

**ALPINE CITY COUNCIL MEETING**  
**Alpine City Hall, 20 N. Main, Alpine, UT**  
**November 14, 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, Austin Roy

Others: Nathan Meek, Loraine Lott, Julie Yarbrough, Chuck Yarbrough, Paul Fjeldsted, Rose Fjeldsted, Daryl Stallings, Tom Watkins, John Johnson, Jonathan Johnson, Dan Hogan, Samuel Lyon, Mary Wimmer, Angela Hammond, Austin Hammond, Carla Merrill, Jon Nelson, Wyatt Croft, Blake Palmer, Debra Hart, Mike Davis, Sylvia Christiansen, Rebecca Higgins, Wyck Parker, Ryan Parker, Will Jones, Rachel Johnson, Ed Bush, Kathleen Rasmussen, Ronald Rasmussen, Regan Pack, Marvin Pack

**B. Prayer:** Roger Bennett

**C. Pledge of Allegiance:** Sheldon Wimmer

**II. PUBLIC COMMENT**

Nathan Meeks - Draper, UT said he owned ten acres just west of the Three Falls development. He said he understood there was a meeting where the Three Falls development was going to leave an access for a neighboring property owner, but since that time the property had been sold. He wanted to know if that access was still available.

Shane Sorensen said that when Three Falls was approved, there was no proposal for a connecting street to the west. Creating such a street would take a plat amendment. Some of the old dirt roads on the property had been included in the layout of the lots but until the lots were staked, they didn't know for sure where the boundaries were.

Mayor Wimmer recommended Mr. Meeks contact the developer of Three Falls. At the time there were no plans for an access to the west.

Julie Yarbrough – Lupine Drive in Alpine. She said she wanted to talk about the Summit Pointe subdivision but apparently it had been pulled from the agenda. She said she thought the City had a Master Plan and ordinance that they needed to follow. How did the developer change the plan or get a variance? Summit Point was supposed to be a dead end.

Mayor Wimmer said the road shown through Summit Pointe was a private driveway that would serve four lots. The development plan complied with the ordinance and was already recorded with the county. No variances had been granted on the recorded, four-lot development.

Troy Stout asked why the development had been approved with a private driveway. Roger Bennett said the four lots had their necessary frontage on a Hog Hollow Road which was a public road, but the lots were accessed by way of a private driveway that extended from Lakeview Drive.

Tom Watkins said he thought Summit Pointe was going to be on the agenda. He'd been coming to the meetings for over ten years. Two years ago, a notification was sent out about the development and a large group attended the meeting. The plan included two roads. He said the neighborhood just found out that the development no longer had two roads. The fire marshal had written a letter stating that he could not support just one access. He said all the people at the meeting were there to make a statement about this. How was it that the development had been changed from having two roads to only having one road and not a single person in the room was notified about it. He said he had notes about the meeting held in 2015. He said the city attorney clearly stated on January 10<sup>th</sup> of 2017 that the development could not put neighboring property owners in a worse position than they had been. He said his neighborhood didn't have any water pressure, but the City was going to let this development use culinary water for

irrigation and give them a discount on it. Was the City going to give his neighborhood a discounted rate because they didn't have enough pressure to water their yards?

Shane Sorensen said the upper portion of Summit Pointe was too high to serve with pressurized irrigation. Dry PI lines would go in and when the master plan improvements were installed, the pressure would be much improved. It was the same situation that they had in Box Elder subdivision and part of Willow Canyon subdivision. Three Falls would be the same way. In order to provide PI water to those developments, the City would have to pump water to them. Rather than building a duplicate system and pumping both culinary water and PI water to those developments, the City decided to have them use culinary water for outdoor use. They calculated the cost of using culinary water in those developments, and the preliminary numbers showed that the cost of watering a lot in high zone with culinary water was about the same as the cost of watering the same size lot in the low zone with PI water.

Tom Watkins said the approval process for Summit Pointe had been going on for about ten years and he thought all sides finally came to a consensus to have two roads.

Lon Lott and Mayor Wimmer explained that the plan agreed on in 2015 had 13 lots and needed a wider road plus a secondary access and retaining walls. Earlier in 2017, the developer proposed a much simpler plan with only four lots, a long private driveway, and no retaining walls. That plan was approved by the Council and was recorded with the county.

Tom Watkins asked what the notification process was if there was a change.

Mayor Wimmer said this change was noticed in the newspaper, on the city website, on the state noticing website, and posted at City Hall. In addition, notification letters were sent to residents within 500 feet of the subject property.

