

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 North Main Alpine, UT
June 8, 2010

1. CALL TO ORDER AND ROLL CALL: The meeting was called to order at 7:07 pm by Mayor Hunt Willoughby. The following Council members were present and constituted a quorum:

Mayor Hunt Willoughby

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

Council Members not present: Kimberly Bryant

Staff: Ted Stillman, Jannicke Brewer, Kip Botkin, Jay Healey, Shane Sorensen, Charmayne Warnock

Others: Nathan Henley, Melanie Henley, Merlin Green, Kage Green, Kelly Payne, Kaleb Payne, Jenn Payne, Jannicke Brewer, Robin Riblish, Chris Rudolph, Michael Edwards, Ross Welch, Colin Puriri, Coi Puriri and kids, Ra Puriri, Mrs. Puriri, David Stephenson, Clint Ellison, Shaelynn Henley, Darin Peper, Heather Peper

2. PRAYER: Ted Stillman

3. PLEDGE OF ALLEGIANCE: Shaelynn Henley

4. PUBLIC COMMENT: Nathan Henley requested approval for an Eagle project. He planned to remove tree stumps from Moyle Park and haul them to the landfill then fill the holes with dirt and plant grass. Staff had reviewed the project and approved it.

5. CONSENT CALENDAR:

A. Business Licenses

Flying Wrench – 96 Sunset Circle – Dave Allison

Melinda S. Clark – 311 S. Pineview Drive – Melinda S. Clark

B. Bond Release – Apple Creek Acres Subdivision - \$48,130.91

C. Payment Request #3 – Hawker Enterprises, LLC (100 S. Park) - \$309,238.46

Jim Tracy had a question about the business license for Flying Wrench. He said that in the past there had been complaints about the number of trucks being parked at the house. Jannicke Brewer said the Planning Commission had asked the same question. They learned from Mr. Allison that there were several trucks but each was owned by a different member of the business and they were located in different cities. Mr. Allison was the only one in Alpine, and he kept his truck parked at a warehouse in American Fork.

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

6. RECOGNITIONS

A. David Stephenson was retiring as the principal at Alpine Elementary. Mayor Willoughby said Mr. Stephenson had been the principal for eight years and had done a great job. He had memorized the names of all 845 students; he knew who the kids were and who their parents were. He had walked the neighborhoods to get to know them. Mayor Willoughby said he'd learned that Mr. Stephenson had his two front teeth knocked out, sliced his hand and broke his toe all in the line of duty. He really put his heart into his job and would be greatly missed. He quoted a student who had written, "Mr. Stephenson is my friend. He brings sunshine into the school."

Troy Stout said that Mr. Stephenson had been one of the most outstanding school administrators they had ever had. Jim Tracy said that Mr. Stephenson gave every student a book on their birthday and wrote something in it. He did it every year.

Mr. Stephenson said he appreciated the community of Alpine and had worked with many in the City. It had always been a positive experience.

B. The National Championship Rugby Team coached by Colin Puriri was next honored. Mr. Puriri said their team had gone to the rugby finals the past two years and had lost, but this year they won. He said rugby was one of the few sports where boys in the U19 bracket could compete for a national championship. The team they beat was from Highland, but not the Highland City next door. It was the Highland team in Salt Lake. He said that every team that came to play in Alpine couldn't believe how beautiful the field was with the nearby snowcapped mountains. He thanked the city for taking such good care of the grass. He noted that years ago he and his brothers and his father put in most of the sprinklers at Burgess Park.

7. BMX TRACK

Background: Alpine City's lease with Patterson Construction for the BMX track on Ridge Drive expired on May 26, 2010. Patterson Construction had proposed that Alpine City enter into a 5-year lease agreement with them for 10 acres they owned immediately south of Lambert Park. The City Council had discussed it at their meeting of May 11, 2010. A motion was made and passed to proceed with the concept of a BMX track, investigate other possible locations and determine an exact cost.

