

**July 22, 2008**

Minutes of the City Council Meeting held on Tuesday, July 22, 2008 at Alpine City Hall, 20 North Main, Alpine, Utah 84004 at 7:00 pm:

The following members were present and constituted a quorum:

City Council Members: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch  
 Staff: Ted Stillman, David Church, Shane Sorensen, Janis H. Williams and Jay Healey  
 Others: Jannicke Brewer, Aaron Holtsclaw, *Lone Peak Press*, Kip Botkin, *Police Chief*, Ron Rydman, Devon Harris, Mitch Cordner, Trevor Toolsen, Ethan Whitaker, Nathan Porter, David Hannemann, Bryan Davies, Roger Bennett, Michael Robertson, Ross Welch, Craig Skidmore, Jeff Smith, Ron Madson, Jason Thelin and Dallin Toolsen

The first order of business was for the City Council to vote on who would be the Mayor Pro-tempore. Both Mayor Hunt Willoughby and Kimberly Bryant were absent from the meeting.

**MOTION:** Thomas Whitchurch moved to appoint Kent Hastings to be Mayor Pro-Tempore for this City Council Meeting as he is the Senior Member of the City Council. Jim Tracy seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

- I. **CALL TO ORDER.** Kent Hasting called the City Council Meeting to order at 7:00 pm and welcomed those in attendance. There were a number of cub scouts in the audience who were observing the City Council Meeting.
- II. **PRAYER/OPENING COMMENTS** – Kent Hastings
- III. **PLEDGE OF ALLEGIANCE.** Nathan Porter led the audience in the Pledge of Allegiance.
- IV. **PUBLIC COMMENT.** Time has been set- aside for the public to express their ideas, concerns and comments on items not on the agenda. There were no comments from the public.
- V. **CONSENT CALENDAR**
  - A. Business Licenses:
    - Bonn Turkington – VELWYTHE; 156 South 600 East
    - Emily Bybee – MAYFAIR DESIGN; 897 W. Pfeifferhorn Dr.
  - B. Payment Request
    - Ken Gordon – CONCRETE SOLUTIONS; Red Pine Drive - \$2,705.00

**MOTION:** Thomas Whitchurch moved to approve the Consent Calendar. Jim Tracy seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

**VI. ACTION ITEMS**

**A. HOME BUILDERS ASSOCIATION PRESENTATION.** Kent Hastings introduced Ron Rydman from Utah Valley Home Builders Association who made a presentation to the City Council about a housing impact study. Mr. Rydman said they contracted with the National Association of Home Builders and the report shows that from the standpoint of local governments in the area, residential development pays for itself.

Thomas Whitchurch commented and said that if he was reading this report correctly, we should be building more single family homes. Kent Hastings asked Mr. Rydman how he felt about this impact study and Mr. Rydman said he hoped the economy would turn around soon.

Ross Welch asked if the River Meadows Agenda items could be dealt with now as he had to leave.

**E. RIVER MEADOWS ZONE CHANGE.** Ted Stillman said the applicant made an application for a zone change in December 2007 for the purpose of expanding the existing River Meadows Assisted Living Facility to include an Alzheimer's unit. The applicant submitted a supply and demand analysis demonstrating the need for an Alzheimer's unit. At the time, the proposed expansion would exceed the project area limit outlined in Article 3.19 (Assisted Living and Nursing Care Overlay Zone).

A Public Hearing was held on the proposed zone change on January 8, 2008 and after this time the Planning Commission worked on amending the ordinance to allow for an exception to the maximum project size which was approved by the City Council on March 11, 2008. The applicant has now submitted a concept plan for review, but there are some issues with the plan as it combined the senior housing and assisted living which our ordinances do not address. The applicant revised the concept plan so that it was solely under the assisted living and nursing care overlay and that plan is the one being dealt with tonight.

The proposed zone change would cover the properties directly adjacent to the east of the existing River Meadows Assisted Living Facility on both sides of Red Pine Drive. The properties is currently zoned CR-20,000 and the request is to rezone the properties to Business Commercial and extend the Assisted Living and Nursing Care Overlay Zone over the properties so the project could be expanded.

The Planning Commission at their meeting of July 15, 2008 made the following motion:

"Steve Cospser moved to recommend a zone change from CR-20,000 to Business Commercial for the property located at 186 East and 199 East Red Pine Drive and extend the Nursing Care and Assisted Living Overlay zone to the same property in order to extend the River Meadows Nursing Care and Assisted Living project. Steve McArthur seconded. Ayes: 4 Nays: 0. Motion passed unanimously."

