

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 N. Main, Alpine, UT
January 13, 2015

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

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

Mayor Don Watkins

Council Members: Lon Lott, Kimberly Bryant, Troy Stout

Council Members not present: Roger Bennett and Will Jones were excused.

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Jason Bond, Chief Brian Gwilliam, Annette Scott, Alice Winberg

Others: Greg Ogden, Paul Kroff, Sheldon Wimmer, Steve Cosper, Myrna Grant, M. Eric Grant, Loraine Lott, Hunt Willoughby, Hunter Willoughby, Jacob Warner, Ross Welch, Matthew Cormier, Zach Nielson, Jessie Kendell, Hunter Ransom, Benjamin Fonbuena, Braiden Albrecht, Jane Griener, Judi Pickell, Bryan Hofheins, Ron Madson.

B. Prayer: Troy Stout

C. Pledge of Allegiance: Hunter Willoughby

Mayor Watkins welcomed former mayor Hunt Willoughby and Scout Troop 111.

Mayor Watkins recognized Jacob Warner who was a very accomplished scout. He had earned every possible merit badge just before his 18th birthday. He said he had learned a lot about different careers, sports, etc. He had traveled around the country and to other parts of the world. He said the most unique merit badge was small boat sailing in Utah. When asked why he set a goal to earn all the merit badge, he said he got his Eagle just after his 13th birthday. He had 45 merit badges and decided he wasn't that far away from 120.

II. PUBLIC COMMENT: None

III. CONSENT CALENDAR

A. Approve minutes of December 9, 2014

MOTION: Troy Stout moved to approve the minutes of December 9, 2014. Lon Lott seconded. Ayes: 3 Nays: 0. Lon Lott, Troy Stout, Kimberly Bryant voted aye. Motion passed unanimously.

IV. REPORTS AND PRESENTATIONS: None

V. ACTION/DISCUSSION ITEMS

A. Independent Audit Report – Greg Ogden. Greg Ogden was an independent CPA hired to audit Alpine City finances. Each Council Member was given a copy of the Management Letter and Financial Statement, which Mr. Ogden had prepared and reviewed. Regarding impact fees, Mr. Ogden reminded the Council that the fees may be held no longer than six years. Because construction had slowed down in the past few years, some cities were unable to use the impact fees they were holding. But the economy had picked up, spending had increased and the fees were being used. Mr. Ogden also noted that because the finance director had quit in June and the new one wasn't hired until several months later, closing out the books had been a little more difficult. There were some entries that had not been made earlier in the year and that had to be remedied, which delayed the closing. Generally the closing was done at the end of the year. Mr. Ogden said that it was not unusual for the auditor to be involved in drafting the financial statements. Anytime the auditor helped, it became a finding in the statement. Because of the work load, Mr. Ogden said the City may want to look at additional staff.

Mr. Ogden said that next year there would be a big change in finances regarding retirement. In the past cities had reported only what they owed to the retirement system for that year. In the future cities would be reporting what they would have to pay employees over the life of the retirement. It would show a much higher liability in retirement.

Mr. Ogden then briefly reviewed the financial statement and report. Graphs on page 8 and 9 showed expenses and revenues of the various governmental activities. Revenue sources were further broken down in a second graph. He said that overall, things looked good for the City. The unassigned fund balance was to be kept between 5% and 25%. Alpine's was right up against the upper limit at 22% which put the City in great shape. No department budget had been overspent during the previous year.

Rich Nelson thanked Greg Ogden for helping through a difficult process. He also thanked Alice Winberg, the new finance officer for her work.

Kimberly Bryant had left the meeting earlier due to an emergency. David Church said they no longer had a quorum so they were unable to take action on any item. When she returned later in the meeting, item B was resumed and the following motion was made.

B. Acceptance of the Independent Audit Report

MOTION: Lon Lott moved to accept the audit report and letter. Troy Stout seconded. Ayes: 3 Nays: 0. Lon Lott, Troy Stout, Kimberly Bryant voted aye. Motion passed.

Since they didn't have a quorum, it was suggested that they move to Item H which was a discussion item.

