

**ALPINE CITY COUNCIL PUBLIC**  
on Tuesday, May 25, 2021

**I. CALL MEETING TO ORDER**

Mayor Troy Stout called the meeting to order at 6:00 p.m. He welcomed everyone to the meeting. He said it was nice to have so many residents in the audience.

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

Greg Gordon, Lon Lott, Jessica Smuin and Jason Thelin, (excused Carla Merrill)

Staff: Shane Sorensen, Austin Roy, Chief Brian Gwilliam, Hyrum Bosserman, Bonnie Cooper, Interim Assistant Fire Chief Brian Patten

Others: Aaron Wood, Phil Reschke, Pam Reschke, Peter Reschke, Dawn Beagley, Ed Bush, Alex Hume, Jens Hume, Scott Wood, Jeff McGhie, Sage McGhie, Kristi Allen, Gill Greer, Ray West, Beth West, Kristen Shelley, Jason Utgaard, Will Jones, Casey Cloward

**A. Prayer:** Jason Thelin

**B. Pledge:** Jens Hume

**II. CONSENT CALENDAR**

**A. Approve City Council minutes of May 11, 2021**

**B. Ordinance 2021-13: Adopt Fire and Firework ban/map 2021**

**C. Bond Release #1 The Ridge at Alpine Phase 5: \$33,434.13**

**D. Approve On-Site Emergency Generator for Box Elder Booster Pump Station: \$58,363**

**E. Resolution No. R2021-10: Consolidated Fee Schedule - credit card payments**

**F. Westfield Road Sidewalk Project Design – Wilding Engineering bid: \$16,500**

Greg Gordon, City Council member, asked for clarification on the booster pump station. Shane Sorensen, City Administrator, said will be the 60–70-watt booster and will service Box Elder and Box Elder South. He said the booster is part of the impact fee and will have fencing around it. He said the city will work with property owner. Jason Thelin, City Council member, asked if Alpine Park Estates would also be serviced by the pump. He also asked if the property owners helped financial. Shane Sorensen said yes.

Shane Sorensen said Ordinance 2021-10 Consolidated Fee Schedule change is due to credit card payment. He said the city would like to have the credit card policy in writing. He said the city does not accept credit card payments for anything larger than \$1000, unless is for cemetery plots.

Mayor Troy Stout said the council will move Ordinance 2021-13 Adopt Fire and Firework ban/map to be an action/discussion item.

**Motion:** Lon Lott motioned to move item B, Ordinance 2021-13: Adopt Fire and Firework ban/map to an action item and to approve the consent calendar as proposed with the edits made by Lon Lott and Shane Sorensen to the minutes of May 11, 2021. Jason Thelin seconded the motion. There were 4 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

Ayes

Jessica Smuin

Greg Gordon

Lon Lott

Jason Thelin

Nays

**III. PUBLIC COMMENT**

**Jens Hume**

**837 E Cottonwood Circle**

*Jens Hume presented his Eagle scout project to get out deadwood in Lambert Park. He said the project will take place in the month of June to decrease the chance of fire. He said he will have other scouts helping. He said the group will be going to the park three times a week until the project is complete. He asked if the city could provide a dump truck to take out the wood.*

Mayor Troy Stout asked if Jens Hume would need to have a water truck prepare in case of fire. *Jens Hume said that the only equipment the scouts would be using would be hand saws, so he did not think it would be necessary.* Shane Sorensen said city staff will have roll off bins that can be used for waste. Chief Brian Gwilliam asked about vehicles and parking. *Jens Hume said they would be using the parking lot provided.*

***Dr. Peter Reschke***  
***Stone Hedge Lane***

*Dr. Peter Reschke said he had concerns with the pickleball courts. His main concerns were with the parking lots and increased traffic flow with soccer games and four pickleball courts. He suggested getting a study done on the impact this would have on residents regarding street parking, noise, and light pollution. He said having the lights on and play on the pickleball courts seven days a week until 10pm seem very disruptive. He felt that he and his neighbors had not been properly notified. He said due to the COVID-19 the pandemic most of the neighbors would not be checking to see if there had been a public hearing regarding the pickleball courts being put in at Healey Park. He said most of his neighbors were inside and not worrying about notices or even knowing the notices were posted. He said that is why he feels it is important to look at those who is going to be impacted by this. He suggested the council take a pause and maybe looking at the tennis courts at Creekside Park before making a final decision.*

Mayor Troy Stout said the city did put in their own parking lot with 60 spots, so people would not use the churches lot. He said the city has located a bathroom there. He said the city realizes that the church could at any time ask us not to park there any longer. Shane Sorensen said at Creekside Park only two pickleball courts will fit on one tennis court.

