

ALPINE CITY COUNCIL PUBLIC MEETING

on Tuesday, July 13, 2021

Mayor Troy Stout called the meeting to order at 6:02 p.m. He welcomed the public in attendance. He began the meeting with a roll call.

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

Staff: Shane Sorensen, Austin Roy, Chief Brian Gwilliam, Chief Brian Patton, Craig Hall, Bonnie Cooper

Others: Will Jones, Ed Bush, Mindy Gertler, Shelley Cox-Snarr, Jeff Dong – Bloks Construction, Greg Link, Wendy Fisher, Breezy Anson, Michael McArthur

A. Prayer:	Lon Lott
B. Pledge:	Chief Brian Patton

II. WORK SESSION: General Plan

Continuation from last week City Council Work Session – Parks, Recreation, Trails, Open Space, and Lambert Park Element.

Austin Roy, City Planner, said at the last City Council meeting on June 22, 2021, the council had a work session about parks, recreation, trails, and open space. He said the council made great progress on that element and tonight's work session will focus on finishing that element. He gave an update on what was decided during the last meeting. He said on policy 1.4 the council removed the ATV reference and changed the word hiking to walking. He said policy 1.6 was added to refer residents to the Trail Committee because they are critical to the city's parks and trails.

Austin Roy said in policy 2.1 the council wanted to wait to discuss Jason Thelin's comments. Jason Thelin, City Council member, said he would like to have access to the mountains and not have hard surfaces in trails and some parks. Austin Roy said there was also a question about using the word leisure in policy 2.1. Greg Gordon, City Council member, asked whether it was going to be a goal or a policy it should be added to the General Plan. Austin Roy said the council had decided to have it be a goal. Greg Gordon said it was also decided to be in the transportation element but it can be put in two places. Jason Thelin said this is a master plan that gives us a vision to what we want for our city. He believes this goal is to maximize the city residents' access to the mountain it is open space as well as beginning of trails. Council was all in agreement that Jason Thelin's comment should be a goal in the parks, recreation, trails, and open space. Lon Lott, City Council member, asked are any policies going along with that goal. Jason Thelin said about 18 years ago we have lost that access because residents have encroached upon the access point in the end of the cul-de-sac. Jason Thelin said in Three Falls the city had to come to an agreement with the developer to have access to the trails and mountain. Greg Gordon said the city needs to secure and increase access to the trails and mountains. Jason Thelin said if annexation comes in the city, we need to protect the access residents have to the mountains. Mayor Troy Stout asked to city needs to have something specific for a developer to do if they are coming in and their development is butting up against mountainside. Greg Gordon asked if an ordinance needs to be written. Craig Hall said yes.

Austin Roy said in Goal 2 policy 1.3, some parks need to be added to the list such as the family park at the Ridge at Alpine. He asked council what they consider an open space park. Greg Gordon said should have something put in about leisure. Lon Lott said last meeting Shane Sorensen had talked about rewording the policy using undisturbed and disturbed. Will Jones, Trail Committee Chair, said do not forget Heritage Hills Park and anything that fits those criteria. Lon Lott said words like natural would also work well as undisturbed. Mayor Troy Stout said using groomed or ungroomed could work too we need to be careful with the rodeo grounds and the wording around that. He said adding language in the policy about any future open space or anything that may fit this criterion so nothing is left out would be a good idea. Lon Lott said that is something the council talked about at the last City Council meeting to have a little clearer verbiage when it came to disturbed/undisturbed. Carla Merrill, City Council member, said can we say genuinely undisturbed other than allowing for trails and trailheads or something like that. Lon Lott said after the discussion last week council said to let the attorney and staff work on the verbiage. Carla Merrill said most of the land is undisturbed except for trails and trailheads. Mayor Troy Stout said the city is putting in parking, restrooms, and pavilion too. Carla Merrill asked would those things not be considered part of the trailhead. Jason Thelin agreed that this needs to be completely reworded because the city will be putting benches somewhere along the trails. He said there are so many ways in disturbing the natural vegetation. He said the city does not want to limit ourselves on the trail. Mayor Troy Stout said protecting the trails is very important.

