

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 North Main, Alpine, UT
January 12, 2016

I. CALL MEETING TO ORDER. The meeting was called to order at 7: 00 pm by Mayor Don Watkins

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

Mayor Don Watkins

Council Members: Troy Stout, Ramon Beck, Kimberly Bryant, Lon Lott

Council Member not present: Roger Bennett

Staff: Rich Nelson, Charmayne Warnock, David Church, Jed Muhlestein, Jason Bond, Alice Winberg, Steve Cosper, Jane Griener, Chief Brian Gwilliam

Others: Loraine Lott, John Fairchild, Sheldon Wimmer, Doug Vance, Jeanie Vance, Susanne Harris Tyler, Andy Dimond, Lewis Burges, Jonathan Harmsen, Jess Bogges, Paul Bennett, Bonnie Dimond, Craig Rosvall, Will Jones, Bob Day, Malachi Merrill, Julie Beck, Daphne J. Shin, William J. Shin, Joseph P. Beck, Julia Beck, Jarom Beck, Henry Shin, Heidi Shin, Gerilyn B. Merrill, Paul Ruesch, Daniel Ruesch, Quayle W. Dutson, Kent Partna, Scott Schauerhamer, Tom Carey, Karen Carey, Joe Harmsen, Thomas Harmsen, Ben Harmsen, Jeff Davis

B. Prayer: Ramon Beck

C. Pledge of Allegiance: Sheldon Wimmer

II. SWEARING IN OF NEW COUNCIL MEMBERS. City Recorder Charmayne Warnock swore in the newly elected Council Members Kimberly Bryant, Ramon Beck, and Lon Lott.

Mayor Watkins, the council and staff expressed appreciation to Will Jones for his service on the City Council for the previous four years. The Mayor said he didn't know of a councilman who had put in more service hours than Mr. Jones.

III. PUBLIC COMMENT: No comments.

IV. CONSENT CALENDAR

A. Approve minutes of October 27, 2015

B. Approve minutes of November 17, 2015

C. Approve minutes of December 16, 2015

D. Approve Annual Meeting Schedule for 2016.

MOTION: Lon Lott moved to approve the Consent Calendar with the changes to the minutes of October 27, 2015 as noted in the packet and the change in the minutes of November 17, 2015 regarding the height of the solar shield. Kimberly Bryant seconded. Ayes: 4 Nays: 0 Lon Lott, Kimberly Bryant, Ramon Beck, Troy Stout voted aye. Motion passed.

V. REPORTS AND PRESENTATIONS

A. Independent Audit Report – Greg Ogden, CPA: Greg Ogden reported on the 2014-2015 Audit for Alpine City. There were several finding which he listed. First, cities were allowed to collect impact fees but had to use them in six years. Alpine City had some impact fees which had been held too long. He said, however, that City Engineer Shane Sorensen had said they had several projects on line for 2016 which would use the fees.

The next item was the General Fund balance. The law required that the unrestricted General Fund balance be no more than 25% and no less than 5% of the current year General Fund total revenue. Alpine City's fund balance was about \$540,000 too high. He said that was one the best findings a city could have because it indicated the city was in really good financial shape. However, the City needed to find a way to spend the excess. The state didn't want cities charging high rates and having the taxpayers fund their savings account.

In regard to utilities, Mr. Ogden said the city needed to bill itself for utility usage just as it would a resident. The state auditor had begun requiring cities to do it two years ago but Alpine had not yet implemented it.

The last finding was in regard to internal consistency. He said he didn't see many cities that had a staff that was capable of drafting a financial statement. It was hard to keep up with all the new laws. Even bigger cities didn't have a staff that drafted their own statement and hired an outside CPA to do it. He said, however, that he had been assisting with Alpine City's financial statement.

Mr. Ogden then reviewed some parts of the audit report. Members of the Council all had a copy of it. It was also available to the public. He concluded by saying that Alice Winberg and Rich Nelson had done a great job with the report. There was the promise that the impact fees would be taken care of and they would be moving funds into the Capital Improvement Fund. He said that from a financial standpoint, Alpine City had a financial situation that other cities would love to have. Alpine City was extremely well run and had a good fund balance.

Rich Nelson said there would be discussions later on about how the excess funds would be spent.

