

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 N. Main, Alpine, UT
April 24, 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, Kimberly Bryant, Lon Lott

Staff: Charmayne Warnock, Austin Roy

Others: Ed Bush, Sullivan Love, Loraine Lott, David Fotheringham, Natalie Neil, Nathan Neil, Paul Watson, Morgan Lynch, Rachelle Lynch, Amanda Lynch, K. Neely, Rhett Anderson, Luke Anderson, Evertt Williams, Annette Flygare, Will Jones, Lucas Mueller, John Mueller, Tom Ferrier, Tara Franks, Lane Franks, Prenton Frazier, Misha Peay, Hadley Peay, Rachel Frazier, Justin, Hartshorn, Brett Neunshwander, Jessica Smuin, Marty Smuin,

B. Prayer: Troy Stout

C. Pledge of Allegiance: Justin Hartshorn

II. CONSENT CALENDAR

A. Minutes of the City Council meeting of April 10, 2018

B. 100 South Improvement – Overlay Change Order

Regarding the change order on 100 South, Austin Roy said the original project was to install a water line in this budget year and do the overlay in the next budget year. The proposed change order would enable the City to take care of the overlay immediately following the installation of the waterline. Since the City would not be doing the Grove Drive project in the current fiscal year as originally budgeted, those funds were available for use on the 100 South project. Troy Stout said he'd heard there were some settling issues on 100 South. Austin Roy said replacing the old infrastructure causing some settling. It hadn't affected any homes that he knew off.

MOTION: Lon Lott moved to approve the Consent Calendar. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Lon Lott, Kimberly Bryant, Carla Merrill, Ramon Beck, Jason Thelin voted aye. Motion passed.

III. PUBLIC COMMENT

Ed Bush - Box Elder Drive. He reported on the watering of the seedlings that were planted in Lambert Park a couple of weeks ago. The City had installed two water tanks in the area where the seedlings were planted. To make the watering of the plants more efficient, the planted area was divided into sections and identified. On each of the tanks he had placed a map of the sections and instructions for watering them. There was also a chart that people who watered the plants could initial on the date they watered and which section(s) they watered. That way they would have a record. It would make it easy for people who were in the park to stop and water some plants.

Mayor Stout said that he and Carla Merrill had met with the mountain biking teams from the local high schools about orchestrating volunteer hours in the park to water the seedlings. He thanked Lon Lott and Ed Bush for making the project happen. They had planted about 1100 seedlings in the burn area with volunteer students from the high schools. They were looking for volunteers to help with the watering. He also thanked the Division of Natural Resources for their help on the project, and the Mule Deer Association for paying for the plants.

Lon Lott asked Austin to keep track of volunteer hours to use as part of the City's contribution on the contract with the state.

David Fotheringham – Ridge Lane. He said Donald Beck had passed away earlier that day. Mr. Beck was an icon of Alpine. Not only had he served on the City Council for many years, he'd done hours and hours of service for the City and he just wanted to recognize him.

Will Jones – Grove Drive. He reported on the work being done on the trails in Lambert park. He said they were trying to get a six-mile circle completed. He asked the Council to make a motion approving funds for work on the trails which would help them be ready for Trail Day on May 19th. He said he'd talked to Shane Sorensen who thought they could make a motion to approve the expenditure during the discussion on Lambert Park later on the agenda.

Justin Hartshorn said that for his Eagle Scout project he was having 35 fire hydrants painted. There would be five teams of four people to work in the different sections. They would be painting the fire hydrants and curbs on both side of the hydrant. He asked if the City would purchase the paint, which was quite expensive, plus paint supplies. He would check with Shane Sorensen to make sure they had the right kind of paint.

IV. REPORTS and PRESENTATION

A. Financial Report for March 2018: Austin Roy said the financial report was in the packet. If they had specific questions, they could contact Shane Sorensen about them. He said the report covered 75% of the current fiscal year. They were a couple of months behind on motorized vehicles and franchise fees which came later in the year. There were no questions.

V. ACTION/DISCUSSION ITEMS

A. PUBLIC HEARING: Motorized Vehicles in Lambert Park: Mayor Stout said that in January, the Council made a motion to continue the ban on motorized vehicles in Lambert Park, and adopt a long-range plan by May 1st. The reason for the ban on motorized vehicles in July of 2017 was because of the fire caused by shooting. He said he recognized that rule breakers damaged all the people. The ban imposed in July expired at the end of the 2017 and during the two-week period when the ban was not in effect, all the garbage that was cleaned up in July reappeared. It did not speak well of people's ability to keep it a wilderness area. The park was widely used by a lot of people so he wanted to get as much public input on the proposed ban as possible. He opened the public hearing and asked people to limit their comments to three or four minutes.

