

**ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 N. Main, Alpine, UT
January 14, 2020**

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: Lon Lott, Judi Pickell, Carla Merrill, Greg Gordon, Jason Thelin

Staff: Shane Sorensen, Charmayne Warnock, David Church, Austin Roy, Officer Brooks, Chief Reed Thompson

Others: Loraine Lott, Phil Ballif, Monica Lawlis, Michael C. Kendig, Sarah Kendig, Jennie Brasfield, Sylvia Christiansen, Vaughn Pickell, AnnMarie Gordon, Richard Gordon, Claudene Gordon, Aiden Gordon

B. Prayer: Lon Lott

C. Pledge of Allegiance: Aiden Gordon

II. SWEARING IN OF NEW CANDIDATES

City Recorder Charmayne Warnock swore in Greg Gordon, Jason Thelin, Judi Pickell, and Lon Lott to the office of City Council Member.

III. CONSENT CALENDAR

- A. Approve City Council Minutes of November 19, 2019**
- B. Partial Payment #6: Alpine PI Meter Project Phase 3 – BMEI, \$56,558.26**
- C. Final Payment: Alpine PI Meter Project Phase 3 – BMEI, \$34,684.51**
- D. Partial Payment #2: Healey Park parking lot, Sterling Don Excavation, \$83,380.54**
- E. Final Payment: 600 North Storm Drain, CAP Construction, \$29,768.70**
- F. Bond Release #1 – Montdella: \$277,466.69**
- G. Bond Release #5 – Alpine Ridge Phase I: \$84,712.50**
- H. Bond Release #1 – Alpine Ridge Phase II: \$211,398.56**
- I. Bond Release #2 – Alpine Ridge Phase II: \$414,757.26**

MOTION: Lon Lott moved to approve the Consent Calendar and the minutes of November 19, 2019 as corrected. Judi Pickell seconded. Ayes: 5 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	none
Greg Gordon	
Carla Merrill	
Judi Pickell	
Lon Lott	

IV. PUBLIC COMMENT

Dick George – Bald Mountain Circle. Mr. George said that a resident had brought a complaint to the City about an Airbnb that was not occupied by the owner and there was no supervision. It housed a large number of people and had become a nuisance in the neighborhood with the occupants trespassing on other properties and using their sport facilities. He didn't want to see one bad apple spoil the whole barrel, so to speak, and ruin Airbnbs run by other people. He'd had an Airbnb at his home for a year and a half with a five-star rating. He had hosted numerous people from out of the country who had come here to visit family or had family at BYU. There was no hotel in Alpine and he felt the Airbnbs provided a service the community needed.

Shane Sorensen said staff had written an ordinance to regulate the Airbnbs that currently existed in Alpine which required them to be owner-occupied and have adequate off-street parking. The Planning Commission had reviewed it and denied it. It had not come to the Council for review.

Austin Roy said the Planning Commission would be revisiting the issue with drafts of two ordinances, one that allowed Airbnbs with regulations and one that denied them altogether.

David Church said that cities who allowed short-term rentals had the option of adopting a transient room tax which would come back to the cities similar to sales tax. It would not automatically happen, however. The Council would have to pass an ordinance requiring a transient room tax should they decide to allow Airbnbs.

V. REPORTS AND PRESENTATIONS

A. 2020 City Council Assignments

Mayor Stout said the Council Assignments were created before the City had much staff in order to spread the burden among the council members. Since Alpine had grown larger and had more staff, there weren't as many assignments but some remained. He listed the assignments.

Mayor Troy Stout	Mountainland Association of Governments Lone Peak Public Safety District Board
Lon Lott:	Alternate to the Mountainland Association of Governments Mayor Pro tem Representative to the Utah Lake Commission
Carla Merrill:	Alpine Youth Council
Jason Thelin:	Representative to the Lone Peak Public Safety District Board
Judi Pickell:	Liaison between Alpine City and the business community Alternate Representative to the Lone Peak Public Safety District Board
Greg Gordon:	Trails, Parks, and Open Space

Shane Sorensen mentioned other assignments not assumed by the Council. He said the City Administrator typically served on the Utah County Dispatch Board. Dale Ihrke was a private citizen who served as the City's representative to the Timpanogos Special Service District Board, and had done so for a number of years. He did a great job and was willing to continue in that capacity and report back to the Council

B. Financial Report

Shane Sorensen said the Dave Sanderson was a contract employee who acted as the finance director and prepared the financial report. He said Alpine was about 50% through the budget year. The report listed the revenue and expenses. He said things were going well. There were quite a few projects that would be done before the end of the budget year. He told the new Council members to contact him if they had questions about finances so he could explain in more detail. Building permits were up slightly in 2019 with 37 new homes as opposed to 32 in the previous year.

C. Budget Calendar

Shane Sorensen referred to the Budget Calendar which had been included in the packet, which showed the timeline of work sessions and public hearings prior to adopting the new budget for fiscal year 2020-21.

