

**ALPINE CITY COUNCIL MEETING  
20 North Main Alpine, Utah  
December 13, 2011**

**I. CALL MEETING TO ORDER:** The meeting was called to order at 7:00 pm by Mayor Hunt Willoughby.

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

Mayor Hunt Willoughby

Council Members: Bradley Reneer, Kimberly Bryant, Jim Tracy, Troy Stout, Kent Hastings participated by phone

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Chief Kip Botkin

Others: Mr. & Mrs. Hedrick, Jim Ireland, Cameron White, Jacob Jackson, Austin Kyler, Jonas Kuhn, Charlie Adams, Tyler Hanks, Cade Walker, Sam Leavitt, Tanner White, Devon Kelly, Bryan Crandall, Cynthia Burraston, Ken Burraston, Lon Myers, Becky Myers, Lilly Myers, Josh Myers, Rick Nettesheim, Kris, Nettesheim, Kent Parry, DeAnn Parry, Mel Clement, Jannicke Brewer, Jeff Vincent, Linda Richardson, Kyle Richardson, Bryce Nelson, Bob Day, Sharron Day, Bob Hadley, Tracie Hadley, Jim Loveland, Laurie Loveland, Calvin Kelly, Jason Kuhn, Frank Fraughton, Amanda Fraughton, Jen Kelly, Will Jones

**B. Prayer:**

Kimberly Bryant

**C. Pledge of Allegiance:**

Calvin Kelly

**II. PUBLIC COMMENT:** Mel Clement stated that he appreciated the City Council and their accomplishments over the past years, and the continuation of good public service. As a token of appreciation for their service, he gave a small gift to outgoing Council members, Jim Tracy and Kent Hastings.

Mayor Willoughby reminded Jim Tracy and Kent Hastings that they were invited back for the first meeting in January.

**III. CONSENT CALENDAR**

**A. Approve minutes of November 15, 2011 and November 22, 2011**

**B. Final Bond Release – McNiel Plat C – Lon Nield - \$2,602.80**

**C. Final Bond Release – McNiel Plat E – Lon Nield - \$11,583.00**

**D. Final Bond Release – McNiel Plat C – (Future Road Extension) – Lon Nield, \$20,228.16**

**MOTION:** Troy Stout moved to approve the Consent Calendar. Kimberly Bryant seconded. Ayes: 5  
Nays: 0. Motion passed. Kent Hastings voted by phone.

**IV. REPORTS/PRESENTATIONS**

**A Financial Report for November:** Rich Nelson said the General Fund was doing better than he'd anticipated considering that they had moved the funds for the park out of the General Fund. There was still a downward cycle in the water fund which they would be discussing in January as part of the 5-Year Financial Planning. He said the Council needed to set up fund balance targets so they could plan based on that. The City was doing better in sale tax revenue than they did the previous year. He noted that Alpine's sale tax didn't decrease or increase when the rest of the state's sales tax did because Alpine had no point of sale. He said he would like to discuss the franchise fee during the first part of next year.

Kent Hastings asked if he was referring to the fact that Alpine didn't charge a full fee on cell phones. He said it was and Mr. Hastings said he thought it was a good thing that Alpine didn't charge it.

## V. ACTION DISCUSSION ITEMS

### A. Resolution No. R2011-12, a Resolution to temporarily close the south end of Andes

**Drive:** Mayor Willoughby said that at the last meeting the Council had listened to the comments from the residents in the area of Andes Drive and made a motion directing staff to begin the process of temporarily closing the road. David Church had prepared a resolution to temporarily close the road.

David Church said that Andes Drive was currently a stub street serving only undeveloped property. The resolution would close the road until such time as the property was developed. However, he said that since the previous meeting, the City had been contacted by the Jim Loveland (the owner of the property in Highland) and his attorney. They had some comments on why the temporary closure would not be appropriate for them.

Mayor Willoughby invited the property owner to comment.

Jim Loveland said he was the owner of the undeveloped property and he was also a resident of Alpine. He said there seemed to be some misunderstandings about his intended use of the property. He had become the full owner of the property about three months ago. The previous owners had done a lot of interesting things that made the property undesirable. He had been through the minutes and read the comments from the meeting, and was sympathetic and understood the people's concerns. He said he planned to use the property as a personal farm for himself and his wife, and keep Arabian show horses. It was not a commercial operation and there was no additional access to the property. There was another piece of property that ran east and west and did have frontage on Alpine Highway but it was a separate parcel. There had been a discussion about having another access to the property from Highland but he said that was not an option. He pointed out the aqueduct property that was owned by the Salt Lake Metropolitan Water District. He had a signed agreement with them that they would access their property through his property by way of Andes Drive. That was the only access point that was named in the contract for the aqueduct. If Andes Drive was closed, it would block the access to the aqueduct and violate his contract with the water district. He said he was a different property owner and wanted to build a different barn and run Arabian horses on the ground for their personal use.

