

**ALPINE CITY COUNCIL MEETING  
ALPINE CITY HALL, 20 N. MAIN, ALPINE UT  
June 23, 2020**

**I. CALL MEETING TO ORDER:**

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

Mayor Troy Stout asked the audience to remember to social distance, staff had set up the chairs 6 feet apart to abide by state guidelines so unless you are in the same household please distance yourselves now. He reminded the audience to keep their comments to themselves. The City Council realized that some of the topics tonight come with a lot of emotions, but that the meeting would need to be kept in order.

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

Mayor Troy Stout

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

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

Others: Jesika Harmon, Robert Harmon, Greg Jackson, Brandt Saxey, Jeff Kelly, Megan Kelly, Susanne Lawrence, Carol Snyder, Stephen Snyder, Stephen Snyder, Huy Nguyen, Kim Nguyen, Anne Ayers, Russ Lambert, Carolyn Lambert, Riley Hale, Danelle Schmutz, Joey Schmutz, Karen Quick, Rod Roberts, JoDene Roberts, Matthew Grimmer, Scharman Grimmer, Mandy Brown, Alyson Rummmler, Steve Estes, Scott Pahlgren, Greg Ketch, Karen Ketch, Crystal Hauser, Dan Hauser, Dale Palsson, Ellen Palsson, Amy Harmsen, Joe Harmsen, John Harmsen, J. Stout, John Paskett, Shelley Paskett, Shirley Davis, Chloe Hale, Julie Carver, Sarah Fleming, David Smuin, Dallin Smuin, Kim Sherwin, Heather Johnson, Brandon, Maughan, Micheal LeBaron, Denise Menfeid, Alan J. Wood, Ron Robinson, David Nibley Brett Wiseman, Beth Ann Wiseman, Cameron Trect, Travis Trect, Curtis Fillmore, Craig Morrison, C. Wyne, Jeffrey McCellan, Kim Topham, Libby Topham, Dave Matthews, Tom Williams, Doni Watkins, Darrell r. Turpin, Becky Turpin, Jason Bauwatuer, Jane Griener, Jake Taylor, Mark Todd, Lari Todd, Mike Gillespie, Sue Gillespie, Kurt Ostler, K.W. Crook, Brad Ferguson, Sara Ferguson, Anthony Marcello, Amber Marcello, Kelli Law, Krisi Anderton, Lane Stevens, Stephanie Stevens, David Mcmillan, Lisa Mcmillan, Bob Robinson, Jan Braithwaite, Sarah Willis, gale Rudolph, Chis Rudolph, Steve Crook, Lacey Crook, Mike Davis, David Peterson, Julie Peterson, Michael Carver, Melissa Holiday, David Larsen, Katie McArther, Rich Alley, Clayton Barton, Tamara Barton, Bob Rasmussen, Kae Rasmussen, Chris Paulson, Sean Horan, Eric Farr, Cathy Farr, Ned Callister, Debra Callister, Kathryn Barton, Jeff Ostler, Lori Ostler, Doug Bailey, Pamela Bailey, John Walton, Carol Hale, Joshua A. Randy, Mary Bentley, Michael Adams, Ryan Barclay, Jodie Hawley, Brett Folkman, Douglas Halvorson, Holly Lowe, Keyne Monson, Elizabeth Crook, Fredrick Crook, Brent Bingham, Jennifer Bingham, Victoria Pettey, Kelly Shubin, Troy Slade, James Auble, Melinda Auble, Diane, Pergrossi, Deb Selander, Tyler Carter, Corey Bingham, Paul Bingham, Jennifer Larsen, Kristen Fillmore, Bill Voss, Pauline Maughan, Mike Maughan, Chuck Yarbrough, Natalie Ball, Afton Bolz, Peter Larkin, John Ambuehl, Mara Ambuehl, Rick Hansen, Kimberlee St. Clair, Ted York, Kirsten Monson, Manel Hall, Diane Lohner, Ken Spencer, Wes Hilton, Julie Hilton, John Lohner, Jeff Hartley, Kory Longenecker, Sterling Garner, Jim Phelps, Ny Peang, Kelly Leavitt, Isabelle Halvorson, Will Jones, Jake Satterfield, Brent Bateman, BrezzeA Anson, Glenn Simmons, Mark Wilkinson, Paul Fesser

**B. Prayer**

**Lon Lott**

**C. Pledge**

**Chief Reed Thompson**

**II. CONSENT CALENDAR**

**A. Approve City Council Minutes of June 9, 2020**

**Motion:** Lon Lott moved to approve the Consent Calendar with the few grammar and spelling changes that he spoke to Bonnie Cooper, recorder, about prior to the meeting. Carla Merrill seconded the motion. The 5 Ayes and 0 Nays are recorded below. The motion passed unanimously.

Ayes

Jason Thelin

Greg Gordon

Nays

Carla Merrill  
 Jessica Smuin  
 Lon Lott

### **III. PUBLIC COMMENT**

Mayor Troy Stout reminded those in attendance that the period for public comment was reserved for topics that were not already included on the meeting's agenda.

No public comment was made.

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

There were no reports or presentations.

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

#### **A. Plat Amendment - Summit Point Plat B**

The developer is seeking to amend Summit Point Plat B to allow for eight lots on approximately 32.94 acres. The proposed plat amendment would dedicate approximately 3.69 acres to the City for storm water detention and debris field storage. Same road new lots to connect that application was rejected, the applicant appealed that decision. They filed through his attorney they a through road a long cul-de-sac the mayor and majority of the council said that could go through the public process feeling that that compromise was a better idea. Tonight's decision will be administrative. The full road can go through if it goes to court. the petition you have in front of you today is what was suggested by City staff. The Staff recommends the City Council hold a public hearing to review and discuss the proposed plat amendment and make a motion to approve table /deny the proposal.

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Mayor Troy Stout explained that the City Council had allotted time for comments on this item and that specific individuals had been assigned to do so. He emphasized that the meeting needed to remain orderly during the item. He reminded attendees to keep their emotional reactions to themselves to maintain an effective meeting.

David Church, City Attorney, explained that the item under discussion was the plat application amendment made by the developers of the Summit Point subdivision. He explained that the owner of the Summit Point subdivision filed a petition to amend the plat with the City over two years ago. The first application proposed changing the current configuration of the subdivision to include a through road that would connect with property the subdivision owner also owned in Draper City. The initial application was recommended against by the Planning Commission and then withdrawn by the applicant. The applicant renewed that application in August 2019 for a plat amendment. The renewal showed the same road and new lots in the Summit Point Subdivision with the road again connecting in the future with Draper. That application was rejected by the City Staff on the grounds that it had been previously been reviewed by the Planning Commission and that it did not comply with the city's general plan. The application/petitioner appealed that denial, as was his right to do so, through the City's land use appeal authority, an administrative law judge.

The grounds for their appeal was that they did not believe that the City's general plan was clear that the City would not allow the road and that the City had previously allowed roads to connect that were not shown on the general plan. The applicant also alleged that the city's staff was driven by political considerations and public clamor, not on sound planning principles.

A hearing was set in front of a law judge on the August 2019 application. Both sides filed petition papers with the administrative law judge. Prior to the hearing, through his attorney, the applicant asked the City if there was a possibility for compromise and made some suggestions. The applicant's suggested compromise was a long cul-de-sac with just an emergency access road that connected to a future Draper development, as opposed to the full road. The Mayor Troy Stout and the majority of the City Council considered this compromise and suggested the amended configuration—the long cul-de-sac and emergency access road—would be allowed to go through the public process by the Planning Commission and then eventually be heard by the City Council. The City Council did not promise that the proposed compromise would be approved, they granted staff the authorization to run that particular plat amendment with the feeling that perhaps that compromise was better than taking the risk through the appeals process with a hearings officer. Based on that response, the applicant discontinued the process in front of appeal court and left it pending depending on the outcome of this process.

