

**Alpine City Council Meeting  
Alpine City Hall, 20 North Main, Alpine, UT  
March 11, 2014**

**I. CALL MEETING TO ORDER:** Mayor Don Watkins called the meeting to order at 6:30 pm.

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

Mayor Don Watkins

Council Members: Will Jones, Roger Bennett, Lon Lott, Kimberly Bryant

Council Members not present: Troy Stout

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

Others: Loraine Lott, Becky Rasband, Chad Bellon, Lacie Lawrence, Laird Bellon, Margaret Bellon, Dan Nelson, Robert Lake, Kylee Clark, Ula B. Hemingway, Robert Hemingway, Jane Griener, Robert Patterson, Wayne Patterson, Shawn Hall, Barbara Hall, Ross Welch, Jenny Rainsdon

**B. Prayer:** Will Jones

**C. Pledge of Allegiance:** Don Watkins

**II. PUBLIC COMMENT:** None

**III. CONSENT CALENDAR**

**A. Approve the minutes of February 25, 2014**

**B. Child Abuse Prevention Proclamation**

Will Jones said he agreed with the Child Abuse Prevention Proclamation but he would like to see something more proactive than just approving it. Likewise with other proclamations they were asked to adopt. There could be something about it in the Newsline. Mayor Watkins suggested they have Police Chief Brian Gwilliam come to the Council and make a report on the issue if it was relevant to police work.

**MOTION:** Will Jones moved to approve the Consent Calendar with the minutes as amended. Lon Lott seconded. Ayes: 3 Nays: 0. Will Jones, Roger Bennett, Lon Lott voted aye. Motion passed. Kimberly Bryant was not present at the time of the motion.

**IV. REPORTS AND PRESENTATIONS**

**A. Financial Report for February 2014:** Rich Nelson gave the financial report. He said the revenue on property tax had leveled out. Sales tax revenue was at 73.2% of their budgeted goal and about 67% of the fiscal year had passed. In the other areas they were also ahead of their anticipated goal or close to what they had budgeted.

Will Jones asked about the annual increase in the water bill and its purpose. Shane Sorensen said they had about \$250,000 of projects they would be doing. He would have more specifics at a later meeting. Rich Nelson explained that they were planning ahead. The idea was that the City was trying to be its own bank.

**V. ACTION/DISCUSSION ITEMS**

**A. Ordinance No. 2014-04 Business Commercial Zone Amendment:** Mayor Watkins said the commercial zone did not currently allow auto repair shops. The Planning Commission had been working on a amendment to the zone that would allow them in certain areas. He said that in the past week he'd received a lot of emails from people who said they were grateful for a particular auto mechanic in Alpine, but they were from residents who lived outside the BC zone. He said that evening they had three options after six months of discussion. First they could approve auto repair as a use with conditions, deny it or table it. The reason they might table it was there was still a fair amount of discussion from residents in the BC zone who'd only recently become aware of the proposed change. He said he would give a spokesman from each side of the issue an opportunity to speak for or against.

Kimberly Bryant arrived at the meeting.

Laird Bellon said he was representing those residents who signed the petition opposed to auto repair in the BC zone. They were the people who would be directly affected by auto repair shops because they lived in the BC zone. He said when he moved to his house, auto repair shops were not allowed. Now there was a request to change the ordinance. He said they were requesting that the Council not change the ordinance and that they deny the other proposed changes. They didn't want auto repair and they did not want to have a rental residence and business on the same lot.

Jason Bond clarified the issue of residences on the same lot as a business. The language in the current Zoning Ordinance Section 3.7.2 Permitted Uses, item 9 stated that ancillary residential structures were permitted and also defined what they were: "Ancillary Residential Structures (i.e. Dwellings located within or on the same premises as a permitted or conditional commercial use and occupied by persons directly related to such use in caretaker or similar capacity)."

The proposed change in the ordinance would allow businesses on the same lots as a residence. It added language that both residential and commercial buildings would be considered main buildings and would be required to meet the main building setbacks when on the same property. It didn't specify that the occupant of the resident had to be directly related to the business.

Laird Bellon said the current ordinance said that if someone owned a home in the BC zone, he could have a business on it if they resided on the property. They were opposed to the proposed change which would allow a residence on the same lot as a business to be rental property.

