

## WORK SESSION – Thursday, February 20, 2025

Minutes of the Huntsville Town Council Work Session held at the Huntsville Town Hall 7474 E. 200 S., 4:00 p.m.

The work session was scheduled to discuss Huntsville Town Alleyways

**Attending:** TC Members Bruce Ahlstrom, Artie Powell, Mayor Richard Sorensen, Sandy Hunter and Lewis Johnson, Nikki Wolthuis–Clerk, Beckki Endicott- Clerk, Shannon Smith- Clerk, Planning Commission Members- Steve Songer, Suzanne Ferre, Liz Poulter, John Henderson and Jeff Larsen, and residents Tommy Christie, and Mark Evans.

Mayor Sorensen turned the time over to Steve Songer for a presentation. Steve had sent an email to PC and TC members in January about solving the alleyway issue. **(See Attachment #1)** He presented a map of all the problem alleyways in Town. Various alleyways were blocked off by buildings or trees. Some had been closed off with fences. One had wetlands in the middle of it. Others had been added to private property by property owners at some point. He explained the history of each of the problem alleyways and talked about what may have happened to each.

TCM Sandy Hunter suggested they follow a process. First, they make a list of blocks and blocked alleyways. Then they find out which property owners are affected. Next, the Town could start removing trees blocking the alleyways. The property owners would have to remove permanent structures. Mayor Sorensen suggested they do an official survey before they take action. Artie Powell suggested they act on what the Town residents want to do. He wondered if the residents would be willing to do what needed to be done to open the alleyways.

The TC and PC talked about various solutions. Each PC and TC member was given a chance to speak and offer their opinions and suggestions.

PC Alternate **John Henderson-** He suggested they do a blanket survey over the whole Town. That way each property owner would be treated the same. They will know the Town is taking it seriously if there's a survey.

PC Member **Suzanne Ferre-** She was confident that this problem could be solved. People will want to be good neighbors and work it out. She liked the idea of sending out a letter to all residents to begin with.

PC Member **Liz Poulter-**She would start with the problem areas first. She felt like this issue was worth pursuing.

TCM **Lewis Johnson-** He stated that the alleyway problem was an issue of access. He suggested focusing on which alleyways are not accessible and work with property owners to clear them out. He would begin with permanent structures like outbuildings and then trees.

He also pointed out that when someone buys a property the plat shows the easement so any argument that a property is any different does not hold.

TCM **Artie Powell**- He stated that they need to do some research on the properties and also find out the cost of a survey. He could foresee lawsuits from people who won't want to take down fences and structures to open the alleyways.

PC Member **Jeff Larsen**- He advised that they make sure the public is informed before taking any actions and to not cut any trees down before they know for sure where the property line is.

TCM **Sandy Hunter**- She felt that if there's an easement on the records, people should have the right to use it to access their property. She doesn't like that some have taken over property that's not their own. She recognized that some alleyways would be easier to open up than others. Solving it now instead of waiting until another time is important.

PC Member **Steve Songer**- He liked how Lewis simplified the problem as being about access. He's against a Town-wide survey and believes they should just start with the problem areas. Complications with each alleyway could be dealt with on a case-by-case basis.

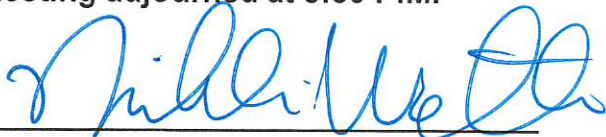
TCM **Bruce Ahlstrom**- He thought it was going to take some time. He liked the idea of doing some surveys. He wondered if there were rules about what could be put in alleyways such as gravel and asphalt. He also suggested that if they remove trees that they get a professional to do it.

Mayor **Richard Sorensen**- He's torn on the alleyway issue. He questioned why it has to be solved now. He stated that it's not going to be easy and he's concerned about the cost. He favored surveying the problem areas first. He wanted to make sure they weighed the costs because they just recently spent several hundred thousand dollars on the "Great Water Leak" in Huntsville Town's culinary water system.

Mayor Sorensen suggested that a plan of action for the alleyways be put on the next Town Council agenda for approval.

**Mayor Sorensen motioned to adjourn the Work Session. There were no objections. Motion passed.**

**Meeting adjourned at 5:30 P.M.**



Nikki Wolthuis, Huntsville Town Clerk

From a letter written by Steve Songer, Planning Commission Member, to the Huntsville Town Planning Commission, Town Council, and Town Staff on January 21, 2025.