Austin Roy said in Lambert Park and Dry Creek Corridor, the council did not want to have anything paved whether that be a trail or a road. He asked if maybe council would want to have a paved path in the Dry Creek Corridor since part of it is already paved. He asked how the city can distinguish where these are both still kind of open spaces areas and in one have natural paths and, in the other, have paved paths. Mayor Troy Stout said the city already has that in the central corridor. Austin Roy said the plan was to always have the central corridor paved. Mayor Troy Stout said he thinks the paved system in that area rounds out the improved and unimproved parks in the city. He said paving gives access to stroller or wheelchairs. He asked if council was listing out specific parks or in just general terms of natural open spaces. Jason Thelin said his opinion is to not list by specific parks. He said he is not in favor of paving Dry Creek Corridor and would vote against any pavement. Will Jones, Trail Committee chair, said the city has already began to pave the trail from Main Street down through to Canyon Crest in Dry Creek. He said the goal was to create a stroller path of about eight feet of paved trail and two feet on the side for horses to go along from Burgess Park to Creekside Park. He said the trail is a 10-foot-wide easement. Carla Merrill said this pavement will give accessibility to any residents who may need a wheelchair.

Shane Sorensen said he had a resident on 800 south approach him and asked why Alpine does not have more paved trails. He said she goes to Highland to use their trail system because it is paved. He said she takes her children with a stroller. Greg Gordon said part of that trail has already been paved but the tree roots will become a problem breaking up the pavement.

Austin Roy said the open space ordinance for Lambert Park has its own section with its own goals. He said many in the council talked about preserving the poppies this would be a good place to put that goal. Ed Bush, Planning Commission member, said the city should be careful because Lambert Park already has paved roads in it and maybe should add some language in there about the existing roads.

Shelly Cox-Snarr

13413 Grove Drive

Shelley Cox-Snarr said she had concerns about having only one access street out of the Box Elder neighborhood. She said when there was a fire, the only way out was backed up because the streets were being dug up. She said the city had always planned on paving Box Elder to Moyle Drive for additional access in case of an emergency. She said she would like to have that happen and have two access points to the neighborhood along with many of her neighbors.

Carla Merrill asked Austin Roy to update the trail master plan regarding the Forbidden Trail. Greg Gordon asked about an update on the fence going in at Lambert Park. Mayor Troy Stout said the city is just waiting to obtain labor to put it in, the city has the supplies. Carla Merrill said the fence was being put in to have definition between the shooting area and Lambert Park. Mayor Troy Stout said council should have language in the General Plan that would give the city permission to expand Lambert Park in the future if the opportunity presents itself. Ed Bush asked about the motorized vehicles on trails because right now the map is showing a trail for ATV. He said he would be cautious moving forward with the conservation easement, he said he loves Lambert Park and walks it daily. He said his concern is the city having no flexibility if the city goes with a restrictive conservation easement. He said most of the comments he has received are in favor of a conservation easement, but many do not know what that entails. Austin Roy said the trail map has some improvements that need to be made especially with the one-way trails. Mayor Troy Stout suggested before that where there were four-wheeler trails, the city could take those trails and reseed them and clarify where the other trails are. Greg Gordon said the rodeo grounds would be a little different because of the entrance and parking. Austin Roy said the bowery may still apply for motorized access. Lon Lott said the city has service equipment that needs to be able to go into this area that are currently designated as motorized trails.

Shelley Cox-Snarr

13413 Grove Drive

Shelley Cox-Snarr said she is concerned because the rodeo grounds seem to have ambulances go up there. She lives right by the bridge near there and it is unsafe. She said she has a circular driveway, and many people go off the bridge into her driveway and hit her mailbox.

Austin Roy said the last thing he would like to bring up to the council is to talk about the poppies in Lambert Park. Mayor Troy Stout said the need to have an ordinance saying Lambert Park is not for commercial use. He said the city could require photographers to get a permit to take photo up at the poppies for the city to monitor any damage done to the poppies. Carla Merrill said she agrees with the mayor, the city needs to do some more vegetation and set up a path and rope the poppies area off. She suggested putting signs up saying "do not pluck the blossoms." Mayor Troy Stout said the city should have a board walk so that residents know where the designated path is. Greg Gordon said policy 1.7 addresses this issue well the city needs to go do something about the poppy area now. He said he was there this year, there were 70 people there at the same time and there are trails made

everywhere. Mayor Troy Stout asked Will Jones to get the Trail Committee to work on the poppy area in Lambert Park this fall. Lon Lott asked legally how the city enforces people not taking pictures up at poppies. Craig Hall, City Attorney, said it is not practical to enforce. Lon Lott said the city can post signs to deter abuse of the poppies and let people know they need a permit to take photos.