***Beth West***  
***926 S Healey Homestead Circle***

*Beth West said she had concerns with the pickleball courts in Healey Park. She said she just found out about the council's decision on the pickleball courts three days ago. She said she had written a letter to Mayor Troy Stout. She said she and the rest of her neighbors oppose the pickleball courts at Healey Park. She suggested Smoot Canyon because it is a bigger park (six acres). She said she was disappointed that the council did not get input from the residents that are living right next to Healey Park. She said she is concerned this decision will affect property values. She said because this is mainly summer sport, the city can invite other discussions to happen. She said she was also concerned about any liability the residents have. She said most of all we as residents feel like we have been ignored.*

Shane Sorensen said how this is noticed first the city has a public hearing at Planning Commission level. He said after the hearing is held the Planning Commission makes their recommendations. He said the items is then brought to City Council. He said the council did look at many other options of where to put the pickleball courts. He said the pickleball courts need to be north/south facing for play. He said the City Council approved the pickle ball courts so that the city staff could get bids.

Mayor Troy Stout said he has talked to members of the council, and he thinks the lights could maybe be changed. Shane Sorensen said there has been new technology that has come out regarding the lighting. He said the council e passed a sports court ordinance. He said the city would follow that ordinance when designing the pickleball courts. Mayor Troy Stout asked at what height of the lights would be. Shane Sorensen said about 18 feet high. He said the pickleball courts will not be completed this year because the company the city got a bid from does not have time this year.

***Pam Reschke***  
***880 E 815 S***

*Pam Reschke wants to express that the neighborhood was not notified about this change at Healey Park. She said during COVID-19 that the usage to the park had changed. She suggested that the maybe neighbors who were within 500 feet should have been notified. She said especially the Abernathy family who are right behind the pickleball courts and would be most affected by them. She asked if the city could please have compassion on the residents in that area. She said in a City Council meeting in November of 2020 the minutes say that Shane Sorensen said he had checked with the soccer league to make sure the pickleball court placement would not interfere with their field play. She asked why the neighbors were not asked about the pickleball court placement too.*

Shane Sorensen said he asked the soccer league because the soccer field is moved from year to year because the league does not want to wear out the area of play. He said if the council would like to change the city's process of noticing the public hearings, then an ordinance would need to be written and approved by the City Council.

***Ray West***  
***926 S Healey Homestead Circle***

*He said he is representing himself and two neighbors with concerns about the pickleball courts. He suggested maybe the city should have had a notice put on our doors within the neighborhood. He said he can look out his kitchen window and sees what is happening throughout the day. He said he has noticed that the parking lot that the city put in for the park is not being used. He said the player and their families are using the church parking lot. He said they are also parking on Healey Boulevard have had the cars park and he said it is a safety issue. If the church should ever decide not to allow parking, he thinks they are going to be using the streets more, Bryce Burgan and another neighbor also support the rest of the neighbors about safety and security. He said a boulder was missing from his landscaping and found later at the park. He said he thinks someone used it to hold down a tent. He said an adult had to have moved the boulder because it was too heavy for a child, but they did not return it and he had to go retrieve it.*

Mayor Troy Stout said he went past the park this Saturday and three soccer ball went out into the road. Shane Sorensen said there is 50 feet open space between the home's property 80 feet away from the homes. Jason Thelin asked how close the pickleball parks are to the residents' homes at Burgess Park. Shane Sorensen said at Burgess Park the courts are much closer, maybe 30 feet away from homes. Austin Roy, City Planner, said the courts at Healey Park would be 120 feet from any home.

***Phil Reschke***  
***880 E 815 S***

*Phil Reschke said he thinks the court are too close to the back yards. He said he does not think anyone would want to have that in their back yards. He suggested Creekside Park would be a better fit because the city could put the courts in an area away from homes. He said at Healey Park the soccer people are parking in the red zone and people continue to ignore that red zone. He said bottom line is the courts are too close to homes. He said he believe Sunday play on the courts would disrupt Church services next to the park. He suggested the council reconsider the placement of the pickleball courts. He said with the frequency of play and light that will be on until 10:00pm will have a negative affect the neighbors. He asked the council to table the pickleball courts at Healey Park right now to look for different placement.*

***Ed Bush***  
***1463 Box Elder Drive***

*Ed Bush asked when will Grove Drive be completed.*

Shane Sorensen said the curb went in this last week. He said it needs to be safe before opening. He said the city has provided away around it that is not too far out of the way. But it should be done soon.