Bradley Reneer said they were told he also owned the property with frontage on Alpine Highway. Mr. Loveland said they owned it but under a different entity. In order to provide access through there they would have to demolish the house and house the family that lived there. The only property in the name of Xito Farms was the property adjacent to Alpine.

Bradley Reneer asked if they could close a road as long as there was another access. He asked if the access needed to be for that particular parcel or for the property owner.

David Church said it was a matter of practical access. He added that the City could not close the private right of access. If the Water District wanted to go in and maintain their easement, they could. They also had other accesses. The Water District could drive across the park to get to the aqueduct. Mr. Church said that the issue came before the City Council, not as a road closure but as a request for sewer and water service. Based on public comment, the Council thought that perhaps they should close the road. They needed to consider the possibility of landlocking Mr. Loveland. One of the criteria they should use to close a road was whether or not they would be landlocking other property. They shouldn't make a decision that would keep him from the reasonable use of his property.

1 In response to a question from Troy Stout, David Church said the City would be obligated to allow access  
2 to the aqueduct. He said they could temporarily or permanently close the road but if it did affect his use of  
3 his property, it would constitute a taking by the government that would need to be compensated. There  
4 may be consequences if the action of the City damaged Mr. Loveland, in which case the public would be  
5 compensating him.

6  
7 Troy Stout asked Mr. Loveland if he was more interested in access than he was in sewer or water  
8 connections.

9  
10 Mr. Loveland said they could put in a septic tank. It was too far from Highland to connect to the sewer.  
11 They could still accomplish what they wanted to without having a sewer and water connection from  
12 Alpine. The biggest issue would be having the road closed. He guessed that it had been classified as  
13 greenbelt property for over ten years, which was why they purchased the property.

14  
15 Jim Tracy asked if the Lovelands could alleviate some of the neighbor's concerns about mud and the  
16 buildings being too close to the residences and generating smells and flies if they had access.

17  
18 Mr. Loveland said they planned a gravel road onto the property so they wouldn't be driving in the mud.  
19 The new barn they planned to build would be farther away from the houses than the existing one which  
20 would be used for storage.

21  
22 David Church cautioned the Council about any comments that might imply the access was being held  
23 hostage to certain conditions of use. He added that Alpine's storm water regulations prohibited mud in the  
24 streets.

25  
26 Kent Hastings said a concern he heard dealt with the size of the vehicles and the potential danger to  
27 children that used the park or walked home from school.

28  
29 Mr. Loveland said it was intended to be used as a personal farm. He owned three horses with three foals  
30 on the way. He expected they would have six to twelve horses. There was no commercial interest in the  
31 land. Horse trailer would essentially be the largest vehicles, and of course the equipment necessary to  
32 build the barn.

33  
34 Becky Myers said she had talked to the County and found out that the land Mr. Loveland wanted to  
35 develop was owned by Xito Farms. Red Sand Real Estate owned the adjacent property that fronted on  
36 Alpine Highway. However, the name behind both those entities was Mr. Loveland. She added that there  
37 was enough space beside the house to access the interior land. It was under contract with the original  
38 owner who was Gordon Taylor. His name was still on it so he must be holding the note. He had a limited  
39 use easement. She asked the Council to look at all the information before they made a decision.

40  
41 Bob Hadley said he'd heard Mr. Church say they couldn't make a decision to close the road based on use  
42 but he thought the use was very relevant. Highland City would be making the decision on what that land  
43 was used for. He said his concern was that the entire area would be subdivided and the only access would  
44 be down Andes Drive. They ought to look at other access points. Since the Alpine City Council had no  
45 control over the use of the land in Highland, he thought they should give some thought to what might  
46 happen in the future if they allowed access and the owner decided to develop it, and the only access was  
47 by way of Andes Drive and Sunset Drive.

48  
49 David Church said that was an excellent point. The area would be one day be subdivisions. It probably  
50 would be already if the economy hadn't tanked. The resolution as drafted stated that the road would be  
51 temporarily closed until such development took place. If they were looking for a permanent closure, there

1 would be a different process. He said he didn't want anyone to think there would not eventually be houses  
2 in there.

3  
4 **MOTION:** Troy Stout moved to temporarily table Resolution No. R2011-12 until more research was  
5 done at which time they would look at the options and reconsider it in January. Kimberly Bryant  
6 seconded. Ayes: 5 Nays: 0. Motion passed unanimously.

7  
8 Troy Stout clarified that he would like to look at the actual ownership of the surrounding properties and  
9 find out what the City's obligations were.

10  
11 **B. Amendment to the Lone Peak Public Safety District Interlocal Agreement:** Rich Nelson  
12 said that at the meeting of November 15, 2011 the Council had approved the changes that were reflected  
13 in the revised Interlocal Agreement. The changes had also been approved by the Board of the Lone Peak  
14 PSD. He said the new agreement would benefit Alpine financially and in quality of service.

