

ALPINE CITY COUNCIL MEETING and PUBLIC HEARINGS
Alpine City Hall, 20 N. Main, Alpine, UT
May 10, 2016

I. CALL MEETING TO ORDER: The meeting was called to order at 7:05 pm by Mayor Sheldon Wimmer.

A. Roll Call: The following Council members were present and constituted a quorum:

Mayor Sheldon Wimmer

Council Members: Ramon Beck, Roger Bennett, Kimberly Bryant, Lon Lott

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Jason Bond, Alice Winberg, Steve Cosper, Chief Brian Gwilliam

Others: Douglas Hall, Carla Merrill, Loraine Lott, Eliot Jacobson, Marcelle Jacobson, Randy Stucki, Paul Anderson, Griff Johnson, Melanie Ewing, Paul Bennett, Paul Kroff, Wade Budge, Will Jones, Jane Griener, Vanee B. Ashby, Mary Wimmer, Robert R. Wallace, Colleen Dick, Harrison Quigley, Jason Thelin

B. Prayer:

Lon Lott

C. Pledge of Allegiance:

Melanie Ewing

II. PUBLIC COMMENT

Farmers Market Melanie Ewing, chairman of Alpine Days, introduced Colleen Dick who would be running the farmers market for Alpine Days.

Colleen Dick said she lived on Peach Tree Circle in Alpine and had a Masters Degree in food science and nutrition from BYU. She was working with Harrison Quigley to promote local food movement between the farmers and the consumers.

Harrison Quigley said he was the founder of the Onchenda Open Global Food Corporation which was a benefit corporation in Alpine. He was trying to open a multi-food vendor which would allow local farms to sell their produce to local consumers. One of the problems was that the farmers had a hard time maintaining profitability. He had created a website which would allow farmers to not only sell at the farmers markets but enable customers to buy food from them whenever they wanted. Every farmer would have their own profile on the website so it would function as a social website as well. It was an effort to reconnect the farmer with the customer. It would eliminate the middleman and enable the farmer to sell his produce more profitably.

Colleen Dick said she was working on a USDA grant for the farmers market, which would require the support of the City. The deadline for the grant application was May 12, 2016. She asked if the Council could support their effort and authorize Mayor Wimmer to sign a letter stating they had the support of the City.

Rich Nelson said they couldn't make a motion on the issue since it wasn't an agenda item, but the Council could give their verbal consent.

Kimberly Bryant said she felt strongly about having a farmers market in Alpine. Troy Stout had been trying to promote one for a long time. She said she would be willing to be the Council person over it and work with Melanie Ewing. She'd love to see it turn into a social event and make it a gathering place for the community with a band and local crafts and local food.

Colleen Dick said the first event would be for Alpine Days. After that they planned to have a monthly farmers market into October or November. Based on the interest of the community, they would continue from there.

Mayor Wimmer said he didn't have any negative concerns about the event. The Council indicated they would be in favor of trying it. Rich Nelson said that the City had a small staff and the events would have to be taken care of by volunteers.

Vanee Ashby said her family (Burgess fruit farms) already ran a market in Alpine and suggested they consult the local farmers and see how it would affect their sales.

Westfield Rezoning. Griff Johnson said he had introduced himself to Council a month ago. He had acquired the Burgess property which was one of the five properties in the Westfield Road area requesting a zone change. Since that time he had been reading through the minutes and looking at the General Plan. He believed a zone change in that area would be consistent with the General Plan. He asked what the next step would be. He would like to have a chance to present his rationale on the proposed rezone to the Council. It had been to the Planning Commission and they made a negative recommendation on it.

Steve Cospers, Chairman of the Planning Commission, said the Commission felt that changing the zone of an area was a weighty decision and at the present time, they didn't see any compelling reason to change the zoning. They were working on the General Plan, not just to serve a group of people but to look at all of Alpine. They had finished two sections and were starting on transportation. When they completed the process, there may be things that came to light that would favor a zone change. But at the current time he didn't think the recommendation of the Planning Commission would change.

Griff Johnson said that changing the zoning would not dramatically change the density. Under the CR-40,000 zoning they would get 45 lots. If it were zoned CR-2000, they would get about 69. He said he had a number of points that he would like to present to the Council and would like an opportunity to do that.

David Church said the rezoning request had come to the Council after the Planning Commission made a negative recommendation on it. After some discussion, the Council sent it back to the Planning Commission to work on the updating the General Plan because it was advisable to have the General Plan reflect the zoning.