#### **IV. REPORTS AND PRESENTATIONS**

##### **A. Representative Brady Brammer – Question/Answer**

Representative Brady Brammer said wanted to thank the city employees and two chiefs for all that they have done over the past year. He said he knows this year has brought with it a lot of difficulty. He said he tells people being a public servant has been a difficult and demanding year. He said this was his third session and he is a litigation attorney besides. He said he serves on the judiciary committee, the business and labor committee, and the vice chair of the infrastructure and general government committee (budgeting for roads and buildings and a lot of major infrastructure), chair of the administrative rules committee. He said anytime an executive branch makes a rule then it comes to our committee to make sure that they were delegated that authority to make that rule. He said because the state has been building in funds year by year in case there was a downturn. He said this made it so that the state could absorb what happened during COVID-19. He said as far as COVID-19 goes he has worked on the following: change regulations and responsibly do that. He said he was here to answer questions if you need something to be brought to the legislator. He said he would need to know now so that I can start working on it now to be ready for this next year's legislative session.

##### **Questions for Representative Brady Brammer from Council:**

Greg Gordon thanks Representative Brady Brammer for his help with Utah Lake. He said he was concerned to see a lot of regulations and things being taking away when it comes to city rights. He said regarding trying to make affordable living, when Alpine City is nearly all built out it is difficult for the council and the city to be required to have affordable living when Alpine City is already built out. Representative Brady Brammer said he is not in favor of high-density housing. He said but the state is losing that battle because the house prices are skyrocketing. He said for people to be able to move here and work here the average household size would need to be 4.2 per household. Representative Brady Brammer said the state of Utah has had so much migration from other states. He said he has known people working for the state of California's government while living in his neighborhood because they can work from home.

Mayor Troy Stout said thanked Representative Brady Brammer for his service to the Alpine community. Mayor Troy Stout said it seems that the state's power is growing and as the city's powers are being limited. He asked how Alpine City can get back to where a city is making their own decisions. Representative Brady Brammer said if the council has an idea for a bill or something they would like brought before the legislator he would be willing to do that for Alpine. He said it takes a day to write a bill, but we have only six weeks of session to pass the bill. Mayor Troy Stout asked what you are allowing to do for your city he has a tough position in negotiating. Representative Brady Brammer said as a bill was being voted on said the league is not getting back to us. He said as a legislator his hands are tied, and it would be helpful to have a city representative come. He said the city could see something coming and to figure out what they want when it comes to the laws being placed.

Lon Lott, City Council Member, said Representative Brady Brammer has been a great representative for Alpine. He said he believes that Representative Brady Brammer watches out for Alpine City. Representative Brady Brammer said regarding the Blue Bison hearing, when developer do not get what they want they may try to put something through with the legislator in order to develop their property. He said to keep him informed if the council hears of anything.

## **V. ACTION/DISCUSSION ITEMS**

### **A. ACE Disposal Contract and Other Services – 3-year Extension**

Shane Sorensen introduced Dawn Beagley from ACE management. He said Alpine City issued an RFP (request for proposal) for solid waste services in 2018. ACE Disposal was awarded the contract. The original contract included a 5-year term, with an automatic extension clause for an additional two three-year terms, unless either party gives the other notice that it intends not to extend the contract. There is a provision in the contract for an increase or decrease in fees. Based on the consumer Price Index the proposed increase for this year is 1.4% and an increase tipping fees from \$25 to \$29/per ton. With some changes in options for residential drop off solid and green waste, we have been in discussions with ACE Disposal for options of other services. We have invited representatives from ACE Disposal to attend tonight's meeting to present options for other services and the associated costs.

Shane Sorensen said that Craig Hall, City Attorney, had recommended to have this brought back at our next meeting if we chose to extend their contract. The additional spring and fall cleanup for the residents to come dump their green waste.

Jason Thelin asked how many we are going to have. Dawn Beagley said West Bountiful (a city the size of Alpine) uses six dumpsters for green waste and one for metal. She said she sends the drivers out 7am-2pm. She will have staff on site (2-3-man crew) to be able to help the residents. She said West Jordan uses 16-20 roll off dumpsters when they offer this to their residents. She asked the council what that thought people were buying with their stimulus checks. She said what is people buy with BBQs. She said BBQs were the number one thing people disposed of. She said she has been with ACE for the last 25 years. She said she thinks the roll off dumpsters would be a good solution for Alpine. She said ACE could ask the city of Pleasant Grove if Alpine residents could dump their trash in their facility. She said that they can maybe make this available every other Saturday. She said she has crews to help and supervise the cleanup days but does not have a spot open until August. She said another option could be that in spring and fall we do a curb pick up. She said the final option would be that the residents can call ACE and we will haul, this would be the first time we would be ever doing that. She said if residents have larger items like washer, dryer, mattress or stick bundles need to be less than 4-5 feet in length. She said the curbside pickup would be done by older trucks.

