

**ALPINE CITY COUNCIL PUBLIC MEETING**  
**on Tuesday, August 24, 2021, at 6:00 pm**

Mayor Troy Stout called the meeting to order at 6:05pm. He welcomed all in attendance.

**I. Roll Call:** The following were present and constituted a quorum: Jessica Smuin, Carla Merrill, Jason Thelin, Greg Gordon, Lon Lott

**A. Prayer:** Carla Merrill  
**B. Pledge:** Chief Brian Gwilliam

Staff: Shane Sorensen, Austin Roy, Chief Brian Gwilliam, Chief Brian Patten, Steve Doxey, Bonnie Cooper

Others: Brent Sadleir, Vaughn Wihongi, Kristy Wihongi, Lowell Camp, Barbara Camp, Jeffery Lewis, Steffanie Garces, Raul Garces, Will Jones

**II. WORK SESSION: General Plan**

Austin Roy, City Planner explained tonight's work session would be focusing on the Economic Development of the General Plan. He said he has outlined a General Plan Timeline. We should hold a public hearing on the general plan before adopting on the 26<sup>th</sup> of October. We only have six meetings left for the city council. If anyone drives down Main Street in Alpine they will see it is not a large commercial development. We have not actively made Alpine be a destination for shopping.

In the Economic Development of the General Plan the city has one goal:

"To promote economic growth and commercial development that attracts local resident spending in the community, while still preserving the City's small town historic feel."

Under the one goal there are six policies:

- 1.1 Seek to attract a stable flagship business that will stimulate economic growth and attract other likeminded businesses to the community.
- 1.2 Seek to expand and retain existing businesses in the community.
- 1.3 Seek to attract new low-impact businesses that fit the character and scale of Alpine City.
- 1.4 Promote patronage of local businesses from the citizens of Alpine and neighboring communities.
- 1.5 Actively work with developers to influence and encourage the best possible designs and outcomes for the community.
- 1.6 Seek to enhance parks, trails, and open space near the business commercial zone to compliment commercial development and thus create an area that is ideal for local leisure activity, shopping, and recreation.

Carla Merrill, City Council member, feels that policy 1.1 conflicts with policy 1.3. She said when thinking of flagship stores she thinks of stores such as a CVS pharmacy, she does not see something like that coming to Alpine. Greg Gordon, City Council member, suggested substituting retail for flagship in policy 1.1. Mayor Troy Stout said he would prefer to see businesses that serve Alpine residence, help local businesses, and not have big box stores. Lon Lott, City Council member, said the city did a study 7 years ago to get residents feedback on what kinds of businesses they would like to see in Alpine. He believes the city would have benefited from have a Meiers Meats, but we are too late for that because the store went to Highland City. He said Alpine cannot compete with stores that are already in Highland City. Carla Merrill said she liked Greg Gordon's suggestion of substituting the wording for policy 1.1. Lon Lott said when they looked at the demographics of Alpine, they said Alpine would not grow enough to support a big box store. Lon Lott said if the city had pursued having a little market like Meiers Meat years ago, he believes Alpine would support it. Mayor Troy Stout said people have wanted a bedroom community and a small-town flavor.

Shane Sorensen said sales tax for June this year is up 18.65 % from last year. He said for this budget year we have collected \$1.8 million in sales tax. Mayor Troy Stout asked if we could know how much is coming from online sales. Jessica Smuin, City Council member, sustains and supports ecommerce is based on zip code maybe define that a little more and support current businesses. Shane Sorensen said this could change and the state could change where sales taxes is distributed. Austin Roy said he would combine policy 1.2 and 1.4 and change it into policy 1.1. Mayor Troy Stout

said the Bangerter property has had a lot of interest. Shane Sorensen said potential buyers are looking at the current zoning and are not looking to waiting a year for the zoning to change. He said the property has a lot going on with sewer and water lines. He said some of the plans that the DRC (Development Review Committee) has been looking

as have been blended communities and others 1 acre lots. He said one of the groups said they were under contract, although that has not been verified. He said there two there are two potentially different buyers for Clark Burgess property and Bangarter property. Mayor Troy Stout believes that Alpines trail system can bring in business to our business district. Austin Roy would update the policies to the Economic Development portion of the General Plan.

### III. CONSENT CALENDAR

- A. Approve City Council minutes of July 27, 2021
- B. Bond Release No. 7 – The Ridge at Alpine Phase 4: \$118,970.90
- C. Bond Release No. 4 – The Ridge at Alpine Phase 5: \$295,502.75
- D. Award 2021 Overlay Project – Kilgore Paving: \$412,043.00
- E. Award Sealcoat Project - Holbrook Asphalt Bid: \$80,233.87
- F. Award Sealcoat Project - Morgan Asphalt Bid: \$24,638.10
- G. CUP Filter Project, Approval of Change Order No. 2 – Silverleaf Well Pipeline for PI Conversion – Corrio Construction: \$26,785.52
- H. Cup Filter Project – Partial Payment No.1 – Corrio Construction: \$344,508.95

Carla Merrill asked for clarification on when the CUP filter project would be completed. Shane Sorensen said he is not sure the Corrio Construction has run into supply issues. Carla Merrill asked how much the project would be increasing our water pressure. Greg Gordon said about 40% increase.

