

JANUARY 24, 2006

Minutes of the City Council Meeting held on Tuesday, January 24, 2006 at Alpine City Hall, 20 North Main, Alpine, Utah 84004 at 7:00 pm.

The following members were present and constituted a quorum:

Mayor Hunt Willoughby

City Council Members: Kimberly Bryant, Kent Hastings, Hata Puriri, Tracy Wallace and Thomas Whitchurch

Staff: Ted Stillman, Janis H. Williams, Shane Sorensen, David Church, Ron Devey and Jay Healey

Others: Jannicke Brewer, Jim Tracy, Lincoln Watkins, Will S. Jones, Craig Skidmore, Marc Lloyd, Milan Malkovich, Kim Lambourne, Leon Rowley, Clark Olsen, Claire Olsen, Bethany McClain and Collin McClain

- I. **CALL TO ORDER.** Mayor Hunt Willoughby called the meeting to order at 7:00 pm and welcomed those in attendance.
- II. **PRAYER/OPENING COMMENTS** – Mayor Hunt Willoughby
- III. **PLEDGE OF ALLEGIANCE.** Alex Tamang 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.

Marc Lloyd brought up a topic that he felt was hard to address dealing with public safety. The Lone Peak Fire District accepts calls and covers the areas of Alpine, Highland and Cedar Hills and is funded by those jurisdictions. Every time numerous trucks leave our town responding to calls up American Fork Canyon, it may leave Alpine, Highland and Cedar Hills unprotected. Mr. Lloyd was concerned that calls that are received for search and rescue up American Fork Canyon by The Lone Peak Fire District could be handled by Utah County Emergency Services. Sometimes those needing this service aren't residents of any of our cities. Marc Lloyd asked the Council to look at the structure and it was noted the response time for these units to get to the mouth of the Canyon is at least 5 to 10 minutes. Mayor Willoughby said he will mention this to Chief Carlisle at the next Lone Peak Public Safety District Board Meeting.

V. CONSENT CALENDAR –

- A. Business Licenses:
 - Colette Johnson – DIRECT DESIGN; 563 N. Grove Drive
 - Stan Adams – STAN ADAMS ENGINEERING; 182 South 400 East
 - Michael Taylor – MTC CONSULTING, INC; 1291 E. Oakwood Circle
 - Ben Probst – CASCADE CONTRACTING, INC; 1279 E Cedar Mountain Circle
 - Ted York – PLATINUM IMAGES; 304 W. Meadowlark Drive
 - Cheri Maude – SEASONS SHARED, LLC; 271 W. International Way
 - Brit Server – bbbDESIGN AND CONSTRUCTION; 1391 E. Grove Drive
 - Brit Server – CREATIVE ENERGY; 1391 E. Grove Drive
- B. Bond Release:
 - Bryce Nelson – WHISPERING PINES - \$2,730.72

MOTION: Kent Hastings moved to approve the Consent Calendar. Thomas Whitchurch seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

VI. SCHEDULED ITEMS. Mayor Willoughby said we have had a request to move items D and E up on the agenda.

- D. **E-CREST MINOR SUBDIVISION.** Ted Stillman said the LDS Church and Paul Ercanbrack

are developing a two-lot Minor Subdivision which will contain an LDS Church on three acres and a one-acre lot. The Planning Commission recommended approval of the E-Crest Minor Subdivision at their meeting of January 17, 2006 as follows:

“Jim Tracy moved to approve the LDS Church site plan located at approximately 200 N. Alpine Blvd. and approve a conditional use permit subject to the following conditions:

1. A UPDES permit be obtained for the site prior to construction and a copy of the permit be provided to the City Engineer
2. The Eastfield Ditch be piped as proposed on the plans
3. The landscape plan be approved by the Planning Commission
4. A plan be provided for parking lot lighting
5. Any proposed fencing around the site be reviewed by the Planning Commission
6. The minor items redlined on the engineering drawings be addressed
7. A gate be installed in the northeast corner to allow pedestrian access to the church”

Ted Stillman said that traditionally the children used the path from Meadowbrook Drive to Alpine Blvd. on their way to school and Mr. Stillman said it would be less obtrusive to the lots if the trail was moved to the south end of the proposed lot in this subdivision. The water, sewer and pressurized irrigation lines were going to be installed there and if the trail was going to remain on the north between the two lots, then there was a possibility of both property owners putting up a fence creating an alley. If the trail was on the south there would only be a fence on one side and open space on the south. Clark Olsen said that he owned property on both sides of Meadowbrook Circle and he felt there was not clear access either way to this trail. Shane Sorensen said there was a road dedication plat dedicating Meadowbrook Drive which would give access if the trail was on the south side of the lot.

