

October 14, 2003

Minutes of the Public Hearings and City Council Meeting held on Tuesday, October 14, 2003 at Alpine City Hall, 20 North Main, Alpine, Utah as follows:

The following members were present and constituted a quorum:

Mayor Phil Barker

Council Members: David Adams, Kent Hastings, Thomas Whitchurch and Hunt Willoughby

Staff: Ted Stillman, David Church, Janis H. Williams, Shane Sorensen and Ron Devey

Others: Jannicke Brewer, Dale Porter, Rachel McTeer, Diana Mills, *New Utah*, Craig Skidmore, Will S. Jones, Blair Buswell, Lon Nield, William Crockett, Hata Puriri, Kim Bryant, April Cooper, Rod Bergman, Kathy Bailey, Ann Gray, Christine Culver, Phil Andrus, Regina Andrus, Lloyd Bair, Joan Evans, *Newsline*, Sharon Haddock, *Deseret News*, Michael Porter, Beckie Branscomb, Troy Tolbert, Jack Tait, Christine Tait, Leanne Lorenzon, Ra Puriri, Brian Baxter, Kelley Somer, Avery Mortensen, Steve Weaver, Regina Adams, Brad Christensen and Fred Burton

6:30 pm – MEET AT BLAIR BUSWELL’S (LOT 19 IN THE TWIN RIVERS ESTATES SUBDIVISION)

7:00 pm - PUBLIC HEARINGS - Mayor Barker called the Public Hearings to order at 7:10 pm and introduced each item. All in attendance, which included candidates for the City Council seats, were welcomed.

1. FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT REGARDING BLAIR BUSWELL’S REQUEST FOR THE OPEN SPACE LAND EXCHANGE IN TWIN RIVERS. Ted Stillman showed the property exchanges as proposed by Blair Buswell. The acreage in this proposal is different than presented at the last Public Hearing. There were no comments from the audience.

2. FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT REGARDING THE ZONE CHANGE REQUEST OF CANYON CREST COTTAGES SENIOR HOUSING PROJECT TO THE SENIOR HOUSING OVERLAY ZONE. Ted Stillman said this is the City’s first housing project in the Senior Housing Overlay Zone. The rear portion of one of the lots in the Paradise Lane Subdivision will be rezoned in the Business/Commercial Zone and the purpose of tonight’s Public Hearing is to rezone that property. Rod Bergman said it is a good thing to have some senior housing in our community and felt this shows that we care about our elderly. Mr. Bergman’s only request was that we look at the units for their architectural design so they fit in with the rest of the city. Mayor Barker said this project would be in our Historical District and would have to go before that board for approval. Christine Culver said she is excited about this project and she has a single mother and two children that will be leaving home shortly and she was looking down the road for something that would meet her needs. Regina Andrus asked if these homes would allow for a 4-foot doorway and Lon Nield said that if one is needed it could be built.

3. FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT REGARDING THE ZONE CHANGE REQUEST ON THE PATTERSON PROPERTY OFF OF RED PINE DRIVE. Will Jones asked if this zone change will be consistent with the Assisted Living Overlay and Ted Stillman said it would be. Avery Mortensen asked if this was on the agenda for action tonight and Mr. Stillman said that Wayne Patterson would have to come in with a site plan and this

possibly could be on the next City Council agenda.

4. FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT REGARDING AMENDMENTS TO THE SENIOR HOUSING OVERLAY ZONE ORDINANCE.

Ted Stillman said this ordinance states that at least one person who is 55 or older in at least 80% of the occupied units adheres to a policy that demonstrates intent to house persons who are 55 or older. The City shall be party to the restrictive covenants and shall be able to enforce them if necessary and the restrictive covenants cannot be changed or modified without permission of the City. April Cooper asked what would happen if parents purchase one of these units and then go on a mission and allow their children to live in their home. Mayor Barker said the Homeowner's Association would then step in to enforce the CC&R's. Craig Skidmore asked several questions directed to David Church and Mr. Church said he felt that most seniors would want to keep these projects as senior housing. Ted Stillman then said that these projects would comply with the subdivision procedures and this will be dealt with later on the agenda. Mayor Barker said the City really sees a need for housing for seniors in our town; however, we will have control of what we are doing by keeping this in one zone. Jannicke Brewer asked several questions to clarify the zone change requests.

5. FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT REGARDING AMENDMENTS TO THE SIGN ORDINANCE.

Ted Stillman said the biggest change was to allow for signs for community events that we currently do not allow. Kathy Bailey asked if this was changed to allow sponsor's signs to remain up on the fences all year and not just during the baseball season.

The Public Hearings adjourned at 7:40 pm.

CITY COUNCIL MEETING – Immediately following the Public Hearings

I. **CALL TO ORDER.** Mayor Phil Barker called the meeting to order at 7:40 pm and welcomed everyone in attendance and recognized the candidates who are vying for the three City Council seats.

II. **PRAYER** - Thomas Whitchurch

III. **PLEDGE OF ALLEGIANCE.** Col. Linda Higgins, Utah Army National Guard, led 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.

Chris Culver asked if the city could advertise to get citizens out to vote. Jason Thelin said that Cedar Hills puts up signs several days prior to Election Day reminding the citizens to vote and Rod Bergman asked if we could get a commitment from the council to put up signs. Ted Stillman said he would take care of that.

Kent Hastings said he has been contacted from some citizens about the skateboard park and wondered if the council could reconsider this. April Cooper said she has been contacted about this and wondered why a private owner couldn't take this on and they would then have control over police and other issues, etc. Mayor Barker said that he gets many letters from the youth saying they want a skateboard park and Kent Hastings said he has changed his mind on this issue after talking to many citizens.

Kim Bryant said the PTA at Alpine Elementary School has asked the City Council to look at the intersection on 300 North and 600 East as it is very busy and not safe. The PTA asked for a stop sign at that intersection. Regina Andrus said the intersection on 800 East and Alpine Blvd is also very busy and asked about the possibility of having a raised sidewalk across the street. Mrs. Andrus also noted the shrubs need to be trimmed.

V. **CONSENT CALENDAR –**

- A. Bond Releases:
 - Will S. Jones – Creekside Pass Subdivision – \$21,342.00
 - Will S. Jones – Deerfield Subdivision – \$27,271.08
 - David Johnson – Sequoia Circle Subdivision (formerly known as Meadowbrook Estates Subdivision) - \$41,204.16
- B. Payment Requests:
 - Cody Ekker Construction – Roundabout - \$44,703.33

David Adams asked if the developer could fill out the form for bond releases and Shane Sorensen felt we need to keep the releases in our system and said there is not a maximum number of draws a developer can have.

MOTION: Kent Hastings moved to approve the Consent Calendar. Hunt Willoughby seconded. Ayes: David Adams, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

VI. **SCHEDULED ITEMS**

A. **CANVASS ELECTION.** Janis Williams, City Recorder, went over the Primary Election results as follows:

NAME	DISTRICT 1	DISTRICT 2	DISTRICT 3	DISTRICT 4	DISTRICT 5	TOTAL
David Adams	86	67	193	118	87	551
Kimberly Arnold Bryant	118	65	202	151	77	613
April Cooper	55	54	58	85	43	295
Kent Hastings	119	64	163	179	82	607
Michael Porter	74	34	60	66	31	265
Hata Puriri	170	86	207	226	109	798
Jason U. Thelin	53	31	128	73	33	318
Registered Voters	810	516	884	934	514	3,658
Persons Voting	242	145	346	319	158	1,210

Janis Williams said that Michael Porter was eliminated and that there was a 33% turnout in the Primary Election.

MOTIN: Hunt Willoughby moved to certify the Primary Election results as outlined above. Thomas Whitchurch seconded. Ayes: David Adams, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

B. ALPINE ARTS PRESENTATION. Ann Gray and Christine Culver representing the Alpine Community Arts Council said the Arts Council is beginning its fifth year of performing. Mrs. Gray presented an overview of some of the more popular concerts and then asked the Council to consider allocating \$10,000 toward the cost of sponsoring the "Concerts at Sculpture Park." Mayor Barker said the Council had set a precedent in the past to not help fund private citizen's events but opened this subject up for discussion. Ann Gray said she is now planning on next year's concerts. Councilman Whitchurch asked if this would then be a one-time expenditure and what the average number of attendance was at each concert. Mrs. Gray said that ticket prices do not support the concerts and the prices are kept down so that families can afford these events and are encouraged to attend. Chris Culver asked the City to be a basis for funding these concerts and Ann Gray asked that the City Council please attend and show their support. Kent Hastings said he would like to see the City do more to promote these concerts, but would like to go back to the precedent of free enterprise. David Adams said we now have a website and we could put pictures of the performers on the website and help with advertising. Hunt Willoughby said he would like to see the concerts continue, but would not recommend that we not put in the \$10,000.00 requested. Thomas Whitchurch wondered if it would be appropriate to have Alpine City sponsor the rental of the Alpine Art Center for one night in the amount of \$1,600.00, and Mayor Barker suggested that we look at what is our standard in allocating monies for different arts events.

