

AUGUST 24, 2004

Minutes of the CITY COUNCIL Meeting held on Tuesday, August 24, 2004 at Alpine City Hall, 20 North Main, Alpine, Utah 84004 at 7:00 pm.

The following members were present:

Mayor Philip D. Barker

City Council Members: Kimberly Bryant, Hata Puriri, Thomas Whitchurch and Hunt Willoughby

Staff: Ted Stillman, David Church, Janis H. Williams, Shane Sorensen, Rachel McTeer and Annette Scott

Others: Jannicke Brewer, Dale Porter, Tim McGaffin, *New Utah*, Sharon Haddock, *Desert Morning News*, Jim Tracy, Bill Moeller, Janeane Moeller, Scott Moeller, Addie Moeller, Bryson Moeller, Nathan Moeller, Mark Moeller, Spencer Moeller, Ula B. Hemingway, LaVon Devey, Downing Akin, Kay Van Buren, Aaron Robertson, Janice Ann Brown, Lyle Smith, David Burningham, Lew Kofford, James Roberts, Will S. Jones, Larry Brown, Nancy Coyne, Esther Coyne, Tracy Wallace and Mike Carlton

- I. **CALL TO ORDER.** Mayor Philip D. Barker called the City Council Meeting to order at 7:00 pm, welcomed those in attendance and excused Kent Hastings who was out of the Country.
- II. **PRAYER/ OPENING COMMENTS** – Thomas Whitchurch
- III. **PLEDGE OF ALLEGIANCE.** Mayor Philip D. Barker 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.

Mayor Phil Barker thanked Council members Thomas Whitchurch and Kimberly Bryant for their hard work and the success of Alpine Days.

Jannicke Brewer commented on the beauty of the roundabout with the landscaping and said the Downtown Improvement Project is really improving Alpine's downtown area. Mrs. Brewer thanked staff for their hard work on these projects.

Nancy Coyne and Ester Coyne, who live in the Stonehedge Subdivision, said there has been a problem with speeding cars and requested that a 25 mph speed limit sign be installed in that area. Also, there are dirt bikes that are noisy and they go all over the road. The Coyne's asked if the leash law couldn't be enforced as there are too many dogs that run loose. Thomas Whitchurch recommended that these people talk to their Homeowner's Association.

V. **CONSENT CALENDAR –**

A. Business License:

Jay and Judy Burnham – ELSA BELLE, 411 Bristol Court

Talita Osman – THIS ONE WORLD, 35 N. Pfeifferhorn

Jeanne Swenson – BITS OF MEMORIES, 490 E. Silverleaf Dr.

Chase Butterfield – C1 VENDING, 1360 N. Grove Drive

Kurt Haug – SHURIKEN SYSTEMS, 906 S. Ridge Lane

B. Bond Releases:

Gig Griffith – GIG'S CAR WASH (ALPINE AUTO WASH) - \$6,334.08

Grant Gifford - PHEASANT RIDGE SUBDIVISION - \$975.00

Steve Larsen – MAIN STREET VILLAGE, Final Bond Release

C. Payment Requests:

STRANG EXCAVATING – Willow and Preston Canyon Debris Basins - \$52,706.00

JOHNSTON & PHILLIPS – Downtown Street Improvement Project - \$237,216.38

HILLTOP LANDSCAPING – Roundabout Landscaping - \$29,516.00

Thomas Whitchurch asked about the bond release to Gig Griffith on Gig's Car Wash and was told that since there was no City Council Meeting on August 10, this bond release is on the agenda to be ratified. Mr. Whitchurch asked about the amount of money being paid to Hilltop Landscaping and understood the traffic control line item was subtracted from the amount owed.

