

ALPINE CITY COUNCIL MEETING
20 North Main Alpine, Utah
June 14, 2011

I. REGULAR MEETING: The meeting was called to order at 7:00 pm by Mayor Hunt Willoughby. The following Council members were present and constituted a quorum:

A. Roll Call

Mayor Hunt Willoughby

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

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

Others: Stephen Crain, Richard James, Leslie Clark, Greg Clark, Rick Hulme, Josh Peterson, Richard Vernon, Reed Murdoch, Ryan David, Michelle Davis, Douglas Cunningham, Jacob Lloyd, Shef Lloyd, Michelle Shirmer, L Justus, Bill DeGroot, Kyle Harding, Natalie Barrett, Tom Hathorne, Kerry Hurst, Stephanie Hurst, Clyde Shepherd, Doug Heiner, Chrissy Hannemann, Wayne Card, Joy Heiner, Janie James, Wayne Hamill, Tom Nixon, Nancy Jones, Tate Gambill, Cole Gambill, Cynthia Gambill, Robert Long

B. Prayer

Troy Stout

C. Pledge of Allegiance Josh Peterson

II. PUBLIC COMMENT: Reed Murdock said he lived on Willow Spring Circle in Alpine and he was there to express a concern about the crime in his neighborhood. During the last two months there had been continuous theft from people's cars and garages. He said he didn't think it was just some local kids going through people's garages because the stolen items – mountain bikes and golf clubs – were showing up in Salt Lake. He said his son's mountain bike was stolen and showed up six hours later on KSL.com classifieds. Other people's property had shown up on the same site. He said a light-colored, 15-passenger van had been seen in the neighborhood. He said his biggest concern was that the apparent apathy in the police department regarding the theft. Neighbors had filed police reports and there was no follow-up. He said he'd like to know how many thefts had been reported in the last six weeks and wanted to know why there was only one police officer on duty at night on the weekends. He said he was especially concerned that at some point the burglars might not stop at snooping around the garage and instead come into the home. A council member asked him if the doors had been open and he said they had been.

Mayor Willoughby said he would review the situation with Chief Botkin. Rich Nelson asked him to leave his phone number and email address with Annalisa Beck so he could follow up with him.

Ryan Davis said he lived on Country Manor Lane, and was also affected by the crime. He said he had a friend in Salt Lake who was a police officer who told him that the word was out that Alpine was an easy target because they only had one officer on duty on weekends. Mr. Davis said the city's priority should be safety for the citizens and not revenue from writing tickets. They should be patrolling at night instead of writing tickets at the roundabout during the day. He asked how many officers were on duty during the day as opposed to at night. He said he had counted 15 homes that were hit and the stuff was all being sold out of Salt Lake. He concluded by saying he had young daughters and a family, and he didn't like the idea of those people prowling around his neighborhood.

Steve Crain said he lived on Cascade Avenue in Alpine, and was representing the neighbors on Cascade, Rocky Mountain Drive, Bateman Lane and May Circle. He said he had worked with Ted Stillman in writing the wireless ordinance for the city six years ago. However, the tower recently put up by Digis Wireless on Shepherd's Hill did not conform to the ordinance. The ordinance required a monopole and the facility they put up was a lattice tower. He said the neighborhood was in the process of appealing it to the Board of Adjustment but they wanted to let the City Council know about their concerns. He passed out photos of the tower.

Mr. Crain said Digis had provided him with the plan for the tower and he could see why the City approved it because it didn't entirely look like what was installed. He said they were not anti-Digis or anti-tower, and they had nothing against Clyde Shepherd on whose property the tower was installed. He said Digis just needed to bring the tower into compliance with the ordinance.

Kent Hastings asked if Digis constructed another pole or added on to an existing one. Mr. Crain said they took down the old one and put up a new one with a lattice design which any child could climb. It was an attractive nuisance. In addition the tower had microwave dishes.

David Church said the City had granted a permit to Digis and the neighbors had a right to appeal it. Each party could state their position and the Board of Adjustment would determine whether the tower could stay or should be changed. The loser would have a right to appeal to district court.

Troy Stout said he could remember when it came before the Council and the drawing they saw of the tower didn't look like the photo of the tower. He said it seemed like a misrepresentation and he asked if that would not void the approval.

Steve Crain said they were not disputing the permit. The tower just needed to comply with the ordinance. There were workable solutions that may cost Digis more money. He noted that some of the neighbors were Digis customers.

Greg Clark said he lived on Cascade and he had listened to the recording when the Council approved the tower. He said it was mentioned that there were two options available but option two never really came to the floor. The other option involved attaching equipment to an existing tower. He asked that they go back and consider the other option.

