

**ALPINE CITY COUNCIL MEETING  
20 North Main, Alpine, Utah  
September 27, 2011**

**I. CALL MEETING TO ORDER:** The Alpine City Council meeting was called to order by Mayor Hunt Willoughby at 7:03 pm.

**A. Roll Call:** The following Council members were present and constituted a quorum:

Mayor Hunt Willoughby

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

Council Members not present: Kimberly Bryant

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Annalisa Beck, Annette Scott, Chief Kip Botkin, Chief Brad Freeman, Jannicke Brewer, Lincoln Port.

Others: Will Jones, Cade Copeland, Julie McKeon, Jimmy McKeon, Parker Hannemann, Jason Kuhn, Mel Clement, Chuck Castleton.

**B. Prayer:** Hunt Willoughby

**C. Pledge of Allegiance:** Kent Hastings

**II. PUBLIC COMMENT:** Kent Hastings said he got a call from a crossing guard about some near misses by the park in the afternoon when the children were getting out of school. Shane Sorensen said staff had discussed extending the red curb along Main Street in front of the park. When cars were parked along the curb, it was difficult for motorists at the intersections to see what was coming down the road. Rich Nelson said he'd had a discussion with the police chief about having a refresher course about managing traffic by the school.

**III. CONSENT CALENDAR**

**A. Approve Minutes of August 16<sup>th</sup>, August 23<sup>rd</sup>, and September 13, 2011.**

**B. Bond Release #1 \_ McNiel Plat C - \$20,822.40**

**C. Bond Release #1 – Future Road Extension, McNiel Plat C - \$8,979.72**

**MOTION:** Kent Hastings moved to approve the Consent Calendar. Jim Tracy seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

**IV. REPORTS/PRESENTATIONS:** None.

**V. ACTION/DISCUSSION ITEMS:**

**A. Pack Brothers Annexation Agreement:** David Church said the City Council had passed the ordinance approving the Pack Brothers Annexation at a previous meeting, but the Annexation Agreement still needed to be completed. Since that time he and Shane Sorensen had met with the Pack family and discussed the terms of the agreement. It was a simple, fairly straightforward annexation. No development was anticipated. One of the issues was to plan on the future widening of Grove Drive. The Pack's would participate in the cost of the road improvement along the frontage of their lots. The Pack and their successors would deed the right-of-way to widen and improve Grove Drive to the City at no cost.

David Church said another issue in paragraph 5.7 of the agreement referred to the water the Pack family had leased to Alpine City, which had been put into the City's name. It was being held by the City for future development of the Pack farm. However, the anticipated development did not occur and the farm was purchased by someone else. Technically the water arrangement was not part of the annexation but all parties felt it was wise to acknowledge in the Annexation Agreement that the Pack family had a previous deposit of water with the City which had been assigned as a municipal source. David Church said the City would set up a credit for the Pack family and if they did develop in the future it would be there for them, or they could sell the credits to other developers that may need it. In the meantime, the water was in the City's water system and they could pump it. David Church noted that the

Packs might have some minor development on their land if they tore down one of the houses to create access to the back of the property. The applicants had paid the annexation application fees.

Shane Sorensen said Exhibit B showed additional fees that were part of the annexation. Most of it was for the street widening. There was also an estimate for sewer and water laterals. The Packs were in the process of stubbing them in and connecting them.

**MOTION:** Bradley Reneer moved to approve the Pack Brothers Annexation Agreement. Jim Tracy seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

**B. Community Covenant Program:** Representatives from the Utah National Guard had been to a previous City Council meeting and made a presentation on the Community Covenant Program. Its purpose was to provide a way for the City and members of the community to show support for military personnel who were deployed and their families. In the packet were two examples of the Covenant which the Council and other members of the community would sign. It was designed by the National Guard and they wanted to know which format the Council preferred. They would get it ready for the Flag Retirement Ceremony in Burgess Park on October 10<sup>th</sup> which was Columbus Day.

Bradley Reneer said he would prefer it not be in all caps, and there were some spacing issues. He asked if there would be another sheet for members of the community to sign.

Mayor Willoughby said it was a draft and they would send it back with those suggestions.

**MOTION:** Kent Hastings moved to authorize the mayor and staff to communicate the changes using the format on the first page, and proceed with the Community Covenant. Troy Stout seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

**C. Resolution No. R2011-10, Recertification of the Justice Court:** Rich Nelson said David Church had written the letter that would accompany the resolution to recertify the Justice Court. They would then send it to Highland City who would fill out the application and send it to the state.