**F. RIVER MEADOWS CONCEPT PLAN.** Ted Stillman said the existing River Meadows Assisted Living Facility on Red Pine Drive consists of twenty-four (24) cottage-type units and an assisted living center with capacity for twenty-four (24) occupants. The applicant has submitted a concept plan to expand the existing development. The expansion would include an Alzheimer's Unit and an additional twenty-seven (27) cottage-type units for a total of fifty-one (51) cottage units. Mr. Stillman said we have not been given an occupancy number for the Alzheimer's Unit at this time; however, it is our understanding that the Alzheimer's Unit and additional units would rely on the existing assisted living facility for meal preparation.

Ted Stillman said the expansion would increase the project size to 9.03 acres. The Assisted Living and Nursing Care Overlay Zone allows for a maximum project area of four acres, but that the Planning Commission can recommend an exception to this maximum size limit and the City Council may approve the exception, not to exceed ten acres. Mr. Stillman said the Planning Commission made a recommendation to the City Council on July 15, 2008 to grant an exception on the maximum project size. Included in the City Councilmen's packet were the City Engineer's review comments of the concept plan. Once concept approval is granted, the applicant will have to submit elevations and color palette to the Gateway Committee. Ted Stillman said a plat amendment has been prepared and submitted to amend Spring Creek, Plat A to include the expansion area into the original plat. This will be processed as the project progresses through the development process.

The Planning Commission at their meeting of July 15, 2008 made the following motion:

"Steve McArthur moved to recommend that the City Council approve extending the 4-acre limit for the River Meadows Nursing Care and Assisted Living project to include the additional property at 186 and 199 East Red Pine Drive, bringing the size of the project to 9.2 acres. Steve Cospser seconded. Ayes: 5 Nays: 0. Motion passed unanimously."

It was noted the Planning Commission had previously forwarded a proposed concept plan to the City Council for their review.

**MOTION:** Jim Tracy moved that the City Council approve a zone change for the property at approximately 186 East and 199 East Red Pine Drive from CR 20,000 to Business Commercial and extend the River Meadows Nursing Care and Assisted Living Overlay zone. Thomas Whitchurch seconded. Jim Tracy withdrew this motion.

**MOTION:** Thomas Whitchurch moved that the City Council accepts the application for the zone change and concept plan for the River Meadows Alzheimer's Unit and instruct the Planning Commission to proceed with the process with the developer to refine a formal concept and site plan and that the Council indicates its intent that if the site plan as presented by the Planning Commission meets the requirements of the ordinance that it is the intent of the Council to adopt the site plan when presented. Jim Tracy seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

**B. PINE GROVE ANNEXATION.** Ted Stillman said that Wayne Patterson filed an Annexation Petition to annex the Pine Grove area in the northeast corner of Alpine. The proposed annexation is not included in the City's current Annexation Policy Plan and Utah County said there is a peninsula created at the north end of Grove Drive on their Evaluation Form. The City Council discussed whether to accept the Pine Grove Annexation Application Petition and move forward. David Church explained to the Council Members the intent of the law for annexation. Ted Stillman went over Utah County's Petition Evaluation as they were concerned that a peninsula was created at the north end of Grove Drive and the annexation is not currently within the proposed annexation municipality's expansion area. David Church said the parcel of land that belongs to the Forest Service and is the trail head and the other parcel that is individually owned does not satisfy Utah County. Jannicke Brewer said this is approximately the third time there has been an annexation application on this property. This property has a fault line, there has been a mud slide and the last time annexation was applied for was because of the house that was being built. Jannicke Brewer felt we couldn't adequately protect the house

Thomas Whitchurch felt we needed to review our Annexation Policy as we don't have any zoning associated with this property because it is not in our Annexation Policy. Councilman Whitchurch said that eventually this property will be annexed, but suggested that we start studying this and get input from the residents in the Cove.

**MOTION:** Thomas Whitchurch moved to deny the Pine Grove Annexation Petition and ask the Planning Commission to look at our annexation area and come back with a recommendation concerning the proposed density on that property as well as the Cove. Jim Tracy seconded. Thomas Whitchurch withdrew this motion.

**MOTION:** Tracy Wallace moved that we deny the Pine Grove Annexation Petition at this time as it is not in our Annexation Policy Plan. Jim Tracy seconded. Ayes: Kent Hastings, Jim Tracy and Tracy Wallace. Nays: 1. Motion passed. Thomas Whitchurch voted nay as he felt it was time to look at that whole area and that we look at our Annexation Policy Plan. Ted Stillman said we needed to address this issue and update our General Plan.

