

ALPINE CITY COUNCIL MEETING

June 11, 2024

Mayor Carla Merrill called the meeting to order at 6:01 pm.

I. CALL MEETING TO ORDER

A. Roll Call

Mayor Carla Merrill

The following were present at the anchor location, which constituted a quorum: Brent Rummler, Jessica Smuin, Kelli Law, Chrissy Hannemann, and Jason Thelin.

Staff: Shane Sorensen, Chief Brian Patten, Ryan Robinson, Steve Doxey, and DeAnn Parry. Chief Brian Gwilliam was excused.

Others: Ken Fitzgerald, Aaron Oldham, Trent & Teresa Spafford, William Wallingford, Gale Rudolph, Will Jones, Tom Holdman

B. Prayer

Kelli Law

C. Pledge

Jessica Smuin

II. CONSENT CALENDAR

A. Approve Minutes from May 28th City Council Meeting

B. Final Payment – Burgess Park Trail Project, SMM Excavation: \$17,289.15

C. ONYX Seal Coat Proposal – Morgan Pavement: \$56,800.00

D. HA5 Mineral Bond Seal Coat Proposal – Holbrook Asphalt: \$102,912.48

E. Approval for FY2024 Budget Year Equipment from Stotz Equipment

1. 2024 John Deere Z960M ZTrack Mower: \$14,250.90

2. 2024 John Deere Q820M Mower: \$10,427.08

Motion: Jason Thelin moved to approve the consent calendar as proposed. Kelli Law seconded the motion. There were 5 yes votes and 0 no votes as recorded below. The motion passed unanimously.

Yes

Brent Rummler

Jessica Smuin

Kelli Law

Chrissy Hannemann

Jason Thelin

No

Excused

III. PUBLIC COMMENT

No public comments were offered.

IV. REPORTS AND PRESENTATIONS

A. Seven Summits Report – Dave Roskelley

David Roskelley has carried a small Alpine City flag with him as he climbed each of the 7 Summits (the highest mountains on the seven continents). He has also climbed the “Volcanic 7 Summits” (the highest volcano on each of the continents). Dave is the only American to accomplish this feat so far.

Mr. Roskelley attended the City Council meeting with his wife, Linda, and his parents. He presented a framed photo with the flag to Alpine City leaders. David posed for a photo with current Mayor Carla Merrill and former Mayor Hunt Willoughby to commemorate the moment.

Mayor Carola Merrill thanked Dave for representing this city in these endeavors.

B. Fraud Risk Assessment

City Administrator Shane Sorensen reported that the city is required to conduct a Fraud Risk Assessment each year and report to the City Council. Dave Sanderson, Finance Director, completed most of the assessment for us. A point system is used to rate our policies, such as: separation of duties, conflict of interest, procurement practices, ethical behavior, travel regulations, and safe credit card usage. A higher score means a lower risk. Alpine’s total is 355, which is in the very low risk range.

Chrissy Hannemann asked about the questions dealing with licensed experts and formal training.

Shane Sorensen explained that our score went up from last year because our Utilities Manager, Megan Oliphant, has a finance degree. Dave Sanderson also attends multiple trainings each year, so that fills the requirement for formal training. Shane explained that members of the council should receive the required municipal training within their four-year term.

V. ACTION/ DISCUSSION ITEMS

A. Annexation for the Fitzgerald Property

City Planner Ryan Robinson explained that Ken Fitzgerald, the owner of parcels 11:052:0015, 11:049:0008, and 11:052:0040, has submitted an annexation petition to be incorporated into Alpine City. The total combined size of the parcels is 19.86 acres for the annexation request. A total of 20.06 acres will be included in this development, with 0.20 acres already within city limits.

The applicant is requesting a zoning designation of CR-40,000 which matches the surrounding areas in the city. A concept plan has been submitted as part of the petition which shows 11 lots with a minimum area of 40,000 square feet, and 5.45 acres of open space along the east portion of the development. The intent is to develop this property into a residential subdivision, and to connect the road with a potential development to the north to provide ingress and egress for both developments.