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

VI. SCHEDULED ITEMS

A. RESOLUTION NO. 2004-12, ACQUISITION OF REAL PROPERTY BY NEGOTIATION OR CONDEMNATION – HERITAGE HILLS. Mayor Phil Barker said the Heritage Hills developers have been unable to reach an agreement with Bill Moeller regarding the purchase of his property for the extension of Alpine Blvd. to serve the Heritage Hills Subdivision. The developers have asked the City to acquire the property by negotiation or condemnation plus the possibility of using the Street Impact Fees that will be collected on the subdivision toward the improvements to Alpine Blvd. was discussed. The developers also requested that the Annexation Fees that will be collected from the development be used toward the off-site improvements to Alpine Blvd. It was noted that Kent Hastings, who was not present at the meeting, had written his opinion through an e-mail that he was against condemning land in order to facilitate a housing development. Hunt Willoughby said he has tried very hard not to use the powers of eminent domain; however, Councilman Willoughby felt this road was necessary and there was a need for the city to get traffic from the Cove over to Main Street to help alleviate all traffic going down Grove Drive. Hunt Willoughby, Thomas Whitchurch and Hata Puriri felt we should give these two parties some time to reach an agreement. Mayor Barker felt that neither party would come to a resolution as they needed to find a real value as to what was best for each party and the city. Mayor Barker said this development would put more traffic on Grove Drive without extending Alpine Blvd. Craig Carlisle, the attorney representing Kay Van Buren's group, went over the history of the negotiations between the Moellers and the Van Buren group. Downing Aiken suggested that the two parties get together to see if they couldn't come to an agreement and find a resolution; however, the Moellers and the Van Buren group know what the issues are. Bill Moeller said that all he wants is the road built through his property and that he receive an exchange of land for like value. Mr. Moeller wanted no other concessions, such as water or sewer line stubs and no other improvements. David Church said he could see the council wasn't ready to pass the resolution and suggested this be tabled until a later City Council meeting to give the two parties a chance to work this out. Mayor Barker asked if there was someone who could act as a mediator to help the parties come to an agreement and suggested that this be brought back to the City Council at the September 14, 2004 meeting. Janice Ann Brown said the issue of Alpine Blvd. going through the Moeller property is something the City is requiring of them as Heritage Hills already their two accesses, one going through the North Pointe Subdivision and one down Elkridge Lane. Ms. Brown felt her development is being held up by this requirement and this is causing problems between neighbors; however, her group sees the benefit of putting in the boulevard. Janice Brown said she has been asked to put in a lot of off-site improvements with her group not saying no to any of the requests. Nathan Moeller said if the City goes through the process of eminent domain then the developers could have their project sitting in court for about five years and this would be longer than to table this for two weeks.

MOTION: Thomas Whitchurch moved that Resolution No. R-2004-12, A Resolution authorizing the Acquisition of Real Property by Alpine City, by Negotiation or by Condemnation be tabled until September 14, 2004. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

B. GROVE COURT SUBDIVISION – FINAL APPROVAL. Ted Stillman said that the Grove Court Subdivision consists of 5 lots on about 1.8 acres and is located off Grove Drive at approximately 625 North. The development consists of three separate parcels, two existing homes and is in the TR-10,000 zone. Mr. Stillman said that on July 6, 2004 the Planning Commission asked to see the preliminary plan again with lot frontage corrections and to insure that lot 5 would not need a variance. The applicant has done so and the Planning Commission recommended Final Plat approval of the subdivision at their meeting of August 3, 2004. Shane Sorensen said there is a new plat with each lot having adequate frontage and suggested that all utilities be installed prior to the City overlaying Grove Drive. It was suggested that Grove Court street be renamed as there is a Grove Circle close by.

MOTION: Hunt Willoughby moved to grant Preliminary and Final Approval to the Grove Court Subdivision subject to the following requirements and request a road name change approved by staff:

1. The City's water policy be met for this subdivision
2. A Bond be posted for any required improvements in the amount of \$66,669.00
3. There be a Developer's Agreement
4. That plat corrections be made
5. A Title report be given
6. Pay all applicable fees for the subdivision
7. That the Fire Chief approve the hydrant's location
8. That the catch basins be connected to the storm drain line that will be installed in Grove Drive.

