

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 North Main, Alpine, UT
September 22, 2015

I. CALL MEETING TO ORDER: The meeting was called to order at 7:07 pm by Mayor Don Watkins.

The following were present and constituted a quorum:

Mayor Don Watkins

Council Members: Will Jones, Lon Lott, Troy Stout

Council Members not present: Kimberly Bryant, Roger Bennett

Staff: Rich Nelson, Charmayne Warnock, David Church, Jed Muhlestein, Jason Bond, Steve Cosper, Chief Brian Gwilliam

Others: Marianna Richardson, Jane Griener, Carla Merrill, Ramon Beck, Todd Anderson, Max Magleby

Mayor Watkins welcomed the candidates running for City Council and introduced them.

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| A. Prayer: | Will Jones |
| B. Pledge of Allegiance: | Max Magleby |

II. PUBLIC COMMENT

- Max Magleby proposed an Eagle scout project to clean up the sidewalks and gutters at the end of Bald Mountain Drive and Golden Eagle Circle. He said he would dig up the rabbit brush and clean out the gutter. Jason Bond said that it was a great idea since the city had a lot of open space that needed work. He suggested they spray the cracks in the sidewalk with weed killer to keep them from coming back. The rabbit brush was persistent and would need to be removed to consistently keep it from coming back. There was a discussion about using weed killer and it was suggested that the public works department be involved.
- Amy Johnson said she lived on Hampton Court. She asked the Council to consider making the intersection of Bristol Court and 300 North a four-way stop instead of a two-way stop. The school children crossed 300 North at that intersection to get to Alpine Elementary school. There were a lot of trees that blocked visibility and it made it dangerous for the children to cross there because the children couldn't see the cars coming or be seen by people driving the cars. Mayor Watkins said they would have a professional engineer look at it and see if it made sense. There was a concern about traffic on 300 North backing up if there was a stop sign at the corner since 300 North was already an unusually narrow road. It was also suggested they consider a crossing guard at that location. Jed Muhlestein said that if trees in the sight triangle were causing the problem, they could talk to the property owner about cutting down some trees.

III. CONSENT CALENDAR

- A. Approve the minutes of September 8, 2015**
- B. Final Payment - Whitaker Construction, 100 W. Sewer Improvements - \$217,184.25.**

Will Jones made some corrections to the minutes and clarified that it was a final payment to Whitaker Construction, not a partial payment.

MOTION: Will Jones moved to approve the Consent Calendar for a final payment to Whitaker Construction and the minutes as corrected. Lon Lott seconded. Ayes: 3 Nays: 0. Will Jones, Lon Lott, Troy Stout voted aye. Motion passed.

IV. REPORTS AND PRESENTATIONS. None

V. ACTION/DISCUSSION ITEMS

A. Resolution No. R2015-11 Gateway District Design Guidelines. Jason Bond said that the guidelines applied to the Gateway District which was basically the commercial zone. The Planning Commission had been working on them for some time. The proposed guidelines discussed at the City Council at the meeting of August 25, 2015 and some concerns were raised. Judi Pickell, Will Jones, and Erin Darlington later met, discussed the concerns, and made some alteration. Jason Bond said the guidelines were not perfect and would probably be amended as time went on, but he thought they should adopt something to provide direction on development in that area.

Will Jones said that when they met, the problem they found was that they were trying to mix a couple of things. The setbacks in the City were defined by ordinance and could not be changed without changing the ordinance. The setbacks in the design guidelines were different from the setbacks allowed by ordinance so it created a conflict. To resolve that issue, they took the setbacks out of the guidelines. He said that at some point, the Council could amend the ordinance on setbacks so the setbacks in the commercial zone would be consisted with what they wanted to have reflected in the design guidelines. Until that time, they thought the Council should adopt the guidelines to give developers some kind of direction. He said that in 90 days they would come back with more definitive guidelines, and fix the setbacks according to ordinance.

Mayor Watkins asked the Council if they wanted to consider hiring a consultant to work on the guidelines. Troy Stout said he would like to have the committee come up with something they thought worked for Alpine, then have a consultant take a look at it.

MOTION: Will Jones moved to approve the Gateway District Design Guidelines with the following conditions:

1. A statement be included that in the event they conflict with the ordinance, the ordinance would be followed.
2. In Section 7 it would state that traditional rooflines were preferred.
3. In Section 7 it would state that mechanical equipment shall not be visible from the street.
4. Flat roofs may be considered.

Troy Stout seconded. Ayes: 3 Nays: 0. Will Jones, Lon Lott, Troy Stout voted aye. Motion passed.

Mayor Watkins said he would also like them to discuss solar panels on commercial buildings at the entrance of town.

