

**ALPINE CITY COUNCIL MEETING**  
**Alpine City Hall, 20 N. Main, Alpine, UT**  
**November 12, 2013**

**I. CALL MEETING TO ORDER:** The meeting was called 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: Mel Clement, Bradley Reneer, Will Jones, Troy Stout, Kimberly Bryant

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Jason Bond, Jannicke Brewer, Joe McRae.

Others: Kathleen Rasmussen, Ron Rasmussen, Sheldon Wimmer, Becky Rasband, Don Watkins, Troy Page, Payton Page, Dave Gifford, Vickie Reay, Kris Mansfield, Ross Welch, Darren Gooch, Gil Greer, Bob Field, Bryan Hofheins

Mayor Willoughby welcomed Mayor -elect Don Watkins.

**B. Prayer:** Troy Stout

**C. Pledge of Allegiance:** Peyton Page

**II. PUBLIC COMMENT:** Bob Field said he played tennis at Creekside Park and there was a problem with the gates. One needed to be adjusted because he couldn't push it open. The other needed the handle replaced.

Sheldon Wimmer, who worked for the Forest Service, said he was concerned about the flooding that had caused a lot of damage to the mountain itself. There were gorges that were six to eight feet deep. He said that when the Forest Service first began working on the wilderness area, it was supposed to be a scenic area, but in 1978 Congress passed an act that made provision for watershed maintenance in the Lone Peak Wilderness. He read from **Public Law 95-237 which stated in Section 2, item (i)**

*certain lands in Wasatch and Uinta National Forests, Utah, which comprise about twenty-nine thousand five hundred and sixty-seven acres, are generally depicted on a map entitled "Lone Peak Wilderness Areas Proposed", and shall be known as the Lone Peak Wilderness: Provided, That the Forest Service is directed to utilize whatever sanitary facilities are necessary (including but not limited to vault toilets, which may require service by helicopter) to insure the continued health and safety of the communities serviced by the Lone Peak watershed, furthermore, nothing in this Act shall be construed to limit motorized access and road maintenance by local municipalities for those minimum maintenance activities necessary to guarantee the continued viability of whatsoever watershed facilities currently exist, or which may be necessary in the future to prevent the degradation of the water supply in the Lone Peak area;*

Mr. Wimmer said he was putting forward the idea that Alpine should consider seeking government funds to put in gully plugs to prevent further deepening and erosion of the gorges. He said the gully plugs, or big rocks, would allow the water to cascade down over the rocks rather than shooting down and causing further erosion. Otherwise they would see the further degradation of the hillside which would affect the water supply. He said the City would need to get permission from the Forest Service to do it. He said there was plenty of rock up there that could be used. They would want to go into the fingers along the sides of the gorges, too. It would need to be designed carefully. He suggested they contact the US legislators that lived in Alpine and see if they could earmark federal funds for the work. The City could take money from another Forest Service project but the Forest Service was already so poor. He told the Council to give him a call.

David Gifford said he was considering relocating his residence to a lot on Piccadilly Circle by Creekside Park. He was looking at a uniquely shaped lot but had a couple of issues with the city fence that separated the lot from the park. First, he would like to remove a part of the fence, and second, he would like to change the fence to a stone or a precast concrete fence. He explained that when someone pulled into the cul-de-sac, the first thing they saw was the current fence, and he felt it devalued the property. He planned to build a million dollar home and the chain link

fence wasn't the highest quality fence. He asked if the Council would work with him. He said he would pay for the new fence.

Will Jones said he didn't have a problem with changing the fence, but he had a concern about removing the delineation between where the lot ended and the park began. He didn't expect a problem with Mr. Gifford, but a future owner might start migrating into the park.

Bradley Reneer asked about the possibility of a three-foot fence to mark the boundary. There was a discussion about the possible use of trees or shrubs, as well.

Shane Sorensen said the city built the fence so the men didn't have to move bikes and toys off the grass when they mowed the park. The fence was a foot onto city property. There had been at least one other property owner that had taken the fence out. He said the lot in question was not attached to another lot so they could get away with a different fence. However, there had been others who had come with the same request and were told no.

Mayor Willoughby said he'd like to have staff come up with a recommendation.

Rich Nelson asked Mr. Gifford to bring a visual plan to DRC who would review it then take it to the Council.