Tom Watkins asked if another development outside the city could use the road to potentially access the development.

Mayor Wimmer said Blue Bison had purchased 110 acres in Draper that bordered Alpine City. The zoning in Draper was 1 home per acre. At present, there was no connection between Alpine and the proposed subdivision. The owner of Blue Bison wanted to come into Alpine through the Hartvigsen property so they could have a second access but there was no road. Draper City required a second access and was holding them to that requirement.

Tom Watkins asked if Summit Pointe was set up so there couldn't be road access in the future.

Mayor Wimmer said the currently recorded plat showed no road access, only a long private driveway serving four lots. However, it was illegal to landlock a neighboring property so Hartvigsens had been granted an easement through the Summit Pointe development to his ground.

Troy Stout said Draper City had made several attempts to have Alpine annex the property because it was hard for them to manage, but the City had declined.

Daryl Stalling – Lakeview Drive. He said he had been to a number of meetings. Before Summit Pointe was dropped to four lots, there was a sign on Hog Hollow Road that showed a road coming off there. When he looked at the sign again, there was no road shown off Hog Hollow. He asked if having only the one road was against the fire code. Mayor Wimmer said it met the fire code because there were only four lots.

Mr. Stallings said he understood that the City wouldn't allow a culdesac that long. Mayor Wimmer said it was not a culdesac. It was a private driveway.

Mr. Stallings said he had talked to the owners of Summit Pointe and was told they got calls everyday from another developer who wanted to buy it and kept upping the price. The other developer wanted to build a road through his property and come out onto Lakeview Drive. He was worried about Lakeview Drive connecting to Draper.

Mayor Wimmer reiterated that a four-lot development with a private driveway was what was recorded with Utah County.

Kimberly Bryant said that someone couldn't just buy the property and do what he wanted. If it changed, he would have to start the whole process again.

### III. CONSENT CALENDAR

- A. Minutes of City Council meeting of October 24, 2017
- B. Healey Well Pump Rebuild Proposal – Nickerson Co. - \$35,766.00
- C. Final Bond Release – Alpine West Meadows - \$72,636.37
- D. Final Bond Release – White Pine Estates - \$5,499.92
- E. Resolution No. R2017-19 Approve Shane Sorensen to represent the City on the Alpine Irrigation Co. Board
- F. Municipal Code Online – fee to codify Development and Municipal Codes - \$1,700.00
- G. Geneva Rock Products – Payment for 2017 Overlay Project - \$175,160.09

Troy Stout asked if the City had insurance on the Healey well pump. Shane Sorensen said it was covered by insurance for the first repair but it went out again. They sent a certified letter to the company that rebuilt the pump and set the motor and that still had to play out. Because of the importance of the Healey well, they needed to move forward on getting it up and working.

**MOTION:** Troy Stout moved to approve the Consent Calendar. Ramon Beck seconded. Ayes: 4 Nays: 0. Troy Stout, Lon Lott, Ramon Beck, Kimberly Bryant voted aye. Roger Bennett abstained because he wasn't present at the meeting of October 24, 2017.

### IV. REPORTS AND PRESENTATIONS

**A. Unofficial Results of the General Municipal Election of November 7, 2017:** Charmayne Warnock said the County was still counting ballots that had been postmarked by November 6<sup>th</sup> or were dropped off at the voting stations on November 7<sup>th</sup>. Provisional ballots still needed to be processed and counted so this report was still preliminary.

Alpine City Election- Unofficial Results 11/14/17			
			Percent
<b>MAYOR</b>			
<b>Candidates</b>			
Troy Stout	1,552		
Sheldon Wimmer	1,403		
<b>CITY COUNCIL</b>	2 seats		
<b>Candidates</b>			
Judi Pickell	1,519		
Steve Cospers	1,732		
Carla Merrill	1,602		
Ballots Cast		2,991	50.92%
Ballots sent to active registered voters		5,874	
Provisional Ballots		97	

**B. Financial Report:** Shane Sorensen said he had emailed the financial report to the City Council and asked if they had any questions.

### V. ACTION/DISCUSSION ITEMS

**Items A & B, a Public Hearing and Action Item on Summit Pointe Subdivision for an open space exchange and plat amendment had been withdrawn from the agenda at the request of the developers.**

**C. Annexation petition – KM8 – Will Jones:** Austin Roy said the City had received a petition to annex the Melby property adjacent to Alpine Cove. It consisted of 69 acres. He explained that accepting the petition did not mean the City would annex the property. It merely began to the process to study the annexation request.

