

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 N. Main, Alpine, UT
September 26, 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, Roger Bennett, Kimberly Bryant, Lon Lott

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

Others: Robert Field, Loraine Lott, Mike Mansfield, Kris Mansfield, Annette Flygare, Vickie Mueller, Steve Cosper, Gordon Willis, Sue Willis, Carla Merrill, Mike Russon, Cori Russon, Robert Adams, Teresa Adams, Judi Pickell, Renee Barry, JT, Sylvia Christiansen, Greg Hales, Paul Kroff, Penny Linford, Clay Linford, Bridgette Server, Jane Griener, John Nield, Juanita Nield, Jim Higgins, Will Jones, Jessica Smuin

B. Prayer: Roger Bennett

C. Pledge of Allegiance: Sheldon Wimmer

II. PUBLIC COMMENT: None

III. CONSENT CALENDAR

A. Minutes of City Council meeting on September 12, 2107

MOTION: Lon Lott moved to approve the Consent Calendar with corrections to the minutes of September 12, 2017 as noted. Troy Stout seconded. Ayes: 4 Nays: 0. Lon Lott, Roger Bennett, Ramon Beck, Troy Stout voted aye. Motion passed. Kimberly Bryant was not present at the time of the motion.

IV. REPORTS and PRESENTATIONS: None

V. ACTION/DISCUSSION ITEMS

A. PUBLIC HEARING – Proposed Closure of the north end of Bald Mountain Drive. Mayor Sheldon Wimmer opened the hearing for public comment.

Mike and Kris Mansfield said they lived on Bald Mountain Drive. Kris Mansfield said they wanted to express some concerns they'd had for a long time about the safety and traffic on their road. There were people of all ages driving up and down the street at speeds that far exceed the speed limit. There were kids on four-wheelers than did not have a drivers license. The people were using the road to gain access to Lambert Park and the open space that was part of their subdivision, which had been turned into a motocross park. It wasn't just the noise but the dust was a nuisance making their front yard almost useless. But safety was their biggest concerns. They had grandkids visiting at their home and other families on the street had young children. It was a hazard for them. They had put up a plastic crossing guard on the road to alert people to slow down, and it had been mowed over numerous times and drug down the road. They had talked about putting a speed bump on the road.

Mike Mansfield said they were asking the City to install a crash gate at the end of the road which would allow residents on Bald Mountain to get through in an emergency.

There were no other comments and the hearing was closed.

B. Closure of Bald Mountain Drive: Mayor Wimmer opened the discussion to the City Council.

Troy Stout said he had met several times with neighbors who lived in that area. The firing range was always brought up as an issue, especially for this neighborhood because of their proximity to it. He said that after they closed off Lambert Park to motorized vehicles, the end of Bald Mountain Drive became the access. The neighbors said they

were seeing an increased number of people driving up there. He said he would like the City to control the areas they could control.

Ramon Beck asked what would happen if they closed it and somebody who owned property in the county needed access. David Church said that a city could close a public road but they still had to make provision for access for the private property owners who used the road. He said Mayor Wimmer had spoken to property owners in the county.

Mayor Wimmer said he had talked to Mike Fitzgerald who was Ken Fitzgerald's son. They talked about putting barriers on the stem roads on the Fitzgerald property that came off the end of Bald Mountain Drive. Mike Fitzgerald had indicated he was willing for that to happen. He indicated he was also willing to see Bald Mountain closed off as long as he had access to his property.

Troy Stout asked if they had the pricing on a gate. Shane Sorensen said a locking gate cost about \$500. A crash gate would be more. He said residents in the area were concerned that if Bald Mountain Road was closed off on the south for some reason, they needed some way to get through on the north. If they didn't have a key, they would need a crash gate.

Sheldon Wimmer said he had met with the Forest Ranger and District Ranger who said they were not opposed to closing the area to shooting. They were just opposed to doing it piecemeal across the Wasatch Front. They were interested in identifying other areas along the Wasatch Front where there were issues with shooting. He said he would talk to the other mayors at the next MAG meeting and see if they could get a consolidated effort to close those boundaries.

Lon Lott said he'd gone up there and there was a nice car trail around each one of the barricades. It appeared they only slowed them down enough to go around them. Someone had shot at fence posts and shot up the signs. Mayor Wimmer noted that the angle shots indicated they were either standing in Lambert Park when they were shooting, and standing on forest land and shooting into the park, both of which were illegal.

The Council looked at the map to identify possible areas to block. There was a question about whether or not Bald Mountain would continue to the north as shown on the masterplan. David Church said it was shown as a planned road but not as an open public road. If the unincorporated land along the master-planned road came into the city and was developed, the road would most likely be extended.

The Council discuss putting a gate at the end of Bald Mountain Drive with barricades farther up. Firefighting equipment would still need to get through.

