

**ALPINE CITY COUNCIL MEETING**  
**Alpine City Hall, 20 North Main Alpine, UT**  
**September 14, 2010**

**I. WELCOME:** The meeting was called to order at Alpine City Hall 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: Kent Hastings, Jim Tracy, Bradley Reneer, Kimberly Bryant, Troy Stout  
 Staff: Charmayne Warnock, David Church, April Naidu, Annalisa Beck, Chief Kip Botkin, Jay Healey, Ron Devey  
 Others: Jannicke Brewer, Bill Conley, Tracy Wallace, Lon Nield, Dallas Downs, Ross Welch, Bob Shirmer, Isaac Shirmer, Jason Gottfredson, Scott Nielson, Richard Nelson,

Mayor Willoughby welcomed Scott Nielson and Richard Nelson who were candidates for the city administrator position.

**B. Prayer:** Troy Stout

**C. Pledge of Allegiance:** Bradley Reneer

**II. PUBLIC COMMENT:** Jason Gottfredson reported that he had completed his Eagle scout project which was to work on the Silverleaf trail. Along with 20 to 30 volunteers, he had helped Ron Devey clear and upgrade the trail. He showed some before-and-after pictures. Mayor Willoughby said they always appreciated the volunteer work of the scouts.

Bill Conley said he had a new Smoothie store at the Junction where the Hogi Yogi had been. He said he would like to suggest to the Council that they consider allowing more non-permanent signs to advertise new businesses and help them succeed. The ordinance was pretty restrictive and made it difficult to get the word out about businesses in Alpine

April Naidu said the ordinance allowed a one-time banner for a period of one month for new businesses. Mr. Conley had used that advertising time for a "Coming Soon....." banner. She said other business owners had been frustrated by the sign ordinance saying it was too restrictive.

Kent Hastings said he felt they should be more lenient during the grand-openings for businesses in order to get the traffic in there.

Jim Tracy said Highland City had decided to put their sign ordinance on hold to help the businesses succeed. He felt they should also give Alpine businesses every chance to succeed.

The Council discussed whether they could instruct staff to not enforce the sign ordinance until it could be amended.

David Church the Council couldn't take any action that evening because it was not an agenda item. The Highland Council had formally instructed their staff to take a new look at the sign ordinance, and during the interim not to enforce certain sections. Alpine could consider doing that but it would have to be done under the open public meeting act. There were probably other people who would be interested and would want to be there.

Jim Tracy suggested they put it on the agenda for the next meeting to suspend enforcement of parts of the sign ordinance, and instruct the Planning Commission to consider amendments to make the ordinance more business-friendly. Applicants who had been turned down for signs in the past could be invited to the meeting.

David Church said there may also be people there who were opposed to allowing more signs so they should prepare for a long meeting.

Troy Stout clarified that the signs would be in the business district, not in residential neighborhoods.

### III. CONSENT CALENDAR

**A. Final Bond Release:** June Beck Subdivision, 200 North - \$9,655.20

**B. Business License for a Home Occupation:** Preschool – 858 S. Healey Homestead Circle – Jill Nilson

**MOTION:** Jim Tracy moved to approve the Consent Calendar as presented. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Jim Tracy, Kent Hastings, Bradley Reneer, Kimberly Bryant and Troy Stout voted aye: Motion passed unanimously.

### IV. REPORTS

**A. Alpine Day Report:** The financial report for Alpine Days had been passed out to the members of the City Council prior to the meeting. In summary, the revenue for Alpine Days was \$32,412.83. The expenses were \$48,566.21 for a red balance of \$16,153.38. The revenue for the Rodeo was \$8,581.00. The expenses were \$8,061.15 for a slight profit of \$519.85.

