

## **November 25, 2003**

Minutes of the Public Hearing and City Council Meeting held on Tuesday, November 25, 2003 at Alpine City Hall, 20 North Main, Alpine, Utah as follows:

The following members were present and constituted a quorum:

Mayor Phil Barker

Council Members: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby

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

Others: Jannicke Brewer, Dale Porter, Diana Mills, *New Utah*, Sharon Haddock, *Deseret News*, Craig Skidmore, Hata Puriri, Will S. Jones, Ann Gray, Jim Gray, Christine Culver, Larry Brown, Raylene Jorgenson, Kenna Mills, Scott Jorgensen, Keith Brown and Desiree Brown

### **7:00 – PUBLIC HEARING – FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT**

**REGARDING THE SEWER IMPACT FEE.** Mayor Phil Barker called the Public Hearing to order at 7:00 pm and welcomed those in attendance. Ted Stillman said that in February of 2002 the City Council discussed lowering the Sewer Impact Fees from \$1,031.00 to \$760.00. This was based on the updated Sewer Capital Facilities Plan; however, a Public Hearing was never scheduled and that is the purpose of this hearing tonight.

The Public Hearing adjourned at 7:05 pm.

**CITY COUNCIL MEETING** – Immediately following Public Hearing. Mayor Phil Barker called the City Council to order at 7:05 pm.

#### **I. CALL TO ORDER**

#### **II. PRAYER - Kent Hastings**

**III. PLEDGE OF ALLEGIANCE.** Larry Brown, a former resident and City Council Member, lead 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.

Kenna Mills, Conductor and Co-manager of the North Utah County Community Choir and Raylene Jorgenson, Conductor of the American Fork Arts Council Community Choir made a presentation about putting together a Tri-City Community Choir and requested some funding from Alpine City as members of the choir will come from our town. Mayor Barker said the City hadn't set a policy on charitable contributions; however, this will be handled later on in tonight's meeting.

#### **V. CONSENT CALENDAR –**

##### **A. Business License:**

Travis C. Wengreen–BEYOND NOW, INVESTING & CONSULTING, 183 E Center St.

##### **B. Partial Bond Releases:**

Long Drive Subdivision

Creekside Pass

Sequoia Circle Subdivision – There was no release

Dan Carlisle Site Plan

##### **Final Bond Release:**

Deerfield Subdivision – There was no release

Shane Sorensen said the developers of Sequoia Circle and Deerfield Subdivisions did not get their requests to the City in time to be included on this agenda, but will have bond releases on the next City Council Agenda.

**MOTION:** Hunt Willoughby moved to approve the Consent Calendar. David Adams seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

## VI. SCHEDULED ITEMS

**A. CHARITABLE GIVING POLICY.** Mayor Phil Barker said the city has received numerous requests for funding with the latest requests being from the Alpine Arts Council for assistance with their Concert Series and now from the Tri-City Community Choir. Chris Culver said that the Arts Council mandate has grown as the town's population has grown. Other venues could be included as a quilt exhibit and art show, which will be part of Alpine Days. Ms. Culver said it costs about \$24,000 a year to put on the four-concerts per season. Keith Brown said he had been involved in coaching some of the youth in baseball and developing nice facilities which Alpine now enjoys; however, some of our children are involved in the arts and Mr. Brown felt we should provide programs and a facility for them to participate in. Keith Brown suggested that the city sponsor and fund the Arts Council to create a balance in all activities. The Arts Council now has specialists in sculpturing, painting, writing, and other like activities and Mr. Brown suggested that when other requests come in for money that this be referred to the Arts Council. Desiree Brown, who has completed four years at Juilliard Music School in New York City and also her Master's Degree, said she goes into public schools to teach the children about developing their musical talents.

Chris Culver again asked that the City Council allocate some money to the Arts Council. Mayor Barker said he was aware of the talent that is in Alpine and thinks the concept of helping develop this talent is very important, but wasn't sure that the Council can follow the time table as set by the Arts Council. Mayor Barker said he wanted to discuss using the existing Arts Council to develop city-sponsored programs and use city funds. The Arts Council would have by-laws to adhere to and there would be a councilman over this. Thomas Whitchurch said he liked the concept idea and during Alpine Days a booth could be set up to raise money for the programs and in the school they could use the Pitch program. Hunt Willoughby wondered why money would be needed for visual arts for the youth to display artwork during Alpine Days and why money would be needed when this was a community event. Councilman Willoughby said it made sense to him that if we go in this direction that the Arts Council by-laws wouldn't ignore the choir request that was presented tonight. Raylene Jorgenson said that American Fork has had a very successful Arts Council and suggested that Alpine look at the way their's has been set up there.

David Adams said he has looked at many good things that go on in the city and many things would not happen unless the city provided some facilities and felt that it was important and appropriate that a program be established to support the Arts Council and likes the conceptual ideas that were presented tonight.

