

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 North Main, Alpine, UT
May 11, 2010

I. CALL TO ORDER/ROLL CALL

Mayor Hunt Willoughby

Council Members: Jim Tracy, Bradley Reneer, Kimberly Bryant, Kent Hastings

Council Member not present: Troy Stout

Staff: Ted Stillman, Charmayne Warnock, David Church, Shane Sorensen, April Naidu, Jay Healey, Kip Botkin

Others: Jannicke Brewer, Grant Weaver, Nathan Jones, D. Anderson, David Peterson, Jason Coverston, Andra Ellis, Dee Ellis, Brad Bacigalipi, Will Jones, Ross Welch, Michael Edwards – *Daily Herald*, Cheri Brooks, Donald Meyers – *Salt Lake Tribune*, Dawn Bagley, Bryan Benson, Carrisse Benson, Clint Ellison, Greg Mitchell, Katlin Culver, Ashley Mitchell.

II. PRAYER/OPENING COMMENTS: Bradley Reneer

III. PLEDGE OF ALLEGIANCE: David Petersen

IV. PUBLIC COMMENT: Dee Ellis approached the Council with a proposal to groom the bike trails in Lambert Park for an Eagle Scout project. He would clear overgrown vegetation and repair damage by filling in ruts, clearing rocks, etc. He was also considering putting in a crosswalk where trails crossed the road.

Mayor Willoughby said there were specific rules on crosswalks and suggested he meet with Shane Sorensen.

Jim Tracy suggested using thermal tape for the crosswalk to improve longevity, rather than painting it. Ted Stillman suggested the scouts raise funds for the tape as part of the project since it was more expensive than paint.

Jannicke Brewer said Evert Williams would like guidelines and supervision when the trails were groomed. In one case a stump had been left that created a hazard.

Will Jones reported on the secondary road on the hillside for the Three Falls subdivision. He said they were bringing in darker dirt so the road wasn't as visible. It was about 90% complete and when it stopped raining, they'd finish it.

Kent Hastings asked David Church if it would be permissible for the Council to follow some informal rules in conducting the meeting. If the members of the Council would wait to be recognized by the Mayor before speaking, and not interrupt each other, the meeting would move faster and be more orderly. Mr. Church agreed.

V. CONSENT CALENDAR

A. Business Licenses

Valasa Construction, Inc. – 39 Preston Drive – Lynn Anderson

Eric Harmsen Piano Craftsman, LLC – 307 S. Alpine Dr – Eric Harmsen

Randal Steadman Fine Art – 1048 Village Way – Randal Steadman

B. Payment Request No. 2 - 100 S. Park – Hawker Enterprises - \$209,711.09

MOTION: Jim Tracy moved to approve the Consent Calendar. Kent Hastings seconded. Ayes: 4 Nays: 0. Kimberly Bryant, Bradley Reneer, Kent Hastings and Jim Tracy voted aye. Motion passed unanimously.

VI. ACTION ITEMS

A. RECYCLING: Ted Stillman said Alpine had been recycling for several years. Participation by residents had increased to about 35% of the households or 850 households out of 2350. He noted that the tonnage taken to the landfill peaked in the summer because people added green waste to their cans. He said they'd like to increase participation in recycling and introduced Grant Weaver, a UVU student, who had a group of students from UVU and BYU that went door-to-door and talked to residents about recycling. They charged \$15 for every house that signed up. If the Council approved a contract with the students, it was suggested the cost be split evenly between Alpine City and Ace Disposal.

Grant Weaver said their business started when he and a friend participated in a service project with some scouts in Spanish Fork. They went door-to-door and educated people about recycling and encouraged them to sign up for it. About two-thirds of the people who had been at home signed up. He said they had a clean-cut professional look for their business and wore green tee shirts with a logo. They focused on education rather than a hard sell. Their business also offered an online sign-up option for people who wanted to think it over. About a month after people signed up, they followed up by contacting the residents and seeing if they had any recycling questions. He said they had a reward/incentive program where businesses could provide a coupon to people who signed up.

Ted Stillman said the group would possibly need a solicitor's license. The City would provide a list of people already participating in recycling.

