

**ALPINE CITY COUNCIL PUBLIC HEARING AND MEETING**  
**Alpine City Hall, 20 North Main Alpine, UT**  
**June 9, 2015**

**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, Will Jones, Roger Bennett, Kimberly Bryant, Lon Lott

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

Others: Amy Lundquist, Britt Jenkins, Sarah Peterson, Caden Lundquist, Jake Lloyd, Kevin Hilton, Jaxson Tadge, Kevin Paul, Addie Spencer, Hailey Jenkins, Reese Blacker, Jaxon Henley, Kolton Wild, Lucy Barnes, Payton Barney, Derrill Merrill, Brooke Sorensen, Michael Selander, Parker Rowley, Alex Hanssen, Makayla Allison, Sariah Davis, Hailey Jenkins, Carlee Hood, Sundance Ferrell, Mary Jane Wilkes, Alli Fetters, Ashley Day, Julie Day, Dan Peterson, David Peterson, Julie Peterson, Carwin Peterson, Susanne Peterson, Tanner Pearson, Kevin Paul, Brook Sorensen, Carolyn Rossi, Emily Thrap, Brian Thrap, Rachel Rossi, Allen Taylor, Chris Paulson, Billie Paul, Evert Williams, Trish Walker, Sue Gillespie

**B. Prayer:** Don Watkins

**C. Pledge of Allegiance:** Brook Sorensen

**II. PUBLIC COMMENT**

- Chris Paulson said he had just moved to Alpine next to Moyle Park. He would like to relocate his driveway so he didn't have headlight coming in right at him and would need six to eight feet to put in a retaining wall. Mayor Watkins said that since this wasn't an agenda item, the Council couldn't make any decisions about the park. Shane Sorensen said they didn't expect a decision that evening. He just wanted to introduce it to the Council to see if they were open to a discussion. They indicated they were. Mayor Watkins suggested Mr. Paulson bring it back as an agenda item with a proposal.
- Billie Paul said that in light of the recent fatal accident on Highland Boulevard, she was concerned about intersections on the west side of town including Matterhorn, Hog Hollow, and Westfield Road. There was a lot of brush with poor visibility and she was afraid there was going to be an accident. She was asked to email Rich Nelson with the information so they could look into it. Rich Nelson said that the City sent out weed letters and asked owners of vacant lots to cut down their weeds so they didn't obstruct the view. If there was a fire hazard, they asked them to cut down all the weeds on the lot.
- Evert Williams reported on Trail Day held the previous Saturday on June 6th. He said they had around 300 volunteers show up for the work on trails in Lambert Park. The Forest Service was there to support them as well and did a great job. He said they would like this to be an ongoing activity and they would always need more volunteers.

**III. CONSENT CALENDAR**

**A. Approve the minutes of May 26, 2015**

**B. Monthly Financial Report**

**C. Bond Release - Abe's Landing - Jim Hobbs - \$15,152.40**

**D. Bond Release - Heritage Hills, Plat C - Downing Akin - \$208,203.81**

**MOTION:** Will Jones moved to approve the Consent Calendar with the minutes of May 26, 2015 as corrected with the note that item B was moved to Reports and Presentations. Roger Bennett seconded. Ayes: 5 Nays: 0. Will Jones, Roger Bennett, Kimberly Bryant, Lon Lott, Troy Stout voted aye. Motion passed. Motion passed.

**MOTION:** Will Jones moved to move item B (Monthly Financial Report) to Reports and Presentations. Roger Bennett seconded. Ayes: 5 Nays: 0. Will Jones, Roger Bennett, Kimberly Bryant, Lon Lott, Troy Stout voted aye. Motion passed. Motion passed.

#### **IV. REPORTS AND PRESENTATIONS**

**A. Swearing in of the Alpine Youth Council Members:** Kimberly Bryant introduced Brit Jenkins, Amy Lundquist, and Trisha Walker who were the new advisors to the Youth Council. She thanked them in advance for the service they would be rendering as adult leaders.

The members of the Youth Council were sworn in by Alpine City Recorder Charmayne Warnock.

