

ALPINE CITY COUNCIL PUBLIC HEARING AND MEETING
Alpine City Hall, 20 North Main Alpine, UT
June 22, 2010

Minutes of the Alpine City Council public hearing and meeting held June 22, 2010 at Alpine City Hall. The public hearing on the 2009-2010 Budget was opened at 7:00 pm by Mayor Hunt Willoughby.

PUBLIC HEARING ON 2009-2010 AMENDED BUDGET: Ted Stillman said they would need to amend the 2009-2010 Budget. Revenue was up in 2009 from \$3,445,815 to \$4,096,215. There had been increased expenditures in courts of \$20,000, an increase in elections of \$400, an increase of \$100,000 in streets and an increase of \$20,000 for the UTA tax. They would move \$510,000 to the capital improvement fund. He explained that state law allowed cities to keep a maximum of 18% and a minimum of 5% in the reserve fund. They would have \$620,246 in reserve in the General Fund, and move \$510,000 to the Capital Improvement Fund.

There were no comments and the public hearing was closed.

1. CALL TO ORDER and ROLL CALL: Mayor Hunt Willoughby called the regular meeting to order. The following Council members were present and constituted a quorum:

Mayor Hunt Willoughby

Council Members: Jim Tracy, Kent Hastings, Bradley Reneer, Troy Stout, Kimberly Bryant

Staff: Ted Stillman, David Church, Shane Sorensen, Charmayne Warnock, Jay Healey, April Naidu,

Jannicke Brewer, Ron Devey

Others: Craig Jones, Jason Thelin, Brandon Maughan, Todd Barney, Ross Welch, Lauri Bittar, Ken Tims, Curtis Filmore, Kelly Payne

2. PRAYER: Kent Hastings

3. PLEDGE OF ALLEGIANCE: Jason Thelin

4. PUBLIC HEARING: Ken Tims at 949 E. Alpine Drive said he wanted to make a statement on behalf of the people on his street about how upset everyone was about the condition of the asphalt on Alpine Drive and Alpine Circle. He said they had been complaining to individual City Council members for years and years and nothing had been done so they thought perhaps they were complaining to the wrong forum and came to the City Council meeting. He submitted a written complaint to the City Council members that evening which had been signed by the residents on Alpine Drive.

Ted Stillman said there had been waterline leaks under the roads in that area that had been repaired. The City was waiting to resurface the roads until after the water lines were replaced. They didn't want to tear up a newly resurfaced road to replace water lines.

Ken Tims said he suspected there was a leak from the pressurized irrigation system because when the PI water was turned off, the leak stopped. It started up again in the spring when the PI water was turned on.

Shane Sorensen said that in the area of Alpine Drive and Village Way there were "hot" soils that were eating through the water lines. It was worse on Village Way. He said the City was in the process of replacing water lines in that area and the plans were ready to go out to bid. He said they hadn't forgotten Alpine Drive. When they put in the storm drain system along Alpine Drive a few years earlier, they replaced the galvanized services. They would need to connect the new services to a new line. He agreed that there was probably a leak in the pressurized irrigation line.

Mr. Sorensen went on to say that when they did do an overlay on Alpine Drive, they would need to trim the trees. Several years earlier they had accidentally hit a tree while doing an overlay and it created problems. The people on the street needed to be aware that the pipes needed to be replaced before there was an overlay.

Kimberly Bryant said she was one of the City Council members that the citizens had talked to. She had spoken to Ted Stillman about the situation over six years ago. She said she had tried to represent the citizens that lived on the street, and told them to be patient and told them they were on a waiting list. She said when she mentioned trimming the trees they said they loved their trees but the street needed to be fixed.

Jim Tracy asked about the time frame. Shane Sorensen said the City would bid the waterline projects this summer and see where the costs came in. The situation on Village Way was worse and would be done first. Since the City had not budgeted for work on Alpine Drive, they were at least a year away to improve it.

Shane Sorensen said the road was ugly because of the patches, but structurally it was sound. Normally waterline issues became worse over time. They wouldn't want to resurface roads then tear it up to replace the lines.

