

ALPINE CITY COUNCIL
Alpine City Hall, 20 N. Main, Alpine, UT
December 13, 2016

I. CALL MEETING TO ORDER: The meeting was called to order at 5:15 pm by Mayor Sheldon Wimmer.

A. Roll Call: The following were present:

Mayor Sheldon Wimmer
 Council Members: Lon Lott, Roger Bennett, Ramon Beck

II. EXECUTIVE SESSION: Discuss the professional character, conduct, or competency of personnel.

MOTION: Ramon Beck moved to go to Executive Session for the purpose of discussing personnel. Lon Lott seconded. Ayes: 3 Nays: 0. Motion passed. Ramon Beck, Lon Lott, Roger Bennett voted aye. Motion passed.

Kimberly Bryant and Troy Stout arrived later during the Executive Session.

III. OPEN SESSION: The Council returned to open session at 7:15 pm.

A. Roll Call: The following Councilmembers were present and constituted a quorum:

Mayor Sheldon Wimmer
 Council Members: Lon Lott, Kimberly Bryant, Roger Bennett, Ramon Beck, Troy Stout
 Staff: Shane Sorensen, Charmayne Warnock, Jason Bond, Alice Winberg
 Others: Greg Ogden, Carla Merrill, Paul Kroff, Loraine Lott, Sylvia Christiansen, Wade Budge, Mike Russon, Courtney Heirtzlet

B. Prayer: Kimberly Bryant
C. Pledge of Allegiance: Carla Merrill

IV. PUBLIC COMMENT

Loraine Lott thanked the City Council and the City staff for the great job they had done all year.

V. CONSENT CALENDAR

- A. Approve minutes of November 9, 2016 City Council meeting**
- B. Clarification on minutes of September 13, 2016**
- C. Purchase of Hooklift Truck - \$73,099.80**
- D. Bond Release – Three Falls Phase I water tank - \$121,562.00**

The Council reviewed the proposed correction to a motion made by Troy Stout at the meeting of September 13, 2016 regarding the Alpine Ridge PRD. The motion was clarified to state that the soccer field would be built before the first lot was built out in the phase in which the soccer field would be located, not in the first phase of the entire development. Troy Stout said he agreed with the clarification to his motion.

MOTION: Lon Lott moved to approve the Consent Calendar. Ramon Beck seconded. Ayes: 5 Nays: 0. Lon Lott, Ramon Beck, Troy Stout, Roger Bennett, Kimberly Bryant voted aye. Motion passed.

VI. REPORTS AND PRESENTATIONS

A. Utah Lake, Timpanogos Special Service District (TSSD) Report: Mayor Wimmer said the TSSD Report from Dale Ihrke had been included in the packet for the Council to review and asked if there were comments.

Shane Sorensen said that he and Roger Bennett had attended a TSSD meeting in October where they discussed the algae problem in Utah Lake, and the likelihood of implementing a program to reduce the phosphorus in the lake. There were some who believed the phosphorus was responsible for the algae problem. It would cost millions of dollars for waste water treatment plants to build facilities to treat the phosphorus. That cost would be passed on to the users. Mr. Sorensen said there were other people in the waste industry who felt phosphorous was not the cause of the algae problem. They were concerned that the treatment plants would be required to spend millions of dollars to implement a program to treat the phosphorous, and it may not help because it may not be the source of the problem.

Roger Bennett said some of the phosphorus was naturally occurring. Ramon Beck said the water levels were low and the weather was hot and that could also contribute to the algae growth.

Shane Sorensen said some of the sewer districts had hired lobbyists to work with the state. Whatever they decided to do, the cost of cleaning up the lake would be passed onto the users.

Sheldon Wimmer said it was estimated that it could cost \$18 a month per household to implement the program. He said there was a chance that he would be on the steering committee. They were concerned that there would be people on the committee that didn't represent the public or didn't take into consideration that the phosphorus was naturally occurring in the lake. They needed to determine if the phosphorus was really coming from the sewer plants or if it was naturally occurring.

Shane Sorensen said that if they decided storm water discharge was affecting the lake, the cities may have to sample and treat the storm water before it was discharged into the lake, which would also be very costly.

Troy Stout asked if this was a federal issue or state issue. Sheldon Wimmer said the lake itself was state owned but the EPA was involved in water quality.

VII. ACTION/DISCUSSION ITEMS

A. Audit Report for Fiscal Year 2015-16 – Independent Auditor Greg Ogden. Mr. Ogden said there was only one finding this year which was that the street impact fees had not been spent by the end of the fiscal year. The fees had to be spent within six years after collection or they had to be refunded. He said he had spoken with Shane Sorensen who said they would take care of it.

