

## **August 26, 2003**

Minutes of the Public Hearings and City Council Meeting held on Tuesday, August 26, 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 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, Will S. Jones, Harvey L. Hutchinson, Moana Burgess, Kathy Bailey, Jack Lewis, Lynette Rasmussen, Tricia Nield, Amy Nield, Mike Mansfield, Brook Nield, Greg Nield, Pat Nield, Lew Quigley, Julie Quigley, Michael Porter, Don Watkins, Lyn Bonner, Kristi Kramer, Kimberly Bryant, Jonathan Irwin, Alice Cospser, Bill Crockett, Jason U. Thelin, Blaine Hudson, Brenda Taylor, Ula B. Hemingway, Bob Hemingway, Loretta Stevens, Chris Bailey, Julaine Walker, Bill KirkOpatrick, Bill Sidwell, Chuck Cline, Ray Warner, Michael Robertson and Tom Abbott

## **PUBLIC HEARINGS – 7:00 pm**

**1. FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT REGARDING THE ASSISTED LIVING ORDINANCE.** Ted Stillman said the draft Assisted Living Overlay Zone Ordinance reflects the Planning Commission's recommendation to the City Council. Major points in this ordinance are:

1. Living space is 300 sq. ft. (including bathroom)
2. Allowed in the Business Commercial Zone only
3. One resident per 1,000 sq. ft. of lot area
4. Maximum height of any structure shall be 34 ft. as measured from the ridge line
5. Minimum project size is ½ acre and the maximum project size is four acres
6. Number of residents shall be one resident per 1,000 sq. ft. of lot area
7. Meals
8. Congregate living could have kitchenette

Kent Hastings said he had some experience with his grandfather living in an Assisted Living facility. In Orem a family could take in a couple of elderly patients in their homes and Councilman Hastings felt this is something Alpine could look at. Thomas Whitchurch asked if our accessory apartments could handle a situation like this under our current ordinance. Greg Nield felt that under the assisted living care people would have professional care rather than being a project and seeing a sign-up sheet being circulated in Church asking for additional help. Jannicke Brewer felt that Kent Hastings's idea was nice but families don't always have choices. Here in Alpine the elderly could remain in the predominant religious setting and have the privilege of living close to all their family and friends. Kimberly Bryant said that she thinks of her mom, whom she doesn't think could adjust in someone else's home and the assisted living facility would provide the opportunity for her mother to keep her dignity. Lynette Rasmussen said that her mother took care of her grandmother and it became too much for her even through she is a registered nurse. Lou Quigley said that at one time Jeanne Gwilliam had a facility in her home here in Alpine and she was then able to take care of her husband. This became very demanding for her and after her husband passed away she gave it up.

**2. FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT REGARDING THE SENIOR HOUSING ORDINANCE.** Ted Stillman said the draft Senior Housing Overlay Zone Ordinance reflects the Planning Commission's recommendations to the City Council. Major points

in the ordinance are:

1. Minimum acreage for a Senior Housing Project shall be 1 acre and 8 units and the project area shall be 4 acres and 32 units
2. Allowed in the Business Commercial Zone only
3. Elderly/Senior is defined as "a person who is 50 years or older
4. Private drives shall be not less than 20 feet width of asphalt.

Hunt Willoughby said that Jim Hobbs was concerned that these units would eventually become an apartment complex. Lon Niel said the only negative comment he has heard concerned the density and Ted Stillman said the average size of families in Alpine is 4.5 per residence. Councilman Hastings said he was still concerned about the density.

The Public Hearings adjourned at 7:30 pm.

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

I. **CALL TO ORDER.** Mayor Barker called the City Council to order at 7:30 pm and welcomed everyone in attendance and reminded the audience that there is a full agenda and to try and keep comments concise. Mayor Barker also thanked staff for helping direct traffic on the first days of school and then introduced the candidates who were in attendance, Michael Porter, Kimberly Bryant, Jason Thelin and the two incumbents, David Adams and Kent Hastings.

