

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 N. Main, Alpine, UT
September 8, 2015

I. CALL MEETING TO ORDER

A. Roll Call: The meeting was called to order at 7:00 pm by Mayor pro tem Troy Stout. The following were present and constituted a quorum: Mayor Don Watkins was excused.

Mayor pro tem: Troy Stout

Council Members: Lon Lott, Kimberly Bryant, Will Jones, Roger Bennett

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Jason Bond, Brad Freeman

Others: Jarron Gandolph, Suellyn Gandolph, Gale Randolph, Suzanne Tyler, Rhonda Bromley, Tim Pead, Mike May, Christian Smith, Dan Biolo, Ben Bailey, Tessa White, Clayton Johnson, Marianna Richardson, Mike Russon, Paul Kroff, Carla Merrill, Steve Cosper

B. Prayer:

Will Jones

C. Pledge of Allegiance:

Jarron Gandolph

II. PUBLIC COMMENT

Jarron Gandolph said that for his Eagle Scout project he was planning to do some maintenance under the bridge on Canyon Crest and clean up the graffiti which was visible from the trails. The Council thanked him saying it was a much needed cleanup.

Jason Bond reported briefly on proposed trail improvements on the Twin Falls trails which were near the same bridge. They hadn't done anything as yet but he had the name of someone involved in the Questar project that was interested in doing a community project in conjunction with the relocation of the high pressure gas line.

Thad Sprague said he wanted to thank the Lone Peak Fire Department for helping him with a heavy duty project.

Rhonda Bromley, principal of Lone Peak high school, thanked the City Council for all they did to serve the community then introduced the assistant principals: Tim Pead, Mike May, Christian Smith, and Dan Biolo. Ms. Bromley said they had almost 2600 students at Lone Peak and had the second highest enrollment in the state. Lehi had a higher enrollment but they were building a new high school that would be open next year. Lone Peak was told that the new high school would not be taking any of their students.

Ms. Bromely said that during the last school year, Lone Peak had reached a goal of 95.3% graduation rate. They planned to continue to improve. They got their state testing scores and were the second highest in science and math. There were some sad things that were happening at their school as well and they working on that along with Don Watkins, the community, and the churches. They had started a Hope Squad at the school and had a fulltime social worker. She also thanked Chief Brian Gwilliam and Fire Chief Brad Freeman. They had a great police and fire department that worked well with the neighboring departments. She said they would be holding their Sadie Hawkins dance at the rodeo grounds on Saturday and invited the Council to attend.

Suzanne Tyler said she lived on Alpine Highway by Bateman Lane. She spoke about the deer problem in Alpine and thanked the Council for including a question on deer on the questionnaire that went out. She said she'd been in Alpine 38 years and she was tired of the deer eating her trees and bushes and leaving their droppings. She had talked to Jodi Bates in Highland City who told her their program was working well. The bow hunters tracked the deer to a less populated area and killed them. The meat was taken to The Road Home shelter so it was a win/win for everyone. She asked the Council to stop talking about the problem and start doing something.

III. CONSENT CALENDAR

A. Approve minutes of August 25, 2015

- B. Heritage Hills Plat C Bond Release - \$104,480.40**
- C. Request cash in lieu of water rights for Three Falls subdivision - \$39,789.12**
- D. Request cash in lieu of water rights - Virgil Keate site plan - \$5,844.50**

Shane Sorensen said item C had been eliminated. The developers of Three Falls had acquired the necessary water shares to meet the water policy. He explained that Virgil Keate was building on a parcel of ground not in an approved subdivision. Building lots outside an approved subdivision were required to meet the same requirements as a subdivision including meeting the water policy. Mr. Keate was building at 156 N. Alpine Boulevard and based on the size of his lot he would be required to provide 2.55 acre feet to meet the City's water policy. Since people were not always able to acquire Alpine Irrigation water shares, the ordinance allowed them to pay cash in lieu of water rights. The most recent value for a primary share of Alpine Irrigation water was \$5,500. There were three acre feet in a primary share so the value per acre foot would be \$1,833.33. The ordinance specified that the value of the required acre feet should be multiplied by 125% to determine the amount of cash in lieu of water rights. Mr. Keate needed to submit 2.55 acres feet to meet the water policy or pay \$5,844.50.

