

ALPINE CITY COUNCIL PUBLIC MEETING
on Tuesday, March 22, at 6:00 pm

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

I. CALL MEETING TO ORDER: The following were present and constituted a quorum: Jason Thelin, Greg Gordon, Kelli, Law Jessica Smuin, Lon Lott

A. Prayer: Jason Thelin
B. Pledge: Greg Gordon

Staff: Shane Sorensen, Austin Roy, Deputy Jamey Brooks, Chief Brian Patten, Craig Hall, Bonnie Cooper

Other: Heidi Cowley, Martin Cawley, Clay Shubin, Nancy Dickson, Deb Stott, Ezra Lee, Jordan Collins, Whitey Anson, Chris Thackeray, Starr Shumway, Shelley Young, Cheryl Anson, Norine Garrett, Sarah Blackwell

II. CONSENT CALENDAR

- A. Approve City Council minutes of February 22, 2022**
- B. Bond Release Final – Whitby Woodlands Plat H: \$1,069.50**
- C. Resolution R2022-15: Adoption of Voter Participation Areas**
- D. Resolution R2022-16: 2021 Wastewater Planning Program**
- E. Award of 2022 Miscellaneous Concrete Bid Project (bid opening is Monday, March 21, 2022)**

Motion: Lon Lott moved to approve the consent calendar as proposed, with the edits made to the minutes of February 22, 2022, by Lon Lott 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

Carlyn Thompson
220 N 200 E

Carlyn Thompson asked the council to imagine a place where Alpine residents could reconnect weekly and have an Alpine Days vibe. Alpine Farmers Market has been running every other Saturday over three-month period beginning in July for the past few years. It has been very successful and well received with the residents. The location has been at Balance Dance Studio (195 E 200 N). We would like to request to continue the Farmers Market every Wednesday beginning in July thru October from 5:00 pm until 9:00 pm. Carlyn Thompson said she and Courtney Finlayson would be running the Farmers Market instead of Paula Nielson. They would like to hold the Farmers Market at Legacy Park and the park behind City Hall, closing off center street. They believe that this would bring residents together and would be something for them to look forward to and reconnect with each other weekly.

Mayor Carla Merrill said the Farmers Market would need to be brought back at another meeting as an agenda item. Two council members would need to sponsor the item to get it on the agenda. Council member Greg Gordon asked what the hours of operation would be. *Carlyn Thompson said the Market would begin in July and run through the beginning of October from 5-9 pm. As the day get darker we could shorten the hours of operation.* Council Members Lon Lott and Jessica Smuin would both support bringing the Farmers Market back to the agenda at the next City Council meeting.

IV. REPORTS AND PRESENTATIONS

A. Financial Report

City Administrator, Shane Sorensen presented a current financial report to the council. He mentioned in his update that the city is 67% through this year's budget. A couple of projects included in this year's budget will be a new roof for City Hall and the fire station remodel. The sales tax for Alpine City has increased 11-12% above this time last

year. Sales taxes is still climbing which is positive for the city.

Council member Jason Thelin asked about how the cement bid in the consent calendar differs between unit price and total price and how that affects the city's budget. Shane Sorensen explained staff estimate how much we think the work will cost. The cement work in the future is lumped in with our class C road fund. The city budgeted money in our street funds for sidewalks. So, it is not in there as a line item, but we can go back and look to see what that specific vendor was paid the previous year. The city can amend the budget later to cover the sidewalks. Right now there is 934K in Class C Road funds.