Kimberly Bryant said she appreciated the work of the Planning Commission. She said she wasn't opposed to rezoning the area but felt it would be disrespectful to ask the Planning Commission to work on something then tell them never mind.

Jason Bond said rezoning was a legislative decision. The Planning Commission made a recommendation but that was a technicality. The Council could move forward and make a decision if they wanted to.

Mayor Wimmer recommended they put the issue on the next City Council agenda and decide what they wanted to do.

David Church said that if the Council was contemplating making a decision on the rezoning at the next meeting, they would need to redo the notice and hold another public hearing.

III. CONSENT CALENDAR

A. Approve the minutes of April 26, 2016

MOTION: Kimberly Bryant moved to approve the Consent Calendar. Lon Lott seconded. Ayes: 3 Nays: 0. Kimberly Bryant, Lon Lott, Roger Bennett voted aye. Ramon Beck abstained because he wasn't at the meeting. Motion passed.

IV. REPORTS AND PRESENTATIONS: None

V. ACTION AND DISCUSSION ITEMS

A. Obere Annexation Development Agreement: David Church said this annexation request had been going on for some time. In December of 2014 the Council voted to begin the process and consider annexing the property north of Alpine owned by a number of people. He said that normally with a large annexation, they had a very detailed development agreement but the City Council had chosen not to do that. At the meeting of January 26, 2016 the City Council had voted to annex the property into the CR-40,000 zone with a limited number of lots. It would be developed as a standard subdivision and not as a PRD. There would be no bonus density. The land in the

conservation easement would not be included in the calculations for base density. The project would have a minimum lot size of 30,000 square feet except for 20% of the lots which could be smaller with a minimum size of 20,000 square feet.

Mr. Church said that after the applicants indicated they would accept the conditions set forth by the Council, he was instructed to draft a development agreement which reflected those conditions. He said that under normal procedures, and as a condition of annexation, the City would require the developers to make improvements to the existing substandard county road known as Grove Drive. It was his recommendation that the Council require the dedication of the portion of Grove Drive since it was a currently only a road by use. It was a narrow road and did not meet City standards.

Mr. Church said that in the previous application for annexation of the same property (Alpine Canyons), the previous City Council required that Grove Drive be improved. But when the current Councilmembers passed the Resolution on annexation, they said that the developer would only have to improve his proportionate share of the road. Mr. Church said he included that provision in the development agreement, and also included that the developer would provide for dedication of the right-of-way for Grove Drive. Other issues included the developer providing a second access by way of Elkridge Lane. The Council indicated in the Resolution that the developer would only have to build Elkridge Lane when they had more than 30 lots. He also included language regarding fees and extensions.

Mr. Church said that in response to his draft of the development agreement, Zolman's representatives had come back with some changes as to what they would accept. The applicants did not want to commit to dedicating the right-of-way for Grove Drive. They would only commit to dedicating that property which they owned or controlled, even though the annexation petition included both side of Grove Drive. In addition, they did not want to commit to improve Grove Drive if they built Elkridge Lane first. Mr. Church said that he understood that they were required to build Elkridge Lane and improve Grove Drive.

Other differences in the developer's proposal pertained to water. Mr. Church said they didn't want to dedicate the water for their subdivision at the time of annexation. They wanted to dedicate it to the City as each plat came in. In addition, they wanted to be reimbursed out of impact fees for the variable speed pump they would need for their pressurized irrigation system.

Mr. Church identified the principal areas in which he disagreed with the developer's proposal. First, he understood that the Council meant for Elkridge Lane to be an absolute condition of annexation to be built when the development hit 30 lots. It had nothing to do with the applicants paying their proportionate share of Grove Drive. The other thing he thought was an absolute condition was the dedication of the right-of-way for Grove Drive. The road had an undefined right-of-way. It was a substandard street in the county and needed to be improved to Alpine City standards. In order to be approved, someone would need to talk to the property owners and get the right-of-way to improve the road. He said he didn't know why the City Council would want to annex the property, and leave the road issue open for some future city council to deal with by fighting with the neighbors and eventually condemning the property. Especially when the property owners of the Oberee annexation were asking to be annexed.

Mr. Church said the Council had focused on density but he always felt that infrastructure was the import thing. Obtaining a dedicated right-of-way for Grove Drive would take the cooperation of Josh James who owned the property on the east side of Grove Drive. The developer's proposed revision to the development agreement would only dedicate the right-of-way on the property they owned. Mr. Church said he didn't know how significant it was to have the water dedicated at annexation, but he did think obtaining the right-of-way for Grove Drive and the issue of Elkridge Lane were significant.