If the plat amendment is adopted tonight than the formal hearing process in front of the administrative law judge would not continue. If the plat amendment is not adopted tonight, then the applicant may continue with the hearing in front of the law officer. Depending on the outcome of the hearing before the administrative judge, either the applicant or the City could appeal the decision in front of the district court.

David Church, City Attorney, emphasized that the appeal process was not a lawsuit. The applicant was not being sued or threatening to sue the City. Rather, the course of appeal was an administrative process, permitted by Alpine City and state ordinances.

The City Council was present to hear the application for the compromise to the plat amendment. He explained that if this compromise of the amendment did not pass, there was the potential that the original application for the full access road could be adopted pending appeals. The hearing office would make that decision, or the district court. The applicant, or an aggrieved party, could also appeal the decision made tonight by the City Council through the same appeals process with an administrative judge, or the district court.

David Church, City Attorney, stated again that the petition before the City Council was a compromised petition that contained elements suggested by the Mayor Troy Stout and the majority of the City Council at a previous meeting. It was made clear to the applicant that there was enough difference between the compromised petition to the original August 2019 amendment that the City Council could consider the plat amendment. No promises were made that the amendment would be approved. He noted that the applicant should be given credit for being willing to bring the plat forward with the elements suggested by the city and the city staff as a plausible compromise, although not necessarily something that would eventually be.

David Church, City Attorney, then opened the meeting for questions about the process.

Mayor Troy Stout thanked David Church for his explanation on the history of the plat amendment and what can happen after it approved or denied.

Mayor Troy Stout invited a representative from the Blue Bison Group to address City Council. Members of the Council were able to ask questions following the presentation,

Jake Satterfield, representative of Blue Bison Group, said he believed everyone in the audience knew who he was: the developer of Blue Bison – Summit Point. He said has had a chance to talk to many members on the City Council. He stated that as a development group they were trying to hear what the residents were saying and to create a win, win scenario. He said that so far that had been difficult. Mr. Satterfield stated that the development group thinks the proposed compromise addressed residents' main concerns. He noted that if the history of the subdivision were reviewed it would be seen that the development group had been asked to do a number of additional actions such as a traffic study preform at the developer's expense. The traffic study showed that the current infrastructure could support a thru/public road. The development group felt the number was grossly exaggerated through that traffic study, but that the infrastructure could support the road with an A rating. Despite this finding, the public road was still rejected by the City and by the residents. If the real issue was controlling the amount of traffic, then the solution would be to mitigate the amount of traffic. The development group thought the long cul-de-sac and emergency access road was a quite easy compromise to address the traffic concern.

Jake Satterfield, developer, said he feels that resident think the development group is trying to do something like a trojan horse attempt. He emphasized that the development group is not trying to make some kind of play. He stated that he had communicated with the City Council and the Mayor that the development group was willing to do more to build upon security for the residents that it is their intent to hear resident opinions and not some type of a play. To illustrate this, Mr. Satterfield, explained that the development group had made several suggestions with the Planning Commission where the plat amendment under discussion was approved. This included a willingness of the development group needs to dedicate some protective strip that gives that land to the city of Alpine to be able to add an additional layer of certainty. He also said that if the City Council had additional suggestions the development group was all ears so long as what was suggested by the City did not back the developer into bad position.

Jake Satterfield, developer, reiterated again that the development group did go through with the traffic study and sought to come up with solutions to concerns. He stated that following the results of the study he met personally with residents and noted that those face-to-face meetings went much differently than some of the comments being presented tonight. Jake Satterfield, developer, stated that it appeared to him that many of the arguments posed tonight didn't have to do specifically with traffic, as the developer had been led to believe, but rather was more about not wanting development period. He stated that this latter issue was hard for them as a developer because

they had made some big investments in the land and obviously had been engaged years of effort. In addition, they had been working in good faith with their attorney and the City's attorney to come to a compromise, thinking that if the real issue were traffic, it could be addressed. He said that was the development groups position and that he was willing to address any issues or questions of the City Council.

Greg Gordon, City Council member addressed Jake Satterfield, developer. Greg Gordon said that it had been suggested by some that the property in Alpine could be developed by coming up on Hog Hollow Road and put the primary and secondary access roads off that existing road. He asked if Jake Satterfield, developer, had looked at that possibility from engineering perspective.

Jake Satterfield, developer, responded that the engineering would be difficult, and it would be expensive.

Mayor Troy Stout invited a representative from the neighborhood immediately affected by the Summit Point Subdivision Plat amendment to speak:

Kelli Law – resident at 584 Tree Line Drive, represented the citizens of Alpine concerned with the plat amendment. He stated that he was grateful to be at the City Council meeting as he had seen a lot of citizens exercise their right and duty to be heard. He stated that there has been a lot of passion regarding this issue and protecting Alpine City. He thanked the City Council for arranging this special meeting at a special location—Mountainville Academy—that allowed participants to stay safe and socially distanced.

Kelli Law, neighborhood representative, noted that over 900 people have signed the petition to stop this amendment. He also recognized that most of the people present would not have been in attendance without the land development of Alpine. He stated that they appreciated those who want to continue to build and beautify Alpine and make this a great place to live.

Kelli Law, neighborhood representative, asked those who were opposed to this plat amendment tonight to stand briefly and silently. **Most of the audience stood.** He explained that apart from public opinion, neighbors have felt all along that there is a solid legal footing to not approve the plat amendment. The current plat was approved by a previous City Council and they as citizens feel that they fail to see a good cause to amend the original plat. He added that the neighbors did not want to have a lot of negative emotion so they hired an attorney, Brent Bateman, to assist residents in addressing their concerns logically and in a way that is legally applicable to prevent the amendment of the plat. Mr. Law noted that after 13 years as a property ombudsman, he has an intricate knowledge of property issues. He then turned the time over to Brent Bateman.

Jessica Smuin, City Council member moved to deny the amended plat petition as Alpine City did not see good cause based on the following:

1. The amendment would create one long road with only one public outlet, effectively creating a cul-de-sac that is longer than is allowed by the letter and spirit of city code.
2. The emergency access road to Draper is not provided for as part of the Alpine City general plan.
3. The City has previously approved a subdivision plat for the property which provided for two access roads within the City, therefore making the long, single access road with an emergency access was not necessary to allow the property owner to enjoy full property rights afforded to him under Alpine City ordinances.

Mayor Troy Stout asked if there was a second to the motion. Jason Thelin seconded the motion to allow for further discussion on the motion. Before going to the discussion of the motion by the Council, Mayor Troy Stout stated that he would like to give Brent Bateman, attorney representing residents, to make his statements.

