

**January 29, 2008**

Minutes of the City Council Meeting held on Tuesday, January 29, 2008 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: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch

Staff: Ted Stillman, Shane Sorensen, Janis H. Williams, Jay Healey, April Riley and Kip Botkin, *Police Chief*

Others: Jannicke Brewer, Scott Kenney, Monty Willhite, Derrick Harris, Dalin Powell, Conner Toolson, McKay Mortensen, Dane Whitaker, Chandler Allphin, Laurie Loveland, Paul Magleby, Andrew Stefan, and Sterling (cannot read last name)

**I. CALL TO ORDER.** Mayor Hunt Willoughby called the City Council Meeting to order at 7:00 pm and welcomed those in attendance. Mayor Willoughby excused Kimberly Bryant from the meeting.

**II. PRAYER/OPENING COMMENTS – Kent Hastings**

**III. PLEDGE OF ALLEGIANCE.** Dalin Powell, from Troop 940, 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.

Jannicke Brewer thanked the City for putting in the new foot bridge over Dry Creek on West Canyon Crest Road down by the Twin Rivers Subdivision. Presently, there is too much snow to walk on it, but Mrs. Brewer said she was looking forward to using this bridge in the spring and summer months. Mrs. Brewer also said the trailer that is down by the nursery down by the roundabout was never given permission to be there. Ted Stillman said the construction trailer belongs to John Johnson and not the nursery. April Riley has written a letter to Mr. Johnson asking him to move the trailer.

Scott Kenney asked if the PRO Committee meetings were public and wondered how he could get an agenda of these meetings. Ted Stillman said the agendas are posted around town and then on our web site.

Scott Kenney also asked about the recycling program and was told he could not go down to the transfer station in Lindon for safety reasons. Mr. Kenny asked if a Council Member could visit the facility and suggested that the site be visited on a drop-in basis. Mayor Willoughby said that our recycling material goes to Salt Lake for sorting and that recycling is market driven. These companies do not have the space to stock pile items when the price is down. Ace Disposal is willing to conduct tours and Ted Stillman said he could arrange a tour for Mr. Kenney. Ted Stillman said that 20% of our residents participate in this program and we are pushing as hard as we can to get more to participate. Mayor Willoughby said that he addresses this issue in the Newsline as often as he can.

Scott Kenney said there is not a forum for citizens to communicate with the Mayor or Council Members about the direction the City is going and suggested that we have a blog where citizens can address problems. This would be monitored and it was suggested that we talk to David Church again about this request.

**V. CONSENT CALENDAR**

- A. Business License:  
David and Shauna Hooper – ANRAN, LLC; 592 Coventry Lane
- B. Bond Release:  
Brooks Anderson – Canyon Crest Estates; Canyon Crest Rd - \$29,817.08

**MOTION:** Kent Hastings moved to approve the Consent Calendar. Thomas Whitchurch seconded. Ayes: Kent

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

## VI. ACTION ITEMS

**A. SWEARING IN KIMBERLY BRYANT, A CITY COUNCIL MEMBER.** Kimberly Bryant could not attend tonight's meeting and this item was cancelled until a later date.

**B. SENATOR HOWARD STEPHENSON AND REPRESENTATIVE JOHN DOUGALL.** Mayor Hunt Willoughby said that he has not heard from Senator Stephenson and Representative Dougall and that possibly they are caught in the snow storm. This will be dealt with later if they are able to attend.

**C. PURCHASE OF THE MORTENSEN PROPERTY.** Ted Stillman said that Hata Puriri has been working with Dan Mortensen regarding the City's purchase of 0.74 acres adjacent to Burgess Park. The property would be used as an historic area with historic buildings and accessed from Burgess Park. Mr. Mortensen is willing to sell the 0.74 acres for \$225,000 and at the last City Council Meeting the City Council asked that staff develop an agreement to purchase the property by paying \$75,000 out of this year's budget and \$150,000 out or next year's budget. David Church and Ted Stillman met with Mr. Mortensen on Friday, January 18, 2008 and Mr. Mortensen said he would like a non-refundable amount of \$12,250 to hold the property until the City has funds to purchase it. David Church has prepared a purchase agreement for the property.

Jim Tracy said the PRO Committee was offended that they had not been approached about acquiring this land for their recommendation. Councilman Tracy said Ordinance No. 2005-06, the ordinance where the PRO Committee was established, reads as follows:

"8-302 – The Board will advise in the planning and development of park and recreation facilities and the planning of open space. The Board will evaluate and recommend to the City Council concerning establishment, maintenance and operations of all parks within the City. The Committee will research and evaluate necessary regulations or ordinances regarding the use of City facilities. The Committee also evaluates programs that may be incorporated into the parks, recreation and open space program."

