

**ALPINE CITY COUNCIL MEETING**  
**Alpine City Hall, 20 N. Main, Alpine, UT**  
**April 23, 2019**

**I. CALL MEETING TO ORDER:** The meeting was called to order at 7:00 pm by Lon Lott, Mayor pro tem.

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

Mayor Troy Stout was excused.

Councilmembers: Lon Lott - mayor pro tem, Carla Merrill, Ramon Beck, Jason Thelin

Councilmembers not present: Kimberly Bryant were excused.

Staff: Jed Muhlestein – City Engineer, Charmayne Warnock- Recorder, David Church – City Attorney, Austin Roy – City Planner, Ted Stillman – Code Enforcement Officer, Reed Thompson – Fire Chief

Others: Sylvia Christiansen, Frazier Bullock, Alan Gillman, Andrew Sheets, Gavin Fietkou, Brooke Sheets, Aaron Rust, Gavin Pincock, Will Jones, Breezy Anson

Shane Sorensen was at a conference and was excused.

- B. Prayer:** Carla Merrill
- C. Pledge of Allegiance:** Gavin Pincock

**II. CONSENT CALENDAR**

**A. Minutes of the Alpine City Council meeting held April 9, 2019**

**B. Award 800 S. Waterline Project - Sterling Don Excavation - \$71,615.24** Jed Muhlstein said the waterline project was to replace a 6-inch line at the intersection of Alpine Highway and 800 South. UDOT was scheduled to do some work on Alpine Highway in the spring and wouldn't allow the asphalt to be cut for several years after they completed their work, so the City wanted to extend the waterline underneath the highway before UDOT began their work.

**C. Award Main Street/600 N. Storm Drain Project - CAP Construction - \$103,224.39.** The storm drain project would extend the storm drain on 600 North to Fort Creek as shown on the Master Plan. Currently the water ran down Main Street to 200 North, which was inadequate. The project would complete the segment to Fort Creek and take the pressure of downstream locations.

**D. Resolution No. R2019-06 Interlocal Agreement with Utah County to conduct Alpine City's 2019 Municipal Election.** The Council had approved the Interlocal Agreement with Utah County to administer the 2019 Municipal Election at the previous meeting. Resolution No. R2019-06 would formalize it.

Jed Muhlestein said staff recommended awarding the bids to the low bids for each project which were Sterling Don Excavation for the waterline project at CAP Construction for the storm drain.

**MOTION:** Ramon Beck moved to approve the Consent Calendar. Carla Merrill seconded. Ayes: 4 Nays: 0. Motion passed.

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

### III. PUBLIC COMMENT

Breezy Anson - Wilderness Drive. He said the Trail Committee had invited the community to meet at the rodeo grounds on Saturday morning to help work on the trails in Lambert Park. There was a lot of damage to the trails caused by people on bikes and horses using them in wet conditions. They needed to put up signs saying to stay off the trails when it was wet.

Mr. Anson also had some questions about the proposed ordinance on flag lots. Lon Lott said that would be discussed later in the meeting and he could bring up his concerns at that point.

Lon Lott said he appreciated the contribution from the high school students in planting the tree seedlings in Lambert Park. He asked about watering them. Ed Bush said the tank was up there and he was getting the watering organized.

### IV. REPORTS AND PRESENTATIONS

**A. Financial Report:** Austin Roy said the financial report was included in the electronic packet for the Council's review. If they had questions, they could bring them up with Shane Sorensen when he got back.

**B. Percentage of City as Open Space/Parks:** Austin Roy said Mayor Stout had wanted to know the percentage of open space in Alpine. The total open space was 27% of Alpine's land area as shown on the table below.

Type of Open Space	Area in acres	Area in square miles	Percent
City Area	5,093	7.96	
Natural Open Space	978	1.53	19%
Developed Open Space	108	0.17	2%
Private Open Space	184	0.29	4%
Conservation Easements	112	0.17	2%

Jason Thelin said he thought the Mayor also wanted to see a comparison of the Alpine's open space to Highland and Cedar Hills.