Greg Gordon asked if they have dumpsters available is it hard to schedule. She Beagley said they would set aside dumpsters for alpine city so would hold 6-8 roll offs. June is great this year, we can talk maybe early may. Jessica Smuin, City Council member, asked would the box bag and bundle happen the same day as your trash pickup. Shane Sorensen said this is billed by the hour. Dawn Beagley said the city can try it now and ACE can reevaluate it later. Shane said we would need to figure out how to recoup the cost. Lon Lott said we could include that in our budget next year. Shane Sorensen said that ACE could do the following dates: June 18<sup>th</sup> and 19<sup>th</sup> put bins at Creekside Park or another parking lot. She said we can gauge how the residents utilize the bins to see how the city will move forward in the future. Greg Gordon asked about contract complaint log and annual notice. She will send us reports every other month.

**Motion:** Jason Thelin moved to approve the contract extension with Ace Disposal through June 30, 2024, at 1.4% increase and \$29 tipping fees. Greg Gordon seconded the motion. There were 4 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

Ayes

Nays

Jessica Smuin  
 Greg Gordon  
 Lon Lott  
 Jason Thelin

## **B. Glass Recycling Proposal – Momentum Recycling**

Jason Utgaard, the general manager of Momentum Recycling, shared a brief presentation on their glass recycling option for us. He said they are a locally and family-owned business. He said their company can process 800 tons of glass per month. He said one main reason why Alpine should want to recycle glass is because glass has soda ash, which means for every six tons of recycled glass used, one ton of carbon dioxide is reduced. He said any glass food container can be completely recycled. He said glass is the safest way to store food that is why baby food comes in glass jars. He said all the recycled glass is used here locally in the state of Utah. He said Momentum Recycling center is located out by the Salt Lake City airport. He said if the council chooses to do glass recycling in Alpine, Momentum Recycling could start the city at the entry level package. He said the entry level would consist of four 64-gallon glass recycling containers. The pod carts costs \$700 a one-time fee and would be located near Alpine Elementary. He said the pod would be locked up. He said their company believes that the best locations would be high traffic areas. He said their drivers will be reporting to the city so that the city will know if the services were being used. He said any additional carts would be \$70 per container, \$25 per lock, and \$8 per pick up. He said the city would receive a quarterly rebate of \$5 per ton of recycled glass they pick up from our city. He said safety is very important to them, the drivers clean up any glass breakage in and around the area of the pods. He said the reduced pick-up fee is \$80 per time, which would likely be once or twice per month.

Greg Gordon said when the glass takes 1 million years to decompose this is a great option because glass is so easily recycled. Jason Thelin asked Jason Utgaard what he thinks a city our size would use container wise. Jason Utgaard said entry level is about 70 pounds of recycled glass per person. He said the pod could go to a park. Austin Roy said Alpine Elementary principal has already approved of the pod being placed at his school. Jason Thelin asked if the council would want to notify any of the neighbors.

***Kaylynn Wood***  
***Alpine, UT***

*Kaylynn said she has a friend whose backyard backs up to the recycling is not picked up it is very messy and not picked up regularly.*

Lon Lott asked when the recycling would start in this year's budget or next year's budget. Shane Sorensen said next year's budget. Jason Thelin asked if in the motion the council should include where the cans will be located. He said without a specific location he would vote nay.

**Motion:** Greg Gordon move to approve the contract with Momentum Recycling as proposed with the location being Alpine Elementary. Jessica Smuin seconded the motion. There were 3 Ayes and 1 Nays, as recorded below. The motion passed.

Ayes  
 Jessica Smuin  
 Greg Gordon  
 Lon Lott

Nays  
 Jason Thelin

## **C. Fence Agreement with Lon Nield – Olde Moyle Mound HOA**

Austin Roy said after the last City Council meeting the city had Craig Hall, City Attorney, draw up a lease agreement for the private open space that will be fenced in. Shane Sorensen said this agreement would be a license to encroach on the private open space, so that is if the city wanted the fence moved the city can require it. He said the city could require the homeowner to remove the fence but would need to give the homeowner a timeline (180 days). Mayor Troy Stout asked how long the agreement will last and if the fence would be able to be moved. Austin Roy said the fence would be permanent but if it did need to be moved the homeowner would pay all related costs. Shane Sorensen said the lease to encroach contract would last until the city wants/needs the fence to be moved.