Bill Conley said he'd received a lot of positive comments from people in the community about the parade. It had gone from 100+ entries to 50 because they'd eliminated the boats and cars. Only floats were allowed. They had three new events this year. Two were successes and one was a failure. "Alpine's Got Talent" replaced the lip sync contest and was a great success. They had a three-on-three basketball tournament which was also very successful. He said the Jimmy Wayne concert was a bust. Patti Lynn Jensen, a local country-western singer, put the concert together. There had been lots of advertising but attendance was very poor. Part of the problem might have been that it was scheduled on the same night as the Youth Dance and Youth Rodeo. He recommended not having another concert because it was a money drain. He said the tee shirt sales went well. They got them for \$1.70 less than the year before. They also had some sponsors, the largest one was \$2000.

Mr. Conley said the things he would do differently was to start earlier, get the theme in the fall, and look for more sponsors. Mr. Conley said Tracy Wallace and Jim Tracy did an incredible amount of work on Alpine Days this year. Tracy Wallace was the co-chair this year and would be the chairman next year. There were three other people that were interested in helping next year.

Tracy Wallace said Bill Conley did a great job and put a lot of energy in Alpine Days, especially the fundraising.

There was a brief discussion about whether or not they planned to locate the Alpine Days activities in the new park on 100 South next year and if the parade route should be changed. Hunt Willoughby said the women who ran the art and quilt show and Relic Hall had talked to him about keeping the event more centralized. They would lose people if the parade and events were moved.

Kimberly Bryant and Jim Tracy said they were in favor of leaving the parade route where it was. Jim Tracy suggested doing away with the family dinner since it was a neutral revenue event. Instead they could let families barbeque in the new park and socialize.

Troy Stout suggested they consider a prize for the best float. He said he'd talked to people who were disappointed that they couldn't be in the parade without a float. Was there a happy medium?

Kent Hastings asked they would be paying the chairman next year. Jim Tracy said that issue would come back during the budget process.

**B. Finance Report:** In the absence of Ted Stillman, Annalisa Beck gave the financial report for August. She said nothing changed much from month to month. The balance in the capital improvement fund had dropped because of the expenditures on the 100 South Park construction. The general revenue was up a little from the same time the previous year. They were receiving more sales tax because the law had changed and sales tax was awarded at the point of delivery so the City received the tax when a resident bought something off the internet. The sewer fees and PI had increased because of increased rates.

Mayor Willoughby asked if there had been much feedback on the sewer rate increase. Mrs. Beck said they had gotten a lot of calls from residents wanting to know why their bill went up.

Jim Tracy asked if building permit revenue had increased from this time last year, which it had.

Bradley Reneer asked why the general property tax was down. Annalisa Beck said it was because the main tax collection occurred in November when it would spike. Delinquent tax collection was what they were seeing right now.

## V. SUBDIVISIONS/PLAT AMENDMENTS

**A. McNiel Subdivision, Plat C – Final Plat:** April Naidu said plat C was the second phase of the McNiel subdivision/annexation that was approved several years earlier. It consisted of three lots in the CR-40,000 zone and was located at approximately 550 N. on Alpine Boulevard. Originally there were four lots but they'd been refigured to make three, and a small piece of ground was included so the property line was in the ditch. The plat had received a revised preliminary approval and a recommendation for final plat approval from the Planning Commission.

Jim Tracy asked if there was a bond to remove the temporary turnaround. Lon Nield said there was no turnaround to remove. They would be building one, then when the road went through, the property used for the turnaround would go back to the property owner. Jay Healey said the turnarounds were necessary so a school bus or garbage truck could turn around.

**MOTION:** Jim Tracy moved to grant final approval to the McNiel subdivision, plat C subject to the following conditions:

1. A bond be provided to the City with the City Engineer making a detailed list of those improvements including the water line, sewer line, detention basin and sidewalk extension.
2. A temporary turnaround be constructed at the end of Alpine Boulevard as per City standards.
3. A recordable easement document be provided for the temporary turnaround.
4. The City's water policy be met with Alpine Irrigation Company shares.
5. The redline comments on the plat be addressed.
6. Sidewalk be installed in front of the property along Alpine Boulevard.

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

**B. Barney Acres – 700 East 100 South - Plat Amendment:** April Naidu said this was actually a boundary line adjustment between the two lots, but the property owners were going through the plat amendment process to make it cleaner. Both property owners had signed the amended plat and no public hearing would be needed. The Planning Commission had recommended approval. The resulting lots would still be legal, conforming lots.

