

March 30, 2010

Minutes of the City Council Meeting held on Tuesday, March 30, 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, Jay Healey, Ron Devey, April Naidu and David Church

Others: Jannicke Brewer, Caleb Warnock, *The Daily Herald*, Amelia Nielson-Stowell, *Deseret Morning News*, Brian Gwilliam, *Police Chief*, Larry Lofgreen, Tami Hamilton, Jesse, Williams, Nathan Haug, Lynn Broadbent, Ron Eaton, Laura Potter, Ken Potter, Bob Wilcox, Laura Snyder, Jeff Snyder, Chris Culver, Don Rogers, Marla Rogers, Paul Thompson, Keith Brown, Andrea Chapman, Jeff Chapman, Val Hunter, Denzil Jenks, Sam Slighting, Jacen Christensen, Sarah Clark, Anna Rasband, Mya Garlick, Bill Crockett, Nicole Porter, Danielle Orrock, Angie Duty, Seth Walker, Connor Christensen, Nancy Brown, Janet Thorpe, Randy Thorpe and Dianna Ross

I. CALL TO ORDER. Mayor Hunt Willoughby called the City Council meeting to order at 7:05 pm and welcomed those in attendance. The Council Members and staff were introduced.

II. PRAYER/OPENING COMMENTS – Bradley Reneer

III. PLEDGE OF ALLEGIANCE. Lt. Brian Gwilliam 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. There were no public comments.

Mayor Hunt Willoughby presented Janis H. Williams with a plaque which recognized her service as being the Alpine City Recorder from 1990 through 2010.

V. CONSENT CALENDAR

Business Licenses:

Jonathan Bradley Newman, BRAD'S BRONZE BALLROOM2; 710 E. Ridge Crest Court

Christian Stark, STAR CLOUD, INC; 287 N. Pfeifferhorn
Robert Allen Nordstrom; ENDLESS SUMMER ENTERPRISES, INC; 446 Apple Tree Drive

MOTION: Jim Tracy moved to approve the Consent Calendar. Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings, Bradley Reneer, Troy Stout and Jim Tracy. Nays: 0. Motion passed.

VI. ACTION ITEMS

A. SPLASH PAD. Mayor Hunt Willoughby said that at the City Council Meeting of March 9, 2010, the bid was awarded for the construction of the 100 South Park. As part of the motion awarding the bid the City Council decided to revisit and finalize the design of the splash pad. Shane Sorensen said that when the process was started to design the park last year, our landscape architect recommended that we look at the Vortex equipment. Shane Sorensen introduced Dianna Ross, who represents Vortex who then gave a presentation. Mrs. Ross said she has been designing splash pads since 1990 and wants to make sure the City gets its money's worth. Dianna Ross said that splash pads need to be interactive, there's no standing water or lifeguards you have to pay for, is user activated and automated. A well designed splash pad must offer a variety of play opportunities, address all age groups, and have some aesthetic appeal in a neighborhood. Splash pads are designed to have three different bays, a family bay, a toddler bay and a teen bay. Dianna Ross said the features in the toddler bay are all scaled to that age group; however, teens like surprises and the beauty of this project is what you don't see. Dianna Ross said these features are built rock solid, are engineered and manufactured.

