

ALPINE CITY COUNCIL MEETING AND PUBLIC HEARING
City Hall, 20 North Main, Alpine, UT
February 25, 2014

I. CALL MEETING TO ORDER: The meeting was called to order at 6:30 pm by Mayor Don Watkins.

A. Roll Call: The following were present and constituted a quorum:

Mayor Don Watkins

Council Members: Lon Lott, Kimberly Bryant, Roger Bennett, Will Jones, Troy Stout

Staff: Rich Nelson, Charmayne Warnock, Jason Bond, Shane Sorensen, Brian Gwilliam, Jannicke Brewer

Others: Charles Engerson, John Boley, Marvin Pack, Lesa Mecham, Mark Wilkinson, Ron Madson, Mike Ford, Doug Braithwaite, Jan Braithwaite, Chad Bellon, Robert Lake, Bonna Hanson, Kent Hanson, Blaine Hudson, Jane Griener, Tina Page, Barb Sanders, John Lohner, Craig Call, Gale Rudolph, Macine Cutler, Robert Nave, Bryan Hofheins, Aaron Rust, Roger Whitby, Robin McClure, Cameron Cox, Anne Cox, Bob Bowman, Robert Day, Catia Nchols, Minda Error, Blaine Hale, Adele Leavitt, Don Leavitt, Teri Nitta, Keith Gregory, Kelley Gregory, Mike Russon, Dennis Madson, Jay C. Bell, Lacie Lawrence, Theron Wood, Charles Jeppson, Vickie Mueller, Andre' Chatelain, Amy Chatelain, Andrew Diaz, Scott Wood, Diane Smith, Frank Trinnaman, Janis Trinnaman, Gil Greer, Troy Ellis, Kristi Hamilton, Bruce Frandsen, Stuart Nash, Bret D. Nelson Stephen Snyder, Keith Clarke, Jordan Fox Lohser, Camerson Lohser, Dennis Fox, Marla Fox, Craig Skidmore, Charlie Fox, David Lind, Laralee Lind, Alex Johnson, Louise Johnson, Lyn Bonner, Lynn Broadbent, Mark Dalley, John Magnusson, Liv Gleciu, Neil R. Hansen, Hunter Dahl, Fraser Bullock, Brian Peterson, Garn Arnold, Liesa Naegle, Karl Naegle, Jennifer Bishop, Juanita Nield, Dan Wheeler, Marcia Wheeler, Maureen Burnett, Chris Anderson, Darrell Duty, Angie Duty, Doug Webster, Loretta Allen, Carole Jensen, Eulyn L. Jensen, Ron Rasmussen, Kathleen Rasmussen, Tessa White, David Josse, Bob Schneider, Darren Simons, Gary Young, Mary Young, Dale Billeter, Paul Bennett, Jerry Mcghe, Dennis Beck, Barry Johnson, Larry Bohn, Sheldon Wimmer, James Johnston, Diane Smith.

B. Prayer: Jason Bond

C. Pledge of Allegiance: Charles Engberson

II. PUBLIC COMMENT: Charles Engberson complained about the speeders on Grove Drive. He proposed they post a policeman in his driveway with a radar gun and another officer up around the bend to catch the speeders go up Grove Drive. To catch the speeders coming down Grove Drive, they should post an officer with a radar gun near the bend and another officer in Mr. Engberson's driveway. He suggested that if they did that for two days a month for two months, they would catch enough speeders to pay for an electric speeding sign and pay the officer's salary.

The Mayor said they could bring that up at the PSD meeting. The Council would have to approve the purchase of a sign.

III. CONSENT CALENDAR

A. Approve the minutes of February 11, 2014

B. Payment #5 to Vancon Construction - Emergency Watershed Protection Project - \$217,549.39

MOTION: Will Jones moved to approve the Consent Calendar with the minutes of February 11, 2014 as corrected. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Will Jones, Roger Bennett, Kimberly Bryant, Lon Lott voted aye. Motion passed. Troy Stout was not present at the time of the motion.

IV. REPORTS AND PRESENTATIONS: None

Mayor Don Watkins recommended that since the public hearing on the Petition to Vacate Old Fort Canyon Road wasn't scheduled until 7:00 pm, they continue on with other action items.

V. ACTION/DISCUSSION ITEMS

B. Soccer Agreement: Rich Nelson said they had meetings with North Utah County Soccer and Utah SURF Soccer and had reached an agreement on the use of the soccer fields in Alpine. A schedule was agreed to. Participants would be charged a small fee that would go toward maintenance of the fields. Challenger leagues would pay \$2 per participant with the fee increasing to \$5 and then to \$7 for more advanced leagues.

Will Jones said he had read through the Agreement and found some typos and inconsistencies that would need to be corrected. He also questioned the \$1000 fee for an additional tournament. Rich Nelson said that once the fields were scheduled, if someone wanted a special tournament outside the regularly schedules ones, the City had to make special arrangements.

