

NOTICE OF HEARING

Notice is hereby given, that the Elk Ridge Town Council will hold a Public Hearing on January 12, 1993 at 8:15 P.M. at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah, at which time they will receive public comments concerning a proposed revision and re codification of the Town's Development Code. Copies of the proposed Ordinance are on file in the Town Hall, and are available for public inspection during normal business hours.

All interested persons shall be given an opportunity to be heard.

Dated this 28th day of December, 1992.

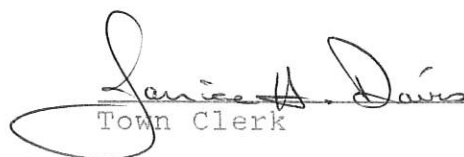

Janice H. Davis
Town Clerk

CERTIFICATION

I, the duly appointed and acting clerk for the Town of Elk Ridge, hereby certify that copies of the foregoing Notice of Hearing were posted at three public places within the municipality this 28th day of December, 1992, which public places are:

1. The Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.
2. The utility pole located at Goosenest Drive and North Park Drive.
3. The utility pole located at 817 West Goosenest Drive.

Dated this 23rd day of November 1992.


Janice H. Davis
Town Clerk

NOTICE & AGENDA

Notice is hereby given the Town Council of Elk Ridge will hold a regular Town Council Meeting on Tuesday, January 12, 1992, beginning with the Council Work Session at 7:00 P.M. and the regular Council Meeting at 8:00 P.M. The meeting will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

7:00 P.M. - COUNCIL WORK SESSION:

SESD-Ron Cooper
Loafer Canyon Road Assessments-Update
Jeep Repair
Budget Amendments/Review

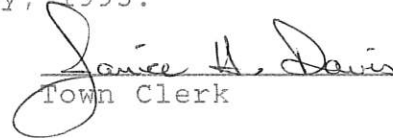
8:00 P.M. - REGULAR COUNCIL MEETING AGENDA ITEMS:

8:05 Invocation & Pledge of Allegiance
8:10 Approval of Agenda Time Frame
8:15 Public Hearing on the Proposed Revision and
Re-codification of Elk Ridge's Development Code
(Including Subdivision Ordinance)
8:45 Water Shares-Ken Orton
8:50 Regular Schedule for Meetings-1993
1. Town Council Meetings
2. Planning Commission Meetings
8:55 Adoption/Revision & Re-codification of Elk Ridge's
Development Code (Including the Subdivision
Ordinance)
9:00 Tony Schofield
9:45 New Well-Tony Searle
10:15 Approval of Minutes of the Previous Meeting
10:20 Equipment Purchase-Hal Shuler
10:25 Sewer Reserve Fund-Payments per Connection
10:30 Relief Snow Plow Driver
10:40 Professional Services-Clayton Creek
10:45 Budget Amendments
Fire Dept./Lea Ann Adams
10:50 Fire Hydrants
10:55 Approval of Expenditures:
1. General
2. For the Month of December, 1992
11:00 Adjournment

Town Council Agenda
Page 2


The times listed for each item and the agenda may be accelerated if time permits. All interested persons are invited to attend.

Dated this 8th day of January, 1993.


Town Clerk

CERTIFICATION

I, the undersigned, duly appointed and acting town clerk for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice and Agenda was hand carried to the Payson Cronicle, 12 South Main, Payson, Utah and mailed to each member of the governing body on January 8, 1993.


Town Clerk

ELK RIDGE TOWN COUNCIL WORK SESSION

January 12, 1993

TIME & PLACE OF MEETING	<p>The regular meeting of the Elk Ridge Town Council was held on Tuesday, January 12, 1993 beginning with the Work Session at 7:00, with the regular Council Meeting at 8:00 P.M. at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.</p> <p>Notice of time, place and agenda of this meeting was provided to the Payson Cronicle and to each member of the governing body by mailing a copy to each on January 8, 1993.</p>
ROLL CALL	<p>Mayor Bean, Council members: Clayton Creek(absent), Hal Shuler ,Tony Searle, Lea Ann Adams; Kent Crawford, Clarence Foster, Jim Nicolet, Janice H. Davis, Town Clerk.</p>
SESD- RON COOPER	<p>Ron Cooper absent due to illness</p>
LOAFER CANYON ROAD ASSESS- MENTS-UPDATE	<p>No information at this time.</p>
JEEP REPAIR	<p>The question was raised as to whether to continue splitting the expenses on the jeep four ways - (Parks, Roads, Water, Sewer departments). There was a discussion on the cost effectiveness of continual repairs on the jeep. Should the Town consider another used vehicle? According to Kent Crawford, the starter is faulty, and should still be under warranty.</p>
NON-AGENDA ITEM	<p>Kent Crawford reports that Jerry Jensen has put in a sewer/water lateral on Astor Lane. The ditch has been open for almost 2 weeks. It has not been inspected by Bill Pierce even though it has been opened 3 or 4 times for inspection. Mr. Crawford was under the impression that he could not perform the inspections. The point was clarified: he can do lateral inspections until July, '93. The Clerk is to call the State and find out:</p> <ol style="list-style-type: none">1) Requirements for Inspector - water/sewer laterals2) What would be required to qualify Gary Proctor3) A list of qualified inspectors.

ELK RIDGE TOWN COUNCIL WORK SESSION - 1-12-93 CONT.

Councilmember Adams is to check with Salem City to see how they handle their building inspections. Further discussion on this subject is to be on the Agenda in the Work Session for the next Town Council Meeting to be held 1-26-93. Kent Crawford is to inspect the sewer/water lateral on Astor Lane

BUDGET
AMENDMENTS/
REVIEW

The Budget Message requires clarification on the lowering of the budget amount for the Sewer Reserve Fund. The changes in the budget amounts were discussed, reflecting Gary Proctor's salary, as well as reappropriation of money from the Fund Balance.

Points of Discussion:

General Government - Increase - \$21,141 to \$22,341. \$1,200 difference is from the Sewer Administration fee.

Sewer Reserve Fund - Decreased - \$29,754 to \$28,554. \$1,200 difference covers the Sewer Administration fee paid to the General Fund for Gary Proctor's salary.

The other changes took place within the 3 Funds (General, Water, Sewer). Councilmember Searle reviewed with the Council the increase of \$1,000 for "Building/Grounds operating supplies" to be covered by the increases in Non-operating Income. It was also proposed that the amount deposited into the Sewer Reserve Fund decrease from \$14.50 per connection to \$13.33, for 176 connections. This would decrease the monthly payment from \$2,465 to \$2,346. The amount would remain at \$2,346/month through the end of June, 1993. This would be one way of covering the \$1,200 increase in the Sewer Administration fee. It was noted that Kim Peterson advises that this can be done, however, he feels it would be easier to "track" by covering the \$1,200 through Non-operating Income.

ELK RIDGE TOWN COUNCIL MEETING

January 12, 1993

TIME & PLACE OF MEETING	The regular meeting of the Elk Ridge Town Council was held on Tuesday, January 12, 1993, beginning with the Work Session at 7:00 P.M. and a Public Hearing at 8:15, with the regular Council Meeting beginning at 9:30 P.M. at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah. Notice of time, place and agenda of this meeting was provided to the Payson Cronicle and to each member of the governing body by mailing a copy to each on January 8, 1993.
ROLL CALL	Mayor Bean, Councilmembers: Clayton Creek(absent), Hal Shuler, Lea Ann Adams, Tony Searle; Ernestine Folks, Ron Ririe, Clarence Foster, Rod Despain, Don Mecham, Jim Nicolet, Lee Pope, Ken Orton, Jim Winterton, Tony Schofield, Janice H. Davis, Town Clerk
INVOCATION & PLEDGE OF ALLEGIANCE	Prayer was offered by Tony Searle with the pledge of allegiance following.
APPROVAL OF AGENDA TIME FRAME	MOTION WAS MADE BY TONY SEARLE SECONDED BY LEA ANN ADAMS TO APPROVE THE AGENDA TIME FRAME AS PRESENTLY CONSTITUTED. VOTE: YES(4), NO-NONE(0). ABSENT - MAYOR BEAN(1).
PUBLIC HEARING ON THE PROPOSED REVISION AND RE- CODIFICATION OF ELK RIDGE'S DEVELOPMENT CODE	Mayor Bean opened the Public hearing on the Proposed Revision and Re-codification of Elk Ridge's Development Code (including the Subdivision Ordinance). Citizens present for the Public Hearing: Ron Ririe, Clarence Foster, Lee Pope, Don Mecham, Jim Nicolet, Jim Winterton. Issues Discussed: 1. Building size - Clarence Foster and Lee Pope object to the minimum square footage requirement increasing from 1200 square feet to 1400 square feet. They feel it creates an elitist attitude, and eliminates many good people who would not be able to afford the additional \$10,000 - \$12,000 to build a 1400 sq. ft. home (older couples, young couples).

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 1-12-93 CONT.

2. Garage Requirement - Clarence Foster expressed his feeling that the requirement, for safety's sake, should include off-road parking space; but, perhaps should not dictate that garages must be included.

3. CE-1 Zone Boundaries - Don Mecham has purchased property South of the Golf Course road, based on his understanding that his concept plan for a subdivision would be acceptable with some of his lots 1/3 acre. These smaller lots would be surrounded by "common", green belt property to maintain the esthetics of the area. The proposed boundary which separates the CE-1 zone from the R-1--15,000 zone places Mr. Mecham's property in the CE-1 zone (with a 1 acre minimum requirement). Mr. Mecham asks for reconsideration based on the slope of part of the area he wishes to develop. He feels it is no more of a slope than the majority of the already established S-1 zone (to be known as the ?R-1-15,000 zone). Ron Ririe also owns property he purchased based on the present Zoning map, the proposed boundary cuts through his property, placing approximately 1/2 in R-1-15,000 and 1/2 in CE-1. He would also like reconsideration of the boundaries. Rod Despain explained the various proposed zones. He advised that zone boundaries should be clearly definable, not according to topography. Rod Despain pointed out the choices;

1. Limit the area to R-1-15,000
2. Leave it a CE-1 - Lots no smaller than one acre
3. Change zoning to accommodate topography

Mr. Despain advises the council that the Town cannot rely on the promises of subdivision covenants but on what the Ordinance clearly states.

4. Ron Ririe, in developing Columbus Lane, feels if he develops as he has planned, one lot would be blocked from the 15,000 sq. ft. requirement. He feels he has a vested interest in the plan and seeks a 1 lot exception to the 15,000 sq. ft. requirement. Mayor Bean said that he sees no problem in working out the exception for the one lot not meeting the 15,000 sq. ft. requirement. This matter should go before the Board of Adjustments.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 1-12-93 CONT.

Rod Despain reviews the options with the Council:

1. Adopt as proposed
2. Amend
3. Reject
4. Council re-considers the issues
5. Go back to the Planning Commission with specific direction from the Council.

The Council feels that the Development Code should go back to the Planning Commission with the following recommendations:

Issues for Re consideration -

1. Building size
2. CE-1 Zone Boundaries
3. Ron Ririe 1 lot exception to R-1- 15,000 zone.
4. Garage Requirement
5. Lot size

Mayor Bean closed the Public Hearing portion of the meeting at 9:30 P.M.

WATER SHARE-
KEN ORTON

Ken Orton submitted a notarized document signed by Jim Nicolet re-assigning the right to connect to Elk Ridge Water system that was assigned to lot #2 of Plat E, Salem Hills Subdivision to the lot owned by the Eliasons on East Bridger and No. Loafer Dr. Mr. Orton requested the Council's reconsideration of the prior decision to not allocate at this time, any rights to connect to new lots seeking plat approval as a new subdivision in Elk Ridge.

REGULAR
SCHEDULE FOR
MEETINGS-1993

The Council agreed that the regularly scheduled Town Council Meetings would still be held the 2nd and 4th Tuesdays of the month. Councilmember Adams informed the Council that the Fire Department would like to meet on the 1st Tuesday of the month.

ADOPTION/
REVISION &
RE-
CODIFICATION
OF ELK RIDGE'S
DEVELOPMENT
CODE

MOTION WAS MADE BY MAYOR BEAN SECONDED BY HAL SHULER, TO SEND THE REVISION AND RE-CODIFICATION OF ELK RIDGE'S DEVELOPMENT CODE BACK TO THE PLANNING COMMISSION FOR RE CONSIDERATION OF THE FOLLOWING

- ISSUES:
1. BUILDING SIZE
 2. CE-1 ZONE BOUNDARIES
 3. RON RIRIE'S 1 LOT EXCEPTION TO THE 15,000 SQUARE FEET REQUIREMENT
 4. GARAGE REQUIREMENT
 5. LOT SIZE

VOTE: YES - MAYOR BEAN, HAL SHULER, TONY SEARLE(3), NO - LEA ANN ADAMS(1), ABSENT-CLAYTON CREEK(1).

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 1-12-93 CONT.

TONY
SCHOFIELD

Tony Schofield is the attorney retained by the Town for the condemnation process for the New Well site in Loafer Canyon. Mr Schofield advises the Council:

1. The Town (Elk Ridge) needs to have control of the Well site property

2. The Agreement submitted by Loafer Canyon Associates is very one-sided, in favor of Loafer Canyon Associates.

Choices:

1. Negotiate further

2. Condemnation Lawsuit - Control of the Towns destiny

A. Dallas Young, as the attorney for "Loafer", feels the compromise is usually the outcome, why not do this now?!

B. Mr. Schofield feels the Town must take the first step. He also advises the Council that they may want to continue the discussion in a closed (Executive) Session.

Mayor Bean expressed: 1. He is not opposed to continuing negotiations with "Loafer" in a closed session. 2. There needs to be a letter in response to Mr. Young's letter 3. He is concerned and frustrated at how long negotiations have been going on. 4. He objects that Don Cole, who is no longer an officer in Loafer Recreation Association, is active in the roll as negotiator for "Loafer". He feels Elk Ridge will not be able to come to an agreement with this man.

Mr. Schofield reports that the appraiser is ready to come up to Loafer Canyon, to the Well site, this week. Councilmember Searle is concerned about actually getting into the site with all the snow. He feels snow mobiles are required. The gate is open but he is unsure of how "passable" the road up to the site is. He needs notice to arrange the snow mobiles. Mr. Schofield is to contact Councilman Searle to arrange a meeting with the appraiser. Mr. Schofield advises that a lawsuit must be filed to obtain right of entry. Councilmember Searle would like to get right of entry as soon as possible, and negotiate after. After the "right of entry", the only thing left to negotiate is the value of the property.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 1-12-93 CONT.

Mr. Schofield is to: 1. Contact Dallas Young to remind him that he (Mr. Schofield) represents the Town and that a response to his letter is being considered. 2. Draft a law suit 3. Draft an agreement for the owners whose property will be crossed for easements.

NEW WELL- TONY SEARLE Information has already been covered earlier in the meeting.

APPROVAL OF MINUTES OF PREVIOUS MEETING MOTION WAS MADE BY TONY SEARLE SECONDED BY LEA ANN ADAMS TO APPROVE THE MINUTES OF THE PREVIOUS TOWN COUNCIL MEETING AS PRESENTLY CONSTITUTED. VOTE: YES-(4), NO-NONE(0), ABSENT-CLAYTON CREEK(1).

EQUIPMENT PURCHASE- HAL SHULER Councilmember Shuler advises the Council of the Town's need for a new Snowplow or a back-up plow. The old plow is not useful for heavy snow removal. Gary Proctor is to check on lease options.

SEWER RESERVE FUND-PAYMENT PER CONNECTION MOTION WAS MADE BY TONY SEARLE SECONDED BY HAL SHULER, TO CHANGE THE SEWER RESERVE FUND PAYMENTS, PER CONNECTION FROM \$14.50 DOWN TO \$13.33. VOTE: YES-(4), NO-NONE(0), ABSENT-CLAYTON CREEK(1).

RELIEF SNOW PLOW DRIVER Councilmember Adams reported that she and Councilmember Creek were both contacted by a resident that the roads had not been plowed in front of their residence. When approached by both Councilmembers, Mr. Proctor informed them that he had worked a 13 hour day and would get to the road when he could. Councilmember Adams posed questions to the Council: 1. Can the Town afford a relief driver? 2. A. a job description is needed for Gary Proctor, B. Council should know how many hours are spent on what, and how to keep track? C. who should he report to?

The Clerk is to check with the State on full-time employees. (laws, limits on hours, required rest, extra compensation for over time) Discussion followed.

MOTION WAS MADE BY LEA ANN ADAMS TO REQUIRE OF THE POSITION WHICH GARY PROCTOR FILLS PRESENTLY: 1. TIME CARD 2. JOB DESCRIPTION CREATED AT THE COUNCIL MEETING TO BE HELD 2-9-93 (15 MIN. ON THE AGENDA FOR THE WORK SESSION) 3. THAT HE SHOULD REPORT TO THE MAYOR. NO SECOND TO THE MOTION, MOTION WAS NOT CARRIED.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 1-12-93 CONT.

Discussion:

The suggestion was made by the Clerk for Mr. Proctor to report to the department head over the area he has been working. The Mayor feels that keeping a time card will monitor his work and the hours spent. The Mayor is to contact Gary Proctor and inform him that he needs to keep a time card. Councilmember Searle feels that once there is a job description, it will help the Council define how and to whom Mr. Proctor will report.

PROFESSIONAL
SERVICES-
CLAYTON CREEK

This agenda item was not covered due to Councilmember Creek's absence.

BUDGET
AMENDMENTS
FIRE DEPT-
LEA ANN ADAMS

Councilmember Adams reports that Bryce Rawlings would like to spend money for the purchase of equipment on air packs. He suggest budgeting more money for a brush truck next fiscal year. After July, the State will match funds for municipalities. Mr. Rawlings feels the Town needs a good, reliable brush truck.

FIRE HYDRANTS

Fire hydrants in Town are covered by ice and snow, help is needed to uncover them. 1. Councilmember Adams is to contact the Fire Department 2. Councilmember Searle is to contact the Elder's Quorums of the three Elk Ridge Wards 3. An announcement is to go out in the Newsletter urging property owners to help clear the fire hydrants closest to their property.

APPROVAL OF
EXPENDITURES
GENERAL

MOTION WAS MADE BY TONY SEARLE SECONDED BY MAYOR BEAN, TO APPROVE A CHECK FOR \$2,000 FOR APPRAISAL OF WELL SITE. (THIS REPRESENTS ABOUT 1/2 OF THE FEE, AND IS TO BE PAID "UP FRONT"). VOTE: YES(4), NO-NONE(0), ABSENT-CLAYTON CREEK.

APPROVAL OF
EXPENDITURES
FOR DECEMBER
1992

MOTION WAS MADE BY TONY SEARLE SECONDED BY LEA ANN ADAMS TO APPROVE THE EXPENDITURES FOR THE MONTH OF DECEMBER. VOTE: YES-(4), NO-NONE(0), ABSENT-CLAYTON CREEK(1).

ADJOURNMENT

MOTION WAS MADE BY TONY SEARLE SECONDED BY LEA ANN ADAMS TO ADJOURN. VOTE: YES-(4). NO-NONE(0), ABSENT - CLAYTON CREEK(1).


Town Clerk

NOTICE OF HEARING

Notice is hereby given, on Tuesday, January 26, 1993 at 8:15 P.M. the Elk Ridge Town Council will hold a meeting at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah, for the purpose of conducting a public hearing on the issue of amending the budget for the fiscal year 1992-1993 for the operation of the Town of Elk Ridge.

All interested persons shall be given an opportunity to be heard.

Dated this 12th day of January, 1993.

