

August 14, 2007

Minutes of a Public Hearing and City Council Meeting held on Tuesday, August 14, 2007 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: Kent Hastings, Tracy Wallace and Thomas Whitchurch

Staff: Ted Stillman, Shane Sorensen, Janis H. Williams, Jay Healey, Kip Botkin, Police Chief

Others: Jannicke Brewer, Joe Nilson, Jill Nilson, Robert Chatfield, Katherine Chatfield, Troy Stout, Kay Holbrook, Dagan Holbrook, Mike Deuel and Kerry McConnel

CITY COUNCIL MEETING – 7:00 pm

I. CALL TO ORDER. Mayor Hunt Willoughby called the City Council Meeting to order at 7:00 pm and welcomed those in attendance. Mayor Willoughby said we will break in the middle of our City Council Meeting to hold a Truth in Taxation Public Hearing and then we will reconvene to finish our City Council Meeting.

II. PRAYER/OPENING COMMENTS – Hunt Willoughby

III. PLEDGE OF ALLEGIANCE. Wade Holbrook 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.

Wade Holbrook presented his proposed Eagle Scout Project. Mr. Holbrook said he wanted to plan and restore the volleyball court in the South Pointe Park area. There will be a fundraiser so he can buy the sand needed and it was further asked if the City would approve his project. Mayor Willoughby asked Wade Holbrook to contact Hata Puriri about his project.

Alex Smith said his proposed Eagle Scout Project was to paint house numbers on curbs in the Village Way area. There will be eight different groups working on this Mayor Willoughby suggested that Alex Smith speak with Craig Carlisle, so all the numbers in the City are painted uniformly. Alex Smith was asked to contact Hata Puriri about his project.

V. CONSENT CALENDAR

- A. Business Licenses:**
Steve Hill – POP CYCLES; 870 S. Healey Homestead Circle
- B. Bond Releases:**
Trish Barney - Barney Acres Subdivision; 700 East - \$7,622.40
Quail Dutson – Adams Subdivision; North Main Street - \$15,464.52
Roger Whitby – Whitby Woodlands, Plat C; Deerfield Drive - \$7,800.00
- C. Payment Requests:**
Staker Paving and Construction – Westfield Road Improvement Project - \$250,988.24

Thomas Whitchurch had a question on the business license application for Pop Cycles and Jannicke Brewer clarified his question.

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

VI. ACTION ITEMS

A. DEVELOPMENT AGREEMENT WITH LYNN ARMITSTEAD. Kent Hastings asked if this agreement shouldn't go with the property and not list Lynn Armitstead but that this agreement goes from homeowner to homeowner if Mr. Armitstead happens to sell. Ted Stillman said this agreement would be recorded against the property and further suggested that we hold off on acting on this agreement until Lynn Armitstead can be in attendance. Lynn Armitstead came to the meeting at 9:10 pm and this item was dealt with then.

B. VIRGINIA ESTATES SUBDIVISION – PRELIMINARY REVIEW. Ted Stillman said the proposed Virginia Estates Subdivision consists of 7 lots on 10.61 acres in both the CR-20,000 and CR-40,000 zones. The subdivision is located at approximately 230 W. Meadowlark Drive and there is an existing home on lot 4. A zone boundary change was granted for the subdivision so that the zone boundary line followed parcel lines. The Planning Commission granted preliminary approval for the proposed subdivision at its July 31, 2007 meeting with the following motion:

Steve Cospier moved to accept the geotech report of Virginia Estates Subdivision as part of the environmental study and grant preliminary approval to Virginia Estates Subdivision subject to the following conditions:

1. An easement be obtained for the portion of the detention basin that lay outside the boundary of the development
 2. A geotech professional be involved during excavation to check for evidence of faults and other geologic hazards
 3. A geotech study be done on each lot and recorded on the deed
- Jannicke Brewer seconded. Ayes: 4 Nays: 0. Motion passed unanimously.”

The retaining wall was discussed and Ted Stillman said there will be a trail going north that will be dedicated to the City. Virginia Estates Subdivision was on tonight's agenda for informational purposes only.

C. WILLOW CANYON HEIGHT VARIANCE – 52 S. BALD MOUNTAIN. Ted Stillman said that William Lysy has bought lot 25 in Willow Canyon Subdivision, Plat 2B located at 52 S. Bald Mountain Drive. The Willow Canyon Subdivision Architectural Control Committee has approved the variance request and the request is within the height range of previous variances in Willow Canyon.

