

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 North Main Alpine, UT
November 9, 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: Jim Tracy, Bradley Reneer, Kimberly Bryant, Kent Hastings.

Troy Stout was excused.

Staff: Rich Nelson – City Administrator, Charmayne Warnock - Recorder, David Church - City Attorney, Shane Sorensen – City Engineer, April Naidu – City Planner, Kip Botkin – Police Chief, Jay Healey – Public Works Director, Annalisa Beck – Finance Officer, Jannicke Brewer – Planning Commission Chairman, Annette Scott – Clerk.

Others: Anthony Harvey, David Warwick, April Moriarty, Dana Beck, Joseph Moffat, Josiah Moss, Tyler Hunter, Mick Rock, Van Anderson, Tanner Olsen, Jim Dahlgren, Vic Patterson, Carter Clement, Cameron Webb, Tanner Pearson, Ryan Burgess, Zack McCorry, Zach Spawlding, Brock Nielson, Dannon Faith, Danielle Orrock, Evertt Williams, Will Jones, Jim Timmy, Bo Bert

Mayor Willoughby welcomed Rich Nelson as the new City Administrator.

B. Prayer: Bradley Reneer

C. Pledge: Spencer Jensen

II. PUBLIC COMMENT: Anthony Harvey said he had an Eagle project for which he planned to paint the fire hydrants and curbs in the Pfeifferhorn/Matterhorn neighborhood and around the church. He said he had talked to acting fire chief Brad Freeman about what paint to use. Shane Sorensen recommended he speak to the church about their curbs since it was private property.

Jim Tracy said he felt strongly about illegal drug use and since the Lone Peak Police Department was trying to raise money to buy a drug dog, he would donate his council salary to the fund for the month of November.

III. CONSENT CALENDAR

A. Payment Request – Hawker Interprises, LLC – 100 South Park - \$83,276.40: Shane Sorensen said the park was basically done and presented a financial summary of the work. They came in under budget by \$26,479.24 or 1.30% of the overall cost. The total amount of money spent on the park including the acquisition of the land was \$4,212,752.49 for a 22.5 acre park, which was about \$187,233.44 acre. He showed some aerial photographs of the park.

Mayor Willoughby said he had received a letter from the former owners of the ground on which the park was built and they were very pleased with it. He expected there would be a ribbon cutting party in the spring.

B. Payment Request – Carlton, Inc. – Village Way Waterline - \$143,632.02: Shane Sorensen said the water main was completed in Village Way. They were finishing up the fire hydrants and services, then would pave it and be finished for the winter. They would resume work in the spring.

C. Bond Releases – Steve Christensen – Apple Creek Farms, Plat A - \$31,446.33

MOTION: Jim Tracy moved to approve the Consent Calendar. Bradley Reneer seconded. Ayes: 3 Nays: 0. Bradley Reneer, Kimberly Bryant and Jim Tracy voted aye. Motion passed unanimously. Kent Hastings was not present at the time of the motion.

Jim Tracy thanked the staff in the public works department for their work on the park.

IV. REPORTS

A. Financial Report: Annalisa Beck reviewed the financial report for October. She said nothing major had changed. Under revenue, traffic fines were down and impact fees were down because building was down. Culinary water sales were down because of the number of empty home and the number of bills going to collections. Jim Tracy thanked her for the excellent work she was doing.

V. ACTION/DISCUSSION ITEMS

A. Alpine Days – Tracy Wallace, Alpine Day 2011 Chairman: Tracy Wallace said he was trying to start as early as possible on next year's Alpine Days. Will Frazier would be the vice chair. Mr. Frazier had worked on the Fiesta Bowl and other major events. Mr. Wallace said there were a couple of 2010 events that hadn't turned out so well and they wouldn't be doing those again. Two events that went really well were "Alpine's Got Talent" and the Three-on-Three basketball tournament. The individuals that had run those events said they would do it again next year. There was also a suggestion to have a "Pass, Punt and Kick" contest.

Tracy Wallace asked if there were thoughts from the Council about the location for next year's Alpine Days. Some on the committee wanted to have it in the new park on 100 South. Others wanted to have it in the traditional location on Main Street. The Council generally agreed to keep it on Main Street because of the proximity of Main Street, the park, the Relic Hall, and the air-conditioned church where the art and quilt shows were held. It also generated a lot of confusion for citizens when they moved the location of the parade.

