

**ALPINE CITY COUNCIL MEETING**  
**Alpine City Hall, 20 N. Main, Alpine, UT**  
**July 10, 2018**

**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: Lon Lott, Kimberly Bryant, Ramon Beck, Jason Thelin.

Council Members not present: Mayor Stout explained that Carla Merrill was excused due to the tragic death of her son over the weekend.

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

Others: Clark Thayne, Richard James, Sylvia Christiansen, Ed Bush, Paul Kroff, Wade Budge, Mike Russon, Cori Russon, Will Jones, Alan Gilman, Aaron Favero, Brooke Favero, Karrisa Karren

**B. Prayer:** Kimberly Bryant

**C. Pledge of Allegiance:** Ramon Beck

**II. CONSENT CALENDAR**

**A. Minutes of the City Council meeting of June 26, 2018**

**B. Award Bid for Pressurized Irrigation, Ultrasonic Water Meter Supply – Hydro Specialty Company, \$789,252**

**C. Award Bid for Pressurized Irrigation, Water Meter Boxes - \$91,692.15**

**MOTION:** Lon Lott moved to approve the Consent Calendar. Ramon Beck second. Ayes: 4 Nays: 0. Lon Lott, Kimberly Bryant, Ramon Beck, Jason Thelin voted aye. Motion passed.

**III. PUBLIC COMMENT:**

Mike Russon - Grove Drive: He said he had observed a project going on in Schoolhouse Springs by Lehi City. They were laying a rubber membrane on the hillside to collect water that would normally run into the aquifer. Alpine would be receiving less water because of that. Shane Sorensen said Lehi had done several projects up there over the last few years and had never asked Alpine for compensation. Alpine owned a one-sixth share of the water that came out of Schoolhouse Springs.

Ed Bush – Box Elder. Mr. Bush wondered what could be done to lend support for Merrill family. He also commented that as a citizen of a community, he was wondering about the recently terminated lawsuit. There had been no information released by Alpine City and people were beginning to generate their own stories. He suggested the Council address it so the community would know what was going on. Mayor Stout said the judgement was not yet complete. They were waiting to find had what the judge determined on certain issue to better understand the City's liability.

Karissa Karren – Round Mtn Dr. She said she could not attend the meeting last week on the proposed expanded parking in Smooth Canyon Park and wondered when it would be on the agenda. Mayor Stout said the staff was still working on a redesign. Ms. Karren said they were opposed to the expanded parking and would prefer to reduce the number of soccer fields in the park from two to one so the nearby residents could use the park more. She was invited to contact Shane Sorensen to discuss it further.

**IV. REPORT AND PRESENTATIONS**

**A. Financial Report:** Shane Sorensen said the law required a financial report once a month and this was the only meeting they would be having in July because the next meeting would be on July 24<sup>th</sup> which was a state holiday. He said they were only a couple of weeks into the new fiscal year so they were in great shape.

## V. ACTION/DISCUSSION ITEMS

**A. The Ridge at Alpine Subdivision – Revised Concept – Paul Kroff:** Austin Roy introduced the proposed Ridge at Alpine subdivision which consisted of 72 lots on approximately 190 acres in the CR-40,000 zone. It contained a conservation easement of 68 acres. The developer also planned to build a two-acre park in the open space. The original concept plan showed it as a soccer park but at the recent Planning Commission meeting of June 19th, the Planning Commission recommended it be a family park instead of a soccer park. In addition to the change in the park, there were a number of other changes to original concept plan. The ordinance stated that all concept plans came to the City Council for review, which was the reason the Council was reviewing it that evening. The Planning Commission had approved a Revised Concept plan with a number of conditions, one of which was that the City Council review lot 72 and determine whether it met the scenic and clustering requirements in the ordinances.

Austin Roy showed the original Concept Plan which was approved in December 2016, then reviewed the changes in the Revised Concept Plan.

