

ALPINE CITY COUNCIL MEETING
20 North Main Alpine, UT
April 26, 2011

PUBLIC HEARING - MCNIEL #4 ANNEXATION: The proposed annexation consisted of 2.278 acres located at approximately 1100 East Alpine Boulevard. The annexation would bring the remainder of the right-of-way for Alpine Boulevard into city limits. The annexed area would be part of subdivision applications by Lon Nield and Roger Bennett.

There were no comments

I. REGULAR MEETING: The meeting was called to order at 7:00 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, Kent Hastings, Troy Stout, Kimberly Bryant, Bradley Reneer

Staff: Rich Nelson, Charmayne Warnock, David, Church, Shane Sorensen, Jay Healey, April Naidu, Jannicke Brewer, Kip Botkin, Officer Eddington, Harris – the dog.

Others: Cooper Larsen, Parker Reynolds, Jason Coverston, Kathy Harding, Kellie Hall, Shae Norton, Amy Johnson, Daniel Johnson, Spencer Dew, Steve Wallace, CJ Rockwell, Eric Farr, Kyle Harding, Kay Asay

B. Prayer:

Rich Nelson

C. Pledge of Allegiance:

Spencer King

II. PUBLIC COMMENT: Shabas Jenjua said he had attended the last meeting where he supported increasing taxes to improve police and fire protection. He said he needed to clarify some information that was presented at the previous meeting regarding the ISO rating. He felt some who were present may have been influenced by information about the ISO rating and they needed to be properly informed. He said it was emphasized that improving the ISO rating would reduce the cost of fire insurance for homeowners. However, he said he had researched it and that was not true. In either case he said he was willing to increase taxes for service but he felt the correct information should be presented. He said he called difference insurance agencies and was told that some of them had stopped using ISO ratings. Another said decreasing the ISO rating from a 5 to a 3 would not change the rate. He also checked the ISO website and determined that the chances of it affecting rates were slim to none. He said that in the future when they had comments about those topics they needed to keep that in mind.

Rich Nelson said the Lone Peak Public Safety District would be holding a budget hearing in Highland on May 4th at 7 pm if people were interested in attending that meeting. Also, at the next two Alpine City Council meetings they would be discussing the budget.

Kent Hastings said he was appreciative of Mr. Jenjua's research. They needed to know the facts.

Steve Wallace said he wanted to talk about the proposal to remove the stop signs at the intersection of 400 West and 200 North and Westfield Road. He said he was opposed to it. He understood the idea was to create safety for the cars coming down the hill on 400 West but he was concerned about the safety of people crossing through the intersection. He said he lived three houses from the intersection and his children traveled the intersection two times a day. He asked if someone could clarify why they voted to remove the stop signs.

Kent Hastings said he'd like to respond but the topic was an agenda item and should be addressed then rather than under public comment. Mayor Willoughby clarified that the agenda item was specifically to discuss the traffic study rather than removal of the signs so it was appropriate for Mr. Hastings to respond to the question.

Kent Hastings explained that the majority of the residents in the area found the intersection to be more dangerous since the intersection was reconfigured with the stop signs. It was validated by looking at the accident reports before and after it was reconfigured.

Mr. Wallace said the minutes from the previous meeting said there were six accidents since 2005. There was a roll-over over between 2005 to 2007 and a five accidents between 2007 to 2011 including a three car accident in 2011 or a total of nine cars involved in accidents in the last ten years. He said there were five accidents after the intersection was reconfigured. Kent Hastings said he believed there were seven accidents. Mr. Wallace said he wondered what the reason was for removing the signs because he didn't think the intention warranted the results. He said he didn't think it made it safer because the problem was speeding, not the stop signs.

