

**ALPINE CITY COUNCIL ELECTRONIC MEETING AGENDA  
Tuesday, July 28, 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, Carla Merrill, and Jessica Smuin

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

Planning Commission: Jane Griner

Others: Will Jones

**B. Prayer:** Jason Thelin

Mayor Troy Stout started out the meeting by sharing current statistics on Covid-19 for Utah County. He noted that the current transmission rate was down to less than one .61%, meaning that for every person who contracted the virus, it would be passed on to less than one person. Anything below 1.0% was a positive sign. Utah County accounted for 11% of Utah’s COVID-19 deaths, with 20% of the State’s population. He reminded the public to keep washing their hands and diligently wearing masks to help lower the numbers and protect one another.

**II. CONSENT CALENDAR**

**A. Approve City Council minutes of July 14, 2020**

**B. Approval of 2020 Overlay Bid (results and award recommendation will be available at the meeting)**

Shane Sorensen, City Administrator, explained the City held a bid opening on Monday July 27, 2020, for the 2020 Overlay Project. The City Council received an email of maps showing the streets included in this year’s project, as well as a bid tabulation with results. The low bid was submitted by Black Forest Paving in the amount of \$224,129.50, which was 7.25% less than the average of the four bids received and 23.9% under the engineer’s estimate. Staff recommended awarding the bid to Black Forest Construction. The project was scheduled to be completed by September 15, 2020.

Council Member Lon Lott asked whether the manhole covers would be addressed on Sunset Drive in this bid. Shane Sorensen explained that the overlay material to fix the low areas and the City could also make any adjustments with cement around the manhole covers.

Council Member Greg Gordon asked if the City had worked with Black Forest Paving in the past and if Shane Sorensen believed this company had equal experience as the other companies the City had worked with in the past. Shane Sorensen explained Black Forest Paving broke off from another company that the City had worked with in the past, and they had done a lot of work for UDOT. He said he felt confident with the City’s inspection and review. He was confident they would do a good job for the City.

**Motion:** Lon Lott moved to approve the Consent Calendar with the following changes to the minutes of July 14, 2020 content on page 3 line 58 & 59, page 4 line 33 as per Lon Lott. Carla Merrill City Council member Seconded the motion. The 5 Ayes and 0 Nays were recorded below. The motion passed unanimously

Ayes

- Jason Thelin
- Jessica Smuin
- Lon Lott
- Greg Gordon
- Carla Merrill

Nays

## II. PUBLIC COMMENT

There were no public comments.

## IV. REPORTS AND PRESENTATIONS

### A. Update from Planning Commission: General Plan and Land Use Regulations – Gateway Roads and Streets

Austin Roy, City Planner, gave a brief update about the Planning Commission’s discussion regarding the General Plan and Land Use Regulations – Gateway Roads and Streets. He also made the Council aware that Jane Griener, the Chair of the Planning Commission, had joined the meeting to provide input and answer any questions the Council may have. He gave a brief historical overview of this item, explaining that the City got started on the resolution to amend the General Plan and all applicable ordinance about Gateway Roads and Streets in and out of Alpine City. The Planning Commission went over the five goals and how these goals could be modified to meet Alpine City’s objectives. He explained there were two ways the City Council could approach this item: 1) They could amend the existing General Plan that was adopted in 2008 and update whichever section the Council was choosing to amend; or 2) they could work on adopting a new draft of the General Plan with some key areas to focus on, including:

- Street Master Plan
- Transportation
- Code 4.07 – Street Ordinance

Austin Roy explained that the Planning Commission tabled the item and would be discussing it at the next meeting. Jane Griener said she would love to hear the feedback from the City Council. She inquired as to why the modified Master Plan had been sitting in an unadopted state on the back burner for so long. Mayor Troy Stout said he was not sure why the General Plan was not ever adopted. He recalled in prior discussions they had determined a need for more evaluations before the Council could move forward; however, those evaluations never took place.

Council Member Jason Thelin said at last week’s meeting he questioned David Church, Attorney, as to why this kept going back and forth between the Planning Commission and the City Council. He did not see the Planning Commission being solely responsible for this decision. Jane Griener said Jason Bond was on the Planning Commission when this process was started, and she wanted to make sure to follow through with this and take actions on the 2007–2008 plan. She asked if there were just specific sections of the General Plan that needed to be amended.

