

ALPINE CITY COUNCIL MEETING

September 22, 2026

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

I. CALL MEETING TO ORDER

A. Roll Call

Mayor Carla Merrill

The following were in attendance at the anchor location, which constituted a quorum: Sarah Blackwell, Andrew Young, Jessica Smuin, and Chrissy Hannemann. Brent Rummler attended by Zoom.

Staff: Shane Sorensen, Caden Lyon, Steve Doxey, Jason Judd, Chief Brian Gwilliam, DeAnn Parry

Others: Zach Schrock, Todd G., Rachel Godfrey, Debby Llewelyn, Julianne Rowley, Kristen Trelz, Jenny Bautista, Mike Pincock, Clayton Perry, Victoria O'Hare, Veronica Hanson, Brad Hanson, Lola Hanson, Tami Seipert, Jill Nilson, Timmie Lynn Webster, Kari Parker, Adrienne Werner, Tony Werner, Wesley Herzog, Brad Herzog, Celeste Basker, Trent Hudson, Wayne Sleight, Memphis, Barrett Schmidt, Carla Sleight, Jeffrey L., Kathleen Lewis, Richard Ashcraft, Julie Wessman, Brett Lovell, Celeste Eaton, Steve Burrows, Ivy Brasfield, Jennie Brasfield, Leonard Hannemann, Greg Smith, Michelle Smith, Kent Parry

B. Prayer

Sarah Blackwell

C. Pledge

Andrew Young

II. CONSENT CALENDAR

A. Approval of Minutes of September 8th City Council Meeting

B. Approval of Partial Payment No. 2, Alpine Fire Station Project – SIRQ Construction: \$320,322.33

C. Approval of Payment, Alpine Fire Station Project – Babcock Design: \$20,970.72

Chrissy Hannemann submitted a correction to her meeting location in the minutes for September 8.

Motion: Jessica Smuin moved to approve the Consent Calendar with Chrissy Hannemann's edit. The motion was seconded by Sarah Blackwell. There were 4 yes votes and 1 no vote, as recorded below. The motion passed.

Yes

Sarah Blackwell
Brent Rummler
Jessica Smuin
Chrissy Hannemann

No

Andrew Young

Excused

Motion: Andrew Young moved that Item VI. A. Discussion about Mountainville Academy Parking and Traffic be heard before the Action Items so that interested residents in attendance do not have to wait through the entire meeting. Jessica Smuin seconded the motion.

Police Chief Brian Gwilliam explained that he delayed his trip to St. George for this meeting and needs to leave immediately after but wanted to be here for the Flock Safety contract item.

Mayor Carla Merrill expressed appreciation for the Chief adjusting his travel schedule to be here. She asked Andrew Young if he was amenable to having the Mountainville Academy discussion after Action Item A. Andrew agreed. Jessica Smuin also agreed to that change. There were 5 yes votes and 0 no votes, as recorded below. The motion passed unanimously.

Yes

Sarah Blackwell
Andrew Young
Brent Rummler
Jessica Smuin
Chrissy Hannemann

No

Excused

Mayor Carla Merrill explained that she has read over the Public Comment cards that were submitted and she will not be taking public comments about items on the agenda tonight. If someone wants to speak about items not on the agenda, they are invited to fill out a comment card

III. PUBLIC COMMENT

No public comments were offered.

IV. REPORTS & PRESENTATIONS

A. Report on the Use of Flock Cameras

Police Chief Brian Gwilliam said he appreciated the opportunity to provide a presentation on the city's use of Flock Safety automated license plate readers (ALPRs). He explained that Alpine entered into a contract with Flock Safety over three years ago. He clarified that ALPR technology reads license plates, gathers objective evidence about vehicles (not people), alerts police of wanted vehicles, and is used to solve crime, adhering to all State laws. He emphasized that the technology is not tied to personally identifiable information (PII), is not used for traffic enforcement, does not store data for more than 30 days, and does not use facial recognition.

The system works by capturing still images of vehicles, indexing and encrypting them into cloud storage, and making them searchable by trained law enforcement officers with valid credentials and purposes. Human verification is required after any "hit." The ALPRs are used to investigate the following: stolen vehicles, missing or endangered persons, wanted persons, active criminal investigations, and cross-jurisdiction cases. Data is shared only with other Utah agencies using the same vendor system. The Lone Peak Police Department owns and controls its data and access settings and conducts internal audits to ensure lawful use.

The department uses stationary "Falcons," which are cameras that do not use audio detection. Data is stored on an AES-encrypted AWS government cloud server. Chief Gwilliam outlined guardrails, including authorized uses (criminal activity, warrants, missing persons, stolen vehicles) and accountability measures (credentials, training, verification, official use, safeguarding, warrants for non-governmental data, internal audits). He presented data from the public-facing transparency portal, showing 10 searches and 123 "hot list" hits in the last 30 days across 12 cameras (six in Alpine, six in Highland). He provided examples of successes, including recovered stolen property and vehicles, solving a hit-and-run accident and a sexual assault, and tracking individuals involved in serious crimes outside the city.

Brent Rummler, referring to his 24-year career in federal law enforcement, asked about consequences for misuse of the database.

Chief Gwilliam confirmed that consequences range from counseling to termination and could include criminal penalties for misusing personal identity information.

Brent Rummler also confirmed the constitutionality of ALPRs, noting there is no reasonable expectation of privacy for vehicles in the public view. He provided an example of child abduction investigations where canvassing private cameras is a common practice, which is similar to using ALPRs.

