

**ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 N. Main, Alpine, UT
June 11, 2019**

I. 6:00 FIELD TRIP TO VIEW THE DRY CREEK CORRIDOR TRAIL

The following were present at the field trip:

Mayor Troy Stout, Councilmembers Lon Lott, Jason Thelin and Carla Merrill. Shane Sorensen and Austin Roy. Ramon Beck and Kimberly Bryant did not attend.

7:00 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, Chief Brian Gwilliam, Chief Reed Thompson, David Sanderson

Others: Spencer Bunnell, Camille Bunnell, Monica Lawlis, Michael Kendig, Brian Streadbeck, Gary Streadbeck, Todd Wynen, Blaine Hale, Will Jones, Paul Kroff

B. Prayer: Rajan Zed: President of the Universal Society of Hinduism

C. Pledge of Allegiance: Ramon Beck

II. CONSENT CALENDAR

- A. Minutes of the City Council meetings of May 14, 2019 and June 6, 2019**
- B. Partial Payment #2 to BMEI – PI Meter Installation, Phase III - \$109,772.50**
- C. Partial Payment #1 to CAP Construction – 600 North Storm Drain Project - \$78,486.72**
- D. Approve Bid – Water Tank Fire Project – Blue Rock Construction**
- E. Partial Bond Release – The Ridge of Alpine Subdivision - \$628,327.33**

In response to a question about the status of the trail in The Ridge at Alpine subdivision, Paul Kroff said the entire trail was flagged and about 70% constructed.

Regarding the bid on the water tank fire project, Shane Sorensen said the project was a preventive measure to prevent flooding. A beefed-up silt fence would be placed above Willow Canyon and most of the material would have to be carried in by hand. It was part of the NRCS project and the majority of the cost would be covered by the grant. The City’s portion would be about \$5,700 and would come from the storm drain fund

MOTION: Ramon Beck moved to approve the Consent Calendar. Lon lott seconded. Ayes: 5 Nays: 0. Motion passed.

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

III. PUBLIC COMMENT: None

IV. REPORTS AND PRESENTATIONS: None

V. ACTION ITEMS

A. Alpine City Budget Discussion. This item was dealt with later in the meeting.

B. Open Space Conservation Easement for The Ridge at Alpine: Shane Sorensen said the developers of the Ridge at Alpine subdivision were ready to record Phase I and as part of the approval, the Conservation Easement Agreement needed to be recorded. The City Council had granted final approval to Phase I at their meeting of October 23, 2018 and made a clarification to the motion regarding fencing in the open space at their meeting November 13, 2018.

There was a discussion about trapping in the open space. David Church said the developer's attorney said the land owner was trapping to protect chicken and other livestock. The language in the proposed Conservation Easement Agreement stated that if the trapping was to protect livestock and in accordance with law, it would be permitted.

There was a discussion about the use of motorized vehicles in the open space. Public use of motorized vehicles was prohibited. However, the Agreement would allow whoever owned the property to use ranch related vehicles on the open space. David Church referred the Council to the list of rights the developer was retaining.

Councilmembers were concerned about the owners riding their ATVs on the trails. Paul Kroff recommended revising the language so that the only permitted motorized vehicle use would be that which was consistent with ranching purposes but not for recreational uses.

Carla Merrill said that rather than referring to the trail as a hiking trail in the Agreement, it should just say trail.

Regarding the possible use of motorized vehicles on the trail, David Church said the Agreement would state that only the Holder of the Easement could operate motorized vehicles on the trail. That would enable the City, as the Holder of the easement, to do maintenance work.

Lon Lott said he was concerned about the Exhibits in the Agreement and wondered if the same information on the original Exhibits had been transferred to the Exhibits in the revised Agreement. Shane Sorensen said Jed Muhlstein had reviewed the Agreement and didn't find any discrepancies.

The Council returned to the topic of trapping. Recently, a dog had been caught in a trap in the area. It was pointed out that Alpine City Ordinance did not allow dogs to run at large in any public open space except for Lambert Park. In all other places, they had to be on a leash.

The Council discussed the location of the traps. Paul Kroff said the owner would use a snare located on the fence. There was a question about the type of fence and what constituted a wildlife friendly fence. Shane Sorensen said he thought wildlife friendly was something a deer could jump. Jason Thelin said they would need a definition of a "wildlife friendly" fence. Since looking up a definition would delay approval of the Agreement, the Council agreed to take out the term "wildlife friendly" and require the fence to not exceed five feet in height, which should be high enough to contain the livestock and still allow deer to migrate.

