

**ALPINE CITY COUNCIL MEETING**  
**Alpine City Hall, 20 N. Main, Alpine, UT**  
**November 11, 2014**

**I. CALL MEETING TO ORDER:** Mayor Don Watkins called the meeting to order at 7:00 pm.

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

Mayor Don Watkins

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

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Jason Bond, Joe McCrae, Annette Scott

Others: Bruce Baird, Leslie Morton, Joey Zobell, Clayton Johnson, Barbara Bassett, Paul Bennett, Loraine Lott, Nancy Brockbank, Bob Bowman, Donna Bowman, Rick Hellstrom, Darren Krumm, Annette Scott, Gale Rudoph, Bob Orton, Michael Lavin, Diann Lavin, Matt Lovelady, Jenni Lovelady, Darrell Duty, Angie Duty, Jonathan Bradshaw, Melanie Ewing, Kelley Gregory, Keith Gregory, Bronson Gregory, Bradley Gregory, Cheryl Schauerhamer, Heather Groom, Barbara Rapp, Ross Welch, Pam Welch, Nathan Meek, Debra Hart, Lisa Brown, Matt Porter, Marla Rogers, Rebeka Waterson, Bruce Parker, Scott Blackburn, Maxine Blackburn, Blair Holmes, Margie Holmes, Jeff Call, Adele Leavitt, Vanessa Sutton, Thomas Sutton, Martha Beck, JL Beck, Craig Skidmore, David Roskelley, Bruce Harvey, Rick Johnson, John Mackay, Kathleen Mackay, Bob Schirmer, Larry Sparks, Stefanie Sparks, Greg Clark, Bryan Irving, Camie Smith, Kay Holbrook, Steve Crain, Daren Weeks, Keith Clarke, Russ Devitt, Jeri Devitt, Paul Kroff, Nancy Brown, Janet Peterson, Kevin Mulvey, Steve Larsen, Bill Crockett, Ted York, Joel Fetter, Doug Malm, Dale Merrill

Mayor Watkins introduced Melanie Ewing who was selected as the new chairman for Alpine Days.

**B. Prayer:** Troy Stout  
**C. Pledge of Allegiance:** Bob Bowman

Mayor Watkins said he had attended the Veterans Days program at the River Meadow Senior Center honoring the Veterans. He said it was a special experience. His father had served in the military during World War II as a 1st sergeant in the airfield on the front lines. The mayor showed the uniform his father had worn. He said his father was a hero as was everyone who put their lives on the lines as well as those who served at home.

Mayor Watkins invited Veteran Bob Bowman, to lead the Pledge of Allegiance. After the Pledge, he invited other veterans in the audience to join Mr. Bowman for a picture. The veterans were: Bob Bowman - US Air force, Ted York - US Air force, Bill Crockett - US Army, Thomas Sutton - US Army.

**II. PUBLIC COMMENT:** Clayton Johnson said he was the owner of the Pyromaniac Pizza food truck. He had served at Alpine Days and outside the Snoasis in Alpine. Then he got a letter from Jason Bond saying that food trucks were not legal in Alpine. He was proposing that the City change the ordinance and recommended they look at Pleasant Grove's ordinance on food trucks. They required every truck to have a license with the city and a location set by the city so they paid sale tax to the city. He said he would love to have a truck in Alpine one or two days a week. He had been very successful in other places. He said he would keep the peace and make it clean. He had spoken with the Mountainville Charter School who indicated they would be interested in letting him use their parking lot.

Don Watkins said the Council had discussed food trucks. Rich Nelson asked Mr. Johnson to email him with his information and they would discuss it later.

Troy Stout said he had enjoyed having the food trucks at Alpine Days. If they controlled them carefully, perhaps they could harvest some sales tax revenue from them.

**III. CONSENT CALENDAR**

**A. Approve the minutes of October 14, 2014**

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

#### IV. REPORTS AND PRESENTATIONS

**A. Relay for Life – American Cancer Society – Barbara Bassett:** Ms. Bassett said she had emailed the Mayor earlier with their proposal. On August 1, 2015 at the Provo, Town Center Mall they would hold the event. They wanted to make it a summer event similar to the New Years Eve event at the mall. It would be a time when the residents of the county from the point of the mountain south to Provo came together to honor those who had been lost to cancer or were battling cancer. It would be a walk, not a run. Donations would go to research and to the Hope Lodge in Salt Lake City where families of cancer patients stayed for free while they were being treated for cancer. They wanted everyone to participate. Everyone was affected by cancer in one way or another.

#### V. ACTION/DISCUSSION ITEMS

**A. County Zone Change Request:** Rich Nelson said the County had received a request to rezone approximately 100 acres owned by Patterson Construction located north east of Lambert Park from CE-1 (critical environment or one home per fifty acres) to CE -2 and TR-5 which would be 5-acre minimum lot size or 20,000 square-foot lots if a central water system was provided.

Mr. Nelson said the County sent an email to Alpine City asking two questions. The first question was if the area was in Alpine City's Annexation Declaration Area. Mr. Nelson said it had been at one time but it was not currently in the City's Annexation Declaration Area.

Mr. Nelson said the second question was what was Alpine's level of support for the zone change? He said Mayor Don Watkins had written a letter to the County in response to the question. Everyone should have received a copy of it.

Mayor Watkins said the options were to let the Mayor's letter stand as representing the Council, or have the Council members send their own letters, or make another decision.

