

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 North Main, Alpine, UT
April 22, 2014

I. CALL MEETING TO ORDER: Mayor Don Watkins opened the meeting at 6:30 pm.

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

Mayor Don Watkins

Council Members: Lon Lott, Roger Bennett, Will Jones

Council Members not present. Kimberly Bryant and Troy Stout

Staff: Rich Nelson, David Church, Shane Sorensen, Jason Bond, Jannicke Brewer, Annalisa Beck, Chief Brian Gwilliam, Jeanna Hart, Peter Hart.

Others: Mike Kennedy, Joe McRae, Ed Gifford, Kelli Rhodes, Joni Wooten, Darren Gooch, Ronald W. Rasmussen, Juanita Nield

B. Opening prayer: Don Watkins

C. Pledge of Allegiance: Chief Brian Gwilliam

II. PUBLIC COMMENT: None

III. CONSENT CALENDAR

A. Approve the minutes of April 8, 2014

B. Surplus City Truck - 2000 GMC truck

MOTION: Will Jones moved to approve the Consent Calendar with the minutes as amended. Lon Lott seconded. Ayes: 3 Nays: 0. Motion passed.

Lon Lott asked who prepared the breakfast. Annalisa Beck said the City purchased the food and the band prepared it.

IV. REPORTS AND PRESENTATIONS

A. Representative Mike Kennedy - Legislative update: Mayor Watkins said they were fortunate to have a citizen of Alpine serving on the State Legislature.

Representative Kennedy said he hoped to have a dialogue with the citizens and answer questions if they had them. The website for the State Legislature was www.leg.utah.gov. He recommended citizens go to that website to learn about the bills that were before the legislature.

Mr. Kennedy talked about vexatious GRAMA requestors. He said there was a bill to allow someone to make a GRAMA request free of charge if the cost was under \$1000. He said that bill died. He also talked about the disposition of state-owned lands and the process in relation to the master plan for the land by the State Developmental Center in American Fork. He also talked about American Fork Canyon and what they wanted to do as the population grew. There was an interest in having bike lanes all the way along SR-92. There was a grant available and they wanted input from citizens regarding its use to improve the American Fork Canyon area.

Mayor Watkins said he would be concerned if the area which was essentially Alpine's, Highland's and Cedar Hills' "backyard" was taken over by Mountainlands Association of Governments. He recognized that it was state land but the local citizens would like to have a voice in what happened to it.

Mr. Kennedy agreed saying he would rather see decisions made from the bottom up rather than the top down. He also spoke about Medicaid expansion and said he was opposed to increasing their connectivity to the federal government. He said the gas tax bill was defeated but he expected it to come back.

V. ACTION/DISCUSSION ITEMS

Mayor Watkins said they would be postponing several of the agenda items. The first was item A.

A. City Insurance Coverage: This item was postponed.

B. Consideration of a request for a City donation to the Distinguished Young Women program: Lon Lott said that in looking at the City budget and the significant increase they already had, he felt it would be difficult to increase expenditures by \$6,000. He didn't think they should increase everyone's taxes to make the donation. He suggested there might be those in the community that would be willing to donate to the program.

Mayor Watkins asked Kelli Rhodes if they received funds from Alpine citizens. Ms. Rhodes said they did not.

Kelli Rhodes said the City's donation had been canceled for the two years prior, but it was her understanding that before that the City donated \$4500 to the program. Will Jones said that was correct.

Jannicke Brewer said they sold tickets to the events. It wasn't as if they without money at all.

Ms. Rhodes said money that was raised went to fund the program. The donations went to the winnings. She said Alpine didn't have a lot of businesses that could help with the program. She explained how the program worked. She said Utah ranked dead last in the nation in the number of girls who graduated from college. The program helped encourage young women to graduate from college. Their program also involved them in community service. She said they would be willing to just have the \$4500.

Annalisa Beck said that if they donated funds out of the current budget, they would have to hold a public hearing to open the budget. For the next budget year it could be included the upcoming budget.

