



## ALPINE CITY COUNCIL PUBLIC HEARING & MEETING AGENDA

NOTICE is hereby given that the CITY COUNCIL of Alpine City, Utah will hold a public hearing and meeting on **Tuesday, July 14, 2015 at 7:00 pm** at Alpine City Hall, 20 North Main, Alpine, Utah as follows:

### I. CALL MEETING TO ORDER\*

- A. **Roll Call:** Mayor Don Watkins
- B. **Prayer:**
- C. **Pledge of Allegiance:** By Invitation

II. **PUBLIC COMMENT:** The public may comment on items that are not on the agenda.

### III. CONSENT CALENDAR

- A. **Approve the Minutes of June 23, 2015**
- B. **Bond Release - Heritage Hills, Plat C**

### IV. REPORTS AND PRESENTATIONS

### V. ACTION/DISCUSSION ITEMS

- A. **PUBLIC HEARING: Ban on Motorized Vehicles in Lambert Park.** The Council will hear from the public on the proposed ban on motorized vehicles in Lambert Park.
- B. **Ban on Motorized Vehicles in Lambert Park.** The Council will decide of whether they wish to continue and enforce the ban motorized vehicles in Lambert Park.
- C. **Resolution No. R2015- 08, Support of Local Option General Sales Tax Dedicated to Transportation:** A resolution supporting HB 362 (2015) supporting the authorized 0.25% local option general sales tax dedicated to transportation, encouraging the County of Utah to submit the proposal to voters in November 2015, and encouraging voters to support the proposal.
- D. **Preserve and Protect American Fork Canyon.** The Council will consider supporting the Utah County Commission passed resolution opposing inclusion of land located in Utah County in the Mountain Accord.
- E. **Resolution No. R2015-09 Alpine City Council Rules of Procedure for the Public Meetings of the City Amendment.** The City Council will consider amending the Council Rules of Procedure for the Public Meetings of the City.
- F. **Wadsworth Meadows Variance Request.** The City Council will act on a request that there be an exception to the requirement for a secondary access for subdivisions in the Urban Wildland Interface Overlay zone.
- G. **River Meadows Senior Living Phase 4 – Revised Site Plan.** The Council will consider approving a request to modify the building pad locations of this previously approved 8 unit phase.
- H. **River Meadows PRD – Plat Amendment.** Two of the units in this previously approved development were discovered to be located in the flood plain. The developer is seeking approval of a plat amendment to adjust the lots.
- I. **Ordinance No. 2015-10 Condominium Ordinance Amendment Request.** The City Council will consider approving a proposed amendment to the Condominium Ordinance.

### VI. STAFF REPORTS

### VII. COUNCIL COMMUNICATION

VIII. **EXECUTIVE SESSION:** Discuss litigation, property acquisition or the professional character, conduct or competency of personnel.

### ADJOURN

\*Council Members may participate electronically by phone.

Don Watkins, Mayor  
July 10, 2015

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS. If you need a special accommodation to participate, please call the City Recorder's Office at (801) 756-6241.  
CERTIFICATE OF POSTING. The undersigned duly appointed recorder does hereby certify that the above agenda notice was on the bulletin board located inside City Hall at 20 North Main and sent by e-mail to The Daily Herald located in Provo, UT, a local newspaper circulated in Alpine, UT. This agenda is also available on our web site at [www.alpynecity.org](http://www.alpynecity.org) and on the Utah Public Meeting Notices website at [www.utah.gov/pmn/index.html](http://www.utah.gov/pmn/index.html)

# PUBLIC MEETING AND PUBLIC HEARING ETIQUETTE

Please remember all public meetings and public hearings are now recorded.

- All comments **must** be recognized by the Chairperson and addressed through the microphone.
- When speaking to the Planning Commission, please stand, speak slowly and clearly into the microphone, and state your name and address for the recorded record.
- Be respectful to others and refrain from disruptions during the meeting. Please refrain from conversation with others in the audience as the microphones are very sensitive and can pick up whispers in the back of the room.
- Keep comments constructive and not disruptive.
- Avoid verbal approval or dissatisfaction of the ongoing discussion (i.e., booing or applauding).
- Exhibits (photos, petitions, etc.) given to the City become the property of the City.
- Please silence all cellular phones, beepers, pagers or other noise making devices.
- Be considerate of others who wish to speak by limiting your comments to a reasonable length, and avoiding repetition of what has already been said. Individuals may be limited to two minutes and group representatives may be limited to five minutes.
- Refrain from congregating near the doors or in the lobby area outside the council room to talk as it can be very noisy and disruptive. If you must carry on conversation in this area, please be as quiet as possible. (The doors must remain open during a public meeting/hearing.)

## Public Hearing v. Public Meeting

If the meeting is a **public hearing**, the public may participate during that time and may present opinions and evidence for the issue for which the hearing is being held. In a public hearing there may be some restrictions on participation such as time limits.

Anyone can observe a **public meeting**, but there is no right to speak or be heard there - the public participates in presenting opinions and evidence at the pleasure of the body conducting the meeting.

**ALPINE CITY COUNCIL PUBLIC HEARING AND MEETING**  
**Alpine City Hall, 20 North Main, Alpine, UT**  
**June 23, 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: Lon Lott, Kimberly Bryant, Roger Bennett, Will Jones, Troy Stout (participated by phone)

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Steve Cosper

Others: Sheldon Wimmer, Norine Garrett, Eric Ellis, Jace Ritchie, Jackson Ritchie, Alex Johnson, Louise Johnson, Greg Zippi, Tricia Zippi, Clayton Johnson, Jane Griener, Marianna Richardson, Melanie Ewing, Bob Evensen, Mike Russon, Erin Darlington, April Cooper, Bryan Hofheins, Ron Madson, Janet Williams, Darren Gooch, Emily Gooch, Benjamin Gunn, Loraine Lott, Jeff Davis, Sheri Davis, Carla Merrill,

Mayor Watkins welcomed the candidates for City Council - Jane Griener, Marianna Richardson, Carla Merrill.

**B. Prayer:** Kimberly Bryant

**C. Pledge of Allegiance:** Brian Burr

**II. PUBLIC COMMENT:**

- Jane Griener said she wanted to clarify comments made at the previous meeting about whether or not she had committed to not run for City Council when she was appointed to the Planning Commission. She said she had not made any commitment to not run for Council, and in fact had earlier stated her interest in running.
- Melanie Ewing proposed revisiting who managed Alpine's parks for recreational sports. There had been talk about making sure Alpine residents got to use their parks whether it was through a city sponsored ball club or not. She said she was not suggesting that they hire a parks and recreation person but they did need to talk about a calendaring option so there was a fair use of Alpine's parks and that was not happening. Don Watkins said they had discussed this issue the previous year. Will Jones had helped on it and was also involved on in the soccer program. He suggested they put it on a future agenda. Kimberly Bryant said she'd had parents talk to her about this because they were driving past Alpine parks all the time and going to practice in parks out of town.
- Mike Russon wondered if there could be a discussion on water restriction in light of the extreme heat and the proposed annexations. As a shareholder in the Alpine Irrigation system, he wondered if they really did have a shortage of water or just a shortage of infrastructure. He said he didn't know why the whole city was restricted and wondered why people with larger lots were subject to the same time restrictions as people with smaller lots. Don Watkins said it was a timely issue and he would have staff prepare a presentation. Rich Nelson said that when Shane Sorensen finished the water study, it would be a good time to have a comprehensive discussion. He asked Mr. Russon to send him an email so he could notify him when it was on the agenda.
- Brian Burr said that since they were allowed half the water, they should be paying half a water bill. Will Jones said that when the water was low they had no flow so the City had to pump more, which cost more. Shane Sorensen said the City had a PI bond payment which didn't change whether there was a drought or not.
- Alice Cosper said she had attended the County Commission meeting held earlier that day regarding American Fork Canyon and the proposal that Snowbird Ski Resort expand into the canyon. She said Brad Frost from the American Fork City Council said they were going to adopt a resolution that evening to protect American Fork Canyon. They were encouraging other cities in Utah County to do the same. Mayor Watkins said he had received a copy of the resolution that Mayor Hatfield was endorsing. He sent a copy

1 to the Council and the citizen group make a presentation at their next meeting. Lon Lott said the issue had  
 2 also been discussed at the Mountainland Association of Governments meeting and Brad Frost made a  
 3 presentation. Several from Alpine had been present including Scott Woodward and Representative Mike  
 4 Kennedy. Mr. Lott said it was a very spirited meeting. The president of Snowbird had been there and said  
 5 he would like more involvement and would like to see the mayors of the cities involved. Commission Lee  
 6 was there along with special interest group representing the ATV users, hikers and horsemen.

### 8 III. CONSENT CALENDAR

9  
 10 **A. Approve the minutes of June 9, 2015**

11 **B. Art Exhibit Agreement**

12 **C. Bond Release – Bennett Farms, Plat F – Roger Bennett - \$313,624.49**

13 **D. Bond Release – Heritage Hills, Plat C – Downing Akin - \$49,834.97**

14  
 15 **MOTION:** Will Jones moved to approve the Consent Calendar and look at item B separately. Lon Lott seconded.  
 16 Ayes: 4 Nays: 0. Will Jones, Lon Lott, Kimberly Bryant, Troy Stout voted aye. Roger Bennett abstained. Motion  
 17 passed.

18  
 19 Regarding item B, Will Jones said he was concerned that they were accepting responsibility for someone else's  
 20 artwork, which would place some liability on the City. In addition, it opened the door to others who might want to  
 21 hang their artwork in City Hall under the same conditions.

22  
 23 **MOTION:** Will Jones moved to not approve the Art Exhibit Agreement. Lon Lott seconded. Ayes: 5 Nays: 0. Will  
 24 Jones, Lon Lott, Roger Bennett, Troy Stout, Kimberly Arnold voted aye. Motion passed.

### 25 IV. REPORTS AND PRESENTATIONS

26  
 27  
 28 Mayor Watkins introduced Eric Ellis who was the recently appointed Executive Director of the Utah Lake  
 29 Commission. Troy Stout had been assigned to be Alpine City's representative on the Utah Lake Commission.

30  
 31 Mr. Ellis reviewed some of the projects that were happening around the lake which would impact Alpine and other  
 32 cities.

- 33 • They were working to complete a trail system that would connect a variety of locations around the valley. It  
 34 would include completing a section of trail from the Utah Lake State Park along the lake all the way to  
 35 Lehi. They were adding a trail to connect the Murdock trail to the Provo River trail, as well as others.
- 36 • They were also looking at a nature research center. They would like to expand the 4th grade field trip  
 37 program to include 7th graders to let them know about the world of water and ecology.
- 38 • They had removed about 18.4 million carp from Utah Lake. In the beginning they had about 30,000  
 39 million carp. the intent was to remove 75 to 80 percent of the carp. At that point, the population would  
 40 begin to crash so other species could take hold.
- 41 • They were working on ridding areas around Utah Lake of the phragmite infestation. With heavy machinery,  
 42 they trampled the 5,000 to 6,000 acres of phragmite then treated it with chemicals.
- 43 • The Adopt a Shoreline program where groups picked up garbage along the beaches was going well.
- 44 • They had a Utah Lake Festival in June which was very well attended.

45  
 46 Will Jones asked if there were plans to dredge Utah Lake because the murkiness and bugs made the lake  
 47 unappealing to use. Ellis said the majority of the lake was deep enough for boating. They hoped to have funding to  
 48 dredge the access points of the lake. They also planned to dredge two areas on the north end. It would not be  
 49 financially feasible to dredge the whole lake. Regarding the murky water, Mr. Ellis said there was a hypothesis that  
 50 if they could get rid of the carp that stirred up the bottom, and address the nutrients and runoff that went into the  
 51 lake, they could clear up the water.

### 52 V. ACTION/DISCUSSION ITEMS

53  
 54 **A. PUBLIC HEARING ON OBEREE ANNEXATION**  
 55

1  
2 David Church said that earlier in the year the City had received an annexation petition for the Zolman property and  
3 other properties on the north side of town. The City accepted the petition and went through the process to ensure that  
4 it met the requirements for annexation. A notice was published in the newspaper and a 30-day protest period was  
5 hold. No protests were received. The next step was to hold a public hearing. After that the Council would pass or  
6 deny an ordinance to annex. If the Council adopted the ordinance, they would also adopt a zoning designation for  
7 the property and typically they adopted a development plan. If no zoning was designated, there was a default zoning  
8 where the zone of the contiguous piece of ground with the largest boundary applied. If the council voted to not  
9 annex, the process ended. When a city knew there was going to be immediate development of the annexed land,  
10 they negotiated a development agreement as a precondition to annexation. There was no development agreement for  
11 the Oberee annexation at that point. At an earlier meeting, Troy Stout had made a motion to negotiate a development  
12 agreement for no more than 31 lots. Mr. Church said he had met with Paul Kroff who represented the property  
13 owners. Mr. Kroff indicated that 31 lots would not work for them.

14  
15 Don Watkins opened the public hearing to take comments.

16  
17 Paul Kroff said he had received a request from the property owners of the Oberee annexation asking that the Council  
18 postpone a final vote since Steve Zolman had been out of town and was unable to attend the meeting that evening.  
19 However, based on the conversation he'd had with Mr. Zolman, Mr. Kroff felt the City would be interested in  
20 talking with him about a development plan. Mr. Kroff said he would still welcome a public hearing and asked that  
21 they should go forward with it because he'd like to hear the input.

22  
23 Members of the Council indicated they wanted to go forward with the public hearing.

24  
25 Mike Russon on north Grove Drive said it was hard to have a fair public discussion for two reasons. The first issue  
26 was water. What impact would these new large developments have on water if they were already suffering a water  
27 shortage? The second issue was the road. The developers had not been clear about how they were going to fix the  
28 road.

29  
30 Craig Zippi on Alpine Cove Drive said he was confused about what to address if there was going to be a new  
31 proposal. He would like to see that the proposal in order to comment.

32  
33 Dave Hanson on Moyle Drive said he would echo Mr. Russon's concerns about water.

34  
35 April Cooper on Birch Circle said that placing stop signs at the corner on Grove Drive should help solve some of the  
36 safety concerns about road instead of allowing people to just go around the corner. Regarding water, she said that it  
37 was her understanding that when Packs were going to annex into the City in 2008, they had plenty of water which  
38 they were going to give to the City to meet the water policy for annexation. It was her understanding that  
39 landowners who annexed into Alpine City had to bring water rights with them.

40  
41 Marianne Richardson on Eastview Lane said she was concerned about not knowing the density of the development  
42 before they made a decision. She was also concerned about the roads that would be added by the development. She  
43 would like to know what the developer was proposing for water and roads.

44  
45 Bryan Hofheins on Prospect Lane said he was never surprised when a developer said a development plan wouldn't  
46 work because they didn't have enough lots. He said the City did not need to be concerned about the financial  
47 viability of a development. When the City made a decision on what was the best density for the City, it was up to the  
48 developer to come up with a plan that complied. If it didn't work, the City should say that was their offer and the  
49 developer could make it work or move forward.

50  
51 April Cooper asked if the 70 acres in the conservation easement was permanent. The answer was yes.

52 David Church said the easement agreement could not be altered without the consent of the City and the landowners.  
53 The City owned the easement.

54  
55 Troy Stout said the agreement was that it was private open space with limited access. It would have aesthetic value  
56 but no usable value.

1  
2 Bob Evensen on Elkridge Lane said it was not just a matter of water and the environment. Some consideration had  
3 to be given to the main tributaries that accessed the property, such as Highland Boulevard and Alpine Highway. It  
4 was not just a question of water and the environment. They needed to look at the traffic impact was well.

5  
6 Mayor Watkins closed the public hearing.

7  
8 **B. Ordinance No. 2015-10 Oberee Annexation:** David Church said he wanted to explain so everyone  
9 understood the situation. The City had complied with all the requirement for annexation according to state law. The  
10 City Council may then vote to deny the annexation or accept it, or the landowners my withdraw their petition. If  
11 they approved the petition that evening, it would be without any development plan because no plan had been  
12 negotiated. The Council could choose to approve the annexation and designate a zone of say, CE-5 or CR-40. If the  
13 landowner agreed with being annexed into whatever the Council designated, they could begin to design a  
14 development that conformed with the requirements of the particular zone. The development would go through the  
15 same process that every other development in the City went through. They would talk about sewer and water and  
16 roads. But in most annexations, those issues were already worked out prior to annexation.

17  
18 Greg Zippi said that if that was the case, the City should annex into a CR-40,000 zone. Will Jones explained that the  
19 CR-40 zoning wouldn't necessarily result in one-acre lots. If it was a PRD, that would allow a net density of one  
20 home per acre but the lots sizes could go down to half-acre lots.

21  
22 Mr. Zippi said that it would be good if they could find the appropriate zone because it was a City issue and the City  
23 should control it.

24  
25 The City Council was then invited to discuss the issue.

26  
27 Rich Nelson said that he would be reluctant to annex any property without a development agreement.

28  
29 **MOTION:** Lon Lott moved to postpone a vote on the Oberee annexation until a development agreement was  
30 provided. Troy Stout seconded. Ayes 4 Nays: 0. Lon Lott, Troy Stout, Kimberly Bryant, Roger Bennett voted aye.  
31 Will Jones abstained. Motion passed.

32  
33 **C. Food Truck Program:** Mayor Watkins said he was getting tons of positive comments on the food  
34 trucks in Alpine.

35  
36 Rich Nelson said the Council had reviewed the food truck proposal at the meeting of May 26, 2015 and agreed to  
37 give it a trial run for 30 days, then bring it back and discuss it. It had been quite successful. The question was, were  
38 there any other comments, and what did the Council want to do? Did they want it to continue as it was or change the  
39 direction. Did they want to send out RFPs to run next year's program?

40  
41 Mayor Watkins said there seemed to be a need in Alpine for food trucks since there weren't many places to eat. He  
42 asked if they wanted to consider having a food truck rally in Creekside Park on Fridays for the following year.

43  
44 Lon Lott asked if statistics had been kept and if it would be viable in another spot.

45  
46 Clayton Johnson who was the manager of the food truck rally and owner of Pyromaniac Pizza said there were no  
47 statistics, but they were making money. He said the park was very well used. He said people were coming there with  
48 chairs and blankets and balls. It was a community gathering. He said some lines at some trucks were longer and  
49 lines at other trucks were shorter.

50  
51 Troy Stout said he had loved the sense of community he'd experienced at the rally, even when it rained. He would  
52 like to consider opening up another night so more trucks could participate. He asked if there had been a problem  
53 with trash and was told there hadn't.

54  
55 Will Jones said he attended all but two nights of the truck rally. The people loved what was there but they'd tried all  
56 the variety of food and would like to try more. He said he also had safety concerns about cars and trucks and

1 children trying to cross the street. For safety, he suggested they put up parking barricades 30 feet back from the  
2 crosswalks so there was better visibility for people crossing the road.  
3

4 Clayton Johnson said he agreed about the crosswalk. Regarding the issue of additional trucks and the rotation of  
5 trucks, he asked that they be fair and sensitive. He said there were several parties who were not involved in the event  
6 and had asked to be involved. Some of them were very courteous. Others were not. He said that if the City did want  
7 to include more trucks in the event, it would increase his work load substantially but if that was what they wanted,  
8 he would do it. He said he would prefer to add more trucks rather than take trucks away because he'd made  
9 commitments to the truck owners.  
10

11 Lon Lott agreed about the safety issues. He'd attended with two small children and the traffic was frightening. The  
12 construction work on Main Street made it worse.  
13

14 Mayor Watkins asked Police Chief Brian Gwilliam if he had some advice on safety. Chief Gwilliam said he would  
15 attend the next rally and look at it.  
16

17 Will Jones reiterated that he thought they should not allow parking within 30 or 40 feet of the crosswalk.  
18

19 **D. Box Elder South Annexation Discussion:** Will Jones said Box Elder South was a subdivision already  
20 approved in the county with 59 lots. Alpine City was supplying water and sewer service to the subdivision. The  
21 infrastructure had been built according to Alpine City standards. He suggested the City discuss annexing the  
22 subdivision, first in the Planning Commission and then the Council. Rich Nelson had supplied the numbers showing  
23 the revenue that would come into Alpine City if it was annexed as well as the costs. Mr. Jones said that because the  
24 subdivision was adjacent to Lambert Park, the Council had been discussing building a fence between the  
25 development and Lambert Park to help protect the park from ATV traffic. He suggested that instead the City  
26 building the fence, they have the homeowners association require consistent fencing around the lots. He said that  
27 Box Elder South would be charged the same water fees as the Box Elder subdivision.  
28

29 Kimberly Bryant said the second access issue was crucial and they needed to consider that. Will Jones asked what  
30 she would change because the subdivision had already been approved by the County.  
31

32 Troy Stout said that currently the county would be responsible for the secondary access and the City was not  
33 obligated to provide a secondary access. He said there were those who wanted to see a paved road through Lambert  
34 Park. He wondered if Alpine City would be required to pave the road through Lambert Park if it was annexed.  
35

36 Shane Sorensen said the secondary access was already there but he didn't know if paving that would be a  
37 requirement of annexation. Will Jones said they would be annexing as it was.  
38

39 Kimberly Bryant said that in previous annexations there was always a question about a secondary access.  
40

41 Troy Stout said they had been discussing another annexation and the second access was an issue for that. He asked  
42 David Church if the City could annex it without a paved secondary access when they were requiring that for other  
43 annexations.  
44

45 David Church said the City could bring it in without committing to pave the road. He said the development was  
46 going to be built whether it was in the City or in the County. The questions was, did they want it to be built in the  
47 City or the County? No one was living in Box Elder South as yet and if they were going to annex it, it would be  
48 better to do it when there was only one landowner to deal with. There was a short window in which they could  
49 annex but it would not change the City's obligation on the road.  
50

51 Troy Stout said they needed to look at both the short term and long term economic gain. Would they just be  
52 breaking even? He asked if the developer had offered the City anything in exchange for annexation. David Church  
53 said the developer had not asked to be annexed into the City.  
54

55 Will Jones said annexation would cost the developer more to be in the City because fees in the City were greater. He  
56 said his calculations show the annexation as a positive for the City. He reviewed the numbers provided by Rich

1 Nelson which were: The estimated one-time revenue to Alpine City for 59 lots would be \$1,008,841.00 for  
2 construction and impact fees. Ongoing annual revenue would be \$108,987.75 for 59 lots. The cost of sewer and  
3 operational costs would be \$105,551.00 for a net annual revenue of \$3,435.76.

