

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 N. Main, Alpine, UT
January 27, 2015

I. CALL MEETING TO ORDER: Troy Stout, mayor pro tem, called the meeting to order at 7:10 pm. Mayor Don Watkins was excused.

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

Council Members: Troy Stout – mayor pro tem, Will Jones, Lon Lott, Roger Bennett

Council Member not present: Kimberly Bryant was excused.

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Chief Brian Gwilliam, Alice Winberg

Others: Steve Cospers, Gregg Colton, Adam Lawrence, Ginny Rainsdon, Ashley Tracy, Brook James, Sheldon Wimmer, Greg Ketch, Earl Cline, David Collings, Darren Gooch, Emily Gooch, Bruce R. Baird

B. Prayer: Will Jones

C. Pledge of Allegiance: Will Jones

II. PUBLIC COMMENT: Ashley Tracy and Brook James introduced themselves as co mayors of the Alpine Youth Council. Ms. Tracy said they were hosting a food drive. It was a competition among the youth councils in the state. She said they would love the support of the City Council. They would be putting out flyers and collecting food door-to-door on Saturday. Troy Stout said they would post a notice of the food drive on the website and on the utility bills. It would also be in the Newsliner.

III. CONSENT CALENDAR

A. Approve minutes of January 13, 2015

MOTION: Lon Lott moved to approve the Consent Calendar with the minutes of January 13, 2015 as corrected. Will Jones seconded. Ayes: 4 Nays: 0. Will Jones, Lon Lott, Roger Bennett, Troy Stout voted aye. Motion passed.

IV. REPORTS AND PRESENTATIONS:

A. December Financial Report: Alice Winberg reported that the city was doing very well. The General Fund Balance was up from last year. Property tax revenue was at 82% and they were expecting another large deposit. Sale tax revenue, motor vehicle fees and franchise fees were all slightly above 50% with half the fiscal year elapsed. Building permit and plan check fees were at 92% and 80% respectively.

Will Jones said he would like to see what the cost was of operating the pressurized irrigation system. Rich Nelson said he would get that for him.

V. ACTION/DISCUSSION ITEMS

A. Canyon Crest/SR-92 Intersection Discussion: Troy Stout said there was a major problem at the intersection of Canyon Crest Road and SR-92 in the mornings when everyone was trying to get to work and trying to get to Lone Peak High School. The traffic was backed up a quarter mile long. He wanted to discuss a short-term solution and a long-term solution to the problem.

Shane Sorensen said he had met with Terry Newell, the regional direction of UDOT, two weeks earlier. He had also met with Highland City's engineer and the County Commission since the intersection was outside Alpine City limits. Terry Newell had suggested adjusting the timing signal on the lights for the peak-use time of day. There was more traffic on Canyon Crest (about 12,000 trips a day) than on SR-92. The traffic was backed all the way up to Healey Boulevard. He said the number of trips on Alpine Highway was only slightly higher than on Canyon Crest. If they adjusted the time on the traffic signal to allow more traffic to go through to the high school and westbound on SR-92, it should help. Mr. Sorensen said he was told that UDOT's hands were tied in terms of a long-term solution but their representative would come to an Alpine meeting. She wanted to first get some information on the results of

adjusting the timing signal and see how that worked. The long term solution would be build a right-hand turn lane onto SR-92, but that would require the acquisition of some property. Mr. Sorensen said there would be federal funding available through MAG (Mountainland Association of Governments) but that was a lengthy and rigid process. The next time to apply for funding would be January 2016. By the end of June, they would select the project. The money was then four years out from the selection date. A match from the city would be involved. Since it was a multijurisdictional project, Utah County would most likely step in and manage it. Shane Sorensen said that because it would be an expensive project, it might be better handled with federal funds.

Shane Sorensen said that when the county boulevard was built, it came in under budget and the leftover funds were still sitting there. He met with the county engineer about the possibility of using those funds for the intersection. The engineer said he would talk to the county commission about that possibility, but the county commission had said absolutely not. He said he had passed that information onto Mayor Watkins who said he would meet with the county commission about it.