Troy Stout said he felt the property in question had the appropriate designation right now. It was one of the last areas that was relatively untouched. He believed the zoning should remain as it was. He said that as he'd gone around town knocking on people's doors during the last election, the predominate concern he heard from people had to do with protecting the hillsides.

Lon Lott said he appreciated what Troy said because the citizens he'd talked to had the same concern. But as he'd spent time on the Council relative to County issues, his perspective was that if the City wanted to have control over what happened on the hillsides, the land needed to be in the city limits. They did not have control over what happened in the county. The County would listen to the City to a degree but they still made their own decision. He said he was more in favor of annexation if they wanted to have some control over the area.

Mayor Watkins said that was the key question. People said they needed to annex it if they wanted to control it, but that was not the reality. A landowner had to choose to be annexed. If they didn't want the zoning the City offered, they didn't have to annex.

David Church said the current law in Utah was that an annexation had to be initiated by the property owner. There were some exceptions that didn't apply to this case. If a property was an island or a peninsula, a city could initiate an annexation, but even then the property owner could protest and not be forced in. He said that the land in question had at one time been in Alpine City's Declaration Area. The property owners had petitioned the City for annexation but the property owners and the City could not agree on density. He said including property in the a city's Annexation Declaration Area put the county and other cities on notices of their intent to annex it. It also invited a property owner to petition for annexation. He said that if someone with property in the county applied for urban development, the county could not approve it without first asking the city if they were interested in it.

Kimberly Bryant said the property was part of the pristine view and she didn't think it should be bothered.

Troy Stout asked if anything was anything subject to a petition to rezone? David Church said it was. He said that if the Utah County decided to change the zoning on the property and it was challenged, the rezoning would be defensible in court.

Mayor Watkins asked if it would be subject to a referendum. David Church said that since rezoning was a legislative act, it was subject to referendum, but since it was in the county, it would require signatures from all over the county.

Roger Bennett said that if the City wanted to control, it should be in their Annexation Declaration Area. Likewise with anything else around the city.

Don Watkins asked if the City had a zone that mirrored the County's CE zone? Jason Bond said there was a CE-50 section in the zoning ordinance, but it didn't actually exist anywhere.

Will Jones said he had spoken with the County Planner about how the CE-1 zone was created. He was told it was zoned that way 50 years ago. The County automatically put a CE-1 designation on property that bordered the wilderness because they couldn't get to it with their services. The best way to get around it was for the cities to annex the ground. He said there was another annexation in the works and if Alpine didn't annex it, that was where their opportunity for control ended. He said Willow Canyon was in the County's CE -1 zone when the City annexed it.

**MOTION:** Will Jones moved that the Mayor send his letter to the County and the Council Members would send their own letters about their feelings on the proposed rezone as they wished. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Will Jones, Kimberly Bryant, Troy Stout, Lon Lott, Roger Bennett voted aye. Motion passed.

Troy Stout asked what could be done if the property was shown in Alpine's Annexation Declaration Area. David Church said that years ago the City had spent five years on the proposed Pine Grove Annexation but the City never approved a density the landowner would accept. He said that unless the City was willing give more density than the County was offering, they probably wouldn't want to annex into Alpine.

Don Watkins said that with the recent flooding in that area, he felt the County would be more inclined to uphold the CE-1 zoning. He said the letters need to be sent to the County soon because two of three Commissioners were changing as a result of the last election.

**B. Questar Property Purchase:** Jason Bond said that the representatives from Questar had approached the City on August 19, 2014 with a request to purchase land at the top of Pfeifferhorn for an above-ground metering station for the high pressure gas line that already ran through Alpine City. The request, however, never made it onto a City Council agenda. Since that time, the offer had been withdrawn. Instead of purchasing ground for a metering station, Questar was offering Alpine City \$37,000 to increase their existing easement. In that easement they would build an underground vault for their meter station with a lid and some above-ground electrical components. A similar station already existed in their current easement.

Rick Hellstrom and Kevin Mulvey were representatives of Questar and were present to answer questions. Mr. Hellstrom said that where the pipeline intersected with Pfeifferhorn, there was already a power meter and rectifier in a box located in the easement. They were there to provide cathodic protection to the pipeline. They would still exist. In addition they would build an underground, concrete vault and an above ground electrical meter that would send a signal to the gas control.

Mr. Hellstrom said that Questar would also like to purchase additional easements to get the pipeline out of backyards. They were going to replace the existing pipeline, and would be better able to do the construction with a wider easement. In the future a wider easement would protect the pipeline and facilities from further encroachment. He said that everything they wanted to do, they had the right to do in their existing easement, but they would prefer to have a wider easement. They could put the underground vault in the existing easement and the power box in the existing public utility easement.

Lon Lott asked if they would move the existing box into the new location. Mr. Hellstrom said they would consolidate things. The new box would be similar in size to the existing box.

Will Jones asked about the existing facility which was above ground. He was concerned because it was in a trail easement and wondered what would happen if it was hit by a motorized vehicle. Would gas be released? Was there a potential for explosion? Would there be a smell? Mr. Hellstrom said there was nothing above ground that had natural gas in it. The above-ground components were strictly for power and communication. They would try to relocate the existing box if they got the additional easement. He said the things that would be above ground were similar to what would be found in any subdivision. There would be power meters like what would go on a house. Will Jones said he was concerned because the meters would be exposed rather than enclosed. He was concerned it would be subject to vandalism. He asked where the vault would be. Mr. Hellstrom said it would be installed in the new easement. It was a concrete underground vault with a lid. He repeated that they could put such a vault anywhere in their existing easement.

