

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 North Main, Alpine, UT
March 26, 2013

I. CALL MEETING TO ORDER: The meeting was called to order at 7:00 pm by Mayor Hunt Willoughby.

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

Mayor Hunt Willoughby

Council Members: Troy Stout, Will Jones, Bradley Reneer, Mel Clement

Council Members not present: Kimberly Bryant

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Jason Bond, Bill Devey, Jay Healey, Jannicke Brewer

Others: Brett Munden, Connor Munden, Jim Tracy, Ashley Tracy, Nate Robinson, Ryan Lasky, Steve Lasky, Hannah Smith, Carly Smith, Riley Cloward, Danielle Jones, Dakota Orrock, Samuel Stacey, Nathan Porter, Makayla Allison, Matalée Wells, Brandon Colemere, Calvin S. McGrath, Royten Hampton, Jason Rosvall, Ryan Anderson, CJ Daughetery, Alex Broughton, Dani Hogan, Makenne Mecham, Bracken Mecham, Heather Christensen, Tate Christensen, Michael W. Porter, Chuck Castleton, Roger Bennett.

B. Prayer: Bradley Reneer

C. Pledge: Nathan Porter

II. PUBLIC COMMENT: None

III. CONSENT CALENDAR

A. Approve the minutes of March 12, 2013

MOTION: Troy Stout moved to approve the minutes of March 12, 2013 as corrected. Will Jones seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

IV. REPORTS AND PRESENTATIONS

A. Alpine Days Report: This item was postponed.

V. ACTION/DISCUSSION ITEMS:

A. Ordinance No. 2013-02 M & S Annexation and Annexation Agreement: The proposed M & S Annexation was located on the northeast side of Alpine and consisted of 29.68 acres and would be annexed into the CR-40,000 zone. The annexation had followed the necessary process, the 30-day protest paper had been noticed in the newspaper and a public hearing was held. There were no protests filed. In conjunction with the annexation, the Bennetts had been working with the Planning Commission and going through the subdivision process for the Bennett Farms subdivision.

David Church said that as part of the annexation, an Annexation Agreement would need to be approved. It had been suggested that as part of the Annexation Agreement, the property owners would complete Alpine Boulevard prior to recording the plat. However, Roger Bennett indicated that building the road would not work for them. There were multiple owners and they planned to continue to irrigate their farm. After some discussion they agreed that if the City wanted the road to be completed before the Bennetts were ready to develop the ground and sell lots, the City could go ahead and build the road. The Bennetts would then reimburse the City for the cost of the road when they recorded the first plat. Mr. Church said the right-of-way for the road had already been dedicated to the City a couple of years earlier with the stipulation that if the City wanted to build the road, they could, but they would not be reimbursed. The Annexation Agreement changed that. It still provided for the City to build the road if they desired, but under the Annexation Agreement, the City would be reimbursed for the cost of the road by the Bennetts. It was estimated the cost would about \$120,000. Street Impact Fees were available to build the road.

Roger Bennett said he felt the Annexation Agreement was a fair compromise. He didn't want to build Alpine Boulevard until he was ready to sell some lots. He said that when he had annexed the other side of his farm a year and a half ago, the City gave him 15 years to record the plat and put in the road. He said putting the road in earlier would create problems for him and his farm. But he was willing to reimburse the City for the road when he was ready to record.

Shane Sorensen said that if Bennetts built the road, the City would have to reimburse them for part of it because it was an over-wide street because it was a collector road. He said the water line and pressurized irrigation was already in place. He said he did not include the cost of changing the irrigation or relocating the fence in the reimbursement.

Roger Bennett said he'd put the fence up and take care of his own irrigation.

Mel Clement asked if the reimbursement would include interest. Shane Sorensen said it was a straight cost.

Troy Stout said he didn't see a need for the City to build the road before Bennetts were ready. The road would be primarily for traffic up to the LDS Stake Center.

Rich Nelson said building the road wasn't an issue of traffic circulation. He said he would prefer to see the road built at once rather than piecemeal. Plus the City had Street Impact Fees that they needed to spend within the required time frame. Cities were allowed to hold impact fees only so long and then they had to use them or give them back.

David Church noted that this annexation would have been a good opportunity to force the remaining adjacent unincorporated parcels into Alpine City since the Bennetts were the majority land owners, but they hadn't thought about it until the time was past.

Will Jones declared a conflict of interest and said he would not be voting on this item.