The agenda item is for the council to decide if they will accept this petition, which will then be reviewed by the Planning Commission during a public hearing. It would then be recommended to the City Council for a final decision. If approved by the City Council after a recommendation by the Planning Commission, the applicant will also be required to follow the subdivision review process. The council can also decide to deny the petition and reject the option to annex at this time.

The council originally reviewed this petition during the November 28th, 2023, City Council meeting. The applicant was seeking feedback from the city to gauge interest regarding a potential annexation. The council at that time emphasized the importance of preserving existing and future trails through the property, as well as open space along the eastern border of the city.

This is a legislative decision, and the council can decide to accept or deny the petition based on the vision outlined in the General Plan and current policies of the city. At the recommendation of the City Attorney, the applicants are also working with staff on a pre-annexation agreement solidifying what is expected of both sides during this process.

CITY CODE:

Alpine Development Code Chapter 5 Annexations

NOTICING:

A public hearing will be held during future meetings after the required notice requirements have been met.

STAFF RECOMMENDATION:

Because this is a legislative decision the standards for approval or denial are that the proposed application should be compatible with the standards found in the General Plan as well as the current city code and policies. A decision for approval or denial should be based on those criteria.

Mayor Carla Merrill said that when this proposal came before the council in November, a Pre-Annexation Agreement (PAA) was requested. She asked if that agreement had been signed.

Attorney Steve Doxey explained that no agreement has been signed at this point. The council can add the requirement that a PAA be submitted before the proposal is passed to the Planning Commission. This would provide important information for the public hearing.

Jason Thelin asked what would be contained in the PAA.

Steve Doxey said the criteria suggested for the PAA were that it should include an agreement to develop the land in a particular way, including that the roads and infrastructure in this subdivision would be connected with the same in the potential subdivision to the north. It should include how the developer envisions this subdivision, so the Planning Commission and City Council would know what it will look like before they recommend or approve the annexation.

Mayor Carla Merrill added that the additional requirements were that the three trails must be preserved, the road must be dedicated to the city, and the subdivision must be submitted as a PRD to provide open space.

Ryan Robinson clarified that because this subdivision (and the potential one to the north) are in the urban interface, and both require an ingress and egress, the owners of both properties need to work together.

Steve Doxey said that the draft of the PAA requires that the two landowners cooperate with each other on the infrastructure connections to make sure the elevations are correct.

Mayor Carla Merrill asked why the petition was submitted without the PAA.

Steve Doxey said his understanding from a conversation with the Fitzgerald attorney was that there is a potential buyer for the property, and they do not want to be bound by an agreement that they did not negotiate.

Ken Fitzgerald was invited to the microphone.

Ken Fitzgerald
7208 Meadow Lake Ave, Dallas, Texas

Ken Fitzgerald explained that this property has been in his family 30 years. The reason a PAA has not been signed is because Ken would like to work with the people who will develop the property, in coordination with the property owner to the north, to help design the subdivision. Ken has been working with the city, and his attorney has worked with Steve Doxey. Ken has already complied with some of the suggested terms, such as acquiring the nuisance parcels that were created by the subdivision to the west. The potential new owner would like an indication from the city that the city is interested in annexing this subdivision at some point. Ken is asking the city to accept the petition for review at this time, and to continue the conversation.

Mayor Carla Merrill said that with the initial petition in November, the council listed specific things that they wanted in the PAA, including that the three trails appear on the plat. She is confused as to why it has not been provided.

Ken Fitzgerald said that his understanding was that those requirements were relevant when submitting an actual application to be annexed, and he is not asking for annexation today. If the three trails need to be on a concept plan, that can be done. Ken wants to know if the city is interested in considering the property for annexation in the future.

Mayor Carla Merrill said that the city showed interest in the parcel being annexed by suggesting the PAA. There are requirements that are important to the city for annexation, and they want the agreement in writing. The conditions stated previously are what is required to be annexed into the city.

