

**ALPINE CITY COUNCIL MEETING**  
**Tuesday, January 10, 2023**

Mayor Carla Merrill called the meeting to order at 6:02pm

**I. CALL MEETING TO ORDER**

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

Staff: Shane Sorensen, Ryan Robinson, Chief Brian Gwilliam, Chief Brian Patton, Craig Hall, Heidi Jackman, Bonnie Cooper

Others: Nate Heaps, Mark Droubay, Robert Brown, Amanda Collins, Phil Lammi, Derek Rowdy, Paul Gu, Jane Griner, Kraig Gardener

**Motion:** Jason Thelin moved to adjourn to from City Council meeting to an Executive Session to discuss eminent litigation. Lon Lott seconded the motion. There were 5 yes votes, 0 no votes, and 0 excused as recorded below. The motion passed unanimously.

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

**II. 6:00PM - EXECUTIVE SESSION:** Discuss litigation, property acquisition, or the professional character, conduct or competency of personnel.

**Motion:** Jason Thelin moved to adjourn Executive Session and return to the regular City Council meeting. Kelli Law seconded the motion. There were 5 yes votes, 0 no votes, and 0 excused as recorded below. The motion passed unanimously.

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

Adjourned back to City Council Meeting at 6:58pm

**III. CONSENT CALENDAR**

- A. Approve City Council minutes of November 29, 2022 & Work Session minutes of December 9, 2022**
- B. Bond Release No. 2 – Fort Creek Landing: \$291,089.73**
- C. Final Pay Request – Parkin Tennis Courts - Creekside Pickleball Courts: \$3,000.00**
- D. Approval of Contract with Nickerson – Removal of pump for Carlisle Well: \$19,255.00**

City Administrator Shane Sorensen said costs have been lowered to removing the Carlisle Well. The Carlisle Well has been in the ground for over 25 years. When looking into removing the pump, only 50 feet needed to be removed to do repairs. He said item D needed be taken off the consent calendar because the price has changed.

**Motion:** Lon Lott moved to approve the consent calendar with the edits to the minutes made by Gordon and Lon Lott, with the exception of December 9, 2022, Work Session minutes and also remove item D from the consent calendar.

Jessica Smuin seconded the motion. There were 5 yes votes, 0 no votes, and 0 excused as recorded below. The motion passed unanimously.

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

#### IV. PUBLIC COMMENT

*Amanda Collins*  
1593 Rosanna Lane

*Amanda Collins said she had concerns with the road maps that have been posted on the city website. She said she had noticed that since last January on the city's website the secondary access road through Lambert Park zone was missing on the following maps:*

- *Alpine Streets map*
- *Land Use map*

Shane said during public comment the council and staff are to listen to the public comment but not comment. He said the road is on the street map. The city has not done away with that road. We are within the legal order when posting city maps. Maps were not updated to leave off the road in question. He told Mrs. Collins that she could contact him. He will look at each map and with City Engineer Jed Muhlestein who puts the maps together. *Amanda Collins said she would follow up with Shane Sorensen.*

#### V. REPORTS AND PRESENTATIONS

##### A. Financial Report

Shane Sorensen explained the city is already six months through the fiscal year. The city has received a large portion of the property taxes already. He pointed out that the city has used 31% of the budget. Staff did not anticipate that the website would charge us for two years and not just one. At the next meeting council will need to approve an amendment to the budget. There are no major red flags in the financial report. February 28<sup>th</sup> the red/green report will be brought before the council. As the council may be aware of a lot of potholes that have shown up throughout the city. Road work will be done on Grove Drive, 100 South and Main Street will need to move up on the list of road needing to be repaired. The city has a 5-year plan for road repairs, but having just one storm can alter the plan.

##### B. Training: OPMA Annual Training

City Attorney Craig Hall explained that once a year the council must have an Open Public Meeting Act (OPMA) training. The training reminded the City Council members of the importance of the following:

- Do the people's business in an open and transparent manner.

The only exclusion from an open meeting is when the council goes into an Executive Session. Tonight, as the council went into Executive Session there was only one topic that was talked about. No decision will be made during the sessions.

