

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 N. Main, Alpine, UT
November 26, 2013

I. CALL MEETING TO ORDER: The meeting was called order at 7:00 pm by Mayor Hunt Willoughby.

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

Mayor Hunt Willoughby

Council Members: Mel Clement, Bradley Reneer, Will Jones, Troy Stout, Kimberly Bryant.

Mayor Willoughby said Troy Stout had another engagement and would arrive at the meeting later.

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

Others: Greg Ogden, Ron Eaton, Kylee Terry Clark, Jim Clark, Dave Gifford, Weber Walker, Darren Gooch, Taylor Smith, Mark Wells, Skylar Smith, Don Watkins, D. Akin, Ethan Hacking, Roger Bennett

B. Prayer: Will Jones

C. Pledge of Allegiance: Ethan Hacking

II. PUBLIC COMMENT: Police Chief Brian Gwilliam said that with the mass critical incidents that had been happening at schools nationwide, the Department felt it would be prudent to be prepared and practice lockdown drills at the schools in the Lone Peak jurisdiction including the four schools in Alpine. Their goal was to get through all the schools by spring. It was a challenge to know the layout of the all the schools if something happened. Chief Gwilliam also reported that the Department had received a grant from the Utah Department of Justice. With the grant they planned to purchase a new traffic trailer since the old one was not working. It recorded the speeds and statistics on the various roads.

III. CONSENT CALENDAR

A. Approve the minutes of November 12, 2013

MOTION: Will Jones moved to approve the Consent Calendar with the minutes of November 12, 2013. Bradley Reneer seconded. Ayes: 4 Nays: 0. Troy Stout was not present at the time of the motion. Motion passed.

IV. REPORTS AND PRESENTATIONS

A. Independent Audit Report - Greg Ogden: Mr. Ogden discussed the findings of the Audit with the Council. He said some changes had been made on the state and national level regarding accounting procedures, which he would review as they went through the audit. Mr. Ogden said there were four findings in the Management Letter which were:

1. Impact fees had to be spent within six years or the City had to have some compelling plan to use them later.
2. Cities were required either to charge themselves for utility usage or hold a public hearing to explain the transfer. He recommended the City hold a public hearing in conjunction with the Budget Hearing.
3. The City Council needed to have open and public meeting training annually.
4. Departmental expenditures needed to be limited to budgeted amounts. The City had exceeded the amount budgeted for public safety and capital outlay.

Greg Ogden next reviewed the basic financial statement. He said the unrestricted funds had increased from the previous year which was an indication of a good financial position. He said Alpine's net assets were positive which was encouraging. He said one of the helpful changes made in accounting procedure was increasing the amount that could be kept in the unrestricted fund balance from 18% to 25%. He summarized by saying that the City was in very good shape. It was commendable that a city the size of Alpine had so little debt. They had only one outstanding bond.

Will Jones asked about the effectiveness of internal controls. Mr. Ogden said that if there were problems it would show up in the management letter. Rich Nelson said that Alpine didn't have the same checks and balances as larger cities because of limited staff.

Bradley Reneer asked about the bond rating increase. Rich Nelson said they went from a A - - to A which was very unusual. The City had a plan to increase payments annually and the low debt ratio which were probably the reasons their rating was increased.

Kimberly Bryant thanked the staff for their efforts in running the city efficiently and economically. Rich Nelson agreed and particularly thanked Annalisa Beck for her ability as finance officer. Greg Ogden noted that Annalisa Beck was the only one in the cities he audited who actually wrote the financial report.

MOTION: Will Jones moved to accept the 2012-2013 Audit Report as presented. Bradley Reneer seconded. Ayes: 4 Nays: 0. Troy Stout was not present at the time of the motion. Motion passed.

Annalisa Beck reported on the bond study that was done and the rating increase that Alpine City received. She said that Jonathan Ward with Zion's Bank had brokered the bond and was shocked that Alpine City's bond rating had increased by two points because they never saw that happen. He said it because of cash on hand that Alpine City had, and the use of depreciation. It showed that Alpine had enough in the unrestricted fund balance to replace the system if it failed. It was also because of the five year plan and the yearly base water rate increase which the City Council had approved. It showed the City cared about being financially solid fifty years from now. They had a financial plan and goals and were not just spending.

