## ALPINE CITY COUNCIL MEETING Alpine City Hall, 20 North Main Alpine, UT August 13, 2019

I. CALL MEETING TO ORDER: The meeting was called to order at 6:06 pm by Mayor Troy Stout.

A. Roll Call: The following were present:

Mayor Troy Stout Council Members: Jason Thelin, Carla Merrill, Kimberly Bryant, Lon Lott Council Members not present: Ramon Beck was excused. Staff: Shane Sorensen, Charmayne Warnock, David Church, Austin Roy Others: Barry Johnson from the law firm of Bennett, Tueller, Johnson, Deere

## **II. EXECUTIVE SESSION**

**MOTION:** Jason Thelin moved to go into closed meeting to discuss litigation. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Motion passed.

AyesNaysJason ThelinnoneCarla MerrillKimberly BryantLon Lott

The City Council returned to Open Meeting at 6:43 pm.

#### **III. OPEN MEETING**

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

Mayor Troy Stout

Council Members: Jason Thelin, Carla Merrill, Kimberly Bryant, Lon Lott

Council Members not present: Ramon Beck was excused.

Staff: Shane Sorensen, Charmayne Warnock, David Church, Austin Roy, Chief Reed Thompson Others: Hal Hughes, Daryl Hughes, Kristin Belnap, Dustin Bruce, Shelley Ruiz, Alberto Ruiz, Chris Ross, Richard Lytle, LeeAnn Lorenzon. Richard Lorenzon, James Oler, Patti Oler, Cindy Hutchinson, Brad Belnap, Donna Belnap, Randy Austin, Leslie Austin, Emma Austin, Craig Chagnon, Sherri Wright, Stephen Wright, Ezra Wadsworth, June Wadsworth, Jennifer Wadsworth, Gretat Wadsworth, Gary Goold, Judy Goold, Gregory Gordon, Biff Romney, Troy Benson, Adam Telles, Kristi Collins, Khirstin Hadley, Bradley Reneer, Jennifer Stout, Jake Stout, Pam Reschke, Judi Pickell, Julie Hebbert, Loraine Lott, LeeAnn Akina

B. Prayer:Jason ThelinC. Pledge of Allegiance:Kimberly Bryant

## **IV. CONSENT CALENDAR**

- A. Minutes of the City Council Meeting of June 25, 2019
- B. Partial Bond Release #1 North Point View, Plat D: \$52,867.15
- C. Partial Bond Release #2 The Ridge at Alpine, Phase I: \$40,974.00
- D. Partial Bond Release #6 Alpine View Estates: \$233,757.85
- E. Partial Bond Release #1 Conrad's Landing Plat C: \$38,441.00
- F. Award 2019 Overlay Project Bid Staker and Parson Companies: \$172,277.20.
- G. Award Bid for Burgess Park North Playground Replacement Great Western Recreation: \$32,913.59
- H. Final Payment Request: Water Tank Fire Project, Blue Rock Construction: \$24,500.00

- I. Contract Approval Holbrook Asphalt, Pavement Preservation: \$69,563.19
- J. Partial Payment Holbrook Asphalt, Pavement Preservation: \$24,985.65
- K. Morgan Pavement Alpine Roads Crack Seal: \$20,950.00
- L. Partial Payment #3 BMEI PI Install, Phase III: \$257,830.01
- M. Red Pine Construction Blue Spruce Road \$33,336.00.

**MOTION:** Lon Lott moved to approve the Consent Calendar. Carla Merrill seconded. Ayes: 4 Nays: 0 Motion passed.

Ayes	<u>Nays</u>
Jason Thelin	none
Carla Merrill	
Kimberly Bryant	
Lon Lott	

### V. PUBLIC COMMENT: None

### VI. ACTION/DISCUSSION ITEMS

### A. The Ridge at Alpine, Phase II – Final Plat: Paul Kroff

Austin Roy said the proposed subdivision was the second phase of The Ridge at Alpine subdivision and consisted of 12 lots on 12.7 acres in the CR-40,000 zone. The Planning Commission had reviewed the plat and recommended approval with a list of conditions. City Engineer Jed Muhlestein later provided a memo stating what conditions had since been met by the developer.