Discussion: Ted Stillman said the PRO Commission had met and looked at alternate locations for a possible BMX Track. They preferred some ground on the southeast side of Alpine by Smooth Canyon Park but the property was currently under lease to someone growing alfalfa. The PRO Commission considered City open space by Hog Hollow Road but it was too steep. Other City-owned areas were either too close to neighbors or not suitable. The PRO Commission recommended the City enter into a purchase agreement with Patterson Construction for the 10 acres adjacent to the south end of Lambert Park, to be used in a manner consistent with the Lambert Park plan. Group activities should be scheduled with the City.

Ted Stillman said the purchase price for the 10 acres was 2 million dollars, due in five years, plus interest. The lease agreement was \$100 a year for five years.

Troy Stout asked how the 2 million dollar cost was obtained. Ted Stillman said it was based on what Pattersons paid when they bought the property three or four years earlier. Mr. Stout noted that was when the market was at its peak.

Ross Welch represented Patterson Construction. He said that originally they'd planned to base the purchase price on market value but that had gone down since they bought the ground and they didn't want to take the loss. He said he thought they could add a first-right-of-refusal option to the lease agreement. Mr. Welch said that currently they paid \$3800 a year on taxes but the County was willing negotiate with them on the taxes if Alpine City was leasing the ground.

Jim Tracy said it had been explained to him that the PRO Commission's first choice was locating the BMX track in Lambert Park until they discovered it would be a long and complicated process to allow such a use in Lambert Park.

Jannicke Brewer said Article 3.16 in the Development Code talked about permitted uses in public open space. The north end of Lambert Park was designated as semi-improved open space and could be used for a recreational improvement but the south end was designated as natural or conservation open space. A BMX track wouldn't work on the south end of Lambert Park without amending the designation to allow a sporting use.

Jim Tracy said another concern about locating a BMX track on the south end of Lambert Park was that there was no infrastructure. Restrooms and water would need to be provided. He said he thought a location near the Bowery would be a better place. There were already restrooms, power and water near the Bowery

which was located on the north end of Burgess Park. A BMX track would fit under the permitted uses for semi-improved open space.

Mr. Tracy went on to say that if the City chose to purchase the Patterson property at a cost of 2 million dollars, it would require a 48% percent increase in property taxes for 5 years to cover the cost. The BMX track would benefit a very limited portion of the community's population. He noted that the City had spent 2 million to acquire the ground for the park on 100 South which would benefit a much broader spectrum of the community. He added that if it went to a bond issue, he didn't think it would pass.

Mr. Tracy also raised the question of what they would tell the skateboard people who came to the City and asked for a skateboard park because they had acquired a BMX park for the bikers.

Mayor Willoughby said he agreed that he didn't think a bond issue to purchase the ground would pass. There were people who were in favor of a BMX track, but not to that extent. He said his focus in acquiring the 10 acres was more as an addition to Lambert Park. He said many people already regarded the 10 acres as a part of Lambert Park.

Jim Tracy noted that the 10 acres was currently zoned residential and the master park plan would need to be amended.

Troy Stout said they had amended the master plan for other causes. He felt the community would support expanding the open space. He said the cell tower in Lambert Park generated revenue. He'd love to take advantage of the opportunity to expand Lambert Park without resorting to a tax increase. He didn't think they would devote the entire 10 acres to a bike park. He said he thought there would be creative ways to finance the purchase.

Jim Tracy suggested they consider beginning the process to locate a permanent BMX track in Lambert Park at the south end. At the same time they could enter a lease agreement with Patterson, and at the end of 5 years see what the cost was compared to the City's finances. If the Patterson property became City property, and the BMX track was located on it, they wouldn't have to move the track. They might have to spend another \$40,000 on construction of bathrooms. Did they want that extra expense when there were already restrooms near the Bowery?

Troy Stout said he couldn't imagine a place near the Bowery that would make sense for a BMX track since it was a park for family gatherings, etc. He felt citizens would be angry if it was there. Shane Sorensen showed a map of the Bowery park area. There were two cleared areas east of the Bowery.

The Council discussed whether they needed to go into closed session to discuss the property acquisition issues and determined that they didn't because there was no other offer to consider and the purchase price was already known.