B. Rodeo Grounds: Tracy Wallace also reported on the rodeo grounds. He said the rodeo had generally been a mainstay of Alpine Days, but attendance had fallen off in the last two or three years. In 2010 the rodeo ended up costing the City because it did not generate any revenue to cover other traditionally free events such as water games and fireworks. He said Dana Beck had offered to run the rodeo next year but would only do it if lighting was installed at the rodeo grounds. The temporary lighting was not enough to stage an event. Mr. Tracy said that in 2007, the Rodeo Grounds Master Plan allowed the City the discretion to put in permanent lighting. He asked the Council if they would be willing to do that.

Mayor Willoughby asked if it would be possible to have removable lighting because it might be unwise to leave an asset up there all the time. Tracy Wallace said removable lighting was possible.

The Council discussed where and how much lighting it would be. Dana Beck said they would need six poles. The poles were already there.

Evertt Williams from the PRO Commission said he had concerns about costs related to the requested lighting. He had received emails from Ted Stillman about how much the City had paid to improve the rodeo grounds. What other costs would there be? Would they be expanding the seating and parking? Where would they house the animals for a two-day rodeo? To maintain a rodeo of that caliber, there would need to be more than just lighting. Was it really sustainable? The overall agenda needed to be considered. He said that if they were using the rodeo as a profit generator, it was an illusion. He said he would like to see a comprehensive plan. He had never seen one even though he had served on the rodeo committee.

Kimberly Bryant asked if most of the money to improve the rodeo grounds hadn't been donated.

Evertt Williams said that the number he got from Ted Stillman excluded the donation. The City had spent well over \$100,000 to \$200,000 up there.

Bradley Reneer asked about the current seating capacity. Tracy Wallace said it was at 1500. The master plan projected a maximum seating capacity of 2000. Jim Tracy said it was approved for up to 625 parking spaces.

MOTION: Jim Tracy moved to approve permanent lighting for the rodeo grounds with no more than six poles, which would have removable lights. Any expenses would be brought back to the Council for approval before spending the money. Bradley Reneer seconded. Ayes: 3 Nays: 0. Motion passed. Jim Tracy, Bradley Reneer and Kimberly Bryant voted aye. Motion passed unanimously. Kent Hastings was not present at the time of the motion.

Evertt Williams asked if the project would go back to the rodeo committee according to the master plan. Would the committee come up with the rules of use? Hunt Willoughby said the basic suggestions for rules should come from the PRO Commission, but the City Council finalized them.

C. Alpine Christmas Concert: April Moriarty and Dave Warwick approached the Council with a request to sponsor their annual Christmas concert. They'd been giving a concert for 12 years. The first few years the concert was held in their homes, but they soon outgrew it and moved the event to the Timberline middle school where it became a benefit concert for the music department at the school. Recently the Alpine School District said there needed to be more distance and they needed to pay rent to use the Timberline middle school. However, if Alpine City would sponsor the event, they could be under the City's umbrella for insurance and they wouldn't have to pay to use the school. She said they planned to donate a dollar from each ticket sold to the Lone Peak Public Safety District for a drug dog. The tickets were \$10.

Kimberly Bryant said she'd love to sponsor the event if they could do it legally. She'd been to the concerts and they did a wonderful job. April Moriarty said the event really was about Alpine and mentioned a song written and performed by Marvin Payne.

Jannicke Brewer said that several years ago Joyful Christmas Sounds had come to the City with the same concern and same problem. In October 2005, the City established some criteria in order for an event to be under the City's umbrella. The criteria would still apply. They were:

1. Open to all
2. Of general interest to all
3. That the entity be charged for any extra insurance costs
4. Be a non-profit event
5. The event incorporate local participants
6. Each event be reviewed by the City Council.

Jim Tracy noted that the only criterion they didn't meet was number 4, non-profit event. The group would donate money to pay for the dog, but they also paid themselves. April Moriarty said they'd like to be able to pay the artists that performed.

Bradley Reneer asked the definition of a non-profit event. Did it mean the organizers did not get paid?

David Church said it was not whether or not they made money off the event. The intent was that it be a non-profit organization. He said the more problematic issue was telling the school district and insurance carrier that it was a city event when it was actually a group of artists doing it and the city did not control it. It might not be the best precedent to set.