David Beckstrand, along with Mike Fitzgerald, own property on Meadowbrook Drive on the south end of the Hunt Club and to the east of the proposed Church lot. Mr. Beckstrand said he was surprised when he found out the Church wanted to close the creek and pipe the ditch as he said that open water ways enhance the value of properties. If you pipe the ditch then you will lose the buffer zone between the church property and the residential lots in the Hunt Club. David Beckstrand said he has seen no beautification plans with trees or landscaping and if all the existing trees die then you lose the beauty of the trees and the buffer between the asphalt and a residential neighborhood. Shane Sorensen said the irrigation ditch is owned by the irrigation company and Mr. Beckstrand again stated he objected to piping the ditch. David Church said there a policy in the city where ditches are required to be piped and Ted Stillman said that the Subdivision Ordinance states this requirement. It was stated that the pipe would be moved on the Church's property. The trees that are on the church's property would be removed and Mr. Beckstrand said that to remove the trees would remove the buffer between the residential lots and the Church site. Mr. Beckstrand felt the solution would be to have the church purchase the lot to the north to be used for additional parking and there would then be more property for the church facilities.

Mayor Willoughby said that taking into account David Beckstrand's concern about the property questioned if the council was ready to move on the E-Crest Subdivision. Hunt Willoughby asked how the acreage on this chapel compares to the acreage on the other church buildings. Mr. Olsen said he did not know the south end of the ditch was not in the agreement that was signed to keep the ditch open. David Church went over the latest legislation that stated if a proposed Subdivision meets your current ordinance then we are required grant approval, but noticed in the last Planning Commission minutes there was a question with the amount of parking. Jannicke Brewer said this proposed subdivision does meet our ordinances. Thomas Whitchurch said it would be appropriate to negotiate an easement with the landowner and then have staff negotiate with the landowner for an alignment of the trail because we don't know what would be best for the landowner. David Church commented on the trail easement and said the city doesn't know a price yet; however, the city would have to pay for it. Because of the cost being too expensive, the city might have to find another access. Mr. Church said the city cannot negotiate approval of the subdivision upon obtaining an easement for the trail. Jannicke Brewer said the Planning Commission felt strongly about this because the Church site plan is a conditional use and a condition could be imposed for this trial easement.

MOTION: Kent Hastings moved that the E-Crest Minor Subdivision be approved subject to the following conditions:

1. Ingress and access be consistent with Section 4.7.4.14 of the Subdivision Ordinance

2. The three culinary water laterals and the pressurized irrigation water laterals that will not be used in this development be removed and plugged at the main line
3. An easement be provided for construction of a water line and storm drain line along the north edge of lot 1
4. That Eastfield ditch be piped as proposed on the LDS Church Site Plan
5. The developer state the source of water to meet the City's water policy
6. The City negotiate with the developer to obtain an easement for a path across lot 1
7. The minor items redlined on the engineering drawings be addressed
8. A bond be provided for the required improvements
9. That a Developer's Agreement be executed

and that the city negotiate with the developer for an easement across either lot or this be approved as it meets all our ordinances. Thomas Whitchurch seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