MOTION: Ramon Beck moved to accept the Open Space Conservation Easement Agreement for the Ridge at Alpine Subdivision with the following conditions:

1. In Section 4.3, take out the term "wildlife friendly" and state that fencing would not exceed five feet in height.
2. Only the Holder of the easement may use motorized vehicles on the trails.
3. Section 2.7 shall state that No trapping shall be permitted except the use of snares on the fence as permitted by applicable law and to protect livestock on the property.
4. Delete the next-to-the last sentence in Section 7.2 which states, "Nothing in this section shall be interpreted as to prevent Grantor from crossing or utilizing the Trail or portions thereof with a motorized vehicle."

Kimberly Bryant seconded. No vote was taken. Jason Thelin made a substitute motion.

MOTION: Jason Thelin moved to accept the Open Space Conservation Easement Agreement for the Ridge at Alpine Subdivision with conditions and specifically state that the Grantor shall be prohibited from using motorized vehicles on City trails.

1. In Section 4.3, take out the term “wildlife friendly” and state that fencing would not exceed five feet in height.
2. Only the Holder of the easement may use motorized vehicles on the trails.
3. Section 2.7 shall state that No trapping shall be permitted except the use of snares on the fence as permitted by applicable law and to protect livestock on the property.
4. Delete the next-to-the last sentence in Section 7.2 which states, “Nothing in this section shall be interpreted as to prevent Grantor from crossing or utilizing the Trail or portions thereof with a motorized vehicle.”

Kimberly Bryant seconded. Ayes: 5 Nays: 0. Motion passed.

C. Ordinance No. 2019-11, Amending the Zoning Ordinance. The proposed amendment stated that Accessory Structures shall be located no less than five feet from the main dwelling. This Item was postponed to a later meeting.

D. Ordinance No. 2019-12, Street Requirements in Open Space. This item was dealt with later in the meeting.

E. Ordinance No. 2019-13 Amending the Zoning Ordinance to add Dog Kennels/Boarding as a Conditional Use in the BC Zone. Austin Roy said the Alpine Animal Hospital proposed that dog kennel/boarding be allowed as a conditional use in the BC zone. The Planning Commission had reviewed the request and recommended approval with some modifications to the language as shown below.

MOTION: John Mackay moved to recommend approval of dog kennels/boarding be allowed as a Conditional Use in the business Commercial Zone. Alan MacDonald seconded the motion.

MOTION: Alan MacDonald moved to amend the original motion to include the following language:

1. Amend Sub Part A to include the word unreasonable before adverse impact on nearby structures and/or property
2. Amend Sub Part C to say no more than 25 individual dog runs, with total dogs not to exceed 1.5 X the number of kennel runs
3. Add a new Sub Part D that would say no more than one dog shall share a kennel run without the owner’s permission
4. Current D through I will become E through J. Then add Sub Part K that would say, must have an active DVM relationship to immediately treat a sick or injured animal requiring medical attention

Jane Griener seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

Ramon Beck asked if the proposed use would affect the sewer system. Shane Sorensen said the TSSD may require a grease trail.

Carla Merrill asked if the ordinance specified an allowed decibel level. Austin Roy said there was nothing for dog kennels.

There was a question about condition #2 which allowed more dogs than kennels, and the practicality of putting multiple dogs in one kennel. Shane Sorensen said it was probably to address the situation where an owner had multiple dogs and wanted them in the same kennel.

Michael Kendig said he owned the Alpine Animal Hospital. Since they’d opened, they had constant requests to board dogs but there was no room. He said they were at a point in their operations where they could expand and would like to offer boarding alongside his vet clinic. They were requesting 25 kennels with the total number of dogs not to exceed 1.5 times the number of kennel runs or a total of 37 dogs. He said he had a contractor who had a sound-proofing system that would eliminate noise heard outside. He said the dogs would be outside at times but

would not be allowed to bark incessantly. If a dog was barking, they would take it for a walk. They would not be running around free on the property.

Lon Lott said he had listened to the public hearing held by the Planning Commission. There were some who came that would like to have that service, but he'd heard a lot of opposition to the proposal. The main concerns were the smell and the noise. It was questionable if it was possible to completely eliminate the noise. Existing businesses adjoined the animal hospital. The preschool had children who played in an outside playground and were supervised by adults. The Alpine Art Center held outdoor wedding receptions in a garden area that was next to the kennels.

