

**ALPINE CITY COUNCIL PUBLIC MEETING**  
**Tuesday, June 28, 2022**

**I. CALL MEETING TO ORDER**

Mayor Carla Merrill call the meeting to order at 6:00 pm

- A. Roll Call:** The following were present and constituted a quorum: Lon Lott, Jessica Smuin, Kelli Law via zoom, Greg Gordon, Jason Thelin
- B. Prayer:** Jason Thelin
- C. Pledge:** Greg Gordon

Staff: Shane Sorensen, Austin Roy, Chief Brian Gwilliam, Chief Brian Patten, William Livingston, Heidi Jackman, Hyrum Bosserman

Others:

**II. CONSENT CALENDAR**

- A. Approve City Council minutes of June 14, 2022**
- B. Final Payment, S&L Inc- Westfield Road Sidewalk: \$125,521.50**
- C. Payment No. 3, Shapeshift Terrain Parks LLC- Lambert Flow Trail: \$13,575.30**
- D. Resolution R2022-29: Approval of Interlocal Agreement with Utah County for Election Drop Box**
- E. Approval of Transportation Master Plan Update: Horrocks Engineer: \$18,300**

Shane Sorensen said the last official update was in 2005 and since that time, in 2018, we updated the Street Plan in a few areas. The figure that’s included as an attachment to the proposal wasn’t meant for anything other than identifying specific areas we want to look at. He explained that all those changes made in 2018 will be incorporated in the plan, and there’s no intent to change any of that. That figure was there for a different purpose and just to highlight some of the roads we might need to invest in in the future.

- Lon Lott has minute changes.
- 1. Change the name Nate Smart to Niel Smart in a few locations.,
  - 2. Page 5 line 30, change concert to concrete,
  - 3. Page 3, live 57, change at Peterson Park to as Peterson Park.

Carla Merrill said she would like to defer the other changes to the minutes because of time.

- F. Ordinance 2022-22: Retaining Wall Spacing**
- G. Ordinance 2022-21: Signs in the Gateway Historic District**

Greg Gordon said he thought it was good, simple, and clear but it was just a general review, and it didn’t get into specifics; and that could take some time if we’re worried about it. He said he thought it got us where we need to be, without going to through design specifics.

Lon Lott said in our contract, it talks about us having cameras on the voting box. Shane Sorensen explained that this was a quick turn-around. He said most cities already have a camera system and just had to add an additional one. He said we currently don’t have anything and getting materials is tough. He said we do have a camera there now but doesn’t know if it is hooked up yet. He said we have a trail camera installed so we have coverage for now and a permanent solution will be in place soon.

- H. Resolution R2022-30: Appointment of Lon Lott to TSSD (Timpanogos Special Services District) Board**

**Motion:** Lon Lott moved to approve the consent calendar without the minutes to defer them to the next meeting. Greg Gordon seconded the motion. There were 5 yes votes, 0 no votes and 0 excused as recorded below. The motion passed unanimously.

<u>Yes</u>	<u>No</u>	<u>Excused</u>
Jason Thelin		

Greg Gordon  
 Kelli Law  
 Jessica Smuin  
 Lon Lott

### III. PUBLIC COMMENT

No comments made.

### IV. REPORTS AND PRESENTATIONS

No reports or presentation.

### V. ACTION/ DISCUSSION ITEMS

#### A. Public Hearing: FY2023 Budget

Carla Merrill opened the Public Hearing.

#### B. Ordinance 2022-24: Approval of FY2023 Final Budget

Budget Presentation:

Shane Sorensen said that included with this packet is the proposed Final Budget for FY2023. The budget anticipates a property tax increase, which requires a public hearing that would be held on August 23, 2022, to meet the truth in taxation requirements. The city will need to meet specific public notice requirements leading up to the public hearing. As part of this budget, there is a proposed property tax increase, it talks about revenues, safety district, budget changes, costs, and property tax comparisons. He said William Livingston put this together for us and has done a great job, and we'll be hearing from him later.

Shane Sorensen said this budget addresses wage adjustments due to inflation, and some recruitment and retention for Public Safety District, Police, and Fire, increased costs for projects, 8.7 percent COLA with our garbage contractor, and capital projects. Some of the capital projects included in this budget are new pickle ball courts, fire station addition remodel, Grove Drive crossing and realignment by the Cove and Box Elder, Grove Drive Bonneville Shoreline Trail, which we have a 50% matching grant for that project, the poppy restoration project, with a 50% matching grant, PI system improvements, and some water system improvements.

Shane Sorensen explained that our sales tax just keeps getting better and that's how we've been able to survive with minimal property tax increases. He said it's really started to blow up here in the last four years, as show on the graph. He said as of this month, year over year, we're up 13.45 percent. He said there are two more months that go into this, so we really won't know where we're at until the current budget year, which is about August 20<sup>th</sup> when we get that allocation.

Shane Sorensen showed a property tax graph. He said we get a little bit of additional property tax revenue for new growth, and there's a lag in that as well. Without a property tax increase this year, we would have received an additional \$45,000. He said in looking at inflation and costs, it doesn't go very far. The property tax remains flat and as property values go up, the rate goes down unless you have a property tax increase. So, you get the same revenue year after year, plus a little component for new growth.

Shane Sorensen said as part of this budget, we're making a recommendation to increase property taxes for some additional revenue. The proposal is included in the budget that's in your packet, is to hold the rate from last year which is 0.001306. That additional revenue will be about \$730,000.

Shane Sorensen explained how this money would be spent.

1. \$267,000 would go to fund the Public Safety District,
2. Sales Tax Bond for the Fire Station Remodel, replace \$250,000 in sales tax revenue,
3. Funding for larger city projects,
  - a. Grove Drive crossing and realignment,
  - b. Water system improvements,
  - c. Increased street maintenance.

Shane Sorensen said the property tax increase would be noticed by the budget hearing tonight which was noticed according to state law. He said we will need to set up a Public Hearing for the tax increase for August 23<sup>rd</sup>. He said he has talked to Utah County and was told you can't have your Truth and Taxation hearing at the same time as another hearing, and August 23, is open, but we would have to keep it separate from the rest of the meeting that

night. Information would be on our website, on the mayor's email page, utility bills, the newsletter and advertised according to state law.

Shane Sorensen went over the Public Safety Budget changes:

<u>Police</u>	<u>Fire</u>
Officer Recruitment & Retention	Officer Recruitment & Retention
Increase Starting Wage	Increase Starting Wage
Vehicle replacement	Converts a Part Time Position To Full Time

The public safety costs for our portion for the police is \$266,797 and about 66 percent is for police and 33 percent is for fire.

Shane Sorensen showed a chart showing county wide where property taxes go. A big chunk, almost 71 percent goes to the school district. Cities are next at about 13.66 percent. In 2021, in Alpine City, this is where taxpayer dollars went: 13.56 percent went to the city, and in 2022, it would bump up to 15.87 percent. A big chunk of this money goes to the Public Safety district which is common. The Proposed Property Tax Adjustment to Fund FY2023 Increases:

1. Revenue needed: \$730,000,
2. Proposed Tax Rate: 0.001306 (+36.89% For City Portion) This equates to approximately \$1.61 per month increase per \$100,000 of residential market value,
3. Mean Home in Alpine for 2022 is (\$1,015,900): up from \$730,000, which is a \$16.39/Month Increase
4. Median Home (\$868,000): \$14.02/Month Increase

Shane Sorensen said we've tried to see who's doing a tax increase and what their proposal is. He said they haven't heard back from Highland City. He wanted to know what their rate would be if the safety district fees were included. Carla Merrill said Highland City adds three additional fees, that aren't taxes, but residents pay them, so it skews their numbers. She said she talked to their staff and said their rates would be similar to ours when all the fees are added. Shane Sorensen said they could be about a year away or less from changing that because of some things that are going on in the courts. Kelli Law said that some cities have a sewer tax or a cemetery tax where ours is all included in one.