Ken Fitzgerald said he understands that there are conditions to annexation. He is asking for a gesture from the council to indicate support of the annexation in general. As he works with the city towards annexation, he will put together a concept plan that meets the city's desires. He said that until the City Council, in a public setting, discusses and considers the petition, the potential buyers do not know if the city is interested. This step of accepting the petition will give the potential buyers the confidence to move forward.

Mayor Carla Merrill said that the city has already outlined the conditions, and we would be remiss if we did not follow the recommendations of our legal counsel.

Jason Thelin said he agreed with the mayor, and that the condition the council set for a petition was a PAA. The council wants that document before they consider the petition and possible annexation.

Ken Fitzgerald asked for clarification that the city will not consider annexation without the PAA, or if they will not annex without the PAA.

Kelli Law asked Ryan Robinson how the council had voted on this.

Ryan Robinson clarified that it was not an action item in November, so there was no vote. It was a discussion to get feedback on what the council required. Open space, trails, and the connecting road were the stated requirements by the City Council.

Mayor Carla Merrill said that the city's willingness to enter into a PAA shows our intent to move forward.

Chrissy Hannemann asked if the PAA is binding or if it functions more like a letter of intent. Steve Doxy stated that a PAA is binding, in that if the city approves the annexation, the conditions in the PAA are binding. However, the city is not bound to approve the annexation, even if a PAA exists. The city included six specific requirements in the draft that was shared with Mr. Fitzgerald and his counsel. Ideally, the PAA would be signed before the annexation process begins. The petition is the beginning of the process.

Mayor Carla Merrill said that the map on display tonight is not the updated plat she had seen previously. She asked Ken Fitzgerald if he had spoken to the north parcel developers.

Ken Fitzgerald said he has spoken with the owners many times, and Ross Welch, who represents the Patterson family, provided the layout for the road in the north parcel. Ken wants to line up the connection for the road in his concept plan.

Shane Sorensen clarified that there have been multiple drafts of the plan but no formal submittal.

Aaron Oldham, real estate agent for Ken Fitzgerald, said although the trails do not show up on this version of the map, there are plans for trails to connect from Lambert Park through the Patterson property and into this subdivision. The city previously asked the Fitzgerald group to meet with the Trails Committee, which they did. Aaron reported that the Trails Committee said that neighborhood sidewalks could be used for one of the trails, and the Fitzgeralds are considering adding one trail on the east side and one on the west.

Aaron Oldham said that the potential buyers would like to see the petition accepted, indicating that the city is interested in annexing this parcel at some point, and then the negotiation of the agreement would begin. This does not constitute approval of an annexation, but accepting the petition would encourage the potential buyer to participate in the negotiations. Aaron does not see any big issues arising on their side. They have acquired the two parcels that were suggested and have worked with the Pattersons and the Trails Committee to consider the trails. The developers and their land attorney have advised a process that starts with the City Council approval of the petition.

Brent Rummler asked if this is a unique situation because the current owner wants to sell, and a prospective buyer wants assurance that the city is interested in annexation.

Steve Doxy wanted to make it clear that if the council accepts the petition, that action does not mean they are going to annex the property. The evidence that the city is interested in the proposal is that these parcels are already part of the Annexation Policy Plan that the city adopted some time ago. That may or may not be sufficient for the prospective buyer. If the petition is denied at this time, the prospective buyer could be part of the PAA negotiation discussions, if the current owner wants that to happen.

Ryan Robinson reported that he attended training last week given by the Property Rights Ombudsman on the annexation process. The city can recommend denial of an annexation request at multiple points. The action requested tonight is just to accept the petition for further study.

Mayor Carla Merrill said that she wants a PAA because there would be no surprises during the process. The city has laid out what the requirements are so there can be clear understanding. The mayor does not anticipate that the requirements for annexation would change with another buyer, and that the requirements are designed to help the city.

