

**August 22, 2006**

Minutes of the City Council Meeting held on Tuesday, August 22, 2006 at Alpine City Hall, 20 North Main, Alpine, Utah 84004 at 7:00 pm.

The following members were present and constituted a quorum:

Mayor Hunt Willoughby

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

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

Others: Jannicke Brewer, Craig Skidmore, Jim Tracy, Will S. Jones, Ula Hemingway, Bob Hemingway, Dale Porter, Charlie Fox, Eleanor Fox, Ray Warner, Caleb Warnock, *The Daily Herald*, Don Watkins, Jennifer Bishop, Jim Bishop, Gary Tassainer, Mark Wilkinson, Ron Madsen, Steve Erickson, Caroldean Neves, Juanita Nield, Denise Hesterly, Ross Welch, Bryan Murdoch, Nobel Name, Michael Robertson, Don Watkins, John Van Wagoner, David Van Wagoner, Jed Goeckeritz, Klaus Goeckeritz, Suzie Lundell, Chris Lundell, Mike Russon and Ray Fisher

**I. CALL TO ORDER.** Mayor Hunt Willoughby called the City Council Meeting to order at 7:05 pm and welcomed those in attendance. Mayor Willoughby said that Hata Puriri will join the Council later in the evening.

**II. PRAYER/OPENING COMMENTS - Kent Hastings**

**III. PLEDGE OF ALLEGIANCE.** Jed Goeckeritz 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.

Ula Hemingway made a presentation to Mayor Willoughby for his participation in the Flag Retirement Ceremony. Mrs. Hemingway gave him two grommets from the 88 flags that were retired. Ula Hemingway said each grommet represents a good luck charm.

Will S. Jones said he appreciated the hard work that was done in cleaning up the City Shop and how quickly the work took place. Will Jones said that when an Ordinance on Preliminary Approval came before the Planning Commission that required the City Engineer's reviewed. Mr. Jones commented that Shane Sorensen works very hard as the City Engineer and sometimes takes on whatever is asked of him because of his good-natured personality. Will Jones suggested that we look at getting an assistant to help Shane Sorensen as he does not want to see Shane Sorensen go down because of his work load.

Danny Van Wagoner presented his Eagle Scout Project and said he and his dad like to mountain bike in the park and would like to have his project be in the Lambert Park area. Mr. Van Wagoner said he would like to install three benches along the trails and clean up the area to make the park a better place. Craig Skidmore said that when you get to the top of the rodeo trail there is an old utility pole that would be one place for a bench. When you continue up below the rodeo grounds there is a waterfall and there is a spot for another bench. The third one would be located on the other side of the river off on the left side in an opening.

Jed Goeckeritz presented his Eagle Scout Project and said he would like to paint addresses on the curbs in front of the houses in his ward area. Jed Goeckeritz has talked to Craig Carlisle and was told to paint the numbers black on white.

Caroldean Neves said there were 85 parade entries in the Alpine Days parade and made suggestions for a successful parade next year. Mrs. Neves said she will try to get the 23<sup>rd</sup> Army Veterans Band for next year, but has to request them the August prior. Hunt Willoughby said the biggest mistake that was made was not having a color guard in the parade this year. Caroldean Neves reported why there wasn't one and Mayor Willoughby said we will definitely have one next year. Kent Hastings said some of the horse entries didn't have pooper scoopers and suggested that we watch this for next year.

