

January 12, 2010

Minutes of the City Council Meeting held on Tuesday, January 12, 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*, Kip Botkin, *Police Chief*, Aniva Willoughby, Ron Eaton, Crystal Eaton, Will S. Jones, Landon Wallace, Taylor Nuffer, David Kono, Kennedy, Katrina Kennedy, Jason Thelin, Garn Arnold, Steve McArthur, Larry Brown, Derrick Rykert, Marné Reneer, Emma Reneer, Luke Reneer, Elijah Reneer, Mazie Reneer, Cindy Savage, Michael W. Porter, Mike Card, Amy Thackery, Bethany Thackery, Chelsie Thackery, David Kono, Darrel Larsen, Nancy Pope, Larry Stolk Adrienne Williams, Jennifer Stout, Julie Fonbuena, Shaun Lorscheider and Katrina Kennedy

I. CALL TO ORDER Mayor Hunt Willoughby called the first City Council Meeting of 2010 to order at 7:00 pm and welcomed all in attendance. The City Council Members and staff were introduced.

II. PRAYER/OPENING COMMENTS – Kent Hastings

III. PLEDGE OF ALLEGIANCE. Taylor Nuffer led the audience in the Pledge of Allegiance.

IV. SWEARING IN OF NEWLY ELECTED MAYOR and CITY COUNCIL MEMBERS. Janis H. Williams, City Recorder, administered the Oath of Office to Hunt Willoughby, reelected Mayor, and Bradley Reneer and Troy Stout as newly elected City Council Members.

V. PUBLIC COMMENT. Time has been set-aside for the public to express their ideas, concerns and comments on items not on the agenda.

Michael Porter congratulated those who were sworn in tonight and gave a book called the 5,000 Year Leap to the Mayor and said he was pleased to know that most of the Council Members have read both the Federal and State Constitution. Ted Stillman was also given a copy of that book along with the book entitled Making of America.

VI. CONSENT CALENDAR

Bond Release:

Steve Christensen – Apple Creek Farms Subdivision, East Alpine Blvd - \$49,540.37

Kent Hastings asked if it would be alright to review what the Consent Calendar is and what a bond release is. Shane Sorensen explained that whenever we have a development within the City we require the developer to bond for 120% of the estimated cost of those improvements that will become City property upon completion which include roads, water and sewer lines, etc. The bond is placed as an Escrow Account in a bank and releases are like progress payments even though the City does not pay the money the Council is authorizing the Bank to release those funds to the developer who in turn pays his contractor. Alpine's Subdivision Ordinance requires that the City Council review the releases and then make a motion to release the funds. This Bond Release form is prepared by Shane Sorensen and becomes a permanent record in the subdivision file.

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

VII. ACTION ITEMS

A. FORT CANYON RETAINING WALL DESIGN CHANGES. Ted Stillman said at the December 18, 2007 City Council Meeting, John Wallace from IGES gave a presentation on retaining wall options for the reconstruction of Fort Canyon Road. The developer of the Three Falls Ranch Subdivision and City staff requested that this item come before the City Council to get direction on the type of retaining walls that would be incorporated into the design. The information was not on the agenda as an action item, but was presented as a report, therefore no motion was made; however, the meeting minutes reflect that the general consensus was to use the soil nail retaining wall system with a rock façade.

Will Jones said that in looking at the details for the reconstruction of Fort Canyon Road, the developer's construction consultant raised the issue of the constructability of the rock façade on the upper levels of the retaining walls that exceeded ten to eleven feet in height. Will Jones presented information on the retaining wall system, only the upper portions of the taller retaining walls would include a shot-crete type application as opposed to the rock façade. In addition, this modification would eliminate the need to bench the retaining walls every ten feet, which would reduce the extent of the cut into the hillside. The portions of the 10' to 11' retaining walls and less would include a rock facade. Jim Tracy asked if these retaining walls would use soil nailing and be designed and engineered and Shane Sorensen indicated they would. Jim Tracy commented that there would be no other way to improve this road without the use of retaining walls. Shane Sorensen said to widen the road from what it is right now, we will have to cut into the hillside. Presently, Fort Canyon Road is only sixteen to eighteen feet wide and previously the Council approved an exception to allow a 26' road width because of the retaining walls. Jim Tracy asked if we would have to close the road and Will Jones said that once you get the road excavated you have 24 hours to do the soil nailing and they will do as big a span as possible.