15  
16 Mayor Willoughby said the amended Agreement and been passed by the other two cities as well.

17  
18 The Council members indicated they had reviewed the agreement and had no questions.

19  
20 **MOTION:** Bradley Reneer moved to approve the amended Lone Peak Public Safety District Interlocal  
21 Agreement. Jim Tracy seconded. Ayes: 5 Nays: 0. Motion passed unanimously.

22  
23 Will Jones said he had a question on page five where it referenced a committee, and then again on pages  
24 three and four. He said the language was inconsistent as to what a board was.

25  
26 David Church said he would review the document.

27  
28 **C. Appointment to the Planning Commission:** Mayor Willoughby said Jason Thelin's term on  
29 the Planning Commission was up in January. Because he had been in Nepal for a couple of weeks, he  
30 hadn't had a chance to talk to about a reappointment until that evening. He said he'd spoken to several  
31 members of the Planning Commission who spoke highly of Jason's work; he proposed they reappoint  
32 Jason Thelin to the Planning Commission.

33  
34 **MOTION:** Troy Stout moved to reappoint Jason Thelin to the Planning Commission for a term of four  
35 years. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Motion passed unanimously.

36  
37 Mel Clement said he had talked with Chuck Castleton and Jason Kuhn who would also be willing to serve  
38 as needed and would be good people.

39  
40 Kent Hastings was excused from the meeting. He was in Canada and had participated by phone.

41  
42 **D. Meeting Schedule for 2012:** Jannicke Brewer said the Planning Commission had approved  
43 their meeting schedule for 2012. Their meeting in January would be held the third Tuesday rather than the  
44 first. Jim Tracy suggested they change their meeting in August because they would be selling shirt in the  
45 Council room on August 7<sup>th</sup>. It was changed to August 21, 2012.

46  
47 Mayor Willoughby said a Council meeting was scheduled for July 24<sup>th</sup> and wanted to know if they  
48 wanted to change it or wait until the date grew closer. The Council agreed to leave it on the schedule for  
49 now.

1 **MOTION:** Jim Tracy moved to approve the meeting schedule for 2012 with the change that the  
2 Planning Commission meeting scheduled for August 7<sup>th</sup> would be moved to August 21<sup>st</sup>. Bradley Reneer  
3 seconded. Ayes: 4 Nays: 0. Motion passed.

## 4 5 **VI. STAFF REPORTS**

6  
7 Rich Nelson said that January 25 was elected officials day at the legislature which would be held at the  
8 Grand America Hotel. He said they would have some of the best speakers they would ever hear and  
9 encouraged the Council to attend.

10  
11 Charmayne Warnock said there was a training seminar for newly elected officials in Provo on January 7<sup>th</sup>.  
12 It was also available to continuing council members. If they were interested they should contact her or  
13 Andrea Chapman to register.

14  
15 Shane Sorensen said they were able to get another five-year extension on the CUP water. A number of  
16 years ago the City had signed up to participate in the CUP water that came from Deer Creek. However,  
17 the City had never used the water because the water was not readily available to Alpine's system. Since  
18 that time the City installed a pressurized irrigation system which eliminated the need for the CUP water.  
19 However, the City was still responsible for their share and the annual assessment of \$112,000. Because  
20 the City hadn't used it, the fee had been waived for a five-period, and then again for another five-year  
21 period. The City was able to get third five-year extension which would take them to 2015.

## 22 23 **VII. COUNCIL COMMUNICATION**

24  
25 Troy Stout said he was wondering about water pressure because his water had just about disappeared.  
26 Shane Sorensen said to contact them at the City when it happened so they could check it out and see what  
27 was going on.

28  
29 Jim Tracy said he had a question for David Church about landlocked property. David Church said the  
30 issue on the Loveland property was less a question of whether it was landlocked or if he bought property  
31 that was accessed by a public road. They needed to weigh the options. There may be another way to  
32 access the property but it was usually a matter of money. Cities were in the business of roads and they  
33 would need to weigh the benefit of shutting down a road versus the consequences. There would be a  
34 question of impact. You'd think the agricultural impact on a road would be less because there would be  
35 fewer trips. Public streets were open to all kinds of vehicles. Mr. Church added that Mr. Loveland had  
36 acquired the property in a foreclosure. The parcels were separate parcels in the first place. He hadn't  
37 purchased them then split them.

38  
39 Jim Tracy said he wanted to thank the Council and Planning Commission, Jannicke Brewer and Shane  
40 Sorensen and the staff for all their work, especially Annalisa Beck. He said it had been a pleasure working  
41 with them and he would miss them.

42  
43 **MOTION:** Jim Tracy moved to adjourn. Troy Stout seconded. Ayes: 4 Nays: 0. Motion passed.

44  
45 The meeting was adjourned at 8:15 pm.