Jason Thelin asked for an update on the structure being installed in Lambert Park to help with the shooting issue from happening. Will Jones said he and Jed Muhlestein met with a specialist on trails out of Park City named Bryce Sacks. Will Jones said Bryce specializes in structural wood items for trails. He said the three of them walked the trails for a few hours and are putting together a plan for Alpine City so that the structure will be able to be maintained and be in a good location. Will Jones said that Jed Muhlestein should have the plan and he will follow up with Jed Muhlestein. He said the Trail Committee will be using natural materials like stone and wood that can maintain themselves. He said with the structure there will be a trail sign pavilion and would include a bench. Jason Thelin asked if this is one of the layers to deter people from shooting in the area. Will Jones said Bryce Sacks is the one who built trailside in Park City which is a highly valued trail because of the unique structures that he built and designed. Jason Thelin asked Will Jones when he thought this would be installed. Will Jones said he should have the bids for the council to look over soon.

Will Jones said Alpine City received a \$300 from Lone Peak Mountain Bike Club. He said we receive \$1 per hour of service donated. He said another check for the city will be coming from Sky Ridge Mountain Bike Club for another \$300. He said that means the trails have had over 600 hours of service donated.

III. CONSENT CALENDAR

- A. Approve City Council minutes of June 22, 2021**
- B. Pay Request 4 – 800 South Project: \$285,810.33**
- C. Pay Request 5 – Final Pay Request - 800 South Project: \$38,184.10**
- D. Bond Release 3 – The Ridge at Alpine Phase 5: \$408,965.25**
- E. Bond Release 6 – The Ridge at Alpine Phase 4: \$171,797.15**
- F. Bond Release 14 – The Ridge at Alpine Phase 3: \$5,605.00**
- G. Final Payment #3 – Hillside Waterline: \$111,277.59**

Motion: Lon Lott moved to approve the consent calendar as proposed with the edits made by Lon Lott to the minutes of June 22, 2021. Greg Gordon seconded the motion. There were 4 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

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

III. PUBLIC COMMENT

Mayor Troy Stout said he would allow 20 minutes total for public comment tonight. He reminded citizens that they each have a three-minute time limit to present their message. He opened the meeting for public comment.

Will Jones

Will Jones asked the City Council if they would consider having a short meeting 2 weeks from now on July 27, 2021. He has a client Mr. Layton that needs approval for a final plat - Whitby Woodland, otherwise he must wait Until September to finish his project.

Mayor Troy Stout said he would discuss it with the rest of the council and let Will Jones know.

Ed Bush

1463 Box Elder Drive

Ed Bush asked if the barrier near Moyle Drive and Box Elder Drive worked with a passenger car going over them. He said he knew they were for emergency vehicles, but he had neighbors asking him about passenger cars in case of an emergency. Shane Sorensen said yes, they work with a passenger car going over them and the staff has tested it.

Shane Sorensen said he has been very concerned with water conservation this week. Mayor Troy Stout said some neighborhoods that are using culinary water should not and they need to follow their watering schedule. Shane

Sorensen said both PI (pressurized irrigation) and culinary should conserve. He said he will have staff send out a message through Everbridge.

Greg Link

13303 Grove Drive

Greg Link said the Lambert Park conservation easement is not a slam dunk. He said if the city does not have any pavement can we take it out by the stake center. Mayor said it is not in the city it is in the county. At this point it is open for emergency accesses. Greg Link walks up there every day and no one obeys the speed limit. Traffic issues are going to become an issue with the Lambert Park easement.

Shelley Snarr

13413 Grove Drive

It is just more than safety the street is overloaded she does not know how the county got it approved with only one access point.

