

**ALPINE CITY COUNCIL AGENDA**  
on August 22, 2023

Mayor Pro Tem Lon Lott called the meeting to order at 6:01 pm and explained Mayor Carla Merrill and Kelli Law were excused.

**I.**

- A. Roll Call:** The following were present at the anchor location and constituted a quorum: Mayor Pro Tem Lon Lott, Jason Thelin and Greg Gordon. Attending virtually Jessica Smuin and Kelli Law was excused.
- B. Prayer:** Jason Thelin
- C. Pledge:** Greg Gordon

**Staff:** Shane Sorensen, Ryan Robinson, Steve Doxey, Chief Brian Patten, and Bonnie Cooper

**Others:** Pamela Pamela, Tyler Berry, McKendra Berry, Elsie Hume, Alex Hume,

**II. CONSENT CALENDAR**

- A. Approve City Council minutes of July 25, 2023**
- B. Partial Payment No. 1 - Grove Drive Realignment to SMM Excavation: \$34,924.61**
- C. Bond Release Final Alpine Wood Estates: \$62,925.79**
- D. Award of 2023 Burgess Park Trails Rehabilitation Project to SMM Excavation: \$352,395.79**
- E. Ordinance 2023-22: Amend Land Use Authority**

Alpine City Administrator Shane Sorensen explained that the city put out to a bid for the Burgess Park Trails Rehabilitation Project. The city had applied for a grant, the max amount of the grant was \$150,000. Staff proposed the grant portion of the project just under \$147,000. When the city got further into the project we were unaware that everything needs to be ADA compliant. With that information it added to the cost of the project. He said he recommended moving along with the rehabilitation project, the increase can be covered with the Capital Improvement section of the budget. The project will be finished July 1<sup>st</sup> of 2024. He can make the budget adjustment midyear for the extra cost.

Alpine City Administrator Assistant/City Planner Ryan Robinson explained the amendment to Ordinance 2023-22 Land Use Authority. He said back in January of this year the city created a list of all the conditional uses and what zone they are listed in. Along with their land use authority. When going back to the original ordinance it had listed the Planning Commission or City Council as the authority. The amendment removes all of that because we listed the land use authority in the table. This will eliminate anything that is repetitive.

**Motion:** Jason Thelin moved to approve the consent calendar as proposed with edits made to the minutes of July 25, 2023, by Lon Lott. Greg Gordon seconded the motion. There were 4 yes votes, 0 no votes, and 1 excused as recorded below. The motion passed.

<u><b>Yes</b></u>	<u><b>No</b></u>	<u><b>Excused</b></u>
Lon Lott		Kelli Law
Greg Gordon		
Jessica Smuin		
Jason Thelin		

**III. PUBLIC COMMENT**

No public comments were made.

#### IV. REPORTS AND PRESENTATIONS

##### A. Financial Report

Shane Sorensen said the city is only one month into the fiscal year. The pressurized irrigation (PI) rate had gone into effect, with that the city has received more revenue during these high peak usage months. The funds will be used for city wide improvements to serve the resident's water. Mayor Pro Tem Lon Lott suggested the city show the increase in usage when it pertains to PI on resident's bills. He mentioned that with the culinary water the bills show the usage. Shane Sorensen said he would follow up to get that added to the bills.

Shane Sorensen discussed the city's tax revenue, primarily generated from sales tax and transportation taxes. There's typically, a two-month delay in receiving these funds. The most recent distribution, which was received the previous night, finalized the tax revenue for the last fiscal year. For that year, the city collected over \$2.1 million in sales tax revenue, exceeding the budgeted amount of \$2 million by about 6%. This also marked a nearly 5% increase compared to the previous year. The speaker presented a graphical representation of the revenue trend over the past six years, showing a steady increase, although there was a slight dip before a recent upward trend. The city had taken a conservative approach in its budgeting due to economic uncertainties and projected lower revenues. A lot of funds will be spent over the next few months for road improvements.

