

**ALPINE CITY COUNCIL MEETING**  
**Alpine City Hall, 20 N. Main, Alpine, UT**  
**October 23, 2018**

**I. CALL MEETING TO ORDER:** The meeting was called to order at 7:00 pm by Mayor Troy Stout. The following were present and constituted a quorum:

**A. Roll Call**

Mayor Troy Stout

Councilmembers: Jason Thelin, Carla Merrill, Lon Lott, Ramon Beck

Councilmembers not present: Kimberly Bryant

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

Others: Kelly Palmer, Dale Buxton – Bank of American Fork, Stephan Neelman, Gale Rudolph, Mike Russon, Heidi Ainge, Paul Kroff, Breezy Anson, Rob Burgess, Cori Russon, Mike Russon, Sherrie Mehl, Will Jones

**B. Prayer:** Troy Stout

**C. Pledge of Allegiance:** Lon Lott

**II. CONSENT CALENDAR**

**A. Minutes of the City Council meeting of October 9, 2018**

**MOTION:** Lon Lott moved to approve consent calendar. Carla Merrill seconded. Ayes: 3 Nays: 0. Ramon Beck was not present at the time of the motion.

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

**III. PUBLIC COMMENT**

Sherrie Mehl – 149 N. 300 E. Ms. Mehl said she had a statement she wanted to make about Alpine Days which she read to the Council. Basically, her statement was that while she appreciates all the time and work that goes into Alpine Days, she wishes it would return to a more hometown type celebration that it was a few years ago. The statement is included at the end of the minutes.

**IV. REPORTS and PRESENTATIONS**

**A. Financial Report:** Shane Sorensen presented the financial report. He said the sale tax revenue typically lagged and there were some items under seasonal parks employees and the PI fund that needed to be corrected. Expenses for the PI meter replacements were incurred earlier but the reimbursement grant was not received until recently. They had just received the first reimbursement check of \$330,000 but it was not reflected in the current finance report. The reimbursement would bring it back into balance. He said everything else was in line for where it should be for that time of year.

**V. ACTION/DISCUSSION ITEMS**

**A. Setback Exception Request – Gateway Historic & Business Commercial Zone – Bank of American Fork:** Mayor Stout said they would move this item down farther on the agenda until Ramon Beck could participate.

**B. The Ridge at Alpine Subdivision, Phase I – Final – Paul Kroff:** Austin Roy said Phase I consisted of 9 lots ranging in size from 0.46 acre to 3.15 acres on approximately 133.68 acres. They were proposing 123.74 acres of private open space within that acreage. The project was a PRD located in the CR-40,000 zone, which allowed varying lot sizes. The developer had not requested increased density.

The Planning Commission had reviewed the subdivision and made a motion to recommend approval, but their motion did not pass. They had three ayes and two nays. According to Alpine City ordinance and state code, a quorum of aye votes was required for a motion to pass. A quorum for Alpine City's Planning Commission, which has seven members, would be four.

City Planner, Austin Roy, reviewed the issues with the proposed subdivision.

1. The first issue that needed to be resolved was the variable speed pump that was required for the development. Shane Sorensen said city staff was still trying to decide what would work best.
2. A secondary access would be required for Phase I. The fire chief had approved a temporary connection from Elk Ridge Lane to Grove Drive as the secondary access, which would need to be maintained and have an all-weather surface. Shane Sorensen said part of the road was paved and the rest was gravel. David Church said that since it was temporary and not a dedicated road, the developer would need to maintain it and it would need to remain open and accessible. Paul Kroff said it would not be gated. David Church said the Annexation Agreement required dedication of the right-of-way for the secondary access in the first phase.
3. There had been a question about the elevation of lot 72 in relation to Deer Crest Court in Heritage Hills. Austin Roy said lot 72 had an elevation of 5340 feet which was about 100 feet higher than Deer Crest Court which was 5230 feet. He said the Planning and Zoning staff had an issue with lot 72 which did not meet the scenic intent and clustering requirements for a PRD.
4. The trail head was located at the beginning of the road up to lot 72 and was adjacent to another building lot. There would need to be some kind of screening between the trailhead parking lot and the adjacent lots. A park was planned in another phase which would also need screening between it and adjacent lots.
5. Lot 70 had double frontage but could be accessed only from the culdesac.
6. There were a number of engineering issues. Austin Roy said most of the redlines had been addressed.
7. The Grant residence would need to be demolished along with the sewer/septic system. Proper documentation would need to be provided.
8. The developer would need to meet the water policy with Alpine Irrigation water shares.
9. The developer would need to provide cost estimates for offsite improvements and provide funds to the City to cover the cost of the future improvements on Grove Drive.
10. The retaining wall on lot 72 did not meet current engineering standards and would need to be addressed. Staff determined it was not structurally sound and would need to come down. There were already erosion problems with it.
11. Trail alignment.

