

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 North Main, Alpine, UT
October 27, 2015

I. CALL MEETING TO ORDER. The meeting was called to order at 7:04 pm by Mayor Don Watkins.

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

Mayor Don Watkins

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

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

Others: Steve Cospers – Planning Commission Chairman, Marianna Richardson, Jane Griener, Carla Merrill, Ramon Beck, Paul Kroff, County Commissioner Larry Ellerton, County Commissioner Bill Lee, Alex Johnson, Loraine Lott, Micah Davies, Tom Watkins, Sheldon Wimmer, Brandon Gerber, Jake Hasleton, Tanner Esplin, Hawken Kerr, Jon Kerr, Tom Freeman, Brenden Parker, Julie Zurcher, Dane Tenney, Tanner Toulson, Mike Russon, Rebecca Spencer, Craig Skidmore, Ethan West, Landon Nunce, Wilson Wyatt.

Mayor Watkins invited a member from each Boy Scout troop to introduce themselves and say what troop they were from. Brenden Park said he was with Troop 1101. Jake Hasleton said he was from Alpine 10th ward. Ethan Parker said he was with the Webelos from the Alpine Cove ward.

B. Prayer: Kimberly Bryant

C. Pledge of Allegiance: Larry Ellerton

II. PUBLIC COMMENT: Ethan West said the Lego League was a team of people who were engineering Lego robots for missions and other things. Other boys from the Lego League also spoke and showed graphs and charts they had made to demonstrate their research. Landon Nunce said they had surveyed 150 households in Alpine and about 77 percent of them said they threw away glass in their garbage. Glass was bad for the environment. Wilson Wyatt said that 75 percent of the people they talked to in Alpine said they would use glass recycling if it was available. Pleasant Grove was the only town in Utah County that had glass recycling.

The boys said they had a solution. They could locate a glass recycling bin in Alpine. It would cost \$300 a year but the City would save money because it would keep glass out of the landfill and by reducing the weight, it would reduce the tipping fees. It would be a good thing for Alpine City and the environment. Since the City already had a contract with ACE, they could have a bin that ACE would pick up every six weeks. Another option would be to work with Cedar Hills and Highland City on it and split the cost.

Mayor Watkins thanked them for their presentation and said it was outstanding. He asked that this be added as a future agenda item and said staff would do some additional research and talk to ACE. Then invited them to come back.

III. CONSENT CALENDAR

A. Approve the minutes of October 13, 2015.

MOTION: Will Jones moved to approve the Consent Calendar. Lon Lott seconded. Ayes: 5 Nays: 0. Will Jones, Lon Lott, Kimberly Bryant, Roger Bennett, Troy Stout voted aye. Motion passed.

IV. REPORTS AND PRESENTATIONS:

A. Mayor Watkins Survey Results: Mayor Watkins asked that, out of respect for the County Commissioners who were present for a particular agenda item, that this be postponed to the end of the meeting.

V. ACTION AND DISCUSSION ITEMS:

A. Box Elder South Annexation Public Hearing. Rich Nelson said this item had been canceled because a majority of landowner delivered a protest letter to the City. The developers would not be able to record the development until December so they planned to wait until January and restart the annexation process.

B. Oberee (Zolman) Annexation: Mayor Watkins said a meeting had been held by the County Commission earlier that day to discuss the Oberee annexation. Some members of the Alpine City Council had attended the meeting. For those Council Members who had not attended the meeting, he asked the County Commissioners to briefly review what was discussed. Since David Church had received the information from the County, he asked him to also comment.

Larry Ellerton said Mr. Church had received a draft of a possible development agreements between the County and the landowners of the Zolman and Grant properties if they were developed in the County.

David Church said that the County would require a development agreement with the landowners of the Zolman and Grant properties if it was developed in the County. He had asked the County to share the draft of their agreement so they could compare it to what the City might require if it was developed in the City. It was only a draft but reflected what the County staff would be recommending if it went forward. Regarding density and use restrictions, he said the Oberee part of the property was located in the TR-5 zone but they would be limited to 60 building lots for single family dwellings with a average lot size of three-quarters of an acre and not less than 20,000 square feet. Standard improvements required of any development would be done at the developer's cost with the addition that road improvements would comply with or exceed the standards of Utah County and Alpine City. At completion they would require a through road connecting Elkridge Lane to Grove Drive. Water and sewer facilities would be built to Utah State and County standards at the expense of the developer. Traditional curb, gutter, and sidewalk would be meet Utah County and Alpine City standards, and other improvements as required by Utah County ordinances. The County would assess an annual fire and emergency medical service fee which would be paid to the entity that provided the services. Mr. Church said the development agreement on the Grant property was almost identical except it was limited to ten lots so there would be a maximum of 70 lots with no lot smaller than a half-acre.

