

ALPINE CITY COUNCIL MEETING
Alpine City Hall 20 N. Main, Alpine, UT
January 28, 2020

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

Councilmembers: Jason Thelin, Greg Gordon, Carla Merrill, Judi Pickell, Lon Lott

Staff: Shane Sorensen, Charmayne Warnock, David Church, Austin Roy, Chief Brian Gwilliam, Chief Reed Thompson.

Others: Laird Bellon, Margaret Bellow, Aaron Zaharias, Roger Bennett, Rachel Bennett, Bill Kirkpatrick, Kayl Smith, Sean Lorscheider, Brad Holiday, Gary Harding, Allison Paney, Loraine Lott, Shirley Barnes, MaryAnn Scoville, Ashli Wilson, Beth Smith, Kimberly O, Katrina Kennedy, Greg Ketch, Karen Ketch, Leslie Clark, Lonny Layton, Steve Kelke, Sandra Savage, Darrel Larsen, Jeanne Larsen, Dennis Fox, Marla Fox, Keith Wilson, Terri Wilson, Ethan Allen, Kenneth Crook, Troy Benson, Jean Allbrecht, Rhonda Aramaki, Heather Clegg, Chad Clegg, Allyson Smith, Ben Smith, Adam Smith, Emmy Smith, Daryl Hughes, Hal Hughes, Bob Lindquist, Sherri Mehl, Jared Slemboski, Randy Austin, Leslie Austin, Bradley Reneer, Marne Reneer, Julie Fonbuena, Teresa Cosper, David Kono, Julie McKeon, Jenny Smith, Julie Buswell, Chase Purles, Amber Purles, Benoy Tamang, Biff Romney, Jane Griener, Mark Sutherland, April Cooper, Gary Cooper, Garry Spencer.

B. Pledge of Allegiance: Greg Gordon

C. Prayer: Judi Pickell

II. CONSENT CALENDAR

A. Approve City Council minutes of January 14, 2020

MOTION: Lon Lott moved to approve the Consent Calendar with the minutes as corrected. Judi Pickell seconded.
 Ayes: 5 Nays: 0. Motion passed.

Ayes

Lon Lott

Judi Pickell

Carla Merrill

Greg Gordon

Jason Thelin

Nays

none

III. PUBLIC COMMENT

Jean Albrecht 850 E 200 N. She expressed concerns about the new Alta Bank sign. She said she understood that it met the ordinance and was outside the sight triangle, but it blocked the view of pedestrians and motorists at the intersection of 100 South and Main Street. In order to see the traffic on Main Street, a motorist had to pull onto the crosswalk and inch out into the road to see what was coming. The state law said that motorists are required to yield to pedestrians in the cross walk and stopping in a crosswalk is prohibited. That intersection was especially dangerous when children were crossing before and after school. She said she had spent 20 minutes observing traffic in that location and taking pictures of people pulling onto the crosswalk in order to see traffic.

Both Mayor Stout and Shane Sorensen said the City was aware of the problem and had conversations with the bank about the sign. The bank president asked the City to make a suggestion for a solution and they'd see if they could make it work in their budget.

Other people in the audience including Allison Passy on Blackhawk Lane and Katrina Kennedy at 659 E. 200 N. and Lonny Layton on Village Circle also expressed concerns about the hazards presented by the sign at Alta Bank. Ms.

Passy suggested it be a three-way stop. Mr. Layton proposed the sign be removed entirely since there were already two signs on the bank.

IV. REPORTS AND PRESENTATIONS

- A. Recognize Outgoing Councilmembers:** Mayor Stout said this item would be postponed because they were out of town the previous councilmembers were out of town.

V. ACTION ITEMS

- A. PUBLIC HEARING – Possible location of Verizon cell tower in City Hall Park or Creekside Park.**

Mayor Stout said the City had previously held multiple meetings on the Burgess Park and Alpine Trails locations. He invited Troy Benson from Verizon to make a presentation on the park by City Hall and Creekside Park.

