

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 N. Main, Alpine, UT
March 10, 2015

I. CALL MEETING TO ORDER: The meeting was called to order at 7:00 pm by Mayor Don Watkins.

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

Mayor Don Watkins

Council Members: Will Jones, Roger Bennett, Lon Lott, Kimberly Bryant, Troy Stout.

Staff: Rich Nelson, Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Jason Bond, Joe McRae

Others: Bob Anteim, Bob Bowman, Barb Sanders, Troy Buckner, Zerim D. King, Craig Skidmore, Jason

Burningham, Jentry McGary, Daniel Mason, Amy Thackeray, Larry Fluckiger, Daniel Fluckiger, Tristan Mott,

Oliver Mott, Sara Peterson, Sariah Davis, Ashley Day, Judi Pickell, Mike Russon, John Lohner, Skylor Smith, Paul

Kroff, Todd Smith, Tom Abbott, Julie Yarbrough, Mark Wells, S. Taylor Smith, Myrna Grant, Eric Grant, Jane

Griener, Darren Gooch, Emily Gooch, Gale Rudolph, Jan Braithwaite, Laura Gajdos, Paul Gajdos, Blake Johnson,

Ryan Johnson, Frazier Bullock Janet Williams, Ray Warner, Sheldon Wimmer, Eli Slesk, Richard W. James, Bryan Hofheins

B. Prayer: Kimberly Bryant

C. Pledge of Allegiance: Jentry McGary

II. PUBLIC COMMENT: Jentry McGary said that for his Eagle scout project he would be repairing some of the mountain bike trails in Lambert Park, and would repair, restrain and waterproof the benches.

Daniel Mason said that for his Eagle project he worked on the trails in Twin River Loop. He had also replaced stairs that had been worn away.

III. CONSENT CALENDAR

A. Approve minutes of February 24, 2015

B. 100 South Sewer Award

C. Bond Release – Box Elder Plat E - \$27,071.88

D. Bond Release – River Meadows PRD - \$41,355.76

MOTION: Will Jones moved to approve the Consent Calendar. Roger Bennett seconded. Ayes: 4 Nays: 0 Motion passed. Troy Stout was not present at the time of the motion.

IV. REPORTS AND PRESENTATIONS

A. Sales Tax Leakage Study Presentation - Lewis, Young, Roberts, and Burningham: Jason Burningham represented the municipal financial advisory firm in Salt Lake City which had performed the sales tax leakage study for Alpine City. They had been commissioned to look at what type of commercial market demand might exist in Alpine.

He first reviewed the demographics of Alpine. The current population was estimated to be around 10,000 with a future projection of 13,700. He said the median income in Alpine was significantly higher than the state average, as was the disposable income in Alpine. He said that 26% of Alpine's population was between 10 years to 19 years old. Residents between the age of 45 -54, which was typically the highest wage earner band, comprised 15% of the population whereas the average in Utah county was 8%.

Alpine had about 1,500 acres of undeveloped land compared to 3,640 acres in Mapleton which was a city with a comparable population and demographics. The cities which were included in the comparison were Mapleton, Cedar Hills, Lindon, Highland, and Payson. Alpine City had a sale tax revenue of \$96.06 per capita which was the lowest sale tax revenue of all the cities except Mapleton. Lindon City was similar in size to Alpine but their sales tax

revenue was \$286.28 per capita. They had car dealerships, a Home Depot and Walmart which accounted for their increased sales tax revenue. Alpine City's property tax rate was also lower than Lindon City's.

Mr. Burningham said that with continued growth across the state, and with Alpine's limited undeveloped area for future growth, the City would need to consider either increasing revenue from sales tax or increasing property taxes in order to maintain the same level of service. He reviewed methods to promote increased commercial development. Based on the analysis of Alpine's demographics, Alpine would be unlikely to attract or support regional or community businesses, but Alpine could attract niche markets or a neighborhood grocery store. The business would need to be in a strategic and convenient location that would attract foot traffic and vehicular traffic. The City could provide development incentives to businesses. They would want to control the development to keep the community vision intact and make it feel more like a gathering place where people could come to shop and eat. Features such as a playground or splash pad would also draw people. He said they may also want to consider allowing more rooftops in the area. Density would solidify commercial development.