Kent Hastings asked if kids have more fun with the interactive features than the underground features and Mrs. Ross suggested that we use both. Jim Tracy felt it was smart on our engineer's part to design a system that would recirculate the water and Shane Sorensen explained the system. Bradley Reneer asked if any of these features are prone to vandalism and Mrs. Ross said no. Jim Tracy asked how hard would it be to switch out features and Diana Ross said not hard at all. Bradley Reneer also asked if there is a problem with having teenagers climbing on the features or using them for skateboarding ramps. Dianna Ross said the water features are non-climbable and one of the things about Vortex is they use quality material. Shane Sorensen said that Dianna Ross designed our splash pad and that design was in your packets and is what was bid and what we will get. Troy Stout asked if our hard water will clog the sprays and Dianna Ross said the filters will have to be occasionally cleaned. Shane Sorensen said that in our system the water comes out of a spring which takes care of all our indoor use and we will put the water back in our pressurized irrigation system so it will be used. Ron Devey added that the water will come in as culinary water and go into the pressurized irrigation system. Troy Stout said another one of his concerns is that the splash pad will only be used for several months during the summer and during the winter it will not be used and asked about the aesthetics surrounding the feature during the off season. Mayor Willoughby said there are pavilions, bathrooms and trees surrounding the splash pad. Shane Sorensen said he looks at the splash pad as another play ground during the winter months. Dianna Ross said the features are made to stay in place during the winter and no cities that she knows of goes to the effort of removing the items as they are heavy.

Shane Sorensen said there was a pre-construction held meeting last week and the contractor has started moving equipment in the park.

The Council thanked Dianna Ross for her presentation and said they now know what we are getting and it is affordable.

MOTION: Jim Tracy moved to go with the design for the splash pad that was presented tonight and in our original packet with above-ground features. Kent Hastings seconded. Ayes: Kimberly Bryant, Kent Hastings, Bradley Reneer, Troy Stout and Jim Tracy. Nays: 0. Motion passed.

B. LOT LINE ADJUSTMENT – ALLEN. April Naidu said that Ty and Heather Allen own lots 5 and 6 in the Jackson Heights Subdivision which is in the CR-20,000 zone. The Allen's propose to do a boundary line adjustment between the two lots moving 4,976 square feet from lot 5 to lot 6. Both lots will meet the minimum frontage and area requirements of the CR-20,000 zone. The Planning Commission reviewed this application on March 16, 2010 and made the following motion:

"Jason Thelin moved to recommend approval of the boundary line adjustment between lots 5 and 6 of the Jackson Heights Subdivision located at 848 East and 861 East Jackson Lane based on the finding that both lots would still meet the requirements for the legal lot. Todd Barney seconded. Ayes: 6 Nays 0. Jason Thelin, Todd Barney, Bryce Higbee, Jannicke Brewer, Ron Eaton and Tami Hamilton voted aye. Motion passed unanimously."

MOTION: Kimberly Bryant moved that the City Council approve the proposed boundary line adjustment between lots 5 and 6 of Jackson Heights Subdivision. Troy Stout seconded. Ayes: Kimberly Bryant, Kent Hastings, Bradley Reneer, Troy Stout and Jim Tracy. Nays: 0. Motion passed.

C. ORDINANCE NO. 2010-04 - WINDMILL ORDINANCE. Mayor Hunt Willoughby said that at the meeting held on February 23, 2010 the City Council passed Ordinance No. 2010-04 amending language in Article 3.28 which regulates windmills. The City Council asked that the cleaned-up and adopted version of this ordinance be brought back. April Naidu questioned the motion made on the setbacks and asked for clarification. Jim Tracy said we just don't want a windmill to fall on a neighboring dwelling. Bradley Reneer suggested that we change the word power "source" to power "lines." Troy Stout had a concern with the language under 3.28.2.2 (c) and voiced his concerns. Jannicke Brewer said the reason the Planning Commission changed this in the ordinance as it existed was because it said you could not put a wind tower in your front setback and this was changed to say we didn't want a wind tower in your front yard. Mayor Hunt Willoughby suggested that 3.28.2.2 (c) should be changed to read "No part of the WECS shall be located in the area between the front of a residential structure and the front property line unless..." and then said it was our intention that nothing will be in the front yard without it being at least one-hundred (100) feet from the property line.

MOTION: Jim Tracy moved that staff rewrite the changes to the Windmill Ordinance in accordance with the City Council discussion tonight and start issuing a permit. Jim Tracy withdrew this motion.

