

October 14, 2008

Minutes of the Public Hearing and City Council Meeting held on Tuesday, October 23, 2008 at Alpine City Hall, 20 North Main, Alpine, Utah 84004 as follows:

The following members were present and constituted a quorum:

Mayor Pro-Tempore Kent Hastings

City Council Members: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch

Staff: Ted Stillman, Shane Sorensen, Janis H. Williams, April Riley, Ron Devey, Annalisa Thomas and David Church

Others: Jannicke Brewer, Aaron Holtsclaw, *Lone Peak Press*, Kip Botkin, *Police Chief*, Greg Ogden, Stan Howell, Will S. Jones, Julie Yarbrough, Jon Steed, Mark Livingston, Justin Whitchurch, Joe Wale, Dallin Powell, Michael Adams, Carla Adams, Brian Wolsey, Robbie Wolsey, Jonathan Peterson, Sam Merrill, Matthew Crandall, Spencer Howell, Curtis Hutchinson, Roger Whitby and Michelle Cunningham

Kent Hastings said we are in a unique situation and explained to the audience what would happen since our Mayor, Hunt Willoughby, is out of town and our Mayor Pro-Tempore, Kimberly Bryant, is recovering from knee replacement surgery. The City Council will make a motion as to whom will serve as Mayor Pro-Tempore.

MOTION: Thomas Whitchurch moved that Kent Hastings being the senior member of the City Council serve as Mayor Pro-Tempore for tonight's meeting. Tracy Wallace seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

PUBLIC HEARING – 7:00 pm: FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT REGARDING THE TRANSPORTATION (STREET) MASTER PLAN MAP.

Kent Hastings called the Public Hearing to order at 7:00 pm and introduced the subject. Shane Sorensen said that some of the changes are on the Transportation (Street) Master Plan Map is because of improvements that have been made to some of the streets. There are some road connections that are now on the map and other changes are as follows:

100 South be designated as a collector road

Show a connection between Watkins Lane and Country Manor Lane

The connection between Canyon Crest to Westfield Road be designated as a collector road.

Add a connection from Alpine Boulevard to Quail Hollow

Show a second connection from Blackhawk Lane to 600 East through the 100 South park property

Update the map to reflect the roads that have been completed including Westfield Road, 200 North,

400 West and Heritage Hills Drive

Realign Whitby Woodlands Drive to match the existing portions of the same road

Shane Sorensen said there will be a slight change when we update the Impact Fees. Shane Sorensen also explained that some of the street there is an alignment shown, but mainly this is for an A to B connection. The dash could go a different route.

The Public Hearing adjourned at 7:07 pm.

CITY COUNCIL MEETING – Immediately following the Public Hearing

I. CALL TO ORDER. Kent Hastings called the City Council Meeting to order at 7:07 pm and welcomed everyone in attendance and reported that Mayor Willoughby was in Nepal where he will be climbing to Mt. Everest Base Camp. It was noted that Council Member Kimberly Bryant had knee surgery on Monday and will be in the hospital until the end of the week.

II. PRAYER/OPENING COMMENTS – Kent Hastings

III. PLEDGE OF ALLEGIANCE. Justin Whitchurch 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.

Dallin Powell presented his Eagle Scout project and said he would like to take pictures of all the headstones in the Alpine Cemetery to integrate into the new Cemetery Management software. Ted Stillman said he was going to include the purchase of the new Cemetery Management software on the next City Council Agenda. Mr. Stillman said this software will help manage and prepare the Cemetery Deeds, see where lots are available and this project would truly enhance this new program. Shane Sorensen said he would work with Dallin Powell so they can tie the picture to a gravesite and further stated it would be easy to keep these pictures up with future burials. Dallin Powell was invited to attend the Cemetery Commission Meeting on October 23, 2008 at 7:00 pm.

Michelle Cunningham lives at 12306 Timberline Drive in Highland and said she has a neighbor who is giving horse lessons and conducting horse camps without having a business license, therefore, she is not subject to the regulations of a home occupation. Mrs. Cunningham said her husband had sent an e-mail to the City Council and was told that occasional horse riding lessons were ok. Michelle Cunningham asked for a definition of occasional horse riding lessons. Jim Tracy said he thought the Mayor was going to follow through with this and David Church said the Mayor asked him to look into this and stated he was slow in responding.