VI. ACTION/DISCUSSION ITEMS

A. Acceptance of the Independent Audit Report

MOTION: Troy Stout moved to accept the financial report as presented by Greg Ogden with the necessary changes to be made as stated. Lon Lott seconded. Ayes: 4 Nays: 0. Troy Stout, Lon Lott, Kimberly Bryant, Ramon Beck voted aye. Motion passed.

B. Deer in Alpine Discussion: Mayor Watkins said the deer issue in Alpine would not be solved that evening. He expected the issue to continue over several meetings. That evening he had invited representatives from the Division of Wildlife Resources (DWR) to make a presentation and answer questions regarding deer abatement. He welcomed John Fairchild and Steve Gray from the DWR.

Steve Gray said that up until the previous year, it had been difficult to deal with urban deer issues because they were limited on what they could do and it was a sensitive subject. However, in the past year the state legislature passed a new rule called the urban deer rule which provided a tool for cities to go in and help reduce the number of deer in the city. He listed the requirements for a city to implement a deer reduction plan.

1. The city must demonstrate that the deer were affecting safety and causing serious damage to private property.
2. The city must enact an ordinance prohibiting the feeding of deer, elk and moose.
3. The city must have general liability insurance in the amount of one million dollars or more to cover liability claims that may arise from creating and administering an urban deer control plan.
4. The city agrees to hold harmless and indemnify the Division of Wildlife against any claims or damages arising from deer removal activity, except for any allocated share of damages attributable to the Division's actual involvement in deer removals.
5. With the application for a deer removal plan, the city must estimate the population of resident deer in the city and identify a final target population it seeks to achieve through deer removal.

The city could then apply for a certificate of registration and choose a method of removal, either lethal or nonlethal, or some combination of the two.

Steve Gray said Highland City had had success with the lethal bow hunt. They had been doing it without incident for two or three years. The meat was distributed to facilities that used it.

Mr. Gray said there was also the option to trap the deer and relocate them. It was generally more costly because they had to purchase or build the trap and transport the deer. It was thought that it cost about \$200 per deer.

Troy Stout asked how many deer came back after they were relocated. Mr. Gray said they didn't come back because they were taken far away to a location off the Wasatch Front. Survival depended partly on the conditions. During a

mild winter more deer would survive, and the last few winters had been fairly mild. In response to a question about how long the deer removal plan lasted, he said it was implemented for three years. Then they may start over again.

John Fairchild said that whatever plan the city came up with, it was essential to have public support for it. There was a public process the city had to go through prior to the city council taking a vote on it. Deer removal was a sensitive subject with strong feelings on both sides of the issue.

Mr. Fairchild said there were only certain times of the year when the deer could be removed. They couldn't begin until August because the fawns needed to be mature enough to survive on their own. The removal was usually stopped at the end of September. Another reason it was done at that time period was because they wanted to make sure they were removing only the resident deer and not the migrating deer.

Troy Stout asked if there was a way to quantify the problem. Did the DWR know how the present deer population compared to past years? Was the number of resident deer increasing? Mr. Fairchild said the indirect way to determine that would be on the number of deer involved in car accidents. He didn't have the numbers that evening on how many dead deer had been picked up in Alpine. He said only the DWR and authorized city personnel were allowed to pick up dead deer and dispose of them. They could work out an arrangement with the city to dispose of them if needed.

Kimberly Bryant said she didn't agree that they had more deer than they used to have. She had grown up in Alpine and there used to be fields where large herds of deer grazed, but since then the city had built homes where the deer used to live.

John Fairchild said he agreed with Kimberly Bryant. What it came down to was what the residents were willing to tolerate and what kind of political pressure they put on the Council to do something about the deer. He said what could not be ignored was public outreach to give people tools to deal with the deer. There was a woman from Wild Aware Utah that came to cities and taught ways to reduce the damage caused by deer, and teach people how to live alongside wildlife.

Ramon Beck said there were areas in Alpine which had more deer than others. John Fairchild said they would want to identify where the deer were located and put together a strategy for different neighborhoods. Some people liked having the deer around and some didn't. The city needed to find out what a neighborhood would accept.

