

**ALPINE CITY COUNCIL MEETING**  
**Alpine City Hall, 20 N. Main, Alpine, UT**  
**December 9, 2014**

**I. CALL MEETING TO ORDER:** Mayor Don Watkins called the meeting to order at 7:00 pm.

**A. Roll Call:** The following were present and constituted a quorum:

Mayor Don Watkins

Council Members: Lon Lott, Will Jones, Roger Bennett, Kimberly Bryant, Troy Stout

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Jason Bond, Chief Brian Gwilliam

Other: Craig Skidmore, Bob Antrim, Paul Kroff, Jeff Call, Steven Day, Bruce Harvey, Jane Griener, Mike Russon, Darren Kowarn, Michelle Delatorre, Frank Delatorre, Bruce R. Baird, Fraser Bullock, Cedar Jordan, Aaron Russ, Rick Helstrom, Kevin Mulvey, Ron Madson.

**B. Prayer:** Will Jones

**C. Pledge of Allegiance:** Brian Gwilliam

**II. PUBLIC COMMENT:** Matt Wang said he was a resident of Alpine and was a member of the UVU Botany Club. He said he wanted to talk about the proposed rezoning of Pine Grove and the ecological effects it would have on the declining mule deer population in the state. If the area was rezoned it would be taking habitat from the deer, not to mention what it would do to the plant community. Disturbances in the land enabled greater seed dispersal of invasive plants. The area was adjacent to the wilderness and it was important to keep those invasive plants out of the wilderness. Invasive plants such as cheat grass were already a problem in Utah. In an area where a lot of water was coming down, it created a bigger problem. There were a lot of trees like Siberian Elm and Russian Olive popping up all over. They were a problem around water sources because they used a lot more water. Setting aside science and ecology, he said believed they had a beautiful gift and they needed to protect it for future generations. He then quoted Aldo Leopold from the Sand County Almanac. "We abuse land because we believe it is a commodity belonging to use. When we see land as a community to which we belong, we use it with love and respect."

Kimberly Bryant asked if there was a way to take these things into consideration when they did go forward on a development.

Steven Day said he lived on Pfeifferhorn and he wanted to talk about the Questar issue under public comment because he was unable to be present later in the meeting. The easement agreement Questar proposed allowed them to do anything with the property. One of his big concerns was the safety issue. They wanted to put in not just a gas meter but a gas regulator that would release gas into the air. It was a high pressure gas line which was a significant safety concern. No one wanted poisonous gas in their neighborhood with the potential for fire or explosion. There were good alternatives. They didn't have to place it in their neighborhood. He said property values would take a dramatic hit that wouldn't begin to be offset by the \$37,000 Questar was offering for the easement.

**III. CONSENT CALENDAR**

**A. Approve minutes of November 11, 2014**

**B. Water Conservation Plan**

**C. Annual Meeting Schedule**

Roger Bennett said he had a comment on the Water Conservation Plan. He had noticed that the residents in Box Elder subdivision paid a significantly lower water rater during winter months than the other residents in Alpine. He said he could understand why they got a lower rate in the summer because they didn't have access to pressurized irrigation and had to use culinary water for outdoor use. But he didn't understand why they got a break during the winter months. Shane Sorensen said that was the way the original deal was worked out. According to the study, it was paying for itself. Mr. Bennett said he would like to reconsider the winter rate when they did the next water study.

Will Jones said the report referenced a Water Conservation Committee. Did they have one? Shane Sorensen said it was basically him. They had to update the report every five years. This was the third plan. The springs that went into pressurized irrigation were Box Elder Spring, Grove Spring, and Schoolhouse Springs.

**MOTION:** Roger Bennett moved to approve the Consent Calendar. Troy Stout seconded. Ayes: 5 Nays: 0. Roger Bennett, Will Jones, Troy Stout, Lon Lott, Kimberly Bryant voted aye. Motion passed.