## V. CONSENT CALENDAR

- A. Business Licenses:  
 David R. Whitlock – VALLEY FINANCIAL, LLC; 398 N. Matterhorn Dr.  
 Lynette Muir – DOTZ, INC; 794 South 1130 East  
 Gary and April Cooper – ALPINE REALTY; 40 W. Main Street, Suite 250-A  
 Sandra Cottle – OH MY CRAFTS, INC; 351 River Road
- B. Bond Releases:  
 Roger Whitby - Whitby Woodlands, Plat A, Deerfield Drive - \$3,335.58  
 Eric Yergeson – Tadge Acres, 600 East and 100 South - \$12,504.96  
 Joseph Moffat – Jackson Subdivision, High Bench Road - \$31,249.55

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

## VI. ACTION ITEMS. The items on the agenda will be handled out of order.

I. **ALPINE COVE SEWER.** Ted Stillman said that based on the City's Agreement with the Alpine Cove developer (Kenneth Melby), the Cove is supposed to be paying double the in-City sewer rates. It was recently discovered that the Cove had only been paying double for the gallons of water used and not the base rate. The Cove rates were adjusted, but the computer doubled the per gallon rate again which made matters worse and this is being corrected. The per thousand gallons of water used is based on water meter readings. These readings that we receive from the Cove are now correct which also causes resident's bills to go up. Prior to this, the Cove hadn't read their water meters regularly so people were paying the minimum when they should have been paying more. Ted Stillman recommended that the Alpine Cove sewer fees be reviewed. Mr. Stillman said that on September 9, 1987 the Sewer Agreement with the Cove states:

"Both Alpine and the Developer understand that user fees to be charges to individuals or families purchasing a connection within the subdivision shall be double the applicable user fee within Alpine City so long as said property remains outside of the Alpine City limits."

Kent Hastings said that TSSD charge higher than normal usage fees and higher than normal connection fees. Mayor Willoughby explained this as he sat on the TSSD Board at the time. Tracy Wallace said the TSSD Board is dealing with this now as Vineyard is trying to come in and further stated that this is the practice that the TSSD charge doubles the rates. Mayor Willoughby said the sewer rates themselves do not cover the entire bill for the sewer system so the other city's taxing and fund raising ability do that so the Cove needs to make up that difference. Tracy Wallace said that Alpine City goes out and servicing their lines and yet we are not receiving any income from property taxes for this and this is the way to reflect and balance this out is to double the rates. Mayor Willoughby said that if usage stays the same the increase would be \$8.40 per month and if usage goes up then the fee would go up.

Ray Warner, Chairman of the Homeowner's Association for Alpine Cove, said he has been in Utah for 16 years and observed the water and sewer rates over that period of time and has seen how they have changed over time. Mr. Warner has watched the September rates as his sewer rates have gone from \$17.40 in 2004, to \$28.00 in 2005, and this year they started out at \$34.40 and then in July they went to \$120.00. Ray Warner called to find out why his rates were so high and found out we had increased the sewer rates plus there was a computer problem. Mr. Warner said they have a new water master and the Cove needs to correct the situation so the City gets correct readings. Ray Warner suggested that staff let the people in the Cove know their sewer rate so they can determine if they are only paying twice the City's sewer rate.

Gary Tassainer, whom sits on the Alpine Cove Board, apologized for their water master as he was not properly trained. Going forward with the agreement that is in place asked if the greater sum paid will be credited to the residents of Alpine Cove. Ted Stillman said there will be credits on the resident's accounts. Mr. Tassainer said they will be very careful about how the readings are presented to Alpine City. Tracy Wallace asked if the non-resident rates could be posted on the web so the residents in the Cove will have no questions what they are charged.

Michael Robinson asked who maintains the sewer lines and Shane Sorensen said that in the Agreement it says that "Alpine shall take over the maintenance of the trunk line and collection facilities and shall be responsible for routine maintenance and repairs to the same." Mayor Willoughby said this does not cover the laterals. Last year there was some maintenance on a manhole by his home and Garland Mayne from the TSSD said he would have Alpine City fix it as the city provides maintenance on the lines. Shane Sorensen said this was an existing deficiency as it was a buried manhole and the Cove cannot give information on the location of the lines and we do not have the same luxury of having that knowledge like we have in the City. Michael Robinson said he would like this fixed.

Craig Skidmore said he has heard that the city does not get sufficient information on building permits issued in the County and there is a possibility of losing out on impact fees and there could also be a problem with the bubble testing. He asked if the City is getting the proper impact fees from the homeowners on a timely basis.