In response to Ms. Moriarty's comment that one of the artists was being asked to perform in another city on New Year's Day, and the city was paying him, David Church said the difference was that the city was doing it. Alpine Days was run by Alpine City and they could bring in outside performers. The City brought in a professional rodeo. The difference was that the city controlled it. The issue was, the Council was being asked to tell the school district that the City was running the concert, when in fact they were not, so the artists didn't have to pay the fee to use the venue. He said that from a legal standpoint, the previously established rules would not apply to the concert. But the Council could adopt whatever rules they wanted.

He said he had no problem with the City sponsoring a Christmas event as long as there were enough plastic reindeer and a Santa Claus to make it a secular event.

The Council discussed if it would be possible to sponsor the concert and say they were putting the artists in charge of it. David Church said that was something they needed to decide. There was a reason the school district decided to distance itself from it. The school was a governmental entity and apparently was not comfortable with the direction it was going for reasons that would be the same reasons the Council would have to consider.

Jim Tracy said that if it was a benefit concert for the drug dog, either the school would receive \$3000 or the City would receive \$3000 for the dog. They would have the event either way.

April Moriarty said that if having the City sponsor them didn't save them any money then they may as well not put the City at risk.

David Church said the City could sponsor a Christmas event but if the city's name was on it, the secular side increased and the religious side decreased because the City could not promote any kind of religious tradition. People who put on events like the concert should be free to make it the way they wanted. There was a reason cities had "holiday" displays rather than Christmas displays.

Bradley Reneer noted that if someone took exception to the content of the concert, the City would be responsible.

Jim Tracy said the motion made in 2005 was still in effect so if the concert complied with all points, the City could sponsor it.

MOTION: Jim Tracy moved that the Alpine Christmas Concert be a city-sponsored event if they met items one through six:

1. Open to all
2. Of general interest to all
3. That the entity be charged for any extra insurance costs
4. Be a non-profit event
5. The event incorporate local participants
6. Each event be reviewed by the City Council

Number six was completed because they were doing it that evening. If they met the other criteria, the motion would instruct staff to finalize the paperwork. Kimberly Bryant seconded. Ayes: 3 Nays: 0. Jim Tracy, Kimberly Bryant and Bradley Reneer voted aye. Motion passed unanimously. Kent Hastings was not present at the time of the motion.

D. Bookmobile Agreement: April Naidu said there was an updated copy of the bookmobile agreement in front of them. It showed more hours than they had discussed having, but the cost was the same. They would be paying \$13,200 to the County for bookmobile service from July 1, 2010 until June 30, 2011.

Jim Tracy asked if they could get the information before their budget year. David Church said the County was on a different fiscal year that went from January to January.

MOTION: Bradley Reneer moved to approve the Interlocal Cooperation Agreement for Bookmobile Service for \$13,200. Kimberly Bryant seconded. Ayes: 3 Nays: 0. Bradley Reneer, Kimberly Bryant and Jim Tracy voted aye. Motion passed unanimously. Kent Hastings was not present at the time of the motion.

E. Resolution No. 2010-19, Appointing Rich Nelson Dispatch Board: Jim Tracy asked Mr. Nelson if he had sat on the board before. Mr. Nelson said he had been on the board since it was created.

MOTION: Kimberly Bryant moved to adopt Resolution No. 2010-19 appointing Rich Nelson to the Utah Valley Dispatch Special Service District. Bradley Reneer seconded. Ayes: 3 Nays: 0. Kimberly Bryant, Bradley Reneer and Jim Tracy voted aye. Motion passed unanimously. Kent Hastings was not present at the time of the motion.

Rich Nelson said there had been several discussions about setting up the board as a taxing entity rather than getting allocations from the cities. One of the questions was whether the allocation would be assessed by population or by usage.

Kip Botkin said the current cost was close to \$15 per call. He said there were actually two boards, one administrative and one operational which consisted of the fire chief and police chief. When dispatch sent an officer for any reason, it was considered a call. The fee was set by the administrative board. He said it did not include 911 calls. That was a separate entity. Currently the dispatch fees came out of the fire and police budget, and the assessment for the upcoming year was estimated off the number of calls of the current year.

Hunt Willoughby said there was always a hesitancy to create a new taxing district because it took away the local control.

