

September 9, 2008

Minutes of the City Council Meeting held on Tuesday, September 9, 2008 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, Jim Tracy, Tracy Wallace and Thomas Whitchurch

Staff: Ted Stillman, Janis H. Williams and April Riley

Others: Jannicke Brewer, Aaron Holtsclaw, *Lone Peak Press*, Chris Culver, Paul Thompson, Jeff Snyder, Scott Kenney, Bradley Reneer, Cooper Thacker, Samuel Stacey, Shelly Thacker, Will S. Jones, Martha Beck, Caleb Warnock, *The Daily Herald*, Joan Norton, Jake Mooseman, Angela Duty, Jessica Duty, Darrell Duty, Douglas Cunningham, Chase Cottle, Amy Thackery, Sullivan Love and Kaleb Love

- I. **CALL TO ORDER.** Mayor Hunt Willoughby called the City Council Meeting to order at 7:00 pm and welcomed those in attendance.
- II. **PRAYER/OPENING COMMENTS** – Kimberly Bryant
- III. **PLEDGE OF ALLEGIANCE.** Cooper Thacker 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 Willoughby said he was pleased to see all the scouts in attendance and indicated he had sent a letter to all Scout Masters telling them about the new Alpine City Scout Patch that could be earned. Mayor Willoughby further stated that one of the requirements was that they attend a City Council Meeting and said he hoped the scouts would earn this patch.

Scott Kenney said that about a month ago he asked the City Council ago to investigate library options and was told this would be on a future agenda. Mr. Kenney asked what the process would be to appoint a committee. Mayor Willoughby said that that to have an official committee of the City would put constraints on the committee as all meetings would then have to be publically noticed, recorded, minutes taken and the meetings would then become official. Mayor Willoughby further stated a similar process would be followed when committee members were sought after for the Trails Committee and the Rodeo committee.

Paul Thompson read a letter that has been drafted by the Arts Council and said the Eccles Foundation has outlined several things that needed to be provided to be eligible for foundation funding such as:

1. Establishing the need for the project
2. Identifying and establishing the credibility of the sponsoring organization
3. Insuring the perpetuity of the project after it is built

Paul Thompson asked if this letter could be on the next City Council Agenda. Kimberly Bryant asked if the Post Office would be a full-operating post office or if it would be like the one which is down by Koehler's.

Brad Reneer said he appreciated the City not rushing to fill the vacated Police Dept. space and suggested that a library be considered to fill that portion of the building. This would be at zero cost to the City and could used as a Community Center and a Senior Citizen Center until the Community Center as proposed by the Arts Council is built. Brad Reneer said the council needed correct date. Martha Beck said there are a couple of things that has changed her mind to going full support for a library. Her family has used the library pass in the past and this has worked for her situation. Chris Culver clarified to the Council that the library will not be a deterrent to building the Cultural Center and further stated that the building of the library would help build momentum and start putting this in motion. Mrs. Culver also said she uses an internet company who would gladly again donate books. Amy Thackery has moved to Alpine from Oregon and was curious why the library has failed in the past. She was told that it was because of money. Amy Thackery believes vision for the Cultural Center is important and sees the need for a heart for this community. Mrs. Thackery does not want to

be an appendage of Highland or American Fork as she doesn't live in those communities. She broke down the need for a library into three parts – past, present and future.

Douglas Cunningham asked the City Council to consider whether it is appropriate for residents to conduct horse classes and horse camps without having a business license. Mr. Cunningham recently built his home behind the Zebley's home at 185 N. Pfeifferhorn and said he knew there would be horses behind his home. Douglas Cunningham said he has shared his concerns with April Riley, City Planner and Janis H. Williams, City Recorder about the Zebley's not having a Business License. Mr. Cunningham was told that not all businesses require a license such as piano teachers, etc. Douglas Cunningham said his complaint is not that they have horses as their property is one of the cleaner and better kept properties that he has seen, but his complaint is this type of business should not be in a quiet residential neighborhood. Mayor Willoughby thanked Mr. Cunningham for his comments and said he would review this with staff.

