

## **August 12, 2003**

Minutes of the Public Hearings and City Council Meeting held on Tuesday, August 12, 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, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby (arrived at 9:00 pm)

Staff: Ted Stillman, David Church, Janis H. Williams, Shane Sorensen and Jay Healey

Others: Jannicke Brewer, Dale Porter, Rachel McTeer, Diana Mills, *New Utah*, Craig Skidmore, Christine Porter, Will S. Jones, Harvey L. Hutchinson, Steve Langdon, Weston Turner, David Shattuck, Janet Shattuck, Mark Lye, Bill Kirkpatrick, Greg Kmetzsch, Shirley Kmetzsch, Paul Henneman, Jill Henneman, Moana Burgess, Scott Peterson, Shannon Peterson, Joan Johnson, Ryan Nield, April Cooper, Dave Gifford, Grant Gifford, Lon Nield, Lynn Armitstead and Alan Rainsdon

### **PUBLIC HEARINGS – 7:00 pm**

Mayor Phil Barker called the Public Hearings to order at 7:00 pm, welcomed those in attendance, stated the purpose of the Public Hearings and said they would be handled in the order on the agenda.

**1. FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT REGARDING THE OPEN SPACE EXCHANGE WITH LOT 19 IN THE TWIN RIVERS ESTATES SUBDIVISION.** Ted Stillman said that lot 19 backed on the City's open space and this will necessitate amending 3 plats, Twin Rivers Subdivision plat, The Ranch Subdivision plat (at the end of Haley Court) and the Junior High School Subdivision plat. Mr. Stillman said this request is not on tonight's agenda for action as Mr. Buswell has to prepare the amended plats. Mr. Buswell showed a model of his home and how it would sit on the lot.

**2. FOR THE PURPOSE OR RECEIVING PUBLIC COMMENT REGARDING THE OPEN SPACE EXCHANGE AND AMENDING THE SOUTH POINTE SUBDIVISION PLATS.** Shane Sorensen said the two lots affected with this exchange are lots 908 and 909 in the Park at South Pointe, Plat I. Mr. Sorensen said that lot 908 had a slope up to the top of the hill adjacent to the park. It is proposed that lower land in the park be exchanged. Lot 909 also has a slope to the top of the hill and the property owners would like to move the property line back to allow for the setback for his home. The property owner has agreed not to build a fence on the top of the hill.

**3. FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT REGARDING AMENDING THE PARADISE LANE SUBDIVISION (FOR CANYON CREST COTTAGES).** Ted Stillman said that Lon Nield is working on an Assisted Living Subdivision and one lot is now in the Paradise Lane Subdivision. This one lot would have to be detached from that subdivision and be then be replatted and included in the proposed subdivision.

The Public Hearings adjourned at 7:20 pm.

### **CITY COUNCIL MEETING** – Immediately following the Public Hearings

**I. CALL TO ORDER.** Mayor Phil Barker called the City Council Meeting to order at 7:20 pm

and welcomed everyone in attendance. Mayor Barker said that since there was not a City Council Meeting on July 22, 2003 the agenda was very long and asked the audience to help keep the meeting moving along.

**II. PRAYER – Jannicke Brewer**

**III. PLEDGE OF ALLEGIANCE.** Zach Thorpe from Troop 858 lead the audience in the Pledge of Allegiance.

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

Kathy Bailey asked that the Council to reconsider the motion made at the last City Council Meeting concerning the location of the skateboard park. Mrs. Bailey felt the skateboard park was too close to a residential neighborhood and would produce too much noise. Also, Mrs. Bailey was afraid that lights would be brought in after the park is closed and vandalism would increase. Kathy Bailey felt the city's number one priority should be their concern for safety. After talking to Jannicke Brewer, Chairman of the Planning Commission, Mrs. Bailey offered some alternative locations and asked that the Council to wait until a suitable location was found to put in the skateboard park. Ted Stillman said that staff has numbers from four different firms and Mayor Barker indicated he felt the skateboard park would not be built this year and there is time to look at other sites. Mayor Barker did say that the skateboard park is something our kids want and felt its location is secondary. Scott Wood said the skateboard park in that location would really impact the soccer fields and there was an Eagle Scout Project that included replacing all the sprinkler heads and additional landscaping in that area.