Thomas Whitchurch seconded. Ayes: Kimberly Bryant, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

C. HEALEY SUBDIVISION, PLAT L, AMENDMENT. Ted Stillman said that David Burningham owns both lots 48 in Plat E and 78 in Plat G of Healey Heights Subdivision. Mr. Burningham would like to amend the plats to realign the rear lot line of lot 78 and lot 48. Lot 48 would then go from 40,124 sq ft to 40,974 sq ft and lot 78 would change from 41,256 sq ft to 40,407 sq ft. The Planning Commission recommended approval of this amendment at their meeting of August 17, 2004. The applicant has not been able to obtain signatures from all lot owners in Plats E and G and, therefore, a Public Hearing is required.

MOTION: Hata Puriri moved to set a Public Hearing for September 28, 2004 on Healey Heights, Plat L, Amended. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

D. WESTFIELD ROAD PRELIMINARY DESIGN. Mayor Phil Barker asked if we shouldn't put this off until Kent Hastings was present. Ted Stillman said there is a big problem with the intersection at 400 West and 200 North/Westfield Road and Shane Sorensen said that Wilding Engineering has been working on the Preliminary Design for Westfield Road. Thomas Whitchurch expressed his concern on the steepness of 400 West and Mike Carlton of Wilding Engineering said this road would flatten off before coming to the intersection. Shane Sorensen discussed the alignment of the road through the Whitby property to align with Westfield Road creating the intersection; however, Mayor Barker said he wasn't pleased with the look of the intersection as presented and wondered if there was another solution to the problem. Jim Tracy asked about the possibility of constructing a roundabout at that intersection given the width of the road. Shane Sorensen said that Park City built a roundabout prior to the Olympics on a road with a steeper grade than this one has, and a lot of money was spent on grading it. Will Jones said the Whitby's are planning on coming to the Planning Commission in two weeks with a preliminary plat for their property.

E. SALE OF SURPLUS PROPERTY. Ted Stillman said staff would like to declare surplus and sell the following items:

1. 1993 Ford Pickup – This pickup is used by the seasonal Park Maintenance personnel. We will be buying a new pickup for Chuck this year and the seasonal Park Maintenance personnel will use Chuck's old pickup.
2. Computers – We have upgraded all of our City Hall computers to new Dell computers and we would like to sell 4 used Pentium 3 computers, one printer and one lap top. We would like to give City employees the opportunity to bid on the computers first.
3. Fax Machine – We would like to sell a used Fax Machine

Thomas Whitchurch asked if it would be better to set a price for these items rather than have a sealed bid process.

MOTION: Kimberly Bryant moved to declare the above-mentioned property as surplus and that the City staff be authorized to sell them. Thomas Whitchurch seconded. Ayes: Kimberly Bryant, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

F. CONSOLIDATED PLAN. Ted Stillman said the Consolidated Plan is the key to Community Development Block Grants CDBG. For a project to be funded it must be on the Consolidated Plan and this Plan is updated annually. Mountainlands Association of Governments has asked that we update the Plan which included the following:

ALPINE CITY					
Population Estimate	1990	2000	2010	2020	2030
	3,492	7,146	9,874	11,752	15,675
Per Capita Income	\$21,716				2000 Census
Median Household Income	\$72,880				2000 Census
Median Family Income	\$74,891				2000 Census
Total Households	1,662				2000 Census

NEEDS AND PRIORITIES

Identified Need	Cost	Source	Priority	Start
Main Street Beautification	\$ 200,000	Grants-Capital	High	5/01/04
Westfield Road Reconstruction	\$ 600,000	B & C Road Funds	High	7/01/08
Smooth Canyon Park Restrooms	\$ 50,000	Park Impact Fees	High	7/01/05
Taylor-Whitby Park Acquisition	\$1,500,000	Impact Fees	High	6/01/05
Legacy Park/City Park Restrooms	\$ 25,000	Capital Improvement	High	6/01/08
800 South Trail	\$ 80,000	Grants-Capital Improvement	High	6/01/09

**SUMMARY CAPITAL IMPROVEMENT PLAN
SHORT TERM (1 YEAR: 2005)**

Rank	Project Description	Total Estimated Cost	Estimated Start Date	Revenue Sources/ Amounts	Responsible Department
1	Taylor-Whitby Park Acquisition	\$1,500,000	12/31/04	Park Impact Fees Funds	PW
2	Burgess Tennis & Basketball Courts	\$ 70,000	3/01/05	Capital Improvement	PW
3	Alpine Drive Storm Drain	\$ 100,000	3/01/05	Storm Drain Impact Fees	PW
4	300 East Well Rebuild	\$ 100,000	4/01/05	Water Fund	PW
5	Hog Hollow Storm Drain	\$ 50,000	3/01/05	Storm Drain Impact	PW
6	Legacy Park/City Park Restrooms	\$ 25,000	3/01/05	Capital Improvement	PW