It was suggested they consider the issue of leasing the ground from Patterson and the location of the BMX track separately. Mayor Willoughby asked Mr. Welch if the lease of the ground was tied to it being a BMX track.

Ross Welch said the BMX track had stimulated the idea of a lease option, but he didn't think the City would be confined to using it as a BMX track. He said Patterson was going to have to knock down the dirt mounds on Ridge Drive sometime soon and they needed a place to haul the dirt. They were hoping for a decision from the City fairly soon.

Jim Tracy suggested they have the PRO Commission pick a spot in Lambert Park for the BMX track and have the Planning Commission begin the process to allow it as a conditional use in the park. Then bring it back to the Council. They could also enter a lease agreement for the 10 acres and look at creative financing for the purchase.

Troy Stout said he felt the original intent of Lambert Park was not to turn it into an urban environment, and a BMX track was urban. He didn't want to bring that influence into the park. But he would be in favor of a track on Patterson's ground. He asked about the possibility of a track by the pump house on 300 North. Mayor Willoughby said the area was too flat and too near neighbors; they'd have the same complaints they'd had on Ridge Drive.

Kelly Payne said he served on the PRO Commission and they had already looked at alternate locations and proximity to neighbors. They had wrestled with the issue of restrooms. They felt the north end of Lambert Park was too far away and they didn't think parents would allow their children to ride that far. He said if it went back to the PRO Commission, they would probably give the same recommendation.

Kent Hastings arrived at the meeting. Jim Tracy reviewed some of the discussion and costs for Kent Hastings.

Jannicke Brewer said the north part of Lambert Park was designated as semi-improved open space and was the only place they could locate a track without amending the park master plan.

Mayor Willoughby said there had been requests to put in boardwalk jumps on the mountain bike trails and they had rejected those. He noted that the circular area above the Bowery would be the perfect size for a BMX track and it was already cleared.

Darin Peper said the Bowery was not attractive to the kids of Alpine because it was a long way from home. He said the Patterson property was a more central location. They could put in portable restroom facilities at the south end.

Mayor Willoughby said he'd like to see a location for the BMX track but he didn't see a way to raise two million dollars for the purchase and didn't see the community supporting a tax increase for it. They had battled a \$500,000 price tag for a skate park.

Troy Stout said he'd love to see a BMX park somewhere and felt it would be an asset to the community. But he was opposed to building it on Lambert Park.

Bradley Reneer asked Police Chief Kip Botkin if he anticipated problems on a BMX park that was in a more remote area. Chief Botkin said there hadn't been problems on Ridge Drive. They were pretty good at self-policing. They'd had one call and that was when it was advertized on the web and all the cars were parked there. He didn't anticipate problems at another location.

Kent Hastings said he agreed with Troy Stout on protecting Lambert Park. If they started encroaching, they would encroach even more with a wider variety of uses. He'd seen that happen in other cities. As far as purchasing the ground, he said they couldn't predict the economy. The risk was too great to commit to paying 2 million dollars down the road.

Kelly Payne said they could lease the property for five years with no commitment to buy it. Darin Peper suggested that the price might go down if the building lots south of the 10 acre parcel didn't sell. Heather Peper said the kids loved the BMX track and loved building the jumps. If in 5 years they had to move it, it would be giving the kids something to do.

Hunt Willoughby said there didn't seem to be a downside to leasing the property except for the issue of permanency.

Bradley Reneer said his concern was the bathroom facilities. They could put in portable facilities but would they find themselves obligated to put in something permanent? Hunt Willoughby said permanent restroom facilities on the south side of Lambert Park may not be a bad idea.

Jim Tracy said that if the BMX group had an event that generated some revenue, it could help pay for restroom facilities. He asked Troy Stout if he didn't have a problem locating a track next to Lambert Park,

even though the property was just across the line and if acquired, would become part of Lambert Park. Troy Stout said he didn't have a problem with it. He said he might be in favor of a two-acre bike park but not the full ten acres.

Jim Tracy noted that if the residential lots south of the 10 acres sold, they might have complaints from the neighbors because there would be no buffer. Hunt Willoughby said he suspected the lots would be purchased by people who knew the BMX track was there.

