

December 16, 2008

Minutes of the City Council Meeting held on Tuesday, December 16, 2008 at Alpine City Hall, 20 North Main, Alpine, Utah 84004 at 7:00 pm.

The following members were present and constituted a quorum:

Mayor Hunt Willoughby

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

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

Others: Jannicke Brewer, Kip Botkin, *Police Chief*, Jake Moosman, Aaron Holtsclaw, *Lone Peak Press*, Caleb Warnock, *the Daily Herald*, Linda Pehrson, Roy Pehrson, Bryce Argyle, Jamison King, John Walton, Jake Sardon, Alex Ham, Zach Ham, Kayla Parduhn, David Parduhn, Brad Reneer, Ross Welch, Steve Sowby, Will S. Jones and Kirk Robb

I. CALL TO ORDER. Mayor Hunt Willoughby called the City Council Meeting to order at 7:00 pm and welcomed those in attendance, residents and scouts. Mayor Willoughby introduced the Council Members and staff that were present and excused Jim Tracy who was on a cruise.

II. PRAYER/OPENING COMMENTS – Hunt Willoughby

III. PLEDGE OF ALLEGIANCE. Zach Ham 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. There were no comments from the public.

V. CONSENT CALENDAR

Business Licenses:

Steven Candland – KANDY CONCERTS AND PRODUCTIONS; 602 N. Grove Drive

Carolyn Gosse – CAROLYN GOSSE DAYCARE; 959 E. Stonehedge

Tracy Wallace commented on how complete the Business License Application was that Carolyn Gosse submitted. She had all the documentation from the State and the Utah County Health Department. Kent Hastings asked David Church if there was something the City should require annually to make sure they are in compliance or does the State cover this? David Church said there other things we could require, but the State requirements are very thorough. Alpine City does not have their own Health Department so we have to rely on the County Health Department and they inspect annually.

MOTION: Tracy Wallace moved to approve the Consent Calendar. Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings and Tracy Wallace. Nays: 0. Motion passed. Thomas Whitchurch was not in attendance for this action item.

VI. ACTION ITEMS

A. FROZEN HOG BIKE RACE. Ted Stillman said that Bruce Argyle has requested they be allowed to hold the 7th annual Frozen Hog mountain bike race in Lambert Park on Saturday, February 7, 2009. Bruce Argyle said that in the past four years, the event has been held at Lambert Park and Utah Mountain Biking has donated \$1,600.00 to Alpine City to improve City trails. Mr. Argyle said the planned race loop is 100% on City land, using existing trails and there has been a designated "rainy-weather" double track race route in case there's an unseasonal thaw. The bowery area will be used for staging and parking. Lambert Park can accommodate the parking, weather protection, bathroom and trail riding and volunteers will direct parking to minimize impact on the park. Medical supplies and a doctor will be on-site and the event will have liability insurance.

MOTION: Kimberly Bryant moved to approve the Frozen Hog Mountain Bike Race on Saturday, February 7, 2009. Thomas Whitchurch seconded. Ayes: Kimberly Bryant, Kent Hastings, Tracy Wallace and Thomas

Whitchurch. Nays: 0. Motion passed.

B. MOUNTAINVILLE ACADEMY MAIN STREET – 120 SOUTH NO LEFT TURN

SIGN. Ted Stillman said we have worked closely with Mountainville Academy to improve safety of the students who cross the street at that location. Mountainville Academy had sent a letter to all parents outlining some of the actions that have been taken to improve student safety and one of the actions recommended is the placement of a no left turn sign that would prohibit left turns onto 120 South from Main Street before and after school during the time when the school lights are flashing. Mr. Stillman said that one of the traffic congestion problems are cars trying to turn left from Main Street onto 120 South bringing traffic to a standstill because there is no left-turn lane. Prohibiting left turns would alleviate this problem; however, Mr. Stillman said there was only about 10 minutes where this was a problem. Shane Sorensen addressed the issue of portable signs and said that our recent Traffic Study reported the portable signs were impractical and recommended that the sign be permanently installed. Tracy Wallace felt this issue will take care of itself and felt that this could inconvenience other residents in town. Kathy Griffiths said she is the car pool chairman at Mountainville Academy and felt this action would increase the safety of the children and alleviate the bottle neck created by left-hand turns. Kip Botkin said that one of the issues is if a car is waiting to turn left onto 120 South, then a car going South on Main Street could not see the children and the crossing guard who is behind the car. Kimberly Bryant said the City has worked very well with Mountainville Academy and wondered if this would be one more sign for a short period of time. Kathy Griffiths said Mountainville Academy wants to be good citizens of the community. Thomas Whitchurch said he was concerned that cars were going beyond the intersection and didn't know if putting up a sign would solve this problem. Mayor Hunt Willoughby felt this was not that big of a problem as he lives with the chaos of Alpine Elementary every day.

