

**ALPINE CITY COUNCIL MEETING  
ALPINE CITY HALL, 20 North Main, Alpine, UT  
September 9, 2014**

**I. CALL MEETING TO ORDER:** The meeting was called to order at 6:39 pm by Mayor Don Watkins.

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

Mayor Don Watkins

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

Council Members not present: Kimberly Bryant was excused.

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Jason Bond, Joe McCrae, Brian Gwilliam

Others: Bob Bowman, Greg Clark, Brian Higbee, Alice Cosper, Steve Cosper, Sarah Bybee, Jessica Bybee, Sue Gandolph, Todd Gandolph, Kay Holbrook, Michelle Schirmer, Paul Bennett, David Sutton, Steve Crain, Kevin Hurley, Myrna Grant, JL Dunn, Lauren Roberts, Larry Sparks, Tad Hurley, Scott Hurley, Debbie Merrill, Mike Kennedy, Katrina Kennedy, Kent Tasso, Stephanie Tasso, Lynn Steubner, Olivia Helms, Steve Swanson, Easton Gunn

**B. Prayer:** Troy Stout

**C. Pledge of Allegiance:** Easton Gunn

**II. PUBLIC COMMENT:**

Jessica Bybee represented Highland City residents who were asking Alpine City to build a sidewalk along Westfield Road so students in Highland who attended school in Alpine could walk to school in safety. She said they would like Alpine City to get it on the budget for this year so it could be built as soon as possible.

Mayor Don Watkins said they were aware of the situation and had learned that half of the sidewalk was in Highland City limits. He asked if Highland City was planning to build a sidewalk.

Ms. Bybee said they had not yet approached Highland City. They were hoping for a commitment from Alpine City so they could take it to the Highland City Council.

Mayor Watkins said Alpine had a priority list for sidewalks. There were other critical areas in Alpine that also needed sidewalk. They would need to go to the citizens and ask if they wanted to raise taxes to build sidewalks. There was also the possibility of a special assessment to the property owners where the sidewalk would be constructed.

Lon Lott said they had a similar problem in his neighborhood on 800 South several years ago. The children were deemed close enough to the schools to walk but because they would have to walk along Alpine Highway and there was no sidewalk along the west side of the road which necessitated the crossing of Alpine Highway twice. Alpine School District surveyed the traffic on Alpine Highway and determined that a bus should be sent to pick up the school children on 800 South. He suggested they meet with the school district.

Mayor Watkins suggested that this issue come back to the Council one they found out if Highland City was interested in building their share of the sidewalk. In the meantime, they should have a right-of-way or a crossing guard.

Paul Eberting said that while they were discussing sidewalks, there was a problem on Canyon Crest Road just past the LDS church. They needed to have the police patrol along there, especially when children were walking to school.

Chief Brian Gwilliam said the department had purchased a traffic trailer for data collection. They could set it up on Canyon Crest.

### III. CONSENT CALENDAR

#### A. Approve the minutes August 26, 2014

**MOTION:** Will Jones moved to approve the minutes of August 26, 2014. Lon Lott seconded. Ayes: 4 Nays: 0. Lon Lott, Roger Bennett, Troy Stout, Will Jones voted aye. Motion passed.

### IV. REPORTS AND PRESENTATIONS

#### A. Deer Population Control Issues – Part 1. – Brian Higbee.

Brian Higbee said his background was in wildlife biology although he never worked in it. He also owned a ranch in Southern Utah and worked with the Division of Wildlife Resources and Fish and Game.

Regarding the issue of deer control, he said there were solutions other than killing them, which was what they did in Highland City. He said Bountiful City had a program that relocated the deer. Information on the program in Bountiful City was included in the packet.