Lon Lott asked about the possibility of connecting to the road in Highland that ran past the gravel pit and came out onto SR-92. Shane Sorensen said it was designed so Alpine could connect to it, but the road was windy and steep. However, it would be another way out of Alpine.

David Church said that when the subdivision went in, both cities planned to connect. The final plat in Smooth Canyon would connect the road, but it was planned only as a neighborhood connection, not a collector road.

Sheldon Wimmer said that originally High Bench Road was supposed to come down to the canyon before there were any houses built there. There was an agreement with the county but it expired because there was a lack of support from the community.

David Church said it was a very controversial issue in the 90s. The City did have a right-of-way from the county for a road but the majority of the council felt the road would impose a burden on the residents instead of alleviating it.

B. Legal Nonconforming Apartment Extension Request - 201 W. Center - Lomoin Property Management: Rich Nelson said there was an apartment complex at 201 W. Center Street. They had been approached by Lomoin Property Management who were interested in buying it. They proposed cleaning it up and legalizing the six units that were currently being rented. When it was built in 1967, it had been approved as a four plex. Since then, existing space was converted into two more rental units but the owner did not go through a legal process.

Will Jones said he had made some calls about the building and learned that one of the units had originally been the laundry room. The other unit had been a hair salon. When the business went away, the owner combined it with an existing apartment. In the last 70s, they put in a circular staircase and made the hair salon an individual unit.

David Church said their proposal was to remodel the whole thing and have six legal units with six mail boxes and six electrical boxes. The ordinance no longer permitted multiple family dwellings but when it was built, they were permitted. State law and city ordinance allowed a legal, nonconforming use to continue as long as it was not expanded. Legalizing it as a six plex would not expand the footprint of the building. It was his opinion that they could allow the six units as long as it was remodeled within the footprint of the building.

Steve Cospers was the new Planning Commission Chairman. He said the Planning Commission had not been opposed to the concept of making it a legal six plex but they couldn't quite get around the fact that it had never been a legal six plex. They didn't feel that they had the latitude to approve it as a six plex. He noted that the ordinance regarding legal nonconforming structures was confusing and probably needed to be rewritten.

Troy Stout questioned how they could recognize it as legal when it had never been legal. He asked how this issue related to the decision they had made on auto repair shops.

David Church said it was similar in terms of a long-term illegal use that the City had allowed to continue. He said there was a provision in state law that allowed cities to recognize illegal, nonconforming uses. The City had allowed

to it function as a six plex. The new owners wanted it to be formally legalized. They had said they would not buy it unless they could use it as a six plex.

Will Jones said he had made some calls about the building and learned that one of the units had originally been the laundry room. The other unit had been a hair salon. When the business went away, the owner combined it with an existing apartment. In the last 70s, they did some remodeling and made the hair salon an individual unit.

Greg Ketch who represented the investment group that wanted to buy the property said he had talked to the neighboring property owners. They all said they wanted to see it cleaned up.

Troy Stout said his big question was density. It originally had four units and now they had six.

Will Jones said he struggled with the idea that it was easier to get forgiveness for something illegal than get permission.

Lon Lott said there were other situations throughout the community where something was illegal but it was already built. What did the City do to enforce the ordinance in those cases. How did they rectify things? David Church said the City could enforce the ordinance. In this instance they could kick the renters out of the illegal apartments and fine the owner.

Sheldon Wimmer said he felt this was an opportunity to provide more low income housing in Alpine. The City was already on low income housing. He said he would support seeing it cleaned up and turned into a legal six plex.

Troy Stout asked what the comparison was between this and the auto shop. Would they be setting a precedent for other illegal uses?

David Church said that under their ordinance, it was discretionary. The City had allowed it to exist. The potential owners had come forward and asked the City to formally recognize it. He said they were making a decision on this and this alone. There was no precedent.

Will Jones wondered what the potential was for having a similar situation in the house on the corner of Alpine Boulevard and Moyle Drive. The house had originally been built for parents and their son. Currently it was being rented as a triplex. What would stop that home from becoming a four plex or even a ten plex? It was large enough to accommodate that use.

