

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 N. Main, Alpine, UT
October 24, 2017

I. CALL MEETING TO ORDER: The meeting was called to order at 7:00 pm by Mayor Sheldon Wimmer.

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

Mayor Sheldon Wimmer

Council Members: Troy Stout, Ramon Beck, Kimberly Bryant, Lon Lott

Council Members not present: Roger Bennett

Staff: Shane Sorensen, Charmayne Warnock, David Church, Austin Roy, Dave Sanderson

Others: Loraine Lott, Ezra Nair, Carla Merrill, Judy Buckner, Chrystal Eaton, Sullivan Love, Ed Bush, Chris Paulson, Sylvia Christiansen, Rhett Anderson, Gale Rudolph, Jessica Smuin, Mary Wimmer, Mike Russon, Cori Russon, Annette Flygare, Debbie Merrill, Ross Welch, Debra Hart, Michelle Smith, Michael W. Porter, Pam Madson, Mike Christofferson, Queston Wallace, Jacob Hanks, Niklas Ambuehl, Cole Christofferson, Daniel Noot, Gerrit Noot, Brady Smith, Julianne Rowley, Kandi James, Dennis James, Roxy Stanley, Colin Stanley, Jonah Stanley, Erin Stanley, Will Jones, Greg Ogden, Bryan Hofheins, Tom Watkins, Steve Cosper

B. Prayer: Ramon Beck

C. Pledge of Allegiance: Boy Scout

II. PUBLIC COMMENT:

Ed Bush offered a monthly report on the Alpine Nature Center. He said the website had about a hundred visitors a day. Recently they had posted a panorama of the mountains on the east and north and identified the peaks and canyons. There were photos displaying the fall colors, and information on the tarantulas which were out and especially plentiful in Lambert Park at dusk. They were continuing to form a bird-watching group, and were looking forward to spring activities with nature walks and hikes. They had about a thousand followers on their Facebook page. He said one thing they would like from the City was to have easier access to their website from Alpine City's webpage, perhaps a banner at the top.

III. CONSENT CALENDAR

A. Minutes of the City Council meeting of October 10, 2017

B. Eastview Drive Storm Drain Reimbursement – Patterson Construction, Inc. \$19,540.00

C. Bond Release #7 – Three Falls Ranch Phases 2 & 3 - \$155,732.32

D. Payment for North Utah County Aquifer Council – 2017-18 work plan - \$10,000.

Shane Sorensen explained that item B was for a development that was going in on Eastview. The developer had made improvements to an existing storm drain problem in a subdivision built in the 80s. It was done as part of the improvements for the new subdivision and the City was reimbursing them for the offsite cost.

Item D was the cost for modeling for future water needs. Money had been budgeted to take the modeling to the next level.

MOTION: Lon Lott moved to approve the minutes Consent Calendar. Troy Stout seconded. Ayes: 4 Nays: 0. Lon Lott, Kimberly Bryant, Ramon Beck, Troy Stout voted aye. Motion passed.

IV. REPORTS AND PRESENTATIONS

Shane Sorensen introduced Dave Sanderson who was a contract employee with Alpine who was hired to help with the finance department after Alice Winberg resigned. He said Mr. Sanderson had made some very helpful updates and appreciated his work.

A. Audit for Fiscal Year 2016-2017 – Greg Ogden: Independent Auditor Greg Ogden reviewed the audit for Alpine City’s past fiscal year. He said there were two relatively small findings. The first was that the Treasurer’s bond did not provide adequate coverage. State law required the treasure bond to increase as the budgeted revenue increased. That would be easily fixed. The second item was that the City Council Minutes he tested in his audit had not been posted to the Public Notice Website within three days after they were approved as required by state law. That, too, would be a simple fix. He said the one issue the City had consistently in the past which was the timely expenditure of impact fees, was not an issue in this audit.

Mr. Ogden then reviewed the Financial Statement. He compared the assets and deferred flow of resources with the liabilities and deferred inflows of resources, and said the City was doing really well. The City had an unrestricted net position of \$11,635,742 for both governmental activities and business type activities, with almost eight million in business type activities. The total net assets were \$72,952,769.

