city allow Plat B to be recorded within 15 years.
3. That the Alpine Blvd. dedication only be valid if Alpine Blvd. is constructed from Grove Drive to Main Street

Ted Stillman said that under the current Subdivision Ordinance a plat must be recorded within six months of approval by the City Council; however, when a subdivision has multiple plats the City has never required the subsequent plats to come in under any specific time period. Staff suggested allowing the developer to record Plat A within three years and then record plat B whenever they are ready. Ted Stillman said he hasn't seen the Right-of-Way Agreement that was supposed to have been prepared by Will Jones' attorney and said city staff could draft the agreement for Mr. Jones to review. Thomas Whitchurch asked about the sewer alignment and Shane Sorensen said deeds have been prepared in securing property for the intersection of Alpine Blvd. and Main Streets, but they have not been signed or recorded.

MOTION: Thomas Whitchurch moved that we enter into a Right-of-Way Agreement to obtain a right-of-way to Main Street, that the fees for the entire development to be paid at first recording and that all conditions and current ordinances are applicable and established with a Development Agreement. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

MOTION: Hunt Willoughby moved that the Impact Fees for Heritage Hills be based on the costs of constructing a partial-width road through the Northpointe Subdivision including the intersection of Alpine Blvd. and Main Street, that the right-of-way be obtained by the Northpointe developers for the acquisition and improvements of Alpine Blvd. through Moeller's property, the hard costs on the Elkridge cul-de-sac, and the costs of acquiring and constructing Elkridge Lane with the ability to enter into a reimbursement agreement with the Pack developers. Thomas Whitchurch seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

E. TADJE SUBDIVISION BOND. Ted Stillman said the Tadjes live at 631 East 100 South on an L-shaped piece of property that also fronts on 600 East. On July 13, 2004 the City Council approved the Tadge Minor Subdivision. Ted Stillman said an Escrow Bond is required with each Subdivision guaranteeing that the improvements will be installed. In the Tadge's case the bond amount is \$32,186.40; however, the Tadge's protested the amount of the Escrow Bond and addressed the City Council regarding the amount of the bond. Following are the major issues raised by the Tadge's:

1. Jersey Barriers

City response—600 East was constructed by the developers of the Applewood Subdivision and this improvement made this subdivision possible with no cost to the Tadge's. Due to the steep slope on 600 East the barriers are necessary to keep vehicles from sliding off.

2. Irrigation Box

City response— The reworking of irrigation systems is a standard part of subdivision requirements. When curb, gutter and sidewalk are installed it is necessary to relocate irrigation lines and boxes. In this case the irrigation system will continue to operate so the irrigation box is necessary.

3. Sidewalk on 100 South

City response—New Subdivisions are required to install sidewalk which includes in front of any existing homes. It is true that the city has paid for some sidewalk on 100 South and eventually would like to install sidewalk all along 100 South. When the home just east of the Tadge's was constructed the developer of Applewood Subdivision installed the sidewalk on 100 South.

4. One way signs

City response—Signage is a normal part of Subdivision requirements. In this case the Tadge's are benefiting from a street that is already there and they only have to install the signs.

Hunt Willoughby said that based on the Tadge's letter that we not require the jersey barriers but that we trim the trees in order to create a visual barrier. Councilman Willoughby felt the Whitby property would be developed soon. John Tadge said there was no purpose in putting in the requested irrigation box and said this will never be used as the ditch then goes under 100 South. Mr. Tadge said there would be two big boxes 30 to 40 feet apart. Shane Sorensen explained this is being required, as there are two users to the west who use the irrigation water. Mr. Sorensen said the sewer extension won't be necessary if the Whitby property becomes a park. Kathy Tadge questioned about why they would be required to incur the cost of the one-way signs.

MOTION: Hunt Willoughby moved that in regards to the Tadge Minor Subdivision that the bond requirements remain as calculated but that the cost for the jersey barriers along 600 East be removed, that the developer trim the trees, that the signage requirement be removed and that the cost for the sewer extension be held in escrow until the need has been established. Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri and Hunt Willoughby. Nays: 1. Thomas Whitchurch voted nay. Motion passed.

F. VAN LEEUWEN SITE PLAN – WILLOW CANYON. Ted Stillman said that David Taylor sold his lot in Willow Canyon, located north of Joel Kester to the Van Leeuwens who would now like to develop their lot. The lot came in as part of the Willow Canyon Annexation. Below is a list of requirements that the Van Leeuwens will need to meet in order for the Planning Commission to approve and recommend their application.

