

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 N. Main, Alpine, UT
February 11, 2020

I. CALL MEETING TO ORDER

The meeting was called to order at 7:00 pm by Mayor Troy Stout.

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

Mayor Troy Stout

Council Members: Jason Thelin, Greg Gordon, Carla Merrill, Lon Lott

Council Members not present: Judi Pickell was excused.

Staff: Shane Sorensen, Charmayne Warnock, David Church, Austin Roy, Chief Brian Gwilliam, Chief Reed Thompson

Others: Phil Ballif, Roger Whitby, David Gifford, Dick George, Sylvia Christiansen, Kelly Palmer, Mark Sutherland, Greg Wilding, Jane Griener, Rachel James, Roger Bennett

B. Prayer: Carla Merrill

C. Pledge of Allegiance: Lon Lott

II. CONSENT CALENDAR

A. Approve City Council minutes of January 28, 2020

B. Bond Release #3 – The Ridge at Alpine Phase II: \$100,815.35

C. Resolution No. R2020-03, 2019 Wastewater Planning Program Annual Report

MOTION: Lon Lott moved to approve the Consent Calendar. Greg Gordon seconded. Ayes: 4 Nays: 0. Motion passed.

Ayes:

Jason Thelin
 Greg Gordon
 Carla Merrill
 Lon Lott

Nays:

None

III. PUBLIC COMMENT:

Roger Bennett - 48 North 100 East. Mr. Bennett said he had a comment about the last City Council meeting where the Council voted to put a cell tower in the City Hall Park. He said that within five years of people moving into Alpine, President Brigham Young had asked the residents to set aside ground for recreational and public use, so the residents set aside this block where City Hall sat. It was the first block in Alpine. He said his family had lived in Alpine continuously for 100 years and across from this park for 92 years. He had grown up playing in the park. The Council had said they wanted to have open space and parks and wanted to maintain the historic feeling of Alpine, but those words rang hollow relating to the decision to put the cell tower in the park, which in no way reflected the history of Alpine. He asked if only the newcomers got to have the open space.

Sam Berry – 3948 W. Oakhill Drive. He said he lived in the new Box Elder Subdivision which was in the county but adjacent to Alpine. He said there was also an Oakhill Drive in Alpine and the addresses were getting mixed up. The only difference was that the numbering in the county was different. He said their subdivision was already on Alpine City water and sewer and they were hoping Alpine City would annex them so there would not be confusion with the addresses. If there was an emergency, it was critical that the first responders go to the right address.

Nancy Dixon 6919 N. Oakhill Drive. She said she lived in the same subdivision as Mr. Berry and had the same address confusion and the same concerns about safety. She said it would be advantageous to Alpine to annex their subdivision sooner rather than later so they could receive the revenue from property taxes and building permits.

Troy Stout said an annexation petition had been submitted some time ago, but it had lapsed.

David Church said property could be annexed by petition or with an agreement between the county and the city, which was a faster process, but the normal process was by petition, which required the signatures from a majority of the landowners and landowners who owned at least 1/3 of the taxed evaluation.

Shane Sorensen said the City had requested a street name change for Box Elder South to avoid confusion, but the county required a plat amendment to change a street name, which was more of a process. Mayor Stout said that whether the subdivision was annexed or not, the street name needed to be changed.

IV. REPORT AND PRESETATIONS

A. Past City Councilmember Recognition: This item was postponed.

B. Recognition of Rocky Mountain Power Foundation for Funding AEDs in Police Cars

Shane Sorensen said Fire Chief Reed Thompson and Police Chief Brian Gwilliam had worked together in seeking funding to equip the police cars with AEDs or automatic external defibrillator units.

Chief Reed Thompson said they had placed 15 AEDs in the police cars. Since the police were usually the first to arrive on the scene in an emergency, it made sense for the police to have them in the cars. In the event of a cardiac arrest, the survival rate dropped by 10% for every minute that passed so quick treatment was essential. He added that misplaced addresses were the highest cause of death in emergency calls. He said the AEDs were simple to use and could save lives. The funding was split three ways. The Lone Peak PSD got a grant from Rocky Mountain Power for \$2500. They also received funding from the Utah Bureau of Emergency Service. The cities of Alpine and Highland donated five units each.

Chief Brian Gwilliam said that they responded to about 30 cardiac arrests in a year. They would report back on the use of the AEDs.

C. Financial Report

Shane Sorensen said that he wanted to address the sign at Altabank under Financial Report since Kelly Palmer, the bank president, was there. He had met with her and another representative from the bank and discussed the options to make the situation with the sign safer. The least expensive option was to move the sign 36 feet to the south so there was less visual obstruction at the intersection of 100 South and Main Street. The bank would keep the same sign and orientation. The sign itself cost \$14,000. To relocate it would cost \$4,000. Since the sign did meet the ordinance, the City would participate in half the cost, which would be allowed by the Procurement Code. In addition to relocating the sign, the bank would lower it by removing a few layers of brick from the base along with some concrete. It was noticed that cars parked along the street further obstructed the view, so it was suggested they paint the curb red. The Council agreed to moving the sign to the south and painting the curb. The bank was also in favor of painting the curb. Shane Sorensen said staff would work on amending the sign ordinance to prevent similar problems in the future.