Julie Yarbrough lives on Lupine Drive and had several items she wanted to discuss as follows:

1. Last week at the Planning Commission Meeting she was told it was a public meeting and not a public hearing. Mrs. Yarbrough asked what the difference was between a public hearing and a public meeting. David Church addressed this issue and said the difference between the two different kinds of meetings. A public meeting is where the public is invited to attend and watch the Council or in this case the Planning Commission do their business. A public hearing is a portion of the meeting where the public is given the right to speak. The right for the public to speak in a public meeting is up to the Chairman of the Commission. Kent Hastings said the City Council very rarely has not allowed the public to speak and further stated that the City Council does not have control over what the Planning Commission does.

2. Mrs. Yarbrough said she is trying to understand City Government and noted that the City Council is voted in. Mrs. Yarbrough asked how the Planning Commission members are voted in and asked if the Planning Commission members have a say in who is asked to be on the Commission. Jim Tracy said he believes the Mayor picks the best qualified candidates that are available at the time. Mrs. Yarbrough asked how long the Planning Commission members serve and was told their term was six years. If a Commissioner serves for two terms of six years each, that would be twelve years of service and Mrs. Yarbrough felt there should be a limit on their terms. Julie Yarbrough then asked how do we go about getting a Commission Member impeached. Should she put together a letter and send it to the Mayor requesting that he consider putting a limit on Planning Commission Member's terms. Jim Tracy told Mrs. Yarbrough she could volunteer to serve on the Planning Commission or suggest a person's name so the Mayor has additional choices to make. Tracy Wallace said the Mayor can remove a person from serving on the Planning Commission with cause. David Church said the Planning Commission's number, terms and the manner of appointment or removal is set by ordinance which is completely controlled by the City Council. Kent Hastings suggested that Ted Stillman talk with the Mayor about revisiting the Planning Commission Ordinance and stated he got quite a few calls from residents about the Planning Commission meeting. Councilman Hastings said that although we don't have any power over the Planning Commission he strongly encouraged that body to take public input. Tracy Wallace said public comment is good when appropriate.

3. Julie Yarbrough again asked about the agenda being put on the web earlier than when it is now posted. David Church said State Law dictates that the agenda has to be set, published and posted 24 hours before the meeting. Councilman Hastings asked if the City could have a policy that was stricter. David Church said that staff can amend the agenda but we don't allow people who want to get on the agenda to change the rules. April Riley said there is a State website and as of October 1 we have to post our agendas; however, you have to subscribe to this website but if the agenda is ever amended then you would get the amended agenda sent to your e-mail. Annalisa Thomas said there was a link to this State website on our Alpine City website.

CONSENT CALENDAR

- A. Business Licenses –
 - Mary Alice Martinez – Mary Alice Martinez; 378 Ridge Drive
 - Steven Frandsen – A1 Safe & Vault Services, LLC; 402 West 800 South

- B. Bond Releases –
 - Steve McArthur – Conrad's Landing, Plat A; Sunset Drive - \$29,869.81
 - Steve McArthur – Conrad's Landing, Plat B; Braddock Lane - \$34,552.00
 - Paul Ercanbrack – Ercanbrack Subdivision, Plat A; 300 North and Alpine Blvd - \$2,214.00
 - Gig Griffith – Gig's Car Wash (Alpine Auto Wash); West Canyon Crest Road - \$791.76
 - Forrest Burnett – Dry Creek Southeast, Plat B; Red Pine Drive - \$8,348.40

Thomas Whitchurch asked about the bond release that was requested by Gig Griffith and asked if this was an over site by the City. Shane Sorensen said that Mr. Griffith was not a developer and didn't realize he needed to request a final release and we assumed this had a final release. We now have a spread sheet that tracks the dates on bond releases.

MOTION: Tracy Wallace moved to approve the Business Licenses and Bond Releases as reported on the Consent Calendar. Thomas Whitchurch seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

V. ACTION ITEMS –

A. 2007-2008 AUDIT. Greg Ogden presented the 2007-2008 Audit. Greg Ogden said the City is required to spend impact fees within six years of their collections. Sewer impact fees totaling \$310,878 were collected more than six years ago, but have not yet been spent. Greg Ogden said that Cities are allowed to hold impact fees longer than six years if they identify in writing 1) an extraordinary and compelling reason why the fees should be held longer than six years, and 2) an absolute date by which the fees will be expended. Ted Stillman said that in August we spent \$272,000 to complete the Fort Canyon Sewer project and this has taken care of the Sewer Impact Fees.

Greg Ogden said the City overspent the budget for capital outlay in the general fund and recommended the budget should be reviewed closely at year-end and if amendments to the budget are necessary to avoid over spending the budget, they should be made prior to the end of the fiscal year. Mr. Ogden said the State Auditor recommended that Class C Road funds be included in the General Fund.

