

ALPINE CITY COUNCIL MEETING
Alpine City Hall 20 North Main, Alpine, UT
March 25, 2014

I. CALL MEETING TO ORDER: The meeting was called to order at 6:30 pm by Mayor Don Watkins

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

Mayor Don Watkins

Council Members: Troy Stout, Will Jones, Roger Bennett, Kimberly Bryant, Lon Lott

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

Others: Charlie Fox, Lacie Lawrence, James Lawrence, Alex Broughton, Jane Griener, Garrett Seely, Michael Innocenti, Louise Innocenti, Jim Tracy, Moana Burgess, Karen Brunsdale, Rex Brunsdale, Darren Gooch, Becky Rasband, Chantel Oliver, Tonya Higbee, Caden Lundquist, Bob Lundquist, Shellie Slade, Jan Braithwaite

B. Prayer: Troy Stout

C. Pledge of Allegiance: Charlie Fox

II. PUBLIC COMMENT: None

Mayor Watkins announced that Kimberly Bryant was elected as the chairman of the Lone Peak Public Safety District.

III. CONSENT CALENDAR

A. Approve Minutes of March 11, 2014

B. Final Payment - VanCon Construction - Emergency Watershed Protection Project - \$42,917.20

MOTION: Kimberly Bryant moved to approve the Consent Calendar with the minutes of March 11, 2014 as amended and the final payment to VanCon Construction in the amount of \$42,917.20. Lon Lott seconded. Ayes: 5 Nays: 0. Motion passed unanimously.

IV. REPORTS AND PRESENTATIONS

A. Youth Council Award: This item was handled out of order on the agenda. Kimberly Bryant introduced some of the members of the Youth Council and their adult leaders Chris Ballif and Ginny Rainsdon. She said the youth were the cream of the crop. They had to apply to serve on the Council and they had a large group because so many wanted to be on it. They performed a huge amount of service both in the community of Alpine and outside the community. She said she was especially proud of them because they had won first place in the Award for Excellence at the Utah State Leadership Conference. They also won first place on their display. Three of the youth leaders spoke and told the City Council about their activities in the past year.

Jacob Rainsdon said they had displayed flags along Main Street for the holidays including Armed Forces Day and Veterans Day. They had planted flowers at the cemetery. On Memorial Day they also posted flags and were in charge of the program. They served ice cream at the social for the play *Peter Pan* and also ushered. They were in charge of the water games during Alpine Days, served at the family picnic, were in the parade, and had a concession stand.

Jacqueline Ballif said they had worked with the Cedar Hills Youth Council in the Relay for Life. They put on a Harvest Ball for the residents at the River Meadow Assisted Living facility. They hosted the Meet the Candidate Night and delivered pizza to the election judges. They tied quilts for mothers in need and went to Lambert Park with Councilman Troy Stout and gave a presentation on motorized vehicles in Lambert Park. They worked at the Christmas Box Youth Center and made 13 blankets, played games and cooked with the kids. They served as ushers at the Alpine Christmas concert.

Ashley Tracy said that at Christmas they made an assembly line to prepare peanut butter sandwiches and served dinner to the homeless. They attended a session with Representative Mike Kennedy and attended the medical marijuana discussion. They voted against it before the changes were made in the bill. They hosted a Valentine Party at the River Meadow Assisted Living Center and attended Youth Council Day at the Capitol Building. They also attended the leadership conference at Utah State where they won the Award for Excellence, and conducted an anti-bullying seminar. They were currently stuffing eggs for the Easter Egg Hunt.

Jenny Rainsdon said one of the reasons they won the award was because the youth were actually shadowing the City Council and participating in Council discussions such as motorized vehicles in Lambert Park. Mayor Watkins asked Planning Commission Chairman Jannicke Brewer to give the Youth Council a spot on the agenda to talk about their findings on Lambert Park.

B. Child Abuse Prevention Proclamation - Chief Brian Gwilliam: This proclamation was adopted at the previous meeting.

V. ACTION/DISCUSSION ITEMS

Items M & H were discussed prior to other items.