Item D was moved up on the agenda and was handled at this time.

**D. ALPINE BLVD. RIGHT-OF-WAY; ROGER BENNETT.** Ted Stillman said that Roger Bennett would like to donate to the City the right-of-way for Alpine Blvd. This property is currently in Utah County and the City has water lines running through it. This would give the City the opportunity to connect the two sections of Alpine Blvd. together. The Agreement was discussed in length. Shane Sorensen said that Roger Bennett wanted to keep enough square footage for future development and there will also be a tie-in to the property to the west. It was noted that in the Agreement it states that whoever builds the road will bear the cost of the road. Shane Sorensen said that Roger Bennett will get some benefit but the City gets the benefit because we have two main pressurized irrigation lines in the road.

**MOTION:** Jim Tracy moved to accept the donation of the Alpine Blvd. right-of-way from Roger Bennett. Thomas Whitchurch seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

Dallen Toolsen presented his proposed Eagle Scout project and said he wanted to improve the volleyball area in Burgess Park. Mr. Toolsen said he wanted to spray the weeds, make the grass level with the curb, get rid of the holes and make the sand softer by rotilling it. Kent Hastings asked what staff can do to keep these improvements up and Ted Stillman said we can rototill the sand each spring.

**C. 600 EAST IMPROVEMENT.** Shane Sorensen said that currently 600 East is currently a one-way street and there are funds in the Budget to make it a two-way street. The cost to construct the road is approximately \$107,000.00 and the project has been designed as it was being bid.

Shane Sorensen said that since early spring when he started working on this project, asphalt prices have really gone up. Asphalt seems to be the big issue. Jim Tracy asked why this did not go to bid and Shane Sorensen said we froze two separate prices, one from Jason Carlton in the amount of \$62,031.16 and one from Staker Paving in the amount of \$44,000.80. This project is scheduled to start immediately.

**MOTION:** Thomas Whitchurch moved that we authorize staff to construct 600 East with the proposed prices in an amount not to exceed \$110,000.00; Jason Carlton in the amount of \$62,031.16 and Staker Paving in the amount of \$44,000.08. Jim Tracy seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

**D. ALPINE BLVD. RIGHT-OF-WAY; ROGER BENNETT.** This item was handled earlier in the meeting.

**E. RIVER MEADOWS ZONE CHANGE.** This item was handled earlier in the meeting.

**F. RIVER MEADOWS CONCEPT PLAN.** This item was handled earlier in the meeting.

**G. NEW CASTLE PLAT D MINOR SUBDIVISION – FINAL PLAN.** Ted Stillman said the proposed New Castle Plat D Minor Subdivision consists of 1 lot on 0.626 acres in the CR-20,000 zone. The development is located at approximately 746 N. Coventry Lane. The Planning Commission reviewed the application on July 15, 2008 and granted concept and preliminary approval and recommended final approval with the following motion:

“Steve McArthur moved to grant concept, preliminary and final approval to the one-lot subdivision New Castle Estates, Plat D subject to the following conditions:

1. The property owner enter into a recordable agreement with Alpine City regarding the alignment of the extension of Quail Hollow Drive prior to the further development of the Lon Nield property and the right-of-way be dedicated to Alpine City to the property line.
2. The City’s water policy be met with Alpine Irrigation Company shares.

Troy Stout seconded. Ayes: 4 Nay: 1. Jannicke Brewer, Steve McArthur, Jason Thelin and Troy Stout voted aye. Steve Cosper voted nay saying that he would like to see the master plan for the road before approving the subdivision.” Motion passed.

Shane Sorensen suggested that we have an agreement with Lon Nield stating that “the property owner enter into a recordable agreement with Alpine City regarding the alignment of the extension of Quail Hollow Drive prior to the further development of the Lon Nield property and the right-of-way be dedicated to Alpine City to the property line.”

**MOTION:** Tracy Wallace moved that the City Council grant final approval of New Castle, Plat D Minor Subdivision based on the recommendation from the Planning Commission and subject to the following conditions:

1. The property owner enter into a recordable agreement with Alpine City regarding the alignment of the extension of Quail Hollow Drive prior to the further development of the Lon Nield property and the right-of-way be dedicated to Alpine City to the property line.
2. The City’s water policy be met with Alpine Irrigation Company shares.