Shane Sorensen showed on a graph how Alpine City stacks up to other city's property tax comparison. He showed what Funding Tax Increase Provides to The Residents:

1. Maintain Level of Service in Public Safety,
2. Continued funding For Capital Projects Not Funded by Enterprise Funds,
  - a. Cemetery Expansion,
  - b. Fire Station,
  - c. Improvements to Water System

Shane Sorensen said a couple of items in the budget that was included in the packet have a few adjustments since the tentative budget was approved. The reason is because we've heard back on some grants. He said we were not successful in getting any of the three grants that we applied for through Utah County. They chose some large projects scattered across the County. We were told that the projects they chose will benefit everyone even though our specific requests didn't get funded. He said he increased the cemetery bid by \$50,000 and applied to the County for a grant to install smart water controllers for our parks but were not successful in getting that grant. He said he added \$100,000 to start chipping away at that project and would start at Creekside and Burgess Park first. The system is installed in Legacy Park and so far, it's working really well. We wrote the Grove Drive project into the budget as a capital project and showed how we could fund that. That was estimated at \$1.4 million and a big project for us. Some other minor tweaks like equipment costs went up a little bit from the budget that was approved, so we adjusted that up a little bit. Other than that, everything is as it was in the tentative budget.

Shane Sorensen said there's been quite a few residents that have approached different city officials or staff and said, "Hey, you can raise our property taxes if you can do more, like pave our streets", and other comments like that. Related to street maintenance, the Council approved a study that will hopefully begin in August when the Utah State students get back in school. Then we'll go through and do an inventory of every sidewalk, sign, and street in the city. Out of that, we should be able to come up with a five-year maintenance plan that we can use as a guide as we go through our future budgets and street maintenance plans.

Carla Merrill said the first thing we have to do is take into consideration the Public Safety District. The second thing is we're holding the rates steady, and our tax rate does not account for inflation. Our garbage collection is

charging us an 8.7 COLA. People ask for more and we say we don't have the funds which is surprising to a lot of people because they don't know how lean we run the city. She said she met with the mayor of Lehi earlier today and said we have fifteen full time employees and a few seasonal workers, and that's how we run the entire city. He said, "Are you kidding me", he had no idea. It's great that we can do this, but as we grow, the residents want more from the city. She said she doesn't think we are being extravagant in what we're doing, and a lot of it is just to keep up with the rising costs. As far as being able to help people on fixed incomes, there is a path through the county that we can help set up; so, the people on fixed incomes should not be affected.

Shane Sorensen explained that the increased sales tax is what has been helping us along without having to have regular tax increases. He said he and William Livingston were on a zoom call with a staff member from Saratoga Springs and they did a nine percent increase across the board for city employees and increases for police and fire as well. I asked if they were raising property taxes to take care of this and he said no, our sales tax has been so good to us it's covering all of that. Shane Sorensen said we don't have the commercial mecca that other cities have. Carla Merrill said even though American Fork City has a lot of commercial businesses, their mayor said they are raising taxes to equal about \$10 a month.

Carla Merrill closed the Public Hearing.

**MOTION:** Jason Thelin moved to approve Ordinance 2022-24 for the fiscal year 2023 Final Budget and schedule a Public Hearing for the proposed property tax increase on August 23<sup>rd</sup> at 6:00 pm.

Kelli Law seconded the motion. There were 5 yes votes, and 0 no votes and 0 excused votes as recorded below. The motion passed unanimously.

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

### **C. Public Hearing FY 2022 Amend Budget**

Shane Sorensen said he sent exhibit A out Friday, not knowing the other things were not in the packet. He said when he realized that today, he sent the cover sheet and the resolution for the ordinance out as well. He said there's just a few little budget adjustments this year to make sure that we don't have an over run. He said in our General Fund, for the Treasurer Department, there's a slight increase for wages and benefits by \$1,150 total that would come from Fund Balanced. Building inspections would be \$2,450 plus with all the building, we experienced more costs for the Building Inspector so we're upping that by about \$10,000. In our streets, some projects were higher in equipment costs so that's about \$42,750 and that will come from Fund Balanced as well. In the garbage department, a slight increase in wages and benefits. We added our clean-up projects, and we didn't have any history to know what they were going to cost, so there's an adjustment in there and it is built in the new budget. So about \$13,400 coming from Fund Balanced. Class C roads need a little increase for project costs that will be about \$50,000.

Shane Sorensen said the State Legislature changed, so in our General Fund, we need to be under 35 percent of our General Fund Budget. As far as what can stay in the General Fund, the rainy-day fund went from 25 percent to 35 percent. We need to transfer 1.3 million to our Capital Improvement fund. By transferring funds, we're able to fund things like the pickle ball courts that don't have a funding source and this is allowed by state law.

Carla Merrill opened the public hearing. There were no comments, and Carla Merrill closed the Public Hearing.

**MOTION:** Jason Thelin moved to approve ordinance 2022-25 the FY 2022 amended budget as proposed.

Lon Lott seconded the motion. There were 5 yes votes, 0 no votes and 0 excused as recorded below. The motion passed unanimously.

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

#### **D. Open Space Improvement Request – Removal of Sage Brush – 168 E Deer Crest Lane**

Austin Roy said this request is coming from a property owner whose back yard fronts open space and wants to remove ten to twenty sagebrush that border his property to the north. Austin Roy showed pictures provided by the applicant, showing the area he wants to clear. The applicant said by removing these, it would improve fire safety for his home since he fronts the hillsides and open space.

Austin Roy said Mr. Martin is requesting permission to move those and his plan is to use some equipment to get in there and remove the sagebrush and then restore it back to a natural state, reseed it, and make it look like he hadn't gone in there.

Austin Roy said the Planning Commission looked at this and made a recommendation to deny this request based on the fact that they felt that public open space should remain undisturbed.

Greg Gordon asked if living sagebrush is a significant fire hazard and asked Fire Chief Brian Patten to advise the Council on that. He also wanted to know if the sagebrush was replaced by native grasses, does that become a fire hazard as well? Chief Patten said sagebrush burns, but it is not significant.

Lon Lott said he would like to recuse himself from this because he's done some work for Michael Martin for the past couple of years at his previous residence and said he's been asked to do some work on the new residence. He said Mr. Martin won't be going in and disturbing anything other than just plucking out a few sagebrush along the edge. He said he's the one who told Mr. Martin the procedure for doing this and he feels that Mr. Martin has respectfully done what he's supposed to do and come and asked permission before doing the work. Lon Lott said the T-post in the picture shows the property line and said equipment wouldn't go into the open space.

Carla Merrill asked Lon Lott what would be planted in its place. Lon Lott said he didn't know that he would need to plant anything else, the grass is growing there. If you pull the sage brush, it is just going to grow. Carla Merrill asked if the sage brush was any more flammable than the grass once it dries out. Lon Lott replied that he didn't know if it was, that sage brush was very stinky and smoky, but he didn't think that there was one over the other dry that would be more flammable. Lon Lott said that Michael Martin is putting an 8' road, meaning gravel so that he can maintain a barrier between him and the open space. Lon Lott said that when he says "road" that may seem a little hard. Michael Martin would not plant, he doesn't want anything. Carla Merrill asked if it would be a dead zone. Lon Lott said yes, a buffer. Michael Martin was a fire fighter before; wild land firefighting and he is sensitive to that. Lon Lott said that is his input, and of course you would have to have all four of you vote for it to have it even pass because it must be a super majority to do anything in our open space. Lon Lott said it was not that big of a deal one way or another.

Shane Sorensen said that he and Austin Roy were looking at the code today and that there is a procedure in the open space ordinance if someone wants to improve open space, as in planting a tree on the other side of the property line in open space. Shane Sorensen said that the way he reads the code, is that particular instance has to go through Planning Commission and City Council, but it doesn't say that it needs a super majority vote. Shane Sorensen said he would look at in the same way as in planting a tree, taking sage brush away. Shane Sorensen said it was not a big deal either way but, in his opinion, he doesn't think it would require the super majority vote, though he did not inquire about this to Hyrum Bosserman or Craig Hall who is on vacation. Shane Sorensen said we are not building a parking lot; we are not making a major substantial change to open space. Shane Sorensen said the discussion came up because he thought we had because we potentially thought we might have only three council members here and he didn't know if it could even be on tonight.