Mayor Watkins thanked the DWR representatives for the presentation and asked the citizens if they had any questions for them. He reminded the citizens that this was not a time for pro or con comments on the deer problem. It was a time to ask the DWR questions if they had them.

Jane Griener said she'd had two or three deer die near their home and they all seemed to be ill. She asked if there were pockets of disease.

Steve Fairchild said that in the winter it was more likely the deer would be eating something they didn't normally eat. However, deer did die of disease just like everything else. Ms. Griener said the deer in her yard seemed to be dying more in the fall.

There was a question about why cities should be concerned about saving the does and the fawns if they were trying to control the deer population.

John Fairchild said there was no biological reason why they couldn't take deer year-round. They were trying to strike a balance from a public relations standpoint. It was hard to sell a program when there was a picture of a doe aborting her fetus in the backyard because she had been shot.

Steve Gray said that in the commercial greenbelt area, permits were given to take all animals. He agreed that it was the females that controlled the population.

Creed Archibald asked why the city would want to spend \$200 to trap and transport a deer to another location if it was just going to die anyway. If a deer was raised in an orchard, would it know how to survive in the wild?

Steve Gray said that in Bountiful they had been studying the deer that were relocated (with radio collars) and about 50% of them survived. He said the deer learned to survive.

Dan Ruesch asked the DWR if they had noticed if anything had changed about the deer. He had observed that their droppings were different, resembling cow pies. And the deer were more aggressive. They didn't seem to be afraid of people.

Steve Gray said that what a deer ate affected their droppings. It was his opinion that the deer were not more or less healthy than they had been. What was happening was that the deer were becoming habituated to people.

Mayor Watkins said the deer in his yard were there year-round. John Gray said deer were hardwired. What they learned to do to survive he first year of life, they tended to do again.

Council members had questions about how the archery hunt in Highland was working and if there were complaints or reports of deer being maimed.

Police Chief Brian Gwilliam said that in the three or four years they been hunting the deer in Highland, there had been only one complaint and that was when a hunter left a blind in a park and it was reported as lost property. There was only one incident of having to track a deer but only for about 50 yards. He said the archers were extremely good. There were six who had been selected from 50 applicants. Brian Cook was in charge of it and he was very selective about who he used as hunters. Chief Gwilliam said that if Alpine City was considering a hunt they should definitely talk to Brian Cook. He was a resident of Highland and had a vested interest in it. He said that even if Alpine chose to go with a nonlethal approach, they should be careful what they chose and include the public safety department in the process. Whether they trapped the deer or shot them, it would affect the PSD heavily.

Suzanne Tyler said she lived on Alpine Highway. She asked if there was a realistic way to enforce an ordinance against feeding the deer. Her second question was if and who they would call when there were deer in their yard.

Steve Gray said it depended on how it was set up. Generally there were areas where there were a number of deer which were already identified. The hunters set up in a park or open space area rather than someone's yard.

Craig Rosvall asked if there would be an opportunity for residents to voice their opinion about what was going on in their yards. Mayor Watkins said there would be but not at the meeting that evening. Deciding what to do with the deer would be a process and that would be part of the process.

As part of the process of gaining public input, Kimberly Bryant suggested they form a committee that would reflect the differing views. The committee would gather input and study the issue and bring a recommendation to the City Council. There would also need to be some education.

John Fairchild agreed with the need for education saying that obviously they were not going to completely eradicate the deer population and people needed to learn how to live with them.

Mayor Watkins said the deer discussion would continue on the next agenda. They would pick a committee and plan 45 minutes to talk about it. He stressed again that a plan of action would not be accomplished in one or two meetings.

Lon Lott pointed out that they wouldn't be able to reduce deer until August anyway so they should be calm and move forward.

C. Planning Commission Members Appointments. Mayor Watkins requested the consent of the City Council to reappoint Jason Thelin and Jane Griener to the Planning Commission. He'd spoken with both and they were willing to continue. There had been some question about Jason Thelin's attendance and whether he wanted to be on the Planning Commission. The mayor said Jason Thelin had told him that he'd been training for an Ironman Competition so he'd missed some meetings but he wanted to continue.

MOTION: Kimberly moved to accept the appointment of Jane Griener to the Planning Commission for a four-year term. Troy Stout seconded. Ayes: 4 Nays: 0. Kimberly Bryant, Troy Stout, Lon Lott, Ramon Beck voted aye. Motion passed.