Jim Tracy asked if the waterlines could be replaced and the road resurfaced in the same year. Shane Sorensen said it would depend on other projects and the budget. It would be done as two projects, but that was not to say they couldn't be done in the same year.

Kent Hastings recommended to Mr. Tim that he come back to the City Council at the beginning of the next budget year and bring it to their attention. They needed to let whoever was serving know that it was a high priority.

Curtis Filmore said it would make more sense to replace the line and then resurface the road. He said Village Way had a brand new surface and the City tore it up. Shane Sorensen explained that they had overlaid Village Way because the road was falling apart, and the next year there were five waterline breaks.

Craig Jones said he lived on Alpine Drive. He said the City had been saying they'd put Alpine Drive on the agenda for the next year, and then on next year. That had been happening for six years. He asked if there was a potential for ruining the foundation of their homes if there was a big leak under the road.

Shane Sorensen said the leaks were not all over, and when one would surface, they would fix it. He emphasized that the leaks were surfacing rather than spreading out.

5. CONSENT CALENDAR: There were no items on the Consent Calendar.

6. BMX TRACK – PROPOSED LEASE AGREEMENT - LOCATION: Ted Stillman said there was a proposed lease agreement in the packet for the 10-acre parcel owned by Patterson Construction located south of Lambert Park. The terms were \$100 a year for five years. The initial purchase price was 2 million dollars with a 5% increase each year. He estimated the cost at the end of five years would be 2.5 million dollars.

Troy Stout noted that they were starting high and going higher. He said that in his mind they were just considering the lease. Mayor Willoughby said he didn't see the purchase happening unless someone donated a lot of money to the City.

Bradley Reneer had a question about a section in the lease agreement that said the grounds would be maintained in same condition as when lease was entered. He said he'd like that further defined because he didn't think they could replace the sagebrush after a track was built.

Jim Tracy said they should separate the issue of leasing the ground from the issue of finding a location for a BMX track. Regarding purchase of the Patterson property, did they want to look at increasing Lambert Park by 10 acres for 2.5 million dollars?

Troy Stout said he didn't think leasing the 10 acres for five years would pose a hazard for the City. He felt they should deal with the lease agreement that evening, and exclude any conversation about spending 2.5 million dollars to purchase it.

Jim Tracy had a number of questions. Would they only be putting trails through the Patterson property? Would the City be losing revenue if the owner stopped paying property taxes because the City was leasing it? If they were going to purchase it, would they rezone it from residential to park? Should they invite neighboring property owners to make comment if the use was changing?

Troy Stout said that right now the property was undeveloped open space with no fence. If they put in 12-foot jump ramps and the traffic increased, how would neighboring property owners feel about that? He said the lease agreement contradicted itself to a degree. The owner would like it used for a BMX park then in another place said it could be used for other purposes. He felt the language needed to be clarified to give them the option of using it for a BMX track but not require it.

Kimberly Bryant asked if the Council was in consensus that the track should be built because she was not in favor of it.

Jim Tracy asked if the lease would be extended if the property did not sell in five years.

Ross Welch represented Patterson Construction. He said extending the lease would be a function of what was happening with the land and its current status with the neighbors.

Jim Tracy said that if they did lease the property, it needed to be clear that it was a temporary use of the property. Maybe they needed to post a sign so that if homes were eventually built on the 10 acres, there wouldn't be an uproar from citizens saying the City had sold part of Lambert Park. Troy Stout suggested there be a phone number on the sign for a contact person.

Mayor Willoughby said the lease agreement would need some editing with the option to buy edited out. David Church said the agreement needed to be edited anyway. The option to buy needed to be a separate agreement. This should just be a lease agreement. They should remove the reference to the BMX track but leave a provision that it could be used for a track but it was not required.

David Church asked Ross Welch if the county had agreed to take the property off the tax rolls if the City leased it since that was part of the reason they were willing to lease it for such a low price. Ross Welch said that the county had said they would review it, but there was no commitment.

Troy Stout asked what the ultimate cost to the City would be if there was a loss of property tax. Ted Stillman said it was negligible. The tax was \$3800 a year and the City's portion was 15%.