Dr. Kendig said the outdoor kennels would not be on the same side as where they held outdoor receptions. A map was produced and he identified the location of the proposed kennels.

Brian Streadbeck said he owned the Alpine Art Center next door to the animal hospital. He had met with the neighboring business owner who presented his plan for expansion, but he had not seen the actual building plans, nor seen how they were going to soundproof the building. He said it was important that the facility tie into the sewer and that the waste go directly into the sewer system. If waste was left in dumpsters, it would generate a lot of unpleasant odors and flies. He wanted to make sure that special care was taken to clean and sanitize the kennels. Disease and odor control were essential. He said the proposed area was small and 25 dogs seemed like a lot of dogs to house in that space. He said they held outdoor weddings in their gardens and he was very concerned about the potential for noise and smell from the business next door.

Carla Merrill noted that there was the potential for 37 dogs. Some would be inside and some would be outside. She said she understood that people would love to have a dog boarding service available but that did sound like a lot of animals.

Lon Lott said that if this was approved, other boarding kennels could be built anywhere in the BC zone, much of which was adjacent to residences. He said he was concerned about a negative impact on existing businesses and residents.

Kimberly Bryant said she took her dog to a kennel in American Fork which was in a residential area and she'd never heard any complaints.

Gary Streadback said they held between three to seven events a week at the Alpine Art Center, and the events were primarily in the outside gardens. He said the owners of the animal hospital had tried to be courteous with the animals they already had, but he was concerned about the impact of that many more dogs. He asked how they were going to mitigate that impact.

Lon Lott said he knew the dog boarding service was needed but he didn't think it was a good fit for Alpine. There were people in town that bred dogs and they had complaints from neighbors about those dogs. He said he was concerned about legally opening up the entire zone to more kennels.

MOTION: Lon Lott moved to determine that kennels/boarding not be allowed as a conditional use in Alpine. Ramon Beck seconded. Ayes: 2 Nays: 3. Motion failed.

Ayes

Ramon Beck
Lon Lott

Nays

Jason Thelin
Carla Merrill
Kimberly Bryant.

Mayor Stout said he was in favor of increasing the tax base, however, he was concerned that they would be exposing existing businesses to a negative impact. He didn't want to bring in one business that would harm existing businesses.

There was more discussion and another motion was made.

MOTION: Jason Thelin made a motion to approve Ordinance No. 2019-13 with the following amendments:

1. Item 13.c to state that there shall be no more than 20 individual dog runs with the total dogs not to exceed 1.2 times the number of kennel runs;
2. The distance between the facility to a dwelling structure be not less than 150 feet,
3. An indoor, soundproofed dog run be required.

Carla Merrill seconded. Ayes: 3 Nays: 2. Motion passed.

Ayes

Jason Thelin
Carla Merrill
Kimberly Bryant

Nays

Ramon Beck
Lon Lott

A. Alpine City FY 2019-2020 Budget Discussion: Shane Sorensen said they'd had several discussions about the budget already. The Council held a special meeting the previous week to invite residents to bring their questions and idea regarding a possible tax increase as a way to increase revenue since Cedar Hills had left the Lone Peak Public Safety District. A few people showed up and most them supported increasing taxes to maintain the same level of service Alpine residents presently enjoyed. Some suggested the City not just raise taxes to cover present costs but look at future needs, as well.

Shane Sorensen said he had looked at what would be needed to support a five-year plan for the PSD. An increase to cover the current deficiency would be about 29%. If they looked at this year and the next year, it would be a 55% increase. To meet the proposed five-year plan, it would be an increase of about 115%. He said it was his opinion that they should look at an increase to cover this next budget year. The Legislature was looking at how taxes were collected, and things could change in the future. In addition, the City could generate a little money each year if they kept the tax rate the same every year rather than adjusting for new growth, which was what other cities did. The City could move forward on some infrastructure projects if the rate was higher. He said the Council would be looking at the final tentative budget at the meeting on June 25 and set a date for the Truth in Taxation Hearing in August. In August they would be adopting the final budget and the tax rate.