V. ACTION/DISCUSSION ITEMS

A. Schedule Public Hearing for the Keystone Annexation: Will Jones had submitted an annexation petition for approximately 4.8 acres located west of 1390 Grove Drive. Shane Sorensen showed the Council on the map where it was located. It was part of the Pack property. Annexation notices had been sent to the affected entities and it was noticed in the newspaper to meet the 30 day protest period.

Will Jones indicated he had a conflict of interest and would not vote.

MOTION: Kimberly Bryant moved to set a public hearing on the Keystone Annexation for January 14, 2014. Bradley Reneer seconded. Ayes: 3 Nays: 0. Motion passed. Troy Stout was not present at the time of the motion. Will Jones abstained.

B. Reappointment to the Board of Adjustment: Mayor Willoughby recommended reappointing Dan Garrison to the Board of Adjustment whose term expired earlier in the year. He was willing and enthusiastic and had done an excellent job.

MOTION: Kimberly Bryant moved to reappoint Dan Garrison to the Board of Adjustment for another term. Bradley Reneer seconded. Ayes: 4 Nays: 0. Motion passed. Troy Stout was not present at the time of the motion.

Mel Clement said he felt the outstanding candidates from the last two elections should also be considered for assignments with the City when they came up.

C. Dave Gifford fence bordering on Creekside Park: Mr. Gifford said he had put together a proposal to change the fence. He said that because of the cul-de-sac, the fence blocked part of the view of the home. He would like to remove part of the fence, then replace the existing fence with a precast concrete fence. He would divide it with a mow strip and shrubs.

Rich Nelson said the DRC had reviewed the request on Monday. David Church had been present and they didn't see any problems with it.

Mel Clement said the problem he had was that it was that the same fence that was carried throughout the park. He felt he was trying to incorporate a view space from the park into his own yard. He said Mr. Gifford could put up any kind of fence he wanted within code on his side of the property but he wasn't sure about removing the City's fence. There were many people in Alpine who lived on a cul-de-sac and had to deal with it.

The Council discussed the request. Bradley Reneer said he lived next to Burgess Park and felt it was a benefit to have citizens that could see into the park. As long as there was a clear boundary between the park and the lot, he didn't have a problem with it.

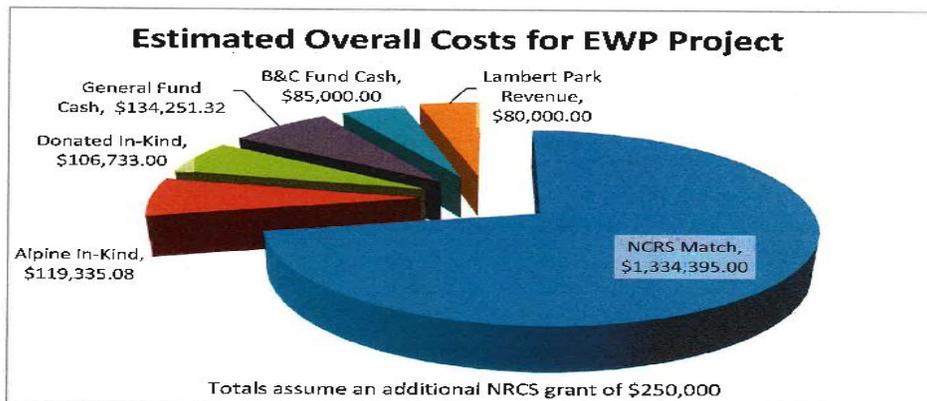
Shane Sorensen said it was an unusual shape for a cul-de-sac lot and explained it was done that way because of elevation.

Mr. Gifford said he had no intentions of encroaching on the park. He simply wanted a more open view of his home.