Commissioner Bill Lee thanked the City Council for their work and added that he knew more about what was going on in Alpine than any other city in Utah County. He said he wished to clarify that the proposed development agreement was a working document in which they could end up with different outcomes. He hoped they could work through the process smiling, and applauded the opportunity to work through the process with Alpine City. A portion of the ground was developable and they needed to consider its best use, find way to work together, compromise, and come to an agreement between city and county which also provided future homeowners with a sense of community.

Commissioner Ellertson said the County did desire to work together with cities in these situations and come to an agreement. He recognized that it was a situation that the City had worked on. He didn't want to get locked into specifics but wanted to look at a broader overview which would allow all parties to feel good about it. It was the County's genuine desire to work with Alpine City and demonstrate a genuine interest in respecting the private property rights of the landowners. He asked that as they went through their agenda, the Council try to find something that would allow some leeway. He said the County generally preferred to not have developments in the County but if an applicant did come to them, they tried to respect private property rights.

Mayor Watkins invited Paul Kroff to comment. Mr. Kroff said the property owner was not able to be present that evening but they were interested in the discussion. He said he'd had a chance to review the staff report.

Density and Lot Size

Troy Stout asked if Mr. Kroff wanted the City to handle it in a manner that was consistent with the county and surrounding developments. There were some half-acre lots in the area but the reality was that the vast majority of the lots were one-acre lots. The lots which were less than an acre were part of a PRD. Mr. Stout said that in the absence of a PRD, he would like to see lots that were at least an acre.

Commissioner Ellertson said that in terms of lot size, it was their interest to push toward one-acre lots sizes. That was part of the flexibility they were talking about. Lot sizes may not be the same throughout the development. A

portion of the development would border on half-acre lots. If they wanted it to be similar to surrounding developments it was reasonable that there be half-acre lots next to other half-acre lots. He said they would like to see the City work that out. If there was some flexibility, it may bring resolution of the issue. If they locked horns on a given issue, it could create some challenges.

Troy Stout said that the first proposal showed 60 lots. The City proposed 31 lots, then it was changed to 44 lots. He felt the City had demonstrated the ability to work toward an end. He said there were areas that bordered half-acre lots but it was his understanding that they were not required to match a border.

Shane Sorensen reviewed the map of the Obereee annexation site and the surrounding properties. Three Falls had an average lot size of 2.5 acres with open space. It was located in a the critical environment (CE-5) zone. Heritage Hills had an average lot size of 0.6 acres and was a PRD. There were some adjoining lots that were not in subdivisions that had lots sizes of 2.2 acres and 1.6 acres. Alpine Cove which was in the county had an average lot size of 1.2 acres. Box Elder was a non PRD and had an average lot size of 1.1 acres. Heritage Hills, which had 0.6 acre lots included at least 25 percent open space. Box Elder South was not shown because the map was created using GIS and it wasn't shown on it yet, but the lots size in Box Elder South were about a half acre. Mayor Watkins clarified that if the Heritage Hills wasn't a PRD, the lots sizes would be bigger than 0.6 acres.

Commissioner Lee said that when he put a jigsaw puzzle together, the pieces were not always equal in size. In looking at the map, the pieces were not equal. He reiterated what Commissioner Ellertson had said about flexibility. One-acre lots may work in some areas but not in others. There was one place where there were half-acre lots with a hill behind it. There would be some give and take.

Will Jones commented that the roads weren't always straight and you couldn't assume that one-acre lots would fit everywhere. Troy Stout said he was not a surveyor but he'd been on the property. He felt that anything with a slope would need a larger lot. In a flat area that was wide open the objective could be to have more regularly sized lots.

Commissioner Ellertson said they were not proposing that everything would be a half-acre lot. They were saying that no lots would be less than a half acre. The lot sizes would vary. There would still be pretty good sized lots.

Lon Lott said he understood about dimension and spacing. If they were so strict with the parameters that they couldn't move some lots down from the higher area, they ran the risk of having them develop something on the hillsides that didn't need to be developed.

Troy Stout said that if they had been able to establish hard and fast guidelines of one acre or throughout town, why could they not do that here? Why were they departing from that? It was almost an effort to reduce the latitude the City had to create the kind of city they wanted. If they wanted a widespread, open community, theoretically the lots got bigger the farther you moved out and higher up the slopes. It was very common in other areas. Why were they moving away from that?

Roger Bennett said he was not opposed to a CR-40 zoning, but felt they should have some flexibility to allow for bigger or smaller lots. Mayor Watkins asked if the City wanted open space. Mr. Bennett said he didn't think they needed the open space but there could be some acre and half-acre lots. he felt there should be a variety because some people liked acre lots and some liked half-acre.