Mayor Carla Merrill invited Will Jones from the Trails Committee to discuss the middle trail/sidewalk that Aaron Oldham said was approved by the committee.

Will Jones said that this map does not show the middle trail going along the east side of the sidewalk, which is what they discussed at the Trails meeting. A dirt trail next to a nicely manicured lawn is not

desirable. The developers may need to build an asphalt trail or something like that. This map is different than what was discussed at that meeting.

Aaron Oldham said that their understanding was that there were several options for trail locations, and that they had not agreed to specific locations at the meeting. Their understanding was that one of the trails could go through the neighborhood, one could be on the Bonneville Shoreline connection, and the third could be higher on the east side, which is the unbuildable portion of the parcel. They felt it was a broad directive and nothing specific was decided. Aaron said they are not trying to throw a curveball with the various concept plans, as this parcel is not in the city yet.

Brent Rummler also watched the annexation training and wondered how this petition differs from the process that was laid out in the training. He asked about the risk of approving the petition today without a PAA.

Ryan Robinson explained that a petitioner would follow the steps outlined in the training, but the city has asked for a PAA for this subdivision before things moved forward. The annexation itself could still be denied, but the city has requested a PAA. Having a PAA in place before accepting the petition could save the city time and effort down the road.

Shane Sorensen clarified that the correct form of action by the council would be to accept the petition, not to approve it. The council could then send it to the Planning Commission for study and review, or the council could deny it.

Kelli Law asked Steve Doxey if he saw any problems with the prospective buyer being involved in creating the PAA.

Steve Doxey said he is not speaking to the landowner and the potential buyer's issues, but if a PAA were signed, it would be binding on future owners of the land. The agreement stays with the land and future developers would have to comply with the PAA.

Ken Fitzgerald said he also watched the annexation training, and a PAA is not required by State code. Ken is happy to accommodate the Trails Committee, but ultimately, the council holds the power. He understands that this is not the point where the annexation is decided, it is just to accept the petition for review and consideration. He expects to work through the PAA with the city and understands that the council can deny it at any point down the road.

Mayor Carla Merrill asked what percentage of the development is planned open space, and if it is laid out as a PRD.

Ken Fitzgerald said that open space is approximately 25 percent, which qualifies as a PRD. His intent is to provide open space, trails, and to connect the roads. This aligns with the Annexation Policy Plan, the Expansion Area Plan, that the city adopted previously. The petition is to see if the city wants to consider this.

Mayor Carla Merrill said the council needs to see the PAA before moving forward. At that point the council can accept or deny the application.

Motion: Kelli Law moved to table the Annexation Petition for parcels 11:052:0015, 11:049:0009 and 11:052:0040 because it was not submitted with the requested pre-annexation agreement. Jason Thelin seconded the motion. There were 5 yes votes and 0 no votes. The motion passed unanimously.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Brent Rummler		
Jessica Smuin		
Kelli Law		
Chrissy Hannemann		
Jason Thelin		

B. Ordinance 2024-18: Code Amendment to 3.09.060 – Exceptions to Rear Yard Setback Requirements

Ryan Robison explained that Trent and Teresa Spafford are requesting an amendment to Alpine City Development Code 3.09.060 for Planned Residential Development (PRD) subdivisions. This amendment

would allow the Planning Commission to recommend to the City Council that an exception be made to the rear yard setback of a home located in a designated PRD subdivision that abuts open space. This exception would need to be requested by the applicant for an individual lot.

The proposed amendment includes certain standards that must be met before an exception can be granted:

- Only an uncovered deck would be allowed to encroach into the setback.
- The rear yard must be adjacent to non-residential property (designated open space).
- No part of the structure attached to the home will encroach into any designated easements without approval from the designated entities.

Previously, this section of the code included language allowing exceptions to setbacks in PRD subdivisions. The requirement for an exception was that the request, *“was appropriate for the proper development of the lot and that the exception will not result in the establishment of a hazardous condition.”* However, during the February 28, 2023, City Council meeting, this language was removed. It was found that many requests were being made to fit a larger home on a lot rather than to accommodate open space.