Mr. Jones asked if they would abandon the easement if they got a new easement. Mr. Hallstrom said they would be installing a new pipeline and abandoning the old pipeline. In the event that an easement was no longer needed, it could go back to the City.

Shane Sorensen said the power meters were the same as the meters in 90% of the parks. Will Jones said he was concerned because the meter was connected to gas pipeline. Mr. Hellstrom said the gas was strictly underground in a welded and sealed pipe. The meter was strapped onto the outside of the pipe.

Mr. Jones said he'd gotten a lot of emails from concerned citizens wondering if there would be a smell? What was the potential for fire or explosion? Mr. Hellstrom said there was no vented gas. When they were originally considering a regulator station, those questions were raised, but this was just a metering station.

Lon Lott said there was a concern about what Questar would do with the additional easement. Mr. Hellstrom said the easement agreement would allow them to install, maintain and operate the pipeline. They had sent a proposed agreement to the City. Mr. Church could fine-tune the agreement. It would not allow for above-ground facilities but would allow underground vaults.

Troy Stout asked about the previous negotiations to purchase the property. Mr. Hellstrom said the negotiations had not worked out so they had taken the offer off the table. They would not be building a regulator station. Now they were just requesting additional easement space. The current pipeline was installed in 1947 and was 37 to 38 miles long. It started in Salt Lake and extended to Columbia Lane in Provo. Alpine was about the midpoint and that was why the engineers had wanted the equipment at this point.

Troy Stout said there were remote places along the pipeline. Why didn't they install their equipment there? Mr. Hellstrom said there was limited access to those locations.

Will Jones asked if the City sold Questar the piece of open space by the road, would Questar still need an additional 14 feet of width along the portion of the pipeline that ran through Alpine? Mr. Hellstrom said they would be constructing a new pipe while the old one was in service so it would be nice to have the extra space to work in. Also, once the new pipeline was in, there would not be much room on the one side of the easement to protect it from encroachment. They preferred a wider easement for safety reasons. It would prevent people from constructing buildings or planting trees, etc. too close to the pipeline.

Mayor Watkins opened the discussion to the public for ten minutes.

Barbara Melendez Rapp said she was concerned about safety issues and the fact that there was no site plan. She had reviewed the easement agreement. What was said by Questar and what was written in the agreement in terms of the scope was different. It ran the gamut from a small box to something that could be quite obtrusive. She didn't want the Council to think this was the only place where this expansion could take place. At a minimum, she would like to see a site plan submitted so they knew what was going to take place and have control over future expansion.

Bruce Harvey said that there were other facilities farther up the easement for secondary water, etc. He wondered why Questar didn't put their facility up there with other existing facilities. He understood that it was easier to access where they wanted it, but how would the Council feel if Questar was installing such a facility next to their house? It would create a hazard to kids playing around there. He also asked why Alpine was selling open space when it didn't benefit citizens directly.

Craig Skidmore said he was a physicist by background. He said cathodic protection kept the pipeline from rusting. They had to have boosters all along the pipeline to protect it. It was a huge benefit to reduce wear and tear on the pipeline. On the other hand, he felt they had enough easement already to do what they needed to do, but he would like to see an increase in cathodic protection.

Thomas Sutton said that the wording in the easement agreement had fine print that mentioned a regulator station and that it could be put in if needed. He felt it was a vague offer and he was concerned about the expansion. He lived in the area with small children and was concerned about it.

Darrell Duty asked about the size of the current and future pipeline. Mr. Hellstrom said the current line was 10 inches. A 12-inch line was proposed. Mr. Duty said that as a retired pipefitter welder, he was nervous about a pipeline that had been in the ground since 1947. Technology wasn't as good then. He appreciated that they were going to replace the line. He also understood they people didn't want it next to their homes.

Joel Fetter felt that moving it down the street was a good idea provided it wasn't going by his house. It was a rotten idea to have it by his home. He asked why Alpine said yes when Draper said no. He said the Council should not be making Questar's convenience more important than the resident's homes.

Doug Malm said the Planning Commission voted against approving the easement. The citizens and the Planning Commission were saying no. The City Council had the power and authority to say no. He said that farther up the street was a water treatment plant with access from Highland. It made sense to put it in an undeveloped area where developers could build around it. To put it in a fully developed area devalued homes and endangered kids.

In response to concerns from the public, Rick Hellstrom said they could negotiate the language in the agreement and make it more clear. He said Questar was not intending to build anything above ground. There would not be a regulator station. There would be no venting gas. The only thing above ground would be the electrical components. He said subdivisions and parks were dotted with the same kind of utility boxes they were going to be putting on their easement. The vault itself would be underground and made of concrete. The property would still be open space. He said everything they did was about protection and safety. Every weld in the pipe was x-rayed for safety. Questar was asking for 20 to 30 feet of total width of easement, which would not provide enough room to build a regulator station. He said the Planning Commission said no to the latest request because they thought Questar was asking for fee title to the property, not an easement. As far as locating it in Highland, he said they didn't have access in Highland and would have to go buy an easement in their open space. He said it was true the pipeline was in a developed area, but the pipeline was installed long before the area was developed.