MOTION: Will Jones moved to approve the Alpine City Facility Use Agreement with North Utah County Soccer and Utah SURF Soccer as amended. Roger Bennett seconded. Ayes: 4 Nays: 0. Will Jones, Roger Bennett, Kimberly Bryant, Lon Lott voted aye. Motion passed. Troy Stout was not present at the time of the motion.

C. Alpine Recovery Lodge Agreement: Rich Nelson said the Alpine Recovery Lodge (ARL), which was an alcohol and drug treatment facility at 1018 Oakhill Drive in Alpine, was up and running. When it was first established, the City allowed up to 12 clients. The ARL had subsequently sued for 18 clients. The City had retained Dan McDonald who negotiated with ARL. It was proposed that the City approve up to 16 residents. The stipulations in the agreement requested by the City were that there would be no clients who were sex offenders or had a violent history. The facility was for drug and alcohol rehabilitation only. Dan McDonald had individually met with the Council members to discuss the agreement.

Lon Lott asked who would monitor the facility to insure they did not have clients who were sex offenders or were violent. Rich Nelson said they would set up a tickler file and also establish a relationship with the Provo Regional Office which monitored the group homes. They would ask to be included in the monitoring report. He said not all the conditions in the agreement were things the state required. They were additional requirements the City was asking for. Since the City didn't have a budget to hire a fulltime code enforcement officer, Lon Lott suggested that monitoring the facility could be included as a Council Assignment. Kimberly Bryant said she would be happy to help with it since the facility directly affected her neighborhood.

MOTION: Will Jones moved to approve the Reasonable Accommodation and Settlement Agreement between Alpine City and the Alpine Recovery Lodge, LLC. Lon Lott seconded. Ayes: 4 Nays: 0. Will Jones, Roger Bennett, Kimberly Bryant, Lon Lott voted aye. Motion passed. Troy Stout was not present at the time of the motion. He arrived later in the meeting and said that if he had known this item was going to be handled prior to the Public Hearing on Vacating the Road, he would have been present and he would have voted against the agreement.

Will Jones recused himself from the next item because he had a conflict of interest as a realtor.

D. Whitby Woodlands Plat F, Phase I - Roger Whitby: Shane Sorensen said that Whitby Woodlands Plat F was approved in 2005-06 but not recorded. Mr. Whitby wanted to phase Plat F and record just one lot in the first phase. It was the lot located on 200 North at approximately 400 West. It complied with the Development Code.

MOTION: Kimberly Bryant moved to grant final approval to Whitby Woodlands, Plat F - Phase I. Lon Lott seconded. Ayes: 3 Nays: 0 Motion passed. Roger Bennett, Kimberly Bryant, Lon Lott voted aye. Will Jones abstained. Troy Stout was not present at the time of the motion.

Mayor Watkins announced that Alpine was having a big celebration on Thursday, February 27th to welcome home Alpine's Olympic bronze medalist in the bobsled race, Chris Fogt. A parade would begin on Westfield Road and come past Westfield Elementary and Timberline Middle School, through the roundabout and past Mountainville Charter School, along Main Street and up to Alpine Elementary. He invited everyone to attend. He said Chris Fogt was also in the military service and had served a year in Iraq. Kimberly Bryant encouraged people to wear red, white and blue, and make signs.

7:00 PM PUBLIC HEARING TO VACATE A PUBLIC ROAD KNOWN AS OLD FORT CANYON ROAD #1 AND #2.

Mayor Watkins introduced the petition to vacate an old road up Fort Canyon. He asked the audience to limit their comments to a couple of minutes and be respectful. If someone had already said what they were going to say, simply say ditto to their comments.

City Administrator Rich Nelson said the City had received a petition from the law firm of Strong & Hanni representing property owners in the Fort Canyon area to have the old Fort Canyon road #1 and #2 vacated. He said it was a complex issue. Years ago the City Council had contributed to the Utah Wilderness Access Foundation (UWAF) whose goal it was to preserve historical accesses. The UWAF had sued to open a trail from the top of Fort Canyon into the wilderness, claiming the road had never been vacated by the County or the City. The law firm of Strong and Hanni represented property owners in the Three Falls area and petitioned the City to vacate the road. The UWAF would like the City not to vacate the road. If the road vacation was not resolved by the City Council it would go back to the courts. This was one step in a fairly complex process that had been going on for some time.