V. ACTION/ DISCUSSION ITEMS

A. Approval of Commercial Site Plan: Ezra Lee Design Studio – 95 W. Canyon Crest Road

Property owner Ezra Lee explained he is seeking to modify Gigs car wash on Canyon Crest Road. He would keep the building and repurpose it. He will build a new design studio for Ezra Lee Design + Build. The site is located within the Business Commercial Zone and the Gateway Historic District. He described and went over the material that would be used on the building. The building will be 3000 square feet of 3000 square feet office, retail, and 6600 square feet of industrial warehouse area. The existing landscaping will be maintained, and we will be adding more landscaping. Total square footage of the proposed building is approximately 12,631 square feet. The overall size of the property is 0.6 acres. The developer is seeking approval of the proposed site plan. He said the Planning Commission had recommended keeping the original block sign out by the road. The sign would then be grandfathered in because the sign does not meet code. City Council member Kelli Law asked if there was an exception granted for smaller parking. Ezra Lee said yes because it is a mixed-use building. For an office space, parking spaces are based on four stalls per 1,000 square feet and retail space is three and a half per 1,000 square feet and industrial is based on how many employee the business has. His company would be able to offer furniture sales and décor items for individual purchase. Kelli Law asked if Ezra Lee were to ever sell the building would someone else be able to change the use of the building. Shane Sorensen said no, if someone wanted to change the use, they would need to come in for a site plan review.

Jason Thelin asked what part of the building would be warehouse verses office space. He is concerned with parking being an issue. There is another building in the same area with a waterwheel out front that has issues with not enough parking. He asked if the entire building was being counted as industrial. He voiced concern that anyone could come in with the same requests. Ezra Lee said the whole building is two levels. His idea is to have interior designer in office that can help walk in clients. He said there will be 24 off street parking stalls.

City Council member Greg Gordon asked if any manufacturing will be happening. Ezra Lee said they may build a coffee table or shelves, but they will mainly be receiving furniture and then putting it together before delivery to clients. Jason Thelin asked if the property had enough parking. Ezra Lee said what is in his proposal is the intent of the building and that is what he is asking approval for. Jason Thelin voiced concern that if this is approved, usage for this property as commercial industrial use others will follow suit. City Planner Austin Roy said the ordinance (3.24.030) says Industrial and wholesale establishments will have one parking space for every two employees on the largest shift. If he only has four employees than he would have plenty of parking. Right now, Ezra Lee does not have anyone on staff yet. Ezra Lee said the racks in the warehouse portion will look like the Costco's orange racking system. Council member Kelli Law asked if the property owner anticipated more than two employees per shift. Ezra Lee said he was planning on four regular staff members and clients by appointment only. Greg Gordon said it seems like to him this property would be considered light industrial.

Austin Roy said the building must provide parking which does not include off street parking. Ezra Lee said a comparable example of off-street parking in Alpine would be the Foundry, now Knot & Pine. He said his property backs up to the back side of Alpine Art Center, which is very unsightly, along with sharing a fence with Alpine Animal Hospital. He said they would be repairing or replacing the fence between them and Alpine Animal Hospital. He said the Planning Commission brought up other buildings such as Pine Valley Realty when talking about the design of his proposal. The Planning Commission seem to approve of the design of the building. Jessica Smuin asked if he could add additional parking later. Ezra Lee said yes, he could add about 10% more parking but would have to get rid of some of the landscaping. Jason Thelin asked in meetings to come for more clarification with the packets. This proposal was hard to envision and read. Ezra Lee said there are four parking stalls that are inside the building. Kelli Law said he was unaware that there was any parking inside the building. Shane Sorensen said the employee component is worked into to the three stalls per 1000 square feet of building. Austin Roy said the city ordinance is mainly concerned with off street parking and trying to get cars off the street.

Motion: Greg Gordon moved to approve the site plan for the Ezra Lee Design Studio with the following conditions:

- An exception be granted to require no more than 24 off street parking stalls.

- Retail space be restricted to 3,000 sq ft, office space to 3,000 sq ft and 6,630 sq ft of industrial space.
- An exception be granted to allow parking in the front setback area as proposed.
- Parking striping be required, including one ADA designated stall.

Lon Lott seconded the motion. There were 5 Ayes and 1 Nays, as recorded below. The motion passed.

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

Jason Thelin suggested clearing up the city ordinance when it comes to industrial buildings and parking to avoid any further issues. Shane Sorensen suggested that defining what is consider industrial would also help.