Shane Sorensen said the cash submitted to meet the water policy was used for purchase other shares if they became available or to develop other sources. It was used only for water related projects.

MOTION: Will Jones moved to approve the Consent Calendar with minutes of August 25, 2015 approved as amended and Item C struck. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Will Jones, Roger Bennett, Troy Stout, Kimberly Bryant, Lon Lott voted aye. Motion passed.

IV. REPORTS AND PRESENTATIONS

Troy Stout said he'd been heading back from a bike ride in American Fork Canyon on Saturday morning and saw that a rider was down. He was curious why there were so many vehicles that responded.

Chief Brad Freeman explained that the Fire/EMS Department had three stations but didn't have adequate staffing in any of the stations. When there was a medical call, they were required to have five people present to handle the different tasks. That meant that when there was a call, personnel from the different locations responded and they responded in their own vehicle. If they were then called out on another emergency they already had their vehicle. He said they were trying to do the best they could with what they had. The department could handle two calls at the same time but if there was a third call, it was iffy. It just depended on how much the cities wanted to fund.

Troy Stout asked if the fire department would be reimbursed for calls in American Fork Canyon. Brad Freeman said they were not reimbursed for medical calls so the county was getting free service at the cities' expense.

Brad Freeman updated the progress on the phone system at Tibble Fork. He said they'd received donations from all over the state. The Forest Service had given them two plots of land for towers, which were up above the pine trees so they were not so visible and would hopefully shoot a clear signal. They would also have a camera system that would be useful for fires, etc. Having phone service in the canyon would definitely save lives because it would cut 15 minutes off their response time.

V. ACTION/DISCUSSION ITEMS

A. Resolution No. R2015-12, Box Elder South Annexation: Troy Stout said this item had been discussed in prior meetings and asked David Church to review the steps in the annexation process.

David Church said he had prepared a resolution which would begin the process of annexing the Box Elder South subdivision. Box Elder South was a 40-acre peninsula of county land contiguous to Alpine and had been approved by Utah County as a 59 lot subdivision. Alpine City would be supplying water and sewer service to the future development. Mr. Church said the developer had not petitioned for annexation into Alpine City but the state law provided a method of annexing land without a petition from the property owner. If the proposed development was: 1) less than 50 acres; 2) contiguous to the city; 3) in need of municipal services; 4) the county agreed to the annexation, then a municipality could annex land without a petition from the landowner(s). The landowners would still have a right to protest the annexation, and if a majority of the property owners protested, it would not go

through. If the county and the property owners did not protest the annexation, the issue would then go to a public hearing and the City Council would have to approve an ordinance of annexation in order to annex it. Or the Council could choose to not adopt the ordinance and deny it.

Will Jones said he had communicated with the county and the landowner who both said they would not protest the annexation, but made the landowners made it clear that they were not asking Alpine City to annex Box Elder South.

Lon Lott said he had spoken at length with two of the county commissioners about the possible annexation. They indicated that they would like to see county developments which were adjacent to the cities be incorporated into the cities. The cities could provide better service to them than the county.

Troy Stout said he understood that the county would like to get rid of managing unincorporated areas, which was why he thought they should carefully consider it. Was the revenue to the City going to compensate for the services the City had to provide long term?

Kimberly Bryant said she agreed that the people living in Box Elder South would be their friends and neighbors. Most of the people living in Alpine Cove didn't know they weren't citizens of Alpine. But it would be nice if Alpine City was the one that decided what happened on the land next to Alpine. She said she struggled with the idea that the county approved a higher density than the City would allow, and then the City went ahead annexed it with the density the county allowed. She said she thought Alpine should decide what density the developments got.