Mr. Burningham said that if the City wanted to pursue this they would need to update the land use plan to consider commercial zoning and look at multifamily housing. A neighborhood center could become a destination. He said the last component was to look at how sustainable the current general fund revenue would be. What did they want to consider as a means to increasing sales tax revenue?

Kimberly Bryant said she had watched Alpine as a bedroom community versus Alpine having a business community. There were those who didn't want any kind of business here. She said Alpine used to have a little grocery store and an ice cream shop but they went out of business as larger, competing businesses were built nearby. Restaurants came in but didn't survive because they were almost too niche.

Will Jones said that one of the answers to restaurants that were too niche would be to have more than one type of restaurant. Troy Stout agreed. He said they had failed because they were standing alone. They needed to be located in gathering places.

Mayor Watkins asked Mr. Burningham if he would be available to answer questions at a Planning Commission meeting without going into Phase II. Mr. Burningham said he would.

It was later suggested that the Planning Commission might be more likely to attend a City Council meeting to discuss the issues rather than having the Council members attend a Planning Commission meeting.

V. ACTION/DISCUSSION ITEMS

A. Bennett Farms Final Plat F - Roger Bennett. Roger Bennett and Will Jones recused themselves from both the discussion and the vote on this agenda item due to a conflict of interest.

Shane Sorensen said that Plat F was the last phase of Bennett Farms subdivision. Plat F consisted of 6 lots on 6.59 acres and was located at approximately 850 N. County Manor Lane. The last phase would create a stub road to the east.

David Church explained that the entire subdivision had received preliminary approval, then each phase was granted a separate final approval. Much of the infrastructure had been built prior to recordation of this final plat.

Lon Lott asked if the stub road would open into Lambert Park. Shane Sorensen said it adjoined private property. They would block the end of the stub road with Jersey barriers to discourage traffic onto the private property.

MOTION: Kimberly Bryant moved to grant final approval for Bennett Farms, Plat F. Lon Lott seconded. Ayes: 3 Nays: 0. Kimberly Bryant, Lon Lott, Troy Stout voted aye. Motion passed.

B. Eagle Point PRD - Preliminary Plat Exceptions Review - Mark Wells and Taylor Smith: The proposed subdivision consisted of 14 lots on 32.9 acres and would be accessed by 600 North (Hog Hollow) and Lakeview Drive. It was formerly known as Vista Meadows. Shane Sorensen said it went to Planning Commission

the previous week who recommended approval of five exceptions. The Council discussed each exception individually and voted on it.

- a. An exception be granted to the small amounts of property within the lots that contained a slope of greater than 25%. (This would be an exception to Section 3.9.4 of the Development Code.)

Exception "a" was discussed last.

- b. An exception be granted to the 50-foot clear zone rule from station 1 + 00 to 5 + 00. This would be an exception to the requirement as set forth in Section 4.1.2, Section 4.7 and 4.8 of the Alpine City Development Code.

Shane Sorensen explained that the ordinance required a 50-foot clear zone on either side of the road. The developer could meet the requirement with the construction of a 2 to 3-foot retaining wall but if the fill could go outside the 50-foot clear zone and be reseeded, they wouldn't need a retaining wall.

Lon Lott asked if the exception would be restricted to one area or if the exception would apply throughout the development. Shane Sorensen said the area where it would be allowed would be identified on the plans.

Troy Stout asked if retaining walls would work better to maintain a good road. Shane Sorensen said that from an engineering standpoint, either way would work. He said it would be one less retaining wall and recommended the Council approve the exception.

MOTION: Lon Lott moved to approve an exception to the 50-foot clear zone rule for the area from station 1 + 000 to 5 + 000 in the proposed Eagle Pointe subdivision. Roger Bennett seconded. Ayes: 4 Nays: 0. Lon Lott, Roger Bennett, Will Jones, Kimberly Bryant voted aye. Troy Stout abstained. Motion passed.

- c. An exception be granted to allow the 2:1 cut/fill slope. (This would be an exception to the requirement in Section 4.7 and 4.8.) Shane Sorensen said the ordinance required a 3:1 cut slope. The developer's geo tech report said the 2:1 cut slope would work. The soils report said the slope was suitable for 2:1 slope and could be revegetated. He recommended approval.

Will Jones asked how much footage would require this exception. Shane Sorensen said it would apply to pretty much all of the cut and fill slopes.