Brent Bateman, attorney representing residents, outlined the residents' position on the amended Plat B for Summit Point Subdivision, that this amendment was bad for Alpine City. He outlined three reasons:

1. The amendment goes against the Alpine City general plan. He recognized that the general plan is an advisory document. However, the general plan was result of a lot of hard work and public opinion to make Alpine the great city it is. He stated that when cities ignore their plans, it is his experience that cities become a mess. The purpose of a plan is to outline what residents want and then to follow that plan. He noted that the general plan in Alpine discourages routes in and out of the city, discourages long cul-de-sacs, and did not provide for a road in the area under discussion. If Alpine City wanted to amend the general plan, they should go through the plan change process, a policy process that allows all the people to have input and say what they want in a particular area.
2. The proposed amendment was unsafe. There was a reason why the Alpine City code had a limit on cul-de-sac length. Mr. Bateman, attorney representing residents, stated they were grateful for the developer

for his efforts to limit traffic and to offer this gate idea, but it still results in a much to long cul-de-sac that probably violate the city code, potentially making the road illegal. Regardless, the road defiantly violated the general plan, that is intended to keep the citizens safe. The long cul-de-sac with the amount of traffic coming through creates challenges for responding to emergency events.

3. The City Council does not have to vote yes on the action item. Mr. Bateman, attorney representing residents, noted that anyone who had viewed his trainings—trainings he’s offered to Alpine City—has heard him say that if an application aligns with city code a governing body really doesn’t have the discretion to deny the application. However, the City Council was reviewing a plat amendment. He explained that under the Utah state code plat amendments have a different standard than a subdivision. The standard for a plat amendment was good cause. The City Council needed to find good cause to approve the amendment, giving the City Council discretion with their votes. If the City Council could not find good cause it was legal and defensible for them to deny the amendment. Mr. Bateman, attorney representing residents, said that he did not see why the developer would appeal the decision tonight as there was already another appeal in process. He explained that the appeal process was a long path. The current administrative appeal was just a city appeal and the law judge will make the decision and hopefully they will make a really good decision and hopefully it will be enough. If that body says no, the developer could certainly appeal to district court. Anytime in that process, however, there could be conversations with the developer, including after this meeting, to try to come up with a better plan or no plan. Mr. Bateman emphasized that the decision tonight was not an either/or decision. He noted that if the decision was appealed to the District Court, land use decisions were not lawsuits, it was an appeal. This was important to note because appeals are not damaging situations in which the developer can come back and sue for pain and suffering. He summarized that the decision of the City Council was a plat amendment, which standard for approval was good cause. If there was not good cause, the City Council had the right to deny the amendment. Brent Bateman, attorney representing residents, encouraged the City Council to do so.

Carla Merrill, City Councilmember, said the amendment has been something that had been on her mind for a while. She said she had spoken with many of the residents in the room tonight, as well as conferred with the city judge and their city attorney, David Church. In addition, she stated that she investigated the Draper City side trying to decide what was best for Alpine City and its citizens. Regardless, this was a tough decision.

Lon Lott, City Council member said that as the City Council had gone through quite the process with the property under discussion. He noted that he had been on the City Council for over six and half years and had interreacted for several years with the previous owner of this particular area, as well as having had many discussions with residents before on the area. He stated that the previous approval of the subdivision came with a lot of work, deliberation, and discussion from members of the Council and the community. The Council had a lot of input on various options of development when working with Taylor Smith and Mark Wells. He continued that as the City Council addressed the current development questions, he thought it was a little narrowminded for some to think the Council should only see one perspective because there were several perspectives to the situation. He stated that if the Council ultimately didn’t see the situation the way you residents were, it was not that they were not hearing what residents were expecting, but rather that there are more perspectives and ways to understand all aspects of the situation. He said all of these perspectives were important to make a good decision. He said that as they discuss together as a Council it was necessary to utilize all perspectives to come up with the best outcome, even if some of the perspectives were distasteful to residents. He stated that he thought that it was important as the Council came up with different options, that they seek the proper legal counsel. He said seeking legal counsel was something the Council had done and had been doing all along. He explained that the information the Council received and discussed helped them ask questions to be able to find a solution that impacted the area as little as possible, and still allowed a landowner to use their land. He said that he has spent hours and hour on the phone talking to residents affected by this action item and that he had read all 837 comments. He said that he had done his due diligence in trying to provide the proper perspective and the proper way of looking at this process and this situation.

Jason Thelin, City Council member said that as a City Council they normally do not make a motion before having discussion, but this is actually the correct process and one he believes the Planning Commission is currently following. Jason Thelin said he agreed with what David Church, City Attorney, had said when providing context on the item. The amendment had been brought before the City Council before and had been rejected more than once. He also believed it was brought to Highland City administrators and was rejected there. In Alpine the developer decided to appeal the process. Jason Thelin stated that Alpine had a fantastic city and city administrator, Shane Sorensen, and his crew. He said that for a small city that is poor and without a lot of tax base, they had one of the best run cities and city administrators in the state. He explained that he wanted to deflect any blame that might be directed towards staff. Ultimately, the City Council had been making all the decision along with the Planning Commission not the staff of Alpine City. Jason Thelin said he has served on the Planning

Commission in the past and now on the City Council in combination for a total of about 14 years. Because of this, he said that he has seen this property be developed multiple times and seen subdivisions approved multiple times. He said that the property can be used with in the city and that there is the possibility for secondary access. He noted that there was already a four-lot subdivision that was already approved. He said that we leaned towards Jessica Smuin's motion based on the long cul-de-sac. Jason Thelin stated that he had a chance to sit down with fire Chief Reed Thompson and ask about some of his concerns as a fire chief. All Chief Reed Thompson's concerns had to do with the length of the cul-de-sac and the road attached to it, including ingress and egress concerns as well as uncertainty regarding the water pressure of fire hydrants on a road of that length. Chief Reed Thompson mentioned a fire hydrant could break below and it would affect all the water above. Ideally, Chief Reed Thompson, believed it might be better for both Alpine and Draper for there to be a through road. Jason Thelin said that when he looked at those issues, it went back to what Brent Bateman, attorney representing residents, mentioned that the City Council has latitude on an amended plat to determine if it was good for the city and was a better plat. If a plat comes in that can bring negative impacts to the City or is "less good" than the previously approved plat, it becomes a legislative decision that the City Council can vote on against the plat amendment. He said that was the direction he was leaning because he did not think the amended plat was an improvement to the original plat.

Greg Gordon said that his concern was that in denying this plat was that it kept the City Council from the opportunity to ensure that a through road would not be added now or in the future. He felt that at this time they could add some conditions that would be effective. He said that he heard from many people who had reiterated the point that a through road is the biggest concern due to its effect of traffic. There was a particular concern regarding inner-county traffic resulting from the larger development in Draper. Greg Gordon said that it was his understanding that could create a gated access road that would have no significant risk of being converted into a full road in the future. On the other hand, Greg Gordon said that although Draper has said that this design satisfies their needs, Alpine did need secondary access on their side. He said that he has heard from Draper four different times that they have not decided what they want and have not made a final decision. He was concerned that they might change their minds down the road and say that they needed an open road. Greg Gordon worried that if the Council did not act now, that could potentially become the only option in the future, where right now they had the opportunity to set restrictions on the road to something that was local and gated. He also said that he was concerned that if this issue went to a judge, they would look at public safety access private property rights and road connectivity, but not give as much deference to traffic going through a neighborhood. Greg Gordon said that he thought the Council, developer and residents all wanted the same thing: to limit the amount of cross traffic between cities and counties. He said that he was trying to look at the highest probability solution to achieve that goal. He said that he wanted to try and maintain control of the situation, whereas if it went to a court or appeals process, it would be out of the City's hands. Currently, the City has control over where the gate is, could add easement terms, control the surface type and gate type and can set standards and require within adjacent HOAs and DCRs that state that there is an understanding that this will never be a road. He said that he did not want to lose all that latitude that the City has now and end up in a worse position if a through road is imposed. That was his foremost concern. He stated that he would like to hear some guidance on what are the probability that a gated access road could be converted to a full through road later or what is the chances that if this runs its course through the appeals process that they arrive at their worst case scenario of open road. He asked David Church, City Attorney, if there was a chance that if they had a gated access road on the Alpine side with terms and requirements and agreements if there were circumstances in which those conditions could change in the future to allow for a through road.