Kent Hastings asked if Shane Sorensen has analyzed the maximum height of stacked rock and if shot-crete would then take over. Councilman Hastings asked how long would the finish last and Shane Sorensen said that UDOT is probably our best resource. Troy Stout asked if we would have the same problems as they had up Provo Canyon when the road around Deer Creek Reservoir was reconstructed. Will Jones said there is a GEO Tech engineering plan in our files which cost him approximately \$50,000. Brad Reneer asked which of the shotcrete or rock would be the most expensive to repair, if necessary, and Will Jones said they have tried to make these retaining walls look more natural and have used natural rock; however, if they use less rock they will probably be better off. Will Jones said the rock has been up Fort Canyon a long time. Mr. Jones further stated the neighbors still want animals up the canyon and they just want barb wire on top of the retaining walls.

Troy Stout stated his opinion on retaining walls but felt this design looked safer and hoped this will require less of the City in the future to maintain. Councilman Stout said he doesn't really like retaining walls but hopes these walls can blend in with the landscape. Kimberly Bryant said she agreed and further stated this road is already in existence and really needs to be improved. Brad Reneer asked if this design approval only applied on the Fort Canyon Road and not the secondary access road from the Three Falls Subdivision to the Cove. Will Jones said this design was only for the Fort Canyon Road. Kent Hastings said he was in favor of this design as he felt there was less impact and the walls went from 40' to 27.'

MOTION: Kent Hastings moved that the City Council approve the modified design of the retaining walls proposed for the reconstruction of Fort Canyon Road using the preferred option of 10 feet of rock retaining walls and shot crete on anything above that. Troy Stout seconded. Ayes: Kimberly Bryant, Kent Hastings, Bradley Reneer, Troy Stout and Jim Tracy. Nays: 0. Motion passed.

B. RECREATION PRESENTATION (LARRY BROWN & DERRIC RYCKERT). Mayor Hunt Willoughby said back in June 2009 the City Council voted to give one year notice to American Fork of Alpine's intention to withdraw from the American Fork Recreation program. Larry Brown of the PRO Committee has been working with Derric Rykert, Director of the American Fork Recreation Program and presented a new proposal to the City as follows:

1. The Leadership Committee of the American Fork Recreation Program, which includes members from Alpine, Highland and American Fork, recommends that the Alpine City Council continue the city's membership in the recreation program in FY2010-2011.

2. The not-to-exceed allocation figure for Alpine City to participate next year is \$49,625. However, that figure is expected to be reduced by an additional \$1,500 - \$2,000 within the next few months when Alpine's subsidies for non-resident participation are completely eliminated. A non-resident is defined as a participant in the recreation program who does not live in a participating (i.e. "member") city.
3. The cost to Alpine to participate in the current fiscal year 2009-2010 was \$53,888. Therefore, the cost to participate in FY2010-2011 will be at least \$4,623 lower than this year.

Derrick Rykert said the month of January 2010 will be the city's last opportunity to make a decision due to recreation budget planning deadlines in American Fork for FY2010-2011 and said he would like a letter of intent. Larry Brown said this letter of intent is not binding but would give Derrick Rykert more ammunition to use when he goes before the American Fork City Council. Derrick Rykert went over program cost reduction and improvement suggestions which included a representative from all participating cities. This committee has begun meeting quarterly to discuss program enhancements, marketing and pricing. The Committee suggested that they eliminate non-resident subsidies and they have formed a marketing team to increase program visibility, access and participation. Also they have identified school facility cost reduction effort and aggressive evaluation – add new sports, expand well-attended sports and eliminate unpopular ones.