II. **PRAYER** - Mayor Philip D. Barker

III. **PLEDGE OF ALLEGIANCE.** Madison Pennie and Ashley Bryant 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.

V. **CONSENT CALENDAR** – Business Licenses - Home Occupations:  
Sabrina Zurcher – TOP NOTCH, 485 S. High Bench Road  
Daniel Carlisle –SOULARIUM RECORDING STUDIOS, approximately 785 S. Alpine Hwy

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

VI. **SCHEDULED ITEMS**

A. **SAFETY OF SCHOOL CHILDREN.** Mayor Barker said that with the opening of Timberline Middle School and the dramatic reduction in bus routes, the safety of children walking to school is a major issue. The Mayor and City Staff have had many meetings with citizens and the School District to develop safe walking routes for children. Many parents attended City Council Meeting who wanted to discuss their children's safety concerns. The following are the major areas of concern:

1. Intersection of Canyon Crest and Main Street – The Public Safety District was only able to find a crossing guard for part of the time that school children were crossing. This fact coupled with heavy traffic forced the School District to declare the intersection unsafe and bus the children until the roundabout is complete. Ted Stillman said that one issue that was interesting to him was the speed with which traffic traveled. Packets were given out to the kids to take home to their parents informing parents that there would be no more crossing guards after Friday and then informing the parents about the construction of the roundabout. Blaine Hudson asked if the

construction company will have a crossing guard there during construction and Shane Sorensen said the company will have a traffic control guard that will be UDOT standards. Thomas Whitchurch said that some parents in his area weren't aware that there were going to be buses. Ted Stillman said it was interesting to see people speeding and passing on the right and just how many were on their cell phones. Councilman Whitchurch asked about the possibility of installing a sign with a reduced speed limit to slow the drivers down before they go into the curve. The 30 mph sign is now north of Canyon Crest.

2. Intersection of Canyon Crest and Ridge Drive – School crossing signs are being placed at this intersection and a crosswalk has been painted. Parents in the Silverleaf Subdivision feel this is an unsafe condition and want the School District to bus their children. Canyon Crest has a speed limit of 35 mph through this area and due to the high speeds being driven, it is recommended that the speed limit on Canyon Crest from Ridge Drive to Main Street be lowered to 25 mph. Twenty-one school children used the cross walk last Wednesday morning. Ted Stillman said this intersection is very dangerous and he had a radar gun and found cars going 45 mph. Mr. Stillman suggested that the speed on that road be reduced to 25 mph. Hunt Willoughby felt that reducing the speed wouldn't slow down the traffic, but would give the Police Department an enforcement mechanism. It was indicated that the southbound traffic was the problem. Police Chief Kip Botkin felt it would be worthwhile to look at reducing the speed as the speed limit on that road has changed over the last couple of years. We now have a crosswalk for children to walk to school and a bus stop at that intersection. Chief Botkin said the police have run radar in that area and with the speed posted at 35 mph we get them going up to 48 mph. Julaine Walker, who lives at the end of Carlisle Lane, said you cannot turn left onto Canyon Crest from Carlisle Lane or turn left onto Carlisle Lane from Canyon Crest due to the hill.

**MOTION:** Mel Clement moved to reduce the speed on Canyon Crest going both directions to 25 mph from the south end of the Patterson property on the east side of the road to Main. Thomas Whitchurch seconded. Mel Clement withdrew his motion.

**MOTION:** Thomas Whitchurch moved to reduce the speed on Canyon Crest going both directions to 25 mph from the top of the Carlisle hill to Main Street. David Adams seconded. Ayes: David Adams and Thomas Whitchurch. Nays: Mel Clement, Kent Hastings and Hunt Willoughby. Motion failed.

3. 800 South – The children on 800 South were going to have to cross SR-74 in order to walk on the sidewalk along the east side of the road and the School District has agreed to bus the elementary children and provide a bus stop at 800 South and SR-74 for the Timberline Jr. High School students.

4. Speed Bumps – It has been suggested that we place speed bumps (the new type that a snow plow can easily plow) on Canyon Crest and where there are other speed problems.

5. Weeds along Canyon Crest – We are making arrangements to mow the weeds on Canyon Crest west of the Junction.

6. Trail from River Meadows to Main Street – The School District has asked about the feasibility of constructing a trail across the Patterson and Page properties from the River Meadows Subdivision to Red Pine Drive and Main Streets.

7. Crossing Guard at Westfield Elementary – This crossing has heavy traffic not only to Westfield Elementary, but also to Timberline Middle School. Mothers manned this crossing on the first days of school.