David Church said that every four years the cities were required by the state to recertify their justice courts. Alpine had been operating their court with Highland City, but Alpine did have its own court. Part of the state rules said that cities were required to evaluate their courts by reviewing the laws that governed the court and certifying that they were willing to abide by the rules. The state also required the city attorney to write an opinion letter stating that the court was abiding by the rules and had the wherewithal in the future to abide by the rules. The basic rules dealt with hours of operation, payment to the judge, having a functioning police force, manning the court with the appropriate security, record keeping, etc. Depending on the number of cases handled by the court, there were additional standards. Alpine currently processed about 57 cases a month. They were a class four court and held to minimal requirements. Highland had a more active court and processed about 150 cases a month, probably because the state road ran through their city. If the Alpine and Highland court was combined it would be a class three court with higher responsibilities. Mr. Church said that if a city didn't want to have a court, they didn't have to, but if they did, they had to abide by the rules of the state. With the resolution the city was committing to follow the rules and fund the court at the minimal level.

In response to a question about how the court was paid, Annalisa Beck said Alpine paid the court clerk, the judge and the prosecutor for the hours they spent on Alpine's cases. They were billed every three months but the annual cost was estimated based on past years and included in the budget.

**MOTION:** Kent Hastings moved to adopt Resolution No. R2011-10 recertifying the Alpine City Justice Court. Bradley Reneer seconded Ayes: 4 Nays: 0. Motion passed unanimously.

**D. Alpine's Status as a Fourth or Fifth Class City:** David Church said the constitution required the legislature to classify cities according to population. The populations were based on biannual estimates and the census. The classification for cities and towns usually didn't matter too much because there was little difference between requirements for a 3<sup>rd</sup>, 4<sup>th</sup> or 5<sup>th</sup> class cities. But last year the legislature had changed the rules regarding early voting for the cities. A 5<sup>th</sup> class city was not required to hold early voting. Previously, Alpine was classified as a 5<sup>th</sup> class city but prior to the census, it was projected that Alpine's population would exceed 10,000. When the census came back, Alpine's population was shown to be at 9,555. The Lieutenant Governor's office sent a letter to the City stating that if they chose to, they could send a written petition requesting Alpine's classification be changed back to a 5<sup>th</sup> class city. The only advantage of that would be that the city would not be required to hire poll workers for the two-week period of early voting. If early voting was held by a 5<sup>th</sup> class city, they would have the option of having staff take care of early voting at city hall. It was estimated that it would cost between one or two thousand dollars to hire poll workers for early voting.

In response to a question about turn-out at early voting, Charmayne Warnock said that during the early voting for the 2009 municipal election, there were about 8 people a day that voted. It was held at City Hall and the recorder/election clerk, Janis Williams handled the voting rather than hiring poll workers.

Rich Nelson said that as a 5<sup>th</sup> class city they could still have early voting but staff could do it

**MOTION:** Kent Hastings moved to petition the Lieutenant Governor's office to reclassify Alpine as a 5<sup>th</sup> class city. Bradley Reneer seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

**E. Changes to Utility Billing:** Rich Nelson proposed the City make some changes to utility billing that would allow staff to use their time more efficiently. Once a month the City typically sent letters out to about 150 residents warning them that they were behind on their utility payment and the water would be shut-off. Most of those responded and paid the bill. A remaining 50 to 75 residents received a phone call from Annette Scott telling them again that their water would be turned off if they didn't pay their bill. Generally between 5 to 8 residents actually had their water shut off. Mr. Nelson said he would like to propose a system that didn't require so much staff time in dealing with delinquent users. Changes would be in four primary areas:

1. Double the fee on the first time on Delinquent and Disconnect/Reconnect charges and waive those charges if the customer signed up for automatic bill pay by credit card through Xpress Bill Pay. The purpose was to get customers who were late in paying their utility bill on a system that would correct that.
2. To go to a lock box approach for utility billing. In this approach as bills, except walk-ins, go to Xpress Bill Pay where they opened and credited the bills. This frees up staff time from having to do this function. We're working on a cost figure for this to determine if it is cost feasible.
3. To make changes in the City Code to unify the language. We would add paid-in-full to the two utilities where paid-in-full is not mentioned, water and sewer. The other utilities say paid-in-full.
4. To inform the Council that we will be changing the shut off day to the 25th of the month and keeping the billing at the end of the month. This would make for less chaos in the process.

