

ALPINE CITY COUNCIL MEETING

on Tuesday, January 24, 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, Jessica Smuin, Kelli Law, Greg Gordon, and Jason Thelin
- B. **Prayer:** Kelli Law
- C. **Pledge:** Lon Lott

Staff: Shane Sorensen, Ryan Robinson, Chief Brian Gwilliam, Chief Brian Patten, Craig Hall, Steve Doxey, Marla Fox and Heidi Jackman

Others: Pamela Pamela, Breezy Anson, Representative Brammer, James Lawrence, Kami Burgess and virtually Kraig Gardener, along with Kimberly Nitrac

II. CONSENT CALENDAR

- A. **Approve City Council minutes of January 10, 2023**
- B. **Resolution R2023-04: Consolidated Fee Schedule – Change to TSSD Impact Fee**

Alpine City Administrator Shane Sorensen explained the TSSD (Timpanogos Special Service District) has raised their fees effective February 1, 2023, from \$1785.55 to \$3559.00.

Motion: Lon Lott moved to approve the consent calendar with the edits to the minutes of January 10, 2023, made by Lon Lott. 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		

III. PUBLIC COMMENT

None

IV. REPORTS AND PRESENTATIONS

A. Brady Brammer – Legislative Report

Utah State Legislator Brady Brammer stated that we are seeing heavy issues right at the beginning. He said he is waiting for the details on affordable housing. There is consensus on public comment on larger development. He said there is no such thing as affordable housing along the Wasatch front right now. He said there won't be until demand comes down and with the amount of growth, that is not coming any time soon. He feels like with the people they have in the Legislature right now, they are not going to give incentives for affordable housing but look more to deregulation.

City Council member Lon Lott asked if there is any talk about taking authority away from local government. Brady Brammer said he could see a standardization on zoning because there's so many different codes from city to city. He said he hasn't heard much about it yet.

Mayor Carla Merrill said Alpine City was approved on the affordable housing requirements and said the staff did a really good job on that.

City Council member Jessica Smuin asked if there was any news about ADU's. Brady Brammer said cities are getting a lot of tax revenue without having to give any ADU permits. If someone complains about it, the city can deal with the one off issue and still collect the tax revenue. He said more bills will come out on Thursday and Friday of this week and we'll know more then.

Brady Brammer talked about permit review times. Shane Sorensen said a few bad apples are spoiling it for everyone. Brady Brammer said he's heard others say we need to standardize the development process, but he doesn't know if that has legs. He thinks there will be more of a standardization of deadlines and timelines for providing redlines to plans. He said in some cases, when a developer and staff can't come to an agreement and it has gone back and forth several times, it should be moved on to the Planning Commission and City Council.

Shane Sorensen said for the first time in their meeting with the league, the development side acknowledged that there are some issues on their side with their engineers turning in poor plans. He said they then said, "the city has had their chance to review the plans and you're holding us up", and that's not the case.

City Council member Kelli Law asked about school and social issues. Brady Brammer said there is a scholarship program that creates an education savings account for students if they qualify for the scholarship. He said it's a capped amount of students that qualify for it. They would receive up to \$8,000 per student and they can take the money anywhere they'd like. The student would have to submit a portfolio for accountability purposes. It's been combined at the Governor's request with the largest pay raise in Utah history for teacher. He said the politics behind that are in 2007 there was a school choice bill that was subject to a referendum and rolled back. If the votes come in where it is above 50 votes in the House and 20 votes in the Senate it is not subject to a referendum. It can not be rolled back by any initiative. It received 54 votes in the House, and we'll see what happens in the Senate, but it looks like it is on track to receive 20 votes.

Brady Brammer said he likes this and said the program is not perfect and will take several years to iron out the kinks. He said we have a substantial part of our state that there is no chance for a charter school or a private school to make it in their communities, particularly in our rural areas. He said we have an area in Salt Lake City where the Salt Lake City School District has really struggled. They did not come out of Covid well, to the point where the State Legislature was considering taking over the School District for a while because the outcomes were pretty terrible. He said parent choices became a critical need and some of this is what is driving this Senate.

Brady Brammer said there will be bills on transgender, transgender medical care, and identity issues. He said this is always a difficult and sensitive issue. How do we balance free speech rights and conversion therapy issues. What kind of therapists can talk to kids about sexual orientation and gender identity.