Kimberly Bryant said she understood this was something that needed to be done but she felt it could be done somewhere else.

**MOTION:** Kimberly moved to deny the request from Questar. Troy Stout seconded. Motion withdrawn.

Lon Lott clarified that the current easement existed, and that Questar was going to be able to put in what they needed with or without expanding the easement. Mr. Hellstrom said that was correct. The expanded easement was about safety and protecting the pipeline from future encroachments.

Troy Stout said he was opposed to expanding the easement and impacting open space to a greater degree even though they said they would be maintaining it as open space. Mr. Hellstrom said Questar and Alpine City were serving each other because they both wanted the easement maintained as open space. Troy asked if they would maintain the right to expand uses in the easement. Mr. Hellstrom said they were only planning to replace the pipeline. Language could be put in the agreement to state that.

Mayor Watkins said that if they only needed the expanded easement to have room to replace the pipe, they could consider a temporary easement for safety work.

David Church said everyone needed to be clear that regardless of what the Council decided, Questar would be coming into town to install a new 12-inch pipeline all along the easement. They would be ripping things up and bringing in construction equipment all along the pipe line, and the vault would be built somewhere in that easement.

Lon Lott said that the new homes in the Highland had actually used Alpine's open space as a staging area to build retaining walls and do their construction. It had become a dumping ground. If it was the view they were concerned about, it didn't look so good right now with the piles of concrete, etc. So the question was, how would Questar take care of the easement they were given? Did they clean up after others? Mr. Hellstrom said they did not police others. After they completed their work they would reseed and restore the area they had disturbed and monitor the area afterwards for a time.

Shane Sorensen showed where the pipe line was. Questar was trying to make it better and put it in the street because it was not a good situation where it currently was. It was right by homes. He said the proposed meter was no different from the manholes in the street.

Kimberly Bryant said her point was that it was denied at Planning Commission and she would like to table it. It was all new information. She would like to listen to the citizens. She withdrew her motion but said she would like to know more about a temporary safety easement.

Troy Stout moved to deny the request to expand their easement and have Questar relocate their project to another site, but grant them a temporary easement to do the necessary construction. After some discussion, Troy Stout amended the motion to eliminate the verbiage that said Questar should relocate their project to a different site. Rich Nelson asked if the motion included an easement for the bend in the pipe. Mr. Stout said no. They would come back to discuss that.

Shane Sorensen showed on the map where Questar wanted to put the new pipe line. He said a private property owner had approached the City about a possible property exchange.

**MOTION:** Troy Stout moved to deny the request from Questar to expand their existing easement based on the City's intention to protect open space and not encroach on it unless absolutely necessary, but do grant a temporary easement to do the necessary construction in the existing easement. Kimberly Bryant seconded. Ayes: 2 Nays: 3. Kimberly Bryant and Troy Stout voted aye. Lon Lott, Roger Bennett, Will Jones voted nay. Motion failed.

**MOTION:** Kimberly Bryant moved to table the Questar request. Will Jones seconded. Ayes: 5 Nays: 0. Motion passed unanimously.

Kelley Gregory proposed that Questar build a soccer field.

**C. AT&T Antenna Modification:** Jason Bond said the City had been working with AT&T on funding a landscaping project. It had been completed a couple of weeks ago. They put in six new evergreen trees and sixteen honeysuckle plants for a cost of \$5,223, which was paid by AT&T.

Mr. Bond said that AT&T was now proposing to replace three antennae on an existing pole, and replace the wooden pole with a steel monopole. The Planning Commission had approved the upgrade with the recommendation that the pole not exceed 58 feet in height. However, there was a misunderstanding and the pole would actually only be 32 feet high.

Will Jones declared a conflict of interest because he owned the pole. He would not be voting.

Bob Schirmer said he lived 200 yards from the cell tower. He asked that the antennae be brought in closer to the tower, as provided in the ordinance. He said the towers had a negative impact on the value of his home and he would like the City to do something to try and alleviate their impact.

Greg Clark said he lived across the street from the cell tower. He'd sent an email to the FCC and asked if there was a way to limit the number of antennae on a tower. He cited the code and said that cities did have a legal right to require the tower to meet zoning laws and require land use permits as long as the cell companies had the ability to put in a tower. He asked why AT&T couldn't locate their tower onto City property if they were putting in a new tower. They weren't just making minor adjustments on the antennae.

Troy Stout said that section 2.8.5 in the Wireless Telecommunication Ordinance required all new antennae to be slim mounted.

David Church said that in 2012, Congress got involved and said that cities shall approve modification of an existing wireless tower if it did not substantially change the size or increase the height by more than 10%. He said cities did get to control the location of the tower but not the tower itself. Since this was an existing tower, the wireless carrier could change out the equipment and modernize it.

Dale Merrill said he lived on Rocky Mountain Drive and he stared at the towers every day. He asked if it was possible to have AT&T make more than a token effort of three trees and some weeds, and plant some trees on the ridge line on both sides of the towers to actually screen the trees.

Mayor Watkins asked if big trees would affect the service. Lon Lott said he was told there needed to be a line of sight. If a tree intruded into the line of sight, they would cut it off.

Dale Merrill said he would love to sit down with someone and show them where the trees should be planted.

