

ALPINE CITY COUNCIL PUBLIC MEETING AGENDA

on Tuesday, January 25, at 6:00 pm

Mayor Carla Merrill called the meeting to order at 6:03 pm.

- I. Roll Call:** The following were present and constituted a quorum: Jason Thelin, Greg Gordon, Kelli Law, Jessica Smuin, Lon Lott all at the anchor location.

A. **Prayer:** Jessica Smuin
B. **Pledge:** Lon Lott

Staff: Shane Sorensen, Austin Roy, Chief Brian Gwilliam, Chief Brian Patten, Craig Hall, Bonnie Cooper all at the anchor location.

Others: Dale Ihrke, Richard Mickelson, David Barlow, Dawn Young, Susan Whittenburg, Jane Griener

II. CONSENT CALENDAR

- A. Approve City Council minutes of January 11, 2022
- B. Approve Work Session City Council minutes of January 14, 2022
- C. Bond Release #9, The Ridge at Alpine Phase 5: \$17,100.00
- D. Bond Release #1, Layton Alpine Subdivision: \$ 438,544.61

Motion: Lon Lott moved to approve the consent calendar as proposed, with the edits made to the minutes of January 11, 2022, and January 14, 2022, by Lon Lott, Jason Thelin and Greg Gordon. Jessica Smuin seconded the motion. There were 5 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

<u>Ayes</u>	<u>Nays</u>
Jason Thelin	
Greg Gordon	
Kelli Law	
Jessica Smuin	
Lon Lott	

III. PUBLIC COMMENT

No public comments were made.

IV. REPORTS AND PRESENTATIONS

A. Timpanogos Special Service District Report – Dale Ihrke & Richard Mickelson

Mayor Carla Merrill introduced the Timpanogos Special Service District Board Members and Alpine Resident Dale Ihrke who was appointed and has served on the board since 2014. District Superintendent Rich Mickelson was hired four years ago. Dale Ihrke said the biggest issues the plant has been dealing with are aging infrastructure of a 43-year-old system and growth of population. The plant has had some permit requirements particularly in phosphorus and nitrogen and are trying to address that. The plant was originally surrounded by farmland and now it is being surrounded by businesses and homes. The plant was sued five years ago due to odors and were unable to take green waste and stop composting. We have a master plan looking ahead to 2060. We are now implementing that plan. Rich Mickelson said Dale Ihrke has a lot of experience. He worked at a plant in California where that plant cleans 160 million gallons of water compared to our plant that only does 20 million gallons. The plant has passed all tests given by the state. The plant has taken all the local cities master plans into consideration when putting together their master plans. In the future the plant is planning on an increase of 1 million gallons of water needing to be cleaned per year. The sewer system needs to be updated. A video on YouTube was provided for viewing, the link is below.

<https://www.youtube.com/watch?v=kq5UzZqupao>

Rich Mickelson said production of biosolids is an unavoidable part of the treatment process. With the proposed approach the plant would have 42 12-ton biosolid disposal trucks leaving each week instead of 60. If composting can start again and meet certain criteria the number will be reduced even further. The plan is working to bring back composting again. City Council member Kelli Law asked if they are expecting to recapture any revenue from doing

from the biosolids and composting. Richard Michelson said yes and from user rates and impact fees. Composting was a good portion of that, but it is costing us at the moment because we cannot compost right now. We have taken some significant plans for the odors. City Council member Lon Lott who serves on the Utah Lake Board said it is great at managing and providing water back into the Lake. We are going to be changing our process and changing things into natural gas and selling it back. Salt Lake runs their power with the gas they make. There is a premium for green energy. Lon Lott said he wanted to recognize Alpine resident Greg Barlow who is employed as an engineer at TSSD and attended the meeting. Shane Sorensen asked about the budget for each phase and if Dale Ihrke could bring that before the City Council before he goes to vote at the TSSD meeting. Dale Ihrke said he would. He expected the budget to increase gradually. City Administrator Shane Sorensen said he uses that on his farm and had to test the soil. Richard said if you have any farmers that are interested in using biosolids get them in touch with me. City Council member Greg Gordon asked about the capital facility funds. Richard Michelson said he could send it to the council. The funds will need to come from bonds and impact fees. The plant is utilizing the equipment we have and doing the upgrades in three phases. By using the existing system and building up and putting in a new system it would end up saving millions in the end.

