

OCTOBER 12, 2004

Minutes of the City Council Meeting held on Tuesday, October 12, 2004 at Alpine City Hall, 20 North Main, Alpine, Utah 84004 at 7:00 pm.

The following members were present:

Mayor Philip D. Barker

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

Staff: Ted Stillman, Janis H. Williams, David Church and Shane Sorensen

Others: Jannicke Brewer, Dale Porter, Craig Skidmore, Tim McGaffin, *New Utah*, Sharon Haddock, *Deseret Morning News*, Elizabeth Nardi, *Daily Herald*, Jim Tracy, Myrna Grant, Mark Grant, Janice Ann Brown, Fraser Bullock, Katie Roberts, Marlene Arnold, Kay VanBuren, Downing Aiken, Marilyn Kofford, Lew Kofford, Juanita Nield, John Nield, Jennifer Bishop, Jim Bishop, Ula B. Hemingway, Will S. Jones, Wayne Pack, Larry Brown, Craig Broadbent, Tyson Broadbent, Carla Wheadon, Margaret Smith, Gary Trowbridge, Ron Madson, Ashlee Emig, Dayina Freeman, Stephanie Smith, Camrie LeBaron, Brook Wheeler, Stephanie Jenkins, Jessica Tobian, Sue Le Baron, Ken Sardoni, Laurie Sardoni and Michael Sardoni

I. **CALL TO ORDER.** Mayor Phil Barker called the City Council Meeting to order at 7:00 pm and welcomed all those in attendance.

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

III. **PLEDGE OF ALLEGIANCE.** Katie Roberts, President of a Young Women's group in Alpine, 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.

Tyson Broadbent, who lives on Ft. Canyon Road presented his proposed Eagle Project. Tyson Broadbent said he would like to relocate some of the trails that cross over private property. Craig Skidmore showed on a map exactly where the trails were and said the private property owner is the city.

Jennifer Payne who lives at the end of High Bench Road said there was a cougar close to her home that could have attacked her children. Mrs. Payne said a stray dog that their family has been taking care of flushed the cougar out of the bushes and it ran up into the mountains. Mrs. Payne said this animal did not run when she went outside and felt it was lucky she had a dog with her who scared the cougar away; however, you could see where the cougar had been laying down. Jennifer Payne contacted the Division of Wildlife, but they were unwilling to help her to get rid of the animal. Mrs. Payne asked if the City Council could contact The Division of Wildlife and put some pressure on them to do something about the cougars in our area.

Fraser Bullock, who lives in the Box Elder Subdivision, addressed the issue of the expansion of the Rodeo Grounds. Mr. Bullock felt there is continuing damage to the natural vegetation and some commercialization involved. Fraser Bullock felt we are satisfying the appetite of a few citizens and asked the council to stop the incremental expansion without having a definitive plan. Ted Stillman said the Planning Commission went on a tour of the Rodeo Grounds to discuss future expansion such as parking, etc. Jannicke Brewer felt the Planning Commission needed to have a Public Hearing or a workshop to receive public input. Fraser Bullock suggested that the expansion be stopped now and not construct any stables or the indoor arena and suggested by Dana Beck.

Michael Sardoni recently finished his Eagle Scout Project which was to fix up the bowery. Mr. Sardoni spent 225 hours rebuilding and adjusting the size of the volley ball court. The area was overgrown with weeds, so Michael Sardoni and his crew pulled all the railroad ties out, pulled the weeds and bulldozed the area replacing the ties to create a standard size volleyball court. A new net was purchased. Craig Skidmore said this was a very good improvement to the area.

Ashley Emig and Dana Freeman asked the council if they would consider building a playground at the Smooth Canyon Park. Ted Stillman told them this was going to be discussed later on in the meeting.

Carla Wheadon and Margaret Smith said they were concerned about the condition of the cemetery and restrictions of upright headstones in the certain areas. Mrs. Wheadon asked about why Shepherd's hooks were allowed and upright headstones were not. Ted Stillman said he is looking at other cemeteries to get some direction.

Jannicke Brewer said the residents in the Stonehedge Subdivision have asked where their speed limit sign is. Shane Sorensen said it is at the shop and just needs to be installed.

Kent Hastings said he was having an organizing meeting on October 28, 2004 for next year's Family Priority Days and asked for volunteers to help with this event. The meeting will be at City Hall at 7:00 pm.

