

**November 24, 2009**

Minutes of the City Council Meeting held on Tuesday November 24, 2009 at Alpine City Hall, 20 North Main, Alpine, Utah 84004 at 7:00 pm.

The following members were present:

Mayor: Hunt Willoughby

City Council Members: Kent Hastings, Jim Tracy and Tracy Wallace

Staff: Ted Stillman, David Church, Janis H. Williams, April Naidu and Jay Healey

Others: Jannicke Brewer, Aaron Holtsclaw, *The Daily Herald*, Bradley Reneer, Ron Eaton, Will S. Jones, Troy Stout, Mike Russon, Cori Russon, David Jensen and Britton Jensen

**I. CALL TO ORDER.** Mayor Hunt Willoughby called the City Council meeting to order at 7:00 pm and introduced the Council Members present and the newly elected Council Members who will be starting their terms in January, staff and all others in attendance. Mayor Willoughby excused Kimberly Bryant and Thomas Whitchurch.

**II. PRAYER/OPENING COMMENTS** – Hunt Willoughby

**III. PLEDGE OF ALLEGIANCE.** Britton Jensen led the audience in the Pledge of Allegiance

**IV. PUBLIC COMMENT.** There were no public comments.

**IV. CONSENT CALENDAR**

Bond Release – Steve Christensen, Apple Creek Farms – \$71,959.79

**MOTION:** Jim Tracy moved to approve the Bond Release for Apple Creek Farms in the amount of \$71,959.79. Tracy Wallace seconded. Ayes: Kent Hastings, Jim Tracy and Tracy Wallace. Nays: 0. Motion passed.

**V. ACTION ITEMS**

**A. FROZEN HOG BIKE RACE.** Ted Stillman introduced Joshua McCarrel who said that on February 6, 2010 the Utah Mountain Biking Group will hold the 8th Annual Frozen Hog Winter Mountain Biking Race in Lambert Park. The Frozen Hog has become one of the premier cycling events in Utah over the past years with riders from all over the state traveling to Alpine for the event. Joshua McCarrel said with the increase in popularity, the task of putting the race together grows more demanding and time consuming. Mr. McCarrel said he hoped they could count on the City Council's support to put together another successful event this year.

Jim Tracy said he would like to see the Frozen Hog group coordinate projects with prospective Eagle Scouts that want to do their project in Lambert Park. Joshua McCarrel said their group only wants projects that benefit the Lambert Park trails and that the money they donate to the City each year is earmarked for these trails.

**MOTION:** Jim Tracy moved that the City Council approve the Frozen Hog Mountain Bike Race on February 6, 2010 in Lambert Park. Tracy Wallace seconded. Ayes: Kent Hastings, Jim Tracy, and Tracy Wallace. Nays: 0. Motion passed.

**B. ALPINE BLVD. RIGHT-OF-WAY DONATION.** Ted Stillman said that when the McNeil Subdivision, Plat B was recorded in July 2006, only 46 feet of the overall 66 feet of right-of-way width was dedicated to the City on the subdivision plat, even though the full width street was constructed. An access easement was given on the remaining 20 feet of width where the street had been constructed. Lon Nield would like to donate the remainder of this right-of-way to the City, along with a strip of right-of-way north of McNeil, Plat B. This right-of-way along with the future Alpine Blvd. right-of-way donated by the Bennett

family will complete the dedication of right-of-way for Alpine Blvd. clear up to the North Stake Center. Ted Stillman said that what we are waiting for is for the property to develop so the developer will construct the road.

Ted Stillman said staff proposes that the city enter into an agreement similar to the one entered into with the Bennett family. David Church will prepare the agreement for the donation of the right-of-way.

**MOTION:** Tracy Wallace moved that the City Council accept the Alpine Blvd. right-of-way as being donated by Lon Nield. Kent Hastings seconded. Ayes: Kent Hastings, Jim Tracy and Tracy Wallace. Nays: 0. Motion passed.

