

**ALPINE CITY COUNCIL MEETING**  
**Alpine City Hall, 20 N. Main, Alpine, UT**  
**March 12, 2019**

**I. CALL MEETING TO ORDER**

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

Mayor Troy Stout

Council Members: Jason Thelin, Carla Merrill, Lon Lott

Council Members not present: Ramon Beck and Kimberly Bryant were excused.

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

Others: Will Jones, Sylvia Christiansen, Bob Pollan, Lonny Layton, Rachel Layton, Paul Anderson

**B. Prayer:** Jason Thelin

**C. Pledge of Allegiance:** Brian Gwilliam

Mayor Stout said he was grateful for the Lone Peak PSD emergency personnel and their quick response time. When he was in Mexico, he witnessed a serious accident and it took thirty minutes for the emergency service to arrive.

**II. CONSENT CALENDAR**

**A. Minutes of the Alpine City Council meeting held February 12, 2019**

**B. Alpine View Estates Bond Release #2 - \$162,149.01**

**C. Alpine View Estates Bond Release #3 - \$289,081.59**

**MOTION:** Lon Lott moved to approve the Consent Calendar. Carla Merrill seconded. Ayes: 3 Nays: 0. Motion passed.

**Ayes**

Jason Thelin

Carla Merrill

Lon Lott

**Nays**

None

**III. PUBLIC COMMENT**

There were no comments.

**IV. REPORTS AND PRESENTATIONS**

There were no reports or presentations.

**V. ACTION ITEMS**

Mayor Stout stated that Agenda Items C (zoning ordinance amendment regarding dwelling clusters) and D (zoning ordinance amendment regarding flag lots) would be postponed.

**A. North Point View Subdivision, Plat D – Final Plat Approval – Marcus Watkins:** The proposed subdivision consisted of 7 lots on 3.96 acres and was located at approximately 1120 N. on East View Lane. The North Point View subdivision had received preliminary approval in 2004 with no expiration date on the approval because of a development agreement. Plats A, B and C had been approved since that time.

Austin Roy said the Planning Commission had reviewed the proposed Plat D and recommended final approval. The development met the requirements of the zoning ordinance. However, there were existing structures on the property that would need to be removed or bonded for. North Field ditch crossed the property and would need to be piped according to Alpine City ordinances. The proposed development contained a portion of Lehi's irrigation system so

Lehi would need to approve it. Lot 29 had an existing well on it, which would need to be appropriately sealed to prevent contamination of ground water. The developer still needed to meet the water policy.

Lon Lott asked about the proximity of the development and a barn on adjoining property. Marcus Watkins said there was some elevation in that location; he expected they would probably be putting in a high fence.

Jason Thelin asked what kind of street lights the development would have. Mr. Watkins indicated the lights had already been ordered.

**MOTION:** Jason Thelin moved to approve the final plat of North Point View Plat D with the following conditions:

1. The Developer submit plans for a piped ditch system, to be approved by Engineering, and show a corresponding 20-foot wide easement on the plat for the alignment of said pipe;
2. The Developer seal the existing well on lot 29 during construction;
3. The Developer address the redlines on the plat and plans;
4. The Developer meet the water policy;
5. The Developer remove all the buildings that will conflict with future property lines or provide a bond to do so prior to recording the plat.

Carla Merrill seconded Ayes: 3 Nays: 0. Motion passed.

| <u>Ayes</u>   | <u>Nays</u> |
|---------------|-------------|
| Jason Thelin  | None        |
| Carla Merrill |             |
| Lon Lott      |             |

**B. Car Dealership - Proposed use in the Business Commercial Zone - Lonny Layton:** Austin Roy said Mr. Layton was proposing a car dealership at 235 S. Main just north of the roundabout and south of the school. The property consisted of 0.53 acres and was vacant except for a shop building. Austin Roy said the ordinance did not specifically permit or prohibit commercial car lots in the business commercial zone, but Mr. Layton had read the zoning ordinance and felt that a car lot would qualify as a permitted use based on the following sections in the code:

Section 3.07.020 (1) stated that retail stores and shops providing good and services were permitted provided that all storage and sales activity was contained within a building along with all manufacturing and processing activities which were an integral or incidental part of the retail establishment.

Section 3.07.080 (1) stated that all commercial activities and storage shall be conducted entirely within a fully enclosed building except for uses deemed by the City to be customarily and appropriately conducted in the open.

The Planning Commission had spent two meetings discussing the request and finally voted unanimously to recommend that the City Council approve it.

