

January 28, 2003.

Minutes of the Public Hearing and City Council Meeting held on Tuesday, January 28, 2003 at Alpine City Hall, 20 N. Main, Alpine, Utah as follows:

The following members were present and constituted a quorum:

Mayor Phil Barker

Council Members: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch

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

Others: Jannicke Brewer, Dale Porter, Diana Mills, *New Utah*, Sharon Haddock, *Deseret News*, Michael Porter, Will S. Jones, Philip Huff and Geoff Duplux, *UDOT*, Scott Carey, Michelle Schirmer, John Sayle, Bob Jacobs, Sheryl DeGroot, Amber DeGroot, Laurie Sardoni, Kirt Yingling, Joyce Yingling and Millan Atwood

7:00 pm - PUBLIC HEARING: For the purpose of receiving public comment regarding a land exchange through City Open Space adjacent to lots 908 and 909 in The Park at South Pointe Subdivision, Plat I and lot 513 in Plat E.

Mayor Phil Barker called the Public Hearing to order at 7:05 pm and welcomed those in attendance to the Public Hearing. Ted Stillman went over the proposed land exchanges on lots 908, 909 and 513 in the Park at South Pointe Subdivision as follows:

Lot 513, South Pointe, Plat E - This lot slopes up to the top of the hill adjacent to the park. If the lot were fenced it would be highly visible and affect the open feeling of the park. It is proposed that lower land in the park be exchanged.

Lot 908, South Pointe, Plat I – This lot slopes up to the top of the hill adjacent to the park. If the lot were fenced it would be highly visible and affect the open feeling of the park. It is proposed that lower land in the park be exchanged.

Lot 909, South Pointe, Plat I – This lot slopes to the top of the hill. The property owner would like to move the property line back to allow for the setback for his home. He has agreed not to build a fence on the top of the hill.

Jannicke Brewer said the Planning Commission scheduled a field trip wherein the commission walked the areas and made sure the land exchanges benefited the city. Mary England asked if the trail that comes in from Canyon Crest will be impacted and was told it wouldn't. Mel Clement said this proposal benefits the homeowner and the city, as there won't be fences on top of the hill and gives the homeowner some usable land.

The Public Hearing adjourned at 7:12 pm.

CITY COUNCIL MEETING – Immediately following Public Hearing.

I. CALL TO ORDER. Mayor Phil Barker called the City Council Meeting to order at 7:12 pm and welcomed everyone in attendance. There was one scout who stood and introduced himself. Mayor Barker excused Hunt Willoughby who had another commitment.

II. PRAYER – Thomas Whitchurch

III. PUBLIC COMMENT. Time has been set aside for the public to express their ideas, concerns and comments on items not on the agenda.

Millen Atwood asked to see report on our water system that is supposed to be available for review. Shane Sorensen said this report is available in his office; however, on cities the size of Alpine we are not required to make a mailing to each citizen, but are required to publish it in the newspaper.

IV. CONSENT CALENDAR -
A. Home Occupation:

Barbara S. Larsen – BARBARA LARSEN DESIGNS, 917 E. Quail Hollow Circle

B. Bond Release - PATTERSON CONSTRUCTION CO – High Mountain Oaks, Plat F - \$15,936.30

MOTION: Kent Hastings moved to approve the Consent Calendar. Thomas Whitchurch seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

V. SCHEDULED ITEMS

A. PRESENTATION TO RON DEVEY FROM THE ALPINE IRRIGATION COMPANY. Ted Stillman said the first year of operation of the Pressurized Irrigation System has been a resounding success. The reason for the successful implementation was the management of the system by Jay Healey, Shane Sorensen and Ron Devey. Will Jones representing the Alpine Irrigation Company was particularly appreciative of Ron Devey's efforts in the day-to-day management of the system and especially in his ability to work with the irrigators. The Irrigation Company gave Ron Devey a plaque in appreciation for his efforts.