Troy Stout said he thought that when the Windmill Ordinance was presented it was in draft form and that it was not going to be adopted. Councilman Stout's issue with the sound and sight was that the City has gone to great length to have power lines buried and get power poles out of the way and out of sight. Aesthetically our neighborhood look good and now we are voting on something that is twice as tall as a power pole. Councilman Stout further stated that there is a noise issue and these windmills are fifty (50) feet high and that is the level where the wind blows. Troy Stout felt this was an intrusion on the environment that he paid for to live in a quiet neighborhood. Kimberly Bryant said that when the wind is not howling she finds windmills obtrusive with the noise. Troy Stout said not all lots are big enough to have a WECS and said we should not ban them but restrict them to large lots. Bradley Reneer said that one of the reasons he came to Alpine was because of the animal rights, he could put chickens in his back yard and felt windmills were a very rural thing and speaks country. Kent Hastings said he doesn't see many people putting windmills up with what they cost.

Mayor Hunt Willoughby asked David Church if the Council needs to readopt the ordinance and Mr. Church said that an ordinance was passed and what staff wanted the Council to do was to clarify some of the language in the ordinance. If the Council is going to make some of the substantial changes that are suggested, then the Council really needs to readopt the ordinance. If you are just clarifying some of the language, then the Council doesn't need to amend the ordinance. Jim Tracy said we cannot regulate the noise. April Naidu said there have been no complaints on the windmills that have been put up.

Mayor Hunt Willoughby told April Naidu that clarification has been given on setbacks, the one-hundred (100) feet and roof mounted so guidance can be given to applicants when they come in. This ordinance will have to be put back on the City Council Agenda to amend or repeal as an action item or the ordinance will stand as previously approved.

Direction was given to the Potters to get a permit. Laura Potter asked Troy Stout what he does when he is sitting on his patio listening to the birds and his neighbor decides to mow his lawn. Troy Stout said that when his neighbor mows his lawn that is a temporary thing; however, the noise from a windmill would be a permanent thing. Mrs. Potter said she cannot control when her neighbor's dog barks or when children run and play. Mr. Stout said he felt there was an appropriate lot size where windmills could be allowed.

D. ALPINE PERFORMING ARTS CENTER – FENCE EXCEPTION, PARKING AND HEIGHT.

Ted Stillman said the Alpine Arts Council submitted a revised site plan with elevations for the proposed Alpine Performing Arts Center to be located at 264 S. Main Street. The site plan included three parcels totaling 3.858 acres in the BC zone. Dry Creek runs along the north boundary of the property and the Questar high pressure gas line also runs through the northern end of the property. Shane Sorensen said our ordinance with parking lots for a commercial use that abuts a residential use a fence or screening is required. Dry Creek runs to the north/west of the site and residential lots are across the creek and to meet our ordinance the applicant would have to construct a fence. Bradley Reneer asked if the purpose of this ordinance was for visual, traffic or to catch trash. April Naidu read the ordinance and said she thought it was for a visual impact.

Ted Stillman said the Planning Commission has reviewed the application several times as the applicants make progress on the site plan and at its last meeting the Planning Commission made a motion recommending an exception to the fencing requirement as follows:

"Tami Hamilton moved to recommend that the City Council approve an exception to the fencing requirement set forth in Section 3.24.2 item 9 of the Development Code that the Alpine Performing Art Center not be required to put up a fence between them and the adjacent properties because of the stream and vegetation between the properties. Bryce Higbee seconded. Ayes: 6 Nays: 0. Tami Hamilton, Bryce Higbee, Jannicke Brewer, Jason Thelin, Ron Eaton and Todd Barney voted ayes. Motion passed unanimously"

