

June 24, 2008

Minutes of the City Council Meeting held on Tuesday, June 24, 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, Jim Tracy, Tracy Wallace and Thomas Whitchurch

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

Others: Aaron Holtsclaw, *Lone Peak Press*, Marley Holtsclaw, Kip Botkin, *Police Chief*, Myrna Grant, Mike Evans, Richard Vernon, Helen Vernon, William Vernon, Evertt Williams, Will S. Jones, Robin Towel, Mike Evans, Dana Beck, Tanya Peterson, Ingrid Brockbank, Heidi Brockbank, Dan Roberts, Caleb Warnock, *The Daily Herald*, Lane Yarbrough, Tyson French, Brock French, Jordan John, Dustin Watkins, Riley Hale, Richard T. French, Dallin French, Myles Overstreet, Pete Sundwall, Brandon Holland, Mike Russon, Daniel Egan and Jared Plauzek

I. CALL TO ORDER. Mayor Hunt Willoughby called the City Council Meeting to order at 7:00 pm and welcomed everyone that was in attendance especially the Scouts who were all in uniform.

II. PRAYER/OPENING COMMENTS – Thomas Whitchurch

III. PLEDGE OF ALLEGIANCE. Brock French 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.

William Vernon presented his Eagle Scout Project and said he would like to reconstruct the four horseshoe pits in Moyle Park and then on the lower level of the park build steps where the stream has eroded the shore line. William Vernon also proposed to put a sealant on the wooden fence to protect it from the weather but not paint it white.

V. ACTION ITEMS

A. PACK ANNEXATION – ELK RIDGE LANE. Mayor Hunt Willoughby said that Will S. Jones has been negotiating with the Grant Family Trust for the Elk Ridge right-of-way through the Grant property. An Agreement was drafted between the developer (Prime Alpine) and the Grant Family Trust with items circled that affect the City.

Ted Stillman said that in the Heritage Hills annexation which is directly south of the Pack Annexation, all roads for circulation were required to be constructed at the beginning of the development. The Pack annexation is no different. Elk Ridge Lane is a key to traffic circulation in the area and it will allow direct access to Heritage Hills Blvd. and Main Streets. Not building Elk Ridge for ten or more years places all of the traffic on Grove Drive

Different Items in the Agreement were discussed. Mayor Willoughby said the major item in the Agreement is that Elk Ridge Lane would not be constructed until ten years after the date of occupancy of the first house in Alpine Canyon Estates or the Pack Annexation. Myrna Grant said that in the beginning the Grants donated the property up to the gate for Elkridge Lane. Myrna Grant said this road will really impact her personally but she and Will Jones have worked very hard to draft this agreement under these conditions. Thomas Whitchurch asked what happened if this road is needed before the ten years was up and Will Jones said the secondary access to the Three Falls Subdivision should be completed at about the same time. The number of houses in the Heritage Hills Subdivision was discussed. Because of the economy there are only three houses up there.

David Church said this is an annexation issue and if this property was all in the City this issue would not have to be discussed. The conditions of the Annexation Policy indicated that the Council voted this road would go through and improvements made on Grove Drive. The Council further stated they wouldn't force the issue but that Will Jones and Myrna Grant would work this out between them. Jim Tracy said he was more comfortable with having a fixed date rather than having an unknown date. Myrna Grant she had another concern and that is for the safety of her neighbor who has four little boys and one of them is hearing impaired. Ten years would give the boys a chance to get older.

Will Jones said the road would be deeded to the City and it would be bonded for. Jim Tracy asked what if the road was built now but barricaded off and it was stated that roads need to be driven on.

Robin Towle and Mike Russon both addressed their concerns as they are Myrna Grant's neighbors and feel that extending Elkridge Lane will impact them. Again Jim Tracy said he was not comfortable with having an unknown date and Kimberly Bryant said she does not have a problem with the way it is. Tracy Wallace said the date was an issue for him and felt this could be changed to the issuance of a building permit and not tied to occupancy. The 20-home limit prior to having a secondary road access was discussed.

