

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 North Main Alpine, UT
December 14, 2010

I. WELCOME: The meeting was called to order at Alpine City Hall at 7:00 pm by Mayor Hunt Willoughby.

PUBLIC HEARING: McNiel #3 Annexation. Shane Sorensen said that earlier in the year the Council had approved McNiel subdivision, Plat C, which consisted of three lots at the north end of Alpine Boulevard. When they went to record the plat it was discovered that a small portion of Plat C (0.1324 acre) was located outside city limits. This annexation would bring the piece of ground into Alpine City limits.

There were no comments.

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

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, April Naidu, Jay Healey, Kip Botkin, Jannicke Brewer

Others: Will Jones, Blaine Hudson, Paul Bennett, Lynn Broadbent, Ethan Shumway.

B. Prayer: Bradley Reneer

C. Pledge of Allegiance: Chief Kip Botkin

II. PUBLIC COMMENT: Will Jones passed out maps of the Three Falls area to members of the Council. He said he had previously planned to have the news media present because he felt it was an issue that needed to be heard, but subsequently decided against it. He said at a meeting earlier in the year the City Council had donated \$10,000 to a citizen group suing for access into the Hamongogs. The group had then turned around and was suing the City along with the landowners of the Three Falls area. He said he wanted to warn the Council about statements they may make. He'd had some comments come back to him already. Mr. Jones said he had been in Alpine 39 years and when he first came, he was invited up to Sliding Rock. They traveled up Fort Canyon and passed through several gates in order to get there. Mr. Jones said he felt it was a mistake for the City to give public money to private concerns over which they had no control. People who lived in Fort Canyon should have an opportunity to say whether or not they were favor of public access. He said he had left the gate open for two weeks during the summer and he saw things taking place there that he didn't think the Council would want to have going on. But if they opened up that area and it was unrestricted, the City would be responsible. There wasn't so much going on during the day but at night there was a lot of drug and alcohol use and vandalism. He said he'd picked up two bags of garbage.

Mr. Jones said he had previously given permission to people to use Sliding Rock when they asked, but he was changing that as of that evening. The lock on the gate would be changed and he would ask the police department to enforce the no trespassing restriction.

Mayor Willoughby said it had been his intention to have a closed session at the end of the meeting to discuss the pending law suit. They wouldn't discuss it at that point.

Jim Tracy said he thought there should be a sign on the gate saying the rules had changed and the no trespassing restriction would be enforced.

Kent Hastings said that if he moved to Alpine today he would not be able to enjoy what Mr. Jones had when he moved here many years ago. Mr. Jones responded from the audience that he had been trespassing when he went to Sliding Rock.

Kent Hastings said the property owners were totally within their rights to do what they felt was right. The law said that if someone wanted to maintain the private status of a road they could close it off one day a

year the way the church did. He went on to say that he felt differently from Mr. Jones about contributing money to the group. They had been able to do something that should have been done years ago. Citizens had been cut off from the forest lands. It used to be that he could drive up to First Hamongog and begin hiking from there but that was gated off by Lehi City. The group they gave the money to had been successful in working with Lehi to provide more access. The money the City had donated was long since spent and the group had spent way more than that. He said he stood by his decision to donate money to the group.

Kimberly Bryant said she recalled riding her bicycle up to Sliding Rock and she had lived in Alpine 42 years. She added that information about the use of the money they donated had always been available. There had been some problems in Lambert Park. Should they close that off? Mayor Willoughby said they had considered closing it.

Troy Stout said it was sad that it was turning into a standoff between the property owners and the public. He said that a year ago when he was knocking on people's door about what they felt was important, the community overwhelmingly expressed that they wanted to see restored access to the hillsides. The community had always valued that.

Bradley Reneer said that when the Council gave the money to the group, Sliding Rock was never mentioned. It was all about access through Schoolhouse Springs. He said he didn't know if they would have voted to give money had that been included. He said he actually opposed it. He agreed with the goal but he felt they should first try talking to Lehi City instead of suing them.

Kent Hastings said the City had approached Lehi on multiple occasions before it came to this.