Jannicke Brewer said the applicant has submitted a detailed landscaping plan including types and location of the different vegetation and stated that it will be beautiful down to the stream. Kimberly Bryant said she was concerned about not having a fence and asked if the headlights from the cars would hit the residential homes. Jeff Snyder said the Arts Council's intention was to put shrubbery there to block the

headlights as they want to be good neighbors. Paul Thompson said the neighbors he has talked to are more concerned with privacy rather than the height of the building but would like to have more trees. Jeff Snyder said Colleen Bozung stated she would prefer not to have a fence. Bradley Reneer stated that the spring run-off puts a lot of water in the creek and asked if there would be any safety provision to protect children from falling in the stream. Jeff Snyder they are planning on putting in a children's discovery garden and a trail is supposed to go through there as well. Mr. Snyder said their landscape architect did them a favor and drew up the landscape plans. Where the trail goes next to the creek he shows iron fencing that is on the trail itself; however, as far as blocking the whole stream, it is not the Arts Council's intention to have a fence all along the stream.

MOTION: Jim Tracy moved that the City Council approve the exception to the fence requirements for the Alpine Performing Arts Center as recommended by the Planning Commission with the added requirement that landscaping includes shrubbery to block the headlights on the northwest side. Bradley Reneer seconded. Ayes: Kimberly Bryant, Kent Hastings, Bradley Reneer, Troy Stout and Jim Tracy. Nays: 0. Motion passed.

Ted Stillman said our ordinance allows auditoriums and theaters, etc. to have two stalls for every three seats. They would be required to have 200 parking spaces and this plan only has 180 parking spaces. Ted Stillman said an alternative would be to have cross easements with properties to the south to use their parking during events. Shane Sorensen said they would need recorded cross easements and this not just be in a letter saying it is ok. The Planning Commission made a motion recommending the parking requirement as follows:

"Jason Thelin moved to recommend approval of the reduced parking arrangement for the Alpine Performing Arts Center at 264 S. Main for either 165 spaces or 180 spaces based on the results of the traffic study, and based on the condition that there be a recordable cross easement agreement and reciprocal parking agreement with the owners of Main Street Village that would go with the land; and allow the owners of Main Street Village to use the additional available parking to meet their parking requirements. Approval of the reduced parking was based on provisions in Section 3.24.4.1 of the Development Code allowing a reduction based on the unique nature of this particular use and the reciprocal parking agreement. Ron Eaton seconded. Ayes: 67 Nays: 0. Jason Thelin, Todd Barney, Bryce Higbee, Jannicke Brewer, Ron Eaton and Tami Hamilton voted aye. Motion passed unanimously."

The recommendation is dependent on a traffic study being completed and cross-easements for reciprocal parking, neither of which has been completed. The City Council discussed the parking issue to provide direction to the applicant and Planning Commission. The Gateway/Historic Committee also recommended some flexibility in the parking requirement, including options to share parking with adjacent properties and on-street parking. Jannicke Brewer added that if we allow cross-easement parking then there will be enough parking for theater attendance, but we will need more parking for the art classes that will be in the basement. Kimberly Bryant asked if this is approved with the parking that has been shown tonight then the basement cannot be used for any activities. Council Member Bryant said to park across the street at Mountainville Academy is not an option as that would not be safe for children as that will be dangerous and not safe. Having recorded cross easements is better than squeezing 20 more parking places in the back. Jim Tracy felt that cross easements was better than to have more parking spaces in the lot.

Ted Stillman said there was a balloon fest on Saturday to provide a visual of the impact the height of the proposed building may have on adjacent properties and explained what each color of balloon represented. The purple balloons represented the height of the proposed building and the orange balloons represented an office building if built on that lot under our current ordinance. The Planning Commission discussed the height issue, but has not made a recommendation. The City Council discussed the height issue which will require exceptions to be granted and the Gateway/Historic Committee recommended that an exception be given to the height of the building. The highest point of the building is near the rear of the building and will be 53'10" to allow for a fly-away for scenery changes. Jannicke Brewer said the clock-tower building is 34 feet, Randy Stucki's building is 34 feet to the top of the roof line, Mountainville Academy is 33 feet to the top of the roof line and then 55 feet to the top of the tower. The medical building is 24 feet to 34 feet to the midpoint and then in the back it slopes down and is actually 40 feet. Bradley Reneer felt that putting up the balloon really helped but asked if this building was going to be lit up. Mayor Willoughby said that some of the ground is mostly fill and asked if the lot could be excavated so the building would be constructed lower and Jeff Snyder said there will be a full basement under the theater which will be used for various things. Troy Stout asked if the number of seats could be reduced in the theater and Jeff Snyder said that Hale West Valley has 588 seats and felt

they were not far off.