4  
5 Mayor Watkins said it appeared to be a wash. Will Jones said the reason it appeared to be a wash was because they  
6 were including the fixed costs the City already had. Those costs would actually be reduced because they would be  
7 spread out among more people and individual citizens would be paying less. One difference was that sewer service  
8 to users outside Alpine were charged an extra \$30 a month.

9  
10 Kimberly Bryant asked about the cost of snow removal in the at area because it could be very expensive. She said  
11 she couldn't get snow removal at her house. Would they buy another truck? Will Jones said that was possible  
12 because they would have an additional \$492 per resident.

13  
14 Mayor Watkins asked the Council what they wanted to do on this issue.

15  
16 **MOTION:** Lon Lott moved to send the Box Elder South annexation question to the Planning Commission to have  
17 it vetted out and have them make a recommendation. Roger Bennett seconded. Ayes: 3 Nays: 2. Lon Lott, Roger  
18 Bennett, Will Jones voted aye. Kimberly Bryant and Troy Stout voted nay. Motion passed.

19  
20 Ron Madson said the Council was talking about fencing the subdivision, but when the County vacated those roads  
21 and trails, they said there could be no fences.

22  
23 Will Jones said he was only talking about people fencing their yards, not the roads and trails.

24  
25 April Cooper said the annexation of Box Elder South seemed to be more of a financial issue and asked if the  
26 Planning Commission dealt with financial issues. She wondered why they were passing it to the Planning  
27 Commission.

28  
29 Mayor Watkins said the Planning Commission could hold a public hearing to gain insight on the thoughts of the  
30 citizens.

31  
32 David Church said all cities were required to have an annexation policy and the planning commission was involved  
33 in developing it. Regarding this particular piece of ground, the City's current Annexation Policy designated it as  
34 open space. If they City entertained the possibility of annexation, they would need to amend the City's Annexation  
35 Policy Plan, which could be done in three weeks or it could take three years.

36  
37 Kimberly Bryant asked why they would want to annex Box Elder South. Will Jones said they would be using Alpine  
38 City's roads, water, sewer, parks whether they were in the County or in the City. It made sense to make it part of  
39 Alpine.

40  
41 Don Watkins said there were members of the City Council who said they were concerned about safety. That  
42 subdivision was surrounded by dry property that was subject to fire. It should never have been approved. He said  
43 that if they annexed the subdivision, the citizens would demand a paved road through Lambert Park. Council  
44 members who said they were in favor of safety would feel obligated to put in a paved road.

45  
46 **E. Amending Alpine City Council Rules of Procedure for Public Meetings - Resolution No. R2011-**  
47 **04:** This item was postponed.

48  
49 **F. Lambert Park Fence:** This item was postponed because no plan had been submitted.

50  
51 **G. Bookmobile Agreement:** This item was discussed at the meeting of June 9, 2015 and was tabled,  
52 pending discussion with the County. Rich Nelson had communicated with the County regarding visits and the  
53 number of hours they came to Alpine. The bookmobile had been having mechanical issues and was unable to go to  
54 the different cities.

1 **MOTION:** Will Jones moved to approve the Bookmobile Agreement for fiscal year 2015-2016. Lon Lott  
2 seconded. Ayes: 4 Nays: 0. Will Jones, Lon Lott, Roger Bennett, Troy Stout voted aye. Motion passed. Kimberly  
3 Bryant was absent during the vote.  
4

5 **H. Ban on Motorized Vehicles in Lambert Park:** Lambert Park had roads especially designated for  
6 motorized vehicles but people were not staying on those roads and were not obeying speed limits. Due to damage  
7 and safety issues in Lambert Park from people on motorcycles and ATVs, Mayor Watkins opened a discussion on  
8 the possibility of banning their use.  
9

10 Dave Hansen said he lived on Moyle Drive and was new to the area. There was a fair amount of motor bikes and  
11 razors zooming up and down the street. He said he'd been in the Lambert Park on a mountain bike and it was scary  
12 to have someone come around the corner on a motor bike and just about take you out.  
13

14 Darren Gooch said he had a comment on Box Elder South but had been unable to comment earlier in the meeting.  
15 He asked what they were going to do with Lambert Park and the roads if it annexed? Mayor Watkins said it would  
16 be discussed at the Planning Commission and could be addressed at that meeting.  
17

18 Jeff Day on Eastview Drive said he didn't want to see anyone die. He was in favor of restricting motorized vehicles  
19 in the park.  
20

21 Bryan Hofheins on Prospect Lane said he liked the park to be a multiuse park. He suggested they have signage and  
22 put up boulders and do trail work to control the motorized vehicles. They needed to monitor the accesses where the  
23 vehicles came into the park.  
24

25 Marianne Richardson on Eastview Lane said she agreed that no one should die up there but she realized a lot of  
26 people enjoyed riding their vehicles in the park. Was there some way of getting the Youth Council involved and  
27 have them report when there were violations. The recent accident happened because no one was watching.  
28

29 Kimberly Bryant said she was over the Youth Council. The Youth Council had actually been assigned to study the  
30 issue a while ago and came back with a recommendation to allow motorized vehicles. She wondered if they could  
31 put some boulders up there and have people report people who were violating the rules.  
32

33 Will Jones said one of the problems they had was that people who were on bikes were moving more slowly and the  
34 motorized vehicles went by so fast it was hard to see who it was.  
35

36 Troy Stout said he'd been up there the previous week and reported kids shooting firearms by the water tank. He said  
37 he liked being able to offer a multiple use park, but on the other hand, he'd been up there and watched a group of  
38 adults come barreling up the road on motorized vehicles. It was primarily a youth issue but it was also an adult issue.  
39

40 There was a discussion about having an officer in the park to enforce the regulations. Rich Nelson pointed out that  
41 Alpine had one officer in the daytime and Highland had one officer. Did they really want to take an officer off the  
42 streets and put them in Lambert Park? If not, were they willing to fund another officer to patrol the park?  
43

44 It was suggested they send out a notice to the owners of ATVS, motorcycles, etc.  
45

46 Chief Brian Gwilliam said vehicle registrations were a state record and they had no way to access it. He said it  
47 would be more realistic to enforce a complete ban on motorized vehicles than trying to catch up with violators who  
48 were off the designated roads and could disappear into the brush.  
49

50 Jane Griener said they needed to include something about being law abiding citizens on the regular roads. Her  
51 husband almost killed a boy who was coming out of his driveway into the road. She said they had a steady stream of  
52 OHVs going up and down her street.  
53

54 **MOTION:** Roger Bennett moved to close Lambert Park to unauthorized motorized vehicles except for the two  
55 weeks when the poppies were out, and hold a public hearing on the issue. Troy Stout seconded. Ayes: 2 Nays: 3  
56 Roger Bennett and Troy Stout voted aye. Kimberly Bryant, Lon Lott, Will Jones voted nay. Motion failed.

1  
2 **MOTION:** Will Jones moved to hold a public hearing in three weeks to discussion banning motorized vehicles in  
3 Lambert Park except for the two weeks when the poppies were out. Troy Stout seconded. Ayes: 5 Nays: 0. Will  
4 Jones, Troy Stout, Kimberly Bryant, Lon Lott, Roger Bennett voted aye. Motion passed.  
5

6 Roger Bennett said there used to be a problem with motorized vehicles in the wilderness areas until they started  
7 charging a fine and impounding the vehicles.  
8

9 Carla Merrill on Heritage Hills said that if people were breaking the law now, they would continue breaking the law  
10 even if it changed. She suggested they have the Youth Council patrol the park and use their cell phones to alert the  
11 police.  
12

13 Kimberly Bryant said that as wonderful as the kids were, they were reluctant to report other kids. They had tried to  
14 encourage them to report their friends who had drug problems and it didn't work.  
15

16 Ms. Merrill said they wouldn't necessarily be reporting their friends. It would be the entire community. As soon as  
17 there were one or two fines and impounded vehicles, it would stop.  
18

19 Brian Gwilliam said that if that was the direction the Council wanted to go, he would have his officers educate and  
20 give warnings the first few days, then issue citations. After half a dozen citations, the word would get out.  
21

22 Lon Lott said that after the accident up there, he got a lot of calls from citizens concerned that they would no longer  
23 be able to ride up there because of the carelessness of others.  
24

25 Kimberly Bryant said she could no longer walk in Lambert Park because of her knee but she could go on a four-  
26 wheeler.  
27

28 Troy Stout asked if the City had funds for temporary additional law enforcement in Lambert Park for a week on,  
29 then a week off and then for another week. Rich Nelson said they did if they wanted to use it for that.  
30

31 Brian Gwilliam said he expected it would have the same effect as speed enforcement on Grove Drive. After the  
32 police issued tickets, people were good for a few weeks, but then the same behavior resumed.  
33

34 Troy Stout asked if they needed a super majority vote to ban motorized vehicles. David Church said they did not. It  
35 was simply a designation. The City's ordinance stated that motorized vehicles were allowed in Lambert Park in  
36 designated areas. It would just change the designation. There needed to be signage and enforcement regarding the  
37 designation.  
38

39 Will Jones said the problem was that all the signs prohibiting motorized vehicles had been torn out. The area by the  
40 rodeo ground used to be grassy and now it was a donut circle. The trail committee put in some rocks to block it and  
41 the next day the rocks were gone. Safety was an issue not to mention fire. With all the dry grass, a four-wheeler  
42 could spark a fire. There was a new trail up the hillside someone started with a four wheeler. They had to run over  
43 grass and sagebrush to get there. They problem was they didn't just stay on the roads. They dug up the hillsides. And  
44 now the City was looking at having another 59 lots up there with more razors and more four wheelers.  
45

46 Kimberly Bryant said there was nowhere else in Alpine to legally ride four wheelers.  
47

48 Chief Gwilliam said they could if they were street legal and the operator was a licensed driver. If it was illegal, the  
49 police could cite the driver or the parent and impound the vehicle.  
50

## 51 **VI. EXECUTIVE SESSION**

52

53 **MOTION:** Will Jones moved to go to Executive Session to discuss land acquisition. Kimberly Bryant seconded.  
54 Ayes: 5 Nays: 0. Will Jones, Roger Bennett, Kimberly Bryant, Lon Lott, Troy Stout voted aye. Motion passed.  
55

56 The Council went into a closed meeting at 9:25 pm.

1  
2 The Council returned to open meeting at 9:34 pm.  
3

4 **VII. STAFF REPORTS**  
5

6 Shane Sorensen reported on a number of items:  
7

- 8
- 9 • The restrooms had been located in Moyle Park.
  - 10 • They were now working on the tennis courts in Burgess Park.
  - 11 • Questar was continuing work on Canyon Crest Road. The work on the west side of town was progressing well.
  - 12 • The sewer project was continuing. They were having to pump two-thirds of the city sewage in the this project and the pipes could not touch the ground so it was very slow going.
  - 13 • Serious open space encroachments had been noted in the Healey Heights subdivision. One resident had expanded his landscaping into the public open space by 7,000 square feet and was watering it. Along with the encroachment, he was using water that he was not paying for.
  - 14 • There were also open space encroachments in the Silverleaf and Twin River subdivisions including fire pits and playgrounds.
- 15  
16  
17  
18  
19

20 Rich Nelson reported that the fire restrictions would be the same as they were last year. People outside the permitted fireworks area would be able to go to Creekside Park and set off their fireworks. They would advertise it on the webpage and in the Newsline.  
21  
22  
23

24 Police Chief Brian Gwilliam thanked the Council for being supportive of the police department. It went a long way toward building morale in the police department.  
25  
26

27 **VIII. COUNCIL COMMUNICATION**  
28

29 Mayor Watkins said that if there was a wedding or something up Fort Canyon, they should notify the police so they didn't go up there and ticket cars.  
30  
31

32 **MOTION:** Kimberly Bryant moved to adjourn. Will Jones seconded. Ayes: 5 Nays: 0. Kimberly Bryant, Will Jones, Roger Bennett, Lon Lott, Troy Stout voted aye. Motion passed.  
33  
34

35 The meeting was adjourned at 9:49 pm.  
36  
37  
38  
39  
40

**ALPINE CITY COUNCIL AGENDA**

**SUBJECT: Ban on Motorized Vehicles in Lambert Park.**

**FOR CONSIDERATION ON: July 14, 2015**

**PETITIONER: Alpine City Council**

**ACTION REQUESTED BY PETITIONER: To hear from residents on this issue and to decide to not only continue the ban on motorized vehicles in Lambert Park but to enforce that ban.**

**INFORMATION: At the previously City Council meeting the Council voted to hold a public hearing on banning motorized vehicles in Lambert Park.**

**City ordinances address this issue in two different sections. Under 3.16.7 PUBLIC RIGHT OF WAY (ROW) THROUGH OPEN SPACE, Section 3.16.8 GENERAL RESTRICTIONS “Certain restrictions apply to all publicly-owned space, regardless of designation. 1. Unless specifically authorized, no motorized vehicles are allowed.” Under Section 3.17.6 GENERAL RESTRICTIONS, 3.17.6.1 General Restrictions: Certain restrictions apply to all publicly-owned trails, regardless of designation. “1. No motorized vehicles shall be allowed on trails except for vehicles performing trail maintenance, emergency vehicles, and motorized wheel chairs on trails which are ADA (American Disability Act) accessible. Non-motorized use is subject to a fine of up to \$500. (Ord. 96-09)”**

***RECOMMENDED ACTION: That the Council decide if they want to ban motorized vehicles in Lambert Park as allowed under City ordinances and if they want to enforce such ban.***

## ALPINE CITY COUNCIL AGENDA

**SUBJECT: Support of Local Option General Sales Tax Dedicated to Transportation.**

**FOR CONSIDERATION ON: July 14, 2015**

**PETITIONER: Rich Nelson, City Administrator**

**ACTION REQUESTED BY PETITIONER: That the City Council consider whether to support this resolution that is the result of the work of the Utah League of Cities and Towns at last year's legislature to increase funding for transportation needs.**

**INFORMATION: This information has been presented to the Council in previously meetings and emailing's. The information can all be found at: [ulct.org/sample resolutions](http://ulct.org/sample%20resolutions). Once you go there, right under the sample resolutions there is information titled: additional H.B. 362 documents.**

***RECOMMENDED ACTION: That the City Council decide if they want to support Resolution No. "Support of Local Option General Sales Tax Dedicated to Transportation".***

## **RESOLUTION NO. R2015-08**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, UTAH, SUPPORTING THE HB362(2015) AUTHORIZING 0.25% OF LOCATION OPTION GENERAL SALES TAX DEDICATED TO TRANSPORTATION, ENCOURAGING THE COUNTY OF UTAH TO SUBMIT THE PROPOSAL TO VOTER IN NOVEMBER 2015, AND ENCOURAGING VOTERS TO SUPPORT THE PROPOSAL.**

**WHEREAS**, a safe and efficient transportation system creates the foundation for economic growth, improved air quality and public health, and enhanced quality of life; and

**WHEREAS**, the creation and maintenance of transportation infrastructure is a core responsibility of local government; and

**WHEREAS**, Utah's population is expected to grow by 2 million residents by 2040; and

**WHEREAS**, Alpine City's residents demand new comprehensive transportation options such as bike lanes, multi-use paths, off-road trails, and transit in addition to traditional roads; and

**WHEREAS**, due to our drastic shortfall in transportation revenue, Alpine City is using two hundred eighty three thousand dollars (\$283,000) from the general fund to supplement the Class B & C Fund revenue in order to try and meet our local transportation need; and

**WHEREAS**, research from the Utah Department of Transportation indicates that road rehabilitation costs six times as much as road maintenance, and road reconstruction costs ten times as much as road maintenance; and

**WHEREAS**, investing in transportation results in economic development for Alpine City and Utah County and accessible good-paying jobs for our residents; and

**WHEREAS**, improving comprehensive transportation in Alpine City and Utah County will reduce private vehicle usage which will in turn lead to improved air quality; and

**WHEREAS**, poor air quality discourages economic development, business recruitment and tourism visits, and contributes to asthma and other health ailments; and

**WHEREAS**, nearly 1 in 10 Utah adults suffer from asthma and struggle to breathe during poor air quality days; and

**WHEREAS**, nearly 57% of Utah adults are overweight, nearly 200,000 Utahns have diabetes, and diabetes and obesity related health care costs in Utah exceed \$700 million; and

**WHEREAS**, investing in safe and connected trails, bike lanes, sidewalks, and multi-use paths will encourage our residents to be more active, enable them to spend more time with their families via active transportation, and result in improved personal and community health; and

**WHEREAS**, Utah has created a Unified Transportation Plan to address these comprehensive transportation and quality of life issues; and

**WHEREAS**, the Utah State Legislature recognized the local transportation needs and enacted HB362 which authorized counties to impose and voters to approve a 0.25% local general sales tax dedicated to local transportation; and

**WHEREAS**, Alpine City will, upon county imposition and voter approval, receive 0.10 of the 0.25% sales tax to invest in critical local transportation needs.

**THEREFORE, BE IT RESOLVED VY THE CITY COUNCIL OF ALPINE, UTAH:**

**SECTION 1. Support the 0.25% of the Local Option General Sales Tax.** The Alpine City Council supports the proposed 0.25% Local Option General Sales Tax that the Utah County governing body may submit to voters in Utah County in November.

**SECTION 2. Encourage Submission of Proposal to Voters of Utah County.** The City Council urges the county governing body to submit the 0.25% local option general tax dedicated to transportation to voters of the county for the November 2015 election. The City Council also publicly supports the county governing body in submitting the 0.25% local option general sales tax dedicated to transportation to the electorate of the county.

**SECTION 3. Encourage Voters to Enact the 0.25% Local Option General Sales Tax.** The City Council encourages voters to carefully consider the potential impact from the 0.25% general sales tax local option and to support the enactment of the 0.25% local option general sales tax because of the potential impact explained below.

**SECTION 4. Road and Street Needs in Alpine City.** The City has significant traditional transportation needs that the municipal 0.10 portion could address. For example, the city has a backlog of road maintenance projects such as (insert info about potential projects). Adoption of the municipal 0.10 would enable the city to invest in the critical project that our residents expect.

**SECTION 5. Active and Alternate Transportation Infrastructure Needs in Alpine City.** The City has significant active and alternate transportation needs that the municipal 0.10 portion could address. For example, our residents are demanding improved sidewalks and pedestrian safety modes, enhanced bike lanes, better connectivity with transit, more traffic calming devices, and other modern transportation infrastructure (insert information). Investment in active transportation options will encourage residents to travel via walking, biking, and transit, result in a healthier population, reduced emissions, decreased health care costs, and improved quality of life. Adoption of the municipal 0.10 would enable the city to invest in critical projects that our residents expect.

**SECTION 6. Investment in Transit (if applicable).** The City supports continued investment in public transit because transit can help relieve traffic, promote walkable communities, and improve air quality. The transit system will receive 0.10 of the county imposed and voted approved 0.25% local option general sale tax. The City expects the transit system to utilize the revenues collected within the City for the projects that will expand local bus service, foster local and regional connectivity, and benefit the residents of the City.

**SECTION 7. Distribution of this Resolution.** A copy of this Resolution shall be sent to the Utah County governing body, the Utah League of Cities & Towns, the Utah Association of Counties, the Speaker of the Utah House of Representatives, the President of the Utah State Senate, State Representatives, and Senators who represent the City, and the Governor of Utah.

**SECTION 8. Effective Date.** This Resolution shall become effective upon passage.

APPROVED BY THE CITY COUNCIL OF THE CITY OF ALPINE, UTAH ON THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2015 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
<b>Roger Bennett</b>	_____	_____	_____	_____
<b>Kimberly Bryant</b>	_____	_____	_____	_____
<b>Will Jones</b>	_____	_____	_____	_____
<b>Lon Lott</b>	_____	_____	_____	_____
<b>Troy Stout</b>	_____	_____	_____	_____

Mayor: \_\_\_\_\_  
Don Watkins

Attest: \_\_\_\_\_  
Charmayne G. Warnock  
City Recorder

Approved as to form:

\_\_\_\_\_  
David Church  
City Attorney

## ALPINE CITY COUNCIL AGENDA

**SUBJECT: Preserve and Protect American Fork Canyon**

**FOR CONSIDERATION ON: July 14, 2015**

**PETITIONER: Mayor Don Watkins**

**ACTION REQUESTED BY PETITIONER: That the City approve a resolution in support of the resolution passed by Utah County in regards to the Mountain Accord and American Fork Canyon.**

**INFORMATION: Attached is a copy of the Daily Herald article on Utah County and the Mountain Accord. Also attached is a copy of the resolution passed by the Utah County Commission regarding the Mountain Accord opposing inclusion of land located in Utah County in the Mountain Accord. David Church, City Attorney, is developing a resolution for the City to consider adopting in regards to this issue. As soon as it written it will be forwarded to you.**

***RECOMMENDED ACTION: That the City Council consider whether they want to adopt a resolution in support of the action taken by Utah County regarding opposition to the inclusion of land located in Utah County in area considered in the Mountain Accord.***

## Commissioners ask Mountain Accord to delete county inclusion in land swap



14 HOURS AGO • DANIELLE DOWNS DAILY HERALD

**PROVO** — The three-man Utah County Commission passed a resolution Tuesday that opposes the inclusion of American Fork Canyon land in a potential land swap with Snowbird Ski and Summer Resort.

