

OCTOBER 11, 2005

Minutes of the **CITY COUNCIL MEETING** held on **TUESDAY, October 11, 2005** at Alpine City Hall, 20 North Main, Alpine, Utah 84004 as follows:

The following members were present and constituted a quorum:

Mayor Philip D. Barker
City Council Members: Kent Hastings (participated electronically), Hata Puriri, Thomas Whitchurch and Hunt Willoughby
Staff: Ted Stillman, Janis H. Williams, Shane Sorensen, Ron Devey and Jay Healey
Others: Jannicke Brewer, Dale Porter, Jim Tracy, Craig Skidmore, Will S. Jones, Jason U. Thelin, Brian Higbee, Ken McClure, Dallin Sorensen, Dawn Beagley, Doug Hall, Lynn Broadbent, Steve Larsen and Downing Akin

I. CALL TO ORDER. Mayor Phil Barker called the City Council Meeting to order at 7:08 pm and welcomed those in attendance. Kent Hastings was excused as he was in Canada, but will participate electronically in tonight's meeting. Also, Kimberly Bryant was excused.

II. PRAYER/OPENING COMMENTS – Thomas Whitchurch

III. PLEDGE OF ALLEGIANCE. Dallin Sorensen 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.

V. CONSENT CALENDAR –

- A. Business Licenses:
Lisa Hannemann/Darla Nelson - D'LIS; 372 S. Ranch Drive
O. Daniel Bluth – GARCIA DENTAL LABORATORY; 521 N. Wilderness Dr.
- B. Bond Release:
Roger Whitby – WHITBY WOODLANDS, PLAT B - \$23,748.23
- C. Payment Request:
East Mountain, Plat D - \$15,971.00

Shane Sorensen said the Payment Request for East Mountain, Plat D was for upsizing the water line. The City Council had previously approved this expenditure up to \$16,000.00 and Mr. Sorensen said there will be one more payment request.

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

VI. SCHEDULED ITEMS

A. CANVASS ELECTION RESULTS. Janis H. Williams presented the Unofficial Tabulation of Election Returns for the Primary Election and said there was 11.6% turn out for the Primary Election. There were ten Provisional Ballots cast with three that were unable to be counted. The official totals were as follows:

Kent Hastings	256
Rubin J. McDougal	20
Hunt Willoughby	358

MOTION: Thomas Whitchurch moved to accept the official tabulation of the Primary Election results as presented above. Hata Puriri seconded. Ayes: Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

B. CEMETERY IMPROVEMENT PROJECTS. Ted Stillman said the Cemetery Commission would like the City Council to adopt the following short and long term improvement projects:

Short Term Projects

Repair sprinkler system
Pave Cemetery Roads
Construct retaining wall

Long Term Projects

Construct a road to the top of Cemetery Hill
Construct a fence around the Cemetery including gates
Landscape the Cemetery Hill with ground cover

Shane Sorensen said that right now water runs off of the hill and a retention basin would have to be built. Mr. Sorensen showed a map of the cemetery with a proposed schedule to repair the sprinkling system. The budget would have to be looked at to see what money is available. Ron Devey said that the roads on the lower part of the Cemetery were originally graveled but now there is grass growing up through the gravel. Ted Stillman said the sprinklers need to be upgraded and a rough estimate would be approximately \$40,000. Shane Sorensen said some of the sprinklers could be salvaged; however, the retaining wall against the hill could cost approximately \$10,000. Shane Sorensen said the paving project would cost roughly \$40,000, but the days are numbered to be able to do anymore paving this year. Mr. Sorensen met with the Cemetery Commission about the road from the top of the hill being one way. Thomas Whitchurch figured the approximate cost to do all the Cemetery work would be approximately \$100,000 and Kent Hastings suggested that we start with the entrances to the Cemetery. Ron Devey said we need to put the sprinklers in before we pave any of the roads and suggested that we approve the sprinkler system first. Ted Stillman said we wouldn't be able to do all the work this year with the money we have in the budget and Mayor Barker suggested that we at least get underway with some of the short-term projects. Ted Stillman said we are looking at about \$90,000 for all the short-term projects.