Bob Monson asked the Council to approve his Eagle Scout Project, which would include clearing the High Bench Ditch trail that is not finished. Mr. Monson would like to take a weed wacker and clear the trail of dead branches for safety in walking. Craig Skidmore said this is a critical part of the trail system that desperately needs clearing.

Jannicke Brewer said thank you for the improvements done on High Bench Road.

Moana Burgess again asked that the trail be connected through Burgess Park along the berm and Shane Sorensen said this would be done by the time school starts.

**V. CONSENT CALENDAR -**

- A. Business Licenses - Home Occupations:
  - Mary Ann Jenkins – SCHOOL FOR KIDS; 522 N. Mountainville Circle
  - John A. Anderson – UT HEALTH; 358 S. River Road
  - Matthew S. Moore – BRAVE PUBLISHING; 32 Sunset Drive
  - Kathryn J. Pierce – KD DIAGNOSTICS; 1095 E. Watkins Lane
  
- B. Bond Releases:
  - Will S. Jones – Quincy Court – Partial Bond Release - \$7,019.22
  - Steve and Scott Larson – Main Street Village – Final Bond Release - \$98,515.20
  
- C. Payment Requests:
  - Hills Construction – Healey Well and Well house Facilities - \$45,555.88
  - Lone Rock Construction – High Bench Road - \$129,291.10
  - LSL Enterprises – Petersen Park/Arboretum Sprinkling System - \$11,058.83

Shane Sorensen explained that Main Street Village secured another bond during their project and we are recommending that we release everything as additional improvements are on private property and that will be their issue.

**MOTION:** David Adams moved to approve the Consent Calendar. Kent Hastings seconded. Ayes: David Adams, Mel Clement and Kent Hastings. Nays: 0. Motion passed.

## **VI. SCHEDULED ITEMS**

**A. NAMING OF THE CITY PARK.** Harvey Hutchinson represented the Preservation Committee and suggested that the City Park be named Legacy Park as the park has never been formally named and has been called the City Park. The Planning Commission considered what the park should be named at their meeting of August 5, 2002 and recommended it be named Alpine City Park. Kent Hastings asked which area would be called Legacy Park, the area on Main Street or the area behind City Hall and Mr. Hutchinson said it would not include the area behind City Hall. Mayor Barker said the Planning Commission felt this park has been called Alpine City Park for many years and Harvey Hutchinson said that Legacy indicates a much wider group of people. Mr. Hutchinson said that "Legacy" incorporates the past, present and the future. David Adams said he was in favor of the new name, as it would distinguish which park residents were talking about. Kent Hastings suggested that we name the area behind City Hall the "City Park".

Mayor Barker said he would like to see a master plan before giving approval for the stone to be placed in the park and Harvey Hutchinson said the committee has been given some trees for replanting in the park as some of the trees that are there now are reaching their life span. Mr. Hutchinson said that the reason the horseshoe pit was planned was to accommodate the older folks. Moana Burgess said the benches that were approved earlier were in David Hemingway's garage and the committee has been waiting for an O.K. for placement of them. Mayor Barker said this would be in the master plan.

**MOTION:** David Adams moved to approve the name of "Legacy Park" for the park area on Main Street and that the name "City Park" apply to the area behind City Hall. Kent Hastings seconded. Ayes: David Adams, Mel Clement and Kent Hastings. Nays: 0. Motion passed.

### **B. WESTFIELD ROAD.**

- 1. SPEED LIMIT AND ROAD DESIGNATION.**
- 2. DESIGN REQUEST FOR PROPOSALS.**

Ted Stillman said the next major street project would be the rebuilding of Westfield Road. It may take several years to secure funding, but designing the road now will help in securing grants to build the road as well as help in the design of roads connecting to Westfield Road. Mr. Stillman said there would be opposition to rebuilding Westfield Road from some of the residents along the road as they feel that if the dips are taken out and it has curb and gutter that the speed on the road will increase. Mel Clement said he doesn't see taking the traffic off of Westfield Road and David Adams said it is unfortunate for the residents who live on that road, but Westfield Road is the only road to take traffic out of town on the west side.