Troy Benson said Verizon had looked at the park east of City Hall and Creekside Park as possible locations for the cell tower. As far as coverage both locations would work better than Burgess Park. City Hall Park had only slightly less coverage than Creekside Park. The setback to the nearest residence in City Hall Park was 185 feet, which met the requirements of the ordinance, but it was closer to residences than a tower would be at either Burgess Park or Creekside Park. He presented visual representations of possible pole designs. A monopine was supposed to resemble a giant pine tree. A slim mount tower would just be a cell tower and have a smaller diameter of 6.5 feet. A cell tower that looked like a water tank was also an option. The main drawback of a water tower design was that it couldn't serve multiple carriers. Mr. Benson said Verizon would prefer an 80-foot tower but would go with a 60 ft. tower to minimize the visual impact.

The Council discussed the different tower options.

Lon Lott asked if all the equipment would be housed at the top of the water tower. Mr. Benson said the tower would need a diesel generator and equipment cabinets, which would be located at the bottom. Because of the legs, a water tower would require a larger ground area than the other two options. All tower options would require equipment on the ground which could be enclosed with a masonry wall rather than a chain link fence.

Judi Pickell asked about the height of the fire station, which was 30 feet, and wanted to see examples of how the tower would look from different angles. She noted that the view of the tower would be partially obstructed by the fire station and city hall. There was less foot traffic in the City Hall Park than either of the other two parks. The City Hall park location provided better coverage than the Burgess Park location. She asked if Verizon could customize the water tower option and have Alpine written on the tank. Mr. Benson said he thought that would be possible.

Carla Merrill said she would like to see the ground footprint for the three different types of towers.

Greg Gordon asked if there would be sufficient room for the equipment if the tower was tucked closer to Main Street.

Jason Thelin compared the monopole version to the water tank. The slim mount tower would take up less space and provide more room for additional carriers on the tower. He said he'd prefer to have one tower that allowed for more carriers rather than having to approve multiple towers in the future.

Shane Sorensen said the ordinance required every tower to accommodate a least two carriers. Troy Benson said that the water town might be able to accommodate another carrier if it was taller.

Shane Sorensen said the City owned the entire block including the residence on the northwest corner which was in a life estate meaning it would revert to the city when the individual who lived there passed away. He said it was hard to know the future needs of the City, such as building their own police department or a senior citizen center. Either possibility would be impacted by the presence of a cell tower.

Mayor Stout opened the meeting to Public Comment, asking people to limit their comments to three minutes and not repeat what someone else had already said. He said the main question they wanted to settle that evening was who would be the landlord? He explained that if the city didn't want the tower on city property, it could go to another public use site such as on school property or on commercial property. Schools had historically been eager to accept cell towers.

Roger Bennett – 100 East 48 North. He said he was one of the people who would be most affected by a cell tower on City block since he lived directly across the street and would see it out his front window. He reminded the Council that they had a republic form of government, not a democracy. People were elected to make decisions that were best for the community, not just one sector of the people. He said that in his lifetime he'd seen the City Hall park reduced seven times for various reasons. If the tower went in City Hall Park, all the safety concerns that other citizens had were heightened by the closer proximity of the tower to homes. There were people in the fire station 24/7 which basically made it a residence. He added that City block was in the historic district. There had never been a high-rise water tank in North Utah County, so it was not an historic feature. He said that if the Council did approve a cell tower on City block, he requested that they rezone his property to commercial so he could do something with it.

April Cooper – 121 N. Main Street. She said she was curious about the option of putting the tower on school, commercial, or private property. David Church said the ordinance contained priorities of where towers could be place. The first priority was city property, second was property in conjunction with a public use such as a school, third was commercial property in the BC zone. He said the owner of the property could negotiate where it would be sited and how it was going to look. Ms. Cooper asked how often it would be serviced and if they would be driving trucks across the grass. Mr. Benson said they were serviced about two times a year.