Greg Gordon asked if there was a consideration for this. Does anyone that lives on an open space, along the mountain side need to have the same potential opportunity or right to go and remove brush to expand their fire defensible space. Greg Gordon said Michael Martin's neighbor might be in the same situation.

Carla Merrill stated that she didn't know if she understood the fire defensible portion of this. She rode by it the last several mornings to get a better idea of what this would look like and why. It is brown and dry, and that surrounding grass would be so much more flammable than just the sage brush. Carla Merrill said it is just a question if he wants a modification. Is it the only reason? Lon Lott said that Michael Martin is very particular as far as wanting to do things the right way and in the right steps. He said that Michael Martin talked about fighting fires or as cutting a certain distance of defensible space with certain things. Lon Lott said Michael Martin will have to deal with what he's got if those 20-sage brush aren't yanked out. Carla Merrill said she saw that Michael Martin had all that dirt with sage brush behind it and wants to rip those out but if you don't put anything there or have that dead vegetation area it is still going to be a fire hazard. Carla Merrill said the area doesn't increase; it's just going to be overgrown by that grass.

Greg Gordon said it sounds like there are two questions. One, is this safer for a fire. Two, is this necessary for a fire. Greg Gordon said the third thing is if it applied to this house it would apply to many others similarly. Carla Merrill asked about the area to the side, the north side. Lon Lott said that was a hill going down. Carla Merrill said it's a gully. She is worried about it coming down from above. Lon Lott said that more than likely those scrub oak would need to be trimmed back to give him that much more defensible space on that side, but he can't do anything because it's a steep hill. Carla Merrill said she has seen it and gone up that gully. Carla Merrill asked if anyone had any questions.

Kelli Law said that it might be an opportunity to improve that area. He said he doesn't know about native grasses or if there is something more drought resistant than sage that they could replace the sage with if they wanted to. He said he was not sure what ripping the sage out would do.

Lon Lott asked Carla Merrill if she saw the road (pointing at image). Lon Lott said that Michael Martin is concerned and sees 4 wheelers and stuff, jeeps going up the road, which they are not supposed to do, and no one has built on that lot, so it is still an open area for people to run. Lon Lott said he wasn't sure if trail could go behind it. People use that area a lot. Lon Lott said that when you talk about going on the trail from the north of his place it comes across that draw there (point at image) and comes back over to the south side a little further. Lon Lott said that as far as any improvement right next to his place, the trails wouldn't work. He said that Michael Martin is concerned that the 4 wheelers might be the ones to start a fire up there. Carla Merrill said she agrees.

Carla Merrill had a question about recusal and asked if someone is recusing themselves are they just recusing themselves from the vote or the discussion. Lon Lott said that he is recusing himself from the vote because he does not want to look like he's playing a favorite. Carla Merrill said that they haven't had this before so she would like to know how it works. Carla Merrill asked Hyrum Bosserman, (attorney) if he knew. Hyrum Bosserman said that certainly he would be recused from voting on the matter and generally you would ask for a motion and when the motion is made there is going to be a discussion. And at that point when there is open discussion that you would not participate. Jason Thelin asked if Lon Lott had to recuse himself because Michael Martin was his customer, and he is doing work for him. Hyrum Bosserman said that in this instance he would recuse himself because the actual person and he has an interest in the work that would be done on the home and the answer would be "yes."

Carla Merrill said that if there was no more discussion that she would entertain a motion.

Greg Gordon said that his concern is that if makes sense on this property it would make sense all along that mountainside and he was not sure if we were encouraging people to go tear out all the sagebrush 20' back or whatever their home happens to be set back. Greg Gordon said that some homes could be more, and some could be less.

Lon Lott said that Michal Martin's house sits different than most homes in there. Most homes sit forward, and they have a bigger backyard that is a buffer and that his home sits clear back to the back because of the grade in the front. Greg Gordon said that was interesting and asked if Lon Lott knew what Michael Martin's setback is on the rear right now. Shane Sorensen asked Austin Roy to measure on the map image. Greg Gordon asked what the recommendation was. Carla Merrill said that there were other homes around there that have similar setbacks. Shane Sorensen said Michael Martin's setback was a little over 60'. Carla Merrill said that if you go down lower in the neighborhood, down south even Will Jones' home, and other homes (showing on map image) they are set back even farther and doesn't think that it is an exception. Carla Merrill said that is all over. Carla Merrill said that she believes that Greg Gordon has a genuine concern. Greg Gordan said that the other concern is that he is not sure that natural grasses are going to be safer than living sage brush. He said he didn't know but it didn't sound like it. Carla Merrill said it needs a fire mitigation and it would be like putting another 20' barrier and he is doing the 8' on his property line.

Jessica Smuin asked the Fire Chief what the best practices for defensible space, is there a distance that has been defined. Chief Patten said he did not know, depending on how tall the brush is, that there is a myriad of things. Chief Patten said that he believes that there is in the city code, an actual distance and wants to say 30', though he did not know that for sure. He said it all burns and things that don't burn would be better but where do we draw the line.

Jessica Smuin said she would like to look at something definable for all neighborhoods that back to open space and what are we going to set as that standard. Is it to property line or are we going to create a measurement that's best practices for safety? She said that maybe there is not a clear answer to that, and we don't have a code that defines that for fire boundaries. Chief Patten said that they don't have anything that defines it on the fire side and there might be more in the municipal code. Austin Roy said that there is a section somewhere in our code where it talks about defensible space on private property but didn't know that off the top of his head and he didn't know where it was and would have to look it up.

Carla Merrill said that the brush that shows up on the parcel map so far, even to the north, their back boundary lines up against open space and it was all about the same. She said the house does sit back and up higher because it's a longer lot but the cul-de-sac up above (parcel map image) and see how close they are to it. Greg Gordon said that he agreed.

**Motion:** Greg Gordon moved that the request to move the sage brush from city open space be denied based on the following:

1. City open space should not be modified,
2. There is not a compelling reason to expand the defensible open space by removing the sage brush and removing and replacing it with native grasses.

Jason Thelin seconded the motion as proposed. There were 4 yes votes, 0 no votes and 1 recused as recorded below. The motion was denied.

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

#### **E. Recreation, Arts and Parks (RAP) Tax Discussion**

Shane Sorensen said that William Livingston has been working on putting information together, with the details of what it takes to pass a RAP tax and have it on the ballot. These are the sections of Utah Code where some of the information came from along with a timetable and deadlines:

*Utah Code (Section 59-12-1401, et. seq.) authorizes a city to submit an opinion question to its voters as to whether or not the city should impose 10-year local sales and use tax of 0.1 percent to fund recreational, cultural, and zoological facilities and botanical, cultural, and zoological organizations in the city (commonly referred to as a "RAP tax").*

*A city may not impose a RAP tax if the county in which the city is located has either enacted a countywide RAP tax or has declared its intent to submit an opinion question to county voters as to whether the county should impose a countywide RAP tax.*

*Utah Code Section 59-12-1402(6)(a)(i) states that before a city submits an opinion question to its voters regarding the RAP tax, that it must first "submit to the county legislative body in which the city or town is located a written notice of the intent to submit the opinion question to the residents of the city or town."*

*Utah Code Section 59-12-1402(b)(i) states that the county has sixty days from receipt of the city's notice to provide the city with either (1) a resolution stating that the county does not seek to impose a countywide RAP tax, or (2) a written notice that the county will submit an opinion question to the county voters as to whether the county should impose a countywide RAP tax.*

*The city may proceed with its RAP tax election if the county indicates that it does not seek to impose a countywide RAP tax; the city may not proceed with the RAP tax election if the county gives the city written notice that the county will have its own RAP tax election.*

*Based on Alpine City's sales and use tax revenues for the calendar year 2021, it is estimated that the foregone revenues would have generated roughly \$101,860 for recreation, arts, and parks use in the city. This revenue would be drawn from applying 0.1% to local taxable sales revenues distributed monthly by the state.*

