

JUNE 28, 2005

Minutes of the Public Hearing and City Council Meeting held on Tuesday, June 28, 2005 at Alpine City Hall, 20 North Main, Alpine, Utah 84004 as follows:

The following members were present and constituted a quorum:

Mayor– Phil Barker

City Council Members: Kimberly Bryant, Kent Hastings, Hata Puriri, Tomas Whitchurch and Hunt Willoughby

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

Others: Jannicke Brewer, Dale Porter, Jim Tracy, Tracy Wallace, Michael Porter, Forrest Burnett, Maureen Burnett, Sue Stratford, *New Utah (Citizen)*, Robert Brown, Chris Running, Liz Swanson, Steve Crain, Caleb Warnock, *The Daily Herald*, VaLoy Smith, Dennis Smith, Ted Maestas, Greg Brown, Matt Rasband, Liz Swanson, Michael Porter, Lynn Bronson, Jan Bronson and Alina Bokde

7:00 - PUBLIC HEARING: For the purpose of receiving public comment regarding Amending the 2004-2005 Budget.

Mayor Philip D. Barker called the Public Hearing to order at 7:05 pm and welcomed those in attendance.

Mayor Barker said that at the end of the fiscal year there are always certain amendments that need to be made in order to bring the budget in compliance. Ted Stillman outlined the changes as follows:

There were no comments from the public.

The Public Hearing adjourned at 7:07 pm.

CITY COUNCIL MEETING – Immediately following the Public Hearing.

I. CALL TO ORDER. Mayor Phil Barker called the City Council Meeting to order at 7:07 pm and welcomed those in attendance. Mayor Barker expressed his sympathy on behalf of himself, the City Council Members, and all the staff at Alpine City in the passing of Rachel McTeer who was killed in a traffic accident on Saturday, June 18, 2005. Mayor Barker said she was a valuable asset to the staff working at City Hall and she will be missed. Rachel McTeer leaves behind her husband and two small daughters and a Trust Fund has been set up at the Bank of American Fork and Mayor Barker said he hoped everyone would be very generous.

II. PRAYER/ OPENING COMMENTS – Thomas Whitchurch

III. PLEDGE OF ALLEGIANCE. Chris Running 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.

Forrest Burnett lives in the Box Elder Subdivision and requested that a “Dead End” sign or “No Outlet” sign be installed at the entrance to Prospect Lane. Mr. Burnett said that Box Elder Drive is the only way in or out of the subdivision and was concerned about the safety in the area. Mr. Burnett said he would be willing to pay for the sign.

Liz Swanson represented Blake Hallock who is attending the Governor’s Honors Academy and requested that Alpine City sponsor him in the amount of \$100.00 to help toward expenses to attend this academy. Thomas Whitchurch said the city has supported other students in the past with money towards their tuition to either Boys or Girls State.

MOTION: Thomas Whitchurch moved that Black Hallock be reimbursed in the amount of \$100.00 to help cover expenses to while attending Governor’s Honors Academy. Hata Puriri seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

V. CONSENT CALENDAR –

Business License:

Ruth Sulik – EDUCATION MATH AND MAGIC; 580 North 400 West

Ernie Ely – ERNIE ELY CONSTRUCTION; 467 Peach Tree Circle

MOTION: Hunt Willoughby moved to approve the Consent Calendar. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

VI. SCHEDULED ITEMS

A. STREET LIGHTING. Ted Stillman said that several City Council Meetings ago Jannicke Brewer brought up the need for lighting in the parking lot adjacent to Legacy Park across from City Hall. Shane Sorensen has obtained costs to install two parking lot lights. At the City Council meeting of April 26, 2005 Kimberly Bryant asked that approval of the lighting fixtures be delayed to provide an opportunity to examine other types of fixtures. Ted Maestas, a lighting expert was on hand to show various street lighting options. Mayor Barker suggested that if the council doesn't have specific ideas tonight then we should appoint Kimberly Bryant to form a committee in choosing the fixtures.

Hata Puriri said he liked the drawings that he saw a year ago and Hunt Willoughby said we are going to effect and not coverage, but liked the acorn-shaped one. Thomas Whitchurch also felt we are going for the look. Mayor Barker felt that to use the acorn-shaped ones did not fulfill the historical ones suggested. Kent Hastings said he liked the look of the acorn ones. Thomas Whitchurch said that on the Main Street Bridge there is a place for six lighting fixtures and felt that is a lot of light. Councilman Whitchurch preferred the historical ones over the acorn ones. It was suggested the council go to Eagle Mountain and look at their light fixtures.

