

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 N. Main, Alpine, UT
November 9, 2016

I. CALL MEETING TO ORDER: Mayor Sheldon Wimmer called the meeting to order at 6:00 pm.

MOTION: Lon Lott moved to adjourn to Executive Session for the purpose of discussing the professional character, conduct or competency of personnel. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Lon Lott, Kimberly Bryant, Roger Bennett, Ramon Beck, Troy Stout voted aye. Motion passed.

II. EXECUTIVE SESSION: The Council went into closed session at 6:00 pm. The following were present at the Executive Session:

Mayor Sheldon Wimmer

Council Members: Troy Stout, Ramon Beck, Roger Bennett, Kimberly Bryant, Lon Lott

Staff: Rich Nelson

III. RETURN TO OPEN MEETING: The Council returned to open meeting at 6:50 pm. The regular meeting was called to order at 7:00 pm by Mayor Sheldon Wimmer.

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

Mayor Sheldon Wimmer

Council Members: Troy Stout, Ramon Beck, Roger Bennett, Kimberly Bryant, Lon Lott.

Staff: Rich Nelson, Charmayne Warnock, Shane Sorensen, Jason Bond, Chief Brian Gwilliam

Others: Bob Antrim, Clive Walters, Bryon Prince, Loraine Lott, Jordan Larsen, Jessica Smuin, Marty Smuin, Mary Wimmer, Erika Christensen, Annette, Flygare, Jeremy Thatcher, Dan Wheeler, Dave Hansen, Howard Cooper, Angie Duty, Darrell Duty, Brenten Frazier, Cherie Pulham, Sarah Blackwell, Jack Tait, Kristine Tait, Steve McArther, Jill Bergman, Kathy Palmer, Melanie Ewing, Brooke Wheeler, Colin Stanley, Tanner Ewing, Nancy Brown, Terry Brown

B. Prayer: Lon Lott

C. Pledge of Allegiance: Ramon Beck

IV. PUBLIC COMMENT

Chief Brian Gwilliam said this would be the last meeting for Rich Nelson, the Alpine City Administrator. He said Mr. Nelson had been very influential in his career over the last four years and he wanted to express his appreciation. He said he would like to take a master's program from Rich Nelson because he seemed to know everything there was to know about administration and managing people. He wanted to publicly thank him for everything he had done for him and for the police department. Chief Gwilliam presented him with a plaque and a big jar of nuts.

Rich Nelson thanked him and said one of the nicest things that had happened while he was city administrator was hiring Brian Gwilliam as the police chief. He had done a magnificent job.

V. CONSENT CALENDAR: Mayor Wimmer postponed approval of the Consent Calendar until Shane Sorensen was present because he needed to discuss an item on the calendar. Shane Sorensen and Roger Bennett were excused for a time because they at an Alpine Irrigation meeting.

VI. ACTION/DISCUSSION ITEMS

Mayor Wimmer moved Item E up on the agenda because the developer had to leave the meeting.

E. White Pine Subdivision Final Plat – Clive Walters/Ivory Homes: Jason Bond said the proposed subdivision consisted of 9 lots and was located on the corner of 300 North and Bristol Court in the CR-20,000 zone on 5.68 acres. 300 North would be widened to the boundary line of the subdivision. The developer did not control

the land beyond that so that section of 300 North would remain as it was. The portion that would be widened would be a fullwidth street with curb, gutter and sidewalk. There was an existing home on the corner that would remain. He said the Planning Commission had reviewed the final plan and recommended approval with a couple of conditions.

MOTON: Troy Stout moved to grant final approval to the White Pines Subdivision subject to the following conditions:

1. The developer meet the water policy and provide a construction cost estimate prior to recordation.
2. The developer correct the minor redlines on the plan.

Ramon Beck seconded. Ayes: 4 Nays: 0. Troy Stout, Ramon Beck, Kimberly Byrant, Lon Lott voted aye. Motion passed. Roger Bennett was not present at the time of the motion.

A. Ordinance No. 2016-24 – Amendments to the Open Space Ordinance (Section 3.16.4) – Jessica Smuin: Jason Bond said Alpine City ordinances allowed residents to propose changes to the ordinances and that was the case with this proposal. After a resident proposed an ordinance, a public hearing was held by the Planning Commission who then considered the ordinance and made a recommendation to the City Council. He said the public hearing had been held and the Planning Commission had reviewed the proposed ordinance and recommended approval subject to a couple of modifications which were reflected in the clean copy of the ordinance. If the City Council wanted to make any changes, those changes would be made and brought back to a later meeting.