#### V. ACTION/ DISCUSSION ITEMS

##### A. Rezone of a lot located at 663 N Patterson Drive to TR-10,000

Ryan Robinson reported that a rezone request has been submitted for a specific lot on Patterson Drive, identified by parcel number 11:048:0015. The current zoning for this lot is split between CR-20,000 and TR-10,000 designations. The owners wish to rezone the entire parcel as TR-10,000 to construct a single-family dwelling. Currently, the lot contains only a barn or shed.

Despite the lot's current size of 9,000 square feet, which falls below the required 10,000 square feet for this zoning, historical records indicate that the parcel predates the adoption of the city code in 1976. The code enacted after that year requires a minimum lot size of 10,000 square feet. Since the lot was created before this change, Alpine City considers it legally nonconforming, if a residential dwelling adheres to the existing code requirements, excluding lot size and frontage.

Staff's recommendation is as follows: As this decision pertains to legislative matters, the proposed code amendment should align with the general plan's standards, as well as the city's current code and policies. The staff advises that the City Council should make a recommendation for approval or denial based on these criteria. If the proposed standards are met, staff suggests approving the zone change to streamline zoning designations and eliminate any confusion regarding zoning standards, including setbacks and lot requirements.

City Council Member Greg Gordon asked for clarification if the council were to approve the rezone, will the property become a buildable lot. Ryan Robinson said that is correct. Greg Gordon asked if the surrounding homes were the same size and how will the city handle some of the larger parcels in the area. Ryan Robinson said each zone change request will be done case by case. Ryan Robinson said because of better computer systems the property lines are more concise. Which means part of a parcel may be in two zones such as this property.

**Motion:** Jason Thelin moved to approve the zone change request for the lot at 663 Patterson Drive to the TR-10,000 zone. consent calendar as proposed. Greg Gordon seconded the motion. There were 4 yes votes, 0 no votes, and 1 excused as recorded below. The motion passed.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Lon Lott		Kelli Law
Greg Gordon		
Jessica Smuin		

Jason Thelin

**B. Request for Approval of a Conditional Use Permit for Shooting Gallery: Tyler Berry Location at 19 N Long Drive**

Alpine City's Administrative Assistant/City Planner, Ryan Robinson, provided the following background information regarding a conditional use permit request:

Greg Winder, representing Tyler and Mckendra Berry, has submitted a request for a conditional use permit for a shooting gallery in conjunction with a new home construction at 19 N Long Drive. The lot falls under the CR-20,000 zoning, which permits shooting galleries as a conditional use. The submitted plan's details are as follows:

- The shooting gallery aligns with setback requirements, staying 12 feet from the sides and 30 feet from the front and rear of the home.
- The gallery is situated in the basement, positioned beneath a garage.
- The gallery's total length is 42 feet 10 inches, with a width varying between 6 feet 2 inches and 6 feet 6 inches.
- The ceiling height is 10 feet.
- The gallery's setup directs shooting towards the back of the property.
- Wall thickness is a minimum of 8 inches.

The Alpine City Code outlines specific standards for shooting galleries:

1. Shooting galleries must be entirely underground, with walls and ceilings constructed from materials like steel or concrete to prevent bullet penetration, ricochets, or deflections.
2. Indoor ranges must be insulated to limit firearm discharge noise to a maximum of 65 dBA at the property line.
3. Targets must be placed in front of a backstop made of steel or equally resilient material to prevent bullet or arrow penetration.
4. Compliance with all relevant laws, rules, and regulations concerning lead contamination is mandatory.

Furthermore, the Alpine Municipal Code enforces additional standards:

- Operating a shooting gallery without obtaining the required license is prohibited.
- Shooting gallery premises must be maintained in a clean and sanitary condition.
- Like the Development Code, shooting galleries must be located underground, with robust barriers against bullet penetration and ricochets. Compliance with lead contamination regulations is necessary.
- Conduct within shooting galleries must be orderly, without excessive noise or gambling.

Given these regulations, the application necessitates a conditional use permit. This permit allows for the imposition of conditions to mitigate any negative impacts associated with the proposed use, as per the Alpine Development Code's 3.23.030 Conditional Use Standards of Review.