David Church said the four plex on Center Street was built when Alpine allowed boarding houses. People still rented their homes to strangers. The question was, was it equitable, was it fair?

Troy Stout said that if it didn't tie their hands in the future, he would be more comfortable approving the six plex.

The owners discussed what the renovation process involved. They had some tenants with a month-to-month lease. They would terminate the lease and would renovate those units first. For the tenants with longer leases, they would essentially bribe them to leave. They would give them their full security deposit, etc.

MOTION: Will Jones moved to approve the use of the building at 201 E. Center as a six plex with the following conditions:

1. Only four units would be rented until the proposed renovations were completed along with any other items deemed necessary to comply with the building code, to be approved by the Building Inspector.
2. The parking lot be asphalted as proposed with approval from the City Engineer.
3. All units have new cabinets, appliances, floor coverings, and paint as proposed.
4. All units have enlarged bathrooms, washer/dryer, additional cabinets, new bar, and other kitchen improvements as proposed.
5. There be a minimum of fourteen (14) striped parking stalls.

6. A landscaping plan with no deep-rooted trees be submitted and approved by the City Planner.
7. The renovation project shall be completed within ten (10) months.
8. Any derelict vehicles shall be moved within 14 days.
9. A building permit shall be obtained for the renovation.

Lon Lott seconded. Ayes: 4 Nays: 0. Will Jones, Lon Lott, Roger Bennett, Troy Stout voted aye. Motion passed.

The potential buyer said he would also like to add six garages at the back of the property.

C. Resolution No. R2015-02 -Moyle Park Master Plan: The Planning Commission had reviewed the master plan for Moyle Park and recommended approval. Rich Nelson said that if the master plan was approved, it would give him the ability to seek funding. They would add some benches and pathways in the area of item 7.

Lon Lott said he had spoken with Jason Bond about using the old restroom for storage. He asked if a public hearing had been held on the plan. The Council indicated they had.

MOTION: Lon Lott moved to approve the Moyle Park Master Plan and move forward to build it and add an item on the plan showing pathways and picnic tables, and address other details and move equipment as needed. Will Jones seconded. Ayes: 4 Nays: 0. Lon Lott, Will Jones, Roger Bennett, Troy Stout voted aye. Motion passed.

Shane Sorensen said that if they would install the new restroom at the same time as they installed the restroom in Lambert Park, it would save money on the installation since they would need a crane to do it.

Will Jones recused himself from the next item and sat in the audience.

D. Resolution No. 2015-03 – Amended Ilangeni Resolution. David Church said the in December 2014 the Council had adopted Resolution No. R2014-11 which approved the petition to amend and add to the Ilangeni Estates subdivision plat. It included a provision that if the Subdivision Improvement Agreement was not agreed to by February 25, 2015, the Resolution would be void. Since that time the owners of Ilangeni Estates had been in negotiation with the owners of the Beck property and were close to signing an agreement. The new Resolution No. R2015-03 showed a lapse date of March 31, 2015. If an agreement was reached with the Beck family interest, there would be another amended Resolution.

Bruce Baird said they had begun negotiating with the Bruce Parker and the Beck interest. Mr. Parker had filed a petition to appeal Resolution No. 2014-11, but they had since negotiated and he felt they had reached substantive terms on all major deal points. They sent a draft of the purchase and sale agreement to Bruce Parker's counsel. He had sent a return email saying there were close.

Troy Stout asked what this would mean for Alpine City. Mr. Baird said it meant they would acquire 80 more acres of open space in a conservation easement. The Beck family wanted there to be a particular name on that open space and have sign. The developers expected the additional open space would add three more lots.

Roger Bennett questioned why a particular portion of the development with ground water was shown as public open space. It was surrounded by homes and private open space. Bruce Baird agreed that it should probably be designated as private open space.

MOTION: Roger Bennett moved to adopt Resolution No. R2015-03. Lon Lott seconded. Ayes: 3 Nays: 0. Roger Bennett, Troy Stout, Lon Lott voted aye. Will Jones abstained. Motion passed.