#### **IV. REPORTS AND PRESENTATIONS:** None

#### **V. ACTION/DISCUSSION ITEMS**

**A. Questar Property Purchase and Conditional Use Site Plan - approximately 600 N. Pfeifferhorn Drive:** Mayor Watkins said this item had been on the agenda several times and there was a lot of public comment at previous meetings. At this meeting, he wanted to give the Council time to discuss the issue.

Lon Lott said that at the previous meeting, Troy Stout had made a motion to allow a temporary easement, but it didn't pass. He said it had seemed that a lot of the comments and concerns expressed at the meeting had been based on old information for an option that was no longer on the table. He said that David Church was to work with Questar in drawing up a contract that would protect the City from the carte blanche use of the easement. Rick Helstrom had said they were only going to put in an underground vault. The agreement could reflect that.

Mr. Lott said he felt it was in the best interest of the City to allow Questar a wider easement and give them room to put in the new pipeline. They were going to revegetate it so it would look better than it did right now with the debris and garbage from neighboring construction. Another issue they needed to consider would be to make it easier for Questar to go down the street rather than through people's yards. If they altered the easement, it would give the City an opportunity to square it off. Mr. Lott suggested the Council also consider asking Questar to put in some plantings to camouflage the existing equipment.

Troy Stout asked if the abandoned pipe would remain in the ground. Rick Helstrom said it would be emptied and abandoned but remain in place. He showed a drawing of what would be underground and what the above-ground electrical cabinet would look like. He didn't have the dimensions on it.

Troy Stout asked if there was an option to have the vault located farther up and away from the houses. Mr. Hellstrom said they were trying to find a place as level as possible. Since it was underground, water was an issue.

The engineer for Questar said another reason they chose this site was because of the readily available power and it was closer to the street, which would allow them to work as needed. Also, if it was situated farther up the canyon it would be sheltered and they wouldn't be able to see if someone was tampering with it. This was in an open location.

Mr. Hellstrom added that if the City wanted landscaping, there would need to be a water source.

David Church reminded the Council that there was an existing agreement with Questar that was entered into in 1947. It was very brief and basically gave them full rights to use the easement for whatever purpose they saw fit. A new agreement would supercede it and could impose more restrictions on what could be done in the easement. He said the issue the City Council was deciding was whether or not to sell Questar some additional easement. Questar would be putting in their improvements whether or not the City sold them the additional easement.

Jeff Call said the City had fought diligently to protect open space over which they had no control. This was one open space the City did control. He said he had built a brand new home up there worth a lot of money. He had several special needs children. He asked the Council to put themselves in his spot. He didn't care about landscaping. What concerned him was the legal document. He was afraid that as the easement got larger, they may put more structures on it. He said he'd like to review the legal agreement to make sure it protected the people so nothing more could be built up there.

Kimberly Bryant said she agreed with Troy Stout. She didn't see why they couldn't move it farther up the canyon where there weren't any houses.

Roger Bennett said he supported allowing a wider easement to prevent someone from building a structure right next to the pipeline.

**MOTION:** Lon Lott moved to accept the proposal from Questar and expand the easement to 30 feet and reroute the easement to square with Pfeifferhorn rather than diagonally, and abandon the diagonal easement. An easement agreement would be negotiated with Questar in which no facility would be built above ground. They would also request that Questar provide a landscaping plan to hide the above-ground electrical box. Roger Bennett seconded. Ayes: 3 Nays: 2. Lon Lott, Roger Bennett, Will Jones voted aye. Kimberly Bryant and Troy Stout voted nay. Motion passed

**B. Oberee Annexation Petition:** David Church said the City had received a petition to annex approximately 190 acres into Alpine City limits. It was the old Pack property at the north end of Grove Drive. Shane Sorensen showed where it was located on the map. Mr. Church said the property was in Alpine City's Annexation Declaration Area and was contiguous to the City. The Council could vote to either accept or reject the petition. If they voted to accept the petition, it did not mean the property would be automatically annexed. They were only voting to begin the process. If they accepted the petition, it would need to be checked by the county and certified by the City Recorder. If it was certified, there would begin a 30-day protest period where it would be advertised in the newspaper for several weeks. At the end of the protest period, the City Council would have a public hearing and would vote to either accept the annexation or reject it.