Sarah Blackwell confirmed that data sharing is restricted within Utah. She then asked if data is ever needed after the 30-day retention period; inquired about State legislation regarding ALPRs; and wondered about reducing from six to three cameras.

Chief Gwilliam replied that after 30 days the data would already be purged and unrecoverable; multiple bills are currently being drafted in the legislature; and he explained that three north-facing cameras would work to capture vehicles entering Alpine.

Jessica Smuin clarified that the three north-facing cameras would capture rear license plates.

Chief Gwilliam said that is correct.

Brent Rummier suggested that the recommendation that we do not need cameras for vehicles leaving Alpine, as Highland City's cameras would capture that information.

Chief Gwilliam confirmed this, explaining that collaboration with Highland City provides coverage for vehicles leaving Alpine. His recommendation focused on installing cameras to capture vehicles entering the city to ensure comprehensive coverage without added expense.

B. UC3 Presentation

Sarah Davenport-Smith, Saratoga Springs resident and representative of the Utah Coalition of Cities and Counties (UC3), presented on the purpose of the Coalition. She said it complements existing associations like the Utah League of Cities and Towns (ULCT) and the Utah Association of Counties. UC3's mission is to help elected officials uphold their oath of office by using State and federal constitutions and case law as a lens to analyze legislation and current policy, particularly regarding local authority and governance shifts. The UC3 provides local authority and governance analysis, strategic advocacy at the Capitol (including weekly updates to legislators with tailored positions and solutions), implementation and decision support (such as post-session checklists for new legislation), and education and training (through webinars and newsletters).

Chrissy Hanneman asked about UC3's timeline of interactions.

Sarah explained their weekly engagement during legislative sessions and ongoing training and proactive legislative work during the interim.

Andrew Young expressed strong support for UC3's work at the Capitol, particularly in addressing State bills that lead to compliance for cities. He requested an email with information on costs and program details.

Mayor Carla Merrill inquired about who provides UC3's constitutional and legal analysis.

Sarah stated they contract with a constitutional expert and an attorney, Laura Swenson.

Mayor Merrill also asked how UC3 determines its position on bills.

Sarah said their position is based on alignment with the Constitution and case law, often looking at the cumulative effects of related bills. She confirmed UC3's staff included herself, Heather Eder, Bill Lee (advisor), and a former Utah County Commissioner.

Mayor Merrill asked about UC3's relationships with State legislators and the Governor's office, including leadership in the House and Senate.

Sarah noted limited inroads with the Governor's office but mentioned over 80 individual meetings with State legislators, including House and Senate leadership.

Mayor Merrill thanked Ms. Davenport-Smith for her presentation.

Mayor Carla Merrill then addressed Andrew Young, noting that future presentations must be submitted to staff a week ahead so they can be in the packet. Anything that will be shown in a public meeting should be included in the packet.

C. Eagle Scout Project Presentations

Tony Werner, who lives on 1300 West in Pleasant Grove, stated he is a member of Troop 10 in Alpine and proposed an Eagle Scout project to replace a deteriorated footbridge on the River Trail at Lambert Park. He described the bridge as having rotted deck boards, exposed fasteners, loose handrails, and

visible rot/insect damage, with an estimated 100 crossings per day. He provided estimated dimensions for a replacement bridge.

Tony requested that the city provide materials (estimated at \$3,200 for lumber, hardware, and concrete), site access, and Parks Department sign-off. His troop will design, plan, demolish, haul away the old bridge, recruit 20 volunteers, and provide tools. His plan includes building the new bridge off-site in a barn over several weeks, followed by installation and city sign-off.

Mayor Merrill agreed with Tony's assessment of the bridge's bad condition.

City Administrator Shane Sorensen noted that recent city-built bridges do not include handrails and that the Trails Committee has a standard design.

Mayor Carla Merrill recommended that Tony work with Will Jones of the Trails Committee to ensure uniformity in design and materials and suggested applying linseed oil to the new bridge before installation. She explained that a council vote was not required as this is a replacement project.

Wesley Herzog then presented his Eagle Scout project to build a bridge on the Middle Trail in Lambert Park. He identified a 3-foot ditch as a safety hazard for elderly people and bikers. His plan involves building a sturdy wooden bridge, making the surrounding area safe with gravel, and completing the project within five to six weeks. He requested the city approve the project and provide materials (estimated at \$3,100). He proposed a 10-foot long, 3-foot-wide bridge without handrails, using pressure-treated wood, gravel, bolts, and sealant.

Mayor Carla Merrill reiterated the need for both scouts to meet with Will Jones of the Trails Committee to standardize their design and materials list.

Shane Sorensen noted that the ditch in the Middle Trail is part of a flood control program and a 10-foot long bridge might be too low, potentially redirecting flood waters.

Wesley said he can be flexible about the dimensions.

Mayor Merrill suggested a concrete build-up similar to those on other trails and emphasized that the first step in both projects was to meet with Will Jones.

Mayor Merrill thanked the two scouts for their presentations.