Posted by order of the Elk Ridge Town Council.



Town Clerk

NOTICE & AGENDA

Notice is hereby given the Town Council of Elk Ridge will hold a regular Town Council Meeting on Tuesday, January 26, 1993, beginning with the Council Work Session at 7:00 P.M., the regular Council Meeting at 8:00 P.M. and Closed Session at 9:40 P.M. The meeting will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

7:00 P.M. - COUNCIL WORK SESSION:

SESD-Ron Cooper
Animal Control-Tony Searle
Development Code/Update-Clayton Creek
Full-time Maintenance Supervisor/Job Description

8:00 P.M. - REGULAR COUNCIL MEETING AGENDA ITEMS:


8:05 Invocation & Pledge of Allegiance
8:10 Approval of Agenda Time Frame
8:15 Public Hearing on the issue of amending the budget for the fiscal year 1992-1993 for the operation of the Town of Elk Ridge.
8:30 Building Inspector-Tony Searle
8:40 Purchase/Lease of Equipment
Snowplow-Hal Shuler
Copier-Town Clerk
8:55 Snow Removal-Goosenest
9:00 CDBG-Hal Shuler
9:10 Adoption-Budget Amendments for the fiscal year 1992-1993
9:15 Contractor Insurance-Town Clerk
9:20 Approval of Expenditures/General
9:25 Fire Hydrants/Update-Tony Searle & Lea Ann Adams
9:30 Approval of Minutes of Previous Meeting
9:35 Adjournment

9:40 P.M. - CLOSED SESSION:

9:45 Potential Litigation

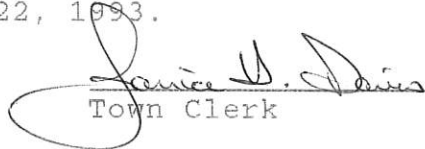
The times listed for each item and the agenda may be accelerated if time permits. All interested persons are invited to attend.

Dated this 22nd day of January 1993.


Town Clerk

CERTIFICATION

I, the undersigned, duly appointed and acting town clerk for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice and Agenda was hand carried to the Payson Chronicle, 12 South Main, Payson, Utah and mailed to each member of the governing body on January 22, 1993.



Town Clerk

ELK RIDGE TOWN COUNCIL WORK SESSION

January 26, 1993

TIME & PLACE OF MEETING

The regular meeting of the Elk Ridge Town Council was held on Tuesday, January 26, 1993 beginning with the Work Session at 7:00, with a Public Hearing beginning at 8:15 P.M., and the regular Council Meeting at 8:30 P.M. at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on January 22, 1993.

ROLL CALL

Mayor Bean, Council members: Clayton Creek, Hal Shuler, Tony Searle, Lea Ann Adams (absent); Annebel Mathews, Bill Pierce, Janice H. Davis, Town Clerk.

SESD- RON COOPER

Ron Cooper was not present

ANIMAL CONTROL- TONY SEARLE

Two Elk Ridge residents Annebel Mathews and Bill Pierce, have received a summons to appear in court for a Class B Misdemeanor for "Dogs at Large". One resident, Annebel Mathews was required to go the County Sheriff's office for processing ("booking"). This included fingerprinting and mug shots. The Council was highly apologetic to Mrs. Mathews. She reports that the officer required to process her seemed amazed and even embarrassed to process an individual for "Dogs at Large". It must be determined if there has been a misinterpretation of the County Animal Control Ordinance. Elk Ridge has adopted the County Ordinance to facilitate enforcement of the laws by the County Sheriff's Department. Mr. Bill Pierce also received a summons. Mr. Pierce was also present at the Council Meeting to inform the Council, as well as object to the non-specific date on the citation and that there is no evidence of proof that the dog in question was even Mr. Pierce's dog. Mayor Bean is to talk to the officer issuing the citations (Officer C. J. Whitney). Mayor Bean will also speak to Sheriff Dave Bateman.

Issues for clarification:

1. Definition: Dogs at Large
2. Non-specific date of violation for Bill Pierce
3. Dramatic escalation of punishment

ELK RIDGE TOWN COUNCIL WORK SESSION - 1-26-93 CONT.

4. Why were these cited as violations of the "County Ordinance" rather than Elk Ridge's Ordinance?

An amendment to Elk Ridge's Animal Control Ordinance may be necessary.

DEVELOPMENT
CODE/UPDATE-
CLAYTON CREEK

The Planning Commission met to discuss the issues of concern which the Council referred back to that body. Councilmember Searle was present at the meeting and reported that the following recommendations were made:

1. Building size - proposed 1400 sq. ft. minimum be changed back to current requirement of 1200 sq. ft. Councilmember Shuler feels the Town should not dictate the size of house a citizen should build. It was discussed that the interpretation of "life, liberty and the pursuit of happiness" can vary according to perspective.

2. The proposed CE-1 zone south of the golf course is to be reconsidered after a slope analysis is done by Rod Despain.

3. Garages will be required. There will be a special Planning Commission Meeting on Monday (2-1-93) at 5:30 p.m. to consider the CE-1 zone boundaries.

FULL-TIME
MAINTENANCE
SUPERVISOR/
JOB
DESCRIPTION

A job description is needed for the position filled by Gary Proctor, to be known as the Assistant Public Works Supervisor. Councilmember Searle feels a job description will be helpful but still will not solve all the questions as to what Mr. Proctor should be doing on a daily basis.

1. Department heads are to write job descriptions for Mr. Proctor's position

2. Mr. Proctor is to write up suggestions, as well

3. Department heads are to meet with Mr. Proctor Wednesday, February 3, 1993, at 7:00 p.m. The Town Clerk is to contact Gary Proctor and inform him of the meeting.

ELK RIDGE TOWN COUNCIL MEETING

January 26, 1993

TIME & PLACE OF MEETING	<p>The regular meeting of the Elk Ridge Town Council was held on Tuesday, January 26, 1993, beginning with the Work Session at 7:00 P.M., with a Public Hearing beginning at 8:15 P.M., and the regular Council Meeting beginning at 8:30 P.M. at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.</p> <p>Notice of time, place and agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on January 22, 1993.</p>
ROLL CALL	<p>Mayor Bean, Councilmembers: Clayton Creek, Hal Shuler, Lea Ann Adams(absent), Tony Searle; Bill Pierce, Scouts: Lukas Coates, John Meredith, Brian Thaut, Brian Tuttle, Janice H. Davis, Town Clerk</p>
INVOCATION & PLEDGE OF ALLEGIANCE	<p>Prayer was offered by Clayton Creek with the pledge of allegiance following.</p>
APPROVAL OF AGENDA TIME FRAME	<p>MOTION WAS MADE BY TONY SEARLE SECONDED BY CLAYTON CREEK, TO APPROVE THE AGENDA TIME FRAME AS PRESENTLY CONSTITUTED. VOTE: YES(4), NO-NONE(0). ABSENT - LEA ANN ADAMS(1).</p>
PUBLIC HEARING- BUDGET AMENDMENTS	<p>Mayor Bean opened the Public Hearing for the purpose of AMENDING RESOLUTION #92-6-22-6R ENTITLED THE FINAL BUDGET AND FINAL TAX RATE FOR THE FISCAL YEAR 1992/1993 FOR THE OPERATION OF THE TOWN OF ELK RIDGE. There were boy scouts present for the public hearing portion of the Council Meeting, (Scouts: Lukas Coates, John Meredith, Brian Thaut, Brian Tuttle). They were given figures of an approximate amount that the Town spends annually, as compared to the amount of revenue. The amendments were briefly reviewed by the Council. There were no further amendments and no objections to the amended budget.</p> <p>MOTION WAS MADE BY CLAYTON CREEK SECONDED BY TONY SEARLE, TO CLOSE THE PUBLIC HEARING ON THE ISSUE OF AMENDING THE BUDGET FOR THE FISCAL YEAR 1992-1993. VOTE: YES-(4), NO-NONE, ABSENT-LEA ANN ADAMS(1).</p>

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 1-26-93 CONT.

BUILDING
INSPECTOR-
TONY SEARLE

Councilmember Searle feels that as a Town, the Building Inspector needs to be backed up. Builders and contractors have reported that inspections are not done on time, and that the inspector (Bill Pierce) is difficult to contact. According to Mr. Pierce, contractors will attempt to arrange for inspections prior to work being completed. Mr. Pierce prefers to wait until the required work is done, then arrange for inspections, thus to avoid showing up for an inspection and the work being incomplete. He needs at least 24 hours notice to arrange his schedule. Councilmember Creek suggests Mr. Pierce write up a list of 5 or 6 suggestions or rules of engagement to be given to contractors at the time of issuance of building permits. Mr. Pierce suggests that when the clerks in the office get calls from contractors, that they should respond with: 1. That they must contact Mr. Pierce after the work is completed 2. Ask them if they have inspected the job site to see if inspections have been done and if the correction notice is posted.

The Town Clerk contacted the State and was informed that anyone inspecting water/sewer laterals does not need to be certified in Plumbing, nor will they after July, 1993. Mr. Pierce, however, feels that lateral inspections are covered under the Uniform Plumbing Code and may be required to be certified after July. He also stated that he would be willing to train Gary Proctor to inspect laterals. Councilmember Searle will inform Mr. Proctor of this and Mr. Proctor will contact Bill Pierce.

PURCHASE/
LEASE OF
EQUIPMENT-
SNOWPLOW-
HAL SHULER

Councilmember Shuler reports major problems with the Town's main snow plow. (clutch , drive shaft, sander) Gary Proctor has researched some prices on the lease/purchase of a new vehicle. Councilmember Shuler reviewed those figures with the council. A 10 year lease/purchase at about \$600 per month (for the entire year). That amounts to about \$7200 per year = a \$72,000 truck. The Council feels that more comparisons are needed. The Town will stay with the present snowplow for the rest of this fiscal year and perhaps consider other options for the next budget year.

COPIER-
TOWN CLERK

The Town Clerk reported that the Town's copier (Panasonic #1300), is experiencing many mechanical problems.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 1-26-93 CONT.

The visits for maintenance have increased a great deal, particularly over the last few months. It was purchased in 1986 from Yost. Yost has made an offer to sell the Town a Richo #3313 at a retail cost of \$3495. With the Panasonic #1300 as a trade-in, the price would be brought down to around \$1900 - \$2000. Along with this, Yost would include: 1) one year, 3 months of free service, including parts, labor and replacement. 2) 24,000 copies worth of toner (about 1 year's worth). The Richo #3313 could be purchased on a 2 year lease-to-own program at about \$102 per month. The Council advised Mrs. Davis to get other offers as a comparison and to place this subject on the agenda for the next Town Council Meeting. It needs to be decided if the Town is more in need of an "In-house General Ledger" or a copier at this time.

SNOW REMOVAL-
GOOSENEST

Certain residents along Goosenest would like to see if the Town would be willing to have Gary Proctor plow beyond the Elk Ridge Boundaries, and continue on around the curve on Goosenest, going through the orchards to the canal bridge. This is the County's jurisdiction; it is also an issue of the safety of Elk Ridge residents. Perhaps there could be a charge for the service. Councilmember Shuler is to call the County and see if the Town can reach an agreement with them to plow the roads for, perhaps, concessions in road repair. The Town Clerk is to contact the Goosenest residents concerned, and inform them that the Town is approaching the County.

CDBG-
HAL SHULER

Councilmember Shuler feels that this may not be the year to pursue the Block grant for the following reason:

1. If the grant funds would be used on upgrading the water line in the Goosenest area (for fire protection), the Goosenest should be included on Elk Ridge's culinary system. This cannot be forced upon the Goosenest residents; at this point, Councilmember Shuler feels the majority of the residents are not ready for this change. Perhaps in the future. Councilmember Shuler recommends: 1) that we do not go further with the grant at this time 2) Every year the Town should review the situation and reconsider the grant.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 1-26-93 CONT.

ADOPTION-
BUDGET
AMENDMENTS
FOR THE FISCAL
YEAR 1992-93

MOTION WAS MADE BY TONY SEARLE SECONDED BY MAYOR BEAN, TO ADOPT RESOLUTION #93-1-26-13R AMENDING RESOLUTION #92-6-22-6R ENTITLED THE FINAL BUDGET AND FINAL TAX RATE FOR THE FISCAL YEAR 1992-1993 FOR THE OPERATION OF THE TOWN OF ELK RIDGE. VOTE: YES-(3), NO-NONE(0), ABSENT-LEA ANN ADAMS, HAL SHULER(2).

CONTRACTOR
INSURANCE-
TOWN CLERK

Currently the Town requires Contractors to present proof of insurance for each individual job to obtain an excavation permit the purpose of digging the ditch required for the water/sewer laterals. The Council feels that if a contractor has presented proof of insurance to the Town that covers an entire year, that this is sufficient to obtain an excavation permit. If there is no proof of insurance on file with the Town, then the contractor will still need to supply that proof for a particular job to obtain an excavation permit.

APPROVAL OF
EXPENDITURES

A check was presented to the Rural Water Association in the amount of \$65.00 to register Gary Proctor for a conference to be held in St. George, on February 18-19, 1993. The Council mentioned other conferences to be attended in the future by themselves as well as Bill Pierce.

NON-AGENDA
ITEM
NEW WELL-
UPDATE

Councilmember Searle reports that the date of the meetin with the appriser is set for Thursday, January 28, 1993 at 10:00 A.M.

FIRE HYDRANTS
UPDATE-
TONY SEARLE
LEA ANN ADAMS

The fire hydrants have been cleared of ice and snow. Residents need to be reminded to keep them cleared off to prevent a hazard.

APPROVAL OF
MINUTES OF
PREVIOUS
MEETING

MOTION WAS MADE BY TONY SEARLE SECONDED BY CLAYTON CREEK, TO APPROVE THE MINUTES OF THE PREVIOUS TOWN COUNCIL MEETING AS PRESENTLY CONSTITUTED. VOTE: YES-(4), NO-NONE(0), ABSENT-LEA ANN ADAMS(1).

ADJOURNMENT

MOTION WAS MADE BY TONY SEARLE SECONDED BY MAYOR BEAN, TO ADJOURN. VOTE: YES-(4). NO-NONE(0), ABSENT - LEA ANN ADAMS(1).

CLOSED
SESSION

Potential Litigation


Town Clerk


NOTICE & AGENDA

Notice is hereby given the Town Council of Elk Ridge will hold a special Town Council Meeting on Wednesday, February 3, 1993, at 7:00 P.M. The meeting will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah. Consideration will be given to the following:

7:00 P.M.	Invocation/Pledge of Allegiance
7:05 P.M.	Assistant Public Works Supervisor/ Job Description
8:00 P.M.	Adjournment

The times listed for each item and the agenda may be accelerated if time permits. All interested persons are invited to attend.

Dated this 27th day of January, 1993.


Town Clerk

CERTIFICATION

The undersigned, duly appointed and acting town clerk for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice and Agenda was hand carried to the Payson Chronicle, 12 South Main, Payson, Utah and mailed to each member of the governing body on January 27, 1993.


Town Clerk

NOTICE & AGENDA

Notice is hereby given the Town Council of Elk Ridge will hold a regular Town Council Meeting on Tuesday, February 9, 1993, beginning with the Council Work Session at 7:00 P.M., the regular Council Meeting at 8:00 P.M. The meeting will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

7:00 P.M. - COUNCIL WORK SESSION:

Animal Control-Lea Ann Adams
Emergency Preparedness-Lea Ann Adams
Employee Benefits-Hal Shuler
SID-Review
Development Code/Review

8:00 P.M. - REGULAR COUNCIL MEETING AGENDA ITEMS:

8:05 Invocation & Pledge of Allegiance
8:10 Approval of Agenda Time Frame
8:15 Approval of Minutes of Previous Meeting
8:20 Development Code
8:30 SID-Cortez Drive
Review
Signing of Waivers
(If objections, the following is necessary:)
Appointments to the Board of
Equalization/Review
Set dates/times for Equalization Hearings
9:00 Loafer Canyon Road Assessments
9:30 New Well/Update
9:40 Employee Benefits
9:45 Approval of Expenditures:
General
Copier
For the Month of January, 1993
9:55 Approval of the Audit Proposal/Year ending
June 30, 1993
10:00 Adjournment

The times listed for each item and the agenda may be accelerated if time permits. All interested persons are invited to attend.

Dated this 5th day of February, 1993.


Town Clerk

CERTIFICATION

I, the undersigned, duly appointed and acting town clerk for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice and Agenda was hand carried to the Payson Chronicle, 12 South Main, Payson, Utah and mailed to each member of the governing body on February 5, 1993.

Janice H. Davis
Town Clerk

ELK RIDGE TOWN COUNCIL WORK SESSION

February 9, 1993

TIME & PLACE
OF MEETING

The regular meeting of the Elk Ridge Town Council was held on Tuesday, February 9, 1993 beginning with the Work Session at 7:00, with the regular Council Meeting at 8:00 P.M. at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on February 5, 1993.

ROLL CALL

Mayor Bean, Council members: Clayton Creek, Hal Shuler, Tony Searle, Lea Ann Adams; Don Mecham, Lee Haskell, Janice H. Davis, Town Clerk.

ANIMAL
CONTROL-
LEA ANN ADAMS

A letter from the Utah County Sheriff's Office was sent to Mayor Bean, as an apology for the mistake that occurred with regard to the issuance of a summons for "Dogs at large" to Mrs. Annebel Mathews. The mistake was not with the officer (C. J. Whitney); rather with a new secretary in the office, who filed a "long form" instead of a "short form" for a Class B Misdemeanor. Long forms are for more serious offenses, while a short form results in a fine. Mrs. Mathews also received apologies and Officer Whitney has spoken to her and her file was given back to her, the photos ("mugshots") will be returned when the whole roll of film is developed. Councilmember Adams advised the council that the Town should keep the violation as a Class B Misdemeanor otherwise the penalty would not be strong enough to cause residents to comply with the law. The Sheriff mentioned that if the Town decides to change it to a Class C Misdemeanor, that the Town may jeopardize the agreement with the Utah County Sheriff's Department for Police protection. Mayor Bean objected to this type of pressure from the Sheriff's Department.

EMERGENCY
PREPAREDNESS-
LEA ANN ADAMS

Councilmember Adams reports an upcoming "Simulation" of a 7.5 earthquake to be held 6-7-93 in Salt Lake County. This would include a simulation of a collapse of Deer Creek Reservoir. Several counties (Davis, Utah, Salt Lake) will be involved.

ELK RIDGE TOWN COUNCIL WORK SESSION - 2-9-93 CONT.

Interested participants will fly in from all over the United States. Councilmember Adams feels the experience and information to be gained would be valuable to residents of Elk Ridge. She was seeking the support of the Council for Elk Ridge to respond that the Town would be involved in some way. The suggestion was made that the Town could involve the volunteer team, chosen to work with the Task Force, in the "Simulation". 1) Does the Town want to be involved? 2) How much? The Town has until the end of March, 1993 to respond.

EMPLOYEE
BENEFITS-
HAL SHULER

Councilmember Shuler reports that according to the information sent to the Town from the State, that Gary Proctor should be paid overtime for hours over and above 40 hours/week. The Mayor is not convinced that Mr. Proctor works 40 hours per week. The Council feels that even though Mr. Proctor is paid a fixed monthly salary, that he needs to keep a time card recording how many hours worked in which department. The Mayor expressed his concern that Mr. Proctor was more available and did a more complete job when he was paid an hourly wage. Councilmember Searle questions the necessity of paying time and a half for overtime, and suggests paying "compensation time". The Council would like more input as to what employee benefits are required. The Clerk is to contact the Utah State Retirement Office and schedule a representative to come to the next Town Council Meeting to be held 2-23-93.