Hadley Peay – Glacier Lily Drive. Ms. Peay said she was a mountain biker and spent a lot of time biking in Lambert Park. it was a great place before beginners because it didn't have the traffic that other places did. She said that since the motorized vehicles were gone, it was much safer. She was deaf so she had to be very aware of her surroundings, and motorized vehicles which were moving fast didn't give her much warning.

Rhett Neuenschwander – Wintergreen Drive. He said that since the park had been shut down to motorized vehicles, there was a big decrease in the amount of noise and trash up there. He said he knew there was a transition from city to federal land where shooting was allowed, but shooting and parks did not go together. Judging by how loud some of the guns were, he guessed they had high powered rifles up there. With hikers and families with kids in the park, it wasn't safe to have people shooting guns. When you lived nearby, you felt like you were in a war zone. The fire last summer was caused by people shooting guns. He said there were restrictions against shooting within 100 yards of a structure. It used to be a remote area but with the homes being built up there, it wasn't anymore.

Mayor Stout noted that a 40-acre subdivision had been approved on the southern boundary of Lambert Park would bring homes and residents closer to the shooting range. That would have to be dealt with.

Lane Franks – Country Manor Lane. He said he had spoken at two previous meetings and felt it was an important topic. Before the meeting he had taken a petition around to the neighborhood and there were only three people who didn't sign in favor of safety. Two of those people had underage children who liked to drive motorized vehicles in the park, which illustrated his point even further. One gentleman showed him a picture of his home with the fire burning behind it. He said people shouldn't be entitled to fun if it put other people's homes at risk. Most of the people he talked to agreed that saving the mountain was paramount. There was a concern that a fire could jump to Horsetail Falls or move up the mountain range. He said they had about a year of data on the benefits of closing the park to motorized vehicles. There was a reduction in dust and noise and an increase in personal safety. He showed a picture of people cleaning up after the mudslide that came down into Alpine after a fire burned much of the vegetation on the hillsides. Fires were a problem that affected many people. Regarding access to the poppies, he said

it was about 200 feet to walk to the poppies and people could do that rather than having cars up there. He said he saw construction workers using the road to get from end of the park to the other. He'd see about 20 cars a day up there even with the ban. Most people were happy and willing to sign the petition. One woman didn't because she like to take a shortcut through the park on her Razor to get to her parent's home in the Cove.

Marty Smuin – Moyle Drive. He said he appreciated the action taken by the Council to halt the moratorium for a time so they could get a glimpse of what happened in the park without the ban. Some people called the park sacred. It truly was a treasure. Lots of people rode their bikes into the park to see the poppies. He had not missed the roar of motorcycles. They did not go 15 mph. He said he appreciated the reference to the deaf rider. He also had a deaf child. He said he'd been in the park the other day looking for shed and even with the ban, he still saw cars up there. A truck had gone off through the sagebrush and crushed everything. They had to realize that not everyone obeyed the rules. He said he hoped the Council kept the moratorium.

Prenton Frazier – Moyle Drive. He said Alpine City had eleven parks. Some of them were fairly large. All the parks had to be given honor and respect. None of them allowed cars to drive through them. They had designated parking spots. He said it made sense to have a wilderness park that was a pioneer park with the Old Lambert homestead, poppies, deer. Lots of scouts went up there. He said the mountain areas were slowly disappearing. He didn't think cars should be added to Lambert Park.

Annette Flygare. She said she had been riding her bike in Lambert Park and heard shooting. She was going across Flank and a car almost hit her. She took a picture of the license plate but didn't know what to do with it. She said they should start taking pictures of violators in the park. Troy Stout said that if she was on Flank, she was probably not in Lambert Park. That area was private ground and someone could be there legally in a car, but that same thing happened on trails within the park.

Rachel Frazier – Moyle Drive. She said that one time they were sledding by the water tank with their kids. They would ride down and hike back up. Some people with four-wheelers were also there. They would haul the kids back up to the water tank on the four-wheeler to sled back down. It happened all winter and they carved out an entirely new road alongside the sled hill. The vegetation didn't stand a chance with all the ruts. It would take years to recover. She said she was in favor of making the laws stronger to restrict motorized vehicles.