MOTION: Tracy Wallace moved to not approve a no left turn sign at Main Street and 100 South and that we monitor this situation. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

C. BOX ELDER SOUTH SUBDIVISION. Ted Stillman said that Box Elder South

Development is proposing a 46-lot development in Utah County on 40 acres just south of the Box Elder Subdivision. Provided in the City Council Member's packets were the following:

1. Letter of Understanding prepared by Steve Sowby concerning the Box Elder South proposed development
2. Letter from Utah County regarding the Box Elder South Subdivision Plat
3. The Box Elder South Subdivision Plat

Ted Stillman said that Utah County has asked Alpine City for a sewer commitment letter which commits Alpine City to receive sewage from this proposed development. Also asked was a street approval letter indicating Alpine City has seen the street system plans for the proposed development and are not objectionable to the design and facilities called for in the plans. If any issues come forth in the City's review of the proposed street plan this must be resolved before this application can proceed.

Mr. Stillman said that Box Elder Circle is in the City and in an unrecorded plat of Box Elder Subdivision. There are some lots that would front on a City street and the City would require that Plat E be recorded so Box Elder Circle can be completed and asphalted. Thomas Whitchurch questioned if we were asking the developer to finish Moyle Drive or put in a temporary turn-around. Ted Stillman said a temporary turn-around as Moyle Drive is a fire road that was approved as part of the Box Elder Subdivision and the County Fire Marshall required two accesses with the County's requirement being 30 feet of road base. As part of the 1992 overall Settlement Agreement, the City required they build and maintain that gravel road anyway.

David Church said the City entered in a Settlement Agreement on a lawsuit involving the Box Elder Subdivision and others back in 1992. Part of that lawsuit involved the Box Elder Subdivision, Plat E which has prior approval by the City and can be recorded by the owners of that subdivision at any time up until 2012. Also part of that Settlement Agreement a fire access road was created that Ted Stillman referred to as connecting to Moyle Drive that serves as a second access to the Box Elder Subdivision. David Church said that if he understands the County's request, they are simply asking the City to confirm that that secondary access road will serve as a secondary access road to this new proposed subdivision in the County and not particularly change that. David Church further stated that the County wants the City to confirm that when and if

the Plat E road becomes a public road that we will allow those county lots to access it. It was David Church's opinion that if that road becomes a public road then those lots have the right to access it. If they front on that road they have the right to use it for access. As for the sewer the City is being asked to do less than what we are currently doing for Alpine Cove. All of this area is in the Timpanogos Special Service District for sewer; but in order for them to get their sewage to the District's lines they would have to go through Alpine open space in Lambert Park. We don't want them cutting a big line through the park if we have capacity in our mains to transport it through for a carriage fee. Mr. Church felt this was what we were being asked to confirm now, that the only alternative would be for them to run another big sewer line or getting approval for septic tanks, which is not a good solution above our water system.

Thomas Whitchurch said that on our Street Master Plan it shows the fire access road will be a new local road. David Church said the road through Lambert Park would be a new local road if the City wanted to improve it over what it is. Thomas Whitchurch was inquiring if we could get a road built.