**MOTION:** Lon Lott moved to approve the consent calendar as proposed with the edits made by Lon Lott, Jason Thelin and Greg Gordon to the minutes of July 27, 2021. Carla Merrill seconded the motion. There were 5 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

<u>Ayes</u>	<u>Nays</u>
Jessica Smuin	
Greg Gordon	
Lon Lott	
Jason Thelin	
Carla Merrill	

### IV. PUBLIC COMMENT

***Jeffery Lewis***  
***535 E Healey Blvd.***

*Jeffery Lewis had concerns regarding the horse arena being built in his neighborhood. He said he now understands the city's code. He said he had sent an email to staff, City Council members, and Mayor Troy Stout with a question that he wanted to know if he could get an answer to at the meeting tonight. He said the question was about the distance of the setbacks of the horse arena were 25- or 30-foot setbacks. He said he had asked the owner; the owner of the arena said the arena was setback at 30 feet.*

Shane Sorensen said building inspector would have been the one to measure the setbacks at the time of inspection approval. Mayor Troy Stout asked if staff could go out to the horse arena and measure the setbacks and height. Shane Sorensen said the city would need to get permission from the property owner to go on to the property to do the measurements. He said he would have a staff member go and measure the setbacks. He said the building inspector would still have to approve the measurements.

***Barbara Camp***  
***488 N Quail Hollow***

*Barbara Camp said she has concerns about the horse arena. She said she is not happy with the fact that a neighbor should not be able to build a 50-foot wall in front of another neighbor's home. She said the city should have residents build on natural grade.*

Mayor Troy Stout said he agreed with the building on the natural grade.

***Lowell Camp***  
***488 N Quail Hollow***

*Lowell Camp said he understands that the horse arena was built with the existing city codes. He asked that the City Council reevaluate the codes that allowed this large structure to be built in a neighborhood setting.*

***Vaugh Wihongi***

**798 S High Ridge Drive**

Vaugh Wihongi said he lives due east of the horse barn structure. He said he did not move to Alpine to live next door to a Costco building. He said the structure feels like a Costco building has been brought into our neighborhood.

Shane Sorensen said he would have a staff member go and try to get a measurement.

**V. REPORTS AND PRESENTATIONS**

**A. Financial Report**

Shane Sorensen said the city has received last months sales taxes and class E road funds updates. He said sales taxes have had a definite dramatic increased. He said the transit funds for last year were \$151,000 and this year they are \$170,000, with these funds repairs will be done on roads. He said it is still early in the budget year.

**VI. ACTION/DISCUSSION ITEMS**

**A. Certify Canvass Primary Mayoral Election 2021**

Bonnie Cooper, City Recorder gave a summary of the official results of the 2021 Municipal Primary Election. With 100% of all six-precinct reporting the results are as follows:

Registered voters 7,066 – Votes Cast 2,426 34% Number Report Precinct 6 – Number Reporting 6 100%

<b>ALPINE MAYOR – 4-year term</b>		
Number of Precincts	6	
Precincts Reporting	6	100%
Vote For	1	
Total Votes	2,426	
Mail Ballots <i>Not</i> Accepted	69	
<hr/>		
MURRAY B SPENCE	274	8.80%
MARISSA SHERMAN	73	3.04%
* <b>GARY COOPER</b>	<b>452</b>	<b>11.40%*</b>
* <b>CARLA MERRILL</b>	<b>1,627</b>	<b>66.76%*</b>

Bonnie Cooper said Gary Cooper and Carla Merrill will move on to the General Election held on Tuesday November 2,2021.

**MOTION:** Lon Lott moved to approve the Canvass of the 2021 Municipal Primary Election and certify the results. Jessica Smuin seconded the motion. There were 5 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

- |               |             |
|---------------|-------------|
| <u>Ayes</u>   | <u>Nays</u> |
| Jessica Smuin |             |
| Greg Gordon   |             |
| Lon Lott      |             |
| Jason Thelin  |             |
| Carla Merrill |             |

**B. Appoint New Planning Commission Member**

Mayor Troy Stout said he would not be ready to appoint a new Planning Commission member at tonight’s meeting.