B. TELECOMMUNICATIONS ORDINANCE. Ted Stillman said the Planning Commission has received a proposal from T-Mobile, a cell phone company, to construct a cell phone site at Alpine Elementary School. T-Mobile claims they need an additional site to provide better coverage. Steve Crain, an Alpine resident and telecommunications consultant, made a presentation to the Planning Commission on June 21, 2005 and proposed that the City designate the Rodeo Grounds area as an additional cell tower site. Mr. Crain suggested that the City consider building a cell tower and lease it out. The City Council asked Mr. Crain to make a presentation to the council, who helped the City prepare an updated Telecommunications Ordinance on a volunteer basis.

Steve Crain said that wireless carriers each operate on different frequencies each rigidly controlled by FCC. One-third of Americans have cell phones, which is soon to double in number. The City of Alpine will not be immune to the growth in this industry. Mr. Crain said that Alpine is a city of 6 ½ sq mi and with its unique and picturesque setting must act to preserve its visual integrity. We are primarily residential and agricultural-compact and Alpine cannot be compared to other cities of similar size. The City has the right to protect its environment and address future wireless requirements. Poor coverage areas in east and north Alpine will mean future requests for additional towers. Mr. Crain suggested that the City consider a second designated site located on or near the rodeo grounds. Mr. Crain showed pictures of a tower site that is at Jordanelle that are flag poles and do not look like a cell-towers. Lindon City has a site on a light pole. Mr. Crain proposed that there be a six-month moratorium on all new towers effective immediately. A new protective Telecommunications Ordinance is already being revised. Steve Crain further stated that the rodeo grounds be designated as a cell-phone tower site and then the City could build a stealth flagpole and lease space at a cost of \$18,000 to \$20,000 per year. It would take approximately 2 years to payback the initial investment.

Hunt Willoughby said he wasn't sure about competing with private enterprise and felt that private enterprise should deal with private enterprise. Steve Crain said we would not be interfering with private enterprise as the carriers would only lease the pole, but we would be controlling where the towers would be located. Mr. Crain felt this would be a win/win situation as we would increase our revenue. Thomas Whitchurch felt we should give the Planning Commission some direction as to whether we would build and own the towers or just lease the site. It was noted there would be minimal maintenance on the towers.

Steve Crain summarized his presentation as follows:

- Wireless Telecommunications growing and here to stay
- Alpine is in a unique position to regulate and profit from industry
- City must act as quickly as possible to protect its interests
- Beck's Hill has served the city well as a tower site
- Time to designate a second Telecommunications site
- This designation as a part of a new and restrictive code
- New code will protect city from proliferation of towers
 - Any new tower on one of two designated sites
 - Beck's Hill
 - Rodeo Grounds
 - Any new tower will be a "stealth" tower
- City can lease space to carriers for towers or
- City can build own towers that will increase city coffers
- New City code will depend on City Council decision about direction

The Council said they will discuss this issue further at the next City Council Meeting and no motion was made.

C. WHISPERING PINES SENIOR HOUSING FINAL APPROVAL. Ted Stillman said that Whispering Pines Senior Housing received preliminary approval from the Planning Commission on May 17, 2005 and Final Approval on June 21, 2005. On June 14, 2005 the City Council held a Public Hearing on the Zone Change and Senior Housing Project. The proposed development is a Senior Housing Subdivision which consists of five homes on 1.044 acres in the Business/ Commercial Zone. The Historic Gateway Committee reviewed and approved the plans. It was noted these units have basements in them and will be in the \$300,000 to \$400,000 range and CC&R's will be recorded with the plat. Jannicke Brewer said the Planning Commission has reviewed and approved the CC&R's. Hata Puriri said he still feels the same as in the past as he has heard that the Paradise Cove unite are not selling as fast as what the developers assumed and the Council put Red Robinson's request off on his proposed development. Councilman Puriri recommended that the Council wait for several months to see what happens with the other Senior Housing Developments. Michael Porter said he has done no marketing or putting up of signs and he has had four or five people approach him about building the custom homes. Mayor Barker said that the City has done surveys and the residents have said that they wanted maintenance-free and affordable homes. Kent Hastings said he remembered that when this came to the City Council before that the Council's intent was to provide affordable homes for our aging seniors. Jannicke Brewer said the Planning Commission has followed the Senior Housing Ordinance which reads in 3.18.8.A as follows:

"Once the Planning Commission has given a favorable recommendation of the applicant's concept plan and the proposed zone change, the concept plan and zone change will be forwarded to the City Council for approval. After the City Council approves the concept plan the applicant will continue the planning process in accordance with the Alpine City's Subdivision Ordinance. The City Council shall continue to move forward with the applicable zone change. The actual zone change will coincide with City Council's approval of the final plat."

