

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 North Main, Alpine, UT
July 9, 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: Troy Stout, Kimberly Bryant, Mel Clement

Council Members not present: Will Jones, Bradley Reneer

Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Jason Bond, Jannicke Brewer

Others: Kathy Harding, Keith Vallejo, Steve Howe

B. Prayer: Mel Clement

C. Pledge of Allegiance: Troy Stout

II. PUBLIC COMMENT: Kathy Harding said she lived on Dry Creek Lane. Her home was separated from Creekside Park by the stream bed. She said she had a deep concern about the fireworks that were lit in the park on the 4th of July. There were a lot of fireworks and a lot of them were shooting into the trees along stream bed by her house. They had six pine trees along the creek and it only took 600 degrees to start a tree on fire. Fireworks were 1200 degree. She said she was out spraying water on the trees the whole time people were setting off fireworks. Little kids were throwing their sparklers over the fence into the creek area. She said she found spent fireworks in her front yard and her roof and truck were covered with ash. She asked if there was a better way to have fireworks in the park without setting Dry Creek on fire. She added it had been found that firework smoke was causing illness for people.

There was a lot of discussion about the problem and it was decided that the City would tape off an area along Dry Creek to keep the fireworks well away from the Dry Creek streambed.

III. CONSENT CALENDAR

A. Approve the Minutes of June 25, 2013

B. Payment Request No. 2 - VanCon, Inc: Shane Sorensen said the payment amount noted on the agenda was \$94,583.90. It had since been adjusted to \$99,143.90

MOTION: Troy Stout moved to approve the minutes of June 25, 2013 and approve second payment for VanCon in the amount of \$99,143.90. Kimberly Bryant seconded. Ayes: 3 Nays: 0. Motion passed unanimously.

IV. REPORTS AND PRESENTATIONS: None

V. ACTION AND DISCUSSION ITEMS

A. Vallejo Request: Rich Nelson said that Noel Vallejo owned several lots in Box Elder subdivision adjacent to Lambert Park. Mr. Vallejo had attend the DRC meeting with a request to clear some vegetation along the boundary of his property and Lambert Park in order to build a retaining wall on his property.

Steve Howe was the contractor for Mr. Vallejo. He further explained that they wanted to trim the vegetation back as far as five feet in order to put up scaffolding to put up the wall. He said they did not intend to take out the oak brush entirely. They just wanted to trim it so they could get in there and work.

Keith Vallejo said Shane Sorensen and Jay Healey had come up and looked at the project. They discussed having a water truck present so no fires were started. They would need permission to park the water truck on the road in Lambert Park that ran along the backside of their property. He said they had already trimmed some vegetation but left the root. They decided to come into the City and get approval before doing more.

Mel Clement and Troy Stout expressed concern about removing vegetation in Lambert Park. Mr. Stout said that after what happened at Moyle Park the previous week, it was apparent that "trimming" was a matter of interpretation. He said he felt if any trimming was to be done, the City should be the one to do it.

The Council agreed they didn't want to approve any trimming without first looking at the proposed project. Troy Stout offered to go up to Lambert Park and meet with the homeowner and look at what they wanted to do. He would have a report in two weeks.

B. Accessory Apartment Discussion. Jason Bond summarized previous discussions by the City Council regarding accessory apartment with the following:

- Accessory apartments were a good thing for Alpine for various reasons including meeting the moderate income housing requirement
- When the right to have an apartment was abused, it was detrimental to the neighborhood.
- The main part of the dwelling had to be occupied by the owner of record, not just a family member.
- The Council had approved an application and annual renewal fee of \$50 for an accessory apartment.
- The City would put an article in the Newslane to educate residents about accessory apartments.

Jason Bond said there were other options to consider regarding accessory apartments. Some cities allowed nightly rentals or vacation rentals. The Council indicated they were opposed to that.

Mr. Bond said it had been suggested they consider notifying neighbors if someone requested an accessory apartment.

David Church said that notifying neighbors about applications for accessory apartment gave neighbors the impression that they had veto power over an apartment. In Alpine City's Ordinance, accessory apartments were a permitted use provided they met the criteria. If the Council wanted to notify neighbors, they would need to amend the ordinance so it was not a permitted use.

