

ALPINE CITY COUNCIL PUBLIC HEARING AND MEETING
Alpine City Hall, 20 North Main, Alpine, UT
May 14, 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 were present and constituted a quorum:

Mayor Hunt Willoughby

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

Council Members not present: Kimberly Bryant

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

Others: Rocky Schutjer, Kristin Eberting, Lon Nield, Juanita Nield, Jennifer Bishop, Mike Whitby, Stephan Crain, Bret Haug, Thomas Whitby, Stephen Whitby

B. Prayer: Will Jones

C. Pledge of Allegiance: Annalisa Beck

II. PUBLIC COMMENT

Stephen Crain said he'd been before the Council 15 or 20 times, apologizing to Jannicke Brewer and neighbors, and he was there that evening to apologize to Shane Sorensen and anyone else he may have offended. He said the Council approved the AT&T tower last July, and they appreciated the landscaping Clyde Shepherd did but he didn't think it was adequately landscaped by the City because it left three sides bare. He asked why everything he did with the City was adversarial. They paid taxes, they had homes. They expected the City to protect their rights. He said he knew Mr. Church did not like him although he'd worked with him to develop a cell tower ordinance for Alpine. He said the residents were not at the meeting because they were opposed to the tower but they had to fight for their rights. Other cities required landscaping around the towers. The cellular company should pay for it. The City shouldn't have to pay to landscape it. He said he appreciated the City blocking the road Bob Bowman mentioned at the Planning Commission meeting. He said he hadn't meant to offend people, but he was protecting his neighbors.

Mayor Willoughby said the City was not adversarial. He asked that people come to them first and talk to them without firing off an offensive email using offensive language.

Rich Nelson said he had received the email and apologized for not getting back to Mr. Crain more quickly. Both he and Shane Sorensen were gone with family matters. He asked Mr. Crain to send him some idea of what they would like to see up on the hill.

Thomas Whitby read a letter which he said was from his brother Stephen and himself. It concerned property they used to own on 100 South which became Creekside Park. He said he had been investigating corruption at City Hall for many years and had identified a number of crimes including trespassing, conspiracy, encroachment, bribery and fraud. He said the culprits had been identified and would be confronted sooner or later. He and his brother were old and would die but there were others who would take up their cause.

Mr. Whitby said he hoped everyone knew what he was talking about. When Bradley Reneer indicated he did not, Mr. Whitby said there were three eminent domain actions against his property. The first two were when his mother was alive. It was for a sewer line from the Peterson property through his property. The court denied permission to install the sewer but it was installed anyway without permission from the court and without paying for it.

Mayor Willoughby said the City annually attempted to give the Whitby's the \$8,000 payment for the easement but they had rejected it.

David Church said he could update the Council on the City's side of the story with the understanding that it probably would not resolve anything since the Whitbys and the City had basically agreed to disagree. He said it was inaccurate that the court denied permission to put in the sewer. What they denied was granting an order of

immediate occupancy which would allow the developer to enter the premises prior to the hearing. He said the City had the proceeding for the first eminent domain action in process for just the sewer, then the City decided to condemn the entire piece of property for the park, and abandoned the first condemnation. The City paid full value for the park as determined by the court including any trespass or damages. He said that not only did the City pay the full value decided by the court, they paid more than Mr. Whitby had previously indicated that he would accept it. Mr. Church said it was taken to trial, the jury determined the fair market value which the City paid in full and the attorney signed off on it. The City had offered to give Mr. Whitby the \$8,000 for the sewer easement even though they didn't technically owe it because the City now owned the property, but Mr. Whitby would not accept it.

Mr. Whitby said he wouldn't accept it because the City wanted him to sign a paper releasing the City from further claims and he would not do that. He said the City should just pay him the \$8,000 without requiring him to sign the paper.

There was a discussion about the dates when things happened. Mayor Willoughby said they could have Shane Sorensen look up the dates.

Mr. Whitby said he believed the City acted illegally and he wanted everyone to know about it. He said his attorney had lied to him.