B. Box Elder South Annexation Petition

Shane Sorensen said some residents of the Box Elder South Subdivision which is in unincorporated Utah County have submitted an annexation petition. To annex the entire Box Elder South Plat A subdivision, including 59 developed lots and a total of 43.9 acres, into Alpine City. They have worked through the process required by state law and through the county. They have submitted a third of the area's signatures. The proposed annexation appears to meet the requirements of state code for a valid annexation petition.

City Attorney Craig Hall explained the statute says a majority of the property owners owning a third of the area to be annexed. Once the petitions have been submitted to the city recorder the City Council has two options. The council can deny the petition or accept the petition for further consideration. The petitions need to be verified the number of signatures and the accessed evaluation of the properties. If the council adopts the annexation tonight the city recorder in conjunction with the county has within 30 days to certify those petitions. After that the city would have to go through a notification process to further consider the annexation petition. The council will consider the merits if the annexation is in the best interest of the city. This is all according to state code 10-2-405-section1,2,3,4 and 5.

Lon Lott said he would be interested in moving forward to consider the annexation petition. Jessica Smuin said she has spent the last six years researching Box Elder South area and this particular annexation. She said she does not see a benefit to the city by annexing this area in. She believes there will be a risk and fees associated with the annexation. She does not want to use the city's time and energy to move forward in consideration of the petition. Kelli Law said he was undecided. He said he did not see a benefit to make a change at this time with an annexation. He believed the residents in Box Elder South are already getting the services that they need from Alpine City. Greg Gordon asked what would the potential impact fee be for the city as well as property tax increase. He asked what the tradeoff would be in any maintenance such as roads and snow removal. Other benefit having this area annexed into Alpine could also help with restrictions to shooting around Lambert Park and stopping short term rentals. He thinks the annexations is worth considering. Jason Thelin said he would prefer to hear more public comments from the residents and hold a public hearing. He would like to hear the pros and cons of the annexation. He would like to consider having the Planning Commission recommendations on the annexation.

Alan Dixon
13169 N Oak Hill Drive

Alan Dixon said he is the current president of the Lambert Park Estate HOA in Box Elder South. Lambert Park Estates has 59 lots/homeowners of which 80% have signed the annexation petition. When purchasing his lot, he was told that annexing into the city was always in the city's master plan. He had asked to have this brought to the City Council a year ago. Some of the residents' s concerns are not being allowed to vote in any elections. Even though our addresses say Alpine. We use Alpine City services such as water and trash. But Box Elder are some the last streets to be plowed and that is a safety issue. Addresses problems are also a big problem. In Alpine there is a North Oak Hill Drive and Oak Hill Drive. The addresses can be difficult to find not only for people, delivery drivers and emergency personnel. Box Elder South area does not get patrolled as much in that area. There are no speed limit signs in Box Elder South and car speed is a safety issue. Some of the benefits to Alpine City are that Box Elder South we meet all the standards of Alpine. We already have sidewalks and would add a significant tax base to Alpine along with permit fees. The homes in our area range between \$1-5 million.

Martin Cawley
3911 W Prospector

Martin Cawley said he is currently building a home in Box Elder South at 3911 Prospector in the Lambert Park subdivision. He said he agreed with everything Alan Dixon said. He says they are contiguous to Alpine City, but we feel more like an island. He personally gathered the signatures and was the one communicating with the homeowners. In collecting signatures every homeowner thought annexing into Alpine was a benefit to them. There was no one opposed to the annexation. All the residents want to feel and be part of this community, not just have Alpine as their address. He said they use the services and attend Alpine Days etc. but have no say. They want that sense of belonging. Residents are fully aware of the history of the subdivision. The residents view that as past history. We are aware of concern over traffic. We believe the traffic concerns will be there whether the annexation takes place or not.

