

ALPINE CITY COUNCIL MEETING
on Tuesday, November 14, 2023

Mayor Carla Merrill called the meeting to order at 6:00pm.

I. CALL MEETING TO ORDER

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

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

Others: Heidi Smith, Calli Steuer, David Steuer, Donna Cardon, Ruth Farnsworth, Kevin Tams, and Amy Britton

II. Work Session: Public-Facilities Zone.

City Administrative Assistant/City Planner Ryan Robinson said city staff had been asked to create a new zoning designation for property currently used for public or quasi-public purposes in the city. These uses include but are not limited to city owned property, schools, and churches. Alpine does not currently have a zone that fits the primary uses of these properties. By creating a new zone this would create stability as to what the uses of these properties will be in the future. Zoning designations are primarily residential or commercial, their current uses could be replaced by homes or new businesses if requested. Staff wanted to get feedback from the City Council regarding this potential new zoning before it goes to the Planning Commission for a public hearing and a recommendation to the Council. The main uses in this zone are public or quasi-public in nature (parks, schools, hospitals, city buildings, etc.) and do not allow commercial or residential development to occur within this zone.

City Council member Lon Lott clarified all public areas would be relabeled as the new public-facilities zone. Ryan Robinson said the council could add public open space to the zone as well. City Council member Greg Gordon said the city could always rezone in the future and would be an option. Mayor Carla Merrill said as the code is right now if a school were to close and the property sold, the new property owner may want to make a subdivision. If the sale occurred after February 1st, 2024, the council would not see the proposed subdivision. Lon Lott asked if the quantity of parking stalls would be included in the new zoning. Ryan Robinson said the city can update the parking standard if that is the direction the council wants to go. City Attorney Steve Doxey suggested defining quasi-public use in the zone description as well. City Council member Jason Thelin asked for clarification on parking when it comes to hard surfaces. Is there a definition for parking hard surfaces, is it more that concrete or asphalt? Shane Sorensen answered that having a definition was one of the items he had made a note that a definition was needed or a reference to the parking code. Ryan Robinson said most of the requirements and special provision are from the city Business/Commercial (BC) zone. Lon Lott mentioned quantity of parking stalls and traffic issues when it comes to the new zone. The city is dealing right now with Mountainville Academy, what if another Charter school comes in to Alpine. Is there a way the city can update the zone requiring busing for schools. Ryan Robinson said that charter schools are governed differently than public schools are. Shane Sorensen said there is a specific section of the code that refers to parking stalls for schools. He said if a school were wanting to expand onto their own property the use would not change. If the school were to buy an adjacent property and want to expand then they would need to come into the city for a zone change for the property that they purchased. Lon Lott suggested having this be part of the new code. Ryan Robinson said the city can have it written in the zone to refer to back to the city's parking standards. City Council member Jessica Smuin mentioned she saw that two places were not on the map. Ryan Robinson said he would get Alpine City Engineer Jed Muhlestein to update the map.

III. CONSENT CALENDAR

- A. Approve City Council Minutes of October 24, 2023**
- B. Partial Payment No. 4 - Grove Drive Realignment – SMM Excavation: \$257,036.68**
- C. Pay Request No 2 - Burgess Trail Rehab – SMM Excavation: \$165,863.53**
- D. Pay Request No 3- Burgess Trail Rehab-SMM Excavation: \$12,871.13**

- E. Pay Request No 2- Lakeview Drive Paving Kilgore Companies: \$16,000**
F. Resolution No. R2023-37: Update to the Consolidated Fee Schedule – TSSD Impact Fee

Motion: Jason Thelin moved to approve the Consent Calendar with the changes made to the minutes of October 24, 2023, by Lon Lott and Jason Thelin and move action items B and C to the consent calendar. Greg Gordon seconded the motion. There were 4 yes votes, 0 no votes, and 1 excused as recorded below. The motion passed unanimously.

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

IV. PUBLIC COMMENT

No public comments were made.