Further issues in the agreement were discussed as follows:

- 3.d. As a condition to the Grant Family Trust's obligation to deed the subject property, the City of Alpine shall have agreed to reasonable speed controls along the Property roadway from Alpine City, such as stop signs, speed bumps and speed limit of not greater than 20 mph....

Hunt Willoughby said the residential speed limit is 25 mph and when this development happens appropriate speed control devices would be installed at that time. David Church said this Council cannot bind a future Council to an agreement with the Grants.

4. Before the construction referred to in subparagraph 3(a) above may commence Prime Alpine further agrees to provide to Grant the following:

Engineering (up to, but not including final road, curb and gutter placement) and development consultation regarding the Grant Subdivision. Details for such engineering shall be mutually agreeable to both parties. Prime Alpine shall assist Grant in obtaining approval from the City of Alpine for the creation of the Grant Subdivision. It is currently intended for the subdivision to contain two (2) cul-de-sacs.

Will Jones said that Myrna Grant does not want to come back every six months and the actual plat with today's ordinance will stand. Ted Stillman said this will be given approvals with the Preliminary plat.

7. The parties agree that in the event that the exchange of properties and the payment of additional consideration described on Exhibit B hereto shall not have occurred by.....through no fault of the Grant Family Trust, then and in the event the Grant Family Trust may declare this agreement terminated.....then in that event, Grant shall be entitled to repurchase the property described in Exhibit A for the sum of \$100,000.00.....

This agreement was discussed further and Kimberly Bryant said she appreciated Myrna Grant and Will Jones working together.

B. ALPINE MEDICAL BUILDING SITE PLAN. April Riley said the proposed Alpine Medical Building is located at approximately 147 W. Canyon Crest Road in the BC Zone. The parcel is not part of a subdivision, but is a parcel that was created by metes and bounds several years ago. The applicant has been to the Gateway Committee and has received all necessary recommendations. The Planning Commission approved this site plan at their meeting on June 17, 2008. The site plan information and samples of the color palate that was approved by the Gateway Committee were enclosed in the City Councilmember's packets. Thomas Whitchurch asked why the parking was not angled and Shane Sorensen said 90° parking was more efficient.

MOTION: Kimberly Bryant moved that the City Council approve the site plan subject to the following conditions:

1. A Cross easement be provided between the Alpine Medical Building site plan and the adjacent property for ingress and egress
2. The parking plan be approved as submitted
3. The developer coordinate the point of connection for the sewer lateral with the Alpine City Public Works Department
4. The 10-foot side yard setback be approved
5. A bond be provided for the required improvements
6. The water policy be met for the site plan

Thomas Whitchurch seconded. Ayes: Kimberly Bryant, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

C. KODIAK BED and BREAKFAST/RECEPTION CENTER SITE PLAN. Ted Stillman said the proposed Kodiak Bed and Breakfast/Reception Center is located at 235 S. Main on lots 1 and 2 of Dry Creek Southeast, Plat A and is in the BC zone. There is an existing building on lot 1 that is proposed to be demolished. The Gateway Committee has reviewed the site plan and made its recommendations. Included in the City Council member's packets were the site plan, elevations and minutes from past Gateway Committee and Planning Commission meetings as well as the rough draft of the Planning Commission motion from its meeting on June 17, 2008. April Riley said the Fire Chief did look at this and signed off on it; however, the building may have to have sprinklers installed. April Riley said that Questar puts together a supplemental agreement because of the gas line that runs through the property which would be similar to the one signed by Forrest Burnett of Kinetic Energy.

