

**ALPINE CITY COUNCIL MEETING**  
**20 North Main, Alpine, Utah**  
**August 23, 2011**

**I. CALL MEETING TO ORDER:** The meeting was called to order at 7:00 pm by Mayor Hunt Willoughby. The following Council members were present and constituted a quorum:

**A. Roll Call:**

Mayor Hunt Willoughby

Council Members: Troy Stout, Bradley Reneer, Kent Hastings, Jim Tracy

Council Members not present: Kimberly Bryant

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Jay Healey, Jannicke Brewer, Chief Kip Botkin

Others: 1Lt. Mark Buffington, PFC Matt Longson, Charles Engberson, Jason Kuhn, Chuck Castleton, Will Jones, Carl Pack, LaRue Pack, Cathy Smith, Kyle Harding, Clyde Shepherd, Denise Keller, Steve Crain, R. Crain, Stephanie Tasso, Kent Tasso, Bob Shirmer, Roman Frazier, Boydean Frazier, Aimee Augustus, Jackson Hundley

**B. Prayer:**

Hunt Willoughby

**C. Pledge of Allegiance:**

Specialist Matt Longson

**II. PUBLIC COMMENT:** Charles Engberson said he wanted to talk about the speed of traffic on Grove Drive. He said that there were seven or eight speed limit signs along 400 West and down to Main Street, and at least two of them were lighted. On Grove Drive there were only three speed limit signs from Alpine Boulevard all the way down Grove Drive. One of them was about to fall over and the other one was obscured by trees.

Mayor Willoughby asked if there were standards for spacing speed limit signs. Shane Sorensen said he would check on it.

Charles Engberson said two children had almost been hit. When he motioned for a motorist to slow down, the man made a rude gesture and continued on. He asked if the Council would consider putting in a white stripe for bicycles and joggers along Grove Drive. He noted that there were a lot more people using Grove Drive. He also asked why the stop sign at the bottom of the hill on 400 West was removed. It was dangerous.

Mayor Willoughby said the Council had discussed it and voted to remove the sign because they felt it was safer that way. Mr. Engberson asked how it could possibly be safer. He asked the Council to reconsider the issue.

Cathy Smith said she had moved to Grove Drive in 2010 and the only thing she didn't like about Alpine was the speed on Grove Drive. Children had to cross the road but the cars and construction traffic went so fast. She said her mother decided to be a crossing guard when one of the kids almost got hit. Something needed to be done or someone would be hurt. She said she noticed that when they put in the new water mains, it did slow traffic. Cedar Hills had speed bumps that slowed traffic. She wondered why Alpine didn't use them. Grove Drive was a family area and she asked that people be considerate. Her husband was concerned about the trucks that came down the hill fast with a heavy load and used compression brakes. She asked about signage prohibiting engine brakes on Grove Drive. She asked about getting some electric speed warning signs and seeing if they made a difference.

Mayor Willoughby said two of the speed warning signs had been paid for by grants received by Alpine Elementary. The City put up the signs on 400 West.

Shane Sorensen said the warning signs cost \$6000 and had been vandalized about six times. Last week one of the signs simply disappeared. He said three out of the five signs worked and one was flat-out stolen. Evidently there was someone or some group that did not want the signs.

Kent Hastings said it had been their experience on 400 West that the signs did make a difference. Traffic went slower when they were operating.

Cathy Smith asked if there could be something in the monthly newsletter about speed on Grove Drive. She said she had another issue about Alpine Days. She asked that the vendors stay there until 4 pm. People would come back to get something and they were gone. She added that she would love to help with Alpine Days next year.

Shane Sorensen said speed signs were a difficult issue. Many streets had the same issues with speeding and residents would all like an electronic speed sign, but they were very expensive. And a lot of time it was the neighbors that were speeding, not just out-of-towners.

Kent Hastings wondered if there was a steeper area along Grove Drive where there should be a sign that said, "Please No Engine Brakes." Shane Sorensen said maybe they should post a sign at all three entrances of town.

Bradley Reneer noted that at a previous meeting they'd had people complaining about burglaries and wondering why the police were giving out speeding tickets instead of catching burglars. They felt it was done as harassment or to increase revenue. Maybe they should have someone go out and sit and see how fast people were actually going. They could get a speed gun from the police.

