

September 23, 2008

Minutes of the City Council Meeting held on Tuesday, September 23, 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, Jim Tracy, Tracy Wallace and Thomas Whitchurch

Staff: Shane Sorensen, Janis H. Williams, April Riley and David Church

Others: Jannicke Brewer, Aaron Holtsclaw, *Lone Peak Press*, Kip Botkin, *Police Chief*, Paul Thompson, Jeff Snyder, John Magnusson, Josh Hall, Dylan Henry, Amy M. Thackeray, Dorie Joseph, Jennifer Xanthos, David Castleton, Kathy Castleton, Joni Wootton, John Wootton, Doug Cunningham, Ula B. Hemingway, Bob Hemingway, Alane Kester, Eileen Lamoreaux, Nick Bradshaw, Josie Everett, Diane Curd, Scott Kenney, Matt Gowdy, Gary Bushman, Chris Zebley, Dawn Stark, Taleda Osman, Mike Larsen, Connie Larsen, Stephanie Stevens and Carolyn Rossi

I. CALL TO ORDER. Mayor Hunt Willoughby called the meeting to order at 7:00 pm and excused Kent Hastings who was out of the country and Ted Stillman who was in Virginia.

Mayor Willoughby told of the unexpected passing of Chuck Mattfeldt who had been a City employee since 1984. We will send our sympathy and condolences to his widow, Linda, and their children. Mayor Willoughby also said Chuck Mattfeldt will be sorely missed for all of the little projects and jobs he did without being asked and without expectations. There will be a memorial service at the Alpine City Cemetery on Friday, September 25, 2008 at 11:00 am. Everyone is invited.

II. PRAYER/OPENING COMMENTS – Shane Sorensen

III. PLEDGE OF ALLEGIANCE. Matt Gowdy 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 brought the audience up-to-date on the status of the library. Jim Tracy, Bradley Reneer and several others met with one of the neighboring communities and got some good information on starting and maintaining a library. Mayor Willoughby said we are still planning on having a budget workshop meeting in November and the library project will then be looked at and prioritized. Mayor Willoughby said that we will be able to see where we are at that time. We know that we are at 1/10th of a slow year in building permits and all the projects will be taken into consideration at that time. Mayor Willoughby said that in the upcoming Newsline he will be asking for those interested in serving on a library committee or a library board to please contact him.

Kathy Castleton thanked the Mayor and City Council for their hard work. Mrs. Castleton asked Shane Sorensen about piping the ditch behind the homes in the Ranch Subdivision. Shane Sorensen said this project is on a priority list and one of the problems is the size of the pipe; however, they have received some proposals and are now in the process of looking at this. Once the size of the pipe is addressed then there is the funding and this will be a rather expensive project.

Matt Gowdy presented his Eagle Scout project and said he saw Richard Vernon, the Caretaker of Moyle Park. Richard Vernon had two projects and Matt Gowdy said he accepted them. The first one was to install twelve wooden steps to the creek bed on the east side of the park and these steps will make it more convenient for people coming from Sunburst Lane and then to assemble three park benches. Jim Tracy thought this was a worthy project.

Ula Hemingway paid a great tribute to Chuck Mattfeldt and his hard working ethics and extended her sympathies on his passing.

V. CONSENT CALENDAR

- A. Business Licenses –
Fred Atkinson – JORDAN LAKE ASSOCIATES, LLC; 378 River Meadow Drive
Daniel S. Elder – DOUBLE TIME PRESSURE WASHING; 798 South 840 East
- B. Payment Request – TNT General Contractors; Ft. Canyon Sewer - \$161,795.45

MOTION: Tracy Wallace moved to approve the Consent Calendar for the business licenses for Jordan Lake Associates and Double Time Pressure Washing and the payment request for TNT General Contractors. Jim Tracy seconded. Ayes: Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed. Kimberly Bryant was absent for this motion.

VI. ACTION ITEMS

A. HOBBY BREEDER'S LICENSE. April Riley said that Gwynth Zebley lives at 185 N. Pfeifferhorn Drive and owns three Great Danes. Under Alpine ordinance, a property owner can only have two 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 and rabies certificates from the Animal Control Officer for each dog had been provided. At the last City Council Meeting action on this item was tabled until such time the Zebley's could come and answer some questions concerning dogs and property. Scott Eatchel, the Lone Peak Public Safety District Animal Control Officer, reported on the three Great Danes and said the Zebley's dogs have current rabies vaccinations, are AKC registered and stay in kennels that are kept very clean. Jim Tracy had a concern that the gates in the front of the yard were only 5' in height and where the exercise yard is. Scott Eatchel said the Zebley's have said they will not put the dogs in the area where the horses are, but will put them in the grassy area. Tracy Wallace asked Scott Eatchel if he has been out to that area on any other complaints. David Church said that Alpine has a lot of animal violations.

