

**ALPINE CITY COUNCIL MEETING**  
**Alpine City Hall, 20 N. Main, Alpine, UT**  
**November 13, 2018**

**I. CALL MEETING TO ORDER.** The meeting was called to order by Mayor Troy Stout at 6 pm. The following were present:

Mayor Troy Stout

Council Members: Jason Thelin, Ramon Beck, Carla Merrill, Lon Lott.

Council Members not present: Kimberly Bryant was excused.

Staff: Shane Sorensen, Charmayne Warnock, David Church, Austin Roy

Others: Barry Johnson from the law firm of Bennett, Tueller, Johnson and Deere.

**II. EXECUTIVE SESSION**

**MOTION:** Lon Lott moved to go into executive session to discuss litigation, property acquisition or the professional character, conduct or competency of personnel. Ramon Beck seconded. Ayes: 4 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	None
Ramon Beck	
Carla Merrill	
Lon Lott	

**III. RETURN TO OPEN MEETING.** The City Council returned to open meeting at 7:30 pm. The following were present and constituted a quorum.

Mayor Troy Stout

Council Members: Ramon Beck, Carla Merrill, Lon Lott, Shane Sorensen

Council Members not present. Kimberly Bryant excused.

Staff: Shane Sorensen, Charmayne Warnock, David Church, Austin Roy

Others: Richard James, Ed Bush, Daryl Sutherland, Jess Jolley, Ben Schoen, Matt Schoen, Zack Evensen, Mason Brown, Annie Zolman, Dean Zolman, Wade Budge

<b>A. Prayer:</b>	Carla Merrill
<b>B. Pledge of Allegiance:</b>	Ben Schoen

Mayor Stout said he would like to acknowledge the sacrifice of Major Brent Taylor, who was also serving as the mayor of North Ogden and had taken a one-year leave to fulfill military duties. He had lost his life in Afghanistan while on deployment with the Air National Guard, leaving behind a wife and seven children ranging in age from 11 month to 13 years old. Mayor Stout said he had visited the city of North Ogden and offered Alpine City's condolences.

**IV. CONSENT CALENDAR**

- A. Minutes of the Alpine City Council meeting of October 23, 2018**
- B. Final Payment Request – Granite Construction, 2018 Overlay Project - \$186,991.05**
- C. Final Payment Request – Stapp Construction, Waterline Project - \$15,074.92**
- D. SCI Payment – PI Meter Install #1 Phase 2 - \$245,116.50**
- E. SCI Payment – PI Meter Install #2 Phase 1 - \$41,111.25**
- F. Bond Release #5 – North Point View, Plat C - \$40,956.40**
- G. Sage Forensic Accounting – Quail Fire Lawsuit - \$23,200.40**
- H. Bennett, Tueller, Johnson & Deere – Quail Fire Lawsuit - \$40,229.92**

Shane Sorensen asked the Council if they wanted to add the invoices from Barry Johnson for the Quail Fire lawsuit to the Consent Calendar. They indicated they did.

**MOTION:** Ramon Beck moved to approve the Consent Calendar including the invoices on the from Barry Johnson. Lon Lott seconded. Ayes: 4 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	None
Ramon Beck	
Carla Merrill	
Lon Lott	

## V. PUBLIC COMMENT:

Ed Bush – Box Elder Drive. He said he would like to thank Jay Jepsen for his Eagle Scout project in Lambert Park. He had replaced 300 seedlings that had been planted earlier in the year, which hadn't survived very well. There were about 20 people helping with the planting. The City had removed the water tanks in Lambert Park but since the plants were in their dormant stage, Ed Bush said he didn't expect they would need more water. They were watered when they were planted.

Ed Bush also reported that the Nature Center website had about 5,000 visits in the last month. He said vehicular traffic in Lambert Park was increasing, and in the shooting area, people had shot down the Forest Service sign. He asked if there were plans for signage. Troy Stout said they were waiting for the outcome of the judgement on Monday, November 19<sup>th</sup>.

## VI. REPORTS/PRESENTATION

**A. Ranked Candidate Voting – Stan Lockhart.** Mr. Lockhart said he had served on the Provo City Council and served on the State Board of Education. His wife, Becky Lockhart, had served as Speaker of the House in the Utah State Legislature prior to her death.