Kelli Law asked about the pay raises for teachers and is there any kind of accountability. Brady Brammer said there's all kinds of accountability in public education. Part of the reason we know that school district was under performing was because we have some measures of accountability that tell us there's problems there. He said this will not be a means of rewarding or punishing teachers based on their merit through this raise. This is to raise the baseline pay. Mid-level and senior teachers get taken care of, but the younger entry level teachers need this because that's where we have the biggest problem with retention. Education funding has been increased, but it hasn't always trickled down to the teachers. This increase would be specifically for the teachers' salaries.

B. Presentation form Lambert Park Preservation Committee – Conservation Easement Recommendation Outline

City Council member Greg Gordon and his committee along with City Attorney Steve Doxey presented their recommendation outline for the preservation of Lambert Park. The proposed Lambert Park Conservation Easement would be through Utah County for a period of 10 years with automatically renewable 8-year increments for a total of 42 years.

Greg Gordon said the committee has met at least 6 different times and heard hours of public comment, and feels like this has been a thorough process. Ultimately, this recommended outline in our December meeting was supported by

the full committee. There was a meeting last week where we had a formal vote. There were 5 votes in favor of everyone who attended the meeting. Greg Gordon said there were a couple of caveats there. This essentially protects the park from residential, commercial or industrial development and preserves it for the public's benefit and purpose, but leaves some latitude and flexibility to the city to manage the park and to adapt in the future.

City Recorder Bonnie Cooper, a member of the committee, thought this should go to a public vote as a ballot initiative, so it's not decided by a limited group of representatives. Planning Commission member Alan Macdonald was in favor of coming up with measures that this would make it hard for the land to be developed. He noted that is immensely better than where it was a year ago but did not feel that there was a need to do a conservation easement. Alpine Resident Sarah Blackwell and Planning Commission member Jeff Davis supported a perpetual conservation easement that is highly restricted from a preservation perspective, but likely less adaptable. He said we would still require 4 votes to make changes to the open space in the future but there is some flexibility for the city to adapt and manage it as needed.

Steve Doxey said this represents a compromise between the hardline position that we don't trust future City Councils so we're going to impose a perpetual conservation easement. It's going to be held by a third party that's qualified under law, and that's important. All of the time we spent with Utah Open Lands; this would be similar if we went with another group like Nature Conservancy. Their emphasis is on preserving the environment and natural habitat. They have lots of restrictions and we went through the rounds of what are the permitted activities and what are the prohibited activities. The mayor tasked the committee to do the homework so you could look at this at a higher level after the legwork had been done.

Steve Doxey said we've looked into other qualified easement holders and the County arose as an option. He said they don't have a legal framework like Salt Lake County does. Salt Lake County is funding these kinds of things and they have a whole host of restrictions and qualifications, and they are amassing different properties that are subject to conservation easements. He said Utah County doesn't have that. The advantage is the flexibility that the County provides. He said we could essentially draft the easement document the way the city wants it, propose it to the County, and get their input back. He said it is his understanding that the County would be willing to enter into that kind of easement document that essentially prohibits any commercial, industrial, or residential development in the park.

Steve Doxey said this may not flush out all the other permitted and prohibited activities the way the previous conservation easement draft from Utah Open Lands might have. He said it's a compromise in the sense that there are some people who felt like this was a solution looking for a problem and that it is unlikely that the City Council would ever allow development in Lambert Park. On the other side you have folks that are looking for a permanent perpetual restriction. He said the compromise here is the term of years, and the committee came up with an initial 10-year term with four additional 8-year terms making the total 40 years. Toward the end of those terms, the council could decide for various reasons that they don't want the easement anymore, or it's not working in its present form and they need to amend it, or they want to do something else.

Steve Doxey said the committee recommends that the management plan be approved before the easement document. He said it doesn't have to be to the easement document, because the agreement would simply refer to it and the management plan would be a more flexible document and could be amended by the city subject to certain restrictions without the County approval. He said they did not want to enter into an easement subject to a management plan that nobody had agreed upon yet.

Steve Doxey said the easement document itself would enshrine super majority voting requirements, and that would be enforceable by a third party. Otherwise, as we've talked about many times, the super majority requirement that you're currently subject to could be changed by a majority of the City Council. He said this is an important feature if you don't trust a future City Council to follow the preservation practices that would be part of this document.

Steve Doxey said the management plan would be worked on by staff at the same time as the city staff, council representatives, who have been designated, City Attorney, and County representatives work to come up with the easement document.