**C. CONSERVATION EASEMENT – PACK PROPERTY.** Ted Stillman said the City spent two or three years considering the Alpine Canyon Estates Subdivision Annexation (the Pack Property); however, the subdivision failed and the property was not annexed. The property has been purchased by an individual who does not plan on developing at this time but is willing to grant a conservation easement to the City for approximately 100 acres of the property that has steep slopes. The property abuts the Three Falls Development and this proposal would allow for linkage to the Three Falls trails as well as protect the property from development in the County.

David Church said that what the attorney for the new owner really wants is for Alpine City to indicate whether they will be the recipient of the Conservation Easement. The new owner would like to give donate this Conservation Easement before the end of the year; however, the owner is presently doing a large development project and is looking for a tax write-off. It was suggested to them that in the future if they are going to annex into the city then the city will be the holder of that Conservation Easement rather than getting a third party involved. David Church said the Council needs to give an indication that we are willing to be the recipient of this Conservation Easement but doesn't know if trails can go through this until he sees the terms of the easement. The City will be expected to enforce the terms of this easement and David Church said the new owner wants to expedite the easement process to take advantage of tax credits for this year. Mr. Church said it will be a lot of work to get the paperwork completed to be ready for the December 8, 2009 City Council meeting.

**MOTION:** Tracy Wallace moved that the City Council accept the idea of a Conservation Easement on approximately 100 acres of the former Pack property. Jim Tracy seconded. Ayes: Kent Hastings, Jim Tracy and Tracy Wallace. Nays: 0. Motion passed.

**D. THREE FALLS SUBDIVISION – PRELIMINARY REVIEW.** April Naidu said the Planning Commission granted preliminary approval for the proposed Three Falls Ranch PRD Subdivision on March 3, 2009. Since that time the applicant has been working on completing the list of conditions attached to that approval and obtaining the necessary rights-of-way to widen and improve Ft. Canyon Road. This past July, a representative of the Beck family which owns approximately 80 acres, sent a letter stating that the Beck family does not want to be part of the proposed development. Based on this, the applicant submitted a revised preliminary plan removing that property from the development. With the removal of this property a new slope analysis was done. The Planning Commission reviewed the revised plan at its meeting of November 17, 2009 and made the following motion:

“Steve Cospser moved to grant approval to the revised preliminary plat of the Three Falls Subdivision in which the boundary of the subdivision was adjusted to exclude the Beck property, thereby reducing the number of lots to be built upon to 54 and subject to the following conditions.

1. The design of the retaining walls within the development be completed. The City's independent consultant will need to review and approve the design.
2. The necessary geotechnical studies be completed on the secondary access road prior to final approval.
3. Cross sections be provided for the secondary access and other areas where there are significant retaining walls.
4. A note be placed on the final plat indicated the shallow depth of the sewer line at the end of the Fawn Meadow and Summerfield Court cul-de-sacs.
5. Full design of all components of the water system be provided, reviewed and

- approved prior to final plat approval.
- 6. The annexation be finalized.
- 7. The landscape and trail plans be approved.
- 8. The redlines be corrected.
- 9. Detailed storm water pollution prevention plans be submitted for each phase of the development.
- 10. A UPDES permit be obtained prior to construction.
- 11. A lot specific study for hazards be completed for each lot prior to final approval.
- 12. A note on the plat shall indicate that irrigation be limited to a maximum of one acre per lot.
- 13. An additional trail be stubbed to the Pack property.
- 14. Add the word "public" on the plat to the large areas that state "open space."
- 15. The preliminary plat layout show 59 lots, however due to the exclusion of the Beck's 80 acres, only a maximum of 54 lots would be built upon.

Steve McArthur seconded. Ayes: 5 Nays: 0. Troy Stout, Steve Cosper, Jannicke Brewer, Brad Reneer and Steve McArthur voted aye. Motion passed unanimously."

Jannicke Brewer said preliminary approval was given to the Three Falls subdivision showing 59 lots; however, only 54 lots can be built on. Each lot will have to go through an approval process to determine if requirements to the slope ordinance are met. The Beck family feels there should be a road that goes to their property and that there is the possibility of developing 5 lots. David Church said that the Three Falls Subdivision is a very expensive development and the Beck family wants to take advantage of Will Jones' development.