MOTION: Tracy Wallace moved that the City Council approve the Kodiak Bed and Breakfast/Reception Center site plan subject to the following:

1. The parking plan be approved as submitted
2. Parking be approved in the 30-foot front setback provided there is a landscaped berm
3. The proposed setbacks be approved
5. The landscape plan be approved as submitted
6. The developer construct the retaining wall in a manner that will not disturb Dry Creek or the adjacent property and the developer obtain a letter from the adjacent property owner allowing temporary encroachment during retaining wall construction
7. The developer work with Questar to meet their requirements in the area of the gas line easement and provide written documentation to the City that Questar has approved the site plan prior to applying for a building permit
8. The street lights along Main Street match Alpine City's standard fixture and the interior lights may be white and shall be shielded or cut off adjacent to residential

areas

Thomas Whitchurch seconded. Ayes: Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 1. Kimberly Bryant voted nay. Motion passed.

D. MAIN STREET TRAFFIC STUDY. Ted Stillman said that earlier this year Mountainville Academy petitioned the City for a reduced speed school zone on Main Street in the vicinity of the Main Street/120 South/100 South intersection. The City Council authorized a study to determine if a reduced speed school zone was warranted, in addition to looking at other traffic and pedestrian issues, such as crosswalk locations and speed from the roundabout to 200 North. Ted Stillman said the City contracted with WCEC Engineers to perform the study. Included in the City Council member's packets were all three memos. The first memo was concerning the reduced speed school zone, the second looked at crosswalks and sight distance issues and the third contained a speed limit study for Main Street. Shane Sorensen said that WCEC felt our crosswalks were adequate but they recommended that the curbs be painted red 60 feet from the intersection on Main Street and 20 feet from the intersection on 120 South. Tracy Wallace felt we needed more speed limit signs posted and recommended there be speed limit signs on both sides of the road. Councilman Wallace also requested that we post additional speed limit signs on Westfield Road. David Church commented that once an expert has been contracted to do a study you should follow his recommendations because this will increase the City's liability if we don't follow those recommendations.

Gary Thurgood of WCEC Engineers sent an e-mail to Shane Sorensen regarding the issue of the reduced speed school zone at the roundabout on Main Street. His e-mail stated that "While the school zone manual states that reduced speed school zones should not be located at a roundabout, there can be some exception made for special concerns, one of which is sight distance. As I have driven through the roundabout recently, the sight distance is limited due to the landscaping in the center of the roundabout and is sufficiently limited so as to justify the reduced speed school zone.....I know in my memo I left it somewhat open so that you can leave the school zone as it is but now I feel more confident that the school zone is appropriate." The cost to install the flashing light assemblies for the reduced speed school zone is estimated to be in the \$6,000 to \$10,000 range, depending on installation costs. Ted Stillman said the City will shoulder the cost of these improvements. Shane Sorensen recommended that we pull the flashing signs from the roundabout, but leave the poles. If we have to add this back in it would be easy to do this. The wiring needed to be fixed so the lights do not come on when they are not supposed to.

Ted Stillman said the City is paying for this and Mountainville Academy will not be sharing in this cost; however, they are helping to pay for the crossing guard.

MOTION: Thomas Whitchurch moved that the City Council accept the recommendations as submitted by WCEC Engineers and ask City staff to proceed and implement the recommendations. Tracy Wallace seconded. Ayes: Kimberly Bryant, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

E. RODEO GROUNDS IMPROVEMENTS. Jim Tracy said the Rodeo Committee met on Monday, June 16, 2008 and made a recommendation to go to the PRO Committee. The PRO Committee made recommendations to the City Council as follows:

Facility Utilization

"David Fotheringham moved that:

1. A lock box system be installed
2. That users be responsible to clean up after themselves and to lock up the facility when they are finished using it
3. That a dumpster be provided at the Rodeo Grounds and is placed

in a location that is not visible or where people can throw items over the fence into it

4. That the Rodeo Grounds activities be limited from dawn to dusk
April Cooper seconded. Motion passed.”

Ted Stillman said he talked to ACE Disposal and they will provide a 6-yard dumpster at no additional cost to the City during the summer months. The definition of dusk was discussed – David Church said ½ hour after the sun sets. Tracy Wallace said that in discussion during the PRO Committee’s meeting this was for general use and not just scheduled activities. Dana Beck said there is a mechanical box that can be attached to the man gate that can have the potential of several hundred combinations. There could be someone assigned at the City who would handle giving out the combination. We will have an instruction sign posted on the fence by the gate and we will then have a list of who uses the Rodeo grounds.