David Church, City Attorney, answered Greg Gordon. He said that the conditions of the road could be set up so that it was entirely in the hands of Alpine City. Unless Alpine City was in favor of the road going through, it would not happen. He said that he could not say if it were absolutely impossible that the road would never happen as he could not predict future Alpine City needs and the desires of future City Councils. He furthered that the nature of the compromised amendment that staff recommended to the City Council and the developer was such that the decision was entirely in Alpine City's control as to if the amendment was approved. That was the reason why the road was designed as a cul-de-sac, the reason why the proposed emergency access was limited to the very narrowest amount allowed by fire code, and the reason staff insisted the gate be installed on the Alpine side. In addition, that was the reason why the property between the gate and be under the City's control through ownership or easement. All of these measures ensure that the decision to put a through road in would be in Alpine's control. David Church, City Attorney, said that it was his opinion that the proposed plan was the best that the City could do.

In regard to Greg Gordon's question about the appeal process, David Church, City Attorney, said that he believed in the City's position and that they had a good chance of prevailing in the appeals process. However, as Greg Gordon pointed out, a district court judge would make the decision leaving not guarantees. He said that he Brent Bateman, attorney representing residents, had worked together for many years and agree; the statute that we are

relying on gives the City more discretion on plat amendments than the statutes on new subdivision. Because the action item is a plat amendment the statute says that amendment is only required if the City Council finds good cause. David Church, City Attorney, extended credit to the Mayor Troy Stout and the City Council. He explained that in February 2020 when this compromise was proposed, there was a bill in front of the legislature that would have amended the section of the code relevant to plat amendments. If that piece of legislation had passed, it would have removed the good cause standard out and put the same standards for plat amendments as are currently applied to the original subdivision: if the proposed amendment meets the city ordinances a City Council must approve the action item. David Church, City Attorney, explained that the bill did not pass in the legislature because Alpine City got help lobbying against it, as a result of his personal fear that the bill had been proposed simply to harm Alpine. One of the risks identified is that during next year's legislative, the development community could be successful in the amendment of that code section. Because of this, one of the intentions of city staff was to get the issue resolved before legislator got involved and developers were able to change the plat amendment process.

Greg Gordon asked a follow up question. He wanted to know if the City could establish easement terms across the two private property housing lots where the road would cross over. He wanted to know if that action would effectively make it difficult and expensive to create the through road. Essentially, he wondered if that action would require both residents and the city to change their minds about the road.

David Church, City Attorney, responded that if the amended plat was executed in alignment with the proposed compromise, if years from now Alpine and Draper City decided that they would want to push a through road, that development would become very expensive. This is because the private lot owners would own the 26-foot narrow strip of the easement. Putting private people in control through easements will make it more expensive in the future if the cities want to do a road. The easement would place a lot of impediments that would discourage the development of road, including cost. In looking at the plat, the lots come right up to the side of the cul-de-sac. Similarly, if developed on the Draper side those lots would face the same issue. Therefore, in his opinion, if the area were developed it would be difficult for a future Alpine or Draper City Council to develop the road because of a greater number of homeowners. However, he would never say the road would be impossible.

Jessica Smuin said she wanted to give some context. She explained that served on the Planning Commission prior to coming to City Council. She explained that the Planning Commission did their motions very quickly so that had a specific topic to speak to as opposed to wondering around in the conversation. This was the reason why she made the motion so early. Although this might have felt atypical for a City Council meeting, it was for typical for the Planning Commission. For her, in looking at this decision the most important element was not to cause Alpine City any more legal exposure than necessary. Looking at the legal exposure and considering the community vision needed to come together. She noted that one of the previous mayors who wrote the general plan, Hunt Willoughby, was present at the meeting. She explained that in the general plan, under the vision statement, it is stated that the primary focus of Alpine City is to preserve and maintain the characteristics of a high quality of life.

Jessica Smuin said that Alpine needed to legally do that: maintain characteristics of a high quality of life. Because the action is a plat amendment and not just an original plat, the City Council have a legal basis to deny it if they cannot find good cause. She reminded the other council members that as they voted they need to remember the general plan that drives the community. She stated that when considering her own decision, she referenced the first goal in the general plan: to preserve the quality of life and atmosphere of the city. For her that was pretty straight forward. The City has a legal backing to do that. Therefore, it was her finding to deny the petition for the plat amendment.

Jessica Smuin added that she chose to join the City Council note because she wanted her opinion to be heard but because she wanted residents' voice to be heard. She said that, not long ago there were many items she felt there were many items that the community felt passionate about that were not being heard. She hoped that the community recognized that if the City Council voted no today, that did not mean that there would not be a road. The road might still happen through the appeals process. She wanted to ensure that residents were aware the denial of the road tonight was not a slam dunk.

Mayor Troy Stout said he had also been a part of the City Council for almost 13 years. During this term of service, he had been involved with this piece of property on several different proposals and some of those proposal have been wildly more populated than this one was. Throughout this process the City Council has had to balance the desire that we have as the City Council—he spoke both for previous council members who are no longer serving and current council members who had addressed this property in the past—including the desire to protect the hillsides. He recognized that this was a primary desire of the community and that he took seriously the Council's responsibility to do so. On the other hand, the City Council has the responsibility to respect and honor property

rights. He said that was a difficult balance to strike sometimes as the two responsibilities come together in a way that is challenging to sort out. Sometimes there are situations where there is a clear right to build, but there is uncertainty to what extent that right exist and how far an area can be built while still maintaining the values Jessica Smuin referred to.

Mayor Troy Stout pointed to what David Church, City Attorney, said earlier in the meeting and Jason Thelin reiterated: at one point this Council was given a proposal to consider an alternative which included the gate. He said that during that process the Council weighed out the possibilities with the goals and came to the majority decision to move forward and at least evaluate the proposed compromise, so at that point we decided as a majority to go forward and at least look at it and evaluate it. He said it would have been irresponsible not to do so because the responsibility to balance different needs lies within the City Council. Mayor Troy Stout expressed that everyone has emotions around Alpine because it is the place they live; that was why they we are all here tonight. The City Council does fight to try to preserve what is cherished the community while honoring the rights of those who have property. He stated that he did not have a vote tonight and because the City Council had a full quorum he would not need to. However, it was his view that the primary responsibility of the City Council to the community was to protect residents' values and protect what is loved about Alpine City. He said that if those elements can be maintained while allowing development than development makes sense, but when developers come to the City Council with something the City did not plan for, and in fact goes against the city's plan and values, then the Council has to evaluate that. He encouraged the Council to vote accordingly.

Lon Lott asked David Church, City Attorney, a question about plat amendments and new subdivisions. He explained that there had been a lot of conversation through email referring to a property owner knowing that that bought a piece of property under a specific set of conditions. In this case that was a four-lot approved plat. He wanted to know if a property owner had the right to submit a new subdivision plan to an already approved plat.

David Church, City Attorney, said that was the process they were going through. Any property owner can petition to amend the subdivision. When the property owner owns the whole subdivision, they have the right to either vacate the plat or amend that subdivision. The City had the obligation to respond to the applications they receive. In this case, the application received was to amend the existing Summit Point subdivision plat and this is the process of the City responding.

