

January 26, 2010

Minutes of the City Council Meeting held on Tuesday, January 26, 2010 at Alpine City Hall, 20 North Main, Alpine, Utah 84004 at 7:00 pm.

The following members were present:

Mayor: Hunt Willoughby

City Council Members: Kimberly Bryant, Kent Hastings, Bradley Reneer, Troy Stout and Jim Tracy

Staff: Ted Stillman, Janis H. Williams, Annette Scott, Andrea Chapman, Jay Healey and David Church

Others: Jannicke Brewer, Caleb Warnock, *The Daily Herald*, Kip Botkin, *Police Chief*, Will S. Jones, Jacob Crandall, Rachel Crandall, Rebekah Peterson, David Peterson, Matt Peterson, Jason Thelin, Tracy Wallace, Katrina Kennedy, Jené Hunter, Scott Wood, Marlene Arnold, Ron Madsen, Breezy Anson, Ron Eaton, Jake Mooseman, Ross Welch, Adrienne Jimenez, Larry Brown, Jace Davidson, Kelly Payne, Brian Draper and Ron Madson

- I. **CALL TO ORDER.** Mayor Hunt Willoughby called the City Council Meeting to order at 7:00 pm and welcomed the scouts and others in attendance. The City Council Members and staff were introduced.
- II. **PRAYER/OPENING COMMENTS** – Brad Reneer
- III. **PLEDGE OF ALLEGIANCE.** Jacob Crandall led the audience in the Pledge of Allegiance.
- IV. **PUBLIC COMMENT** - Time has been set-aside for the public to express their ideas, concerns and comments on items not on the agenda.

Jacob Crandall said he would like to repair and stain the benches in Legacy Park. The benches would be power washed, sanded and then stained. Jacob Crandall said this project would cost him \$42.00 and he had found a business that would give him a discount on the supplies needed. His parents were willing to donate the money towards his project. Staff felt this was a very good project and would extend the life of the benches. Rachel Crandall said they would be using red deck stain that has a sealer in it. Mayor Hunt Willoughby commended the scouts on their Eagle Scout projects and said they do a great service for our community.

Caleb Warnock said he would like to see if the lights in the roundabout could remain turned on all year long. It looks so beautiful. Brad Reneer asked what the estimated cost would be to leave the lights on and Kent Hastings said we use LED lights so the cost is 1/3 of what it could be. Shane Sorensen said there would be a problem with leaving the lights on the trees during the spring and summer months and that would be with the growth of the trees.

- V. **CONSENT CALENDAR.** There were no items on the Consent Calendar.

VI. **ACTION ITEMS**

A. **100 SOUTH PLAYGROUND EQUIPMENT and BID SCHEDULE.** Shane Sorensen said that at the January 12, 2010 City Council meeting direction was given to City staff to move forward with bidding the 100 South Park Project. The project will be bid with a base bid and then with several additive alternates. The City Council will have the ability to select from the additive alternates to determine which ones can be built within the allocated budget with the initial phase of the park. A draft bid schedule had been prepared for the Council's review and the bid package is being completed by our consultants. Shane Sorensen said that staff would like direction on the playground equipment and pavilion models that have been specified. Jim Tracy had questions about the tennis courts and noted they were listed as tennis court #1, #2 and #3, #4 and asked if it would be better to bid them all together. Councilman Tracy felt it wasn't practical to bid them separately with the fencing, etc. Jim Tracy asked if two tennis courts could be built and then do the other two later. Shane Sorensen said you would probably end up with a fence in between and the ones he has seen have a partial fence on the sidelines. Jim Tracy felt it would be better to get a bid on doing the tennis courts in pairs and then a bid to do them all together so we can see if it would be cheaper to construct them all at once.

Mayor Willoughby said he stayed at Estes Park Camp Ground he last summer and they had the same brand of playground features there. The playground was very popular with all the kids. Shane Sorensen said that he provided the warranty sheet on the playground features. Shane Sorensen explained what the spica and supernova features were and said this new play equipment is preferred by the children over the traditional playground.

Troy Stout asked if we couldn't get composite type tables for the pavilion so they would be maintenance free.

MOTION: Jim Tracy moved to approve the draft bid schedule with the playground equipment for the 100 South Park as presented in our packet with the addition of bidding the tennis courts individually and all at one time. Troy Stout seconded. Ayes: Kimberly Bryant, Kent Hastings, Bradley Reneer, Troy Stout and Jim Tracy. Nays: 0. Motion passed.

