

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 North Main Alpine, UT
July 27, 2010

I. WELCOME: The meeting was called to order at Alpine City Hall at 7:05 pm by Mayor Hunt Willoughby.

A. Roll Call: The following Council members were present and constituted a quorum: Mayor Hunt Willoughby
 Council Members: Jim Tracy, Bradley Reneer, Troy Stout, Kimberly Byant
 Council Members not present: Kent Hastings
 Staff: Shane Sorensen, David Church, Charmayne Warnock, April Naidu, Jay Healey, Annette Scott, Andrea Chapman, Jannicke Brewer, Ron Devey, Kip Botkin
 Others: Jonathan Ward, Jason Bushman, Gary Bushman, Chris Johnson, Tyler Johnson, Lynda Jamieson, Jan Richards, Craig Richards, Paul Thompson, Ben Blackwelder, JJ Loveland, Chris Culver, Michael Mansfield, Alex Anderson, Jeff Snyder, Laura Snyder, Bruce McKay, Scott Skousen, Ross Welch, Jeff Chapman, Chantell Chapman, Donald W. Meyers – *Salt Lake Tribune*, Terra Hales, Greg Hales, Jaycob Russell, Nate Christensen, Ryan Comer, Clay Linford

B. Prayer: Troy Stout.

C. Pledge of Allegiance: One of the scouts present.

II. PUBLIC COMMENT: Jason Bushman said he planned to help plant trees in the new park on 100 South for his Eagle Scout project. He had recruited over 100 volunteers to help. He thanked the Council for the opportunity. Mayor Willoughby said the next tree planting would be July 31, 2010.

Chris Johnson said he had talked to park superintendent Ron Devey about refurbishing a couple of bridges in Lambert Park on the River Trail for an Eagle Scout project, and Mr. Devey had approved it. He showed pictures of the old bridges and said the new ones would be like the bridges on Rodeo. He would be raising the money himself.

Tyler Johnson said he would also be working on the bridges in Lambert Park for his Eagle Scout project. He would be finishing the bridge on Rodeo and lowering the handrails on another bridge. He had received approval from Ron Devey.

Chris Culver said she lived on Stamford Court and there had been problems in the neighborhood with dry ice rockets. They were going off all hours of the day and night and terrorizing the animals. She didn't know whether to report it to the police or fire department. Chief Kip Botkin said they should call the police department at 756-9800 where they would be directed to dispatch after hours. He said the challenge was knowing the source of the fireworks since they'd already been set off when the police were called.

Alex Anderson said he wanted to paint the curbs red in Burgess Park for an Eagle Scout project. He was directed to talk to Ron Devey about the correct paint to be used.

III. CONSENT CALENDAR

A. Payment Request #4 – Hawker Enterprises, LLC (100 South Park) - \$596,858.43: Shane Sorensen reported that there had been some minor change orders. Two electrical services were planned but only one was needed so they saved money on that. They upgraded the posts on the volley ball court and purchased a net along with some other minor changes.

MOTION: Jim Tracy moved to approve the Consent Calendar. Troy Stout seconded. Ayes: 3 Nays: 0. Jim Tracy, Troy Stout, Bradley Reneer voted aye. Kimberly Bryant was not present at the time of the motion. Motion passed unanimously.

IV. ORDINANCES/RESOLUTIONS

B. Resolution No. R2010-10, Pressurized Irrigation Bond Sale: Jonathan Ward represented Zion Bank Public Finance. He said it was his job to save the city money. They had started considering refinancing the bond three years earlier. In May 2007 the rate was 4.13 and they had begun the process, then rates began to climb and there was no economic benefit to the City so they stopped. With the fluctuations in the market, they had started and stopped several times. The most recent start was in April when the rates dropped and the savings to the City increased. They were working with Wells Fargo as the underwriter or intermediary between the City, who was selling the bond, and the investors. The interest rate that morning was an average of 3 percent. When they first started considering refinancing, the savings would be roughly \$20,000 a year. The savings as of July 27, 2010 would be over \$100,000 for the next 16 years, which was a phenomenal savings. It amounted to around ten percent savings. The general rule was that if you could capture three percent, it was a worthwhile savings, so this was much greater. He referenced a booklet which he'd handed out to the Council which was a summary of the transaction