To directly answer Lon Lott's question, David Church, City Attorney, said yes; any property owner has the right to petition to amend the plat. The City then follows the standard outlined in the code and ordinances in processing the petition and to decide. Currently, state law says the City Council may approve a plat amendment if there is good cause to do so.

Lon Lott clarified that if there had never been an approved plat the action was just a proposal for a new subdivision, but if there was an approved plat, the landowner would always submit an amended plat.

David Church, City Attorney, responded that was correct unless the property owner decided to vacate the plat. He added that as a matter of due process, the Council should allow the landowner to respond to questions and comments the Council may have before the Council votes.

There were several outbursts from residents in attendance that required Mayor Troy Stout to call for order. He explained that he outlined at the beginning of the meeting that two spokes persons from the neighborhood would be allowed to give statements and that the City Council had allowed for that. He reminded this was not a public hearing, but a public meeting, limiting input. He apologized if that did not meet attendees' expectations.

Jake Satterfield, developer, asked Paul Fesser the engineer with Civil Science firm of the project to make some comments.

Paul Fesser brought up that the current subdivision that was approved in 2016 had a dead-end cul-de-sac similar to the cul-de-sac Summit Point was proposing. In fact, it was a couple of hundred yards longer than what the developer proposed.

Mayor Troy Stout said clarified that the road Mr. Fesser mentioned was a private road not a cul-de-sac.

Paul Fesser agreed, but argued that it posed a similar concern. He said that he believed that the fire marshal would agree with him that right now that subdivision, which was approved, was not safe for residents in that area because it exceeds the fire gradient. He said that he had never seen a subdivision that violated basic fire code that had been around for a least 10 years.



Paul Fesser, Project Engineer, explained that what the developer was proposing was not actually an option for a future connection. He said that he believed it would not only make the area safer for people to live in the area but provide an access road for both Draper and Alpine. He explained that their option provided proper egress for emergency services.

Jake Satterfield, developer, asked Chief Reed Thompson for his comment on the fire hydrant issues. He asked if the proposed compromise (the amended plat) was better or worse in regard to the safety of residents than the original.

Mayor Troy Stout interrupted Mr. Satterfield stating that he would like to hear his comments later, but that he did not want to extend the length of the meeting.

Jake Satterfield, developer, stated that he felt that his questions and comments were relevant and that after sitting through a three hour Planning Commission meeting where he listened to all of the residents' comments that he felt as though he also had a right to be heard.

Jake Satterfield, developer, then addressed the comments made by Brent Bateman, attorney representing neighbors. Mr. Satterfield said that Mr. Bateman made the claim that the road does not follow the general plan as it was written. Jake Satterfield made the claim that there were probably many developments in the city that did not follow the general plan as it was written and that he believed that the purpose of a general plan was to adopt to changes as circumstances changed. He asked how old the Alpine City's general plan was and when it was written.

Austin Roy, City Planner, answered it was written in 2007 and that the latest revision was probably six years ago.

Jake Satterfield, developer, continued and asked if every street that currently exists in Alpine City was included on the general plan. Mayor Troy Stout responded that he could not answer that. Jake Satterfield continued and said they were not, that the general plan failed to cover every item the City Council has claimed it would cover.

Jake Satterfield, developer, said that the second issue that Brent Bateman, attorney representing neighbors, brought up was the length of the cul-de-sac. Mr. Satterfield claimed that Alpine had several long culs-de-sac and cited the Three Falls subdivision as an example. He said that at Summit Point, they were trying to provide much shorter distances than those offered at the Three Falls subdivision. He said that he was not sure how one gets looked at and is acceptable despite being on a hillside—whose protection was a justification for denying the amendment—and another does not. Jake Satterfield said that Alpine had hillside development all over. He claimed that there had been a protection against hillside development, but this had occurred on the part of Draper who had protected thousands of acres of hillside open space that Alpine and Highland residents were benefiting from. Ultimately, he asked the Council how squashing a developer by saying there was not good cause made Alpine a better city when development was occurring all around Alpine.

Mayor Troy Stout spoke on behalf of the City Council that it was not their intention to squash development. He

Jake Satterfield asked how this development did not demonstrate good cause in the same way that any other approved development did. He asked how this development threatened the preservation and quality of life any differently than any other development. He said that the people that are arguing that this development is bad for them have gone and done the exact same thing in other areas of Alpine. Jake Satterfield stated that there was a massive layer of hypocrisy that exists through those arguments.

Carla Merrill asked Jake Satterfield, developer, if he was aware of and amenable to the conditions such as easements and the residents owning particular property to ensure that the road did not become a thoroughfare.

Jake Satterfield, developer, replied that the development group was open to other options as long as it did not back them into a corner or create a detrimental barrier for them. He said that if there was something that would give the residents and the City more comfort, they would be active participants. He stated that the development group had acted in good faith with David Church, City Attorney, in trying to avoid the legal processes. He said that he felt that there were quite easy solutions that resolve the biggest concerns. However, as he stated earlier, he said that while people claim that their biggest concerns are safety and traffic, he thinks that it is really that they just do not want development. He said that when people do not own something to be able to control the outcome the route they take, as is so common in this country, is a lynch mob.

There was a reaction for members in attendance, including particularly aggressive comments from one member in the back. Mayor Troy Stout called for order in the meeting and specifically addressed the most vocal attendee. He asked him to be quiet or to leave the meeting and eventually had to ask for the assistance of the police chief to escort the resident out of the meeting. The mayor asked Jake Satterfield, developer, to answer the question without an editorial.

Jake Satterfield, developer, said the development group wants to do what is best for the City and was willing to work with them and landowners to come up with a solution.

Brent Bateman, attorney representing residents, said that most of the citizens present at the meeting asked where their voice was in this process. Mr. Bateman claimed that residents' voice is included at the time a city's general plan is written and when ordinances were drafted to decide how Alpine City would be and be run. He said that to shortchange the general plan is the problem because it dismisses how citizens have outlined what they want their city to be. Brent Bateman said that the problem with the application was that it went against the general plan.

Brent Bateman, attorney representing residents, reiterated that the City Council was not taking anything away from the developer by voting no. He already has something. He had the right to develop his property, along with the right to make a lot of money off of it and we will all be happy if he does. He already had the development right.

Finally, Brent Bateman said that the City could make it difficult to open a gate and prevent a through road from being installed. He agreed with David Church, City Attorney, that there was no way to make the through road impossible. He said that regardless, there will be some sort of road in the development.

**Motion:** Jessica Smuin moved to deny the Summit Point Plat B amendment as Alpine City does not find good cause based on the following 1) The amendment would create one long road with only one public outlet which is affectively a cu-de-sac that is longer than allowed by the letter and spirit of city code. 2) The emergency access road to Draper is not provided for as part of our general plan. 3) the city has previously approved the subdivision plat for the property which provided two access roads within the city and therefore the long single access road with an emergency access is not necessary to allow the property owner to enjoy his full property rights afforded to him under Alpine City ordinances. Jason Thelin seconded the motion. The 4 Ayes and 1 Nays (recorded below). The Plat B amendment for Summit Point was denied.

Ayes

Jason Thelin  
Carla Merrill  
Jessica Smuin  
Lon Lott

Nays

Greg Gordon

**A. Public Hearing: Alpine City Final Budget FY2020-21**

Mayor Troy Stout asked Shane Sorensen to present the Final Budget FY2020-21 before the period of public comment.