**B. Monthly Financial Report:** Alice Winberg reported that as of the end of May, the General Fund Balance was \$2,546,967.00. The property tax revenue was \$1,103,542 which was up from the previous year. The bottom line was that the City was in great shape.

#### **V. ACTION/DISCUSSION ITEMS**

##### **A. Public Hearing on Final City Budget**

Mayor Watkins opened the public hearing on the final Alpine City Budget for fiscal year 2015-2016.

There were no comments.

Mayor Watkins closed the public hearing

**B. Ordinance No. 2015-08, Adopting the Alpine City Budget, FY 2015-16:** In response to a question about how the changing certified tax rate affected the budget, Alice Winberg and Rich Nelson explained that the tax rate was set annually in order to keep revenue to the cities level. If home property values increased, the tax rate decreased. If property values decreased, the tax rate increased. In that way cities could plan their budget for the upcoming year with a reasonable expectation of what the revenue would be from property taxes.

Will Jones questioned the budgeted expenditures on street lighting and the bookmobile. He asked if what they were spending was worth it. Rich Nelson said the cost of the bookmobile had remained the same for several years. Will Jones said he didn't think the bookmobile was available in Alpine for as many hours as shown in the contract. He said the City was also supposed to get a statistical report from the county on the number of hours the bookmobile was here, the number of patrons, and number of books checked out, but they hadn't done it.

Will Jones said the sewer revenue had gone down. Rich Nelson said the TSSD fee was a pass-through fee, which was set by the TSSD. The City collected it with the building permits but it went to the Timpanogos Special Service District. The City's sewer impact fee had also gone down as a result of the sewer impact fee study.

Mr. Jones asked what sundry revenue was. Rich Nelson said it was a fund to cover unexpected overages. Mr. Jones noted that they had budgeted \$20,000 for elections which was less than what he expected for an election by mail. Charmayne Warnock said they were going with K&H Printing who specialized in elections by mail and charged less than Carr Printing. In addition, the postage costs would be less because they would be using the county's postal rate, which was lower, and the state had passed legislation that return postage was not required.

There was a discussion about funding for the Youth Council. It was noted that a page was printed twice which caused the confusion. It would be corrected.

Will Jones asked about court costs for a technical professional. David Church said that was the local prosecutor or public defender. In addition to that, there was an increase in professional services to cover legal fees due to lawsuits.

**MOTION:** Will Jones moved to approve Ordinance No. 2015-08 adopting the Final Budget for Fiscal Year 2015-2016. Troy Stout second. Ayes: 5 Nays: 0. Will Jones, Roger Bennett, Kimberly Bryant, Lon Lott, Troy Stout voted aye. Motion passed.

**C. Resolution No. R2015-06 Adopting the Certified Tax Rate:** Rich Nelson said the City had received the certified tax rate from the county tax assessor and it was 0.001478.

**MOTION:** Roger Bennett moved to approve Resolution No. R2015-06 adopting the certified tax rate of 0.001478. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Will Jones, Roger Bennett, Kimberly Bryant, Lon Lott, Troy Stout voted aye. Motion passed.

**D. Resolution No. R2015-07 Adopting the Amended Consolidated Fee Schedule:** Rich Nelson said the amended fee schedule reflected a base rate increase for culinary water from \$13 to \$14 for the first 8,000 gallons. In the future they would be looking at several other changes to the fee schedule which were:

1. Increasing cemetery fees because Alpine was becoming the burial place of choice;
2. Plans examiner fee for retaining walls;
3. Adjusting the water rate for Box Elder subdivision. It had been observed that there was an inequity in what was charged Box Elder residents for winter water usage as opposed to what Alpine City residents outside the subdivision paid. Plus residents outside Box Elder subdivision paid for pressurized irrigation year-round and Box Elder residents did not.

Rich Nelson said Shane Sorensen was updating the water study.