**MOTION:** Lon Lott moved table appointing a new Planning Commission member until next City Council meeting. Greg Gordon seconded the motion. There were 5 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

Ayes  
 Jessica Smuin  
 Greg Gordon  
 Lon Lott  
 Jason Thelin  
 Carla Merrill

Nays

### **C. Request for Access Across City Open Space – Victoria Pettey, 184 S. Pfeifferhorn Drive**

Austin Roy explain resident Victoria Pettey is requesting permission to access her property from the west, which fronts a city trail. To access her property from the west Victoria Pettey would have to cross City open space and trails. City ordinance states:

#### *3.16.080 General Restrictions*

*Certain restrictions apply to all publicly owned space, regardless of designation.*

- 1. Unless specifically authorized, no motorized vehicles are allowed.*

Mrs. Pettey outlines the following reasons (see also included letter):

- 1. I need trail access to reach 184 S Pfeifferhorn Dr, Alpine, UT 84004, from the north. (top of Pfeifferhorn Drive), for dump trucks to dump approximately 10-12 loads of dirt and two loads of rock in the back of our property.*
- 2. We need to fill the Hog Hollow channel that runs through our property.*
- 3. We have lived here for 23 years, and the channel has been eroded away both in width (about 9 feet) and in depth. (about 5 feet) since 1998. It is now a hazard, not only to us, but anyone playing along the trail, but also those playing Frisbee Golf as they walk through our back property on the west side of the channel.*
- 4. Because of erosion, there are shallow pools where mosquitoes and larvae thrive.*

Austin Roy said Jed Muhlestein, City Engineer had looked at this and he would require that he preform an from the inspection to make sure there is proper drainage. Carla Merrill asked if they get permission for the water district. Lon Lott said both paths to Mrs. Pettey's back yard are very narrow. Shane Sorensen said the residents will likely have a very difficult time trying get permission from the water district.

Mayor Troy Stout asked why the city is allowing residents to use trails to access their homes. Carla Merrill said this request is not onetime in and one time out request like the previous City Council meeting. She said the Pettey's need to make ten trips in and ten trips out. Mayor Troy Stout said trails are being damaged by residents dumping and not using the trails for their intended purpose. He said a home on the border in Highland City has washed out their concrete into Alpine City trails. Shane Sorensen said he will contact Highland City to have the contractor clean the concrete up.

Lon Lott said the homeowner intends to use a ten-wheeler getting through that area. He said the area is a flood plain area but the homeowner feels like this area needs to be filled in because of the safety issues. Shane Sorensen said the area is where Hog Hollow drainage is located. Lon Lott said Jed Muhlestein looked at the area and said it would need to have a proper drainage and should not be built up. Lon Lott said the trail is too narrow for a 10-wheeler truckto be able to move through an area. He was also concerned about where the homeowner will be dumping the materials and where a staging area will be. Greg Gordon said there is concern that residents think their property lines extend over the city's easement. He said the residents believe the Westfield Development that was the original developer owned the easement, but it is Alpine City property.

Lon Lott said on Mrs. Pettey's northeast side of her property she has trees and bushes, that is the area of the trail that becomes very narrow. He said there is just not the room for a 10-wheeler truck. He said in the same northeast side there is culvert, would the homeowner or the city be responsible for the culvert. Shane Sorensen said the city is responsible for cleaning it out.

Jessica Smuin asked if the homeowner could access it from the south. Carla Merrill said it just makes sense because they don't have to go over private property. Greg Gordon asked if the area to the south would be too steep to enter from. Mayor Troy Stout said the trails were never meant to be roads. Shane Sorensen said the homeowners would have to get permission from private property owners and the trail could be blocked off temporarily. He said he was concerned that other residents may see this as a sign to the neighborhood to use the trails too.

**MOTION:** Greg Gordon moved to table the request by Victoria Pettey to access her property via city property, pending the property owner to contact the water district to access her property. Jessica Smuin seconded the motion. There were 5 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

<u>Ayes</u>	<u>Nays</u>
Jessica Smuin	
Greg Gordon	
Lon Lott	
Jason Thelin	
Carla Merrill	

**D. Lot Exception – Lot with more than five sides: 720 East Ridge Drive**

Austin Roy said an exception is being requested for a proposed plat amendment/boundary line adjustment of High Bench Ridge Plat F. Specifically, the petitioner is seeking an exception for the maximum number of sides to his lot. Article 3.01.110 of the Alpine City Development Code defines a Lot as:

*“A parcel or unit of land describable either by metes and bounds, or by other legal plat designation held or intended to be held in separate ownership or leasehold or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map or shown on a plat used in the lease or sale of land resulting from the division of a larger tract into smaller units. Lots shall be generally rectangular in nature and shall have no more than five sides without an exception being recommended by the Planning Commission and approved by the City Council; the front of a property, located at the front right of way, does not count against this requirement.”*

As stated in the definition above, a lot with more than five sides shall only be permitted after an exception is recommended by the Planning Commission and approved by the City Council.

On August 17, 2021, the Planning Commission made the following recommendation:

**MOTION:** Commission Member John MacKay moved to recommend that an exception be granted and that the High Bench Ridge Plat F plat amendment be approved as proposed. Troy Slade seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed.