The resolution, which passed unanimously, comes on the heels of a proposed land exchange: 416 acres of public lands in American Fork Canyon's Mary Ellen Gulch for more than 1,000 acres of land owned by Snowbird in Little Cottonwood Canyon.

The exchange was drafted by Mountain Accord — an organization that aims to collaborate amongst 20 organizations and more than 200 stakeholders to make critical decisions in regards to the central Wasatch mountain range.

According to the county resolution, despite the inclusion of Utah County lands in the exchange, little to no effort has been made to include the county in the decision-making process.

As a result, Utah County Commissioners Larry Ellertson, Bill Lee and Greg Graves drafted a resolution that opposes the inclusion of county lands in the proposed land exchange and requests that Mountain Accord amend the draft by removing all references to Utah County lands.

“What it does is it puts the ball back in Utah County’s court so everybody that has a claim in this process can all be a part of it,” Graves said.

He added he’s excited for the approval of the resolution as it “gives citizens in Utah County a little more comfort that we hear them and we’re ready to represent them.”

According to Ellertson, “It really riled up the citizens when they heard the Accord folks were looking at making a trade in our canyon. This resolution was basically sending a message to Mountain Accord to let us work on our side and ... to acknowledge that the process for American Fork Canyon should be dealt with by the stakeholders on the Utah County side.”

Lee said he’s excited for the opportunity the resolution affords the commissioners to “start from a base position, yoke together and pull in the same direction” in regards to the canyon.

Mark Allen, co-founder of the Protect and Preserve American Fork Facebook page, said it was “beautiful” to see the resolution gain unanimous approval.

"It was wonderful to see the commissioners come together for a common purpose, recognize the voices of the citizens and be bold to protect our county boundaries from outside forces," he added.

Allen said interested parties are now waiting to see if Mountain Accord will create a new draft that does not include Utah County's 416 acres, as the resolution requested.

According to Laynee Jones, Mountain Accord program manager, the next version of the accord will be available on Thursday and will "take into account the resolution."

"We recognize the need for additional public dialogue. We haven't had enough public information and feedback in Utah County," she added.

**RESOLUTION OPPOSING INCLUSION OF LAND LOCATED  
IN UTAH COUNTY IN THE MOUNTAIN ACCORD**

WHEREAS, Mountain Accord, in its Program Charter, seeks to make integrated and critical decisions regarding the future of Utah's Central Wasatch Mountains, but does not include Utah County as a participant;

WHEREAS, Mountain Accord, in its Program Charter, purports to represent an unprecedented collaboration of public and private interests intended to address long-term transportation, environmental, economic, and recreation needs in the Central Wasatch region, but does not include Utah County as a participant;

WHEREAS, Mountain Accord, in its Program Charter, Section 4, specifies the geographic area within which Mountain Accord is to address its planning efforts;

WHEREAS, Mountain Accord, in its Program Charter, limits its area and stakeholders to Salt Lake County, Wasatch County and Summit County, and does not include Utah County; (Program Charter, Section 3.1)

WHEREAS, the Executive Board of Mountain Accord does not include a Utah County representative; (Program Charter, Section 5.1)

WHEREAS, the Management Team of Mountain Accord does not include a Utah County representative; (Program Charter, Section 5.2)

WHEREAS, Utah County has not been actively involved in the planning processes, hearings, meetings, or discussions related to the Mountain Accord process;

WHEREAS, Mountain Accord has generated a draft proposed agreement, designated as "Draft Accord-Version 3.0 June 23, 2015" (the "Draft Accord");

WHEREAS, the Draft Accord purports to recognize the geographic area limits of the Accord, as follows:

WHEREAS, the Program Charter defined the geographic area for Mountain Accord as portions of Salt Lake County, Summit County, and Wasatch County, bound on the west by the existing transportation backbone in the Salt Lake Valley, on the east by Park City, on the north by Parleys Canyon, and on the south by Little Cottonwood Canyon; (Draft Accord, page 1)

WHEREAS, the Draft Accord purports to represent the combined efforts and collaboration of more than 200 stakeholders, as follows:

WHEREAS, Mountain Accord conducted an extensive public process over the past year that brought together more than 200 stakeholders and experts to develop Existing Conditions and Future Trends; Visions, Goals, and Metrics; and Ideal Systems reports for the environment, recreation, transportation, and economy systems of the Central Wasatch that helped create a proposed Blueprint for the Central Wasatch; (Draft Accord, page 1)

WHEREAS, notwithstanding the geographic limits of the Mountain Accord Program Charter and the failure to include Utah County as a full participant, the Draft Accord includes land located in American Fork Canyon, within Utah County, including the proposed change of ownership of up to 416 acres from United States public ownership to private Snowbird Ski Resort ownership, as follows:

### **3.3 LAND EXCHANGE**

3.3.1. The parties recommend that the U.S. Forest Service analyze and potentially implement, through NEPA and public process, the land exchange concept as shown on Attachment 2. Land transactions are subject to valuation, land, title, and boundary descriptions, and mitigations resulting from the NEPA process.

3.3.2. Approximate acreages for the proposed land exchange portion of the land preservation package are listed below:

<b>Ski Area</b>	<b>Public Receives (approximate acreage)</b>	<b>Ski Area Receives (approximate acreage)</b>
Alta	Up to 603 acres	Up to 160 acres in base area

Snowbird	Up to 1,107 acres	Up to 43 acres in base area Up to 416 acres in American Fork Canyon
Brighton	Up to 200 acres	Up to 35 acres in base area 140 acre permit expansion in Hidden Canyon
Solitude	Up to 240 acres	Up to 50 acres in base area 70 acre permit expansion in Silverfork
TOTAL	Up to 2,147 acres	Up to 288 acres in base areas Up to 416 acres in American Fork Canyon 210 acres of permit expansions

3.3.3. The land exchange proposal will likely be executed through four separate U.S. Forest Service land exchanges and each will be on a value for value basis. For U.S. Forest Lands transferred to private ownership, the U.S. Forest Service must receive 100% of the transferred federal lands. At least 75% of the value of the federal lands must be in the form of private land within the Mountain Accord study area or American Fork Canyon transferred into federal ownership. Up to 25% of the value of the federal lands may be in the form of monetary payments.

3.5.1. Snowbird agrees to proceed with the exchange of the following lands (shown on Attachment 2): up to 1,107 acres of Snowbird's land, located in the upper watershed on Mount Superior, Flagstaff, White Pine, Days Fork/Cardiff for up to 43 acres of U.S. forest land around the Snowbird base area (and within Snowbird's existing permit boundary) and up to 416 acres of U.S. Forest land in American Fork Canyon. (See the Draft Accord)

WHEREAS, in exchange for the 416 acres of public lands located in Utah County going to private Snowbird Ski Resort ownership, Mountain Accord efforts would result in the benefit of public ownership of 1,107 acres of land located in Little Cottonwood Canyon which is presently in the ownership of Snowbird Ski Resort;

WHEREAS, Utah County, and other entities, are participating in a planning project entitled “American Fork Canyon Vision” (the “AFC Vision”) to determine the proper planning and appropriate use of American Fork Canyon (the “Canyon”);

WHEREAS, the stated purpose of the AFC Vision, is as follows:

Over the next year, we will collaborate with residents and stakeholders to conduct visioning for the Canyon, which is experiencing growing use and pressure every year. This process provides the opportunity to address new opportunities, challenges, and ideas for the Canyon’s future. The process will identify goals and principles to guide future decisions, and will detail policies and strategies for how future objectives for the Canyon can be realized. All of this will be carried forward in a formal Vision Document, including an implementation strategy and action plan for short-term (12 months), mid-term (5 years), and long-term (10+ years); (See [afcvision.com](http://afcvision.com))

WHEREAS, participants involved in AFC Vision have included the public and the following entities:

American Fork City  
Cedar Hills City  
Mountainland Association of Governments  
Save our Canyons  
Snowbird Resort  
Utah (Elected Officials)  
Sundance Resort  
Timpanogos Cave National Monument  
United States Forest Service  
Utah County  
Utah Department of Transportation  
Utah Elected Officials (State and Federal)  
Utah Transit Authority  
Wasatch County  
Wasatch Mountain State Park; (See [afcvision.com](http://afcvision.com))

WHEREAS, the Canyon is an important natural resource for all of the residents of Utah County and Utah County desires to receive and carefully consider the public input, along with the input of all other interested parties, regarding the planning for the Canyon and the appropriate uses for this critical watershed, important recreational resource, and environmentally sensitive area; and

WHEREAS, Utah County desires to fully participate in the AFC Vision process to assist in the planning for the Canyon, which process may, or may not, result in plans and goals consistent with the proposed ownership change of the 416 acres, as contained in the Draft Accord.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Utah County, Utah, as follows:

1. Utah County requests that the Draft Accord, and the related attachments, and any subsequent version thereof, be amended to recognize and defer issues involving American Fork Canyon and other area resources to Utah County, and related stakeholders.
2. Utah County requests that the Draft Accord, and the related attachments, and any subsequent version thereof, be amended to delete all provisions dealing with land located within Utah County, and that the Draft Accord be specifically amended to delete all provisions related to the proposed change of ownership of land located in American Fork Canyon from public ownership to ownership by Snowbird Ski Resort, including any property exchanges involving land located in Utah County.
3. Utah County requests that the Draft Accord, and the related attachments, and any subsequent version thereof, be amended to delete those portions of Section 3.3 dealing with land located in American Fork Canyon, and that all of Section 3.5 of the Draft Accord be deleted.
4. This will allow Utah County, and all other stakeholders, to proceed with the planning process for American Fork Canyon and other area resources.

RESOLVED, APPROVED AND ADOPTED this 7<sup>th</sup> day of July, 2015.

BOARD OF COUNTY COMMISSIONERS  
UTAH COUNTY, UTAH

\_\_\_\_\_  
Larry A. Ellertson, Chair

\_\_\_\_\_  
William C. Lee, Commissioner

\_\_\_\_\_  
Greg Graves, Commissioner

ATTEST:  
BRYAN E. THOMPSON  
Utah County Clerk/Auditor

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
JEFFREY R. BUHMAN  
Utah County Attorney

By: \_\_\_\_\_  
Deputy

## ALPINE CITY COUNCIL AGENDA

**SUBJECT: Alpine City Council Rules of Procedure for the Public Meetings of the City Amendment.**

**FOR CONSIDERATION ON: July 14, 2015**

**PETITIONER: Council Members Will Jones and Roger Bennett**

**ACTION REQUESTED BY PETITIONER: That the Council amend RULE NO 9 by eliminating that rule and it replacing it with the language in the State code.**

**INFORMATION: Resolution No. R-2011-04 “A Resolution of the Governing Body of Alpine City Adopting Rules of Procedure for the Public Meetings of the City” was approved on February 8, 2011. It was drafted by David Church and sponsored by Council Member Kent Hastings. It is attached.**

***RECOMMENDED ACTION: That the Council decide if they want to replace Rule No. 9 or keep it the same or change it.***

**ALPINE CITY COUNCIL**  
**Meeting Procedures**

Recognizing that the City Council, as a legislative body, needs a systematic way of conducting its business, these rules of procedure are to provide for the orderly conduct of City business by the City Council, with the objective of providing for full, open, and comprehensive debate of issues brought before the City Council for action in a forum open to the public, and which encourages citizens' awareness of City Council activities.

These procedures do not increase or diminish the existing powers or authority of the Mayor or City Council members, as set forth in state law or local ordinance.

**CITY COUNCIL MEETING AGENDA**

All meetings of the Alpine City Council will have a notice and agenda that complies with the Utah Open Meetings Act

The agenda shall contain the following items and be in substantially the following form:

- I. CALL TO ORDER
  - A. ROLL CALL
  - B. PRAYER
  - C. PLEDGE OF ALLEGIANCE:
- II. PUBLIC COMMENT
- III. CONSENT CALENDAR, APPROVE MINUTES OF PREVIOUS MEETING
- IV. PUBLIC HEARING (AS NEEDED)
- V. ACTION ON PUBLIC HEARING
- VI. INVITED PRESENTATIONS
- VII. ACTION/DISCUSSION ITEMS
- VIII. STAFF REPORTS
- IX. COUNCIL COMMUNICATION
- X. EXECUTIVE SESSION (AS NEEDED)
- XI. ADJOURN

An Item may be placed on the agenda by the Mayor or at the request of any two council members.

Agenda Items must be submitted to the City Recorder at least 1 day before the date of the meeting. Any item that is submitted to the City Recorder after 1 day will be put on the next following meeting agenda. Requestor should notify the Mayor of the added agenda item.

**ROLE OF THE MAYOR AS COUNCIL CHAIR AND OTHER COUNCIL MEMBERS:**

- The Mayor shall preside at meetings of the City Council.
- Participate in discussion of all matters.
- Shall vote as a member thereof only in case of a tie or where otherwise specifically authorized to do so by state law, and shall have no power to veto.

In addition, the Mayor, as the Chair, has the primary responsibility for ensuring that the Council's rules of procedure are followed and:

- For maintaining the dignity of Council meetings.
- Calls the meeting to order and confines the discussion to the agenda.
- Recognizes Council members for motions and statements and may allow audience and staff participation at appropriate times.
- Requires knowledge of the Alpine City adopted rules of parliamentary procedure and how to apply it.
- Ensures that the Utah Open and Public Meetings Act is complied with.
- Knows how to courteously discourage Council members who talk too much or too often.
- Knows how to courteously ensure those who have the floor are not interrupted and to rule out of order those not following meeting procedures.
- Recognizes the Council member offering the motion, restates the motion, presents it to the Council for consideration, calls for the vote, announces the vote, and then announces the next order of business.

**CODE OF CONDUCT FOR CITY COUNCIL AND MAYOR INCLUDES:**

- Council members' remarks should always be directed to the Mayor.
- Remarks should apply to the question under debate.
- Shall avoid references to personalities, and refrain from questioning motives of other members or staff personnel.
- Demonstrate courtesy and shall not disrupt proceedings.
- Shall not use their positions to secure privileges or personal gains and shall avoid situations which could cause anyone to believe that they may have brought bias or partiality to a question before the City Council.
- Shall be dedicated to the principles of representative democracy by recognizing that the chief function of local government is to serve the best interests of the public at large while respecting individual rights.

- Shall be dedicated to the effective use of the City’s available resources.
- Shall refrain from any activity that would hinder their ability to be objective and impartial.
- City business shall be discussed in open, well-publicized meetings, except in rare situations in which Executive Sessions are authorized.

**PARLIAMENTARY RULES:**

The following may be referred to as the Alpine City’s Rules of Order and shall be the parliamentary rules for conducting the business of the City Council. The City Attorney will serve as the Parliamentarian, and will recommend rulings, upon request by the presiding officer, to all points of order raised during the proceedings. Each Rule is followed by a recommended Procedure and Purpose to explain the Rule and guide the Mayor and council members in its intended application.

**RULE NO. 1: The meeting is governed by the agenda and the agenda constitutes the City Council's agreed-upon roadmap for the meeting.**

*PROCEDURE.* Each agenda item can be handled by the Mayor in the following basic format:

*First*, the Mayor should clearly announce the agenda item number and should clearly state what the agenda item subject is.

*Second*, following that agenda format, the Mayor should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the Mayor, a member of the City Council, a staff person, or an invited person charged with providing input on the agenda item.

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*Seventh*, if the motion is made and seconded, the Mayor should make sure everyone understands the motion. This is done in one of three ways: (1) The Mayor can ask the maker of the motion to repeat it. (2) The Mayor can repeat the motion. (3) The Mayor can ask the City Recorder to repeat the motion.

*Eighth*, the Mayor should now invite discussion of the motion by the City Council. If there is no desired discussion, or after the discussion has ended, the Mayor should announce that the City Council will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

*Ninth*, the Mayor takes a vote. All votes for purposes of the meeting minutes shall be by roll call of the council.

*Tenth*, the Mayor should announce the result of the vote and should announce what action (if any) the City Council has taken.

**PURPOSE OF THE RULE:** All meetings must comply with the Utah Open and Public Meetings Act which requires that a notice and an agenda for a public meeting be prepared in advance of the meeting and that no final action be taken on any item that is not on the agenda. In addition the Act requires that the minutes of the meeting contain certain minimum information including the name of any member of the council speaking on an issue, the substance of what the member says, an accurate description of any action taken by the council and the voting record of each individual member of the council.

**RULE NO 2: Any matter that requires a City Council decision shall be brought before the Council by motion.**

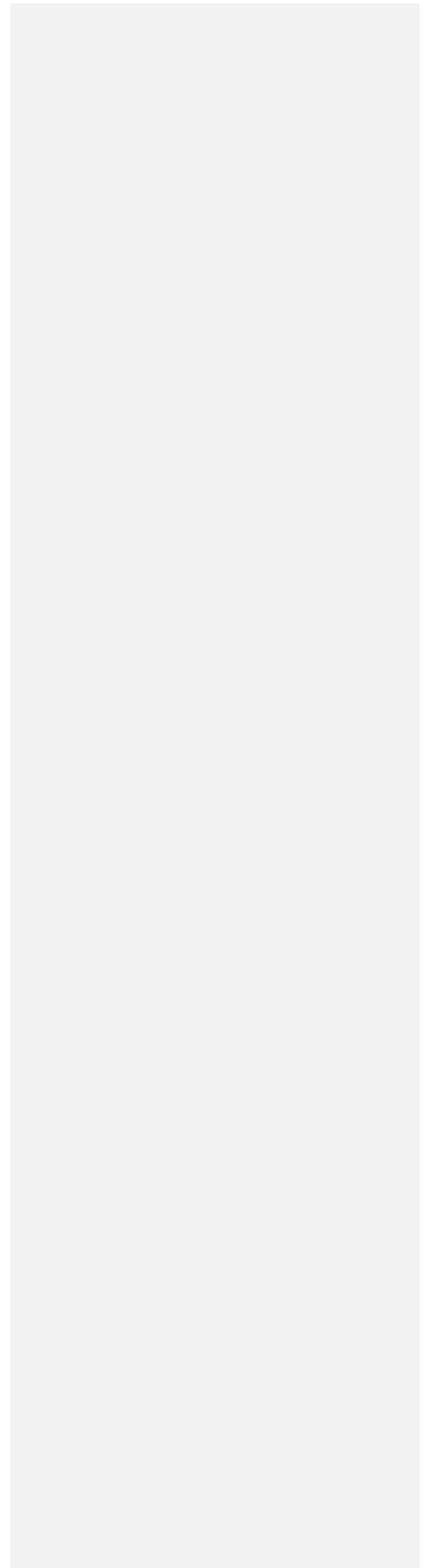
**PROCEDURE.** The procedure for any motion shall be as follows: First, the Mayor should recognize the member of the City Council. Second, the member of the City Council makes a motion by preceding the member's desired approach with the words: "I move . . . ."

So, a typical motion might be: "I move that we give the City Attorney a raise in pay."

The Mayor usually initiates the motion by either (1) Inviting the members of the City Council to make a motion. "A motion at this time would be in order." (2) Suggesting a motion to the members of the City Council. "A motion would be in order that we give the City Attorney a raise in pay." (3) Making the motion. As noted, the Mayor has every right as a member of the City Council to make a motion, but should normally do so only if the Mayor wishes to make a motion on an item but is convinced that no other member of the City Council is willing to step forward to do so at a particular time. (4) Reading a motion suggested by the City Staff.

**PURPOSE OF THE RULE.** The purpose of this rule is to limit items under discussion to those and only those that the council members want to discuss; give clarity as to what is being decided; and to make sure everyone, including the person

taking the minutes actually knows and can remember what the ultimate outcome of any discussion and debate is.



**RULE NO 3: One question at a time and one speaker at a time.**

*PROCEDURE:* Only one question will be discussed at a time. The question may have several motions.

There will only be one speaker at a time. Anyone who wishes to speak must raise their hand first after the current speaker finishes. The Mayor will call upon the person by name. Once a member has been recognized, he has been granted “the floor” and may begin speaking. The speaker may not be interrupted except as allowed by these rules.

If a councilmember wishes to ask a question during their time and retain the floor to speak after the question has been answered they may indicate so before posing the question by saying something similar to “I have additional comments and wish to retain the floor after this question has been answered.”

*PURPOSE OF THE RULE.* The purpose is to focus on only one question and to allow council members the ability to express their points of consideration without losing their train of thought and to completely finish without fear of interruption.

**RULE NO 4: The Mayor may use General Consent (also known as Unanimous Consent) with all motions except those motions where the votes are used for purposes of the meeting minutes and require a roll call of the council.**

*PROCEDURE:* When the Mayor feels the council is all in agreement, the Mayor asks if there are any objections to the motion to amend, withdraw, or any motions in Rule No. 7. The Mayor pauses and if there are no objections states that the motion is approved. If there is any objection then the motion is put to a regular vote. A council member may object simply because he or she feels it is important to have a formal vote.

*Example:* The Mayor states, “If there is no objection, we will recess for 10 minutes, [pause to see if any member objects]. There being no objection, we will recess for 10 minutes.

If a member objects by stating, “I object” the matter is then put to a vote.

The Mayor states, “An objection being made, the question is shall we recess for 10 minutes? As many as are in favor, say Aye. Those opposed, say No. The Ayes have it and we will recess for 10 minutes.”