MOTION: Troy Stout moved to appropriate funding for a gate for the road and Jersey barriers to close off other areas with the exact location to be determined. Trail access would be maintained for horses or a bicycle, but would not be wide enough to become a four-wheel access. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Troy Stout, Ramon Beck, Roger Bennett, Kimberly Bryant, Lon Lott voted aye. Motion passed.

Roger Bennett asked about the funding. Shane Sorensen said there was money in the general fund.

Mayor Wimmer asked Chief Brian Gwilliam if he would prefer to have a crash gate or a locking gate. Brian Gwilliam said a locking gate would be fine but suggested that the lock have a combination rather than a key. It was easier than hunting for a key in an emergency.

In response to a question about permanent closure, David Church said the action could always be undone by any future city council.

Shane Sorensen said they would need signage at the gate.

C. Oberee Development Agreement and Grove Drive– Paul Kroff: Mr. Kroff said he wanted to discuss a proposed amendment to the Oberee Annexation Development Agreement. The Agreement was recorded in June 2016 when the Oberee property was annexed into Alpine City.

Mr. Kroff said he was proposing to amend Sections 5.4 and 5.5 of the Annexation Agreement which dealt with the widening and reconstruction of Grove Drive, and the connection of Elk Ridge Lane to the proposed development. The amendment would eliminate the requirement of the developer to acquire the right-of-way on the east side of Grove Drive belonging to the Josh James, and the right-of-way for property on the west side of Grove Drive belonging to the Russon and Walz. The proposed amendment would also change the timing on when the development was connected to Elk Ridge Lane. The original Agreement required the developer to connect to Elk Ridge Lane prior to platting 30 lots. The amended agreement would require the connection to Elk Ridge Lane at 11 lots. Mr. Kroff said he had submitted a draft of the proposal to David Church.

Shane Sorensen identified on the map the areas on Grove Drive which were to be improved by the developer unless Elk Ridge Lane went through. He said the proposed change was that the developer would give money to the City for the areas of Grove Drive for which he was responsible, and the City would hold it for use when the improvements were made. The other change was that the connection to Elk Ridge Lane would be completed when 11 lots developed.

David Church said that in the recorded Annexation Agreement, the developer had the obligation to fund the acquisition of the right-of-way. The City would use eminent domain to acquire the property. The issue was whether or not, with the changes the developer was proposing, was it worth it to condemn property to widen the road. The law required a city to build the improvements within a certain time period following condemnation. He said Mr. Kroff was suggesting that improving Grove Drive would not be as important if he built Elk Ridge Lane first. The developer was not just proposing a simple reordering of events. The proposal would take away their obligation to fund the condemnation. He said the condemnation would be difficult and costly because the landowners were unwilling to provide the ROW. Secondly, if the ROW was condemned, the City would be required to build the road in a timely manner.

Paul Kroff said the necessary ROW on both sides of Grove Drive belonged the Russons and the James. The rest of the ROW was on Zolman's property which they would dedicate to the City.

Paul Kroff identified the 11 lots on the concept plan that would be developed prior to the connection of Elk Ridge Lane. If they could sell those lots, then they would have the money to build the connecting road.

Steve Cospers, Chairman of the Planning Commission, said they had quite a history with the proposed development on the Oberee property. They had approved a concept plan, then Paul Kroff came back with a culdesac option that was longer than the ordinance allowed so they weren't in favor of it. The Planning Commission was more in favor of constructing the connection to Elk Ridge Lane to take the pressure off Grove Drive.

Troy Stout said that if they allowed Elk Ridge Lane to go through, which would happen anyway, it would take the developer off the hook for the condemnation, and the City would get the same thing in the end.

David Church said that may or may not be true. Grove Drive would not be improved until the properties along it were developed. The City was not in the business of developing roads for developers. He asked the Council to consider if they were willing to pass a resolution authorizing a condemnation, and then authorize \$900,000 to construct the City's share of Grove Drive. If they were not willing to do that, they would want to consider making Elk Ridge Lane the main road and Grove Drive a secondary road, which wouldn't be widened until other property was developed.

Lon Lott asked if the property was in the urban wildland interface zone, which required a second access when the first home was built. Shane Sorensen said the eleven lots identified by Paul Kroff were not located in the urban wildland interface zone. If some lots were inside the zone, an exception was available that would have to be reviewed by the fire chief.

Troy Stout suggested that the residents of Alpine Cove might put pressure on the City to widen Grove Drive since they had been annexed.

Shane Sorensen said one thing they hadn't talked about was the impact of widening and reconstructing Grove Drive on the residents that used the road. There were a lot more residents who traveled down Grove Drive than down Fort

Canyon, and with the difficulties and inconveniences they'd experienced in Fort Canyon, he anticipated widening Grove Drive would be a real challenge.

