

**ALPINE CITY COUNCIL MEETING**  
**Alpine City Hall, 20 N. Main, Alpine, UT**  
**May 14, 2019**

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

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

Mayor Troy Stout

Council Members: Jason Thelin, Carla Merrill, Kimberly Bryant, Lon Lott

Council Members not present: Ramon Beck was excused.

Staff: Shane Sorensen, Charmayne Warnock, David Church, Austin Roy, Police Chief Brian Gwilliam, Fire Chief Reed Thompson

Others: Roseanne Fjeldsted, Brent Oakeson - ULGT, Alan Cottle, Suzi Whittenburg, Will Jones, Penny Linford

**B. Prayer:** Jason Thelin

**C. Pledge of Allegiance:** Chief Brian Gwilliam

**II. CONSENT CALENDAR**

- A. Minutes of Alpine City Council meeting held April 23, 2019**
- B. Partial Payment #1 – Pressurized Irrigation Meter Project Phase 3 - \$124,471.39**
- C. Pressurized Irrigation Meter Project – Phase 3 Materials: Hydro Specialties \$318,788.04**
- D. Resolution No. R2019-08: 2018 Municipal Wastewater Planning Program**
- E. Approve Bid for Morgan Pavement - \$20,950**
- F. Smithco - HVAC Replacement City Hall - \$18,915.00**
- G. 800 S. Waterline Payment - Sterling Don Excavation - \$71,615.24**

**MOTION:** Lon Lott moved to approve the Consent Calendar. Carla Merrill seconded Ayes: 4 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	None
Carla Merrill	
Kimberly Bryant	
Lon Lott	

**III. PUBLIC COMMENT**

Roseanne Fjeldsted - 365 W. River Circle. Ms. Fjeldsted said their home backed up to the Dry Creek Trail. She said the improvements the City had done to the trail were not improvements. The residents had asked them to keep it natural but they hadn't done that. She said there was one place with a lot of erosion that they'd ask the City to look at and a year later, no steps had been taken to control the erosion. With temperatures of 80 degrees, the high water was going to increase and worsen the erosion. The City had rerouted some of the trail due to the erosion and taken out shrubs and left them on the side of the trail which created a fire hazard. She said she had walked the trail with Chief Thompson and he agreed that the homes along the trails were in danger. She asked if it was going to be cleaned up. There had been three fires in that area with the last one occurring a month ago. She said that by widening the trail, they had opened it up to motorized vehicles. They needed to put some boulders in to block it. She said the City had volunteer days for people to help in Lambert Park. They needed something like that on the Dry Creek Trail. She said they needed to stop the motorized vehicles, make it look more like a natural space, and stop the erosion.

Troy Stout asked about the possibility of a field trip to the site. Shane Sorensen said he had walked the trail with Austin Roy. Ms. Fjeldsted's complaint was the first he'd heard. He said he thought the trail was improved from what it used to be. There were some low spots and they planned to put in some road base. He noted that the same fire hazards existed in the area before the subdivision was built. In improving the trail, they had removed much of the

debris, but more work needed to be done. They couldn't work in the channel when there was water in the creek, but they could work outside the channel.

The Council agreed to take a field trip to the Dry Creek Trail at 6 pm before the next City Council meeting, which would be June 11th.

#### **IV. REPORTS AND PRESENTATIONS**

**A. 2018 TAP Award - Brent Oakeson.** Mr. Oakeson said he was from the Utah Local Government Trust. This was the third time Alpine City had participated in the safety awareness program and had taken measures to reduce loss by accidents. The award for participating in the program was \$3,078.35, which was 5% of the City's liability premium.

**B. Financial Report.** Shane Sorensen said there would be some adjustments made to the budget at the next meeting. The City had made the payment for the lawsuit. He said the installation of PI meters was moving faster than expected and would probably be completed in this budget year, so there would be some adjustment there.

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

##### **A. Public Hearing – Tentative Budget 2019-2020**

Shane Sorensen presented the tentative budget for 2019-2020. He said he had met individually with all the Councilmembers in the past week to review the budget except for Kimberly Bryant. The Council would accept the tentative budget that evening and adopt the final budget on June 25, 2019.

He said there were no proposed increases to utility rates for solid waste, water, sewer, and storm drainage. The rate structure for pressurized irrigation would be addressed in the next fiscal year. He recommended they contract with a firm like Lewis, Burningham and Young to do a rate study for pressurized irrigation.

Alpine City's contribution to Lone Peak Public Safety District would be increasing. In order to be competitive and retain officers and recruit new officers, the police department would be increasing the wage by \$1.50/hour along with a 3% merit increase. That would generate an increase in retirement contributions. For those officers hired after the retirement benefits were reduced, they were proposing a 401K base and match. They would also be replacing four vehicles and had 5 leases to pay.

