

**Alpine City Council Meeting
Alpine City Hall, 20 North Main, Alpine, UT
April 24, 2012**

I. CALL MEETING TO ORDER: 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: Troy Stout, Will Jones, Bradley Reneer, Mel Clement, Kimberly Bryant

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Jay Healey, Annalisa Beck

Others: Jannicke Brewer, Robert Bowman, Hayden Andersen, Annette Lund, Deb Stott, Emily Lund, Malory Stott, Spencer Pinegar, Laura Leffler, JaNae Arnold, Brigham Page, Jemma Page, Jacob Rainsdon, Hayden Strikwerda, Lisa Jones Southwick

B. Prayer: Mel Clement

C. Pledge of Allegiance: Hayden Strikwerda

II. PUBLIC COMMENT: Hayden Strikwerda said he would like to work on fire safety for an Eagle Scout project. He lived on Hillside Circle and would be going door-to-door, giving out basic fire safety information and taking a survey on fire safety. He said he was working with Fire Chief Brad Freeman on the survey. Will Jones was the Councilman that would be working with him.

Spencer Pinegar represented several of his classmates from Timberline Middle School who had completed a research project for the National History Fair. He said the judges had said their work was comparable to a master's thesis, and they had been selected to compete on a state and national level. There were five students from Alpine that would be competing nationally and they would have to pay for their own transportation and lodging. They had created the Alpine Foundation where people could donate to their expenses, and receive a tax break. He asked if Alpine City would consider donating and if they could have a notice about donating to the Foundation in the Newsline and on the city's webpage.

Mayor Willoughby congratulated the youth on their achievement. He explained that the Council had a policy of not donating to the various requests for funding because there were so many that the City could not support them all and there was no fair way to determine who they would support. However, the students were more than welcome to put an announcement in the Newsline and on the website. Bradley Reneer noted that he had a conflict of interest on this issue.

Laura Leffler from the school asked if it would be possible to have a link on the city's website to the Foundation's website so people could donate. Also she asked about putting signs in the roundabout. She was told they could create a link on the website. She would need to contact the LDS Church about putting signs on the fence by the roundabout. Will Jones said he could give them permission to put signs on the property at the northeast corner of the roundabout as well.

Lisa Jones Southwick said she was a longtime resident of Alpine on Hillside Drive. They'd recently had a renter move in next door and begin building a tree house that was right on the property line. It extended above the fence and was about 15 feet from their bedroom window. She said she felt it invaded their privacy. She had contacted the City and was told there was nothing in the ordinance that would prohibit such a structure because of the small size and technically it didn't have a foundation and setbacks were measured from the foundation. She'd been reluctant to contact the neighbor because they had been confrontational with each other and she wasn't sure how they would react to her.

Jannicke Brewer said there had been an incident in Applewood where a playhouse was built on the property line and they moved it an appropriate distance from the fence, but it was on the ground.

Mrs. Southwick said the tree house was actually more on the ground and not really attached to the tree. She passed around photographs to the City Council. She said it appeared they were actually going to use it as a platform for a zip line.

David Church said that as he understood it, the building inspector and the code enforcement had looked at it. He'd reviewed the ordinance and could find nothing that would prohibit that kind of structure. The City didn't legislate against ugly and people could build what they wanted in their backyard as long as it complied with the codes. There was no power or electricity to the structure and it was not on a permanent foundation. Renters still had property rights. He said government had limited power to control what people did on their private property and it had to be done according to ordinance. He said if the Council wanted to write an ordinance that was more intrusive they could do that. However, a new ordinance could not be applied retroactively to an existing structure.

Mayor Willoughby said there didn't seem to be a solution but he would talk to staff and see if there was something that could be done.

Rich Nelson said he had talked to both parties and suggested they speak to each other and work it out, but neither had taken that step.

III. CONSENT CALENDAR

A. Approve the minutes of April 10,2012

MOTION: Kimberly Bryant moved to approve the minutes of April 10, 2012. Bradley Reneer seconded. Ayes: 4 Nays: 0. Motion passed. Troy Stout was not present at the time of the motion.

