

ALPINE CITY COUNCIL MEETING AND PUBLIC HEARING
Alpine City Hall, 20 North Main, Alpine, UT
February 23, 2016

I. CALL MEETING TO ORDER: The meeting was called to order at 7:00 pm by Mayor Sheldon Wimmer who was informally sworn-in as mayor on February 9, 2016 after the Council meeting at which he was selected as mayor by the City Council.

A. Formal Swearing-in of Sheldon Wimmer: City Recorder Charmayne Warnock administered the Oath of Office to Sheldon Wimmer. He said it was a great honor to be selected as mayor of Alpine. He said that as a longtime resident of Alpine, he had learned several things. In the past new people who moved to Alpine were called "comers," but the term should be changed to "Alpiners." The spirit of the community was one of cooperation and unity, which had been demonstrated over the years by people helping one another whether it was a burned house that was rebuilt by members of the community or filling sandbags during flooding. Each member of the community was needed. He hoped that citizens would take the opportunity to get involved with their city government and work together to make a more unified Alpine.

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

Mayor Sheldon Wimmer

Council Members: Ramon Beck, Roger Bennett, Lon Lott, Kimberly Bryant

Council Members not present: Troy stout excused.

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Jason Bond, Steve Cospers

Others: Loraine Lott, Lloyd Wilson, Leland Wimmer, Evelyn Wimmer, Mary Wimmer, Ross Beck, Doug Vance, Joel Varney, Alice Cospers, Jane Griener, Will Jones, Richard James, Clive Walters, Jewel Walters, Courtney Belcher, Bruce Dew, Cameron Darlington, Aiden Bartlett, Justin Hyer, Kevin Dew, Drew Spencer, Creed Archibald, Dakota Hawks

C. Prayer:

Lon Lott

D. Pledge of Allegiance:

Joel Varney

II. PUBLIC COMMENT

Creed Archibald said he lived on Bald Mountain Drive and had brought his boy scouts to the meeting. It came to their attention last week that the access to Lambert Park from the end of Bald Mountain Drive had been blocked. A fence was put up with a No Trespassing sign on it. If it was private property, he suggested that the City obtain a recreational easement. He said he owned property in Summit County and there was a recreation easement across his property for use by hikers and mountain bikers. City staff said they were not aware of the fence and sign so it must have been put up recently.

David Church said that the property in question was referred to as the Fitzgerald property although the ownership was uncertain. The land was not inside Alpine City limits and whether or not those existing roads or trails were for public use had not been determined. There was no formal easement through the property. If there were trails, they would be regulated by Utah County.

Mayor Wimmer said they would look into it.

Davis Larsen said he just wanted to add to what Mr. Archibald had said. He had printed out some pictures of the closed entrance which he presented to the City Council. He said there were three trails in Lambert Park affected by the closure. They were Flank, Corkscrew, and Indian. He said that the closure required them to take a one-mile detour on a busy road to get to Lambert Park.

III. CONSENT CALENDAR

A. Minutes of the City Council meeting of February 9, 2016

MOTION: Lon Lott moved to approve the minutes of the City Council meeting of February 9, 2016 as corrected. Ramon Beck seconded. Ayes: 3 Nays: 0. Lon Lott, Roger Bennett, Ramon Beck voted aye. Kimberly Bryant abstained because she hadn't been able to read the minutes. Motion passed.

B. Approval of 600 North Sewer Bid: Shane Sorensen said the proposed project involved a section of sewer that had been on the Impact Fee schedule of improvements for a while. On the map he showed where the connection would be located. He said the bid came in at \$117,622.00 which was 32% lower than the engineer's estimate. There were seven bidders with an average bid of \$139,057. 00. He said B. Hansen Construction had not worked for the City before but they had good references.

MOTION: Ramon Beck moved to accept the bid for the 600 North Sewer from B. Hansen Construction, Inc. in the amount of \$117,622.00 . Roger Bennett seconded . Ayes: 4 Nays: 0. Ramon Beck, Roger Bennett, Kimberly Bryant, Lon Lott voted aye. Motion passed.

