

**May 26, 2009**

Minutes of the Tour, Public Hearings and a City Council Meeting held on Tuesday, May 26, 2009 at Alpine City Hall, 20 North Main, Alpine, Utah 84004 as follows:

The following members were present and constituted a quorum:

Mayor Hunt Willoughby

City Council Members: Kimberly Bryant, Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch  
 Staff: David Church, Shane Sorensen, Jay Healey, April Riley, Annette Scott and Janis H. Williams  
 Others: Jannicke Brewer, Aaron Holtsclaw, *The Daily Herald*, Kip Botkin, *Lone Peak Public Safety District Police Chief*, Brad Reneer, Will S. Jones, Scott Kenney, Darin Peper, Christian Peper, Brett Peper, Ross Welch and Larry Brown

**6:30 pm – TOUR OF BMX TRACK (RIDGE DRIVE and SILVER CIRCLE)**

**PUBLIC HEARINGS** – Mayor Hunt Willoughby called the Public Hearings to order at 7:05 pm and asked participants to speak loudly and state your name as we have audio difficulties. Mayor Willoughby then introduced the Public Hearings as follows:

1. **FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON THE ADOPTED 2009-2010 TENTATIVE BUDGET.** Ted Stillman said the Tentative Budget was adopted at the City Council Meeting of May 12, 2009. Ted Stillman said the purpose of the Public Hearing is to receive comment from the public. The only change in the Tentative Budget is we added the \$85,000 in the Capitol Improvement Fund that the Council authorized for renovation of the vacated Police Station.

Ted Stillman invited the American Fork Recreation Department representatives to make a presentation and said we have to give them one year notice if we are not going to participate in their recreation programs. Derric Rykert said the purpose of the Memo of Understanding was to document the general spirit, relationship and framework within which the cities of Alpine, American Fork and Highland and the Alpine School District agree to engage as participants in the American Fork Recreation Program. Mr. Rykert further stated that the intent of the memo is to encourage a stable relationship between the three cities and the Alpine School District and to provide a reliable source of recreation programming for all parties from year to year without the unreasonable threat of disruption. Derric Rykert then outlined the history of the Recreation Program and said negotiations began in 1990 and in July 2005 an agreement was established.

Jim Tracy asked Derric Rykert if the fee for an Alpine resident would go up if we did the one-year opt out. As of now, as long as we are participating in the Recreation Program, an Alpine resident would pay the same fee as a resident from American Fork. Tracy Wallace said he came up with \$72.00 per participant to take part in the recreation program whereas if we opt out the participant would pay the same amount in registration fees. Jim Tracy said we are subsidizing the youth who play basketball through the Jr. Jazz but we don't subsidize a girl who takes ballet. The little girl pays the fee herself to participate in ballet. Tracy Wallace told Derric Rykert that we are trying to find money to support the library program and the baseball and soccer leagues do not come to the City Council asking for money.

Larry Brown, past chairman of the North Utah County Recreational Task Force, said a regional recreation program has certain set costs. Philosophy of the North Utah County Recreational Task Force was to provide a stable, high quality, affordable recreation opportunity and safe environment for all youth to participate in. Larry Brown said that one of the problems with pulling out is that teams with different age groups might have to be combined as there might not be enough youth to have separate teams.

Thomas Whitchurch has questions with the budget that Derric Rykert submitted and asked if our bill was going down. Derric Rykert responded with a yes.

There were no comments from the public.

2. **FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON THE ANNEXATION POLICY PLAN.** Ted Stillman said that in order to for the Three Falls Subdivision to move forward it is a

requirement that there be a second access down through the Melby property and continuing on through Alpine Cove.

There were no comments from the public.

The Public Hearings adjourned at 7:27 pm.

**I. CALL TO ORDER** – Immediately following Public Hearings. Mayor Hunt Willoughby called the City Council Meeting to order at 7:27 pm and welcomed those in attendance.

**II. PRAYER/OPENING COMMENTS** – Thomas Whitchurch

**III. PLEDGE OF ALLEGIANCE.** Larry Brown 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.

Jannicke Brewer thanked everyone for participating in the Memorial Day program and breakfast. Mrs. Brewer said it was nice to honor the Veterans and the crew from the Public Works Department was given a big thank you for having the cemetery looking so good.