MOTION: Kent Hastings moved to grant a 3'9" height variance for lot 25 in Willow Canyon Subdivision, Plat 2B located at 52 S. Bald Mountain. Thomas Whitchurch seconded. Ayes: Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

D. RODEO MASTER PLAN. Ted Stillman said the Planning Commission reviewed the latest draft of the Rodeo Grounds Master Plan at its meeting on July 31, 2007. The Planning Commission moved to have Jannicke Brewer work with the Rodeo and PRO Committees to revise the proposed plan after some concerns were expressed by the Rodeo and PRO Committees about some of the changes the Planning Commission had made. At the last Planning Commission only four members were present and a 3-1 vote was made on the motion to recommend the proposed Rodeo Grounds Master Plan to the City Council. The draft copy of the proposed master plan was included in the City Council member's packets and was discussed.

Tracy Wallace had questions where the document stated under 3.1.1- Funding it said “the City shall be responsible primarily for safety, basic, upkeep, and maintenance of roads and utilities. Exceptions would need to be approved by the City Council.” Thomas Whitchurch felt this section should be taken out as this is a Master Plan that could guide the City in the future as to the use there, but this is not an Ordinance. Mayor Willoughby said “I don't think this is appropriate. While I don't think that we need extensive improvements to the grounds, I don't think we want to hamstring a council to begging for donations if they need to be done. We have had very generous benefactors right now. That might not always be the case. I would hate to see the grounds degenerate again because we cannot pay for improvements.” We have been very lucky to have a lot work and money donated, but Mayor Willoughby said he didn't want to see the City rely solely on donations even though we hope the donations continue. Kent Hastings felt the Rodeo Grounds was a heritage for many of our residents, a historical piece.

Changes:

1. Omit 3.1.1
2. Drop the word “affordable” from the second sentence under Vision Statement
3. Under Establishment and Purpose, Page 1, change the word from funding statement to “budget request.”
4. Under Establishment and Purpose of the Rodeo Committee, third paragraph, The Rodeo Committee shall submit an annual report to the City Council and change the word funding statement to read “should also include a project plan and budget request”
5. Strike last sentence under 2.1 ~~All events at the rodeo grounds must have approval of the City Council~~
6. Strike last sentence under 3.0 ~~Further, funding for envisioned improvements is intended to be from City and donated funds as outlined below~~
7. Under 3.1 change the sentence is changed to read “....”the following direction is given”
8. Under 3.1.2, last sentence change the work existing to “current” City ordinances
9. Under 3.2.3 add word is “intended” and will read “....Parking Lots A and B next to the rodeo grounds is intended for special needs parking only, such as elderly, disability, horse trailers, etc.
10. Under 3.2.7, second paragraph, change to read “Seating shall be added as the Rodeo

- Grounds Committee can show that the required amount of on-site or off-site parking can be provided
11. Under 3.2.7, third paragraph, change to read the City may purchase additional seating to bring the seating capacity to a maximum attendance of 2,000 people.....
 12. Under 3.2.7, strike last sentence. ~~Parking requirement shall be one (1) parking space for every two and one-half (2-1/2) persons attending.~~
 13. Under 3.2.8, Landscape Plan, change may to "should"
 14. Under 3.3, Non-sanctioned (or Non-envisioned) Improvements strike last sentence. ~~No seating shall be allowed outside the rodeo grounds fence~~
 15. Under 4.1 change ...provided to establish by the Alpine City Parks Department.....
 16. Under 4.2the applicant shall first submit ~~the~~ an indemnity agreement.....
 17. Under 4.3 change City Engineer to City staff
 18. Under 4.4, second paragraph, change word then to these

MOTION: Kent Hastings moved to approve the proposed Rodeo Grounds Master Plan as thoroughly amended with the instruction to add the streets to the Master Plan. Tracy Wallace seconded. Ayes: Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

PUBLIC HEARING - 8:00 pm. FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT REGARDING THE PROPOSED CERTIFIED TAX RATE. Mayor Hunt Willoughby said he would like to change gears from the City Council Meeting and called the Public Hearing to order at 8:05 pm. Ted Stillman said that in our budget we have \$650,000; however, we need to generate \$726,090. The street maintenance program was included in the City Council Packets and in order to complete the proposed street maintenance project we need to generate an additional \$76,090 to accomplish the chip sealing, overlays and crack sealing. Kent Hastings asked what criteria is used as to how many miles of overlay or chip seal you use. Ted Stillman said it really depends on the budget. Chip seals only work on good roads and extend the life of a road. Cracked roads get overlaid.