Kent Hastings said it was his understanding that the County doesn't allow septic tanks anymore. David Church said he doesn't know what the County allows or doesn't allow, but he does know that it would be in the City's best interest if this development was built with sewer. The question was what is the best way to get the sewage that is generated there to the Timpanogos Special Service District's line which is on the other side of the City? The City actually runs and maintains the Alpine Cove sewer system. Kent Hastings said it would be cost prohibitive to run a line all the way over from that development to the Timpanogos Special Service District's line. David Church felt this would not be the best solution. Mayor Willoughby said this is what we do with Alpine Cove as well - a line runs through City property. Shane Sorensen showed a map and said there is an existing sewer manhole and our existing sewer line actually runs along the back lot lines. Mr. Sorensen said that everything drains to this corner, so the contours run to the low point. They would have a lift station that would dump into that manhole. Kent Hastings asked if the developer would maintain that lift station. David Church said we have an obligation to treat this proposed development like we treat Alpine Cove unless there is a difference that separates them out. Kent Hastings asked if this graveled secondary road would be considered a secondary road or a fire road. Ted Stillman said the Settlement Agreement reads as follows:

".....Patterson will construct a second access from Plat E connecting the proposed Box Elder Trail to Moyle Drive. Such secondary access shall be a graded, gravel surface with a minimum travel surface width of 30 feet. The secondary access shall be for the purpose of providing an alternate means of access for emergency vehicle and shall be constructed and placed in service within one year of the recordation of Plats D or E of Box Elder"

Kent Hastings asked if this was County code and Ted Stillman said this was off of the Settlement Agreement between Alpine City and Patterson Construction. David Church said we have this obligation in the contract and our response to the County should be that we will honor the agreement and we will provide that road as described there and that should satisfy what the County wants. Kent Hastings asked if this road is currently in place right now and he was told it is. Mr. Hastings said there was a big hill at the end of Moyle Drive and you could not get a Fire truck through there. David Church said we had that obligation to do the road when Plat D or E was recorded and we should honor that and report to the County that we will honor that obligation just the way it is written because we obviously agreed to do that and we should. Tracy Wallace said that to clarify it a little more if we were to eliminate off-road vehicles in Lambert Park this would still be an emergency access road that can be travelled on in the event it was needed even though it would be prohibited for off-road vehicles.

Thomas Whitchurch asked Shane Sorensen if everything east of the proposed development is Forest Service land and everything south and west of the development is Lambert Park and Mr. Sorensen indicated yes. Thomas Whitchurch was concerned about property owners, but in this case, Alpine City owns the land surrounding this proposed development. Councilman Whitchurch said we should communicate with the residents who live on Moyle Drive before we grade the mound of dirt to flatten it out. Mayor Willoughby said there is no plan to take that mound out as the Fire trucks can take another route other than Moyle Drive. Shane Sorensen said the reason for the mound of dirt is there is because the irrigation ditch is there and it is piped across that road and the ditch is still used. If anything changed it would have to be graded toward the asphalt to smooth the road out. This met the County's requirements for the Box Elder Subdivision settlement. Ted Stillman said the road will stay as is but you can access going south by the Church or turn right and access to the north. Shane Sorensen said the Fire Dept. is not going to take a ladder truck over the mound of

dirt but a pickup truck can cross it. Mayor Hunt Willoughby said that if we meet our obligation in the Settlement Agreement, we tell the County this is what we will provide and it is up to the County to decide what they approve or not. David Church said our obligation under the contract is pretty straight forward and Mr. Church suggested that we let the County know that we will honor that contract and if it meets the County's needs for a second access then great. David Church further stated that he thought the best position is that we will treat their sewer for transmission the same way we treat the Alpine Cove's sewer..

David Church then commented on the subject of the road. That once it becomes a road in Plat E it would not be rational to say that the lots that front on that road cannot use it just because they are in the county. If it's a public road, it's a public road. Shane Sorensen said we would be going from asphalt to gravel and suggested that we require a paved turnaround for snow plows, etc. David Church said he felt it was important to get the Settlement Agreement finished that it would be reasonable to say that Plat E should to be recorded.