Jannicke Brewer said the Planning Commission is not in the business to say how much a house will cost. Hunt Willoughby felt it is not the Council's business to govern prices of a home or the cost of land and we gave them the go-ahead at concept. If the developer of this project has met the ordinance then it will be a gamble for the builder as to whether the units sell or do not sell. Mayor Barker said we have no choice but to approve this subdivision as they have followed the ordinance in place. Hata Puriri felt there is a need for senior housing but not in the price range that was stated earlier, between \$300,000 to \$400,000 range. Dennis Smith said there are two potential buyers present at the meeting tonight and it would be discouraging to them to delay this further.

MOTION: Hunt Willoughby moved to approve a Zone Change on Michael Porter's 1-acre lot from the Business Commercial Zone to the Senior Housing Overlay Zone with the condition that an ordinance is prepared. Thomas Whitchurch seconded. Ayes: Thomas Whitchurch and Hunt Willoughby. Nays: 3. Kimberly Bryant, Kent Hastings and Hata Puriri. Motion failed.

Kimberly Bryant said that when Whispering Pines came before the City Council at Concept, she felt it has totally changed as the price for the units was too high. Mayor Barker asked the Council Members what they were waiting for before they will approve the zone change for this subdivision. Hunt Willoughby asked the other members of the council how much it would cost the city to defend this in a lawsuit. Hata Puriri and Michael Porter discussed back and forth on what had changed with this proposal and Michael Porter said only the price of the individual units. Jannicke Brewer said this is a Senior Housing Project and not necessarily an affordable housing project. Mayor Barker asked David Church what the next step would be. David Church said the council set up the ordinance like this, to approve the proposed development at Concept and then the developer comes back for final approval and a zone-change all at the same time. The Council needs to identify exactly why their position has changed. Hata Puriri said his position is based on principal as he felt what was presented at concept has changed and now the units are no longer affordable. Councilman Puriri said he wishes there was some developer out there that would consider all residents. Times have changed and the market has changed.

MOTION: Hata Puriri moved to approve a Zone Change on Michael Porter's 1.044-acre lot from the Business/Commercial Zone to the Senior Housing Overlay Zone. Thomas Whitchurch seconded. Ayes: Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: Kimberly Bryant and Kent Hastings. Motion passed. Kimberly Bryant voted no because she felt the prices were too high and therefore, had changed. Kent Hastings said he voted no because he wanted to see how the Paradise Cove units sold.

Kent Hastings had some questions about the flood plain and Shane Sorensen said he checked this all out at the Planning Commission stage and it is ok.

MOTION: Thomas Whitchurch moved to grant Final Approval to the Whispering Pines Senior Housing Subdivision subject to the following:

1. The project be limited to a 1-inch irrigation lateral
2. The City's water policy be met
3. A bond be provided
4. A UPDES permit be obtained

Hunt Willoughby seconded. Ayes: Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 2. Kimberly Bryant and Kent Hastings voted Nay for reasons stated in the earlier motion. Motion passed.

D. PIERCE SUBDIVISION FINAL APPROVAL. Ted Stillman said the Pierce Subdivision received concept approval on February 15, 2005. The Pierce Subdivision consists of 3 lots on 4.01 acres and is located off Watkins Lane (600 South) at approximately 1095 East. There are existing homes on lots 2 and 3 and the development is in the CR-20,000 zone. The City Council reviewed the proposed subdivision on May 24, 2005 and asked that the Planning Commission be watchful of the water drainage issues. The Planning Commission granted Final Approval to the Pierce Subdivision at their meeting of June 21, 2005. Mayor Barker said he was going to be living across the street from this subdivision and Kimberly Bryant said her property is adjacent to this subdivision. Thomas Whitchurch asked if curb and gutter shouldn't be installed on the south side of 600 South because there is a standing water problem. Ted Stillman said this will be required when the property to the east of this subdivision is developed.