- The route of the private lane going up to lot 72 was altered.
- The retaining walls were constructed without a building permit and without engineering plans being submitted to Alpine City.
- The bulb on Savannah Circle had been extended. The cul-de-sac still had the same number of lots.
- The intersection of Catherine Way with Grove Drive had been changed.
- The lot line between lots 52 and 53 had been altered but it was still two lots.
- Lots 60 and 69 were reconfigured to create a third lot. The three lots were then renumbered as 46, 47, and 48.
- The alignment of the proposed trails had been changed. The City Council discussed the trails at length. The main issues were the steepness, the location, and the number of trails. One trail would be in the conservation easement as required in the Agreement. Paul Kroff said he would cooperate with the trail committee in designing the trails so they were functional and had less exposure and less impact on neighboring homes.
- Zachary Way was realigned to be a straighter road.
- Trailhead parking had been added at the bottom of lot 72.
- Parking and restrooms were added to the proposed soccer park.

Jason Thelin asked why the Planning Commission felt a family park would be preferable to a soccer park. Austin Roy said they felt Alpine had enough soccer fields and this area was not the best location to host soccer games. They felt there was a need for family parks.

Lon Lott said they had discussed that idea that it could be a practice field for younger soccer teams. It wouldn't make the park smaller but it would make the parking lot smaller. Austin Roy said the recommendation for a regulation soccer field was 45 parking spaces, but this would be smaller than a regulation field so fewer spaces were required.

Jason Thelin said there was actually a need for soccer fields. He questioned the need for a family park in that area because the building lots would be larger and people would be more likely to have recreational activities on their own property. He pointed out that there was a family park in Silverleaf that was hardly ever used. He was concerned that the City would be adding more parks to water and maintain when there were already family parks in the city that weren't being used.

Sylvia Christiansen was on the Planning Commission. She said the problem with the soccer park on High Bench Road was that there would be parking on the road. If people were parking on the street, how would emergency vehicles get by? That was why they recommended it be a family park instead of a soccer park. There would not be enough parking.

Austin Roy said that a park for nine and under would reasonably have 20 to 28 cars. The revised concept plan showed 25 off-street parking spaces for the soccer field.

Kimberly Bryant said they had a shortage of soccer fields, but parking could be an issue. Mayor Stout said that if they eliminated one of the soccer fields in Smooth Canyon Park, they would need another soccer field. He said there was a lot of emotional appeal for more soccer fields from parents who were upset that their kids didn't get to play on Alpine fields.

Lon Lott said he would be okay with a smaller soccer field. Troy Stout agreed, saying the smaller kids often got pushed off the fields. It would be nice to have a small field for younger kids. A scheduler could control the use.

Mayor Stout said he would like to talk about the realignment of the streets. They were trying get citizens to control their speed in town, but with a straighter, sloped road, people were more likely to speed.

Paul Kroff said the change in the intersection with Grove Drive was at Alpine City's request. The other street adjustments were minor and offered a better grading design.

Austin Roy said the fire chief had reviewed the latest design of the driveway up to lot 72. It would need to be paved with an all-weather surface and have a hammerhead turnaround to meet fire code.

Austin Roy reviewed the Planning Commission's motion approving the Revised Concept Plan, which included the following conditions:

1. Applicant meet the engineering requirements stipulated.
2. Change soccer park to a family park.
3. Add required screening for park and trail parking.
4. Add lighting to the parking lot.
5. Add parking stalls at the park.
6. Work with the Trail Committee on routing the two trails.
7. Subject to the applicant satisfying the City Council that the scenic and cluster requirements are met for lot 72.

Mr. Roy then reviewed references in the Alpine City Development Code relative to scenic and clustering requirements.