E. LDS CHURCH SITE PLAN. Ted Stillman said the LDS Church plans to build a Church on the east side of Alpine Blvd. just south of 300 North. A copy of the site plan was in the council member's packets. Mr. Stillman said that churches are a conditional use in the CR-40,000 Zone. The Planning Commission recommended approval of the site plan and conditional use at their meeting of January 17, 2006. Piping the ditch was again discussed and Shane Sorensen said that when ditches are left open then people put their grass clippings in that area and the leaves fall in the ditch. It then becomes the city's responsibility to keep the ditch clean to prevent flooding of homes. Shane Sorensen said there are 225 parking places and Jannicke Brewer said the church was very concerned about members parking on Alpine Blvd. which is now a busy street. Marc Lloyd suggested that the Church apply for a variance to move the building closer to Alpine Blvd. to allow for planting more trees and also being able to keep the 100 year-old trees. Milan Malkovich, Project Manager for the Church, said they did have a different site plan that had been submitted and suggested they could put in a planter strip and remove one parking space for an additional planter strip to mitigate concerns with the residents. Mr. Malkovich made suggestions concerning piping the ditch and said the Church is willing to continue working with the residents as they want to be good neighbors. Also, Milan Malkovich talked about the gate and said the church would have no objection to having a gate accessing to public property, but there are some liability concerns having the public crossing Church property and sometimes good fences make good neighbors; however, if it was negotiated things could be worked out. It was asked why the city didn't buy the lot and make a park out of it and David Beckstrand said there is a garbage container planned which would be right next to Mike Fitzgerald's property. Kent Hastings questioned if there was enough room to slope the area so as not to intrude on the resident's property if the ditch was to be piped. Tracy Wallace asked Milan Malkovich if he had talked to the resident's in that area and Mr. Malkovich said this is the first time he has had a chance to meet with any of the residents except for Clark Olsen. Jannicke Brewer said there is a notification process in our ordinance and the Planning Commission has had a public hearing on this issue and this has been dealt with by the Planning Commission. David Beckstrand felt the most simplistic solution would be for the church to purchase the lot to the north for additional parking. Milan Malkovich said the Church would walk away from this project if they could find another location to build a church. The Church would not like to incur the cost of obtaining the other lot. Other churches in the area were visited around 10:00 to 11:00 and they found the only problem was at the Red Church on 200 North. There is not enough parking there as it is in the downtown area and is landlocked. Hata Puriri made suggestions for compromise to shift the parking. The 235 lots is required by our ordinance and Jannicke Brewer said they were approached by the local church leaders to provide as many parking spaces as possible. Mr. Malkovich said the church would provide more trees because the 100-year old trees won't be there too much longer.

MOTION: Kent Hastings moved that we remand this back to the Planning Commission and address some of the issues the Council has about the buffer area and trees. Hata Puriri seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

A. ARBORETUM MASTER PLAN. Ted Stillman said that many work projects have taken place in the Arboretum which has dramatically improved its appearance. Harvey Hutchinson and the Arboretum Committee have completed the covered bridge and have put a slate roof on the old milk house. The next projects are the completion of paths, etc. As these projects have progressed it has become apparent that a professionally prepared Master Plan is necessary in order to guide development and to secure funding for the Arboretum improvements. Ted Stillman said he has received a proposal from Lars Anderson who is a

landscape architect to develop a Master Plan for the Arboretum. Staff recommended proceeding with Phase 1 at a cost of \$9,000 which would come out of the Arboretum Budget. Also, there was a drawing of a park master plan that Lars Anderson has just completed for Cedar Hills. The Arboretum Committee reviewed the Master Plan at their meeting of January 11, 2006 and recommended that the Master Plan be accepted. The Parks, Recreation and Open Space Committee reviewed the Arboretum Master Plan proposal at their meeting on January 19. Kimberly Bryant suggested that we include an article in the Newline about the Arboretum so all residents know we have one.

MOTION: Thomas Whitchurch moved to authorize Lars Anderson to complete Phase 1 of the Arboretum Master Plan as outlined based on the recommendations of the PRO Committee, Arboretum Committee and staff. Tracy Wallace seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

B. BURGESS PLACE MINOR SUBDIVISION. Ted Stillman said the Burgess Minor Subdivision is located at 200 North and 200 East. The plat and City Engineer's comments were included in the packets. The Planning Commission recommended approval of the Burgess Minor Subdivision at their meeting of January 17, 2006 as follows:

"Jim Tracy moved to grant preliminary and final approval to the Burgess Place Minor Subdivision subject to the following conditions:

1. That the City water policy be met
2. A bond be required for the required improvements
3. A lot setback table be included on the plat
4. There be a note on the plat stating that no variances would be given
5. A Developer's Agreement be executed"

Ted Stillman said the problem is with item #3, a lot setback table be included on the plat as owners want to build a large home on a small lot and recommended that there be no variances given. David Church said he didn't see any problem with putting a note on the plat even though the Council would not be the body voting on the issue. It would be a resident's right to apply for a variance and the Board of Adjustment would be the body voting on that issue. Jannicke Brewer said the envelope on the corner lot would accommodate a smaller home and not a monster home.