Rich Nelson said it would only happen if all the councils and mayors wanted it. He said Payson was against the per-call assessment because they had a hospital and a mental health center. They wanted it based on population or property value.

F. Ordinance No. 2010-19 Gateway Historic Zone: April Naidu said the Gateway Historic Committee would be dissolved and the resolution would incorporate the duties of the Gateway Committee into the duties of the Planning Commission. Members of the Committee were already members of the Planning Commission and City Council, and the guidelines were established. Soren Simonson would be retained as a resource.

Bradley Reneer wondered if there could be some flexibility written into the ordinance to state some submittals in the Gateway zone “may” be required rather than “shall.”

April Naidu said she would prefer to treat every applicant in the same manner.

MOTION: Jim Tracy moved to adopt Ordinance No. 2010-19 but strike the reference to “regularly scheduled meeting” in Section 3.11.3.4.1. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Jim Tracy, Kimberly Bryant, Bradley Reneer and Kent Hastings voted aye. Motion passed unanimously.

G. Lone Peak Safety District: Mayor Willoughby said Jim Tracy had requested this item be on the agenda for discussion.

April Naidu said the city managers had begun a discussion about having a metro fire agency where each city would maintain their own fire department, but they would look at formalizing a mutual aid agreement with other cities so they didn’t duplicate services or equipment. For instance, Orem had a hazmat unit and rather than every city also having a hazmat unit, they could assist each other. Or if the Lone Peak District was up American Fork Canyon on a rescue, other cities could provide coverage while they were gone. She said it was still in the very early stages of discussion. In the packet was a sample agreement from Salt Lake Valley.

Kent Hastings said the big questions were what additional costs would such an agreement cost, and would it add another layer of bureaucracy or make it easier.

Jim Tracy said he wanted to discuss whether or not it would be in Alpine City’s best interest to remain in the Lone Peak Safety District for police service or go back to having its own police department. He had contacted other cities and got some numbers on what they spent for police service, although he did not look into the level of service. Alpine’s initial costs would be less because they didn’t have to acquire land and a building because they already had that.

Kent Hastings said the chief and police department did an exceptional job. That said, he would support looking at a study to save money. He currently sat on the PSD board and said it would be nice to not have that extra layer between the police department and the City Council.

David Church said he didn't think it would be that difficult to do a study since Alpine used to have its own police department, and Highland had contracted with Alpine. They could go back and look at what it was costing when they had the police department, then extrapolate the cost for inflation, schools, etc. and compare the level of service.

Jim Tracy said that if they used their own police building, which was paid for, they would be saving the rent they paid for the Highland police building. He said he would like to instruct Rich Nelson to look at the costs and come back with the study.

Kent Hastings said they also ought to look at fire and EMS. He thought Alpine's portion was assessed on property evaluation. That made sense for fire coverage, but not for EMS service. He said he would like to see what it would cost to have their own EMS.

Hunt Willoughby said that one thing they had to consider was that the firemen were also EMS- trained and the EMS were fire-trained and first responders.

Greg Gardner said that he had been with the EMS for 12 years, and was in Alpine when they had 1.25 EMTs on call. He said it took six people to respond at a medical scene. They could not run any type of a scene with just two people, and while they were waiting for other help from other cities, lives could be lost. He said it only took one "save" to justify what they were doing. He asked the Council to not go backwards. That was not an option for him. He said he supported the current system. Doing things with two EMTs and waiting for mutual aid to show up was not an option. He referred to a specific case in which the deacon next door would have died had they been waiting for extra help. He said going backwards was a mistake.

Kimberly Bryant said she would never consider taking down the level of service.

Kent Hastings said he was not proposing going backwards. He just wanted to look at some ideas. The status quo may not be the best. Maybe they could provide better service for less money.

Bradley Reneer said they had a responsibility to the citizens of Alpine to provide the very best service.

VI. STAFF REPORTS:

Jannicke Brewer said the Planning Commission had one more meeting for 2010 on November 30, 2010.

April Naidu said the Christmas party was December 7, 2010 at Don Watkins' barn and asked the Council to RSVP by December 1st. Bradley Reneer asked about the cost of the party. He said he thought they canceled the party for the PSD because of budget cuts, and it seemed odd that the City kept their Christmas party. Kip Botkin said that in the past, each entity had its own party. Kent Hastings said the City Council didn't cancel the party. The PSD Board did.