H. FY 2015-16 Budget Development Process and Discussion: Rich Nelson reviewed the schedule for the budget development. In January they would review fund balance goals, update the 5-year budget priorities, and identify goals and level of service. In February the individual departments would create a balanced budget. In March they would hold individual meetings with the Mayor and Council Members to review the budget and incorporate their feedback. In April the Council would hold budget work session. In May the Tentative Budget would be presented to the Council and a public hearing would be held. In June the final budget had to be adopted before June 22. The new fiscal year began July 1st.

I. Lambert Park South Trailhead Discussion: Shane Sorensen said the Council had talked about the need for a master plan for Lambert Park. They had put in the 15 mph speed limit signs in the park. Some trails were improved and two bridges were added. The sewer project to serve the Box Elder South subdivision was under construction. Several years ago the Council had talked about the possibility of a trailhead at the south end of Lambert Park. Since that area would be disturbed and sewer and water would be available, it was an optimal time to talk about building a trailhead with a restroom facility.

Troy Stout said he would like to do something that defined the boundary of the park since there was a lot of cross-over traffic from public land to private land. Shane Sorensen said they had talked about putting up a fence around a portion of Lambert Park. Troy Stout said he would like to see a nice split rail fence and an arched entry so people would know they were entering Lambert Park. Mayor Watkins said that as development of the Box Elder South subdivision moved forward, he felt it was important to delineate where the park was.

Kimberly Bryant returned to the meeting at 7:45 pm.

The City had \$120,000 from an earlier transaction that was being held in a fund for use in Lambert Park. There was a discussion about whether impact fees could also be used to fund improvements in the park. David Church said impact fees could not be used to correct a deficiency. They could only be used to respond to growth. The need had to be identified in the study in advance. Mayor Watkins suggested that because of the growth in Box Elder South, they needed the improvements. Mr. Church said the problem was that Box Elder South was not in the City. They would not be collecting the impact fees from those people.

Shane Sorensen estimated the cost of the restroom would be about \$45,000.

Ross Welch said that the approved plans for Box Elder South subdivision showed a public restroom on the southwest corner of the development. He indicated there was a possibility that they could work with the County and relocate the restroom to the Lambert Park trailhead. That would reduce the cost to the City.

Troy Stout suggested there be two restrooms.

Don Watkins said that if it cost \$120,000 to fence the boundary between Lambert Park and Box Elder South, he felt that would be ahead of a restroom. Ross Welch said there would be a 5 ft. berm on the southern boundary of Box Elder South that would be planted. He wasn't sure there would be a need for a fence on the south end.

Lon Lott said it would be nice if the parking area was located close to the outside area so it was easier to get in and out. He agreed with the idea of fencing the area and building a restroom. If they built two restrooms, he would prefer to see one at the other end of the park.

Mayor Watkins requested staff to come back with pricing on fences and pictures. He said his biggest concern was motorcycle traffic, etc. coming out of Box Elder South into the park. They should also look at fencing around the entry into the park.

Rich Nelson said the plan for the trailhead would need to be sent to the Planning Commission for review and a recommendation.

C. Annexation Statement - Intent of the City Council to allow only CE-50 Zone (County CE-1 Zone)
Annexations in the Comprehensive Annexation Study Area: Mayor Watkins said this was an issue he'd had a lot of energy on for the last 20 years. He had included it in his brochure when he ran for election. It was his goal to stop developers from rezoning the critical hillsides. He was categorically opposed to rezoning critical environment property and had fought with the County about it. Over the years commissioners had told him they had no interest in rezoning the property. Recently he had a conversation with Bryce Armstrong from Utah County who had recommended against rezoning because it was not consistent with their land use plan. But it was rezoned. He said one of the statements that came back from the county was that the Pine Grove property was not in Alpine City's Annexation Policy Plan. He said he would like to start the process to say that anything in the County that was in the CE-1 zone, Alpine would like to annex the property as long as it was annexed into Alpine CE-50 zone, which was comparable to the County's CE-1 zone. He admitted that he didn't envision landowners running to the City and asking to be zoned CE-50, but it would put the County on notice that it was the City's intent that it maintain a critical environment zoning.

