

January 27, 2004

Minutes of the City Council Meeting held on Tuesday, January 27, 2004 at 7:00 pm at Alpine City Hall, 20 North Main, Alpine, Utah.

The following members were present and constituted a quorum:

Mayor Phil Barker

Council Members: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby

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

Others: Jannicke Brewer, Dale Porter, Clair Bigler, *New Utah*, Will S. Jones, Craig Skidmore, Shelly Gibbs, David Adams, Gary Payne, Charles Engberson, Michael C. Engberson, Sharon Haddock, *Deseret News*, Phyllis Clifford, Kent Evans, Richard James, Jessie Gardiner, Jim Gardiner, Dough West, Bruce Argyle, DeAnna Ball, Kim Jensen, Jonie Jones, Jim Tracy, Alice Cosper, Sam Morris, Lance Murdock, Corbin Wright, Jay Aiken, Loretta Stevens, Roger Whitby, Rick Powell, Sandy Powell and Larry Brown

I. **CALL TO ORDER.** Mayor Phil Barker called the meeting to order at 7:05 pm and welcomed all those in attendance.

II. **PRAYER** - Kimberly Bryant

III. **PLEDGE OF ALLEGIANCE.** Craig Skidmore lead 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.

Doug West, Chairman of the Backcountry Horsemen of America riders, was concerned about the closing one of the trails in the Lone Peak area and asked the Council to take into consideration that this trail is used a great deal and that the public needs continued access to the mountains; however, Mr. West said his group doesn't want to discourage Mr. Patterson from developing. Mayor Barker said he was sympathetic to the concerns expressed, but this property is in the county and Alpine city doesn't have any jurisdiction over county property. Mr. West volunteered the services of the two local chapters of his group if the trail is rerouted and there is work to be done. Craig Skidmore said the County Commissions did approve the subdivision and there is not a prescriptive easement on the plat; however, Mayor Barker and Craig Skidmore have been in contact with Mr. Patterson to try and work something out. DeAnna Ball represented herself and the school children of Utah and felt like the City is giving away our future by allowing the County Commissioners to cut our trails off. There were 13 trails up in these mountains and there is now one left. Mrs. Ball said this is not a city, county, state or Federal issue, but these are public lands and the City Councilmen are the gatekeepers. DeAnna Ball asked the City Councilmen to support the horsemen, mountain bikers, walkers, hikers and joggers to keep this trail open. Mayor Barker said that if anybody were going to enforce a prescriptive easement, it would be the groups here tonight. The city has and is doing everything possible. Jessie Gardiner, who works with the Forest Service, said she was surprised at how many people use the trails and is interested in seeing the trails kept open. Mayor Barker said that our next step is to continue dialogue and see if we can work something out with the property owner.

David Church recommended several steps that these groups can do and what their first step should be in securing the prescriptive easements. Hata Puriri said he was at a Trails Committee Meeting this past week and they are very concerned about this trail. David Church said not to expect the City to trade favors with the landowner in order to keep this trail open. Craig Skidmore said he was at the County Commissioner's meeting with Wayne Patterson and Mr. Patterson is waiting for the City and the Trails Committee to come to him with an offer, as there was a deal made for the trail on the south end of town. It was suggested that we use the sewer system as a leverage tool and Mr. Patterson already has septic tank permits and doesn't have to use City services. David Church suggested that these groups approach Lehi as the new trail alignment would go through their property, but Lehi is against trails through their property in this area.

Bryce Argyle lives in Alpine Cove and represented the Mountain Bikers and is interested in seeing

a trail in this area. This trail has been in existence for many years and if this can't go through the Lone Peak area, the Bonneville Shoreline Trail will end in Alpine. Mr. Argyle also offered the services of the Mountain Bikers.

Sam Morris asked when the City is going to build the skateboard park and Mayor Barker said that right now it is put on hold but encouraged Sam Morris to contact the City Councilmen individually.

