

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 N. Main, Alpine, UT
August 25, 2015

I. CALL MEETING TO ORDER: The meeting was called order at 7:00 pm by Mayor Don Watkins.

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

Mayor Don Watkins

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

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Jason Bond, Police Chief Brian Gwilliam, Fire Chief Brad Freeman

Others: Tom Watkins, Brett Wiseman, Beth Ann Wiseman, Jessica Bybee, Spencer Davis, Ross Beck, Catherine Marchant, Sherman Myers, Melissa D. Mordecai, Becky West, Erin Darlington, Ryan Bybee, Taylor Smith, Mark Wells, Ralph Summers, Val Summers, Skylor Smith, Jerry Smith, Chris Thackeray, Daryl Stallings, Christine Stalling, Scott Dunn, Chris Paulson, Summer Curtis, Kim Blake, Sarah Bybee, Cambria Bybee, Glenn Simmons, Debbie Simmons, Adam Denning, Jane Griener, Darren Johnson, April Cooper, Gary Cooper, Becky Turpin, Larry Hilton, Richard Ruzier, Ezra Lee, David Parker, Mike David, Cathy Allred, Sheldon Wimmer

B. Prayer: Troy Stout

C. Pledge of Allegiance: Spencer Davis

Spencer Davis reported to the City Council that he had completed painting the north side of the fence on the Alpine City cemetery for his Eagle Scout project. They thanked him for his contribution.

Don Watkins reported that a fire had been spotted northeast of Alpine along the Dry Creek trail on Monday, October 24, 2015. He read a report from John Stansfield from the Forest Service. The fire was located 3 miles northeast of Alpine and was burning dead and down brush in the canyon. As of Tuesday, it had made little movement. The federal fire fighting resources were limited because the fire fighters were deployed on fires that were already burning in Santaquin, Utah and throughout much of the west in Oregon, Washington, California and Idaho. However, the forest service did plan to use horses and mules to haul fire-fighting equipment up to the fire in Dry Creek above Alpine.

II. PUBLIC COMMENT

Clayton Johnson said the food truck rally was scheduled to end on Labor Day. There had been a tremendous turnout and they had two requests. First, they wanted to extend the truck rally beyond Labor Day. Second, they would like to hold the food truck rally again next year. They would put all the music together and create a poster to put around town. The Council indicated they approved extending beyond Labor Day. Rich Nelson suggested they keep it going while the weather was good. Regarding having food truck for the next year, Don Watkins said they could put it on a future agenda.

Chris Thackery thanked the City Council for accommodating the pickle ball tournament. He asked if there was some consideration on lighting and what the time table was for surfacing the court. Shane Sorensen said the conduit was in and they had three new lights ordered. To avoid tearing anything out, they wouldn't surface the court until the lighting was done.

III. CONSENT CALENDAR

A. Approve the minutes of July 28, 2015

B. Bond Release - Heritage Hills Plat C #6 - Downing Akin - \$99144.00

C. Bond Release - Heritage Hills Plat C #7 - Downing Akin - \$106,807.20

Will Jones asked if Heritage Hills wasn't supposed to have a trail built along with the retaining walls. He wanted to know how they were going to get people up there because of the gully.

Shane Sorensen said they would show the approximate location where it would be built but would actually visit the site and review it. Things looked different on paper than in reality.

Rich Nelson said they should put this item on an agenda. They wanted to get away from loop trails.

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

IV. REPORTS AND PRESENTATIONS None

V. ACTION/DISCUSSION ITEMS

A. Eagle Pointe PRD Final Plat - Secondary Access Road - Mark Wells and Taylor Smith: Jason Bond said the Planning Commission had reviewed the final plat for the Eagle Pointe PRD, but was not ready to make a recommendation because there were still some items that the engineer needed to address. However they did make a recommendation regarding the applicant's proposal for an alternate design for the secondary access road. Taylor Smith and Mark Wells were proposing a road width of 18.5 feet which would enable them to reduce the height of the retaining walls. The Planning Commission recommended that the road width remain at 26 feet as approved.