Some of the common violations of the OPMA are:

- Closing the meetings without members of the body voting in an open meeting to close the meeting.
- Conducting a closed meeting for reasons other than those allowed by the Act.
- Taking official or final action in a closed meeting (except with respect to judicial or quasi-judicial decisions).
- Failing to properly provide notice of a public meeting (failing to post the Agenda on the State website).

- Failing to provide adequate notice of a public meeting (descriptions of Agenda items that do not meet the “reasonable specificity” required).
- Deliberations over email or text messages (without notice).
- Although not a specific violation of the Act, it is a potential “due process” violation to allow public comment on a pending application where the applicant has not been given prior notice.

It is important to always take a roll call vote especially if a council member is participating remotely. Sharing information from an Executive Session is a misdemeanor, punishable by six month in jail, \$1000 fine and a possibility of someone to lose their position in the city.

### C. 2023 City Council Assignments

Mayor Carla Merrill explained the following City Council assignments for 2023. They are as follows:

#### City Council Assignments - 2023

Council Member	Assignments
Kelli Law	<ul style="list-style-type: none"> <li>• Trails, parks, and open spaces</li> <li>• Alpine Business District Liaison</li> <li>• Alpine Days</li> </ul>
Jessica Smuin	<ul style="list-style-type: none"> <li>• Mayor Pro Tem</li> <li>• Alpine Youth Council</li> <li>• Historic and Main Street Advisory Boards</li> <li>• Cemetery</li> </ul>
Greg Gordon	<ul style="list-style-type: none"> <li>• Water</li> <li>• Traffic and safety</li> <li>• Lambert Park Conservation Easement Committee (Chair)</li> <li>• MAG and COG alternate</li> </ul>
Lon Lott	<ul style="list-style-type: none"> <li>• Utah Lake Commission</li> <li>• Timpanogos Special Service District board member</li> <li>• Emergency response plan</li> </ul>
Jason Thelin	<ul style="list-style-type: none"> <li>• LPPSD board member</li> <li>• Eagle Scout projects</li> <li>• Lambert Park Conservation Committee</li> </ul>

#### Other Assignments

Elected Official or Staff Member	Assignments
Mayor Merrill	<ul style="list-style-type: none"> <li>• MAG</li> <li>• COG</li> <li>• AF Canyon working group</li> <li>• LPPSD board member</li> </ul>

	<ul style="list-style-type: none"> <li>• ULCT – Legislative Policy Committee member</li> </ul>
Shane Sorensen	<ul style="list-style-type: none"> <li>• ULCT – Legislative Policy Committee member</li> <li>• Central Utah 911 board member</li> </ul>
Craig Hall	<ul style="list-style-type: none"> <li>• ULCT – Legislative Policy Committee member</li> </ul>

## VI. ACTION/ DISCUSSION ITEMS

### A. Request for Commercial Sign Approval: Blue Petal Foundation, 40 West Main Street Court

City Planner Ryan Robinson explained that The Blue Petal Foundation located at 40 West Main Street Ct, is in the process of updating a sign for their building. [DCA 3.25.080](#) requires the following for approval of an application: *the color, size, number, and placement of business commercial signs is subject to recommendation by the Planning Commission, consistent with the guidelines set forth in the Gateway/Historic District, and approval by the City Council.*

This application was reviewed during the January 3<sup>rd</sup>, Planning Commission where the following motion was made *Planning Commission member Alan Macdonald moved to recommend approval of the sign application for the Blue Petal Foundation.*

*Susan Whittenburg seconded the motion. There were 6 Ayes and 0 Nays. The motion passed.*

The following standards should be considered when reviewing a sign application for a commercial building sign as required in [DCA- 3.25.080](#)

1. Signs shall be painted on, attached to, or erected on the building that houses the business, or upon the property occupied by the business which the sign(s) advertise.
2. All signs attached to a building shall meet the approval of Alpine City to assure that the sign meets the applicable building and electrical codes.
3. The total area of all sign(s) on any one building shall not exceed 15% of the area of the side of the building that a sign is displayed.
4. The area of a sign shall be construed as the area of the overall background. Signs without a background, such as letters or numbers hung together, shall be assumed to be attached to a background which shall be depicted on the application rendering.
5. Permanent outdoor free-standing (monument) signs shall not exceed four (4) feet in height and six (6) feet in width.
6. Each planned commercial development shall display no more than one (1) permanent freestanding (monument) sign at each entrance.
7. Signs on cloth awnings shall be permitted subject to review by Alpine City and shall comply with the guidelines in DCA 3.25.080 Part 3, DCA 3.25.080 Part 4, and DCA 3.25.080 Part 9.
8. Within any planned commercial development or on any single building housing a number of uses, or in any arrangement of buildings or shops which constitute a visual entity as a whole, if addresses are to be used, all numbers, letter, or other symbols shall be identical in size, design, color, and installation.

