

**ALPINE CITY COUNCIL MEETING
Alpine City Hall, Alpine, UT
February 25, 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

Council Members: Jason Thelin, Greg Gordon, Judi Pickell, Lon Lott (Dan Peterson, mayor of the Alpine Youth Council)

Council members not present: Carla Merrill was excused

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

Others: James Lawrence, Lacy Lawrence, Leslie Devey, John Ogden, Dale Ihrke, Richard Mickelson

B. Prayer: Greg Gordon

C. Pledge of Allegiance: Judi Pickell

II. CONSENT CALENDAR

A. Approve City Council minutes of February 11, 2020

B. Bid Award: 800 South Waterline Improvements to S&L Inc: \$330,150.00

C. Bid Award: Pioneer Drive Improvements to Double D. Excavation: \$432,998.00

D. Bid Award: Moyle Drive Improvements to Kilgore Companies: \$55,922.48

E. Approve purchase of a sewer bypass pump, Delco Western: \$16,639.92

MOTION: Lon Lott moved to approve Consent Calendar. Judi Pickell seconded. Ayes: 4 Nays: 0. Motion passed.

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

III. PUBLIC COMMENT

Mayor Stout introduced Dan Peterson who served as the Alpine Youth Council Mayor. He said the Youth Council did a lot for the community including helping with Alpine Days, the Memorial Day Program, the Easter Egg Hunt and many other services.

Dan Peterson said the application period for upcoming Youth Council had just closed so they would be bringing in a lot of new members. The first couple of meetings would be get-to-know-you activities. They also planned to meet with some long-time Alpine residents to see how the community had changed and get some ideas on what they loved about the community when they were younger. They'd like to incorporate some of those ideas into Alpine Days. They would also be holding a college panel to focus on leadership. He said they had about 40 members. If they had a massive number of applications, they turned away the younger ones with the thought that they'd be able to apply again the next year.

IV. REPORTS AND PRESENTATIONS

A. Timpanogos Special Service District (TSSD) Update: Richard Mickelson and Dale Ihrke

Shane Sorensen said Richard Mickelson had taken over the reins of the TSSD about a year ago. Dale Ihrke was Alpine City's representative to the TSSD Board and was appointed in 2014. Mayor Stout said Mr. Ihrke's work on

the TSSD Board had been very beneficial to the Council and the City. Richard Mickelson said Dale Ihrke did a fine job of making sure things were done correctly.

Mr. Mickelson said TSSD would be doing away with their composting/green waste service as a result of a lawsuit against the TSSD, which was filed by a number of business complaining about the smell generated by the composting process. As part of the settlement, TSSD would no longer accept green waste or make compost. Since a lot of people got compost from the sewer plant, TSSD would try to obtain compost from another source and have it available for sale, but he wasn't sure how long that would be able to do that.

He said the TSSD served ten cities in north Utah County. The County had experienced a lot of growth in the past few years and TSSD processed about 20 million gallons of water a day. They separated out about a quarter million pounds of solid waste each day. In the past, that solid material was mixed with the green waste and then composted. The sludge would now be sent elsewhere. The remaining wastewater would be sent through several processing steps, finally resulting in drinkable water which they returned to the lake. Some communities used the treated water for their secondary water. Mr. Mickelson said the TSSD was regulated by the Division of Water Quality. They had not had any violations for the last ten years.

Phosphorus in Utah Lake, which contributed to algal blooms, was one of the issues they dealt with. TSSD had reduced the amount of phosphorus going into Utah Lake from 4 parts per million to 1.1 parts per million. The goal was to reduce it to less than 1 part per million. However, that would not clean the lake entirely because of the ecology of the lake. Carp were eating the vegetation and that contributed to the problem. The Utah Lake Commission was working to reduce the number of carp, but what they were seeing was that, with the reduced carp population, the remaining carp were healthier and produced more carp. He said TSSD would spend \$100,000 to experiment and see if Utah Lake could be recovered. To update their facility would cost tens of millions of dollars and they wanted to make sure they were spending it wisely.