Mark Wells said they were proposing a secondary access road with paved width of 20 feet which complied with the ordinance for developments in the Urban Wildland Interface area. The benefit of reducing the width of the road would be that it would almost entirely remove the need for retaining walls along the face of Hog Hollow Drive. He said the City had earlier approved a 20-foot wide secondary access road for the Three Falls subdivision. They were asking for the same consideration.

Lon Lott said he had attended the Planning Commission meeting where this item was discussed. There were a lot of comments from the neighboring landowners on the lower side of the proposed development. He said he visited the site and spent a lot of time trying to see where the walls would be. It appeared that they wouldn't be able to eliminate all of the walls.

Mark Wells said that a 20-foot wide secondary road would eliminate all the walls above the road for about 1000 feet and 700 feet of the lower retaining wall. It would leave about 300 feet of retaining walls that averaged a height of 6 or 7 feet. They would revegetate the hillside where the soil was disturbed.

Lon Lott said approval process for Eagle Pointe had apparently been going for about ten years and a lot of work had been put into it. All sides had finally come to some kind of consensus. Since there were still going to be retaining walls, he hesitated to compromise safety and traffic flow with a narrower road.

Troy Stout asked David Church about the issue of precedent since the Council had approved a 20-foot road for Three Falls.

David Church said that the situation with Three Falls was different. It was the old Ilangeni subdivision which had a dead end loop road. The developers applied for an amended subdivision with a different name and increased the number of lots. In the process of amending the subdivision, the City exacted something from the developers which had not existed before, which was a secondary access road. They were not able to get a full access road. He said every development was a little different. A decision made in a special circumstance did not bind the city to make the same decision in every circumstance in the future.

Troy Stout said they had been working on Eagle Pointe for ten years. It had come back again and again. The Planning Commission and City Council had worked on it and they finally got to a point where they agreed on the design. He said he tended to put more weight on the work that was already done. He wasn't sure who favored the proposal but this would delay the process.

Will Jones recused himself from the vote.

MOTION: Roger Bennett moved to follow the recommendation of the Planning Commission and not change the width of the secondary access road from 26 feet. Troy Stout seconded. Ayes: 4 Nays: 0. Motion passed.

Lon Lott asked if there was a way to move the road lower and reduce some of the retaining walls. Troy Stout said they could consider a lot of things that could hold up the conversation with. He said he agreed with the mayor. No one was completely happy with the agreement but there was an agreement.

Taylor Smith said the Council had said they wanted to get rid of the retaining the walls and they were offering a way to make that happen.

B. Westfield Road Sidewalk: Will Jones said they when they first talked about the need for a sidewalk on Westfield Road, the City's first priority was getting a sidewalk along Canyon Crest Road on the east side of the roundabout. That was taken care of and the Westfield sidewalk had moved up on the priority list. He said the parties involved (Highland City, Alpine City, property owners, and the Alpine School District) had met and looked at solutions. Since school was in session again, the safety issues became more urgent, and Highland City had a situation which made it better for them to move forward sooner rather than later. If Alpine was putting up only a quarter of the cost, he recommended they join with the other parties and commit \$10,000 toward the sidewalk on Westfield Road.

Lon Lott asked what the real cost of the sidewalk would be. Will Jones said they estimated around \$40,000. Jessica Bybee said that according to the budget, she thought it was going to be \$60,000.

Jason Bond showed a map of the area and where the kids were walking along Westfield Road to get to school.

Will Jones said that if the Council was in favor of the sidewalk, they should go forward and get bids, then come back for a final motion.

MOTION: Will Jones moved forward to request bids on the Westfield Road sidewalk and if it came back within four or five thousand dollars either way of Alpine's share, then bring it back to the City Council for further action. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Will Jones, Kimberly Bryant, Troy Stout, Roger Bennett, Lon Lot voted aye. Motion passed.

