

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 N. Main, Alpine, UT
March 27, 2018

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

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

Mayor Troy Stout

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

Council Members not present: Kimberly Bryant was excused

Staff: Shane Sorensen – City Administrator, Charmayne Warnock – City Recorder, David Church – City Attorney, Austin Roy – City Planner, Reed Thompson – Lone Peak Fire Chief

Others: Sullivan Love, Lane Franks, Tara Franks, Loraine Lott, Addie Erickson, Dale Irhke, Ed Bush, Will Jones, Jessica Smuin, Sawyer Bartlett, Sam Pehrson, Steve de Ello, Savannah Ostler, Jamie Ostler, John McKay, Robert Shelley, Dave Cutler, Richard James

B. Prayer: Lon Lott

C. Pledge of Allegiance: Sawyer Bartlett

II. CONSENT CALENDAR

A. Minutes of City Council meeting of March 13, 2018

B. Resolution No. R2018-05, Wastewater Management Plan

C. Approve contract with The Tennis Company for Burgess Park basketball court replacement

D. Payment Request – 100 South road project – Red Pine Construction - \$114,464.55

MOTION: Lon Lott moved to approve the Consent Calendar with a few grammatical changes in the minutes. Ramon Beck seconded. Ayes: 4 Nays: 0. Lon Lott, Carla Merrill, Ramon Beck, Jason Thelin.

III. PUBLIC COMMENT

Sam Roy Pehrson said he was currently staying with his folks on Mountainville Drive. He had two issues. First, he had gone up the Alpine City Cemetery to visit the grave of a friend and noticed that the flag and the Veteran's Memorial were not lit. He expressed his sincere gratitude to the City for taking care of the problem and making sure the flag and the Veteran's Memorial were lit. His second issue was that, without meaning to, the City had handed him a multimillion dollar lawsuit on grounds of discrimination against the mentally ill and illegal search and seizure. He said he was willing to settle out of court. Mayor Stout referred him to David Church, the City Attorney, who gave him his phone number and said to call him anytime.

Steve de Ello, Savannah Ostler and Jaime Ostler approached the Council requesting a permit to film a portion of a family friendly movie they were making in the Alpine Cemetery. Savannah Oster said she had grown up in Alpine and had a sentimental attachment to the cemetery. She said she was the writer/director of the film and briefly reviewed the storyline. They planned to film it on Saturday, May 19th between the hours of 8 am to 3 pm.

The Mayor and Council discussed the request and said they appreciated that she asked for permission rather than just doing it. However, they hesitated to approve such an event in the cemetery. It was a sacred place and they did not want to risk offending the families of people who were buried there.

Will Jones proposed the Council begin a discussion on the situation of senior citizens who came back to Alpine after spending the winter months in a warmer location. They came back to Alpine for the summer and had to move into their homes which were much too large, but they wanted to stay in Alpine. He suggested the Council consider allowing senior housing in different areas of Alpine that was more accommodating to people who wanted a smaller home but still wanted to live in a regular neighborhood. Senior citizens were great tax payer and quiet neighbors. Usually they had only one car so the traffic impact was minimal.

IV. REPORTS AND PRESENTATIONS

A. Financial Report – February 2018. Shane Sorensen reviewed the financial report for February. They were 66.6% of the way through the fiscal year. Overall things looked good. There was a question about the budget for elections. Shane Sorensen said the County was handling and paying for the 2018 election.

V. ACTION DISCUSSION ITEMS

A. Bertha's Place Subdivision – Concept Review – Will Jones: Austin Roy said the proposed four-lot subdivision was located at 723 No. Grove Drive on 1.41 acres in the TR 10,000 zone. The Planning Commission had reviewed it at their meeting of March 20th and granted concept approval. This was for information only. Shane Sorensen said that if the Council had any concerns they should let the developer know before they turned in the preliminary plat.

B. Planning Commission Appointment: Troy Stout said that one of the privileges he had as mayor was to interview citizens who wanted to be involved. Serving on the Planning Commission took a lot of time and not much was given back. He said he appreciated the willingness of people to serve. He'd made two appointments in January and would need other to fill the seat vacated by Jason Thelin. He nominated John McKay.

John McKay said he lived on Pfeifferhorn Drive on the northwest corner of town. He'd moved to Alpine eight years ago from Richmond, Virginia to support his business which was KT Tape for muscle and joint support. It was used by athletes and people may have seen it during the Olympics. He said he looked forward to contributing what he had to offer to the City. He had experience in land development and owned commercial real estate in Orem. He was married and had five children but was now an empty nester.

MOTION: Lon Lott moved to approve the appointment of John McKay to the Planning Commission. Ramon Beck seconded. Ayes: 4 Nays: 0. Lon Lott, Ramon Beck, Carla Merrill, Jason Thelin voted aye. Motion passed.