Mayor Carla Merrill asked how many homes are currently being built in Box Elder South. *Mr. Cawley replies that there are approximately 12-14 homes that are occupied and another 14 under construction right now.* Mayor Carla Merrill said so about 30 or over half of the homes have already paid their impact fee to the Utah County. *Mr. Cawley said the HOA would continue to collect fees to maintain the common area within Box Elder South.*

Clay Shubin
10 S Wildflower Drive

Clay Shubin said unless he can see significant benefit that would be brought to the existing population, he would oppose this annexation. He said he does not understand the costs and ramifications or potential risks that could happen such as roads through Lambert Park etc.

Sarah Blackwell
457 Eastview Dr

Sarah Blackwell said her main concern with the annexation would mean a road going in by Lambert Park.

Lon Lott said he thinks it is important to go through the process and have the annexation vetted out. He said he is in favor of having the Planning Commission look at this annexation and have more public comment. The council needs to hear what the tax benefits are to the city along with any other benefits by going through the process of sending this to the Planning Commission. Jessica Smuin asked other members of the City Council if they wanted to use the resources of our legal team, Planning Commission, staff, and councils time to research this matter and continue the process. Lon Lott said usually the tax revenue is a wash because the revenues go towards the services used. They would help in paying for the Lone Peak Public Safety District because they will be part of that district and no longer part of the Utah County Sheriff's district. The city will need to do an analysis of the benefits to the city. He believes the biggest benefit is that the annexation will unify this area into Alpine City making it feel more inclusive and not exclusive. Mayor Carla Merrill said the past annexations have seemed to have been detrimental to the city. Craig Hall said the item cannot be tabled. The annexation was to be brought before the council sooner but because of the Republican caucus on the evening of March 8th the council meeting was canceled.

Mayor Carla Merrill asked what if any conditions could the council put on the annexation if they were to approve it tonight. Shane Sorensen said the council could attach a fee for funding. The fee could be based on per acre or per lot. Mayor Carla Merrill asked if the council could add as a condition that a road never goes through in Lambert Park. Craig Hall said that would be a consideration later. He said what the council had before them tonight was to vote whether or not to deny or to accept for further consideration. The annexation will still come back before the council for a final vote.

Greg Gordon said Alpine Cove annexation was a little different because it had a different water system. He asked if this annexation have any issues later down the road. Shane Sorensen said the previous owner applied for annexation. The subdivision was built so it would meet all the requirement for the city, so that it could later be annexed into the city. This subdivision is in our city's annexation plan from February 2017, that City Council adopted as Ordinance 2017-03. In the ordinance there are some potential costs and revenues, but this is from 2017.

Jessica Smuin asked with the annexation plan if a parcel is already in breach of the plan. Part of the city's annexation plan states all annexations except by Alpine City shall be in conformance with the Alpine City Land Use Plan, this piece was not conforming with the city's master plan, it went outside of the density. So, by virtue of it not meeting this policy statement it should nullify the petition for annexation request. Shane Sorensen said there was an amendment to the general plan when the Alpine Cove annexation took place. Jessica Smuin said master plan states that in any proposed development area to be annexed must conform to the master plan. The city's master plan has smaller lots in town by as you get closer to the mountains the lots are 1 acre. The subdivision is not following that master plan. Shane Sorensen the subdivision may be looked at as a PRD (Planned Residential Development).

Shane Sorensen gave a history of the property. The property is 40 acres. The developer was told to go to the city first by the county to see if the city would be willing to annex it into the city. The developer did come to the city. The city told the developer that the property was in the annexation policy plan, but it was planned to be open space. The developer told the city they could buy the property for open space for \$13 million. The city said no. At that point developer went back to the county, which was a lengthy process, and that is when the area became 59 lots.

Jessica Smuin said the developer had an opportunity previously in 2016 when they applied for annexation. Lon Lott said in 2016 the city did excepted the petition to be sent to Planning Commission to begin the process and the petitioner withdrew the petition. The petitioner pulled the petition. Shane Sorensen said through prior agreement the city was obligated to service water and sewer.