**PRD Ordinance 3.09.010 Purpose and Intent:** *In order to qualify for approval as a PRD, the proposed project must demonstrate that it will d. preserve open space to meeting recreational, scenic, and public service needs.*

**PRD Ordinance 3.09.060 Dwelling Clusters. 1.** *All lot shall be located within a designated development cluster. A project may contain more than one development cluster. Each cluster shall contain not less than three (3) separate lots.*

**Open Space Ordinance 2.16.010 Purpose:** *Open space is set aside to accomplish one or more of the following functions: 1) To preserve viewscapes, natural ridgelines, etc.*

**Zoning Ordinance 3.01.020 Statement of Purpose.** *The City of Alpine shall utilize powers granted to it by the Utah Code to accomplish the following: 1) Assure the proper use and management of the natural beauty and resources of Alpine City; 2) Protect life and property from avalanche, flood and geologic hazard; 3) Encourage a density of development that will be expressive of satisfying community life, that will conserve natural resources, protect scenic values, and prevent traffic congestion; 4) Encourage imaginative and innovation concepts in residential and commercial development that will perpetuate the visual character of Alpine*

**Subdivision Ordinance 4.02.010 Intent and Purpose.** *3) Preserving and protecting to the maximum extent possible, unique and valuable natural resources and amenities including . . . scenic vistas and attractions. 4) Preserving and protecting the special environmental quality of aesthetic character of all hillside and mountainous areas; 5) Encouraging the placement of housing developments where subdivisions are permitted in hillside and mountainous areas, minimizing grading, preserving natural terrain, and enhancing the open space.*

**Major Subdivision Preliminary Design 4.06.020. Impact on Quality of Life.** *i Aesthetics and Cultural. Address aspects of development that may impact the rural environment of Alpine City, including any landscape design features that may be inconsistent with retention of views or a rural atmosphere. Any features of development that will contrast with surrounding land uses will also be addressed.*

*ii. Viewscapes. Address aspects of development that may impact view sheds including any landscape design features that may be inconsistent with retention of views. This section shall also include any unusual cuts or fills requirements and any development on hillsides and prominent rises.*

Wade Budge, the attorney for Paul Kroff, said this was not a new concept for lot 72. The lot was clearly discussed as part of the first concept plan. It was in the same place as it was in 2016. The question was whether it met the ordinance or not. State law ruled that if there was any ambiguity in an ordinance, the decision was in favor of the property owner. He said lot 72 was clustered with lots 69, 70, and 71. He said there wasn't much objective criteria in the city's ordinance and the owner could not be required to comply with a subjective requirement.

Mayor Stout said the lot was isolated, not clustered, and was obviously on a ridgeline. He said it would be up to the Council and their legal counsel to determine if the lot met the requirements of the ordinances.

Jason Thelin said the development was a PRD, which had to meet the conditions of a PRD and be approved by the City. The purpose of a PRD was to cluster lots to preserve open space and protect scenic vistas. In exchange, the developer got smaller lot sizes. If the developer didn't want to comply with the PRD requirements he could do a regular subdivision for that zone.

Mayor Stout asked about the retaining walls that were already built, saying he understood that the walls had not been engineered.

Paul Kroff said the building pad was part of the lot and the lot was part of the cluster. He said they needed to show they could put a driveway to the building area. After some additional discussion about lot 72, Mayor Stout said they were getting away from the retaining wall issue, which needed to be addressed.

Shane Sorensen said Alpine City had a specific retaining wall ordinance with extensive requirements that were adopted for safety reasons. None of the retaining walls that had been built in the subdivision had been through Alpine City's process. Whether they were built before it was annexed or after, according to code, any lot over four feet high had to be engineered. He said he was pretty sure the county required a grading permit and engineering on a wall over four feet high.

Mayor Stout asked Paul Kroff if the county had approved the retaining walls. Mr. Kroff said he didn't know. Mayor Stout said it was critical that the walls be engineered and built according to the approved design. The City was not willing to accept the potential for failure of the walls when the developers had completed the construction and were no longer liable. The walls should be the developer's top priority to get them reviewed and permitted before they did anything else.

**B. Drone Discussion:** David Church said that in 2017, the state passed a law regulating drones. One section of the law said a political subdivision of the state may not enact a law governing the use of an unmanned aircraft. Anything the city enacted had to be identical to state code. The question was, what benefit was there for the City to repeat the state code in a local ordinance?

David Church said trespassing issues would be covered by the amended trespass law and privacy law as they applied to drones, and would be enforced by the police force. Crossing a property line and remaining on or over someone's private property when it was not public property and the individual was not authorized to fly over the property would be criminal trespass.