B. Resolution No. R2015-16, Recertification of the Justice Court: David Church said Alpine City shared a judge and a court with Highland City. Justice Courts were controlled by the state and there were mandates about how it should be done. The court had to be certified every four years. There were different classes of courts which was determined by how many cases the court heard and how long the judge sat. The legislative body was required to look at the court and receive an affidavit from the judge and from the city attorneys stating that the court was able to meet the standards set forth by the state. The resolution had to be passed and submitted to the state court by the end of October if they wanted to stay in the business of having a local justice court, otherwise the police would have to go down to Provo.

Rich Nelson said American Fork City had dropped their justice court and the police and citizens had to go down to Provo. There was a cost savings for the city to do that.

David Church said that in certifying the court, the cities were committing to fund the cost. Fines never covered the full overhead of a court unless it was a really large court. However, Alpine was paying for half a judge, half of the facility and other costs. They needed to weigh the costs that they didn't see against the costs of having a court nearby. Highland City had over 200 court runs a week and Alpine City had over 60. They were a Class 3 Justice Court. The court clerk had to work a minimum number of hours a week but the judge didn't have to be there except when there was a court session, which was held only once a month.

MOTION: Will Jones moved to approve Resolution No. R2015-16 Recertifying the Justice Court. Troy Stout seconded. Ayes: 3 Nays: 0. Will Jones, Troy Stout, Lon Lott voted aye. Motion passed.

C. Resolution No. R2015-15 Consolidated Fee Schedule: Rich Nelson said that at the previous meeting the Council had talked about imposing different costs for nonresidents using the Moyle Park for weddings. He recommend \$200 for parties of up to 100 and \$400 for parties over 200.

The amended Consolidated Fee Schedule also changed the amount paid for an independent retaining wall review from \$250 per review to \$110 per hour for the review plus \$0.60 per mile. Jed Muhlestein explained that the first retaining wall review that came in actually cost the City \$750 but they had only charged \$250 as set forth in the fee schedule. They decided to change it to an hourly fee plus a mileage fee for the independent reviewer.

Troy Stout asked if the new review fee would cover the man hours the City spent since it was paid to the independent reviewer. Charmayne Warnock said they also charged a building permit fee which would cover the cost to the City.

Will Jones asked about the cost of building a retaining wall on a city road. David Church said that if it was a public works project, the review would be part of the contract. This review cost was for private retaining walls.

MOTION: Will Jones move to approve Resolution No. R2015-15 amending the Consolidated Fee Schedule as proposed with the nonresident wedding fees in Moyle Park at \$200 and \$400 and the retaining wall review fee to be \$110 per hour and \$0.60 per mile. Lon Lott seconded. Ayes: 3 Nays: 0. Will Jones, Lon Lott, Troy Stout voted aye. Motion passed.

Lon Lott asked about follow-up on the construction of a wall. David Church said that the inspector tracked the progress. The property owner who was building the wall had a structural engineer who stamped that plans certifying the design of the wall. The independent plan reviewer reviewed the plans to make sure they complied with Alpine City's ordinance. He said the cases in which a wall may fail was if a landscaper built landscaping features that were really retaining walls and they hadn't been engineered or inspected.

D. Alpine City Trail Signage: Troy Stout said he rode his bike in Corner Canyon a lot and took some pictures of trail signs that he would like to discuss putting up in Alpine. They definitely needed some trail signs in Lambert Park. Recently there was a collision on one of the trails because there was no warning that someone may be coming downing the trail while someone else was going up. There were also trail durability issues where signs should notify users that some trails should not be used when it conditions were wet because of the potential trail damage. Signs could indicate other routes that could be taken when such conditions existed. He said the signs he had taken pictures of were good quality signs which were deep-set and made of metal. It would be worth it to invest in quality signs since the wood signs they had put up were soon destroyed.

The issue of fencing was also raise. Mayor Watkins said he would prefer to see a brown chain link fence between the Box Elder South subdivision and Lambert Park. A split rail fence wouldn't keep the ATV traffic out of the park. Troy Stout said he primarily wanted to see a split rail fence at the entrance to the park - more of demarcation on entry. The Council agreed that discussing fencing and signage as a package would be more effective.

Troy Stout said he would also like to carry the trail discussion into the Three Falls open space. It was suggested that Mr. Stout meet with the trail committee and discuss the signage and fencing and report back to the Council.

E. Interlocal Cooperation Agreement Between Utah County and Alpine City: David Church said that when the county voted to put the tax issue on the ballot, it created a situation where the county and the cities would need to work together on an election that was normally just a municipal election. The agreement proposed that Alpine City would allow the Utah County to conduct the election. The downside was that the estimated cost of allowing the county to run the election was about four thousand dollars more than the city had anticipated. He said he had reviewed the agreement and recommended approval so the election could go forward.