Troy Stout said he had a few concerns. First, the party who owned the ground was pursuing legal action against Alpine City. He asked David Church to comment on whether or not this was something that should be worked out prior to annexation.

David Church said that if the landowners were coming in and asking the City to annex their ground, the City would have some leverage. But they weren't. He said he'd like to comments on Kimberly Bryant's comment about the county zoning. he said the county had no choice except to approve the development as they did because it was zoned for the density they got. The zoning in the county for that area could go down to quarter acre lots. He said the county was governed by the state law just the same as cities were. If a development plan met county ordinance requirements, they couldn't turn it down. He said the county did send them to Alpine City initially and they couldn't work it out, so the landowners went to the county.

Troy Stout said there was a longstanding lawsuit against the City by the developer; he asked if they should not first resolve that.

David Church said this particular lawsuit was not longstanding. Patterson sued Alpine City a year and a half ago for protesting the Box Elder South subdivision. He said there were other lawsuit against the city through the years when the landowner sued the City for breaching the Settlement Agreement of 1992. The Agreement of 1992 included approval of a number of subdivisions and some aspects of Box Elder South. The Settlement Agreement in 2011 included the provision that if the County approved Box Elder South, the City would provide water and allow the sewer line to run through Lambert Park. He said the owners of Box Elder South did not want it annexed into Alpine City until it was recorded in the county.

Troy Stout said legal action was his big concern, and then the fire that caused so much damages a couple of years ago. If the City annexed Box Elder South, they would be responsible. he was not convinced that it was a good risk. The lot size was also a concern to him. Did they have to have quarter acre lots up there?

Will Jones said that Ross Welch had said the lots in Box Elder were half-acre lots. They were actually larger than they needed to be because they could go as low as quarter-acre lots. The developer chose to have bigger lots and less open space.

Troy Stout questioned the financial situation. If the development came into the City, they would collect an impact fee and a certain percentage of the property taxes would come back to the city. His question was if the City would collect enough over time to compensate for servicing the extra homes.

Will Jones said they did a tax study on the lots and homes and it came out as positive revenue to the City or just barely above break even. He reminded the Council that the City had fixed costs and bringing in additional homes would help reduce those fixed costs for the rest of the residents. For instance, the cost of office staff was going to be there whether they annexed Box Elder South or not. The City would already providing water and sewer service to the 59 homes in Box Elder South whether they were annexed or not. The City would not be providing pressurized irrigation in Box Elder South, but the residents in Box Elder South would be using the City parks and streets, fire, EMS, and police. If they were not annexed into Alpine, the City would get nothing. He noted that Brad Freeman had talked about trying to get compensation from the county. The EMS got nothing for medical calls. After four years they finally got \$17,000 for covering Alpine Cove. He said the study had not included the impact fees which the City would receive.

Troy Stout said the impact fees would be about \$700,000.

David Church said that most people didn't realize that taxes in cities were higher than taxes for homes in the county. Counties did not have the authority to impose franchise taxes which were a major source of revenue for the cities. That was why the county had a hard time justifying what they gave to the cities for fire service. When Alpine City asked Alpine Cove residents if they wanted to annex into the city they wanted to know if their taxes would go up, which they would. He said what the city paid for police and fire protection exceeded the revenue they received from property taxes, which was why the franchise tax was important.

Troy Stout said the City charged Alpine Cove more for sewer service than they did Alpine residents. They would lose that extra revenue if they annexed Box Elder South.

Rich Nelson said he had included the decreased sewer revenue in his calculations and the revenue was still positive.

Will Jones said that when the possibility of annexing Box Elder South came up two months ago, the developer was ready to record, but he postponed recordation for 60 days while the City considered annexing. They were currently in the second 60 day extension. Mr. Jones said the developer told him that if the City needed another 30 days, they would give it to them. But it turned out, the developer wanted to record in the country regardless of whether or not they are annexed so there really wasn't a need for an extension.