MOTION: Kent Hastings moved to approve the short-term projects up to \$25,000, approve the concept ideas and adopt the short-term cemetery improvement projects. Hunt Willoughby seconded. Ayes: Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

C. COMMUNITY GROUPS USE OF SCHOOL FACILITIES. Cinda Clement had written a letter requesting that the Joyful Christmas Sounds be allowed to be under the "City Umbrella" to allow them to rent the school facilities at a much lower rate for insurance purposes. The City considered the production of Annie to be part of Alpine Days which put it under our umbrella. Mayor Barker asked if we wanted to take over the liability; however, we need to come up with a policy. David Church said if there was some kind of destruction, then the school would look to us to cover the cost and if there was a 3rd party claim, the party would look to the school to be indemnified and then they would come to us. Hunt Willoughby suggested that the event be open to the public and that the entity pay for the additional insurance cost. Thomas Whitchurch said he had a problem with charging the entity for those extra costs. Phil Barker said there has been a problem with some of the individual activities trying to use some of the money that has been set aside; however, there has not been an Arts Committee created. Phil said he felt there should be some criteria and this be non-profit and be a community event. Jim Tracy indicated that a non-profit organization is different than a non-profit event.

Jannicke Brewer said that Joyful Christmas Sounds was only asking to be covered under the umbrella of the City and will be held on either December 11 or 12 depending on what building they get. Mayor Barker asked if tonight there couldn't be some guide lines set as that production is coming up soon. Mayor Barker also said the issue we need to discuss is who would decide the criteria

MOTION: Hunt Willoughby moved that the use of community groups use of school facilities be subject to:

1. Open to all
2. Of general interest to all
3. That the entity be charged for any extra insurance costs
4. Be a non-profit event
5. That the event incorporate local participants
6. That each event be reviewed by the City Council

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

MOTION: Thomas Whitchurch moved that based on the six conditions listed above that we allow the Joyful Christmas Sounds be under the City's umbrella. Hata Puriri seconded. Ayes: Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

D. LAND AND WATER CONSERVATION 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, 2005. At the last meeting the following possible projects were discussed:

1. Pavilion/restrooms/storage building in Legacy Park
2. South Pointe rehabilitation (rehabilitation of existing parks is not an eligible activity for these funds)
3. Rodeo Grounds Improvements (before we apply for funds for the Rodeo Grounds we need a plan for the improvements which the PRO Committee is working on.

Ted Stillman said he had received a call from Ken McClure who was involved with the Lions Club when they constructed the current pavilion in Legacy Park. Lawn was planted and they built the pavilion. Mr. McClure said there was a concern that the City was going to tear down the current pavilion as it is structurally sound and only needs a new roof. Mr. Stillman suggested that we put a roof on the existing pavilion and that we build a new pavilion/restroom/storage building farther south of the existing pavilion in Legacy Park. Kenneth McClure gave a brief history of the existing pavilion and said that this being a part of Alpine history, he would like to see the pavilion remain. Mr. McClure said that at that time the City Council discussed putting in restrooms. Hata Puriri said he would like to see a plaque constructed there telling the history.

MOTION: Thomas Whitchurch moved that we instruct staff to apply for the Land and Water Conservation Fund Grant to construct restrooms in Legacy Park. Hata Puriri seconded. Ayes: Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

E. TAYLOR MEADOWS EXCEPTION REQUEST. Ted Stillman said that Dave Taylor plans a 10-lot subdivision at 100 South and 300 East. The Planning Commission granted concept approval to the subdivision at their meeting of October 11, 2005 with the following motion:

"Jim Tracy moved to grant concept for the Taylor Meadows Subdivision with the following conditions:

1. The open space will be public with the area along Dry Creek to remain natural. Open space between 300 East and the stream will be semi-improved, and open space along other street frontages will be improved.
2. A note will be placed on the final plat stating that although the lots have been removed from the flood plain through a LOMA (letter of map amendment) from FEMA, the areas has historically flooded.
3. An exception on the length of the cul-de-sac be approved at 570 feet based on the recommendation of the Development Review Committee.
4. A trail will connect the cul-de-sac to the future park on the east.
5. A 5-foot combination sidewalk be constructed on the ease side of the cul-de-sac adjacent to the open space.
6. There will be no trail along Dry Creek.
7. The cul-de-sac be designed to flow toward 100 South.
8. The foundation walls will be 3 feet higher than the base flood elevations to

include window wells, stairwells and garage openings.
 9. Lot lines be adjusted to provide required setbacks for the existing home on lot 3. Steve McArthur seconded. Ayes: 4 Nays: 1. Motion passed. Lincoln Watkins voted nay stating that he had concerns about approving a development in an historical flood area.”

Thomas Whitchurch said the Planning Commission granted an exception on the length of the cul-de-sac to give more elbow room to the lots. Mayor Barker said when he was on the Planning Commission the main reason to have a 450' long cul-de-sac was for safety. Jannicke Brewer said that Dry Creek Orchards was granted an exception to their cul-de-sac length because it was felt that by granting the exception made the subdivision flow better. This would be the case with this subdivision. Hunt Willoughby said that even though he agrees with the Mayor on exceptions, he felt that density was not increased by granting this exception. Hata Puriri said that since this subdivision was so close to the park, he was afraid that many people would use the cul-de-sac as a parking lot. Mayor Barker said we need to make this very clear that if we grant this exception then we don't want the homeowner to come in to get a variance on setbacks. Mayor Barker asked the Council if they were going to agree with the Planning Commission to make this a better plan or stick with our ordinance.

MOTION: Thomas Whitchurch moved to approve the exception on the length of the cul-de-sac in the Taylor Meadows Subdivision due to there be no increase in density and based on the Planning Commission's and staff's recommendations that this is for better planning. Hunt Willoughby seconded. Ayes: Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 1. Kent Hastings voted nay. Motion passed.

Mayor Phil Barker showed some pictures taken out of Alpine Yesterday's book of a flood that occurred in August of 1951. Mayor Barker asked that If there is a known hazard in the area, should we approve a subdivision or allow a letter amendment to take this property out of the flood plain. We should look at the past 100-year events and say we should try and build safe homes. Shane Sorensen explained that the land north and east of the City were overgrazed and when it rained, there was nothing to hold the water back. Since that time the mountains have been terraced and the creek beds and storm drains have been upgraded. Both Brian Higbee and Will Jones made comments. Mayor Barker said we should tell the Planning Commission that before they grant any further approvals they have to feel comfortable with their decision. Hata Puriri felt there was an historic concern in that area and felt we should relate our concerns to the Planning Commission. Thomas Whitchurch said that unless we have information based on our concerns then we should allow a homeowner to build on his land. Hunt Willoughby said he felt the same way as Thomas Whitchurch. Kent Hastings agreed with Hata Puriri and the Mayor and felt we should express our concerns to the Planning Commission based on the past historical event. Shane Sorensen said he was hesitant to throw this back to the Planning Commission as the developers have done everything we have asked. Mr. Sorensen said he was not an expert in this area and suggested that we could bring in an outside opinion. Jannicke Brewer said there have been so many changes in the past and we have accepted letter map amendments or do we just say this is in the flood plain and not allow building. Mayor Barker said that what the Council is saying is to investigate it to the extent that the Planning Commission feels comfortable and anything where a report is requested we need to ask what this report is supposed to do or will it create more questions. Mayor Barker said he thinks we need to go into the meeting with an organized or specific agenda to stay on track so we don't get side tracked. Brian Higbee said all this property is not in the flood plain and is not all a flat piece of ground, but goes up. We don't know just where all that water went in that flood. Mayor Barker said we need to know if this is a dangerous place to build houses.