V. REPORTS AND PRESENTATIONS

A. Highland Library Report – Donna Cardon

Donna Cardon, the director of the Highland City Library, expressed gratitude for Alpine City's support of the library during a recent meeting. She introduced board members Ruth Farnsworth, Kevin Tams, and Amy Britton, who presented the library's annual report. The Highland City Library received the Essential Piece Award, an honor granted to only 16 other libraries, designating it as a quality library in Utah. This recognition goes beyond the annual recertification and acknowledges outstanding efforts.

Kevin and Amy highlighted essential aspects contributing to the library's success, including outreach programs supporting events like the Highland Easter egg hunt and the Highland Fling children's party. They emphasized the importance of providing quality online experiences, with a third of the library's materials offered digitally. The library successfully filled 95% of patrons' requests for new materials through resource sharing and collaboration with other northern Utah County libraries.

The library offered 339 programs in the past year, ranging from chemistry month and history lectures to summer reading programs and a young writers' group. Specialized programming, such as painting groups, grandparents Storytime, and innovative items like STEM kits, contributed to a diverse and engaging experience for patrons. Despite operating with a balanced budget, the library actively pursued grants and held fundraisers.

Professional development for library staff exceeded state requirements by 50%, demonstrating a commitment to continuous improvement. Statistics shared included an increase in the total number of patrons and physical items borrowed. Alpine City has 619 patrons, while Highland City boasts 4,652 patrons.

The report highlighted positive experiences from library patrons, including a kindergartener overcoming challenges, nursing students utilizing private areas for online tests, and a wheelchair-bound child finding entertainment in the library's Puppet house. The library has served the community for 15 years, employing one full-time librarian and eight part-time staff. Volunteers and fundraising projects play a significant role in supporting library operations.

Donna Cardon also mentioned the library card policy, which covers the entire family residing in a household. While some cities reimburse residents for non-resident fees, Highland City residents cover library expenses through their taxes. Donna cited examples of individuals, such as a refugee mother and a gentleman corresponding with LDS missionaries, who have found valuable resources and community at the library.

B. Financial Report – through October

City Administrator Shane Sorensen presented a financial report to the City Council, covering the period through October 2023. He highlighted the city's numerous ongoing projects, noting that considerable budgeted funds have been expended. Sorensen specifically focused on the Enterprise Funds, including pressurized irrigation (PI), water, sewer, and storm drains. He emphasized the significant impact of the rate change on the PI funds, with the current budget being 45% higher than in previous years in the same period. The PI funds are closely monitored, especially with the upcoming winter months, during which only the base rate will be applicable.

The financial status of the city's projects, particularly those related to PI funds, was reported to be on track. However, Sorensen mentioned that sales tax revenue has plateaued, attributing this to the use of numbers from the previous year's sales tax in the budget, without incorporating an increase.

In response to a question from Council member Jason Thelin, Sorensen disclosed that the city's savings are held in the Public State Treasurer Fund, and he committed to providing information on the rate of return to the council. Mayor Carla Merrill sought reassurance about the security of the funds, to which Sorensen affirmed that they are secure, with FDIC now matching dollar for dollar. Council member Greg Gordon noted the change in the cash balance over the past few months, given that some people have recently claimed that the budget had grown much higher but the fact is that the city had just deferred projects that are just now coming out of the budget. Sorensen explained that this decrease is attributed to the simultaneous completion of multiple projects. The financial report and discussion provided insight into the city's fiscal status, addressing both the positive aspects of project progress and challenges related to cash balances. The city has been saving for these large infrastructure projects.

C. 2023 Pressurized Irrigation Report

Shane Sorensen provided an overview of the 2023 Pressurized Irrigation Report, which was recently submitted to the Alpine Irrigation company. Key highlights from the report included the presence of a record-high snowpack and cool spring weather, contributing to reduced summer well usage. Continuous access to Central Utah Project (CUP) water throughout the summer season proved beneficial for the city. The newly implemented rate structure was successful, resulting in minimal well pumping for the year.

