

NOVEMBER 9, 2004

Minutes of the Public Hearing and City Council Meeting held on Tuesday, November 9, 2004 at Alpine City Hall, 20 North Main, Alpine, Utah 84004 as follows:

The following members were present:

Mayor Philip D. Barker

City Council Members: Kent Hastings, Thomas Whitchurch and Hunt Willoughby

Staff: Ted Stillman, Janis H. Williams, David Church, Shane Sorensen, Rachel McTeer, Ron Devey and Jay Healey

Others: Jannicke Brewer, Dale Porter, Craig Skidmore, Tim McGaffin, *New Utah*, Jim Tracy, Leah Whitchurch, *Alpine Youth Council*, Ula B. Hemingway, Robert Hemingway, Kevin Larsen, Carla Wheadon, Margaret Smith, Myrna Grant, J. Mark Grant, Janice Ann Brown, Carl Pack, Wayne Pack, Corbin Stott, Grant Crosley, Rhett Peterson, Dalton Beck, John Baker, Eric Allen, Matt Egan, Stephen Stansfield, Zach Stout, Daniel Leavitt, Trevor Lott, Trevis Mackey, Trent Merrill, Josh Pollard, Mitchell Trowbridge, Bob Schirmer, Dale Merrill, Loretta Stevens, Jim Bishop, Jennifer Bishop, Amy Grant, Downing Aiken, Kay Van Buren, Juanita Nield, Danny Wheeler, Lew Kofford, Marilyn Kofford and Brent Cook

PUBLIC HEARING – 7:00 pm - FOR THE PURPOSE OF RECEIVING PUBLIC INPUT REGARDING COMMUNITY DEVELOPMENT BLOCK GRANTS. Mayor Phil Barker called the Public Hearing to order at 7:00 pm and opened the Public Hearing for the CDBG program and stated that this hearing is being called to consider potential projects for which funding may be applied under the 2005 Community Development Block Grant Program. It was explained that the grant money must be spent on projects benefiting primarily low and moderate-income persons. The Mountainland Association of Governments in which Alpine City is a member, is expecting to receive approximately \$1,600,000 in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Guide and interested persons can review it at any time. Mayor Philip D. Barker read several of the eligible activities listed including a sidewalk to help senior citizens have a safe route to the Arboretum and installing curb ramps to aid the handicapped. Also eligible are loan programs for private businesses which would then hire low income persons and the program can also pay for housing rehabilitation for low income homeowners or for persons owning rental housing for lower income persons. Mayor Philip D. Barker indicated that in the past Alpine City has not received any prior grants although in 2003 the city tried to receive CDBG funding on the Downtown Improvement Project. The city made available the 2005 Consolidated Plan.” This list shows which projects the city has identified as being needed in the community. Mayor Barker asked if anyone had questions comments or suggestions during the hearing to please identify themselves by name, before they speak. The recorder will include your names in the minutes and we would like to specifically respond to your questions and suggestions during the hearing.

Ted Stillman, City Administrator said staff had identified two possible projects. In 2003 when the city applied for a CDBG grant for the Downtown Improvement Project, the city was unable to prove that the people in the affected area did not qualify as low income. Mr. Stillman said the city does have two groups of people that are pre-approved as low income which are the elderly and disabled. Possible projects could include:

1. A trail from the assisted living center and senior housing to the Arboretum
2. ADA corner curb ramps to aid the handicapped

Rachel McTeer said the Assisted Living Center needed to be built before the city can apply for that project and we need to prove that the trail would primarily be used by the elderly and disabled.

There were no comments from the public and Mayor Barker adjourned the Public Hearing.

The Public Hearing adjourned at 7:05 pm.

CITY COUNCIL MEETING – Immediately following the Public Hearing

I. **CALL TO ORDER.** Mayor Phil Barker called the City Council Meeting to order at 7:05 pm, excused Kimberly Bryant who was ill and Hata Puriri who was out of town and welcomed those in attendance. Mayor Barker recognized Leah Whitchurch who was representing the Alpine Youth Council and the many scouts from Troop 815 and one scout from Troop 1110.

II. **PRAYER/ OPENING COMMENTS –** Thomas Whitchurch

III. **PLEDGE OF ALLEGIANCE.** Robert D. Hemingway, a Veteran of World War II, 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. There were no comments from the public.