M. Removal of Unsafe Playground Equipment and Audit: Jed Muhlestein said he had attended Playground Safety School and was an officer. He had audited Alpine's playgrounds. Some problems were minor and could be fixed by staff. However, there were three main areas of concern which could result in loss of life or debilitating injuries. He showed photos of the areas.

First, the arched climbing bars located by City Hall. A surface over five feet high was required to have a soft fall material underneath. Grass counted for anything under five feet. The bars were over five feet high and had only grass below. He recommended they be removed or modified.

Second, the wooden playground structure in the park in the Southpointe subdivision. It had entanglement and impalement hazards because of the rotten wood and protruding points. He said nothing would make it compliant and it needed to be removed.

Third, the swing set in Silverleaf Park which also had entanglement and impalement hazards, plus there was not soft fall area.

The Council discussed solutions. Will Jones suggested they notify the neighborhoods around the Silverleaf and Southpointe Parks and allow the residents to decide what they wanted in the park and contribute to the cost. It would still need to comply with safety standards.

Mr. Jones also suggested they cut down the arched climbing bars by City Hall so they were lower than five feet. They would also separate them and that would make them compliant. The anticipated cost was \$400.

There was a discussion about Mr. Jones' proposal to let the neighborhoods decide what they wanted in the neighborhood park, and pay for it, since they were primarily used by people in the neighborhood.

Mayor Watkins said they should talk to the neighbors and see if they were willing to take over the park. Will Jones said there would have to be changes to the current ordinance because it did not allow private groups to make improvements in public parks.

MOTION: Will Jones moved that the neighbors in Southpointe subdivision receive a letter stating that the playground equipment in their park would be removed in 30 days due to liability, and set up a meeting with them. Number two, the arched climbing bars behind City Hall be reinstalled according to the \$400 option. On the Silverleaf Park, the City would send a letter to the neighbors stating that the swing set in their park would be removed in 30 days due to liability and set up a meeting with them. Two members of the City Council would meet with the neighbors and discuss options. Troy Stout seconded. Ayes: 5 Nays: 0. Troy Stout, Will Jones, Roger Bennett, Kimberly Bryant, Lon Lott voted aye. Motion passed unanimously.

Will Jones and Lon Lott would go to the Southpointe neighborhood meeting. Troy Stout and Roger Bennett would meet with the Silverleaf group.

H. FEMA Map Update: Shane Sorensen said FEMA had begun updating the flood zone map ten years earlier and had encountered setbacks along the way. They decided to map all of Utah County; legislation was passed to separate out the levy issues. He said FEMA had contacted Alpine City a week ago and indicated they wanted to fast-track the mapping which would take about a year. They would give them the maps and hold a public meeting where they collected public comment from the citizens. The process would begin at the end of the month. He said they would get the information out to the Council and the citizens so they were aware of the process.

Representatives of the Youth Council arrived and made their presentation which is covered near the beginning of the minutes. The Council then returned back to action and discussion items on the agenda.

A. Ordinance No. 2014-04 - Business/Commercial Zone Amendment: Jason Bond said there were three items in the ordinance governing the business commercial zone that would be amended by Ordinance No. 2014-04. There were: 1) Allowing auto repair shops as a conditional use in a designated area of the BC zone with language to regulate the auto repair shops; 2) defining setbacks for a dwelling in the BC zone; 3) prohibit the use of any portable storage units unless approved by the City. It also amended language regarding residential structures located on the same lot as a business to say that both the residence and the business would be considered main buildings and would be required to meet the setbacks for a main building.

Jason Bond said the Planning Commission had reviewed the ordinance and decided to stay with four bays for an auto repair shop.

Mayor Watkins said this wasn't a public hearing since it was primarily for the Council to come to a decision, but if there were residents who had not spoken and had something to say that hadn't already been said, they were welcome to speak for a couple of minutes.

Moana Burgess had delivered a letter to the Council prior to the meeting from Scott Jorgensen who lived at 95 S. Main in Alpine. She asked the Council to give careful consideration to Mr. Jorgensen's letter since he was out of town and unable to be there. He had lived in Alpine for 25 years.

