

**Alpine City Council Meeting  
Alpine City Hall, 20 North Main, Alpine, UT  
February 12, 2013**

**I. CALL MEETING TO ORDER:** The meeting was called to order at 7:00 pm by Mayor Hunt Willoughby.

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

Mayor Hunt Willoughby

Council Members: Will Jones, Bradley Reneer, Mel Clement, Kimberly Bryant

Council Members not present: Troy Stout

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Jay Healey, Jason Bond, Jannicke Brewer, Brian Gwilliam

Others: Will Peterson, Cindy Millar, Nathan Coulter, Connie Goeckeritz, Lon Nield, Caleb Buhl

**B. Prayer:** Bradley Reneer

**C. Pledge of Allegiance:** Conner

**II. PUBLIC COMMENT:** Caleb Buhl asked why Alpine didn't have a public library. Mayor Willoughby said it was because the City didn't have an extra 20 million dollars. He said that over the years different groups had tried to create a library in Alpine but it always turned out to be far too costly. They came to the conclusion that it was better to reimburse residents \$40 for a library card from another city such as Highland.

### **III. CONSENT CALENDAR**

#### **A. Approve the minutes of January 29, 2013**

**MOTION:** Will Jones moved to approve the minutes of January 29, 2013 with corrections. Kimberly Bryant seconded. Ayes 4 Nays: 0. Motion passed.

**B. Resolution No. R2013-01:** Mayor Willoughby said the Lone Peak High School basketball team had done remarkable things including being ranked the number one high school basketball team in the nation. The resolution recognized the team's accomplishments. He said that later on the Council would get together with Highland and Cedar Hills to make a presentation. He read the resolution.

**MOTION:** Will Jones moved to adopt Resolution No. R2013-01 recognizing the accomplishments of the Lone Peak High School basketball team. Mel Clement seconded. Ayes: 4 Nays: 0. Motion passed.

**C. Utah County Bookmobile 2012 Interlocal Agreement:** Rich Nelson said the annual bookmobile contract was the same as it was in the previous agreement which was \$13,200 a year.

Will Jones said he would like the statistical report referenced in the agreement. They'd been told Alpine was one of the highest users of the bookmobile and he'd like to see the numbers.

It was noted that the agreement was for the year 2012. Due to some staffing changes at the County, they were a little behind. The Council would be receiving the agreement for 2013 later on.

Mel Clement said that since Alpine didn't have a library, he felt it was money well spent.

**MOTION:** Will Jones moved to approve the Utah County Bookmobile Interlocal Agreement for 2012 with the stipulation that the City receive a statistical report prior to the next agreement. Bradley Reneer seconded. Ayes: 4 Nays: 0. Motion passed.

#### **IV. REPORTS AND PRESENTATIONS:**

**A. Financial Report for January 2013:** Rich Nelson said the revenue for property tax was down about \$9,000 but the sales tax revenue was up about \$9,000. Revenue from franchise fees was also increased. In regard to construction in Alpine, permits for two new homes were issued in January. Mr. Nelson said the budget was not built around construction in Alpine. Mel Clement asked if the fees were an accurate reflection of Sunrise Engineering costs. Mr. Nelson said staff time was included in the fees.

The Council asked if the revenue from culinary water sales was covering their costs since they had recently raised the rates. Shane Sorensen said it would take about three years for the City to break even but after that they should be able to increase the fund. Rich Nelson noted that they needed money in the fund to continue with projects to maintain infrastructure.

**B. County Commission Anderson - County Update:** Commission Anderson was unable to be present and the item was postponed.

#### **V. ACTION AND DISCUSSION ITEMS:**

**A. Alpine Recovery Lodge:** Rich Nelson said Jody Burnett was in Summit County that evening but he had prepared the Findings of Fact that needed to be attached to the motion made by the Council at their meeting of January 29, 2013. Mr. Nelson summarized the Findings of Fact: The Alpine Recovery Lodge had made a request under reasonable accommodation for 18 beds. The request went to the Planning Commission and then to the City Council who requested additional information that was provided by the applicant. The Council then made a motion to permit a number of residents not to exceed 12, plus support staff. The Council found that 12 residents was a reasonable number based on the finding that it was 300% more than allowed by Alpine's ordinance. It was also based on the finding that the lease on the home at \$4500 a month was more than double what a home in Alpine would rent for at \$2000 a month. In addition the applicant's projected cost for a physician was 20% higher than normal. The Council found that 12 was a reasonable balance.