III. CONSENT CALENDAR

A. Approve minutes of April 23, 2013

MOTION: Will Jones moved to approved the minutes of April 23, 2013 as corrected. Bradley Reneer seconded. Ayes: 3 Nays: 0. Motion passed. Troy Stout was not present at the time of the motion.

IV. REPORTS AND PRESENTATIONS

A. Financial Report for April 2013: Rich Nelson reported that revenues were slightly up from where they were the same time last year. Will Jones asked about the revenue on waste collection which seem to be high. He thought they were seeking a break-even situation. Annalisa Beck said the payment to ACE had not yet been made for the month because they would get the bill after the report was printed. Regarding culinary water sales, Mrs. Beck said there was a lot of inventory that had been vacant but was now being purchased, which increased water sales.

V. ACTION AND DISCUSSION ITEMS

A. Sprint Tower Modification: Shane Sorensen said Sprint had applied to upgrade the antennae on their existing tower on Shepherds Hill. There were three antennae. They would take one down and replace it with the new technology, then the next until all the antennae were switched over.

Jannicke Brewer said the Planning Commission recommended that Sprint put in four trees in accordance with the guidelines from the City. There was a discussion about exactly where the trees would be located. It was determined they would be on Shepherd's property and not on City property.

Mayor Willoughby asked who would maintain the landscaping once it was in. It was not the City's intent that they be the ones to water them and maintain them.

In response to a question about approval of cell towers, David Church said the federal law said cities could not say no to cell towers, and it was to be quick and orderly process. It did not address whether a city could require other things such as landscaping.

Rock Schutjer who represented Sprint said they wanted to be good neighbors and were not opposed to putting in trees. They had sent an email to Sprint to see if they would object to putting in trees but had not heard back. The City was copied on the email.

Rich Nelson said four trees were not a big deal and if Sprint didn't want to do it, the City would.

Kristin Eberting said she lived up there and she would like to see more trees. The towers were an eyesore. She also questioned if the cell companies were supposed to be using a certain access because she didn't like them using it. David Church said the City didn't own that property and whoever owned it must be giving them access. It was pointed out on the map what access the trucks were supposed to be using. Ms. Eberting asked if the City would block the other access. She also asked if there was a moratorium on more cell towers on the hill and was told there would be no more towers.

MOTION: Will Jones moved to approve the Sprint Cellular Tower Modification site plan subject to the following conditions:

1. A building permit be obtained prior to installation of the new equipment.
2. The color of the new equipment be provided and approved.
3. Sprint put in four (two on each back side) 3-inch caliper spruce trees in accordance with the wishes of the City.
4. A watering system be provided to maintain the trees.

Bradley Reneer seconded. Ayes: 3 Nays: 0. Motion passed unanimously. Troy Stout was not present at the time of the motion.

B. Board of Adjustment Appointment: Mayor Willoughby said Dan Garrison's term on the Board of Adjustment had expired. He recommended reappointing him to the Board and appointing Mark Wilkinson as an alternate Board member.

MOTION: Will Jones moved to approve the reappointment of Dan Garrison to the Board of Adjustment and Mark Wilkinson as an alternate member of the Board of Adjustment. Mel Clement seconded. Ayes: 3 Nays: 0. Motion passed unanimously. Troy Stout was not present at the time of the motion.

Troy Stout arrived at the meeting at 8:05 pm

Rich Nelson suggested they handle items D and E on the agenda prior to the Budget Public Hearing and Discussion since there were individuals present for those items.

D. Olde Moyle Mound, Plat A - Final Approval - Lon Nield: The proposed PRD consisted of 10 lots on 8.81 acres with private open space. The open space in the center of the cul-de-sac would be public but it was proposed that it be maintained by the HOA. A landscaping plan had been presented. An open space preservation easement would need to be executed.

Lon Nield said they were in the process of creating the CC&Rs. They intended to phase the development and start with three or four lots in order to avoid paying taxes on lots that did not sell.

