



## 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, June 23, 2015 at 7:00 pm** at Alpine City Hall, 20 North Main, Alpine, Utah as follows:

### I. CALL MEETING TO ORDER\*

#### II.

- A. **Roll Call:** Mayor Don Watkins
- B. **Prayer:** Kimberly Bryant
- 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 9, 2015**
- B. **Art Exhibit Agreement**
- C. **Bond Release - Bennett Farms, Plat F - Roger Bennett - \$313,624.49**
- D. **Bond Release - Heritage Hills, Plat C - Downing Akin - \$49,834.97**

### IV. REPORTS AND PRESENTATIONS

- A. **Introduction of the Utah Lake Commission newly appointed Executive Director Eric Ellis.**

### V. ACTION/DISCUSSION ITEMS

- A. **PUBLIC HEARING on Oberee Annexation.** The Council will hear from the public on the proposed Oberee Annexation.
- B. **Ordinance No. 2015-10 Oberee Annexation.** The Council will decide of whether they wish to accept the proposed Oberee Annexation petition at the 31 lot amount and whether they want staff to create a development agreement for the annexed property.
- C. **Food Truck Pilot Program Progress Review.** The Council will decide on what direction they want the Food Truck Pilot Program to proceed for the rest of the summer.
- D. **Box Elder South Subdivision Annexation Discussion.** The Council will decide if they wish to proceed with a process to annex the Box Elder South subdivision.
- E. **Alpine City Council Rules of Procedure for the Public Meetings of the City (Resolution No.R-2011-04) Amendment.** The City Council will consider amending the Council Rules of Procedure for the Public Meetings of the City.
- F. **Lambert Park Fence.** The Council will consider the feasibility (cost, functionality and design) of fencing certain sections of Lambert Park.
- G. **Bookmobile Agreement.** The Council will consider approving the Bookmobile Agreement with Utah County.
- H. **Ban on Motorized Vehicles in Lambert Park.** The Council will consider if they want to ban motorized vehicles in Lambert Park and decide how they want to enforce that ban.

### 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  
June 19, 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.alpinecity.org](http://www.alpinecity.org) and on the Utah Public Meeting Notices website at [www.utah.gov/pmm/index.html](http://www.utah.gov/pmm/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 9, 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: Troy Stout, Will Jones, Roger Bennett, Kimberly Bryant, Lon Lott

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

Others: Amy Lundquist, Britt Jenkins, Sarah Peterson, Caden Lundquist, Jake Lloyd, Kevin Hilton, Jaxson Tadge, Kevin Paul, Addie Spencer, Hailey Jenkins, Reese Blacker, Jaxon Henley, Kolton Wild, Lucy Barnes, Payton Barney, Derrill Merrill, Brooke Sorensen, Michael Selander, Parker Rowley, Alex Hanssen, Makayla Allison, Sariah Davis, Hailey Jenkins, Carlee Hood, Sundance Ferrell, Mary Jane Wilkes, Alli Fetters, Ashley Day, Julie Day, Dan Peterson, David Peterson, Julie Peterson, Carwin Peterson, Susanne Peterson, Tanner Pearson, Kevin Paul, Brook Sorensen, Carolyn Rossi, Emily Thrap, Brian Thrap, Rachel Rossi, Allen Taylor, Chris Paulson, Billie Paul, Evert Williams, Trish Walker, Sue Gillespie

**B. Prayer:** Don Watkins

**C. Pledge of Allegiance:** Brook Sorensen

**II. PUBLIC COMMENT**

- Chris Paulson said he had just moved to Alpine next to Moyle Park. He would like to relocate his driveway so he didn't have headlight coming in right at him and would need six to eight feet to put in a retaining wall. Mayor Watkins said that since this wasn't an agenda item, the Council couldn't make any decisions about the park. Shane Sorensen said they didn't expect a decision that evening. He just wanted to introduce it to the Council to see if they were open to a discussion. They indicated they were. Mayor Watkins suggested Mr. Paulson bring it back as an agenda item with a proposal.
- Billie Paul said that in light of the recent fatal accident on Highland Boulevard, she was concerned about intersections on the west side of town including Matterhorn, Hog Hollow, and Westfield Road. There was a lot of brush with poor visibility and she was afraid there was going to be an accident. She was asked to email Rich Nelson with the information so they could look into it. Rich Nelson said that the City sent out weed letters and asked owners of vacant lots to cut down their weeds so they didn't obstruct the view. If there was a fire hazard, they asked them to cut down all the weeds on the lot.
- Evert Williams reported on Trail Day held the previous Saturday on June 6th. He said they had around 300 volunteers show up for the work on trails in Lambert Park. The Forest Service was there to support them as well and did a great job. He said they would like this to be an ongoing activity and they would always need more volunteers.

**III. CONSENT CALENDAR**

**A. Approve the minutes of May 26, 2015**

**B. Monthly Financial Report**

**C. Bond Release - Abe's Landing - Jim Hobbs - \$15,152.40**

1           **D. Bond Release - Heritage Hills, Plat C - Downing Akin - \$208,203.81**

2  
3 **MOTION:** Will Jones moved to approve the Consent Calendar with the minutes of May 26, 2015 as  
4 corrected with the note that item B was moved to Reports and Presentations. Roger Bennett seconded.  
5 Ayes: 5 Nays: 0. Will Jones, Roger Bennett, Kimberly Bryant, Lon Lott, Troy Stout voted aye. Motion  
6 passed. Motion passed.

7  
8 **MOTION:** Will Jones moved to move item B (Monthly Financial Report) to Reports and Presentations.  
9 Roger Bennett seconded. Ayes: 5 Nays: 0. Will Jones, Roger Bennett, Kimberly Bryant, Lon Lott, Troy  
10 Stout voted aye. Motion passed. Motion passed.

11  
12 **IV. REPORTS AND PRESENTATIONS**

13  
14           **A. Swearing in of the Alpine Youth Council Members:** Kimberly Bryant introduced Brit  
15 Jenkins, Amy Lundquist, and Trisha Walker who were the new advisors to the Youth Council. She  
16 thanked them in advance for the service they would be rendering as adult leaders.

17  
18 The members of the Youth Council were sworn in by Alpine City Recorder Charmayne Warnock.

19  
20           **B. Monthly Financial Report:** Alice Winberg reported that as of the end of May, the General  
21 Fund Balance was \$2,546,967.00. The property tax revenue was \$1,103,542 which was up from the  
22 previous year. The bottom line was that the City was in great shape.

23  
24 **V. ACTION/DISCUSSION ITEMS**

25  
26 **A. Public Hearing on Final City Budget**

27  
28 Mayor Watkins opened the public hearing on the final Alpine City Budget for fiscal year 2015-2016.

29  
30 There were no comments.

31  
32 Mayor Watkins closed the public hearing

33  
34 **B. Ordinance No. 2015-08, Adopting the Alpine City Budget, FY 2015-16:** In response to a question  
35 about how the changing certified tax rate affected the budget, Alice Winberg and Rich Nelson explained  
36 that the tax rate was set annually in order to keep revenue to the cities level. If home property values  
37 increased, the tax rate decreased. If property values decreased, the tax rate increased. In that way cities  
38 could plan their budget for the upcoming year with a reasonable expectation of what the revenue would  
39 be from property taxes.

40  
41 Will Jones questioned the budgeted expenditures on street lighting and the bookmobile. He asked if what  
42 they were spending was worth it. Rich Nelson said the cost of the bookmobile had remained the same for  
43 several years. Will Jones said he didn't think the bookmobile was available in Alpine for as many hours as  
44 shown in the contract. He said the City was also supposed to get a statistical report from the county on the  
45 number of hours the bookmobile was here, the number of patrons, and number of books checked out, but  
46 they hadn't done it.

47  
48 Will Jones said the sewer revenue had gone down. Rich Nelson said the TSSD fee was a pass-through fee,  
49 which was set by the TSSD. The City collected it with the building permits but it went to the Timpanogos  
50 Special Service District. The City's sewer impact fee had also gone down as a result of the sewer impact  
51 fee study.

1  
2 Mr. Jones asked what sundry revenue was. Rich Nelson said it was a fund to cover unexpected overages.  
3 Mr. Jones noted that they had budgeted \$20,000 for elections which was less than what he expected for an  
4 election by mail. Charmayne Warnock said they were going with K&H Printing who specialized in  
5 elections by mail and charged less than Carr Printing. In addition, the postage costs would be less because  
6 they would be using the county's postal rate, which was lower, and the state had passed legislation that  
7 return postage was not required.

8  
9 There was a discussion about funding for the Youth Council. It was noted that a page was printed twice  
10 which caused the confusion. It would be corrected.

11  
12 Will Jones asked about court costs for a technical professional. David Church said that was the local  
13 prosecutor or public defender. In addition to that, there was an increase in professional services to cover  
14 legal fees due to lawsuits.

15  
16 **MOTION:** Will Jones moved to approve Ordinance No. 2015-08 adopting the Final Budget for Fiscal  
17 Year 2015-2016. Troy Stout second. Ayes: 5 Nays: 0. Will Jones, Roger Bennett, Kimberly Bryant, Lon  
18 Lott, Troy Stout voted aye. Motion passed.

19  
20 **C. Resolution No. R2015-06 Adopting the Certified Tax Rate:** Rich Nelson said the City had  
21 received the certified tax rate from the county tax assessor and it was 0.001478.

22  
23 **MOTION:** Roger Bennett moved to approve Resolution No. R2015-06 adopting the certified tax rate of  
24 0.001478. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Will Jones, Roger Bennett, Kimberly Bryant, Lon  
25 Lott, Troy Stout voted aye. Motion passed.

26  
27 **D. Resolution No. R2015-07 Adopting the Amended Consolidated Fee Schedule:** Rich Nelson said  
28 the amended fee schedule reflected a base rate increase for culinary water from \$13 to \$14 for the first  
29 8,000 gallons. In the future they would be looking at several other changes to the fee schedule which  
30 were:

- 31  
32 1. Increasing cemetery fees because Alpine was becoming the burial place of choice;  
33 2. Plans examiner fee for retaining walls;  
34 3. Adjusting the water rate for Box Elder subdivision. It had been observed that there was an  
35 inequity in what was charged Box Elder residents for winter water usage as opposed to what  
36 Alpine City residents outside the subdivision paid. Plus residents outside Box Elder  
37 subdivision paid for pressurized irrigation year-round and Box Elder residents did not.

38  
39 Rich Nelson said Shane Sorensen was updating the water study.

40  
41 **MOTION:** Troy Stout moved to approve Resolution No. R2015-07 Amending the Consolidated Fee  
42 Schedule with the condition that the rates for Box Elder be adjusted before October to reflect an equitable  
43 arrangement. Roger Bennett seconded. Ayes: 5 Nays: 0. Will Jones, Roger Bennett, Kimberly Bryant,  
44 Lon Lott, Troy Stout voted aye. Motion passed.

45  
46 **E. Public Hearing on the Amended City Budget for Fiscal Year 2014-2015**

47  
48 Mayor Watkins opened the public hearing on the Amended Budget.