*PURPOSE OF THE RULE.* General consent is helpful in expediting general routine business or when the Mayor senses the council is in agreement. General consent allows flexibility of the rules while protecting the right of the majority to decide and the minority to be heard.

**RULE NO 5: There are only three basic forms of motions allowed: Initial Motions, Motions to Amend, and Substitute Motions.**

*PROCEDURE:* The initial motion. The initial motion is the one that puts forward an item for the City Council's consideration. An initial motion might be: "I move that we give the City Attorney a pat on the back."

The motion to amend. If a member wants to change the initial motion that is before the City Council, they would move to amend it. A motion to amend might be: "I move that we amend the motion to give the attorney a kick in the butt." A motion to amend takes the initial motion which is before the City Council and seeks to change it in some way. The motion to amend must be germane to the initial motion. The motion to amend must not be the same as a negative vote on the initial motion.

The substitute motion. If a member wants to completely do away with the initial motion that is before the City Council, and put a new motion before the City Council, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we get a new City Attorney."

*PURPOSE OF THE RULE.* "Motions to amend" and "substitute motions" are often confused. But they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the Mayor. So that if a member makes what that member calls a "motion to amend", but the Mayor determines that it is really a "substitute motion", then the Mayor's designation governs.

**RULE NO 6. There can be up to three motions on the floor at the same time and no more than three. The Mayor can reject a fourth motion until the Mayor has dealt with the three that are on the floor and has resolved them.**

*PROCEDURE:* When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed first on the last motion that is made. So, for example, assume the first motion is a basic "motion to give the City Attorney a pat on the back." During the discussion of this motion, a member might make a second motion to "amend the main motion to give the City Attorney a kick in the butt." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we just get rid of the City Attorney." The proper procedure would be as follows:

*First*, the Mayor would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the City Council of the third motion (the

substitute motion). No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) failed then the Mayor would proceed to consideration of the second (now, the last) motion on the floor, the motion to amend.

*Second*, if the substitute motion failed, the Mayor would now deal with the second (now, the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the City Attorney be kicked in the butt). If the motion to amend passed the Mayor would now move to consider the main motion (the first motion) as amended. If the motion to amend failed the Mayor would now move to consider the main motion (the first motion) in its original format, not amended.

*Third*, the Mayor would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (pat on the back), or, if amended, would be in its amended format (kick in the butt). And the question on the floor for discussion and decision would be what part of the City Attorney's anatomy would be subject to assault.

*PURPOSE OF THE RULE:* Too many motions on the same subject can cause confusion as to what the end result is and in the official record. Limiting the number of motions to no more than three at a time, allows for enough debate and parliamentary maneuvering to satisfy those who want to be clever while allowing the slow to still keep up.

**RULE NO 7: The debate can continue as long as members of the City Council wish to discuss an item, subject to the Mayor determining it is time to move on and take action by using General Consent to limit debate or by a proper motion by a council member to limit the debate. The following motions are not debatable—a motion to adjourn; a motion to recess; a motion to fix a time to adjourn; a motion to table; and a motion to limit debate.**

*PROCEDURE.* There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the City Council to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Mayor must immediately call for a vote of the City Council without debate on the motion):

*A motion to adjourn.* This motion, if passed, requires the City Council to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

*A motion to recess.* This motion, if passed, requires the City Council to immediately take a recess. The length should be set in the motion which may be a few minutes or an hour. It requires a simple majority vote.

*A motion to fix the time to adjourn.* This motion, if passed, requires the City Council to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

*A motion to table.* This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold". The motion can contain a specific time in which the item can come back to the City Council: "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case the matter will not be placed back on an agenda for a future city council meeting except at the order of the Mayor or the request of any two council members. A motion to table an item requires a simple majority vote.

*A motion to limit debate.* The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call the question." When a member of the City Council makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote". When such a motion is made, the Mayor should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a simple majority vote of the City Council.

*PURPOSE OF THE RULE.* Debate and discussion are important until they are not. When a matter is chewed on enough it should be swallowed. This rule allows the Mayor by General Consent or the majority of the council to end the debate, after a reasonable time. It also keeps those in a minority position on an issue from filibustering until they get their way.

**RULE NO 8: Three yes votes are required to pass any item before the council with limited exceptions. A motion to go into close session (executive session) requires a 2/3 vote of the members present. The mayor is entitled to vote in cases of a tie and where specifically allowed by state law.**

*PROCEDURE.* If the mayor and all five members of the council are present, a vote of 3-2 passes the motion. A vote of 2-2 with one abstention means the motion fails. If one member is absent and the vote is 2-2, the mayor is entitled to vote.

*PURPOSE OF THE RULE.* Utah statutes set out both the number of the quorum and the minimum vote required on any issue. This rule is meant to clarify that when the entire council is present and voting then it is not a tie when one member abstains. If however the member is absent from the meeting for any reason and the vote is 2-2 then it may be a tie and the mayor may vote as allowed by state statute.

**~~RULE NO 9: A motion to reconsider any item requires a majority vote to pass, but there are special rules that apply only to the motion to reconsider. First, is timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the City Council if the item is properly on the agenda. In addition, First and A A motion to reconsider cannot be made at a special meeting of the Council unless the number of members of the council present at the special meeting equals or exceeds the number present at the meeting when the action was approved. Second, a motion to reconsider can only be made by a member who voted in the majority on the original motion.~~**

*PROCEDURE.* ~~If such a member has a change of heart, he or she can make the motion to reconsider (any other member of the City Council may second the~~

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~~motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. A motion to reconsider can only be made if the number of members of the council present at the meeting equals or exceeds the number present at the meeting when the action was approved.~~

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If the number of members present when the proposed reconsideration is brought before the council is less than the number present when the action was approved then the action must be ruled out of order.

*PURPOSE OF THE RULE.* The purpose of this rule ~~is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the City Council again and again. That would defeat the purpose of finality, is to stop the Council from reconsidering an action unless the same number of council members are present when the action was approved. If the action was approved on a 3 yes to 2 no vote, the motion cannot be brought up if only 4 members of the council are present. This would defeat the purpose of the majority vote.~~

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If the motion to reconsider passes, then the original matter is back before the City Council, and a new initial motion is then in order. The matter can be discussed and debated as if it were on the floor for the first time.

**RULE NO 10: The Mayor and council members shall adhere to the code of conduct.**

*PROCEDURE.* The Mayor, as chair of the meeting, is primarily responsible to see that debate and discussion of an agenda item focuses on the agenda item and the policy in question, not the personalities of the members of the City Council. There are, however, exceptions that are intended to assist the Mayor in keeping order to the meeting. A speaker may be interrupted by a council member only for the following reasons and in the form set forth below:

*Privilege.* The proper interruption would be: "point of privilege." The Mayor would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort or safety of the meeting or when the reputation of the council or any individual is at stake. For example, the room may be too hot or too cold, a blowing fan might interfere with a person's ability to hear, or the speaker may be misrepresenting an individual's remarks

*Order.* The proper interruption would be: "point of order." Again, the Mayor would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Mayor moved on to a vote on a motion that permits debate without allowing that discussion or debate.

*Appeal.* If the Mayor makes a ruling that a member of the City Council disagrees with, that member may appeal the ruling of the Mayor. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the Mayor is deemed reversed.

*Call for orders of the day.* This is simply another way of saying, "Let's return to the agenda." If a member believes that the City Council has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the Mayor discovers that the agenda has not been followed, the Mayor simply reminds the City Council to return to the agenda item properly before them. If the Mayor fails to do so, the Mayor's determination may be appealed.

*Withdraw a motion.* To withdraw a motion, the maker of the motion on the floor states, "I request that my motion be withdrawn." The motion to withdraw a motion requires a simple majority vote.

*PURPOSE OF THE RULE.* Debate and discussion should be focused, but free and open. In the interest of time, the Mayor may, however, limit the time allotted to speakers, including members of the City Council. A council member may continue speaking on a majority vote of the Council. The rules of order are meant to create an atmosphere where the members of the City Council and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the Mayor and the members of the City Council to maintain common courtesy and decorum. Only one person at a time will have the floor and every speaker must be recognized by the Mayor before proceeding to speak.

#### **RESIDENTS' RIGHT TO BE HEARD:**

It is the Council's goal that residents of the City resolve their complaints for service or regarding employees' performance at the staff level. However, it is recognized that residents may from time to time believe it is necessary to speak to City Council on matters of concern. Accordingly, the City Council expects any person presenting to the city council to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending.

- No member of the public shall be heard until recognized by the Mayor.
- Public comments will only be heard during the Public Comment portion of the meeting unless the issue is a Public Hearing or a member of the public is asked to speak on a matter by the mayor.
- Speakers must state their name and address for the record.
- Any resident requesting to speak shall limit him or herself to matters of fact regarding the issue of concern.
- Comments should be limited to three (3) minutes unless prior approval by the Mayor.
- If a representative is elected to speak for a group, the Mayor may approve an increased time allotment.
- Personal attacks made publicly toward any person or city employee are not allowed. Speakers are encouraged to bring their complaints regarding employee performance through the supervisory chain of command in accordance with the City's Personnel Policies.

- Any member of the public interrupting City Council proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing City Council, shall be deemed to have disrupted a public meeting and, at the direction of the Mayor, shall be removed from Council chambers by Police Department personnel or other agent designated by City Council or City Manager.

RESOLUTION NO. R-2011-04

A RESOLUTION OF THE GOVERNING BODY OF ALPINE CITY ADOPTING  
RULES OF PROCEDURE FOR THE PUBLIC MEETINGS OF THE CITY

WHEREAS, Utah Code Section 10-3-606 allows each city to adopt rules of procedure for its meetings; and

WHEREAS, Utah Code Section 10-3-607 allows a city to adopt rules of conduct for the members of the City council; and

WHEREAS, it is generally felt that rules of procedure and conduct will aid the city council of Alpine city to perform its functions in an efficient and public friendly manner.

NOW THEREFORE BE RESOLVED by the Governing Body of Alpine City as follows:

1. The Attached Exhibit entitled Alpine City Council Procedures is hereby adopted as the rules of procedure for conducting of all meetings of the Alpine City Council
2. This resolution shall take effect immediately upon passing.

Passed and dated this 8<sup>th</sup> day of February, 2011.

Attest:

Recorder

Mayor



## **ALPINE CITY COUNCIL Meeting Procedures**

Recognizing that the City Council, as a legislative body, needs a systematic way of conducting its business, these rules of procedure are to provide for the orderly conduct of City business by the City Council, with the objective of providing for full, open, and comprehensive debate of issues brought before the City Council for action in a forum open to the public, and which encourages citizens' awareness of City Council activities.

These procedures do not increase or diminish the existing powers or authority of the Mayor or City Council members, as set forth in state law or local ordinance.

### **CITY COUNCIL MEETING AGENDA**

All meetings of the Alpine City Council will have a notice and agenda that complies with the Utah Open Meetings Act

The agenda shall contain the following items and be in substantially the following form:

- I. CALL TO ORDER
  - A. ROLL CALL
  - B. PRAYER
  - C. PLEDGE OF ALLEGIANCE:
- II. PUBLIC COMMENT
- III. CONSENT CALENDAR, APPROVE MINUTES OF PREVIOUS MEETING
- IV. PUBLIC HEARING (AS NEEDED)
- V. ACTION ON PUBLIC HEARING
- VI. INVITED PRESENTATIONS
- VII. ACTION/DISCUSSION ITEMS
- VIII. STAFF REPORTS
- IX. COUNCIL COMMUNICATION
- X. EXECUTIVE SESSION (AS NEEDED)
- XI. ADJOURN

An Item may be placed on the agenda by the Mayor or at the request of any two council members.

Agenda Items must be submitted to the City Recorder at least 1day before the date of the meeting. Any item that is submitted to the City Recorder after1 day will be put on the next following meeting agenda. Requestor should notify the Mayor of the added agenda item.

**ROLE OF THE MAYOR AS COUNCIL CHAIR AND OTHER COUNCIL MEMBERS:**

- The Mayor shall preside at meetings of the City Council.
- Participate in discussion of all matters.
- Shall vote as a member thereof only in case of a tie or where otherwise specifically authorized to do so by state law, and shall have no power to veto.

In addition, the Mayor, as the Chair, has the primary responsibility for ensuring that the Council's rules of procedure are followed and:

- For maintaining the dignity of Council meetings.
- Calls the meeting to order and confines the discussion to the agenda.
- Recognizes Council members for motions and statements and may allow audience and staff participation at appropriate times.
- Requires knowledge of the Alpine City adopted rules of parliamentary procedure and how to apply it.
- Ensures that the Utah Open and Public Meetings Act is complied with.
- Knows how to courteously discourage Council members who talk too much or too often.
- Knows how to courteously ensure those who have the floor are not interrupted and to rule out of order those not following meeting procedures.
- Recognizes the Council member offering the motion, restates the motion, presents it to the Council for consideration, calls for the vote, announces the vote, and then announces the next order of business.

**CODE OF CONDUCT FOR CITY COUNCIL AND MAYOR INCLUDES:**

- Council members' remarks should always be directed to the Mayor.
- Remarks should apply to the question under debate.
- Shall avoid references to personalities, and refrain from questioning motives of other members or staff personnel.
- Demonstrate courtesy and shall not disrupt proceedings.
- Shall not use their positions to secure privileges or personal gains and shall avoid situations which could cause anyone to believe that they may have brought bias or partiality to a question before the City Council.
- Shall be dedicated to the principles of representative democracy by recognizing that the chief function of local government is to serve the best interests of the public at large while respecting individual rights.

- Shall be dedicated to the effective use of the City’s available resources.
- Shall refrain from any activity that would hinder their ability to be objective and impartial.
- City business shall be discussed in open, well-publicized meetings, except in rare situations in which Executive Sessions are authorized.

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*Second*, following that agenda format, the Mayor should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the Mayor, a member of the City Council, a staff person, or an invited person charged with providing input on the agenda item.

*Third*, the Mayor should ask members of the City Council if they have any technical questions of clarification. At this point, members of the City Council may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

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*Seventh*, if the motion is made and seconded, the Mayor should make sure everyone understands the motion. This is done in one of three ways: (1) The Mayor can ask the maker of the motion to repeat it. (2) The Mayor can repeat the motion. (3) The Mayor can ask the City Recorder to repeat the motion.

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So, a typical motion might be: "I move that we give the City Attorney a raise in pay."

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*PROCEDURE:* When the Mayor feels the council is all in agreement, the Mayor asks if there are any objections to the motion to amend, withdraw, or any motions in Rule No. 7. The Mayor pauses and if there are no objections states that the motion is approved. If there is any objection then the motion is put to a regular vote. A council member may object simply because he or she feels it is important to have a formal vote.

*Example:* The Mayor states, “If there is no objection, we will recess for 10 minutes, [pause to see if any member objects]. There being no objection, we will recess for 10 minutes.

If a member objects by stating, “I object” the matter is then put to a vote.

The Mayor states, “An objection being made, the question is shall we recess for 10 minutes? As many as are in favor, say Aye. Those opposed, say No. The Ayes have it and we will recess for 10 minutes.”

*PURPOSE OF THE RULE.* General consent is helpful in expediting general routine business or when the Mayor senses the council is in agreement. General consent allows flexibility of the rules while protecting the right of the majority to decide and the minority to be heard.

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*PROCEDURE:* The initial motion. The initial motion is the one that puts forward an item for the City Council's consideration. An initial motion might be: "I move that we give the City Attorney a pat on the back."

The motion to amend. If a member wants to change the initial motion that is before the City Council, they would move to amend it. A motion to amend might be: "I move that we amend the motion to give the attorney a kick in the butt." A motion to amend takes the initial motion which is before the City Council and seeks to change it in some way. The motion to amend must be germane to the initial motion. The motion to amend must not be the same as a negative vote on the initial motion.

The substitute motion. If a member wants to completely do away with the initial motion that is before the City Council, and put a new motion before the City Council, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we get a new City Attorney."

*PURPOSE OF THE RULE.* "Motions to amend" and "substitute motions" are often confused. But they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the Mayor. So that if a member makes what that member calls a "motion to amend", but the Mayor determines that it is really a "substitute motion", then the Mayor's designation governs.

**RULE NO 6. There can be up to three motions on the floor at the same time and no more than three. The Mayor can reject a fourth motion until the Mayor has dealt with the three that are on the floor and has resolved them.**

*PROCEDURE:* When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed first on the last motion that is made. So, for example, assume the first motion is a basic "motion to give the City Attorney a pat on the back." During the discussion of this motion, a member might make a second motion to "amend the main motion to give the City Attorney a kick in the butt." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we just get rid of the City Attorney." The proper procedure would be as follows:

*First*, the Mayor would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the City Council of the third motion (the

substitute motion). No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) failed then the Mayor would proceed to consideration of the second (now, the last) motion on the floor, the motion to amend.

*Second*, if the substitute motion failed, the Mayor would now deal with the second (now, the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the City Attorney be kicked in the butt). If the motion to amend passed the Mayor would now move to consider the main motion (the first motion) as amended. If the motion to amend failed the Mayor would now move to consider the main motion (the first motion) in its original format, not amended.

*Third*, the Mayor would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (pat on the back), or, if amended, would be in its amended format (kick in the butt). And the question on the floor for discussion and decision would be what part of the City Attorney's anatomy would be subject to assault.

*PURPOSE OF THE RULE:* Too many motions on the same subject can cause confusion as to what the end result is and in the official record. Limiting the number of motions to no more than three at a time, allows for enough debate and parliamentary maneuvering to satisfy those who want to be clever while allowing the slow to still keep up.

**RULE NO 7: The debate can continue as long as members of the City Council wish to discuss an item, subject to the Mayor determining it is time to move on and take action by using General Consent to limit debate or by a proper motion by a council member to limit the debate. The following motions are not debatable—a motion to adjourn; a motion to recess; a motion to fix a time to adjourn; a motion to table; and a motion to limit debate.**

*PROCEDURE.* There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the City Council to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Mayor must immediately call for a vote of the City Council without debate on the motion):

*A motion to adjourn.* This motion, if passed, requires the City Council to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

*A motion to recess.* This motion, if passed, requires the City Council to immediately take a recess. The length should be set in the motion which may be a few minutes or an hour. It requires a simple majority vote.

*A motion to fix the time to adjourn.* This motion, if passed, requires the City Council to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

*A motion to table.* This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold". The motion can contain a specific time in which the item can come back to the City Council: "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case the matter will not be placed back on an agenda for a future city council meeting except at the order of the Mayor or the request of any two council members. A motion to table an item requires a simple majority vote.

*A motion to limit debate.* The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call the question." When a member of the City Council makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote". When such a motion is made, the Mayor should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a simple majority vote of the City Council.

*PURPOSE OF THE RULE.* Debate and discussion are important until they are not. When a matter is chewed on enough it should be swallowed. This rule allows the Mayor by General Consent or the majority of the council to end the debate, after a reasonable time. It also keeps those in a minority position on an issue from filibustering until they get their way.

**RULE NO 8: Three yes votes are required to pass any item before the council with limited exceptions. A motion to go into close session (executive session) requires a 2/3 vote of the members present. The mayor is entitled to vote in cases of a tie and where specifically allowed by state law.**

*PROCEDURE.* If the mayor and all five members of the council are present, a vote of 3-2 passes the motion. A vote of 2-2 with one abstention means the motion fails. If one member is absent and the vote is 2-2, the mayor is entitled to vote.

*PURPOSE OF THE RULE.* Utah statutes set out both the number of the quorum and the minimum vote required on any issue. This rule is meant to clarify that when the entire council is present and voting then it is not a tie when one member abstains. If however the member is absent from the meeting for any reason and the vote is 2-2 then it may be a tie and the mayor may vote as allowed by state statute.

**RULE NO 9: A motion to reconsider any item requires a majority vote to pass, but there are special rules that apply only to the motion to reconsider. First, is timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the City Council if the item is properly on the agenda. In addition, a motion to reconsider cannot be made at a special meeting of the Council unless the number of members of the council present at the special meeting equals or exceeds the number present at the meeting when the action was approved. Second, a motion to reconsider can only be made by a member who voted in the majority on the original motion.**

*PROCEDURE.* If such a member has a change of heart, he or she can make the motion to reconsider (any other member of the City Council may second the motion).

If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order.

*PURPOSE OF THE RULE.* The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the City Council again and again. That would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the City Council, and a new initial motion is then in order. The matter can be discussed and debated as if it were on the floor for the first time.

**RULE NO 10: The Mayor and council members shall adhere to the code of conduct.**

*PROCEDURE.* The Mayor, as chair of the meeting, is primarily responsible to see that debate and discussion of an agenda item focuses on the agenda item and the policy in question, not the personalities of the members of the City Council. There are, however, exceptions that are intended to assist the Mayor in keeping order to the meeting. A speaker may be interrupted by a council member only for the following reasons and in the form set forth below:

*Privilege.* The proper interruption would be: "point of privilege." The Mayor would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort or safety of the meeting or when the reputation of the council or any individual is at stake. For example, the room may be too hot or too cold, a blowing fan might interfere with a person's ability to hear, or the speaker may be misrepresenting an individual's remarks

*Order.* The proper interruption would be: "point of order." Again, the Mayor would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Mayor moved on to a vote on a motion that permits debate without allowing that discussion or debate.

*Appeal.* If the Mayor makes a ruling that a member of the City Council disagrees with, that member may appeal the ruling of the Mayor. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the Mayor is deemed reversed.

*Call for orders of the day.* This is simply another way of saying, "Let's return to the agenda." If a member believes that the City Council has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the Mayor discovers that the agenda has not been followed, the Mayor simply reminds the City Council to return to the agenda item properly before them. If the Mayor fails to do so, the Mayor's determination may be appealed.