MOTION: Troy Stout moved to reappoint Jason Thelin to the Planning Commission. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Troy Stout, Kimberly Bryant, Ramon Beck, Lon Lott voted aye. Motion passed.

There was some discussion about the process of appointment and whether there was opportunity for input from the Council about appointments. It was suggested it would be good to have representatives from other areas of town to provide diversity.

Planning Commission Chairman Steve Cosper said one of the most important criteria for him was having members who attended the meetings consistently and researched the issues.

D. Heritage Hills Trail System/Heritage Hills, Plat C Bond Release: Jason Bond said that Heritage Hills, Plat C was completed and the developer requested a bond release. One of the issues was the trail system because the trail that was constructed was different from the trail that was planned. Sometimes what was designed on paper didn't work on the actual terrain. He said that Will Jones and other members of the trail committee had walked the area and determined that some of the proposed trails were not feasible due to the steepness of the grade or because a trail would be unnecessarily obtrusive.

Will Jones showed the location of the trails on the map and said the goal of the trail committee was to create trails that actually went somewhere. Eventually the trail in Heritage Hills would connect to a trail in the Three Falls subdivision, make a loop and come all the way back down. Also there would be a trail for bikers and a separate trail for hikers and equestrians.

Lon Lott said his son had worked with the Carltons on building the trail so he recused himself from the vote.

MOTION: Kimberly Bryant moved to approve the new trail configuration for Heritage Hills and approve the bond release. Ramon Beck seconded. Ayes: 3 Nays: 0. Kimberly Bryant, Ramon Beck, Troy Stout voted aye. Motion passed. Lon Lott abstained. Motion passed.

Troy Stout that in the future they should do a better job of approving things like trails. They were losing about a quarter of a mile of trail with the new configuration. David Church said that the area where the trails were located was still public open space and anyone could walk through it. They were not losing public open space.

Mayor Watkins asked if they got the money back since the trail was shorter. Will Jones said the trail actually cost more to build because it had to be done by hand. They had spent the budget for the trail which was about \$7500.00

E. Resolution No. R2016-01 Support for Murdoch Canal Connector Road. Mayor Watkins said that Lon Lott attended the meetings of the Mountainland Association of Governments (MAG) and would report.

Mr. Lott reported that the TIF program was where the cities could access funds for projects and match 6.5% of the cost for road improvements. At the MAG meeting they voted on certain projects. Mayor Thompson of Highland City was taking over the project on 4800 West since it was located in Highland. Lon Lott would be working with him to persuade other mayors to approve the project which would involve property acquisition. It would be a small project and since Alpine hadn't previously requested any funds from them, they were optimistic that it would be approved. Mayor Thompson was asking that they also support the acquisition and construction of the east west connector road. American Fork City was also promoting the project.

MOTION: Ramon Beck moved to approve Resolution No. R2016-01 supporting the Murdoch Canal Connector Road. Troy Stout seconded. Ayes: 4 Nays: 0. Ramon Beck, Troy Stout, Lon Lott, Kimberly Bryant voted aye. Motion passed.

G. Fort Canyon Riverbottom PRD Determination. The proposed subdivision was located in the CR-20,000 zone north of Whitby Woodland Drive and west of Main Street. It would consist of 9 lots on 6.63 acres and

was proposed to have 2.16 acres of private open space. Alpine City ordinance required the City Council to approve a request for a PRD.

Jason Bond said the Planning Commission had reviewed the proposal and recommended approval of a PRD with private open space.

Steve Cosper said they recommended that the open space be private based on the finding that the open space was not readily accessible to the general public. Maintaining the open space would create an extra burden on City staff which already had a great deal of public open space to maintain. There were no public trails that ran through the property. It was a very small area and did not meet the criteria for the open space to be public, although they still had the visual effect of open space.

Quayle Dutson, developer of the proposed subdivision, said half of the open space was located in the flood plain.

Troy Stout said there were other projects where he believed the open space should be public, but he supported private open space for this project, especially since half of it was in the flood plain.

Lon Lott said that one of the things he liked about the private open space was that the property owners would self-monitor the property lines. With public open space they had a problem with homeowners encroaching on the public open space and often it took years before the city staff realized it. With private open space the neighbors would be more aware.