SID-REVIEW

Rod Despain reviewed with the Council the process to be followed later in the regularly scheduled session of the Council meeting;

1. Waivers eliminating the need for a public hearing to be signed by all property owners in the SID. This would constitute acceptance, on the part of the property owners, of the amounts they have been assessed.

If all property owners do not sign:

2. Board of Equalization to be appointed
3. Date and time of Public Hearing to be set. They must be on 3 consecutive days, one hour each, between the hours of 8:00 P.M. to 9:00 P.M.

Mr. Despain cautions the Council not to attempt to answer objections at this meeting, that is the purpose of the Public hearings.

ELK RIDGE TOWN COUNCIL WORK SESSION - 2-9-93 CONT.

Councilmember Adams raises the question as to whether the 12% interest rate with the 10 year payment plan, could be changed to a lower rate to come closer to the current interest rates. The answer is yes, it can be lowered. The Council discussed some of the objections already posed by two of the property owners.

Donny Welch: What happened to the property bond that was put up by the developer as security?

Norma Anderson: Mrs. Anderson paid \$2000 in developer fees which she feels should cover the road installation.

DEVELOPMENT
CODE-REVIEW

Councilmember Creek introduced Alvin Harward (newly elected Chairman of the Planning Commission), to speak to the Council on the recommendations of the Planning Commission for the Development Code. Suggestions:

1. After reconsideration, the R-1-15,000 Zone has been extended farther South and East into the CE-1 Zone South of the Golf Course. This change was mainly due to the results of a slope analysis. The property is flatter than the Planning Commission had originally felt it was. (Less than a 15 degree slope) The extension of the R-1-15,000 Zone would include Ron Ririe's property as well as a portion of Don Mecham's. Certain pieces of Payson-owned land would be "land-locked" by Don Mecham's proposed development. Mr. Mecham will approach Payson City as to the possibility of annexing that land into Elk Ridge which borders the Golf Course. Elk Ridge would be favorable to the idea, but Mayor Bean feels that Payson would not be. The Question remains as to how Payson would service those pieces of land.

2. The Planning Commission, by vote, recommends the proposed minimum square footage requirement for homes be changed from 1400 square feet back to 1200 square feet. The main reason for the change back to 1200 sq. ft. is the prohibitive cost of building a home.

The areas of reconsideration for Public hearing as follows:

1. Moving the boundary between the CE-1 Zone and the R-1-15,000 Zone
2. Minimum square footage for homes

ELK RIDGE TOWN COUNCIL WORK SESSION - 2-9-93 CONT.

3. A modification of the section on violations and penalties so to be consistent with the State Laws, which have changed.
4. A modification of the section dealing with the Planning Commission regarding the review and approval of subdivisions...giving the Planning Commission more authority rather than all of the responsibility falling on the Town Council.

ELK RIDGE TOWN COUNCIL MEETING

February 9, 1993

TIME & PLACE
OF MEETING

The regular meeting of the Elk Ridge Town Council was held on Tuesday, February 9, 1993, beginning with the Work Session at 7:00 P.M., with the regular Council Meeting beginning at 8:00 P.M. at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on February 5, 1993.

ROLL CALL

Mayor Bean, Councilmembers: Clayton Creek, Hal Shuler, Lea Ann Adams, Tony Searle; Rod Despain, Major LaMont Kinkade, Donny Welch, Pam Knight, Norma Anderson, Lynn and Pat Jacobson, LaVern Cunningham, Matt and Maureen Bushman, Don Mecham, Lee Haskell, Scouts: Brandon Williams, Justin Haskel, David Hardy, Justin Curtis, Greg Hatch, Ryan Haskell, Janice H. Davis, Town Clerk.

INVOCATION &
PLEDGE OF
ALLEGIANCE

Prayer was offered by Mayor Bean with the pledge of allegiance following.

APPROVAL OF
AGENDA TIME
FRAME

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY TONY SEARLE, TO APPROVE THE AGENDA TIME FRAME AS PRESENTLY CONSTITUTED, WITH THE EXCEPTION OF THE 9:40 AGENDA ITEM, WHICH IS MOVED TO THE NEXT COUNCIL MEETING. VOTE: YES-ALL(5), NO-NONE(0).

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 2-9-93 CONT.

APPROVAL OF MINUTES OF PREVIOUS MEETING MOTION WAS MADE BY TONY SEARLE SECONDED BY CLAYTON CREEK, TO APPROVE THE MINUTES OF THE PREVIOUS TOWN COUNCIL MEETING AS PRESENTLY CONSTITUTED. VOTE: YES-ALL(5), NO-NONE(0).

DEVELOPMENT CODE MOTION WAS MADE BY CLAYTON CREEK SECONDED BY MAYOR BEAN, TO SET PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING THE FOLLOWING ISSUES CONCERNING THE ADOPTION OF THE DEVELOPMENT CODE:

1. CE-1 BOUNDARIES
2. MINIMUM SQUARE FOOTAGE FOR HOMES
3. A MODIFICATION OF THE SECTION ON VIOLATIONS & PENALTIES SO AS TO BE CONSISTENT WITH THE STATE LAWS.
4. A MODIFICATION OF THE SECTION DEALING WITH THE PLANNING COMMISSION REGARDING THE REVIEW AND APPROVAL OF SUBDIVISIONS, GIVING THE PLANNING COMMISSION MORE AUTHORITY, RATHER THAN ALL OF THE RESPONSIBILITY FALLING ON THE TOWN COUNCIL. THE DATE FOR THE PUBLIC HEARING IS SET FOR MARCH 9, 1993. VOTE: YES-ALL(5), NO-NONE(0).

SID-CORTEZ DRIVE MOTION WAS MADE BY CLAYTON CREEK SECONDED BY TONY SEARLE, TO APPOINT THE MEMBERS OF THE TOWN COUNCIL TO SIT ON THE BOARD OF EQUALIZATION AND REVIEW FOR THE SPECIAL IMPROVEMENT DISTRICT 91-1; AND TO SET THE DATES AND TIMES FOR THE PUBLIC HEARINGS FOR THE BOARD OF EQUALIZATION TO CONSIDER OBJECTIONS AND CORRECTIONS TO ANY PROPOSED ASSESSMENTS. THE DATES SET ARE MARCH 9, 10 AND 11, 1993, BETWEEN 8:00 P.M. AND 9:00 P.M. ON EACH OF THE THREE NIGHTS. THE PUBLIC HEARING WILL BE HELD AT THE ELK RIDGE TOWN HALL, 80 EAST PARK DRIVE, ELK RIDGE, UTAH. VOTE: YES-ALL(5), NO-NONE(0).

NON-AGENDA ITEM LaMont Kinkade of the U.S. Defense Force was present to acquaint himself with the Town's business and to pick up a list of proposed members of the Elk Ridge Task Force, as a local support unit, from Councilmember Adams.

LOAFER CANYON ROAD ASSESSMENT John Peterson was present to review with the Council the Loafer Canyon Road assessments for the lots originally included in Mr. Peterson/s subdivision. Issues for discussion: 1) Procedures required to make the lots appropriate for building 2) Any other requirements, such as assessments for future widening of the road. Mr. Peterson contributed

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 2-9-93 CONT.

about \$30,000 to install a 1/2 width road (about \$14,500), the rest of the funds were to install the water line the length of the property being developed into lots. This was according to Town Standards at the time. In 1983, there was considerable road damage from flooding. FEMA money was used to put a seal cote on the entire length of the road, rather than only in front of Mr. Peterson's lots. Mr. Peterson, who was the Mayor of Elk Ridge at the time, said that FEMA money was used to: 1) clean up the debris and 2) Repair the road. (The County was willing to chip and seal the entire length of the road for the amount of FEMA money received). Rod Despain advises that the issue is not necessarily what was done with the FEMA money or that there is a question that Mr. Peterson satisfied what was required of him by the Town at the time. Rather: 1) Procedure was not done according to the laws to record a plat at the time, legally the Town could require the present law to be applied. 2) If John Peterson did what was required of him from the Town at the time, will the Town require more of him now? Mr. Despain counseled that this may be a moral judgement.

Mr. Peterson presented a plat drawing done by Art Jueschke of his six lots, including a center line description. The plat, (Loafer Canyon, Plat A), allows for a 56 ft. right of way. An amendment is needed on the Plat drawing, a 10 ft. utility easement must be included. According to Mr. Jueschke, the water line lies within the utility easement. (Mr. Jueschke also has a center line description for the entire length of Loafer Canyon Road to the County boundary. The Town should obtain this from him at the Town's expense). Mr. Peterson reports that he does have power of attorney for all six lots, and may sign off on them.

Council Decisions:

1. John Peterson's six lot plat drawing will stand, with the addition of the 10 ft. utility easement.
2. The Plat, as is, does not solve the problems of the other lots as far as road dedication goes.
3. A plat is needed showing all 10 lots, showing road dedication and centerline description. These are to be procured at the Town's expense.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 2-9-93 CONT.

4. Loafer Canyon, Plat A is to go back to the Planning Commission for proper signatures for recording.

5. Loafer Canyon, Plat A is to be back on the agenda during the regular Town Council Meeting, to be held 2-23-93, for Final Plat Approval.

Rod Despain is to check on: Costs for 1) Center line description 2) Procurement of the necessary document to secure the road.

NEW WELL-
UPDATE

Councilmember Searle reports that a meeting was held with the appraisers from Lang, Smith and Boice, Inc. They were paid their retainer fee of \$2000. The appraisers also met with Loafer Canyon Associates. Mr. Lang told Councilmember Searle that the members present from Loafer Canyon Associates were very reasonable and willing to work with the Town. The issue of the appraisal is very complex and an amount would be forth coming about the 26th or 28th of February. Elk Ridge desires right of entry before the Twon meets with Loafer, then to attempt negotiations.

NON-AGENDA

1. What is the current satus of the transfer of water rights?
A. Rod Despain is to check on this when he goes up to the State offices.
2. Mr. Despain is to turn in papers for application to the State for the 6 shares of Springville Irrigation Co.
3. Councilmember Searle has made contact with a party with shares of water to sell. (About 16 acre feet) They are not quite ready to sell. He will continue to pursue this.
4. Rod Despain reports a call to him made in behalf of the Eliasons, requesting the right to connect that was previously assigned to Jim Nicolet's second lot. The Council feels the decision had been made when the Water Share Application policy was adopted by the Council. There are no extra rights to connect according to the Policy (below 75%).

APPROVAL OF
EXPENDITURES

General: 1) The Mayor signed checks in the amount of \$110.00 and \$74.00, for Gary Proctor to go to a Conference for the Rural Water Association in St. George.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 2-9-93 CONT.

2) In the absence of Bill Pierce, Mr. Kent Partridge from Orem is conducting inspections. He charges \$25.00 per inspection
Copier: The Council suggested bringing the 3 copiers under consideration out to the Town Hall office on a trial basis.

MOTION WAS MADE BY TONY SEARLE SECONDED BY CLAYTON CREEK, TO TRY THE 3 COPIERS 1. RICOH #3313 2. CANNON NP #2020 3. MINOLTA #2150 ON A TRIAL BASIS AND TO APPROVE THE MONEY THE PURCHASE OF EQUIPMENT FUND FOR THE PURCHASE OF A COPIER FOR THE TOWN HALL OFFICE. VOTE: YES-ALL(5), NO-NONE(0).

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY LEA ANN ADAMS, TO APPROVE THE LIST OF EXPENDITURES FOR JANUARY. VOTE: YES-ALL(5), NO-NONE(0).

MOTION WAS MADE BY TONY SEARLE SECONDED BY LEA ANN ADAMS, TO APPROVE THE AUDIT PROPOSAL FROM PETERSON AND ASSOCIATES FOR THE YEAR ENDING JUNE 30, 1993. THE PROPOSED AMOUNT IS NOT TO EXCEED \$3900. VOTE: YES-ALL(5), NO-NONE(0).

ADJOURNMENT

MOTION WAS MADE BY TONY SEARLE SECONDED BY CLAYTON CREEK TO ADJOURN. VOTE: YES-ALL(5), NO-NONE(0).


Town Clerk

NOTICE & AGENDA

Notice is hereby given the Town Council of Elk Ridge will hold a regular Town Council Meeting on Tuesday, February 23, 1993, beginning with the Council Work Session at 7:00 P.M., the regular Council Meeting at 8:00 P.M. The meeting will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

7:00 P.M. - COUNCIL WORK SESSION:


Loafer Canyon Rd. Assessment
Review
SID 91-1/Council/Review

8:00 P.M. - REGULAR COUNCIL MEETING AGENDA ITEMS:

8:05 Invocation & Pledge of Allegiance
8:10 Approval of Agenda Time Frame
8:15 Utah State Retirement/Ann Warlaumont
8:45 Loafer Canyon, Plat A-Final Plat Approval
9:00 Loafer Canyon Rd.-LDS Church Property
Assessment
9:15 New Well-Update-Tony Searle
9:25 Water Rights-Update
9:30 Approval/Member of Planning Commission
9:30 Approval of Expenditures:
General
Clerks' Conferences (UMCA & ULCT)
9:40 Adjournment

The times listed for each item and the agenda may be accelerated if time permits. All interested persons are invited to attend.

Dated this 19th day of February, 1993.


Town Clerk

CERTIFICATION

I, the undersigned, duly appointed and acting town clerk for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice and Agenda was hand carried to the Payson Chronicle, 12 South Main, Payson, Utah and mailed to each member of the governing body on February 19, 1993.


Town Clerk

ELK RIDGE TOWN COUNCIL WORK SESSION

February 23, 1993

TIME & PLACE
OF MEETING

The regular meeting of the Elk Ridge Town Council was held on Tuesday, February 23, 1993 beginning with the Work Session at 7:00, with the regular Council Meeting at 8:00 P.M. at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on February 19, 1993.

ROLL CALL

Mayor Bean, Council members: Clayton Creek, Hal Shuler, Tony Searle, Lea Ann Adams; Janice H. Davis, Town Clerk.

LOAFER CANYON
ROAD
ASSESSMENT

After discussion, the Council decided to change the assessment amounts for the lots in John Peterson's original subdivision.

1. Loafer Canyon, Plat A:
For the 6 lots included in Mr. Peterson's new plat, there will be no further road assessment charged to these lots.

Based on:

- A. Mr. Peterson's prior contribution for installing the road
 - B. Lots are either sold or in the process of being sold as approved, buildable lots.
 - C. Chip and seal process for widening the road in front of these lots is considerably less expensive than the "Hot Mix" that will be used further north on Loafer Canyon Road. An SID would be required to widen the road.
2. The Town cannot collect on the lots already built upon: Peterson (170 ft.), Kellum (110ft.), LeBaron (130 ft.).
 - A. SID would be required
 - B. 410 ft. (approximately) needed to be reapportioned
3. LDS Church Property
 - A. Assessment is 100% of the road assessment (\$13.86/ linear ft.)

ELK RIDGE TOWN COUNCIL WORK SESSION - 2-23-93 CONT.

Based on:

- A. Road assessment can be figured into the selling price of the lot, SID not required.
- B. The type of road improvement, "Hot Mix", that will be required in front of the Church property is more expensive than the chip and seal process that will be used further south.

SID 91-1

A letter was submitted to the Town by the Bushmans, stating questions and objections to the SID assessments. The Council is to research these questions. (Copies were given to each Councilmember) Mayor Bean is to contact John Peterson, Lea Ann Adams is to contact Alvin Harward, Tony Searle is to contact Randy Lindstrom and Hal Shuler is to contact Ken Harris. All of these gentlemen were key figures in the Town government at the time in question.

The Town Clerk reports that Rod Despain would advise the Council not to argue or feel a necessity to answer objections in the public hearing.

The Council discussed issues concerning the history of Koyle Cram's property bond and the development of Cortez Drive and Ocampo Lane.

ELK RIDGE TOWN COUNCIL MEETING

February 23, 1993

TIME & PLACE OF MEETING	<p>The regular meeting of the Elk Ridge Town Council was held on Tuesday, February 23, 1993, beginning with the Work Session at 7:00 P.M., with the regular Council Meeting beginning at 8:00 P.M. at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.</p> <p>Notice of time, place and agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on February 19, 1993.</p>
ROLL CALL	<p>Mayor Bean, Councilmembers: Clayton Creek, Hal Shuler, Lea Ann Adams, Tony Searle; Ann Warlaumont, Jim Nicolet, Janice H. Davis, Town Clerk.</p>
INVOCATION & PLEDGE OF ALLEGIANCE	<p>Prayer was offered by Hal Shuler with the pledge of allegiance following.</p>
APPROVAL OF AGENDA TIME FRAME	<p>MOTION WAS MADE BY CLAYTON CREEK SECONDED BY TONY SEARLE, TO APPROVE THE AGENDA TIME FRAME AS PRESENTLY CONSTITUTED. VOTE: YES-ALL(5), NO-NONE(0).</p>
UTAH STATE RETIREMENT- ANN WARLAUMONT	<p>Ann Warlaumont, from the Utah State Retirement Systems was present to review the State's program with the Council.. The cost, per employee is 7.16% if the employees gross pay. Employees with 20 hours/week or more qualify. It is a non-contributory program, meaning that the employee does not contribute. She did not have answers concerning overtime and comparisons of employee benefits. She recommended contacting the State Dept of Labor (Industrial Commission). Councilmember Shuler suggested that the Clerk contact Dora Edvalson at the Payson City Offices for information. Ms. Warlaumont distributed a pamphlet explaining the State's program and reviewed the contents with the Council.</p>
LOAFER CANYON PLAT A - FINAL PLAT APPROVAL	<p>In the absence of John Peterson, the Plat drawing was reviewed by the Council.</p> <ol style="list-style-type: none">1. Utility easements were included2. Plat passed the Planning Commission for Preliminary Plat Approval

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 2-23-93 CONT.

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY LEA ANN ADAMS, TO GIVE FINAL PLAT APPROVAL TO LOAFER CANYON, PLAT A. VOTE: YES-ALL(5), NO-NONE(0).

LOAFER CANYON ROAD- LDS CHURCH PROPERTY ASSESSMENT

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY TONY SEARLE, TO REAPPORTION THE ROAD ASSESSMENTS AS A OUTLINED IN THE WORK SESSION.

ALREADY EXISTING HOMES - 0%
LOAFER CANYON, PLAT A (6 LOTS) - 0%
LDS CHURCH PROPERTY - 100%
VOTE: YES-ALL(5), NO-NONE(0).

NEW WELL
UPDATE-
TONY SEARLE

The Town's attorney for the condemnation process, Mr. Tony Scholfield, was appointed to a position in the State Government. His associate, Mr. Creg Carlile, is working with the Town. Mr. Schofield says he will still work with Mr. Carlile on the case; but, Mr. Carlile feels it will be mainly him representing the Town. Mr. Carlile assured Councilmember Searle that the Town would have a cost figure for the appraisal of the New Well site property by the end of the current week. Information had been faxed to the Mayor's residence which included an appraisal figure. The Town should have right of entry about 30 days after the appraisal figure is received. The Council discussed the problem of timing with regard to closing the loan. The Town needs right of entry to close the loan from the State. The Town Clerk is to contact Ken Chamberlain and ask him to contact Michael Georgeson from the State to find out if there is any way to solve this. What does the Town have to do to get the loan closed so as to obtain the money necessary for right of entry? Mrs Davis will notify Councilmember Searle of information received.