Section 3.16.4.2 currently stated: *Land included in these parks shall not be disposed of in any manner or used for any other purpose than specified herein except after a recommendation of the Planning Commission and a public hearing and by a super majority vote of the City Council (4 positive votes are required).*

The language amending the ordinance was proposed by resident Jessica Smuin, and is highlighted in brown.

Section 3.16.4.2. *Land included in these parks, along with Lambert Park, shall not be changed, improved, altered, easements granted or disposed of in any manner or used for any other purpose than specified herein. Changes include but not limited to removal or alteration of existing trails, creation of or improvement to roads (paved or nonpaved), creation or improvement to access points or any other changes to park's present and essential and defining characteristics except after a recommendation of the Planning Commission and a public hearing and by a super majority vote of the City Council (4 positive votes out of five city council members are required).*

Troy Stout said one of his concerns was if the proposed changes were redundant with language they already had on the books. He said it was his understanding that anything proposed in Lambert Park required a supermajority vote. But it may not go as far as they wanted in other areas.

Sheldon Wimmer said the language did not mention normal maintenance of the park and that needed to be included.

Troy Stout said that they needed to clarify what it meant to alter a trail. Maintaining or a rerouting an existing trail wouldn't necessarily need to go through the process but if a trail was added or eliminated, that would need to be addressed by the process.

Lon Lott said that at the Planning Commission meeting, Bryce Higbee altered some of the language which Mrs. Smuin had proposed. They asked her if she was okay with the alteration and she indicated she was. He said Bryce Higbee didn't want to include maintenance items, but the process would include closing off or adding a trail. He said the Planning Commission had also talked about the possible need for parking in certain areas of the park. They felt a supermajority vote would be required to build something like that. The thing that was left out was that all parks would fall under the same requirements.

Troy Stout said Lambert Park was different from Creekside Park in that they wouldn't be putting in a swing set but there were other issues unique to Lambert Park. Some people may not think it was a big deal to remove scrub oak but others would. He asked if they should go farther in the ordinance and say something about removing trees.

David Church reminded the Council that they shouldn't read Section 3.16.4.2 in isolation. They would want to read the whole open space ordinance. The amended paragraph would not add or take away from the rest of the ordinance. He said that if they read the whole ordinance, they would find it contained the definition of improved spaced and unimproved spaces.

Lon Lott said one thing that was specific to Lambert Park was that dogs did not need to be on leash. Likewise, there were places in the rest of the ordinances that detailed things specific to other parks.

David Church noted that Lambert Park was not just natural open space. There were also areas of improved open space. Section 3.16.4.2 referred to all parks.

Jason Bond said they didn't have a master plan for Lambert Park and there were lots of different feelings about what the park was. It was used for bicycles, rodeos grounds, public works projects. There was no plan that defined those uses. If they had something on paper, it would be easier to react to proposals in the park.

Troy Stouts said that primarily people were concerned about maintaining Lambert Park as natural open space. They were concerned about the potential for a road or selling off part of the park.

Mayor Wimmer asked if the Council felt the proposed ordinance addressed the issues. Troy Stout said he felt they would probably add to it. They had been negotiating with the mountain bike teams who had increased the use of the park. He said he agreed with Jason Bond that they needed a fully developed plan for Lambert Park. He would like to see something that permanently preserved the open space. Lon Lott said he thought the issue of maintenance was covered in the rest of the ordinance.

Jason Bond said the clean copy of the ordinance in front of them contained the language recommended by Planning Commission.

MOTION: Troy Stout moved to accept the Planning Commission recommendation and adopt Ordinance No. 2016-24. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Troy Stout, Ramon Beck, Kimberly Bryant, Lon Lott voted aye. Motion passed. Roger Bennett was not present at the time of the motion.

B. Alpine Cove Annexation Petition: Richard Thomson and Jim Gray, residents of Alpine Cove, submitted a petition for Alpine City to annex Alpine Cove. The Cove was an existing subdivision developed and recorded in Utah County in the 1980s with 62 lots on approximately 76 acres. Richard Thomson said Jim Gray had started working on annexing Alpine Cove into Alpine City 18 years ago. In the last few months, they had obtained signatures from 65% of the property owners in Alpine Cove who supported annexation. He said there were some residents of Alpine Cove who were opposed to the annexation due to anticipated changes in the environment and increased density around them.

Kimberly Bryant said that when it came to annexations, she was cautious. She loved the Cove and had lots of friends there but she felt her responsibility was to the citizens of Alpine. She wanted to know what Alpine City would get if they annexed Alpine Cove.