Mr. Church said that in the past when a property was in the annexation area, they would run the development plan through the Planning Commission process at the same time. If the City and the developer couldn't agree on the development plan, the City Council could vote against the annexation. He said the same property had come to the City years earlier and run through a long process, but the Council and the developer couldn't agree on a development plan. At that time the landowner withdrew the application. He said these were new owners who were petitioning for annexation.

Will Jones recused himself from the issued because he was representing the landowner.

Troy Stout asked what the options were. If the City did not want to annex it, it could go to the County and be subject to their zoning and possibly become a detriment to the City.

Kimberly Bryant said she felt they should at least begin the process and study it.

**MOTION:** Lon Lott moved to accept the Oberee Annexation Petition to begin the process. Roger Bennett seconded. Ayes: 4 Nays: 0. Lon Lott, Roger Bennett, Kimberly Bryant, Troy Stout voted aye. Will Jones abstained. Motion passed.

**C. Possible Annexation of Alpine Cove and surrounding properties:** David Church said this area was not in Alpine City's Annexation Declaration Area. They would first have to amend the Annexation Policy Plan to include it in the Declaration Area. That would be a two-step process. It would first go through the Planning Commission and the City Council to amend the Plan, and then they would solicit a petition from the landowners. The owners of a majority of the land would have to petition for annexation.

Rich Nelson suggested that before they took any formal action, they should form a committee and approach the landowners to see if there was an interest in annexing into Alpine.

Will Jones asked who put this item on the agenda? Mayor Watkins said it was a request from the president of the Alpine Cove Homeowners Association.

Ron Madson passed out a letter that the Alpine Cove Homeowners Association sent to the County Commission stating that Alpine City was considering a comprehensive annexation plan that would include the Pack properties, Alpine Cove, the Melby properties, and Pine Grove. They requested the County approve a 60-day continuance on any decision on the rezone request made by Patterson Construction for the Pine Grove property to allow Alpine City

to consider a comprehensive plan. He said the people who were primarily impacted by a rezoning should be the ones to make a decision.

The Council discussed the proposal and made a motion.

**MOTION:** Kimberly Bryant moved to instruct the Planning Commission to amend Alpine City's Annexation Policy plan to include Alpine Cove, the Melby properties and Pine Grove, and instruct David Church to write a letter to the County Commissioners saying that Alpine City was considering annexing the aforementioned land. Troy Stout seconded. Ayes: 4 Nays: 0. Kimberly Bryant, Roger Bennett, Lon Lott, Troy Stout voted aye. Will Jones abstained stating he had a conflict of interest. Motion passed.

**D. Demolition of abandoned home:** The home on the corner of Canyon Crest and Healey (811 S. Canyon Crest Road) had been abandoned a number of years ago. Since that time it had been vandalized and turned into a place where people used drugs. David Church said the owner of the home had been contacted and sent a Notice of Dangerous Structure and Order to Repair or Demolish by certified mail. The owner was going to demolish the home until he found out what the cost would be. It was proposed that the City demolish the home and recover the cost with a lien on the property when it was sold. The estimated cost to demolish the home along with removal of asbestos was about \$25,000. David Church said it was an appropriate use of government power.

Mayor Watkins said he felt the City had an excellent chance of getting their cost back. It was a home on a three-acre parcel.

**MOTION:** Kimberly Bryant moved to demolish the abandoned house located at 811 S. Canyon Crest Road based on the finding that there were issues with vandalism and drugs. Troy Stout seconded. Ayes: 5 Nays: 0. Kimberly Bryant, Troy Stout, Lon Lott, Roger Bennett, Will Jones voted aye. Motion passed.

David Church said staff would call the homeowner and tell him that the City Council had voted to demolish the home and place a line on the property.

**E. Utah County Dispatch Special Service District Contract:** Rich Nelson said the Utah County Dispatch District proposed construction of a new Dispatch Center, and had developed a plan for the new center. Alpine City was a member of the Utah Valley Dispatch Special Service District. The City's share of the cost would be \$95,074.