Brookes Anderson said there some key words and asked about ownership of the lines. David Church explained that the County is not in the sewer business, but that TSSD is in the business of providing the sewer; however, Mr. Church said that TSSD will say that Alpine City owns the lines as they don't want the responsibility. Brookes Anderson said that maybe the Cove residents are an asset as they have a collective voice.

**MOTION:** Thomas Whitchurch moved that we uphold the contract with Alpine Cove and that we charge according to the contract. Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

**A. BOX ELDER SOUTH ANNEXATION.** Ted Stillman said that Patterson Construction has submitted an Annexation Petition to annex 40 acres of property located south of the Box Elder Subdivision. Lambert Park borders the property on the south and the west. The Forest Service borders the property on the east. The property is included in the City's Annexation Policy Plan and is designated as a future park to be included in Lambert Park in the CE-5 zone. Mr. Stillman said that at the Planning Commission meeting held on August 15, 2006, several members of the community expressed concern over developing the area as a subdivision and encouraged the City to follow the Master Plan and only allow it to be used as a park. Planning Commission members explained that the Annexation Policy Plan was carefully thought out and planned and felt that the City should adhere to it. Ted Stillman recommended that the City Council consider any proposal for the Box Elder South area only if it is to be a park with no services as designated in the current Annexation Policy Plan.

David Church explained the annexation procedure and said there is no evidence the County was notified about the proposed annexation; however, the problem can easily be rectified. Mayor Willoughby said this is an area we have on our General Plan asked if this can be rejected if this is not in keeping with the City's General Annexation Plan. Mayor Willoughby said he hoped the City can find a way to bring this into the City as part of Lambert Park. David Church said the council can reject the annexation petition until the technical problems are taken care, or if you want to stop the process then you need to instruct the City Recorder to reject the petition. If this petition is rejected, the land owner can then re apply for annexation.

Ross Welch represented Patterson Construction and said the County did not have record that they received this. Mr. Welch said he was looking for further direction from the Planning Commission and City Council to see if it was worth his time and effort to continue the process. Jannicke Brewer said the Planning Commission knows the desire of Mr. Welch and the other property owners as they have turned in a development plan with 20 homes, and their motion was made to deny this but that it only be considered if it is to be a park with no services as designated in the current Annexation Policy Plan.

**MOTION:** Kimberly Bryant moved that we reject the petition to annex in Box Elder South upon the Planning Commission's recommendation following our Master Plan that this area only be annexed in as a park with no services. Thomas Whitchurch seconded. Ayes: Kimberly Bryant, Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nay: 0. Motion passed.

**B. SHENNUM PLAT AMENDMENT.** Ted Stillman said that Bob Shennum

owns lot 15 in Oak Knoll, Plat B and has proposed to purchase the rear portion of lot 18 in the same plat. Mr. Shennum has submitted a plat amendment to adjust the boundaries of the two lots. The plat is called Oak Knoll, Plat K, including a vacation of lots 15 and 18 in Plat B. Based on the amended plat, both lots comply with the zone requirements including building setbacks. In addition, Ted Stillman said the City Recorder will not record a transaction of this type without approval from the appropriate land use authority. The boundary adjustments can be done by deeds or an amended plat. Upon approval, a recordable plat will need to be provided in addition to a completed notice of approval form.

**MOTION:** Thomas Whitchurch moved to approve the Shennum boundary line adjustment based on the Planning Commission's recommendation. Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

**E. ORDINANCE NO. 2006-15 – SOLICITOR'S ORDINANCE.** David Church explained the need for this ordinance and said the City has had an Executive Order not to require a solicitor to obtain a license. David Church had prepared a new Solicitation Ordinance which is the result of the settlement of a lawsuit between Kirby Vacuum and a number of cities. Kirby sued a number of cities because their Solicitation Ordinances made it almost impossible to solicit door to door. On the advice of our City Attorney David Church, Alpine suspended enforcement of our Solicitor's Ordinance. The ordinance that was in the packet is the result of the settlement of the Kirby lawsuit. David Church explained how we enforce this new ordinance and felt this was a good one. One of the benefits is that there will be a similar and consistent ordinance in every city, it outlines the qualifying factors to obtain the solicitor's license, it clarifies the non-profit organizations, and it will not require insurance salesmen who are licensed with the state to obtain this license. David Church felt this was a good ordinance but that we can only charge what it costs us to issue the permit. Thomas Whitchurch asked if we need to update our fee schedule.