Jannicke Brewer said she felt the PRD was not ready to approve until the open space preservation documents were in place and also documents outlining the party responsible to maintain the open space. The sign mentioned in the recommendation had been taken out.

Lon Nield said the open space around the perimeter of the PRD would be private. The open space in the middle would be public because the utility lines ran through there, but the HOA would maintain it.

Shane Sorensen said there was a proposal to eliminate the sidewalk in one section to be consistent with an adjacent existing development which had no sidewalk. There was sidewalk across the street and around the cul-de-sac.

Regarding the open space preservation documents, Will Jones said it was a simple document that could be easily executed and recorded. He didn't see a reason to hold up the approval based on that. The Council didn't review the CC&Rs but David Church typically reviewed them.

Shane Sorensen said he expected David Church would prepare an agreement stating that the HOA would maintain the public open space and if they didn't, the City would hire someone to do it and levy a fine against the HOA to pay the bill.

Troy Stout stated that as a matter of principal he was opposed to increasing density in exchange for private open space because the private open space did not benefit the community or City. It only benefitted the developer. However, in this case, he recognized that a PRD was a better plan for the proposed development. But for future applications, he was opposed to granting more density for private open space.

Bradley Reneer said that his understanding from previous discussion was that the development would have the same number of lots if it was done as a regular subdivision, but the layout would not work as well as the proposed design.

Mayor Willoughby said that was why they looked at each development on an individual basis.

MOTION: Will Jones moved to grant final approve to the Old Moyle Mound PRD with the following conditions:

1. The Planning Commission and City Council have approved the landscaping plan with no sign.
2. The developer provide information concerning maintenance of private open space by a home owners association to be approved by David Church before recordation.
3. The developer provide an executable open space preservation easement or agreement with the City outlining the conditions for allowing the private open space.
4. CC&Rs or some other binding document be submitted for the review outlining the party responsible for maintaining the landscaping on the public open space and any other restrictive covenants.
5. The Fire Marshal approve the location of the fire hydrants.
6. A SWPPP be submitted and approved by the City prior to any construction taking place.
7. The City's water policy be met.
8. The redlines on the final plat be corrected.
9. Approve the sidewalk as submitted with no sidewalk along the west side of Quail Hollow and through the open space and lot 1.

Bradley Reneer seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

E. McNiel Plat G - Minor Subdivision - Final Approval - Lon Nield: Shane Sorensen said McNiel Plat G had been an existing recorded lot in the Moyle Estates subdivision. Mr. Nield constructed a road that bisected the property and created the minor subdivision with an existing house on one lot 2, and adjusted the boundary line between lots one and two.

MOTION: Will Jones moved to approve McNiel Plat G minor subdivision. Troy Stout seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

Rich Nelson noted there were still two people in the audience and wondered if they were there for a particular item. They said they were there for the General Plan Amendment discussion. Mr. Nelson suggested they move that item up before discussing the Tentative Budget.

G. General Plan Amendment: Jason Bond explained that staff was trying to create a vision for the area south of the roundabout. There was a document that talked about an economic development element of the General Plan but it had never been adopted. They were looking at what kind of tax revenue they might get from rezoning that area to business commercial. A specialty grocery store of 15,000 square feet would bring in about \$70,000 a year. A casual restaurant such as Cafe Rio would generate about \$35,000 a year. He said they would like to start a discussion about the possibilities.

Mayor Willoughby said the property was not owned by the City. They were just looking at future options.

Mel Clement said that from a retail standpoint, there would have to be a destination business. There was too much ground along SR-92 to compete with.

Rich Nelson said that any retail business would do their homework. They wouldn't locate in a place like that unless they knew they would be successful.

Troy Stout said that anything built there would have to be nice and compatible with the nature of Alpine since it was the entrance to the town.

Rich Nelson said they were considering all of the open areas south of the roundabout, not just the large piece. Will Jones said the owners of the recording business said they would like to be zoned commercial as well. He said any development there would need to be a nice gateway to Alpine that provided a tax base. Any housing would be in the back and would need to be done under the one-acre zoning.