Chase Cottle made a presentation for his Eagle Scout project and proposed that he paint addresses on curbs to help emergency vehicles respond to emergencies. He wanted to paint approximately 50 house numbers in the Twin Rivers area and Kent Hastings said he thought this was a good project but suggested that he prep the area better so the addresses stay on the curbs longer. Jim Tracy said that Chase Cottle has been to the Eagle Scout Committee and it was felt this was a good project. Mr. Cottle was told to go to the Fire Department to get all the specifications.

Tyler Bentley proposed that he clean up the Silverleaf Trail on Maple Drive as his Eagle Scout project. Mr. Bentley said he will clean out the weeds, trash and debris so that this can be used by all City residents and the homeowners in the area. Ted Stillman said we would like to eventually pave this trail and one homeowner would like to landscape through the trail and he will talk to the other homeowner.

V. CONSENT CALENDAR

Business Licenses - Margaret P. Holmes –HIGH PRESSURE SOLUTIONS; 580 Grove Drive

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

VI. ACTION ITEMS

A. WILL JONES SITE PLAN. Ted Stillman said this is the 5th home on Main Street that has made the transition from a residential home to commercial use. Mr. Stillman said we like this as it preserves our downtown historical area. April Riley said that Will Jones submitted a site plan for the property located at 53 N. Main Street. Mr. Jones is proposing to change the use of the structure from residential to commercial. The property is located in the business Commercial zone. Ms. Riley said that Section 3.7.8 requires a site plan to be submitted for all new commercial uses and the site plan will need to be reviewed to ensure all applicable zoning regulations are met, such as parking and landscaping. As part of the conversion, the building will have to meet applicable building code and ADA requirements. The building inspector has been in communication with Will Jones and his contractor and is working with them on what needs to be done to meet the requirements. As part of his initial inspection, the building inspector indicated that the upstairs attic area does not meet applicable regulations and cannot be used as commercial space.

The Planning Commission reviewed Will Jones' request at their meeting on September 2, 2008 and made the following motion:

“ Troy Stout moved to recommend to the City Council that the site plan at 53 N. Main be accepted as a commercial site plan with the requisite that a plan for parking be compliant with the Alpine City Off-Street Parking Ordinance as currently written and be submitted to the Planning Commission at a later date. Brad Reneer seconded. Ayes: Jannicke Brewer, Troy Stout, Brad Reneer and Steve Cosper. Nays: 1. Jason Thelin voted nay.”

MOTION: Jim Tracy moved that the City Council approve the site plan as a commercial site at 53 N. Main Street. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

B. ALPACAS. April Riley said Angela and Darrell Duty live at 1801 N. Fort Canyon Road and the property consists of approximately 1.2 acres (approximately 52,487 square feet). Mr. and Mrs. Duty have indicated that they bought additional property consisting of two parcels adding about another .5 acres (approximately 21,902 square feet). The Farm Animal ordinance states that “the raising of fur bearing animals shall require review and recommendation by the Planning Commission and approval of the City Council.” A letter from the Duty’s was in the Council Member’s packets outlining what they would like to do along with an aerial photograph showing the parcels they own. April Riley said the property where the road was located was never dedicated to the City and as such, is private property. Minutes from when Rod and Jill Bergman came to the Planning Commission and City Council requesting to have alpacas on their property on Grove Drive were also included in the Council Member’s packets. Jannicke Brewer said the Planning Commission discussed that if the Duty’s wanted to build a barn or stable that they be conscious of the 75’ from their neighbors. The Duty’s said they will watch for that.

The Planning Commission reviewed the application at its meeting on September 2, 2008 and made the following recommendation:

“Jason Thelin moved to recommend to the City Council that the Dutys’ at 1801 Fort Canyon Road be allowed to have 12 alpacas. Steve Cosper seconded. Ayes: 5 Nays: 0. Motion passed unanimously.”