Shane Sorensen said the developers had emailed him a potential concept earlier that day. The concept plan showed 34 lots with a couple of parcels of open space and a trail connection to the Three Falls development. The areas of open space had slope issues and were not suitable for building.

Will Jones said the plan would also show a trail connection to Lambert Park and a secondary access to Pine Grove. They would need to acquire water rights to submit to the City if annexed. It would be included in a development agreement. He said there were just over 23 acres of open space. It was not going to be a PRD but would be a straight subdivision with one-acre lots. They were not asking for a density bonus.

**MOTION:** Roger Bennett moved to accept the annexation petition for the KMB development. Ramon Beck seconded. Ayes: 5 Nays 0. Roger Bennett, Ramon Beck, Troy Stout, Kimberly Bryant, Lon Lott voted aye. Motion passed unanimously.

**D. Annexation Petition for Pine Grove – Ross Welch:** Austin Roy said the City received a petition to annex the Pine Grove property adjacent to Lambert Park. It consisted of 159.7 acres. He hadn't received a concept plan for the proposed development.

Ross Welch said a portion of the land had been rezoned by the county to TR-5. There were fifty acres which were not included in the application to the county. They had carved off the area where Blaine Patterson's home was located and another area designated as CE-2. Each area would have only one home on it. He said the smallest lot size would be one acre.

**MOTION:** Troy Stout moved to accept the annexation petition for Pine Grove to begin the process. Roger Bennett seconded. Ayes: 5 Nays: 0. Troy Stout, Ramon Beck, Roger Bennett, Kimberly Bryant, Lon Lott voted aye. Motion passed unanimously.

Shane Sorensen said this would go to the Planning Commission. Troy Stout said he wanted to look at the water issues and feasibility.

**E. Commercial Site Plan - Alpine Main Street Village, Lot 1 – John Johnson:** The proposed site plan was introduced by Jonathan Johnson who was architect for John Johnson's building. It would be a two-story building with a 14' x14' tower that would be 40 feet high. He said it was patterned after the old Alpine school house. The key feature was the corner tower. He said the Zoning Ordinance, Section 3.21.8 allowed a height of 34 feet as measured from the average finished grade to the midpoint of the roof. The midpoint was defined as the midpoint between the eaves and the ridge line. The ordinance also allowed the height to exceed 34 feet as a conditional use based on the finding that there would be no significant loss of light, air, and view of surrounding properties. The Planning Commission had recommended approval of the site plan and a conditional use permit to allow the corner tower to be 40 feet high.

The Council had a lengthy discussion about the height of the building and the height of the tower, and how it should be measured.

**MOTION:** Kimberly Bryant moved to approve the commercial site plan for the proposed building on lot 1 of Alpine Main Street Village with a conditional use permit for a 40-foot tower on the northeast corner of the building, as recommended by the Planning Commission. Ramon Beck seconded. Ayes: 4 Nays: 1. Kimberly Bryant, Ramon Beck, Troy Stout, Lon Lott voted aye. Roger Bennett voted nay because he didn't agree with the method of measurement. Motion passed.

**F. Commercial Site Plan - Olde Towne Centre, Lot E:** The applicant was not present. Austin Roy reviewed the application. Two story office building had 4,786 square feet on the main floor and 3,508 square feet on the second floor. There was also a basement with 3,303 square feet. The applicant was requesting a deed restriction on the basement so it would not be included in the calculation for the parking requirement. The basement had no windows and was to be used for storage only. Without the basement square footage, the building needed 33 parking stalls. If the basement was included in the calculation, they would need 46 spaces. In the past, the Council had approved deed restrictions for other commercial businesses that did not plan to use the basement for anything except storage.

Will Jones said the challenge was the deck on the east side of the building. It looked out over the neighboring residences and they were concerned about that because people on the second floor would be looking into their homes.

The Council agreed to table approval of the site plan until they could resolve the issue of the deck.

**MOTION:** Kimberly Bryant moved to table the Alpine Olde Towne Centre, Lot E, commercial site plan until they could work out something on the deck. Roger Bennett seconded. Ayes: 5 Nays: 0. Kimberly Bryant, Lon Lott, Roger Bennett, Ramon Beck, Troy Stout voted aye. Motion passed.