Mr. Lockhart said the Legislature was concerned about the declining participation in voting and looking at options to increase voter turn-out. Vote-By-Mail had greatly increased voter turnout. They also began looking at Ranked Candidate Voting in HB35 which would allow cities to pilot this form of voting. He said there were four things that happened with RCV. First, there was greater turnout at the Meet-the-Candidate meetings. People generally knew who their first choice would be, but not the second, third, fourth, etc. They attended the meetings to learn more about the other candidates. Second, the RCV disincentivized the politics of personal destruction. It provided an opportunity to talk about issues instead of personalities. Third, it reduced the cost of elections with only one election. He said they used this style of voting in the Republican caucus meetings.

Mr. Lockhart said that if a city decided to try RCV, there would be no penalty if they changed their minds and decided not to do it. They would need to notify the Lt. Governor's office by January 1<sup>st</sup> if they chose to try RCV and would need a resolution to that effect.

Mayor Stout asked the Council to email him if they were interested in participating in RCV and he would put it on the agenda for the December meeting.

**B. Code Enforcement Report:** Shane Sorensen introduced Ted Stillman who was Alpine City's new code enforcement officer. He was very knowledgeable about city codes and issues and the need for code enforcement because he had previously been the city administrator for Alpine City. He had retired in 2010.

Ted Stillman said they had rebranded the position as Code Compliance for a more positive approach. He said code compliance was a collaborative effort and he worked with Planning and Zoning and the city engineer. There were 28 issues when he began. They resolved two or three a week but usually two or three more popped up. They usually picked up a load of illegal signs each week. One of the biggest problems was open space encroachment. He kept a calendar of code violations and the process. He started by sending out a letter then followed up with a phone call or

personal visit. He kept a log of every contact and progress made. David Church had prepared an administrative process for code enforcement making it a civil process rather than a criminal process.

**C. Financial Report:** Shane Sorensen said there had not been much change since the last report. The City would begin receiving property tax revenue. They were working with Dave Sanderson on getting the software for the PI meters up and running.

**D. Pressurized Irrigation Annual Use Report.** Shane Sorensen presented graphs showing pressurized irrigation water usage since 2010. The use went down in 2015 when they imposed watering restriction but had steadily climbed back up. The year 2018 was a tough year because of decreased rainfall and low snow levels in the mountains. The City had record pumping costs because they had to pump water of the wells for PI use due to the reduced flow in the streams. In addition, the Healey well went down but was repaired and running at 100 percent. The Council had approved rehabilitating the 300 North well, which had been struggling. Other projects included reworking the Fort Creek booster station and connecting the Silverleaf culinary well to the PI system. He said about 45% of the meters had been installed. The remainder would be installed in 2019. The City would not be billing by meter use until everyone had meters.

In October he had met with Daryl Devey with the Central Utah Water Project. CUP recognized that Alpine was the only city that didn't have the ability to use their CUP water. They had committed to begin the process the run a line to the Alpine boundary so the city could begin to use their water. Generally, the cities had to pay for their CUP water whether they used it or not, but Alpine had been given deferrals over the years and the water was diverted for June sucker support. He said it would be beneficial to Alpine if they could use the CUP water.

## VII. ACTION/DISCUSSION ITEMS

**A. The Ridge at Alpine, Phase 1 – Final Approval.** Wade Budge said he represented Steve Zolman, owner and developer of The Ridge at Alpine subdivision. He thanked for the Council for putting the item back on the agenda to reconsider the motion made at the meeting of October 23, 2018 granting final approval to Phase I of the subdivision. He said they would like to revisit condition # 9 of the motion granting approval. which was: *Use of the private open space will be restricted; motorized vehicles, shooting, trapping, and fences will be prohibited.*

He said that perhaps the applicant had not done a good job of explaining to the Council that there were already existing fences on the boundaries of the open space, and removing them would not be tenable because of the livestock. For that reason, they were seeking a modification to condition #9 in the motion.

Mr. Budge said they had gone back and looked at the ordinance which stated in Section 3.09.04.4 of the Alpine City Development Code:

*4. The designated open space area shall be maintained so that its use and enjoyment as open space are not diminished or destroyed. The City will have sole discretion in determining if open space is held in private or public ownership. To assure that all designated open space area will remain as open space, the applicants/owners shall:*

- a. Dedicate or otherwise convey title to the open space area to the City for open space purposes;*
- b. Convey ownership of the open space area to the homeowners association established as part of the approval of the PRD or to an independent open space preservation trust organization approved by the City.*

*In the event this alternative is used, the developer shall also execute an open space preservation easement or agreement with the City, the effect of which shall be to prohibit any excavating, making additional roadways, installing additional utilities, constructing any dwellings or other structures, or fencing or conducting or allowing the conduct of any activity which would alter the character of the open space area from that initially approved, without the prior approval of the City. The appropriate method for insuring preservation shall be as determined by the City at the time of development approval; or*

*c. A combination of Part 4.a and Part 4.b.*

Mr. Budge proposed that they keep the first part of condition #9 but then add language that stated, to preserve the natural values, no new fences would be installed that would alter the character of the open space, and any existing fence would need to accommodate the trails and not impede their use. Mr. Budge said their main issue was the fencing limitation. They would also like to continue the use of ATVs on the existing roads in order to maintain the fencing as needed. They would need no new trails or roads.

