

**ALPINE CITY COUNCIL MEETING**  
**Alpine City Hall, 20 N. Main, Alpine, UT**  
**November 19, 2019**

**I. CALL MEETING TO ORDER.** The meeting was called to order at 6:05 pm by Mayor Troy Stout. The following were present:

Mayor Troy Stout  
Council Members: Lon Lott, Kimberly Bryant, Carla Merrill, Jason Thelin  
Ramon Beck was excused.  
Council Members Elect: Gregory Gordon, Judi Pickell  
Staff: Shane Sorensen, Charmayne Warnock, David Church, Austin Roy  
Others: Barry Johnson, Jared Inouye

**II. EXECUTIVE SESSION:** Discuss litigation, property acquisition, or the professional character, conduct or competency of personnel.

**MOTION:** Kimberly Bryant moved to go into Executive Session to discuss litigation. Lon Lott seconded. Ayes: 4  
Nays: 0. Motion passed.

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

**III. OPEN MEETING.** The Council returned open meeting at 7:10 pm. The following were present:

Mayor Troy Stout  
Council Members: Lon Lott, Kimberly Bryant, Carla Merrill, Jason Thelin  
Ramon Beck was excused.  
Council Members Elect: Gregory Gordon, Judi Pickell  
Staff: Shane Sorensen, Charmayne Warnock, David Church, Austin Roy  
Others: Eric Palsson, Cheri Palsson, Val Hunter, Steve Wright, Sherri Wright, Merrily Lau, Steve McArthur, Cheryl Anson, Allison Bench, Olivia Bench, Breezy Anson, Hal Hughes, Daryl Hughes, Marlo Anderson, Sarah Larsen, Troy Benson, Marne' Reneer, Bradley Reneer, Heather Johnson, Randy Austin, Leslie Austin, Loraine Lott, A. Behnke, Ben Robison, David Johnson, Cindy Cloward, Candi Miller, Leslie Clark, Greg Clark, Laura Haacke, Lisa Southwick, Albato Ruiz, Blair Buswell, Julie Buswell, Amy Thackery, Brenda Webb, Megan Hacking, Julie McKeon, LeeAnn Lorenzon, Jodi Stosich

Mayor Troy Stout said he would like to acknowledge the service of Kimberly Bryant and Ramon Beck. Kimberly Bryant had served on the Council for 16 years. Ramon Beck had served a term previous to the one he just completed. Mayor Stout also recognized Judi Pickell and Greg Gordon who were newly elected to the City Council. He also recognized Police Chief Brian Gwilliam who had been awarded Police Chief of the Year for 2018.

- A. Prayer:** Kimberly Bryant
- B. Pledge of Allegiance:** Chief Brian Gwilliam

**IV. CONSENT CALENDAR**

- A. Approve City Council minutes of October 22, 2019**
- B. Bond Release #2, Final – North Point Subdivision, Plat D: \$19,717.17**
- C. Bond Release #3, Final – Conrad’s Landing, Plat C: \$17,755.08**
- D. Alpine Pressurized Irrigation Meter Project, Phase I, SCI – Final Payment: \$10,157.75**
- E. Alpine Pressurized Irrigation Meter Project, Phase II, SCI – Final Payments 3,4, 5: \$21,178.75**
- F. Alpine Pressurized Irrigation Meter Project, Phase III, BMEI – Partial Payment: \$13,257.26**

**G. Healey Park Parking Lot, Partial Payment #1 – Sterling Don Excavation: \$73,845.34**

**MOTION:** Lon Lott moved to approve the Consent Calendar. Carla Merrill seconded. Ayes: 4 Nays: 0. Motion passed.

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

**V. PUBLIC COMMENT**

Hayden Johnson – Main Street. He reported that he would like to do an Arboretum restoration project in Peterson Park for his Eagle Scout project. He would repaint the bridge to protect it against the elements and preserve it for generations. He would also replace a broken railing. It was suggested he use stain rather than paint.

Val Hunter -170 North 600 East. He said he in ran 4.5 miles a day six days a week in Creekside Park. There was a sidewalk that didn't have a ramp. He suggested they put in a ramp. Shane Sorensen said that one of the reasons they hadn't put a ramp in there was because they didn't want to invite motorized vehicles onto the trail, but they would consider it.

**VI. REPORTS/PRESENTATION**

**A. Financial Report**

Shane Sorensen said the financial report for November was in the packet and to contact him with any questions or concerns.