Mayor Troy Stout said the Council could just go through the revised new plan. He said he would make this item a priority during work session discussions. Shane Sorensen said the City would need to address moderate-income housing, and new amendments would need to be reviewed by both the Planning Commission and City Council. He noted that during this review process, the City Council meetings could start earlier, like at 6:00 or 6:30, or the General Plan could be reviewed during meetings that had lighter agendas. Mayor Troy Stout said he would like to work with staff at City Hall on a periodical basis while the General Plan was being reviewed. There was some discussion as to the involvement of both the City Council and Planning Commission on this item. Jane Griener said it would be unproductive to keep going back and forth between the Council and Planning Commission.

David Church said the Planning Commission submitted the General plan during Steve Cospers’ tenure about three years ago while he was chair of the Planning Commission. When asked if there was a Public Hearing held on the current draft of the General Plan, Jane Griener replied yes. David Church said he was comfortable to pull out a three-year-old document, but he had recollection of this being sent back to the Planning Commission. Austin Roy said he remembered a moderate-income housing change, as well as updates that were made for parks and streets. After further discussion on the matter, David Church stated that the City needed to see staff and elected officials’ starting point on this item. Jane Griener asked if another public hearing would need to take place, to which David Church said this would be at the discretion

of the City Council. He further noted that the members of Council and the Planning Commission had changed since the General Plan was last reviewed. David Church then explained that the City Council would need the Planning Commission's input on changes implemented to whatever plan was passed.

Greg Gordon asked if a public hearing would need to take place regarding changes made to the street master plan, to which David Church replied yes. Jane Griener said the General Plan could be approved as a standalone document. David Church added that the General Plan could be approved in pieces, with separate sub plans being approved as exhibits. Jane Griener explained that, for example, the General Plan Map could be approved prior to updating the rest of the General Plan. David Church said he believed this was the process they intended to follow.

Mayor Troy Stout asked Shane Sorensen to work with the Council Members in work meetings and to commit to having this ready to review and adopt for City Council in 75 to 90 days. Shane Sorensen said Austin Roy would send all suggested changes to Council Members for review prior to meetings. Mayor Troy Stout said he would like the Council to address the City's lighting ordinance on homes and make it as comprehensive as possible. Austin Roy said a public hearing for this item was already held.

## V. ACTION/DISCUSSION ITEMS

### A. Public Hearing – Ordinance 2020-15: Boundary Line Adjustment with Highland City

Austin Roy, City Planner, explained that Millhaven Homes was seeking to purchase and develop the Beck Tree Farm, which was partially located in Highland City and partially located in Alpine City. The top third of the property was in Alpine, whereas the bottom two-thirds of the property was located in Highland. With this boundary line adjustment, the billing and utilities would all be under one municipality. The applicant had requested that the municipal boundary be adjusted to allow for the development to be in Highland City.

The required process to address this request was stated in Section 10-2-419 of the Utah State Code as follows:

1. Resolution by the Alpine City Council indicating the intent.
2. A Public Hearing no less than 60 days after the resolution.
3. Public notices posted once a week for three successive weeks in the newspaper and on the Utah public notice website, and
4. An ordinance adopted by the Alpine City Council.

Alpine City staff reviewed the site plan and did not identify any issues with the request. No public comments were made via YouTube or email.

Council Member Lon Lott stated that the sidewalk stopped at the pine trees and he wanted to know if the improvements in that area would be taken care of by the developer. He further asked if Alpine City would have any say after this boundary adjustment was made. Shane Sorensen said staff could attend Highland's DRC (Development Review Committee) meeting and make those recommendations to the developer and Highland City. Council Member Lon Lott said he was worried about losing the authority of making decisions regarding that issue, but he did not oppose the ordinance. He wanted it cleaned up so that the City did not have to pay the bill for the cleanup. Council Member Lon Lott also said that citizens were concerned about the ditch and irrigation rights for three citizens in the area in question.

Council Member Jessica Smuin asked why staff thought this was a good fit for a boundary adjustment. Austin Roy said the biggest issue was sewer because it ran downhill into Highland; therefore, it made more sense for the subject property to be located in Highland rather than Alpine. Shane Sorensen further noted that the subject property was serviced by the Lehi Irrigation Company, so the water rights that came with this property would be those Lehi shares. Alpine City did not have the ability to accept Lehi Irrigation Company shares, whereas Highland did have this ability. He said staff could bring citizens' concerns to the DRC meeting to be noted as part of the record. Concerns could also be noted within the motion.

