



ALPINE CITY COUNCIL MEETING AGENDA

NOTICE is hereby given that the CITY COUNCIL of Alpine City, Utah will hold a Public Meeting on **Tuesday, April 23, 2019 at 7:00 pm** at Alpine City Hall, 20 North Main Street, Alpine, Utah as follows:

- I. **CALL MEETING TO ORDER** *Council Members may participate electronically by phone*
 - A. **Roll Call:** Mayor Troy Stout
 - B. **Prayer:** Carla Merrill
 - C. **Pledge of Allegiance:** By invitation

- II. **CONSENT CALENDAR**
 - A. **Minutes of the Alpine City Council Meeting held April 9, 2019**
 - B. **Award 800 S. Waterline Project**
 - C. **Award Main Street/600 N. Storm Drain Project**
 - D. **Election Resolution**

- III. **PUBLIC COMMENT**

- IV. **REPORTS and PRESENTATIONS**
 - A. **Financial Report**
 - B. **Percentage of City as Open Space/Parks**

- V. **ACTION/DISCUSSION ITEMS**
 - A. **Three Falls Secondary Access – Finalize Gates:** The Council will consider specific terms for adding gates to the secondary access road for the Three Falls Subdivision.
 - B. **Amendment to Municipal Code – Administrative Hearing Process:** The Council will consider approving changes to the code which would establish an Administrative Hearing process for violations of City ordinances.
 - C. **Amendment to Municipal Code – Land Disturbance Permits:** The Council will consider approving changes to the storm drain bond and violations code which would be needed for an administrative hearing process.
 - D. **Amendment to Municipal Code – Nuisance Violations:** The Council will consider approving changes to the nuisance violations code which would be needed for an administrative hearing process.
 - E. **Amendment to Development Code – Open Space Bonds:** The Council will consider approving changes to the open space bond code which would be needed for an administrative hearing process.
 - F. **Amendment to Development Code – Infrastructure Protection Bonds:** The Council will consider approving changes to the infrastructure protection bond code which would be needed for an administrative hearing process.
 - G. **Amendment to Development Code – Building Material Samples:** The Council will consider approving changes to the Gateway/Historic code which would allow the Planning Commission to request physical building material samples for any project in the zone.
 - H. **Amendment to Development Code – Dwelling Cluster:** The Council will consider approving a new definition for “Dwelling Cluster” and other changes related thereto.
 - I. **Amendment to Development Code – Flag Lots:** The Council will consider approving changes to the code that would limit Flag Lots.

- VI. **STAFF REPORTS**

- VII. **COUNCIL COMMUNICATION**

- VIII. **EXECUTIVE SESSION:** Discuss litigation, property acquisition or the professional character, conduct or competency of personnel.

ADJOURN

Mayor Troy Stout
April 23, 2019

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) 756-6347 x 4.
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 and on the Utah Public Meeting Notices website at www.utah.gov/pmn/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/City Council, 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 vs. 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 MEETING
Alpine City Hall, 20 N. Main, Alpine, UT
April 9, 2019

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I. CALL MEETING TO ORDER

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

Mayor Troy Stout
Council Members: Jason Thelin, Ramon Beck, Carla Merrill, Kimberly Bryant, Lon Lott
Staff: Shane Sorensen, Charmayne Warnock, David Church, Austin Roy, Police Chief Brian Gwilliam, Fire Chief Reed Thompson
Others: Terry Way, Ed Bush, Will Jones

B. Prayer: Kimberly Bryant
C. Pledge: Ramon Beck

II. CONSENT CALENDAR

- A. Minutes of the Alpine City Council meeting held March 26, 2019**
- B. Resolution No. R2019-04 – Appointment to the Pressurized Irrigation Management Committee**
- C. Resolution No. R2019-05 -- Banking and Investment Management**
- D. Bond Release #4 – Alpine View Estates - \$25,197.00**

MOTION: Kimberly Bryant moved to approve the Consent Calendar. Ramon Beck seconded Ayes: 5 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	none
Ramon Beck	
Carla Merrill	
Kimberly Bryant	
Lon Lott	

III. PUBLIC COMMENT: Alan Gilman asked the Council to explain what the Consent Calendar was, specifically, the Resolution on the appointment to the Pressurized Irrigation Management Committee.

Shane Sorensen said that the Agreement between Alpine City and the Alpine Irrigation Company required the formation of a Pressurized Irrigation Management Committee. Three members were to be appointed by the Irrigation Company; three members were to be appointed by the City Council. The Resolution formalized the appointment of Lon Lott, Greg Kmetzch and Shane Sorensen by the City Council.

Shane Sorensen explained that the other Resolution authorized the City Treasurer and the City Administrator to manage the City's Public Treasurers Invest Fund on behalf of Alpine City.

IV. REPORTS AND PRESENTATIONS: None

V. ACTION AND DISCUSSION ITEMS.

A. Willow Canyon Height Restriction: This item was postponed at the request of the applicant.

B. Sewer Easement Through Public Open Space. Austin Roy said the Clarks, who owned the building lot at 75 N. Preston Drive, were requesting a sewer easement across a small piece of public open space in the Willow Canyon subdivision. The easement would also pass through two other vacant lots owned by another individual and provide a gravity feed sewer line to Bald Mountain Drive for all three lots.

1 Shane Sorensen said that when the subdivision was constructed, they put in sewer laterals for the two lots but the
2 easements were never formalized and the laterals were never extended to the east. Laterals were installed higher up
3 on Preston Drive, but they would have to pump the sewage to reach them.

4
5 David Church said underground utilities were a permitted use in the open space but the applicant had to get approval
6 from the Council. The staff could not just approve it. The easement would cross a very small piece of open space
7 that was serving no particular purpose..

8
9 Ramon Beck asked if there would be an expense to the City or if trees would need to be removed.

10
11 Austin Roy showed an aerial photo of the location and said the proposed route would minimize the impact on the
12 vegetation. There might be some scrub oak that needed to be removed.

13
14 Lon Lott noted that that the trench wouldn't need to be very deep because of the slope of the land. A narrow trench
15 would be sufficient and there should be minimal impact.

16
17 **MOTION:** Ramon Beck moved to approve the sewer easement as described through the open space in the Willow
18 Canyon subdivision. Jason Thelin seconded. Ayes: 5 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	none
Ramon Beck	
Carla Merrill	
Kimberly Bryant	
Lon Lott	

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28 **C. 2019 Alpine City Municipal Election.** Charmayne Warnock explained that there were two issues
29 which would require separate motions. The first was a motion on Ranked Choice Voting (RCV), which the Council
30 had discussed at the previous meeting, but no motion was made. The second motion would be on the approval of the
31 Interlocal Agreement with Utah County to conduct Alpine City's 2019 Municipal Election. The County had
32 previously conducted Alpine City's 2015 Election and the 2017 Election.

33
34 The Council discussed RCV and agreed they would prefer to have a traditional election with both a primary and
35 general election. Since it was an election to fill four City Council seats, it was likely they wouldn't have enough
36 candidates to require a primary election anyway.

37
38 **MOTION:** Kimberly Bryant moved to reject the option of ranked choice voting in favor of a traditional election.
39 Carla Merrill seconded. Ayes: 5 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	none
Ramon Beck	
Carla Merrill	
Kimberly Bryant	
Lon Lott	

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49 **MOTION:** Ramon Beck moved to approve the Interlocal Agreement affirming that Utah County would administer
50 Alpine City's 2019 Municipal Election(s). Kimberly Bryant seconded. Ayes: 5 Nays: 0.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	none
Ramon Beck	
Carla Merrill	
Kimberly Bryant	

1 Lon Lott

2
3 **D. Tentative Budget Discussion for Fiscal Year 2019-20.** Shane Sorensen said he would be sitting down
4 with the Councilmembers two at a time for a budget meeting. He would be sending out a schedule so they could sign
5 up. The Tentative Budget would be on the agenda for adoption on May 14th. The Final Budget would be presented at
6 a public hearing and adopted at the meeting of June 11th.. The Budget then had to be presented to the State Auditor
7 within 30 days.

8
9 Using a PowerPoint presentation, Shane Sorensen reviewed the preliminary budget.

10
11 EXPENSES

12
13 He said the biggest budget impact would be Cedar Hills leaving the Lone Peak Public Safety District. The cities of
14 Highland and Alpine would be sharing the costs of that exit, plus inflationary costs.

15
16 Another item they needed to plan for was the cost of CUP water. In 1996, the City signed up for 1600 acre-feet of
17 CUP water but since there was no infrastructure to deliver the water to Alpine, the City was able to give back half
18 the water. In the past, the remainder of Alpine's share of the water was used to enhance stream flows in the Provo
19 River to preserve the June sucker. In exchange for that, Alpine's fee was waived. The extension to waive that fee
20 expires in the fall, so unless the City received another extension, they would have to pay the fee, which would be
21 \$113,000 plus maintenance. It might be possible to sublease the water to Lehi and they would pay the fee.

22
23 The Highland City Library had opted to join the interlibrary system which increase the cost of a library card from
24 \$40 to \$70 per year. Alpine City, in lieu of the expense and trouble of trying to establish their own library, had been
25 reimbursing Alpine residents \$40 toward a library card. With the increase in the cost of a card, residents had been
26 asking the City to increase the reimbursement. If the Council chose to do that, he anticipated it would increase the
27 library budget by nine or ten thousand dollars.

28
29 Regarding benefits for staff, he said there was no increase in dental coverage this year or retirement, but the health
30 insurance costs had gone up 4.8%. The adjustment to wages would be 3%.

31
32 UTILITY FEES

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34 ACE Disposal would be increasing their salaries which would be a \$10,000 increase for their service.

35
36 There was no proposed rate increase from the City for sewer, water, or storm drain. They would be looking at the
37 rate structure for pressurized irrigation.

38
39 LONE PEAK PSD BUDGET

40
41 Fire Chief Reed Thompson said that in the wake of Cedar Hills leaving, they had reduced staff, but they still had a
42 deficient of \$790,951. They also had reduced revenue from the loss of ambulance transports.

43
44 Regarding staffing, Chief Thompson proposed three firefighters at the Alpine Fire Station and three at the Highland
45 Fire Station. There would be two staff members on the ambulance, which would be kept at the Highland station. If
46 the ambulance came from Highland, it provided better coverage. A fire engine would be kept in Alpine and a ladder
47 truck in Highland. The fire engine in Alpine also had ambulance capabilities so if the ambulance was out on a call,
48 they would have back up. They could also call for backup from surrounding communities.

49
50 Chief Thompson said they were looking at other revenue sources and had applied for grants. Last year they had
51 received revenue when they deployed to the fires in California. That money was used to buy a brush truck. He noted
52 that if they reduced staffing to much, they wouldn't be able to deploy to other fires.

53
54 As far as personnel costs, he said they were consistent with Alpine City's cost. He had four EMTs who had gone to
55 paramedic school on their own and paid for it. If the District wanted to retain them, there would need to be a wage
56 adjustment for them. He also presented a 5-year plan, which would be discussed at a later date.

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2 Police Chief Brian Gwilliam said the police budget was based completely on recruitment and retention. As in most
3 professions, experience in law enforcement was key. Currently there was a lack of officers throughout the state and
4 the country. As the population in Utah grew, the demand for officers grew, and the pool was shrinking. When the
5 District had an officer retire a while ago, they advertised the position for 30 days and got six applications, three of
6 which were retreads that he wouldn't retire. The other three were inexperienced officers. The experienced officers
7 were being lured away by other cities. The same thing was happening in the fire department. He proposed increasing
8 the wages for officers by \$1.50/hour plus a 3% merit increase. He also wanted to implement a 5% match for a 401K
9 in order to compensate those officers who were hired under Tier 2.

10 11 REVENUE

12
13 Shane Sorensen said the property tax revenue was trending upward at 8.19%. He expected most of that came from
14 the homes in the recently annexed Alpine Cove since Alpine only had 39 new homes last year. The sales and use tax
15 was projected to be less than the previous year. The projected revenue for the current year was negative to flat.

16
17 The City would be receiving some new revenue from the 4th quarter-cent sale tax which would start July 1st. The
18 estimated revenue was \$107,425 and it would be restricted to road and pedestrian safety. They were also looking at a
19 potential increase in Class C road funds. The Municipal Recreation Grant would be \$5,177.33. The previous year's
20 grant money was spent on the Dry Creek trail but there was still work that needed to be done. The City was still
21 working with Verizon on a cell tower in Burgess Park, which would bring in additional revenue.

22 23 OPTIONS TO INCREASE REVENUE

24
25 One revenue option was a property tax increase. They could also increase the telecommunication tax which was at
26 2.1% but could go up to 3.5%, which made a difference of about \$35,000. They also had the option of RAP tax
27 which was a 0.1% tax for recreation, arts and parks. Parks and trails did not generate revenue and this was a way to
28 generate revenue for them. The use of the tax would be restricted to recreation, arts, and parks.

29
30 Mayor Stout said he would like to know what percentage of land area in Alpine was dedicated to parks and open
31 space. He expected it was higher percentage than other communities.

32
33 The Council discussed the possibility of a tax increase to cover the increases in the Lone Peak PSD budget, which
34 would be \$529,696. Ramon Beck and Kimberly Bryant, who sat on the PSD Board, noted that over the years, the
35 City had not kept pace with the increasing expenses for the PSD.

36
37 Shane Sorensen said the Council needed to decide if they wanted to maintain the same level of service or if they
38 were willing to pay less for less service. He said that Alpine had the third lowest overall tax rate of all the cities in
39 Utah County, and showed a graph illustrating their position in comparison to other communities. Only Cedar Fort
40 and Fairfield were lower. The last tax increase for Alpine was in 2011, which was to cover the increased cost for the
41 Lone Peak PSD.

42
43 He said they would go over the budget in more detail at a future meeting. They hadn't talked about the Enterprise
44 Fund.

45 46 VI. STAFF REPORTS

47
48 Chief Reed Thompson said they had a fire in the Dry Creek river bed over the weekend. The fire fighters did some
49 mitigation on dead trees and undergrowth while they were there. Their goal was to get in front of future fires and do
50 some other mitigation projects. He said he would be out of the office the next week. Mayor Stout suggested the fire
51 crew be involved with the Trail Day in Lambert Park on April 27th. He asked Shane Sorensen to schedule a
52 planning meeting.

53
54 Charmayne Warnock said she'd received notice that Draper City was holding more meetings to update their Master
55 Transportation Plan. The dates were April 11th and April 16th if anyone was interested in attending. The Mayor
56 requested that the notice be posted on the City website.

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2 Shane Sorensen said he had talked to Wes Alexander about the deer removal program. He said the DNR had done
3 away with the nonlethal program. Alpine needed to decide what they wanted to do. They could still trap the deer, but
4 they would not be relocated. The Council had budgeted \$40,000 to trap deer so they needed to decide what to do
5 with it. It would be a future agenda item.
6

7 Shane Sorensen also reported that they had been approached by Dave Fotheringham about planting evergreen trees
8 in a piece of open space along Ridge Drive. His family owned a Christmas tree farm and had trees that needed to be
9 relocated. Shane said that under the ordinance, families needed to get approval from the Council to improve open
10 space, but if the Council wasn't in favor of it, they wouldn't go to the trouble of noticing it, etc. The neighbors would
11 water the trees with a dripline. Lon Lott said he didn't think the City could lose if they approved it.
12

13 VII. COUNCIL COMMUNICATION

14
15 Kimberly Bryant said they were moving ahead on the Easter Hunt at Creekside Park on April 20th, the day before
16 Easter.
17

18 Carla Merrill asked if there had been any word from Comcast about installing service in her neighborhood. She
19 understood that they were obligated to put in a line when there were enough homes on the street. Shane Sorensen
20 said he would be at a city manager conference at the next meeting in April. Comcast usually had a booth at the
21 conferences so he would talk to them.
22

23 Jason Thelin said he had bumped into the kids who started the fire in Dry Creek. They were young and had started
24 the fire with ground flower fireworks. He commended the fire department on how well they had handled it with the
25 kids.
26

27 **VIII. EXECUTIVE SESSION:** None held.
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29 **MOTION:** Lon Lott moved to adjourn. Ramon Beck seconded. Ayes: 5 Nays: 0. Motion passed.
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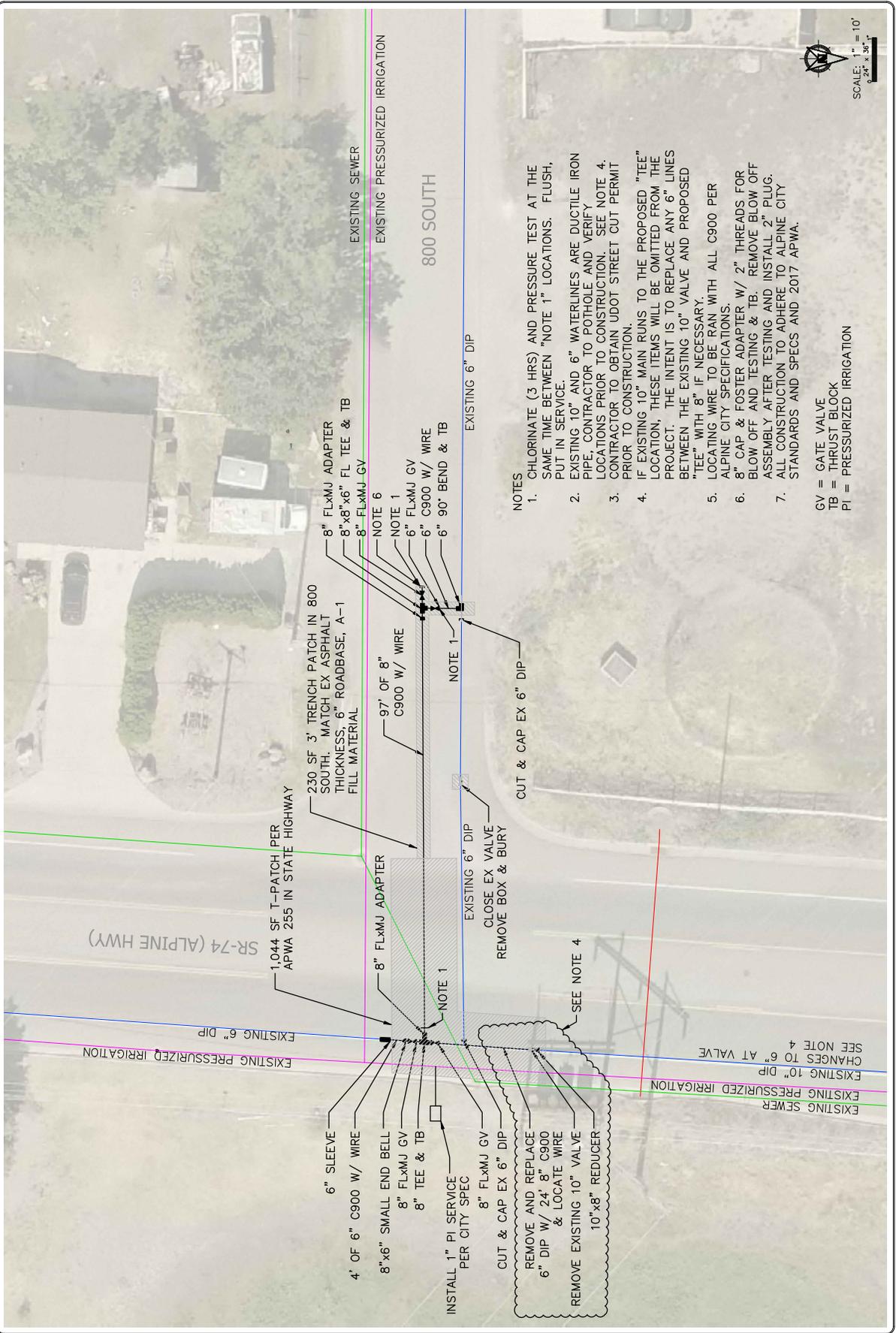
<u>Ayes</u>	<u>Nays</u>
Jason Thelin	none
Ramon Beck	
Carla Merrill	
Kimberly Bryant	
Lon Lott	

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39 The meeting was adjourned at 8:55 pm.
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REMARKS

800 SOUTH WATERLINE STUB
 8" STUB TO 800 SOUTH
 APRIL 2019
 800 SOUTH WATERLINE STUB

Engineering File Number:
 PLAN VIEW
 Drawing: 1
 Sheet: 2 of 2



- NOTES**
1. CHLORINATE (3 HRS) AND PRESSURE TEST AT THE SAME TIME BETWEEN "NOTE 1" LOCATIONS. FLUSH, PUT IN SERVICE.
 2. EXISTING 10" AND 6" WATERLINES ARE DUCTILE IRON PIPE. CONTRACTOR TO POTHOLE AND VERIFY LOCATIONS PRIOR TO CONSTRUCTION. SEE NOTE 4. CONTRACTOR TO OBTAIN UDOT STREET CUT PERMIT PRIOR TO CONSTRUCTION.
 3. IF EXISTING 10" MAIN RUNS TO THE PROPOSED "TEE" LOCATION, THESE ITEMS WILL BE OMITTED FROM THE PROJECT. THE INTENT IS TO REPLACE ANY 6" LINES BETWEEN THE EXISTING 10" VALVE AND PROPOSED "TEE" WITH 8" IF NECESSARY.
 4. LOCATING WIRE TO BE RAN WITH ALL C900 PER ALPINE CITY SPECIFICATIONS.
 5. 8" CAP & FOSTER ADAPTER W/ 2" THREADS FOR BLOW OFF AND TESTING & TB. REMOVE BLOW OFF ASSEMBLY AFTER TESTING AND INSTALL 2" PLUG. ALL CONSTRUCTION TO ADHERE TO ALPINE CITY STANDARDS AND SPECS AND 2017 APWA.