F. CANYON BROOK SUBDIVISION APPEAL OF PLANNING COMMISSION

DECISION. Ted Stillman said that in our Ordinance under 3.9.7 -OPEN SPACE (Amended by Ordinance 2005-02, 2/8/05)

1. A portion of each project area shall be set aside and maintained as designated open space. The amount of a project area to be set aside as designated open space shall be as set forth in the following schedule:

Zone District	Minimum % of Total Project Area as Common Open Space
CR-20,000	25%
CR-40,000	25%

CE-5	50%
CE-50	50%

2. The designated open space areas may include natural open space, (applicable to steep hillside, wetland, flood plain area etc.) and developed useable open space areas, or a combination thereof.

Steve Larsen and Lynn Broadbent, developers of Canyon Brook Subdivision, are appealing the decision of the Planning Commission to the City Council. Kent Hastings asked if this subdivision had to be developed into a PRD or could it just be subdivided under the zone that it is in. There are five parcels of land and Shane Sorensen said that our ordinance says that if it is in the CE-5 Zone then it needs to be developed into a PRD. Steve Larsen and Lynn Broadbent would like a decision on public vs private open space. They have provided a revised plat to clearly outline what they are requesting regarding private open space. The Planning Commission considered their request at their meeting of October 4, 2005 with the following motions:

“Lincoln Watkins moved that all open space in the Canyon Brook Subdivision be public open space. Jim Tracy seconded. Ayes: 2 Nays: 3. Motion failed. Lincoln Watkins and Dale Porter voted aye. Jannicke Brewer, Jim Tracy and Steve McArthur voted nay.”

“Dale Porter moved that Parcel A be private open space and Parcels B, C and the creek bed be public. Jim Tracy seconded. Ayes: 1 Nays: 4. Dale Porter voted aye. Jannicke Brewer, Jim Tracy, Steve McArthur and Lincoln Watkins voted nay.”

“Lincoln Watkins moved that Parcels A, B and C be public open space and the creek bed be privately owned with a conservation easement. Steve McArthur seconded. Ayes: 5 Nays: 0. Motion passed.”

Jannicke Brewer explained why the Planning Commission recommended that Parcels A, B and C be public open space and the creek bed be privately owned with a conservation easement. Mrs. Brewer said that with Parcels A, B and C being public open space doesn't mean that all the public will be up there all at one time. Mayor Barker felt that when we do a PRD there should be a trade off and the open space should be public and not private. Steve Larsen said that as developers they feel they can protect the open space better than the City. Mr. Larsen debated that the ordinance stands alone and referred to 3.16 which allows for private ownership. Mayor Barker felt the public open space should be the norm and asked if the private open space was just to allow for a PRD but keep the ownership of the open space to themselves. Steve Larsen asked David Church if the city has the right to determine on the use of the open space and should there be monetary compensation if it is required to be public open space. Hunt Willoughby asked if there has been conversation about public trail easements and Steve Larsen indicated yes, they would be granted. Thomas Whitchurch said to complicate things is that two of the lots would have to cross the creek to get to their lots and there would be a shared driveway. Kent Hastings referenced Shane Sorensen's letter and said they should be granted 4.8 density building lots and wondered why we were giving them five. The Planning Commission made the recommendation to give them five; however, they would be improving Ft. Canyon road the whole length of their subdivision.