1. Height: The Annexation Agreement states that, "No home may be built on the lots above High Bench Ditch that exceeds a height of 25 feet above the natural grade to the highest point of the roof or parapet." The Van Leeuwens have received a 4-ft. variance from the Home Owners Association and from Alpine City Council on November 23, 2004.

MOTION: Hunt Willoughby moved to grant the 4 foot height variance on the home located on the 10-acre parcel at the end of Preston Drive in accordance with the Van Leeuwen's building drawings and the 3 foot 6 inch variance on the Barclay and Gail Smith home located on lot 13, Willow Canyon Phase 2B. Thomas Whitchurch seconded. Ayes: Kimberly Bryant, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

2. Street Frontage: The current lot has no street frontage and the city requires each of the 5 lots to have a frontage of 60 feet and 90 feet at the setback. The Van Leeuwens are working with Joel Kester to get street frontage. The site plan shows the proposed layout, which appears to meet the street frontage requirement and staff has recommended that the land deed be recorded with the conservation easement before the building permit is issued.

3. Building and Lot Use: The annexation agreement requires that, "The owners...on lots larger than 30,000 square feet above the High Bench Ditch have no more than 50% of the natural landscape will be disturbed and no more than 50% of the lot area will be fenced. The site plan drawing shows the disturbed and fenced area to be 59,700 sq. ft. which amounts to about 14% of the total lot.

4. Trails and Open Space: The annexation agreement requires that, "The open space shown on attachment B of the annexation policy resolution on the Kester, Strang, Redpoint, and Bushman properties," shall be preserved through a Conservation Easement. "The Conservation Easement shall also insure the public access to the trails listed below." The only trail applying to this site plan is the, "trail in the proximate area of the existing main west-to-east dirt road from the High Bench Ditch up to Willow Canyon."

As for the Conservation Easement, "the form and general content of the Conservation Easement shall be determined by the City and the decision as to who shall be granted the easement (City or Forest Service) shall be the sole prerogative of the City." The proposed conservation easement has over 50% of the land covered and provides a trail easement along the main west-to-east dirt road to Willow Canyon

Ted Stillman said the Planning Commission recommended approval of the Van Leeuwen Site Plan at their meeting of January 4, 2005 with the following motion:

"Steve McArthur moved to approve the Van Leeuwen Site Plan subject to the following conditions:

1. The fire chief will approve the location of the fire hydrants
2. Verify the easements for the trail and city facilities
3. Property owners provide deeds for the property exchange
4. Meet the water policy for a 60,000 sq. ft. building envelope

Dale Porter seconded. Ayes: 6 Nays: 0. Motion passed.

MOTION: Thomas Whitchurch moved to approve the Van Leeuwen Site Plan subject to the following conditions

1. That we verify the easements for the trail and city facilities
2. That the property owners provide deeds for the property exchange
3. That the water policy be met as determined by staff for everything that is not in a

conservation easement. Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

G. MAIN STREET VILLAGE SITE PLAN. Ted Stillman said that John Johnson is preparing to build on lots 5 and 6 of the Main Street Village Planned Commercial Development. In July of 2004 the Planning Commission approved an amendment to the Main Street plat, which combined building pads 5, 6, and 7 into two pads creating pads 5 and 6. The Planning Commission approved the Site Plan at their meeting of January 4, 2005. Ted Stillman related comments from Soren Simonsen who is the architect that sits on the Gateway-Historic Committee.

MOTION: Thomas Whitchurch moved to approve the site plan for lots 5 and 6 in Main Street Village subject to allowing Soren Simonsen to work with the developer making minor architectural changes to fit in with the Gateway Historical District. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

H. WHITBY WOODLANDS SUBDIVISION PRELIMINARY. Ted Stillman said the

Whitby Woodland Subdivision consists of 59 lots on about 40 acres. The development is located in the interior area of town between Main Street, 400 West, and 200 North and the lots range in size from 32,000 to 12,000 sq feet. Both Fort Creek and Westfield Ditch run through the property. The Planning Commission reviewed the Whitby Woodlands layout on November 30th and the following motion was made:

“Steve McArthur moved to recommend an exception of 15 feet on the cul-de-sac length in Whitby Woodlands because the Planning Commission preferred the natural open space and felt it was more attractive. They also accepted the improvements in the landscaping plan as designed in order to satisfy the density requirements. In addition, the trail on the east would be dirt and the trail on the west would be a 4-foot concrete trail with the interior to be improved with grass and sprinklers. The Planning Commission recommended that lot #23 be shrunk so that the creek lay outside the lot. Loretta Stevens seconded. Ayes: 5 Nays: 0. Motion passed.”