MOTION: Bradley Reneer moved to approve Dave Gifford's fence request with the conditions that he finish the park side of the fence as well and that he provide a plan showing he would maintain the fence height and finish and delineate the line between his property and the park. Troy Stout seconded. Ayes: 4 Nays: 1. Troy Stout, Will Jones, Bradley Reneer and Kimberly Bryant voted aye. Mel Clement voted aye. Motion passed.

Mr. Gifford would take his final plan to DRC.

D. NRCS FINANCIAL UPDATE: Rich Nelson provided the following graph that showed the breakdown of the cost for the Emergency Watershed Project in Lambert Park.



Shane Sorensen said this was not the final cost. It was ongoing and some items were estimated. A 60-day extension had been granted and they were extended until January 16th.

E. Eagle Pointe Subdivision Appeal - Taylor Smith and Mark Wells: Jason Bond said the developers went to the Planning Commission with a plan that showed retaining walls and a stub road into Draper City. The main focus of the Planning Commission discussion was the stub road into Draper. Mr. Bond said he had talked to Draper City and Highland City, and they currently had no plans for development in the area where the stub road ended. The Planning Commission did not think the proposed stub road met the spirit of the ordinance because it was essentially a dead end with no foreseeable connection. The Planning Commission made a motion to not approve the concept plan because it did not meet the spirit of the ordinance.

Taylor Smith and Mark Wells submitted a letter to the City Council appealing the decision of the Planning Commission, stating that stub roads were common throughout Alpine and denying the concept plan because it did not meet the spirit of the ordinance was arbitrary and capricious and unlawful.

There was a discussion about whether or not the stub road would actually connect to a road in the adjoining property. Troy Stout said that when he'd met with Draper City several months ago they said it was their intent to keep most of the property adjacent to the proposed Eagle Pointe as open space. Jason Bond said staff had met with Highland and Draper City who indicated they had no intentions of carrying infrastructure to the border but they would be willing to sell some of the ground for residential development in order to help with the cost of developing the more valuable open space they had.

David Church clarified saying that Draper City was willing to sell a portion of their open space to a developer if Alpine or Highland would annex it and develop it was part of their city. Draper was not planning to develop it. Mr. Church added that the area in question was outside Alpine's annexation area. He said Draper City had talked to Highland City about whether or not they wanted to annex it if there was a developer willing to develop it.

Jannicke Brewer said they visited the land on the field trip and it was true the land to the west had a gentler slope. However, the ordinance said a stub street was to facilitate circulation within the City, and the Planning Commission felt very uncomfortable approving a stub street when they didn't know if it would ever be completed or connected.

Mark Wells said they did sit down with Russell Fox who was the Draper City Administrator, who indicated that the property immediately west of the proposed development was zoned residential, but they did not have the means to bring services to it. He said Mr. Fox had said Draper was interested in selling the property to an interested developer, and Draper would cooperate with Alpine or Highland if they wanted to annex it. He said Draper wanted to see a stub street because the ground in Draper was currently landlocked. Mr. Wells said he brought forward a plan to the City Council that had no exceptions and met the ordinances, and the state law said approval should be granted when a proposed development met all the codes.

David Church said that as he understood the appeal, the first step was for the Planning Commission to grant concept approval. If they didn't grant approval, the ordinance allowed the aggrieved party to appeal to the City Council. Rather than guessing at another concept plan, the developers chose to appeal to the City Council. They wanted a yes or no from the Council on the submitted concept plan. The developer's attorney had written a letter to Mr. Church stating that according to their interpretation of Alpine City Ordinances, the proposed concept plan complied and should be approved. He said the developers wanted either a yes or no answer. A yes would send it back to Planning Commission to move forward with the engineering, etc. He said a denial should be clear and based on the ordinance. Mr. Church said the developer's attorney felt that a denial not grounded in the ordinance gave them a very strong case in court. Mr. Church encouraged the Council to base their decision on the ordinances.

Hunt Willoughby said the developers had a plan several weeks ago that did not have a stub street but had a secondary access. Mr. Church said this plan also has the secondary access. He said the issue was that without a stub street, it did not meet the cul-de-sac ordinance.

Troy Stout asked where the retaining walls were, how many there were and how high they were.