Tara Franks – Country Manor Lane. She said it was her understanding that the City had an ordinance already in place that said there could be no motorized vehicles but the City was allowing it to happen. If vehicles were up there, it should be marked as a permitted place. The City was actually allowing people to break the law. With spring coming, people would be pushing the envelope and sail past the little sign on the 8x10 white paper. If the Council extended the ban, she said she would like to see a plan of action and mark the areas effectively where they meant business. She said she didn't know how many tickets were given but there were lots of opportunities to raise some money. The City should be stricter. She said safety was a big issue. Her house was by the park and she would not like to see it burned down or washed away in a mudslide. Someone had used the analogy of taking away a bottle then giving it back and she agreed with that. The Council had the momentum and the backing of a lot of people right now. Doing it in the future would be difficult.

Jason Thelin asked Chief Gwilliam if there was data on the number of tickets given. Chief Gwilliam said a few tickets had been given but most of them were warnings. He said he would like to be involved in whatever action was taken on enforcement. In response to a question from Carla Merrill about taking photos, he said that often they had a picture of the license plate but not the operator. The police sent a letter to the registered owner of the vehicle and stated that their vehicle had been observed doing x, and they would like the owner to correct that. It was a letter, not a citation, and not something they took action on.

Ramon Beck asked if pictures were legally binding in court. Chief Gwilliam said it depended on what was depicted in the photo.

Luke Anderson – Heritage Hills. He said it was nice to be able to go to Lambert Park with his dad and practice turning and stopping on a motorcycle. It was closer than Five-Mile Pass.

Evertt Williams – Rosanna Lane. He said he was on the trail committee and had been involved in many if not all the projects in the park. He had a year's worth of pictures of violations in Lambert Park. There were trail markers with bullet holes through them. He ran into some people shooting and asked where their spent shells were. They're supposed to clean them up, but they'd left them there. There were pottery shards where kids were shooting. He said he went up Sunday night and someone had driven into the rodeo grounds with a load of firewood and set up camp. He said there was still so much illegal use in the park, he didn't think they had a fair indication of what benefit would accrue from banning motorized vehicles. He said none of the vehicles were being trailered to the park. Kids were riding them on the streets to get there. If they did ban vehicles, they needed to do something about parking. People were parking on grass areas which could spark a fire when it was dry. He said they needed to expand the parking area at the Bowery and do something about the firepits. It was an accident waiting to happen. Mayor Stout said the Planning Commission was working on a Master Plan for the park which would identify parking places.

Luke Anderson – Heritage Hills. He clarified that he had learned to ride a motorcycle in Lambert Park before the Council banned them.

Ed Bush: Box Elder. He said it would be an enforcement nightmare to change the ban and allow people to use motorized vehicles in some areas of the park and not others. The original reason for the moratorium was for safety and fire prevention. They were projecting dry conditions this summer. He felt the only reasonable path was to continue the moratorium on motorized vehicles in the park.

Thomas Ferrier – Moyle Drive. He said he had lived in Alpine for fifteen years. He thanked the Mayor and Council for the direction they'd gone so far, and thanked Ed Bush for his postings on social media. He said he walked in the park with his dog and every time he did, he was picking up the frame sign that had been run over. He was in favor of limiting or banning motorized vehicles in the park. The noise had decreased but he could still hear them. He said that with all the gunfire, they'd been blessed that a stray bullet hadn't hit one of the hikers in the park. With the small amount of moisture they'd had, they were looking at a dry summer. It was crucial to not have another fire. He thanked everyone who went up and planted seedlings. He said he felt the community was behind what the Council was trying to do.

Sullivan Love – Scenic Drive. He said he hated to see them closing public lands. The ban on motorized vehicles had been in place for some time but with little enforcement. He said he'd like to see continued access along certain roads and have more enforcement. He said people would pick and choose what laws to obey. In wilderness areas, mechanical transport was restricted but people were riding their bikes in wilderness areas. It went back to responsibility. Enforcement could help people be more responsible.

Rhett Anderson – Heritage Hills. He said he was out of town at the previous public hearing. What he was hearing was pretty one-sided. He appreciated a lot of what was said. With a right came responsibility. They needed to be balanced. All the citizens had a right to the public lands. The Council had limited it to one use which was mountain biking and hiking. There were no parks where you could ride a motorcycle. He said he liked taking his kids out to ride. Limiting use was a slipping slope. He said that when they took rights away from the citizens, the chance of it coming back were slim to none.

John Mueller – Alpine Boulevard. He said he agreed with things that had been said. The days of Alpine being a small community were gone. He said in driving through Draper and Suncrest, a lot of the areas set aside for public use were set apart with signage which included the intended use. He said he had a garage full of motorcycles and four-wheelers, but there wasn't enough area in Lambert Park to ride. American Fork Canyon was next door with lots of space. He said that as the Council made their decision, they needed to make an effort to properly mark and develop the area so people knew exactly the intended use.

