

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 North Main, Alpine, UT
June 12, 2012

I. Call Meeting to Order: Mayor Hunt Willoughby called the meeting to order at 7:00 pm.

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

Council Members not present: Kimberly Bryant was excused.

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Jannicke Brewer, Fire Chief Brad Freeman, Annalisa Beck.

Others: Marlene Smith, Douglas Parrish, Charlie Williams, Phillip Williams, Craig Fisher, Sam Slighting, Brady Fry, Brent Fry, Bailey Wilson, Haleigh Barney, Corbin Peterson, Joshua Freeman

B. Prayer: Troy Stout

C. Pledge of Allegiance: Corbin Peterson

II. PUBLIC COMMENT: Corbin Peterson proposed an Eagle Scout project at Moyle Park. He said he'd talked to Richard Vernon who had an old pioneer wagon that needed to be taken apart and hauled away. He said Mr. Vernon had a specialist look at it and was told it was beyond repair.

The Council discussed the request and decide they'd prefer to look at the wagon and see if it really was something the City wanted to get rid of. Will Jones said he would work with Corbin and if they decided to keep the wagon, there were other projects that could be done.

Charlie Williams said he was there with his brother Phil Williams to ask the City to consider putting up a fence between his property and the Rachel McTeer Park on Andes Drive. He had livestock in his field and when the kids using the park kicked the ball over the fence, they climbed into his field to get it. They were knocking the fence down and he was concerned about that. He said he had talked to Councilman Mel Clement about the problem. Mr. Williams said a fence with a gate probably wouldn't work because the kids forgot to close the gate. He suggested a fence with a ladder up one side and down the other. He said he didn't mind the kids coming over and getting their balls, he just didn't want them knocking down his fence. Mr. Williams said he also had a question about the headgate that was on city property. The kids were either opening or closing it at odd hours and they climbed on the screw and bent it down so it couldn't be turned. He had talked to Mark Thompson who was the water master for the Lehi Irrigation Company and he'd said he was going to talk to the City about it.

Rich Nelson said they hadn't heard from Mark Thompson. He said he'd had Ron Devey take a look at the fence situation earlier that day; Mr. Devey had suggested a 6-foot chain link fence which would prevent most of the balls from going over. He said that whatever organization used the field should participate with the City and the homeowner in the cost of the fence.

There was a discussion about what could be done with the headgate. Mayor Willoughby suggested they angle the fence at the corner by 45 degrees and keep the headgate on Mr. Williams' property. Mr. Williams said that other people used the irrigation water and would need to access the headgate.

Mel Clement said he'd looked at the ditch and felt there needed to be grate installed to prevent some kid from falling in. He suggested writing a letter to Lehi Irrigation and saying it was an obvious hazard.

Doug Parish said he lived on Rosanna Lane and he wanted to talk about fire awareness, especially as it related to the Bowery and Lambert Park. He was not concerned with the fire ring by the Bowery but there were numerous other places that people were camping and lighting fires. With the dry weather, he was concerned. He asked if it would be possible to post signs stating that fires were allowed only in prescribed areas.

The Council discussed the problem. Mel Clement said it was a dry year and he didn't want to watch the mountains burn. Troy Stout said he felt they could do a better job of posting signs in the park. He asked if the police could drive through Lambert Park a couple of times in the evenings and check for fires. Mayor Willoughby said he thought they did that already. Will Jones said he didn't think there was much they could do to prevent people from building fires but they needed to make them safer with more designated fire pits.

Chief Brad Freeman said he agreed with Will Jones. He said maybe there could be an Eagle Scout project to build fire pits in approved areas of Lambert Park where people camped. Then post signs that said no fires could be built anywhere other than in official fire pits.

The Mayor asked staff to look into additional fire pits and signage. Rich Nelson said Troy Stout had wanted Lambert Park to be a discussion item on a future agenda. They could add fire pits to the discussion.

David Church said that the fire marshal had the authority to restrict fires if necessary. It was better if someone with the knowledge and expertise on fire danger made the decision rather than a bunch of politicians who were influenced by people's various complaints. He said it was misdemeanor if a fire was built in an area closed to fires. If it got out of control, it could be a felony plus they could be sued for the cost of fighting the fire.

Mayor Willoughby said that in the meantime they would look at building additional fire pits and putting up signs.