**VII. ACTION ITEM**

**A. Anson Farmstead Subdivision – PRD Status**

Austin Roy said the proposed subdivision consisted of 10 lots on 13.59 acres with open space. It was located at approximately 487 Westfield Road in the CR-40,000 zone. The concept plan showed a trail that would connect to the trail in the Alpine View Estates subdivision and to Westfield Road on the south. The developers were requesting PRD status.

David Church said the configuration of the subdivision met the ordinance for the number of lots and lot size. An amendment to the ordinance which regulated the slope of land inside a lot would allow the developers to adjust some of the lot lines to create more regularly shaped lots and avoid the odd shaped lots that had been created in the past in an attempt to eliminate slope from building lots.

**MOTION:** Kimberly Bryant moved to approve PRD status for the Anson Farmstead Subdivision with the open space designated as public. Lon Lott seconded. Ayes 4 Nays: 0. Motion passed.

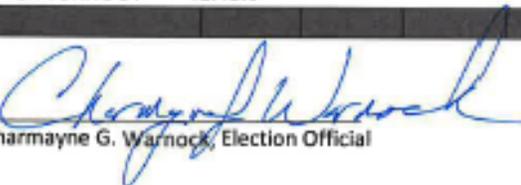
<u>Ayes</u>	<u>Nays</u>
Jason Thelin	None
Carla Merrill	
Kimberly Bryant	
Lon Lott	

## B. Canvass 2019 Municipal Election Results

City Recorder Charmayne Warnock said they had received the final election results from Utah County; the County had conducted the vote-by-mail election for Alpine City. The final results were posted below. The voter turnout was 41.48%.

The following information is taken from the returns of the General Election held November 5, 2019 at Alpine City, Utah	Alpine City Election Returns 2019 Official Canvass for the General Municipal Election							
	Precinct AL01	Precinct AL02	Precinct AL03	Precinct AL04	Precinct AL05	Precinct AL06	Total	Percent
Total # of Registered Voters	1022	1094	1149	1261	878	961	6365	
# of Ballots Counted	480	436	443	532	328	421	2640	41.48%
<b>City Council Candidates</b> 4-year term (3 seats)								
<b>Kimberly Arnold Bryant</b>	171	199	261	140	150	120	1041	16.12%
<b>*Lon Lott</b>	293	292	259	440	226	353	1863	28.86%
<b>*Gregory S. Gordon</b>	297	297	301	390	229	300	1814	28.10%
<b>*Judi Pickell</b>	351	270	274	350	193	300	1738	26.92%
<b>City Council Candidate</b> 2-year term (1 seat)								
<b>*Jason Thelin</b>	352	349	369	397	263	337	2067	100%
Percentage turnout by precinct	46.97%	39.85%	38.56%	42.19%	37.36%	43.81%		
Voted in Person	5 Provisional Ballots. 5 Provisional Ballots counted. 3 Same Day Registration.							
*Candidates that were elected								
<b>TOTAL VOTER TURNOUT</b>	<b>41.48%</b>							

Signed



Charmayne G. Warnock, Election Official

**MOTION:** Jason Thelin moved to accept and ratify the final results of the 2019 Municipal Election as presented by the City Recorder. Kimberly Bryant seconded. Ayes: 4. Nays: 0. Motion passed.

Ayes

Jason Thelin  
Carla Merrill  
Kimberly Bryant  
Lon Lott

Nays

None

## C. 2020 Annual Meeting Schedule

Charmayne Warnock presented the proposed meeting schedule for the City Council and the Planning Commission for 2020. The Planning Commission still needed to approve their schedule, which they would do at their meeting in December.

Jason Thelin proposed canceling the Council meeting schedule for May 26<sup>th</sup> since it was after Memorial Day and people might still be out of town.

**MOTION:** Jason Thelin moved to adopt the City Council Annual Meeting Schedule for 2020 with the change that the City Council meeting on May 26<sup>th</sup> would be canceled. Lon Lott seconded. Ayes: 4 Nays: 0. Motion passed.

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

#### **D. Ordinance No. 2019-20, Fences on Retaining Walls**

Austin Roy said the proposed amendment would allow a privacy fence on a retaining wall between properties provided both property owners agreed to it in writing. It would also apply to retaining walls between private property and adjacent open space or a trail.

Carla Merrill said the ordinance disallowing privacy fences on retaining walls was adopted for safety and as a courtesy to other property owners. A homeowner could have a privacy fence if it was offset from the retaining wall by four feet. She said the current neighbors may be okay with a privacy fence on a retaining wall, but future owners may not be. She said she understood that people wanted exceptions to the ordinances, but the ordinances were there for a reason.