IV. REPORTS AND PRESENTATIONS

V. ACTION/DISCUSSION ITEMS

A. Public Hearing – Lambert Park Conservation Easement

Mayor Troy Stout said on June 16, 2021, the City Council held a special work session to discuss the future of Lambert Park and the idea of placing the open space in a conservation easement. He said the City Council is now seeking further input from the community and would like to hold a public hearing to gather more feedback from residents of Alpine City. He opened the meeting for public comment.

Ed Bush

1463 Box Elder Drive

I am on the fence about this easement. I am a big fan of Lambert Park. My concern is if we know how we want to treat the park in 20-30 years. We could put a clause in about having a majority vote if there were to be any changes and that the easement agreement be looked at by the residents.

Greg Link

13300 Grove Dr.

He said most people do not understand this. He said it is a living document and there can be adjustment to the document.

Carla Merrill read an email she received from a resident:

Shelley Butterfield

Grove Drive

My name is Shelly Butterfield I have lived on Grove Dr. for 26 years. I have also been walking, riding my horses and mountain biking in Lambert Park for over 30 years. Lambert Park is a jewel to our city I'm completely in favor of the park being in a conservation easement and no road through the park at the end of Moyle drive. Currently the traffic on Grove is increasing and quite terrible, the bigger part of this problem is the speed at which people drive. Residents who live and construction workers who are driving to Box Elder, Cove and Lambert Park could slow down to 25 and alleviate 90% of the problem. I have called our police dept with no response, perhaps the city could aid in this effort!

Shane Sorensen has talked to the Chief Gwilliam regarding speeding in that area. He said unfortunately, people are speeding everywhere throughout the city. Jason Thelin said traffic is an issue throughout all Alpine but especially downtown Main Street. He believes that most of our traffic issues have to do with speeding. He recalls when Julie Beck, resident of Alpine spearheaded a campaign commit to the limit that he thought that was very effective, maybe the city could revisit that.

Wendy Fisher from the Utah Open Lands hopes to talk to all the council members. There is no hidden agenda. We are the vehicle for preservation for Lambert Park. This is a learning process, this August 4, 2021 open house 5:00 p.m.-7:00p.m. We will put up maps to show a visual of how Lambert Park is vulnerable to development for the scenic value. There is wildlife and historical value to protect. We could refresh it every 5 years. We would get public 158 people survey and she want to do another survey. 98% of the people support perpetual protection of Lambert Park we will have computers there for them to take the survey. Mayor said we asked them to come they did not ask us to do this. Access to our assets and protection of our assets. We will have the survey on our website and public

notice. Shelley Snarr said Lambert Park bottle necks in her neighborhood. Jason said they can use the emergency road if they need it.

B. Public Hearing – Purchase Proposal – 539 N. Pfeifferhorn Drive

Austin Roy said 1,738 square foot piece of open space located at 539 North Pfeifferhorn Drive. The open space in question includes an easement with a large gas pipeline that runs through it and has been vacated or retired by Dominion Energy. The easement does allow for certain things to be built within it, such as: a driveway, curbing, and landscaping (no deep-rooted trees permitted). The piece of open space also contains a ground moisture box that would have to remain, but any future property owner would be able to landscape around it. The city sees the open space as a possible location for a future trailhead with parking.

Austin Roy said in January 2019, the City Council approved a land swap with the previous landowner to exchange a 5,190 square foot piece of private property for a 5,190 square foot piece of public open space. However, the previous landowner never ended up recording an amended plat to this effect. Therefore, the County records still show the same boundaries as before. The property has since been sold and the new owner would like to purchase a piece of the open space rather than the exchange that was approved in the past.

Austin Roy said the petitioner is seeking to purchase public open space to add frontage to his existing lot. The public open space proposed for purchase runs from the northeast corner of his property to 5 feet past the moisture box (see exhibit). The petitioner feels this would be the highest and best used of the land as it would be landscaped, and the moisture box would be hidden from the street view. Also, the petitioner does not feel like the proposed purchase would interfere with the City's future planned trailhead in this location (if the city did not want to put a trailhead in this location the petitioner would be interested in purchasing even more of the open space).

Austin Roy said any alteration to public open space requires Planning Commission recommendation, and City Council approval.

Article 3.16.4.2 says:

Land included in these parks shall not be materially changed, improved, altered, disposed of in any manner or used for any other purpose except after a recommendation of the Planning Commission following a public hearing and by a super majority vote of the City Council (4 positive votes out of 5 City Council members are required). A material change shall include, but is not limited to, a change to the park's present and essential defining characteristics, creation of or improvement of roadways or parking lots within the park.

