

**ALPINE CITY COUNCIL MEETING**  
**Alpine City Hall, 20 North Main, Alpine, UT**  
**May 22, 2012**

**I. CALL MEETING TO ORDER:** The meeting was called to order by Mayor Hunt Willoughby at 7:00 pm.

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

Mayor Hunt Willoughby

Council Members: Will Jones, Bradley Reneer, Kimberly Bryant, Mel Clement

Council Members not present: Troy Stout

Staff: Rich Nelson, David Church, Shane Sorensen, Jay Healey, Kip Botkin, Jannicke Brewer

Others: Chelsie Lukins, Gage McQuery, Kelli Rhodes, Kim Bracey, Ross Welch, Dana Beck, Annalisa Beck.

**B. Prayer:** Kimberly Bryant

**C. Pledge of Allegiance:** Jannicke Brewer

**II. PUBLIC COMMENT:** Chelsea Lukins said she was representing the Miss Northern Utah County Pageant. The program was through the North America franchise and was all about promoting scholarships and education. She said she was aware the Council donated \$4,500 to the Distinguished Young Women Pageant and was hoping they would split the amount between that pageant and the Miss Northern Utah County Pageant because she would be representing Alpine as well.

Gage McQuery said he would like to do an Eagle Scout project to improve the bridges on the trails in Lambert Park. Some needed to be re-stained and some needed rails to make them safer. There were weeds in front of the bridges and they would knock those down as well. He was advised to keep the rails low to prevent hitting them with handlebars.

### **III. CONSENT CALENDAR**

**A. Approve the minutes of May 8, 2012.**

**MOTION:** Will Jones moved to approve the minutes of May 8, 2012 as amended. Kimberly Bryant seconded.  
 Ayes: 4 Nays: 0. Motion passed.

### **IV. REPORTS AND PRESENTATIONS:** None

### **V. ACTION/DISCUSSION ITEMS**

**A. Funding for the Distinguished Young Women of Alpine (formerly: Alpine Junior Miss) and Miss Timpanogos:** Mayor Willoughby said the discussion on funding for the pageants had begun at the previous meeting when the Tentative Budget was adopted. Council members had requested it be a discussion item on the next agenda since the Council had a policy of not donating funds to other organizations or endeavors in the community. Kelli Rhodes represented the Distinguished Young Women organization along with Kim Bracey, the local director. Ms. Rhodes passed out letters that had been emailed to her by different families regarding the benefits of the program. She said that 57% of incoming freshmen are women, but scholarships that were given out were given to men 4 to 1, and pageants were an opportunity for girls to receive scholarships. She said the Distinguished Young Women program was not part of the Miss America program. Leadership, talent, service and academics were part of their program. She said that in the Alpine pageant there were several girls each year that received scholarships. It was not just one girl. If the girls did not use it, the funds came back to the local program. She said seven national winners had been from Utah and they had more winners in the top ten than any other state. In fact there were so many outstanding girls that leaders from the program came to Utah to see what was done to produce so many distinguished young woman. Many of the girls who participated had spent a lifetime developing their talents. She said this program was an investment in young women and the future. All the leaders were volunteers except the directors of the national program.

Mayor Willoughby explained that the City Council had numerous requests for funding from a number of worthy causes. However the City's budget was lean and it wasn't possible for them to donate to them all, and there was no fair way to decide who received funding and who did not.

The representative from Miss Timpanogos said they were also seeking funding from the City for their program. She said they were not the same program as Distinguished Young Women but their goals were the same. Their focus was service. Their program was for young women who were 18 to 24, unlike the Distinguish Young Women program which was for 17-year-olds.

Kim Bryant said she wasn't present at the last meeting so she didn't know that the funding was going to be eliminated. She said she supported the Distinguished Young Women program and had seen positive changes in the lives of girls who were involved.

Bradley Reneer said he had proposed that they take funding for Distinguished Young Women out of the budget and noted that other groups had also asked the Council to donate to worthy programs. He questioned if it was the proper role of government to donate to the various groups. When a group had a fund raiser, an individual could determine whether or not they wanted to contribute. If a government donated taxpayer money to a group, the taxpayer had no choice in whether his taxes supported a particular group. He said it was difficult to justify donating to one worthy cause but not to another. There was no doubt it had a positive influence as did education. But the City Council was not the school board so they didn't do anything with education.

Mrs. Rhodes disagreed saying that with that kind of logic, the government's only role was to build roads and not be involved with people's lives. She said the federal government wanted to take over banking and health care. Was that something they should be involved with? She said their program was something that affected young people at a time in their lives that was crucial. She said there were girls who struggled with eating disorders but after going through their program they were able to overcome it and help others. She said a government that was involved only with roads and signs and building was starting to lose something for the people.