**C. Extending the Parking Restriction on Fort Canyon Road into the Three Falls Subdivision.** Frazier Bullock said the developers of Three Falls had spent \$300,000 building a public park lot at the entrance into the subdivision along with extensive trails so the public could access the open space. He said people were not using the parking lot. Rather, they were parking alongside the road and trespassing on building lots in the subdivision which did not yet have homes on them. As president of the HOA, he spent a great deal of time patrolling the subdivision and informing people they were trespassing. Some people were quite hostile. One group of people was having a family reunion on one of the vacant lots. He said they were also building fires and staying overnight, which was very concerning. He asked that the no parking restriction along Fort Canyon Road be extended into the subdivision. Enforcement would be done in partnership with the City and the HOA in Three Falls.

The Council briefly discussed the request. It was pointed out that the reason there was a parking restriction along Fort Canyon Road was because it was very narrow. The road in Three Falls was a standard width road just like other roads in the Alpine City and people parked along them. The Council questioned why there should be an exception for Three Falls. Jason Thelin said the fire issue was a problem that needed to be addressed. As far as the parking on the road, he said there was a learning curve. For many years the land had been open and used by the public. When homes were built on the lots, people would understand that it was private property.

Aaron Russon said he was on the Three Falls HOA Committee. He agreed there was a learning curve, but he felt that if parking was restricted along the road, it would accelerate the learning curve. It would be nice to restrict the parking up there, especially if there was a fire.

### V. ACTION/DISCUSSION ITEMS

**A. Three Falls Secondary Access – Finalize Gates:** Lon Lott noted that the staff recommendation on gating the secondary access road had been amended and emailed out to the Council.

Jed Muhlstein said that Thee Falls subdivision was a plat amendment of the original Ilangeni Estates subdivision. The amended plat required developers of Three Falls to provide a secondary access road that would connect to Alpine Cove. The road would also provide emergency access for the northeast side of Alpine including Alpine Cove and Box Elder subdivision. After the secondary access road was approved, the developer requested the ability to put gates on it. At the meeting of August 25, 2015, a motion was made to approve the developer's request for crash gates on the secondary access road. Prior to the motion, the minutes contain discussion about the HOA being responsible for plowing the secondary access road, but the subject of plowing was not reflected in the motion, nor was there any mention in the motion about what times the gates would be closed. The developer was asking for a formal clarification.

Jed Muhlestein said that if the secondary access road was gated, there would have to be culdesac at the beginning of the road so vehicles could turn around when the gate was closed. In addition, the fire chief needed to be consulted about what type of gates would be installed since they needed to get through in the event of an emergency.

Jed Muhlestein said it was the staff's recommendation that the road be closed year-round and only be used for emergency access. The road was too narrow and too steep and had too many sharp curves to be safe for regular travel.

Regarding the culdesac, the developer proposed placing it on a couple of lots rather than open space, which would either require a plat amendment or easement for a right-of-way.

David Church clarified that the recommendation was to close the road to motorized traffic, but it would still be open to bikers and pedestrians. He said that in 1984 when Ilangeni Estates was approved, it only had one access, but when the Three Falls plat amendment was proposed, both parties agreed on a trade of more density in exchange for building a secondary access road. He said that both the fire and police would like a better road than what was proposed, but there was no good way to get a secondary road to either Fort Canyon or the Cove area.

Will Jones said the developers of Three Falls would like to see the road gated year-round. In exchange for that, they would put in the turnaround and the HOA would plow the road in the winter.

The Council discussed the proposal at length. One of the concerns the Council had was whether or not the City should own the land on which the culdesac was built or be given an easement. It was suggested that if a future City Council wanted to open the road, the developers would revoke the easement. Carla Merrill felt it would be better for the City to have the ground deeded to the City now, so a future Council wasn't bound.

After more discussion, David Church suggested that the Council make the motion as recommended by staff and add to it a condition that the terms be put into a contract agreeable to both the City and the developer so the obligations were very clear.

Chief Reed Thompson said the fire code required that an emergency road have all-weather access and be able to support travel by emergency vehicles.

**MOTION:** Jason Thelin moved to approve the year-round gating of the secondary access road in Three Falls subdivision with the following conditions:

1. The secondary access road be open to public uses such as hiking, horseback riding, biking, and other similar non-motorized activities, and include signage on both gates saying as such;
2. The secondary access road have an all-weather surface and be open in the event of an emergency to both public and emergency vehicular traffic;
3. The gate design and operation be approved by the Lone Peak Fire Department, and the design to allow enough space for bikes to pass through;
4. A City standard cul-de-sac be built prior to the entry of the secondary access road on Three Falls Way;
5. The plat be amended, or an easement provided, to accommodate a cul-de-sac on Three Falls Ways;

6. So long as the gates remained closed, the HOA will provide snow removal services allowing for the road to be open at all times in case of an emergency.
7. The City Attorney will put the necessary terms into a contract that is agreeable to the developer and bring it back to the City Council for approval.