**Motion:** Lon Lott moved to adopt Ordinance 2020-15 Boundary Line Adjustment with Highland City. Street and sidewalk improvements in Alpine be the responsibility of the developer and all

irrigation water rights be addressed by Highland City to protect Alpine citizens rights. Jessica Smuin seconded the motion. The 5 Ayes and 0 Nays were recorded below. The motion passed unanimously

Ayes

Jason Thelin  
Jessica Smuin  
Lon Lott  
Greg Gordon  
Carla Merrill

Nays

**B. Plat Amendment Heritage Hills Plat G: The purpose of this plat amendment is to improve the trail system in the Heritage Hill development.**

Austin Roy explained that Alpine City Staff and the Trail Committee were petitioning the Planning Commission and City Council for a plat amendment to lots 301 and 302 of Heritage Hills Plat F to create a better trail alignment into the surrounding open space. The current trail alignment and the utility box was directly in the five-foot easement on the west side of the road. He identified lots 10 and 12 on the north side of the subject property. He explained that a five-foot easement with a third-grade differential heading east would need to happen. In order to do so, a plat amendment was required which involved Public Open Space. Any modification to Public Open Space required a recommendation from the Planning Commission and approval by the City Council.

Carla Merrill said the trail was already aligned to what the City was suggesting made sense, and the way it was currently oriented rendered the trail not rideable. Austin Roy said the trail would run along the 20-foot water line easement, and staff was recommending reducing this down to a 10-foot easement with no grading, and re-platting it as a public utility and trail easement. This would move the trail 10 feet further north. He said lots 301 and 302 were owned by the same person and they were planning on combining those lots. The City and the Trail Committee were amenable to this plan.

Mayor Troy Stout wanted to know if there was a net gain for the property owner from plat amendment, to which Austin Roy replied yes. David Church explained that if the City did not use an easement for a water line the easement was lost anyway. Open space law called for the property to go back to the developer or the landowner.

**Motion:** Jessica Smuin moved to approve Heritage Hills Plat Amendment G to improve the trail system. Carla Merrill Seconded the motion. The 5 Ayes and 0 Nays were recorded below. The motion passed unanimously

Ayes

Jason Thelin  
Jessica Smuin  
Lon Lott  
Greg Gordon  
Carla Merrill

Nays

**C. Ordinance 2020-04: Business–Commercial Setbacks**

Austin Roy explained that at the Planning Commission Meeting on May 5, 2020, the Planning Commission recommended reduced setbacks in the Business/Commercial zone. The City Council subsequently reviewed the recommendation at the May 12, 2020, City Council meeting and asked that the item return to Planning Commission to address mixed use buildings and how setbacks should be applied. The Planning Commission had since reviewed the item, made some changes, and was now making a recommendation for approval. This was unanimously approved by the Planning Commission. It was decided that the whatever the primary use of a building would be determined the setbacks. He explained that an ancillary use's square footage shall not exceed the primary uses square footage. He said this would redo the commercial setbacks to now be 15 feet. He said where two commercial properties were side by side, there would be a 10-foot side and rear setback. He said where a commercial property was adjacent to a residential property

there would be a 20-foot setback, and in a mixed-use scenario the setback would be based on the primary use of the property.

Council Member Carla Merrill asked if this were how other cities approached the issue or could there be language in the ordinance stating whichever the two was greater. Austin Roy said staff obtained language for this ordinance from multiple other cities, but it could be changed if the Council had other preferences. Mayor Troy Stout asked Austin Roy to explain what happened when a building changed its use from commercial to residential or residential to commercial. Austin Roy said residential properties were conditional in the business commercial district. Once a property owner wanted to become a business, which would need to be approved by the Planning Commission and City Council, that property would always be considered a business property and must therefore abide by those ordinances. He said the setback of 15 feet for the side and rear yards were what the 20-foot residential and 10-foot business would be for a conditional use.

Council Member Jessica Smuin asked what impact this would have on the City's sign ordinance. Austin Roy said there would be no impact because the sign ordinance was a completely different ordinance. After further discussion on the matter, the Council consensus was favorable towards to the proposed setbacks.

**Motion:** Lon Lott moved to adopt Ordinance 2020-04 Business-Commercial Setbacks as proposed. Greg Gordon Seconded the motion. The 5 Ayes and 0 Nays were recorded below. The motion passed unanimously

Ayes

Jason Thelin  
Jessica Smuin  
Lon Lott  
Greg Gordon  
Carla Merrill

Nays

**D. Discussion: Limitations on size of lots and structures within the City**

Austin Roy explained that the Planning Commission had spent several meetings (June 2nd, June 16th, and July 21st) reviewing and discussing the need for additional limitations on size of lots, homes, accessory structures, and other buildings. Through the discussions the Planning Commission asked staff to provide examples of large lots, homes, and accessory structures throughout the City, as well as to see what other municipalities are doing with regards to this issue. The Planning Commission discussed the different examples around town and what kind of impact each had on its respective neighborhood. The Planning Commission then reviewed regulations from other municipalities including North Ogden, Salt Lake City, Holladay, and Nibley. The Planning Commission had a back-and-forth conversation about the ordinances and how each would fit Alpine City. Chair Jane Griener broke the tie vote with the Planning Commission. Through further discussion a split emerged amongst the Planning Commissioners, where some felt that the City needed a new ordinance to restrict size of lots and structures, whereas others felt that a property owner's rights to do what they wanted with their land was more important and that the existing ordinance was sufficient. Ultimately, a motion was made to make a recommendation to City Council.