IV. REPORTS AND PRESENTATIONS: None

V. ACTION/DISCUSSION ITEMS

A. Ordinance No. 2016-03 - Flood Plain Clarification (Section 4.7.18.2.3.f): Jason Bond said the Council had previously amended the same section regarding flood plains but Shane Sorensen recommended they also amend the language relating to the requirement that construction be two-feet above the elevation for a 100-year flood.

Shane Sorensen explained that the City did not allow construction of homes in the floodplain at all so the 2-foot requirement was moot and did apply to actual practice. The City also had a separate flood plain ordinance.

Jason Bond said the Planning Commission had reviewed the amendment and recommended approval.

MOTION: Roger moved to adopt Ordinance No. 2016-03 clarifying flood plain requirements. Ramon Beck seconded. Ayes: 4 Nays: 0. Roger Bennett, Ramon Beck, Kimberly Bryant, Lon Lott voted aye. Motion passed.

B. Cocolalla Annexation Petition - Will Peterson on behalf of property owner Josh James: Jason Bond said the proposed annexation was located at 13322 N. Grove Drive and consisted of 9.242 acres. The first part of the annexation process was for the Council to accept the petition.

David Church said that in annexations, the landowners filed a petition. If the City Council had no interest in annexing the ground, they would deny the petition. If the Council did not take action at all, the petition was considered accepted and the petition could move forward in the process. The recorder would work with the county to verify that the petition met the minimum requirements of the law and certify that it did. After it was certified, the petition to annex would be noticed in the paper for 30 days which began the protest period. At the end of the protest period, the City Council would hold a public hearing. If there had been no protests and the City chose to annex the ground, they would adopt an ordinance to that effect.

Mr. Church said this particular annexation petition was different than most because the land was already developed. The reason the property owner wanted to annex into Alpine was because he wanted a culinary water connection because his well was not sufficient. Alpine City had adopted a policy to not provide culinary water connections outside the City so in order to be connected, he would need to annex. Mr. Church recommended that as part of the motion to accept the annexation petition and begin the process, the City state that the property owner may connect to the City's culinary water system if the property owner would guarantee that he would annex.

Mr. Church said that Mr. James also owned two other parcels that were included in the Oberee annexation which was in process. Mr. James had purchased the parcels after the process was begun for the Oberee annexation. There was another parcel of county ground next to the James property which was owned by Greg Link. If it was not annexed at the same time as the James property, it would form a peninsula of county ground jutting into Alpine City limits. Generally, cities tried to avoid creating peninsulas. Ideally the Link property could be brought in at the same time as the Cocolalla annexation.

David Church said there was also a road alignment issue related to the Cocolalla annexation. The City wanted Grove Drive improved as part of the Oberee annexation, and since Josh James owned the parcels along Grove Drive, that was something the City would want to discuss with him.

In response to a question about PI water, Shane Sorensen said pressurized irrigation was already supplied to the James and Link properties because they owned shares in Alpine Irrigation. The James property was bordered on the east by Lambert Park.

Roger Bennett said he thought they needed to annex all the properties along there and clean up that whole section.

David Church said the Link property could be brought in as nonsignatory because it was less than half the value and less than two-thirds of the area. Lon Lott said he was cautious about creating a contentious situation if they didn't want to be annexed.

Ramon Beck said the first thing to do was to ask the other property owners if they were interested in being annexed.

David Church said that if the other parcels were included, they would need to redraw the annexation plat and notice it with the additional properties. He added that the City couldn't supply culinary water to those properties currently being served by the Alpine Cove Water District without permission from the District. The properties that were annexed could stay on the Cove water system if they chose.

MOTION: Kimberly Bryant moved to accept the petition for the Cocolalla annexation with the understanding that the property would be eligible for a culinary water connection if they annexed, and the property owners would cooperate with Alpine City in the acquisition of a right-of-way for the improvement of Grove Drive. Ramon Beck seconded. Ayes: 4 Nays: 0. Kimberly Bryant, Ramon Beck, Roger Bennett, Lon Lott voted aye. Motion passed.

