

**ALPINE CITY COUNCIL ELECTRONIC MEETING**  
**Tuesday, July 14, 2020 at 7:00 pm**

**I. CALL MEETING TO ORDER:**

The meeting was called to order at 7:00 pm by Mayor Troy Stout.

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

Mayor Troy Stout

Council Members: Lon Lott, Greg Gordon, Jason Thelin, and Jessica Smuin

Excused Council Member: Carla Merrill

Staff: Shane Sorensen, Bonnie Cooper, Austin Roy, David Church, Chief Brian Gwilliam, and Chief Reed Thompson

Others: Millhaven Homes

**B. Prayer:** Greg Gordon

**II. CONSENT CALENDAR**

Council Member Greg Gordon asked Shane Sorensen, City Administrator, when the Pioneer Road Project would be complete as the completion date was to be June 30, 2020. Shane Sorensen said the paving happened today and some driveway approaches still needed to be completed; however, it should be soon.

Mayor Troy Stout reminded the City Council that the Lambert Park south entrance paving project would help with drainage, and that cars would only be allowed on the pavement and in parking areas. Shane Sorensen said he would get the signed contract to the company tomorrow, and the City would know by Wednesday when that project will begin.

**Motion:** Lon Lott moved to approve the Consent Calendar with the following changes to the minutes of June 23, 2020, with spelling and grammar corrections sent in by Lon Lott and Greg Gordon prior to the meeting along with content corrections by Jason Thelin as follows: page 5 line 46, page 5 line 50, page 6 line 9 & 10, and Page 6 lines 13 & 14. Greg Gordon seconded the motion. The 4 Ayes and 0 Nays were recorded below. The motion passed unanimously.

Ayes

Nays

Jason Thelin  
 Jessica Smuin  
 Lon Lott  
 Greg Gordon

**III. PUBLIC COMMENTS**

There were no public comments.

**IV. REPORTS AND PRESENTATIONS**

**A. Financial Report**

Shane Sorensen said this fiscal year was winding down. The City would begin their audit in August. Greg Ogden, State Auditor, would be at City Hall for a day and a half. The City would need to adjust its budget at the end of the year because of Pioneer Road not getting finished during the current fiscal year.

**V. ACTION/DISCUSSION ITEMS**

**A. Resolution No. R2020-09: Intent to amend the General Plan and Land Use Ordinances as they pertain to gateway connecting roads into and out of Alpine City**

Shane Sorensen introduced the City's intentions to begin the process of amending its General Plan and applicable land use ordinances, as they pertained to gateway connecting roads in and out of Alpine City. Approval of this resolution would include a provision that the City would not accept any new land use applications for the next 180 days requiring new street connections to outside of the City where they did not already exist. This would give citizens prior notice of any applications that came into the City. This Resolution would only apply to newly proposed streets. Staff recommended that Resolution No. R2020-09 be approved.

David Church, City Attorney, explained the State/City Code side of the Resolution put the public on notice that Alpine was undergoing a process which excluded people from rushing in with applications until this process was finished for 180 days. The 180 days would start as of today's date. The law gave the City 180 days to finish the process of amending the General Plan.

Council Member Greg Gordon asked if this would strengthen the City's legal posture on Summit Point. David Church responded no, pending applications would not be affected by this; it would only apply to new applications. This was an official start to the project of amending the General Plan.

Council Member Lon Lott asked if other cities would be noticed on this item. David Church said Austin Roy had already sent out notices to other cities. Council Member Lon Lott asked if Alpine had to be done with the process within the 180 days. David Church replied no, but any applications accepted during that time would be considered under the current ordinance.

Council Member Jason Thelin asked if this would affect Action Item B on tonight's agenda with the boundary line adjustment between Highland City and Alpine City. David Church said it would not affect an application in already in progress. Shane Sorensen said he would explain why the next resolution would be better served in Highland City. David Church reiterated that this item only affected new applications.

Mayor Troy Stout stressed the high priority to complete these tasks within the 180-day timeframe. He asked if it would be viable under the law for some City Council Members and Staff to have workstations in order to expedite this process. David Church said this item would need to go to the Planning Commission first for their recommendations and public hearing process. Council Member Jason Thelin asked why it must go back and forth between the Planning Commission and City Council. David Church said the Planning Commission only made recommendation to the City Council. There was further discussion on the matter.