Mayor Watkins said that in Provo, applicants for zone changes had to go to the neighborhood council and get their feelings about the zone change. He felt it was a good policy to go to the neighbors and try to build a consensus. He said he believed that at the end of the day, they would find 20,000 citizens who said the County should not change the zoning on the Pine Grove property.

Lon Lott said he'd spent many hours the past few weeks studying annexation. He'd read Alpine City's Annexation Policy Plan and felt the reason they were in difficulty was because they hadn't fully addressed some of the issues in the Annexation Plan. It was old and ran through 2013. He'd read the minutes on the discussion of why some areas were included in the plan and others were taken out. There was a statement in the plan that said Alpine City encouraged islands and peninsulas within the incorporated area to be annexed. It seemed like they would also look at areas to the side as well. He said several people on past councils had worked on the plan and he assumed they included the citizens input as well. A lot of planning had been done in the past. He felt they should work off what they already had, and develop what was being suggested as clearly as possible. Pine Grove used to be in the plan but was taken out. Putting a blanket designation on all of the unincorporated property didn't take into account all the work that was previously done and approved on individual pieces of property.

Mayor Watkins asked what properties were already in the declaration area. He didn't think the Melby property was included. David Church said the large Melby piece was not included, nor was Alpine Cove nor Pine Grove.

Jason Bond listed the properties which were in the annexation declaration which were:

- Melby property - 3.53 acres - CE5 zoning
- Fitzgerald and Bennett properties - 52 acres - CR40,000 zoning
- Box Elder South - 41 acres - CE5 zoning

- Grant property - 59 acres - CR 40,000 and CE5 zoning
- Pack property - 140 acres - CR40,000 and CE5 zoning

Kimberly Bryant said they were in a situation right now where safety, taxes, and water and roads were critical issues. The County needed the City to make a clear stand. She said she was 100 % supportive of protecting that area. They were saying that they wouldn't bring it in unless it was CE-50.

Troy Stout said there were good reasons why the county zoning was the way it was. When purchasers brought property, they bought it knowing the zoning restrictions. They bought it with plans to change it. It was not the City's obligation to change it. The City needed to consider a zone change request, but they didn't need to do it. There were so many reasons the property needed to be protected. They had seen problems such as fire and flooding in the last few years. Those problems were deflected to the people in the center of the city. There was a degree of risk they accepted. He said they needed to look at the issue from an environmental impact view. It was not a popular stance because Utah was a right-to-develop state. But it was critical environment. There was wildlife up there including elk, bobcats, bears and bighorn sheep. He said that where his house was built was a wintering ground for deer. He said they had some responsibility to protect the wildlife in this area. He said he believed the City should annex it and annex it under the same zoning it had been under for years.

Kimberly Bryant said that if the whole city came to them and said they wanted something rezoned, they would do it. Lon Lott asked if that would really happen.

Don Watkins said it was his point of view that the county may ignore potential problems and allow homes to be built there. That was what the county could do. Right now three or four families were suing the City because of flood damage. He didn't want Alpine City to have that liability. The County could take on the liability from rezoning the property from CE-1.

Lon Lott said that he'd been to many of the county meetings. The County had done their due diligence including driving to the property and looking at it. Because the Pine Grove property was not in the Alpine City's annexation policy plan, they contacted the City and asked if Alpine was going to annex it. The City said no. So they said they would go ahead because they had a rezoning request. They went ahead and looked at all the concerns with traffic and flooding, etc. They went through the process and made a decision.

Kimberly Bryant asked Mr. Lott if he was saying that because the County was still going to do that, why would they bother to make a statement that Alpine City would annex the county property into a CE-50 zone?

Lon Lott said he was asking what was the City's purpose in making a blanket statement. If they would only annex property into the CE-50. If their purpose was to not have any development up there, they would have no control over it. If it was developed in the County, they would have no control over it.

Sheldon Wimmer said it had been a longstanding message to the County that Alpine City was not interested in annexing anything other than the original two square miles set out by George Smith. The City sent that message to Draper when Draper wanted to annex over the hill. The City said, who cares? Except some people said, we are not going to be able to control our future. But the bottom line is that the County is operating just like it always has. He said that both he and Don Watkins had been around when the Kester Freeze Annexation came in. The best thing that happened was that they narrowed the development down from 150 homes to 48 homes. That was done through negotiation with the developer. The issue of carte blanche annexation to maintain the County zoning wouldn't be productive. He said the CE-1 zoning in the county was set in 1974 when Utah County had no planning. It was a holding spot so people could negotiate when they wanted develop. He said they should make sure they were allowing people who owned land to rationally and logically come in and negotiate a solution that would work for everyone.