Mayor Watkins asked how many lots there could be in the annexation area if it wasn't a PRD. Shane Sorensen said they could get 53 lots based on a CR-40 zoning without the density bonus of a PRD.

Mayor Watkins asked if they had allowed developers to change the lots size up till now. David Church said that if it was zoned CR-40 and the developer applied for a PRD, he could adjust lots sizes down to a half-acre. The City had allowed density bonuses in exchange for open space but there was no requirement that there be open space or a density bonus. The development could have a density of 53 lots with no open space but the lot sizes could vary.

Will Jones asked how many acres were part of the annexation that weren't shown on the map. He wondered what the result would be if they used all the ground in the slope analysis. The annexation included three other properties. He asked how many total acres were included in the slope analysis.

Shane Sorensen said they could do an analysis on any part of the ground. Some ground was already in the city. The Grants had a big piece of property in the annexation. The conservation easement was 68 acres.

Regarding the land in the conservation easement, Will Jones said he thought it should have been included in the slope analysis because it was part of the development. Troy Stout said he thought it wasn't included because it was not buildable. Roger Bennett said he thought it should be included but they weren't asking for a density bonus for it.

Kimberly Bryant and Troy Stout discussed being flexible and said they felt they were being flexible. They had originally set the limit on the number of lots at 31 and now they were looking at more than that. Will Jones said that when the first development came in for the same piece of ground in 2007, it showed over 80 lots. He did not think they were following their policy in that respect and they were not being flexible. Troy Stout said that at the training the previous week he understood that the intentions of previous councils were not binding on future councils. Since 2007 there had been fires on the hillsides and resulting mudflows. He said they needed to be mindful of previous councils but they also needed to be mindful of changing conditions. Will Jones said the council had a chance to change things after the fire and flood but they didn't and the conditions for development on that ground was still on the books.

David Church reviewed what happened with the previous annexation request for the same piece of property. It was known as the Pack or Alpine Canyon Estates annexation. It was a long process and the City required certain improvements including the improvements on Grove Drive and a secondary access. Significant upgrades would be needed to comply with Alpine City's water master plan. The annexation was approved it but then there was a downturn in the economy and the developers chose not to proceed on annexation and development. He said the two issues that might be different on this second annexation request was secondary water and the level of improvements necessary to upgrade Grove Drive.

Secondary Water

Will Jones said that as he reviewed the proposed resolution, he didn't see anything about providing pressurized irrigation. David Church said he had drafted the resolution for Mayor Watkins and he was recommending that the annexed area not be served with secondary water.

Roger Bennett said that area was already served with Alpine Irrigation Company water and they were entitled to it on the lower portion whether they were in the county or in the city. David Church said the City's contract with Alpine Irrigation Company required them to provide secondary water for the areas served by the irrigation company. It may not be necessary to serve the whole development. Shane Sorensen said the agreement stated that they would serve everything in the city if it could be served plus everything served by the Alpine Irrigation Company.

Lon Lott said there would be a benefit to the City if the development connected to the secondary irrigation system because there would need to be a booster pump which would benefit the upper zone in the City. It should not be discounted because it was something that needed to occur. Troy Stout asked if it would deplete the supply to the lower homes?

Shane Sorensen said staff was already proposing changes to the booster pump in Fort Creek, which pump water into the high zone. It hadn't always been an issues but during years when there was a drought and no snow pack, it impacted the higher zone. It would be replaced with culinary water. It required more power to pump water into the higher zone.

Troy Stout asked how that would affect the budget. Shane Sorensen said they had budgeted \$200,000 for it but they hadn't hit that mark this year. Regarding the pressure, Mr. Sorensen said they had 40 psi static pressure in the reservoir when it was full and there was no pressure on the system. When people were using the water, it wasn't unusual to see a swing of 20 psi. No one was happy when it dropped to 10 psi

Mayor Watkins said a lot of the area under discussion hadn't been irrigated. Roger Bennett said the irrigation company had no objection to serving areas with pressurized irrigation that had not been previously served.

Will Jones said that one way or another if it was culinary or secondary, if it got to the point where they had to pump, they had to pump. One of the things that happened with development that they tended to discount was that improvements in a new development would bring quality to the City's existing system. One of the things they were requiring was a 12 inch line which would help the City's system. The developer would be paying to improve the City system which helped everyone. Troy Stout asked why they needed a 12 inch line.

Shane Sorensen said they had a water model that showed the current service area plus projected new growth. By inputting the needed values they could go through a process to determine what size pipe was need to best serve the city and maintain the pressure.