GV = GATE VALVE
 TB = THRUST BLOCK
 PI = PRESSURIZED IRRIGATION

EXISTING PRESSURIZED IRRIGATION
 EXISTING 10" DIP
 CHANGES TO 6" AT VALVE
 SEE NOTE 4

REMOVE EXISTING 10" VALVE
 & LOCATE WIRE
 6" DIP W/ 24" 8" C900
 REMOVE AND REPLACE
 10"x8" REDUCER

CUT & CAP EX 6" DIP
 8" FLXMJ GV
 PER CITY SPEC
 INSTALL 1" PI SERVICE

8" TEE & TB
 8" FLXMJ GV
 8"x6" SMALL END BELL
 6" SLEEVE
 4' OF 6" C900 W/ WIRE

1,044 SF T-PATCH PER
 APWA 255 IN STATE HIGHWAY
 8" FLXMJ ADAPTER

230 SF TRENCH PATCH IN 800
 SOUTH. MATCH EX ASPHALT
 THICKNESS, 6" ROADBASE, A-1
 FILL MATERIAL
 97' OF 8"
 C900 W/ WIRE

8" FLXMJ ADAPTER
 8"x8"x6" FL TEE & TB
 8" FLXMJ GV
 6" FLXMJ GV
 6" C900 W/ WIRE
 6" 90° BEND & TB

EXISTING PRESSURIZED IRRIGATION
 800 SOUTH
 EXISTING 6" DIP

EXISTING 6" DIP
 CUT & CAP EX 6" DIP

NOTE 1

NOTE 1

NOTE 1

NOTE 1

NOTE 1



BID TABULATION RESULTS

Alpine City 800 South Waterline Stub
 20 North Main Street
 Alpine, UT 84004
 Bid Opening: 4/11/2019
 Date: April 11, 2019
 Time: 12:00 PM

Base Bid Contractors			
Sterling Dawn Excavation	\$	71,615.24	
CAP Construction	\$	71,935.50	
Average		\$	72,339.58
Engineer's Estimate	\$	73,468.00	
Percent Difference			-2%

Base Bid ITEM NO.	DESCRIPTION	QUANTITY	UNITS	ENGINEER'S ESTIMATE		Bidder 1 Sterling Dawn Excavation		Bidder 2 CAP Construction		AVERAGE	
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	Mobilization (not to exceed 5%)	1	LS	\$ 3,000.00	\$ 3,000.00	\$ 2,000.00	\$ 2,000.00	\$ 3,000.00	\$ 3,000.00	\$ 2,666.67	\$ 2,666.67
2	Sawcut and Removal of Asphalt	350	LF	\$ 12.00	\$ 4,200	\$ 15.17	\$ 5,309.50	\$ 3.43	\$ 1,200.50	\$ 10.20	\$ 3,570.00
3	8" C900 PVC installed w/ locate wire, bedding	130	LF	\$ 100.00	\$ 13,000	\$ 91.50	\$ 11,895.00	\$ 93.00	\$ 12,090.00	\$ 94.83	\$ 12,328.33
4	6" C900 PVC installed w/ locate wire, bedding	20	LF	\$ 80.00	\$ 1,600	\$ 65.00	\$ 1,300.00	\$ 60.00	\$ 1,200.00	\$ 68.33	\$ 1,366.67
5	Import A-1 Subbase Fill Material	150	Ton	\$ 25.00	\$ 3,750	\$ 22.24	\$ 3,336.00	\$ 14.50	\$ 2,175.00	\$ 20.58	\$ 3,087.00
6	8" FLxMJ Gate Valve	3	Each	\$ 2,300.00	\$ 6,900	\$ 1,430.00	\$ 4,290.00	\$ 2,250.00	\$ 6,750.00	\$ 1,993.33	\$ 5,980.00
7	6" FLxMJ Gate Valve	1	Each	\$ 1,500.00	\$ 1,500	\$ 962.00	\$ 962.00	\$ 1,900.00	\$ 1,900.00	\$ 1,454.00	\$ 1,454.00
8	8" TEE	1	Each	\$ 1,400.00	\$ 1,400	\$ 720.00	\$ 720.00	\$ 1,200.00	\$ 1,200.00	\$ 1,106.67	\$ 1,106.67
9	8"x8"x6" TEE	1	Each	\$ 1,400.00	\$ 1,400	\$ 623.00	\$ 623.00	\$ 1,200.00	\$ 1,200.00	\$ 1,074.33	\$ 1,074.33
10	8" FLxMJ Adapter	2	Each	\$ 300.00	\$ 600	\$ 600.00	\$ 1,200.00	\$ 1,500.00	\$ 3,000.00	\$ 800.00	\$ 1,600.00
11	10"x8" Reducer	1	Each	\$ 800.00	\$ 800	\$ 375.00	\$ 375.00	\$ 400.00	\$ 400.00	\$ 525.00	\$ 525.00
12	8"x6" Reducer	1	Each	\$ 500.00	\$ 500	\$ 269.00	\$ 269.00	\$ 350.00	\$ 350.00	\$ 373.00	\$ 373.00
13	8"x6" Small End Bell	1	Each	\$ 500.00	\$ 500	\$ 211.00	\$ 211.00	\$ 250.00	\$ 250.00	\$ 320.33	\$ 320.33
14	6" 90 Bend	1	Each	\$ 550.00	\$ 550	\$ 275.00	\$ 275.00	\$ 350.00	\$ 350.00	\$ 391.67	\$ 391.67
15	6" Sleeve	1	Each	\$ 550.00	\$ 550	\$ 260.00	\$ 260.00	\$ 350.00	\$ 350.00	\$ 386.67	\$ 386.67
16	Remove existing 6" Valve Box, bury valve	1	Each	\$ 300.00	\$ 300	\$ 500.00	\$ 500.00	\$ 200.00	\$ 200.00	\$ 393.33	\$ 393.33
17	Removed existing 10" Valve and Box	1	Each	\$ 500.00	\$ 500	\$ 500.00	\$ 500.00	\$ 200.00	\$ 200.00	\$ 400.00	\$ 400.00
18	Cut and cap 6" DIP	2	Each	\$ 450.00	\$ 900	\$ 235.00	\$ 470.00	\$ 200.00	\$ 400.00	\$ 295.00	\$ 590.00
19	8" Cap and Blow-off Assembly	1	Each	\$ 300.00	\$ 300	\$ 775.00	\$ 775.00	\$ 800.00	\$ 800.00	\$ 625.00	\$ 625.00
20	Thrust Blocks	4	Each	\$ 200.00	\$ 800	\$ 300.00	\$ 1,200.00	\$ 150.00	\$ 600.00	\$ 216.67	\$ 866.67
21	SR-74 Trench T-Patch (Asphalt & Roadbase)	1,044	SF	\$ 22.00	\$ 22,968	\$ 20.11	\$ 20,994.84	\$ 25.00	\$ 26,100.00	\$ 22.37	\$ 23,354.28
22	800 S Trench Patch (Asphalt & Roadbase)	230	SF	\$ 15.00	\$ 3,450	\$ 19.13	\$ 4,399.90	\$ 14.00	\$ 3,220.00	\$ 16.04	\$ 3,689.97
23	Traffic Control	1	LS	\$ 2,500.00	\$ 2,500	\$ 8,000.00	\$ 8,000.00	\$ 3,250.00	\$ 3,250.00	\$ 4,583.33	\$ 4,583.33
24	Install 1" Pressurized Irrigation Service	1	Each	\$ 1,500.00	\$ 1,500	\$ 1,750.00	\$ 1,750.00	\$ 1,750.00	\$ 1,750.00	\$ 1,666.67	\$ 1,666.67
TOTAL BASE BID					\$ 73,468.00		\$ 71,615.24		\$ 71,935.50		\$ 72,339.58

* Denotes mathematical error on bid, correct numbers are shown

I hereby certify that this is a true and correct Bid Tabulation for the
 Alpine City 800 South Waterline Stub



Jed Muhlestein, P.E.



BID TABULATION RESULTS

Alpine City 600 North Storm Drain Project
 20 North Main Street
 Alpine, UT 84004
 Bid Opening: 4/11/2019
 Date: April 11, 2019
 Time: 12:00 PM

Base Bid Contractors	
CAP Construction	\$ 103,224.39
Sterling Dawn Excavation	\$ 107,352.71
Average	\$ 105,595.37
Engineer's Estimate	\$ 106,209.00
Percent Difference	-1%

Base Bid ITEM NO.	DESCRIPTION	QUANTITY	UNITS	ENGINEERS ESTIMATE		Bidder 1 Sterling Dawn Excavation		Bidder 2 CAP Construction		AVERAGE	
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	Mobilization (not to exceed 5%)	1	LS.	\$ 5,000.00	\$ 5,000.00	\$ 2,500.00	\$ 2,500.00	\$ 4,000.00	\$ 4,000.00	\$ 3,833.33	\$ 3,833.33
2	Clearing and Grubbing	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 2,200.00	\$ 2,200.00	\$ 1,500.00	\$ 1,500.00	\$ 4,566.67	\$ 4,566.67
3	Sawcut and Removal of Asphalt	268	LF	\$ 8.00	\$ 2,144.00	\$ 15.17	\$ 4,065.56	\$ 2.23	\$ 597.64	\$ 8.47	\$ 2,269.07
4	36" RCP Storm Drain Line	457	LF	\$ 100.00	\$ 45,700.00	\$ 96.00	\$ 43,872.00	\$ 89.00	\$ 40,673.00	\$ 95.00	\$ 43,415.00
5	72" Storm Drain Manhole & Collars	1	Each	\$ 5,500.00	\$ 5,500.00	\$ 7,400.00	\$ 7,400.00	\$ 5,000.00	\$ 5,000.00	\$ 5,966.67	\$ 5,966.67
6	Core Existing 72" Manhole & Collar	2	LS	\$ 750.00	\$ 1,500.00	\$ 2,280.00	\$ 4,560.00	\$ 1,200.00	\$ 2,400.00	\$ 1,410.00	\$ 2,820.00
6	Core Existing 36" RCP & Collar	1	LS	\$ 500.00	\$ 500.00	\$ 800.00	\$ 800.00	\$ 1,200.00	\$ 1,200.00	\$ 833.33	\$ 833.33
7	Storm Drain Catch Basin/Inlet Box (2'x3')	5	Each	\$ 2,500.00	\$ 12,500.00	\$ 2,140.00	\$ 10,700.00	\$ 4,000.00	\$ 20,000.00	\$ 2,880.00	\$ 14,400.00
8	15" HDPE Storm Drain	76	LF	\$ 60.00	\$ 4,560.00	\$ 63.00	\$ 4,788.00	\$ 50.00	\$ 3,800.00	\$ 57.67	\$ 4,382.67
9	36" RCP Flared End Section	1	Each	\$ 1,000.00	\$ 1,000.00	\$ 950.00	\$ 950.00	\$ 1,210.00	\$ 1,210.00	\$ 1,053.33	\$ 1,053.33
10	RipRap Channel Protection	1	LS	\$ 1,000.00	\$ 1,000.00	\$ 2,515.00	\$ 2,515.00	\$ 800.00	\$ 800.00	\$ 1,438.33	\$ 1,438.33
11	24" Curb and Gutter, 8" roadbase	20	LF	\$ 30.00	\$ 600.00	\$ 45.00	\$ 900.00	\$ 60.00	\$ 1,200.00	\$ 45.00	\$ 900.00
12	5' Sidewalk, 6" roadbase	15	LF	\$ 33.00	\$ 495.00	\$ 50.00	\$ 750.00	\$ 45.00	\$ 675.00	\$ 42.67	\$ 640.00
13	Remove and dispose 5' sidewalk	15	SF	\$ 2.00	\$ 30.00	\$ 30.00	\$ 450.00	\$ 20.00	\$ 300.00	\$ 17.33	\$ 260.00
14	ADA Truncated Dome	1	Each	\$ 600.00	\$ 600.00	\$ 700.00	\$ 700.00	\$ 600.00	\$ 600.00	\$ 633.33	\$ 633.33
15	Landscape & Fence Repair	1	LS	\$ 500.00	\$ 500.00	\$ 2,000.00	\$ 2,000.00	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00
16	Trench Patch (Asphalt and Roadbase)	345	SF	\$ 6.00	\$ 2,070.00	\$ 9.47	\$ 3,267.15	\$ 13.75	\$ 4,743.75	\$ 9.74	\$ 3,360.30
17	Construction Surveying	1	LS	\$ 5,000.00	\$ 5,000.00	\$ -	\$ -	\$ 500.00	\$ 500.00	\$ 1,833.33	\$ 1,833.33
18	Traffic Control	1	LS	\$ 2,000.00	\$ 2,000.00	\$ 5,000.00	\$ 5,000.00	\$ 6,000.00	\$ 6,000.00	\$ 4,333.33	\$ 4,333.33
19	Dealing with all Loretta's requests	1	LS	\$ 2,000.00	\$ 2,000.00	\$ 5,000.00	\$ 5,000.00	\$ 4,500.00	\$ 4,500.00	\$ 3,833.33	\$ 3,833.33
20	Import A-1 Subbase Fill Material	100	Ton	\$ 15.00	\$ 1,500.00	\$ 29.25	\$ 2,925.00	\$ 14.50	\$ 1,450.00	\$ 19.58	\$ 1,958.33
21	18" RCP Storm Drain	30	LF	\$ 67.00	\$ 2,010.00	\$ 67.00	\$ 2,010.00	\$ 52.50	\$ 1,575.00	\$ 62.17	\$ 1,865.00
TOTAL BASE BID					\$ 106,209.00	\$ 107,352.71	\$ 103,224.39	\$ 105,595.37			

* Denotes mathematical error on bid, correct numbers are shown

I hereby certify that this is a true and correct Bid Tabulation for the Alpine City 600 North Storm Drain Project



Jed Muhlestein, P.E.

RESOLUTION NO. R2019-06

**A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN
UTAH COUNTY AND ALPINE CITY IN WHICH UTAH COUNTY WILL
ADMINISTER THE 2019 MUNICIPAL ELECTION FOR ALPINE CITY**

WHEREAS, Alpine City will be holding a Municipal Election on August 13, 2019 (Primary Election) and November 5, 2019 (General Election) to fill four (4) seats on the City Council; and

WHEREAS, Utah County has conducted Alpine City's Municipal Election in 2015 and 2017; and

WHEREAS, Utah County has offered to conduct Alpine City's Municipal Elections for 2019;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Alpine, Utah that they will enter into an Interlocal Agreement with Utah County to administer the Alpine City 2019 Municipal Elections.

APPROVED and signed this _____ day of _____, 2019.

Mayor Troy Stout

ATTEST:

Charmayne G. Warnock, City Recorder

Budget Report for March 2019

Alpine City - General Fund FY 2018/2019 Budget

Revenues	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
Taxes				
Property taxes	\$ 1,300,000	\$ 1,287,219	99%	\$ 1,300,000
Redemption taxes	140,000	98,722	71%	140,000
Sales tax	1,200,000	805,675	67%	1,250,000
Motor vehicle taxes	106,000	69,156	65%	106,000
Franchise fees	650,000	396,552	61%	650,000
Penalties & interest on delinquent	6,000	1,202	20%	6,000
Total Taxes	\$ 3,402,000	\$ 2,658,526	78%	\$ 3,452,000
License and Permits				
Business license & fees	\$ 22,000	\$ 20,215	92%	\$ 22,000
Plan check fees	160,000	122,483	77%	160,000
Building permits	300,000	218,182	73%	300,000
Building permit assessment	2,500	2,111	84%	2,500
Total License and Permits	\$ 484,500	\$ 362,991	75%	\$ 484,500
Intergovernmental Revenue				
Municipal recreation grant	\$ 5,400	\$ 5,298	98%	\$ 5,400
Total Intergovernmental	\$ 5,400	\$ 5,298	98%	\$ 5,400
Charges For Service				
Zoning & subdivision fees	\$ 15,000	\$ 17,518	117%	\$ 20,000
Annexation applications	500	-	0%	500
Sale of maps and publications	50	60	120%	100
Public safety district rental	38,516	57,774	150%	60,000
Waste collections sales	505,000	443,691	88%	505,000
Youth council	-	651	100%	1,000
Sale of cemetery lots	7,500	4,925	66%	7,500
Burial fees	43,500	35,700	82%	43,500
Total Charges for Service	\$ 610,066	\$ 560,319	92%	\$ 637,600
Fines and Forfeitures				
Fines	\$ 45,000	\$ 23,402	52%	\$ 45,000
Other fines	10,000	25,414	254%	30,000
Traffic school	500	8,743	1749%	10,000
Total Fines and Forfeitures	\$ 55,500	\$ 57,559	104%	\$ 85,000
Rents & Other Revenues				
Recycling	\$ -	\$ -	0%	\$ -
Rents & concessions	58,000	22,656	39%	58,000
Sale of City land	-	-	0%	-
Total Rents & Other Revenues	\$ 58,000	\$ 22,656	39%	\$ 58,000

**Alpine City - General Fund-Continued
FY 2018/2019 Budget**

Revenues-continued	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
Interest & Misc Revenues				
Interest earnings	\$ 40,000	\$ 322,018	805%	\$ 70,000
Alpine Days revenue	75,000	73,677	98%	75,000
Rodeo revenue	20,000	24,049	120%	27,500
Bicentennial books	500	200	40%	500
Sundry revenues	25,000	23,597	94%	25,000
Total Miscellaneous Revenues	\$ 160,500	\$ 443,541	276%	\$ 198,000
Transfers & Contributions				
Fund balance appropriation	\$ 431,103	\$ -	0%	\$ 431,103
Contribution for paramedic	30,000	23,716	79%	30,000
Total Contributions & Transfers	\$ 461,103	\$ 23,716	5%	\$ 461,103
Total General Fund Revenues	\$ 5,237,069	\$ 4,134,606	79%	\$ 5,381,603

**Alpine City - General Fund-Continued
FY 2018/2019 Budget**

Expenditures	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
Administration	\$ 436,450	\$ 316,889	73%	\$ 436,450
Court	85,200	71,877	84%	85,200
Treasurer	39,550	31,189	79%	39,550
Elections	20,500	-	0%	20,500
Government Buildings	93,400	29,892	32%	93,400
Emergency Services	1,988,719	1,485,128	75%	1,988,719
Building Inspection	164,350	103,942	63%	164,350
Planning & Zoning	233,750	144,392	62%	233,750
Streets	598,850	310,429	52%	598,850
Parks & Recreation	431,450	321,314	74%	431,450
Cemetery	156,900	90,383	58%	156,900
Garbage	471,950	375,300	80%	471,950
Miscellaneous	516,000	6,819	1%	516,000
Total General Fund Expenditures	\$ 5,237,069	\$ 3,287,554	63%	\$ 5,237,069
Surplus/(Deficit)	\$ -	\$ 847,052		\$ 144,534
Fund Balance Beginning of Year				\$ 566,947
Projected Surplus/(Deficit)				\$ 144,534
Appropriate fund balance\Reserves				\$ (431,103)
Ending Fund Balance				\$ 280,378
Fund Balance Percentage				
General Fund Balance per state law needs to between 5% and 25% (Current projected fund balance)				5.35%

CLASS C ROADS
FY 2018/2019 Budget

Revenues	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
Interest earnings	\$ -	\$ -	0%	\$ -
Class "B&C" Road allotment	400,000	306,934	77%	400,000
Appropriation of fund balance	250,000	-	0%	250,000
Total Revenues	\$ 650,000	\$ 306,934	47%	\$ 650,000

Expenditures	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
Miscellaneous	\$ -	-	0%	\$ -
Class "B&C" road projects	650,000	304,449	47%	650,000
Reserves	-	-	0%	-
Total Capital Expenditures	\$ 650,000	\$ 304,449	47%	\$ 650,000
Surplus/(Deficit)	\$ -	\$ 2,485		\$ -

Fund Balance Beginning of Year	\$ 910,666
Projected Surplus/(Deficit)	\$ -
Appropriate fund balance\Reserves	\$ (250,000)
Ending Fund Balance	\$ 660,666

**Recreation Impact Fee Funds
FY 2018/2019 Budget**

Revenues	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
Recreation facility fees	\$ 125,000	\$ 56,448	45%	\$ 125,000
Interest earnings	5,000	-	0%	5,000
Appropriation of fund balance	-	-	0%	-
Total Revenues	\$ 130,000	\$ 56,448	43%	\$ 130,000

Expenditures	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
Park system	\$ 130,000	-	0%	\$ 130,000
Miscellaneous	-	-	0%	-
Total Capital Expenditures	\$ 130,000	\$ -	0%	\$ 130,000
Surplus/(Deficit)	\$ -	\$ 56,448		\$ -

Fund Balance Beginning of Year \$ 704,727

Projected Surplus/(Deficit) \$ -

Appropriate fund balance\Reserves \$ -

Ending Fund Balance \$ 704,727

**Impact Fee Funds Streets
FY 2018/2019 Budget**

Revenues	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
Streets & transportation fees	\$ 105,000	\$ 41,626	40%	\$ 105,000
Interest earnings	-	-	0%	-
Appropriation of fund balance	-	-	0%	-
Total Revenues	\$ 105,000	\$ 41,626	40%	\$ 105,000

Expenditures	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
Streets & transport	\$ 105,000	-	0%	\$ 105,000
Reserves	-	-	0%	-
Total Capital Expenditures	\$ 105,000	\$ -	0%	\$ 105,000
Surplus/(Deficit)	\$ -	\$ 41,626		\$ -

Fund Balance Beginning of Year \$ 258,685

Projected Surplus/(Deficit) \$ -

Appropriate fund balance\Reserves \$ -

Ending Fund Balance \$ 258,685

**Alpine City - Capital Projects Fund
FY 2018/2019 Budget**

Revenues	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
Interest revenue	\$ 9,000	\$ 891	10%	\$ 9,000
Transfer from General Fund	500,000	-	0%	500,000
Contributions from builders	-	-	0%	-
Fund Balance appropriation	1,117,500	-	0%	1,117,500
Total Revenues	\$ 1,626,500	\$ 891	0%	\$ 1,626,500

Expenditures	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
Capital outlay other	\$ 1,217,000	87,674	7%	\$ 1,217,000
Capital outlay buildings	375,000	-	0%	375,000
Capital outlay equipment	34,500	-	0%	34,500
Total Capital Expenditures	\$ 1,626,500	\$ 87,674	5%	\$ 1,626,500
Surplus/(Deficit)	\$ -	\$ (86,783)		\$ -

Fund Balance Beginning of Year

\$ 2,463,379

Projected Surplus/(Deficit)

\$ -

Appropriate fund balance\Reserves

\$ (1,117,500)

Ending Fund Balance

\$ 1,345,879

**Alpine City - Water Utility
FY 2018/2019 Budget**

Revenues	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
Operating Revenues				
Metered water sales	\$ 600,000	\$ 528,797	88%	\$ 675,000
Other water revenue	5,000	7,428	149%	7,500
Water connection fee	5,000	12,345	247%	13,500
Penalties	5,500	1,245	23%	5,500
Total Miscellaneous Revenues	\$ 615,500	\$ 549,815	89%	\$ 701,500
Miscellaneous				
Interest earned	\$ 21,000	\$ -	0%	\$ 21,000
Appropriated fund balance	396,275	-	0%	396,275
Total Utility Revenue	\$ 417,275	\$ -	0%	\$ 417,275
Total Utility Fund Revenues	\$ 1,032,775	\$ 549,815	53%	\$ 1,118,775

Expenses	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
Water operating	\$ 372,650	\$ 281,968	76%	372,650
Depreciation	255,000	-	0%	255,000
Capital outlay- Buildings	50,000	-	0%	50,000
Capital outlay- Improvements	325,000	288,056	89%	325,000
Capital outlay- Equipment	10,125	3,125	31%	10,125
Total Utility Fund Expenses	\$ 1,012,775	\$ 573,149	57%	\$ 1,012,775
Surplus/(Deficit)	\$ 20,000	\$ (23,334)		\$ 106,000

Cash Balance Beginning of Year	\$ 2,354,980
Surplus/(Deficit)	\$ 106,000
Appropriate fund balance/Reserves	\$ (396,275)
Ending Cash Balance	\$ 2,064,705

**Impact Fee Funds Water Impact Fees
FY 2018/2019 Budget**

Revenues	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
Water Impact Fees	\$ 70,000	\$ 53,904	77%	\$ 70,000
Interest earnings	-	-	0%	-
Appropriation of fund balance	-	-	0%	-
Total Revenues	\$ 70,000	\$ 53,904	77%	\$ 70,000

Expenditures	Budget FY 2019	Actual To Date FY 2019	Target Percent Target	Year End Projected Amount
Impact fee projects	\$ 70,000	1,550	2%	\$ 70,000
To reserves	-	-	0%	-
Total Capital Expenditures	\$ 70,000	\$ 1,550	2%	\$ 70,000
Surplus/(Deficit)	\$ -	\$ 52,354		\$ -

Fund Balance Beginning of Year \$ 292,554

Projected Surplus/(Deficit) \$ -

Appropriate fund balance\Reserves \$ -

Ending Fund Balance \$ 292,554

**Alpine City - Sewer Utility
FY 2018/2019 Budget**

Revenues	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
Operating Revenues				
Sewer system sales	\$ 1,025,000	\$ 755,508	74%	\$ 1,025,000
Other revenue	10,000	-	0%	10,000
Sewer connection fee	5,000	4,000	80%	5,000
Total Miscellaneous Revenues	\$ 1,040,000	\$ 759,508	73%	\$ 1,040,000
Miscellaneous				
Interest earned	\$ 12,000	\$ -	0%	\$ 12,000
Appropriated fund balance	36,975	-	0%	27,975
Total Utility Revenue	\$ 48,975	\$ -	0%	\$ 39,975
Total Utility Fund Revenues	\$ 1,088,975	\$ 759,508	70%	\$ 1,079,975

Expenses	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
Sewer operating	\$ 868,850	\$ 594,015	68%	874,700
Depreciation	130,000	-	0%	121,000
Capital outlay- Improvements	80,000	-	0%	80,000
Capital outlay- Equipment	10,125	3,125	31%	10,125
Total Utility Fund Expenses	\$ 1,088,975	\$ 597,140	55%	\$ 1,085,825
Surplus/(Deficit)	\$ -	\$ 162,368		\$ (5,850)
Cash Balance Beginning of Year				\$ 2,158,248
Surplus/(Deficit)				\$ (5,850.00)
Appropriate fund balance/Reserves				\$ (27,975)
Ending Cash Balance				\$ 2,124,423

**Alpine City - Sewer Impact fee funds
FY 2018/2019 Budget**

Revenues	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
Sewer Impact Fees	\$ 20,000	\$ 13,794	69%	\$ 20,000
Interest earnings	-	-	0%	-
Appropriation of fund balance	-	-	0%	-
Total Revenues	\$ 20,000	\$ 13,794	69%	\$ 20,000

Expenditures	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
Sewer Impact fee projects	\$ 20,000	-	0%	\$ 20,000
To reserves	-	-	0%	-
Total Capital Expenditures	\$ 20,000	\$ -	0%	\$ 20,000
Surplus/(Deficit)	\$ -	\$ 13,794		\$ -

Fund Balance Beginning of Year	\$ 57,177
Projected Surplus/(Deficit)	\$ -
Appropriate fund balance\Reserves	\$ -
Ending Fund Balance	\$ 57,177

**Alpine City - PI Fund
FY 2018/2019 Budget**

Revenues	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
Operating Revenues				
Irrigation water sales	\$ 875,000	\$ 687,946	79%	890,000
Other revenue	1,000	550	55%	1,000
PI connection fee	2,500	16,229	649%	20,000
PI Grant project	745,000	479,158	64%	500,000
Total Miscellaneous Revenues	\$ 1,623,500	\$ 1,183,883	73%	\$ 1,411,000
Miscellaneous				
Interest earned	\$ 14,000	\$ 1,055	8%	\$ 14,000
Appropriated fund balance	631,452	-	0%	631,452
Total Utility Revenue	\$ 645,452	\$ 1,055	0%	\$ 645,452
Total Utility Fund Revenues	\$ 2,268,952	\$ 1,184,938	52%	\$ 2,056,452