*Withdraw a motion.* To withdraw a motion, the maker of the motion on the floor states, "I request that my motion be withdrawn." The motion to withdraw a motion requires a simple majority vote.

*PURPOSE OF THE RULE.* Debate and discussion should be focused, but free and open. In the interest of time, the Mayor may, however, limit the time allotted to speakers, including members of the City Council. A council member may continue speaking on a majority vote of the Council. The rules of order are meant to create an atmosphere where the members of the City Council and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the Mayor and the members of the City Council to maintain common courtesy and decorum. Only one person at a time will have the floor and every speaker must be recognized by the Mayor before proceeding to speak.

### **RESIDENTS' RIGHT TO BE HEARD:**

It is the Council's goal that residents of the City resolve their complaints for service or regarding employees' performance at the staff level. However, it is recognized that residents may from time to time believe it is necessary to speak to City Council on matters of concern. Accordingly, the City Council expects any person presenting to the city council to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending.

- No member of the public shall be heard until recognized by the Mayor.
- Public comments will only be heard during the Public Comment portion of the meeting unless the issue is a Public Hearing or a member of the public is asked to speak on a matter by the mayor.
- Speakers must state their name and address for the record.
- Any resident requesting to speak shall limit him or herself to matters of fact regarding the issue of concern.
- Comments should be limited to three (3) minutes unless prior approval by the Mayor.
- If a representative is elected to speak for a group, the Mayor may approve an increased time allotment.
- Personal attacks made publicly toward any person or city employee are not allowed. Speakers are encouraged to bring their complaints regarding employee performance through the supervisory chain of command in accordance with the City's Personnel Policies.
- Any member of the public interrupting City Council proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing City Council, shall be deemed to have disrupted a public meeting and, at the direction of the Mayor, shall be removed from Council chambers by Police Department personnel or other agent designated by City Council or City Manager.

**RESOLUTION NO. R2015-09**

**A RESOLUTION BY THE GOVERNING BODY OF ALPINE CITY AMENDING THE RULES OF PRECEDURE FOR THE PUBLIC MEETINGS OF THE CITY**

**WHEREAS**, Utah Code Section 10-3-606 allows each city to adopt rules of procedure for its meetings; and

**WHEREAS**, Utah Code Section 10-3-607 allows a city to adopt rules of conduct for the members of the city council; and

**WHEREAS**, it is generally felt that rules of procedure and conduct will aid the city council of Alpine City to perform its functions in an efficient and public friendly manner.

**NOW THEREFORE BE RESOLVED** by the Governing Body of Alpine City as follows:

1. The attached Exhibit entitled Alpine City Council Procedures is hereby amended as the rules of procedure for conducting all meetings of the Alpine City Council.
2. This Resolution shall take effect immediately upon passing.

Passed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Don Watkins, Mayor

Attest:

\_\_\_\_\_  
Charmayne G. Warnock, City Recorder

**ALPINE CITY COUNCIL**  
**Meeting Procedures**

Recognizing that the City Council, as a legislative body, needs a systematic way of conducting its business, these rules of procedure are to provide for the orderly conduct of City business by the City Council, with the objective of providing for full, open, and comprehensive debate of issues brought before the City Council for action in a forum open to the public, and which encourages citizens' awareness of City Council activities.

These procedures do not increase or diminish the existing powers or authority of the Mayor or City Council members, as set forth in state law or local ordinance.

**CITY COUNCIL MEETING AGENDA**

All meetings of the Alpine City Council will have a notice and agenda that complies with the Utah Open Meetings Act

The agenda shall contain the following items and be in substantially the following form:

- I. CALL TO ORDER
- A. ROLL CALL
- B. PRAYER
- C. PLEDGE OF ALLEGIANCE:
- II. PUBLIC COMMENT
- III. CONSENT CALENDAR, APPROVE MINUTES OF PREVIOUS MEETING
- IV. PUBLIC HEARING (AS NEEDED)
- V. ACTION ON PUBLIC HEARING
- VI. INVITED PRESENTATIONS
- VII. ACTION/DISCUSSION ITEMS
- VIII. STAFF REPORTS
- IX. COUNCIL COMMUNICATION
- X. EXECUTIVE SESSION (AS NEEDED)
- XI. ADJOURN

An Item may be placed on the agenda by the Mayor or at the request of any two council members.

Agenda Items must be submitted to the City Recorder at least 1 day before the date of the meeting. Any item that is submitted to the City Recorder after 1 day will be put on the next following meeting agenda. Requestor should notify the Mayor of the added agenda item.

**ROLE OF THE MAYOR AS COUNCIL CHAIR AND OTHER COUNCIL MEMBERS:**

- The Mayor shall preside at meetings of the City Council.
- Participate in discussion of all matters.
- Shall vote as a member thereof only in case of a tie or where otherwise specifically authorized to do so by state law, and shall have no power to veto.

In addition, the Mayor, as the Chair, has the primary responsibility for ensuring that the Council's rules of procedure are followed and:

- For maintaining the dignity of Council meetings.
- Calls the meeting to order and confines the discussion to the agenda.
- Recognizes Council members for motions and statements and may allow audience and staff participation at appropriate times.
- Requires knowledge of the Alpine City adopted rules of parliamentary procedure and how to apply it.
- Ensures that the Utah Open and Public Meetings Act is complied with.
- Knows how to courteously discourage Council members who talk too much or too often.
- Knows how to courteously ensure those who have the floor are not interrupted and to rule out of order those not following meeting procedures.
- Recognizes the Council member offering the motion, restates the motion, presents it to the Council for consideration, calls for the vote, announces the vote, and then announces the next order of business.

**CODE OF CONDUCT FOR CITY COUNCIL AND MAYOR INCLUDES:**

- Council members' remarks should always be directed to the Mayor.
- Remarks should apply to the question under debate.
- Shall avoid references to personalities, and refrain from questioning motives of other members or staff personnel.
- Demonstrate courtesy and shall not disrupt proceedings.
- Shall not use their positions to secure privileges or personal gains and shall avoid situations which could cause anyone to believe that they may have brought bias or partiality to a question before the City Council.
- Shall be dedicated to the principles of representative democracy by recognizing that the chief function of local government is to serve the best interests of the public at large while respecting individual rights.
- Shall be dedicated to the effective use of the City's available resources.
- Shall refrain from any activity that would hinder their ability to be objective and impartial.
- City business shall be discussed in open, well-publicized meetings, except in rare situations in which Executive Sessions are authorized.

**PARLIAMENTARY RULES:**

The following may be referred to as the Alpine City's Rules of Order and shall be the parliamentary rules for conducting the business of the City Council. The City Attorney will serve as the Parliamentarian, and will recommend rulings, upon request by the presiding officer, to all points of order raised during the proceedings. Each Rule is followed by a recommended Procedure and Purpose to explain the Rule and guide the Mayor and council members in its intended application.

**RULE NO. 1: The meeting is governed by the agenda and the agenda constitutes the City Council's agreed-upon roadmap for the meeting.**

*PROCEDURE.* Each agenda item can be handled by the Mayor in the following basic format:

*First,* the Mayor should clearly announce the agenda item number and should clearly state what the agenda item subject is.

*Second,* following that agenda format, the Mayor should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the Mayor, a member of the City Council, a staff person, or an invited person charged with providing input on the agenda item.

*Third,* the Mayor should ask members of the City Council if they have any technical questions of clarification. At this point, members of the City Council may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

*Fourth,* the Mayor should invite public comments if at a formal public hearing and should open the public hearing for public input. If numerous members of the public indicate a desire to speak to the subject, the Mayor may limit the time of public speakers. At the conclusion of the public comments, the Mayor should announce that the public hearing is closed. For a regularly scheduled agenda item, the Mayor may invite public comment.

*Fifth,* the Mayor should invite a motion. The Mayor should announce the name of the member of the City Council who makes the motion.

*Sixth,* the Mayor should determine if any member of the City Council wishes to second the motion. The Mayor should announce the name of the member of the City Council who seconds the motion. If there is no second then the item will be deemed concluded without decision

*Seventh,* if the motion is made and seconded, the Mayor should make sure everyone understands the motion. This is done in one of three ways: (1) The Mayor can ask the maker of the motion to repeat it. (2) The Mayor can repeat the motion. (3) The Mayor can ask the City Recorder to repeat the motion.

*Eighth,* the Mayor should now invite discussion of the motion by the City Council. If there is no desired discussion, or after the discussion has ended, the Mayor should announce that the City Council will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

*Ninth,* the Mayor takes a vote. All votes for purposes of the meeting minutes shall be by roll call of the council.

*Tenth,* the Mayor should announce the result of the vote and should announce what action (if any) the City Council has taken.

*PURPOSE OF THE RULE:* All meetings must comply with the Utah Open and Public Meetings Act which requires that a notice and an agenda for a public meeting be prepared in advance of the meeting and that no final action be taken on any item that is not on the agenda. In addition the Act requires that the minutes of the meeting contain certain minimum information including the name of any member of the council speaking on an issue, the substance of what the member says, an accurate description of any action taken by the council and the voting record of each individual member of the council.

**RULE NO 2: Any matter that requires a City Council decision shall be brought before the Council by motion.**

*PROCEDURE.* The procedure for any motion shall be as follows: First, the Mayor should recognize the member of the City Council. Second, the member of the City Council makes a motion by preceding the member's desired approach with the words: "I move . . . ."

So, a typical motion might be: "I move that we give the City Attorney a raise in pay."

The Mayor usually initiates the motion by either (1) Inviting the members of the City Council to make a motion. "A motion at this time would be in order." (2) Suggesting a motion to the members of the City Council. "A motion would be in order that we give the City Attorney a raise in pay." (3) Making the motion. As noted, the Mayor has every right as a member of the City Council to make a motion, but should normally do so only if the Mayor wishes to make a motion on an item but is convinced that no other member of the City Council is willing to step forward to do so at a particular time. (4) Reading a motion suggested by the City Staff.

*PURPOSE OF THE RULE.* The purpose of this rule is to limit items under discussion to those and only those that the council members want to discuss; give clarity as to what is being decided; and to make sure everyone, including the person taking the minutes actually knows and can remember what the ultimate outcome of any discussion and debate is.

**RULE NO 3: One question at a time and one speaker at a time.**

*PROCEDURE:* Only one question will be discussed at a time. The question may have several motions.

There will only be one speaker at a time. Anyone who wishes to speak must raise their hand first after the current speaker finishes. The Mayor will call upon the person by name. Once a member has been recognized, he has been granted "the floor" and may begin speaking. The speaker may not be interrupted except as allowed by these rules.

If a councilmember wishes to ask a question during their time and retain the floor to speak after the question has been answered they may indicate so before posing the question by saying something similar to "I have additional comments and wish to retain the floor after this question has been answered."

*PURPOSE OF THE RULE.* The purpose is to focus on only one question and to allow council members the ability to express their points of consideration without losing their train of thought and to completely finish without fear of interruption.

**RULE NO 4: The Mayor may use General Consent (also known as Unanimous Consent) with all motions except those motions where the votes are used for purposes of the meeting minutes and require a roll call of the council.**

*PROCEDURE:* When the Mayor feels the council is all in agreement, the Mayor asks if there are any objections to the motion to amend, withdraw, or any motions in Rule No. 7. The Mayor pauses and if there are no objections states that the motion is approved. If there is any objection then the motion is put to a regular vote. A council member may object simply because he or she feels it is important to have a formal vote.

*Example:* The Mayor states, "If there is no objection, we will recess for 10 minutes, [pause to see if any member objects]. There being no objection, we will recess for 10 minutes.

If a member objects by stating, "I object" the matter is then put to a vote.

The Mayor states, "An objection being made, the question is shall we recess for 10 minutes? As many as are in favor, say Aye. Those opposed, say No. The Ayes have it and we will recess for 10 minutes."

*PURPOSE OF THE RULE.* General consent is helpful in expediting general routine business or when the Mayor senses the council is in agreement. General consent allows flexibility of the rules while protecting the right of the majority to decide and the minority to be heard.

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*PROCEDURE:* The initial motion. The initial motion is the one that puts forward an item for the City Council's consideration. An initial motion might be: "I move that we give the City Attorney a pat on the back."

The motion to amend. If a member wants to change the initial motion that is before the City Council, they would move to amend it. A motion to amend might be: "I move that we amend the motion to give the attorney a kick in the butt." A motion to amend takes the initial motion which is before the City Council and seeks to change it in some way. The motion to amend must be germane to the initial motion. The motion to amend must not be the same as a negative vote on the initial motion.

The substitute motion. If a member wants to completely do away with the initial motion that is before the City Council, and put a new motion before the City Council, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we get a new City Attorney."

*PURPOSE OF THE RULE.* "Motions to amend" and "substitute motions" are often confused. But they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the Mayor. So that if a member makes what that member calls a "motion to amend", but the Mayor determines that it is really a "substitute motion", then the Mayor's designation governs.

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*PROCEDURE:* When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed first on the last motion that is made. So, for example, assume the first motion is a basic "motion to give the City Attorney a pat on the back." During the discussion of this motion, a member might make a second motion to "amend the main motion to give the City Attorney a kick in the butt." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we just get rid of the City Attorney." The proper procedure would be as follows:

First, the Mayor would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the City Council of the third motion (the substitute motion). No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) failed then the Mayor would proceed to consideration of the second (now, the last) motion on the floor, the motion to amend.

Second, if the substitute motion failed, the Mayor would now deal with the second (now, the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the City Attorney be kicked in the butt). If the motion to amend passed the Mayor would now move to consider the main motion (the first motion) as amended. If the motion to amend failed the Mayor would now move to consider the main motion (the first motion) in its original format, not amended.

Third, the Mayor would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (pat on the back), or, if amended, would be in its amended format (kick in the butt). And the question on the floor for discussion and decision would be what part of the City Attorney's anatomy would be subject to assault.

*PURPOSE OF THE RULE:* Too many motions on the same subject can cause confusion as to what the end result is and in the official record. Limiting the number of motions to no more than three at a time, allows for enough debate and parliamentary maneuvering to satisfy those who want to be clever while allowing the slow to still keep up.

**RULE NO 7: The debate can continue as long as members of the City Council wish to discuss an item, subject to the Mayor determining it is time to move on and take action by using General Consent to limit debate or by a proper motion by a council member to limit the debate. The following motions are not debatable—a motion to adjourn; a motion to recess; a motion to fix a time to adjourn; a motion to table; and a motion to limit debate.**

*PROCEDURE.* There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the City Council to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Mayor must immediately call for a vote of the City Council without debate on the motion):

A motion to adjourn. This motion, if passed, requires the City Council to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

A motion to recess. This motion, if passed, requires the City Council to immediately take a recess. The length should be set in the motion which may be a few minutes or an hour. It requires a simple majority vote.

A motion to fix the time to adjourn. This motion, if passed, requires the City Council to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold". The motion can contain a specific time in which the item can come back to the City Council: "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case the matter will not be placed back on an agenda for a future city council meeting except at the order of the Mayor or the request of any two council members. A motion to table an item requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call the question." When a member of the City Council makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote". When such a motion is made, the Mayor should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a simple majority vote of the City Council.

*PURPOSE OF THE RULE.* Debate and discussion are important until they are not. When a matter is chewed on enough it should be swallowed. This rule allows the Mayor by General Consent or the majority of the council to end the debate, after a reasonable time. It also keeps those in a minority position on an issue from filibustering until they get their way.

**RULE NO 8: Three yes votes are required to pass any item before the council with limited exceptions. A motion to go into close session (executive session) requires a 2/3 vote of the members present. The mayor is entitled to vote in cases of a tie and where specifically allowed by state law.**

*PROCEDURE.* If the mayor and all five members of the council are present, a vote of 3-2 passes the motion. A vote of 2-2 with one abstention means the motion fails. If one member is absent and the vote is 2-2, the mayor is entitled to vote.

*PURPOSE OF THE RULE.* Utah statutes set out both the number of the quorum and the minimum vote required on any issue. This rule is meant to clarify that when the entire council is present and voting then it is not a tie when one member abstains. If however the member is absent from the meeting for any reason and the vote is 2-2 then it may be a tie and the mayor may vote as allowed by state statute.

**RULE NO 9: A motion to reconsider cannot be made at a special meeting of the Council unless the number of members of Council present at the special meeting equals or exceeds the number present at the meeting when the action was approved.**

*PROCEDURE:* A motion to reconsider can only be made if the number of members of the council present at the meeting equals or exceeds the number present at the meeting when the action was approved. If the number of members present when the proposed reconsideration is brought before the council is less than the number present when the action was approved then the action must be ruled out of order.

*PURPOSE OF THE RULE:* The purpose of this rule is to stop the Council from reconsidering an action unless the same number of council members are present when the action was approved. If the action was approved on a 3 yes to 2 no vote, the motion then cannot be brought up if only 4 members of the council are present. This would defeat the purpose of the majority vote. If the motion to reconsider passes, then the original matter is back before the City Council, and a new initial motion is then in order. The matter can be discussed and debated as if it were on the floor for the first time.

**RULE NO 10: The Mayor and council members shall adhere to the code of conduct.**

*PROCEDURE.* The Mayor, as chair of the meeting, is primarily responsible to see that debate and discussion of an agenda item focuses on the agenda item and the policy in question, not the personalities of the members of the City Council. There are, however, exceptions that are intended to assist the Mayor in keeping order to the meeting. A speaker may be interrupted by a council member only for the following reasons and in the form set forth below:

*Privilege.* The proper interruption would be: "point of privilege." The Mayor would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort or safety of the meeting or when the reputation of the council or any individual is at stake. For example, the room may be too hot or too cold, a blowing fan might interfere with a person's ability to hear, or the speaker may be misrepresenting an individual's remarks

*Order.* The proper interruption would be: "point of order." Again, the Mayor would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Mayor moved on to a vote on a motion that permits debate without allowing that discussion or debate.

*Appeal.* If the Mayor makes a ruling that a member of the City Council disagrees with, that member may appeal the ruling of the Mayor. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the Mayor is deemed reversed.

*Call for orders of the day.* This is simply another way of saying, "Let's return to the agenda." If a member believes that the City Council has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the Mayor discovers that the agenda has not been followed, the Mayor simply reminds the City Council to

return to the agenda item properly before them. If the Mayor fails to do so, the Mayor's determination may be appealed.

*Withdraw a motion.* To withdraw a motion, the maker of the motion on the floor states, "I request that my motion be withdrawn." The motion to withdraw a motion requires a simple majority vote.

*PURPOSE OF THE RULE.* Debate and discussion should be focused, but free and open. In the interest of time, the Mayor may, however, limit the time allotted to speakers, including members of the City Council. A council member may continue speaking on a majority vote of the Council. The rules of order are meant to create an atmosphere where the members of the City Council and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the Mayor and the members of the City Council to maintain common courtesy and decorum. Only one person at a time will have the floor and every speaker must be recognized by the Mayor before proceeding to speak.

### **RESIDENTS' RIGHT TO BE HEARD:**

It is the Council's goal that residents of the City resolve their complaints for service or regarding employees' performance at the staff level. However, it is recognized that residents may from time to time believe it is necessary to speak to City Council on matters of concern. Accordingly, the City Council expects any person presenting to the city council to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending.

- No member of the public shall be heard until recognized by the Mayor.
- Public comments will only be heard during the Public Comment portion of the meeting unless the issue is a Public Hearing or a member of the public is asked to speak on a matter by the mayor.
- Speakers must state their name and address for the record.
- Any resident requesting to speak shall limit him or herself to matters of fact regarding the issue of concern.
- Comments should be limited to three (3) minutes unless prior approval by the Mayor.
- If a representative is elected to speak for a group, the Mayor may approve an increased time allotment.
- Personal attacks made publicly toward any person or city employee are not allowed. Speakers are encouraged to bring their complaints regarding employee performance through the supervisory chain of command in accordance with the City's Personnel Policies.
- Any member of the public interrupting City Council proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing City Council, shall be deemed to have disrupted a public meeting and, at the direction of the Mayor, shall be removed from Council chambers by Police Department personnel or other agent designated by City Council or City Manager.

## ALPINE CITY COUNCIL AGENDA

**SUBJECT: Wadsworth Meadows PRD - Request for exception to the requirement for a second access road in the Urban Wildland Interface Overlay**

**FOR CONSIDERATION ON: 14 July 2015**

**PETITIONER: Patterson Construction**

**ACTION REQUESTED BY PETITIONER: Grant the Exception**

**APPLICABLE STATUTE OR ORDINANCE: Article 4.6 Major Subdivisions  
Article 3.9 PRD  
Section 3.12.7 Urban Wildland Interface Overlay**

**PETITION IN COMPLIANCE WITH ORDINANCE: Yes**

**BACKGROUND INFORMATION:** The proposed subdivision came to the City in 2013 as East Bench Estates. Since that time the property was enlarged and the name changed. It is proposed to be a 11-lot subdivision is located on 14.97 acres in the CR-40,000 zone with 5.68 acres of open space.

Upon review of the geologic hazard maps, the Wadsworth Meadows property falls within the Geologic Hazards Overlay Zone. Potential hazards are debris flow, rockfall, and earthslide. It is also in the fault zone. Geotech reports were submitted with the first application in 2013 but since development boundaries have changed, staff recommends the reports be updated.

Also, the proposed development lies within the Urban Wildland Interface Overlay Zone. Section 3.12.7.4.1 of the Development Code addresses wildfire concerns and requires more than one access road in order to provide simultaneous evacuation for residents of the subdivision and access for emergency vehicles in the event of fire. The applicant is asking for an exception to this requirement. An exception may be granted by the City Council after obtaining a recommendation from the Fire Chief and the Planning Commission.