Mayor Willoughby asked Jason Bond to give the Council an overview on the process for allowing auto repair shops in Alpine. Mr. Bond handed out a flow chart. He said the Council had voted to have the Planning Commission look at amending the ordinance to allow auto repair in the business commercial zone and also look at creating a service commercial zone. The Planning Commission was holding a public hearing at their meeting of November 19th to look at the following items:

1. Allowing auto repair shops in the Business/Commercial zone.
2. Creating a Service/Commercial zone for auto repair shops to locate in and determine where the S/C zone should be located.
3. Changing the outline of the Business/Commercial zone to include the property presently owned by James Lawrence.
4. Start developing regulations to govern auto repair shops, outlining what the auto repair shops should look like and how they should operate

They may need to amend the General Plan to incorporate major changes in the ordinances. Additional public hearings would be needed.

Troy Stout said the motion had allowed 60 to 90 days to make the changes. He asked where they were in the process. He thought they would have a resolution in 90 days. Did they need to make another motion?

Rich Nelson said they had accomplished the first step in that time frame.

David Church said they didn't need another motion. The Planning Commission and staff were moving forward on the motion. The real question was, did the motion mean they were to hold off on enforcement of an illegal business for 60 to 90 days.

Rich Nelson said they wouldn't do anything until it was solved.

In response to a question about time frame, David Church said he'd never seen a zone change in Alpine that took less than six months.

### **III. CONSENT CALENDAR**

- A. Approve the minutes of October 22, 2013**
- B. Bond Release - Whitby Woodlands, Plat E - \$284,202.00**
- C. Payments to VanCon for the Alpine Emergency Watershed Project - Payment #1 for \$56,629.64 and Payment #2 for \$329,808.78.**

**MOTION:** Will Jones moved to approve the Consent Calendar with the minutes as amended and include payments 1 and 2 to VanCon. Troy Stout seconded. Ayes: 5 Nays: 0. Motion passed.

Shane Sorensen said that when one phase of a project was completed, the City paid them and applied for reimbursement from the Natural Resource Conservation Service (NRCS). Mel Clement wanted to know where the funds were coming from to pay them. Rich Nelson said the City could finish the project by using their various funds but that would leave them with nothing in reserve. He said the NRCS had a quick turnaround time - about two weeks. They hadn't any cash flow problems.

Mel Clement asked about the matching funds portion and if the City had a probable cost on what that would be. Shane Sorensen said they expected an out-of-pocket cost of \$200,000. He said the City had exceeded their match with the riprap project they did earlier. He listed other projects that would count toward the City's soft match, but he anticipated the cash match would be \$200,000. He said the completion date was November 17th but they had applied for an extension and hadn't heard back. They'd heard other cities got an extension and expected they would also.

#### IV. REPORTS AND PRESENTATIONS

**A. Emergency Operation Plan Review:** Rich Nelson said the Emergency Plan had been Drop-boxed to the City Council because of its length. He said that if a city did not have an emergency plan, they would not get money from FEMA in the event of a disaster. He said the most important part of the plan they needed to look at was the Incident Command Structure or organization chart.

Bradley Reneer said there was no place on the chart for the City Council. He said the Council was always eager to help and there needed to be place where they could direct their energy so they didn't get in the way.

Rich Nelson said the City Council would probably be under planning. There was a discussion about the need to designate a mayor pro tem in the event the mayor was gone.

Rich Nelson said another requirement to qualify for FEMA funding was to have training. He said the Committee was having a communication exercise on the 5th to make sure everyone was hooked up. He said they would be bringing ordinances to the Council relative to the Emergency Operation Plan.

**B. Financial Report for October 2013:** Rich Nelson reviewed the finances as of the end of October. They were close to where they had traditionally been. They would start collecting property tax revenue in December. The sales tax was up a bit. The plan check and building permit fee revenue were at 80% and 97% respectively. They were now keeping funds they held for other people, such as infrastructures bonds, in the trust and agency fund rather than the capital improvement fund so it was a more accurate reflection of what they had.

#### V. ACTION/DISCUSSION ITEMS

**A. Canvass of the 2013 General Municipal Election:** As the Election Official, Charmayne Warnock submitted the following results of the election held November 5, 2013.

The following information is taken from the returns of the Municipal Election held November 5, 2013 at Alpine City, Utah	Tabulation of Election Returns				
		Combined Precincts AL01, AL02, AL04	Combined Precincts AL03, AL05, AL06	Valid Provisional ballots	Total Number of votes
Name of Candidate	Office				
Hunt Willoughby	Mayor	351	484	6	841

*Don N. Watkins	Mayor	658	464	18	1140
*Troy Stout	City Council	473	623	12	1108
Darren Gooch	City Council	489	319	10	818
Tim Branscomb	City Council	286	387	6	679
*Roger E. Bennett	City Council	570	422	11	1003
There were a total of 27 provisional ballots. 24 were valid and were counted. 3 were not valid and were not counted.		16	8	24	
Number of Absentee Ballots sent out		208	201		409
Number of Absentee Ballot received		137	138		275
Total number of persons voting as listed in the Poll Book.		1032	959		1991
Total number of registered persons listed in the Official Register book.		3,152	3,133		6,285
Percent voter turnout		33%	31%		32%
*Candidates Elected					

**MOTION:** Will Jones moved to accept Canvass of the 2013 Municipal Election. Troy Stout seconded. Ayes: 5 Nays: 0. Motion passed unanimously.