B. I-15 PRESENTATION. Mayor Phil Barker introduced Mr. Huff from UDOT who is the General Manager on the I-15 project. Stanley Consultants has been working on the I-15 Study from 10600 South to the Utah County line and has asked UDOT to meet with each city to review I-15 needs. Mr. Huff said that if more funding was available UDOT would like to extend this project to the Alpine interchange. Mel Clement asked about the patched concrete that is on the freeway from the Point of the Mountain down the hill to the Alpine exchange and Mr. Huff said that UDOT was going to try a different approach with replacing the whole concrete slab. Mr. Huff went over all of the alternatives and listed the advantages and disadvantages. Other alternatives still being evaluated was 1) Commuter Rail, 2) Draper Light Rail Extension, 3) Legacy Highway/Western Transportation Corridor, 4) High Occupancy Vehicle (HOV)/Carpool Lanes and 5) Ramp Metering. Mayor Phil Barker asked if UDOT did any of the above-mentioned options just to the Utah County line, what would happen to the traffic south into Utah County. Mr. Huff said that he hoped that Region 2 would make other improvements.

C. MIKE and JULIE PIERCE - WILLOW CANYON HOME HEIGHT VARIANCE. Ted Stillman said the Willow Canyon Annexation Agreement limits homes to a height of "25 feet above the natural grade to the highest point of the roof or parapet." Mr. Stillman said this item was included in the agreement so that the homes on the hill would be less obtrusive. Mike and Julie Pierce are requesting a height variance of 3 feet on their home on lot 15 in Willow Canyon Estates, Phase 2B and the Homeowners Association recommended approval of the requested variance. Ted Stillman said that a variance was granted to the homeowner on lot 14. Dale Porter asked if there was a moratorium on building in that area until the debris basin was built and Ted Stillman said there was not; however, each homeowner at the time of obtaining a building permit is given a packet which contains the city's hazards maps and a statement which says "build at your own risk."

MOTION: Mel Clement moved to grant approval of a 3-foot height variance on the Mike Pierce home on lot 15 in Willow Canyon Estates, Phase 2B. Thomas Whitchurch seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

D. PLANNING COMMISSION VACANCY. Mayor Phil Barker said that Mike Mickelson's term on the Planning Commission expired on January 1, 2003; however Mr. Mickelson is willing to continue to serve. Mayor Barker recommended that Mike Mickelson be reappointed to the Planning Commission to serve for a six-year term.

MOTION: Thomas Whitchurch moved to reappoint Mike Mickelson to serve on the Planning Commission until January 1, 2009. Kent Hastings seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

E. SOUTH POINTE OPEN SPACE LAND EXCHANGE. Ted Stillman said there are three lots where the owners would like to consider property exchanges to better utilize their property and to enhance the city open space. The City Open Space Ordinance states:

"Land included in these parks shall not be disposed of in any manner or used for any other purpose

than specified herein except after a recommendation of the Planning Commission and a Public Hearing and by a super majority vote of the City Council (4 positive votes are required).”

The lots discussed included:

Lot 513, South Pointe, Plat E - This lot slopes up to the top of the hill adjacent to the park. If the lot were fenced it would be highly visible and affect the open feeling of the park. It is proposed that lower land in the park be exchanged.

Lot 908, South Pointe, Plat I – This lot slopes up to the top of the hill adjacent to the park. If the lot were fenced it would be highly visible and affect the open feeling of the park. It is proposed that lower land in the park be exchanged.

Lot 909, South Pointe, Plat I – This lot slopes to the top of the hill. The property owner would like to move the property line back to allow for the setback for his home. He has agreed not to build a fence on the top of the hill.

Ted Stillman said the Planning Commission has recommended approval of these exchanges. Thomas Whitchurch asked if there was going to be verbiage pertaining to lot 909 so a fence would not be built on top of the hill. Ted Stillman said the deeds have not been prepared and this could be added to the deed; however, this particular owner has agreed to not build a fence on the top of the hill. Thomas Whitchurch asked that the language be brought back next week for review.

MOTION: Kent Hastings moved to approve the Open Space property exchanges for lots 513, 908 and 909 in the Park at South Pointe Subdivision and to instruct staff to write a deed restriction pertaining to lot 909 as outlined above. Mel Clement seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

F. QUESTAR AGREEMENT. Ted Stillman said that Alpine City’s Franchise Agreement with Questar (formerly Mountain Fuel) was signed on February 3, 1953 and was for a period of 50 years and expires on February 3 of this year. At the last City Council Meeting it was discussed putting in the Agreement the language that would protect the City’s right to impose a Franchise Tax on natural gas in the case Questar sold the company to another party. David Church suggested that the following language be added to the Questar Agreement:

“Questar shall pay the City a franchise fee of 6% of the delivered value of the taxable energy as defined by Utah Code 10-1-301 et. Seq. (1996 as amended) beginning on the day in which Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax is repealed, incalised, or the maximum allowable rate provided in Section 10-1-304 is reduced and is not superceded by a law imposing a substantially equivalent tax.”

