

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 N. Main, Alpine, UT
January 8, 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, Ramon Beck, Carla Merrill, Kimberly Bryant, Lon Lott

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

Others: Britney Green, Sylvia Christiansen, Will Jones, Melanie Ewing

B. Prayer: Ramon Beck

C. Pledge of Allegiance: Troy Stout

II. CONSENT CALENDAR

- A. Minutes of the City Council meetings of November 13, 2018 and December 11, 2018**
- B. East Mountain Estates, Plat E - Final Bond Release: \$10,706/40**
- C. Eastview Plat F - Final Bond Release: \$271,055.61**
- D. Spring Creek Alpine Amended, Plat A #2 - Final Bond Release: \$12,290.00**
- E. Craig F. Sorensen Construction - PI Meters Installation Phase I - Partial Payment #3: \$251.75**
- F. Craig G. Sorensen Construction - PI Meters Installation Phase II- Partial Payment #2: \$48,169.75**
- G. Precision Concrete Cutting Payment: \$20,016.10**

MOTION: Lon Lott moved to approve the Consent Calendar. Ramon Beck seconded. Ayes: 4 Nays: 0. Jason Thelin was not present at the time of the motion.

<u>Ayes</u>	<u>Nays</u>
Ramon Beck	None
Carla Merrill	
Kimberly Bryant	
Lon Lott	

III. PUBLIC COMMENT: There was no public comment.

IV. REPORTS AND PRESENTATIONS

A. Alpine Days Report: (This discussion took place after the discussion on Three Falls.) Shane Sorensen said the revenue from Alpine Days 2018 was \$76,695. The expenses were \$122,000 leaving a difference of a little over \$46,000. Alpine Days Chairman Melanie Ewing said the City had budgeted \$65,000 for Alpine Days. She said she believed there was a donation of \$10,000 from the Bank of American Fork which was not shown on the revenue side. Shane Sorensen said he would look for it.

Shane Sorensen said one of the issues was the expenses that continued to trickle in long after Alpine Days was over. He said he would provide a written report of the numbers. They were still getting invoices from vendors. In the future they would require invoices to be submitted in a more timely manner.

Melanie Ewing reported on some of the events. Every year she tried to do something different and in 2018 they had the ping pong ball drop from the helicopter which was great. The owner of the helicopter, Chris Trapnel, donated his time, fuel, etc. so the event was free. She said the teen party was a huge success. They had security people walking around and there were no problems. They switched the foam party to Monday which broke up the events in the park on Friday. It went very well.

Troy Stout said the car show was great. There were a lot of people there. Ramon Beck said there was some negativity on moving the location of the senior dinner to American Fork and it was not as well attended. However, the dinner was great. Lon Lott noted that the different stakes were in charge of the Senior Dinner and they chose where to hold the event.

Melanie Ewing said she had delivered 40 thank-you baskets to the volunteers and sponsors during the Christmas season. The volunteers were great. She asked about the rodeo budget, noting that she put a lot of time into advertising the rodeo along with the Alpine Days events that she didn't get credit for. It was advertised on the Alpine Days website and people purchased tickets through the website. She felt there should be some revenue dollars from the rodeo applied to Alpine Days.

Shane Sorensen said the revenue for the rodeo was \$26,500 and the expenses were \$29,500. They had a budget of \$25,000. Some of that went for wasp control near the food booths.

Melanie Ewing said they had an office set up at City Hall where people could buy tickets, but most tickets were purchased online. The front office handled a lot of the work this year. She felt it was a good experience for them. She said they should look into getting a better ticket booth for the park.

Another thing that was new this year was the Lost Child service in the park. They had 8 volunteers with ham radios who walked around the events and provided communication for lost children. They were able to reunite parents and children within minutes because of that service.

They would need a new parade volunteer for next year because Kristin Eberling was moving.

Mayor Stout and the Council thanked Melanie Ewing for all her hard work as the Alpine Days Chair and said she did a great job. Mayor Stout noted that the information about Alpine Days was the intellectual property of Alpine City and the next chairman for subsequent years would rely on that. They asked Ms. Ewing about helping the next Alpine Days chair. She said she would be happy to do that for a consulting fee.