49 There were no comments.

50 The Mayor closed the public hearing.

51

1 **F. Ordinance No. 2015-09 Amending the Alpine City Budget for Fiscal Year 2014-2015:** Rich  
2 Nelson said the major changes in the budget were due to the unanticipated costs of remodeling City Hall,  
3 the payout for the Dispatch Center, and payment of overtime wages.  
4

5 **MOTION:** Will Jones moved to approve Ordinance No. 2015-09 amending the Alpine City Budget for  
6 Fiscal Year 2014-2015. Lon Lott seconded. Ayes: 5 Nays: 0. Will Jones, Roger Bennett, Kimberly  
7 Bryant, Lon Lott, Troy Stout voted aye. Motion passed.  
8

9 **G. Dry Creek Corridor Trail:** Prior to the meeting, members of staff and the City Council went on a  
10 field trip to the Dry Creek Corridor Trail. Jason Bond showed the location on the map. He said it was an  
11 existing trail that ran along Dry Creek and extended to the Timberline Middle School area and Burgess  
12 Park. He said it was an amazing asset but it was not widely known. It could be expanded to connect to  
13 other areas in Alpine including the Alpine Art Center and the Bangerter property. He was proposing a  
14 hard-surface, urban trail in the center of town. It could be a springboard for community events such as a  
15 poppy festival or a Christmas tree lane. It would be an asset to schools and business. He had spoken with  
16 stake holders along the trail about involving the trail in the design of their property. The Alpine Art  
17 Center owned property on both sides of Dry Creek, part of which was a sculpture garden that could be  
18 incorporated into the trail system. He said there were funding opportunities available to enhance and  
19 enlarge the trail system. They had the municipal recreation grant which they had used in Moyle Park, plus  
20 they could work with Mountainland Association of Governments (MAG) on funding.  
21

22 Lon Lott said he had attended the MAG meeting and they had available money that would go to those  
23 communities that showed an interest in it. He said he would continue to attend the meetings and be a  
24 presence for Alpine. Having a plan to present to them would be very beneficial  
25

26 Troy Stout asked if they had any idea what the cost would be to pave the trail. Jason said the trail from  
27 Timberline Middle School the bridge was already paved. A lot of the trail came with the dedication of the  
28 Twin River PRD. It was all there. People just needed to know it was there.  
29

30 Kimberly Bryant said she fully supported the trail. There were mountain biking trails in Alpine but a trail  
31 for moms and kids would be great. It was a safer route to the schools than being on the streets.  
32

33 Troy Stout said he had taken his wife on the trail and she loved it. The only concern he would have is that  
34 it was near fast moving water during certain times of the year.  
35

36 Lon Lott asked about what seemed to be City policy to discourage access between private yards and  
37 public open space. It seemed there were a number of backyards along the trail that had a gate into the  
38 open space.  
39

40 Jason Bond said that he first wanted to focus on a master plan for the system. He would also like to have a  
41 trail service project in that area, not just to have people work on the trail but to give it the exposure it  
42 needed. If it was used more, it would reduce the maintenance the City had to do.  
43

44 **H. Ordinance No. 2015-07 - Retaining Walls:** The City Council had previously reviewed the proposed  
45 ordinance on retaining walls at their meeting of May 26, 2015 and tabled it for further review. Since that  
46 time the Assistant City Engineer Jed Muhlstein had provided drawings showing what kinds of retaining  
47 wall system might result from the proposed ordinance. Alan Taylor, a geotechnical engineer who helped  
48 draft Draper City's ordinance regulating retaining walls had worked in Jed Muhlstein in drafting Alpine  
49 City's ordinance. The proposed ordinance allowed a maximum of nine feet per wall if it was exposed or  
50 could be seen from the nearest public right-of-way. Terracing of the walls was permitted where justified

1 by topographic conditions. The combined height of all the walls in a system could not exceed 18 feet. The  
2 ordinance also addressed separation of walls, plantings and drainage.

3  
4 Alan Taylor said there were two aspects to retaining walls. One was aesthetics and one was engineering.  
5 The restriction on height was usually an aesthetic consideration. Although, once a wall was above nine  
6 feet high, it became uneconomical to build. At that point they looked at terracing the walls. The proposed  
7 ordinance limited the overall height of terraced walls to 18 feet. He said that could become a question for  
8 the city attorney because it was pitting aesthetic considerations against property rights.

9  
10 Mr. Taylor said the engineering aspect evaluated other conditions such as global slope stability. He said  
11 he used to work for Draper City as an engineer. Draper had been experiencing failures on retaining walls  
12 every few years so they decided they needed an ordinance to regulate the walls. Since Draper had adopted  
13 their ordinance to regulate retaining walls, they'd had no failures. Their ordinance required a correct  
14 design with structural engineering and inspections to insure that the construction adhered to the  
15 engineering. If someone submitted a plan for a subdivision, the city reviewed it. A soils report may be  
16 required. He said that even though the plans were stamped by an engineer, he also reviewed the design.  
17 There were good designs and bad designs. He said that as long as the wall was designed correctly and  
18 built correctly, it would be okay. A correct design could be submitted but if it was not followed it did no  
19 good. The engineer of record had to sign off that the wall was built according to the design. That way if a  
20 wall failed, the homeowner would be going to the engineer and not the city saying, you issued the  
21 building permit.

22  
23 Troy Stout said he didn't want to be pessimistic about engineers but Cedar Hills had a project that was  
24 turned down several times, then the builders found an engineer that would approve it. Mr. Taylor said the  
25 problem was they had no review of the documents by the city. At that point someone could have told  
26 them they were building in a landslide area.

27  
28 There was a question about whether or not a city could require walls to be built so many feet from the  
29 property line. David Church said they could. Some cities such as Bountiful City did not allow retaining  
30 walls or any cuts on private property at all, and they had fights about it all the time because the property  
31 owners on hillsides wanted to have a flat back yard. The city simply told them they had chosen to buy a  
32 lot with a mountain behind it.

33  
34 Mr. Church said North Salt Lake had an ordinance on retaining walls which required permits and plans  
35 stamped by an engineer. They had someone in the city review the wall. However, they'd still had several  
36 wall failures which were the result of bad construction or poor maintenance. Drains became plugged or  
37 there was a broken sprinkler line that ran for 24 hours in someone's backyard and saturated the ground.  
38 They could include maintenance requirements in the ordinance but the Council needed to decide how  
39 much they wanted to protect the citizens from themselves.

40  
41 Troy Stout asked how there would be a fight if a city's ordinance did not allow walls. Mr. Church said the  
42 homeowner would hire a landscaper and not even call the city. The landscaper could just begin scraping  
43 away the hillside. If the city sent out an enforcer who said to restore the hillside, the landowner would ask  
44 why the city had that restriction when his engineer said a retaining could be built safely. Mr. Church said  
45 cities had the authority to zone for aesthetics but it could create conflict because the hillside properties  
46 that would need retaining walls were the same properties where the homeowner would want a nice  
47 backyard.

48  
49 Alan Taylor reiterated that since Draper City had passed their ordinance and implemented it and the walls  
50 were permitted and inspected, they'd had no failures. Draper City's ordinance was the first such ordinance.  
51 Other cities such as Alpine had used it.

1  
2 There were concerns from Council members about the height of the retaining walls that was allowed by  
3 the ordinance. Mayor Watkins suggested they adopt the ordinance and revisit the height.  
4

5 David Church said the proposed ordinance was much more restrictive than what the City currently had in  
6 place, which was mostly nothing. He said that the flat land in Alpine was mostly developed. The  
7 subdivisions that were coming in for development had large, oddly shaped lots with lots of grade  
8 separation between the roads. At one time the City had tried to keep development off the hillsides by  
9 going to a PRD which allowed for smaller clustered lots and higher density. But now the Council was  
10 moving away from smaller lots and higher density. With the larger lots on the hillsides, the City would be  
11 fighting with the person who bought the lot if they didn't allow retaining walls.  
12

13 **MOTION:** Will Jones moved to approve Ordinance No. 2015-07 but retain the ability to change the  
14 height limits. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Will Jones, Kimberly Bryant, Lon Lott, Roger  
15 Bennett, Troy Stout voted aye. Motion passed.  
16

17 **I. Letter of Engagement - Greg Ogden CPA:** At the meeting of May 12, 2015, the City Council had  
18 voted to approve Greg Ogden as the independent auditor for Alpine City. Staff requested approval of a  
19 Letter of Engagement from Mr. Ogden.  
20

21 **MOTION:** Will Jones moved to approve the Letter of Engagement with Greg Ogden. Troy Stout  
22 seconded. Ayes: 5 Nays: 0. Will Jones, Kimberly Bryant, Lon Lott, Roger Bennett, Troy Stout voted aye.  
23 Motion passed.  
24

25 **J. Bookmobile Agreement 2015-2016:** Alpine City contracted with Utah County for bookmobile  
26 service. David Church reviewed the Agreement for 2015-2016 and said the terms and the cost  
27 (\$13,200.00 per year) were the same as the previous agreement. The question was, was the bookmobile  
28 meeting the terms of the Agreement? Will Jones said he didn't think they were coming to Alpine as often  
29 or for as long as they said they would, although the City did not have the time or the staff to monitor the  
30 visits and see if they were in town. In addition, Mr. Jones said they were not sending the City the  
31 requested statistical reports.  
32

33 **MOTION:** Will Jones moved to table the Bookmobile Agreement for two weeks. Troy Stout seconded.  
34 Ayes: 5 Nays: 0. Will Jones, Kimberly Bryant, Lon Lott, Roger Bennett, Troy Stout voted aye. Motion  
35 passed.  
36

37 **K. Approval of Letter to Utah County Regarding Box Elder South Subdivision:** This item was  
38 discussed at the meeting of May 26, 2015 and tabled for two weeks. There were several questions and a  
39 number of outstanding items that needed to be completed before the letter was signed. There was  
40 particular concern about certifying the secondary access road and the maintenance of it. David Church  
41 said that paragraph needed to be rewritten. He said it should read that it conformed to the 1992 Settlement  
42 Agreement. Alpine City did not have regulations for that type of road it described. In addition, Alpine  
43 City could not personally warrant anything to Utah County because the City was not a person.  
44

45 Shane Sorensen said the improvements outlined in the letter were either completed or in process.  
46 Patterson was building sidewalk and sewer laterals. The water tank had been seeded but still needed to be  
47 fenced.  
48

49 David Church said Box Elder South subdivision could not be recorded until those improvements were  
50 completed and Alpine City signed the Letter of Certification. The Council would need to authorize  
51 someone to represent the City and sign it. Rich Nelson said he would sign it.

1  
2 **MOTION:** Will Jones moved to authorize Rich Nelson to sign the Letter of Certification of Installation  
3 of Improvements for Box Elder South Subdivision, Plat A pending changes in the letter on the emergency  
4 access road and completion of the necessary items. Roger Bennett seconded. Ayes: 5 Nays: 0. Will  
5 Jones, Kimberly Bryant, Lon Lott, Roger Bennett, Troy Stout voted aye. Motion passed.  
6

## 7 **VI. COUNCIL COMMUNICATION**

8  
9 Troy Stout's reported on the following:

- 10
- 11 • He requested that there be signs in Lambert Park on the trails and signs in two places on every  
12 major trail stating that altering the trail was subject to fine. People had pulled out rocks and bars  
13 which worsened erosion. Will Jones said the problem was there were two different kinds of users.  
14 Walkers and joggers who didn't want the rocks in the trail and bikers who did. He said the trail  
15 committee was meeting once a month at the Bowery. People were welcome to come and give  
16 suggestions about the trails but he didn't want them making changes in the trails.
  - 17 • He asked about fencing in Lambert Park, particularly between the Box Elder South subdivision  
18 and Lambert Park where that might be ATV traffic from the subdivision into the park. The  
19 Council discussed the type of fencing and the location. The Mayor suggested staff provide a map  
20 of the area with options on fencing. That map would be delivered to the Council so they could  
21 decide what they wanted.  
22

23 Will Jones' reported on the following:

- 24
- 25 • Will Jones proposed that the Council consider annexing the Box Elder South subdivision. Alpine  
26 City was supplying water, sewer, fire protection. The only hope that Alpine City had to benefit  
27 from the development was to collect building permit fees and taxes. He said he did have a  
28 concern about liability to the City for drainage and flooding. He had spoken with David Church  
29 about it and was told the City would not be liable for flooding and drainage. He suggested they  
30 ask the developer to submit a petition for annexation and the Planning Commission review it.  
31 David Church said a city could annex land that was less than 50 acres without a petition provided  
32 the county was agreeable. The owners could protest it if they didn't want to annex. The time to do  
33 it was earlier when there were dealing with only one or two landowners. Jason Bond said that the  
34 last time the Planning Commission discussed annexation, they told him they didn't want to  
35 include Box Elder South or Pine Grove in the Annexation Plan. Rich Nelson said the Council  
36 could go ahead and consider it on their agenda then send direction to the Planning Commission if  
37 the Council wanted to consider it. Roger Bennett said he would support putting it on the Council  
38 agenda.
  - 39 • He requested they have the Rules of Procedure and Operation on the next agenda so they could  
40 discuss it, particularly the part that said an issue that had been voted on and passed could only be  
41 brought back to the table by a council member who voted in the affirmative. David Church said  
42 he thought that was just an Alpine City policy. The state law stated that an item could not be  
43 reconsidered in a meeting where there were fewer council members present than when it was  
44 passed.
  - 45 • He asked if anyone else had heard Jane Griener say she wasn't going to run for City Council  
46 when she was appointed to the Planning Commission. It was briefly discussed.  
47

48 Kimberly Bryant reported on the following:  
49

- 1 • There were dead places in the cemetery. Shane Sorensen said it could be a broken sprinkler head.  
2 Lon Lott said the roots of mature trees would also pull the water away from the grass, plus it had  
3 been a rough winter which stressed the grass and now they had 95 degree temperatures.
- 4 • The lady who was in charge of Alpine Days was doing an amazing job. She had a lot of fun  
5 things planned for the teenagers.  
6

7 Lon Lott reported on the following from the MAG (Mountainland Association of Governments meeting  
8 that the Mayor had asked him to attend:  
9