WATER RIGHTS-
UPDATE

1. Councilmember Searle reports that the transfer of water shares from Springville Irrigation Stock Co. to the Town will receive opposition from Springville Irrigation Co. The state requires more than a deed: A. Certificate from Ron Ririe in the name of the Town.
2. A party in Springville, with water shares available, has finally decided to move forward and is willing to sell those rights to the Town. Elk Ridge needs to make an offer.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 2-23-93 CONT.

Councilmember Searle already made a verbal offer. A written offer is needed. The Town Clerk is to check the minutes of Council Meetings in an attempt to find the date of the meeting and amount of money authorized for the purchase of these water rights. Councilmember Searle remembers the amount to be \$400 per transferable share. Mayor Bean also recalls the same amount.

The following should be noted in the offer:

A. Shares must transfer B. The Town needs funds for the loan from the State to purchase shares. There is \$50,000 available, from the loan for the purchase of water rights.

3. Councilmember Searle reports that according to Rod Despain, the State is starting to move on the other shares the Town has applied for. There is an indication that the Town will get a portion of those transferred, but not all. There are no numbers available at this time.
4. Ken Orton, representing the Eliasons, proposes that the Town accept a cash bond for 1 1/2 times the amount necessary to obtain a right to connect. This would be in lieu of a water share to present to the Town. This is based on his knowledge that the Town is actively pursuing the purchase and transfer of water rights. Mr. Orton also informed the Council of a well in Spanish Fork. He said there is a willingness on the part of the owner to transfer some of these rights. If the Town is not interested in pursuing the lead, Mr. Orton is. The council advised Mr. Orton that the Town would pursue the lead, and if they are transferable, there could be a possible advance of a right to connect. Councilmember Searle is to follow up on this information.

APPROVAL/
MEMBER OF
PLANNING
COMMISSION

Councilmember Creek presented the names of Henry and Elizabeth Bankey and Pat Jacobson for discussion and consideration for members of the Planning Commission to replace Steve Walker, who is retiring due to health problems. (Mr. Walker will also need to have his place filled for the Board of Adjustments). Regarding the Bankeys, the Council felt there should be a longer period of time for citizens to establish residency before serving on a governing body of the Town.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 2-23-93 CONT.

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY MAYOR BEAN, TO APPROVE PAT JACOBSON AS A MEMBER OF THE PLANNING COMMISSION. VOTE: YES-ALL(5), NO-NONE(0).

APPROVAL OF
EXPENDITURES

General:


1. A bill submitted from Tony Schofield in the amount of \$1,485 was presented to the Council. The Council approved payment.
2. Bryce Rawlings would like the Council to consider how much money could be budgeted into next year's budget for the purchase of a brush truck. The State will "match funds" with municipalities. Mr. Rawlings is submitting a form to the State requesting information and guidelines to apply for this grant.

Conferences:

Jan Davis reports 3 conferences coming up for the Clerks in the office. One in Moab for the Town Clerk, in in St. George presented by ULCT for both the Clerk and Deputy Clerk, and one in Ogden for the Treasurer. The Council approved attendance at these conferences, as long as the expenditures remain within the budgeted amount.

ADJOURNMENT

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY TONY SEARLE TO ADJOURN. VOTE: YES-ALL(5), NO-NONE(0).


Town Clerk

NOTICE & AGENDA

Notice is hereby given that the Town Council of Elk Ridge will hold two public hearings. One is the first of three hearings to be held on three consecutive nights, wherein the duly appointed Board of Equalization and Review on the assessment proposed to be levied on the property within Special Improvement District No. 91-1, will hear and consider any objections to and make any corrections of any proposed assessments which the Board may deem unjust. The other public hearing will be for the purpose of receiving public comment concerning recommended amendments to the proposed revision and recodification of the Town's zoning and subdivision ordinances. These will be held in conjunction with a regular Town council Meeting on Tuesday, March 9, 1993, beginning with a Closed Session at 7:00 P.M., and the regular Council Meeting beginning at 7:55 P.M. The meeting will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

7:00 P.M. - COUNCIL CLOSED SESSION:

Potential Litigation

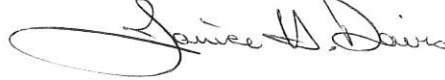
REGULAR COUNCIL MEETING AGENDA ITEMS:

7:55 P.M.	Invocation & Pledge of Allegiance
7:57	Approval of Agenda Time Frame
8:00	Public Hearing-Board of Equalization for Special Improvement District #91-1
9:00	Public Hearing-Proposed revision and recodification of the Town's zoning and subdivision ordinances
9:15	Ken Orton/Barbara Eliason
9:25	Loafer Canyon Rd./LDS church Property
9:35	Adoption-Proposed revision and recodification of the Town's zoning and subdivision ordinances
9:40	Renewal/Utah County Sheriff's Dept. Contract
9:45	Roads: Repair/film-Mayor Bean State Reimbursement/Snow Removal- Lea Ann Adams
10:15	New Well-Update Appraisal
10:20	Fire hydrant-Tony Searle
10:25	Approval of Expenditures: General Copiers Month of February
10:40	Approval of the Minutes of the Previous 2 Meetings
10:45	Adjournment

The times listed for each item and the agenda may be accelerated if time permits. All interested persons are invited to attend.

Dated this 5th day of March, 1993.

Town Clerk



CERTIFICATION

I, the undersigned, duly appointed and acting town clerk for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice and Agenda was hand carried to the Payson Chronicle, 12 South Main, Payson, Utah and mailed to each member of the governing body on March 5, 1993.



Town Clerk

ELK RIDGE TOWN COUNCIL WORK SESSION

March 9, 1993

TIME & PLACE OF MEETING The regular meeting of the Elk Ridge Town Council was held on Tuesday, March 9, 1993, beginning with a Closed Session at 7:00, with the regular Council Meeting at 7:55 P.M. at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on March 5, 1993.

ROLL CALL Mayor Bean, Council members: Clayton Creek, Tony Searle, Lea Ann Adams Hal Shuler(absent); Rod Despain, Janice H. Davis, Town Clerk.

CLOSED SESSION
POTENTIAL
LITIGATION Mayor Bean opened the Closed Session at 7:10 pm. The Mayor adjourned the Closed Session at 7:50 pm.

ELK RIDGE TOWN COUNCIL MEETING

March 9, 1993

TIME & PLACE OF MEETING The regular meeting of the Elk Ridge Town Council was held on Tuesday, March 9, 1993, beginning with a Closed Session at 7:00 P.M., with the regular Council Meeting beginning at 7:55 P.M. at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on March 5, 1993.

ROLL CALL Mayor Bean, Councilmembers: Clayton Creek, Hal Shuler, Lea Ann Adams, Tony Searle; Rod Despain, Ron Thomas, Gary Proctor, Jim Nicolet, Ken Orton, Barbara Eliason, John Ayer, Ron Cooper, Lorna Shute, Kimbal Shute, Bill Pierce, Lynn & Pat Jacobson, Matthew & Maureen Bushman, Donny Welch. Janice H. Davis, Town Clerk.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 3-9-93 CONT.

INVOCATION & PLEDGE OF ALLEGIANCE Prayer was offered by Lea Ann Adams with the pledge of allegiance following.

APPROVAL OF AGENDA TIME FRAME MOTION WAS MADE BY TONY SEARLE SECONDED BY LEA ANN ADAMS TO APPROVE THE AGENDA TIME FRAME AS PRESENTLY CONSTITUTED. VOTE: YES-ALL(5), NO-NONE(0).

8:00 P.M. MAYOR BEAN ADJOURNED THE COUNCIL FROM THE REGULAR SESSION OF THE TOWN COUNCIL MEETING AND MOVED INTO THE BOARD OF EQUALIZATION PUBLIC HEARING FOR SPECIAL IMPROVEMENT DISTRICT 91-1

The minutes from the three meetings held March 9, 10, 11 (8:00 - 9:00 PM) are not included, as these meetings are separate from the Town Council Meeting.

9:00 P.M. MOTION WAS MADE BY CLAYTON CREEK SECONDED BY TONY SEARLE, TO CLOSE THE PUBLIC HEARING FOR THE BOARD OF EQUALIZATION FOR SID 91-1. VOTE: YES-ALL(5), NO-NONE(0).

AT THIS TIME MAYOR BEAN RE-OPENED THE REGULAR SESSION OF THE TOWN COUNCIL MEETING AND ALSO OPENED THE PUBLIC HEARING ON THE PROPOSED REVISION AND RECODIFICATION OF THE TOWN'S ZONING AND SUBDIVISION ORDINANCE.

Councilmember Creek reviewed the four issues to be addressed:

1. Square footage requirement (single dwelling homes)
2. CE-1 zone boundaries
3. Amendment to section as penalties to be consistent with the State laws, which have changed.
4. Modification of the section dealing with the powers of the Planning Commission.

Discussion was opened to the public. (Those present: Mayor Bean, Clayton Creek, Tony Searle, Lea Ann Adams, Hal Shuler; Bill Pierce, Jim Nicolet, Ron Cooper, Lynn and Pat Jacobson, Barbara Eliason, Rod Despain, Jan Davis).

Bill Pierce suggested the 1200 square foot minimum requirement be redefined. Rod Despain and the council discussed changes.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 3-9-93 CONT.

Minimum requirement for the main living area will remain at 1200 square feet. Ron Cooper feels that if homes are too small and "boxlike", it would bring down the value of the surrounding homes.

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY TONY SEARLE, TO CLOSE THE PUBLIC HEARING FOR THE PROPOSED DEVELOPMENT CODE. VOTE: YES-ALL(5), NO-NONE(0).

KEN ORTON/
BARBARA
ELIASON

According to Wes Waters (owner of the water shares pending transfer to the Town), Elk Ridge may obtain a portion of the shares applied for. Ken Orton wants to know if the Town will advance a right to connect to the Eliasons, based on the transfer looking favorable. He feels that a cash bond offer shows good faith. Ken Orton presented an alternate proposal to assign a share of Goosenest Water Co. as collateral. Rod Despain commented that this could be considered an expression of "good faith" rather than being of tangible value. Councilmember Creek advised that this advance to the Eliasons would set a dangerous precedent. Councilmember Searle reminded the Council that the Water Share Application Policy has already been adopted. Mayor Bean suggested that the Town Council should wait for the State's decision to transfer before any advance occurs. Mrs. Eliason is to turn in a Water Share Application with a deposit, and when a right to connect is available, she and Mr. Eliason (or rather their lot) will be first to be considered for allocation.

LOAFER CANYON
ROAD/LDS
CHURCH
PROPERTY

The Council reviewed information pertaining to the Church Property. Realtor, Lee Ryan, needs information on the property for closing purposes:

1. Verification of 2 rights to connect for Lot #10
 - A. John Peterson presented proof that he has paid for 3 water rights in 1978, 1 for Lot #8, 2 for Lot #10 (Church Property). It was noted on the signed plat drawing.
 - B. Copy of written receipt the \$3500 development fees paid for Lots #8, #10. (\$2,000 per lot plus \$1,500 for the 3 water rights, 1 for #8, 2 for #10)
 - C. Mayor Bean had authorized a letter of verification to Mr. Ryan, based on the proof received.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 3-9-93 CONT.

2. Road assessment cost

Mayor Bean added that the Council should consider 2 issues:

1. Stay with 100% assessment
2. Abandon the idea of widening Loafer Canyon Road and attempting to turn it into a collector-type road.

He also feels an SID along the south portion of the road would be very difficult, as the road is already in. Since the Town is currently having problems with the SID on Cortez Drive, he feels it would be worse on Loafer Canyon Road.

Councilmember Creek expressed the view that as difficult as it is to collect on an SID, as much of the necessary funds should be gathered up front from those wishing to develop property on Loafer Canyon Road. He advised that the Town has struggled to gain the position currently held, and that the Council should maintain this position. Councilmember Creek and Councilmember Searle feel it is important to obtain title to the portion of road included in the road dedication. Councilmember Shuler feels the Church Property should receive the same consideration as the rest of John Peterson's lots. Councilmember Creek suggests that the Council had already made a decision on the assessment for the LDS Church Property and that, for now, it should remain at 100%. If there are other matters to consider, as far as the road assessment, the subject should be moved to the Work Session of the next Council Meeting.

ADOPTION-
DEVELOPMENT
CODE

There was no further discussion.

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY TONY SEARLE, TO ADOPT THE PROPOSED REVISION AND RE-CODIFICATION OF THE TOWN'S ZONING AND SUBDIVISION ORDINANCES WITH THE FOLLOWING MODIFICATION:

SECTION 10-5-2.9 1-B.1 1300 TO 1400 SQ. FT.

B.2 800 TO 1000 SO. FT.

INCLUDING THE PROPOSED CHANGES IN THE CE-1 AND R-1-
15,000 BOUNDARIES NORTH AND NORTHEAST OF THE GOLF
COURSE,

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 3-9-93 CONT.

AND THE MODIFICATIONS IN THE AREAS OF PENALTIES AND POWERS OF THE PLANNING COMMISSION TO MEET STATE REQUIREMENTS.

Discussion: Councilmember Shuler is not in favor of the changes in section 10-5-2.9 (B-1 & B-2). He feels the Town should not dictate the size of homes.

VOTE: YES-(3), MAYOR BEAN, TONY SEARLE, CLAYTON CREEK, NO-(2), LEA ANN ADAMS, HAL SHULER.

The changes in the square footage requirements would reflect in all residential zones.

Councilmember Adams feels the definition of the changes made the ordinance more difficult to understand, when more clarity was sought.

RENEWAL/UTAH
COUNTY
SHERIFF'S
DPT. CONTRACT

Councilmember Adams has reviewed the new contract and reports no change from last years. She recommends that the Town stays with \$22.50 per hour for a total of 60.8 hours for preventative patrol, in addition to the necessary response to calls per year; and \$22.50 per hour for a total of 40 hours for animal control patrol until December 31, 1993. Councilmember Creek suggested patrol should increase during the summer. Ron Cooper suggested an increase of early morning and evening patrol around the stop signs in town.

MOTION WAS MADE BY LEA ANN ADAMS SECONDED BY CLAYTON CREEK, TO ACCEPT THE UTAH COUNTY SHERIFF'S DEPARTMENT CONTRACT RENEWAL FOR SERVICES RENDERED IN 1993. VOTE: YES-ALL(5), NO-NONE(0).

ROADS
FILM-
MAYOR BEAN

Bryce Rawlings and Ron Thomas were present to inquire what the Council's plans are for immediate and long term road repair. They commented that the roads have been neglected, now they are at a major break-up point. Ron cooper recalled that while he was the Councilmember over roads, the annual chip and seal was substituted for installing the dugway. The Town has not recovered from that pause in routine. Councilmember Shuler responded with a plan to patch where necessary and then to chip and seal as funds permit. He plans to work with the County as much as possible. The Mayor presented a video on West Pro patching material.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 3-9-93 CONT.

It is an excellent product, though very cost prohibitive. Ron Cooper said that SESD tried some out and found it to be not only very expensive, but the road surface where it is applied has to be in fairly good condition. Most roads in Elk Ridge are not.

Councilmember Shuler recommends:

1. West Pro for specialized patching
2. Cold mix - apply to major pot holes even though it would be temporary. Safety is a factor, the Town is liable. (Bryce Rawlings says Cold mix can be obtained year round from Harry Davis).

Cost:	3,000 lbs	\$850	West Pro
	1 ton /	\$35	Cold Mix

Gary Proctor is to use the old snow plow for cold mix and to obtain the cold mix as soon as possible. Jim Nicolet suggested that the Town charge a road impact fee with the fees on building permits. The heavy trucks and equipment necessary for building cause undo wear and tear on the roads. Those building should be responsible.

STATE
REIMBURSEMENT-

According to Councilmember Adams the State Government is to reimburse cities and towns for snow removal costs due to a State of Emergency having been declared. Councilmember Shuler is to complete a survey and turn it in to FEMA as soon as possible. This would include repairs on the snow plow and plowing by H.E. Davis.

DUGWAY

The rocks on the road (dugway) are as dangerous as the potholes. Bryce Rawlings suggest a plan:

1. get rocks off the road
2. put up guard rail
3. take care of the erosion problem (long term).

Gary Proctor feels the priorities are the opposite:

1. take care of the erosion problem (this causes the rocks to get onto the road)
2. clear rocks off road
3. then put up guard rail (If the guard rail is put up before the erosion problem is solved, the Town would have to hire a front-end loader to lift rocks over the rail rather than being able to scrape them off the road with the plow)

It was suggested that chain link fencing be used to hold back the falling rocks and eroding soil.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 3-9-93 CONT.

Gary Proctor is assigned the following:

1. Call State, is there fencing available?
2. Call National Guard, could the town use any heavy equipment?
3. Are prison workers available?
4. Plow the dugway daily, if necessary, to keep it clear of rocks

NEW WELL-
UPDATE-
APPRAISAL

The Mayor and Councilmember Searle are to meet with the attorney and the appraiser to discuss the appraisal Thursday, 3-11-93.

FIRE HYDRANT-
TONY SEARLE

Councilmember Searle reports 1) a major leak in the fire hydrant by the LDS Church. Badger Construction was called in to repair it. A) Hydrants must be turned all the way off/on or they break. 2) The hydrant up by the McKees on Lakeview is broken.

MOTION WAS MADE BY TONY SEARLE SECONDED BY CLAYTON CREEK, FOR THE COUNCIL TO APPROVE UP TO \$1100 TO REPAIR THE FIRE HYDRANT UP BY THE MCKEES. VOTE: YES-ALL(5), NO-NONE(0).

APPROVAL OF
EXPENDITURES

1) Gary Proctor is to rent a tamper at 150/week for road repair 2) The Clerk was instructed not to pay the rest of the bill to the appraiser until otherwise informed 3) Insurance Coverage (E & O, vehicle coverage) The Clerk reports the only change in the policy from last year is the additional charge for the jeep which wasn't included last year.

MOTION WAS MADE BY TONY SEARLE SECONDED BY LEA ANN ADAMS, TO APPROVE THE RENEWAL OF THE TOWN'S E & O AND VEHICLE COVERAGE FOR THE ANNUAL AMOUNT OF \$6,610.00 for 1993. VOTE: YES-ALL(5), NO-NONE(0).

COPIER - After consideration for over 2 weeks, and using the various copiers in the office, the Town Clerk recommended the Cannon NP 2020. The lease/purchase agreement will be for 2 years. The total cost is \$2343.00 at \$116/mo. The maintenance agreement is lower than the other copiers because Cannon has the State Contract. (.0093/copy) at approximately 20,000 copies per year = \$186.00 per year.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 3-9-93 CONT.

MOTION WAS MADE BY TONY SEARLE SECONDED BY CLAYTON CREEK, TO APPROVE THE LIST OF EXPENDITURES FOR FEBRUARY. VOTE: YES-ALL-(5), NO-NONE(0).


APPROVAL OF
MINUTES OF
PREVIOUS 2
MEETINGS

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY LEA ANN ADAMS, TO APPROVE THE MINUTES OF THE TOWN COUNCIL MEETING OF 2-23-93 WITH THE FOLLOWING CHANGE; STRIKING THE APPRAISAL FIGURE FROM PAGE 26, PARAGRAPH 3. VOTE: YES-ALL(5), NO-NONE(0).

MOTION WAS MADE BY TONY SEARLE SECONDED BY MAYOR BEAN, TO ACCEPT THE MINUTES OF THE TOWN COUNCIL MEETING HELD 2-9-93 AS PRESENTLY CONSTITUTED. VOTE: YES-ALL(5), NO-NONE(0).

ADJOURNMENT

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY TONY SEARLE, TO ADJOURN. VOTE: YES-ALL(5), NO-NONE(0).