<u>Ayes:</u>	<u>Nays:</u> None
Ed Bush	
Alan MacDonald	
Ethan Allen	
John MacKay	
Jane Griener	
Troy Slade	

The City Council had concerns that this home would meet all the setback requirements. Austin Roy said the homeowners have met all the city requirements.

**MOTION:** Jason Thelin moved that an exception be granted and that the High Bench Ridge Plat F plat amendment be approved as proposed. Lon Lott seconded the motion. There were 5 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

<u>Ayes</u>	<u>Nays</u>
Jessica Smuin	
Greg Gordon	
Lon Lott	
Jason Thelin	
Carla Merrill	

**E. Setback Exception – Brookside Meadows PRD Lot 1**

Austin Roy said an exception is being requested for the setbacks for Lot 1 of the Brookside Meadows PRD (Planned Residential Development). Specifically, the petitioner is seeking an exception for the rear setback on the east side of the lot. Article 3.01.110 of the Alpine City Development Code defines a Rear Yard as:

*“A space between the back wall of the nearest main building extending the full width of the lot and the lot line that is most distant from, and is most nearly parallel with, the front lot line. If the rear lot line is less than ten feet (10’) in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten-foot (10’) line parallel to the front line, lying wholly within the lot for the purpose of establishing the minimum rear yard. The depth (or setback) of the rear yard is the minimum distance between the rear lot line and the rearmost part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches and decks.”).*

Brookside Meadows is a Planned Residential Development (PRD), and as such, the City Council may grant exceptions for setbacks following a recommendation from Planning Commission and

*“...upon a finding that such exception is appropriate for the proper development of the lot and that the exception will not result in the establishment of a hazardous condition” (3.09.060.4.d).*

The lot borders open space to the east and south. The proposed exception does not appear to result in the establishment of a hazardous condition.

On August 3, 2021, the Planning Commission reviewed this item and made the following recommendation:

***MOTION:*** *Commission Member Alan MacDonald moved to recommend approval of a 15’ east side setback exception for Lot 1 of Brookside Meadow PRD. Commission Member John MacKay seconded the motion.*

*In discussion on the motion, Alan MacDonald said property owners knew the size of the lot when they bought it. They then try to fit too large of a home on the lot. Then they came in looking for an exception. He said there were setbacks for a reason. It seemed to him they were seeing a lot of these requests coming in lately. Ed Bush agreed.*

*Jane Griener stated it felt like they saw a lot of these requests for exceptions, but they didn’t really know how many people move forward without needing an exception. She also pointed out that if approved, the homeowner could potentially build a cover over the deck in the future, since the deck was attached to a house.*

*The motion was voted upon. There were 6 Ayes and 0 Nays (recorded below). The motion passed unanimously.*

**Ayes:**

*Ed Bush  
Alan MacDonald  
Ethan Allen  
John MacKay  
Jane Griener*

**Nays:**

*None*

Jason Thelin asked if the back deck is part of the building envelope. Carla Merrill asked if when potential buyers are told when buying that they can come in and will be given an exception because this subdivision is in a PRD (Planned Residential Development). Jason Thelin asked if the greenhouses have their own setbacks. Austin Roy said the greenhouse in the backyard has a 30-foot setback the other greenhouse is attached to the home. Jessica Smuin asked if the residents have to provide an elevation for the exception. Austin Roy said the city does not require an elevation plan for an exception. Jason Thelin asked why a PRD subdivision can get exceptions. Shane Sorensen said any PDR exception must go to Planning Commission and then to City Council for approval. Jason Thelin asked if there is ever a situation when the city would say no to a resident that had a PRD. Greg Gordon said why don’t they set this property up before they can be sold as a buildable lot. Jason Thelin said we are always granting these exceptions with the next applicants. Greg Gordon said it doesn’t seem like it affects anyone very much. Lon Lott said he could come in and get a permit for the greenhouse this is only a deck.

**MOTION:** Lon Lott moved that an exception be granted and that a 15-foot east rear setback be approved for Lot 1 of the Brookside Meadows PRD as requested by the applicant #4 d. Greg Gordon seconded the motion. There were 5 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

Ayes  
 Jessica Smuin  
 Greg Gordon  
 Lon Lott  
 Jason Thelin  
 Carla Merrill

Nays

#### **F. Setback Exception – Brookside Meadows PRD Lot 7**

An exception is being requested for the setbacks for Lot 7 of the Brookside Meadows PRD. Specifically, the petitioner is seeking an exception for the front (25 feet) and rear (17 feet) setbacks on the north and south sides of the lot. Article 3.01.110 of the Alpine City Development Code defines a Rear Yard as:

*“A space between the back wall of the nearest main building extending the full width of the lot and the lot line that is most distant from, and is most nearly parallel with, the front lot line. If the rear lot line is less than ten feet (10’) in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten-foot (10’) line parallel to the front line, lying wholly within the lot for the purpose of establishing the minimum rear yard. The depth (or setback) of the rear yard is the minimum distance between the rear lot line and the rearmost part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches and decks)”.*

Brookside Meadows is a Planned Residential Development (PRD), and as such, the City Council may grant exceptions for setbacks following a recommendation from Planning Commission and

*“...upon a finding that such exception is appropriate for the proper development of the lot and that the exception will not result in the establishment of a hazardous condition” (3.09.060.4.d).*

The proposed exception does not appear to result in the establishment of a hazardous condition.