David Church said a caretaker wasn't necessarily a caretaker of a business. It could refer to a caretaker of the property. It was a common situation with storage units where there was also a house. The person living in the house may or may not own the business but may be paid to open the gate.

James Lawrence said he thought he'd found a solution that would work for everyone. He'd found a piece of land at 80 South Main by the old Alpine Market that would take away 90% of the concerns. It was across the street from the park and the Bank of American Fork. It was next to the hair salon and the dance studio was behind it. There was a law office on the corner. He suggested the Council designate the area south of Center Street and down to the roundabout as the portion of the business commercial zone where auto repair shops were allowed. The lot he was looking at already adjoined existing businesses. He said he that if he built a shop at that location he would like to have five bays instead of four bays since the size of the lot would accommodate that many.

Lon Lott said he appreciated Laird Bellon's efforts to inform people about what was happening in the BC zone. He had called several people who signed the petition and one of the questions he asked them was if they knew they lived in a commercial zone. He learned that 70% of the people didn't know they lived in a commercial zone until the petition came around. Others were aware of it and had intentionally bought property in the commercial zone. He said Laird Bellon had questioned why their neighborhood was zoned commercial if there were just residential homes in it. Lon Lott suggested the Council look at the issue of commercial zoning in areas that were already primarily residential when they updated the master plan.

Dan Nelson said he bought property in the BC zone and it was important to him that it be commercial. He wanted it to stay commercial although there were residences on either side belonging to the Burgesses and the Becks. Rich Nelson said he knew the Becks were hoping there would be no more commercial in that area.

Mayor Watkins asked if it would be possible to approve auto repair in a particular area but not give blanket approval to the whole zone since they were in the process of updating the General Plan. David Church said they could make it work.

Will Jones said that if they were going to look at designating an area within the BC zone where auto repair was allowed, he would suggest that it begin at the north boundary of the old Alpine Market property and go south to the roundabout rather than beginning on Center street.

Kimberly Bryant asked if they could approve the requested auto repair shop and put a moratorium on further auto repair shops until work on the General Plan was completed. David Church said they could.

Since there were other issues to consider such as the number of bays, landscaping and lot coverage, the Council agreed to send it back to the Planning Commission.

Will Jones said he no longer had a conflict of interest on this item because he didn't own the property at 80 S. Main that was being considered for an auto repair shop. He had owned the property they were previously considering.

**MOTION:** Will Jones moved to designate the area where auto repair shops would be allowed as the area from the south line of both the Burgesses' property southward to the roundabout with the condition that the property must exit onto Main street, and also referred Ordinance No. 2014-04 back to the Planning Commission to discuss the number of bays, parking, landscaping and percentage of lot coverage, and any other changes. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Will Jones, Roger Bennett, Kimberly Bryan and Lon Lott voted aye. Motion passed.

**B. Ordinance No. 2014-05, Amending Off-Street Parking in the BC Zone:** Since this item was related to the ordinance on auto repair, it was sent back to the Planning Commission.

**MOTION:** Will Jones moved to refer the Ordinance No. 2014-05 back to the Planning Commission. Lon Lott seconded. Ayes: 3 Nays: 1. Will Jones, Roger Bennett, Lon Lott voted aye. Kimberly Bryant voted nay. Motion passed.

**C. Pressurized Irrigation and Water Plan:** Shane Sorensen said Alpine hadn't had the best snow pack this winter and they were anticipating water restrictions similar to what they had in the past. He would be bringing it back to the Council for adoption when it was completed. The first step in the plan would be to educate people by running an article in the April Newslines, on the webpage and other media sources. The watering schedule would be basically the same as last year with odd numbered addresses watering on Monday, Wednesday and Friday and even number addresses watering on Tuesday, Thursday and Saturday. The hours would run from 7 pm to 7 am instead of 8 pm to 8 am. He said they needed to educate people and let them know that just because there was a 12-hour window for watering, they didn't need to water the entire 12 hours. They wanted people to understand they should be using just what their landscaping needed. He said the City parks and other large users may be watered during the day to balance out the use. Restrictions would go into effect on June 1st. The enforcement would be the same as the previous year. On the first offense there would be a warning hung on the doorknob. On the second offense the PI would be locked and there would be a \$50 fine to have it unlocked. On the third offense the PI would be locked and the fine would be \$200 to unlock it. Shane Sorensen said that in Highland City, offenders had to come before the City Council in order to be reinstated.