**G. Pack Zone Change Request – Marvin and Regan Pack:** Austin Roy said the Packs requested a rezoning of the property located at 651 East 770 North from CR-40,000 to CR-20,000 to match the adjacent properties to the south and east which were zoned CR-20,000. The properties to the west were zoned CR-40,000 but the lots were less than one acre in size. The Packs were proposing that the CR-20,000 zoning be extended to include the north side of 770 North. It would include about five lots which, with the exception of the Pack's lots, were already about half-acre lots. The Pack property had enough frontage for two lots. The Planning Commission had held a public hearing on the zone change. Notification letters had been sent, a sign posted, and the public hearing was noticed in the newspaper.

Regan Pack said he had spoken with nineteen of the neighbors who supported the change. There were two home owners who didn't want to sign the petition but weren't opposed to the zone change.

Lon Lott asked about the existing home on the lot. Regan Pack said they'd had a fire in it earlier that year and it didn't have much restorable value. They may incorporate part of it into another house.

**MOTION:** Ramon Beck moved to approve the Pack zone change as requested. Roger Bennet seconded. Ayes: 5 Nays: 0. Ramon Beck, Roger Bennett, Troy Stout, Kimberly Bryant, Lon Lott voted aye. Motion passed.

**H. Gary Young Water Rights:** Shane Sorensen said Mr. Young had requested a reduction in water rights for his property at 1831 N. Fort Canyon Road. He had been using a spring but with the development of Three Falls, his source was cut off. Culinary water was available up Fort Canyon and he would like to connect to the City's water system. New water users were required to meet the water policy and submit water rights to Alpine City. He had 15.6 acres of land but a large portion of it was non-irrigated pasture and steep hillsides. He intended to irrigate only 3.25 acres. He would like to have the water requirement reduced and submit water rights for just the 3.25 acres.

Mr. Sorensen said the City had approved reductions in water rights requirements in other instances. The property owner was required to enter into an agreement with the City that they would use the City water only on the specified number of acres.

**MOTION:** Lon Lott moved to enter into an agreement with Gary Young for the reduction of the water requirement as requested for 3.25 acres as identified with the understanding that the water would be metered, and the City would periodically check the aerial map to make sure the property owner wasn't watering more land than specified in the agreement. Roger Bennett seconded. Ayes: 5 Nays: 0. Lon Lott, Kimberly Bryant, Roger Bennett, Ramon Beck, Troy Stout voted aye. Motion passed.

David Church would draw up an agreement.

## VI. STAFF REPORTS.

Shane Sorensen reported on the following:

- He had been approached by Highland City to apply for funding through MAG (Mountainland Association of Governments) for a traffic study in Highland and parts of Alpine. He said the gravel pit on the southeast side of town would close in a few years and there might be an opportunity to get a road through there. Years ago, Alpine had a ROW but the City didn't have the funds to build the road and it expired. He said there might be an option to make Canyon Crest a three-lane road, and there was a good chance it could be funded. The cost to the cities would be minimal.
- The Halloween trick or treating at local businesses was a success. They anticipated 1,500 to 2,000 and more than that. They ran out of hot chocolate. Kimberly Bryant said Judi Pickell had done an outstanding job in putting it together.
- They were close to bidding for construction of the right-hand turn lane from Canyon Crest to SR-92. If it came in higher than they anticipated, they would see additional funding from MAG.
- The Bald Mountain road closure gate was in place.
- There was a big problem with graffiti and vandalism in the park restrooms. They were going to put out a reward for information.

## VII. COUNCIL COMMUNICATION

Sheldon Wimmer said the Lone Peak PSD board had met and selected a new fire chief. Mr. Thompson had been working in South Jordan and came highly recommended. Mark Thompson was his father, but he had resigned from the board and was not involved in the process.

Lon Lott said there was a problem with parking by the junior high and wondered if anything had been done about it. Shane Sorensen said it was on the list to write letters to the coaches so they could disperse information to the teams.

Ramon Beck said there was a problem with cars getting high centered on the driveways in Fort Canyon. Shane Sorensen said the contractor was planning to knock on every door and see what concerns the residents had.

Troy Stout asked about the soccer teams and how the fields were being managed. He anticipated having someone oversee parks and recreation in the future.

Kimberly Bryant said the Youth Council had arranged Santa would come to Alpine in the fire engine on November 27<sup>th</sup> for the tree lighting. The Youth Council had used most of their budget and would need money for hot cocoa.

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

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

The meeting was adjourned at 9:45 pm.