

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 N. Main, Alpine, UT
July 27, 2016

I. Call meeting to order: The meeting was called to order at 7:05 pm by Mayor Sheldon Wimmer.

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

Mayor Sheldon Wimmer

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

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

Others: Rob Smith, Robert Snow, Bob Bowman, Robin Hironaka, Rebecca Snow, Loraine Lott, Toby Call, Jeff Call, Sam Wimmer and family, Mary Wimmer, Enc Harmsen, Amy Harmsen, Thomas Harmsen, Benjamin McMillan, Nate Huntsman

B. Prayer: Kimberly Bryant

C. Pledge of Allegiance: Benjamin McMillan

II. PUBLIC COMMENT:

Benjamin McMillan proposed an Eagle Scout project to remove about a mile of dangerous, rusted barbed wire fence in Lambert Park. His father had been hiking and came across a dead deer entangled in the barbed wire, and wondered how long the deer had suffered before it died. Hikers and bikers had also been snagged by the dangerous eyesore. Benjamin said he planned to have eight volunteers remove the fence while practicing safety measures. He would transport the wire to metal recycling in Provo and donate any money to the City for the improvement of Lambert Park. Sheldon Wimmer suggested he contact the Forest Service who had a barbed wire roller which would facilitate the work.

Nate Huntsman said he had talked with Will Jones about his Eagle project which would be to relocate a section of the trail in Dry Creek because it ran too close to some homes. His team would be cutting branching and pulling weeds for a distance of about 100 yards and build a new trail. People had offered to donate the use of trucks and trailers to haul the debris to green waste. Adults would be handling the chain saws and all would practice safety measures. Roger Bennett recommended having fire extinguishers on hand if they were operating chain saws.

Robin Hiranaka proposed the Council adopt an ordinance regulating helicopters and helipads. She read a letter to the Mayor and Council listing her concerns. Kimberly Bryant said that 20 years ago, she'd had a neighbor that flew a helicopter in and out of his place and it was very loud and disruptive to the neighborhood. She agreed they should look into adopting an ordinance. David Church said the City had looked at passing on ordinance on helicopters in 1998 then the people moved away and it was not an issue so an ordinance was not adopted so right now Alpine had nothing to regulate helicopters.

Bob Bowman said he lived on Sunset Drive and he enjoyed Alpine. He wanted to personally thank the Council for all their work. Being a Councilmember was not a fulltime job so they had other responsibilities. He said he appreciated how they responded to the fireworks issue and everything else they did.

III. CONSENT CALENDAR

A. Minutes of July 12, 2016 City Council meeting

B. 2016 Asphalt Overlay Project – Recommendation for Award – Granite Construction - \$157,894.60

MOTION: Lon Lott moved to approve Consent Calendar. Roger Bennett seconded. Ayes: 4 Nays: 0. Lon Lott, Roger Bennett, Ramon Beck, Kimberly Bryant voted aye. Troy Stout was not present at the time of the motion. Motion passed.

IV. REPORTS and PRESENTATIONS

A. Alpine School District – Rob Smith, Assistant Superintendent: Rob Smith said he wanted to share what was happening with the Alpine School District. They had 56 elementary schools with a new one opening in the fall in Saratoga Spring. There were 12 middle schools and 9 high schools with the new one opening in Lehi. They had six special purpose schools such as Dan Peterson in American Fork. They served 14 municipalities. He said that when he started with the school district 15 years ago they had 48,000 students. This year they celebrated their 100th year with 75,000 students.

In order to equalize the number of students in the schools, they had split the district into clusters that fed into the different high schools. He said the students in Alpine School District continued to excel. The District had received a Triple A Bond Rating which would reduce the interest rates as they looked forward to bonding for more capital improvements.

Alpine School District had a graduation rate of 92.3% in comparison to the national graduation rate which was somewhere between the 70s and 80s. The state Teacher of the Year came from the District as did the PTA President of the year. Of the 14 Sterling Scholars across the state, 3 came from Alpine School district and a quarter of the runner-ups came from the District. They had the top schools in band and drama. 96% of the graduating students took the ACT test with an average score of 21.4.

He said there was a lot of growth going on in Utah County and they needed to continue building schools. They were looking at a 368-million-dollar bond. He said they tried to be good stewards of the funds that were the public's.

Roger Bennett said the soccer people had been to a meeting a couple of weeks earlier and said Alpine School District had raised the rates on the ballfields so they couldn't use the fields. He wanted to know what the reason was for that since they were all trying to serve the youth. Rob Smith said that wasn't in his jurisdiction but he thought they were trying to set a cost that was comparable to other entities.