V. ACTION ITEMS

A. Consideration for Continued Use of Flock Cameras

Shane Sorensen said that Chief Gwilliam gave a good presentation on Flock Safety cameras and how they are used. Previous motions regarding the cameras were included in the packet. Flock Safety cameras are a license plate reader that has been used by law enforcement as a tool for solving crimes. The City Council first considered the implementation of Flock Safety cameras in Alpine in late 2022. On January 10, 2023, the City Council approved the purchase of six cameras with the following motion:

Motion: Lon Lott moved to approve the purchase of six Flock Safety cameras at a cost not to exceed \$15,000 per year, and that the cameras be placed at the city limits on Canyon Crest Road, Alpine Highway, and Westfield Road. Shane Sorensen can sign the contract. Greg Gordon seconded the motion. There were 3 yes votes and 1 no vote. The motion passed.

The agreement with Flock Safety was approved at the January 24, 2023, City Council meeting with the following motion:

Motion: Jason Thelin moved to approve that Chief Brian Gwilliam be authorized to sign the contract for the purchase of six Flock Safety cameras at a cost not to exceed \$15,000 per year and that the cameras be placed at the city limits on Canyon Crest Road, Alpine Highway, and Westfield Road, with the inclusion

of a one-time implementation fee of \$2,100 and the approval of the Alpine City Legal Department. Greg Gordon seconded the motion. There were 4 yes votes and 1 no vote. The motion passed.

The three-year term of the agreement has expired. However, the agreement has an automatic renewal clause. The city recently received the invoice for the 2026-2027 period. The cost increased from \$15,000 to \$18,000 (\$3,000 per camera each year). If the city continues with the use of Flock Safety cameras, Chief Gwilliam recommends a reduction from six to three cameras.

An attendee stated a formal objection to the removal of public comments.

Mayor Carla Merrill noted the formal objection and asked her to be seated.

If the city chooses to discontinue the use of the Flock cameras, there is a Termination for Convenience clause in the agreement. The cost to terminate the agreement is \$500 per camera, which covers their cost to remove the cameras. Shane explained that our cost would drop \$9,000 if we go to three cameras, but there would be a \$1,500 fee to remove the other three and end that part of the contract.

There have been reports in the media recently concerning the unauthorized use of the Flock cameras, which has prompted the governor to request a review of their use. With these things in motion, city staff request that the City Council determine if the city will continue to make use of Flock Safety cameras through the Lone Peak Police Department, prior to paying the annual fee.

Mayor Carla Merrill asked when the original contract expired.

Shane Sorensen said the original contract had an automatic renewal clause and most recently renewed in April of 2026 for an additional three-year term.

City Attorney Steve Doxey added that the city could partially terminate some terms of the contract to remove cameras or terminate the contract entirely.

Mayor Merrill cited rumors that newer contracts had been executed earlier this year and asked for confirmation that the terms of the original contract are still intact.

Shane Sorensen and Steve Doxey both confirmed that Chief Gwilliam has not executed any agreement other than the original agreement with the automatic April renewal.

Council members discussed the following:

Sarah Blackwell suggested tabling the decision until after the next legislative session due to numerous pending State bills on ALPRs. She clarified that if it is not tabled, she would support reducing the number to three cameras, noting the contract's Convenience Clause which allows for future termination.

Chrissy Hanneman stated that if the law changes, the agreement would need to be updated because the city cannot have an agreement that violates a State law.

Andrew Young voiced his opposition to the cameras, citing concerns about potential misuse of technology and the number of State bills likely to restrict their use. He wanted to deny the contract, wait for State legislation, and then reconsider. Andrew prefers to utilize residents' doorbell cameras. He speculated that Flock's business model might involve selling data.

Steve Doxey clarified that terminating the agreement would mean that a new agreement would be required if the city decided to re-engage later.

Another attendee offered a formal complaint and asked for a public hearing. He wants the public to hear what is happening because there is more information.

Jessica Smuin asked Police Chief Gwilliam if internal audits had found any abuses of the Flock camera system in Alpine or Highland.

Chief Gwilliam replied that no abuses were found in random searches.

Brent Rummler said he supported the continued use of the cameras, emphasizing that ALPRs are a minimally intrusive tool that collects publicly available information, with safeguards and consequences for misuse. He noted that other entities have access to far more sensitive personally identifying information (PII).

Chrissy Hannemann echoed Brent Rummler's points, highlighting the greater risks associated with other forms of data access (e.g., tax preparation) and expressed concern that removing the cameras would make Alpine a target for criminals.

Motion: Jessica Smuin moved to continue the use of Flock Safety cameras and authorized the staff to make a payment for the annual fee of \$9,000 with the reduction from six to three cameras, based on convenience, and conditioned on the review of the contract to confirm that we are operating under the original signed contract. Chrissy Hannemann seconded the motion.

Andrew Young suggested delaying this vote until after a public hearing to gather more information. He did not feel that the council had time to hear from the residents.

Jessica Smuin replied that this is not a public hearing.

Sarah Blackwell asked if Jessica would be open to an amendment to revisit this after the next legislative session to have a discussion at that point.

Jessica Smuin explained that if something comes from the legislature, our common practice is to address it then.

The council voted. There were 4 yes votes and 1 no vote, as recorded below. The motion passed.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Sarah Blackwell	Andrew Young	
Brent Rummler		
Jessica Smuin		
Chrissy Hannemann		

Mayor Carla Merrill thanked Chief Brian Gwilliam for his presentation and attendance tonight.