Shane Sorensen said they would get an increase in class C road funds which were based on mileage and the Alpine Cove property taxes. They would also get more utility taxes or franchise fees.

Troy Stout wanted to know what it would cost the City to support the newly annexed area.

David Church said the applicants had submitted a petition which would only begin the process. The City was not committing to annexation at this point. He said at that point they only had rudimentary costs. They knew what the property taxes would be but the incremental cost of services couldn't be determined. They didn't know if they would need another snowplow to plow the roads. The Cove had their own water system which they wanted to maintain and the City already provided sewer service to the Cove. But if they were annexed, the City's revenue from sewer would go down. The property taxes for the Cove residents would go down but their franchise fees would go up. There would be some financial differences for the Cove but right now no one had the details on what the cost would be to

the City. He recommended the Council accept the petition and begin the process, then the City could decide if the cost-benefit analysis worked out. He anticipated it would be a breakeven proposition.

It was pointed out that, except for 8 vacant lots, the Cove was largely developed so the City wouldn't receive much in the way of impact fees.

Chief Brian Gwilliam said the City would be providing police and EMS service to the Cove. Currently they responded to emergencies when the county officers were too far away. Lone Peak PSD provided fire service and the District received money from the county for that.

Troy Stout asked what it would take to bring the roads up to city standards. Shane Sorensen said they wouldn't annex the Cove without the roads being overlaid. The County had said they were going to do that. He said the roads and water were the two main things that needed to be studied during the process.

MOTION: Kimberly Bryant moved to accept the Alpine Cove annexation petition to start the process. Lon Lott seconded. Ayes: 5 Nays: 0. Lon Lott, Kimberly Bryant, Roger Bennett, Ramon Beck, Troy Stout voted aye. Motion passed.

Consent Calendar

- A. Approve minutes of October 25, 2016 City Council meeting**
- B. Three Falls Phase 1 Water Tank Bond Release - \$173,660.00**
- C. Approve purchase of parks utility vehicle - \$23,898.88**

Shane Sorensen said the parks utility vehicle would be used to clean and maintain restrooms. With the additional restrooms in the City, they were stretched a little more and spent a lot of time traveling between sites since the parks vehicle they had didn't go very fast. The new one would travel faster so they expected to save time and money with that. They would surplus the old one which would help offset the increased cost of the new vehicle. The new one cost \$3,000 over what they had budgeted.

MOTION: Lon Lott moved to approved Consent Calendar. Troy Stout seconded. Ayes: 5 Nays: 0. Lon Lott, Kimberly Bryant, Roger Bennett, Ramon Beck, Troy Stout voted aye. Motion passed.

C. T-Mobile Tower Antennae Upgrade. Jason Bond said T-Mobile had come in earlier last year for an upgrade and still had a building permit that needed to be issued. This would probably replace the earlier permit. They owned the top level of the tower in Lambert Park and the upgrade would take the antennae slightly higher. The Planning Commission had reviewed it and recommended approval with the condition that it would be painted to match the existing equipment. Renderings of the site were included in the packet.

MOTION: Troy Stout moved to approve the T-Mobile tower antennae upgrade with the painting as recommended by the Planning Commission. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Troy Stout, Ramon Beck, Roger Bennett, Kimberly Bryant, Lon Lott voted aye. Motion passed.

D. Wood Acres Estates – Minor subdivision – Steve McArthur: Jason Bond said this was a minor subdivision consisting of three lots located at the corner of Westfield Road and Sunset Drive. Two of the lots already had homes on them. The property lines of the two existing lots had been adjusted to create a third lot. The Planning Commission had reviewed the plat and recommended approval subject to several conditions.

MOTION: Ramon Beck moved to approve Wood Acres Estate with the following conditions:

1. The developer work with staff to submit a plan to supply pressurized irrigation to lot 2.
2. The developer meet the water policy.
3. The developer provide a cost estimate and bond for the construction of public infrastructure.

Troy Stout seconded. Ayes: 5 Nays: 0. Troy Stout, Ramon Beck, Roger Bennett, Kimberly Bryant, Lon Lott voted aye. Motion passed.

F. Ordinance No. 2016-23, Amendments to the Home Occupation Ordinance: Jason Bond said the Planning Commission had questions about whether the intention of the ordinance was being applied to such businesses as preschools, swimming lessons, etc. He said he had made several recommendations to the Planning Commission. Businesses like swimming lessons or horse riding lessons which were conducted outside the home could be reviewed on a case by case basis. It was his understanding that as long as the home functioned as a home and the business was clearly incidental to the residential nature of the home, and did not jeopardize the residential nature of the neighborhood including traffic impact, it would comply.