Larry Brown said that a recreation program could help with child obesity and other problems as it would help to encourage additional physical activity and give the youth more constructive things to do. To participate in the Recreation Program would cost Alpine residents about \$21.12 per household per year based on 2,350 households. Larry Brown corrected an earlier e-mail that Tracy Wallace had sent out listing all the yearly contributions and said the cost jump in a single year in an earlier recreation budget does not tell the whole truth. Troy Stout asked if the raising cost for the program was going to be a trend in the future years and Derrick Rykert said he hoped not.

Jim Tracy noted that when looking on the American Fork website, most of the adult activities listed were team sports. They do not list a resident or non-resident fee. We are not subsidizing those sporting activities, but how much does Highland and American Fork pay per household to participate in these programs. Are we in line with Highland and American Fork or are we high or low. If Highland opts out would that affect how much Alpine would pay in future years and Derrick Rykert said he felt there would have to be an adjustment made. Jim Tracy asked if we joined the American Fork Recreation Program would that entitle our residents to have resident privileges to the other facilities such as the swimming pool and athletic facilities or would we still have to pay non-resident fees. Derrick Rykert said that initially Alpine residents would have to pay the non-resident fee. Kent Hastings pointed out that the only program Alpine participates in is the flag football and basketball programs as we have our own baseball, football and soccer programs. We are paying to only participate in those two programs. Derrick Rykert said the basketball program is the most expensive to run.

Ted Stillman said that in March we will present the budget to the Council, in May we will adopt the tentative budget and the final budget in June. Mr. Stillman said he wasn't sure how they would fit the letter of intent into that. Mayor Willoughby said that while we are doing that American Fork City will be going through the same budget process. We will need to know whether to include that number in our budget or leave it out.

Mayor Hunt Willoughby said this is on the agenda tonight for information purposes and will look at supplying a letter of intent so Derrick Rykert has direction.

C. CITY COUNCIL ASSIGNMENTS. Mayor Hunt Willoughby made the 2010 assignments to the Council Members as follows:

Mayor Hunt Willoughby	Community Communication/Newsline
	General Administration
	Personnel
	Finances
	Mountainlands Association of Governments
	Utah County Council of Governments
	Lone Peak Public Safety District

Kimberly Bryant	Youth Council
Kent Hastings	Family First Week Lone Peak Public Safety District
Bradley Reneer	Eagle Scout Projects and Volunteer Projects Timpanogos Special Service District
Troy Stout	North Point Solid Waste District Board
Jim Tracy	Parks, Trails, Recreation and Open Space (PRO) Committee

Mayor Hunt Willoughby said that when attending each of these meetings turn in the agenda to Janis Williams for compensation. Kent Hastings said that in the future he would like to address the Newsline, how that is managed based on what happened in November right before the election.

D. 100 SOUTH PARK CONSTRUCTION. Mayor Hunt Willoughby said work on the 100 South Park was put on hold back in November of 2009. The City bid the grading and excavation; however, the contractor was unable to obtain a bond and his bid was rejected. Mayor Willoughby said that Insight Design has redesigned the parking lot adjacent to 600 East and reduced its size by one half with a bigger buffer between the parking lot and the residential homes on 600 East. There was a neighborhood presentation of bringing the road into the park and relocating the parking lot back further into the park, but Mayor Willoughby said this would add about \$125,000 to \$150,000 to the cost of the park project. Mayor Willoughby that design would require more asphalt and fill and proposed that we keep the road as designed. Shane Sorensen looked at the costs for the different features with some possibly increasing and some less and came up with a total rough cost of \$2,400,000.00. The maintenance cost was broken down and would be approximately \$40,000 per year which would include mowing, fertilization, weed control and the equipment used. The maintenance cost for the splash pad and on the different features would be calculated separately; however, warranties would be looked at.