Expenses	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
PI operating	\$ 521,450	\$ 395,339	76%	521,450
Depreciation	223,704	-	0%	223,704
Capital outlay	-	55,077	100%	60,000
Capital outlay- Equipment	10,125	3,125	31%	10,125
Irrigation meter replacement	1,045,000	956,166	91%	1,025,000
Bond costs	4,500	2,500	56%	4,500
Debt Service	464,173	464,173	100%	464,173
Total Utility Fund Expenses	\$ 2,268,952	\$ 1,876,380	83%	\$ 2,308,952
Surplus/(Deficit)	\$ -	\$ (691,442)		\$ (252,500)

Cash Balance Beginning of Year	\$ 2,502,096
Surplus/(Deficit)	\$ (252,500)
Appropriate fund balance\Reserves	\$ (631,452)
Ending Cash Balance	\$ 1,618,144

**Alpine City - Pressure Irrigation Impact fee funds
FY 2018/2019 Budget**

Revenues	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
PI Impact Fees	\$ 75,000	\$ 63,081	84%	\$ 75,000
Interest earnings	-	-	0%	-
Interest earnings	-	-	0%	-
Appropriation of fund balance	-	-	0%	-
Total Revenues	\$ 75,000	\$ 63,081	84%	\$ 75,000

Expenditures	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
PI Impact fee projects	\$ 75,000	-	0%	\$ 75,000
To reserves	-	-	0%	-
Total Capital Expenditures	\$ 75,000	\$ -	0%	\$ 75,000

Surplus/(Deficit)	\$ -	\$ 63,081		\$ -
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Fund Balance Beginning of Year				\$ 88,682
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Projected Surplus/(Deficit)				\$ -
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Appropriate fund balance\Reserves				\$ -
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Ending Fund Balance				\$ 88,682
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**Alpine City - Storm Drain Fund
FY 2018/2019 Budget**

Revenues	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
Operating Revenues				
Storm drain revenue	\$ 165,000	\$ 128,551	78%	\$ 165,000
Other revenue	1,000	-	0%	1,000
SWPP fee	10,000	8,400	84%	10,000
Storm drain impact fee	-	-	0%	-
Total Miscellaneous Revenues	\$ 176,000	\$ 136,951	78%	\$ 176,000
Miscellaneous				
Interest earned	\$ 4,000	\$ -	0%	\$ 4,000
Appropriated fund balance	101,100	-	0%	101,100
Total Utility Revenue	\$ 105,100	\$ -	0%	\$ 105,100
Total Utility Fund Revenues	\$ 281,100	\$ 136,951	49%	\$ 281,100

Expenses	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
SD operating	\$ 97,600	\$ 73,570	75%	97,600
Depreciation	83,500	-	0%	83,500
Capital outlay	100,000	1,086	1%	100,000
Total Utility Fund Expenses	\$ 281,100	\$ 74,656	27%	\$ 281,100
Surplus/(Deficit)	\$ -	\$ 62,295		\$ -

Cash Balance Beginning of Year	\$ 592,761
Surplus/(Deficit)	\$ -
Appropriate fund balance/Reserves	\$ (101,100)
Ending Cash Balance	\$ 491,661

**Alpine City - Storm Drain Impact fee funds
FY 2018/2019 Budget**

Revenues	Budget FY 2019	Actual To Date FY 2019	Target Percent Target	Year End Projected Amount
SD Impact Fees	\$ 65,000	\$ 19,600	30%	\$ 55,000
Interest earnings	-	-	0%	-
Appropriation of fund balance	-	-	0%	-
Total Revenues	\$ 65,000	\$ 19,600	30%	\$ 55,000

Expenditures	Budget FY 2019	Actual To Date FY 2019	Target Percent Target	Year End Projected Amount
SD Impact fee projects	\$ 65,000	60,590	93%	\$ 65,000
To reserves	-	-	0%	-
Total Capital Expenditures	\$ 65,000	\$ 60,590	93%	\$ 65,000
Surplus/(Deficit)	\$ -	\$ (40,990)		\$ (10,000)

Fund Balance Beginning of Year	\$ 227,552
Projected Surplus/(Deficit)	\$ (10,000)
Appropriate fund balance\Reserves	\$ -
Ending Fund Balance	\$ 217,552

**Alpine City - Trust & Agency Fund
FY 2018/2019 Budget**

Revenues	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
Interest revenue	\$ 1,000	\$ -	0%	\$ 1,000
Total Revenues	\$ 1,000	\$ -	0%	\$ 1,000

Expenditures	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
Interest expense	\$ 1,000	-	0%	\$ 1,000
Total Expenditures	\$ 1,000	\$ -	0%	\$ 1,000
Surplus/(Deficit)	\$ -	\$ -		\$ -

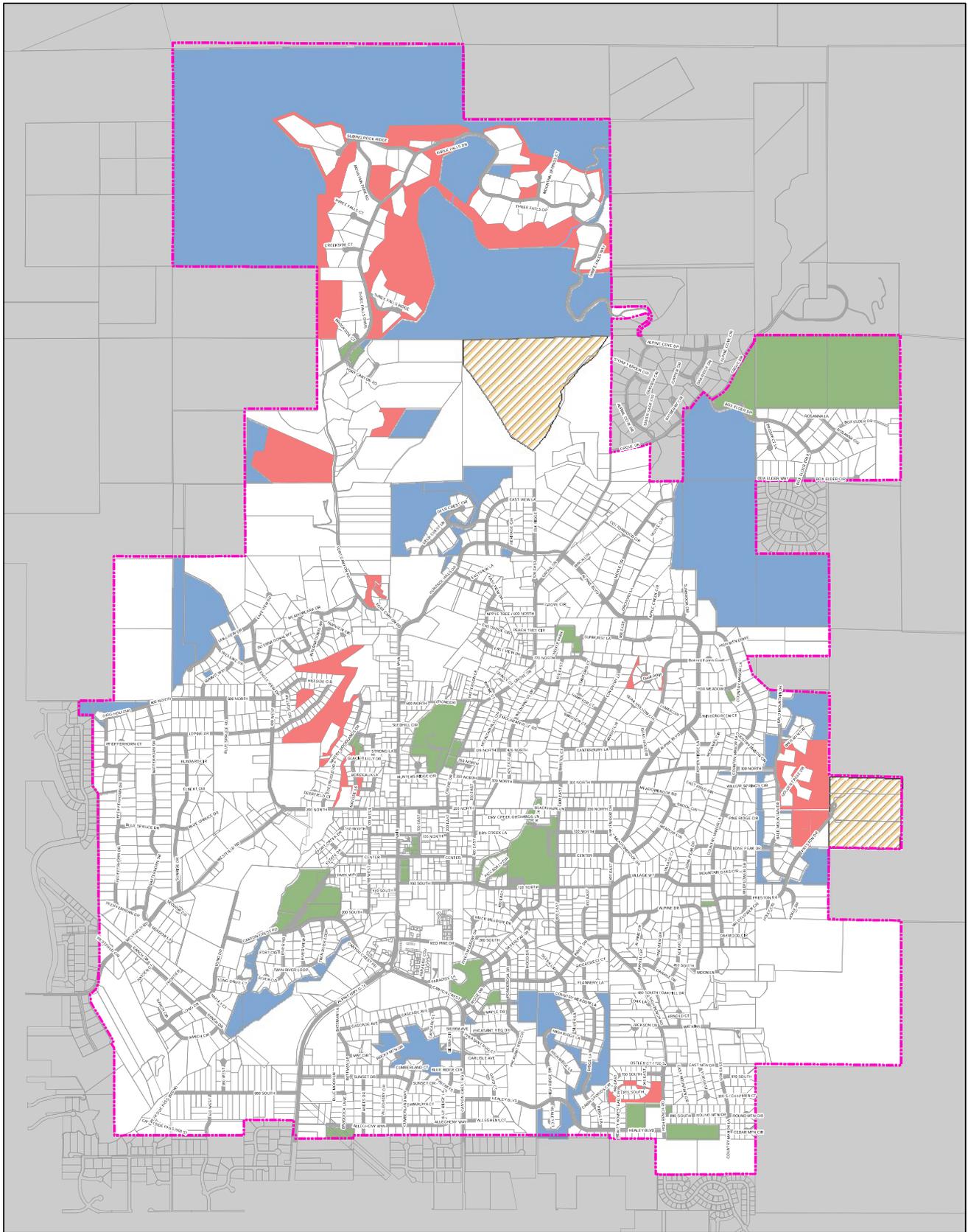
Fund Balance Beginning of Year	\$ 42,853
Projected Surplus/(Deficit)	\$ -
Appropriate fund balance\Reserves	\$ -
Ending Fund Balance	\$ 42,853

**Alpine City - Cemetery Perpetual Fund
FY 2018/2019 Budget**

Revenues	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
Cemetery lot payments	\$ 13,000	\$ 14,775	114%	\$ 15,000
Upright Monument	2,500	900	36%	2,500
Interest revenues	2,500	-	0%	2,500
Total Revenues	\$ 18,000	\$ 15,675	87%	\$ 20,000

Expenditures	Budget FY 2019	Actual To Date FY 2019	75.0% Percent Target	Year End Projected Amount
Cemetery expenses	\$ 18,000	9,850	55%	\$ 18,000
Total Expenses	\$ 18,000	\$ 9,850	55%	\$ 18,000
Surplus/(Deficit)	\$ -	\$ 5,825		\$ 2,000

Fund Balance Beginning of Year	\$ 614,030
Projected Surplus/(Deficit)	\$ 2,000
Appropriate fund balance\Reserves	\$ -
Ending Fund Balance	\$ 616,030

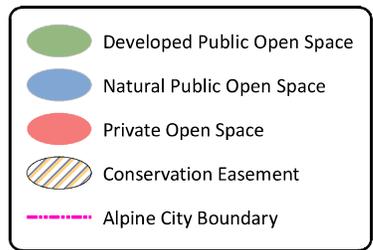


Ordinance No. 2016-07
Adopted July 26, 2016



ALPINE CITY OPEN SPACE MASTER PLAN

0 650 1,300 2,600 3,900 5,200
Feet





Alpine City Open Space Areas

April 17, 2019

Type of Open Space	Area (acres)	Area (sq miles)	Percent of City (%)
Total City Area	5,093	7.96	100%
Natural Open Space	978	1.53	19%
Developed Open Space	108	0.17	2%
Private Open Space	184	0.29	4%
Conservation Easements	112	0.17	2%

ALPINE CITY COUNCIL AGENDA

SUBJECT: Three Falls Secondary Access – Finalize Gates

FOR CONSIDERATION ON: 23 April 2019

PETITIONER: Will Jones, representing Three Falls Development

ACTION REQUESTED BY PETITIONER: Recommend approval of amendment to Development Agreement.

BACKGROUND INFORMATION:

Three Falls Development (TFD) is requesting clarification to a previous motion regarding the gating of the secondary access road. Specifically, the Developer would like clarification of when the road is gated and clarification of maintenance of the road if it is gated year-round.

The City Council previously approved two gates for the secondary access road (one at the top and one at the bottom) at the August 25, 2015 City Council meeting. See Staff Report for further background information and analysis.

STAFF RECOMMENDATION:

Study staff report, reviews, and findings. Make a motion to clarify the issues of gates, HOA responsibility for winter maintenance, and the need for a cul-de-sac turn-around.



ALPINE CITY STAFF REPORT

To: Alpine City Council
April 16, 2019

From: Staff

Prepared By: Jed Muhlestein, City Engineer
Engineering & Public Works Department

Re: Three Falls Development Agreement Amendment

Applicant: Will Jones, representing Three Falls Development
Project Location: Fort Canyon
Zoning: CE-5 Zone
Acreage: Approximately 806.35 Acres
Lot and Size: 57 lots ranging from 1.04 acres to 8.65 acres
Request: Recommend approval of amendment to Development Agreement

SUMMARY

Three Falls Development (TFD) is requesting clarification to a previous motion regarding the gating of the secondary access road. Specifically, the Developer would like clarification of when the road is gated and clarification of maintenance of the road if it is gated year-round.

BACKGROUND

Three Falls was a plat amendment to Ilangeni Estates. Ilangeni Estates was a failed development and in a dilapidated state for many years. One of the conditions of approval for the development was to construct a secondary access road connecting to the north west area of Alpine Cove. A development agreement was approved requiring the secondary access in the spring of 2015, the plat was amended, and construction of the first phase commenced.

Later that year, August 25, 2015, the City Council approved a motion to “*approve the developer’s proposal for crash gates for the secondary access road for Three Falls subdivision.*” Prior to the motion, the meeting minutes show discussion about the HOA being responsible for plowing the secondary access road. The minutes also briefly mention timing of when the gates would be closed. Neither of these topics were reflected in the motion, both are important to clarify as gating the secondary access road would require a cul-de-sac design on Three Falls Way and who maintains the road during winter months is also pertinent to the subject.

ANALYSIS

Gating the Secondary Access Road

“Crash gates” were approved for the secondary access road. The minutes to that meeting are attached. There are two things that need to be clarified in the motion regarding gates:

1. Was the motion meant to allow year-round gating of the access road?
 - a. This question was asked in the minutes, but the discussion and motion did not address it.
 - b. If gates are allowed at any time, a city standard 96-foot turn-a-round (120-foot diameter right-of-way) must be required to be built at the end of Three Falls Way.
 - c. The Fire Chief will be consulted for the type, design, and operation of the gates.
2. Was it intended that the HOA be responsible for snow plowing the road?
 - a. There was discussion on this as well in the minutes, but it was not part of the motion.

Regarding item 1, year-round gating of the secondary access road. It is Staff’s opinion that the road be considered emergency access only and gated year-round for the following reasons:

- The road is more narrow than a standard city street. It was approved with 20-feet of asphalt, the city standard is 30-feet;
- The road has sharper curves than a standard city street. It was approved as a 20 MPH (86-foot radius curves) design rather than the standard 30 MPH (150-foot radius curves);
- The road is steeper than a standard city street. Standard city code limits road grades between 9 and 12% to only 600-foot lengths at a time, with breaks of lesser grade in between the steeper sections. The approved design will be 12% for most of the length of the secondary access;
- Plowing a steep, narrow, and winding road could put City employees in danger;
- Allowing the public 24-hr access to the use of a steep, winding, narrow road could put the public at risk, even if properly signed for danger.

Regarding item 2, it seemed clear from the previous meeting minutes that the HOA would be responsible for and was willing to plow the secondary access road during winter months. Staff recommends the Development Agreement be amended to reflect this and it be part of the motion.

Proposed language for the Development Agreement, Section 3, is as follows:

(b) Secondary Access Road. The amended Subdivision plat provides for a secondary access public road. Developer shall build this road to the cross section in Exhibit C hereto. The road shall be constructed to the adopted City Standard’s and Specifications. The Secondary Access Road shall be completed at time of development of lots located east of Fort Creek presently designate as lots 30 through 51, and 57. The Developer agrees to bear full cost of the road construction including any necessary utilities. The Developer agrees to bear full cost of gating the secondary access road; type and operation thereof to be approved by the Lone Peak Fire Department. The City agrees to close the gates year-round, only to be opened for vehicular traffic during times of emergency. The road shall be open to public uses such as hiking, horseback, biking, and other similar non-motorized activities. So long as the gates remain

closed, the Developer agrees to maintain the road during winter months for access of emergency vehicles.

REVIEWS

PLANNING AND ZONING DEPARTMENT REVIEW

If the gates and a turn-a-round are approved, a plat amendment may be needed for the lot boundary adjustments. Specifically, the boundaries of the recorded public open space may need to be altered/adjusted. Alternatively, an easement could be provided where required for the cul-de-sac. Staff has not seen a proposed plat with a cul-de-sac design, but **in the event the City Council decides to approve the gates and turn-a-round, Council Members should acknowledge that by so doing they are essentially agreeing to approve subsequent amendments to the plat and public open space which may be required to make sure the secondary access road can be built, or allow the easement option.** Section 3.16.040 of the Development Code states that open space:

“...shall not be materially changed, improved, altered, disposed of in any manner or used for any other purpose except after a recommendation of the Planning Commission following a public hearing and by a super majority vote of the City Council (4 positive votes out of 5 City Council members are required). A material change shall include, but is not limited to, a change to the park’s present and essential defining characteristics, creation of or improvement of roadways or parking lots within the park.”

ENGINEERING AND PUBLIC WORKS DEPARTMENT REVIEW

The analysis section in the body of this report serves as the Engineering and Public Works Review.

STAFF RECOMMENDATION

Study staff report, reviews, and findings. Make a motion to clarify the issues of gates, HOA responsibility for winter maintenance, and the need for a cul-de-sac turn-a-round. Findings are outlined below.

Findings for clarifying the previous motion:

- A. The Development Agreement was approved with the intent to have a working secondary access;
- B. The City Council approved the use of gates on the secondary access road August 25, 2015;
- C. The minutes of the August 25, 2015 meeting showed the Developer’s willingness to plow the secondary access road during winter months;
- D. The idea of closing the road for safety reasons was also previously mentioned with no discussion otherwise;
- E. Approving gates year-round would eliminate daily traffic from driving on a non-City Standard designed road.

MODEL MOTION

I move to approve the year-round gating of the secondary access road with the following conditions:

1. The secondary access road be open to public uses such as hiking, horseback, biking, and other similar non-motorized activities;
2. The secondary access road be open in the event of an emergency to both public and emergency vehicular traffic;
3. The gate design and operation be approved by the Lone Peak Fire Department;
4. A city standard cul-de-sac be built prior to the entry of the secondary access road on Three Falls Way;
5. The plat be amended, or an easement provided, to accommodate a cul-de-sac on Three Falls Way;
6. As long as the gates remain closed, the Development Agreement be amended to reflect the responsibility of the HOA to provide snow removal services and maintain the road to be open at all times in case of an emergency.
7. Section 3b, of the Development Agreement, be amended to read as follows:
(b) Secondary Access Road. The amended Subdivision plat provides for a secondary access public road. Developer shall build this road to the cross section in Exhibit C hereto. The road shall be constructed to the adopted City Standard's and Specifications. The Secondary Access Road shall be completed at time of development of lots located east of Fort Creek presently designate as lots 30 through 51, and 57. The Developer agrees to bear full cost of the road construction including any necessary utilities. The Developer agrees to bear full cost of gating the secondary access road; type and operation thereof to be approved by the Lone Peak Fire Department. The City agrees to close the gates year-round, only to be opened for vehicular traffic during times of emergency. The road shall be open to public uses such as hiking, horseback, biking, and other similar non-motorized activities. So long as the gates remain closed, the Developer agrees to maintain the road during winter months for access of emergency vehicles.

ATTACHED

- CC Minutes, August 25, 2015 (gates approved)
- Secondary Access Road – Cul-de-sac location
- Secondary Access Road – Plan and Profiles

Rich Nelson said they were also planning to expand the cemetery. There were two areas that could be developed. He would come back with the projected costs for expansion.

H. T-Mobile Cell Tower Modification in Lambert Park: Jason Bond said T-Mobile was proposing to modify the cell tower in Lambert Park by replacing the existing antennas and adding some additional antennas. The Planning Commission had reviewed the application and recommended approval.

MOTION: Will Jones moved to approve T-Mobile's application to modify the cell tower in Lambert Park to replace antennas and add additional antennas with the condition that the additional antennas match the color currently on the tower. Troy Stout seconded. Ayes: 5 Nays: 0. Will Jones, Troy Stout, Roger Bennett, Kimberly Bryant, Lon Lott voted aye. Motion passed.

Will Jones recused himself from the following item and sat in the audience.

I. Three Falls Secondary Access Road: Rich Nelson said there were two issues to consider. First, did they want the secondary access road left open year-round? Second, did they want crash gates on the road?

Will Jones had met with staff regarding the secondary access road for Three Falls subdivision. He also submitted a letter which was included in the packet. The letter stated that since the road was narrow and winding, they would like to close the road for safety reasons and install gates at each end. The gates could be automatically opened by a siren or by homeowners in the subdivision who would have a key fob to activate the gate in an emergency.

Mayor Watkins said it would be easier to close the road in the beginning than start out with an open road and try to close it later on.

Shane Sorensen said staff recommendation was that the road be closed in the winter but passable. With the southern exposure he didn't know if it would need to be plowed and he didn't want his men up there plowing snow in the winter.

Fire Chief Brad Freeman said the fire code stated it had to be maintained year-round for emergency access. It had to be accessible to fire trucks.

Rich Nelson said the developer would be responsible to plow the road in the winter. There was no question that it should be maintained. The question was did the Council want crash gates at each end of the road. Brad Freeman said he was fine with crash gates as long as it was plowed.

Will Jones reiterated that there would be two gates, one at the top and one at the bottom. The HOA would be responsible to plow the road.

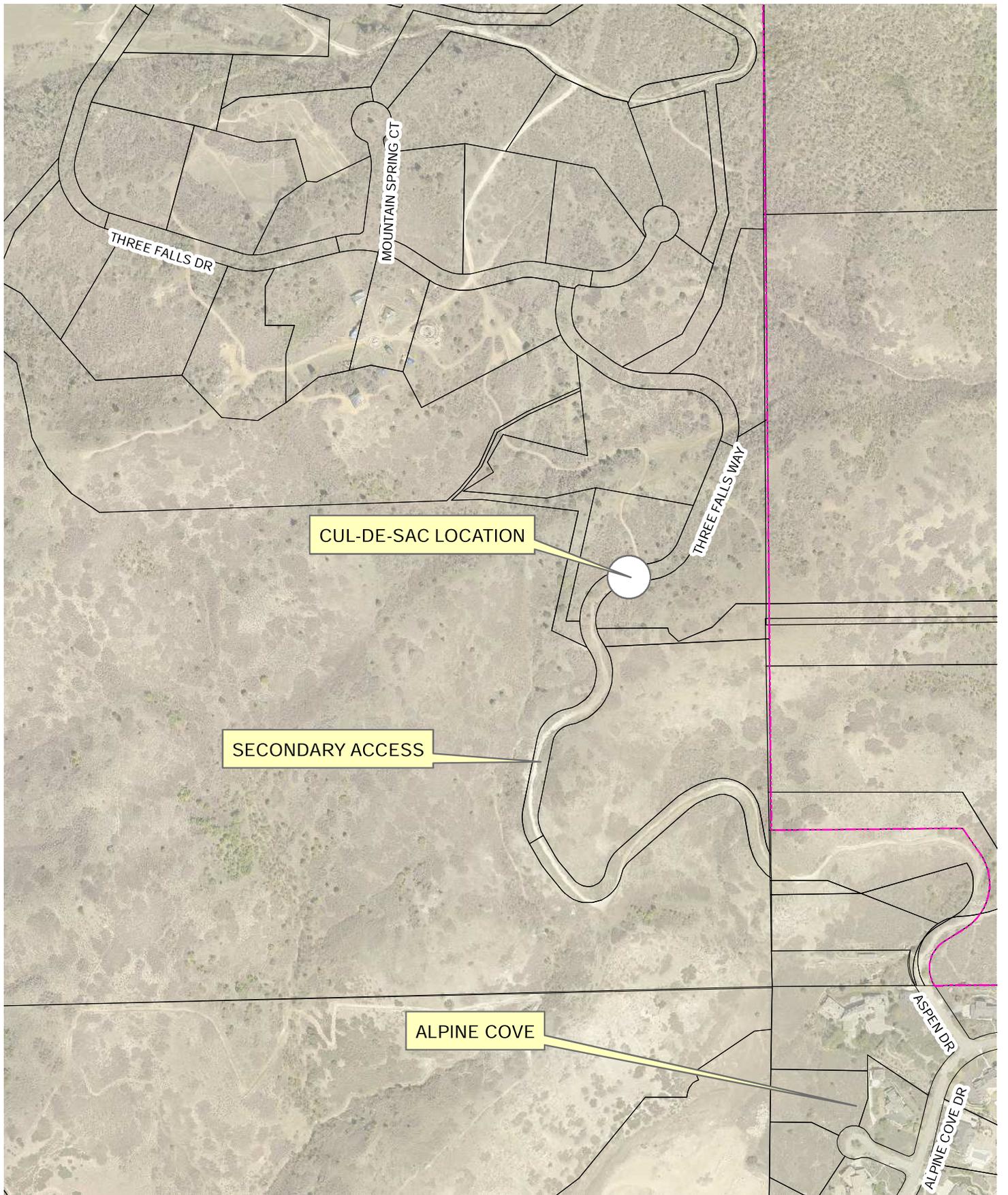
David Church noted that the Ilangeni Estates (Three Falls) used to have a dead end loop road which was the only public road up there. The Council requested an emergency exit out the back end of the development and the developer had supplied it.