**MOTION:** Mel Clement moved to approve a crossing guard on Long Drive (for the elementary school). Thomas Whitchurch seconded. Ayes: David Adams, Mel Clement, Kent Hastings,

Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

**B. SKATEBOARD PARK – LOCATION.** Kathy Bailey submitted a memo to the Council for their consideration to move the skateboard park location from Burgess Park. Mrs. Bailey's key points were as follows:

1. Skateboard parks are very noisy and since the noise of the park carries very clearly throughout Burgess Parks' surrounding neighborhoods, the addition of a skateboard park will be an unwelcome nuisance. Parkway is not a road with traffic heavy enough and consistent enough to cover up the noise, nor will it serve as a road that will provide high visibility to the skateboard park, especially when problems are likely to occur.
2. Considering the high number of local participants in team sports and the shortage of fields, we cannot afford to take away the fields we have. We have spent much money on developing the Burgess area as a complex for team sports, so let's leave those facilities for those who can benefit from them the most. (When you talk of the number of people who benefit from the fields used by team sports, consider that ball games are family activities, and in addition to the kids on the fields, you must count the dad, mom, siblings and grandparents among those who use the fields.)
3. I was told that since the plumbing for Burgess Park's originally-planned swimming pool and the facility's landscaping exists in the same spot as the proposed skateboard park, it will be a major project to redo it in order for a skateboard park to be built there.

Mel Clement said he has received some negative comment about getting too many different sporting activities in Burgess Park and now he is having second thoughts about the location of the skateboard park and suggested that the City keep looking at other locations. Kent Hastings said he was in favor of the skateboard park, but wondered if there was a better spot. Mel Clement felt the site for the skateboard park needed a lot of visibility and suggested that we look at the lot west of the Junction or just east of the Canyon Crest Bridge on the south side of the street. Kathy Bailey stated that the basketball courts in Burgess Park have been turned into a skateboard park and the kids are bringing in lights and use the area late at night. Mrs. Bailey said that neighbors have stopped calling the Police and no longer do so as the residents have become frustrated with the ineffectiveness in stopping these problems. Kathy Bailey said her concerns go deeper and read a letter to the council and city staff, a copy of which is attached. Mrs. Bailey asked the Council to make a motion to spend money on maintenance of the park rather than building the skateboard park.

Councilman Whitchurch said he noticed that the football team used the tires for practice that Mrs. Bailey made mention of and Ted Stillman said the tires are stored in the green storage barn. It was noted that the construction material belonged to the baseball league. Mayor Barker said he would like to spend time talking about the maintenance of the parks and would like this to be an agenda item. David Adams said he agreed with Kathy Bailey and felt we needed to spend some time and money on the maintenance of Burgess Park to make this a nice beautiful place. Chad Bellon, who lives by Burgess Park, asked the council to reconsider the placement of the skateboard park in Burgess Park. Mr. Bellon takes his family there to watch baseball games and he has a son who would like to take his bicycle there to go up the ramps in the skateboard park and was concerned about his safety. Chad Bellon then asked the Council that if a resident found a better place for the skateboard park, if they could bring this suggestion to the Council. Mayor Barker said we are at a point where we need to make a decision on the location of the skateboard park.

**MOTION:** Mel Clement moved that we continue looking for a better location for the skateboard

park. Hunt Willoughby seconded. Ayes: Mel Clement and Hunt Willoughby. Nays: 3. David Adams, Kent Hastings and Thomas Whitchurch voted nay. Motion died.

Thomas Whitchurch asked if we were still operating under the original motion wherein the center of Burgess Park was designated as the location of the skateboard park and further stated the Planning Commission and Youth Council had spent considerable time on this issue. Both have determined the best location for the skateboard park is in Burgess Park. Councilman Whitchurch then wondered if it would be prudent not to install the cement slab just before winter, but wait until spring. Mayor Barker felt there was not a big hurry to get this constructed this fall and Mel Clement said that what is important to him is location.

**MOTION:** David Adams moved that the skateboard park could be located in Burgess Park if the soccer field was moved over 20 feet unless a better location is found and that the construction be delayed until next spring. Thomas Whitchurch seconded. Ayes: David Adams, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 1. Mel Clement voted nay. Motion passed.