V. **CONSENT CALENDAR –**

A. Bond Releases:

Taylor Smith – FALCON RIDGE SUBDIVISION - \$24,557.25

B. Payment Requests:

Strang Excavating – WILLOW and PRESTON CANYON DEBRIS BASINS -\$56,133.22

Ted Stillman explained that when Falcon Ridge Subdivision was recorded there was a portion of ground that was in Draper. Mr. Stillman said the developer was given the choice to amend the Subdivision Plat or deed the open space ground to Alpine City. Taylor Smith chose to deed the open space ground to Alpine City. Mr. Stillman recommended that the bond release for Falcon Ridge Subdivision be contingent upon getting the deed.

MOTION: Hunt Willoughby moved to approve the payment to Strang Excavating in the amount of \$56,133.22. Kent Hastings seconded. Ayes: Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

MOTION: Hunt Willoughby moved to approve the Bond Release to Falcon Ridge Subdivision in the amount of \$24, 557.25 contingent upon the developer deeding the open space ground to Alpine City. Kent Hastings seconded. Ayes: Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

VI. **SCHEDULED ITEMS**

A. **ANNEXATION POLICY PLAN.** Ted Stillman said this item will be dealt with at a later time.

B. **ORDINANCE NO. 2004-20 – DRY CREEK RANCH ANNEXATION.** Ted Stillman said the developers of Dry Creek Ranch wish to continue this item at a later date.

C. **RESOLUTION NO. R2004-12 –HERITAGE HILLS SUBDIVISION/NORTHPOINTE RIGHT-OF-WAY.** Ted Stillman said the Heritage Hills developers have reached an agreement with Bill Moeller and the Resolution to condemn does not need to be adopted.

D. **CEMETERY POLICIES.** Ted Stillman said that at the City Council meeting of October 26, 2004 the City Council reviewed the Cemetery Headstone and Flower Removal Policy and asked staff to come back with recommendations regarding such.

Recommendations of Staff:

1. Flower and Decoration removal.
 - a. That between November 1st and April 1st, flowers and other decorations

- b. will be allowed to remain
On the Monday after Memorial Day, all flowers and decorations will be removed
 - c. During the mowing season, flowers and decorations that interfere with mowing and trimming, will be removed
 - d. A sign be posted at the cemetery entrances outlining the flower and decoration removal policy and the mowing schedule
- 2. Upright Headstone Policy – That all new sections of the cemetery be designed and a decision will be made on what type of headstones to allow.
- 3. Fees – That the fee for upright headstones be increased from \$75.00 to \$300.00

Ted Stillman recommended that the City Council review staff's recommendations and be ready to make a decision when this item is back on the agenda at a later date. Mr. Stillman recommended that the city look at the fees as the fees for upright headstones and opening and closing the graves are low. Ted Stillman recommended that the council seriously consider looking at the rates so that we are competitive with other cities. Kent Hastings suggested that since the cemetery was under his jurisdiction he would like to form a committee, take the recommendations that staff have suggested and then have the committee look at how the city can improve the looks so that all bases are covered. Thomas Whitchurch felt this was a good suggestion, but said he would like to see the committee's recommendations come back before the Council in February or March before setting policy. Carla Wheadon, Margaret Smith, Amy Grant and Ula Hemingway all volunteered to be on this committee. Ula Hemingway said that most cities have a citizen's committee and input from the public is very important as their loved ones are buried there. Councilman Hastings suggested that an article be put in the Newsline asking for volunteers.

E. CLEAN STREET ORDINANCE. Councilman Kent Hastings had previously suggested that the city revisit the Clean Street Ordinance. Ted Stillman said the city has the Clean Street Ordinance for a number of reasons; however, the city could do a better job of communication and public relations:

1. Storm Drain – The city is under Federal rules governing debris that goes into the Storm Drain system. Cities have been fined for allowing dirt, bark, etc. that is stored on streets to get into the storm drain system. Alpine has storm drain sumps that have been filled from dirt washing off the streets.
2. Safety – The city has had three cases where residents have called the Policy Dept. because streets have been blocked because of construction activities in the street. The city has also had cases where at night people have jogged and ridden bikes into piles of dirt on the streets.

Ted Stillman said the Planning Commission considered the Clean Streets Ordinance at their meeting of October 5, 2004 and recommended that the ordinance not be changed. Mr. Stillman talked to a local landscape contractor about the ordinance and he said that other cities were much stricter than Alpine in making sure their streets were clean. This landscape contractor said that in most cases bark dust, dirt, etc. could be put on the lot; however, it was just more convenient to use the street. It was noted that in most cases that if the street were used, the material could be moved the same day. Currently Alpine's Clean Street Ordinance allowed for a permit to be issued which would allow streets to be used for storage. Ted Stillman felt that if people really needed to store material in the street they can obtain a permit which will specify clean-up, how long the material will be there and provisions to keep the material from washing away. It was noted that it is federally mandated what can be put in the storm drains.

