

**October 10, 2006**

Minutes of the Public Hearings and City Council Meeting held on Tuesday, October 10, 2006 at Alpine City Hall, 20 North Main, Alpine, Utah 84004 as follows:

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, April Riley, Janis H. Williams, Ron Devey, Jay Healey and Kip Botkin, *Police Chief*

Others: Jannicke Brewer, Jim Tracy, Mark Walker Smith, Delynn Rodeback, Stephen Erickson, Benjamin Green, Kendall Webb, Jay L. Beck, Ann Paskett, Ray Paskett, Kent Romney and Ryan Battaglia

**PUBLIC HEARINGS – 7:00 pm.** Mayor Hunt Willoughby called the two Public Hearings to order at 7:03 pm, welcomed those in attendance, and introduced the Public Hearings as follows:

**1. FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT REGARDING PROPOSED CHANGES WITH THE SUBMISSION GUIDELINES FOR PRELIMINARY SUBDIVISION PLATS.** Ted Stillman said the changes of the plat requirements for Preliminary Subdivision plats.

**2. FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT REGARDING CHANGES TO THE DEVELOPMENT CODE (CHAPTERS 1 AND 2).** Ted Stillman said the major changes of the Development Code for chapters 1 and 2 which adds all the requirements of LUDMA into our Development Code. In 2005 the State Legislature passed a law called LUDMA (Land Use Development Management Act) and codified all the Land Use Law, Court Cases and existing State Code into one document to bring it all together. The major change is the creation of a Land Use Authority and Land Use Appeal Authority. Currently all land use decisions and site plans are recommended by the Planning Commission and then approved by City Council. Ted Stillman went on to explain the difference between the Land Use Authority and Land Use Appeal Authority.

There were no public comments.

The Public Hearings adjourned at 7:06 pm.

**CITY COUNCIL MEETING – Immediately following Public Hearings**

**I. CALL TO ORDER.** Mayor Hunt Willoughby called the City Council Meeting to order at 7:06 pm and welcomed those in attendance.

**II. PRAYER/OPENING COMMENTS –** Hunt Willoughby

**III. PLEDGE OF ALLEGIANCE.** Ben Green from Troop 1110 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 public comments.

**V. CONSENT CALENDAR**

**A. Business License:**  
Myrna Deven Walus – JINKYS; 174 Holly Circle

**B. Bond Releases:**  
John Paskett – PASKETT COURT; North Main Street - \$10,180.08

Joseph Moffat – JACKSON SUBDIVISION, High Bench Road - \$42,824.55  
 Lon Nield – McNIEL, PLAT B, Alpine Blvd. - \$82,111.50  
 David Taylor – TAYLOR MEADOWS, 100 South - \$83,784.06

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

## VI. ACTION ITEMS

**A. CHILDREN'S WAY.** Mayor Hunt Willoughby introduced Patty Liston who presented the Children's Way Program. Mrs. Liston said her group goes to PTA's and City Councils and the Chamber of Commerce to present this program as we are starting to see the results of a generation of children left unattended at the computer. Patty Liston said that excessive chatting, gaming, gambling, predators and pornography are taking our children and the future of this country hostage. Mrs. Liston said that parents need to spend more time enjoying and learning with their children in front of the computer – teaching them how to be safe and good citizens. Children's Way has created the "Half Hour to Empower" campaign – a series of programs that will get this message to parents of young children through their elementary schools, local governments and business associations. Kent Hastings thanked Patty Liston for making this presentation and asked if she had a handout and suggested that we put an article in the Newsline. Kimberly Bryant asked if we were putting a warning on cell phones and said she was surprised about what teenagers were downloading from the computers onto their cell phones.

**B. BUSINESS LICENSE REVOCATION – MARK WALKER SMITH PHOTOGRAPHY.** Ted Stillman said that Mark Walker Smith Photography received Site Plan Approval on March 28, 2006 at 242 S. Main Street. The requirements of the Site Plan included:

1. Provide 4 parking spaces
2. Provide parking lot lighting
3. Maintain storm drainage on the site

The City had asked Mr. Smith to comply with the Site Plan requirements and to date he has not complied with those requirements. Ted Stillman said that Mark Walker Smith has installed two parking spaces and recommended that we table acting on this for two weeks to allow Mr. Smith an opportunity to complete the other two parking spaces.

**MOTION:** Hata Puriri moved to postpone action on the Business License Revocation for Mark Walker Smith for two weeks. Kent Hastings seconded. Ayes: Kent Hastings, Hata Puriri, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed. Kimberly Bryant was absent during the discussion and voting on this item.