Mayor Troy Stout said he completely agreed that every property owner had rights, and that the property owner must abide by the City's ordinance depending on the City in which they lived. As a City Council, they could adjust the City's ordinances and in fact, had a responsibly to do so. There was continued discussion regarding the ordinances established in the other cities previously mentioned.

Mayor Troy Stout said he would like the Council to look at it more creatively to allow the property owner to do what they wanted, while still protecting the best interests of the City.

Council Member Lon Lott said he listened to the Planning Commission meeting recording from last week: July 14, 2020. As the Planning Commission deliberated on this matter, several good points were made. He said the Council needed to address the real problems. The City needed to look at accessory buildings and determine what classified as an accessory building. Once identified, the City needed to have different setback and height restrictions for accessory buildings. In some cases, accessory buildings were being built

onto existing homes which caused confusion as to whether regulations should be enforced for residential buildings or accessory buildings.

Mayor Troy Stout said the City could have oversight on what qualified as an accessory building and if the property owner would be attaching to their home. If 90% was an accessory building and 10% was attached to a residence, then it should be classified as an accessory building and therefore have to meet the proper setback requirements.

Council Member Jason Thelin said he had mixed feelings on this issue. He said he liked the idea of 30 feet off the property line, such as the plat amendment with the Heritage Hill Subdivision. He said he did not have a problem with residents adding to their property. If someone had the property and the means to add an attached garage, the City could not legislate whether or not this was in good taste. He said he would not want to prevent someone from doing something on their own property.

Council Member Carla Merrill agreed with Council Member Jason Thelin. She also agreed that if a property owner wanted to combine two lots, she would be okay with that. She said the City could legislate the size of the home on a lot size as well as landscaping by setback. Shane Sorensen said landscaping requirements were turned in to staff for review prior to subdivisions being approved with the only exception being Three Falls Subdivision due to all the natural vegetation in that area.

Mayor Troy Stout said he did not have a problem with having property owners' homes fit the size of their lot. His main concern right now was that the City was at risk of landowners pushing their homes out or building accessory buildings that created 30,000 square foot homes on an acre.

Council Member Carla Merrill said clearer wording for accessory buildings being built on the properties was needed.

Chief Reed Thompson said when the City looked at these accessory buildings, they needed to look at what the footprint was. Additionally, they needed to look at how close it was to a neighboring home and how the City legislated size of the buildings without affecting the neighbors and access to the accessory building. He said this could cause problems for the fire department to do their job in an emergency.

Council Member Jason Thelin asked if a garage would be considered an accessory building. He also noted that the City did not have an ordinance indicating that someone could live in an accessory building. Mayor Troy Stout said he did not remember what the ordinance said; however, he was aware of a few pool houses with apartments on top that were not attached to homes. He said they could be in violation of the ordinance. Shane Sorensen said per the current ordinance, a property owner could not have a living space or a home occupation as an accessory building.

Council Member Greg Gordon said he had three ideas he wanted to share with the Council: 1) Establish larger setback requirements than quarter-acre lots for half-acre lots; 2) evaluate garages occupying half or the building pad street frontage; and 3) if a property owner was combining lots they could create side increases on each side setback for a more open feel. Council Member Jessica Smuin agreed with Council Member Greg Gordon's suggestions.

Shane Sorensen explained the setbacks for properties that were a quarter or half acre in size. He said the minimum setback for any lot was 30 feet for every property owner. He said the rear setback for a quarter acre lot was 20 feet and the side setback requirement were 10 feet. The rear setback for a half acre was 12 feet whereas it was 18 feet for a one-acre lot. There was then discussion regarding how height was measured in Alpine compared to how it was measured in other neighboring cities.

## **VI. STAFF REPORTS**

Chief Reed Thompson reported that the Fire Department had a busy fire season with 54 days of putting out fires; however, these fires took place mainly in other areas with nothing major happening directly in Alpine City. Highland City had a few incidents in their open space area, due to people not having a water source nearby. However, Shane Sorensen sent a letter out requiring all work be done to have a water source nearby

in Alpine City. For this reason, there had not been any major incidents in Alpine. He concluded that the Fire Department was relieved firework season had come and gone.