Rich Nelson said the Council had already discussed the proposal for a new Dispatch Center at their meeting of September 23, 2014 and approved the expenditure. The contract was on the agenda for approval that evening.

**MOTION:** Kimberly Bryant moved to approve the Dispatch Building Contract with Utah County Dispatch Special Service District. Troy Stout seconded. Ayes: 5 Nays: 0. Kimberly Bryant, Troy Stout, Will Jones, Lon Lott, Roger Bennett voted aye. Motion passed unanimously.

**F. Election by Mail:** In the previous election, several counties and cities in Utah implemented an Election by Mail rather than having registered voters vote at the polls. City Recorder Charmayne Warnock said more and more registered voters were opting to vote by absentee ballot or were voting early. Fewer people were showing up at the polls on election day. The cost of a vote-by-mail election was greater than the traditional practice of voting at the polls. However, the turnout was higher when registered voters voted by mail. In the last election the percentage of residents who voted by mail was 68%. The percentage of the remaining registered voter who voted early or at the polls on election day was 30%.

**MOTION:** Troy Stout moved to preserve the current way of voting. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Troy Stout, Kimberly Bryant, Lon Lott, Roger Bennett, Will Jones voted aye. Motion passed unanimously.

**G. Planning Commission Appointments:** Mayor Watkins said the terms of Planning Commission Members Steve Cospers and Steve Swanson were expiring in January 2015. He said he had spoken with them and they were both willing to continue to serve. He recommended that the Council reappoint them to the Planning

Commission since there were critical issues coming up in the next few years and he felt their experience would be needed.

**MOTION:** Troy Stout moved to reappoint Steve Cosper and Steve Swanson to the Planning Commission for a term of four years. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Troy Stout, Kimberly Bryant, Lon Lott, Roger Bennett, Will Jones voted aye. Motion passed unanimously.

**H. Ilangeni Plat Amendment:** Will Jones had declared a conflict of interest, recused himself, and sat in the audience.

Mayor Watkins said the main focus would be on City Council discussion. The public hearing where they received comments was held at the previous meeting. The history of Ilangeni Estates and Three Falls had been reviewed at the previous meeting.

David Church had prepared a Resolution approving the amendment of the Ilangeni Estates subdivision plat, which the Council could approve or deny. Mr. Church reviewed the Resolution, which included Exhibit A showing the amended plat.

Relative to the Fort Canyon Road, Mr. Church said the Resolution would enable the developer to connect the road in Ilangeni Estates to the Fort Canyon right-of-way. The water, sewer and road would be upgraded at minimal cost or no cost to the City. The off-site Fort Canyon Road was substandard but the Resolution included a proposal to resolve that issue.

There was no second access out of the subdivision; the proposed amendment provided a secondary access road through Alpine Cove. Mr. Church said the next significant change was with the open space. The recorded Ilangeni plat showed all the open space as private property. The amendment plat dedicated a significant amount of the open space as public with public trails. In exchange for the public open space, etc. the developer was entitled to an increased number of lots provided the lots met the required slope and frontage. The proposed plat showed 54 lots.

Mr. Church said that one goal the City had asked the developer to accomplish was access to the Beck property which was 80 acres on the northwest corner of the development. It had been landlocked by the Ilangeni development. The amended plat provided a right-of-way to the Beck property.

Mr. Church said the petition to amend the Ilangeni plat met all City ordinances and the state law for amendments, and moved them forward on the derelict parcel. Without the amendment, he didn't know how they would get services to the 37 lots in the Ilangeni development, which had been on hold since 1984 when the developer went broke. The Resolution presented a series of findings necessary for the plat amendment. The developer would submit a final plat in the configuration of Exhibit A, which would be submitted to the County. There would be up to 54 lots, possibly less depending on whether or not the lots met the slope and frontage requirements. There would 458 acres of open space, some of which would be improved, and 103 acres of private open space with a conservation easement. The private open space would provide a buffer between the lots and the public open space. There would be an agreement that a building permit for a lot could not be issued until the lot was fully improved with services and frontage on an improved road.