Ted Stillman said the City currently subsidized recycling. Ace charged the City \$5.50 per month per residence and the City charged the residents \$4.50 a month. If the participation increased to 100%, Ace's rate would drop to \$3 a month so there was an incentive to get everyone signed up. The subsidy came from the garbage fund.

Kent Hasting asked if recycling had reduced the tipping fees. Ted Stillman said they were saving about \$700 a month in tipping fees. As more participated, the savings increased.

Dawn Bigley from Ace Disposal said recycling removed about 40 lbs of waste per residence per month that was going to the landfill. Not only did it save on the tonnage going to the landfill, it prolonged the life of the landfill. In July, the landfill fees were going up so the cities might want to recycle more.

Jim Tracy said he had Annalisa Beck run the report from March 2006 (pre-recycling) to March 2010. It showed a savings of 48 cents per household per month with about 850 recycling cans. Also, he did some calculations on garbage costs to determine the breaking point where a certain number of recycling containers would cost the City the same as mandatory city-wide recycling. He said that if residents used 1132 recycling containers, it would be the same price as city-wide recycling. What that meant was that if the program was very successful and they had 1700 people sign up for recycling, and they continued with the same program they had, it would cost the City \$40,000 a year in addition. So there would be a cost savings when they reached 1132 if they went to mandatory recycling.

Kent Hastings said Jim Tracy had a good point, but he personally felt it was worth the cost to allow people to choose recycling rather than making it mandatory.

Bradley Reneer suggested that if they reached that point, they could buy a package deal and include everyone, but not give them a recycling can if they didn't want it.

Jim Tracy said he envisioned a policy of city-wide recycling and giving residents an opt-out option.

Bradley Reneer asked if they could renegotiate their current contract when they reached the tipping point.

Ted Stillman said they'd renegotiate with Ace. The current contract said Ace would drop the rate to \$3 a can when they reached 100 percent participation. He added that the opt-out option had been quite successful in other cities. It resulted in about 95% participation.

Bradley Reneer said he was impressed by the business plan and thought recycling was important. Education was the best approach rather than mandatory. He said it seemed like Ace was the party that would benefit, and since Alpine was already subsidizing recycling, it would cost the City more. It seemed odd to pay to market a service to citizens that would end up costing the City more.

Hunt Willoughby noted that as the number of residents participating in recycling increased, the tipping fees would decrease and at some point the lines would cross.

Jim Tracy said that he'd said the savings was 48 cents a can, but if it was divided by the actual number of recycling participants, the savings was actually 72 cents a can so the City wasn't subsidizing it that much. The Council continued to discuss the costs and benefits. Kent Hasting wondered if it could be done as an Eagle Scout project. Grant Weaver said that they could consider doing it as a fund raiser for the scouts.

Chuck Noverell said that when recycling came to Alpine, he signed up because it was the right thing to do. But he had two problems. They had two cans and he paid more for the gray recycling can than the trash can. They were paying more to recycle and he felt someone was reaping a benefit somewhere. Plus he only got half the service because recycling only went out every two weeks. He said his second issue was grass clippings. He wanted to know why they weren't recycling green waste. Mayor Willoughby said they had gotten bids on green waste recycling as well.

Jim Tracy clarified for Mr. Noverell that the regular garbage can was actually \$10.50 per month and the recycling can was \$4.50. He added that they had a survey on the website asking how many people would be interested in green waste recycling but there was a poor response.

Brad Reneer asked Mr. Weaver if their program would work if the City didn't pay their half of the cost and they only had the \$7.50 from Ace. Grant Weaver said it would be much more difficult because they paid a commission of \$5 per person and it only left \$2.50 for operating costs.

Heather Peper said she liked the drop-off bins the City used to have during spring clean-up and wondered if they could do that for green waste.

Bradley Reneer asked what it would cost if two-thirds of the remaining residents signed up for recycling, and would that give them enough to get the better rate? Hunt Willoughby said two-thirds of 1500 was 1000 so that would cost \$7500.