Ted Stillman said one of the issues that came up was the ditch maintenance. The following are the minutes of the Trail Committee Meeting of December 2, 2004:

The Trail Committee’s recommendations in order of priority are:

1. A trail that goes from the elbow on 350 North, through the open space and cross to the west side of Fort Creek with a foot bridge where the paved walkway is planned.
2. Utilize Pioneer Road in the Mountainville Heights Open Space to connect the cul-de-sac at the west side of the property north through the open space west of West Field Ditch to Whitby Woodlands Boulevard north of lot 37. This will require a small bridge across the West Field Ditch at the north end of the open space.
3. Get rid of lot 46 and connect to the trail easement on the west side of Alpine Cottages. (Richard James volunteered to go talk to Will Jones and Dave Hines)

Mountainville Heights: Motion: That Dennis Assay set up a meeting with the Mountainville Homeowners Association to discuss a potential trail connection into Whitby Woodlands on the west side open space. Ayes 6, Nays 0.

The Planning Commission reviewed the Whitby Woodlands Subdivision at their meeting of January 4, 2005 and recommended approval subject to the following:

1. Provide a vicinity map
2. The design of the Westfield Road/200 North intersection be coordinated with the city’s consultant.
3. Redlines be corrected
4. The Fire Chief approve the location of the fire hydrants
5. The developer state the proposed phasing for the development to allow for proper planning
6. Show improvements in open space including the concrete sidewalk and trail
7. Provide CC&R’s including the specifics regarding ditch maintenance and include restrictions on the ditch on the recorded plat

Thomas Whitchurch said he would like to see the Private Open Space be Public Open Space and Ted Stillman said the Whitby Woodlands Subdivision Plan was before the City Council tonight for Preliminary Review.

MOTION: Thomas Whitchurch moved to instruct the Planning Commission that we would like to see the Private Open Space in the Whitby Woodlands Subdivision be Public Open Space, the area next to lot 23 become a buildable lot and the area in lot 46 become Open Space. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

I. ORDINANCE NO. 2005-02 – DEVELOPMENT CODE AMENDMENTS. Ted Stillman said the Planning Commission at their meeting of November 30, 2004 recommended the following changes to the Development Code:

1. Signs (Section 3.25). "Steve McArthur moved to leave the Ordinance as written but let Rachel McTeer use her own discretion in approving signs based on the discussion that the signs be A-frame with a limited height". Dale Porter seconded. Ayes 5 Nays 1. Jannicke Brewer voted nay saying there should be specific guidelines on location and height and style.
2. Fences (Section 3.21.6). Loretta Stevens moved to amend Section 3.21.6.4 in the Fence Ordinance to state that side-yard privacy fences on corner lots should be a least 15 feet back of the curb and should begin outside the sight triangle. Steve McArthur seconded. Ayes 4 Nays 1 Motion passed. Steve Macarthur voted nay.

Rachel McTeer explained the reason for amending the distance for privacy fences on corner lots. Mayor Barker suggested that this be brought back.

3. PRD Open Space (Section 3.9.7 (3)). Dale Porter moved to propose to the City Council that they amend Section 3.9.7 paragraph 3 of the Planned Residential Development Ordinance regarding the slope restriction as follows:

An exception may be made that up to 5% of an individual lot may contain ground having a slope of more than 25% and that in the CE-5 Zone up to 15% of an individual lot may contain ground having a slope of more than 25% upon recommendation of the DRC and the Planning Commission and with the approval of the City Council.

Mayor Phil Barker had some questions pertaining to the open space that was presented in the proposed Three Falls Subdivision and wondered if this subdivision couldn't have fewer lots. Some of the lots were drawn because of the slope requirements. Mayor Barker suggested that we look at the whole ordinance and then bring this back.

J. ORDINANCE NO. 2005-03 – SENSITIVE LANDS ODINANCE. Ted Stillman said that at the request of Max Pitcher who lives in Ft. Canyon (he has a PhD in Geology from Harvard), the Planning Commission had an information presentation on the pros and cons of developing a new Hazard Ordinance. One of the presenter's recommended that we combine our Sensitive Land, Hillside, Flood zone, and Hazard Ordinance into one ordinance to make it more usable. It was also suggested that we spell out the tests and procedures that would be required. Some of the weakness they found with Sensitive Land Ordinance (SLO) is that it doesn't require investigation but leaves it up to the Planning Commission to choose. The Sensitive Lands Ordinance and Hillside Ordinance also don't have a lot of detail on the technical requirements and the Planning Commission recommended the attached Geologic Hazard Ordinance to the City Council. It was also suggested that this ordinance be brought back and placed on a future City Council agenda.