David Church said the question was, did the motion intend that they should take down the existing fence? The ordinance stated that no fencing would be allowed that would alter the character of the open space from that which was initially approved. There was currently stock fencing on the open space.

Mr. Wade said he understood that some fencing, such as white vinyl fencing, would negatively alter the character of the open space, but they did not intend to put up a white fence. That could be clarified in the conservation easement.

Troy Stout said he didn't like barbed wire fences because of the hazard they posed. Wade Budge said they could put up a split rail fence where it adjoined the trails.

Carla Merrill said her issue was that the private open space was supposed to be controlled by the HOA, which consisted of all the property owners in the subdivision. All the owners would have equal access to the private open space. It sounded like Mr. Zolman would have the sole use and control of the open space if he was using it to graze his cattle.

Wade Budge said that as they sold the lots, they would talk to the buyers about what kind of uses they would like to see on the private open space. Obviously, they would promote the trails.

Mrs. Merrill asked if Mr. Zolman would no longer be grazing his cattle in the open space.

Mr. Budge said there would be grazing. Grazing was important part of fire control on the hillside. This was a high-risk area for wildland fire and it made sense to keep the weeds and grass under control. He suggested the Council modify the restriction to the open space to say that no new fences would be allowed which interfered with preservation values, and motorized vehicles would only be used on existing roads.

Troy Stout the motion had also disallowed motorized vehicles, but if the use of vehicles was only for maintaining the livestock, they might want to specify the types and uses of the motorized vehicles. Mr. Budge agreed that they would be vehicles in support of the approved uses.

Jason Thelin read the ordinance and pointed out the wording "prohibited excavation, making additional roadways, installing additional utilities, constructing any dwellings or other structures, or fencing or conducting or allowing the conduct of any activity which would alter the character of the open space from that initially approved, without prior consent of the City." He said he was surprised that it didn't say additional fencing. He said the Council made a decision to designate it as private open space because they didn't want the maintenance. But when it was designated as private, it was no longer just Steve Zolman's property. Plus, the owner got extra density by showing it as open space. He believed that open space was a feature that everyone should be able to enjoy.

Mr. Budge said there would be public trails on the open space which allow everyone to enjoy it. The law didn't require them to tear down fences or destroy historic uses of the land.

Jason Thelin asked David Church if the City had the ability to put restrictions on private open space. Mr. Church said they could do whatever the ordinance stated. He asked if it was Mr. Thelin's intent, when he made the motion on October 23rd, to make the developer take down the existing fences on the open space, or did he mean they couldn't build new fences or that they couldn't drive on the existing road or could not build new roads?

Jason Thelin said it was his intent, at the time, that they tear down the existing fences and there be no livestock on the open space.

There was a question about shooting. David Church said shooting was regulated by state law. Cities could not be more restrictive than the state code in regard to shooting. Wade Budge said there would be no shooting or target practice on the property. If an animal was affecting the livestock, they may need to shoot it. He said shooting was not really an issue for them. They were more concerned with the fence and motorized vehicles.

There was more discussion about the interpretation of Section 3.09.04.4 in the Development Code.

Will Jones said the existing fencing was around the perimeter. Any new fencing would be done to accommodate the trail. If the City wanted a trail through there, there would need to be some new fencing.

David Church said the conservation easement he drafted had the same basic language as the ordinance. That was why he needed to know if the Council wanted the fencing torn down because if they were preserving the character, the fencing was already there. If they did take down the fencing, they would need something to identify where the open space ended and where private property began.

Shane Sorensen suggested that when David Church completed the Conservation Easement on the private open space, he bring it back to the Council.

**MOTION:** Ramon Beck moved to amend condition #9 of the Motion made at the meeting of October 23, 2018 pertaining to the Ridge at Alpine Subdivision Phase 1, to clarify that the existing fencing would remain, but under the Conservation Easement to be drafted by David Church, additional fencing may be constructed in areas where it interfaces with the trails, with input from the trail committee. Lon Lott seconded. Ayes: 3 Nays: 1 Motion passed.