MOTION: Thomas Whitchurch moved to grant the Hobby Breeder's License to Chris and Gwynth Zebley at 185 N. Pfeifferhorn based on the review by staff. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

B. LYNTON SITE PLAN. April Riley said that David and Jeanette Lynton submitted a site plan to build a residence at approximately 136 N. Preston Drive. The property consists of three (3) parcels totaling approximately 15.06 acres in the CR-40,000 zone. This lot was part of the Willow Canyon annexation, but not part of the subdivision and therefore had to go through the Planning Commission and City Council for approval. The three lots would be combined into one parcel. Ms. Riley said the biggest issue was when this plan originally came in requesting a limit of disturbance of 90,000 sq. ft. with either 20,000 or 30,000 sq. ft. they wanted to restore and revegetate. April Riley said this is the fourth site plan to come in out of the five in the Willow Canyon area. In the Annexation Agreement there was some language about the lots above the High Bench Ditch of a certain size, that only a certain amount could be disturbed. On the Annexation Plat which was more like a Concept it showed there would be 5 lots up there of 40,000 sq. ft. and only one half of that could be disturbed. April Riley said there has been a difference of opinion on what could be disturbed. Jannicke Brewer told the history of the site plans and the area of disturbance on each site plan.

The Planning Commission reviewed the site plan and made the following recommendation:

“ Troy Stout moved to recommend to the City Council that they deny the Lynton application to expand the area of disturbance on their parcel in Willow Canyon beyond the designated 20,000 square feet to 90,036 square feet, and that the original Annexation Agreement limiting lot size to 40,000 square feet and the area of disturbance to 20,000 square feet be adhered to. Steve McArthur seconded. Ayes: 3 Nays: 3 Troy Stout, Steve Cospers and Steve McArthur voted aye. Jannicke Brewer, Brad Reneer and Jason Thelin voted nay. Tracy Wallace voted aye to break the tie. Motion passed.”

Tracy Wallace said he agreed with original intent of the motion, adding that when the issue came to

the Council he wanted to look at the records for the Van Leeuwen and Bushman site plan approvals to understand why they were granted larger areas of disturbance. Jannicke Brewer said that since both the Van Leeuwens and Bushman's areas of disturbance were expanded, she felt they could accept an area of disturbance of 60,000 square feet for the Lynton's. Jannicke Brewer also went over the history of the property and the Annexation Agreement.

David Church said the intent of the Annexation Agreement and the Development Agreement was to prevent large fenced estate lots and the City Council met with those property owners and came up with a complicated compromise. It appeared to David church that staff, the Planning Commission and City Council made a mistake in allowing Mr. Van Leeuwen the 60,000 sq. ft. of disturbance. David Church said that David Lynton is the third buyer down the line of this property and wants to build a large home. David Church felt this homeowner is set on the current design of his home. David Church counseled the City Council to reach a decision on this issue.

Mayor Hunt Willoughby said we would be hard pressed to not allow the 60,000 sq. ft. and said he likes consistency. The Planning Commission felt the proposed retaining walls were a disturbance on the property and Shane Sorensen said a simple geo-tech study has been done on this property.

David Church suggested that on Tracy Wallace's motion it could be to deny the site plan with 90,000 sq. ft. and instruct the Planning Commission that the City Council will accept the site plan with no more than 60,000 sq. ft. or whatever disturbance so that we get a firm guidance so the Lynton's can come up with a new plan or take it to the next step.

MOTION: Tracy Wallace moved that the City Council deny the Lynton application of 90,000 square feet of disturbance and instruct the Planning Commission that the City Council will accept up to 60,000 square feet of disturbance. Jim Tracy seconded. Ayes: Kimberly Bryant, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

David Church said there is a third party involved and that is the Homeowners Association and Mr. Kester have certain contracts with the Lynton's that are different than what we have and this may or may not satisfy them as they have some restrictive covenants that might be more limited than what the City has; however, this is the Homeowners Association's issue and not the City's issue.