MOTION: Tracy Wallace moved to grant final approval to Burgess Place Minor Subdivision following the Planning Commission's recommendation and that this subdivision follows our ordinances and is subject to the following conditions:

1. That the City water policy be met
2. A bond be required for the required improvements
3. A lot setback table be included on the plat
4. There be a note on the plat stating that no variances would be given
5. A Developer's Agreement be executed

Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

C. McNeil No. 2 ANNEXATION. Ted Stillman said that Lon Nield would like to annex 7.4412 acres into Alpine City. The property is located in the northeast area of Alpine at the end of Alpine Blvd and just north of Wintergreen Court. Several of the items that need to be addressed as part of this annexation include:

1. Improvements to Alpine Blvd. – Alpine Blvd. will need to be extended to the north as part of this annexation
2. Development Plan – The applicants will need to submit development plans on how the property would be developed
3. Annexation Policy Plan – This property is in the Annexation Policy Plan area.

Kent Hastings asked if Alpine Blvd. wouldn't it be too long of a cul-de-sac by extending the street. Shane Sorensen said that staff has the benefit of seeing the overall plan for this property and felt that to

approve this would further complete Alpine Blvd. David Church said that to accept the petition just starts the process for annexation. Will Jones said the only reason to annex this acreage now was because the Bennetts were approached but they want to continue farming. Lon Niel only wants to develop 3 lots and Kent Hastings said that to develop only three lots wouldn't benefit the city at all with the improvements on Alpine Blvd. Will Jones said the city could require Lon Niel to give the road easement to his property line. Tracy Wallace asked if the Council would still have an opportunity to reject the annexation or if this was their only opportunity.

MOTION: Hata Puriri moved to accept the McNeil Annexation No. 2 petition and refer it to the Planning Commission for a recommendation. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

D. E-CREST MINOR SUBDIVISION – this item was moved up to the first of the agenda.

E. LDS CHURCH SITE PLAN – this item was moved up to the first of the agenda.

F. LEGACY PARK RESTROOMS – PAVILION AND GAZEBO. Ted Stillman said that in the 2005-2006 Budget funds have been found for the Legacy Park Restrooms/Pavilion and Gazebo. The next step in the process to construct these improvements is to agree on a concept of what they are going to look like. To date discussions have been as follows:

1. Existing Pavilion – Would be increased in size to accommodate larger and the existing architecture would be preserved
2. New restrooms – Would be located adjacent to and possibly connected to the pavilion
3. Old Church stones – Stones from the Purple Church that occupied the site would be included in the design

Ted Stillman said we have received a cost estimate from Ensign Engineering to design the Restroom/Pavilion and suggested that the City authorize up to \$2,000 for preliminary concept designs so that a consensus can be reached on exactly what the restrooms/pavilion and gazebo should look like. Ted Stillman showed some examples of buildings that Ensign Engineering have designed in other places and noted that John Vincent was asked to present a design. We would like to see a more rustic design and not a replication of City Hall. Shane Sorensen said we could have a public meeting and let the residents voice their opinion on what they want there as this will be right downtown and asked if we wanted Ensign Engineering to come to a meeting. Hunt Willoughby said that as long as Ensign Engineering covered the restroom, the new pavilion while retaining the old pavilion, storage area, gazebo, and the use of the old church stones he was O.K. is using the firm but would like to see some preliminary designs.

MOTION: Kimberly Bryant moved to authorize Ensign Engineering to develop concept designs for the Legacy Park Restrooms/Pavilion and Gazebo up to \$2,000. Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

Councilman Whitchurch left the meeting at 9:00 pm.

G. STORM WATER COALITION AGREEMENT. Ted Stillman said that Alpine is under the Federal Rules regarding storm water discharge. The cities of Utah County have joined together to create a storm water coalition. The coalition will promote public education and the development of best practices to make sure storm water does not cause pollution. Shane Sorensen said that being members of the coalition will help us meet the requirements of the National Pollution Discharge Elimination System and it will cost the City \$600.00 per year to belong to the Coalition.

MOTION: Hata Puriri moved to approve the Amendment to the Interlocal Cooperation Agreement for NDPES Phase II Storm Water Public Education and Outreach best management practice compliance. Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri and Tracy Wallace. Nays: 0. Motion passed.

H. WATER CAPITAL FACILITIES PLAN AND PRESSURIZED IRRIGATION

CAPITAL FACILITIES PLAN. Ted Stillman said it has been several years since the City has updated the Water and Pressurized Irrigation Capital Facilities Plans. Now that we have operated for 4 years with two separate water systems it is time to look at how both systems are functioning and look at their revenue structures and make sure the rates are in line with projected expenditures and that the impact fees will cover the cost of new growth. Shane Sorensen said we have obtained a quote from Horrocks Engineers to accomplish the updates needed. They estimate \$11,290 to complete the culinary water update and \$9,724 to update the pressurized irrigation (secondary water) plan. The Impact Fee amounts include funds to update the plans. Shane Sorensen said that to ask another firm do these updates would be more expensive as they would have to become familiar with our systems and create a model of their own.