Shane Sorensen said that before the City Council was the final budget for the next fiscal year, FY2020-21. He explained that the City had received the April sales tax revenue, which was a little higher than last year. He noted that they have yet to receive information on two months' sales tax that would be included in the current tax year. To be on the safe side, they have estimated a 20% reduction in sales tax revenues to account for COVID-19. In addition, staff included a full collection of property taxes since they presented the tentative budget.

Shane Sorensen said that in regard to the City's Class C road funds believed they would receive a full collection, but that there will be reduction due to less gas being purchased. For the projects, the City had planned that would use those funds could be supplemented with money that the City had saved in the same funds. Staff felt good about being able to move forward with those projects.

Shane Sorensen then addressed the City's medical and dental insurance that increased by 5.8 and 1.9%, respectively. In addition, staff added some capital projects since they presented the tentative budget. Staff added money to be able to remodel of the fire station and an upper parking lot Three Falls. He also explained that when Alpine Cove was annexed into the city, the county gave the City of Alpine some money to make an emergency water connection, which was added into the budget as well. Lastly, staff added funds to account for the purchase of a lawn mower.

Shane Sorensen explained that the Timpanogos Special Service District (TSSD) would be closed to taking green waste after June 27, 2020. As a result, staff will present to the Council on green waste cans. He said that it would be important to prevent residents from using their garbage cans for green waste, which would result in increased fees for the City. Staff had also included some pressurized irrigation projects. The City recently refinanced the pressurized irrigation bond and added a million dollar to help fund the CUP pump station and some other projects. The Lone Peak Public Safety District had an overall cost reduction of \$30,000. The Lone Peak Public Safety Board okayed the purchase of a new ambulance this year with surplus funds from the FY2019-20 budget. Lone Peak Public Safety District and City employees proposed to put in a 2% merit increase that would be reevaluated this fall once staff are able to see revenue.

One item not included in the budget as it was an action item later in the meeting was the CARES Act money. Alpine City's portion totaled \$738,000. Staff intended to amend the budget based on the decision of the action item. An additional item that would need to be added to the capital projects was \$40,000 to install surveillance cameras due to the vandalism issues that have taken place in our city parks.

Shane Sorensen said that the next item on the agenda would be adopting the certified tax rate, which was determined by the state and accepting this year's property tax based on the rate provided.

Mayor Troy Stout opened the meeting for public comment:

Breeze Anson, resident at 633 Wilderness Drive, asked if in the future budget included any money allocated for trail projects.

Shane Sorensen answered yes.

Greg Gordon commented on the fact that there are three places in the budget where funds were allocated to help with trail projects.

Shane Sorensen continued to say there was money for Lambert Park improvements and miscellaneous park and trail improvements. He said that a lot of the projects were not specifically identified right now, but that was typical, so that money could be used as the year went on where it was most needed. He also stated that there was additional money in the Parks and Recreation section of the budget.

There was some discussion by the Council about how trail and park improvement priorities and decisions were made. Mayor Troy Stout acknowledged those were good questions but asked if the Council could wait to have that discussion until later in the meeting so that they could finish the period of public comment.

Jane Griener, resident at 451 Apple Tree Drive, asked if there was money in the budget for someone to work in Parks and Recreation, specifically someone to oversee the trails and the trail committee.

Mayor Troy Stout said that there was money in the budget two years ago to hire a Parks and Recreation person. The decision was made to bring a person on half-time and to supplement the position with other staff assignments. Someone was hired for the position who did not work out and that individual had not been replaced.

Shane Sorensen said the City had proposed to hire a part-time person at 20 hours per week to help with parks. He said that when staff proposed the tentative budget it was their intention to delay filling the position until they had a better sense of revenues.

Mayor Troy Stout said that merit increases had also been delayed until later in the year when the City had a better assessment of revenues. He asked if there were any other comments from the public. Hearing none, he closed the public hearing and opened the item to discussion by the Council.

Lon Lott said that he noticed on the spreadsheet that there was funding for the Alpine Cove emergency connection. He wanted to know the timeline of the project.

Shane Sorensen said the project would likely happen early this fall or in the spring of 2021 after staff are able to work on the design of the project. He said that the budget already included money earmarked for the project.

Lon Lott was confused about the fact that the spreadsheet included money to fund the project but did not account for the expense of construction.

Shane Sorensen explained that there was a section of the budget specifically for water. At the bottom of that section was a line item “Capital Outlay Improvements” at \$500,000. This number corresponded with the project that Lon Lott was asking about. He provided further clarification about how the City Council should read the budget.

Mayor Troy Stout spoke about the vandalism that had occurred in the past several weeks. He said that he felt strongly that the City need to crack down and figure out who was doing the vandalism. He said that it was worth the expense of getting some cameras if it would help them identify who was doing the vandalism.

Jessica Smuin asked about the contract with the Timpanogos Special Service District (TSSD) and if there were funds in the budget to renew the contract with them.

Shane Sorensen explained that in the past TSSD, the sewer treatment plant used by most of the cities in Utah County had a composting sewer operation to take care of the sewer sludge. However, because of lawsuit that have gone on for a number of years, they were required to stop the composting operation. However, they would continue to have a sewer treatment plant that will be handled differently. Their options were to haul the sludge off to a landfill and pay to have it deposited there, or to make agreement with another district that does composting who could take the sludge. Although they have not decided on the course forward, since they no longer had the composting operation, they no longer needed green waste. It was that part of the operation that would no longer exist.

He also explained that in the past the City had a contract with the North Point Solid Waste District. The City got out of that contract because another ACE Disposal take Alpine’s garbage to their landfill at a cheaper rate for the City. There was more discussion about the different places that residents could take waste at a one-time fee.

Mayor Troy Stout said that he went to the dump the previous weekend and thought it was quite expensive, about a \$20 fee. He said that it would be good to come up with a solution to bring that rate down and to look seriously into green waste options.

Shane Sorensen said that a past council had voted not to go with the Lone Peak Waste Program. He said that he had asked a staff member in disposal to do more research on this option to see the cost of bring that back as an option.

Mayor Troy Stout said, at the risk of being controversial, to look at the benefits of providing a green waste can over a recycling can. He said that the new restrictions regarding recycling make it difficult for him to see it as a benefit.

Shane Sorensen said that as a part of looking into green waste they could revisit the recycling program.

Jessica Smuin asked about the funds for Alpine Days. She said that she knew they had incurred some expense but asked if the remainder of the funds would be reallocated somewhere else.

Shane Sorensen said they left the funds allocated towards Alpine Days in the budget as is for the time being in case the Council decided to have some activities this fall. He noted that there were revenues associated with these events that offset some of the expenditures.

Mayor Troy Stout thanked both the police and fire chiefs for looking at their budgets and finding ways to reduce their expenses without compromising their operations and the safety of residents.

## **B. Ordinance No. 2020-10, Adopting the Final Budget FY2020-21**

**Motion:** Lon Lott moved to adopt Ordinance No. 2020-10 for the final budget for the fiscal year 2020-21. Carla Merrill seconded the motion. The 5 Ayes and 0 Nays (recorded below). The motion passed unanimously.

### Ayes

Jason Thelin  
Greg Gordon  
Carla Merrill  
Jessica Smuin  
Lon Lott

### Nays

## **C. Resolution No. R2020-07, Adopting the Certified Tax Rate FY2020-21**

Shane Sorensen explain how the certified tax rate was calculated by the state tax commission who look at the values of Alpine City properties and the City's new growth. He said that the rate they calculated was 0.001424.