The Planning Commission held a public hearing and reviewed this proposal during their June 4th meeting. The discussion focused on why the exception was originally removed and whether the city wanted to allow such exceptions again. The Planning Commission discussed the proposed standards and recommended explicitly allowing uncovered decks to apply for an exception.

Staff added the definition of an uncovered deck to clarify what is permitted, and included a reference to State Code, which allows decks under 32 square feet in size to not be counted against a setback (Utah State Code 10-9a-540).

This request would apply to any lot that is currently included in or designated in a future PRD subdivision. This is not an individual exception for a specific lot. If approved, the applicant will need to seek approval from the Planning Commission and City Council for the exception to be granted.

ALPINE CITY CODE:

Alpine Development Code 3.09.060

GENERAL PLAN:

Promote and preserve both natural and developed open spaces around the city, with a preference for public open spaces. The city prefers this be done through Planned Residential Developments (PRD) or by the public purchase of land. (Alpine City General Plan Goal 1, Policy 1.1)

PUBLIC NOTICE:

The requirements for a public hearing, as outlined by the Utah State Code and the Alpine City Code, have been met. A public hearing was held by the Planning Commission as part of the review process.

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 in the General Plan as well as current city code and policies. A decision should be made by the City Council for approval or denial based on these criteria.

Steve Doxey said that in this legislative session the State adopted code that states if the deck is under 32 square feet, it can encroach into a setback without an exception being granted.

Mayor Carla Merrill asked if the Planning Commission suggested a maximum length or how far the deck can encroach into the setback. She would not like to see a deck built up to the property line.

Ryan Robinson said that a limit on encroachment is something the council can discuss.

Brent Rummler said that part of the Planning Commission discussion was that an arbitrary square footage limitation did not make sense, because of different lot sizes and configurations.

Ryan Robinson explained that most properties have a 5- to 10-foot public utilities easement (PUE) around the whole property, so the homeowner would need permission from the utilities to encroach on the easement. If the utility needed access in the future, the structure would need to be removed. Also, the

current rear setback is 30 feet, and secondary structures under 10 feet in height and under 200 square feet in area can be built up to the property line.

Shane Sorensen reminded the council that this only applies to lots that border open space and are in a PRD. There may be a few additional qualifying lots that abut forest service land.

Brent Rummeler said that the Planning Commission did a good job of crafting the clarifying language for this amendment.

Steve Doxey commented that the change in the State statute says that a city cannot pass or enforce an ordinance that has the effect of prohibiting an allowable feature (defined as a landing, walk-out porch, or window well), that is attached to the main residence and used for ingress and egress. These features could be at ground level or an above-ground platform (such as a landing with or without stairs). Allowable features are limited to 32 square feet. Anything larger can be prohibited. Steve also suggested that anything adopted in this code amendment should contain language that says, "Exceptions would be subject to State law."

Jessica Smuin said that we have allowed PRDs in order to create an open look and feel in the community, but then the city received multiple exception requests so that homeowners could overbuild into the setbacks. We should look at how this change would apply to every PRD that abuts open space.

Homeowner Trent Spafford was invited to the microphone.

Trent Spafford
337 N. Matisse Lane, Alpine

Trent Spafford said that their home has a walk-out basement with a concrete patio that goes almost to the property line. The private open space is located behind four homes and will never be developed. There are no trails, so people do not walk in that open space. The Spaffords want to build a deck on the main level so they can enjoy the space above their basement concrete patio.

Jessica said that the challenge for the council is that what is decided on this code amendment will apply to all future decisions for such lots in a PRD.

Chrissy Hannemann said that the purpose of our ordinances is to protect neighbors and to prohibit encroachment. The City Council is the guardian of open space. Chrissy asked why the amendment was limited to PRDs.