Paul Kroff introduced Wade Budge, his attorney who was working with David Church on the development agreement. Mr. Kroff said they were excited in January because they received unanimous approval from the City Council on the Resolution. He said that no one got everything they wanted, but they had reached common ground and he felt good about it. When they started working on the development agreement with staff, there were some differences in interpretations. He said he and Mr. Wade they were not going off memory but had gone through the minutes and the recording of the meeting. They'd had a specific discussion about fronting the cost of the variable speed pump then being reimbursed from the PI impact fees up to the cost of the pump. He said that was in the recording and minutes.

Regarding Grove Drive, Paul Kroff said the spirit of the meeting was that the developers would do all they could do to facilitate acquiring the right-of-way from adjacent property owners and agreed to put up escrow funds for the road in front of the Mike Russon and Walz homes on the west side of the road unless they built Elkridge Lane first. That would be the extent of their obligations, and that was still their stance. They'd had conversations with Josh James who owned property on the east side of Grove Drive and felt the City would be in a good position to finalize acquisition of that right-of-way. They didn't think they should be held up because of the didn't have the right-of-way.

Lon Lott said it was his recollection that Elkridge Lane would have to be built after 30 lots.

Paul Kroff read the motion from the meeting of January 26, 2016 pertaining to paragraph D of the resolution.

"The property owners of the Oberee and Grant properties would agree to provide to the City, at the property owner's cost, improvements to the now 90-degree bend, and their proportional share (half-street improvements along the property frontage) of Grove Drive, and that the property owners escrow funds for half-street improvements along the Russon and Walls properties, but if the property owners chose to construct the connection to Elk Ridge Lane first, then the escrowed funds for improvements in front of the Russen and Walz properties would be waived."

Mr. Kroff said they still had to build Elkridge Lane when there were 30 lots, but if it was built first, those escrowed funds for the Russon and Walz lots would be waived. The idea was that the traffic study showed that the traffic on Grove Drive would be alleviated if Elkridge Lane was put in first so those escrowed funds for the Russon and Walz properties wouldn't be necessary. But the funds the developers were paying for their proportional share of Grove Drive would be necessary.

Ramon Beck asked if the Josh James property was part of their property.

David Church explained that when Paul Kroff filed the Oberee annexation petition, it included property on the east side of Grove Drive that was owned by someone other than Josh James. Mr. James purchased the property after the Oberee annexation petition was filed. Mr. Church said Grove Drive was also included in the annexation petition. Recently, the City had received a separate annexation petition from Josh James for his house. It did not include the parcels he owned next to Grove Drive. He said that Mr. James had, in fact, threatened to pull those parcels from the Oberee annexation petition, but he spoke to Mr. James' attorney and explained it would kill the Oberee annexation if he pulled it because they would have no access.

Wade Budge said he agreed with most everything David Church said except that there would be access because the road was dedicated by years of public use.

David Church said public use gave them the asphalt plus a reasonable shoulder of two or three feet on either side. Alpine City's standard road width was wider than that. He had asked the engineer to come up with a cross section that would make the right-of-way as narrow as possible with a sidewalk along one side so they would not impinge on the properties along the road any more than necessary. They came up with a width of 42 feet which was more narrow than the usual road.

David Church said that in reviewing the motions, Roger moved to waive some portion of the fees if the developer built Elkridge Lane, but there was nothing in there relieving them of obtaining the right-of-way for the road. Also, the final motion stated that the property owners at their sole cost and expense would build the culinary and pressurized irrigation water infrastructure to serve that area. The City would pay for any upsizing. He said the Oberee property could not be served with pressurized irrigation without variable speed pump, yet they were asking for reimbursement from impact fees. He did not see that in the motions the Council had made. However, it was the Council's decision what they would accept. But he was concerned that if the City did not get the right-of-way for Grove Drive, it would never be improved.

There was some confusion about which version of the development agreement was submitted by the developers and which one was the version submitted by David Church since the developers' version had been emailed to the

Council that same day and the hard copy was received just prior to the meeting. After some clarification, the discussion continued.

David Church said the Council had spent a lot of time arguing about what he felt was the least important thing, which was density. He felt the most important issues were the traditional things like transportation services, water, sewer, and who was going to pay for it. He felt this annexation should be treated like every other annexation or subdivision. It should not be a burden on the city. There was a problem with the road in the county. He said there was not usually a gain or a loss with an annexation unless they annexed a problem. The road was a problem. In the past the City wouldn't annex Alpine Cove unless they brought their roads up to Alpine City standards. Grove Drive was a substandard road.