Jim Tracy said he didn't want people thinking that they were going to buy the 10 acres in five years just because they leased it. If they did buy it, they'd have to start raising taxes now. He added that if they were that creative with financing, they wouldn't have the budget constraints they presently had.

MOTION: Jim Tracy moved to enter a 5-year lease agreement with Patterson Construction for the 10 acres south of Lambert Park for \$100 a year for 5 years with an option to buy the property at fair market value. Brad Reneer seconded. After some discussion, the motion was withdrawn and another motion made.

Kent Hastings asked about the price of the land. Ross Welch said the purchase price was two million dollars for both parcels of land. The current market value was less than that. They were not anxious to sell it for that. He expected the interest rate would kick in. He said he couldn't speak definitely for the owners so he wasn't sure about selling it for fair market value. The City would probably have the first right of refusal.

Jim Tracy suggested they should first see a contract before agreeing to anything. They could ask David Church to negotiate with Patterson Construction on a contract.

MOTION: Jim Tracy moved to instruct staff to negotiate with Patterson to enter into a lease agreement on the 10 acres south of Lambert Park and bring the agreement back to City Council. Bradley Reneer seconded. Ayes: 4 Nays: 0. Jim Tracy, Bradley Reneer, Kent Hastings and Troy Stout voted aye. Motion passed unanimously.

Hunt Willoughby said the second half of the discussion was whether they wanted to make a motion on a location for the BMX track. Jim Tracy said he wasn't comfortable with making that decision yet.

It was suggested the Council take a field trip to the site. They discussed going individually or as a group. Mayor Willoughby said he would consider whether or not it should be an agenda item on a future agenda. In the meantime, individuals could go up there and look at the site. Kent Hastings said he'd like flags posted to identify the site.

8. ORDINANCE NO. 2010-13 ADOPTION OF 2010-2011 BUDGET: Ted Stillman said they needed to adopt the budget for the next fiscal year which began the first day of July 2010 and ended the last day of June 2011.

Jim Tracy said he noticed that the property tax revenue in the current budget had gone down from the budget dated April 27th. Ted Stillman said that was because the PSD budget went down. Lowering the expenditures eliminated the need to raise property taxes.

Bradley Reneer asked if property valuations in Alpine had dropped as much as in other areas in Utah. Ted Stillman said they had not.

In response to questions about how the tax rate was calculated, Kent Hastings explained that the county anticipated what the city would receive based on property taxes, collections, etc. Based on that they would determine the percentage or tax rate so that what the city received stayed the same. The tax rate could go up or down based on receipts for the year. Theoretically the city would be receiving the same amount, but individual's property tax may go up or down. The net effect was that the property tax revenue to the city stayed the same. It was determined city-wide, not county-wide. If the valuation increased, the tax rate would decrease; if the valuation decreased, the tax rate would increase. The percentage may go up or down

but the dollar amount would stay the same. Mr. Hastings said that according to the way the county figured property values, property in Alpine was valued higher than other cities.

MOTION: Troy Stout moved to adopt the 2010-2011 Budget as written. Jim Tracy seconded. Ayes: 4 Nays: 0. Troy Stout, Bradley Reneer, Kent Hastings and Jim Tracy voted aye. Motion passed unanimously.

9. AMEND THE 2009- 2010 BUDGET: Ted Stillman said the Council needed to schedule a public hearing for June 22, 2010 to amend the 2009-2010 Budget. State law required all revenues and expenditures in the different funds to be balanced.

The expenditures in court and elections exceeded revenue and needed to be adjusted. Class C Road funds may or may not need to be changed. The UTA tax went up which meant sale tax revenue increased because it was a percentage of sale tax. Kent Hastings noted that they wanted to keep the UTA tax as a line item because it added transparency.

Jim Tracy said UTA had eliminated the Paratransit service and replaced it with a van that would pick up and drop off any passenger within $\frac{3}{4}$ miles of the regular route for an extra dollar. Troy Stout asked if the City was required to participate in UTA bus service as part of the ADA. Ted Stillman said a city could opt out, but they would then be required to provide bus service.