*13 cities in Utah county already impose this tax including: American Fork, Lehi, Lindon, Orem, Payson, Pleasant Grove, Provo, Santaquin, Highland, Spanish Fork, Springville, Vineyard, and Cedar Hills.*

*An estimate from the Utah County Elections Office estimates the cost of a ballot question in this non-election year would not exceed \$7,170.*

*RAP Tax Timeline*

- *June 28 – Resolution of intent passed by Council and sent to the county 59-12-1402(6)(a)*
- *August 20ish – County deadline to let us know if they are doing one or not (60 days after they get notice) 59-12-1402(6)(b) (Actual deadline August 27, but generally done in less than a month)*
- *August 21 - Provide public notice of ballot language and opportunity for argument submission in newsletter 20A-7-402(c)*
- *August 23 – Council Adopt a Resolution to put it on the ballot and file it with the Lt. Governor's Office (75 days before election) 11-14-201(1) (actual deadline August 25)*
- *August 24 – Provide public notice of ballot language and opportunity for argument submission 20A-7-402(c) (as soon as it practical after resolution approval)*
- *September 4 (September 5 because Sunday)– Deadline for requests to election officer to prepare a ballot argument (65 days before election) 59-1-1604(2)(a)(iii)*
- *September 9 – Argument submission deadline (60 days before election) 59-1-1604(2)(c)(i)(B)*
- *September 12 – Arguments submitted to the opposite side (one business day after recorder gets them) 59-1-1604(3)(a)(i)(B)*
- *September 24 – Rebuttal arguments due (45 days before election) 59-1-1604(3)(b-c)*
- *September 24 – November 4 – Public meeting where both sides can present and people can voice thoughts (4-45 days) before election) 59-1-1605*
  - *Digital recording made available on website and in office 3 days later (59-1-1605) (4) (b) (ii)*
- *October 9 – Arguments and public meeting information printed in the City newsletter 59-1-1604(6 and 7)*
- *October 9 – Arguments and public meeting information posted on state and city website and newsletter (30 days before election) 59-1-1604(6 and 7)*
  - *Must also include information about the public meeting*
- *October 18 – Vote by Mail ballots mailed*
- *October 18 – Notice of Election and Voter Information Pamphlet mailed 11-14-202*
- *November 8 – Election*
- *December 13 – If residents approve, Council passes an ordinance to adopt the RAP tax and sends notice to the tax commission 59-12-1402(5)(b)(ii)*
- *April 1, 2022 – tax goes into effect 59-12-1402(5)(b)(i)*

William Livingston said he has provided information in the packets and the main background stipulates what is specifically required by state code in order for a ballot question, including a RAP tax question, to be put to the public. He said the way this generally works, is there's a requirement for a RAP tax where the City Council passes a resolution to inform the County that they want to include that on the ballot initiative. He said the reason this happens, is to allow the County a chance to state if they would like to impose a RAP tax or not because there cannot be a consequent municipal RAP tax and County RAP tax together.

Shane Sorensen said because multiple cities in the County have already instituted a RAP tax you could basically say the County is not going to do it. William Livingston said that is correct. He said there are thirteen other cities in Utah County that currently impose a RAP tax. Some have had it since 2005, and some since last year. He said after the County lets us know their decision, we then inform the Lieutenant Governor's office, as well as, providing public notice that this is something that we would like to pursue. We then need time for opinions to be given on both sides and go through the various steps and timeline to eventually, potentially get it on a ballot initiative. He said the required timeline is included in the packet.

William Livingston said the biggest thing right now is getting that opinion back from the County Commission. They have sixty days from the time of being noticed to give a response back to this. He said that is the biggest part of having a window of time for an action to happen. Otherwise, the majority of the rest of the process is very detailed in what needs to be done by what time. The RAP tax will impose a 0.1 percent additional tax on sales and use taxes. This just means that anyone purchasing something within the city boundaries would be getting a sales and use tax. This sales tax would then be given to the State Tax Commission and then distributed out monthly to the different municipalities. They will be given a fifty percent direct distribution for whatever was sold in their tax jurisdiction, then an additional fifty percent that is distributed by the State to municipalities proportionate to their population.

William Livingston said having talked with the State Tax Commission, and some other entities, this would look like for us an annual revenue and would be just north of \$100,000 and this would specifically be for recreation, arts, and parks use.



Greg Gordon asked about online sales; what would be the tax for that or the benefit? William Livingston said the benefit is the online portion would be wherever the consumer is acquiring the merchandise, that jurisdiction would get their portion.

Lon Lott asked how we came up with the \$100,000 because we don't have that many retail sales here. Shane Sorensen said it's a complicated formula, but that \$101,000 number came directly from Jim Clayton who's the head of the State Tax Commission. He said we don't have the ability to calculate it.

Jason Thelin asked what the high end of the revenue was. Shane Sorensen said this year we're going to hit close to two million in sales tax so it would be another \$100,000 on top of that. Jessica Smuin said on Saturday she shopped in Lehi, Highland, and American Fork, and said she paid for their arts, parks, and recreation.

Jason Thelin left the meeting at 7:14 pm

Shane Sorensen said he pulled the spreadsheet up that Jim Clayton sent to him and said there's two components in here. The first is a local option point of sale, so for January 21, there's \$109,781.95. Then there's a rate of one percent that is local taxable sales and a state food point of sale which is where the \$101,000 comes from. Mr. Clayton said this analysis is based on actual local food and sales tax distribution for calendar year 2021 and is not intended to be a forecast of future distribution. He said he could show a summary of the monthly sales tax distribution which shows all the formulas used. He said we wouldn't have the ability to calculate and that's why we asked him to do it for us.

Greg Gordon asked what it would look like to fund this since we are not in an election year. William Livingston said the Utah County Elections Office stated that the cost to put a ballot question in our non-election year, would not exceed \$7,170. Carla Merrill said this is coming in a lot lower than anticipated. Greg Gordon said if we waited until next year to do this, it wouldn't cost us anything. Jessica Smuin said we then lose out on the tax money by waiting.

Carla Merrill said there were a handful of cities who put this on the ballot last year and they all passed. She said she wonders if we're going to miss out on that window. She said she looks at all these amazing projects other cities have been able to do with the RAP tax, and if anything, it would help us maintain our parks and be a funding source that would help pay for maintenance year to year. She said the money could be put towards a new project.

Greg Gordon said this is a consumption tax which is less aggressive than a property tax. He said he talked to a City Council member in Lehi last week and was reminded that they passed this last year and maybe it was just a good year for it. He said Lehi ran this the year before and it didn't pass so he isn't sure if it's based on where the economy is at the time. He said Lehi is grateful to have it now to do key projects, but Greg Gordon said he's concerned about doing this and raising taxes in the same year, so we need to put it to the voters who have to pass this.

Jessica Smuin said what she hears from the residents is that they love the trails and open space and can we please maintain them. We don't have a funding vehicle, and it's our outdoor recreation.

William Livingston said he talked to other cities, especially Highland, who implemented this tax last year. He said in imposing ballot language, which is specifying the entity that would be imposing the tax, the rate of the tax, and then what the distribution of funds would be for, Highland decided to make it very specific to use it for their parks. This means they were not able to use it for cultural activities, they weren't allowed to use it for the arts and in some cases even their trails. He said they just had to determine what is a park itself. He said this is something that needs to be considered when deciding what this would be used for, and what kind of distributions can be used from it.

William Livingston explained that cities such as Orem, and Spanish Fork, have opened that up as well and are using this as a fund for additional grants for local nonprofits or other entities that want to make improvements to the city, but they just don't have their own funding. This money can also be used for those types of grants as a possibility of what all this can be opened for.

Greg Gordon said he's concerned this won't pass and people are going to look at this by this fall with inflation, the economy, we just passed a 37 percent tax increase, and now they're being asked to approve this, and they might just say it's enough. Jessica Smuin and Carla Merrill both said we would be missing out on a lot of opportunities this would provide for our city and Carla Merrill said she doesn't see our economy booming in the next several years. Greg Gordon said if we waited until next year, we wouldn't do a tax increase again, so it would be separated out a little bit and not all at once. He asked if this needed to be promoted. Carla Merrill said there needs to be education

and said American Fork city sent out mailers and had a video as well. She said Highland City benefited from this because they have the same zip code and both cities got the mailers.