Jason Bond said the Council had also discussed accessory dwelling units (ADUs) which would be similar to an accessory apartment but would not be attached to the house. A minimum lot size of one acre would be required in order to have one, and the footprint of the ADU would be limited. He said one of the advantages of an attached accessory dwelling unit was that they would be easier to enforce because it would require a building permit and it would be visible rather than hidden in a basement. It would also decrease the amount of landscape watering. It was essentially the same thing as an accessory apartment except it was not attached.

Mel Clement said he was firmly against the idea. Troy Stout said he felt it would be opening the door to apartment complexes, but on the other hand, it would be nice for ailing parents or children.

Mayor Willoughby asked what the status was on accessory apartment violations.

Jason Bond said he had sent out letters to people who were known to be in violation of the accessory apartment ordinance. Several had responded. He had gone out with the building inspector to look at them. He said that unless a neighbor called and complained about an illegal or non-permitted accessory apartment, the City had no way of knowing they were out there.

Mel Clement suggested that if someone did not renew their accessory apartment permit, they would have to pay \$100 to reinstate it. It would include a \$50 reinspection fee.

Charmayne Warnock commented that there were a number of accessory apartments out there that were not registered with the City, but were being rented. The reason a previous council had decided to waive the accessory apartment permit fee was in the hopes it would encourage more people to register their apartments.

Jannicke Brewer said most people knew where the accessory apartments were in their neighborhoods, but they wouldn't know whether or not they were registered.

Rich Nelson asked that items E and F be dealt with first.

E. Ordinance No. 2013-11, Amending Article 4.5 of the Development Code Regarding Site Plan

Approval. A The current ordinance required a site plan approval by the Planning Commission in order to build a home on a parcel of ground that was not in a recorded subdivision. Rich Nelson said that since most site plans were fairly straightforward, he had recommended they be approve by the DRC. The Planning Commission met only once a month, and it would expedite the process. However, the Planning Commission did not like the suggestion. They wanted to continue to review and approve the site plans.

Jannicke Brewer said the Planning Commission was not that busy and it gave them a feel for what was going on in Alpine. There weren't any issues the DRC couldn't decide. It just kept the Planning Commission informed.

David Church said that sometimes the City was making people wait six weeks before they could even apply for a building permit because of the Planning Commission schedule. It was frustrating to people who came to DRC thinking they were going to be able to build.

Troy Stout said that maybe the Planning Commission needed to start meeting twice a month. Mayor Willoughby said they were looking at doing that when they began updating the General Plan.

MOTION: Troy Stout moved to keep the approval process for site plans the way it was, and encourage the Planning Commission to meet twice a month. Mel Clement seconded. Ayes: 3 Nays: 0. Motion passed unanimously.

F. Ordinance No. 2013-12, Amending Article 4.5 of the Development Code Regarding Approval of

Minor Subdivisions: Rich Nelson said that he had suggested that the DRC approve minor subdivisions unless it looked like it was going to be complicated , in which case it would go to the Planning Commission. He said the Planning Commission had not been in favor of the proposed amendment. They did suggest that the ordinance be amended to require notification of neighbors within 300 feet. Currently the ordinance required notification of adjacent property owners. They felt the neighbors across the street should also be notified. The proposed amendment also updated the submission requirement.

MOTION: Troy Stout moved to amend Article 4.5.3.1 to update the number of copies of the subdivision plat that needed to be submitted and the notification requirements, but have the Planning Commission retain authority to approve minor subdivisions. Kimberly Bryant second. Withdrawn.

The motion and second was later withdrawn because after more discussion, the City Council decided they would like to see a clean copy with the proposed changes before voting.

C. Ordinance No. 2013-06, Amending Article 2.4 of the Development Code Regarding the

Development Review Committee (DRC): Rich Nelson said he wanted the City Administrator to have the ability to bring other people into the DRC meetings on an as needed basis. The proposed amendment would allow that.

Jason Bond said Bradley Reneer had been concerned about existing wording in Article 2.4 that stated: "The DRC shall give advice and have no power to bind the City." It had been changed to: "The DRC shall give advice that has no power to bind the City."

MOTION: Mel Clement moved to adopt Ordinance No. 2013-06 amending Article 2.4 of the Development Code. Troy Stout seconded. Ayes: 3 Nays: 0. Motion passed unanimously.