Kent Hastings said he has been contacted by residents who need to store the material in the street for 24 hours and felt the city could allow some breathing room. Rachel McTeer said she doesn't go out looking for offenders, but sometimes catches offenders when going out on another complaint. Hunt Willoughby said he doesn't mind seeing a pile of dirt since we live in a rural environment and Thomas Whitchurch felt the Ordinance as written, is pretty clear. If a people would come in and get a permit then they have plenty of elbow room. Mayor Barker felt violations could be discussed by the DRC and then one of the Committee

Members could contact the violator and if it appears that the violation cannot be corrected within 24 hours, then staff has the jurisdiction to issue a permit allowing a longer time for the material to be stored in the street.

MOTION: Kent Hastings moved that we instruct staff that in cases of violations that a member of the DRC will contact the violator ~~and if it appears that the violation cannot be corrected within 24 hours~~ then staff has the jurisdiction to immediately grant a permit allowing a longer time. Thomas Whitchurch seconded.

Thomas Whitchurch felt that staff should have the jurisdiction of determining if the material needed could be stored on the street for a longer period of time, in the case of rain or bad weather and asked that the motion be amended to take out the 24-hour limitation.

Ayes: Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

F. MAIN STREET BRIDGE – STREET LIGHTING. Shane Sorensen had been working with the lighting consultants to finalize the design of the Main Street lights. Horrocks Engineering is working on drawings and cost estimates for the bridge. Mayor Phil Barker said he was happy with the progress on the Gateway-Historic Plan to date and the Main Street bridge and Main Street lighting was discussed at length. Loretta Stevens said she worked on the Gateway-Historic Committee many years ago and was happy to now see the plan being finalized. Mrs. Stevens said it was the intention of the Committee at that time to have a plan to preserve and set apart the downtown historic area and that many of the old timers would be thrilled to see the bridge on Main Street. Hunt Willoughby suggested that we continue to have a priority list and that we not spend our money on just the nice things and then not have enough money for necessities.

Mayor Barker said he liked the bridge on Canyon Crest and asked why the Main Street Bridge could not be built like that one. Shane Sorensen went over the differences between the Canyon Crest Bridge and the proposed bridge and said he would have information for the council to look at with cost estimates for different proposals next week. Shane Sorensen said the trusses that are going to be used on the Main Street bridge are larger and 4 feet taller than the trusses on the Canyon Crest bridge. Mr. Sorensen said that Mountain States Lighting has offered their services free of charge, and Neil Hadlock, who has given a previous presentation to the City Council, has provided the city with a cost estimate for the lights and wants to be considered if we go out to bid. Mayor Barker felt we needed to figure out what is going to be lit so that we can run cables, etc. Shane Sorensen said staff has been so busy with other projects but now that these projects are winding down, we will have more time to pursue this. Mayor Barker suggested that all this information be put together and then staff meet with him to come up with a plan.

G. SIDEWALK REPAIR PROGRAM. Ted Stillman said that in the past the city has replaced sidewalks on an “as needed” basis. When a citizen calls about a broken sidewalk, it is placed on a schedule and done as soon as possible; Mr. Stillman felt that sidewalk repair and replacement needed to be on a more regular basis. An overall list of sidewalks that need to be replaced or repaired was generated totaling over \$50,000. Hunt Willoughby said he would work on the sidewalk on the corner of 300 North and 600 East himself by putting some dirt under the section of sidewalk that has sunk. Thomas Whitchurch asked if we should do a Newsline article and get some public input for other sidewalks that need to be repaired or replaced. Shane Sorensen said the Public Works Dept. workers actually went over every sidewalk in the city to compile the list and Jay Healey said that most of the ones on the list were broken and needed to be replaced. Mr. Stillman recommended that in the spring and as part of the budget discussions an amount be included to implement the Sidewalk Replacement Program. Mayor Barker suggested that we rank order each sidewalk so that the most critical ones were replaced or repaired first.

H. LDS CHURCH SITE PLAN. Ted Stillman said the LDS Church has acquired the remaining two un-recorded lots in the Long Drive Subdivision fronting on Canyon Crest across from Timberline Middle School. The amended Site Plan would use the proposed lots as a recreation area which would include a pavilion, volleyball court, a grass recreation field and a small outdoor amphitheater. The Planning Commission recommended approval of the amended Site Plan at their meeting of November 2, 2004 as follows:

“Dale Porter moved to approve the amended LDS Church Site Plan on Long Drive with the following conditions:

1. The water policy be met for the additional ground
2. There be a self-latching gate on their fence
3. There be a red “No Parking” zone along the street

Phil Andrus seconded. Ayes: 6 Nays: 0. Motion passed.