Judi Pickell said it was her understanding that the County would not accept an annexation plan unless Alpine City followed their own zoning. For example, the City could not say we will only annex into CE-1 zone or CE-50 when the property didn't meet the criteria of the CE-50 zone. She didn't think that could happen in such broad terms. The idea of the county land was almost a kind of land reserve for when a city expanded into that area. The County really did not want to govern the land. They wanted the City to annex it. That's what a transitional zone was.

Don Watkins said this area was not in a transitional zone. Box Elder South was a transitional zone.

David Church said that sometime before 1997, the state changed the law and said cities would adopt an Annexation Policy Declaration. Before that we adopted a policy plan for each individual annexation. The state said cities should adopt a map to let the county and other cities and landowners know what the city's intention was. Alpine City adopted an Annexation Policy Plan. Some properties were excluded and other included. The City laid out the densities and zoning. We adopted it. When we went through it, properties were especially excluded and others were included. Then as Troy Stout pointed out, when the property is purchased, they take it with the zoning designation. The Pack property had a designated zoning. It was sold based on that. Then it was sold again, all with the understanding that Alpine City was willing to annex it for development. It was really important what the Annexation Policy Declarations said because decisions were made based on them. He said annexations for the most part were not a one-sided thing. The landowner had to petition for annexation. Without the landowner's signature, all the city was doing was saying that this is what they would do if the landowner petitioned.

Mayor Watkins said the Council was under no obligation to annex the Pack property. David Church agreed but said they needed to have a good reason to change the zoning designation. He added that annexation didn't occur to stop growth. Annexation would encourage development. People would come in and ask for sewer and water service.

Troy Stout asked if Mr. Church was saying it was better to not make a statement. Mr. Church said the City needed to redo the Annexation Policy Declaration. They needed to do it with their eyes open and good planning. The Planning Commission was supposed to look at it and there were certain criteria that needed to be included such as the need for services and the costs.

Paul Kroff said he was working with the owner of the Pack property on a desired annexation. He offered a plea and a recommendation that the Council not make a blanket statement. It showed distrust to staff, planners and citizens. They should take a look at the property and see what would fit. He said he understood their desire to send a message to the County. He said Alpine City did have a way to protect hillsides. It was called a slope analysis. He said they were looking at .25 homes per acre on the Pack property. That was not dramatic growth for Alpine.

Troy Stout said the developers and citizens may have different goals. He was opposed to development that benefited a few financially and took away from the community. Mr. Kroff said he thought they could address those issues in a meaningful way.

Bryan Hofheins said he had been interested in the discussion and appreciated the different points of view. He said it made more sense for developers to talk to the citizens who would be affected by the development rather than to people who were 50 miles away and wouldn't be impacted by the development. He said that taking the ground from the CE-1 zone and putting it into the CE-50, which was the City's zoning, made the process more intimate. There could be a process here where people knew each other. With the Pine Grove zone change, there was one person in the entire valley that was notified that there was a rezone request. If they moved the same property into the CE-50 zone in Alpine City, nothing had changed. Then the process became a community process. People could be converted. There wouldn't be strategies that hurt people's ability to have a voice. He said he liked the idea the Council was considering.

Myrna Grant said she had owned her property for 35 year. Her husband's father was one of the founding families of Alpine. Now she was being told she was ruining the mountains. Alpine did not own any of the mountains. It was private land. To sign a petition bordered on entrapment or bribery. She didn't think those signatures could be counted. She said she loved Alpine. She had lived here for 30 years. She loved the deer. The only ones complaining about the deer were the people in the valley. She said she didn't want to be confined to five or six lots behind her house, or have to go crawling on her knees to get that changed. She said the mayor told her that her property wasn't critical or watershed. She said she couldn't see how it was watershed. She asked them to tell her how her property was critical environment.