The changes in the budget for the fire department were largely due to the departure of Cedar Hills from the Lone Peak Public Safety District. Alpine and Highland would each be assuming a portion of Cedars Hills costs even though the number of fire fighters had been reduced from 9 to 8. The proposed staffing would be three firefighters in the Highland station and three firefighters in the Alpine station with two people on the ambulance stationed in Highland.

The overall increase for Lone Peak PSD was \$423,633.66. Shane Sorensen said that if the City wanted to continue with infrastructure projects as had been done over the years, and also maintain the same level of public safety service, they would need to look at increasing taxes. Options for additional revenue would be a property tax increase, a telecom tax increase, and a RAP tax, but RAP funds would be restricted for recreation.

Shane Sorensen said the current combined tax rate for Alpine City was the 3rd lowest in the county. If they increased the tax rate in order to cover the increased costs, he estimated a rate of 0.001572. However, the actual tax rate wouldn't be known until the county tax assessor determined the rate relative to property values. The county's goal was to keep the revenue level unless a community needed to raise taxes.

David Church explained that the county assessor calculated the tax rate for each city. They considered whether property values had increased or decreased then adjusted the tax rate up or down to keep the tax revenue neutral. If Alpine City raised taxes, they would hold a Truth in Taxation hearing in August, then approve the new tax rate and adopt the final budget.

Mayor Stout said he would prefer to have slightly higher taxes and maintain the same level of service and public safety.

**B. Accept the Tentative Budget FY 2019-20.**

**MOTION:** Jason Thelin moved to accept the Tentative Budget for Fiscal year 2019-20 and set a public hearing on the Final Budget for June 25<sup>th</sup>. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Motion passed.

**Ayes**

Jason Thelin  
Carla Merrill  
Kimberly Bryant  
Lon Lott

**Nays**

None

The Tentative Budget for FY 2019-20 would be posted on Alpine City's website.

Mayor Stout open the public hearing on the Tentative Budget. There were no comments and the hearing was closed.

**C. Montdella Senior Housing Development - Final Plat Approval**

Austin Roy said the developers had corrected the redlines from the preliminary plat, which the Council had seen at an earlier meeting. The Planning Commission had reviewed the final plat and recommended approval with a number of conditions.

Austin Roy said the proposed development met the requirements of the ordinance. It was located near a stream with a flood plain, but no part of the development was in the flood plain including the trail. The trail was marked appropriately on the plat showing the correct alignment. It would be an eight-foot wide, asphalt trail in a 20-foot wide easement.

The architecture and landscaping met the requirements of the Gateway Zone. In addition, the developer had brought physical samples of the buildings to an earlier meeting for the Council to view.

The development would have a 26-foot wide private street; no parking would be allowed on the street. A condition of approval recommended by the Planning Commission was that the street would have signage indicating that parking was not allowed. There would be eight visitor parking stalls. Each unit would have four parking spaces with two in the garage and two in the driveway. A private garbage service would be collecting trash.

The development had two ingress/egress points, one from Main Street and one into the adjacent business parking area. The Planning Commission recommended that a fully signed cross easement agreement be provided to the City.

The Gateway Zone required all property fronting on Main Street to be landscaped. The developer had submitted a landscaping plan, which met the requirements. The proposed trees complied with the Tree Guideline Book.

When the Planning Commission reviewed the final plat, there was a missing fire hydrant which had since been added.

Jason Thelin questioned the appearance of the buildings. The watercolor renderings looked good, but he wondered if the actual buildings would look like the renderings.

Alan Cottle, who was the developer, said the buildings would have an all masonry exterior with some hardiboard. There would be no stucco. He had also provided a more detailed drawing of the buildings with a legend identifying the materials.

There was a discussion about the cross-easement agreement. Because of the narrowness of the road, there needed to be a way for emergency vehicles to enter the project in the event of an emergency while residents were evacuating. David Church explained that the cross-easement agreement was needed purely for public safety access. It was not to

be a public access. When the adjoining commercial property was developed, the City required a stub to this property to the north.

Jason Thelin asked about the traffic study. Austin Roy said Hale Engineering had done the study and did not recommend any traffic restriction due to the low traffic that would be generated by the development. It would be considerably less than if the space was occupied by commercial businesses. There was no restriction on left-hand turns from Main Street into the development.

There were questions about the lighting and fencing. Alan Cottle said lighting had been discussed at the last meeting. It would be the same as the lamp posts on Main Street. Regarding fencing, Shane Sorensen said the plan showed a six-foot wall. Alan Cottle said the fence would be more of an architectural feature. It did not enclose the property. The Planning Commission had recommended a shorter fence along Main Street.