**B. LAMBERT PARK DISCUSSION:** Troy Stout said that previously David Church had provided the Council with options to protect Lambert Park. One option was to turn it over to a foundation. The other option was to leave under the control of the City. Mr. Stout said he thought there were more options that just those two and would like to explore them. He wanted to form a committee that consisted of members of the Council and members of the community to explore other options to ensure that Lambert Park would be preserved and protected. He said he would like to see Lambert Park set aside as a permanent wild open space except for the rodeo grounds and maybe the Bowery. He added that "wild" was just a word he threw out. They would have to define what it meant.

Mayor Willoughby said they would also need look at what limitations they may put on themselves for future events like the flooding.

Jannicke Brewer said that right now Lambert Park was designated as a natural conservation open space both on the map in the language.

Troy Stout said he felt the park was left vulnerable by the supermajority language, and he would like to begin the process to change that from supermajority to unanimous.

Mel Clement said he agreed with the direction Troy was going, but he worried about the requirement for a unanimous vote. There were situations on other councils where there was an obstructionist or two that could block an action. He went on to say that Lambert Park was on an alluvial fan and would continue to be on an alluvial fan. He said he liked the park and wanted it open and conserved as much as possible, but in the end, basements were important. He'd talked to people who didn't have another hundred thousand to put into their homes from flood damage. He said Lambert Park was a buffer and in a strategic location for flood mitigation.

Troy Stout said he understood they needed to be able to protect themselves, but his goal was to preserve it as a wild, natural park. His primary concern was that in poor economic times there would be a temptation by a future council to sell off Lambert Park. It was a resource they could not replace. It defined their City. People came from all over the state to use it.

Bradley Reneer said that if there were four members trying to sell the park, something would have gone terribly wrong. He felt Mel's comment about a possible obstructionist was more likely, or someone who couldn't make it to a meeting for a month. It had the possibility of doing more harm than good. He added that the required public hearings were a good safety measure to protect the park.

Troy Stout said he wanted to prevent a situation where there might be three developers on the council who had no love for Lambert Park, and were able to influence a fourth member.

David Church reminded the Council that it only took three votes to change an ordinance. If a future council couldn't get a super majority, they could change the ordinance to require a majority. Another possibility they needed to keep in mind was that any ordinance a city council passed could be subject to a referendum. The second thing was that a city council did not have the legal ability to bind a future city council. He added that the Lone Peak Wilderness was established by an Act of Congress, but another Act of Congress could reverse that.

Troy Stout said that was why he wanted to add another step to the process.

David Church explained that if they really wanted to protect the park from a future city council they could transfer it to a foundation, but then the City would have no control over it. He said one of the best protections the City had were the citizens. He said the State had been considering getting rid of some the State Parks because they were losing money, but residents rose up in opposition and the legislature didn't to it.

**MOTION:** Troy Stout moved to begin the process to change the language in the Ordinance, Section 3.16.4.2 to require a unanimous vote for the City to dispose of open space as opposed to a super majority vote. Kimberly Bryant seconded. Ayes: 2 Nays: 3. Troy Stout and Kimberly Bryant voted aye. Will Jones, Bradley Reneer and Mel Clement voted nay. Motion failed.

**MOTION:** Troy Stout moved to start the process to form a committee to evaluate the future and protection of Lambert Park, such committee to be appointed by the mayor consisting of members of the City Council and other government bodies, and members of the community. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Motion passed with a unanimous vote.

**C. Proposed City Park Reservation Scheduling Change:** Rich Nelson said that at present the scheduling was handled on a first come first serve basis. He proposed that beginning in 2014, they allow people to schedule a year in advance. They were seeing races, etc. that wanted to schedule early so they could plan and advertise. So if someone wanted to reserve a pavilion in the park for July 4, 2015, they would need to call the City no earlier than July 5, 2014 to schedule it. Dates that were not scheduled a year in advance would be available on a first come first serve basis. There was a concern that the same person or group would be scheduling the same location for the same day every year. The Council discussed the possibility of preventing a monopoly by not allowing the same person or group to have the same place and on the same date every year. They would review it after a year to see how it was working.