**Motion:** Jason Thelin moved to approve Resolution No. R2020-09. Lon Lott seconded the motion. The 4 Ayes and 0 Nays are recorded below. The motion passed unanimously.

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

**B. Resolution No. R2020-10: Intent to approve boundary adjustment with Highland City for the Beck Tree Farm property**

Austin Roy, City Planner, explained that this resolution initiated the process of adjusting the municipal boundary between Alpine City and Highland City. The Beck tree farm was currently located partially in Alpine City and partially in Highland City. The landowner would like to develop the land and in order to do so they would like all of the property to be in one City or the other, with Highland City being the more natural fit for streets, utilities, etc. The Resolution declared intent, outlined timeframes for noticing, publication, and written protests. Staff recommended that Resolution R2020-10 be approved. There would be a three-week protest period for this boundary adjustment.

Shane Sorensen said this property would be similar to the adjacent neighborhoods in lot size. The subdivision would have 10 lots on 10.2 acres. Highland City's ordinances were different than Alpine's. Council Member Greg Gordon asked if Highland City was planning on connecting Evergreen Way, to which Austin Roy said that was their intent. Council Member Lon Lott said each lot would be approximately .89 acres. Council Member Greg Gordon asked if Highland City had any ability to have a thru road. Austin Roy said once it belonged to Highland City it was Highland City's road. Shane Sorensen said the purpose of combining the boundary was for utilities and road maintenance. The subdivision would be better served by Highland City.

**Motion:** Jessica Smuin moved to approve Resolution No. R2020-10. Jason Thelin seconded the motion. The 4 Ayes and 0 Nays are recorded below. The motion passed unanimously.

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

**C. Ordinance No. 2020-13: Amendment to retaining wall ordinance regarding irrigation**

Austin Roy explained that Alpine's current ordinance required vegetation on the tiers. The City wanted drip irrigation and the responsible party to install and maintain that system in the future. This issue became more complex in situations where tiers were on open space and private property. The amended ordinance would mean the developer would be responsible for installing the drip system and they would need to maintain it. Public open space would be the responsibility of the City. The Planning Commission held a public hearing for this item and no comments were received. The Planning Commission recommended that the Development Code require plantings on terraced retaining walls. Among the requirements was that the plants/shrubs shall be watered via drip irrigation installation and operation. Staff recommended approving Ordinance No. 2020-13.

Mayor Troy Stout asked if cities figured out how many locations Alpine would be over and at what cost. Austin Roy replied this had come about because of the Brookside Meadows subdivision, as part of it was on public open space. Usually an HOA would take care of this, but Brookside Meadows did not have an HOA. The City wanted to clarify this ordinance for the future.

Council Member Lon Lott stated that in the past, the City Council did not want Alpine to be responsible for all the maintenance. Mayor Troy Stout said the City would require an HOA to take care of irrigation issues. Council Member Lon Lott said he was not opposed to any of the private open space; however, for this particular case they wanted to have only private trails. Shane Sorensen said typically where this would come into play was when the retaining wall would be a cut back away from the street or a road would be going in. He did not anticipate it happening a lot. He said right now, the only example he had was the Brookside Meadows subdivision. Council Member Jason Thelin agreed with Council Member Lon Lott and said this opened the door to something in the future and he did not necessarily want that for Alpine City. Council Member Greg Gordon asked how hard the drip lines were to maintain. Council Member Lon Lott said the City had service projects, one being Star Hill, and the City had lost trees because of the dip system that was moving from public open space to private open space. Shane Sorensen said having retaining walls with a lot of water was not ideal so having vegetation would help with drainage. Mayor Troy Stout discussed additional verbiage in the Ordinance. Council Member Jessica Smuin reviewed the original ordinance and asked when it was written. She also asked if the Council could separate out just retaining walls, and what the responsibilities of the developer would be. Austin Roy said this ordinance was created as a result of Summit Point, so the City would not have massive wall.

Council Member Jason Thelin said the City should require developers to have HOAs. He noted that he had a drip system at his own home, and it was hard to maintain. He thought this would be an undue burden on our City Staff. Shane Sorenson said it was a maintenance nightmare, but Brookside Meadows development had already been approved. The developer could put in an HOA but sometimes they went defunct and disbanded later if there was not good organization. Council Member Lon Lott said the City should require drought tolerant plants, but the City did not want to limit a person from putting in decorative flowers. Council Member Greg Gordon suggested removing green verbiage from the ordinance stating that Alpine City was responsible after the warranty period expired.