Steve Cospers said that was why they called home occupations a conditional use. The intent was to keep the primary use residential but allow some latitude for home occupations. The owners of the last two preschools had gotten signatures from their neighbors about the traffic and use. If the Planning Commission saw more than eight students, it would raise some alarms.

David Church said state licensing requirements governed how many children could be in a home preschool or day care. If they exceeded a certain number, they had to be a commercial location with other regulations. Preschools and day cares were self-limiting as home occupations.

MOTION: Lon Lott moved to approve Ordinance No. 2016-23 amending the Home Occupation Ordinance with the following changes as recommended by the Planning Commission.

1. Criteria #2: The home occupation is conducted entirely within the livable area of a dwelling or attached garage. Business outdoor activities such as swimming lessons, tennis lessons, horseback riding lessons or other similar activities as determined by the Planning Commission may be considered as a home occupation.
2. Criteria #4: The home occupation does not involve the use of any accessory buildings or yard space for storage outside of the dwelling or attached garage.
3. Criteria #9: The home occupation shall not occupy an area not more than the equivalent of twenty-five percent (25%) of the livable area of the dwelling or 1000 square feet, whichever is less. The livable area does not include the garage

Ramon Beck seconded. Ayes: 5 Nays: 0. Lon Lott, Kimberly Bryant, Roger Bennett, Ramon Beck, Troy Stout voted aye. Motion passed.

G. Fort Canyon Public Information Contract. Shane Sorensen said Horrocks Engineers had submitted a proposal to be Alpine City's Public Information Contact for the construction work being done in Fort Canyon. The proposal had been emailed to the Council and they received a copy of it at the meeting. Shane Sorensen said it was difficult to estimate the number of hours they would put into the project but he expected it would be heavy during the fall and winter of this year and lighter next year. Horrocks would be the clearing house for all the information so there wouldn't be conflicting reports. There would be a hotline for residents to call plus a website with information. The contract allowed the City to add or reduce the number of hours. The total amount would not exceed the contract. The total based on the hourly assumption was \$43,283. Rich Nelson had told the developers that they would be paying half the cost. Developer Will Jones was present and said he would be happy to do that.

Shane Sorensen said that Saratoga Springs had used Horrocks when they installed their pressurized irrigation meters and it had worked very well. This was an open-ended contract and if it didn't work out, they could end it.

MOTION: Troy Stout moved to approve the contract with Horrocks Engineers as the Public Information Contact for the construction work in Fort Canyon. Ramon Beck seconded. Ayes: 5 Nays: 0. Troy Stout, Ramon Beck, Roger Bennett, Kimberly Bryant, Lon Lott voted aye. Motion passed.

H. Test Well Engineering and Construction Management Contract: Shane Sorensen said he had been working with Horrocks Engineers and Loughlin Water Associates on a contract for the engineering portion of drilling the test well. The contract included bidding out the drilling of the test well, testing and logging results during the drilling process, and preparing a test report. The cost would not exceed \$40,783.

Mr. Sorensen said they were also trying to work out some things on the location of well which they would discuss in closed session because it would involve land acquisition. However, because of the meeting schedule for the next few months with only one meeting in November and one in December, he would like to have the contract approved so they could get underway.

MOTION: Ramon Beck moved to approve the Test Well Engineering and Construction Management Contract with Horrocks Engineers. Roger Bennett seconded. Ayes: 5 Nays: 0. Ramon Beck, Roger Bennett, Kimberly Bryant, Lon Lott, Troy Stout voted aye. Motion passed.

I. Planning Commission Appointments. Mayor Wimmer reported that Planning Commission member Steve Swanson had asked to be replaced. He proposed they appoint John Gubler to the vacancy. Mr. Gubler had a background in real estate but was not a developer.

Jason Bond said John Gubler had called him about a year ago and said he was interested in serving on the Planning Commission so when the vacancy came up, he had referred him to the Mayor. He said the best qualification for Planning Commission was someone who had an open mind, would read the packets and come to the meetings. Ramon Beck said he knew him and he was a good man. Lon Lott said he had seen him at the Planning Commission meetings.

Kimberly Bryant said there were others who would like to do it. Mayor Wimmer said that when he put out a call, he had only two people come forward.