Jane Griener said that the Council had mentioned going into the schools and educating the kids. She thought that was a great idea. There could also be a community class on water conservation. Links on conservation would be on the Join In site.

Ron Devey suggested having the Slow-the-Flow people go into the schools.

Lon Lott said the Conservancy District had a program where people could get a rebate if they changed out old sprinkler heads for better ones.

Rich Nelson reminded the Council that simply conserving water will not eliminate the need to spend money on water improvements. They would be implementing a program over time to make the changes.

**D. Budget Priorities Discussion:** Rich Nelson reviewed the budget priorities which were:

1. \$1 increase to the base rate of the culinary water rate. (The \$1 increase to the base rate of the culinary water rate was approved by a previous Council. It is part of a 4 year program to fully fund the culinary water.)
2. Additional overtime for public works in case of flooding - \$12,000. (The \$12,000 in additional overtime is to be prepared in case the City has to deal with additional flooding issues next year. It is hoped that this will not be used.)

3. PSD increases. (Alpine City's share of PSD funding will increase. The fund balances need to be stabilized and additional costs will incur. The PSD budgeting cycle is still in motion.)
4. Justice Court increases for security. (Court security issues need to be addressed. While the Court has a Bailiff, there is no one to run the security system. This is needed. The PT Court Clerk budget is being moved from the PSD Police budget to the Justice Court budget. This will not increase the overall cost but will show it in different categories. The funding from the cities for the Justice Court is changed from 60/40 (Highland/Alpine) to 62%/38% to reflect the changes in the PSD funding formula for police. These changes will increase the City's share of the Court's budget by about \$14,000.)
5. Opt out program for recycle and green waste. (It is estimated by ACE that going to an opt-out program for recycle will save the City about \$700 a month or \$9,600 a year at the 50% sign up rate, more if more stay signed up. ACE estimates that 75% of the residents will stay signed up.)
6. Young Women of Excellence - \$6,000. (The Young Women of Excellence program has asked the City to donate \$6,000 for its operation in Alpine. The last two years Alpine has chosen to not donate to any outside programs, this program included. The Council will hear from their competitive organization tonight, they will want the same as the YWE.)
7. Remodel of city hall (offices and doors and bell tower). (It has been proposed that Jason Bond's office be taken down, that the small conference room be expanded into that space, that Jason's office be moved into the space now occupied by the Recorder/Building Department, and that the old police department reception area be turned into a meeting area for builders and that a walkway be built from the building department to the old reception area. We are working on costs for this. New doors and a new bell tower are also needed. No cost figures are available.)
8. Add 2 new office part time workers – man new front office. (In discussing #7 above, Mayor Watkins proposed that the City turn the old police reception area into a new city offices' entrance and staff the new city entrance with two PT workers. Each worker would cost between \$15,000 to \$17,000 (salary plus benefits). Total cost would be between \$30,000 to \$34,000.)
9. Purchase lots of flashing speed signs. (A number of residents have requested flashing speed signs on their streets. The signs cost about \$2,600 to \$4,500 each, not counting installation and maintenance. Lately we have had pretty good success with the signs; since the one was vandalized and another was stolen we have not had any problems.)
10. Redo the fair housing/reasonable accommodation ordinance. (In the aftermath of the ARL lawsuits, it has been proposed that the City hire Dan McDonald to review and rewrite our ordinances dealing with these issues. Dan has been asked for a bid to do the rewrite. A plug figure of \$10,000 is suggested.)
11. Do an economic development feasibility study of B/C zone and other areas of the City. (The Planning Commission has recommended that the City hire an economic development consultant to do a feasibility study of the potential of economic development in the B/C zone and the area south of that zone. A plug figure of \$10,000 is suggested.)
12. Consider hiring F.T. Building Inspector or increasing amount of building inspection time from Sunrise Engineering. (It is estimated that the cost for hiring a FT Building Inspector is \$72,000 (salary plus benefits). To date building inspection expenditures: \$41,000. Last year the City spent \$50,736 on inspection services. The City has expanded its Sunrise Engineering contract to include building inspection services five days a week instead of three days a week. Highland City has also expressed an interest in having Alpine join with them in providing inspection services.)
13. Increase amounts budgeted for legal costs: \$20,000. (It seems prudent to expect legal costs to increase for outside legal help.)
14. Waste disposal costs for regular cans went up 2%. (This would be added to the residents bill starting in July.)
15. The Utah Lake Commission has asked that Alpine join that organization. (It would cost the City approximately \$1,500 to join.)