Jim Tracy asked how much money was in reserve in the garage fund. Ted Stillman said they didn't keep a reserve but they were running about \$70,000 ahead so that would be enough for the program.

MOTION: Jim Tracy moved to enter a contract with Involved Recycling for Alpine and pay \$7.50 per household that signed up and Ace would match those funds. Kimberly Bryant seconded. Ayes: 4 Nays: 0. Kimberly Bryant, Brad Reneer, Kent Hastings and Jim Tracy voted aye. Motion passed unanimously.

B. BMX TRACK: Mayor Willoughby said the lease on the BMX track on Ridge Drive would expire in 15 days but it was written such that either party could cancel earlier. He said Patterson Construction had chosen not to renew the lease because they wanted to sell the lot.

Ted Stillman said there were two issues in the recommendation from the PRO Commission. First, they recommended that the track be disbanded as soon as possible and second, the Council consider entering a 5-year purchase agreement for 10 acres owned by Patterson Construction located by Lambert Park to be used for a new BMX track.

Ross Welch represented Patterson Construction. He said Patterson preferred to let the kids continue using the track to the term of the lease, then hoped the other location would be approved.

Kent Hastings asked about the complaints from neighbors. Ted Stillman said he had received four or five emails from neighbors complaining about the trash, the lack of restrooms and the noise. Patterson had also received some calls.

Darin Peper said people were not complaining about everyday use. The complaints occurred about the bigger riding days. Normally there was parking only on the dirt and on Silver Lane. He said someone had asked about injuries. He reported that they'd never an EMT call. He added that it was one or two of the neighbors that were sowing the discord. The others were supportive.

Kimberly Bryant said she had a safety concern about a shovel that was left for days at the bottom of jump. They needed to be careful about things like that.

Bradley Reneer asked what could be done to ensure that major events like the one that prompted the complaints didn't happen again, provided another BMX track was approved.

Darin Peper said they could make those events go away or they could make them profitable by charging a permit fee.

Heather Peper said she was a bike jump mom and had loved watching the kids build the jumps themselves. The kids spent more time building them than they did riding them. It was great to see them have a goal and work toward it. The kids were doing something positive and working together. Not every kid loved soccer or baseball. Some were not interested in team sports but were passionate about riding bikes. She said she had provided band aids and bathrooms and a phone for the kids. She would love to see the track continue in the new location. She asked why the City would want to take the track away from the kids two weeks earlier than necessary. It made the kids think government was against them. They were trying to raise responsible kids. She added that not all the neighbors had a problem with the track.

Bradley Reneer said his concern was the possibility of another big event if the kids knew it was closing on May 26th. Kimberly Bryant agreed. She said she'd had concerns about the track even though she grew up racing bikes, and she'd had a lot of calls about it. But she was pleased to know there were no major accidents, and appreciated knowing the kids were doing something good and not vandalizing things. Maybe it would be okay to leave it open for two more weeks.

MOTION: Jim Tracy moved to close the BMX track when the lease expired on May 26th, and disband the park. Bradley Reneer seconded. Ayes: 4 Nays: 0. Kimberly Bryant, Brad Reneer, Kent Hastings and Jim Tracy voted aye. Motion passed unanimously.

In response to a question about moving the dirt, Ross Welch said Patterson was willing to move the dirt to a new site located on the south border of Lambert Park consisting of two five-acre parcels. Patterson would also clear out some areas for the track, but someone else would have to mound it.

Mr. Welch said the proposed sales arrangement was that the City could use the ground for five years and it wouldn't cost them anything. Then at the end of five years, the City could buy it at a cost based on an appraisal with maybe a 5% interest rate, or it would revert back to Patterson Construction. He said that during the five-year period the City and track users could raise funds to buy the ground or allocate funds for it.

Kimberly Bryant wondered if it would get used as much as the existing park which was surrounded by neighborhoods.

Mayor Willoughby said there were a couple of issues. First, Lambert Park was a kind of sacred cow and there was the potential of the use spreading into the park. Second, he foresaw the users changing. It would be more of a 16 to 24 year-old crowd rather than six-year-olds.