**MOTION:** Troy Stout moved to approve Resolution No. R2015-07 Amending the Consolidated Fee Schedule with the condition that the rates for Box Elder be adjusted before October to reflect an equitable arrangement. Roger Bennett seconded. Ayes: 5 Nays: 0. Will Jones, Roger Bennett, Kimberly Bryant, Lon Lott, Troy Stout voted aye. Motion passed.

#### **E. Public Hearing on the Amended City Budget for Fiscal Year 2014-2015**

Mayor Watkins opened the public hearing on the Amended Budget.  
There were no comments.  
The Mayor closed the public hearing.

**F. Ordinance No. 2015-09 Amending the Alpine City Budget for Fiscal Year 2014-2015:** Rich Nelson said the major changes in the budget were due to the unanticipated costs of remodeling City Hall, the payout for the Dispatch Center, and payment of overtime wages.

**MOTION:** Will Jones moved to approve Ordinance No. 2015-09 amending the Alpine City Budget for Fiscal Year 2014-2015. Lon Lott seconded. Ayes: 5 Nays: 0. Will Jones, Roger Bennett, Kimberly Bryant, Lon Lott, Troy Stout voted aye. Motion passed.

**G. Dry Creek Corridor Trail:** Prior to the meeting, members of staff and the City Council went on a field trip to the Dry Creek Corridor Trail. Jason Bond showed the location on the map. He said it was an existing trail that ran along Dry Creek and extended to the Timberline Middle School area and Burgess Park. He said it was an amazing asset but it was not widely known. It could be expanded to connect to other areas in Alpine including the Alpine Art Center and the Bangerter property. He was proposing a hard-surface, urban trail in the center of town. It could be a springboard for community events such as a poppy festival or a Christmas tree lane. It would be an asset to schools and business. He had spoken with stake holders along the trail about involving the trail in the design of their property. The Alpine Art Center owned property on both sides of Dry Creek, part of which was a sculpture garden that could be incorporated into the trail system. He said there were funding opportunities available to enhance and enlarge the trail system. They had the municipal recreation grant which they had used in Moyle Park, plus they could work with Mountainland Association of Governments (MAG) on funding.

Lon Lott said he had attended the MAG meeting and they had available money that would go to those communities that showed an interest in it. He said he would continue to attend the meetings and be a presence for Alpine. Having a plan to present to them would be very beneficial

Troy Stout asked if they had any idea what the cost would be to pave the trail. Jason said the trail from Timberline Middle School the bridge was already paved. A lot of the trail came with the dedication of the Twin River PRD. It was all there. People just needed to know it was there.

Kimberly Bryant said she fully supported the trail. There were mountain biking trails in Alpine but a trail for moms and kids would be great. It was a safer route to the schools than being on the streets.

Troy Stout said he had taken his wife on the trail and she loved it. The only concern he would have is that it was near fast moving water during certain times of the year.

Lon Lott asked about what seemed to be City policy to discourage access between private yards and public open space. It seemed there were a number of backyards along the trail that had a gate into the open space.

Jason Bond said that he first wanted to focus on a master plan for the system. He would also like to have a trail service project in that area, not just to have people work on the trail but to give it the exposure it needed. If it was used more, it would reduce the maintenance the City had to do.

**H. Ordinance No. 2015-07 - Retaining Walls:** The City Council had previously reviewed the proposed ordinance on retaining walls at their meeting of May 26, 2015 and tabled it for further review. Since that time the Assistant City Engineer Jed Muhlstein had provided drawings showing what kinds of retaining wall system might result from the proposed ordinance. Alan Taylor, a geotechnical engineer who helped draft Draper City's ordinance regulating retaining walls had worked in Jed Muhlstein in drafting Alpine City's ordinance. The proposed ordinance allowed a maximum of nine feet per wall if it was exposed or could be seen from the nearest public right-of-way. Terracing of the walls was permitted where justified by topographic conditions. The combined height of all the walls in a system could not exceed 18 feet. The ordinance also addressed separation of walls, plantings and drainage.