Mr. Higbee said the issue of deer could be very divisive. He would like to propose that Alpine take another course of action. The mountains were all around Alpine. Every year millions of people paid money to visit special places in the mountains such as the state and national parks. He suggested Alpine take advantage of their unique location by the mountains. He wanted to create a vision and unify the city. He said most people he talked to did not want to pursue a lethal remedy to the deer problem. He said there were wildlife groups who would come in and talk to the Council and tell them what they had been doing with the deer for 20 years and it had worked. He said he would like to create an Alpine Natural Resource Council to develop a long-term image of Alpine as the kind of place people would pay money to go see. That would involve the mountains, the plants and wildlife. He said that if people would fence their backyards and plants vegetation in the front that the deer didn't want to eat, it would go a long way toward solving the problem. The citizens needed to be educated and learn how to enjoy and live with wildlife.

Troy Stout asked who was responsible to remove carcasses of deer that had been hit by cars. Chief Gwilliam said they should notify the Division of Wildlife Resources. It was suggested their number be published in the Newsline.

### V. ACTION/DISCUSSION ITEMS

#### A. Appointment to the Planning Commission: Mayor Watkins said they were postponing this item.

**B. Wireless Telecommunication Ordinance:** Mayor Watkins turned this issue over to Councilman Lon Lott who had been working with the neighborhood in the Shepherd's Hill area.

Lon Lott said that one of the issues had been that the public hearings on cell towers were held at the Planning Commission level, which were the meeting the residents attended. However, the decisions were made at the City Council level where they had legal input from the City Attorney. They had invited the neighborhood to attend the City Council meeting that evening because they felt it was important that the citizens have their voices heard.

Mayor Watkins said they tried to make a difference on things they could make a difference on. The frustrating thing was that there were some things that were regulated by federal law where the cities had little control. He invited David Church to address the issue.

David Church said they were talking about three separate issues. The first issue was Sprint's application to add new equipment to their existing tower on Shepherd's Hill. Last week the City had addressed the application and talked about that specific application in relationship to the new federal legislation. The legislation read as follows:

State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. For purposes of this subsection, the term “eligible facilities request” means any request for modification of an existing wireless tower or

base station that involves—

- (A) collocation of new transmission equipment;
- (B) removal of transmission equipment; or
- (C) replacement of transmission equipment.

Mr. Church said the second issue was the recommendation that the City update their Wireless Telecommunication Ordinance to reflect the recent changes in federal legislation on cell towers. Upgrades to an existing tower which did not substantially change the tower shall be approved and dealt with in an expedited manner. It was also suggested that the DRC (development review committee) deal with those specific applications.

The third issue was the issue raised by Steve Crain who said that if they were looking at amending the ordinance, they should also look at encouraging the location of cell towers in other areas such as parks, schools, cemeteries, etc. Technology had changed and they could be located very unobtrusively on flag poles, etc.

Will Jones said that one of the big issues raised in Planning Commission was why were they going to adopt an ordinance to reflect the federal law if the actual law had not yet been adopted in Congress?

David Church said the FCC had proposed some regulations and adopted some guidelines for cities. It was not part of the law but there were guidelines stating what a substantial change was.

Lon Lott said the neighbors were concerned about how and who it was that determined if there was a substantial change. They wanted that decision to be handled more publically rather than by the DRC.

Kent Tasso said he lived in the Shepherd's Hill neighborhood. He owned four residential treatment centers in other communities and he was aware of the process involved in getting city approval for controversial uses. They could not be denied, but the details were debatable. In one community he had been required to put in a road. He said he felt the Council did a poor job of representing the people of Alpine. He would like them to get a second opinion to make sure the wireless companies were not taking advantage of the residents. He would like to know if the City had more power or authority than they thought they did. He recognized that they could not restrict or deny the towers, but he felt there were conditions that could be imposed on the towers.

David Church said they could require stealth towers and that language was already in the ordinance. He said the City had received voluntary compliance from the wireless carriers on landscaping around the towers.

Greg Clark said the ordinance as proposed had two problems. First, it was so vague the staff couldn't answer questions about what something meant. The second problem was that it referenced something that was not yet settled in federal law. He said there were 23 antennae on Shepherd's Hills and the carriers wanted to add more. Couldn't they locate some towers in other places? Lehi City had a ordinance that put the burden of proof on the application to show that their tower could not be located in the high priority site. He said it was time to look at other high priority sites in Alpine. Perhaps they could offer a streamlined process if they located it in a high priority site. If they wanted to put it on Shepherd's Hill, they would need to go through a process.