Chris Culver asked how the money was decided on in sponsoring the Miss Timpanogos pageant when there were only three girls involved. Mrs. Culver said the entire community would be invited to these concerts. Rod Bergman said he has been to a number of these concerts and wondered if there could be a future line item in the budget to help with these cultural events. It bothered Mr. Bergman that something that is uplifting and of good quality is put on equal ground as the skateboard park and the Miss Timpanogos pageant. April Cooper asked if the Arts Council could also raise some matching funds like Miss Timpanogos did. Mayor Barker said this is the start of the process and invited the Arts Council to come back with their request.

C. LOT 19, TWIN RIVERS OPEN SPACE. Ted Stillman said that at the City Council Meeting of August 12, 2003 a Public Hearing was held on Mr. Buswell's request to exchange open space. Before Mr. Buswell spends the money for surveys and the amendment of three different subdivision plats, staff would like the Council to review Mr. Buswell's proposal and obtain approval of the exchanges. An adjustment on lot 30 in the Ranch Subdivision will add open space to the City; however, open space on lot 19 of Twin Rivers will be reduced. The City Council all met at Mr. Buswell's property earlier in the evening to walk the trail in that area. This request has the same square footage; however, a different alignment. Kent Hastings asked if we could get more width on Lot 30 in the Ranches and Shane Sorensen felt the 10' would be sufficient. Mayor Barker felt there was a benefit to have more open space to connect to the trail for the children. Hunt Willoughby had several concerns with Mr. Buswell's proposal as follows: 1) that grassy areas need to be open to the public, 2) he doesn't like multiple corners and 14 points of angle on a property line, 3) there is a benefit to receive more open space on lot 30 in the Ranch Subdivision. David Adams said that he would suggest that unless there is a real public benefit that we not go through this in the future. Ted Stillman said we will see this again as Blair Buswell has to amend three plats.

MOTION: Hunt Willoughby moved to approve Blair Buswell's property exchange proposal and authorize Mr. Buswell to prepare the necessary plat amendments. Thomas Whitchurch seconded. Ayes: David Adams, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

Mayor Barker asked if we could handle item F next on the agenda and David Church said we should. Mayor Barker then asked that with the Council's permission we would go to item F.

D. CANYON CREST COTTAGES SENIOR HOUSING – FINAL APPROVAL AND ZONE CHANGE. Ted Stillman said the final plat as prepared by Lon Nield for his property on Canyon Crest is seeking final approval with the CC&R's plus the landscaping plan being enclosed. Mr. Stillman said the final plat had been prepared in accordance with the Senior Housing Ordinance

that the City Council passed on August 26, 2003. The Planning Commission granted Final Approval to Plat A of Paradise Cove Senior Housing aka Canyon Crest Cottages at their meeting of October 7, 2003. Hunt Willoughby felt a time limit on the approval should be put on this project to encourage the developer to move forward. David Church suggested that we make the official date of the zone change to be effective the same date the plat is recorded.

Ted Stillman said the Paradise Lane Plat was being amended and Lon Nield commented that he might have made a mistake by not tearing down the existing house. Mr. Nield felt he could make a better development if that property was also included.

MOTION: Hunt Willoughby moved to rezone the piece of property described behind the existing house in the Paradise Lane Plat to be in the business/commercial zone to be effective the same date the plat is recorded and that we apply the Senior Housing Overlay Zone to this property and the balance of the property in the Paradise Cove Senior Housing project to be effective the same date the plat is recorded. Ayes: David Adams, Thomas Whitchurch and Hunt Willoughby. Nays: 1. Kent Hastings voted nay. Motion passed.

Michael Porter voiced a concern about children crossing Canyon Crest Road at Ridge Drive and wondered if this issue could be addressed now. Mr. Porter asked if it would be a possibility to have the children come down through Peterson Park and then continue down Paradise Lane. Shane Sorensen said he would like to discuss some of this in closed session.