Alan Taylor said there were two aspects to retaining walls. One was aesthetics and one was engineering. The restriction on height was usually an aesthetic consideration. Although, once a wall was above nine feet high, it became uneconomical to build. At that point they looked at terracing the walls. The proposed ordinance limited the overall height of terraced walls to 18 feet. He said that could become a question for the city attorney because it was pitting aesthetic considerations against property rights.

Mr. Taylor said the engineering aspect evaluated other conditions such as global slope stability. He said he used to work for Draper City as an engineer. Draper had been experiencing failures on retaining walls every few years so they decided they needed an ordinance to regulate the walls. Since Draper had adopted their ordinance to regulate retaining walls, they'd had no failures. Their ordinance required a correct design with structural engineering and inspections to insure that the construction adhered to the engineering. If someone submitted a plan for a subdivision, the city reviewed it. A soils report may be required. He said that even though the plans were stamped by an engineer, he also reviewed the design. There were good designs and bad designs. He said that as long as the wall was designed correctly and built correctly, it would be okay. A correct design could be submitted but if it was not followed it did no good. The engineer of record had to sign off that the wall was built according to the design. That way if a wall failed, the homeowner would be going to the engineer and not the city saying, you issued the building permit.

Troy Stout said he didn't want to be pessimistic about engineers but Cedar Hills had a project that was turned down several times, then the builders found an engineer that would approve it. Mr. Taylor said the problem was they had no review of the documents by the city. At that point someone could have told them they were building in a landslide area.

There was a question about whether or not a city could require walls to be built so many feet from the property line. David Church said they could. Some cities such as Bountiful City did not allow retaining walls or any cuts on

private property at all, and they had fights about it all the time because the property owners on hillsides wanted to have a flat backyard. The city simply told them they had chosen to buy a lot with a mountain behind it.

Mr. Church said North Salt Lake had an ordinance on retaining walls which required permits and plans stamped by an engineer. They had someone in the city review the wall. However, they'd still had several wall failures which were the result of bad construction or poor maintenance. Drains became plugged or there was a broken sprinkler line that ran for 24 hours in someone's backyard and saturated the ground. They could include maintenance requirements in the ordinance but the Council needed to decide how much they wanted to protect the citizens from themselves.

Troy Stout asked how there would be a fight if a city's ordinance did not allow walls. Mr. Church said the homeowner would hire a landscaper and not even call the city. The landscaper could just begin scraping away the hillside. If the city sent out an enforcer who said to restore the hillside, the landowner would ask why the city had that restriction when his engineer said a retaining could be built safely. Mr. Church said cities had the authority to zone for aesthetics but it could create conflict because the hillside properties that would need retaining walls were the same properties where the homeowner would want a nice backyard.

Alan Taylor reiterated that since Draper City had passed their ordinance and implemented it and the walls were permitted and inspected, they'd had no failures. Draper City's ordinance was the first such ordinance. Other cities such as Alpine had used it.

There were concerns from Council members about the height of the retaining walls that was allowed by the ordinance. Mayor Watkins suggested they adopt the ordinance and revisit the height.

David Church said the proposed ordinance was much more restrictive than what the City currently had in place, which was mostly nothing. He said that the flat land in Alpine was mostly developed. The subdivisions that were coming in for development had large, oddly shaped lots with lots of grade separation between the roads. At one time the City had tried to keep development off the hillsides by going to a PRD which allowed for smaller clustered lots and higher density. But now the Council was moving away from smaller lots and higher density. With the larger lots on the hillsides, the City would be fighting with the person who bought the lot if they didn't allow retaining walls.

**MOTION:** Will Jones moved to approve Ordinance No. 2015-07 but retain the ability to change the height limits. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Will Jones, Kimberly Bryant, Lon Lott, Roger Bennett, Troy Stout voted aye. Motion passed.

**I. Letter of Engagement - Greg Ogden CPA:** At the meeting of May 12, 2015, the City Council had voted to approve Greg Ogden as the independent auditor for Alpine City. Staff requested approval of a Letter of Engagement from Mr. Ogden.