**Motion:** Jason Thelin moved to approve the agreement and license to encroach upon public right of way at 968 E Quail Ridge. Greg Gordon seconded the motion. There were 4 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

Ayes

Jessica Smuin  
Greg Gordon  
Lon Lott  
Jason Thelin

Nays

**D. Willow Canyon Height Exception Request – 175 N Bald Mountain Dr.**

Austin Roy said the petitioner is seeking to build a home on Lot 30 of the Willow Canyon Subdivision Phase 2B. The property is located at 175 North Bald Mountain Drive. Plans show the proposed home with a height of 33 feet 6 inches above the natural grade. He said the Willow Canyon Annexation Agreement states that:

*No home may be built on lots above the High Bench Ditch that exceeds a height of 25 feet above the natural grade to the highest point of the roof or parapet.*

Austin Roy said the Restrictive Covenants and Conditions of Willow Canyon Subdivision also state that:

*East of the High Bench Ditch no building shall be allowed to exceed a height of 25 feet above the natural grade unless approved by both the Alpine City Council and the Architectural Committee.*

Austin Roy said the proposed home is 8 feet 6 inches above the height restriction set forth in the Annexation Agreement, and the greatest height exception that the City Council has ever granted was 14 feet 2 inches for the Wittenberg home in 2019.

Austin Roy said in a letter dated May 11, 2021, the Willow Canyon Architectural Design Committee states their support for the height exception as proposed by the applicant.

*The specifics of that variance is that the Top Back of Curb at a mid-point of the home is 5190 feet in elevation and the Top of Foundation of the home at the East side of the home at mid-point is 5182.5 feet in elevation. This results in a relative difference between those two points being 7.5 feet.*

Austin Roy said in 2019 14 feet 2 inches was granted in that same area. Greg Gordon said it is on a downward lot Mayor said this is different than any other area in the city. Maybe another discussion could take place at planning commission level. We did not want to have tall homes taking up the hillside. There is only one home in the neighborhood that has not asked for an exception. He said he was a little frustrated and each case needs to be evaluated.

***Kristen Shelley***

185 N Country Manor Lane

*Kristen Shelley said she is familiar with this property because it is in her back yard. Her concern is that the homeowner would have to improve the grade and would cause the home to be higher.*

Shane Sorensen said the property will have a down sloping driveway and from the street you would basically only see the roof. Austin Roy said this home is measured to the peak of the home whereas in the city we have measured to the mid-point of the roof which restricts you significantly. Greg Gordon asked what the height from the street is. Austin Roy said seven and half feet.

***Casey Cloward***

*Homeowners' builder*

*Casey Cloward said the driveway has been strategically placed. He said there are some challenges with this lot and with the CC&Rs (Covenants, Conditions & Restrictions) but it will be a beautiful home. He said he thinks the views for other residents will not be compromised. He said he will be taking dirt away instead of adding more dirt.*

Jason Thelin suggested the council go back to this subdivision and have something in writing if the lots are so that all the homeowners have had to come in and get exceptions. He said the council could better protect the city and other residents if the city had something in writing especially if anything like this in the future is brought before the council. Shane Sorensen said there are three buildable lots left in that subdivision. Lon Lott said there were 30 other homes that have all had exceptions.

**Motion:** Jason Thelin moved to approve that the City waive its right to enforce the height restriction found in Willow Canyon Annexation Agreement so long as the height does not exceed 8 feet 6 inches above the 25-foot height limitation. Lon Lott seconded the motion. There were 4 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

Ayes

Jessica Smuin  
Greg Gordon  
Lon Lott  
Jason Thelin

Nays

**E. Zone Change – 183 N. 100 W. – Aaron Wood with Redwood Dental**

Austin Roy said the owner of the property located at 183 North 100 West is proposing a zone change for this property. The property is currently zoned as TR-10,000 residential single family and it is proposed that the property be rezoned as Business Commercial. The petitioner would like to use the existing structure, with a few minor renovations, as a dentist office. Property already has sufficient parking for the proposed use and is adjacent to the Business Commercial zone. There currently exist other businesses on 200 North, including Purple, Snoasis, and Balance Dance Studio and others. On Tuesday May 18, 2021, the Planning Commission recommended that the proposed zone change be denied.

**MOTION:** *Commission Member Ed Bush moved to recommend to DENY the zone change for the Aaron Wood Redwood Dental office. John MacKay seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.*

**Ayes:**

*Ed Bush  
Ethan Allen  
John MacKay  
Jane Griener  
Troy Slade*

**Nays:**

*None*

Austin Roy said the following public comments came in in favor of the zoning change. He said it is just on the wrong side of the road. The homeowner Mr. Wood is the applicant/dentist. He said the applicant's plans would be to maintain the home's look and just beautify the yard. Greg Gordon asked if it were to be sold anyone could come in and put another business there. Austin Roy said yes. Mayor Troy Stout said having a dental office may increase traffic in the area.