VI. DISCUSSION ITEMS

A. Mountainville Academy Parking and Traffic: Responses to parent and school Q&A about Mountainville Academy parking and traffic

Council members Andrew Young and Jessica Smuin requested a discussion item on the City Council agenda to review the following:

- The purpose, duration, and status of the barricades in front of the school
- Lawful parking and access near Legacy Park
- Crossing-guard locations and coverage
- Any proposed alternative staging location, including Red Pine Drive
- The final routing map and updated instructions for families

- Carpooling
- The city and school's main priorities with attached image
- Possible solutions for Legacy Park parking, including making the easement area.
- Items from Jessica.
- Outlining the path forward with the new Safe Routes plan and committee and getting input from the council on what they would like to see done next
- Bike lanes

Mayor Merrill introduced the discussion item regarding parking and traffic at Mountainville Academy, noting it was placed on the agenda by council members Smuin and Young. She clarified that staff had not prepared a formal presentation, as her preference was for the City Engineer to first observe the current traffic situation before the council held a detailed discussion on potential solutions.

Andrew Young presented notes from recent meetings with Mountainville Academy where they outlined city and school priorities. City priorities included carpooling/buses, the Safe Routes plan, on-site pickup, and no parking on Main Street. School priorities focused on education, crossing guards, changing "no left turn" dividers, and parking on Main Street. He highlighted areas of agreement (Safe Routes has a plan underway), and opportunities for collaboration (additional crossing guards, exploring pickup options, and reviewing the no-left-turn dividers). He identified "no parking on Main" versus "parking on Main" as a key area of gridlock, suggesting creative "win-win" solutions like expanded sidewalks and new parking at Legacy Park or off-site gravel parking on 100 South. He suggested actions for the police, city, and the school, with City Engineer Jason Judd leading investigations into barricades, staging, and parking solutions. He hoped the issues could be solved by Christmas time through collaboration.

During the discussion, Mayor Merrill suggested the school consider a sidewalk on the south end of their property for access to Red Pine Drive, staggered pickup times, and utilizing existing closed-off parking (currently used as a playground) to comply with parking ordinances.

Chrissy Hanneman clarified that "park and walk" involves parents parking and walking to meet their children and noted there is ample parking available for Legacy Park access.

Jessica Smuin emphasized following the recommendations of the engineering studies, particularly Option 2A (egress access to 100 South), stating that a full implementation of the plan is necessary before evaluating effectiveness.

Chrissy Hanneman suggested that many decisions are administrative and should be led by the principal at the school, not the council.

City Engineer Jason Judd explained his plan to observe current traffic, review existing studies, and evaluate the effectiveness of the current changes.

Shane Sorensen added that previous studies of the area assumed a new STEM building, which is no longer planned, and would potentially alter some recommendations. He also stated that the city would not approve a Main Street drop-off/pickup for a new school today.

Chrissy Hanneman shared data from the task force, noting the 300 cars in the morning and 150 in the afternoon, with afternoon pickup causing more public street congestion. She discussed efforts to route traffic south via Red Pine Drive and shared her experience with Timberline Elementary's traffic issues being resolved by the principal. She argued that a 3-minute traffic delay is not a crisis and that congestion is a part of living near a school.

Mayor Carla Merrill clarified that the goal is to improve safety for student pedestrians, acknowledging that a complete solution for traffic congestion is unlikely without a significant investment.

Sarah Blackwell asked about the timeline for evaluating current measures and suggested exploring the church by the roundabout as a potential gathering spot.

Mike Pincock, Mountainville Academy Facilities Manager, addressed the council's questions. He explained that adding a sidewalk on the south side would require a costly shift in their ingress/egress. He stated the school received no prior communication about the "no left turn" barricades. He expressed the school's view that the traffic problem is primarily a city issue, as the school is efficient at moving cars off-site. He noted that busing is not financially feasible for the school and that off-site pickup in another city (Highland) is problematic. He also clarified that the school's decision not to pursue the property purchase was due to the city's unreasonable contingencies, including a proposed repurchase right tied to traffic volume. He stated the school is open to reasonable and realistic ideas and goals but is not willing to fund further solutions.

Addy Squires insisted on speaking to the council.

Mayor Carla Merrill asked her repeatedly to sit down. The mayor explained that public comment is for issues that are not on the agenda.

Mountainville Academy Board President Wayne Sleight confirmed the school's willingness to implement a 100 South egress pilot but cited the high cost and risk for a short-term trial as reasons for not proceeding previously. He reiterated that the city's proposed repurchase right based on traffic volume was a non-starter.

Mayor Carla Merrill acknowledged communication issues and emphasized the common goal of student safety. She said that the city needs time to conduct its study properly and confirmed that Jason Judd would provide updates at the next council meeting, scheduled for October 13th.

V. ACTION ITEMS

B. Ordinance 2026-18: Consideration for Approval of Development Agreement for Development of Property Located at Approximately 450 E. Healey Blvd – Lovell Development Group

City Planner Caden Lyon explained that the Lovell Development Group has approached the city with a proposal to enter into a development agreement to develop parcels 11:054:0449 and 37:280:0001 on the south side of Healey Boulevard and west of the Healey Well. These properties are located in the CR-40,000 Zone.

The proposal includes developing five lots with the lots fronting on a private road. Private roads are not currently allowed in the Alpine City Development Code (DCA). In addition, all lots are required to meet the frontage requirements on a public street. The developer is seeking an exception to these provisions through a development agreement. Utah State Code allows a city to grant exceptions to city code requirements through a development agreement, with the requirement that the development agreement go through the same approval process required for adopting a new land use regulation (i.e., public hearing, Planning Commission recommendation, and a City Council vote). (See Utah Code 10-20-Part 5).