**MOTION:** Troy Stout moved to grant the request from AT&T to modify their existing tower on Shepherd's Hill as submitted with a request that they work with the City to bring the antennae clusters into the pole as tightly as possible recognizing that they are not required to do but that they consider it. Roger Bennett seconded. Ayes: 3 Nays: 1. Troy Stout, Roger Bennett, Kimberly Bryant voted aye. Lon Lott voted nay. Will Jones abstained. Motion passed.

Rich Nelson asked Dale Merrill to email him with his suggestion of where the trees should go.

## **PUBLIC HEARING - ILANGENI ESTATES PLAT AMENDMENT**

Will Jones declared a conflict of interest and sat in the audience.

David Church reviewed the history of Ilangeni Estates and the Three Falls Subdivision. The original Ilangeni Estates was approved in 1984 and the plat was recorded. The developer built a road and partial water system, then when there was a downturn in the economy, he took out bankruptcy. He had posted a bond for the infrastructure and backed it with a letter of credit from an institution that also went bankrupt. The FDIC refused to honor the letter of credit so Alpine could not finish the improvements.

There were several years of litigation and bankruptcy courts. The lots were purchased by individuals who later contacted Alpine City and insisted the City complete the improvements so they could get building permits on the lots. The public road (Fort Canyon Road) ended just short of the subdivision and there existed a gap. The City had said they would try to assist in closing the gap by eminent domain but they didn't have the money to put in the infrastructure on the property owners' timetable. Alpine City's position was that they would the improvements to the capital facilities plan and do them when they were able, or the property owners could do it if they wanted it done sooner. The owners of Ilangeni threatened to sue or disconnect. The City's position was that they would not amend the ordinance to accommodate the development, but the owners could file a petition to amend the plan, and if was consistent with the current ordinances, the City would consider it.

In 2002, the landowners approached the City with an amended plat renamed Three Falls, which they said would meet the current ordinances. The application went to Planning Commission to work out a plan that would comply. In 2009 the Planning Commission voted to approve a revised preliminary plat. In January 2010 the decision was challenged by the Beck Family who owned property adjacent to the proposed subdivision. They contended that the subdivider was obligated to extend the road and improvements to their property.

The Beck Family filed formal objection and it went to district court. Then the economy changed. The cost of an offsite road was higher and the price of the lots was lower. The City was notified that the developers of Three Falls were not longer pursuing the development.

Mr. Church said the developer had come back again with a formal application to amend the plan. It had already been through the process with the Planning Commission. The public hearing being held that evening was on the proposed amendments to the plat. He said it was very much like the plat approved by the Planning Commission in 2009 with significant exceptions.

In regard to the Fort Canyon Road, it was the position of the owners of Ilangeni Estates that Fort Canyon Road was an offsite improvement and they were not required to build an offsite road. They were however, proposing to give Alpine City two million dollars to improve the road. The developer had acquired all the necessary rights-of-way to improve the road. They also came up with a second access road.

David Church the current proposed plat amendment was consistent with the exceptions that were previously granted and complied with the existing ordinances. The plat did require some exceptions that the ordinance provided for. The Beck property was not included in this plat. The Beck family still contended that the ordinance required a road and improvements to be extended to their property. Mr. Church said the ordinance on road extensions had been amended since the City last looked at the amended plat.

Mr. Church said the current plat showed a combination of public and private open space. It included a right-of-way for a road to the Beck property, but the developer was saying they would not pay to build the road. Mr. Church said the original Ilangeni plat showed a long cul-de-sac with no access to the Beck property.

Mr. Church said the benefits to the City in approving the plat would be that it would resolve a long-standing fight. It would give the City some money to improve Fort Canyon Road. It would not, however, resolve the Beck issue. He said that a history of Three Falls with the minutes and motions were available from Charmayne Warnock if the Council was interested in reading through them.

Mr. Church turned the time over the Bruce Baird, legal counsel for the Three Falls developers. Also present was Leslie Morton from Psomas who was the designer on the project team.

Bruce Baird said he would talk about five issues. They were Fort Canyon Road, Sliding Rock, the trails, the Beck road access, and the condition that there by a geohazard study done on every lot prior to recordation.

Fort Canyon Road Improvements. Mr. Baird said there hadn't been a final estimate on the cost to improve Fort Canyon Road. He said that with retaining wall, the two million wouldn't cover the cost, but it would cover the road design approved by the Planning Commission. Questions on the road design could be answered by Leslie Morton.

Troy Stout asked if the bike lane was still part of the plan. Ms. Morton said the road did include a four-foot walking/bike lane. There would be reflectors to segregate it from the traffic.

Shane Sorensen said residential streets in Alpine had a width of 30 feet of pavement. A rural road had 26 feet of asphalt. Fort Canyon Road would be 24 feet wide with two 10-foot travel lanes and 4-foot bike lane. He said it was a compromise that wouldn't require retaining walls.

David Church said the developers were proposing to fund a 24-foot design but the City could build what they felt was best. They weren't saying they couldn't build something more. Rich Nelson said the City didn't have the money to build something more.

Sliding Rock. Mr. Baird said Sliding Rock had been used by the public for a long time with the permission of the landowner. It was private property. He said that after the Planning Commission hearing, there was a lot of discussion among the owners of the Ilangeni Estates land. They did not want Sliding Rock to be available to the public. It was a privacy issue. They didn't want 400 people up there. In addition, there were safety issues. They may not have the liability but they could still be sued. The police had issues with illegal activities. The fire department had issues with



people camping out up there and the potential for fires. He said his clients wanted to remove condition #4 from the Planning Commission recommendation. He said they believed the City didn't want to control Sliding Rock and they didn't either.