Ramon Beck seconded. Ayes: 3 Nays: 1. Motion passed.

**Ayes**

Jason Thelin  
Ramon Beck  
Lon Lott

**Nays**

Carla Merrill

**B. Ordinance No. 2019-07, Amendment to Municipal Code - Administrative Hearings and Procedures:** Austin Roy said that under the current process, code violations had to be sent to court, which was a lengthy and ineffective process. Ted Stillman, the new Code Enforcement Officer, in consultation with the City Attorney, had been working on updating the code enforcement process and making it more effective. The proposed ordinance would create an in-house administrative hearing process so code violations could be dealt with at the city level. City staff would have the power to issue fines for violations. Appeals would be handled through an Administrative Law Judge, which would allow for more immediate resolution of violations.

David Church said a number of cities had moved to this method of resolving code violations. It decriminalized a large section of the ordinances and the standard of proof was lower. Cities realized better code compliance and it was a friendlier way to approach people. The new method allowed cities to handle violations more quickly. When they went into the court system, code violations were not seen as a crime, so they were given low priority and it took months to resolve relatively simple matters. The Administrative Law Judge would be someone independent of the City. He said he had recommended this method of handling code violations five years ago.

Austin Roy said the remaining ordinances on the agenda addressed specific issues relative to code enforcement and were needed to implement the Administrative Hearings and Procedures Ordinance.

**MOTION:** Ramon Beck moved to approve Ordinance No. 2019-07 - Administrative Procedure as proposed. Carla Merrill seconded. Ayes: 4 Nays: 0. Motion passed.

**Ayes**

Jason Thelin  
Ramon Beck  
Carla Merrill  
Lon Lott

**Nays**

None

**C. Ordinance No. 2019-08, Land Disturbance Permit.** Austin Roy said this ordinance specified that there needed to be cash bond when land was disturbed during the development process. If there was a violation, it would enable the City to take the fine out of the bond.

**MOTION:** Ramon moved to approve Ordinance No. 2019-08, Land Disturbance Permit, as proposed. Jason Thelin seconded. Ayes: 4 Nays: 0. Motion passed.

**Ayes**

Jason Thelin  
Ramon Beck  
Carla Merrill  
Lon Lott

**Nays**

None

**D. Ordinance No. 2019-06, Nuisance Violations.** Code violations such as a junky abandoned car or other complaints which were classified as a nuisance would go to the Administrative Law Judge.

**MOTION:** Carla Merrill moved to approve Ordinance No. 2019-06, Nuisance Violations. Ramon Beck seconded. Ayes: 4 Nays: 0. Motion passed.

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

**E. Ordinance No. 2019-04, Open Space Cash Bonds.** Austin Roy said the proposed ordinance added language specifying a cash bond for development on properties adjacent to open space.

**MOTION:** Jason Thelin moved to approve Ordinance No. 2019-04, Open Space Cash Bonds. Ramon Beck seconded. Ayes: 4 Nays: 0. Motion passed.

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

**F. Ordinance No. 2019-05, Infrastructure Protection Bond.** Austin Roy said the proposed ordinance specified that infrastructure protection bonds were to be cash bonds.

**MOTION:** Jason Thelin moved to approve Ordinance No. 2019-05, Infrastructure Protection Bonds. Carla Merrill seconded. Ayes: 4 Nays: 0. Motion passed.

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

**G. Ordinance No. 2019-09, Gateway Historic Requirements – Building Material Samples.** Austin Roy said the proposed amendment would require developers to submit material samples when building in the Gateway Historic Zone.

**MOTION:** Ramon Beck moved to approve Ordinance 2019-09, Building Material Samples. Jason Thelin seconded. Ayes: 4 Nays: 0. Motion passed.

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

**H. Ordinance No. 2019-02, Dwelling Clusters.** Austin Roy said this amendment proposed removing language that referred to development clusters and changing it to lot cluster. It also included the definition of a cluster.