On August 17, 2021, the Planning Commission made the following recommendation:

***MOTION:*** *John MacKay moved to amend the motion to recommend approval of a 20-foot rear setback and a 22-foot front setback.  
 Alan MacDonald seconded the motion. There were 5 Ayes and 1 Nays (recorded below). The motion passed.*

**Ayes:**

*Jane Griener  
 Alan MacDonald  
 John MacKay  
 Ethan Allen  
 Ed Bush*

**Nays:**

*Troy Slade*

Austin Roy said the way this was drawn was that the home was to face east. The residents are here for the setbacks. The door is on the south side of the home and the rear is to have a 30-foot setback and right now it shows a 12-foot setback. He said the Planning Commission felt like because it was a corner lot, and the home could be a little bit closer in the front. They are asking for two exceptions. The lot is too narrow and would only fit a row house. And they thought it would benefit the neighbor to have the front and rear setbacks.

Lon Lott said the elevation is low and lot does not have a lot of slopes on it. Carla Merrill said worries about infringing on the neighbors.

Mayor Troy Stout asked Steve Doxey for advice when making exceptions with a PRD subdivision. Steve Doxey said the way this ordinance is written, and the way PRD are set up is to allow flexibility. He said it is ultimately a legislative decision. Carla Merrill said there is no guidance in the ordinance for the council to go on. Lon Lott said there are different setbacks with smaller lots and there is some flexibility, and they are buying a property in a PRD the property owner feels they have that flexibility.

Jason Thelin said there is a process the developer must go through to get a subdivision approved. He said some of the responsibility to make the land buyer needs to go on the developer. He asked if the city will every limit the amount of lots or does the developer get the amount of lots based on a per the square foot and then they can receive a PRD and cluster the homes all together. Jessica Smuin asked if the city can ask for elevations before we make

these variance decisions. Greg Gordon asked what the setbacks are for the CR10000 zone. Shane Sorensen said setbacks for the CR10000 for a home's front yard is 30 feet, side yard 10-12 feet and a rear setback of 20 feet. Austin Roy said there are 15 half acre lots, on 13 acres in this development. He said most of these are going to need exceptions in these subdivisions. Jason Thelin asked why the city is granting the PRDs for this development, is it for the open space. Shane Sorensen said most of the time PRDs benefit community. He said the last time the city gave an exception was in 2003. He said the city gets tax benefits from the open space. Lon Lott pointed out that there is another entire subdivision that is a PRD and every home, but one has come in for an exception.

**MOTION:** Jason Thelin moved that an exception be granted 17 north rear setback and a 25 foot south front setback be approved for Lot 7 of the Brookside Meadows. With the find from the ordinance.4d. Carla Merrill seconded the motion. There were 5 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

<u>Ayes</u>	<u>Nays</u>
Jessica Smuin	
Greg Gordon	
Lon Lott	
Jason Thelin	
Carla Merrill	

### **G. Open Space Purchase Proposal – 539 N Pfeifferhorn Drive**

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

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. The easement does allow for certain things to be built within it, such as: a driveway, curbing, and landscaping (no deep-rooted trees permitted). 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. The city sees the open space as a possible location for a future trailhead with parking.

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. However, the previous landowner never ended up recording an amended plat to this effect. Therefore, 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 that was approved in the past.

The petitioner is seeking to purchase public open space to add frontage to his existing lot. The public open space proposed for purchase runs from the northeast corner of his property to 5 feet past the moisture box (see exhibit). 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. Also, 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).

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.*

The petitioner is proposing to offer \$8,094 for approximately 1,738 square feet of public open space. According to the petitioner this value was based on the most recent tax information, which values the property at \$9.31 per square foot. The petitioner is proposing that the purchase price would be 50% of valuation since he feels that the land is unbuildable, and therefore less valuable. However, staff does not agree that the property has diminished value. In fact, the open space would greatly enhance the value and utility of the petitioner's property. Therefore, staff would recommend that the city ask full price or fair market value for the 1,738 square feet of public open space (based on the \$9.31 per square foot valuation mentioned above, the value would be closer to \$16,180.78 or \$405,543.60 per acre).

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

On May 25, 2021, the City Council tabled this item to a future meeting.

