

**Alpine City Council Meeting & Public Hearing  
Alpine City Hall, 20 North Main, Alpine, UT  
October 1, 2013**

**I. CALL MEETING TO ORDER:** The meeting was called to order at 8:00 pm by Mayor Hunt Willoughby.

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

Mayor Hunt Willoughby

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

Staff: Rich Nelson, Charmayne Warnock, Shane Sorensen, Jason Bond, Jannicke Brewer, Ron Devey

Others: Kathy Allred, Don Watkins, John James, Kim Devey, Ronald Rasmussen, Kathleen Rasmussen, Clive Walters

**B. Prayer:** Mel Clement

**C. Pledge of Allegiance:** Clive Walters

**PUBLIC HEARING: Proposal to sell/trade approximately one-third acre in Lambert Park for a storm drain easement through a neighboring, privately owned property to convey storm water to Dry Creek.**

Mayor Hunt Willoughby asked City Engineer Shane Sorensen to introduce the issue.

Shane Sorensen said the City was trying to accomplish two projects to mitigate the danger of flooding resulting from the Quail Fire in July 2012. The best way to alleviate flooding was to direct the runoff coming from Box Elder and Wadsworth Canyons into Dry Creek as high up as possible. One of the projects would require an easement over private property in order to lay a 72-inch pipe from the debris basin in Lambert Park over to Dry Creek. The owner of the private property had agreed to grant Alpine City an easement across his property plus he would pay the City \$200,000 in exchange for a small piece of Lambert Park (approximately 1/3 acre) that was adjacent to his property. The third acre included a deed gap which would be deeded to the property owner.

However, before the City could divest itself of public open space, the Planning Commission had to hold a public hearing and make a recommendation to the City Council. The City Council was then required to hold a public hearing before making a decision. A super majority vote would be required (4 of the 5 council members) to approve the disposal of public open space.

Shane Sorensen said there was already a 30-inch pipe across private land into Dry Creek but the City did not own it, plus it was not large enough to handle the flow. The easement they were seeking would be 30 feet wide and about 650 feet long. 415 feet of it would be across the private property. The City would also need a temporary 20-foot easement in order to get in there and work to lay the pipe.

Troy Stout asked what the cost of the easement would be. Shane Sorensen said the value of the real property was based on an appraisal. The value of an easement was usually about 65% of the value of the real property, plus damages.

The private property owner had listed several conditions he wanted the City to agree to before granting the easement. They were:

- The City would reseed debris basin and disturbed area.
- The City would release them from any responsibility associated with the pipe and the debris flow.
- The City would install a grate on the upstream end of the pipe.
- The City would keep the culvert free of debris and flowing properly. (Shane Sorensen said they would make every effort to do that but could not guarantee it in a flood.)
- Remove the stored materials at the alternative egress gate.

Regarding the stored materials at the egress gate, Shane Sorensen explained that after the fire, the City thought it would be prudent to have some temporary measures in place in the event of flooding, and had placed Jersey barriers there as deflection barriers. He said they could find another place to store the barriers.

Rich Nelson said the conditions were still in negotiation so they may read differently in the final draft, but they were substantially there.

Troy Stout asked where the public property would end and the private property would begin. He asked how it would affect the entrance to the park if the property owners put up a fence. Shane Sorensen said the City owned a box culvert on the ditch which was the current access to the park, and that would not change. He said the property owner had a right to put up a fence on his own property. Mr. Stout asked about the vegetative barrier. Shane Sorensen said the City needed to maintain a 30 foot buffer in order to work on the ditch that ran through there. If the property owners chose to take out vegetation on the third-acre, it would narrow the vegetation between their property and Lambert Park, but it was densely vegetated and there would still be a vegetative barrier. Any maintenance work the City needed to do on the ditch could be done from the east side in Lambert Park.

Mayor Willoughby opened the Hearing to public comment.

John James said it had been alluded to but he wondered if there were other alternatives.

Shane Sorensen said they had looked at other alternatives but in order to qualify for the grant money, the work had to be done by November 17th. This proposed solution was the most direct. They had looked at an alternative route where they would run a pipe from the ditch and through the road and across another privately owned lot. There was a lot of vegetation on the lot which would be expensive to disturb and the people wouldn't be happy about it. The route was longer and much of it would be in asphalt which made it more expensive. There would also be utility issues and manholes which would complicate laying a 72-inch pipe. Another alternative would be to allow water to go farther down the ditch. It would affect multiple property owners, and if they had to acquire easement through eminent domain, it would take more time than they had. Plus the City could not use grant money to acquire easements. It would have to come from the City funds. Eminent domain required a two-week notice, and then there was a three to four week process provided everything went well and the condemnation was not contested. It was unlikely they could through the condemnation process in time to qualify for the grant funds.

Mel Clement said he thought it would be better to have a big pipe running in a straight line rather than making bends.