Bill DeGroot said he lived on Cascade and was a Digis customer, but he had concerns about the safety of the lattice tower which had microwave dishes and no fencing. He said it was begging to be climbed by kids.

Michelle Shirmer said she lived at 150 W. Cascade and had young kids that went up on the hill for sledding in the winter and there were runners that used it. She said that other businesses in Alpine were required to follow the sign ordinance and Digis should also have to follow the city's ordinance. She said the trees that had been planted up there for screening were dead because there was no water up there.

Douglas Cunningham said he lived on Timberline Drive in Highland which was on the boundary of Alpine. He had approached the Council on previous occasions saying there was an illegal riding school on Pfeifferhorn that was devaluing his property. He'd lost \$50,000 on the value of his house and yet Alpine City continued to do nothing. He said the county tax representative testified that he did consider the riding school as a detriment to his property value. Mr. Cunningham had also taken his petition to the state for a further reduction in the valuation of his property but it was denied. He said there were motorcycles using the trail behind his house and the lack of code enforcement led to a depressed quality of life. If Alpine didn't want to enforce their ordinance, they would end up paying more. He appealed to the City to take care of the situation. He gave the Council a copy of the appeal he took to the state and their ruling.

Richard Vernon was the caretaker of Moyle Park. He said he had approved two Eagle Scout projects to be done in Moyle Park. One was Josh Peterson who said he lived by Moyle Park and had met with Mr. Vernon. He was going to redo the fire pit by taking out the metal rim and putting in river rock. He would also landscape the entrance to the park by taking out the weeds, putting in weed barrier and flowers.

Jacob Lloyd said he was in the same troop and he planned to build some pioneer toys to be kept at Moyle Park. He would also build a chest to put the toys in. That way kids could learn what the pioneers used to play with. To find out what types of toys to make, he said he'd looked at the toys at Cove Fort and researched it on the internet.

Kyle Harding said he would like to speak on behalf of Digis. He'd read a copy of the appeal and said he looked forward to the hearing. He was concerned that the Council may think they had tried to pull the wool over their eyes. What they had submitted was a drawing which represented graphically how the tower was constructed. It was not meant to be an artist's rendition. He said they had shown an actual section of the tower to the Planning Commission.

Mr. Harding was asked if it was a lattice tower. He said Alpine's ordinance did not have a definition of a lattice tower. The industry did not consider it a lattice tower. He said the microwave dishes would only be dangerous if

someone was standing right in front of it no more than three feet away. There were no dangers from microwave spillover.

Kimberly Bryant asked if the tower was climbable and he said it was.

Jannicke Brewer said that when it came to the Planning Commission it was their feeling that they should have required a fence. The tower was on private property and it was not a playground.

III. CONSENT CALENDAR

- A. Payment Request #3 – Carlton, Inc. 2010 Waterline Improvements - \$207,597.92**
- B. Final Payment Request – J&B Excavating, 800 South Outfall Sewer - \$51,269.96**
- C. Approve Minutes of May 24, 2011**

Shane Sorensen said the work on the sewer outfall line on 800 South was completed; J&B Excavating had done an excellent job. Work continued on the waterline improvements on Alpine Drive. He expected they would overlay the road in July or August. Kent Hastings asked if they planned to overlay 800 South. Shane Sorensen said they needed to put in a storm drain and replace the waterline on 800 South before overlaying the street.

MOTION: Jim Tracy moved to approve the Consent Calendar with the minutes of May 24, 2011 as corrected. Bradley Reneer seconded. Ayes: 5 Nays: 0. Motion passed unanimously.

IV. REPORTS and PRESENTATIONS

A. Financial Report: Annalisa Beck said the revenue related to planning and building was slightly up from the previous year. Class C Road Funds were up because they had recalculated the footage for streets in Alpine and got a little more. Property and sales tax revenue was up from the previous year.

V. ACTION and DISCUSSION ITEMS

A. David's Court Plat C Revised – Final Approval – Patterson Construction: Shane Sorensen said Plat C was a one-lot subdivision that they had seen before. However, when the owner got the title report, it showed a minor boundary discrepancy. The applicant redrew the lot lines and extended the boundary a little to the east to compensate for lost footage.

MOTION: Kimberly Bryant moved to approve the revised final plat for David's Court, Plat C. Troy Stout seconded. Ayes: 5 Nays: 0. Motion passed unanimously.