MOTION: Bradley Reneer moved to approve Ordinance No. 2013-02 approving the M & S Annexation along with the Annexation Agreement. Mel Clement seconded. Ayes: 3 Nays: 0. Troy Stout, Bradley Reneer and Mel Clement voted aye. Will Jones abstained. Motion passed.

B. Bennett Farms Subdivision, Final Approval - Plats A, B and C - Roger Bennett: Jason Bond introduced Bennett Farms Subdivision. The subdivision had been going through the development process with the Planning Commission concurrently with the M & S Annexation which was just approved by the City Council. Mr. Bennett was seeking final approval for three of the plats. Plat A was located at 750 N. Alpine Boulevard and consisted of 4 lots on 4.3 acres. Plat B was located at 500 N. Country Manor Lane on the east side of the road and consisted of 5 lots on 5.7 acres. Plat C was also located at 500 N. Country Manor Lane on the west side of the road and consisted of 4 lots on 3.7 acres.

Jason Bond said one of the issues discussed in Planning Commission was the sidewalk along Alpine Boulevard. The trail map showed a sidewalk/trail that was supposed to be 5 feet wide. Farther south on Alpine Boulevard the sidewalk was 5 feet wide but when the next section was developed, the extra-width requirement was overlooked and a four-foot sidewalk was built. The Planning Commission had indicated that it should be a five-foot sidewalk even though the previous section was four feet wide. However, it was not included in their recommendation.

The City Council discussed the issue and agreed it should be a five-foot sidewalk along Plat A.

Shane Sorensen explained that the total easement would still be ten feet. It would take a foot off the park strip and add it to the sidewalk. Mr. Sorensen recommended a temporary turn-around on Plats B and C.

The Council questioned if debris flow hazards were present on all three plats. Shane Sorensen said Plat A was located on an alluvial fan and could be affected by debris flow. He did not anticipate that Plats B and C would be affected.

Will Jones declared a conflict of interest and said he would not vote on Bennett Farms subdivision.

MOTION: Bradley Reneer moved to approve Plat A of Bennett Farm subject to the following conditions:

1. The annexation be finalized.
2. The developer work with City staff to obtain the necessary SWPPP permits and approvals for the plat.
3. The water policy be met.
4. A bond be provided for required improvements.
5. The debris flow hazard study be tied to the title of the properties in some manner to make potential lot buyers aware of the potential risks when building in this area.
6. The sidewalk along the east side of Alpine Boulevard be 5 feet wide.

Mel Clement seconded. Ayes: 3 Nays: 0. Motion passed. Troy Stout, Bradley Reneer and Mel Clement voted aye. Will Jones abstained.

MOTION: Bradley Reneer moved to approve Plat B of Bennett Farms subdivision subject to the following conditions:

1. The annexation be finalized.
2. The developer work with City staff to obtain the necessary SWPPP permits and approvals for the plat.
3. The water policy be met.
4. A bond be provided for required improvements.
5. A temporary turnaround be provided.

Troy Stout seconded. Ayes: 3 Nays: 0. Motion passed. Troy Stout, Bradley Reneer and Mel Clement voted aye. Will Jones abstained.

MOTION: Bradley Reneer moved to approve Plat C of Bennett Farms subdivision subject to the following conditions:

1. The annexation be finalized.
2. The developer work with City staff to obtain the necessary SWPPP permits and approvals for the plat.
3. The water policy be met.
4. A bond be provided for required improvements.
5. A temporary turnaround be provided.

Troy Stout seconded. Ayes: 3 Nays: 0. Motion passed. Troy Stout, Bradley Reneer and Mel Clement voted aye. Will Jones abstained.

Rich Nelson said that the Council had a meeting with legal counsel at 8:30 and suggested they move up the action items at the end of the agenda.

C. Appointment to the Planning Commission: Mayor Willoughby said that Tami Hamilton had moved and her seat on the Planning Commission was vacant. He recommended appointing Chuck Castleton to the vacancy. The term would expire in January 2016.

MOTION: Will Jones moved to approve the appointment of Chuck Castleton to the Planning Commission. Troy Stout seconded. Ayes: 4 Nays: 0. Motion passed unanimously. Troy Stout, Bradley Reneer, Will Jones and Mel Clement voted aye.

Chuck Castleton thanked the Council and Mayor for the opportunity to serve and said he would do his best to be honest and fair.