Kimberly Bryant said that what they were trying to say to the County is that they didn't want people 50 miles down the road telling them what they should do with their mountains. They were willing to look at specific issues and decide what made sense.

Troy Stout said they were sending a message to the County that they were willing to bring the property into Alpine and begin the process. That way they could have an opportunity to examine future risk, necessary services, etc.

MOTION: Troy moved to make a statement that Alpine City intended to annex the CE-1 county lands as CE-50 city lands, and retain that designation until community members and government were convinced through a petition which reflected a consensus, that the nature of that land/zone should change. Kimberly Bryant seconded. Ayes: 2 Nays: 1. Troy Stout and Kimberly Bryant voted aye. Lon Lott voted nay. Motion failed.

D. Alpine City Support of the Citizen Efforts for a Referendum on the County Pine Grove Zoning

Decision: In response to Utah County's down zoning of approximately 80 acres on the northeast side of Alpine from CE-1 (critical environment with one home per 50 acres) to one home per acre, a group of citizens put together a petition to send the rezoning decision to a referendum vote. The Council would consider supporting the effort for a referendum.

Councilman Lon Lott read the following statement:

There are volumes of information available on the current issues and I have spent many hours in study about annexation, referendum, and the current concern about the county zone change. As a citizen I'm grateful to live in a nation where there is a process that allows us the opportunity to be able to cast a vote. I have spent many hours in discussions with citizens of Alpine who have very strong emotional feelings either for or against the petition. So what is my role in all of this as a city official? I feel it is my duty as a public servant to preserve a sense of community. Consequently my responsibility is to encourage civility, kindness, and courtesy to each citizen when there are issues like this. I am glad I have friends who feel strongly about our community and the area surrounding Alpine and choose to use this process to gather signatures for referendum. I also have a large percentage of friends here in Alpine that I'm glad have a choice to sign a petition but they choose not to sign the petition because they have a differing point of view. All these people are friends and neighbors who should look into the issue at hand and study it out. We should understand land use rights; we should understand laws and ordinances. I don't feel it is the responsibility of the city to sponsor or endorse a specific group.

As a city council and city planning commission our time and energy should be spent forward thinking. We should be having in-depth, clear logical planning workshops to develop a solid plan to include these areas outside our city limits if it is in the best interest of the city. We should be developing ways to pull our community together. We should be working on ways to unify so that Alpine will continue to be a great place to live.

Kimberly Bryant said she was not antidevelopment but she felt the people who were most affected by the decision should be the ones to make the decision. The County should let them decide what the zoning should be. She said she supported the people who were petitioning for a referendum.

Troy Stout said he felt this was an example of democracy at its finest. He didn't think endorsing the campaign for a referendum was taking a side. He said that taking the issue to a vote gave the other side an opportunity to make a choice. He said he supported the petition for a referendum, and what they were trying to accomplish.

MOTION: Troy Stout moved that Alpine City publically support the "We Decide" campaign to petition for a referendum. Ayes: 2 Nays: 1. Troy Stout and Kimberly Bryant voted aye. Lon Lott voted nay. Motion failed.

Judi Pickell said that if the City was going to support a side, she suggested they put together something that presented both sides of the issue with some facts. She said the person who came to her door asking her to sign the petition said it was to save Sliding Rock. It had nothing to do with Sliding Rock. If the City was going to support petition, it needed to look a lot more professional and lot more unbiased.

David Church said the City couldn't spend public funds either for or against an issue. Individual Council members could but state statute prevented spending City money on such issues.

Judi Pickell said petition was being funded by Join In. David Church said the Mayor took his salary and put it into Join In.

Jane Griener said the petition packet was stapled to the referendum. If the person bringing the petition to the door was ignorant, the signer should read it if they signed their name to it. She said that Join In was separate from the City website. There were links to it from the City website. She said Join In's purpose was to provide information so people could make decisions.

Mayor Watkins said they would allow a contrary point of view on Join In.

Jane Griener said Join In was not sent out as City policy. It was sent out as a message from the Mayor and his opinion. She said that if there were enough signers on the petition, the decision by the County would be put on hold and would be put on the ballot. If the County decision was overturned, it would come back to the City. Signing the referendum just stated to the County that they were overstepping their bounds and that the people want to make the decision. She asked David Church for some information on Pine Grove.