MOTION: Troy Stout moved to enter into a lease agreement with Patterson Construction for the 10-acre parcel south of Lambert Park for \$100 a year for minimum of five years with the amendments mentioned up to this point including no commitment from the City to purchase the land, and no requirement that it be used for a BMX track. Kent Hastings seconded. Ayes: 4 Nays: 1. Troy Stout, Bradley Reneer, Kent Hastings and Jim Tracy voted aye. Kimberly Bryant voted nay. Motion passed.

Troy Stout asked who would be liable if there turned out to be hazardous material at the site. David Church said it would be the landowners' responsibility if it was already there and the City's responsibility if the City put it there.

Ted Stillman asked the Council if they wanted to discuss a location for a BMX track on this agenda or have it on a later agenda.

The Council indicated they wanted to discuss it that evening. Mayor Willoughby said they had the recommendation from the PRO Commission for a BMX track on the 10 acres by Lambert Park. Were there other areas they wanted to discuss?

Bradley Reneer said that if they discussed another location, they needed to notify the surrounding property owners.

Regarding a location for a BMX track, Troy Stout said he wanted to say that he was opposed to using the area around the Bowery in Lambert Park for a track. The meadow was not designed for 12-foot jumps and dust. It was a pristine area that needed to remain as such.

Other Council members generally agreed they didn't want to have a BMX track by the Bowery.

Kent Hastings said he didn't want to belabor the issue and if they wanted a BMX track in the location recommended by the PRO Commission they should do it or forget about it. No one had come forward with an acceptable alternative.

Jim Tracy asked if by approving a track on the Patterson land they would be allowing a BMX track in Lambert Park by default. If kids used the track for five years and grew accustomed to it being there, and then it was closed down when the lease expired, would there be the expectation to move it across the line into Lambert Park?

Kimberly Bryant said she disagreed with the thought that the track would end up in Lambert Park. She said she'd ridden a motorcycle around undeveloped areas of Alpine for years. Then when she was told she couldn't ride there anymore, she accepted that.

Bradley Reneer said it would be nice to have a place that wouldn't be gone in five years.

Mayor Willoughby said the City had been offered the Schaurerhamer piece of ground. It was an isolated piece in the center of residential areas. There was presently no road access. They could look at that as a possibility. Also, there was the three acres owned by the City off 300 North by Dry Creek, although there wasn't much of a grade on it.

Jannicke Brewer said she wished the City Council would consider the costs of a BMX track before voting to approve one. There would be grading costs and the cost of bringing in water.

MOTION: Kent Hastings moved that the City contemplate the Patterson ground and the 300 North acreage as discussed for a possible BMX track, and bring it back to the Council with the pros and cons of each piece and the cost estimate of restrooms, grading and any other additional items. Bradley Reneer seconded. Ayes: 5 Nays: 0. Kent Hastings, Bradley Reneer, Jim Tracy, Troy Stout and Kimberly Bryant voted aye. Motion passed unanimously.

7. SITE PLAN – “WHAT UP DOG” HOT DOG STAND AT 424 S. ALPINE HIGHWAY –

BRANDON MAUGHAN AND GREG SCHWARZ: April Naidu said the Planning Commission had recommended approval of the site plan for a hot dog stand that would be located in the parking lot of the Stone Ridge veterinary clinic at approximately 424 S. Alpine Highway. It would be in the same parking lot as the existing Snoasis shaved ice business. Temporary food-sale was not listed as a permitted or conditional use but it could be considered under temporary seasonal sales. One of the main issues that had been discussed by the Planning Commission was parking. The Stone Ridge veterinary clinic had 12 spaces approved but they were never striped. Snoasis was required to have two parking spaces. The Planning Commission recommended the hot dog stand also have two spaces for a total of four spaces. Since the same person owned the vet clinic and the property where the day care and pizza parlor was located, there was a possibility of a shared parking/cross easement agreement.

Brandon Maughan said he had talked to the fire chief about the propane tanks needed for the stand. They could have a permanent propane tank that they would remove at the end of the season. It would need to be protected from traffic with ballards. Or they could use two regular barbeque-size tanks that would be removed at night. The tanks would need to be chained so they didn't tip over.

April Naidu said the Planning Commission had recommended the trash cans have lids. There had been complaints from the property owner across the street about trash blowing into his yard. There would also need to be a place to dump gray water.