Kent Hastings said there were more accidents at the intersection since it was reconfigured. There was data before and after, and after the reconfiguration there were five times as many accidents. He said they had also heard from citizens that lived up there and their input was that there were accidents that went unreported since it was reconfigured. He said it was simply not safe to put a stop sign at the bottom of the hill. He said he had campaigned for low taxes and safety. He wanted safety for his neighborhood. If he felt something was going to make it safer, he would fight for it. He said people had the ill-conceived notion that traffic coming down the people was going to stop for them, especially in winter, because when they were coming down the hill and it was slick, the front wheels locked up if someone tried to stop. The Council had looked at the history and instructed staff to put two stop signs on the hill forewarning people of the speed they were going. None of those things had been done by staff to that point.

Shane Sorensen said there was a flashing speed sign up there for a few days as a demo from the company they ordered the signs from. It was there so they could see what they would be getting.

Steve Wallace told Kent Hastings he admired his desire for safety. He said he saw signs in front of his house that warned of children playing. He asked if he was also concerned about the safety of children who lived at the intersection and not just the people that lived by him. It was not safe for his children if people speeded by. He said everyone knew the speed limit was 25 mph. The safety issue was not getting rid of the stop signs but getting people to slow down. He added that saying the increase in accidents was significant seemed like a misrepresentation. That fact was, they had a much larger population living up there and in view of that, he didn't think it was a significant increase. There were many more drivers coming down there. He said what it meant was that people needed to slow down. He didn't think the City should reward them for speeding by giving them a thoroughfare. Mr. Wallace said other citizens would want to know why they were spending \$10,000 on signs that flashed when Mr. Hastings' whole campaign was on saving money and lower taxes. He said people who speeded would do it regardless of what kind of warning signs were there. He said his biggest thing was having his children passing through there if the people coming down the hill thought they didn't have to stop.

Kimberly Bryant said the intent was not to have a thoroughfare. The problem was in the winter when people were sliding down the hill. Whether they were going fast or slow, it was extremely hard to stop. It also created problems for people going up the hill. Regarding the flashing signs, she said the existing signs were obtained with a grant. She felt it was a great way to invest in safety. She said she'd had many people tell her they saw the flashing signs and slowed down.

Kent Hastings said he wanted to review the accidents on the report from the police department. Bradley Reneer had a copy of the report which they looked at. Steve Wallace said it appeared Mr. Hastings counted the three cars sliding down the hill on the same day as separate accidents.

Chief Kip Botkin was consulted and he said the three accidents happened within minutes of each other so it just depended on how you wanted to look at it. He said the reason 2005 was the cutoff date was because prior to that they didn't have any data. They were looking at a two-year period versus a five-year period.

Kent Hastings said the money for the signs would come out of the road fund. They would not be raising taxes to pay for the signs.

MOTION: Troy Stout moved to end the meeting by 9:30 pm. Kent Hastings seconded. Ayes: 4 Nays: 1. Troy Stout, Kimberly Bryant, Bradley Reneer and Kent Hastings voted aye. Jim Tracy voted nay. Motion passed.

Police Chief Kip Botkin said that in February 2010 the police department indicated they wanted to get a drug detection dog and started a program to raise funds. Funds were raised and he visited a kennel in North Carolina

where he learned of the possibility of getting two dogs for less than the cost of two separate dogs. They could use one as a drug detection dog and one as a patrol dog. The price included training for the handlers and national certification. He said there was a donor group that came forward and said they would donate the balance needed for two working dogs. Officers Birchall and Eddington attended the training to work with the dogs.

Chief Botkin introduced Harris, a Belgian Malinois, whose handler was Officer Eddington. Harris was a passive rather than aggressive indicator who indicated the presence of drugs by pointing rather than scratching. He was trained to detect marijuana, heroin, cocaine and meth. He said the other dog was a shepherd.

III. CONSENT CALENDAR

A. Approve the minutes of March 22, 2011

MOTION: Jim Tracy moved to approve the Consent Calendar with minutes of March 22, 2011 as amended. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Motion passed.