Town Clerk

NOTICE & AGENDA

Notice is hereby given the Town Council of Elk Ridge will hold a regular Town Council Meeting on Tuesday, March 23, 1993, beginning with the Council Work Session at 7:00 P.M., the regular Council Meeting at 8:00 P.M. The meeting will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

7:00 P.M. - COUNCIL WORK SESSION:

SESD
Dugway
SID 91-1/Board of Equalization
Loafer Canyon Rd. Assessment
Review/Church Property

8:00 P.M. - REGULAR COUNCIL MEETING AGENDA ITEMS:

8:05	Invocation & Pledge of Allegiance
8:10	Approval of Agenda Time Frame
8:15	Bryce Rawlings/Purchase of Equipment
8:20	Emergency Preparedness/Lea Ann Adams
8:25	Loafer Canyon Rd. Assessment/LDS Church Property
8:30	SID 91-1 Board Of Equalization/Review
8:40	New Well-Update-Tony Searle
8:45	Water Rights-Update/Allocation Policy
9:00	Roads:
	Repairs/General
	Laterals
	Dugway
	FEMA Survey/Update-Hal Shuler
9:20	Approval of Expenditures:
	General
	Clerks' Conferences (UMCA & ULCT)
9:30	Approval of the Minutes of the Previous Meeting
9:35	Budget 1993-1994
9:40	Adjournment

The times listed for each item and the agenda may be accelerated if time permits. All interested persons are invited to attend.

Dated this 19th day of March, 1993.


Town Clerk

Town Council Agenda
3-23-93

CERTIFICATION

I, the undersigned, duly appointed and acting town clerk for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice and Agenda was hand carried to the Payson Chronicle, 12 South Main, Payson, Utah and mailed to each member of the governing body on March 19, 1993.



Town Clerk

ELK RIDGE TOWN COUNCIL WORK SESSION

March 23 1993

TIME & PLACE OF MEETING	<p>The regular meeting of the Elk Ridge Town Council was held on Tuesday, March 23, 1993, beginning with the Work Session at 7:00 PM, and the regular Council Meeting at 8:00 P.M. at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.</p> <p>Notice of time, and place an agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on March 19, 1993.</p>
ROLL CALL	<p>Mayor Bean, Council members: Clayton Creek, Tony Searle, Lee Ann Adams, Hal Shuler; Rod Despain, Janice H. Davis, Town Clerk.</p>
SESD- RON COOPER	<p>Ron Cooper was not present.</p>
DUGWAY	<p>Councilmember Shuler has nothing to report at this time. This Agenda item is moved to the next Work Session.</p>
SID 91-1 BOARD OF EQUALIZATION	<p>Mayor Bean adjourned the Work Session of the Regular Town Council Meeting and opened the meeting of the Boar of Equalization for the purpose of reviewing grievances and information. Discussion and recommendations are contained within the minutes of the board or Equalization Meetings. Mayor Bean moved out of the Meeting of the Board of Equalization and back into the Work Session of the regular Town Council Meeting.</p>
LOAFER CANYON ROAD ASSMNT- REVIEW/CHURCH PROPERTY	<p>Due to a lack of time, discussion was postponed.</p>

ELK RIDGE TOWN COUNCIL MEETING

March 23 1993

TIME & PLACE OF MEETING	<p>The regular meeting of the Elk Ridge Town Council was held on Tuesday, March 23, 1993, beginning with the Work Session at 7:00 PM, and the regular Council Meeting at 8:00 P.M. at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.</p> <p>Notice of time, and place an agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on March 19, 1993.</p>
ROLL CALL	<p>Mayor Bean, Council members: Clayton Creek, Tony Searle, Lee Ann Adams, Hal Shuler; Rod Despain, Janice H. Davis, Town Clerk.</p>
INVOCATION & PLEDGE OF ALLEGIANCE	<p>Prayer was offered by Tony Searle with the pledge of allegiance following.</p>
APPROVAL OF AGENDA TIME FRAME	<p>MOTION WAS MADE BY TONY SEARLE SECONDED BY CLAYTON CREEK, TO APPROVE THE AGENDA TIME FRAME AS PRESENTLY CONSTITUTED, WITH THE REMOVAL OF THE 8:25 AGENDA ITEM. VOTE: YES-ALL(5), NO-NONE(0).</p>
BRYCE RAWLINGS PURCHASE OF EQUIPMENT	<p>Mr. Rawlings, as Fire Chief, wants to know if the Council is interested in a program from the State where they will match funds for the purchase of emergency equipment. He wants to know how much money would be available. There is \$1,015 in a Capital Projects fund as well as \$3,565 under Equipment in the General Fund. Totaling the 2 amounts, \$4,580 (or about \$5,000) would be available if funds could be matched. The Council directed Mr. Rawlings to submit a plan including short range goals, according to priority. The application to be sent in to the State indicate that this program is for the purchase of emergency "medical" equipment, such as an ambulance; and a fire truck may not be possible. Rod Despain is to check on this. Mr. Rawlings suggests that the Town needs a smaller "brush truck" (pick up) to be able to get up into the hills. There is also a need for eventually getting another large fire truck.</p>

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 3-23-93 CONT.

He also advised that it would be better to seriously consider funding an additional bay area, so there would be a place to park any equipment purchased. The Council would like some cost figures to consider along with a list of goals from Mr. Rawlings.

EMERGENCY
PREPAREDNESS/
LEA ANN ADAMS

Councilmember Adams is to attend a meeting on 3-23-93 about the earthquake simulation. Contact has been made with the emergency preparedness specialist in the LDS 1st Ward, as far as Councilmember Adams knows, there are none in the other 2 Wards.

Lucretia Thayne was the representative and is a bit reticent to be involved again in a leadership position, but would like to serve on the committee. A volunteer committee (team) is needed to work with the Utah Task Force. the committee would go into individual levels of preparedness and give suggestions where needed.

SID 91-1
BOARD OF
EQUALIZATION/
REVIEW

An alternate plan for Assessment adjustment was discussed by Councilmember Creek. All assessments would decrease \$300 with an exception of the Bushmans, which would have \$625 off of theirs. The adjustment amount would vary for the Bushmans based on the number of years living with substandard conditions as far as the road is concerned. The Council felt that although their sympathies lie with the Bushmans, that the explanation would be vague and would not be totally fair to all property owners involved. An equal amount will be deducted from each of the assessments. Rod Despain is to prepare the official document of recommendation from the Board of Equalization to the council at the next Town Council Meeting.

NEW WELL/
UPDATE-
TONY SEARLE

Councilmember Searle met with the appraiser, the original estimate of \$42,050 remains as such. The appraiser accompanied Councilmember Searle, on snowmobiles, up to the New Well site. The engineer advises that the well site cannot be cut down from 2 lots due to the need of a protection zone.

1. Attorney to file information with the court to get right of entry.
2. Short term loan to pay appraisal cost may be necessary.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 3-23-93 CONT.

3. Water rights to be paid for prior to closing. Rod Despain feels the Town may be able to get by on purchase agreements.

4. Councilmember Searle's greatest concern: The State will not give the Town the loan unless they are confident that enough funds are available to complete the project. \$48,000 of the loan money was allocated for the purchase of property. \$42,050 purchase price; \$15,000, (full condemnation) attorney; \$4,500, appraisal.

Mayor Bean is of the opinion that he is almost certain that the full condemnation process will not be necessary. He feels Loafer Canyon Associates will accept the purchase price, they do not want to spend the money on condemnation. Mayor Bean met with Ted Hanks (of Loafer Canyon Associates) and was informed that the County has served them notice that their property will no longer be tax discrete. It will now be taxed as developable property with a 5 year roll-back on taxes. This effects the members financially and the Mayor feels that they will not wish to spend additional funds on legal fees.

Councilmember Searle is to call the attorney to verify that filing with the court has taken place. Right of Entry is about 30 days after filing, which is about the 1st of May, 1993. Jerry Fuller has been informed that any further negotiations will be conducted after right of entry is received by the Town.

WATER RIGHTS-
UPDATE/
ALLOCATION
rights POLICY
State

Councilmember Searle suggest that \$50,000 of the loan money has been set aside for the purchase of water rights. After the purchase price of the which have been authorized for transfer by the Engineer (approximately \$26,000) about \$24,000 could possibly be reallocated for other expenses having to do with the completion of the New Well.

The State Engineer has authorized transfer of 136.50 acre feet of water based on a water right in the name of Wesley G. and Nola C. Waters to the Town of Elk Ridge. The following conditions are to be met by the Town of Elk Ridge.

1. Installation of permanent totalizing meters on all wells.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 3-23-93 CONT.

2. The well at the Co-op building shall be sealed off ("Plugged") by a licensed driller. Does the purchase agreement indicate who is responsible?

Bruce Hall is to give an estimate of costs involved.

There are 30 days to challenge the transfer. The price should not be paid until the 30 day period is past.

Allocation Policy:

rod Despain submitted a Summary of Water Rights Service Capability of the Elk Ridge Town Water System 1993. (See insert) The Council is to decide if individuals can buy into this excess in lieu of finding water rights. Mr. Despain advises the Council to be careful to open up too much at one, or the Town could be put back into a deficit situation.

Alternatives:

1. Apply for rights to connect one at a time. (no "wholesale" requests)
2. This would not apply in instances of new subdivisions.

The present water share policy needs to be reviewed in the area of limiting the number of shares over a more specific time period. This is to be reviewed at the next Work Session, 4-13-93.

After review, it was decided that there are 132 extra rights to connect.

2 issues:

1. Eliasons - Will a right to connect be allocated to their lot?
2. Review Water Policy in the Work Session of the next Town Council Meeting.

Eliasons will be granted on right to connect based on the authorized transfer of 136.50 acre feet. The Eliasons have gone through the proper steps for application, including a \$200 deposit. Theirs is the only application on file at the present time. this is the only water right to be granted until the Town's Water Share Policy is reviewed and firmed up.

SUMMARY OF WATER RIGHTS SERVICE CAPABILITY

ELK RIDGE TOWN WATER SYSTEM 1993

WATER RIGHTS

Normal water year

Existing rights	119 ac. ft
East Union Change	127 ac. ft. (Summer period)
	32 ac. ft. (Winter period)
Cannery Change	<u>136.5 ac. ft.</u>
Total	367.5 ac. ft.

AVERAGE WATER USE - 1991 Use Period

<u>Total gallons into system</u>	<u>49,710.830</u>	=324,907 gal/con
Ave # of Connections		
$\frac{324,907}{325,828}$	= .99 ac. ft/con	

POTENTIAL SERVICE CAPACITY

<u>Normal water year:</u>	414 x .99 = 418 con.
<u>Low water year:</u>	367 x .99 = 370 con.

CURRENT 3 OF CONNECTIONS

No. of dwelling served	180
No. of approved lots not served	<u>135</u>
Total served and approved	315

ADEQUACY OF WATER RIGHTS

Normal water year:

In excess of current connections	238	230%
In excess of current and approved	130	131%

Low water year:

In excess of current connections	190	196%
In excess of current and approved	55	116%

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 3-23-93 CONT.

ROADS

Councilmember Shuler reports that the repair material purchased worked out well in filling potholes in the Town. It was not enough, double the amount of what was purchased was needed. More will be ordered to finish filling the pot holes and possibly to have on hand. Councilmember Shuler is to up-date priority list, detailing the type of repair needed on specific roads. The Council would like to review this list.

The survey on reimbursement for snow removal costs must be completed with Gary Proctor and the Town Clerk. The roads have sunk on Bridger Lane and Freemont Way. Gary Proctor thinks it is due to sewer leaks. the one on Freemont was dug up, but covered back up because it was too deep to be reached with the back hoe. Mr. Proctor has arranged with SESD to come in and dig it up with their equipment, at no charge to the Town. All Strawberry Electric wants in return is a letter of Thank You and for the Town not to spread the word. They are doing this as a favor and they don't want to take work away from construction companies.

More information is needed on paying Gary Proctor overtime for time spent snow plowing. Mayor Bean wants Mr. Proctor to turn in a detailed time card for that time period. The State has contacted Mr. Proctor and informed him that if he is not paid the overtime due him by the next pay period, that there will be action taken against the Town. The Council feels that Mr. Proctor should keep a regular time card. Mr. Proctor shall not be paid per diem when he is at a conference or seminal, since he is on salary and is already paid for the day's work. He should turn in receipts for meals and gas reimbursement.

NON-AGENDA
ITEM

Councilmember Creek read a letter of "Than You" from the Hatch family to the Town for how well the roads were kept up during the heavy snows of winter.

APPROVAL OF
EXPENDITURES

General:

- 1) The Clerk is directed to pay the remainder of the bill (2,500) owed Lang, Smith and Boice, Inc. for the appraisal of the New Well site.
- 2) The Town Clerk reported that the copier which was decided upon is the Cannon NP2020. the cost, including a document feeder is \$2,343.00. It is on a 2 year lease at \$116.00 per month.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 3-23-93 CONT.

The first and last payment are due up front. The maintenance agreement is \$189.00 per year.

Clerk's Conferences:

The Town Clerk will not be going to the ULCT Conference in St. George. The classes are not applicable. Both the Town Clerk and the Deputy Town Clerk will be going to the UMCA Conference in Moab April 21st - 23rd. The office will be closed on April 23rd.

Hal Shuler is to be registered for the ULTC Roads School.

APPROVAL OF
MINUTES OF
THE PREVIOUS
MEETING

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY TONY SEARLE, TO APPROVE THE MINUTES WITH DATES CHANGED TO REFLECT 3-9-93. VOTE: YES-ALL(5), NO-NONE(0).

BUDGET
1993/1994

The Town Clerk submitted a rough draft of the Budget for 1993/1994 for the Council to review. Budget figures are needed from department heads the first week in May.

ADJOURNMENT

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY LEA ANN ADAMS, TO ADJOURN. VOTE: YES-ALL(5), NO-NONE(0).


Town Clerk

NOTICE & AGENDA

Notice is hereby given the Town Council of Elk Ridge will hold a regular Town Council Meeting on Tuesday, April 13th, 1993, beginning with the Council Work Session at 7:00 P.M., the regular Council Meeting at 8:00 P.M. The meeting will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

7:00 P.M. - COUNCIL WORK SESSION:


SESD
Dugway
Loafer Well Agreement-Mayor Bean
Water Share Application Policy

8:00 P.M. - REGULAR COUNCIL MEETING AGENDA ITEMS:

8:05	Invocation & Pledge of Allegiance
8:10	Approval of Agenda Time Frame
8:15	Ron Ririe-Plat C-Water rights/Water line
8:30	Pest Control-Lea Ann Adams
	Kent Purdy/Grasshoppers
8:40	Water Share Application Policy
9:00	Septic Tank Proposal-Scot Bell
9:10	Emergency Preparedness-Lucretia Thayne
9:20	SID 91-1 Board Of Equalization/Review
9:30	Roads:
	Update/Repair-Gary Proctor
	Priority List-Hal Shuler
9:40	New Well-Tony Searle
9:50	Water tanks/Fire hydrant Update-Tony Searle
9:55	Resolution/Surplus Property
10:00	Hal Shuler Trust Deed
10:05	Approval of Expenditures:
	General
	Sign-School Bus Unloading or Speed
	For the Month of March
10:15	Approval of Minutes for the Previous Meeting
10:20	Employee Benefits
10:30	Adjournment

The times listed for each item and the agenda may be accelerated if time permits. All interested persons are invited to attend.

Dated this 9th day of April, 1993.


Town Clerk

Town Council Agenda
4-13-93

CERTIFICATION

I, the undersigned, duly appointed and acting town clerk for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice and Agenda was hand carried to the Payson Chronicle, 12 South Main, Payson, Utah and mailed to each member of the governing body on April 9, 1993.



Town Clerk

ELK RIDGE TOWN COUNCIL WORK SESSION

April 13 1993

TIME & PLACE OF MEETING	<p>The regular meeting of the Elk Ridge Town Council was held on Tuesday, April 13, 1993, beginning with the Work Session at 7:00 PM, and the regular Council Meeting at 8:00 P.M. at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.</p> <p>Notice of time, place and Agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on April 9, 1993.</p>
ROLL CALL	<p>Mayor Bean, Council members: Clayton Creek, Tony Searle, Lee Ann Adams, Hal Shuler; Don Mecham, Mike Alsop, Matt Howard, Raymond Howard, Mike Alsop Jr., Ron Cooper, Janice H. Davis, Town Clerk.</p>
SESD- RON COOPER	<p>1) Ron Cooper reported that Strawberry Electric is still pursuing the San Juan Unit Purchase #4. (New Mexico Power Plant)</p> <p>2) A second appraisal is sought on the Territory integrity.</p> <p>3) SESD received the Thank you letter sent to them from Elk Ridge for their help on Freemont and Loafer Canyon Dr. They appreciated the letter.</p>
DUGWAY	<p>Councilmember Shuler is to meet with Gary Proctor on this matter.</p>
NON-AGENDA ITEM	<p>The Eagle Project by Alsops was complete and ready for approval and installation. The Council felt it was a job well done. It was suggested to mount the map on the outside wall of the Town Hall where there is already a spot light.</p>
LOAFER WELL AGREEMENT- MAYOR BEAN	<p>Mayor Bean met with Loafer Recreation Associates and feels that the members are anxious to negotiate. Councilmember Searle asked the council to review the Lease Agreement carefully and make suggestions before the next Town Council Meeting. The Council feels that any future meeting should have at least two members of the Elk Ridge Council present. Councilmember Searle emphasizes that the Town will acquire Right of Entry, then any negotiations will be considered. A copy of the Lease Agreement will go to Mr. Carlile for review.</p>

ELK RIDGE TOWN COUNCIL WORK SESSION - 4-13-93 CONT.

Councilmember Searle would like the opinions of the Councilmembers on the following:

- 1) Should the Town share in ownership of the Well
- 2) or should the Town own the Well
 - A) Full Condemnation
 - B) Loafer must "prove up" on their water rights. They will drill - this could impact Elk Ridge's well.
 - C) Loafer could sell off their part of the Water shares.

Councilmember Creek and Adams feel that the Town should maintain the accomplished position of condemnation and not back down in the face of negotiations.

Ken Chamberlain has suggested that Elk Ridge seek a short-term loan based on the closing of the loan for the State. This would be for the required payment to the Court for Right of Entry, as well as the purchase of Water Rights.

Mayor Bean reports a meeting between Bruce Hall, Councilmember Searle and himself. The estimate of costs involved with the project has risen about \$30,000 from the initial estimate. It may be necessary for the Town to come up with additional funds in order to secure the loan from the State.

WATER SHARE
APPLICATION
POLICY

Hall Engineering submitted a letter to the Town recommending the need to upgrade the entire Water System. The suggestions should be incorporated into the Town's Master Plan.

The Council discussed various alternatives as to the allocation of water rights. Should developers be limited as to the number of rights to connect they are allowed per year. A rough draft of the Water Share Policy revisions should be presented by next Council Meeting.

ELK RIDGE TOWN COUNCIL MEETING

April 13 1993

TIME & PLACE OF MEETING

The regular meeting of the Elk Ridge Town Council was held on Tuesday, April 13, 1993, beginning with the Work Session at 7:00 PM, and the regular Council Meeting at 8:00 P.M. at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and Agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on April 9, 1993.