Council Member Lon Lott said this needed to be spelled out in the ordinance. Shane Sorensen said if the retaining wall were in the right-of-way or easement, the City would take care of it. Council Member Jason Thelin agreed with Council Member Greg Gordon about changing the verbiage in the ordinance. Council Member Lon Lott and Council Member Greg Gordon addressed concerns under this verbiage. Mayor Troy Stout asked what cities had done to enforce an ongoing need for an HOA to take care of these issues. David Church explained the City had limited authority on park strips. However, per State Code, where there was not an owner like on Canyon Crest, the cities were maintaining it.

Council Member Lon Lott said it was important for the City to take care of them, provided there would only be a few of them to maintain. David Church said the City wanted to control the water anyway. Council Member Lon Lott asked if the developer would pay for the water connection, to which Shane Sorensen said yes. Council Member Lon Lott said the City did not want to lose that revenue if it were in not the City's right-of-way, adding that he would hate to maintain a maintaining wall that was 500 feet away from open space. Council Member Jessica Smuin said the Council could add something about rights-of-way in the verbiage of the ordinance. Council Member Jason Thelin talked about pressurized irrigation and asked whose name/names it would be in. David Church said The Ridge at Alpine, for example, had changed names as it depended on ownership. Council Member Jason Thelin said a year from now he did not want residents to come back and say the City was responsible for the drip system. Mayor Troy Stout suggested the Council send the ordinance back to have the verbiage changed.

**Motion:** Jason Thelin moved to approve Ordinance No. 2020-13. Greg Gordon seconded the motion.

**Substituted Motion:** Jason Thelin moved to push back Ordinance No 2020-13 to the Planning Commission to review the following:

- 1) Take Alpine City out of the responsibility of maintaining this property in the future;

- 2) There needs to be an owner of public and private open space, and that owner also needs to be responsible for water revenues and costs associated with using pressurized irrigation;
  - 3) Continuing with the idea of a drip irrigation system to minimize erosion, and emphasizing, where possible, the use of drought resistant vegetation to minimize future watering needs.
- Lon Lott seconded the substitute motion. The 4 Ayes and 0 Nays are recorded below. The motion passed unanimously.

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

#### **D. Ordinance No. 2020-14: Amendment to planter strip requirements for developments**

Mayor Troy Stout asked about where to find the Tree Guide. Austin Roy noted it was on the City's home page at [www.alpinecity.org](http://www.alpinecity.org). Austin Roy explained the Planning Commission held a public hearing for this item and no comments were received. The Planning Commission recommended the Development Code be updated to reference the City's new Tree Guide with regard to what types of plants were permitted in park strips. The old language used to refer to an approved list kept by staff; however, the City now had a newly adopted Tree Guide specifically for this purpose. Staff recommended approving Ordinance No 2020-14.

**Motion:** Lon Lott moved to approve Ordinance No. 2020-14 with the following: insert in item 4 that street trees should be at least every 50 feet and the corner lot should comply with our sight triangle and Alpine City Street Tree Guide. Jessica Smuin seconded the motion. The 4 Ayes and 0 Nays are recorded below. The motion passed unanimously.

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

#### **E. Resolution No. R2020-11: Appoint new member to North Utah County Aquifer Council (NUCAC)**

Shane Sorensen explained Resolution No R2020-11 was looking to the future of the potential for taking winter water that would normally flow to Utah Lake and letting it go into the debris basin at the mouth of American Fork Canyon. He noted that this was very porous as water flowed down, as it could be pumped out of the ground later through wells. They had asked that member cities pass the proposed resolution to finalize NUCAC. Jed Muhlestein had been attending these meetings for the last three years and Shane Sorensen attended before that.

Mayor Troy Stout appointed Jed Muhlestein, Alpine City Engineer as the NUCAC Representative, and Shane L. Sorensen Alpine City Administrator, as the alternate representative member to NUCAC.

**Motion:** Lon Lott moved to approve Resolution No. R2020, appointment of Jed Muhlestein as NUCAC Representative and Shane L. Sorensen as Alternate Representative member. Greg Gordon seconded the motion. The 4 Ayes and 0 Nays are recorded below. The motion passed unanimously.