Phase II would be accessed off Grove Drive by way of Catherine Drive, and would connect to Elk Ridge Lane through Phase I. Until the road to Elk Ridge Lane was completed, there would be a temporary turnaround at the end of the road. Two of the lots, 40 and 41, had double frontage and would need to have "no access" notes placed on the plat for the east sides of the lots.

There was an issue of possible rock fall on the west side. The developer had submitted a rockfall study for the lots in that area; homes in the affected area would be required to have an extra setback of 50 feet to mitigate the hazard

Lon Lott said the Russon family had a concern about possible drainages issues for their existing home, which was located at the corner of Grove Drive and Catherine Way. It was looked into and determined that it would not be a problem.

**MOTION:** Lon Lott moved to grant approval to the final plat for The Ridge at Alpine, Phase II subject to the following conditions:

- A. The Developer provide maintenance easements for the 30-inch stormwater pipe, to be recorded along with the plat of Phase II.
- B. The Developer either remove existing buildings or provide a bond for the removal of them prior to recording the plat.
- C. The Developer include the property south of Catherine Way on the plat, shown as dedicated right-of-way;
- D. The Developer place "No Access" labels on the east sides of lots 40 and 41 on the plat;
- E. The Developer address redlines on the plat and plans;
- F. The Developer meet the water policy;
- G. The Developer incorporate 50-ft building setbacks from 40% slopes on the plat.

Jason Thelin seconded. Ayes: 4 Nays: 0 Motion passed.

Ayes	<u>Nays</u>
Jason Thelin	none
Carla Merrill	

## Kimberly Bryant Lon Lott

# B. Setback Exception Request – 235 S. Main – Paul Anderson

Austin Roy said Paul Anderson had requested an exception to the setback requirements for his property located at 235 S. Main Street in the business commercial zone. The setback back requirements for the BC zone were 30-ft front in the front and 20-feet on the sides unless recommended otherwise. Article 3.11.040.3.e allowed setback exceptions in the BC zone provided the Planning Commission recommended it and the City Council approved it. Mr. Anderson had requested a front setback of 15 feet and a side setback of 0 feet, which the Planning Commission denied based on the trail which was shown along the north side of his property next to Dry Creek. The concern was that there wouldn't be enough room for the trail which would connect to the Montdella Senior Living development on the west end and eventually to Creekside Park on the east end.

Mr. Anderson said he had met with Mountainville Academy who owned the property to the north and a portion of the land on which the trail would run. The school was interested in seeing the property next to them cleaned up and had agreed to expand the trail easement on their property to help accommodate the trail. Mr. Anderson increased his share of the easement by reducing the request for a side-yard setback exception from zero feet to two feet.

Mayor Stout asked how close it would be to the edge of the Dry Creek streambed, and if erosion was going to be a concern. Austin Roy said there were about 20 feet between the edge of the Anderson property and the drop-off into the streambed.

Paul Anderson said he'd done a lot of work on the property to clean it up. He'd taken out about 21 junk trees and removed five dams across Dry Creek caused by fallen trees and debris. Plus, he cleaned up the garbage on the lot. He said the school said they would much prefer to see a nice medical building on that lot. He noted that the State Farm Insurance Building on the other side of Main Street was set back 15 feet from the front property line.

There was a question about a small triangular piece of land next to Main Street that was owned by UDOT. Shane Sorensen said it was to have been transferred to Alpine City when Alpine took over maintenance of Main Street and that needed to be done. It shouldn't be a problem.

Jason Thelin asked if there would need to be a retaining wall on the property line. Shane Sorensen said there would probably not be a need for a wall because it was relatively flat. The parking lot next to residents would need some kind of screening or a fence.

**MOTION:** Jason Thelin moved to approve a 15-ft setback off Main Street and a 2-ft setback on the north property line for Paul Anderson for the property at 235 S. Main Street. Carla Merrill seconded. Ayes: 4 Nays: 0. Motion passed.