MOTION: Jim Tracy moved to schedule a public hearing on the Amended 2009-2010 Budget for June 22, 2010. Kent Hastings seconded. Ayes: 4 Nays: 0. Troy Stout, Bradley Reneer, Kent Hastings, Jim Tracy. Motion passed unanimously.

10. PRESSURIZED IRRIGATION BOND REFINANCING: Ted Stillman said staff had been working refinancing the pressurized irrigation bond for two years. The housing market had crashed and revenue from impact fees had dried up. They estimated they were losing \$178,000 a year in PI impact fees. To mitigate it the City had recently raised PI rates. The bond market had improved because bonds were seen as a less risky investment. They anticipated that refinancing the bond should save them \$85,000 a year. Raising PI fees would bring in about \$60,000 and that would help balance the fund. As part of refinancing they had to receive a bond rating. The Council would need to approve the expenditure of up to \$12,000 from the pressurized irrigation fund to obtain a bond rating.

Kent Hastings said he understood refinancing could be done only once. He wanted to know how many years were left on the bond and if this would be considered a good savings.

Ted Stillman said they had 15 years left on the bond. He said their bond advisors felt this was a great time to do it. Last October they had anticipated saving \$30,000 a year but it had come up to a savings of \$85,000 per year.

MOTION: Kent Hastings moved to authorize the expenditure of up to \$12,000 to obtain a bond rating to refinance the Pressurized Irrigation Bond. Troy Stout seconded. Ayes: 4 Nays: 0. Kent Hastings, Jim Tracy, Troy Stout and Bradley Reneer voted aye. Motion passed unanimously.

11. FINANCIAL REPORT: Ted Stillman reviewed the Financial Report. He said the General Fund showed an increase of \$1, 127,313 over the previous year which was \$700,483. That increase came from the Class C Road Fund which was no longer a separate fund but was part of the General Fund. He anticipated about \$400,000 going into the capital improvement fund later in the year. He recommended putting it into streets. He said that was an extremely positive figure.

Kent Hastings asked how building permits for new homes compared to the previous year. Ted Stillman said they issued seven permits for new homes in 2009 and had issued nine permits so far this year.

12. STAFF REPORTS: Ted Stillman reported that the Board of Adjustment had submitted a conclusion on the Beck property appeal. They had also recommended some changes in the development ordinance that

might prevent some problems in the future. Those recommendations would be taken to the Planning Commission.

Shane Sorensen said spring runoff was fully underway. There had been some minor flooding in Alpine. Some people had made changes in the stream channel without permits and it had resulted in some problems. The City had made sandbags available. The public works department had been out clearing grates. Regarding the park on 100 South, he said work was progressing in between storms. The crew had been paving the trail and restrooms would be coming the following week.

Jannicke Brewer said they had adjusted the Planning Commission meeting schedule. They would hold an extra meeting on June 29, 2010 which was a 5th Tuesday and cancel the meeting for July 6, 2010.

13. COUNCIL COMMUNICATION:

Bradley Reneer asked if a recording of the PRO Commission meeting should be available on the website. Ted Stillman said they were not required to post recordings on the website, but did it as a courtesy and could look into it.

Troy Stout asked about progress on interviews for the city administrator position. Hunt Willoughby said they had about 43 applicants. Troy Stout asked about a trail interruption on the High Bench trail behind the Lynton home that was under construction. Staff would look into it. Troy Stout said he appreciated the mention of solicitors in the Newslane. Some of them were a little aggressive. Mayor Willoughby said to call the police department if there was a problem.

Mayor Willoughby said there had been 12 new sign-ups for recycling in the first week of the recycle campaign. He said the Memorial Day program and breakfast was well attended. They had flags backordered to cover all the Veteran's graves.

14. EXECUTIVE SESSION: No executive session was held.

15. APPROVE MINUTES OF MAY 25, 2010

MOTION: Jim Tracy moved to approve the minutes of May 25, 2010 and adjourn. Kent Hastings seconded. Ayes: 4 Nays: 0. Kent Hastings, Jim Tracy, Troy Stout and Bradley Reneer voted aye. Motion passed unanimously.

The meeting was adjourned at 9:13 pm.