Mayor Carla Merrill said the development was developed in the county, so she assumed the homeowners knew they were buying in the county not Alpine City. Kelli Law asked resident Alan Dixon who told him the area would be annexed into Alpine when he purchased his property. *Alan Dixon said he was told that it would be annexed into Alpine City by the developers when he bought his lot by the developers themselves. Martin Cawley said in 2017 Alpine City's Master Plan said that the area was to be annexed in.* Kelli Law asked if the residents knew that the petitioner had withdrew the petition. *Alan Dixon said he knew there is a lot of history with this area. He said he is aware that there are some strong feelings about a possible road being put through Moyle Drive. He said most residents are ambivalent to putting a road through to Moyle Drive as long as they have access to exit in case of an emergency. We just want to be part of Alpine and the community.* Jason Thelon asked Alan Dixon about the park in the middle and making it a public park. *Alan Dixon said he has no objections to that. The residents are in the process of putting a pavilion in the park.* Mayor Carla Merrill asked if the neighborhood would be alright to have on street parking with people using the park. *Mr. Dixon did not think it would be a problem because it probably would not attract many people because it is so small.*

Mayor Carla Merrill voiced concern about going against the city ordinance. She asked if the city would need to change the ordinance first before accepting the petition. Craig Hall said the annexation and the ordinance can be approved at the same time. The subdivision plat has already been approved. Shane Sorensen said the city could control what happens in that location based on city ordinances. Kelli Law asked if there is other property in Alpine that will want to be annexed into Alpine. Mayor Carla Merrill said yes there are three more parcels of land that could be annexed in. Lon Lott said the county has said in the past that it manages land not people. The county always encourages developers to come to the city for annexation. The county wants Box Elder South to be annexed into the city. From the beginning of any subdivision the county tells the developer to go through the process of annexation. This landowner pulled the annexation off the agenda. The previous council was not favorable to the annexation. Shane Sorensen said it could have looked different if the city had annexed this property sooner. He believes Box Elder South would have only been 30 lots not the 59 lots it has now and would have open space.

Jessica Smuin said she is concerned with the risk with flooding. The fact that the city could be sued later. Greg Gordon said he has talked to a couple of county commissioners about this annexations and do not want to interfere. He said both the county and Alpine City do not want any interference to happen again with other parcels that are not annexed at this time.

Mayor Carla Merrill asked what type of conditions could the Planning Commission put on this annexation. Craig Hall said if the builder built to city standards this area already meets our requirements. So, the city will not be able to ask for those fees for infrastructure again. The open space is three acres, the Planning Commission and council would need to decide if that would be a benefit to the community. Mayor Carla Merrill asked about adding into the annexation an offsite improvement fees such as the box culvert over by Grove Drive. Shane Sorensen said the county does not charge any impact fees. The city can charge the following fees to the property owners who have not built yet:

BUILDING PERMIT FEES

- SWPPP Fee
- Plan Check Fee
- Construction Fee
- Sub-Permit fee – Electrical, Heating, Plumbing
- 1% State Fee
- Infrastructure Bond
- SWPPP Bond
- Storm Impact Fee
- Street Impact Fee
- Park/Trail Fee

- TSSD Fee
- Water Connection Fee
- Sewer Connection Fee

Shane Sorensen said that the developer built the water and sewer system for this development. We could have these residents pay for something like an offsite improvement has been done in the past. Greg Gordon said the park open space is currently about 9 acres. He voiced concern about the east of the area with shooting behind this subdivision. Mayor Carla Merrill said she is working with SLC, Davis and Utah County's on Dingle Act to make the forest area a no shooting area.

Craig Hall said the petitioner can pull the annexation at the last minute. Jason Thelin said he is interested in seeing how the annexation can benefit the city and agrees the council and Planning Commission should see how and if it can. Mayor Carla Merrill said she would give the Planning Commission instructions to make a pros and cons list when considering the annexations and any potential revenues the city could gain from it.