Mayor Barker recognized David Adams as being a dedicated City Councilman who served a four-year term and presented him with a plaque showing the City's appreciation for his efforts. Mayor Barker noted that David Adams would continue to serve on the North Pointe Solid Waste District's board for six more months.

V. **CONSENT CALENDAR –**

Business Licenses:

David Thompson – HOME COMFORT CARE; 122 S. Country Manor Lane
Linn Justus – ALPINE PROPERTIES and INVESTMENT; 535 Cascade Ave.
Doug Chrzanowski – HIGH PEAKS CONTRACTORS, LLC; 1801 N. Fort Canyon Road
Dorte Anderson – DORTE ANDERSON INTERIOR DESIGN; 39 N. Preston Drive
Linda Black – CORPORATE YOGA; 1085 E. East Mountain Drive

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

VI. **SCHEDULED ITEMS**

A. SWISS ONE, PHASE III, EXTENSION. Ted Stillman said that Swiss One, Phase III received final approval from the Planning Commission on May 6, 2003 and final approval from the City Council on May 13, 2003. Final plats must be submitted to the City Recorder within six months of final approval or they are null and void. The developers are requesting an extension. Questions were asked about when the City would not grant an extension and David Church said that if a subdivision came back six years later, then possibly the Council would deny the extension request.

MOTION: Hata Puriri moved to approve the extension of Swiss One, Phase III for an extended six-month period subject to the following condition:

1. All necessary dedications and corrections be made on the final plat, including the open space and trail dedication to the City.
2. Construction of Phase I improvements be completed prior to construction of Phase III
3. A 120% bond be provided for the required improvements
4. That temporary erosion control measures be installed during construction to mitigate runoff onto adjacent properties

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

B. LYE SUBDIVISION EXTENSION. Ted Stillman said the Lye Subdivision is a two-lot subdivision located at 640 North Main and was approved by the City Council on March 9, 1999 and extended on August 12, 2004. Subdivisions must be recorded within six months of approval by the City Council and since the Lye Subdivision Plat was not recorded within that time frame, it must be extended.

MOTION: Hunt Willoughby moved to approve the extension for the Lye Subdivision for six months subject to the following:

1. The Fire Chief has approved the location of the existing Fire Hydrant
2. The water policy has been met
3. A bond guaranteeing installation of the improvements be posted

4. Curb and gutter profiles be submitted
5. The surveyor stamp be included on the Plat
6. That it meet all current ordinances

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

C. PRESTON CANYON and WILLOW CANYON DEBRIS BASINS. Ted Stillman said that Joel Kester has been working with Neff Engineering on the design of the Willow and Preston Canyon Debris Basins. The design is complete and it has received approval from the State of Utah Dam Safety Department. The engineer is completing the cost estimate and are still working on funding. Shane Sorensen said these debris basins will handle a 50-year flood and as soon as staff gets the cost estimates we will start to proceed with forming a Special Improvement District. This will be on the next City Council agenda.

D. MASTER TRAIL PLAN. Ted Stillman said the Trail Committee has been working diligently on updating the Master Trail Plan. The Planning Commission held a Public Hearing on November 18, 2003 and discussed it further at three subsequent meetings. At their meeting of January 20, 2004 the Planning Commission recommended the Master Trail Plan to the City Council. Ted Stillman said the important thing to make a trail plan successful is the looping of the trails. Mr. Stillman felt that dedicating trails and allowing access to the Schoolhouse Springs area would protect Lehi's watershed. Jannicke Brewer suggested there be a trail map for walking purposes to show which trails are on public land and can be walked on. Mrs. Brewer felt the Bonneville Shoreline Trail could go around the perimeter in a more natural setting. Kent Hastings pointed out the trails that go between two lots that the homeowners don't particularly want there. Jannicke Brewer was aware of these trails and said these were left on to give the City more options. Loretta Stevens stated her opinion with the trail on her property that was on the Master Trail Plan map. The trail that went through the Schauerhamer property was discussed and this was left on the map, but the trail would not be constructed until the land was developed. A Public Hearing needed to be scheduled.