In response to Kimberly Bryant's comment, Will Jones said that the property owners actually did come to Alpine City before going to the county, and presented a plan for 27 lots in Box Elder South. The City turned them down saying it was zoned as a park. But the City didn't have the money to buy it for a park. That was six years ago. He said they painted the county as the bad guy in this process, but the City turned the landowner down. And the reason they turned them down was because they thought the development wouldn't happen if they didn't approve it. He said he hoped the City didn't get locked into that thought process again and think that if they didn't let someone develop their land, the county wouldn't either.

Will Jones asked David Church if there was a timeline on the annexation steps. David Church said there was a time line for the protest period, but after that they could set a public hearing and vote when they wanted.

Lon Lott asked how the legal issue on the table would be affected by annexation.

David Church said he was not the attorney for the lawsuit and he had no idea where the negotiations were going, but it was his impression that it would take a lot more to resolve the lawsuit than annexing Box Elder South because the Pattersons didn't see a benefit to them to annex into city limits.

Troy Stout asked if it was good judgment to enter into an agreement with someone who was suing the City. David Church said that unless the landowner protested, the annexation could go forward. He reminded the Council that they were not really annexing the Pattersons who already lived in the City. They would be annexing the people who lived in the subdivision.

Troy Stout asked if they could turn around and sue the City if there was debris and mud flow.

David Church said that the real question was would the City have a responsibility to clean it up and the answer was yes. He asked if that would change if Box Elder South was not in the City? In response to the question about suing, he said there was no way that someone would not sue the City. The question was, would the City lose the lawsuit and the answer was no. He said the Council had to decide if they wanted those people in their city or not. It would be a nice neighborhood. They would probably want to be in the City because the services were better. Alpine maintained their roads better. If Alpine Cove had been developed in the City they would have better roads and better maintenance. If it weren't for Alpine City, they'd have inferior police and fire protection.

Brad Freeman said there were two things that would benefit the City if Box Elder South was annexed. First of all, the residents in the new subdivision would be paying their fair share for emergency services. The second thing was that when his crew responded to an event in the county, the county fire marshal was responsible for the safety of his firefighters. He didn't like that. In the Cove, they had oak brush growing right up next to the homes and the roads were narrow. If they were going to be fighting fires in the area, they would like to have some say about what was required.

Steve Cospers said that when the Planning Commission entered the discussion on annexation, he tried to go in with an open mind and look at the facts related to water, safety, fire, stability for mud slides and other safety issues. Then they looked at the financial aspects. There was nothing that was a clear negative. They didn't discuss the issue of a sense of community. They had a public hearing and five people commented. Four were in favor of annexing and one was opposed based on the negative history and the lawsuit. They had four Commissioners at the meeting that night and all four voted to annex, but one Commissioner later regretted her vote.

Troy Stout asked if he had a sense of how the three Commissioners who were not present at the meeting would have voted. Steve Cospers said he guessed two would have been in favor and one would have been against it. He said he thought it was a good decision to recommend it.

Kimberly Bryant asked Will Jones where he was coming from in his desire to annex and what were his financial reasons.

Will Jones said he didn't know why the City would want to continue to provide services for county developments - water, sewer, roads, parks, police and fire, and not bring them into the City. He said he had lived in Alpine Cove and had seen both sides. He would prefer to be in the City. The Cove had to have a special improvement district to redo their water system. It just made more sense for these developments to be part of the community. The residents could vote and be a part of what was going on. He said the first issue he'd looked at when considering annexation was financial. If the City was going to lose money, he didn't want to do it. But they weren't going to lose money. They would have ongoing revenue from taxes and the one-time impact fee revenue.

Troy Stout said it appeared there would be no financial hardship in bring in the development. He clarified that passing the resolution would not be final.

David Church said the resolution would merely begin the annexation process. The Council would still need to hold a public hearing and pass an annexation ordinance.

Lon Lott said he enjoyed the presentation from the principal of Lone Peak about working together and being unified as a community. If there was no financial hardship, he felt bringing them in was a no-brainer. Even if they'd had a fight in the past, they could figure it out.