**MOTION:** Troy Stout moved to accept the park scheduling plan as outlined with the change to be reviewed after a year. Bradley Reneer seconded. Ayes: 4 Nays: 1 Troy Stout, Bradley Reneer, Kimberly Bryant and Mel Clement voted aye. Will Jones voted nay. Motion passed.

**D. Pine Grove Off-site Water:** Shane Sorensen said that in the 2011 Settlement Agreement with Patterson Construction, Alpine City agreed to allow them to run a waterline from the Box Elder pressure zone to the Pine Grove property. They could have three water connections for three homes and have up to 400 gallons per minute for fire protection. Patterson was requesting the Council to consider an alternate route for the water line. A map was provided showing the approved alignment and the other possible alignments. Mr. Sorensen said the

realignment request was not to save money. If there was a lesser cost to Patterson Construction, they had said they would give Alpine City the difference.

Troy Stout asked why Patterson wanted a realignment if there was no cost savings to them.

Shane Sorensen said they had talked to Fire Chief Brad Freeman to see if there would be a benefit to the City with a different alignment as far as fire hydrants. He said Chief Freeman said it could go either way. He said right now the City did not have water at the rodeo ground and bringing a line past the rodeo grounds would provide culinary. He said that when they had a rodeo they brought in a line to water the livestock. If they did go that route, Patterson would need an agreement with Vallejo because it would cross his property.

Mel Clement asked where the restrooms in Lambert Park would be and if a new alignment would be advantageous. Shane Sorensen said there was already culinary water and sewer by the stake center on Alpine Boulevard, which would be a possible location for restrooms, or at the end of Moyle Drive.

Bradley Reneer said that if they had the actual dollar amount of the cost savings, they could decide if the realignment was worth it to the City. He asked if the new alignment would do significant damage.

Shane Sorensen said it would be in the road. They weren't going through the brush except from Grove Spring to the Vallejo property.

Jannicke Brewer said she felt very protective of Lambert Park. It seemed like every time they got something settled, something came up and someone wanted to change it. She felt they needed to preserve the park and not keep digging through it.

Troy Stout said the money that would come back to the City would have to be sizeable to let them cut through the park. He said he agreed with Jannicke Brewer.

Kimberly Bryant said it seemed like they were doing what they said they wouldn't do.

Shane Sorensen said that unless the City or fire department saw a benefit to it, or if they needed culinary water to the rodeo grounds, they wouldn't consider it. That was why the Council was looking at it.

**MOTION:** Bradley Reneer moved to table the request to move the alignment for the Pine Grove waterline until they had a dollar amount of what would be donated. Mel Clement seconded. Ayes: 3 Nays: 2 Bradley Reneer, Kimberly Bryant and Mel Clement voted aye. Troy Stout and Will Jones voted nay. Motion passed.

Ross Welch spoke in behalf of Patterson Construction and said there was no cost estimate. One of the main reasons they wanted to do was to avoid a disruption to the road and the residents who lived on the road. Dollar-wise, it would be the same for Patterson either way, although the City may benefit to have culinary water at the rodeo grounds and extra fire protection.

Annette Flygare said that it seemed like anytime Patterson wanted to change a rule, there was an ulterior motive. She said she was an avid biker and hated to see anything happen to Lambert Park.

Gil Greer asked why they would want to take culinary water to the rodeo grounds for two days a year. It didn't make sense.

Bryan Hofheins said that if the line went in where it was proposed and went to the top, they could put in a bigger service so at some point the City could tap into it if they needed. A lot of communities upsized the lines for future needs.

Shane Sorensen said if they were looking only at a restroom or drinking fountain, the size of the pipe wouldn't matter. If they were looking at increasing fire flow it would.

Mel Clement asked if the line was going to serve homes and if it would provide adequate fire flow.

Shane Sorensen said that under the Agreement, the City wouldn't allow them to have more than 400 gallons per minute because they didn't want it robbing the City if there were two fires going at the same time.

David Church said that Patterson would have to have pressure pumps to create the pressure. The City was not guaranteeing the pressure. They were only getting the water to them.

## **VI. STAFF REPORTS**

Regarding the discussion from the previous meeting, Rich Nelson said they had not heard back from the soccer people.

Charmayne Warnock reported that the Building Department had been evaluated by Insurance Services Office and receive an ISO rating of 4 for residential buildings and a 3 for commercial buildings. The scale went from 1 to 10 with 1 being the best rating.

David Church said that everyone had agreed with the language on storm drain easement/Lambert Park sale agreement. It still needed to be signed because Josh James was in Japan. They had shipped the documents to him to sign.