Mayor Stout closed the Public Hearing at 8:20 pm and opened Council discussion.

B. Motorized Vehicles in Lambert Park. Mayor Stout said the City had allowed motorized access on certain roads in Lambert Park for years. If the rules of use had been adhered to, they wouldn't be discussing it that evening. The Council was responsible to govern, manage, and preserve this asset. As mayor he didn't have a vote, but he could see a difference in the park since motorized vehicles were restricted. It was more peaceful and tranquil.

It allowed people to get away. When a vehicle came whizzing by at 40 mph, it was disturbing. He said he believed the people who violated the rules were in the minority.

Mayor Stout said that in the packet there were two proposals for the park. **Alternative 1** prohibited motorized vehicles in the park except for service vehicles and emergency access. **Alternative 2** would allow restricted access on the roads shown as solid red lines, which included the north/south road on the western border of the park.

Ramon Beck said he'd lived in Alpine forever. Most of the people who came into the park every day lived by the park. He said he appreciated Sullivan Love's comment and wondered if they were taking away public land from some of the citizens. They would still have shooting on forest land even with the ban. He didn't know how they would enforce Alternative 2 but he expected the police chief could take care of it. He noted that a lot of the people who came to the park in vehicles were not from Alpine. He said he worried about the upcoming fire season but hated to see public lands go away.

Kimberly Bryant said that even before she ran for city council, one of the first meetings she attended was about motorized vehicles in Lambert Park. She had been a hundred percent opposed to banning them until last year. She'd grown up driving motorcycles in the park and felt it should be a multiple use park. Her son rode his four-wheeler up there. Now, due to health reasons, the only way she could use the park was in a motorized vehicle. She had been very pro keeping it open to vehicles. But the vehicles were tearing it up. It was the last of the open space and they were tearing it up. Safety and damage to the hillsides were the two things that would prompt her to close it to motorized vehicles. She said she would love it if the police could enforce the rules, but they would need ten more officers which would raise taxes too much. She said that only because Lambert Park was so dear to her heart could she make the decision to ban motorized vehicles.

Carla Merrill said she liked a statement made by Roger Bennett when he was on the Council. He said he used to hike Timp but could no longer do it, but he didn't expect the forest service to be offering him rides up there. She said that allowing partial motorized access to the park would be harder to enforce.

Troy Stout said they wouldn't be shutting it down to public access. It would just eliminate one modality. The park was open to the public. He said that if the Council moved to prohibit motorized vehicles, they didn't need a super majority vote.

Chief Brian Gwilliam said he would like to clarify some items. Proper enforcement required proper signage. In terms of motor vehicles in the park, if an individual contested a ticket in court, the police would have no justification because there was no signage. He said he was not blaming the City. He understood that they hadn't wanted to spend a lot of money on signs when it was a temporary ban with no long-term plan. He said there had been a lot of voluntary compliance but there were always those who would push the envelope. As he had mentioned before, the City gained some ground on prohibiting motorized vehicles in the park. To give that back would make any enforcement difficult. In law enforcement, once they cleared the building, they didn't reopen it until they found the perpetrator. Partial enforcement was never easy. He said the vehicles went fast on the east/west road but not like the north/south road. In addition to the speed, there were trails that crossed the road. It was a dangerous combination for bicycles and motorized vehicles. Chief Gwilliam said that from a law enforcement perspective, all or nothing was easier to enforce. They could possibly give permits for certain days or times of the year such as when the poppies were blooming. He said that if the Council decided to close the park to motorized vehicles, and when the proper signage was in place, they would go to zero tolerance and issue citations.

Jason Thelin asked the law said about unlicensed drivers driving unlicensed vehicles in the park. It was illegal on the public roads. Chief Gwilliam said that was a better question for David Church. Carla Merrill said the BLM offered special classes for kids so they could get a license to drive on BLM lands.

Lon Lott said he would like to modify Alternative 1 to define an area where people could park to walk a short distance to see the poppies and indicated on the map where that could be. The emergency access needed to be identified. There should be adequate fencing in key areas to clearly define the parking and in some cases have a gate. That would be key in allowing more people to access the park and not just bikers. Parking areas around the Bowery and gates would need to be defined. He said the roads shown on Alternative 2 were the same roads that had been open before, and no one seemed to feel like they needed to obey the law. He said he was in favor of making the

park as accessible as possible while making it as protected as possible. Another thing that needed to be defined was the parking area for the horse trailers. On Sunday, the parking lot at the Horsetail Falls trailhead was packed with cars with horse trailers parked alongside the road. It wasn't city property, but the more a place was used, the more they needed to recognize the need for parking. As they made the park more desirable, the more people would want to use it. People who came from the other side of town would have to park in front of people's houses in order to use the park. He didn't think the residents would like that.