Mike Ford of Strong & Hannie said the petition was filed under State Code 10-9a-609.5 which set forth the requirements to vacate a public road. The legislative body may vote to vacate a road if two things were shown. They were first, there was good cause to vacate the road, and second, that no one would be harmed by it. Mr. Ford said the property had been around for a long time but the access had changed. He showed an exhibit of the property in question which showed the alignment of the road to be vacated. It was next to the new Fort Canyon Road, portions of which were paved. He said he understood the Utah Wilderness Access Foundation wanted to access wilderness areas on the north and the west. What had been alleged in the lawsuit was that during the 30s, 40s, and up to the 80s, people used the dirt road in question to access homesteads in Fort Canyon. The position of the current property owners was that the old road had been a private road so people could work on their farms. Since 1984, the access to the old road had been gated off. Since that time there was no use of the Old Fort Canyon Road. People continued to access the wilderness areas but used the new road that was built with Ilangeni Estates. The property owners' petition asked that instead of putting a road through their backyards, the public should be able to continue to use the paved road built with Ilangeni Estates that they were already using. The area known as Ilangeni Estates was still undeveloped but they hoped it would develop at some point. He said access through the backyards of the property owners would not promote development of the area. In addition, if the old road was not vacated, it would create an obligation to the City to maintain the road. It put a lot of burden on the Alpine City to open it up, especially when there was already an alternate access already established.

Mr. Ford said there was good cause to vacate the road. It went through people's backyards and imposed a burden on Alpine City. In regard to the second question, if it caused harm to the community, Mr. Ford said that the road had not been used since 1984. The public had been using the paved road in Ilangeni since then. They could get to where they wanted to go, just not through people's back yards. So they had good cause, and no harm. He said that if the City Council did not choose to vacate the road, the matter would go back to the courts and be litigated. Alpine City was a party to the lawsuit. He said it made sense to end the lawsuit and vacate the road.

Troy Stout arrived at the meeting. He asked if they would not still be crossing private property to get to the wilderness if they lost that access. Mr. Ford said that if they continued to use the road that was platted, they would not be crossing private property. If the old road continued to exist, it would run through each of the private lots. Mr. Stout asked if they would be able to access to the west. Mr. Ford said that if people wanted to access the west, they didn't access it from Fort Canyon.

Kimberly Bryant asked if they were saying that if the road was vacated, there would be no way to get to the wilderness. She asked if the wilderness access could not be accessed through the proposed development. Mr. Ford said that when the development was originally platted, the CC&Rs were approved and public access was a part of it. He said that public planning should be done by the City. He asked if people would want access designed through a city plan or a deer trail. He said access was a condition of the proposed development and it would include parking.

Mayor Watkins turned the time over to the Utah Wilderness Access Foundation who were opposing the vacation of the roads.

Ron Madson said he had been working with Michael Ford for some time and the only thing he agreed with was that there were solutions. But vacating the road was not a solution. He said he would talk about unintended consequences later. He said that access to the wilderness had not been available in a meaningful way since 1984 because a gate had also blocked the paved road in Ilangeni. Using a power point presentation and photos, he said the mountains were a part of us. People had a symbiotic relationship with the mountains. The UWAF wanted to preserve hiking, biking, etc., and the public had an inherent right to access the mountains. Access was so important that the Utah Legislature had

created a statute stating that if a highway had been continuously used for a period of ten years, the public had created a right of access. He said highway could mean a road, footpath or even a trail. He said the reason the Foundation was formed was because developers began purchasing land next to the wilderness and putting up No Trespassing signs and criminalizing public access. He showed a slide of the gate across the paved road in Ilangeni and said that was the public access Mr. Ford was talking about. He said according to statute, access had to be consistent with the prior use. If people used to be able to drive up the road to Sliding Rock, how was this public access? He said a lot of people had come into his office wanting to donate because they saw the mountains as belonging to them all.

Mr. Madson said he wanted to talk about unintended consequences. If the Council chose to abandon the road, what would happen when the next developer came in and wanted to vacate a road. He said that when the lawsuit was filed, a property owner in the Fort Canyon area came to him and said people were still hiking up there, and if someone wanted to drive a car up there, they just had to ask for permission and if it was someone they trusted, they'd let them go up. Mr. Madson said he asked the property owner if he would trust him to go up there and he was told no. His point was that the developer didn't have the right to say who could access wilderness areas. The public had an inalienable right to access the mountains. He showed slides of Lambert Park and said when Box Elder South was developed, they would be asking the City to vacate the trails.

Mr. Madson referred to the Old Fort Canyon Road on the map and said it would need to be extended through a few more lots to get total access to the wilderness. They would amend the complaint and add those lots. He said Utah County had aggressively tried to preserve trails. He hadn't found a city that had gone out of its way to vacate a road. Cities didn't vacate roads to accommodate developers. Developers brought the property knowing full well the accesses were there.

Lon Lott said it was his understanding that if a road was vacated or blocked, it didn't mean that it was an abandoned trail, it could be reinstated through legal action. Mr. Madson said that was true. If they could establish a ten-year period of access, they could sue for access. Mr. Lott asked if each case could not be considered individually. Mr. Madson said the problem was that if the City treated one developer differently from another one, it was an invitation to a lawsuit.

Mayor Watkins invited Mr. Madson's fellow counsel Barry Johnson to comment.