David Church said Pine Grove was in the annexation plan prior to 96 or 97. The owners of Pine Grove petitioned for annexation. It was a long process but in the end the City and the development could not come to an agreement on the density. When the Annexation Policy Plan was next adopted, Pine Grove was taken out. He said he believed the current owners bought the Pine Grove property in 1992.

Bryan Hofheins said Ron Madson had reported that they had 250 volunteers in the valley taking around petitions. They had enough petitions out there to obtain 20,000 signatures, and the momentum was growing. He said the volunteers were not telling them they had to believe one way or another. They were telling them it was an opportunity for people to be informed and get involved. The signatures had to be obtained within 45 days. It was 15 days less than what the City asked the County for. When a volunteer came around, they were under a time crunch. He said they were very encouraged about the process and the people were feeling empowered.

E. Resolution No. R2015-01 - Utah League of Cities and Towns (ULCT) Transportation Resolution:

David Church said approving the resolution would express support for the Utah League of Cities and Towns who were lobbying the legislature to increase local sales tax by a quarter percent with the funds to be used for transportation. The City would receive about \$240,000 new dollars to be used for roads. He said there were other proposals out there for tax increases which included raising the gas tax which hadn't been increased since 1995. The distribution of the gas tax was based on road miles and populations. Either way the taxes would most likely be going up. The resolution was a statement saying the city was in favor of the ULCT approach.

Lon Lott said he had been hearing on the news that they were looking at a 10 cent increase in the gas tax.

David Church said other proposals were being discussed. The league was proposing up to a quarter of a percent. The difference was whether it would be at the local or county level. The League was against the counties controlling the spending. They were looking at maximizing the cities' control of the funds. He said the B&C Road Funds covered only about half of the road costs so road expenses were eating into sales tax and other revenue. It was a bigger problem in the bigger cities. He said the resolution also supported the momentum for bikes paths, buses, etc.

MOTION: Lon Lott moved to approve Resolution No. R2015-01 supporting transportation funding and let them know that Alpine needed additional transportation funding. Kimberly Bryant seconded. Ayes: 3 Nays: 0. Lon Lott, Kimberly Bryant, Troy Stout voted aye. Motion passed unanimously.

F. Moderate Income Housing Report: Jason Bond said the Utah Code required cities to biennially review the Moderate Income Housing Element of the General Plan. He said they were not changing the plan. They were just reviewing how it was working in their community. In Alpine, affordable housing was a challenge because of the land values. The City approached it by allowing accessory apartment. When the report was adopted in 2007, Alpine had 60 registered apartments. Now there were currently 118 registered.

MOTION: Kimberly Bryant moved to approve the Moderate Income Housing Report. Troy Stout seconded. Ayes: 3 Nays: 0. Kimberly Bryant, Troy Stout, Lon Lott voted aye. Motion passed unanimously.

G. Questar High Power Gas Line Replacement - Alignment through Burgess Park: Shane Sorensen said Questar was trying to determine the best alignment for the new gas line through Burgess Park. The existing line ran through two of the newer baseball fields and a playground in Burgess Park. City Staff recommended that the alignment be changed to a location around the perimeter of the park and just outside the baseball fields. Either alignment would impact some trees and the trail. Questar would restore or replace whatever was disturbed by the construction. Mr. Sorensen said the only issue with relocating the line was that it would run closer to some residences. The City could require that they couldn't be closer than so many feet.

VI. STAFF REPORTS: This item was canceled.

VII. COUNCIL COMMUNICATION: This item was canceled.

VIII. EXECUTIVE SESSION

MOTION: Troy Stout moved to go to Executive Session to discuss strategy on pending litigation. Kimberly Bryant seconded. Ayes: 3 Nays: 0. Troy Stout, Kimberly Bryant, Lon Lott voted aye. Motion passed unanimously.

The Council went to Executive Session at 9:30 PM

MOTION: Kimberly moved to return to open meeting and adjourn. Troy stout seconded. Ayes: 3 Nays: 0. Kimberly Bryant, Troy Stout, Lon Lott voted aye. Motion passed unanimously.

Adjourned at 9:50 pm.