Kent Hastings asked if the proposal to sell the land to the City was conditioned on using it as a BMX park or could there be a different use. He also wanted to make sure the City's insurance didn't go up. A new park would need to be inspected. He asked about trash and sanitation.

Ross Welch said they hadn't thought about another use for the land but it could be discussed. Originally they'd been looking for a solution to help the kids out. Regarding sanitation, they could put it portable facilities and raise funds for permanent facilities.

Ted Stillman said the park could be put on the route for regular trash pickup. They would need to run a water line to sprinkle the jumps.

The Council further discussed possible funding, proximity of services, policing, and potential impact on the rest of Lambert Park. Jim Tracy suggested locating the track near the rodeo grounds since it already had restrooms, parking and a road. Darin Peper thought the rodeo grounds would be too far away to get the younger riders there.

Bradley Reneer said he was in favor of younger kids learning the practical application of Newton's Law before they started driving. He had some concerns about the bike track mentality spreading to the rest of Lambert Park and suggested it be a clearly defined area with a fence or markers. The area was remote and there was a concern about motorcyclists using it.

The Council agreed there were issues that needed to be researched before they approved anything, not the least of which was the cost.

MOTION: Kent Hastings move to proceed with the concept of creating a BMX track by Lambert Park and gather more information from the landowner and insurance company; learn what things needed to be done to ensure a proper location; investigate alternate locations and find out if the City could buy only 5 acres rather than all 10 acres, and whether or not the sale was tied to use as a BMX park; then bring the information back for consideration. Kim Bryant seconded. Ayes: 4 Nays: 0. Kimberly Bryant, Brad Reneer, Kent Hastings and Jim Tracy voted aye. Motion passed unanimously.

David Church said he presumed he needed to contact Ross Welch for some of the answers. Mayor Willoughby agreed and also assigned staff to work on the related issues. Ted Stillman said it would need to go to the PRO Commission.

C. ORDINANCE NO. 2010-05 – RESIDENCES FOR PERSONS WITH A DISABILITY: David Church said that 10 years ago the state required all cities to adopt an ordinance that said residences for persons with a disability were a permitted use in all the zones where single-family residence homes were permitted. It was based on the law that said it was inappropriate to discriminate against persons with a disability. He said the definition of a disability was not something a city could control in their ordinance. It was the same definition used in the State Code and Federal Fair Housing Act. A residence for a disabled person was treated as a home

not a business. The State law provided for a dispersal rate, although the federal law did not. The Planning Commission had recommended a dispersal rate of 4000 feet between the residences. The number of occupants per home was four which was the same number in the definition of a family in Alpine's zoning ordinance. In addition, the ordinance allowed for domestic staff. Mr. Church said the cities could not place requirements on homes for the disabled that they would not place on regular single-family residences. They could not treat them worse but they could treat them better. The ordinance allowed security for substance abuse facilities along with compliance with normal building codes and safety and health regulations. He said there was a possibly controversial section in the state law that stated a residence for the disabled would be allowed unless it made a fundamental change in the neighborhood. Licensing for the residence and staff was taken care of by other agencies.

Bradley Reneer said he assumed the reason they were passing the ordinance was because there was a stigma related to the homes or the occupants. He asked if the group homes increased crime or endangered neighbors.

David Church said there was a perception that the homes affected property values. Thirty years ago there was a huge fight over group homes for what they referred to as the adult retarded. Now they were rarely heard of but it was common to have the homes in neighborhoods. The controversial homes now were for recovering substance abusers. Regarding increased crime, David Church said a study had been done in the late 90s called the Ogden Group Home study. It indicated that most of the negative things were perceptions and not reality. There had been a group home for recovering substance abusers in Highland for two years.

Police Chief Kip Botkin agreed that the problems were more perceived than actual. In the two years the home had been in Highland, it hadn't generated any more calls than other residences.

Bradley Reneer said the Council had an earlier discussion about kids who were going home during church to do heroin. There was no public outcry to kick them out of their homes. It seemed hypocritical to try and keep out people who were trying to quit using.