- 10 • The DWR (Division of Wildlife Resources) had reported on wildlife and deer control. They  
11 presented statistics and costs on different kinds of deer control and were ready to start addressing  
12 it.
- 13 • MAG asked cities and mayors to support the 4th quarter local option sales tax to have it on the  
14 ballot which would go to fund transportation projects. MAG also wanted information from the  
15 cities in regard to priorities pertaining to streets.
- 16 • Some of the 4th quarter local option sales tax would go to UTA; outlying cities such as Saratoga  
17 Springs and Alpine had concerns about that because they didn't have bus service. Those concerns  
18 could be directed to MAG. If senior citizens needed transportation, they could get a bus to come  
19 to Alpine for seniors.
- 20 • A certain percentage of the tax would go back to the cities and be used for roads or trails. They  
21 were not earmarked for just roads.
- 22 • He had met with Andrew Jackson and discussed the problem on Canyon Crest and learned there  
23 was money available but they were holding it until issues were worked out between Cedar Hills  
24 and Pleasant Grove. Mr. Lott said he'd talked to MAG about the problem Alpine City was having  
25 on Canyon Crest. The current approach was to change the timing on the light and create a  
26 dedicated right hand turn lane off SR-92 onto Canyon Crest to help the traffic flow.  
27

28 Rich Nelson said he had talked to the League of Cities and Towns about the tax increase and said that if  
29 the bigger cities in Utah County would sign off on it, the smaller ones would follow. It would net a nice  
30 increase for Alpine. He said he felt the increase would be best used on roads.  
31

## 32 VII. STAFF REPORTS

33  
34 Shane Sorensen reported on the following:  
35

- 36 • The information on street improvements in the budget was a tentative list.
- 37 • Regarding the traffic situation at the SR-92 and Canyon Crest, He said he had received an email  
38 from Terry Newell who said they were planning to create a free right-hand turn from east bound  
39 to southbound. That would free up time on the signal to allow more traffic to go through, which  
40 they believed would help with the southbound traffic by giving them a longer green light for  
41 southbound traffic. He said she concluded the email by saying, "The problem is that we are  
42 dealing with a problem that only occurs 15 minutes a day." He said he would give the Council  
43 her email address if they wanted to communicate with Ms. Newell.
- 44 • Questar was making progress on installing the high pressure gas line. They'd had one-way traffic  
45 for one week which allowed Dana Beck to get in his sewer line. Questar also extended their work  
46 hours. Mr. Sorensen said they had paved a portion of the road and were planning to do more that  
47 week. Troy Stout said he was very frustrated with the road work on that side of town. He had  
48 waited 12 minutes and the flaggers were rude. Shane Sorensen said he would bring it up at his  
49 meeting with them. He said they were governed by very strict rules. The pipe couldn't even touch  
50 the ground. Plus they had to bend the pipe to go around the utilities.

- 1 • The City would be replacing the sewer line on 100 West.
- 2 • The Moyle Park restrooms would be installed the next week.

3

4 David Church said the attorneys were taking depositions on the Cochran lawsuit. They were also taking  
5 depositions on the fire case. The Box Elder South lawsuit against the mayor and the City was heating up.  
6 Depositions would probably be later in the summer.

7

8 **VIII. EXECUTIVE SESSION:** None held.

9

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

12

13 The meeting was adjourned at 9:53 pm.

14

15

16

17

18

19

20

21

22

23

24

DRAFT

## **EXHIBITION AGREEMENT**

This Agreement between Alpine City, a Utah municipal corporation ("*City*"), and \_\_\_\_\_ ("*Artist*"), a creator or owner of visual art described under this Agreement (each individually, a "*Party*," and collectively, the "*Parties*"), takes effect on the last date signed below ("*Effective Date*").

### **BACKGROUND**

- Alpine City owns a City Hall wherein it conducts the public's business and holds public meetings.
- Artist has created paintings that depict scenes of, or about, the City described in more detail in Exhibit 1 (attached and incorporated into this Agreement) ("*Artwork*").
- The City has wall space available to display the Artwork of the Artist.
- City desires to display the Artwork for the benefit of the public, the City and the Artist.
- City has the full authority to enter into this Agreement as the owner of the facilities wherein Artist's artwork will be exhibited.
- The Parties desire City to have custody and possession of the Artwork in its City Hall for the purposes of public display and enjoyment.
- The Parties intend this Agreement to set forth the Parties' respective interests in the Artwork, and procedures and understandings governing the Artwork's use, custody, protection and public enjoyment.

### **AGREEMENT**

The Parties agree as follows:

#### **I. Conveyance.**

- A. Under Loan. Artist grants to City a loan of the Artwork, subject to this Agreement's requirements. Artist retains ownership or other controlling interest in Artwork not specifically delegated to City under the Agreement.
- B. No Exhibiting Obligation Created. Signing this Agreement does not obligate City to borrow and exhibit Lender's work. If City, after signing this Agreement and before physically borrowing or exhibiting Artist's work, at its sole determination decides that the exhibition is not feasible or that the Artwork will not be included in the Exhibition, then City:
  - 1. promptly must notify Artist of City's decision to not borrow or exhibit Artist's work, and must return the work; and
  - 2. is under no further obligation to borrow or exhibit the Artwork.

## **II. Term and Termination.**

- A. Duration. The City's right physically to take possession of and display the Artwork or any part of it for the Exhibition begins and will end at the discretion of the Artist and the City.
- B. Termination. Either Party has a right to terminate this Agreement for some or all of the Artwork at their convenience by giving the other Party 10 days' written notice.
- C. Post-Termination Rights. Upon this Agreement's termination, the Artist has the right to the return of the Artwork. If the City gives the Artist notice that some or all of the Artwork is to be removed from the City Hall the Artist is responsible to see that the Artwork is picked up and taken. If City, after making all reasonable efforts to get the Artist to retrieve the Artwork, then City has an absolute right to:
  - 1. place the Artwork in storage;
  - 2. charge regular storage fees and any related insurance cost.

**III. Delivery of Artwork**. Artist must pay any cost for delivering or retrieving the Artwork to or from the City.

## **IV. Care, Installation and Return of Artwork by City.**

- A. Nonalteration. City must maintain the Artwork in any condition in which City has received the Artwork. City must not unframe, unglaze or remove Artwork from any mat, mount or base, or clean or repair or transport Artwork in any damaged condition except:
  - 1. with Artist's express written permission; or
  - 2. when imperative with respect to the Artwork's safety.
- B. Hanging and Display. City staff shall be solely responsible for the physical work of hanging the Artwork. Artist may have input into the position and display of the Artwork, but the final decision of where to hang any particular piece shall be the City's.
- C. Security. The Artist understands and agrees that the City Hall is a building open to the public, with limited security. The City does not warrant or guarantee the Artwork against theft or damage.
- D. Display Only. City must use Artwork solely for display at the City Hall.
- E. Nonalteration. Except in an emergency to preserve Artwork, City must obtain Artist's written consent before:
  - 1. touching up, reframing, repairing or restoring Artwork;
  - 2. cleaning, repairing, or removing Artwork from its frame, or
  - 3. otherwise changing, altering, or disturbing the Artwork's physical condition.
- F. Return. Upon termination of this Agreement, City must return Artwork to Artist in as good condition as when City took possession of the Artwork, ordinary wear, tear, degradation and inherent vice excepted.

- V. Identification of Artwork.** The Artist, with the agreement of the City, may affix or post any label, plate, or other marking to identify the Artwork as a loan to the City and information about the Artwork and the Artist.
- VI. Insurance.** Artist understands and agrees that the City may or may not cover the Artwork with its insurance policies. Artist is solely responsible to obtain insurance coverage for the Artwork. The City does not insure or guarantee the Artwork against theft or damage while in its possession.
- VII. Title and Copyright.** Artist warrants that Artist has full legal title and copyrights to the Artwork or that Artist is a duly authorized agent of each owner of the Artwork. Artist will indemnify and defend City against, and to hold City harmless from, any liability (including attorney's fees and the costs of defending any actions) arising out of any claim by any individual, institution or other person claiming full or partial title or copyright to the Artwork.
- VIII. Miscellaneous.**
- A. No Personal Liability. No officer, agent, governing board member or employee of City is personally subject to any liability under this Agreement.
- B. Binding Effect. This Agreement is for the Parties' benefit only and inures to the benefit of and binds the Parties and their respective heirs, legal representatives, successors and assigns.
- C. Venue; Governing Law. A Party has a right to institute any legal proceeding between the Parties only in a County of Utah, State of Utah court and each Party must submit to that court's jurisdiction. The laws of the State of Utah govern this Agreement as an agreement to be performed within the State of Utah.
- D. No Joint Venture. Nothing contained in this Agreement is considered to create a joint venture, partnership, or agency relationship between the Parties.
- E. Severability. If a court of competent jurisdiction determines any Agreement provision to any extent to be invalid or unenforceable, the remainder of this Agreement is not affected, and each remaining Agreement provision is valid and be enforceable to the fullest extent permitted by law. If any Agreement provision is capable of more than one construction, one of which would render the provision void and any other of which would render the provision valid, the provision has the meaning that renders it valid.
- F. Waiver. No provision or breach of that provision is considered waived, except by written consent of a Party against whom the waiver is claimed, and any waiver of the breach of any provision is not considered to be a waiver of any other Agreement provision. A Party's acceptance of another Party's performance after the time that performance becomes due does not constitute the accepting Party's waiver of the breach or default of an applicable Agreement provision unless the accepting Party expressly indicates in writing otherwise.
- H. Notices.
1. *Required Procedure.* A Party's notice under this Agreement is valid only if in writing and delivered in person or by public or private courier service (including U.S. Postal Service Express Mail) or certified mail with return receipt requested or by facsimile. A Party must address each Agreement notice to the other Party at

each following address corresponding to that other Party or at any other address that the other Party from time to time directs in writing:

- a. If to the City:  
Alpine City  
    atten: City Recorder  
    20 N. Main Street  
    Alpine City, UT 84004
- b. If to the Artist:

- 2. *Delivery Date.* Actual in-person notice, however and from whomever received, is always effective. Any other notice is considered to have been given on the earlier of:
  - a. actual delivery or refusal to accept delivery;
  - b. the date of mailing by certified mail; or
  - c. the day facsimile delivery is verified.

**IX. Entire Agreement.** This Agreement, including any attachments, constitutes the entire understanding between Artist and City and supersedes each prior or contemporaneous agreement - whether written or oral - between parties. Any oral representation not contained in the Agreement is binding on the parties only if the parties have acknowledged it in writing. The Parties have not entered any warranty, representation, or other agreement in connection with the Agreement's subject matter unless specifically set forth in the Agreement. Any supplement, amendment, alteration, modification, waiver or termination of this Agreement is binding only if the Parties have entered it in writing.

**ALPINE CITY:**

**ARTIST:**

By: \_\_\_\_\_  
Mayor Don Watkins  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
Mary Ann Judd Johnson  
Date: \_\_\_\_\_

**ATTEST:**

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

**Exhibit 1**

Description of Artwork

**ALPINE CITY**  
**ESCROW BOND RELEASE FORM**  
 Bond Release No. 1

**BOND HOLDER**

**Thru Period Ending: June 15, 2015**

Note: Release No. 1 is to determine, for bonding purposes, the difference between the total bond amount and the amount of improvements that have been constructed to date. Construction began on this development prior to recording the plat. The amount held by the City for the two year warranty period will be the typical 10% of the 120% total amount.