**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  
Lon Lott  
Jason Thelin

**Nays:**

On June 22, 2021, the City Council adopted Ordinance 2021-14, which pertains to the definition of Significant Property and establishes a process to dispose of City owned real property. Based on the Ordinance 2021-14 the property at 539 N Pfeifferhorn Drive would be deemed significant property and thus would have to follow the process outlined to dispose of City owned real property should the City Council decided to dispose of the property.

On July 13, 2021, after further discussion the City Council decided to table this item again.

**MOTION:** *Greg Gordon moved to table the decision of whether to dispose of real property at 539 N Pfeifferhorn Drive as proposed pending further design considerations of parking land swap options by city staff. Carla Merrill seconded the motion. There were 4 Ayes and 0 Nays, as recorded below. The motion passed unanimously.*

**Ayes:**

Carla Merrill  
Jason Thelin  
Greg Gordon  
Lon Lott

**Nays:**

Mayor Troy Stout said he thinks the only solution would be to do a land swap after looking at the property. Lon Lott said the landowner said he was interested in a swap.

**MOTION:** *Carla Merrill moved to deny disposing of city owned real property. Jessica Smuin seconded the motion. There were 5 Ayes and 0 Nays, as recorded below. The motion passed to deny unanimously.*

**Ayes**

Jessica Smuin  
Greg Gordon  
Lon Lott  
Jason Thelin  
Carla Merrill

**Nays**

Austin Roy said with the development of the Alpine West Meadows Subdivision staff have noticed that every lot with a storm water pond easement has had issues with placing a home on the lot and driveway access design difficulties. The lots with storm water pond easements have less lot area to work with and as a result design issue are common. Staff would recommend that storm water pond easements located on a lot do not count towards the lot area, in the same way that flood plain areas currently do not count towards the minimum area of a lot.

The Planning Commission unanimously recommended approval of the proposed amendments at the June 15, 2021, meeting.

***MOTION:** Commission Member Ed Bush moved to recommend that Ordinance 2021-15 Storm Water Easement be adopted as proposed with the exception of changing the language of storm drain and flood plain for all zones. Troy Slade seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed.*

**Ayes:**

Jane Griener  
 Alan MacDonald  
 John MacKay  
 Ethan Allen  
 Ed Bush  
 Troy Slade  
 Sylvia Christiansen

**Nays:**

None

**MOTION:** Greg Gordon moved that Ordinance 2021-15 be adopted as proposed. Lon Lott seconded the motion. There were 5 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

**Ayes**

Jessica Smuin  
 Greg Gordon  
 Lon Lott  
 Jason Thelin  
 Carla Merrill

**Nays**

**I. Discussion on Height/Grading/Setback Requirements for Homes and Accessory Buildings**

Mayor Troy Stout said he asked for this discussion item regarding accessory buildings be put on tonight’s agenda. He said the council has talked about height/grading/setbacks for homes and accessory buildings before. He said as the city is building out, he thinks the council needs to look at buildings that meet code but do not fit in with the city. He said it is hard to look in a crystal ball to see what the future will bring for Alpine City. He said how the city measures the height of a building, depending on the slope of the roof line, and natural grade verses improved grade. He said he thinks the city needs to get stringent on the grade and how it is measured. He said he brought an item to the city when someone built a large garage monolithic building and ruins the view of the entire neighborhood. He would like to rewrite the ordinance and change the language.

Shane Sorensen asked the council to consider what if a property owner purchases a lot and then the lot next to them and combines the properties. He said it is very hard to decide where the natural grade is when a developer comes in and obliterates it getting the property ready for homes. He said the city is dealing with an accessory building right now that fits within city’s new ordinance. He said the subdivision had to come in and build up the neighborhood’s backyards by about two feet because of an irrigation canal and flooding. The new property owner has built a playhouse on that berm in his backyard and has his neighbor complaining.

Mayor Troy Stout gave an example of a structure that negatively affected an entire neighborhood. He said he knows that none of residents in the city are guaranteed a view. He asked what if someone came in and put in fill dirt and had their home higher than the rest of the homes in a neighborhood. Lon Lott said this would not happen on a small lot it would happen only on a larger lot. He said larger lot areas such as the Healey Blvd. area has at least a 5-foot grade the homes there have all changed from the natural grade.

Mayor Troy Stout said he thinks the council needs to protect neighborhood and new subdivisions. He said the city has ways of measuring, and he does not think they favor the existing landowners. He asked Steve Doxey for his legal opinion. He said the ordinance says accessory structures must have 30-foot setbacks and maximum height of 28-feet, for any homes natural grade the structure should follow that footprint. And if is going to impact the neighborhoods.

Steve Doxey said he would need directions from council, Shane Sorensen, and Austin Roy to how they would want the language to read in the amended ordinance. He said he represents a flat community, and they bring in fill dirt and that community always goes by curb and their City Engineer would be the one to grant those exceptions. He suggested the city could measure from the top back of curb.