David Church said the controversy came when a group home came into a neighborhood. Cities didn't hold public hearings when families moved in, but he said that if a group home came in, he could guarantee that the neighbors would be at city hall wanting to know why there hadn't been a public hearing.

MOTION: Kent Hasting moved to adopt Ordinance No. 1010-05, regulating residential facilities for persons with a disability. Jim Tracy seconded. Ayes: 3 Nays 1. Kimberly Bryant, Kent Hastings and Jim Tracy voted aye. Bradley Reneer voted nay, stating that he supported the ordinance but felt they should reduce the number of feet required between facilities. Motion passed.

D. ORDINANCE NO. 2010-06 - ESTABLISHING A PROCEDURE FOR REQUESTING A REASONABLE ACCOMMODATION: David Church said the Fair Housing Act required a process whereby a disabled person could request a reasonable accommodation. It wouldn't just apply to group residences for the disabled. The most common situation was when a resident needed a wheelchair ramp but it intruded into the setback. Or if someone needed a service dog but acquiring the animal would exceed the allowed number of pets. This ordinance provided recourse for someone who needed a variance in order to enjoy the same rights and benefits as an able person. It could also be applied if an applicant for a group home felt the 4000-foot dispersal restriction or the limitation on four residents limited their situation unreasonably.

Jim Tracy questioned the time limit which required a written decision from the City Council within 30 days of the application. If a Planning Commission meeting was canceled, it would be delayed before going to the City Council.

David Church said the ordinance was initially drafted with the intent that it be handled by staff, but the Planning Commission felt it should go to City Council for approval after a recommendation from the Planning Commission. The decision of the City Council could be appealed to the Board of Adjustment.

April Naidu suggested it be rewritten to require the application to be submitted 14 days prior to the Planning Commission meeting where it would be reviewed.

Bradley Reneer asked about the provision that stated any information identified as confidential would not be available for public inspection. David Church said that if a person applied, he had a right for his information to be kept confidential.

MOTION: Jim Tracy moved to adopt ordinance No. 2010-06, establishing a procedure for requesting reasonable accommodations with following change: the application shall be submitted to the City Planner 14 days prior to the Planning Commission meeting. Kent Hastings seconded. Ayes: 4 Nays: 0. Kimberly Bryant, Bradley Reneer, Kent Hastings and Jim Tracy voted aye. Motion passed unanimously.

E. ORDINANCE NO. 2010-09 – ORDINANCE REGULATING AND ESTABLISHING A LICENSING PROCEDURE FOR SEXUALLY ORIENTED BUSINESSES: Mayor Willoughby said that April Naidu had sent him and the Council the studies on such businesses, and he had read them.

David Church said the issue of regulating sexually oriented businesses had been raised by Kent Hastings a couple of years earlier. Mr. Church explained that sexually oriented businesses were considered legitimate businesses and could not be prohibited but they could be regulated. To justify the extra regulation, the ordinance had to be based on studies and case law that showed such businesses may have adverse secondary effects. He emphasized that the ordinance was not legalizing businesses that were currently illegal. It would regulate businesses that were already legal such as a video store that rented cable versions of X-rated movies. Legal enterprises that were adult oriented were the types of business the ordinance would regulate. It defined them and set up a different licensing scheme. Background checks were required and employees also had to have a license as an employee in a sexually oriented business. The ordinance was clear that a sexually oriented business could not be a home occupation, nor could it be associated with alcohol. Mr. Church said the ordinance was liberally plagiarized from other cities whose ordinances had been successfully defended. He added that the only way one of these business would come into Alpine was if there was a market for it. He noted that the companion ordinance in the zoning section was usually more controversial.

Bradley Reneer had a number of questions about the ordinance which he reviewed. First, in the second "Whereas" section, item f, he suggested that it should read, "these findings raise substantial citizen or community concerns" instead of "governmental."

Kent Hastings suggested that all entities be added because increased crime was a governmental concern as well.

Bradley Reneer asked if "Adult business" under 9-815, paragraph 3 under "Adult bookstore," etc. should not be its own paragraph and be bolded. David Church said it should be and it was most likely a typo.