Barry Johnson said that when a developer purchased property, they purchased it fully aware of historic accesses and knew they should continue to provide access. The city should have the developer show how they were going to protect the public's access to the mountains. It was a slippery slope if they did otherwise. The Council was well aware of the litigious nature in the town, and as soon as they treated one developer one way, then would be open to a lawsuit from another developer if he was treated differently.

Mayor Watkins then opened the hearing to public comment and asked people to come to the microphone and state their name if they wanted to speak, and to please limit their comments to two minutes and be respectful.

Mike Ford commented that it was not a developer that was petitioning the City to vacate the road. It was Gary and Mary Young. The road they wanted to vacate when through their backyard. It was different from Lambert Park.

Brian Peterson said that by Ron Madson's own admission, the road had no access to the mountains as it presently stood. To say that vacating the road was kissing the ring of developers denied all logic and common sense. It was as if they were trying to stop development versus finding a solution.

Craig Call who used to be the State Ombudsman for land use said he had written a 24-page summary of road law. He wanted to respond to some things he had heard attributed to him. He passed a handout to the Council said David Church had helped argue that a private road once established could be realigned. He noted that BYU closed their roads once a year, but not their sidewalks. If the argument that every trail was a public highway, BYU could not have built the Kimball Tower because it crossed sidewalks.

Craig Skidmore said he was the former trail master for Alpine City. The Fort Canyon area was carefully looked at by the trail committee and had had not known there was a trail there. He showed other trails in the area. He said the trail committee was mindful of the need for multiple types of trails. Trails for people who could hike and trails for people who couldn't. He said he didn't know this was actually a dedicated road. If it was paved they could take a wheelchair along the road. He said they also looked at trails down the middle and felt it was better for the developer and the City to maintain something on the edge and up high.

John Magnusson said he had covered about every trail in the mountains. As a scoutmaster trying to access the wilderness, he was climbing over fences and past boulders and No Trespassing signs to get where they used to go. He said he had no concerns about this particular road but he was tired of Jurassic Park gate. He would like to access Sliding Rock without feeling like he was trespassing. He'd like a promise that the paved access was not going to be shut down if the old road was vacated.

Neil Hanson said he'd ridden horses up those trails over the years. Three times he'd run into gates that turned him around. He asked them not to vacate the road. They needed to come to a solution that served both the public land users and landowners. He said to vacate the road would seem to give away their leverage.

Paul Bennett said he'd lived in Alpine longer than anyone in the room. He said the road was actually blocked off in the 70s when Glen Hale lived there. The reason there were fences now was because of vandalism. He said that 99.9% of the foot traffic on that road was going to Sliding Rock. Few tried to access the wilderness by way of this road. He said that in the 40s and 50s there was only one trail that went into the wilderness. He worked in Fort Canyon from 1950 to 1960. There were maybe two cars a day that would go up that road. It was all private. The people who lived there moved out in the 50s. He said they had problems with vandalism when he worked up there. To put in another road the City had to maintain would cause more problems with drugs and fires.

Darrell Duty said he now owned the Jurassic gate. When he bought it he was told the development would go in and they would put in a parking lot and take out the gate. So he took out the road and built his barn. Now they were telling him that they were going to take away his property. He said he had no problem with vacating the road. He had buildings on the road. He owned it. He said he was an avid outdoorsman. He was dealing with trash and profanity and trespassing on his property, even in the winter.

Dennis Beck said he was one of the few people who had used that road as a little boy. He went up with the scoutmaster who lived in the little house up there. He had worked for him in the summer. He was born in 1951 and was 14 at the time. He said the bottom line was that they had always used that road. Don Devey used to take a loader up on Mr. Young's property to move the rocks that had been piled there to keep people out. Families owned grazing rights on the west side of the road. He said his mother had sold the property in the 70s because they were denied access. From someone who used the road as a young man, he could say the only reason the Youngs had the road was because Glen Hales closed it off and Vic Borchers shut it down.

Blaine Hudson said he'd lived in Alpine for 33 years. He had seen a lot that had taken place in that area. One item that hadn't been brought forth was that the more people they allowed in the watersheds, the more problems they were going to have with fires. There was no way to get a fire engine up there. They had to allow for common sense. They didn't need all those trails. The places people wanted to go could be accessed quite easily. Think about their neighbors.

Robert Day said they were hearing about ownership of property in the area. It was a mistake made long ago. The issue that had not been addressed at all was that there were other property owners. There was ownership by US citizens of national forest service property. He considered himself an owner of public lands and he was not willing to vacate his right to access the wilderness or be told to go around the face of the mountain to get there. He said he was not willing to vacate his right to his property on the mountains. It was public land, especially when there was already public access. He said he was glad to have an attorney willing to represent his interest as a US citizen.