Elkridge Lane

Mayor Watkins said the Planning Commission recommended that there be access to Elkridge Lane within two years of development. It was not an issue of whether or not it went it, but when.

Roger Bennett said that Grove Drive needed to be completely approved in the first phase or the connection to Elkridge Lane needed to built. If they built the connection to Elkridge Lane in the first phase, they could improve just their portion of Grove Drive. The connection to Elkridge Lane should have to go in regardless.

Troy Stout said would prefer to see Elkridge go in first. It was a key part of making the areas connect. He said he'd never been adamant that there be a big improvement on Grove Drive. It would be a good thing to have it if they could get it, but he liked country roads. If they were going to pack it full of people, it would not be country anymore. Kimberly Bryant said she agreed with that.

Lon Lott said he had always been in favor of providing a safe way in and out. The 90-degree corner was one of the things that needed to be taken care of. Grove Drive was an important part of safety. They needed to be able to have room for two cars to pass while people were walking along Grove Drive. Improving Grove Drive would be an off-site improvement for the development and he understood the cost of improving it, and impact on citizens along Grove Drive. People from Alpine Cove came down that way as well. He said he sat on the Mountainland Association of Governments (MAG) committee and he thought there was a way to access funds to put toward the improvement of Grove Drive. If they presented a project to MAG, they could get some help to take care of it. The developer should build the connection to Elkridge Lane, then pay their proportionate share of improving Grove Drive, and the City could get some other funds to finish it.

Will Jones asked Shane Sorensen if Grove Drive was on the Impact Fee Study. He said it was not. Will Jones suggested they add it so they would have an impact fee. He said that on the last three properties developed on Grove Drive, the City had required a proportionate share of the cost of improving Grove Drive and kept it in a secure fund.

Kimberly Bryant said she liked the staff recommendation on the roads and wondered why some Council members didn't want to follow it.

Paul Kroff said he wanted to clarify the recommendation from the Planning Commission meeting of May 5, 2015. They recommended 60 lots but did not include a recommendation that a connection to Elkridge Lane go through. Jason Bond said he looked it up and didn't see anything in the motion about it, but it was discussed.

Steve Cosper said he was in favor of a connection to Elkridge Lane but it was not included in the motion. Jane Griener said she did not recall the motion by they did discuss the need for safety and the need for Elkridge Lane to go through.

David Church said that if the development was approved in the City, the ordinances required two accesses if there were more than 20 lots. Since it was in the Urban Wildland Interface Zone, they needed two accesses regardless of the number of lots.

David Fotheringham said he remembered there was a lot of discussion about the road but they had tried to keep the motion simple. Steve Cosper said the fire chief had recommended the second access.

Mayor Watkins said they had discussed density and water and road access and he was hopeful that they could have a motion so the County would know where they are at.

Roger Bennett made a motion, but prior to the vote, there was a lengthy discussion about the motion.

Regarding exceptions in paragraph c, David Church explained the subdivision ordinance did provide for exceptions. He had included the requirement that there be no exceptions because he thought what they wanted was certainty. If it was annexed, they wouldn't want to be dealing with requests for exceptions. Roger Bennett said he wanted to delete the part of the sentence that said there could be no exceptions because he felt like it was tying their hands.

Regarding offsite improvements, Troy Stout questioned the need for a 12 inch line. David Church explained that if the developer only needed an 8 inch line to serve his development, and the City needed a 12 inch line to benefit the City, the developer paid for the line and the City paid for the upsize. There was further discussion about the different scenarios for different sized lines.

David Church summarized the motion Roger Bennett had made, which was followed by more discussion.

- Paragraph a remained the same.
- Paragraph b stated that if the development was processed as a PRD, it would not receive a density bonus but it would have flexibility on lot size and some of the lots could be 20,000 square feet, but the number of lots would be frozen under the CR-40,000 zone.
- Paragraph c would just say that ordinances would be complied with and delete the wording about exceptions and variance.
- Paragraph d would be state that the property owners would either provide the fully completed Grove Drive in the first phase and the connection to Elkridge Lane in the second phase or they would provide the connection to Elkridge Lane in the first phase plus their proportional improvements to Grove Drive.
- Strike the second paragraph d.
- Paragraph f would be changed to require the developer to build the necessary infrastructure for both culinary water and secondary water for the development according to the City's master plans.
- The last paragraph would remain the same.

David Church said the big changes were that the development could be a PRD to allow flexibility on lot size, but there would be no density bonus and the number of lots would be capped. The road obligation changed to state that if the developer completed the connection to Elkridge Lane in the first phase, they would only need to improve Grove Drive at the 90-degree turn plus their proportional share of the remaining improvements.