Rodeo Revenue and Expenditure Accounts

“April Cooper moved that a separate line item be created in the General Fund for Rodeo revenues and expenditures. David Fotheringham seconded. Motion passed.”

Power

“Larry Brown moved that power be put in the Rodeo Grounds and pull wire out of the arena to the restroom area and have a generator there until we can get the transformer to the road. David Fotheringham seconded. Motion passed.”

Dana Beck said he has been working with Rocky Mountain Power and if we get a contract signed now, they can have the power in by Alpine Days. For single-phase power it should cost approximately \$15,000 and the City would have to provide the conduit and sand. Dana Beck said he would do the trenching. Three-phase power would cost approximately another \$5,000. The 40 light fixtures would cost approximately \$350.00 each and the trench that would need to be dug. An all-weather speaker is made and can be mounted on the light poles. Dana Beck said that approximately \$60,000 would cover the cost of putting in the power and that was having him doing all the trenching. Jim Tracy was concerned about vandalism and felt the light fixtures would make good targets. Jim Tracy asked if the Rodeo grounds can have a negative balance and when the rodeo committee generates money through events the money can then be replaced. Ted Stillman said this was not the best way to handle funds. Jim Tracy asked if having 40 lights was too many just to have a few people clean up the facility. In the past the rodeo has been scheduled to be over so the people can go to Burgess Park to watch the fireworks. Councilman Tracy felt we were going to be blinded with that many light fixtures and Shane Sorensen felt we needed to know what kind of fixtures we were going to use so we know what kind of wiring we would need. Dana Beck also felt that 40 light fixtures were too many. Shane Sorensen suggested that we put in temporary light fixtures this year so that we are not gouged by the lighting salesmen.

Evertt Williams said the biggest issue last year was the sound as generators was used. Hunt Willoughby said there is a cell tower in Lambert Park and there have been many protesters who do not like that tower. Mayor Willoughby was afraid that putting lights in the Rodeo Grounds would make the problem worse. This budget year has been the tightest year we have had. Thomas Whitchurch expressed his concern about the City doing something that was not budgeted for. Ted Stillman discussed funding this project and Jim Tracy said there were no numbers from the Rodeo Committee to plug into the Budget or it would have been included.

MOTION: Jim Tracy moved that the City coordinate to have power installed to the Rodeo Grounds and installation of 20 light fixtures not to exceed \$35,000. Tracy Wallace seconded. Jim Tracy withdrew this motion.

Thomas Whitchurch felt the City should not specify the number of light fixtures. Dana Beck suggested that we secure three bids as he was not comfortable with the one bid he had.

MOTION: Thomas Whitchurch moved that we authorize the expenditure of \$22,000 to bring electricity to the restrooms at the Rodeo Grounds. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

Dana Beck asked about putting up the poles and it was decided we needed a lighting plan. Dana Beck said he could have his employees install the pole while he was out of town. It was decided to wait on this.

F. ORDINANCE NO. 2008-12 – SWIMMING POOL REGULATIONS. Ted Stillman said that two City Council meetings ago Jim Tracy brought up the question of pool safety. On August 22, 2006 the City Council passed the following motion:

“Kent Hastings moved that we do not approve Ordinance No. 2006-16, amendments to the Development Code concerning swimming pools but that staff prepares a list of recommended safety precautions that could be sent to all current owners and included in the building permit application process for new pools.”