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

Austin Roy said the Planning Commission reviewed this proposal on May 18, 2021 and recommended that the City approve the sale of 1,738 square feet of public open space as proposed.

MOTION: *Commission Member Ethan Allen moved to recommend that the proposal to sell approximately 1,738 square feet of public open space be approved as proposed. Troy Slade seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.*

Ayes:
Jane Griener
John MacKay
Ethan Allen
Ed Bush
Troy Slade

Nays:
None

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

MOTION: *Jessica Smuin moved to table the Open Space Purchase Proposal – 539 N Pfeifferhorn Drive – Michael McArthur to allow more discussion and to have more time to have a trailhead design with parking lot. Greg Gordon seconded the motion. There were 4 Ayes and 0 Nays, as recorded below. The motion passed unanimously.*

Ayes:
Jessica Smuin
Greg Gordon

Nays:

*Lon Lott
Jason Thelin*

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

Greg Gordon asked about the gas line and if the city could pave over it. Austin Roy said the city cannot build a structure over it but could pave over it. He said putting a trailhead there the city could swap the front triangle for the rear triangle. He said there is a moisture evaporation box from the gas line that is no longer used but that cannot be developed on, this barrier would be there, but we could still have parking and a trailhead.

Greg Link

13303 Grove Drive

Greg Link asked where the property owners' road is located.

Shane Sorensen said the property is at 539 N Pfeifferhorn Drive.

Michael McArthur

539 N Pfeifferhorn Drive

Michael McArthur, property owner, said if the council does not want to sell, he would be willing to trade and do a land swap. He is open to either option.

Carla Merrill asked if trade was still a real option in this case. Austin Roy said it was approved by a previous council years ago but was never recorded. Carla Merrill asked some of her real estate friends how much property in Alpine is going for and to purchase a half-acre started in the low \$600's - \$800's. She thinks she would like to go back to the original swap. Mayor Troy Stout asked Shane Sorensen if there was a problem with accepting the land swap offer. Shane Sorensen said only that staff did not have a parking lot plan drawn up yet. Carla Merrill asked if that back triangle was too steep an area for a parking lot. Lon Lott said the area he envisions for the parking lot would be the west side because it is flatter. Greg Gordon said the city does not have trail easements north of this area so that could be why there is not a trail head design.

Lon Lott said the most logical option would be a land swap. He asked Craig Hall if another public hearing would be necessary. Craig Hall said yes. Jason Thelin said residents can pull right off the road for parking. He said it seems like the best thing to him is to have the four parking stalls in front and not to sell or swap the land. Carla Merrill said she sees anywhere between 3-12 cars using that trail and does not believe four stalls would be enough. She said when she spoke with Jed Muhlestein, City Engineer, he said he could see eight parking spots go in that area. She likes to have the parking off the street and further back. She said if the parking lot were put on the sloped area a four and half foot retaining wall would be installed and would cost more. Shane Sorensen said parking backing into the street is against the city ordinance but backing on to the street usually does not get complaints. He said it is a safety issue and maybe angle parking would be better. Carla Merrill asked if it would be possible to have a road back to a parking lot in the back triangle area. Shane Sorensen said he usually would want to see a 5% grade and right now it appears to be a 7% grade so that could be worked out.

Craig Hall reminded Mayor Troy Stout that tonight's decision/vote is only about the property being disposed of. Jason Thelin asked if they vote in favor of disposing the property does that mean the city would have to sell it. Craig Hall said no, the city would have to agree on a selling price. Breezy Anson, Trail committee member, said he prefers a swap, he does not think the city needs to sell any land. He said the city does not have an easement with Draper City, but the Trail Committee is hoping to have connections to have biking trails connecting into Alpine. He thinks the sell is a bad idea, but the land swap might be a good idea. He said the road into the parking lot should be wide enough for two-way traffic. Mayor Troy Stout said to have a field trip for the council to go look at the area and see where the trail ties into Draper City.

Jason Thelin is not in favor of the swap. Lon Lott said he believes the field trip would be good and he is not for selling the land.