V. **CONSENT CALENDAR –**

- A. Business Licenses:
 - Steven N. Burrows – BURROWS CONSULTING, INC; 72 N. Matterhorn Drive
 - Jeff Wells – TRANSNATIONAL INVESTMENTS, LLC; 1033 Lamar Circle
- B. Payment Requests:
 - Ken Gordon – Curb, Gutter and Sidewalk on Frontier Road cul-de-sac - \$6,167.20
 - Bob Strang – Willow & Preston Canyon Debris Basins - \$29,944.00
 - Johnston & Phillips – Downtown Street Improvement Project - \$339,718.93

Shane Sorensen said there was a correction on the amount being paid to Johnston & Phillips on the Downtown Street Improvement Project and the new amount is listed above. Mayor Barker said he was pleased with the way the project is cleaning up the downtown area.

MOTION: Kent Hastings moved to approve the Consent Calendar with the amended amount being paid to Johnston & Phillips. Hunt Willoughby seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri and Hunt Willoughby. Nays: 0. Motion passed.

VI. **SCHEDULED ITEMS**

A. **RESOLUTION NO. R2004-12 – HERITAGE HILLS/NORTHPOINTE.** Downing Aiken said their attorney has been in Court for the past week and asked that this item be held over until next City Council Meeting. Mr. Aiken said his group is getting close to reaching an agreement with Bill Moeller and Mr. Aiken felt that by next City Council Meeting they will have accomplished reaching an agreement.

Ted Stillman said the Northpointe Subdivision is located directly west of the proposed Heritage Hills development.; however, Heritage Hills needs the Alpine Blvd. right-of-way through Northpointe in order to continue with their subdivision. Mr. Stillman said that Will Jones is willing to give the city an easement for Alpine Blvd in exchange for allowing Northpointe, Plat A to be recorded within 5 years and Plat B to be recorded within 10 years. Ted Stillman said that Will S. Jones would provide a right-of-way so Alpine Blvd. could be built as a partial-width road which would satisfy Heritage Hills' requirements with the road being all on the Northpointe property. When Northpointe is developed the other half of the road would be built. Shane Sorensen said the sewer is not in the road, only the water lines and when the property on the south side of the road is developed, the sewer lines would be there. There was a discussion about the depth of the sewer lines in that area and Shane Sorensen said our sewer plan has been modeled to take care of all the properties north of that point. In discussing the Heritage Hills development in the Planning Commission, Jannicke Brewer said it was felt the most important thing was to have Alpine Blvd. be extended to Main Street. Downing Aiken said that with the first phase of Heritage Hills, Alpine Blvd. would be extended from Grove Drive to Main Street. Ted Stillman suggested that this item be continued on the November 9, 2004 agenda and have a copy of the draft agreement with Will Jones along with Annexation fees.

B. **ROUNDAABOUT CHRISTMAS LIGHTS.** Ted Stillman said that Matt Marvell, owner of Orion Outdoor Lighting, donated the lighting for the roundabout which was valued at \$10,000. Mr. Marvell

would like to provide Christmas lighting in exchange for allowing his advertising sign to remain in the roundabout. There was a discussion about how long this advertising sign could be left up and Hunt Willoughby felt that the first of the year would be long enough. Jannicke Brewer said that the Sign Ordinance states "that off-site advertising is not allowed". Mrs. Brewer said the Planning Commission has been struggling with some commercial advertising if this was a community event. Hata Puriri said he liked what Matt Marvell has done and felt that most people don't look at the signs. Councilman Puriri said this was a small price to pay for a nice job. Shane Sorensen said that Dave Prina said that if the city was going to buy the lights they would cost approximately \$4,000 and the cost to put them up about another \$1,000 each year. Jannicke Brewer felt this would open the door to other problems, like donations of time and materials at the Rodeo Grounds and Alpine Playhouse which is a non-profit organization. Jim Tracy said he remembered that safety was a concern when the council was discussing various landscaping plans and felt that lights on the trees might be a distraction when driving the roundabout.

MOTION: Hata Puriri moved to authorize Orion Outdoor Lighting to provide Christmas lighting in the roundabout with the lights being turned on the day after Thanksgiving and then being turned off the day after New Years and that the advertising sign have the same restrictions as the lights. Hunt Willoughby seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri and Hunt Willoughby. Nays: 0. Motion passed.

C. ORDINANCE NO. 2004-16 – AMENDED 2004-2005 BUDGET. Ted Stillman said budget amendment would implement the recommendations contained in the 2004-2005 Audit as follows:

1. **10 GENERAL FUND** – State law allows for the General Fund balance to be 18% of what was budgeted. In our case the ending fund balance in the General Fund was \$465,064 which was approximately \$44,000 in excess of the maximum allowed. This will be transferred to the Capitol Improvement Fund and Ted Stillman said the new bleachers could come out of this fund. Kent Hastings felt some of the extra could be given back to the citizens. Ted Stillman said the Mayor has asked that we come up with a 10-year plan. Mayor Barker said this is not found money that we didn't know about, but it is money that is just moved from one fund to another fund.