Trail. Mr. Baird pointed out the trail running to Sliding Rock and the pond. They didn't want a public trail running through the middle of the project unless it was in public open space. He said the pond would be developed to take away an attractive nuisance. They would still have the trail access that was shown on the map. There were ten to twelve miles of trails. Parking would be provided at the base for a trailhead. Over 400 acres of public, permanently protected open space would be provided in the development. But they would not have Sliding Rock or a trail running through the middle of the project.

Beck Property. Mr. Baird said the Planning Commission had asked the parties to see if they could negotiate to transfer density from the Beck property into the Three Falls development. They did negotiate but it was unsuccessful because they could reach an agreement on how many lots could be developed. He said that to get from the Three Falls property to the Beck property would be a massive undertaking with cuts and fills and engineering. The owners of Three Falls were willing to provide one access to the Beck property, but they were not will to provide two accesses nor build the road. He said that it was not lawful to impose a burden on one landowner if they did not get a corresponding benefit from it. He said the Three Falls development was not landlocking the Beck property, and it was unconstitutional to require one landowner to burden themselves for another landowner.

Regarding condition #5 from the Planning Commission which stated that the private open space be trimmed to allow more public open space, Mr. Baird said they would be happy to do that.

Geological Hazard Study on each lot. Mr. Baird said that to provide a geological hazard study on each lot prior to final approval would be overkill. The building envelope on each lot was 15,000 square feet. The normal time for a study would be prior to the building permit. He said he'd never seen a requirement for a geo-hazard study for an individual lot before a plat recording. They would request that the condition #2 of the Planning Commission recommendation be modified. Remove "lot specific geotechnical & geological hazard studies" and put a note on the plat that said it had to be done before a building permit was issued.

Bruce Baird said he believed the proposed plat met the ordinances of Alpine City, and asked the Council to vote to approve it.

Mayor Watkins stated that he had no financial interest in the property, nor did his family, but one of the developers was a business partner and family friend. He said that to be above accusation, he would not vote to break a tie. Since Will Jones had recused himself from the vote, that would leave four City Council members to vote.

David Church said that Alpine's ordinance required member not to vote if they had a conflict of interest unless there was a supermajority vote of the Council to allow them to vote.

Kimberly Bryant asked if the City hadn't actually had the purchase of the Three Falls area as a bond issue. David Church said they did. The proposal was put on the ballot but the residents voted against it.

Mayor Don Watkins opened the hearing to public comment. He said they would not be responding to questions at that time but would make a note of them and research the answers.

Jonathan Bradshaw said he got a copy of the environmental impact study and the date on it was 2003. He suggested a new study. He said his concern was traffic control. They were looking at an increase of 150 to 200 vehicles on the road numerous times a day. The emergency access road was not intended for daily use. He asked if the City really thought they could build a sustainable road for 2 million dollars. He didn't believe it would be adequate. He said he would like to see some updated drawings. They'd been told that the road improvement would not affect their driveways but he didn't see how it could not affect them. Most likely it would put a financial burden on the homeowners who needed to get out of their houses.

Marla Rogers asked about the redesign of the road. Her family had an agreement on the previous road for drainage pipe to come across their property. They would like to move it. The original agreement was to vacate the straight driveway, but if they narrowed the road, would it change the steepness so they could the drainage?

Lisa Brown said she was disappointed that it had somehow gone from having the developer take care of Fort Canyon to the City. She didn't think two million dollars was going to be enough to make the necessary improvements on the road. At the widest part it was 25 feet. She said all the properties that were lower than the road would need some kind of retaining wall to expand the road, and if the east side would accommodate the bikers and hikers and snowplow, how would they do that? If it didn't work, the City would be liable and have to tear it out. Fort Canyon Road was the most dangerous road in the City. She said it didn't appear they were really improving it except putting in a bike lane and hoping a retaining wall would do it. She said it couldn't be compared to the road in American Fork Canyon because of the residential traffic.

Darrell Duty said that he assumed there would no parking allowed along the road. If there was a bike trail he hoped bikers would stay in it instead of riding in the road, which was really narrow and dangerous. If there was parking in front of his house, who would monitor the trash? Would there be a restroom? He constantly called the police about people and picking up trash. He asked if it would be a gated community. He said Will Jones had tried to work with him on a berm between his property and the parking lot. He wanted to make sure they did that. He asked if utilities were coming up Fort Canyon Road. He said they were the only ones in the county who owned shares of a flowing creek but he didn't have shares and needed water. He wanted to make sure that was not disturbed. He asked if there would be lights up Fort Canyon Road.

Gale Rudolph asked where the trail on the far right would go. Will Jones said it would access a trail that was built through the Pack property. The Pack property owners hadn't designed their part yet but they would connect to it when they did. Ms. Rudolph asked about the access on the west side of the Young's property. It was historically an access road. David Church said that road was off the plat and was part of another lawsuit. It would not be resolved or changed by the Ilangeni plat amendment.

Bill Crockett asked if the utilities would be underground or overhead. He asked if Sliding Rock was going to be demolished. He asked if anything resulting from the development would affect the flow of the river as they knew it. They couldn't widen the road without affecting either side of it. He said retaining walls were not necessarily beautiful or safe. Retaining walls on the east side of the road would be an even bigger problem for people like him.