Shane Sorensen said the road would have 20 feet of pavement and curb on both sides, but no sidewalk.

MOTION: Kimberly moved approve the developer's proposal for crash gates for the secondary access road for Three Falls subdivision. Roger Bennett seconded. Ayes: 4 Ayes: 0. Kimberly Bryant, Lon Lott, Roger Bennett, Troy Stout voted aye. Motion passed. Will Jones abstained.

In response to a question, Will Jones said the parking lot and trail would be part of the first phase.

J. Creekside Park Pavilion Reservation Fee: Rich Nelson proposed increasing the reservation fees for Creekside Park to \$100. Alpine had become a hotspot because they charged less than other places and it was nice. People outside Alpine wanted to come and use the park, which limited the availability for Alpine residents.



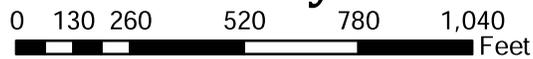
CUL-DE-SAC LOCATION

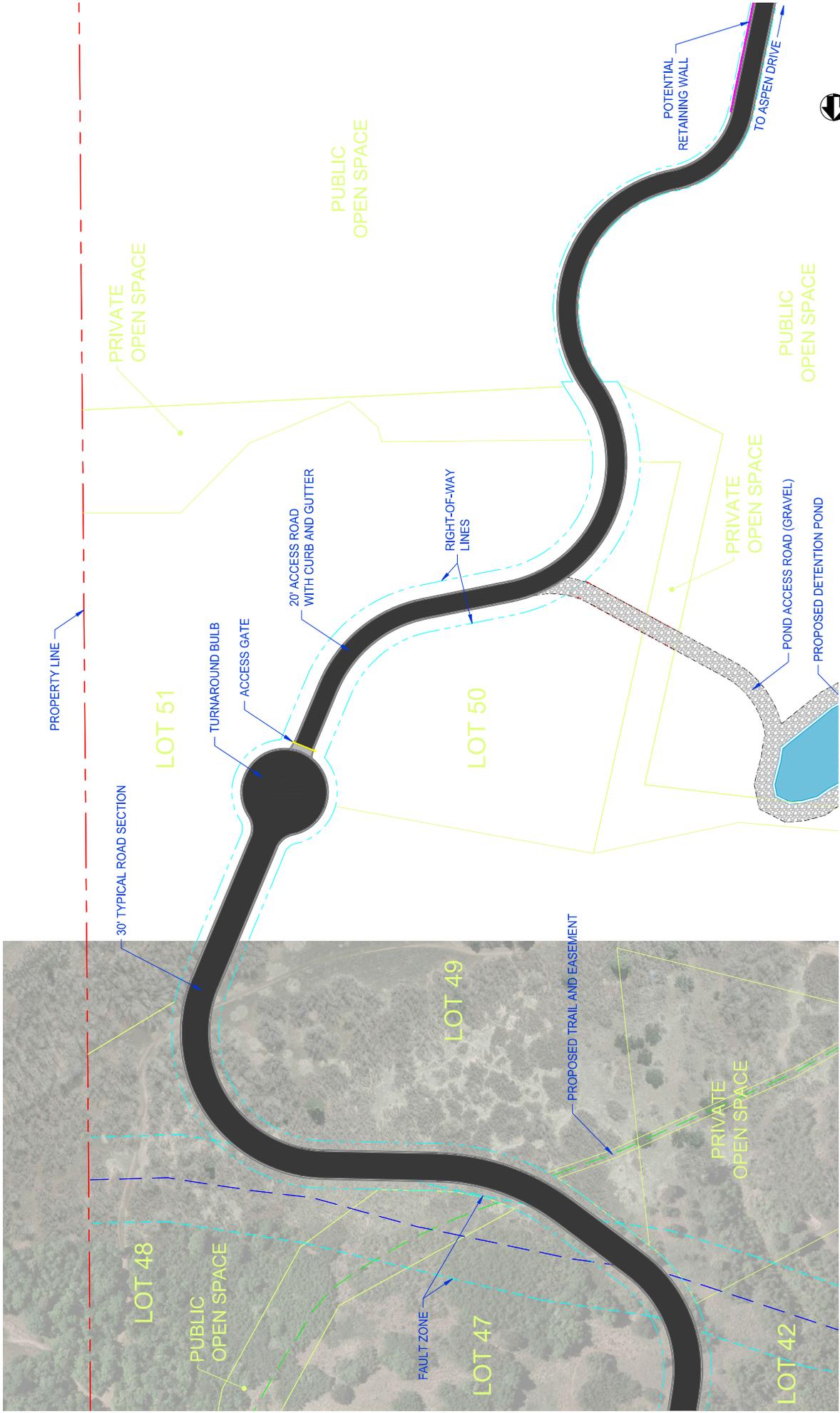
SECONDARY ACCESS

ALPINE COVE



Three Falls Way Cul-de-sac





THREE FALLS RANCH ACCESS ROAD TURNAROUND

THREE FALLS

ALPINE CITY, UTAH
APRIL 2019

-INDEX OF PLAN SHEETS-

SHEET	DESCRIPTION
1	COVER SHEET
2	INDEX SHEET
3	DETAILS
PP-01	STREET PLAN & PROFILE - 13+00-19+00
PP-02	STREET PLAN & PROFILE - 19+00-25+00
PP-03	STREET PLAN & PROFILE - 25+00-31+00
PP-04	STREET PLAN & PROFILE - 31+00-37+00
PP-05	STREET PLAN & PROFILE - 37+00-43+00
PP-06	STREET PLAN & PROFILE - 43+00-47+24.33
ECP-01	BMP DETAILS

GENERAL

1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS AND/OR REQUIREMENTS OF THE CITY OF ALPINE.
2. A PRE-CONSTRUCTION CONFERENCE SHALL BE HELD, A MINIMUM OF 3 WORKING DAYS PRIOR TO START OF WORK. ALL CONTRACTORS, SUBCONTRACTORS AND/OR UTILITY CONTRACTORS, ALPINE CITY PUBLIC WORKS AND CITY'S ENGINEER SHOULD BE PRESENT.
3. ALL UTILITY LOCATIONS AND DEPTHS SHALL BE OBTAINED FROM THE CITY OF ALPINE RECORDING AND FIELD DATA. ALL UTILITY STAKES MUST BE REQUESTED A MINIMUM OF THREE (3) WORKING DAYS PRIOR TO PLANNED USE.
4. ALL CONSTRUCTION STAKES MUST BE REQUESTED A MINIMUM OF THREE (3) WORKING DAYS PRIOR TO PLANNED USE.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES WHICH ARE CRITICAL TO THE CONTRACTOR'S KNOWLEDGE OF THE PROJECT. THESE REPORTS WILL BE RESUBMITTED AT THE END OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ALPINE AND THE STATE OF UTAH. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ALPINE AND THE STATE OF UTAH.
6. ALL UTILITY LOCATIONS AND DEPTHS SHALL BE OBTAINED FROM THE CITY OF ALPINE RECORDING AND FIELD DATA. ALL UTILITY STAKES MUST BE REQUESTED A MINIMUM OF THREE (3) WORKING DAYS PRIOR TO PLANNED USE.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES WHICH ARE CRITICAL TO THE CONTRACTOR'S KNOWLEDGE OF THE PROJECT. THESE REPORTS WILL BE RESUBMITTED AT THE END OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ALPINE AND THE STATE OF UTAH.

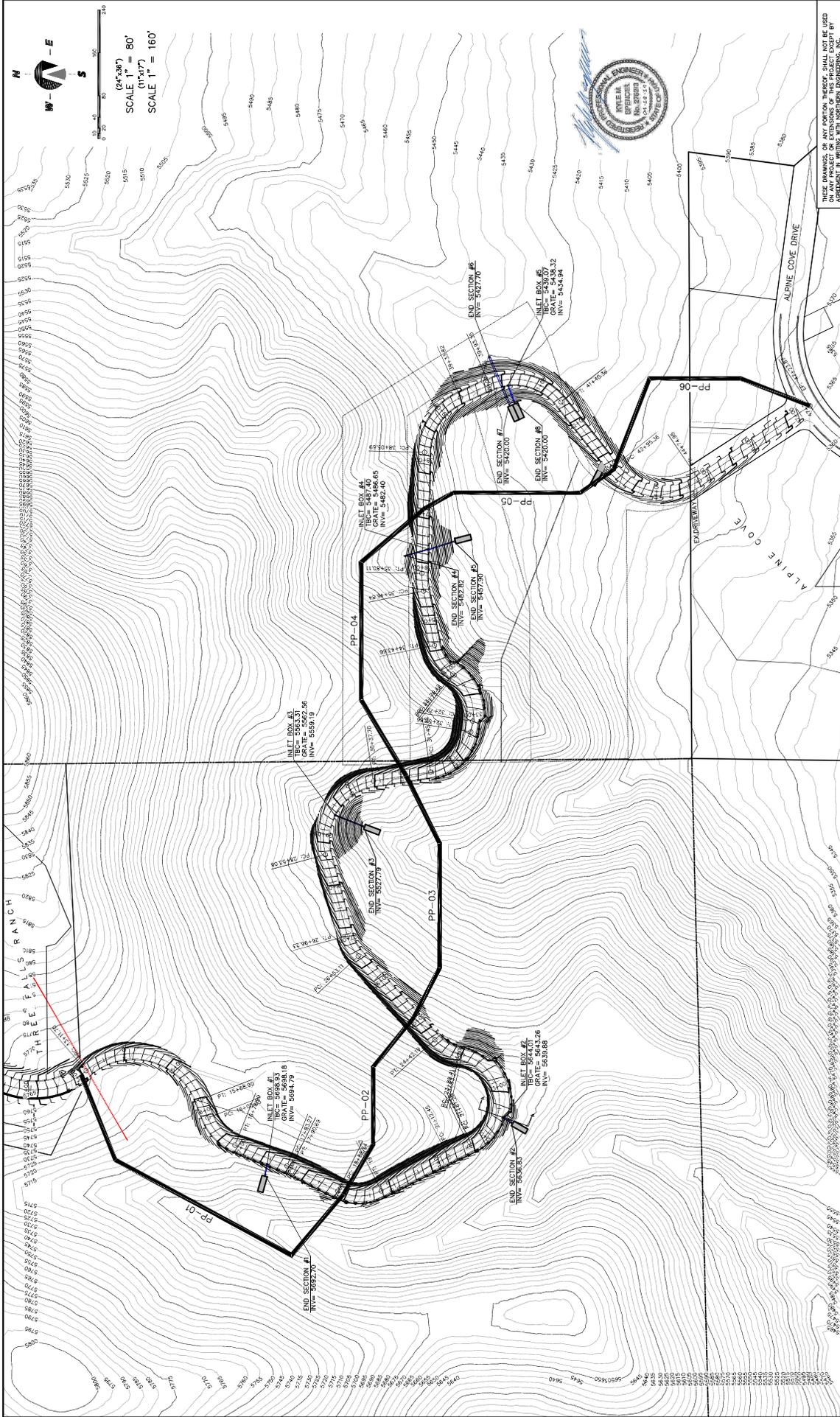
ROADWAY/STORM DRAIN

1. ALL ROADWAY CONTRACTORS SHALL MEET THE MINIMUM REQUIREMENTS OF ALPINE CITY'S TECHNICAL SPECIFICATIONS OR AS APPROVED IN THE PLANS HEREIN.
2. WHEN DISCREPANCIES OCCUR BETWEEN PLANS AND SPECIFICATIONS, THE CONTRACTOR SHALL CONSULT WITH THE ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ALPINE AND THE STATE OF UTAH.
3. ALL STORM DRAIN PIPES TO BE INSTALLED SHALL BE APPROVED EQUAL UNLESS OTHERWISE NOTED.
4. ALL STORM DRAIN INLET BOXES AND APPURTENANCES TO MEET ALPINE CITY STANDARDS.



**Northern
ENGINEERING INC**
ENGINEERING-AND PLANNING
CONSTRUCTION MANAGEMENT

1040 E. 800 N.
GREEN, UTAH 84097
(801) 802-8992

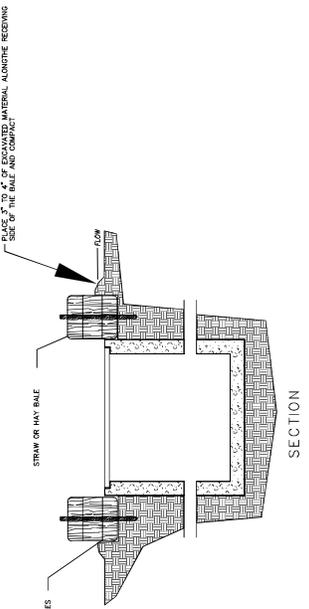
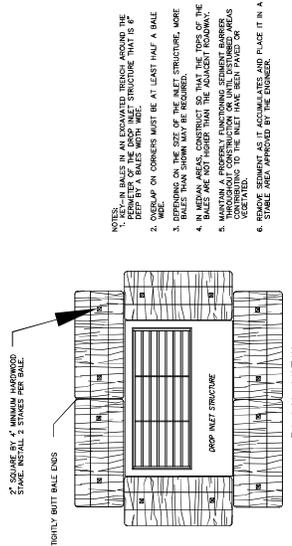
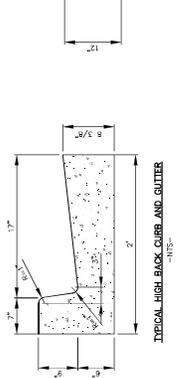
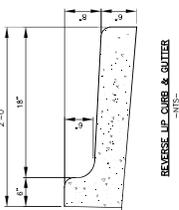
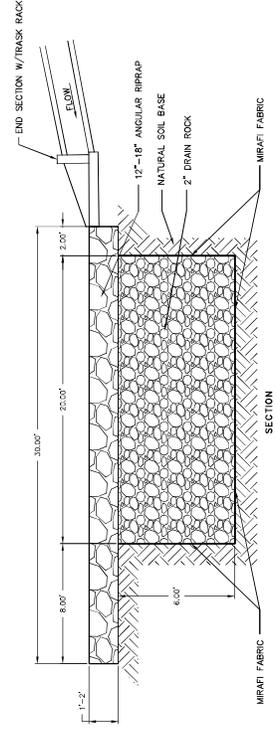
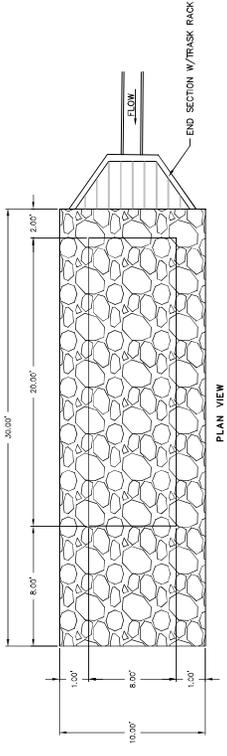
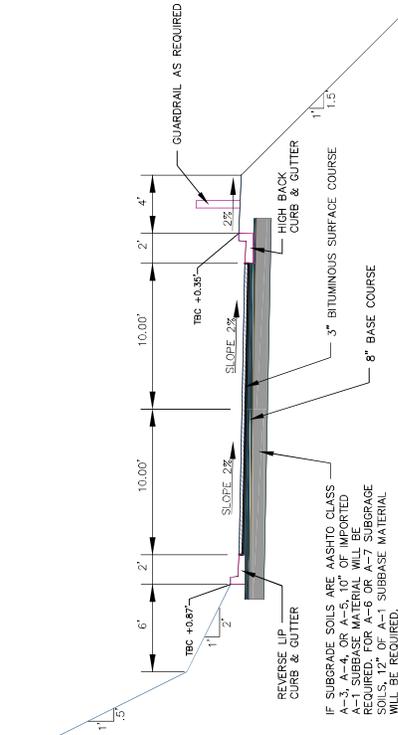
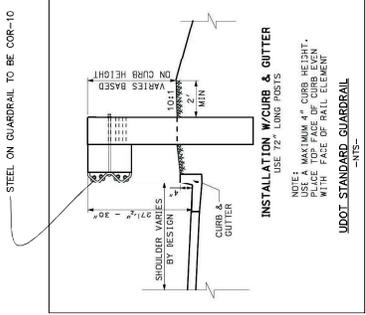


DESIGNED BY	DATE	INDEX SHEET	JOB NO.
CHECKED BY	DATE	3-18-049	3-18-049
APPROVED BY	DATE	ALPINE CITY, UTAH	SHEET NO.
BY DATE	DATE		2
REVISIONS	BY DATE		

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 OREM, UTAH 84097
 (501) 602-6882



3	DATE	
2	DATE	
1	DATE	
0	DATE	



STRAW BALE DROP INLET PROTECTION DETAIL

-N/S-

GENERAL NOTES:

1. ALL TIMES DURING CONSTRUCTION THE CONTRACTOR SHALL BE RESPONSIBLE FOR PREVENTING AND CONTROLLING ON-SITE EROSION DUE TO WIND AND RUNOFF. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR MAINTAINING EROSION CONTROL FACILITIES SHOWN.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANING DRAINAGE AND EROSION CONTROL FACILITIES AS REQUIRED. STREETS SHALL BE KEPT CLEAN OF DEBRIS FROM SITE.
3. ADDITIONAL EROSION CONTROL MEASURES MAY BE REQUIRED DUE TO UNPREDICTED PROBLEMS OR IF THE PLAN DOES NOT FUNCTION AS INTENDED. A REPRESENTATIVE OF THE CITY OR COUNTY PUBLIC WORKS DEPARTMENT MAY REQUIRE ADDITIONAL CONTROL DEVICES UPON INSPECTION OF PROPOSED FACILITIES.
4. CONTRACTOR IS TO MAINTAIN ALL EXISTING UTILITY LOCATIONS AND ASSOCIATED MARKERS. UTILITIES SHALL BE MAINTAINED UNDER OR EXPOSED AS NECESSARY.
5. ALL SWEEP DRAINAGE SYSTEMS USING A GEOTEXTILE FABRIC FOR INLET GRATE PROTECTION MUST HAVE FABRIC REGULARLY CLEANED (14 DAY INTERVAL MAX. MORE FREQUENTLY IF NEEDED) TO INSURE THAT SILT DOES NOT FORM IMPERMEABLE BARRIER OVER INLET.

NO.	REVISIONS	DATE	BY	CHK.	APP.
1	DESIGNED BY:				
2	CHECKED BY:				
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5	DATE:				
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10	DATE:				

Northern ENGINEERING INC
ENGINEERING-LAND PLANNING
CONSTRUCTION MANAGEMENT

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(801) 602-6892

THREE FALLS

ALPINE CITY, UTAH

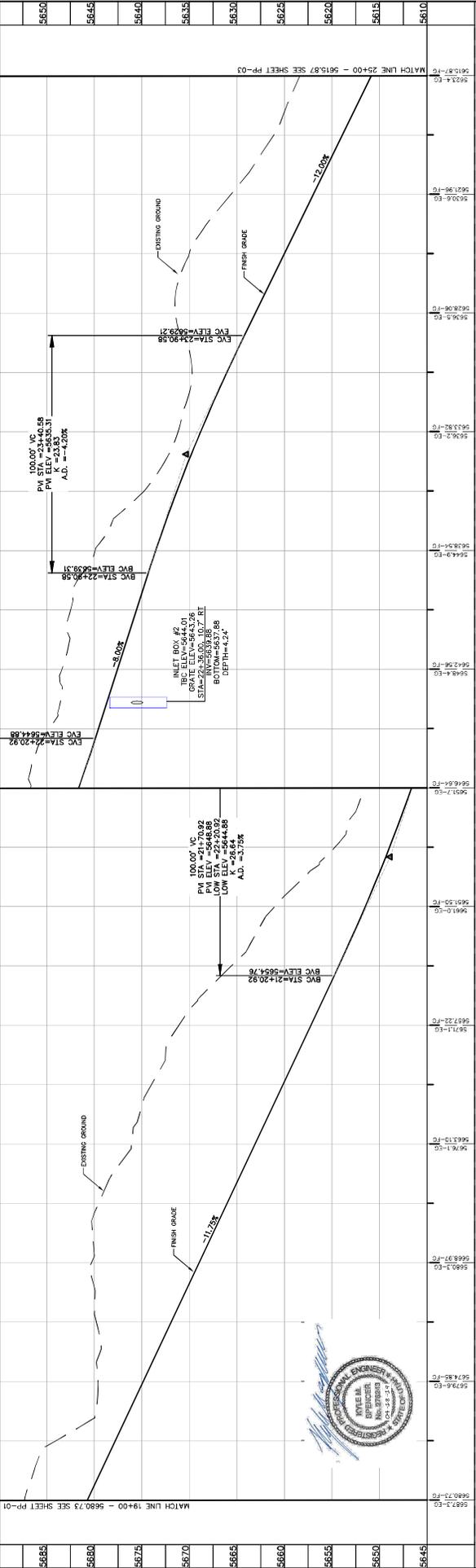
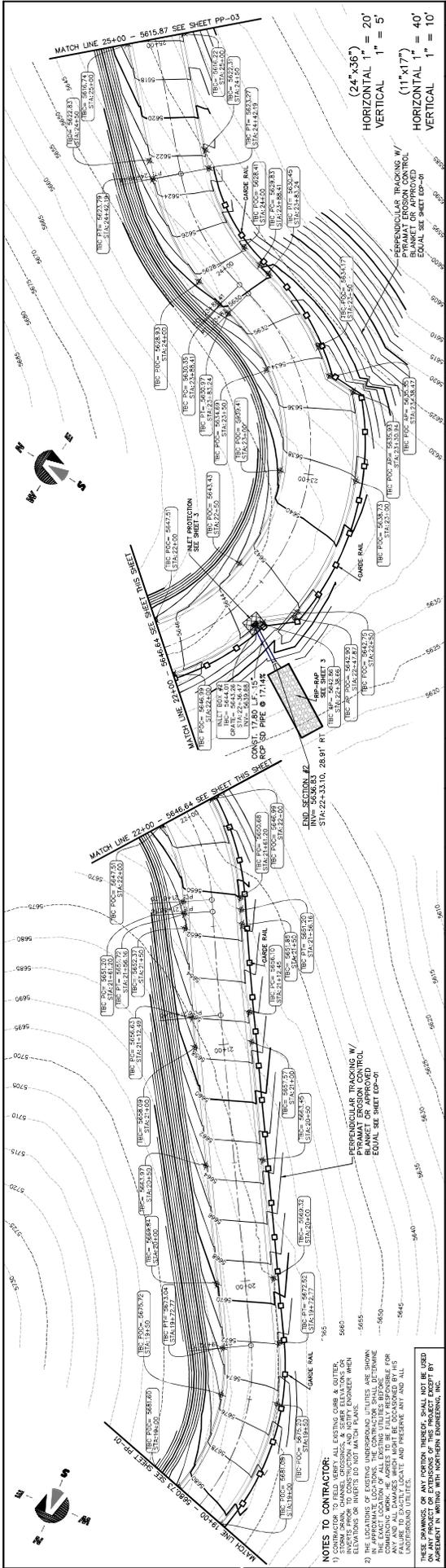
DETAILS

JOB NO. 3-18-049

SHEET NO. 3



THESE DRAWINGS OR ANY PORTION THEREOF SHALL NOT BE USED IN ANY MANNER WITHOUT THE WRITTEN AGREEMENT IN WRITING WITH NORTHERN ENGINEERING, INC.



NOTES TO CONTRACTOR:

1. STORM SEWER, CHAIN, CROSSINGS, & OTHER ELEVATIONS OR ELEVATIONS OR MARKS DO NOT MATCH PLANS.
2. THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN ON THESE PLANS. THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE ANY AND ALL DAMAGES, WHICH MUST BE OCCURRED BY THIS CONTRACTOR, MUST BE DETERMINED AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
3. THESE DRAWINGS OR ANY PORTION THEREOF, SHALL NOT BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT BY THE ENGINEER OF RECORD.