Mayor Willoughby asked how they would craft the plan so the landowners would still have options and the City would have their vision.

Jannicke Brewer said they talked about this issue when they updated the General Plan in 2007. There was quite a bit of study done for an anchor business but none were interested. At that time citizens were in favor of more business but didn't want it there. They could see if the attitude had changed.

Mel Clement noted that the family that owned that land was in the business of building homes.

Bradley Reneer said he liked the idea of a larger vision and it would be nice to get some little businesses that could succeed but they'd recently had another business by the roundabout fail.

Troy Stout said that when he was campaigning door-to-door he had a lot of people tell him that Alpine was a bedroom community and they liked it that way. There were others who felt they needed a stronger tax base. He asked if the Council wanted to change the fundamental nature of Alpine. This would need to be a larger discussion where the public was involved.

Mel Clement said the candy factory was basically vacant. If they wanted an example of how ingenuity might succeed, they could use that for a trial balloon. What they needed was a nucleus like in Cannon Beach filled with boutiques.

Todd Schaffer said they were interested in the Shepherd property at 486 S. Alpine Highway. They wanted to purchase it and build an assisted care center on it with 25 beds, half of which would be mental care.

Mayor Willoughby recommended Mr. Schaffer go to DRC and discuss it with them.

Rich Nelson said that before they went to the Budget Hearing and Discussion, he would like to talk to the Council about purchasing two things. One was a Kabota tractor for the Public Works Department. It would cost \$15,300 and they had funds available. The second item was a portable generator to use in emergencies if the power went off. They already had radios and a communication system. They would need to be able to use the generator to run City Hall and the fire station or the wells in the event that a pump went off. He estimated the cost would be around \$40,000. There would also be some expense in making the different sites compatible for use with a generator. The generator would be on a trailer so they could move it to the needed sites.

Mayor Willoughby said it was not an agenda item so they could not make a motion. Rich Nelson said he would just like a nod from the Council so they could bring it back as an agenda item to open the budget.

PUBLIC HEARING - TENTATIVE BUDGET FISCAL YEAR 2013-2014

Rich Nelson said they'd held a number of meetings with individual members of the Council to discuss the budget. The tentative budget was also available for review by the public. The Hearing was noticed in the newspaper. He said there would be another public hearing prior to adopting the final budget on June 11th. Mr. Nelson explained to the Council that by accepting the budget, they were not approving it or agreeing with it. They were simply accepting that it had been presented and was subject to change.

Mayor Willoughby opened the meeting for public comment. There were no comments.

C. Alpine City Tentative Budget for Fiscal Year 2013-2014: Rich Nelson reviewed the Tentative Budget stating that there would be a net over-all budget increase of 0%. He covered the following information.

- 0% overall budget increase.
- Salary figures:
 - 3% increase
 - 1.7% increase in URS (retirement costs)
 - 3% increase in PEHP health care cost
- Change in road projects to include less specific road projects and more generic projects to deal with problems from the tough winter. A road projects map will be ready when the Final Budget is ready for approval.
- No increase in tipping fees and a \$40,000 decrease in the waste pickup contract.
- Increase in TSSD costs of \$76,000.
- Storm water projects: salt shed and wash bay at the City shops.
- Update of all impact fees projects.
- Update and adjustment of equipment replacement schedule.
- Increase in user fees:
 - Make Home Occupation and Business license costs the same, the base fee would be \$50 and the per-employee fee would be \$25 (Maximum \$400). These changes will enable us to deal with the cost of collecting the information and issuing the license.
 - Park reservation fees – new fee of \$25 for residents/\$75 for non-residents for costs related to park reservations and park maintenance.
- Franchise fee cell phone usage fee increase. These funds will be used to fund the increased PSD operating costs.
- Increase in PSD costs due to the usage of actual population figures in the PSD funding formulas. Police costs with increase by \$27,934 and fire costs will increase by \$21,704. These figures are lower than those included in the tentative budget because of changes made last Thursday in the PSD budgets.