MOTION: Thomas Whitchurch moved that based on the positive recommendation from the Planning Commission the City Council approve twelve (12) alpacas for Angela and Darrell Duty at 1801 N. Fort Canyon Road and stipulate that any structures built follow our animal ordinance and be built at least 75’ away from neighboring residential structure. Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

C. HOBBY BREEDER’S LICENSE. Ted Stillman said that Gwyneth Zebley lives at 185 N. Pfeifferhorn Drive and owns three (3) Great Danes. Under Alpine Ordinance, a property owner can have only two (2) dogs; however, the animal control ordinance does have a provision for a Hobby Breeder’s License where an owner may have up to five (5) registered, purebred dogs provided all provisions are met. The AKC registration for each dog was included in the Councilman’s packets along with the ordinance regulating the Hobby Breeder’s license. April Riley said we have obtained the rabies certificate from the Animal Control Officer for each dog and Janis Williams said the Animal Control Officer said the fencing was adequate. Mayor Hunt Willoughby said that based on review, the Zebley’s meet all requirements of our ordinance.

Jannicke Brewer asked if we should rewrite this ordinance and add something about fences and kennels where the animals are kept so they do not annoy their neighbors. Douglas Cunningham said that many times the dogs are left all day in the horse enclosure. They bark and disturb the horses and neighbors when the Zebley’s are gone. In addition the dogs patrol the back gate that leads to the trail that separates their two homes. Tracy Wallace said he was curious about the difference between the County’s kennel license and Alpine City’s Hobby Breeder’s License and was told that when a municipality has an animal ordinance that is the guideline to follow and takes precedence. Thomas Whitchurch asked if it would be appropriate to have the Zebley’s be present so the Council can ask some questions.

MOTION: Thomas Whitchurch moved that the City Council table the request for the Hobby Breeder’s License until such time the Zebley’s can come and answer some questions concerning the dogs and property. Jim Tracy seconded. Ayes: Kimberly Bryant, Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

D. CONSOLIDATED PLAN. April Riley said that Mountainland Association of governments (MAG) has requested that Alpine City update our consolidated plan which will be incorporated into the Regional consolidated Plan for 2009. Our participation in this process helps us with our eligibility for CDBG and CIB funding. A draft copy of the updated consolidated plan for Alpine City was included in the City Council Member’s packets for review.

MOTION: Kent Hastings moved to approve the proposed update of the Consolidated Plan to submit to MAG. Tracy Wallace seconded. Ayes: Kimberly Bryant, Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

E. ORDINANCE NO. 2008-15; AN ORDINANCE DEALING WITH NAMING OF PARKS AND OPEN SPACE. Ted Stillman said the request came up to have a procedure for the naming of City Parks and Open Space when it was proposed that we name the "Mark Peterson Park" in the Dry Creek Subdivision when we already have a Petersen Park. The PRO committee has addressed this issue and recommended a procedure for the naming of City Parks and Open Space as follows:

Naming Criteria: Alpine City public lands and facilities may be named after persons or after a place or location, or after an event that has created an important legacy or achievement. A person's name is eligible for consideration one year after their death, with special benefactors excepted. The following criteria may be used by the City Council in determining the appropriateness of the naming designation:

- A noteworthy public figure or official;
- A person, place, or even of historical or cultural significance;
- Special benefactor(s); or
- A person, group, place, or feature, particularly identified with the public land or facility;

Exceptions to the naming criteria may be approved by City Council if an occasion to recognize the outstanding contributions of a living person is determined.

Procedures: Initiation of Proposed Name – PRO Committee Review:

- A. Preliminary consideration of naming proposals by the Parks, Recreation, and Open Space (PRO) Committee may be initiated by any citizen, City board, City commission, or elected or appointed official.
- B. The PRO Committee will solicit public input prior to making a decision on a naming request not assigned to a committee or task force for preliminary review. Requests reviewed by the Committee shall provide for public input during a public meeting with opportunity provided for citizen input following advanced meeting advertisement.
- C. Meeting minutes, or staff reports, shall be prepared that fully document input received from citizens or committees and a specific naming recommendation(s) for review by the City Council.

City Council Review and Formal Decision:

- A. The item will be placed on the City Council meeting agenda for discussion and action.
- B. Minutes from committee meetings which include a naming recommendation, or a staff report, will be transmitted to the City Council for review.
- C. City Council, after consideration, by motion and majority vote may:
 1. Formally name a public land or facility;
 2. Formally reject a naming proposal; or
 3. Hold additional public input sessions.

Thomas Whitchurch said he appreciated the work that went into developing this procedure for naming parks and open space, but felt we should keep this simple. Jim Tracy felt we should have some criteria that needs to be met so the person requesting the name of the park does not come with family member's and then the City Council says no. Mayor Willoughby suggested that the PRO Committee review this ordinance.