B. Fire Station Feasibility Study

Shane Sorensen explained the council had discussed the fire station during the last two meetings. Staff and the Fire Chief are meeting with the architect and will be bringing more information back to the council. The new drawings still didn't have measurements, he added the measurements. If the gym is put in the basement, the firehouse will need an elevator. If we do have a kitchen in the civic center room it would be in the same place as the current kitchen. A bond would allow the city three years to do the remodel. Some of the budget line items seem high, plumbing was \$300,000. That budget seems high for a building that size. Staff and the architect will get together and go over the entire budget.

C. OPMA Training – Craig Hall

City Attorney Craig Hall explained that once a year the City Council is required to have an OPMA Training (Open and Public Meetings Act) as part of our state audit. City Council should do the people's business in public, being transparent. City Council members need to remember that if there is a quorum (at least 3 members), who have a serious discussion or talk about city things, that is considered a meeting. The City Council members have to monitor themselves. Budget items should be brought before the council for final approval even if the item is in the budget. The City Administrator has discretionary decision making on anything under \$1500.

Craig Hall asked council if meeting virtually should be the new norm. Mayor Carla Merrill said she would prefer everyone meeting in person. She is grateful for the technology so that if someone is out of town, they can join the meeting. City Council member Jason Thelin agreed he would prefer meeting in person, but meeting virtually is becoming the new norm. Craig Hall said a meeting can happen in an emergency without prior notice. A executive session or a closed meeting is not open to the public. Minutes taken at council meetings are not to be word for word but a synopsis of the meeting. Shane Sorensen asked Craig Hall to explain GRAMA requests. Craig Hall said City Recorder gets several GRAMA requests which can take up a lot of time. The request also has to be done in a timely manner.

D. FY2022-23 Budget Calendar

Shane Sorensen explained the 2022-23 budget calendar giving the City Council a guide of budget items and the dates of when each item would be addressed.

V. ACTION/DISCUSSION ITEMS

A. Resolution R2022-08: Adopting Policies Pertaining to Participating in Alpine City Council Meeting Devotionals

Craig Hall said on occasion, the city receives requests to participate in giving a prayer or devotional at the beginning of public meetings. In the proposed resolution it will allow individuals opportunities to present devotionals. City staff recommending that a policy be adopted regarding how a person can request to participate. The recommended policy has been prepared as Resolution R2022-08.

Lon Lott said the purpose states very clearly that Alpine City invites churches, civic groups, and individuals to present thoughts, reading or an invocation at its opening ceremony for the City Council meetings as per this resolution. Item number one says "It is the policy of the City Council to allow for a wide variety of community organizations churches and individuals to offer thoughts, readings, and an invocations at City Council and other

public meetings achieve the above stated purpose.” The original stated purpose was only City Council meetings, not other public meetings. He asked if this would this include the other committee meetings. He suggested adding to the original purpose “other public meetings” or strike it in item number one. Shane Sorensen said he reads this differently. That the City Council’s policy is that at public meetings, of which Planning Commission is one of those. Lon Lott suggested in item number four the first bullet point strike the last word meetings. He asked for clarification on bullet point number three regarding what resources the city has to use every six months to allow people the opportunity to participate. Craig Hall said it could be done on the city’s website and does not need to be done on the state public notice website. Individuals cannot come in the night of a meeting and request make a request. Requests must go through the city recorder. Jason Thelin asked in bullet point number four how an individual receives an invitation to participate. Craig Hall said the individual would reach out to the city recorder and the city recorder would be the one to invite the individual. Jason Thelin said he would rather not have a prayer than approve this resolution. Mayor Carla Merrill felt that the council needed to have something in place to protect the city. Jason Thelin said the council has a third option and that is not do anything. City Council member Jessica Smuin said she thinks our attorney has brought this to us for a reason and we should follow his council. Kelli Law asked if there was language that could be in the resolution to protect the city. Craig Hall said when he worked for Murray City, they were sued by an individual after Craig Hall stopped the prayer. He was then personally sued over a person wanting to pray. The prayer was very offensive, and Craig Hall had stopped him. Lon Lott said there is not any legal repercussions if we do not approve this resolution. This policy is what the supreme courts suggested cities should do. Kelli Law said if this does not work out, the council could always come back and just take prayers completely out of the meetings. Jason Thelin suggested by striking bullet point 3 that would be most like what we are already doing. Jessica Smuin agreed with striking bullet point 3.

Motion: Jessica Smuin Moved to approve resolution R2022-08 establishing policies and procedures for devotionals. Greg Gordon seconded the motion. No vote was taken.