Adam Meindorf said he was looking at buying the property just north of the lot proposed for an auto repair shop. He said he came to Alpine years ago as an LDS missionary from Australia and was quite taken with the area so he moved back. He asked if Alpine had discussed a broader plan, a master plan for that area. It was the historic center of the town. He felt it would be smarter for the Council to have a long term view of what downtown Alpine would look like.

Troy Stout encouraged the Council to consider the volatile nature of the discussion. They wanted to be sensitive to everyone but they needed to move forward and be decisive. If they spent too much time trying to make everyone happy, they wouldn't get anything done.

Lon Lott said that since the Council discussed it two weeks, he had visited with the residents and read minutes from previous meetings. He had spoken with Scott Jorgensen in his home who brought yet another perspective. They were all good perspectives. There was a lot of "not-in-my-backyard" feeling. He said the Council needed to decide what they wanted the area to look like. It was an historic area.

Roger Bennett said that according to the ordinance under 3.7.4.2, someone could have a business with no frontage requirement. Was that really what they wanted? Jason Bond said the ordinance was just the tip of the iceberg. There would need to be more discussion.

David Church said that in early commercial zoning it was common to have businesses adjacent to each other in the downtown area with no side yards. That may not be what they wanted now.

Shane Sorensen noted that many of the businesses in Alpine did not actually have frontage on a public street. They were in a planned commercial development with common area that accessed the main road.

Will Jones said the commercial buildings should have to meet the historical design code. The ordinances were already in place.

MOTION: Will Jones moved to approve Ordinance No. 2014-04 as written which amended the business commercial zone to allow auto repair shops in the area as designated. Troy Stout seconded. Ayes: 4 Nays: 1. Troy Stout, Will Jones, Roger Bennett, Lon Lott voted aye. Kimberly Bryant voted nay. Motion passed.

Mayor Watkins noted that they were updating the General Plan and there may be other changes. But businesses already approved would be grandfathered.

B. Ordinance No. 2014-05 – Offsite Parking in the BC zone: Jason Bond said the purpose of the amendment was to limit the number of cars that might be waiting to be repaired so a car repair lot didn't look like a wrecking yard. But they wanted to have enough parking onsite so it didn't spill onto the street. The proposed amendment specified the number of parking spaces for automotive repair to 2.5 spaces per bay. The number of bays was limited to four. After a brief discussion, they Council agreed to increase the required parking spaces to three.

MOTION: Roger Bennett moved to adopt Ordinance 2014-05 with the amendment that there be 3 parking spaces required instead of 2.5 parking spots. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Troy Stout, Will Jones, Roger Bennett, Kimberly Bryant and Lon Lott voted aye. Motion passed.

C. Ordinance No. 2014 -06 - Amending the Home Occupation Ordinance: The proposed amendment would prohibit auto repair as a home occupation.

MOTION: Will Jones moved to adopt Ordinance No. 2014-06 amending the Home Occupation Ordinance to prohibit auto repair as a home occupation. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Troy Stout, Will Jones, Roger Bennett, Kimberly Bryant and Lon Lott voted aye. Motion passed.

D. 2014 Water Conservation Plan: Shane Sorensen said they had discussed the water conservation plan two weeks earlier. Staff recommended basically the same plan the City adopted for 2013 except the time during which the residents could water changed from 8 pm to 8 am to 7 pm to 7 am. He said the water conserved from restricted watering was just a drop in the bucket of what they would need in the future. They were working on the Water Master Plan.

Rather than adopting a conservation plan every year, it was suggested that the water conservation plan be adopted on an ongoing basis to be applied in any drought year or when the City needed to conserve water.

MOTION: Troy Stout moved to adopt the 2014 Water Conservation Plan specific to pressurized irrigation, and approve it for future years to apply in any drought year or if Alpine City felt it was necessary to conserve water. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Troy Stout, Will Jones, Roger Bennett, Kimberly Bryant and Lon Lott voted aye. Motion passed

E. Eastview Plat F- Concept – Patterson Construction: Eastview Plat F consisted of 9 lots located south of East View Drive and west of Quincy Court. in the TR-10,000 zone. Lot 9 had an existing home on it.