Kimberly Bryant said she understood what Bradley Reneer was saying and they were responsible to use tax dollars wisely, but Alpine was also a community. The Distinguished Young Women program had been part of Alpine for years. They couldn't do everything and they'd love to do everything but they couldn't. It was a fine line of what they supported and what they did not.

Mr. Reneer said he hoped Alpine would make their facilities available for those programs but he didn't think the taxing authority should be used that way.

Mel Clement said there were so many good programs that were reaching out for support, but he was not willing to vote tax payer money for them. Individuals had the opportunity to donate if they chose.

**MOTION:** Will Jones moved to approve \$4500 in funding for the Distinguished Young Women program. Kimberly Bryant seconded. Ayes: 2 Nays: 3. Will Jones and Kimberly Bryant voted aye. Bradley Reneer and Mel Clement voted nay. It was a tie vote and Mayor Hunt Willoughby voted nay. Motion failed. Mayor Willoughby stated that he agreed with Mr. Reneer and Mr. Clement and added that he felt the federal government was heading in the wrong direction by becoming involved with personal issues.

There was a brief discussion about the pageant being covered by the City's insurance program for using the school. Mayor Willoughby said he would make some calls to determine what they could do.

**B. Laura Potter Site Plan - 188 N. Main:** Jannicke Brewer said the Peppermint Place had been leasing the Potter's building at 188 N. Main in the business commercial zone but they had moved back to their original location. Laura Potter was proposing using the building for cooking demonstrations and small parties. It would be a change of use from retail so they needed approval. At the most there would be 24 people in the building. There was enough parking for 96 people. The Planning Commission had recommended approval.

**MOTION:** Will Jones moved to approve the Laura Potter site plan at 188 N. Main Street as presented. Mel Clement seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

**C. Hebbert Hawaiian Shaved Ice Stand:** Jannicke Brewer said Brandon and Whitney Hebbert were proposing to open a shaved ice stand in the parking lot of the Season's Gallery at 195 E. 200 North in the business commercial zone. The owners of Season's Gallery supported the use and there would be adequate parking. Waste water would be transported to the owner's home and disposed of down their toilet. Potable water would be obtained from their home. The workers had permission to use the restroom in Season's Gallery and when it was closed they could go to the owner's home which was nearby. An electrical extension cord from Season's Gallery would need to be approved by the building inspector. The Planning Commission had approved a six-month conditional use permit for seasonal sales subject to a number of conditions including the color of paint for the stand.

**MOTION:** Kimberly Bryant moved to approve the proposed Hawaiian Shaved Ice Stand with the following conditions:

1. The location of the building be changed to meet the side setback requirement.
2. That the Planning Commission approve the proposed medium brown color.
3. That the applicants meet the applicable Utah County Health Department requirements.
4. That the applicants obtain the approval of the building official for the power.
5. That a garbage can with a closing lid be provided next to the stand.
6. The building be moved off-site after the six-month conditional use permit expired.

Will Jones seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

**D. Vintage Place Plat B, Minor Subdivision:** The Planning Commission had reviewed and recommended approval of a 3-lot subdivision on 1.5198 acres in the TR-10,000 zone located at approximately 250 North. It spanned the distance between Grove Drive and 300 East with frontage on both streets. There was an existing home on lot #1.

Will Jones stated he had a conflict of interest on this item because he was the developer of the subdivision and would abstain from voting.

**MOTION:** Kimberly Bryant moved to grant final approval to Vintage Place Minor subdivision subject to the following conditions:

1. Sewer, water and pressurized irrigation laterals be stubbed into lots 2 and 3.
2. The Fire Marshal verify that the existing fire hydrants will provide adequate fire protection.
3. An easement be shown on the plat for the existing irrigation ditch.
4. The City's water policy be met.
5. An estimate be provided for the cost of improvements and a bond be provided as per the bond letter.
6. The redlined comments on plat be addressed.

Mel Clement seconded. Ayes: 3 Nays: 0. Motion passed. Kimberly Bryant, Mel Clement and Bradley Reneer voted aye. Will Jones abstained.

**E. Ordinance No. 2012-03 River Meadow Zone Change - Meadowbrook Properties (Patterson Construction) represented by Ross Welch:** The property consisted of 3.4 acres located at approximately 199 E. Red Pine Drive in the Business Commercial zone with an Assisted Living/Nursing Care Overlay zoning. Jannicke Brewer said that the owners originally got approval for an Assisted Living/Nursing Care addition to the River Meadows Senior Housing Center but because of market conditions the owners were requesting a change to a Senior Housing Overlay. Fewer units were allowed under senior housing than assisted living. A possible layout showed a total of 24 units which would be sold as private housing for senior citizens, similar to Paradise Cove. The ordinance required 80% of the units to be occupied by people who were 55 and older. Mel Clement said he'd seen situations where an older person passed away and children inherited the unit, but the law had held up and the unit could not be

occupied by younger residents. David Church said the neighbors were effective in enforcing the restriction because they didn't want to live next to kids.