“As a member of the Planning Commission, I have been frustrated lately with the number of ordinances we have accumulated as a town. It seems that every time a situation arises where we find ourselves unable to completely control someone's actions or behavior, someone raises the idea that we need another ordinance. Many of the ordinances we already have are unenforceable, and many are simply not enforced for whatever reason.

Recently, at our last Planning Commission meeting, I was made aware of an ordinance which had been recently passed which eliminated the planting of trees in the alleys. To be honest, this is exactly the wrong thing to do. In fact, it seems to be an attempt to shift the focus away from the real problem of opening up the alleys so that they are accessible - as intended by our forefathers. Many years ago, the Huntsville Tree Committee, of which I was a member, reviewed this concept extensively. We determined that the right kind of tree, (we even created a list of approved species) planted along the very edge of the alleys would create motivation for the property owner to care for that space, remove junk, and weed trees, helping keep the alleys open and accessible. In that 33' of space, even if approved trees are planted on both sides near the property line, there is plenty of room for even the biggest truck to navigate. (Highway 1 up the coast of California, is 19' wide in most areas.) With this recent ordinance, weed trees will still grow (all through the alleys) and, because they grow much faster, will quickly choke off access. When you really think about it, it's another unenforceable ordinance.

All of this, however, misses the point of one of the number one problem in our town. We need to **open up the alleys**. This has been discussed and promised for decades with nothing actually being done about it. During my time on the town council, we failed to act because we didn't have enough information about how they got closed off in the first place. (or maybe that was just our excuse.) We did some research on this, and it has been researched pretty extensively by others since then. Sandy Hunter has what I think is the most comprehensive compilation of this information. I'm not sure there is much more to discover about the matter. In other words, maybe the excuses have run out!

Why is this important? The role of the government, as I understand it, is to protect the rights of those they govern. Many residents (I'm not one of them) are being denied the right of having access to the back of their property because their alley was illegally blocked off by someone else. One example, among many, is Ken & Chris Bair, who live on 6800 east. The county maps clearly show an alley behind their property, and yet they have never been able to use it because it is blocked off from both ends. Another example is the alley which is supposed to run behind Ken & Pat Albertson's property. County maps, in the 1960s, show that alley running clear through from 6800 east to 6900 east. Sometime in the late 60s or early 70s it magically changed from Huntsville Town to Burt Ure, who was on the Town Council at that time.

There are, of course, many other examples in our town which are similar to those. There is a misconception going around that if it has been that way for 7 years, it becomes legal. This is false. That law applies to private property, alleys are public property. (In other words, you can steal property from your neighbor but you can't steal property from the government.) This has been the law in our country since before its founding and actually originates in English Law where it states that you cannot obtain property “. . .through adverse possession of the lands of the Crown . . .” There are other examples of individuals going down to the Weber County Offices and transferring Huntsville Town land: alleys,

roadside verges, etc. into their name. When the county was asked how this is allowed, the answer was, "We don't concern ourselves with that. That's the responsibility of the Town of Huntsville." These transfers could possibly have been legally done but no evidence has been found to indicate this. If the transfers were not legally proper, they should be reversed and the town should reclaim ownership. According to legal experts, proof of ownership must be provided by the property owner.

What is the solution? I can think of three possibilities:

**Solution #1** If this is a problem without a solution, as some think it is, we give up on the idea of alleys and sell the land to the adjacent property owners or other interested parties. This would bring revenue to the town and create a larger tax base. It would also eliminate all alley disputes with alleys then becoming private property. This was done successfully in some parts of Ogden about 12 years ago

**Solution #2** We make a concerted effort to open the alleys. This could actually be done fairly easily using the following process: A notice is sent out to **ALL** affected townspeople with schematics showing clearly where the alley is supposed to be, as shown by town and county records. It is important that this is done across the board and without bias. If a notice is sent to property A, property owner B, property owner D, but not to property owner C (because C is complicated or difficult or because he's our friend etc.) our efforts could be deemed "arbitrary and capricious" and other landowners might have a legal basis for non-compliance. In the case where the landowner truly believes that they actually own the property, they are then encouraged to provide legal documentation proving legal ownership.

**Solution #3** We pretend the problem doesn't exist and pass it on to the next town council. While this is really no solution at all, it unfortunately tends to be one of the most popular choices in government. Meanwhile Ken & Chris Bair still can't drive down their alley."