III. CONSENT CALENDAR

A. Approve minutes of May 22, 2012

B. Bond Release - Filmore Subdivision, Plat A - \$1,353.84

C. Alpine City Road Projects (multiple locations) - High Density Mineral Bond - \$38,490.91.

Shane Sorensen said the road projects were tentatively scheduled for Monday and Wednesday of the following week. The company would take care of the public notices. It would be a little inconvenient because they closed the roads down at 6 am. The downtown area on 100 South, 200 North and Main Street would be affected.

MOTION: Will Jones moved to approve the minutes of May 22, 2012 subject to corrections and approve all other items on the Consent Calendar. Troy Stout seconded. Ayes: 4 Nays: 0. Motion passed.

IV. REPORTS AND PRESENTATIONS

A. Swearing in of the Alpine Youth Council: City Recorder Charmayne Warnock swore in the Alpine Youth Council who would be serving during the upcoming year.

B. Financial Report for May 2012: Rich Nelson and Annalisa Beck reviewed the financial report for May 2012. Mr. Nelson said they had hit their revenue goals on property tax, sales tax, and building permits. They were the key indicators and they were doing well.

V. ACTION/DISCUSSION ITEMS

PUBLIC HEARING ON THE BUDGET FOR FY 2012-13

Rich Nelson said there were copies of the budget on the table if people in the audience wanted to follow along as he reviewed it. He said there was an increase in rents and concessions revenue based on revenue from the Alpine Days rodeo. There was a decrease in the cost of emergency services resulting from the assessed valuation based on ERU (equal residential units) among the participating cities. Alpine's assessment went down from previous years

There was an increase in expenditures since the tentative budget was adopted. It was discovered that some of the city's assets were not covered under the insurance policy. Those were included and the premium went up. The budget included a buy-back clause in the personnel policy which would allow them to buy back unused vacation rather than waiting until people retired. The insurance plan for City employees had been down-graded resulting in a savings of \$82,000. There was an increase of \$5,000 to upgrade computer systems. They transferred \$100,000 from

the general fund to the capital improvement fund for future maintenance and projects. Funds for emergency preparedness were also included in the budget in the amount of \$15,000. The budget as presented was a balanced budget.

Mayor Willoughby opened the hearing for comments.

Jannicke Brewer said that on page 17 it referenced benefits for the Planning Commission. She asked what they were since they didn't receive benefits. Annalisa Beck said it was the social security and medicare deductions from their paychecks.

There were no more comments and the hearing was closed.

A. Ordinance No. 2012-04, adopting the Alpine City Budget FY 2012-13: Mayor Willoughby said the Council had been working with staff on the budget for several months and they were well-versed in it. He asked if there were more questions.

Troy Stout questioned the transfer of money to the capital improvement fund during a year when they raised taxes. He asked if they should not roll back taxes if they had extra money rather than transferring it. Rich Nelson said staff felt it was better management to have funds in reserve for emergencies that might arise. Annalisa Beck said that three years ago the City actually had over a million dollars in the capital improvement fund and it had been spent. She added that some of the money in the capital improvement fund was actually infrastructure protection bonds that the City was holding and it wasn't really their money.

Will Jones asked about the \$18,000 increase in insurance premiums. Rich Nelson said they found out there were items in the City that were not covered by insurance. Later in the discussion, David Church explained that there had been a fire in another city where a new building burned down. It was discovered that it had inadvertently been omitted from the coverage. As a result the insurance agency had inventoried the assets in the cities to make sure the assets were covered.

The Council asked if there were other insurance options. David Church said there were private carriers and some cities were self-insured.

The Council discussed the PSD expense. Bradley Reneer said that Alpine was paying a smaller percentage but the costs had gone up. It was disappointing that the savings from the renegotiated percentage didn't cover the increased costs. He asked if that trend would continue upward.

Will Jones said he thought it was a mistake if they didn't think that it was going to continue upward. He said he had a problem with the lack of reimbursement from Utah County when the Lone Peak PSD covered American Fork Canyon. He said he wanted to send a clear message to the County that Alpine City would no longer subsidize them and if they didn't start reimbursing them, they would discontinue their service in county areas.

Brad Freeman suggested the City meet with the association president of Alpine Cove and they would in turn put pressure on the County.

David Church said the threat of non-coverage was a place to begin negotiations, but the practical fact of the matter was that it wouldn't work to refuse service. If the PSD didn't respond to an emergency they would lose credibility with everyone including their own citizens.

Brad Freeman said the state law said that the agency closest to the area was responsible for coverage.

Rich Nelson said they could pass a motion stating that the Lone Peak PSD would go after the County for reimbursement and if they didn't pay they could turn it over to David Church and sue.