Craig Skidmore said he was the former trail master. He said there were a lot of trails anticipated in that area. He asked if those trails had been taken of the Trail Master Plan. On the Pack property, the former owner got them removed. Usually the City left them there until it was developed. He said they had anticipated a connection to the Bonneville Shoreline Trail. Part of it would have been in Draper. He said they had destroyed the Trail Master Plan, and pointed out trails that were originally planned. There were to have been ridge trails and a trail to Lone Peak. It was a step backward from what was planned ten years ago. He said another issue was the Deer Creek fault. It had a 30 percent incline. If you went 100 feet from the fault, the fault crack was under you. Building a house 15 feet from a fault line was crazy.

David Church said the Master Trail Map was amended in 2004. There was to be trail access to the Hamongogs and Lone Peak.

Paul Bennett said he was concerned about the width of the road. He drove it every day and it was really narrow. He didn't think 24 feet was going to carry that amount of traffic up and down the road. He said he agreed with doing away with Sliding Rock. It had turned into a giant pain. He asked if they had put out bids on the road. He said he thought it was a six million dollar project and two million dollars wouldn't do it.

Steve Larsen said that first they had to acknowledge that the road was substandard. No matter how diligent the engineers were, he didn't know that they had taken into account the impact on the residents there. He wondered if it was possible to give the residents and engineers a forum to meet together to devise a better plan than this.

Debra Hart said she would like more communication about what was happening up there. Before they redid their driveway, they made a lot of phone calls to the City and Will Jones to get information about the status of the road.

They heard nothing back so they went ahead and redid the driveway. She said she trying imagine how they were going to redo Fort Canyon Road without blocking people from getting in and out of their houses. She said she wanted to trust the engineers but how could they cut into the mountain without jeopardizing the people that were downhill? She repeated that she would like better communication.

Bruce Parker said he represented the Beck family interest and wanted to focus on three things. With the approval of Ilangeni Estates in 1984, the family lost legal access to their property. They hadn't had legal access for 30 years. He started a dialogue with the staff regarding development of the Beck property which consisted of 81 acres. They were looking at having 7 lots on their property.

Mr. Parker said he respectfully disagreed that that there was no obligation for the developer of Three Falls to provide a fully improved stub street into their property unless there was no governmental interest. He said their engineers had looked at alternative access locations that would involve some significant cuts and fills, which they felt were equally good if not better than the access shown by Three Falls. They would like to have input on where the road was to built.

Mr. Parker said another concern was that the area by their property wasn't to be built until phase 7, which would be a long way off for them. He said that if the request was a plat amendment, they would have to complete the plat amendment for Ilangeni Estates. He said the proposed road would trigger a number of exceptions from the Alpine City Code including the length of the culdesac. If the City required Three Falls or them to build a road, there would be opportunity to build a loop system and preserve the existing trail access. If there was already a dedicated access to their property, they would like to have a dialogue about using that as the access to their property.

Mr. Parker said his final comment was that, although it was being proposed as a plat amendment, Ilangeni Estates had 37 lots. The proposed Three Falls had 54 lots. He said that for the Beck family to go through the process for 7 lots on their property, they had to go through at least six steps. The applicants for the plat amendment had not been required to do that. They should have to go through the subdivision process because they were adding more property and more lots.

There were no more comments and Mayor Watkins closed the Public Hearing. He said they would close the meeting at 10:30 pm. The Council would next discuss the Ilangeni plat amendment . He expected they would table a decision until the next meeting. He invited the representatives of the proposed amendment to respond to questions.

Bruce Baird said they had been writing down the questions and concerns. He would let Leslie Morton handle the road questions; Fort Canyon Road was a complicated road issue, but the engineers had dealt with complicated issues and he was confident they could make it work. The buyers of expensive lots would want to be sure they could access their lots safely. The developers did not want to have an unsafe road and it was in their interest to make the road work. Concerning the driveway accesses to individual lots, that would be worked out during the final plat and design, but no one was going to be cut off from their access or would have storm water running onto their properties. They intended to comply with state law.

Regarding trails, Mr. Baird said they did not control the issue of the west trail. As to the Trail Master Plan, they had tried to put functionality into the trails. They didn't have the same number of trails because there were lots where some of the trails were. They had not shown all the uphill trails but they did not intend to cut off the uphill trails because it was going to be public open space.

In response to Mr. Parker's issues, Mr. Baird said that he hoped that he and David Church were in agreement that, as a matter of constitutional law, it would be inappropriate to require his client spend money to build the road for the Beck property. As to the location of the access, while Mr. Parker may not have been able to design the project, he'd had plenty of time to come forward while the Planning Commission considered the plan, and say the road should go here. He said the last minute request was a stalling tactic as leverage for the purchase price. As to the phasing, the phasing was the choice of the developer and not the City.

Mr. Baird said that the ironic thing was that Mr. Parker had said the property had been landlocked for 20 years, and yet he bought it. He asked why he bought it unless it was to speculate on getting it unlandlocked. And not only did

he want one access to cure the problem he created himself by not protesting when Ilangeni was approved, he wanted the developer to solve the problem twice, and pay for it twice.

Mr. Baird said Mr. Parker's final question was whether this was a plat amendment. He said it was perfectly normal to increase the number of lots and the available open space in a subdivision through a plat amendment. There was nothing in state law that said a developer had to go through a subdivision process.