Mr. Ogden briefly reviewed the statement of revenue and expenses for the business-type activities/Enterprise Fund which included water, sewer, pressurized irrigation, and storm drain. The revenues and expenses were very close. The water fund and storm fund were at a slight loss. As far as long-term debt, the City was in a very good position. They had only one bond, which was for pressurized irrigation and it was due to be paid off in ten years. The remaining balance was about three million dollars.

Lon Lott asked what the treasurer bond was for. Mr. Ogden said it was to protect a city in the event of fraud. Other officers and councilmembers were also supposed to be bonded. Shane Sorensen said the City had a blanket bond that covered everyone else. Regarding the posting of minutes, Lon Lott asked how that would be remedied. Shane Sorensen said the Recorder would have a reminder on her computer to post them. If for some reason she was out of town, someone else would be assigned to do it at a staff meeting.

Greg Ogden said he appreciated working with Shane Sorensen. He was a very hands-on administrator and he liked that. He also appreciated Dave Sanderson for stepping in and taking care of the finances.

MOTION: Kimberly Bryant moved to accept the Audit Report for Fiscal Year 2017-18. Ramon Beck seconded. Ayes: 4 Nays: 0. Kimberly Bryant, Ramon Beck, Lon Lott, Troy Stout voted aye. Motion passed.

B. Financial Report: Shane Sorensen said they were 25% of the way through the fiscal year and they were in good shape in everything. The complete report was included in the electronic packet.

Troy Stout asked if they had a number on the cost to run the pumps for pressurized irrigation. Shane Sorensen said the PI water had just been turned off so they were waiting for that report. He said he and the Mayor had met with the state water committee whose prognostication was for another wet cold winter.

V. ACTION/DISCUSSION ITEMS

A. Site Plan/Rear Setback Exception – Purple – 123 East 200 North: Austin Roy said the business PURPLE wanted to change the location of the mineral oil tank in order to free up five parking space. The company had grown considerably and needed more parking to meet their increasing needs. The oil tank would be located on the northeast side of the property next to city property where the Public Works building was located. They had requested an exception to the rear setback in order to locate it closer to the property line. The Planning Commission had reviewed the request and recommended approval of an exception.

Troy Stout said he had visited the site and noticed what looked like leakage underneath the tank. Shane Sorensen said the tank was refilled from time to time by a tanker and it was possible that when they uncoupled the hoses, there was some leakage. Mr. Stout said that he didn’t expect there were environmental concerns but it was something to keep an eye on.

Shane Sorensen said that PURPLE’s representative, Gary Fish, was wondering about the possibility of parking the truck they used to fill the tank on the lane that goes up to City Shops. Mr. Sorensen said he was concerned because the easement for the lane was fairly narrow and in the winter if it was icy, there was the possibility of a snowplow

sliding and puncturing the tank. They discussed the possibility of removing some grass and widening the curb approach, which would be a better solution.

Troy Stout asked about the possibility of vandalism on the tank. Shane Sorensen said they planned to put a fence around it. Sheldon Wimmer said they also had a night shift that worked so the area was occupied.

MOTION: Troy Stout moved grant PURPLE's request for an exception to the rear setback requirement and allow the removal of the grass to facilitate access, and recommend there be a containment system built beneath the tank. Lon Lott seconded. Ayes:3 Nays: 0. Troy Stout, Ramon Beck, Lon Lott voted aye. Kimberly Bryant recused herself because she was employed by PURPLE. Motion passed.

B. Annexation Petition for Pine Grove – Ross Welch: Mayor Wimmer said the City had received an annexation petition for approximately 160 acres located on the northeast boundary of Alpine. He invited David Church to explain the process.

David Church said that according to state law, the petitioner had to file minimal petition documents with the city and the county. The first step the City Council took was to accept the annexation petition, which would begin the process, or deny it. If the Council did not take action to accept or deny the petition within a prescribed time period, the petition was automatically accepted. He said the Council did not have to accept the petition at this meeting, but they would need to take action at the next meeting or the petition would be deemed accepted. If accepted, the next step would be for the city recorder to certify the petition and report back. Once it was certified, a notice was published in the newspaper for 30 days to allow other entities to protest the annexation. If there were no protests, a public hearing was held, and the Council voted whether or not to annex the property. The annexation would be done by ordinance. He said that the process usually took at least 90 days. Some annexation had taken two or three years because there were other steps that were usually taken including drafting an annexation agreement.