Brandon Maughan said the property owner, Mrs. Dutson and said they could use the basement in the vet clinic for a commissary. There would be a triple sink and they could dispose of the gray water down there. The county would have to approve the triple sink in the commissary. They had also considered working with the owners of Gig's Car Wash to dispose of gray water.

Shane Sorensen said the Timpanogos Special Service District would require a grease trap. If they used a sink in the basement of the vet clinic, they would have to install a grease trap. There was already a grease trap at the car wash where the oil and grease was separated out before it went into the sewer.

Kent Hastings noted that What Up Dog sounded similar to Jay Dogs in Provo. It would be a hangout for kids.

Jim Tracy showed photos he taken of the crowd at Snoasis. It was already a busy place. If the vet clinic building was rented, there would need to be more parking.

Hunt Willoughby suggested the owner stripe a yellow line separating the food areas from the vehicle/parking area to define where the pedestrians were standing in line and keep the cars away from the customers.

There was a question about whether the parked cars in front of the daycare were for the day care or for Snoasis. Brandon Maughan said there weren't a lot of people other than employees who parked at the daycare because children were dropped off. He suspected they were patrons of Snoasis.

Jim Tracy noted that there was a phone box in front of the daycare that needed to be fixed.

In response to questions from the Council, Brandon Maughan said their sign would probably be on the front of the building. They were planning to put a picnic table on the lawn so it would be away from the cars. Regarding season of operation, Mr. Maughan said they would like to open on August 1st and operate through the end of October, weather permitting. There would be exterior lights under the roof edge and a wall light with a flood light on the picnic table.

Shane Sorensen suggested the business applicants work with the owner of the property in designating and striping the parking. The Council indicated they would like to see the entire parking lot striped although they couldn't require it.

Brandon Maughan said they still had to go to the county for approval of the triple sink because a commissary was required. They still had to build the structure.

April Naidu noted that the county did not allow outdoor grilling unless it was temporary. The structure would be removed from the premises at the end of the season.

MOTION: Kent Hastings moved to approve the site plan for What Up Dog subject to the following conditions:

1. At least four parking spaces be striped
2. The trash cans have lids on them.
3. The gray water be dumped somewhere besides the storm drain
4. Any necessary water hook-ups be done on the property owner's side of the water meter.
5. A yellow perimeter line be striped around Snoais and the hot dog stand to delineate between customer standing area and parking and vehicular travel, and request the owner to stripe the whole parking lot if willing.

Jim Tracy seconded. Ayes: 5 Nays: 0. Troy Stout, Kimberly Bryant, Bradley Reneer, Kent Hastings and Jim Tracy voted aye. Motion passed unanimously.

8. ORDINANCE NO. 2010-10 - AMENDED 2009-2010 BUDGET: The public hearing on amending the 2009-2010 was held at the beginning of the meeting. Ted Stillman had reviewed the amendments to budget at the hearing. Regarding Alpine Drive, Mr. Stillman said they were not ignoring people's requests to resurface the street. It was a matter of money and priority. The waterlines needed to be replaced first. Also, the sewer main on 800 South needed to be upgraded to increase the capacity for the city. He said Alpine Drive looked worse than it was because of the patches. It was a sound road.

MOTION: Kent Hastings moved to adopt Ordinance No. 2010-10 adopting the Amended Budget for 2009-2010. Troy Stout seconded. Ayes: 5 Nays: 0. Troy Stout, Kimberly Bryant, Bradley Reneer, Kent Hastings and Jim Tracy voted aye. Motion passed unanimously.

9. RESOLUTION NO. R2010-08 - CERTIFIED TAX RATE FOR 2010-2011. Ted Stillman said the tax rate went up from the previous year because property valuation in Alpine decreased. The tax rate increased from 0.001121 to 0.001126. The net tax remained the same because when property values went down, the tax rate went up.

Troy Stout said someone could argue that the City could have cut services and have the tax rate not increase. Ted Stillman said Highland City was considering doing that.

Bradley Reneer asked if the tax rate was adjusted downward when property values went up.