Charles Engberson also asked about the possibility of a sign that said there was a mentally challenged child on the street.

Jackson Hundley said he had met with Mr. Vernon at Moyle Park about an Eagle Scout project. He said he would like to cut down the bushes on the side of the volleyball court and replant the poles so they were straight. He would retie the net and patch it or replace it if necessary. He would also redo the horseshoe pits by putting wood around the sides, redigging them and adding sand.

### **III. CONSENT CALENDAR**

**A. Final Payment Request, Waterline Improvements – Carlton, Inc - \$199,881.32**

**B. Approve Minutes of July 26, 2011**

**MOTION:** Kent Hastings moved to approve the Consent Calendar. Jim Tracy seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

### **IV. REPORTS/PRESENTATIONS**

**A. Community Covenants – Utah National Guard – 1<sup>st</sup> Lieutenant Mark Buffington:**

Lt. Buffington and Specialist Matt Longson gave a presentation explaining the Community Covenant program. It was a program where members of the community and community leaders came together to pledge their support of service members and their families. The Covenant was general in design and could be tailored to the individual community. It could be elaborate or intimate. Basically it was to say we love our service members and pledge community support. Some communities had waived the utilities for families of service members who were deployed. Lindon City had given free pool passes to the families and waived recreation fees. Lt. Buffington said many service members took a pay cut when they were deployed. Lehi City would help compensate pay if they showed proof of pay. Lt. Buffington said Utah led the nation in the Community Covenant program and was the only state that participated in the utility abatement program.

Mayor Willoughby suggested they hold the Community Covenant program along with the Flag Retirement Ceremony that would be happening sometime in the fall. They usually had a lot of participation with scouts and veterans. He said Alpine had also participated in utility abatement.

Specialist Matt Longson said he would work with the Mayor in coming up with a program.

**B. Financial Report:** Rich Nelson said July finished in good shape in the general fund. The water fund continued to decrease. With Alpine City revenue and property taxes they finished the fiscal year with \$5000 more than the previous year. The sale tax revenue was lower than it was previously.

Regarding revenue from traffic fines, Mr. Nelson said he was opposed to measuring the revenue from fines. He was working with Chief Botkin and wanted to move a Neighborhood Watch program. He said if the Council wanted to

continue seeing the revenue from traffic fines he would leave it on the monthly report. Kent Hastings said he felt it should still be in there.

Bradley Reneer asked about redemption taxes. Rich Nelson said the City lost last year's taxes because they didn't hold a Truth in Taxation hearing, but they would be getting them this year. Rich Nelson said 93% of the people in Alpine paid their taxes on time.

Rich Nelson said there had been a question about Annalisa Beck's title. Actually she was the finance officer, but he had erroneously called her the finance director a time or two. Other questions had been raised about salaries and raises. They had set aside funds for a 2% merit-based increase. Not all would necessarily receive the increase. Rich Nelson said that if some got a more significant increase, they would go to executive session to discuss it.

## **PUBLIC HEARING – PACK BROTHERS ANNEXATION**

There was no public comment on the Pack Brothers Annexation.

## **V. ACTION/DISCUSSION ITEMS**

**A. Ordinance No. 2011-13 Approving the Pack Brothers Annexation:** Shane Sorensen said the annexation request had gone through the necessary process. The protest period ended on August 15, 2011 and no protests were filed. He showed on the map the area that would be annexed into Alpine City limits. It consisted of 7.914 acres or five parcels belonging to the Pack brothers and Loraine Walz. The lots fronting on Grove Drive were developed. There were two vacant parcels in the rear.

The Annexation Agreement still needed to be completed. The City would be obligated to provide municipal services to the annexed property. All four of the homes were already on pressurized irrigation. One of the homes was connected to the sewer system. The remaining homes would have two years to connect to the sewer and would need to pay the applicable fees. They would also be connecting to the city's culinary water system and would need to provide Alpine Irrigation water shares rights to the city, although they did have some water credits from a previous dedication of water rights. A cash bond would go toward the eventual improvement of Grove Drive. David Church would be completing the Annexation Agreement and it would be approved at a later meeting. They had 30 days to finalize it after the ordinance was passed.