**E. Box Elder, Plat E – Contract with Bowen Collins:** Shane Sorensen said that Box Elder Plat E was the only remaining unrecorded plat in the Box Elder subdivision. It was approved in 1992, and now the Pattersons wanted to record it. He said it was their proposal that the City not hold up the recording, but when the plat was recorded there would be a note on it stating that lots 1 through 6 had been the subject of flooding and debris flow in recent years. The Bowen Collins study would look to see if there were other measures that needed to be taken to protect homes in that area. The study would include:

Task 1: Collect and review existing information.

Task 2: Perform hydrologic evaluation.

Task 3: Field reconnaissance.

Task 4: Develop an approximate flood map.

Task 5: Identify potential means of mitigating flood and debris flow hazards.

Task 6: Report Preparation.

Task 7: Progress/coordination meetings.

The cost was not to exceed \$8,800 without prior written consent.

Shane Sorensen said that if the study revealed additional hazards and mitigation measures, a deed restriction would be recorded against the lots so that people would be aware of them when they bought the property. There was also a geological hazard waiver that the owner would need to sign before a building permit was issued. He asked the Council if they wanted to move forward with the study.

Mayor Watkins said he had received two letters from Patterson and had spoken with Scott Clark. He also had a response letter that he was writing on the matter. He said it was his opinion that they should go forward with the study. He believed that Box Elder Plat E was involved in the appeal of Box Elder South and he was concerned about going forward with recording Plat E at the time. He recommended they not discuss it further in open meeting as the City was involved in litigation.

Will Jones asked if the Bowen Collins study could also take into account the location of the water tank site and also address the construction of the sewer line.

**MOTION:** Will Jones moved to approve the contract with Bowen Collins as outlined in their letter of March 4, 2014 and include a study of the water tank site and the construction of the sewer line. Motion died for lack of a second.

Ross Welch made several comments. First, he said that when he saw an electronic speed sign he slowed down. Second, he said the caricature of the mayor would work if he regrew his moustache. Third, he said Pattersons supported the proposal for a study by Bowen Collins because they also wanted to make sure the lots were safe. They were willing to participate in the cost of the study. Fourth, he asked if there was a way to get the road dedicated since it would not be impacted by the study.

**MOTION:** Roger Bennett moved to table the issue of the Bowen Collins study until after the executive session. Kimberly Bryant seconded. Ayes: 3 Nays: 1. Roger Bennett, Lon Lott, Kimberly Bryant vote aye. Will Jones voted nay. Motion passed.

**MOTION:** Will Jones moved to adjourn to executive session for the purpose of discussing litigation. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Lon Lott, Kimberly Bryant, Roger Bennett, Lon Lott and Will Jones voted aye. Motion passed unanimously.

The Council adjourned to executive session at 8:30 pm.

The Council returned to open meeting at 10:15 pm.

**MOTION:** Will Jones moved to approve the Bowen Collins study as outlined in the their letter of March 4, 2014 and include a study of the water tank site and the construction of the sewer line to ensure they were safe. Roger Bennett seconded. Ayes: 4 Nays: 0. Will Jones, Roger Bennett, Lon Lott, Kimberly Bryant vote aye. Motion passed unanimously.

**MOTION:** Roger Bennett moved to record Box Elder Plat E with language on the plat that lots 1 through 6 had been subject to flooding and debris flows in recent years. If the study revealed additional hazards and mitigation measures, a deed restriction would be recorded against the lots. In addition, the owners of the lots would be required to sign the geological hazards waiver before a building permit was issued. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Will Jones, Roger Bennett, Lon Lott, Kimberly Bryant vote aye. Motion passed unanimously.

**MOTION:** Will Jones moved to adjourn. Roger Bennett seconded. Ayes: 4 Nays: 0. Will Jones, Roger Bennett, Lon Lott, Kimberly Bryant vote aye. Motion passed unanimously.

The meeting was adjourned at 10:20 pm.