Ryan Robinson explained that the reason exceptions were allowed for PRDs in the past was so homeowners could preserve open space and view corridors. The exceptions were removed from the code because of multiple applications for exceptions to build larger homes.

Brent Rummeler said that previous language was broad because lot sizes are different. The ordinance allowed flexibility for the Planning Commission and City Council to allow exceptions to the 30-foot backyard setback. This amendment would allow people to use their property and to build a deck.

Shane Sorensen explained that the provision for granting exceptions was in the ordinance for years and was not used. Then multiple applications were submitted in one year, in order to build larger homes. The purpose of a PRD is to cluster lots and leave open space in the steeper areas, flood plains, and areas with hazards. Sometimes carving out those steep areas left odd-shaped lots, which created issues with setbacks. That is likely one reason that the previous ordinance was approved.

Chrissy Hannemann suggested that an additional condition could be to place a height restriction on the decks.

Ryan Robinson explained that we typically measure average finished grade to the top of the roof. A deck railing would be lower than a roof.

Steve Doxey explained that if the council is inclined to approve the ordinance, it should be subject to the city attorney's approval. Points to consider before adopting the amendment:

- 1) The exception applies only to uncovered decks or landings attached to the main residential property (as in the State statute). Otherwise, someone could build a shed and add a deck.

- 2) As the ordinance is written, it says non-residential property, so that could include open space, forest service land, or commercial property. The definition of “Non-residential property” should be clarified.

Shane Sorensen mentioned that even if a property abuts forest service land, this amendment does not apply unless it is in a PRD.

Brent Rummler suggested that the council look at the intent of the setback requirement in a PRD. The city wants a smooth visual flow into the open space, and a ground level deck is not likely to disrupt that flow.

Mayor Carla Merrill asked the council to consider a height restriction and a rear setback requirement, so nothing is arbitrary.

Motion: Brent Rummler moved to approve Ordinance 2024-18 the proposed code amendment to allow an exception to rear yard setback requirements in a PRD-designated subdivision if the proposed standards can be met after a recommendation by the Planning Commission and approval by the City Council, and with the following conditions: 1) the final language of the amendment will be reviewed by the city attorney, 2) the tallest point of the deck (railing) cannot be higher than 10 feet above the average finished grade, 3) the required rear setback will be 10 feet. Chrissy Hannemann seconded the motion. There were 4 yes votes and 1 no vote, as recorded below. The motion passed.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Brent Rummler	Jason Thelin	
Jessica Smuin		
Kelli Law		
Chrissy Hannemann		

C. Ordinance 2024-19: Code Amendment for Home Occupation Approval

Ryan Robinson explained that there has been a recent increase in applications for home occupation permits. Currently, the Planning Commission acts as the approving body for all home occupation permits. Many of these applications are essentially for home offices with no visitors, no additional employees, nor any significant indication of a business operating at the location. Staff is recommending adding language to allow staff to approve a home occupation permit if the following criteria are met:

- The applicant must meet all the listed requirements and criteria for the home occupation under section 3.23.060.
- The home occupation is conducted entirely within an enclosed building on the property.
- No clients will come to the property.
- There will be no additional employees who do not reside at the home.
- No display of goods or products will be made at the home.
- No hazardous materials or chemicals will be used or stored at the home.
- City staff may send any home occupation permit to the Planning Commission for approval, even if these standards are met.

As part of the June 4th Planning Commission meeting, a public hearing was held to review this item. The proposed standards were discussed, and a motion to approve the proposal was made.

ALPINE CITY CODE:

Alpine Development Code 3.23.060 #2

GENERAL PLAN:

N/A

PUBLIC NOTICE:

The requirements for a public hearing, as outlined by the Utah State Code and the Alpine City Code, have been met. A public hearing was held by the Planning Commission as part of the review process.

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. The City Council should make a decision for approval or denial based on these criteria.

Attorney Steve Doxey suggested that a review by the city attorney be included in the motion.