William Livingston said throughout the process, there will be specific dates for petitioning citizens for language and opinions on the subject. He said there's a requirement that at least three weeks before the election, there is some kind of mailer or informational pamphlet to be distributed to the voting population.

Lon Lott asked what some of these other cities total sales tax is. He said when he buys sprinkler parts in Orem, he pays Orem's tax, when he buys in Lehi, he pays Lehi's tax, and he said he tries not to buy in South Jordan because they are higher. In Alpine, we are 7.15 percent, Highland is 7.25 percent, and Cedar Hills is 7.25 also. He said this is highway tax and all these other taxes that make that combined total. He said sales tax is only 4.85 percent and he's just trying to get in his own mind when we talk about the 0.1 percent and getting \$100,000 from that.

Jessica Smuin said she agreed with Shane Sorensen when residents say if there's a value in the increase, we support that. Greg Gordon said the money is proportionate from the County and returned to the city if this gets passed. Carla Merrill said the numbers don't make sense because there's so much out there than just what our little community is getting, and we're paying it for other cities, but not receiving any if we're not part of the program. Kelli Law said it's a no brainer to him.

Lon Lott asked what the costs would be to promote this for printing and mailing. Shane Sorensen said it would be similar to what the newsletter is, which is in the \$1000 to \$1500 neighborhood, so not a huge expense. Carla Merrill asked if we would have to do a separate mailer or just include it in the newslin. William Livingston said it is required to be posted in three different locations. This would be wherever public meetings are advertised, and an informational pamphlet. Carla Merrill said we need to check to see if we can add it to the newslin so we can save money with one mailer.

Shane Sorensen asked if the July City Council meeting would meet the deadline for a resolution. William Livingston said the difficult thing about putting it in the July meeting is that it extends the sixty days for the County Commission to get back to us on their decision. He said from previous cities that he's talked to; it has taken them at least a month to get the response back. He said it would be difficult if we couldn't keep it to within a month if we did it in July. Shane Sorensen said we could pass a resolution and them make changes if you wanted to go for it this year.

**MOTION:** Lon Lott moved to approve resolution R2022-31 to notify Utah County Commission of our intent to submit an opinion questionnaire to Alpine City residents regarding whether Alpine City should impose a city-wide tax to fund cultural, recreational, and other zoological facilities.

Jessica Smuin seconded the motion. There were 4 yes votes, 0 no votes, and 1 excused as recorded below. The motion passed unanimously.

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

**F. Ordinance 2022-17, 2022-18 & 2022-23: Shooting Galleries**

Austin Roy said that here in Alpine City we have allowed some shooting galleries in private residences. Where we are seeing these located are underground, under a garage type area with cement walls cement ceilings. Austin Roy said that our code does not call this out, we have just interpreted it that way. We thought it would be a good idea to have our code be more specific. Specifically allow these in a certain setting. We have it listed as three different ordinances, and the reason for that is it would make changes to the Municipal Code, the Development Code and the Police code.

Austin Roy said In the Police Code it states that you cannot shoot a firearm within the city limits. There is a section for exceptions. It is being proposed that shooting galleries be an exception so you could shoot a firearm within the shooting gallery. Shooting gallery is another name for shooting range. In the Municipal Code it would outline the criteria of the shooting gallery, how it has to be built, what materials it has to be built out of. Austin Roy said this talks about having a license, it talks about the safety precautions and conduct regulations. This code is coming from the city of Holladay. They already have an ordinance like this. We have borrowed language from Holladay. There is a section that talks about fees, commercial shooting ranges but we did not think that fit in Alpine. That section was removed.

Austin Roy read from the Holladay ordinance: *“All shooting galleries shall be located in a facility completely underground with walls and ceiling of steel, concrete or other materials that will prevent any bullets or arrow from piercing it and so arranged that there will be no danger from ricocheting or deflected pieces of a bullet. Also, targets shall be placed with a back stop of steel and other efficient materials to prevent any bullet or arrow from piercing it.”*

Austin Roy said that by having it underground, it’s safer, but also it helps with the noise. Another concern about shooting galleries is the noise that they produce. The idea is, if we are going to allow these underground, there is a natural sound buffer. He said in the Development Code it goes on to say, *“These shall be permitted conditionally by the Planning Commission.”* He said anyone that wants a shooting gallery would have to apply for a conditional permit, go before the Planning Commission, plans would be submitted, and they would get a permit and would be approved if there were no concerns and meets all of the criteria.

Greg Gordon said in Sub Point 4 it says, *“It shall not make or cause to make any loud noise.”* Is it meant to be understood that if someone were to hear it outside of the premises it is therefore a loud noise? Jessica Smuin asked if something would be added to not violate the noise ordinance. Austin Roy said we do not really have a noise ordinance, but we are working on one. Austin Roy said the language is copy and pasted straight from Holladay. Lon Lott asked if we add outside facility or something and unnecessary noise outside. Carla Merrill asked the Police Chief if he had any concerns. Chief Gwilliam said that he doesn’t have any issues with it. That it is the noise that is going to be the biggest complaint if it is heard outside of that particular area. Pressing the noise ordinance would be his recommendation. He joked that he thought they were doing this so they could put a shooting gallery in the basement of the fire station. Carla Merrill asked Chief Gwilliam if there had been any problems around Highland or Alpine. Chief Gwilliam said that in his 28 years he has had no complaints about a shooting gallery or shooting range. We know what happens above Lambert Park but that is a different issue. He wanted to clarify that he hadn’t had any complaints about personal shooting ranges.

Carla Merrill asked Austin Roy if he had spoken with Holladay and how they have addressed above ground shooting ranges. Austin Roy said that the underground section he did add. He edited that language and put in the “underground.” Austin Roy said he did some research about opening your own shooting gallery and it talked about noise, that if you build a shooting gallery underground it reduces almost all the noise and he wanted to put that in the ordinance.

Jessica Smuin asked if it was part of the inspection process for new construction. Is it something Sunrise would look at or if it’s built to the criteria it takes care of itself? Austin Roy said that the ones we have had in the past, Sunrise has noticed them and raised a red flag and bringing it to Alpine City’s attention to see if we were aware. We spoke with our city attorney who was Dave Church at the time, and he felt there was some room in the ordinance to allow it in a home. Shane Sorensen said that recently we had a request for an above ground shooting range, and we didn’t feel comfortable with it so it kind of spawned this. Austin Roy said yes that was the spark that got us thinking about an ordinance. Building one above ground makes us concerned. What is he shooting in there, handguns, high powered rifles, is it going to go through a wall? All sorts of red flags start popping up when you think of all the possibilities of what could happen. Greg Gordon said that logically there would be windows. Austin Roy said you can’t contain the noise and it is a concern.

Jessica Smuin asked if Sunrise identifies them, so we know where we are. Austin Roy said that Sunrise does look at them and they have different phases where they will go through a home and do inspections and will be able to identify these when they do inspections. Shane Sorensen said that we have had several who have come and talked to us before, even for an underground. Austin Roy said that most of them have not kept it as a secret from us, it is right on their plans “shooting gallery.”

Greg Gordon asked if we should, regarding the loud noise should we say noise emanating from the facility. Jessica Smuin said or extending the property boundaries. Lon Lott likes the word “emanating” and asked if that was a legal term. Hyrum Bosserman said it could be “emanating” or “shall not make or cause to be any louder”, “unnecessary noise that can be heard outside.” For the facility, you could put “emanating from the facility,” “heard outside the premise.”

Lon Lott made a motion., but then discussion continued.