Mayor Carla Merrill asked what the timeline was. Steve Doxey said it would be months but the management plan we'd want to start immediately. He said he has no idea where the County is on all of this but said they seem to be

conceptionally willing to entertain it. Greg Gordon said we could write the agreement, so they didn't have to expend much energy or legal effort. Steve Doxey said if the council approves this outline, that just basically directs staff to get working on the management plan, get working on the easement document, and then the conservation committee would be the initial body to approve that and then pass on a recommendation. We would then have a Public Hearing and vote of the council.

Mayor Carla Merrill said many cities are putting their land in a conservation easement; it's happening everywhere. She said Draper City residents never thought they would sell off land to Blue Bison because that was all supposed to be open space. After that point, they put the rest of their lands in a conservation easement. Lehi is putting 300 acres in a conservation easement, Heber and Midway have done the same. She said this is not unusual and ideally selling the land would never happen, but it has, and she would not like something to happen. She said we can say we're not going to do something with the land and then things happen. We have a guard shack on a public road and that was done by a City Council. She said things happen and are not fail safe.

Kelli Law said he would like to see some language in there about super majority. He said he would rather see a percentage than an actual number because the number could change in the future.

City Council member Jason Thelin said that we have had multiple public hearings on the conservation easement but said it was good for the community to have another with the revised plan. He also said that the recommendation showed multiple public hearings, including one at the County, but that we couldn't force the County to do this. He also said that the management plan allowed for some flexibility from the city council, while the conservation easement would provide the base protection. He also noted that a unanimous vote could still allow for the city to dispose of the land. Greg Gordon said the land wouldn't be able to be used for anything of value if transferred. You would only be able to sell to someone who is effectively going to preserve the land on behalf of the city; no one could build on it.

V. ACTION/ DISCUSSION ITEMS

A. Resolution R2023-03: Appointment of Planning Commission Member

The Planning Commission consists of seven members, with staggered terms. Six of the seven terms are currently filled. Mayor Merrill will put forward the name of an individual to be appointed for a 4-year term that will run from the appointment to December 31, 2026. Mayor Carla Merrill said Troy Slade's term was up in December of 2022. He has elected to stay on for another 4-year term.

Motion: Kelli Law moved to approve Resolution R2023-03 Appointment of Troy Slade to the Planning Commission for a 4-year term ending December 31, 2026. Greg Gordon 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. Proposed Code Amendment Section 3.07.030 #11-F: Increase in Allowable Parking for Automotive Repair Shops

City Planner Ryan Robison said an application has been submitted for a code text amendment to section [3.07.030 #11-F](#) which regulates the maximum amount of parking spaces allowed for an automotive repair shop. Currently the requirement calls for no more than three (3) parking spaces provided per bay with no more than five (5) automobile bays per automotive repair shop. This would be a maximum of 15 parking spaces per shop.

The request is to allow for up to eight (8) parking spaces provided per bay as well as an additional 10 spaces for employee parking, which is currently not differentiated in City Code. With the maximum number of bays remaining at five (5) this change would allow for up to 40 parking spaces as well as 10 spaces for employees for a total of 50 parking spaces for the entirety of an automotive repair shop within the City.

Community References

Lehi	Four (4) Stalls per Bay. (Minimum)
Eagle Mountain	One (1) stall per 500 square feet of gross finished floor area plus two (2) stalls per bay.(Minimum)
Mapleton	One (1) space per 300 square feet of gross finished floor area. (Minimum)
Bountiful	Three (3) spaces for each stall for customers only (Minimum).
Brigham City	Three (3) spaces for each service bay plus one (1) space for every 300 square feet of retail sales area. (Minimum)
Vineyard	Three (3) spaces per service bay, plus one (1) space per 300 square feet of gross floor area excluding service bays. (Minimum)

A public hearing was held during the January 17th, Planning Commission meeting and the following motion was made:

*Planning Commission member Alan Macdonald moved to recommend **DENYING** the code text amendment allowing for an increase from three parking spaces per bay to up to eight and for up to 10 additional parking spaces for employees of the automotive repair shop based on the following:*

- 1. Incompatible with ordinance*
- 2. Increase in odors and noise,*
- 3. Impact on neighbors,*
- 4. Increase of stored vehicles,*
- 5. Not compatible with the Historic District.*

Jeff Davis seconded the motion. There were 7 Ayes and 0 Nays. The motion passed.

Notice has been properly issued in the manner outlined in City and State Code. A public hearing was held on January 17th, 2023, as part of the Planning Commission meeting.

Staff recommendation: Because this is a legislative decision the standards for approval or denial are that the proposed code amendment should be compatible with the standards found in the general plan as well as current city code and policies.