MOTION: Thomas Whitchurch moved to schedule a Public Hearing on the Master Trail Plan for February 24, 2004 at 7:00 pm. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

E. ORDINANCE NO. 2004-01 – ANIMAL CONTROL ORDINANCE. Ted Stillman said the Lone Peak Public Safety District has asked that Alpine adopt an Ordinance the same as Highland's governing attacking and guard dogs. Section 13-200 part 13-240 section 249 B was added to Ordinance No. 2003-02 as follows:

A. **Attacking Dogs.** It shall be unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog to attack, chase or worry any person (unless subsection B of this section is applicable), any domestic animals or any species of hoofed protected wildlife, or to attach domestic fowl. "Worry," as used in this section, shall mean to harass, tear, bite, or shake with the teeth.

B. **Guard Dogs.** It shall be unlawful for the owner or person having charge, care custody or control of any guard dog to allow such dog to attack, chase or worry any person unless that person has trespassed and is in the act of or has intent to commit a criminal act. All such dogs shall be confined on premises and a sign warning the public of the presence of such dogs shall be posted in a conspicuous place.

C. **Owner Liability.** The owner in violation of subsection A of this section shall be strictly liable for violation of this section. In addition to being subject to prosecution under subsection A of this section, the owner of such dog shall also be liable for damages to any person injured or to the owner of any animal(s) injured or destroyed thereby.

D. **Defenses.** The following shall be considered in mitigating the penalties or damages or in dismissing the charge:

1. That the dog was properly confined on the premises;
2. That the dog was deliberately or maliciously provoked

E. Dogs may be killed. Any person may kill a dog while it is committing any of the acts

specified in subsection A of this section or while such dog is being pursued thereafter.

Thomas Whitchurch said he had some ordinances from other cities that he looked up on the internet and possibly these ordinances could apply to our City. Kent Hastings asked if the council could have time to research this issue and if the current ordinance that we are now operating under be included in the next packet for review. Mayor Barker suggested that we deal with this next time to give us time to compare.

F. ANIMAL SHELTER. Ted Stillman said the Lone Peak Public Safety District contracts with the Orem City Animal Shelter to house animals picked up in Alpine and Highland. The shelter is at capacity and needs to be expanded. Orem City has sold their City Shops and would like the North Utah County cities to join together to build a shelter on property owned by the North Point Solid Waste District in Lindon. Alpine and Highland's share would be \$95,900 in up front capital costs and about \$11,900 a year in operational costs. Current operational costs are \$8,000 a year. Mr. Stillman asked the council to review the proposed Interlocal Agreement creating a Special Services District and this will be on the agenda for next City Council Meeting. Thomas Whitchurch said that North Point Solid Waste District is donating the land and when he talked to the Police Chief we would have to have a staff of at least 6 people. Councilman Whitchurch said for us to spend approximately \$40,000 and \$11,900 a year is a bargain. This item is on the PSD Board Agenda for discussion for February 11, 2004.

G. 300 EAST WELL. Shane Sorensen said that Well No. 1 on 300 East has quit working and it appears that the well has a serious pump problem. The City Council had previously authorized Horrocks Engineers to design a new pump and pump house for Well No. 1, which they have now completed. We are ready to bid the improvements. Ted Stillman asked if we could talk about this after the Executive Session.

H. BOARD OF ADJUSTMENT APPOINTMENT. Mayor Phil Barker said the Board of Adjustment is a five-member body (with two alternates) that hears appeals for exceptions to the Zoning Ordinance and they meet on an as needed basis. Mike Crossley has been a regular attendee and participant on the Board of Adjustment and his term expires on February 1, 2004. Mr. Crossley is willing to continue to serve.