**Aaron Wood**

**572 E. Blackhawk Lane**

*Aaron Wood said there is nothing in the middle. I would never have more than three patients at a time. He said he has a lot of support from neighbors and others in the community.*

Jason Thelin asked if Mr. Wood was planning on making the building ADA (Americas with disabilities Act) compliant. *Aaron Wood said yes and there would be not more than two dental chairs use at the same time.* Jessica Smuin asked if Aaron Wood could not just have a home occupation business license. *Aaron Wood said the business will not be owner occupied. He said the home would be a business only. He said his dental office would only be open 1-2 days a week.*

Greg Gordon said he trusts Aaron Wood, but his concern is that if the home sales or more homes on that street want to become business the city could run into other issues. He said the council needs to look at the future of the city.

**Jeff McGhie**

**33 N Main Street**

*Jeff McGhie said he owns a home in the neighborhood. He said this is not commercial area and if the city turns it into a commercial area has a much different feel. He said he is concerned about losing the residential rural feel and the property value of his home. He said this could start a precedence for all the homes in that area. He suggested the council determine if there a need to have more dental offices. He suggested that Mr. Wood find an alternate location in the commercial area of Alpine. The Planning Commission had a great deal of discussion and public comments.*

Shane Sorensen said any home in the business commercial zone downtown could turn into a commercial at any point in time. Lon Lott said this is not going to be the last time someone comes in for a zone change and even a business commercial zone change. He said he appreciates Mr. Wood for going through the process and being very civil about it. He said he likes how the city has outlined the business commercial area within Alpine. He said the council has talked about coming in on the commercial business area on the north end of town and expanding the area to the south for business commercial. Mayor Troy Stout said a few years ago the council had someone wanting to expand the comical area up the north side of Main Street to help accommodate a shop and then the council asked to move their shop elsewhere.

**Motion:** Jason Thelin moved to deny the zone change request for Aaron Wood, Redwood Dental. Jessica Smuin seconded the motion. There were 4 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

Ayes

Jessica Smuin  
Greg Gordon  
Lon Lott  
Jason Thelin

Nays

**F. Open Space Purchase Proposal – 539 N Pfeifferhorn Drive – Michael McArthur**

Austin Roy said the petitioner, Michael McArthur, has submitted a request to purchase a ~1,738 square foot piece of open space. The property is located at 539 North Pfeifferhorn Drive.

Austin Roy said the open space in question includes an easement with a large gas pipeline that runs through it and has been vacated or retired by Dominion Energy. He said the easement does allow for certain things to be built within it, such as: a driveway, curbing, and landscaping (no deep-rooted trees permitted). He said the piece of open space also contains a ground moisture box that would have to remain, but any future property owner would be able to landscape around it. He said the city sees the open space as a possible location for a future trailhead with parking.

Austin Roy said in January of 2019, the City Council approved a land swap with the previous landowner to exchange a 5,190 square foot piece of private property for a 5,190 square foot piece of public open space. He said the previous landowner never ended up recording an amended plat to this effect. He said the County records still show the same boundaries as before. The property has since been sold and the new owner would like to purchase a piece of the open space rather than the exchange the was approved in the past.

Austin Roy said the petitioner is seeking to purchase public open space to add frontage to his existing lot. He said the public open space proposed for purchase runs from the northeast corner of his property to 5 feet past the moisture box (see exhibit). He said the petitioner feels this would be the highest and best used of the land as it would be landscaped, and the moisture box would be hidden from the street view. He said the petitioner does not feel like the proposed purchase would interfere with the City's future planned trailhead in this location (if the City did not want to put a trailhead in this location the petitioner would be interested in purchasing even more of the open space).

Austin Roy said any alteration to public open space requires Planning Commission recommendation, and City Council approval.

Article 3.16.4.2 says:

*Land included in these parks shall not be materially changed, improved, altered, disposed of in any manner or used for any other purpose except after a recommendation of the Planning Commission following a public hearing and by a super majority vote of the City Council (4 positive votes out of 5 City Council members are required). A material change shall include, but is not limited to, a change to the park's present and essential defining characteristics, creation of or improvement of roadways or parking lots within the park.*

He said based on the most recent tax information, this property this property is valued at \$9.31/sf. The proposed purchase price would be 50% of valuation since the land is unbuildable. He said the proposed purchase price would be approximately \$8,094 for the ~1,738 square foot piece of open space.

Austin Roy said the Planning Commission reviewed this proposal on May 18, 2021 and recommended that the City approve the sale of 1,738 square feet of public open space as proposed.