K. ORDINANCE NO. 2005-04 – PARKING REGULATIONS FOR THE PURPOSE OF SNOW REMOVAL. Ted Stillman said that at the last City Council meeting several residents complained about being ticketed for parking their cars on the street when there was no snow. In response to this concern city staff drafted an ordinance that allowed residents to park on the street from December 1 to March 31 unless:

1. There is a measurable amount of snow on the street; and
2. The street has not been plowed since the snow fell

Thomas Whitchurch said he was illegally parked now because there are no parking facilities by City Hall and he can see there could be a problem around the schools and churches during functions. Enforcement of the existing ordinance was discussed at length and Kent Hastings felt we should have an ordinance where the majority of citizens could obey. Andy Spencer lives on 200 East and was in favor of amending the ordinance to read "measurable amount of snow." Mr. Spencer suggested that the city remove the dumpster from the parking lot by the park. Kimberly Bryant felt that many citizens will go to the Judge and

argue there wasn't enough snow and it wasn't snowing when we parked our cars on the street. David Church said there is no way to write an ordinance that will fit all situations. Mayor Barker suggested that the verbiage "measurable snow" be included in the ordinance.

MOTION: Kent Hastings moved to adopt Ordinance No. 2005-04, An Ordinance Amending the Parking Regulations for the Purpose of Snow Removal to say "when there is a measurable amount of snow on the street" and to change the date from December 1 to November 1. Hunt Willoughby seconded. Ayes: Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 1. Kimberly Bryant voted nay. Motion passed.

MOTION: Kent Hastings moved to amend item A of the draft Ordinance to end with "when there is a measurable amount of snow on the street." Hunt Willoughby seconded. Ayes: Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 1. Kimberly Bryant voted nay. Motion passed.

L. ORDINANCE NO. 2005-05 – CEMETERY COMMISSION. Ted Stillman said that at the City Council meeting of November 9, 2004 the creation of a Cemetery Commission was discussed. The following have volunteered to serve on the Commission:

Carla Wheadon
Margaret Smith
Amy Grant
Ula Hemingway
Dell Don Janjua

Possible Commission duties could include:

1. Develop a flower and decoration policy for the Cemetery
2. Give recommendations on Cemetery maintenance.
3. Assist in the Planning of the Cemetery expansion.

Possible Commission Chairman: Councilman Hastings

Staff Support: Rachel McTeer

Technical Support: Ron Devey and Chuck Mattfeldt

Kent Hastings suggested that possibility the Memorial Day program could be added to the Commission duties and Mayor Barker felt four years was possibly too long to serve on the commission.

MOTION: Kimberly Bryant moved to adopt Ordinance No. 2005-05, An Ordinance creating a Cemetery Commission with the following changes:

Add: d under #5 - Assist in the planning of the Memorial Day Program
Add: e under #5 – And other duties as assigned
Change: that the term of the Commission members be two years
Add: #1 be changed to read "The members of the Commission and Assigned....."
Make grammatical corrections

Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

VII. COMMUNICATION

Thomas Whitchurch –

1. The Youth Council will be going to the Legislative Day and suggested that as many of the City Councilmen who can go do so.

2. Asked Kent Hastings when Family First Night became a week. Kent Hastings explained that we will focus on our families for one full week, but will only have the lecture by Stephen R. Covey for one evening.

Kent Hastings – Said the next Newslines need to be delivered by the 6th of February in order to give plenty of time for advertising for Family First Week and suggested that non-city functions not be advertised on

the front page. Councilman Hastings went over the itinerary for the evening.

Mayor Barker - Said that Judge Poulsen, who is the Justice Court Judge for both Alpine and Highland, and his wife are going on an L.D.S. Church Mission. Both Highland and Alpine need to make a recommendation for a replacement.

VIII. EXECUTIVE SESSION to discuss Litigation, Property Acquisition and Personnel

MOTION: Thomas Whitchurch moved to go to Executive Session for the purpose of discussing property acquisition. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

IX. APPROVAL OF MINUTES:

City Council Meeting of December 14, 2004

MOTION: Thomas Whitchurch moved to go back to Open Session, extend the meeting to 12:00 am, approve the minutes of the City Council Meeting of December 14, 2004 as amended and adjourn. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

The meeting adjourned at 12:00 midnight.