ROLL CALL

Mayor Bean, Council members: Clayton Creek, Tony Searle, Lee Ann Adams, Hal Shuler; Don Mecham, Ron Ririe, Ron Copper, Raymond Howard, Matt Howard, Mike Alsop, Michael Alsop, Ted Schulthess, Kent Purdy, Bill Pierce, Jim Nicolet, Scot Bell, Greg Abbott, Cathie Ogden, Susie Baird, Jeff Nemelka, Greg Walker, Dustin Howell, Zack Adams, Scott Hansen, Michelle Creek, Dallas Pierce, Mat Dastrup, Michael Farr, Janice H. Davis, Town Clerk.

INVOCATION & PLEDGE OF ALLEGIANCE

Prayer was offered by Clayton Creek with the pledge of allegiance following.

APPROVAL OF AGENDA TIME FRAME

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY TONY SEARLE TO APPROVE THE AGENDA TIME FRAME AS PRESENTLY CONSTITUTED, WITH THE EXCEPTION OF STRIKING THE 9:40 AGENDA ITEM. VOTE: YES-ALL(5), NO-NONE(0).

RON RIRIE PLAT C- WATER RIGHTS/WATER LINE

Ron Ririe was present for Final Plat approval with the changes as per the corrections made by Hall Engineering. Hall Engineering submitted a letter to the Town in regard to the necessity of bringing an 8" water line down Park Dr. to create a "loop" with the existing water system serving Columbus Land and Oak Ridge Lane. Hall Engineering feels the existing system is unable to handle any additional development.

Mr. Ririe Suggests:

1. Run existing line down Columbus to Park.
2. Phase 2 - extend 8" line down Park and connect onto Columbus
3. Town of Elk Ridge should share in the installation cost of the Water line because the Town owns property along Park Dr.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 4-13-93 CONT.

4. Durability retainer should not be applied to the cost of Water line.
No final Plat approval was given at this time.

PEST CONTROL

Kent Purdy submitted a plan for grasshopper control to the Council for consideration. The emphasis is on early application right after the grasshoppers have hatched. "Springtoothing" and discing is helpful. The best time for this is in the Fall. An entomologist, Greg Abbott, helped to advise the Council. There were many citizens present to find out what is going to be done and to express dissatisfaction with past procedures. Mr. Abbott advised that the Town work in conjunction with the citizens and time the spraying. Knowing the species composition is the key. He is to analyze the area and advise the Town.

Plan:

1. Springtooth/ disc - Fall
2. Spray in early Spring/May
3. Get permission from property owners of surrounding fields to Springtooth, disc, or mow.

Michelle Creek suggested the use of ducks to help residents control grasshoppers. The Clerk is to consult with Rod Despain to possibly amend the Zoning Ordinance.

WATER SHARE
APPLICATION
POLICY

No further information.

SEPTIC TANK
PROPOSAL-
SCOT BELL

Scot Bell presented a proposal to the Council requesting a septic tank on a lot he wants to develop. (West of No. Park Dr., North of the Golf Course, South of Chad Brown.) His request is based on the following:

1. R-R-1 Zone - other homes in the zone are on septic tanks
2. Not a health risk
3. No feasible access to sewer hook up

Recommendations:

1. Temporary Septic Tank and later tie into the sewer system as it becomes accessible
2. Possibly work in conjunction with Lee Haskell's development.
3. Goosenest water system with septic tank

A. Bill Pierce feels the Goosenest Water system is inadequate and a building permit in that area would be issued under protest from

him as the building inspector.
MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 4-13-93 CONT.

Hall Engineering has already recommended that no further development be allowed on the current water system in that area. If Mr. Ririe installs the "loop" on Park Dr., then extending the line in the direction of Mr. Bell's property would not be a problem. The Council also feels there is a further problem in having a water right allocated to that piece of property until the Town actually owns the shares.

Councilmember Creek recommends that Mr. Bell make arrangements for a meeting with the Plan Review Committee, in preparation for the Planning Commission, if he chooses to go forward with his plan.

EMERGENCY
PREPAREDNESS-
LUCRETIA
THAYNE

Lucretia Thayne recommends Bob Bagley to head up the Emergency Preparedness Program. Councilmember Adams is to contact him.

SID 91-1
BOARD OF
EQUALIZATION/
REVIEW

The document reporting the findings, recommendations and decisions of the Board of Equalization and Review for Elk Ridge Special Improvement District #91-1 was presented for approval by the Council. The document did not include the interest rate to be applied to the assessments. Councilmember Creek recommends 6%. Councilmember Shuler feels that 6% is too low, that it encourages the property owners to pay over time.

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY TONY SEARLE TO ACCEPT THE REPORT OF THE FINDINGS OF THE BOARD OF EQUALIZATION AS WRITTEN, WITH A 6% INTEREST RATE TO BE APPLIED TO THE ASSESSMENTS. VOTE: YES-(3) MAYOR BEAN, CLAYTON CREEK, TONY SEARLE, NO-(2) LEA ANN ADAMS, HAL SHULER.

Discussion: Councilmembers Adams and Shuler fell that the interest rate should be set at 8 1/2%.

ROADS:
UPDATE/REPAIR-
GARY PROCTOR

1) Gary Proctor has contacted the contractors responsible for roads sinking due to laterals. Bill Pierce recommends flashers and barricades until those sections of road can be fixed. The cost could be deducted from the bond.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 4-13-93 CONT.

2) Ron Jasper is installing a retaining wall, it is on Town Property (easement) and is more extensive than planned. A 4' deep ditch, (3' wide) was dug around their property line on the North side and part of the West side. If a project is \$500 or more, it requires a building permit. The Contractor will have to submit a plan to Bill Pierce and a building permit issued. The wall needs to be moved onto their property. Mayor Bean is to contact the Jaspers.

1. Letter Campaign to County

- A. Town letter to citizens with newsletter (Councilmember Searle is to draft the letter)
- B. As County fixes their section of Loafer Canyon Road, can we negotiate with them to repair the Town's section, as well? Gary Proctor is to check on this.

Two of the areas needing repair (by Bairds and Roundies) are due to sewer problems.

MOTION WAS MADE BY TONY SEARLE SECONDED BY CLAYTON CREEK, TO APPROVE \$1000 FOR REPAIR OF ROADS DUE TO SEWER PROBLEMS. VOTE: YES-ALL(5), NO-NONE(0).

PRIORITY LIST This information was not available at this time.
HAL SHULER

NEW WELL- This item was removed from the Agenda.
TONY SEARLE

WATER TANKS/ Councilmember Searle reported;
FIRE HYDRANT 1) A fire hydrant was replaced on Oak Lane
UPDATE- (cost = \$1,100)
TONY SEARLE 2) The upper water tanks overflowed - (relays
went out in the thunder storm. 70-100,000
gallons of water were lost. Kent Crawford
recommends putting the tanks on an alert
system (cost about \$5,000).

RESOLUTION/ MOTION WAS MADE BY CLAYTON CREEK SECONDED BY LEA ANN
SURPLUS ADAMS, TO APPROVE RENEWAL OF THE FEDERAL SURPLUS
PROPERTY PROPERTY PROGRAM. VOTE: YES-ALL(5), NO-NONE(0).

HAL SHULER Councilmember Shuler is to review this item with the
TRUST DEED Clerk.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 4-13-93 CONT.

APPROVAL OF EXPENDITURES A) General:
Gary Proctor is to go to Road School in St. George.
B) Sign:

MOTION WAS MADE BY HAL SHULER SECONDED BY TONY SEARLE, TO INSTALL A "25 MPH" SIGN ALONG WITH A "BUS LOADING ZONE" SIGN (ON THE SAME POST) ON SALEM HILLS DR., GOING SOUTH JUST BEFORE EAST SALEM HILLS DR. VOTE: YES-ALL(5), NO-NONE(0).

MOTION WAS MADE BY TONY SEARLE SECONDED BY MAYOR BEAN, TO APPROVE THE LIST OF EXPENDITURES FOR MARCH. VOTE: YES-ALL(4), NO-NONE(0), ABSENT, CLAYTON CREEK.

APPROVAL OF MINUTES OF THE PREVIOUS MEETING MOTION WAS MADE BY TON SEARLE SECONDED BY CLAYTON CREEK, TO APPROVE THE MINUTES OF THE PREVIOUS MEETING AS PRESENTLY CONSTITUTED. VOTE: YES-ALL(5), NO-NONE(0).

EMPLOYEE BENEFITS The Council discussed the time cards turned in by Gary Proctor for overtime payment for December, 1992 and January, 1993. Mayor Bean disagrees with the attempt to recreate hours worked, four months after the fact. The Mayor is to discuss this with Gary Proctor.

ADJOURNMENT MOTION WAS MADE BY CLAYTON CREEK SECONDED BY TONY SEARLE, TO ADJOURN. VOTE: YES-ALL(5), NO-NONE(0).


Town Clerk

NOTICE & AGENDA

Notice is hereby given the Town Council of Elk Ridge will hold a regular Town Council Meeting on Tuesday, April 27th, 1993, beginning with the Council Work Session at 7:00 P.M., the regular Council Meeting at 8:00 P.M. The meeting will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

7:00 P.M. - COUNCIL WORK SESSION:


Animal Control/Revision-Clayton Creek
Septic Tanks
Water Share Application Policy

8:00 P.M. - REGULAR COUNCIL MEETING AGENDA ITEMS:

8:05	Invocation & Pledge of Allegiance
8:10	Approval of Agenda Time Frame
8:15	Ron Ririe-Plat C-Water rights/Water line
8:30	Eliason-Final Plat Approval
8:40	Pest Control-Lea Ann Adams
8:50	Water Share Application Policy
9:00	Septic Tanks
9:05	SID 91-1/Adoption of Ordinance
9:10	Roads:
	Update/Repair
	Priority List-Hal Shuler
	Repair/Interstate Asphalt
	Snowplow Replacement-Gary Proctor
9:35	New Well-Tony Searle
10:00	Playground-Hal Shuler
10:05	Approval of Expenditures:
	General
	Water Rights/Annual Payment-Tony Searle
	Overtime Payment
10:15	Approval of Minutes for the Previous Meeting
10:20	Adjournment

The times listed for each item and the agenda may be accelerated if time permits. All interested persons are invited to attend.

Dated this 20th day of April, 1993.


Town Clerk

Town Council Agenda
4-27-93

CERTIFICATION

I, the undersigned, duly appointed and acting town clerk for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice and Agenda was hand carried to the Payson Chronicle, 12 South Main, Payson, Utah and mailed to each member of the governing body on April 20, 1993.


Town Clerk

ELK RIDGE TOWN COUNCIL WORK SESSION

April 27 1993

TIME & PLACE
OF MEETING

The regular meeting of the Elk Ridge Town Council was held on Tuesday, April 27, 1993, beginning with the Work Session at 7:00 PM, and the regular Council Meeting at 8:00 P.M. at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and Agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on April 20, 1993.

ROLL CALL

Mayor Bean, Council members: Clayton Creek, Tony Searle, (Lee Ann Adams, absent) Hal Shuler; Scot Bell, Tod Schulthess, Kent Purdy, Annebel Mathews, Deputy Town Clerk.

ANIMAL CONTROL
REVISION-
CLAYTON CREEK

Councilmember Creek met with the Planning Commission to discuss concerns from the last Town Council Meeting having to do with putting ducks on property for grasshopper abatement. Rod Despain advised that the best and easiest way to make this allowance was to re-define what is allowed on property through the Animal Control Ordinance, rather than changing the Zoning Ordinance. Councilmember Creek suggested that two sentences in the Animal Control Ordinance be modified to include:

- A) Classifying a customary household pet to include a duck
- B) Fencing

This modification would be limited to a trial period for this year only. Councilmember Creek requested that this item be carried to the regular Town Council meeting in the 8:30 time frame, for a motion and a vote for an adjustment to the Animal Control Ordinance.

SEPTIC TANKS

There have been some concerns expressed, having to do with septic tanks. The Mayor would like to know if the Council feels that a septic tank policy should be established, stating that they would be allowed more in one Zone than in another. Councilmember Creek feels that septic tanks should be handled on a case by case basis. Councilmember Shuler feels there is no problem with septic tanks since they are approved by the county. He would not be opposed to allowing septic tanks to property owners who are too far away from the sewer line, as long as there was a clause stating that as soon as

ELK RIDGE TOWN COUNCIL WORK SESSION - 4-27-93 CONT.

the sewer line was laid close enough to the property, the system be switched over and hooked onto the sewer. Councilmember Searle feels that sewer connections should be encouraged. Rod Despain read from the Zoning Ordinance that the Council has the option to make the decision "where feasible" that other alternatives be explored. The Council felt that this issue needed further review.

WATER SHARE
APPLICATION
POLICY

The question was brought to the attention of the Mayor, by Rod Despain, that if a limit of water shares is placed on the developer, does this effect the developer or the individuals? If water rights have not already been allocated, as the property is sold, it will be the property owners who will be approaching the Council for water shares. Councilmember Searle met with the Water Board to review some kind of policy dealing with developers and water rights. The feeling of the Water Board was not to issue any water shares until we have two things; 1) Actually have shares paid for and in hand 2) Pumping capacity has been established. The Mayor reviewed the opinion of the Water Board that water rights not be issued outside of already platted lots until the test well is functional.

ELK RIDGE TOWN COUNCIL MEETING

April 27, 1993

TIME & PLACE OF MEETING

The regular meeting of the Elk Ridge Town Council was held on Tuesday, April 27, 1993, beginning with the Work Session at 7:00 PM, and the regular Council Meeting at 8:00 P.M. at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and Agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on April 20, 1993.

ROLL CALL

Mayor Bean, Council members: Clayton Creek, Tony Searle, Hal Shuler (Lee Ann Adams absent,); Scot Bell, Tod Schulthess, Kent Purdy, Susie Baird, Ron Ririe, Jim Nicolett, Ken Orton, Linda Cooper, Gary Proctor, Gregg Magleby, Scott Hansen, Kent Crawford, Annebel Mathews, Deputy Town Clerk.

INVOCATION & PLEDGE OF ALLEGIANCE

Prayer was offered by Mayor Bean with the pledge of allegiance following.

APPROVAL OF AGENDA TIME FRAME

MOTION WAS MADE BY TONY SEARLE, SECONDED BY CLAYTON CREEK, TO APPROVE THE AGENDA TIME FRAME AS PRESENTLY CONSTITUTED, WITH THE EXCEPTION OF STRIKING THE 9:40 AGENDA ITEM. VOTE: YES-ALL(5), NO-NONE(0).

RON RIRIE PLAT C- WATER RIGHTS/ WATER LINE

Ron Ririe was present to request the issuance of water rights to his development. The Mayor reviewed with Mr. Ririe what had been discussed earlier in the Work Session pertaining to the concerns of the Water Board. The Water Board recommended that water rights not be granted outside platted and approved areas until the test well has been set and the pumping capacity has been established. There is a possibility that an upgrade to the larger well may be made to increase its pumping capacity.

Mr. Ririe noted that it has been recommended by the Engineer that a water "loop" be completed to include his additional 11 lots. Mr. Ririe suggested that since others would also benefit from the "loop line", he felt it wasn't fair that he bear the entire cost. He questioned whether the Town would be willing to share the cost per linear foot, of the property owned by the Town?

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 4-27-93 CONT.

Mr. Ririe also requested that the 20% durability retainer be waived. Councilmember Searle felt the retainer could not be waived because it is a guarantee for the work that has been done. Councilmember Creek is to check with other Towns as to what percent durability retainer they require and the length of time it is held. There is a possibility that this item would be negotiable. These two items are to be moved to the Work Session of the next Town Council Meeting, 5-11-93, for further discussion.

ELIASON -
FINAL PLAT
APPROVAL

There was a discussion reviewing Eliason's final plat with the Council. Rod Despain is to put together a letter of escrow for the road dedication.

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY HAL SHULER, TO APPROVE THE FINAL PLAT OF LOAFER VIEW A, FOR THE ELIASON'S, BASED ON FOUR CONTINGENCIES: 1) THE ESCROW NEEDS TO BE SET UP FOR THE ROAD LEADING INTO THE CITY 2) THE DEPICTION OF THE SEWER LINE AND STUB-OUTS NEED TO BE ON THE PLAT DRAWING 3) THE ATTACHMENT OF THE HALL ENGINEERING LETTER SPECIFYING ROAD REQUIREMENTS 4) THE APPROPRIATE CROSS SECTION FOR CLARIFICATION OF THE ROAD. VOTE: YES-(4), NO-NONE(0), ABSENT, LEA ANN ADAMS(1).

PEST CONTROL-
LEA ANN ADAMS

(Councilmember Adams was absent from this meeting. This agenda item was conducted by Councilmember Creek) Residents were present to voice their opinion having to do with the issue of "Seasonal Ducks". They were reassured by Councilmember Creek that this is only to be a trial year to see if this would be a feasible aid to the grasshopper problem.

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY TONY SEARLE, THAT TWO SENTENCES IN THE ANIMAL CONTROL ORDINANCE 1989-07, CHAPTER 5, SEC. 5-2, PART 2, UNDER THE TITLE "DOMESTICATED ANIMAL" BE MODIFIED TO INCLUDE: "THE DEFINITION OF CUSTOMARY HOUSEHOLD PETS WILL INCLUDE DUCKS BETWEEN MAY 1, 1993, AND NOVEMBER 30, 1993". ALSO, SEC. 5-20(B) TO INCLUDE: "FENCING FOR THE CONTAINMENT OF DUCKS SHALL BE IN ACCORDANCE WITH ESTABLISHED FENCING ORDINANCES". VOTE: YES-(4), NO-NONE(0), ABSENT, LEA ANN ADAMS(1).

WATER SHARES
APPLICATION
POLICY

This item was covered in the Work Session. No action was taken at this time.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 4-27-93 CONT.

SEPTIC TANKS This item was tabled due to the necessity of further discussion.

SID 91-1/
ADOPTION OF
ORDINANCE Rod Despain presented the ordinance outlining the findings of the Board of Equalization for SID 91-1. There was discussion and clarification by Mr. Despain. He also informed the Council that the entire Ordinance must be published one time in the newspaper.

MOTION WAS MADE BY TONY SEARLE SECONDED BY CLAYTON CREEK, TO APPROVE THE SID 91-1 ORDINANCE RELATING TO IMPROVEMENTS ALONG CORTEZ DRIVE. VOTE: YES-(4), NO-NONE(0), ABSENT, LEA ANN ADAMS(1).

NEW WELL-
TONY SEARLE Councilmember Searle reviewed the Condemnation process with the Council. Councilmember Searle and the Mayor are to meet with Craig Carlile in his office, at 2:00pm on Friday, June 30, to review the Loafer Canyon Association Agreement.

Councilmember Searle reports that there is a way to make the existing lower well more efficient. The approximate cost would be \$8,000 for a new larger pump, \$7,000 to have it cleaned - \$15,000 for an upgrade to the well. It is estimated that this upgrade would provide an additional 80 gallons per minute. Another advantage would be that the Town would have an improved well as a back-up.

Councilmember Searle reported that he had made contact with Far West Bank to get a short term loan to pay for the water rights and to pay the appraisal price to gain Right of Entry. The Bond Attorney and the Engineer are to work together to negotiate the transfer of the water rights

ROADS Councilmember Shuler informed the Council that material to repair the roads has been purchased. Councilmember Shuler also presented a priority list of roads needing repair. He was advised that the best action to take was to fill and maintain the better roads first. Gregg Magleby suggested that Elk Ridge look at the roads in need of major repair before the budget for repairs has been depleted.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 4-27-93 CONT.

He also suggested that the Developer be required to chip and seal the road when his development was completed. This would help with the cost of road repair.