Mr. Church said there would be fairly complicated improvement agreement that would need to be approved by February 15, 2015. If there was no agreement reached, the Resolution would be void.

Regarding the Beck interest, David Church said Alpine City's ordinance required a stub road to be built to an adjacent property unless the developer could show that it would be unfair for the developer to pay for it. The proposed road would cost three million dollars and that did not include extending water and sewer to the property. He said he could not see how that road would benefit the owners of Ilangeni Estates. The developer did not create the need for the road, nor did the proposed development impact the Beck property because it had previously been landlocked. It was his finding that it would be unfair to require the developers of Three Falls to build the road to the Beck property. However they were dedicating sufficient open space that the Becks could build the road. The petitioners had suggested a location for the road, but the Becks had identified a place that they believed would be a

better location for the road. The owners of Ilangeni were opposed to it because it went through a drainage area and would destroy a number of lots.

The improvement agreement would require the developers to mark the boundaries between private and public open space.

Troy Stout said he liked the agreement. The language about Sliding Rock would be tough on the community. He said he wished there was a way that Sliding Rock would not be destroyed.

David Church said Sliding Rock had always been on private property and was currently on private property. Under the proposal, it would remain as private open space in a conservation area. It would not be dedicated to the public. He said that the letter from Bruce Baird pointed out that when the HOA was established, he expected them to be even more protective of private property rights.

Kimberly Bryant said that several years ago there had been proposal on the ballot that Alpine City bond and purchase the Sliding Rock area. The citizen voted against the bond. The City didn't buy it and it wasn't their property. She said she had grown up going down Sliding Rock. It was a wonderful place. She loved it and the kids loved, but it did not belong to the public and never had. She said her mother had commented that it was great when just people from Alpine were using it, but now half the state was using it. People up Fort Canyon had hundreds of people driving up there. As emotional as the situation was, Sliding Rock did not belong to them. She said the amended plan was so much better than the original Ilangeni Estates because it provided public open space and trails. She hoped that they would not destroy Sliding Rock. It would be okay if they could alter it enough that people couldn't slide down it, but not destroy the beauty of the place.

Troy Stout said he concurred with Kimberly Bryant. He'd like to see them refrain from destroying it.

Lon Lott asked what the legal ramification might be for stating that it would be unfair to require the petitioners to pay the cost of an extended roadway. David Church said the Beck family could appeal the decision of the City Council through the land use authority and through district court. He said Alpine City's name would be on the Appeal but they would tender the defense to the owners of Three Falls.

Mr. Lott said he'd received emails that Alpine was going to destroy Sliding Rock tonight. During the public hearing at the previous Council meeting, there was little mention of Sliding Rock. Most of the people present were from Fort Canyon and were concerned about the traffic and number of lots. They weren't opposed to the development. They just wanted to know how the City was going to handle traffic issues. There was already a bottleneck down by the roundabout when the school was in session. This subdivision would further increase traffic. What was the City going to do about that?

Roger Bennett said he was comfortable with the proposed Resolution. He felt it was a win/win situation.

**MOTION:** Troy Stout moved to support and pass Resolution No. 2014-11 approving the petition to amend and add to the Ilangeni Estates subdivision plat as written. Roger Bennett seconded. Ayes: 4 Nays: 0. Troy Stout, Roger Bennett, Kimberly Bryant, Lon Lott voted aye. Will Jones abstained. Motion passed.

Mayor Watkins invited Bryce Higbee to speak. Mr. Higbee was a member of the Planning Commission and was unable to be present at the public hearing held by the City Council on November 11th. He said he wanted to talk about Sliding Rock. When the Ilangeni plat amendment came to the Planning Commission, they made a recommendation that Sliding Rock be public open space. They were completely taken aback when it was proposed that it be private open space and they were going to destroy it. He said decisions had been made really quickly relative to Sliding Rock, and he felt it should have been discussed more thoroughly. There should have been more public input.