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STREET P&P STA: 19+00 - 25+00												
ALPINE CITY, UTAH												
THREE FALLS												
JOB NO. 3-18-049												
SHEET NO. PP-02												

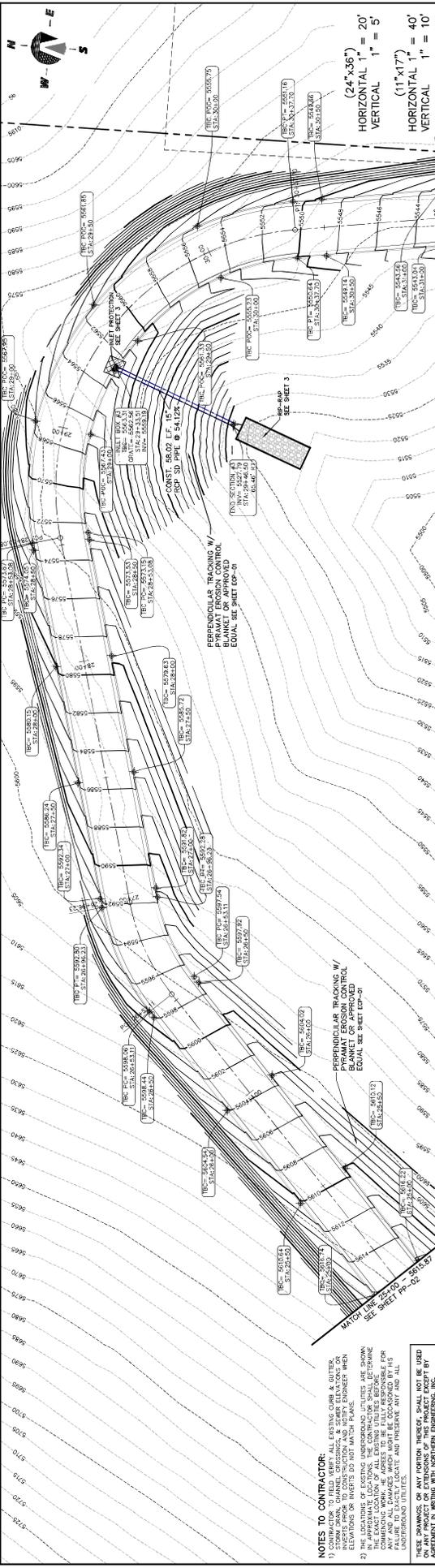
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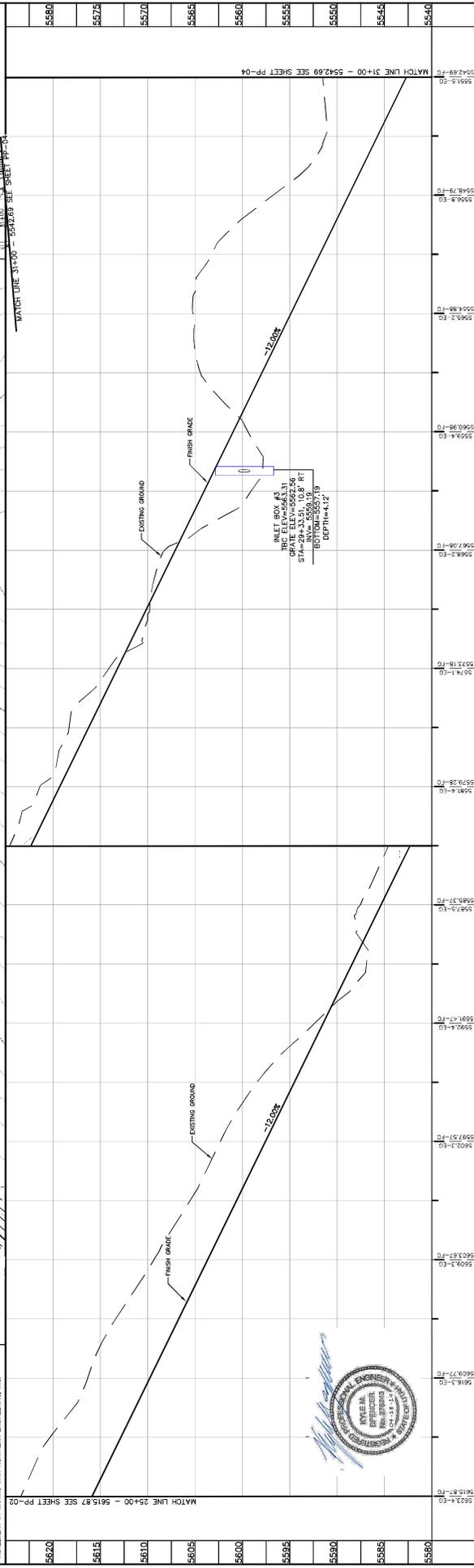
NO.	DATE	BY	REVISION
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NOTES TO CONTRACTOR:

- ALL EXISTING CURBS & GUTTERS, STORM SEWERS, CHIMNEYS, CROSSINGS, & OTHER ELEVATIONS OR STAIR ELEVATIONS OR ELEVATIONS OR MARKERS DO NOT MATCH PLANS.
- THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN BY THE LOCATION OF ALL EXISTING UTILITIES BEFORE ANY CONSTRUCTION BEGINS. THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE ANY AND ALL DAMAGES WHICH MUST BE OCCURRED BY THIS UNDERGROUND UTILITIES.
- THESE DRAWINGS OR ANY PORTION THEREOF, SHALL NOT BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT BY THE ENGINEER OF RECORD.



5680	5675	5670	5665	5660	5655	5650	5645	5640
5620	5615	5610	5605	5600	5595	5590	5585	5580

MATCH LINE 31+00 - 5542.89 SEE SHEET P-04

MATCH LINE 25+00 - 5615.87 SEE SHEET P-02

STREET P&P STA: 25+00 - 31+00

ALPINE CITY, UTAH

THREE FALLS

JOB NO.
3-18-049

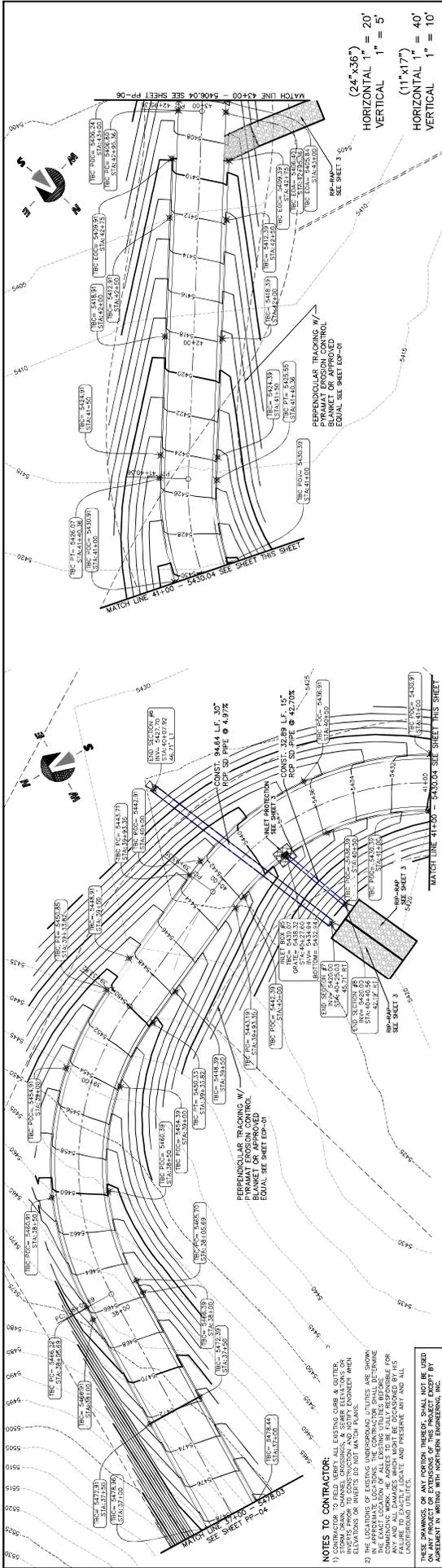
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PP-03

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(307) 602-6892

Northern Engineering Inc
ENGINEERING-LAND PLANNING
CONSTRUCTION MANAGEMENT

NO.	DATE	BY	CHK.	APP.
3				
2				
1				





NOTES TO CONTRACTOR:

1. STORM SEWER, CHAINAGE, CROSSINGS, & OTHER ELEVATIONS OR ELEVATIONS ON MAPS DO NOT MATCH PLANS.
2. THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN ON THIS PLAN. THE LOCATION OF ALL EXISTING UTILITIES BEFORE ANY CONSTRUCTION SHALL BE DETERMINED BY THE CONTRACTOR. ANY AND ALL DAMAGES WHICH MUST BE OCCURRED BY THIS CONTRACTOR SHALL BE THE CONTRACTOR'S RESPONSIBILITY AND SHALL BE PAID BY THE CONTRACTOR.
3. THESE DRAWINGS OR ANY PORTION THEREOF, SHALL NOT BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF NORTHERN ENGINEERING INC.

5485	5480	5475	5470	5465	5460	5455	5450	5445	5440	5435	5430	5425	5420	5415	5410	5405	5400	5395	5390
5485.00	5480.00	5475.00	5470.00	5465.00	5460.00	5455.00	5450.00	5445.00	5440.00	5435.00	5430.00	5425.00	5420.00	5415.00	5410.00	5405.00	5400.00	5395.00	5390.00
5485.00	5480.00	5475.00	5470.00	5465.00	5460.00	5455.00	5450.00	5445.00	5440.00	5435.00	5430.00	5425.00	5420.00	5415.00	5410.00	5405.00	5400.00	5395.00	5390.00

3	DATE	3/18/2019
2	DESIGNED BY	3/18/2019
1	CHECKED BY	3/18/2019
1	APPROVED BY	3/18/2019
1	DATE	3/18/2019
1	DATE	3/18/2019
1	DATE	3/18/2019

NORTHERN ENGINEERING INC.
 ENGINEERING-LAND PLANNING
 CONSTRUCTION MANAGEMENT
 1040 E. 800 N.
 CREEK UTAH, 84097
 (307) 602-6892

THREE FALLS
 STREET P&P STA: 37+00 - 43+00
 ALPINE CITY, UTAH

JOB NO. 3-18-049
 SHEET NO. PP-05



ALPINE CITY COUNCIL AGENDA

SUBJECT: Amendment to Municipal Code – Administrative Hearings – Article 10.010

FOR CONSIDERATION ON: 23 April 2019

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Review and approve proposed changes.

BACKGROUND INFORMATION:

It is proposed that Alpine City adopt an Administrative Hearing process through amendments to the Municipal Code. The new process would allow for violations of Alpine City ordinances, policies, regulations, and applicable state statutes, which are subject to Alpine City jurisdiction, to be handled at an administrative level.

Under the proposed Administrative Hearing process City staff would have the power to issue fines for violations, and appeals could be handled through an Administrative Law Judge. By contrast, under the current system City staff has no power to issue fines and violations are sent to the City Prosecuting Attorney.

Ultimately, the proposed Administrative Hearing process would allow for more immediate resolution of violations and an in-house process by which issues could be resolved before they are sent to court.

STAFF RECOMMENDATION:

Approve Ordinance 2019-07 as proposed.

**ALPINE CITY
ORDINANCE 2019-07**

**AN ORDINANCE AMENDING ALPINE CITY MUNICIPAL CODE CHAPTER 1 ARTICLE
10.010**

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City and the residents of Alpine to adopt an Amendment to the Alpine City Municipal Code amending Chapter 1 Article 10.010 HEARINGS; and

WHEREAS, the Alpine City Council has reviewed the proposed Amendment to the municipal Code and held a Public Hearing.

NOW THEREFORE, be it ordained by the Council of Alpine City, in the State of Utah, as follows: Chapter 1 Article 10.010 HEARINGS of the Alpine City Municipal Code is hereby repealed and replaced by Ordinance No. 2019-07 amending the Alpine City Municipal Code. This Ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “1.10 ADMINISTRATIVE REMEDIES” of the Alpine City Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

1.10 ADMINISTRATIVE REMEDIES

A F T E R A M E N D M E N T

1.10 ADMINISTRATIVE REMEDIES

ADMINISTRATIVE HEARING

SECTION 2: **AMENDMENT** “1.10.010 HEARINGS” of the Alpine City Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

1.10.010 HEARINGS

- A. REQUEST. Unless otherwise specifically provided in any ordinance of the city or any code adopted by reference, a hearing before the city council may be requested by any person:

1. Who is denied or refused a permit or license by any officer, agent or employee of this city.
 2. Whose permit or license is revoked, restricted, qualified, or limited from that for which it was first issued.
- B. FORM OF REQUEST. The request for hearing must be made in writing to the mayor or recorder and made within 30 days following the date notice denying, refusing, revoking, qualifying, restricting or revoking the license or permit is mailed by the city to the applicant or license holder at his address as it appears on the application or license.
- C. PROCEDURE.
1. Following receipt of a request for hearing, the city council shall inform the person requesting a hearing of the time and place the hearing is to be held.
 2. At the hearing, the aggrieved party shall have the right to hear and examine any witnesses the city may produce to support its decision and to present his own evidence in support of his contention.
 3. The city council shall, within ten days following the conclusion of the hearing, in writing, inform the person who requested the hearing of the decision of the city council.
- D. NOT ADDITIONAL REMEDY. This chapter shall not be constructed so as to afford any aggrieved party more than one hearing before the city council nor shall the hearing provided in this chapter apply to any criminal complaint or proceeding.

AFTER AMENDMENT

1.10.010 HEARINGS

- A. ~~REQUEST~~ SHORT TITLE. This chapter shall be known as the "Alpine City Administrative Procedures Ordinance."
~~Unless otherwise specifically provided in any ordinance of the city or any code adopted by reference, a hearing before the city council may be requested by any person:~~
1. ~~Who is denied or refused a permit or license by any officer, agent or employee of this city.~~
 2. ~~Whose permit or license is revoked, restricted, qualified, or limited from that for which it was first issued.~~

- B. ~~FORM OF REQUEST~~ PURPOSE. The Alpine City council finds that the enforcement of Alpine City ordinances, policies, regulations, and applicable state statutes is an important public function vital to the protection of the public's health, safety, welfare, and quality of life. The Alpine City council further finds that providing a hearing to Alpine City employees, citizens, and Alpine City agencies relating to the enforcement of ordinances, policies, regulations, and applicable state statutes through an administrative procedures process conducted by independent, law-trained administrative judges comports with basic due process, simplifies and expedites hearings benefitting Alpine City and citizens, minimizes the impact on the judicial system, and provides flexibility in both the hearing process and in determining remedies and responsibilities.
~~The request for hearing must be made in writing to the mayor or recorder and made within 30 days following the date notice denying, refusing, revoking, qualifying, restricting or revoking the license or permit is mailed by the city to the applicant or license holder at his address as it appears on the application or license.~~
- C. PROCEDURE SCOPE. Unless a hearing process is provided elsewhere in statute or ordinance, the provisions of this chapter may be applied to any violations of Alpine City ordinances, policies, regulations, and applicable state statutes which occur within Alpine City or relate to such activities subject to Alpine City operations and jurisdiction. No judicial review shall be available to any citizen or Alpine City agency if the provisions of this chapter are not followed. Failure to timely request and participate in an administrative review under this chapter shall bar any action in the state or federal courts by an aggrieved citizen, Alpine City employee, or Alpine City agency.
- ~~1. Following receipt of a request for hearing, the city council shall inform the person requesting a hearing of the time and place the hearing is to be held.~~
 - ~~2. At the hearing, the aggrieved party shall have the right to hear and examine any witnesses the city may produce to support its decision and to present his own evidence in support of his contention.~~
 - ~~3. The city council shall, within ten days following the conclusion of the hearing, in writing, inform the person who requested the hearing of the decision of the city council.~~
- D. ~~NOT ADDITIONAL REMEDY~~ OTHER REMEDIES AND CRIMINAL PROSECUTION. The Alpine City Administrator shall have sole discretion in deciding whether to pursue civil remedies or seek administrative enforcement for the violation of any of the City's ordinances, policies, regulations, and applicable state statutes. This chapter shall not limit the powers of Alpine City's attorney or the county attorney in pursuing criminal charges for the violation of any Alpine City ordinances or state statutes, in addition to any civil action Alpine City may take.
~~This chapter shall not be constructed so as to afford any aggrieved party more than one hearing before the city council nor shall the hearing provided in this chapter apply to any criminal complaint or proceeding.~~
- E. DEFINITIONS APPLICABLE TO TITLE GENERALLY. In this chapter the following words and phrases are defined as follows:

1. "Alpine City Enforcement Action" or "Action" means any action by Alpine City seeking compliance with any ordinance, policy, regulation, applicable state statutes, and includes a notice of violation, administrative citation, departmental determination, board findings/order, stop work order, notice of non-compliance, clean-up order, abatement action, revocation/suspension of a license or permit, assessment of charges or costs, order relating to the occupancy or use of any structure, zoning violation, seizure of any animal or property, and any other action by a Alpine City seeking the cessation of any business or operation or the assessment of any costs or non-criminal penalty. This term shall not include any criminal prosecution.
2. "Administrative Law Judge" means a person appointed by the Alpine City Mayor to preside over administrative hearings. An administrative law judge must be a person with training or experience in the law or related profession that has an expertise either in the law or the subject matter of the appeal and must not be an employee of Alpine City.
3. "Administrative Hearing" means a hearing held pursuant to the procedures established by this chapter.
4. "Alpine City" means Alpine City of Utah County, Utah.
5. "Alpine City council" means the Alpine City Council.
6. "Enforcement Official" means any person authorized by Alpine City to enforce violations of the Alpine City Code of Ordinances, policies, regulations, or applicable state codes including, but not limited to, zoning officers, police officers, building inspection officials, animal control officers, and other officials.
7. "Mayor " means the Mayor of Alpine City or the Mayor's designee.
8. "Person" means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, officer, or employee of any of them, or any other entity that is recognized by law as the subject of rights or duties, or who represents or is the agent of such person.
9. "Property Owner" means the record owner of real property as shown on the records of the Utah County Recorder.
10. "Responsible Person" or "Responsible Party" means the person(s) determined by Alpine City who is responsible for causing or maintaining a violation of the code of ordinances, policies, regulations, or applicable state codes. The term "responsible person" shall include, but is not limited to, a property owner, agent, tenant, lessee, occupant, business owner, business manager or employee, architect, builder, contractor, or other person who individually or together with another person is responsible for the violation of any provision of the code of ordinances, policies, regulations, or applicable state codes.

F. SERVICE OF NOTICE REQUIREMENTS.

1. Whenever a notice is required to be given under this chapter it shall be in the form of a notice approved by an administrative law judge and the notice shall be served by one of the following methods:
 - a. Personal service;

f. Such other violation, assessment, or action as designated by Alpine City ordinance, policy, regulation, or state law.

3. The request for an administrative hearing shall be made in writing and delivered to the Alpine City Recorder's office.
4. The written request for hearing must be received by Alpine City within fifteen calendar days of the date the "Alpine City enforcement action" is served upon the responsible party. Failure to request an administrative hearing within fifteen calendar days from the date of service shall constitute a waiver of the right to an administrative hearing and of the right to an appeal of the "Alpine City enforcement action" to any state or federal court or agency.
5. Within fifteen days of the issuance of an "Alpine City enforcement action," Alpine City may request an administrative hearing for the purpose of compelling a responsible person to comply with the action.
6. If a responsible person fails to request a hearing after being issued an "Alpine City enforcement action" the corrective action detailed within the action shall be considered the final administrative order and the person shall be deemed to have waived any appeal of that order.

J. NOTIFICATION OF ADMINISTRATIVE HEARING.

1. As soon as practicable after receiving the written notice of the request for an administrative hearing, the Alpine City Administrator shall appoint an administrative law judge who shall schedule a date, time, and place for the administrative hearing.
2. Written notice of the date, time, and place of the administrative hearing shall be served on the responsible person as soon as practicable prior to its date.
3. The notice shall be served by any of the methods of service set forth in Section _____ of this chapter.

K. POWERS OF ADMINISTRATIVE LAW JUDGE.

1. An administrative law judge shall have authority to set the date, time, and place for holding an administrative hearing.
2. An administrative law judge may issue a scheduling order to guide the conduct of the case, to set the limits of any pre-hearing discovery, to provide for the identification of witnesses and their expected testimony, to list and exchange proposed exhibits, to approve stipulations regarding facts, applicable law, foundation to exhibits, and to govern such other matters related to hearing of the matter as deemed appropriate.
3. The administrative law judge holding a hearing shall arrange for the recording of any hearing.

L. RULES OF DISCOVERY AND EVIDENCE FOR ADMINISTRATIVE HEARINGS.

1. The administrative law judge shall determine the scope of any pre-hearing discovery.
2. The formal rules of evidence and of civil procedure adopted by the courts shall not be applied in any administrative hearings; however, the administrative law judge shall determine the admissibility and weight to be accorded any evidence.
3. The administrative law judge shall issue a written ruling within forty-five days after the conclusion of the hearing.

M. APPEAL.

1. Any responsible person or Alpine City adversely affected by a final administrative order issued pursuant to a hearing may file a petition for review in the Fourth Judicial District Court of the State of Utah in accordance with the Utah Rules of Civil Procedure.
2. A petition for review shall be barred unless it is filed within thirty days after the administrative order is final, unless a statute or city ordinance provides otherwise.
3. The record of the administrative hearing including minutes, findings, orders and, if available, a true and correct transcript of the proceeding shall be transmitted to the reviewing court by the party filing the appeal and the costs of producing the record, including any transcripts, shall be borne by the party filing the appeal. If the proceeding was tape recorded, a transcript of such tape recording shall be deemed a true and correct transcript for purposes of this subsection.
4. The filing of a petition does not stay execution of an administrative order. Before filing a petition, a responsible person may request the administrative law judge to stay an administrative order. Upon receipt of a request to stay, the administrative law judge may order the administrative order to be stayed pending district court review if the administrative law judge finds such stay to be in the best interest of Alpine City.

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	_____	_____	_____	_____
Kimberly Bryant	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Ramon Beck	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Charmayne G. Warnock, City
Recorder Alpine City

ALPINE CITY COUNCIL AGENDA

SUBJECT: Amendment to Municipal Code – Land Disturbance Permits – Article 08.040

FOR CONSIDERATION ON: 23 April 2019

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Review and approve proposed changes.

BACKGROUND INFORMATION:

It is proposed that Alpine City adopt an Administrative Hearing process through amendments to the Municipal Code. In order to implement an Administrative Hearing process, changes are needed to the Land Disturbance Permits section of the Municipal Code.

STAFF RECOMMENDATION:

Approve Ordinance 2019-08 as proposed.

**ALPINE CITY
ORDINANCE 2019-08**

**AN ORDINANCE AMENDING ALPINE CITY MUNICIPAL CODE CHAPTER 14
ARTICLE 08.040**

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City and the residents of Alpine to adopt an Amendment to the Alpine City Municipal Code amending Chapter 14 Article 08.040 LAND DISTURBANCE PERMITS; and

WHEREAS, the Alpine City Council has reviewed the proposed Amendment to the municipal Code and held a Public Hearing.

NOW THEREFORE, be it ordained by the Council of Alpine City, in the State of Utah, as follows: Chapter 14 Article 08.040 Administrative Notice of the Alpine City Municipal Code is hereby repealed and replaced by Ordinance No. 2019-08 amending the Alpine City Municipal Code. This Ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “14.08.040 LAND DISTURBANCE PERMITS” of the Alpine City Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

14.08.040 LAND DISTURBANCE PERMITS

- A. WHEN REQUIRED. Every person will be required to obtain a land disturbance permit from the City Engineer in the following cases:
1. Land disturbing activity generally disturbs one (1) or more acres of land.
 2. Land disturbing activity of less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acre of land;
 3. Land disturbing activity of less than one (1) acre of land, if in the discretion of the City Engineer such activity poses a unique threat to water, or public health or safety;
 4. The creation and use of borrow pits.
 5. Development of a single family home.
 6. Processing of earthen materials such as top soil and gravel screening.
 7. Construction of parking lots.
 8. Commercial projects.
- B. DRAINAGE CHANNELS, WATERWAYS AND SENSITIVE AREAS
1. Property owners shall not alter or restrict natural channels and waterways without proper Federal, State and City permits.

2. Modifications of sensitive areas are subject to and governed by the Alpine City Sensitive Areas and Overlay Zone Ordinance (DCA 3.12). These actions will require a Land Disturbance Permit and approval from all other governing agencies.
 3. Property owners proposing to redirect runoff, surface and/or pipe flow to properties or facilities outside Alpine City boundaries must provide written approval from the state, county or municipality or their agents.
 4. Property owners are responsible for the protection of canals per the relevant sections of this ordinance.
 5. Discharges or modifications to the canals require written approval from the canal owners and applicable governing agencies.
- C. BUILDING PERMIT. No building permit shall be issued until the applicant has obtained a Land Disturbance Permit where the same is required by this ordinance.
- D. EXEMPTIONS. The following activities are exempt from the permit requirement:
1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 2. Existing nursery and agricultural operations conducted as a permitted main or accessory use.
 3. Any agricultural activity that is consistent with an approved farm conservation plan or a management plan prepared or approved by the appropriate City, Federal, or State Agency.
 4. Additions or modifications to existing single family structures that do not disturb more than 1 acre of property.
- E. APPLICATION FOR A LAND DISTURBANCE PERMIT
1. Applications shall be made with the Alpine City Building Department.
 2. Each application shall include the following:
 - a. Name of applicant;
 - b. Business or residence address of applicant;
 - c. Name, address and telephone number of the owner of the property of record in the office of the assessor of property;
 - d. Address of subject property;
 - e. Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;
 - f. A statement indicating the nature, extent and purpose of the land disturbing activity, including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity.
 3. The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those permits in the application shall not foreclose the City Engineer from imposing additional development requirements and conditions, commensurate with this ordinance, on the development of property covered by those permits.
 4. Each application shall be accompanied by:

- a. A sediment and erosion control plan.
 - b. A stormwater management plan providing for stormwater management during the land disturbing activity and after the activity has been completed.
5. Each application for a land disturbance permit shall be accompanied by payment of land disturbance permit and other stormwater management fees, as adopted by resolution and found in the City's currently adopted Consolidated Fee Schedule.