**MOTION:** Kent Hastings moved to approve the plat amendment for the Barney Acres subdivision. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Jim Tracy, Kent Hastings, Bradley Reneer, Kimberly Bryant and Troy Stout voted aye: Motion passed unanimously.

**C. Spring Creek Assisted Living, Plat A – Plat Amendment:** April Naidu said the City Council had previously approved the expanded Spring Creek Assisted Living site plan on Red Pine Drive along with a zone change from residential to business commercial and an overlay zone for assisted living. Since that time the applicant had come back wanting to include only the south side of the development. The north side would be shown as a future phase and built later. The Planning Commission had recommended denial because they thought it should all be done at the same time. The applicant had not been able to be present at the Planning Commission meeting but he was there that evening.

Ross Welch said their big concern was financing construction of the entire development. If they built the south side which would consist of individual living cottages, they could lease them and then have the funds to build the north side. Also, there was a missing triangle of land on the north side that they were working with the adjacent property owner to resolve. He said they wanted just the south side shown in the amended plat.

Jannicke Brewer said the recommendation from the Planning Commission probably wasn't worded that well. The ordinance said the zone change should be concurrent with the approval of the final plat. The Planning Commission had concerns about that because they didn't want to have a piece of land sitting with the zone change.

David Church said one solution would be to have the plat include the entire area in the plat and show the north side as a future phase. There may be tax consequences to include the north side, but he thought it would be the best way to handle it. The other choice would be to go back and amend the zone change ordinance they had already passed to fit the amended plat. He said he wouldn't recommend that since there were elections every couple of years for new city council members, and there was no way to know what a future council would do.

Kent Hastings asked what would happen if the north phase was never developed. David Church said it was being held for the assisted living facility unless someone came back and amended the plat and changed the zone.

Jannicke Brewer said the original zoning was CR-20,000. There was a discussion about whether or not it would revert to residential if it wasn't developed as assisted living. Kent Hastings and Troy Stout indicated they would rather have it revert to residential than business commercial if the facility wasn't built.

David Church said it was currently zoned business commercial with an assisted living overly. The question was did they want to amend the zoning ordinance and take out the part that they didn't want to build right now, and put the land back into residential. Some future Council would decide on the rezoning.

Ross Welch said they could pull the application and come back with a phase one and phase two.

Rather than have the application return to the Council, Jim Tracy started to make a motion with a number of conditions, which he withdrew.

Kent Hastings asked about the negative recommendation from the Planning Commission. Jannicke Brewer said they had wanted there to be a discussion about the zone change. They didn't want to leave something that could be used for a different purpose.

Kent Hastings asked if they were protected from that possibility. David Church said the property was limited to an assisted living facility. The 5.77 acre lot could only be used for that unless they came back for a zone change for something else.

Troy Stout asked if by approving the amendment they could be allowing the large building to disappear in favor of more cottages. April Naidu said they would have to come in with a new site plan.

Bradley Reneer asked that David Church's explanation be included in the minutes as the reason the Council approved the plat amendment.

**MOTION:** Jim Tracy moved to approve the amended plat for Spring Creek Assisted Living Plat A with the following conditions:

1. The correction be made on the final plat.
2. A bond be provided for the necessary improvements.
3. The water policy be met.

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

## **VI. ORDINANCES/ RESOLUTIONS**

**A. Ordinance No. 2010-14 – Article 4.6, Time Limits for Subdivision Approvals:** This item has been discussed at the previous meeting. The Council wanted to see the final language before making a motion. April Naidu said the ordinance amending the Subdivision Ordinance had resulted from a disagreement on whether or not an approval had expired. It was recommended that there be a time limit for all approvals and on the Planning Commission recommendation for final approval.

Troy Stout asked if this would apply to subdivisions already in the process or only to new applications.