David Church said the comment brought up earlier in the meeting about the denied access across the Fitzgerald property illustrated the importance of annexing an entire section of ground at the same time. If the City had annexed the Fitzgerald property as nonsignatory at the same time the Bennett property was annexed, the City would be able to address the blocked access.

C. Resolution No. 2016-04 Municipal Wastewater Planning Program: Shane Sorensen explained that the Municipal Wastewater Planning Program was something the State Division of Water Quality required of the municipalities every year. It was a self-check to make sure the cities had funds for their sewer system and plans to maintain them.

Roger Bennett asked about the training required in Part 4. Shane Sorensen said all their operators met the requirement for the minimum hours of annual training.

MOTION: Ramon Beck moved to approve Resolution No. R2016-04 for the Municipal Wastewater Planning Program Annual Report for 2015. Lon Lott seconded. Ayes: Ramon Beck, Lon Lott, Kimberly Bryant, Roger Bennett voted aye. Motion passed.

D. Public Hearing on Boundary Line Adjustment with Highland City: Jason Bond said the Council had looked at this before and passed a Resolution to move forward with it. Courtney Belcher, a resident of Highland whose home bordered on the south boundary of Alpine City wanted to purchase some land from an adjacent property owner in Alpine in order to enlarge her lot. The exchange of property would involve a boundary line adjustment between the two cities, which required a public notice to be published in the newspaper for three consecutive weeks. That had been done. The next step was for Alpine City to adopt an ordinance approving the boundary line adjustment.

Mayor Sheldon Wimmer opened the Public Hearing on the proposed boundary line adjustment.

Jerry Larsen, an Alpine resident, said his property butted up against the property that would be transferred into Highland. He asked what the use of it would be.

David Church said the area was in a residential zone in each city so the owner could use it for whatever purpose Highland's residential zone allowed.

Courtney Belcher said she owned the property in Highland. Originally they wanted just the quarter-acre behind them but the property owner wanted to also sell the quarter acre next to it so they would have a half-acre. They wanted to use it for their back lawn and a garden.

David Church pointed out that Ms. Belcher could buy the ground without approval of the cities but she probably wanted to have in combined with her existing lot so she didn't get two tax notices.

There were no more comments and Mayor Wimmer closed the Public Hearing.

E. Ordinance No. 2016-04 Approving the Belcher Boundary Line Adjustment: Lon Lott said he had looked at Highland City's ordinances and they required a 10-foot setback for sheds or other buildings so the neighbors should be fairly safe. Their ordinances weren't much different from Alpine's ordinances. He noted that they may be seeing another boundary line adjustment in the future because there was a property owner farther west who wanted to combine some parcels.

MOTION: Kimberly Bryant moved to adopt Ordinance No. 2016-04 approving the boundary line adjustment between Alpine and Highland. Ramon Beck seconded. Ayes: 4 Nays: 0. Kimberly Bryant, Lon Lott, Roger Bennett, Ramon Beck voted aye. Motion passed.

F. Westfield Rezone Request: Jason Bond said that in August of last year, Dana and Annalisa Beck brought a rezoning proposal to the City. They wanted to rezone their property in the CR-40,000 zone to CR-20,000 which would allow them to develop half-acre lots instead of one-acre lots. The process was begun and the request went to the Planning Commission who held a public hearing. During that time the Becks realized their neighbors might also be interested in rezoning their property so the request was modified to include neighboring properties in the area. The Planning Commission reviewed the rezoning request and recommended that it not be approved because the Planning Commission had been directed by the City Council to update the General Plan and look at the whole city. The request was scheduled to move on to the City Council but the Beck's withdrew it from the agenda.

Planning Commission Chairman Steve Cospier said the Planning Commission held at least two public hearings on the rezoning request, and invited the landowners. Quite a few people showed up and spoke. He said it was the feeling of the Planning Commission that a decision to rezone would be premature because they were in the process of updating the General Plan, and zoning was part of the General Plan discussion. He said they felt there was a process they needed to go through and they needed to look at all of Alpine.

Sheldon Wimmer asked if, when an application came in, could it not be addressed under the current General Plan even though the Plan was in the process of being redone.