Jessica Smuin asked if the council is talking about two things, accessory buildings, and residential homes. She suggested that all accessory buildings be brought to the council for approval. Steve Doxey said people will always build to what you allow them to build to. He suggested having a joint work session with the Planning Commission and City Council. Jessica Smuin asked if the council could put in a moratorium on building large accessory building and retaining walls for next 180 days. Shane Sorensen said the city has many homes that will require retaining walls and will halt a lot of construction. Lon Lott asked if council is concerned with larger lots; He said he does not know what starting a moratorium will help. Steve Doxey said the council is not talking about changing just one ordinance, this would be many ordinances that would need to be changed. Mayor Troy Stout said what if the city put a moratorium on square footage or anyone needing retention walls. Steve Doxey said the city really cannot do that because Alpine is a hillside community, there is going to always be lots bringing in fill or taking dirt out. Mayor Troy Stout asked if someone has already put in an application can the city stop those applicants. Steve Doxey said no, but he would be happy to come up with some concepts to go over with the staff. He said the city has a great staff that the council can trust. He asked realistically how many of these type of approval does the City Council want to see, because the City Engineer could review the applications and exceptions and approve them or deny them. Shane Sorensen said with a productive work session he thinks the city can come up with some solutions. He said there are a lot of examples in the City Council packet from the meeting tonight. He said if council could email Austin Roy with their suggestions on height/grading/setback requires staff would review them.

Motion: Jessica Smuin motioned to extend the meeting to 9:20, or until Shane has shared all his information. Greg Gordon seconded the motion

## **VII. STAFF REPORTS**

### **Chief Brian Gwilliam**

Mayor Troy Stout requested Chief Brian Gwilliam present how the police officers have training to deal with people with mental health issues. Chief Brian Gwilliam said he would be able to do that the second meeting in September.

### **Chief Brian Patten**

Chief Brian Patten said all the Lone Peak fire fighters are home from helping with wildfires. He said he has had requests from California to send fire fighters out to help them. He said he would like to introduce his new Deputy Chief at the next City Council meeting. He said the new deputy is coming from the Lehi City fire department.

### **Austin Roy**

Austin Roy said he was contacted by Alpine Elementary School requested either a City Council member or the mayor come and speak to the 3<sup>rd</sup> grade at Creekside Park on Friday August 27, 2021. Mayor Troy Stout and Carla Merrill both said they would attend and speak to the group.

### **Shane Sorensen**

Shane Sorensen said the city has received part of the ARPA (America Recovery Plan Act) funds. He said what we can spend it on culinary water for sure. He said he would be asking if the funds can be used to drill a well in order to have a well in the city's higher zone. He said having another well means the CUP water could shut off and different wells could be used different times which would benefit the city. He said he would be attending a ZOOM meeting for grants that are available for cities to use for drought resilient planning, well rehab, and drilling a new well. He said the city can apply for these grants as many times as the city wants to.

Shane Sorensen asked for direction from the Mayor and City Council if they wanted the city to move forward with the pickleball courts in Healey Park. He said all the council had received an email with a neighborhood survey regarding the pickleball courts. He said the neighborhood has requested to have the pickleball courts be on a future City Council agenda. Mayor Troy Stout said if we do go forward, I don't think we should do lights and I think we should bid it we should build it. Mayor Troy Stout if the city is going to do a survey, then the entire Alpine community needs to be involved not just one neighborhood. Carla Merrill said in the survey taken by the neighborhood the same percentage of people that did not want the pickleball courts also did not want the soccer field to be utilized. Mayor Troy Stout asked if the bid would be based on design or location. He asked if the council decided that another park would be a better solution could the city use the same bid. Shane Sorensen said he would not like to put it out for bid if the city had to cancel the bid later. Mayor Troy Stout said the city will be building more pickleball courts regardless of which park the council decides on. Carla Merrill suggested to continue with the Healey Park location but not put up the lighting. Greg Gordon said they have heard from many residents in the neighborhood. The City Council gave

guidance to staff for a bid for the pickleball courts. Carla Merrill asked about painted lines on the tennis courts at Burgess Park. Shane Sorensen said the pickleball community would be willing to raise the money to pay for lines being painted on the courts at Burgess Park.

Shane Sorensen said on next Wednesday September 1, 2021, at 2pm Kami Burgess, Alpine Days chair, and the city will give a report on Alpine Days. Mayor Troy Stout, Carla Merrill and Jessica Smuin said they would all be in attendance. Jessica Smuin suggested getting Kami Burgess, Alpine Days Chair, a thank you gift.

Shane Sorensen asked if the council and Mayor want to approve two or four picnic tables at the new pavilion at Burgess Park. Mayor Troy Stout approved two picnic tables.