Hata Puriri felt we didn't want to deal with the public using their open space and this development doesn't only involve the property owners in their subdivision, but the homeowners further up the canyon. Mr. Puriri felt the police wouldn't be able to protect the area and the parcel on the east side of Ft. Canyon road can't be accessed by road and it makes no sense to have this be public open space. Mayor Barker asked what is the reality of all this...every time we talk about Ft. Canyon we act as though it is the high-crime area in Alpine. Hata Puriri said he took a group from BYU to camp out and all night long he heard cars squealing up and down the development (the Three Falls area). Both gates had been taken off and were laying down by the side of the road. Thomas Whitchurch said he was puzzled with the fact that if it is private open space then the homeowners will have to pay taxes on it; however, if it is public open space then we are exempt. Mr. Whitchurch said he doesn't understand why they would not want it to be public open space. Lynn Broadbent said he was still planning on grazing the land on the west side of Ft. Canyon Road and further stated he would like to build a small barn for his own personal use.

Craig Skidmore asked if the Council was wrestling with the issue of preserving the land over time. Steve Larsen said the conservation easement goes with the land forever and runs with the property. Dale

Porter said it bothered him that to keep this as private open space was to avoid taxes.

MOTION: Hata Puriri moved that we allow Parcels A, B & C and the creek area to be private open space with a conservation easement. Kent Hastings seconded. Ayes: Kent Hastings and Hata Puriri. Nays: Thomas Whitchurch and Hunt Willoughby. Mayor Phil Barker voted nay to break the tie vote. Motion failed.

Kent Hastings had some questions about the spring and Lynn Broadbent said he uses the water from the spring for his culinary water supply. It was noted the water is piped underground. Hunt Willoughby said he would like to walk the property prior to the next City Council meeting.

MOTION: Hata Puriri moved that we table acting on the Canyon Brook Subdivision to another City Council Meeting. Kent Hastings seconded. Ayes: Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

G. DRY CREEK ORCHARDS TRAIL. Ted Stillman said the Alpine Elementary School has requested that the City construct a walkway in back of Alpine Elementary that would connect with Dry Creek Orchards Lane. This walkway would allow school children from the Applewood Subdivision and areas to the East to access the school easier and also get children off of 300 North which is a very busy street. The Planning Commission considered the request at their meeting of October 4, 2005 and recommended to the City Council that the City install a trail to allow school children to access the Dry Creek Orchards Subdivision from the back of Alpine Elementary School. Jannicke Brewer said the school needs to have a gate constructed so they have the ability to lock the gate when the creek is running full. Jay Healey said if this is going to happen this year then this needs to be done pretty soon.

MOTION: Thomas Whitchurch moved that we have staff construct a trail through Dry Creek Orchards Open Space to Alpine Elementary School, have the school put in a gate and that the city pave the trail and that there be a fence on both sides of the trail. Hata Puriri seconded. Ayes: Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

H. IMPACT FEE REPORT. Shane Sorensen said the State law requires that an annual report be provided to the City Council on Impact Fees. Below is the report:

**Impact Fee Report
2004 – 2005**

Beginning Balance July 1, 2004	\$333,848.88
REVENUE	
Impact Fees	\$44,600.00
Interest	\$3,282.06
Total Revenue	\$47,882.06
EXPENDITURES	
Hog Hollow & Blue Spruce Storm Drain	\$17,395.40
Alpine Drive Storm Drain	\$59,957.30
Total Expenditures	\$77,352.70
Ending Fund Balance June 30, 2005	\$304,378.24
 <u>STREET IMPACT FEES</u>	
Beginning Balance July 1, 2004	\$205,321.40
REVENUE	
Impact Fees	\$71,924.00
Interest	\$6,052.55
Total Revenue	\$77,976.55

EXPENDITURES	
4800 W/Canyon Crest Project	\$3,557.00
Street Master Plan	\$4,587.55
Total Expenditures	\$8,144.55
Ending Fund Balance June 30, 2004	<u>\$275,153.40</u>

<u>RECREATION FACILITY (PARKS) IMPACT FEES</u>	
Beginning Balance July 1, 2004	\$123,414.82

REVENUE	
Impact Fees	\$201,925.00
Interest	\$4,904.30
Total Revenue	\$206,829.30

EXPENDITURES	
Burgess Park Trail	\$ 110.47
Twin River Trail	\$ 607.14
Healey Park	\$9,271.65
531 E 100 South	\$ 600.00
Total Expenditures	\$10,589.26