Shane Sorensen reported that they had finished laying the pipe in Alpine Boulevard and the catch basins were in. They would be putting in the pavement the next day. They were hoping to start work on the Box Elder channel this week. He said some projects were hard to quantify from a bid standpoint so they did it based on time and materials. He said they were ready to lay pipe but couldn't move forward until they had the easement. They had applied for an extension.

Shane Sorensen said that a few meetings ago they had a request from Ron Mika to clear some trees and he had asked for access through Lambert Park to do it. Mr. Mika had made major changes to the his backyard and filled in the entrance to a walkout basement. He also widened the High Bench ditch and put in a rock wall with a rubber membrane on the downhill side. The bank was a foot higher than it had been before. He was asking permission to put rock on west side of the channel up to the north side of his tennis court.

Mayor Willoughby asked if there was a fence to distinguish between Lambert Park and the Mika property. Shane Sorensen said there was a deer fence but he expected Mika would be putting up a more private fence since the brush was gone. He explained that Mr. Mika was not cutting anything out. He was just working on the ditch and would not be encroaching on the trail.

Will Jones said he wasn't sure they could do anything in Lambert Park without first going to the Planning Commission. Jannicke Brewer agreed saying that any changes needed to be presented to the Planning Commission, a public hearing held, and then it would go to the Council.

Mayor Willoughby said to have him make a formal application.

Shane Sorensen said they were working on the Water Master Plan. He expected it would come to the Council in January. There were major items to consider. They were seeing pressurized irrigation (PI) use at over 8 gallons per minute per acre. The current design anticipated 3.5 gallons per minute per acre, and it was putting a burden on the system. They needed to decide if conservation was going to be part of the plan or if they would need to meter the water. He said they would also be looking at culinary water but it would be more in terms of aging infrastructure.

Mel Clement asked if state funds were available to upgrade the PI. David Church said they had funds available to loan.

Vickie Reay asked if there were plans to provide PI to Box Elder subdivision. Shane Sorensen said PI water would have to be pumped to Box Elder so they would be operating two pumps and two reservoirs. The cost benefit analysis showed that it didn't make sense to put PI up there.

Will Jones added that Box Elder was not in the area of service for Alpine Irrigation.

Vickie Reay asked how many homes were in Box Elder when the study was done. Shane Sorensen said the study looked at build-out. He pointed out that Box Elder received a different rate for culinary water since they had to use it for outdoor watering.

Jason Bond updated the Council on what was happening in the Planning Commission. He said Eagle Pointe had a new concept plan. Heritage Hills, Plat C was coming for final approval. The New Hope Bible Church was requesting a conditional use permit to locate their church in the building formerly used by Captain Len's Barbeque. The Planning Commission was also looking at the site plan for the Pine Valley Realty office.

## **VII. COUNCIL COMMUNICATION**

Mel Clement said that he'd been contacted by ladies in the community who wanted a restroom in Lambert Park. He asked if that could be one of the first items dealt with by the Lambert Park committee when it was formed. He also noted that Darren Gooch was present and said he appreciated his interest and attendance at the meetings. Mayor Willoughby noted that there would be two seats opening up on the Planning Commission.

Kimberly Bryant said she'd received calls over the years from citizens wanting to know who was in charge of the tree on Canyon Crest Road because it blocked the view. Shane Sorensen said it was probably in Highland City limits.

Will Jones asked if anyone had looked into the early morning garbage collection noise at the Charter School. Mayor Willoughby said he had called the school and was told their trash was picked up in the daytime, same with the bank. Rich Nelson said he'd asked the police to watch for it when they were out and around at night.

Troy Stout said he'd had an informal meeting with the Draper City engineer. He was interested in collaborating with them on restoring trails because Draper had phenomenal trails. The flood was an opportunity to reengineer the trails. He said he'd like to organize a community effort to go up to Lambert Park and retool the trails. He'd talked to Troy Wolverton and Brad Jensen who said they did much of the labor on the trails with volunteers, and Alpine probably had the same equipment they did.

Troy Stout said he would like to put more effort into the next Meet the Candidate Night since the last one was poorly attended, especially in view of the numbers who turned out for the meeting the night before the election which had people in the hallways. He suggested they look into overflow speakers for the foyers. He also stated that he did not like the headlines that came out on the stories about Alpine because they were inaccurate. It took away the credibility of the newspaper. Charmayne Warnock said the problem was that the editorial staff wrote the headlines rather than the reporters and often they just skimmed the article so oftentimes it wasn't completely accurate.

Mayor Willoughby said there was a question about the Dunn Transfer Station. He'd gone there the day before and it was on Geneva Road.

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

The meeting was adjourned at 9:50 pm.