Lonny Layton said the business wouldn't really be a dealership. He just wanted to obtain a dealer's license. He did not intend to fill up the lot with used cars; the existing building would be a personal office for him. The lot would have a maximum of three parking stalls and the cars wouldn't even be seen from the road. He planned to renovate the building and improve the streetscape. He did not intend to hire employees and the lot would actually be closed most of the time. He would only go there to take delivery of a vehicle or meet someone. It would be more of an appointment-only business. That area was already crippled with traffic from the Mountainville Charter School so he would not be there during school drop off and pick up times. He did not intend to do anything at the site outside of 9 am to 5 pm.

Mr. Layton said the business was really an extension of a hobby and was not something he would do for a living because he already had a career. In order to obtain a dealer's license, he would have to meet the requirements of the state. One of those was to have a sign that was a minimum of 24 square feet and visible from the road.

Members of the Council said their main concern was not Mr. Layton's specific business but the fact that it would open the door for other car lots to spring up that might be more unsightly. The Council discussed the possibility of defining certain parameters that would give the City more discretion on what they allowed or did not allow.

Paul Anderson owned the property adjacent to the proposed car lot and was invited to comment. Mr. Anderson said he felt a little sideswiped by the whole thing. He'd had no idea what was going on. He said he had spent time and money cleaning up the lot and had an interest in purchasing it. If the car lot went in, he wanted to know what would be done to ensure privacy for adjoining residents.

There was further discussion on the request. Mayor Stout said he would prefer to clearly define what could or could not be done rather than leaving the door open.

David Church said that if they denied the request, Mr. Layton had a couple of options. He could petition the City to change the zoning ordinance or he could formally appeal the Council's decision and say the Council was interpreting the ordinance inaccurately, or he could do nothing.

**MOTION:** Jason Thelin moved to deny the proposed car lot because it did not meet the requirements of Section 3.07.020 Permitted Uses in the Business Commercial Zone. Carla Merrill seconded. Ayes: 3 Nays: 0. Motion passed.

| <u>Ayes</u>   | <u>Nays</u> |
|---------------|-------------|
| Jason Thelin  | None        |
| Carla Merrill |             |
| Lon Lott      |             |

**C. Security Upgrades for the Highland Justice Center Lobby:** Shane Sorensen said the Highland City Council had approved security upgrades to the Justice Center lobby which included the installation of bulletproof glass for both the police department and the court. When the Highland City Council made the motion to approve the upgrades, they included the condition that Alpine City would be asked to pay one-third of the cost of the upgrade. They estimated a cost of around \$150,000 for materials and installation so Alpine's third would be about \$50,000. Shane Sorensen provided a copy of the proposed upgrades along with a copy of the Alpine and Highland's Lone Peak Public Safety District Buildings and Grounds Maintenance Policy. It stated that repair and maintenance would be the responsibility of the city in which the building was located. Mr. Sorensen stated that he wanted to be clear that they were concerned about the safety of their employees and all city employees, but the maintenance agreement did not require the cities to participate in repairs to buildings in the other city's jurisdiction. He said there were a few directions the Council could go with the request.

Chief Brian Gwilliam showed a rendering of the Justice Center and where the ballistic glass would be installed. He said that in the last six months, individuals had come into the building that were upset with staff or the court staff. They had threatened the judge and the court clerk and the women working at the counter in the police department. Most police stations were secure in that visitors could not access people behind the counter, but their station was not secure. He said the total cost was actually \$100,000 which included material and labor.

Mayor Stout said they were concerned about the safety of all the staff and they would like to help but Alpine was facing some heavy, unexpected costs.

**MOTION:** Lon Lott moved to regretfully say Alpine City would not be able to help them with the security upgrades in the Highland Justice Center based on the Lone Peak PSD Buildings and Grounds Maintenance Policy. Jason Thelin seconded. Ayes: 3 Nays: 0 Motion passed

| <u>Ayes</u>   | <u>Nays</u> |
|---------------|-------------|
| Jason Thelin  | None        |
| Carla Merrill |             |
| Lon Lott      |             |

## VI. STAFF REPORTS

Austin Roy reported on the following:

- Moderate Income Housing. The biannual report from cities on their moderate income housing was due this year. David Church said there would be changes in the legislature regarding this issue. Municipalities were required to have a Moderate Income Housing Element in their General Plan. The new legislation would expand on that and provide specific requirements or recommendations. Moderate income housing was defined as housing that was priced at 80% or less than the median income in the county. In Utah County that would be housing which was less than \$300,000 or about \$280,000. The cities would have to file a report on what they had done to meet this requirement.
- Municipal Recreation Grant. He said he would be applying for the grant for 2019. The City needed to identify the project for which the funds would be used. Last year they had used it for the Dry Creek Corridor Trail. The project could be a continuation of an existing project.
- General Plan Update. The Planning Commission had completed their work on updating the General Plan at the end of 2017. The City Council needed to determine when they wanted to discuss it.