Ted Stillman said that pool safety information had been prepared by April Riley and was included in the City Council Member’s packets. This information could be inserted in the utility bills, the Newsline and also included with pool building permits.

Ted Stillman said that at the June 10, 2008 City Council Meeting Robin Towle addressed the Council under Public Comments regarding pool safety.

It was said that since the City already adopted the residential building code, that we adopt appendix G. This would be the simpler way to handle the problem. Ordinance No. 2008-12 was created using the same language that was considered by the City Council in 2006. Jim Tracy said that we should ask that fences be installed around pools. Thomas Whitchurch said he did not have a problem with adopting this ordinance for future pool construction, but had problems going back to previous pool owners saying they needed to now put up a fence. Councilman Whitchurch said he did not see anything that dealt with hot tubs and Jim Tracy said they were exempt. David Church said it is not hard putting restrictions on future structures and it would be the cleanest way to adopt appendix G, but we cannot make changes retroactively. Ted Stillman said we have about 106 pools and Jim Tracy asked if we could pass this, but make a new ordinance that would be retroactive and indicated we are not requiring building permits on above-ground pools. David Church felt that 90% of the people will comply if they know the law. Both Kimberly Bryant and Thomas Whitchurch felt this would be an education issue.

MOTION: Jim Tracy moved to adopt Ordinance No. 2008-12, Rules and Regulations for Swimming Pools and adopt appendix G from the International Residential Code that was passed out tonight. Thomas Whitchurch seconded. Ayes: Kimberly Bryant, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

G. STORM WATER COALITION AGREEMENT. Shane Sorensen said that Alpine is under the Federal Rules regarding storm water discharge. The cities of Utah County have joined together to create a storm water coalition which will promote public education and the development of best practices to make sure storm water does not cause pollution. Mr. Sorensen said that being members of the coalition will help us meet the requirements of the National Pollution Discharge Elimination System; however, this will cost the City \$1,484.00 per year to

belong to the coalition.

MOTION: Jim Tracy moved to approve the Interlocal Cooperation Agreement for National Pollution Discharge Elimination System Phase II Storm Water Public Education and Outreach best management practice compliance. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

H. RESOLUTION NO. R2008-04 – CERTIFIED TAX RATE for 2008-2009.

Ted Stillman said we have received our Certified Tax Rate for 2008-2009. It is 0.001029 which is lower than our 2007-2008 rate which was 0.001051. Ted Stillman said our assessed valuation went up by about \$40,000,000 from last year.

MOTION: Tracy Wallace moved to adopt Resolution No. R2008-04, a Resolution adopting the 2008-2009 Certified Tax Rate at 0.001029. Thomas Whitchurch seconded. Ayes: Kimberly Bryant, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

I. CITY COUNCIL PICTURES. Ted Stillman said the City Council needs to determine the location and date of the City Council picture. In prior years this has been done in the summer months. Many suggestions were made but the gazebo was decided upon.

J. LAWN MOWER PURCHASE. Ted Stillman said the 2008-2009 Budget includes funds to purchase a replacement lawn mower. It has been proposed that we purchase another Grasshopper lawn mower in the amount of \$13,282.00.

MOTION: Kimberly Bryant moved that the City Council authorize the purchase of a new lawn mower in the amount of \$13,282.00 from RMT Equipment. Jim Tracy seconded. Ayes: Kimberly Bryant, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

K. PAVING MACHINE. Ted Stillman said the 2008-2009 Budget includes funds to purchase a paving machine. This machine will allow the City to pave trails, patch streets, etc. and will replace the current worn out paving machine. This will cost approximately \$52,210.00 and is on the State Bid. Jim Tracy asked if Cate Equipment would accept a trade-in on our old one.