Mr. Nelson said the applicant may appeal within ten days to the Alpine City Appeal Authority. He added that the attorney had suggested the Council include a directive in the motion to direct future reasonable accommodation requests to the development review committee (DRC).

Bradley Reneer said he didn't see why further requests could not come to the Council instead of the DRC. Rich Nelson said it would expedite matters in the interest of time.

**MOTION:** Bradley Reneer moved to approve the Findings of Fact for reasonable accommodation for the Alpine Recovery Lodge, affirming the motion made in the previous City Council meeting. Mel Clement seconded. Ayes: 3 Nays: 1. Bradley Reneer, Will Jones, Mel Clement voted aye. Kimberly Bryant voted nay. Motion passed.

Will Jones clarified that the motion did not include a directive that further requests go to DRC. Bradley Reneer said he would prefer to discuss that issue separately.

There was no discussion.

**B. Ordinance No. 2013-02 Bennett Farm Annexation and Annexation Agreement.** This item was postponed until a later meeting.

**C. Lon Nield - PRD Request:** Lon Nield was proposing a 10 lot PRD on 8.78 acres to be accessed by way of Quail Hollow Drive. Shane Sorensen said the Planning Commission had reviewed it the previous week and recommended that it be a PRD. Mr. Nield was also requesting that it be a gated community on a private road with private open space, and since the property lay within both the CR-20,000 and CR-40,000 zones, a transfer of density within the project be allowed.

Jannicke Brewer said that she had sketched out what the subdivision would look like as a regular subdivision. There would be more lots but the lots would be of various sizes because the ground lay within two different zones. She said she felt that because of the wooded terrain, it would be nice to keep it as open space.

Jannicke Brewer said she also made some notes on items that would need to be considered. In the PRD Ordinance, Section 3.9.7.6 it stated that "Each lot within the project area shall abut upon and have direct access to an adjacent public street," which conflicted with language in the Subdivision Ordinance, Section 4.7.3 that stated: "All residential lots in subdivisions shall front on a public street, or on a private street recommended by the Planning Commission and approved by the City Council." She went on to say that in the past the City had discouraged gated communities, but there was nothing in the ordinance that specifically prohibited them. She said she felt the property lent itself to a PRD.

Will Jones declared that he had a potential conflict of interest on this agenda item. He said he had developed properties for Lon Nield in the past, but he was not the developer on this one. That said, Mr. Jones said he felt it would be better if the proposed development was private. It offered no benefit for the City if it was public. It would take pressure off the public parks and the City wouldn't have to pay to maintain the open space. If the lots sizes were reduced it would reduce water usage because acre lots were the biggest consumers of water.

Bradley Reneer asked if the owners could be prevented from disturbing or taking out the trees if the open space was private. Jannicke Brewer said the open space, whether public or private, could not be developed or sold. Shane Sorensen said that in Willow Canyon, it was recorded on the plat that the vegetated areas had to remain. They could structure some kind of conservation easement.

**MOTION:** Bradley Reneer moved to recommend that the Lon Nield development be a PRD with the clarification that it could also be a regular subdivision if he chose to do that. Will Jones seconded. Ayes: 4 Nays: 0. Motion passed.

The Council next discussed the other requests by Lon Nield which were: 1) It be a gated subdivision; 2) the roads be private; 3) the open space be private; 4) the density would be transferable within the project rather than confined to the particular zone.

Bradley Reneer said he talked to people who lived on private streets and didn't get their streets plowed, and they hated it. He said the original homeowners in the PRD might be okay with not receiving city services, but the homes might eventually be sold to someone else that would be into the city complaining about the lack of snow removal or trash collection.

Will Jones said they could build the streets to city standards in the event they wanted them to become public streets in the future.

Mel Clement said he belonged to an HOA in St. George. They had private garbage collection and everything. It was very expensive.

Shane Sorensen said there were other cities with private roads and when it came time for an overlay, the HOA couldn't afford to do it. He said that was why Alpine City had not encouraged private streets. He said that every one of the private streets in Alpine had come in to the City and asked them to please take over the maintenance of their street.

Mayor Willoughby said the only reason he'd heard for making it a gated community was to keep the deer out. He said he had deer in his yard, as did most of the other people in Alpine. He said there had been a request several years earlier in his neighborhood to have a gated community, which was denied. The comment then was that they were in the business of building a community, not private enclaves. He said that since that time, a lot of his opinions had changed, but that one had not. He said the proposed road was a short stub street. Compared to the hundreds of miles of roads that the City already maintained, another 100 feet wouldn't make much difference.