Tracy Wallace said that items 1 through 4 on Steve Sowby's draft letter of November 24, 2008 be on our letter of understanding but that number 5 could read:

5. That we require Plat E be recorded prior to accepting the road alignment

Shane Sorensen said this was Steve Sowby's draft letter and we would write a draft letter to the County; however, this would be an agreement with the developer but Tracy Wallace said that was something we would want to see in the letter. Mayor Willoughby said the one change in the last sentence of the first paragraph would read:

"Utah County is requesting certain considerations from Alpine City prior to their (the County's) approval of the subdivision" take our facilitate

Kent Hastings said he understood the geology of the Box Elder was unstable and asked Hunt Willoughby, a geologist, if this was better, the same or worse with this subdivision. Hunt Willoughby said that at some point this subdivision will be flooded, but whether that's tomorrow or 500 years or 1500 or 10,000, he doesn't know. Kent Hastings said it was in the similar scenario as the people to the north. Hunt Willoughby said that is the reason there is a slope there as this is all flood material from Box Elder Canyon. Kent Hastings asked Shane Sorensen if there were any more improvements that have to be made and Shane Sorensen said the road is in pretty tough shape right now. Mr. Sorensen said he thinks the County will require the road to be paved to have a better traveling surface. What the County did say was they needed 20 feet of graded road base. Kent Hastings asked if this would be at our cost. Hunt Willoughby said we are already obligated to do that by the settlement agreement.

Shane Sorensen said the one difference with the sewer between this proposed subdivision and Alpine Cove is that in Alpine Cove everything is gravity fed because of the lay of the land. In this case where the low point is down here, the developers have proposed a lift station where all of the sewage would flow to this point then it would be pumped up to the existing sewer system. This is fine but the challenge would be that this being authorized by the Division of Water Quality. Tracy Wallace said this would be something we would have within our agreement is their lift station and their sewer system would have to be inspection by the District. We should have a right within that agreement to require them to maintain certain standards within that lift station. David Church said that Shane Sorensen is politely saying the City doesn't want to maintain that lift station. We don't mind transporting the sewer through our lines, but talking about how that lift station is going to be maintained is a whole different level of discussion. Tracy Wallace said the Sewer District maintains lines up to a certain point and then it's the City's responsibility to take care of it from that point on. Mr. Wallace felt this would be a similar agreement where we'll take care of it from this point on, but that subdivision will be required to get it to that point. Mayor Hunt Willoughby said this is what they are proposing. David Church commented about whether 46 lots could financially handle a lift station, that is a different question. Shane Sorensen said that anyone can't just go and operate a sewer collection system. The State has rules on who is authorized to do that. It can't be a Homeowner's Association. Kent Hastings said that some homes would be hurting if the lift station ever failed.

Ted Stillman said he would like direction from the Council and he can bring back a completed letter to the County outlining all the items that were discussed for the next City Council meeting. Ted Stillman said we will honor the Settlement Agreement on the road, we accept the sewage and they can connect to the road

with Plat E being recorded at the same time. Kent Hastings asked if there wasn't another way to do this without a lift station and Shane Sorensen said if they ran a sewer line down through Lambert Park to the North Stake Center. Shane Sorensen said he would hate the thought of seeing septic tanks as the base of the mountain is a recharge area. Mayor Willoughby said we will bring a letter back for approval. Kent Hastings asked Shane Sorensen to check to see if the County allows septic tanks and Mr. Sorensen said the County has certain requirements for them; however, out in the County there is no sewer system and that would be the only option.

MOTION: Thomas Whitchurch moved that we authorize the Mayor to sign a Letter of Understanding with Box Elder South Subdivision stating that we will honor the terms of the 1992 Settlement Agreement, that if Plat E is recorded then those lots that front on that road can use it, they may connect their sewer line to our out-fall line. Tracy Wallace seconded. Ayes: Kimberly Bryant, Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

D. BOX ELDER FIELD METER. Ted Stillman said we have had a request from Patterson Construction who would like to install a field meter to water cattle on Box Elder Subdivision, Plat E which is an unrecorded plat. This property is adjacent to the 40-acre Box Elder South Subdivision discussed earlier in the meeting. If the field meter request is granted staff suggested an agreement be drafted that would include:

1. A limit, based on City Ordinances, on how many cattle can be located on the property
2. That water cannot be used outside the City Limits

MOTION: Tracy Wallace moved that the Box Elder Field meter request be granted subject to an Agreement including items 1 and 2 with a limit of how many cattle can be located on the property and that the water cannot be used outside the City limits. Thomas Whitchurch seconded. Ayes: Kimberly Bryant, Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