MOTION: Kimberly Bryant moved to reappoint Mike Crossley to serve on the Board of Adjustment for a 5-year term to expire on February 1, 2009. Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

I. RESOLUTION NO. R2004-01 – RESOLUTION REAPPOINTING CITY RECORDER AND CITY TREASURER. Ted Stillman said the State of Utah requires that every two years we appoint the City Treasurer and City Recorder.

MOTION: Thomas Whitchurch moved to adopt Resolution No. R2004-01, A Resolution Reappointing the City Recorder and City Treasurer. Hunt Willoughby seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

J. FINANCIAL REPORT. Ted Stillman said the fiscal year is one-half over and said this is an excellent time to review the financial condition of the city and discuss the status of the different funds and projects. Thomas Whitchurch asked if the money set aside for the tennis courts in Burgess Park was just for the tennis courts or if the money could be used for other venues in Burgess park or if some of the money could be used elsewhere in the city.

Mr. Stillman discussed the five-year budget plan for the Capital Improvement Fund as follows:

45 CAPITAL IMPROVEMENT FUND	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
Beginning Balance	\$1,477,800	\$243,800	\$133,800	\$118,800	\$103,800
Revenue	\$ 200,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
Total Revenue	\$1,697,800	\$293,800	\$183,800	\$168,800	\$153,800
Expenditures					
Roundabout	\$ 304,000				
Westfield Road Design	\$ 50,000				
Main Street Bridge and Lighting	\$ 90,000				
Preston/Willow Canyon Debris Basins	\$ 250,000				
Arboretum	\$ 7,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000
Roundabout Landscaping	\$ 25,000				
Canyon Crest Landscape	\$ 15,000				
Rodeo Grounds Bleachers	\$ 30,000				
Skateboard Park	\$ 80,000				
800 South Trail		\$ 80,000			
City Hall Park Restrooms	\$ 28,000				
Burgess Park Tennis Courts, etc	\$ 70,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000
Taylor Property Purchase	\$ 470,000				
Legacy Park Gazebo/pavilion	\$ 20,000				
Canyon Crest Sidewalk	\$ 35,000				
Equipment Replacement		\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000
Total Expenditures	\$1,474,000	\$145,000	\$ 65,000	\$ 65,000	\$ 65,000
Ending Balance	\$ 223,800	\$148,900	\$118,800	\$103,800	\$ 88,800

K. RESOLUTION NO. R2004-02 – PERSONNEL RULES AMENDMENT. Ted Stillman said that at the last City Council Meeting, it was discussed amending the Personnel Rules to allow City employees to carry over 160 hours of vacation time and to accrue up to 160 hours of compensatory time. Kent Hastings asked if we wanted to go somewhere in the middle or allow the full 160 hours. Hata Puriri asked if the employees are supportive of this change and whether other cities have a policy like this. Ted Stillman said the Public Safety District allows their employees to carry over vacation time and Highland's time is unlimited. Hunt Willoughby made a few grammatical changes.

MOTION: Kent Hastings moved to adopt Resolution No. R2004-02, A Resolution Amending the Personnel Policies and Procedures for the Employees and Officers to carry over 160 hours of vacation time and to accrue up to 160 hours of compensatory time as amended. Thomas Whitchurch seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

L. FAMILY FOCUS DAY. Councilman Kent Hastings discussed the proposed Family Focus Day event and said that both Lone Peak High School and Timberline Middle School are available on April 23rd or 24th for the program. It was suggested that the proposed program be reviewed. Thomas Whitchurch noted that the predominant religion in the area is sponsoring a program about the same time as the one proposed. Hunt Willoughby felt there could never be enough information or programs on this subject and thought the program would have a long-term benefit for a small cost to the city. It was noted the money would come out of the Council' Discretionary Fund.

Kent Hastings suggested that we sell internet filters and he negotiated a cost with the distributor for \$23.00 each. Thomas Whitchurch said there was a company in Las Vegas who supplied these filters for free. It was decided that this be further looked into.