Mayor Stout said it appeared the residents' privacy concerns were already protected under state law. They would need to inform the public about the law.

**C. Resolution No. R2018-08, Consolidated Fee Schedule:** Shane Sorensen said the amendment to the Fee Schedule dealt with the cost of meters for automatic monitoring system. New meters would need to be installed.

Part of the Fee Schedule dealt with meters installed on existing home and one part dealt with installation of meters on new construction.

**MOTION:** Ramon Beck moved to approve Resolution No. R2018-08 amending the Consolidated Fee Schedule to include the updated cost of pressurized irrigation meters. Jason Thelin seconded. Ayes: 4 Nays: 0. Jason Thelin, Ramon Beck, Kimberly Bryant, Lon Lott voted aye. Motion passed.

## **VI. STAFF REPORTS:**

Charmayne Warnock said the City had received a letter from the Department of Housing and Community Development stating that Alpine had met the moderate-income housing review reporting obligation for 2017-2018. Also included were reporting requirements for 2019.

David Church said the Council would need to begin thinking about how they were going to meet the moderate-income housing requirements in 2019.

Shane Sorensen said that at the last City Council meeting, they had discussed the I Am Recovery application for a residential treatment center on Westfield Road. With the legal assistance of Dan McDonald, he had responded to the application for a reasonable accommodation. The applicant had requested 16 residents for the home. In the response the City approved a residential treatment center with eight residents. The applicant had ten days to appeal the response. Shane Sorensen said that in the last two weeks he had been approached by two other people about locating residential treatment centers in Alpine, but they had not submitted official applications.

Shane Sorensen offered a brief update on the water situation. It had been an extremely odd year with the lowest flows they'd ever seen in Dry Creek since the inception of the pressurized irrigation system. Plus, the City's biggest well was down and they were waiting on the new motor. He had met with Roger Bennett and Will Jones with the Alpine Irrigation company to impose some requests and restrictions on the water users. It was a joint system and if people weren't cooperating, it wouldn't work. They were anticipating that the motor for the Healey well would be delivered on Friday. It would help increase the flow in Dry Creek if it would rain. That said, Mr. Sorensen said he felt really strongly that they needed to drill another well.

## **VII. COUNCIL COMMUNICATION**

Lon Lott asked if they had decided if there was going to be a chalk party for Alpine Days. The indication was that there would be one, but the location wasn't specified.

Mayor Stout displayed a burned-out fireworks cartridge and said it had been collected in Lambert Park after some boys were lighting fireworks at the rodeo grounds. Residents reported the fireworks and the police did apprehend them, but they did not cite them. The boys were sent home. He said he wanted to know why the boys weren't cited. He understood from earlier discussions that the Council wanted the law enforced on illegal fireworks. The member of the City Council agreed. Mayor Stout said he planned to talk to the fire chief, who had left the meeting earlier.

Mayor Stout said that he and Shane Sorensen had met with an official from the forest service. It looked as if they would get a 30-day emergency closure on the shooting area. It would be a one-time grant for an emergency shut down. During that time, they intended to continue meeting with Senator Lee to seek a permanent solution.

Jason Thelin asked if they could plant a hedge between the City Shops and the south end of the cemetery. It would make that section of the cemetery much nicer.

Kimberly Bryant left the meeting.

## **VIII. EXECUTIVE SESSION**

**MOTION:** Ramon Beck moved to go into executive session for the purpose of discussing litigation. Lon Lott seconded. Ayes: 3 Nays: 0. Ramon Beck, Jason Thelin, Lon Lott voted aye. Kimberly Bryant had left the meeting. Motion passed.

The Council closed the open portion of the meeting at 8:55 pm.

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

**MOTION:** Ramon Beck moved to adjourn. Lon Lott seconded. Ayes: 3 Nays: 0. Ramon Beck, Jason Thelin, Lon Lott voted aye. Motion passed.

The meeting was adjourned at 10:00 pm.