David Church said that was one of the problems with the ordinance. It was written that a preferred location was Shepherd's Hills, and that co-locating on an existing tower was also preferred.

Stephen Crain said he agreed with much of what David Church had said. He reviewed the history of cell towers in Alpine and said he had worked with Ted Stillman to write the current Wireless Telecommunication Ordinance. They put in a provision requiring a stealth tower. He said the only place he had ever been denied a cell tower was in Lehi. He'd been required to pay for spruce trees around a site in Idaho. He said the federal law stated that cities could not use health reasons to deny a cell tower, but it was no coincidence that there was a cluster of autoimmune diseases in families that lived around the towers.

Stephanie Tasso said that, as a neighborhood, they had been before the City countless times over this issue. The feeling they always came away with was that the City had a lot of excuses as to why their hands were tied. She said the residents were the ones who were living with the risks. When they had treatment centers approved, cities told them they could have 12 beds and that was all. Why couldn't they restrict the cell towers? Why couldn't the cell

companies spend some of the money they were raking in? She said they were tired of dealing with this issue again and again.

Olivia Helms said it was not just people on Cascade whose health was affected. There were six homes on the south side of Rocky Mountain, and in five of those homes there were people with serious illnesses. She had gone through two bouts of cancer. When they kept adding antennae to the towers on Shepherd's Hill, how much radiation were they adding? She said they depended on the Council as elected officials to support the residents instead of big business.

Jason Bond said the proposed language in the ordinance came from the FCC and was intended for discussion, not adoption.

**MOTION:** Lon Lott moved to reconsider the verbiage in the ordinance and address the ordinance utilizing the recommendations given by the audience that evening including finding more specific preferred areas in Alpine for new cell towers such as the cemetery. Motion withdrawn.

Steve Swanson said he would love to see language about specific areas for towers and the number of towers in that location. He'd like to see something about co-location on towers on Shepherd's Hill.

David Church said they had taken out Shepherd's Hill and Lambert Park as preferred locations in the ordinance, and put in a radius limitation. He said the federal law stated that co-location could not be denied unless it was a substantial change. Under the ordinance there would be no new towers on Shepherd's Hill.

Greg Clark said the point they were trying to make was not that there should be no new towers. They were saying they didn't want any more antennas on Shepherd's Hills. They were also concerned about who would decide what was a substantial change. They wanted there to be public input on what was a substantial change. If someone wanted a simplified process to add to an existing tower, they could move it to another high priority location.

David Church said the only wiggle room they had was on what constituted a substantial change. Collocating and replacing antennae requests could not be denied.

**MOTION:** Will Jones moved to adopt the language from federal statutes and keep the provisions in the ordinance that any applications for upgrades or new towers had to go through the approval process with the DRC, the Planning Commission and City Council. Troy Stout seconded. Ayes: 4 Nays: 0. Will Jones, Troy Stout, Lon Lott, Roger Bennett voted aye. Motion passed.

Lynn Steuber asked if the City was ever going to limit the number of antennae on Shepherd's Hill. How did they monitor the emissions and who knew what the limit was? She said it was a health issue. The City should be concerned about the public health.

David Church said there was a practical limit of space and weight. The companies competed with each other. They had to force them to collocate.

Steve Crain said they needed to hire an epidemiologist to study the effect of emissions.

**C. Fireworks in Creekside Park on July 4th and July 24<sup>th</sup> :** Rich Nelson summarized how the fireworks in the park had been handled this year.

1. The fire chief recommended in what area of the City fireworks should be banned.
2. The City Council made a motion to ban fireworks in the recommended areas, and decided that residents could use Creekside Park as an area where fireworks could be ignited.
3. This area was posted on the City website, Facebook page, and other places.
4. Certain areas of Creekside Park were roped off so people or fireworks were not allowed in those areas.
5. The trees and brush on the west side of the park were watered down by the fire department.