Since the Work Session discussion on this item (August 25, 2026) there have been updates to what the developer is willing to commit to providing. Initially, it was:

- A 15-foot wide storm drain easement along the south and west boundaries of the development.
- A 15-foot wide water line easement along the east boundary of the development.
- The developer is proposing to install a storm drain line and pressurized irrigation line within the easement, with the city reimbursing the developer for the cost of the improvements, less a \$100,000 contribution from the developer towards the cost of the improvements.

Now, the developer is committing to provide (comments from developer in italics):

- **A 5-foot dedication to the City:** *We would dedicate 5 feet of our property to the city to provide the additional room needed for the city's water lines. Based on what we paid for the property, we estimate the value of this ground at approximately \$50,000. Previously, we were proposing an easement, but*

we thought dedicating the ground to the city would be more beneficial long term rather than having the water lines located within an easement.

- **A 24-inch water line:** *We would install the 24-inch water line adjacent to our property while the area is still open and before homes and fences are constructed. We originally proposed contributing \$100,000 toward this improvement but based on the feedback we received from the City Council during the work session, we have increased our contribution to \$180,000. The city would reimburse us for the remaining cost. Before beginning construction, we would provide the city with our contractor's pricing. If the city is not comfortable with that pricing, we would instead pay the \$180,000 directly to the city as a fee in lieu of constructing the line.*
- **Drainage/swale protection:** *We would include a swale along the rear of the lots to provide additional protection to the neighboring properties in the event the pump station experiences another issue. This would be incorporated into the development plans.*
- **Private lane maintenance:** *The private lane would be maintained by the HOA, so there would be no ongoing maintenance responsibility or additional burden on the city.*
- **Park strip maintenance:** *The HOA would maintain weed control for any park strip areas that are currently not being maintained, extending down to Canyon Crest.*
- **Healey Boulevard access:** *Instead of four individual driveways accessing Healey Boulevard, the development would have a single access point. The homes would also be designed so vehicles can pull forward onto Healey Boulevard rather than backing onto the road.*
- **Fence and park strip:** *We would install a fence along Healey Boulevard where it borders our property, and the HOA would be responsible for maintaining the park strip along our frontage.*

These improvements are desired by the city. The pressurized irrigation line would complete a portion of the master planned 24" line in the irrigation system.

The following list of perceived benefits for the 5-lot plan was provided by developer:

We continue to believe the private lane concept provides several meaningful benefits when compared to the traditional four-lot layout, including:

- *Reduced driveway cuts along Healey Boulevard, improving traffic flow and safety.*
- *Improved ingress and egress through a consolidated access point.*
- *A cleaner and more attractive streetscape.*
- *Enhanced frontage landscaping and improvements that would be privately maintained.*
- *Additional infrastructure benefits to the city through the proposed storm drain and water line easements.*
- *A planning outcome that we believe better fits the property while minimizing impacts to the surrounding neighborhood.*

Additionally, it is important to note that the proposed storm drain and water line easements would not be provided under the traditional four-lot code-compliant layout. We believe the development agreement approach creates an opportunity for the city to receive meaningful infrastructure benefits while also achieving what we feel is a superior planning outcome for the property and surrounding neighborhood.

Below are the Planning Commission motions:

Motion: Planning Commission member John MacKay moved to recommend approval of the development agreement for the new subdivision proposal on Healey Boulevard as proposed finding that:

1. It benefits the city in making a water connection that would otherwise be very difficult.
2. It is a well thought out plat.
3. It would add value to the city in the way of additional tax revenues.

The motion died because of a lack of a second.

Motion: Greg Butterfield moved to recommend denial of the development agreement for the new subdivision proposal on Healey Boulevard as proposed based on the following:

1. Safety concerns.
2. We want to stay with our ordinances.

3. We want few exceptions.

Susan Whittenburg seconded the motion. There were 4 Ayes and 2 Nays. The motion passed.

STAFF RECOMMENDATION

Staff recommend that the City Council consider the development agreement provided which includes the proposal to allow a private lane and five-lot plan for the Development Group mentioned, in exchange for help in completing important city improvements to the Public Works system. Staff suggest that the City Council review and understand the Planning Commission's reasons for recommending denial.

If the development agreement is found satisfactory, the City Council is encouraged to: 1) consider approving the proposal as is, subject to legal review; or 2) consider approving the contract to allow the development as proposed, but to request seeing the final development agreement with all legal descriptions, exhibits, attachments, etc., before granting final approval of the agreement.

The mayor, council, and staff engaged in a detailed discussion regarding the proposed terms of the development agreement.

Mayor Carla Merrill initiated the conversation by inquiring about the width of the access road.

Caden Lyon said it is 26 feet wide and would meet road standard requirements.

Brent Rummler raised a specific concern about the adequacy of the access lane for emergency vehicles, questioning whether the fire department had confirmed the turning radius was sufficient for a ladder truck. He stated that modern land use planning for collector roads typically incorporates wider dimensions to ensure sufficient clearance for such vehicles.

Sarah Blackwell echoed this concern, emphasizing the importance of facilitating emergency response.

Attorney Steve Doxey advised that while the draft agreement was solid, it required a final legal review to add more robust language regarding indemnification and to clarify long-term maintenance responsibilities to protect the city's interests.

Caden Lyon also noted that staff need to perform a final verification of all technical specifications against City Code before recommending final approval.