Joan Johnson felt the speed was the issue and because the curb, gutter and sidewalk does not go all the way down to Main Street, there is no protected place for the children to walk to school. Mayor Barker said this would be the city's next project and suggested that we authorize the design of Westfield Road. It was noted that east of the Johnson property to Main Street is 25 mph and west to the City limits is 35 mph. Kent Hastings said he has been concerned with the intersection on Westfield Road and 400 West and asked if this area can be improved with the Westfield Road project. Shane Sorensen said there are some right-of-way issues for improving the road in that area.

**MOTION:** David Adams moved that we authorize the Request for Proposals for the design of Westfield Road from Sunrise Drive to Fort Creek Bridge and from Hog Hollow Road (400 West) up

to the existing curb and gutter and analyze for the appropriate speed on Westfield Road and come back with a recommendation. Kent Hastings seconded. Ayes: David Adams, Mel Clement, and Kent Hastings. Nays: 0. Motion passed.

Thomas Whitchurch arrived at the meeting.

**C. OPEN SPACE LOT 64 SILVERLEAF SUBDIVISION, PLAT D.** Ted Stillman said the Shattuck's recently built a home at 525 S. Ponderosa Drive, which is lot 64 in the Silverleaf Subdivision, Plat D. There is a 50-foot wide trail right-of-way between the Shattuck property and the next property to the north. The City has allowed the property owner on the north to plant grass and maintain the city property and Mr. Shattuck is requesting the same and is asking for permission to be able to plant grass and maintain the city open space. The Planning Commission recommended approval of Mr. Shattuck's request at their meeting of August 5, 2003

**MOTION:** Kent Hastings moved that we grant David Shattuck the privilege to maintain the 50-foot trail right-of-way adjacent to lot 64 in the Silverleaf Subdivision, Plat D and that we allow Mr. Shattuck to plant shrubs around the utility box and that an agreement be drafted by the City Administrator and recorded with Utah County Recorder. Mel Clement seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

**D. WEB SITE PRESENTATION.** Rachel McTeer gave a presentation to the council on the new Web Site as she has been inputting city information on the site. Rachel McTeer has been training city staff on how to input their information on the site and it was noted that there will be a picture of North Mountain on the home page. Both Councilman Whitchurch and Rachel McTeer demonstrated the web site and then received comments and suggestions from the Council.

**E. RECREATION ORDINANCE NO. 2003-05.** Ted Stillman said the Recreation Ordinance would allow the City to schedule the use of athletic fields. Rachel McTeer and Councilman Clement have met with the School District and they are interested in letting the city schedule their fields. The Agreement with the School District and the Recreation Policy and Form that teams who use the fields will fill out was discussed. Ted Stillman said the School District is already referring teams who want to use their fields to the city for scheduling. Mel Clement said we are not doing this any too soon as the football teams are using all of Burgess Park. To use Smooth Canyon a generator can be purchased, if power is needed. Mayor Barker felt that power would be needed for games. Mel Clement suggested that we should construct signs on the fields stating "no organized playing without scheduling through the city" and then name all the fields so it is clear to participants. Ted Stillman suggested that we clarify the signing and naming of the fields. Mayor Barker suggested that we give some designation as to who is authorized to schedule the fields.

**MOTION:** Mel Clement moved that we adopt Ordinance No. 2003-05 as outlined in the packets with Alpine City scheduling the recreation fields and with the ability to add language for the signing and naming of the fields and approve the Memorandum of Understanding with the Alpine School District for Westfield Elementary, Alpine Elementary and Timberline Jr. High School. Kent Hastings seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

**F. LYE SUBDIVISION – REAPPROVAL.** Ted Stillman said the Lye Subdivision is a two-lot subdivision located at 640 North Main. The subdivision was approved by the City Council on March 9, 1999 and according to our ordinance subdivisions must be recorded within six months of approval by the City Council. Since the Lye Subdivision Plat was not recorded within six months it must be reapproved. The Planning Commission at their meeting of July 15, 2003 reapproved the subdivision, as there were no changes to the subdivision.