IV. REPORTS/PRESENTATIONS

A. Financial Report: Rich Nelson reported that the general fund was healthy and they were doing okay. They still had the downward slide in the water fund and property taxes had been where they expected them to be. There was a big jump in sales tax revenue in March because the state hadn't counted the February numbers correctly. He said they would be bringing more information on the PSD budget.

V. ACTION/DISCUSSION ITEMS

Mayor Willoughby said that unless there were objections, he would like to change the order of some of the agenda items in order to accommodate people who were present to represent agenda items and council members who had to leave early. He requested they do item B first, then item C, then A, J, I and the rest as ordered.

B. McNiel #4 Annexation - Ordinance No. 2011-08 and Annexation Agreement: April Naidu said the public hearing was held earlier in the meeting. The land would be annexed into the CR-40,000 zone. Part of it would be included in the McNiel Subdivision, Plats E and F which were in the approval process, and part would be the right-of-way for an extension of Alpine Boulevard. The application had been reviewed by the County Boundary Commission, was noticed in the local newspaper, and letters were sent to affected entities. No protests were filed.

MOTION: Bradley Reneer moved to adopt Ordinance No. 2011-08 approving the McNiel #4 Annexation and the Annexation Agreement. Troy Stout seconded. Ayes: 5 Nays: 0. Motion passed unanimously.

C. Digis Site Plan – Wireless Internet Service Tower: Jim Tracy said he had a potential conflict of interest because he was a Digis subscriber.

April Naidu said the Planning Commission had reviewed the application to upgrade an existing wireless tower on Shepherd's Hill. They recommended option A which involved removing old existing equipment and replacing it with their own. The tower would be 18 feet high. The representative from Digis said it would be a little lower than the other existing structure. April Naidu said Clyde Shepherd was aware of the application and was in favor of it. Included in the packet was a diagram of what the tower would look like and where it would be located.

MOTION: Kimberly Bryant moved to grant approval for the Digis site plan for option A with the following conditions:

1. The tower be structurally engineered and that engineering be submitted for City review.
2. The tower comply with all City ordinance regarding paint color.

Bradley Reneer seconded. Ayes: 5 Nays: 0. Motion passed unanimously.

A. Report on Traffic Study on 400 W. 200 N. Intersection: Shane Sorensen introduced Ryan Hales with Hales Engineering who had performed the traffic study for the intersection of 400 West, 200 North and Westfield

Road. He said Hales Engineering hadn't done work for Alpine City before but they'd done a study for the citizens on 600 East prior to the construction of the park on 100 South.

Ryan Hales said his firm had done a lot of work around Utah including the Real Soccer Stadium and transportation master plans for Provo, South Jordan, the Daybreak development. He said they had visited the intersection in question and completed traffic counts on the three roads coming into the intersection between the hours of 7:15 to 8:15 am and 4:45 pm to 5:45 pm. He provided the following estimates for ADT (average daily traffic)

200 North	4,300 ADT
400 West	2,100 ADT
Westfield Rd	3,200 ADT

Mr. Hales said the condition that stood out for him as a primary factor in crashes was sight distance. In the study he showed the calculations for sight distance for the intersection. He said the bottom line was that as long as they met the requirements for sight distance, the intersection would be safe. It would not be safe if there were obstructions to sight distance. He noted there could be issues with structures in the as-yet undeveloped subdivision.

Kimberly Bryant said that 30 years ago there were hardly any stop signs in Alpine but as the town grew more stop signs were put up and people adapted. She said they could do the same thing with this intersection and put the stop signs in when the subdivision was developed rather than having signs in place prior to it. No one knew when it would be developed.

Bradley Reneer asked about the safety for pedestrians. Ryan Hales said there were two sight distance considerations, one for seeing approaching cars and one for seeing pedestrians crossing the road. He said his guess was that the sight distance was appropriate.

Bradley Reneer asked if the crashes were related to the intersection or the hill. Chief Botkin said they involved the intersection. Referring to the most recent accident in the report, he said all three vehicles were still there when the officers arrived. The cars had slid into the curb and in order to clear the road they had moved them to the future street. He said it was early morning during school hours.