Ayes	]
Jason Thelin	1
Carla Merrill	
Kimberly Bryant	
Lon Lott	

<u>Nays</u> none

# C. Commercial Structure – Alpine Animal Hospital, 424 S. Alpine Highway – Dr. Michael Kendig.

Austin Roy said the owners of the animal hospital at 424 S. Alpine Highway were proposing to put up new siding on the existing building and put hardiboard on the gable. Since the business was located in the Gateway zone, the City Council had to approve the architectural changes. Dr. Kendig provided samples of the materials. The roof and the brick were not being changed, just the siding and the gable. The Planning Commission had recommended that the door be painted the same color as the gable, and recommended approval

**MOTION:** Lon Lott moved to approve the proposed remodel of the Alpine Animal Hospital and require the door to be painted the same color as the gable. Carla Merrill seconded. Ayes: 4 Nays: 0. Motion passed.

AyesNaysJason ThelinnoneCarla MerrillKimberly BryantLon LottLon Lott

Mayor Stout said that public comment would be taken on the next agenda items. He asked that people limit their comments to three minutes and if it had already been said, don't repeat it.

# D. Site Plan – Antennae Upgrade at Beck's Hills – T-Mobile

Austin Roy said T-Mobile proposed antennae upgrades on an existing tower on Beck's Hill. The upgrade would not substantially change the dimensions of the existing tower.

David Church said that according to federal law and Alpine City code, if the proposal met the definition of upgrading equipment on an existing tower, a municipality could not say no provided it did not substantially change the dimensions of the existing tower. He said that normally such upgrades were approved by staff, but Alpine's ordinance still required it to go to the Planning Commission and City Council.

**MOTION:** Kimberly Bryant moved to approve T-Mobile's request for an antennae upgrade on an existing tower on Beck's Hill. Jason Thelin seconded. Ayes: 4 Nays: 0. Motion passed.

AyesNaysJason ThelinnoneCarla MerrillKimberly BryantLon Lott

## E. Site Plan - Cell Tower in Burgess Park- Verizon Wireless

Austin Roy said Verizon Wireless was proposing to locate an 80-foot monopole in Burgess Park with colocation capabilities for up to three providers. He showed to the proposed location of the pole and said it would a pine-tree style pole. There would be a 22' x 40' fenced enclosure at the base of the tower for equipment. The fenced area would be six feet high with slats and topped with coiled barb wire to discourage climbing the fence.

The ordinance allowed the location of cell towers in Alpine in several locations. The first priority was on city owned open space, second would be quasi-public land such as school property, third was commercial property in the business commercial zone.

Troy Bensen was introduced as the representative from Verizon Wireless. He said the tower was needed to handle increased data usage and improve service. They needed to keep up with the increased data people were using. He said the proposed location in Burgess Park was their optimum location, but the tower could be erected anywhere within the red area on the map that was displayed.

Carla Merrill said that the proposed location was by a trail where kids walked to school every day twice a day. It was a very high traffic area. She asked the Verizon representative if they would consider locating the tower in an area with less activity. She noted that if the City didn't vote to allow the tower, it would very likely be located on the adjacent school property.

Lon Lott said he would like to see studies done in some other areas of city-owned open space.

Mayor Stout invited interested individual to comment on the proposal, asking them to please state their name and address and limit their comments to three minutes. If some comment had already been made, he asked to not repeat it.

<u>Hal Hughes – River Circle</u>. He said the amount of revenue that was to be provided needed to offset the impact of the cell tower. The City had just approved a playground in Burgess Park which would be 30 feet away from the cell tower. There would be 800 square feet of asphalt in the middle of a play area. He added that if the tower was approved, the City's hands would be tied if further improvements were done. He said he believed the City had the legal authority to reject a tower.

<u>Shelley Ruiz – Parkway West.</u> She said the park was always in use by the children, not only during school but all summer long. She felt safety was a huge issue. What would happen if a ball sailed into the fenced enclosure? Children would be trying to retrieve their ball. This was the wrong spot for a cell tower.

The Verizon representative said they could put a net over the enclosure.

<u>Brian Cropper – River Road</u>. He said he'd been in charge of Alpine youth baseball for 15 years. The proposed tower would be an attractive nuisance, and this was one of the worst places to put an attractive nuisance. The park was in use at least ten and a half months a year by baseball, rugby, and soccer. It was a gathering place for kids going to Timberline. He said Verizon had recommended three locations, Creekside Park, Peterson Park, and Burgess Park. Discounting potential health concerns, this location of a cell tower in the park was completely at odds with the purpose of a park.