C. ARTS COUNCIL LETTER OF SUPPORT. Mayor Hunt Willoughby said the Arts Council would like the City to sign a letter supporting the Arts Center to be constructed on Main Street. Draft #2 was included in the City Council Member's packets as well as a letter prepared by Mayor Willoughby. Paul Thompson made a presentation and said he felt good about the Mayor's draft letter and accepted his changes. Mr. Thompson said things are moving along nicely and they have a buyer and a citizen was interested in purchasing additional acreage which will help solve some of the parking problems. Mayor Willoughby asked that Paul Thompson supply a list of the foundations and addresses where this letter will be sent and the letter will be printed on letterhead.

Paul Thompson brought up the issue of the library and said they are not interested in moving walls, but are interested in getting a room so they can start the process toward certification. The library was not on the agenda and could not be acted upon.

MOTION: Thomas Whitchurch moved to approve the Mayor's draft letter supporting the Arts Council. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

D. LUMINARIES. Joni Wootton told the Council they will be getting a sheet showing how the luminaries ended up last year and then discussed the 2008 Luminaries project. Joni Wootton said they sold 480 kits last year and this amount was up from the previous year; however, Mother Nature made a surprise visit last Christmas Eve and it snowed very hard and when the snow plows came by the candles were blown out. Mrs. Wootton said they were able to give the Chamber Choir \$3,000 out of last year's sales. Joni Wootton said she was planning on cutting back on the number of students used and she suggested that the luminaries start at the roundabout and continue up Main Street to 200 North and still go around the block

where City Hall is. Mrs. Wootton said she was hoping to renew the same contract as last year with the route change. Following are the proposed changes to the 2007 contract:

- A. The contractor will provide Luminaries on, but not limited to, the following areas of City property:
 1. Both sides of Alpine Main Street, starting at the roundabout located at the junction of Main Street and Canyon Crest Drive and ending at 200 North
 2. The interior area of the roundabout located at the junction of Main Street and Canyon Crest Drive
 3. The sidewalk surrounding the city block where City Hall and the Lone Peak Public Safety District building are located.

MOTION: Jim Tracy moved to approve the Luminary contract with the changes stated. Tracy Wallace seconded. Ayes: Kimberly Bryant, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

E. WILL JONES SITE PLAN. April Riley said that Will Jones submitted a site plan for the property located at 53 N. Main Street. The Planning Commission made a recommendation to the City Council that the site plan be accepted as a commercial site plan, but instructed the applicant to submit a parking site plan for the purpose of determining the parking requirements. The City Council has approved the site plan for commercial use.

April Riley said the applicant proposed to use only the main level of the home for commercial use which includes approximately 1008 square feet. Also included was the floor plan showing the basement and upstairs dimensions and noted that the ceiling height does not comply with commercial requirements. The applicant requested that the Planning Commission only consider the main floor of the home for parking requirements which means four parking spaces would be required. The Planning commission reviewed the parking plan and made the following motion:

“Steve McArthur moved to approve the parking plan for 53 N. Main with 4 parking stalls, noting that the attic and basement do not meet building code requirements and cannot be used as office space. Troy Stout seconded. Ayes: 6 Nays: 0. Motion passed unanimously.”

MOTION: Kimberly Bryant moved that the City Council approve the parking plan with four parking stalls for the site plan at 53 N. Main Street based on the Planning Commission’s recommendation. Thomas Whitchurch seconded. Ayes: Kimberly Bryant, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

F. DAVID’S COURT, PLAT D MINOR SUBDIVISION. April Riley said the proposed David’s Court, Plat D Minor Subdivision is located at approximately 500 E. Healey Blvd. The proposed subdivision consists of three lots on 5.108 acres in the CR-40,000 zone and all the lots range in size from 40,000 square feet to 3.24 acres with all of the lots meet the frontage and area requirements of the zone. A different layout was previously approved for the property that included a cul-de-sac and more lots.

The Planning Commission reviewed the plan on September 16, 2008 and made the following recommendation:

“Steve McArthur moved to grant concept and preliminary approval to David’s Court, Plat D minor subdivision, and recommend the City Council grant final approval subject to the following conditions:

1. The City’s water policy be met.
2. A bond be provided for the required improvements.
3. The fire chief approve the location of the fire hydrants.
4. There be a five-foot combination sidewalk along Healey Boulevard.