Motion: Brent Rummler moved to approve the development agreement for the new subdivision on Healey Blvd as proposed, subject to a legal and staff review of the final development agreement, and on the condition that the police and fire departments agree that the planned lane is sufficient for emergency response to the development. Chrissy Hannemann seconded the motion.

Sarah Blackwell reported on a cost-benefit analysis she conducted with the City Engineer. She estimated the value of the developer's proposed concessions to the city, including a 5-foot dedication (~\$50,000), a 505-foot, 24-inch water line (~\$200,000+), and a steel loop (~\$30,000-\$50,000). She also expressed concern about adequate space for emergency response on private roads but was not opposed to the five-lot plan.

Shane Sorensen confirmed that the city does have some 26-foot public roads in limited situations.

Brent Rummler added that the five-lot plan would likely generate greater property tax revenue and that the city would not bear the cost of maintaining the private lane, including paving and snow removal. He characterized the proposed lane as a long, shared driveway or "pipestem."

Mayor Carla Merrill noted that a resident had recently contacted her about a homeowner's association (HOA) in a similar situation that was not maintaining its road. However, she believed that with these lot prices around \$1 million and future homes valued at \$4-8 million, the homeowners in this

development would not allow the infrastructure to deteriorate. She questioned how the development agreement could ensure that the HOA is properly established and maintained.

Attorney Doxey explained that the developer had agreed conceptually to include language in the Covenants, Conditions, and Restrictions (CCRs) that would make the city a third-party beneficiary. This would grant the city the right to enforce any violations and would require the city's consent to amend or abandon the CCRs.

Chrissy Hanneman viewed the proposal as a "win-win" due to the developer's concessions. While she does not typically favor exceptions, she felt this unique situation warranted one. She also thought that a single entrance where cars enter the road in a forward motion is safer than multiple driveways backing out onto the curve of a fast road.

Andrew Young voiced strong opposition, arguing that granting an exception for a private drive would set a negative precedent and undermine Alpine's residential character by segmenting the city. He stated that if this exception were granted it would be difficult to deny future requests. He reported that he had spoken with nearby neighbors who prefer the four-lot plan with individual driveways, believing it would make the road feel more residential and help slow traffic. He contended that a private road would maintain the street's high speed, making it more of a dangerous corridor.

Brent Rumler countered that the road is already very fast, describing it as a steep hill where cars often do not brake, and that adding four driveways would not slow the traffic. He said that the city's standard reasons for preferring public streets do not apply in this specific case and that land use ordinances cannot anticipate every unique lot configuration, making exceptions appropriate at times.

Sarah Blackwell asked if width was the reason this is designated as a private road.

Shane Sorensen explained that a public road requires a 60-foot radius on a cul-de-sac. This would be a 54-foot street, and adding the 60-foot radius would take up too much space. Shane confirmed that the developers show curb and gutter on their plan.

Mayor Carla Merrill asked for a vote. There were 3 yes votes and 2 no votes, as recorded below. The motion passed.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Brent Rummler	Sarah Blackwell	
Jessica Smuin	Andrew Young	
Chrissy Hannemann		

Motion: Chrissy Hannemann moved to extend the meeting past 9:00 pm after a 10-minute break, and then to return promptly because the Smiths have been patiently waiting all evening for their agenda item. The city business will hopefully be concluded before 10:00 pm. Jessica Smuin 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>
Sarah Blackwell		
Andrew Young		
Brent Rummler		
Jessica Smuin		
Chrissy Hannemann		

The meeting was paused at 9:07 pm for a break.

The meeting resumed at 9:16 pm.

Mayor Carla Merrill clarified that when Andrew Young insisted that he wanted the Mountainville Academy traffic discussion on tonight's agenda she made it very clear to him that this would not be a public hearing and there would be no public comment on the topic. She asked him to let the public know. She was disappointed that he did not make that clear to the attendees. She wanted to delay the traffic item until we had data back from our engineer.

Andrew Young replied he did not indicate that the public would be speaking, and he would never assume that people can speak during a discussion item.

C. Consideration of Request for Easement on City Property at Approximately 1361 Box Elder Drive – Greg & Michelle Smith

Caden Lyon explained that the Smiths desire to build a wall across the front of their property (10 feet back as required in city code), in order to block traffic noise from cars using the public street in front of their home. To build the wall as they would like will require the wall to be placed in a location that is currently city property dedicated for a pump station.

The rough estimate of the wall's location is portrayed in the aerial view below:



As can be seen, the wall as proposed would encroach onto the city pump dedication parcel by abutting the concrete walk-up that provides an entrance into the pump station. After evaluation and discussion with the City Attorney, staff has concluded that any use of the city property would need to stay on the east side of the pump house at least a foot or two away from the existing concrete retaining wall/walk-in and would not include any city property north of the structure.

The aerial view below shows where staff designated appropriate areas for the wall on city property:



At a City Council work session (August 25, 2026), a discussion was held about the petition, and it was determined that the council would consider a formal action item on the request. The work session discussion seemed to indicate that City Council members favored a revocable easement on city property instead of disposing of city property. Rationale for this was based on staff input that future needs for the pump house site are uncertain at this time, but the need for expansion may arise at a future date. The discussion leaned towards the city retaining the property but figuring out a proper legal method to grant wall access to the property owner.

It is important to note that the property owners have submitted an updated fence permit with their 8 ft wall on their personal property which meets all the required codes for 3.21.060. Because of this, the city has granted them a fence permit to build the 8 ft wall according to code standards.