**V. CONSENT CALENDAR**

Business Licenses:

Kerry Hurst; WEALTHY, HEALTHY & WISE.BIZ; 132 W. Cascade Ave.  
Melanie & Richard Hulme; SYATT SYSTEMS; 761 Meadow Lane

**MOTION:** Thomas Whitchurch moved to approve the Consent Calendar. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

**VI. ACTION ITEMS**

**A. BMX TRACK.** Ted Stillman said that several years ago Darin Peper constructed a BMX track adjacent to his house on property owned by Autumn View properties located at Ridge Drive and Silver Circle. The property owner is concerned about the liability of a BMX track on his property. Darin Peper is asking that the City lease the property and assume the liability of the BMX Track. The Agreement would be for one year or if the property sold. The PRO Committee considered the BMX Track at their meeting of May 13, 2009 and recommended that the City lease the BMX track subject to:

1. That the BMX track be monitored
2. That the BMX track be maintained
3. That a fence not be installed but the use be restricted by barriers
4. That the track be reconfigured so that it does not begin in the Street

Lance T. Mergens from Utah Local Governments Trust had written a letter outlining the insurance concerns the Trust would have. Mr. Mergens then said that if the Trust were given a choice, their preference would be that Alpine City not take on the property and the added liability; however, if this type of facility is what is wanted, then Mr. Mergens recommended displacing the current jumps so that they are less frequent and further away from the borders of the property. Lance T. Mergens also suggested that the property be secured with a 15-foot perimeter fence and locked access afterhours and in poor weather and track conditions. Another requirement would be that the track be meticulously maintained and properly monitored.

David Church gave his opinion and said another issue would be the risk from not maintaining the facility in generally safe condition for the public. Claims that do not arise out of the inherent risk of the activity, such as normal slip and falls or trip hazards, etc. are not covered by the state law. David Church went on to

say that the City will ultimately be responsible to see that the noise and dust issues are taken care of and that the area is kept safe and clean. Volunteers say they will do this, but it will be the City who has to see that it is actually done.

Mayor Willoughby said this is something he has championed and felt this was a good thing to have this BMX track available for a large group of our youth and recommended that it go to the PRO Committee. Tracy Wallace suggested there be a posting on the property that states rules. David Church said the use and risks would be very similar to skateboard parks and is an attempt to give the City protection; however, maintenance is the important part. Stephen Flygare said the riders put a lot of time in maintaining the jumps because they are the ones using the track. Kent Hasting was concerned that residents could enter the track with motorized vehicles if there was not a fence around the perimeter of the property and then get hurt. They would then come to the City with their complaint. After the City reaches an agreement with Autumn View Properties residents would expect this track to be maintained as well as control the noise and dust issues. Jim Tracy felt we it would be good to have a BMX track but we should have a more permanent location on City-owned property like in Lambert Park that kids could use; however, this is already built and the users seem to enjoy it. David Church said he was not recommending for or against the track, but if we do it we take ownership in it. Mr. Church further stated that cities participate in a lot of high risk activities. Thomas Whitchurch stated his concerns.

Otho Walker recently bought the home on the corner of Silver Circle and Ridge Drive and said the young men who ride on this BMX track have been very courteous and responsible. Mr. Walker said he enjoyed watching the young men ride but was concerned with the downhill traffic on Ridge Drive and felt the traffic could be monitored more often. Otho Walker also suggested there be specific times when the track could be used so riders weren't there all times during the day or night. Mr. Walker also said that when some riders in Heber found out about the track they came down and then there was the problem of them parking in front of his driveway. Mayor Hunt Willoughby said this could be handled with a simple telephone call to the police.

Kimberly Bryant asked the boys if they had a certain level of behavior or rules that are not acceptable. It was stated that the committee would list the rules and they would come as a recommendation from the PRO Committee. Christian Peper said that some of the rules would include no vulgar language, immodesty, no trash, no motorcycles and if you ride you also use a shovel and build. Darin Peper said a fence around the exterior of the property would be harmful to the riders but a barrier along Silver Circle would be erected to prevent starting off of that street. Kimberly Bryant complemented the young men on their hard work in creating this track.

**MOTION:** Tracy Wallace moved that the City Council approve a lease Agreement with Autumn View Properties in the amount of \$10.00 per year as stated in the agreement to maintain the BMX track on their property on Silver Circle, that the PRO Committee create a subcommittee to develop how the BMX track will be monitored and maintained and the developing of the City posting the rules that includes that this sport is inherently dangerous, that no motorized vehicles will be allowed and that a fence not be erected around the entire property but a barrier along Silver Circle be erected to prevent starting off of that street into the BMX track area. Thomas Whitchurch seconded. Ayes: Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 2. Kimberly Bryant and Kent Hastings voted nay. Motion passed.

**B. ORDINANCE NO. 2009-01 - LIBRARY ADVISORY COMMITTEE OR A LIBRARY BOARD.** Mayor Hunt Willoughby said he asked April Riley to look into the difference of creating a Library Board vs. a Library Committee and that would let the Council know the direction they wanted to go. April Riley said the City Council has been discussing the possibility of creating a public library in Alpine City. Thomas Whitchurch made the following motion at the City Council Meeting of May 12, 2009:

"Thomas Whitchurch moved that we form a library board, that we instruct the library board to come back to the Council on how the Police Station can be used for a library and after an agreement has been reached with the City of Highland to enter into a cooperative and that in this next budget year that we set money aside for remodeling this building to not exceed \$85,000.00. Tracy Wallace seconded. Ayes: Thomas Whitchurch, Tracy Wallace, Jim Tracy. Nays: 3. Kent Hastings, Kimberly Bryant. Motion passed."