**MOTION:** Will Jones moved to approve the Letter of Engagement with Greg Ogden. Troy Stout seconded. Ayes: 5 Nays: 0. Will Jones, Kimberly Bryant, Lon Lott, Roger Bennett, Troy Stout voted aye. Motion passed.

**J. Bookmobile Agreement 2015-2016:** Alpine City contracted with Utah County for bookmobile service. David Church reviewed the Agreement for 2015-2016 and said the terms and the cost (\$13,200.00 per year) were the same as the previous agreement. The question was, was the bookmobile meeting the terms of the Agreement? Will Jones said he didn't think they were coming to Alpine as often or for as long as they said they would, although the City did not have the time or the staff to monitor the visits and see if they were in town. In addition, Mr. Jones said they were not sending the City the requested statistical reports.

**MOTION:** Will Jones moved to table the Bookmobile Agreement for two weeks. Troy Stout seconded. Ayes: 5 Nays: 0. Will Jones, Kimberly Bryant, Lon Lott, Roger Bennett, Troy Stout voted aye. Motion passed.

**K. Approval of Letter to Utah County Regarding Box Elder South Subdivision:** This item was discussed at the meeting of May 26, 2015 and tabled for two weeks. There were several questions and a number of outstanding items that needed to be completed before the letter was signed. There was particular concern about certifying the secondary access road and the maintenance of it. David Church said that paragraph needed to be rewritten. He said it should read that it conformed to the 1992 Settlement Agreement. Alpine City did not have regulations for that type

of road it described. In addition, Alpine City could not personally warrant anything to Utah County because the City was not a person.

Shane Sorensen said the improvements outlined in the letter were either completed or in process. Patterson was building sidewalk and sewer laterals. The water tank had been seeded but still needed to be fenced.

David Church said Box Elder South subdivision could not be recorded until those improvements were completed and Alpine City signed the Letter of Certification. The Council would need to authorize someone to represent the City and sign it. Rich Nelson said he would sign it.

**MOTION:** Will Jones moved to authorize Rich Nelson to sign the Letter of Certification of Installation of Improvements for Box Elder South Subdivision, Plat A pending changes in the letter on the emergency access road and completion of the necessary items. Roger Bennett seconded. Ayes: 5 Nays: 0. Will Jones, Kimberly Bryant, Lon Lott, Roger Bennett, Troy Stout voted aye. Motion passed.

## VI. COUNCIL COMMUNICATION

Troy Stout's reported on the following:

- He requested that there be signs in Lambert Park on the trails and signs in two places on every major trail stating that altering the trail was subject to fine. People had pulled out rocks and bars which worsened erosion. Will Jones said the problem was there were two different kinds of users. Walkers and joggers who didn't want the rocks in the trail and bikers who did. He said the trail committee was meeting once a month at the Bowery. People were welcome to come and give suggestions about the trails but he didn't want them making changes in the trails.
- He asked about fencing in Lambert Park, particularly between the Box Elder South subdivision and Lambert Park where that might be ATV traffic from the subdivision into the park. The Council discussed the type of fencing and the location. The Mayor suggested staff provide a map of the area with options on fencing. That map would be delivered to the Council so they could decide what they wanted.

Will Jones' reported on the following:

- Will Jones proposed that the Council consider annexing the Box Elder South subdivision. Alpine City was supplying water, sewer, fire protection. The only hope that Alpine City had to benefit from the development was to collect building permit fees and taxes. He said he did have a concern about liability to the City for drainage and flooding. He had spoken with David Church about it and was told the City would not be liable for flooding and drainage. He suggested they ask the developer to submit a petition for annexation and the Planning Commission review it. David Church said a city could annex land that was less than 50 acres without a petition provided the county was agreeable. The owners could protest it if they didn't want to annex. The time to do it was earlier when there were dealing with only one or two landowners. Jason Bond said that the last time the Planning Commission discussed annexation, they told him they didn't want to include Box Elder South or Pine Grove in the Annexation Plan. Rich Nelson said the Council could go ahead and consider it on their agenda then send direction to the Planning Commission if the Council wanted to consider it. Roger Bennett said he would support putting it on the Council agenda.
- He requested they have the Rules of Procedure and Operation on the next agenda so they could discuss it, particularly the part that said an issue that had been voted on and passed could only be brought back to the table by a council member who voted in the affirmative. David Church said he thought that was just an Alpine City policy. The state law stated that an item could not be reconsidered in a meeting where there were fewer council members present than when it was passed.
- He asked if anyone else had heard Jane Griener say she wasn't going to run for City Council when she was appointed to the Planning Commission. It was briefly discussed.