Troy Stout asked about the weeds growing on a lot next to it. Rich Nelson said that April Naidu was sending out notification letters to people who had weedy lots. It was thought that the letter required weeds in the park strip to be cut along with the weeds one foot back from the sidewalk. David Church said noxious weeds were defined by state code and residents were required to remove them. If weeds presented a fire hazard, the fire department required them to be cut.

B. Public Hearing on Budget for FY2011-2012: Rich Nelson said that at the previous meeting the Council had reviewed the suggestions to cut the budget and voted on them. At this meeting they needed to approve a budget. The Lone Peak Public Safety District (PSD) had approved their budget at their last meeting. Alpine City's proposed budget reflected a tax increase to support the increased fire and police budget. It was estimated that the increase would increase the tax on a \$400,000 home to \$11.81 per month.

Kent Hastings said the PSD had passed an actual figure and asked if that figure was included in this budget. Rich Nelson said this budget was probably high by about \$5,000.

Mayor Hunt Willoughby opened the Budget Hearing for public comment.

Richard James said he lived on Ranch Drive. He said he wasn't there to talk about money; he wanted to talk about priorities and safety. There couldn't have been a better preface to the budget discussion than the public comments made earlier about theft in Alpine, and how lax the city had become in terms of law enforcement. He said in Pleasant View, Utah they'd had one officer on duty. A woman called for help but the officer was busy with an accident and didn't come until after the man had already shot her. In another case in California a man committed suicide in standing water. The fire department was there but couldn't go in because they didn't have a properly trained paramedic to make the rescue. A 20-year-old girl went and pulled him out. Mr. James cited a personal example of when his granddaughter was missing and no one came. The family finally found her an hour and half later.

Mr. James said he was representing 15 other people who were out of town but felt the same way he did. If someone needed a paramedic, they had better hope they were first on the list because if they were number two, help wouldn't be coming for another 20 minutes. He said his wife had gone over to the fire department but it was all locked up because they were on a call. He said he was sure they knew about the incident in Cedar Hills where a woman died because of lack of personnel. He thanked Jim Tracy for writing the article in the *Newsline*. He noted that the City had increased the fees for his water and trash, but they couldn't pay for a fireman or police officer. They needed more than one officer on patrol after one in the morning. He said that if it saved one life, it would be worth it to pay the additional \$12 a month for the rest of his life. He asked what the priorities of the community were – a water slide or skate park? They should be protecting the citizens.

Chrissy Hanneman said she had shared the problem of police and fire/EMS protection at a baseball game, and the 15 moms sitting around her agreed that it was important. She said she had sat out in the hall and read the budget. Public safety was listed as number 5 on the priority list. That should be moved higher. Rich Nelson said the list was not prioritized; it was just a list.

Ms. Hanneman said another item that caught her attention was that Alpine had the lowest tax rate in the County. Rich Nelson said that was taken from the previous year and left off 3 cities that had lower tax rates: Goshen, Genola and Spanish Fork. Spanish Fork had a lot of commercial and they also had their own electrical department.

Ms. Hanneman noted that it would be difficult to maintain the lowest tax rate in a community with limited commercial, and still maintain public safety. She said one of the things that alarmed her were the programs they were unable to do because of the limited budget. She said she lived in the Westfield Elementary area and the parents had volunteered to try and duplicate safety programs that other cities provided to their schools. Other schools provided a NOVA program that talked about youth protection, abduction, bad habits, etc. It was more comprehensive than what the mothers were teaching at Westfield. She said that after listening to the comments about burglary, they should have neighborhood watch programs. She said that with a small impact on their standard of living, they could improve the safety in their town.

Kimberly Bryant asked Ms. Hanneman to let her neighbors know about her concerns so that if the budget passed with an increase, the people would know why.

Troy Stout said that having a neighborhood watch program wasn't really a budget issue. Neighbors could do that on their own. They could be proactive and ask the police for help in setting it up.

Jannicke Brewer said that she was one of the senior citizens that lived on a fixed income and she supported improving safety. She said she had talked to her friends about the issues and they had indicated they would be happy to have some increase in taxes and more protection. She said it bothered her that the fire, EMS and police had to scrimp. They were people that needed to make a living for their families. She would rather cut recreation or the beauty pageant funding. It was more important to have safety.

Bob Long said he had a son-in-law that was a police officer who worked in a city that dealt with budget restraints by using reserve officers. He was curious if the Lone Peak PSD had looked into having a reserve program, especially at night. There were trained officers that didn't work as full-time police officers who would like to maintain their certification. With the economic situation the way it was, there was a huge pool of people available as reserve officers. He encouraged the Council to pass the highest budget to increase safety.