Ending Fund Balance June 30, 2005	<u>\$319,654.86</u>
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<u>WATER IMPACT FEES</u>	
Beginning Balance July 1, 2004	\$186,898.38

REVENUE	
Impact Fees	\$28,596.92
Interest	\$3,165.89
Total Revenue	\$31,762.81

EXPENDITURES	
Healey Well	\$85,160.04
	\$157.36
Total Expenditures	\$85,317.40

Ending Fund Balance June 30, 2005	<u>\$133,343.79</u>
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<u>SEWER IMPACT FEES</u>	
Beginning Balance July 1, 2004	\$775,477.97

REVENUE	
Impact Fees	\$93,856.45
Interest	\$14,466.87
Total Revenue	\$108,323.32

EXPENDITURES	
Healey Development	\$17,072.72
Colin Grant	\$2,000.00
Sewer Master Plan	\$2,161.18
Total Expenditures	\$21,233.90

Ending Fund Balance June 30, 2005	<u>\$862,567.39</u>
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I. **RECYCLING CONTRACT.** Ted Stillman said that in April the City received a proposal from ACE Disposal to begin recycling in Alpine. ACE required us to have 250 households sign up for recycling and we now have 260 households who have signed up. ACE proposed a subscription service that

would allow residents to voluntarily sign up for recycling; however, the city would still do the billing. ACE would charge the City \$4.50 per month for by-weekly service. In the Councilman's packets was the Recycling Contract with ACE. The recycling contract was changed with the expiration date to coincide with our current ACE residential contract, that if North Pointe gets in the recycling business then we take the recycling materials there, that the recycling cans be picked up on Friday and that there be a cost increase because of the increase in fuel prices. The recycling bins at the City Shops were discussed. Mayor Barker suggested that there be an article in the Newline outlining the recycling program.

MOTION: Hata Puriri moved to approve the Recycling contract with ACE Disposal. Hunt Willoughby seconded. Ayes: Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

VII. COMMUNICATION

Mayor Barker –

1. Asked about the bond and the communication packet that will be sent out by the City to the residents. Craig Skidmore said the communication packet has gone to the printer and will be sent out to each resident. Ted Stillman had e-mailed the pros and cons pamphlet and asked the council to e-mail him with their comments. Kent Hastings said there wasn't any mention of the Bond Issue in this month's Newline. Craig Skidmore said there is a plan to do yard signs.

2. Has had many comments about the height of houses in Willow Canyon. Mayor Barker thinks we need to supply the residents in that area with the height restriction. This council had nothing to do with the decision to limit the height on homes in that subdivision and suggested that we be clearer when communicating with the public on that issue.

Hata Puriri – Asked if there is anything going on with the Library Committee and has had a few people who would like to be involved in this committee. Thomas Whitchurch said the current committee has raised some money and Jannicke Brewer said there were several questions on the survey about the library. It will be interesting to see the results.

Thomas Whitchurch - Wants to know about Red Pine Drive. Shane Sorensen said that Wayne Patterson doesn't want to pave that road until spring. Mr. Sorensen said he can see Mr. Patterson's point of view for safety reasons. Shane Sorensen said he explained there would be no occupancy permits until the road is paved and he and Jay Healey suggested that the road be closed off until it is paved.

Hunt Willoughby – Would staff look into placing barricades on the fire access road between Preston Drive and Country Manor Lane.

VIII. EXECUTIVE SESSION to discuss Litigation, Property Acquisition and Personnel. No Executive Session was needed.

IX. APPROVAL OF MINUTES

City Council Meeting of September 27, 2005

MOTION: Hunt Willoughby moved to approve the minutes of the City Council Meeting of September 27, 2005 as amended and adjourn. Hata Puriri seconded. Ayes: Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

The meeting adjourned at 10:15 pm.