Mr. Church said Zolman and the other property owners could develop in the county if they wanted, but it would be more beneficial for them to tie into Alpine City's water system. Alpine City was doing them a favor by annexing them. They were also doing the county a favor by taking Grove Drive off their hands.

Paul Kroff suggested they separate cost of improving the road and the cost of the obtaining the right-of-way. The developers were going to improve the entire west side of the road. They had requested a waiver of traffic impact fees but the City said they would use those fees to improve the east side of the road. If Elkridge was built, what would be the true traffic demand on Grove Drive?

David Church said there were developments already up there and potential development going in. The developers may not see Grove Drive as a problem road, but the City saw it as a problem, and would be inheriting a substandard road.

Sheldon Wimmer said the county could plat the road, but it probably would not meet Alpine's standards. Regarding the right-of-way for Grove Drive, he said the developers had little control over the east side of the road.

David Church said that was why, in the past and on other annexations, the development agreement required the right-of-way. If the developers couldn't negotiate it, the City would use eminent domain and the developers would pay for the cost of condemnation. But Zolman's attorney had removed that provision from the agreement. Mr. Church said he wrote the development agreement to reflect what the City had done on Heritage Hills and Willow Canyon, and on the Alpine Canyon (Oberee) property when it petitioned for annexation years ago. The big thing was the offsite road.

Paul Kroff said trade-offs were made. If he could get more density, he could do more on Grove Drive. Kimberly Bryant said they had already given them more density than they did originally. The City had given a lot. Paul Kroff said he was not asking the Council to do more than they had discussed on January 26th.

David Church said he thought it was very clear in January that Oberee would give the City the right-of-way for Grove Drive. If the City was going to spend money to improve the east side of Grove Drive, the developers should pay for the right-of-way.

Ramon Beck said he remembered that the developers were going to improve half the road but he didn't remember anything about the right-of-way.

Roger Bennett said he thought the developers needed to improve half the road which was half the asphalt and sidewalk on that side plus 12 feet. The City also needed the dedication for the road. He said he wasn't too concerned about the money for the road in front of the Russons, but the City needed to own the road.

Paul Kroff referred to the exhibit which was part of their version of the revised development agreement. It showed what part of the road that they agreed to improve. On the southern curve they would pull the road to the west as much as they could to keep the utilities in the road. They didn't want the road by Russons to be too close to his garage so the right-of-way was shifted to the east. Mr. Kroff showed what they would dedicate and what Josh James would dedicate. The rest of the road was a prescriptive easement by public use. He said that if Josh James wouldn't dedicate the road, the City could exercise eminent domain since it would be in City limits.

Sheldon Wimmer said they would prefer to negotiate instead of using the hammer.

Will Peterson, who represented Josh James, said he said he had spoken with Paul Kroff. He said Mr. James' issue stemmed from a motion made by the Council earlier. Josh James felt he was being dealt with unfairly on the annexation request he'd made for his home because the Grove Drive right-of-way dedication had nothing to do with his request to annex his house into the City. Mr. James felt like the City was asking for too much when they asked him to dedicate part of his ground for the Grove Drive right-of-way. Mr. Peterson said that if the Obere area annexation went forward, the City would have the ability to exercise eminent domain, but he didn't want that. Mr. James didn't want to feel like he was being forced into something.

Roger Bennett asked what they could do to make Josh James feel better about the situation and move the process forward.

Will Peterson said he couldn't completely speak for Josh James, but the motion the City Council made on their annexation petition should not include the stipulation that they dedicate the right-of-way for Grove Drive because they were two separate annexations. The best thing to do was not include that requirement for the Grove Drive right-of-way in the annexation of the big house.

Lon Lott said he would have to listen to the recording but he thought it was just a request, not a stipulation.

David Church said it was his recollection that the Council wanted the other two parcels to come in with the annexation and wanted Mr. James to cooperate with Paul Kroff on the right-of-way, but it wasn't a hard request.

Paul Kroff said he'd worked with Will Peterson and he was very cooperative.