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

Ayes

Nays

Carla Merrill
 Jason Thelin
 Greg Gordon
 Lon Lott

C. Cherry Point Subdivision Plat A

Austin Roy said Cherrypoint consists of 2 lots on 6.121 acres. The development is located at approximately 1528 N Grove Drive, and in the CR 40,000 zone. The plans are consistent with the previously approved concept plan. It is proposed that the development be done in two phases, with "Plat A," which is a single lot, being the first phase of development. The final plat for the second phase, "Plat B" and its associated improvements, would come forward at a later future date.

Austin Roy said the property on which the Cherrypoint subdivision is proposed is currently one large lot with a single-family home on it. The applicant is seeking to subdivide the lot to create a new single lot to allow for a new home for resident Pete Christiansen.

Austin Roy said on April 20, 2021, the Planning Commission reviewed and unanimously approved the concept plan. On June 1, 2021, the Planning Commission unanimously approved the preliminary plan and recommended approval of the final plat for Cherrypoint Subdivision Plat A with the following conditions:

1. The City Council reviews and approves the Development Agreement as proposed by Staff.
2. The Developer provide funds for the improvements of curb, gutter, and sidewalk along the frontage of Lot 1 prior to recording the plat.

Austin Roy said on June 8, 2021, the City Council reviewed the item and decided to table it to the next meeting so that a development agreement could be drafted by the City Attorney, Hyrum Bosserman.

Motion: *Lon Lott motioned to table the final plat Cherrypoint Subdivision Plat A until next City Council meeting on June 22, 2021, wherein Hyrum Bosserman, City Attorney, will get the wording on the development agreement for the right of way lot two. Jason Thelin seconded the motion. There were 4 Ayes and 0 Nays, as recorded below. The motion passed unanimously.*

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

Austin Roy said on June 22, 2021, the City Council tabled the item to provide more time for the developer to review the development agreement drafted by the City Attorney.

Mayor Troy Stout asked if the city moves forward with improvements prior to phase two if that vacates any obligations for the landowner to contribute financially to any of the improvements. Austin Roy said yes, that is correct. Carla Merrill asked if this is a normal thing for a city to agree to. Shane Sorensen said an example of where the city has done this before would be, the intersection of Westfield Road and 200 North and 400 West. He said the city rebuilt the roads, the city wanted to continue curb and gutter up 400 West. He said the approved subdivision there did not have intentions of developing that phase of the subdivision. He said so 15 years ago the developer did not intend to help the city financially. He said the city wanted to move forward and did the construction and improvements. He said this only happens if the city wants the project done sooner. He said another example of the opposite is Ranch Drive, the one is not complete because the city has been waiting this one out.

Austin Roy said one of the key aspects is to get the right of way today. Lon Lott said the city receives the right of way either within 30 days of receipt of written notice from the city that its intents to initiate improvements on Grove Drive or completion of phase two. He said the city does not get right of way now because if the developer decides to wait a long time the city can chose not to make the improvements. He said the city does not get the deed until the developer chooses to complete phase two. He asked if the city could get the deed now and have verbiage in the contract saying the city can choose the time of improvement. Craig Hall said the city could certainly go back and negotiate that. Austin Roy said as soon as the city chooses to do the project it will get done and no sooner. Lon Lott said as soon as the city chooses to. Shane Sorensen said as in The Ridge at Alpine was being developed there was an attempt to get this right of way. He said ultimately the council took that requirement off the developer.

Mayor Troy Stout said the way this contract is written today the city does not get the right of way until certain things happen, but the right of way is imminent. Lon Lott asked no matter what the city will get the right of way. Austin Roy said that is way the contract is written. Lon Lott said he had one concern in item eight as far recordation where

is the clause that if the land were sold before improvement were complete. Shane Sorensen said the clause of changing of ownership is on the last page of the contract, it mentions the successors. He said when this is recorded all twelve pages would be recorded on this project and on this property. Mayor Troy Stout asked if the city add to the contract either A) have a timeline set up for completing the project or B) if the city chooses to have the property owner assume financial responsibility when he subdivided. Shane Sorensen said the city would have to purchase the right of way and need to expand the road due to the agreement. He said giving the property owner 30 days' notice so that we can acquire it. He said with all the improvements the city has done downtown and on 800 South and Pioneer Road the city has never had the landowners not participate in the cost in the last twenty-six years that he knows about. He said he thought that this contract would work best without purchasing the easement. Mayor Troy Stout we need to envision the future curb and gutter in the area.