Shane Sorensen said the ordinance prohibiting privacy fences on retaining walls was a relatively new ordinance. It wasn't unusual for the Council to end up modifying ordinances after they were adopted because it was only when the ordinance was implemented that the problems became apparent. Frequently they had to work out the bugs. What seemed good in theory didn't always translate well to actual use.

Jason Thelin said the opportunity for an exception could be used to put pressure on neighbors to do something they didn't want to do instead of just relying on the code.

**MOTION:** Lon Lott moved to table the issue. Motion died for lack of a second.

**MOTION:** Jason Thelin moved to deny Ordinance No. 2019-29 amending Article 3.21.060 of the Development Code based on the finding that a wall and fence on the same plane with a height of 17 feet would be a safety issue, and allowing private property owners to make the decision on whether or not to have a privacy fence on a retaining wall was not a fair process. Carla Merrill seconded. Ayes: 3 Nays:1 Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	Lon Lott
Carla Merrill	
Kimberly Bryant	

Carla Merrill asked about rewording the motion to say that an exception would be allowed between the City and private property owner. Jason Thelin said he wanted to ask David Church about it first.

#### **E. Ordinance No. 2019-23 Standard Specifications and Details**

Shane Sorensen said staff had been working on standardizing construction standards for a long time. The Planning Commission had held a public hearing on the proposed documents and recommended adoption. Shane Sorensen said it would be a living document which would be adapted according to changes in building codes.

**MOTION:** Jason Thelin moved to adopt Ordinance No. 2019-23, Standard Specifications and Details as proposed. Lon Lott seconded. Ayes: 4 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	None

Carla Merrill  
 Kimberly Bryant  
 Lon Lott

## F. Verizon Cell Tower

Troy Benson represented Verizon in providing information on multiple sites in Alpine for the Council to consider for construction of a new Verizon cell tower. He said that after the last meeting, he had walked the Lakeview area and the Alpine City Cemetery since those two locations had also been proposed for a tower; his conclusion was that both sites would be unsuitable locations. He had submitted information on other feasible sites which included two locations in Burgess Park (option A and option B), Creekside Park, Peterson Park, the Alpine City Trails open space, the park east of City Hall, and Legacy Park.

The Council discussed the issue of whether or not they wanted the City to be the landlord, noting that if the choice was turned over to another entity, the residents and City would have less voice in the location of the tower. It was pointed out that, wherever the tower was located, the nearby residents would not like it even though everyone liked using their cell phones.

Lon Lott said that he didn't like the idea of bisecting a park to put the tower in the center, which was what they would need to do in order to locate it the required distance from homes and provide road access to the tower. He preferred to see it where it had as little impact as possible. If they located the tower in the park by City Hall, it would be closer to an existing road.

Mayor Stout said he would allow public comment. He asked the citizens to limit their comments to three minutes and not repeat information that had already been presented.

Laura Haacke – Parkway. She said the location in Burgess Park by the river was not really an out-of-the-way spot. It was the kids' main access to the water. She felt putting the tower in Burgess Park was absolutely the worst case scenario. She said that as a realtor, she knew it devalued property. She said she would rather see it at the Timberline Middle School than in the park but would prefer it in the Alpine City Trails area.

Cindy Cloward – Twin River Loop. She said her husband was the CEO of a wireless company on the east coast and he was not opposed to the tower. She said it needed to be in a location that provided maximum coverage.

Troy Benson said the Verizon engineer had indicated they would get better coverage if the tower was located in Creekside Park but it was not ideal for access and aesthetics.

Marne Reneer - For Creek. She passed out a map to the Council saying that the improved coverage from the proposed cell tower was a lot less than what they were claiming. She said she had surveyed 100 people in Alpine. 72% said their coverage was fine. That included all the providers. 17% said their coverage was sometimes spotty. 6% said they had mediocre coverage. 2% said it was bad. She said the real question was, did they really need a new tower? The City could say no if it was not needed.

Hal Hughes – River Circle. He said Verizon needed a permit from Alpine City for wherever they located the tower. In order to get a permit, Verizon had to show a significant gap in coverage that only a new tower could cure. He said Verizon's website showed all of Alpine as having the best coverage. There had been four hearings on the proposed cell tower and no one had come forward and said they had bad coverage. The Planning Commission had voted to deny the tower; he recommend the Council do the same. He said Utah law allowed wireless companies to provide insurance to cover damage to citizens. He said the City should require an indemnification agreement with Verizon when they put in a tower so the liability would be on the cell company because there would be liability. It would hold Alpine City harmless.