Laird Bellon – 42 W. 100 N. He said the City had a heli pad in the park and asked how that would be affected. He'd seen helicopters land there. Shane Sorensen said the cement pad was not actually designated as a heli pad. Mr. Laird said he didn't want the cell tower in his neighborhood. There were health hazards associated with them. When they were looking at putting it in Burgess Park, flyers were sent out to all the people to discourage the City from locating it there. He said the health of everyone needed to be considered, not just the ones in the higher-class areas. He said it seemed like the center of town got what everyone else didn't want. He asked the Council to treat them the way they would want to be treated.

Sherry Mehl – 149 N. 300 E. She said that kids played all the time in the City Hall park. Cell towers generated an electromagnetic field. She had studied the health-related issues and simply charging your phone at night in your bedroom was bad for you. What would a cell tower do? She said it made no sense to her that by law they were required to let them put up cell towers. People came to Alpine to get away from those things. Why contaminate the community with them?

Katrina Kennedy; 659 E. 200 North. She asked about the height of the tallest structure in Alpine and what was Alpine going to do when 5G rolled out. They needed to consider the interests of the citizens and not the cell tower company. She asked if Verizon had shown a significant gap in coverage and how they defined significant. She said the Council needed to shore up the code to protect the neighbors. What kind of impact did cell towers have on property values? She suspected they decreased them. She said Verizon had the burden to prove the cell tower was needed. There were cases where cities had denied cell towers for aesthetic reasons. She recommended that the Council look at 5 g as they adjusted the ordinance.

David Church said that two years ago, the state legislature imposed limits on what cities could do to regulate small cell towers. Each city was required to adopt a small cell facility ordinance in anticipations of the 5 g coming in across the country. When it came in, Alpine would have limited authority on the small cell antennae that would be placed along the public right-of-way and located on power poles. They would be quite ubiquitous. The small cell facilities did not take away the need for tall towers but worked in conjunction with them. As far as Verizon's coverage gap, they brought their information to the City. If the City wanted to dispute it, they would have to spend money to hire an expert to say they were wrong. He said cell companies did not build tower just to build towers. They built them in response to complaints from customers. As the demand for faster service went up, so did the cell towers. The city did not have a right to discriminate between providers. The city passed an ordinance to regulate cell towers. Cell towers were a permitted use in the commercial zone. He reminded everyone that the main question

before the Council that night was if the City wanted to be the landlord or pass the responsibility to a school or business.

Morgon Philpot – 600 North. He said he appreciated David Church's comments. He said he taught his children not to swear but they could say 'the damn government'. The government couldn't tell cities what they had to do approve. He said there were plenty of attorneys in Alpine that would defend the City if they didn't approve a cell tower. David Church pointed out that the members of the Council took an oath to obey the laws of the state and the city. It would be difficult for them to say they were going to ignore the laws.

David Kono 40 N. 600 E. He said he assumed the City had more information from Verizon than was shown that evening. It didn't prove to him that there was a coverage gap. He had a Verizon phone and had driven around Alpine and had 4 bars. The aesthetics at Creekside Park were a big deal. Didn't they want a park that was the crown jewel of Alpine?

Allison Passey – 561 E. Blackhawk Lane. She asked how much money the City would be getting from tower. They needed to make sure they really needed another Verizon tower. She lived near Creekside Park and the first thing people would see was this big, ugly thing. She suggested Alpine partner with some business owners on what it would look like.

Jared Slemboski – 630 E. Center Street. He said he had Verizon and worked out of his house. He'd driven around the city and never dropped a call. He didn't see a need for a tower a couple hundred feet from his house. He'd moved to Alpine from San Francisco because it was beautiful here with a beautiful park with no structures.

Casey Nelsen – Center Street. He said he suspected that everyone was against the tower. Secondly, he said Verizon paid a ton of money to transmit on this frequency. Small cell was coming and the carrier had done a good job of confusing people. He suggested the Council provide a list of frequencies that would be used. They need to have an expert look at it.