Ryan Robinson said staff's recommendation would be if as determined by the City Council the conditions of Alpine City Code [3.25.080](#) have been met, approval should be granted consistent with the requirements in the City Code. City Council member Greg Gordon asked if the Main Street Committee has looked at designs of signs in the business district of Alpine. City Council member Jessica Smuin said as the council modified our ordinance, we were mainly addressed monument signs to fit within the historic design of the city. She asked if the sign had lights. Ryan Robinson replied, no.

**Motion:** Jason Thelin moved to approve the sign application for the Blue Petal Foundation. Kelli Law Seconded the motion. There were 5 yes votes, 0 no votes, and 0 excused as recorded below. The motion passed unanimously.

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

### **B. Droubay Setback Reduction Request: Alpine View Estates, Lot 7 - 328 North Blue Spruce Road**

Ryan Robinson said the applicant is requesting an exception to the rear yard setback requirement for property located at 328 N Blue Spruce Road. The property is lot 7 of the Alpine View Estates development and is in the Planned Residential Development (PRD) zone.

Section 3.09.060- Dwelling; Clusters; Lot Size; Buildable Area; Setback #4 of the Alpine City Code regulating setbacks in the PRD (Planned Residential Development) zone allows for an exception to the designated setback envelope standards. The standards require that *“the exception is appropriate for the proper development of the lot and the exception will not result in the establishment of a hazardous condition.”* A public hearing is also required as part of the review process.

The rear yard and side yard neighboring properties are designated as open space as part of the PRD zoning requirements for open space.

- City Code 3.01.110 defines a rear yard as: *“A space between the back wall of the nearest main building extending the full width of the lot and the lot line that is most distant from, and is most nearly parallel with, the front lot line.”*
- A rear yard setback is also defined as: *“The depth (or setback) of the rear yard is the minimum distance between the rear lot line and the rearmost part of the primary structure of the nearest main building at the foundation level.”*

The Planning Commission held a public hearing during their January 3<sup>rd</sup> meeting, after discussion on the reason for setbacks and past applications impacting view corridors the following motion was passed:

*Planning Commission member John MacKay moved that an exception be recommended from the 30-foot rear setback for Lot 7 of Alpine View Estates as requested by the applicant because it does not create a hazardous condition. Alan Macdonald seconded the motion. There were 4 Ayes and 2 Nays. The two opposing votes were based on they didn't really see that there was a reason to approve it because it was more for the enjoyment of the lot not necessarily for a safety reason or hazardous conditions.*

Ryan Robinson said staff recommends that if after reviewing the submitted information, it is deemed that the exception is proper for the development of the lot and does not result in a hazardous condition, staff recommends approval of the exception. The covered deck extends about 11 feet 5 inches into the 30-foot setback.

City Council member Jason Thelin asked what staff deemed an exception is proper for a development. Ryan Robinson said because the property is a PRD zone and because of the open space requirement the lots would be oddly shaped and smaller. Greg Gordon said this lot is not an oddly shaped. Mayor Carla Merrill said in the past when we have passed something like this it has been because the lot was shallow or narrow. This lot doesn't seem to be that difficult to build upon. She asked how this lot qualifies for a recommendation for an exception.

Jason Thelin voiced concern that the ordinance reads that anyone can come in and get an exception. Ryan Robinson said because the ordinance it talks about if the deck is uncovered and not greater than 18 inches in height it can go within a 10 feet of the rear setback unless they want to go through the variance process. Jason Thelin asked if this lot requires some special circumstances. Shane Sorensen said the way he looks at this option if the council agrees to approve this it is appropriate. An exception request means the council is not obligated to approval but with a PRD ordinance the lots shapes and sizes. The lots were given a 20-foot set back instead of a 30-foot setback because they are up against the mountains. If the property owners go through the Planning Commission, then the exception can come to City Council for approval.