**C. SKATEBOARD PARK PROPOSALS.** Ted Stillman said we have received four proposals from firms interested in building the Skateboard Park. Rachel McTeer has evaluated the proposals and has received input on them from skateboarders. Provo City is currently preparing specifications to build a modular skateboard park and they will be going out to bid in September. Ted Stillman said we would like to participate in their bidding process to be able to better evaluate our proposals. Rachel McTeer said that after the previous discussion on the location of the park we should find a location before asking for proposals. Mayor Barker asked Ted Stillman to put together a time table for construction

**D. ORDINANCE NO. 2003-07 – ASSISTED LIVING ORDINANCE.** Ted Stillman said there was a Public Hearing held earlier in the evening and the draft Assisted Living Overlay Zone Ordinance reflects the Planning Commission's recommendation to the City Council. Major points in this ordinance are:

1. Living space is 300 sq. ft. (including bathroom)
2. Allowed in the Business Commercial Zone only
3. One resident per 1,000 sq. ft. of lot area
4. Maximum height of any structure shall be 34 ft. as measured from the ridge line
5. Minimum project size is ½ acre and the maximum project size is four acres
6. 24-hour staffing
7. Meals
8. Congregate living could have kitchenette

Hunt Willoughby suggested some changes and Mel Clement was concerned about having too many of these facilities in one zone. Jannicke Brewer felt this issue was addressed in the proposed ordinance; however, Mel Clement had some concerns about the density. David Adams said that to keep the units one story would increase the cost and wondered why we would want to pass this cost to the residents. Mayor Barker said he has a problem with the one-half acre and seemed to him that you would want some landscaping around the houses. Kent Hastings asked if we could add the changes in the Ordinance and bring a clean copy back for passage.

**MOTION:** Thomas Whitchurch moved to adopt Ordinance No.2003-07, An Ordinance Creating an Assisted Living and Nursing Care Overlay Zone with the following changes:

1. That on the findings section on page one that we add the words opportunity after the word providing.
2. Under the definition that we add the definition for elderly as being 50/or older
3. It shall be the city's sole discretion where or where not a project can be in the overlay zone
4. That the minimum project size be 1 acre

5. The proposed location is in the proximity to major arterial or collector streets
6. That the City Attorney review the wording

David Adams seconded. Ayes: David Adams, Mel Clement, Thomas Whitchurch and Hunt Willoughby. Nays: 1. Kent Hastings voted nay because of the density. Motion passed.

**E. ORDINANCE NO. 2003-08 – SENIOR HOUSING ORDINANCE.** Ted Stillman said that a Public Hearing was held earlier in the evening and the draft Senior Housing Overlay Zone Ordinance reflected the Planning Commission's recommendations to the City Council. Major points in the ordinance were:

1. Minimum acreage for a Senior Housing Project shall be 1 acre and 8 units and the maximum project area shall be 4 acres and 32 units
2. Allowed in the Business Commercial Zone only
3. Elderly/Senior is defined as "a person who is 50 years or older"
4. Private drives shall be not less than 20 feet width of asphalt

Jannicke Brewer said there would be CC&R's and Kent Hastings was concerned that the Homeowners Association might not enforce the CC&R's and then the city would be left to enforce them. Ted Stillman suggested that the Restrictive Covenants be strong enough to cover Councilman Hastings's concerns. Kent Hastings asked about snow removal and Ted Stillman said there is no snow removal on private streets. Lon Nield said that residents would own their own living unit and a small portion of the landscape. Mayor Barker said the City wants these to be privately owned units and the ordinance would address the CC&R's. Lon Nield said this is in the Historical District so the city would have input on the architecture and color scheme for the units. Kent Hastings had some further concerns about the density and said this ordinance does not address people density, only unit density. Councilman Hastings said he doesn't know that this ordinance fits Alpine and didn't want to see this project become condominiums. Mayor Barker said that one of the characteristics of senior housing is that their CC&R's are enforced.

**MOTION:** David Adams moved to adopt Ordinance No. 2003-08, An Ordinance Creating a Senior Housing Overlay Zone with the changes as follows:

1. Minimum acreage for a Senior Housing Project shall be one acre and eight units and the maximum project area shall be four acres and thirty-two units
2. Allowed in the Business Commercial Zone only
3. Elderly/Senior is defined as "a person who is 55-years or older"
4. Private drives shall be not less than 20-feet width of asphalt

and subject to the review of the council. Mel Clement seconded. Ayes: David Adams, Mel Clement, Thomas Whitchurch and Hunt Willoughby. Nays: 1. Kent Hastings voted nay because of the density issue. Motion passed.