E. PATTERSON ZONE CHANGE RECONSIDERATION. Mayor Hunt Willoughby said that Meadowbrook Farm, LLC has submitted an application requesting a zone change for the property located at the north end of Patterson Lane. The property consists of approximately 6.65 acres and is currently zoned CR-20,000 (20,000 square foot minimum lot size). The request is to rezone the property to TR-10,000 (10,000 square foot minimum lot size). In 1994, a zone change request was made for the same property that was not approved. Ted Stillman said a picture from the zoning map showing the property and the surrounding zoning was included in the Council Member's packets. Also included was a copy of a possible concept plan showing what the City could see should the zone change be granted. Ted Stillman said the City Council is not required to hold a public hearing, but does have the option to hold one.

Ross Welch said developers would ideally want to have more lots in their developments but also want to have neighborhoods of commonality. Mr. Welch made a plea to the Council to consider that this property be rezoned to 10,000 square foot. There is a natural barrier between the half-acre square foot lots to the west and this property. If this property were zoned to 10,000 square feet this would only create eight more lots. Jannicke Brewer said the Planning Commission was not opposed to rezoning this property to TR-10,000 square feet, but that Patterson Lane could not be widened or improved. Tracy Wallace said that Patterson Lane is very narrow and said that the Master Plan needs to be considered and stated that residents want lower density. Ross Welch again stated that to not rezone this property would be creating an island of one-half acre lots in the middle of quarter-acre lots. Kent Hastings said this is not an issue of an island to him but the following are concerns to him; 1. the Master Plan, 2. Patterson Lane and 3. to keep our density lower in Alpine.

The Planning Commission held a public hearing on this item at their meeting on November 4, 2008 and made the following recommendation:

"Jason Thelin moved to recommend denial of the zone change request for the property at the end of Patterson Lane based on the desire to be consistent with the goals and objectives of the General Plan. Brad Reneer seconded. Ayes: 5 Nays: 0. Motion passed."

The City Council considered this item at its meeting on November 11, 2008 and denied the request. The applicant was not at the meeting and indicated they were not aware the item was on the agenda and requested the item be reconsidered.

MOTION: Kimberly Bryant moved that following our Master Plan and the recommendation of the Planning Commission that we deny rezoning this property. Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

F. THREE FALLS SUBDIVISION – SIDEWALKS IN CUL-DE-SACS. April Riley said the Planning Commission in May of 2008 made the following recommendation to the City Council:

“Brad Reneer moved to recommend the alternate road cross section for the Three Falls as proposed with 36 feet of asphalt, non-vehicular lanes and curb on each side of the road, and sidewalk along one side of the road. Steve Cospers seconded. Ayes: 5 Nays: 0. Motion passed:

April Riley said that during the discussions on the proposed cross section, sidewalk in the cul-de-sacs was mentioned, but not included in any motions to provide clear direction to the developer. When the cross section was first proposed in April 2008, it had been mentioned that it would be a good idea to have sidewalks in the cul-de-sacs and could be on one side. At the May meeting when a revised cross section was reviewed, the developer proposed not having sidewalk in the cul-de-sacs. This item has been brought back for clarification so the plans can be drawn accordingly.

Staff recommended that sidewalks be included in the cul-de-sacs, at least on one side. The Planning Commission considered the item and made the following motion:

“Troy Stout moved to require a combination sidewalk along one side and through the bulb for the far northwest cul-de-sac and the southeast cul-de-sac of the Three Falls Subdivision. All other cul-de-sacs would have a combination sidewalk on both sides of the cul-de-sac and through the bulb. Steve McArthur seconded. Ayes: Troy Stout, Steve Cospers, Steve McArthur and Brad Reneer. Nays: Jannicke Brewer voted nay, saying she thought it was too complicated. Motion passed.”

Jannicke Brewer said that was because of the terrain and the desire to not put sidewalks on both sides of the streets in the cul-de-sacs. Will Jones said the lots on the cul-de-sacs are very large and there will be very few children. Mr. Jones proposed that on through roads there should be sidewalks on both sides of the road but on the cul-de-sacs only have a sidewalk on one side of the bulb.