Lon Lott asked Austin Roy if he should make a motion to adopt the other two. He said he would need to take into consideration the other two. Lon Lott asked if he needed to make corrections in the other two. Austin Roy pulled up the other two. Lon Lott asked if it had anything to do with noise. Austin Roy said (image on screen) this is what it would be in the developmental code: *“Shooting galleries are subject to”* and it refers to the municipal code. In the

police code, the sentence that would be added says: *“Shooting galleries shall likewise be accepted from (refers to the police code) which says, “Shooting of a firearm is prohibited within the city limits.”*

Kelli Law asked Austin Roy if this all includes a minimum specification if he wants to put a shooting gallery or shooting range in his basement. You must have concrete walls this thick; you have to have this type of door on it. Austin Roy said that it outlines that it must have concrete walls, concrete, or steel ceiling and as far as the door he did not know specifics. It doesn't specifically call out the type of door you'd have to have in such a facility. Greg Gordon said that it somewhat does allude to it that there is no danger from ricocheting or deflecting pieces of bullet. Austin Roy said that was correct. It eludes that the entire room where it is taking place, is an environment that has that in mind for ricocheting bullets.

Kelli Law asked who is responsible for verifying that they have built such a facility and what happens if they haven't verified it. Austin Roy responded that it is approved by the Planning Commission, it is a conditional use so anytime one of these is identified or someone approaches the city with an application of wanting to do this they would have to go through this process, the Planning Commission, to get it approved.

Kelli Law asked if we are planning on training the Planning Commission on what they need to look for. And is the inspector going to know the planning commission approved it. Do we have all that in there, do we need to have all that in there? Austin Roy said it was implied that when the Planning Commission approves something it would be similar to when a development gets approved. The Planning Commission may attach terms and conditions onto that. Staff would verify those things. If there were concerns about a particular shooting range and they identified certain conditions, staff would be aware of that. We would highlight those in a Planning Commission setting and then we would make sure our building inspectors were aware of that. We don't outline that entire process word for word inside the code but that is how we would do it.

Kelli Law asked if heard correctly that there is an ordinance to not discharge a firearm within the city limits. Austin Roy said yes, that was correct. Kelli Law also asked if Austin Roy said that people have already built shooting galleries in their homes in Alpine. Austin Roy said that was correct. Kelli Law asked if they were discharging firearms in those shooting galleries inside of Alpine? Austin Roy said that as far as he was aware they are. Kelli Law asked if they have been cited for their violation of that city code? Austin Roy responded that to give some background history that when one of these shooting galleries was identified, we brought it to the attention of our previous city attorney and he felt like because it was occurring within the home itself, the way he interpreted our code is that it is okay as long as it is within the walls of their private property. Kelli Law asked if that sounded crazy to anyone else. It sounds insane, he will go into his backyard tonight and pop off some rounds. Greg Gordon said that the backyard is something different and Hyrum Bosserman might want to speak to that. Kelli Law said it was his property.

Greg Gordon said maybe they should let Chief Gwilliam speak to that. Kelli Law said that inside the city limits is inside the city limits. Kelli Law said inside my property, inside my home or inside my basement is somehow not inside Alpine's city limits. Austin Roy said that is how it was previously interpreted. Kelli Law asked what other Alpine laws do not apply to him when he is in his home. Austin Roy asked Hyrum Bosserman if he could answer these questions. Kelli Law asked how an attorney comes up with that kind of interpretation, he is just trying to understand what type of attorney representation we've had in the past. Kelli Law asked what other Alpine ordinances he can violate when he is inside his home.

Hyrum Bosserman said he wasn't the city attorney before that was interpreting this provision but there are a number of things and there could be certain ordinances within Alpine that potentially could violate some sort of constitutional right. He said he has not reviewed the Police Code here in the city carefully, but he does agree and he likes what Austin has done here. I do believe the best practice here is to amend that Police Code to make that clear. Where it was not clear whether you could shoot within your home, and it seems like potentially the better reading of that would be you would be limited to firing within your home. The Police Code provision that we are not amending said you are allowed to shoot, obviously officers are allowed to shoot, that is one of the exceptions. The second exception is when you are defending your life. He said he didn't see all the language but it is something to that effect so that was already built in but there wasn't a provision in there that expressly exempts these indoor shooting ranges within the home, and it is probably the best practice to put a provision in there that does do that just in case anyone tried to raise that with the city.

Kelli Law said he is trying to understand where we are at as a city. He said lately he has been bugged by people just skating by on stuff just because somebody says that it is ok. He said we should just do things right. Kelli Law asked the question does it violate the second amendment if you say you can't shoot a gun inside of Alpine city limits except for in those ranges or obviously self-defense, the police or some other important exception. Hyrum Bosserman said he was not at this time prepared to opine on whether it would violate the second amendment or not.

He said he hasn't looked at the case law whether you are just allowed to openly fire within your home or not. He said you certainly have a right to bear arms. He is happy to look into it if the council wants a better legal opinion on whether there is some restriction for the constitution or whether the constitution prohibits the city from banning indoor firing ranges. He said that with this, best practice would be to amend the Police Code to allow this so it is on the record and it is clear.

Austin Roy wanted to add that as staff, we were concerned that our ordinance wasn't adequate and that is why we are proposing that we adopt some ordinance so we have something clear that we can enforce and outlines the guidelines.

Carla Merrill asked if there were any further questions and asked Kelli Law if all his concerns were addressed. Kelli Law said that to be clear, and asked Austin Roy that adjusting the ordinance to say you cannot shoot a gun inside the city limits and excluding the exceptions does that include inside your home. Kelli Law said we are going completely the other direction than saying that now you can shoot your gun inside Alpine City limits, and it has to be inside your home in a city approved shooting gallery. Austin Roy said yes that is correct, that we are saying that it is permissible place to discharge a firearm.

**Motion:** Lon Lott made a motion to adopt ordinance 2022-17 in addition to 9.17.040 conduct regulations to include the following after unnecessary noise: that can be heard outside the premise. In addition to the motion also to approve ordinance 2022-18 and 2022-23. Greg Gordon seconded the motion. There were 3 yes votes, 1 no votes and 0 excused as recorded below. The motion passed.

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

**G. Ordinance 2022-20 Public Notice**

Austin Roy said in recent Planning Commission and City Council meetings, we've held some public hearings and we've received some complaints from the public. He said they didn't feel like they were noticed properly even though the city followed our ordinances with regard to public noticing and we followed the State requirements.

Austin Roy said this is an attempt to go beyond what our current requirements are and have some extra ways of noticing individuals. The types of situations that we're proposing to improve are the changes to open space, annexations, any time a boundary line adjustment would change the use, zoning of a property, plat amendment that would change the use, and acquisition or vacation of public right-of-way. He said in any of those instances, we would propose that there would be a requirement that those that are affected within 500 feet of those changes would receive a written letter in the mail. He also said there would be a sign posted on the property notifying everyone of what the change is.

Austin Roy said rather than putting this code in each section of our Development Code, we just decided to create a new section that's simply called Public Noticing. Each section will state that this shall be noticed as per the Public Noticing section of our Development Code. Greg Gordon asked if a public right-of-way is any road. Austin Roy said that is correct, it would be any road in the city, or other rights-of-way included.

Austin Roy said in Section 2.04.020 is where we would address the written notification. It states: At least 14 days prior to the Public Hearing, the applicant would have to submit to the city a list of the property owners within 500 feet and provide us with stamped envelopes. Then staff would draft the letter and send it out within 10 days.

Greg Gordon asked if the city is making a change to a park, who's providing the city the stamped envelopes? Austin Roy said we would be the petitioner in that situation, so we would provide the envelopes.

Carla Merrill asked about the 14 day and 10-day timeline. Austin Roy said it gives staff 4 days to draft a letter and get it mailed out. Greg Gordon asked if the city added a bench to a park do we have to notify everyone? Austin Roy said it would come down to what our definition of a material change is. Do we notify when a tree is planted? Jessica Smuin asked if it should be based on a dollar amount. Shane Sorensen said he was thinking the same thing. He said he wouldn't want to go too low because if we had to plant 10 trees in Creekside Park, he wouldn't want to hold a Public Hearing just for that.

The City Council had a discussion on what the cost of a project could be before it had to have a hearing. They threw the number \$30,000 out and Shane Sorensen referred to Section 3.16.040 number 2 and said if we have questions,

we could reference this section. Austin Roy said this section does call out parking lots regardless of the dollar amount. Carla Merrill said the benchmark would be to see if it is a material change that would change the defining characteristic.