In 2023, the city utilized 4672-acre feet of water, representing a decrease from previous years but maintaining consistency. The shift in well usage is attributed to the availability of CUP water for the past two years. The strategy involves prioritizing the use of CUP water before resorting to well water. While the city is obligated to pay for CUP water annually, there is also the option to bank CUP water for future use.

Sorensen highlighted upcoming maintenance needs for the Healey well and 300 North well in the coming year. Concerns persist regarding irrigation water for new growth in the high zone, prompting collaboration with the Central Utah Water Conservancy District. The district has hired a consultant, coincidentally an Alpine resident, to measure flow increases in streams and creeks, and the city intends to work closely with him.

A new pump is slated for inclusion in the city's master plan, and Sorensen mentioned plans for a work session with the council, including the new council member in the following year to enhance everyone's understanding of the irrigation system. This presentation offered insights into the successful management of water resources, challenges, and future plans for Alpine City's pressurized irrigation system.

VI. ACTION/ DISCUSSION ITEMS

A. 2024 Meeting Schedule

Shane Sorensen explained that the 2024 meeting schedule was presented to the Planning Commission and now to the council for their review and approval. Mayor Carla Merrill suggested removing the July 23rd meeting. Jason Thelin agreed but added that November 12th should also be removed.

Motion: Jason Thelin moved to approve the 2024 Meeting Schedule for the Planning Commission and City Council. Removing the following dates for the Planning Commission: January 2nd, March 5th, April 2nd Spring Break, July 2nd, August 6th due to Alpine Days and November 5th, 2024, due to Election Day. Also removing the following date for

City Council: July 23, 2024. Lon Lott seconded the motion. There were 4 yes votes, 0 no votes, and 1 excused as recorded below. The motion passed unanimously.

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

- B. Ordinance 2023-27: Code Amendment to Alpine Development Code changing accessory apartments to accessory dwelling units and removing them as a conditional use to permitted use in all zones currently listed. (DCA 3.02.020-.030, 3.03.020-.030, 3.04.020-.030, 3.05.020-.030, 3.06.020)**

Item moved to consent calendar.

- C. Ordinance 2023-28: Code Amendment to Alpine Development Code 3.02.050 (TR-10,000) and 3.04.050 (CR-40,000) amending the side yard setback requirements for accessory structures on a corner lot.**

Item moved to consent calendar.

- D. Ordinance 2023-29: Code Amendment to Alpine Development Code 3.01.110 removing swimming pools and tennis courts from the definition of a Customary Residential Accessory Structure; and Amend 3.02.050, 3.03.050, 3.04.050 Setback Requirements to create setback requirements for sports courts.**

Ryan Robinson presented a proposal to amend Alpine City Development Code 3.01.110, specifically focusing on the definition of Customary Accessory Structures. Currently, the code includes tennis courts and swimming pools under this definition, with separate setback standards for pools. The proposal aims to add a section for sports courts with setbacks similar to those allowed for swimming pools. To avoid confusion, the amendment suggests removing pools and courts from the definition of customary accessory structures and adding a distinct definition for sports courts.

The Planning Commission discussed this proposal during their November 7th meeting, deliberating on setback requirements and the historical inclusion of these structures in the same definition. After considering setbacks in other cities for sports courts, the Planning Commission recommended aligning sports court setbacks with those for swimming pools. The draft version of the amendment, applicable to the CR-20,000 zone and all primarily residential zones, reflects these changes.

A motion was made and approved by the Planning Commission, recommending the proposed code amendment to sections 3.01.110, 3.02.050, 3.03.050, and 3.04.050. The motion included a change to set the side setback for sports courts to ten feet, consistent with other similar structures. The City Code sections affected by this amendment are 3.01.110 (Definitions), 3.02.050 (TR-10,000), 3.03.050 (CR-20,000), and 3.04.050 (CR-40,000).

Notice requirements were met, including a public hearing held during the Planning Commission's November 7th meeting. The staff recommendation emphasizes that, being a legislative decision, approval or denial should be based on compatibility with the general plan, current city code, and policies.