Kent Hastings said he had come down the hill that morning and was going slow enough to stop at the intersection but couldn't linger because another car was coming behind him whose wheels had locked. He said he observed two cars off to the side when he came through.

Kimberly Bryant asked Mr. Hales if he felt kids would be safe crossing the intersection if the subdivision wasn't built. Mr. Hales indicated he thought they would but he hadn't checked the data. He would look at the crash data and get back to the Council.

Jim Tracy said Lynn Armitstead, whose home was at the intersection, had told him that the majority of the problems were with cars sliding and hitting the rocks in front of his yard. He questioned if it would be safer if cars didn't have to stop.

Ryan Hales said that according to the police report it looked as if they had one day of bad crashes. There didn't seem to be a pattern of crashes. He assumed there was no snow on the road during the July crash. Possibly there could have been a quick storm in May and October which were the dates of the other two crashes. He said he wouldn't know until he reviewed the crash data.

Jim Tracy said there were currently three stop signs at the intersection. The motion was to remove two of them to make it safer. He asked Mr. Hales if that would make it safer.

Ryan Hales said his concern was when you conditioned people to a stop sign and then removed it. If people were traveling along the road assuming someone coming down the hill was going to stop but they didn't, it could create a worse condition.

Jim Tracy said it seemed to him that the accidents occurred because the speed was too fast for the road. If they were going to slow traffic, they may as well have them come to a stop.

Troy Stout said the reason he voted in favor of removing the stop signs was because he'd been involved in an accident with the exact same circumstances. There was something about descending a hill when you knew you had to stop. There was a tendency to lock your brakes. He said it would be better to have the legal right-of-way when you were coming down the hill so you didn't have to make a panic stop. He said Shane Sorensen had said that intersection was the first place to be plowed but they couldn't always respond immediately.

Kent Hastings said traffic protocol said stop signs did not slow traffic.

Jim Tracy said they could apply the same logic to other streets and remove the stop sign on Matterhorn. Kent Hastings said Matterhorn was not a sharp turn. Jim Tracy suggested that people could use Matterhorn in snowy conditions. Hunt Willoughby said they could block off 400 West in the winter, which was what they did in the town where he grew up.

Mr. Hales Ryan read his conclusion to the traffic study which recommended the stop signs remain as placed. He said he would review the accident reports and provide more information.

Kent Hastings said he didn't want to prolong this discussion. The Council had made a decision and he would like to have the speed warning signs installed and the stop signs removed.

Shane Sorensen said they were still two weeks out for the solar speed signs. He recommended they have Ryan Hales or some other engineer come up with the best place to put the signs. He said he was concerned about safety. They needed something to warn people about the change in signs.

Jim Tracy asked David Church if the City was liable when they acted against the recommendation of an expert. David Church said the traffic engineer was very careful in his wording. He understood him to say that it was safe now but it wouldn't be safe when the other road was built. He said he heard him say that sight distance wasn't a problem. The issue would be training people. It needed to be signed properly and people need to be educated.

In response to a question, Ryan Hales said a traffic engineer typically created the signage plan.

J. Fencing For the New Park on 100 South: Kent Hastings said he was called by a resident who had concerns about child safety in the new park. There was about nine feet between the pavilion and the river bank, plus the path ran close to the creek. The resident had approached staff with her concerns and the City had put up a field fence similar to fencing that was already in place on other property adjacent to the park, but the resident felt it should be a more durable fence and contacted Mr. Hastings.

Kimberly Bryant said she had talked to three families that lived over there and she also had concerns about the children and the creek, particularly in the area with a sharp drop-off, and especially during high water.

Mayor Willoughby said the field fence would prevent a three-year-old wandering away from the family from falling in the creek, but there was still the potential for someone to crawl through. They needed to decide what their intentions were. Would they require fencing along the creek through the entire city? They had the same issue in Burgess Park and there was no fencing there.