MOTION: Will Jones moved to hold a public hearing at the next City Council meeting to open the budget to consider making a donation to the Distinguished Young Women. Lon Lott seconded. Ayes: 3 Nays: 0. Will Jones, Lon Lott, Roger Bennett voted aye. Motion passed unanimously.

Ms. Rhodes said their program was actually on May 10th and the meeting wasn't until May 13th. It was decided there could be some kind of note on the program saying that funds may be forthcoming with no specific amount.

C. Towle Subdivision Concept Plan Review: Jason Bond said the Towle subdivision consisted of three lots on Elkridge Lane in the CR-40,000 zone. There was an existing home on one of the lots. The Planning Commission had approved the concept plan. The development was on the City Council agenda for information only.

Shane Sorensen said the developer was proposing sidewalk all around the culdesac but not on Elkridge Lane. He said they would address the sidewalk further at the preliminary stage, but they wanted to bring it up early.

Will Jones said he had walked the area and didn't see a lot of sense in putting in a sidewalk that went nowhere. However, he liked what the City had done in the past which was to take the funds that would have been spent on the sidewalk, and place them in escrow to be used in area where there was a need for sidewalk.

Jannicke Brewer said that the ordinance currently said the City "may" require sidewalk, but typically the City had required sidewalk. Sometimes the City had the developer put the sidewalk funds toward another location, but not always. She suggested they look at amending the ordinance so they were consistent.

Ed Gifford said that Mr. Towle would lose his landscaping if he had to put in sidewalk. Second, he said that if Mr. Towle had to put the funds into escrow, he had no incentive to solve a boundary issue. There was a discussion about where the sidewalk should be located.

D. Animal Ordinance Review: Mayor Watkins said Joni Wooten had attended the previous City Council meeting and made a presentation about problems she saw with the Article 3.21.9 of the Development Code which dealt with animal rights. He said that he could see the frustrations that Ms. Wooten had. He got a lot of emails from

citizens on various issues in the community but this was the first he'd heard on animal rights. He suggested that the Council look at the issue as it related to her. He questioned opening up the animal ordinance when there weren't other complaints. He asked Rich Nelson to talk about what he had learned.

Rich Nelson said that it could be addressed under the Nuisance Ordinance which said that if two or more residents complained about the smell, it could be dealt with by the animal control officer and code enforcement officer.

Will Jones said one of the problems was that the Wooten lot was a flag lot which placed their house right next to the rear of the property where the animals were located. It was an unusual situation because the City didn't typically have flag lots.

David Church said that in the state code, a public nuisance was defined as something that offended three or more persons. If the City determined there was a nuisance they could order it to be cleaned up. The City had done that in the past in other circumstances.

Joni Wooten said that if someone went on vacation and while they were gone someone decided to have hogs running around in their backyard, they could do it. She said the reason the mayor hadn't heard any other complaints was because people felt there was nothing they could do about it.

Mayor Watkins said their first interest that evening was to try and help her. He asked if there were two other residents that would file a complaint. She said she didn't think there was anyone that would complain because they didn't want to offend anyone.

David Church said they should send the code enforcement officer to the site and if he sees there is a problem they can pursue it. If he didn't see there was a problem, she would have the right to bring her own nuisance action forward under the state code unless it was an agricultural business. There were two separate things were at play: one was the animal ordinance; the other one was that even if you were legally keeping animals, you couldn't create a nuisance.

Lon Lott said that as he worked around the city, he'd heard complaints that there were violations of the animal ordinance where there were more animals than the ordinance permitted. Often they were people with too many dogs, but to them, getting rid of one of the dogs was like selling one of their children.

Joni Wooten said she had a problem with allowing the animals to be right against the fence. David Church explained that the ordinance was clarified a number of years ago to state that the animal enclosure such as a stable or run had to be 75 feet from a neighboring dwelling. A fence line was not considered an enclosure.