April Riley said that part of the above motion was to create a Library Board. One version would be to establish a Library Advisory Committee which would function as other established committees, such as the Cemetery Committee; however, a Library Board of Directors is more formal and is required by State Law to be formed when the City decides to establish a City Public Library.

April Riley said the ordinance establishing the advisory commission is patterned after Orem City's ordinance and the ordinance establishing the Board is patterned after Provo City's. Several other ordinances were enclosed for reference.

Jim Tracy asked Jennifer Xanthos if having a Library Board vs. having a Library Committee would make a difference in getting certified through the State. Kent Hastings felt that with Thomas Whitchurch's motion neither side is happy; the library will get some space remodel, but they did not get a budget to run a library. Kent Hastings felt the Council needed to decide whether they were going to fund a library or not as all we are getting right now is some remodeled space. Hunt Willoughby said that to know what funding a library means would require to fine tune research and plan an actual budget. Someone needs to say this is what we need and this is what we need in the future. Kimberly Bryant said she received an e-mail the day after Thomas Whitchurch's motion and said the Council only voted on remodeling the building, but how do we compete with Highland's library when we don't have any money for it. Tracy Wallace said you don't start everything at the level you want; this would only be a stepping stone for where we want to be in five years or twenty years from now. Thomas Whitchurch said his motion was not intended to be interpreted into saying we wanted to compete with Highland and felt he worded his motion carefully. Hunt Willoughby said he believed that Thomas Whitchurch's motion did not create a library but move down the road to create the Board. Mayor Willoughby said he believed that part of Thomas Whitchurch's vision was that the Board would not duplicate what Highland has.

Ted Stillman said he is meeting on June 5 with the four potential users who want to use the facility being the Police, City staff, Post Office and Library and the architect who drew up the plans when City Hall was remodeled.

**MOTION:** Jim Tracy moved that under the direction of the Mayor that the City Council create a Library Board. Thomas Whitchurch seconded. Ayes: Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 2. Kimberly Bryant and Kent Hastings voted nay. Motion passed.

**C. ANNEXATION POLICY PLAN AND MAP.** Ted Stillman said the Planning Commission has been working on amending the Annexation Policy Plan and Map. The Planning Commission held a public hearing and made two separate motions neither of which passed. Ted Stillman said we denied annexation of the 40 acres in the Box Elder South area and asked if we should take this property out of Annexation Policy Plan. The property was appraised, but the City did not have the money to buy the acreage. The Planning Commission has not discussed this property to give a recommendation to the City Council. Ted Stillman said that Draper City was the only affected entity to respond on our amending the Annexation Policy Plan and Map.

Ted Stillman said the City Council now has the opportunity to review the proposed amendments and a Public Hearing was held earlier in the evening. Ted Stillman said that some items were proposed to be added/deleted to clarify the document. A couple of other items that need to be addressed included (1) a response to the Draper City letter under the Comments by Affected Entities and (2) the inclusion of the Box Elder South property. The annexation petition on this property was denied and there is a development plan for the property that has been submitted to Utah County. April Riley asked if the Council wanted to leave this in our plan if the City has no intention of annexing it. It was noted that Exhibit D is being worked on and will be added to the plan at a later date.

Staff recommended that the City Council review the plan and makes any modifications it sees fit and then allows staff to make those changes and bring the plan back for a final review before adoption. April Riley said that if the Annexation Plan is adopted to include the Melby property and/or eliminate the Box Elder South property, the land-use map would have to be updated as well to reflect those changes.

**MOTION:** Tracy Wallace moved to accept the recommendation from the Planning Commission for the amendment to the Annexation Policy Plan and Map and recommend that the Planning Commission take a

look at the 40 acres adjacent to the Box Elder Subdivision for future changes to the Annexation Policy Plan and Map. Thomas Whitchurch seconded. Ayes: Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 1. Kent Hastings voted nay. Motion passed. Kimberly Bryant was not present for this motion.

**D. THREE FALLS BRIDGE DESIGN.** Ted Stillman said that Will Jones would like to construct a covered bridge over Fort Creek on North Main (Ft. Canyon Road) making a total of four bridges in the Three Falls Subdivision. The Homeowners Association will maintain the three covered bridges and the one bridge covering Fort Creek on Main Street (Ft. Canyon Road) will be built free standing apart from the existing bridge in case the City has to do maintenance on the box culvert. The developer would like to cover the existing box culvert on the bridge over Fort Creek and some comments that staff has are:

1. The bridge needs to be designed by a structural engineer and constructed according to written plans and specifications
2. The bridge needs to be constructed of materials that look good and will last a long time
3. The bridge needs to be maintained by the Three Falls Homeowner's Association
4. What will happen when the City has to replace the existing box culvert?