Clive Walter said he lived downstream on 300 North. In the last flood, he'd had water through his property because the culvert couldn't handle it. He said he was in favor of the shortest distance which was a straight line. He said he felt the City was getting a lot of value for a third-acre of ground for \$200,000, plus they were getting the easement. He said he'd love to get that much for his property. He said he supported trading a piece of Lambert Park in order to protect personal property. He said water would try to find its way back to Dry Creek. He said his appeal to the Council was that they approve the land transfer to accomplish the project which would benefit the citizens of Alpine for many years to come.

Don Watkins said he had walked the piece of property and concurred that the price the City was getting was quite favorable. He said he would prefer to see the money used in Lambert Park. He said it was discouraging that they were going to lose a piece of public property in order to solve a problem that the City did not create. He said he would like to see the Council keep \$100,000 of the \$200,000 to go toward Lambert Park.

John James said that despite the tone of his earlier questions, he thought it was reasonable to go forward with the projects and he was in favor of it. He asked if the City would be on the hook for the cost if they didn't get the grant. Government money was a bit of a gamble.

Rich Nelson said the City is paid as the work is done. They had received two hundred thousand so far. He said that Shane Sorensen had a reputation of being a professional and had dealt with the NRCS before. He said that if the City communicated with the NRCS and let them know that work was going forward each step of the way, they would work with you.

Mayor Willoughby agreed they did have a relationship with the NRCS representative. He had worked with him on other projects up American Fork Canyon.

There were no more comments and the mayor closed the hearing at 8:30 pm, and opened it up to the Council.

## II. ACTION ITEMS

**A. Proposed Lambert Park land sale/trade for a storm drain easement:** Troy Stout said it may seem like he was a stick in the mud but the reason he ran for City Council was because he was concerned about development in Lambert Park and he wanted to protect it. He said this was a different situation. He hoped people would understand that they were in no way saying that Lambert Park was for sale. By doing this the community was preserved and Lambert Park remained as a great center for recreation. He said this did not open the door for future transactions. He planned to bring forward a plan to preserve Lambert Park forever. He said that this was a rare exception and he would only vote for it if they specified that at least 75% of the investment would go back into Lambert Park. It would be dedicated to the upkeep and maintenance of Lambert Park. He said he wanted to be on record that Lambert Park would not be for sale. That money should be used to buy rights-of-way and preserve and reopen trails related to Lambert Park.

Will Jones referred to the list of conditions and asked if the City would be liable if they could not keep the culvert free of debris and flowing property or if it meant they were expected to make their best effort. Rich Nelson said that was one of the things David Church was talking to them about. Regarding moving the Jersey barrier, they expected they could do that.

Mel Clement asked if there was any idea what the City's 25% match would be in dollars.

Shane Sorensen said anything the City would do in-house would count toward the match. He said that between the grant and the City's match, he thought there would be enough to get both the projects done. Their match would be \$250,000. He didn't think the cash match would exceed \$200,000.

Troy Stout asked if they expected the \$200,000 to come from the sale of Lambert Park. Mr. Sorensen said it had to come from somewhere.

Mayor Willoughby said the City had a rainy day fund. They would have to sweep the corners and reduce the City's reserves, or it would come from the sale.

Mel Clement said he would like to keep \$100,000 for Lambert Park and use \$100,000 for the project. Kimberly Bryant agreed.

Shane Sorensen said there were other costs that could come up. Every time there was a flood, they had to clean out the debris basins which cost \$40,000 each time. If that happened multiple times, it would add up.

Bradley Reneer said it was painful to let a part of Lambert Park go. He'd walked that section and it was a beautiful little piece of ground. He said he would support setting aside \$100,000 to be used for the park. He didn't want to go deeper into the City's rainy day fund. He said he respected Troy Stout's determination to protect Lambert Park.

Troy Stout encouraged everyone to think of the precedent. He felt the majority of the money should go toward Lambert Park. He said his conscience would not be clear unless at least 60% went back into Lambert Park.

**MOTION:** Will Jones moved that due to extenuating circumstances beyond the City's control, and in order to protect the citizens, and with the understanding that they were doing this more as a trade than an open sale and were getting an easement the City needed, they sell a portion of Lambert Park for \$200,000 with up to \$100,000 being retained for park improvements. Mel Clement seconded.

No vote was taken and a substitute motion was made.

**MOTION:** Bradley Reneer moved that 60% of the sale of the portion of Lambert Park would go back into Lambert Park. Troy Stout seconded. Ayes: 5 Nays: 0. Troy Stout, Will Jones, Bradley Reneer, Kimberly Bryant and Mel Clement voted aye. Motion passed unanimously.

**MOTION:** Will Jones moved to approve Resolution No. 2013-03 including the five tentative conditions requested by the seller, and give staff permission to go ahead with negotiations including finalizing the five conditions. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Motion passed unanimously.

Mel Clement clarified that they were selling just what was there. that it did not warrant a legal description. Shane Sorensen said it needed a quit claim deed.

**III. EXECUTIVE SESSION:** None held.

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

The meeting was adjourned at 8:50 pm.