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

#### **V. STAFF REPORTS**

Chief Brian Gwilliam reported that the Lehi Police Department got into a pursuit of a vehicle with two suspects. The vehicle crashed in Highland City. One suspect was apprehended and the other stole another vehicle. That vehicle crashed on Main Street in Alpine. The suspect ran through the neighborhood and a pursuit ensued for three hours. He was apprehended in rough shape and one of the neighbors reported having seen him hiding in their yard. The following Monday, we had a large card from the resident in that area and a donation to the police department. Mayor Troy Stout grabbed the police force cold bottled waters and this gesture was greatly appreciated. Mayor Troy Stout commended the Police Department.

David Church said when the pandemic crisis started, the Governor passed an executive order indicating that the requirements for an anchor location for public meetings be suspended. The legislature had since passed a new law, and it now specifically stated that the only way the requirements for an anchor location got suspended for an electronic meeting was if the chair of the body made a determination in writing that an anchor location was not in the best interest of the public, and subsequently identified the reasons as to why an anchor location was not in the best interest of the public. The amendment also said that the determination could not last more than 30 days. If Alpine continued to hold electronic meetings, every 30 days a determination would need to be made by the Mayor and read as part of the public record. There was subsequent discussion on the matter the City's options pertaining to this matter.

Austin Roy said he had two items to discuss:

- 1) The municipal grant was back on. The City had used \$5000 for the trails and in the past the deadline had been extended. Mayor Troy Stout said this was great news, suggesting that some of these funds could be used to repair some of the bridges in Lambert Park.
- 2) The Executive Session zoom meeting link would be emailed to Council Members following this meeting.

Shane Sorensen inquired about the volleyball nets and whether the Council thought they could put them back up now that the Governor Herbert indicated that most of the State was in yellow due to COVID-19. Mayor Troy Stout replied yes. Shane Sorensen subsequently asked about the fireworks show for Alpine Days. Mayor Troy Stout asked if the fireworks could be pushed back, suggesting they be used as a sendoff before school started again in the fall. He also said he was not in a hurry to have public gatherings, as there were several families in Alpine that were battling with COVID-19. Council Member Greg Gordon asked if the Council considered two locations, to which Shane Sorensen said he had mentioned this to Chief Reed Thompson. Mayor Troy Stout said he had heard of other cities that had large groups and they put big chalked circles in the lawn to keep families socially distanced from each other. Council Member Jason Thelin said he would prefer to cancel the fireworks for this year and do a big one next year or save the show for vaccination day.

Mayor Troy Stout said the City had a request proposal for a new City Attorney. Council Members could send their comments into him.

Shane Sorensen said last summer he and Chief Reed Thompson put together the requirement that all contractors that came into City Hall should have a water source while building in Alpine. He also reported that the City was ready to receive the CARES Act Funds. Once the appropriate documentation was signed, the funds would be received within a matter of days.

## VI. COUNCIL COMMUNICATION

Council Member Greg Gordon asked if the City could get a sign indicating that no fires were allowed in public open spaces. Shane Sorensen said he will follow up on that matter.

Lon Lott asked if Shane Sorensen could find money in the City budget to help clean up the corner near the Neeleman property with weed barrier and rock. Shane Sorensen said yes.

Mayor Troy Stout said there was another incident with the information/guard shack in Three Falls. Someone drove up and was stopped and told they were trespassing. The City may want to consider extracting the shack from Three Falls. Council Member Lon Lott had not seen anyone at the shack for a while, and he asked what time of day these incidences were occurring. Mayor Troy Stout said mainly in the evening. Council Member Jessica Smuin asked if Shane Sorensen was going to meet with the Three Falls HOA. Shane Sorensen said he would get that meeting set up. Council Member Greg Gordon said he heard from two residents that the shack gave the perceptions that people need to stop. Mayor Troy Stout said stopping people was illegal. After subsequent discussion, Mayor Troy Stout asked David Church to put together options as a City for the booth/shack at Three Falls.

**VIII. EXECUTIVE SESSION:** Discuss litigation, property acquisition, or the professional character, conduct or competency of personnel.

**Motion:** Lon Lott moved to Adjourn the open meeting to go into Executive Session to discuss litigation, property acquisition, or the professional character, conduct or competency of personnel. Jessica Smuin seconded the motion. The 4 Ayes and 0 Nays are recorded below. The motion passed unanimously.

Ayes

Jason Thelin  
Jessica Smuin  
Lon Lott

Nays

Greg Gordon

The Council Adjourned the open meeting and went into Executive Session at 8:39 pm.

The Executive Session Adjourned at 9:16 pm.