MEDIUM TERM (5 YEAR: 2005-2009)

Rank	Project Description	Total Estimated Cost	Estimated Start Date	Revenue Sources/Amounts	Responsible Department
1	Westfield Road Reconstruction	\$ 600,000	6/01/07	B & C Road Funds	PW
2	Street Overlays	\$ 300,000	6/01/07	B & C Road Funds-\$300,000	PW
3	Taylor-Whitby Park Construction	\$1,500,000	6/01/07	Park Impact Fees	PW

4	Cemetery Expansion	\$ 500,000	6/01/08	Capital Improvement Fund	PW
5	Ft. Canyon Sewer	\$ 500,000	6/01/08	Impact Fees	PW
6	300 North Park Development	\$ 200,000	6/01/08	Impact Fees	PW
7	Alpine Highway Storm Drain Allegheny-Sunset	\$ 100,000	6/01/06	Impact Fees	PW
8	Storm Drain Ranch Drive	\$ 110,000	6/01/06	Impact Fees	PW
9	Water Main Street, Grove Drive, Patterson Lane	\$ 67,300	6/01/03	Impact Fees-\$20,000 Water Fund-\$57,300	
10	Water line – Meadowbrook, Lupine Dr.	\$ 101,800	6/01/04	Impact Fees-\$20,000 Water Fund-\$81,900	PW

LONG TERM (5-10 YEARS: 2010-2014)

Rank	Project Description	Total Estimated Cost	Estimated Start Date	Revenue Sources/Amounts	Responsible Department
1	Storm Drain East Mountain	\$ 170,000	6/01/09	Capital Improvement-\$170,000	PW
2	800 South Curb, Gutter & Sidewalk	\$2,000,000	6/01/10	Impact Fees, Grants	PW
3	800 South Trail	\$ 80,000	6/01/09	Grants-Capital Improvement	PW

Thomas Whitchurch asked if the curb, gutter and sidewalk on 800 South would really cost \$2,000,000 and Ted Stillman said it probably would not and this amount would have to be adjusted.

MOTION: Thomas Whitchurch moved to approve the updated Consolidated Plan. Hata Puriri seconded. Ayes: Kimberly Bryant, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

G. **FINANCIAL REPORT.** Ted Stillman went over the first financial report for 2004/2005 and said more people are conserving in water usage so the sewer fund is running at a deficit. The sewer rate is based on water usage. Rachel McTeer said that Lindon City put in their Pressurized Irrigation ten years ago and experienced the same problem as we are now experiencing. It was suggested that we talk to other cities to see how they resolved this problem.

H. **DOWNTOWN IMPROVEMENT.** Shane Sorensen said the Downtown Improvement Project is progressing well. Ted Stillman went over the financial report on this project as follows:

REVENUE

B & C Road Fund (Cash)	\$1,076,599
Water Fund (Cash)	\$ 90,600
2004-2005 B & C Road Fund	<u>\$ 243,000</u>
Total Revenue	\$1,410,199

EXPENDITURES

Johnson & Philips (Less Pay Request #1)	\$1,288,363
Grove Drive paving	\$ 53,565

Contingencies	\$ <u>68,281</u>
Total Expenditures	\$1,410,199

The overlays have turned out very well; however, the cost to pave Grove Drive will be between \$60,000 and \$70,000 and it is badly in need of resurfacing. The Downtown Improvement project is being financed from B & C Road Funds. Ted Stillman said that depending on how the final project cost comes in we may need to use \$100,000 of 2005-2006 Fiscal Year's B & C Road Funds.

Shane Sorensen said there was a problem on North Main Street with trees in the park strip area. Utah Power has come to him and asked about their power poles. Shane asked about the possibility of having the residents in that area come in for a meeting to explain the city's position.