IV. ACTION/DISCUSSION ITEMS

A. The Park at South Pointe, Plat K - Minor Subdivision - Katherine Chatfield: Shane Sorensen said Plat K of the Park at South Pointe consisted of 3 lots on 2.424 acres in the CR-20,000 zone. The property was located at approximately 100 W. Cascade Avenue. The plan also included the donation of 42,628 square feet of public open space to Alpine City. The owner had indicated that the donation was being made voluntarily on the condition that no cell towers would be placed on the open space and that a temporary easement would be given to the adjacent property owner on the south to install some landscaping to screen the existing cell towers.

The Planning Commission had reviewed the plat and granted concept and preliminary approval and recommended final approval with several conditions.

Mel Clement noted that an informal trail crossed the proposed building lots and wondered how that would be handled. Mayor Willoughby said the trail would need to be confined to the public open space.

Bradley Reneer asked if there would be additional costs to the City to maintain the open space. It was pointed out that it was all natural open space with no maintenance.

Will Jones said he had a conflict of interest because he owned a triangular piece of ground by the road and had presented it to the Planning Commission and would likely be handling the sale of the lots.

MOTION: Kimberly Bryant moved to grant final approve to Park at South Pointe, Plat K subdivision subject to the following conditions:

1. The City accept the donation of Parcel A, the 42,628 square-foot parcel, as public open space with the conditions that there be no cell towers on it; that there initially be access to create a landscape screen against the south property line; and limit the access after the screen is completed.
2. The City's water policy be met.
3. The issue of the derelict parcel on lot 3 be resolved.
4. The Fire Chief approves the fire hydrant locations.

Mel Clement seconded. Ayes: 3 Nays: 0. Motion passed. Will Jones abstained. Troy Stout was not present at the time of the motion.

B. Bennett Farm Annexation: The City had received an annexation petition from the Bennett family for approximately 29 acres in the area of 700 N. Alpine Boulevard know as the Bennett orchard.

David Church explained that the first step in an annexation was for the applicant to petition the city. The city could stop it by rejecting the petition or accept it and let it run through the process. Accepting the petition did not mean the city was committed to approving the annexation; it only began what was a rather long process. The applicant would submit a development plan, there was a protest period and public hearing before any approval was given.

Will Jones stated he had a conflict of interest on the annexation because he was representing the petitioners.

MOTION: Bradley Reneer moved to accept the petition to consider the annexation of Bennett Farms. Kimberly Bryant seconded Ayes: 3 Nays: 0. Motion passed. Will Jones abstained and Troy Stout was not present at the time of the motion.

C. Budget Work Session

Troy Stout arrived at the meeting.

1. Water Rates Discussion: Rich Nelson said the Council and staff had been discussing increasing water rates in order to keep pace with expenditures and replacement needs. There had been a concern from the Council about the impact on citizens on fixed incomes and others who were struggling. He said staff had contacted Utah County which had a circuit breaker or tax abatement program whereby residents could get a break on their property tax if they met certain requirements which included being over 65 years old, having an annual income of less than \$29,910, and residing in their home for ten months during the pertinent year. Last year there were 41 residents in Alpine who qualified for the tax abatement program. Mr. Nelson proposed that the City keep the water rates the same for those same people who qualified for the County tax abatement program so they would not be affected by a rate increase. They would have to apply for it.

Shane Sorensen explained the different rate increase scenarios. Currently all customers were billed a minimum charge of \$9 a month for up to 8,000 gallons of water used. Residents who used in excess of that were billed an increasing amount for the additional water used. Two new rate scenarios were proposed as follows:

Scenario 1 changed the base rate to \$9.50 for the first 6,000 gallons of water used and a 5% increase in the stepped rates for usage over 8,000 gallons during the first year. The base rate would then increase by \$0.50 a year until the fifth year when the rate reached \$11 for the first 6,000 gallons used. Water use in excess of 6,000 gallons increased by 2% in each of the stepped rates after the first year. There would be no increase in the base year in the fourth year.