Ted Stillman said the total cost would be \$2,345,065 and further stated the design has already been paid for. Mr. Stillman went over how we would fund the Park as follows:

100 SOUTH PARK FINANCING - 1-12-10

<u>REVENUE</u>	
PARK IMPACT FEES	\$ 331,630
CAPITAL IMPROVEMENT FUND	\$1,167,718
LOAN FROM WATER FUND	\$ 845,717
 TOTAL	 \$2,345,065
 <u>EXPENDITURES</u>	
CONSTRUCTION ESTIMATE	\$2,315,065
DESIGN & ENGINEERING	\$ 30,000
 TOTAL	 \$2,345,065

Ted Stillman said there would be a loan of \$845,717 from the water fund which would have to be paid back on a 25-year loan. Some of the features will be bid separately and we will be able to see how those bids come in. The construction schedule would be as follows:

100 South Park Construction Schedule in 2010

January 12, 2010	Authorization from City Council to proceed with construction
February 12, 2010	Bid Package Available – grading and landscaping
February 18, 2010	Pre-Bid Meeting

February 26, 2010	Bid Opening
March 9, 2010	Award of Bid by City Council
March 22, 2010	Pre-Construction Meeting
March 23, 2010	Start Construction
July 15, 2010	Deadline to have grass seeded and irrigation operational
August 1, 2010	Deadline for project completion

Kent Hastings said that in his mind if we phased the construction of the park we could use money from the capital facilities fund and not borrow against the water fund. Mayor Willoughby said some of the ways to do this was put in the pad but not the structure and the reason we did not look at phasing is because the landscaping which includes the plumbing and electricity is counter-productive. Kent Hastings said we could put in green grass and then put in structures when we have the money. Shane Sorensen reminded the Council that there would be constant park maintenance, mowing, weeding, etc.

Jim Tracy asked if when we put this out to bid we could have it bid two ways. Hunt Willoughby said he wants the bidders to give us the best bid. Troy Stout said the responsible thing to do today would be to mind the budget. Brad Reneer said he thinks we cannot afford the whole park and Troy Stout said we need to create a playground for the children. Jim Tracy said there is enough money to do the entire park if we leave out all the facilities. Mayor Hunt Willoughby said that if we put in the basic structures we get the benefit of doing the hard work, the plumbing and electricity without the amenities. Kimberly Bryant said if we had the concrete pads, how long would we have those pads before we have to rip it out. It was proposed that the Council give authorization to go out to bid for the construction of the 100 South Park.

Troy Stout said he thinks the plan is great and was glad the new council members were given a chance to state their opinions. Shane Sorensen said that from day one this was the way this was going to be bid out. We would have the basics and be able to see hard costs for each facility. Jim Tracy said he would like to see how far we could get with the money we have without borrowing from the water fund. Shane Sorensen said we really won't know until we put this out to bid and get the firm numbers.

Katrina Kennedy said she likes the discussion that is going on between the Council Members and likes Brad Reneer's idea. Mrs. Kennedy questioned the cost for two employees to maintain the park and asked how much the maintenance would be for the splash pad specific. There is a problem with dogs in the Applewood Subdivision area as they run at large. Shane Sorensen said the cost of \$25,950 for labor for two full-time employees from April to October to maintain the park is very conservative. Shane Sorensen further stated that we only have two parks maintenance men that take care of all the parks. Jim Tracy said maintenance on the sprinkling system would be a bigger cost than maintenance on a splash pad. Shane Sorensen said there is a 20-year warranty on some of the above-ground stainless steel features.

Kimberly Bryant asked Ron Devey which features were more expensive, the above ground or below ground features. Ron Devey said the below ground features would be cheaper, but the above ground features would be more popular and used more.

Will Jones said the most important thing to remember is that his, his children's and his parent's tax dollars that bought this park and they would like to use the park as much as the residents who live close by. We need to go back to the thinking that we are serving all the residents in Alpine and go regional. When we talk about phasing, if Mr. Jones did this on widening Fort Canyon Road he couldn't afford it and the cost would go up if we phased the park. When we talk about borrowing money we are borrowing from ourselves and we will pay it back at 1%. Will Jones said we've got a design, but let's make it regional and let's go out to bid on the whole park. Kimberly Bryant said there are a lot of things she wants to do in her yard, but couldn't do it right now and all at once.