David Church said that if something was already passed under the old ordinance, it would be subject to that ordinance. The main difference was that there would be a clear period in which the Planning Commission recommendation on final approval was valid. The preliminary plat approval had been changed from one year to 180 days. He noted that time went very quickly on some of the developments because of what was required in the preliminary phase. But they could seek reinstatement.

April Naidu said they could change preliminary approval back to one year. However, there was no limit on the number of reinstatements that could be given.

Jim Tracy asked if they could deny a reinstatement. David Church said only if there were grounds for it. State law said that if the application met the ordinance, the city had to approve it.

Jannicke Brewer said there was no limit on how long the applicant wanted to work on preliminary. The 180 days only counted from the date of preliminary approval.

For information only, David Church said the state code gave individuals the right to begin construction at their own risk before approval from the city. Some cities were saying to developers to go ahead and build the subdivision and they would approve it when they were ready to sell lots

**MOTION:** Troy Stout moved to approve Ordinance No. 2010-14 amending Article 4.6 of the Subdivision Ordinance to establish time limits on subdivision approvals. Kent Hastings seconded. Ayes: 5 Nays: 0. Troy Stout, Kimberly Bryant, Bradley Reneer, Kent Hastings and Jim Tracy voted aye. Motion passed unanimously.

**VII. COUNCIL COMMUNICATION:** Jim Tracy said he would be attending the conference beginning tomorrow and listed the classes he would be going to.

Kent Hastings asked if there was an update on the speed bump on 200 North. Jay Healey said he had been on vacation for several weeks but he would look into it.

Bradley Reneer said that at the previous meeting they had adopted the 2009 Building Code but the motion didn't specifically say it was the Code as amended by the state of Utah. April Naidu said the ordinance stated they were adopting the amended version.

Troy Stout commented on a point brought up by Kent Hastings at the previous meeting about the need for usage signs at the entrances to Lambert Park. He suggested they have a committee address the issues and have signs ready for next spring. He said there were people misusing the trails on motorized dirt bikes. They also wanted to make sure there was no dumping.

Kent Hastings said he would like to make sure the park was properly used so it could be available for use by all segments of society.

Troy Stout said he would also like to publically thank property owners who allowed trails across their land for the public to use. He said that recently he had been in Spain and loved the community feeling of people going out on walks in the evening and socializing. He said he'd like to encourage something like that in the new park, possibly have a local band to get people in the habit of using the park in the evening.

Mayor Willoughby said he had met with Lehi City and the forest service about some access issues on North Mountain. They were looking at some trail realignment to First Hamongog. He also said there was a vacancy on the Planning Commission if the Council wanted to suggest people to fill it.

**VIII. STAFF REPORT:** Ron Devey said the park on 100 South should be open for use on the first of October. The grassed areas and splash pad would be closed until next spring.

David Church said the Lynton site plan had gone to the District Court and the Court of Appeal, both of whom upheld the City's action. The Lyntons subsequently filed a motion to be heard by the State Supreme Court. If the Court chose to hear it, it would be in a month or two. The Lyntons were appealing the City's restriction that no more than 60,000 square feet be disturbed. They wanted to disturb 90,000 square feet.

Mr. Church said the Board of Adjustment's decision on Beck Property had been appealed to Fourth District Court and a Summons delivered to the City. The Beck family was appealing the Planning Commission preliminary plat approval on the Three Falls subdivision.

## **IX. APPROVE MINUTES OF AUGUST 24, 2010**

### **X. EXECUTIVE SESSION**

**MOTION:** Jim Tracy moved to go into executive session to discuss personnel issues. Troy Stout seconded. Ayes: 5 Nays: 0. Troy Stout, Kimberly Bryant, Bradley Reneer, Kent Hastings and Jim Tracy voted aye. Motion passed unanimously.

The Council adjourned to executive session at 8:33 pm.

**MOTION:** Kent Hasting moved to return to open meeting, approve the minutes of August 24, 2010, and adjourn. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Troy Stout, Kimberly Bryant, Bradley Reneer, Kent Hastings and Jim Tracy voted aye. Motion passed unanimously.

The meeting was adjourned at 11:00 pm.