Troy Stout asked the Mayor if he was proposing to reduce the number of Planning Commission members. Mayor Wimmer said the Planning Commission had discussed it at their last meeting and preferred to still have seven members, but they would consider reducing the number for a quorum to three members. They were working on it with David Church.

MOTION: Troy Stout moved to accept the appointment of John Gubler to the Planning Commission. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Troy Stout, Ramon Beck, Roger Bennett, Kimberly Bryant, Lon Lott voted aye. Motion passed.

Mayor Wimmer said David Fotheringham's term on the Planning Commission was expiring the end of the year and he proposed reappointing him. He had been very faithful about attending the meetings and doing his homework.

MOTION: Kimberly Bryant moved to reappoint Dave Fotheringham to the Planning Commission. Lon Lott seconded. Ayes: 5 Nays: 0. Kimberly Bryant, Lon Lott, Roger Bennett, Ramon Beck, Troy Stout voted aye. Motion passed.

VII. STAFF REPORTS

Jason Bond

- He said there had been a lot of complaints about the electronic reader board in front of the charter school on Main Street because it was so bright and the flashing colors and movement made it a safety distraction, especially when children coming to and from the school. He had prepared a letter to send to the charter school asking them to tone down the lights and colors. If they replaced the bright graphics with a stationary logo it would be better. Kimberly Bryant said she'd received complaints and it was a safety hazard. She wanted to know why they didn't get approval for the sign. When Timberline Middle School put up their sign, it was a two -year process. Jason Bond said that schools could do anything.
- Jason Bond also reported that the Planning Commission would have only one more meeting in 2016 but it would have a big agenda and would include Eagle Point and the development for the Oberee annexed area. The Westwood subdivision which was in the recently rezoned area would also be on the agenda.

Shane Sorensen

- The trees had been planted up by the Purple Factory but were 30 inches off the fence line because of an old irrigation culver.

- The playground for Smooth Canyon Park would be constructed in the spring. They had budgeted \$50,000 for it but if they added a little to it, they could also build a 20' x 20' pavilion. They planned to build a fence between the park and the homes in the Smooth Canyon subdivision. One of the property owners didn't like the chain link fence and preferred a wrought iron fence. Troy Stout said they could do the same thing they did with the fence in Moyle Park and just contribute the cost of the chain link fence and the homeowner could pay for the additional cost. He said he would also like to see additional parking for park.
- They would be replacing a pipe in the creek in Three Falls with an arched plate. It would be similar to the structures on Main Street and Canyon Crest and should look nice.

Charmayne Warnock said that Mary Ann Judd Johnson, the artist who had created the paintings of old Alpine currently hanging in City Hall, had come in and wanted her paintings back. They were on loan to the City for year with the offer of selling them to the City for \$40,000. Thus far, they had raised \$6,000. She asked the Council if they wanted her to continue to try to raise funds to purchase the art or try to negotiate to buy fewer paintings. Sheldon Wimmer said there was other local artists who would like to display their art in City Hall as well and suggested they negotiate to buy fewer paintings.

Rich Nelson

- Melanie Ewing wanted to know if the City wanted her to continue as the Alpine Days chairman for next year. The Council indicated they wanted her to do it.
- Before they closed the budget, there were eight people who gave substantial donations for Alpine Days. He wanted to give them something in appreciation for their donation.
- The TSSD and Utah Lake would be one of the political battles of the year. He asked if the Council wanted a briefing on that. They said they did.
- The Christmas party last year was on the same night as council meeting but they wouldn't be able to do that.

VIII. COUNCIL COMMUNICATION

Lon Lott said he was getting reminders from residents that they still had a deer problem and something needed to be done about it. Mayor Wimmer said the City had started the process of dealing with the deer with DNR.

Kimberly Bryant thanked Rich Nelson for his service as the City Administrator for the past six years, and for the fantastic job he had done. Rich Nelson said it had been wonderful working for Alpine City.

IX. EXECUTIVE SESSION

MOTION: Lon Lott moved to go into Executive Session to discuss property acquisition. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Lon Lott, Kimberly Bryant, Troy Stout, Roger Bennett, Ramon Beck voted aye. Motion passed.

The Council went into closed session at 9:05 pm.

The Council returned to open session at 9:20 pm

MOTION: Kimberly Bryant moved to adjourn. Troy Stout seconded. Ayes: 5 Nays: 0. Lon Lott, Kimberly Bryant, Troy Stout, Roger Bennett, Ramon Beck voted aye. Motion passed.

The meeting adjourned at 9:20 pm.