Motion: Lon Lott moved that Box Elder South Annexation petition be accepted and sent to the Planning Commission for further consideration. Greg Gordon seconded the motion. There were 3 Ayes and 2 Nays, as recorded below. The motion passed unanimously.

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

C. Resolution R2022-17: A Resolution in Support of the People of Ukraine

Motion: Greg Gordon moved to table Resolution R2022-17 until the next City Council meeting. Lon Lott seconded the motion. There were 4 Ayes and 1 Nays, as recorded below. The motion passed.

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

D. Pickleball Considerations and Site Plan: Burgess, Healey, and Creekside Parks

Austin Roy said in November of 2020 the City Council approved pickleball courts, a pavilion and playground at Healey Park. Since that time, the City Council has considered changing the overall plans for Healey Park and for the City's pickleball courts in general. All improvements to public open space require a recommendation from the Planning Commission and a supermajority vote of approval from the City Council (3.16.040). Staff is seeking a decision on additional pickleball courts, whether that be to install new courts at Healey Park, to modify existing tennis courts at either Burgess Park and/or modify courts at Creekside Park. The Planning Commission reviewed this item on March 15, 2022. Following a public hearing and comments and feedback from the community, the Planning Commission discussed the item and recommended that pickleball courts be added to Creekside Park by converting the two most western tennis courts into eight pickleball courts. The motion was unanimously approved.

Greg Gordon said this Saturday there were 14 courts or fields being used. Austin Roy said tennis communities said they were in agreement because Burgess has lights and Creekside does not. They will be fully converted pickleball courts and it will be a little short out of bounds area. Mayor Carla Merrill said they are doing this in California, this would be very economical. They only problem she sees is during a tournament play. Highschool and Jr high have tennis courts that are not being used except during the tennis season. Flex courts are hard to play on with so many lines. It ruins the top layer of the tennis court. Greg Gordon asked if sound insulation options had been considered and which options would be best. Lon Lott said he met with pickleball court people and the courts being that far away would not.

Chris Thackeray
215 E Estates Drive

Chris Thackeray said his has been running the pickleball tournament for Alpine Days the past few years. He has worked with Highland City with consideration having pickleball courts in their parks. He said having multiple use courts for residents to bring in their own nets is a great idea. Burgess Park is being used for pickleball already and

so is Creekside. Having dedicated pickleball courts help with the maintaining of not only pickleball courts but also tennis courts. He has seen pickleball courts done for recreational play by having 4 courts on one tennis court. There are national recreational studies that have been done on pickleball courts. Alpine has a lot of interest among our residents both young and old, anyone can play.

Whitey Anson
484 Westfield Road

Whitey Anson said having flex courts for a tournament is a good idea but not long term. Flex courts end up damaging the tennis courts with continuous use. The tennis community is excited to having better lighted courts with new nets at Burgess Park. Alpine has a need not only of the avid players but for the novice players as well. Alpine has a group of residents that are willing to maintain the courts and raise money for lighting at Burgess Park.

The Council voiced concern about not notifying the residents that live around Creekside Park. Lon Lott asked if resident said their play would be impaired by the smaller courts. Whitey Anson answered no. Whitey Anson said he would be in agreement that the city notify the residents around Creekside Park before proceeding.

Motion: Jessica Smuin moved to approve that the two western most tennis courts at Creekside Park be fully converted into eight pickleball courts. Greg Gordon seconded the motion. There was no vote taken.

Substitute Motion: Lon Lott continue this matter until the next meeting to be able to notify residents on the street near the park. Jason Thelin seconded the motion. There were 3 Ayes and 2 Nays, as recorded below. The motion passed.