V. ACTION AND DISCUSSION ITEMS

A. Brookside Meadows Subdivision – Road Grade Exception

Austin Roy said the ordinance stated that the road grade at an intersection should not exceed 3%. The developer of the proposed Brookside Meadow subdivision requested an exception of a 5% grade. Staff recommended approval of the exception based on the following findings:

- The 5% grade design would reduce retaining walls which would benefit the City since the City would be responsible for maintenance on the walls;
- The sight distance outside the site triangle would be better due to less cut slopes;
- Due to low traffic volume, the need for vehicular storage area was not anticipated;
- The request fell within “generally accepted planning and engineering” as stated in the ordinance;
- The request did not “vary the zone, use or lot size of the development.”

The Planning Commission had reviewed the request and recommended approval of an exception.

MOTION: Lon Lott moved to approve an exception for the Brookside Meadows Subdivision for road grade at intersections from 3% to 5% based on the following:

1. The 5% grade design would reduce retaining walls;
2. The sight distance outside the site triangle would be better due to less cut slopes;
3. Due to low traffic volume, the need for vehicular storage area was not anticipated;
4. The request fell within “generally accepted planning and engineering” as stated in the ordinance;
5. The request did not “vary the zone, use or lot size of the development.”

Carla Merrill seconded. Ayes: 4 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	None
Greg Gordon	
Carla Merrill	
Lon Lott	

B. Brookside Meadows Subdivision – Final Plat Approval

Austin Roy said the Planning Commission had reviewed the final plat for the Brookside Meadows Subdivision which consisted of 15 lots on 13.06 acres with open space. It was located in the CR-20,000 zone at approximately 430 North 400 West. The lot sizes ranged from 0.31 acres to 0.63 acres. The Planning Commission recommended approval with a number of conditions.

Greg Gordon asked if there would be stop signs placed where it connected to Westfield Road. Shane Sorensen said he anticipated a 4-way stop.

MOTION: Jason Thelin moved to approve the Brookside Meadow final plat with the following conditions:

1. Remove existing buildings or include the removal of existing buildings in the bond;
2. Meet the water policy;
3. Provide escrow funds for a roadway preservation coat;
4. Provide a cost estimate for the development;
5. Address the redlines on the plat and plans including the 5% exception approved by the City Council.

Lon Lott seconded. Ayes: 4 Nays: 0 Motion passed

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	None
Greg Gordon	
Carla Merrill	
Lon Lott	

C. Short-term Rentals: Ordinance No. 2020-02 Prohibiting Short-term Rentals Ordinance No. 2020-04 Permitting Short-term Rentals with Regulations

Austin Roy said the issue of short-term rental had been reviewed by the Planning Commission several times and public hearings were held on both ordinances, one to prohibit and one to approve and regulate. He said there were already about 30 or 40 short-term rentals in Alpine as indicated by research. The City had received complaints about one them, but it had since been sold. There were no complaints on the other short-term rentals.

Ordinance No. 2020-02 would prohibit them entirely. Ordinance No. 2020-04 would allow them but regulate such things as parking requirements, ownership, size, etc.

The Planning Commission had recommended approval of Ordinance No. 2020-02 to prohibit them. Their primary concern was that allowing short-term rentals would cut into the availability of moderate income housing in Alpine since many people had accessory apartments which counted toward meeting the moderate income housing requirement. The Planning Commission was concerned that people would turn those apartments into short-term rentals in order to make more money off them.

Planning Commission Chairman Jane Griener said they were also concerned about the effect of short-term rentals on the neighborhoods and how it would affect the value of the homes. No one expected a business to be operated next door when they bought a home. Other people were concerned about safety. One individual with young children didn't like the idea of different people occupying the home next to his family every week. Ms. Griener said that if the City did decide to allow them, they should increase the fine for a violation. A fine of \$50 a day was not very effective when a landlord could make \$1000 a day.

David Church said there were limitations on what fine could be imposed. They would have to look at whether it would be a criminal penalty or a civil fine. He added that cities could not make a profit off business licenses according to the state code. Cities could collect a 1% transient room tax on short-term rentals.

Greg Gordon asked about the current regulation on short-term rentals. David Church said the City had interpreted Alpine's ordinance to say short-term rentals were not allowed, but it had been challenged by those who said it was ambiguous. Staff drafted a new ordinance to clean up the definition and specifically prohibit Airbnbs. But even if the city prohibited them, the state law said the cities could not cite someone who advertised an Airbnb on the internet.

Lon Lott said he been reading about other cities' experiences with allowing them. Helper said it was the best thing they done; they no longer had complaints because of the clear guidelines, and they had been able to control them since enforcement had been a big problem.

Dick George – Bald Mountain Circle. He said that Alpine was a big culdesac. It was not a destination point and he'd didn't see a large demand for Airbnbs in Alpine. He said he had an 82% occupancy rate in his short-term rental which was the upstairs portion of his home. He had two bedrooms, each with its own bathroom and charged between \$30 to \$40 a night for each room.