Ramon Beck asked what happened if the petition was denied. David Church said it would go back to the county. The county had a policy to send annexations requests back to the city if it was located in their Annexation Policy area. Even if it was in the Annexation Policy Plan, it was not a foregone conclusion that it would be annexed.

Lon Lott said he felt the responsible thing to do would be to move forward in the process and study it.

Ramon Beck said he would like the City to be able to evaluate it ahead of the county.

Troy Stout said David Church had made a statement about the developer needing to know if the city was going to annex or not so he wouldn't be wasting his time. He asked if the City wanted to take on the risks and responsibility of a hillside development.

Lon Lott said that was what he was trying to say that the City needed to vet it out and see if they wanted to annex it.

Troy Stout said the property used to be designated as sensitive lands and the county changed the designation. There had been a fire up there and the resulting floods. That needed to be a prevailing thought as the Council went into the process.

Sheldon Wimmer said the county met last year and reevaluated the property. Different parts were given different zone designations. The flatter area was zoned TR5 which was one acre lots or larger. Steeper areas where Patterson's house was still zoned CE1. He pointed out that if it was annexed into Alpine City, the Council would not be using the county's zone classification. The City Council would decide on the zoning.

Troy Stout asked Ross Welch to explain the intent of the developer before they went through the process. Why did the developer want to develop in Alpine City instead of the county? Were there things the county required that Alpine City did not which would save them money?

Ross Welch said that one benefit of being in the city was that the allowed road grade in Alpine was higher than in the county, which made the traffic flow better. He said the developer had already drilled wells up there to serve the development. They would still have to build a storage tank whether it was in the city or not. It could be beneficial to

Alpine City to include that water supply in their system. He said the three wells they had dug for Box Elder South were all producing.

Ross Welch said another benefit for the developers was that they had water credits in the Alpine City that they would be able to utilize. He said a benefit for Alpine City was that they could require them to drill a well in a different area such as Heritage Hills in order to benefit the overall system. The development would also bring in open space and trails.

Troy Stout asked if they were planning to come in as a PRD or one-acre lots.

Ross Welch said that it was not all laid out. Much of the property was steep and it would be better used as open space and trail. The flatter parts by the rodeo ground would be used for residential. He said that out of the 160 acres, they were looking at 40 acres that were buildable. They would most likely be one-acre lots or larger.

Troy Stout asked if it was true that the county had restrictions on roofing materials and had sprinkler requirements.

Ross Welch said he wasn't sure about the roofing requirements. He understood that the county fire marshal required a sprinkler system.

David Church said that the new fire code made the requirements in the county and the cities the same. In the last two years, the cities and counties had the same sprinkling rules.

Troy Stout said the listed value of the land on the petition was three million dollars. He asked if they would sell it for that much. Ross Welch said that was the value assessed by the county, and no they wouldn't sell it for that much.

Lon Lott asked what the progress was on the forest service land-swap. He also asked Shane Sorensen if they were making sure the City still had a right-of-way for their water through there. Shane said the City would be involved in making sure they had a right-of-way.

Ross Welch said the triangular piece they owed had encumbrances on it that made the forest service not anxious to take it over. However, they had finally come to some resolution with Rocky Mountain Power to release those encumbrances.

Troy Stout said one of his main concerns was that acceptance of the petition to move forward was misperceived as approval for annexation. He didn't want it to be construed as an approval to annex. He said he was a little on the fence. He wasn't thrilled about seeing development going on up there but he was willing to look at it and see what the developer would give them in exchange for open space.

Ramon Beck said he felt the best way to manage properties that were unannexed was to annex them. That way the City had control at the outset. Open space was something the city could dictate.

Lon Lott said that Pine Grove wasn't in the Annexation Policy Plan originally, which meant they went to the county for development. Why not have it come to the city to see if it has value for the city rather than sending it to the county.

Troy Stout said that was when the county rezoned it for them. It was a political decision.

Sheldon Wimmer said he was in the meeting when the county rezoned it. It was explained that CE1 was a holding position. Years ago, the county had zoned everything as CE1 until they needed to evaluate specific pieces.

Kimberly Bryant said they kept talking about controlling the property but they had already lost control because they gave away their water and sewer. This one was different. The City held the keys for development and they needed to keep that in mind. A previous council gave away the water and sewer years ago.