Gary Young said he lived at the mouth of the proposed vacated road. He was the one who built the Jurassic Park gate in 1995 at the request of the city council to keep people from going up the canyon and starting fires. He said that since that time he'd extinguished five fires in the canyon. He had hauled out over a truckload of trash over the years from hikers and backpackers. He said he didn't feel he was denying public access. He said what needed to be considered was if Alpine City wanted to provide fire protection up there. Three years ago there was a film crew who left a fire burning. It was his habit to go up there after people had left, otherwise the whole canyon would have burned down. Who would pay to maintain the canyon if the developer opened the road? Most of the people didn't even come from Alpine. One of his horses had been shot. How was Alpine going to protect and maintain it?

Lynn Broadbent said he had lived next to the adjoining property for 46 years. He used to go up that road a couple of times a week to take his water. There were always gates on it. He had to get a key to go through then make sure the gate was locked again because there were cattle grazing up there. So if they wanted to take it back the way it used to be they would have to have locks on the gates and distribute keys. He said he thought the developer had made a good recommendation on access. The reason they didn't let them in now was because of fire danger and vandalism.

Bryan Hofeins said he had lived in Alpine for 25 years and he'd never had access to the area. One time they got in someplace for a father/son outing when some knew someone who had a key. Since then his kids went to Sliding Rock quite often. They didn't leave their trash up there. He'd told them they were trespassing. They didn't know they had access. When he found out about UWAF, he got involved. There were fences all around where there didn't used to be fences. He said the wilderness areas were the property of all the people.

Jerry McGhie said he was on the City Council when the major development started in Alpine. There was fighting every time someone started a subdivision. The Council required there to be access to the mountains in the subdivisions. There were trails out of every subdivision, then they started asking who was going to maintain the trails. He said he couldn't understand why they wanted the one trail or road left open when there was access right next to it. He said it had been a requirement that there be access through the subdivision to the mountains when he was on the Council. He didn't know if it was still the law. He said he thought there should be enough people who were smart enough to take a good look at it and see if there was a way to access the mountains through the subdivisions.

Mary Young said it was her property at the bottom of the road. She was happy for people to be in the mountains but it needed to be respected and kept clean and safe. They had not seen that in the 20 years they had been there. She said the first week they were in their house a couple came riding through their property because no one lived in the house. She didn't want to put up a gate but they had to. People would come in at night and let their horses out. People would drive up there and get stuck, and come to their house asking for help. She asked if that was fair to them. She said that when they put up the gate, Gary gave the City and other people a key. They had never kept it just to themselves. Then it became such a nightmare that they sold the property with the gate. The City could have bought it. The City had the power to condemn the gate but that was not fair to Will. She said she was sure there was a solution. She told a story about how they heard a noise one night and her 13-year-old son went out with his BB gun and shot at someone.

Aaron Rusk said he was there as one of the lot owners in Ilangeni Estates/Three Falls. He purchased the lots in 1992. There was nothing on the deeds that showed a right-of-way so when they talk about how they should have known the road was there, it wasn't true. He said it was a road to nowhere. The road ended on private property. Sliding Rock was private property as well. Someone was going to have to take accountability for Sliding Rock. The desire was to make it open and give access. Ilangeni had 39 lots. The developer was working on a development that would have 500 acres of open space that would go to the City, and 12 miles of trails. The reason the gate was there was because there was a question about who was responsible. Right now the private landowner was responsible.

Liv Gleciu said he did not want to give up his right to have access to the public lands for hiking, camping and hunting, and wanted his children to be able to enjoy it also. He said Mayor Watkins had campaigned to protect our hillsides. This was an opportunity to act on that promise. He asked on whose authority they would close the road.

Dale Billeter said he was special investigator with the courts in California for 25 years. He had hiked that road hundreds of times and had never been denied access. He said he was not hearing a lot of common sense, and the divisive pictures of Lambert Park didn't make a lot of sense. He said to get to the road in question you had to go through Gary Young's gym. The road wasn't really there anymore. He said they needed to talk about the rights of the Young's. He said they talked about the rights of US citizens, but in reality, whose rights were they taking away? He said he knew there was other access on the developed road.

Kelly Gregory said she lived across the street from the Youngs, and she dittoed everything they said. Last summer they were at City Council talking about safety. People who were going up to Sliding Rock were hearing about it from social media. It was a beautiful place but it was private property. The landowners put the signs up for safety. She said she would like to see a trail map imposed on the displayed map so they could see all the trails that were there. She said people could get up there. To take Gary Young's property to get up there was asinine. The people that were going up there weren't from Alpine. They were from Murray and Washington state. She said she hoped they didn't have access.

Paul Bennett asked where all these people were they voted for a 5 million dollar bond to buy the property.

Adele Leavitt she said she had watched people make note of variances received by some people, then use that when they want to develop. The City did have to be careful about that. She said that in the 25 years she'd lived in Alpine, she'd seen access change. Their family hiked a lot, and when one trail was closed, it made the hike much longer,

which was discouraging as she'd gotten older. She had seven kids and the younger kids had a whole different experience growing up in Alpine because of the changes in access. She said there was a problem with some people being trashy, but she didn't like being included in the blanket statement that all people were bad.