### **Discussion on trails**

Paul Kroff said they had gone out and flagged the trails and determined that the proposed trail was not going to work. The biggest challenge was the steepness of the ground. A different alignment was proposed which was more moderate and could be a two-way trail. It would be closer to some of the lots but there was a lot of scrub oak which could provide some privacy.

Breezy Anson from the Trail Committee was invited to present information from the trail committee. He reviewed his experience of walking the trails and showed on the map where the trails would be located. There was a lengthy discussion about the trails and what the Council would and would not accept. The City needed a letter from the trail committee signing off on the trail alignment in the subdivision.

Troy Stout said the trail committee had determined that the trail through the conservation easement wasn't very usable and was willing to abandon it in exchange for getting what they wanted on other trails. David Church said they would need to amend the conservation easement to reflect that, and it should be included in the motion.

Shane Sorensen noted that trail easements needed to be shown on the plat as 20 feet wide rather than 10 feet, and deeded in fee simple to the City.

### **Discussion on private open space**

Jason Thelin asked if the Council could change the terms of the private open space agreement later on if they needed to. David Church it could be done only with the cooperation of the entity that owned it, which would most likely be the HOA.

The attorney for the Ridge at Alpine said the HOA would be obligated to enter into covenants for the private open space that would be similar to the covenants in the conservation easement.

Jason Thelin said he was concerned that if there was fencing in the private open space, it would interfere with the trail. He wanted to know how the open space would be used?

Paul Kroff said it was their intent that fences would be pulled in so they did not intersect the trails.

Jason Thelin said he didn't think it had been the Council's intent that the private open space could be used for grazing when they approved it as private. There followed a discussion about grazing rights in the private open space. Mr. Thelin questioned if other members of the HOA would be okay with one member using the open space for grazing. He said he felt that grazing, fencing, motorized vehicles, shooting and trapping should be prohibited in the private open space.

### **Discussion on lot 72**

Lon Lott said lot 72 had always been a concern. It was discussed in the minutes of September 2016 when they got a new concept plan. The purpose of a PRD was to move larger lots up onto the hill in order to have less density higher up, and lots were to be clustered. He recalled Paul Kroff saying that if the development plan met the ordinance they had a right to build lot 72. Lon Lott said the lot concerned him. He didn't feel it met the intent of the PRD.

Austin Roy read the definition of a cluster. He said the interpretation by staff was that homes were to be kept together to keep the open space open.

Carla Merrill said she didn't like lot 72. She did not feel it was in line with the PRD or Open Space ordinances where the intent was to preserve the viewscapes and natural ridgelines. She said lot 72 destroyed all that.

Jason Thelin said he used to be opposed to lot 72 but believed they could work with it.

The attorney for the Ridge at Alpine said he did not believe Alpine City's ordinance had specific criteria to prohibit the lot. The ordinance stated that lots needed to be clustered, not the houses, and the lot itself was clustered with the other lots. If some aspect of an ordinance was unclear and went to court, it was interpreted in favor of the landowner. The area where the house would be located was identified as an area suitable for development.

Carla Merrill said she would be okay with lot 72 if the developer agreed to connect the trails. Paul Kroff said they would do that.