Thomas Whitchurch said that every time he has voted to not have a sidewalk he has regretted it and felt it was a bad design. Also, Mr. Whitchurch asked if we could require the developer to put in a sidewalk in another location. Kimberly Bryant said that she normally agreed with Councilman Whitchurch, but this is a different situation and the sidewalks are not necessary. Kent Hastings said he would rather err on the side of caution and require sidewalks in the cul-de-sacs. Tracy Wallace said it was two-fold as he grew up on both kinds of lots, one lot in a cul-de-sac where the lots were a minimum of 5 acres and the driveways went back and the building envelope was placed back even farther.

MOTION: Kent Hastings moved that we accept the Planning Commission’s recommendation that they require sidewalks in the cul-de-sacs in the Three Falls Subdivision. Thomas Whitchurch seconded. Ayes: Kent Hastings. Nays: 3. Kimberly Bryant, Tracy Wallace and Thomas Whitchurch voted nay. Motion failed.

MOTION: Thomas Whitchurch moved that we accept the Planning Commission’s recommendation that require sidewalk on cul-de-sacs that face lots 45, 46, 47 and 49, lots 10, 11, 12 and 13 and lots 20, 21, 22 and 23 and not require the developer to do sidewalks on lots 14, 15 and 16, lots 57, 58 and 59 and lots 37, 38 and 39. Tracy Wallace seconded. Thomas Whitchurch withdrew his motion.

Shane Sorensen said that if we required sidewalk on one side of the cul-de-sac right up to the bubble then we would satisfy the home buyer that will buy the lots to have a sidewalk on one side of the cul-de-sac.

MOTION: Kimberly Bryant moved that we not require sidewalk on any of the cul-de-sacs. Tracy Wallace seconded. Ayes: Kimberly Bryant and Tracy Wallace. Nays: Kent Hastings and Thomas Whitchurch voted nay. Mayor Hunt Willoughby voted aye to break the tie. Motion passed.

G. ORDINANCE NO. 2008-17 - OHV ON CITY STREETS. David Church said that at the last legislative session the Legislature passed SB 181 which allows OHVs to travel on City Streets. Mr. Dave Parduhn sells mini trucks and they are classified as OHVs. In order for the mini trucks to be able to operate on City streets the City must pass an Ordinance to allow them. Cities with a population of 7,500 or less are required to allow OHVs on city streets. Cities larger than 7,500 population must pass an Ordinance allowing OHVs on city streets. Mr. Church said we have three options, 1) not allow any ATV's, 2) allow only street-legal ATV's or 3) allow all ATV's.

Roy Pehrson said he purchased a mini-truck and when he registered this truck he found out this truck was classified as being street legal. Several weeks ago he was pulled over and told by the Police Officer that it was illegal in Alpine to drive this type of vehicle on City Streets and was told if he was seen driving this truck on City Streets again it would be impounded. Linda Pehrson said there are two-bucket seats in their truck; type 2 ATV's you have to straddle. Mr. Pehrson felt the City Council should pass an ordinance that allowed only type 1 OHV's. David Church said that Brigham City passed an ordinance that allowed all street-legal ATV's and said that if we pass this ordinance then people can convert their type 2 ATV's to type 1 making them street legal.

Dave Parduhn said he did a brief to the transportation committee and was involved in the writing of this bill. These vehicles go through the exact same process to register as the bigger cars. The only thing that is not required is an emission test and these vehicles need to meet the same insurance requirements. Dave Parduhn said several cities have purchased these mini-vehicles when the price of gas went so high and said that Chief Carlisle is looking at one of these vehicles. He is in agreement that he doesn't want to see kids driving ATV's on City streets. Kimberly Bryant asked what she would have to do to make her large ATV street legal. The statute says that a driver only has to be licensed to drive one of these on the streets and Dave Parduhn says there are many scooters already driving illegally on our streets. Thomas Whitchurch asked if this ordinance is something that we can revise later and was told yes.

Mayor Willoughby felt we are bound to make one of the three decisions listed above and said that personally he doesn't have any problems with seeing the mini-trucks or Ranger type vehicles on the streets, but thinks that legally we don't have the ability to do this.