**MOTION:** Commission Member Ethan Allen moved to recommend that the proposal to sell approximately 1,738 square feet of public open space be approved as proposed. Troy Slade seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

**Ayes:**

Jane Griener  
John MacKay  
Ethan Allen  
Ed Bush  
Troy Slade

**Nays:**

None

Greg Gordon asked how much space would be left for a trailhead. Austin Roy said 78 feet would be remaining. He said his could be an entrance for a trailhead. Austin Roy said 20 feet would be the width of a private driveway. Jason Thelin asked Will Jones, Trail Committee Chair if this could be a usable area for trails.

**Will Jones**  
**999 Grove Dr**

*He said 10-12 cars are parked in that area every evening. He said the Trail committee opposed the sale. He said the committee would rather see a land swap and have more parking at the trailhead. He said this is one of the best accesses we have to those west trails. He said if the city were to take the money, we could use it to build a parking lot. He asked the council if they think it would better for the parking lot be better a little further back or closer to the road.*

Lon Lott said the grade in the area is significant, but the westside could be a good site for a parking lot. He said he would rather see a land trade to have a squared-up area. Michael McArthur, homeowner, said the area with the moisture box is basically unusable land and parking would not be feasible. Jason Thelin said there is sixty feet to put in some parking sites. Michael McArthur said he will maintain it and he would not affect the access to the trailhead. Greg Gordon asked if there is any use to this property or is this property that the city would not use. He asked if the triangle in the back of the lot would be especially useful, what would be the exchange rate.

**Kristi Allen**  
**171 S Hawthorn Court**  
**homeowner's builder**

*She said the Planning Commission said if the homeowners would be landscaping and maintaining the area, the residents would have better access to the trail. She said it makes sense to have the city allow this in order to have a wider frontage for the homeowner.*

Shane Sorensen said the frontage could be measured at the 30-foot setback. He said the property setback are measured similar to that of a cul-de-sac. Greg Gordon suggested having a trailhead design before voting on the purchase. Mayor Troy Stout asked if the city could push this to the next meeting. Shane Sorensen said coming up with a trailhead design would not take long to come up with and this could get pushed to the next meeting. He said staff could see how many parking spots could be parking lot. He said the city needs to determine if we can improve on the lot or if it is unbuildable. Jason Thelin said this sale would only benefit the homeowner by adding value to his property not to the city. Hyrum Bosserman, City Attorney said the council would need to vote before this purchase could happen on whether the land is significant or insignificant. He said based on Utah Code 10.8.2 sub-4 Alpine could not sale any land without a 14-day notice. He said the city would need to have a public hearing. Jason Thelin asked if this is only benefitting the city by \$9000, it does not seem to be the best thing for the city. He said the council should take in consideration what the Trail Committee wants. Lon Lott said the first land swap would have been better deal for the city. Mayor Troy Stout said if the council need to determine if the property is significant or insignificant maybe the council should table this until the next meeting.

A. **Motion:** Jason Thelin moved to deny the Open Space Purchase Proposal – 539 N Pfeifferhorn Drive – Michael McArthur. There was no second to the motion. Motion failed to pass.

B.

**Motion:** Jessica Smuin moved to table the Open Space Purchase Proposal – 539 N Pfeifferhorn Drive – Michael McArthur to allow more discussion and to have more time to have a trailhead design with parking lot. Greg Gordon seconded the motion. There were 4 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

**Ayes**

Jessica Smuin  
Greg Gordon

**Nays**

Lon Lott  
Jason Thelin

### C. Ordinance 2021-12: Retaining Walls

Austin Roy said recently, the City Council approved changes to accessory buildings in regards to building height and location. He said the code was specifically changed to require documentation from utility companies when an accessory structure would be allowed within a public utility easement (aka – P.U.E.). He said staff realized that the retaining wall ordinance needed updated to require the same documentation for walls within the P.U.E. He said this verbiage, along with some other minor modifications to the ordinance, is proposed for your review and approval.

Austin Roy said on Tuesday May 18, 2021, the Planning Commission recommended that Ordinance 2021-12 be approved as proposed.