Lynn Broadbent said he had lived in Fort Canyon for over 40 years and he loved it. Most people that went there treated it properly. The access had been shut off several times over the years. At one time they had livestock in there. He said he hoped that when Three Falls was developed they would have more control over the traffic going up the canyon. When Borchers lived up there, there was a lot of vandalism and trash, late parties and drunk drivers in the canyon, honking their horns in the middle of the night. He said he hated to see the public against the landowners but the public needed to take more responsibility. Who would share the cleanup? Lots of people outside Alpine used the area. If they couldn't protect the property by putting a gate on it, they should take the responsibility of policing it and cleaning it up. He asked if they were suing for 24/7 access or would it be closed at night. That would make a difference.

Mayor Willoughby said they would discuss this matter later as an agenda item.

April Moriarty and Todd McCabe, representing the Alpine Christmas concert, said they had met their goal. They presented the City with a check for \$1600 to go toward a drug dog for the Lone Peak Police Department. Chief Kip Botkin said he believed it was enough to meet their goal.

III. CONSENT CALENDAR

A. Payment Request #2, Carlton, Inc. – 2010 Waterline Improvements,
\$56,627.79.

B. Approve minutes of October 7, 2010 and November 9, 2010.

C. Frozen Hog Bike Race – Josh McCarrel

D. Home Occupations:

Dry Creek Painting – 706 S. Bateman Lane – David Barlow

Quantum Edge, LLC – 318 Meadowlark Lane – Gabriel Kemeny

MOTION: Kent Hasting moved to approve the Consent Calendar with the minutes approved as amended. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Kent Hastings, Jim Tracy, Bradley Reneer, Kimberly Bryant and Troy Stout voted aye. Motion passed unanimously.

IV. REPORTS/PRESENTATIONS

A. Presentation by American Fork Hospital: Ethan Shumway said American Fork Hospital had been named as one of America's top 100 hospitals by Thompson Reuters. It was a non-profit hospital with a volunteer board of trustees. He reviewed the hospital's statistics and related some success stories. A procedure piloted in AF Hospital was the introduction of a surfactant and nasal CPAP for premature babies where air was gently forced into the lungs to help the lungs develop. It had been very successful and was being used in other hospitals.

B. Financial Report: Rich Nelson reviewed the report for November. There was a slight increase in sales tax revenue each month, which was said to be coming from the sale of automobiles. Building permits and plan check fees were up from the previous year. Culinary water sales were decreasing which possibly indicated that people were conserving. Mr. Nelson said that overall the City was in good financial shape and the trends were positive.

V. ACTION/DISCUSSION ITEMS:

A. Ordinance No. 2010-20, McNiel Annexation #3: April Naidu said the applicants had met all the requirements and the proposed annexation had been noticed for the required 30 days. No protests were filed. The annexation would bring 0.1324 acre into City limits to be included in the McNiel Plat C subdivision. The ordinance included approval of the annexation agreement.

MOTION: Troy Stout moved to adopt Ordinance No. 2010-20 approving the McNiel #3 Annexation. Kent Hastings seconded. Ayes: 5 Nays: 0. Troy Stout, Kimberly Bryant, Bradley Reneer, Jim Tracy and Kent Hastings voted aye. Motion passed unanimously.

B. David's Court Plat C – Minor Subdivision – 355 E. Healey Boulevard: April Naidu said this one-lot subdivision on 0.919 acres had come before the City and been approved about five years ago but it was not recorded or reinstated so it had to be approved again. The Planning Commission had recommended approval with the condition that the fire chief determine if the existing fire hydrants were sufficient. He still needed to look at the plat. The improvements were all built so no bond was necessary. The water requirement had been met.

MOTION: Kent Hastings moved to grant final approval to David's Court, Plat C subject to the fire chief determining if the existing fire hydrants were sufficient. Troy Stout seconded. Ayes: 5 Nays: 0. Troy Stout, Kimberly Bryant, Bradley Reneer, Jim Tracy and Kent Hastings voted aye. Motion passed unanimously.