Shane Sorensen said he would do some research on the donation from the Bank of American Fork and email them when he found it.

V. ACTION/DISCUSSION ITEMS

A. Three Falls Ranch Development Agreement Amendment/Secondary Access Road- Will Jones:

Shane Sorensen said this item was on the agenda to discuss proposed changes dealing with secondary access road for Three Falls. In doing some research on the subject, they found quite a bit more information, but it was too late to get it in the packet. Rather than having the Council go into it cold, they decided they would put it on the agenda again in two weeks. However, Will Jones would be out of town for the next two meetings and he wanted to move forward with the discussion that evening.

Will Jones said there were two main issues he wanted to bring up. First, time was of the essence in making a decision on the road. The engineer had staked out the road last fall and when Will saw it, he didn't think it was going to be what they wanted. He felt there needed to be some changes, but he would only present changes if it was going to be win/win situation for both the city and the developer. He said the developer would build the road. There would be some aspects that would benefit the city and some that benefited the development.

Will Jones said the secondary access road was planned with 20 feet of pavement with curb and gutter on both sides. It would be gated at the top and bottom. He said that if the gates didn't remain, they would walk away. It wasn't because they didn't want people driving through the development. It was because the road would not be safe for cars. But it would be a great road for bikers.

Mr. Jones reiterated that time was critical. If the changes were a beneficial, they would do it. If not, they would do what was approved earlier.

Shane Sorensen said Three Falls was a huge project which had spanned many years. Lots of motions were made. He said they would have all the information available to the Council at a future meeting when they considered the request.

Will Jones said the road would be plowed in the winter so it was accessible in the event of an emergency, and the City would plow it. Lon Lott said that in the discussion from August 25, 2015, it was stated that the HOA would plow the road in the winter. Will Jones said that if it was the city's road, he would not take responsibility for plowing it. If it was his road, he would.

Jason Thelin and Melanie Ewing arrived. The Council went back to Reports and Presentations for the report on Alpine Days.

B. Open Space/Private Property Exchange - 539 N. Pfeifferhorn Drive. Austin Roy said Jeffrey White with White Diamond Homes had submitted a request to exchange a 5,190-square-foot piece of private property for a 5,190-square-foot piece of public open space. The property was located at 539 N. Pfeifferhorn Drive in Alpine. If the exchange was approved by the Council, it would square up the boundaries of his building lot making it a more traditional rectangular lot.

Austin Roy said the public open space contained a gas pipeline that had been vacated or retired by Dominion Energy when a new pipeline was installed in another location. Structures could not be built on it because of the abandoned pipeline in the ground, but the area could be landscaped or have a driveway on it. No deep-rooted trees would be permitted. The open space also contained a ground moisture box that would have to remain, but they could landscape around it.

Shane Sorensen explained that the pipe was wrapped with asbestos. The property owners could choose to go through a process to have it removed by a certified contractor, and then Dominion would release the easement. If they chose not to do that, the easement would remain and there would be limitations on what the property owner could do with the land.

Shane Sorensen said the trade could be advantageous to the City because it would narrow the access to the Bonneville Shoreline Trail which ran along the back of the lots. Currently, the wide frontage just invited motorized vehicles onto the trail; it had been an enforcement problem for years. He said the open space and trail was mostly used by residents of Highland who used it to access the backs of their lots to landscape.

Will Jones said the trail committee would like to see a small trailhead on the open space. It would provide a place where people could park their cars to access the trail.

A resident on Hog Hollow asked if would be a straight- across land swap. He felt the City should get some money for it in addition to the ground. The Council indicated they felt the land exchange was equally advantageous to the City and didn't see a need to require money.

MOTION: Lon Lott move to approve the proposed property exchange at 539 N. Pfeifferhorn Drive with Jeffrey White of White Diamond with the understanding that the public open space would be used at the discretion of Alpine City for recreational purposes according to city ordinances and the area may be used for parking to provide access to the trail. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Motion passed.