Troy Stout said they needed to look at the cumulative effect of all the exceptions the developers were requesting. He said he had gone on record before that he was opposed to breaking all the rules in order to put in a road. The failing road in the Suncrest development and the hillside problems in Cedar Hills had all been certified by the developer's engineers. He didn't want to have the same problem in Alpine.

Will Jones said that exceptions b and c were trying to get away from building retaining walls. They could meet the requirement but they would need to build retaining walls to do it. He said that at 2:1 cut/fill slope was standard in the ordinances of most other cities. Alpine's ordinance was more restrictive.

Mark Wells said that when they first began working with City staff, they had a plan that needed zero exceptions. But as they went through the process, it became apparent that they could reduce or eliminate some of the retaining walls. He said it was possible to build the subdivision without any exceptions.

Kimberly Bryant asked what the ordinance said on retaining walls. Shane Sorensen said there was almost no detail in the retaining wall ordinance. It said the use of retaining walls had to be recommended by the City Engineer and the Planning Commission. They were looking at putting more detail into the ordinance.

Don Watkins asked if the City Council had the ability to approve or deny retaining walls.

David Church said the Council had discretion to approve retaining wall but it was not unfettered discretion. The decision had to be based on geologic conditions, soil conditions, etc. There had to be a factual basis for the decision. It

was an engineering issue. He said the Council needed to be consistent in their treatment of developments needing retaining walls.

Shane Sorensen said the difficult thing from an engineering standpoint was that there were interstates and highways hanging off the side of the mountain. Most anything could be done from an engineering standpoint. The difficulty in the ordinance was that there was no detail.

Mayor Watkins asked if they could include something in the ordinance about aesthetics. David Church said that would be subjective and that made it difficult. The criteria should be based on engineering. He said the Eagle Pointe property was a difficult property to develop under Alpine City's ordinance. It became more difficult when they started talking about how it was going to look from the valley. Aesthetics were hard to apply when they were talking about building a safe, maintainable road.

Troy Stout asked if they could have influence on revegetating the area if they approved the exception. Shane Sorensen said the Storm Water Pollution Prevention Plan would dictate when and how it should be done. Troy Stout asked if they could require a one-year warranty on the work.

MOTION: Will Jones moved to grant an exception to allow a 2:1 cut/fill slope in the designated areas only. Lon Lott seconded. Ayes: 5 Nays: 0. Will Jones, Lon Lott, Roger Bennett, Troy Stout, Kimberly Bryant voted aye. Motion passed.

d. Approve the use of retaining walls with Ready Rock and the darker coloration shown to match the hillside. (This was an exception to Section 3.9.7.4 of the Development Code.)

Mark Well said the difference between the Concept Plan and the Preliminary Plan was that they were able to reduce the height of the retaining walls. He added that they would have some kind of fencing on the walls to keep people from falling off them.

Lon Lott said the Planning Commission talked a lot about this exception. One of their concerns was not just for retaining walls along roads but the retaining walls that would be built on lots. He asked if there would be a problem with adopting an ordinance to govern the retaining walls on lots.

David Church said that landscaping walls were already regulated by the building code. Anything four feet and over required structural engineering. He said some cities had regulations for landscaping walls above and beyond the building code.

Will Jones said the issue in Planning Commission was that there was a wall in town that was very big. Jason Bond said they were working on language in the ordinance that would require a wall to be reviewed by a geotech engineer as well as a structural engineer.

Regarding the height of the proposed retaining walls, Shane Sorensen read the following from the Engineering Review Letter: "The wall on the downhill side of the road runs continuously for approximately 1,000 feet ranging in size from 2 to 12 feet tall, the majority of the wall averaging 10 feet or less. The uphill wall also runs continuously for approximately 1,000 feet and ranges in size from 2 to 28 feet tall with the majority of the wall being in the 16 foot range. There are two small sections that jump up to 25 and 28 feet."

Lon Lott said that in the Planning Commission meeting there was discussion about having plantings along the wall to soften the effect.

Steve Cosper, chairman of the Planning Commission, said the Council needed to realize that some of the houses that would be built up there would be three stories tall. They could have a white stucco house jutting up from the hillside, but they really couldn't regulate houses.

MOTION: Will Jones moved to approve the use of retaining walls with Ready Rock and the darker coloration shown to match the hillside. Lon Lott seconded. Ayes: 4 Nays: 1. Will Jones, Lon Lott, Troy Stout, Roger Bennett voted aye. Kimberly Bryant voted nay. Motion passed.