C. Planning Commission Appointment: Steve Swanson was appointed to the Planning Commission in September 2010 to complete the term previously filled by Ron Eaton. The term would expire in January 2011. It was proposed by Mayor Willoughby that Steve Swanson be reappointed.

MOTION: Kimberly Bryant moved to reappoint Steve Swanson to a four-year term on the Planning Commission. Bradley Reneer seconded. Ayes: 5 Nays: 0. Troy Stout, Kimberly Bryant, Bradley Reneer, Jim Tracy and Kent Hastings voted aye. Motion passed unanimously.

D. Storm Water Management Program: Shane Sorensen said the Storm Water Management Program (SWMP) was an unfunded mandate from the EPA to reduce the discharge of pollutants via storm water into the streams. Each state had to come up with a plan to manage their storm water and Utah had delegated much of the responsibility to the cities because of limited manpower. The cities would have to come up with their own money to implement the program.

The Alpine SWMP was first developed in 2003 in response to the EPA Storm Water Phase II Rule. The intent was to reduce the quantity, and improve the quality, of storm water runoff in Alpine. Shane Sorensen said the next phase was more demanding – more specific and more requirements. Standard operating procedures (SOPS) were required for all activities. The City needed to come up with the SOPs and a plan to put them into effect. There would be an increased regulation of city facilities, an increased need for

inspections, increased paper work, increased documentation, plus training for all departments and personnel. There was a substantial fine for a city not having a plan that met the requirements.

Mr. Sorensen said he had worked with JUB Engineers to prepare a plan for Alpine City. Included in the packet was an abbreviated summary of the plan. It included best management practices (BMPs) to address the six minimum control measures: 1) Public Education and Outreach on Storm Water Impacts; 2) Public Involvement/Participation; 3) Illicit Discharge Detection and Elimination; 4) Construction Site Storm Water Runoff Control; 5) Long-term Storm Water Management in New Development and Redevelopment; 6) Pollution Prevention and Good Housekeeping for Municipal Operations. The BMPs included measurable goals. A review and corresponding report to the State had to be done annually. The SWMP had to be updated every 5 years.

Mr. Sorensen said most of the appendices dealt with the different things that would need to be inspected and documented. Documentation would be very important when the City's program was audited by the State Division of Water Quality.

As part of the plan, the City was required to show how the budget for operation of the program would be funded. Mr. Sorensen said he put in the report that Alpine City was in the middle of their budget year so that would give them a chance to address the details in the upcoming budget. Because of the demands on the City, Mr. Sorensen suggested there be a new position to handle the duties, and it should be an engineer. The salary would be \$65,000 a year plus benefits. The Council had already approved an engineering technician position in the budget. They could upgrade that to an engineer who would also assist with street, sewer, water and PI. Currently the City charged \$3.30 per month per residence for storm water management which generated \$93,000 a year. If that were increased to \$5 per month, it would generate another \$47,940. In addition to the funds already budgeted for an engineering tech, it would cover the cost of implementing the program and an engineer.

Troy Stout asked about the benefit package, saying it seemed high.

Jim Tracy said he would like a line item of the utility bill stating that the storm drain fee was a state mandated program. Bradley Reneer agreed, noting that it was actually a federally mandated program.

Kent Hastings wondered if the job could be done by someone in between a technician and an engineer. Shane Sorensen said it could, but there would be other benefits to having another engineer. There were things that needed to be done that had been on hold because it was difficult to find the time.

Rich Nelson said they had considered having a clerk do it, but as long as they were spending that kind of money, they felt it would be better to hire a professional person who could do other things as well. He supported the storm water proposal as submitted.

Bradley Reneer wondered if they could share the position with another city. Shane Sorensen said they had considered that, but by the time they added in paying for mileage, there would be more cost with less benefit.

Kent Hastings said he would like to look at other options. He had consistently tried to keep costs down. He wondered if there were other ways to fund it – maybe reduce the salary.