Troy Stout felt this tax increase was good and Tracy Wallace asked Shane Sorensen when we will get to a point when we can predict when a road would need to be overlaid. Shane Sorensen said that some of this would be from their experience being out in the field and the weather has a bearing on this. Kent Hastings asked if the newer roads are constructed with better techniques and Shane Sorensen said we are now requiring 3" of asphalt and 8" of road base.

The Public Hearing adjourned at 8:15 pm and we resumed with the City Council Meeting.

E. BOARD OF ADJUSTMENT APPOINTMENT. Mayor Hunt Willoughby said the Board of Adjustment has five members with two alternates that hear appeals for exceptions to the Zoning Ordinance. The Board of Adjustment currently has five members with no alternates. It is recommended that Natasha Siebach be appointed to serve as an alternate on the Board of Adjustment. The other name Mayor Willoughby wished to recommend was Dan Hauser and today he just received an e-mail from him saying he would like to serve our community.

MOTION: Thomas Whitchurch moved that Natasha Siebach and Dan Hauser be appointed as alternate members to the Board of Adjustment. Tracy Wallace seconded. Ayes: Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

Item G, Resolution No. R2007-06 was dealt with before Ordinance No. 2007-11, the 2007-2008 Budget.

F. RESOLUTION NO. R2007-05 – 2007-2008 CERTIFIED TAX RATE. Ted Stillman said we have received our Certified Tax Rate for 2007-2008 and it is 0.00934 which is lower than our 2006-2007 rate of 0.001091. The City Council proposed a Tax Rate of 0.001051 and a Public Hearing was held on this Tax Rate earlier in the meeting. Thomas Whitchurch asked what would happen if this tax rate failed tonight and Ted Stillman said this would be on the August 28, 2007 agenda.

MOTION: Thomas Whitchurch moved to adopt Resolution No. R2007-05, a Resolution Establishing the 2007-2008 Certified Tax Rate of 0.001051. Tracy Wallace seconded. Ayes: Tracy Wallace and Thomas Whitchurch. Nays: 1. Kent Hastings voted nay. Motion failed.

G. ORDINANCE NO. 2007-11 – 2007-2008 BUDGET. The discussion and acting on this ordinance will be put off until next City Council Meeting due to not adopting the Certified Tax Rate.

H. ORDINANCE NO. 2007-12 – DEVELOPMENT CODE AMENDMENTS. April Riley outlined the proposed changes to the Development Code as follows:

1. Article 3.6 – deleting the CE-50 Critical Environment Zone
2. Article 3.8 – deleting the Service Commercial Zone
3. Articles 3.2 – 3.7 – deleting the word “or” from the exception on the height of accessory buildings (currently the working states that for every additional two feet of read and/or side setback, the accessory building can go up one foot in height, up to a maximum of 30 feet – deleting the word “or” will make it clear that they must give an additional two feet of side set back AND two feet of rear setback.
4. Section 3.16.6.2 – add wording defining Semi-Improved Recreational Open Space to be consistent with the proposed Rodeo Grounds Master Plan.

April Riley said the Planning Commission held a public hearing on these items on July 10, 2007 with recommendations as follows:

CE-50 Zone – Article 3.6 – April Riley said the CE-50 zone was not shown on the Zoning Map and it was not anticipated in the Annexation Policy Plan. It was proposed that the zone be deleted. **“MOTION:** Lincoln Watkins moved to recommend to the City Council that they leave Article 3.6 CE-50 Zone in the Alpine City Development Code. Steve Cosper seconded. Ayes: 5 Nays: 1. Motion passed. Jannicke Brewer voted nay.”

Service Commercial District – Article 3.8 – April Riley said it was proposed that they delete Article 3.8 which defined uses, etc. for a Service Commercial zone because the City did not have an area zoned for Service Commercial and there was no Service Commercial area designated on the Zoning Map. **“MOTION:** Lincoln Watkins moved to recommend that the City Council delete Article 3.8 Service Commercial District from the Alpine City Development Code based on the fact that a Service Commercial District did not exist in Alpine City and was not shown on the Zone Map. Steve McArthur seconded. Ayes: 5 Nays: 0. Motion passed unanimously. Jason Thelin was not present at the time of the motion.”

