

September 8, 2009

Minutes of the City Council Meeting held on Tuesday, September 8, 2009 at Alpine City Hall, 20 North Main, Alpine, Utah 84004 at 7:00 pm.

The following members were present:

Mayor: Hunt Willoughby

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

Staff: Ted Stillman, David Church, April Naidu, Janis H. Williams and Ron Devey

Others: Aaron Holtsclaw, *The Daily Herald*, Kip Botkin, *Police Chief*, Ty Miller, Craig Miller, Jacob Mika, Ron Mika, Will S. Jones, Keeton Pearce and Brad Reneer

I. CALL TO ORDER. Mayor Hunt Willoughby called the City Council Meeting to order at 7:00 pm and welcomed those in attendance. Council Member Kimberly Bryant was excused.

II. PRAYER/OPENING COMMENTS – Kent Hastings

III. PLEDGE OF ALLEGIANCE. Ty Miller 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.

Jacob Mika presented his proposed Eagle Scout Project and said he would like to sand the picnic tables under the pavilion and repaint and repair any loose boards, scrape and repaint gabled ends of pavilion, scrape and repaint support structure as needed, refill sand in the volleyball pit as needed, do general trash pickup in the entire area and remove large rocks from playing field west of the pavilion. Jacob Mika said he is going to hold a yard sale to raise the funds needed to purchase materials and perhaps have some donated. Jacob Mika estimated his project will take three Saturdays to complete. Jim Tracy asked what part of the pavilion was going to be painted and Jacob Mika said the outside. Kent Hastings said he noticed the water spigot was creating an erosion problem with the sand in the volleyball court and asked if this could be looked at.

Kent Hastings commented that when people call in the front office they are told the City does not have ideas for Eagle Scout projects and felt we shouldn't turn anyone away. Ted Stillman said he will talk to staff and have all those calls directed to him.

Will S. Jones said he would like to have the Council reconsider gating some of the senior housing areas. When the seniors leave their premises for extended periods of time, they would like to know there is additional security. Mr. Jones also brought up the suggestion that the Council look at putting senior housing on the east side of town rather than just being right downtown.

Will Jones reported on his assignment as being over booths for Alpine Days. Mr. Jones asked if our goal was to break even, make a profit or subsidize all of Alpine Days. Mayor Willoughby said he felt that when Alpine Days is over we want to break even. Tracy Wallace said there is a lot of subsidizing between events and Will Jones asked if we allow groups to make money off of Alpine Days. Jim Tracy said food booths at the Rodeo hope to make money and Thomas Whitchurch said he would NOT encourage organizations to come in and use Alpine Days to make a profit. Commercial booths are something we had in the tent this year and Mr. Jones asked if we wanted this to expand and compared this to the booths at Swiss Days. There were not enough food booths and they ran out of food as the weather was good so people stayed longer. Will Jones suggested that the race start on 100 East in front of the Fire Station then they would be able to use the parking lot for their award tables. Will Jones said he wanted to be over the game booths next. Thomas Whitchurch said the only negative comment he received was the placement of the color guard in the parade. Another suggestion was made to bring back the entertainment and have this down at the gazebo. Mr. Jones volunteered to be over the parade and suggested that Bertha Adams, who will be 100-years old next year, be the Grand Marshall. Also, Will Jones volunteered to be over park entertainment and booths.

Ty Miller presented his proposed Eagle Scout Project and said he would like to paint the two

pavilions in Burgess Park. Mr. Miller said he wanted to keep the pavilions in good repair as it is cheaper to maintain than repair or rebuild the pavilions.

Keeton Pearce proposed restoring the trail that starts at the Junction and goes down through the Twin Rivers Subdivision as this Eagle Scout project. There is a portion of the trail that has been eroded by the creek and there is a big space by the bridge on Haley Place that makes it hard to navigate bikes over. The trail is overgrown and Keeton Pearce said he would like to use existing materials to outline the trail, clear this trail and then mark the trail with signage. Keeton Pearce felt this would beautify the trail and make it better for our community. Jim Tracy suggested that Keeton Pearce coordinate his project with Ron Devey.

Jim Tracy said he was disappointed with the overlay on the roundabout where the storm drain catch basin is and Ron Devey responded and said the problem has been corrected and the project is now complete.