Mark Wells said they hadn't completely nailed down the height since this was concept, but they ranged between two feet and ten feet and possibly a twelve foot wall, and were located along the secondary access. They were much smaller than an alternative which brought the full ROW down the face of the hill. This plan still required a significant retaining wall of about 30 feet coming from Lakeview. They hadn't done any engineering on the retaining walls.

Troy Stout said that the ordinance on retaining walls had changed in the last few years. Retaining walls had to be approved by the City Engineer, the Planning Commission and the City Council. He said the ordinance did not state why retaining walls should or should not be approved. David Church agreed saying there were not a lot of standards in the ordinance which could be a problem. Whatever decision they made needed to be based on facts such as location, design. They could not just say they didn't like it.

Troy Stout asked if there were any 30 foot retaining walls in the area. Shane Sorensen said there might be some near the homes. He said the question he looked at on retaining walls was whether it could be engineered, and then he passed it on to the Planning Commission and City Council.

Mr. Stout said he looked at what potential liability the retaining walls brought to the City in terms of safety and maintenance after the contractor had left the scene. He cited the problems Draper had experienced with the road on Suncrest.

Bradley Reneer asked if the stub road would eliminate the need for a secondary access. Will Jones said it was in the urban wildland interface area and a secondary access would still be required unless the stub road was connected and provided a secondary access. He said he didn't know what they were accomplishing with the stub street. With Swiss One they hadn't wanted a stub street into the open space because it created a route for ATV traffic.

There was a discussion about a possible tie-in back to Hog Hollow if Alpine chose to annex the open space from Draper. Shane Sorensen said there were still a number of changes that would need to occur to make that happen. There was no access point the way it was currently configured.

David Church said Alpine's ordinance required a street to be stubbed to an adjoining property and that the length of a cul-de-sac not exceed 450 feet. Generally the City had not considered a road a cul-de-sac if it was stubbed to an adjoining property in the City. The only situation that somewhat resembled this was Smooth Canyon development where the City ended up stubbing a road to Highland on the south. At the time the City approved the stub road, the corresponding road in Highland was not developed, but Alpine knew it was coming because the applicant for the Highland development was working on it with the city. In this case, the City had conversation with both Highland and Draper and neither city had plans for development at the end of the proposed stub road. So if there were no plans for development at the end of the stub road, it was not the same thing as the Smooth Canyon development, and that was probably why the Planning Commission had concerns about it.

Mr. Church said that one reason for saying that the concept plan did not yet meet Alpine's ordinance was because there was no road or no road planned for the stub street to connect to, and stub road into open space could create more of a problem for Alpine City. A previous issue with the subdivision was that some years ago, residents urged the City to allow a long cul-de-sac, which the City did not want. So they proposed a loop road with retaining walls that no one wanted and the ordinance was changed.

Jannicke Brewer said her opinion was that seven or eight years ago the developers came in with a plan showing retaining walls but the Council did not like the retaining walls. The plan with the fire road came several weeks ago and the fire chief was satisfied with the plan that showed the fire road.

David Church said that since this was an appeal, the appellants should have the last word if they had anything to say. Mr. Wells indicated they were through.

Will Jones said he would recuse himself from the vote because he had a conflict of interest. He was representing property owners in Fort Canyon who would be seeking approvals for similar retaining walls and secondary access.

MOTION: Troy Stout moved to uphold the decision of the Planning Commission in this case based on the interpretation of Alpine City's ordinance that the stub street lead to internal circulation of traffic within the City, and this does not. A second concern was about the size and height of the retaining walls and the costs the City could incur later on in the life of the roads built on retaining walls of that height. Though they may pass engineering specs today, they'd seen demonstration in a neighboring cities where they had given way to expensive repairs and would prefer not to have a subdivision that goes up the hillside with retaining walls that high supporting the traffic. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Troy Stout, Bradley Reneer, Kimberly Bryant and Mel Clement voted aye. Motion passed. Will Jones abstained.

Bradley Reneer asked if a homeowners association could carry the cost of maintaining the road. David Church said they could not push the cost of maintaining a public road onto the citizens. Mr. Reneer said he did have a concern about the stub road. It did seem premature and did not seem to meet the definition at this point.