Tracy Wallace said the Utah Code Section 10-8-2 clearly states we need to have a Public Hearing prior to purchasing or of disposing property. Ted Stillman called David Church on the telephone for his interpretation of the law and Mr. Church said the law referred to disposing of property and not acquiring of property. Jim Tracy asked David Church if this should go to the PRO Committee and Planning Commission for their recommendations and Ted Stillman said this has not been on their agenda for a formal vote. David Church indicated this should go to the PRO Committee and Planning Commission. Mayor Willoughby said we have people who want to move forward on purchasing this property and then people who do not want the Council to move forward. Tracy Wallace said that based on the comments he has heard he would like to get a recommendation from the PRO Committee and the Planning Commission. Ted Stillman said that normally the PRO Committee's next meeting should be the last Thursday in February, but will be held the first week in March instead.

David Church said the Council should be able to make a decision whether to move forward or not, but then we should have the money to fund the purchase. Jim Tracy said that if the PRO Committee and the Planning Commission made a favorable recommendation he would respect their decision. Tracy Wallace felt we should move forward with working on the 100 South Park and Mayor Willoughby said we are obligated to do that. David Church said that Dan Mortensen would not wait forever.

Jannicke Brewer talked as a citizen and not as a representative of the Planning Commission said she cannot see the purpose or need for another historical park. Moyle Park has a caretaker and this one would not and this would make more work for City staff. Mrs. Brewer further stated this was the desire of the property owner and not the city. Kent Hasting disagreed with Jannicke Brewer and said this was a difficult decision for him but felt we need to preserve the historical value of Alpine. The appraisal was high and Kent Hastings

thought about the suggestion to put a deposit down and come up with the rest of the money next year. Mr. Hastings' thoughts have changed because we may not have the money in next year's budget as the economy is slowing down. His recommendation was not to purchase this property.

Mayor Hunt Willoughby said there is another option to not put the money down this year and possibly next year if the property is still available, we could revisit. Thomas Whitchurch said this could be an Eagle Scout project to maintain the property and this might be a missed opportunity to acquire more open space. Councilman Whitchurch said we also have some more areas that could be used and would not be opposed to having this go through the process and the PRO Committee. Thomas Whitchurch felt that if there weren't three members who were in favor of this project we should not waste the PRO Committee's time as they would put a lot of effort in it.

**MOTION:** Tracy Wallace moved that if the PRO Committee has a great vision for the Dan Mortensen property and comes back with a positive recommendation then we should proceed and move forward with the purchase of the Mortensen property. Jim Tracy seconded. Tracy Wallace withdrew this motion.

Kent Hastings felt the Council needs to just make a decision. Tracy Wallace said that if the PRO Committee comes back with a favorable decision, then he would have no problem with coming up with \$225,000. Mayor Hunt Willoughby said he has no problem with this going through the process, but if all we are doing is putting this off so that it can be shot down later then there is no reason to proceed. Thomas Whitchurch said it wouldn't be fair to the land owner, the PRO Committee or Planning Commission to set some expectation by giving the land owner some earnest money and suggested that we decline the offer and ask the interested party to go through the process.

**MOTION:** Tracy Wallace moved that at this point and time that we disapprove the purchase agreement for the Dan Mortensen property and if any interested parties wish the City purchase the Mortensen property and would like to go forward that it be submitted to the PRO Committee and Planning Commission for review and any recommendation to the City Council to readdress the purchase. Kent Hastings seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

**D. OPEN SPACE AGREEMENT – JIM LOVELAND.** Ted Stillman said that Jim Loveland recently applied for and was granted a building permit to construct a new home on lot 38 of Healey Heights, Plat C located at 746 S. High Ridge Circle. There is a sewer lateral in the cul-de-sac to which Mr. Loveland could connect the home to; however, because of elevation conditions, connecting to that lateral would require the installation of an ejector pump. Jim Loveland would like to connect to the existing sewer line in Ridge Drive instead which would allow the home to use gravity to adequately sewer the home. Ted Stillman said that to do this would require crossing City open space and staff feels that a 15 foot wide easement would be sufficient.