**MOTION:** *Commission Member Troy Slade moved to recommend that Ordinance 2021-12 Retaining Walls be approved as proposed. John MacKay seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed unanimously.*

**Ayes:**  
Jane Griener  
Ed Bush  
John MacKay  
Ethan Allen  
Troy Slade

**Nays:**  
None

**Motion:** Jason Thelin moved to table ordinance 2021-12 Retaining Walls until the next City Council Meeting. Lon Lott seconded the motion. There were 4 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

**Ayes**  
Jessica Smuin  
Greg Gordon  
Lon Lott  
Jason Thelin

**Nays**

### D. Lambert Park Structure Discussion

Jason Thelin said he believes he went to fast on his motion regarding the Lambert Park Structure at the last meeting. He said he hoped the council could take a step back because are the citizens really going to understand why the city is doing this structure. Greg Gordon said with the bike repair, bench, and picnic table it should make sense that it is a place to rest. Mayor Troy Stout said a bike repair station would not be best suited for that area. He said in his opinion the structure needed to be bigger so it would be a better presence when it comes to the firing range. Shane Sorensen said they wanted to install that tomorrow. Jason Thelin said asked how the structure fits into the master plan. Shane Sorensen said the city could use the signs in that area. Shane Sorensen said he said he went up there and the people were shooting from the pad. He told them that they were on city property and that marker said forest He thought we made it safer for the people who wanted to shoot, and he said he could go 150 yards away. He the shooter had parked in Box Elder South. He said there is a public easement access in that area.

Greg Gordon asked if the city could put up a taller fence. Jason Thelin asked which route the council wants to go with concerning the larger structure. Mayor Troy Stout said if the council does put in a larger structure, it can be in the lower part of the park. Shane Sorensen said that the structure could fit in the lower area and that gravel could be used as a base instead of cement. Mayor Troy Stout said he envisioned a shade area for residents to relax in. Greg Gordon said the city could go with a smaller structure and have the same results. Chief Brian Gwilliam said having a picnic table for people to use would invite people there. He said being a person who likes to go target shooting having a table there, shooters will look at it as though the city has provided an area gun cleaning station. He said there is an enforcement issue. Jessica Smuin asked if the city labels the area property of Alpine City and the use being for an overlook point.

**Motion:** Lon Lott motioned to extend the meeting to 9:15pm. Greg Gordon seconded the motion. There were 4 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

**Ayes**

**Nays**

Jessica Smuin  
 Greg Gordon  
 Lon Lott  
 Jason Thelin

Will Jones, Trail Committee Chair, said if a shooter is up in that area if they see a sign saying no shooting on city property that would help. He said the Trail Committee would like to see a fence put in. He said down by the bathroom by the parking lot to the south would be a good location for a structure. Jessica Smuin said having a rest area this would bring more bikers and hikers in that area maybe the shooter would be deterred from using that area for shooting. Greg Gordon said maybe the city could come up with a design. Jason Thelin said he would like to use this structure down by the parking lot and have the kiosk on the cement pad. Will Jones said we could put the fence and signs up and we could get this started soon.

Jason Thelin said give the city direction to pick. Shane Sorensen said as we move forward with improvements in Lambert Park, some questions have come up about the details of the improvements and their intended use, including the Lambert Park structure that was recently approved. Details of the plans will be discussed and determined so the improvements can be completed. Greg Gordon asked if the council needed to make a motion to switch locations. Shane Sorensen said no, the previous motion said how much to spend and that the structure would be in Lambert Park.

#### **E. Fireworks**

Interim Assistant Fire Chief Brian Patten said the city is using the same map as last year, but his recommendation would be to ban all fireworks and open fires this year due to drought conditions to anything north of SR 92. He said that would mean all Alpine City would have a ban. He said he had spoken with Mayor Rod Mann of Highland City also agreed with the Fire Chief. I do understand the need to have an area where people can do fireworks.

Utahfire.com is an active map. Everywhere fire is banned. mayor said there is no room for error. Mayor Brad Frost of American Fork has already had a firework ban in place. Hyrum Bosserman said the city council makes the decision and if a fire chief comes in and had a hazardous area. Policing it would be easy when it is reported.

Motion: Jason Thelin moved on the recommendation of fire chief Paxton beginning May 26, 2021 throughout the rest of 2021 all fireworks and recreational fires be banned and approve Ordinance 2021-13 with the ban being stated throughout the rest of the year. Lon Lott seconded the motion. There were 4 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

Ayes  
 Jessica Smuin  
 Greg Gordon  
 Lon Lott  
 Jason Thelin

Nays

#### **VI. STAFF REPORTS**

##### **Chief Brian Gwilliam**

Lone Peak Public Safety District meeting tomorrow May 26, 2021, at 7:00am

##### **Shane Sorensen**

He said that he had met with each member of the City Council and the budget was nearly complete and would be ready for the next City Council meeting.

#### **VII. COUNCIL COMMUNICATION**

none

#### **VIII. EXECUTIVE SESSION:**

None held

**Motion:** Lon Lott moved to adjourn. Greg Gordon seconded the motion. There were 4 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

Ayes

Nays

Jessica Smuin  
Greg Gordon  
Lon Lott  
Jason Thelin

Adjourned 9:15 p.m.