Gary Proctor reports that the County has not made a decision as to when Loafer Canyon Road will be repaired. Councilmember Shuler and Mr. Proctor will be attending the Roads School in St. George next week, and will try to make contact with a County Roads representative to see if they have any further information. Mr. Proctor is to contact Clyde Naylor and present an update on the Loafer Canyon Road repair at the next Council Meeting, 5-11-93.

Gregg Magleby of Hall Engineering is to upgrade the Town's present Excavation permit to include a possible fine and time limit.

REPAIR
INTERSTATE
ASPHALT

Councilmember Shuler spoke with Mr. Maxwell of Interstate Asphalt about patching and smoothing the roads in front of the Church and also on Loafer Canyon Road. These areas are to be inspected by the Council before he seals the road.

SNOW PLOW
REPLACEMENT-
GARY PROCTOR

Gary Proctor reports that he has received several bids from various companies for a new Snow Plow. Currently the Plow Blade on the Snow Plow is broken. Mr. Proctor quoted that it would cost approximately \$7,000 - \$10,000 to repair. It is his opinion that it would not be worth it. Mr. Proctor still needs to review materials and will report his findings to the Council at the next Town Council Meeting.

PLAYGROUND-
HAL SHULER

MOTION WAS MADE BY HAL SHULER SECONDED BY CLAYTON CREEK, TO APPROVE THE USE OF EXISTING CHAIN LINK FENCING MATERIAL TO FENCE THE PLAY- GROUND. VOTE: YES-(4), NO-NONE(0), ABSENT, LEA ANN ADAMS(1).

APPROVAL OF
EXPENDITURES

MOTION WAS MADE BY TONY SEARLE SECONDED BY CLAYTON CREEK, TO APPROVE THE ANNUAL WATER RIGHTS PAYMENT. VOTE: YES-(4), NO-NONE(0), ABSENT, LEA ANN ADAMS(1).

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY HAL SHULER TO APPROVE THE OVERTIME PAYMENT TO GARY PROCTOR. VOTE: YES-(4), NO-NONE(0), ABSENT, LEA ANN ADAMS(1).

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 4-27-93 CONT.

APPROVAL OF MINUTES OF THE PREVIOUS MEETING MOTION WAS MADE BY TON SEARLE SECONDED BY HAL SHULER, TO APPROVE THE MINUTES OF THE PREVIOUS MEETING AS PRESENTLY CONSTITUTED. VOTE: YES-ALL(4), NO-NONE(0), ABSENT, LEA ANN ADAMS(1).

ADJOURNMENT MOTION WAS MADE BY TONY SEARLE SECONDED BY CLAYTON CREEK TO ADJOURN. VOTE: YES-ALL(5), NO-NONE(0).


Town Clerk

NOTICE & AGENDA

Notice is hereby given the Town Council of Elk Ridge will hold a regular Town Council Meeting on Tuesday, May 11th, 1993, beginning with the Council Work Session at 7:00 P.M., the regular Council Meeting at 8:00 P.M. The meeting will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

7:00 P.M. - COUNCIL WORK SESSION:

New Well Update-Tony Searle
Pest Control
Ririe Plat C
Water line/Park Dr.

8:00 P.M. - REGULAR COUNCIL MEETING AGENDA ITEMS:

8:05	Invocation & Pledge of Allegiance
8:10	Approval of Agenda Time Frame
8:15	Septic Tank/Sewer-Kim Christensen
8:30	Scot Bell-Off-site Reimbursement/Goosenest Water
8:40	Roads: Repairs
	Loafer Canyon Rd./Update
	Snowplow Replacement-Gary Proctor
	Road Impact Fee
	Excavation Permit Upgrade
9:05	Development/Flood Plains-Gary Proctor
9:15	New Well/Well #4-Tony Searle
9:25	Water line/Maple Ln.-Tony Searle
9:35	Pest Control-Lea Ann Adams
9:40	Parks/Recreation Update-Hal Shuler
9:45	4TH of July Celebration-Hal Shuler
9:55	Expenditures:
	General
	Bill Pierce-Plan Check Fee
	Administration Fees-Water/Sewer
	Approval for Month of April, 1993
10:10	Approval of Minutes for Previous Meeting
10:15	Adoption of Tentative Budget
	Fiscal Year 1993-1994
10:45	Adjournment

Additions to Agenda:

The times listed for each item and the agenda may be accelerated if time permits. All interested persons are invited to attend.

Dated this 7th day of May, 1993.


Town Clerk

Town Council Agenda
5-6-93

CERTIFICATION

I, the undersigned, duly appointed and acting town clerk for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice and Agenda was hand carried to the Payson Chronicle, 12 South Main, Payson, Utah and mailed to each member of the governing body on May 7, 1993.


Town Clerk

ELK RIDGE TOWN COUNCIL WORK SESSION

May 11, 1993

TIME & PLACE OF MEETING	<p>The regular meeting of the Elk Ridge Town Council was held on Tuesday, May 11, 1993, beginning with the Work Session at 7:00 PM, and the regular Council Meeting at 8:00 P.M. at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.</p> <p>Notice of time, place and Agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on May 7, 1993.</p>
ROLL CALL	<p>Mayor Bean, Council members: Clayton Creek, Tony Searle, Lee Ann Adams, Hal Shuler; Ron Cooper, Kent Purdy, Ernestine Folks, Susan Baird, Linda Cooper, Treasurer.</p>
NON-AGENDA ITEM - SESD	<p>Ron Cooper reports 3 applications for service submitted by Loafer Recreation. Strawberry Electric would like a Zoning Map showing areas of future development in Elk Ridge. It is not available at this time.</p>
NEW WELL UPDATE- TONY SEARLE	<p>Councilmember Searle reports that the 30 day time requirement for Right of Entry is up in about 2 weeks. Elk Ridge will require ownership of the well site, not a lease.</p> <p>A tentative closing date for the loan from the State is set for June 22, 1993.</p> <p>Loafer Recreation Association needs approximately 70 gallons per minute from the Well.</p>
PEST CONTROL	<p>Kent Purdy was present, and recommends mowing weeds and spraying malathion (3 sprays). The Town must acquire permission from the property owners to treat their fields.</p> <ol style="list-style-type: none">1. Try to get someone to cut and bail fields2. Hal Shuler will take care of 15 acres below Bridger. (Lee Brown's property)3. Estimate - 80 hours to spray <p>Councilmember Adams advises that there are funds available for 2 applications over at least 35 acres, plus vacant lots. "Lorsban" and "Seven" will be used, unless recommended otherwise.</p>

ELK RIDGE TOWN COUNCIL WORK SESSION - 5-11-93 CONT.

Discussion: The point was made that an Agenda item as important as the Budget discussion should be moved forward as much as possible so that the council conducts the discussion before it is too late and everyone is tired and ready to go home.

RIRIE PLAT C No time remaining in the Work Session

ELK RIDGE TOWN COUNCIL MEETING

May 11, 1993

TIME & PLACE OF MEETING The regular meeting of the Elk Ridge Town Council was held on Tuesday, May 11, 1993, beginning with the Work Session at 7:00 PM, and the regular Council Meeting at 8:00 P.M. at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and Agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on May 7, 1993.

ROLL CALL Mayor Bean, Council members: Clayton Creek, Tony Searle, Hal Shuler, Lee Ann Adams; Linda Cooper, Ernestine Folks, Kim and Mr. Christensen, Scot Bell and Mr. Bell (father), Tod Shulthess, Susan Baird, Kent Purdy, Gary Proctor, Jan Davis, Town Clerk.

INVOCATION & PLEDGE OF ALLEGIANCE Prayer was offered by Lea Ann Adams, with the pledge allegiance following.

APPROVAL OF AGENDA TIME FRAME MOTION WAS MADE BY CLAYTON CREEK, SECONDED BY TONY SEARLE, TO APPROVE THE AGENDA TIME FRAME AS PRESENTLY CONSTITUTED, WITH THE FOLLOWING MODIFICATION: STRIKE 9:35 ITEM, PEST CONTROL, AND CARRY "RIRIE, PLAT C/WATERLINE: DOWN FROM THE WORK SESSION. VOTE: YES-ALL(5), NO-NONE(0).

SEPTIC TANK/SEWER - KIM CHRISTENSEN Mr. and Mrs. Christensen were present seeking council approval of a temporary septic tank for a proposed lot north of Eliasons on North Loafer Drive. They would connect to the sewer system when the land north of their property is developed. Councilmember Creek expressed concern that there would always be "one more lot".

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 5-11-93 CONT.

Where is the cut-off point? Councilmember Shuler felt they should be allowed a septic tank if they are willing to hook onto sewer when it becomes available. Mayor Bean favors sewer development only. Eliasons were forced to hook onto sewer with a "lift". Councilmember Adams feels the sewer system should be utilized whenever feasible.

MOTION WAS MADE BY HAL SHULER SECONDED BY TONY SEARLE, TO ALLOW THE CHRISTENSENS USE OF A TEMPORARY SEPTIC TANK. INSTALLATION OF SEWER LINE WOULD BE REQUIRED, AND THE CHRISTENSENS WOULD BE REQUIRED TO HOOK ONTO THE SYSTEM WHEN AVAILABLE. VOTE: YES-(1) HAL SHULER, NO-(4), MAYOR, TONY SEARLE, LEA ANN ADAMS, CLAYTON CREEK.

MOTION WAS NOT PASSES.

The question of availability of water rights was not answered.

SCOT BELL-
OFF-SITE
REIMBURSEMENT/
GOOSENEST
WATER

Mr. Bell is attempting to develop a lot on North Park Drive, just south of Chad Brown. He seeks approval of a septic tank as well as direction on how he should proceed as far as obtaining water for his proposed lot. Mr. Bell presents an alternate plan to buy into Goosenest Water company to satisfy the water share requirement to develop the lot. Rod Despain has suggested that regardless of which water system Mr. Bell and others are on, the installation of both water and sewer mains, as well as the corresponding laterals should be required at the time of development. This would avoid unnecessary excavation later when the systems are available to hook into. The Council feels that the difference between Mr. Bell's property and the Christensen's is that Mr. Bell's property lies in an area where others in proximity are on septic tanks, Christensen's property lies in an area where neighboring lots are on the sewer system. Councilmember Searle advised that 1) Elk Ridge does not have a plan as to exactly where a sewer main down North Park Drive should go. It would be difficult for Mr. Bell to know where to install a line. 2) Hall Engineering has advised against any further connection onto the on 6" water line supplying that area until the line is looped. Mr. Ririe is required to do this in conjunction with the development of Ririe, Plat C.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 5-11-93 CONT.

Approval of Ririe Plat C is contingent on the availability of water rights and sufficient water to supply those rights.

MOTION WAS MADE BY LEA ANN ADAMS SECONDED BY MAYOR BEAN, TO APPROVE A SEPTIC TANK FOR MR. BELL'S PROPOSED LOT SUBJECT TO: 1. HOOKING ONTO THE TOWN'S WATER SYSTEM 2. INSTALLATION OF WATER AND SEWER MAINS AND LATERALS, AS DIRECTED BY THE COUNCIL, ALL AT THE COST OF MR. BELL.

Discussion

MOTION AMENDED BY CLAYTON CREEK SECONDED BY TONY SEARLE, TO APPROVE A SEPTIC TANK FOR MR. BELL IF HE INSTALLS SEWER MAIN AND LATERALS AS DIRECTED BY THE COUNCIL, ALL AT THE EXPENSE OF MR. BELL. VOTE ON THE AMENDED MOTION: YES-(4) MAYOR BEAN, HAL SHULER, TONY SEARLE, CLAYTON CREEK NO-(1) LEA ANN ADAMS.

ROADS:
REPAIRS

There is drainage problem on No. Park Dr. The culvert installed by Payson City is too high. Water builds up and washes over the road. Damage to Park Drive has resulted. Payson is willing to come up and discuss the problem. Mayor Bean feels that they should. Councilmember Shuler feels he and Gary Proctor can solve the problem fairly easily. Mayor Bean is to contact the Payson City Manager and Engineer to come up and discuss this matter with Councilmember Shuler, Gary Proctor and the Mayor

LOAFER CANYON
RD./UPDATE

Councilmember Shuler reports having contacted Clyde Naylor (of Utah County), at the Roads School in St. George. Road damage as a result of flooding on Loafer Canyon Road was discussed with him. Mr. Proctor spoke with him on 5-7-93 and was informed that no plans for repair are planned by the County until about July, 1993. No indication was given as to what repairs are being considered. Councilmember Shuler will try to find out more information from the County without endangering our relationship with them. The County is to help with the major road repairs throughout Elk Ridge sometime this summer.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 5-11-93 CONT.

Councilmember Searle expressed his concern over the dangerous condition of Loafer Canyon Road as it is and would like a more specific answer as to the County's timetable for repairs on Loafer Canyon Road.

SNOWPLOW
REPLACEMENT-
GARY PROCTOR

A new snowplow would cost around \$60,000 and up. There is a company in the Denver, Colorado area specializing in used vehicles- rebuilt. (Denver Truck Sales). Woodscross purchased a truck from this company and are very pleased with it. There is a similar type truck available at \$37,500. Mr. Proctor estimates \$40,000 - \$41,000 to convert the truck to a snowplow. This would be a lease/purchase agreement. A loan could be arranged through Far West Bank. Councilmember Shuler is to prepare a written proposal, taking into consideration the source of funds, to present to the Council at the next Council Meeting (5-25-93).

ROAD IMPACT
FEES

Road impact fees are a possible source of revenue. There is much wear and tear exerted on the roads due to heavy equipment associated with development and building. Some towns charge an impact fee to cover this. Councilmember Shuler objects on the basis of already existing development fees. Rod Despain is to research this.

EXCAVATION
PERMIT

Greg Magalby from Hall Engineering is working with Gary Proctor to update the Town's current excavation permit in an attempt to exercise more control over excavation and inspections of Water/Sewer laterals. This may include a non-refundable fee. Mr. Magalby is to check with other cities.

DEVELOPMENT/
FLOOD PLAINS-
GARY PROCTOR

There are two main areas subject to excess run off and resulting flooding in Town. 1) Loafer Canyon 2) By Hillside Dr. down to the culvert on Park Dr. and the Golf Course Road. Gary Proctor expresses concern about homes being built in these areas. Officially, no part of Elk Ridge lies in a flood plain. Councilmember Shuler feels this is a drainage problem, and can be remedied by restructuring the area to control erosion. Councilmember Creek suggests that the Planning Commission discuss this matter at the next meeting.

NEW WELL

No further information on the New Well.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 5-11-93 CONT.

WELL #4

In an effort to increase the pumping capacity of Well #4, Councilmember Searle presented a cost proposal from Delco Western in the amount of \$14,488. \$5,900, to clean the well and \$8,588 to replace the pump. After meeting with the CPA, Councilmember Searle reports approximately \$8500 in the Water Fund which could be used.

Tod Shulthess, representing Don Mecham, has offered to finance the upgrade of Well #4 in the amount of \$15,000 in exchange for the advance of 10 rights to connect to the Elk Ridge Water System, for development purposes based on actual shares to be transferred to the Town. Mr. Mecham feels this would benefit both the Town and himself. The Town must be able to pump enough water to supply the shares. The upgrade of Well #4 would increase this capacity. Councilmember Searle clarified the situation by reminding Mr. Shulthess that it could be up to a year, when the New Well is on line, that those rights to connect would be granted. The Water Board recommends, and the Council agrees, that no rights be allocated until the Town has the water to supply those rights.

Councilmember Adams expressed concern and a hesitancy to accept funds from a developer that might result in placing the Town in a compromising position with other developers, as well as Mr. Mecham. She cautions the council to wait until an offer is written into a legal document and submitted for review by the Council, as well as by an attorney.

Councilmember Shuler suggests a possibility of accepting the money as partial payment of development fees.

Mayor Bean asked that a legal agreement be drawn up by Mr. Mecham, and submitted for review.

MOTION WAS MADE BY TONY SEARLE SECONDED BY CLAYTON CREEK, THAT THE COUNCIL AUTHORIZES MAYOR BEAN AND HIMSELF (TONY SEARLE) TO REVIEW THE LEGAL DOCUMENT PRESENTED BY MR. MECHAM; AND THEN TO HAVE THE DOCUMENT REVIEWED BY AN ATTORNEY HIRED BY THE TOWN. IF FOUND ACCEPTABLE, THE AGREEMENT WOULD THEN BE ENTERED INTO FOR THE \$15,000. VOTE: YES-(3) MAYOR BEAN, CLAYTON CREEK, TONY SEARLE, ABSTAIN(2) HAL SHULER, LEA ANN ADAMS

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 5-11-93 CONT.

MOTION WAS MADE BY TONY SEARLE SECONDED BY CLAYTON CREEK, TO APPROVE \$6,000 FOR THE PURPOSE OF CLEANING WELL #4, AND TO INSTALL A NEW PUMP IF FUNDS ARE AVAILABLE. VOTE: YES-ALL(5), NO-NONE(0).

WATER LINE/
MAPLE LANE-
TONY SEARLE

There are no water mains running through either Maple Lane or Lewis Way, connecting Salem Hills Dr. and North Powell Road. Presently, a center lot is being built upon on Maple Lane. Hall Engineering feels a 2" line extended to the property line is sufficient; that looping the line is not necessary. Mayor Bean will contact Jim Winterton, as the developer, to pay for the line.

MOTION WAS MADE BY TONY SEARLE SECONDED BY MAYOR BEAN, TO APPROVE A 2' LINE FOR MAPLE LANE. VOTE: YES-ALL(5), NO-NONE(0).

RIRIE, PLAT C
WATER LINE

Councilmember Creek was assigned the task of finding out what other Towns charge as a durability retainer. Elk Ridge's current Subdivision Ordinance sets it at 20% for 2 years. Woodland Hills charges 25% for 1 year. Bill Pierce works with many cities and feels that 20% is not unusual. Ron Ririe feels 20% is too high for the installation of the water main on Park Drive. He also feels 2 years is too long a time. Mr Ririe also seeks financial participation from the Town, as property owner on Park Drive, to help off set the cost of looping the water line. Councilmember Searle points out that there are no funds available in the budget to participate.

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY TONY SEARLE, CONCERNING THE WATER LINE ON PARK DRIVE.

1. A CLOSED LOOP SYSTEM
2. TOWN DOES NOT PARTICIPATE IN THE FUNDING
3. THE 20% DURABILITY RETAINER REDUCED FROM 2 YEARS TO 1 YEAR

HAL SHULER AMENDS THE MOTION AS FOLLOWS: THE TOWN PARTICIPATES IN FUNDING THE INSTALLATION OF THE WATER LINE, IN THE AMOUNT OF \$500. NO SECOND. VOTE: (ON THE ORIGINAL MOTION) YES-ALL(5), NO-NONE(0).

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 5-11-93 CONT.

PARKS/
RECREATION

Councilmember Shuler reports that the 4th of July is on Sunday, the celebration will be on the 3rd of July. Gregg Ingram will organize the races. There will be water follies. Councilmember Shuler would like to have bike races. The Town Clerk is to check with Rex Behling on "event" type insurance coverage. Councilmember Creek suggests a marathon between various cities.

EXPENDITURES:
GENERAL

None

BILL PIERCE-
PLAN CHECK
FEE

Mr. Pierce did a plan check on some blue prints of a home he has since been hired to build. He will not be doing any further inspections on the home. He wants to know if being paid for the plan check would constitute a conflict of interest. The council feels it would not.

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY TONY SEARLE, TO APPROVE PAYMENT TO BILL PIERCE FOR THE PLAN CHECK ON THE HORTON HOME. VOTE: YES-ALL(5), NO-NONE(0).