**Bennett Farms Plat F Subdivision**  
 Location: Country Manor Lane  
 Original Bond

Item	Quantity	Units	Unit Cost	120%		Total Cost	% Completed	% Completed	Total
				Unit Cost	Total Cost		This Period	To Date	
Earthwork	1	L.S.	\$ 14,480.00	\$17,376.00	\$17,376.00		90%	90%	\$15,638.40
8" Sewer	150	L.F.	\$ 19.92	\$23.90	\$3,585.60		90%	90%	\$3,227.04
48" Sewer Manhole	1	Each	\$ 2,860.00	\$3,432.00	\$3,432.00		90%	90%	\$3,088.80
4" Sewer Laterals	2	Each	\$ 900.00	\$1,080.00	\$2,160.00		90%	90%	\$1,944.00
Bedding Material	192	Ton	\$ 10.00	\$12.00	\$2,304.00		90%	90%	\$2,073.60
TV Video	150	L.F.	\$ 3.00	\$3.60	\$540.00		90%	90%	\$486.00
Clean & Flush	1	L.S.	\$ 150.00	\$180.00	\$180.00		90%	90%	\$162.00
Core Drill	1	L.S.	\$ 400.00	\$480.00	\$480.00		90%	90%	\$432.00
Connect to Existing	1	L.S.	\$ 250.00	\$300.00	\$300.00		90%	90%	\$270.00
Sewer Testing (air)	1	L.S.	\$ 250.00	\$300.00	\$300.00		90%	90%	\$270.00
8" DIP Water Line	810	L.F.	\$ 31.20	\$37.44	\$30,326.40		90%	90%	\$27,293.76
8"x10" Hot Tap	1	Each	\$ 2,750.00	\$3,300.00	\$3,300.00		90%	90%	\$2,970.00
Bedding Material	175	Ton	\$ 10.00	\$12.00	\$2,100.00		90%	90%	\$1,890.00
Connect to Existing Water Main	2	Each	\$ 400.00	\$480.00	\$960.00		90%	90%	\$864.00
Fire Hydrant Complete	2	Each	\$ 3,577.80	\$4,293.36	\$8,586.72		90%	90%	\$7,728.05
3/4" Water Laterals	5	Each	\$ 990.00	\$1,188.00	\$5,940.00		90%	90%	\$5,346.00
8" Gate Valve	5	Each	\$ 1,200.00	\$1,440.00	\$7,200.00		90%	90%	\$6,480.00
Valve Box	8	Each	\$ 80.00	\$96.00	\$768.00		90%	90%	\$691.20
8" MJ Bend	3	Each	\$ 275.00	\$330.00	\$990.00		90%	90%	\$891.00
8" Flg Tee	1	Each	\$ 645.00	\$774.00	\$774.00		90%	90%	\$696.60
8"x2" Blow Off	1	Each	\$ 600.00	\$720.00	\$720.00		90%	90%	\$648.00
8"x6" Tee	2	Each	\$ 320.00	\$384.00	\$768.00		90%	90%	\$691.20
Thrust Blocks	8	Each	\$ 125.00	\$150.00	\$1,200.00		90%	90%	\$1,080.00
8" MJ Coupling	1	Each	\$ 250.00	\$300.00	\$300.00		90%	90%	\$270.00
8" Flg Packs	3	Each	\$ 28.00	\$33.60	\$100.80		90%	90%	\$90.72
8" MJ Packs	13	Each	\$ 38.00	\$45.60	\$592.80		90%	90%	\$533.52
6" Flg Packs	2	Each	\$ 25.00	\$30.00	\$60.00		90%	90%	\$54.00
6" MJ Packs	2	Each	\$ 28.00	\$33.60	\$67.20		90%	90%	\$60.48
Water Line Flushing & Testing	1	L.S.	\$ 700.00	\$840.00	\$840.00		90%	90%	\$756.00
6" C-900 PVC Irrigation Pipe	510	L.F.	\$ 11.82	\$14.18	\$7,233.84		90%	90%	\$6,510.46
Connect to Existing Main	2	Each	\$ 400.00	\$480.00	\$960.00		90%	90%	\$864.00
6" Gate Valve	2	Each	\$ 850.00	\$1,020.00	\$2,040.00		90%	90%	\$1,836.00
Valve Box	2	Each	\$ 80.00	\$96.00	\$192.00		90%	90%	\$172.80
6" MJ Packs	10	Each	\$ 28.00	\$33.60	\$336.00		90%	90%	\$302.40
12"x6" Hot Tap	1	Each	\$ 2,750.00	\$3,300.00	\$3,300.00		90%	90%	\$2,970.00
6" Bends	2	Each	\$ 190.00	\$228.00	\$456.00		90%	90%	\$410.40
6" Sleeve	1	Each	\$ 160.00	\$192.00	\$192.00		90%	90%	\$172.80
1" Pressurized Irrigation Laterals	5	Each	\$ 630.00	\$756.00	\$3,780.00		90%	90%	\$3,402.00
Bedding Material	300	Ton	\$ 10.00	\$12.00	\$3,600.00		90%	90%	\$3,240.00
PI Thrust Blocks	3	Each	\$ 125.00	\$150.00	\$450.00		90%	90%	\$405.00
PI Testing	1	Each	\$ 500.00	\$600.00	\$600.00		90%	90%	\$540.00
Locate Tape & Wire	750	L.F.	\$ 0.50	\$0.60	\$450.00		90%	90%	\$405.00
18" ADS Storm Drain Main	525	L.F.	\$ 25.00	\$30.00	\$15,750.00		90%	90%	\$14,175.00
Core Drill	1	Each	\$ 400.00	\$480.00	\$480.00		90%	90%	\$432.00
15" ADS Storm Drain Main	60	L.F.	\$ 19.50	\$23.40	\$1,404.00		90%	90%	\$1,263.60
30" RCP Storm Drain Main	65	L.F.	\$ 65.45	\$78.54	\$5,105.10		90%	90%	\$4,594.59
Bedding Material	460	Ton	\$ 10.00	\$12.00	\$5,520.00		90%	90%	\$4,968.00
Curb Inlet Box	3	Each	\$ 2,500.00	\$3,000.00	\$9,000.00		90%	90%	\$8,100.00
Irrigation Ditch Headwalls	2	Each	\$ 2,500.00	\$3,000.00	\$6,000.00		90%	90%	\$5,400.00
60" Dia. Storm Drain Manhole	3	Each	\$ 2,200.00	\$2,640.00	\$7,920.00		90%	90%	\$7,128.00
Inlet & Outlet Collars	14	Each	\$ 50.00	\$60.00	\$840.00		90%	90%	\$756.00



**ALPINE CITY**  
**ESCROW BOND RELEASE FORM**  
 Release No. 4

**BOND HOLDER**

Thru Period Ending: June 18, 2015

**Heritage Hills Plat C**

Location: Heritage Hills Boulevard  
 Original Bond

Description	Quantity	Units	Unit Price	120% Unit Cost	Total Cost	% Completed This	% Completed	Total
						Period**	To Date**	
SWPPP Installation and Maintenance	1	L.S. @	\$ 6,775.00	\$ 8,130.00	\$ 8,130.00		68.0%	\$ 5,528.40
Clearing and Grubbing	1	L.S. @	\$ 9,350.00	\$ 11,220.00	\$ 11,220.00		80.0%	\$ 8,976.00
Rough Grading	1	L.S. @	\$ 284,700.00	\$ 341,640.00	\$ 341,640.00		76.00%	\$ 259,646.40
Retaining Wall	8.25	SF @	\$ 14,780.00	\$ 17,736.00	\$ 146,322.00		68.800%	\$ 100,669.54
8" Sewer Main	745	L.F. @	\$ 21.00	\$ 25.20	\$ 18,774.00		80.0%	\$ 15,019.20
8" Sewer Main -HDPE	212	L.F. @	\$ 30.00	\$ 36.00	\$ 7,632.00		80.0%	\$ 6,105.60
8" Sewer Main -deep on culdesac	203	L.F. @	\$ 32.00	\$ 38.40	\$ 7,795.20		80.0%	\$ 6,236.16
Sewer lateral -deep on culdesac	5	Each @	\$ 1,500.00	\$ 1,800.00	\$ 9,000.00		80.0%	\$ 7,200.00
Sewer lateral	6	Each @	\$ 1,000.00	\$ 1,200.00	\$ 7,200.00		80.0%	\$ 5,760.00
Sewer manhole 48" standard	8	Each @	\$ 2,900.00	\$ 3,480.00	\$ 27,840.00		80.0%	\$ 22,272.00
Sewer manhole 48" -20' deep	1	Each @	\$ 3,950.00	\$ 4,740.00	\$ 4,740.00		80.0%	\$ 3,792.00
Sewer bedding, backfill, compaction, & testing	1	Each @	\$ 12,724.00	\$ 15,268.80	\$ 15,268.80		80.0%	\$ 12,215.04
<b>Sewer Connection -south</b>								
8" Sewer Main	486	L.F. @	\$ 21.00	\$ 25.20	\$ 12,247.20		80.0%	\$ 9,797.76
8" Sewer Main	182	L.F. @	\$ 21.00	\$ 25.20	\$ 4,586.40		80.0%	\$ 3,669.12
Sewer manhole 48" standard	2	Each @	\$ 2,800.00	\$ 3,360.00	\$ 6,720.00		80.0%	\$ 5,376.00
Sewer Laterals- 312-316 (5)	1	ls @	\$ 12,000.00	\$ 14,400.00	\$ 14,400.00		80.0%	\$ 11,520.00
Sewer bedding, backfill, compaction, & testing	1	ls @	\$ 6,690.00	\$ 8,028.00	\$ 8,028.00		80.0%	\$ 6,422.40
Connect to Existing Water Line	1	Each @	\$ 4,125.00	\$ 4,950.00	\$ 4,950.00		80.0%	\$ 3,960.00
8" DIP Water Line	1900	L.F. @	\$ 31.80	\$ 38.16	\$ 72,504.00		80.0%	\$ 58,003.20
6" DIP Water Line	30	L.F. @	\$ 25.00	\$ 30.00	\$ 900.00		80.0%	\$ 720.00
Fire Hydrant with Valve	3	Each @	\$ 3,200.00	\$ 3,840.00	\$ 11,520.00		80.0%	\$ 9,216.00
3/4" Water Lateral	16	Each @	\$ 950.00	\$ 1,140.00	\$ 18,240.00		80.0%	\$ 14,592.00
Misc-Tees, Valves, Blocks, Lugs, Testing, blow off, etc	1	L.F. @	\$ 16,644.80	\$ 19,973.76	\$ 19,973.76		80.0%	\$ 15,979.01
Connect to Existing Pressurized Irrigation Line	1	Each @	\$ 4,125.00	\$ 4,950.00	\$ 4,950.00		0.0%	\$ -
6" Pressurized Irrigation Water Line	400	L.F. @	\$ 15.50	\$ 18.60	\$ 7,440.00		0.0%	\$ -
8" Pressurized Irrigation Water Line	1400	L.F. @	\$ 20.00	\$ 24.00	\$ 33,600.00		0.0%	\$ -
Presurized Irrigation, Valves, Tee's, boxes, blocks, etc	1	L.S. @	\$ 14,877.00	\$ 17,852.40	\$ 17,852.40		0.0%	\$ -
1" Pressurized Irrigation Lateral	16	Each @	\$ 800.00	\$ 960.00	\$ 15,360.00		0.0%	\$ -
Water bedding, backfill, compaction, & testing	1	L.S. @	\$ 9,475.00	\$ 11,370.00	\$ 11,370.00		0.0%	\$ -
15" Storm Drain Pipe	830	L.F. @	\$ 22.63	\$ 27.16	\$ 22,539.48	80.0%	80.0%	\$ 18,031.58
12" Storm Drain Pipe	104	L.F. @	\$ 20.88	\$ 25.06	\$ 2,605.82	80.0%	80.0%	\$ 2,084.66
5' diameter manholes	5	Each @	\$ 2,400.00	\$ 2,880.00	\$ 14,400.00	80.0%	80.0%	\$ 11,520.00
4' diameter manholes	1	Each @	\$ 2,000.00	\$ 2,400.00	\$ 2,400.00	80.0%	80.0%	\$ 1,920.00
Bedding Material	500	Each @	\$ 10.00	\$ 12.00	\$ 6,000.00	80.0%	80.0%	\$ 4,800.00
Curb Inlet boxes	4	Each @	\$ 2,500.00	\$ 3,000.00	\$ 12,000.00	80.0%	80.0%	\$ 9,600.00
Detention basins, Rip Rap, etc.	1	L.S. @	\$ 36,500.00	\$ 43,800.00	\$ 43,800.00		0.0%	\$ -
Misc. storm drain material, flared ends, & etc	1	L.S. @	\$ 1,957.00	\$ 2,348.40	\$ 2,348.40	80.0%	80.0%	\$ 1,878.72
24" Curb and Gutter	3,600	L.F. @	\$ 14.75	\$ 17.70	\$ 63,720.00		0.0%	\$ -
5' Sidewalk with 6" Roadbase	2,000	L.F. @	\$ 15.50	\$ 18.60	\$ 37,200.00		0.0%	\$ -
4' Sidewalk with 6" Roadbase	1,100	L.F. @	\$ 18.75	\$ 22.50	\$ 24,750.00		0.0%	\$ -
Curb Inlets	4	Each @	\$ 450.00	\$ 540.00	\$ 2,160.00		0.0%	\$ -
Handi-cap ramps	2	Each @	\$ 875.00	\$ 1,050.00	\$ 2,100.00		0.0%	\$ -
Manhole Collars; adjust to grade	16	Each @	\$ 525.00	\$ 630.00	\$ 10,080.00		0.0%	\$ -
Valve Collars; adjust to grade	10	Each @	\$ 375.00	\$ 450.00	\$ 4,500.00		0.0%	\$ -
12" Subbase	70,000	S.F. @	\$ 0.85	\$ 1.02	\$ 71,400.00		0.0%	\$ -
3" Asphalt, 8" Roadbase	64,600	S.F. @	\$ 2.00	\$ 2.40	\$ 155,040.00		0.0%	\$ -
Clean-up	1	L.S. @	\$ 4,000.00	\$ 4,800.00	\$ 4,800.00		0.0%	\$ -
Street Lights	4	Each @	\$ 2,500.00	\$ 3,000.00	\$ 12,000.00		0.0%	\$ -
Trails	1	L.S. @	\$ 14,100.00	\$ 16,920.00	\$ 16,920.00		0.0%	\$ -
<b>TOTAL BOND AMOUNT</b>					\$ 1,380,967.46		<b>Amount Released to date</b>	\$ 642,510.79
Release No. 1 (paper release)					\$ 261,741.36			
<b>TOTAL BOND REQUIRED</b>					\$ 1,119,226.10		Previously Released:	\$ 592,675.82
							This Release:	\$ 49,834.97

\*\* At the discretions of the city, up to 80% of the total bond amount may be released as parial payments and 90% of the total will be released at final. The remainder will be held for the two year warranty period.