<u>Bradley Reneer- Fort Creek Drive.</u> He questioned trying to make a cell tower look like a pine tree. Telephone poles seemed to disappear into the landscape, but putting up a pole with a dress on it to make it prettier just made it uglier. It made it stand out. He also raised concerned about health issues. The providers and the government insisted that the radiation didn't hurt people, and that cancer rates had gone down. He said that deaths from cancer had gone down because of better treatment, but the rates of cancers had gone up.

David Church said the Telecommunication Act of 1996 specifically stated that cities were not to take into account cell tower effects, and no such data could be admitted into any discussion as along as the proposed tower met FCC requirements.

Bradley Reneer said that if one looked at history, gag rules in government were a good indication that something was wrong.

<u>Laura Haacke – Parkway</u>. She said she was recovering from breast cancer and was also a real estate agent. She said cell towers had a really negative effect on property values. She said she would like to see hard evidence from Verizon that the tower was necessary.

<u>Richard Lytle – Parkway</u>. He asked why the distance between a monopole and residence had to be at least twice the height of tower. What was that based on? The Verizon representative said that was an Alpine city requirement for any type of tower.

<u>Randy Austin – Twin River Loop.</u> He thanked the Council for their time and effort. He said he wasn't sure that the suggestion of a net across the equipment enclosure would make it safer. It would just create the opportunity to get tangled in it six feet above the ground. He said he'd sat through two Planning Commission meetings and now this City Council meeting. Verizon had been asked to come back with additional options and they just came back and said this one was the best option for them. He said the Council had full power to decide where and how the tower should be built.

David Church said the City could not prohibit a tower or have the effect of prohibiting service. The tower could be built on school or state property or private commercial property. The City would have more control if it was built on City property. The question was if the City wanted to be landlord.

<u>Chris Ross – Riverview Drive</u>. He said he agreed with the points that had been made. It was true that tower decreased property values. 94% of the people were less likely to purchase a home near a cell tower. He added that once the tower was in, they were stuck with it.

<u>Kristin Hadley</u> said she understood that cell towers were a necessary evil, but she was not clear on why other areas belonging to Alpine City were not options.

After more discussion by the Council about other possible locations, a motion was made.

**MOTION:** Kimberly Bryant moved to table the proposed Verizon cell tower in Burgess Park and request better data on other sites. Jason Thelin seconded. Ayes: 4 Nays: 0. Motion passed.

AyesNaysJason ThelinnoneCarla MerrillKimberly BryantLon LottLon Lott

### F. Parking Lot Plan for Healey Park

Shane Sorensen said the Healey family had given the City a half-acre of ground north of the church at the corner of Healey Boulevard and High Bench Road a number of years ago. Nothing had been done with it up to this point and it was basically a weed patch. Since the land was adjacent to the Healey Park, which had neither restrooms nor a parking lot, and there was a need for parking for soccer, staff was proposing to improve the space by putting in a double-loaded 90-degree parking lot and relocating the existing restrooms in Smooth Canyon Park to Healey Park.

Mayor Stout said that it would be especially useful on a Saturday when there was a lot of soccer activity and a funeral at the church. There was also a trail that ran through the property next to the Stonehedge subdivision, which would be paved.

Austin Roy said he had been contacted by a member of the HOA for the adjacent subdivision who like to see some kind of fencing between the parking lot and their private open space.

Pam Reschke represented the HOA and said their neighborhood was assessed dues and paid for the maintenance of the private park next to the proposed parking lot. She said they liked the idea of it being developed but would prefer to see a playground and picnic area to added to the park since the City was putting in those amenities in Smooth Canyon Park. She said all they would be getting was a parking lot. Would it be so unreasonable to ask for a swing set and a picnic table?

Shane Sorensen said the playground improvements for Smooth Canyon Park had been in the works for several years and were anticipated in the preparation of the budget.

Mayor Stout pointed out that the Stonehedge neighborhood already had their own private park and could put in whatever playground features they wanted in their park.

Pam Reschke said they would work with the City on a fence, but they would like a privacy fence, so headlights didn't shine in their windows. They would prefer to see a concrete trail rather than an asphalt trail.