Greg Ogden said the accounting software used by the City currently posts all accounts payable activity in the General Fund, regardless of the fund for which the related expense incurred. The City's accounting software has the capability to record accounts payable to the fund in which the expense incurred and Annalisa Thomas said she has worked with Casselle to accomplish this. As of July 1, 2008 this has been done.

Greg Ogden said the City does not have an employee with the expertise to draft the City's basic financial statements and related footnotes and suggested management should try to gain as much expertise as possible regarding the preparation of financial statements and footnotes to ensure that they are qualified to review, approve and accept responsibility for the financial statements.

MOTION: Thomas Whitchurch moved to accept the 2007-2008 Audit as presented by Greg Ogden. Tracy Wallace seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

B. RISK ASSESSMENT POLICY. Greg Ogden outlined the need for a Risk Assessment Process. Mr. Ogden suggested that annually the City Council meet and conduct a risk assessment. Greg Ogden said that in May he spent considerable time with Ted Stillman and the rest of the

City's accounting staff to assess the risks of Alpine City's internal control structure policies. This risk assessment process was far more extensive than what auditors have previously been required to perform; however the process revealed a number of areas which the City Council members will discuss. It was noted that some of the risks arise because the City has too few employees to implement a full segregation of duties but some of these risks can be mitigated through assigning oversight duties to the City Administrator. Greg Ogden said the following are risks resulting from a lack of segregation of duties:

1. Two people should open and list the daily mail receipts. These people should not have cashiering or receipt posting duties. This will be difficult to implement until you have more employees.
2. There should be a separate cash register or cash drawer for each cashier.

Annalisa Thomas said that right now all cash is kept in a cash box in the vault and Ted Stillman said we follow basic procedures to handle this. Kent Hastings asked if we shouldn't follow these same procedures for cash accepted during Alpine Days and Annalisa Thomas said it was much better this year. Ted Stillman said we have made dramatic strides in the past several years. Jim Tracy said he sat down and worked with Jason Thelin who is next year's Alpine Days Chairman and one of the Committee Chairmen will be a cash handler, someone who only handles the money and follow the procedures set out with the spread sheet.

This item was on the agenda for discussion and review only and Ted Stillman said we will work on solving the issues mentioned above. Greg Ogden said we should implement a formal risk assessment process whereby the City Council Members meet at least annually to assess risks.

C. BOX ELDER SUBDIVISION, PLAT H – PLAT AMENDMENT. April Riley said that Gregory and Michelle Smith own lot 1 of Box Elder Subdivision, Plat A and have proposed to purchase a portion of lot 10 in Box Elder Subdivision, Plat G. A plat amendment has been submitted as Box Elder Subdivision, Plat H to facilitate the change in lot boundaries and the associated easements. The boundary line change reflects the location of an existing fence and the area that each lot has been maintaining. April Riley said a total of three lots are included with the plat amendment (two lots from Plat A and one lot from Plat G). All three property owners have approved the adjustment making a public hearing unnecessary. Both lots shown on Plat H that are exchanging the property will have the frontage and area required in the CR-40,000 zone after the proposed change.

The Planning Commission reviewed the application on October 7, 2008 and made the following recommendation:

“Brad Reneer moved to recommend approval of the proposed plat amendment of Box Elder Plat H subject to the red line corrections. Troy Stout seconded. Ayes: 5 Nays: 0. Motion passed unanimously. Jason Thelin was not present at the time of the motion.”

MOTION: Thomas Whitchurch moved that the City Council approve Box Elder Subdivision, Plat H subject to the redline corrections being made on the plat. Jim Tracy seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

D. EAST FIELD ORCHARDS, PLAT C – PLAT AMENDMENT. April Riley said the applicants have submitted a plat amendment to combine two lots into one. The applicant owns lots 1 and 2 of East Field Orchards, Plat A and the existing home is positioned over the property line between the two lots. The plat amendment will clean up the property lines and allow the property owner to receive a single tax notice. April Riley said that East Field Orchards Plat A only had 2 lots and both are owned by the same person, therefore, a public hearing is not necessary for this plat amendment.

The Planning Commission reviewed the application on October 7, 2008 and made the following recommendation:

“Steve Cospers moved to recommend approval of the proposed plat amendment of East Field Orchard, Plat C subject to the red line corrections. Steve McArthur seconded. Ayes: 5

Nays: 0. Motion passed unanimously. Jason Thelin was not present at the time of the motion.”