Mayor Carla Merrill said she didn't agree with the definition that the Planning Commission that sports courts and swimming pools are the same. Swimming Pools are below ground and with sports courts everything is happening above ground. She liked the original setback of 20 feet.

CC 11/14/2023

Lon Lott said he watched the Planning Commission meeting; he expressed the desire to see pictures illustrating what a 10-foot setback looks like on a corner, especially in relation to a combination sidewalk without a park strip and lots with curved sides. The conversation touched upon the challenge of visualizing this setback on a corner with a combination sidewalk and no park strip. There was a comparison made to concrete pads, suggesting that no setback might be required for certain structures like RV pads or basketball courts painted on the concrete. The potential impact of a 12-foot fence around a sports court, given a 10-foot setback to the street, was also considered. Members discussed the need for clarity in defining setbacks for different structures and situations on varied lot configurations, including petitioning options for homeowners with unique lots. Visual aids, such as graphics, were proposed to better illustrate the implications of setbacks. Overall, the discussion aimed to address potential challenges and provide fair regulations for different types of structures on corner lots. Mayor Carla Merrill suggested that the city address and look at lighting that will be above the concrete pad.

Ryan Robinson said the residents applied for a variance due to the unique nature of their lot, but it was denied by the variance officer. Angela Adams, the appeal officer, suggested that this should be addressed through a legislative decision and a code amendment change. The residents' lot was presented to the Planning Commission, which approved a 10-foot setback considering the lot's unique characteristics. The challenge highlighted is that a code amendment applies to all corner lots, irrespective of their shape. The idea of granting exceptions or special considerations for unique lots was discussed, prompting a potential exploration of language in the code that allows the City Council to make such determinations.

Lon Lott asked how to measure setbacks for corner lots, particularly those with curves. The challenge was understanding where to start the measurement on a curved lot, considering a 10-foot setback for a sports court. There was a suggestion to treat sports courts like swimming pools with a 10-foot setback. Concerns were expressed about 10 feet being too close, and there was a preference for a 20-foot setback, which was considered fair for sports courts on corner lots. The need for a clear definition for curved or irregularly shaped lots was emphasized to address unique situations. Jason Thelin said he thinks the council should think this through a little bit more.

Steve Doxey suggested a solution commonly seen in other communities for lots like the discussed one. He proposed designating specific areas on the lot such as a rear yard, side yard, front yard, and potentially a street-side yard for corner lots, whether rounded or squared off. This approach would help address the challenges posed by irregularly shaped lots, particularly in determining setback requirements. Steve highlighted the need to establish clear guidelines for handling the radius and deciding which part would be considered a street-side yard or front yard, as the existing ordinance did not seem to accommodate this. Jason Thelin asked if we could leave it open to a variance or would need to have an exception in our code. He suggested sending this ordinance back to the Planning Commission to come up with an exception.

Callie Stever

274 E Heritage Hills Drive

Callie Stever expressed her viewpoint on the proposed amendment to Alpine City Development Code related to sports courts. She emphasized the initial concern regarding flat work not being typically considered a structure in most cities but being defined as such in the current code. Stever argued for the removal of flat work, such as pickleball courts, from the definition of customary accessory structures. She suggested a 10-foot setback for flat work, considering it non-structural, and mentioned existing ordinances addressing lighting and other ancillary concerns.

During the council's discussion, there was mention of the fence height for sports courts, with the code allowing up to 8 feet and a conditional use approval required for up to 12 feet. The conversation expanded to considerations of setback requirements for sports courts, especially concerning fences. The idea was raised that if the sports court fence does not exceed 8 feet in height, it might warrant a more flexible setback.

Another point of discussion involved the purpose of the flat work, with the distinction made that if the purpose is to create a sports court with added features like lights, it should be considered differently than regular flat work. Concern was raised about structures, including lights, being closer to the road and visible to the public.