Requested by Developer:

Downing Akin

Date

Approved by Alpine City:

Don Watkins  
 Mayor

Date

Shane L. Sorensen, P.E.  
 City Engineer, Public Works Director

Date

City Council  
 (by Charnsynne Warnock - City Recorder)

Date

6/18/2015

## ALPINE CITY COUNCIL AGENDA

**SUBJECT: Oberee Annexation**

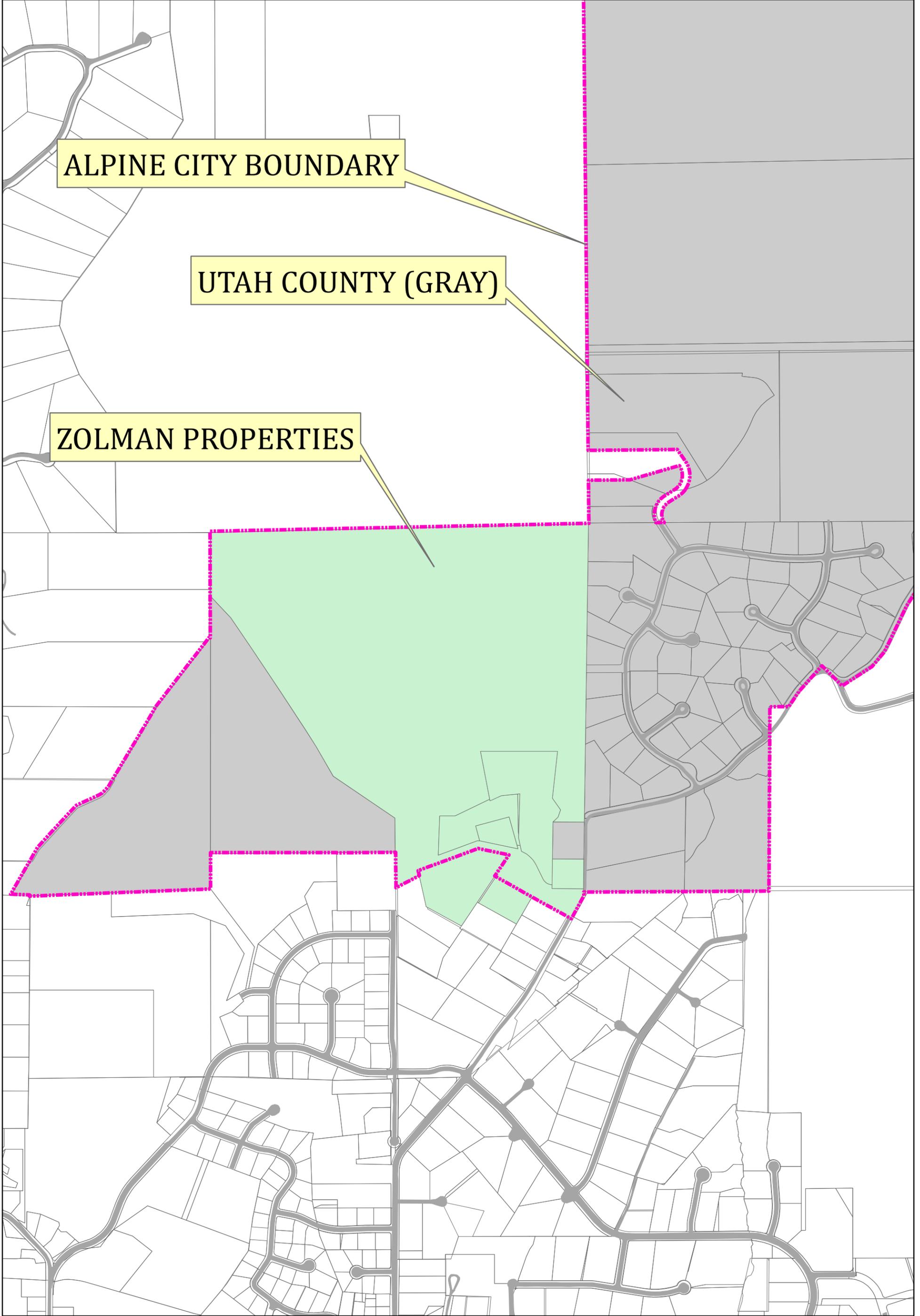
**FOR CONSIDERATION ON: June 23, 2015**

**PETITIONER: Rich Nelson, City Administrator**

**ACTION REQUESTED BY PETITIONER: For the Council to approve the Oberee Annexation Petition at 31 lots and to request staff to prepare a development agreement with the petitioner for a 31 lot subdivision.**

**INFORMATION: The City Council has already voted to limit the number of lots in the Zolman portion of the Oberee Annexation Petition to 31 lots. The purpose of this meeting is for the Council to vote to approve the Oberee Annexation Petition at the 31 lot level and to request that staff prepare a development agreement with the petitioner for the proposed 31 lot subdivision.**

***RECOMMENDED ACTION:*** *That the City Council vote to approve the attached Oberee Annexation Resolution and to request staff to prepare a development agreement with the petitioner for a 31 lot subdivision. The development agreement would have to be approved and signed by both the petitioner and the City.*



ALPINE CITY BOUNDARY

UTAH COUNTY (GRAY)

ZOLMAN PROPERTIES

FIGURE 1



**ORDINANCE NO. 2015-10**

**AN ORDINANCE OF ANNEXATION OF TERRITORY INTO THE MUNICIPALITY OF ALPINE CITY AND ESTABLISHING A ZONE FOR THE ANNEXED PROPERTY KNOWN AS THE OBEREE ANNEXATION.**

WHEREAS, the City Council of Alpine, Utah, has been petitioned to annex certain property and has given public notice of such petition and the protest period has now run without protest; and

WHEREAS, on the 23rd day of June, 2015, the City of Alpine held a public hearing according to the law, concerning the annexation of certain territory contiguous to the boundary of said City; and

WHEREAS, the City may establish a zone designation at the time of annexation pursuant to Utah Code section 10-9A-506;

NOW, THEREFORE, be it ordained by the City Council of Alpine, Utah, that;

1. The territory described in Exhibit A hereto is hereby annexed into Alpine City
2. The City staff shall take all necessary steps to complete the annexation including filing the necessary documents with the Lieutenant Governor of the State of Utah and the Utah County Recorder.
3. The newly annexed territory shall all have the zone designation of CR-40,000 and CE-5.
4. This ordinance shall take effect upon posting.

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

\_\_\_\_\_  
Don Watkins  
Alpine City Mayor

ATTEST:

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

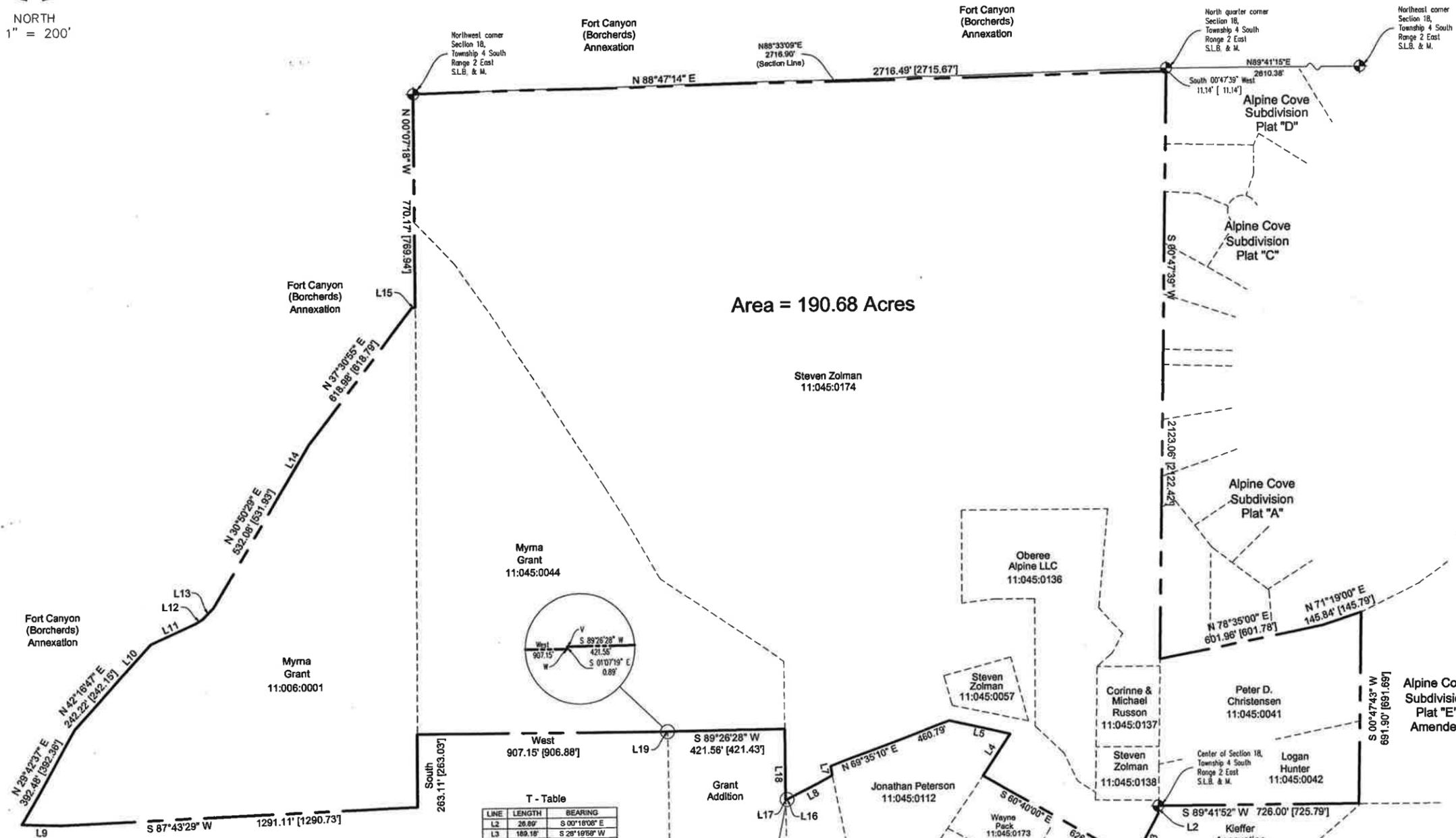
## **OBEREE ANNEXATION LEGAL DESCRIPTION**

Commencing at a point located South 00°47'39" West along the quarter Section line 11.14 feet from the North quarter corner of Section 18, Township 4 South, Range 2 East, Salt Lake Base and Meridian: thence South 00°47'39" West along the quarter Section line, said line also being the Westerly Boundary line of Plats "A", "C" Amended, and Plat "D", Alpine Cove Subdivision as shown on record in the office of the Utah County Recorder 2123.06 feet; thence North 78°35'00" East along the Southerly boundary line of Plat "A", Alpine Cove Subdivision as shown on record in the office of the Utah County Recorder 601.96 feet; thence North 71°19'00" East partially along the Southerly boundary line of Plat "A", Alpine Cove Subdivision as shown on record in the office of the Utah County Recorder 145.84 feet; thence South 00°47'43" West along the Westerly boundary line of Plat "E" Amended, Alpine Cove Subdivision as shown on record in the office of the Utah County Recorder 691.90 feet; then South 89°41'52" West along the Northerly boundary line of the Keiffer Annexation Plat 726.00 feet more or less to the center of Section 18; thence along said boundary line as follows: South 00°18'08" East 26.89 feet, South 28°19'58" West 189.18 feet; thence North 60°40'00" West 626.73 feet; thence North 33°39'00" East 179.72 feet; thence North 77°13'11" West 225.24 feet; thence South 69°35'10" West 460.79 feet; thence South 10°00'06" East 33.35 feet; South 62°15'00" West 183.28 feet; thence South 00°05'00" East 0.26 feet; thence South 62°15'00" West 5.88 feet; thence along Grant Addition, Annexation Plat as follows North 00°34'23" West 256.91 feet, South 89°26'28" West 421.56 feet, South 01°07'19" East 0.89 feet; thence West 907.15 feet; thence South 263.11 feet; thence South 87°43'29" West 1291.11 feet; thence along the Fort Canyon (Borchers) Annexation Plat as follows: North 87°58'36" West 141.05 feet, North 29°42'37" East 392.48 feet, North 42°16'47" East 242.22 feet, North 43°08'11" East 169.04 feet, North 65°25'08" East 176.95 feet, North 58°50'08" East 29.39 feet, North 43°32'14" East 58.34 feet, North 30°50'29" East 532.08 feet, North 30°07'04" East 148.90 feet, North 37°30'55" East 618.98 feet, South 89°58'05" East 10.73 feet, North 00°07'18" West 770.17 feet, North 88°47'14" East 2716.49 feet to the point of beginning.