Kimberly Bryant said the Burgess Park creek bed was wider. It didn't have drop-offs like the new park.

Bradley Reneer said he lived close to Burgess Park and he'd been alarmed several times; one time there were some 4 and 5 year-olds trying to build a bridge across the spring run-off. He didn't think Fort Creek in Burgess Park carried the same volume as Dry Creek but with warm days there would be flooding issues all over the city.

Troy Stout said perhaps it was worth looking at Burgess Park as well. If they created a gathering place adjacent to hazardous water, they should look at it.

Kathy Harding said she lived directly across from the area in the new park. The creek would get six feet deep when spring water was running. It rose in the afternoon and by the time people wanted to picnic, it would be very deep. Plus there was an undertow. There were bushes by the Bowmans' that could snag a child and it would be difficult to find him. Because of the steepness and undergrowth, you couldn't run along the edge of the creek. She said last year Landon Wallace and a police officer had pulled a tree out of the creek. She said even a teenager or adult could drown in the creek when it was that deep and fast. A fence should be there to prevent someone from getting by the creek.

Jim Tracy said he felt they should have fences at both Burgess and the new park.

Kent Hastings said Burgess Park wasn't on the agenda but he would like to see a permanent chain link fence in the new park along the grass line all the way from the corner to the Hobbs property. They would need to cut down some branches and match the existing chain link fence. It should be open-style so they could see through the fence.

MOTION: Troy Stout moved to install chain link fencing between the creek and the park on 100 South with the fence to run along the grass line from the subdivision fence to the Hobbs property (roughly 190 feet) consistent with the design of other permanent fencing in the park. Staff should also begin evaluating other sites in park areas that would represent similar risks where ground sloped into high water areas. Kent Hastings seconded. Ayes: 5 Nays: 0. Motion passed.

Jim Tracy asked if they should install fencing along the trail in Twin River. Troy Stout said he would draw the line between natural open space and improved parks.

David Church said that lawyers would tell them to cut down the trees and pipe all the ditches. Case law said that if a city put up fences and didn't maintain them, they were at greater risk if they hadn't put them up at all. He said natural conditions were different than if they put up something the public was relying on the city to maintain. The cost was not just for the initial fence. It had to be maintained afterwards. He said natural conditions had more immunity than when they created unnatural conditions.

Shane Sorensen said he had talked to the fence company and they were two weeks out.

Kimberly Bryant was excused from the meeting.

I. Park Name: Mayor Willoughby said the grand opening for the new park on 100 South was scheduled for Saturday, May 21st. Jim Tracy had volunteered to take over the event. The park had no official name as yet and it was suggested it be called Alpine Meadow Family Park. Another name that was suggested was Central Park.

Kent Hastings said he felt there should be more discussion on naming the park. Rich Nelson suggested that the Council email their favorite names to him. They would then vote on the names. The Council agreed that would be a good idea. Mayor Willoughby suggested each member email up to three favorite names.

E. 2011 Utah County Recreation Grant Approval: April Naidu said the City had received a grant the previous year which had been held so they would have more funds. In combination with this year's grant they would have \$11,600 dollars. It would give them enough money to make improvements in Legacy Park, specifically upgrading the curb around the swings to meet current safety regulations. The grant was state money from the local restaurant tax.

MOTION: Bradley Reneer moved to authorize the application to Utah County for the recreation grant to use for improvements in Legacy Park. Troy Stout seconded. Ayes: 4 Nays: 0. Kimberly Bryant was not present. Motion passed.

F. Boundary Line Agreement, Plat D Lot 32 Box Elder Subdivision: David Church explained that there was a discrepancy in the boundary line between the Box Elder subdivision and Lambert Park. A title company had been preparing a title report for lot 32 and discovered a boundary issue which had been in existence since 1994 when Box Elder Plat D was recorded. Different surveys had resulted in an overlap.

Kent Hastings asked if they didn't typically split the difference. David Church said it depended on what caused it. The use was decided when the Box Elder subdivision was recorded.

