

**ALPINE CITY COUNCIL MEETING**  
on Tuesday, October 10, 2023

Mayor Pro Tem Lon Lott called the meeting to order at 6:00pm. He excused Mayor Carla Merrill from the meeting.

**I. CALL MEETING TO ORDER**

- A. Roll Call:** The following were present and constituted a quorum. Those at the anchor location Greg Gordon, Jason Thelin, Mayor Pro Tem Lon Lott, and Jessica Smuin joining via zoom. Excused Councilman Kelli Law.
- B. Prayer:** Greg Gordon
- C. Pledge:** Jason Thelin

**Staff:** Shane Sorensen, Ryan Robinson, Steve Doxey, Chief Brian Patten, and Bonnie Cooper

**Others:** Brent Rummmler, Pamela Pamela, Doug Ogden, Dave Sanderson

**II. CONSENT CALENDAR**

- A. Approve City Council minutes of September 26, 2023**
- B. Bond Release No. 1, Jecco Farms: \$40,910.40**
- C. Partial Payment No. 1, Burgess Park Trail Rehab Project – SMM Excavation: \$149,759.22**
- D. Partial Payment No. 3, Grove Drive Realignment Project – SMM Excavation: \$263,608.61**
- E. Final Payment, 2023 Overlay Project – Morgan Asphalt: \$1,015,654.52**

**Motion:** Greg Gordon moved to approve the Consent Calendar with the corrections and adjustments made to the minutes of September 26, 2023, made by Lon Lott and himself. Jason Thelin seconded the motion. There were 4 yes votes, 0 no votes, and 1 excused as recorded below. The motion passed unanimously.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Lon Lott		Kelli Law
Greg Gordon		
Jason Thelin		
Jessica Smuin		

**III. PUBLIC COMMENT**

No Public Comments were made.

**IV. REPORTS AND PRESENTATIONS**

**A. FY2023 Annual Financial Audit Report – Greg Ogden**

Mayor Pro Tem Lon Lott welcomed Utah State Auditor Greg Ogden and Alpine City Accountant Dave Sanderson to the meeting. Greg Ogden reported:

1. **Audit Findings:** The audit report begins with the good news that there were no audit findings indicating that the city's financial records are in order.
2. **Positive Financial Indicators:** The presentation highlights the increase in net position for both governmental and business-type activities, indicating that the city is bringing in more revenue than it is spending.
3. **Operating Income:** The presenter points out that in some business-type activities, there were operating losses, specifically mentioning the need to monitor these losses to ensure they don't persist.
4. **Cash and Cash Equivalents:** It's noted that all business-type funds increased in cash and cash equivalents, even if some had operating losses. This is a good indicator of financial management.
5. **Low Debt Levels:** The presentation commends the city for having low levels of debt, with only one outstanding bond, which will be fully repaid by 2030.

He thanked City Administrator Shane Sorensen, Mayor Carla Merrill, and the city staff for all their help with the audit. He said he appreciates Dave Sanderson getting his part of the report done early.

## B. Financial Report

Shane Sorensen said not too much has changed since the last financial report. Shane Sorensen provided the following:

1. **Current Financial Status:** Larger changes are expected in the next month, particularly due to payments related to projects such as overlays and the Grove Drive project.
2. **Salaries and Wages:** Shane highlights that salaries and wages under the Administration section are slightly higher than the budget year's 25% mark. This may indicate a need for further review to ensure accuracy.
3. **Operating Income and Net Income:** There's a brief discussion regarding operating income and net income. The net income is presented as a more informative indicator, and it appears to be in a positive range.
4. **Impact Fees and Utility Rates:** The need to review sewer and culinary water user rates is mentioned, along with expectations of changes due to projects and growing expenses.
5. **Debt and Generational Debt:** Dave Sanders touched on the low level of debt in the city. While some consider low debt a good thing, Dave Sanders suggests that generational debt is favorable for governments because it spreads the costs over a longer period.
6. **Fire Department Expansion and Bonding:** Jason Thelin inquired about the progress on bonding for the fire department expansion. Shane indicates that the process is forthcoming but was delayed due to fluctuating interest rates. The importance of having bonds with flexibility is also discussed.
7. **Impact of Large Projects:** The discussion emphasizes that large projects like water, street, and the firehouse can significantly impact the net position and should be considered when evaluating the city's financial status.
8. **Salaries and Wages:** Shane Sorensen mentions that not much has changed in the current financial report, but larger changes are expected in the next month, particularly due to payments related to projects such as overlays and the Grove Drive project. He said that salaries and wages under the Administration section are slightly higher than the budget year's 25% mark. This may indicate a need for further review to ensure accuracy.
9. **Impact Fees and Utility Rates:** There will be need to review sewer and culinary water user rates is mentioned, along with expectations of changes due to projects and growing expenses.
10. **Debt and Generational Debt:** The discussion touches on the low level of debt in the city. While some consider low debt a good thing, Mr. Sanderson suggested that generational debt is favorable for governments because it spreads the costs over a longer period.
11. **Fire Department Expansion and Bonding:** Jason Thelin inquired about the progress on bonding for the fire department expansion. Shane Sorensen indicates that the process is forthcoming but was delayed due to fluctuating interest rates. The importance of having bonds with flexibility is also discussed. Large projects like water, streets, and the firehouse can significantly impact the net position and should be considered when evaluating the city's financial status.

## V. ACTION/ DISCUSSION ITEMS

### A. Ordinance 2023-24: Amendment to Alpine City Development Code Section 2.23.060 to Include a Requirement for Detached Accessory Structures to Have an Agreement that the Structure Will Not be Used as an Accessory Apartment.

City Administrative Assistant/City Planner Ryan Robinson said the proposed code amendment is designed to address issues related to detached accessory apartments in Alpine City, as required by Utah State Code 10-9a-530. The city currently allows accessory apartments that are attached to the main dwelling, such as in basements or attached garages. However, detached structures are not allowed to have accessory apartments.

Recent site plan reviews have revealed applications for detached structures that contain facilities meeting the definition of an apartment. When these applications are submitted, they do not comply with the city code, and the plans are returned for revisions. Once the required edits are made to align with the code, the city is obligated to approve the plans. However, some of these approved structures are later converted into living quarters, which is not in accordance with the code.

To address this issue, city staff is proposing to add language to the development code that requires an agreement for detached structures. This agreement, once signed, will be recorded with the County Recorder's office. It serves to enforce the standards and informs property owners that converting detached structures into living space is not allowed. The agreement includes a provision indicating that if the city ever allows detached apartments, the agreement will become void.

The Planning Commission reviewed this code amendment and held a public hearing on the matter. The discussion focused on the pros and cons of detached accessory apartments and facilities that would make an apartment livable. The Planning Commission recommended specific language changes, primarily removing the description of what constitutes an apartment in the code section and adding it to the agreement. These changes have been incorporated into the attached draft.

The proposed code amendment aims to bring clarity and enforce the city's standards regarding detached structures and accessory apartments. The staff recommends reviewing the proposed language for compatibility with the general plan, current city code, and policies. Additionally, the staff recommends aligning the code with State Code 10-9a-530, which pertains to internal accessory dwelling units. This involves moving the section of the code regulating accessory apartments to a newly created section titled "3.14-Accessory Apartments" and deleting Alpine Development Code 3.23.060 #1. State code requires internal accessory apartments to be permitted uses rather than conditional uses. These changes aim to ensure compliance with state regulations and to provide clarity regarding detached accessory apartments.

The City Council discussed an amendment to the Alpine City Development Code related to accessory dwelling units (ADUs) and accessory apartments. Here's a summary of the key points:

- Some council members expressed concerns about specific language, such as appliances being permanently fastened, feeling it might be overly restrictive.
- The intention behind this language was to prevent homeowners from making permanent structural changes to a detached structure to turn it into an apartment.
- The city has had difficulty enforcing the regulations in the past, especially when homeowners convert structures to apartments without following the code.
- This amendment provides a tool for enforcement, ensuring property owners are aware of the restrictions and aiding in compliance.