### **PLANNING COMMISSION MOTION:**

Jason Thelin moved to recommend that the request for an exception to the requirement for a second access road in the Urban Wildland Interface Overlay be denied for the Wadsworth Meadows PRD.

Jane Griener seconded the motion. The motion passed with 6 Ayes 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cospers, Jane Griener and Steve Swanson all voted Aye

**STAFF RECOMMENDATION:**

That concept approval be postponed until the following 12 issues are addressed.

1. The Developer work with Staff to figure the total correct density.
2. The Planning Commission recommend and the City Council approve the development as a PRD.
3. The Planning Commission review the proposed street plan, including the half-width road section and secondary access exception proposal to determine if it is acceptable.
4. The Planning Commission and City Council review and discuss the option of no sidewalk on the south side of East Bench Drive. (Jeppesen properties.)
5. The Developer provide details regarding the developed open space.
6. The Planning Commission review the proposed open space plans to determine if they are acceptable.
7. The developer coordinate with the City regarding construction of a pressurized irrigation main line to serve the development from the City's high pressure zone.
8. A storm water concept plan be proposed that is acceptable to the City.
9. The Planning Commission provide direction to the Developer regarding their trail expectations.
10. The Developer update/validate the geological and geotechnical reports for the entire development area.
11. The developer show how the requirements of the urban/wildland interface area will be met.
12. The redlined comments on the concept plan be addressed.



Date: June 30, 2015

By: Jed Muhlestein, P.E. *JM*  
Assistant City Engineer

**Subject: Wadsworth Meadows – CONCEPT REVIEW  
11 lots on 14.97 Acres**

### **Background**

Wadsworth Meadows, formerly known as East Bench Estates, consists of 11 lots on 14.97 acres. The development consists of three parcels of land within the CR-40,000 zone. On November 27, 2012, the City Council approved the property to be developed as a PRD. More property has since been added to the original concept plan; because of this a new **approval for the property to be developed as a PRD will be required.**

### **PRD Requirements**

The concept plans shows a total of 38% open space given. A slope analysis for the property has been performed by the developer and City. Using the provided open space, there are discrepancies between the two calculations for density. The City calculated the total density at 10 lots, rounded from 10.47. The developer calculated 11 lots, rounded from 10.53. Staff will work with the developer to determine where the differences are.

The proposed plan shows two types of open space; natural (5.42 acres) and developed (0.26 acres). The developed open space is a 50-foot wide corridor on the west side of the property. It is unknown at this time exactly how this area will be constructed as developed open space. There currently exists a dirt road that has been used for access to Lambert Park, even though it is on private property. The development code requires the Planning Commission to review and evaluate proposed developed open space for acceptance on a case-by-case basis. At this point, the developer needs to provide more details for a recommendation to occur.

### **Street System/Parking Areas**

The development shows extending the proposed High Mountain Drive in the Bennett Farms subdivision (East Bench Drive in Wadsworth Meadows) to the east to provide frontage and

access for the lots. The street will need to be renamed to High Mountain Drive to be consistent with the existing street. The street is shown as a partial width street since the properties to the south are under separate ownership and are not included in the development. Section 4.7.4.9 of the development code includes a provision where the City Council “may “ allow a partial width street to be constructed. However, the City has not allowed a partial width street to be constructed for years since the ones that were constructed in the past never gave us a satisfactory finished product. The provision requires a half width of pavement plus 12 feet to be constructed, which in this case would be 27 feet of pavement. This is 3 feet short of the total required pavement width for a complete road. Our recommendation is to continue the trend of requiring full width streets to be constructed. There are several developments within the last 5 years that have been required to construct full width streets in similar situations.

The plan also shows a potential intersection with the future extension of Bald Mountain Drive. The location of this intersection could vary with the development of the properties to the south. However, the intersection will need to be located such that the cul-de-sac meets our maximum length of 450 feet. This street connection is on the transportation master plan, however there is flexibility in how it can be accomplished. Another consideration related to streets in development of the properties to the south is how sewer and storm will service the area. These items will need to be considered when those properties are developed, since this development will not have a direct impact on those issues. As the design progresses for Wadsworth Meadows, we will have to consider the future utility needs of the southern properties.

All streets will require curb, gutter and sidewalk as per City Standards. We would recommend an exception for sidewalk on the south side of East Bench Drive where the plan shows Jeppesen property ownership as long as a full width street with sidewalk on the north side of the road were to be built.

Since this development is within the Urban Wildland Interface Area, a second access is required by code. The developer has provided a letter requesting an exception to the secondary access requirement. The access requirement is as follows per Section 3.12.7.4 of the development code:

#### **3.12.7.4 ROADS**

**3.12.7.4.1** *Access. All developments in the Urban/Wildland Interface area shall have more than one access route which provides simultaneous access for emergency equipment and civilian evacuation. The design of access routes shall take into consideration traffic circulation and provide for looping of roads as required to ensure at least two access points. Looped roads with a single access are not allowed.*

**3.12.7.4.2** *Exceptions. Where terrain features or other physical obstacles make provision of a second access impractical, a single access may be approved by the City Council after obtaining the recommendation of the Fire Chief and the Planning Commission.*

**3.12.7.4.3**                    *Specifications. All secondary access roads shall have a minimum paved width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches to permit two-way traffic. These provisions will apply in lieu of those provided in Article 9.02-2-1 of the Uniform Fire Code.*

The Planning Commission should make a recommendation on this issue after reviewing the recommendation from the Fire Chief which should be in the packet.

### **Sewer System**

There is an existing 8-inch sewer line in High Mountain Drive stubbed to the development that could eventually be extended to serve this development. 4-inch sewer laterals will be required for each lot.

### **Culinary Water System**

We have reviewed the elevations of this development to determine which water pressure zone will most efficiently provide water service. This development will need to be served by our Grove pressure zone, which will require the relocation of a PRV and construction of a new water line. The PRV relocation and extending the water line to the north property line of this development is part of our water master plan and should be able to be funded by impact fees. The water lines required within the development will be a development improvement.

We anticipate that 8-inch lines will be required throughout the development, but will verify the required sizes with the water model.  $\frac{3}{4}$ -inch water laterals will be required for each lot.

Fire hydrant locations will be reviewed on the preliminary plans. The location of the fire hydrants will need to be approved by the Fire Marshall.

### **Pressurized Irrigation System**

Due to the elevation of the development, pressurized irrigation service should be by connection to our high pressure zone. The point of connection for service from this zone is the filter building in Lambert Park. Details of connection to the system can be worked out prior to preliminary submittal.

### **Storm Water Drainage System**

Storm drain design and calculations are not required at Concept level and were not submitted. However, the Bennett Farms development has extended an 18-inch storm drain line to this development which drains to a detention basin within the Bennett Farms area. A storm drain system will need to be connected to this connection and calculations provided to shown sufficient capacity in the existing detention basin. If capacity does not exist, the developer will be required

to create capacity within the Wadsworth Meadows development. The system will need to include catch basins and onsite detention.

The plans also indicate that sumps would be constructed in each lot to take care of roof water. This could still be done if the developer desires.

### **General Subdivision Remarks**

The developer has water rights on file with the City that will be used to meet the City's water policy.

There are two trails on the City's master plan that run through this property. The Planning Commission will need to review the plan for trails and provide direction to the developer regarding what they expect to see.

Section 3.12 of the City's development codes outlines the requirements for areas considered as sensitive land. The applicability of this ordinance to lands is based on hazard maps that have been adopted by the City showing the location and extent of potential hazards with the City and other factors.

Upon reviewing the hazard maps, it appears that there are two issues that need to be addressed. First, the property falls within the Geologic Hazards Overlay Zone. The potential hazards identified on this property are debris flow, rockfall and slide hazards, as well as a fault zone that covers a portion of the property. The developer had previously submitted two reports for the former development called East Bench Estates. The submitted reports were a geological and a geotechnical investigation which addressed the potential hazards and soil conditions at the site. Because the development boundaries have changed we recommend the developer update or validate and verify the reports are still applicable for the project. We will review the reports once validated and be more prepared to discuss them at a later date.

The second issue deals with the development being located within the Urban/Wildland Interface Overlay area. Section 3.12.7 of the development code outlines the requirements for when property falls within this area. The issues outlined in this section of the code will need to be addressed. The access issue was previously discussed in the street system section of this review letter.

There are a couple minor redline comments on the concept plan that need to be addressed.

**We recommend that concept approval of the proposed development be postponed until the following issues are addressed:**

- **The Developer work with Staff to figure the correct total density.**
- **The Planning Commission recommend and the City Council approve the development as a PRD.**

- **The Planning Commission review the proposed street plan, including the half width road section and secondary access exception proposal to determine if it is acceptable.**
- **The Planning Commission and City Council review and discuss the option of no sidewalk on the south side of East Bench Drive (Jeppesen Properties).**
- **The Developer provide details regarding the developed open space.**
- **The Planning Commission review the proposed open space plans to determine if they are acceptable.**
- **The developer coordinates with the City regarding the construction of a pressurized irrigation main line to serve the development from the City's high pressure zone.**
- **A storm water concept plan be proposed that is acceptable to the City.**
- **The Planning Commission provide direction to the Developer regarding their trails expectations.**
- **The Developer update/validate the geological and geotechnical reports for the entire development area.**
- **The developer show how the requirements of the urban/wildland interface area will be met.**
- **The redlined comments on the concept plan be addressed.**

RECEIVED JUN 15 2015



11038 N Highland Blvd  
Suite 400  
Highland Ut, 84003  
office (801) 492-1277  
cell (801) 616-1677  
ken@bergcivil.com

**To:** Alpine City  
**From:** Ken R. Berg, PE  
**Date:** 6/15/2015  
**Re:** Wadsworth Meadows Subdivision – Urban Wildland Interface Exception Request.

The Wadsworth Meadows Subdivision requests that an exception be granted to the secondary access requirement of the Urban Wildland Interface Overlay based upon the information provided.

The proposed 11 lot subdivision follows the current Alpine City Master Transportation Plan by constructing the alignment of the shown local road connecting East Bench Drive and Bald Mountain Drive. The future extension and connection of Bald Mountain Drive is also shown through the Fitzgerald property, currently within Utah County.

The Fitzgerald property creates a physical obstacle of a planned roadway, by Alpine City, that is not within city limits. This roadway is the only road connection available in the area based upon surrounding developments following the transportation master plan and not providing other roadway stubs to surrounding properties. Additionally, Lambert Park to the north and Forest Service to the east also present physical obstacles to alternative roadway alignments, with no roadways allowed.

Based upon these physical obstacles, the Wadsworth Meadows Subdivision requests the exception. The exception will only apply until the Fitzgerald property is developed.

Regards,

Ken R. Berg, PE

A. Development Code (URBAN-WILDLAND INTERFACE OVERLAY)

3.12.7.4 ROADS

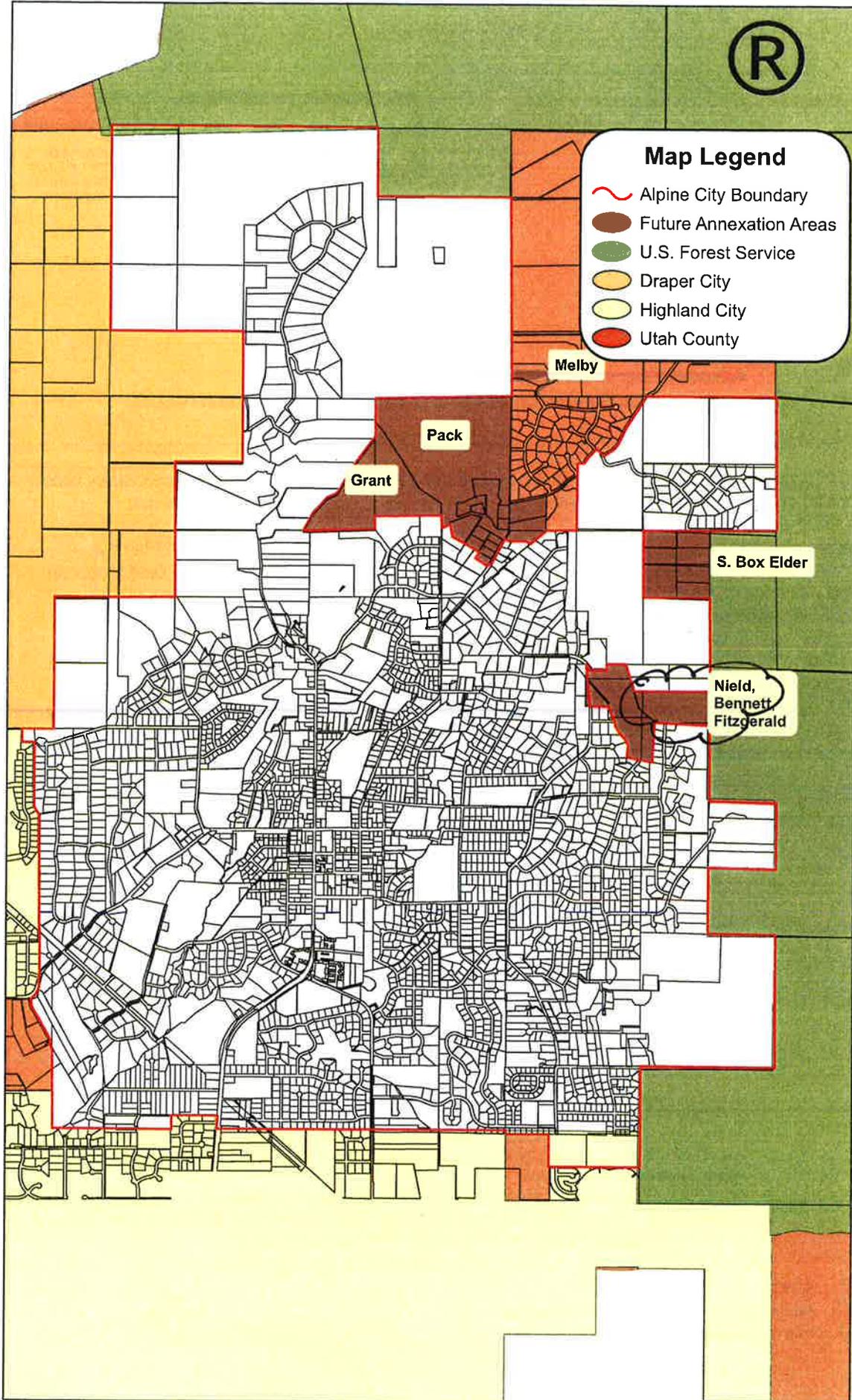
3.12.7.4.1 Access. All developments in the Urban/Wildland Interface area shall have more than one access route which provides simultaneous access for emergency equipment and civilian evacuation. The design of access routes shall take into consideration traffic circulation and provide for looping of roads as required to ensure at least two access points. Looped roads with a single access are not allowed.

3.12.7.4.2 Exceptions. Where terrain features or other physical obstacles make provision of a second access impractical, a single access may be approved by the City Council after obtaining the recommendation of the Fire Chief and the Planning Commission.

- B. Alpine City Annexation Map
- C. Alpine City Transportation Master Plan
- D. Fire Chief Review

RECEIVED JUN 15 2015

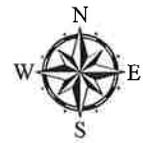
# EXHIBIT A



**Map Legend**

- Alpine City Boundary
- Future Annexation Areas
- U.S. Forest Service
- Draper City
- Highland City
- Utah County

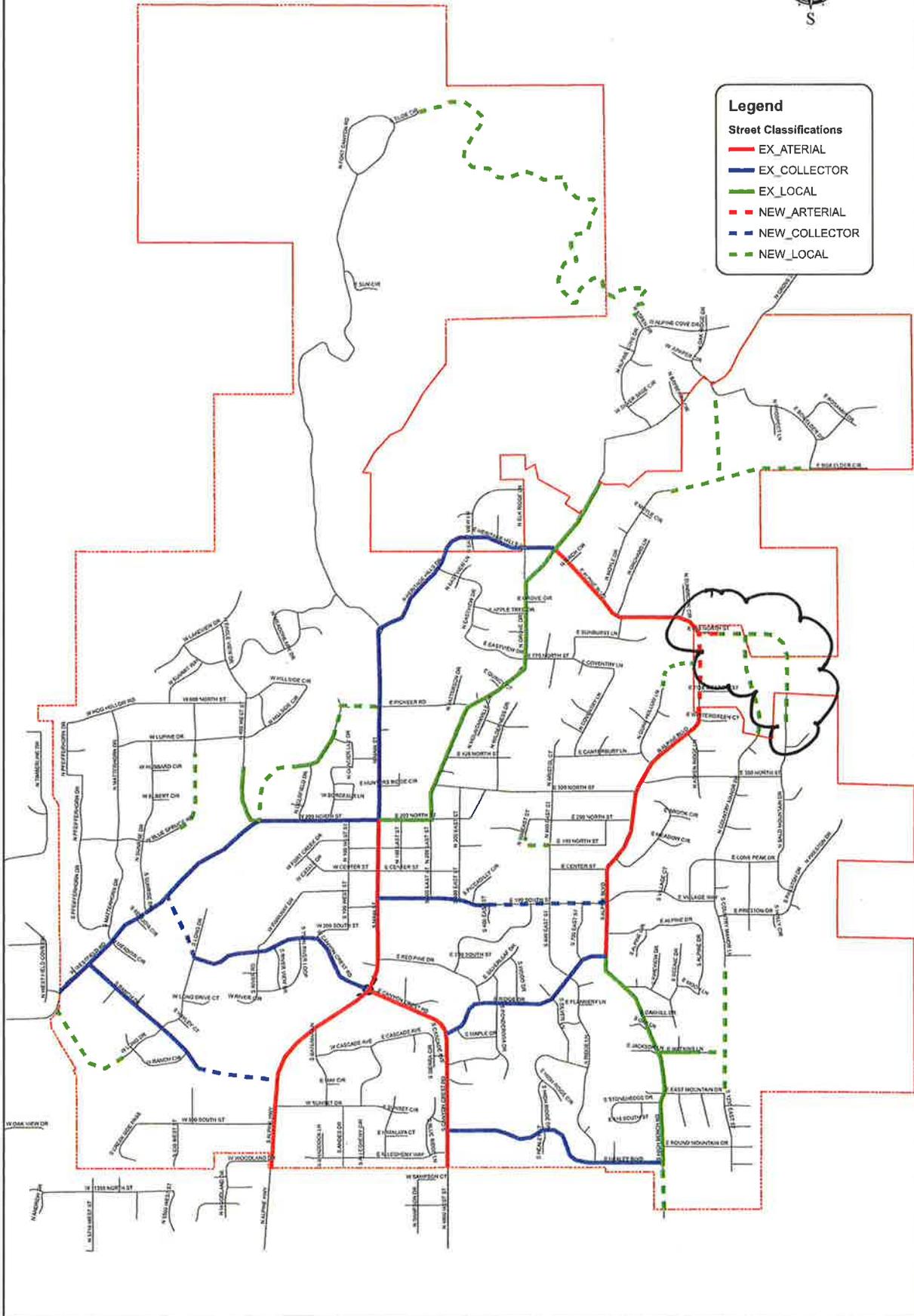




**Legend**

**Street Classifications**

- EX\_ARTERIAL (Red solid line)
- EX\_COLLECTOR (Blue solid line)
- EX\_LOCAL (Green solid line)
- NEW\_ARTERIAL (Red dashed line)
- NEW\_COLLECTOR (Blue dashed line)
- NEW\_LOCAL (Green dashed line)





Office of the Fire Marshal

**Benjamin D. Bailey, BS, EMTP**  
**Fire Marshal / Battalion Chief**

**Lone Peak Fire District**  
**5582 Parkway West**  
**Highland, UT 84003**  
**801-420-2529**  
**bbailey@lonepeakfire.com**

May 20, 2015

Berg Civil Engineering  
11038 N Highland BLVD  
Highland, UT 84003

RE: East Bench Subdivision

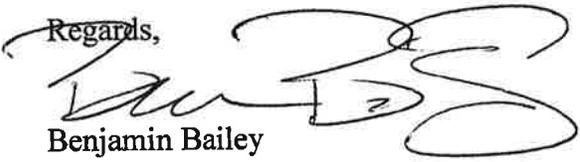
Berg Civil Engineering,

I have reviewed the CONCEPT PLAN 1 STANDARD SUBDIVISION, EAST BENCH SUBDIVISION that was submitted to Alpine City. At this time I am not approving these plans based on the following.

- 1) This property is located in a sensitive Wildland area of the city. With the realization of fire related incidents that have previously occurred on this and surrounding properties and the real risk of current and future fire emergencies, I believe that the IFC 2012 code supports the need for a second ingress/egress road to this property.
- 2) The submitted plans show for a single ingress/egress point originating from Alpine BLVD. The plans also show a second stubbed street, Bald Mountain Dr. west of Lot 9. The submitted plans that Bald Mountain Dr. within the EAST BENCH SUBDIVISION could potentially be tied in to a currently established street, Bald Mountain Dr., located south of this property. The stubbed road further impresses on me that a second access is not only viewed by me, but is actually designed for the property.

Please contact me with any questions you have.