MOTION: Roger Bennett moved to approve the amended Oberee Annexation Agreement as proposed. Ramon Beck seconded. Ayes: 5 Nays: 0. Roger Bennett, Ramon Beck, Troy Stout, Lon Lott, Kimberly Bryant voted aye. Motion passed.

D. Road through Lambert Park: At their previous meeting, the City Council had reviewed three options for a secondary access road through Lambert Park, and then referred the issue to the Planning Commission for a recommendation. The Planning Commission reviewed the three options and recommended keeping the existing secondary access road that extended to Moyle Drive, and for the road to remain unpaved.

Steve Cosper said there was a five to two vote on the issue.

Troy Stout said that if they built a road along the border of Lambert Park and the National Forest, they could abandon the road that went to Moyle Drive. They could avoid paving the road that divided Lambert Park, and sacrificing the trails. He said he would like to see a road that impacted the park as little as possible. The road on the southwest side still dissected the park.

Kimberly Bryant said she felt the same way as Troy Stout. She said the developer of Box Elder South went to the County to get more density and got what they wanted. But it was not the responsibility of the City to build a road for them and tear up the park. The developer had played the County to get what they wanted and was now coming back to the City to build a road.

Lon Lott said he felt the upper road along the Forest Service boundary would be an even more visible dissection of the park because of the elevation, but safety was still an issue. There were people living up there and they needed a safe way in and out. He said the road to Moyle Drive looked like it needed to be graded again, especially if they had to get a fire truck up there.

Troy Stout said the people who bought lots up there knew what they were buying. He didn't think the City was obligated to pave the road.

Sheldon Wimmer suggested they consider a fourth possibility. There was an existing road in Lambert Park that came down to the LDS Stake Center. It would be for emergency access only. The road that came out onto Moyle Drive had a hump in it because there was a water main underneath it and a box culvert. He said he thought they should look at another option where a fire truck could get through. If the existing gravel road that came out by the stake center was used for secondary access, they could put up fences along it to keep traffic from spreading into the park, and put in a gate to provide maintenance access to the water tank and head gates. The road would have to be improved but would remain unpaved. It would allow emergency vehicles to get up there.

MOTION: Troy Stout moved to reject proposed options for a secondary access road through Lambert Park and leave Moyle Drive as the secondary access, and the road remain unpaved. Kimberly Bryant seconded. Ayes: 4 Nays: 1 Troy Stout, Kimberly Bryant, Ramon Beck, Lon Lott vote aye. Roger Bennett voted nay. He said he would prefer to see the road paved. Motion passed.

Troy Stout asked if a super majority vote was required to pave the secondary road to Moyle Drive.

David Church said the Moyle Drive secondary access obligation came from the Settlement Agreement in 1992 when the City approved the Box Elder subdivision. The road had been on the master plan as a regular road since 1992. When it was originally planned, the City Council didn't have the same vision for Lambert Park as they currently did. Mr. Church said people should not think that the secondary road was pushed onto them by the approval of Box Elder South. Paving the road had been an issue since the first resident moved into the Box Elder subdivision. He added that the Box Elder subdivision was located in Alpine City limits.

Mayor Wimmer said there was an actual road through Lambert Park that was used in 1887 to bring logs off the mountain. There were outflows from floods up on the mountain.

Jim Higgins said he lived on Alpine Boulevard and would like to speak to the issue of roads in Lambert Park. He said the Council was talking about only grading the secondary road but he wondered if there was a loophole which implied the developer could pave the road. He was told no. He asked if there had been an impact study on the roads that they were bringing to north Country Manor Drive. Mr. Higgins said he was concerned that if they did find another route, they may lessen the impact on Lambert Park, but they would potentially be running another two hundred cars down Alpine Boulevard. He said he had come talked to the Council a year ago about the traffic and speeding problems on Alpine Boulevard. He'd done his own study on the impact on Alpine Boulevard and had a ton of data which he gave to the developer. He said that if they were considering an option to funnel more traffic onto Alpine Boulevard, he was absolutely against it. He said he was against any road being built through Lambert Park. He said it felt like they were solving for someone else's issue.

Jessica Smuin on Moyle Drive said she wanted to explore the possibility of a conservation easement for Lambert Park. The Council spent so much time and resources on problems in Lambert Park so what about exploring a conservation easement for Lambert Park. Draper City just did it and it must be a viable thing.

Sheldon Wimmer said that a conservation issue was one of the things they could study as part of the Lambert Master Plan.

Troy Stout said a conservation easement was something worth exploring.