**MOTION:** Kent Hastings moved to adopt Ordinance No. 2005-15, An Ordinance Regarding Solicitors and authorize City Staff to update the Fee Schedule to \$15.00 per solicitor. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

**F. ORDINANCE NO. 2006-16 – DEVELOPMENT CODE AMENDMENTS (SWIMMING POOLS).** Ted Stillman said that due to safety concerns, it has been proposed that the City adopt some kind of regulations requiring fences around swimming pools and not relying solely on power safety covers. The proposed regulations attached herein were compiled based on information from the Utah Administrative Code (which the Utah County Board of Health uses to regulate public pools), the International Building Code, and input from the Planning Commission. Proposed changes to the Preliminary Plan submission rules were also discussed. Ted Stillman said that a public hearing needed to be scheduled.

Hunt Willoughby asked David Church for his opinion on fences around swimming pools and Mr. Church asked the City if they wanted to get in the safety business. Jannicke Brewer explained the Planning Commission's position in creating this ordinance and said a resident had asked that an ordinance be created requiring fencing around swimming pools. Thomas Whitchurch said he felt this should be between the homeowner and their insurance company and said he has a problem with using this ordinance on existing pools. Kimberly Bryant said we have many building permits for swimming pools. Steve Erickson said he talked to his insurance company and there is no increase whether you have a fence or not as long as you have a pool cover. Kent Hastings felt we should provide a check list for the homeowner listing benefits of having a fence around their swimming pools or risks without fencing. Jim Tracy said this would only apply to new permits and as they come in for approval the homeowner wouldn't get approval unless they have a fence around the pool.

**MOTION:** Tracy Wallace moved to set a public hearing regarding Ordinance No. 2006-16, An Ordinance Amending the Development Code for Swimming Pools for Tuesday, September 26, 2006. Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

**C. ACE DISPOSAL – COST OF LIVING ADJUSTMENT.** Ted Stillman said the City's Contract with Ace Disposal allows for an annual cost of living adjustment based on the Wells Fargo Cost of

Living Index. The amount of change in the index is 3.4%. The cost of the first can would go from \$4.42 to \$4.57 and the cost for the 2<sup>nd</sup> can would go from \$2.11 to \$2.18. It is proposed that the City not charge the residents for this increase at this time as the elimination of the recycling bins at the City Shop will save \$7,800 per year which will offset the increase by ACE Disposal. Thomas Whitchurch was concerned that it won't be reflected in the budget and we are taking a loss from something prior and recommended that we pass the increase. Tracy Wallace asked if we could take the savings from this and apply to the parks and Ted Stillman said the utilities should stand on their own. He would rather reduce the recycling rate and have the garbage rate go up. Ted Stillman said we are breaking even with the garbage rates that are now charged and Mayor Willoughby felt the fees should be above the board but agreed with Kent Hastings that we shouldn't increase the fees this year. Thomas Whitchurch asked if our tipping fees are going up because of the increase of gas costs.

**MOTION:** Kent Hastings moved that a Cost of Living Increase of 3.4% be granted to ACE Disposal in accordance with the Solid Waste Contract and that our fees remain the same. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Kent Hastings and Thomas Whitchurch. Nays: 1. Tracy Wallace voted nay. Motion passed.