Amended Motion: Jessica Smuin moved to approve Resolution R2022-08 establishing policies and procedures for devotionals with the following changes: remove “other public meetings” from purpose, item number four bullet point number one strike one of the “meetings” and remove bullet point number three. Greg Gordon seconded the motion. There were 5 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

Ayes

Jason Thelin
Greg Gordon
Kelli Law
Jessica Smuin
Lon Lott

Nays

B. Burgess Park Pavilion Improvements

Shane Sorensen said the pavilion at the south end of Burgess Park is in need of some improvements. The pavilion currently has a restroom built into the west portion of the pavilion. The restroom has not been in use for 15+ years and is not a candidate for repair. The old wood picnic tables were removed several years ago after they were vandalized. The pavilion has not had picnic tables since that time.

Shane Sorensen said staff is proposing to remove the restroom from the west end of the pavilion to create an open pavilion. The improvements would also include installing soffit in the ceiling of the pavilion to prevent birds from being in the trusses. Potentially painting or staining the structure, repairing the roof if needed and installing new aluminum picnic tables. If the concept of the proposed improvement project is approved by the City Council, city staff will prepare a cost estimate for project. Funds have been allocated in the FY2022 budget for this project.

Greg Gordon asked if staff was considering shake shingles to replace the old roof. Shane Sorensen said he can get a price quote, but a metal roof would have more longevity. Electrical work would need to be worked on and some cement work would need to be done. If the pavilion is going to have power, that needs to be decided before getting the cost estimate. Kelli Law said he would prefer not to have lights in that area because of the sign issue the city is currently having with the sign at the middle school near that location. Jessica Smuin said she wanted to have three roofing options.

Motion: Jason Thelin moved that city staff prepare a cost estimate for the proposed improvements to the south Burgess Park Pavilion and bring it back to City Council for approval. Lon Lott seconded the motion. There were 5 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

Ayes

Nays

Jason Thelin
 Greg Gordon
 Kelli Law
 Jessica Smuin
 Lon Lott

C. Height and Grading Requirements

Austin Roy said in 2021 the Mayor Troy Stout asked the City to look at the current height and grading regulations and investigate other options. In September the City Council and Planning Commission participated in a fieldtrip to view examples of height and grading around the city. Following the fieldtrip, the Planning Commission held several discussions on the item and reviewed standards in other hillside communities in Utah. Based on their findings, the Planning Commission is recommending that the city continue with existing height and grading regulations. Below is a timeline.

- On August 3, 2021, the Planning Commission held a discussion on height of buildings in Alpine. The Planning Commission asked that staff research how building height is regulated in other cities. On August 17, 2021, the Planning Commission continued the discussion on height and information on how other City's measure height. The Planning Commission also discussed "natural grade" and how it is difficult to define. A proposed amendment to the ordinance, measuring height of a building from natural grade, was tabled to a later date.
- On August 24, 2021, the City Council held a discussion on height, grading, and setback requirements. The City Council decided it would be helpful to have a work session with the Planning Commission to work through ideas.
- On September 28, 2021, a joint field trip was held with the City Council and Planning, they visited several sites around the city to see and discuss examples of height and grading.
- On October 5, 2021, staff asked for feedback from the Planning Commission regarding their impressions of the field trip. Some of the thoughts from Planning Commission included: leaving the ordinance as is, limiting the size of accessory buildings, and writing separate ordinances for lots that slope down, lots that slope up, and lots that slope to the side.
- On December 7, 2021, the Planning Commission reviewed and discussed this item. After some discussion, the Planning Commission made the motion to table the item until further information regarding Bountiful City's hillside ordinances could be obtained. See attached files for Bountiful City Ordinances.
- On January 18, 2022, the Planning Commission reviewed Bountiful City's ordinances regarding height and grading. After some discussion, the Planning Commission made a recommendation "that the city continue with the existing height and grading ordinance as currently written and find that no changes are recommended at this time."

Greg Gordon said Bountiful City ordinances made the national news because of their grading requirements. Kelli Law asked if the two structures the council had mentioned in previous meetings, a tall garage facing a street and a horse arena, would be able to be built using the Bountiful City current ordinances. Austin Roy said yes, both could be built. Lon Lott said even if we were to use no greater than 10-foot cut or fill type neither of these come close. The city should address height/setback versus grading. The biggest problem is that residents are using setback to setback and building a large a structure as they can in that building envelope. Greg Gordon said soon the city will start to face that homes will begin to be torn down and other larger homes will be built in their place. Shane Sorensen said Bountiful, and Cedar Hills are both hillside communities like Alpine and face the same problems we do. It is very challenging take Heritage Hill for example, the top part of Eastview Drive versus the cul-de-sac the lot separation is such that one's likely going to have fill some of their back lot. On accessory building the city does not have a maximum square footage. As long as the resident meets setbacks, they can build their accessory structure. He suggested to handle all accessory building through the building permit process. Jessica Smuin said for 20 years the grading ordinance in Alpine has not changed. We should look to Park City or Holladay instead of Bountiful. Shane Sorensen explained grading plans for home sites. Kelli Law asked if the setbacks could be different for larger buildings. Shane Sorensen said the city currently has an ordinance dealing with increased setback requirements for accessory buildings with relation to the height of the structure. Austin Roy said accessory buildings except in the CR10000 zone, must meet a 15-foot rear setback and 10-foot side setback. Mayor Carla Merrill suggested limiting the size of accessory structure based on your lot size and to still go through the city's process of approval. Jessica Smuin said accessory building needs to be an accessory to a main residence. Greg Gordon said there are some parameters, such as requiring a further