Bradley Reneer said they had talked about the effect of phosphorous on the water supply at the TSSD meeting. The standards of the sewage treatments plants were being raised. If the amount of pollutants going into the water supply was reduced, it would reduce the effect on the sewage plants. The projected cost to implement a new sewage treatment plant in Utah was 8 billion dollars. He said he understood the importance of the storm drain plan and agreed that they needed to educate the people about dumping things in the water supply. It would cost them a lot more to not do it.

Mayor Willoughby said that he agreed with the concern about raising fees, but in this case there was a direct correlation between the money charged and the benefit.

Jim Tracy asked how soon they would need someone on board, and suggested imposing a storm drain fee on new construction. Shane Sorensen said they would need someone the first of the year. Regarding a fee on new construction, Rich Nelson said it would be difficult to come up with the necessary funds when they didn't know how many new homes would be built.

David Church said the law didn't require a public hearing to raise fees, but it was something they would be doing eventually when people got their bills. If the budget needed to be amended, it required 7 days notice.

Mayor Willoughby recommended they move forward and approve the storm water management plan. They would have time to work on the financing and consider what should be done with the staff position during the interim.

MOTION: Kent Hastings moved to approve the Storm Water Management Plan as prepare and consider at a later date the financing of a new staff position to manage the program. Jim Tracy seconded. Ayes: 5 Nays: 0. Kent Hastings, Jim Tracy, Bradley Reneer, Kimberly Bryant and Troy Stout voted aye. Motion passed unanimously.

E. Purchase of Park Maintenance Vehicle: Rich Nelson said the City had budgeted \$20,000 for the purchase of vehicle. They had purchased a Kubota RTV with a snow plow for \$18,954.20.

MOTION: Kent Hastings moved to approve the purchase of the Kubota RTV. Jim Tracy seconded. Ayes: 5 Nays: 0. Kent Hastings, Jim Tracy, Bradley Reneer, Kimberly Bryant and Troy Stout voted aye. Motion passed unanimously.

Rich Nelson suggested that when items were already approved in the budget, they not bring it to the Council unless it exceeded the budgeted amount. The Council indicated they would like to see the purchases, but they could be approved under the Consent Calendar.

F. Lone Public Safety District: Previously Jim Tracy had suggested Alpine City look at the cost of separating from the Lone Peak PSD and having their own police department. Rich Nelson said there had been contact with other cities to acquire actual budget numbers for money spent on police service. The information was presented in a table showing cities and their populations, number of officers and money spent. Rich Nelson said the second sheet showed the ratio of Alpine and Highland in the police budget. It began in 1996-97 with the Lone Peak PSD was created. Rich Nelson said the numbers prior to that were not available on Caselle and would take more digging.

Kent Hastings asked about Bluffdale and Smithfield which appeared to spend less and had populations comparable to Alpine. Rich Nelsons said Bluffdale contracted with Saratoga Springs for police service. He was not sure about Smithfield.

David Church noted that North Park was North Logan and Hyde Park and they had an arrangement similar to what Alpine did with Highland. Cedar Hills also contracted with another city for police service.

Mayor Willoughby said it felt it was important for a city to have its own police force rather than contracting it out. There was a closer connection to the community. He said he would like to know if having their own police department would provide the same service for the same cost as what they presently had. He said he'd ridden with officers where they had one officer in Highland and one in Alpine. They were able to assist each other. He felt it was a benefit to have a larger number of officers available. He said he liked the current district model. It was working. But he would also like to see what could be provided by each city having its own department.

Jim Tracy said he would like to see a list of pros and cons.

Bradley Reneer said he would like more information, and asked if this arose out of some concerns about the responsiveness of the PSD Board or lack of control over the police force. Would another option be to negotiate how things were done?

Mayor Willoughby said he thought a lot of those problems had been alleviated. The Board had become more responsive recently.

Kent Hastings agreed, but said he was in favor of eliminating extra bureaucracy. If it could be done at a similar cost, yet have officers work for Alpine and reported to the mayor, there would be a tighter connection. It might be better to have their own department.