Area = 8,305,941 SF 190.68 Acres

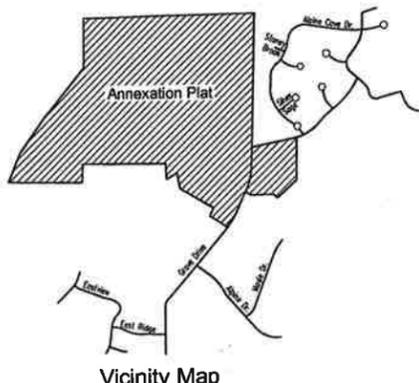
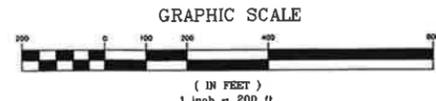
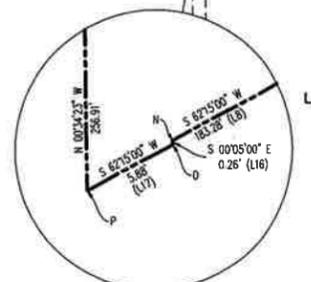
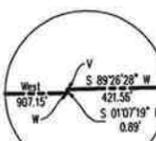


NORTH  
1" = 200'



T - Table

LINE	LENGTH	BEARING
L2	26.89'	S 00°18'06" E
L3	189.18'	S 28°19'58" W
L4	179.72'	N 33°39'00" E
L5	225.24'	N 77°13'11" W
L7	255.37'	N 12°10'00" W
L8	183.28'	S 62°15'00" W
L9	141.05'	N 87°58'36" W
L10	169.04'	N 43°08'11" E
L11	179.95'	N 65°25'09" E
L12	29.39'	N 59°50'00" E
L13	58.34'	N 43°32'14" E
L14	148.00'	N 30°07'04" E
L15	10.73'	S 89°58'05" E
L16	0.26'	S 00°05'00" E
L17	5.88'	S 62°15'00" W
L18	258.91'	N 00°34'23" W
L19	0.89'	S 01°07'19" E
L20	45.29'	N 59°29'22" W
L21	52.22'	S 36°25'00" W
L22	146.40'	N 33°30'11" E



**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT THIS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO Alpine CITY, UTAH COUNTY, UTAH.

**BOUNDARY DESCRIPTION**  
Commencing at a point located South 00°47'39" West along the quarter Section line 11.14 feet from the North quarter corner of Section 18, Township 4 South, Range 2 East, Salt Lake Base and Meridian; thence South 00°47'39" West along the quarter Section line, said line also being the Westerly Boundary line of Plats "A", "C", "D", "E", Alpine Cove Subdivisions as shown on record in the office of the Utah County Recorder 2123.06 feet; thence North 78°35'00" East along the Southerly boundary line of Plat "A", Alpine Cove Subdivision as shown on record in the office of the Utah County Recorder 601.96 feet; thence North 71°19'00" East partially along the Southerly boundary line of Plat "A", Alpine Cove Subdivision as shown on record in the office of the Utah County Recorder 145.84 feet; thence South 00°47'43" West along the Westerly boundary line of Plat "E" Amended, Alpine Cove Subdivision as shown on record in the office of the Utah County Recorder 691.90 feet; thence South 89°41'52" West along the Northerly boundary line of the Kieffer Annexation Plat 726.00 feet more or less to the center of section 18; thence along said boundary line as follows: South 00°18'08" East 25.89 feet, South 28°19'58" West 189.18 feet; thence North 60°40'00" West 626.73 feet; thence North 33°39'00" East 179.72 feet; thence North 77°13'11" West 225.24 feet; thence South 69°35'10" West 460.79 feet; thence South 10°00'06" East 33.35 feet; South 62°15'00" West 183.28 feet; thence South 00°05'00" East 0.26 feet; thence South 62°15'00" West 5.88 feet; thence along Grant Addition, Annexation Plat as follows North 00°34'23" West 258.91 feet, South 89°26'28" West 421.56 feet, South 01°07'19" East 0.89 feet; thence West 907.15 feet; thence South 263.11 feet; thence South 87°43'29" West 1291.11 feet; thence along the Fort Canyon (Borchers) Annexation Plat as follows: North 87°58'36" West 141.05 feet, North 29°42'37" East 392.48 feet, North 42°18'47" East 242.22 feet, North 43°08'11" East 169.04 feet, North 65°25'09" East 176.95 feet, North 59°50'00" East 29.39 feet, North 43°32'14" East 58.34 feet, North 30°07'04" East 148.00 feet, North 10°73' East 10.73 feet, North 00°05'00" East 0.26 feet, North 37°30'55" East 618.98 feet, South 89°58'05" East 10.73 feet, North 00°07'18" West 770.17 feet, North 68°47'14" East 2716.49 feet to the point of beginning.

Area = 8,305,941 SF 190.68 Acres  
BASIS OF BEARING = Utah State Plane Coordinate System  
SURVEYOR  
(See Seal Below)  
DATE  
SURVEYOR'S SEAL

**ACCEPTANCE BY LEGISLATIVE BODY**  
THIS IS TO CERTIFY THAT WE, \_\_\_\_\_ HAVE RECEIVED A PETITION SIGNED BY A MAJORITY OF THE OWNERS OF THE TRACT SHOWN HEREON REQUESTING THAT SAID TRACT BE ANNEXED TO THE CITY OF \_\_\_\_\_ AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HERewith ALL IN ACCORDANCE WITH THE UTAH BOUNDARY COMMISSION ACT (1979) 10-1-04 & 10-2-401 THRU 423 AS REVISED AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS A PART OF SAID CITY AND THAT SAID TRACT OF SAID TRACT OF LAND IS TO BE KNOWN HEREAFTER AS THE \_\_\_\_\_ ANNEXATION.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_  
ATTEST \_\_\_\_\_ RECORDER  
RECORDERS SEAL

**BOUNDARY COMMISSION**  
POLICY DECLARATION ADOPTED BY LEGISLATIVE BODY OF \_\_\_\_\_ CITY ON \_\_\_\_\_, PROTESTS FILED BY: \_\_\_\_\_

**BOUNDARY COMMISSION ACTION:**  
ANNEXATION READY TO RECORD  
NO PROTESTS RECEIVED: \_\_\_\_\_ DATE \_\_\_\_\_  
APPROVED BY COMMISSION: \_\_\_\_\_ DATE \_\_\_\_\_  
BOUNDARY COMMISSION CHAIRMAN

APPROVED AS TO FORM  
COUNTY ATTORNEY \_\_\_\_\_ DATE \_\_\_\_\_

# ANNEXATION PLAT

## Oberee Annexation

UTAH COUNTY, UTAH  
SCALE: 1" = 200 FEET  
THIS FORM APPROVED BY UTAH COUNTY AND THE MUNICIPALITIES THEREIN.

## ALPINE CITY COUNCIL AGENDA

**SUBJECT: Food Truck Pilot Program Progress Review**

**FOR CONSIDERATION ON: June 23, 2015**

**PETITIONER: Rich Nelson, City Administrator**

**ACTION REQUESTED BY PETITIONER: For Council review, discussion and direction.**

**INFORMATION: The Council approved the operation of a pilot Monday food truck night at Legacy Park for the summer months. They asked Clayton Johnson, who had proposed the idea, to operate the program. The idea was to keep it a small classy affair that would reflect the Alpine City brand. The food truck night has been very successful.**

**There have been a number of questions raised during the first month of the pilot's operation. The Council should discuss these questions and determine if they want to make changes to the program.**

***RECOMMENDED ACTION: That the Council provide whatever direction they wish to provide to the program.***

**ALPINE CITY COUNCIL AGENDA**

**SUBJECT: Box Elder South Subdivision Annexation Discussion.**

**FOR CONSIDERATION ON: June 23, 2015**

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

**ACTION REQUESTED BY PETITIONER: That the Council consider working with Utah County to annex the Box Elder South subdivision and have it become part of the City of Alpine.**

**INFORMATION: The Box Elder South subdivision is located south of the Box Elder North subdivision. It is bordered on two sides by Lambert Park and one side by the National Forest. It is a 59 lot subdivision.**

**State law allows a county and a city to work together to allow a city to annex a piece of property less than 50 acres next to the city by going through a State approved process. The question is whether Alpine City wants to initiate such a process. Based on the 1992 legal settlement the City is providing sewer and water to the subdivision.**

**A thumbnail review of the financial issues involved in annexing this property is attached. The financials are based on comparable Heritage Hills homes and on average city wide service delivery costs.**

***RECOMMENDED ACTION: That the City Council decide if they wish to initiate an annexation process for annexing Box Elder South into the City.***

Box Elder South Annexation Projections

(59 Lots)

All projections as based on a comparison to homes in Heritage Hills.

<u>One Time Revenue</u>		<u>Total</u>
Average Construction Fees Per Home:	\$ 8,182.00	\$ 482,738.00
Average Impact Fees Per Home:	\$ 8,917.00	<u>\$ 526,103.00</u>
Total		\$ 1,008,841.00
<u>On-Going Revenue</u>		
Estimated Property Tax Revenue Per Home:	\$ 1,208.25	\$ 71,286.75
Estimated Sales Tax Per Home:	\$ 365.00	\$ 21,535.00
Estimated Motor Vehicle Tax Per Home:	\$ 41.00	\$ 2,419.00
Estimated Franchise Fee Per Home	\$ 233.00	<u>\$ 13,747.00</u>
		\$ 108,987.75
Total		
Sewer Revenue Loss Per Home	\$ (30.00)	<u>\$ (21,240.00)</u>
(This is a monthly stream)	Total	\$ 87,747.75
Operational Costs (Streets, Parks, Cemetary)	\$ (429.00)	\$ (25,311.00)
General Govt Cost (The Rest)	\$ (1,000.00)	<u>\$ (59,000.00)</u>
Grand Total		\$ 3,436.75 (+/-)

## ALPINE CITY COUNCIL AGENDA

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

**FOR CONSIDERATION ON: June 23, 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.

*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.**

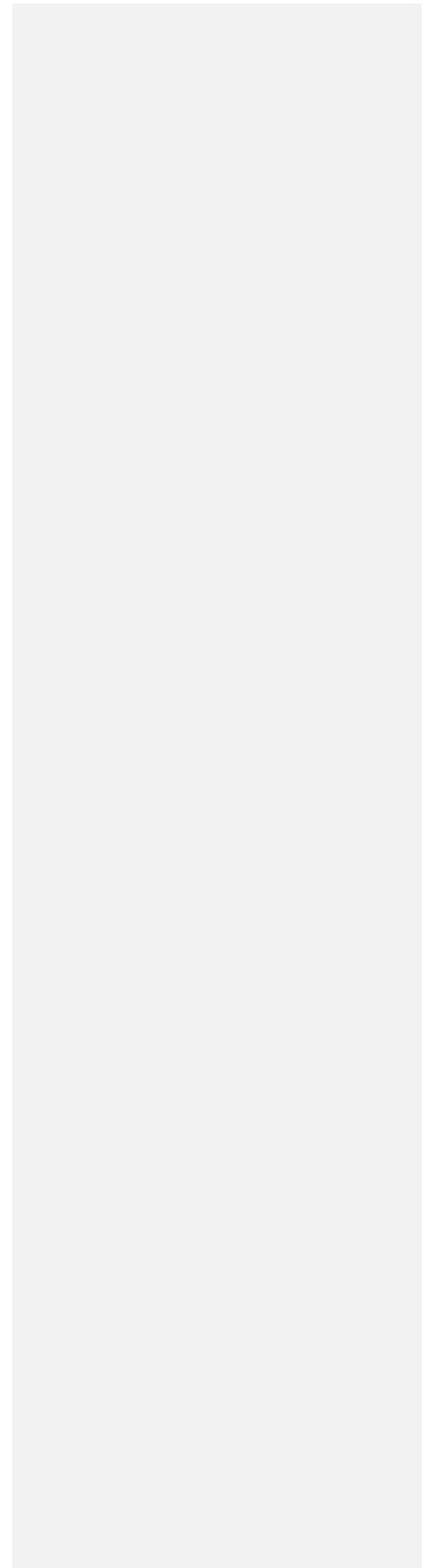
**PROCEDURE.** The procedure for any motion shall be as follows: First, the Mayor should recognize the member of the City Council. Second, the member of the City Council makes a motion by preceding the member's desired approach with the words: "I move . . . ."