Chief Botkin said that currently there are three choices and his concern is not with the mini trucks but with the possible converted ATV's until the State law is changed. The State statute is very clear in his mind that street-legal ATV's are defined at a type 1 or type 2. If you adopt this ordinance these ATV's will only be legal to be driven on the roads in Alpine not to Koehler's. Kimberly Bryant asked that if you make an ATV-street legal is it as safe as a motorcycle and Chief Botkin said it all depends on how it is driven.

Kent Hastings asked about the 7500 population or less requirement. David Church clarified this and said in Salt Lake County, a County of the 1st class they are illegal. There needs to be an educational article in the Newsline pertaining to this.

Chief Botkin asked when this Ordinance would take effect so he can educate his police officers to this.

MOTION: Kent Hastings moved that Ordinance No. 2008-17, an Ordinance allowing street legal OHVs on City Streets be adopted to take effect January 1, 2009. Thomas Whitchurch seconded. Ayes: Kimberly Bryant, Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

H. TUITION REIMBURSEMENT. Ted Stillman said that many entities offer a Tuition Reimbursement Program which allows employees to further their education. This is beneficial to the employer as it allows an employee to improve job skills. Alpine City does not currently have a Tuition Reimbursement Program and this is taken from the State program. Kent Hastings said he was concerned about this as our

funds are limited. Thomas Whitchurch said the City Administrator would approve an application if funds were available. Kent Hastings felt the City should only pay 80% necessary and the employee should pay some money. Councilman Hastings felt that if an employee quits or is fired with cause the reimbursement should be repaid in full. Tracy Wallace asked if this could be brought back with all revisions. Thomas Whitchurch said he felt that \$5,250 was too high and he felt the rest of the sentence should be taken out.

Hunt Willoughby said this was a good program as it allowed some employees to grow while they are working for the City rather than going out and soliciting for employees outside of our current staff at a higher salary. Mayor Willoughby suggested that all comments pertaining to this be directed to Ted Stillman.

I. RESOLUTION NO. R2008-10 – CONSOLIDATED FEE SCHEDULE. April Riley said that at the last City Council Meeting the Consolidated Fee Schedule was amended and updated. During that discussion there was some confusion regarding the building permit fees and the construction values and formula used to determine the permit fee. The formula currently being used is from the 1997 IRC. There is an updated formula in the 2006 IRC (Appendix L) which was enclosed. The City Council discussed amending the wording under the building permit fees to adopt the formula and the construction values as appendices or exhibits. Draft wording proposing those to be adopted as part of the fee schedule and reference to them as appendices or exhibits was included in the Council Member's packets. April Riley said there are a few other changes including adding the application fees for the building department, issuance of individual permits (such as meter upgrades), adding a site plan review fee for commercial buildings (this is when site plans go to Planning Commission), a fee for lot line adjustments, and some wording the Planning Commission requested the City Council consider waiving the sign permit fee for temporary non-profit signs.

MOTION: Thomas Whitchurch moved to approve Resolution No. R2008-10, The Amended Consolidated Fee Schedule. Kent Hastings seconded. Ayes: Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed. Kimberly Bryant had stepped out during the motion.

J. PLANNING COMMISSION APPOINTMENT – STEVE COSPER. Mayor Hunt Willoughby said that Steve Cosper's term on the Planning Commission expires on December 31, 2008; however, Steve Cosper is willing to be reappointed to the Planning Commission to serve another six-year term.

MOTION: Tracy Wallace moved to reappoint Steve Cosper to serve on the Planning Commission for another six-year term. Thomas Whitchurch seconded. Ayes: Kimberly Bryant, Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

K. SEWER MASTER PLAN. Shane Sorensen said it has been several years since Horrocks Engineers has updated the Sewer Master Plan. The City has completed the Fort Canyon Sewer, which was a major sewer impact fee project. Mr. Sorensen said it is now time to update the Sewer Master Plan and especially the cost estimates for the projects. It was proposed that Horrocks Engineers accomplish the Master Plan update as they are most familiar with the sewer system and maintain the City's sewer system model. Shane Sorensen said Engineering Companies do not like to use data from other companies and it just makes sense to use Horrocks.

Ted Stillman said our Auditor said we are at the six-year limit for spending Impact Fees. We have to either spend the money or obligate it. We need to update and speed up our projects to stay within the six-year limit.