Brian Cropper – River Road. He said he didn't know if cell towers were bad for a person's health or not, but they were told they couldn't consider healthy impacts or property impacts. Should they consider whether it is a nuisance to neighbors? They were ugly wherever they were located. He said they should consider other locations. He'd sent an email on August 14<sup>th</sup> suggesting the property on 300 North and 600 East. He asked if they had looked at all the locations for the best signal strength.

Randy Austin – Twin River Loop. He said he filed a GRAMA request with the City had read all the emails between Alpine city and Verizon. There were emails referencing a Christmas Party where the topic could be discussed. He said the decision on the cell tower needed to be deliberated publicly.

Mayor Stout said he didn't not remember any conversation about discussing it at a Christmas Party. Shane Sorensen said the City was not circumventing the public process. They were in a public process right now. They'd been discussing this for months in public meetings. No decisions had been made. Any discussions that were held outside a public meeting were not held with a quorum.

Randy Austin asked about locating it on an existing tower on Shepherd's Hills. Lon Lott said that Verizon had a tower on Shepherd's Hill that was not longer in use. There was a question about locating it there.

Troy Benson said they had looked at the location on Shepherd's Hill, but the possibility was not supported by the ordinance.

Brad Reneer – For Creek Drive. He said he'd heard the reason they wanted the tower was so 911 calls could go through, but if one carrier couldn't pick up a 911 call, the other carriers would. He asked if the ordinance allowed for co-location on other towers.

Sherry Wright – Parkway West. She said she her home was the closest house to the proposed tower in Burgess Park. She'd not heard any talk about 5 g and wondered if that was coming and where it would be located.

Troy Benson said the proposed tower would provide 4 g coverage. There were no plans for a 5g tower on that site.

Angie Bankee – Highland City. She said there were students that went to Timberline. She said she'd asked parents how they felt about having a cell tower by the school and they had no idea it was a possibility. She said she felt there were better sites. Choosing a site that had 1,000 students a day was not a good idea.

Carla Merrill said that if the City let it go, the tower would most likely end up at one of the schools and they didn't hold public hearings.

Lisa Southwick – Canyon Crest Road. She said it was interesting that the Council had argued at length over a four-foot retaining wall but talked little about an 80-foot tower. If it was located in the Burgess Park, the surrounding homes would lose their values. Burgess Park was not the place for it.

Mayor Stout pointed out that this was not the first discussion on the tower. They had devoted many hours to the issue.

Lon Lott said the Council was bound to act according to the telecommunication ordinance which prioritized locations and the criteria that had to be evaluated. If the council wanted to change the criteria and locations, they could look at amending the ordinance.

**MOTION:** Kimberly moved to release the cell tower proposal to other entities and Alpine City would not be landlord. Motion died for lack of a second.

Lon Lott said Verizon had presented other possible locations. Maybe they should look at the park by City Hall. It was not a heavily used park although it was closer to some homes.

Jason Thelin said that if they were going to consider the City Hall location, they needed to let the neighbors know.

Carla Merrill pointed out that no matter what location they chose, there were problems and there would be resistance to it.

**MOTION:** Jason Thelin moved to spend one more meeting to discuss a location for a cell tower and work with Verizon to evaluate the feasibility of putting the cell tower between City Hall and the Fire Station and determine if

there were issues relating to coverage, proximity to houses, access, and schedule a public hearing. Lon Lott seconded. Ayes: 2 Nays: 2 Mayor Stout broke the tie and voted aye. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	Carla Merrill
Lon Lott	Kimberly Bryant
Mayor Troy Stout	

Troy Benson said that at some point Verizon would say they were just being strung along and direct him to work with private property owners. He said the City Hall park location would work for coverage. It was closer to residences, but access and utilities would be easy. There would still be pushback from the community. He said construction would take time and he didn't expect the tower to be online for another year and a half.

Mayor Stout asked the Councilmembers to give Shane Sorensen any additional feedback about what they wanted to be considered in selecting a site for the cell tower.

### **G. Moyle Drive Road Design to Eliminate Hump**

Shane Sorensen said the design for the end of Moyle Drive into Lambert Park had been finalized. In a previous discussion, the Council had wanted to add some parking to the turnaround so it could also serve as a trailhead into Lambert Park. The design showed seven parking stalls. Because of the grade, they needed to flatten the area and grade outward about 200 feet to make it work. The purpose of the turnaround was to enable snowplows and trucks to turn around. The biggest challenge was going to be getting it constructed in the winter. Three of the trails would be rerouted to the east. He said that if the Council approved the design, he would put it out to bid.