Jim Tracy said that when he saw the balloons that those closer to the creek appeared taller to the residents from their perspective and thought this was a beautiful building and will be an asset to Alpine. Troy Stout also said this was a beautiful building and that we were supporting the arts; however, to raise a few balloons was not the same as seeing a building there. Councilman Stout suggested that we get more of the public's input on this. Bradley Reneer felt that maybe we should look at the ordinance to allow different kinds of buildings. Kimberly Bryant disagreed with Bradley Reneer and said she has season's tickets to the Hale Theater and that theater is not big but has an orchestra pit in the basement along with the trap.

Kent Hastings asked if the flyaway is just used for actors or scenery. Jeff Snyder said that to have both a trap and flyaway would increase the quality of the theater. Jeff Snyder said they have also taken the neighbors into consideration and said there is only one window on the north side of the building. Bradley Reneer felt this Art Center is a gift that the City does not have to pay for but said that through private donations this committee has worked hard to get donations and felt if we want to make this theater work then we will have to be flexible. We have a gifted community and the atmosphere of a theater could bring in other high-end businesses and felt we need to meet the Arts Council part way. Jeff Snyder said 80% of the money needed has been committed pending approval from City Council. Kimberly Bryant said she was concerned because we are a dead-end community and asked the Arts Council if they have taken this into account. Kimberly Bryant again asked if it was possible to build this building but stay within our ordinance. Paul Thompson said that wheelchair accessibility is one of the problems and once you lower the main floor you will have to install an elevator. The building has to slope away for drainage and because of the water table the engineer's have taken core samples. Jannicke Brewer said the balloons were fine but it didn't really give a true picture. When we had the Public Hearing Shane Sorensen had a computerized picture showing the parking lot, features and what the park would look like and asked if there was a possibility to have a computerized layout of the building to adjoining buildings plus the landscaping to get a better picture. Mr. Sorensen said they could do a computer model showing three different views at a cost of \$950.00 which is pretty reasonable. Troy Stout asked if a variance of this size would merit a public hearing to get public input and support. Jannicke Brewer said the residents that live around the theater were all in attendance at the Planning Commission meeting and Charmayne Warnock mailed them a letter. Their only concern was the height of the building.

Kimberly Bryant said a twenty foot variance is huge and asked Jeff Snyder if they would be willing to compromise on the design. Jeff Snyder said that since they met with the Gateway/Historic Committee they lowered the building but not the fly, but if this building doesn't go in they are done. Jim Tracy said he felt the both the Arts Council and Planning Commission needed direction and suggested that we have a sign made to put on the property advertising the Public Hearing. Troy Stout felt that if there was a Public Hearing and the citizens were invited to participate they might understand and support this effort. Jeff Snyder said they will not start the construction of this building until all the money for it is in the bank. Keith Brown said there is a sampling of people who are here for a different reason. Chris Culver, President of the Arts Council said they have a Confidentiality Agreement with one of their main donors and they can't have a sign on the property as they don't want to say this is going to happen unless the money is in the bank. Chris Culver said they will have a donated building and Jeff Snyder said that currently they are prohibited in the agreement to put a sign up on the property and these are the parameters they have to work under. Lynn Broadbent suggested that we hold the Public Hearing at another location.

MOTION: Troy Stout moved that we schedule a Public Hearing on April 13, 2010 at 7:00 pm and notify all Alpine residents by a mailing. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Kent Hastings, Bradley Reneer, Troy Stout and Jim Tracy. Nays: 0. Motion passed.