MOTION: Tracy Wallace moved that the City Council approve East Field Orchard, Plat C subject to the redline corrections being made on the plat. Thomas Whitchurch seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

E. FORT CANYON ROAD ALIGNMENT. Ted Stillman said that Three Falls Subdivision has received Concept approval and the developer is in the process of preparing the Preliminary Plat. The Subdivision will require off-site improvements to Fort Canyon Road and the developer would like to begin acquiring right-of-way for the improvement of Fort Canyon Road; however, prior to obtaining right-of-way the developer would like the City Council to approve the alignment of Fort Canyon Road. Shane Sorensen said this road alignment has been worked on for the past three or four years; however, they might be some minor changes made. One question Kent Hastings asked was if the property owners have been shown how the retaining walls will impact their property. Shane Sorensen said that one problem the developer has had is the property owner wants to see a plan for the retaining walls the City has approved. Shane Sorensen said Will Jones has been in contact with the property owners over the past several years and there was a meeting where Mr. Jones had the retaining wall designer come and give the residents a presentation and outline their options. Shane Sorensen said that retaining wall option was brought before the City Council.

Will Jones showed the problem areas up Fort Canyon and said that some of the residents have to park on Ft. Canyon Road during the winter months because their driveways are so steep either up or down. Jim Tracy said we can't have the road alignment without retaining walls and asked if the retaining walls were approved by the City Council. Jannicke Brewer said this was done so many years ago the Planning Commission recommended the retaining walls.

David Church said that Will Jones has requested a letter of support from the City to go along with his contract saying the City is sponsoring Mr. Jones' effort to acquire the rights-of-way for the alignment of Fort Canyon Road. Will Jones said this letter needs to come from David Church as it needs to be stated that there is the current pavement width plus we need a reasonable shoulder.

MOTION: Jim Tracy moved to approve the Fort Canyon Road alignment as presented. Thomas Whitchurch seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

MOTION: Thomas Whitchurch moved that we authorize staff and legal counsel to draft a letter expressing our support for the road alignment as it has been presented to us which includes a reasonable shoulder. Tracy Wallace seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

F. RESOLUTION NO. R2008-06 - CONSOLIDATED FEE SCHEDULE. Ted Stillman said the Consolidated Fee Schedule has been amended several times over the past couple of years and during that time, there were several master copies that were used which resulted in previously adopted items being dropped. The updated draft amending the fee schedule which included items that had been adopted, never eliminated but had been left out of the copy. Also included in the City Council Member's packet in the draft resolution were various proposed changes to bring some fees up to date. There was a discussion on the table of square foot construction costs from the ICC, etc. David Church stated that he did not know where we adopted the actual building permit fees which are a percentage of the construction costs and this is just the table where we are getting the construction costs. Mr. Church suggested that we needed to adopt the formula where we arrive at the building permit fees. Tracy Wallace said the Fee Schedule should say "Building Permits fees will be based on Alpine's construction fee in accordance with the construction values." Councilman Wallace said we need to either refer back to the table of construction costs and adopt it or add the five-page formula worksheet.

Thomas Whitchurch suggested that we adopt the amended Fee Schedule, but bring the Building Permit schedule back and asked if the Accessory Apartment Fee should be changed to a Registration Fee with only be a one-time fee.

Ted Stillman said that currently residents are asking that their pressurized irrigation be temporarily disconnected during the winter and then they want it turned on again during the spring. Mr. Stillman said we do not allow this as the residents do not want to pay the monthly fee. Jim Tracy asked if this shouldn't be administered by the City Administrator but gets the feedback from the Public Works Department.

MOTION: Thomas Whitchurch moved that the City Council adopt Resolution No. R2008-06, A Resolution amending the Consolidated Fee Schedule as amended and amend that the "Temporary disconnection is not permitted unless authorized by the City Administrator". Tracy Wallace seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

G. TRANSPORTATION (STREET) MASTER PLAN MAP. Ted Stillman said we had a Public Hearing earlier in the evening and said that when New Castle, Plat D was recommended to the City Council, the Planning Commission discussed the need for a connection from Quail Hollow to Alpine Blvd. As part of that discussion, the Planning Commission asked that the Transportation (Street) Master Plan Map be brought for review for the possible addition of a proposed local street connecting Quail Hollow and Alpine Blvd. the Planning Commission has reviewed the map and made some proposed changes. April Riley said the Planning Commission reviewed the map and made some proposed changes. The Planning Commission held a public hearing on September 16, 2008 and made the following recommendation:

- "Steve McArthur moved to recommend approval of the updated Transportation (Street) Master Plan Map with the following changes:
1. 100 South be designated as collector road
 2. Show a connection between Watkins Lane and Country Manor Lane
 3. The connection between Canyon Crest to Westfield Road be designated as a collector road.
 4. Add a connection from Alpine Boulevard to Quail Hollow
 5. Show a second connection from Blackhawk Lane to 600 East
 6. Update the map to reflect the roads that have been completed including Westfield Road, 200 North, 400 West and Heritage Hills Drive
 8. Realign Whitby Woodlands Drive to match the existing portions of the same road

Steve Cosper seconded. Ayes: 6 Nays: 0. Motion passed unanimously."