David Church, City Attorney, explained that in the past there were concerns in Utah about the fact that property tax rates were getting inflated, causing the government's tax revenue to increase along with property values, despite no increase in services. In response to that concern, the Utah legislator adopted the Truth in Taxation Statute to take inflation out of the tax rate. Therefore, the county assessor in conjunction with the state tax commission evaluates property values in a community and the community's new growth. This body then calculates the new property tax rate such that a resident does not have a tax increase. This means that as property values go up, the certified tax rate goes down unless a series of public hearings are held to communicate to the public a tax rate over the certified rate. This means that a city gets money from new growth and development, but not from an increase in property values. This, however, is confusing for residents because although the community wide tax rate changes, a resident's tax rate goes up and down depending on if their property value changes. This means that a city receives the same amount of property tax revenue every year.

Shane Sorensen added that in comparison to other cities, Alpine was still on the lower end of the tax rate.

**Motion:** Carla Merrill made a motion to adopt Resolution No. R2020-07, Adopting the certified tax rate for the fiscal year 2020-21. Greg Gordon seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed unanimously.

Ayes

Jason Thelin  
Greg Gordon  
Carla Merrill  
Jessica Smuin  
Lon Lott

Nays

**D. Ordinance 2020-11, Amending the Alpine City Budget FY2019-20: The City Council will approve the amended budget for FY2019-20.**

Shane Sorensen explained the proposed budget amendments before the Council. He said that traditionally, Alpine City made final adjustments to the budget at the end of the fiscal year. He said that this year, the City needed to make some adjustments to ensure that they did not go over the FY2019-20 budget. He said that was a little bit tricky at the end of the year because staff were trying to anticipate what invoices would come in before transition into the next fiscal year. He then outlined the amendments.

1. In planning and zoning, the City had some increased costs for professional services such as attorney fees. These totaled about \$15,000.
2. Parks and Recreation did not account for a state law passed a few years prior that required Alpine City to charge themselves for water and sewer in city parks. He said that the City got dinged on their audit in 2019 for failing to do this. To correct for that they need to include \$40,000 in the budget.
3. In regard to the treasurer item, the City did not budget enough money to cover the audit as part of the pressurized irrigation grant. The City had to do an additional audit called a single audit because they received over \$750,000 in federal money. The money for this additional audit totaled \$5,000.
4. In the administration item, the City had to pay out some accrued leave when Charmayne retired. Shane Sorensen did not state the additional amount budgeted for this item.
5. For miscellaneous, the state code limits the surplus balance for general fund surplus to 5-25% of the fund's total budgeted amount. If Alpine goes over that amount, they just transfer the additional fund balance to the capital improvements fund. This year, to ensure that Alpine did not go over the 25%, they needed to transfer \$20,000 to the capital improvement fund.

David Church said that all cities were allowed a "rainy-day fund." This fund had to be at least 5% of the general fund budget but could not exceed 25% of the total budget. He said that the city was well-managed, resulting in a surplus of \$500,000. However, when money is put into the capital projects fund, it was considered spent. He explained that Alpine City's savings account would be at the 25% maximum. Therefore, they would be transferring money to the capital projects fund for future projects.

Shane Sorensen said the city held back on some projects in case revenues really tanked as a result of COVID-19. He continued outlining the budget amendments.

6. Garbage was higher than expected, resulting in a \$50,000 adjustment.
7. The City also refinanced their pressurized irrigation bond. There were some deeds involved amounting to \$33,000.

Mayor Troy Stout asked Shane Sorensen if the City was in year three or four of their contract with ACE.

Shane Sorensen replied that he thought that they were in year three, but that the City had already extended their contract with them.

#### **E. Public Hearing: Amend the Alpine City Budget FY2019-20**

Mayor Troy Stout opened the public hearing for the FY2019-20 budget.

Abe Matthews, resident at 851 N Alpine Blvd, directed a question to David Church. He said that last year there was the Pitchfork town meeting about increasing property taxes. He said that he understood how the certified tax rate worked, but that he was interested in understanding how the tax increase in FY2019-20 year got built into the certified tax rate in FY2020-21.

David Church said that when a city increased their taxes that becomes their new base amount that the certified tax rate is based on.

Abe Matthews restated that the Utah State Tax Commission considered the increase as the new baseline. He then thanked the City for running a surplus from last year. He said that if the city had not, he was going to be there with a pitchfork if the increase was going to happen again. He said that he noticed that seven people were present and cared about it.

**Motion:** Lon Lott made a motion approve the amended the Alpine City Budget for the fiscal year 2019-20. Carla Merrill seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed unanimously.

#### Ayes

Jason Thelin  
Greg Gordon  
Carla Merrill  
Jessica Smuin  
Lon Lott

#### Nays

#### **F. Resolution No. R2020-08, CARES Act Funding Agreement: The City Council will consider adopting the CARES ACT funding agreement with Utah County**

Mayor Troy Stout said that he had a meeting with the Utah County mayors and commissioners to discuss the Cares Act. There was a total of \$110 million given to the county. He said that the county commission did have the authority to take the money and put it toward whatever they felt was necessary in the county. There was a pretty strong feeling amongst commissions that they needed stimulus money for businesses. At the meeting there was a long discussion about businesses who were overlooked by the federal grant program. Because of this, they felt supporting those businesses was a high priority that they wanted to address. Ultimately it was decided that the county commissioners would retain 20% of the overall funds to use at their discretion to provide stimulus. After this there was discussion on how the rest of the money should be distributed. A motion was made to form a seven-person committee with at least four mayors to help make the appropriations. He said this committee had allotted Alpine City \$700,000. He said that there were two cities in the county that said that they did not want their share. The rest of the cities said that they would like to receive the money to have on hand in case their economic situations changed dramatically with COVID-19. He said that it remained to be seen what would actually happen and how it would affect Alpine, but that numbers did not look great. Mayor Stout said that it was his preference that Alpine accept the agreement and bank the money to keep on hand in case Alpine City needed it at some point. He said that there were a few expenses that they could pay off right now with those funds and would have until November 2<sup>nd</sup> before they would have to return any unused funds. He explained that the argument also stated that if the City earned any interest it would either need to be spent or returned by that date. He noted that any money that was returned to the County would be spent at their discretion as opposed to being returned to the federal government.

Shane Sorensen said that the County Commission approved the agreement the week prior. David Church looked at the agreement on behalf of Alpine. Shane Sorensen said that there were some cities that had issues.

David Church said that as a condition of receiving money from the County, the City had to sign an inner-local cooperative agreement with the County. He said that the agreement was already adopted by the County and that there were several city attorneys who discussed some changes they would like in the agreement. He said that some of those changes had been adopted and some had not. David Church said that the important parts of the agreement were that the federal rules put stringent requirements on what the money could be used for. Money was only awarded to entities with a population exceeding 500,000. Because of this, the state of Utah received funds as well as Salt Lake and Utah Counties. While the County was able to allocate some of the money to individual cities, that did not change the rules the federal government said the money could be spent on. The money was limited to reimburse cities for necessary expenses incurred due to COVID-19. However, the money could not be used to replace shortfalls in tax revenues, or to pay for previously budgeted items. Because the County was ultimately responsible for how the money was spent, the agreement essentially placed the responsibility on cities to spend the money appropriately by November 2<sup>nd</sup>. If the County does not spend the money by December 30<sup>th</sup>, it goes back to the federal government. If the city spends the money incorrectly, they will have to reimburse the funds.

Mayor Tory Stout said that there were specific guidelines that initially seemed strict, but it seemed they were loosening. He asked David Church what his impression was.

