

ALPINE CITY COUNCIL PUBLIC HEARING & MEETING
Alpine City Hall, 20 North Main, Alpine, UT
May 27, 2014

I. CALL MEETING TO ORDER: The meeting was called to order at 6:30 pm by Mayor Don Watkins.

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

Mayor Don Watkins

Council Member: Roger Bennett, Troy Stout, Lon Lott, Will Jones

Council Members not present: Kimberly Bryant

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Jason Bond, Jannicke Brewer, Chief Brian Gwilliam, Marla Fox, Cal Christensen, Greg Kmetzsch

Others: Steve Cosper, Lacie Lawrence, James Lawrence, Kevin Towle, Jane Briener, Rob Austin, Sheryl Lee Eberting

B. Prayer: Roger Bennett

C. Pledge of Allegiance: Troy Stout

II. PUBLIC COMMENT: None

III. CONSENT CALENDAR

B. Approve the minutes of May 13, 2014

MOTION: Troy Stout moved to approve the minutes of May 13, 2014 as corrected. Will Jones seconded. Ayes: 4
 Nays: 0. Motion passed.

IV. REPORTS AND PRESENTATIONS

A. Clean Air Presentation – Dr. Sheryl Lee Eberting: Dr. Eberting said she was there to talk about opening burning in Alpine. She had sarcoidosis which was an autoimmune lung disease so it made her very conscious of air quality. She'd spoken with Arden Pope who was a professor at BYU and was one of the world's authorities on air pollution. He said that for every 20 micrograms of particulate matter, they could correlate a 10% increase in cardiovascular deaths that day. They could also tie it to the number of hospitalizations for RSV and pneumonia. It was a known fact that particulates killed people. Mr. Pope's research also showed that an open burn generated sulfides and nitrides, and were more dangerous than second hand smoke.

She had also talked to Bryce Byrd of Salt Lake City about having an open burn ban. He said that a diesel truck traveling extensively all day created fewer particulates than an open burn. In Salt Lake they banned open burning two decades ago. In addition to waste collection, Salt Lake had green waste recycling and glass recycling, and the city was making money off it. Dr. Eberting said she would like to see a plan for Alpine to ban open burns and replace them with green waste disposal. She noted that they were projecting another million people in Utah County in the next decade.

David Church said the city had some authority to regulate open burning in the city. They could be tougher if they wanted.

Troy Stout said he would like to see open burning come back as an agenda item. It had been documented that Utah County had the worst air in the country last winter.

Roger Bennett said agricultural burns were not the problem. The photos that Dr. Eberting had shown were residential burns. It was pointed out that often people tried to burn things that should not be burned.

Dr. Eberting said she would like to have a committee come up with some findings and solutions and suggested it consist of a Council person, a member of the Planning Commission, and a citizen.

Lon Lott said the Timpanogos Special Service District (TSSD) allowed citizens to take their green waste down there for free. Commercial companies had to pay. He noted that Bob Carlisle also accepted green waste, recycled it, and sold it for mulch.

Shane Sorensen said the City hauled waste to TSSD and they didn't charge the cities. The City also had a chipper that they used a lot.

Mayor Watkins asked Lon Lott to work with Dr. Eberting and bring something back to the Council.

V. ACTION/DISCUSSION ITEMS

PUBLIC HEARING ON THE TENTATIVE BUDGET FOR FISCAL YEAR 2014-2015

There was no public comment on the budget.

A. Tentative Budget for Fiscal Year 2014-2015: Rich Nelson introduced the budget. He explained that that state law required a public hearing on the tentative budget. The Council would then accept the tentative budget which was subject to change prior to adoption of the final budget in June.

Will Jones said he believed the merit increase should be no more than 2% across the board including police and fire. He felt they should be consistent. He also said that he felt the increase for the dog handlers in the police department should be \$500 a month for each one instead of \$1,000 a month.

Troy Stout asked what the cost of living adjustment (COLA) was for Utah, and Utah County specifically. David Church researched it later in the meeting and said it was about 1.8%. It may vary from city to city.

Troy Stout asked about the police dogs and if there were more arrests since the police department had obtained the dogs.