MOTION: Kent Hastings moved to approve Questar’s Agreement with the new language included protecting the City’s right to impose a Franchise Tax on natural gas subject to Questar’s approval. Mel Clement seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

G. SMOOTH CANYON TRAIL ACCESS. Mayor Barker suggested that this first be discussed in Executive Session.

H. HEALEY WELL BID. Shane Sorensen said that bids for the Healey Well Pump House, pumps, electrical and piping were opened earlier in the day with results being as follows:

1. Hills Construction	\$399,350.00
2. IP&W	\$404,200.00
3. VanCon	\$407,925.00
4. Counterpoint	\$427,627.00
5 Nelson Brothers	\$441,204.00
6. K & P Plumbing	\$445,000.00
7. Frontage Enterprises	\$345,290.00

John Schiess from Horrocks Engineers recommended that Frontage Enterprises be declared non-responsive as they do not have the correct license to do the required work nor do they have any experience in building pump houses. Also, they did not acknowledge the second addendum, which included up to 200 extra feet of pipeline. It was noted that their bid for the deep well pump and motor was a mistake.

MOTION: Mel Clement moved to award the bid for the Healey Well Pump House, pumps, electrical and piping to Hills Construction in the amount of \$399,350.00 but look at a possible additional cost for the exterior of the well house. David Adams seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

I. HIGH BENCH ROAD UPDATE. Ted Stillman said that as part of the High Bench Road project, the city will need to acquire some rights-of-way for the road and the storm water detention pond. The property that the city needs to acquire is as follows:

<u>Property Owner</u>	<u>Area (Square Feet)</u>
S. Jason and Gaylee Coverston	1,609
Howard R. and Linda Jackson	115
Rick C. and Toni C. Farr	436
Nicholas C. and Sabrina Zurcher	397
Judith M. Welling	1,316
Keith and Patricia K. Barney	1,477
W. Jack Workman	94
W. Jack Workman	505
Klaus J. Goeckeritz	<u>1,882</u>
TOTAL	7,831 square feet

Thomas Whitchurch asked what the road width would be and if the city should consider making this road narrower since there are now two roads going out of town. Jannicke Brewer felt that residents on the road would be happy to finally get a regular 30-foot wide road in front of their house. Shane Sorensen said that what is needed from the council is that staff be authorized to begin the property acquisition process. Mr. Sorensen felt we will be successful in getting most of the rights-of-way, but there was a certain resident who we might have to condemn their property.

J. SMOOTH CANYON PARK MAINTENANCE BID. Ted Stillman said this year will be the first year for maintenance of the Smooth Canyon Park and requested that we experiment and bid out the maintenance work. Mr. Stillman said that many cities are successful at out-sourcing maintenance, which reduces the need for additional staff in the summer. David Church said that Highland City had done some out-sourcing maintenance and were very happy with the work done by the landscaping company.

MOTION: Thomas Whitchurch moved to grant authorization to bid the maintenance of Smooth Canyon Park and the retention basin. Mel Clement seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

K. ROUNDABOUT UPDATE. Ted Stillman said that UDOT conducted a traffic survey of the intersection of Canyon Crest and Main to see if a traffic control device was needed. Their results showed that a traffic control device was not needed. Horrocks Engineers has conducted a traffic count this past week and gave results of their findings. Shane Sorensen said that Horrocks had counted over a seven-day period and the results were very similar with UDOT's. Horrocks said that UDOT did not count the traffic that turned onto Canyon Crest going west and felt this traffic should be included in the counted. Lori Sardoni asked if the City Council was going to construct something else in the intersection if UDOT does not contribute to constructing the roundabout. It was explained that this is a State Road and to even put in crosswalks would require UDOT approval. David Sutton asked if the roundabout was the only solution on this intersection or if other alternatives had been explored. Mayor Barker said the roundabout was not the only solution, but it was felt the roundabout was preferred. David Sutton felt that a traffic signal would be better for pedestrian safety, but a roundabout would be better for vehicular traffic. There was further

discussion about all options and then the council was asked by several residents who live in the South Pointe Subdivision to study which solutions would be best for safety. Kent Hastings asked if the School District could be contacted about hiring crossing guards and David Church went over the proper process in securing a crossing guard and then who would pay for this person. Mel Clement asked about the possibility of narrowing the intersection, as this road and intersection were very wide, to allow children to get from one side to the other if a traffic light was used. Shane Sorensen said this has been considered.

