

DECEMBER 14, 2004

Minutes of the City Council Meeting held on Tuesday, December 14, 2004 at 7:00 pm. at Alpine City Hall, 20 North Main, Alpine, Utah 84004.

The following members were present:

Mayor Philip D. Barker

City Council Members: Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby

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

Others: Jannicke Brewer, Dale Porter, Craig Skidmore, Tim McGaffin, *New Utah*, Jim Tracy, Janice Ann

Brown, Myrna Grant, Downing Aiken, Todd Christensen, Teren Christensen, Azucena Monterrosa, Ula B.

Hemingway, Robert Hemingway, Jessie Hale, Jason McCain, Audra Southwick, Caitlin Thomas, Kim

Fernstrom, Chase Kearl, Allie Maines, Paul Groesbeck, G. Groesbeck, Amanda Schauerhamer, Hayley Tintle,

Tanner Coplin, Lindsey Jordan, Kathy Jordan, Nicholas Vail, Michael Vail, Alex Kearl, Trevor Olsen, Colton

Fox, Marilyn Kofford, Lew Kofford, Juanita Nield, Holly Anderson, Karianne Klein, Jim Bishop, Jennifer Bishop,

Blake Hallock and Holly Wilder

I. **CALL TO ORDER.** Mayor Phil Barker called the City Council Meeting to order at 7:05 pm and welcomed those in attendance.

II. **PRAYER/ OPENING COMMENTS** – Ted Stillman

III. **PLEDGE OF ALLEGIANCE.** Azucena Monterrosa from Claudia Stillman's U.S. Government and Politics Class at Lone Peak High School 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.

Kim Devey Fernstrom said she has a problem with an existing ordinance that states you cannot park on the streets from December 1 to March 31 of each year. Mrs. Fernstrom's son had received a ticket for parking on the street that carried a \$50.00 fine. Kim Fernstrom felt this ordinance needed to be done away with or modified to allow street parking except on snowy days and felt the police were more lenient with parking on the streets during Sunday church services. Mayor Barker said this ordinance will be reviewed in the future, but this is a common law throughout the State of Utah because of snow removal. Jay Healey said his department compiled a list of vehicles that had been parked on the streets and it was apparent to him that these cars had been there for some time. Kim Fernstrom asked if there was anything that could be done with the tickets that have already been written and the Mayor indicated that would be up to the Judge.

V. **CONSENT CALENDAR** –

A. Bond Releases:

Troy Tolbert–PARADISE COVE SR HOUSING-\$17,749.20 (Final Bond Release)

Steve Biegler – LONG DRIVE SUBDIVISION - \$4,428.00

Craig McDaniel–McDANIEL MINOR SUB, PLAT A-\$3,672.00 (Final Bond Release)

Taylor Smith – FALCON RIDGE SUBDIVISION - \$35,241.60

Will S. Jones – QUINCY COURT SUBDIVISION - \$7,303.14 (Final Bond Release)

B. Payment Requests:

Jared Robinson–K.W. ROBINSON CONSTR. (Red Pine Drive Extension) - \$20,953.77

Mayor Barker made the council aware of the fact that Troy Tolbert had been killed by an avalanche on Saturday while snowmobiling. Shane Sorensen said that all of the items on the punch list for Paradise Cove Sr. Housing have now been completed.

MOTION: Hunt Willoughby moved to approve the Consent Calendar with the Bond Release to Paradise Cove Sr. Housing in the amount of \$17,749.20 subject to the items on the punch list being completed. Kent Hastings seconded. Ayes: Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

VI. SCHEDULED ITEMS

A. HERITAGE HILLS SUBDIVISION. Ted Stillman said the Subdivision Ordinance allows the City Council to review subdivisions after they have received Preliminary Approval from the Planning Commission. Heritage Hills received preliminary approval on June 15, 2004 with a total of 61 lots on 90.06 acres (56 lots on Janice Brown's property and 5 lots on Bill Moeller's property). The new plat has added one more lot overall. The Moeller property now has four lots and the lot layout on the Brown property has changed slightly. Ted Stillman said that since Heritage Hills first received preliminary approval Alpine City has received the State's review of the environmental study.