**MOTION:** Lon Lott moved to approve the final plat for the Montdella Senior Housing Development with the following conditions:

1. The 26-ft wide private street would be signed that no parking was allowed.
2. The city water policy be met.
3. The developer provide a fully signed cross-easement agreement with adjacent properties to the south prior to recordation.
4. The material legend be followed as submitted.
5. The fencing on Main Street be between three and four feet high with stone columns ten-foot on center.

Carla Merrill seconded. Ayes: 2 Nays: 2 Mayor Stout voted nay and the motion failed.

**Ayes**

Carla Merrill  
Lon Lott

**Nays**

Jason Thelin  
Kimberly Bryant  
Mayor Troy Stout

After more discussion clarifying that the cross-easement agreement, a second motion was made.

**MOTION:** Lon Lott moved to approve the final plat for the Montdella Senior Housing Development with the following conditions:

1. The 26-ft wide private street would be signed that no parking was allowed.
2. The city water policy be met.
3. Prior to recordation, the developer will provide a fully signed cross-easement agreement with adjacent properties to the south, which will provide access that meets the fire code.
4. The material legend be followed as submitted.
5. The fencing on Main Street be between three and four feet high with stone columns ten-foot on center.

Jason Thelin seconded. Ayes: 4 Nays: 0. Motion passed.

**Ayes**

Jason Thelin  
Carla Merrill  
Kimberly Bryant  
Lon Lott

**Nays**

None

**D. Willow Canyon Height Restriction - 153 N. Bald Mountain Drive – Whittenburg**

Austin Roy said lot 29 was located in the Willow Canyon Subdivision and was unique in that it had the greatest slope of any lot in the subdivision. The HOA had reviewed the request to waive the height restriction and recommended approving it. The lot was naturally below street level. The home would be located 90 feet back from the road where the terrain dropped considerably in elevation. Because of the lower elevation, the home would appear

to be 22 feet high when viewed from the road, even though it was designed to be 38 ft. 10.5 inches tall. That would make it 13 ft. 10.5 inches above the allowable height of 25 feet from natural grade. The greatest height difference the Council had allowed in the past was 7.5 feet to the Clark home in 2018.

Mayor Stout asked about the view of the home from the west. Austin Roy said there was a strip of open space along the west and no homes were adjacent to the lot. The HOA noted in their letter of recommendation that because of the terrain on the lot, if the waiver wasn't granted, the lot would be unbuildable.

Susan Whittenburg said that when they bought the lot, they didn't know how difficult it would be to build a home on it.

**MOTION:** Kimberly Bryant moved that the City waive its right to enforce the height restriction found in the Willow Canyon Annexation Agreement for lot 29 of the Willow Canyon Subdivision so long as the height did not exceed 13 feet 10.5 inches above the 25-foot height limitation. Carla Merrill seconded. Ayes: 4 Nays: 0. Motion passed.

**Ayes**

Jason Thelin  
Carla Merrill  
Kimberly Bryant  
Lon Lott

**Nays**

None

**E. Improvement to Open Space - Tree Planting in Public Open Space Near Ridge Lane**

Austin Roy said the City had received a request from Scott Hardy at 539 S. Ridge Lane to improve the open space behind his lot by planting pine trees. His neighbor Dave Fotheringham's family owned a tree farm and would be supplying the trees. Mr. Hardy wanted to beautify the area and also block the view of accessory structures to the east. If possible, he would also like to plant some bigtooth maple trees or something similar and scrub oak. He would also like to plant poppies similar to the ones in Lambert Park. He would run a drip line to the trees and water them until they were established. He estimated that would take three to five years.

Mayor Stout expressed a concern that approving the request would set an expectation for other people who wanted to extend their yards into the adjacent open space. Unauthorized encroachments were already a problem in Alpine.

Several Councilmembers questioned planting trees just behind his lot since the open space extended along the back of all the lots on Ridge Lane. They also wanted to know how he would be getting in there to plant the trees.

Jason Thelin said he would like to see a landscape plan before approving anything and made a motion to that effect, then withdrew it.

Lon Lott said that time was critical. The window in which to successfully plant trees was closing. If the trees weren't planted very soon, they would need to wait until next year and the trees probably would not be available by then.

There was a discussion about the request for not just pine trees but other types of trees and flowers. It was noted that it seemed that he was trying to extend his backyard. The Council agreed that only pine trees could be planted.

**MOTION:** Lon Lott moved to approve Scott Hardy's request to plant trees in the public open space behind his home at 539 S. Ridge Lane and restrict the planting to just pine trees with the design to be approved by the City. Carla Merrill seconded. Ayes: 3 Nays: 1. Motion passed.