Jason Bond said he had previously met with the owner of the alpacas so he had already done the code enforcement part of the assessment. In terms of nuisance, he would rely on the animal control officer to make a judgment.

Roger Bennett asked if there was a building code violation by having the shed too close to the property line. They would look into that as well.

E. Waterline through Rodeo Grounds and Lambert Park: This item was postponed.

F. Lambert Park Signage: This item was postponed.

G. Utah County Recreational Grant: Jason Bond said Alpine was eligible for a recreational grant from Utah County for \$5592.82. The grant the City had received the previous year had been moved forward to 2015. It was proposed that this grant also be moved forward and the grants be combined to provide restrooms in Moyle Park.

MOTION: Will Jones moved to approve the application for a Recreational Grant from Utah County with the funds to be moved forward to 2015 for use in Moyle Park for restrooms. Roger Bennett seconded. Ayes: 3 Nays: 0. Will Jones, Roger Bennett, Lon Lott voted aye. Motion passed unanimously.

H. Moyle Park Public Restroom Funding: Rich Nelson the estimated total cost for restrooms in Moyle Park would be \$45,000. The Utah County Recreational Grant would provide \$16,800. They would also use \$21,200 from the capital improvement fund, and there were \$7,000 in private donations.

Shane Sorensen said they would build the same style restrooms that were on the south side of Creekside Park.

MOTION: Will Jones moved to build the restrooms in Moyle Park as shown, and plan where they would be located at the next meeting. Lon Lott seconded. Ayes: 3 Nays: 0. Will Jones, Lon Lott, Roger Bennett voted aye. Motion passed unanimously.

Jason Bond said that the funds would be available in 2015 but the City could go ahead and build it and be reimbursed. David Church reminded the Council that the cost would have to be fronted by funds in the capital improvement fund.

Jeanna Hart who was the caretaker of Moyle Park asked if they would demolish the current restrooms and locate them there. Mayor Watkins said they would have a master plan for the park so it would be discussed. Mrs. Hart said July was a super busy month and they were anxious to have the restrooms.

I. PSD Tentative Budget (Administration, Police and Fire Departments): The budget information was included in the packet. Rich Nelson reviewed the tentative budget for the police department. The police chief was present. He said there was an additional \$25,000 in the PSD budget which would be used to build up the fund balance. The PSD budget would also included a merit increase for the officers who had gone for several years without an increase. It would also increase the number of officers by one.

Chief Brian Gwilliam said the last time they had an increase in the number of officers was 2008. There had been an increase in population and an increase in calls for service.

In response to a question about where the fines went, David Church said the fines and forfeitures come back to the city but they didn't go to the police department. They went to the court budget and to the victim restitution fund, etc. at the state level.

Rich said the purpose of the discussion was to inform the Council. No action would be taken. They would be bringing back a final budget from the PSD.

Rich Nelson next reviewed the budget for the Fire/EMS Department. Alpine's increase was \$24,040.00, which was somewhat less than Highland's. Chief Brad Freeman said the different city's assessment was based on number of households, not the number of calls. Rich Nelson said the budget included a 2% merit increases for the officers and increase for equipment.

J. Review Items of Interest from Individual Budget Meetings with the Mayor and City Council Members: Rich Nelson updated the Council on the individual discussion they'd had with Council Members. He said that so far they'd only met with three Council members, and they were the ones present that evening. The other members hadn't scheduled a meeting as yet. He said they had talked about the restrooms in Moyle Park, playground equipment and bookmobile. Will Jones said he would like to add a \$25 monthly fee to the utility bill for residents in the Cove for EMS. David Church said the County would have to agree to it. The HOA in Box Elder South had said they would collect the fee and send it to the PSD. Mr. Nelson said they also talked about including Box Elder South in the water study, and a trail impact fee. David Church said they wouldn't be able to raise enough money from a trail impact fee to make it practical since trails often involved acquiring land.