Kimberly Bryant reported on the following:

- There were dead places in the cemetery. Shane Sorensen said it could be a broken sprinkler head. Lon Lott said the roots of mature trees would also pull the water away from the grass, plus it had been a rough winter which stressed the grass and now they had 95 degree temperatures.
- The lady who was in charge of Alpine Days was doing an amazing job. She had a lot of fun things planned for the teenagers.

Lon Lott reported on the following from the MAG (Mountainland Association of Governments meeting that the Mayor had asked him to attend:

- The DWR (Division of Wildlife Resources) had reported on wildlife and deer control. They presented statistics and costs on different kinds of deer control and were ready to start addressing it.
- MAG asked cities and mayors to support the 4th quarter local option sales tax to have it on the ballot which would go to fund transportation projects. MAG also wanted information from the cities in regard to priorities pertaining to streets.
- Some of the 4th quarter local option sales tax would go to UTA; outlying cities such as Saratoga Springs and Alpine had concerns about that because they didn't have bus service. Those concerns could be directed to MAG. If senior citizens needed transportation, they could get a bus to come to Alpine for seniors.
- A certain percentage of the tax would go back to the cities and be used for roads or trails. They were not earmarked for just roads.
- He had met with Andrew Jackson and discussed the problem on Canyon Crest and learned there was money available but they were holding it until issues were worked out between Cedar Hills and Pleasant Grove. Mr. Lott said he'd talked to MAG about the problem Alpine City was having on Canyon Crest. The current approach was to change the timing on the light and create a dedicated right hand turn lane off SR-92 onto Canyon Crest to help the traffic flow.

Rich Nelson said he had talked to the League of Cities and Towns about the tax increase and said that if the bigger cities in Utah County would sign off on it, the smaller ones would follow. It would net a nice increase for Alpine. He said he felt the increase would be best used on roads.

## **VII. STAFF REPORTS**

Shane Sorensen reported on the following:

- The information on street improvements in the budget was a tentative list.
- Regarding the traffic situation at the SR-92 and Canyon Crest, He said he had received an email from Terry Newell who said they were planning to create a free right-hand turn from east bound to southbound. That would free up time on the signal to allow more traffic to go through, which they believed would help with the southbound traffic by giving them a longer green light for southbound traffic. He said she concluded the email by saying, "The problem is that we are dealing with a problem that only occurs 15 minutes a day." He said he would give the Council her email address if they wanted to communicate with Ms. Newell.
- Questar was making progress on installing the high pressure gas line. They'd had one-way traffic for one week which allowed Dana Beck to get in his sewer line. Questar also extended their work hours. Mr. Sorensen said they had paved a portion of the road and were planning to do more that week. Troy Stout said he was very frustrated with the road work on that side of town. He had waited 12 minutes and the flaggers were rude. Shane Sorensen said he would bring it up at his meeting with them. He said they were governed by very strict rules. The pipe couldn't even touch the ground. Plus they had to bend the pipe to go around the utilities.
- The City would be replacing the sewer line on 100 West.
- The Moyle Park restrooms would be installed the next week.

David Church said the attorneys were taking depositions on the Cochran lawsuit. They were also taking depositions on the fire case. The Box Elder South lawsuit against the mayor and the City was heating up. Depositions would probably be later in the summer.

**VIII. EXECUTIVE SESSION:** None held.

**MOTION:** Lon Lott moved to adjourn. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Will Jones, Kimberly Bryant, Lon Lott, Roger Bennett, Troy Stout voted aye. Motion passed.

The meeting was adjourned at 9:53 pm.