**C. BUSINESS LICENSE REVOCATION – SPAAZAZ.** Ted Stillman said that Spaazaz received Site Plan Approval on March 28, 2006 for their business at 264 S. Main Street. The requirements included:

1. That lighting be installed in the parking lot
2. That the parking spaces be 19' long
3. That the garbage be stored in the garage
4. That the parking area be paved and striped

The City had asked Mrs. Petro to comply with the Site Plan requirements and to date she has not complied. Ted Stillman said they have a contractor in place to complete the parking area.

**MOTION:** Kent Hastings moved to postpone action on the Business License for Spaazaz for two weeks. Hata Puriri seconded. Ayes: Kent Hastings, Hata Puriri, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed. Kimberly Bryant was absent during the discussion and voting.

**D. ERICKSON LOT LINE ADJUSTMENT.** Ted Stillman said that Steve and Gina Erickson own lot 6 in the Eastview Subdivision and have proposed to purchase some property west of their west boundary line. Based on the proposed lot line adjustments, both lots will meet the requirements of the zone for all aspects, including building setbacks and upon approval, a recordable notice of approval form which includes before and after boundary descriptions will be required for recording.

**MOTION:** Tracy Wallace moved that based on the Planning Commission's recommendation that the City Council approve the Erickson boundary line adjustment. Hata Puriri seconded. Ayes: Kent Hastings, Hata Puriri, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed. Kimberly Bryant was absent during the discussion and voting on this issue.

**E. ROCKY MOUNTAIN POWER FRANCHISE.** Ted Stillman said that Rocky Mountain Power's 50-year Franchise Agreement with the City expires on December 31, 2006. Delynn Rodeback of Rocky Mountain Power would like to renew the Franchise Agreement. Ted Stillman said he had some questions and included in the agreement language stating that Rocky Mountain would continue to move poles when a street is widened. Kent Hastings had brought up a question two weeks ago about language that is in the Questar Franchise Agreement stating that if State law changes we can continue to collect taxes. Delynn Rodeback said this document could be modified and amended and further stated it would be more beneficial to have a long-term agreement rather than a short-term agreement. Thomas Whitchurch brought up the pole attachment issue and Delynn Rodeback there would be a process that the City would have to go through. Hata Puriri asked what is the life of old poles and Mr. Rodeback said that a resident would have to call the company and they would send someone out to evaluate and assess the problem. Other issues were discussed.

Mark Smith asked where the electricity is now coming from as 50 years ago it was generated out of the plant up Box Elder and one up American Fork Canyon. Delynn Rodeback explained that some power comes from coal, fire, steam some hydro-power and natural gas.

Mayor Hunt Willoughby suggested that we get David Church's review and recommendation on this Agreement and that this be on the next City Council agenda for action. Mr. Rodeback said this agreement could be made similar to Questar's Agreement.

**F. WESTFIELD ROAD DESIGN.** Ted Stillman said that at the last City Council meeting the Council voted to authorize the design of Westfield Road with a 4-way stop at Westfield Road/400 West/200 North. The RFP was issued and proposals were submitted by Epic Engineering, Horrocks Engineers and Wilding Engineering with the following bids on the project being as follows:

1.	Epic Engineering	\$28,334.80
2.	Horrocks Engineers	\$59,708.00
3.	Wilding Engineering, Inc.	\$16,535.00

Ted Stillman said that Wilding Engineering's anticipated schedule includes the bid opening taking place on January 24, 2007 and the construction contract being awarded on February 13, 2007. Mr. Stillman said we are hoping to bid early with construction to begin in the spring. Ted Stillman further stated that factors that were considered in recommending a firm for award of the design contract were experience, approach to the project, ability to complete the design on schedule and cost of services. Shane Sorensen said the City has previously worked with Wilding Engineering on the Downtown Improvement Project and the Westfield Road Preliminary Design.

**MOTION:** Hata Puriri moved to authorize and award the design of Westfield Road improvements to Wilding Engineering in the amount of \$16,535.00. Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

**G. ORDINANCE NO. 2006-17 – DEVELOPMENT CODE, CHAPTERS 1 and 2.** Ted

Stillman went over the proposed changes to Chapters 1 and 2 of the Alpine City Development Code. The majority of these changes are based on the changes to LUDMA which is a Utah State law. The wording added is found in Title 10, Chapter 9a of the Utah State Code.