David Church said that if this was a normal annexation as had been done before, the City would get a right-of-way plat showing where the road was going and it would be signed by the property owners. The county would give them the county right-of-way which was only 23 feet wide. Mr. Church stressed that it was up to the City Council how they wanted to handle it. The most significant asset that the City had to offer was the water system. The county didn't want the development done in the county so Alpine was taking it on. It was an issue of good planning. Good planning included having the right-of-way for Grove Drive. If the Council wanted to accept the annexation without the Grove Drive right-of-way, they needed to do it with their eyes wide open and say, the City will handle it eventually or the developer handles it before he comes in.

Sheldon Wimmer asked Will Peterson to tell Josh James that the Grove Drive right-of-way was a request, not a mandate.

Wade Budge said they could provide a road dedication plat that would show at least 35 feet of width including the county road by use and their side of the road. Then in the future, they would work with Josh James for the rest of the right-of-way.

Shane Sorensen said when the Obere area was first proposed for annexation years ago, it had been a goal of the City to improve all the roads. Many roads which carried less traffic than Grove Drive had been improved. Westfield Road was a big one they had improved. His feeling was that Grove Drive needed to be improved. The City had \$40,000 a year to spend on road improvements and they had to skimp on other projects to do that. He said that when Heritage Hills was annexed, the developers built the whole road as part of their annexation. When Willow Canyon was annexed, the developers built 300 North to the west to provide extra circulation. Other developments had to improve roads as part of their development. He said that for this size of development, especially with what the City was offering, he didn't think the cost of Grove Drive was out of line. He said the Obere group was being handed their annexation on a silver platter compared to what other annexations had done.

Sheldon Wimmer said the developer had proposed a right-of-way of 35 feet. He asked if that would work. David Church said that would work but sometime in the future the City would have to come up with the rest of it, either through a voluntary donation by Mr. James or by eminent domain.

Wade Budge said a 35-foot right-of-way would get their project going. They would then begin paying impact fees and the City could use those funds to work on getting the rest of the right-of-way and improving Grove Drive. If they got started on the improvements, it would increase the value of their property. They didn't want to be stalled. They would like to start and dedicate what right-of-way they could, and start paying impact fees.

David Church said he'd written the development agreement the way he did so that if the developer couldn't negotiate the rest of the right-of-way, the City could exercise eminent domain and the developer would pay the cost of the condemnation. Mr. Budge wanted to revise the agreement to state that the City would be responsible for the cost of acquiring the right-of-way. Mr. Church said that when the Council decided it wasn't fair to make the developer improve the whole road, that put the cost of improving the rest of the Grove Drive on the City. No one knew the cost of the road or the cost of acquiring the right-of-way. Who would be taking the risk of those unknown costs? He said the developer wanted to put the risk on the City in case the cost of acquiring the right-of-way and the cost of improving the road exceeded the impact fees.

Kimberly Bryant said the developers were coming to the City to annex. Why should the City be the one to take the risk? They already had such a small budget to work with. In the 13 years she'd been on the Council, they had required other annexations to do the things they weren't requiring this one to do. Why were they saying the Oberee annexation didn't have to do those things? They had already increased their density. The developers were always threatening to go to the county and hanging that over their heads. Why, as gatekeepers for the citizens, were they saying the developers didn't have to do the things the City required of other annexations?

Sheldon Wimmer said it was because the developers only had control over the property they owned. Kimberly Bryant said there still other things that had to be done. The City budget was so small, this was the time to get things done to make it fair for everyone.

Ramon Beck said there was a 5 to 0 vote on the Resolution. Were they saying they were going back on that? Lon Lott said that when the motions on the Resolution were passed, David Church said they would get into the details with the development agreement, which was what they were looking at.

Paul Kroff said it seemed to him like the developers were actually doing all of Grove Drive. The impact fees they paid, which would be more than ample, would be used to complete the east side of the road. Regarding the acquisition of the right-of-way, they tried to work with the property owner to obtain it but hadn't been successful. If obtaining the right-of-way was the hang-up, they would be responsible to obtain it, but if it ended up costing them a lot of time and money, they should be reimbursed because he felt their impact fees would be more than enough to cover the cost of improving the road and obtaining the right-of-way.

Shane Sorensen said the impact fees came in very slowly. They were paid when the house was built. If it was like Box Elder, it could be 20 years before they got the fees. He said the City had put off improving 600 North since they built Creekside Park because they didn't have money to do it. 800 South had been neglected for a long time. But he would live with the Council decision.

David Church said the street impact fees were \$1,183 per lot. With 60 lots, there would be about \$60,000 to build the road. Shane Sorensen said the estimated cost of improving 600 N/Pioneer was \$250,000.