Kimberly Bryant said they if they went ahead with the process, she liked that the community would have an opportunity to come to a public hearing and have input.

MOTION: Will Jones moved to approve Resolution No. R2015-12 to begin the process of annexing Box Elder South subdivision. Roger Bennett seconded. Ayes: 5 Nays: 0. Will Jones, Roger Bennett, Troy Stout, Kimberly Bryant, Lon Lott voted aye. Motion passed.

B. Food Truck Operation: Troy Stout said the food truck rallies had been really nice so far. He loved watching the community turn out and interact. He asked what the impact had been on revenue for Alpine City. Rich Nelson said it was too early to tell but he didn't think it would be significant. It was more of a community event.

Clayton Johnson said they should have business licenses for 8 or 9 trucks, even just a temporary license.

Will Jones said it provided a little revenue and the trucks cleaned up after themselves. They didn't require park personnel to clean up behind them.

Clayton Johnson said he felt it was a success but they needed to get the word out better. They planned to have more advertising. Put it in the city newsletter and advertise the music that would be there on which night. He would like to create a process for inclusion and rotation. The trucks would need to have a license before they could be included. He said there was already a parking problem and they needed to resolve that.

Roger Bennett asked if they could move it to a Friday or Saturday but Mr. Johnson said they already had contracts for those days.

Troy Stout asked about adding another night and moving it to Creekside Park. Mr. Johnson said they would like to stay at Legacy Park because of the shade and it was close.

Rich Nelson said they should let it run a few more years and let it become established before adding another night. He said they also needed to talk about including Daylight Donuts in the truck rally.

MOTION: Will Jones proposed that Clayton Johnson run the truck rally for the next year and Daylight Donuts be approached to have a booth, and Rich Nelson would review and approve all Newsline articles advertising the event. Troy Stout seconded. Ayes: 5 Nays: 0. Will Jones, Roger Bennett, Troy Stout, Kimberly Bryant, Lon Lott voted aye. Motion passed.

C. Alpine Fire Station Remodel: Rich Nelson said the fire station in Alpine seriously needed to be remodeled. Captain Godwin would be on the Remodel Committee.

Roger Bennett asked if there was money in the budget to do. Rich Nelson said there was. It would come from the unappropriated Fund Balance, rental payments from the Lone Peak PSD and the Capital Improvements Fund. The work would be done all at once rather than phased.

MOTION: Will Jones moved to go ahead and form a committee to remodel the fire station and have staff present a budget report to the Council. Lon Lott seconded. Ayes: 5 Nays: 0. Will Jones, Roger Bennett, Troy Stout, Kimberly Bryant, Lon Lott voted aye. Motion passed.

D. Alpine City Cemetery Fee Increases. Rich Nelson said the Alpine City cemetery was becoming the burial place of choice for people outside the city because it was cheaper than other cemeteries. He would like to have plots available for citizens of Alpine. The proposed cemetery fee increases were included in the packet which he reviewed. Burials on major holidays would not be available. Burials on other holidays would have to be arranged with city staff.

Shane Sorensen said the problem with having burials on any holiday was that the men in the public works department often planned a vacation weeks in advance and suddenly there was a burial. Then someone had to cancel their vacation.

Roger Bennett suggested they ban burials on all holidays. The Council agreed.

MOTION: Lon Lott moved to approve the cemetery fees increase as recommended cost and include language that burials would not be done on any of the holidays. Roger Bennett seconded. Ayes: 5 Nays: 0. Will Jones, Roger Bennett, Troy Stout, Kimberly Bryant, Lon Lott voted aye. Motion passed.

Rich Nelson said they should notify citizens about the increase in the Newline. The City wouldn't actually implement the increases for 60 days.

The fees changes are included in Item J on the Consolidated Fee Schedule.

E. Hutchinson Property Exchange - Canyon Crest Road: It was proposed that the City exchange a portion of Peterson Park for property along Canyon Crest Road that was owned by Harvey Hutchinson in order to build a sidewalk along the north side of Canyon Crest Road. It would also allow the City to widen the road to the standard width. Some access easements would need to be granted and retained by the City as part of the change.