Mayor Hunt Willoughby asked Ted Stillman if there was a water system emergency where we might need \$700,000 to mitigate is there other accounts that could cover that. Ted Stillman said we have \$2,500,000 in the water fund right now and if we used \$800,000 right now there would still be \$1,700,000 still available for emergencies. Kent Hastings said our engineers said we need that much money in the emergency account to cover rebuilding the water system. Ted Stillman said we fund depreciation at 2% per year and Shane Sorensen said the majority of our sewer system was built in 1978-79 and is 30 years or so old; however, it is in excellent condition. It is the same for our water system. We are unique from other cities because we don't need anymore water tanks. Troy Stout said he is not comfortable with the message that is being sent to our tax-paying residents that we are willing to draw on our security as a city to fund something that is not

necessary today. Councilman Stout said he might be more comfortable with that in a couple of years, when the economy is turned around, unemployment is down and the people in Alpine are not losing their homes. Ted Stillman suggested that we bid it ala carte and see if we can construct the park without borrowing.

Katrina Kennedy suggested that the splash pad be put close to 100 South and Stan Adams, who lives on 100 South said he would not like to see the splash pad closer to 100 South. Mr. Adams, as a representative of UDOT, said they are getting very good bids on road projects and made suggestions on how to bid this project. Stan Adams said this is an excellent time to bid the park. Landon Wallace lives by 100 South and said there are a lot of neighbors in his neighborhood who think the park is going in and they don't know the residents who live on 600 East have such big issues. Mr. Wallace said if you are going to phase it, phase it fairly. Brad Reneer said that most of the people going to the park will travel going east on 100 South. Crystal Eaton said this is not a regional park but a community park, but we cannot ignore the political arena that is facing the future of America. Mrs. Eaton said we need to be wise about planning this and wisdom counts.

David Kono lives right across the street from the proposed splash pad and said he doesn't think that people as a whole are worried about spending money, but we want what we can pay for. Mr. Kono sent an e-mail to the council that said there was a survey from South Ogden City which said only two out of ten people who use the splash pad are from South Ogden. David Kono said it is common sense to have some parking on 600 East and 75% of the traffic will be going east on 100 South so there needs to be a parking lot on 100 South. Ted Stillman said that South Ogden City responded to the e-mail and they said the splash pad is the best thing that ever happened to their city. It is filled with kids and moms from the South Ogden area and the biggest thing they have facing them is the trash. Surrounding cities are now building their own splash pads.

Jim Tracy said we have enough money in our fund to do the concept of the park, the parking lot, the grass, the asphalt, the sprinkler system and have everything built on top of that. We have enough money to do the entire park without putting in the pavilion and playgrounds in and have them as a separate bid item. We would then have the hard numbers and we could put them on a priority list.

Troy Stout asked if we should do the trees and vegetation with the grass bid and Shane Sorensen said the reason we were going to do this last fall was to get a jump in the spring on landscape construction.

MOTION: Jim Tracy moved that the City Council authorize bidding of the basic 100 South Park as presented to the Council, including the parking lots, the trails, the grass, the sprinkling system and all the other line item bids to the bid. Brad Reneer seconded. Ayes: Kimberly Bryant, Kent Hastings, Bradley Reneer, Troy Stout and Jim Tracy. Nays: 0. Motion passed.

E. RECREATION AGREEMENT – UTAH COUNTY. – This will be handled after Item F, Board, Committee and Commission Appointments.

F. BOARD, COMMITTEE and COMMISSION APPOINTMENTS. Mayor Hunt Willoughby made recommendations to Boards, Committees and Commissions as follows:

Planning Commission – Steve McArthur's term on the Planning Commission expired on January 1, 2010 and Bradley Reneer and Troy Stout were elected to serve on the City Council. This has left three vacancies on the Planning Commission which Mayor Willoughby proposed to be filled as follows:

Steve McArthur – Be reappointed to a term that ends January 2016
 Bryce Higbee – Appointed to a term that ends January 2014
 Ron Eaton – Appointed to a term that ends January 2011

