

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 North Main, Alpine, UT
June 26, 2012

I. CALL MEETING TO ORDER: The meeting was called to order at 7:00 pm by Rich Nelson in the absence of Mayor Hunt Willoughby who had been temporarily held up by traffic. By the consensus of the Council, Kimberly Bryant was appointed as mayor pro tem. Mayor Willoughby arrived later in the meeting.

A. Roll Call: Mayor Hunt Willoughby
 Council Members: Kimberly Bryant, Troy Stout, Will Jones, Bradley Reneer
 Council member Mel Clement was excused.
 Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Brad Freeman, Kip Botkin, Jay Healey, Jannicke Brewer
 Others: Lars Anderson, Steiner Anderson, Joshua Freeman, Corbin Petersen, Layla Petersen, Annica Petersen, Jeff Peterson.

B. Prayer: Bradley Reneer
C. Pledge of Allegiance: Steiner Anderson

II. PUBLIC COMMENT: Steiner Anderson presented an Eagle project in which he proposed to restore Grove Creek in Lambert Park which was eroding rapidly. He would bring in rocks to reinforce the stream bed. The City had rocks that he could use.

III. CONSENT CALENDAR

A. Approve the minutes of the City Council meeting held June 12, 2012.

MOTION: Troy Stout moved to approve the Consent Calendar with the minutes of June 12, 2012 as amended. Bradley Reneer seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

IV. REPORTS AND PRESENTATIONS

A. Swearing in of the Alpine Youth Service Committee: Kimberly Bryant explained that there were so many youth who wanted to participate in the Alpine Youth Council that they created another branch call the Alpine Youth Service Commission. City Recorder Charmayne Warnock swore them in.

V. ACTION AND DISCUSSION ITEMS

A. Ordinance No. 2012-07 Amending the Budget for FY 2011-12: Rich Nelson explained that at the end of the year they opened the budget to make sure it balanced. They had more expenses in the court and fewer expenses in the building department so they transferred funds from one place to the other.

Will Jones said that in reviewing the amended budget he found they had an additional \$77,000 in the capital improvement fund. He said that if he'd been aware of that two weeks ago, it would have made a difference in how he voted on the tax rate. These additional funds could have offset the increase. He said that in the future he would like to see an amended budget for the previous year before they adopted the budget and tax rate for the upcoming year.

Bradley Reneer agreed. He asked where the additional \$77,000 was and if it was itemized somewhere. Rich Nelson said it went generally into the capital improvement fund and was not broken down.

MOTION: Will Jones moved to adopt Ordinance No. 2012-07 Amending the Budget for Fiscal Year 2011-12. Troy Stout seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

B. Bennett Farms aka M&S Subdivision Concept Plan: Shane Sorensen said this was for information only. The annexation was in process according to state law, and the subdivision plan was with the Planning Commission. The project consisted of 27 lots on 29.9 acres. Construction of the subdivision would complete several

street loops or connections that were shown in the Master Street Plan. Utilities were available. As part of the planning process, they were conducting a hazard evaluation since it was located on an alluvial fan.

Troy Stout asked if the developer was planning to maintain an orchard aspect in the new subdivision. Shane Sorensen said it would be a phased development so the trees wouldn't go all at once. He said it was difficult to maintain an orchard in a residential setting because people didn't like the pesticides that went along with an orchard.

Bradley Reneer asked about the water rights. Shane Sorensen said the developer would submit Alpine Irrigation shares to the City.

C. Tennis court in Creekside Park – Jeff Peterson: Mr. Peterson said he lived just north of Creekside Park, and it was a great park. The existing tennis courts were well-used by both young and old. He proposed the construction of five additional covered tennis courts on the parcel of ground that had been left open for some future use. The covered courts would be next to the outdoor courts. He showed a photo of how the structure would look. It would be 35 feet high and include a pro shop and bathrooms at the front of the building. The outdoor courts would be accessed through the building which housed the covered courts to prevent kids from skating or riding bikes on the outdoor courts.