David Church said that if the City did own it, they would still put up No Trespassing signs. They would never open it and encourage people to slide down it.

Troy Stout said one of the issues was the traffic and trying to control what was happening up there. The nearby landowners had become frustrated with it.

Kimberly Bryant said they had posted No Parking signs along the road and people parked along the narrow road anyway. Perhaps if the public had shown more respect it would be different.

Bryce Higbee said there were more injuries at the pond and the pond would still be there. The landowner would have to come up with a comprehensive way to control what went on up there.

**Annual Meeting Schedule:** Regarding the Annual Meeting schedule that was passed under the Consent Calendar, Will Jones asked if Alpine Days would be the on the first week of August and if that would conflict with Highland City's celebration. He suggested eliminating the City Council meeting scheduled for August 11th.

**MOTION:** Troy Stout moved to eliminate the City Council meeting scheduled for August 11, 2015. Will Jones seconded. Ayes: 5 Nays: 0. Motion passed.

## VI. STAFF REPORTS

Rich Nelson thanked the Youth Council for decorating the doors of City Hall for Christmas. He said the City would start enforcing the landlord utility billing requirement as set up in the ordinance. They had several instances where renters left without paying utility bills and the landlord wouldn't cover it. In some cases there were hefty utility bills that were left unpaid and the City had to absorb the loss. They would start requiring the landlord to be responsible.

Jason Bond said that at the last Planning Commission meeting they made a recommendation to adopt the Moyle Park Master Plan. If Council members were interested in seeing the plan before it was an agenda item, he would go over it with them. Rich Nelson said they would just email it out to them.

Shane Sorensen reported that the warm weather had been great for finishing up a lot of projects, but he hoped it snowed so they would have the needed water.

David Church said that if they were going to prepare an Annexation Declaration Policy in a timely way, they needed to take it to the Planning Commission as soon as possible. It was a complicated and time consuming project. They had to look at every piece of property and how they would provide services. Rich Nelson suggested they talk to the property owners first and make sure they wanted to be annexed.

Regarding the Pine Grove rezoning request, David Church said that if the County approved the rezoning request, it didn't bind the City in the type of zoning they might offer, but it may not necessarily be what the landowner wanted. Either way, there would still be traffic issues. If it was in the City, the City would get the impact fees to improve roads. If it was in the county, they would still have the traffic but no fees.

## VII. COUNCIL COMMUNICATION

Troy Stout said he wanted the state to come out and look at the traffic flow problem at the intersection of Canyon Crest Road and SR-92. They needed to do something to accommodate the right-hand turn lane.

Will Jones reported on the following items:

- Lambert Park: They had done some trail work in Lambert Park and found material in the retention basins they could use to repair the erosion in the roads. Landon Wallace had helped put in two new bridges and repaired eroding trails. They needed someone to take over repairing the picnic tables as an Eagle project. He would like to have a Lambert Park Trail Day to get rid of thistle and other invasive weeds.
- Alpine Recovery Lodge: He would like an annual report from the Alpine Recovery Lodge. That was supposed to be one of the requirements of the approval.
- Cemetery: He would like to work with the LDS Stakes to spend a day of volunteer work prior to Memorial Day. The painting and repair work could be Eagle projects.

- They had formed a committee to study commercial uses in Alpine. It was headed by Judi Pickell; David Adams and Lon Lott would also serve on the committee.
- Trail and Parks Master Plan: Troy Stout would serve on the Trail and Park Master Plan Committee along with Dave Fotheringham.

Kimberly Bryant said the sale of luminaries was coming up. She encouraged the Council and others to tell their neighbors about this Alpine tradition. She said they also needed to let the police force know they appreciated them. Law enforcement was taking a hit after recent shootings, and their morale was down.

Lon Lott said that after he was appointed as the clean air czar, he had attended numerous meetings on the problem. The state was actively engaged in trying to clean thing ups. One of the things they could do was remind people to call the health department before burning to make sure it was a burn day.

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

**MOTION:** Will Jones moved to adjourn. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Motion passed.

The meeting was adjourned at 9:45 pm