VI. ACTION DISCUSSION ITEMS

A. Approve Officer Involved Critical Incident Protocol Agreement

Sergeant Jamie Brooks said he was there representing the Lone Peak Police Department in half of Chief Brian Gwilliam who was out of town. David Church said the state law required police departments to have a policy and protocol on how they handle officer involved critical incidents, which was basically when an officer had to use his weapon. It was a contract that all entities signed. The latest agreement had been updated and would need to be re-signed.

MOTION: Lon Lott moved to approve the Office Involved Critical Incident Protocol Agreement as represented. Carla Merrill seconded. Ayes: 5 Nays: 0. Motion passed

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	none
Greg Gordon	
Carla Merrill	
Judi Pickell	
Lon Lott	

B. Alpine Animal Lodge Site Plan – Dr. Michael Kendig.

Austin Roy said the Alpine Animal Hospital provided veterinary services and was proposing to also provide boarding facilities for pets. They had submitted a site plan for a 900 square foot building located on the same property as the hospital. The site met the requirements for landscaping, trash, lighting and height requirements for the Gateway zone. The only deficiency was in the setback. The ordinance required a 20-foot setback to adjoining properties. The proposed boarding structure had a setback of 5 feet. It was adjacent to the Alpine Art Center and Foundry. Both indoor and outdoor receptions were hosted at the Art Center and there had previously been concerns about noise and odors from the adjacent kennels. The owners said the boarding facility would be soundproofed. Austin Roy showed the site plan and identified the hospital, the proposed boarding facility and some outdoor kennels.

Lon Lott said he was not aware that they had approved outdoor kennels when it had come to them before.

Office Manager Monica Lawlis said the dogs would not be left in the outdoor kennels. They would be rotated through them to give the dogs a chance to stretch their legs and allow staff to clean other kennels. The dogs would not be housed in the outdoor kennels overnight or without supervision.

Carla Merrill said she was concerned about dogs and noise if the Art Center had an outdoor reception.

Austin Roy said the kennels were on the opposite end of the property with shrubs and other natural barriers between the Art Center gardens and the kennels.

Michael Kendig said the receptions were typically held in the evening and the dogs would not be outside at that time. Monica Lawlis said they would be very aware of their neighbors and be respectful.

The Planning Commission had reviewed the site plan and recommended approval with the condition that the indoor kennels where dogs would be boarded would be soundproofed to 115 decibels. Judi Pickell asked if that was possible. Monica Lawlis said it wasn't easy, but it was possible.

Jason Thelin said the Alpine Animal Hospital was in the Gateway zone which required natural earth-toned colors. He asked why the building was blue. Austin Roy said the Planning Commission had discussed the blue when the Kendigs applied for site plan approval of the remodel. Originally it was lighter blue and they changed it to a darker blue to match the door.

Lon Lott said he had concerns about the 5-foot setback and the grading plan. He asked about the retention along the property line and if there were going to be drainage problems. Monica Lawlis said they were fixing that. They were going to level it out to get the right landscaping. Lon Lott asked if it had anything to do with washing out dog waste. Ms. Lawlis said most of the areas where the dogs were housed would be plumbed into the sewer system.

Mayor Stout asked if they could trust that excessive barking would never happen. Monica Lawlis said the most dogs they would have was 24.

Austin Roy said the number of dogs and kennels were previously established when the Council adopted the ordinance allowing boarding facilities. The Kennels were only there for approval of an exception on the setback. It was noted that, according to the ordinance, other boarding facilities could be approved in the BC zone.

MOTION: Judi Pickell moved to grant the exception to the setback and approve the proposed site plan with the condition that the soundproofing will be adequate up to 115 decibels. Lon Lott seconded. Ayes: 5 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	none
Greg Gordon	
Carla Merrill	
Judi Pickell	
Lon Lott	

C. Ordinance No. 2020-01, Amending Articles 4.07.060 and 4.07.090 (Road Design) of the Development Code

Austin Roy said the proposed amendment would clear up the conflict between Alpine's code and the State Code and the Fire code pertaining to road design. He reviewed the proposed amendments and lengthy discussion by the Council followed.

MOTION: Jason Thelin moved to approve Ordinance No. 2020-01 amending Articles 4.07.060 and Article 4.07.090 of the Alpine City Development Code with the modification that the proposed language "by as large a radius as practical" under 1. Horizontal Curves be removed. Carla Merrill seconded. Ayes: 5 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	none
Greg Gordon	
Carla Merrill	
Judi Pickell	
Lon Lott	

D. Resolution No. R2020-01, Amending the Consolidated Fee Schedule

Shane Sorensen said that with the installation of the new PI meters, they needed to make some changes to the fee schedule to include fines for damaging PI meters. Culinary meter damage was already addressed in the schedule. The fine was based on the cost of materials and anticipated labor.

MOTION: Lon Lott moved to approve Resolution No. R2020-01 amending the Consolidated Fee Schedule as proposed. Greg Gordon seconded. Ayes: 5 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	none
Greg Gordon	
Carla Merrill	
Judi Pickell	
Lon Lott	

E. Resolution No. R2020-02, Appointment of Board Members to the Lone Peak Public Safety District Board

Mayor Stout had addressed this subject earlier under Council Assignments, but approval of the Resolution would formalize the appointment.