Lon Nield said he was still undecided about whether he wanted the road to be public or private, but he would like some direction. He added that he had trees on his property that would be immediately eaten if it was not fenced.

**MOTION:** Will Jones moved that the Lon Nield PRD be gated if he desired. Bradley Reneer seconded. Ayes: 2 Nays: 2. Will Jones and Bradley Reneer voted aye. Kimberly Bryant and Mel Clement voted nay. Mayor Willoughby voted to break the tie and voted nay. Motion failed.

Will Jones was prepared to make a motion that the street would be private but David Church pointed out that if the PRD was not gated, there was no point in the road being private.

**MOTION:** Will Jones moved that the open space would be private if the owner desired. Bradley Reneer seconded. Ayes: 4 Nays: 0. Motion passed.

**MOTION:** Will Jones moved that the density may be transferred within the project, not to exceed more than ten lots for a PRD. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Motion passed.

Lon Nield said he didn't want to be penalized for having private open space and be required to have more than 25% open space.

Shane Sorensen explained the way the density bonus was calculated in the PRD Ordinance and said if they did it differently, they would probably have to amend the ordinance. He said it was his recollection that the requirement for additional open space when it was private was adopted shortly after Canyon Brook Estates came in.

Rich Nelson said they could discuss the open space requirement in DRC.

**D. Lambert Park Land Transfer - Dudley and Associates:** Will Peterson said he was representing the owners of the properties at the end of Moyle Drive who would like to donate some money to the City in exchange for a strip of ground in Lambert Park. It consisted of 8,110 square feet and was adjacent to their property. He said there was also a title gap in that area and an exchange would resolve that.

Mr. Peterson said the property they wanted wasn't really accessible from Lambert Park because of the ditch and dense trees. The adjacent property owners would like to clean it up and use it as part of their lot.

Bradley Reneer noted that the City could clean it up as well. They could add a parking area and a bridge, put in a picnic table, and it would make a beautiful addition to Lambert Park. He said he saw that area as having a great deal of value. He said, however, that he would be willing to consider selling it in order to make a significant improvement elsewhere in Lambert Park.

Will Peterson suggested that with a donation the City could build a pavilion or restrooms.

In response to a question about the legal description, Shane Sorensen said the red line on the map was the center of the ditch. If the exchange happened, the property line would be measured 30 feet from the center of the ditch because they needed a substantial buffer around the ditch.

Will Jones said he would personally not want to sell the land but would be willing to make a trade for significant value.

Jannicke Brewer reminded the Council that anytime the City disposed of public open space there needed to be a public hearing, a recommendation from the Planning Commission, and a super majority vote (four out of five) of the Council in favor of it.

Mel Clement questioned if they were really trying to get rid of space in Lambert Park that was well-forested. He said he couldn't wait to hear the public meeting, and he would lead the charge. He said he couldn't imagine that Troy Stout would go along with it.

Will Jones said that if they could receive more value that the land was worth, he would look at it. He used the analogy of trading 10 bananas for 20 bananas.

Mel Clement said that if they needed some bathrooms and a parking lot in Lambert Park, they should do a fundraiser. The property in question looked too good for them to get rid of it. It was choice area with old growth. The deadwood could be cleaned out.

Shane Sorensen said they had cleaned a section of ditch already as part of the fire rehabilitation project.

Bradley Reneer suggested that if they offered to trade it for a ten acre piece somewhere else, they should definitely consider it. What was the breaking point. If they were just getting market value, he would say no.

Kimberly Bryant said that if they could clean it up they could walk through it.

Hunt Willoughby said there was already a trail along the east side of the ditch. The property they were talking about was 30 feet west of the ditch.

Rich Nelson had suggested they form a committee to talk about how many "bananas" it would take to give the land away.

**MOTION:** Will Jones moved to form a committee to discuss the requested transfer of Lambert Park land, which would be comprised of Troy Stout and Bradley Reneer from the City Council and two members of the Planning Commission. They would formulate a recommendation to take to a public hearing. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Motion passed.

Jannicke Brewer said the Public Hearing would need to be noticed in the Newsline.