Kent Hastings asked about the vacant parcels in the rear and asked if the Packs realized they couldn't develop them without frontage. Shane Sorensen said they had discussed that with them. In regard to access to the vacant lots, David Church said it was undeveloped ground with no frontage and the city was not obligated to provide anything.

**MOTION:** Jim Tracy moved to adopt Ordinance No. 2011-13 approving the Pack Brothers Annexation. Troy Stout seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

**B. Resolution No. R2011-09 Adopting the Certified Tax Rate:** The tax rate for Alpine City for fiscal year 2011-2012 was set at 0.001870.

**MOTION:** Jim Tracy moved to adopt Resolution No. R2011-09 setting the certified tax rate for Alpine City for Fiscal Year 2011-2012 at 0.001870. Bradley Reneer seconded. Ayes: 3 Nays: 1. Troy Stout, Bradley Reneer and Jim Tracy voted aye. Kent Hastings voted nay. Motion passed.

**C. Ordinance No. 2011-15, Adopting the 2011-2012 Annual Budget:** Rich Nelson noted the budget had been adopted at the meeting of August 16, 2011 and the ordinance had been included in the packet but was not noted specifically in the motion.

**MOTION:** Troy Stout moved to approve Ordinance No. 2011-15 adopting the FY 2011-2012 Budget. Jim Tracy seconded. Ayes: 3 Nays: 1. Troy Stout, Bradley Reener and Jim Tracy voted aye. Kent Hastings voted nay. Motion passed.

**D. 2011 Bookmobile Agreement:** Rich Nelson said the 2011 Bookmobile Agreement was the same as the 2010 Agreement with the same number of stops and hours for the same cost of \$13,200.00. Kent Hastings asked if there were circulation numbers. Amy Augustus said she was the correspondent from the Daily Herald and she had talked to the state librarian, Donna Jane Morris, who said Alpine City had the highest percentage of patrons that used the bookmobile. Over 9,000 items had been circulated during the year. Jim Tracy noted that the bookmobile had been discussed as a budget item.

**MOTION:** Jim Tracy moved to approve the 2011 Bookmobile Agreement. Bradley Reneer seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

**E. Ordinance No. 2011-12 – Beekeeping:** Jannicke Brewer said the Planning Commission had been working on the ordinance to regulate hobby beekeeping. Much of it was copied from Salt Lake City's ordinance. She wondered if the City Council wanted to consider a commercial beekeeping ordinance as well. It would be reviewed separately.

Mayor Willoughby welcomed Roman Frazier and Boydean Frazier, who were commercial beekeepers, to answer any questions the Council might have about beekeeping.

Kent Hastings thanked the Fraziers for supplying bees to the community. He said one of his concerns with the ordinance was that they didn't have many bees and even fewer beekeepers, and bees were essential for pollinating fruit trees. He said he would rather encourage hobby beekeeping rather than discourage it with a lot of red tape.

Troy Stout said that was his feeling as well. He didn't think of beekeeping as a regulated activity. He said it seemed contradictory to regulate hobby beekeepers but not commercial beekeepers.

Mayor Willoughby said there hadn't been many calls to the city over the years concerning beehives, but this year the Fraziers had increased their presence with more hives and happened to put one across the street from someone whose daughter was highly allergic. As a hobby beekeeper himself, he said that when you first populated a hive, they were confused but as they got organized, they stayed close to the hive. Because of the call, April Naidu started working on an ordinance. He said he didn't know that they really needed an ordinance. Most of the regulations in the ordinance were just good beekeeping practice and people who wanted to provide good honey would do those things anyway.

David Church said Alpine's ordinance was silent on bees, and when an ordinance was silent, it created confusion. He said April's intent was not to regulate a use but to make a clear statement that beekeeping was specifically permitted. The regulations were basically the same as the state regulations for beekeepers. He said that if the Council didn't want an ordinance, they didn't need to have one, but when someone called wanting to know if beekeeping was permitted, staff could give an affirmative answer if it was in the ordinance. Otherwise there would always be a question about it.

Roman Frazier said that the state beekeeping inspector had certain requirements. Beekeepers had to be licensed with the state which had their own regulations. There was already oversight from the state.

Kent Hastings suggested they simply state in the zoning ordinance that beekeeping was allowed in Alpine. All the regulatory language wouldn't be necessary if the state regulated beekeepers.