Troy Stout asked Mayor Wimmer if he would vote if there was a tie vote.

Mayor Wimmer said he would not vote. If there was a tie vote, it would need to be tabled until they had a quorum. He felt it was the responsibility of the Council to make legislative decisions, not the mayor.

There was a request for public comment. Mayor Wimmer agreed to accept comment and asked that they limit their comments to three minutes and not duplicate comments.

Michelle Smith - Box Elder Drive. She said her subdivision, which was Box Elder, was developed by the same developer who was petitioning for Pine Grove. She wanted to point out that her subdivision had not been a bargain for Alpine City. Several people were suing the City because their homes were built in the flood zone. As tax payers, they had to pay for those lawsuits. She said she didn't know how much the City spent to build the retaining wall to keep the flood from going over Vickie Reay's house. It took a lot more money to maintain the homes in her neighborhood. She said that in Sheldon Wimmer's last mayor's message he had said that annexation would bring in so much money to the city, and that sounded good to some people. Bryce Higbee had talked about how every study he'd seen showed that annexations cost cities more money than they brought in.

Mayor Wimmer said the lawsuit from Vickie Reay was not against the City. It was against the people who started the fire.

Troy Stout said there was a lawsuit against the City from someone on Wildflower.

Mayor Wimmer said that lawsuit was about a flood from irrigation water. He said that people who built in those areas had signed an affidavit stating they knew they were building in a hazardous area.

Chrystal Eaton asked about road. She wanted to know if they could get more access roads and if there was any way to stop the building.

Sheldon Wimmer said they did a study on roads a couple of years ago which looked at build-out on all the property in the community and included annexation areas. It showed they would have the same road problems whether the build-out occurred inside city limits or in the county. He added that the city did not build roads. They were built by developers when development occurred.

Troy Stout said they didn't have room for more arterial roads. If they finished High Bench Road out through Highland and down to SR-92, it would not be an arterial road.

Jessica Smuin asked what would happen if there was no vote that night. David Church said it would be on the agenda for the next meeting.

Annette Flygare - Quail Ridge. She said she was new to Alpine and it seemed they City was pro-developer. How would it benefit the citizens who were already in Alpine, and how much would new development cost her?

Sheldon Wimmer said he couldn't provide the cost, but as the community had developed over the years, the citizens had received more open public space. The revenue and the cost for a development was about a wash. Impact fees helped with infrastructure.

Troy Stout said that as they increased in population, they had more capital expense for equipment and more staff. The wash became more of a deficit as development moved farther up the hillside. It was break even in the middle of town.

David Church said Troy Stout's point was valid. Some areas were cheaper to serve than others. Cities could not run at a deficit. A city's source of revenue was property tax, sales tax, franchise and use taxes. He said annexation was not a financial issue. Traditionally cities annexed because they didn't trust the county to make land-use decisions. He pointed out that almost everything on the east side was annexed with a fight. Willow Canyon went to referendum and the citizens voted to annex it. Alpine Cove was built in the county when Alpine refused to annex it. If it wasn't developed in the city, it would be developed in the county. Mayor Wimmer pointed out that regardless of where it was built, Alpine would get the traffic.

Brian Hofheins asked how many lots would be in Pine Grove. Ross Welch said the map showed 23 lots but no number was defined. Mr. Hofheins asked how many lots there were in Box Elder that were still vacant. Shane Sorensen said they started with 60 lots and about half were vacant.

Mr. Hofheins said that if they combined those lots with the potential number of lots in Box Elder South, the Melby property, and Pine Grove, they were going to have an over-abundance of vacant lots. At one time he had calculated the number of trips all those lots would generate if they were built on. It was an astronomical number of cars going up and down one road. There was going to be a congestion issue when it was all built out. He said the prior mayor had won the election based on not allowing development in that area.

Mike Russon – Grove Drive. He said they had a finite amount of water underground. Just because someone said they had water shares, it didn't change the amount of water in the aquifer. According to Utah law, you had a well that produced a certain amount of water, but if nature didn't allow it, you didn't get it. He'd seen wells go dry and wells fail. He said he'd never see a study that said they could fill their water needs with more development.