B. RECYCLING and GREEN WASTE. Ted Stillman said that at the City Council meetings of September 8 and 22, 2009 the Council discussed the feasibility of weekly recycling. In addition the City has received a request from a citizen to implement a Green Waste program. The cost for both programs is as follows:

Weekly Recycling

\$9.50 per month as compared to \$4.50 for every other week service. All 833 households that have ever other week recycling would have to go to weekly service

Green Waste

\$6.50 per month with 30% participation (672 households) weekly pickup

\$5.00 per month with 30% participation (672 households) weekly pickup with service all in one day

\$3.88 per month with mandatory participation

Ted Stillman said that all rates would be billed for twelve months for eight months of service basically March through October. Currently there are about 833 residents using the recycling service and the trend is that it is currently going up. If more residents would use the recycling service this would significantly reduce the tipping fees at the landfill. Troy Stout asked what has driven up the recycling percentage and Jim Tracy said he really pushed this program when talking to proposed Eagle Scouts. Mandatory recycling service was again discussed and Jim Tracy said a lot of residents have given up their second garbage can to get a recycling can. Annette Scott works in the front office and fields the phone calls and said that most of the people who move here from out of state definitely want recycling and want it weekly and most of them are canceling their second garbage can to get a recycling can.

Rebecca Peterson said she went through this in San Diego and said that recycling was picked up every other week and on the opposite week the green waste can was picked up; however, the trash cans were picked up every week. Scott Wood said he still keeps two cans and because from spring to the fall he fills up both cans because of green waste.

Tracy Wallace said he was the chairman of the Timpanogos Special Service District and reported they have now turned away some municipalities because residents put garbage in the green waste cans. Jim Tracy asked what the other options are if a municipality is denied service and Tracy Wallace said it would be up to the municipality and their solid waste carrier. Jim Tracy asked if ACE would be using the Timpanogos Special Service District facilities and Ted Stillman said ACE would take it to the yard they use.

Kent Hastings said he liked the option of green waste being picked up every other week and recycling the opposite weeks. Jim Tracy wondered if we could get ACE to give us a bid for all three service options. Jim Tracy felt that the green waste needed to be picked up weekly because of the amount of grass clippings. If we mailed out a survey to our 833 residents who use the recycling service and asked which they would like green waste being picked up weekly or bi-weekly then we would have the minimum 672 residents being signed up. Mayor Willoughby felt we needed to make our residents aware of the proposed weekly pickup and further suggested that we start a non-binding sign-up list to see if we get close to the 672 households needed to have the green waste service. There will be an article about the green waste service in the Newslane.

C. RECREATION PROGRAM. Mayor Hunt Willoughby said that at the last City Council meeting Larry Brown and Derric Rykert made a presentation to the Council regarding Alpine rejoining the American Fork Recreation Program. At that meeting they asked the City Council to approve a non-binding letter of intent that Alpine may rejoin the American Fork Recreation Program. Jim Tracy asked Larry Brown what the other cities would be paying to be in the recreation program and said Alpine would be paying \$21.12 per household and Highland would be paying \$26.92 per household and American Fork \$21.47. Larry Brown said this letter of intent would be nonbinding but would give Derrick Rykert some ammunition when approaching the American Fork City Council to present his budget to them. Kimberly Bryant said if this would work within our budget the recreation program would be good for our City.

Kent Hastings said the American Fork Recreation program has two of his sons participating in the basketball program and Alpine is now subsidizing \$45.00 for each of his boys to participate. Councilman Hastings said he would pay \$45.00 out of his pocket to have them participate in this program. Brad Reneer said he has a different perspective on the City subsidizing for his children participate. The City is not subsidizing for his children to take dance or piano lessons. Troy Stout felt that the City subsidizes in other ways, too. We have been discussing the 100 South Park and not everyone will be using the park but the whole City will be paying for it. Troy Stout said we should look at what makes a well-rounded community and what kind of programs do we want to offer. Councilman Stout further stated that we have talked about the need to provide for additional activity and he thinks part of the responsibility of the City is to provide programs or options to participate in programs no matter what the level of participation is in comparison to the population. We could argue that with property taxes. Not all of our residents have children in the school but they all support the system.

Jim Tracy said we are only subsidizing certain sports that are being offered. Jim Tracy said we provide football and soccer fields and the Churches and schools provide the basketball courts. Jim Tracy also felt the citizens would be shocked if they knew that 8% of their property tax was going toward our portion of the recreation program.

MOTION: Troy Stout moved that the City Council approve a letter of intent to the Alpine Recreation Committee that the Council will continue to consider opting back into the American Fork Recreation Program based on the outcome of our budget process and provided that they continue to provide additional effort to reduce the cost that Alpine pays. Kimberly seconded. Ayes: Kimberly Bryant, Troy Stout and Jim Tracy. Nays: 2. Kent Hastings and Bradley Reneer voted nay. Motion passed.