Mr. Peterson said the indoor courts would be used for league play. It would cost \$1.5 million to complete the structure but it would not be built with City funds. It would be built with donations that were given to the City and earmarked for the tennis courts. It would be City property but the facility would be operated and managed by a professional tennis association who would have a 10 or 20 years lease. The courts would be built to USPTA Professional standards and would be used by tennis leagues. He said he currently had a membership at Ivory Ridge and they were turning people away. The membership was \$125 per month and those fees would cover the cost of operating and maintaining the courts. He estimated the monthly cost to for heating, lighting, maintenance and replacement would be \$10,000 a month in the winter, less in the summer. He said it could be a multiple use court. They could lay down an protective barrier on the floor and use it for voting, dances, etc.

Bradley Reneer asked if there would be a cost to citizens to use the courts. Mr. Peterson said there would be a fee for the indoor courts but Alpine residents could probably get a reduced cost on a membership.

There was a question about what would happen when the lease was over. What kind of burden would fall on the City? David Church said it would depend on how the lease agreement was written.

Kimberly Bryant said she appreciated Mr. Peterson's efforts but when they planned the park they held so many meetings with the citizens and the big thing was that everyone wanted a leisure, passive park. She wasn't sure how they would feel about what was basically a business.

Mayor Willoughby agreed saying that because of the community effort that went into the park, they would need to take it to citizens for their input. It would be a significant change. He noted that the five-acre piece that was left during the planning process was preserved for something whether it was a library, recreation center, etc.

Troy Stout said he would echo the sentiment that Kimberly Bryant expressed. In fairness to the people who planned the park, used it and lived around it, it would have to go back to the community for input. A 35-foot high building seemed like a contradiction to the park.

Bradley Reneer said he would not be in favor of the proposal but he was not a tennis player. However, he had a friend who said there were not enough tennis courts in Alpine. There were others in the community who wanted to have a skate park or a community swimming pool. If the lease wasn't renewed, the tennis facility would be a super-expensive building for the City to maintain.

Will Jones said he was actually in favor of it because it created another use that they didn't have. There would be no financial impact to the City. He said he hadn't seen a library or anything that came close to having that kind of promise.

Kimberly Bryant asked what would happen if they built it and then it became like the golf course in Cedar Hills that the taxpayers had to support. Alpine was a bedroom community and she didn't think people would drive here to play tennis. A lot of businesses didn't make it in Alpine because there was no other reason to come here.

Jannicke Brewer said that if there was an interest it would have to go to the Planning Commission. There would need to be public hearings and it would take a supermajority vote of the Council to approve it.

Mayor Willoughby told Mr. Peterson he could take it to DRC and review it with staff.

D. Ordinance No. 2012-06 Regulating the Use of Fireworks in Alpine: Rich Nelson said they would skip this item and move on to item E. Since the last meeting the Fire Chief and Fire Marshal had recommended going beyond restrictions on fireworks and banning them altogether.

E. Resolution No. 2012-06, Granting the Local Fire Official the Authority to Prohibit the Use of Any Ignition Source, Including Fireworks, Lighters, Matches, and Smoking Materials Within the City, and Penalty. Fire Chief Brad Freeman said that after the last meeting they had put up signs about restricted firework use and half of them had been taken down. They had lined up six additional fire fighters for the 7 nights fireworks would be legal and got three additional trucks manned and equipped. But since then they had been called out on three major fires. He had talked to the BLM Manager who said that in all his years he had never seen a fire season like this one. The normal fire season started in August. It was only June and the weather report for the next 10 ten days wasn't changing. He said that when Cedar Hills had their fireworks show, it ignited other fires and they had four fires going at the same time. There was one fire that almost got away from them and they had two fire trucks stationed right by it. He said the risk was way too high this year.

David Church said it was a big concern statewide. Governor Herbert and the State Fire Marshal had closed all areas outside cities to fireworks, then held a conference call with cities that were outside that order and urged them to be prudent.

There was a lengthy discussion about dry conditions and the escalating fire dangers, and what might be permitted where. The proposed Resolutions banned open fire in Alpine City along with fireworks. Will Jones wanted to add that fires in fire pits should also be banned. It was suggested the fire pits in Lambert Park be removed so they didn't appear to be an invitation.