Paul said he was not saying the street impact fees alone would cover the costs. He was referring to all the impact fees. But since they were not in the impact fee area, they were calling it an annexation fee which would be due at plat recordation.

David Church said the storm water impact fee was \$800 per lot when the plat recorded. Some of that could be used for roads but some would have to go toward the storm drain system. The park/trail impact fee, which was the highest fee at \$2,688, would be repurposed toward the cost of the road. He said staff figured that if they had the right-of-way, there would be enough to pay for improving the east portion of the road, but without the right-of-way, it would be a significant risk. He said that if the Council didn't think the road was necessary, it would be easy because they wouldn't have to build it for a long time.

Wade Budge asked what would be wrong with improving Grove Drive incrementally? If they didn't get impact fees from the houses until they were built, they wouldn't need a full-width road until the subdivision was built out. He said he didn't want perfect to get in the way of progress.

David Church said that the Council did have a 5:0 vote, and other than the question of reimbursement for the PI pump, his development agreement was 100% consistent with the vote of the Council. The question of the right-of-way acquisition had not come up in the discussion. It was a policy question for the Council. Acquiring and dedicating the right-of-way had always been the obligation of the developer. If they weren't able to get the right-of-way, the City would condemn and the developer paid the cost of the condemnation.

Sheldon Wimmer asked Will Peterson how many square feet would be condemned. Mr. Peterson said it was around 5000 or 6000 square feet.

David Church said that in a normal annexation, the right-of-way wouldn't be a question because it would eventually be redeveloped, but with the current owner, it wouldn't ever be developed.

Paul Kroff said they would accept the language David Church suggested, and do everything they could do to acquire the right-of-way. If they couldn't get it, the City would exercise eminent domain and they would reimburse the City for cost.

A motion was then made and seconded but prior to the vote on the motion, there was a discussion about the timing of the dedication of water rights to the City and reimbursement for the variable speed pump for the pressurized irrigation.

Wade Budge said in their version of the development agreement, they proposed dedicating water to the City when the individual plats were recorded rather than at the time of annexation. That way if the density was reduced, they wouldn't have given too much water since cities could not divest themselves of water.

Roger Bennett asked if the developers agreed to building the culinary and pressurized irrigation system for their subdivision without reimbursement.

Wade Budge said they did. The only thing they were seeking reimbursement for was the variable speed pump because it benefited the City by pressurizing the entire system.

Roger Bennett said that the pump was needed for their subdivision but he was willing to reimburse them for the part that benefited the City. He said the City had always expected subdivisions to provide the infrastructure needed for their particular subdivision, and without the variable speed pump, they could not serve their subdivision. He asked what percentage of the pump was needed for the new subdivision. Shane Sorensen said North Pointe and Heritage Hills were already in the City and were already being served. He didn't have an exact number on whatever property outside the Obere property would be served by the speed pump.

Paul Kroff said it was not just a discussion about serving homes but better managing the water needs of the city. It was hard to quantify.

Rich Nelson reminded the Council that there had been a request from Myrna Grant that she be able to continue to shoot her firearms on her property after it was annexed, but under the City's ordinance they couldn't allow that.

Lon Lott asked about the trail that would connect into Fort Canyon. Paul Kroff said they couldn't agree on a specific trail alignment that evening but they would work with the City on it.

MOTION: Ramon Beck moved to accept the development agreement as explained by David Church and accepted by Paul Kroff with the change in paragraph 5.4 which would state that the applicants hereby agreed that they shall dedicate and acquire the right-of-way for Grove Drive, and if they couldn't acquire the right-of-way, the City would condemn it and the developers would pay for it. Kimberly Bryant seconded. Ayes: 3 Nays: 1. Ramon Beck, Roger Bennett, Lon Lott vote aye. Kimberly Bryant voted nay. Motion passed.

B. PUBLIC HEARING ON OBEREE ANNEXATION

Mayor Wimmer opened the hearing. There were no comments and the hearing was closed.

C. Ordinance No. 2016-06 Obereee Annexation: David Church said the Ordinance approving the Obereee annexation contained Exhibit A which was the annexation map and Exhibit B which identified the zoning for each parcel. All the parcels would be in the CR-40,000 zone.

MOTION: Roger Bennett moved to adopt Ordinance No. 2016-06 with the stipulation that shooting firearms would not be permitted. Ramon Beck seconded. Ayes: 3 Nays: 0. Roger Bennett, Ramon Beck, Lon Lott voted aye. Kimberly Bryant was not present at the time of the motion.