C. PUBLIC HEARING – Ban on Motorized Vehicles in Lambert Park: Troy Stout said this had been a topic of discussion for the last year or two. In July of 2017, the Council voted to close down the park to motorized vehicles following a fire caused by gun fire. People in cars were traveling up to the shooting area on forest service land and were leaving a lot of trash such as couches, etc. It was not being kept as a wilderness area. The City closed it down and cleaned up the trash. It stayed that way until the ban on vehicles expired in December. During that two-week period between the end of December and the first meeting in January, people again began to haul trash into the park. He said gun fire was one reason for shutting down the park to motorized vehicles. Another reason was preservation of the park as a wild space. Providing access for the elderly or disabled was another issue they needed to consider. On January 9, 2018, the Council voted to reinstate the ban on motorized vehicles until May 1st. At that time, they hoped to make a final decision.

Mayor Stout opened the Hearing to public comment and asked people to limit their comments to three or four minutes and state their name and address.

Robert Shelley – Country Manor Lane. He said he had been resident of Alpine for about 23 years. He'd seen a lot of changes. One of the things his grandchildren liked to do when they came for a visit was to go up into Lambert Park and ride the motorcycle peacefully on the road. They used roads that were not attractive for hiking or mountain biking. He said he hated seeing that freedom taken away with more and more restrictions. He said he loved it when the park was bordered with orchards. Now there were houses there. When those people built there, they knew the park was open to motorized vehicles. He said he understood the problem with trash and shooting, but people could walk or ride or horse up there to shoot. He said vehicles had been allowed in the park for years and years and he hated to see it taken away. He'd like to see the park left open to more than mountain bikers.

Sullivan Love – Scenic Drive. He said most everyone wanted to see Lambert Park maintained as a pristine area and enjoy the beauty of it. He said his first question was if the park had always been shut down to motorized vehicles except on designated roads. David Church said that the ordinance, which was adopted years ago, stated that unless a road was specifically designated and signed to allow motorized vehicle use, the road was closed to use by motorized vehicles. Mayor Stout said the challenge was enforcement.

Sullivan Love said he knew enforcement was difficult. Immediately after the closure, the police department reported that they were able to increase the patrol in the park and do some education. He believed the police department felt they had more support from the City after that. If they had permanent prohibition, how would they enforce it. If the City had laws currently on the books that they couldn't enforce, how would more laws be helpful. He said they needed more help from volunteers. New residents may not be as aware of the problems. He said he would like to see the park remain open to motorized vehicles with restricted access.

David Cutler – Ridge Lane. He said he'd lived in Alpine for six years and loved to go four-wheeling with his kids in Lambert Park. He was sad to see the prohibition. He understood the fire danger and was disappointed to hear about the trash situation. Maybe they needed some signs so new residents were aware of the situation.

Tara Franks – Country Manor Lane. She said she'd lived in Alpine for 23 years. She'd heard from a lot of people that they didn't want to see Alpine change, but Alpine had changed. The population had grown. She said the ban on motorized vehicles was strictly for safety, not just for bikers and hikers and homeowners who lived by the park. How many homes had almost burned to the ground last year because of the fires? Sparks from guns and vehicles could cause fires that could be avoided. She said the park was right behind her house. She loved seeing the bikers and hikers using the park. But there were safety issues with the motorized vehicles. Two days ago, she saw a motorcyclist rip through the park. He was not staying on the trail. He went over a jump and almost hit a biker. Usually the young people in the park were not accompanied by an adult. She wondered what the City was going to do when a death occurred or a home burned to the ground. She felt they were headed in that direction. She wanted the park closed to motorized vehicles for safety reasons.

Ed Bush – Box Elder. He said a couple of people had said they didn't want to lose the right to have a motorized vehicle in the park. It was a loss of freedom. He pointed out that having a motorized vehicle in the park was not an inherent right. There were enough areas in the Wasatch area where people could ride their ATVS. He agreed with the lady who just spoke. They liked to think that Alpine was a rural community, but with all the growth, it was difficult to accommodate rural uses. There was not a great solution for problems between bikes, vehicles, and horses. He'd never seen anyone drive 15 mph in the park, which was the posted speed limit, unless it was a car going to the poppies. ATVs and motorcycles never went that slow. He said there was some park access for motorized vehicles to the Bowery and the rodeo grounds. He suggested they consider a path or two with a hard surface for wheelchairs in the area of the rodeo ground or Bowery for people who wanted to have a view. With some strategic gates, they could have access to the poppies. He said enforcement was easier when the police knew the whole park was off-limits for motorized vehicles. He said he was in favor of continuing the ban with access to the Bowery and rodeo grounds.