Lon Lott asked if this was not a covered deck would it even be in consideration for an exception. Shane Sorensen said there is a provision in the ordinance if a deck is not covered then the setback measured based on the foundation design of the house. Ryan Robinson said the way the code is written *“deemed the exception is proper for the development of the law it does not result in hazardous conditions”*. Based on that staff recommended this for an exception.

Lon Lott said in the same subdivision they have open space that is in the middle, lot 13 had a different setback. Shane Sorensen said lot 13 has a similar curved edge of the property like the one asking for the exception. Lon Lott said the council had the owner of lot 12 come in for a swap of land because of its odd shape and the council decided against the land swap. He said he believed that lot 12 had a different setback because of the shape of the lot. Ryan Robinson said the owners of lot 12 did send a letter into the city stating they were not in favor of this exception. Jason Thelin said the reason the council voted against lot 12 was because it would affect the views. Jason Thelin said he was concerned because some of the neighbors have not been aware of this exception including lot 8 that would be most affected by this decision. In his opinion, granting the exception would affect their viewscape. Sometimes the city has ordinance to protect neighbors, so they don't have to get into an argument. Mayor Carla Merrill said she was concerned that granting this exception would put them to close to the neighbor behind them. Lon Lott said lot 8 sets at a higher elevation. Jason Thelin voiced concern with how high the pitch of the roof is.

Jessica Smuin said in the case of lot 11 they had designed their house was already built. Lot eight is still vacant. The previous request was denied because of the home was already built. She asked for clarification if the property owner had considered a pergola over their deck. Shane Sorensen said he would consider it a roof. Jason Thelin concerns were that anyone can come in a push back the setbacks. The property owner can still have the deck just not have a roof. He said he had thought that this ordinance means there is something that they couldn't do with it, and we had to kind of bend the rules to let them be about to build something on their property versus they still can do the deck but not have a roof on it. Lon Lott said the exception can only happen if the subdivision is in a PRD. Shane Sorensen said there will be an amendment to this ordinance soon.

Kelli Law suggested giving an exception for the home being moved forward on the lot instead of changing the rear set back. The council discussed moving the home forward a few feet. Shane Sorensen said it depends on what angle you are looking at. The lot to the north of this house already has to be further back so if they move it would block more views. Jason Thelin said he would be voting against the exception because he believes that it would negatively impact lot 8 and is against the city ordinance. Mayor Carla Merrill agreed with Jason Thelin's thoughts.

**Robert Brown**  
**13145 N Oak**

*Robert Brown explained that he is the builder of the property. He said they went through the setback and the home was supposed to be built with a detached garage in the beginning. The attached garage would significantly affect other residents views, so we did a garage underneath the home so that the residents could have a six-car garage. He said the current setbacks and the PRD allow the council to make this exception. He had sent letter to any residents within 500 ft of the lot. We have tried to take all the steps to get everyone's thoughts who live in the area. We have changed the design to make sure that any obstructions could be minimized.*

Jason Thelin asked who owned lot 8. Shane Sorensen said Brian and Annette Fruit are the current property owners of lot 8. *Mr. Brown said that the owner of lot 8 was notified of this exception.*

**Motion:** Greg Gordon moved that an exception be approved from the 30-foot rear setback for Lot 7 of Alpine View Estates as requested by the applicant with a reduction in the rear setback being at 11 feet 5 inches for the covered deck only. Lon Lott seconded the motion. There were 4 yes votes, 1 no votes, and 0 excused as recorded below. The motion passed.

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

**C. Ordinance 2023-01: Modifications to Conditional Uses - Produce Stand**

Ryan Robinson said the Planning Commission held a public hearing on November 15<sup>th</sup>, 2022, to review sections of the code dealing with conditional uses including appeals, time limits, and requirements for incidental produce

stands. The Planning Commission made a motion to table the item to allow staff time to make the changes discussed during the meeting dealing primarily with the definition of a produce stand and the products that can be sold. Another meeting was held on December 6<sup>th</sup>, 2022, with the Planning Commission where a motion was made to recommend approval of Ordinance 2023-01, produce stands, including text amendments to various sections of the code related to conditional uses as proposed.

Alan MacDonald seconded the motion. There were 6 Ayes and 0 Nays. The motion passed.