Gale Rudolph said she had lived in Alpine for 15 years and hiked the trails five times a week. She picked up other people's trash. She said she voted for the 5 million dollar bond. She wanted to have access to those trails for years to come.

Sheldon Wimmer said he spent his second birthday at the mouth of Fort Canyon at his grandmother's house in 1949. He worked for the forest service and they used to go up there. That was the only road they went up. When he was on City Council he voted for the annexation of Fort Canyon. He'd been up there a lot. He suggested the Council table the motion and look at it further, and work out an agreement with access up the paved road so they didn't end up vacating a right-of-way that could lead to other problems.

Don Watkins said he would end the public hearing at 8:35 pm. .

Jamie Johnston said he had lived in Alpine for 35 years. There were four elements the Council was considering. They were protecting property ownership. They were protecting the rights of property owners and their material improvements. They were protecting access.. They had to be mindful of different types of access including handicap access. They were considering safety. There was no guarantee on human behavior. Flood and fire was tough but it was life. He said there were plans for the Three Falls development. From what he had seen there was some agreement for open space and trails. He said he felt the meeting was premature. He didn't know where Three Falls was in the process, but there was some grounds for precedence. He said that when he was the chairman of the Planning Commission, he'd worked with two kinds of developers. There were those who did what they said they were going to do, and those who did not.

Don Leavitt said he had lived in Alpine for 25 and hiked to Devil's Arch, Box Elder Canyon, Dry Creek, Sliding Rock, Lake Hardy and the Hamangogs. Alpine had a tremendous heritage that should be preserved for the children and grandchildren. They had to work to protect access to the mountains. That was part of why many were here in Alpine. He appreciated the comments on safety and respect. It needed to be patrolled. They City needed to provide it and fund it. He said his family had hauled out trash they hadn't put there. There needed to be signage to let people know they were responsible.

Larry Bohn said he had lived in Alpine for 56 years. When Lynn Hale closed the road, he'd been chased out many times. He said the present developer had accommodated more people than anyone ever had. He said not to give up their trump card on the dedicated road. Work with the developer. He was going to give 500 acres of open space to the City.

Chris Anderson said he was there because of the Jurassic Park movie. There was a seminal moment when the statement was made, " You're so worried about whether you can do it, and haven't thought about whether you should do it." There was an unintended consequences, and that was what prompted him to join UWAF. He said they needed to look at unintended consequences of vacating the road, which might be further litigation. If that tipping point occurred, what would happen to the charms of Alpine? What would stop Alpine from becoming another nameless community?

Diane Austin Smith said she was born and raised in Alpine as was her mother and grandparents. She grew up picking apples and berries in Fort Canyon. They rode horses all over Alpine and so did her kids. She said she wanted access and she wanted her grandchildren to have the privilege to enjoy Alpine like she did.

Don Watkins gave the attorneys five minutes to summarize.

Ron Madson said for the record that he was sensitive to the Youngs and the other property owners. There were two competing things going on. There was the issue of access which probably everyone agreed should be allowed. The strategic problem was they were looking at three means of access. There was Duty property where the Jurassic gate was who were saying no one could go through there. There was the dirt road in the middle which hadn't been used. He said the only leverage they had to compel the developer to grant access was the old Fort Canyon Road because it was a historic road. He said the best comment was Sheldon Wimmer's who said there was a solution. There were two competing forces, the concerns of Mary Young and other property owner, and the right to access. He said he felt the court would order that the road be established because they could prove it had been open for a ten-year period. If the Council vacated the road, there would be no solution. If there was a concern about drugs up there, they needed to

make it open to law abiding citizens. Gates deterred the law-abiding people. He said that if the Council vacated historic rights, there would be no leverage and no solution. He recommended tabling the item.

Mike Ford said it had been beneficial to hear from the citizens of Alpine. They had been in court for the last four years and not at City Council where it should be decided. He said he thought it was interesting that Ron Madson said it should be tabled because he had a lawsuit in the courts. They wanted a jury to decide how to get to the wilderness, not the citizens. He said the City Council should decide how they were going to provide access. There were two roads. How did that provide leverage? The paved road that was built in 1984. It had been there for more than 10 years. They had two roads and they only needed one road. He urged the Council to take action and not put it off.

MOTION: Kimberly Bryant moved to close the public hearing and go into the regular meeting. Troy Stout seconded. Ayes: 5 Nay: 0. Troy Stout, Will Jones, Roger Bennett, Kimberly Bryant and Lon Lott voted aye. Motion passed.

A. Ordinance No. 2014-03 Vacating Old Fort Canyon Road #1 and #2. Mayor Watkins said this was the opportunity for the Council to decide what they wanted to do.

Troy Stout said he was glad they had the hearing. He'd come to the meeting feeling confident of how he felt. Obviously they already had a right to the road. The question was whether or not to use it as leverage to establish a permanent access. He'd come prepared to make a motion against vacating the road because of his love for the mountains and he didn't want to support any threat to that. That said, he felt there was room for compromise. He felt they needed to preserve that leverage, at least for the moment. They needed to take time to make a good decision that preserved access for everyone in Alpine. He said wilderness and trails were his top priorities. At the same time, property owners had a right to protect their property. He said he thought they could have both.