The Council discussed the salary increase. It was noted that a percentage increase for higher paid employees resulted in a larger increase than for lesser paid employees. Will Jones said he would like to see a 2% increase for those making less than \$60,000 a year and a 1% increase for those making over \$60,000 a year.

Bradley Reneer said he still had some issues with franchise fee but they could discuss that later with the clarification that this was a working budget and not an accepted budget.

MOTION: Troy Stout moved to accept the Tentative Budget for fiscal year 2013-2014 in its working format. Mel Clement seconded. Ayes: 4 Nays: 0. Motion passed unanimously. Troy Stout, Will Jones, Bradley Reneer and Mel Clement voted aye.

F. Dispatch Memorandum of Understanding: Rich Nelson explained that the Memo of Understanding was a formal indication that they were serious about contracting with Pleasant Grove for dispatch service. He said Alpine and Highland presently contracted with Utah Valley Dispatch Service, but because there were plans to acquire land and build a new jail, he anticipated their costs would be going up. He said the cost of Pleasant Grove and Utah County Dispatch was currently the same, but he expected Alpine and Highland would be saving money in the future if they went with Pleasant Grove. Highland would be looking at the issue at their next meeting. There would be an annual increase with a ceiling of 3%.

There was a question about item #6 referring to the defined portion being vague. Rich Nelson said he had noticed that. They would nail it down before they signed the actual contract.

MOTION: Will Jones moved to approve the Memorandum of Understanding Regarding Dispatch Service by and between Pleasant Grove and Alpine City subject to the condition that the Council review the final contract. Troy Stout seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

H. Park Fees Regulation and Fees: Jason Bond said the front office staff was getting a lot of request for park reservations and they needed to know what to tell people. He said the fees would need to be adopted as part of the Consolidated Fee Schedule and the regulations included in a Parks Ordinance. But until those were prepared and ready to be adopted, they needed something to tell people.

Rich Nelson said the City had an agreement with the baseball organization. They needed an agreement with soccer, football and rugby. The agreement would include the \$2 fee per participant. He would like to have contracts and hold annual meetings with the sports groups.

MOTION: Will Jones moved to approve the proposed fees and regulations for City parks in preparation to adopt an actual park ordinance. Troy Stout seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

Bradley Reneer asked about the note that grandfathered some races so they didn't have to pay fees. He said he didn't think they should treat them differently. Troy Stout agreed and said they needed to look at the whole thing.

I. Ordinance No. 2013-05 Mass Gathering Ordinance: Mayor Willoughby said they needed to address the definition of a mass gathering. There was a question about the three items that automatically qualified an event as a mass gathering, which were:

- 1) 500 or more participants;
- 2) use of a City park, building, or transportation system;
- 3) use of amplified music or sound.

Did a group need to meet all three of the criteria to be considered a mass gathering or was it a mass gathering if they met just one or two of the criteria.

Troy Stout said he thought 500 was too high. The cut-off number should be lower.

Jason Bond said they would eventually have an ordinance drafted so they could look at it all together.

J. DRC Amendment Approval: Rich said the ordinance creating the Development Review Committee (DRC) limited it to certain advisors. He would like to amend it to include any staff member the City Administrator deemed necessary.

Bradley Reneer had a question about a section in the ordinance that said "the DRC shall give advice and have no power to bind the City." He suggested that be reworded a little more clearly.

This item would come back at a later meeting for adoption by ordinance.

K. Accessory Apartment Fee Amendment, Agreement, and Yearly Renewal Approval: Jason Bond said the amendment would require the homeowner to pay an annual fee and sign an annual agreement stating his accessory apartment was in compliance with the ordinance. Currently there was a one-time fee of \$25 required. A draft copy of the agreement was included in the packet. The fee would need to be included in the Consolidated Fee Schedule and an amendment to the ordinance would need to be adopted reflecting the new requirement.

Mel Clement suggested it be an annual fee of \$50.