Mr. Ward said they had been anticipating that Alpine would qualify for an A or perhaps A- rating. They were pleasantly surprised when Alpine was given an AA- rating. It was a very, very strong rating which pulled them into the range where rates were a quarter percent lower than current market. The savings was a function of Alpine City's bond rating. The underwriters liked that the City had money in the bank, in essence, the savings essential to weather a rainy day, and they liked the steady nature of the revenue. They liked that the City took steps to raise rates which was painful politically but improved the financial stability of the City. If the City consistently maintained 125% coverage it would increase their bond rating even more, and the bond rating in today's market made a world of difference. He commended Alpine City on its bond rating, particularly for a City of its size, and their fiscal responsibility.

Mr. Ward said the City Council had before them a resolution prepared by the bond attorneys that authorized the City to execute a bond purchase contract saying they liked the rates, they liked the transaction, and they were willing to enter into a contract with Wells Fargo to lock-in the interest rates. The resolution also authorized the Mayor and the City Recorder to execute the legal documents necessary to consummate the bond refinance transaction.

Jim Tracy clarified that the term did not change. Mr. Ward said it did not.

Troy Stout asked about the upfront cost to the City to refinance, and whether or not it would be folded back into the loan. Mr. Ward said it would cost \$150,000 to pay the different agencies involved in the refinancing. Those costs would be folded back into the loan and would not affect the annual savings. The City would not be forfeiting the \$100,000 savings the first year.

In response to a question of whether staff had reviewed the documents, David Church said he had gone through the legal documents. He explained that Jonathan Ward was working for Alpine City. The City had entered into an agreement with Zions Bank Public Finance and Jonathan Ward was their financial advisor. The bond counsel, Ballard Spahr, had drawn up the agreement and was also working for Alpine City. The City had always used Ballard Spahr. Chapman was representing Wells Fargo which was the other side of the transaction. Mr. Church said neither he nor Ted Stillman had the financial expertise to advise on this so they had retained an expert financial advisor. Mr. Ward said Annalisa Beck had been apprised of the documents earlier that morning.

MOTION: Jim Tracy moved to adopt Resolution No. R2010-10 confirming the refunding of the Pressurized Irrigation Bonds, and authorize the Mayor and City Recorder to execute the closing documents. Seconded by Troy Stout. Ayes: 4 Nays: 0. Jim Tracy, Troy Stout, Kimberly Bryant and Bradley Reneer voted aye. The motion passed unanimously.

The meeting was briefly adjourned so the Mayor and Recorder could sign the necessary documents.

Because of the number of people in the audience that were present for the following specific items, the Mayor moved two items up on the agenda: 1) Alpine Performing Arts Center; and 2) BMX Track.

VI. SITE PLANS

A. ALPINE PERFORMING ART CENTER SITE PLAN – 264 SOUTH MAIN: April Naidu said the proposed art center had been reviewed by the Historic Gateway Committee and the Planning Commission. Public hearings had been held by the City Council and the Planning Commission to receive public input on the height of the building, which exceeded the height allowed by the Zoning Ordinance. Following the hearings, the building was redesigned and lowered by four feet then sunk into the ground another six feet resulting in a visible height from the sidewalk of 44 feet. It still exceeded the height restriction in the Ordinance of 36 feet, but there was a provision in Section 3.21.8.1 of the Zoning Ordinance that allowed the Planning Commission to approve a conditional use permit for a greater height based on the finding that there was no significant loss of light, air or views of surrounding properties. The Planning Commission had recommended approval of the art center subject to a number of conditions.

April Naidu said the applicants were asking to pay cash in lieu of water rights. Since there were no similar buildings in Alpine from which to evaluate how much water might be needed for such a facility, Shane Sorensen had checked with Provo City to see what the Covey Art Center consumed. He was still estimating the amount of water rights needed based on other art center usage.

The conditions were reviewed. Hunt Willoughby asked what the correct line type meant in relation to the traffic plan. Shane Sorensen explained that there was a concern about traffic getting into the facility if there was a sell-out crowd. It was recommended that the left-hand turn-lane be extended to allow vehicles to access at the north entrance. That would allow stacking in the northbound turn-lane. It would eliminate the shoulder on the west side but they didn't want street parking in front of the theater anyway. The south egress would be an exit only. The right-hand turn-lane into the charter school would be maintained. A midblock crosswalk for residents of River Meadows Senior Housing was discussed. Jannicke Brewer said the seniors would most likely ride the shuttle because a crosswalk was too unsafe.