Ted Stillman said the Planning Commission at their meeting of November 30, 2004 granted revised Preliminary Approval to Heritage Hills Subdivision subject to:

1. Commitments to be obtained for necessary easements and street rights-of-way
2. The recommendations of the geologic engineering report be incorporated into the design
3. The recommendations of the Utah Geologic Survey's review of the geologic engineering report be addressed
4. The trail alignment be agreed upon by all involved parties
5. The minor redlines be addressed on the plan
6. The Moeller property would be rearranged showing proper building envelopes and frontage on all lots
7. Show building envelopes with frontage on all lots
8. Identify lots with injector pumps
9. Identify lots with possible hazards.

Ted Stillman discussed the alignment of Elkridge Lane and said that Mark Grant requested that the road be moved as far to the east as possible. Mr. Stillman showed the Moeller property and the frontage on some of the lots on the Moeller property. Hunt Willoughby asked if this particular alignment would work if the Pack property was annexed and was told this road would have to be extended so the Pack property could be annexed and developed. Mr. Stillman said the alignment of Elkridge Lane has been moved several times; however, Shane Sorensen said that Elkridge Lane and the property around Dr. Grant's home are already in the City. The alignment of the road above Dr. Grant's home is the question. Sewer issues were discussed and Shane Sorensen said that some of the lots would have to have pumps. It would have to be noted on the plat map that is recorded with the county which lots would have sewer pumps. There will be a detention area on this property as the Storm Drain plan has not been developed yet. Shane Sorensen said the sewer easement would go down Alpine Blvd. and then down Eastview Lane to Eastview Drive. Myrna Grant said there was no advantage to have a full-width road going past their house. Mrs. Grant said they don't want that much traffic and the Brown property can have a road that goes next to Elkridge Lane as was previously discussed in the Planning Commission. Hunt Willoughby said that if there was another road next to Elkridge Lane the Grant's would still have traffic going past their home; however, Councilman Willoughby said he fully understands the Grant's dilemma as he had that same situation when Applewood Estates built the road next to his home. It was previously an alley.

Ted Stillman reminded the Council that the Heritage Hills Preliminary Plat is before them for review only.

B. NORTHPOINTE RIGHT-OF-WAY AGREEMENT. Ted Stillman said this item would be moved to a later agenda as Will Jones was not able to get the Right-of-Way Agreement in place.

C. WHITBY/WOODLANDS SUBDIVISION EXCEPTION. Ted Stillman said the Whitby Woodlands Subdivision consists of 59 lots on about 40 acres. The lots range in size from 36,000 to 12,000 sq ft. and the development is located in the interior area between Main Street, 400 West and 200 North. The Planning Commission reviewed the Subdivision and found that one cul-de-sac was 465 feet long rather than the maximum 450 feet. The Planning Commission recommended approval of the 15-foot exception with the following motion:

“Steve McArthur moved to recommend an exception of 15 feet for the cul-de-sac length in Whitby Woodlands because the Planning Commission preferred natural open space and was more attractive. They also accepted the improvements in the landscaping plan as designed in order to satisfy the density requirements. In addition, the trail on the east side will be dirt and the trail on the west will be a 4' concrete trail with interior to be grassed with sprinklers. The Planning Commission recommended that lot #23 be shrunk so that the creek lay outside the lot. Loretta Stevens seconded. Ayes 5 Nays 0. Motion passed.”

Ted Stillman said that Will Jones said he would rather ask for an exception than change the cul-de-sac as the reason for the design was to preserve a small area of wooded open space along the road. Also, Shane Sorensen said that Roger Whitby wanted to preserve the trees along Westfield Ditch and Jannicke Brewer said the ditch channel was quite deep and the Planning Commission wanted some more space. Kent Hastings said that in his mind the developers would gain another 60 feet and he was not in favor of granting the exception. Jannicke Brewer said there was a steep drop-off to the creek and it would make it difficult to connect to the trail system in place in the Alpine Cottage Subdivision. Ted Stillman felt there was enough property to extend the trail system to the north next to Westfield Ditch.