**MOTION:** David Adams moved to extend the approval for the Lye Subdivision for six months subject to the following notations:

1. The Fire Chief approve the location of the existing fire hydrant
2. The water policy be met
3. An Escrow Bond guaranteeing installation of the improvements be posted
4. Curb and gutter profiles be submitted
5. The surveyor stamp be included on the Plat
6. That it meet all current ordinances.

Thomas Whitchurch seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

**G. FALCON RIDGE SUBDIVISION – REAPPROVAL.** Ted Stillman said the City Council at their meeting of June 12, 2001 reinstated the Falcon Ridge Plat containing five lots. The developer has made changes discussed at the latest Planning Commission meeting and is requesting five lots. This approval has now expired and the developer is requesting reinstatement of the plat. The Planning Commission at their meeting of August 5, 2003 recommended reinstatement of the Falcon Ridge Plat with the addition that the cul-de-sac on Lakeview Drive be permanent. The radius of the 50-foot cul-de-sac was discussed at length and Greg Kmetzsch representing the Maintenance Department said that 50 feet would make for a tight turn with the snowplow, but it could be done. Shane Sorensen recommended that we approve the 50-foot radius for the cul-de-sac.

**MOTION:** Mel Clement moved to approve the Falcon Ridge Subdivision as presented and grant an exception for a 50-foot radius cul-de-sac with a radius of 40 feet of asphalt with a design that is acceptable to city staff which will minimize the slope in the cul-de-sac. David Adams seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

**H. DRY CREEK ORCHARDS SUBDIVISION – FINAL APPROVAL.** Ted Stillman said the developers of Dry Creek Estates Subdivision have submitted their Final Plat in accordance with the revised Preliminary Plat that was previously approved. The City Council at their meeting of July 8, 2003 agreed to condemn property for the off-site sewer and that condemnation was in process.

**MOTION:** Thomas Whitchurch moved to grant Final Approval to Dry Creek Orchards subject to the following:

1. That the offsite sewer easement be acquired prior to recordation of the plat
2. That the Fire Chief approve the fire hydrant location
3. That the City water policy be met

David Adams seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

**I. PHEASANT RIDGE SUBDIVISION – FINAL APPROVAL.** Ted Stillman said that Pheasant Ridge Subdivision is located on Canyon Crest Road, Ridge Drive and Carlisle Lane. The developer has adjusted his connection to Canyon Crest so that a street offset is not required. The Planning Commission recommended Final approval at their meeting of July 15, 2003.

**MOTION:** David Adams moved to grant Final Approval to the Pheasant Ridge Subdivision with the following conditions:

1. The Fire Chief will approve the location of the fire hydrants
2. Verify that there are sufficient water rights to meet the water policy
3. Correct the redlines on the plat and construction drawings
4. The parcel on Canyon Crest will be included in lot No. 3 and will be landscaped

- and maintained for five years by the developer with sprinklers and low-maintenance landscaping
5. Work with City staff on plans to enlarge the detention basin in the Peterson Park Arboretum
  6. Approve double frontage on lots 1 and 2 to avoid a driveway onto Canyon Crest Road and Carlisle Lane
  7. Homeowners shall maintain the land up to the sidewalk on lot 2
  8. Post a bond for the required improvements

Thomas Whitchurch seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

**J. MEADOW BROOK SUBDIVISION – FINAL APPROVAL.** Ted Stillman said that Meadow Brook Estates is a five-lot subdivision located at 750 W. Westfield Road. On June 3, 2003 the Planning Commission granted Preliminary and Final Approval to the subdivision. The developer came back to the Planning Commission to readjust lot lines and the Planning Commission recommended revised Final approval at their meeting of August 5, 2003. There was further discussion about granting the exception on the grade of the cul-de-sac and Shane Sorensen said that reducing the grade would reduce the need for fill on the road and the lots by two feet.