Bradley Reneer said they could keep the three things in the ordinance that impacted the neighbors. Mayor Willoughby said he liked that simplification. The ordinance could simply state that beekeeping was allowed and keep items D, F and G which were things that could affect neighbors. David Church said many cities' old ordinances simply listed apiaries as a permitted use with no regulation. The ordinance was sent back to the Planning Commission for simplification.

Boydean Frazier said that in California they addressed beekeeping in general terms. The owners of orchards paid a lot of money to have the trees pollinated, and they needed more bees. He said bees rarely stung someone unless they were stepped on. They tended to focus on gathering pollen.

Bradley Reneer said one of the problems citizens had was distinguishing between bees and wasps or yellowjackets, which were more aggressive. He suggested having something in the Newsline to inform people of the differences.

**F. Digis Wireless Service Tower:** David Church said the Planning Commission had approved the site plan for the Digis tower on Shepherd's Hill. Neighbors felt the approval violated Alpine's ordinance and filed an appeal to the Board of Adjustment. The Board held a hearing and ruled that the Planning Commission and the City Council did not consider Section 2.2.1. of the Wireless Telecommunication Ordinance. They determined that the tower was not an existing structure and was not a stealth design. It was sent back to the Planning Commission and City Council to decide what could be done to make it qualify as a stealth facility.

Kyle Harding represented Digis. He said they understood the ruling to say that they needed to start the process over and propose a plan that would go through the Planning Commission and City Council. He said they were seeking direction on what the City would accept.

Mr. Harding said one of the objections was to the open framework. Digis was proposing to enclose the tower with panels that would be painted to camouflage them. Also they would plant a screen of tall bushes such as pine trees that would grow to the point of the antennas without obstructing them.

Rich Nelson said he had looked at the definition of stealth in eight or nine different cities and they said basically what the Alpine City Ordinance said.

Jannicke Brewer said she had also looked for a definition of stealth. Other definitions said they were towers disguised as or incorporated into flag poles, a church cross, fake palm trees, fake pine trees, a bell tower, steeple, fake cactus, windmills. She added that she felt one of the problems on Shepherd's Hill was that there should be a fence around the towers. It was private property, not a public playground.

David Church said that while there may be better definitions of stealth out there, they were stuck with the one in their own ordinance. They would be treating the applicant unfairly if the City started applying rules they didn't have on the books. The question the Council needed to consider was whether their proposal for the wireless tower met the definition in Alpine's ordinance.

Bob Shirmer said he lived on Cascade Avenue. When he walked out his front door, the first thing he saw was Shepherd's Hill. He said their kids had spent many hours sledding on that hill. He said he had met with Mr. Shepherd and saw the Digis proposal to cover the tower with slats and paint them, then have pine trees planted in front. They would grow to where they would not interfere with the antenna. In order to do that, they would have to plant on a city easement. He said he did not believe the large microwave dishes met the definition of stealth. If they put up small dishes or something else, would it fit the definition of stealth? He said he appreciated the work of the Planning Commission, City Council and Board of Adjustment. He asked the City to do everything in their power to enforce the ordinance. He said he was not convinced that what Digis wanted to do met the definition of stealth.

Stephen Crain said he was not against the tower or having service. He said other cities had stricter ordinances than Alpine. In Salt Lake they had stealth flag poles. He said this one was very ugly. It was like Sarah Palin said. You could put lipstick on a pig but it was still a pig. He said it would cost Digis more money to pour a foundation but they were a big company. They could build something that would satisfy all their needs and comply with the ordinance. He said they couldn't have big antennas and still be called stealth.

David Church said the ordinance gave Alpine the discretion to decide if what Digis proposed qualified as stealth. It was not up to Alpine to tell them what to do. They needed to come in with a proposal and the City would decide if it was sufficiently stealthy.

Bradley Reneer said according to his reading of the ordinance it said the tower had to have stealth design. Did it apply to the antennas?

David Church said in Section 2.2.1.2 is said specifically that a new structure on Shepherd's Hill had to be stealth design. The Digis tower had been approved as an upgrade to an existing structure but the Board of Adjustment stated the old structure was abandoned and since it was a new structure, it had to have a stealth design.

The Council discussed the possible meanings of stealth. Jim Tracy asked if there was a difference between camouflage and conceal. Hunt Willoughby said he thought stealth was meant to be as inconspicuous as possible. Jim Tracy said he wasn't sure whether a lattice would be more inconspicuous or panels. David Church said the ordinance said a lattice tower was not permitted.