Lon Lott said we should try and give notice to everybody that is impacted by the change, but it states the written notification shall only be required for the first public hearing. He said the Planning Commission didn't mention anything about this and wanted to know if that was good enough. Carla Merrill said everyone has access to it, and we can only do so much.

**Motion:** Lon Lott moved that ordinance 2022-20 be adopted as proposed.

Greg Gordon seconded the motion. There were 4 yes votes, 0 no votes and 1 excused as recorded below. The motion passed.

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

**H. Review of the Alpine Cove Emergency Connection Agreement**

Shane Sorensen said he worked with Craig Hall to prepare this draft agreement which a copy has been given to the Alpine Cove Special Service District. This would govern our relationship with them with regards to the emergency connection that is planned. This emergency connection PRV was planned and discussed as part of the annexation. In the annexation agreement, written by the county, it states that they would give us \$50,000 for a water connection or as the city sees fit – some language like that. It leaves some wiggle room, but the intent was for it to go for this emergency connection.

Shane Sorensen said it has taken a little bit to get around to that project, we have incorporated it into our waterline and PRV project that was recently bid out. The cost came in at \$86,000. We have the \$50,000 from the county so that is a difference of \$36,000. Shane Sorensen said that he and Carla Merrill have met separately before with some of the board of the Alpine Cove Water District two or three times. Shane Sorensen said that Alpine Cove Water District thinks we should pay for everything, and his take was that we pay the \$50,000 we received, and they would be responsible for the rest. He said that Alpine Cove Water District told us we were slow in getting this done, it costs more now, and we should pay for it. Shane Sorensen said he feels the same way he did originally and that is his recommendation. He said he has been blunt with them on that matter.

Shane Sorensen said there are some benefits, and we have to remember they are still residents of Alpine City but are served by a different water company. He said he thinks there are some benefits to the city as a whole to supply some water to the cove in an emergency situation, their tanks are not huge. Shane Sorensen said that in an event of a fire or something like that it could be very beneficial to the city as a whole to supply water to help the fireman in fighting a fire up there. He said that would totally appropriate in his mind and in that case, he doesn't think we should charge them for the water. He said that if their sources go down and they are relying on our water to supply their residence he thinks that they should be charged. Shane Sorensen said a rate has not been determined yet. He said it could be component of a rate study that is coming for our culinary water, and we should have that proposal at the next city council meeting as well as one for our sewer rates.

Shane Sorensen said that back in the exhibits: Exhibit C it states:

1. *The city shall provide culinary water only in cases of emergency which for purposes of this agreement means the following: in the event that all of Alpine Cove Special Service District's water sources are out of operation (whether a pump is down, a motor).*
2. *Second one: provide additional water sources in the event of a fire.*
3. *And the third is a catch-all – for other purposes when approved by the City Council.*

Shane Sorensen said that in case there is something we didn't think of here: notwithstanding the existence of an emergency as described above the city shall have no obligation to provide culinary water services to the extent. There are three items:

1. *The city does not have water capacity to provide emergency water services under this agreement in accordance as is required under the rules and regulations propagated by the Utah Division of Drinking Water. Shane Sorensen said we don't want to have the status of our system put in jeopardy by an expansion of the system that we had not planned for.*
2. *The provision of emergency water services to the subdivision materially and adversely affects the city water system servicing the citizens of the city already being served by the water system after which was designed and constructed as reasonably determined by the city. Shane Sorensen said that this is similar to the first item.*
3. *Water service could be limited to water for indoor use of homes, water for irrigation purposes may not be available.*

Shane Sorensen said that if we are in a severe drought and they are pulling all the water off that they need and the residents up there are irrigating their lawn and we are telling our citizens that you can only water one or two days a week, that would not be a good situation for us to be in. He said that was the reason for that item. Shane Sorensen said there are two other components that need to be addressed here in his mind. He said these have both been discussed with the Cove. One is that there would be a water valve that would normally be closed, this would not be an automatic situation where the PRV would open if the pressure drops in their system. It will only operate if we get notice from them, and we determine that it fits the provisions of the agreement.

Greg Kmeztch or one of our operators would go and open the valve to have that operate and feed water to them. Shane Sorensen said the second one is: in the event that they have some kind of an equipment failure, it is his feeling that we need to write something in here that they would have to expedite the repair of that equipment so they can't drag their feet and use water from the city system.

Greg Gordon said of course they would be charged for that water. Shane Sorensen replied that yes, they would. Shane Sorensen said it is fine if we have the water available but in a situation that we don't have the water available, we want to make sure we have that covered. Shane Sorensen said he has tried to get in touch with their board and did finally get a call back Friday night and said they would have comments to us by today but have not seen anything. He said the situation we're in, we got this contract out and the contractor needs to get materials, and everything ordered. Shane Sorensen said his feeling is we need to get this done and tell the cove that we need to get on this agreement, we need to work through it and figure things out.

Shane Sorensen said that with a connection between two different public water systems, the Division of Water must approve that connection. He said we came up with the plans, submitted them, got approved. He said that one of the comments they made in that approval letter was that this connection would take care of a significant deficiency, it didn't say who had that significant deficiency and that they would no longer need backup power at one of our sources. He said it is referring to Alpine Cove, they do not have a generator on any of their wells so if the power went down, they would have no supply of water.

Shane Sorensen said his thought is that if they're going to spend money on a generator or spend money on this connection. He said he doesn't see that the difference should be given to them. Carla Merrill said it would save them money, right? Shane Sorensen agreed. Carla Merrill said the cost of the generator is much more the difference. She said the \$50,000 that the county gave us for putting that into the project hopefully, they just need to come up with the difference of the actual cost of the project.

Lon Lott said that would reply to the drinking water request. Shane Sorensen said that with the significant deficiencies, once you get to a certain point, the state comes down on you and your system is no longer approved public water system. Shane Sorensen said that in talking to Michael Robertson, they got some kind of extension with the state, and they have about a year to get this figured out for backup power. Shane Sorensen said that Michael Robertson hadn't made the connection that this would take care of that issue.

Lon Lott asked if it did take care of it since this is only an emergency power failure then? Shane Sorensen said he thought it could be deemed that. He said that usually with a power failure it is fairly a short-term thing. Carla Merrill asked if their board was aware of all of this. Shane Sorensen said Ron called him last night and he had sent everything to Michael Robertson but didn't have anyone else's contact information. He said that Michael Robertson forwarded it to them. He said that Ron hadn't had a chance to review but he said he would on the weekend. Carla Merrill said that Ron was involved in a case right now, so he is really slammed, and probably why he is getting a slow response.

Shane Sorensen said we awarded that contract, but he feels that they need it. He said he thinks we should move forward but work out something with them, even if we have some terms of payback. He said he didn't think they

were flush with money. He said we got them in contact with Utah County ARPA Grant hoping they would get that. Shane Sorensen said that they were the first he had heard of that got denied which was a week ahead of our denial. He said it seemed like a small ask but he wished the county would have stepped up and funded. Shane Sorensen said that we can suggest some other grants and opportunities for them too.

Shane Sorensen asked if there were any questions on this agreement and what we're trying to do here. Carla Merrill asked Kelli Law if he had any questions. Kelli Law asked Shane Sorensen if he liked the agreement. Shane Sorensen said he can't say he doesn't like Craig Hall's work and that he does good work. Shane Sorensen said that he gave Craig Hall the bullet points for the agreement, and he prepared it and went back and forth a couple of times. He said we need to address a couple of other points here. Shane Sorensen said he thinks that on the cost per thousand gallons of water, we can say as per the current version of the city's consolidated fee schedule and as we do our water rate study, we can determine what that is and put it in our fee schedule.

Kelli Law asked if there was any kind of clause, he didn't want to say abuse, but if they are taking too much, we can cut it off? Carla Merrill said that in order for the water to turn on, it is a manual process not something that can't happen automatically. She said let's say they have an emergency event, and Shane Sorensen mentioned that it would have to be one of our water guys, physically going and opening that valve and turning it on. Carla Merrill said if it was happening automatically, she would be more concerned. She said we need to be made aware of what that event is and then decide how to proceed forward. She said we have the latitude.