Lane Franks – Country Manor Lane. He said he had toys and would love to go into the park and use them but when you weighed the fun factor against the safety factor and personal property, the fun factor paled in comparison to a serious accident or a home burning down. He said there was also a peace factor. The park was in a much better state without the vehicles. He said they couldn't underestimate the late-night activities in the park. He'd seen campfires in the past, but since the ban, he hadn't seen one campfire. Usually it was underage kids who were in the park. In regard to the poppies, he'd seen a caravan of cars going up there. He felt it would preserve the poppies better if they created a parking place and people walked the rest of the way. He said every park had rules. There were rules about skateboarding, dogs, etc. Equal access didn't mean everyone could do anything they wanted. It meant everyone had access under the same rules. People in vehicles did not go 15 mph. He said that since they had directed parking to another location in the park, he'd seen fewer cars in the church parking lot.

Richard James – Ranch Drive: He said he saw people on motorcycles racing up and down his street day and night. They were not usually adults. Sometimes they had to protect themselves from themselves. He had raced motorcycles since he was six. He'd lived in California and loved coming to Utah where there were no restrictions. He could ride wherever he wanted. But the City had changed. He had two ATVs that he never took off his property because it was illegal to drive them on the street. He had a relative who was severely injured from riding on trails. He lived next to the Bonneville Shoreline Trail which went all the way to Draper. Motorized vehicles were not allowed on the trail, but it had been taken over by kids on motorcycle. He wouldn't dare ride a horse on it. It was difficult to control a motorcycle without laying it down. The last time he was in Lambert Park, people were not driving 15 mph. If you

were on a horse or a mule and had a motorcycle come down on you, it would be very dangerous. There was a reason motorcycles were not allowed in national parks. The ban would not be popular, but it might save a life.

Troy Stout said a resident had asked him to represent her because she could not be present. She gave horse riding lessons in Lambert Park. Since the motorized vehicle ban, she felt much safer. She would like to see the ban continue.

Ramon Beck said one of the problems was that it was not just people from Alpine that used the park. People were coming in from all over.

Richard James said that if people wanted to ride motorcycles, there were plenty of clubs that did that. They required proper gear and equipment so it was safer.

There was a question about fire potential this summer. Fire Chief Reed Thompson said the snowpack was less than normal. They would see what the spring brought but they expected the summer would be dryer than normal.

Jason Thelin commented that three residents from his neighborhood said they had seen people out there on ATVs that were not street legal, which meant they were breaking the law to get there. He added that the road in Lambert Park was not even a half-mile long. It didn't make sense that someone would want to ride on a straight bumpy road. Up American Fork Canyon there was a wonderful trail that was much longer.

Mayor Stout said the two major fires in the last few years had been caused by motorized equipment and shooting. He identified the private land south of the park that would possibly be developed. If the forest service banned shooting on their land, the City could build a fence along the road on the south that would allow vehicles access to that area of the park. If that happened, he would like to plow up and reseed some of the roads that were no longer needed.

Mayor Stout closed the public hearing, stating that they would continue the discussion for six more weeks. He would like to schedule one more public hearing on the issue.

D. Fireworks Discussion: Troy Stout asked if fireworks were a right or a privilege. He had addressed some of those questions in his Mayors Message in the April *Newsline*. They needed to give serious thought to regulating fireworks.

David Church said that in the last legislative session there a couple of bills that were friendly to cities. Because of the number of fires started by fireworks throughout the state, a bill was passed limiting the number of days around July 4th and July 24th when fireworks could be lit and giving cities more discretion area where fireworks could be banned. Dry grasslands were added and the area along waterways was expanded from 100 feet to 200 feet. There were also some changes to the process of identifying areas where fireworks were restricted. Cities could ban fireworks in parks because they owned them.

Fire Chief Reed Thompson encouraged the Council to take a proactive approach to fireworks as a fire-wise endeavor. Signage should plentiful and clear so people would know if they were in an area where fireworks were banned. He said most people would be compliant. There were a few who would not comply at all and others who would watch to see if people were compliant and could be swayed one way or another. As far as enforcement, he said the fire department was present to stop people and educate them but did not issue citations. That would be done by the police department. The challenge would be issuing a penalty. There was a possible fine of \$1,000 plus damages. He suggested they use social media to get the word out and have volunteers deliver flyers.

David Church said the Council would need to agree on a map showing where fireworks were banned so they could get it published well before the time people starting using fireworks. He regard to compliance, he agreement with Chief Thompson. Studies showed 80% would be compliant. 5% would defy the ban. The remaining 15% would wait to see what happened, and if it looked like it wasn't enforced, the 15% would grow. He said that in Alpine no one had ever been charged. If only one person was charged, everyone in town would know about it.