David Church said the County's response would be that Alpine should annex Alpine Cove. However, when annexation was an issue several years ago, Alpine City had not wanted to annex Alpine Cove because of their

substandard roads, and the Cove didn't want to spend the money to upgrade their roads. Plus the Cove residents didn't want to pay the same tax rate that Alpine residents paid. But the Cove could be forced in if it came to that.

Will Jones said they had the same problem with the forest service. David Church said the City would not have much purchase with the forest service. If the forest service fought a fire within city limits the city would be billed.

Brad Freeman said that if there was a fire in the city that was within a half a-mile of the forest ground and the city did not notify the forest service, the city would be charged if the fire moved onto forest land. If there was a fire, the forest service allowed three free tanker drops and a helicopter.

In regard to EMS calls up the canyon, Brad Freeman said the District would hopefully get reimbursement from the insurance. The main concern was structure fires such as cabins, etc.

David Church said they needed to consider if the PSD had to have manpower and equipment above and beyond what it needed for the community in order to protect the American Fork Canyon and Alpine Cove. He said the answer would be no. If AF Canyon and the Cove disappeared, it would not change the District's need for equipment or resources. The County attitude was that they were not burdening the taxpayers of Alpine except on calls because the equipment was already needed for the community.

Bradley Reneer said that it did affect the level of service for citizens if the PSD was up the canyon on a call.

Will Jones said there were 2000 homes in Alpine and 50 homes in the Cove. They were essentially getting free service. David Church agreed that the costs for the Cove were artificially low because Alpine was covering them. The question was, were the City's costs higher because of the Cove. He said the big difference was the county residents did not have franchise taxes. Otherwise the taxes were about the same.

Brad Freeman said it would be interesting to see what they paid the county for fire taxes.

MOTION: Will Jones moved to adopt Ordinance No. 2012-04 adopting the budget for fiscal year 2012-13. Troy Stout seconded. Ayes: 4 Nays: 0. Troy Stout, Will Jones, Bradley Reneer and Mel Clement voted aye. Motion passed unanimously.

MOTION: Will Jones moved to assign someone on the Council and David Church to meet with the County Commission to formalize a proposal about the ongoing service for the County, and get it done before the end of their budget year so it would be in place for the next year. The motion was withdrawn when Mayor Willoughby said he would take that assignment and call Larry Ellertson that night.

B. Resolution No. R2012-05 Adopting the Certified Tax Rate: Annalisa Beck said they had received the certified tax rate from the County that morning. It would give Alpine City the same revenue they had the previous year without a tax increase. She said the rate looked higher but it was offset by the decrease in property values in the city. The County anticipated Alpine would have a decrease of \$11,000,000 due to decreased property values and an increase of \$7,000,000 due to new growth so there would be a net decrease of \$4,000,000.

David Church said that in Utah they had a system where when property values went up, the cities didn't gain more tax revenue and with property lost value they didn't lose tax revenue. The certified tax rate was calculated to keep the revenue level based on the city's budget. If property values went up, the tax rate went down. If property values went down, the tax rate went up. Taxes on individual homes may go up or down due to an assessment lag, but the net revenue to the city should remain the same.

MOTION: Troy Stout moved to adopt the certified tax rate of 0.001916 as set by the County. Bradley Reneer seconded. Ayes: 3 Nays: 1. Troy Stout, Bradley Reneer and Mel Clement voted aye. Will Jones voted nay. Motion passed.

C. East Mountain Estates Plat E, Minor Subdivision: Shane Sorensen said the Planning Commission had recommended final approval for East Mountain Estates, Plat E. It consisted of three lots at approximately 823 W. High Bench Road on 1.4716 acres in the CR-20,000 zone. The applicant was requesting to pay cash in lieu of the

required water rights of 3.79 acre feet. If the Council approved cash instead of water rights the cost would be \$7,897.41.

Will Jones said there were Alpine Irrigation water rights available on the land because it was farmed at one time.

Mayor Willoughby asked if the City would be benefited more by a cash payment or by the acquisition of water rights. Shane Sorensen said their first preference was to acquire Alpine Irrigation shares.

Ross Welch said the property was owned by Patterson's sisters and they would prefer to pay cash. Will Jones said his point was not who owned it but that irrigation water could be and should be purchased.

Shane Sorensen said the cash requirement was 120% of the value of a water share in order to avoid devaluing water. The cash in lieu of water rights was meant to be a last ditch option for developers who could not acquire water.