Thomas Whitchurch said the Planning Commission was afraid that some people would not watch their small children and could fall in the creek. Craig Skidmore said there was some erosion on the trail in the Long Drive Subdivision and Shane Sorensen said this is why the developers haven’t received their final bond release.

MOTION: Thomas Whitchurch moved to approve the LDS Church Site Plan subject to the Church providing 2-acre feet of water to meet the city’s water policy. Hunt Willoughby seconded. Ayes: Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

I. COMMUNITY DEVELOPMENT BLOCK GRANTS. Rachel McTeer said that Community Development Block Grants are due to the Mountainland Association of Governments by December 3, 2004. Staff has considered applying for funds to help Install curb ramps to aid the handicapped or a trail to help senior citizens have a safe walking route to the Arboretum. A Public Hearing was held earlier in the meeting to receive public comment on CDBG Block Grant Projects. Rachel McTeer said the Assisted Living Center needed to be built before the city can apply for that project and we need to prove that the trail would primarily be used by the elderly and disabled. Shane Sorensen explained how the ADA works and said that Salt Lake City has personnel who go around checking to see if all their sidewalks are ADA compliant.

MOTION: Thomas Whitchurch moved that we add to the Consolidated Plan the ADA Corner Sidewalk/ramp Project. Hunt Willoughby seconded. Ayes: Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

VII. COMMUNICATION

Mayor Phil Barker –

1. Mayor Barker said the Christmas Party is on December 7th at 7:00 at the Alpine Art Center.
2. We need to organize a time for the City Council pictures. The roundabout is where the pictures will be taken this year and the best time for the photographer would be Saturday morning, November 13, 2004 at 7:30 am.

Kent Hastings –

1. Had a question on a motion in the October 26, 2004 meeting. The subject being talked about was the advertising sign for the lighting in the roundabout. Councilman Hastings asked if the city had an agreement with the lighting contractor to leave his advertising sign up for 90 days. The lighting contractor’s original sign would come down in mid November and Kent Hastings wanted this be in the motion. It was noted that now Orion Lighting would not be decorating the trees with Christmas lights.
2. A follow-up meeting for Family First Days has been scheduled for November 18, 2004 at 7:00 pm at City Hall. Thomas Whitchurch asked Kent if he had contacted the Jr. Miss and Miss Timpanogos people to get them to help.

Thomas Whitchurch – Was said that 80% of voters in the General Election was incredible.

Hunt Willoughby – Councilman Willoughby said he put Dr. Joseph Miner, director of the Utah County Department of Health, in contact with Lisa Morse who had come to the City Council with her health concerns and the number of people with brain tumors here in Alpine.

Ted Stillman – Ted Stillman said that since we didn't allow Orion Lighting to turn on the Christmas lights prior to Thanksgiving, the contractor withdrew his offer to install the lights for free and has given the city a price of \$2,500.00 to install and take down the Christmas lights. Mr. Stillman said that the contractor would then put the lights up and take them down in subsequent years for \$1,500.00 per year. Thomas Whitchurch said the Youth Council has volunteered to do the decorating, but the city would have to buy the lights. Mr. Whitchurch said that last year they put a few ball lights up in Legacy Park as decorating the whole park was too large of a project for them. Councilman Whitchurch asked if we would have to deal with Orion Lighting's advertising sign if we go with his proposal. Shane Sorensen suggested that we ask Kencraft who does their lights.

MOTION: Thomas Whitchurch moved that we appropriate up to \$2,500 for Christmas lights and decorations and that we take this out of the Mayor's discretionary fund. Kent Hastings seconded. Ayes: Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

Jannicke Brewer - Jannicke Brewer said the Planning Commission will be meeting on November 30th and they will have no meetings in December.

VIII. EXECUTIVE SESSION to discuss Litigation, Property Acquisition and Personnel

MOTION: Thomas Whitchurch moved to go to an Executive Session for the purpose of discussing property acquisition. Hunt Willoughby seconded. Ayes: Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

MOTION: Thomas moved to go back to Open Session. Hunt Willoughby seconded. Ayes: Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

IX. APPROVAL OF MINUTES:

Public Hearings and City Council Meeting of October 26, 2004

MOTION: Thomas Whitchurch moved to approve the minutes of the Public Hearings and City Council Meeting of October 26, 2004 as amended and adjourn. Kent Hastings seconded. Ayes: Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

The meeting adjourned at 9:03 pm.