D. ORDINANCE NO. 2010-01 – EMERGENCY COMMUNICATIONS PLAN. Ted Stillman said the promotion of Emergency Preparedness is an important function of the City. To promote Emergency Preparedness the City created an Emergency Preparedness Committee which includes representatives from the local ecclesiastical units, City Council members and interested citizens. Ted Stillman said that representatives from the schools in Alpine are being invited to get them involved in emergency preparedness. Mr. Stillman further stated that in order to foster communications between the City and groups involved in Emergency Preparedness it is proposed that the City appoint a District Representatives who would be a liaison between the City, stakes and community organizations. Ordinance No. 2010-01 would establish an Emergency Communications system. Ted Stillman said that David Bateman, former Utah County Sheriff, is currently on the Committee and has the resources to provide that service.

Kent Hastings had some questions about being a block captain and said he would like to see the typographical errors corrected. Ted Stillman explained the role of the incident commander. Brad Reneer said he is going to an Incident Commander Course in Sandy tomorrow and would like to be given the opportunity for possible changes to this ordinance. Brad Reneer invited his father, Doug Reneer, who has worked with the LDS Church in Emergency Preparedness. Councilman Reneer said that some cities have adopted an emergency plan to help the police and fire departments and felt this plan should be citizen focused. Brad Reneer suggested that we table acting on this ordinance until after he has taken his training.

E. GATEWAY-HISTORIC COMMITTEE APPOINTMENT. Mayor Hunt Willoughby said the Gateway Historical Committee looks at projects that are built in the downtown area. This committee was created during Mayor Barker's era and is made up of a resident in the area, a resident outside the area, a

professional architect, a Planning Commission member and a City Council Member. Mayor Willoughby said this committee has worked very well, but wanted to disband this committee and roll it into the Planning Commission and retain the professional architect that has worked with the committee. Mayor Willoughby said we currently had an application come in from Alpine Arts Council's downtown project and there isn't time to disband the committee, but suggested that we re-staff it. Mayor Willoughby recommended that we replace Kent Hastings who has served on this committee with Jim Tracy and also recommended that Tami Hamilton of the Planning Commission be appointed to serve on the Gateway-Historic Architectural Review Committee.

MOTION: Kent Hastings moved that the City Council appoint Tami Hamilton to serve on the Gateway-Historic Architectural Review Committee. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Kent Hastings, Bradley Reneer, Troy Stout and Jim Tracy. Nays: 0. Motion passed.

F. PROJECTS. Ted Stillman went over the project priority list. Last year the City Council prioritized the project list and this year it is proposed that the Council discuss the list and make sure all projects are on the list. The project list will then be placed on the 10-year financial plan which shows how much they will cost and when they will be completed. The project priority list included the following with the ranking included which shows the ones that had the same score:

1 Sidewalk Safety	7 Smooth Canyon Park play equipment
1 Street Overlay Program	7 300 North Park
1 Chip Seal Program	7 Carlisle Lane landscaping
2 North Main Storm Drain	8 Street Lighting downtown
2 100 South Park Construction	8 Rodeo Grounds improvements
2 Ranch Drive/Westfield Road Storm Drain	9 Smooth Canyon pavilion
3 300 North Improvements	9 Library
4 600 North curb and gutter	9 Cemetery – widen road to top
4 Healey Park parking lot	9 Cemetery – fence around perimeter
5 CUP Pressurized Irrigation Intertie	9 Silver Leaf open space landscaping (Ridge Drive/ Canyon Crest)
5 Cemetery expansion – north side	10 Arboretum improvements
5 Water pressure reducing valves	11 Senior Center
6 800 South curb and gutter	12 Swimming Pool
6 Cemetery expansion – west side	

City Hall Renovation
Legacy Park Playground Equipment
Pfeifferhorn Trail
800 South sewer

Ted Stillman asked the Council to e-mail him a list of other projects that need to be added so they can be put on the project priority list.

G. TRAINING. David Church suggested that this be moved to the end of the agenda.

H. PARTICIPATION IN THE FIRST HAMONGOG (SCHOOLHOUSE SPRINGS)

ACCESS. Kent Hastings asked Ted Stillman to give a brief historical summary on what has happened to Schoolhouse Springs and then present what City Staff has done to gain access to the First Hamongog.

Brad Reneer had questions about the amended agenda and said that maybe we complied legally, but that if a citizen looked online at the beginning of the week and was looking for a specific topic and didn't see anything listed, they would be missing this meeting. Councilman Reneer wanted to make sure that items are clearly on the agenda. It was also Kent Hastings concern but said these items were on the agenda but lumped all together. Troy Stout said we probably won't take all these items to a final vote, but are on the agenda for discussion and Kent Hastings said he was just trying to get the ball rolling.