Height of Accessory Buildings – April Riley said it was proposed that they delete the word “or” from the sections of the Code that dealt with the height of accessory buildings. She explained that the height of an accessory building was limited to 20 feet to the ridge line. The height could be increased by one foot for every two additional feet of setback on the side and rear. The current ordinance said “and/or” in reference to increasing side and rear setbacks, but the intent and practice was to require an increase in booth the side and rear setbacks. For clarity, it was proposed the work “or” be eliminated. **“MOTION:** Jannicke Brewer moved to recommend to the City Council that they delete the work “or” as it related to increasing the setbacks for additional height of accessory building from Section 3.26 (TR-10,000 zone), Section 3.3.8.2 (CR-20,000 zone), Section 3.4.8.2 (CR-40,000 zone), Section 3.5.8.2 (CR-5 zone), Section 3.6.7.2 (CE-5 zone), and Section 3.7.5 (b) (BC zone) of the Alpine City Development Code. Steve McArthur seconded. Ayes: 6 Nays: 0. Motion passed.”

Semi-improved Recreational Open Space – Add Section 3.16.6.2.5 – April Riley said it was proposed they add wording to the Open Space Ordinance to be consistent with the proposed Rodeo Grounds Master Plan. Shane Sorensen suggested they also add some language stating that City utilities would be permitted. **“MOTION:** Lincoln Watkins moved that Section 3.16.6.2.5 – Semi-improved Recreational Open Space be added to the Open Space Ordinance with the following descriptive items:

1. Limited grading for parking and erosion control, access, etc.
2. Landscaping restricted to plants that require minimal water
3. Recreational areas, including playgrounds, pavilions, picnic areas, rodeo grounds, and similar activities which may require lighting, parking lots and public (restroom) facilities.
4. Construction and maintenance of City utilities shall be permitted

Item 4 regarding city utilities would also be added to Sections 3.16.6.2.3 and 3.16.6.2.4. Jason Thelin seconded. Ayes: 6 Nays: 0. Motion passed.”

MOTION: Kent Hastings moved to adopt Ordinance No. 2007-12, An Ordinance Adopting Amendments to the Development Code as recommended by the Planning Commission. Tracy Wallace seconded. Ayes: Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

I. HERITAGE HILLS BOUNDARY LINE ADJUSTMENT. Ted Stillman said the developers of Heritage Hills have proposed a boundary lot adjustment for some of the lots in Heritage Hills, Plats A and B. The proposal would include a small portion of lots 116 and 117 in Plat A becoming part of lot 115 in Plat A, and a small portion of lot 117 in Plat A would become part of lot 202 in Plat B. A legal description has been prepared for the adjustment and is enclosed. Based on the proposed adjustment, all affected lots will still meet all zoning requirements. The Planning Commission moved to recommend approval of the proposed boundary line adjustment in plats A and B of the Heritage Hills Subdivision. Thomas Whitchurch brought up the issue of the Towle driveway and wondered if there was something the Council could do to help fix their problem. Kent Hastings asked if there was a fee assessed to do these boundary line adjustments and was told no

as the lot owner does all the work and then records the Boundary Line Adjustment with Utah County. April Riley said the only thing we require is that the lot owner shows us a copy of the recorded Boundary Line Adjustment document so set backs can be determined.

MOTION: Thomas Whitchurch moved that the City Council approve the proposed boundary line adjustment in the Heritage Hills Subdivision. Kent Hastings seconded. Ayes: Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

J. PURIRI MINOR SUBDIVISION. Ted Stillman said that Hata Puriri, developer of the Puriri Minor Subdivision at 100 West and 200 South, is requesting an extension of the final plat for this subdivision. Paragraph 4.6.3.12 of the Alpine City Development Code states that if recording requirements are not met by the subdivider within 180 days from the date of final approval from City Council, the approval is null and void. The following paragraph, 4.6.3.13, states that the null/voided final plat may be reinstated with a recommendation from the Planning Commission and approval by the City Council.

Ted Stillman said that nothing has changed from when it received final approval from the City Council. The City is trying to make a list of all the plats that have final approval and are not recorded yet so we may notify all the developers whose final approval has lapsed and notify those whose final approval is almost lapsed. The minutes from when the City Council granted final approval was in the packet.

MOTION: Thomas Whitchurch moved that the City Council approve the final plat extension for the Puriri Minor Subdivision for another 180 days. Kent Hastings seconded. Ayes: Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

VI. REPORTS

A. Project Priorities

The project list was reviewed. Kent Hastings suggested that pictures of our parks be put on our web page. Thomas Whitchurch suggested that we alternate City flags and US flags down to the roundabout.