Mayor Carla Merrill said we have limited parking because it is on our Main Street. Other cities have auto shop in an industrial zone. Shane Sorensen said the city did not want an eye sore when this project was first proposed. He said this is a successful business and we didn't consider employee parking and this presents some challenges for them. He said this is something that should be considered. He said this business generates good sales tax for us. He said he thinks they run a clean shop and said the council should consider making some adjustments to the parking.

Lon Lott said the interesting part of this is that we tailor made this ordinance for that lot because we didn't want the business in the residential neighborhood. He said the business went from 4 bays to 5 bays and doesn't think the business has room for more parking unless there is more property somewhere. He said he agrees we did do all we could to make this business work for them at the time. He asked what the ordinance would look like in another part of the city if another repair shop came in.

Shane Sorensen read the ordinance and Jessica Smuin said another business couldn't meet this.

James Lawrence said a gentleman came into his shop and asked how much tax revenue his shop is making for the city. He said he didn't know. The gentleman told him he makes good money for the city and said the city should help him with his business when he needs help because he is making money for the city.

Owner of J & L Automotive James Lawrence said on any given day he has 9 to 11 employees. He doesn't have anywhere for them to park so he expanded into another lot, cut a hole in the retaining wall, and has his employees park in the new area. He said this parking area can't be seen from Main Street.

Jessica Smuin said James Lawrence's business is probably the most used business in town. Jason Thelin said the city didn't want a used car business on Main Street. The concern is having broken down cars parked for long periods of time. James Lawrence said you can't look at a car and tell if it's broken down or not and said he keeps the cars in the back and his place clean. He said he wouldn't be in business if he left cars sitting around. Cars are brought in, fixed, and moved out.

Mayor Carla Merrill asked James Lawrence if he plans to combine the new lot with his existing business. James Lawrence said he would like to. He said he would like to keep the existing shed that is on the new property. He appreciates that the city doesn't want this property to look trashy. He said he doesn't want it to look trashy either and said it won't. He said he is asking for this higher number because he doesn't want to have to keep coming back to the city because it is such a pain.

Jessica Smuin said James Lawrence runs a good shop, but we have to write an ordinance for other businesses down the road. She said we have to protect the integrity of the Historical District.

Lon Lott said people have a right to park cars on their own property. Shane Sorensen said as long as it isn't tied to a commercial business. He said the new property should be combined with the business property. It would not need to go through the zone change process to make it commercial property.

Motion: Greg Gordon moved to approve the code text amendment of section 3.07.030 -11-F allowing for an increase from three parking spaces per bay to six and for up to an additional 10 additional parking spaces for employees of the automotive repair shop with the condition that parking not be allowed within 15 feet of Main Street. Kelli Law seconded the motion. There were 4 yes votes, 1 no votes, and 0 excused as recorded below. The motion passed unanimously.

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

C. Discussion on Proposed Changes to Alpine Days

Kami Burgess, who is the Chair of Alpine Days, is proposing that the city consider several changes to Alpine Days. The proposal for Alpine Days is as follow:

Kami Burgess said one of the goals is to not have Alpine Days be 14 days. She said this damages our parks and said it's hard to get the parks watered. She said no city has their celebration over 6 days. She is proposing to move the pickleball tournament to another time during the week to avoid the park during other events. She said the mountain bike event could be moved to Friday, so it doesn't conflict with Highland Fling. Breezy Anson, who heads up the bike event said he would like police presence and Friday morning would work. Movie nights could be moved to other nights in the summer.

The City Council discussed having pickleball and mountain biking be their own separate events and not during Alpine Days. Jason Thelin said if we move those events to another time, he thinks it will lose its appeal. He said he was in favor of shortening the timeframe of Alpine Days but keep the events. The City Council said these groups could run independently and get their own sponsors. Kami Burgess said that would be a problem because she helped get the sponsors and doesn't want to compete with any group. She said she also doesn't want to burn out her volunteers or have confusion about where and how to sign up for events. Greg Gordon said these groups could get their own volunteers to help.

Kami Burgess said she has concerns about individuals running their own events because they are not required to get permits, have police presence, get insurance, and the city could be liable. Jessica Smuin said there would have to be standards in place. If someone wanted to run their own event, they would have to get waivers, and insurance, etc.