Janey James said she had gone to the fire station and was shocked to find it locked. It turned out that the fire fighters were out on a call. She said she was appalled to learn that if there was a burning building, they wouldn't be able to go inside to rescue someone if they only had two people. They could put water on it but they couldn't go in until two more firefighters arrived. She said she had previously felt so secure living in Alpine and having the fire station here, but now that she knew how they had to operate, she was concerned.

Fire Chief Brad Freeman said that 45 minutes earlier the firefighters/EMS had responded to a baby not breathing. Some of the responders had to go to Primary's Medical Center which left them with too few officers to respond to a fire.

Mayor Willoughby said the proposed budget would include having four individuals in each fire station in Highland, Cedar Hills and Alpine.

There were no more comments and the hearing was closed at 8:21 pm.

C. Approval of the FY2011-2012 Budget: Kent Hastings asked what the percent increase was in this budget over last year's budget. Rich Nelson said it was 52%. Annalisa Beck said that property values had gone down the past two years and in order to just keep even, they would have to increase taxes 20%.

Troy Stott clarified that the 52% increase was just on the portion that came back to Alpine City.

David Church said it was more helpful for the public to talk about the actual rate and not a percentage because it changed for everyone. Last year's tax rate was 0.001226. The proposed tax rate was 0.001870.

Richard James said a property tax increase was deductible on both the state and federal taxes. Even with the new increase, Alpine would still be near the bottom of the cities.

Rich Nelson said they were going to prepare a citizen's guide to distribute when the budget was passed.

Kent Hastings said he agreed they needed more firemen. In the past Alpine had a great part-time program which was cheaper because they didn't have to provide benefits. He wanted to look at what they needed to do to increase the coverage more cost effectively. He said he'd heard from people on fixed incomes say, if they paid another \$12 a month for a second call, what would they do on the third call? Where did it stop? He said he believed they could handle the second call if they implemented more part-time people.

Fire Chief Brad Freeman said their budget went down to \$681,000 with four people at each station. They were able to reduce it from the original budget because two of the people were interns and one was part-time and one was at home on-call. Plus they got a grant for interns so they weren't costing them anything.

Kimberly Bryant asked if Kent Hasting's plan would take some of the fulltime officers and cut them back to part-time. He responded that some may fall into that category. She said she wanted to be careful with the citizen's money, too, but she was not comfortable taking away their benefits. She'd experienced that herself and didn't think they should do that.

Troy Stout said he respected what Kent Hastings was trying to do but there was another side to the part-time coin. There was a higher turn-over rate with part-time employees. Someone with a fulltime position became more entrenched in the community and the quality went up with fulltime.

Bradley Reneer said he didn't think government should be in the business of creating or preserving jobs. Their priority was safety. He said he trusted Brad Freeman and felt he'd done everything he could to provide the best service with what he had. He appreciated the hard work he'd done to bring down the cost. He said his feeling was to go with the proposed budget although he wouldn't rule out the possibility of part-time. They could see how the interns worked out.

Kimberly Bryant said the reason they were in the position they were in was because they'd lost the grant money and the transfer money. At some point they had to bite the bullet. They couldn't just keep going down that road because it would just get harder.

Troy Stout noted that the budget included a \$5000 compensation package for the Alpine Days Chairman. Did they want to keep that? Bradley Reneer said he thought it was a mistake to pay only the chairman because there were so many people that worked so hard, and he'd the same comments from other people. However, he wondered if the current chairman was working under the assumption that he would be paid.

Kimberly Bryant said the City had paid the chairman only one year. When she was the Alpine Day's chairman she had a lot of people working under her that did a ton of work and no one got paid. Kent Hastings said he recalled that the payment to the chairman was a one-year deal and then they would review it. He said he got a lot of feedback after the last Alpine Day's and people didn't agree with having a paid chairman.

David Church said the compensation was an independent decision in this year's budget. The only issue was if they had a contractual obligation with this year's chairman. On the other hand, if there was a moral obligation, that was another issue.

Mayor Willoughby read the motion from March 30, 2010 which stated what the chairman would be paid and that the issue would be revisited after Alpine Days.

Jim Tracy said the co-chairman was paid last year and he believed his assumption was that he would be paid this year. Troy Stout said he wanted to avoid the assumption that another city position had been created. It was unfair to let that assumption ride. If they did it one time, it didn't mean they were obligated.

Kent Hastings suggested they take the line item out of the budget, then sit down with the current chairman and see what his expectation were. Bradley Reneer asked if they could move the \$5000 into the Council Discretionary fund then find out what the expectation was.

After more discussion a motion was made and later withdrawn.