Police Chief Kip Botkin asked what level of service they wanted. Did they want six officers or eight officers? To cover a post 24/7, it took six people. That didn't take into account sick time or vacation time. Who would cover the post? Would they set up a separate court? Would they need a bailiff? He said Alpine City paid 39% of the police budget based on population. It was not an easy fix. They definitely needed more information than what was present that night, and he had his own opinion on what information was needed. He said Alpine and Highland had never been two separate jurisdictions. Before the Lone Peak PSD was created, Highland contracted with Alpine for police service. Then their population began to grow and they wanted more voice. One of the reasons they combined forces was to have a cohesive group. He said he had officers questioning what would happen if one city pulled out of the district.

Bradley Reneer asked about the difference in calls between the communities. Highland had more commercial centers and major road whereas Alpine was more of a bedroom community.

A summary of police calls to each community was shown. It was estimated there were about twice as many incidents in Highland.

Kip Botkin said there was definitely more traffic collisions and traffic enforcement in Highland. However, you couldn't get to Alpine without going through Highland so many of those involved in traffic incidents were Alpine residents. And even though Alpine was a bedroom community, they were not immune to criminal activity.

Rich Nelson said the information they'd received that night was really preliminary. How complex did they want to be? Kent Hastings said he would like to dig into other cities and see how they were doing it, look at things that were not reflected in the numbers.

Kip Botkin said that when the PSD was formed, Alpine had a population of about 5000 and Highland had 6000. Alpine City wrote the agreement.

H. 2011-2012 Budget Process and Timeline: Rich Nelson said he would like to hold two budget work sessions in January beginning at 5 pm. They would identify goals and set the level of service. In February the departments would create a balanced budget. In March they would have individual meetings with the Mayor and Council to review the budget. There would be a City Council budget work session in April and the tentative budget presented in May. Public hearings would be held in May and June with the final budget being adopted before June 22nd, assuming there was no tax increase. The new fiscal year would begin July 1st.

It was agreed the work sessions in January would begin at 5:30 pm because some members of the Council would be unable to be there that soon.

I. 2011 Meeting Schedule: Mayor Willoughby said he would rather have a meeting scheduled and cancel if it was unnecessary. It was easier to cancel than call a special meeting. Kent Hastings said that if it was canceled ahead of time, it was easier for people to plan.

The Council agreed to take off during Alpine Days, caucus day and election day.

Jannicke Brewer said the Planning Commission had agreed to have one meeting a month since there was so little development going on.

Rich Nelson asked about starting the meetings at 6 pm instead of 7 pm. Hunt Willoughby said it would be difficult for him to get to Alpine by 6 pm until SR-92 was completed because traffic and construction was so unpredictable. They agreed to keep the meeting at 7 pm.

Kent Hastings said David Church had prepared some proposed rules of procedure for the Council meetings.

MOTION: Kent Hastings moved to set the City Council meeting schedule for 2011 as shown except cancel the meetings during Alpine Days, election day and caucus day. Bradley Reneer seconded. Ayes: 4 Nays: 0. Kent Hastings, Jim Tracy, Bradley Reneer and Kimberly Bryant voted aye. Troy Stout had left earlier in the meeting. Motion passed.

VI. STAFF REPORTS: None

VII. COUNCIL COMMUNICATION: Jim Tracy said that if they were giving raises to employees, Rich Nelson should have reviews early in the year so there was a baseline.

Mayor Willoughby said Rich Nelson was working on the personnel manual.

Bradley Reneer asked if they needed a motion since April Naidu was not longer on the PSD Board, but since it was a temporary appointment, it was decided it was unnecessary.

VIII. EXECUTIVE SESSION

MOTION: Kent Hastings moved to go to executive session for the purpose of discussing litigation. Kimberly Bryant seconded. Ayes: 4 Nays: 0. 0. Kent Hastings, Jim Tracy, Bradley Reneer and Kimberly Bryant voted aye. Troy Stout was not present. Motion passed.

MOTION: Kent Hastings moved to adjourn. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Kent Hastings, Jim Tracy, Bradley Reneer and Kimberly Bryant voted aye. Troy Stout was not present. Motion passed.

The meeting was adjourned at 10:00 pm