2. **IMPACT FEE FUND**

Budget Category	Current Amount	New Amount	Change	Justification
Impact Fees	\$789,100	\$576,000	\$-213,100	The Auditor recommended that the Storm Drain Impact Fee be transferred to the Storm Drain Utility

MOTION: Hunt Willoughby moved to adopt Ordinance No. 2004-16, An Ordinance Amending the 2004-2005 Budget. Hata Puriri seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri and Hunt Willoughby. Nays: 0. Motion passed.

D. ORDINANCE No. 2004-17 – EXCAVATION ORDINANCE. Ted Stillman said that on May 25, 2004 the city adopted the 2003 edition of the International Building Code. This adoption repealed the old building code that we were using which included requirements for excavation and grading. This left the city without the ability to regulate excavation and grading. Appendix J of the International Building Code will reinstate the excavation and grading requirements. Ted Stillman said an Excavation Permit would now be required and Mayor Barker suggested that the City Engineer be given judgment in these matters. Shane Sorensen went over some concerns that he had and said he is always called when a neighbor brings in fill dirt for his property which could channel water to drain on adjacent property. Ted Stillman suggested we continue this item at a later date to give Shane Sorensen a chance to review the Ordinance and make suggestions and corrections.

E. ORDINANCE NO. 2004-18 – OPEN SPACE ORDINANCE. Ted Stillman said that Wayne Hardman, the caretaker of Moyle Park, reviewed the open space ordinance last year and found some

areas in the ordinance in conflict with Moyle Park policies. The Planning Commission reviewed and recommended the changes to the City Council and on May 13, 2003 the City Council set a hearing for June 10, 2003. The hearing was held but no action was taken. Since that time there has been a new City Council and another public hearing would be needed.

MOTION: Hata Puriri moved to set a Public Hearing for the amendment to the Open Space Ordinance 3.16.8 on November 23, 2004. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri and Hunt Willoughby. Nays: 0. Motion passed.

F. MAIN STREET BRIDGE/STREET LIGHTING. Shane Sorensen has been working with the lighting consultants to finalize the design of the Main Street lights and Horrocks Engineers are working on drawings and cost estimates for the Main Street Bridge. Shane Sorensen showed a design of the proposed bridge and said this design would cost substantially less than the other design because curb and gutter would not have to be taken out and then replaced. Mr. Sorensen said he was working with a lighting company and said they understand this will have to go out to bid. Mayor Barker felt we were getting down to the point where we will tell the various companies what we want and they will have to tell us how much it would cost. Kent Hastings suggested that we recreate where we want gathering places to be to ensure that lights will be in that area so this project isn't done in a piece-meal way. Mayor Barker said we have a plan, but that we have had to piece-meal the project because of budget restraints. Mayor Barker suggested that we recreate the original plan with gathering places and a destination. Ula Hemingway asked if we have considered having an outlet put on each light pole and asked if the Mayor still wanted to have the U.S. flags taken all the way down to the roundabout. Mayor Barker said there will be an outlet on each light pole and it was the desire of the council to have the U.S. flags taken all the way down to the roundabout.

G. COMMUNITY DEVELOPMENT BLOCK GRANT. Ted Stillman said that Community Development Block Grants are primarily designed to aid low and moderate income people. With Alpine's high incomes it has been difficult to be competitive in the Community Development Block Grant Program. Projects that benefit the handicapped and elderly are not under the benefit to low and moderate income rules and the city can apply for funds for these types of projects. Mr. Stillman said that staff is considering handicapped access projects as well as sidewalks that will allow the elderly to use the Arboretum. A Public Hearing needs to be held for the purpose of receiving public input on potential Community Development Block Grant Projects. Ted Stillman said the city hasn't asked for an amount or settled on a project yet. Kimberly Bryant asked if we were taking money from the low income people in other areas that needed it worse than we did.

MOTION: Hunt Willoughby moved to set a Public Hearing for November 9, 2004 to receive public input on potential Community Development Block Grant Projects. Hata Puriri seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri and Hunt Willoughby. Nays: 0. Motion passed.

H. LAND AND WATER CONSERVATION GRANT. 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, 2004. The program is a 50/50 match and the project the city would like to apply for to use these funds was discussed. One of the proposed projects included in the Park Plan is restrooms and playground equipment for Smooth Canyon Park. The estimated cost of this project would be \$100,000 with the grant paying for half or \$50,000. An article was placed in the September Newsline asking the public for ideas on what park projects the city should apply for and at the September 28, 2004 City Council meeting other potential projects were discussed.