**MOTION:** Lon Lott moved to approve the proposed parking lot for Healey Park and utilize the restrooms in Smooth Canyon Park for Healey Park, put in a concrete trail along the north side of the park, and work with the Stonehedge HOA on the construction of a fence. Carla Merrill seconded. Ayes: 3 Nays: 1. Motion failed because changes to public open space required a supermajority approval of the City Council.

Ayes
Lon Lott
Carla Merrill

<u>Nays</u> Jason Thelin

# Kimberly Bryant

Jason Thelin said he voted no because he preferred asphalt trails over concrete trails.

After more discussion, a second motion was made.

**MOTION:** Carla Merrill moved to approve the proposed parking lot for Healey Park as proposed and move the restroom from Smooth Canyon Park to Healey Park, work with the Stonehedge HOA on the fence, and leave the surface of the trail at the discretion of the City staff. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Motion passed.

<u>Ayes</u> Jason Thelin Carla Merrill Kimberly Bryant Lon Lott

<u>Nays</u> none

### G. Smooth Canyon Park – Proposed Parking Lot

Shane Sorensen said that for several years, the property owners in the neighborhood of Smooth Canyon Park had complained about people parking in front of their houses to attend the youth soccer games. In response to the complaints, the City posted "No Parking" signs along the public streets and presented several proposals to expand the existing parking lot in Smooth Canyon Park. The neighbors complained about the proposed parking lot expansion saying it was too big and too close to their homes and would take away the grass and replace it with pavement. In response, the City Council rejected the plans for an expanded parking lot and approved a motion directing staff to design a parking lot with only 50 spaces.

Shane Sorensen said that since that time, they had devised a parking lot with 50 parking spaces, which would be moved farther to the south to lessen the impact on neighboring residences. The old restrooms would be moved to Healey Park and replaced with a new, larger restroom. The City would also install a playground and pavilion. To accommodate the new construction, four trees would be taken out but would be replaced with 13 new trees.

<u>Dustin Bruce – Round Mountain Drive</u>. He said his house backed up to the park and he felt the City was catering to the soccer league. There were too many soccer games and too many practices and there needed to be rules on park use. He was also concerned that they were taking out grass to put in pavement.

Mayor Stout explained that some parks were designated as sports fields and some as recreation parks. Smooth Canyon was designated as a soccer park when it was first built.

<u>Pam Oler – Round Mountain Drive</u>. She said she would prefer to have only one soccer game at a time. It would cut down on the traffic and noise. Also, the practices started to early in the morning with the accompanying whistles and shouting.

There was a lengthy discussion which included complaints about the noise and traffic generated by having two soccer games going on the fields at the same time. There were also complaints about non-Alpine residents playing soccer in Alpine. It was pointed out that the Alpine youth used soccer fields in other communities for their games and practices.

Shane Sorensen said that Alpine City wasn't big enough and didn't have the budget to run their own recreation program. They were fortunate to be able to participate in county-wide programs that they didn't have to subsidize but provided an opportunity for the youth to participate in sports. If they took a field away, would they be pulling the rug out from under their own kids?

Fire Chief Reed Thompson said there were very few areas on the southeast side of Alpine, except for a church parking lot, that would provide a staging area in the event they had to fight a fire.

Carla Merrill said that if they couldn't expand the parking lot, they would need to take down the No Parking signs on the public streets.

**MOTION:** Lon Lott moved to approve the proposed parking lot plan for Smooth Canyon Park. Carla Merrill seconded. Ayes: 2 Nays: 2. Motion failed.

Ayes	<u>Nays</u>
Carla Merrill	Jason Thelin
Lon Lott	Kimberly Bryant

Shane Sorensen said the restroom was ordered and they had the money in the budget for it. Also, the teams had to turn in field availability back in June and the season started in the fall.

**MOTION:** Carla moved to remove the "No Parking" signs in the surrounding neighborhood for Smooth Canyon Park in order to provide parking, and also build the restroom. In a year's time, they would reduce the park to a one soccer field. Kimberly Bryant seconded. The motion was withdrawn.

**MOTION:** Kimberly Bryant moved to approve the proposed parking lot plan for Smooth Canyon Park, build the restrooms, build the playground, and in a year's time, make it one soccer field, and have the parks and recreation director enforce the scheduling restrictions. Carla Merrill seconded. Ayes: 3 Nays: 1. Motion failed because a supermajority was needed to approve changes in public open space.