The current delinquent fee was \$35 and it would be changed to \$70.

Kent Hastings asked how they defined delinquent. David Church stated later in the meeting that a bill was delinquent if it was not paid in full on the due date.

Mr. Hastings asked if they considered offering a discount for using Xpress Bill Pay. Annalisa Beck said staff had reviewed it but it was not fair because some people paid bills using their own bill-pay system.

Jim Tracy suggested they offer to have the \$70 delinquent fee waived once year. That way it would be an incentive for people who had been kicked off Xpress pay to get back on it. He asked if there was a limit to what the City could charge for a late fee.

David Church said there was a practical limit. A late fee was meant to do two things. First, to recover the reasonable cost of a service and the second was to encourage compliance with regulations. If it was too high it would be subject to challenge. It should bear some resemblance to the actual cost.

Annalisa Beck said the bill was sent out on the 1<sup>st</sup> day of the month and was due on the 15<sup>th</sup>. If it was not paid, a late charge was added to the next billing. A shut-off notice was sent out the 16<sup>th</sup> of the month and the actual shut-off was on the 25<sup>th</sup>.

David Church said cities needed to be diligent in not carrying a big delinquent account and be diligent with shut-offs because when people walked away from a house, the bank didn't have to pick up the city's bill and the city was the loser. He said shut-off was really the only good way to enforce it payment of delinquent utility bills.

Rich Nelson said they would bring the issue back on a later agenda. He just wanted to introduce it and have some discussion. He added that he wanted to compliment Annette Scott for the way she handled the residents during shut-offs. She had very good people skills and was marvelous in dealing with the public.

**F. Naming the New Park on 100 South:** Mayor Willoughby said he'd had several names suggested for the new park. He'd received a letter from the mother of Clark B. Ator who was killed in a plane crash several years ago. She suggested the park be named after her son. A copy of the letter was passed out to the Council. He said he'd also been contacted by Krystal Eaton who suggested it be called Alpine Meadows. Rulan McDaniel had suggested it be called George Washington Park in honor of the first president and George Washington McDaniel who first owned the property the park sits on. Other names that had been suggested were Central Park and Dry Creek Park.

Kent Hastings suggested they involve the elementary schools in suggesting a name. It was also suggested that they offer the naming rights for a price. Bradley Reneer said he liked the idea of involving the community in naming the park.

After some discussion it was agreed that the elementary schools in Alpine be invited to suggest names for the new park, and there also be a notice on the water bill inviting the public to suggest names. They would have about two weeks to turn in the names.

## **VI. STAFF REPORTS**

Shane Sorensen said the overlay projects and micro-surfacing of the roads had been completed. Everything went well and there had been no complaints.

Annalisa Beck said the audit had been completed and it would be available for the meeting on October 11, 2011.

Jannicke Brewer said they would be holding a Planning Commission meeting the next week on October 4<sup>th</sup> to discuss the beekeeping ordinance.

## **VII. COUNCIL COMMUNICATION**

Mayor Willoughby thanked the candidates for City Council for being present and attending the pre-council meeting with staff. Meet the Candidate night would be on Thursday, November 3<sup>rd</sup>. It had been moved to a later date because a candidate was not able to attend the earlier date.

Bradley Reneer asked about the progress on renegotiating assessments for the different cities in the Lone Peak Public Safety District. Mayor Willoughby said the meeting had been canceled and rescheduled for October.

Troy Stout said he would like to look at the ordinance for street parking and enforcement. People were leaving boats and trailers parked on the street and it was a hazard. Rich Nelson said they would need to look at enforcement.

Troy Stout said he had spent a little time on Draper City's trail system and they had some really nice trails. They had contracted the work out to the National Mountain Biking Association. He said he would like to explore what Alpine

could replicate in terms of trails, and also look at connecting to Draper's system. He said he would be happy to work with Draper.

Mr. Stout said he would like to see the new park become a community gathering place. When he'd been in Spain he loved how the entire community emptied into the park after dinner and visited and went walking.

Mr. Stout also complimented Shane Sorensen and the public works department on Alpine's roads. Compared to other cities, they had great roads.

**VIII. EXECUTIVE SESSION:** None held.

**MOTION:** Kent Hastings moved to adjourn. Troy Stout seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

The meeting was adjourned at 8:25 pm.