MOTION: Tracy Wallace moved that Horrocks Engineers be authorized to update the culinary water plan up to a cost of \$11,290 and update the pressurized irrigation plan (secondary water) up to a cost of \$9,724. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri and Tracy Wallace. Nays: 0. Motion passed.

I. TRANSPORTATION ENHANCEMENT GRANT.

Ted Stillman said that at the last City Council meeting Jannicke Brewer asked when the bridge that was washed out in the spring of 2005 over Dry Creek would be replaced. Shane Sorensen suggested that the City apply for Transportation Enhancement funds to replace that bridge. The estimated cost to replace the bridge would be \$98,000 of which \$78,400 could come from a Transportation Enhancement Grant.

MOTION: Kent Hastings moved that the City authorize to apply to the Utah Department of Transportation for Transportation Enhancement Funds to replace the pedestrian bridge over Dry Creek. Hata Puriri seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri and Tracy Wallace. Nays: 0. Motion passed.

J. 2005-2006 BUDGET AMENDMENTS.

Ted Stillman said the proposed amendment to the Budget is to add \$100,000 for the Lambert Park Cleanup. The City is receiving a \$100,000 Grant from Envirocare Environmental Foundation to clean up Lambert Park. We didn't get the These funds will be added to a revenue in the General Fund and expended out of the Parks Department.

MOTION: Kent Hastings moved to set a Public Hearing for February 15, 2006 regarding amendments to the 2005-2006 Budget. Tracy Wallace seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri and Tracy Wallace. Nays: 0. Motion passed.

K. FINANCIAL REPORT.

Ted Stillman went over the Financial Report through December which reflected revenues and expenditures for the six months of the fiscal year and said the legislature is acting on some issues that would affect our city such as sales tax on food and the tax on utilities.

VII. COMMUNICATION

Jannicke Brewer - said that there will be a hearing to change the zoning on the Patterson Property (Pine Grove) in February and requested as many people attend as possible.

Hata Puriri asked city staff if there were issues with cars parked on the street during snow removal. Jay Healey said he liked the system we had before the ordinance was changed to allow cars to park on the street except if there was a "measurable amount of snow." Jim Tracy said that in the next Newsline there will be an article about shoveling the snow in front of homes and he suggested that all council members do their own sidewalks in front of their homes. David Church felt the way to handle this was not through law enforcement but through education.

Kent Hastings –

1. Asked the Mayor if he got an e-mail about Parliamentarian Procedures. Kent Hastings said he knew a woman who would come to train the council members prior to a City Council Meeting

and would cover most of our important questions.

2. Asked if the City really wanted to develop the Three Falls Subdivision or if we want to keep it as the old recorded Ileghey Estates Subdivision. Jannicke Brewer felt it would be more beneficial to start over with a new application.

Kimberly Bryant –

1. Said the residents from the Hunt Club were discussing with the Church leaders about buying the lot in the E-Crest Subdivision.

2. She wanted to publicly tell Jannicke Brewer how well she runs the Planning Commission.

3. Had some questions about the Newsline putting in free advertising for non-city things. Tracy Wallace asked what the intent of the Newsline was - was it to inform the citizens about city issues? Kimberly Bryant suggested that non-city advertisements be put on the back page at a charge of \$25.00.

4. Where is the light in the park. Shane Sorensen said it was coming and explained that if we require the subdivisions to install light fixtures we would have to handle it differently.

Hunt Willoughby – Received a letter from Ray and Norma Whitlock expressing interest in a Senior Center and said that possibly he would like to form a committee.

VIII. EXECUTIVE SESSION to discuss Litigation, Property Acquisition and Personnel.

MOTION: Kent Hastings moved to go to Executive Session for the purpose of Property Acquisition. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri and Tracy Wallace. Nays: 0. Motion passed.

IX. APPROVAL OF MINUTES

City Council Meeting of January 10, 2005

MOTION: Kent Hastings moved to go back to open session, approve the City Council Meeting minutes of January 10, 2005 and adjourn. Tracy Wallace seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri and Tracy Wallace. Nays: 0. Motion passed.

The meeting adjourned at 10:45.