Ross Welch represented Meadowbrook properties and said the units would be twin homes. The development already had several independent living cottages.

Jannicke said the Senior Housing Overlay ordinance stated that the actual zone change would coincide with the City Council's approval, and recordation of the final plat. However, the applicant was only seeking a zone change at that time. The actual zone change would not take effect until a final plat was recorded. David Church said the applicant would have a year to obtain final plat approval or the ordinance approving the zone change would lapse.

The Planning Commission had held a public hearing on the proposed zone change and recommended approval of the zone change subject to the condition that the zone change would not take effect until a final plat was approved by the Council and recorded.

**MOTION:** Will Jones moved to approve Ordinance No. 2012-03 adopting a zone change for a portion of the River Meadows Assisted Living Center located at approximately 199 E. Red Pine Drive changing the zoning from Business Commercial with an Assisted Living and Nursing Care Overlay to Business Commercial with a Senior Housing Overlay with the understanding that the zone change will not take effect until a final plat for a senior living project is approved by the City Council. If no approved plat is recorded within one (1) year from the date of the ordinance, the ordinance shall lapse and the zoning will revert back to an Assisted Living/Nursing Care overlay. Bradley Reneer seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

**F. Lights at the Rodeo Grounds:** Rich Nelson said Dana Beck had requested lights at the rodeo grounds for this year's Alpine Days. Dana Beck said the lights they chose were less expensive to purchase but they were more expensive to operate. However, since they only used the lights a couple of days out of the year it seemed like the best choice. The cost for permanent lighting and the installation would be \$38,529. The rodeo had secured about one-third of that amount. Dana Beck said they had about \$12,000 after costs from last year's rodeo and anticipated about the same from this year's rodeo. The City would carry the initial cost and would be reimbursed from the rodeo profits until it was paid off.

Mayor Willoughby said they needed to consider if permanent lighting that would be used two days a year was a good investment. He said he was concerned about vandalism and the possibility of the lights being shot out.

Dana Beck said he was at the rodeo grounds the other day and didn't see any bullet holes. The grounds were redone about eight years ago. He said he hadn't seen any vandalism up there other than a load of boulders.

Mel Clement asked about renting lights. Dana Beck said that was what they'd been doing and it didn't work that well. He said he'd talked to neighbors in the area and they'd indicated the rodeo lights were not as bad as they thought they'd be. The poles were in along with the conduit and the power. They had looked into detachable lights but that doubled the cost.

Bradley Reneer asked about other possible uses for the rodeo grounds and if the rodeo committee would have a problem paying for lights that other groups might use. Dana Beck said they would be happy to see other people use it. He noted that with the addition of restrooms, there had been a lot of people parked up there using the biking trails.

**MOTION:** Kimberly Bryant moved to approve the expenditure of \$38,529 for lights for the rodeo grounds with the condition that funds would be reimbursed back to the City. Will Jones seconded. Ayes: 4 Nays: 0. Kimberly Bryant, Will Jones, Bradley Reneer and Mel Clement voted aye. Motion passed.

There was a brief discussion about other uses for the rodeo grounds. The Council agreed that before other uses in the rodeo grounds were approved it should come first to the Council to develop a policy for use.

**G. Fireworks:** The Council discussed fireworks in Alpine. There had been complaints about the leniency of fireworks regulation the previous year. David Church said that because of the state law, fireworks could not be banned but they could be regulated. An outright ban would have to be justified as a fire hazard. The City could

probably justify prohibiting fireworks within 300 feet of open space and forest service land. It would be helpful if they had something official from the fire department to back it up. Enforcement of the time and type of fireworks was important. The number of days fireworks were allowed had been reduced by the state. Mel Clement said getting the rules out to the public would help with compliance.

**MOTION:** Will Jones moved to prohibit fireworks within 500 feet of forest service land and take the fire chief's recommendation on the distance of fireworks from undeveloped open space, and have the rules on fireworks posted throughout the city by signage and put the information in the Newline and on the webpage. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

**H. Ordinance No. 2012-02 - Storm Water Ordinance:** Mayor Willoughby said they had discussed the ordinance at the previous meeting. Bradley Reneer reviewed it and submitted his comments to staff. Jed Muhlestein said the biggest misconception was that the staff was writing the ordinance and was bringing it forward to the Council for them to modify but in reality it was given to the cities and they didn't have a lot of leeway in what was in the ordinance and how it was written.