C. Alpine Olde Town Centre lot B – Larry Hilton: Jason Bond said the Council had previously seen the design for Mr. Hilton's office building, and approved it. But since that time Mr. Hilton made several substantial changes to the building so he took it back to the Planning Commission. The banking drive-through was eliminated as well as the patio above it. The cafe was also eliminated and the basement would not be there. Some of the aesthetics would change. Instead of one tower there would be two. The Council received renderings and the design of the new building. The Planning Commission had reviewed the changes and recommended approval.

Will Jones said that as he reviewed the site plan, he saw that they were creating new parking which was required for the square footage. Generally they required the developer to bond for the parking and that was not included in the conditions for the additional parking.

MOTION: Will Jones moved to approve the site plan for the Larry Hilton office building in Alpine Olde Towne Centre, Lot B with the condition that the additional parking be bonded for. Troy Stout seconded. Ayes: 5 Nays: 0. Will Jones, Troy Stout, Roger Bennett, Kimberly Bryant, Lon Lott voted aye. Motion passed.

Larry Hilton explained that they had a basement in the first design but didn't do it because they didn't have an elevator. Now they were looking at having a subterranean extension of the vault which would be totally uninhabitable. That idea had come up since they met with the Planning Commission. He said they would like to have that approved but did not want to further delay the project.

Will Jones said there would need to be a deed restriction on the basement if they did that.

Mayor Watkins said he could bring it back in two weeks and they could address subterranean vault.

David Church said the fire marshal and building official would have to sign off on it before the Council looked at it.

Rich Nelson said they wouldn't have to go back to the Planning Commission. They could just take it to the DRC meeting. The Council indicated that if the fire marshal and building official signed off it, they were okay with it.

D. Alpine Old Towne Center Plat D – April Cooper Building: Jason Bond said this office building was in the same planned commercial development as the previous one. They were proposing a three story building with a basement for a total of 6000 square feet. The top level would be a dwelling unit which was allowed by the ordinance. The dwelling would have a different parking requirement than the commercial space. He said the building met the parking requirement. The developer had also submitted a landscaping plan but it was not in the packet. He showed a rendering of the building. The Planning Commission had recommended approval of the building with the condition there be a deed restriction for the basement. The height of the building was under 34 feet. A bond would be provided for the parking improvements.

Roger Bennett said there should also be a deed restriction on the apartment on the top level so it didn't turn into office space in the future and the parking be inadequate. Ezra Lee said it would be on the plat.

Lon Lott asked if the concerns of the neighbors to the east had been resolved. Ezra Lee said they had been concerned about trees on pad D and that had been resolved. They were providing a privacy screen and reducing the size of the windows that faced the east.

The builder provided samples of the building materials.

MOTION: Will Jones moved to approve the site plan for the April Cooper office building located in Alpine Old Town Centre, Plat D with the following conditions:

1. There be a deed restriction be on the plat designating the basement level as uninhabitable.
2. The height of the building shall not exceed thirty-four (34) feet.
3. A landscape plan be provided .
4. A bond shall be posted for the parking improvements associated with lot D.
5. There be a deed restriction be on the plat designating the third level as residential use only.

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

E. Gateway Historic Design Guidelines: Jason Bond said that during past several months, the Planning Commission had been working on design guidelines for the Gateway Historic zone. The City had had old draft of guidelines that had never been adopted and were quite lengthy. The new guidelines were adapted from the old guidelines and were intended to bring some consistency to the zone and to maintain the architectural character of Alpine.

Kimberly Bryant said she had an issue with the designation of "historical." She would love to some continuity in the growth in the downtown area, but most of the buildings in that area were not historical Alpine. Gingerbread styling was historical Alpine. Some didn't like it because they thought it was too quaint. She said she didn't care if the design guidelines went in a different direction but they shouldn't be calling it "historic" Alpine because it was not historic to Alpine.

Will Jones suggested they simply refer to them as the Gateway District guidelines and leave off the word historic.

Erin Darlington said she had worked with the Planning Commission on the guidelines. The intent was to give mundane businesses some character so they looked like they belonged on Main Street. The document allowed for a diversity of businesses but they would be cohesive so they looked like they fit together.

Will Jones asked about the minimum 10 foot setback in the front. He said he said he would prefer to put parking in front of the building rather than in the rear. The backside of most buildings didn't look that good.