In response to a question about what citizens should do with their green waste if they could no longer take it to the sewer plant, Mr. Mickelson said that the North Utah County Solid Waste accepted green waste.

V. ACTION ITEMS

A. J&L Automotive Site Plan and Setback Exception – 80 S. Main St. – James Lawrence

Austin Roy said James Lawrence wanted to build an addition onto his automotive repair shop at 80 S. Main Street in Alpine. The proposed addition would be within the 30-foot front setback. The resulting setback of the addition would be 12 feet 3 inches from the front property line. The neighboring business was set back six inches from the front property, and there were other businesses in Alpine, such as the State Farm building, which were located closer to the front property line.

According to the plans, J&L would still meet the 20% landscaping requirement for businesses in the BC zone. The Planning Commission had reviewed the site plan and recommended approval of both the setback exception and the site plan.

Lon Lott asked about the storm drain pipe that ran through the area where the addition would be located. Austin Roy said a condition of approval would be the relocation of the pipe. The construction plans would need to be approved by the Engineer prior to issuance of a building permit.

Judi Pickell said she had talked to staff about changing the setback requirements in the BC zone to avoid having to continually hear requests for exceptions. Also, no criteria was set forth in the ordinance which the Council could use to evaluate an exception request. She said she did not have a problem with the proposed project.

Mayor Stout said the Planning Commission should work on a proposed amendment to setbacks in the BC zone. Judi Pickell said she would be happy to work on an amendment.

James Lawrence said it would be helpful to applicants if there was a specific path stating what the City wanted to see in the Gateway zone.

Judi Pickell said that at present, the City only had guidelines for the Gateway zone. The Planning Commission was supposed to act as the gatekeeper for development in the zone because the Gateway Committee was dissolved. She said she didn't think they necessarily needed a committee. They just needed to codify the Gateway zone requirements, so it was really clear.

Mayor Stout said he'd like to see a drawing that showed exactly what the J&L Automotive site plan would be so there were no discrepancies in the future. There were questions about materials and colors.

James Lawrence said the addition would be used for storage. The door on the east side would be a false door with no pathway leading to it. The brick would be the same as the rest of the building. The steel roof would be a charcoal color. The windows would have a white vinyl overhang. The new sign would be smaller than the old one.

MOTION: Lon Lott moved to approve the site plan and the exception to the front setback for J&L Automotive with the following conditions:

1. The storm drain pipe be re-routed and the construction plan be approved by the engineering department prior to issuing a building permit, and the applicant pay the associated costs;
2. The steel roof be similar in tone to the existing roof;
3. The lower windows be obscured;
4. The awning on the south side be similar material as the roof;
5. The false door be white.

Judi Pickell seconded. Ayes: 4 Nays: 0. Motion passed

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

B. Plat Amendment - Thelin Estates Plat B Lot Exception

Austin Roy said Martin White owned three parcels, two of which were legal building lots. The third was a landlocked parcel behind the home at 1115 E. East Mountain Drive. Mr. White wanted to adjust a boundary line to create both frontage and access to the landlocked parcel, making it a legal building lot. Since the proposed lot did not front on a public street, it would essentially be a flag lot using the excess frontage on lots 1 and 2 to meet the frontage requirement. The proposed lot would be accessed by a driveway that went through the lot at 1115 E. East Mountain Drive.

The Development Code (3.01.110) stated: *Lots shall be generally rectangular in nature and shall have no more than five sides without an exception recommended by the Planning Commission and approved by the City Council.*

Jason Thelin noted that in order to get the required 110 ft. of frontage for the proposed lot, it required them count part of the driveway on the neighboring lot as frontage for the new lot. Currently it was owned by Mr. White, but what if he sold it? Austin Roy said the owners would need to grant an easement across their property. If someone bought it, they would need to be aware of the easement.