Thomas Whitchurch seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

**H. ALPINE VALLEY PLAT B – PLAT AMENDMENT.** Ted Stillman said the proposed Alpine Valley, Plat B plat amendment would amend lot 1 and a portion of lot 2. Over the years, there has been some deeding off of parcels from lots and this plat amendment would help clean this up. There are three parcels included in this plat amendment and the proposal is to combine those three parcels into one buildable lot. Ted Stillman said the other property owners on this plat have signed off approving of the plat amendment so there is no need for a public hearing. The amended lot meets the zoning requirements and does not increase the number of lots in the original subdivision. There was a home on lot 1 of the subdivision which was recently demolished after a fire damaged the home.

The Planning Commission reviewed the application on July 15, 2008 and made the following recommendation:

“Jason Thelin moved to recommend approval of the plat amendment for Alpine Valley, Plat B. Steve Cosper seconded. Ayes: 5 Nays: 0. Motion passed.”

**MOTION:** Tracy Wallace moved that the City Council approve the proposed plat amendment for Alpine Valley, Plat B based on the recommendation from the Planning Commission. Thomas Whitchurch seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

**I. DEVELOPMENT CODE.** Ted Stillman said that previously there was a Trail Committee that met to discuss and make recommendations on City trails; however, that Committee was never formally established by ordinance. The PRO Committee has proposed some amendments to the Trail Ordinance (Article 3.17) establishing a Trail Committee to serve as a subcommittee to the PRO Committee. Basically, the existing content of Section 3.17.7.3 is proposed to be eliminated and replaced with the enclosed content. This would remove all wording referring to a Trail Master and a Trail Committee would be established instead. Additional changes have been included to update the ordinance. A Public Hearing was held on June 17, 2008.

Ted Stillman said the City Council should consider if the establishment of a Trail Committee is truly necessary. As a committee established by ordinance, the committee would be subject to the requirements of the Open Meetings Act including noticing, recording meetings, and taking minutes. If the City Council decides a Trail Committee is something that is needed, Mr. Stillman recommended that staff will take care of the noticing requirements, but have the Trail Committee be responsible for recording its own meetings and doing its own minutes.

There was a discussion on all the committees putting down scheduled meetings for the next year. David Church said the Council has to abide by our own ordinances. Jannicke Brewer said that currently the ordinance states there is a Trail Master. Our City has developed a good trail system and there are many Eagle Scouts who have done their projects on the trails. Craig Skidmore said he is an advocate of the Open Meetings Act and said he was ok which way this committee would go, either more formal or casual.

Thomas Whitchurch had some questions under 3.17.6.1.1 as to what class misdemeanor this would be – driving motorized vehicles on a trail. It was decided the sentence should read “No motorized vehicles shall be allowed on trails except for vehicles performing trail maintenance, emergency vehicles, motorized wheels chairs on trails which are ADA (American Disability Act) accessible, or as designated by the City Council” and the remainder of the sentence declaring the violation to be a Class B misdemeanor and may be cited as such should be taken out.

**MOTION:** Thomas Whitchurch moved that the City Council approve the proposed amendments to Article 3.17 (Trail Ordinance) and create a Trail Committee and strike the sentence under 3.17.6.1.1 that reads “A violation is declared to be a Class B misdemeanor and may be cited as such.” Jim Tracy seconded. Ayes: Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 1. Kent Hastings voted nay. Motion passed. Kent Hastings said he voted nay because he said he struggled with creating another level of bureaucracy.

**J. TAYLOR MEADOWS LANDSCAPE BOND.** Shane Sorensen said that Taylor Meadows Subdivision is located at 100 South and 350 East. The subdivision is a PRD and they dedicated open space to the City. The Open space was to have lawn installed. The lawn was seeded but is overgrown with weeds and has many spots with no lawn. Shane Sorensen said that City staff is asking that the Taylor Meadows Landscape Bond be declared in default. Shane Sorensen explained the difficulty with this project. Tracy Wallace felt the person who signs the bond is the one we should be talking to and further stated that neither David or Grace Taylor have been made aware of the problems. Shane Sorensen said his contact was Brian Higbee and he talked to him earlier in the year and was told this would be taken care of. Shane Sorensen said he now have David Taylor's e-mail address and is in the process of composing a letter. It was noted that staff would rather see the developer make the improvements.

**MOTION:** Jim Tracy moved that we declare the Taylor Meadows Landscape Bond in default but give Shane Sorensen two weeks to negotiate with the developer or the developer's representative; however, if the negotiations fail we authorize the bond in default at that time. Kent Hastings seconded. Ayes: Kent Hastings, Jim Tracy and Thomas Whitchurch. Nays: 1. Tracy Wallace voted nay. Motion passed.