MOTION: Will Jones moved to approve East Mountain Estates, Plat E subject to the following conditions:

1. A sidewalk be constructed along the frontage of the lots.
2. A fire hydrant be added at the northwest corner of lot 45 subject to the review of the Fire Marshal.
3. The water meter lids and pressurized irrigation boxes be adjusted to grade.
4. A land disturbance permit be obtained prior to construction taking place on the site.
5. The City's water policy be met.
6. A bond be provided for the cost of the required improvements.
7. The public utility easements on the plat also be labeled as drainage easement.
8. The redlines on the plat be corrected.
9. The water policy be met with Alpine Irrigation shares rather than cash.

Bradley Reneer seconded. Ayes: 4 Nays: 0. Motion passed.

D. Case Lot Fireworks Conditional Use Permit - Craig Fisher: Jannicke Brewer said the Planning Commission had reviewed the site plan for the fireworks stand to be located in the parking lot of the Mountainville Academy on Main Street. It was in the business commercial zone. The applicant had permission from the Academy and planned to donate a certain percentage of the profits to the Academy.

Mrs. Brewer said there was a question whether or not temporary structures had to comply with the architectural guidelines in the Historic Gateway Zone. She wondered if they were over-regulating temporary businesses in regard to color, shingles, etc.

Mayor Willoughby said he thought they should lean toward less regulation rather than more.

Jannicke Brewer said the motion from the Planning Commission specified a white tent but the applicant wanted to use a white metal building.

Craig Fisher said he had been working with the state fire marshal on safety regulations. They wanted to have a metal building with roll doors that would be hung with bunting. The metal building was a safer structure because it could be locked at night. They could have exterior lights as needed and wouldn't need to have someone sleeping next to it. They also planned to hand out flyers listing the regulations of the City regarding fireworks.

Will Jones asked what limitation the City had on fireworks. David Church said that cities used to routinely prohibit them but the state legislature changed that to say that cities could regulate them but not prohibit them. They could sell fireworks in Alpine as long as they met the zoning.

Mel Clement said that Farmington was banning them. David Church said they were banning the use of fireworks but not the sale.

Brad Freeman said the fire department did a thorough inspection of the firework stands in Highland. He noted that the fire department felt it was safer to have the fireworks in a metal storage container than a tent, but how it looked was up the Council.

Bradley Reneer said they were looking at prohibiting fireworks in Alpine and asked Mr. Fisher if it would be worth their time if they were prohibited. Mr. Fisher responded by saying that the Phantom store did a million dollars in business. He said they were doing it as a fund raiser and the Mountainville Academy would get ten percent.

The Council discussed the tent versus the metal storage unit and a motion was made.

MOTION: Troy Stout moved to approve the Case Lot Fireworks site plan as proposed with the following conditions:

1. A metal storage unit could be used and it would be painted white and hung with bunting.
2. A garbage can with a closing lid be provided on site.
3. The applicant comply with all state regulations pertaining to the sale of fireworks.
4. A sign be placed onsite showing the "NO FIREWORKS" zone in Alpine, and flyers or handouts with the same information be provided to customers.
5. The storage unit would be set out no earlier than June 22nd to start selling on June 25th, and would be out by August 2nd or one week after the last day of sales on July 28th.

Bradley Reneer seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

E. Wireless Telecommunication Ordinance: The Planning Commission had been working on the Telecommunication Ordinance for several months and was ready to send it on to the Council. Mayor Willoughby asked the Council to preview the proposed ordinance and they would discuss it further on the next agenda.

Jannicke Brewer said she voted against recommending the ordinance because she didn't like the language about cell towers in Lambert Park where it said the City had no implied obligation to lease any part of city property. Other than that, she felt it was a good ordinance. She said the approved locations for cell towers had changed and there was no order of priority. Each tower had to be at 1/4 mile from another. Replacement towers would not be higher than the original tower. The term stealth design was eliminated from the ordinance. The new ordinance addressed roof-mounted antennae. Public hearings would be required on applications for new towers. Regarding existing towers, the ordinance differentiated between a pole and equipment. The right to a tower did not expire. If they discontinued use of a tower, it could still be used if someone came back ten years later and wanted to install their equipment on the pole.

David Church said it was like a store that lost its tenants. It may be vacant for a time but the shop owner had a right to rent it later on. The shop wasn't taken down. Jannicke Brewer said the existing towers on private property may be maintained and replaced but the new tower couldn't be any higher.