Lon Lott asked how private schools impacted the public schools and how they projected growth. Rob Smith said they had very little effect. Charter schools had a much greater effect.

In response to a comment about the decline in the population of youth in Alpine, Mr. Smith said that after a recession there was usually a decline in the birth rate. Usually it went up in about five years. Plus, the millennials were having fewer children and with alternate lifestyles, others were not having children.

Sheldon Wimmer said that in the fall the police and fire would be running drills in the schools in cooperation with the District, practicing for emergencies and lock-downs.

V. ACTION DISCUSSION ITEMS

A. Robert and Rebecca Snow proposal to acquire City-owned open space in the Healey Heights subdivision or gain approval for a boundary line adjustment. Robert (Rasty) Snow said his wife had grown up in Alpine and they loved it. They had been lucky enough to find a place in Alpine they could afford, which was located at 772 S. 840 E. With their growing family, they were looking at adding a family room onto the back of the home. They had thought their property line went back to the old fence in the Healey Heights subdivision, then later found out that it did not. The ground that lay between the old fence and their property line was City open space, so they had much less backyard than they'd thought, and meeting the rear setback of 30 feet wouldn't allow them to build much of an addition.

Neighboring property owners had used the ground back to the fence. [Planning Commission minutes from 2008 stated that before the Healey Heights subdivision was developed, the neighboring property owner Cary Elder had said he'd had a verbal agreement with Marion Healey to use the ground to the fence. The verbal agreement was made into a formal agreement with the City in 2008 after Marion Healey passed away.]

Robert Snow said that he would like to know if he could also be allowed to go back to the fence. It had been his perception when they bought the house that the fence was the boundary. He said the open space between the back of his lot and the fence was a wedge of land that was 8 feet wide at the widest part and narrowing to 0 feet. It

encompassed about 520 square feet. He said that if he could consider that land as his backyard, he would be able to build an addition.

Jason Bond said the Snows had sought a variance on the rear setback from the appeal authority but it was denied. He explained that in order to get a variance, the applicant had to meet five criteria set forth by the state and if they didn't, they didn't qualify for a variance.

Lon Lott said he was concerned that they were seeing more and more requests from citizens to claim adjacent open space. It seemed like in every case, there had been a perception that the boundary line was different from what it was. He wondered if the City needed to take an aerial view of the open space and see what areas were being used by people who just thought they had a right to move over the line and use public open space. He said he was in favor of cleaning things up where needed and setting lines straight. The open space was still the property of the citizens of Alpine and it had value to the entire city.

Troy Stout said there were two categories of encroachment. One was intentional. The other was perceived ownership due to a fence or a miswritten description. He felt they should deal with the two different categories in two different ways. The previous week he'd brought up an encroachment that was obviously intentional. Other encroachments were the result of being misinformed. He said they needed to be careful about how they managed public property, and also be a good neighbor.

Roger Bennett said he didn't think it was different. The deed spelled out the boundary. He said if they were willing to trade land he'd look at that but he didn't want to sell off open space or give it away.

Kimberly Bryant said there were cases in which the City had gotten rid of property because they didn't want to take care of it.

David Church said the Snow's hadn't even gotten close to qualifying for a variance. He said the Council needed to decide if they believed in the 30-foot setback. They needed to treat people uniformly and not be handing out favors.

Troy Stout asked if there was room to adjust the ordinance and say that if someone backed up to open space they could have a lesser setback. Roger Bennett said that by bringing the home closer to the line, they were encroaching on the open space.

David Church said the question was the boundary line. There was a previous argument that the fence line was the true boundary, and others had relied on the fence line as the boundary. The neighbor with the aviary was using the property up to the fence. Mr. Snow was asking if the City would recognize the old fence as the boundary. David Church said Mr. Snow brought up a good issue. Was the City claiming the platted area as open space or was the City relying on the fence? If the City was relying on what was platted, they should go out and remove the fence. If the City chose to accept the fence as the boundary line, the property owners should pay to record the new boundaries. If the City was not going to fence the open space, they should at least put something in the ground that identified it as public open space so people would know where the boundary was, just like the forest service.

Lon Lott said he respected Mr. Snow for coming to the City and getting permission instead of just doing it as other had done. He said the open space on the west side of Alpine by Highland had been seriously abused by people dumping their junk in it. He said he felt more inclined to work out an arrangement with people who were trying to take care of the open space. He suggested Alpine City consider how Draper City handled open space encroachments. They took aerial shots of the areas and identified encroachments on open space, then made them take it out.