MOTION: Jim Tracy moved to approve the budget dated 6-9-2011 and set a Truth in Taxation Hearing for August 16, 2011. Kimberly Bryant seconded. The motion was withdrawn.

David Church said the budget was still only a tentative budget. The final budget would be voted on in August after the Truth in Taxation Hearing. They could decide what to do with the compensation for the Alpine Days chairman after that.

MOTION: Troy Stout moved to remove the compensation for the Alpine Days chairman from the Alpine Days fund with the understanding that they were not going to pay the chairman in future years, and move it to the Council Discretionary Fund. Kent Hastings seconded. Ayes: 4 Nays: 1. Troy Stout, Kent Hastings, Kimberly Bryant and Bradley Reneer voted aye. Jim Tracy voted nay. Motion passed.

MOTION: Jim Tracy moved to approve the tentative budget and set a Truth in Taxation Hearing for August 16, 2011. Troy Stout seconded Ayes: 4 Nays: 1. Jim Tracy, Troy Stout, Kimberly Bryant and Bradley Reneer voted aye. Kent Hastings voted nay. Motion passed.

Mayor Willoughby thanked Rich Nelson and Annalisa Beck for preparing the budget, and noted that many people had read it online.

VI. STAFF REPORTS

Shane Sorensen said he would have the bids on the overlay project for Alpine Drive at the meeting of July 12th. Regarding the flashing speed signs on 400 West, he said the company had given them the data collection feature for free if the City would share the data with them. He said that the company had called and asked them to bag the sign with the garbage bag and see how traffic responded. The radar would still shoot through the bag. He expected they

would put a bag over the sign in about a month. Kent Hastings asked that they delay it a little longer until people were more accustomed to it.

Rich Nelson said he wanted to thank Charmayne Warnock for adding hyperlinks to the agenda/packet and Annalisa Beck for her work on the budget.

Jannicke Brewer said the Planning Commission would skip their meeting on July 5th because of the holiday and meet instead on the third Tuesday in July.

Mayor Willoughby noted that the Planning Commission was working on a beekeeping ordinance regulating both commercial and hobby beekeeping.

VII. COUNCIL COMMUNICATION

Troy Stout said he'd noticed a huge diversion at the top of the trail in Lambert Park. David Church the new owner of the property was being quite aggressive about letting people know it was private property. Troy Stout said he would like to move toward a more proactive role in approaching private property owners and see if the City could offer some concession for them to keep it open. David Church said it was originally a piece owned by Patterson and he had allowed people to ride across it, but a neighbor bought it and had it surveyed with plans to put up a fence.

Shane Sorensen said Ron Devey had made the changes in the trail and they had gotten some positive feedback on it. Troy Stout asked if there were any other places in Lambert Park where the trail crossed private property that could potentially block the trail. Shane Sorensen said he would check the map. Jannicke Brewer said there were some places where the trail was on private property and the trail committee got written permission from the owners for an easement.

Kimberly Bryant said the park on 100 South was beautiful. She'd gotten so many positive comments about it, especially people with disabled children who appreciated the swings. Also, she wanted to offer kudos to the police who were very professional in an incident with her children.

Bradley Reneer said a citizen had contacted him with concerns about the red paint that was wearing off the curb in Burgess Park, and had offered to paint it himself if the City provided the paint. Shane Sorensen said to have the neighbor contact the City. Mr. Reneer also asked if he'd understood that the City had expressed concern about how the Digis tower was put up. Rich Nelson clarified that they had discussed it at DRC. Mr. Reneer thanked Kimberly Bryant for her work with the Youth Council on the Memorial Day breakfast, along with Kent Hastings and his son and the fire department who helped with the cooking, and everyone else who pitched in. He said that in spite of the rain there was a bigger crowd than there was the previous year.

Kent Hastings asked if they were going to name the park. Mayor Willoughby said he'd like to get through the budget first. Jim Tracy said he'd noticed kids jumping out of cars by the park and they needed to find some way to slow the cars. He said he'd also like to thank Annalisa Beck and Rich Nelson for answering all his questions on the budget. Shane Sorensen said that he had three cities and two private individuals call wanting to know who designed the splash pad.

Mayor Willoughby said the Memorial Day program turned out great. They had more than 300 people there. He expressed thanks to the police and EMS for their work up the canyon the previous week on the drowning.

VIII. EXECUTIVE SESSION: None held.

MOTION: Kent Hastings moved to adjourn. Troy Stout seconded. Ayes: 4 Nays: 0. Motion passed unanimously. Kimberly Bryant was not present at the time of the motion.

The meeting was adjourned at 9:20 pm.