**MOTION:** Carla Merrill moved to approve Ordinance No. 2019-02 amending Article 3.01.110, Article 3.09.060, and Article 3.05.010. Ramon Beck seconded. Ayes: 4 Nays: 0. Motion passed.

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

**I. Ordinance No. 2019-03, Flag Lots.** Austin Roy said the objective of the ordinance was to eliminate flag lots where they had a narrow neck behind a traditional lot. David Church said Alpine's ordinance already prohibited flag lots. This ordinance further discouraged odd-shaped lots. The ordinance applied to lots that were not in a PRD. The ordinance also added a new definition of a lot.

Breezy Anson – Wilderness Drive: Mr. Anson said he'd met with staff previously and presented some concept plans for development of his parents' property along Westfield Road. There were a few larger lots and sloped lots that wouldn't meet that proposed flag lot ordinance and he was concerned about that.

Jed Muhlestein said that Mr. Anson's proposed development would be designed under the PRD Ordinance which allowed for more slope. There was already an ordinance that provided for exceptions.

The Council discussed the proposed ordinance. There was some confusion about the language and the use of the term "lot width." A motion was made to approve the ordinance, then after more discussion, a substitute motion was made to send it back to the city staff to better define the intent of the ordinance.

**MOTION:** Ramon Beck moved to approve Ordinance No. 2019-03 pertaining to flag lots. Carla Merrill seconded. No vote was taken. A substitute motion was made.

**MOTION:** Jason Thelin made a substitute motion to send Ordinance No. 2019-03 back to City Staff to make the language more clear. Ramon seconded. Ayes: 3 Nays: 1. Carla Merrill voted nay.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	Nay
Ramon Beck	
Lon Lott	

**J. Resolution No. R2019-07 Amending the Consolidated Fee Schedule:** Austin Roy said the amendments to the Consolidated Fee Schedule would make it consistent with the approved ordinances regarding cash bonds and fines.

**MOTION:** Ramon Beck moved to approve Resolution No. R2019-07 amending the Consolidated Fee Schedule. Carla Merrill seconded. Ayes: 4 Nays: 0. Motion passed.

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

## VI. STAFF REPORTS

Chief Reed Thompson said he was working with Austin Roy to update the Urban Wildland Interface requirements. The goal was to address fire regulations for homes in areas prone to fires on an individual basis rather than using an arbitrary line. They were using the 2006 Interface Code as the basis, and the Unified Fire Authority had a companion document. Any home over 10,000 square feet would have to be sprinkled. He said the fire department was also trying to prepare for the fire and flood season.

Austin Roy said that in a previous meeting there had been discussion about shooting near Lambert Park, and it was suggested they construct a pavilion in a trailhead. He said plans to build such a structure were in process.

David Church reported that the total judgement of \$2,325,726 against the City from the Patterson lawsuit had been paid. Interest was accruing daily so it was paid promptly.

Jed Muhlstein said the 3rd phase of installing PI meters had begun. Regarding the waterline project on 800 South, he said the road cut permit with UDOT required them to do the construction work at night between the hours of 9 pm to 8 am so there would probably be at least 3 hours in that time period when the water would be shut off. Notification about the water shutoff would be made to those affected.

## **VII. COUNCIL COMMUNICATION**

Lon Lott said the Eye On Water app for smart phones and internet was very useful. About 200 people had signed up for it. The City could see all the leaks and started notifying homeowners with large leaks.

Carla Merrill said that David Roskelley was an Alpine resident who had participated in Summit 7 Peaks and had taken the Alpine City flag with him. He wanted to know if the City wanted the flag.

Ramon Beck said a woman in Fort Canyon wanted to know who cleaned up the tumble weeds in the road. Jed Muhlstein said public works had a sweeping schedule for the different road. Mr. Beck clarified that if fences were on private property, the City did not fix them.

Jason Thelin asked if the proposed restriping of Main Street in front of the Charter School was already approved. He said they needed to leave space for bikes. Lon Lott said he had given Shane Sorensen an alternate proposal for the traffic problem on Main. He suggested the kids cross at the 100 South intersection and let cars turn left at 120 South.

**VIII. EXECUTIVE SESSION:** None held.

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

### Ayes

Jason Thelin  
Ramon Beck  
Carla Merrill  
Lon Lott

### Navs

None

The meeting adjourned at 9:50 pm.