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.

**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, 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 motion).

Formatted: Highlight

Formatted: Font color: Background 1, Highlight

Formatted: Strikethrough

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. 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.

**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.

**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, 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.

## ALPINE CITY COUNCIL AGENDA

**SUBJECT: Lambert Park Fence**

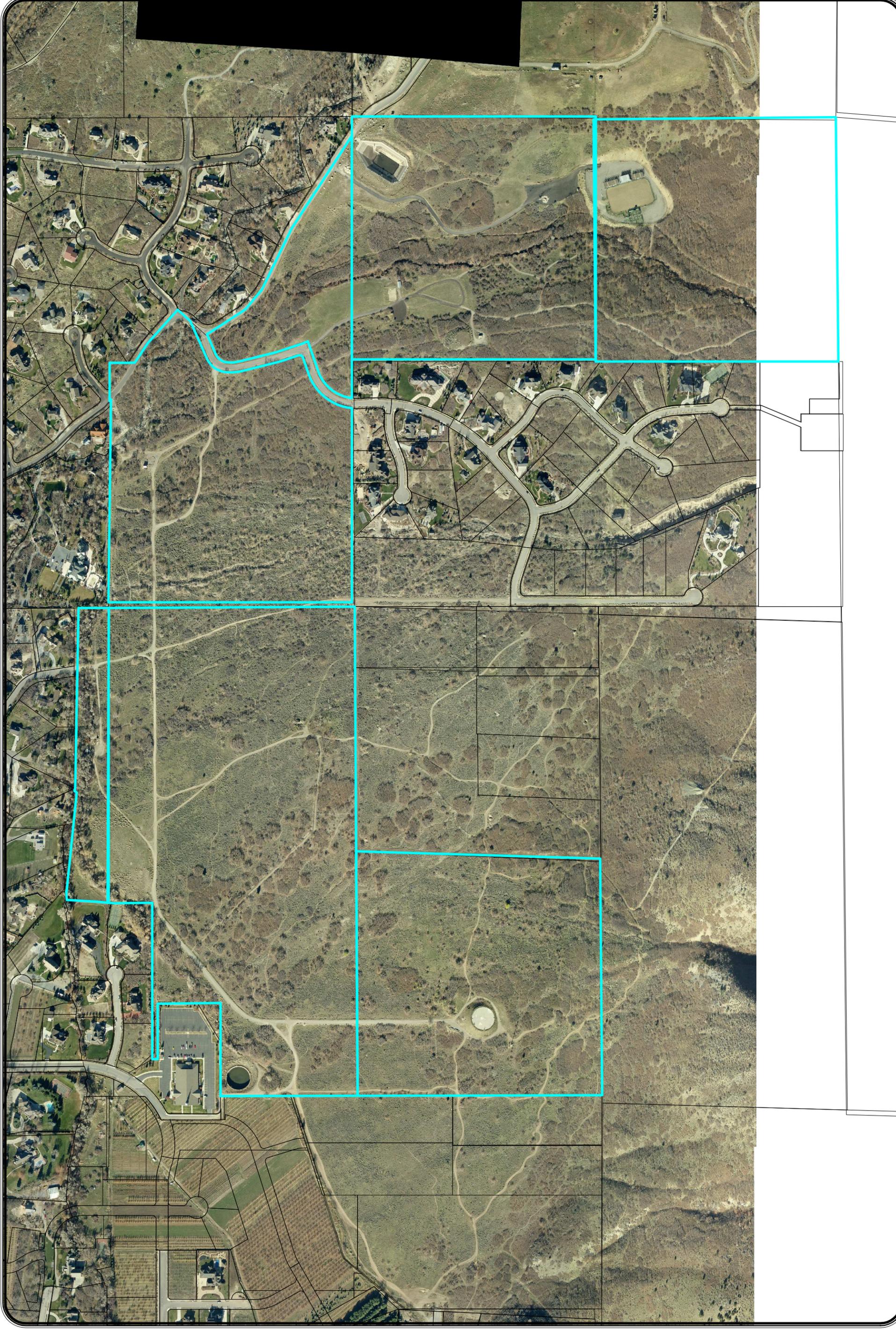
**FOR CONSIDERATION ON: June 23, 2015**

**PETITIONER: Shane Sorensen, City Engineer and Public Works Director**

**ACTION REQUESTED BY PETITIONER: The Council has requested that the fencing of all or parts of Lambert Park be put on the agenda.**

**INFORMATION: The Council has discussed whether they want to fence all or parts of Lambert Park for a number of years. At the last City Council meeting the Council directed Shane Sorensen to get them a map of Lambert Park so they could consider if they wanted to fence all or parts of Lambert Park. A copy of that map is attached. Please come prepared with your ideas regarding if you want to fence, if so which area and if so what type of fence to want to use.**

***RECOMMENDED ACTION: That the Council decided what parts, if any, of Lambert Park they want to fence and what type of fence they want to use if they do want to fence all or part of the Park.***



# Lambert Park Improvements



## ALPINE CITY COUNCIL AGENDA

**SUBJECT: Bookmobile Agreement**

**FOR CONSIDERATION ON: June 23, 2015**

**PETITIONER: Commissioner Will Jones**

**ACTION REQUESTED BY PETITIONER: That the Council review the proposed contract and the service delivery information provided by the State Bookmobile Office and decide if the Council wants to approve the contract or do something else.**

**INFORMATION: Information on where and when the Bookmobile offers services in the City and what the service levels are is attached. The information and what is listed in the contract do not match.**

***RECOMMENDED ACTION: That the Council decide if they want to sign the old contract and receive the services as outlined in the information provided by the State Bookmobile Office or if they want to rewrite the contract.***

**From:** Rich Nelson  
**Sent:** Thursday, June 11, 2015 9:54 AM  
**To:** Don Watkins; Will Jones  
**Cc:** 'bmlund@utah.gov'  
**Subject:** FW: Alpine Bookmobile Report  
**Attachments:** Utah County Schedule Jan - May 2015..docx; schedule.pdf

Will,

Attached are the two schedules (Jan – May and summer) for the Bookmobile in the City. Below you see the usage patterns.

In discussing this with both Britton and the County (the County Attorney), this is what I summarize:

- The State signs a fairly generic contract with the County.
- The County sends to Alpine a copy of the old contract, which has been used for numerous years.
- The City signs the contract.
- The purpose of the contract is to transfer the funds.
- The schedule for Alpine is what is listed on the Bookmobile schedules that are attached, not what is listed in the contract. Since I have been here I know that they have not used the Middle School as a stopping place.
- I think Alpine gets a good deal on the Bookmobile. Usage is up.
- I think we just sign the contract. Next year we amend the contract to be more generic and simply say that the schedule will be what is listed by the State Office.

Talk to me if you have any questions.

Sincerely,

Rich Nelson  
Alpine City Administrator  
20 North Main Street  
Alpine City, UT 84004  
[rnelson@alpinecity.org](mailto:rnelson@alpinecity.org)  
801-756-6347 x105 (w)  
801-404-7850 (c)

---

**From:** Britton Lund [<mailto:bmlund@utah.gov>]  
**Sent:** Wednesday, June 10, 2015 2:40 PM  
**To:** Rich Nelson  
**Subject:** Re: Alpine Bookmobile Report

and now the attachments...

On Wed, Jun 10, 2015 at 2:39 PM, Britton Lund <[bmlund@utah.gov](mailto:bmlund@utah.gov)> wrote:

Rich,

The two schedules are attached. The circulation statistics I have for your

stops are these:

### Circulation by Stop

	2013-2014	2014-2015 est
Alpine Community	6512	8306
Alpine Elementary	434	373

I hope this helps.

Feel free to call me if need be.

Britton

On Wed, Jun 10, 2015 at 11:27 AM, Rich Nelson <[rnelson@alpinecity.org](mailto:rnelson@alpinecity.org)> wrote:  
Britton,

How are things going for you? I hope everything is going well.

Last night at the City Council meeting a question was raised about the Alpine City bookmobile's hours of operation. They asked that I find out some information before they sign next year's contract.

The questions that they have revolve about hours at the stops in Alpine:

1. Alpine Main Street Chapel. It is listed for the following: 5 stops, each being 2.5 hours in duration, for the months of July and August, 19 stops, each being 1.75 hours in duration for the months of September through May, and 1 stop being 1 hour in duration for the month of June, for a total of 46.75 hours.
2. Alpine Elementary, 5 stops, each being 2.5 hours in duration, for the months of July and August, and 19 stops, each being 1.5 hours in duration for the months of September through May, for a total of 41 hours.
3. Timberline Middle School, 5 stops, each being 1.5 hours in duration, for the months of July and August, and 19 stops, each being 1 hour in duration for the months of September through May, for a total of 26.5 hours.

Would you mind sending me a report showing the hours of operation and the number of book transactions for each stop. Thanks.

Sincerely,

Rich Nelson  
Alpine City Administrator  
20 North Main Street  
Alpine City, UT 84004  
[rnelson@alpinecity.org](mailto:rnelson@alpinecity.org)  
[801-756-6347](tel:801-756-6347) x105 (w)  
[801-404-7850](tel:801-404-7850) (c)

--

Britton Lund, MLS, MPA, CPM  
Program Manager  
250 N 1950 W, Suite A  
Salt Lake City Ut 84116-7901  
[801-715-6733](tel:801-715-6733) (office) [801-715-6767](tel:801-715-6767) (fax) [1-800-662-9150](tel:1-800-662-9150) (toll free)  
[bmlund@utah.gov](mailto:bmlund@utah.gov)

--

Britton Lund, MLS, MPA, CPM  
Program Manager  
250 N 1950 W, Suite A  
Salt Lake City Ut 84116-7901  
[801-715-6733](tel:801-715-6733) (office) [801-715-6767](tel:801-715-6767) (fax) [1-800-662-9150](tel:1-800-662-9150) (toll free)  
[bmlund@utah.gov](mailto:bmlund@utah.gov)

# Utah/Northern Juab County Bookmobile

2015 Schedule  
Winter - Spring

Updated: 8/4/2014

<b>Headquarters</b> 125 West 400 North Mapleton, UT 84664 801-489-4833 (phone) 801-806-9126 (fax)	<b>Librarian:</b> Joe Ballard <a href="mailto:jballard@utah.gov">jballard@utah.gov</a> Cell: 801-400-3670 <b>Technician:</b> Patricia Dall'Orso <a href="mailto:pdallorso@utah.gov">pdallorso@utah.gov</a>	<b>Library Hours</b> 10:00 am – 8:00 pm Mon-Thurs 10:00 – 5:00 Fri 10:00 – 2:00 Sat Closed for lunch daily 12:00 - 1:00 <i>Closed Holidays</i>
---	--	---

## Schedule A

<b>Monday</b>	<b>Jan 12, 26 / Feb 9, 23 / Mar 9, 23 / Apr 6, 20 / May 4, 18</b>	
11:00-12:30 1:00-2:30 3:45-5:30	Lindon Cedar Hills Mapleton	Lindon City Parks and Rec. 25 N Main Street LDS Church 10020 N 4600 West Mapleton City Hall 125 W 400 North
<b>Tuesday</b>	<b>Jan 13, 27 / Feb 10, 24 / Mar 10, 24 / Apr 7, 21 / May 5, 19</b>	
12:30-2:30 3:00-5:00	Alpine Alpine	Alpine Elem. 400 E 300 North ( <b>No School - Apr 7</b> ) LDS Church 100 N Main Street
<b>Wednesday</b>	<b>Jan 14, 28 / Feb 11, 25 / Mar 11, 25 / Apr 8, 22 / May 6, 20</b>	
11:00-2:00 3:30-5:00	Cedar Fort Springdell	Cedar Valley Elem. 40 E Center Street ( <b>No School - Apr 8</b> ) Provo Canyon Rd (U.S. Highway 189) & Springdell Drive (Entrance)
<b>Thursday</b>	<b>Jan 15, 29 / Feb 12, 26 / Mar 12, 26 / Apr 9, 23 / May 7, 21</b>	
8:30-1:00 1:15-2:30 3:00-5:30	Mona Mona Rocky Ridge	Mona Elem. 260 E 200 South (Elementary Stop Only) Community Mona City Park 100 N Main Community 155 N East Ridge Road
<b>Friday</b>	<b>No Service</b>	