Jeff Snyder asked for a clarification of what the Council wanted the Arts Council to show at the Public Hearing. He had done a presentation for the Planning Commission and was told this would be fine. Also, it was suggested he show a rendering of the building in comparison to the existing office buildings.

E. FORT CANYON POWER LINES. Ted Stillman said the current power lines up Fort Canyon run along the east side of the road part way up the canyon, then they leave the road and run parallel to Fort Creek. The power lines will have to be rebuilt as part of the Three Falls Subdivision to provide the necessary three-phase power that will operate the pumps for the water system and to provide for the power needs of the new homes. Rocky Mountain Power is requiring that the new power lines follow the alignment of Fort Canyon Road as opposed to rebuilding the facility in its current alignment along the creek. The most

aesthetically pleasing alternative would be to bury the power lines along the road; however, this alternative is more expensive than constructing overhead power lines along the road.

Ed Gifford represented Will Jones and said he has worked with Will Jones for thirty years. Mr. Gifford said they need to run a three-phase power to the water tank and they are now getting bids. If they put the conduit underground from the start of Fort Canyon Road to the project it is 5500 feet and would cost approximately \$550,000. To rebuild the existing line along it would cost approximately \$250,000. If a new line was built and it went up along the road right-of-way to the project, it would cost approximately \$250,000. Ed Gifford said that Will Jones wants to be up front with the City Council to let you know what challenges he is facing. Mr. Gifford said that it was his understanding that all the residents want the power to be underground. Ed Gifford said that it was his understanding that Rocky Mountain Power has the right to maintain the existing power lines and they do have a right to upgrade the power line if they need to. The problem with the power line is once it gets to Don Rogers house it crosses the creek and basically is in an inaccessible location. There will be a loop system. Ed Gifford said that at this point they are just sharing information and because of the increased cost they are seriously looking at going overhead with the power lines. Mayor Hunt Willoughby said that Rocky Mountain Power would prefer the lines to go up the road as that would give them easy access for maintenance purposes. Kimberly Bryant said the residents that live up Fort Canyon will take the brunt of this with the subdivision going in and the road improvements.

Don Rogers lives at 1236 Ft. Canyon and has lived there for 16 years. Mr. Rogers said he has no problem with the road, but the road has been neglected and has not been maintained by the City for many years. Don Rogers said the residents that live up the canyon will be negatively impacted by the Three Falls Subdivision with prolonged construction headaches, big trucks going up and down the road, traffic will easily exceed ten times the present level and the overhead power lines will impede their views. A wider road will also encourage speeding. This development will change the Ft. Canyon lifestyle they now enjoy with the wildlife that come up the canyon. Don Rogers said that Rocky Mountain Power does not have any recorded easements up Ft. Canyon but the power lines have been up the canyon for years. They have prescriptive easements and they have the right to maintain the power lines but not improve or expand them. Don Rodgers said he would grant a reasonable underground easement free of charge in front of his property.

David Church said it was his feeling that Rocky Mountain would like the power lines to be in the roadway and not on private property. Mr. Church said our ordinance requires that we put the power lines underground, but the Power Company would rather have them overhead; however, there is a possibility the Power Company will insist the power lines be overhead.

Keith Brown also lives up Ft. Canyon and said he assumed the Three Falls Subdivision was going to go in and the residents have put up with this development progressing because of certain promises that was built into the program. Mr. Brown was concerned that with the economy the way it is the developer is cutting costs and asked what was going to be cut next. Not having underground utilities is not what was presented to the residents in the beginning. Shane Sorensen said this cross section has been laid out with the utilities to be in the road. When existing homes hook onto the power the road would have to be dug up with each hookup.

Marla Rogers said that shot crete was not represented to the citizens and is definitely natural as the residents were told there would be boulders. Mrs. Rogers said when they were approached to sell some of their property they were shown boulders and now the plan and now the plan has changed.