The City Council should make a formal decision pertaining to this petition so that both the city and the property owners know what to expect. If the City Council has determined that disposition of the property is no longer an option, there are a few other options that council could deliberate on. They are:

1. **No change** to the city property and cause the property owner to remain on their private land.
2. Pursue a **revocable encroachment license or permit** recorded with the County that would be put together by staff and presented for final approval at a later date.
3. Pursue a **revocable easement** recorded with the County that would be put together by staff and presented for final approval at a later date.

To ensure revocability, the document produced by staff would include language similar to the following (language suggestion from council member Brent Rummler and modified by staff):

The revocable easement (or license) is revocable by the city with 90-day written notice of revocation to the easement (license) holder for any public purpose identified by the city that would require the wall to be removed from the city property."

The City Council will determine if there is interest in granting the property owners the ability to build their wall as petitioned, or with a modification of the petition. If there is interest, staff request that the council determine which option they would like to pursue. Depending on what the council decides, a document containing all legal language necessary to preserve the city's interest in its own property will be produced and presented to the council to formalize the agreement.

Caden Lyon said that in discussing it with Steve Doxey, an easement would qualify as a disposal of property, so we probably need a 45-day notice period and a public hearing.

Steve Doxey clarified that the statute is not completely clear, as it says, "...the sale or lease of real property or a joint venture agreement regarding real property." An easement is part of the entire parcel of real property rights, so the conservative approach would be to go through the process, so it is not challenged later. In the meantime, there is a proposed easement document for the council to approve.

Jessica Smuin sought clarification on the new State statute regarding "disposition" of property rights, confirming that an easement falls under this.

Attorney Doxey provided the State Code Citation as 10-8-2(4).

Andrew Young expressed support for the request, wanting to expedite the process for the residents.

Brent Rummler outlined the conditions for a revocable easement: it is revocable at the city's sole discretion, the resident bears 100 percent of the financial risk (including removal and restoration), the city reserves removal rights (with the ability to lien the property for costs), the easement is recorded against the resident's deed, and the city requires liability insurance and an engineering review. He questioned the proposed 90-day notice period for removal, suggesting six months might be more appropriate.

Mayor Carla Merrill noted that 90 days is sufficient given the pump house's critical infrastructure status.

Jessica Smuin asked if the transaction is a 'conveyance' or 'disposition'.

Steve Doxey stated he would define the transaction as a disposition of a real property right.

Jessica Smuin then asked why the wall needed to outline the pump house.

Homeowner Greg Smith stated that the wall would be a continuation of the noise barrier and would offer deer control.

Sarah Blackwell expressed concern about setting a precedent for other residents to request easements for private use, noting that she had received similar inquiries.

Steve Doxey said he is not aware of any other similar requests that have been granted.

Andrew Young said that this situation is unique due to a dirt road on the Master Plan and the residents' existing burden.

Mayor Carla Merrill addressed Andrew Young, stating she had received calls from two residents (not the Smiths) who said a male council member told them they could either buy or get an easement on city open space or park land. The mayor noted she now has appointments with these two residents who want to ask for city property. She expressed discomfort with giving up city land without a clear advantage to the city, citing a past example of lost trail access in Hog Hollow due to easements granted by Highland City. She also preferred landscaping over a solid wall.

Andrew Young responded that he did not think it was inappropriate for residents to reach out about acquiring city property to improve their quality of life.

Chrissy Hanneman argued that this situation is unique, the land is currently unused by the public, and easements are a valid tool for such circumstances. She added that the council approved an easement on private land at a recent meeting.

Motion: Brent Rummler moved that the City Council direct staff to begin the 45-day notice process for disposition of city property with the understanding that a majority of the City Council is okay with granting a revocable easement to the Smiths (the current owners of the property), for the proposed wall with the conditions that were discussed during the meeting: revocability, the resident bears 100 percent of the financial risk, the

city has removal rights, the easement is recorded against the resident's property, and the owners indemnify the city for any liability or injury. Andrew Young seconded the motion.

Steve Doxey suggested that the motion should include that the City Council will give final approval of the easement document.

Brent Rummmler agreed to that addition. Andrew Young agreed as well.

Shane Sorensen clarified that staff had one proposal and the Smith's proposal encroached a little bit more on the north side. If the city needed access to the power panel or to re-roof the building, it would be best if the wall followed the property line on the north.

Brent Rummmler agreed to that stipulation. Andrew Young also agreed.

Amended Motion: Brent Rummmler moved that the City Council direct staff to begin the 45-day notice process for disposition of city property with the understanding that a majority of the City Council is okay with granting a revocable easement to the Smiths (the current owners of the property), for the proposed wall with the conditions that were discussed during the meeting: revocability, the resident bears 100 percent of the financial risk, the city has removal rights, the easement is recorded against the resident's property, the owners indemnify the city for any liability or any injury, an engineering review of the wall is required, the City Council will give final approval of the easement document, and the wall will follow the property line on the north side of the pump house. Andrew Young seconded the motion. There were 4 yes votes and 1 no vote, as recorded below. The motion passed.