Hata Puriri suggested that the proposed lot and the driveway be flip-flopped as he felt the city will be liable when the Rasband's basement is flooded. Paul Bryant said that just because you can build a home on any lot doesn't mean you should and it is not always wise to build in a natural gully. Jannicke Brewer said the Planning Commission was concerned about this issue and they felt that after the engineer's input and with all the studies there should be no problem; however, we cannot guarantee anything. Mayor Barker asked if we couldn't do a Developer's Agreement that would address this concern. Mayor Barker asked if the money for the Escrow Bond for the sidewalk couldn't be put in escrow until it is needed at a later date. There is no traffic on that road and it is like a lane. Shane Sorensen the only concern he has is that we could get into the same situation as is what the City is facing in South Pointe.

MOTION: Hunt Willoughby moved to grant Final Approval to the Pierce Subdivision based on the recommendations of the Planning Commission and that the drainage concerns be added on the plat. Ayes: Hunt Willoughby. Nays: 4. Kimberly Bryant, Kent Hastings, Hata Puriri and Thomas Whitchurch voted nay. Motion failed. Kimberly Bryant said she voted nay based on her concerns of building in a gully and creating more drainage problems. Kent Hastings and Hata Puriri both said they would like to see a reconfiguration of

the lots. Thomas Whitchurch said he didn't want to see a repeat of what happened to the house in the Willow Canyon Subdivision.

Hunt Willoughby said he felt the City Council should not rubber stamp everything the Planning Commission does, but felt these concerns should be dealt with at the Planning Commission stage and if this meets all of our ordinances then we shouldn't deny approval. Shane Sorensen said the detention basin in Heritage Hills will handle water off of that hillside and will protect 60 homes and the Willow Canyon detention basin is a large one protecting many homes. Mr. Sorensen said this concern cannot be compared and the natural gully is small in comparison to the other ones. There is a 2% grade and it will drain to the north. Mayor Barker suggested this go back to the Planning Commission with a different lot configuration.

E. ORDINANCE NO. 2005-13; AN ORDINANCE AMENDING THE 2004-2005

BUDGET. Ted Stillman went over the 3rd Amendment to the 2004-2005 Budget. The following is a summary of the changes:

10 GENERAL FUND

REVENUE

Budget # and Category	Original Adopted Budget	1 st Amendment 1-12-04	2 nd Amendment 3-22-05	3 rd Amendment 6-14-05	Final approved amount	Comments
10-31 Taxes	1,426,135	1,426,135	1,426,135	1,513,905	1,513,05	
10-32- Licenses & Permits	305,800	305,800	305,800	305,800	305,800	
10-33 Intergovernmental	5,400	5,400	5,400	5,400	5,400	
10-34 Charge for Service	97,700	97,700	97,700	97,700	97,700	
10-35 Fines & Forfeit	49,700	49,700	49,700	49,700	49,700	
10-36 Rents	450	450	450	450	450	
10-38 Interest	33,500	33,500	33,500	33,500	33,500	
10-39 Transfers	33,500	77,000	377,000	631,810	631,810	
Total	1,951,685	1,995,685	2,295,685	2,638,265	2,638,265	

EXPENDITURES

Budget # and Category	Original adopted Budget	1 st Amendment 10-12-04	2nd Amendment 3-22-05	3 rd Amendment 6-14-05	Final Approved amount	Comments
10-42 Court	41,850	41,850	41,850	46,850	46,850	Victim's Reparation Assessment was under budgeted as well as office supplies
10-43 Treasurer	20,980	20,980	20,980	22,980	22,980	The 2003-2004 Audit cost more because it included the GASB 34 review
10-41 Administration	246,100	246,100	246,100	246,100	246,100	No change
10-50 Elections	0			100	100	The Budget did not include the cost of lunch for the election judges
10-57 Emergency Services	819,780	819,780	819,780	822,780	822,780	The Budget did not contain the correct amount for PSD Administration
10-52 Government Buildings	45,715	45,715	45,715	45,715	45,715	No change
10-58 Building Inspection	105,450	105,450	105,450	115,450	115,450	The Contract Building Inspector const of under estimated and the City paid a claim of \$3100.
10-59 Planning and Zoning	156,825	156,825	156,825	156,825	156,825	No change
10-60 Streets	143,735	143,825	143,825	155,825	155,735	Part-time

						personnel were left out of the Budget as well as the backhoe lease
10-70 Parks & Recreation	259,815	259,815	259,815	259,815	259,815	No change
10-77 Cemetery	59,625	59,625	59,625	69,625	69,625	Part-time personnel were under budgeted
Misc.	51,810	95,810	395,810	695,810	595,810	Transfer of funds to the Capital Improvement Fund
Total	1,951,685	1,995,685	2,295,685	2,638,265	2,638,265	

15 IMPACT FEES

Budget # and Category	Original adopted Budget	1 st Amendment 10-12-04	2nd Amendment 3-22-05	3 rd Amendment 6-14-05	Final Approved amount	Comments
15 Impact Fees	789,100	576,000	789,100	989,100	789,100	Park property was not purchased as anticipated.