MOTION: Mel Clement moved to accept an annual fee of \$50 per year for an accessory apartment. Troy Stout seconded. Ayes: 4 Nays: 0. Motion passed unanimously

L. Municipal Recreation Grant: Rich Nelson said the grant would be used for restrooms in Moyle Park. Previous grants had been used for the playground and bark in Legacy Park.

MOTION: Will Jones moved to approve the application for the 2013 Municipal Recreation Grant to be used for the repair and upgrade of the public restrooms at Moyle Park, with the funds (\$5,678.34) being carried forward into the year 2014. Bradley Reneer seconded. Ayes: 4 Nays: 0. Will Jones, Troy Stout, Mel Clement and Bradley Reneer voted aye. Motion passed unanimously.

VI. STAFF REPORTS

Rich Nelson said they had conducted interviews for the new caretakers at Moyle Park, narrowing the candidates down to two. The Mayor would interview them on Friday and make a decision.

Charmayne Warnock reminded the Council that the filing date to run for mayor and city council was rapidly approaching and lasted only one week from June 3rd to June 7th.

Shane Sorensen reported on the following:

- They would be getting water conservation flyers out to the public before the end of the month.
- Work had begun on the damage from the Quail Fire. It had to be completed by the end of July according to the contract.
- They would begin work on the road this summer, chip sealing some roads. Silverleaf needed to be overlaid.

COUNCIL COMMUNICATION

Mayor Willoughby informed the Council that the ownership on 300 North had been settled so they could look at widening the road. They would still have to deal with the trees and would have to purchase the right-of-way.

Mel Clement asked if there was an update on the Lambert Park property swap. Mayor Willoughby said he had attempted to meet with the manager but had not heard anything as yet.

Will Jones reported on the following items:

- He said there were complaints about people who were using Creekside Park parking along the street and in the cul-de-sacs. He said the parking lot in the park was inadequate for the use the park was getting. They may need to look at something else.
The discussion turned to parking problems at Burgess Park where people were parking along the road south of the park. Shane Sorensen said if they striped the road it would push parking into the cul-de-sacs. Mel Clement said part of the problem was the games were scheduled too close together. Bradley Reneer said he'd seen people sitting in their cars at the curb waiting, and the parking lot was empty.
- He asked about the Water Master Plan update. Shane Sorensen said he would be meeting with Horrocks Engineers on the Master Plan.
- He asked about Duncan's fence request. It was clarified that Mr. Duncan was invited to go to DRC, but had not been there.
- Regarding Moyle Park, Will Jones said they would be cleaning it up the first week in June.
- For Alpine Days, he said he would like to add a landscaping award with an emphasis on water conservation.
- He suggested closing Lambert Park to motorized vehicles after July 1st, after the poppies had bloomed. Rich Nelson said they could put that on the May 28th agenda for discussion and schedule a public hearing. Troy Stout said he would like to make an exception for the elderly and disabled for motorized visits to Lambert Park.

Troy Stout reported on the following:

- He said he was told that the kids at Lone Peak were beginning to carry drugs in their backpacks and taking them to class since the drug dogs were patrolling the halls. During drug drill they should perhaps require backpacks to be left in the hallway.
- Mr. Stout asked about accessory apartments and rental homes that were not inhabited by the owner. There had been complaints in his neighborhood about people renting a house, then renting out the basement. Jason Bond said he was beginning to write letters to apartment owners.
- He asked about cleanup projects for the City and about the goat head stickers growing in the burn areas of Lambert Park. Shane Sorensen said he had talked to Brian Burr who did the reseeding and he was happy with what was happening. He wondered if what they were seeing was a quick growing annual grain that had been planted.

Mayor Willoughby said the Memorial Day Breakfast was coming up. He was meeting with the Youth Council Chair to talk about it. Rich Nelson had ordered the tables and chairs.

EXECUTIVE SESSION: None held.

MOTION: Will Jones moved to adjourn. Bradley Reneer seconded. Ayes: 4 Nays: 0. Motion passed.

The meeting was adjourned at 10:41 pm .