Regarding the parking lot lighting plan, Shane Sorensen said the lights along Main Street would be the standard lights. The parking lots lights would be a shoe-box type light that directed the light downward to avoid shining on neighboring properties. There would be no lights on the sides of the building. A perimeter hedge would also prevent the light from shining into neighboring residences.

The parking plan complied with City ordinance. It was noted that the parking was all contained onsite and the amphitheater had been removed from the site plan so there was no need for a parking agreement.

Comments on other conditions were: a) April Naidu said the fire chief was still reviewing the fire hydrants. If the one on the street was not sufficient, they would need to put in another one; b) The applicant was still waiting for approval from Questar relative to the high pressure gas line that ran through the property; c) The applicant needed to combine the three parcels into one parcel prior to submitting for a building permit. d) The applicant needed to acquire a cross easement for ingress and egress only. It wouldn't be needed for parking.

A retaining wall would be built as part of the site plan. Jim Tracy suggested it be an earth tone color. Jannicke Brewer said there would also be plantings along the wall.

There was a question about condition #14 which referenced the site plan dated 6/25/10. April Naidu explained that the Planning Commission wanted to tie the approval to a specific site plan since there had been several versions. They didn't want changes made to the approved site plan in the future that might require more parking.

When asked how soon they would begin construction, Jeff Snyder said they would like to start this year but they needed to know all the costs and have the money raised first.

MOTION: Jim Tracy moved to approve the proposed site plan dated 6/25/10 for the Alpine Performing Arts Center located at 264 S. Main subject to the following conditions:

1. The proposed traffic plan for Main Street be approved and verification be provided by the City Engineer that the correct line types are being used.
2. The parking lot lighting plan approved as submitted.
3. The landscape plat approved as submitted.
4. The parking plan approved as submitted.
5. The seating not to exceed 603 seats.
6. The Fire Chief approve the proposed plans for fire protection.
7. The City's water policy be met prior to any recording. The applicant may submit cash in lieu of water rights.
8. Written approval of the site plan be obtained from Questar prior to any recording.
9. The subdivision plat be processed and approved concurrent with the site plan and be recorded prior to submitting for a building permit.
10. The necessary cross easements be provided and reviewed by City Staff and recorded prior to submitting for a building permit.
11. Detailed retaining wall designs be submitted with the building plans for a building permit if required. The retaining wall shall be an earth tone color such as brown or tan.
12. The older sidewalk along the street frontage be replaced with sidewalk that is a minimum of five feet wide.
13. An easement be granted on the plat for the public trail along Dry Creek and that the trail be 8 feet wide and asphalt.
14. The plan of uses as received on 6/25/10 be part of the site plan approval.

Bradley Reneer seconded. Ayes: 4 Nays: 0. Jim Tracy, Bradley Reneer, Kimberly Bryant and Troy Stout voted aye. Motion passed unanimously.

VII. ACTION/DISCUSSION ITEMS

A. BMX Track: Mayor Willoughby said the Council had talked about entering into a lease agreement with Patterson Construction for the 10 acres located south of Lambert Park, but the lease in no way obligated them to build a BMX track on the ground. A separate motion had been made to consider other locations for a BMX track.

Shane Sorensen said staff had looked at other locations for a BMX track but they all had issues similar to the last site on Ridge Drive.

Kimberly Bryant asked if they had considered the Bangerter property along Alpine Highway. There were no homes built on it.

Hunt Willoughby said there was the city-owned piece of ground off 300 North but there was no relief to it. It was quite flat.

Jim Tracy suggested they consider a strip of ground at the corner of Westfield Road and Sunrise Drive that was not buildable. It was about two and a half acres and the owner was asking about \$40,000. He said there may be other locations in the city that the City might purchase, and said he was opposed to putting the track on non-city-owned property because he didn't want to have to move it again when the lease expired.

Troy Stout said he was opposed to locating a BMX track in Lambert Park, and had made the same statement in previous meetings. He said that regardless of where they put it, they would have to look at additional costs for sanitation, parking, etc., and he wasn't sure they could justify the expense when there were residents in Alpine waiting for improvements to streets. They needed to first provide basic services.