- e. Approval be granted for exchanging 931 square feet of current public open space for 7,280 square feet of additional public open space from the developer. The current open space would be used for a right-of-way.

Shane Sorensen said the alignment of the road needed to be changed which would take it into public open space. Some of the open space would be needed to the road right-of-way. In exchange the developer would give the City 7,280 square feet of ground which would be taken from lot 3, and would become public open space.

MOTION: Will Jones moved to change 931 square feet of public open space to public right-of-way in exchange for the City receiving 7,280 square feet of public open space from lot 3. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Will Jones, Kimberly Bryant, Roger Bennett, Lon Lott, Troy Stout voted aye. Motion passed.

- a. An exception be granted for the small amounts of property within the lots that contained land with a slope of greater than 25%.

Shane Sorensen said this exception would apply to 5 of the 14 lots in the proposed development. Will Jones said that one lot was 71,000 square feet. If they reduced the size of the lot, they could take away the need for the exception. Shane Sorensen said that all the lots could probably comply with the ordinance but they would have odd lot lines. The exception would help square up the lots.

Julie Yarbrough asked where Lakeview and Hog Hollow Roads were so she would see what they were talking about. Shane Sorensen showed her the area on the map.

Troy Stout said he was opposed to the exception based on lot 1.

MOTION: Kimberly Bryant moved to approve an exception allowing small amounts of property within the lots to contain land with a slope greater than 25% except for lots 1 and 13 so they could see if there were actually building pads on the lots. Motion died for lack of a second.

Mark Wells said they had dropped two lots from their plan regarding this issue. Only an average of 3% of the remaining lot area needed the exception.

MOTION: Troy Stout moved to table the exception regarding lots containing area with a slope of greater than 25%. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Troy Stout, Kimberly Bryant, Roger Bennett, Lon Lott, Will Jones voted aye. Motion passed.

C. Melby Property Annexation Proposal: Jason Bond said the Melbys had emailed him and they said they couldn't make it to the meeting tonight but would appreciate an affirmative vote to schedule a work session with the Planning Commission regarding the annexation. He said the Melby property was located north of Alpine Cove but it wasn't included in Alpine City Annexation Declaration Area. They wanted the Council to consider putting it into their plan and taking it through the process.

Craig Skidmore said he was under the impression that the Planning Commission had already been directed to look at the updating the Annexation Plan.

David Church said that when the Council had a discussion about the requested rezoning of Pine Grove, it was expressed in the meeting that they should look at all unincorporated areas around Alpine. But then the County approved the rezoning of Pine Grove and nothing more was done.

Ray Warner, chairman of the HOA for Alpine Cove, said one of the concerns they had was that the Cove was in the county and if Patterson developed Pine Grove and if the Melby piece was developed, they would be surrounded by Alpine City and an island would be created. The legislature was currently considering changing the law about islands. He said he thought he could speak for all of Alpine Cove when he said they didn't want to be annexed into Alpine for several reasons. Any additional growth would cause a problem with the roads because they were already narrow and had no sidewalk so people had to walk in the roads. They didn't meet Alpine City standards. Water was

another concern. The Melby property would have to drill a well. If the Melby property was approved for half-acre lots they would have 300 cars a day and they would all have to come through the Cove. Finally, he said they should look at the environmental impact of building houses up there. It was an environmentally sensitive area and they would like to preserve the wildlife.

Will Jones said that what he was hearing was that the Planning Commission and City Council should hold a work session with property owners in the Cove and other unincorporated areas and discuss annexation. Was it something they wanted to move forward with? The Melby property wasn't in the City's annexation area, and unless the state legislature changed the language on creating islands, they couldn't move forward anyway.

Todd Smith said he was a resident of Alpine Cove, and he agreed with everything Ray Warner had said. There would be an increase of traffic if construction was begun on the Melby property. They had small children that walked up and down the road every day to catch the bus because the buses wouldn't come up there. If the City did annex it, he wondered what the density would be. Will Jones said the proposal asked for somewhat less than one lot per acre.

Todd Smith said the existing zoning was one home per 50 acres. When the owners purchased the property they were aware of the zoning. They knew what they were getting. Changing the zone would net a windfall which wasn't all bad. He said he was developer too. But when they got a windfall they would give a portion back to the surrounding properties if they created a negative effect on the roads and property values. Would this developer be giving something back to the City?