Ayes

Jason Thelin  
Ramon Beck  
Lon Lott

Nays

Carla Merrill

**B. Annual Meeting Schedule for 2019.** The Council discussed the proposed meeting schedule for 2019 and eliminated four of the meetings for various reasons.

Austin Roy said the Planning Commission had reviewed the schedule and approved all of their meetings.

**MOTION:** Jason Thelin moved to approve with the Annual Meeting Schedule but remove the City Council meetings scheduled for the following days. April 9th, May 28th, July 9th, November 26<sup>th</sup>. Carla Merrill seconded. Ayes: 3 Nays: 1 Motion passed.

Ayes

Jason Thelin  
Ramon Beck  
Carla Merrill

Nays

Lon Lott

**C. Electric Car Charging Station.** Austin Roy said the State of Utah was a beneficiary of over \$35 million from the Volkswagen settlement for violations of the Clean Air Act. The Utah Department of Environment Quality was administering the funding based on the settlement. The state was making a portion available to cities and Alpine City may qualify for Light-Duty Zero Emission Vehicle Supply Equipment (charging station for electric cars). In order to qualify, it would have to be located on city property and it would have to be open for public access.

The Council briefly discussed applying for a charging station for electric cars and decided not enough people would use it.

**MOTION:** Lon Lott moved that the City not pursue the grant opportunity for an electric car charging station in Alpine. Ramon Beck seconded. Ayes: 3 Nays: 1. Motion passed.

Ayes

Jason Thelin

Nays

Carla Merrill

Ramon Beck  
Lon Lott

**D. Alpine City Tree Selection Guide Book.** Austin Roy said trees created problems every year for the City. They spent \$10,000 to \$20,000 every year to repair sidewalk damage caused by tree roots. Sight-triangle violations and complains were a consistent problem. Residents complained about trees hanging over and blocking sidewalks and roadways making passage difficult for firetrucks, school buses, and other service vehicles.

Jeremy Ainsworth was a resident of Alpine and had put together a guidebook on types of trees that could be planted in park strips and in yards. It was intended to be an educational tool for citizens; it contained a lot of information including types of deer resistant vegetation. If adopted, it would be made available on the website or as a handout when building permits were issued.

**MOTION:** Jason Thelin moved to approve the Tree Selection Guide Book. Ramon Beck seconded. Ayes: 4 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	None
Ramon Beck	
Carla Merrill	
Lon Lott	

## VIII. STAFF REPORTS

Austin Roy said the developers for the proposed Montdella Senior Housing development on Main Street were preparing the next application.

David Church said the City had been served with a Petition for Review from the neighbors of Tim Clark who were challenging the Council's decision to allow him to increase the height of his home at 75 N. Preston Drive.

Shane Sorensen reported on the following:

- Lambert Park fencing. He had a meeting scheduled with a contractor from Wyoming to discuss the fence. There was some discussion about the location of the fence.
- City staff had some done some grading on the roads in Lambert Park
- Verizon was looking for a site for an 80-foot tower and had looked at Burgess Park, Peterson Park and Creekside Park. They said any one of those locations would work. They also had an option to locate the tower on school property by Burgess Park if the City didn't allow it on city property. The rental revenue on the tower would be \$20,000 a year.
- Currently the City accepted cash in lieu of water rights for development but the shareholders felt that practice was devaluing their shares. He was considering taking it out of the ordinance.
- The City would be switching to Everbridge from Parlant. It was used by Utah County and Highland City.
- He was almost ready to advertise the parks position.
- The Hearing with the judge on the Patterson lawsuit was scheduled for Monday, November 19th from 9 to 11 if anyone wanted to attend.

## IX. COUNCIL COMMUNICATION

Mayor Troy Stout reported on the following:

- An Eagle Scout wanted to put a bicycle repair station in Lambert Park.
- He and Shane Sorensen had meet with Highland City regarding the cities' cost allocation and representation on the PSD Board. With Cedar Hills gone, he was leaning toward having two representatives from Alpine and two from Highland and one independent. Anything they decided would be brought back to the Council.

- Alpine Days would be discussed at one of their first meetings in 2019. He wanted to bring up the topic of compensation and reevaluate what had been done in the past. He would like to go back to more of a volunteer event.

**X. EXECUTIVE SESSION:** None held.

**MOTION:** Lon Lott moved to adjourn. Ramon Beck seconded. Ayes: 4. Nays: 0. Motion passed.

Ayes

Jason Thelin  
Ramon Beck  
Carla Merrill  
Lon Lott

Nays

None

The meeting was adjourned at 10:30 pm.