Ted Stillman said that one specific area that needed to be discussed is the Appeal Authority. Under state law, an Appeal Authority cannot hear an appeal in which it, or any participating member, first acted as the land use authority. Essentially, the City Council acts as the land use authority in Alpine for all land use decisions other than conditional use permits (i.e. home occupations); therefore, the City Council cannot act as the appeal authority for those same land use decisions. If the City Council desires to continue acting as the land use authority, the Council must decide who the appeal authority will be for those land use decisions and the chapters will be revised based on this decision. David Church suggested that the Board of Adjustment be renamed the Appeal Authority and that board will hear two appeals. 45:30. Tracy Wallace said that if Mayor Willoughby said he likes the council's authority in the planning process and allowing the Board of Adjustment to be the Appeal Authority was discussed at length. Ted Stillman suggested we ask David Church to see what kind of we can put on the Appeal Authority. Jannicke Brewer felt that what the City has now is a good system as the City Council sometimes catches what the Planning Commission misses in approving a subdivision.

Mr. Stillman further stated that another thought to consider is what we want to have in the Development Code. For example, the section on the General Plan is state law and it does not have to be included in our code unless we want to include it and suggested that we not act on adopting this ordinance tonight.

Kent Hastings asked how we are going to promote moderate housing here in Alpine. Ted Stillman said we have used our Accessory Apartments to fulfill this requirement as these apartments are usually rented to young couples and older residents. Hata Puriri asked if this would apply to the housing downtown and suggested that the Planning Commission bring something back for the City Council to see. Ted Stillman and April Riley were asked to work on this ordinance.

#### **H. ORDINANCE NO. 2006-18 – PRELIMINARY PLAT SUBMISSION**

**REQUIREMENTS.** Ted Stillman discussed the draft of proposed changes to the Preliminary Plan submission requirements and said this was kind of a housekeeping issue. The main change was allowing for the possibility of extending the review time needed by the City Engineer to provide a more thorough review for developments over 15 lots or with complex issues. Another proposed change is to add wording to indicate to the applicant that incomplete applications will not be placed on the Planning Commission agenda until all information is included with Preliminary Plat Submission.

**MOTION:** Hata Puriri moved to approve and adopt Ordinance No. 2006-18, An Ordinance Adopting Amendments to the Preliminary Plat Submission Requirements. Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

#### **I. LAND AND WATER GRANT APPLICATION.**

Ted Stillman said the Land and Water Conservation Fund is a Federal Grant Program to assist in the acquisition and development of parks. It is administered by the State of Utah and applications are due by October 15, 2006. It is proposed that the City apply for funds for Smooth Canyon Park Restrooms at a cost of \$70,000. The grant would pay one half of the cost of the restroom facility.

**MOTION:** Tracy Wallace moved that the City apply for Land and Water Conservation funds for the Smooth Canyon restrooms. Hata Puriri seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

#### **J. ORDINANCE NO. 2006-19 – SNOW PLOWING ORDINANCE.**

Ted Stillman said that last year the City amended the parking ordinance to allow for cars to be on the streets unless a measurable amount of snow is on the street or the street has not been plowed since the snow fell. This Ordinance has proved unworkable because people continue to park on the streets even when snow is present. Staff would like to go back to our old Ordinance where no parking is allowed on streets from

December 1 to March 31 of each year. Kimberly Bryant said that most people who received a ticket would tell the judge there was no snow on the road when they parked there. Ted Stillman said this proposed Ordinance mirrors Highland's Snow Plowing Ordinance except that in Highland you cannot park on the street from 12:00 am to 8:00 am. Chief Kip Botkin said this is not an issue as there are different ordinances between the two cities. Hata Puriri felt that most of our residents would not be aware that we changed the ordinance. Tracy Wallace suggested that we have an aggressive campaign from November 1 to December 1 and that possibly we put an orange card on the cars that are constantly parked on the streets and on visitor's cars to let them know they cannot park on the streets. Mayor Willoughby said the choice of enforcement is between the Police Chief and his officers. It was noted there is not sufficient parking around City Hall for our residents to attend Planning Commission or City Council Meetings during those months.