E. Budget Discussion for Fiscal Year 2015-2016: Rich Nelson said that they had met their goals in the water fund balance, sewer fund, and pressurized irrigation. They had money to begin working on projects. They were getting close on the storm drain fund. He said Alpine had good infrastructure and it was time to do some maintenance. Once a city fell behind in their infrastructure, it was hard to catch up.

He said the City also had impact fees that needed to be spent. Shane Sorensen reviewed the impact fee projects which were: a) 100 South street improvement; b) 600 North sewer extension; c) 100 West sewer improvements; d) 600 North storm drain improvements.

Rich Nelson reviewed proposed budget items for fiscal year 2015-2016 which included the following:

1. Go out for bid for the outside audit.
2. Go out for bid for inspection services and plan checks.
3. Hire an additional front office staff person.
4. Install a sample number of electronic-read culinary and pressurized irrigation meters.
5. Refurbish the bell tower.
6. Impact fee expenditure plan.
7. Public Works projects.
8. Increase in burial fees.
9. Burgess Park tennis courts redo (add pickle ball).
10. Deer remediation.
11. GASB 68.
12. Increase culinary water base rate by \$1.
13. Stay in Utah Lake Commission or not.
14. Change water leak policy.
15. Text amendment fee.
16. Parking lot/restroom/fence/entrance signage – Lambert Park.
17. Increase City funds in capital improvement fund to \$500,000.
18. Continue to follow the equipment replacement schedule.
19. Begin using funds over the fund balance goals to start maintenance projects.

He next reviewed the projections for the five-year financial plan stating that they were the assumptions used to create the plan. He asked the Council to contact him if there was anything they wanted to add.

1. Assume 2 new permanent full-time new staff positions in the next 5 years.
2. Assume increased use of part-time workers by Public Works.
3. Assume 2% salary increase a year.
4. Assume retirement will go up by 0% to 1% a year for 3 years then go to 2% for the last two years.
5. Assume GASB 68 will require the City to set aside more assets for retirement.
6. Assume that all replacement hires in Public Works will be an entry level position.
7. Assume that health care costs will continue to increase at 2% a year and that Alpine will change its health care system by 2018.
8. Assume that we continue on the same capital equipment replacement schedule as we have.
9. Assume we will have 37 new homes per year for the next 5 years.
10. Assume the assessed valuations for the homes in Alpine has reached bottom and the assessed valuation of the properties will increase 3% to 5% a year for the next 5 years and that property tax will only increase based on new growth.
11. Assume TNT for the next 5 years to collect redemptions.
12. Assume one new soccer park or a new public works building and staging area will be constructed.
13. Assume a gradual increase in WC, insurance, FICA, etc.
14. Assume police and fire will hire an additional officer each in the next 5 years.
15. Assume police and fire and dispatch will grow 1 - 2% a year for the next 5 years.
16. Assume garbage rates will increase 2% a year and that they will be covered by rate increases.
17. Assume sewer rates will increase by 2% a year and they will be covered by rate increases.
18. Assume that the City will go to a mandatory city wide green waste garbage pickup program.
19. Assume that the City will pick up the total amount of fees for telecommunications and revenue will increase by 2% a year from telecommunications fees.
20. Assume a yearly 1 to 1.5% increase in utility rates for PI and storm drain based on a yearly CPI based rate increase.
21. Assume that culinary water rates will increase based on the water rates study of the City Engineer and the base rate will increase by at least \$1 every year for the next 3 years.

22. Assume that B&C road funds remain flat for the next year but will increase by 5% a year for 4 years.
23. Assume no new bonding.
24. Assume Alpine and Highland will jointly hire a part time emergency preparedness coordinator.
25. Assume that a new meter reading system for culinary and pressurized irrigation will be installed.
26. Assume a new PI reservoir will be constructed.
27. Assume that land for a new public works facility will be purchased.

F. Cell Tower in Lambert Park Proposed Lease: Rich Nelson said Alpine City had been approached by a telecommunication company to see if the City would lease out one of the two remaining spaces on the Lambert Park cell tower. The proposed lease terms were:

1. 5-year lease.
2. Renewal after five years with a 10% increase in payment.
3. Monthly lease rate of \$1,600.