Tom Watkins – Summit Way. He said he was Don Watkins' brother. The meetings were interesting. He said it seemed like the developments got bigger than what was agreed to. The one by Taylor Smith was getting bigger. He wanted to know why candidates didn't put on the brochures that they wanted to increase density or vote for annexation. He said his water pressure was terrible and the City wanted to put on meters and let more people use their water. His neighbors were livid when they heard about the meters. They would be paying two million dollars and not getting more water.

Ed Bush – Box Elder. He said people seemed to think that if the City Council voted one way or another, they could stop development. Whether people liked developers or not, they owned private property and they had a right to develop their land. He said he would like to see the City involved in the development. He didn't trust the county. He wanted the City to be looking at water and traffic. If the City didn't take on that responsibility, they lost the chance to plan ahead and make sure development occurred the way they wanted it to.

Troy Stout said property owners had a right to developer according to zoning regulations. Ed Bush agreed, but said that cities could not prevent development just by saying they didn't like it. Troy Stout agreed that they could not stop development.

Kimberly Bryant said they'd had councils that had given things away and made the density even higher. They needed to be good stewards. Did they have the water? Was it county water or city water?

MOTION: Troy Stout moved to deny the application petition for the Pine Grove property at that time, and remain willing to readdress it at a later meeting. Kimberly Bryant seconded. Ayes: 2 Nays: 2. Troy Stout and Kimberly Bryant voted aye. Lon Lott and Ramon Beck voted nay. Motion failed.

Lon Lott asked Troy Stout what his purpose was in denying it.

Troy Stout said he may run the risk of being indecisive. He had voted for and against annexations. It was an item by item decision. In this case he was close to voting for it because he felt it was worthy of debate. There were good points on both sides. The map showed 24 lots plus or minus. If they annexed, it would be his position to grant no more lots than that. Studying the taxes and development fees would be a 90-day discussion. He wanted to see if it would be better for the City, and see what liability there would be.

Ramon Beck said he echoed what Ed Bush had said. Troy Stout had said he was indecisive about it, but he was not.

Kimberly Bryant said it was one of the responsibilities of the mayor to vote and break the tie.

Sheldon Wimmer said that since he'd become mayor, he had said consistently that he would not vote to break a tie. He said it was the responsibility of the legislative group to make that decision. In his administrative position, he would leave it to the Council to do their job.

Troy Stout asked if that was state law. David Church said the code said the mayor may vote in the case of a tie. By the mayor not voting, the motion did not pass.

MOTION: Kimberly Bryant moved to table the Pine Grove annexation petition to the next meeting. Troy Stout seconded. Ayes: 4 Nays: 0. Kimberly Bryant, Troy Stout, Lon Lott, Ramon Beck voted aye. Motion passed.

C. Annexation Petition – KM8 – Will Jones: A motion was made and passed to continue this item to the next meeting.

MOTION: Lon Lott moved to table the KM8 Annexation Petition until the next meeting. Kimberly Bryant seconded. Ayes: 4 Nays: 0 Lon Lott, Kimberly Bryant, Troy Stout, Ramon Beck voted aye. Motion passed.

Since Will Jones was present, it was suggested that he talked briefly about the proposed annexation even though the Council had voted to table it.

Shane Sorensen introduced it saying the proposed annexation consisted of 69 acres located north of Alpine Cove. It was included in the Alpine City Annexation Policy Plan and had a contiguous boundary.

Will Jones said the vacant lots in Box Elder and Three Falls were taxed at a higher rate than most people's houses were. He'd recently received a tax assessment on a vacant lot in Three Falls and it was \$4,000. Sheldon Wimmer said the county assesses raw ground at a higher rate than homes.

Will Jones said Three Falls was an annexed property. It brought 500 acres of open space and 28 miles of public trails into the City. He was tired of developers being labeled in a pile. With the development of Three Falls they had done something that the City would never be able to do and that was to widen and improve the Fort Canyon Road. He said a week ago there were two gas explosions on old existing gas lines in Alpine. The reason the lines were fixed was because they had a project going to extend the gas line to Three Falls. If it wasn't for that the City would have had to tear up the road to fix it. He said it was hard to sit and listen to people talk about what dogs the developers were. A partnership would be nice.