Motion: Jason Thelin moved to approve Ordinance 2024-19 the proposed amendment to the Alpine Development Code 3.23.060 allowing staff to act as the designated land use authority for home occupations if the proposed standards can be met, subject to review by the city attorney. Kelli Law seconded the motion. There were 5 yes votes and 0 no votes, as recorded below. The motion passed unanimously.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Brent Rummler		
Jessica Smuin		
Kelli Law		
Chrissy Hannemann		
Jason Thelin		

D. Resolution R2024-20: Adopting the Certified Tax Rate for 2024

Shane Sorensen reported that the city is required to adopt the certified tax rate (or an adjusted rate) each year. The Utah State Tax Commission publishes the rate that will maintain the same property tax for the City, in addition to new growth. The city is required to adopt a tax rate by June 22. In order to meet our deadline, we are amending the City Council agenda to include the certified tax rate at this June 11 City Council meeting.

The certified tax rate for 2024 is 0.001277, which will yield property tax revenue in the amount of \$2,659,542. This provides an increase in property revenue of approximately \$57,434, due to new growth. The tax rate for last year was 0.001281.

STAFF RECOMMENDATION:

Approve Resolution R2024-20 adopting the 2024 certified tax rate at 0.001277.

Motion: Jason Thelin moved to approve Resolution R2024-20 adopting the 2024 certified tax rate at 0.001277. Kelli Law seconded the motion. There were 5 yes votes and 0 no votes, as recorded below. The motion passed unanimously.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Brent Rummler		
Jessica Smuin		
Kelli Law		
Chrissy Hannemann		
Jason Thelin		

VI. STAFF REPORTS

Chief Brian Patten said rivers are running high and fast, so parents should keep their children away from them. Provo Canyon had another incident today. Also, because of the sudden rise in temperature the weeds are tall. Don't light fires. Chief Patten reported that the Wildland Fire Crews are working on mitigation at Sundance right now.

Mayor Carla Merrill said that she saw evidence of a campfire at Horsetail Falls, and asked if fires are allowed on forest service land.

Chief Patten said that there is no ban on open fires right now, but we may see a ban later in the summer.

Ryan Robinson reported that we are working on our Moderate Income Housing report as required by the State. One requirement is to create or allow for internal or detached accessory dwelling units in a residential zone. Currently we have around 160 internal accessory dwelling units that are registered with the city. Two more have been added since January.

Ryan attended a training today on these results. If we are found non-compliant after so many days, it is a \$250 fine per day for the rest of the year. If we are two years out of compliance, the fine is \$500 per day. Last year the city had to make an edit to take out a phrase that said we are "planning to do" something. We changed it to, "We are doing ..." and they passed it.

Leading up to the August 1st deadline, Ryan will report on the three standards that we adopted to comply with these requirements. He is always happy to answer questions from the council.

Shane Sorensen reminded council members of the Lone Peak PSD board meeting tomorrow at 7:30 am.

Shane reported that our previous city auditor has experienced health issues and has retired. He proposed that we use Larsen & Company, who conduct audits for many cities. Dave Sanderson says that Larsen & Company are timely when conducting an audit. Securing an auditor is a time-sensitive issue because we are so close to the end of the budget year. If the council does not have objections Shane will proceed with Larsen & Company.

A feasibility study will be presented in the joint work meeting for the ASD Split on June 18 at Highland City at 5 pm. The required public comment period will be June 18 through August 2. The city is also required to hold two public hearings. Alpine is planning to hold those hearings on July 9 and July 23. August 6 is the suggested night to hold the meeting where the only agenda item will be the creation of a new school district. On August 7, the signed proposal will be delivered to the County office.

Shane has received a Scope of Work from a firm that will help with messaging for the ASD proposals. This is similar to the cost of the feasibility study, where each city would pay their proportionate share based on population.

Shane met with Parks Supervisor Cal Christensen and a company that would like us to use their unmanned mowers. The company says that it typically takes about 14 months to break even with the cost. They would like to start with a demo at Legacy Park. The property lines, trees, and equipment are mapped first, and the mowers usually run at night. When the battery gets low, the mower returns to base and charges itself and then goes out and mows again. Some other cities are already using them.