Motion: Lon Lott moved to approve the Cherry Point Subdivision Plat A with the following conditions: 1) The developer agrees to the terms of the Development Agreement as proposed by the city. 2) The developer provides funds for the improvements of curb/gutter and sidewalk along the frontage of Lot 1 to recording the plat. Jason Thelin seconded the motion. There were 4 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

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

D. Setback Exception – Lot 9 Brookside Meadows PRD

Austin Roy said an exception is being requested for the setbacks for Lot 9 of the Brookside Meadows PRD. Specifically, the petitioner is seeking an exception for the side setback on the north side of the lot. Article 3.01.110 of the Alpine City Development Code defines a Side Yard as:

“A yard that is neither a front yard nor a rear yard. The depth (or setback) of the side yard is the minimum distance between the side lot line and the nearest part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches and decks).”

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

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

Austin Roy said the lot borders open space to the north, meaning a reduced setback would not directly impact a neighboring resident. The open space to the north of the lot is not part of the Brookside Meadows Subdivision but it is land that was dedicated as part of another PRD. Also, the proposed exception would not result in the establishment of a hazardous condition. On June 15, 2021, the Planning Commission unanimously recommended approval of the proposed exception. On June 22, 2021, the City Council tabled the proposed exception until they could get more information from the developer on plans for retaining walls on the north property boundary.

Austin Roy said this is an unusual circumstance because it is a PRD and the lot sizes are smaller due to all of the dedicated open space. He said the home is made of insulated blocks into the hillside and acts as a retaining wall. Greg asked if the city expects more of these kinds of exceptions to be brought forward from this subdivision. Austin said no.

Jeff Dong, Bloks – ICF (insulated concrete forms) construction and his business partner Josh, both builds homes from blocks insulated with foam and cement and use French drain systems. He said this is not typical construction, if traditional concrete were used runoff may be a problem but not with ICF. He said they will get the sloping away from the house so that it will meet all building requirements. He said the home design will push the home as much as possible into the hillside. He said the basement level will be exposed from the street level. He said they have done this type of construction before and brought an example and invited the council to come visit the site. He said he has been in business for over 20 years.

Lon Lott said he had concerns on the north side of the home where the homeowner wants the setback exception. He asked with it being so close to the hillside is the backside of the home completely covered two stories or just the basement area. Jeff Gong said the basement area will be covered, there will be 15-foot grade difference between the sides. Mayor Troy Stout asked if the city would have any addition liability after approving the build of this home. Craig Hall said no, provided it meets all city and international building codes. He said the city would not be liable if

anything went wrong with the home. Jeff said ICF is the wave of the future because it costs less than typical construction with the price of wood increasing people will be looking for other options. Lon Lott asked if building this home will require the contractor to go into the private open space to get the grade set properly. Jeff Dong said no, it should not. He said the engineering has not been done because they were waiting for approval before beginning on this project. He said Wilding Engineering recommended where the placement of the home should go. Lon Lott said the city wants to protect the open space. Jeff Dong said he will not be encroaching on the open space building the home.

Jason Thelin said he had concerns about the home being built in a hazardous situation. Lon Lott said it is only a difference of 5 feet, the setback would be going from 12 to 7 feet which is not much. He said the slope will be six inches. Lon Lott does not have a concern if it is not an open basement. Greg Gordon said Alpines lots are not big enough for the homes that residents want to build on them. He said he thinks the council will be seeing more residents coming in and wanting exceptions. Lon Lott said this is different because there is not a lot right next door. He said the home would be next to open space and is not going to ruin anyone's views. Mayor Troy Stout said near Preston Drive the council saw nearly the entire subdivision had to have exceptions. Greg Gordon asked if the council could put something in the motion about the reason why this was being approved was because it was being built next to open space and not obstructing anyone's views. Craig Hall said yes.