Chief Gwilliam said the two canines, which were acquired by private donations in the amount of about \$12,500, cost about \$10,000 annually for training, food, supplies, veterinarian care, etc. He said the Council needed to understand that neither dog handler was compensated. He said that they had three or four arrests a week that were the result of having the dogs. In addition, they used the dogs for PR work. They took them to the schools and provided service to neighboring agencies that didn't have dogs. It gave the Lone Peak PSD an opportunity to reciprocate a service. He said that last year the PSD had a 4% COLA but in years prior to that, they'd had none.

Will Jones said he believed the merit increase for City employees should be 2%. Troy Stout asked if that would create a surplus in the budget. Rich Nelson said the budget was balanced as currently shown. Any excess would be put into the Capital Improvement Fund.

Troy Stout said they had a good police force and he would like to maintain good officers. If they were not treated properly, they would start looking around. He said he believed having the dogs did a lot of good and the dog handlers should be compensated.

Roger Bennett said he agreed that the dog handlers should be compensated, and he was comfortable with \$500 a month. He said he agreed with Will Jones regarding the COLA for employees and police.

Shane Sorensen said he'd been elected as an advocate of the staff. He said he couldn't remember a time when they been asked to do less. They were always being asked to do more with fewer people. He said a big part of the City's success over the years had been the staff. They had absorbed major responsibilities when people had left and there were no rehires. If they compared the job title of someone in Alpine to other cities, there was a big difference. They all had a lot of responsibilities. Staff had done a ton of in-house work instead of contracting with outside agencies, which saved the City a lot of money. Right now they were going through changes and a lot of people would have to step up to more responsibility.

MOTION: Will Jones moved to accept the tentative budget with the changes that there be a 2% cost of living increase (COLA) throughout all aspects of the budget and they approve \$500 per month per dog handler. Roger Bennett seconded. Motion withdrawn.

Troy Stout said he would prefer giving staff a 3% cost of living increase. There was extensive discussion about cost of living increases and merit increases. It was also suggested that the motions for City staff and the Public Safety District be separated. The previous motion was withdrawn and new motions were made.

MOTION: Will Jones moved to accept the tentative budget for fiscal year 2014-2015 with a 2% COLA increase for City staff. Roger Bennett seconded. Ayes: 2 Nays: 2. Roger Bennett and Will Jones voted aye. Troy Stout and Lon Lott voted nay. Mayor Don Watkins broke the tie and voted aye. Motion passed.

MOTION: Will Jones moved to recommend the PSD budget at 2% for fire and 3% for police and \$500 handling fee for each dog handler. Troy Stout seconded. Ayes: 4 Nays: 0. Will Jones, Troy Stout, Roger Bennett, Lon Lott voted aye. Motion passed.

Item C was moved up on the agenda because Mr. Towle had to leave.

C. Towle Subdivision - Preliminary and Final Approval - Kevin Towle: The proposed 3-lot subdivision was located on 4.64 acres in the CR-40,000 zone. It was classified as a major subdivision because it involved a road dedication. Jason Bond said one of the main issues was the sidewalk. The Planning Commission had recommended that the sidewalk be completed to the edge of the property along the public rights-of-way.

The Council discussed the sidewalk which was shown along Elk Ridge Lane and in Elk Ridge Circle. There was an issue about building a sidewalk north of the cul-de-sac along Elkridge Lane because of the existing vegetation that would need to be removed. Kevin Towle did not want to remove the vegetation because it provided a buffer between his home and the street.

There was also an issue with building a sidewalk southward from the cul-de-sac along Elk Ridge Lane because there was a retaining wall that would need to be removed.

Steve Cosper, who was a member of the Planning Commission, said they had felt that a sidewalk to the north was desirable because they didn't want to handicap potential development on the north.

Staff had agreed that a sidewalk south of the cul-de-sac was not feasible because of the retaining wall. David Church said the City had the legal ability to acquire the right-of-way, but they would have to pay severance damages for the wall.

Lon Lott said he thought there should be sidewalk. In his neighborhood there were places with sidewalk, and places without, and it looked terrible.

Kevin Towle said he had lived in the home for eight years. When he bought it, it was a private lane. That ended when the subdivision to the west was built. He said he gave up a lot of privacy. There was currently no sidewalk along the road, nor was there sidewalk along the Moeller property. He said it was not a cost issue, but it didn't make sense to put in a sidewalk. There was a boundary line issue with the Grant property, and the cul-de-sac would be offset from the cross walk. They would be taking out vegetation and a section of his existing driveway.