David Church said the Resolution gave the fire marshal the authority to lift the ban when conditions changed. Smoking was currently prohibited in the national forests and the Resolution banned smoking in Lambert Park.

Brad Freeman clarified that citizens were not prohibited from buying fireworks. They just couldn't light them. He said one of their concerns would be a fast-moving fire in the Pfeifferhorn or Beacon Hills area. Such a fire would command all their resources, and if there was a second or third fire elsewhere, it would be difficult to respond to all them and contain them. If there was a medical emergency, they would already be maxed out.

Regarding enforcement, David Church said that under the fire code, the fire marshal could write tickets along with the police. He encouraged strict enforcement saying that typically 80% of the people would voluntarily comply, 5% would violate the ban, and another 15% would be sitting there with their fireworks, waiting to see if the violators got punished. If they didn't, the 15% would start lighting their fireworks. At that point the compliance in the 80% would begin to erode.

Police Chief Kip Botkin said that once the ban was in effect, the police would enforce it aggressively.

The plan was to have large banners posted at the three entrances into Alpine: Alpine Highway, Westfield, and Canyon Crest (4800 W.) and in front of City Hall. A mailing would be sent out to the residents. The emergency preparedness group could contact the church leaders and have the ban announced in church. He said they would still have the extra firefighters. From the major fires they had fought that week, they'd received \$8,000 which would pay most of the cost for the overtime personnel. He said that every call he'd had to the station had been from people saying they hoped they would ban fireworks.

Kimberly Bryant asked if it would still be possible to have a backyard barbeque. Brad Freeman said they could exclude backyard gas grills from the ban.

MOTION: Will Jones moved to adopt Resolution No. R2012-06 authorizing the fire chief to prohibit the use of any ignition source in Alpine including fireworks, open fires, etc. Troy Stout seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

F. Ordinance No. 2012-05 Telecommunication Ordinance: Mayor Willoughby said this item was tabled from the meeting a couple of weeks ago to allow the Council time to review it.

Jannicke Brewer said the biggest changes in the ordinance were the requirement of a quarter-mile radius between towers and the requirement that neighbors be notified prior to approval of any new tower. There needed to be some clarification in the sentence about Lambert Park. The intent of the Planning Commission had been that no new towers would be built in Lambert Park but someone could co-locate on an existing tower. New towers in other locations had to be at least one-quarter mile from other towers, and the minimum distance between a tower and a residence had to be twice the height of the tower. The maximum height of a tower was 80'.

Mrs. Brewer said the abandonment section in the original ordinance had been removed. It had allowed the City to require removal of a tower if it had been inoperative for 12 consecutive months. The amended ordinance stated that an existing tower could be maintained, upgraded or replaced. There was no timeframe when the replacement or upgrade had to occur.

Troy Stout asked if would be considered a taking to deny more towers in a certain location.

David Church said that constitutionally it would not be considered a taking because it was a regulation that limited future use. If they required the removal of an existing tower, that would be a taking. He said that cities could not regulate towers for health or safety reasons. That was covered by the FCC which had extensive regulations. As long as a tower met the FCC requirements, a city could not zone them out. If someone came in and said Alpine's ordinance effectively did not allow service, they would have to change the ordinance.

David Church said the big policy change in the new ordinance was that it spread the burden of the towers throughout the town. The previous ordinance confined the towers to Shepherd's Hill and Lambert Park, but the neighbors felt that put an unfair burden on their neighborhood. The new ordinance said the burden would be shared citywide.

Mayor Willoughby said that Clyde Shepherd said he had room for one more tower on his property, and this ordinance would take away that ability.

David Church said that if there was a need for another tower, it would be located somewhere else.

Troy Stout said he liked that no more towers could be put in Lambert Park. He felt that it detracted from the park. He clarified that Clyde Shepherd was grandfathered for the number of existing towers on Shepherds Hill, and he could replace them if needed.

Jared White said he represented AT&T who was waiting for the new ordinance to be adopted so they could submit an application to modify an existing tower they had in Alpine. He said AT&T preferred to modify their existing towers rather than building new ones because it was far less expensive. They wanted to add some additional antennas to the one tower they already had, but it would be impossible to do the slim mount. The existing cluster would remain the size it was but would be filled in with additional antenna arms.