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

E. Healey Park Improvements Site Plan: Approval for the installation of a pavilion and playground

Austin Roy said in November of 2020 the City Council approved pickleball courts, a pavilion and playground at Healey Park. Since that time, the City Council has considered changing the overall plans for Healey Park and for the City's pickleball courts in general. All improvements to public open space require a recommendation from the Planning Commission and a supermajority vote of approval from the City Council (3.16.040). Staff is seeking approval of improvements at Healey Park. Specifically, the location of a new pavilion and playground. The Planning Commission reviewed the proposed improvements and held a public hearing on March 15, 2022, meeting. The Planning Commission recommended that the improvements be approved as proposed.

Jason Thelin asked if the city could sell the playground and pavilion. Shane Sorensen said the city got a really good price on the playground so if we don't use the playground at Healey Park, we should use it at another park. He suggested Smoot Canyon Park. Relocate the restroom at Smoot Canyon Park would allow for more parking and the playground could go in that park. Jason Thelin suggested having the parking lot on the opposite side of Smoot Canyon Park. Jessica Smuin asked if there would be a problem moving the parking lot.

Alan Neves
918 E Stonehenge

Alan Neve thanked the City Council for listening to the neighbors around Healey Park and relocating the pickleball courts. He said he knows the city has a fence ordinance against closed fences or privacy fences along trails or open spaces. He said his back yard backs up to the park and open space and he has a swimming pool. His teenage girls feel uncomfortable to be out by the pool while soccer games are going on all day Saturdays. He requested to put in a privacy fence.

Shane Sorensen said the code against closed fences along trails and open spaces was for safety issues. The code reads as follows 3.1.11060 Fences or borders along property lines adjacent to a trail or open space must meet with the City Planner and meet specific standards.

1. When the width of the open space or trail easement is less than 50 feet, bordering fences may not exceed eight (8) feet in height. And shall not obstruct visibility (open style fences such a rail fences, field fence, or chain link are preferable.)

2. When the width of the open space or trail easement is 50 feet or more, fence standards as specified elsewhere in the ordinance apply.
3. Fences and hedges must be completely within the boundaries of the private property.
4. Hedges or shrubs must be maintained to the same height requirements as fences.
5. The owner of the fence or hedge must maintain the side facing the open space.

Shane Sorensen suggested Mr. Neves speak with Austin Roy after the meeting regarding putting a fence in.

Motion: Jason Thelin moved to change the location of the pavilion and playground to Smoot Canyon Park. No second was made, and the motion was later withdrawn.

Amended Motion: Jason Thelin moved to sell the playground and pavilion. No second. No vote taken.

Motion: Greg Gordon moved to approve the improvements at Healey Park as proposed. Kelli Law seconded There were 4 Ayes and 1 Nays, as recorded below. The motion passed.

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

F. Ordinance 2022-08: Amendment Clarifying the Exposed Face of Retaining Walls

Austin Roy said the current retaining wall ordinance is not clear on when an exposed face of a retaining wall is considered viewable from the nearest public right of way. The proposed amendments seek to clarify the parameters for regulating retaining walls.

Staff is recommending changes to the Development Code to make it more clear how the exposed face of retaining walls shall be regulated. Please see attached proposed ordinance for recommended changes. The Planning Commission held a public hearing and reviewed this item at the March 15, 2022, meeting. The Planning Commission agreed with the ordinance as proposed and recommended it be approved. The motion passed unanimously.

Motion: Lon Lott moved that Ordinance 2022-08 be adopted as proposed. Greg Gordon seconded the motion. There were 4 Ayes and 1 Nays, as recorded below. The motion passed.