Ted Stillman said this began in 1906 when Lehi City approached Alpine and said "give us water rights from the Schoolhouse Springs area and we will put in a water system for the City." The property was still privately owned by the Moyle family. The Moyle Family ran cattle up there which was right on top of the springs

and so the cities condemned the property. Alpine's plan for that property was to build a park and campground. People camped up there and left trash and broke into the collection boxes. Lehi and Alpine basically had a dispute over that and then there was the battle of the gate. There was a court case and Lehi condemned Alpine's property and they won. Ted Stillman said he thought the reason they won was there was a document of the source protection area and we participated in the source protection study for Schoolhouse Springs. When we went to court, the professor that did the study testified and said there is a road and all these problems happening right on the spring's collection boxes and this is a hazard and needs to be protected. Alpine was condemned out and we got our money back plus interest. This money was used to purchase the 100 South Park property. Ted Stillman said that since then Lehi has allowed foot traffic through there.

David Church said we jointly purchased with Lehi the Schoolhouse springs property from the Moyle's. Both entities wanted different uses up there and we couldn't resolve the dispute with Lehi City. The judge felt that water protection was more important than our camping use and condemned out Alpine's interest of the property. The price was then negotiated. Since that time private interest has brought a lawsuit to support the public's rights to use that area. Alpine City has not participated in the court proceedings as it is still in the County area. David Church said the City could participate financially and morally to support the public's right to use the access. Mr. Church said he doesn't know the current attitude of Lehi City as all the personalities have changed. Troy Stout asked if it was allowable for the City to give financial support and David Church said that if the Council determines that an Alpine public purpose is being served by this access then he thinks the Council could justify in contributing money to that cause. Mayor Hunt Willoughby said that other than driving his 4-wheel drive up there he hasn't been restricted in using the road to either Schoolhouse Springs or First Hamongog. Patterson used to own some of the property up the switchbacks and he traded this with Lehi for some other property farther up. Ted Stillman said Lehi's attitude has been this could be used for walking or hiking. Kent Hastings said a small percentage of water Lehi uses comes out of Schoolhouse Springs and Ted Stillman said one of the issues was that 4-wheelers and motorized vehicles went right through the collection area and were tearing up the system. Once Lehi fenced the area we haven't had any complaints of damage and a lot of people use this trail regularly.

Ron Madsen represents Utah Wilderness Access Foundation. This foundation was formed in March of 2008 to maintain historic access to the mountains and also to preserve the mountainside. Utah Code says that if a trail has been used continuously for 10 years and you can prove it, it falls under the dedicated road statute. Mr. Madsen said they filed a lawsuit in June of 2008 and named Kenneth Melby because 1/3 of the property going up to Schoolhouse Springs is owned by Kenneth Melby. We have received a stipulation signed by Kenneth Melby to take that fence down. Lehi City's primary concern is water intake. Ron Madsen felt this was a bogus argument. The Department of Environment Quality said the primary pollutant is animals and they said the only way to protect the water collection boxes was to fence the area. Lehi didn't want to fence the collection box systems because it was too costly so they put up the gate around the whole area and across the road. Ron Madsen said he interviewed 60-year old Alpine residents and they want these historical trails open. Ron Madsen said that Alpine City has complete control of Lambert Park, they can put a person on notice who puts up a fence and closes off a historic public access. Ron Madsen said he finally received the water records from Lehi City and then asked specifically what pollutants they had in the water from humans. Mayor Hunt Willoughby said that part of Lehi's initial argument was the Father and Son's campouts. Ron Madsen then went over the Department of Water Quality's requirements.

Kent Hastings said that if he could drive to First Hamongog then he could take his family up there and then hike to Second Hamongog. Brad Reneer said he understood the inherent right of 10 years of uninterrupted use and asked if camping had an inherent right or would it be restricted. Ron Madsen said you could put up signs and regulate it the best you can. Brad Reneer asked if we could meet with Lehi and suggest a compromise by helping put up the fences in exchange for acquiring access to the mountains. David Church said that Lehi City could fence both sides of the road as citizens don't have the right to trespass on private property. Lehi's interest was to protect their springs and if this road is found to be public then Lehi will have to protect their springs.

Jim Tracy asked David Church if he was in agreement with Ron Madsen. David Church said he clearly agreed with Ron Madsen and said these are public roads. Jim Tracy then asked about the fence that was referred to in Lambert Park and David Church said he doesn't know of a fence blocking public access in Lambert Park. Brad Reneer asked David Church if Lehi went to the County to have this road vacated would Ron Madsen know about it and David Church said there would be an extensive public process.

Troy Stout asked if we should go to an Executive Session to discuss the City's legal strategy on this issue and David Church said this would not meet the Open Meeting's Act as the City is not involved in the lawsuit.