David Church said that if a city felt their master plan was not up-to-date and they were of a mind to rezone, the best practice was to first update the master plan and then go forward with a rezoning. However, the master plan was only an advisory document and it didn't prevent a city from rezoning just because the desired zoning wasn't reflected in the master plan. However, it was considered a best practice to approve rezonings that were consistent with the master plan.

Ramon Beck said they didn't have much affordable housing in Alpine and he liked the idea of having something more affordable. The piece in question was close to the schools. He asked if the infrastructure would support a rezoning?

Shane Sorensen said that while it was going through the Planning Commission, Jed Muhlestein had Horrocks Engineering look at water and sewer, and conceptually those utilities would work.

Kimberly Bryant said the Planning Commission was looking at a number of things and sewer and water were just some of them. She said that when they looked at the overall plan, it might make sense to have smaller lots in that

area, which was why they needed to update the General Plan. She said she felt the hillsides should have larger lots, but they could look at the downtown area for smaller lots.

Ramon Beck asked how much time it would take to update the General Plan since the rezone proposal had been in the works for a while.

Steve Cospers said they would probably wrap up the land use element in the next two sessions. There were six other elements that needed to be addressed in order to get through the entire General Plan.

Lon Lott said he had been to the Planning Commission meetings when they discussed this. When the neighbors came in at first they were not too excited about it, but when the Becks included the neighboring properties in the rezoning request, they became more supportive. He said he would like to know what the impact of half-acre lots would be, get an actual traffic study. Everything seemed to be in bits and pieces and it would be nice to get it wrapped up in a bundle and make an informed decision. They needed to see if the concern about density was even a concern. He asked Shane Sorensen what they needed to do.

Shane Sorensen said that if staff was asked to look into it, they would do whatever the Council wanted them to do.

Steve Cospers said there were a number of elements to the General Plan. It was not just about infrastructure. They were trying to tackle the vision and the rest of the guidelines.

Sheldon Wimmer said his purpose in putting this on the agenda was to learn if the Council was happy with having the Planning Commission work on the General Plan.

Roger Bennett said that if the landowners wanted to do some of the studies on roads and water, etc. to speed the process up, they might be able to come to a decision sooner.

Lon Lott asked if anyone would be opposed to addressing the rezoning once the Commission finished the land use element of the General Plan rather than waiting until the whole General Plan was updated.

Sheldon Wimmer asked if there was other discussion and asked if it was the consensus of the Council that they wanted to address the rezoning when the land use element was completed rather than wait until the General Plan was completed. Steve Cospers said it was up to the Council.

Jane Griener, who was a member of the Planning Commission, said that originally the issue came to them as a request for quarter-acre or third acre lots, but that was not well received so the property owners requested half-acre lots. She said her recollection on the Planning Commission's recommendation on half-acre lots was not that it was a good idea or a bad idea but that the reduced lot size would create a significant change to the one-acre requirement shown on the current General Plan. Since the Plan needed to be updated anyway, they were directed by the City Council to update the General Plan. She wondered if that directive from the Council was still in force. She said if the Council wanted the General Plan to come back to them in pieces, they could do that but it wouldn't be a full picture.

Rich Nelson asked Dana Beck if he would like to comment. Mr. Beck declined.

Ramon Beck said he didn't want it to be a rush job but felt the applicants had a right to some kind of decision under due process.

Roger Bennett said he didn't think the property owners would be happy with the decision if the Council was forced to make one that night. Down the road when the plan was updated, they might be happy with the decision.

Dana Beck said he would love to help with the studies to move things along. His frustration was that they had not gotten a clarification on what they needed to study.

David Church said the problem with having the developer do the studies was that they were asking him to do something the Council had already asked the Planning Commission to do. They might get a product they liked if they had the developer do the studies, but they couldn't have both of them do it.

Steve Cospers said he understood that property owners always wanted things done quicker, but if they got a recommendation based on the current General Plan, the answer would be no. He said they already had much of the traffic study done and the engineering department had provided information on water and roads. But infrastructure was just a part of the General Plan. What they were dealing with at the present was the vision. It involved more than just the Westfield property. It was the whole plan. This portion was just the squeaky wheel. He said he would love to work with the staff and have the property owners contribute.