Mayor Watkins said they could still have the parking be behind the building and have the front facing the street.

Will Jones said he felt it took away from the business if people didn't know what the business was. He talked about the businesses by Costco in American Fork and how they'd had so much turn over. He felt it was because the rear of the building faced the street and no one knew they were there. It was the same way with the River Meadows office park in Alpine. The parking was in the interior of the complex and people didn't know what businesses were there unless they drove into it.

Kimberly Bryant asked if he would prefer to have the buildings pushed back and the parking lot in the front. He said he would.

Jason Bond said the reason the parking was put in the rear was because they wanted to bring the store fronts up to the street so it was more walkable. Businesses that were set back were not embracing the street. They were embracing the parking lot.

Steve Cospers said they had talked about dressing up the front of the buildings so they looked welcoming. They could include a bench or seating in front of the building. Jason Bond said landscaping in front of building would be more friendly than parking. Will Jones said they could put landscaping between the parking lot and the street.

Jane Griener said the guidelines would narrow the size of the Gateway District. At present it took in the entire commercial zone.

Don Watkins said he thought they should make that a top priority. They needed to first determine what was commercial and what was not. There were a lot of residents living in the commercial zone who didn't know they were in the commercial zone.

Troy Stout said he would like to have a blended approach to the Gateway District that accommodated both foot traffic and parking. There were small towns in Colorado that had maintained an old-fashioned feeling with a modern approach. He felt deeper setback would allow that better.

Will Jones said he was 100% behind having guidelines for the Gateway District. There were some things that he questioned. If no side setback was required for commercial buildings, there probably wouldn't be one. Did they still want a rear setback of 30 feet? It could become a place where garbage collected.

Jane Griener said they wanted to have a landscaped buffer between parking and houses so the residents didn't feel like they had a building in their backyard.

Mayor Watkins said that if someone was designing a home, they hired a professional to provide concepts. If they were designing a town, they needed someone to bring in several concepts. He knew what he liked when he saw it but planning was more complex. He suggested they first determine where the commercial zone is going to be then hire a consultant.

Erin Darlington said she understood if the Council wanted to take out some of the specific guidelines, but she hoped that they didn't throw out the whole thing while looked for professional consultation.

Mayor Watkins asked Ezra Lee for his thoughts on the guidelines since he was a designer.

Ezra Lee recommended breaking the process into several phases. They needed to address the site plan first and look at the specific parcel. They needed to take into account the neighbors. A commercial use next to a commercial use would be treated differently than a commercial use next to residential. They needed to establish the square footage.

The second phase would be an architectural review. If the City retained professionals, they could find clearly written guidelines for certain types of architecture. They could choose several types of styles that would be suitable for the District such as Alpine historical that incorporated a certain pitch roof with gables or a Colonial style, Utah Mountain Contemporary or Tuscan, whatever the City wanted to see in the Gateway District.

Mr. Lee recommended that they not immediately put the guidelines into play because they were so vague. He recommended stripping it down to about 20% of the content and establish what they were looking for. He thought it was a good idea to seek outside professional help. What they wanted to see on Main Street could change as they dropped back into a different zoning.

Will Jones said he would like to continue the discussion on the guidelines.

Lon Lott commended the Planning Commission and the committee on their work on the guidelines. The City did need guidelines.

David Church reminded the Council that an earlier council had brought in consultants to design the Historic Gateway. They paid an architect, Soren Simonson to sit on the Gateway Review Committee and look at plans that came into the city and make recommendations. Then the economy went south and construction dropped off. The Committee was dissolved. He said coming up with guidelines was a long process but it was worth it.

Mayor Watkins asked Steve Cosper to come back in two weeks with a plan for where the commercial zone should be located.

F. Resolution No. 2015-09, Amending Alpine City Council Rules of Procedure for Public Meetings:

This item was discussed at the previous meeting. Direction was given to the City Attorney to come back with a draft that clarified a "motion to reconsider" as set forth in Rule #9, and write a new rule #11 to suspend the rules.