D. Appointment of Appeal Authority Hearing Officers: Mayor Hunt Willoughby recommended David Slaughter as the special Hearing Officer for the Alpine Recovery Lodge Appeal Hearing. Both sides of the issue had

reviewed his resume' and agreed to Mr. Slaughter. As the regular Hearing Officer, Mayor Willoughby recommended Phil Barker. He was an attorney and a former mayor of Alpine. Since he owned a home in the area of the Alpine Recovery Lodge, it was decided he may have a conflict of interest and a special officer had been recommended.

MOTION: Troy Stout moved to appoint Phil Barker as the Land Use Authority Hearing Officer. Will Jones seconded. Ayes: 4 Nays: 0. Motion passed. Troy Stout, Bradley Reneer, Will Jones and Mel Clement voted aye.

MOTION: Troy Stout moved to appoint David Slaughter as the temporary Land Use Appeal Authority to deal with the Alpine Recovery Lodge issue. Bradley Reneer seconded. Ayes: 4 Nays: 0. Motion passed. Troy Stout, Bradley Reneer, Will Jones and Mel Clement voted aye.

E. Water Conservation Plan for 2013: Rich Nelson said the snowpack on Timpanogas was 41% below normal. Snowbird was 17% below normal. It would be another drought year.

Shane Sorensen said one of the problems they would have in educating the public about the need to conserve water was that people had a false sense of good snow pack. There was a lot of snow in the valleys but not in the mountains. They'd had water restrictions in 2012 with some residual water from the previous year because 2011 was above normal. They anticipated 2013 would be worse than 2012. In addition to insufficient water, Shane Sorensen said they had gotten complaints about the odd/even watering schedule because some months had 31 days and the odd group got to water two days in a row.

Mr. Sorensen had prepared a Water Conservation Plan for 2013. Public Notice and Education was the first step. Notice would be given in the April Newline that water restrictions would be in place this summer. The Newline would also give notice of an open house or public meeting that would take place in May. Water conservation professionals would present information. Alpine City would encourage participation in the Slow the Flow program where they monitored a homeowner's current system and offered suggestions to conserve water.

Water restrictions would go into effect on June 1, 2013. Agricultural users would meet with Alpine Irrigation Company and shareholders to come up with a restriction plan.

Residential users could water three days a week. Odd numbered addresses would water Monday, Wednesday and Friday. Even addresses would water Tuesday, Thursday and Saturday. The time allowed for watering would be from 8 pm on the scheduled day to 8 am the following day.

City parks, schools, churches would coordinate a plan with the City. Some parks may be watered only once a week.

The Council discussed the need for enforcement. It was suggested that people who participated in Slow the Flow would receive some kind of credit. Staff recommended a warning at first, and if they didn't comply, they would be fined and the PI turned off. It was suggested that if they had a Slow the Flow check, they could be reimbursed for the penalty. There was a concern about how much staff time that would take.

Mel Clement said he would like to come up with some kind of incentive for people to conserve water was well.

After much discussion about the difficulties and ramifications of a water shortage, Council made a motion to adopt a Water Conservation Plan.

Shane Sorensen said they would bring back a plan with the specifics and mechanism for enforcement.

Motion: Will Jones moved that the Council adopt a Water Conservation Plan as outlined in the handout prepared by staff and direct staff to come back with further detail and a plan for enforcement including penalties. The information about pumping costs and the fact that this is the second year of drought, etc. would be noticed in the Newline and in a separate mailers with more information before 30 days were up. Bradley Reneer seconded. Ayes: 4 Nays: 0. Motion passed. Will Jones, Troy Stout, Bradley Reneer and Mel Clement voted aye.

Shane Sorensen said the mailer would include a graph that showed the snow pack.

Rich Nelson suggested the Council postpone the remaining agenda items until the next meeting because they were scheduled for a closed session.

VI. EXECUTIVE SESSION

MOTION: Bradley Reneer moved to go to Executive Session for the purpose of discussing pending litigation. Troy Stout seconded. Ayes: 4 Nays: 0. Motion passed. Will Jones, Troy Stout, Bradley Reneer and Mel Clement voted aye.

The Council adjourned to Executive Session at 8:30 pm. They came back into open meeting at 10:10 pm

MOTION: Troy Stout moved to adjourn. Will Jones seconded. Ayes: 4 Nays: 0. Motion passed. Will Jones, Troy Stout, Bradley Reneer and Mel Clement voted aye.

The meeting was adjourned at 10:10 pm.