**Motion:** Jason Thelin moved to approve Ordinance 2023-24 to amend Alpine Development Code Section 3.23.060 to require an agreement for detached structures to not allow them to be used as an accessory apartment. Greg Gordon seconded the motion. There were 4 yes votes, 0 no votes, and 1 excused as recorded below. The motion passed.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Lon Lott		Kelli Law
Greg Gordon		
Jessica Smuin		
Jason Thelin		

**B. Resolution No. R2023-33: Update to the Consolidated Fee Schedule for Appeal Hearings and Variances.**

Ryan Robinson said the city is proposing adjustments to fees related to variance and land use appeal applications. These adjustments are based on the evaluation of the time and resources invested in processing these applications and a comparison with fees charged by other similar communities. Over the past year, there has been an increase in the number of variance and land use appeal applications, which has prompted a review of the associated fees. The proposed fee changes are as follows:

- Variance Hearing: The fee for a variance hearing would increase from \$200 to \$500.

- Appeal Hearing: The fee for an appeal hearing would increase from \$200 to \$750.

Other neighboring cities of similar size fees for variance and appeal hearings are as follows:

- Highland: \$500 for variances, \$1,500 for appeals
- Lindon: \$500 for variances, \$250 for appeals
- Mapleton: \$175 for both variances and appeals
- Draper: \$500 for both variances and appeals
- Santaquin: \$200 for both variances and appeals
- Pleasant Grove: \$300 for both variances and appeals

The proposed fee adjustments are intended to reflect the time and resources required for processing these applications and to bring them more in line with the fees charged in other municipalities.

**Definition of Terms:**

- Variance: A variance is a modification of a zoning requirement made necessary because some unique aspect of a parcel makes the requirement burdensome or unfair. Variances may be granted to adjust zoning standards such as setbacks or height limitations. Local governments have the authority to grant variances, as authorized by the Utah Code. Variances provide flexibility to adjust zoning regulations for specific properties when necessary.
- Appeals from Land Use Decisions: A land use appeal refers to a process by which a party challenges a decision made by a local government regarding the use of land. This could involve disputes over zoning regulations, development permits, or other land use issues. The appeal process allows individuals or entities to request a review of the decision, often through a specified administrative or judicial procedure.

The staff recommends reviewing and approving Resolution R2023-33, which adopts updated fee rates for variances and land use appeals in the consolidated fee schedule. This action aims to ensure that the fees appropriately reflect the costs and resources associated with processing these applications and align with fees in neighboring communities.

The council agreed with the proposed changes to the consolidated fee schedule.

**Motion:** Greg Gordon moved to approve Resolution No. R2023-33 adopting updated variance and land use appeal fee rates in the consolidated fee schedule. Jason Thelin seconded the motion. There were 4 yes votes, 0 no votes, and 1 excused as recorded below. The motion passed.

<u><b>Yes</b></u>	<u><b>No</b></u>	<u><b>Excused</b></u>
Lon Lott		Kelli Law
Greg Gordon		
Jessica Smuin		
Jason Thelin		

**VII. COUNCIL COMMUNICATION**

**Chief Brian Patten**

Chief Brian Patten reported that all fire crews are back home. He said his fire crews were deployed 80 days of the Summer, 70 days deployed is the usual average.

**Ryan Robinson**

Ryan Robinson discussed issues involving the fruit stand on Alpine Highway, operated by Derek Rowley at the old location vs. the new location.

- The Planning Commission has concerns about the fruit stand's compliance with conditions outlined for their conditional use permit.

**Main Discussion Points:**

- There have been discussions over several months related to the fruit stand, particularly about not being in compliance with its Conditional Use Permit (CUP) by having on-street parking and will likely continue to be so at its new location.
- The CUP was issued for their new building, but they also operated at their old location this year, which added to traffic concerns.
- Conditions for the conditional use permit include putting up signs to direct traffic to the parking lot and getting permission for painting curbing or installing no parking signs.
- The Planning Commission is concerned that these conditions were not consistently met.
- The commission wants to recommend revoking the conditional use permit, but it's the City Council's authority to make that decision.
- There is a concern about parking at the new location, which may not meet the city's parking ordinance.
- Some council members express support for the business and suggest that it's thriving because of its success.
- There's a discussion about working with the owner to address the issues rather than revoking the permit.
- The Planning Commission wants the issue to be placed on the agenda for a future meeting for further discussion.

**New State Subdivision Code:**

The new subdivision code from the state is in place. If any of the council has questions about the changes please reach out to Ryan Robinson.