Mel Clement felt the money was not the issue and that for every dollar spent we would get so much more back. Kent Hastings asked if we participated in a recreation program in American Fork and what is involved with that. Ted Stillman said we spend \$30,000 a year and this was for sports only. Kent Hastings struggled with which groups the city would fund as we get more applicants. Councilman Hastings felt there would be more morale in the community, but wanted to see the city get a fair value for the money spent. Jim Gray said there are many businesses that donate to the Concert series. Hata Puriri felt the Arts Council gave a valid point and felt the children would be better off in their adult life if we provided some type of vehicle for them to develop their talents, but felt this should be put on a priority list.

Ann Gray said the \$4,000.00 asked for represented the deficit the Arts Council will have for this year's budget. Keith Brown said he would like to see a permanent solution to this problem and had documented proof that the youth that are involved in the arts are better students scholastically.

Mayor Barker said he would like the Arts Council to meet and see if they would expand their vision to include all the arts and then work with the City. Thomas Whitchurch volunteered his services to see if other cities have bylaws and then this would be brought back to the Council. Councilman Whitchurch said he is amazed at all the different talents that are concentrated in our small community. Jannicke Brewer asked if the Arts Council would include Kay Asay's Youth Choir, some Bluegrass music and other types of music.

**B. FIRE STATION BOND REDEMPTION.** Ted Stillman said that during Greg Ogden's presentation of the annual Audit, the question was raised as to why the city doesn't redeem the Fire Station Bond. Mr. Stillman contacted Zion's Bank and they have responded that the cost to redeem the bond would be \$286,167.50 and would save \$61,137.50 over the next seven years. At the last City Council Meeting it was suggested that the city pay off the bond from another city fund and then reimburse that fund. The water fund currently has a balance of \$2,274,241. The Fire Station Bond would be paid off using \$26,981 that is in the Fire Station Bond reserve fund and \$259,187 from the water fund. Ted Stillman said this will leave a balance of \$2,015,054 in the water fund and we will pay the water fund back over six years at \$43,197 per year at 1.5% interest or \$47,519 in interest over six years.

**MOTION:** Mel Clement moved that we pay off the Fire Station Bond using money from the water fund and create a repayment schedule. Thomas Whitchurch seconded. Ayes: Seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

**C. FINANCIAL REPORT.** Ted Stillman went over the Financial Report through October 31, 2003 and listed projects as follows:

**CAPITAL IMPROVEMENT FUND  
REVISED BUDGET – NOVEMBER 25, 2003**

| <b>BUDGET ITEM</b>                              | <b>2003-2004 ADOPTED</b> | <b>2003-2004 REVISED</b> |
|---|--------------------------|--------------------------|
| <b>REVENUE</b>                                  |                          |                          |
| <b>Beginning Balance</b>                        | <b>\$475,800.00</b>      | <b>\$1,477,800.00</b>    |
| Transfer from General Fund                      | \$136,600.00             | \$ 50,000.00             |
| UDOT  |                          | \$ 170,000.00            |
| <b>TOTAL REVENUE</b>                            | <b>\$612,400.00</b>      | <b>\$1,697,800.00</b>    |
| <b>EXPENDITURES</b>                             |                          |                          |
| Preston/Willow Canyon Debris Basins             | \$100,000.00             | \$ 250,000.00            |
| Roundabout                                      | \$0                      | \$ 304,000.00            |
| Roundabout Landscape                            | \$0                      | \$ 25,000.00             |
| Westfield Road Design                           | \$0                      | \$ 50,000.00             |
| Arboretum                                       | \$ 5,000.00              | \$ 7,000.00              |
| Rodeo Bleachers                                 | \$0                      | \$ 30,000.00             |
| Canyon Crest Landscape                          | \$ 15,000.00             | \$ 15,000.00             |
| 800 south Trail                                 | \$ 30,000.00             | \$ 80,000.00             |
| City Hall Park Restrooms                        | \$ 25,000.00             | \$ 28,000.00             |
| Main Street Bridge/lighting                     | \$ 50,000.00             | \$ 90,000.00             |
| Legacy Park Gazebo/Pavilion                     | \$0                      | \$ 20,000.00             |
| Skateboard Park                                 | \$0                      | \$ 80,000.00             |
| Burgess Park Tennis/ Basketball Courts & fences | \$0                      | \$ 70,000.00             |
| School House Springs Reserve                    | \$                       | \$ 390,000.00            |
| Canyon Crest Trail/Sidewalk                     | \$0                      | \$ 35,000.00             |
| <b>TOTAL EXPENDITURES</b>                       | <b>\$225,000.00</b>      | <b>\$1,374,000.00</b>    |

|                       |                     |                      |
|-----------------------|---------------------|----------------------|
| <b>ENDING BALANCE</b> | <b>\$387,400.00</b> | <b>\$ 317,800.00</b> |
|-----------------------|---------------------|----------------------|

**MOTION:** David Adams moved to approve the \$250,000 allocated for the Preston/Willow Canyon Debris Basins. Thomas Whitchurch seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