Staff recommends that the City Council review the standards mentioned above. If the application aligns with these standards, the conditional use permit should be approved. Additionally, staff suggests the inclusion of specific conditions:

- Submission of design plans detailing safety measures to contain ammunition discharge and reduce noise.
- Designated operational hours from 7:00 AM to 10:00 PM.
- Maintaining a 12-foot distance from neighboring properties if the gallery is expanded.
- Conducting an additional city inspection if the gallery is completed after the home's final inspection.

- Prohibition of commercial use of the shooting gallery.
- Adherence to all relevant laws and standards.

Mayor Pro Tem Lon Lott asked the applicant Mr. Berry for clarification about the shooting gallery being finished later.

***Tyler Berry***  
***4 Long Drive***

*Mr. Berry said he would be using the area as a batting cage prior to finishing all the details of the shooting gallery.*

Greg Gordon asked what the wall thickness will be. Ryan Robinson said the walls would be eight inches thick. Mayor Pro Tem Lon Lott clarified that there will be a vent system. City Council member Jessica Smuin asked how the city quantifies the noise. Ryan Robinson said he has an APP but suggested that the city needs to get a decibel reader explained that the shooting gallery will be under the garage. He also said he has an app but would need to get a decibel reader.

**Motion:** Greg Gordon moved to approve the Conditional Use Permit for a shooting gallery at 19 N Long Drive as proposed with the conditions recommended by Alpine City staff of all six bullet points. Jessica Smuin seconded the motion. There were 4 yes votes, 0 no votes, and 1 excused as recorded below. The motion passed.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Lon Lott		Kelli Law
Greg Gordon		
Jessica Smuin		
Jason Thelin		

**C. Resolution No. R2023-26: Amending General Plan to Include the Active Transportation**

Alpine City has been in the process of updating the Active Transportation Master Plan, which is now ready for review and inclusion in the Alpine General Plan as an appendix. The amendment required the Planning Commission to conduct a public hearing and assess the plan's suitability for inclusion in the General Plan. This review was completed during the August 1st Planning Commission meeting.

It's important to note that the Planning Commission's review also encompassed the transportation master plan. However, this aspect of the review is not included in the current discussion as the impact fee study is still pending.

The Planning Commission made the following motion: MOTION: Planning Commission member John MacKay moved to recommend approval of the General Plan amendment to include the Active Transportation and Transportation Plans as an appendix to the Alpine General Plan. Jeff Davis seconded the motion. There were 7 Ayes and 0 Nays. The motion passed.

STAFF RECOMMENDATION: As this decision pertains to legislative matters, the proposed General Plan amendment should align with the standards and vision outlined in the general plan, current city code, and policies. A recommendation should be made to the City Council for approval or denial based on these criteria.

Mayor Pro Tem Lon Lott asked if Highland City was aware of the interactions mentioned in the General Plan. Shane Sorensen said they were. Jessica Smuin added that having this in place the city would be able to ask MAG for additional funding.

**Motion:** Jason Thelin moved to approve the General Plan amendment to include the Active Transportation Plan as an appendix to the Alpine General Plan. Jessica Smuin seconded the motion. There were 4 yes votes, 0 no votes, and 1 excused as recorded below. The motion passed.

<u>Yes</u>	<u>No</u>	<u>Excused</u>

Lon Lott  
Greg Gordon  
Jessica Smuin  
Jason Thelin

Kelli Law

**D. Resolution No. R2023-27: Lone Peak Public Safety District Interlocal Agreement Modifications**

Shane Sorensen provided an explanation about the Lone Peak Public Safety District (LPPSD), which is supported by administrative staff from Highland City. Alpine and Highland have recently reached an agreement on determining the proportion of each staff member's time dedicated to LPPSD functions. This agreement is now intended to be formalized through an amendment to the interlocal agreement. This amendment aims to solidify the agreed-upon terms.

Furthermore, the proposed amendment seeks to clarify certain aspects of the interlocal agreement, such as the minimum number of voting members required for a quorum and the specific number of votes needed for different types of actions. Additionally, minor edits are being made for clarity and precision.

Both the Alpine and Highland City Councils are required to approve these amendments for them to take effect.