City Staff is recommending the following proposed text amendments:

- **3.01.110-Definitions:** Add a definition of what is considered a produce stand.
- **3.23.040 Permit Revocation:** The current code allows the City Council to revoke a conditional use permit if it is determined that the holder of the permit has failed to comply with any of the conditions imposed at the time the permit was issued. The code further states that the city council would hear any appeals. It would be inappropriate for the body that revokes a permit to also hear the appeal. We are recommending that the hearing officer hear any appeals for conditional permits that are revoked. The proposed language mirrors the language from the section of the ordinance dealing with variances.
- **3.23.060 Time Limit:** The current code states that a conditional use permit for temporary uses may be issued for a certain period of time with some renewals being allowed at the direction of the planning commission. However, temporary uses are not defined in the ordinance. We reviewed the conditional use provisions of several other cities and did not find any of them that had a time limit section. We are recommending that this section be deleted and that the conditions listed in the permit be used as a means for revoking a permit if those conditions are not followed.
- **3.23.070 Review Conditions and Criteria for Certain Conditional Uses:** Based on the advice of our city attorney, in item #2 Guest Houses and item #4 Produce Stands, we are recommending that a change be made from those uses being “permitted” to them being “allowed”. This change is also being made in the conditional use section of each specific zone, i.e. TR-10,000, CR-20,000, etc.
- **3.23.070 Part 4 Produce Stands:** There is currently only one produce stand in the city. We are proposing some amendments to this section to allow what has been accepted in the past. The proposed changes and additions are as follows:
  - Limit incidental produce stands to a property that includes a minimum of 5 acres.
  - Require the products offered for sale to be primarily from the subject property. This would allow for some products to be sold that are brought from other locations. For example, if sweet corn is not grown on the property, it could be brought in and sold.
  - Additional requirement for employee parking.
  - Produce stands have been limited to one sign. A provision is proposed that would allow additional signage not related to advertisement.

Staff recommends that these changes be made and feel that produce stands provide a service to our residents, but that limitations need to be put in place so that there isn't one on every corner. Both redlined and clean versions of the proposed text amendments have been included in the packet. Ryan Robinson said staff recommends that council make a motion concerning Ordinance 2023-01 including text amendments to sections of the zoning ordinance related to conditional uses as outlined.

Lon Lott asked for clarification on size of lots in the ordinance. Ryan Robinson said the lot size is anything over five acres. Kelli Law asked what was following items from the definitions and animal parts. Craig Hall said in zoning ordinances he disliked the word “permitted” and should be changed to say “allowed.” If you have a conditional use permit it would be acceptable for that specific permit. Jason asked why this was important because what we basically did is we took off the timeline for a conditional use permit. Craig Hall said a conditional use permit associated with this is authorizing a use that has some special condition or additional conditions which makes it acceptable for that zone. It does not expire if they do not violate any ordinances. If they do the city can revoke their permit. Greg Gordon asked if someone has a quarter acre lot, and an apple tree could they sale apples. Why are we limiting to special use permit to be five acres or more? Shane Sorensen said how we make sure that produce stands are not popping up on every corner would be making sure they have over five acres. They would not be able to have parking for a location smaller than five acres and the produce primarily being grown on that property.

City Recorder Bonnie Cooper said if someone comes in to get a business license for a home occupation that business would need to operate in the home. Shane Sorensen said but with the conditional use they can if they have the

property to do so. Jessica Smuin asked about lemonade stands with little children we look the other way. Kelli Law asked if state code says they must obtain food handler permit. Mayor Carla Merrill asked about adequate parking requirement they would have outside of the employee parking. Shane Sorensen said any new produce stands would need to come into the city with a site plan. Ryan Robinson said the property owner recommended calling it a farm stand instead of a produce stand. Shane Sorensen said this farm just replanted the trees. They will not be producing tree for a few years and until then they will be bring supplies from another farm.

**Motion:** Kelli Law moved to approved Ordinance 2023-01 Modification to Conditional Uses including text amendments to various sections of the code related to conditional uses as proposed with the following conditions and changes that the definition of produce stand, and allow the sale of butter, sour cream, and beef jerky. Jason Thelin seconded the motion. There were 5 yes votes, 0 no votes, and 0 excused as recorded below. The motion passed unanimously.