Bradley Reneer said he appreciated Jed Muhlestein's response in sending them the state law. He said he still had some issue with parts of it and had discussed it with David Church before the meeting. He liked that their ordinance could not be more stringent than the federal and state regulations. Mayor Willoughby said they didn't want to bind themselves entirely. He preferred to see it say that Alpine's ordinance would not be more stringent unless there were special circumstances. He cited the example that Utah's ordinance on chemical warfare agents was more stringent than other states because Utah housed those types of facilities and there needed to be more regulation.

David Church explained that on the state level the various boards made rules in addition to the legislature so state law prohibited the boards from making rules that were more stringent than state or federal laws. But in Alpine City, the Council was the only body that made laws. He said he didn't think Alpine's storm water ordinance was more restrictive than state or federal regulation except for some provisions such as the clean street ordinance which was already existing.

Mel Clement said he would like to see a shorter, easier-to-understand outline of requirements to hand out to the citizens. David Church said education of the public was one of the requirements of the program and an executive summary of requirements was a good idea. Jed Muhlestein said there were pamphlets by the front door that summarized the requirements.

David Church said the reason Alpine had the regulations was not because it was a big city but because it was at the head of the stream and next to the mountains. Polluted water in Alpine would affect the rest of the valley.

Jed Muhlestein said the consensus he'd gotten from the builders he'd worked with on the water requirements was that it was good thing and was needed to protect the environment even though the paperwork was a hassle.

Bradley Reneer said that as much as he didn't like being told by state and federal government that the City had to pass something, he understood the rationale and appreciated the work that staff had put into it. He said he was glad to see the provision for waivers. He would like to refine it in the future. He said he liked Draper's website which had links and a lot of information on their storm drain ordinance.

Following a discussion about discretion applying regulations, Rich Nelson said they wouldn't go easy on anybody but they would explore the maximum flexibility.

**MOTION:** Bradley Reneer moved to approve Ordinance No. 2012-02 adopting the Storm Drain Ordinance. Will Jones seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

**I. Resolution No. R2012-04, Amending the Consolidated Fee Schedule.** Mayor Willoughby said the fee schedule needed to be amended in conjunction with the Storm Drain Ordinance to incorporate the fee for a land disturbance permit. Shane Sorensen said the fee was to cover the cost of implementing the ordinance.

**MOTION:** Will Jones moved to approve Resolution No. R2012-04 Amending the Consolidated Fee Schedule to include a fee for a Land Disturbance Permit, and have staff send letters to the affected entities making them aware of the changes. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

## **VI. STAFF REPORTS**

Rich Nelson asked the Mayor and Council to remember July 20th for the Arbinger Training. It would be at City Hall and would last all day. He said he'd also asked for a bid on changing out the florescent lighting in City Hall and the Shops.

Jannicke Brewer said the Planning Commission was working on the Telecommunication Ordinance and hopefully they would have it done by the end of June.

Shane Sorensen said they were making progress on the playground in Legacy Park. All the equipment would fit within the existing curb and meet the fall-zone requirements.

## **VII. COUNCIL COMMUNICATION**

**Kimberly Bryant** said the flowers were planted in the cemetery and the flags were up in preparation for Memorial Day. She said the Lone Peak PSD had hired their twentieth police officer.

**Bradley Reneer** said there was long discussion at the last TSSD meeting about the issue of representation. More discussion on this issue followed at the end of the meeting.

### **Will Jones**

1. He asked about the status of the requested stop sign between Heritage Hills Boulevard onto Main Street. There was no report as yet.

2. He asked if anyone had talked to the neighboring property owners about the triangular piece of ground on Canyon Crest, but no one had.

3. He reported he had talked to Jannicke Brewer about adding language to the zoning ordinance that allowed an accessory building to encroach in the PUE if they got letters from the utility companies approving it.

4. He said he got the flyer about the concert in the park, noting that in American Fork they had a concert schedule for the year. David Church said he saw that Dave Taylor got a quote from BMI regarding licensing. The license was not a big expense for the City but technically they needed to have one if they played music at city-sponsored events.

### **Mayor Willoughby**

Dave Taylor's concert was scheduled for June 22nd in Creekside Park.

2. The Lone Peak graduation would be May 29th at 9 am.

3. Curry Jones had agreed to be the chairman for Alpine Days.

4. He'd been working with the cemetery committee on the Memorial Day program, and hoped the Council would show up early to help with the breakfast.

5. The Lagoon tickets for council members and their families had not shown up yet.

6. There was a discussion about representation on the TSSD Board. David Church said it would take a change at both the county and state levels. Mayor Willoughby said he would put it on the agenda.

## **VIII. EXECUTIVE SESSION:** None held

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

The meeting was adjourned at 9:30 pm.