Shane Sorensen said he the fire station remodel would be getting underway. He would be hiring an architect. He said on the eastside an addition would be added for living quarters and an area to have for community events. He said that one bay may still be added. He said final concept and cost estimate will need to be approved by council. He said the city may be able to use federal funds. He said the city has budgeted half a million dollars and the city would be bonding a portion of our sales tax for the remodel. He said a 12-foot one way road is being considered behind the fire station and City Hall.

Shane Sorensen informed council that Tommy Youngblood, Code Enforcement Officer, resigned. He said the city had hired a seasonal Code Enforcement Officer. He said the city would need to post the position and open up to everyone first but if the seasonal employee wants to apply, they can. He said with the new hire the city has issued a lot more citations.

Shane Sorensen said he would like to talk about the Bangerter property in an executive session.

Shane Sorensen asked the mayor when the next conservation easement open house would be. Mayor Troy Stout said sometime in September.

## **VIII. COUNCIL COMMUNICATION**

### **Jessica Smuin**

Jessica Smuin voiced concern about the roundabout and how soon the landscaping would be updated. Shane Sorensen said that all the trees would be staying but the smaller bushes would be removed, landscape tarp, mulch and lighting will be finished this fall.

Jessica Smuin asked the council if any of them would be interested in participating in a program called "If I ran the city". This program is for the youth in our community to write a paper titled "If I ran the city". The City Council would let the youth shadow for half a day. Lon Lott said the Alpine Youth Council used to do something similar to this with the City Council. Everyone agreed to do it in 2022.

Jessica Smuin would like to put Peterson Park on a future agenda to talk about taking down the building "milk shed", making the parking lot bigger, approving a budget, and putting a pavilion in down by the bridge. She spoke to Mrs. Smith had agreed to get her church group together to organize a park cleanup day.

### **Greg Gordon**

Greg Gordon asked about the status on Legacy Park, the sprinkling system and flower boxes. Shane said he did not have the staff to redo the sprinkling system this fall. Mayor Troy Stout asked if the city could put the sprinkling system out for bid. Lon Lott said most landscaping companies are booked out until next year. Mayor Troy Stout said he would like to see the flower baskets in this fall at Legacy Park.

Greg Gordon asked if the upper parking lot in Three Falls could be put on a future agenda.

### **Mayor Troy Stout**

Mayor Troy Stout said he would be meeting with UDOT (Utah Department of Transportation) regarding maintenance issues at the next MAG meetings, if the council had any other issues to bring to their attention let him know. He said he will also mention expanding the Timpanogos Highway Commuter Lane into two lanes. If there is ever an accident on the commuter lane drivers can be trapped for hours.

Mayor Troy Stout said there is an area over on Oakhill where scrub oak is growing over the road. Shane Sorensen said he would have staff take care of the overgrowth.

Mayor Troy Stout said he was biking the other day on Hog Hollow and the Lone Peak Mountain Bike Team was there and there were well over 100 kids in the parking lot. He said he had a meeting set up with the coach of the team to go over the team’s etiquette rules. He said the Lone Peak Team not only uses Alpine City trails but other city trails as well.

**Carla Merrill**

Carla Merrill asked if the city staff was aware of a 25MPH sign that had been vandalized to say 65MPH. Shane Sorensen said the police are aware and he would have staff replace it.

**Greg Gordon**

Greg Gordon asked how the flower boxes project is coming and if it is in the budget to go forward with Legacy Park maintenance project.

Greg Gordon asked how soon the upper parking lot would be going in at Three Falls. Shane Sorensen said they cannot start until Three Falls development is done with their construction.

Greg Gordon received compliments for the city message services when it comes to notifying the citizens in an emergency or with needed information. He said they said whoever does the messages is very professional. Shane Sorensen said that would be Carolyn Riley, City Treasure, recording the messages that go out to the citizens of Alpine.

**Jason Thelin**

Jason Thelin asked where the upper the parking lot in Three Falls would be going. Shane Sorensen said staff would put the parking lot on the next agenda.

**MOTION:** Carla Merrill moved to adjourn to executive session in the Council Chamber and to end the public City Council meeting for discussion of property acquisitions. Jessica Smuin seconded the motion There were 5 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

<u>Ayes</u>	<u>Nays</u>
Jessica Smuin	
Greg Gordon	
Lon Lott	
Jason Thelin	
Carla Merrill	

Adjourned City Council meeting at 9:39 pm

**IX. EXECUTIVE SESSION:**

Executive Session held  
Began Executive Session at 9:40 pm

**MOTION:** Greg Gordon moved to adjourn. Lon Lott seconded the motion There were 5 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

<u>Ayes</u>	<u>Nays</u>
Jessica Smuin	
Greg Gordon	
Lon Lott	
Jason Thelin	
Carla Merrill	

Adjourned Executive Session at 9:50 pm