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

#### **D. Alpine Cherry Point Estates: Concept Plan Review**

Ryan Robinson said The Alpine Cherrypoint Estates Subdivision consists of 12 lots on 13.82 acres. The proposed lots range from .91 (40,002 sq. ft) to 1.3 (57,329 sq ft) acres in size. The development is located at approximately 1528 Grove Drive and includes five parcels as part of the proposal. Currently there are two homes and a variety of smaller structures spread throughout the projected site. The proposed property is zoned CR-40,000. The applicant is seeking direction for the Planning Commission on what the City Council deems appropriate or necessary.

Shane Sorensen said all plans are checked and reviewed by Lone Peak Fire and City Engineering. If anything needs to be changed after the review, the developer would be responsible for making any changes required. Ryan Robinson said staff had recommended sidewalks, curb and gutter going up Grove Drive. Shane Sorensen said at the time Ridge at Alpine went in and did improvement the property owner of Cherry Point was not willing to make the improvements. Eventually they came back with the concept plan that would include improving Grove Drive.

Shane Sorensen said in most cases, Three Falls has been the only exception to that rule of no sidewalk. He said in the past, where it's been approved to not have sidewalk or a sidewalk has not been required, it's because there is a trail on the back of the property; like Pheifferhorn on the west side. He said it's regrettable that sidewalk was not required because all of a sudden people are putting trees and rocks out there where a sidewalk would go and it blocks views. He said Three Falls would be an absolute nightmare for sidewalks because of all the water up there and the huge frontages. He said Three Falls is the only exception in his mind.

Shane Sorensen said our recommendation is to have sidewalks everywhere in town. There is a trail planned for the north side of the development. Property Manager Nathan Heaps said Greg & Shelly Butterfield were concerned with the driveway, but we would deed them the land where their driveway is. Mayor Carla Merrill said she spoke with Shelly Butterfield and Shelly did not know that information. Shane Sorensen said council is just giving feed back to the Planning Commission tonight. He said Alpine Resident Peter Christensen met with him and he does not own any of the land, but he does own the home on the property he leases it. Mr. Heaps said concerning the Butterfield's he asked he were to leave the easement in place would he not be allowed to develop without removing the easement. Mayor Carla Merrill said she understands with the easement is that nothing can be changed without both parties agreeing. If you are going from one the easement going from two owners and now suddenly, you're going to have four owners that is changing the easement itself. Mayor Carla Merrill suggested Mr. Heaps meets with all the parties involved to come up with an agreement. He said he would meet with the other property owners to come to an agreement.

Lon Lott asked as far as the existing home on 1430 North, or are there any other existing homes that will it need to have exceptions to meet the setback ordinance. Or is everything will be conforming after everything is done? Mr. Heaps said the current home at 1430 North will be demolished along with the barn. Everything will end up being



conforming to the city’s ordinances. He said the irrigation ditch that will be piped through the easements and down through the road. It will continue right through the Butterfield’s property. There will be no impact to other lots. Lon Lott asked if the city was good with lot 10 having seven sides. Shane Sorensen said lot 10 will have to have an exception. Jason Thelin asked if there was a way to cleanup Grove Drive on lot two and three right curves over and just pull it straight down? Mr. Heaps said that is where the center line went because the neighbors across the street are currently there. He was unsure of what the agreement was with the Ridge at Alpine, but he remembered Jed Muhlestein said there wasn’t a way to make the road straight. Shane Sorensen said on the west of lot three on the westside of Grove drive, that curb, gutter, and sidewalk was put in based on the design of Grove Drive from the 90-degree bend at Alpine Boulevard. Jessica Smuin suggested bringing lot three in like lot 12 to straighten the road out. Mr. Heaps said if he did what Jessica Smuin suggested he would lose his 40,000 square foot minimum. Shane Sorensen said he thought it will look better when the actual curb and gutter lines are on the map. Mr. Heaps said the road still needs to have a 54 foot right of way. Mayor Carla Merrill asked if any of the council had any more suggestions for the Planning Commission to take into consideration upon reviewing the concept plan. Shane Sorensen said staff would work with Mr. Heaps on the sidewalk design and any other suggestions.