Mr. Ogden said the City was doing very well financially. There was only one area of concern and that was in the water department. The City was spending more than it was taking in but the City had recently raised the water rates so that may remedy the problem. He noted that even with the deficit in the governmental water activity, there was enough revenue from the business activities or taxes and interest that they showed a \$30,000 profit.

In regard to the unassigned fund balance, which had to be between 5% and 25%, the City was at 19% this year. It was under the maximum allowed amount of 25% but it was still very good. The City was in very good shape in the general fund and the capital improvement fund. There was no time frame in which they had to spend that money.

The operating income showed a loss for water and for storm drainage. They would need to keep an eye on those. He said one really good thing was the City's long-term debt. They had only one bond which was the water bond for 3.6 million dollars. The payments were \$350,000 a year and they had about ten years left on payments. He said it was impressive for the City to have only one bond with the amount of growth they'd had. He said Alpine was to be commended for keeping their debt under control.

Mr. Ogden thanked the finance director Alice Winberg and other staff members for their help on the audit.

Lon Lott thanked Alice Winberg for her help in answering his questions on the audit report.

Sheldon Wimmer said that at the beginning of next year they were going to take action on delinquent water bills, which had been piling up. They would send a notice to the resident when they were 30 days late on their bill then shut off the water after six days if they didn't respond. There would be a \$70 fee to hook up again and they would

need to be on direct deposit. He said the amount of delinquent water bills in August was \$30,000 and it had climbed to almost \$40,000.

B. Steve White Utility Bill – Request for a reduction due to a water leak. Mr. White was not present so this item was tabled until the end of the meeting. Sheldon Wimmer said that according to ordinance, the City Council acted as the board of equalization on these matters.

C. Ordinance No. 2016-21, Changing the composition of the Planning Commission. Mayor Wimmer said he had proposed changing the quorum for the Planning Commission from four members to three members because they'd had a problem with attendance. In the last year, they had to cancel three meetings because there weren't enough members present to make a quorum. However, the Planning Commission had recommended against changing the quorum to three members.

Jason Bond said the Planning Commission had discussed it and said they would show up and have better attendance. They had two new members who replaced one of the members who had difficulty attending, so it should be better.

Sheldon Wimmer said that since the Planning Commission recommended leaving the ordinance as currently written, they would leave it that way. If attendance became a problem, they would bring it back.

D. PUBLIC HEARINGS

- **Amendment to the Storm Water Management Article of the Municipal Code, Part 14-405 (5) Clean Streets.**
- **Summit Pointe Subdivision Concept Plan – Taylor Smith and Mark Wells.**

Shane Sorensen explained that part of the code on storm water management required curb ramps during construction. The code currently allowed gravel, wood, asphalt or steel. The gravel hadn't worked very well because it would migrate and end up in the storm drain. The amendment would eliminate gravel as an option for a curb ramp.

Mayor Wimmer asked for public comment. There was none.

Regarding the Summit Pointe subdivision public hearing, Jason Bond said the City Council didn't usually hold public hearings for the concept plans but he been out of the country and no public hearing was scheduled for the Planning Commission meeting where it was discussed. He spoke with the City Attorney and Mayor who agreed he could schedule the hearing for the following City Council meeting.

Since that time, some questions about the revised concept plan for Summit Pointe had been raised and the developers chose to not have it on the City Council agenda. However, the hearing was already scheduled and noticed in the newspaper so the public hearing was included on the agenda, but it was not on the agenda for discussion.

Mr. Bond did offer a little history about the Summit Pointe subdivision. It was previously called Eagle Pointe subdivision with 13 lots. The developers had received preliminary approval for Eagle Pointe and had applied for a final plat review, then decided to redesign the development to show only four lots, and rename it. All lots would have frontage on 600 North and would be accessed by a long, shared driveway from the end of Lakeview Drive. There was a question about whether or not the new design would landlock a property owner adjacent to the proposed development. Jason Bond said the Planning Commission would review the concept at a later meeting and another public hearing would be scheduled.

E. Ordinance No. 2016-25, Amendment to the Storm Water Management Article of the Municipal Code, Part 14-405 (5) Clean Streets.

MOTION: Lon Lott moved to approve Ordinance No. 2016-25, Amending Storm Water Management Part 14-405 (5) Clean Streets. Ramon Beck seconded. Ayes: 5 Nays: 0. Lon Lott, Kimberly Bryant, Roger Bennett, Ramon Beck, Troy Stout voted aye. Motion passed.