A map was shown of the lot and the conflicting boundary lines. The home had been existence for some time along with a pool and tennis court which, according to the subdivision plat were built on the lot. But a different survey showed them partially in Lambert Park. In order to clarify the correct boundary and clear the title to the lot, a quit claim deed had been prepared. A couple of acres were involved.

Shane Sorensen said they had a similar situation on the south side of town in Smooth Canyon. Patterson had given the City a quit claim deed for property down there.

David Church said it was an easy issue. The City was not giving up property they owned. They would still have the same number of acres because of the gap in the south. The line was not disputed in 1994 when the subdivision was platted and recorded.

Shane Sorensen said the lot owner paid for the title work.

MOTION: Jim Tracy moved to approve the boundary agreement for lot 32 of Box Elder, Plat D. Bradley Reneer seconded. Ayes: 4 Nays: 0. Motion passed unanimously. Kimberly Bryant was not present at the time of the motion.

Earlier in the meeting a motion had been passed stating the meeting would adjourn at 9:30 pm, but since there were a couple of items that needed to be approved that evening, the meeting was extended.

MOTION: Bradley Reneer moved to extend the meeting 15 minutes. Jim Tracy seconded. Ayes: 2 Nays: 2. Bradley Reneer and Jim Tracy voted aye. Kent Hastings and Troy Stout voted nay. Mayor Willoughby broke the tie and voted aye. Motion passed.

H. Agreement – Real Estate Sale and Purchase Life Estate: The City had previously purchased an easement on the Asay property to construct a pressurized irrigation pump station. More recently the City had been working with Mrs. Asay to purchase her property to make additional improvements to better utilize the water out of Fort Creek, and for the construction of future utility facilities. The agreement would allow Mrs. Asay to continue to live in the home while the City used a portion of the property, and at her death it would revert to the City.

Shane Sorensen passed out the agreement which included some changes made by the seller's attorney. The seller wanted to make sure she could keep the insurance proceeds if the home burned down. Rather than rebuilding the home, she would move. The funds to purchase the property came from the pressurized irrigation fund.

MOTION: Jim Tracy moved to approve the purchase agreement for the Asay property as revised. Bradley Reneer seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

G. Resolution No. R2011-07 – Adopting a Red Flag Policy: Rich Nelson explained the resolution would set procedures to protect against identity theft. David Church said the City did not collect a lot of information but the staff would have to be a little more careful. If they did give away some personal information, it would protect the City.

MOTION: Jim Tracy moved to adopt Resolution No. R2011-07 adopting a Red Flag Policy. Troy Stout seconded. Ayes: 4 Nays: 0. Motion passed unanimously

Agenda item D was postponed until the next meeting.

VI. STAFF REPORTS

Rich Nelson said he sent out an email to the Council about a change order on the work on Alpine Drive. Shane Sorensen said the plan was complete and work would be done when weather permitted.

VII. COUNCIL COMMUNICATION

Troy Stout said there was still a problem with glare from the overhead lights. Rich Nelson said the lights had been replaced with lower wattage bulbs. Jim Tracy suggested spraying them with antiglare paint. Shane Sorensen said they were still trying to find trim to block the glare.

Kent Hastings said he viewed the Council as more of a corporate board and they didn't get involved with the day-to-day activities of the corporation. He said it had come to his attention that a Council member spent a lot of time with staff and he didn't think that was appropriate.

Jim Tracy asked if they should have someone else update the webpage. The revised agenda and other current information had not been posted. Also, the PSD Budget was not on the webpage. There was also a video from ACE on recycling that would be interesting. Charmayne Warnock suggested the City consider having a Facebook page to get current information out to the citizens, particularly with elections coming up. It could be done much more quickly than posting to the webpage, which was a cumbersome and lengthy process.

VIII. EXECUTIVE SESSION: None held

MOTION: Troy Stout moved to adjourn. Jim Tracy seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

The meeting was adjourned at 9:45 pm.