Kimberly Bryant said she felt really strongly about requiring them to fully improve Grove Drive since they had increased the density.

Shane Sorensen said he felt Grove Drive needed to be fully improved but he didn't think 100% of the burden on Grove Drive was caused by this development. Other developments used the road.

Mayor Watkins said he felt that improving Grove Drive was critical. Connecting to Elkridge Lane was just part of the subdivision.

Troy Stout said that without the subdivision there was no need for Elkridge. With the subdivision there was. Will Jones said the connection would benefit everyone. There was further discussion about the roads. Kimberly Bryant said she wanted to see Grove Drive fully improved because that was a staff recommendation. Troy Stout asked about the fire chief's recommendation. Shane Sorensen said fire chief said there needed to be a second access.

Roger Bennett said he agreed that Grove Drive needed to be fully improved, but he didn't think the developers of the Obere annexation needed carry the whole cost of improving Grove Drive.

David Church said the question was, what was fair? One thing they needed to consider was that by annexing, the developer benefited by connecting to the City's water system. If he developed in the county, he would have

significant costs for the water system. If he developed in the county, they would not require him to improve all of Grove Drive. The Council also needed to consider that other subdivisions including Alpine Cove and Box Elder dumped onto Grove Drive. If he developed in the county, he would get 70 lots. If he developed according to Roger Bennett's motion and the slope analysis, he would get closer to 55 lots.

Will Jones said the developer would still have costs to connect to the City's water system. David Church said the last time the City drilled a well, it cost a million dollars to drill and another million to equip the well.

There was a discussion about calculating density and whether or not the hillsides would be included in the slope analysis, and speculation about how the Grant property would affect the density if included or developed separately. There was discussion about having building lots on the hillsides.

David Church said the reason the PRD Ordinance was adopted was to keep estate lots off the hillsides. Roger Bennett said he would like to see the hillsides preserved. There were questions about how the lots might be laid out under the proposed zoning. Shane Sorensen said it was up to the developer's engineer to determine how to make the lots work. He clarified that according to Roger Bennett's motion, if it was developed as a PRD, the lots sizes could go down to 20,000 square feet.

Lon Lott asked if they meant they would be clustering the lots. Roger Bennett said that if they did a PRD they could do that. Councilman Lott asked if the number of proposed lots included the ground already in city limits. David Church said that the development agreement would include only the Zolman and Grant properties.

Will Jones said he would not be voting on the motion.

MOTION: Roger Bennett moved to adopt Resolution No. R2015-18 with the following changes:

- Paragraph a: Remain as written.
- Paragraph b: All subdivisions in the annexed area will be processed as subdivisions and will not have a density bonus if it is a PRD.
- Paragraph c: Strike the last part of the sentence "without exceptions or variances."
- Paragraph d: In the first phase, the property owners agree to build at their cost the full improvements to Grove Drive to bring the road up to current City standards (30 feet of pavement, curb and gutter on both sides, sidewalk on one side) from the intersection of Alpine Boulevard to the proposed new development including the improvements to the 90-degree bend, and build the connection to Elkridge Lane in the second phase; OR the property owners agree to build the connection to Elkridge Lane in the first phase and build their proportional share of the improvements to Grove Drive.
- Paragraph e: Strike paragraph e because it was combined with d.
- Strike the second paragraph d on the second page because the City would be required to provide secondary water.
- Paragraph f: That the property owners at their sole costs and expense build the culinary water and secondary water infrastructure necessary to serve their development as currently recommended for that area by the City's culinary water master plan and the secondary water master plan.
- Paragraph g: Remain as written.

Troy Stout seconded. Ayes: 2 Nays: 2 Roger Bennett and Lon Lott voted aye. Kimberly Bryant and Troy Stout voted nay. Will Jones abstained. Mayor Watkins voted to break the tie and voted nay. Motion failed.

Mayor Watkins asked if there was another motion.

Troy Stout asked Paul Kroff how many half-acre lots there would be. Mr. Kroff said he didn't know. David Church said there was no way they could imagine how the lots would lay out at that point. That was why the County offered parameters giving the maximum and minimum number of lots, and an average lot size. He suggested the City

Council focus on that and let the engineers work it out. The resolution the mayor had him draw up did the same thing with different parameters.

Paul Kroff said he'd met with the county earlier that morning and had his engineer design a plan based on a minimum lot size of one-acre in the annexable area. It would yield 42 lots, but that did not include roads or retention so that number would go down since the road comprised 30 percent of the subdivision.

Kimberly Bryant said she would make a simple motion that did not guarantee him a certain number of lots regardless of roads, etc.