Jane Griener said that it seemed odd to invite developers to come to a meeting where they were talking about amending the annexation policy plan. It seemed that the City should be able to set their annexation policy without the influence of the developers.

David Church explained that currently the state law required all cities to have an annexation policy in place. The policy included lots of information, and landowners had input. When Alpine City adopted their policy, they did not include the Melby property. Utah County took the position that they would prefer to see urban development be in the cities, which was why they sent Melby to Alpine City first to see if there was an interest in amending the policy plan and report back. The Annexation Policy Declaration was just the city's side. The landowner could petition under Alpine's rules or petition the county. The landowner could choose which entity he wanted to work with.

Troy Stout said that some of the members of the Council had stated as a group that the City was willing to look at annexation provided it maintained the same zoning as the County.

Mayor Watkins said he sent a letter to the County saying they would love to annex if the density remained the same as the county zone of CE-1. Troy Stout had supported the letter. He got emails from Kimberly Bryant and Lon Lott saying they supported the letter. Will Jones did not support the letter.

Will Jones said they didn't have time for him to explain all the reasons why he didn't support the letter. He said Alpine Cove should have been in Alpine city limits from the beginning. If it was in city limits, it wouldn't have substandard roads and water issues. They would have sidewalk. Every issue Mr. Warner brought up would be a part of the City's issue. But Alpine City chose not to have Alpine Cove develop in the city. He said when he saw other potential annexations coming in he saw what the City was going to miss out on. The City would receive no impact fees for roads, bridges, etc. He said the Council had planned to have a discussion about annexation in January but they chose not to have the discussion for some reason. He said they still needed to have that discussion. They needed to define the issues and determine the best way to solve the issues. Would it be best to develop in the county or in the city? Either way there would be consequences. But they never had that discussion.

Troy Stout said he could appreciate the point-of-view of a developer who would profit from developing the hillsides. Hypothetically it would be better for Alpine to annex, but did Alpine want to support higher density on the hillsides? He said he wanted to protect the hillsides from over development.

Will Jones said it was critical that they had the discussion. The City had said "no" to Box Elder South when they came in with an annexation request for 26 lots. Now Box Elder South was an approved development in the county

with 59 lots. Was that better? He said a discussion on annexation needed to take place so the City wasn't always trying to catch up. Maybe there was a way to work it out.

Lon Lott said he wanted to respond to Don Watkins' comment about the letter to the county. He concurred with the effort to keep it zoned with one house per 50 acres, but as they moved through the process, he could see that they didn't have any control over the development as happened with Box Elder South. If the City realistically wanted to have some kind of local control, they needed to have the discussion with the landowners and decide if they were going to annex or not. If the residents in the Cove decided they didn't want to be part of Alpine City, it would come out in the discussion. If they did, sacrifices would need to be made on both sides. The same with other properties. But if they didn't have the discussion and figure out what they wanted, they would continue to see Utah County stepping up to the plate and making decisions because Alpine wasn't interested in working with them.

Kimberly Bryant said it depended on election time and who was elected.

Lon Lott said that was true. He'd read lots of minutes of past meetings where a council included land in the policy and another council took it out. It was very fluid. He asked if they wanted to wait until all the land around them was developed and then annex it, or did they want to decide now when they had an opportunity to work it out with the landowners?

Troy Stout said he was not opposed to having the conversation. What he was opposed to was continuously allowing higher density because they were afraid to say no.

Roger Bennett said that critical environment was sort of a holding zone. If the experts were involved in the actual zoning, he wasn't sure the CE zoning would hold up. He asked if they wanted to put their heads in the sand and let the county use their roads and parks and services and get nothing back? He said he had a bigger heartburn over Eagle Pointe than many of the subdivisions proposed in the county. He said they needed to have a discussion and come up with a zoning that Alpine felt was reasonable. He said much of the ground in the county was zoned as transitional and could go as low as quarter acre lots.

Kimberly Bryant asked if they had just said they would be creating an island with the Cove?

David Church said the current law stated a city could not create an island or a peninsula of county ground by annexation, but the legislature was looking at a bill that would change the restriction on islands.

Don Watkins said that he had encouraged the Council to go to the people. The smartest thing the developers could do was to go to the stockholders. In Provo when someone requested a rezoning they had to first meet with the neighborhood committee. He asked the Cove residents if they'd had a meeting with Zolman or Melby. He said he felt the County had new Commissioners that would be more sensitive to the cities.