**D. ORDINANCE NO. 2003-06 – NUISANCE ORDINANCE.** Mayor Phil Barker said he has received a lot of complaints concerning unkempt vacant lots and an ordinance was put in the City Council packets for review. Rachel McTeer, the City’s BYU Intern, said additional language was included as it gave an enforcement mechanism to the city. Thomas Whitchurch was concerned about where only one vehicle or junk vehicle would be allowed for storage or parking and felt government should not be able to take away citizen’s rights. David Church said that as the city gets more urbanized, the city will get more nuisance complaints. Mayor Barker said the question tonight is do we want to make our nuisance ordinance more detailed and enforceable and also look at our existing nuisance ordinance. David Church said the current Nuisance Ordinance was written in 1978 with the nuisances at that time. This ordinance will be on the next City Council agenda.

**E. ORDINANCE NO. 2003-13 – AMENDMENTS TO THE ASSISTED LIVING ORDINANCE.** Ted Stillman went over the amended Assisted Living Ordinance reflecting the Planning Commission’s recommendation to the City Council. Kent Hastings felt the city needed to take care of the needs of the elderly but felt we have accommodated two developers who came in with a plan and it appeared to him that this was the council’s reaction to support the developers. Councilman Hastings felt we should come up with some other ideas. Hunt Willoughby said this is what the market is pushing for right now and if it doesn’t work, the city won’t suffer much of a financial loss, but the developers will, as this is market driven and is not a one-time plan.

**MOTION:** Thomas Whitchurch moved to adopt Ordinance No. 2003-13, An Ordinance Amending the Assisted Living Ordinance with the change on page 4, paragraph 4. David Adams seconded. Ayes: David Adams, Mel Clement, Thomas Whitchurch and Hunt Willoughby. Nays: 1. Kent Hastings voted nay. Motion passed.

**F. ORDINANCE NO. 2003-14 – SEWER IMPACT FEE.** Mayor Barker said a Public Hearing was held earlier in the evening concerning the Sewer Impact Fee. The Sewer Impact Fee was lowered from \$1,031.00 to \$760.00 due to the updated Sewer Capital Facilities Plan.

**MOTION:** Hunt Willoughby moved to adopt Ordinance No. 2003-14, an Ordinance lowering the Sewer Impact Fee from \$1,031.00 to \$760.00. Kent Hastings seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

**G. 300 EAST WELL REPAIRS.** Shane Sorensen said that well No. 1 on 300 East has quit working and it appears that the problem is serious pump problems and is the first well Jay Healey turns on each spring. The pump is submersible and will have to be pulled and once this is done we will be able to tell what the problem is.

**MOTION:** David Adams moved to accept the bid as prepared by Horrocks Engineering for the design of the 300 East Well not to exceed \$7,500.00 plus \$4,500.00 for construction management. Thomas Whitchurch Seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

**VII. COMMUNICATION**

**Mel Clement:**

1. Has been worried about the additional money requested by the Public Safety District and felt we have to create a facility within each city with our own impact fees or have an ownership in the building. Highland’s population is projected to be 30,000, Alpine 15,000 and Cedar Hills \$15,000. The split would be 50% for

Highland, 25% for Alpine and 25% for Cedar Hills. There was more discussion about the proposed building that was to be built in Highland and it was suggested that Ted Stillman and David Church look at this.

2. Asked if we are making any headway with the pump house lot in the South Point Subdivision. Ted Stillman said there was a house built in Highland adjacent to the well house lot that pushed their debris onto that lot. Mr. Stillman said we are going to take them to court.

**Thomas Whitchurch** said the Youth Council would be helping Peppermint Place with Santa Clause this year. They are meeting quarterly with other Youth Councils and in January will be doing a food drive.

**David Adams** said changes need to be made in the Solid Waste District and an outside source was brought in to do a management audit.

**Hunt Willoughby** was happy for the one day left to get asphalt on the roundabout. Shane Sorensen said the contractor is doing some electrical work and lights will be installed as long as the weather cooperates. Mr. Sorensen went over signage that would be installed and Thomas Whitchurch suggested that we look at the signage over at UVSC. The crosswalks will be painted in the spring when the weather is warmer.

#### **VIII. EXECUTIVE SESSION – Litigation, Property Acquisition and Personnel**

**MOTION:** Thomas Whitchurch moved to go to Executive Session for the purpose of discussing property acquisition. Hunt Willoughby seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

**MOTION:** Hunt Willoughby moved to go back to Open Session. David Adams seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

#### **IX. REVIEW ACTION ITEMS**

#### **X. APPROVAL OF MINUTES:**

Public Hearings and City Council Meeting of August 26, 2003  
Public Hearings and City Council Meeting of October 14, 2003  
City Council Meeting of October 28, 2003  
Public Hearing and City Council Meeting of November 11, 2003

**MOTION:** Hunt Willoughby moved to approve the minutes as listed above as amended, extend the meeting to 10:20 pm and adjourn. David Adams seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

The meeting adjourned at 10:20 pm.