**MOTION:** Jason Thelin moved to approve the Final Plat of Phase I of The Ridge at Alpine with the following conditions:

1. Lot 72 be allowed as platted
2. Prior to recordation, the developer work with the Trail Committee to lay out an acceptable trail plan.
3. The center trail will be eliminated
4. The trails on the east and west will be included in the plan.
5. If any portion of the west trail is outside of subdivision boundaries, appropriate easements will be need to be obtained from those property owners.
6. The developer will build the trail connecting to the trail in the North Point subdivision
7. The Conservation Easement be amended to show abandonment of the trail in the Easement.
8. Comply with the conditions of the Development Agreement.
9. Use of the private open space will be restricted; motorized vehicles, shooting, trapping, and fences will be prohibited.

10. Record a Conservation Easement for the private open space.
11. The retaining wall along the driveway to lot 72 will be taken down and a new wall will be engineered and built to Alpine City standards.
12. Water and sewer easements be included on lot 72.
13. The variable speed pump will be built with Phase I.
14. The developer shall provide screening between the parking lots and residential areas.
15. The easement for the trails shall be shown as 20 feet instead of 10 feet.
16. Acquire an approved demolition permit for the demolition of the Grant house and septic system, and provide documentation.
17. Provide funds for the Grove Drive improvements.
18. Lot 70 will have no access from Elk Ridge Lane.
19. Provide alternate addresses for lots 68 and 69.
20. Lot 64 will have no access onto Elk Ridge Lane because of the detention pond.
21. Address all redlines on the plat and construction drawings.
22. Meet the water policy with Alpine Irrigation Company water shares.
23. Provide an engineer's cost estimate for all of Phase I construction items.
24. Easements for trails and ponds be shown on the plat.

Lon Lott seconded. Ayes: 3 Nays: 1 Motion passed. Lon Lott voted nay stating that he disagreed with the limitation on fencing.

Ayes

Jason Thelin  
Ramon Beck  
Carla Merrill

Nays

Lon Lott

**Setback Exception Request - Bank of American Fork:** Shane Sorensen said this item was voted on at the previous meeting of October 9<sup>th</sup>, but they were bringing it back because there had been some confusion about what was being asked for and what was approved. Since that time, the architect provided an updated drawing on the proposal, which was more clear.

Austin Roy said the bank was proposing to build a new building on the same site occupied by the old bank. The difference was that they were proposing to angle the building, which would improve the sight triangle on the corner of Main Street and 100 South, and also move the drive-through service farther back from the street which would also improve safety. The bank also wanted to keep the three parking spaces which were currently in the setback. They would need an exception to the setbacks and an exception for parking in the setback. He said the ordinance allowed the City Council to approve exceptions in the Gateway Historic zone if they found that the exceptions would better implement the design. The setbacks would be 10'2" on the north and 20'10" on the west as measured one foot behind the sidewalk.

Shane Sorensen said staff recommended approval of the exception to the setbacks and parking because they would improve safety.

Kelly Palmer, Branch Manager of the Alpine Branch of the Bank of American Fork, said they had debated whether or not to remodel the existing building or tear it down and build a new one. The advantage of building a new one was that they could address the safety issues associated with the sight triangle and the drive-throughs. If they simply remodeled, the problems would remain.

**MOTION:** Lon Lott moved to approve an exception to the setback requirements for the Bank of American Fork as shown on the drawing with a setback of 10'2" on the north and 20'10" on the west as measured one foot behind the sidewalk, and allow on exception for three parking spaces in the setback. Ramon Beck seconded. Ayes: 3 Nays: 0. Motion passed.

Ayes

Ramon Beck

Nays

Jason Thelin

Carla Merrill  
Lon Lott

**C. Sale of City Property – 0.43 acres at the corner of Canyon Crest Road and Ridge Drive.** Shane Sorensen said this was an item the City had looked at earlier in the year. The Planning Commission held a public hearing on February 6, 2018 as required by ordinance. The City Council discussed the request at their meeting of February 27th and decided to request bids from neighboring property owners. There was only one bid, which was from Steve Neelman for \$27,500. Shane Sorensen said there would need to be a stipulation that the property could not be combined with other property to create a building lot. The property contained a storm drain easement which the buyer could relocate if he chose to. The City would retain the corner to preserve the sight triangle and as the location specified for temporary signs.