Police Chief Brian Gwilliam concurred that there should be no shooting of firearms in Alpine City limits.

D. PUBLIC HEARING – Alpine City FY 2016-2017 Tentative Budget: Mayor Wimmer said they would postpone this item until later in the meeting.

E. City participation in Alpine Main Street Village Lot 3 Relocation of Sewer Line: Jason Bond reviewed the Council's discussion from the previous meeting of April 26th about participating in relocating the sewer line in Alpine Main Street Village.

Rich Nelson said that if the City participated, they were looking at taking it out of the fund balance. It was estimated that the total cost of relocating the line would be between \$40,000 to \$50,000.

John Johnson, the owner of lot 3, was not present, but Randy Stucki and Paul Anderson who owned the building on lot 4 were present.

Paul Anderson said that he and Randy Stucki jointly owned one of the seven lots in Main Street Village. Chris Culver owned one and Johnny Johnson owned the rest which was 77 percent. He had polled his gym member and of the 300 members, 227 said it would look ridiculous to put a building in front of his building as shown on the current plat.

Randy Stucki said everyone agreed it would be better to amend the plat and relocate lot 3. Since Johnny Johnson was the majority owner, they felt he should bear the majority of the cost but they were willing to put in 12%.

Shane Sorensen said the estimated cost for everything including relocating the individual sewer hookups would be \$47,000.

Lon Lott said that since the City didn't own any of the property, anything they contributed would be a goodwill gesture. If built as presently configured, it would look bad and the City was concerned about the look of Main Street. He said he'd spoken with Judi Pickell, and suggested that the City did need to be more involved in businesses and trying to help them. He asked if they had anything in the budget for business development.

The Council discussed where the funds might come from. David Church said the sewer fund would be the reasonable place. Sheldon Wimmer asked if there was an in-kind donation they could make.

MOTION: Ramon Beck moved to participate in the relocation of the sewer line in Alpine Main Street Village with \$5,000. Kimberly Bryant seconded. Ayes: 3 Nays: 0. Ramon Beck, Lon Lott, Kimberly Bryant voted aye. Motion passed. Roger Bennett was not present at the time of the motion because he'd just gotten work that his father was in the hospital and had to leave.

F. Proposal to Acquire a Small Portion of City Property – Peterson Park: David Church said the question was whether or not, as two private property owners, they would want to enter into a fence line agreement. Mr. Hall, the previous owner of the property adjacent to Peterson Park, had been maintaining the property up to the fence line for years. Mr. Hall was asking the City to agree that the boundary would be the old fence line. There was no legal

obligation that they do it. It was more a matter of being a good neighbor. If there was a ditch involved, there would be an easement by use.

Lon Lott asked if there was a concern about it being public open space and did it need to go to the Planning Commission?

David Church said they could take the position that it had never been part of the park and the fence line was the boundary between the park and the private property. The fence had been there when the park land was donated to the City.

MOTION: Ramon Beck moved to accept the fence line as the boundary between Peterson Park and private property, and enter into an agreement. Kimberly Bryant seconded. Ayes: 3 Nays: 0. Ramon Beck, Lon Lott, Kimberly Bryant voted aye. Motion passed unanimously.

G. Direction for Open Space Ordinance and Map Amendment: Jason Bond said they were looking for direction from the Council. Since they were changing the language in the ordinance, they would also need to update the Land Use Map. There were three map options which were included in the packet which were:

Option 1: The map is updated and some of the open spaces are redefined. The different classifications still match-up with the classifications that are currently defined in the Open Space Ordinance. There are other open spaces that are administrative in nature which would be removed from the "Parks and Recreation Master Plan" map. This includes city owned property that are used for wells, pump houses, city maintenance buildings, etc.

Option 2: The map is updated and the public open space classifications would be redefined into 3 different categories: Natural, Developed and City Owned Property. Private open space would also be indicated on the map. The ordinance language would need to be amended to be consistent with the map.

Option 3: The map is updated and the public open space classifications would be redefined into 2 different categories: Open Space and City Owned Property. Private open space would also be indicated on the map. The ordinance language would need to be amended to be consistent with the map.

The Planning Commission had recommended option 2 with a couple of changes which were: 1) change the title to include city-owned property at the top of the map, and 2) for the City Council to work with the Planning Commission on defining different open spaces and city-owned properties.

Lon Lott asked if they needed to address the differences between natural, developed, and city-owned open space. Jason Bond said they would have specific language for each designation.