Mayor Pro Tem Lon Lott asked if Highlands City Council has approved the agreement. Shane Sorensen said Highland City Council has already approved the agreement.

**Motion:** Jason Thelin moved to approve Resolution No. R2023-27, including amendments to the Lone Peak Public Safety District Interlocal Agreement. Greg Gordon seconded the motion. There were 4 yes votes, 0 no votes, and 1 excused as recorded below. The motion passed.

<u><b>Yes</b></u>	<u><b>No</b></u>	<u><b>Excused</b></u>
Lon Lott		Kelli Law
Greg Gordon		
Jessica Smuin		
Jason Thelin		

**VI. STAFF REPORTS**

**Chief Brian Patten**

A group of Lone Peak firefighters is coming back from Texas, and another crew will take their place. Texas is the only state that is currently in red flag conditions.

Alpine City had a small fire today on the hillside ne Box Elder. Mother Nature started the fire and put out the fire with rain.

**Ryan Robinson**

Regarding shooting gallery staff is looking for feedback from the council on required standards and conditions. The city is getting more and more request for shooting galleries and want to avoid bringing every single one to City Council. Greg Gordon thought it would be a good idea since more and more shooting galleries are being built and how much dirt will be required to be on top of the shooting galleries. Mayor Pro Tem Lon Lott suggested changing setbacks. Steve Doxey said the benefits of having a permitted use in a regulatory context. With a permitted use, there is less room for discretion, ensuring that all individuals or entities are treated equally. This approach eliminates the possibility of having vastly different conditions for similar circumstances. By having clear guidelines for permitted use, the city reduces its exposure to liability and potential claims of unfair treatment.

During the last legislative session, there was a change in the approval process for subdivisions. As a result, the Planning Commission is required to meet specific training hour requirements each year. There will be an upcoming training session for the Planning Commission will focus on a refresher course regarding the new subdivision

approval process. They mentioned the League, possibly referring to the Utah League of Cities and Towns, which is set to release a video on this topic at the end of August. There is a possibility of having the Property Rights Ombudsman from the League come to do training on this matter. The council is welcome to attend the training as well.

### **Shane Sorensen**

Shane Sorensen provided several updates as follows:

- A Community Development Block Grant (CDBG) for ADA ramp replacement was finalized, amounting to \$50,000. The city plans to use this grant for the replacement of ADA ramps, potentially offsetting some costs related to the Burgess Park project's ramp requirements.
- A September 9th Day of Service is being planned, with details still in progress. The event is expected to last from 9 AM to noon.
- Alpine Days was very successful. Reports indicate a record-breaking participation of around 450 teams in the pickleball tournament. The event generated revenue for the city.
- Discussions about additional striping on tennis courts are ongoing. The request for striping is likely to be presented to the city council. This may involve added costs that the involved parties intend to raise funds for.
- The Grove Drive realignment project is in progress, with concrete forms being set up after receiving a stream alteration permit.
- The overlay project is also underway, involving adjustments to manholes and valves. Paving is expected to begin soon.
- The Burgess Park Trail project has been awarded, and work on it will commence.
- The city filled a vacant public works position and is advertising for a full-time Utility Billing Clerk.
- The Alpine flags and U.S. flags used during Alpine Days need replacement due to their worn condition.
- The city won a Court of Appeals decision in the Blue Bison case

## **VII. COUNCIL COMMUNICATION**

### **Greg Gordon**

Suggest the city look into writing an Ordinance for developer to be responsible when it comes to road being cut into the mountainsides.

## **VII. EXECUTIVE SESSION:**

**Motion:** Greg Gordon moved to leave open session and enter an executive session here at the city hall chamber for the purposes of discussing potential property acquisition and also to adjourn the meeting once there is a motion to go into executive session. Jason Thelin seconded the motion There were 4 yes votes, 0 no votes, and 1 excused as recorded below. The motion passed.

<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Excused</u></b>
Lon Lott		Kelli Law
Jessica Smuin		
Greg Gordon		
Jason Thelin		

Left City Council at 6:50 pm.

Executive session began at 6:53pm.

Executive Session and City Council Adjourned at 7:35 pm.