**F. LON NIELD 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 he would like his property to be zoned for the Senior Housing Overlay Zone. The Planning Commission previously tabled the Zone Change Application awaiting developments on the Senior Housing Overlay Zone and now 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.

**MOTION:** David Adams moved to set a Public Hearing to discuss the zone change request on the Lon Nield property for September 23, 2003. Kent Hastings seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

**G. 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 turned in 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 set a Public Hearing to discuss the zone change request on the Patterson property for September 23, 2003. Kent Hastings seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

**H. THREE FALLS CONNECTION TO ALPINE COVE.** Ted Stillman said the Three Falls Subdivision proposed plat shows a road connecting the subdivision with the Alpine Cove Subdivision, which is in the County. A petition from residents who live in Alpine Cove addressed to the City Council and the Utah County Commissioners requesting that this road not be built was discussed. Ted Stillman said the Three Falls Subdivision is currently in the review process with the Planning Commission and an Environmental Impact Study is currently under way. Mayor Barker said the Council needed to follow proper procedure, which would be to have public hearings and questioned whether we need to send this back to the Planning Commission. Mel Clement recognized that the residents who submitted the petition lived out of the city limits, but noted that some city residents were on the petition. Hunt Willoughby felt that to take this road off now would be very short sighted and David Adams said that if it is not on the Master Road Plan we have no choice; however, we can take a road off at any time.

**I. LEGACY PARK PLAN.** Ted Stillman said that Ula Hemingway presented the Legacy Park Plan to the Gateway-Historic Architectural Review Board and the Planning Commission. The Planning Commission reviewed the Legacy Park Plan at their meeting of August 19, 2003 and made the following recommendations:

1. That a stone (with the name of the Park) be placed on the southwest corner of the Park with planting around it
2. That the tree plan be approved based on Harvey Hutchinson's presentation
3. That horseshoe pits not be installed in the park.

Ula Hemingway said the Preservation Committee has worked on this project for over a year now and appreciated the council for approving the name of "Legacy." Mrs. Burgess said the committee would like to bring back some of the old traditions and horseshoe pits were one of them. Jannicke Brewer said the Planning Commission did not recommend the horseshoe pits because of safety issues. Ula Hemingway said the engraving on the stone and the trees have been donated and there won't be any cost to the city and to install the horseshoe pits would satisfy two Eagle Scout projects. Thomas Whitchurch said the city has some park benches and suggested that Chuck Mattfeldt review the placement of the benches.

**MOTION:** David Adams moved to approve the Legacy Park improvements as shown on the colored diagram with placement of the stone in the southwest corner of the park, that the tree planting plan be approved and the placement of the park benches and that other details be reviewed by staff and extend the meeting to 10:30 pm. Kent Hastings seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

**J. OPEN SPACE – LOT 19 TWIN RIVERS.** Ted Stillman said that at the last City Council Meeting on August 12, 2003 a Public Hearing was held on Blair Buswell's request to exchange open space. Before Mr. Buswell spends the money for surveys and the amendment of three different subdivision plats, Mr. Stillman reviewed Mr. Buswell's proposal with the Council and obtain approval of the exchanges. Jannicke Brewer asked why Blair Buswell's request always seemed to increase and David Adams said he had a technical question being that the 4990 sq. ft. is not what was presented at the Public Hearing. Mayor Barker asked Mr. Buswell if he wanted the lower square footage of 3440 sq. ft. and said this request is a very sensitive issue as the City doesn't trade open space very often. The Council felt we can do what was proposed in the Public Hearing or schedule another Public Hearing with the new square footage request.

**MOTION:** David Adams moved to approve Blair Buswell's request to encroach on City Open Space exchange. Thomas Whitchurch seconded. David Adams withdrew his motion.