Mayor Hunt Willoughby suggested that Steve McArthur be reappointed to the Planning Commission as he has served on there for a long time and has been an asset to them. Bryce Higbee is currently serving on the PRO Committee and Ron Eaton was suggested for consideration. Jim Tracy said he has worked with Steve McArthur on the Planning Commission and it was his opinion that he has done an excellent job. Councilman Tracy said he liked Bryce Higbee's input while serving on the PRO Committee Bryce Higbee will work well on the Planning Commission as he is an attorney and that will add to the Planning Commission. Ron

Eaton has shown an interest by being to our City Council meetings and has experience by being on a lot of committees and boards. Jim Tracy said that all three are great suggestions and has his vote. Mayor Willoughby said it was very difficult to reduce the field down to the three suggestions as he had many people who expressed a desire to serve on the Planning Commission.

Kent Hastings said he would like more time to talk to the suggested individuals rather than seeing their names in the packet on Thursday before the City Council Meeting. Also, Kent Hastings said he would like see a change in the length of term and that this be put on a future agenda. Councilman Hastings said he has

Ron Eaton said he moved here from California and worked on several committees there and said he is willing to serve on the Planning Commission. He is semi-retired and knows that he would have to do a lot of research. Kent Hastings said that in reviewing the Planning Commission minutes it seems there is a concept that we shouldn't succumb to public clamor and asked Ron Eaton how he feels about listening to the public. Ron Eaton said public input is very important and felt we should always listen to the public. As far as taking guidance from the City Council Mr. Eaton said he doesn't know what problems Kent Hastings was referring to, but while in California he was an arbitrator and helped solve many problems.

Troy Stout asked how long each Planning Commissioner has served. Jannicke Brewer went over the Planning Commissioners terms and said Steve Cosper is serving until January 2015, Jason Thelin 2012, Jannicke Brewer 2013 and Tami Hamilton 2016. Steve McArthur has finished his second term which expires January 2010.

Cindy Savage asked what kind of attorney Bryce Higbee is and said she spoke with the Mayor previously and said she doesn't want any member of the Planning Commission to be accused of being biased. Mrs. Savage said she doesn't think Steve McArthur should be put that position, to be accused of or there be a concern that he is biased. Cindy Savage said she is disappointed that the Mayor made her come and say these things in a public meeting. Mayor Willoughby said at his work he has served on a board for the hazardous waste industry and the governor is required to build that board with bias. It is made up of public representatives to a Mayor, City Council Member, County Commissioner, etc. and other representatives from the environmental industries. There might be someone from the Sierra Club, the mining industry, the solid waste industry, the hazardous waste industry and each of them come with knowledge and bias. Each individual has the ability to make their opinion known with a discussion, but ultimately they have only one vote. They don't have any more sway than any other member on the commission. If Steve McArthur tries to sway the Planning Commission's decision, he only gets only one vote. Cindy Savage said Steve McArthur has been put in a bad position. Jim Tracy said the Planning Commission is only a recommending body. The Planning Commission is all about developing and Cindy Savage thought the Planning Commission ripped her neighborhood apart by voting to extend an expired final plat. Brad Reneer defended Steve McArthur and felt his expertise was valuable on the Planning Commission. Kent Hastings said he felt the same way as Cindy Savage. Mayor Willoughby said there were fifteen people in our community that expressed a desire to serve our community and thought it was time we get new people on the Commission who have fresh ideas. Councilman Hastings felt we should look at having term limits.

Troy Stout said he was respectful of Steve McArthur and felt we needed to have his expertise on the Planning Commission. Troy Stout asked if there was someone else on the Mayor's list that has a development background and Mayor Willoughby said that part of the reason he asked Steve McArthur to serve again was because of the change with the two vacancies. Kent Hastings said he reads the Planning Commission minutes and he identified with the view that Jason Thelin and Troy Stout had. Councilman Hastings knows an individual who would represent Alpine very well who does not have bias and conflict.