David Church agreed. He said some of the regulations and instructions from the federal government had loosened up. However, on the other hand, some local governmental officials were trying to be very clever to try and use the funds to cover expenses. He said that the state and two counties got a boat load of money. He said that Utah was lucky in that the state was not hit all that hard, but because of the population still received a lot of funds.

Mayor Troy Stout said that the state of Utah received \$1.25 billion, \$100 million of which was received by Utah County, the second highest dollar amount of any county.

Shane Sorensen explained the City's expenses will mostly be police and fire. He said that they did not receive an allocation. However, the public safety district would send an invoice to both Highland and Alpine which would be paid with the money. The funds would also cover expenses like cleaning supplies, masks, fees associated with renting the school for the meeting. In addition, as was discussed at the previous meeting, those funds could be used to remodel the reception area at City Hall.

Greg Gordon asked if the City could get video and audio equipment to use in the City Council room given that they did not know how long this will go on.

Shane Sorensen told the Council that staff had already started working on video equipment for City Hall.

Jessica Smuin asked if there was any other directive than the ability to be reimbursed for expenses incurred.

Shane Sorensen said that there were guidance documents to guide cities and Councils. He said that he could send those to the Council.

Jessica Smuin said that if they were going to be in this for a while, she felt it would be valuable to create more places the community could safely enjoy. She wanted to know if they would have the latitude to do that.

Shane Sorensen said that idea was something that was suggested by a Utah County planner. The thought was a project like that would qualify. He said that one thing that he did not point out in the budget was that the past several years, Alpine received a \$5,400 recreation grant from the County, but that those grants were put on hold for this year.

Jessica Smuin asked if funds could be used to pay for businesses brick and mortar expenses.

Shane Sorensen said that he had spoken with the Vernal City Manager who outlined a program that allowed businesses who met certain requirements to apply for a grant between \$1,000 and \$10,000. He said there were cities that were taking that approach.

Mayor Troy Stout said that during the C.A.R.E.S meeting one of the concerns that was brought up by a mayor was how to ensure that a business was not triple dipping. Because there was a chance that the same business got federal aid, then state aid, and now municipal aid. He said that one of the things they had to be careful of

was not giving money to a business that had already had help. He concluded that the City could step in and provide some brick and mortar support to businesses within the community.

Jason Thelin said that he thought that there should be no reservations to spend the entire amount received. He said that he did not think that would be hard to do. He said that as a last resort they could help businesses. He said that what he would do first was support the police and fire departments, pay for the remodel, and purchase the video equipment. He did not think there should be any reason to spare spending any of the money they received.

Mayor Troy Stout said the City needed to be able to justify the expenditures. He said that he thought that it was better for the City to spend it based on their discretion then to hand it back over to the County. The City cannot hold it for something next spring and save the money. There was a four-month timeframe to spend the money.

Shane Sorensen asserted that staff did not notice until just prior to the meeting that the item needed to be passed by resolution. He provided the resolution number for Carla Merrill to use in her motion.

**Motion:** Carla Merrill made the motion to approve Resolution No. R2020-08, CARES Act Funding Agreement with Utah County. Lon Lott seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed unanimously.

Ayes

Jason Thelin  
Greg Gordon  
Carla Merrill  
Jessica Smuin  
Lon Lott

Nays

## VI. STAFF REPORTS

Chief Brian Gwilliam thanked the City Council and citizens. He said that he was sure that many people had seen the unrest and protests calling to defund the police across the nation. He said that they had received emails about defunding the police. He said that as a force that serves Alpine, the police have been overwhelmed by all the kindness, love, faith, and support they had received. He said there were so many doughnuts at the station it was not funny. He said they have received cards and gift baskets despite all the unrest. He said that he was humbled by the sentiment they have received as a police department. He said that in talking with other colleagues in the County he has heard of the same support, but that those out of state were not as fortunate as they were. He stated that they had good moral in their office because of the positive things they have received from residents.

Chief Reed Thompson said fireworks sales would begin the next day and the fire department would be putting up signs throughout the City. He noted that it was a dry year so they would be working hard to prevent fires from starting and spreading.

Mayor Troy Stout asked Chief Reed Thompson if it was true that the fire marshal was the person in the position to restrict fire boundaries if needed.

David Church said that was not quite true that the fire marshal could propose the change, but the legislative body (City Council) had to approve the recommendation.

Carla Merrill brought up a concern about the information booth at the Three Falls subdivision. She said that her 16-year-old daughter and friend drove past the information booth and were chased down by the security/information guard who told them that they could not be in the area at night. She felt that it was not appropriate that residents, especially two teenage girls who were just driving around, to get stopped when they were not speeding or breaking any laws.

Mayor Troy Stout said that this was not the first time that issues with this information stand had come up. He said that because the guard shack was there, it implied that drivers needed to stop, or that the guard had the right to stop drivers. This was not the case because it was a public street. He felt that this was being abused.

Carla Merrill stated she called Will Jones, property developer, to complain about her daughter's treatment and told him that could not continue. She explained to him that she did not think that he had the right to stop traffic.



Mayor Troy Stout said because it was a public road there was not a right for the guard to stop traffic or pedestrians. He asked David Church if he could enlighten the Council on what was in their jurisdiction to do. He wanted to know if the City had the right to close the shack down or remove it.

David Church said that he thought that the shack was on public property. This would give the City the right to control the structure. He did not think that the City had signed any agreements permitting the shack, so if the problem continued, they could remove it. suggested if the homeowners want to have their security guards they should not on public property.

Shane Sorensen suggested the City Council, mayor, staff and the HOA of Three Falls set up a time to meet.

Mayor Troy said that the City owned 12-feet on both sides of the road. He hoped they would be able to come up with a compromise and acknowledge that the developer was trying to protect expensive machines and equipment necessary for the Three Falls project. He stated that regardless of this, they did not have the right to stop people.

Lon Lott asked if the City had an ordinance regarding how close playground equipment could be to property lines.

Austin Roy said it depended on if the playground equipment had a foundation. He said that not all play equipment was created equal: some houses could be elaborate, and some could be plastic, Fisher Price items. He said that if it had a foundation and/or a roof, the City would treat like a shed. For it to fall within the setback area, it would have to meet certain requirements and get a building permit.

Lon Lott asked if Alpine City had a curfew law.

David Church said that there was something in Alpine City ordinances regarding a youth curfew. He said that the police department had not arrested anyone in years because of it.

Chief Brian Gwilliam said those 16 and older could stay out on Sunday-Thursday until 11:00 p.m. and out till 1:00 a.m. on Fridays and Saturdays.

Greg Gordon asked about the construction hours ordinance.

Shane Sorensen said construction was permitted from 7:00 a.m. to 10:00 p.m. seven days a week.

Mayor Troy Stout asked why the city cemetery could not do two deep burials despite the fact that they were always searching for space.

Shane Sorensen explained that because of the type of soil in the cemetery, the walls would not hold up, creating a safety issue for cemetery staff to dig the holes. He said that the only exception was that the City allowed for an infant to be buried on top of a relative.

## VII. EXECUTIVE SESSION:

There was no executive session.

**Motion:** Lon Lott moved to Adjourn Carla Merrill seconded the motion. There were 5 ayes and 0 Nays (recorded below). The motion passed unanimously.

### Ayes

Jason Thelin  
Greg Gordon  
Carla Merrill  
Jessica Smuin  
Greg Gordon

### Nays

Adjourned at 9:40 pm.