David Church said Rules #1 and #8 could not be suspended because they were state law. Other than that he had cleaned up the language as requested.

Rich Nelson asked the Council if they just wanted to eliminate Rule #9 altogether and make everyone happy. The rule to reconsider was something they would use once or twice in their lifetime.

MOTION: Will Jones moved to eliminate Rule #9 from the Rules of Procedure for Public Meetings and add a new rule which would allow the Council to suspend the rules except for Rules #1 and #8, and designate the new rule as #10. Troy Stout seconded. Ayes: 5 Nays: 0. Will Jones, Troy Stout, Roger Bennett, Kimberly Bryant, Lon Lott voted aye. Motion passed.

G. Alpine City Cemetery: Included in the packets were maps showing the remaining lots in the Alpine cemetery and a comparison between the costs for a lot and burial costs in Alpine and six other cities. Rich Nelson said there was a concern about nonresidents choosing to be buried in Alpine because it was the cheapest place to be buried and the cemetery was running out of lots. He recommended that the Council raised the rates for lots and for the burial costs. He recommended charging the same weekday and weekend internment rates as Highland City. For infant burials, there would be no change. For disinterment, they would charge the same as Pleasant Grove. He recommended there be no burials on holidays and the Saturday of Alpine Days.

David Church said prohibiting burials on certain days was a sensitive issue. There would be families planning funerals without knowing the city had given employees the day off - especially for Alpine Days which was specific for Alpine. Most people avoided having a funeral on a holiday.

Troy Stout wondered if they could send word out to the mortuaries that Alpine didn't do burials on Alpine Days so they could let the people know.

Lon Lott asked if they could notify the owners of the burial plots and let them know about the schedule.

Roger Bennett suggested raising the price on holiday burials so they were less desirable.

Don Watkins asked the staff to bring back some recommendations to deal with holidays. He suggested they get rid of the ex-resident fee and just charge \$1500 for nonresidents and \$985 for residents.

Rich Nelson said they were also planning to expand the cemetery. There were two areas that could be developed. He would come back with the projected costs for expansion.

H. T-Mobile Cell Tower Modification in Lambert Park: Jason Bond said T-Mobile was proposing to modify the cell tower in Lambert Park by replacing the existing antennas and adding some additional antennas. The Planning Commission had reviewed the application and recommended approval.

MOTION: Will Jones moved to approve T-Mobile's application to modify the cell tower in Lambert Park to replace antennas and add additional antennas with the condition that the additional antennas match the color currently on the tower. Troy Stout seconded. Ayes: 5 Nays: 0. Will Jones, Troy Stout, Roger Bennett, Kimberly Bryant, Lon Lott voted aye. Motion passed.

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

I. Three Falls Secondary Access Road: Rich Nelson said there were two issues to consider. First, did they want the secondary access road left open year-round? Second, did they want crash gates on the road?

Will Jones had met with staff regarding the secondary access road for Three Falls subdivision. He also submitted a letter which was included in the packet. The letter stated that since the road was narrow and winding, they would like to close the road for safety reasons and install gates at each end. The gates could be automatically opened by a siren or by homeowners in the subdivision who would have a key fob to activate the gate in an emergency.

Mayor Watkins said it would be easier to close the road in the beginning than start out with an open road and try to close it later on.

Shane Sorensen said staff recommendation was that the road be closed in the winter but passable. With the southern exposure he didn't know if it would need to be plowed and he didn't want his men up there plowing snow in the winter.

Fire Chief Brad Freeman said the fire code stated it had to be maintained year-round for emergency access. It had to be accessible to fire trucks.

Rich Nelson said the developer would be responsible to plow the road in the winter. There was no question that it should be maintained. The question was did the Council want crash gates at each end of the road. Brad Freeman said he was fine with crash gates as long as it was plowed.

Will Jones reiterated that there would be two gates, one at the top and one at the bottom. The HOA would be responsible to plow the road.

David Church noted that the Ilangeni Estates (Three Falls) used to have a dead end loop road which was the only public road up there. The Council requested an emergency exit out the back end of the development and the developer had supplied it.