Will Jones said that Highland City, Cedar Hills and Provo have a developer on their Planning Commissions. Mr. Jones said that when presenting a plan to the Alpine City Planning Commission, he knew that he could not pull the wool over Steve McArthur's eyes. Steve McArthur looked out for everybody and Will Jones said he was offended with the last comments made and the attack made on Steve McArthur after he has given nine years. Will Jones asked Kent Hastings how long he has served on the City Council and Kent Hastings said ten years. It was stated that City Council Members are elected and Planning Commission members are appointed. Kimberly Bryant said that Tami Hamilton was a developer and felt she did a very good job.

Jason Thelin said his concern with a developer being on the Planning Commission is if there is a

relationship there. Mr. Thelin thinks that Steve McArthur is one of the strongest members on the Planning Commission and he is only one vote. Jannicke Brewer said that over the years all the Mayors have appointed the Planning Commission members and then ratified by the City Council and she has appreciated all of those who have served. They don't all think the same and she would be happy to have Steve McArthur serve on the Commission again. Troy Stout said there was an opportunity where the public should have been heard and they were not given the opportunity. The developer asked for his approval to be extended for another year and the Planning Commission granted the extension. There has been a change in the ordinances and under the new law this developer would have to start the process over under the new ordinance. Brad Reneer said the Planning Commission tried to apply the ordinance that was in effect at the time when that development was granted final approval.

Ted Stillman asked the Council to turn to page 130 in the Powers and Duties and read:

"Some confusion has arisen over what power a planning commission, or individual planning commissioner, really has. The answer is not much. Planning commissions are not policy making bodies. The requirement of state law is that the planning commission is to be involved in making recommendations to the city or town legislative body regarding certain land use ordinances. If the city or town council does not accept the recommendations, there is nothing the planning commission can do. The state code specifically provides that the city or town council can either adopt a recommended ordinance, reject it, or revise it. This is not to say that planning commissions are not important. Politicians, like members of city councils and mayors, have a great need for well thought out and studied recommendations in the area of planning and zoning. Planning commissioners who provide this service are invaluable to a community. Planning commissioners who see their roles as representing special interests or specific neighborhoods are not as helpful in the planning process and may actually hinder good planning."

MOTION: Kent Hastings moved to appoint Ron Eaton to the Planning Commission. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Kent Hastings, Bradley Reneer, Troy Stout and Jim Tracy. Nays: 0. Motion passed.

MOTION: Jim Tracy moved to reappoint Steve McArthur to the Planning Commission. Bradley Reneer seconded. Ayes: Bradley Reneer and Jim Tracy. Nays: Kimberly Bryant, Kent Hastings and Troy Stout voted nay. Motion did not pass.

MOTION: Jim Tracy moved to appoint Bryce Higbee to the Planning Commission. Troy Stout seconded. Ayes: Kimberly Bryant, Bradley Reneer, Troy Stout and Jim Tracy. Nays: 1. Kent Hastings voted nay. Motion passed.

Kent Hastings said he would like to know Bryce Higbee better and said he voted nay because he wanted the extra time to call him. Both Kent Hastings and Troy Stout said they would like to invite Bryce Higbee to the next City Council meeting to they can ask him questions and get to know him better.

Board of Adjustment – Bill Sidwell's term on the Board of Adjustment expires in February 2010. It was proposed that Bill Sidwell be reappointed to the Board of Adjustment.

MOTION: Jim Tracy moved to reappoint Bill Sidwell to serve on the Board of Adjustment. Bradley Reneer seconded. Ayes: Kimberly Bryant, Kent Hastings, Bradley Reneer, Troy Stout and Jim Tracy. Nays: 0. Motion passed.

PRO Committee – The appointment of Bryce Higbee to the Planning Commission created a vacancy on the PRO Committee. It was proposed that Kelly Payne be appointed to the PRO Committee.

MOTION: Jim Tracy moved that we appoint Kelly Payne to serve on the PRO Committee. Kimberly Bryant seconded. Ayes: Kimberly Bryant, Kent Hastings, Bradley Reneer, Troy Stout and Jim Tracy. Nays: 0. Motion passed.