-Steve Songer



## **Blocked Alleyways in Huntsville Town**

The alley between 7700 and 7600 E, that runs from 300 to 400 S

The alley between 7400 and 7500 E, that runs from 300 to 400 S

The alley between 7300 and 7400 E, that runs from 300 to 400 S

The alley between 6800 and 6900 E, that runs from 100 S to 200 N

# Huntsville Alleys









Diamond Peaks  
Ski-Ski Adventures



NOELSON'S



3D



40 m



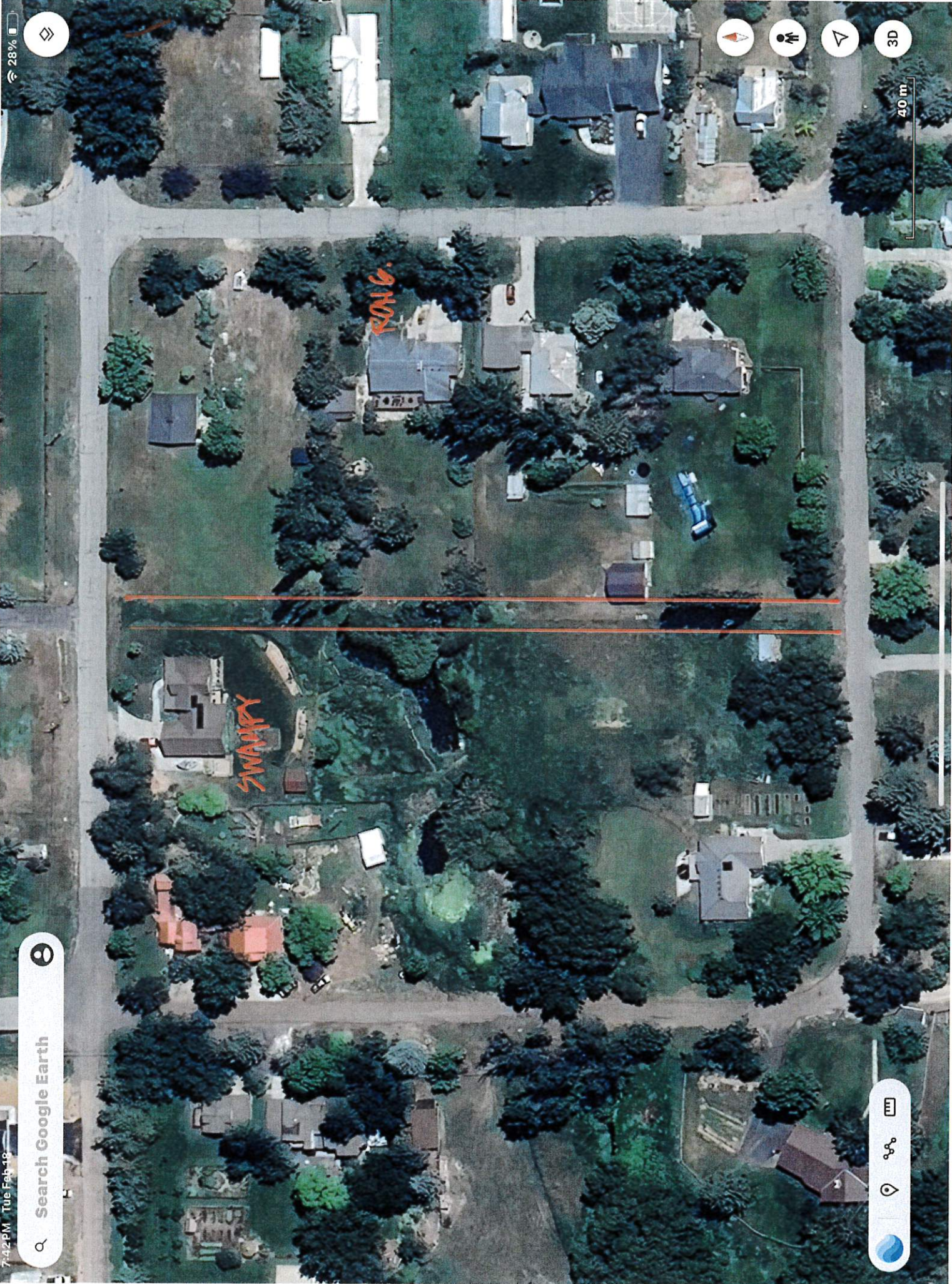
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