MOTION: Thomas Whitchurch moved that the City contract with Horrocks Engineers to update the Sewer Master Plan for an amount not to exceed \$10,236. Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

L. PURCHASE CARD. Ted Stillman said that for the last year or so the City has discussed the need for Credit Cards. The need for credit cards is when someone needs gas or supplies and a check is not available, etc. To solve this problem, Annalisa Thomas researched the One Card Program

with US Bank. This is a purchase card which acts like a credit card except the City approves the charges before they are billed to the City. Ted Stillman said the City has shied away from regular credit cards but a purchasing card gives us more control. This would be good for emergency purposes. Ted Stillman proposed having two such cards which could be given to the Public Works Dept. Thomas Whitchurch said he has had some very good experience with the Purchase Card program going through this with a local school and it gives the City the opportunity to approve what is being bought.

MOTION: Thomas Whitchurch moved to approve the One Card Program with US Bank. Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

M. 2009 ANNUAL MEETING SCHEDULE. Ted Stillman said the Planning Commission adopted its 2009 meeting schedule at its last meeting. Pursuant to State Code this meeting schedule must be adopted in a City Council Meeting and then published in the newspaper. Tracy Wallace said there was a question with the Planning Commission scheduling a meeting on November 3, 2009; however, the Planning Commission voted to keep this date.

MOTION: Kent Hastings moved to approve the 2009 Annual Meeting Schedule. Thomas Whitchurch seconded. Ayes: Kimberly Bryant, Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

N. ORDINANCE NO. 2008-18 – HOME OCCUPATIONS. April Riley said there has been a question in the past regarding home occupations and whether the allowed square footage is per home occupation or if it is cumulative. This means that all home occupations in one home could not exceed the 25 per cent of the ground floor area of the dwelling or 500 square feet, whichever is less, requirement. The proposed amendment enclosed in the Council Member's packets was to clarify this in the ordinance. The Planning Commission held a public hearing on December 2, 2008 and made the following motion:

“Steve McArthur moved to accept the changes to the Home Occupation Ordinance Section 3.23.7.3. item #9 of the Alpine City Development Code. Troy Stout seconded. Ayes: 5 Nays: 0. Motion passed.”

Changes to the Ordinance were proposed to read as follows:

“The Home Occupation shall occupy an area not more than the equivalent of twenty-five per cent (25%) of the ground floor area of the dwelling or 500 sq. ft. whichever is less. If there is more than one (1) home occupation in a home, the total square footage of all of the home occupations combined shall not exceed twenty-five per cent (25%) of the ground floor or 500 square feet whichever is less.

MOTION: Kimberly Bryant moved to adopt Ordinance No. 2008-18, an Ordinance Amending Section 3.23.7.3 (Home Occupations) with adding “whichever is less.” Thomas Whitchurch seconded. Ayes: Kimberly Bryant, Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

VII. REPORTS. Ted Stillman went over the Financial Report through November 2008. The Fiscal Year is five months over and we are in fair financial condition. Mr. Stillman said that our main concern continues to be the General Fund and Building Permits continue to be well below what was budgeted. We have had a lot of remodeling and that is what has kept us afloat. Sales tax is not going down and that is good.

VIII. COMMUNICATION

Mayor Hunt Willoughby – Thanked staff for doing all the leg work in getting the tables and chairs up the stairs for the City Christmas dinner.

Tracy Wallace – There will be a Sewer District Meeting to approve their budget.

Thomas Whitchurch – Thanked the Mayor for the Christmas party and it was fun to sit around and chat with everyone.

Janis H. Williams – Asked the Mayor to remind the audience to use the microphone as the meetings have to be recorded.

Shane Sorensen – said he just finished the annual report for the CUP Grant and made a brief report of his findings.

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

X. APPROVAL OF MINUTES

Budget Work Session and City Council Meeting of November 11, 2008

MOTION: Kimberly Bryant moved to approve the minutes of the Budget Work Session and City Council Meeting of November 11, 2008 as amended and adjourn. Thomas Whitchurch seconded. Ayes: Kimberly Bryant, Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

The meeting adjourned at 10:10 pm.