L. BOARD OF ADJUSTMENT APPOINTMENT. Mayor Phil Barker said that Regina Andrus was appointed to the Board of Adjustment to fill her husband, Phil's, term when he was appointed to the Planning Commission. Mrs. Andrus' term expires on February 1, 2003 and Mayor Barker recommended that Regina Andrus be reappointed to serve on the Board of Adjustment.

MOTION: Mel Clement moved to reappoint Regina Andrus to the Board of Adjustment with her term expiring on February 1, 2008. Kent Hastings seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

VI. COMMUNICATION

Thomas Whitchurch:

1. Alpine Days - He had the first meeting with the new Alpine Days Chairmen and new ideas were discussed.
2. Legislative Day - He had a good time and encouraged all Council Members to attend in the future.

David Adams:

1. The Utah League of Cities and Towns Convention - was coming up in April and he would like to see the Planning Commission get involved.
2. Library - David Adams updated the council on the status of the proposed library and said the Library Committee met and have looked at another site next to the Art Center but down by the river. Councilman Adams said this would cut the cost for the land in half.
3. Legislative Day - David Adams reported that a City Councilman from Richfield said their skateboard park was the most fun project they worked on last year. They used some portable rails, half pipes and padding, which cut the cost quite a bit.
4. Recording meetings - David Adams asked about the possibility of recording the meetings to make it easier in transcribing the minutes and Thomas Whitchurch asked about asking the public to use the microphone.

Kent Hastings:

1. Public Safety Meeting - Asked if there was anything the Council wanted him to take to the Public Safety Meeting. Also the speed limit on Canyon Crest Road should be consistent between the two towns. Mayor Barker felt the speed limit should be 35 mph. Mel Clement felt that if this road was posted at 35 mph, then we would get 45 mph. Thomas Whitchurch said there are several driveways that front on the road and this might be a safety issue. Mel Clement said the residents on Carlisle Lane feel that 35 mph is too fast as there is a school bus stop at that intersection. Mayor Barker said the usage of that road makes it very difficult to keep your speed at 25 mph. Also, most of the high school kids have been ticketed on that road. Shane Sorensen said the intersection by SR-92 will be changed again to accommodate a left-turn lane, a straight lane and a right-turn lane. Kent Hastings said that the police would like the speed limit to remain at 25 mph until the road is upgraded then go to 35 mph. Kent Hastings said he would like to see it be 35 mph to be consistent with Highland. Mayor Barker asked this to be an agenda item for next time.
2. Cemetery - Kent Hastings said that he had been approached by a citizen about why we don't allow tall headstones instead of flat ones and why aren't all the headstones facing one direction. Councilman Hastings asked Ted Stillman to check on the policy.

Mel Clement: Trail Committee - There was a meeting with the Trail Committee and it was reported that Elaine Compton has retired. David Fotheringham will now be the acting chairman. Mayor Barker said he was going to ask Mel Clement to include the Lambert Park Citizen's Group in that Committee.

VII. EXECUTIVE SESSION – Litigation, Property Acquisition and Personnel

MOTION: Kent Hastings moved to go to Executive Session to discuss litigation, property acquisition and personnel. Thomas Whitchurch seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

MOTION: Kent Hastings moved to go back to Open Session and extend the meeting to 9:50 pm. David Adams seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

MOTION: Mel Clement moved to start condemnation proceedings on the East Mountain access across Mr. Patterson's property and instruct the attorney, if he is able, to negotiate a temporary easement until a permanent right-of-way is established or Smooth Canyon Subdivision, Plat B is recorded. Kent Hastings seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

VIII. REVIEW ACTION ITEMS

IX. APPROVAL OF MINUTES - City Council Meeting of January 14, 2003

MOTION: Thomas Whitchurch moved to approve the minutes of the City Council Meeting of January 14, 2003 as amended and adjourn. Mel Seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

The meeting adjourned at 9:50 pm.