Kimberly Bryant made a motion at this point and Troy Stout seconded it but no vote was taken at that time. There was more discussion, then the Council took a five-minute break. The motion was voted on after the break.

Prior to the vote David Church summarized the motion stating that it was the same as the original resolution except for taking out the exception language and deleting the paragraph stating that the development would not be served by secondary water, and amending the paragraph on water to state that the developer would build the infrastructure for both secondary and culinary water according to Alpine City's master plan.

MOTION: Kimberly Bryant moved to adopt Resolution No. R2015-18 with the following changes.

- Paragraph a stayed the same as the original resolution. It would be zoned CR-40.
- Paragraph b said it would not be processed as a PRD and the lots size would not be less than 40,000 square feet.
- Paragraph c stayed the same except for the last phrase on exceptions and variances.
- Paragraph d stayed the same.
- Paragraph e stayed the same.
- Paragraph "d" on the next page would be deleted.
- Paragraph f would state that the property owners build the necessary culinary and secondary infrastructure according to the City's master plan.
- Paragraph g would remain the same.

Troy Stout seconded. Ayes: 2 Nays: 1. Troy Stout and Kimberly Bryant voted aye. Lon Lot voted nay. Roger Bennett was not present at the time of the vote. Motion failed.

Will Jones asked what they were accomplishing with the resolution. Were they telling Mr. Kroff they were annexing his ground?

David Church said that the resolution merely set forth what terms in the development agreement the City would agree to. If the petitioners signed an annexation agreement according to the terms of the resolution, the City would annex their ground. The County had indicated to Mr. Kroff and to Alpine City what their minimum terms would be. Some time ago Paul Kroff submitted what his terms would be. The issue the Council needed to resolve that evening was what they wanted to have in the development agreement. Mr. Church said it sounded like there were two main issues. One was how Grove Drive would be treated. The other was the number of lots. The County had said what number of lots they would approve and they said that Grove Drive would need to be improved to the bend in the road.

Kimberly Bryant said that according to Roger Bennett's motion, the number of lots would be closer to 60 lots. Her motion would make the number of lots closer to 40.

Lon Lott said that if the developer couldn't agree with Alpine's terms because of the profitability, there may be a way to address the offsite improvement costs by going to MAG and getting funds to do a portion of Grove Drive, and still work on a lower density.

Kimberly Bryant and Troy Stout said it was not their responsibility to make sure the developer made money on his development. The property was purchased on speculation.

Shane Sorensen said that it was possible to get money from MAG for Grove Drive, but they really focused on roads of regional significance.

At 9:27 pm Mayor Watkins suggested they take a five minute break.

At 9:35 pm the City Council returned to the meeting.

Troy Stout said he would like amend Kimberly Bryant's motion which had not been voted on to temporarily exclude item C and D until they had more information on the costs of Grove Drive and Elkridge. Kimberly Bryant said she was fine with that.

MOTION: Troy Stout moved to amend Kimberly Byrant's motion to temporarily table items C and D until the next meeting when they had better figures on street improvements on Grove Drive and Elkridge. Kimberly seconded.

David Church said they would still not have good figures at the next meeting. All they would have would be the engineer's estimates.

Lon Lott said he would like to discuss the Troy Stout's motion. He was concerned about postponing a decision for two weeks since the County Commissioners had asked for direct advice to get this worked out.

David Church said he was concerned because if they adopted the resolution but tabled parts of it, they weren't adopting anything. They needed to either table the resolution or make a motion on it.

Rich Nelson pointed out that whatever motion was made, they needed at least three Council Members to be in agreement or it would not pass because Will Jones had recused himself and Roger Bennett was returned from the break.

Commissioner Ellertson said that based on recent experience, when someone was not where they should be, it meant they were in trouble. Several people left the meeting to see if they could find Roger Bennett. It was suggested that Mr. Bennett was okay.

Commissioner Ellertson said that they had talked about considering some flexibility but at some point the County was going to make a decision.

Mayor Watkins said he thought they had been flexible. They were at a one-acre zoning which was the most they would ever allow up there.

There was more discussion about flexibility and density and lot size.

Commissioner Bill Lee said that one of their attorneys came to them and told them that they sat in a position to make a decision, but once the decision was made, they had to live with it. Now was the time to carve things out. He said the City now sat in a position of power. The parameters the County had set were not set in stone.

David Church said that as a City they had lots of flexibility because it was an annexation. But one thing they were forgetting was that the landowner had to agree with the City's requirements. The County had indicated their parameters to the landowner for him to develop in the county. The Council needed to decide what they would require, and the landowner would decide what he wanted to do.

Mayor Watkins said his concern was that the developer would find frustration with the Council and go back to the County and the County could rezone the ground, which would give the developer added leverage to come back to the City. His recommendation was the Council should decide but he asked that they not do something better than they would do for their own citizens.