VI. STAFF REPORTS

Chief Brian Gwilliam said the recent house fire on 100 West was believed to have been started with an electrical cord in the garage. Propane tanks in the garage were probably responsible for the explosion. The woman who lived there was a crossing guard and a renter with no renters insurance, and she lost everything. The police department was helping out. He said it was fortunate that no one was injured.

Charmayne Warnock said it was time for a City Council photo and wanted to know when everyone would be present at a meeting so she could schedule a photographer. The Council agreed to have a photo taken at the next meeting on October 10th at 6:30 pm.

Shane Sorensen reported on the following:

- A company had come out pulled the pump on the Healey well. He would hopefully of a report on the damage at the next meeting.
- The bid for the overlay project would be awarded at the next meeting.
- A public hearing on PI metering was scheduled for the meeting of October 10th. The notice had gone out in the Newslite.
- Fort Canyon Road paving. He said the gas line going up the canyon was holding them up. October 16th was the tentative paving date. The lower phases of Three Falls subdivision would also be paved.
- Ten days ago, there was a significant storm in Alpine which had popped some storm drains. They would need to tear up part of Creekside Park to take care of some bends, which would alleviate some problems. They would repave that section of street. There were other areas that also needed to be addressed including the storm drain from 600 North to Fort Creek. He would be coming back with a multilocation storm drain project.

VII. COUNCIL COMMUNICATION

Kimberly Bryant said she had received calls from citizens in Fort Canyon wanting to hook onto the City's water system, and wanted to know what would be involved in that. David Church said it was like any other hookup. They needed to bring in water shares.

Shane Sorensen said there were two situations in Fort Canyon. Some people were on wells and had access to the water main. There were other residents on wells who did not have access. He asked Kimberly if she had the names

of the citizens so he could contact them. There could be a problem with a cross connection if the quality of their well water didn't meet City specs.

Ramon Beck clarified that they would not lose their well right if the hooked onto the system. He said he'd had another complaint about speeding on 200 North from Mr. Goodsell. Mayor Wimmer said they received complaints about speeding from all over Alpine. Perhaps they should look into hiring a policeman just to write speeding tickets in Alpine.

Ross Welch said he would like to respond to some misinformation. When the developer first brought Box Elder South to the City for approval, the City said no, they wanted it to be a park. They had a letter from the mayor telling them to seek development in the county, which they did. He said they were not playing the county against the City. He said Troy Stout had come to him and asked for options for a road in Lambert Park. He said they were not trying to carve up Lambert Park. The proposal for roads in the park was not their request. Mr. Welch said he would like to see the secondary access road paved as required by the urban wildland ordinance.

Troy Stout reported on the following:

- He said he had calls from residents in the Bald Mountain Drive area about flooding generated by the storm. Sheldon Wimmer said the City was aware of it and had been up to look at it. They had some ideas about what could be done. They were also working with NRCS to come up with solutions.
- He asked where they were on code enforcement on violations in public open spaces. Shane Sorensen the City Planner, Austin Roy, was brand new and there were many aspects to his job. As he came up to speed on the Planning Commission, he would begin other issues such as code enforcement. Open space enforcement was difficult. In one situation they had an Eagle Scout clean up some open space where neighborhood kids had built a fort and parents were upset that it was taken down. Troy Stout said he was more concerned about people landscaping onto public open space. There was a problem with water on trails because adjacent property owners had landscaped and sprinkled out into the open space.

Mayor Sheldon Wimmer reported on the Lone Peak Public Safety meeting. They had received the audit report from the State Auditor John Dougall. He provided a copy of the report to the Council. There were six findings in the report. Some of the items were already remedied. The first was that the Board could improve their oversight and be more proactive in setting policies, etc. over the fire department activities. It was recommended they adopt a Code of Ethics. Another finding was failure to retain adequate documentation on vehicles. There was no wrongdoing, it was just procedural. The third finding was inadequate control of credit cards and it was recommended they develop a policy, which had been done. The fourth item was lack of adequate policies over high risk areas. The Board had improved that. The fifth finding was increased risk by using credit cards versus purchase cards. The sixth item was automatic payroll deductions for the employee association. The recommendation was that they cease the payroll deductions. Also included in the report were allegations made against the department. They were investigated and the findings were included in the report. Mayor Wimmer said they would begin interviewing for the position of fire chief. They had 16 applicants and had reduced the number to six. One had withdrawn so they added another one. They would begin interviewing applicants in October.

Mayor Wimmer said he was working with the Division of Forestry and State Land on Firewise Community. More information would be provided at a future meeting.

VIII. EXECUTIVE SESSION: None held

MOTION: Kimberly Bryant moved to adjourn. Ramon Beck seconded. Ayes: 5 Nays: 0. Kimberly Bryant, Lon Lott, Roger Bennett, Ramon Beck, Troy Stout voted aye. Motion passed.

The meeting was adjourned at 9:00 pm.