Sylvia Christiansen said the biggest complaint she'd heard in the public hearing about short-term rentals was that they brought instability to a neighborhood. People wanted to have the same neighbors all the time.

Jason Thelin said that what Mr. George was doing didn't hurt the city. But if they started taking accessory apartments out of the long-term rental pool, it could affect the moderate income housing.

Greg Gordon said that having an Airbnb would increase the value of a home. A lot of the problem came down to enforceability. At present, there probably wasn't a big demand for short-term rentals in Alpine, but if there was access to the ski resorts by way of American Fork Canyon, that could change.

Carla Merrill said she didn't see short-term rentals as a big revenue source for the city. All the income would go to managing it. There were also safety issues. With a long-term rental, people had to register if they were a sex offender, but they didn't have to register to stay at an Airbnb. She felt it would be easier not to allow them at all.

Lon Lott said the other cities he spoken with said they had a positive experience with the short-term rentals because they hadn't been able to enforce it in the past. Allowing and regulating them changed that. He said that Alpine

hadn't been able to enforce the prohibition against Airbnbs in the past. Would it be any different if they adopted an ordinance that specifically prohibited them?

Austin Roy said code enforcement worked on a complaint basis. When the code enforcement officer got a complaint about an Airbnb and went to a house, he was often told that they just had lots of friends and family visiting from out of town.

Jason Thelin wondered if they could have something that allowed the rental of a room but not an accessory apartment, so it didn't take away from the moderate income housing. Maybe they needed to finetune the ordinance.

David Church said the benefit of passing an ordinance to allow them was that there was something the city could do if they were out of compliance such as revoke their license. When they were all illegal, there wasn't much recourse.

No action was taken on either ordinance. The Council indicated they would like to look at the owner-occupied requirement and wait until they had a full council to make a decision.

David Church said the Airbnbs were currently allowed in the commercial zone which allowed motels, etc. If the Council adopted the ordinance to prohibit them, they'd have to decide if they wanted to also disallow them in the commercial zone.

D. Ordinance No. 2020-03 – Floodplain Ordinance Update

Shane Sorensen said the City had received a new floodplain map about 3 years ago. Since that time, FEMA had completed all the flood plain updates for the county. Alpine City's map had not changed from what was adopted three years ago, but they received a letter from FEMA notifying them that the City needed to update the ordinance to be current with the county. This ordinance would also allow the map to be automatically updated and approved when FEMA did updates.

MOTION: Jason Thelin moved to approve Ordinance 2020-03 updating the Floodplain Map. Carla Merrill seconded. Ayes: 4 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	None
Greg Gordon	
Carla Merrill	
Lon Lott	

VI. STAFF REPORTS

Chief Reed Thompson

- He'd met with both city managers to work on the preliminary budget for fire department.
- He reported that PURPLE was moving much of their staff out of their building on 200 North which would alleviate some of the safety concerns about the building such as the sprinkler system.

Austin Roy

- A requirement for stealth towers was in the 2012 ordinance but had been removed.
- He had spoken with Draper City regarding an emergency road connection for Blue Bison and apparently there was some discrepancy in what Blue Bison had told Alpine.

Shane Sorensen

- Verizon was willing to pay \$1600/month with a 10% increase every five years to rent space for their cell tower. T-Mobile paid \$29,000/year with a 3% yearly increase. He asked if that amount was acceptable to the Council. It would be dealt with on a future agenda.

- Residents were complaining that the snowplow drivers were leaving snow in their driveway. He explained that the guys were working 70 hours a week to push snow and it was a difficult job. Culpdesacs were tough and were the last to be plowed.
- There was the possibility of a bill in the state legislature that would penalize councilmembers for voting against a development project that met the ordinance.
- They would be looking for a new city attorney and could either send out an RFP or RFP by invitation.
- He had emailed the Council the TSSD update. There would be a TSSD report at the following meeting.

VII. COUNCIL COMMUNICATION

Mayor Stout

- He reported that Primary Children's Hospital was building a new hospital in Lehi which would provide almost every service available in Salt Lake. It would be a five-story tower. The expected completion date was 2023.
- UVU was building an overpass over I-15 to connect the housing to campus. It would be a pedestrian overpass.
- They were looking to expand the open space by the Dry Creek trailhead.

Carla Merrill asked about the abandoned garage on Healey Boulevard. Shane Sorensen said that the Code Compliance Officer was investigating it.

Greg Gordon said other communities had set a bounty on goat head stickers to get them off the ground. That might be something worth looking into.

VIII. EXECUTIVE SESSION

MOTION: Lon Lott moved to go into Executive Session for the purpose of discussing litigation. Greg Gordon seconded. Ayes: 4 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	None
Greg Gordon	
Carla Merrill	
Lon Lott	

The Council went into closed session at 9:30 pm

The Council returned to open meeting at 10:00 pm.

MOTION: Lon Lott moved to adjourn. Carla Merrill seconded. Ayes: 4 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	None
Greg Gordon	
Carla Merrill	
Lon Lott	

The meeting was adjourned at 10:00 pm.