Motion: Lon Lott moved that an exception be granted and that a 7-foot north side setback be approved for Lot 9 of the Brookside Meadows PRD as requested by the applicant noting that this is due to open space infringing on anyone's view either side. Greg Gordon seconded the motion. There were 4 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

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

E. Acceptance of ARPA (American Rescue Plan Act) Funds

Shane Sorensen said the Governor's Office of Planning and Budget (GOPB) recently sent an email to non-entitlement (populations of less than 50,000 residents) cities and towns opening the application to access the ARPA funds entitled for our city. To receive the funding that has been allocated to our city, we need to fill out and sign the Coronavirus Local Fiscal Recovery Fund Non-Entitlement Unit of Local Government Request for Payment. If a non-entitlement city chooses not to accept the ARPA Funds, the funds allocated for that city will be distributed to the other cities that accept the funds.

Shane Sorensen said the allocation for Alpine City is \$1,242,445, with half of the funds being available now and the other half in about one year. The allocation is based on the 2019 U.S. Census data. The funds can be used through the end of 2024, and possibly through the end of 2026 if they are committed, as we understand the rules. The funds can be used for a variety of different projects. A State grant program is also available for certain projects. If the City Council votes to accept the funds, we will work through the process of determining if proposed projects are eligible.

Staff recommends that the city drill a new well to be connected to the pressurized irrigation system, as a first choice. It is not clear if culinary water projects are eligible, but staff are trying to clarify if our proposed project is eligible. Many culinary systems also provide irrigation water to customers. If it is determined that the well is ineligible, or if the City Council wants to go in a different direction, we will do the necessary planning to make a project happen.

Mayor stated that he is not in favor of spending money but if we do not other cities will. Craig said over two fiscal years. Shane said this will come back to the city council when we decide on what projects will be done.

Motion: Carla Merrill moved to approve 2021-15 the ARPA Funds in the amount of \$1,242,445.00. Greg Gordon seconded the motion. There were 4 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

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

F. Appoint New Planning Commission Member

Mayor Troy Stout said on July 20, 2021, will be Sylvia Christiansen's last day serving on the Planning Commission. Sylvia will be moving from Alpine out of state. The Planning Commission consists of seven members, with staggered terms. Mayor Troy Stout will recommend a new member to be appointed to the Planning Commission to serve the remainder of Sylvia's term, which ends in January of 2022 at the next City Council Meeting in August.

Motion: Greg Gordon tabled the appointment of a new Planning Commission member until next City Council meeting. Carla Merrill seconded the motion. There were 4 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

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

G. Ordinance 2021-16: Water management Program

Shane said he is very concerned about the water conditions in Alpine City. He said the city has gone down to two days a week watering schedule. He said Ogden City will have no irrigation water next month for its residents and no watering of grass. He said two of pumps have run dry already this summer, he said staff is looking ahead to next year. He said the city will have to change things before next year. Mayor Troy Stout said the city is now borrowing water from years past and he has never seen it this bad. Shane Sorensen said most of Alpine's water is from snowpack. He said Alpine at one time was looking to purchase the gravel pit between Highland City and Alpine. He said this would enable us to save water there and be able to have it pumped back into the city. Mayor Troy Stout asked if the city put in a reservoir pond in Lambert Park. He said it could be used for recreations like paddle boarding, and a reservoir. Shane Sorensen said other cities have used such reservoirs as a fishery and had sandy beach area for recreational use. Mayor Troy Stout said if the city drills another well, it may not help as much a reservoir. He asked what type of authority the city has to enforce the penalties. Craig Hall said with this ordinance Tommy Youngblood, Code Enforcement Officer, will be able to enforce violators. Jason Thelin said his concern was that city penalties are not given out based on how much water is used, but instead only by watering outside of designated days and time. He was also concerned about fairness for homes in lower water pressure zones or that have a smaller irrigation water pipe. He continued his concerns about how many homes with culinary water for landscaping would be enforced.

Motion: Lon Lott moved to approve Ordinance 2021-16 Water Management Program. Carla Merrill seconded the motion. There were 3 Ayes and 1 Nays, as recorded below. The motion passed.

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

VI. STAFF REPORTS

None given

VII. COUNCIL COMMUNICATION

None given

VIII. EXECUTIVE SESSION:

None held

Motion: Jason Thelin moved to adjourn. Carla Merrill seconded the motion. There were 5 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

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

Adjourned 9:05 pm