Ted Stillman said there is a question in determining impact fees on each of the units in the Senior Housing Project and the ordinance on Impact Fees might be brought back to the Council to impose these fees. Shane Sorensen said he needed to know if 2.5 is a good number to use and said that when a restaurant comes in he looks at the number of seats available; however, any number he uses will only be an estimate.

David Adams said he would like to see two covered parking spaces per unit and with the cross section being with a private road where are additional guests going to park. David Adams asked about Paradise not being 90° going on to Canyon Crest and both Lon Nield and Shane Sorensen said this development would help clean this intersection up. David Adams asked why Lon Nield was not covering up the entire irrigation ditch and Mr. Nield said he wanted to preserve the trees to make a nice entrance into his project. Shane Sorensen said the ditch doesn't have water in it like it used to and Lon Nield said he has planned on enhancing the ditch to make it more like a creek setting.

The CC&R's were discussed at length and several changes were suggested as follows:

1. Page 1 – the name to be changed to Paradise Cove Senior Housing Subdivision
2. Page 2 – Paragraph 5a – Delete the paragraph that says “The land on which the buildings and other improvements are constructed and submitted by this declaration to the terms of the Act.”
3. Page 3 paragraph 14 – Unit owner or owner. Add that unit must be “owned or occupied” by those who meet the age criteria.
4. Page 5 – Top paragraph – Delete words “a total”
5. Page 16 paragraph 21a – add “Single or attached dwellings (no more than two attached) intended to be used as Senior Housing as defined herein by older or elderly persons and excluding families with children under the age of 18 living with parents or legal custodians.
6. Page 23 – Paragraph 29 – add The City shall have the right to inspect the Association records to verify that the age restrictions of page 2 paragraph 14 are being met.
7. Page 25 paragraph 1a – Add “and upon approval of Alpine City”
8. There will be no accessory apartments in these units and the senior housing

are intended to be single housing.

Councilman Adams asked if there was a definition for an "occupant" and so these units would not turn into ski rentals. David Adams asked if the City was taking on any additional liability and David Church said he was uncomfortable with the responsibility the City is taking on.

MOTION: David Adams moved to grant Final Approval to Paradise Cove Senior Housing subject to the following conditions:

1. Amend the CC&R's subject to approval of the City Attorney
2. Approval of the impact fees to be 2.5 per unit
3. Compliance of other conditions as outlined by staff
4. Approve the landscaping plan
5. Post a bond for the improvements
6. Meet the City's water policy
7. Execute a Developer's Agreement outlining the terms and conditions of the subdivision
8. Move the lot from Paradise Lane Subdivision to this project.

Thomas Whitchurch seconded. Ayes: David Adams, Thomas Whitchurch and Hunt Willoughby. Nays: 1. Kent Hastings voted nay. Motion passed.

E. ORDINANCE NO. 2003-09 – SIGN ORDINANCE. Ted Stillman said the Planning Commission at their meeting on August 19, 2003 reviewed the latest revision of the Sign Ordinance and made a motion to forward it to City Council.

MOTION: Thomas Whitchurch moved to adopt Ordinance No. 2003-09, An Ordinance amending the Sign Ordinance and extend the meeting to 10:00 pm. Hunt Willoughby seconded. Ayes: David Adams, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

F. ORDINANCE NO. 2003-11 – SENIOR HOUSING OVERLAY ZONE. Ted Stillman said the Senior Housing Overlay Zone Ordinance has been adopted and several potential projects are in the works. One of the concerns that has been expressed is how the projects will stay as senior housing and not turn into condominiums. The Planning Commission recommended changes in the ordinance that include:

1. Senior Housing is defined as at least one person who is 55 years old or older in at least 80 percent of the occupied units
2. The City shall be party to the restrictive covenants
3. Each project shall go through the Zone Change and subdivision review process

Thomas Whitchurch felt that with projects as small as this the city will enforce the CC&R's and Jannicke Brewer said this was discussed at length at the Planning Commission Meeting. Page 4 par D will read "Minimum acreage for a Senior Housing Project shall be 1 (one) acre and the maximum project area shall be 4 (four) acres and 32 units." Lon Nield asked about the possibility of bumping the four acres up but leave the 32 units. David Adams suggested that the maximum project area be increased to 6 (six) acres and being on one utility meter. Kent Hastings said he liked the idea of having a senior housing project; however, Councilman Hastings felt we were doubling density. Kent Hastings felt we could have a senior citizen area but with 4 units per acre and was concerned that things might not work out and the city has to evict a family from one of the units. Jannicke Brewer said that at the present time we are allowing 4 units on an acre and with the accessory apartment ordinance we could put 8 (eight) units in that acre and that is how the Planning Commission came up with that particular number.