**E. Code Enforcement Discussion:** Rich Nelson said the Council had raised the issue of code enforcement in a previous meeting. There was a question about why they had codes on the books that they didn't necessarily enforce. He said the philosophy of code enforcement operated on a referral basis, or if staff ran across a problem. They didn't actively patrol looking for code violations. If a violation was reported, staff made contact with the resident by calling and sending a letter. The violator was given a time frame to comply. If it was ignored they issued a citation or referred them to the city prosecutor.

Jason Bond, as the code enforcement officer, said they should use the code as a tool to handle code enforcement. If there were 500 violations of the same issue, maybe they needed to look at the code and see if the requirement or restriction was realistic.

Bradley Reneer said that if a violation related to a safety issue, such as building fences in the sight triangle, the City should be proactive. He said he was uncomfortable with enforcing laws just when they wanted to.

There was a discussion about various violations. Some of the most common were parking violations, fences, setback violations for accessory buildings, accessory apartments that had turned into duplexes and triplexes, businesses operating without a business license or were illegal.

Will Jones said they should look at the ordinance and if it made sense, they should enforce it.

Another issue was who did the enforcement. If it was a parking issue, it was generally turned over to the police. The public works department enforced dirt in the roads. Animal complaints should be handled by the animal control officer.

Regarding illegal signs, Jason Bond said that if it was a temporary sign he just picked it up. He tried to focus on the roundabout because one illegal sign resulted in even more.

Will Jones said he wanted to make sure they weren't punishing the people who followed the rules by giving allowances to the people who didn't follow the rules.

Mayor Willoughby asked David Church if an illegal use could be grandfathered. David Church so no. Something that was illegal was not made legal by the passage of time.

Mel Clement asked about the problem of people putting their compost in the street when they were landscaping. Sometimes there was nowhere else to put it. Shane Sorensen said that if someone called and asked permission, they would generally tell them they could do it as long as they had it removed the same day.

Jason Bond said he would go through the ordinance and make notes about the things that didn't make sense. He said he planned to have amendments to the ordinance to the Planning Commission along with the mass gathering ordinance and the appeal authority ordinance. It was a slow process and they had to hold a public hearing when they amended the ordinance.

## **VI. STAFF REPORTS**

Rich Nelson said Diana Mills had called and said she would no longer be covering Alpine. He had enjoyed working with her. Charmayne Warnock noted that the Daily Herald was cutting back on staff and had let go all but one of the part-time correspondents.

David Church said the Busch lawsuit was wrapped up. The checks were signed and the water credits transferred.

Shane Sorensen said UDOT would be milling and paving Alpine Highway from Kohlers to the roundabout. Hopefully not during Alpine Days. Regarding the roads in Alpine, he said they would see what damage there was when the frost came out of the ground. The priorities could change.

Jason Bond said he expected to have the mass gathering ordinance and the appeal authority ordinance to the Council the second week in March. Rich Nelson said they would also be discussing park usage fees.

## **VII. COUNCIL COMMUNICATION**

Mayor Willoughby said Tami Hamilton would be resigning from the Planning Commission. If the Council had names to suggest, give them to him.

Mel Clement said Roger Harper from the North Pointe Transfer Station said there was an application from Tooele County to come into Utah County. Mr. Harper said the cities should try to stop them if they didn't want Utah County to be a dumping ground for the state.

Kimberly Bryant complimented the fire and EMS personnel for their speedy and efficient response to a neighbor who had an emergency.

Will Jones asked if they had responded to the young man who approached the Council at the last meeting about a skate park. Mayor Willoughby said he had called him and talked to him. Mr. Jones said it brought up an issue. What did they do about the kids who weren't involved in the usual sports. The Mayor said they had come to as close a compromise as possible when they proposed skateable art at Creekside Park, but it was shot down.

Mel Clement said when he was on a previous Council he'd been able to get \$80,000 worth of equipment but they couldn't find a site.

Bradley Reneer said he'd like to discuss having a slab of concrete with a ramp on it.

Will Jones asked about a caretaker for Moyle Park. Rich Nelson said they would discuss it at the next meeting.

Will Jones said he'd like to look at amending the General Plan in regard to the Bangerter property. He said he didn't want to actually change to zoning, but would like to look at different possibilities, perhaps multiple housing or accessory dwellings.

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

**MOTION:** Will Jones moved to adjourn. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Motion passed. Motion: will moved to adjourn. Kimberly seconded. Aye: 4

The meeting was adjourned at 9:25 pm.