Shane Sorensen said that at the next Council meeting he would have an update on the storm water management plan. The plan was mandated by the EPA. The permit had to be renewed every five years. There were lots of new requirements and they had to show how they were budgeting for the program. It had to be submitted and adopted by December 1st. The EPA was in the process of looking at the water quality of Utah Lake, and if it came back impaired, they may have to test water at the discharge point. There were major fines for non-compliance. The EPA audited every city in the program so Alpine would get audited.

Kent Hastings asked if there were any federal options for exemptions. Shane Sorensen said they had tried but Alpine was designated as part of the metropolitan area and so they had to participate.

David Church said the program was initiated under the Clean Water Act. The idea was that storm water was a major polluting source and it could only be evaluated at the local level. In the future, cities would have to take more responsibility for their storm water.

Shane Sorensen said there were six minimum control measures, such as sweeping the streets.

Regarding other issues, Shane Sorensen said North Utah County was closed to any transfer of water rights. They published a list of groundwater rights based on priority and put a moratorium on new approvals while they came up with a management plan. There had been a problem in the Enterprise area because they were drawing out more water than was being recharged, and the land had actually begun sinking. If the population continued to increase throughout the state, there could be a cutoff based on priority dates.

Rich Nelson asked how many acre feet of water they had in Alpine on paper. Shane Sorensen said they had a lot of rights. They were using about 20%. He felt the City had managed things well, and there were no immediate impacts.

David Church reported that he and Shane and April had attended a mediation meeting on the Beck property. He said it became apparent that the City didn't really need to be there because Beck was trying to make a deal with Three Falls on how to split up the development rights. Nothing was resolved. Whoever won or lost, it left the City in the same position. They would have to defend the decision of the Board of Adjustment in District Court. He said the Three Falls investors were not anxious to pursue the development. They had been at it for ten years with no end in sight, and the major investor was 82. They may sell it to someone else and let them start over.

Chief Kip Botkin said Utah County had passed an ordinance on the possession and sale of spice for unincorporated areas. They'd had one incident of it in Alpine.

Rich Nelson said he was well-treated by staff and was impressed with the quality of workers Alpine had.

VII. COUNCIL COMMUNICATION

Jim Tracy said there were five places in the new park where the trails crossed the parking lots, and suggested the crosswalks be painted. Kent Hastings asked about the possibility of having mile markers installed along the trail in the new park as an Eagle project. Shane Sorensen suggested the use of heat tape as a mile marker. It was burned into the asphalt. He said they were also considering a product that prolonged the life of the asphalt. Mayor Willoughby said they needed to start looking at park rules for the new park. Kent Hastings said they also needed to post rules for Lambert Park. They had been there at one time, but had been vandalized.

Jim Tracy said that after the City terminated the recreation agreement with American Fork, Cedar Hills had invited Alpine to participate in their program. He thanked April Naidu and Shane Sorensen for the outstanding job they did as interim administrators.

Jim Tracy said the crossing guard at Westfield Elementary didn't wear reflective clothing. He said he was disappointed that the police charged Alpine Elementary \$290 to cover the walkathon. Kip Botkin explained that the police department got frequent requests to provide service above their normal coverage. The only way they could do it was to bring in an overtime officer(s) for events that involved a city street or security event which was above and beyond their normal workload. Some years earlier they had established a procedure and fee for special events.

Kent Hastings said that at the next PSD meeting they would look at the way they assessed EMT coverage. They would look at maintaining the same level of service within a metro type agency. Jim Tracy suggested they look at Alpine providing paramedic service to Highland and Cedar Hills for free if they would provide fire protection to Alpine.

Kent Hastings asked David Church if they could have rules of procedure before the end of the year.

VIII. EXECUTIVE SESSION AND APPROVE MINUTES OF OCTOBER 12, 2010.

MOTION: Jim Tracy moved to approve the minutes of October 12, 2010 and go to Executive Session for the purpose of discussing property acquisition, litigation and personnel. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Jim Tracy, Kent Hastings, Bradley Reneer and Kimberly Bryant voted aye. Motion passed unanimously.

MOTION: Kent Hasting moved to return to open session and adjourn. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Kent Hastings, Bradley Reneer, Jim Tracy and Kimberly Bryant voted aye. Motion passed unanimously.

The meeting was adjourned at 10:10 pm.