F. Alpine Ridge Subdivision, Concept Plan – Paul Kroff: Jason Bond said the Planning Commission had reviewed the concept plan at their meeting on December 6, 2016 and made the following recommendation to the City Council.

1. The Developer consider modifying or eliminating “Lot 71”.
2. The Developer change the name of the subdivision.
3. The Developer consider changing roads and how they exit so close to the Russon property.
4. The Developer consider the soccer park and parking.
5. The Developer consider the placement and alignment of the trails.
6. The Developer consider adding trail access in Phase 1.

Jason Bond said the proposed development was the result of the Oberee Annexation and for the most part was designed according to the Development Agreement.

Lot 71 was an issue because it was located on top of the hill rather than clustered with the other lots. Staff felt that it didn’t meet the intent of the PRD Ordinance which called for the clustering of homes in order to provide both visual and actual open space in sensitive areas and keep homes off the ridgelines.

The Planning Commission recommended that Lot 71 be modified or eliminated. The Fire Marshal had looked at lot 71 and the driveway leading to it and submitted a letter to the Council stating that a home up there would be accessible in the event of a fire, and fire flow would be adequate.

Lon Lott said that during the annexation process, they discussed at length the preservation of open space. When they worked on density they tried to meet the PRD vision of having the homes clustered lower down and the higher parts would be undeveloped. He said lot 71 could be somewhere but not up on the hill. It was his understanding that the intent of the PRD Ordinance was to keep the hillsides free of homes.

Troy Stout agreed that lot 71 did not meet the spirit of the PRD Ordinance. The Council discussed the possibility of moving the lot lower down and adjusting the parking area near the trail head.

Paul Kroff said Alpine City had some of the best hillside protection ordinances in Utah County. He felt the location of lot 71 conformed with Alpine City’s ordinance.

Wade Budge, Mr. Kroff’s attorney, said he echoed what Paul Kroff had said. Alpine City did have great ordinances. They had applied the standards to the proposed subdivision and felt it complied. He said they were willing to modify the lot but did not want to eliminate it. He said the home wouldn’t be seen from Fort Canyon. They had the letter from the fire department saying there wouldn’t be a problem with it. He said he felt there was a significant benefit to providing a public trail head, which would be lost if they were compelled to take the lot off the hill.

Troy Stout said another issue was illumination. There was a growing concern about light pollution. How would that contribute to light pollution if the house on the hillside was illuminated? Mr. Budget said they would work with their engineers on it. Roger Bennett said the house could be a one story house to minimize the visual impact of house up on the hill.

G. Annual Meeting Schedule for 2017. The Council reviewed the proposed schedule of City Council and Planning Commission meetings for 2017. The Planning Commission had already made some adjustment to their schedule and approved it. Troy Stout suggested they eliminate the second City Council meeting in November.

MOTION: Troy Stout moved to eliminate the City Council meeting scheduled for November 28th and approve the Annual Meeting Schedule. Ramon Beck seconded. Ayes: 4 Nays: 0. Troy Stout, Ramon Beck, Roger Bennett, Lon Lott voted aye. Motion passed. Kimberly Bryant had left earlier in the meeting and was not present at the time of the motion.

H. Resolution No. R2016-10, Updating Construction Specifications for Public Improvements: Shane Sorensen said the constructions specification for public improvements were updated every five years. There were quite a few changes since 2012.

MOTION: Lon Lott moved to approve Resolution No. R2016-10 updating the specifications for public improvements. Roger Bennett seconded. Ayes: 4 Nays: 0. Lon Lott, Roger Bennett, Ramon Beck, Troy Stout voted aye. Motion passed. Kimberly Bryant was not present at the time of the motion.

I. Steve White – Request to waive or reduce utility bill. Mr. White was not present but the Council agreed to discuss his request to have his water bill waived or reduced due to a water leak.

Mr. White lived at 398 N. Matterhorn Drive. In 2015 he had a water leak and requested that his water bill be waived. Since it was an outside leak, staff had forgiven \$763.69 which was the entire amount in excess of his usual use.

In 2016, Steve White had another water leak and was requesting that his water bill of \$1,075.00 be waived or reduced. This was also an outdoor leak but in a different location.

Lon Lott said that the Audit Report had shown that the City had a deficit of almost \$40,000 in the water department because water revenue was not keeping up with the expenses. That was something to consider in connection with Mr. White's request to waive or reduce his water bill. He said that in his line of work, he was called out to fix a lot of leaks. Since it was an outside leak behind the house, there seemed to be a valid reason for why Mr. White didn't know he had a leak until he got his water bill. Part of the problem was that the meters were not read monthly so a leak could go on for some time until it was discovered.