Kent Hastings said he would like to see details of expenses the foundation is anticipating and then we could see if we would contribute. Brad Reneer said he would like to see what it would cost to put up the fences and Troy Stout said if we show we are willing to have this road opened up and contribute money and produce some level of resource financially then Lehi's hand would be pushed. Kimberly Bryant said the past City Council gave \$85,000 to remodel City Hall and this hasn't been done. What the foundation is asking is a minimum amount of money in comparison to the \$85,000. Ron Madsen said there would be some hard costs and if we prevail in this we will pursue the next fence. Jim Tracy asked if the public was aware of the Utah Wilderness Access Foundation.

Will Jones remarked that if we are protecting our hillsides then why do we want to allow motorized vehicles up there. Will Jones said that Mr. Melby did not put the gate up there, Lehi did. Mr. Melby had a water tank up there that was part of his water system which was being vandalized. Citizens can drive through but keep on going, do not stop or park. If you want to protect the hillside, then think of what you are doing. We have seen the need to fence our water tank in Lambert Park because of the parties, fires and vandalism on the top of the structure.

Troy Stout said it was his understanding that Lehi cut off all access to that area. What is allowed there and what is not allowed there. Troy Stout said he does not believe that vehicle traffic belongs there but does want to have the right as a City to determine what the access looks like. Mayor Hunt Willoughby said if we preserve the ability to get from here to here then after we have that then the secondary question is do we want vehicle traffic? Troy Stout said that if we feel that we want to have control then we should pursue it.

Barry Johnson said he is a member of the Utah Wilderness Access Foundation and said this lawsuit only deals with the Schoolhouse Springs road and not the Fort Canyon Road. They are not asking Alpine City to become a party in the lawsuit that has been filed to gain access on the Schoolhouse Road to the First Hamongog but help with the funding of the lawsuit. Mr. Johnson said there are enough citizens of Alpine who are interested in keeping this access road open to get to First Hamongog. Barry Johnson said that time is of the essence pertaining to this lawsuit; however, if there is another lawsuit then perhaps the foundation will come to the Council again to ask for more money. Barry Johnson said that Alpine City was not in a position to negotiate with Lehi City and he thinks it is best to let a private group do that. Brad Reneer said he would like to hear from the foundation how things are going but let the council suggest the negotiation.

Jim Tracy said we have talked quite a bit about banning motorized vehicles in Lambert Park and Hunt Willoughby said the foundation is looking at allowing perpetual road access to First Hamongog. Barry Johnson said he would like to see a motion made to have the City give \$10,000 towards this lawsuit. Mayor Hunt Willoughby asked the Council if they felt this was important enough to circumvent what has been the standard policy of putting it on the priority list and take money from one project to put on this project. Jim Tracy asked how much money we have in the Council Discretionary Fund and Kent Hastings felt this is such a small amount of money for a large benefit to the community. Troy Stout asked about the revenue that will be generated from the Cell Tower in Lambert Park and Ted Stillman said that we won't get any money for two more years and the money will be put in the Capitol Improvement Fund. Troy Stout felt that since the cell tower is in our open space, the money generated from the cell tower should so back into the open space fund, to either improve or maintain open space. Brad Reneer asked if would be appropriate to put something in the Newsline describing this and encouraging the citizens to get involved and possibly donate. Kimberly Bryant said that when we allocated the \$85,000 to remodel the City Hall, we didn't wait until we talked about the budget and suggested that we take this out of what was allocated.

Jim Tracy said he would like to see more citizen participation and that there be a limit put on money asked for from the Utah Wilderness Access Foundation so they don't come back and ask for more money. Brad Reneer was concerned that the citizens have not had enough time to respond since we are spending their tax dollars and this should be tabled. David Church said the foundation would be happy with \$10,000. Troy Stout asked if we could target the future revenue from the cell tower to go toward this lawsuit and Ted Stillman said that money was too far out. Also, Troy Stout said he would like to give the money in \$5,000 increments, but David Church said that \$5,000 would only last two weeks. Barry Johnson said this was a \$100,000 lawsuit and \$10,000 would keep the lawsuit rolling.

Katrina Kennedy said the lawsuit makes sense and Alpine could contribute money to display their desire to stand behind the lawsuit to gain access the hillsides.

David Church said that if the Wilderness Foundation wins the lawsuit, it will open the road to the public, it will not give Alpine City the right to control the access. Utah County will be the entity that will control the access and Lehi will have to take the gate down.

MOTION: Kent Hastings moved that Alpine City gives the Utah Wilderness Access Foundation \$10,000 toward the Schoolhouse Springs/First Hamongog access lawsuit. Troy Stout seconded. Ayes: Kimberly Bryant, Kent Hastings, Troy Stout and Jim Tracy. Nays: 1. Brad Reneer voted nay. Motion passed.