Ed Bush suggested a proactive approach would be keeping the beauty of Alpine intact since everyone wanted to protect the hillsides. Troy Stout said they should look at the cost of door hangers in the banned areas. Sullivan Love said it didn't cost anything to send out the phone calls.

Troy Stout said that they would have a map of Alpine showing restricted area for the next meeting as an action item.

E. Deer Control: Troy Stout said that he and Shane Sorensen had been working with the Division of Natural Resources on a three-step plan to control the deer. Alpine City had conducted two surveys on the question of controlling deer and the results were split down the middle. One group wanted to get rid of the deer and one group wanted to save the deer. It was a challenge because the resident deer population was growing.

Shane Sorensen reviewed the deer trap and release program which typically began at the end of November. It was easier to trap then when food was scarce. They would use trail cameras to see if deer were in the trap before people were sent to capture them. Provo and Herriman were participating in the nonlethal deer removal program and adding Alpine would be more challenging for DNR, which already had a small staff. Trapping deer in the summer was more difficult but the outcome for the deer was better because the deer weren't as stressed and the likelihood of finding feed was higher when they were transported to the new location. The DNR recommended between 15 to 20 traps. Shane Sorensen said he was going to look at the traps and see if it was something the public works department could build. They would need a list of the hot spot areas. The program went for three years, then they reviewed the progress. They estimated Alpine's deer population was about 500. They would be asking for volunteers from the city.

Troy Stout said there would be line items in the budget for traps and cameras. They would have a list of volunteers to monitor the traps and assist in the capture.

F. Preliminary Budget Discussion – Fiscal Year 2018-2019: Shane Sorensen reviewed highlights of the proposed budget. In the next few weeks the Councilmembers could meet individually with Shane Sorensen and the finance officer to go over the budget and ask questions. On April 10th they would review the tentative budget and on May 8th it would be accepted. June 12th they would hold a public hearing on the final budget and adopt it.

VI. STAFF REPORTS

Shane Sorensen reported on the following:

- Plans for Smooth Canyon Park would be coming to the Council for review.
- The street lights installed in Heritage Hills by the developer were very visible. They may need to require a different type of light.
- There were speed limit signs on Canyon Crest Road. A resident had paid part of the cost.
- The ULCT Convention would be in St. George on April 5th. If they were planning on going, they needed to sign up soon.

VII. COUNCIL COMMUNICATION

Lon Lott reported on the Utah Lake Commission meeting. The big concern this year was water. Several years ago, the lake was down by eight feet, then they had some good years that brought it up. They were still 2.75 feet below full. They were moving ahead on lake restoration.

Sullivan Love asked if the Council had received the emails sent by the TSSD about the lake study on phosphorous content. He said Professor Merrill at BYU had studied the conditions of the lake for a long time and he was concerned that the proposed restoration could actually destroy the lake. He said he would forward the information to them.

Carla Merrill asked if the roads in Three Falls were public. Signs were posted that said "No Walking." David Church said the roads were public but were closed during the construction phase. Shane Sorensen said he would check on it.

Ramon Beck said the parking by the junior high was a mess during the ball games. Someone wanted to paint the curbs on Long Drive.

Jason Thelin said the online Development Code wasn't working very well. It wouldn't allow him to open up all the sections.

Troy Stout reported on the following:

- The parking lot by Burgess Park seemed illogically designed. Shane Sorensen explained that it was designed before the adjacent subdivision was built. Easier access to the parking lot from Canyon Crest Road would make it better.
- Robin Towle was just named Mrs. Utah.
- UDOT was planning some major changes in the area of SR-92/I-15 interchange. There would be development on both the west and east sides of the freeway. They were planning on major growth in Utah County. The projection for Utah County was that the population would double by 2035. By 2050, they expected the population of Utah County to exceed that of Salt Lake County. With most of the growth happening in other areas of the county, it will be a challenge for smaller towns with finite growth projections to obtain funding. They were looking at an east/west corridor south of the lake. A causeway across the lake was a possibility.

VIII. EXECUTIVE SESSION

MOTION: Ramon Beck moved to go into executive session for the purpose of discussing litigation. Lon Lott seconded. Ayes: 4 Nays: 0. Jason Thelin, Ramon Beck, Carla Merrill, Lon Lott voted aye. Motion passed.

The Council went into closed session at 10:15 pm.
The Council returned to open meeting at 10:50 pm.

MOTION: Lon Lot moved to adjourn. Carla Merrill seconded. Ayes: 4 Nays: 0. Jason Thelin, Ramon Beck, Carla Merrill, Lon Lott voted aye. Motion passed.

The meeting was adjourned at 10:50 pm.