MOTION: Thomas Whitchurch moved that the City Council authorize the purchase of a paving machine in the amount of \$52,210.00 from Cate Equipment as budgeted. Tracy Wallace seconded. Ayes: Kimberly Bryant, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

L. ORDINANCE NO. 2008-09 – The 2007-2008 AMENDED BUDGET. Ted Stillman said a Public Hearing was held two weeks ago on amendments to the 2007-2008 Budget. The proposed changes are as follows:

Court – Bailiff and Victim restitution	\$ 20,000.00
Government Buildings – Phone system repair	\$ 12,000.00
Streets – Salt, crack seal	\$ 85,800.00
Cemetery – Personnel	\$ 25,000.00
Misc – UTA Tax and transfer to Capitol Improvement Fund	<u>\$388,000.00</u>
Total General Fund	\$510,800.00
 Class C Road Fund – Westfield Road	 \$ 20,000.00
 Capital Improvement Fund	 \$350,000.00

David Church explained that Victim Restitution and the UTA Tax is a pass through.

MOTION: Jim Tracy moved that the City Council adopt Ordinance No. 2008-09, An Ordinance amending the 2007-2008 Budget. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

M. ALPINE OLDE TOWNE CENTRE, PAD C. April Riley said the Gateway Committee met on June 9, 2008 to review the revised elevations and color palette for the proposed commercial building to be located on pad C of the Alpine Olde Towne Centre development (where Western Community Bank is located). The Gateway Committee approved the revised elevations and the proposed color palette and these items were enclosed in the City Council Member's packets for informational purposes so they can be aware what was approved by the Gateway Committee.

VI. REPORTS - MAY 2008 FINANCIAL REPORT. Ted Stillman discussed the Financial Report outlining how revenues are doing and also listing the Fund balances as follows:

Property Tax – Is up \$103,190.00 over the same time last year. This reflects the tax rate increase.

Sales Tax – Is only up \$12,127.00 over the same time last year. This reflects Utah's slowing economy. A year earlier sales tax was up over \$200,000.00 over the previous year.

Franchise Fees – Are finally ahead of last year

Plan Check Fees – Continue to lag slightly because of slow residential development. In 2006 there were 48 building permits issued for new homes where we would normally have 80 building permits. So far in 2008 we have issued building permits for 3 new homes.

Building Permits – Also continue to lag because of the slow down in residential permits. The recent change to increase building permit fees should reverse this downward trend.

Tracy Wallace said he would like to see the main entrance of City Hall to stay on Main Street. Ted Stillman said we have already made a big change and that was to change desks so the public sees Annette Scott's desk and then Annalisa Thomas moved across the hall in Linda Smith's old office.

VII. COMMUNICATION

Kimberly Bryant – Said we need to talk to JoAnn Pack at the Bank of American Fork so she can order enough water for all the races. Tracy Wallace said he would take care of this.

Jim Tracy – He worked with Staff over in Legacy Park to do trenching and install conduit for a permanent speaker system. This was at very little cost to the City. Mayor Willoughby said he had some concerns and needed to be made aware of and put in the loop when doing projects.

Tracy Wallace – Liked seeing that the Police Department got a grant to implement the seat-belt law. Ted Stillman said he would mail out the Matrix for Alpine Days.

Thomas Whitchurch – This Friday at 6:00 pm is the Fire Station Open House at their new facility.

Ted Stillman – Said we need to buy a 6,000 watt generator to be used by the Public Works Dept and for Alpine Days.

Shane Sorensen –

1. Asked if we can work on the Cell Tower issues.
2. Chip sealing and overlays should start the week of July 7th.
3. The Sewer project should start the next week.
4. The Landscaping has been done at the intersection of 400 West and Westfield Road.

VIII. EXECUTIVE SESSION to discuss Litigation, Property Acquisition and Personnel. There was no need for an Executive Session.

IX. APPROVAL OF MINUTES

City Council Meeting of June 10, 2008

MOTION: Kimberly Bryant moved to approve the minutes of the City Council Meeting of June 10, 2008 and adjourn. Tracy Wallace seconded. Ayes: Kimberly Bryant, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0.

The meeting adjourned at 9:50 pm.