Shane Sorensen said he preferred option 3 which simply designated everything as open space. He said the General Plan had specific open space designations for years and no one had used them. He didn't know why the City would want to tie their hands on how they wanted to use the open space.

The Council briefly discussed the three options and indicated they would go with option 3. No motion was made.

H. Westfield Elementary Flashing Lights: Sheldon Wimmer said Carla Merrill had come to the previous meeting with letters from the principals of Westfield Elementary and Timberline Middle School requesting that the City install flashing speed lights by the schools to control the traffic. Mrs. Merrill said that, as she stated two weeks ago, Westfield Elementary was the only elementary school in North Utah County that did not have lights. She offered a suggestion on where the lights should go.

Shane Sorensen said he'd brought a copy of the state rules for school crossings. They were quite involved. David Church said the cities were required to follow the manual on traffic devices. School zones had their own particular set of rules. Typically, the city engineer would work with the school to apply the rules in the manual.

Rich Nelson said they would need to open the budget in order to fund the lights.

Venee Burgess Ashby, who had owned property along Long Drive, said there were No Parking signs all along that road but people still parked there.

Rich Nelson said they were trying to resolve the parking issues as well.

There was no motion.

I. Ordinance No. 2016-08 -Amending the Accessory Building Setbacks. Jason Thelin said he'd been a member of the Planning Commission for almost ten years and this was the first time he'd brought forward an ordinance change. He wanted to change the requirement for accessory building setbacks from 40 off the road to 30 feet, which was the same setback required for a house. He said that on a corner lot, it was almost impossible to put in a detached garage because the ordinance required a setback of 40 feet from both streets for an accessory building. He said he felt it took away a property owners' right to use his property in an effective way.

Jason Bond said that the ordinance allowed a detached building to have the same setbacks as the house if it was within 12 feet of the dwelling and had a common wall or common roofline.

Steve Cospers said they had looked at how the ordinance would play out on other properties. The Planning Commission had been concerned about unintended consequences and recommended against changing the setbacks. When there was a house on the property and a large detached garage built next to it with the same setback, it looked like there were two houses on the same lot. It could create an odd-looking situation.

Jason Thelin said he'd like to hear some reasons why it wouldn't work.

Kimberly Bryant said she'd like to get more feedback and discuss it further.

Lon Lott said he would like to have some discussion with the building department and see what the ramifications might be. A corner lot was a whole different thing and perhaps they should address a corner lot individually rather than making changes across the board.

It was pointed out that there were only three Councilmembers present and in order to make a decision they'd have to vote unanimously. No motion was made.

J. Direction on the Senior Housing Overlay Zone: Jason Bond the ordinance on the Senior Housing Overlay Zone currently required a favorable recommendation from the Planning Commission before the City Council could consider approving extending the zone. He said it put a legislative burden on the Planning Commission rather than the City Council. In other rezoning instances, the ordinance required a recommendation from the Planning Commission but not a favorable recommendation. It was proposed that the word "favorable" be dropped from the ordinance.

MOTION: Ramon Beck moved to start the process to amend the Senior Housing Ordinance to remove the word favorable. Lon Lott seconded. Ayes: 3 Nays: 0. Ramon Beck, Kimberly Bryant, Lon Lott voted aye. Motion passed unanimously.

K. PUBLIC HEARING - Tentative Budget, Fiscal Year 2016-2017

Alice Winberg said the Councilmembers had received copies of the budget. Copies were also available to the public if they wished to review it. It answered questions about how Alpine City was funded and how the funds were spent. Since it was a tentative budget, it could still be tweaked. She asked the Council to review the budget and let her know if they had questions. She said there would be a budget opening on June 28th.

Rich Nelson said the budget would be the first item on the next agenda.

There were no comments from the public.

MOTION: Lon Lott moved to accept the Tentative Budget for FY 2016-17. Kimberly Bryant seconded. Ayes: 3 Nays: 0. Lon Lott, Kimberly Bryant, Roger Bennett voted aye. Motion passed.

VI. STAFF REPORTS: None

VII. COUNCIL COMMUNICATION: None

VIII. EXECUTIVE SESSION

MOTION: Ramon Beck moved to go into Executive Session to discuss litigation. Kimberly Bryant seconded. Ayes: 3 Nays: 0. Ramon Beck, Kimberly Bryant, Lon Lott voted aye. Motion passed.

The Council went into Executive Session at 10:20 pm.

The Council adjourned the meeting from Executive Session at 11:10 pm. No motion was made because they lacked a quorum.