Yes

Andrew Young
Brent Rummmler
Jessica Smuin
Chrissy Hannemann

No

Sarah Blackwell

Excused

D. Ordinance 2026-17: Adopt Wildland Urban Interface Map and Code Amendments

Caden Lyon explained that during the 2025 General Session, the Utah Legislature adopted HB 48 concerning wildfire and the Wildland-Urban Interface (WUI). Among other provisions, the legislation established requirements for State and local governments to identify and address wildfire-risk areas within their jurisdictions and tied certain State assistance and funding for wildfire preparation, mitigation, and firefighting efforts to compliance with State WUI requirements. In January 2026, the city adopted the required WUI regulations in order to remain in compliance with State law and maintain eligibility for applicable State assistance and funding.

Since that time, the Utah Legislature adopted HB 41 during the 2026 General Session. This bill updates the State's adopted WUI standards from the 2006 Utah Wildland Urban Interface Code to the 2024 International Wildland-Urban Interface Code (IWUI). The legislation also establishes requirements concerning the designation of WUI areas on local WUI maps.

Under the updated State requirements, areas designated on a local WUI map generally must meet the applicable wildfire-risk threshold established by the State's Smoothed Structure Exposure Score mapping (meeting or exceeding a score of 5). Areas below the applicable threshold may not be designated as WUI areas unless the approval requirements are satisfied through the Division of Forestry, Fire, and State Lands (FFSL).

The State's wildfire-risk mapping identifies varying levels of wildfire exposure throughout Alpine City. While much of the city falls below the State's applicable threshold, significant portions of Alpine have exposure scores that meet or exceed the Level 5 threshold established under the updated State requirements.

These higher-risk locations are generally concentrated in portions of north Alpine near the city's foothills and wildland areas. These areas are more directly exposed to wildfire hazards because of their proximity to undeveloped vegetation, steep terrain, and other conditions associated with the WUI.

City staff have reviewed the State's Smoothed Structure Exposure Score map and prepared a proposed WUI map for Alpine City. The proposed map generally limits the city's WUI designation to those areas that meet the State's Level 5 and higher exposure threshold.

Staff do not currently recommend designating additional areas below the State's Level 5 threshold. Limiting the initial designation to areas meeting the State's established threshold provides a clear and defensible basis for the city's WUI map while avoiding the need to seek additional State approval for lower-risk areas.

Being designated as WUI means there will be additional wildfire-resistant requirements for new homes which can affect patterns for new development in the WUI. It also requires maintaining defensible space around structures for existing homes.

The State's new WUI requirements are scheduled to take effect **January 1, 2027**. Updating the city's code and adopting the WUI map in advance of that date will allow the city and affected property owners to prepare for implementation of the new requirements.

Accordingly, the proposed ordinance would accomplish the following:

- Update the City's WUI provisions in 3.12 of DCA to reference and implement the 2024 International Wildland-Urban Interface Code, effective January 1, 2027, consistent with the effective date established by State law; and
- Adopt the Alpine City WUI map, identifying those areas that meet the State's applicable Level 5 or higher wildfire exposure threshold.

Planning Commission Motion:

MOTION: Planning Commissioner Susan Whittenburg moved to recommend approval of the amended Wildland-Urban Interface provisions in Alpine Development Code and recommend adoption of the proposed Wildland-Urban Interface (WUI) map, as proposed. Michelle Schirmer seconded the motion. There were 6 Ayes and 0 Nays. The motion passed unanimously.

Andrew Young noted that the map showed exposure scores up to eight in Alpine, with five being the trigger for WUI designation.

Mayor Carla Merrill commented that this will likely increase residents' insurance costs.

Chrissy Hanneman asked about enforcement of vegetation management and defensible space requirements, and whether sprinklers would be mandated.

Caden Lyon stated that the International Wildland Urban Interface (IWUI) code would apply.

Shane Sorensen said that we will need significant public education, which may require a dedicated staff person. This led to high level discussion about which authority in the city would be responsible for enforcement of the proposed ordinance, or whether that responsibility could be outsourced.

Jessica Smuin suggested that insurance companies would likely drive compliance. She also asked if the expanding WUI would impact the city's water pressure or Level of Service (LOS).

Shane Sorensen said that it should not affect it, as the LOS already accounts for fire flow.

Mayor Carla Merrill noted that the State code is a response to insurance company pressures following large fires and is likely to evolve over the next few years. She requested that staff adjust the WUI map to use more contrasting colors to make it easier for residents to locate their homes.

Andrew Young suggested that some neighborhoods in the middle of town with gullies full of deadwood might pose a greater fire danger than mountain areas, despite the map's elevation-based scoring.

Caden Lyon clarified that the map reflects the State's Smoothed Structure Exposure Score.

Motion: Sarah Blackwell moved to approve the amended Wildland-Urban Interface provisions in Alpine Development Code 3.12 and recommended adoption of the Wildland-Urban Interface (WUI) map, as proposed. Andrew Young 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>
Sarah Blackwell		
Andrew Young		
Brent Rummler		
Jessica Smuin		
Chrissy Hannemann		

Because of the late hour the Staff Reports and Council Communications were not given during the meeting.

Motion: Sarah Blackwell moved to go to a closed meeting in the Conference Room at City Hall to discuss the purchase or disposition of real property, and that at the end of the closed meeting the open City Council meeting will be adjourned. Andrew Young 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>
Sarah Blackwell		
Andrew Young		
Brent Rummler		
Jessica Smuin		
Chrissy Hannemann		

VIII. CLOSED MEETING

The public meeting was paused at 10:06 pm.

The closed meeting began at 10:10 pm and concluded at 10:32 pm. This also adjourned the open public meeting.