Shane Sorensen said the Council had discussed this issue in previous meetings. This was the latest update and proposal. Harvey Hutchinson would receive 0.26 acres in Peterson Park in exchange for the right-of-way and easement. There were a lot of trees involved so Mr. Hutchinson would like to have a fence or something put in that would act as a sound barrier. Shane Sorensen said the proposal would still need to go the Planning Commission and there needed to be a public hearing but he didn't want to start the process without the support of the Council.

No one on the Council was opposed to it so it would move forward to the Planning Commission.

F. Paulson/Moyle Park Exchange: Shane Sorensen said Chris Paulson had approached the City about obtaining an easement to construct a driveway on a portion of the Moyle Park property in exchange for an easement for a foot bridge across Dry Creek. The staff reviewed the proposal and determined that it would make sense to obtain an easement from Mr. Paulson for as small area on the west side of Dry Creek. Construction of the driveway would require relocating a fire hydrant and the City's sprinkler system, which would be done at Mr. Paulson's expense.

MOTION: Will Jones moved to approve the exchange of easements between Chris Paulson and Alpine City as diagramed, and adjustments to the irrigation system and fire hydrants be at Mr. Paulson's expense. Lon Lott seconded. Ayes: 5 Nays: 0. Will Jones, Roger Bennett, Troy Stout, Kimberly Bryant, Lon Lott voted aye. Motion passed.

G. Moyle Park Wedding Fees: Rich Nelson said that the caretakers of Moyle Park were finding that weddings were more labor intensive than they expected and suggested the City charge a fee for weddings conducted at the park. For weddings with up to 100 guests, the charge would be \$100. For wedding with over 100 guests, the charge would be \$200.

The Council suggested that there be a different cost for nonresidents. Rich Nelson said he would put something together and bring it back for the Council to review.

MOTION: Will Jones moved to approve the fees as proposed for weddings in Moyle Park for residents, and staff come back with a proposal for nonresident fees. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Will Jones, Roger Bennett, Troy Stout, Kimberly Bryant, Lon Lott voted aye. Motion passed.

H. Resolution No. R2015- 14, Adopting the Alpine City Sewer System Management Plan: Shane Sorensen said the State of Utah required cities to prepare and adopt a Sewer System Management Plan which would properly manage, operate and maintain all parts of the sewer collection system to reduce and prevent sanitary sewer overflows, and minimize any impacts that may occur.

MOTION: Roger Bennett moved to approve Resolution No. R2015-14 adopting the Alpine City Sewer System Management Plan. Troy Stout seconded. Ayes: 5 Nays: 0. Will Jones, Roger Bennett, Troy Stout, Kimberly Bryant, Lon Lott voted aye. Motion passed.

I. Business Commercial Zone Boundaries Discussion: In conjunction with the discussion of adopting Design Guidelines for the Gateway District, it had been suggested that the Council considered reducing the size of the business commercial zone. It went to the Planning Commission for discussion and the Commission recommended leaving the BC zone as it was.

Troy Stout said he appreciated the letter from Planning Commission member Jane Griener on this issue. But it was discovered that staff did not get the letter nor did all the Council members so it was not discussed.

Steve Cospers said the Planning Commission talked about peeling off the residential areas along 100 West and Grove Drive so they were not in the BC zone. Some interesting points were made but the Planning Commission felt that if they wanted to have a vibrant commercial district, it didn't make sense to inhibit further growth by restricting the size of the area. It was pointed out that wherever the zone ended, it would still be adjacent to residential uses.

Troy Stout asked if there was any delineation between types of business. People might not object to offices but may object to living next to a metal working shop.

Rich Nelson said he had been the biggest advocate of reducing the size of the BC zone. He had grown up in American Fork where they had too much commercial and a downtown area that was failing. Pleasant Grove and Lehi did the same thing. He felt that they could just focus on Main Street as commercial and let the residential housing area be residential.