Greg Gordon said the memo from the fire chief expressed several concerns about the proposed lot which were:

- Trying to access a lot in excess of 150 feet from a public street required additional planning for fire suppression.
- The water main needed to meet fire flow requirements and there would need to be an additional fire hydrant.
- The access road needed to meet the turning radius requirements and have an approved turnaround.

- The area fell within the Urban Wildland Interface area and was subject to defensible space requirements.
- Finding an address in an emergency response was critical and flag lots presented additional challenges. The address needed to be clearly posted on the public street.

Rick Black said he owned the lot north of Mr. White's lot. The previous owner, Merlin Fish, had a barn on the parcel, which burned down. There was no access to fight the fire except to go through Mr. Black's lot. He said it almost burned his house down. The proposed access would require 120 feet of turnaround with no overhead obstruction so a fire truck could get into it. He said he was concerned that if there was another fire back there, it would put his home at risk. He had tried to buy the property for agricultural purposes, but the owner felt he could make more money selling it as a building lot.

John Ogden said he was representing Martin White who owned all three properties. The plat amendment was designed to meet city code. He'd met with the fire marshal to discuss fire access, who designated the size of the access. He said he didn't know if or when lot 3 would be built on.

David Church said that, in his opinion, the proposal did not meet the definition of a lot according to Ordinance No. 2019-02, which the Council had recently adopted. The lot had more than five sides and was not rectangular. The ordinance did provide for the possibility of an exception, but he questioned if the exception justified situating it behind another home and creating an awkward entrance. There were significant things that needed to be done to meet the fire code. He said the proposed lot was exactly the situation the Council was trying to avoid when they adopted the ordinance.

Shane Sorensen said one of his concerns was installing a water main back to the lot. Water mains were generally placed in the street and if there was a waterline break, the water flooded into the gutters and into the storm drain system. If there was a break in the waterline that lay underneath the driveway that ran to the new lot, it would flood the homes.

MOTION: Judi Pickell moved to deny the request for the proposed exception for the Martin White property at approximately 1115 E. East Mountain Drive noting the safety concerns raised by the fire chief, but more significantly, it did not meet the intent of the recently adopted ordinance. Lon Lott seconded. Ayes: 4 Nays: 0. Motion passed.

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

C. Ordinance No. 2020-05. Parking Lot Dimensions

Austin Roy said the staff had received a request from Paul Anderson to look at the requirements for parking lot dimensions. The city standards were based on ASHTO standards, which designated parking stalls that were 7 feet wide and 19 feet long. Staff looked at what other cities were allowing for parking stalls. Provo's dimensions were 8.5' x 18' for large cars and 7.5'x15' for small cars. Salt Lake City's parking stalls were 9' x 17.5'. He said Alpine's stalls were traditionally 19 feet long but staff would be okay with 18 feet, which would be adequate for most vehicles in town.

The Council discussed this at length and considered what had been required for past commercial developments and what might be practical for possible future commercial developments. Judi Pickell commented that it didn't make sense to continue to do things the same way they'd been done in the past if it was onerous and prevented people from developing their property.

MOTION: Lon Lott moved to approve Ordinance No. 2020-05, Parking Lot Dimensions. Greg Gordon seconded. Ayes: 3 Nays: 1 Motion passed. Jason Thelin voted nay.

Ayes
 Lon Lott
 Judi Pickell
 Greg Gordon

Nays
 Jason Thelin

D. Ordinance No. 2020-06, Amending the Sign Ordinance

Austin Roy said staff had looked at amending the sign ordinance based on the difficulties they'd encountered with the new sign at Altabank on the corner of Main Street and 100 South. The proposed amendment would require permanent signs to be set back at least five feet (instead of three feet) behind the sidewalk or 12 feet behind the curb if there was no sidewalk. Staff also proposed increasing the sight triangle to 50 feet. The Planning Commission held a public hearing on the proposed amendment and recommended approval of the proposed changes with the exception that the sight triangle should remain at 35 feet.