Troy Stout questioned if they city would be getting the maximum value out of the lease rate. He felt a 10% increase after five years was low. Rich Nelson said if they looked at the monthly lease rate in comparison with other leases, it was better.

MOTION: Will Jones moved to approve the terms of the lease on the Lambert Park cell tower as proposed. Roger Bennett seconded. Ayes: 4 Nays: 0. Will Jones, Roger Bennett, Lon Lott, Troy Stout voted aye. Motion passed.

Shane Sorensen said the site plan would have to go through the Planning Commission and the details of the lease agreement would be worked out later.

VI. STAFF REPORTS

Shane Sorensen reported on the following:

- The sewer line serving Box Elder South subdivision was being constructed.
- The Box Elder water tank was under construction.
- They were doing work in Lambert Park. The No Motorized Vehicle signs had been vandalized so they were putting in boulders.
- Crack sealing and road maintenance was being done.

Troy Stout said there was a dip on Healey Boulevard similar to the dip on 100 South before the waterline broke. Shane Sorensen said he would look into it.

Charmayne Warnock reported that the *Newsline* article on nightshade that the Council had requested and been beneficial. She had a neighbor who had nightshade growing in her backyard and thought it was some kind of current bush. She was going to make jelly out of the red berries until she read the article.

Brian Gwilliam asked it is would be possible to eradicate the plant. The police had an incident where a youth was trying to injure himself with the nightshade.

COUNCIL COMMUNICATION

Lon Lott read the following Conflict of Interest statement which he had submitted to the City.

"I voluntarily submit the following conflict of interest statement. I am employed as CEO of LSL Alpine Enterprise LLC. As such, I provide landscape and irrigation services to clients that include individuals, corporations and governmental entities. My clients have included Alpine City Corporation, Don Watkins, Will Jones, Kimberly Bryant, and Roger Bennett. Also other prominent individuals who live in Alpine City have been my clients. If any issues arise in my duties as Alpine City Council member that have to do with clients I have served or are now serving, I will declare that interest to the Council before voting on that issue."

Troy Stout said there had been things thrown around that were factual and some that were not. He said he appreciated Lon's integrity.

Will Jones said he had looked at the renderings for the James Lawrence Auto Repair Shop and what the City Council approved was not what was built. He said they took a risk in approving the business. It was his feeling that the plan that was presented to the Council was the plan that should be built.

Troy Stout said he agreed. They had approved it in good faith.

Rich Nelson said he had spoken with James Lawrence. The building he built was the building shown in the plans that were submitted to the building department, stamped and approved by the building official. There were features that were different from the plans presented to the City Council.

David Church said that the building official inspected the plans and the structure to make sure it met building code. There was no process in the City where someone monitored the construction to make sure it met the plans approved by the City Council. He said the building was constructed and the roofline was not going to change, but there were things that could be done to dress up the front of building.

Shane Sorensen said it was suggested that Mr. Lawrence have his architect look at the building and look at the design approved by the Council and see if there was something they could do to make it look better.

David Church said the City could revoke his business license but he suggested they talk to him first. Rich Nelson said he would put it on a City Council agenda for discussion.

Will Jones said he had spoken with the Hunters and the rock was removed as requested. He thanked David Church for his work on the McClure issue and said he was looking forward to the training presentation from David Church and wondered if it could be done the last meeting in February or the first meeting in March since he would be gone part of the time.

Shane Sorensen said he had met with Questar about gas line in Burgess Park. He showed a drawing of the proposed alignment and asked if it was acceptable. They were looking at doing the work in June or July and wanted to disrupt baseball as much as possible. He added that they needed to clean the gravel out of the debris basins in Lambert Park and would use it to fill some of the holes in roads.

EXECUTIVE SESSION: None held.

MOTION: Lon Lott moved to adjourn. Roger Bennett seconded. Ayes: 4 Nays: 0. Motion passed.

The meeting was adjourned at 9:50 pm.