David Church said that under our current ordinance all new developments are required to put the utilities underground; however, the power company would prefer the utilities to above ground. Ed Gifford said there would be two parallel systems until all the residents hook on which could be about five years.

Bill Crocket said there will never be a cheaper time to put in the underground lines and the neighboring developments have all underground utilities. Utility poles do not add to the aesthetics and underground utility would be cleaner. Bill Crocket said that underground utilities would be safer and several years ago a power line up the canyon snapped and caused a major fire. Shane Sorensen said that the developer has been working with Rocky Mountain Power for the last two years and you just don't walk into Rocky Mountain Power and walk out with a cost; however, they are getting closer in getting a cost.

Mayor Hunt Willoughby said the City has never been in the business to help the developer to make money and suggested that we stick with the ordinance. Jim Tracy said he would get the design of the retaining walls for the residents to look at.

Bob Wilcox said he has been up Ft. Canyon for forty years and Ed Gifford said this is the closest the developer has been in getting actual costs. The City will require that the developer bond for the improvements.

Kimberly Bryant left the meeting at 10:15 pm.

Item F was handled later on the agenda.

G. RESOLUTION NO. R2010-04 – FORT CANYON ROAD-LOFGREEN RIGHT-OF-WAY ACQUISITION. David Church said that Will Jones has been negotiating with the Fort Canyon property owners to acquire the rights-of-way needed to improve Fort Canyon Road. Mr. Jones has been unsuccessful in reaching an agreement with Mr. Lofgreen and has asked the City to condemn the property. David Church said there was a dispute between the Lofgreen property and the Broadbent property; however an e-mail was received from the attorneys involved saying they have worked out their disputes so it is unlikely we will use the power of eminent domain on the Lofgreen and Broadbent properties. David Church advised the Council to adopt the resolutions in case their dispute does not settle.

Larry Lofgreen said he bought some property up Ft. Canyon and there is a dispute regarding that. Ted Stillman delivered a letter telling him about this meeting and saying that he had previous negotiations with the City. Larry Lofgreen said he has only had negotiations with Will Jones but has never met with anyone from the City unless the City says that Will Jones or Ed Gifford is representing the City. Larry Lofgreen said the things that the letter said have happened, have not happened. David Church said he had talked with Mr. Lofgreen's previous attorney and they negotiated on the language to be used in the deed and on the price. They discussed the ombudsman and Mr. Lofgreen's previous attorney was supplied with a book from the ombudsman. Mr. Lofgreen again stated that the City has never negotiated with him and has no problem in providing a Quit Claim Deed to the City. Larry Lofgreen said he entered into an agreement with Will Jones, but he doesn't think this agreement is valid any longer because of the dispute between himself and Lynn Broadbent. Larry Lofgreen asked the City to take a couple of weeks to see if the dispute between himself and Mr. Broadbent is resolved. David Church apologized to Larry Lofgreen if he didn't think we had bargained with him in good faith on a price and this was expressed to Mr. Lofgreen's attorney. Mr. Lofgreen said he didn't understand that Ed Gifford represented the City, but said he is willing to sign a quit claim deed. Jim Tracy asked David Church if we still need the resolution after receiving this new information and David Church said there are some things that are outside our control.

Lynn Broadbent said he owns two parcels and sold one parcel to Larry Lofgreen. Larry Lofgreen has made several timely payments but has fallen behind. Lynn Broadbent said he is willing to let the City have a lien on the property ahead his own encumbrance. Ted Stillman said we have been working on this for several years and we need to move forward. Ed Gifford has done a very good job in negotiating with all the residents. Mr. Broadbent indicated that he has a foreclosure going on to retain possession of the Lofgreen property.

Troy Stout left the meeting at 10:45 pm.