David Church reminded the Council that this was one of the difficulties of subdividing what was considered developed property. If the project had come in as an empty piece of ground, the sidewalk would not be an issue. They simply decided where the roads and sidewalks would go. The Council wouldn't be burdened with the idea that they had to accommodate a tennis court. In this case the owner was dividing up a previously developed piece of ground. The ordinance was set up so that all developers would be treated the same way. If the City accommodated each case, they would be doing the same thing every time in the future. There was no ordinance that could anticipate every situation, and they would be in the business of making exceptions.

Will Jones said that at the Planning Commission meeting, Judy Pickle had referenced a lawsuit in California where a developer was asked to do something and the city used the funds elsewhere.

David Church they had to be careful about forcing developers to build offsite improvement that did not directly benefit the development. But this was a different issue because the sidewalk would be on the property being developed. They were considering collecting the funds for the sidewalk, but deferring the construction until development on the north occurred. The funds could be held in an account until the sidewalk was built.

Kevin Towle asked if they could set aside the money for the sidewalk and if it wasn't build within a certain time frame, he would get his money back. The Council felt that was reasonable.

Will Jones said he was considering the maintenance on sidewalk. Once they were built, the City had to maintain them. Why would they want to put in sidewalks where people didn't use them. He questioned a sidewalk on a cul-de-sac that had only two houses. He said he didn't have a problem with putting money in an account for the sidewalk on the north side of the subdivision. He suggested they include a 5% premium in the event that the cost of installing a sidewalk went up in the future.

Roger Bennett said he felt there should be sidewalk. He was okay with putting the money in an account for future use but it could be refunded if the sidewalk wasn't built in 15 years. Troy Stout said he felt they needed to have sidewalks for safety.

Shane Sorensen said that if the sidewalk wasn't going to be built immediately, he'd like to see some kind of agreement that people couldn't plant trees, etc. in the sidewalk right-of-way. Otherwise they would have to take out the trees, etc. when it came time to build the sidewalk.

MOTION: Will Jones moved to grant final approval the Towle subdivision with the following conditions:

1. The sidewalk be completed to the edge of all public rights-of-way or a bond be placed with the City for 15 years along with an additional 5% to pay for any extra cost in constructing the sidewalk.
2. An agreement be worked out with the City in regard to construction of and payment for a sewer extension for northern development.
3. The water policy be met.
4. The Developer submit a completed Alpine City Utility Easement Verification form.
5. The Fire Chief approve the location of the hydrant.

Troy Stout seconded. Ayes: 4 Nays: 0. Troy Stout, Will Jones, Roger Bennett, Lon Lott, voted aye. Motion passed. An amendment was made to the motion by Roger Bennett, and accepted by Will Jones and Troy Stout, to change the length of time the funds would be kept from 10 years to 15 years.

B. Canyon Crest Road Parking Problems next to Burgess Park: Jason Bond said they received a lot of calls from people about the parking problems on Canyon Crest Road, especially on Saturday mornings when there were games at the park. He said he and Rich Nelson had visited the neighborhood to talk to people individually about the problem. One of the residents shut their door in their face. Other more helpful comments were painting the curb on the south side of the road red and reducing the sports activities in Burgess Park. It was noted there were often empty spaces in the parking lot while cars were parked on the road.

Will Jones said he thought there needed to be a bigger gap between the end of one game and the beginning of another. The problem was that the parking lot would fill up, then people would come for the next game so they would park on the street. Then when the people from the first game left, there were empty parking spaces.

Glen Judd who was a resident in the neighborhood said there was definitely a problem with cars parking along the road. When he pulled out of his driveway, it was blind on both sides. His wife would like to be able to have guests park in front of their home.

Police Chief Brian Gwilliam said that he'd been in Alpine quite a few years. With the park improvements and schools in the area, traffic had increased significantly. The weekends were a nightmare. There was no space between the games and no shoulder on the road. When they stacked a lot of cars, it became dangerous for the pedestrians. He recommended painting the curb red on at least one side of the road. It may be advantageous to paint the curbs on both sides of the road. He said the parking was a problem primarily during summer months.

Marla Fox asked if people were allowed to use the school property for parking. She said that during school events, people were still parking along the road. She asked if the school parking lot was filling up. It was suggested there be signs directing people to park in the school parking lot if the parking lot in Burgess Park was filled up.