Shane Sorensen said the road would have 20 feet of pavement and curb on both sides, but no sidewalk.

MOTION: Kimberly moved approve the developer's proposal for crash gates for the secondary access road for Three Falls subdivision. Roger Bennett seconded. Ayes: 4 Ayes: 0. Kimberly Bryant, Lon Lott, Roger Bennett, Troy Stout voted aye. Motion passed. Will Jones abstained.

In response to a question, Will Jones said the parking lot and trail would be part of the first phase.

J. Creekside Park Pavilion Reservation Fee: Rich Nelson proposed increasing the reservation fees for Creekside Park to \$100. Alpine had become a hotspot because they charged less than other places and it was nice. People outside Alpine wanted to come and use the park, which limited the availability for Alpine residents.

MOTION: Troy Stout moved to increase the fee to \$100 for nonresidents to reserve the Creekside Park pavilion. Will Jones seconded. Ayes: 5 Nays: 0. Will Jones, Troy Stout, Roger Bennett, Kimberly Bryant, Lon Lott voted aye. Motion passed.

VI. EXECUTIVE SESSION

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

The Council went into a closed meeting at 9:20 pm.

The Council returned to open meeting at 9:35 pm.

Kimberly Bryant left the meeting.

VII. STAFF REPORTS

Rich Nelson

- He asked the Council to submit any text messages between them and Don Watkins for a GRAMA request.
- The fire station would be on an upcoming agenda.
- He reported that the County Commissioners had decided to put the quarter cent sales tax increase on the November ballot. Because the County had a ballot issue, they were proposing to have their own second election for the cities that were voting by mail, which meant voters in Alpine would have to vote twice. They would receive a ballot in the mail to vote for city council seats. Then in November they would vote in person at a location to be determined by the County.

Shane Sorensen said they had sent out on RFP for the overlay projects and got a number of bids. Staker Parson was awarded the bid. They were working on the HA5 overlay project at the present. He also reported that he'd received an email from Teri Newell regarding improvements at the intersection of SR-92 and Canyon Crest Road, which he had forwarded to the Council.

Jason Bond reported that he had met with the prosecuting attorney, Tucker Hansen, regarding the process of enforcing the Accessory Apartment Ordinance. First a letter would be sent out to people suspected of having an illegal apartment. The letter would be tactful and give them 30 days to comply or contact Jason Bond to arrange another time. If they did not comply, a second letter would be sent out giving them 15 days to comply or a detective would become involved. The police would then go out and interview them. If there was still no compliance, the prosecuting attorney would get involved. He said they had sent out nine letter earlier that week. Rich Nelson said they had one individual respond who said he would have the apartment vacated by September 12th.

VIII. COUNCIL COMMUNICATION

Troy Stout said UDOT was doing some things on the SR-92 intersection but they weren't doing enough. He suggested having a drone go up and take footage of the situation.

Will Jones reported on the following.

- He asked about trail use enforcement in Lambert Park and when it would happen. Chief Brian Gwilliam said he felt the City was wasting money to send the police up there. They'd been up there half a dozen times and everyone they contacted was abiding by the rules. Most of them were citizens of Alpine.

Mayor Watkins said it seemed word had gotten around. He asked how many hours they police were patrolling. Chief Gwilliam said they were up there for on six hours on Saturday and a few hours during the week. They would revisit it sporadically. Will Jones said people had been up there shooting and left their garbage around.

- Will Jones asked if the City had found a ROW Agreement for the land that Patterson was swapping with the Forest Service. Shane Sorensen said he was working on it but hadn't found anything yet. Will Jones suggested he have a title company search to see if anything was recorded.
- Will Jones said he had contacted the County about the possibility of Alpine City annexing Box Elder South and the County said they were agreeable. He had also talked to Wayne Patterson who said he wouldn't protest it but he wanted to record it in the County first. He didn't want to reengineer the development. The topic would need to go back on the agenda.
- The Alpine Days committee held a reviewed of Alpine Days with staff.

Mayor Watkins said he would be out of town for the next meeting.

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

The meeting was adjourned at 10:00 pm.