**D. ORDINANCE NO. 2006-14 – DEVELOPMENT CODE AMENDMENTS (PARKING & SETBACKS).** Ted Stillman said staff has been into our annual review of the Development Code. In the City Council packets were two copies of the proposed changes to parking requirements and accessory building setbacks. One is a "clean" copy of the proposed changes and the other is an "unedited" copy showing what changes were made. Mr. Stillman said the proposed changes were compiled based on input from City staff and the Planning Commission. Jim Tracy said he went into all the commercial buildings and recommended that parking be changed to 5 spaces per thousand. Thomas Whitchurch addressed several of his concerns.

**MOTION:** Thomas Whitchurch moved to adopt Ordinance No. 2006-14, An Ordinance on Development Code Amendments for parking and setbacks. Kent Hastings seconded. Thomas Whitchurch withdrew his motion and asked staff to prepare and bring back a clean copy. Mr. Whitchurch said that he had all the changes noted on his copy of the ordinance.

**E. WESTFIELD ROAD DESIGN RFQ.** Shane Sorensen said the City Council recently approved the issuance of an RFP to complete the design and bid package for the Westfield Road/200 North Improvement Project. The RFP was issued and proposals were submitted by Epic Engineering, Horrocks Engineers and Wilding Engineering in the amount of \$16,535.00. Factors that were considered in recommending a firm for award of the design contract were experience, approach to the project, ability to complete the design on schedule and cost of services.

Shane Sorensen had met with Bill Baronowski to see about the possibility of building a roundabout at the intersection of 400 West and 200 North. Mr. Sorensen said he has a preliminary design for a 4-way stop and Bill Baronowski felt like it is possible to build a roundabout in that area. Shane Sorensen said coming down from 400 West is a problem as the road is steep and going up 400 West would also pose a problem, but would be good because it would slow people down. Shane Sorensen said the future road going into the Whitby Woodlands Subdivision is a concern because of the angle of the streets and then coming off of Westfield Road going east onto 200 North was a concern because people could come around the roundabout without slowing down. Bill Baronowski said there are things that can be done to eliminate this concern. It would cost more money to construct the roundabout than have a 4-way stop and with increased traffic in the area it would be better to have a roundabout than make this a 4-way stop.

Shane Sorensen said that Bill Baronowski estimated that to build the roundabout would cost approximately an extra \$100,000 over the 4-way stop. Mayor Willoughby was concerned about spending the extra money and wondered if we could use that money elsewhere. Tracy Wallace said he likes the roundabout and thinks this would add aesthetics to our town, but Mayor Willoughby said he would like to see us spend the extra money in installing sidewalks or doing other improvements. Kent Hastings said the cost is a very big issue in his mind, but feels future traffic needs need to be considered and with the roundabout this will handle slowing down traffic coming down 400 West. Other traffic concerns were discussed.

Shane Sorensen said that on our Transportation Master Plan there are 11 different intersections that are going to be addressed and this is one of them. There could be some impact fees that could be used to help cover the cost of constructing the roundabout. Ted Stillman said we have time on our side, but not a lot of time. We could have traffic counts by next City Council meeting. Thomas Whitchurch said he would like to see what the actual costs were going to be and Shane Sorensen said that Roger Whitby said he would contribute his costs for the portion of the frontage that was on his property.

**F. FT. CANYON SEWER RFQ.** Ted Stillman said the City has been collecting Sewer Impact Fees for a number of years to construct a sewer line up Ft. Canyon. In the past couple of years we have completed several extensions of the line to assist home owners who have failing septic tanks and we would like authorization to seek RFQ's from engineering firms to design the rest of the Fort Canyon Sewer. We have

**MOTION:** Thomas Whitchurch moved to authorize the advertising an RFQ for the design of the Ft. Canyon sewer. Tracy Wallace seconded. Ayes: Kimberly Bryant, Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

**G. RED PINE PAVING.** Ted Stillman said that Patterson's Assisted Living is under construction and we will be paving our portion of the road through the LeRoy Page property. Shane Sorensen was thinking the cost was going to be about \$1.09 per sq. ft. and will be about an additional \$3,000 with the sidewalk being about an additional \$5,000. The total cost will be in the \$13,000 to \$14,000 range and we have an agreement with LeRoy Page to install a chain link fence to keep the children from his animals. Ted Stillman said this would come out of Class C Road funds.