The Planning Commission considered this item at its meeting on January 22, 2008 and made the following motion:

“Jason Thelin moved to recommend approval of an agreement for a sewer easement across public open space for the property located at 746 S. High Ridge subject to the following conditions:

1. Staff will determine the size of sewer line needed to avoid having a clean-out in the open space. If a clean-out is required in open space, it will be brought back to the Planning Commission.
2. Staff will determine the amount and duration of the bond.
3. Minimize damage to open space during installation of the sewer pipe.
4. Restore open space to its original state.
5. There will be no fences, landscaping, sprinklers, etc. on the easement.

Steve McArthur seconded. Ayes: 5 Nays: 0. Motion passed unanimously.

**MOTION:** Jim Tracy moved to approve the sewer easement for 746 S. High Ridge Circle subject to the following:

1. Staff will determine the amount and duration of the bond.
2. Minimize damage to open space during installation of the sewer pipe.

3. Restore open space to its original state.
4. There will be no fences, landscaping, sprinklers, etc. on the easement.

Tracy Wallace seconded. Ayes: Kent Hastings, Jim Tracy and Tracy Wallace. Nays: 0. Motion passed. Thomas Whitchurch was absent for this motion.

**E. 100 SOUTH PARK MASTER PLAN.** Ted Stillman said that one of the major projects we have discussed to accomplish this spring is the Master Plan for the 100 South Park. The proposal from Lars Anderson to accomplish the Master Plan was discussed. Mr. Anderson broke down the scope of work into two phases, Phase I and Phase II. Phase I is the conceptual design work with there being two meetings with the PRO Committee and an opening Design Workshop plus an intermediate meeting and final follow-up meeting. Phase I would include a conceptual layout of the park and the site Master Plan at a cost of \$9,000. Phase II takes the site Master Plan for the park and prepares construction documents for bid by a contractor which would include a planting plan, irrigation plan, grading plan and detail sheets. The PRO Committee dealt with the Master Plan at their last meeting and gave the City Council a favorable recommendation.

Shane Sorensen said he felt we made some mistakes in planning Burgess Park and said he would like to see some other parks that Lars Anderson has planned. Mr. Sorensen said that Ensign Engineering did a preliminary drawing of the 100 South Park for free with the hope they would an opportunity to be considered in the design process. Shane Sorensen said a company in California calls him at least once a month looking for projects. Thomas Whitchurch wondered if we should go out to bid on this. Shane Sorensen said we would have a general plan but felt there would be some tweaking of things. Mayor Willoughby said there will be public hearings, a design workshop plus an intermediate and final follow-up meeting, so the public will be involved in this process.

**MOTION:** Jim Tracy moved to approve the agreement with Lars Anderson to prepare the 100 South Park Master Plan, Phase I for \$9,000. Tracy Wallace seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

**F. BOOKMOBILE AGREEMENT.** Ted Stillman said the City participates in the Utah County Bookmobile Program. The County is proposing a cost of \$13,097.50; however, \$12,900 was budgeted which is an increase of \$197.50. Kent Hastings said that Alpine is one of their heavy users but suggested that we ask them to stay a little later at the Main Street Chapel stop.

**MOTION:** Jim Tracy moved to approve the Bookmobile Agreement with Utah County with the increased amount of \$13,097.50 and ask if they would stay one-half hour longer at the Main Street Chapel stop in the Contract. Kent Hastings seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

Mayor Willoughby moved Item I up on the agenda.

**I. CITY COUNCIL MEETING SCHEDULED ON MARCH 25, 2008.** Ted Stillman said that Scott Kenney sent him an e-mail letting staff know that the Democrat and Republican parties caucus night is scheduled for March 25, 2008. This is the same night as a scheduled City Council Meeting. Mr. Kenney is asking to use City Hall for the Democrat caucus meeting on March 25, 2008 if our City Council meeting can be either cancelled or rescheduled on Wednesday, March 26, 2008.

**MOTION:** Thomas Whitchurch moved to that we cancel our City Council Meeting scheduled for March 25, 2008. Jim Tracy seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

**G. BOARD OF ADJUSTMENT APPOINTMENT.** Mayor Hunt Willoughby said the Board of Adjustment has five members (with two alternates) that hear appeals for exceptions to the Zoning Ordinance. William Conley's term on the Board expires on February 1, 2008. Mayor Willoughby made a recommendation that William Conley be reappointed to the Board of Adjustment with his term expiring February 2013.