Kimberly Bryant said she agreed with Troy Stout about spending money on non-essential services when there were essential services that should be met first. She added that a BMX track south of Lambert Park would have an impact on the people that lived in that area. There would noise and cars parking along the road.

Hunt Willoughby asked if the Council wanted to pursue a BMX track in city limits. It had been presented as a good thing for those who participated in the sport, but it also created an impact on those who did not participate. Did the benefit outweigh the potentially negative impact?

Jim Tracy said he felt it was a similar argument to the skateboard park. There were a lot of people who liked it, but not in their backyard. He said that if they found a location for a BMX track and the neighbors were in favor of it, he would support it. The cost could be planned for and put in the budget. He felt the financial issue was secondary to the location issue.

Mayor Willoughby said they had just heard testament to wise financial decisions made by earlier councils. He didn't think they should go into debt for a BMX track.

Bradley Reneer said that kids using vacant lots for bike jumps was nothing new. His lot had been such a place before he built on it, and he felt a BMX track was a legitimate, healthy activity for kids. Having said that, he said he appreciated the fiscal responsibility of previous councils. He said the Nashs had mentioned putting the track near the rodeo grounds which the City already owned; it had restrooms and parking already, but it was a long way to ride a bike. He added that portajohns were not a good long-term use.

Troy Stout said he liked the idea of looking at the Bangerter property but he was not in favor of putting it in Lambert Park.

Shane Sorensen said it made sense to let the people who wanted the BMX track to provide the site suggestions. They were a subcommittee of the PRO Commission.

MOTION: Troy Stout moved to authorize the PRO Commission to request the BMX Committee to continue their search for a BMX track site excluding Lambert Park and any leased property adjacent to Lambert Park. Jim Tracy seconded Ayes: 4 Nays: 0. Troy Stout, Kimberly Bryant, Bradley Reneer and Jim Tracy voted aye. Motion passed unanimously.

Greg Hales said he lived at the end of Bald Mountain Drive and he was one of the guys that built the bike jumps in the park in Highland and would probably be helping build bike jumps in an Alpine bike track. He didn't think the location at the south end of Lambert Park would be a good location for a BMX track, but he would support one somewhere else in Alpine. He said he thought the City could do a better job of providing public notice about things that were going to be built in people's neighborhoods. He was still annoyed about the cell tower in Lambert Park and saw it everything he looked out his window. He said if the City had contemplated a BMX track near their neighborhood, they should have notified them. He said he thought the ground near the rodeo ground would be a perfect site for a BMX track because the City already owned it. There were already restrooms and public access and parking. There were no neighbors and it wouldn't interrupt the trail system. He said he didn't think there was a neighbor in the room that would want a BMX track south of Lambert Park. They should have received better notice.

April Naidu said the agendas for the meetings were posted on the door at City Hall, Junction and Bank of American Fork along with a notice on the Alpine City website and the state website. Anyone could go to the state website and request that an agenda be automatically emailed to them on a continuing basis.

Hunt Willoughby said if Mr. Hales would like to serve on the BMX Committee he should notify the PRO Commission. Darin Peper and Kelly Payne were on the BMX Committee and Dave Fotheringham was over the PRO Commission. April Naidu offered to email Mr. Hales a list of contact information and the state website address.

V. SUBDIVISION APPROVALS/PLAT AMENDMENTS

A. High Bench Ridge, Plat E – Plat Amendment: April Naidu said the proposed plat amendment would adjust the boundary lines between lots 25, 31 and 32 of the High Bench Ridge Subdivision, Plat B. The resulting lots would still meet the requirements of the zoning ordinance. The same individual owned all the lots and no public hearing would be required if the property owner signed the plat.

Shane Sorensen said the lots were created before Ridge Drive was built. With the new road it created some problems so the lots were redefined. They would need to be resurveyed and have new property corners set along with new addresses.

MOTION: Jim Tracy moved to approve the proposed High Bench Ridge Plat E plat amendment. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Jim Tracy, Kimberly Bryant, Bradley Reneer and Troy Stout voted aye. Motion passed unanimously.