Shane Sorensen said the two systems the City was looking at to read meters monthly would definitely help eliminate problems like this. If someone had flow for 24 hours, that information would be relayed to the City who could then notify the homeowner that he had a possible leak. He said that of the ten homes in which they had installed the meters on a trial basis, four of them had potential leaks. He also commented that there had to be a point at which the City couldn't write off people's bills. Some cities allowed one leak. Mr. White had already had one water bill written off by staff. The second leak came to the City Council because they acted as a board of equalization in these matters.

Ramon Beck said he and Roger Bennett had discussed it earlier and thought they could reduce the bill by half.

Lon Lott said he wanted to establish some kind of policy for water leaks so they were treating everyone the same. They couldn't be waiving some people's bills and making others pay for their leaks.

Sheldon Wimmer said that in January they were going to start enforcing the ordinance on delinquent water bills. Currently the City was carrying a debt of over \$36,000 in unpaid water bills. He planned to let the citizens know in the January Newsline that the City would be enforcing the ordinance on delinquent water bills.

MOTION: Ramon Beck moved to reduce 50% of the excess of Steve White's water bill as calculated by his average water bill. Troy Stout seconded. Ayes: 4 Nays: 0. Ramon Beck, Troy Stout, Roger Bennett, Lon Lott voted aye. Motion passed. Kimberly Bryant was not present.

J. Alpine City Hall Art Work: Charmayne Warnock said she had contacted Mary Ann Judd Johnson to see if she would be willing to negotiate the sale of some of her art work since they had only been able to raise a portion of the asking price. Mrs. Johnson said she would be willing to sell six or seven paintings for the \$6,000 they had raised thus far. Charmayne Warnock asked the Council to choose the six or seven paintings they liked best and the rest of the painting would go back to the artist.

VIII. STAFF REPORTS

Jason Bond said they were expecting to hold a public hearing on the Summit Pointe subdivision at the next Planning Commission meeting. They would also be discussing the Annexation Policy Plan to include the Alpine Cove subdivision and Schoolhouse Springs.

Shane Sorensen said that a year ago, Draper City had approached the City had let them know that they planned to put up a gate and some rock on the Hog Hollow Road to block access. They would give Alpine City a key if they

had to get through. He noted that the property owner by Summit Point was probably accessing their property by that road. He also reported that the mediation had been moved to December 19th and 20th.

IX. COUNCIL COMMUNICATION

Lon Lott said he had attended the Draper City public hearing regarding the sale of about 50 acres of surplus open space to a developer. It bordered Highland City and Alpine City. The concept plan showed several hundred homes and would connect to Highland City streets. Mr. Lott said he attended because he was contacted by a group in Highland who wanted to know what Alpine City's plans were. He said there were a lot of people from Highland and the Suncrest area who commented and were opposed to the high density and increased traffic from the proposed development. Draper's response to the comments were that they had contacted Highland City and the county and asked them if they wanted to buy the land but no one was interested. Draper City said they needed the money to take care of other obligations. Mr. Lott said the issue was tabled. He said the interesting thing about Draper's public hearing was that they allowed each individual only three minutes to comment. They had a timer and at the end of three minutes, it beeped.

Troy Stout asked when they were going to connect the trails in Lambert Park and Three Falls to Corner Canyon. Shane Sorensen said they trails were going in, but with all the construction going on up there, it wasn't a safe place to be. But the trails were being constructed.

Mayor Wimmer reported on the following.

- Lehi had contacted him and said there were interested in having Schoolhouse Spring annexed into Alpine. The Annexation Agreement would state that it would remain as undeveloped watershed. The springs near the base would probably need to be protected with fencing.
- The County Commission had rezoned the Melby property to TR5.
- He had contacted the Forest Service about the shooting range east of town, and the concern that errant bullets may hit someone since the Lambert Park was heavily used. He was told there wasn't much the Forest Service could do. He proposed that the City could rock off the road access from the water tank to the Forest Service boundary which might discourage some shooting.

Troy Stout said he would like to see the federal government designate a buffer zone between city boundaries and forest service land. Sheldon Wimmer said that issue had been through the courts but never succeeded.

EXECUTIVE SESSION: None held.

MOTION: Troy Stout moved to adjourn. Ramon Beck seconded. Ayes: 4 Nays: 0 Troy Stout, Ramon Beck, Roger Bennett, Lon Lott voted aye. Motion passed.

The meeting was adjourned at 9:15 pm.