MOTION: Lon Lott moved to approve Resolution No. R2020-02 appointing Jason Thelin to the Lone Peak PSD Board with Judi Pickell as an alternate. Greg Gordon seconded. Ayes: 5 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	none
Greg Gordon	
Carla Merrill	
Judi Pickell	
Lon Lott	

F. E-Bike Discussion

Under Alpine City's current ordinance, all motorized vehicles were prohibited in Alpine City parks, open space, and trails. There had been requests to allow the use of e-bikes on city open space since they more closely resemble a bicycle than a motorcycle. On Federal lands, the Secretary of the Interior has clarified that e-bikes shall be allowed in areas where bicycles are allowed and prohibited where bicycles are not allowed. The basis for that being that e-bikes were very similar to bicycles and would increase recreational opportunities for all Americans, especially those with physical limitations.

Austin Roy provided a chart showing the three classifications for e-bikes. Class 1 had a peddle assist with a maximum speed of 20 mph. Class II did not have peddle assist with a maximum speed of 20 mph. Class 3 had peddle assist with a maximum speed of 28 mph.

Jason Thelin said he had ridden an e-bike and was pleasantly surprised by how well they worked, not only offering a good workout for experienced bikers but allowing people who were not as physically fit to enjoy bicycling. He said a lot of people in his neighborhood who were older or heavier were starting to ride e-bikes. It allowed them to engage in a physical activity that they might not otherwise be able to do.

Chief Reed Thompson said there was a public safety exemption for patient extraction that allowed the use of Class 2 e-bikes. They could use a Class 2 e-bike to haul equipment or retrieve a patient.

Mayor Stout said he saw a greater risk with a Class 2 or Class 3 e-bike on a paved trail. Carla Merrill suggested that e-bikes may not be a good fit on paved trails in an improved park like Creekside Park or Burgess Park.

The Council discussed the issue and asked the Planning Commission to come back with some regulatory language for Class 1 e-bikes.

G. Open Meeting Training – David Church: This item was postponed to a future meeting.

VII. STAFF REPORTS

Austin Roy

- The Alpine City General Plan was adopted in 2007. The Planning Commission had worked on updating the General Plan and had a completed draft for the City Council to review. Staff would like to see some progress on adopting an updated General Plan.
- The City Council would be holding a public hearing at their meeting of January 28th to received comment on a proposal that the Verizon cell tower be considered for either Creekside Park or the park behind City Hall. Letters would be sent out to residents within 500 feet of the proposed site.

- Blue Bison had appealed a land use decision by Alpine City in which staff denied a proposed amendment to the Summit Hills subdivision. An Appeal Hearing was scheduled for January 15th, but their attorney had contacted the City and asked to continue it to a later date.

Charmayne Warnock said she'd had a question from a citizen about using golf carts on city streets by underage, unlicensed drivers. The citizen had said that golf carts could be made street legal and he wanted to buy one for his 14-year son to drive to school. Sergeant Brooks said that any street legal vehicle had to be operated by a licensed driver.

Shane Sorensen

- He said that the new City Council members would be getting an Alpine City email address, which they should use.
- Local Officials Day on January 29th was being sponsored by the ULCT and they may want to attend. They would also want to consider attending the annual ULCT Convention on April 22-24th in St. George.
- He said the community had an opportunity for an outdoor recreation grant which could be applied to Bridle Up Hope trail projects.
- Lone Peak High School was holding a mental health awareness program on January 23rd.

VIII. COUNCIL COMMUNICATION

Greg Gordon said he'd been contacted by a concerned resident about an open culvert near the corner of 100 South and Alpine Boulevard. He was worried some kid was going to slip in and drown. The resident had volunteered to help maintain a grating.

Judi Pickell said she would like to revisit how the City granted exceptions. The Council could be more consistent if they had criteria that had to be met in order to qualify for an exception. She said she would also like to revisit the setbacks for the commercial zone. It would make sense to maximize the use of the little bit of land they had in the BC zone.

Troy Stout said the mayors of North Utah County had gotten together to discuss a program designed to help parents cope with the modern influences on children. They agreed to adopt it as a North Utah County initiative. The intent was to assist parents in creating a more responsible environment for kids and developing a more balanced psychology. He said he would have more information later.

Mayor Stout also noted that they needed to update the Utah League Board members. Shane Sorensen and Troy Stout would be the representatives on the League.

EXECUTIVE SESSION

MOTION: Lon Lott moved to go in to closed session after a five-minute recess to discuss strategy on imminent litigation and a potential real estate transaction. Judi Pickell seconded. Ayes: 5 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	none
Greg Gordon	
Carla Merrill	
Judi Pickell	
Lon Lott	

The open session portion of the meeting closed at 9:30 pm.

The Council returned to open session at 11:00 pm and made a motion to adjourn.

MOTION: Lon Lott moved to adjourn. Carla Merrill seconded. Ayes: 5 Nays: 0. Motion passed.

The meeting was adjourned at 11 pm.