Kimberly Bryant pointed out that since Roger Bennett had not come back, it was uncertain if they could pass anything.

David Church said he believed that Roger Bennett left the meeting as a parliamentary procedure to make sure the minority did not prevail. It appeared that three of the five Council members would give Mr. Obere more density than the Mayor and two Council members would. Mr. Bennett was using the same rules that had prevented one Council member from voting.

Mayor Watkins said they had an amendment to Kimberly Bryant's motion. It would take a positive vote of the entire Council to accept the motion to amend.

Troy Stout withdrew his motion. He said he didn't want to complicate Kimberly Bryant's motion which was made much earlier in the meeting.

Will Jones recused himself from the vote. A vote was taken on Kimberly Bryant's motion and the motion failed.

Lon Lott said he would like to go back to Roger Bennett's motion with some amendments, which he listed:

- Paragraph a would stay the same, which was to zone the property as CR-40,000.
- Paragraph b would allow the developable area to be processed with the flexibility of a PRD to allow larger lot higher up and small lots lower down. There would be 53 lots in the area of annexation with the potential of six more lots in the areas already in Alpine City for a total of 59 lots.

A lengthy discussion followed with input from the mayor and council members about the minimum lot size and improvements to Grove Drive and the construction of a connection to Elkridge Lane.

Troy Stout said he still had a problem with the half-acre lots. He had pledged to have low density on the hillsides. He would prefer to see lots with a minimum size of three-quarter acres and they should make up no more than 20% of the lots. He said he would be more likely to vote yes if the minimum lot size was three-quarters of an acre and they represented no more than 20% of the lots.

Mayor Watkins said it was his wish was that the Council send the message to the County representing what the City would do. It didn't mean Mr. Kroff could not come back and negotiate. But without something, the County had more reason to rezone the property.

David Church summarized Lon Lott's motion saying it was the same as Roger Bennett's motion except that the number of lots in the annexed area would be 53 lots and there would be a minimum lot size of three-quarters of an acre and they would represent no more than 20% of the lots.

Mayor Watkins asked what Roger Bennett's motion said about Grove Drive. David Church said he'd said that if Elkridge Lane was built first, then the improvements to Grove Drive would be the developer's proportional share. If he didn't build the connection to Elkridge Lane first, they he would have to fully improve Grove Drive.

Kimberly Bryant asked Lon Lott why he didn't want to follow staff recommendation on the roads.

Lon Lott said he didn't think he was going against staff reports because he still wanted Grove Drive improved, but the developer would pay their proportional share.

Mayor Watkins said he wanted to be on record that he wanted Grove Drive fully improved.

Will Jones asked how the other properties in the annexation would be treated. David Church said they would need to apply and go through the process.

Kimberly Bryant said she would like to see Grove Drive improved first of all because it affected all of the citizens, and then have Elkridge Lane come in on phase two.

Mayor Watkins agreed that Grove Drive should be fully improved first of all. He felt it would be more palatable for the neighbors if it was improved first.

Lon Lott asked Shane Sorensen if there would be a problem with the fire marshal if the connection to Elkridge Lane was not built until the second phase since staff recommended the connection. Will Jones noted that the preliminary plan showed a secondary access through Alpine Cove which would meet the need for a secondary fire access.

Mayor Watkins said he would recommend construction of the connection to Elkridge Lane when half the lots were built. He asked Lon Lott if he could live with those requirements on the roads so they could get a vote. Councilman Lott indicated he could accept that.

David Church summarized the revised motion. He reminded the Council that according to the Alpine City's ordinance they had to have a secondary access road after 20 lots, plus it was in the urban wildland interface area which required a second access road. He said the difference between this motion and the County's proposed development agreement was that the County would allow a minimum lot size of 20,000 square feet with an average lot size of three-quarters of an acre. The Motion required a minimum lot size of three-quarters of an acre to comprise no more than 20% of the lots. The County designated a maximum of 70 lots. The Motion designated a maximum of 53 lots. The County would require the developer to build their own water system, and the only improvements the County was requiring on Grove Drive was to improve the 90-degree bend. The County was requiring the Elkridge Lane connection.

Mayo Watkins said to keep in mind that proposed Development Agreement from the County was only a draft, and called for a vote on the motion which David Church had summarized.

Will Jones recused himself from the vote.