**MOTION:** Hunt Willoughby moved to approve the land exchange as presented in the Public Hearing, which was the 3440 sq. ft. Kent Hastings seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

**MOTION:** Thomas Whitchurch moved to set a Public Hearing for the open space land exchange with lot 19 in Twin Rivers. David Adams seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

**K. QUINCY COURT AMENDED PLAT.** Ted Stillman said the developer discovered that he put 30-foot rear-yard setbacks on the building envelopes of some of the lots in the Quincy Court Subdivision. The Town Residential Zone, which the subdivision is located in, allows for 20-foot rear-yard setbacks. The developer would like to amend the plat to allow for 20-foot rear yard setback. The Planning Commission approved the amended plat at their meeting of August 19, 2003.

**MOTION:** Thomas Whitchurch moved to approve the amended plat for Quincy Court Subdivision allowing for 20-foot rear-yard setbacks. David Adams seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

**L. PARKS, RECREATION and OPEN SPACE (PRO) COMMITTEE.** Mel Clement said he would like to create a Parks, Recreation and Open Space (PRO) Committee to coordinate field use, open space protection, park development and planning, etc. The Committee would have representation from all of the various recreational groups. Thomas Whitchurch suggested that we hire a part-time recreation employee that would report to Ted Stillman and the Council would not have to deal with certain situations. Mayor Barker suggested that we go ahead with forming a committee and also assign a certain staff member to oversee the program. Ted Stillman said he would like to present other alternatives to the council on outsourcing. It was noted that the Smooth Canyon Park is looking very good.

**MOTION:** Thomas Whitchurch moved to approve the creation of a Parks, Recreation and Open Space Committee, that they prioritize the maintenance needs of the parks, that committee members be appointed by the Mayor and that the committee's recommendations be forwarded to the Council. David Adams seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

**M. MELBY WATER RIGHTS.** Ted Stillman said that Will Jones would like to give the City 8.69 acre feet of well water rights that are owned by Ken Melby. These would be placed on credit with the city and they would be used for future developments.

**MOTION:** David Adams moved to approve the transfer of 8.69 acre feet water rights that are owned by Ken Melby to the City 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.

**N. UTILITY EASEMENT VACATION—LOTS 33 and 34 in THE RANCHES.** Ted Stillman said that Richard James owns both lots 33 and 34 in the Ranches Subdivision on Ranch Drive. He would like to adjust the property lines between the lots and to do this he needs to have the utility easement vacated. Mr. Stillman said that when lot lines are adjusted we record a new plat vacating the utility easement between the lots.

**MOTION:** Kent Hastings moved to approve the vacation of the utility easement between lots 33 and 34 in the Ranches Subdivision conditional upon lot lines being adjusted until a new utility

easement is recorded and to require an amended plat. David Adams seconded. Ayes: David Adams, Mel Clement, Kent Hastings, Thomas Whitchurch and Hunt Willoughby. Nays: 0. Motion passed.

## **VII. COMMUNICATION**

Thomas Whitchurch said the Youth Council will be sponsoring a Meet the Candidate Night at the end of September with the location to be determined at a later date.

David Adams –

1. Said the Library Committee is looking for an Operations Manager, which could turn into long-term employment. Mel Clement suggested that we use the State Librarian. David Adams said the committee missed their goal for raise \$1,000,000 but are still very enthusiastic.
2. Asked if we require a lot-drainage plan when a subdivision comes in and Shane Sorensen said this is looked at during the building permit stage. One lot cannot discharge water on his neighbor and we need to have a lot-drainage plan on every subdivision that comes in. David Adams suggested that we use Sunrise Engineering to review this at final inspection.

Hunt Willoughby reported on happenings of the Sewer District.

Mel Clement said he wanted to say he is disappointed with the skateboard park location project. Rachel McTeer said if the skateboard park is not located in Burgess Park this would give the city one more area to police rather than if it was located there.

**VIII. EXECUTIVE SESSION** – Litigation, Property Acquisition and Personnel – An Executive Session was not needed.

## **IX. REVIEW ACTION ITEMS**

## **X. APPROVAL OF MINUTES**

Public Hearings and City Council Meeting of August 12, 2003

**MOTION:** Mel Clement moved to approve the minutes of the Public Hearings and City Council Meeting of August 12, 2003 as amended and adjourn. Kent Hastings seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Hunt Willoughby. Nays: 1. Thomas Whitchurch voted nay because the minutes were placed on the table prior to the meeting. Motion passed.

The meeting adjourned at 10:45 pm.