Mayor Willoughby asked Kent Hastings if there was a project that could be cut to make up the shortfall in the proposed budget as Councilman Hastings had voted against the Certified Tax Rate as he was against raising taxes.

Shane Sorensen said that 600 North from Main Street to Grove Drive needs to be improved. Thomas Whitchurch asked if Jim Tracy still had the map of all the sidewalks in town that need to be installed. A fence was put up on the Whitby property to keep the 4-wheelers out.

VII. COMMUNICATION

SHANE SORENSEN –

1. The lights on the bridge were turned on, but a car hit one of the poles. Ted Stillman said we will get a judgment when this goes to trial.
2. The asphalt on the roundabout will be done on Friday.

TRACY WALLACE – Alpine Days is over and at the next City Council meeting we will go through the accountability of it. Thomas Whitchurch suggested that we don't spend so much on candy next year and maybe spend some money on t-shirts.

TED STILLMAN –

1. Said an Eagle Scout wants to build a basketball court in Moyle Park next to the volleyball court as his Eagle Scout project. The Vernons think this would be a good fit.
2. We will create an ordinance to create the rodeo committee and an arboretum committee. We will have to staff them, record the meetings, etc. Jannicke Brewer said the Trails Committee needs to be officially created, also.

Kerry McConnell from the Utah County Auditor's Office came to our City Council Meeting late as he had scheduled two Truth in Taxation Public Hearings tonight. One was at 6:00 and ours was at 8:00. Mr. McConnell wanted to make sure the rights of the tax payer were protected and he did not intend to put our city in jeopardy by not giving our residents a chance to speak by scheduling two public hearings on the same night.

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

A. DEVELOPMENT AGREEMENT WITH LYNN ARMITSTEAD. Lynn Armitstead came to the meeting at 9:10 pm and this item was dealt with at that time. With the work that was done on Westfield Road and 400 West, there is an area of City property in front of Lynn Armitstead's home that will be landscaped. The City Council had already approved a landscape plan for the area and will allow Mr. Armitstead to maintain a lawn up to the new driveway that will be constructed. The City's Open Space Ordinance provides guidelines allowing residents to maintain public open space, which includes developing an agreement with the resident. Hunt Willoughby said he thought we should bring a final agreement to the Council and Ted Stillman said that is the problem – we are not in agreement. The remaining issue that is unresolved is who is responsible for the maintenance of the asphalt driveway. The three options available are as follows:

1. Work out an agreement with Mr. Armitstead as to the maintenance of the asphalt driveway
2. Make no agreement with Mr. Armitstead and the City will put in the landscaping and maintain the entire property
3. Consider deeding the property to Mr. Armitstead and he can landscape and maintain the property, but the City will need to maintain a utility easement over the entire property.

Ted Stillman said the only disagreement we have on the Development Agreement is who will maintain the asphalt. Thomas Whitchurch felt the only people who will be driving on his driveway will be those who visit him. After much discussion, Kent Hastings said he felt the City has been very generous with Lynn Armitstead with improvements that have been done. The trees that were removed and the retaining wall that was constructed were discussed as Mr. Armitstead feels he has given up quite a bit on the impact to his property. Thomas Whitchurch asked what our options were if Lynn Armitstead chooses not to sign the agreement. Lynn Armitstead said he would be happy to sign the agreement to repair any damage that he does directly, but not repair damage done by other vehicles. Mr. Armitstead felt this was an open-ended Agreement.

MOTION: Kent Hastings moved to approve the Open Space Agreement between Alpine City and Lynn Armitstead as stated, include some wording to include future homeowners and put two small signs that say "private drive" at each entrance. Motion failed for lack of a second.

Lynn Armitstead had further questions about not maintaining the landscaping, but questioned being required to sign an agreement that included total maintenance of the asphalt driveway. Tracy Wallace requested this item to be back on the next City Council agenda as he wanted to see if he could come up with an equitable solution.

IX. APPROVAL OF MINUTES
Public Hearing and City Council Meeting of July 17, 2007

MOTION: Kent Hastings moved to approve the minutes of the Public Hearing and City Council Meeting of July 17, 2007 and adjourn. Thomas Whitchurch seconded. Ayes: Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

The meeting adjourned at 9:40 pm.