MOTION: Will Jones moved to post "No Parking" signs on the south side of Canyon Crest Road from Long Drive to 200 South and on the south side of 200 South to 200 West. Troy Stout seconded. Ayes: 4 Nays: 0. Will Jones, Troy Stout, Roger Bennett, Lon Lott voted aye. Motion passed.

D. Lawrence Auto Repair Shop Site Plan - 80 S. Main - James Lawrence: Jason Bond said the site plan had been reviewed by the Planning Commission. They had recommended an exception to the setback requirement on the north boundary from a 20-foot setback to a 5-foot setback since it abutted a business use rather than a residential use.

The Planning Commission also discussed parking. Mr. Lawrence requested additional parking for businesses that may be located on the second floor of his auto repair shop. The ordinance specified a maximum of 4 bays for auto repair shops with a maximum of 3 parking spaces per bay. The site plan had four bays which would allow 12 parking spaces. Mr. Lawrence submitted a site plan showing 19 parking spaces. He explained that he wanted additional parking if he had businesses upstairs.

David Church said one of the goals of the Council when they approved auto repair shops was to limit the number of cars that were waiting to be worked on so they limited the number of parking spaces. There had been no discussion about it being a mixed use building. The Council needed to consider how parking for additional businesses worked with their goal of limiting parking for garage use. Other businesses had a minimum number of parking spaces required whereas auto repair had a maximum number of parking spaces allowed.

Troy Stout he felt good about 12 spaces. Roger Bennett agreed and added that the Council had actually already increased the number of allowed spaces from 2.5 spaces to 3 spaces.

MOTION: Troy Stout moved to approve the James Lawrence auto repair shop site plan at 80 S. Main subject to the following conditions:

1. The northern side yard setback be allowed at five feet based on the fact that it did not abut a residential property on the north but was adjacent to a commercial property, and it was consistent with the Historic Gateway zone and other properties' setbacks.
2. The Applicant show replacement of the existing approach to meet commercial standards.
3. The Fire Marshall review the plans to determine if additional fire hydrants will be required or any other special requirements will be imposed.
4. The Auto Repair Ordinance which limits parking to twelve stalls be enforced if, in the future, additional business are added. The Auto Repair Ordinance will take precedence over all other parking ordinances if an additional business is to be located within or above the business.
5. The architectural design as presented be approved.
6. Rocky Mountain Power approve the site.
7. A landscaping plan as previously approved be submitted.
8. The water policy be met.

Will Jones seconded. Ayes: 4 Nays: 0. Troy Stout, Will Jones, Roger Bennett, Lon Lott voted aye. Motion passed.

VI. STAFF REPORTS

Shane Sorensen reviewed the three memos from Bowen Collins regarding the location of the water tank, the sewer line, and flood and debris flow as it related to Box Elder Plat E and Box Elder South.

David Church said the study would be part of the public record. Sellers and realtors would be required to disclose it. There was already a note on the recorded plat stating that all the lots in Box Elder Plat E had been the subject of flooding and debris flow in recent years. The building department would also need to inform builders/property owners of the flooding and hazards when they applied for a building permit.

Shane Sorensen said he would bring the Bowen Collins report back as an agenda item. They would need to share the information with property owners in that area.

Jason Bond reported that the Planning Commission would be holding a public hearing on the proposed Master Plan for Moyle Park. Eagle Pointe subdivision had submitted another development plan.

VII. COUNCIL COMMUNICATION

Mayor Watkins asked Lon Lott if he would take on the assignment of being over Alpine Days for 2015. Since Will Jones had been in charge of Alpine Days for several years, the Mayor suggested Lon attend the Alpine Days planning meetings with Will Jones to learn what needed to be done. He could delegate much of the work if he had a good chairman and co chair. He suggested Kelli Rhodes. After a lengthy discussion, Lon Lott said he would be over Alpine Days.

VIII. EXECUTIVE SESSION

MOTION: Lon Lott moved to go into closed session to discuss litigation. Troy Stout seconded. Ayes: 4 Nays: 0. Lon Lott, Troy Stout, Roger Bennett, Will Jones voted aye. Motion passed.

The Council went into closed session at 10:00 pm.

The Council returned to open meeting at 10:40 pm.

MOTION: Will Jones moved to adjourn. Troy Stout seconded. Ayes: 4 Nays: 0. Motion passed.

The meeting was adjourned at 10:40 pm.