MOTION: Thomas Whitchurch moved to authorize the overlaying of Grove Drive as part of the Downtown Improvement Project not to exceed \$60,000 with the preference being that this be done this year. Hunt Willoughby seconded. Ayes: Kimberly Bryant, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

I. LAND AND WATER CONSERVATION GRANTS. Ted Stillman said the Land and Water Conservation Fund is a Federal Grant Program to assist in the acquisition and development of parks. It is administered by the State of Utah and applications are due by October 15, 2004. Mr. Stillman asked the council what project he should apply and use these funds for. The program is a 50-50 match. One of the projects included in the Park Plan is restrooms and playground equipment for the Smooth Canyon Park. The estimated cost of the restrooms and play equipment is \$75,000 and the grant would pay half or \$37,500. The Grant Program asks that public input be considered as the grant application is prepared. Ted Stillman proposed that we put an article in the September Newsline asking the public for ideas on what park projects we should apply for. Potential projects could then be discussed further at the September 28th City Council Meeting.

J. DEVELOPMENT CODE. Ted Stillman went over the final version of the Development Code as recommended to the City Council by the Planning Commission. Ted Stillman said the changes were technical and were made to tighten up some ordinances such as in the Open Space Ordinance. Mr. Stillman said that a Public Hearing needed to be set.

MOTION: Thomas Whitchurch moved to set a Public Hearing on the changes to the Development Code for September 28, 2004. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

VII. COMMUNICATION

Mayor Phil Barker – Publicly thanked Wayne Patterson for the use of his loader to move the rocks for the Roundabout Landscaping Project.

Kimberly Bryant –Her family had a reunion on Saturday and her uncle who is the Mayor of Orem was disappointed with the condition of the grass in Burgess Park. Shane Sorensen said there is different grass in the park, the sprinklers have been adjusted and the grass has been fertilized. Thomas Whitchurch said he would like to see the wood garbage can holders be repaired or replaced.

Hata Puriri –

1. Asked about the parking on both sides of the street in Burgess Park and the possibility of putting up no parking signs and repainting the curbs red. Councilman Puriri said the grass looks much nicer now.

2. There is a contract on the Farnsworth home on 100 West and the new owners do not have a problem with the tree planted in the park-strip area coming down.

Thomas Whitchurch –

1. There was a problem with the parking lot at the south entrance to Burgess Park during Alpine Days. The residents don't know there is no exit at that location from the parking lot asked if there could be more lighting. The rodeo grounds are now being used every weekend and asked about the possibility of getting more bleachers. Hunt Willoughby suggested the possibility of running a shuttle to the rodeo grounds during Alpine Days. Thomas Whitchurch and Kimberly Bryant will be coming back with another proposal for an Alpine Days Committee.

2. Thomas Whitchurch asked David Church about the legality of the motorized scooters. David Church said that people under 16 have to be under the direct supervision of their parents and that they wear a helmet. There has been an incident here in Alpine and we are now being sued because a little girl was hurt on her scooter while riding on a sidewalk in a residential area. Hata Puriri suggested that we go through the PTA and have them address this issue in an assembly outlining the state law.

Hunt Willoughby – Asked about putting a 4-way stop sign east on 300 North and asked about the snow plows spinning out and trying to get enough traction to go up the hill. Mayor Barker said this has slowed the traffic down considerably. Thomas Whitchurch felt that a yield sign would make more sense at the intersection of Healey Blvd and High Bench Road.

Ted Stillman – The County has approved a 3-lot subdivision for Wayne Patterson on north Grove Drive which is in the County. Wayne Patterson would like to run power lines on the east side of Grove Drive up to his project. Shane Sorensen said this could be a benefit to the City, as there is a solar unit for the pressurized irrigation pond and Dana Beck would like to have power to the rodeo grounds.

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

IX. APPROVAL OF MINUTES:

Public Hearing and City Council Meeting of July 27, 2004

MOTION: Hunt Willoughby moved to approve the minutes of the Public Hearing and City Council Meeting of July 27, 2004 and adjourn. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Hata Puriri, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

The meeting adjourned at 9:15 pm.