Mayor Hunt Willoughby said there would be a 4-minute break.

I. DISCOVER AND PRESERVE ALL HISTORICAL ACCESSES AND TRAILS IN AND AROUND ALPINE CITY THAT PASS OVER PRIVATE PROPERTY. Kent Hastings said he wants to see what makes the most sense to pursue. Jannicke Brewer said the Trail Committee had identified every trail and access that goes over private property. One of the PRO Committee's goal was to walk every trail and identify which ones are important. Jannicke Brewer There are two maps, the Trail Master Plan showing the trails that Alpine would like to see in the future and then there is the Trail Use Map which shows which trails the public is allowed on. Ted Stillman went over all the rights-of-way or accesses to the Forest Service or Wilderness areas and Kent Hastings said he thought we needed to protect the ones that make sense. David Church said we can only control the trail accesses that are in the City limits. Jannicke Brewer said we have a map of trails that are in the County.

Mayor Hunt Willoughby suggested that Kent work with a member of the Utah Wilderness Access Group and come back with a specific list of trails that we need to protect. Kent Hastings said he would like to work with Mr. Madsen to see if there are any trails we have overlooked.

J. OPTIONS TO PERMANENTLY PROTECT LAMBERT PARK. In order to change the designation of Open Space we need a super majority, have a public hearing and have this go to the Planning Commission. At this point we don't want anything to happen to Lambert Park; however, we do not want to distrust future Councils to make wrong decisions pertaining to Lambert Park. Troy Stout said Lambert Park is the crown jewel of Alpine and New York City had the foresight to protect Central Park. Councilman Stout said that perhaps a 20-year or 50-year time limit could be specified for protection and not a permanent protection. Hunt Willoughby said we have talked about trading some development rights and today he has not seen any attacks on Lambert Park. Mayor Willoughby said he likes the protection the City has and does not want to see this protection given to an outside agency.

David Church said we have done a lot to protect Lambert Park in house and if we are trying to bind future City Councils so they cannot change what we have done then we need to consider some transfer of development rights. The Council needs to show trust in the voters and future Councils to make the right choice. Kent Hastings asked about the 4/5 rule. We have written an ordinance to protect open space and a change would have to go through multiple levels. It has to go through the PRO Committee, the Planning Commission, have a Public Hearing and have a 4/5 super majority vote. David Church said it is odd for a City Council to say they don't trust what a future Council will do in 15 years.

Jim Tracy said he had been thinking about permanently protecting Lambert Park. Kent Hastings said we could strengthen the ordinance and require a 5/5 vote. Jim Tracy felt that changing it to 5 gives a false sense of security and thinks we should leave it as is. Jannicke Brewer said that there was a suggestion in the past that Lambert Park be turned into a golf course and there was a public outcry. At the last PRO Committee meeting they discussed the BMX track and said it is too popular. It was suggested this be moved to Lambert Park.

MOTION: Troy Stout moved that we table acting on this agenda item. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Kent Hastings, Troy Stout and Jim Tracy. Nays: 1. Brad Reneer voted nay. Motion passed.

K. OFFICIAL PROCEDURE FOR RUNNING CITY MEETINGS. Kent Hastings felt that adopting an official procedure for running City meetings would add a level of structure and professionalism. David Church was working on some procedural rules and Kent Hastings said he would like to look at that and see if we

can add some professionalism to our meetings. Mayor Hunt Willoughby said he took his method of running the meetings from the former mayors and uses an informal small-town approach. This has worked for us. Mayor Willoughby said we allow comments from the public and council and cannot remember a time where debate on the council has been cut off. What we have allows active public participation and a free flow of ideas from the Council without making this so formal.

Jim Tracy said the City Council meetings he has attended that are formal he has noticed there is not as much discussion and dialog back and forth and thinks this is very critical. Troy Stout said there is a happy medium. There was a discussion about the behavior in last week's City Council Meeting and David Church said he was given the task to write some simplified rules and said the purpose of the rules was to put some structure in our meetings. Jim Tracy said he would like to see what the Utah League of Cities and Towns comes up with. Brad Reneer said he has been to some meetings where they use Robert's Rules and they spend all the time arguing about the rule instead of getting to the point. Kent Hastings said he would like to see what David Church puts together for the League but wants to see the Council have some rules so we all have a level playing field.