Kent Hastings said he has thought about this since the last City Council Meeting and expressed his concern that maybe a widow in Alabama has had to help pay for a project in Alpine. Councilman Hastings said he wasn't comfortable in taking her tax dollars. Ted Stillman explained that this money comes from oil and gas revenue and off-shore drilling and doesn't come from a widow's tax dollars that lives in Alabama.

MOTION: Hata Puriri moved to authorize staff to apply for Land and Water Conservation Funds for playground equipment and restrooms at Smooth Canyon. Kimberly Bryant seconded. Ayes: Kimberly

Bryant, Kent Hastings, Hata Puriri and Hunt Willoughby. Nays: 0. Motion passed.

I. TRANSPORTATION ENHANCEMENT GRANT. Ted Stillman said the Transportation Enhancement Grants can be used for trails and landscaping, etc. The grants are an 80/20 match with the city only having to come up with 20%. Ted Stillman said that Highland City obtained a Transportation Enhancement Grant to put a trail underpass under SR-92 at the mouth of American Fork Canyon and Springville received a grant for downtown improvements. Mr. Stillman suggested that the city apply for funds to build the bridge over Dry Creek on Main Street and to install the downtown street lighting. Kent Hastings said he would like to see this money go for a sidewalk down Westfield Road if we receive any money. Hata Puriri asked about installing a sidewalk on the west side of Alpine Highway on the Bangerter's side.

MOTION: Kimberly Bryant moved to set a Public Hearing for November 23, 2004 to receive public input on potential Transportation Enhancement Grants. Hunt Willoughby seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri and Hunt Willoughby. Nays: 0. Motion passed.

J. FINANCIAL REPORT – 1st QUARTER 2004-2005. Ted Stillman went over the Financial Report for the 1st Quarter of the 2004-2005 Fiscal Year Budget and reported that the city is doing very well. The water used in swimming pools was discussed; however, Shane Sorensen said he would check with the Fire Department to see if they are charging for filling the pools.

Thomas Whitchurch arrived at the City Council Meeting at 8:45 pm.

VII. COMMUNICATION

Kent Hastings –

1. Said he will be meeting with the Public Safety District in the morning and asked the other councilmen if they had any concern he should bring up.
2. Asked Ted Stillman if the city has received an appraisal to expand the cemetery.
3. Asked if we have heard any more from the Morse's about their health issues.

Hata Puriri –

1. Said that Burgess Park is being used a great deal and the scheduling has helped out.
2. Asked how complete the Downtown Improvement Project is and Shane Sorensen gave a brief update on the project. Mr. Sorensen said the parking lot across the street from City Hall is almost complete.

Ula Hemingway asked for a report on the restrooms which would serve Legacy Park and the Relic Hall. Ted Stillman said he was waiting for a design from John Vincent.

Thomas Whitchurch –

1. Said the Planning Commission has been working on the Land Use Plan.
2. The Youth Council has collected over 100 usable backpacks and is working with an organization which will distribute the backpacks to needy children. The Youth Council also worked with Kids on the Move in raising funds for that organization. It was noted that Mayor Phil Barker ran the St. George Marathon with pledge money going toward the Kids on the Move program.

Hunt Willoughby – Asked about the school crosswalks by Alpine Elementary School and Ted Stillman said several no right turn signs to be placed. Kimberly Bryant said this is not what the crossing guard wanted and asked who ordered the signs when this is not what the council approved. Ted Stillman felt there was a miscommunication as the principal wanted what is there now. Mr. Stillman also stated the crossing guard wanted the signs in lieu of hiring another crossing guard. Thomas Whitchurch asked about turning the intersection into one big crosswalk because the crossing guard still stands in the center of the

intersection and the children cross on both sides of her. Shane Sorensen said there are strict State codes and laws outlining what is allowed and if the council wants he could ask the State Engineer to come and give a presentation pertaining to school crosswalks. Mayor Barker suggested that we move forward and get the second crossing guard hired. Kent Hastings suggested that we get the PTA involved in educating the children as to where they should cross.

Larry Brown asked if the city has taken into consideration a long-term plan. When the city reaches build-out and the city no longer receives any further impact fees, Mr. Brown asked where additional revenue would come from. Larry Brown questioned if the city will have to raise property taxes?

VIII. EXECUTIVE SESSION to discuss 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: Hunt Willoughby moved to go back to Open Session. Hata Puriri seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

IX. APPROVAL OF MINUTES:

Public Hearings and City Council Meeting of September 28, 2004

MOTION: Hunt Willoughby moved to approve the minutes of the Public Hearings and City Council Meeting of September 28, 2004 as amended and adjourn. Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

The meeting adjourned at 9:20 pm.