AyesNaysCarla MerrillJason ThelinKimberly BryantLon Lott

**GENERAL PUBLIC COMMENT.** Individuals in the audience, who had intended to comment at the beginning of the meeting under Public Comment, but were unable to because the meeting started earlier than the usual were recognized and allowed to comment.

<u>Adam Tellis – Chapman Court</u>. He said that for his Eagle Scout project he wanted to clean and repaint the fire hydrants in Alpine. He would have six teams of people working on the hydrants. Chief Reed Thompson said to make sure the paint met the color requirements and that no excess paint was left on the caps, so they were easily removed when needed.

<u>Jason Elliot</u> said he was the contractor for the property at 460 S. Ridge Lane. He was building a pool on the property but because of the slope of the property, the pool was visible to traffic coming up the hill. He wanted to be able to put a fence on top of the retaining wall for privacy. The new code said the height of the fence to the bottom of the retaining wall couldn't be more than 9 feet high. He would like to have an exception to build a higher fence.

Austin Roy said there was no provision for an exception in the fence ordinance, only on retaining walls. They could propose that the ordinance be changed. They could ask the City Attorney if there was an alternative solution.

Mayor Stout said they would take it under advisement.

# H. Ordinance No. 2019-18, Amending Development Code, Article 4.12

Austin Roy said the proposed amendment addressed two things in the Urban Wildland Interface Ordinance. First, it would change the name to Wildland Urban Interface to accurately reflect current terminology. Second, the references to the Uniform Fire Code would be changed to International Fire Code, which is what it had been changed to years ago. There were no substantive changes. It was just a clean-up of the language.

**MOTION:** Lon Lott moved to adopt Ordinance No. 2019-18 amending the Development Code, Article 4.12 to correct the language. Carla Merrill seconded. Ayes: 4 Nays: 0. Motion passed.

Ayes	<u>Nays</u>
Jason Thelin	none
Carla Merrill	
Kimberly Bryant	
Lon Lott	

# I. Moyle Drive Access to Lambert Park. This item was postponed.

# **VII. STAFF COMMUNICATION**

Austin Roy said that by the end of the year, the City needed to be in compliance with the Moderate Income Housing requirements. There were required to adopt three items from the code put out by the State Legislature. The City currently allowed accessory apartments, but they needed two more. They could look at rezoning certain areas or allow accessory dwelling units (ADUs) or work with Mountain Association of Governments to see if they had programs they could adapt. He said he would send out a copy of the code and the list of solutions so the Council could be thinking about what they wanted to do.

Charmayne Warnock said she'd had several requests to open a smoke shop in Alpine and wondered if the Council wanted to consider an ordinance to regulate them.

Shane Sorensen reported on the following:

- He thanked everyone who had helped with Alpine Days. He said he had learned a lot this year and he would like to hear people's comments, good or bad.
- The Truth in Taxation Hearing would be coming up next Tuesday at 7 pm.
- He thanked Forrest Burnett for his metal artwork on the sheep for the County Fair.
- They would be chip-sealing the roads in more areas of town, which gave them another ten to fifteen years on the life of the pavement and cost about \$60,000 as compared to \$500,000 to repave the road.
- The City had worked with the developer on rebuilding Grove Drive, which was wider than it had been.
- They need to decide what to do with the south pavilion in Burgess Park. Possibly they could put new siding on it and enclose it so sport teams could store their equipment.
- Montdella Senior Housing had completed a cross easement agreement with the neighboring businesses.

# VIII. COUNCIL COMMUNICATION

Mayor Stout reported on the following:

- He had been approached by the owner of the orchard on 300 North who said he was willing to widen the road all the way out to Alpine Boulevard by removing two rows of peach trees for \$200,000.
- The new parking lot in Lambert Park was nearly completed and was a great addition. They needed to add some signage to direct people to it.
- He would like to look at a mosquito abatement program next year if they had another wet year.

MOTION: Carla Merrill moved to adjourn. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Motion passed.

Nays

none

<u>Ayes</u> Jason Thelin Carla Merrill Kimberly Bryant Lon Lott

The meeting was adjourned at 10:50 pm.