L. DAMAGING E-MAIL. On November 2, 2009 the eve of the last Municipal Election, there was an e-mail sent out targeting Kimberly Bryant and Troy Stout which was very disturbing. Mayor Hunt Willoughby said the official investigation handled by the Lone Peak Public Safety District was still ongoing. Kent Hastings said that in two days Mayor Willoughby and he were meeting with the Public Safety District. Two of our current City Council members were attacked which disturbed him and said this has had a chilling effect on Alpine. We need to get to the bottom of this and say this will not be tolerated. Kent Hastings asked if the rest of the council wanted Hunt Willoughby and Kent Hastings to take this to the Public Safety District meeting. Brad Reneer wondered if we have given the authors of the e-mail more publicity by doing this and Kimberly Bryant said she was told this case had been closed but now finds out that the investigation is ongoing. Troy Stout said the thing that bothers him is he had a discussion with a person who has previously served the City who said "get over it; it happens everywhere all the time." Councilman Stout felt this was a sad response and said that Alpine has unique qualities and we should do everything to help preserve these qualities.

Kent Hastings said he was just looking for further direction when he goes to the Public Safety District meeting and felt this should be a high priority for Alpine to get this solved. Mayor Hunt Willoughby said we have made some progress and would like to see the name of the individual published. Jim Tracy asked if a reward might work since so much time has gone by. Chief Botkin said the Police Department has the investigation as a priority. Sometimes a reward works and sometimes they don't. Jim Tracy asked if the investigation will come to a conclusion, and Chief Botkin said that every crime that is committed is not solved. This investigation has not been hampered by any individual or the lack of funds. Chief Botkin further stated the internet is a wonderful thing, but can be very devastating and cyber crimes are very hard to solve.

Mayor Hunt Willoughby felt the City and individuals should provide the reward and this would have to be publicized. Mayor Willoughby asked if we should do this now to assist the Police Department in their investigation. Chief Botkin suggested this be put on the City Council agenda in two weeks and on the January 28, 2010 Public Safety District agenda.

Jené Hunter said she has complete confidence in the Police Department but felt they are not qualified to do this kind of investigation and said we need to bring in an outside source. Mrs. Hunter said it took Kent Hastings to get this on the agenda and was disappointed that Mayor Willoughby did not deal with it.

M. NEWSLINE POLICY FOR MAYOR AND CITY COUNCIL MESSAGES. Kent Hastings suggested that the month before an election there be no written articles from anyone who is running and is on the ballot. Mayor Willoughby said he would like to see an article written by a different Council Member and that this be rotated. Kimberly Bryant said that Jim Tracy could write an article in the Newsline about what is happening with the 100 South Park. Jim Tracy wondered if we might be opening Pandora's box and Mayor Willoughby gave an example of when he had written an article that needed to be rewritten. David Church said we do not want to create a public forum as they will be able to say whatever they want and we cannot censor what they say. Mayor Willoughby said the Newsline should be informative and not political. In Mayor Willoughby's November article the first paragraph said this Newsline will come out after the election and some feel this was an intentional campaign on his part; however, the second paragraph dealt with issues of the City. It was suggested that this be dealt with this in two weeks. Jim Tracy asked about accepting advertisements and David Church said he will write an

ordinance.

N. AMEND THE PLANNING COMMISSION ORDINANCE TO CHANGE THE LENGTH OF TERM. Kent Hastings said he has met individually with Kimberly Bryant and Troy Stout and supplied a draft copy of an Ordinance changing the term limit for Planning Commission members. David Church said he doesn't know how we got to the six-year term, but there are plusses such as there isn't much turn over. The down turn is there isn't much new blood; however, when a Commissioner does a good job they get reappointed. Kimberly Bryant said she talked to two former Mayors and they think six years is a long time. Jannicke Brewer said that some members on the Planning Commission have said it takes several years for them to get up to speed. Mayor Willoughby said that when he has talked to potential members they are surprised the term is for six years. David Church said that the people he knows who are on the Planning Commission are two types. There are some who want to serve and will stay as long as you let them and then there are the ones who use it as a forum to be on the City Council. Troy Stout asked about having mixed terms. Jim Tracy said he doesn't think it would be fair to take the people who have served for five or six years to terminate their terms. It might be fair when their terms come up. Kent Hastings said this is just a starting point.

MOTION: Kent Hastings moved to send the draft ordinance to the Planning Commission for review and recommendation changing the length of terms. Troy Stout seconded. Ayes: Kimberly Bryant, Kent Hastings, Troy Stout and Jim Tracy. Nays: 0. Motion passed. Brad Reneer abstained.

O. MELBY ANNEXATION ROAD CUT. Kent Hastings said that some cities have a major excavation ordinance to protect what happened in the Melby Annexation property. Ted Stillman said the Three Falls developers had to construct this road. It becomes a property-rights issue - can you dig on your own property. Ted Stillman said it was his opinion that this was approved and Shane Sorensen said the ordinance says that if a development has preliminary approval they can begin construction at their own risk and this road had to be built in order to do the geo tests. Kent Hastings felt we could have notified people of this. Ted Stillman said they are doing tests and the Cove people thought they were constructing the road. The County would not let the developer go up there unless the property was annexed. Jim Tracy said there has been a lot of trenching in the Three Falls Subdivision that nobody sees so we don't get complaints. Hunt Willoughby said there could be restoration of grade.