**E. DEVELOPMENT CODE AMENDMENTS.** April Naidu said that currently, the definition of garage/carport in Section 3.1.11 #17 states that if a garage or carport has one or more walls or a roof in common it is considered to be part of the main building (dwelling) and must meet the same side setback as the dwelling. The definition continues that where a garage/carport is not part of a dwelling, it is considered an accessory building. If you look at the setback from the main building in each zoning designation for an accessory building there is language that states "accessory buildings which are located 12 feet or closer to a main building shall be considered as part of the main building." This has caused confusion for some applicants submitting plans for a building permit. The question has come up does an applicant have to meet both requirements (have a common wall/roof and be within 12 feet of the main dwelling) or one or the other?

April Naidu said the intent of this review is not to complicate the ordinance, but just clarify what the requirement is – does the applicant need to meet both requirements to have a common roof/wall and be within 12 feet of the main dwelling to be considered part of the main dwelling or just one of those requirements? The Planning Commission discussed this item several times and held a public hearing on November 17, 2009 and made the following motion:

" Steve McArthur moved to recommend amendments to the Alpine City Development Code under Section 3.1.11 #17 (Definitions) and Section 3.2.5.2, Section 3.3.5.2, Section 3.4.5.2, Section 3.5.5.2, Section 3.6.4.2 to read as follows:

- 17. Garage/Carport (private). A structure for the parking or temporary storage of automobiles, but which does not involve commercial repairing or storage. On a lot with a dwelling, a garage or carport shall be considered a part of the dwelling if the two structures have one or more walls or a roof in common. A breezeway can connect the two structures providing it includes the following: roof, walls and floor. A non-habitable space such as a decorative trellis does not meet this requirement. Where a garage or carport is thus part of a dwelling, it shall require the same setbacks as a dwelling in the same district. Where a garage or carport is not part of a dwelling, it shall be considered an accessory building.

Accessory Buildings. Setback from the main building. Accessory buildings shall be located more than twelve (12) feet from the main building. Structures which are located twelve (12) feet or closer to the main building shall be considered as part of the main building and shall meet the same setbacks as the main building. Where no dwelling exists on a lot, a structure shall be set back not less than 40 feet from the front lot line.

If the structure is located more than twelve (12) feet from the main building, then in order to be considered part of the main building the two structures must be attached by habitable and conditioned space. A breezeway can connect the two structures providing it includes the following: roof, walls and floor. A non-habitable space such as a decorative trellis does not meet this requirement.

Brad Reneer seconded. Ayes: 5 Nays: 0. Troy Stout, Steve Cospers, Jannicke Brewer, Steve McArthur and Brad Reneer voted aye. Motion passed unanimously.”

Kent Hastings questioned the setbacks and wondered what the reasoning was behind these changes. Councilman Hastings said he would like to see a two-dimensional model so he could see how each scenario would affect the site plan. Mayor Willoughby suggested this item be brought back.

## **VI. REPORTS**

## **VII. COMMUNICATION**

**Kent Hastings** – Last summer Kent Hastings put together a presentation about blocking harmful material from your home through the internet. He found a free and useful way of doing this and it would protect both wireless and wired computers. Possibly this could be helpful if formatted for our web. Jim Tracy felt this would be a great presentation for Family First.

**Jim Tracy** – There is a lot of fencing in the parking lot in Burgess Park that is used in the outfield during the baseball season and asked if this could be moved elsewhere to clean up our City Park. It looks bad.

**Janis Williams** – Please RSVP to the Christmas Party invitation as soon as possible

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

**MOTION:** Tracy Wallace moved to go to Executive Session for the purpose of discussing litigation. Jim Tracy seconded. Ayes: Kent Hastings, Jim Tracy and Tracy Wallace. Nays: 0. Motion passed.

## **IX. APPROVAL OF MINUTES**

City Council Minutes of November 10, 2009

**MOTION:** Kent Hastings moved to go back to Open Session, approve the City Council Minutes of November 10, 2009 as amended and adjourn. Jim Tracy seconded. Ayes: Kent Hastings, Jim Tracy and Tracy Wallace. Nays: 0. Motion passed.

The meeting adjourned at 8:30 pm.