**VII. REPORTS – JUNE 2008 FINANCIAL REPORT.** Ted Stillman went over the Financial report and said the Fund Balances showed a balance of \$619,000.00 which is over 18% and should be in the \$350,000 range. The new Audit requirements were discussed and Ted Stillman said the accounts payable should be updated and this will get this down to where it should be prior to the audit. Mr. Stillman said we have taken in about \$50,000 less in plan check and building permit fees and we have only issued four building permits and are in the fifth month of the year. We are going to be dinged in our audit. Highland billed us \$36.77 short and this should be a zero balance. We are trying to get them to bill us on a regular basis so we won't have this problem in the future. Ted Stillman said we have nine years of graphs and that gives us a good picture to see what has happened over time.

#### **VIII. COMMUNICATION**

##### **Jim Tracy –**

1. Rocky Mountain Power has scheduled to install power at the Rodeo Grounds at the end of September or early October and Dana Beck is doing the trenching. This year we are going to be renting temporary lights for this year's rodeo and using generators.
2. Alpine Days
  - a. We will start selling tickets starting on Monday for all events
  - b. We will fill Legacy Park with inflatables and half of them will be wet
  - c. We will need help with setting up and taking down barricades
  - d. We need help emptying trash cans on Saturday during the activities
  - e. The Family Dinner has been cancelled
  - f. The Council will be tossing out 6,000 super balls
  - g. We will put the tent up on Wednesday
  - h. Anyone that purchases a T-shirt, polo shirt or hat will get a wrist band for free to attend the inflatable slides in Legacy Park
  - i. The vendors are will be around and in the big tent
3. Asked when the Police Department is tentatively scheduled to move. It was said they will move around August 11<sup>th</sup>.

**Tracy Wallace –** Said the payment form is not being sent in with our Timpanogos Special Service District report dealing with impact fees. We are up to date on our payment for services, but they need that Impact Fee Report.

##### **Thomas Whitchurch –**

1. July 21, 2008 was the last performance of Seussical the Musical. It was a very successful production.
2. Our Jr. Miss Pageant was held last week and because of the number of tickets sold we were able to send three to the State competition. The three winners were Leah Beckwith, Ashley Bracey and Katrina Wood. Jessica Frazier was the alternate.

3. Marvin Payne is doing a Concert in the Park this next Saturday evening.

**Ted Stillman –**

1. Dispatch - Everyone has been invited to a meeting on July 29 in the County Commissioner's chambers. The County has received numerous e-mails concerning the cost of this; however, they want to get out of the business. It will cost some cities more and some cities less. Ted Stillman said the committee is working on ways for the cost to be equalized and by our next City Council meeting there will be a proposed resolution for us to pass that we will participate in the District.

2. Cemetery sprinkler system. This has been a huge concern to our Cemetery Commission; however the sprinkler system behind the gazebo has been installed. Staff can now landscape the hill.

3. Last Wednesday evening we had a very successful Charette Meeting on the 100 South Park. About 35 people attended. We divided into five tables and there was a professional landscape architect at each table. This will be going to the PRO Committee to give direction to Lars Anderson to develop the Master Plan. At the next meeting we are going to propose that we expand Lars Anderson's contract to include the park on 300 East and the little strip of land by Taylor Meadows Subdivision that we want to add to the 100 South Park.

4. The overlay project is now all complete. Shane Sorensen said that because we could not get the oil for chip seal we were only able to do about half of what we wanted to as we ordered all of the chips earlier so now we have a big pile of chips up at the shop. Shane Sorensen called and was told we wouldn't be able to get any more oil. We are in better shape than most cities.

**Shane Sorensen –**

1. The flag inserts were ordered and will be installed prior to Alpine Days.

2. The Ft. Canyon sewer is going well. The contractor gave us a very low price, but is doing good work. We should have a payment request for next City Council meeting. The property owners have been very good to work with

3. The Eagle Scout projects for putting stickers on the storm drain will start this next week. EPA will like this on our report.

4. About 60% of our city has been surveyed using the GPS system including like storm drain manholes, sewer manhole, water valves, fire hydrants, etc. This should be completed by the end of this summer.

5. Likes the new projector.

**IX. EXECUTIVE SESSION** to discuss Litigation, Property Acquisition and Personnel. An Executive Session was not needed.

**X. APPROVAL OF MINUTES**

City Council Meeting of July 08, 2008

**MOTION:** Tracy Wallace moved to approve the minutes of the City Council Meeting of July 08, 2008 and adjourn. Jim Tracy seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

The meeting adjourned at 9:15 pm.