Lon Lott noted that there would need to be a guard rail on the culvert.

**MOTION:** Lon Lott moved to approve the road design for the end of Moyle Drive with an additional 40 feet of pavement to the east. Carla Merrill seconded. Ayes: 4 Nays: 0. Motion passed.

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

### **H. CUP Project Update**

Shane wanted the Council to be aware of the progress on the CUP project. The District would pay 100% on the pipe line. Part of the pump station would be Alpine's expense since it would benefit the city and the aquifer. He said they had five or six years left on our bond. The interest rates were good and if they chose to refinance, they may want to add money to the refinance. They could extend it out a few years and keep the same payment and bond for the improvements. The specifics would be worked out at a later time.

Will Jones suggested the Council get a copy of Shane Sorensen's presentation to the irrigation company this year, which was very informative. Second, he said that in the past, the City had been leasing the water back to CUP so they didn't have to make the payments for it. Without the lease agreement, the City would have to begin paying for it the water.

Shane Sorensen said that normally the city would have pay \$115,000 for the CUP water whether or not they could use it, but since Alpine didn't have the necessary pipes to use the water, CUP had allowed them to lease the water back to CUP. The lease contract ended this year, but CUP said they'd give them another extension.

### **I. Regulating Soffit Lighting**

Mayor Stout said soffit lighting on homes was becoming a problem and he wanted to look at writing an ordinance in the next year to regulate soffit light on future construction, especially since more and more homes were being built on the hillsides. He'd received complaints about the intrusiveness of home lighting which was lighting up the entire neighborhood. Shane Sorensen said he had talked to David Church about the problem and they could discuss it in a future meeting.

### **VIII. STAFF REPORTS**

Austin Roy said they would have a vacancy on the Planning Commission in January because David Fotheringham was leaving.

Shane Sorensen

- He reported that they were making progress on the Healey Park parking lot but wouldn't pave it until the spring.
- Alpine City had entered an agreement with Utah County when Alpine Cove was annexed which stated that the County would pay the City \$50,000 to be used for water improvements or whatever was needed. They hadn't yet paid that. Alpine Cove resident Richard Thompson said he understood that Cove residents would be connected to Alpine City's water system as part of the annexation. Shane Sorensen said that was only if their wells went down. Any connection would need to have a valve that could be closed. He said the Cove's water system didn't meet Alpine's current standards and if they took it over, they'd have to bring it up to code and all the existing Alpine residents would have to pay to do that. The only way they could charge impact fees was if it was part of an existing plan.
- He reminded the Council that ULCT was offering a training for newly elected officials and others who wanted to attend.
- He said Chief Gwilliam had reported at the Board meeting on the incident at Lone Peak HS where it was thought there was a gunman was at the school. The officers did a fantastic job and learned a lot.
- He said that Charmayne Warnock was looking to retire in 2020 and they would need look at adjusting the budget to hire someone to train for her position.

### **IX. COUNCIL COMMUNICATION**

Lon Lott said he'd received a complaint from Bill Kirkpatrick about the employees at PURPLE who were still parking along 200 North. They had an agreement with the LDS Church to use their parking lot and some employees were being moved to another site, but it was still a problem.

Troy Stout said he'd met with the Forest Service on Friday. They were planning to put security cameras on the dam at the mouth of American Fork Canyon. They were also working toward having cell coverage in the canyon. The conduit had been laid and they would run the cable in the springtime and put in the transmitter tower. The Forest Service also planned to move the toll booth over and put in a third lane so through traffic did not have to stop. For some of the projects, they would have to work with the school commuter traffic during construction.

Mayor Stout said the Ridge Trail had a lot of heavy use. He suggested they consider regulating it to allow foot traffic on one day and bike traffic on another day like they did in Mill Creek Canyon. They had a 20-mile fat-bike trail for snow and a cross-country trail. Snowbird was putting yurts on the American Fork Canyon side of the resort.

Carla Merrill said the Alpine Youth Council did a great job with the First Responder dinner. Brian Gwilliam said he got a lot of positive feedback from the responders. It was heartwarming that the kids put on a dinner for them.

**MOTION:** Lon Lott moved to adjourn. Carla Merrill seconded. Ayes: 3 Nays: 0. Motion passed. Kimberly Bryant was not present at the time of the motion.

The meeting was adjourned at 10:20 pm