Craig Skidmore said he had been approached by the owners of the Pack property but not the Melby property. Other residents of the Cove who were present at the meeting indicated that they had not been approached.

Marvin Pack said it was actually comical. Forty years ago the City Council was having the same discussion when development of the Cove was going forward. The Council was taking the same stance. They were saying, no, that is critical land up there. He asked how many residents of the Cove felt their homes were on critical environment. If they did, why were they up there? If they were good citizens they would just knock down their houses. Mr. Pack said that by holding on to this CE-1 zoning, they were acting like it was some kind of holy grail or scripture or something. Forty years ago there was no CE-1 zone up there. He said he agreed with Will Jones and Roger Bennett.

Marvin Pack said that at one time, Alpine was considering annexing to the forest line. But then they decided to start doing it piecemeal and it resulted in all these problems. And now the Council was doing the same thing again. He asked what was a hillside issue. He asked if the Cove was built onto a hillside. He said they should stop burying their heads in the sand and take a look at what should have been done 40 years ago.

Sheldon Wimmer said the CE-1 zone was established in 1979. He said the Council had been right on the edge of annexing Alpine Cove, then it fell apart. He was on the Council at the same time as Don Watkins and Pheobe

Blackham. He said that when the owners of the Kester Freeze property (Willow Canyon) came in for annexation they had a plan for 150 homes. Then they discussed the issues and brought it down to about 40 homes with the Annexation Agreement. He said there needed to be a discussion on annexations.

Don Watkins said he was the only one who was against the annexation of the Kester Freeze property, and the next year they had a fire.

Tom Abbott said that in the Cove there were many who were willing to come into Alpine City but the cost was so great. Then they had the wells go dry. He said he couldn't believe people wanted to build in an area where the floods came down. He said he felt guilty about building in the Cove, so much so that he dug his home down into the ground so it couldn't be seen. It cost him three times as much money to do it that way. He said he built up there with a promise from Ken Melby that the ground behind him would never be developed. He said they couldn't enjoy the tulips in the Cove because the deer ate them. They only had the mountains to look at. He thanked the mayor for his efforts in preserving the mountains.

Bryan Hofheins said he wanted to talk about the Melby property. He said he didn't understand why if they always had the position that it should be in the City, he didn't understand why the County was told in a letter that they should rezone it for fear of referendum. He said most of the people in Alpine Cove were pretty satisfied with where they lived. They weren't asking to be part of the city. He said the Council should not be sending signals to the county that they were not united.

Kimberly Bryant said she wanted to go on the record that just because something was zoned a certain way 40 years ago didn't mean they should throw it out and say it didn't work anymore.

D. Resolution No. R2015-04 - amending Resolution No. R2015-04, amending the Ilangeni Estates subdivision: Will Jones recused himself from the discussion and vote on Resolution No. R201504, and sat in the audience.

The proposed resolution amended the previously adopted Resolution No. R2015-03. David Church said the resolution adopted in January enabled the developer to go forward in solving the problems with the failed Ilangeni Estates development. It would change the number of lots, the configuration, and change the name of the development. One outstanding issue had been the dispute between the owners of the Ilangeni Estates subdivision and the Beck family regarding the access road to the 80 acres owned by the Beck family. The Council requested that the two parties get together and come up with a solution. Mr. Church said he was informed that the developers and the Beck family had resolved the issue and it necessitated the new resolution.

The 80 acres belonging to the Beck family would be added to the development as public open space with a conservation easement. The maximum number of lots would increase from 54 to 57. Everything else was basically the same. The developers and City still had to come up with a development and improvement agreement by the end of March. Fort Canyon Road could be improved and gradually they would see houses built up there. The 80 acres of open space belonging to the Becks would be left as native open space. The Beck family would own the easement rights and would be in charge of enforcing the limitations. It would be critical environment property and no camping would be allowed.

Bruce Baird said the issues had been resolved exactly as Mr. Church said. There were a list of restrictions on the Beck property. It would stay in its natural state except for the trail. They would not put up any perimeter fencing. He thanked the staff for working on the development agreement and said it was 98 percent done. He said the developers had received good cooperation from Bruce Parker and the Beck family. They had signed copies of the agreement from both sides.

In response to a questions from Troy Stout, Mr. Baird said that no motorized vehicles would be allowed on the Beck property except for trail maintenance.