Plowing snow and lighting in the bridge was discussed. Mayor Hunt Willoughby said this is a box culvert with a structure over it and it is not a covered bridge. Shane Sorensen said if we had to replace the box culvert then we would have the expense of tearing down the covered bridge down, but would not want to bear the cost of putting it back up.

**MOTION:** Kimberly Bryant moved to give a positive recommendation for the construction of the covered bridge over Fort Creek on North Main (Ft. Canyon Road) subject to the following:

1. The bridge needs to be designed by a structural engineer and constructed according to written plans and specifications
2. The bridge needs to be constructed of materials that look good and will last a long time
3. The bridge needs to be maintained by the Three Falls Homeowner's Association
4. What will happen when the City has to replace the existing box culvert?

With the exception that if we have to remove the covered bridge, it will not be the City's responsibility to put it back up. Jim Tracy seconded. Ayes: Kimberly Bryant, Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

**E. 2008-2009 AMENDED BUDGET.** Ted Stillman proposed several changes to the 2008-2009 Budget which include:

Court – Bailiff and Victim restitution	\$ 34,400
Government Buildings – repairs	\$ 12,400
Streets – transfer in of Class C Road Funds	\$349,900
Cemetery – personnel	\$ 10,000
Miscellaneous – UTA Tax and Transfer to Capital Improvement Fund	\$ 12,230
Garbage – transfer in of garbage funds	<u>\$ 90,935</u>
Total General Fund	\$479,905
Class C Road Fund – Transfer to General Fund	\$349,900
Historic Preservation – Transfer to General Fund	\$ 2,170
Garbage Fund – Transfer to General Fund	\$ 90,935

Ted Stillman said we need to set a Public Hearing on June 9, 2009 for the purpose of amending the 2008-2009 Budget .

**MOTION:** Jim Tracy moved to set a Public Hearing on the Amended 2008-2009 Budget for June 9, 2009. Kent Hastings seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed. Kimberly Bryant was absent during this motion.

**F. 2009-2010 BUDGET.** Ted Stillman said a Public Hearing was held earlier in the evening on the tentatively adopted 2009-2010 Budget and will be ready for formal adoption on June 9, 2009.

**VII. REPORTS**

**VIII. COMMUNICATION**

**Ted Stillman –**

1. The Heritage Hills electrical extension on Heritage Hills Blvd – The developer of the North Pointe Subdivision felt that Heritage Hills should have extended this and they are now trying to extract money from us. The City is saying no as it is not our deal. We will be hearing more about this issue.

2. 100 South Park - We have asked Lars Anderson to make the changes and the reason we want to talk about this is because of timing. We want to grade this fall so it can set over the winter; however, we need to have the plan finalized. The question is how are we going to pay for this. We just lost \$85,000 and if we borrow about \$600,000 from the water and pressurized irrigation funds if we have to pay the funds back plus interest. This will bring us up to about \$2,000,000 with the other monies coming from Park Impact Fees and the Capital Improvement Fund. I don't think we can build this park for that.

The ice skating rink has been moved to over to the basketball court area and the water feature has been scaled down to a spray ground. The showers have been removed. The skate park feature was patterned after South Jordan. There was a discussion about having two trails, one for pedestrians and one with the skate architectural features. The racquetball courts have been moved over by the basketball courts. Mayor Willoughby felt that the concrete racquetball courts are ugly and a magnet for graffiti plus they are dangerous. Shane Sorensen said he contacted the President of the Utah Racquetball Association and was told they would be expensive to build plus being a graffiti magnet. Different types of outdoor racquetball courts were discussed. The sledding hill has been changed and will be going the other direction.

Shane Sorensen said he would like to be able to get the park completed and have the grass established before fall. Ted Stillman said he will have Lars Anderson finish the plans and staff will be bring back the design to get the process going to get the RFP's out.

**David Church –** The Lynton's attorney has appealed the District Court's decision and the Lynton's want to be on the next City Council agenda for a height variance. Ted Stillman said there is a disagreement between them and the Homeowner's Association so this may or may not be on the next City Council Agenda.

**Shane Sorensen –** Started the 800 South sewer project today. There could be short delays but letters have been sent out to all residents in the area.

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

**X. APPROVAL OF MINUTES –** City Council Minutes of May 12, 2009. Minutes from the City Council Meeting held on May 12, 2009 were not ready for approval

**MOTION:** Kent Hastings moved to adjourn. Jim Tracy seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed. Kimberly Bryant was absent during this motion.

The meeting adjourned at 9:05 pm.