Charmayne Warnock reported that the County Election Officials were preparing to run the 2019 Election. The estimated cost to the cities would be \$1.80 per active registered voter per election. Alpine City had just over 6,000 registered voters in the last election. If cities chose to have RVC (Ranked Choice Voting), it would eliminate the primary election, which would cut the cost of the election in half. The state had moved the deadline for cities to decide if they wanted to have RCV to April 15th, at which time the city would need to notify the Lt. Governor's office that they were intending to have RCV.

Mayor Stout said he would be interested in hearing a presentation on RCV at the meeting on March 26th if someone was available to make a presentation. Charmayne Warnock said she see if that was possible.

Shane Sorensen reported on the following:

- PI Meter Integration. Staff would begin integrating the pressurized irrigation meters into the computer system. Once that was done, the utility bills would reflect actual water use so customer's bills would change monthly. Staff planned to send residents a mailer on how the system worked and how they could sign up to check their usage on a regular basis. The new meters would enable both the residents and the city to know immediately when someone had a potential leak rather than waiting six months until the next meter read.
- ULCT Conference. There would be a midyear conference in St. George. If anyone on the Council wanted to attend, they needed to let him know.
- Radar Speed Signs. In response to an a question from Jason Thelin about the accuracy of the posted speeds on the signs, Shane Sorensen had looked into it and was told the posted speed fell close to the allowed tolerance. If someone didn't feel the posted speed was correct, they could send the sign to have it tested but there was a cost associated with it. Chief Brian Gwilliam said the police department had the equipment to test the radar speed signs.
- Draper City Master Transportation Plan Amendment. He said he had Jed Muhlestein look at it who reported that he didn't see anything that would impact Alpine City. The plan still showed residential zoning next to the Draper/Alpine boundary, but he didn't see any new roads. Austin Roy said he submitted some comment on behalf of Alpine City stating they agreed with the plan as long as it didn't show a road connection with Alpine.
- Deer Control: DNR was having a meeting on March 19th to discuss the nonlethal part of the program. Alpine was the only city whose program did not include lethal control as a solution.
- Easter Egg Hunt. Kimberly Bryant had asked to increase the budget for the Easter Egg Hunt from \$1,000 to \$1,500. It was generally taken from the Discretionary Fund. Also, they would like to use Jason Thelin's sound system again if that was possible since it worked so much better.

## VII. COUNCIL COMMUNICATION

Lon Lott said he'd met with the American Fork Chamber of Commerce. They were working with mayors to create a Lone Peak Business Alliance. Specifically, they were working to create an alliance between Alpine, Highland and

Cedar Hills and would like to meet with the Council. It was similar to what Judi Pickell had done to try and pull the businesses together. If the Council was interested, he would contact the Chamber and have them come and present their program.

Troy Stout said they had candidate for the Parks and Rec position which would include responsibility for Alpine Days. Melanie Ewing had agreed to act as a consultant to the new hire for a fee. Shane Sorensen said the candidate recently graduated from BYU in recreation management and had web experience.

Jason Thelin asked David Church about approval of permitted uses. He understood that according to the ordinance they couldn't put conditions on a permitted use. David Church said Alpine's ordinance needed a lot of work. It was written in 1995 and a lot of things had changed. Ambiguities were construed in favor of the property owner. If something was not specifically prohibited, a property owner could do it.

### **VIII. EXECUTIVE SESSION**

**MOTION:** Lon Lott moved to go into Executive Session to discuss litigation and personnel. Carla Merrill seconded. Ayes: 3 Nays: 0 Motion passed.

| <u>Ayes</u>   | <u>Nays</u> |
|---------------|-------------|
| Jason Thelin  | None        |
| Carla Merrill |             |
| Lon Lott      |             |

The Council went into closed session at 8:50 pm.  
The Council returned to open session at 9:40 pm.

**MOTION:** Carla Merrill moved to adjourn. Jason Thelin seconded. Ayes: 3 Nays: 0. Motion passed.

| <u>Ayes</u>   | <u>Nays</u> |
|---------------|-------------|
| Jason Thelin  | None        |
| Carla Merrill |             |
| Lon Lott      |             |

The meeting was adjourned at 9:40 pm.