Stephen Crain said stealth meant unobtrusive, almost invisible. Digis should take away the dishes. The Sprint tower was okay. They could close-mount the antennas on a pole that matched the other poles. The Digis tower was so out-of-character.

Mayor Willoughby asked if there was other equipment Digis could use that would meet their needs that would be smaller.

Kyle Harding said it was the only type of antenna he was familiar with that would provide service to the customers in the area. The two-foot microwave dish was the smallest dish in that frequency, and that was what they had installed. When asked about the height of the tower, he said it was 18 feet.

Kent Hastings asked if they could mount the two-foot dishes on a monopole. Kyle Harding said the foundation would not support a monopole. The ordinance said it was to be compatible with surrounding structures. He said their structure was a tower with antennas. They didn't stick out any more than the others.

Jim Tracy said part of the problem was that the pole was short so it made everything look bigger. Normally towers were much taller.

There was a discussion about additional cost to make the tower comply. Mayor Willoughby said it was not the responsibility of the City to help them save money.

Stephanie Tasso said she'd heard Digis provided coverage for Cedar Hills and Saratoga Springs. How did the pole benefit Alpine residents? She said the tower looked very different from the pictures they presented.

Kyle Harding said there were Alpine residents that used the Digis internet service.

Clyde Shepherd said the Board of Adjustment didn't bring up the antennas or the size of the dishes or whether they could be there. They determined that the tower was not an upgrade. He said the City Attorney made a good point that the job of the City Council was to follow what the ordinance currently said. It said the tower was to be compatible with the natural setting and structures. He said they would put smooth sides on the tower for safety. He said he had worked with a landscaper and once they got the panels up they would plant pine trees along the north side of the hill that were 11 or 12 feet tall but didn't cover the microwave dishes which faced south and west. He said the antennas on the towers east of the Digis tower had enormous antennas. These were a fraction of the size. He said Digis had gone through the process and did everything they needed to do. He had neighbors on both sides of the hills that said the tower was okay. Mr. Shepherd said he felt that what Digis proposed complied with the ordinance.

Mayor Willoughby said that there were people on both sides of the issue and whatever happened would not make everyone happy. The Council was to give direction to the Planning Commission so they could apply the ordinance. He said the Planning Commission needed to see a better site plan and a better rendering. He asked Digis to come back with a visual proposal. The City needed to see a rendering of what it would look like so it wasn't so nebulous.

Rich Nelson said that anytime an ordinance was written giving discretionary authority, it meant the Council needed to make a decision.

Clyde Shepherd said he had taken down his old site which, contrary to belief, still had electricity and was still sending a signal and working. He asked if he could put his old tower back up if this one was denied.

David Church said he couldn't say without having all the facts.

## **VI. STAFF REPORTS**

Rich Nelson said he was planning to have a pre-meeting before a Council meeting with the six candidates running for the three City Council seats to discuss the budget and have staff and the Council answer any questions they might have.

Shane Sorensen said the overlays were scheduled to be done later that week. There was some micro-surfacing to be done on Tuesday then they would be wrapping up the road maintenance program. Mayor Willoughby said Representative John Dougall told him that the public works department should give Highland City a primer on road maintenance.

## **VII. COUNCIL COMMUNICATION**

Jim Tracy said the crosswalk on Canyon Crest and Long Drive was nearly invisible and needed to be repainted.

Troy Stout asked about the manholes that were just below the surface of the roads that had been chip-sealed because it made the road feel rough. Shane Sorensen said it was possible to jackhammer around the manholes and put in concrete rings, but it was very expensive. There were so many holes in town but they would take a look at them.

Kent Hastings said 200 North was a slalom course because of overgrown trees protruding into the street. Shane Sorensen said April Naidu had sent letters to people telling them to trim their shrubs.

Mayor Willoughby said he wanted to thank Chief Botkin and the police department for their work on solving the burglaries and the drug bust.

## **VIII. EXECUTIVE SESSION:** None held

**MOTION:** Jim Tracy moved to adjourn. Troy Stout seconded. Ayes: 4 Nays: 0. Motion passed.

The meeting was adjourned at 10:15 pm.