Will Jones said the KM8 development was above Alpine Cove. They had applied for 38 one-acre lots. It may drop down to 32 lots because of the configuration. It would come in as a straight one-acre subdivision. He wanted to put a trail through that would hook into Three Falls.

D. Resolution No. 2017-18 Light Duty Diesel Emission Testing: Lon Lott said he had studied the issue, which had been tabled at the previous meeting. He'd had a call out to the county commissioners, but Rhett Anderson had emailed the Council which answered some of his questions. He'd had a call out to the county commissioners. He said it was more of a county decision and implementation. The City had no control over it. The previous year they had passed a resolution to support clean air. This didn't seem fully disclose how seriously the diesel trucks impacted pollution. The county commission wanted more study done and were not in favor of the bill. He said he supported clean air but was not ready to put his stamp on this resolution.

VI. STAFF REPORTS

Austin Roy said that at the Planning Commission meeting scheduled for November 7th, they would hold a public hearing on a proposal for a zone change by Moyle Park. It was currently zoned CR-40,000 and the owners were requesting CR-20,000 which was the zoning for some other properties in the area. The Planning Commission would also be looking at site plan proposals for two new office buildings located by the roundabout.

Charmayne Warnock, cemetery sexton, asked if there was a possibility of planting some trees along the south boundary of the cemetery by the City Shops to make it more appealing. Most people were reluctant to buy graves in G and F because it was by the shops, which were sort of ugly. Also, she wondered about allowing people with terminal illnesses to purchase burial lots before they died. The Council had passed a moratorium on the sale of cemetery lots which didn't allow purchase unless there was an actual death, but there were some who wanted to take care of things before they died so their families didn't have to deal with it.

Shane Sorensen reported on the following:

- The contract with ACE for trash collection expired this year. He asked the Council if they wanted to negotiate with them. Troy Stout said he would like to see competitive bids.
- The barriers at the end of Bald Mountain Drive were up. The gate was delivered earlier that day and would also be put up.
- The City Christmas party would be on December 12th at the Alpine Art Center.
- He and the Mayor had met with PURPLE earlier in the week who asked if they could take care of snow removal on the street near their business so their employees could park there. The company was growing quick, and they had inadequate parking. They wanted to be able to park about 30 cars on the street. Troy Stout suggested they take out some of their grass and turn it into onsite parking. Shane Sorensen said businesses were required to have 20% landscaping in the commercial zone, and they already had somewhat less, but if the Council was amenable to them doing that they could look at it. If they did take out some grass, he would like to see them improve the street-side landscaping. Ramon Beck said he was in favor of working with them. David Church said it was already a nonconforming use that predated the ordinance.
- Fort Canyon Road was paved. Mr. Sorensen said it would have been very difficult for the City to accomplish the improvement of the road without the development of Three Falls.
- The issues on 600 East where the storm drain blown up the road had been taken care of.
- Earlier in the year, the City had offered a reward for information about the people who were setting fires in the manholes in Box Elder. Individuals had been turned in and prosecution was in process.

VII. COUNCIL COMMUNICATION

Lon Lott asked if anything had been done about the manure in the creek off 100 South. Shane Sorensen said he would get the address and check into it.

Ramon Beck said they were going to refurbish the sign at the Bank of American Fork and would be willing to move it off the corner. Or they could put it on the south side of the building. The location was grandfathered but they were willing to move it. He would work with Austin Roy on it.

Ramon Beck also reported that the twin brother of the Eberting boy who spoke at the last meeting wanted to plant some trees in the Rocky Mountain Park for his Eagle project. He was wondering if the City would help pay for the trees.

Troy Stout said they needed to get signage on the trails in Lambert Park. It was a dangerous situation and getting worse.

Shane Sorensen asked Troy Stout to meet with the ad hoc trail committee and decide which trails needed signage, then communicate that with the public works department so they could put them up. Also, the mountain biking teams were supposed to donate some hours and they could help put up the signs. The City already had the signs. They just needed direction on where to post them from the people who actually used the trails and understood where the hazards were.

VIII. EXECUTIVE SESSION: None held.

MOTION: Kimberly Bryant moved to adjourn. Troy Stout seconded. Ayes: 4 Nays: 0. Kimberly Bryant, Troy Stout, Ramon Beck, Lon Lott voted aye. Motion passed.

The meeting adjourned at 9:15 pm.