Brad Reneer seconded. Ayes: 5 Nays: 1. Steve McArthur, Jannicke Brewer, Brad Reneer, Jason Thelin, Troy Stout voted aye. Steve Cosper voted nay, saying he did not like the layout. Motion passed.

Tracy Wallace had some questions pertaining to a derelict parcel that was adjacent to Alpine Canyon Crest Estates and Jim Tracy said he wanted to see this taken care of now so this problem wasn't forced on someone else. Shane Sorensen explained the history of this parcel and technically this parcel is not a derelict parcel as it is attached to an adjacent lot. David Church said this was a flag and didn't see this as a significant issue other than it created an odd-shaped lot.

MOTION: Tracy Wallace moved that the City Council grant final approval for the proposed David's Court, Plat D Minor Subdivision subject to the following conditions:

1. The City's water policy be met
2. A bond be provided for the required improvements
3. The fire chief approve the location of the fire hydrants
4. There be a five-foot combination sidewalk along Healey Boulevard

Jim Tracy seconded. Ayes: Kimberly Bryant, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

G. TRANSPORTATION (STREET) MASTER PLAN MAP. April Riley said that when New Castle, Plat D was recommended to City Council, the Planning Commission discussed the need for a connection from Quail Hollow to Alpine Blvd. As part of that discussion, the Planning Commission asked that the Transportation (Street) Master Plan Map be brought for review for the possible addition of a proposed local street connecting Quail Hollow and Alpine Blvd. The Planning Commission has reviewed the map and made some proposed changes. A copy of the revised map with the proposed changes was included in the Council Member's packets. The Planning Commission held a public hearing on September 16, 2008 and made the following recommendation:

"Steve McArthur moved to recommend approval of the updated Transportation (Street) Master Plan Map with the following changes:

4. 100 South be designated a collector road
5. Show a connection between Watkins Lane and Country Manor Lane
6. The connection between Canyon Crest to Westfield Road be designated as a collector road
7. Add a connection from Alpine Blvd to Quail Hollow
8. Show a second connection from Blackhawk Lane to 600 East
9. Update the map to reflect the roads that have been completed including Westfield Road, 200 North, 400 West and Heritage Hills Drive
10. Realign Whitby Woodlands Drive to match the existing portions of the same road.

Steve Cosper seconded. Ayes: 6 Nays: 0. Motion passed unanimously.

MOTION: Thomas Whitchurch moved that the City Council set a public hearing for October 14, 2008 on the Transportation (Street) Master Plan map. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

VII. REPORTS

VIII. COMMUNICATION

Mayor Hunt Willoughby – On Thursday evening there will be an Open House from 5:00 to 7:00 pm at IM Flash pertaining to rebuilding SR-92.

Jim Tracy –

1. The e-packets have not been on line for the last couple of meetings.
2. On landscaping our open space, Councilman Tracy suggested we have staff survey all open space and then prioritize the property rather than satisfying the squeaky wheel. Thomas Whitchurch felt this would be a great PRO Committee project. If open space was put on a map we could include all sidewalks the City plows.

3. Received a letter from a concerned citizen said they have noticed cars parks in front of the bank and in the no-parking zone in front of the park. Jim Tracy sat there today and didn't see this as a problem as the cars weren't there very long.

4. Said the last request Chuck Mattfeldt made was if the City employees could get gas cards. We will remind Ted Stillman about this when he returns.

Shane Sorensen – On the corner of Heritage Hills Drive and Ft. Canyon there is a parcel of land that is in question. When the alignment for Heritage Hills Drive was done, North Pointe deeded this parcel to the City so we the road could be built and there was a small left-over piece of land which showed on the North Point plat as Open Space. Shane Sorensen's solution was to reduce lot 23 by approximately 4,158 sq. ft. as it is a rather large lot. If there is a shortage of Open Space then take a piece of the lot and attach it to the Detention Pond. Mr. Sorensen said Tom Patterson is anxious to clean this up and wants this property to be deeded to him. David Church suggested that we take care of this now so as not to create a problem in the future as North Point was granted years to record.

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

X. APPROVAL OF MINUTES
City Council Meeting of September 9, 2008

MOTION: Kimberly Bryant moved to approve the minutes of the City Council Meeting of September 9, 2008 and adjourn. Ayes: Kimberly Bryant, Jim Tracy, Tracy Wallace and Thomas Whitchurch. Nays: 0. Motion passed.

The meeting adjourned at 8:20 pm.