MOTION: Tracy Wallace moved that the City Council adopt the amended Transportation (Street) Master Plan Map. Thomas Whitchurch seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

H. PROJECT PRIORITIES. Ted Stillman asked the Council to look over the updated Project Priority List. Last year the Council prioritized the project list and Mr. Stillman asked the Council to do it again by indicating high, medium, low, or eliminate by the side of each item on the project priority list or include projects missing. Ted Stillman said 300 North improvements was missing and he would like to have this returned within the next couple of weeks and include any other projects missed. The list included:

PROJECT	COST	HIGH	MEDIUM	LOW	VERY LOW (take off list)
Smooth Canyon Park Play Equipment	\$ 25,000				
North Main Storm Drain	\$ 100,000				
100 South Park Construction	\$1,500,000				
Smooth Canyon Pavilion	\$ 50,000				
Ranch Drive/Westfield Road Storm Drain	\$ 50,000				
800 South curb and gutter	?				
600 North curb and gutter	?				
Library	?				
Street Lighting Downtown	\$ 100,000				
Swimming Pool	\$1,000,000				
Sidewalk Safety	\$ 20,000				

Street Overlay Program	\$ 200,000				
Rodeo Grounds Improvements	?				
300 North Park	\$ 75,000				
Senior Center	?				
Carlisle Lane Landscaping	?				
Healey Park Parking Lot	\$ 65,000				
CUP Pressurized Irrigation Intertie	\$ 300,000				
Cemetery – widen road to top	?				
Cemetery fence (around perimeter)	?				
Cemetery expansion – west side	?				
Cemetery expansion – north side	?				
Water Pressure reducing valves	?				
Arboretum Improvements	?				
Silver Leaf Open Space Landscaping (Ridge Dr. & Canyon Crest)	?				
Chip Seal Program	?				

VII. REPORTS - SEPTEMBER 2008 FINANCIAL REPORT. Ted Stillman reviewed the September 2008 Financial Report and outlined how revenues are doing and also listing the Fund Balances as follows:

Sales Tax – Is only up \$8,702 over the same time last year. This is great news because Sales Tax hasn't gone down.

Franchise Fees – Are lagging \$5,219 behind last year.

Plan Check Fees – Continues to decrease because of slow residential development. In 2007 48 building permits were issued for new homes where we would normally have 80 building permits issued for new homes. So far in 2008 we have issued six building permits for new homes.

Building Permits – Also continue to decrease because a slow-down in residential permits.

Kent Hastings asked if we have planned on a contingency plan in case the bottom falls out of the market. Ted Stillman said that in November there will be a contingency plan outlined for the Council to consider.

VIII. COMMUNICATION

Jim Tracy –

1. Said on the web page the City Council agendas and minutes are now up to date, but the Planning Commission's agendas and minutes are not.
2. Kip Botkin said residents should call Dispatch at 375-3601 as Dispatch can immediately dispatch an officer to the location needed rather than having residents call the Police Department's business office.

Shane Sorensen – Said we will see very soon the flashing lights down at the roundabout.

Kent Hastings – Said there was an opportunity where if we denied an extension to a Preliminary Plat approval they would have fallen under the new law. Councilman Hastings felt that Tracy Wallace as the City Council representative should have given the rest of the City Council an opportunity to review the plan and by voting the way he did this did not allow the rest of the Council Members to have the ability or latitude to address the retaining walls and heights. Kent Hastings also felt it was unethical to not allow the public the right to speak as the developer was given that opportunity. Thomas Whitchurch said the developer had a vested monetary right and Jim Tracy said that all these processes have had Public Hearings where the public could speak. Jannicke Brewer stated there is no time limit after the Planning Commission gives their recommendation on Final Approval, so this subdivision has Final Approval from the Planning Commission over a year ago.

IX. EXECUTIVE SESSION to discuss Litigation, Property Acquisition and Personnel. An Executive Session was not held.

X. APPROVAL OF MINUTES
City Council Meeting of September 23, 2008

MOTION: Tracy Wallace moved to approve the minutes of the City Council Meeting of September 23, 2008 and adjourn. Thomas Whitchurch seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

The meeting adjourned at 9:20 pm.