Jason Thelin asked if they City could keep a little more ground to increase the sight triangle. Mr. Neelman said he would be fine with that. It was suggested they include the storm drain box on the city property.

**MOTION:** Carla Merrill moved to approve the sale of the property located at the corner of Ridge Drive and Canyon Crest Road to Steve Neelman for \$27,500.00 but adjust the property line so it was south of the storm drain box. Ramon Beck seconded. Ayes: 4 Nays: 0.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	None
Ramon Beck	
Carla Merrill	
Lon Lott	

**D. Ordinance No. 2018-09 Amending Article 4.6 of the Development code.** Austin Roy said the proposed amendment dealt with the submission requirements for major subdivisions. Since many things were done electronically, they didn't need 12 copies of the subdivision plat. It also consolidated some text and updated the verbiage about SWPPP.

**MOTION:** Lon Lott moved to approved Ordinance No. 2018-09 Amending Article 4.6 of the Alpine City Development Code. Ramon Beck seconded. Ayes: 4 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	None
Ramon Beck	
Carla Merrill	
Lon Lott	

**E. Ordinance No. 2018-10 Amending Section 4.7.4.11 of the Alpine City Development - Curb Radii.** The proposed amendment defined a specific minimum radius for property lines and back of curb intersections based on industry standards. Shane Sorensen said the City had always used those standards. This was just a clarification.

**MOTION:** Ramon Beck moved to approve Ordinance No. 2018-10 amending Section 4.7.4.11 of the Alpine city Development Code. Lon Lott seconded. Ayes: 4 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	None
Ramon Beck	
Carla Merrill	
Lon Lott	

**F. Trail Master Plan:** Mayor Stout said they had discussed alignment of the trails earlier in the discussion on the Ridge at Alpine subdivision. Those trails should be reflected on the Trail Master Plan map.

**MOTION:** Carla Merrill moved to approve the Trail Master Plan with the following changes:

1. Delete the center trail
2. Add the connecting trail from Alpine Cove over to the Lehi Connection.
3. Show a north/south connector from the pond to the north of the Cove Trail.

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

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	None
Ramon Beck	
Carla Merrill	
Lon Lott	

## VI. STAFF REPORTS

Charmayne Warnock said she had emailed the Council the information about Ranked Candidate Voting (RCV) which was a proposal by some state legislators that would allow cities with nonpartisan municipal elections to eliminate the need for a primary election by having a ballot where all the candidates were listed and voters could rank them according to preference. She asked if the Council was interested hearing a presentation on RCV. They indicated they were.

Shane Sorensen said that at the last meeting, Mayor Stout had asked staff to find out how many members of the various soccer teams were actually from Alpine in order to decide how many soccer fields they needed. Shane Sorensen said the North Utah County soccer league had 239 players from Alpine. The USC had 67 from Alpine. SURF had 70 members from Alpine and were expecting another 10 to 15 players. La Roca didn't not use the Smooth Canyon fields. He did not have numbers from the past to see how it was trending.

## VII. COUNCIL COMMUNICATION

Troy Stout said he just wanted to point out another sports related item. Chase Hansen at Lone Peak High School was doing really well. He would be one to watch in the future.

## VIII. EXECUTIVE SESSION

**MOTION:** Lon Lott moved to go to executive session for the purpose of discussing litigation. Ramon Beck seconded. Ayes: 4 Nays: 0. Motion passed.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	None
Ramon Beck	
Carla Merrill	
Lon Lott	

The Council returned to open session at 10:20 pm

**MOTION:** Lon Lott moved to adjourn. Ramon Beck seconded. Ayes: 4 Nays: 0. Motion passed.

The meeting was adjourned at 10:20 pm.