MOTION: Troy Stout moved to table a decision on the petition to vacate Old Fort Canyon Road #1 and #2 for a period of time to have a discussion in a way that was fair and thoughtful to everyone. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Troy Stout, Roger Bennett, Kimberly Bryant and Lon Lott voted aye. Will Jones abstained. Motion passed. (The vote was taken after the following brief discussion.)

Lon Lott asked Mr. Ford what would happen if the Council tabled the issue. Mr. Ford said the lawsuit continued and the court made a decision.

Ron Madson said they were willing to table the lawsuit.

Kimberly Bryant said she seconded the motion because she agreed with it. She had lived in Alpine for 45 years and had accessed the mountains for years. The access had changed. Most people lived in houses that blocked access. She said it was vital that they maintain access to the mountains. She'd received a lot of phone calls with good information. People had come out to express their concerns. She said she believed they could respect people's property rights and maintain access. She said she would never vote on anything that took away access. It was important to get the right information and take the time to make a decision. The City Attorney was not present that evening and he should be there when they decided. She said she was an avid member of UWAF and was one of the first members.

Will Jones said he was the developer of Three Falls. He got involved in 1983. People were saying that the developer should have known the road was there but that was impossible. He told a story about being invited to Sliding Rock and going fishing when he first came to Alpine. He said the plan for Three Falls showed a public parking area by the gate where people could park to go hiking or park their horse trailers. The proposed development had open space and 12 miles of trails. He said no one could drive to the wilderness right now. He used to drive his car to First Hamongog. He said he would not be voting on this since he had a conflict of interest.

Roger Bennett said he had lived in Alpine for 60 years. His grandfather had farmed in Alpine. He said he never went up the canyon without asking permission and going through the gate.

The Mayor called for a five-minute break.

D. Ordinance No. 2014-04 – Business Commercial Zone Amendment to Allow Auto Repair Shops: Mayor Watkins asked how many were present for this issue. About five or six people raised their hands.

Jason Bond said the Planning Commission had been working on this issue for quite a while. There were several changes to the zone. The main one would allow auto repair shops in the BC zone as a conditional use. Each business would have to go through a process with conditions to mitigate potential impacts. The business would have to front

on either Main Street, 200 North, Canyon Crest Road or Alpine Highway. The Commission decided against allowing them on the north side of 200 North west of Main Street. Another proposed amendment identified setbacks for residences. Storage containers such as pods would be prohibited unless approved by the City such as in the instance of someone packing up to move.

Don Watkins asked if there was a tentative location for an auto repair shop. Jason Bond said the Planning Commission had looked at the Iris Bullock property as an example of how it might work, but the way the ordinance was written, auto repair could be allowed in other places in the BC zone with frontage on the before named streets.

Jannicke Brewer said the BC zone had not changed much over the years. There were few businesses so single family dwellings had filled it in, but it was not a residential zone. Under the current ordinance someone could have a gas station, theater, shoe shop, etc. Auto repair shops were not allowed under the current ordinance. A single family dwelling in the BC zone had to have a minimum lot size of 10,000 square feet, but there was no minimum lot size for a commercial use. She said the Planning Commission felt auto repair was not that different from a gas station or a car wash which were both permitted uses.

Mayor Watkins said the problem he saw was that the Planning Commission had been working on it for six months and this was the first the residents had heard about it. He invited them to comment.

Laird Bellon said he lived on 100 West and would be across the street looking at one of these shops. He said there was someone on 200 North that started running a business behind a rental house. He had semi-trucks in there at 6:30 in the morning. He said that if you went from 200 North all the way to Center it was all residences, and they were going to put an auto repair shop in there? He asked why their part of town always ended up on the short end of the stick. When asked when he'd heard about the meeting, Mr. Bellon said he'd received a phone call the night before. His neighbor hadn't heard about it either.

Bob Lake said he got a phone call the night before. He said that years ago someone came to his house and told him he had ten more feet that he didn't know about. He figured it would be less lawn to mow so he let it go but maybe he shouldn't have. He didn't want it to cause a problem for Mrs. Shepherd and Iris Bullock. He said that 38 years ago someone came around with a petition to keep the neighborhood from going commercial but it did anyway.

Rick Hulme said he found out about the meeting on Saturday. He lived on 100 West. He sent an email to the Mayor and talked to Jason Bond and Jannicke Brewer. He said he heard everyone say what a great guy the man was who wanted to open the auto repair shop but he was concerned about a business in a heavily residential area. He said they needed to go back and evaluate it rather than making a short term decision.