Regards,

  
Benjamin Bailey

Cc Spencer Edwards, Deputy Fire Chief  
Alpine City

Resource  
IFC 2012; 503.1.2, D104.3

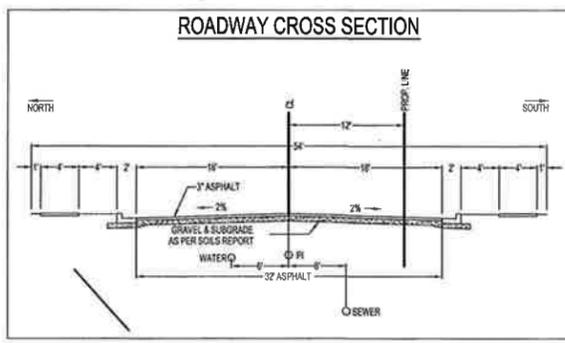
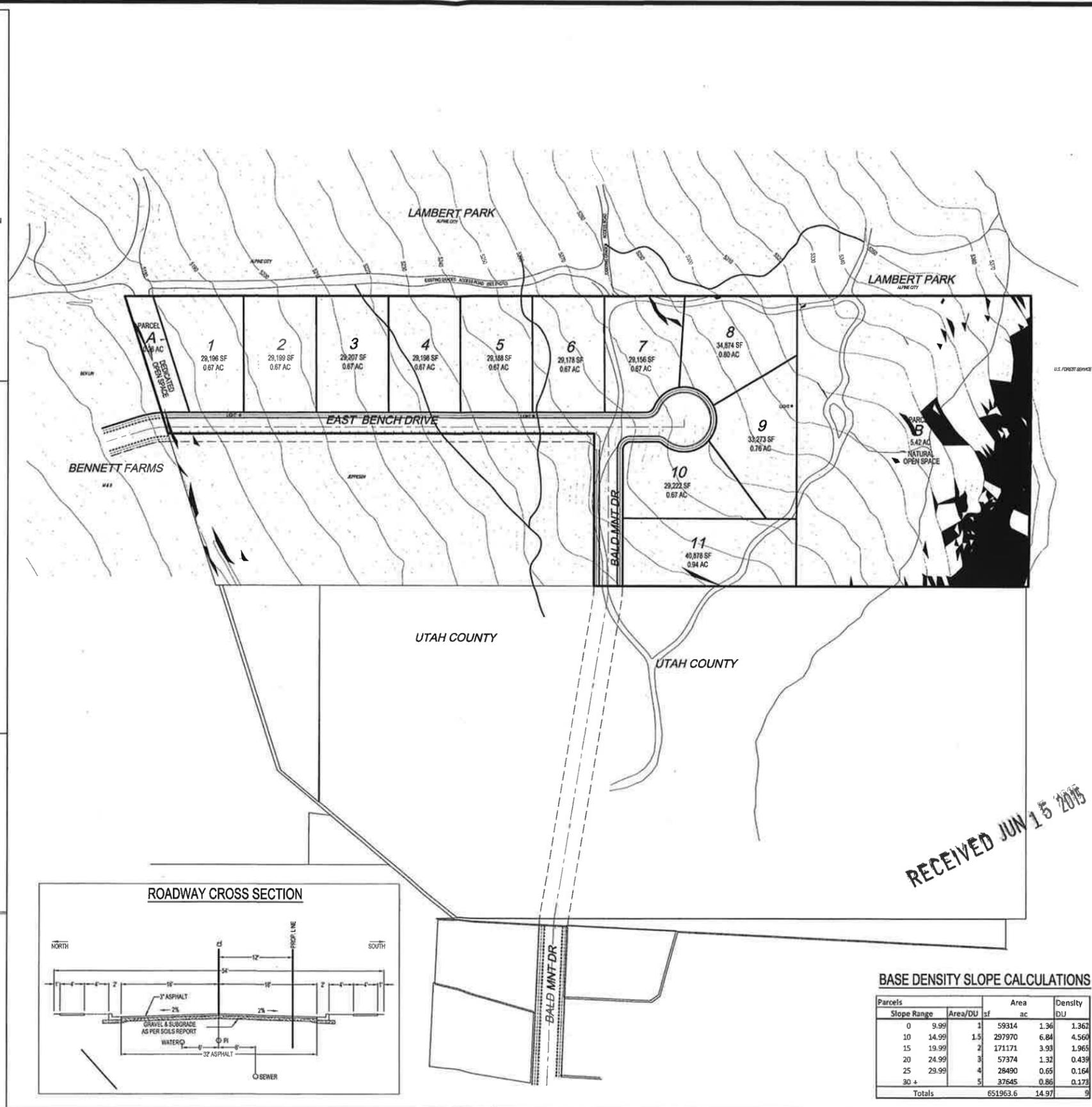
### GENERAL NOTES

1. SETBACKS = FRONT 30', REAR 20', SIDE 10' MIN/22' TOTAL, CORNER LOT SIDE YARD 30'.
2. ALL CONSTRUCTION TO CONFORM TO ALPINE CITY STANDARDS AND SPECIFICATIONS. ALPINE CITY USES APWA STANDARDS AND DETAILED DRAWINGS IN MOST CASES.
3. ALL ROADWAYS ARE PUBLIC ROADWAYS TO BE MAINTAINED BY ALPINE CITY.
4. P.U.E'S AS FOLLOWS = 10' FRONT, 5' REAR AND SIDES.
5. EAST BENCH DRIVE WILL BE CONSTRUCTED AS A HALF ROAD PLUS 12 FEET AS SHOWN ON ROADWAY CROSS SECTION.
6. ALL SEWER LATERALS TO BE 4" WITH MINIMUM 2% SLOPE WITH CLEANOUT BEHIND CURB.
7. ALL WATER SERVICE LINES TO BE 1" LINE WITH 3/4" METER AND STANDARD ALPINE CITY METER BOX AND SETTER.
8. ALL ROOF GUTTERS AND DRAINS TO DRAIN TO SEPARATE SUMP ON EACH LOT NEAR CORNERS OF PROPOSED HOMES, TWO SUMPS FOR EACH BUILDING AVERAGE. SUMP AND DRAINAGE DETAILS TO BE PREPARED WITH PRELIMINARY PLAT.
9. SEWER LATERALS TO BE PLACED 10 FEET FROM WATER LATERALS.
10. EXISTING CONTOURS FROM ALPINE CITY.
11. THERE ARE NO KNOWN WATERWAYS, WATER COURSES, WETLANDS, FLOOD ZONES, FAULT LINES, DEBRIS FLOWS, OR ROCKSLIDES LOCATED ON THIS PROPERTY.
12. THERE ARE NO IRRIGATION DITCHES ON THIS SITE THAT NEED TO BE MAINTAINED.

### TABULATIONS

TOTAL PROPERTY	15	AC	100%
REQUIRED 25% OPEN SPACE	3.75	AC	25%
PROVIDED OPEN SPACE			
DEVELOPED			
PARCEL A	0.26	AC	2%
NATURAL			
PARCEL B	5.42	AC	36%
TOTAL OPEN SPACE	5.68	AC	38%
ADDITIONAL OPEN SPACE			
DEVELOPED OPEN SPACE	0.26	AC	2%
NATURAL OPEN SPACE	1.67	AC	11%
BASE DENSITY	9	LOTS	
MAX 25% BONUS	2.25	LOTS	
TOTAL ALLOWABLE LOTS	11.25	LOTS	
BONUS DENSITY CALC			
DEVELOPED OPEN SPACE (9 x 3 x 2%)	0.54	LOTS	
NATURAL OPEN SPACE (9 x 1 x 11%)	0.99	LOTS	
TOTAL BONUS DENSITY	1.53	LOTS	
TOTAL BASE + BONUS	10.53	~ 11 LOTS	

### VICINITY SKETCH



#### BASE DENSITY SLOPE CALCULATIONS

Parcels	Slope Range	Area/DU	Area	Density	DU
	0 - 9.99	1	59314	1.36	1.362
	10 - 14.99	1.5	297970	6.84	4.560
	15 - 19.99	2	171171	3.93	1.965
	20 - 24.99	3	57374	1.32	0.439
	25 - 29.99	4	28490	0.65	0.164
	30 +	5	37645	0.86	0.173
Totals			651963.6	14.97	9

DEVELOPMENT

## WADSWORTH MEADOWS SUBDIVISION

---

OWNER

### AUTUMN VIEW PROPERTIES

11038 N. Highland Blvd Suite 100  
Highland, UT 84003  
(801) 642-0119

---

SCALE: 1" = 30'

---

**CIVIL ENGINEERING**  
11038 N Highland Blvd Suite 400  
Highland, UT, 84003  
office (801) 492-1277  
cell (801) 616-1677

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PROJECT STATUS		SEAL
NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		

---

ACTION	DATE
CONCEPT	6/15/2015

---

PROJECT

## WADSWORTH MEADOWS SUBDIVISION

---

DESCRIPTION

### CONCEPT PLAN PRD OPTION 1

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SHEET NAME	SHEET NUMBER
COVER	C1

RECEIVED JUN 15 2015

SLOPE ANALYSIS (BASED ON PRD FORMULA 3.9.5)



Name: Wadsworth Meadows Concept

Date: June 30, 2015

Contours Used: 1999 Aerial flown contours

CR-40,000 Zone						
Acreage	Acres	Total Square Feet				
Property	14.98	652,525.83				
<b>Zone Total Acreage</b>	<b>14.98</b>					
Slope Percentages	Percent Acres W ithin that range	SF within slope range	Acres within slope range	Required Acres per Lot	Allowed Lots for this range	
0-9.99%	5.9%	38,381.11	0.88	1.00	0.88	
10-14.99%	49.7%	324,198.20	7.44	1.50	4.96	
15-19.99%	28.2%	184,047.61	4.23	2.00	2.11	
20-24.99%	8.7%	57,015.86	1.31	3.00	0.44	
25-29.99%	3.3%	21,841.85	0.50	4.00	0.13	
30%+	4.1%	27,041.20	0.62	5.00	0.12	
<b>Totals</b>	<b>100.0%</b>		<b>14.98</b>			
					<b>Density</b>	
					<b>Rounde</b>	
<b>Base Density, Non-PRD</b>					8.64	<b>9</b>
<b>Private Open Space (10% Max Bonus), PRD</b>					9.90	<b>10</b>
<b>Public Open Space (25% Max Bonus), PRD</b>					11.25	<b>11</b>

Bonus Density Provided (acreage)

Natural	5.42	acres
Private	0	acres
Developed	0.26	acres

Base Requirement (CR-40,000 Zone, 25%)	3.74	acres
<b>Total Provided</b>	<b>5.68</b>	<b>acres</b>

Open Space Bonus Acres

Natural	1.68	acres
Private	0	acres
Developed	0.26	acres

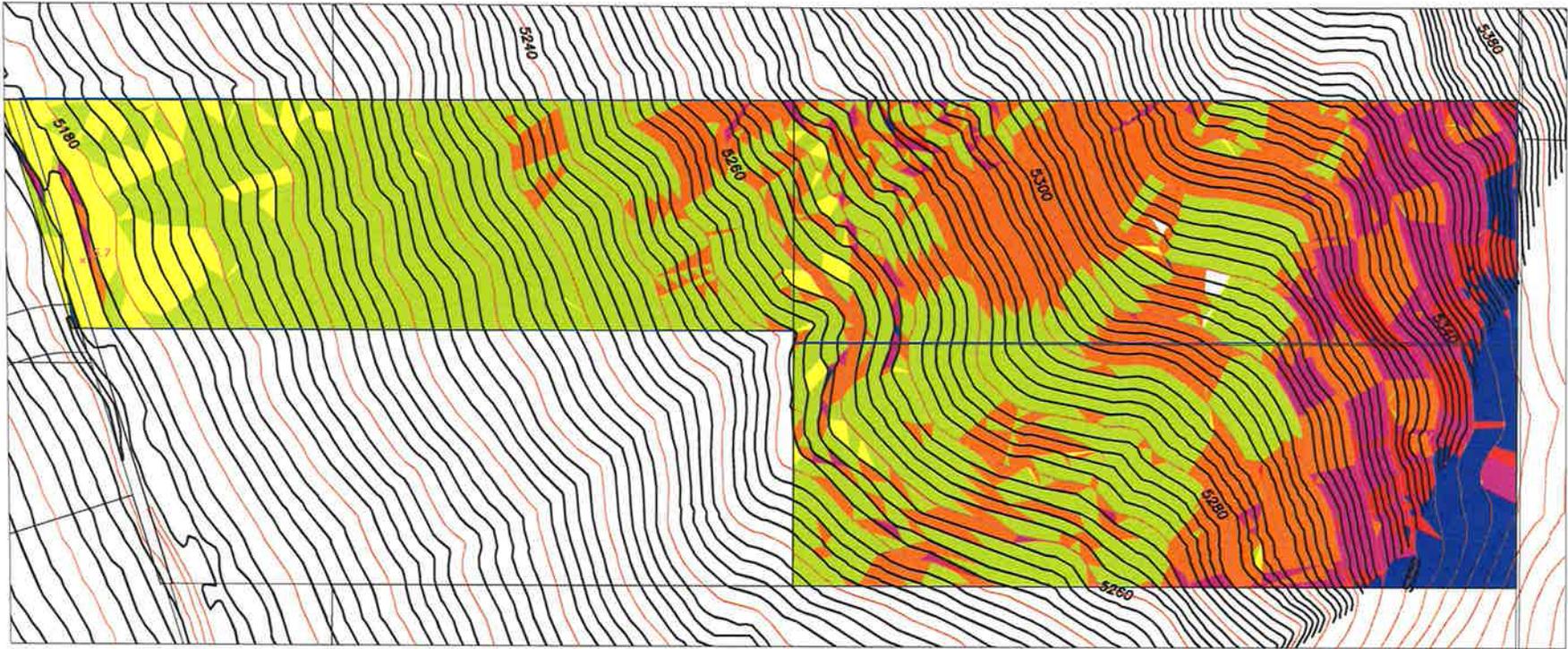
Bonus Given (%)

Natural	11.18%
Private (x0.5)	0.00%
Developed (x3)	5.21%
<b>Total</b>	<b>16.39%</b>

Bonus Lots (Base X Bonus)	1.47	lots*
<b>Total Denisty Allowed</b>	<b>10.47</b>	<b>10</b> lots

\* The ordinance calculates bonus density based off of a rounded base denisty, no other numbers are rounded tell the end

Number	Minimum Slope	Maximum Slope	Area	Color
1	0.00%	10.00%	38361.11	Yellow
2	10.00%	15.00%	324198.20	Light Green
3	15.00%	20.00%	184947.61	Orange
4	20.00%	25.00%	57015.86	Red
5	25.00%	30.00%	21841.85	Dark Red
6	30.00%	100.00%	27841.20	Blue



SCALE: 1" = 60'  
(24x36)  
8" = 100'

REMARKS  
2015-06-30 Edited For Wadsworth Meadows Concept

Wadsworth Meadows  
Slope Analysis  
Based on PRD Formula  
PRD Slope Analysis

Engineering File  
Number  
-

Drawing: 1  
Sheet: 1 of 1

## **ALPINE CITY COUNCIL AGENDA**

**SUBJECT:** River Meadows Senior Living Phase 4 - Revised Site Plan

**FOR CONSIDERATION ON:** 14 July 2015

**PETITIONER:** Patterson Construction

**ACTION REQUESTED BY PETITIONER:** Approve the revised site plan.

**APPLICABLE STATUTE OR ORDINANCE:** Article 3.18 Senior Housing  
Overlay Zone - Development Code

**PETITION IN COMPLIANCE WITH ORDINANCE:** Yes

### **BACKGROUND INFORMATION:**

The River Meadows Senior Living phase 4 lies within the Senior Housing Overlay zone. The developer is requesting approval of a modification of building pad locations. The proposed revision meets setback requirements for the zone and will match the existing units.

### **PLANNING COMMISSION MOTION:**

Jason Thelin moved to recommend approval of the modified site plan for the River Meadows Senior Living phase 4.

Steve Swanson seconded the motion. The motion passed with 6 Ayes 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cospers, Jane Griener and Steve Swanson all voted Aye



Date: February 25, 2015

By: Jed Muhlestein, P.E. *JMA*  
Assistant City Engineer

**Subject: River Meadows Senior Living Phase 4 – Revised Site Plan  
8 Units on approximately 0.70 Acres**

### **Background**

The Planning Commission and City Council have previously approved the River Meadows Senior Assisted Living Plan which lies within the Senior Housing Overlay Zone. The reason this is coming to Planning Commission and City Council is to request approval for modification of building pad locations. An exhibit is attached showing approved vs revised layout for the building pads.

Due to the alteration of the building pad locations, the rest of the zone requirements were reviewed and are outlined below.

### **Senior Housing Overlay Zone Requirements**

The Senior Housing Overlay Zone requires 2 parking spaces per dwelling and 30 foot front setbacks with 20 foot rear and side yard setbacks. The site plan meets these guidelines.

The architectural character of the proposed units will match the existing units and is attached as an exhibit.

The total landscaped area of the project is 2.84 acres, or 31 percent of the project. The ordinance requires that a minimum of 30% of the total project area be landscaped. The provided landscaping plan is meant to blend in with the existing landscaping.

### **Street System/Parking Areas**

The development plan shows a private street meeting the 20 foot minimum width. Parking lot

lighting is shown at the end of the street which should be sufficient. The existing portion of the development does have lighting in place.

### **Sewer System**

There is an existing 8-inch sewer line in Red Pine Drive that could serve the development.

### **Culinary Water System**

There is an existing 8-inch water line in Red Pine Drive that could serve the development. The location of proposed fire hydrants has been approved by the Fire Marshal.

### **Pressurized Irrigation System**

There is an existing 8-inch pressurized irrigation line in Red Pine Drive that could serve the development.

### **Storm Water Drainage System**

The storm drain design was submitted and approved previously. The drainage from this part of the development flows to Red Pine Drive and is collected there and piped to a detention basin by Dry Creek that serves the entire development for runoff control.

### **General Subdivision Remarks**

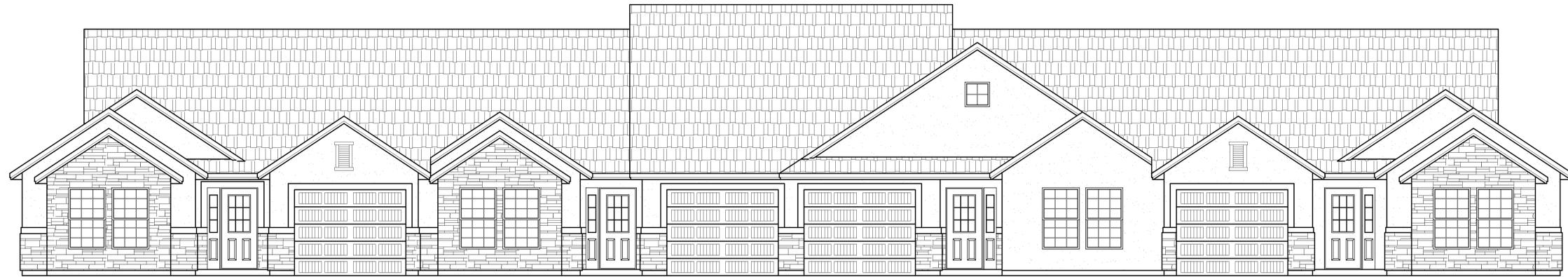
The developer met the water policy when Spring Creek Plat A AMD was recorded.