Mel Clement clarified on what they were voting on. It was explained that they were voting on the appeal of the Planning Commission's denial of the concept plan.

Troy Stout asked if it was appropriate to add language about retaining walls which went beyond the issue of the Planning Commission's action. David Church said it was not for him to say what they could include in their motion. He did say that if the matter went to court, the proceedings of the meeting would be transcribed and the judge would not take new evidence beyond what was dealt with by the Planning Commission.

F. Auto Repair Shops Update and Direction: Jason Bond reported that the Planning Commission had made a motion to create a service commercial zone for auto repair shops along Main Street, Canyon Crest, 200 North and Alpine Highway. The lots would need to have access from Main Street, Canyon Crest, 200 North, and Alpine Highway. It was not too different from the current Business Commercial zone. The reason the Planning Commission did it that way was to keep auto repair away from residential zones.

Mr. Bond said staff also came up with a recommendation for a service commercial zone which would be located along the 200 North on the east side of Main Street since there were existing businesses of a service commercial nature in that area. They also included the James Lawrence property on the west side of Main Street.

Jannicke Brewer said she felt auto repair should be a conditional use in the Business Commercial zone and be limited to lots that had access onto the Main Street.

Bradley Reneer said he would like to see conditions of what was appropriate in an auto repair shop. Jason Bond said they intended to do that. They were just looking at location to begin with.

Mel Clement said that at some point the population in Alpine would be 15,000. They would need some services. He said the downtown corridor would be the place to locate them.

Troy Stout said he agreed with Mel Clement. Auto repair belonged in the commercial corridor.

There was a discussion about the Kyle Terry property and the James Lawrence property. It was pointed out that neither was included in the proposal by the Planning Commission. The Lawrence property was included in the proposal from DRC.

James Lawrence said his concern was 100 South and 100 West where the old hardware store used to be. That would not qualify under the motion but he felt it would be a suitable location for auto repair and it was very hard to find a place where they could go. He said the Council needed to be realistic about where they could actually locate an auto repair shop. He said he didn't see why there would be an issue with 100 South and 100 West and would like to see that included in the area where an auto repair shop could be located.

Will Jones declared a conflict of interest and recused himself because he owned several pieces of ground that would be considered in the Business Commercial zone.

MOTION: Bradley Reneer moved to direct the Planning Commission to consider Jannicke Brewer's proposal that auto repair be added as a conditional use in the Business Commercial zone with the condition that the facility would front on Main Street, Canyon Crest, 200 North and Alpine Highway. Mel Clement seconded. Ayes: 3 Nays: 1. Troy Stout, Bradley Reneer, Mel Clement voted aye. Kimberly Bryant voted nay. Will Jones abstained. Motion passed.

The Council took a three-minutes break.

G. Heritage Hills PRD, Plat C - Final Approval: Shane Sorensen said Heritage Hills was begun in 2005 and approved in 2007. Concept and Preliminary approval was granted to the entire development then it was phased with the different phases receiving final approval as needed. Two phases had already been given final approval and were developed. Plat C was the third phase and consisted of 17 lots on 40 acre. The sewer plan was revised because the adjacent development, North Pointe, had not been constructed so the developer of Heritage Hill submitted an alternate plan. Also, after the development was approved the ordinance was changed to allow up to 5% of the lot to have a slope of more than 25% in order to avoid strange lot lines. The developer was requesting a revision to the lot lines on several lots which changed the area of the lots. The developer felt the new lot lines provided a better layout.

Some of Plat C showed retaining walls which were discussed. Jannicke Brewer noted that the ordinance on retaining walls was changed to require Council approval of retaining walls after Heritage Hills was approved. Shane Sorensen explained the process on designing retaining walls.

Shane Sorensen said a trail plan was approved at preliminary. The Planning Commission motion included a condition that all trails be constructed with Plat C and the trails be consistent with the original master trail plan.