**MOTION:** Mel Clement moved to grant the exception on the cul-de-sac grade and grant Final Approval to the Meadow Brook subdivision subject to the following conditions:

1. The Fire Chief verifies that the existing fire hydrant is adequate
2. City staff approves the storm drainage calculations
3. The developer obtain written permission from the Alpine School District to construct the storm drain line on their property
4. A 120% bond be provided
5. The City's water policy be met
6. The Preliminary Title Report be submitted
7. That the plat fees be paid

Thomas Whitchurch seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

**K. CANYON CREST COTTAGES – ZONE CHANGE.** Ted Stillman said that Lon Nield would like to construct a senior housing facility at Canyon Crest Cottages. A portion of the property (lot 4 of Paradise Lane Subdivision is currently zoned CR-20,000). Mr. Nield has previously applied for this property to be zoned commercial and would like it also be zoned for the Senior Housing Overlay Zone. The Planning Commission previous tabled the zone change application awaiting developments on the Senior Housing Overlay Zone and now that the Planning Commission has sent this to the City Council, Mr. Nield would like to proceed with the zone change. The Planning Commission voted 3-2 to recommend the rezone to the City Council. The vote failed, as four votes are required to pass a motion. Ted Stillman said this rezone depends on the adoption of the Senior Housing Overlay Zone, which a Public Hearing will be held on August 26, 2003. Mr. Stillman recommended that the City Council listen to Mr. Nield's proposal but not set a Public Hearing until after the hearing on the Senior Housing Overlay Zone. David Church said that since Mr. Nield wants to have some restrictive covenants in this development, he would have to comply with HUD Requirements.

**MOTION:** David Adams moved to table scheduling a Public Hearing on the requested zone change until after the Public Hearing on the Assisted Living Ordinance scheduled for August 26, 2003. Thomas Whitchurch seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

**L. PATTERSON ZONE CHANGE.** Ted Stillman said that Wayne Patterson is

reapplying for a zone change on his property off of Red Pine Drive. The Planning Commission recommended denial of the previous request and the City Council concurred. Mr. Patterson had submitted a concept plan for an assisted living facility and the Planning Commission voted 3-2 to recommend the zone change to the City Council. The motion failed because four votes are required to pass a motion.

**MOTION:** David Adams moved to table scheduling a Public Hearing on the requested zone change until after the Public Hearing on the Assisted Living Ordinance scheduled for August 26, 2003. Thomas Whitchurch seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

Hunt Willoughby arrived at the meeting.

**M. ROUNDABOUT BID AWARD.** Ted Stillman said the bids for the Alpine Highway/Canyon Crest Roundabout were opened with the results as follows:

Cody Ekker Construction, Inc.	\$307,796.40
Harper Contracting, Inc.	\$323,028.05

Jon Gilchrist of Horrocks Engineers said they reviewed the bids for the roundabout project and the low bidder was Cody Ekker Construction, Inc. of Lehi. Their bid was for \$307,796.40 (their bid using alternative #1 – stamped concrete was \$304,086.50). The amount included on the bid form was \$307,446.40; however, there was a mathematical error on item No. 45 which raised their bid by \$350 to the amount stated above.

Shane Sorensen said that Cody Ekker Construction constructed the roundabout in Lehi and received a lot of praise on their job performance. Shane Sorensen said it was advertised to have construction to start immediately and that this project be finished by November 15, 2003.

Mayor Barker asked the Council to make a commitment for a safe walking route for the children to go to the schools on the west side that he can take back to the parents in the affected subdivisions. Shane Sorensen went over several options with the lights, etc.

**MOTION:** Thomas Whitchurch moved that we award the bid for construction of the Alpine Highway Canyon Crest Road Roundabout to Cody Ekker Construction, Inc. in the amount of \$304,086.50. Hunt Willoughby seconded. Ayes: David Adams, Thomas Whitchurch and Hunt Willoughby. Nays: 1. Kent Hastings voted nay because he felt construction of the roundabout should be delayed until the end of the school year because of the traffic congestion it would cause during the school year. Mel Clement abstained from voting. Motion passed.

**N. HIGH MOUNTAIN OAKS EASEMENT RELINQUISHMENT.** Ted Stillman said that in 1989 the City recorded a road right-of-way easement across the property that was to become Plat F of the High Mountain Oaks Subdivision. The streets in the High Mountain Oaks area have now all been installed and this easement is no longer necessary. It has ended up on lot 6. The owner of the lot would like to have this easement released and relinquished so that the lot can be sold.