**Ayes**

Jason Thelin  
Carla Merrill  
Lon Lott

**Nays**

Kimberly Bryant

### **F. Trailhead Kiosk in Lambert Park**

Austin Roy said staff proposed building a kiosk on the eastern boundary of Lambert Park above the water tank. It would identify the trails in the area and serve as a reminder to people shooting on Forest Service land that there were people on the trails, and it was illegal to shoot within 150 feet of a structure.

David Church said the Forest Service prohibited shooting within 150 feet of any structure, but he wasn't sure the kiosk met the definition of a structure. Plus, if the shooting was taking place outside Lambert Park, city officials could not enforce it without permission from the federal government.

It was decided they needed more information and they wanted to work with the trail committee, so no action was taken on the item.

### **G. Ordinance No. 2019-10, Urban Wildland Interface Ordinance**

Shane Sorensen said this ordinance would address the need for fire sprinklers on a case by case basis rather than requiring sprinklers based on an arbitrary line. The ordinance would be accompanied by a reference book, The Lone Peak Department Wildland-Urban Site Plan/Development Review Guide, which would define the criteria for fire sprinklers.

David Church said this was a much better approach and closer to what the state legislature wanted cities to do. The current ordinance was written in 1996. The map was drawn at the same time which was before any development had taken place in those areas and didn't accurately reflect the actual terrain. This would allow the fire chief to evaluate each lot individually and determine what kind of fire suppression methods were needed.

Chief Reed Thompson said the new ordinance would improve the fire department's position because they would use data analytics in determining where fire sprinklers were necessary. The state required cities to have a fire prevention plan and this would aid that. The requirement was based on a scoring system rather than an arbitrary line. He said any home over 10,000 square feet would need to have fire sprinkler regardless of its location.

**MOTION:** Lon Lott moved to approve Ordinance No. 2019-10 amending the Urban Wildland Interface Ordinance and adopt the wildland guidebook as proposed. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Motion passed.

#### Ayes

Jason Thelin  
Carla Merrill  
Kimberly Bryant  
Lon Lott

#### Nays

None

### **H. Utah County Municipal Recreation Grant - 2019**

Austin Roy said the municipal recreation grant money available to Alpine City was \$5,177.33. The deadline to apply for the grant was May 20th. Since the money was to be used for recreational purposes, the last grant was used to improve the Dry Creek Trail. It was proposed that this grant be used for further improvements along the same rail.

**MOTION:** Jason Thelin moved to approve the application for the Utah County Municipal Recreation Grant for 2019. Carla Merrill seconded. Ayes: 4 Nays: 0. Motion passed.

#### Ayes

Jason Thelin  
Carla Merrill  
Kimberly Bryant  
Lon Lott

#### Nays

None

## VI. STAFF REPORTS

Chief Reed Thompson.

- The Lone Peak Fire Department had received a \$2,500 grant from Select Health. The funds would be put toward providing trauma kits to be placed in the schools. They were hoping to get more donations for more kits.
- They had a bizarre call over the weekend, which they addressed with the parents. A couple of kids had devised a flame thrower, which could have had dangerous consequences and would be a second-degree felony.
- They were approaching the last two weeks of the open burn window. Temperatures would be going up and they would be seeing a lot of high water and the potential for fires. They were trying to get the message out to avoid high risk areas.

David Church.

- The summary judgement on the Clark appeal was scheduled for May 29th.
- In response to a question from Jason Thelin about the legality of kids on motorbikes racing along the roads and sidewalks, Mr. Church said there was no place in town where one could legally ride a motorbike or ATV unless it was on private property with the permission of the homeowner. If an ATV was street legal, it could be driven on the road but only by a licensed driver. Chief Brian Gwilliam said they would be producing a video on the subject.

Shane Sorensen reported that traffic would be down to one lane on Grove Drive from the 90-degree bend to the Zurcher property. They were putting in a waterline extension for the Zolman development.

## VII. COUNCIL COMMUNICATION

Carla Merrill asked how much longer they would be working on the 600 North/Main Street project. Shane Sorensen said it would hopefully be completed in a few more days. He said the gas leak the other day was not the contractor's fault. It had been mismarked.

Mayor Troy Stout

- He asked about enforcement of no motorized vehicles in Lambert Park. He'd seen a lot of tire tracks going into the park from the end of Moyle Drive. Chief Gwilliam said they were going to have a staff meeting about cracking down on offenders. Mayor Stout also said he'd like to see signage about not using the trails when they were wet or muddy. It caused a lot of ruts, which could be hazardous.
- He asked about the possibly of putting stickers on recycling cans. A lot of people didn't know when to put their cans out.

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

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

**Ayes**

Jason Thelin  
Carla Merrill  
Kimberly Bryant  
Lon Lott

**Nays**

None

The meeting was adjourned at 10 pm.