David Church said that was what happened. The county came up with a rate that was different every year that would hold property owners harmless from inflation. People weren't accustomed to property deflating. In order to have the same tax as the previous year, the rate went up. In theory, residents as a whole were not paying more tax. But an individual homeowner might be assessed more and another one less. Individually the property tax changed but as a collective group, the tax paid by Alpine remained the same.

Troy Stout asked if a consequence of voting against the tax rate would be going back and reworking the budget. David Church said it would be and it would need to be done by the end of the fiscal year.

MOTION: Kent Hastings moved to pass Resolution No. R2010-08 adopting the certified tax rate of 0.001226 for fiscal year 2010-2011 as provided by Utah County to provide a neutral tax revenue. Jim Tracy seconded. Ayes: 5 Nays: 0. Troy Stout, Kimberly Bryant, Bradley Reneer, Kent Hastings and Jim Tracy voted aye. Motion passed unanimously.

10. ORDINANCE NO. 2010-03 - ACCESSORY BUILDINGS: Mayor Willoughby said the Planning Commission had been working on this ordinance for some time and the Council didn't have to make a decision that evening.

April Naidu explained that the development code set forth two methods for determining whether an accessory building was considered part of the main dwelling. Under Definition in Section 3.1.11 #17 it stated *a garage or carport having one or more walls or a roof in common with the main dwelling, had to meet the same setbacks as the dwelling.*

Under the sections defining setback requirements it stated that *an accessory building located closer than 12 feet to the main dwelling was considered part of the main dwelling and had to meet the same setbacks.*

Historically, the building department had required an accessory building to meet both criteria in order to be considered part of the main dwelling. It had to be within 12 feet of the house **and** it had to be attached by a common wall or roofline. However, the ordinance did not specifically state that both criteria had to be met so the building department had asked the Planning Commission for a clarification.

April Naidu showed aerial photos of different scenarios. She suggested that a detached garage with living space that was as tall as the house could result in something that looked like a second home attached to the main home by a long hallway or a monster house. The ordinance did not limit the size of a detached garage or the size of an accessory apartment. Nor did it limit how much of the lot could be covered by structures except in the TR-10,000 zone, which limited coverage to 50%.

The ordinance did allow a guest house but only on a lot that was at least five acres. Impact fees were required for a guest house. They were not required for an accessory apartment.

Jim Tracy said he felt there should be limit on how far the breezeway or connection could extend from the house.

Bradley Reneer asked if a shed became part of the house if it was placed within 10 feet of the house. April Naidu said that could be handled by changing the ordinance to state that if an accessory building was within 12 feet of the house and connected, it was considered part of the main dwelling. That way someone could build a shed within 12 feet of the house but not connect it.

Kent Hastings said the requirements in the ordinance related to single-family dwellings. They couldn't legally have two homes on a lot, but if someone wanted an accessory building with two connecting walls, who could say it was not part of the dwelling. It would be hard to prevent it from happening.

Kimberly Bryant talked about a situation in Provo where the property owner had found a loophole and was able to build a 2.5 million dollar home by connecting it to a little tiny house, and essentially filling up his entire lot, and didn't have to pay the fees for a new home.

Bradley Reneer asked what the purpose was and what they were trying to accomplish.

David Church said there were benefits to having a detached building considered part of the house. It could be taller. It could house an apartment. It could be used for a home occupation. Did the Council want to allow a breezeway that extended 100 feet so the garage could be as tall as the house and contain living space? The original purpose of the ordinance was probably to limit such benefits to dwellings.

11. RESOLUTION NO R2010 -09 - WASTEWATER PLANNING REPORT: Shane Sorensen said the state of Utah required cities to submit an annual self-assessment report on wastewater management planning.

Troy Stout said it looked as if the only thing Alpine lacked was continuing education. Shane Sorensen said the operators received the necessary training to be certified. What they lacked was a written plan for emergency response and safety, and an updated operations and maintenance manual.

MOTION: Kimberly Bryant moved to approve Resolution No. R2010-09 adopting the Municipal Wastewater Planning Program. Troy Stout seconded. Ayes: 5 Nays: 0. Troy Stout, Kimberly Bryant, Bradley Reneer, Kent Hastings and Jim Tracy voted aye. Motion passed unanimously.