**E. Resolution No. 2023-01: Appointment of Greg Gordon to the Lone Peak Public Safety District Board**

Mayor Carla Merrill said the Lone Peak Public Safety District Board is made up of five board members, including the chairman. Both Highland and Alpine appoint two regular board members, with each city also appointing an alternate board member. As per the approved interlocal agreement, the chairman is appointed from the alternate board members annually by a majority vote of the regular members of the Board and shall alternate annually between the cities. Since Jessica Smuin, as the City’s alternate board member, was the chair for 2022, Highland City’s alternate will be the chair for 2023. By way of information, the chair only has a vote to break a tie or when voting to appoint or dismiss a district chief, or when filling in for an absent regular member.

In switching some City Council assignments for 2023, Mayor Merrill is appointing the following to the Lone Peak Public Safety District Board:

- Councilman Greg Gordon, alternate member

The term of office for the board members is the shorter of four years from the date of appointment or when the board member leaves the elected or appointed office held with the represented city. For the purposes of this resolution, the end of the board members elected term is listed as the end of their term on the board.

**Motion:** Lon Lott moved to approve Resolution R2023-01 appointing Councilman Greg Gordon to the Lone Peak Public Safety District Board as the alternate member of Alpine City. With the change to last paragraph. Jessica Smuin seconded the motion. There were 5 yes votes, 0 no votes, and 0 excused as recorded below. The motion passed unanimously.

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

**F. Resolution No. 2023-02: Appointment of Planning Commission Members**

Mayor Carla Merrill said the Planning Commission consists of seven members, with staggered terms. Sue Whittenburg was recently appointed to the Planning Commission to fill a vacancy and finish out the remainder of the previous Planning Commission Members term, which ended December 31, 2022. She is being reappointed to a 4-year term. Alan McDonald are being reappointed to terms that ended December 31, 2022, for new four-year terms. Mayor Merrill has proposed that Brant Bishop be appointed to the remaining term of Troy Slade, through December 31, 2023. Mayor Carla Merrill said Brant Bishop is a new resident to Alpine City. He is retired and would be a great addition to the Planning Commission. He studied at BYU and Harvard Law School.

Lon Lott and Jason Thelin agreed that they would like to meet Brant Bishop before voting on his appointment. They agree to have Alan MacDonald and Sue Whittenburg. After the first motion was made a substitute motion was made. The main concern of the council had was that they did not have a chance to meet Brant Bishop before being appointed. The council desired a chance to ask Mr. Bishop some questions before approving him. The votes taken on each motion are as follows:

**Motion:** Jason Thelin moved to approve Resolution R2023-02 appointing the following to serve on Planning Commission as follows:

- Sue Whittenburg and Alan MacDonald for four-year term ending December 31,2026

Lon Lott seconded the motion. There were 4 yes votes, 1 no votes, and 0 excused as recorded below. The motion passed.

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

**Substitute Motion:** Jessica Smuin moved that Resolution R2023-02 be approved with the following being appointed to serve on the Planning Commission:

- Sue Whittenburg and Alan MacDonald for four-year term ending December 31,2026
- Brant Bishop, for the remainder of the term, which ends December 31,2023, at which time they may be appointed to serve another term.

Greg Gordon seconded the motion. There were 2 yes votes, 3 no votes and 0 excused as recorded below. The motion did not pass.

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

**G. Approval for Purchase of Flock Safety Cameras**

Shane Sorensen said at the November 29, 2022, City Council meeting Chief Brian Gwilliam and a representative from Flock Safety gave a presentation on the cameras and their capabilities. Included is a staff report from Chief Brian Gwilliam and information on the cameras. It appeared that there was support for the purchase of these cameras, so the item is being brought back to the City Council for approval. The annual cost would be \$15,000. If approved, there will be an adjustment made in the mid-year budget adjustment which is planned to be on the January 24<sup>th</sup> City Council meeting.

Lon Lott asked if this was a starting deal or is there flexibility in the contract. Flock Camera representative Kraig Gardener said the price for the software and cellular service is \$25K a year. The city would have price protection for three years and after that the price would go up. The city would have an option to autorenewal and still have 60-90 days to cancel. Shane Sorensen said staff would bring a contract back for approval. Greg Gordon suggested putting information about the camera for our residents in the newsletter. Kraig Gardener said Flock Cameras could setup a transparency portal for the residents. Greg Gordon said he would be willing to write an article for the newsletter.