V. CONSENT CALENDAR

- A. Business Licenses:
 Patricia L. Wageman – ALPINE PROPERTY INVESTMENTS; 30 E. Allegheny Way
 Michael Gillett –LONE PEAK HOMES; 46 E. Pioneer Drive
 Troy Carter –VANEVERY MARKETING (Maid for a Day); 839 S. Alpine Hwy
 Michael D. Hall & Loren Douglas Larsen–OLLIN NEW MEDIA; 837 S. Blue Ridge Lane
 Rick Roberts/Micah Lisonbee – GREEK FIRE MEDIA; 875 E Quail Hollow Circle
 Maxwell Bowman – ABSOLUTE HOT WATER, LLC; 304 Scenic Drive
- B. Payment Request:
 Staker & Parson Companies – 2009 Overlay Projects - \$180,894.38

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

VI. ACTION ITEMS

A. COMCAST FRANCHISE AGREEMENT. Ted Stillman said the City's Franchise Agreement with Comcast expired on June 12, 2009. Comcast sent the City a franchise proposal for consideration. The current Agreement lasted 15 years and Comcast is now looking at a 10 to 12 year agreement. Scott Dansie of Comcast reviewed the Franchise Agreement proposal and said he can get a map prepared showing where there is no service. Jim Tracy thinks it is important that we have a map as the subdivision he lives in does not have cable service. The new agreement says service will be available if there are 10 homes within one-fourth mile. Kent Hastings said that some homes cannot get internet service without Comcast and David Church said the FCC regulates certain restrictions. Comcast needs this Agreement to be able to operate in our City. Ted Stillman suggested the Council Members review the Agreement and then this will be brought back as an action item with a map attached.

Jim Tracy asked what would happen if the FCC raised their rate to 6% and we have a 15-year agreement at 5% would we be locked into the 5% tax. David Church explained that this would be very unlikely as the industry is lobbying to have all the franchise fees removed.

Scott Dansie said Comcast is planning on increasing the speed of their internet service and they are planning on increasing the number of digital services. Mr. Dansie also indicated that he would review any areas in Alpine that are not currently covered by Comcast.

B. ORDINANCE NO. 2009-13 - MELBY ANNEXATION and ANNEXATION AGREEMENT. Ted Stillman said the City Council adopted an updated Annexation Policy Plan on May 27, 2009 which included the Melby property. The proposed annexation consists of 3.534 acres and the proposed use would

be for a road that would connect to the secondary access for the proposed Three Falls Subdivision. Ted Stillman said the annexation plan lists the land use plan designation as CE-5 and the proposed land use would be open space with 0 potential lots. Having the property annexed into the City will allow the developer to do the required studies needed for the proposed road. Currently the developer cannot get permits from the County to do the needed studies. Mr. Stillman said that Utah County has reviewed the application and sent back their evaluation. The County's protest period ended on August 7th and there were protests received.

There were two items in the agreement that were discussed. Ted Stillman said that when this Annexation is recorded the City will get the whole property as open space, but we would like the road to be bonded for. Will Jones said the deed to the ground will be done upon recording the annexation and said he would like to not bond for the road until construction. The construction of the road could be years away and that is a long time to tie up money. Will Jones said that with the economy this project could be upwards to five years and even if there is one house built on the east side of the creek then he will have to build the road and suggested that the bond be posted at that time. David Church said that everyone thinks this will be a public road and he is trying to think of some way to protect the City so something doesn't happen like what happened in Illegany. Mr. Church said the State Law states that within 30 days after the City passes this Annexation Ordinance the Annexation has to be recorded or it will automatically be approved. Jim Tracy asked what would happen if this was annexed and a future City Council doesn't approve the retaining walls. David Church said to bond for this road is a lot of money to have the City keep for up to ten years.

Mayor Hunt Willoughby suggested that this be tabled until the next City Council Meeting.

MOTION: Thomas Whitchurch moved that the City Council table acting on this ordinance until next City Council Meeting. Jim Tracy seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

C. CONSOLIDATED PLAN. Ted Stillman said that Mountainland Association of Governments (MAG) requested that Alpine City update our consolidated plan which will be incorporated into the Regional Consolidated Plan for 2010. Ted Stillman said our participation in this process helps us with our eligibility for the Community Development Block Grant and CIB funding.

MOTION: Kent Hastings moved that the City Council approve the update of the 2010 Consolidated Plan to submit to Mountainland Association of Governments (MAG). Thomas Whitchurch seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

VII. REPORTS – Financial Report. Ted Stillman went over the Financial Report for August 2009 and said that building permits are still down but revenue from traffic tickets is up.

VIII. COMMUNICATION

Hunt Willoughby – Said there will be a "Meet the Candidate Night" on Thursday night, September 10, 2009 at Mountainville Academy. John Dougall will be the moderator.

Jim Tracy – Said two people have asked him if we couldn't get recycling every week rather than every other week. Ted Stillman said it would cost too much money and Jim Tracy said he would like to see residents get a recycling can for every trash can they order.

Ted Stillman –

1. Said we are still working on the specs for the grading plan for the 100 South park. Thomas asked if it would be possible to get some of the skating feature plans on line and Ted Stillman said the master plan could be put on the web.
2. We need to encourage people to sign up on the web page to participate in the surveys. We need more than 300 people.

Janis H. Williams – There have been approximately 10 residents who have taken advantage of early voting.

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

X. APPROVAL OF MINUTES
City Council Minutes of August 25, 2009

MOTION: Kent Hastings moved to approve the City Council Minutes of August 25, 2009 and adjourn. Tracy Wallace seconded. Ayes: Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

The meeting adjourned at 8:30 pm.