Shane Sorensen said it is a hydraulically operated valve. He said if we have 100 pounds of pressure on our side, our tank is higher, so the pressure is higher, let's say we have 100 pounds of pressure on our side and 60 on their side. He said that if the pressure drops below what the set point is, let's say it is 45 pounds of pressure, this valve will open to feed pressure into their system to compensate and bring it back up to 60 pounds. Shane Sorensen said we don't control their water restrictions during drought years so we wouldn't want them drawing water off if all the residents decided they are going to water seven days a week and our residents are watering three days a week.

Lon Lott asked Shane Sorensen other than the financial aspect how did they take the rest of the agreement. Shane Sorensen answered that he hasn't received any feedback. He said we have been very upfront with them about what we think the provision agreement should be and why. He said he didn't think we need to finalize this tonight, that he wanted to get it in front of the council and see if the council had a completely different train of thought than what we have expressed here in this agreement, we need to know that.

Greg Gordon said that is a big deal for us. He said we wrote this deal, they came to us and asked for another \$100,000. Greg Gordon said this is our proposal, this is not some halfway deal. He asked if we need more amendments before we finalize this. Shane Sorensen responded that the three items he mentioned, the valve being in the normally closed position and city staff needing to open that for a rate, they will need to expedite the repair of their equipment if they have a failure on a well so it is not a long term supply from the city and the suggestion on the fee that is written it is as per our consolidated fee schedule.

Carla Merrill asked how it will affect our water supply. She asked if it would only affect the high zone where it is coming from. Shane Sorensen said yes. Carla Merrill asked if it would be a significant impact on the water source. Shane Sorensen said that it is what we are writing in there, that it can't be. He said if it is they have to cut outdoor irrigation or something to make sure it is not impacting. Carla Merrill asked how we arbitrate that. Shane Sorensen said it was as simple as a valve wrench turning it off.

Lon Lott said that gallonage would be a thing and asked if there would be a meter at that point of connection. Shane Sorensen replied yes. Lon Lott said we would know how many houses, how much a house typically uses, and you would know what emergency use and excess use would be. Shane Sorensen said that a typical home uses about 400 gallons a day indoors for a family so a couple would be less.

Jessica Smuin asked if we wanted to give ourselves any flexibility of adjustment on that fee, a 6- or 12-month evaluation. Shane Sorensen said by referencing out consolidated fee schedule we can update that schedule whenever we want. He said they may not like that language because they may say we can change it to whatever we want. Carla Merrill said it would affect the entire city not just them. Shane Sorensen said we may need to give a little more thought to it. Jessica Smuin said to make sure we are protected and that the fee covers some costs that we're not aware of. Carla Merrill asked if the consolidated fee schedule went up to a certain date or days.

Kelli Law asked Shane Sorensen in the new fee schedule we have different types in there, what if he created another type that was their area for that particular thing. He said you could make that their type initially mirrors one of the other types, whichever one you want and if it gets out of hand you just have to update that type. Shane Sorensen said we could do something like that.



Lon Lott said that something else we would want to look at is their rate now, would they be getting a better rate. He said we should see what their rate is and make sure that we match their rate. Greg Gordon said we assume their fee is higher, he guesses they don't have any scale and maybe they are all volunteer labor.

Shane Sorensen said he didn't think we would have to pass this tonight; he thinks the feedback is good. He said we can work with their comments or do we need their comments. Greg Gordon said he thought it would be good if they took this deal and they'll probably come back and ask for a lot more. Shane Sorensen said that we can convey to them that we have reviewed this with council and with these additional items, it is substantially in the form that the council feels good about, then bring it back.

## **VI. STAFF REPORTS**

### **Chief Brian Gwilliam**

Budget season one for the books. It went smoothly. He said thank you for allowing us to have a dialogue with the city council – thank you for your support and your willingness to see the need. He appreciates Shane Sorensen's leadership and for the leadership of our mayor.

### **Chief Brian Patten**

Thank you. We appreciate your support.

Fireworks: push to get maps out, signs. We are not banned but need to be safe. Residents want to ban fireworks. People were safe last year. Carla Merrill wants to know when we should ban. Chief says we've seen more moisture this year. Have not seen a ban from the county. We follow suit with the forest and the county. Sheet in planning code that talks about defensible space – 30 feet or to the property line. It doesn't talk about going onto city property. Sage brush is flammable, but is low flammability, it is hard to burn. It is the grass around it that will get it going. Wild line crew – on the way home tomorrow. Rerouted from New Mexico to Flagstaff. All home for the 4<sup>th</sup> and 24<sup>th</sup> of July.

### **Austin Roy**

Montdella project has new owner. They want to build how it was proposed (rendering on screen). Want to do all 2 story and run it by council to see if there are any issues. Lon Lott asked if that increased the units. Austin Roy said it would be the same amounts of units, same footprint. Kelli Law asked if the units would be more affordable. Carla Merrill asked if anyone has issues with units all being 2 story. All 25 units 2 story. Will address mold in original unit, use foundations already there, retaining wall behind 8ft at highest point. Owner of Montdella loves the way it looks. Owners local within state.

### **Shane Sorensen**

Project updates:

Westfield Road complete. Healy Park poured foundation for curb and playground. Pickleball courts progress with grading, contracts signed, contractors trying to have everything done before Alpine Days. Temp fencing is up. Legacy Park project is completed. Grass got seeded, working toward flowerpots. Cemetery all major vegetation is removed on the north end. Waiting for retaining wall blocks, we should see grading this week. Fiber in the building. Poor quality connection speed, which is why quality of You Tube City Council meetings is so poor. Highland City looks great, \$700 a month for upgrade. We could share a gig with another business. IT thinks we can do it for half the cost. Speed test done and 40 down and 6 up. No fiber yet, we need to update network cables. We will get a price to update the cables. Greg Gordon says if we have issues we could rewire. New phone system in. Proposal for Blue Bison.

### **Jessica Smuin**

Concerns about traffic at Burgess Orchard and do they have a permit. Shane Sorensen said the tenant came in and talked about doing improvements and maybe a parking lot. Austin Roy said Cherry Hill farms planned to put in a parking lot. No plans yet. They haven't come in to talk about a parking lot. Carla Merrill asked if they could open without a conditional use permit. Austin Roy said they have to renew their permit annually. Jessica Smuin said the opening day was July 5, 2022. Greg Gordon said they didn't ever have paved parking. Jessica Smuin said the lot needs to be gravel and graded. Carla Merrill asked Austin to double his efforts to get a hold of them to mitigate the safety concern. Food truck people are loving it, we have about 450 people each week.

### **Greg Gordon**

When the milk shed is removed can we remove pavilion at Burgess Park by Canyon Crest at the same time. Shane Sorensen said he would put it on surplus and has to be removed by a certain date and we could make some money off it. He said it people would buy it and not the milk shed because it is different construction. More in demand. Shane Sorensen said we would declare it a surplus property. A new pavilion is in the budget.

### **Kelli Law**

In light of events that are happening, especially the one in Texas, Uvalde. Can we have the police chief come and talk to us about our plan and training in the event that we have something like this, or a similar event like this at one of our schools. How would it be handled, what type of training and how we would handle that kind of situation. Some are not handled well and was horrific and he is not saying it will happen here but how would be prepared. an active shooting. Carla Merrill asked Chief Gwilliam if he would do a short presentation. Chief said he would work it out in the next 30 days. Kelli Law said if there was a written plan that could be distributed.

**Motion:** Lon Lott moved to go into executive session to discuss litigation. Jessica Smuin seconded the motion. There were 4 yes votes, 0 no votes and 1 excused as recorded below. The motion passed.

Yes

No

Excused

Jason Thelin

Greg Gordon

Kelli Law

Jessica Smuin

Lon Lott

Adjourned at 9:16 pm

**VII. EXECUTIVE SESSION**