Aaron Zaharias 422 E. 100 S. He said he'd lived in Alpine for nine years. Having a tower in Creekside Park would be a problem. From their home, they looked across the park. Had the City looked at revamping some of the existing towers? Shane Sorensen said the only tower the city owned was in Lambert Park. The others were not owned or controlled by the city. Mayor Stout said there was a moratorium on the construction of new towers on the private location and no new towers could be built within a quarter mile of that location, nor could they be increased in size.

Garry Spencer - 653 E. Canterbury Lane. He said two people said they had perfect service. He said he had Verizon and didn't have perfect service. He regularly dropped calls on Ridge and had lost service entirely. Verizon was a business and the construction of a tower was a large expense; they wouldn't build a tower unless there were complaints from customers. Business didn't spend money just to spend money. Addressing the health issue, he said he'd spent six and a half years in the Navy on a submarine and he understood ionization and electromagnetic radiation. He said the entire world was a field of electromagnetic spectrum from radio waves to microwaves, infrared rays, visible light, ultraviolet light to x-rays. In order to harm humans, the radiation had to ionize enough atoms to disrupt the DNA. There needed to be 2.4 million gigahertz of radiation to injure people. 3g and 4g operated at 1 to 2 gigahertz. 5 g operated at 7 gigahertz. That was lower than the wavelength of visible light. Thermal energy was emitted but it was lower than what people used to heat up their food in the microwave. People had WiFi in their homes which was between the range of 1 gigahertz to 5 gigahertz. He said he suspected the reason the legislature made the rules about approval of cell towers was because there was so much disinformation about cell towers, they didn't want people blocking service for paying customers based on false information. As far as aesthetics, he said it would be ugly in Creekside Park. In regard to a water tower, he wondered if they could branch antennae off inside the barrel.

Julie Fonbuena – 632 E. 200 N. She said she guessed the Council decided to move the tower from Burgess Park because the people didn't like it there. She said the other people in Alpine felt the same way even if they didn't have as many people to come out be and vocal about it. They didn't want it in their park either. She said she did drop calls on Ridge Drive but anticipated it and drove elsewhere.

Mayor Stout thanked the people for their input and closed the Public Hearing.

B. Verizon Cell Tower Location – Council Discussion/Decision

Jason Thelin asked the representative from Verizon, Troy Benson, if he could speak to the real need for a tower. Troy Benson said Verizon worked with engineers who came back and said there was a high need to provide the desired level of service for customers. He said the need was not necessarily related to population growth. Every year people wanted more bandwidth per phone. Verizon wanted to stay ahead of the demand. He anticipated that it would be built in 2021.

Jason Thelin identified the three criteria he thought needed to be evaluated for each location. #1 was distance from homes. #2 was to minimize visibility. #3 was coverage. He felt Burgess Park was the best choice for distance from homes and minimizing visibility.

Lon Lott said they'd heard from the public about putting the tower in the parks. Should the Council consider amending the ordinance to eliminate public parks as a location if they were concerned about future requests? Should the City spend money and verify that the coverage was needed?

Greg Gordon said that if the Council passed on being the landlord, he was concerned that the tower would end up at Timberline Middle School or at Alpine Elementary. Mayor Stout asked if Verizon had made efforts to site the tower on school property. Troy Benson said they had not contacted the school district, and if they did, they would be working with the district, not the principals.

MOTION: Jason Thelin moved that the City Council move forward with the intent of being the landlord for the proposed cell tower. Judi Pickell seconded. Ayes: 5 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	None
Greg Gordon	
Carla Merrill	
Judi Pickell	
Lon Lott	

The Council discussed a location for the tower.

Lon Lott said they'd held public hearings on the Burgess Park site and on the Creekside Park and City Hall Park sites, which brought out concerned citizens from all over. To say that the downtown area got what the other areas of town didn't want was not true. They wanted to put it in a place that best met the criteria and coverage was important.

Judi Pickell said that in considering all three sites, the City Hall Park made the most sense. It provided better coverage than Burgess Park and only slightly less coverage than Creekside Park. Coverage was an important issue so there was less need to build another tower in the future. She felt Verizon had demonstrated sufficient need for a tower. City Hall Park had less use than either of the other two parks and it was land set aside for city purposes. She felt the proposed cell tower was in accordance with that type of purpose. She wanted to maximize the use of the tower, so colocation was an important issue. If a monopine would allow colocation and reduce the need for another tower, she would support that.