Shane Sorensen said it was on the agenda for information only, and direction. The Planning Commission needed clarification on whether or not the culdesac was legal. The prescribed distance was 450 feet measured from the nearest intersecting street. He said that in some form the road would go through and connect to either Patterson Lane or Heritage Hills. Patterson Lane was narrow but they could achieve the necessary width without major impacts to properties.

Will Jones said that if lot 9 was included in the subdivision, it would need to have frontage. There needed to be at least a right-of-way to create frontage for the lot. The existing home would have been grandfathered but when the

property was changed it needed to meet the current ordinance which required 90 feet of frontage for a lot in the TR-10,000 zone.

Shane Sorensen said there were several parcels. The question was if they had to include the other parcels.

Roger Bennett said that on Bennett Farms he had three parcels. The City wanted the right-of-way through all three of them. They also had a development plan.

Joseph Moffat said he could support the subdivision if there was going to an easement deeded to the City for conductivity. If the City approved an illegal culdesac, it would remain what it was. He said the City had an obligation to make sure the legal access was there.

David Church said the culdesac was measured from the future planned roads. He agreed that the plan needed to show where the roads were going so they didn't landlock other properties and to take care of safety issues. He said that when the culdesac in Quincy Court came in, Pattersons argued against it because they thought the road should go through. That was in 2003. There was a lot of property in there and the City needed to decide on a good transportation plan. If the land was controlled by Pattersons, they needed to come in with a plat for the parcels and phase it.

Bobby Patterson said that Maurice Patterson was the owner of the life estate property. They couldn't do anything with that ground until he passed away. He said they wanted to get going on the development because the market was improving. They wanted a culdesac because those lots sold better. He said they could deed an easement on the Robert Patterson property. They had 90 feet of frontage that they would deed to the City. He asked if he would have to go back to concept if they phased the project. They wanted to move forward quickly.

Mayor Watkins said it needed to be done right even if it took more time.

F. River Meadows, Plat F – Garrett Seely – Minor subdivision: Jason Bond said the two-lot subdivision on Red Pine Drive had been to the Board of Adjustment and received a variance on the frontage. Utilities had been stubbed to the lots years earlier. The Planning Commission had reviewed the subdivision and recommended approval.

MOTION: Will Jones moved to approve the Garrett Seely minor subdivision with the conditions that it have an official name and meet the water policy. Troy Stout seconded. Ayes: 5 Nays: 0. Troy Stout, Will Jones, Roger Bennett, Kimberly Bryant and Lon Lott voted aye. Motion passed

G. Questar Plans for Pipe Line Improvements: Shane Sorensen said Questar planned to replace the 10-inch main line through town with a 12-inch high pressure gas main. The franchise agreement allowed them to use the City right-of-way. They planned to put more of the pipe line in the streets rather than through lots. He said Questar had fulltime people who took care of the public noticing. This item was for information only.

Mayor Watkins called for a five-minute break.

H. FEMA Map Update. This item was presented earlier in the meeting.

I. Box Elder, Plat E- Additional Language. Will Jones suggested this item be dealt with after the executive session. At the end of the meeting, the Council returned to open session but there was no discussion and no motion made on this item.

J. Fort Canyon "No Parking" signs: Because of the trash, vandalism, and general rudeness of the masses of people going up to Sliding Rock, the Council approved "No Parking" signs along Fort Canyon Road the previous year. The item had come up again for discussion.

Jan Braithwaite said she had lived in Alpine 13 or 14 years and walked in the canyon every day since they'd lived here. At first she had been opposed to making parking in the canyon illegal because she took her dog (who was blind) every day up there to walk and it would be an extra long walk from where she lived. But she had since seen

the need to restrict parking along there because of the problems. She suspected Meadowlark would be the next parking area if they banned parking in the canyon. She asked how it would be monitored.