Callie Stever supported the idea of having standards for appropriate lighting and determining how far lights can be placed from the side yard. The council's discussion emphasized the need to address the purpose behind the flat work, especially if it involves creating a sports court with additional features. The conversation revolved around finding a balance between property owner rights and community aesthetics while ensuring appropriate standards for structures and lighting associated with sports courts.

Motion: Jason Thelin motioned to send Ordinance 2023-29 back to the city staff to look into how to include in the ordinance three sided lots and the parameters of how the resident could get an exception or how the setbacks might be different on three sided lots, specifically when it comes to sports courts and swimming pools. Lon Lott seconded the motion. There were 4 yes votes, 0 no votes, and 1 excused as recorded below. The motion passed unanimously.

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

E. Ordinance 2023-31: Sewer ordinance update

Shane Sorensen said The Construction Standards Specifications and Details were recently updated at the September 26th and October 24th City Council meetings. In doing so, questions arose regarding the continuity between the updated standards and the city's municipal and development codes. The main goals of the proposed changes are to:

1. Clarify who owns what part of the lines;
2. Clarify Alpine City's association with Timpanogos Service District;
3. Clarify when and where septic tanks are allowed;
4. Ensure continuity between the Construction Standard Specifications and Details, Municipal Code, and Development Code.

The staff believes these goals have been accomplished with the proposed changes and recommends adoption of this ordinance. The staff is currently working on the development code regarding sewers and will bring those proposed changes at a later date for review.

Jessica Smuin had questions about septic tanks. Shane Sorensen said as of now only a few septic tanks exist in Alpine. Most new construction can connect to the sewer system.

Motion: Greg Gordan moved to approve Ordinance 2023-31 as proposed. Lon Lott the motion. There were 4 yes votes, 0 no votes, and 1 excused as recorded below. The motion passed unanimously.

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

F. Resolution R2023-36: Adoption of the Emergency Response Plan

Mayor Carla Merrill thanked Lon Lott, Shane Sorensen, and Ryan Robinson for their involvement with the Alpine City's Emergency Response Plan. The plan aims to address various aspects of emergency management, including risk identification, mitigation efforts, task assignments during emergencies, documentation of events, purchasing processes, location of an emergency operations center (EOC), communication expectations, and collaboration with partnering entities.

Once approved, each council member will receive a hard copy of the plan, containing additional appendix information such as the city organization chart, critical infrastructure details, agency contact information, maps, and templates of forms for emergency use. Some sensitive information, like critical infrastructure and agency contact details, will not be made available to the public.

The staff's recommendation suggests that, as a legislative decision, the approval or denial of the Emergency Response Plan should align with the standards in the general plan, as well as the existing city code and policies. The decision should be based on the compatibility of the proposed plan.

Lon Lott mentioned that with the plan in place it will make everyone's roles very clear in the event of an emergency. This document would help anyone now and in the future be able to step in when there is an emergency. We will continue to update maps and incidents. Shane Sorensen said this resolution will fulfill the state requirement for an emergency plan.

Motion: Greg Gordon moved to approve Resolution No. R2023-36 to adopt an Emergency Management Plan for Alpine City as proposed. Jessica Smuin seconded the motion. There were 4 yes votes, 0 no votes, and 1 excused as recorded below. The motion passed unanimously.

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

VII. STAFF REPORTS

Chief Brian Gwilliam

Chief Brian Gwilliam reminded the council of the LPPSD Board meeting the next day.

Chief Brian Patten

Chief Brian Patten said the Lone Peak Firefighters have made it safely to North Carolina and will be there for a total of twenty days.