Carla Merrill said that when looking at the coverage, it was hard to consider Burgess Park because they had the worst coverage. City Hall and Creekside had the best coverage. She liked the idea of a water tower but didn't want the tower to be a single service provider. She said her personal choice would be City Hall Park.

Jason Thelin said there were major coverage issues up Fort Canyon. He asked if Verizon anticipated fixing that? Troy Benson said that if they got complaints from customers, they would address it. Jason Thelin asked if an 80-foot water tower would allow space for more service providers.

Reed Thompson said that he had firefighters at the fire station 24/7 so it was like a residence. David Church said Alpine Code identified a residential house and the fire station did not meet the definition of a residence.

Judi Pickell pointed out that the City Staff would also be in close proximity to the tower if it was located in City Hall Park. If it was sited in a school zone, there would be the same problem with school children.

MOTION: Judi Pickell moved to select the City Hall Park site for the future Verizon tower based on the following findings:

- It provided more effective coverage.
- As the landlord, the City would be able to manage concealment.
- Verizon had shown sufficient need for a tower.
- The City Hall location had less use and less traffic than the other two locations.
- The City Hall property was set aside for this type of purpose.

In addition, she attached the following conditions:

1. They maximize collocation capability
2. They maximize concealment
3. Staff work with Verizon to determine the most appropriate location for the tower considering future remodeling or growth on the City Block.

Greg Gordon seconded. Ayes: 4 Nays: 1. Jason Thelin voted nay stating he preferred the Burgess Park location.

Ayes

Greg Gordon
Carla Merrill
Judi Pickell
Lon Lott

Nays

Jason Thelin

David Church said the site plan for the City Hall location would go back to Planning Commission to work out the details such as exact location and aesthetics, then come back to the City Council for approval.

C. Appointment of Planning Commission Member

Mayor Stout said he had talked to three people about serving on the Planning Commission and recommended Ethan Allen be appointed to a four-year term.

Ethan Allen said he'd lived in Alpine on 800 South for 29 years. He owned a small business, Allen's Camera, which was a family business. He'd been interested in government for years and had served as a chairman for his caucus and served as a delegate for the last few years.

MOTION: Jason Thelin moved to approve the appointment of Ethan Allen to a four-year term on the Planning Commission. Lon Lott seconded. Ayes: 5 Nays: 0. Motion passed.

Ayes

Jason Thelin
Greg Gordon
Carla Merrill
Judi Pickell
Lon Lott

Nays

None

MOTION: Lon Lott moved to reappoint Jane Griener to the Planning Commission. Judi Pickell seconded. Ayes: 5 Nays: 0. Motion passed.

Ayes

Jason Thelin
Greg Gordon
Carla Merrill

Nays

None

Judi Pickell
Lon Lott

D. 300 North Well Rehabilitation/Widdison Turbine Invoice

Shane Sorensen provided a memo in the packet detailing the progress and problems of rehabilitating the well on 300 North. Losing an expensive tool at the bottom of the well was a major setback and delayed completion of the progress. The project was finally completed with a final invoice of \$201,350. The last item was to install a new pump in the well, which would be ready for operation in 2020. He recommended approval of payment and noted that the lost tool and recovery costs of \$150,000 were borne by Widdison Turbine Services.

MOTION: Lon Lott moved to approve the proposed cost of \$201,350 to Widdison Turbine Services for the 300 North Well Rehabilitation. Greg Gordon seconded. Ayes: 5 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	None
Greg Gordon	
Carla Merrill	
Judi Pickell	
Lon Lott	

E. Alpine Days Chair

Mayor Stout said that last year the City had hired a fulltime person to run the 2019 Alpine Days. She was assisted by Melanie Ewing. There were some stresses and extra expenses but on the whole, Alpine Days went well. They once again needed to find a chairperson for the event.