F. REVIEW AND APPROVAL OF APPLICATION

1. The City Engineer will review each application for a land disturbance permit to determine its conformance with the provisions of this ordinance. Within 15 days after receiving an application, the City Engineer shall provide one of the following responses in writing:
 - a. Approval of the permit application;
 - b. Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions; or
 - c. Denial of the permit application, indicating the reason(s) for the denial.
2. If the City Engineer has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the City Engineer. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the City Engineer.

No development plans will be released until the land disturbance permit has been approved.

G. PERMIT DURATION. Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance, or is not complete within eighteen (18) months from the date of the commencement of construction. If the land disturbance permit has expired before construction is complete, it shall be renewed with the associated land disturbance permit fee.

H. NOTICE OF CONSTRUCTION. The applicant must notify the City Engineer ten (10) working days in advance of the commencement of construction. Regular inspections of the stormwater management system construction shall be conducted by the City Engineer in accordance with MCA 14.08.120 Part A.

I. PERFORMANCE BONDS. The City Engineer may, at his discretion:

1. Require the submittal of a performance security or performance bond prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan.
 - a. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement.

- b. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan.
 - c. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the City Engineer.
 - d. Alternatively the City Engineer shall have the right to calculate the cost of construction cost estimates.
2. The performance security or performance bond shall be released in full only upon submission of as-built plans and written certification by a registered professional engineer licensed to practice in the State of Utah that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this ordinance.
 3. The City Engineer will make a final inspection of the structural BMP to ensure that it is in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages can be made at the discretion of the City Engineer.

(Ord. No. 2003-01, amended by Ord. No. 2012-02 5/22/12)

A F T E R A M E N D M E N T

14.08.040 LAND DISTURBANCE PERMITS

- A. WHEN REQUIRED. Every person will be required to obtain a land disturbance permit from the City Engineer in the following cases:
 1. Land disturbing activity generally disturbs one (1) or more acres of land.
 2. Land disturbing activity of less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acre of land;
 3. Land disturbing activity of less than one (1) acre of land, if in the discretion of the City Engineer such activity poses a unique threat to water, or public health or safety;
 4. The creation and use of borrow pits.
 5. Development of a single family home.
 6. Processing of earthen materials such as top soil and gravel screening.
 7. Construction of parking lots.
 8. Commercial projects.
- B. DRAINAGE CHANNELS, WATERWAYS AND SENSITIVE AREAS
 1. Property owners shall not alter or restrict natural channels and waterways without proper Federal, State and City permits.
 2. Modifications of sensitive areas are subject to and governed by the Alpine City Sensitive Areas and Overlay Zone Ordinance (DCA 3.12). These actions will require a Land Disturbance Permit and approval from all other governing agencies.

3. Property owners proposing to redirect runoff, surface and/or pipe flow to properties or facilities outside Alpine City boundaries must provide written approval from the state, county or municipality or their agents.
 4. Property owners are responsible for the protection of canals per the relevant sections of this ordinance.
 5. Discharges or modifications to the canals require written approval from the canal owners and applicable governing agencies.
- C. BUILDING PERMIT. No building permit shall be issued until the applicant has obtained a Land Disturbance Permit where the same is required by this ordinance.
- D. EXEMPTIONS. The following activities are exempt from the permit requirement:
1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 2. Existing nursery and agricultural operations conducted as a permitted main or accessory use.
 3. Any agricultural activity that is consistent with an approved farm conservation plan or a management plan prepared or approved by the appropriate City, Federal, or State Agency.
 4. Additions or modifications to existing single family structures that do not disturb more than 1 acre of property.
- E. APPLICATION FOR A LAND DISTURBANCE PERMIT
1. Applications shall be made with the Alpine City Building Department.
 2. Each application shall include the following:
 - a. Name of applicant;
 - b. Business or residence address of applicant;
 - c. Name, address and telephone number of the owner of the property of record in the office of the assessor of property;
 - d. Address of subject property;
 - e. Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;
 - f. A statement indicating the nature, extent and purpose of the land disturbing activity, including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity.
 3. The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those permits in the application shall not foreclose the City Engineer from imposing additional development requirements and conditions, commensurate with this ordinance, on the development of property covered by those permits.
 4. Each application shall be accompanied by:
 - a. A sediment and erosion control plan.
 - b. A stormwater management plan providing for stormwater management during the land disturbing activity and after the activity has been completed.

5. Each application for a land disturbance permit shall be accompanied by payment of land disturbance permit and other stormwater management fees, as adopted by resolution and found in the City's currently adopted Consolidated Fee Schedule.

F. REVIEW AND APPROVAL OF APPLICATION

1. The City Engineer will review each application for a land disturbance permit to determine its conformance with the provisions of this ordinance. Within 15 days after receiving an application, the City Engineer shall provide one of the following responses in writing:
 - a. Approval of the permit application;
 - b. Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions; or
 - c. Denial of the permit application, indicating the reason(s) for the denial.
2. If the City Engineer has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the City Engineer. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the City Engineer.

No development plans will be released until the land disturbance permit has been approved.

G. PERMIT DURATION. Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance, or is not complete within eighteen (18) months from the date of the commencement of construction. If the land disturbance permit has expired before construction is complete, it shall be renewed with the associated land disturbance permit fee.

H. NOTICE OF CONSTRUCTION. The applicant must notify the City Engineer ten (10) working days in advance of the commencement of construction. Regular inspections of the stormwater management system construction shall be conducted by the City Engineer in accordance with MCA 14.08.120 Part A.

I. PERFORMANCE BONDS. The City Engineer may, at his discretion:

1. Require the submittal of a cash performance security or cash performance bond prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan.
 - a. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement.
 - b. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan.
 - c. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the City Engineer.

- d. Alternatively the City Engineer shall have the right to calculate the cost of construction cost estimates.
2. The performance security or performance bond shall be released in full only upon submission of as-built plans and written certification by a registered professional engineer licensed to practice in the State of Utah that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this ordinance.
3. The City Engineer will make a final inspection of the structural BMP to ensure that it is in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages can be made at the discretion of the City Engineer.

(Ord. No. 2003-01, amended by Ord. No. 2012-02 5/22/12)

SECTION 2: **AMENDMENT** “14.08.120 ENFORCEMENT” of the Alpine City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.08.120 ENFORCEMENT

- A. ENFORCEMENT AUTHORITY. The City Engineer or his designees shall have the authority to issue notices of violation, stop work orders, and citations, and to impose the civil penalties provided in this section.
 1. With the issuance of a Land Disturbance Permit, the City Engineer shall be permitted to enter and inspect facilities subject to this ordinance at all reasonable times and as often as necessary to determine compliance. Failure to comply with the terms of this ordinance may result in punitive actions by Alpine City ordinance enforcement, by Utah County Health Department or by other means identified in permits or terms set forth in development applications. All inspections shall be documented and written reports prepared that contain the following information:
 - a. The date and location of the inspection;
 - b. Whether construction is in compliance with the approved stormwater management plan;
 - c. Variations from the approved construction specifications;
 - d. Any violations that exist.
 2. Building Official Enforcement. The Building Official is not permitted to perform a building inspection if the site is not in conformance with any aspect of this ordinance.
- B. NOTIFICATION OF VIOLATION

1. **Written Notice.** Whenever the City Engineer finds that any permittee or any other person discharging stormwater has violated or is violating this ordinance or a permit or order issued hereunder, the City Engineer may serve upon such person written notice of the violation. Within ten (10) days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the City Engineer. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.
 2. **Consent Orders.** The City Engineer is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to Parts B,d and B,e.
 3. **Show Cause Hearing.** The City Engineer may order any person who violates this ordinance or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.
 4. **Compliance Order.** When the City Engineer finds that any person has violated or continues to violate this ordinance or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures, devices, be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.
 5. **Cease and Desist Orders.** When the City Engineer finds that any person has violated or continues to violate this ordinance or any permit or order issued hereunder, the director may issue an order to cease and desist all such violations and direct those persons in noncompliance to:
 - a. Comply forthwith; or
 - b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
- C. **CONFLICTING STANDARDS.** Whenever there is a conflict between any standard contained in this ordinance and in the BMP manuals adopted by the municipality under this ordinance, the strictest standard shall prevail.

D. VIOLATIONS. Any person who shall commit any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City Engineer, shall be guilty of a Class B Misdemeanor.

(Ord. No. 2003-01, amended by Ord. No. 2012-02 5/22/12)

AFTER AMENDMENT

14.08.120 ENFORCEMENT

A. ENFORCEMENT AUTHORITY. The City Engineer or his designees shall have the authority to issue notices of violation, stop work orders, and citations, and to impose the civil penalties provided in this section.

1. With the issuance of a Land Disturbance Permit, the City Engineer shall be permitted to enter and inspect facilities subject to this ordinance at all reasonable times and as often as necessary to determine compliance. Failure to comply with the terms of this ordinance may result in punitive actions by Alpine City ordinance enforcement, by Utah County Health Department or by other means identified in permits or terms set forth in development applications. All inspections shall be documented and written reports prepared that contain the following information:

- a. The date and location of the inspection;
- b. Whether construction is in compliance with the approved stormwater management plan;
- c. Variations from the approved construction specifications;
- d. Any violations that exist.

2. Building Official Enforcement. The Building Official is not permitted to perform a building inspection if the site is not in conformance with any aspect of this ordinance.

B. NOTIFICATION OF VIOLATION

1. Written Notice. Whenever the City Engineer finds that any permittee or any other person discharging stormwater has violated or is violating this ordinance or a permit or order issued hereunder, the City Engineer may serve upon such person written notice of the violation. Within ten (10) days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the City Engineer. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

2. Consent Orders. The City Engineer is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to Parts B,d and B,e.
 3. ~~Show Cause Hearing. The City Engineer may order any person who violates this ordinance or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.~~
 4. Compliance Order. When the City Engineer finds that any person has violated or continues to violate this ordinance or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures, devices, be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.
 5. Cease and Desist Orders. When the City Engineer finds that any person has violated or continues to violate this ordinance or any permit or order issued hereunder, the director may issue an order to cease and desist all such violations and direct those persons in noncompliance to:
 - a. Comply forthwith; or
 - b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
- C. CONFLICTING STANDARDS. Whenever there is a conflict between any standard contained in this ordinance and in the BMP manuals adopted by the municipality under this ordinance, the strictest standard shall prevail.
- D. VIOLATIONS. Any person who shall commit any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City Engineer, ~~shall be guilty of a Class B Misdemeanor~~ and shall be issued a notice of violation per section 3.14.030 of the Municipal Code.

(Ord. No. 2003-01, amended by Ord. No. 2012-02 5/22/12)

SECTION 3: AMENDMENT “14.08.140 APPEALS” of the Alpine City Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

14.08.140 APPEALS

- A. APPEALS TO ALPINE CITY COUNCIL. Pursuant to Utah Code 10-3-703.7. Annotated, any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this ordinance may appeal said penalty or damage assessment to an administrative law judge appointed for that purpose by the Alpine City Council.
- B. APPEALS TO BE IN WRITING. The appeal shall be in writing and filed with the City Recorder within fifteen (15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.
- C. HEARING IN THE PUBLIC. Upon receipt of an appeal, the Alpine City Council shall hold a hearing within thirty (30) days. Ten (10) days notice by registered mail shall be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the Alpine City Council shall be final.
- D. APPEALING DECISIONS OF THE MUNICIPALITY'S GOVERNING BODY. Any alleged violator may appeal a decision of the Alpine City Council pursuant to the provisions of Utah Code 10-3-703.7(5) Annotated.

(Ord. No. 2003-01, amended by Ord. No. 2012-02 5/22/12)

A F T E R A M E N D M E N T

14.08.140 APPEALS

- A. APPEALS TO ~~ALPINE CITY COUNCIL~~ ADMINISTRATIVE LAW JUDGE. Pursuant to Utah Code 10-3-703.7. Annotated, any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this ordinance may appeal said penalty or damage assessment to an administrative law judge appointed for that purpose by the Alpine City Council.
- B. APPEALS TO BE IN WRITING. The appeal shall be in writing and filed with the City Recorder within fifteen (15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.
- C. HEARING IN THE PUBLIC. Upon receipt of an appeal, the ~~Alpine City Council~~ Administrative Law Judge shall hold a hearing within thirty (30) days. Ten (10) days notice by registered mail shall be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the ~~Alpine City Council~~ Administrative Law Judge shall be final.

D. APPEALING DECISIONS OF THE MUNICIPALITY'S GOVERNING BODY. Any alleged violator may appeal a decision of the Alpine City Council pursuant to the provisions of Utah Code 10-3-703.7(5) Annotated.

(Ord. No. 2003-01, amended by Ord. No. 2012-02 5/22/12)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	_____	_____	_____	_____
Kimberly Bryant	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Ramon Beck	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Charmayne G. Warnock, City
Recorder Alpine City

ALPINE CITY COUNCIL AGENDA

**SUBJECT: Amendment to Municipal Code – Nuisance Violations – Article
10.06.050**

FOR CONSIDERATION ON: 23 April 2019

PETITIONER: Staff

**ACTION REQUESTED BY PETITIONER: Review and approve proposed
changes.**

BACKGROUND INFORMATION:

It is proposed that Alpine City adopt an Administrative Hearing process through amendments to the Municipal Code. In order to implement an Administrative Hearing process, changes are needed to the Disposal of Nuisance section of the Municipal Code.

STAFF RECOMMENDATION:

Approve Ordinance 2019-06 as proposed.

**ALPINE CITY
ORDINANCE 2019-06**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 10.06.050 OF THE ALPINE
CITY MUNICIPAL CODE PERTAINING TO NUISANCE VIOLATIONS**

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City and the residents of Alpine to adopt an Amendment to the Alpine City Municipal Code amending Chapter 10 Article 06.050 ADMINISTRATIVE NOTICES-HEARINGS-DISPOSAL OF NUISANCE-LIEN-PENALTY FOR VIOLATION

WHEREAS, the Alpine City Council has reviewed the proposed Amendment to the municipal Code:

NOW THEREFORE, be it ordained by the Council of Alpine City, in the State of Utah, as follows: Chapter 10 Article 06.050 Administrative Notice of the Alpine City Municipal Code is hereby repealed and replaced by Ordinance No. 2019-06 amending the Alpine City Municipal Code. This Ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “10.06.050 ADMINISTRATIVE NOTICES - HEARINGS - DISPOSAL OF NUISANCE - LIEN - PENALTY FOR VIOLATION” of the Alpine City Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

10.06.050 ADMINISTRATIVE NOTICES - HEARINGS - DISPOSAL OF NUISANCE - LIEN - PENALTY FOR VIOLATION

A. APPOINTMENT AND DUTIES OF INSPECTOR

1. There is hereby established the position of nuisance inspector whose duties it shall be to enforce the provisions of this chapter. Until another person is designated, the chief of police shall enforce the provisions of this chapter. More than one person may be appointed to act as inspector under this section.
2. The nuisance inspector is authorized to:
 - a. Perform all functions necessary to enforce the provisions of this chapter.
 - b. Inspect or cause to be inspected, as often as needed, all buildings, structures, lots or places for the purpose of determining whether such are in compliance with the provisions of this chapter.
3. If he concludes there exists an objectionable condition in violation of this chapter, the inspector shall:
 - a. Ascertain the names of the owners and occupants and descriptions of the premises where such objects and conditions exist.
 - b. Serve notice in writing upon the owner and occupant of such premises,

either personally or by mailing notice, postage prepaid, addressed to the owner and occupant at their last known post office addresses as disclosed by the records of the county assessor or as otherwise ascertained, requiring such owner or occupant, or both, as the case may be, to eradicate or destroy and remove the same within such time as the inspector may designate, provided that any person notified pursuant to this Part shall be given at least ten (10) but not more than twenty (20) days, as determined by the inspector following the date of service of such notice, to correct the objectionable condition. The notice shall:

- i. Contain a specific statement of the nature of the violation and generally describe the premises on which the violation exists.
 - ii. Inform the owner, occupant or other person that in the event he disagrees with the determination of the inspector and does not wish to comply with the provisions of the notice or that he objects to the factual or legal basis for the notice, he may request in writing a hearing before the city council at a time and place to be set by the city council. A written application for a hearing shall state the time within which the person must conform to the provisions of the notice.
 - iii. Inform the person that in the event he fails or neglects to correct the objectionable condition, the city will correct the objectionable condition and will collect the costs of so correcting the objectionable condition by either a court action, in which case he will be assessed such costs together with reasonable cost of correcting the violation against the property as a tax.
- c. In the event the owner or occupant makes such request for a hearing, the city council shall set the time and place for hearing objections and the recorder shall notify the owner, occupant, or other persons in writing of the time and place at which they may appear and be heard. The hearing shall not be heard within less than five days form the date of service or mailing of the notice of hearing.

B. HEARING

1. At the written request of an owner, occupant or other person having an interest in property which is the subject of notice to remove or abate weeds, objectionable conditions, or objects from the property, the city council shall conduct an informal hearing (which need not be reported) wherein such persons may present such evidence and argument as is pertinent to the question of whether or not the removal or abatement of the objects or conditions is properly within the purview of this chapter. The city council shall also permit the presentation of evidence and argument by the inspector and other interested parties. Thereafter within not less than five nor more than ten days, the city council shall over the signature of the mayor or such other member of the city council as it may designate render its written decision, a copy of which shall be mailed to served upon the owner or other person to whom original notice was given by the inspector.
 2. In the event the decision of the city council upholds the determination of the inspector, the notice originally given by the inspector as above provided shall be deemed to be sufficient to require the owner or occupant to remove or abate the objectionable objects or conditions, and he shall have up to ten days from the date of notice of the decision within which to conform thereto, unless additional time, not to exceed 30 days, is authorized by the inspector.
 3. In the event that the decision of the city council either overrules or modifies the determination of the inspector, the written decision of the city council shall apprise the owner or occupant of that fact and set forth the details and extent to which the owner or occupant must make removal or other abatement of the objectionable objects or conditions, if any. The owner or occupant shall be required to conform to the decision of the city council within ten days after service or mailing of a copy of the decision, and the decision shall be deemed to be the modified decision of the inspector unless additional time is authorized by the city council.
 4. The inspector shall file an amended notice and proof of service of notice and file the same in the office of the county treasurer.
- C. FAILURE TO COMPLY. If any owner, occupant or other person having an interest in land described in such notice or decision to whom the notice was given shall fail or neglect to conform to the requirements thereof relating to the eradication, destruction or removal of such weeds, garbage, refuse, objects, or structures, the inspector shall employ all necessary assistance to cause such objectionable objects or condition to be removed or destroyed at the expense of the city.
- D. ITEMIZED STATEMENT. The inspector shall prepare an itemized statement of all expenses incurred in the removal and destruction of nuisances, and shall mail a copy thereof to the owner or occupant or both or to persons having an interest in the property, demanding payment within twenty days of the date of mailing, The notice shall be deemed delivered when mailed by registered mail addressed to the last known address of the property owner, occupant, or person having an interest in the property.

- E. FAILURE TO MAKE PAYMENT. In the event the owner, occupant or person having an interest in the property, fails to make payment of the amount set forth in the statement to the city treasurer within the 20 days, the inspector either may cause suit to be brought in an appropriate court of law or may refer the matter to the county treasurer as provided in this chapter.
- F. COLLECTION BY LAW SUIT. In the event collection of expenses of destruction and removal are pursued through the courts, the city shall sue for and receive judgment for all of said expenses of destruction and removal, together with reasonable attorneys' fees, interest and court costs, and shall execute upon such judgment in the manner provided by law.
- G. COLLECTION THROUGH TAXES. In the event that the inspector elects to refer the expenses of destruction or removal to the county treasurer for inclusion in the tax notice of the property owner, he shall make in triplicate an itemized statement of all expenses incurred in the destruction and removal of the same, and shall deliver the three copies of the statement to the county treasurer within ten days after the completion of the work of destroying or removing such weeds, refuse, garbage, objects or structures. Thereupon, the cost of the work shall be pursued by the county treasurer in accordance with the provisions of section 10-11-4, Utah Code Annotated 1953, and the recalcitrant owner shall have such rights and shall be subject to such powers as are thereby granted.
- H. CRIMINAL PROCEEDING. The commencement of criminal proceedings for the purpose of imposing penalties for violations of this chapter shall not be conditioned upon prior issuance or the granting to the defendant of an opportunity to abate or remove the nuisance. The provisions of this chapter relating to notice and abatement shall be deemed merely alternative and additional methods of securing conformity to the provisions of this chapter.
- I. PENALTY FOR FAILURE TO COMPLY
 - 1. Any owner, occupant or person having an interest in the property subject to this chapter who shall fail to comply with the notice or order given pursuant to this chapter shall be guilty of a class C misdemeanor for each offense and further sum of \$25.00 for each and every day such failure to comply continues beyond the date fixed for compliance.
 - 2. Compliance by any owner, occupant or person to whom a notice has been given as provided in this chapter shall not be admissible in any criminal proceeding brought pursuant to this section.

A F T E R A M E N D M E N T

10.06.050 ADMINISTRATIVE NOTICES - HEARINGS - DISPOSAL OF NUISANCE - LIEN - PENALTY FOR VIOLATION

- A. APPOINTMENT AND DUTIES OF INSPECTOR
 - 1. There is hereby established the position of nuisance inspector whose duties it shall be to enforce the provisions of this chapter. Until another person is designated, the chief of police shall enforce the provisions of this chapter. More than one person may be appointed to act as inspector under this section.

2. The nuisance inspector is authorized to:
 - a. Perform all functions necessary to enforce the provisions of this chapter.
 - b. Inspect or cause to be inspected, as often as needed, all buildings, structures, lots or places for the purpose of determining whether such are in compliance with the provisions of this chapter.
3. If he concludes there exists an objectionable condition in violation of this chapter, the inspector shall:
 - a. Ascertain the names of the owners and occupants and descriptions of the premises where such objects and conditions exist.
 - b. Serve notice in writing upon the owner and occupant of such premises, either personally or by mailing notice, postage prepaid, addressed to the owner and occupant at their last known post office addresses as disclosed by the records of the county assessor or as otherwise ascertained, requiring such owner or occupant, or both, as the case may be, to eradicate or destroy and remove the same within such time as the inspector may designate, provided that any person notified pursuant to this Part shall be given at least ten (10) but not more than twenty (20) days, as determined by the inspector following the date of service of such notice, to correct the objectionable condition. The notice shall:
 - i. Contain a specific statement of the nature of the violation and generally describe the premises on which the violation exists.
 - ii. Inform the owner, occupant or other person that in the event he disagrees with the determination of the inspector and does not wish to comply with the provisions of the notice or that he objects to the factual or legal basis for the notice, he may request in writing a hearing before the ~~city council~~ Administrative Law Judge at a time and place to be set by the ~~city council~~ Administrative Law Judge. A written application for a hearing shall state the time within which the person must conform to the provisions of the notice.
 - iii. Inform the person that in the event he fails or neglects to correct the objectionable condition, the city will correct the objectionable condition and will collect the costs of so correcting the objectionable condition by either a court action, in which case he will be assessed such costs together with reasonable cost of correcting the violation against the property as a tax.
 - c. In the event the owner or occupant makes such request for a hearing, the ~~city council~~ Administrative Law Judge shall set the time and place for hearing objections and the recorder shall notify the owner, occupant, or other persons in writing of the time and place at which they may appear and be heard. The hearing shall not be heard within less than five days form the date of service or mailing of the notice of hearing.