**Motion:** Lon Lott moved to approve the purchase six Flock Safety cameras at the cost not to exceed \$15,000 per year and that the cameras be placed at the City limits on Canyon Crest Road, Alpine Highway and Westfield Road with the following conditions to go over the contract, Shane can sign the contract. Greg Gordon Seconded the motion. There were 4 yes votes, 1 no votes, and 0 excused as recorded below. The motion passed unanimously.

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

Jason Thelin

## VII. STAFF REPORTS

### Chief Brian Gwilliam

Chief Brian Gwilliam reminded council of the Lone Peak Public Safety meeting tomorrow at 7:30am.

### Ryan Robinson

Ryan Robinson said he has been working on the Urban Deer Program. Mayor Carla Merrill said she was approached about a dog being killed by a deer tonight before the meeting.

### Craig Hall

Craig Hall said he and City Attorney Steve Doxey would be to the Planning Commission next Tuesday for training. He said everyone is invited to come. He will have Bonnie Cooper send the council the slide presentation of the training that would be given.

### Shane Sorensen

Shane Sorensen explained that training for the Planning Commission is required by state law and will take place next Tuesday.

He said he had received an email from TSSD (Timpanogos Special Service District) concerning an increase for new home building fee. The cost will go from \$1785.55 to \$3559.00. This will begin February 1<sup>st</sup> and continue for the next six years. After that time the fee will increase to \$3939.00. The TSSD did hold a public hearing and the increase was approved in October 2022.

Staff is aware of all the potholes on our roads. Staff has tried to fill the potholes but because of the storms the repairs are not working. Main Street, 100 South and Grove Drive will need to be at the top of the list to be redone.

He said he and Mayor Carla Merrill met with Utah County Commissioner Sakievich and we will be meeting with The other two county commission, Amelia Powers Gardner, and Brandon Gordon.

The fence around the poppies in Lambert Park has been completed.

New property owner of Burgess Orchards Paul Gu came into the city to split one acre from the property. This will make the property into a two-lot subdivision. The changes will mean Bateman Lane being a through street. The split will be approved at the DRC level with the staff.

Administration billing for LPPSD has gone up by \$36,000. We share the billing with Highland City. The city will need to adjust our budget for the year.

## VIII. COUNCIL COMMUNICATION

### Lon Lott

Lon Lott had a concern with the corner of Westfield and Matterhorn. He has heard a lot of complaints that residents are going too fast. He said because of the ice an ambulance hit the curb even while going slow. Jessica Smuin suggested that residents can go to the city website and lodge a concern. Shane Sorensen said the public works crews have done an excellent job snow plowing, he has receive several email and compliments from our residents.

### Jessica Smuin

Jessica Smuin said she and Ryan Robinson attended the Utah League of Cities and Towns Meeting regarding Your Land, Your Plan. The Your Land Your Plan presentation was on a revenue modeling plan for the city so we can look at our infrastructure and how it is being funded. This could help the city make legislative decisions on how to increase revenue without raising taxes.

She said she met with Sarah Flinders from Bonneville Shoreline Trail (BST) Advancement Act. Jessica said Sarah Flinders said this will be a long process and could take a year or two. The city's goal was just to get on the same

page because we have got things going on with Smooth Canyon.

She asked if council members would be willing to fund another senior luncheon this spring. Kelli Law said he would be willing to donate but that the city should try to get donations from businesses. All council members agreed that the residents really appreciate and loved the events.

**Kelli Law**

Kelli Law said he appreciated everything our local law enforcement does for our city.

He said to expect to be seeing items of discussion regarding Alpine Days. Alpine Days Chair Kami Burgess has agreed to chair the event again this year. Council asked to see a financial breakdown for last year’s event. Shane Sorensen said he did not have a breakdown of the numbers but would put together a budget from last year’s Alpine Days at the councils next meeting.

**Greg Gordon**

Greg Gordon said he attended a firefighting training which made him appreciative of all the Lone Peak Fire Department does for our community.

He said that there will be a Lambert Park Preservation Committee meeting on the Wednesday the 18<sup>th</sup>

**Motion:** Lon Lott moved to adjourn. Jessica seconded the motion. There were 5 yes votes, 0 no votes, and 0 excused as recorded below. The motion passed unanimously.

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

Adjourned at 9:40pm