Scenario 2 showed a base rate of \$12 for the first 8,000 gallons of water used (an increase of \$3 over the current rate) with zero percent increases to the stepped rates. After the first year the base rate would increase by \$1 per year until the fifth year which would be \$16 for the first 8,000 gallons. There would be no increases beyond the rates for usage in excess of 8,000 gallons that were already in place.

Staff recommended the scenario using a base of 8,000 gallons.

The Council discussed the rates and how they would administer a rate break for people who met the qualifications. They discussed how they might determine who qualified. Will Jones pointed out that there were people who made a lot of money but had huge medical expenses and they should be considered.

David Church said the city could create their own criteria but the information had to be confidential and it required a lot of staff hours. Or they could get the information from the County on who got a tax break.

David Church said the water base rate had to cover the annual fixed expenses. Some cities did not fund depreciation; they just bonded when a project needed to be done. Either way the residents paid for it.

After more discussion a motion was made.

MOTION: Will Jones moved to approve the rate scale that showed a base usage of 8,000 gallons with the current water rate to increase by \$3 the first year and then in \$1 yearly increments after that, and add in a medical and renter provision to the criteria obtained from the County but have the resident apply for the reduction first. Bradley Reneer seconded. Ayes: 3 Nays: 2. Troy Stout, Will Jones and Bradley Reneer voted aye. Kimberly Bryant and Mel Clement voted nay. Motion passed.

2/3. Tentative Budget Discussion/City Council Goals: Rich Nelson reviewed the accomplishments of the City and upcoming expenses. Some of the goals that had been accomplished included the implementation of a new city website and creating a resident's guide to the budget. Other projects were ongoing including improvements in Creekside Park, quality infrastructure, access to Sliding Rock, Schoolhouse Springs and the Hamongogs. An Emergency Preparedness Committee had been organized and they were working on an emergency plan in conjunction with police, fire and EMS. Good communication was essential and Mr. Nelson was looking into a reverse 911 system where they could call the residents and keep them informed in the event of a catastrophe.

The Council reviewed the Tentative Budget for the upcoming fiscal year. The Council discussed having a police officer part of the time in the junior highs as well as in the high school because drug problems were beginning with the younger ages and they might have more influence there.

V. STAFF REPORTS: Mayor Willoughby told Jannicke Brewer there had been a request for more Planning Commission meetings. Will Jones said he agreed with having more meetings, particularly during May and June.

Kimberly Bryant left the meeting.

VII. EXECUTIVE SESSION (This item was out of order on the agenda according to the agenda.)

MOTION: Troy Stout moved to go to Executive Session to discussion litigation. Bradley Reneer seconded. Ayes : 4 Nays: 0. Motion passed. Kimberly Bryant was no longer present.

The Council went into Executive Session at 9:45 pm. They returned to an open meeting at 10:21 pm.

VI. COUNCIL COMMUNICATION

Troy Stout

1. He said he was pleased that, for the most part, the Council worked on the same page. One of the things that was talked about in the training in St. George was the antagonistic tone of politics and how it had gotten increasingly ugly because of people's inability to compromise. He felt the Council worked well together.

2. He said he would like to approach the Utah Senators about negotiating with the federal government to have a buffer zone between the city and the forest service property that the City would control. It would literally take an act of congress to pass the land to local control. If that happened they could open it up to bikes, etc. as public open space. He said he believed the Forest Service would be in favor of that. Mayor Willoughby said he had the Senators' phone numbers and would look into it.

Mayor Willoughby

1. He said he would like a report on the earthquake simulation- The Great Shake-out- at the next meeting. Rich Nelson said briefly that the phone system had problems.

MOTION: Mel Clement moved to adjourn. Will Jones seconded. Ayes: 4 Nays: 0. Motion passed. Kimberly Bryant was not present at the time of the motion.

The meeting was adjourned at 10:27 pm.