B. HEARING

1. At the written request of an owner, occupant or other person having an interest in property which is the subject of notice to remove or abate weeds, objectionable conditions, or objects from the property, the city council shall conduct an informal hearing (which need not be reported) wherein such persons may present such evidence and argument as is pertinent to the question of whether or not the removal or abatement of the objects or conditions is properly within the purview of this chapter. The city council shall also permit the presentation of evidence and argument by the inspector and other interested parties. Thereafter within not less than five nor more than ten days, the ~~city council~~ Administrative Law Judge shall ~~over the signature of the mayor or such other member of the city council as it may designate~~ render ~~its~~ a written decision, a copy of which shall be mailed to served upon the owner or other person to whom original notice was given by the inspector.
 2. In the event the decision of the ~~city council~~ Administrative Law Judge upholds the determination of the inspector, the notice originally given by the inspector as above provided shall be deemed to be sufficient to require the owner or occupant to remove or abate the objectionable objects or conditions, and he shall have up to ten days from the date of notice of the decision within which to conform thereto, unless additional time, not to exceed 30 days, is authorized by the inspector.
 3. In the event that the decision of the ~~city council~~ Administrative Law Judge either overrules or modifies the determination of the inspector, the written decision of the ~~city council~~ Administrative Law Judge shall apprise the owner or occupant of that fact and set forth the details and extent to which the owner or occupant must make removal or other abatement of the objectionable objects or conditions, if any. The owner or occupant shall be required to conform to the decision of the ~~city council~~ Administrative Law Judge within ten days after service or mailing of a copy of the decision, and the decision shall be deemed to be the modified decision of the inspector unless additional time is authorized by the city council.
 4. The inspector shall file an amended notice and proof of service of notice and file the same in the office of the county treasurer.
- C. FAILURE TO COMPLY. If any owner, occupant or other person having an interest in land described in such notice or decision to whom the notice was given shall fail or neglect to conform to the requirements thereof relating to the eradication, destruction or removal of such weeds, garbage, refuse, objects, or structures, the inspector shall employ all necessary assistance to cause such objectionable objects or condition to be removed or destroyed at the expense of the city.
- D. ITEMIZED STATEMENT. The inspector shall prepare an itemized statement of all expenses incurred in the removal and destruction of nuisances, and shall mail a copy thereof to the owner or occupant or both or to persons having an interest in the property, demanding payment within twenty days of the date of mailing, The notice shall be deemed delivered when mailed by registered mail addressed to the last known address of the property owner, occupant, or person having an interest in the property.

- E. FAILURE TO MAKE PAYMENT. In the event the owner, occupant or person having an interest in the property, fails to make payment of the amount set forth in the statement to the city treasurer within the 20 days, the inspector either may cause suit to be brought in an appropriate court of law or may refer the matter to the county treasurer as provided in this chapter.
- F. COLLECTION BY LAW SUIT. In the event collection of expenses of destruction and removal are pursued through the courts, the city shall sue for and receive judgment for all of said expenses of destruction and removal, together with reasonable attorneys' fees, interest and court costs, and shall execute upon such judgment in the manner provided by law.
- G. COLLECTION THROUGH TAXES. In the event that the inspector elects to refer the expenses of destruction or removal to the county treasurer for inclusion in the tax notice of the property owner, he shall make in triplicate an itemized statement of all expenses incurred in the destruction and removal of the same, and shall deliver the three copies of the statement to the county treasurer within ten days after the completion of the work of destroying or removing such weeds, refuse, garbage, objects or structures. Thereupon, the cost of the work shall be pursued by the county treasurer in accordance with the provisions of section 10-11-4, Utah Code Annotated 1953, and the recalcitrant owner shall have such rights and shall be subject to such powers as are thereby granted.
- H. CRIMINAL PROCEEDING. The commencement of criminal proceedings for the purpose of imposing penalties for violations of this chapter shall not be conditioned upon prior issuance or the granting to the defendant of an opportunity to abate or remove the nuisance. The provisions of this chapter relating to notice and abatement shall be deemed merely alternative and additional methods of securing conformity to the provisions of this chapter.
- I. PENALTY FOR FAILURE TO COMPLY
 - 1. Any owner, occupant or person having an interest in the property subject to this chapter who shall fail to comply with the notice or order given pursuant to this chapter shall be guilty of a class C misdemeanor for each offense and further sum of \$25.00 for each and every day such failure to comply continues beyond the date fixed for compliance.
 - 2. Compliance by any owner, occupant or person to whom a notice has been given as provided in this chapter shall not be admissible in any criminal proceeding brought pursuant to this section.

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	_____	_____	_____	_____
Kimberly Bryant	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Ramon Beck	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Charmayne G. Warnock, City
Recorder Alpine City

ALPINE CITY COUNCIL AGENDA

**SUBJECT: Amendment to Development Code – Open Space Cash Bonds –
Article 3.16.110**

FOR CONSIDERATION ON: 23 April 2019

PETITIONER: Staff

**ACTION REQUESTED BY PETITIONER: Review and approve proposed
changes.**

BACKGROUND INFORMATION:

It is proposed that Alpine City adopt an Administrative Hearing process through amendments to the Municipal Code. In order to implement an Administrative Hearing process, changes are needed to the Open Space section of the Development Code to specify the specific type of bond that is required by the City.

STAFF RECOMMENDATION:

Approve Ordinance 2019-04 as proposed.

**ALPINE CITY
ORDINANCE 2019-04**

AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.16.110 OF THE ALPINE CITY DEVELOPMENT CODE PERTAINING TO OPEN SPACE CASH BONDS

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City and the residents of Alpine to adopt an Amendment to the Alpine City Development Code amending Chapter 3 Article 16 Open Space; and

WHEREAS, the Alpine City Planning Commission has reviewed the proposed Amendment to the Development Code and has forward a favorable recommendation to the City Council; and

WHEREAS, the Alpine City Council has reviewed the proposed Amendments to the Development Code and held a Public Hearing:

NOW THEREFORE, be it ordained by the Alpine City Council that: Chapter 3 Article 16 Open Space Ordinance of the Alpine City Development Code is hereby repealed and replaced by Ordinance No. 2019-04 amending the Alpine City Development Code. This ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “3.16.110 Enforcement” of the Alpine City Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

3.16.110 Enforcement

1. Subdivision Approval Stage

- a. Open space designations and ownership shall be included on all plats and recorded on deeds.
- b. Signs shall be provided by the City which can be photocopied, protected with plastic and fastened to stakes surrounding open space. These signs shall indicate City-owned open space and penalties for damage caused by construction crews and vehicles.
- c. Developers are required to stake, clearly tape off and post signs marking all trail corridors and open spaces prior to the start of construction. The site may be walked by the City Staff, City Council and Planning Commission.
- d. A bond to be approved by the City Engineer shall be posted by the developer against damage to public open space.

- 2. Before Bond Release.** Developers shall ensure that tapes and signs are in place continuously during construction. The tapes and signs shall remain in place until

construction is completed and the final bonds are released. They shall be replaced if necessary if damaged or lost from other causes.

- a. Developers will be assessed a fine if damage is done to publicly owned areas by their contractors or their agents, and they will be required to restore the area(s) at their cost to the satisfaction of the City Engineer.

3. **Before Building Permit is Issued.** Before building permits are issued, all potential homeowners with property adjacent to open space shall bond, (amount to be set by City Engineer) for any and all damage done to public property caused by the owner and/or his contractor or agents during home construction.

- a. Public open space must be staked, temporarily fenced off and marked with signs so that all construction crews will be aware of these public lands. (Amended by Ord. 2004-13, 9/28/04)
- b. A copy of this ordinance shall be provided to the property owner when the building permit is issued.

4. **Before Occupancy Permits are Issued.** All damage to public open space and/or improvements upon it caused by home construction must be repaired by the homeowner at his or her expense.

- a. If construction is completed during winter and weather prohibits replanting or other restoration, an additional bond may be posted to be held until repairs are approved by the City Administrator. The amount of bond to be determined by the City Engineer.

(Ord. 1998-20, 11/24/98; amended Ord. 2007-12, 08/14/07; Ord. 2016-07, 07/26/16; Ord. 2016-24, 11/09/16)

AFTER AMENDMENT

3.16.110 Enforcement

1. Subdivision Approval Stage

- a. Open space designations and ownership shall be included on all plats and recorded on deeds.
- b. Signs shall be provided by the City which can be photocopied, protected with plastic and fastened to stakes surrounding open space. These signs shall indicate City-owned open space and penalties for damage caused by construction crews and vehicles.
- c. Developers are required to stake, clearly tape off and post signs marking all trail corridors and open spaces prior to the start of construction. The site may be walked by the City Staff, City Council and Planning Commission.
- d. A cash bond to be approved by the City Engineer shall be posted by the developer against damage to public open space.

2. **Before Bond Release.** Developers shall ensure that tapes and signs are in place continuously during construction. The tapes and signs shall remain in place until construction is completed and the final bonds are released. They shall be replaced if necessary if damaged or lost from other causes.

- a. Developers will be assessed a fine if damage is done to publicly owned areas by their contractors or their agents, and they will be required to restore the area(s) at their cost to the satisfaction of the City Engineer.
- 3. **Before Building Permit is Issued.** Before building permits are issued, all potential homeowners with property adjacent to open space shall bond, (amount to be set by City Engineer) for any and all damage done to public property caused by the owner and/or his contractor or agents during home construction.
 - a. Public open space must be staked, temporarily fenced off and marked with signs so that all construction crews will be aware of these public lands. (Amended by Ord. 2004-13, 9/28/04)
 - b. A copy of this ordinance shall be provided to the property owner when the building permit is issued.
- 4. **Before Occupancy Permits are Issued.** All damage to public open space and/or improvements upon it caused by home construction must be repaired by the homeowner at his or her expense.
 - a. If construction is completed during winter and weather prohibits replanting or other restoration, an additional bond may be posted to be held until repairs are approved by the City Administrator. The amount of cash bond to be determined by the City Engineer.

(Ord. 1998-20, 11/24/98; amended Ord. 2007-12, 08/14/07; Ord. 2016-07, 07/26/16; Ord. 2016-24, 11/09/16)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	_____	_____	_____	_____
Kimberly Bryant	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Ramon Beck	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Charmayne G. Warnock, City
Recorder Alpine City

ALPINE CITY COUNCIL AGENDA

**SUBJECT: Amendment to Development Code – Infrastructure Protection Bonds
– Article 4.12.030 & Article 4.12.060**

FOR CONSIDERATION ON: 23 April 2019

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Review and approve proposed changes.

BACKGROUND INFORMATION:

It is proposed that Alpine City adopt an Administrative Hearing process through amendments to the Municipal Code. In order to implement an Administrative Hearing process, changes are needed to the Infrastructure Protection Bond section of the Development Code.

STAFF RECOMMENDATION:

Approve Ordinance 2019-05 as proposed.

**ALPINE CITY
ORDINANCE 2019-05**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 4.12.030 AND 4.12.060 OF
THE ALPINE CITY DEVELOPMENT CODE PERTAINING TO CASH
INFRASTRUCTURE PROTECTION BONDS**

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City and the residents of Alpine to adopt an Amendment to the Alpine City Development Code amending Chapter 4 Article 12.030 Final Disposal and Release of Infrastructure Protection Bonds; and

WHEREAS, the Alpine City Planning Commission has reviewed the proposed Amendments to the Development Code, held a public hearing, and has forwarded a recommendation to the City Council; and

WHEREAS, the Alpine City Council has reviewed the proposed Amendments to the Development Code and held a Public Hearing;

NOW THEREFORE, be it ordained by the Alpine City Council that: The amendments to Article 4.12.030 and 4.12.060 contained in the attached document will supersede Article 4.12.3 and 4.12.6 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “4.12.030 Final Disposition And Release” of the Alpine City Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

4.12.030 Final Disposition And Release

The builder; or other person giving the Infrastructure Protection Bond provided for by this ordinance, shall be responsible for maintaining the Infrastructure, including but not limited to roadway, curb, gutter, sidewalk, trails, parks, planter strips, streetlights, open space, water and sewer pipes and appurtenances, valves, meters, etc., in the same condition as before the permit was issued. The burden of proof will be the responsibility of the Building Permit Holder to verify the condition of the infrastructure before work started. If the builder posts the cash bond, it shall be acceptable to Alpine City for the builder to transfer the bond to the property owner, and the transfer shall be the responsibility of the builder. At the completion of the construction and landscaping, the person giving the guarantee shall submit to the City Building Inspector and the City Public Works Director a request for release of the Protection Bond. The City Building Inspector or the City Public Works Director shall then make a preliminary inspection of the City infrastructure and shall then determine if the City infrastructure has been maintained in a satisfactory condition. If the City infrastructure is found to be satisfactory by the City Building Inspector or City Public Works Director, they shall authorize the release of the cash bond. The release of the bond shall only be made to the person or entity, which posted the bond and to no other person or entity. If the condition of the City infrastructure shows damage, unusual depreciation or does not comply with the acceptable standards of durability, the matter shall be referred to the Mayor through the City Administrator; and in accordance with DCA 4.12.060, the Mayor may declare the person giving the guarantee in default.

(Ord. 98-19 amending Ord. 78-03)

(Ord 97-04, 4/8/97; Amended by Ord. 2004-13, 9/29/04; Ord. 2008-03, 4/8/08; Ord. 2008-14, 8/26/08)

AFTER AMENDMENT

4.12.030 Final Disposition And Release

The builder; or other person giving the Infrastructure Protection Bond provided for by this ordinance, shall be responsible for maintaining the Infrastructure, including but not limited to roadway, curb, gutter, sidewalk, trails, parks, planter strips, streetlights, open space, water and sewer pipes and appurtenances, valves, meters, etc., in the same condition as before the permit was issued. The burden of proof will be the responsibility of the Building Permit Holder to verify the condition of the infrastructure before work started. If the builder posts the cash bond, it shall be acceptable to Alpine City for the builder to transfer the bond to the property owner, and the transfer shall be the responsibility of the builder. At the completion of the construction and landscaping, the person giving the guarantee shall submit to the City Building ~~Inspector and the City Public Works Director~~ Department a request for release of the Protection Bond. The City ~~Building Inspector or the City~~ Public Works ~~Director~~ Department shall then make a preliminary inspection of the City infrastructure and shall then determine if the City infrastructure has been maintained in a satisfactory condition. If the City infrastructure is found to be satisfactory by the ~~City Building Inspector or~~ City Public Works ~~Director~~ Department, they shall authorize the release of the cash bond. The release of the bond shall only be made to the person or entity, which posted the bond and to no other person or entity. If the condition of the City infrastructure shows damage, unusual depreciation or does not comply with the acceptable standards of durability, the matter shall be referred to ~~the Mayor through~~ the City Administrator; and in accordance with DCA 4.12.060, the ~~Mayor~~ City Administrator may declare the person giving the guarantee in default.

(Ord. 98-19 amending Ord. 78-03)

(Ord 97-04, 4/8/97; Amended by Ord. 2004-13, 9/29/04; Ord. 2008-03, 4/8/08; Ord. 2008-14, 8/26/08)

SECTION 2: **AMENDMENT** “4.12.060 Default” of the Alpine City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

4.12.060 Default

1. When the Mayor shall determine that the person posting the Cash Infrastructure Protection Bond has failed or neglected to satisfactory protect the affected City infrastructure or make required repairs and/or corrections, the Mayor may declare the Cash Infrastructure Protection Bond forfeited and the City's intentions to install or cause the required improvements to be installed or repaired using the proceeds of the Cash Infrastructure Protection Bond, plus any accrued interest, to defray the expense thereof. The Mayor shall give written notice of his decision to the person who posted the bond. The Mayor's decision may be appealed to the City Council. If the person who posted the bond wishes to appeal the Mayor's decision, a notice of appeal must be filed in writing with the City Recorder within five (5) business days from the receipt of notice of the Mayor's decision. The City Council shall hold a hearing to determine the appeal at its next public meeting. At the hearing the person who posted the bond shall be given an opportunity to present evidence as to why the bond should not be forfeited. The evidence may be in the form of written or oral submissions. The Building Inspector or Public Works Director shall be asked to respond to the appeal at the hearing before the Council. After hearing all evidence and considering all relevant facts the City Council shall determine if the bond is to be forfeited or released. If forfeited, the Cash Infrastructure Protection Bond, plus any accrued interest, shall be used to defray the expense of installing or repairing the City infrastructure.
2. In the event that the Cash Infrastructure Protection Bond is not sufficient to pay all the cost and expense of such installation, correction, or repair, the City may maintain an action against the person giving the guarantee for the excess. If the Cash Infrastructure Protection Bond is more than sufficient to pay all the cost and expense, then the excess proceeds shall be returned to the person who posted the bond.

(Ord. 98-19 amending Ord. 78-03)

(Ord 97-04, 4/8/97; Amended by Ord. 2004-13, 9/29/04; Ord. 2008-03, 4/8/08; Ord. 2008-14, 8/26/08)

AFTER AMENDMENT

4.12.060 Default

1. When the ~~Mayor~~City Administrator shall determine that the person posting the Cash Infrastructure Protection Bond has failed or neglected to satisfactory protect the affected City infrastructure or make required repairs and/or corrections, the ~~Mayor~~City Administrator may declare the Cash Infrastructure Protection Bond forfeited and the City's intentions to install or cause the required improvements to be installed or repaired using the proceeds of the Cash Infrastructure Protection Bond, plus any accrued interest, to defray the expense thereof. The ~~Mayor~~City Administrator shall give written notice of his decision to the person who posted the bond. The ~~Mayor's~~City Administrator's decision may be appealed to the ~~City Council~~Administrative Law Judge. If the person who posted the bond wishes to appeal the ~~Mayor's~~City Administrator's decision, a notice of appeal must be filed in writing with the City Recorder within five (5) business days from the receipt of notice of the ~~Mayor's~~City Administrator's decision. The ~~City Council~~Administrative Law Judge shall hold a hearing to determine the appeal at its next public meeting. At the hearing the person who posted the bond shall be given an opportunity to present evidence as to why the bond should not be forfeited. The evidence may be in the form of written or oral submissions. The ~~Building Inspector or~~ Public Works ~~Director~~Department shall be asked to respond to the appeal at the hearing before the ~~Council~~Administrative Law Judge. After hearing all evidence and considering all relevant facts the ~~City Council~~Administrative Law Judge shall determine if the bond is to be forfeited or released. If forfeited, the Cash Infrastructure Protection Bond, plus any accrued interest, shall be used to defray the expense of installing or repairing the City infrastructure.
2. In the event that the Cash Infrastructure Protection Bond is not sufficient to pay all the cost and expense of such installation, correction, or repair, the City may maintain an action against the person giving the guarantee for the excess. If the Cash Infrastructure Protection Bond is more than sufficient to pay all the cost and expense, then the excess proceeds shall be returned to the person who posted the bond.

(Ord. 98-19 amending Ord. 78-03)

(Ord 97-04, 4/8/97; Amended by Ord. 2004-13, 9/29/04; Ord. 2008-03, 4/8/08; Ord. 2008-14, 8/26/08)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	_____	_____	_____	_____
Kimberly Bryant	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Ramon Beck	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Charmayne G. Warnock, City
Recorder Alpine City

ALPINE CITY COUNCIL AGENDA

**SUBJECT: Amendment to Development Code – Building Material Samples –
Article 3.11.040**

FOR CONSIDERATION ON: 23 April 2019

PETITIONER: Staff

**ACTION REQUESTED BY PETITIONER: Review and approve proposed
changes.**

BACKGROUND INFORMATION:

It is proposed that language be added to the Gateway/Historic section of code that would allow the Planning Commission to ask for physical building material samples for any project in the zone.

STAFF RECOMMENDATION:

Approve Ordinance 2019-09 as proposed.

**ALPINE CITY
ORDINANCE 2019-09**

AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.11.040 OF THE ALPINE CITY DEVELOPMENT CODE PERTAINING TO RENDERING MATERIAL SAMPLES

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City and the residents of Alpine to adopt an Amendment to the Alpine City Development Code amending Chapter 3 Article 11.040 Site Plan Process; and

WHEREAS, the Alpine City Planning Commission has reviewed the proposed Amendment to the Development Code and has forward a favorable recommendation to the City Council; and

WHEREAS, the alpine City Council has reviewed the proposed Amendment to the Development Code and held a Public Hearing:

NOW THEREFORE, be it ordained by the Council of Alpine City, in the State of Utah, as follows: Chapter 4 Article 11.040 Site Plan Process Ordinance of the Alpine City Development Code is hereby repealed and replaced by Ordinance No. 2019-09 amending the Alpine City Development Code. This Ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “3.11.040 Site Plan Process” of the Alpine City Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

3.11.040 Site Plan Process

1. During the review process, the City Planner and City Engineer, the Planning Commission, and the City Council may request reasonable additional information from the applicant from time to time; and may ask other advisors to review the plan if, in the opinion of the City, it may contribute to a decision in the best interest of the City.

After submittal of the required application materials, no excavation or alteration of the property may be undertaken prior to written final approval by the City Council of the site plan. Excavation or alteration of the property prior to approval may be cause for disapproval. Additionally, work on existing structures prior to final approval is not permitted.

2. **City Planner and City Engineer**
 - a. The applicant shall meet with the City Planner and City Engineer to review the proposed site plan before submitting an application.

- b. The applicant shall prepare a concept site plan, properly and accurately drawn to scale.
- c. The City Planner and City Engineer shall review the site plan to determine compliance with the Alpine City General Plan and applicable City ordinances.
- d. When the City Planner and City Engineer determines that the site plan is ready for Planning Commission review, the City Planner, in consultation with the Planning Commission Chairperson, shall establish a review date. The applicant may prepare a site plan that incorporates all changes recommended by City Planner and City Engineer.

3. Planning Commission

- a. The applicant shall submit the following to the City Planner at least fourteen (14) days before the scheduled Planning Commission meeting:
 - i. the site plan application;
 - ii. pay the associated fee(s) in accordance with the current fee schedule (payable to Alpine City);
 - iii. four (4) D size (22" x 34") copies of the site plan;
 - iv. ten (10) 11" x 17" copies of the site plan drawn to scale;
 - v. building elevations including building height;
 - vi. a landscape plan including a list of plant types; and
 - vii. an electronic copy of the site plan and building elevations in a compatible format as specified by City Staff.

In addition, the application shall be accompanied by a detailed narrative description of the proposed design or change of design, use of materials, finish grade line, landscaping. In addition, the Planning Commission may require submission of colored perspectives or architectural renderings in applications where the Planning Commission feels it is required.

- b. The site plan will not be presented to the Planning Commission until the application is complete, including submitting all required information and paying all fees. The application must be complete and accepted in writing by the City Planner.
- c. The Planning Commission shall give guidance to the applicant to assist in meeting the requirements and constraints for development within Alpine City.
- d. The Planning Commission shall determine whether the site plan promotes, preserves and enhances the distinctive historical village character of the community and would not be at variance with existing structures within that portion of the district in which the site plan is or is proposed to be located as to be detrimental to the interests of the District as set forth in DCA 3.11.010. In conducting its review, the Planning Commission shall make examination of and give consideration to the elements of the Gateway Historic District Design Guidelines.

- e. The Planning Commission may recommend exceptions to the Business Commercial Zone requirements regarding parking, building height, signage, setbacks and use if it finds that the plans proposed better implement the design guidelines to the City Council for approval.
- f. If the Planning Commission finds that the proposed site plan complies with all applicable requirements, it shall recommend approval to the City Council. If the Planning Commission finds that the proposed site plan does not meet the requirements, it shall recommend disapproval of the site plan.

4. City Council

- a. Following the recommendation of approval or disapproval of the site plan by the Planning Commission, the City Council shall consider the site plan at a public meeting. If the City Council determines that the site plan is in conformity with all applicable requirements and any reasonable conditions as recommended by City Staff, the Planning Commission, or on its own initiative, it shall approve the site plan.
- b. If the City Council determines that the site plan is not in conformity with all applicable requirements or any reasonable conditions imposed, it shall disapprove the site plan specifying the reasons for such disapproval.

(Ord. No. 2002-06, 07/09/2002; Amended by Ord. No. 2010-19, 11/09/10)

AFTER AMENDMENT

3.11.040 Site Plan Process

- 1. During the review process, the City Planner and City Engineer, the Planning Commission, and the City Council may request reasonable additional information from the applicant from time to time; and may ask other advisors to review the plan if, in the opinion of the City, it may contribute to a decision in the best interest of the City.

After submittal of the required application materials, no excavation or alteration of the property may be undertaken prior to written final approval by the City Council of the site plan. Excavation or alteration of the property prior to approval may be cause for disapproval. Additionally, work on existing structures prior to final approval is not permitted.

2. City Planner and City Engineer

- a. The applicant shall meet with the City Planner and City Engineer to review the proposed site plan before submitting an application.
- b. The applicant shall prepare a concept site plan, properly and accurately drawn to scale.
- c. The City Planner and City Engineer shall review the site plan to determine compliance with the Alpine City General Plan and applicable City ordinances.

- d. When the City Planner and City Engineer determines that the site plan is ready for Planning Commission review, the City Planner, in consultation with the Planning Commission Chairperson, shall establish a review date. The applicant may prepare a site plan that incorporates all changes recommended by City Planner and City Engineer.

3. **Planning Commission**

- a. The applicant shall submit the following to the City Planner at least fourteen (14) days before the scheduled Planning Commission meeting:
 - i. the site plan application;
 - ii. pay the associated fee(s) in accordance with the current fee schedule (payable to Alpine City);
 - iii. four (4) D size (22" x 34") copies of the site plan;
 - iv. ten (10) 11" x 17" copies of the site plan drawn to scale;
 - v. building elevations including building height;
 - vi. a landscape plan including a list of plant types; and
 - vii. an electronic copy of the site plan and building elevations in a compatible format as specified by City Staff.