MOTION: Lon Lott moved to approve Resolution No. R2015-18 with the following changes:

- Paragraph a would remain the same as written with a zoning of CR-40.
- Paragraph b would state that subdivisions in the annexed area would be processed as PRDs to allow flexibility of lot size with a maximum density of 53 lots in the area of annexation. The minimum lot size would be three-quarters of an acre which would represent no more than 20% of the lots.
- Paragraph c would be revised to read "All of the City's existing hillsides, slope, and hazard regulations contained in the City's current development code would be complied with."
- Paragraph d would be the same as the original resolution which was that the property owner would agree, at their cost, to bring Grove Drive up to City standards (30 feet of pavement, curb and gutter on both sides, sidewalk on one side) from the intersection of Alpine Boulevard to the proposed new development including the improvements to the 90 degree bend.
- Paragraph e would be the same as the original resolution which was that the property owners would agree to provide a second access from the proposed development to the City that connected with Elkridge Lane, and this would be no later than when first 20 lots were built.
- Delete the second "d" paragraph which stated that the development would not be provided with secondary water.
- Paragraph f. The property owners at their sole costs and expense would build the culinary and secondary water infrastructure necessary to serve their development as currently recommended for that area by the City's culinary and secondary water master plan.
- Paragraph g would remain as written in the original resolution.

Kimberly Bryant seconded. Ayes: 3 Nays: 0. Lon Lott, Kimberly Bryant, Troy Stout voted aye. Roger Bennett was not present at the time of the motion. Motion passed.

Kimberly Bryant said she hoped that they showed flexibility. She felt she had come so much farther than where they started.

B. Larry Hilton Condominium Conversion Request: Jason Bond said that Larry Hilton had received approval for a commercial building at 341 S. Main Street which was lot B of the Alpine Olde Towne Centre Planned Commercial Development. Before Mr. Hilton started construction, he wanted to convert the building into two

separate condominiums. Alpine City's Development Code, Chapter 6, laid out the requirements for the conversion of a building to condominiums. The Planning Commission had reviewed the request and recommended approval subject to David Church reviewing the Declaration of Condominium Covenants, Conditions, Restrictions, and Management as proposed.

MOTION: Will Jones moved to approve Larry Hilton's request to create condominiums in the commercial building located at 341 S. Main Street subject to David Church reviewing and approving the agreement. Kimberly Bryant seconded. Ayes:4 Nays: 0. Will Jones, Kimberly Bryant, Lon Lott, Troy Stout voted aye. Roger Bennett was not present at the time of the motion. Motion passed.

D. Approval of Poll Workers for Voting Station. Rich Nelson said the although Alpine City was voting by mail, they would have a Voting Station at Alpine City Hall on November 3rd where people could drop off their ballots or vote provisionally if they did not receive a ballot in the mail. It was proposed that Lynn Higgins and Linda Higgins be approved as poll workers.

MOTION: Will Jones moved to approve Lynn and Linda Higgins as poll workers for the voting station at City Hall on November 3, 2015. Kimberly Bryant seconded. Ayes: 3 Nays: 0. Will Jones, Kimberly Bryant, Lon Lott voted aye. Roger Bennett was not present at the time of the motion. Motion passed.

Mayor Watkins said they had postponed the 2015 Survey Results to the end of the meeting, but since it was late, he recommended that it be reviewed at the next meeting.

VI. STAFF REPORTS

Rich Nelson reported on the following:

- The available dates for the Christmas party were December 16th or 17th. The Council indicated they would like it on Wednesday, December 16th.
- November 7th would be the official opening of the emergency phone at Tibble Fork.
- The Christmas lights would be going down Main Street.
- City Hall hours would be changing from 7:30 am to 5:30 pm to make a 9 hour day, and on every other Friday, half the staff would take Friday off.

Shane Sorensen said the proposal from Loughlin Water Associates on the new well had come in too late to be on the agenda but they wanted to begin work on it as soon as possible. It would be about \$9500. The Council indicated informal approval. It would be on the next agenda for formal approval.

VII. COUNCIL COMMUNICATION

Mayor Watkins asked staff to display the rendering for the proposed storage shop on 300 North. He said he had emailed a copy of it to the neighbors and they liked it.

Will Jones thanked Judi Pickell for the great job she did on the Trick or Treating at the local businesses. There was an amazing turnout.

Troy Stout told Will Jones that the letter he'd sent out to the community was a cheap shot. People thought it was an official letter from the City Council because it was addressed from the City Hall. Will Jones said he had not put the return address on it. Canyon Copy had addressed it when he handed them the letter. He said the letter clearly stated that it was from him and not the rest of the Council.

VIII. EXECUTIVE SESSION: None held.

MOTION: Will Jones moved to adjourn. Kimberly Bryant seconded. Ayes: 3 Nays: 0. Will Jones, Kimberly Bryant, Lon Lott voted aye. Motion passed.

The meeting was adjourned at 10:35 pm.