**MOTION:** Thomas Whitchurch moved that we authorize staff to spend up to \$14,000 for the paving and the sidewalk on Red Pine Drive. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed. Kent Hastings was absent for this motion.

## VII. REPORTS

**A. FINANCIAL REPORT.** There was no financial report as last year's budget is being closed out. This will be ready for next City Council Meeting.

## VIII. COMMUNICATION

**Mayor Hunt Willoughby** - Thanked Tracy Wallace for all his hard work in being the chairman for Alpine Days. Mayor Willoughby said he liked the dance and further stated that in all the years he has gone this was the best. He liked the hike to Lake Hardy – There were 24 people who signed up to hike and 23 made it.

### **Kimberly Bryant –**

1. At back to School Night she was approached by a resident who lives at 956 Country Manor Lane by the Smooth Canyon soccer field. This resident was concerned about the parking as people use her driveway as a temporary turnaround and asked if we could put up a "NO Parking" sign. Also, she asked if we could schedule fewer games. The mayor said the man who lives across the street from Alpine Elementary put up a chain across his driveway to take care of cars using his driveway for a turnaround.

2. Asked if we have a builder for the gazebo. Don Barlow said we would be willing to give the City a discount on building the gazebo and was asked to talk to Shane Sorensen. Mrs. Bryant said that Larry Barlow and his children lived here in Alpine and would be willing to either make a donation of the gazebo or give a tremendous discount.

3. The big water leak on Oak Lane and High Bench Road. The Public Utilities Dept. was efficient in getting there to fix the leak and Kimberly Bryant said thanks.

**Tracy Wallace –**

1. Alpine Days went pretty well this year and would like to give a general address at the next City Council Meeting.

2. Gazebo/Pavilion – There is a company called RCP that builds pavilions and gazebos out of Florida. The LDS church has used this company to build their gazebos for the last 5 years and has had received very good service from them. Councilman Wallace showed a gazebo similar to the one we had and he discussed the cost and difference between using steel beams vs wood and the one shown had a cupola. The bathroom facilities in Cedar Hills was shown and discussed. Tracy Wallace said that staff could put up the pavilion, but felt we would have to contract out the bathroom facilities. The cost to construct the pavilion with and without the bathroom facilities was discussed. Jim Tracy said he looked at the existing pavilion and felt we could double the size of the existing pavilion and use the same design and put a new roof on it for less than \$10,000. Tracy Wallace requested that we go forward on the gazebo and have this on the next City Council agenda. Ted Stillman asked about the Don Barlow and Kimberly Bryant said she would talk to him.

**Thomas Whitchurch –**

1. The PRO Committee met this past week and are working hard to get a Master Plan and we should get something pretty quick. Ted Stillman said Dana Beck and Evertt Williams are working hard on this.

2. Cody Henschied, a resident, is in Iraq and has been involved in a bombing there and then was stung by a scorpion.

3. Received an e-mail from David Church about the court date on the Whitby property which will be next Thursday, August 31, 2006. Councilman Whitchurch found it interesting that Mr. Church e-mailed the judges instructions to the jurors.

**Ted Stillman –** The Planning Commission is planning on having an Open House on 9/28 and we should have the PRO Committee have the Rodeo Master Plan finished.

**IX. EXECUTIVE SESSION** to discuss Litigation, Property Acquisition and Personnel. There was no Executive Session.

**X. APPROVAL OF MINUTES**

Public Hearing and City Council Meeting of August 8, 2006

**MOTION:** Kimberly Bryant moved to approve the minutes of the Public Hearing and City Council Meeting of August 8, 2006 and adjourn. Tracy Wallace seconded. Ayes: Kimberly Bryant, Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed .

The meeting adjourned at 10:56 pm.