Shane Sorensen asked if the City Council if they would be interested in hearing a presentation form Main Choice Voting at one of their City Council Meetings. The majority of Council Members said they were not interested. Shane Sorensen reported that the City had received the CARE Act funds. Staff was currently soliciting bids for microphones and TVs and different options had been received. One company, in particular, also provided technology for court rooms and for Congress. Shane Sorensen said the Utah County CARES Small Business Grant Programs (visit [www.ucgrants.org](http://www.ucgrants.org)) application period would be ending soon. Information was on available on the City's website at [alpinacity.org](http://alpinacity.org) and would be included in the Alpine City Newsletter. The Application Period was August 3<sup>rd</sup> through the 10<sup>th</sup>, 2020. Shane Sorensen said the County approached the City about putting in a ballot box for future elections. He said the County would be moving the one from Highland City to Alpine. He noted that staff and David Church were working to schedule the Blue Bison appeal hearings. The City had given out an RFP (Request for Proposal) for a new city attorney contract. Staff would bring the proposals to the next City Council meeting on August 25, 2020. Lastly, Shane Sorensen reported that Pioneer Road was nearly complete.

## VII. COUNCIL COMMUNICATION

Council Member Jason Thelin stated that the City could use the CARES Act funds for police or fire. Shane Sorensen said this had been highly debated on a State, County, and National level. The Federal Accounting Department in Washington DC said the funds could be used for fire and police, but the State Auditor indicated this was not the case. Chief Reed Thompson said he was told the cities could do a onetime stipend to those who were first responders to COVID-19 patients. David Church said the Federal Government had said the State or the County was on the hook for the money. He also said if the County objected then the City must go with what the County said was appropriate. There was discussion as to what uses the funds could or could not potentially be used for.

Council Member Carla Merrill said she had two concerns brought to her attention. First, the weeds at the playground Creekside Park were becoming overgrown. Shane Sorensen said he would make the Parks Department aware of the situation. Second, Council Member Carla Merrill asked if the City had any information regarding the parties involved in the vandalism of the park's restroom. Shane Sorensen said yes, the City had received some funds to go towards some of the damage, but different people vandalized different restrooms and those issues were still pending. He added that he did not have any information regarding criminal charges at this point.

Council Member Jessica Smuin said Jane Griener from the Planning Commission had mentioned a field trip to the Bangerter property. Austin Roy said he spoke with Clark Burgess who lived across the street and who would like to be included in the tour. He said he would like to schedule this tour for next Tuesday, August 4, 2020, for both the City Council and Planning Commission. He asked who was interested, to which several Council Members voiced intent to attend.

Council Member Jessica Smuin said during the last meeting, David Church mentioned that the Governor's Executive Order would expire in the middle of August, and an anchor location would be needed for the public unless the Mayor had specific findings for public health and could extend the current order which allowed for meetings to be held entirely through electronic means. She inquired as to what the City planned on doing with regard to public meetings once this executive order expired.

Council Member Carla Merrill asked if the City was going to do anything for Alpine Days such as the fireworks. Mayor Troy Stout said no, with the number of COVID-19 on the increase, the City decided that when the numbers had gone down, the City could do a spontaneous firework show without having any mass gatherings. He said the fireworks would not be happening on the main dates of the traditional Alpine Days.

Council Member Greg Gordon said he received a compliment regarding City staff. The staff had helped a citizen with trees trimmed. He said the citizen reported that staff's communication was great, and they were very polite and provided excellent service.

Mayor Troy Stout asked staff if there had been any more discussion on green waste. Shane Sorensen said ACE disposal would be the service provider. Most cities were allowing citizens to either opt in or out of this service. He explained that the City would have to send out a survey to see how many citizens would be interested in a green waste can, so he said he did not see it happening until spring happen unless they forced everyone to get one. Mayor Troy Stout said the citizens were looking for a solution. He said he would prefer to see this happen by the fall.

### III. EXECUTIVE SESSION:

No Executive Session was held.

**Motion:** Carla Merrill moved to adjourn. Jessica Smuin Seconded the motion. The 5 Ayes and 0 Nays are recorded below. The motion passed unanimously.

#### Ayes

Jason Thelin  
 Jessica Smuin  
 Lon Lott  
 Greg Gordon  
 Carla Merrill

#### Nays

The meeting was adjourned at 9:14 pm.