Council members asked about the risk of theft.

Shane said that the units are GPS enabled, but he is researching more details.

Shane reported that the Public Works crew cleaned out the flagpole receptacles on Main Street today. Mayor Carla Merrill asked that the crew drill new holes where they have been covered or where new sidewalks have been installed.

A youth group will do a service project on Friday to finish cleaning up the Bald Mountain open space at 300 North, along with the fire department. They will also work on the 100 South property. This will allow the city to mow the tall grass.

Shane said that the seal coat projects that were approved tonight will happen later this month.

VII. COUNCIL COMMUNICATION

Brent Rummer reported that he is serving as the council liaison to the One Kind Act a Day Foundation. They have formed an executive committee and Brent met with them today, along with Curtis Bennett and Jen Wadsworth. They suggest that the City Council pass a resolution to adopt the program and will provide us with sample language. Volunteer Julie Ensign wants to have materials and signs at a booth during Alpine Days. The committee suggested that we choose one local school for the kick-off.

Jessica Smuin watched the annexation meeting and reported that annexation is about providing services. The legal standard of review is that an annexation should advance the general welfare of our public interest. A municipality cannot annex for the sole purpose of acquiring revenue. Jessica thanked Ryan Robinson for coordinating the meeting.

Jessica reported that the poppies are finished blooming for the year. There were an estimated 15,000 visitors to the gardens, and things went well. Visitors loved the marked trails. There were some parking issues, but the attendees were mostly respectful and stayed on the marked paths. The rattlesnake sightings likely helped with compliance.

Jessica showed a photo of the Three Falls access road and said that the gate and variety of signs there make it appear that the area is closed to pedestrians and bicycle traffic.

Shane Sorensen clarified that the city's intent is to prohibit motorized vehicles. The "You're on Camera" sign was not installed by the city, but the gate belongs to us. The city prefers posting signs over painting the curbs because there is much less maintenance. There are similar signs in Lambert Park, so if we install a "Pedestrians Welcome" sign, we should do the same at Lambert Park.

The council felt that the on-camera sign would intimidate people and would like it removed.

Chief Patten asked that the city install a sign prohibiting parking in front of the gate. This is important for fire response, and parking should only be allowed on one side of the road to maintain emergency access.

Mayor Carla Merrill said that the upper part of the road has been cleaned, but the lower part still needs to be cleaned by the HOA.

Chrissy Hannemann confirmed that the important dates for the proposed Alpine School District split would be shared in the Newsline.

Mayor Carla Merrill said that we received a report from Explore Utah Valley that said last year we had 20,000 people visit the poppy fields, and 22,000 people attend Alpine Days. The good news is that 9.1 thousand are from Alpine, so most of our residents are attending Alpine Days. Twenty percent are from American Fork, with additional attendees from nearby cities.

Mayor Merrill would like to see us address the parking issues at the poppy fields, as well as the garbage problems. We may need to create additional parking areas and allow other street access so one street is not so stressed. Visitors use the church parking lot in the evenings and on Saturdays and Sundays. The mayor is interested in receiving the attendee numbers for this year from Explore Utah Valley so that we can apply for grants to help address the parking issues.

Motion: Jessica Smuin moved to close the public meeting and to move to an executive session to be held in the conference room at City Hall to discuss disposal and acquisition of real property, and to adjourn the meeting at the end of the executive session. Kelli Law seconded the motion. There were 5 yes votes and 0 no votes as recorded below. The motion passed unanimously.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Brent Rummler		
Jessica Smuin		
Kelli Law		
Chrissy Hannemann		
Jason Thelin		

The public meeting closed at 8:02 pm

VII. EXECUTIVE SESSION: Discuss litigation, property acquisition, or the professional character, conduct or competency of personnel

The Executive Session closed at 8:49 pm.