**We recommend that approval of the proposed development be approved.**

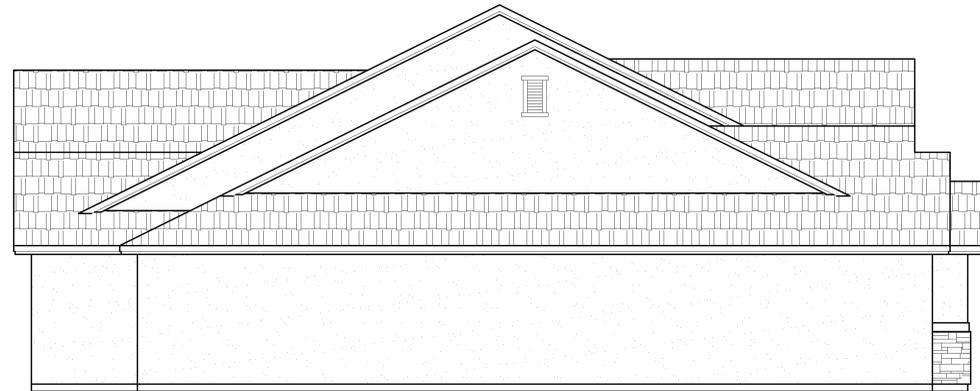


Dark lines are the new proposed unit locations

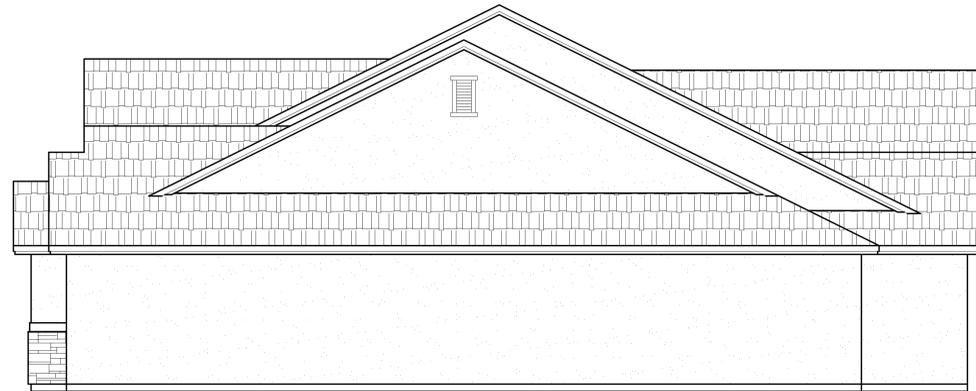
Light gray lines are what was previously approved



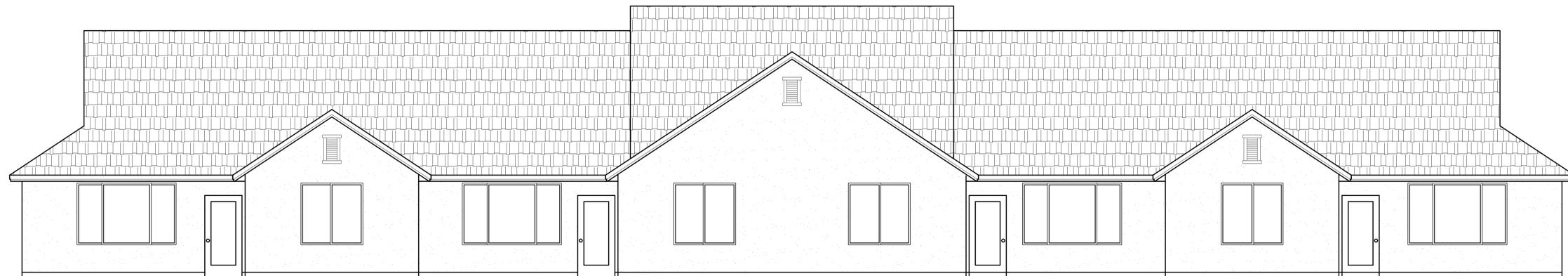
Front Elevation



Left Elevation



Right Elevation



Front Elevation

**Harding Design**

11038 Highland Blvd Ste 400  
Highland, UT 84003  
801.376.4190  
hardingdesign@rocketmail.com

**River Meadows Assisted Living Town Homes**

Alpine, UT

Elevations - Scale 1/4" = 1'  
Patterson Homes

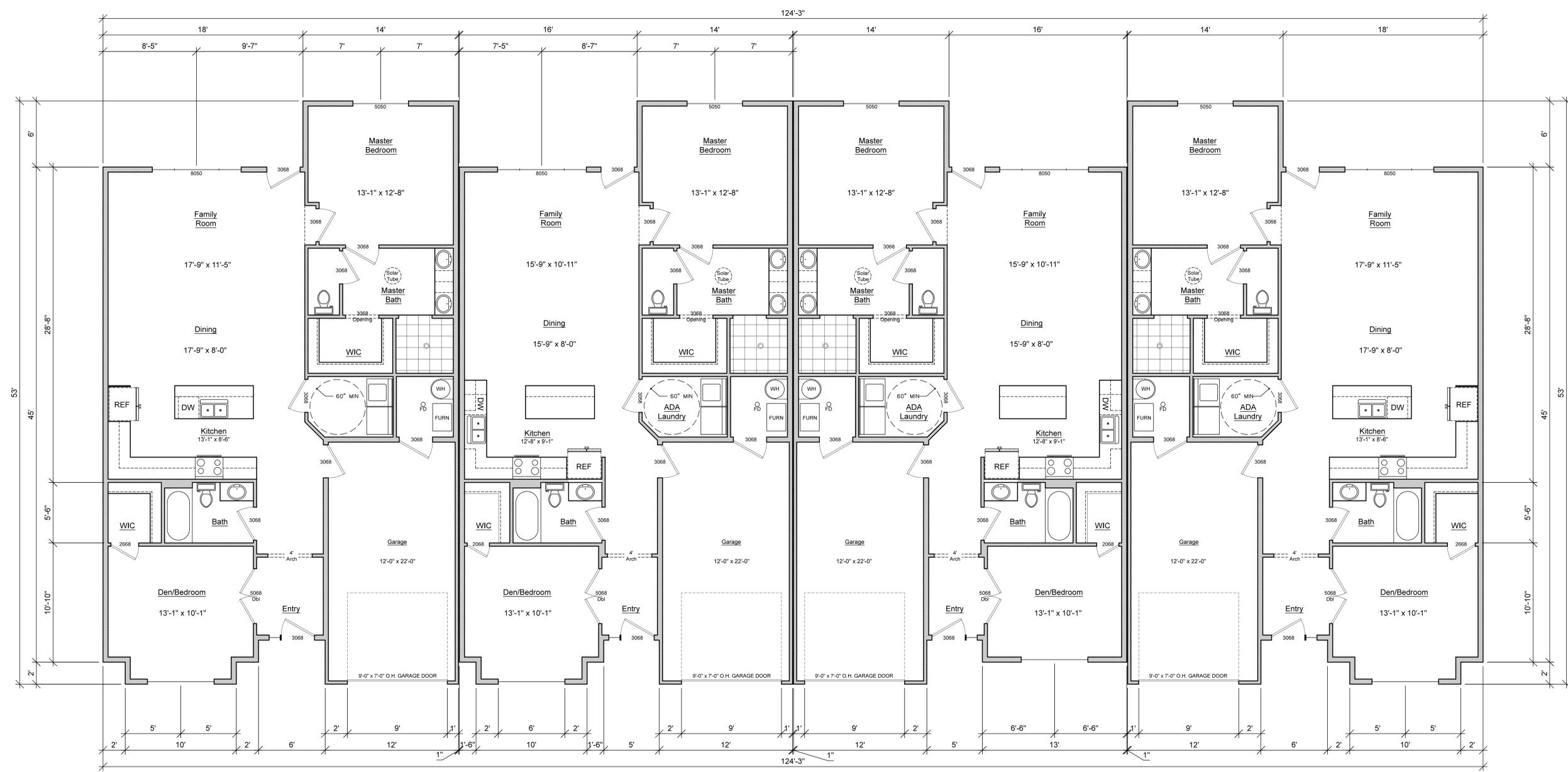
Bsmt: N/A sf  
Main: N/A sf  
Upper: N/A sf  
Attic: N/A sf

Total: N/A sf

PAGE:

**1**

**River Meadows Assisted Living Town Homes**  
**Alpine, UT**  
 Floor Plans - Scale 1/4" = 1'  
 Patterson Homes



Bsmt:	N/A sf
Main:	N/A sf
Upper:	N/A sf
Attic:	N/A sf
<b>Total:</b>	<b>N/A sf</b>

## **ALPINE CITY COUNCIL AGENDA**

**SUBJECT:** River Meadows PRD Plat Amendment

**FOR CONSIDERATION ON:** 14 July 2015

**PETITIONER:** Patterson Construction

**ACTION REQUESTED BY PETITIONER:** Approve the amended plat

**APPLICABLE STATUTE OR ORDINANCE:** 10-9a-608 Utah Code Annotated

**PETITION IN COMPLIANCE WITH ORDINANCE:** Yes

### **BACKGROUND INFORMATION:**

The River Meadows PRD is an approved subdivision with 24 senior housing unit. During foundation staking of the final four units, it was noted that two of the units fell within the flood plain. The developer has adjusted lot lines out of the flood plain and is seeking approval for a plat amendment which will affect the common area.

### **PLANNING COMMISSION MOTION:**

Bryce Higbee moved to recommend approval of the amended plat for the River Meadows PRD.

David Fotheringham seconded the motion. The motion passed with 6 Ayes 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cosper, Jane Griener and Steve Swanson all voted Aye



Date: June 29, 2015

By: Jed Muhlestein, P.E. *JM*  
Assistant City Engineer

**Subject: River Meadows PRD – Lot Line Adjustment/Plat Amendment**

### **Background**

The River Meadows PRD is an approved subdivision with 24 senior housing units. Twenty of the twenty-four units have been built. During foundation staking of the final four units it was noted that the staking for the foundations was within close proximity to Dry Creek. Upon closer inspection it was discovered that two of the units fell within the flood plain. The developer has adjusted lot lines out of the flood plain and is seeking approval for a plat amendment. A plat amendment is required because the lot line adjustment affects common area, which is owned equally by all owners within the development. Therefore, all need to sign off on the adjustment/amended plat.

Due to the need for a plat amendment, the rest of the zone requirements were reviewed and are outlined below.

### **Senior Housing Overlay Zone Requirements**

The Senior Housing Overlay Zone requires 2 parking spaces per dwelling and 30 foot front setbacks (from a public right-of-way) with 20 foot rear and side yard setbacks. The site plan meets these guidelines.

The total landscaped area of the project is 1.35 acres, or 43 percent of the project. The ordinance requires that a minimum of 30% of the total project area be landscaped. The provided landscaping plan is meant to blend in with the existing landscaping. Most of the landscaping is complete at this point.

### **Street System/Parking Areas**

The development plan shows a private street meeting the 20 foot minimum width. Parking lot

lighting is shown at the end of the street which should be sufficient. Lighting is currently installed.

### **Sewer System**

The development is currently connected to the sewer system. Sewer laterals were installed for the previous building layout design. Two of the four sewer laterals previously installed will be capped and abandoned and two new laterals will be installed.

### **Culinary Water System**

Similar to the sewer, water meters were installed for the previous building design. Two of the four water meters previously installed will be capped and abandoned and two new water laterals and meters will be installed. The location of proposed fire hydrants has been approved by the Fire Marshal. They are installed.

### **Pressurized Irrigation System**

The secondary water system connections mirror the same scenario as the water and sewer. Two will be capped and abandoned; two new ones will be installed.

### **Storm Water Drainage System**

The existing storm drain design consists of catch basins which route the runoff to an existing detention basin near lot 21. The detention basin will need to be graded and reshaped to accommodate the changing location of the building pads. The submitted design shows grading that preserves the original storage volume of the basin.

**We recommend that approval of the proposed plat amendment be granted.**

## **ALPINE CITY COUNCIL AGENDA**

**SUBJECT: Condominium Conversion Ordinance**

**FOR CONSIDERATION ON: July 14 2015**

**PETITIONER: Larry Hilton**

**ACTION REQUESTED BY PETITIONER: Adopt Ordinance 2015-10**

**APPLICABLE STATUTE OR ORDINANCE: Sections 6.4 (2) and 6.4 (3)**

**PETITION IN COMPLIANCE WITH ORDINANCE: Yes**

### **BACKGROUND INFORMATION:**

Larry Hilton has requested that the city amend the Condominium Conversion Ordinance No. 85-07 and strike Section 6.4 (2) and part of 6.4. (3) which relates to fire wall separation requirements in condominiums. Mr. Hilton said it is his understanding that the standards imposed by the ordinance are significantly more stringent than those required by other municipalities in the area, and are more costly that would be required by the International Building Code.

Attached is the request by Larry Hilton and an email from Roger Evans of Sunrise Engineering.

### **PLANNING COMMISSION MOTION:**

Bryce Higbee moved to recommend that section 6.4.2 and 6.4.3 be amended as proposed which would eliminate 6.4.2 (2-hour fire separation requirement) and eliminate the fire separation language in 6.4.3.

Steve Swanson seconded the motion. The motion passed with 6 Ayes 0 Nays.  
Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cospers, Jane Griener and Steve Swanson all voted Aye

**From:** Larry Hilton [ldhilton@gmail.com]  
**Sent:** Friday, June 05, 2015 4:01 PM  
**To:** Jason Bond  
**Subject:** Request for Amendment to City Ordinance

Jason:

I am writing to follow up on our conversations regarding Alpine's condominium conversion policy. We respectfully request that section 6.4(2) in its entirety, as well as the phrase "or fire separation standards" in section 6.4(3) be stricken from ordinance 85-07. We understand that these standards are significantly more stringent than those required by any other municipality in the area, and that they would entail much greater cost beyond that required by the International Building Code.

Please do not hesitate to contact me should you have any questions regarding our concerns. Thank you for your consideration.

--

Best regards,  
Larry Hilton  
(801) 367-0067

## Charmayne Warnock

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**From:** Roger Evans [revans@sunrise-eng.com]  
**Sent:** Thursday, July 02, 2015 11:47 AM  
**To:** Charmayne Warnock  
**Subject:** RE: Condo - firewal requirement

After reviewing the proposed ordinance change, I agree with Larry Hilton that paragraph two (2) should be deleted in Section 6.4 of the Alpine ordinance. The current adopted codes require only a one (1) hour separation between condo units.

---

**From:** Charmayne Warnock [cwarnock@alpinecity.org]  
**Sent:** Thursday, July 02, 2015 10:59 AM  
**To:** Roger Evans  
**Subject:** Condo - firewal requirement

Roger,

Attached is Alpine City's current ordinance on condominium conversion. The part the applicant wants taken out is in red. I'm also attaching a copy of his email requesting it.

Charmayne G. Warnock

Alpine City Recorder/Building Dept.

Office # 801-756-6241

Fax # 801-756-1189

[cwarnock@alpinecity.org](mailto:cwarnock@alpinecity.org)



## CHAPTER 6

### CONDOMINIUM CONVERSION POLICY (ORDINANCE 85-07, Amended by Ord. 2009-17, 10/27/09)

#### 6.1 Intent

The intent of this section is to establish guidelines and minimum requirements relating to the conversion of existing commercial structures to condominium ownership and the maintenance and operation of such projects. These provisions shall be supplemental and in addition to the general requirements for major subdivisions contained under existing City ordinances, and also the requirements of Title 57 Chapter 8 of the Utah Code Annotated, 1953, as amended.

#### 6.2 Permitted Uses

Uses permitted within a condominium project shall be limited to those uses specifically permitted within the zone which underlies the area of the project and shall be subject to all conditions and restrictions required within the zone for the use.

#### 6.3 Layout and Improvement

1. Commercial Conversion Projects. Each project shall conform to the minimum City standards with regard to locations, parking, landscaping, access and similar issues which existed at the time the structure was established.

#### 6.4 Structural Quality - Fire Separation - Variance

1. All structures proposed for conversion shall conform to all applicable provisions of the International Building Code in effect at the time of application.

~~2. Regardless of any other provision to the contrary, each separate unit within a multi-unit structure shall be separate from each adjacent unit by walls and/or ceilings having a fire rating of two (2) hours or more.~~

3. Variances to the building code ~~or fire separation standards~~, as required above, may be granted by the City Council as a condition of approval of the conversion project, following the prior recommendation of the Planning Commission and upon the finding that said requirements are impractical because of unique circumstances associated with the structure, and that the gravity of said variance will not result in the creation or perpetuation a health or safety problem or a reduction in structural quality which is significantly less than would be achieved by full compliance with said requirements. In making its recommendation the Council on any such request for variance, the Planning Commission shall give due consideration to the recommendations of the Building Inspector, City Engineer, Fire Department or other affected agency.

#### 6.5 Utility and Facility Requirements

1. All units shall be separately metered for water, gas, electricity, and sewer, unless the covenants, conditions and restrictions provide for the Association to pay the costs of services.
2. Each unit shall be provided with readily accessible individual shut-off valves.
3. All storage and solid waste receptacles outside of units must be housed in a closed structure compatible with the design of the development.

## **6.6 Approval Procedure**

The procedure to be followed shall be the same as set forth in City ordinances dealing with major subdivisions.

## **6.7 Required Documents**

The following documents shall be prepared and submitted by the developer for each condominium conversion project:

1. Articles of Incorporation
2. Corporation By-Laws
3. Declaration of Covenants, Conditions, Restrictions and Management Policies/Declaration of Condominium
4. Management Agreement
5. Open Space Easement
6. Sales Brochure
7. Record of Survey or Final Subdivision Plat
8. Property Report

Where, in the opinion of the City Council, a particular document required under this Section is inapplicable for the particular project proposed, the City may waive the requirement for submitting said document.

## **6.8 Special Provisions**

1. Property Report (as required under Section 6.7 above). The developer shall submit two (2) copies of a property report describing the condition, useful life, and capacity of the roof, foundations, mechanical, electrical, heating, plumbing, and structural elements of all existing buildings and structures or uses; and identifying existing or latent deficiencies, proposed repairs and/or renovations. Said report shall be prepared by a structural engineer or qualified licensed contractor(s) acceptable to the City. The report shall also contain a statement of disclosure identifying those aspects of the building and site area which do not meet the requirements of the building code or zoning ordinance as they currently exist.
2. Notification of Tenants. Developers of a condominium conversion project shall, at the time of submission for final approval, submit to the City the following:
  - (1) Certification that the present tenants of the project have been notified of the proposed conversion. All tenants who occupy the property after an application for conversion has been filed with the City shall be notified by the developer prior to occupancy by such tenant.
  - (2) The present tenant or tenants of any unit to be converted shall be given a nontransferable right of first refusal to purchase the unit occupied upon at least the same terms and conditions offered to the general public or other individuals. The right shall extend for at least sixty (60) days after beginning sales, provided that the tenant may cancel the purchase agreement if the unit is not conveyed to the tenant within six (6) months or unless the tenant gives prior written notice of his/her intention not to exercise such right.
3. Unlawful to Record Unapproved Documents. It shall be unlawful to record any record of survey map or declaration of a condominium project in the office of the County Recorder, unless the same shall bear thereon final approval of the Planning Commission and City Council as required by the terms of this Code, and any record of survey map or declaration

so recorded without such approval shall be null and void. Any owner, or agent of any owner, of land or units located within a purported condominium conversion project, who transfers or sells any land, structure, or condominium unit in such purported project, before obtaining the final approval by the Planning Commission and City Council on the record of survey map and declaration and recording the same in the office of the County Recorder, shall be guilty of a misdemeanor for each lot, parcel of land, structure or condominium unit so transferred or sold.

**ORDINANCE NO. 2015-10**

**AN ORDINANCE ADOPTING AMENDMENTS TO SECTION 6.4 OF THE ALPINE CITY DEVELOPMENT CODE RELATING TO FIRE SEPERATION FOR CONDOMINIUM UNITS.**

**WHEREAS**, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the ordinance to address the fire separation standards for condominium units; and

**WHEREAS**, the Alpine City Planning Commission has reviewed the proposed Amendments to the Development Code, held a public hearing, and has forwarded a recommendation to the City Council; and

**WHEREAS**, the Alpine City Council has reviewed the proposed Amendments to the Development Code:

**NOW, THEREFORE, BE IT ORDAINED BY THE ALPINE CITY COUNCIL THAT:**

The amendments to Section 6.4 contained in the attached document will supersede Section 6.4 as previously adopted.

This Ordinance shall take effect upon posting.

Passed and dated this 14th day of July 2015.

---

Don Watkins, Mayor

**ATTEST:**

---

Charmayne G. Warnock, Recorder

## CHAPTER 6

### CONDOMINIUM CONVERSION POLICY (ORDINANCE 85-07, Amended by Ord. 2009-17, 10/27/09)

#### 6.1 Intent

The intent of this section is to establish guidelines and minimum requirements relating to the conversion of existing commercial structures to condominium ownership and the maintenance and operation of such projects. These provisions shall be supplemental and in addition to the general requirements for major subdivisions contained under existing City ordinances, and also the requirements of Title 57 Chapter 8 of the Utah Code Annotated, 1953, as amended.

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#### 6.3 Layout and Improvement

1. Commercial Conversion Projects. Each project shall conform to the minimum City standards with regard to locations, parking, landscaping, access and similar issues which existed at the time the structure was established.

#### 6.4 Structural Quality - Fire Separation - Variance

1. All structures proposed for conversion shall conform to all applicable provisions of the International Building Code in effect at the time of application.
2. Variances to the building code, as required above, may be granted by the City Council as a condition of approval of the conversion project, following the prior recommendation of the Planning Commission and upon the finding that said requirements are impractical because of unique circumstances associated with the structure, and that the gravity of said variance will not result in the creation or perpetuation a health or safety problem or a reduction in structural quality which is significantly less than would be achieved by full compliance with said requirements. In making its recommendation the Council on any such request for variance, the Planning Commission shall give due consideration to the recommendations of the Building Inspector, City Engineer, Fire Department or other affected agency.

#### 6.5 Utility and Facility Requirements

1. All units shall be separately metered for water, gas, electricity, and sewer, unless the covenants, conditions and restrictions provide for the Association to pay the costs of services.
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6. Sales Brochure
7. Record of Survey or Final Subdivision Plat
8. Property Report

Where, in the opinion of the City Council, a particular document required under this Section is inapplicable for the particular project proposed, the City may waive the requirement for submitting said document.

## **6.8 Special Provisions**

1. Property Report (as required under Section 6.7 above). The developer shall submit two (2) copies of a property report describing the condition, useful life, and capacity of the roof, foundations, mechanical, electrical, heating, plumbing, and structural elements of all existing buildings and structures or uses; and identifying existing or latent deficiencies, proposed repairs and/or renovations. Said report shall be prepared by a structural engineer or qualified licensed contractor(s) acceptable to the City. The report shall also contain a statement of disclosure identifying those aspects of the building and site area which do not meet the requirements of the building code or zoning ordinance as they currently exist.
2. Notification of Tenants. Developers of a condominium conversion project shall, at the time of submission for final approval, submit to the City the following:
  - (1) Certification that the present tenants of the project have been notified of the proposed conversion. All tenants who occupy the property after an application for conversion has been filed with the City shall be notified by the developer prior to occupancy by such tenant.
  - (2) The present tenant or tenants of any unit to be converted shall be given a nontransferable right of first refusal to purchase the unit occupied upon at least the same terms and conditions offered to the general public or other individuals. The right shall extend for at least sixty (60) days after beginning sales, provided that the tenant may cancel the purchase agreement if the unit is not conveyed to the tenant within six (6) months or unless the tenant gives prior written notice of his/her intention not to exercise such right.
3. Unlawful to Record Unapproved Documents. It shall be unlawful to record any record of survey map or declaration of a condominium project in the office of the County Recorder, unless the same shall bear thereon final approval of the Planning Commission and City Council as required by the terms of this Code, and any record of survey map or declaration so recorded without such approval shall be null and void. Any owner, or agent of any owner, of land or units located within a purported condominium conversion project, who transfers or sells any land, structure, or condominium unit in such purported project, before obtaining the final approval by the Planning Commission and City Council on the record of survey map and declaration and recording the same in the office of the County Recorder, shall be guilty of a misdemeanor for each lot, parcel of land, structure or condominium unit so transferred or sold.