G. Verizon Wireless Contract: David Church said that, in an effort to lessen the burden of cell towers on Shepherd's Hills, the City had made an effort to encourage the location of wireless antennae on the existing tower in Lambert Park. Currently there was only one user on it but there was space for two more. Several weeks ago Verizon came to the City with a proposal to collocate their antennae on the tower. The City would receive just under \$20,000 a year to lease the space to Verizon. That amount would go up a little bit each year. He said the contract was a standard commercial transaction and the provisions of the lease were fairly straightforward. Members of the Council had received copies of the proposed contract which Verizon had submitted and Mr. Church had revised.

In response to questions, David Church said the earliest the City would receive the money was when Verizon starting adding their antennae and the latest would be 12 months after they signed the contract.

Dakota Hawks represented Verizon and said they were aiming to be completed by July. Installation would begin in May or June.

Lon Lott asked if the City would be paying taxes on it. David Church said that government property was not taxed but government property put into private commercial service was taxed. The City would pass the tax bill onto the carrier. Regarding insurance coverage, David Church said the City had coverage and the carrier was also required to have insurance.

MOTION: Roger Bennett moved to accept the lease agreement with Verizon. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Roger Bennett, Ramon Beck, Lon Lott, Kimberly Bryant voted aye. Motion passed.

H. Cemetery Discussion: Rich Nelson said there were just over 100 vacant cemetery lots left and the vast majority of them were in Plats G and F which were located just north of City Shops. Most of the lots in the rest of the cemetery were occupied or sold. The City had been selling between 60 and 70 cemetery lots a year. He proposed that the City limit the sale of cemetery lots to only Alpine residents and only to those Alpine residents who had an immediate need due to a death in the family. In that event, the resident could buy up to three lots per family. Mr. Nelson also proposed that the City initiate an aggressive buy-back program. There may be people who had purchased lots and moved away from Alpine who would be interested in selling them back to the City. The City would pay the current resident price which was \$985 per lot. The third proposal was that they have a strict policy on burial charges. In order to get the burial rate for a resident, the deceased had to be living in Alpine when they died. Finally, Mr. Nelson proposed they send out an RFP for cemetery expansion.

Kimberly Bryant said the City had imposed a moratorium on the sale of cemetery lots some years earlier when they were running out of gravesites and had not yet expanded the cemetery.

Lon Lott asked how long it would take to develop a new area in the cemetery.

Shane Sorensen said if the expansion was designed this year and was in the budget, he expected it would take about three years. They needed an overall master plan and they needed to decide if they were going to phase it or do it all at once. When they had it been designed, and prepared, it took at least a year to establish the grass before they could begin to use it.

One of the difficulties with planning an expansion was that there were areas with unmarked graves. Shane Sorensen said that a few years ago they had dug a grave and found bones. The state archeologist tested the bones and found they were human and had been there for some time. A previous mayor had tried to get some archeology students from BYU to test for unmarked graves using ground penetrating radar but was unsuccessful in getting them here.

MOTION: Kimberly Bryant moved to impose a moratorium on the sale of cemetery lots as proposed. Ramon Beck seconded. Ayes: 4 Nays: 0. Kimberly Bryant, Ramon Beck, Roger Bennett, Lon Lott voted aye. Motion passed.

I. City Communication: Rich Nelson asked the Council what they wanted to do about the Join In communication site that Don Watkins had established when he was the mayor. He had donated his salary to fund the operation and since the funds were no longer there, the Council needed to decide if they wanted to fund it and continue with it.

Jane Griener said the concept of Join In was to get people involved. She had operated it for Mayor Watkins. He sent out an email once week to everyone on the list. She estimated there were about 550 people who received emails. There was also the Join In website which carried links to news articles about Alpine. It had a link to the City website and was used to advertise things like the Easter Egg Hunt and the Memorial Day Breakfast. Join In also had a Facebook page. She said she charged about \$20 a week to run it unless she had to update the website or do some promotion. She said she had gotten some very positive and appreciative feedback about Join In.