### Holidays:

**2015 – New Year's Day (Jan 1), Martin Luther King Jr. Day (Jan 19), Presidents Day (Feb 16), Memorial Day (May 25)**

Where's My Bookmobile? Get updates on cancellations, delays, schedule changes and events:

 <https://www.facebook.com/UtahCountyBookmobile>

 <https://twitter.com/UtahCountyBooks>



<http://bookmobiles.utah.gov/utah>

# Utah/Northern Juab County Bookmobile

2014-15 Schedule  
Fall - Spring

Updated: 8/4/2014

<b>Headquarters</b> 125 West 400 North Mapleton, UT 84664 801-489-4833 (phone) 801-806-9126 (fax)	<b>Librarian:</b> Joe Ballard <a href="mailto:jballard@utah.gov">jballard@utah.gov</a> Cell: 801-400-3670 <b>Technician:</b> Patricia Dall'Orso <a href="mailto:pdallorso@utah.gov">pdallorso@utah.gov</a>	<b>Library Hours</b> 10:00 am – 8:00 pm Mon-Thurs 10:00 – 5:00 Fri 10:00 – 2:00 Sat Closed for lunch daily 12:00 - 1:00 <i>Closed Holidays</i>
---	--	---

Schedule B		
<b>Monday</b>	<b>No Service</b>	
<b>Tuesday</b>	Jan 6, 20 / Feb 3, 17 / Mar 3, 17, 31 / Apr 14, 28 / May 12, 26	
9:00-10:00 10:00-11:00 11:30-2:30 3:15-5:00	Genola Head Start Elberta Goshen Spring Lake	352 E 800 South / Community ( <b>New Time, Same Location</b> ) LDS Church 15331S 12800 West Goshen Elem. 60 N Center Street LDS Church 12625 South Spring Lake Road
<b>Wednesday</b>	Jan 7, 21 / Feb 4, 18 / Mar 4, 18 / Apr 1, 15, 29 / May 13, 27	
10:00-11:15 11:30-1:30 2:15-5:00	Lakeshore Benjamin West Mountain	LDS Church 5916 S 3200 West LDS Church 3238 W 7300 South LDS Church 5237 W 10400 South
<b>Thursday</b>	Jan 8, 22 / Feb 5, 19 / Mar 5, 19 / Apr 2, 16, 30 / May 14, 28	
10:00-11:30 11:45-12:45 1:00-2:00 2:15-3:15 4:00-5:30	Indianola (Sanpete) Birdseye Birdseye Birdseye Covered Bridge	Fire Station Hwy 89 and Snail Hollow Dr. ( <b>New Stop Location</b> ) Birdseye Residential Treatment Center Lasson Canyon Rd off Hwy 89 Eagles Landing Subdivision Dry Canyon Road off Hwy 89 (Mailboxes) Birdseye Boys Ranch 19675 South Hwy 89 Covered Bridge Canyon off Hwy 6/89 (Inside Gate)
<b>Friday</b>	<b>No Service</b>	

**Holidays:**

2015 – New Year's Day (Jan 1), Martin Luther King Jr. Day (Jan 19), Presidents Day (Feb 16), Memorial Day (May 25)

Where's My Bookmobile? Get updates on cancellations, delays, schedule changes and events:

 <https://www.facebook.com/UtahCountyBookmobile>

 <https://twitter.com/UtahCountyBooks>



<http://bookmobiles.utah.gov/utah>

**INTERLOCAL COOPERATION AGREEMENT BY AND BETWEEN UTAH COUNTY, UTAH, AND ALPINE CITY REGARDING LIBRARY SERVICES**

THIS IS AN INTERLOCAL COOPERATION AGREEMENT, made and entered into by and between UTAH COUNTY, a political subdivision of the State of Utah, with its office located at 100 East Center Street, Provo, Utah 84606, hereinafter referred to as "COUNTY," and ALPINE CITY, a political subdivision of the State of Utah, with its office located at 20 North Main, Alpine, Utah 84004, hereinafter referred to as "ALPINE."

**WITNESSETH:**

**WHEREAS**, pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated, 1953 as amended, public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into written agreements with one another for joint or cooperative action; and

**WHEREAS**, the parties to this Agreement are public agencies as defined in the Interlocal Cooperation Act; and

**WHEREAS**, the parties desire to establish a joint undertaking to provide library and bookmobile services for the residents of ALPINE;

**NOW, THEREFORE**, the parties do mutually agree, pursuant to the terms and provisions of the Interlocal Cooperation Act, as follows:

**Section 1. EFFECTIVE DATE; DURATION**

This Interlocal Cooperation Agreement shall become effective and shall enter into force, within the meaning of the Interlocal Cooperation Act, upon the submission of this Interlocal Cooperation Agreement to, and the approval and execution thereof by the executive or executive body of each of the parties to this Agreement. The term of this Interlocal Cooperation Agreement

shall be from *July 1, 2015 until June 30, 2016*. This Interlocal Cooperation Agreement shall take effect upon its review as to proper form and compliance with applicable law by the Utah County Attorney's Office and the attorney for ALPINE. Prior to becoming effective, this Interlocal Cooperation Agreement shall be filed with the keeper of records of each of the parties hereto.

**Section 2. ADMINISTRATION OF AGREEMENT**

The parties to this Agreement do not contemplate nor intend to establish a separate legal entity under the terms of this Interlocal Cooperation Agreement. The parties hereto agree that, pursuant to Section 11-13-207, Utah Code Annotated, 1953 as amended, COUNTY shall act as the administrator responsible for the administration of this Interlocal Cooperation Agreement. The parties further agree that this Interlocal Cooperation Agreement does not anticipate nor provide for any organizational changes in the parties. The administrator agrees to keep all books and records in such form and manner as the Utah County Clerk/Auditor shall specify and further agrees that said books shall be open for examination by COUNTY and ALPINE, at all reasonable times. The parties agree that they will not acquire, hold nor dispose of any real property pursuant to this Interlocal Agreement during this joint undertaking. The parties further agree that they will not acquire, hold, or dispose of any personal property during this joint undertaking.

**Section 3. PURPOSES**

This Interlocal Cooperation Agreement has been established and entered into between COUNTY and ALPINE, for the purpose of a joint undertaking to provide library and bookmobile service for the residents of ALPINE through making stops by the COUNTY'S bookmobile at the following locations within ALPINE:

- a. Alpine Main Street Chapel, 5 stops, each being 2.5 hours in duration, for the months of July and August, 19 stops, each being 1.75 hours in duration for the months of September through May, and 1 stop being 1 hour in duration for the month of June,

for a total of 46.75 hours.

- b. Alpine Elementary, 5 stops, each being 2.5 hours in duration, for the months of July and August, and 19 stops, each being 1.5 hours in duration for the months of September through May, for a total of 41 hours.
- c. Timberline Middle School, 5 stops, each being 1.5 hours in duration, for the months of July and August, and 19 stops, each being 1 hour in duration for the months of September through May for a total of 26.5 hours.

**Section 4. MANNER OF FINANCING**

ALPINE agrees to pay the sum of \$13,200.00 to COUNTY for the bookmobile services enumerated in Section 3 hereof on or before July 1, 2015.

**Section 5. METHOD OF TERMINATION**

This Interlocal Cooperation Agreement will automatically terminate at the end of its term herein, pursuant to the provisions of paragraph one (1) of this Agreement. Prior to the automatic termination at the end of the term of this Agreement, either party to this Agreement may terminate the Agreement upon providing sixty (60) days written notice of termination to the other party.

**Section 6. INDEMNIFICATION**

The parties to this Agreement are public entities. Each party agrees to indemnify and save harmless the other for damages, claims, suits, and actions arising out of a negligent error or omission of its own officials or employees in connection with this Agreement.

**Section 7. FILING OF INTERLOCAL COOPERATION AGREEMENT**

Executed copies of this Interlocal Cooperation Agreement shall be placed on file in the office of the Utah County Clerk/Auditor and with the official keeper of records of ALPINE, and shall remain on file for public inspection during the term of this Interlocal Cooperation Agreement.

**Section 8. ADOPTION REQUIREMENTS**

This Interlocal Cooperation Agreement shall be (a) approved by the executive or the executive body of each of the parties, (b) executed by a duly authorized official of each of the parties (c) submitted to and reviewed by an authorized attorney of each of the parties, as required by Section 11-13-202.5(3), Utah Code Annotated, 1953 as amended, and (d) filed with the keeper of records of each party.

**Section 9.     LAWFUL AGREEMENT**

The parties represent that each of them has lawfully entered into this Interlocal Cooperation Agreement, having complied with all relevant statutes, ordinances, resolutions, by-laws, and other legal requirements applicable to their operation.

**Section 10.    AMENDMENTS**

This Interlocal Cooperation Agreement may not be amended, changed, modified or altered except by an instrument in writing which shall be (a) approved by the executive or the executive body of each of the parties, (b) executed by a duly authorized official of each of the parties, (c) submitted to and reviewed by an authorized attorney of each of the parties, as required by Section 11-13-202.5(3), Utah Code Annotated, 1953 as amended, and (d) filed with the keeper of records of each party.

**Section 11.    SEVERABILITY**

If any term or provision of the Interlocal Cooperation Agreement or the application thereof shall to any extent be invalid or unenforceable, the remainder of this Interlocal Cooperation Agreement, or the application of such term or provision to circumstances other than those with respect to which it is invalid or unenforceable, shall not be affected thereby, and shall be enforced to the extent permitted by law. To the extent permitted by applicable law, the parties hereby waive any provision of law which would render any of the terms of this Interlocal Cooperation Agreement unenforceable.

**Section 12. NO PRESUMPTION**

Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against the party, by reason of the rule of construction that a document is to be construed more strictly against the person who himself or through his agents prepared the same, it being acknowledged that all parties have participated in the preparation hereof.

**Section 13. BINDING AGREEMENT**

This Agreement shall be binding upon the heirs, successors, administrators, and assigns of each of the parties hereto.

**Section 14. NOTICES**

All notices, demands and other communications required or permitted to be given hereunder shall be in writing and shall be deemed to have been properly given if delivered by hand or by certified mail, return receipt requested, postage paid, to the parties at their addresses first above written, or at such other addresses as may be designated by notice given hereunder.

**Section 15. ASSIGNMENT**

The parties to this Agreement shall not assign this Agreement, or any part hereof, without the prior written consent of all other parties to this Agreement. No assignment shall relieve the original parties from any liability hereunder.

**Section 16. GOVERNING LAW**

All questions with respect to the construction of this Interlocal Cooperation Agreement, and the rights and liability of the parties hereto, shall be governed by the laws of the State of Utah.

**Section 17. STATISTICAL REPORT**

Utah County agrees to provide a statistical report on the use of the Bookmobile in Alpine pursuant to this Interlocal Cooperation Agreement every six months.

IN WITNESS WHEREOF, the parties have signed and executed this Interlocal Cooperation Agreement, on the dates listed below:

**UTAH COUNTY**

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

BOARD OF COUNTY COMMISSIONERS  
UTAH COUNTY, UTAH

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

ATTEST: Bryan E. Thompson  
Utah County Clerk/Auditor

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

**ATTORNEY REVIEW**

The undersigned, as the authorized attorney of Utah County, has reviewed the foregoing Interlocal Cooperation Agreement and finds it to be in proper form and in compliance with applicable law.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

By: \_\_\_\_\_  
David H. Shawcroft, Deputy  
Utah County Attorney

**ALPINE CITY**

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

By: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Recorder

**ATTORNEY REVIEW**

The undersigned, as the authorized attorney of Alpine City, has reviewed the foregoing Interlocal Cooperation Agreement and finds it to be in proper form and in compliance with applicable law.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

By: \_\_\_\_\_  
Legal Counsel for Alpine City

## ALPINE CITY COUNCIL AGENDA

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

**FOR CONSIDERATION ON: June 23, 2015**

**PETITIONER: Mayor Don Watkins**

**ACTION REQUESTED BY PETITIONER: That the Council consider invoking a ban on motorized vehicles in Lambert Park. That before the Council invokes such a ban that the Council work with the Lone Peak Police Chief on how such a ban would be enforced.**

**INFORMATION: This item has been discussed many times by the Council.**

***RECOMMENDED ACTION: That the Council decide if they want to ban motorized vehicles in Lambert Park. If they decide that is what they want to do, that the Council asked the Lone Peak Police Chief come to them with a plan on how the Police Department would enforce the ban.***