Will Jones said he spent two years with the County and the County said they would have to build a 56' wide road. Will Jones said the tests are now complete and he will bring in the report. They drilled down and took a core sample. Mr. Jones further stated that come spring their plan is to reseed and cover up the white stuff with hydro seed.

It was noted that a group will be filming a new film in that area again.

Also, Will Jones said that he has secured all the easements needed for the widening of Fort Canyon road except for the property that is being condemned.

P. AMEND THE ORDINANCE DEALING WITH ELECTRONIC MEETING PARTICIPATION. Mayor Hunt Willoughby said that in his mind that we allow electronic meeting participation all the time. David Church said we would delete the requirement where the existing resolution says the Council would have to vote. The down side of not having the prior consent is that there might be a person who takes advantage of this and always stay home. David Church said we can vote at the prior meeting if we know a member knows they are going to be absent.

MOTION: Kent Hastings moved to approve resolution R2010-01, A Resolution Amending Resolution No. R2009-06 Dealing with Convening and Conducting Electronic Meetings. Kimberly seconded. Ayes: Kimberly Bryant, Kent Hastings and Troy Stout. Nays: 2. Brad Reneer and Jim Tracy voted nay. Motion passed.

Q. GUIDELINES FOR CITY STAFF ADDRESSING COMMUNITY MEMBERS IN PUBLIC MEETINGS and CITY HALL STAFF HOURS. Kent Hastings said this was brought up to make sure that staff kept proper hours at City Hall. People have come in to City Hall and the person they came in to see was not

there. Ted Stillman said each staff member has specific jobs but there has been cross training. Kent Hastings said that some people come in when a staff member was at lunch and their lunch hour was for an extended period of time. Brad Reneer said while he was campaigning he ran into some complaints but heard some flattering things about our staff. One person said the staff here has made things run smoothly. Mayor Hunt Willoughby said that if the Council receives calls, specifics should be given to Ted Stillman so he can take care of it. Jim Tracy said there is a staff member who works in excess of 20 hours per week and Councilman Tracy thinks she should get some benefits. Ted Stillman said she is. Ted Stillman said since the Police moved out of the building we don't get the police protection we had and City staff takes a lot of abuse. Mr. Stillman said that sometimes the Council gives staff members some research projects and they have other jobs to do.

Mayor Hunt Willoughby felt the Council needed to limit their conversation between them. Troy Stout said staff challenged a citizen who was talking at the microphone and Mayor Willoughby said we try to be professionals. Troy Stout said some of these people think they are going to be heard by the Council and Mayor and felt intimidated if a staff member interrupts them. Shane Sorensen said the park is a good example and if bad information is brought up, he feels it is his responsibility to relate correct information.

Kimberly Bryant said a lot of people have said they see Shane Sorensen, David Church and Jay Healey laughing and talking. Jim Tracy said the most disrespectful thing the Council can do is not pay attention to the speaker. Shane Sorensen said there have been some instances where staff felt attacked when they were acting on direction from the Council. Mr. Sorensen said it would be nice to be backed up by the Council.

G. TRAINING. The training by David Church will be handled at a later date.

VII. REPORTS . There were no reports

VIII. COMMUNICATION

Mayor Hunt Willoughby – Reported that he has some things in the works pertaining to the land swapping and will keep the Council up-to-date on new information pertaining to Schoolhouse Springs road

Kimberly Bryant –Again asked if we could give our garbage man recognition for a job well done

Kent Hastings – March 19, 2010 will be Family First. Richard and Linda Ayer will be the speakers

Troy Stout – Said he thinks that some of the comments he made at the last City Council meeting were inappropriate and wished he could take them back

Jim Tracy – There were a lot of papers passed out for tonight's meeting and it is important that we give a copy to Janis Williams so they can be included in the minutes

David Church – Suggested that there be a firm cut off when the City Council meeting was over and any item that was not dealt with on the agenda would be carried over

IX. EXECUTIVE SESSION to discuss Litigation, Property Acquisition and Personnel. An E Executive Session was not needed.

X. APPROVAL OF MINUTES – The minutes of the City Council meeting of January 12, 2010 were not ready for approval.

MOTION: Troy Stout moved to adjourn. Brad Reneer seconded. Ayes: Kimberly Bryant, Kent Hastings, Brad

Reneer, Troy Stout and Jim Tracy. Nays: 0. Motion passed.

The meeting adjourned at 12:10 am