D. Ordinance No. 2019-12 Amending the Article 4.07.404, Streets and Street Requirements. Austin Roy said the proposed ordinance would relocate the language on street requirements in the Urban Wildland Interface Area to the section on Street Requirements in the Subdivision Ordinance so the specifications for streets would all be in the same place.

Jason Thelin asked what the ramifications of the change would be in regard to paving the secondary access road in Lambert Park. Since it was an existing road, would it have to be paved or would it apply only to roads in new subdivisions. He said he would prefer to eliminate the word "paved" and use the term "all-weather surface."

Chief Reed Thompson said the road would have to meet the requirements of the International Fire Code. An all-weather surface meant it could be plowed and handle water and the required weight. In his mind, paved and all-weather surface were synonymous.

Mayor Stout agreed there were some roads in town they didn't want to see paved if they didn't have to.

MOTION: Jason Thelin moved to approve the Ordinance No. 2019-12 with the modification that they replace the word "paved" with "all-weather surface," and change the reference to the International Fire Code, Section 503. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Motion passed.

Ayes

Jason Thelin
Ramon Beck
Carla Merrill
Kimberly Bryant
Lon Lott

Nays

E. Interlocal Cooperation Agreement Between Utah County and Alpine City Regarding Library (Bookmobile) Service. The proposed agreement would be effective for the upcoming fiscal year.

Lon Lott said he would like to know if people who sought reimbursement for library cards were aware that the bookmobile was free since there were complaints about Highland City raising their library card rates.

Carla Merrill said she used the online bookmobile service for audio and eBooks.

MOTION: Ramon Beck moved to approve the Bookmobile Agreement. Carla Merrill seconded. Ayes: 4 Nays: 1. Motion passed.

Ayes

Ramon Beck
Carla Merrill
Kimberly Bryant
Lon Lott

Nays

Jason Thelin

COUNCIL COMMUNICATION

Mayor Troy Stout reported on several items.

- He said that he and Shane Sorensen had met Greg Culver who offered his goats to graze in wildland areas to reduce the potential for fire. They were using the five-acre area above the rodeo grounds as a test area.
- He asked Chief Brian Gwilliam about enforcement for motorized vehicles in Lambert Park. Chief Gwilliam said they issued four citations over the weekend and three the previous night. Mayor Stout said they had money to pay for police overtime and would like to use it for overtime enforcement.
- There was a question about eBikes. David Church said eBikes had a motor and he would consider them motorized. The Council may want to look at amending their ordinance if they were going to allow them in Lambert Park.
- Mayor Stout asked if they were going to improve the hump at the top of Moyle Drive. Shane Sorensen said it was more complicated and time consuming than expected and they would need to contract with someone for the job.

Lon Lott said he'd been informed by concerned citizens that the open culvert by the Bruce McDaniel home on 100 South was dangerous and needed a grate over it.

Shane Sorensen said grates were a double-edged sword. Someone in American Fork had died because of a grate. They became plugged with trash and caused flooding, but he would look into it. He said they had a lot of open culverts.

STAFF REPORT

Shane Sorensen reported on the following.

- He'd received a few emails about PI smart controllers. Some thought there should be a grant available for the city to pay for a smart controller and give it to residents. Lon Lott said the state did offer a rebate for smart controllers and certain types of sprinkler heads. Mayor Stout said this sounded like part of a larger discussion and could be on a future agenda.
- He'd received more requests for private streets and private developments. One developer said they would be willing to pay for their own street maintenance.
- Other items for future discussion were cell towers, eBikes, goats.
- The PI metering project should be completed in July.
- He had a proposal to spend impact fees for some projects, which he would bring the next meeting

Charmayne Warnock reported that the candidate filing period had closed. Jason Thelin was the only person to file for the two-seat. Lon Lott, Judi Pickell, Kimberly Bryant, Gregory Gordon, and Melanie Ewing filed for the four-year seats. With only five candidates running for three seats, they would not need to have a Primary Election.

Austin Roy said they would likely see Summit Point on the agenda in a month or two with a new plan.

Chief Reed Thompson said the Council needed to approve a Firework Restrictions Map for the summer. They should be seeing it at the next meeting. He also reported that citizens may see a lot of activity at the Bank of American Fork. They were demolishing it this week and the fire department would be using it for training. There would be no live fire but there would be other tactics training.

EXECUTIVE SESSION: None held.

MOTION: Carla Merrill moved to adjourn. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Motion passed.

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

The meeting was adjourned at 10 pm.