Ron Devey said the snow plows have to swerve around vehicles and then when the car is moved there is a large pile of snow. If the snow plow pushes the snow around the cars then the people call city hall or city shop and complain because they cannot get in their cars. Ron Devey said they plow from 5:00 am to 11:00 pm and what worked the best for staff was the language that was in the old ordinance. Jay Healey said that staff would be willing to try Highland's ordinance, but we want something that is enforceable and then have it enforced. Jim Tracy said the biggest thing is education and possibly a red card could go in the water bill and then put up a sign at the entrances to the city reminding people not to park on the streets. Tracy Wallace said he likes this ordinance and further stated that once the ordinance gets in the hands of the Police Dept. we should let them enforce it at their discretion. Kent Hastings felt we should try Highland's ordinance and Ted Stillman said we can bring this ordinance back in final form.

**MOTION:** Thomas Whitchurch moved that Ordinance No. 2006-19, An Ordinance Amending the Parking Regulations for the Purpose of Snow Removal is adopted with the following changes: changed to read "It shall be unlawful to park any motor vehicle upon city streets from December 1<sup>st</sup> to March 31<sup>st</sup> between the hours of 12:00 am to 8:00 am and any time snow is present so as to provide access to snow plows for snow removal" and also adopt the definitions to what a vehicle is. Kent Hastings seconded. Ayes: Kent Hastings, Hata Puriri and Thomas Whitchurch. Nays: 2. Kimberly Bryant and Tracy Wallace voted nay. Motion passed. Tracy Wallace felt there was too much grey area in the ordinance and Kimberly Bryant felt the public should take the risk and use your common sense as to when to park on the street. Council woman Bryant said she doesn't think the police will run around writing tickets.

**K. LAMBERT PARK CLEANUP.** Ted Stillman said that Evertt Williams of the PRO Committee suggested that the City plant 50 to 60 trees around the Rodeo Grounds to beautify the area. It is also proposed that a pressure reduction valve be installed at the Rodeo Grounds to allow that area to be sprinkled and to provide water to clean the restrooms. Ted Stillman said the trees will cost approximately \$100.00 each. Ron Devey said this is a good time for us to accomplish this project because we have men from the County correctional institution come up every weekend and do work in Lambert Park. Mayor Willoughby felt this was a good project, but asked if we are moving ahead of the plan to plant trees. Ted Stillman said we have about \$40,000 left and what is not spent we will put in a fund for future perpetual care towards Lambert Park cleanup or improvement. Jannicke Brewer felt the area shown on the map was a good place to plant the trees as that will discourage the ATV's.

**MOTION:** Kent Hastings moved that we authorize the planting of the trees around the Rodeo Grounds according to the layout and that a pressurized irrigation valve be installed and that precautions are made for the best placement of the trees in relation to the fence and slope and that this be up to the staff to oversee this project and that we authorize up to \$12,000 to do this. Thomas Whitchurch seconded. Ayes: Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 2. Kimberly Bryant and Hata Puriri voted nay. Motion passed.

## VII. REPORTS

## VIII. COMMUNICATION

**Hunt Willoughby** – Met with the Alpine School District Superintendent and Rob Smith who gave a short presentation about the bond issue that will be on the upcoming ballot in November.

**Kimberly Bryant –**

1. Asked about allowing residents to put a plaque on the base of a light pole at a cost. It would be a way to make some money. Jim Tracy asked who is going to install the light poles and said we cannot regulate the content.

2. Last year we went up to Kent Hasting's cabin and thought it would be nice if this was offered again as this has been a hard year for the council with hard decisions.

**Hata Puriri –**

1. Timberline Middle School approached him about the addition to their sign. The proposed sign does not comply with our sign ordinance and Ted Stillman he is taking this to the Planning Commission Meeting this next week.

2. Asked if we need to resurrect talk about the sidewalk by Harvey Hutchinson's residence. Is there an alternative? Ted Stillman said the alternative is that we are working with Wayne Patterson to complete the sidewalk down Red Pine Drive by his Sr. Housing project.

3. The "Alpine Sign" coming into town needs some work on it and Shane Sorensen suggested that we talk to Orion lighting that did the lighting in the roundabout what the cost would be to spruce it up.

**Tracy Wallace –** Does not have the exact date the gazebo is coming. When he gets that date he will e-mail it to everybody. It was decided that the gazebo will need a building permit.

**IX. EXECUTIVE SESSION** to discuss Litigation, Property Acquisition and Personnel. There was no Executive Session.

**X. APPROVAL OF MINUTES**

Public Hearing and City Council Meeting of September 26, 2006

**MOTION:** Kimberly Bryant moved to approve the minutes of the Public Hearing and City Council Meeting of September 26, 2006 as amended and adjourn. Thomas Whitchurch seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

The meeting adjourned at 9:13 pm.