**PARC Tax**

Pamphlets are ready to go out. At the next City Council meeting we will have a work session to answer any questions from council and the public.

**Shane Sorensen**

Shane Sorensen gave the following update on projects throughout the city:

1. **Grove Drive Project:** The Grove Drive project is progressing well. The power company executed a planned shutdown to transfer power lines. Paving is expected to begin around October 24th.
2. **Temporary Closure of Lambert Park Road:** Due to the challenging construction environment on Grove Drive, there is a proposal to temporarily close the Lambert Park Road to through traffic to expedite construction. It is suggested that temporary stop signs be placed at trail crossings for safety. The closure is anticipated to last for approximately one week. Jason Thelin suggested that staff needs to push our contractors to get projects done quickly.
3. **Communication with Residents:** The city will communicate clearly with residents about the temporary closure of Lambert Park Road, including the installation of stop signs and a possible temporary reduction in speed limits. This will ensure that residents are aware of the situation and can plan accordingly.
4. **Burgess Park Trail:** The Burgess Park Trail is scheduled to be paved next week. This project is expected to enhance the park and improve its overall appearance.
5. **Citywide Updates:** Other topics covered include updates on the water situation, discussions on sewer ordinances, two referendums received on Lambert Park, and the plan for the Bonneville Shoreline Trail along Grove Drive. Additionally, part-time job descriptions have been finalized, and a new employee will soon join the team.
6. **Pressurized Irrigation**  
PI will be shut of October 15<sup>th</sup>
7. **Overlay Project**  
The overlay project is complete, and stripping is almost finished.
8. **Power Company and Utility Issues:** There was an issue with the power company needing to make major repairs due to unmarked utilities. The discussion also touched on the benefits of having a second feed of power to an area and the importance of a loop system for utilities.
9. **City Profitability from Water Usage:** Despite relatively wet weather, the city's water profitability has been excellent, with profits of nearly \$300,000. There is a discussion about how this profitability could increase with higher water usage.

10. **Feedback and Input from Residents:** The importance of maintaining good communication with residents, addressing their concerns, and educating them about various city projects, challenges, and repairs is highlighted.

11. **Parks**

On November 1<sup>st</sup> staff will begin winterizing bathrooms throughout the city’s parks.

**Greg Gordon**

Greg Gordon brought up issues related to short-term rentals within the city. The following key points were discussed:

1. **Number of Short-Term Rentals:** Greg Gordon estimates that there may be up to 40 short-term rentals in the city operating against ordinances and state laws.
2. **Difficulty in Enforcement:** Enforcing restrictions on short-term rentals has been challenging due to changes in state laws and the rise of online platforms, making it hard to prosecute or monitor these rentals.
3. **State Pilot Program:** There is a state pilot program that allows a limited number of homes for short-term rentals, but it also offers a framework for easier prosecution and tax collection. The city needs to consider whether to participate in this program.
4. **Action Taken:** Some residents have reported short-term rental issues, and the city has responded by sending warning letters. However, enforcement remains a challenge.
5. **Resident Concerns:** Residents living near short-term rentals have expressed concerns about disturbances, noise, and other issues caused by guests.
6. **Enforcement Options:** City Council members discuss potential enforcement options, fines, and liens on properties, while also considering the difficulties in catching those who violate short-term rental regulations.
7. **Future Actions:** The council members express the need for clarity in how to enforce short-term rental regulations and request a document outlining the enforcement process that can be shared with residents.
8. **Possible Work Session:** A work session is suggested to further discuss this issue, along with the recent legislative changes that might affect it.

The discussion highlights the challenges posed by short-term rentals, including difficulties in enforcement and their impact on the community. The council is interested in exploring enforcement options and providing clear guidelines for residents.

Jessica Smuin left the meeting because she lost the zoom connection.

**VII. EXECUTIVE SESSION:**

No executive session was held.

**Motion:** Greg Gordon moved to adjourn. Jason Thelin seconded the motion. There were 3 yes votes, 0 no votes, and 2 excused as recorded below. The motion passed unanimously.

<u><b>Yes</b></u>	<u><b>No</b></u>	<u><b>Excused</b></u>
Lon Lott		Kelli Law
Greg Gordon		Jessica Smuin
Jason Thelin		

Adjourned at 7:23 pm