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

G. Fire Station Remodel Proposal

Shane Sorensen said Babcock Design has provided the city with a design fee proposal of 280K which is 7% of the details total cost for the Lone Peak Fire Station, which includes architectural, structural, mechanical, plumbing, and electrical fees. City council needs to review the proposal and decide how they would like to move forward with the process. In addition, the City Council should finalize the decision on using a CM (Construction Manager) and GC (General Contractor) for the project. Doing an RFP (Request for Proposal) would start the process, but Babcock could start the design process before the CM and GC was picked. The proposals would come in and we would pick from those proposals. Timeline would be 6-8 weeks with a CM/GM and 8-10-month construction 12-15-month total to get the remodel done. Interest rates are going up, so we need to move this along. If we need to pull back, we can, but we would at least have the design finished. Jason asked if it is a fixed fee. They bill you monthly. Mayor Carla Merrill said if there are any grants, we can apply for them and prefer projects that are ready to go. Craig Hall said contact Mark Anderson with Zions Bank regarding a reimbursement resolution which could help us if a grant became available. Carla Merrill said if a grant does become available the city could apply for even during the construction phase. Shane Sorensen said the city would not be receiving a bond for this proposal. Craig Hall suggested a reimbursement resolution. When the city does need a bond, this could help with a grant. Shane Sorensen said the city would hopefully go through the bond process this year and we could do that off the sales tax revenue. Jason Thelin asked if the city could ask for a better fee. Craig Hall said 7% is market rate and companies are not moving from that rate. Shane Sorensen said it will take six weeks to get a revenue bond we need to act soon.

Motion: Jason Thelin moved to have staff go back to Babcock Design to get fees lowered, less than \$280K. No second. No vote taken.

Motion: Lon Lott moved to approve the fees by Babcock Design as proposed for the Lone Peak Fire Station. Jessica Smuin seconded There were 5 Ayes and 0 Nays, as recorded below. The motion passed.

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

Motion: Jessica Smuin moved to extend Council meeting until 9:10 pm. Greg Gordon seconded the motion. There were 4 Ayes and 1 Nays, as recorded below. The motion passed.

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

VII. STAFF REPORTS

Chief Brian Patten

Chief Brian Patten reported some of his fire fighters are still in Texas and doing well.

Craig Hall

Craig Hall said he had turned in his legal opinion on the three referendums and Shane Sorensen turned in his fiscal opinion on what it would cost the city if the road widening does not get built with MAG funds. Bonnie Cooper City recorder delivered opinions to the top three petitioner names. Craig Hall will need to put together an argument, we do have a draft copy. We are moving forward with all the deadlines with the referendum.

Shane Sorensen

Shane Sorensen said Highland City voted not to change their general plan. Highland City Council may change their minds, so this is not a dead issue with expanding Canyon Crest Road. He said Jed Muhlestein and Mayor Carla Merrill had met with MAG consultant who is supervising the project.

At the last City Council meeting we discussed the Burgess Park pavilion improvements. Unfortunately, the trusses need to be fixed and are beyond repair. We should consider the pavilion like the ones at Creekside Park completely made of metal. To repair the current pavilion, it would cost \$50K. At the next meeting he will bring back the price on a pavilion like the one at Creekside Park.

VIII. COUNCIL COMMUNICATION

Lon Lott

Lon Lott asked Austin Roy to encourage the Planning Commission to speak directly into their microphones. He also requested that the city get the audio/visual fixed in the council room.

He met with the Utah Lake Commission which will exist for this year. Mayor Carla Merrill asked Lon's recommendation about renewing the city's membership with the ULC will transition to the Lake Authority by end of year. Lon Lott recommended renewing.

Jessica Smuin

Jessica Smuin asked if the Mayor Carla Merrill was going to continue her weekly email. Mayor Carla Merrill said so far only 48 residents have signed up for the weekly email. She asked if staff to post on the city's Facebook page.

She asked if the roundabout landscaping would be on schedule. Shane Sorensen said yes.

Greg Gordon

Greg Gordon suggested that the city needs to find better ways to share the fact/issues with the residents.

Mayor Carla Merrill

Mayor Carla Merrill said she had met with MAG regarding multi use trail to the roundabout without widening Canyon Crest Road.

She is also working with Davis, Salt Lake, and Utah County Forest Service Representatives to enact the Dingle Act to no longer allow target shooting around our city borders in an effort to mitigate future fires.

IX. EXECUTIVE SESSION:

None held

Motion: Jason Thelin 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 9:13 pm