Ayes

Ramon Beck
Carla Merrill
Kimberly Bryant
Lon Lott
Jason Thelin

Nays

None

Brittany Green said she represented Jeffrey White. She asked if there would be fencing between the open space and the homeowner's property. Mayor Stout said the City would try to be good neighbors but the responsibility and expense for the fence would be up to the homeowner.

C. Alpine Days Chair Compensation: Shane Sorensen said that several years ago the City came up with a system of compensation for the Alpine Days chairman in which \$5,000 would be split between the chair and the vice-chair and possibly a third person. The vice-chair would spend the first year in training, then take over the next year as the chairman.

Mayor Stout said the original intent was to get members of the community involved in running the event. He said he didn't recall that there would be three people. He said the City was currently looking to hire a Parks and Recreation person. Being in charge of Alpine Days would be a primary responsibility and that person would chair the event with a volunteer from the community acting as the vice-chair. Of the original \$5,000, \$3,000 would be absorbed into the salary of the Park and Recreation person. The remaining \$2,000 would go to the vice-chair.

Kimberly Bryant asked if the City owned the Alpine Days website. Shane Sorensen said the City paid for it but it was currently down and needed to be fixed.

Jason Thelin said he felt the safest, happiest way to transition to a Parks and Rec manager running Alpine Days was to consider if they needed to pay a consulting fee for Melanie Ewing to help them. Ramon Beck noted that Melanie was good at getting donations.

D. Ordinance No. 2019-01 Amending Articles 3.12.6.2f and 4.3.1.6f - Cut and Fill on Driveways.

Austin Roy said the proposed amendments related to the cut and fill requirements for driveways. The Council had already approved the same amendment in two other places in the ordinance, but sections had been overlooked. This was mainly a housekeeping item which would require the cut and fill to be measured at the finished grade of the centerline alignment.

Will Jones said he didn't like the proposed amendment because it might increase the length of the driveway. Shane Sorensen said it had already been approved in other sections and they were trying to bring consistency to the process.

MOTION: Ramon Beck moved to approve Ordinance No. 2019-01. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Motion passed.

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

The Ridge at Alpine - Trail Discussion (This item not on the agenda). Jason Thelin said he wanted to go over the Zolman question. He'd seen emails going back and forth about the trail in The Ridge at Alpine development. Apparently, there was some confusion about what was approved in regard to the trail and he wanted to know where that ended up.

The Council discussed what they thought had been approved, which was different from which Steve Zolman and Paul Kroff thought was approved.

Shane Sorensen said they needed to do a better job with the motions and staff needed to do a better job of suggesting motions. They needed to have a clearly defined map and present it at the meeting. If it was not accepted, they would have to bring it back to the next meeting.

E. Open Meeting Training – David Church: David Church said the state code required every public body to have an annual training on the Open Meeting Act. The open meeting purpose clause stated that actions and deliberations were to be taken openly. If there was a close call, the default position was for openness and transparency. The Act chose transparency over efficiency. Issues that could be discussed in closed meetings were limited. They could talk about personnel, strategies on specific business issues, purchase or sale of property,

collective bargaining and strategy on pending lawsuits. The code did not define strategy. The court defined it as discussion on claims, defenses, weaknesses, and whether to hire outside defense. On the sale or purchase of property, the decision had to be a public discussion. The only strategy that could be discussed in a closed session was on what price to pay or accept or how to negotiate. Any transfer of property had to be discussed openly. In cases of eminent domain, the law required the vote to be taken in public. The property owners had to be invited to the meeting before they started the process, and a resolution had to be passed stating the city's intent to exercise eminent domain.

Exceptions on issues that could be held in closed meetings were deployment of security devices and ongoing criminal investigations.

Regarding emails and texting, they were technically not a violation of the Open Meeting Act. Nothing precluded communication with other council members, but the public and the press believed it was a violation of the Act. A conference call or online chat with a quorum of members would be a violation.