Jason Thelin said he agreed with Lon Lott but the Planning Commission was doing that with the Lambert Park Master Plan. He said that when Creekside Park was first proposed, so many people were opposed. They got input from citizens around the park and made it a gem in the City. He agreed with Chief Gwilliam. Enforcement would be hard if it was done halfway. He would vote in favor of closing the park to motorized vehicles. He wouldn't even open it up during the poppy season. Someone with a disability could get a special 3-day pass. There was a perception that the bikers were taking over the park, but it would be better for all park users.

MOTION: Jason Thelin moved that the long-term plan for Lambert Park will be to close the park to motorized vehicles with the following exceptions: use of service vehicles, emergency access, allow public motorized access on improved roads to the Bowery and Rodeo Grounds. The City will work with law enforcement on signage and enforcement. Kimberly Bryant seconded. Ayes: 3 Nays: 2. Jason Thelin, Carla Merrill, Kimberly Bryant voted aye. Lon Lott and Ramon Beck voted nay. Ramon Beck said he felt they were curbing the use of public lands and he felt David Church needed to approve the motion. Lon Lott said he voted nay because he felt it should be more clearly defined to show more public access than what would be restricted. He wanted to see another parking area where people could walk to see the poppies, and define the parking area by the lower restrooms. He was not opposed to restricting motorized vehicle access in some areas. Motion passed.

C. North Point, Plat C – Final Plat Approval – Markus Watkins: Austin Roy said the three-lot minor subdivision located at approximately 1115 N. Heritage Hills Drive in the CR-20,000 zone was reviewed by the Planning Commission and recommended for final approval subject to a couple of conditions. One of the conditions dealt with providing a storm drain easement for the retention pond which would be in a later phase. The master plan for the storm drain system showed it being piped. The developer would pay for the smaller pipe that would serve the subdivision. The City would pay to upsize the pipe

MOTION: Carla Merrill moved to grant final approval to North Point Plat C with the following conditions:

1. The developer provide a storm drainage easement for the retention pond.
2. The developer meet the Water Policy.

Kimberly Bryant seconded. Ayes: 5 Nays: 0. Carla Merrill, Kimberly Bryant, Lon Lott, Ramon Beck, Jason Thelin voted aye. Motion passed.

VI. STAFF REPORTS

Chief Brian Gwilliam said that on Monday the police received a report of a medical call from an elderly gentleman who had been unable to speak and provide his name or location. The caller had not used a cell phone or they could have traced it, but they were able to ping off several cell towers and determined the call came from somewhere in the southeast portion of Alpine. Chief Gwilliam came into Alpine City Hall and spoke with DeAnn Parry and Carolyn Riley in the front office to see if they could send out a reverse 911 call to the southeast portion of the city and hopefully locate him. He said they dropped everything and promptly sent out a call asking people to check on their elderly neighbors who might be in distress. The police were able to locate the gentleman, Donald Beck, five to seven minutes after the call went out. He said he was sorry to hear that Mr. Beck had passed away. He said they were a little frustrated with the company that sold the device because customers thought they were getting something that could provide the needed service, and it had not. In conclusion, he said he wanted to recognize Carolyn Riley and DeAnn Parry in the front office for their help in locating Mr. Beck.

VII. COUNCIL COMMUNICATION

Mayor Stout

- He said he wanted to again acknowledge the efforts by Lon Lott and Ed Bush to plant and water the seedlings in Lambert Park, and also acknowledge the Mule Deer Foundation who paid for the seedlings. They were looking for a good case study and hoping it would work out well.
- Regarding the schedule for the use of pressurized irrigation water throughout the city, he said he would like to send out a Parlant call and let citizens know that the schedule was in effect now. They should also post it on the webpage, Facebook page, and Mayor's Message. The schedule had been published in the April Newsline and would be posted again in the May Newsline.
- He said he had met with the mountain biking teams and they agreed to schedule the days the different teams could use Lambert Park to lessen the impact. There would also be days when no teams used the park. He said he wanted to publish that schedule in the Newsline when it was available so Alpine residents would know what days the teams would not be there.

Lon Lott said the City should send out a Thank You card to those groups who helped plant the seedlings.

MOTION: Kimberly Bryant moved to adjourn. Lon Lott seconded. Ayes: 5 Nays: 0. Kimberly Bryant, Lon Lott, Carla Merrill, Ramon Beck, Jason Thelin voted aye. Motion passed.

The meeting was adjourned at 9:45 pm.