MOTION: Kent Hastings moved to NOT adopt Ordinance No. 2008-15, An Ordinance Outlining a Procedure for the Naming of City Parks and Open Space. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Kent Hastings, Tracy Wallace and Thomas Whitchurch. Nays: 1. Jim Tracy voted Nay. Motion passed.

VII. REPORTS - FINANCIAL REPORT – AUGUST 2008. Ted Stillman said that Impact Fees are lower because we did the Westfield Road project as there is not much money coming in because we are not recording many subdivisions. The sewer fund dropped a little because of the Ft. Canyon sewer project. The water, sewer and pressurized irrigation funds have stayed the same. The Storm Drain is finally out of the hole as we bought the property up on Country Manor Lane for a detention basin.

Ted Stillman went on to say that we haven't gone down in Sales Tax revenue as some cities have really gone down in Sales Tax volume. Plan Check Fees and Building Permit Fees are way down as we have only issued four building permits. Mr. Stillman said he has had some good talks with Sunrise Engineering so they are only here when they have to be.

Ted Stillman said there are about 630 residents or about 30% who are participating in recycling program.

Kimberly Bryant felt this was important that our citizens know this information so they do not continually come up with wants.

VIII. COMMUNICATION

Ted Stillman –

1. Lone Peak Recreation Center – received a letter from Cedar Hills asking if we wanted to participate in the Recreation District. A year has gone by and Cedar Hills wants to know what we are going to do. Ted Stillman read the minutes the last time this was discussed. Mayor Willoughby said we are financially sound but a Recreation Center does not meet that criteria and asked the council how they want us to respond to Cedar Hills.

Jim Tracy said the PRO Committee recommended we put in Splash Park when we develop the 100 South Park. Thomas Whitchurch said he would feel more comfortable with knowing what a recreation center was going to cost our residents. We are not like Cedar Hills who has been saving for years and Highland has a big chunk of land to put a Recreation Center on. Kent Hastings said he has not changed his mind and still feels that we should not force our residents to fund this and felt this could be built by the private sector. Tracy Wallace agreed with Councilman Whitchurch and Hastings and said he would not support this. Kimberly Bryant said that when residents have asked her about a Recreation Center they have stated that they do not want their taxes to be raised.

2. Carlisle Lane – When Pheasant Ridge put in their subdivision they left an area outside the wall that is City property but has now turned into a big weed patch. Kimberly Bryant said the residents who live on that street have been taking care of the property, but they are getting older and it is becoming harder for them to do this. The residents in that area would like us to landscape this. Ted Stillman proposed that we continue the curb and gutter on the west side of Carlisle Lane and cut the weeds down and put in rocks and shrubbery similar to what is across the street on Canyon Crest Road. Ted Stillman said he will come back with costs at a later date.

3. Cemetery – We now have our paving machine and we would like to pave the unpaved roads in the cemetery. Next week the people who we bought the machine from will come and train our staff how to use it. Hunt Willoughby reported on the Eagle Scout Project on Cemetery Hillside project. The proposed project did not work out like the scouts wanted, so it was modified a little. A fiber mat will be placed

on the hill and the hill will be hydro seeded and ground cover will be planted.

4. Twin Rivers trail. Our crew built the bridge across Dry Creek and for the last couple of days they connected the bridge to the trail in the Twin Rivers trail. The trail looks very good and is now open. We need a Trail sign.

Thomas Whitchurch –

1. The Solid Waste District said we may see an increase in their rates because of increased fuel prices.

2. Asked about the flag poles going down Main Street. Thomas Whitchurch noticed that the holes have not been capped. Ted Stillman said that some of the new poles were too big and Thomas Whitchurch asked if there was a plan to cap the holes in the winter time. Ted Stillman said yes and said that some of the poles are going to be replaced. Thomas Whitchurch suggested that we use the type of plug that plumbers use with the screw.

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

X. APPROVAL OF MINUTES

City Council Meeting of August 26, 2008

MOTION: Kent Hastings moved to approve the minutes of the City Council Meeting of August 26, 2008 as amended and adjourn. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Kent Hastings, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

The meeting adjourned at 8:30 pm.