E. RECREATION AGREEMENT – UTAH COUNTY. Ted Stillman said that Utah County shares its restaurant tax with cities in Utah County for recreation and park projects. The City

used its 2008 and 2009 funds for new nets at Burgess Park. Mr. Stillman said that looking over our receipts we found the County paid us for 2009 but not for 2008. The project is complete and the City has received the 2009 funds of \$5,532.96. The County asked the City to amend the Agreement so that the City can receive the 2008 funds of \$5,783.00.

MOTION: Kent Hastings moved that the City Council approve the amended 2009 Municipal Recreation Grant Agreement. Troy Stout seconded. Ayes: Kimberly Bryant, Kent Hastings, Bradley Reneer, Troy Stout and Jim Tracy. Nays: 0. Motion passed.

VIII. REPORTS - Financial Report. Ted Stillman went over the Financial Report ending December 2009 and said this is compared to the same time last year. Mr. Stillman said we just received our property taxes so that fund balance is up. Street impact fees are down as no impact fees are coming in, the park fund was discussed and the sewer rates were raised and we will be looking at the 800 South sewer project. We will be looking at raising the pressurized irrigation rates. We are looking at expanding the cemetery in 2011. Ted Stillman said we are down about 18% in sales tax; however, when you look at the budget we anticipated the sales tax would be down and we are right on but there won't be any surplus. Ted Stillman further stated that in 2009 we issued seven new building permits, in 2008 there were six but in 2007 there were forty-eight. Traffic citations were down and this was discussed. Ted Stillman said he feels good where we are at six months into the year.

IX. COMMUNICATION

Mayor Hunt Willoughby –

Kimberly Bryant – Asked if we can turn the Christmas lights off in the roundabout to save money. They are LED lights and the cost is 1/3. Ted Stillman said there is not a date in the contract for when they are taken down.

Kent Hastings –

1. Welcomed both Brad Reneer and Troy Stout to the City Council and hoped that even though we may disagree during the City Council meeting that at the end we can walk out as friends.
2. Does the Council want the electronic copies of the packet? Kent Hastings said he was a paper person and wanted the packets in that form. Jim Tracy said it was easier to store the CD's and to search for information on them. Do not give Kent Hastings and Kimberly Bryant a copy of the CD.
3. Would like to see the appointment of City Recorder and City Treasurer on the agenda soon as this coincides with the elections. Ted Stillman said David Church said we don't need to and Kent Hastings and Kimberly Bryant felt we should put it on an agenda.
4. Plans for Family First night are progressing nicely. Reserve March 19, 2010 for the event.
5. Have given copies to Ted Stillman and the Mayor of the open DNS. Asked if we can put this on our website to help protect wireless computers and network. It is free and a good resource.

Bradley Reneer – Said he is glad to be serving with the rest of the Council and thanked Tracy Wallace and Thomas Whitchurch for their service. The City staff has kept our City in good condition financially and is grateful for the work that has been done in the past and is pleased that we have not had to lay off any City staff.

Jim Tracy –

1. Said the Mayor should think seriously about appointing a chairman and co-chairman for Alpine Days. Jim Tracy and Jason Thelin are starting to get a lot of e-mails and nobody is taking the responsibility to answer these e-mails. Starting earlier is better. We should give these people the responsibility of answering e-mails and starting fund raising.
2. What does the Council think about videotaping meetings and putting it on U-Tube so the citizens can not only hear but watch the meetings? We could have a volunteer in the community do this. A lot of cities are doing this.

3. We need to show more respect by not laughing when people are talking and thinks it is very disrespectful if the Council Members talk amongst each other.

Ted Stillman –

1. Said he would like to wait on reappointing City personnel as he wants to bring a new reorganization plan to the Council.

2. An ad hoc Emergency Preparedness Committee has been formed that has been meeting since last September. All of the LDS Church Stakes have had representatives attend and all other interested individuals. The committee is going to expand to include a representative from all the schools. They have developed an emergency preparedness plan and communications network. They have been working on an ordinance which will be presented later and the committee has appointed a coordinator to coordinate between the City and all the stakes.

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

XI. APPROVAL OF MINUTES –

City Council Minutes of December 8, 2009. The minutes were not available for approval.

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

The meeting adjourned at 10:35 pm.