6. Signs were placed at the entrances to the park explaining that this was not a city-sponsored event and could be dangerous.
7. The City's callout system was used to notify all residents to reiterate the message of #6.
8. Police and fire officers and equipment were located at Creekside Park.

Rich Nelson said he had discussed the fireworks in the park with the police and fire. They would continue to restrict the outside areas of Alpine to fireworks. Their options were to either let them light fireworks in Creekside Park or restrict them all together. It was not a City-sponsored event. Staff felt they had a good plan and recommended they keep it.

Troy Stout asked if there was any damage as a result of the fireworks in Creekside Park. Rich Nelson said no. There would continue to be warnings to be careful and to do it at your own risk.

**D. Ordinance No. 2014-14, Planned Residential Ordinance:** Jason Bond said the Council had previously approved an ordinance amending lot area and width requirements in residential zones to enable developers to design more logical lot lines in regular subdivisions. It had worked well and it was proposed they make the same changes to the PRD Ordinance which governed planned residential developments.

Troy Stout asked if that meant they could take some open space to square up a lot. Jason Bond indicated that was the case.

Lon Lott clarified that it would not change the density of a subdivision.

Will Jones said the lot would still need to meet the requirements of the current ordinance without the exception.

**MOTION:** Will Jones moved to approve Ordinance No. 2014-14 amending Section 3.9.4 of the Alpine City Development Code relating to slope requirements in Planned Residential Developments. Troy Stout seconded. Ayes: 4 Nays: 0. Will Jones, Roger Bennett, Lon Lott, Troy Stout voted aye. Motion passed.

**E. Vandalism at Lambert Park:** Mayor Watkins said they had added more signage in Lambert Park and it was immediately destroyed. It was suggested they move some big boulders to the emergency access road. It would still be passable but the boulders would set it apart. They planned to do some education and have an article in the Newsline. They were asking citizens to step up and take a cell phone picture if they saw violations.

It was also suggested that they post a speed limit of 15 mph in Lambert park. It would be on the agenda for the next meeting.

## **VI. COUNCIL COMMUNICATION:**

Roger Bennett reported that the neighbors on Canyon Crest Road loved the No Parking signs that had been put up by Burgess Park. Mayor Watkins said Rich Nelson was also working with the teams to not double schedule the ball fields. David Church said the problem was that parks were built without the intention of it becoming a ball field. Cities should consciously build playing fields and plan the parking.

Roger Bennett said he lived next door to a park. On Saturdays and a few nights a week the streets were packed with cars. He felt like it was a good tradeoff for living next to green space.

Troy Stout asked about the possibility of having an amphitheater in Alpine for a performance. The Council agreed it was something they should look into.

## **VII. STAFF REPORTS**

David Church said the League of Cities and Towns Convention started this week. They were pushing legislature to give back authority to the cities over fireworks. He said their legislators needed to be informed and onboard with this. He also informed the Council that the City had received a Notice of Claim for the Cochran's for flood damage to their property.

Shane Sorensen

- He said it had been rainy for the past two weeks. He reported on the rainfall but said it had not taxed the system they built to handle the rainfall and flooding. They were getting some erosion on the smaller events so they would be making some changes higher up to spread out the water.
- Regarding street maintenance, Shane said they would be milling some roads. The only inconvenience would be the roundabout. They would pave the roundabout on Sunday. Troy Stout asked when his road would be repaved. They had weed growing in it. Mayor Watkins said they had a priority list.
- Shane Sorensen said there was a report from a parent that there was Bittersweet Nightshade growing by Alpine Elementary School which was poisonous for children. The school had put up a chain link fence. The Utah County weed specialist had been contacted for eradication information.
- Shane Sorensen reported that the fire road in Lambert Park was becoming rutted with all the rain.

Don Watkins said he would be out of town in two weeks. Roger Bennett would also be out of town. Troy Stout would serve as mayor pro tem. He could vote as the mayor pro tem.

**VIII. EXECUTIVE SESSION.** None held.

**MOTION:** Will Jones moved to adjourn. Roger Bennett seconded. Ayes: 4 Nays: 0. Motion passed.

The meeting was adjourned at 9:30 pm.