Lon Lott said people go to the events they like. These are not all the same for everyone. He said we have a very diverse community and said we need to provide different venues. Kelli Law said we don't have to eliminate; we just

need to condense. Kami Burgess said events could also overlap. Lon Lott said he is in agreement with shortening the days but does not want to cut out the things that people like for Alpine Days. Carla Merrill said if we have volunteers that can help, then we should keep the events.

Kami Burgess said she doesn't want to eliminate these events, but said they have to fit in with the schedule, work with the parks, and work with the police. She said it could also be good to have these events throughout the summer.

D. Approval of Flock Safety Camera Contract

Shane Sorensen said at the November 29, 2022, City Council meeting Chief Gwilliam and a representative from Flock Safety gave a presentation on the cameras and their capabilities. Included is a staff report from Chief 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 will not exceed \$15,000. There will be a one-time installation fee of \$350. If approved, there will be an adjustment made in the mid-year budget adjustment which is planned to be on the January 24 City Council meeting.

Lon Lott asked if we will have an insurance policy on this since the city will be liable if equipment gets stolen or destroyed. Kraig Gardner, from Flock said the cameras can be tracked with GPS but hopes to strategize with the city to make sure that doesn't happen. Lon Lott asked if things malfunction, will the camera company take care of that. Kraig Gardner said his company will replace batteries or parts that don't work to keep the cameras up and running at all times. Lon Lott asked what the requirement is if we decide not to keep doing this program; is it 30 day notice to discontinue service. Kimberly Nitrae, from Flock said termination for convenience in 6.2 of the contract doesn't state any notice has to be given and you can terminate anytime. She said there would be a \$500 charge per camera for removal. Kraig Gardner said they want to give a good value and guarantee their product so they wouldn't want to hold us to something we don't find value in.

Motion: Jason Thelin moved to approve that Chief Gwilliam be authorized to sign the contract for the purchase of six Flock Safety cameras at a 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 condition of a one-time implementation fee of \$2100, and approval of Alpine City Legal Department. Greg Gordon seconded the motion. There were 4 yes votes, 1 no votes, and 0 excused as recorded below. The motion passed unanimously.

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

VI. STAFF REPORTS

Chief Brian Gwilliam

We are seeing a lot of success in Utah County, Salt Lake County and Weber County as well with the cameras.

Chief Brian Patten

Would discharging a firearm be in the criminal code.

Craig Hall

Passed out an invitation for the mid-year league conference to come by the house on April 20th to associate with your fellow council members in Utah County.

Ryan Robinson

Ryan Robinson said he wanted to touch on the Urban Deer Plan. The residents have concerns about the boundaries of archery hunting. We need to request to be taken out of the boundaries if we have strong feelings about it. Mayor Carla Merrill said this is for the general deer hunt. The council members were not in favor of hunting in Alpine boundaries and want to be taken off the map.

Shane Sorensen

Shane said he and staff are concerned with the old trees at Legacy Park. The trees are starting to die, and staff is concerned about limbs falling and hurting someone. He suggests taking them out and planting new trees. Shane Sorensen said on roads and overlays he would like to do a project in May or June of this year and then a new project at the front end of our new budget year in July. Another option would be to do the same project, but extend it into the new budget year. He said we have collector roads that need to be addressed. Snow report for Timp Divide snow/water equivalent is 232 percent, Snowbird is 198. We need to spend some money to clean debris basin in Box Elder in February or March. He asked who could go to the League Conference. Mayor Carla Merrill said she could go. Jason Thelin said he may be able to go. Shane Sorensen said we need to register early because hotels go fast.

VII. COUNCIL COMMUNICATION

Jessica Smuin

Jessica Smuin made the council aware of an event happening on February 11, 2023, Open House Love your Neighbor event.

Kelli Law

There is nothing listed on the online city calendar. He said we should add meetings and other events. Jessica Smuin said we are looking at hiring a position for a community coordinator who would help with posting these items. Kelli Law asked if we should let pickleball and mountain biking do their own thing. Mayor Carla Merrill said she thinks it should still be part of Alpine Days. She said these are successful activities and people want them. Lon Lott said the Rodeo is part of Alpine Days but runs their own separate thing. He said these programs could do the same thing. Jessica Smuin said there needs to be better clarity about running these programs. They need to be told they are part of Alpine Days, but they need their own volunteers, there is no money.

Mayor Carla Merrill

Mayor Merrill said she had a meeting set up with the county commissioner regarding the Conservation Easement, and helping with the Box Elder culvert.

VII. EXECUTIVE SESSION:

None held

Motion: Greg Gordon moved to adjourn. 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		

Adjourned at 8:22 pm