David Church said that if a store had an adult section that comprised 15% of the store or 25% of the revenue, it was considered a sexually oriented business. Midvale had a more aggressive ordinance that stated 10% of the store.

Bradley Reneer asked if “Business license official” on page 7 should read “his or her.” David Church said that in old-school legal documents, “his” referred to both genders.

Mr. Reneer asked if “Escort services” could simply be prohibited. David Church said it was another type of “dating service,” and no, it couldn’t be prohibited.

Mr. Reneer questioned Section 9-821A which limited sexually oriented business licenses to one for each six thousand residents in Alpine. Did that mean Alpine would allow one or two businesses since the population was about ten thousand? David Church said if the ordinance said one business for each 6000 people, it would be one.

Mr. Reneer asked about Section 9-941 and if word “employee” needed to be inserted into the sentence so it read “It is unlawful for any person to act as a sexually oriented business employee without first obtaining a sexually oriented business employee license.” David Church said that both licenses would be needed. The business itself must have a license and each employee must also have a license.

Mr. Reneer asked about Section 9-861A which stated that “any location to which telephone calls are automatically forwarded by such businesses shall require a separate business license.” David Church clarified that if it was a location within Alpine, a separate license would be needed. If it was outside the city, it would be the jurisdiction of that city.

Mr. Reneer asked about Section 9-884 item B which allowed an aggrieved party to continue operation of the business until a judgment was made. David Church said it involved first amendment issues and was not subject to prior restraint. In response to a question about penalty, David Church said violation of the ordinance was a class B misdemeanor.

Kent Hastings asked if Comcast would be considered a sexually oriented business since they rented explicit movies. David Church said Comcast did not meet the definition based on gross receipts or percentage of content.

Bradley Reneer asked if the establishments could be inspected at any time. David Church said they could.

MOTION: Jim Tracy moved to adopt Ordinance 2010-09, regulating and establishing a licensing procedure for sexually oriented businesses with the following modifications:

1. In the second “Whereas” section item F it should read: “these findings raise substantial governmental and community concerns.”
2. Page 6 “Adult business” should be bolded and be its own section.
3. Page 15, Section 9-841 it should read: “It is unlawful for any person to act as a sexually oriented business employee without first obtaining a sexually oriented business employee license.”

Kent Hastings seconded. Ayes: 4 Nays: 0. Kimberly Bryant, Bradley Reneer, Kent Hastings and Jim Tracy voted aye. Motion passed unanimously.

F. ORDINANCE NO. 2010-07 – AMENDMENTS TO ARTICLE 3.7 AND SECTION 3.23.7.3 OF THE ZONING ORDINANCE REGULATING THE LOCATION OF SEXUALLY ORIENTED BUSINESSES. David Church said sexually oriented business were conditional uses in the business commercial zone. They could not be home occupations. The ordinance limited how close they could be to schools, churches, residential areas, other sexually oriented businesses, etc.

Jannicke Brewer said that when the Planning Commission recommended the ordinance they understood that they did not have to approve a specific location for the business. It was up to the applicant to find a spot.

Shane Sorensen put up the map of the business commercial zone to show possible areas for a sexually oriented business.

Jim Tracy asked if requiring them to be 1000 feet away from residential areas made it too restrictive. Would it hold up in court?

David Church said that if the restriction was subterfuge to zone out the business, it would not hold up.

Jim Tracy said he would like to have the strongest ordinance possible without it being over-turned.

The Council discussed the width of the business commercial zone and decided 500 feet or 400 feet away from residences or the residential zone might be more realistic.

MOTION: Kent Hastings moved to adopt Ordinance No. 2010-07, amending Article 3.7 and Section 3.23.7.3 of the Zoning Ordinance with regard to sexually oriented businesses, and include the following additions:

1. Amend item 14 of Section 3.23.7.3 shall read “a sexually oriented business shall not be a home occupation;”
2. Amend Section 3.7.3 item 10A to read: “No sexually oriented business shall be within 400 feet of a residential use (no matter which zoning district) or residential zoning boundary.” And “No sexually oriented business shall be located within 1000 feet of a school, day care facility, public park, library, and religious institution, liquor store or other sexually oriented business.”