Chad Bellon said he lived on 100 West across from the dance studio. He found out about the change in the ordinance the day before. He said he'd had problems living next to a commercial business in a residential area. He was rear-ended while trying to get out of his driveway. He heard pounding music from the studio. He said he'd read the intent of the BC zone and it said the primary use was commercial. He asked how having one business where everything else was residential made it the primary use? He said the west side of Main Street down to Center was all residential. The auto repair shop would be the first commercial use. He asked if it was legal to have residential on the same property as a business. Jannicke Brewer said that according to the attorney, it was.

Lane Atke said he lived on Parkway. He'd served on the planning commission in other places. He was familiar with what they had to do. They tried to zone it the way it should be used. They needed to plan it sooner rather than later.

James Lawrence said he appreciated everyone's comments. He said they should have been there a year ago when it all got started. He said when he had his shop on Main Street he'd never gotten a complaint. But it wouldn't be fair to spot zone him as commercial and not the other business. They had been going back and forth on this for a year and talked about everything under the sun from parking to noise. He said he tried to look at the issue as if the business was moving into his neighborhood and what would he want to see. He had worked with the commercial zone they gave him and tried to find a spot that would work for everyone. They put a lot of time and effort into the ordinance so there wouldn't be a bad impact on neighbors.

Lacey Lawrence said people were asking why they didn't just stay where they were. She said the big problem was that they needed something bigger than what was there, not that they wanted this big thing. Appearance was going to be important and keeping down the noise so it didn't impact anyone around them.

Bob Lake said that at his age, he wouldn't be there long. What would it do to his property values if he wanted to sell? They could try to make the shop look good but it would still be a mechanic shop.

Laird Bellon said that once they set a precedent and let commercial and residential go on the same lot, their neighborhood would be a place with a house in the front and a business in the back.

Mayor Watkins said he didn't think they were going to solve the issue that night and asked the Council for their thoughts.

Lon Lott agreed that it wouldn't be solved that evening since there were people in the neighborhood who had just heard about it.

Kimberly Bryant said she wished everyone could have kept their shops. She didn't know the neighbors didn't know about the changes to the ordinance. She asked if there was a way for Lawrence to keep working. Jannicke Brewer said his business was approved as a home occupation but he didn't live there anymore. Jason Bond said they would be enforcing that until the problem was resolved.

Will Jones said he wouldn't be voting on it because Lawrence had offered to buy his property in the BC zone for an auto repair shop. There were some good things in the ordinance but there was some general cleanup that would take time. They needed to beef up enforcement.

Troy Stout said it was a tough issue. He understood the concern with property values. He wouldn't want a garage next to his house. He said he supported strict codes and enforcement.

Bob Lake said he had to make it on social security. Maybe he should open a towing business in his back yard.

Mayor Watkins said this was not the end of the discussion. They needed to take a good hard look at the commercial area. He felt the people present that evening were representative of it but as good as Lawrence was, he thought they could find a place for auto repair.

E. Ordinance No. 2014-05, Off-street Parking in the BC Zone: This item was table because it was related to Ordinance No. 2014-04.

F. Resolution No. R2014-02, Municipal Wastewater Planning Program Adoption. Shane Sorensen said this was a self assessment by the City to make sure they were planning for the future needs of the sewer system.

MOTION: Will Jones moved to approve Resolution No. R2014-02, Municipal Wastewater Planning Program. Troy Stout seconded. Ayes: 5 Nays: 0. Lon Lott, Kimberly Bryant, Roger Bennett, Will Jones, Troy Stout voted aye. Motion passed.

VI. COUNCIL COMMUNICATION

Troy Stout said he would like his personal email address on the City's website replaced with the city email address. He said was unaware that the vote on the Alpine Recover Lodge would be held prior to the public hearing on vacating the road. His son had a Blue and Gold Banquet that he was attending. For the record, he said he would have cast a nay vote on the Recovery Lodge Agreement. He said everyone he'd talked to did not support an occupancy beyond 12.

Will Jones said that on March 19, 2014 they would be holding an irrigation meeting with the staff to talk about irrigation for the coming year.

Kimberly Bryant apologized for leaving several times during the meeting. She was working with the fire chief to get an escort for the parade for Chris Fogt on Thursday.

Lon Lott thanked the Council for their patience with him while he learned the material and issues.

VII. STAFF REPORTS

Rich Nelson said they had made significant progress on the new webpage.

Jason Bond said the Planning Commission would be approaching the General Plan in three categories - commercial, residential and open space. It would be the first thing on the agenda on the 3rd Tuesday of the month. Before the meeting they would have smaller meetings with the Mayor and no more than two Council Members. They wanted to have a plan for the citizens to react to.

Jannicke Brewer said the Planning Commission would like to hire an economic development analyst who would tell them what kind of businesses would work in Alpine. They didn't have a cost.

VIII. EXECUTIVE SESSION: None held.

MOTION: Kimberly Bryant moved to adjourn. Troy Stout seconded. Ayes: 5 Nays: 0. Motion passed.

The meeting was adjourned at 10:15 pm.