MOTION: Hunt Willoughby moved to authorize up to \$2,000 for a family day event to be held on April 23 and 24 and to proceed with a committee. Hata Puriri seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

M. BOOKMOBILE AGREEMENT RENEWAL, Ted Stillman said the city participates in the Utah County Bookmobile Program at an annual cost of \$8,800 and each year Utah County asks us to renew the agreement. At the last City Council Meeting it was suggested that we research the cost of serving Westfield Elementary School with the Bookmobile and the cost to serve that location would be \$6,600 per year. Kimberly Bryant contacted Westfield Elementary and they are not interested in having the Bookmobile service; however, Timberline Jr. High is interested and this would cost us the \$6,600. Kent Hastings suggested we take advantage of the available slot and approve this for one year to see if it is used. Mayor Barker asked if we get any help from Highland and it was noted that Draper children would be going to this school when the road comes over the mountain. Jannicke Brewer said she has used the Bookmobile for 25 years and it is a great resource.

MOTION: Kent Hastings moved to authorize another \$6,050 for an additional stop at Timberline Jr. High and approve the Interlocal Cooperation Agreement by and between Utah County, Utah and Alpine City regarding Library services. Hunt Willoughby seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

N. STORM WATER COALITION. Ted Stillman said that Alpine is under Federal rules regarding storm water discharge. The cities of Utah County have joined together to create a storm water coalition, which will promote public education and the development of best practices to make sure storm water does not cause pollution. Mr. Sorensen said that being members of the coalition would help the City meet the requirements of the National Pollution Discharge Elimination system and will cost the city \$603.00 per year to belong.

MOTION: Kent Hastings moved to approve the Interlocal Cooperation Agreement for National Pollution Discharge Elimination System (NPDES) Phase II Storm Water Public Education and Outreach best Management Practice Compliance. Thomas Whitchurch seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

VII. COMMUNICATION

The 20-mile an hour speed limit on the roundabout was discussed. Shane Sorensen said city staff is recommending the general area around the roundabout would be 20-mile per hour. Mr. Sorensen said an advisory sign would be a black on yellow sign. Chief Botkin had advised the staff on this issue. Shane Sorensen said he purposely drove faster to see if he could navigate and he said that he could at 25 mph. Hata Puriri asked about putting up a temporary sign to remind the people to signal when they are going to exit the roundabout. Mayor Barker asked if we could have the mounds of dirt pushed down and Shane Sorensen said the dirt could be frozen or there would be a lot of mud.

Hunt Willoughby –

1. Under Mayor Hall several citizens protested a change of water application for the Jordan River and Shane Sorensen explained what has transpired on that water right.
2. Asked Ted Stillman if he had a chance to create a list for service projects and Eagle Projects.
3. Asked for some clarification on one of his assignments, which is the Gateway-Historical District.

Thomas Whitchurch –

The Youth Council wished to thank the City Council for allowing them to go to the Utah Legislature. They voted 100% to recommend to the City Council that the skateboard park be located in Burgess Park. The Youth Council formed an organization with the other Youth Councils and are doing a food drive. They also sponsored an open house with our State Representative, John Dougall.

Hata Puriri –

1. Councilman Puriri said he attended an arboretum meeting and noted the many items that have been donated by Rodger Graham. Hata Puriri told the committee that the city appreciated his generosity.
2. Attended the Trails Committee meeting and appreciates the people who work hard on these committees.

VIII. EXECUTIVE SESSION – Litigation, Property Acquisition and Personnel

MOTION: Kent Hastings moved to go to Executive Session for the purpose of discussing litigation and property acquisition. Thomas Whitchurch seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

MOTION: Kent Hastings moved to go back to Open Session, extend the meeting to 9:46 pm, approve the bidding of the pump house, authorize the Mayor to negotiate acquisition of the property for the pump house at the price discussed in Executive Session and adjourn. Hunt Willoughby seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

IX. REVIEW ACTION ITEMS

X. APPROVAL OF MINUTES:

City Council Meeting of January 13, 2004. The minutes were not ready for approval.

The meeting adjourned at 9:46 pm.