MOTION: Lon Lott moved to allow the proposed Fort Creek Riverbottoms subdivision to be developed as a PRD with private open space based on the findings that the open space was not generally accessible to the public, no main trails passed through it, and it would take the burden off the City to maintain it. Ramon Beck seconded. Ayes: 4 Nays: 0. Lon Lott, Kimberly Bryant, Ramon Beck, Troy Stout voted aye. Motion passed.

H. Ordinance No. 2016-01, Amending the Development Code to eliminate the Development Review Committee. David Church said a legally created body was required to post an agenda, keep minutes, and be recorded. The people on the committee would prefer that it not be formal and would like to keep it as an informal staff meeting. He said the DRC had become an issue because there had been requests for minutes. He had recommended to staff that they either comply with the open meetings act or take it out of the ordinance as an official body.

MOTION: Kimberly Bryant moved to adopt Ordinance No. 2016-01 to eliminate the DRC as a statutory entity. Ramon Beck seconded. Ayes: 4 Nays: 0. Kimberly Bryant, Ramon Beck, Lon Lott, Troy Stout voted aye. Motion passed.

I. Council Members Assignments: Mayor Watkins reviewed the following assignments for the new City Council:

Ramon Beck	Sports and recreation, alternate to the Lone Peak PSD, Eagle Scout projects.
Troy Stout	Mayor pro tem, Trails
Kimberly Bryant	Representative to the PSD, Youth Council, Alpine Days
Lon Lott	Mountainland Association of Governments representative, county government issues
Roger Bennett	Irrigation issues

J. Budget Development, Process, and Discussion. Alice Winberg reviewed the time frame for the budget process for the next six months

January: Review fund balance goals

Budget Projections
Identify capital projects and levels of expected service

- February: Departments create a balanced budget
- March: Meet individually with Mayor and Council members to review balanced budget and incorporate feedback.
- April: City Council budget work sessions
- May: Tentative Budget is presented to the City Council.
Public Hearing on the Tentative Budget
- June: Final Budget is adopted on or before June 21, 2016

Rich Nelson reviewed the big projects for 2016 -2017

1. Basketball court at Burgess Park (\$50,000)
2. Staging area and pickle ball court (\$500,000)
3. Alpine Village mixed use development plan (staff time)
4. Well (\$1,000,000)
5. Moyle Park house plastering and windows (\$30,000)
6. Fire station remodel (\$100,000)
7. Dry Creek corridor trail (staff time)
8. General Plan update (staff time)
9. Long-term Projects
 - a. Bridge over Dry Creek (various funding sources.
 - b. Electronic read culinary meters (\$1,000,000)
 - c. Electronic read PI meters (\$1,000,000)
 - d. 300 North street expansion (still being estimated)
 - e. Sidewalk on Westfield Road (\$15,000)
 - f. Sidewalk on Canyon Crest Road (still being estimated)
 - g. Cemetery expansion/600 North (still being estimated)
 - h. Soccer Park (location and cost still to be determined)
10. Waterline replacement (\$100,000)
11. Amphitheater in Creekside Park (\$15,000)
12. Alpine Days budgeting process change (staff time)
13. Mountainville traffic (staff time)
14. Water study completion (staff time)

Unfinished projects from 2014-2015

1. City Hall front door
2. Redo of the bell tower
3. DUP Relic Hall renovation
4. Small pilot project for culinary and PI water meters

K. Open and Closed Meeting Training – David Church: This item was postponed.

VII. STAFF REPORTS

Rich Nelson reported on the following:

- The recycling market was dead. They would need to raise rates on the recycling cans. He would come back with a proposal.

- They would consider an ordinance prohibiting e cigarettes in the parks.
- They would consider a proposal to limit the number of people at winter events in Lambert Park to 150.

VIII. EXECUTIVE SESSION

MOTION: Lon Lott moved to adjourn to Executive Session to discuss litigation. Troy Stout seconded. Ayes: 4
Nays: 0. Lon Lott, Kimberly Bryant, Ramon Beck, Troy Stout voted aye. Motion passed.

The Council went into closed meeting at 9:50 pm.

At 10:30 the Council returned to open meeting and adjourned.