Mr. Church said public bodies were required to adopt Rules of Procedure for their meetings. He said the rule that was most violated was someone speaking without being recognized by the chair. When people were talking over each other and interrupting each other or individual conversations were going on, the tapes of the meetings were unintelligible. He said Alpine City had adopted Rules of Procedure which required being recognized by the chair before speaking. If they didn't want to follow their rules, they should adopt rules that reflected what they did. He noted that adopting good rules and following them made the council sound smarter. He said the key to efficient meetings was a council who allowed the mayor to be a strong chair, and a mayor who was willing to be that way.

VI. STAFF REPORTS

Austin Roy

- The Council had agreed to have a cell tower in Burgess Park. The applicant needed direction on whether the Council wanted a stealth (pine tree) tower or a simple cell tower. Carla Merrill and Kimberly Bryant said they would be in favor of a pine tree tower as long as it was better than the one in Provo.
- The proposed amendment of Summit Point subdivision by Blue Bison was scheduled for the next Planning Commission meeting on January 15th. It would be on the City Council agenda for January 22nd.

David Church.

- Regarding the Patterson lawsuit, he said the judge had ruled on the motions and how the road through Lambert park was to be handled in the Patterson lawsuit. The City would need to be more diligent on the maintenance of the road. The judgement was 1.4 million dollars on the breach of contract. The finding on attorney fees was \$909,285 which was down a little from what they were originally asking. If the City appealed it, the cost of the attorney fees would go up. He said Alpine City was looking at a payout of 2.4 million dollars and it was accruing interest.

Shane Sorensen

- In 2018 the City issued 39 permits for new homes, which was up from the previous year.
- The ULCT had issued 2 million dollars in relief credits. Alpine's portion would be a little over \$10,000.
- They had received a number of applications for the position of Parks and Recreation Manager. Interviews would be scheduled for the next week.
- Cortnie Graham left her employment with Alpine City and they would be recruiting another HR/Finance person.
- He said that every year the Trust sponsored an Arbinger training. The next one was February 5th in Salt Lake City. If anyone was interested in attending, let him know.

VII. COUNCIL COMMUNICATION

Lon Lott asked about the 4th quarter cent sales tax that the county had passed. He felt it would benefit Alpine since the city didn't get much revenue from the one gas station in the community. Carla Merrill said a portion would go to Utah County to pay off the UTA debt. Shane Sorensen said Alpine City should receive a sizable amount.

Ramon Beck asked how they should respond to citizens that asked about the Patterson lawsuit. Mayor Stout said he planned to put together a letter for the Newslite with information. David Church told them to be factual in the presentation.

Troy Stout reported on the following:

- There was a point of contention with the law firm that represented Alpine in the lawsuit. He felt they had failed the city.
- He would like to present the City of North Ogden with a statue from the bronze factory to honor their mayor who was killed in the line of duty. He said he'd checked with the accountant who said something within reason was permissible.
- In reference to the gift baskets Melanie Ewing passed out to volunteers and donors for Alpine Days, he wanted to know where the funds came from and if that had been done traditionally. He said he would like to have a specific time-frame in which invoices for Alpine Days had to be submitted.
- Regarding the trail in Heritage Hills, the mayor said part of the motivation for the trail was to discourage people from parking in neighborhoods.
- He said he was getting a lot of feedback from neighborhoods about the proposed development on the Draper side of the boundary. The developers, Blue Bison, planned to amend the Summit Pointe plat and connect a road into Draper. There would be meeting with Draper City on Wednesday (the day after they met with Alpine City Planning Commission). There was a question about hiring outside counsel but he said he didn't feel Alpine needed to defend their position to deny the connecting road. David Church said Blue Bison wanted to amend the Summit Pointe plat so showed 8 lots with a road stubbed to Draper.
- Mayor Stout said he would like a better system for electronic participation in the meetings. He asked if they needed a quorum present at City Hall to hold an electronic meeting. David Church said they he believed there was an ordinance requiring a quorum.
- Mayor Stout said he wanted to move swiftly on signs for Lambert Park now that they knew what was required on the road.

VIII. EXECUTIVE SESSION: None held.

MOTION: Kimberly Bryant moved to adjourn. Ramon Beck seconded. Ayes: 5 Nays: 0. Motion passed.

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

The meeting was adjourned at 9:45 pm.