Ryan Robinson

Ryan Robinson provides the following updates:

- Private Gates to Open Space:**
 - Public Works Parks Supervisor Cal Christensen had reported issues related to private gates on homes leading to open spaces.
 - Landscapers use Bobcats through smaller gates, causing damage to city parks.
 - Homeowners with gates sometimes act as if they own the adjoining park space.
 - Ryan Robinson said he will forward Cal's feedback for further discussion on whether to address this issue.
- Moderate-Income Housing Report:**
 - Ryan Robinson met with representatives regarding the moderate-income housing report.
 - A minor adjustment was made to one line in the report, and the revised version has been resubmitted.
 - The report is expected to proceed smoothly through the review process.
- Grant Proposal for Pull-Up Bars:**
 - Greg Gordon sent out a proposal for pull-up bars, and Ryan Robinson suggested using the UGEC funds for this purpose.
 - The city will explore more feedback and proposals for pull-up bars to apply for a grant.
- Subdivision Requirements:**

- The state has provided funding for updating subdivision requirements.
- The city has entered into a contract with a consultant to work on the updates, which will be completed by February 1st.

5. **Produce Stand Work Session:**

- There is a plan for a work session to discuss the produce stand.
- Ryan requests confirmation from at least two council members to include it in the future agenda.

Steve Doxey

Steve Doxey said in regard to the Francom petition, the matter has been fully brief, and he will keep everyone informed of any decision made by the courts.

Shane Sorensen

Shane Sorensen provides updates on staffing, projects, and grant applications:

1. **Staffing Update:**

- Part-time positions interviews are ongoing, with offers expected to be made soon.
- City Recorder Bonnie Cooper has decided to retire. The city recorder position is advertised.
- Shane Sorensen expresses appreciation for Bonnie's extended notice and assistance through the election and referendum.

2. **Project Updates:**

- Grove Drive project: Asphalt work is complete, with stripping anticipated next week.
- He received several calls regarding the chain link fences on the Grove Drive project. He asked for council input on whether to consider alternatives. Mayor Carla Merrill said the fence was fine.
- Public Works building heaters are being installed.
- Parks are winterized and restrooms closed.
- Roundabout mulch options are presented for council input.

3. **Other Updates:**

- Shane Sorensen discusses potential grant projects:
 - Applying for a Utah outdoor recreation grant to extend the trail from Canyon Crest Road to Ranch Drive.
 - Applying for a second round of Community Development Block Grant (CDBG) funds for ADA ramp replacements.
- Updates on Burgess Park and the Bonneville Shoreline Trail design contract.
- Discussion on the trail extension near Ranch Drive.
- An update on the property purchased on First South, indicating the owner is close to vacating.
- The school district meeting will be tomorrow to discuss the bus turn around.
- Christmas lights installation is underway for the upcoming Santa Claus event.

VIII. COUNCIL COMMUNICATION

Lon Lott

Lon Lott reminded the council of the Public Hearing on Thursday for the TSSD. He encouraged everyone including the public to attend. The TSSD is proposing a 40% increase in their services.

Jessica Smuin

Jessica Smuin provides updates and discusses upcoming events. She mentions the senior Christmas dinner on December 6 and notes that everything should align with MAG (Mountainland Association of Governments) funding.

She also talks about grant cycles opening in mid-January and closing in mid-March. Jessica suggests considering applying for a restoration infrastructure grant for the project near Timberline and potentially exploring stage two of the Bonneville Shoreline Trail (BST) for a different tier one grant in the following year.

She asked for an update regarding the fire station. Shane Sorensen said he and Ryan Robinson are working on getting the fire station upgrades going.

Mayor Carla Merrill

Mayor Carla Merrill discusses the completion of the Grove Drive project, particularly the asphalt work. She suggests coordination between Shane and the police chief regarding the reinstallation of bollards. The idea is to have a patrolman or volunteer officer present to manage the situation and prevent people from using the secondary access road through Lambert Park after the bollards are put back up.

Additionally, Mayor Merrill addresses the new cemetery and park at the ridge, highlighting the completion of H-2B temporary visas for workers to ensure consistent help. Carolyn has listed jobs for seasonal help from mid-April to the end of October, aiming to accomplish various projects in-house and reduce the need for outsourcing.

IX. EXECUTIVE SESSION:

No executive session was held.

Motion: Jason Thelin motioned to adjourn. Lon Lott seconded the motion. There were 4 yes votes, 0 no votes, and 1 excused as recorded below. The motion passed unanimously.

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

Meeting adjourned at 8:22 pm