MOTION: Hunt Willoughby moved that a 15-foot exception be granted on the cul-de-sac in the Whitby Woodlands Subdivision. Thomas Whitchurch seconded. Ayes: Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 1. Kent Hastings voted nay as he felt the development would gain another 60 feet and he was not in favor of granting the exception. Motion passed.

D. PLANNING COMMISSION APPOINTMENT. Mayor Barker said that Loretta Stevens' term on the Planning Commission expires on January 1, 2005 and thanked her for her many years of service rendered. Mayor Barker then presented the name of Jim Tracy to serve on the Planning Commission. Mayor Barker said that Jim Tracy was instrumental in securing additional bleachers for the Rodeo Grounds and Thomas Whitchurch said that Mr. Tracy has already contributed quite a lot to the Planning Commission discussions and noted that he has been active in community affairs.

MOTION: Kent Hastings moved to approve the appointment of Jim Tracy to the Planning Commission with his term expiring on January 1, 2011. Thomas Whitchurch seconded. Ayes: Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

E. ORDINANCE NO. 2004-12 - DEVELOPMENT CODE AMENDMENTS. Ted Stillman said the Planning Commission at their meeting of November 30, 2004 recommended the following changes to the Development Code:

1. Signs (Section 3.25) “Steve McArthur moved to leave the Ordinance as written and let Rachel McTeer use her own discretion in approving signs based on the discussion that the signs be A-frame with a limited height.” Dale Porter seconded. Ayes: 5 Nays: 1. Jannicke Brewer voted nay saying there should be specific guidelines on location and height and style. Motion passed.
2. Fences (Section 3.21.6) Loretta Stevens moved to amend Section 3.21.6.4 in the fence Ordinance to state that side-yard privacy fences on corner lots should be a least 15 feet back of the curb and should begin outside the sight triangle. Steve McArthur seconded. Ayes: 4 Nays: 1. Steve McArthur voted nay. Motion passed.
3. PRD Open Space (Section 3.9.7 (3) Dale Porter moved to propose to the City Council that they amend Section 3.9.7 paragraph 3 of the Planned Residential Development Ordinance regarding the slope restriction as follows:

An exception may be made that up to 5% of an individual lot may contain ground having a slope of more than 25% and that in the CE-5 Zone up to 15% of an individual lot may contain ground having a slope of more than 25% upon recommendation of the DRC and the Planning Commission and with the approval of the City Council.

Mayor Barker inquired if discussion on the Slope Ordinance would be included in the Public Hearing

and Ted Stillman said the reason for discussion on this issue was because of the steepness of the Three Falls Subdivision.

Ted Stillman said that a Public Hearing needed to be scheduled to receive public comment on the proposed amendments to the Development Code. Mayor Barker asked why we amend the sign ordinance so often and David Church said it appears the city wants to accommodate the wishes of the residents. A request was made by a Real Estate Broker who said he would like to see the Sign Ordinance changed to allow for directional signs.

MOTION: Thomas Whitchurch moved to set a Public Hearing for January 11, 2005 to receive public comment regarding Ordinance No. 2005-01, Proposed Amendments to the Development Code. Hata Puriri seconded. Ayes: Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

F. BOOKMOBILE AGREEMENT. Ted Stillman said the City participates in the Utah County Bookmobile Program at an annual cost of \$10,962.00. Each year Utah County asks that we renew our Bookmobile Agreement and it is the same as last year. Kent Hastings asked if we could get a monthly or quarterly usage report.

MOTION: Kent Hastings moved to approve the 2005 Interlocal Bookmobile Agreement and that we request to receive a six-month statistical report which would be tied to the renewal. Hunt Willoughby seconded. Ayes: Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

G. ORDINANCE NO. 2004-22 – GEOLOGIC HAZARDS. Ted Stillman said the Planning Commission had an informational presentation on the pros and cons of developing a new Hazard Ordinance at the request of Max Pitcher who lives up Ft. Canyon and has a PhD in Geology from Harvard. Rachel McTeer said that the City is combining the Sensitive Lands, Hillside, Flood zone and Hazard Ordinance into one document to make it more usable. It was also suggested that the City spell out the tests and procedures that would be required. Ted Stillman said that some of the weakness found with the Sensitive Land Ordinance (SLO) is that it doesn't require investigation but leaves it up to the Planning Commission to choose. Also, the SLO and Hillside Ordinances don't have a lot of detail on the technical requirements.