12. 800 SOUTH SEWER MASTER PLAN: Shane Sorensen said the city would need more sewer capacity in the future. As part of the master plan they needed to upgrade the sewer line in 800 South. A portion of the line from Alpine Highway to 580 West had been completed the previous summer. The rest of it would be done this summer. They had run a video down the line and recommended a parallel line rather than replacing the existing line because it was buried deep and would be really disruptive. Sewer impact fees would be used to construct the line.

The meeting was recessed during this discussion and Kimberly Bryant was excused from the meeting. The meeting was reconvened at 9:23 pm.

MOTION: Jim Tracy moved to authorize the design of the 800 South sewer line project to Horrocks Engineers not to exceed \$31,100.00. Bradley Reneer seconded. Ayes 3 Nays: 0. Jim Tracy, Bradley

Reneer and Troy Stout voted aye. Kimberly Bryant and Kent Hastings were not present at the time of the motion because of a medical emergency. Motion passed unanimously.

13. LAWN MOWER PURCHASE: Ted Stillman said this item was in the budget. The Parks Department had a lawn mower that was still running but occasionally went down. They would use the new mower and keep the old one for back-up. Ron Devey said he'd gotten a good price on it. They were paying \$2,000 more than they paid for the same lawn mower they bought six years earlier.

MOTION: Jim Tracy move to authorize purchase of a Jacobsen HR9016 4wd wide rotary mower with a 90 hp diesel engine for a cost of \$67,491.00. Troy Stout seconded. Ayes: 3 Nays: 0. Jim Tracy, Bradley Reneer and Troy Stout voted aye. Kimberly Bryant and Kent Hastings were not present at the time of the motion. Motion passed unanimously.

14. STAFF REPORTS: Shane Sorensen reported on progress on the 100 South Park. The basketball court was poured and the playground was going in. They were looking at August 1st to seed the lawns.

15. COUNCIL COMMUNICATION

Troy Stout said there were several trails in Lambert Park that had stumps with orange paint on them. He was concerned that if the stumps were dug out it would change the nature of the trail. Ron Devey said he was working with the boy who was doing an Eagle Scout project on the trails in Lambert Park, and he would talk to him.

Troy Stout said Dave Kono had commented on the speed on 600 East and asked about methods to slow traffic. Shane Sorensen suggested a 4-way stop at 100 North by the crosswalk. Ted Stillman said they could increase patrol. The Council discussed speeding problems and control options. Jim Tracy suggested they wait until the park was completed and see how that affected speeds.

Bradley Reneer said there was a cul-de-sac on Grove Drive with a fence that was still down. Shane Sorensen said they were trying to get them finalized on the project. Mr. Reneer asked about tree planting in the new park. Ron Devey said the trees wouldn't be planted any earlier than July 17th.

Regarding the Alpine Days parade, Mr. Reneer said he was willing to carry a shovel and push a wheelbarrow and walk behind the equestrians. There was a discussion about parade entries for Alpine Days and limiting it to floats. Jim Tracy said the out-of-town commercial trailers had brought in a lot of revenue for Alpine Days.

Jim Tracy said there was an article in Sunday's paper about Highland City dissolving the police department. He suggested they have a study done to see what it would cost Alpine to have their own department. Hunt Willoughby said the Highland council had unanimously supported the budget. He felt the comment about dissolving the police department was meant to be flippant. Jim Tracy said he'd like the Council brought up to date about sewer and garbage costs.

Hunt Willoughby said there were 66 applicants for the city administrator position. He would finish reviewing them and then provide the applications to the Council for review. By July 13th each Council member should have their top three picks. They would pool them and see if there was an overlap, then set up interviews. David Church said the interviews could be conducted in a closed session.

16. EXECUTIVE SESSION: No executive session was held.

17. APPROVE MINUTES OF JUNE 8, 2010

MOTION: Troy Stout moved to approve the minutes of June 8, 2010 and adjourn. Bradley Reneer seconded. Ayes: 3 Nays: 0. Jim Tracy, Bradley Reneer and Troy Stout voted aye. Kimberly Bryant and Kent Hastings were not present at the time of the motion. Motion passed unanimously.

The meeting was adjourned at 9:53 pm.