MOTION: Will Jones moved to grant final approval the Heritage Hills, Plat C subject to the following conditions:

1. The revised sewer plan be approved.
2. An exception be granted to allow revisions to the lots lines of lots 1, 6, 8, 10, 11 and 15.
3. A bond be provided for the required improvements.
4. All planned trails be constructed with this phase of the development and the trails be consistent with what is on the original master trail plan.
5. The geologic engineer consultant review the on-site construction.
6. The small debris basin be construction above lot 17 as per the geological engineering report.
7. A SWPPP be required prior to construction.
8. The water policy be met.
9. The retaining walls be reviewed by an outside engineer prior to construction and approved by the City Engineer.

Kimberly Bryant seconded. Ayes: 5 Nays: 0. Motion passed.

VI. STAFF REPORTS

Rich Nelson had four items:

- On the activity versus rewards scale, staff decided that collecting cleaning deposits for the pavilions didn't justify the staff time to track it. They would still collect a cleaning deposit on mass gatherings. He said they had staff out in the parks on Saturday cleaning anyway.
- OSHA showed up to make an evaluation on the Public Works Department. It went really well.
- Signs for No Parking for Fort Canyon had been order. They would be put up in January. Staff had met with the police chief about the parking restrictions. The City would tell residents that if they were going to have an event at their house, to notify the police and don't park in driveways.
- He said he would like a three minutes closed session at the end of the meeting to deal with litigation.

Jason Bond reported on the Planning Commission.

- The Planning Commission had approved a conditional use permit for New Hope Bible Church with conditions related to parking. It would be located south of the Junction where Captain Len's Barbeque used to be.
- The developer for Pine Valley Office building had turned in a rendering but the Planning Commission wanted to see a better rendering.
- The Planning Commission would be working on the General Plan next year.

Shane Sorenson reported on the following:

- On the EWP project, they planned to regrade the High Bench ditch to direct the sheet flows into the pipe. They may have to push the trail to the east. He explained what they intended to do to prevent the flooding in the church parking lot on Alpine Boulevard, which created much of the problem with the first flood. He said the problem was that they had a big alluvial fan and water could go anywhere. It was a challenge to direct it.
- The money for the Lambert Park property had been wired but not all the documents had been signed so they would be waiting until after Thanksgiving.

- He explained what flood mitigation work was being done at the mouth of Box Elder Canyon and responded to questions from the Council.
- He said that so far they had used most of the material they'd excavated onsite, but they would have excess material they needed to take somewhere and he wondered if the Council had any ideas. The Council discussed it. Troy Stout suggested creating some terrain in Lambert Park. Shane Sorensen said he was hesitant to disturb too much of Lambert Park because it was difficult to make it look natural. They had already disturbed the area below the PI reservoir and he recommended that area.
- He said he had mentioned the Ron Mika request at the previous meeting and was told alterations to Lambert Park would have to go through the public hearing process. After looking at it more closely, staff decided it was more of an irrigation company issue so Mr. Mika wouldn't need to go through the open space process.
- He thanked Roger Bennett for extending Country Manor Lane to access the church and Lambert Park. It wouldn't be too much longer before it was opened up. Roger Bennett explained what work had been done.
- He reported that OSHA had two issues which were really minor.

VII. COUNCIL COMMUNICATION

Will Jones wanted to know what action had been taken on appointments to the Lambert Park Committee. Mayor Willoughby said they hadn't done anything as yet because of meetings.

Kimberly Bryant said they would be having a luncheon for Mayor Willoughby on December 20th. She said he had served the City for 20 years. An open house would follow at City Hall.

Mel Clement asked if the Moyle Park restroom was an action item. Rich Nelson said he had suggested that the restrooms be addressed in the budget process for next year. He also asked about a restroom in Lambert Park. Troy Stout would address it as an action item.

VIII. EXECUTIVE SESSION: Discuss litigation, property acquisition or the professional character, conduct or competency of personnel. Mayor Willoughby said Mel Clement had made the following motion earlier in the meeting.

MOTION: Mel Clement moved to go into executive session to discuss legal issues. Will Jones seconded. Ayes: 5 Nays: 0. Motion passed.

The Council adjourned to Executive Session.

The Council returned to Open Session and adjourned at 10:45 pm.