Rich Nelson said they expected the residents would call Dispatch when cars were parked illegally along the road.

Terry Brown said he was concerned about the large family gatherings that took place in the homes up Fort Canyon. Would they be ticketed?

Rich Nelson said that if they notified the police that they were having a party, they wouldn't get ticketed. It was suggested later in the meeting that the residents have a sticker or something to hang from the rearview mirror indicating it was guest parking.

Becky Rasband said she was interested in seeing how the no parking would be enforced. There were parking restrictions at Burgess Park that were totally ignored. She said there were moms in SUVs parking in the red zone and whipping in and out. It wasn't even to drop off kids. They were parking there and watching the games. She was afraid they would have a dead child. If someone called, the officer showed up after the SUV was gone.

Roger Bennett suggested that parking enforcement be part of Jason Bond's code enforcement duty. Rich Nelson said the police didn't want them doing that.

Don Watkins said that the usage of Sliding Rock was probably going to be gone. He believed a solution was coming.

Will Jones said that eventually they would have a parking lot by the gate with restrooms and a trailhead for people who wanted to use the trails. There were 500 acres of open space in Three Falls. Their goal was to have trails that accessed the wilderness area. The Forest Service had said they would take it from there and continue access to First and Second Hamongog.

There was more discussion about providing legal parking tags for residents in Fort Canyon. The Council decided they would allow ten plus parking tags for residents. They would let them know they could pick them up at City Hall.

Jan Braithwaite asked if it would possible to allow offseason parking from November to March for those who used the canyon all year.

K. Accessory Apartments: The Council discussed the problem of people abusing the privilege of having an accessory apartment in their homes. The ordinance required the main part of the home to be owner occupied but there were some who rented both the main part of the home and the apartment which created a duplex. Duplexes were currently illegal in Alpine. Another problem was people renting their basements without a permit, which would mean they had not been inspected and may or may not meet the safety requirements.

Jane Greiner said there were older homes in her neighborhood where the owners rented the basement and probably didn't have a permit. Will Jones said there would be some liability to the homeowner if there was a fire and the renter couldn't get out.

Kay Lindow said he had an accessory apartment in his basement. It had been inspected and permitted but he'd never had anyone in there except family and never collected rent. He wanted to know why he had to pay the \$50 annual fee. He wanted to know if he passed away and his kids inherited it, could they use it as an apartment?

Mayor Watkins said that if the permit was not kept current, they would have to have it inspected when they wanted to rent it to make sure it complied with the current requirements.

There was a brief discussion about the difference between accessory apartments and mother-in-law apartments. Most apartments in Alpine would comply as a mother-in-law apartment, but not meet the definition of an accessory apartment which had more stringent building code requirements.

L. Crash Gates in Lambert Park: Mayor Watkins said that the road going up to Box Elder Drive from Moyle Drive had been made more passable since the fire but it was still to be used only as a secondary fire access road in emergencies. There was a concern that it would become a thoroughfare. He suggested the Council consider installing crash gates at the top of the road in Box Elder and at the bottom by Moyle Drive.

MOTION; Kimberly Bryant moved to install crash gates at the top of the road and at the bottom, making sure the police and fire can get through. Will Jones seconded. Ayes: 3 Nays: 2 Kimberly Bryant and Will Jones voted aye. Roger Bennett and Lon Lott voted nay. Troy Stout was not present at the time of the motion and Mayor Watkins voted aye. Motion passed.

VI. STAFF REPORTS: None

VII. COUNCIL COMMUNICATION: None

VIII. EXECUTIVE SESSION

MOTION: Will Jones moved to go to executive session to discuss litigation. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Will Jones, Kimberly Bryant, Lon Lott, and Roger Bennett voted aye. Troy Stout was not present at the time of the motion. Motion passed.

The Council adjourned to closed session at 9:42 pm.

The Council returned to open session at 10:22 pm.

MOTION: Kimberly Bryant moved to adjourn. Troy Stout seconded. Ayes: 5 Nays: 0. Motion passed unanimously.

The meeting was adjourned at 10: 22 pm.