Clyde Shepherd spoke briefly and said he had voluntarily limited the height of the towers on his property to 35 feet when the first ordinance was written. He said he understood that the way the proposed ordinance was written, he was limited to the five towers he already had, but they could be replaced with new towers that were no higher than 35 feet.

F. Fireworks in Alpine: At the previous meeting the Council had discussed the use of fireworks in Alpine and whether or not they wanted to impose limitations on their use. They were to consult with the fire marshal for a recommendation.

Brad Freeman said the first thing was they had to do was follow the state law regarding fireworks. The legislature had spent hours and hours going through it with the fire chief and citizens. If a city shut down fireworks, they had to be able to defend it. He said he had three recommendations.

1. They implement a **flying squad program** which consisted of putting two extra firefighters on duty to patrol the area in a brush truck during the period of time when fireworks were legal. He said mainly Alpine and Cedar Hills would be involved because they were next to the mountains. It would cost \$350 an evening per truck. They would patrol from 6 pm to 11 pm. He said they couldn't do it with on-duty firefighters because they had to take care of the regular calls.

2. They employ **signage** showing where fireworks were prohibited.

3. A **flyer** be printed on florescent paper that enumerated the laws and penalties for violating firework laws. He said many people did not know they would be responsible to pay the expense of fighting a fire caused by fireworks. He suggested the fireworks stands or other places that sold fireworks be required by their business license to pass out the flyers.

David Church said the restricted areas would have to be described simply or it wouldn't do any good. It should be shown on a map and on signs.

Mel Clement said it was irritating that the fireworks industry was going to make so much money on selling fireworks and it was costing the city extra to protect their environment.

Mike Simmons said he felt they needed to mitigate the fireworks as much as possible. Denver had restricted all kinds of fireworks because of the fires. Draper City didn't allow any fireworks east of Highland Drive. He said a fire could wipe out their mountainside. There were plenty of places people could go to watch fireworks.

Craig Fisher said that last year the state had legalized aerial fireworks. He asked how many fires in Utah had been caused by them. He said the aerals were safe. It was the smoke balls and flowers that were dangerous. He said Case Lot Fireworks would donate a couple of bucks to the fire department.

Brad Freeman said that even with aerial fireworks legalized they still had a lot of illegal fireworks coming in from Wyoming. Bottle rockets and ground flowers were the biggest causes of fires. Bottle rockets and Roman candles were still illegal.

Troy Stout asked if the City had the money for a flying squad. It would cost \$700 a night for 14 days. Rich Nelsons said they would figure out a way to pay for it.

Mel Clement asked if they could prohibit fireworks within 500 feet of forest land.

MOTION: Will Jones moved to prohibit fireworks east of High Bench Road from the south to the north and above Alpine Boulevard to Heritage Hills Drive across to Main Street and across to International Way, unless the fire chief came up with something more restrictive. In addition they request two flying squads, signs, and flyers at the fireworks sales. Notice of restrictions would be made in the Newsline and webpage. Also, sky lanterns are illegal in Alpine. Troy Stout seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

David Church said he believed in strict enforcement of the laws on fireworks. Offenders needed to be cited and fined. If there were illegal fireworks they could seize them for evidence. He said voluntary compliance no longer worked on fireworks. Use of illegal fireworks was a class B misdemeanor. They could go to jail and be fined up to \$1000.

The ordinance on fireworks would be on the next agenda.

VI. STAFF REPORTS

Shane Sorensen said the playground in Legacy Park was finished.

Rich Nelson said Troy Stout wanted a discussion on Lambert Park as an agenda item and Councilman Stout would structure the discussion. It probably would not be at the next meeting however.

VII. COUNCIL COMMUNICATIONS

Troy Stout said someone needed to go to Chief Botkin and ask him to clamp down on firework violations. Rich Nelson said he would meet with him.

Will Jones said he would like the Planning Commission to look at taking 200 East out of the business commercial zone. They also needed to look at the issue of car repair shops and expanding the commercial zone south down Main Street. Regarding the Memorial Day breakfast, he suggested turning it entirely over to the Youth Council. The Council could be there to support them but let them do it.

Mayor Willoughby thanked staff for setting up the Road Respect Tour. It was a great event.

Mel Clement said they had about 40 people hike the new trail at Dry Creek the first day.

VIII. EXECUTIVE SESSION: None held

MOTION: Mel Clement moved to adjourn. Troy Stout seconded. Ayes: 4 Nays: 0. Motion passed.

The meeting was adjourned at 10:30 pm.