Charmayne Warnock said there was some question about whether the figures on the agreement were correct because Alpine City had already paid for the printing of both the outgoing and incoming envelopes. She said she was

corresponding with Scott Hogensen who was the county election official on what those actual costs would be so the numbers might be less.

MOTION: Lon Lott moved to approve the Interlocal Cooperation Agreement with Utah County regarding the election. Troy Stout seconded. Ayes: 3 Nays: 0. Lon Lott, Troy Stout, Will Jones voted aye. Motion passed.

VI. STAFF REPORTS

Rich Nelson. Regarding the Eagle scout project to remove the rabbit brush on Bald Mountain Drive, Rich Nelson said the poison to kill it was very expensive, plus it needed to be applied in a safe manner. He would like the staff to participate in the removal. Mayor Watkins asked Jason Bond to also contact the Bloomquists about the weeds along the sidewalk for the Nativity. They needed to be cut down. Jason Bond said maybe it could be an Eagle scout project.

Jed Muhlstein said Shane Sorensen had talked to the Council about acquiring a piece of property to extend the public works facilities and parks department. They had looked at property by the old candy factory but it would be too expensive to make it work. They had looked at property owned by the Beck's but it was already under contract with someone else so that was no longer an option. They had discussed putting something up by the rodeo grounds but decided that was too far away from the City Shops. They were now seriously considering using property the City owned on 300 North, and had drawn up a concept plan for the piece. One residence would be affected by the site, but the location where the shop would sit was mostly secluded. The stream isolated it and they could landscape the area for vegetation buffer.

Troy Stout asked about visibility from the south. Jed Muhlestein said if they lowered the building, only seven feet would be higher than the fence, and with the trees, he felt it would be well hidden. The traffic going to and from the building would be minimal because they were using it for parks equipment, which staff would take out in the morning and bring back later in the afternoon. During the winter there would be even less activity.

Mayor Watkins said they should first talk to the neighbors about their plans. David Church said that since they would be changing the use of the open space, it would have to go to the Planning Commission for a recommendation and require a two-thirds vote of the Council.

Troy Stout said he had long envisioned that area as a amphitheater for concerts, etc. Mayor Watkins noted that the neighbors might actually prefer a quieter use like a storage shed. He said he would like to have an architect create a virtual picture of the plan so people would know what to expect.

VII. EXECUTIVE SESSION

MOTION: Troy Stout moved to go into a closed meeting to discuss litigation. Will Jones seconded. Ayes: 3 Nays: 0. Troy Stout, Will Jones, Lon Lott voted aye. Motion passed.

The Council adjourned to closed session at 8:37 pm.

The Council returned to open session at 8:48 pm.

VIII. COUNCIL COMMUNICATION

Will Jones

- He asked if the property exchange issue with Harvey Hutchinson had been resolved. Jed Muhlestein said it would be on the next Planning Commission agenda. He said David Hall who owned property adjacent to Peterson Park was claiming a prescriptive easement because he had been using part of the park for 20 years. David Church said a person could not claim a prescriptive easement for public property.
- Will Jones asked who was going to be the appeal authority for the Eagle Pointe appeal since the applicants didn't want to use Phil Barker because he had been the mayor when the subdivision first came to the city. It wasn't certain.

- Will Jones said he would like to go forward on a public hearing for the annexation of Box Elder South on October 27, 2015. It would need to be published once a week for three consecutive weeks prior to the hearing.
- Regarding the sports fields, he said he would like to sit down and review the agreement with David Jossi. The word was that Mr. Jossi had eliminated other clubs from using the fields, and there were others who were willing to take over the job.

Lon Lott

- Lon Lott said he had spent the last three days at the ULCT Convention. He appreciated David Church for what he did for the group. One of the things discussed was what could and could not be said by cities about the quarter cent sale tax issue that was on the ballot. In addition he learned that they could not use any city resources such as city emails, etc. in a campaign. If someone emailed them at their city email address, they should call them back. David Church agreed saying that public funds or facilities could not be used to campaign on any ballot issues. The restriction applied to elected officials and anyone with the city email address.
- At the convention they also presented growth statistics for Utah, which were interesting. Mayor Watkins said he understood Alpine was the third for fourth fastest growing city.
- The conference also focused on laws for body cams for the police department.

Troy Stout asked if they had a picture of the current City Council. Mayor Watkins said they should have a photo take at 6:30 before the next meeting at his house.

MOTION: Will Jones moved to adjourn. Troy Stout seconded. Ayes: 3 Nays: 0. Will Jones, Troy Stout, Lon Lott voted aye. Motion passed.

The meeting was adjourned at 9:08 pm.