In regard to Sliding Rock, Mr. Baird said it was not their intent to demolish Sliding Rock. It was their intent to make it less of an attractive nuisance. It would not have an impact on the river flow. Water rights law would not allow that. In response to the question about the fault line, Mr. Baird said they had spent over a half-million dollars on a fault line study for the project, and it showed there were no geologic hazards related to location of the lots. There was no recorded fault that would impact this development where the buildable lots were located.

Leslie Morton said there were a lot of concerns about increased traffic on Fort Canyon Road from 54 additional home. They had a traffic study in 2011 which said a two-lane road with curb and gutter would be more than sufficient to handle traffic from both the proposed project and current traffic. She said the traffic that had been going to Sliding Rock would be restricted in the future. They expected the traffic generated by the new development would be similar to the traffic they had seen going to and from Sliding Rock. Currently the road was 16 feet wide in some parts and 25 feet wide in the other parts. They were proposing a drivable width of 27 feet which was wider than any place on the current road. In regard to the reference to American Fork Canyon, she said the road up American Fork Canyon had much more traffic than this road would ever see. There were many roads in the Park City area that were windier and steeper than the Fort Canyon Road, and had many more homes on them.

In regard to retaining walls, the original design showed 30 feet of asphalt with retaining walls. They were reducing the width of the road which would reduce the need for retaining walls. They hadn't designed it as yet, but she felt the reduced retaining walls which would make the cost closer to two million dollars. She said Rocky Mountain would be burying the power lines along Fort Canyon Road.

There was a question about lights up Fort Canyon Road. Shane Sorensen said there were places where the City had lights and people didn't want them, and places where they didn't have lights and people wanted them.

Darrel Duty said there was a trail along his fence line. Would it be on the other side of the berm? Ms. Morton said it would be. She added that there would be a restroom at the trailhead.

Someone asked about the Bonneville Shoreline trail. It wasn't designed yet. In regard to a question about retaining walls, Ms. Morton said there would be retaining walls but they would be smaller.

David Church said that if the plat amendment was approved, there would be a dedicated road from Fort Canyon all the way up. The Beck family did not have to wait until phase 7 was built. All the roads and trails would be dedicated and recorded when the plat was approved. All they lacked was the gap between the end of Fort Canyon and the beginning of the road in Three Falls. Once that was open, the public could drive up there. The existing road wasn't in very good condition and the developer would have to improve it, but it would be open. The open space would also be dedicated. The secondary access road to the Cove would not be an open road until that phase was developed.

Regarding driveway access to the homes along Fort Canyon, Shane Sorensen said the criteria they gave the developer was that the accesses could not be worse than they were right now. Leslie Morton said that in the original design of the road, they redesigned every driveway to make it as good as or better than it was. With narrowing the road, it should be better. Shane Sorensen said access during construction would be difficult.

Mayor Watkins said the Planning Condition had imposed some conditions that the developer didn't agree with. He asked what the process would be on that.

David Church said that when it came in as a plat amendment in 2002, the City looked at it and decided that it was different enough that it would need to go through a process with the Planning Commission like a regular subdivision, which was where it was for eight years. The plat amendment process was normally quite short. He said Mr. Parker's position was that the revised plat was different enough that it needed to go through the process again.

He also believed that the Beck family was not properly noticed when it went through that process the first time. Mr. Church reviewed the steps for a plat amendment which were that after they filed an application, it went to the Planning Commission for a recommendation, which it did. The Council was required to hold a public hearing within 45 days of the application, which they did. At the close of the public hearing, they were required to approve the plat amendment if it met the requirements. He didn't believe there was a clock on the decision but it should be rendered after they had a reasonable time to consider it. It could be a simple vote of the City Council to agree or disagree.

The Council agreed to table the issue and consider it at the next meeting since there were questions that still needed to be answered.

David Church said that for the record, both sides needed to submit an estimated cost on the stub road. He said the ordinance did say a stub street. Mr. Parker brought up a good point when he said that allowing a stub road may not make the Beck property developable. They would need a second road.

Mayor Watkins suggested the Council send their questions to staff so they could come to the next meeting with the needed information.

David Church said that most of the questions concerned Fort Canyon Road. The developers had said they would make the City responsible to design and build the road and they would contribute two million dollars. The Council needed to decide if they wanted the road to be the developer's responsibility or if the City would take it over. They needed to decide if they were back where they were in earlier years when the City said the Fort Canyon Road was the developer's responsibility to design and build. Or if the City wanted to take it over. It was a big policy decision.

Bruce Baird said they would be happy to respond to the questions in writing. He asked if the Council would consider holding a special meeting since it had gone on so long.

Mayor Watkins said they would try to hold a special meeting and get the answers to the questions ahead of that.

Rich Nelson said there were about four main questions. Staff would need to get the questions as soon as possible so they had time to work on them.

David Church said he wouldn't be available for a meeting on December 2nd but he could be present if they moved it to November 25th. Mayor Watkins said they needed a full quorum of the Council at the meeting so he would see what date would work. The next regularly scheduled meeting was December 9th.

**MOTION:** Troy Stout moved to table the Ilangeni Estates plat amendment and postpone item E. Open Space Discussion, until the next meeting or a special meeting, and adjourn. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Motion passed.

Troy Stout said he would like an agenda item to discuss traffic on Canyon Crest Road to Lone Peak High School, and appeal to the state or county to help us resolve it.

The meeting was adjourned at 10:45 pm.