Jannicke Brewer said there was \$5000 set aside in the budget for trails that had not been spent. There were trails that needed work done. There were also faded trail signs that needed to be replaced. Shane Sorensen said that much had actually been spent for trails but they needed to reallocate funds. There was a discussion about how to monitor the condition of the trails and maintain them. Mayor Watkins suggested there might be a volunteer group that would be interested in trails. A neighborhood or church group could participate. Staff felt that maintenance could be done in-house. If someone noticed a problem they could contact the City.

Annalisa Beck said she felt they had answered all the questions raised by the three Council members who attended the meetings. She said her main concern was that they had only been able to put away \$50,000 toward capital improvements rather than the \$150,000 and \$400,000 that they put away previous years. That was because of all the additional expenses for professional services such as attorney fees.

Rich Nelson added that the cost for the remodel of City Hall would be about \$6,500 if they did it in house. There would be a metal front door instead of a wood door.

VI. STAFF REPORTS

Shane Sorensen

- The FEMA meeting was Thursday, April 24, 2014. The public meeting would be from 5-6 pm. The CCO meeting which the Council could attend would be at 2 pm. The City sent a Parlant message on Friday about the meeting. There were some calls to City Hall about the meeting.
- Bowen Collins study. They had three draft technical memos so far for the water tank, sewer line, alluvial fan and flooding. He thought they would have the study in another ten days to release. There were no major comments on the sewer and Patterson was waiting to construct it so he would give him the final red lines on the plan. According to the Settlement Agreement they had 30 days to construct the sewer. The trails could not be shut down for more than 24 hours. The 20-foot easement would be fenced on both sides.
- Flood control. He said they were finishing up the last few items on the flood control project. Much of the work had been done in house.
- The PI system was fully charged. The watering restrictions would begin on June 1st. He said the water levels in the northern part of the state were better but Alpine's recharge area was still below normal. It was the fourth worst driest year.
- Comcast was installing cable lines in the south end of the Healey Heights subdivision and Smooth Canyon.
- Public works would like to purchase a new dump truck which would help them be more effective on snow removal. The cost would be \$128,000. They were also considering trading in a backhoe and leasing a new one. The lease would be \$5200 a year. If they sold the backhoe it would need to be advertised.

Jason Bond reported on Planning Commission agenda for May 6, 2014. It included: 1) James Lawrence auto repair site plan, 2) a conditional use permit for Bridle Up Hope which was an equine therapy program by the Covey Foundation, 3) the Youth Council would be making a presentation on Lambert Park, 4) there would be a public hearing on the master plan road classification for the secondary access road in Lambert Park, 5) Bennett Farms subdivision, Plat E, and 6) a conditional use permit for a preschool in the old Carmela's building.

Rich Nelson said they had received a bid for a sales tax leakage study which they would review at the next City Council meeting.

VII. COUNCIL COMMUNICATION

Will Jones

- He had a rough draft for the letter he would send to the people in the Park at South Park regarding the playground. Troy Stout and Roger Bennett could use the same letter when they met with the people around the Silverleaf park.
- Slow-the- flow. He said the program was free and he like to give homeowners a \$50 credit on their water bill if they did the study. He asked if it would save money on pumping cost to justify the credit. Staff indicated that it would end up costing the city.
- Outstanding bonds. The Council discussed fencing along Healey Boulevard. He would like to see the fences uniform.

Don Watkins

- He asked the Council if they wanted to participate in the Utah Lake Commission. They would want to have the ability to pull out if needed. It was suggested they send Jed Muhlestein to a meeting and consider it further.

Regarding the City's appeal on the County's approval of Box Elder South, David Church said the attorneys had filed documents requesting supplemental briefings and further arguments. There was no decision on the appeal.

VIII. EXECUTIVE SESSION: None held.

MOTION: Will Jones moved to adjourn. Roger Bennett seconded. Ayes: 3 Nays: 0. Motion passed.

The meeting was adjourned at 9:30 pm