In addition, the application shall be accompanied by a detailed narrative description of the proposed design or change of design, use of materials, finish grade line, landscaping. In addition, the Planning Commission may require submission of colored perspectives, ~~or~~ architectural renderings, and/or physical building material samples in applications where the Planning Commission feels it is required.

- b. The site plan will not be presented to the Planning Commission until the application is complete, including submitting all required information and paying all fees. The application must be complete and accepted in writing by the City Planner.
- c. The Planning Commission shall give guidance to the applicant to assist in meeting the requirements and constraints for development within Alpine City.
- d. The Planning Commission shall determine whether the site plan promotes, preserves and enhances the distinctive historical village character of the community and would not be at variance with existing structures within that portion of the district in which the site plan is or is proposed to be located as to be detrimental to the interests of the District as set forth in DCA 3.11.010. In conducting its review, the Planning Commission shall make examination of and give consideration to the elements of the Gateway Historic District Design Guidelines.
- e. The Planning Commission may recommend exceptions to the Business Commercial Zone requirements regarding parking, building height, signage, setbacks and use if it finds that the plans proposed better implement the design guidelines to the City Council for approval.

- f. If the Planning Commission finds that the proposed site plan complies with all applicable requirements, it shall recommend approval to the City Council. If the Planning Commission finds that the proposed site plan does not meet the requirements, it shall recommend disapproval of the site plan.

4. City Council

- a. Following the recommendation of approval or disapproval of the site plan by the Planning Commission, the City Council shall consider the site plan at a public meeting. If the City Council determines that the site plan is in conformity with all applicable requirements and any reasonable conditions as recommended by City Staff, the Planning Commission, or on its own initiative, it shall approve the site plan.
- b. If the City Council determines that the site plan is not in conformity with all applicable requirements or any reasonable conditions imposed, it shall disapprove the site plan specifying the reasons for such disapproval.

(Ord. No. 2002-06, 07/09/2002; Amended by Ord. No. 2010-19, 11/09/10)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	_____	_____	_____	_____
Kimberly Bryant	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Ramon Beck	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Charmayne G. Warnock, City
Recorder Alpine City

ALPINE CITY COUNCIL AGENDA

SUBJECT: Amendment to Development Code – Dwelling Clusters – Article 3.01.110; Article 3.09.060 & Article 3.05.010

FOR CONSIDERATION ON: 23 April 2019

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Review and approve proposed changes.

BACKGROUND INFORMATION:

It is proposed that a definition for “Dwelling Cluster” be added to the Development Code, and that all uses of the term “development cluster” be replaced with “Dwelling Cluster”.

STAFF RECOMMENDATION:

Approve Ordinance 2019-02 as proposed.

**ALPINE CITY
ORDINANCE 2019-02**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.09.060; 3.01.110; AND
3.05.010 OF THE ALPINE CITY DEVELOPMENT CODE PERTAINING TO DWELLING
CLUSTERS**

WHEREAS, The City council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the ordinance to allow minor subdivisions to be approved administratively; and

WHEREAS, the Alpine City Planning Commission has reviewed the proposed Amendments to the Development Code, held a public hearing, and has forwarded a recommendation to the City Council; and

WHEREAS, the Alpine City Council has reviewed the proposed Amendments to the Development Code:

NOW THEREFORE, be it ordained by the Alpine City Council that: The amendments to Article 3.09.060; 3.01.110; and 3.05.010 contained in the attached document will supersede Article 3.9.6 ; 3.1.11; and 3.5.1 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “3.09.060 Dwelling Clusters; Lot Size; Buildable Area; Setback” of the Alpine City Municipal Code is hereby *amended* as follows:

A M E N D M E N T

3.09.060 Dwelling Clusters; Lot Size; Buildable Area; Setback

1. All lots shall be located within a designated ~~development e~~Dwelling Cluster. A project may contain more than one ~~development e~~Dwelling Cluster. Each cluster shall contain not less than three (3) separate lots (except for developments having fewer than 3 lots for the entire development). Where a project contains land located within and outside the Sensitive Lands Overlay Zone, ~~development e~~Dwelling Clusters will be located outside of the Sensitive Lands Overlay Zone, to the maximum extent possible. No portion of lots within a PRD shall be located on lands which are required to be designated as open space.

2. (Ord. 97-23: 9/24/97) The size of each individual lot shall conform to the following:

Minimum Lot Size

Zone District	Minimum Lot Size
CR-20,000	10,000 square feet
CR-40,000	20,000 square feet
CE-5	20,000 square feet
CE-50	N/A

3. (Ord 97-02, 2/25/97). Each individual lot shall contain at least one Designated Buildable Area of not less than five-thousand (5,000) square feet. All dwellings and other habitable structures and accessory buildings shall be located within the Designated Buildable Area.
- a. Each Designated Buildable Area shall conform to the criteria for qualification as a "buildable area" as defined in this ordinance. Except that the Planning Commission may approve or require the placement of the Designated Buildable Area in a location within the lot which does not conform to one or more of the criteria for buildable area, upon a finding that the proposed Designated Buildable Area:
 - i. will more adequately accommodate subsequent development of the lot,
 - ii. will not constitute a potential hazard to life or property, and
 - iii. will serve to diminish the negative impact of subsequent development upon the lot or community (i.e. extraordinary construction of driveway access, mitigate visual intrusion of structure on ridge line).
 - b. The location of each Designated Buildable Area shall be designated upon the preliminary plan and shall also be identified and described on the final recorded plat, together with a notation to the effect that all main and accessory buildings shall be located within the Designated Buildable Area.
 - c. Where a Designated Buildable Area is shown on a lot, the boundary of said area shall constitute the Designated Setback envelope applicable to the lot. Where an entire lot area qualifies as a Buildable Area no designation on the final plat shall be required.
 - d. Except as permitted pursuant to Part 3,a, any portion of a lot which has been graded to produce a percent of slope to qualify under the Buildable Area criteria shall be excluded from consideration as part of the Designated Buildable Area.
 - e. The Designated Buildable Area may be amended by the City Planner and City Engineer as long as the minimum setback requirements of the underlying zone are met. (Ord. 2004-13, 9/28/04)
4. Each dwelling in the project shall be setback from the property line in accordance with the setback lines as shown on the approved plat (Designated Setback Envelope). The Designated Setback Envelope shall be established in accordance with the following (setbacks are measured from the property line to the nearest foundation):

- a. Front Yard. The minimum front yard setback shall be thirty (30) feet.
- b. Side Yard - Corner Lots. On corner lots, the side that faces onto a public street shall be not less than thirty (30) feet.
- c. Side Yard – Interior Lots. The minimum side yard setbacks for interior lots shall be an aggregate of thirty (30) feet with no less than twelve (12) feet on a side.
- d. Rear Yard. The minimum rear yard setback shall be thirty (30) feet.

Subject to the prior recommendation of the Planning Commission, the City Council may approve an exception to the Designated Setback Envelope standards above for one or more lots within a PRD project, upon a finding that such exception is appropriate for the proper development of the lot and that the exception will not result in the establishment of a hazardous condition.

Where no designated building envelope is provided, the setbacks shall be the same as the minimum requirements within the underlying zone.

- 5. The maximum height of any dwelling or other main building shall be thirty-four (34) feet, as determined in accordance with the provisions of DCA 3.21.080, (Ord. 96-15, 12/18/96) except in the CE-50 zone the height shall not exceed 25 feet. (See DCA 3.06.070 Part 1)

(Ord. No. 95-04, 2/28/95; Amended Ord. No. 95-28, 11/28/95; Ord No. 2001-10, 4/10/01; Ord. No. 2004-13, 9/28/04; Ord. No. 2011-04, 01/11/11; Ord. No. 2012-10, 12/11/12; Ord. No. 2014-14, 09/09/14; Ord. No. 2015-11, 07/28/15)

SECTION 2: AMENDMENT “3.01.110 Definitions” of the Alpine City Municipal Code is hereby *amended* as follows:

A M E N D M E N T

3.01.110 Definitions

ACCESSORY APARTMENT. A subordinate dwelling unit within and part of a principle dwelling and which has its own cooking, sleeping and sanitation facilities.

ACCESSORY BUILDING. A detached subordinate building, the use of which is appropriate, subordinate, and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or parcel of land with the main building or use.

AGRICULTURE. The tilling of soil, the raising of crops, horticulture, the gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business such as fruit packing plants, commercial egg production, or similar uses.

APIARY. Any place where one (1) or more colonies of bees are located.

AVERAGE SLOPE OF LOT. The average slope of a lot, expressed as the percent of slope, to be determined via computer modeling. AutoCAD or ESRI products are acceptable programs to be used for determining the average slope of lot; any other program must be pre-approved by the City Engineer.

BEEKEEPING EQUIPMENT. Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

BUILDABLE AREA. (Ord. 94-02, 2/8/94) A lot or portion thereof possessing all of the following physical characteristics:

1. The area contains no territory having a natural slope of twenty (20) percent or greater;
2. The area contains no territory which is located in any identified flood plain or within any recognized inundation zone, mud flow zone or zone of deformation, or lands subject to earth slippage, landslide or rockfall;
3. The engineering properties of the soil provide adequate structural support for the intended use;
4. The area does not possess any other recognized natural condition, which renders it unsafe for building purposes;
5. The area is within the building setback envelope as determined in accordance with the setback provisions of the zone; and
6. The area is readily capable of vehicular access from the adjacent public street over a driveway having a slope of not more than twelve (12) percent with no cut or fill greater than five feet as measured at the finished grade of the centerline alignment.

BUILDING. Any structure having a roof supported by columns or walls, built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

CIVIC BUILDING. A structure owned by the City and used for governmental purposes, including administrative buildings (City Hall) fire stations, police stations, libraries, but not including shop and repair facilities.

COLONY. Bees in a hive including queens, workers, or drones.

CONDITIONAL USE. A use of land that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

CUSTOMARY RESIDENTIAL ACCESSORY STRUCTURE. A structure constructed on the same zoning lot as a dwelling and which is intended for the incidental and exclusive use of the residents of said dwelling, including but not limited to detached garages, carports, swimming pools, tennis courts, green houses, storage buildings, and satellite dishes.

DEVELOPMENT. Any change to a parcel of ground, which alters it from its natural state in any way. This includes clearing, excavation, grading, installation of any infrastructure or erection of any types of buildings.

DWELLING CLUSTER. A Group of three (3) or more single-unit detached dDwellings whose respective bBuildable aAreas are located no more than 400 feet from one bBuildable aArea to the next closest bBuildable aArea as measured from the midpoint of each bBuildable aArea.

DWELLING UNIT. One or more rooms in a building or portion thereof designed, occupied, or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking, and sanitation provided within the dwelling unit. See also Dwelling, Single Family.

DWELLING, MULTIPLE-UNIT. A building arranged to be occupied by two (2) or more families, the structure having two (2) or more attached dwelling units.

DWELLING, SINGLE FAMILY. A building arranged or designed to include only one (1) dwelling unit occupied by one (1) family, including extended living areas or an accessory apartment which may be approved as provided elsewhere in this Code.

FAMILY. An individual or two (2) or more persons related by blood, marriage, adoption, or guardianship; or a group of not more than four (4) persons, (excluding domestic help) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities. "Family" does not exclude the care of foster children.

FENCES. A fence shall include any tangible barrier, an obstruction of any material, a line of obstacles, lattice work, screen, wall, hedge, or continuous growth of shrubs with the purpose of preventing passage or view across a boundary or lot line. (Ord. 2004-13, 9/28/04)

1. Privacy fences are structures where the field of vision through the fence is less than 50%.
2. Open-style fences are structures where the field of vision through the fence is 50% or greater.

FRONTAGE. The width of the lot or parcel of land measured at the required front setback-line.

GARAGE/CARPORT (PRIVATE). A structure for the parking or temporary storage of automobiles, but which does not involve commercial repairing or storage.

GEOLOGIC HAZARD. A hazard inherent in the surface or subsurface of the earth or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to movement, failure, or shifting of earth.

GROUP LIVING ARRANGEMENT. A group living or congregate living arrangement where groups of more than four unrelated persons live together in a single dwelling unit, including, but not limited to, a batching apartment, boarding house, Congregate Living Unit, Assisted Living Facility, Nursing Care Facility, Residential Facility for Persons With a Disability, dormitory, student housing, fraternity, club, institutional group, half-way house, or similar group living or congregate living arrangement.

GUEST HOUSE. An accessory building constructed on the same zoning lot as the principle Single-Unit dwelling to be used for temporary occupancy.

HANDICRAFT PRODUCTION. Production of an individual's one-of-a-kind objects for sale on the site.

HELICOPTER. A manned aircraft in which lift, flight and landing is achieved by means of one or more power-driven horizontal propellers.

HELIPORT. An area on land or upon a building or structure set aside and used for the landing or takeoff of helicopters or other manned rotary wing aircrafts capable of vertical takeoff or landing.

HIVE. A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.

HOME OCCUPATION. Any gainful occupation, service, profession or similar activity conducted in a consistent and ongoing manner within a dwelling. Business activity consisting primarily of the sale of goods produced elsewhere on the premises (i.e. retail sales establishment) shall not qualify as a home occupation.

HOBBY BEEKEEPER. A person who owns or has charge of eight (8) or fewer hives of bees.

HONEYBEE. The common honeybee, *Apis mellifera* species, at any stage of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.

HOUSEHOLD PETS. Animals or fowl ordinarily permitted to a residence and kept for company or pleasure, such as dogs, cats, fish and canaries. Household pets do not include inherently or potentially dangerous animals or fowl, or those normally considered agricultural livestock.

IMPERVIOUS MATERIAL. Matter that is impenetrable as by moisture.

LOT. A parcel or unit of land describable either by metes and bounds, or by other legal plat designation held or intended to be held in separate ownership or leasehold or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale of land resulting from the division of a larger tract into smaller units. Lots shall be generally rectangular in nature, and shall have no more than five sides without an exception being recommended by the Planning Commission and approved by the City Council; the front of a property, located at the front right of way, does not count against this requirement.

LOT, CORNER. Shall mean a lot located at the junction of and fronting on two (2) or more intersecting streets.

MOBILE HOME. A detached dwelling designed for long-term occupancy and to be transported on its own wheels, or on a flatbed or other trailer or detachable wheels, and arriving at the site where it is to be occupied as a complete dwelling unit ready for occupancy except for connections to utilities and other minor work. Removal of such wheels or placing such dwelling unit on a foundation shall not remove such unit from classification as a mobile home. Excluded from this definition shall be those permanent dwelling structures that are constructed of component parts that are transported to the building site and which meet structural requirements of the Uniform Building Code and which are finished with exterior building material that is typical of permanent residential buildings.

NON-CONFORMING USE. A building or structure, or portion thereof, or use of a building or land which does not conform to use regulations for the district in which it is situated, but which is in conformity with said regulations, if any, at the time of its establishment.

OFF STREET PARKING. An area adjoining a building providing for the parking of automobiles which does not include a public street but has convenient access to it.

OFFICE, PROFESSIONAL. A building or space used by persons such as accountants, architects, artists, dentists, designers, engineers, lawyers, physicians, realtors, teachers, and others who, by virtue of training and for license, are qualified to perform services of a professional nature, and where storage of goods and sale of merchandise is minimal and secondary to performance of the service.

OPEN SPACE. The use of land which leaves soil generally undisturbed and upon which natural vegetation, whether or not native to the area, occupies the major visible aspect of the land.

PERMITTED USE. A use of land for which no conditional use permit is required.

PUBLIC USE. A use operated or supervised exclusively by a public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, and other recreational facilities, administrative and service facilities, and public utilities.

QUASI PUBLIC USE. A use operated by a private non-profit educational, religious, recreational, charitable or philanthropic institution, having the primary purpose of serving the general public, such as churches, private schools, hospitals and similar uses.

REASONABLE ACCOMMODATION. A reasonable change in any rule, policy, practice, or service necessary to afford persons with a disability equal opportunity to use and enjoy a dwelling when compared to similarly-situated persons or groups.

RECREATION, PUBLIC. Recreation facilities operated by a public agency and open to the public with or without a fee.

RESIDENCE. A dwelling unit where an individual or family is actually domiciled at a given point in time and not a place of temporary sojourn or transient visit. Temporary sojourn or transient visit shall be thirty (30) days or less.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY. A residence in which no more than eight (8) unrelated persons with a disability resides and which is:

1. Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, Licensure of Programs and Facilities; or
2. Licensed or certified by the Department of Human Health under Title 26, Chapter 21, Health Care Facilities Licensing and Inspection Act.

RETAINING WALL. Any structure designed to resist the lateral displacement of soil or other materials. Examples include block walls, rock walls, concrete walls and segmented walls. A retaining wall is not considered a fence.

SIGN. Any device for visual communication to the public displayed out-of-doors, including signs painted on exterior walls, and interior illuminated signs, to be viewed from out-of-doors, but not including a flag, badge, or ensign of any government or government agency.

STREET, PUBLIC. A thoroughfare which has been dedicated and accepted by proper public authority (or abandoned to the public) or a thoroughfare not less than twenty-four (24) feet wide which has been made public by right of use and which affords the principal means of access to abutting property.

STRUCTURE. Anything constructed, the use of which requires fixed location upon the ground, or attached to something having a fixed location upon the ground, and which creates an impervious material on or above the ground; definition includes "building."

YARD. A required space on a lot other than a court, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.

YARD, FRONT. A space between the front of the main building on a lot and the front lot line or line of an abutting street or right-of-way and extending across the full width of a lot. The depth (or setback) of the front yard is the minimum distance between the front lot line, and the front-most part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches, and decks).

YARD, REAR. A space between the back wall of the nearest main building extending the full width of the lot and the lot line that is most distant from, and is most nearly parallel with, the front lot line. If the rear lot line is less than ten feet (10') in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten foot (10') line parallel to the front line, lying wholly within the lot for the purpose of establishing the minimum rear yard. The depth (or setback) of the rear yard is the minimum distance between the rear lot line and the rearmost part of the primary structure of the nearest main building at the foundation level.

(Primary structure includes overhangs, porches and decks. See drawing in Appendix A). (Ord. 2004-13, 9/28/04)

YARD, SIDE. A yard that is neither a front yard nor a rear yard. The depth (or setback) of the side yard is the minimum distance between the side lot line and the nearest part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches and decks).

ZONING LOT (Ord. 94-02, 2/8/94). A lot or parcel of land which:

1. Meets all area (lot size), frontage (width), setback (yard), and other zoning requirements applicable within the zone in which it is located;
2. Abuts upon and has direct access to a street which has been dedicated to the City or otherwise accepted by the City as a City Street;
3. Is served by the minimum level of improvements required for issuance of a building permit or for which the construction of the minimum level of improvements is secured through the posting of a performance guarantee; and
4. Is shown as a separate lot on the final plat of a subdivision or similar development, which has been approved in accordance with the applicable ordinance, or is legally exempted from compliance with said ordinance. A parcel which is part of an unapproved or illegal subdivision shall not qualify as a zoning lot.

(Amended by Ord. 2004-14 on 9/28/04; Ord. 2009-16, 10/13/09; Ord. 20011-06, 03/08/11; Ord. 2011-12, 10/25/11; Ord. 2014-11, 6/24/14; Ord. 2015-02, 02/10/15; Ord. 2015-07, 05/26/15)

SECTION 3: AMENDMENT "3.05.010 Legislative Intent And Public Purpose" of the Alpine City Municipal Code is hereby *amended* as follows:

A M E N D M E N T

3.05.010 Legislative Intent And Public Purpose

The CE-5 Zone consists primarily of the more mountainous areas of the City which, because of the presence of steep slopes, unique soil characteristics, wild fire hazard or similar natural condition are considered environmentally sensitive.

It is the intent and purpose of the City Council in establishing the zone to set minimum standards for the use of land within the zone and to establish guidelines for development activities thereon which recognize and balance the following:

1. The need to preserve sensitive environmental conditions;
2. The need to mitigate potentially unsafe conditions in the area and prevent development that might increase hazards due to such conditions;
3. The rights of property owners to the reasonable use and enjoyment of their land; and,
4. The need to preserve a healthy, safe and aesthetic living environment for occupants of the zone and the surrounding community.

It is anticipated that uses in the zone will be limited to one-family dwellings in naturalistic settings with associated personal uses and structures. Such uses will be permitted in those portions of the zone which are most suitable for development activity (~~development cluster~~ Dwelling Cluster areas) interspersed with large and undisturbed open space areas.

(Ord. 95-28, 11/28/95)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL JANUARY 09, 2019.

	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	_____	_____	_____	_____
Kimberly Bryant	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Ramon Beck	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Charmayne G. Warnock, City
Recorder Alpine City

ALPINE CITY COUNCIL AGENDA

SUBJECT: Amendment to Development Code – Flag Lots – Article 3.01.110 & Article 3.01.130

FOR CONSIDERATION ON: 23 April 2019

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Review and approve proposed changes.

BACKGROUND INFORMATION:

It is proposed that additional language be added to the Development Code that would serve to prohibit Flag Lots from being created.

STAFF RECOMMENDATION:

Approve Ordinance 2019-03 as proposed.

**ALPINE CITY
ORDINANCE 2019-03**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.01.130 OF THE ALPINE
CITY DEVELOPMENT CODE PERTAINING TO FLAG LOTS.**

WHEREAS, The City council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the ordinance to allow minor subdivisions to be approved administratively; and

WHEREAS, the Alpine City Planning Commission has reviewed the proposed Amendments to the Development Code, held a public hearing, and has forwarded a recommendation to the City Council; and

WHEREAS, the Alpine City Council has reviewed the proposed Amendments to the Development Code:

NOW THEREFORE, be it ordained by the Alpine City Council that: The amendments to Article 3.01.130 contained in the attached document will supersede Article 3.1.13 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “3.01.130 Criteria For Determining Lot Width And Area Requirements” of the Alpine City Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

3.01.130 Criteria For Determining Lot Width And Area Requirements

General criteria for determining setback requirements:

1. All set backs are to be measured to the foundation of the building.
2. An abutting fire place (up to two feet), bay window (up to two feet) and uncovered steps to basement shall not be included in set back measurement.
3. An uncovered patio or deck less than (18) eighteen inches in height from ground surface shall be allowed within ten (10) feet of the rear property line.

- a. **Lot Width.** For purposes of determining compliance with the lot width requirements, the measurement of lot width shall be made along a line situated parallel to the front lot line at the minimum front setback.

In the instance of a lot where more than seventy five percent (75%) of the front lot line abuts upon a cul-de-sac or curve in the adjacent street, having a radius of less than eighty (80) feet, the width of lot shall be measured along a line which is at right angle to the point of tangency of said curve, at the approximate mid-point of the abutting front lot line, and at distance of from the front lot line equal to the front setback for the zone.

- b. **Lot Area.** For purposes of determining compliance with lot area requirements, the area shall include all territory within the boundaries of the lot, including any area devoted to easements, and any territory adjacent or within the boundary of the lot previously conveyed or proposed for conveyance to the City by the owner for use as an urban trail. This does not apply to a Planned Residential Development.

(Ord. 97-02, 2/25/97; Amended by Ord. 2009-11, 07/14/09)

AFTER AMENDMENT

3.01.130 Criteria For Determining Lot Width And Area Requirements

General criteria for determining setback requirements:

1. All set backs are to be measured to the foundation of the building.
2. An abutting fire place (up to two feet), bay window (up to two feet) and uncovered steps to basement shall not be included in set back measurement.
3. An uncovered patio or deck less than (18) eighteen inches in height from ground surface shall be allowed within ten (10) feet of the rear property line.

- a. **Lot Width.** For purposes of determining compliance with the lot width requirements, the measurement of lot width shall be made along a line situated parallel to the front lot line at the minimum front setback. Lot width shall be maintained in the area located between the front lot line and the buildable area of the lot.

In the instance of a lot where more than seventy five percent (75%) of the front lot line abuts upon a cul-de-sac or curve in the adjacent street, having a radius of less than eighty (80) feet, the width of lot shall be measured along a line which is at right angle to the point of tangency of said curve, at the approximate mid-point of the abutting front lot line, and at a distance ~~of~~ from the front lot line equal to the front setback for the zone.

b. **Lot Area.** For purposes of determining compliance with lot area requirements, the area shall include all territory within the boundaries of the lot, including any area devoted to easements, and any territory adjacent or within the boundary of the lot previously conveyed or proposed for conveyance to the City by the owner for use as an urban trail. This does not apply to a Planned Residential Development.

(Ord. 97-02, 2/25/97; Amended by Ord. 2009-11, 07/14/09)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	_____	_____	_____	_____
Kimberly Bryant	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Ramon Beck	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Charmayne G. Warnock, City
Recorder Alpine City