Roger Bennett said he would be willing to trade the open space to the Snows if they could find some suitable open space the City would like.

MOTION: Kimberly Bryant moved to change the Snow's property line to the fence line based on their unique situation and existing documents and agreements, and with the understanding that the property owners would bear the cost of the surveys and plat amendments, and also state that this would begin a proactive movement by Alpine City to evaluate the open space borders for possible problems and resolve other encroachment issues. Ramon Beck seconded. Ayes: 4 Nays: 1. Kimberly Bryant, Lon Lott, Ramon Beck, Troy Stout voted aye. Roger Bennett voted nay. Motion passed.

Troy Stout said he would like to see some newsletters to the community talk about open space encroachments to put the community on alert that the City would be enforcing the ordinance on open space encroachments.

B. Laura and Tom Lefler proposal to acquire City-owned open space. Rich Nelson said the Leflers had attended the last City Council meeting and under public comment had raised the question of acquiring some City-owned property located at the corner of Canyon Crest Road and Ridge Drive, which was adjacent to the backyard of their home at 304 W. Maple Drive. Mr. Nelson said the Leflers had not been notified that it would be an agenda item for the meeting and were not present. The Council decided to address it anyway.

Sheldon Wimmer said the couple had wanted to put up a fence on their property to keep the deer out but there was a large tree in the way so they asked if they could purchase the tip of the open space so they would have room for the fence.

Rich Nelson said the easiest way to handle it would be with a boundary line adjustment. It had also been suggested that the City contact the other property owners who neighbored the triangular open space and see if they were interested in acquiring it, in which case the City would sell the whole piece. The Leflers just wanted the tip of the piece.

The Council briefly discussed what other uses the City might have for the half-acre piece of open space. Sheldon Wimmer said it would accommodate a nice waterfall as a gateway into the City. Shane Sorensen said they could make it a conservation garden. Some cities had such gardens to give residents ideas on landscaping their yards.

Troy Stout said he was in favor of selling the piece and letting the neighboring residents divide it however they wanted. It was suggested that the Council also consider selling the interior park in the Silverleaf subdivision to the residents. Troy Stout said that made a nice pocket park and he thought the City should keep it. Roger Bennett said it could be a private park and the neighbors could maintain it. Since the interior park was not on the agenda, the Council agreed to address it in a later meeting.

MOTION: Kimberly Bryant moved to advertise the triangular piece of public open space at the corner of Canyon Crest and Ridge Drive for sale, except for the corner piece that the City used for signs, and let the buyers divide it up however they want. Troy Stout seconded. Ayes: 5 Nays: 0. Kimberly Bryant, Lon Lott, Roger Bennett, Ramon Beck, Troy Stout voted aye. Motion passed.

David Church said that before they sold it they would have to hold a public hearing and make sure the City received fair market value for it. It could not be considered a buildable lot.

C. Alpine Water System Report: City Engineer Shane Sorensen reported on the water situation in Alpine. He handed out maps showing the culinary water system and the different pressure zones and tanks, and the secondary water system identifying each of the wells and booster stations, PI pond, etc.,

Rich Nelson said there was a lot of information and they spread it over several meetings. He wanted Mr. Sorensen to have adequate time to inform the Council.

Shane Sorensen said that basically, they were expanding the City's area of water service with the annexations that were coming in, plus there were still a number of vacant lots in the City. In order to provide adequate service to the residents, they would need to start spending money on projects.

David Church said Alpine was different from any other city he'd worked with in that the most expensive water was unmetered. The pressurized irrigation was the most expensive for the City to provide because it required pumping, yet the City charged a flat rate for the use of secondary water regardless of how much the consumer used or what the pumping costs were. The culinary water, which was metered, was largely gravity fed.

Shane Sorensen said the residents used 10 million gallons a day on their yards. They needed to start metering the secondary water.

Lon Lott said they needed to make new construction aware that the secondary (pressurized irrigation) water would be metered so people could landscape with that in mind.

D. PUBLIC HEARING – Ordinance No. 2016-14 – Adoption of Building Code. David Church explained that cities used to adopt their own building codes but builders complained that it was too difficult to work with all the different codes so the state adopted the Uniform Building Code which all cities in the state would use. The proposed ordinance would adopt the state code which would be automatically updated when the Uniform Building Code was updated.

Mayor Wimmer opened the public hearing on Ordinance No. 2016-14. There were no comments and the hearing was closed.