45 CAPITAL IMPROVEMENT FUND

Budget # and Category	Original adopted Budget	1 st Amendment 10-12-04	2nd Amendment 3-22-05	3 rd Amendment 6-14-05	Final Approved amount	Comments
45 Capital Improvement Fund	1,423,500	1,467,500	2,492,500	1,423,500	789,100	Park property was not purchased as anticipated.

55 PRESSURIZED IRRIGATION

Budget # and Category	Original adopted Budget	1 st Amendment 10-12-04	2nd Amendment 3-22-05	3 rd Amendment 6-14-05	Final Approved amount	Comments
55 Pressurized Irrigation Fund	1,164,175	1,164,175	1,864,175	1,164,175	1,164,175	Park property was not purchased as anticipated.

MOTION: Hunt Willoughby moved to approve Ordinance No. 2005-13, An Ordinance Amending the 2004-2005 Budget. Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

F. FINANCIAL REPORT. There were no questions on the Financial Report. Ted Stillman said the report reflects revenues and expenditures for 11 months in the 2004-2005 fiscal year.

G. STREET MASTER PLAN. Ted Stillman said that Alpine City has updated the City's Street Master Plan and will likely become part of the General Plan that the Planning Commission is currently working on. Staff had suggested that the Planning Commission review the update and recommend it to the City Council as part of the Capital Facilities Plan at which time this element should be included.

Following is the proposed schedule for updating the Street Master Plan:

June 21, 2005	Street Master Plan presented to the Planning Commission
June 28, 2005	Street Master Plan presented to the City Council
July 5, 2005	Planning Commission's review of the Street Master Plan
July 19, 2005	Planning Commission recommendation of the Street Master Plan to the City Council
July 26, 2005	City Council hearing on the Street Master Plan
August 9, 2005	City Council adoption of Street Master Plan

MOTION: Hata Puriri moved to set a Public Hearing on the Street Master Plan for July 26, 2005. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

H. RESOLUTION NO. R2005-08, THE 2005-2006 CERTIFIED TAX RATE. Ted Stillman said the Certified Tax Rate is lower than last year and has been set at 0.001091. Mayor Barker

suggested that we leave the tax rate the same as last year to help fund the proposed projects.

MOTION: Hunt Willoughby moved to adopt Resolution No. R2005-08, A Resolution setting the 2005-2006 Certified Tax Rate for Alpine City at 0.001091. Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

VII. COMMUNICATION

Hata Puriri –

1. Asked if we could take another look at the fencing around the baseball diamond.
2. The soccer people approached him about the portable goals that were purchased by them. They feel that since they purchased the goals, they own the fields and then move them where they are needed. Hata felt we should install permanent goals so they cannot move them around.

Thomas Whitchurch –

1. The Arts Council had a concert in the park. There will be another one on July 16, 2005 which will be a jazz band.
2. Did we decide if we are going to purchase microphones and a marquee. Ted Stillman said we need to look at bids.
3. Alpine Days is going extremely well and fireworks have been ordered.

Hunt Willoughby – Showed the design for a podium that he is going to build.

Ted Stillman – The gazebo was condemned today as it was found that one of the 6 x 6's had sustained some water damage. It was suggested we use steel poles if the gazebo was rebuilt. Ted Stillman proposed that we remove the structure but put in a new concrete floor and then in the spring we put money in the new budget to complete the project. There is \$20,000 in this year's budget. The City Council told Shane Sorensen to proceed in taking down the gazebo.

VIII. EXECUTIVE SESSION to discuss Litigation, Property Acquisition and Personnel

MOTION: Hunt Willoughby moved to go to Executive Session for the purpose of discussing litigation and property acquisition. Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

IX. APPROVAL OF MINUTES:

City Council Meeting of June 14, 2005

MOTION: Kent Hastings moved to go back to Open Session, approve the minutes of the City Council Meeting of June 14, 2005 as amended and adjourn. Hata Puriri seconded. Ayes: Kimberly Bryant, Kent Hastings, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

The meeting adjourned at 11:15 pm.