review if an accessory structure's footprint is larger than a certain high threshold. Shane Sorensen said the sheds have created a big issue, with letters from the easements with utility companies. Jessica Smuin said she would like to research Holladay City's ordinance.

Motion: Lon Lott maintaining height and grading as proposed by the Planning Commission. Greg Gordon seconded the motion. There were 4 Ayes and 1 Nays. The motion passed.

Ayes

Jason Thelin
Greg Gordon
Kelli Law
Lon Lott

Nays

Jessica Smuin

D. Resolution R2022-09: Appointment of New Planning Commission Member

Mayor Carla Merrill said the Planning Commission consists of seven members, with staggered terms. The Planning Commission position is open due to the resignation of Ed Bush. Susan Whittenburg was presented to the City Council for their approval to be appointed and finish out this term which will expire December 31, 2022.

Mayor Carla Merrill asked Susan Whittenburg to introduce herself. Susan Whittenburg said she has lived in Alpine since 1984. She loves Alpine and she and her husband have a business here. She feels that this time in her life she has the time to put into the Planning Commission. She is looking forward to serving on the Planning Commission.

Motion: Greg Gordon moved to approve Resolution R2022-09 the appointment of Susan Whittenburg to the Planning Commission term beginning January 25, 2022, ending December 31, 2022. Jason Thelin seconded the motion. There were 5 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

Ayes

Jason Thelin
Greg Gordon
Kelli Law
Jessica Smuin
Lon Lott

Nays

VII. STAFF REPORTS

Chief Brian Patten

Chief Brian Patten said the fire department has finally received their new ambulance.

Austin Roy

Austin Roy said there will be a training for all Planning Commission members on February 15, 2022.

Craig Hall

Craig Hall reminded City Council member to login to attend LPC (Legislative Policy Committee) meeting on Monday January 31, 2022. This will keep the council updated on any new bills. The bills to watch this year are regarding land use and water.

Bonnie Cooper

City Recorder Bonnie Cooper announced on April 23rd at 8:00am the Trail Committee will be having their Spring Trail Cleanup Day.

Shane Sorensen

Shane Sorensen said AT&T will join the cell tower in Lambert Park and become the third carrier at Lambert Park, and we will also have a tower here at City Hall.

ULCT (Utah League of Cities and Towns) Conference will be held in St George on April 20-22. Please let City Treasurer Carolyn Riley know if you will be attending.

The Gate below the upper tank at Three Falls has been installed. It is there to keep people out of more dangerous areas. Hopefully having the gate will discourage vandalism on our solar panels there.

ARPA Funds – recommend exemptions Alpine City can use it on regular government operations and use other money to drill the well.

City Hall roof bid packages – shake roof, metal panel that looks like shake roof is the consensus of the council is to keep with the shake roof. Kelli law suggested matching the firehouse to City Hall.

Mayor Carla Merrill is meeting with Draper City Mayor regarding the trail connection. We will know more next Tuesday after Highland City meets.

VIII. COUNCIL COMMUNICATION

Lon Lott

Lon Lott said Utah Lake Authority Bill is on the floor of the legislator. It will change to a 15-member board and 8 of the members will be from Utah county. Lon Lott said he thinks it is a good direction, even though Alpine City does not have a seat at the table.

Jessica Smuin

Jessica Smuin said that the Utah Office of the Grant Cycle opened. They have a lot of untapped money and grants for city restorations and new trails.

Mayor Carla Merrill

Mayor Carla Merrill asked for an update on a new code enforcement officer. And any information on ARPA funds for infrastructure. Shane Sorensen said the city would look at regional projects.

IX. EXECUTIVE SESSION:

None held

Motion: Lon Lott moved to adjourn. Greg Gordon seconded the motion. There were 5 Ayes and 0 Nays, as recorded below. The motion passed unanimously.

Ayes

Jason Thelin
Greg Gordon
Kelli Law
Jessica Smuin
Lon Lott

Nays

Adjourned at 8:43 pm