MOTION: Roger Bennett moved to adopt Ordinance No. 2016-14 adopting the Uniform Building Code as adopted by the State of Utah. Troy Stout seconded. Ayes: 5 Nays: 0. Roger Bennett, Troy Stout, Lon Lott, Kimberly Bryant, Ramon Beck voted aye. Motion passed.

E. Beck Pines Concept Plan: Jason Bond said the Planning Commission had reviewed and approved the concept plan for the 19-lot subdivision located at approximately 600 W. Westfield Road. It was located on 11.29 acres owned by Dana Beck, and had been recently rezoned to CR-20,000. He said the sidewalk would be completed along the frontage of Westfield Road. The Planning Commission had wondered about the possibility of having the developer donate some ground for a recreational park but the City could not require it since it had already been rezoned for half-acre lots. This item was for information only and no action was needed.

F. Ordinance No 2016-07 Open Space and Map Amendment. Jason Bond said the Planning Commission and City Council had been working on the Open Space Ordinance and Map for a couple of months. He reviewed the changes on the map which would identify both natural and developed open space. The definitions and regulations on the different types of open space were included in the text of the ordinance. The Planning Commission had reviewed the latest version and made a motion to recommend it to the City Council with a few minor changes which Mr. Bond noted.

MOTION: Lon Lott moved to approve Ordinance No. 2016-07 amending the Open Space Ordinance and Map with the following changes: In Section 3.16.3 the sentence would be reworded to state that conditional uses would be recommended by the Planning Commission and approved by the City Council; the fence height referred to in Section 3.16.10.1 would be changed to 8 feet; change the punctuation in 3.16.6 Open Space Definitions. Ayes: 5 Nays: 0. Lon Lott, Ramon Beck, Roger Bennett, Troy Stout, Kimberly Bryant voted aye. Motion passed.

G. Ordinance No. 2016-13 – Flood Damage Prevention Overlay Ordinance Amendment. David Church said this was the model ordinance from FEMA and would replace the existing ordinance. It would enable people to get flood insurance if they were in the flood zone. It was pointed out that the City may have some pump houses or wells in the flood zone.

MOTION: Lon Lott moved to adopt Ordinance No. 2016-13. Ramon Beck seconded. Ayes: Lon Lott, Ramon Beck, Roger Bennett, Kimberly Bryant, Troy Stout voted aye. Motion passed.

VI. STAFF REPORTS

Jason Bond asked the Council if they wanted to address the helicopter issue that was brought up during Public Comment. David Church said he had looked at the Park City Ordinance on helicopters and it was very simple. It defined a helipad and made it a non-permitted or conditional use in a residential zone. It would be a very simple thing to do. He recommended they not make it a conditional use or it would turn into an argument. Right now people didn't have to get a permit for one so the City had no idea if someone was building a helipad. The Council indicated they would like to move forward on an ordinance to prohibit them.

VII. COUNCIL COMMUNICATION

Lon Lott asked what was happening with the property on Alpine Highway next to Fred Keetch's property. Shane Sorensen said there were boundary issues they were trying to work out in order to create a right-of-way. If there was going to be a road there, UDOT would need to approve an intersection. Ed Gifford was working on it.

Ramon Beck asked if the business PURPLE had permission to park in the church parking lot. The PURPLE employees had also been parking in other people's property as well. Kimberly Bryant said the business owners of PURPLE had called and it had been cleared up.

Ramon Beck said there was a problem with the shooting range by Lambert Park. He felt the Forest Service needed to close it to shooting. Lambert Park was full of people and someone was going to get hurt, plus it was a mess with shells and trash left behind. Sheldon Wimmer said he was going to talk to them about it. Troy Stout said there was supposed to be a buffer zone between the residential areas and the Forest Service but there was none.

Mayor Wimmer reported on the following:

- The Forest Service was talking about opening the wilderness area to bicycles.
- He would be meeting with PURPLE to discuss several issues.
- He would be attending the Utah Lake Commission meeting to discuss water quality and the toxic algae. He said the problem was the phosphates in the water. If the state changed to a Class A water standard, it would mean as much as \$15 a month per household to clean up the water.
- Regarding fireworks on the 24th of July, he said the park was quiet and he didn't see as many fireworks being shot off. The City had taken some heat for the decision to ban them in the parks but a lot of people said they appreciated it.

VIII. EXECUTIVE SESSION

MOTION: Kimberly Bryant moved to go to Executive Session to discuss litigation. Ramon Beck seconded. Kimberly Bryant, Troy Stout, Ramon Beck, Lon Lott, Roger Bennett voted aye. Motion passed.

The Council went into Executive Session at 9:50 pm. At 10:10 pm a motion was made to return to open session and adjourn.