Jim Tracy seconded. Ayes: 4 Nays: 0. Kimberly Bryant, Bradley Reneer, Kent Hastings and Jim Tracy voted aye. Motion passed unanimously.

G. 2010-2011 TENTATIVE BUDGET: Ted Stillman said the Council needed to adopt the 2010-2011 Tentative Budget and set a public hearing for May 25, 2010.

Ted Stillman reviewed the Budget Discussion items. He said they could apply for grants for items 1 and 2, the flashing crosswalk lights at Westfield Elementary and the radar speed limit signs on Ranch Drive. Items 3, 4 and 5 dealt with salary increases and would be discussed later. Item 6 was the payment for the American Fork Recreation Program and Alpine was no longer involved. Item 8 was tuition reimbursement and two employees were planning on it. Item 9 was the salary for the Alpine Days chairman and that was included in the Alpine Days budget. No cost was involved in item 10 which was the old police station remodel. Item 11, the grand opening for the 100 South Park was included in the park budget.

Reporting on the Class C Road Fund, Ted Stillman said they had a very aggressive street maintenance program because it preserved the roads and saved money in the long run. Shane Sorensen said the roads that would be chip sealed were: Westfield Road, 400 West, 200 North, High Bench Road, Hillside Circle, Hillside Drive and Grove Drive. He said it was fewer roads than they'd done in previous years. They were considering another method of road maintenance called a slurry seal which rejuvenated the asphalt and prolonged the life of road and resulted in less clean-up. It was 15 cents a square foot as opposed to a chip seal which was 22 cents a square foot. The public works department hadn't planned any overlays because there was some utility work that needed to be done first.

Timpanogos Special Service District had raised their rates by 50%. Bradley Reneer who was the city representative on the sewer board said the current facilities had lasted a long time. TSSD was under pressure to increase rates even more than that. The method of disposal had changed because the requirements had increased. There were several processes it had to go through prior to disposal.

The Council discussed the issue of their salaries. Mayor Willoughby said he liked requiring an agenda to be submitted to be paid for attending extra meetings because it kept them accountable.

Kent Hastings said he would prefer the payment for extra meetings to be rolled into their salary.

Bradley Reneer said he would prefer to eliminate the pay for the extra meetings altogether and just be paid their regular salary. In other words, they would be taking a cut in pay. He said he'd had people tell him it was a mistake for the Alpine Days chair position to go from being a volunteer position to a paid position. He said they'd ask staff to go several years with a cost of living increase and it seemed the Council could show their willingness to sacrifice as well. He said that the mayor hadn't been paid for extra meetings he attended, and if he had, he'd suggest his pay be cut as well. Jim Tracy said what the City Council did should also apply to the Mayor.

Kimberly Bryant said she was not in favor of cutting the reimbursement because it was not a raise.

MOTION: Jim Tracy moved to begin paying the PRO Commission \$50 per meeting that they attended to be effective July 1st. Kent Hastings seconded. Ayes: 3 Nays: 1. Kimberly Bryant, Jim Tracy and Kent Hastings voted aye. Bradley Reneer voted nay. Motion passed.

MOTION: Jim Tracy moved to give the Planning Commission members an increase of \$25 per meeting, from \$50 to \$75. Kent Hastings seconded. Ayes: 3 Nays: 1. Kimberly Bryant, Jim Tracy and Kent Hastings voted aye. Bradley Reneer voted nay. Motion passed.

Bradley Reneer said he knew the Planning Commission did a lot of work and he appreciated it, but he would like to keep the focus on volunteerism. He recalled that Jim Tracy had said in the previous meeting that the PRO Commission did as much work as the Planning Commission. Jim Tracy retracted the statement and said that actually the Planning Commission worked on more issues.

Jim Tracy said it was awkward for the City Council members to give themselves a raise, but it was his intent to have a wage comparable to surrounding cities. Ted Stillman had provided him with the council salaries in surrounding cities but he hadn't brought it that evening.

David Church noted that they would only be putting money in the budget if they voted for a raise because their salaries could only be changed by ordinance.