H. RESOLUTION NO. R2010-05 – FORT CANYON ROAD-BROADBENT RIGHT-OF-WAY ACQUISITION.

I. RESOLUTION NO. R2010-06 – FORT CANYON ROAD-LARSEN RIGHT-OF-WAY ACQUISITION.

MOTION: Jim Tracy moved that the City Council adopt Resolution No. R2010-04, A Resolution Authorizing the Acquisition of the Lofgreen property, Resolution No. R2010-05, a Resolution Authorizing the Acquisition of the Broadbent property and Resolution No. R2010-06, a Resolution Authorizing the Acquisition of the Larsen property which is necessary to acquire the rights-of way needed to improve Fort Canyon Road. Kent Hastings seconded. Ayes: Kent Hastings, Bradley Reneer and Jim Tracy. Nays: 0. Motion passed.

F. ALPINE DAYS CHAIRMAN. Mayor Willoughby said that the hardest thing he does is finding an Alpine Days Chairman but we are hoping to sweeten the deal by offering some money. Ted

Stillman said the two surrounding cities pay their chairman and Jim Tracy said that to solve this problem it is proposed that the Alpine Days Chairmen be paid as follows:

Past Chairman	\$1,000.00
Current Chairman	\$3,000.00
Next Year Chairman	\$1,000.00

Jim Tracy said it is now April and we don't have a Chairman. This makes it difficult to get donations and vendors. The funds to pay the chairmen would come out of the Alpine Days revenue and Councilman Tracy thinks Alpine Days should be revenue neutral.

Kent Hastings said he has been told that the subcommittee chairmen do all the work but the general chairman ties everything together. Bradley Reneer said he has been previously involved and recognizes this is a huge commitment but doesn't like to see it when we make the shift to get away from volunteering. Mayor Willoughby said he agreed, but we have grown as a City and so has Alpine Days. Jim Tracy said we are always behind schedule and it is hard to keep the volunteers on schedule. Bradley Reneer said he was worried about the quality of the event being tied to the money paid. Jim Tracy said he wants to see Alpine Days be revenue neutral and as of today they have a chairman and Hunt Willoughby said that regardless of his decision we should get something in place or else a year from now we will still be in the same dilemma. Chris Culver said she has been involved in Alpine Days for twelve years with the art show and suggested that we take extra care transitioning out of the volunteer mode to this being a paid position.

Both Jim Tracy and Hunt Willoughby have talked to the Bill Conley who is on the Board of Adjustment about being the Alpine Days Chairman. Jim Tracy said that next year there will be some big changes. We would like to use the 100 South Park and possibly even change the parade route. Brad Reneer said he would feel better about starting out with a smaller amount.

MOTION: Jim Tracy moved that the City Council approve paying the Alpine Days Chairmen and revisit this after Alpine Days as follows:

Past Chairman -	\$500.00
Current Chairman -	\$3,000.00
Next Year Chairman	\$1,500.00

Kent Hastings seconded. Ayes: Kent Hastings, Bradley Reneer and Jim Tracy. Nays: 0. Motion passed.

J. CDBG BLOCK GRANT AGREEMENT WITH UTAH COUNTY. Ted Stillman said Community Development Block Grant (CDBG) Funds for small cities in Utah County are currently part of the Small Cities Program. Utah County is now large enough to become an Urban County and receive a direct allocation of CDBG funds. Mr. Stillman said that in order to accomplish this, the County needs an agreement with each City and they need to approve this to make it work. Bradley Reneer said he doesn't believe in receiving Federal Grants and in principal was opposed to it and will vote against it. Councilman Reneer said he will always vote no on using any Federal money. There was no motion made on this.

VII. REPORTS

VIII. COMMUNICATION

IX. EXECUTIVE SESSION to discuss Litigation, Property Acquisition and Personnel. There was no Executive Session.

X. APPROVAL OF MINUTES

City Council Meeting Minutes of March 9, 2010

MOTION: Kent Hastings moved approve the minutes of the City Council meeting of March 9, 2010 as amended and adjourn. Bradley Reneer seconded. Ayes: Kent Hastings, Bradley Reneer and Jim Tracy. Nays: 0. Motion passed.

The meeting adjourned at 11:30 pm.