**MOTION:** David Adams moved that the easement on Lot 6 of High Mountain Oaks Subdivision, Plat F be released and relinquished. Thomas Whitchurch seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

**O. RODEO GROUNDS FENCE.** Ted Stillman said the Rodeo grounds is complete

and in order to protect the city's investment it is recommended that a fence be built around the new facility at a cost of \$14,332.00

**MOTION:** Kent Hastings moved to authorize the expenditure of \$14,332.00 for fencing to be constructed at the Rodeo Grounds. Hunt Willoughby seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

**P. DOWNTOWN IMPROVEMENT REQUEST FOR PROPOSALS.** Ted Stillman said that installing curb, gutter and sidewalk in the downtown area is included in the 2003-2004 Budget. Shane Sorensen said we would like to bid the project in January 2004 with construction to take place in March 2004 and in order to maintain this schedule we need to complete the design in the winter. Mr. Sorensen said we would like to send out requests of proposals from qualified design firms to design the improvements. An integral part of the downtown improvements should be an effort to beautify individual lots and homes.

**MOTION:** Mel Clement moved that we bid the downtown construction design and ask for bid proposals which would include the leg going up to the Ft. Creek bridge and to also include Grove Drive up to 770 North. Kent Hastings seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

**Q. CANYON CREST SIDEWALK.** Ted Stillman said that Canyon Crest Road will be a major walking route for kids walking to school. The City has a missing link of sidewalk on the south side of Canyon Crest across from Timberline Middle School and this section will be installed when the new church is constructed. It is critical that this section of sidewalk be installed prior to the opening of school. The City will be reimbursed when the church is constructed. The city received three bids on the sidewalk and it was recommend bid be awarded to C.J. Concrete in the amount of \$8,961.00.

**MOTION:** Kent Hastings moved to award the Canyon Crest Sidewalk project to C. J. Concrete in the amount of \$8,961.00. Thomas Whitchurch seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

**R. WASTEWATER OPERATOR CERTIFICATION.** Ted Stillman said the State requires that sewer system operators be certified. In the past the Timpanogos Special Services District has handled this; however, the State is now requiring the city's sewer system operators be certified. Timpanogos Special Service District will cover the city until our own operators can be certified.

**MOTION:** Kent Hastings moved to approve the agreement with the Timpanogos Special Service District. David Adams seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed. Hunt Willoughby abstained from voting since he sits on the Sewer Board.

**S. WELL REPAIR.** Shane Sorensen said that Well No. 1 which is located on 300 East has quit working and it appears that the well has serious pump problems. The pump is submersible and will have to be pulled. Once this is done, we will be able to tell better what the problem is.

**MOTION:** Mel Clement moved to approve the expenditure of \$3,450.00 to repair Well No. 1. Thomas Whitchurch seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

## **VII. COMMUNICATION**

Mel Clement said the watering system at Burgess Park needed to be improved as there are some dry spots.

## **VIII. EXECUTIVE SESSION – Litigation, Property Acquisition and Personnel**

**MOTION:** David Adams moved to go to Executive Session for the purpose of discussing litigation and property acquisition and extend the meeting to 10:45 pm. Thomas Whitchurch seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

**MOTION:** David Adams moved to go back to open session and extend the meeting to 11:10 pm. Thomas Whitchurch seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

**MOTION:** Mel Clement moved that we authorize David Church to complete the negotiation with Patterson to purchase a 10x 150-foot trail easement. Kent Hastings seconded. Ayes: Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 1. David Adams voted nay. Motion passed.

**MOTION:** David Adams moved to approve Plats J and K of the South Pointe Subdivision. Mel Clement seconded. Ayes: Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 1. David Adams voted nay because it was not on the agenda. Motion passed.

## **IX. REVIEW ACTION ITEMS**

### **X. APPROVAL OF MINUTES**

Public Hearing and City Council Meeting of July 8, 2003

**MOTION:** Kent Hastings moved to adjourn and approve the minutes of the Public Hearing and City Council Meeting of July 8, 2003. Hunt Willoughby seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

The meeting adjourned at 11:40 pm.