Kent Hastings reminded the Council that the ordinance said that if they raised their salaries, it wouldn't be effective until after the next election.

No motion was made.

MOTION: Kent Hasting moved to approve the 2010-2011 Tentative Budget and set a public hearing for May 25, 2010. Jim Tracy seconded. Kimberly Bryant, Bradley Reneer, Kent Hastings and Jim Tracy vote aye. Ayes: 4 Nays: 0. Motion passed unanimously.

H. WATERLINE REPLACEMENT AND REPAIR PROJECTS: Ted Stillman said there were a number of waterline projects to approve. Shane Sorensen reviewed the list which included Mountainville Circle and Mountainville Drive, Wilderness Drive, the Village Way area including Lone Peak Drive, Alpine Drive and Alpine Circle. There were some breaks in the waterline due to bad soil. Mr. Sorensen said the projects would cost substantially less if they did

them now. The bid could include the option to increase or decrease the scope of the project if they decided not to do as much this year.

MOTION: Jim Tracy moved to authorize the bidding of waterline repair and replacement projects as outlined. Bradley Reneer seconded. Ayes: 3 Nays: 0. Bradley Reneer, Kent Hastings, Jim Tracy voted aye. Kimberly Bryant was not present at the time of the motion. Motion passed.

VII. STAFF REPORTS

Ted Stillman said the Beck appeal hearing on the Three Falls subdivision would be heard by the Board of Adjustment on Thursday, May 13, 2010 at 7 pm. Highland City's hearing office would represent the Board of Adjustment. He also reported that the developers of Three Falls had awarded the bid for construction on Fort Canyon Road. A major item was the power line. Shane Sorensen said there would be new conduit in the ground for three-phase power to serve the proposed subdivision, and described where that would be located. The power poles would remain in place to serve the existing homes.

Kimberly Bryant said she'd understood that the power lines would be underground for the people along Fort Canyon because of what they were contributing. Shane Sorensen said that would require building a parallel system which was very costly.

Kent Hastings asked why they were putting the road in when the subdivision was still being considered.

David Church said they'd had that discussion. The road would need to be built in any case since the Ilangeni Estates plat had already been approved. The owners were filing a petition to amend the Ilangeni plat in June. He anticipated that it would add property and change the open space. The City Council should be reviewing it sometime in the summer.

April Naidu said the revised plans for the art center had been submitted. The highest part of the building was still about 50 feet high but they were sinking the building into the ground 6 feet so the view from the sidewalk would be about 44 feet. Ted Stillman said the City Council would probably not review the height issue again since height was a conditional use approved by the Planning Commission. The Council would see the final plan.

Shane Sorensen said progress was being made on 100 South Park. There would be more activity when it stopped raining and the ground dried out. Playground equipment had been ordered from Denmark and they'd planted some trees from the arboretum.

VIII. COUNCIL COMMUNICATION

Bradley Reneer asked David Church about a Fiscal First Aid program and asked if there were presentations available. Mr. Church said to check with Brian Hall.

Jim Tracy said he attended some soccer games in Smooth Canyon and Healey Parks and neither place had signs. They might want to consider signing the parks as an Eagle Scout project.

Mayor Willoughby said things were progressing with the Memorial Day breakfast. Kimberly Bryant was buying the food and the fire department was cooking it. The Youth Council would be helping. There had been requests for sugar-free syrup and questions about a food handler's permit.

IX. EXECUTIVE SESSION

MOTION: Jim Tracy moved to go to executive session to discuss the professional character, conduct, competency of personnel. Bradley Reneer seconded. Ayes: 4 Nays: 0. Kimberly Bryant, Bradley Reneer, Kent Hastings and Jim Tracy voted aye. Motion passed unanimously.

MOTION: Ken Hastings moved to return to open session, approve the minutes of April 27, 2010 and adjourn. Jim Tracy seconded. Ayes: 4 Nays: 0. Kimberly Bryant, Bradley Reneer, Kent Hastings and Jim Tracy voted aye. Motion passed unanimously.

The meeting was adjourned at 12:20 AM