MOTION: Thomas Whitchurch moved to adopt Ordinance No. 2003-11, an Ordinance amending the Senior Housing Ordinance with the amendments stated and with paragraph 7D to read "Minimum acreage for a Senior Housing Project shall be 1 (one) acre and the maximum project area

shall be 6 (six) acres and 32 units.” David Adams seconded. Ayes: David Adams, Thomas Whitchurch and Hunt Willoughby. Nays: 1. Kent Hastings voted nay. Motion passed.

G. DEERFIELD SUBDIVISION PLAT AMENDMENT. Ted Stillman said that Lot 1 has frontage on both 200 North and 250 West. The building envelope for lot 1 has the home facing 200 North, which is a busy street. The developer would like to amend the Deerfield plat to adjust the building envelope so the driveway can be on 250 West. The Planning Commission reviewed this request at their meeting of October 7, 2003 and recommended approval.

MOTION: David Adams moved to approve the Deerfield Subdivision plat amendment to allow the building envelope on lot 1 to be adjusted. Thomas Whitchurch seconded. Ayes: David Adams, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

H. ORDINANCE NO. 2003-10 – AMENDING THE ASSISTED LIVING ORDINANCE. Ted Stillman said the Assisted Living Overlay Zone Ordinance reflects the Planning Commission’s recommendation to the City Council. Major points in this Ordinance include the following:

1. The elderly/senior shall be 55 years of age rather than 50
2. The City shall be party to the restrictive covenants and are able to enforce them
3. Assisted living projects shall go through the subdivision process rather than the site plan process
4. All assisted living projects shall go through the zone change process
5. A Developer’s Agreement shall be executed for each assisted living project

Kent Hastings said he felt assisted living was good but was reading that Utah County is inundated with this type of facility according to the Health Department. Councilman Hastings didn’t want to see one go in and then go out of business.

MOTION: Thomas Whitchurch moved to set a Public Hearing on November 11, 2003 on amendments to the Assisted Living Ordinance. Hunt Willoughby seconded. Ayes: David Adams, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

I. RESOLUTION NO. R2003-09 – ALPINE JUSTICE COURT RECERTIFICATION. David Church said that every four years the Justice Court must be recertified. Alpine operates its own Court, but it is administered by Highland City; however, the City Council must pass a Resolution requesting recertification of the Court. David Church said we are operating under a Class 3 Justice Court which we must meet certain standards.

MOTION: Kent Hastings moved to adopt Resolution No. 2003-09, A Resolution Requesting the Recertification of the Alpine City Justice Court. Hunt Willoughby seconded. Ayes: David Adams, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

VII. COMMUNICATION

Hunt Willoughby –

1. There is a proposal with Timpanogos Special Service District to privatize the composting services.
2. As we are coming to the end of the Pressurized Irrigation Season could the water be kept on as long as possible? Shane Sorensen said we are pumping one well and Hunt Willoughby suggested that when there is significant change in pumping we should shut it off. Ron Devey said we will shut it off on the 30th of October. Shane Sorensen suggested that we advertise we shut it off on the 15th of October, but we can keep it on later. Mayor Barker suggested this could be written about in the next Newsline. Shane Sorensen said that KSL gardeners said to water trees

one more time and laws

Thomas Whitchurch said there was some confusion about registering people to vote. There was some advertisement in the City Park that incorrectly advertised the last day of voter registration, which was for mail in registration and not the last day to register.

VIII. EXECUTIVE SESSION – Litigation, Property Acquisition and Personnel

MOTION: Hunt Willoughby moved to go to Executive Session for the purpose of discussing property acquisition. Kent Hastings seconded. Ayes: David Adams, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

MOTION: Kent Hastings moved to go back to Open Session, approve the minutes of the City Council Meeting of September 23, 2003, extend the meeting to 10:30 pm and adjourn. Thomas Whitchurch seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

IX. REVIEW ACTION ITEMS

X. APPROVAL OF MINUTES

Public Hearings and City Council Meeting of August 26, 2003
City Council Meeting of September 23, 2003

The minutes of the Public Hearings and City Council Meeting of August 26, 2003 were not ready for approval.

The meeting adjourned at 10:30 pm.