VI. SITE PLAN

B. and C. River Meadow Senior Housing Site Plan and Rezoning: April Naidu said the City Council had seen this application two years earlier in January 2008 when the owners had applied to rezone the property east of the existing River Meadows Senior Housing facility. They wanted to expand the existing project and include an Alzheimer unit and additional independent living cottages. The process to rezone the additional ground from CR-20,000 to Business Commercial and then apply an Assisted Living/Nursing Care overlay zone designation had been accomplished along with an amendment to the ordinance that provided an exception to allow such projects to exceed the four-acre limit imposed by the original ordinance. Then the economy softened and the project was put on hold.

Recently, the applicants had come back to the City with a site plan which went to the Historic Gateway Committee and the Planning Commission. There were some alterations from the original plan in that the expansion would include more assisted living along with the independent cottages. The memory care or Alzheimer unit would be housed in the existing facility. The Planning Commission had forwarded a positive recommendation on the site plan with a number of conditions.

Jim Tracy said he remembered that the original recommendation had a block wall between the facility and the residences. This simply called for a six-foot solid fence.

Ross Welch said there was a nice walking trail through there and they thought a block wall would create a tunnel effect. They felt the solid fence would be better.

Troy Stout asked about the height of the new building. April Naidu said it was 28 feet high. In addition, it had been rotated to put the narrow end of the building against the property line and reduce the mass facing the residences.

David Church said this project was essentially approved by a previous council. This Council would need to repass the zone change and approve the site plan.

April Naidu said there had been only one comment in response to the notification letters sent out and that was in support of the project.

MOTION: Jim Tracy moved to adopt Ordinance No. 2010-15 amending the Alpine City Zoning map to change the zoning from CR-20,000 to Business Commercial and extend the Assisted Living and Nursing Care Overlay Zone. Bradley Reneer seconded. Ayes: 4 Nays: 0. Jim Tracy, Bradley Reneer, Kimberly Bryant and Troy Stout voted aye. Motion passed unanimously.

MOTION: Jim Tracy moved to approve the River Meadows Assisted Living site plan and confirm the Planning Commission recommendation that the project be expanded from four acres to just over nine acres, and subject to the following conditions:

1. Spring Creek Plat A be amended to include both phases of the project.
2. A 6-foot solid fence or wall be constructed on the east end of the north parking lot.
3. The parking plan be approved including the parking in the 30-foot setback.
4. The landscape plan be approved.
5. A proposed street light plan be provided to the City for review and approval.
6. The existing sidewalk be replaced with 6-inch thick concrete through the driveway areas.
7. A SWPPP be provided for the project and a UPDES permit be obtained prior to construction.
8. The developer state the proposed source of water rights to meet the water policy.
9. An alternative location be considered for the dumpster and that be brought back to the City and approved by the DRC.
10. All requirements of the Assisted Living and Nursing Care Overlay Zone be met.

Kimberly Bryant seconded. Ayes: 4 Nays: 0. Jim Tracy, Kimberly Bryant, Bradley Reneer and Troy Stout voted aye. Motion passed unanimously.

Troy Stout asked if the City was locked into granting exceptions on size for future projects. David Church said each project was evaluated on its own merit.

VII. ACTION/DISCUSSION ITEMS

B. 800 SOUTH SEWER: Shane Sorensen said the plans were being worked on. They were seeking Council approval to bid this project once the plans were complete. The sewer upgrade would be paid for with sewer impact fees.

MOTION: Kimberly Bryant moved to approve going to bid for the 800 South sewer project when the plans were complete. Troy Stout seconded. Ayes: 4 Nays: 0. Kimberly Bryant, Troy Stout, Bradley Reneer and Jim Tracy voted aye. Motion passed unanimously.

VIII. STAFF REPORT: David Church apologized for not getting the lease agreement done for the Patterson property, and said he would get it together.

Shane Sorensen reported on the progress of the 100 South Park saying the splash pad had been poured that morning. They were going to post signs not to use the park until it was completed because everyone wanted to use the asphalt trail. They were planting trees on July 31st and would be surfacing the tennis courts. The playgrounds were close to being done. There should be a crosswalk to the school.

Regarding roads, Shane Sorensen said they planned to do a slurry seal on some of the cul-de-sacs. Typically they didn't do a chip seal on cul-de-sacs but they thought they would try a slurry seal in some subdivisions like Twin River and see how it worked.