The City Council discussed the proposed amendment at length. Jason Thelin said he'd also like to consider reducing the allowed height of the sign.

MOTION: Jason Thelin moved to postpone action on Ordinance No. 2020-06 amending the sign ordinance and discuss the height of the sign. Judi Pickell seconded. Ayes: 4 Nays: 0. Motion passed.

Ayes
 Lon Lott
 Judi Pickell
 Greg Gordon
 Jason Thelin

Nays
 None

E. Ordinance No. 2020-07 – Electric Bicycles

Austin Roy said the City Council had previously discussed the possibility of allowing Class 1 electric bicycles on trails and sent it to the Planning Commission to work on an ordinance. Both the Trail Committee and the Planning Commission reviewed the proposed ordinance and recommended approval. A public hearing was held but there was not a lot of public input. Austin Roy said the proposed ordinance added Electric Bicycles, Class I to the Development Code under Section 3.01.110, Definitions, and defined them as non-motorized vehicles.

MOTION: Judi Pickell moved to approve Ordinance No. 2020-07 as proposed regarding Class 1 E-bikes and place appropriate signage at each of the entry points to the parks. Lon Lott seconded. Ayes: 4 Nays: 0. Motion passed.

Ayes
 Lon Lott
 Judi Pickell
 Greg Gordon
 Jason Thelin

Nays
 None

F. Verizon Compensation

Shane Sorensen said Verizon had proposed paying \$1,600/month to lease a site in City Hall Park for the proposed cell tower. There would be an increase of 10% when the lease was renewed after five years. Later, Verizon came back with an offer of \$2,000/month with the same incremental increase of 10% every five years. Shane Sorensen said he'd checked with other cities for comparison rates. Alpine's rate was pretty good, higher than some cities. None of the other cities had a 10% increase every five years. He asked the Council what they wanted to do. After some brief discussion, a motion was made.

MOTION: Jason Thelin moved to recommend that staff propose to Verizon a rate of \$2,000/month with a 3.5% yearly increase on a five-year contract and give the staff latitude to negotiate. Greg Gordon seconded. Ayes: 4 Nays: 0. Motion passed

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

G. Open Meeting Act Training – David Church

David Church said he was going to focus on electronic messages during open meetings since it was becoming more common. He said nothing restricted a councilmember from communicating electronically with another member outside a public meeting, but texting another member during an open meeting was a violation of the Open Meeting Act. Deliberations were to be conducted openly and required public participation. That meant that the public should be able to hear what was said. Public meetings required a recording and minutes. The meeting had to be properly noticed and there needed to be a quorum present. Texting another member would also be a violation if they were convened in another meeting. Outside a public meeting, one councilmember could call another one to talk about something, but if there was a quorum involved in the exchange, it was a violation. In addition, councilmembers could not discuss business in any setting which contained a quorum, whether electronically or in person. He said they would know if they were cheating.

VI. STAFF REPORTS

Shane Sorensen reported on the following:

- They'd held a pretrial conference for the Quail Fire Lawsuit. A trial date was set for basically the entire month of October.
- Interviews were being held for the City Recorder position.
- Ted Stillman and Jason Struchen held a landscaper seminar earlier that day. Lon Lott said he attended the seminar and it was beneficial.
- The City had received a draft CUP Contract on Friday which staff was reviewing. He would bring it to the next Council meeting.
- Melanie Ewing had agreed to be the Alpine Days Chairman for 2020.

VII. COUNCIL COMMUNICATION: None

VIII. EXECUTIVE SESSION

MOTION: Jason Thelin moved to go to Executive Session to discuss pending litigation. Judi Pickell seconded. Ayes: 4 Nays: 0. Motion passed.

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

The Council went into closed session at 10:06 pm.

They returned to open meeting at 10:42 pm and made a motion to adjourn.

MOTION: Judi Pickell moved to adjourn. Lon Lott seconded. Ayes: 4 Nays: 0. Motion passed.

The meeting was adjourned at 10:42 pm.