Will Jones said he would like to take more time on the issue.

Troy Stout suggested a joint work session with the City Council and the Planning Commission. He noted that previous surveys from residents had suggested they wanted Alpine to be primarily a bedroom community. They may not still feel that way.

J. Resolution No. R2015-13, Amending the Consolidated Fee Schedule. Rich Nelson reviewed the proposed changes in the Consolidated Fee Schedule which were:

1. Increase the Creekside pavilion rental fees for nonresidents from \$75 to \$100.
2. Add the cost of reviewing retaining wall plans - \$250
3. Appeal Authority - Actual cost of service.
4. Moyle Park Weddings: \$100 for up to 100 people. \$200 for over 100 people.
5. Cemetery Fees:
 - a. Burial lot for a resident - increase from \$800 to \$985
 - b. Burial lot for a nonresident - increase from \$1300 to \$1500
 - c. Opening and closing for a resident on weekdays - increase from \$150 to \$600
 - d. Opening and closing for a resident on a Saturday - increase from \$375 to \$850
 - e. Opening and closing for a nonresident on weekdays - increase from \$250 to \$1000
 - f. Opening and closing for a nonresident on Saturday - increase from \$450 to \$1500
 - g. Burial of ashes for a resident - increase from \$125 to \$500
 - h. Burial of ashes for a nonresident - increase from \$175 to \$500
 - i. Disinternment - increase from \$400 to \$1500
 - j. No burials on holidays.

Roger Bennett said he still had a problem with the water rates for Box Elder and Willow Canyon. Shane Sorensen said he didn't have the study done yet.

MOTION: Roger Bennett moved to approve Resolution No. R2015-13 Amending the Consolidated Fee Schedule. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Will Jones, Roger Bennett, Troy Stout, Kimberly Bryant, Lon Lott voted aye. Motion passed.

VI. EXECUTIVE SESSION

MOTION: Lon Lott moved to go to Executive Session for the purpose of discussing litigation and land use. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Will Jones, Roger Bennett, Troy Stout, Kimberly Bryant, Lon Lott voted aye. Motion passed.

The Council went into Executive Session at 9:09 pm.

The Council returned to open meeting at 10:40 pm.

VII. STAFF REPORTS

Jason Bond said Taylor Smith and Mark Wells were appealing the Council decision on the secondary access road for the proposed Eagle Pointe subdivision. They were opposed to having Phil Barker as the Appeal Authority because he was the mayor when the development came to the city previously.

Shane Sorensen said the overlay project should be done in about three weeks.

David Church asked if the County Recorder had accepted the Three Falls plat. Charmayne Warnock said it had been taken down to the county for recordation.

Charmayne Warnock reported that the county would be adding the quarter cent sales tax issue to the cities' ballots and because of that, they were going to handle the election. It would still be a vote-by-mail election but the county would be counting the ballots.

Rich Nelson said Jason Bond got the bells on City Hall to work.

VIII. COUNCIL COMMUNICATION

Lon Lott asked about the landscaping that Questar was going to do at the Pfeifferhorn station. Rich Nelson said Questar was willing to do it but the neighbors said they didn't want it landscaped.

Will Jones said they should purchase a foam machine that the three cities could use. He expressed a concern about resurfacing the pickle ball courts during ball games because of the potential for vandalism. He asked about Paul Kroff going to the county for the Oberee annexation. David Church said Alpine City had never officially responded to his proposal for fewer lots.

Troy Stout said that both he and Kimberly Bryant had met with Paul Kroff and talked about it. He had some heartburn about the City waiting so long to respond but they had a good conversation. He was concerned about the possibility of a referendum.

Troy Stout asked if there was any progress on the intersection of SR-92 and Canyon Crest Road. Lon Lott said they planned to begin the work in mid October and would take about two weeks. They wouldn't be working on it in the morning when traffic was heaviest.

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

The meeting was adjourned at 11:05 pm.