David Church said that the way the ordinance was presented to him was that what AT&T wanted to do on an existing tower would fit the ordinance, but any new tower would need to be a slim mount.

Jannicke Brewer said the citizens wanted users to co-locate but they also felt very strongly about slim mounting.

Mr. White drew a diagram showing what they intended to do. He said he wanted the Council to be sure they were not unintentionally writing an ordinance that resulted in a more intrusive upgrade. He said that unless an 80' tower was on a hill, it could only accommodate two carriers, otherwise there would be signal interference.

David Church said that if they required all new installations to be slim mounted, they would see more new towers going up which would meet with more resistance for the neighborhoods.

Jared White suggested the ordinance read: "New antennas must be slim mounted or mounted to an existing array." The Council liked the language and it was added to the ordinance.

Bradley Reneer asked how it would be handled if someone planted trees that blocked the signal. Specifically, on Shepherds Hill they were supposed to plant trees to screen the towers. Will Jones said they would have to be pruned. Likewise if trees were planted on the adjacent City property, they would need to be pruned.

MOTION: Troy Stout moved to adopt Ordinance No. 2012-05 amending the Wireless Telecommunication Ordinance with the following changes:

1. Section 2.27.2 Item 2 Permitted and Non-Permitted Towers and Antennas add a number 5 under item a and change the wording to "Any new antenna shall be slim mounted or mounted to an existing array."
2. Section 2.27.2 Item 1 Personal Wireless Services Facilities Site Locations add an item d that read "commercially zoned private property."
3. Section 2.27.2 following the list of locations change the sentence into two sentences so it reads: "No new tower shall be located in Lambert Park. No new tower shall be located within one-quarter (1/4) mile radius of another tower or closer to a residence than two (2) times the height of the tower."

Bradley Reneer seconded. Ayes: 3 Nays: 1. Troy Stout, Bradley Reneer and Will Jones voted aye. Kimberly Bryant voted nay. Motion passed.

G. City Council Meeting on July 24, 2012. The City Council agreed to cancel the regularly scheduled meeting on July 24th.

VI. STAFF REPORTS

Rich Nelson

1. He informed the Council that City Planner April Naidu had submitted her resignation. She intended to stay home with her baby. He said he appreciated working with April. The majority of planners he'd dealt with did not have the skill or personality that she did.
2. There was an article in the Deseret News that identified Alpine as the most wealthy town in Utah.
3. He intended to have the City acquire as many Alpine Irrigation shares as possible.
4. At a future meeting they needed to talk about PI usage and conservation.
5. Of the four major items he planned to accomplish this year most were completed including the Storm Irrigation Ordinance and Telecommunication Ordinance. They still needed to work on the Personnel Manual and that would be coming back at a future meeting.

Charmayne Warnock said the fire department had prepared a fireworks restriction flyer and map to go out to the residents based on the motion from the last City Council meeting. But between the printer and the post office there were several hitches and it never got mailed out, which was fortunate since the decision on fireworks had changed to a citywide ban rather than just restricting fireworks in certain areas.

Shane Sorensen said the HA5 project in downtown area was completed and it went well. They had planned to chip seal some roads this year but after talking to the local asphalt company, they decided the microsurfacing would be cheaper and work well. Because of that, they would be seeing some adjustments in the street projects.

Jannicke Brewer said the Planning Commission was trying to amend the Gateway Ordinance and wanted some input from the Council. Did they want temporary structures to follow the same requirements as permanent structures.

VII. COUNCIL COMMUNICATION

Will Jones said he thought there should be an ordinance separate from the Gateway Ordinance that dealt with temporary structures. The requirements didn't need to be as stringent but temporary structures did need to be regulated. He said they also needed to do something about the metal storage units or pods that were popping up all over. Structure on Alpine Days didn't need to be regulated.

VIII. EXECUTIVE SESSION: None held

MOTION: Bradley Reneer moved to adjourn. Will Jones seconded. Ayes 3. Nays:0. Motion passed. Kimberly Bryant was not present at the time of the motion.

The meeting was adjourned at 10:00 pm.