Ted Stillman said the Planning Commission has recommended the Geologic Hazard Ordinance to the City Council that was enclosed in their packets. Kent Hastings suggested that the City Council be given a red-lined copy of all the changes in the new Ordinance and Hunt Willoughby, a Geologist, said he would review this Ordinance carefully.

MOTION: Hunt Willoughby moved to set a Public Hearing on the Geologic Hazard Ordinance No. 2005-02 for January 11, 2005. Thomas Whitchurch seconded. Ayes: Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

H. COUNCIL OF GOVERNMENTS AGREEMENT. Mayor Barker said that Alpine City is part of the Utah County Association of Governments (COG) and they have drafted an Interlocal Cooperation Agreement that formalizes the Association. Ted Stillman recommended that the Agreement be approved as the Association plans on acting on this item on January 5, 2005.

MOTION: Kent Hastings moved to approve and adopt the Interlocal Cooperation Agreement of the Utah County Council of Governments. Hata Puriri seconded. Ayes: Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

VII. COMMUNICATION

Mayor Phil Barker - Thanked Janis H. Williams for her efforts in putting together the City employee's Christmas Party.

Kent Hastings –

1. Said it appears the Cemetery Committee is a very popular suggestion. Kent

Hastings has been contacted by several residents about this.

2. This Thursday night, December 16, 2004 will be another planning meeting for the Family Priority Night. Steven R. Covey will be the speaker for the Friday night, February 11, 2005 event.

Hata Puriri –

1. Noticed that the Harmony Forge building sold and Rachel McTeer said the new owners are going to be on the next Planning Commission Agenda on January 4, 2005.

2. In regards to the earlier comment about the no parking on the streets, Hata Puriri said the residents in the downtown area have been used to parking on the street especially prior to the Downtown Improvement Project. Councilman Puriri felt there should be a warning ticket issued for first-time offenders. Hunt Willoughby said that our first step would be to have a discussion with the Police Chief. Jay Healey said that his department had compiled the list of cars and there were five cars with expired licenses that had not been moved for a long time. A list was compiled and given to the Police Chief so they could push snow.

3. Said he likes the lights on the trees in the roundabout.

Thomas Whitchurch –

1. Said he has noticed that not all the lights are on the trees in the roundabout and asked if the timers need to be adjusted.

2. The Youth Council decorated the Welcome to Alpine Sign out on the highway and it looks good. Also, the Youth Council will be helping Kenkraft with Santa and other projects.

Ted Stillman –

1. Said there would be a budget adjustment in the near future and said he had delivered a copy of the financial statement to each of the Councilmen.

2. Falcon Ridge Subdivision deeded over to the City 2.78 acres of ground when that Subdivision was recorded and now Steve Taylor is giving the City 3.89 acres that adjoins to the other parcel. Both of these properties are in Draper City and Utah County would not allow us to record property that is in another county. These properties have now been deeded to us.

MOTION: Kent Hastings moved to accept the 3.89 acres deeded to Alpine by Steve Taylor. Hata Puriri seconded. Ayes: Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

3. Ted Stillman introduced the electronic packets that were included in this packet and Thomas Whitchurch demonstrated how to navigate through it. Kent Hastings said he would like to see a cost analysis of creating the electronic packet vs the paper packets. Ted Stillman said we already have the software to do this; however, we would have to buy laptop computers. There was a discussion as to whether the Planning Commission would want to go this direction and Mayor Barker suggested that we look at having stationary computers so the machines could be shared between the City Council, Planning Commission and the Board of Adjustment. Ted Stillman we need to refine the electronic packets so they would match the paper packets and then do a cost analysis as Councilman Hastings suggested.

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

IX. APPROVAL OF MINUTES:

Public Hearings and City Council Meeting of November 23, 2004

MOTION: Kent Hastings moved to approve the minutes of the Public Hearings and City Council Meeting of November 23, 2004 and adjourn. Hata Puriri seconded. Ayes: Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

The meeting adjourned at 8:40 pm.