D. Ordinance No. 2013-10, Amending Article 3.21.6 Regarding Fences.

Rich Nelson said there was often confusion about restrictions on fences. To provide more clarity to residents, it was proposed that when someone wanted to build a fence, they needed to come into the City and get a permit. No fee would be charged. The approval would be handled in the building department. If someone was putting up a fence adjacent to a park or open space, it would need to go to DRC for approval.

Mr. Nelson said the Planning Commission had felt the proposal was intrusive and would increase the City's workload. Mel Clement said he felt the City was over-regulating fences.

Kimberly Bryant said she'd had people complaining about other people's illegal fences. If the City was going to have rules for fences, they should enforce them.

MOTION: Kimberly Bryant moved to adopt Ordinance 2013-10 requiring a permit for a fence, but no fee would be charged. Troy Stout seconded. Ayes: 3 Nays: 0. Motion passed. Troy Stout, Kimberly Bryant and Mel Clement voted aye.

VI. STAFF REPORTS

Rich Nelson

- Mr. Nelson reported on the mud slide that occurred over the holiday weekend as a result from last year's Quail Fire. He said the debris basin was finished just in time and worked 90% as designed. No homes were damaged. The public works department cleaned out the debris basin in preparation for a future mud slide. The City had used Tweets, Facebook and the webpage to communicate with the people. He offered kudos to Shane Sorensen and Jed Muhlestein for the design and to Ron Devey and Greg Kmetzsch for being up there at 4 am. The lady with the wall in front of her home felt it was more beautiful now since it had saved her home.
- He complimented Shane Sorensen on his appearance on TV regarding the mud slide.
- Mr. Nelson reported that they were rethinking having the Lone Peak Safety District as a taxing entity. They had also postponed switching dispatch providers.
- The parade route had changed again. It would go all the way around Creekside Park and end at Alpine Elementary.

Shane Sorensen

- He reported that there was 0.37 inches of rain one day and 0.2 inches the second day. The mud slide occurred on the second day. There was water in Dry Creek which wasn't common for this time of year. Using maps and photos, Shane showed the path of the mudslide. They still need to work on an area the deflected the mud flow out of the planned pathway to the debris basin. There would be some extra cost to VanCon for the cleanup. They would reseed the disturbed areas in October.
- They would be chip-sealing the road from the roundabout to Grove Drive beginning Thursday, July 18th. Two electronic message boards would be put up advising people to take another route and drive slow.
- Overlays and microsurfacing would be going out to bid.
- A homeowner in the county had come to the City and asked if he could run a water line to his place and use City water for fire protection. He had a couple of wells that were not working well. Mr. Sorensen said it was in the City's interest to have good fire protection up there since he was next to Lambert Park.

Jannicke Brewer

- She said the unfinished home off Moyle Drive was a deathtrap and should be fenced. David Church said that under the Code the building official could put up an order to repair it or demolish it. It was thought the property belonged to Brit Server.
- The Planning Commission meeting in August would be on the third Tuesday. They would hold a public hearing on a townhouse overlay zone.

VII. COUNCIL COMMUNICATION

Mel Clement said he had talked to Zions Bank about the PI bond. The City was paying 3%. He felt the subject needed to be part of the budget discussion.

Troy Stout

- He asked about water restriction enforcement. Shane Sorensen said Ron Devey went out early in the morning and hung notices on doors. He had locked up a few meters.
- He asked about illegal street parking. He was told to call the police and they would write a citation.
- He said Moyle Park got a butch job. The residents had been told the City Council voted on it and approved it, but they had not.
- He said he would like to consider a Farmers Market in Alpine.
- He asked about the money spent to rescue the people in the helicopter crash in American Fork Canyon. Mayor Willoughby said the EMS got paid for going up the canyon.
- He asked if there were any additional patients at the Alpine Recovery Lodge. Rich Nelson said he thought they had more. Kimberly Bryant noted that parking was an issue. Visitors with RVs were parking on the street.

Mayor Willoughby said he would like to take a two-minute field trip to the other end of the building to look at the upstairs as a potential storage place for sports equipment.

VIII. EXECUTIVE SESSION: None held.

MOTION: Troy Stout moved to adjourn. Kimberly Bryant seconded. Ayes: 3 Nays: 0. Motion passed.

The meeting was adjourned at 9:15 pm.