Shane Sorensen said that they had hired a fulltime person with the intent that the same person would handle Alpine Days, sports, and park reservations, but since those events were all happening in the same time period, it didn't work out very well. They were rethinking the position and felt it would be better to have two part-time people or a part-time person and a contract person one to run Alpine Days and one to handles sports and park reservations. The benefit would be that there would be no conflicting schedules and they would save money by not having to pay fulltime benefits.

Mayor Stout said Melanie Ewing would be willing to do Alpine Days again and could be one of the part-time people or serve as an advisor.

Jason Thelin asked if that person would also handle the Easter Egg hunt and the Memorial Day program. The Youth Council were willing to help with the events, but they didn't want to be charge.

Lon Lott said the Lone Peak Business Alliance had at one time said they would be willing to do a little or a lot with Alpine Days. They did American Fork's Steel Days.

Shane Sorensen reviewed the financials for the 2019 Alpine Days. For the past three years they had budgeted about \$135,000 for Alpine Days with the anticipation that some of the cost would be covered by about \$75,000 in revenue. In 2019, the actual expenses were \$136,963. They had \$77,537 in revenue. The final cost to the City was \$59,425. On top of that cost, they paid out six months of salary and benefits in the amount of \$28,000.

For comparison purposes, the final cost of Alpine Days in 2018 was about \$36,000. He said the rodeo financials were a separate item and he would have them next week.

F. Open Meeting Act Training – David Church.

This item was postponed. Mr. Church said the Planning Commission members should be invited to the training.

VI. STAFF REPORTS

Chief Reed Thompson said they were working on the budget for the fire department. He didn't anticipate any big changes this year, but they needed to look at what they were going to do to remodel the fire station.

Chief Brian Gwilliam reported on the following:

- They were working on the police budget and should have it done by the next week.
- They were wrapping up their process of being accredited by the Police Chief Association.
- They'd gotten an email that the measurements and specifications for the bulletproof glass enclosure in the police department and court were wrong so there would be delays. He explained that they were retrofitting the front of the building to protect officers and staff. There had been some incidents.

Austin Roy said he'd attended the Utah Valley Sustainability Coalition of which Highland, Cedar Hills and Lehi were participants. They went over the legislative bills coming up and talked about water metering to be sustainable. He said it was a useful training.

Shane Sorensen reported on the following.

- Trail Day would be in August. They needed to focus on signage and project planning.
- The road hump project on Moyle Drive was going out to bid.
- They would be reconstructing the street on 600 North
- They would be replacing the water line on 800 South
- They were communicating with Alta Bank about concerns with the sign
- He asked the Council if they wanted a work session on the budget or to meet individually. The Council indicated it was helpful to hear other people's questions and input and would prefer a work session.
- He asked the Council about starting the meetings at 6 pm. They said there would need to a hard quit time.
- PI rate study. He said Lewis and Young were waiting on some information. He preferred to take the time to get the numbers right, so the new rates may be implemented a little later in the season.

VII. COUNCIL COMMUNICATION

Lon Lott asked if there would be PI connections into the cemetery with the road project on 600 North. Shane said there would be.

Judi Pickell said she would like to discuss an accessory apartment exception for people who were leaving on a mission or something similar. Provo had a three-year exemption for that situation.

Carla Merrill asked who was doing the Easter Egg Hunt and the Memorial Day Program. Mayor Stout said he understood that Lynn Higgins was planning on doing the Memorial Day program again. She asked about the possibility of recycling glass. There was a brief discussion about the downturn in recycling. Fewer people were doing it because of reports that it wasn't actually being recycled.

Troy Stout said he had a letter from Alpine Elementary kids saying the rules in Lambert Park were being violated a lot. They saw motorcycles and construction traffic going through there.

VIII. EXECUTIVE SESSION

MOTION: Lon Lott moved to go into Executive Session to discuss litigation. Carla Merrill seconded. Ayes: 5 Nays: 0. Motion passed.

The Council went into closed session at 10:15 pm.

They returned to open meeting at 11 pm and adjourned.