Shane Sorensen said there was to be a sewer rate increase but they had discovered a discrepancy in the sewer flow rates that Timpanogas Special Service District was billing them for, and the flow rates monitored by the City. The TSSD flow rate calculations had continued to increase even though construction was down and the City had basically been overbilled by about \$95,000. It appeared there was some obstruction below the meter that was creating an artificially high flow. Until they got the accurate flow data, they couldn't determine the new sewer rate. Shane Sorensen said that if TSSD validated that the flow rates were high, the City would be issued a credit. He explained the potential rate increase and asked if the Council wanted to leave the base rate the same and increase the fee for usage over the base rate. There were citizens who were in the base range and previously the Council had chosen to leave the base rate

unchanged because it would have the least impact on those with low usage such as senior citizens. Shane Sorensen said he would come back with 4 or 5 scenarios.

Regarding the next Council meeting scheduled for August 10th, Mayor Willoughby said there had been a request to cancel it for Alpine Days but they would leave it on the schedule for the time being to see if anything came up that needed to be dealt with. It would be easier to cancel the meeting than reschedule it if something came up.

Jannicke Brewer said the Planning Commission meeting for August 3, 2010 had been canceled.

IX. COUNCIL COMMUNICATION: Kimberly Bryant thanked everyone for their concern during her medical emergency at the last meeting, and offered kudos to the EMTs who were so prompt and so knowledgeable. Second, she commended the fire department and police department for their quick response when a fire started against the mountain in Highland by illegal fireworks. She said she couldn't believe how many illegal fireworks there were going on in the City on the 4th and 24th and suggested they all watch for them and report them. Kip Botkin said the Dispatch number was 375-3601.

Jim Tracy said he wanted to thank the City staff for their work on the 100 South Park. The public works and parks department had been laying asphalt in temperatures of over 100 degrees and were doing a wonderful job. He also noted that the advertising for Alpine Days tee shirt sales had begun early this year and people were coming into City Hall to buy shirts which put an extra burden on staff who already had jobs to do. He suggested that in the future they limit the advertising to two weeks before Alpine Days. He also suggested that if someone had a medical emergency they should call 911 rather than calling Craig Carlisle on his cell phone since there was no guarantee that he was even in town and it could delay the response time. He suggested there be a notice in the Newsline thanking people who helped plant trees in the park, and also asking people to be patient and not use the park until it was finished.

Shane Sorensen said there might be a problem with skateboarders using the benches in the new park because of the way they were angled. A number of solutions were suggested including an ordinance and a fine, angle iron on the benches, and a top surface of gravel in the sidewalk to discourage skateboarding.

Bradley Reneer asked if there were any other bonds that they needed to look at refinancing. There were no other bonds. He also asked if there was an update on the city administrator position. Mayor Willoughby said he had received everyone's suggestions on candidates for the position, and would tabulate them. There was some overlap in preferences. Bradley Reneer asked about the status of the investigation on the letter that came out prior to the election. Police Chief Kip Botkin said it was pretty much closed because they'd hit a dead end. There were certain amounts of information they could track but as far as pinpointing and prosecuting one person, they didn't have enough information to do that.

There was a discussion about the Alpine Days parade and activities. The Council would be tossing out bouncy balls in the parade. There was a discussion about what would be appropriate for the council and staff to receive during Alpine Days. It was agreed they would receive a complimentary shirt and a hat along with event tickets

Troy Stout said he'd had a few people approach him, saying they'd complained about fast traffic to the police and had gotten little response. Kip Botkin said he was curious to know who they were complaining to and who had been resistant to responding. If a citizen had a complaint, they needed to call him or Ted Stillman. He said the caller needed to identify the location and time of day of the problem because they did do selective enforcement. The police number was 756-9800. Dispatch was 375-3601.

X. EXECUTIVE SESSION: None held

XI. APPROVE MINUTES OF JUNE 22, 2010 AND ADJOURN: Jim Tracy noted that Charmayne did an excellent job with the minutes.

MOTION: Kimberly Bryant moved to approve the minutes of June 22, 2010 as written and adjourn. Troy Stout seconded Ayes: 4 Nays: 0. Kimberly Bryant, Troy Stout, Bradley Reneer and Jim Tracy voted aye. Motion passed unanimously.

The meeting was adjourned at 9:25 pm.