Kimberly Bryant said that whenever she ran for election, one of the biggest things she wanted to promote was communication. She said she felt they should use social media more.

Sheldon Wimmer said the question was if there was duplication of effort. The City had a webpage, and the Newsline which went out to every household in Alpine. Jason Bond said the City also had a Facebook page and Twitter.

Jane Greiner said initially there was a concern about posting things on the City's media that might present a conflict of interest, but perhaps they could be merged. She said Provo had a huge media presence.

Sheldon Wimmer said that when the Newsline was started, a lot of people wanted to use it as a bully pulpit or advertise their own item. He said that couldn't happen on a city sponsored communication.

Ramon Beck said he didn't have a problem with spending \$1500 a year on Join In if it wasn't a copy job.

After more discussion, Mayor Wimmer said he would like to meet with Jane Griener who ran Join In and Charmayne Warnock who produced the Newsline and discuss what should be done.

VI. STAFF REPORTS

Rich Nelson said he had two items.

- For a year and half he had been trying to get someone to work on the plaster in the old Moyle home and he finally got someone to look at it. However, the man told him it wouldn't do any good to fix it unless the masonry was replaced. In addition the roof needed to be redone and the walls needed to be strengthened. They would be into it about \$75,000.
- He had been trying to figure out the best way to set up a communication network between City Shops and City Hall. Running fiber between the two places was too expensive so Executec said they could put up antennae to get line-of-sight between the two buildings. That would give the personnel at City Shops access to all the electronic records in City Hall.

Jason Bond reported that he had attended a seminar by Art Place America and learned that they had money to fund projects. They had not funded anything in Utah. He said he had been working with Gary Streadbeck of the Alpine Art Center and they had vision of putting in a statue garden next to Dry Creek. Mr. Bond planned to submit the application for the grant next week. There was a slim chance that they might get \$300,000 to fund the project.

Steve Cospers said he wanted to briefly summarize what had happened with the Westfield zone change request. It had come to the Planning Commission six months ago. They Planning Commission recommended against it on three separate occasions. When it came time for the request to go to the City Council, the property owners pulled their petition from the agenda. He said he felt the City was being pressured to get the cart before the horse. He said it was

his feeling that the whole General Plan should be finished and then the property owners could bring in their plan and see if it fit. However, the Council was the voting body and the Planning Commission did as directed.

Kimberly Bryant said it was a hard issue. Everyone on the Council knew the property owners. She believed there were good reasons for making the lot sizes smaller. But she didn't like it being piecemealed. When that happened it was too easy for people to say that the only reason it went through was because the property owners were friends with people on the Council. She said they should stick to the General Plan, then they couldn't be accused of granting favors. It protected the Council and it protected the applicants.

Ramon Beck said it had been implied there was some stalling going on and he wanted to make sure it wasn't happening.

Steve Cosper said the Planning Commission had recommended denial of the zone change and that was not a stall. He said he was frustrated because he felt they were being pressured to bend it for someone.

VII. COUNCIL COMMUNICATION

Lon Lott reported that Mayor Wimmer would be attending the MAG meeting with him so he would be passing on a lot of things. Judi Pickell and Jason Bond would be going over to Mountainlands to see about possible funding for certain projects. He also thanked Shane Sorensen for attending staff meeting at MAG.

Kimberly Bryant reported that the Youth Council were holding an Easter Egg Hunt at Creekside Park on the Saturday before Easter at 9 am. Alpine Dermatology also contributed to it and Lon Lott had helped with it last year.

Ramon Beck asked where to direct Eagle Scout projects and was told to have them call Rich Nelson.

VIII. EXECUTIVE SESSION

MOTION: Kimberly Bryant moved to adjourn to executive session to discuss litigation. Roger Bennett seconded. Ayes: 4 Nays: 0. Kimberly Bryant, Roger Bennett, Ramon Beck, Lon Lott. Motion passed.

The Council went into closed session at 9:07 pm.

The Council returned to open meeting at 9:30 pm and adjourned.