**MOTION:** Tracy Wallace moved that William Conley be reappointed to the Board of Adjustment. Jim Tracy seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

**H. PRO COMMITTEE APPOINTMENT.** Mayor Hunt Willoughby said that Lincoln Watkins has resigned from the Planning Commission. The PRO Committee has one seat which is filled by a Planning Commission member and this action has created a vacancy on that committee. Mayor Willoughby said that he has had several people who are interested in serving on a committee and the Mayor recommended that Bryce Higbee be appointed to the PRO Committee.

**MOTION:** Kent Hastings moved that Bryce Higbee be appointed to the PRO Committee. Jim Tracy seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

## VII. REPORTS

## VIII. COMMUNICATION

### KENT HASTINGS –

1. Asked if we have made provisions for the additional snow plowing in the budget? Jay Healey said we have used a lot of salt this year which is the expensive part. Kent Hastings has had several people who said they ran the stop sign on Westfield Road so they could get up the hill. Councilman Hastings thinks this is still an issue and a safety problem. Shane Sorensen said that street is on the top on the priority list, but their office hasn't had any calls.

2. School crossing – we have some lights that we are not using and asked if we couldn't use them there. Ted Stillman said the school wants to move the crossing down to 100 South and we have a proposal for a traffic engineer to look at the area as to where the crosswalk and lights should go.

3. Asked about the film who wanted to use our City Council chambers – did this happen? Ted Stillman said we never did hear from them.

**JIM TRACY –** Thinks our Public Works Dept. is doing an excellent job in keeping our roads clean. The school bus does not go up 400 West, but uses Sunrise Drive instead.

**TRACY WALLACE –** Asked Chief Botkin if we have been issuing tickets for parked cars that are on the street during snow removal. Chief Botkin said we have had so much snow this year and this has been a problem this year. The Police Dept. is trying to stay on top of this. Thomas Whitchurch said he had a notice from the Post Office asking him to clear in front of his mailbox so the carrier does not have to get out of the postal vehicle to deliver the mail.

### THOMAS WHITCHURCH –

1. Are the snow plows getting support from people who push snow from their driveways into the middle of the road? Jay Healey said this is a problem and most people do not push the snow across the street to the other side of the road.

2. The North Point Solid Waste District meeting scheduled for last night was cancelled.

3. The Arts Council is working hard to get them well known. They are trying hard to raise funds to build a Community Center here. Mayor Hunt Willoughby said we received an anonymous donation for \$5,000.

### SHANE SORENSEN –

1. Talked to FEMA about our updated map. There is a public process and the maps will be submitted to FEMA.

2. We hope we will have on the next City Council agenda dealing with the CUP Water.

**JAY HEALEY –** We put the new foot bridge in over Dry Creek down by Twin Rivers Subdivision.

**JANIS H. WILLIAMS** – Early voting will continue from 3:00 to 7:00 through Friday, November 1, 2008 at the American Fork Library. All precincts will vote on Super Tuesday, November 5, 2008 at Timberline Middle School from 7:00 am to 8:00 pm.

**REPRESENTATIVE JOHN DOUGALL** – John Dougall arrived at the meeting late due to the snow storm. Kent Hastings asked about making all the Judges State employees and Mr. Dougall explained why this is being considered because there was a study done and it was felt that Justice Court Judges were running amuck. Rep. Dougall felt that possibly there were a few issues in a few cities, but those problems are being corrected. Kent Hastings indicated he would like to see the cities have the control of the Judges.

Thomas Whitchurch asked about cities changing their form of government and Mr. Dougall said that if you go to the Legislature to solve your problems and expect them to do that, then you invite them to solve all your other problems.

Mayor Hunt Willoughby asked about SR-92. Rep. Dougall said we are progressing very well and the starting date for this project is this year. The Council was brought up-to-date on all the other transportation road projects. There are 42 miles of improvements with this project.

Kent asked about school going year around and Rep. Dougall felt that most in the Legislature are in favor of the concept for this idea. The Legislature is talking about property tax and how do we fund schools? It is being discussed that more of the funding could come from sales tax and less from property tax.

The City Council was asked to support the SR-92 project. Rep. Dougall said that only fourteen people from Alpine showed up at the SR-92 Project Open House.

**IX. EXECUTIVE SESSION** to discuss Litigation, Property Acquisition and Personnel

**X. APPROVAL OF MINUTES**

City Council Meeting of January 15, 2008

**MOTION:** Kent Hastings moved to approve the minutes of the City Council Meeting of January 15, 2008 and adjourn. Thomas Whitchurch seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

The meeting adjourned at 9:05 pm.