MOTION: Troy Stout moved to adopt Resolution No. R2015-04 to amend the Ilangeni Estates subdivision plat and add the Beck property which consisted of 80 acres to allow three additional lots, and include a public thanks to the

Beck family for working out a solution that benefitted the public. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Troy Stout, Roger Bennett, Kimberly Bryant, Lon Lott voted aye. Will Jones abstained. Motion passed.

E. State Farm and Capital Office Building Site Plan - 134 S. Main Street – Eli Slesk and Brandon Maughn: Jason Bond said this item had been to the Planning Commission several time to work out the details. It was a small lot. The Planning Commission had worked with them on the aesthetics of the building since it was in the Gateway Historic zone. They needed an exception on the setbacks which the Planning Commission had recommended, and an exception on the parking.

Eli Slesk said that he and Brandon Maughn had an agreement with Ron Madson to use one of his parking spaces as their sixth parking spot.

MOTION: Lon Lott moved to approve the State Farm and Capital Office Building site plan and approve the following exceptions:

1. An exception be granted regarding the setbacks.
2. An exception be granted on the location of the six (6) parking stalls.
3. An exception be granted for 5 parking stalls and work with the adjacent property owners to find an additional parking stall.
4. No trees shall be planted within the sight triangle and other landscaping be placed in a way that it would never affect visibility on the corner of 120 South and Main Street.
5. The architectural design drawings and the lighting design be approved.
6. A deed restriction be drawn up showing that the basement shall not be used for additional office space and will be uninhabitable.

Troy Stout seconded. Ayes: 4 Nays: 0. Lon Lott, Kimberly Bryant, Roger Bennett, Troy Stout voted aye. Will Jones abstained because he was the agent on the building lot. Motion passed.

Troy Stout said they needed to make sure that the mock up of the building they were approving would be what was built.

Roger Bennett said that if parking on the street became a problem, they would reclaim the parking on 120 South.

F. Budget Discussion: This item was postponed.

G. Bennett Farms Property Acquisition. This item was discussed in Executive Session.

MOTION: Lon Lott moved to go to Executive Session to discuss property acquisition. Will Jones seconded. Ayes: 5 Nays: 0. Lon Lott, Kimberly Bryant, Roger Bennett, Will Jones, Troy Stout voted aye. Motion passed.

The Council adjourned to Executive Session at 10:06 pm.

The Council returned to Open meeting at 10:15 pm.

MOTION: Troy Stout moved to accept the offer to have the Bennett property assessed and have the City purchase the property. Lon Lott seconded. Ayes: 4 Nays: 0. Troy Stout, Lon Lott, Will Jones, Kimberly Bryant voted aye. Roger Bennett abstained. Motion passed.

VI. STAFF REPORTS

Shane Sorensen said that to build pickle ball courts in Burgess Park would cost about \$40,000. To reconstruct the tennis courts in Burgess Park like the courts in Creekside Park would cost about \$105,000. That would not include lighting. The Council agreed they did not want lighting on the courts because people would be using the courts after dark and it became intrusive.

Jason Bond said they would take the plans through the Planning Commission.

MOTION: Will Jones moved to approve the pickle ball courts and take it to the Planning Commission. Troy Stout seconded. Ayes: 4 Nays: 0. Will Jones, Troy Stout, Roger Bennett, Lon Lott voted aye. Motion passed. Kimberly Bryant was not present at the time of the motion.

VII. COUNCIL COMMUNICATION

The Council talked briefly about whether or not they wanted to schedule a work session on annexation.

David Church said that the real cost of including additional properties into the Annexation Declaration Plan was determining what infrastructure could be provided. The Plan involved studies and engineering to determine what the cost of providing services would be. He said the Council could simply tell the Melbys that the City could not provide service right now. When the Melbys came to DRC, they told them that the City could not supply water. They would need to build a water tank, drill a well and put in some large lines.

Will Jones said the Zolman property was already in the Annexation Plan. If they weren't going to go forward with it, they needed to have a good discussion about it.

MOTION: Will Jones moved to adjourn. Troy Stout seconded. Ayes: 4 Nays: 0. Will Jones, Troy Stout, Roger Bennett, Lon Lott voted aye. Motion passed. Kimberly Bryant was not present at the time of the motion. Motion passed.

The meeting adjourned at 10:25 pm.