ADMINISTRATION
FEES-WATER/
SEWER

The Council is aware of the annual payment to the General Fund. They are budgeted for.

APPROVAL OF
EXPENDITURES
FOR APRIL

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY LEA ANN ADAMS, TO APPROVE THE EXPENDITURES FOR THE MONTH OF APRIL, 1993. VOTE: YES-ALL(5), NO-NONE(0).

APPROVAL OF
MINUTES OF
THE PREVIOUS
MEETING

MOTION WAS MADE BY TONY SEARLE SECONDED BY MAYOR BEAN, TO APPROVE THE MINUTES OF THE PREVIOUS MEETING AS PRESENTLY CONSTITUTED. VOTE: YES-ALL(5), NO-NONE(0).

ADOPTION OF
TENTATIVE
BUDGET 1993/94

The Council reviewed the Tentative Budget with the Town Clerk.

MOTION WAS MADE BY TONY SEARLE SECONDED BY HAL SHULER, TO ADOPT THE TENTATIVE BUDGET FOR THE FISCAL YEAR 1993-1994. VOTE: YES-ALL(5), NO-NONE(0).


MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 5-11-93 CONT.

ADDITIONS TO THE AGENDA:

LOAFER	The subdivision process must begin again for these
HOLLOW PLATS	Plats, as more than one year has elapsed with no
A, B, C, D	final approval. Requirements were discussed. Plats
SUBDIVISION	must go back to Plan Review and the Planning
REQUIREMENTS	Commission. Will curb and gutter be required on
	Loafer Canyon Road? That should be included in the
	Planning Commission discussion on drainage at their
	next meeting (5-17-93).

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY TONY SEARLE, TO DEED BACK 10 FT. OF PROPERTY ON THE WEST SIDE OF LOAFER CANYON ROAD TO THE PROPERTY OWNER, TO REDUCE THE RIGHT OF WAY FROM 66' TO 56'. VOTE: YES-ALL(4) MAYOR BEAN, CLAYTON CREEK, TONY SEARLE, LEA ANN ADAMS, ABSTAIN(1) HAL SHULER.

ADJOURNMENT	MOTION WAS MADE BY TONY SEARLE SECONDED BY CLAYTON CREEK TO ADJOURN. VOTE: YES-ALL(5), NO-NONE(0).
-------------	--


Town Clerk

NOTICE & AGENDA

Notice is hereby given the Town Council of Elk Ridge will hold a regular Town Council Meeting on Tuesday, May 25th, 1993, beginning with the Council Work Session at 7:00 P.M., the regular Council Meeting at 8:00 P.M. The meeting will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

7:00 P.M. - COUNCIL WORK SESSION:

Loafer Recreation Association
Water Share Policy

8:00 P.M. - REGULAR COUNCIL MEETING AGENDA ITEMS:

8:05 Invocation & Pledge of Allegiance
8:10 Approval of Agenda Time Frame
8:15 Eagle Project-Justin Haskell (Tom Christensen)
8:20 Roads:
 Repairs-Bryce Rawlings (10 min.)
 Snowplow Replacement-Hal Shuler (10 min.)
 Excavation Permit Upgrade (5 min.)
8:45 Kent Crawford-Development/Water
8:55 Water Share Policy/Septic Tank Policy-Rod Despain
9:25 Well #4-Tony Searle
9:30 Allred/Gasser Cul de sac-Durability Retainer
9:35 Planning Commission/Alternate Member-Clayton Creek
9:40 Budgets:
 1. Fiscal Year-end 1992/1993
 2. Fiscal Year 1993/1994
 Set Date for Public Hearing for Adoption
9:55 Pest Control-Lea Ann Adams
10:05 Fire Dept.-Lea Ann Adams
10:10 Water Board Member-Cory Ruward
10:15 Expenditures:
 General:
 Rod Despain/Steve Killpack
 Approval of Financial Report/ April, 1993
10:30 Approval of Minutes for Previous Meeting
10:45 Adjournment

Additions to Agenda:

Closed Session: Executive Session/Discussion of Litigation

The times listed for each item and the agenda may be accelerated if time permits. All interested persons are invited to attend.

Dated this 21st day of May, 1993.


Town Clerk

Town Council Agenda
5-25-93

CERTIFICATION

I, the undersigned, duly appointed and acting town clerk for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice and Agenda was hand carried to the Payson Chronicle, 12 South Main, Payson, Utah and mailed to each member of the governing body on May 21, 1993.


Town Clerk

ELK RIDGE TOWN COUNCIL WORK SESSION

May 25, 1993

TIME & PLACE
OF MEETING

The regular meeting of the Elk Ridge Town Council was held on Tuesday, May 25, 1993, beginning with the Work Session at 7:00 PM, and the regular Council Meeting at 8:00 P.M. with a Closed Session at 8:30 PM. (for 1/2 hour) with the Regular Council Meeting reconvening at 9:00 PM., at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and Agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on May 21, 1993.

ROLL CALL

Mayor Bean, Council members: Clayton Creek, Tony Searle, Lee Ann Adams, Hal Shuler; Bryce Rawlings, Ernestine Folks, Cleve Swenson, LaRue Taylor, Don Taylor, Bob Rasmusson, Jared Taylor, Richard Taylor, Max Fuller, Don Mecham, Grant Moore, Blair Hanks, Jerry Fuller, Stan Cole, Kris J. Cole, Stanley H. Cole, Boyde Hanks, Kathy Rasmussen, Denise Rasmussen, Bill Pierce, Rod Despain, Jim Nicolet, Kristin & Matt Rutter, Linda Cooper, Treasurer.

LOAFER
RECREATION
in ASSOCIATION

By request of the attorneys for the Town of Elk Ridge, the minutes for the Work Session will be the form of an exact transcript of the proceedings. See attached transcript.

WATER SHARE
POLICY

Rod Despain advises the Council that the water share policy as written, permits the Town to allow additional connections to a point where the Town is once more in a deficit condition.

Discussion

Clarification of the existing Policy is needed.

ELK RIDGE TOWN COUNCIL MEETING

May 25, 1993

TIME & PLACE
OF MEETING

The regular meeting of the Elk Ridge Town Council was held on Tuesday, May 25, 1993, beginning with the Work Session at 7:00 PM, and the regular Council Meeting at 8:00 P.M. with a Closed Session at 8:30 PM. (for 1/2 hour) with the Regular Council Meeting reconvening at 9:00 PM., at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and Agenda of this meeting was provided to the Payson Chronicle and to each member of the governing body by mailing a copy to each on May 21, 1993.

ROLL CALL

Mayor Bean, Council members: Clayton Creek, Tony Searle, Hal Shuler, Lee Ann Adams; Bryce Rawlings, Ernestine Folks, Cleve Swenson, LaRue Taylor, Don Taylor, Bob Rasmusson, Jared Taylor, Richard Taylor, Max Fuller, Don Mecham, Grant Moore, Blair Hanks, Jerry Fuller, Stan Cole, Kris J. Cole, Stanley H. Cole, Boyde Hanks, Bill Pierce, Rod Despain, Jim Nicolet, Kristin & Matt Rutter, Gary Proctor, Scot Bell, Tony Schofield, Craig Carlile, Kim Christensen, Linda Cooper, Treasurer.

INVOCATION &
PLEDGE OF
ALLEGIANCE

Prayer was offered by Tony Searle, with the pledge allegiance following.

APPROVAL OF
AGENDA TIME
FRAME

MOTION WAS MADE BY CLAYTON CREEK, SECONDED BY TONY SEARLE, TO ADJUST THE AGENDA AS FOLLOWS: 8:30 CLOSED SESSION, 8:45 AND 9:25 AGENDA ITEMS TO BE MOVED UNTIL JUST AFTER THE 10:10 ITEM, ENTITLED "WATER BOARD MEMBER" VOTE: YES-ALL(5), NO-NONE(0).

EAGLE PROJECT-
JUSTIN HASKELL

Justin Haskell wants approval for his proposed Eagle Project. He wants to install cement steps from the pavilion down to the ball park. Jim Nicolet has rebar he will donate.

MOTION WAS MADE BY MAYOR BEAN SECONDED BY CLAYTON CREEK, TO APPROVE THE EAGLE PROJECT FUNDS OF \$350.00 FOR CEMENT STEPS FOR JUSTIN HASKELL. VOTE: YES-ALL(5), NO-NONE(0).

Bryce Rawlings will donate \$50.00

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 5-25-93 CONT.

ROADS: Bryce Rawlings was present to address the council
REPAIRS- concerning the "dangerous" conditions of the roads
BRYCE RAWLINGS in Elk Ridge. He feels the Council needs to take
action on certain hazardous spots. If the roads
cannot be fixed at this time, at least use flasher
barricades or cement barricades. Craig Haskell
will give the Town cement blocks to use. It was
also suggested that action needs to be taken on
putting the guard rail in on the dugway, as well as
a temporary barricade on the West side, to keep
rocks off the road.

SNOW PLOW Gary Proctor submitted a break down of what the
REPLACEMENT- Town's present snowplow has cost the Town since it
HAL SHULER was purchased (10/91).

Purchase price	\$7,600.00
Approximate Repairs (1992)	\$1,800.00
Cost in Repairs (1993)	\$ 2 , 7 5 4 . 0 0
(through April, '93)	
Sub. Total	\$12,154.00
Estimated cost for remainder of 1993	\$7,500.00
Total	\$19,654.00

He compared these costs to the price of the rebuilt
truck out of Denver, Colorado (\$37,500).
Councilmember Shuler recommends replacing the old
snowplow. The source of financing will be
discussed later in the meeting, during the Budget
discussion.

EXCAVATION Gary Proctor, working with Greg Magalby from Hall
PERMIT Engineering, updated the Town's Excavation Permit.
UPGRADE More directions for the installation of the laterals
are listed on the permit. A suggested non-
refundable fee of \$50.00 is to be collected to
cover costs of inspections and other costs incurred
by the Town. A sample of the permit was presented
to the Council. Mr. Proctor feels more control is
needed of the installation of laterals and the
excavation associated with this process. He
suggests requiring certain authorized contractors
to do the work.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 5-25-93 CONT.

MOTION WAS MADE BY TONY SEARLE SECONDED BY CLAYTON CREEK, TO INSTIGATE THE USAGE OF THE NEW EXCAVATION PERMIT, THAT THE TOWN CHARGES A NON-REFUNDABLE \$50.00 PERMIT FEE, AND THAT AN APPROVED LIST OF CONTRACTORS BE USED FOR THE WORK. VOTE: YES-ALL(5), NO-NONE(0).

The attorneys representing Elk Ridge in the Condemnation process arrived

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY TONY SEARLE, TO LEAVE THE REGULAR COUNCIL MEETING AND MOVE INTO AN EXECUTIVE (CLOSED) SESSION, FOR THE PURPOSE OF DISCUSSION OF LITIGATION, FOR 1/2 HOUR WITH A 5 MINUTE SUMMARY AS THE REGULAR SESSION RECONVENES. VOTE: YES-ALL(5), NO-NONE(0).

Roll for Closed Session: Mayor Bean, Clayton Creek, Tony Searle, Lea Ann Adams, Hal Shuler; Tony Schofield, Craig Carlile (attorneys for Elk Ridge) Rod Despain, Treasurer, Linda Cooper,

The tape was turned off for the Closed Session.

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY TONY SEARLE, TO TERMINATE THE EXECUTIVE SESSION AND MOVE BACK INTO THE REGULAR SESSION OF THE TOWN COUNCIL MEETING. VOTE: YES-ALL(5), NO-NONE(0).

The tape was turned back on for the Regular Session.

Thank you, Mayor. My name is Tony Schofield and I have with me my partner, Craig Carlile. We've been asked to represent the Town with respect to the issues affecting the well site located in the Loafer Recreation Association property. I wish to say at the out set that the Town really is not anxious to do this. By contesting litigation, that's an expensive and time-consuming method to solve disputes. But, it is a method to settle disputes. Negotiations have gone on for a long time in an effort to bring this to resolution. It is not felt that a ready resolution is available. After some considerable discussion, within the last month, we have filed a lawsuit seeking condemnation to enter an acre site, as well as the roadway access, power line access and an easement for a water line.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 5-25-93 CONT.

I'd like you to know that the Town has decided previously that they'd make no decisions in the Closed Session. Actions can only be taken in open sessions and also when they're on the agenda and there are no further agenda items tonight. Quite simply, to report prior decisions that the council has done to seek to resolve this, first by proceeding in the court process to obtain an Order of Immediate Occupancy which would allow the Town to proceed to drill the well and to use the property for the purposes which the Town desires.

We did discuss the options presented by Mr. MacNeill, whom I might say, I've never met. I've practiced law here in Utah County for a long time. We'd be happy to visit further with Mr. MacNeill. He is not a Council of record for the Recreation Association in the lawsuit until Dallas Young has filed an answer in that matter. At an appropriate time, I suppose that would be adjusted with Mr. MacNeill, if he's going to represent the citizens in this matter. We would be happy to deal with the Association's Council in a effort to reach a resolution. It is the request of the Town that Loafer Recreation enter a stipulation into the court that would allow an immediate Right of Entry for the purpose of drilling a well. Immediately thereafter, if there are litigations that remain yet undecided, the litigation process for condemnation has two major steps:

1. Acquire order of immediate occupancy or a Right of Entry
2. To decide what is fair compensation.

The desire is to negotiate what is fair compensation and to negotiate issues such as the sharing of water rights. There is the potential that this might be resolved on a lease/own basis as opposed to an outright taking of ownership. All of that can be resolved, it can be negotiated as appropriate subjects of negotiation. Given the time constraints that are important to the Town, in order to provide adequate water to its citizens, the Town fully intends and wishes to pursue the drilling of the well on the site where it would be located; and thus, the Town would prefer that the Association stipulate and agree to the Order of Immediate Occupancy...with the full understanding that there are many issues that have to be negotiated or resolved by litigation. Obviously, negotiation is a much more attractive option if it can be done on a basis that is acceptable to all of

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 5-25-93 CONT.

the players. So, without belaboring unduly, the discussion here this evening, in this setting, we wish you to know that this is the position and request of the Town to Loafer Recreation Association. We'll be happy to visit with Mr. Mac Neill, we'd be happy to visit with Mr. Young, whom we have spoken with at least a couple of times previously with respect to this matter. The Town would be happy to visit with the representatives of the Association. I don't think tonight is the time or place for those discussions; but, if someone would like to discuss it further, we're very much interested in doing so. I think that summarizes the posture that the Town has reached.

Mayor Bean commented that any future negotiations with Loafer Recreation Association will be conducted on the the part of Elk Ridge, as a Council, also with Legal Council present.

WATER SHARE
POLICY

With regard to Water Rights - With approval of transfer of 136.5 acre feet of water from Wesley Waters, the Town now has more than enough water rights to supply the anticipated needs of all existing connections and approved lots in Town. Rod Despain advises that the Council should now revisit the Water Policy to determine if we:

1. Retain existing surplus as a "cushion"
2. Allow some or all of surplus water rights to be made available to developers or to individuals.

According to Mr. Despain, there are approximately 52 acre feet of uncommitted water rights available in a low water year; and 101 acre feet of uncommitted water rights available in a normal water year. Mr. Despain's question: What does the Council plan to do with this information? The Council feels that this matter needs further consideration at a future Council Meeting.

MOTION WAS MADE BY TONY SEARLE SECONDED BY LEA ANN ADAMS, TO GET A SHORT TERM LOAN FOR THE PURCHASE OF WATER RIGHTS FROM WESLEY WATERS AS AUTHORIZED BY THE STATE OF UTAH. VOTE: YES-ALL(5), NO-NONE(0).

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 5-25-93 CONT.

WELL #4-
TONY SEARLE

Councilmember Tony Searle reports the Engineer's advise that with a 100 horsepower pump, the Town could probably get 65 gallons a minute more. By cleaning the Well, Mr. Hall feels 40 gals/min more would be gained. Mr. Hall suggest that the best option is to install a "transfer" pump to pump the water up the hill. A rough cost estimate for this is \$30,000 - \$40,000.

Options:

1. Moratorium on new building
2. Clean Well #4 only
3. Install 100 horsepower pump
4. Transfer Pump (cost prohibitive)

Councilmember Searle recommends 1) clean or 2) Clean and install the pump. The cleaning has already been authorized. The finances are not available to also install the new pump. Mr. Don Mecham's offer of \$15,000 would enable the Town to upgrade the Well to include installation of the new pump.

MOTION WAS MADE BY HAL SHULER SECONDED BY MAYOR BEAN, TO CLEAN WELL #4 AND INSTALL THE NEW PUMP AND MOTOR, EITHER WITH FUNDS FROM THE TOWN OR WITH THE MONEY OFFERED BY MR. MECHAM.

CLAYTON CREEK AMENDS THE MOTION TO CLEAN AND INSTALL THE PUMP WITH THE FUNDS DESIGNATED AS MR. MECHAM'S AS PER HIS OFFER DURING THE LAST COUNCIL MEETING HELD 5-11-93. SECONDED BY TONY SEARLE. VOTE: YES-ALL(3), TONY SEARLE, CLAYTON CREEK, MAYOR BEAN, NO-NONE(2), HAL SHULER, LEA ANN ADAMS.

A document in the form of an agreement for the \$15,000, written by Mr. Mecham, was read to the Council by Councilmember Searle. Mr. Mecham is concerned with the Town's capability to supply enough water to allow him to proceed with his proposed development. In exchange for the \$15,000, Mr. Mecham requests a guarantee of 10 connections. As a condition of connections Mr. Mecham would need to purchase the water rights and deed them to the Town. Councilmember Searle advises that Mr. Mecham must realize that the pumping capacity must increase (as a result of upgrading Well #4) sufficiently to be able to supply the connections requested by him as an advance.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 5-25-93 CONT.

Councilmember Creek reminded the Council that Mayor Bean and Councilmember Searle were already authorized to negotiate with Mr. Mecham for the \$15,000 as per the last Council Meeting held 5-11-93.

As a citizen of Elk Ridge, Linda Cooper expressed concern that the Town is obliged to service the already existing homes with water adequately before allowing new homes to create a water shortage.

Kent Crawford projects that the Town will be running short of water. He also states that upgrading Well #4 will help the situation. What is needed is to set a policy of how much building should be allowed and how much water is available to service those homes.

ALLRED/GASSER
CUL DE SAC-
DURABILITY
RETAINER

The final Plat for the Allred/Gasser Cul de sac has not been recorded. It was not to be recorded until all the money, representing the Durability Retainer, is in place in the Escrow Account at Far West Bank.

(\$3,000.00 to be held for 5 years) The original \$2,000.00 is in the account. No further funds have been paid to the Town, or deposited in the account. The Bank has no instructions, as agents to the Escrow Account. The Mayor stated that there would be no further development allowed on the Cul de sac until the rest of the Durability Retainer is paid (\$1,000.00). A letter of instructions is to go to Far West Bank. Letters are also to be sent to both Vernile Gasser and Rey Allred.

PLANNING
COMMISSION/
ALTERNATE
MEMBER-
CLAYTON CREEK

The Council, by common consent, confirmed the recommendation of the Planning Commission to have an amendment to the Planning Commission Ordinance prepared which, among other things, will provide authorization to appoint an alternate citizen member.

BUDGET
1992/1993

All further spending should be coming to a close. The end of the fiscal year is upon us. The Clerk asks the Council to please inform her of any financial needs and to clear all spending through the Clerk.

BUDGET
1993/1994

Any further changes to the new Budget must be turned into the Clerk as soon as possible.

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 5-25-93 CONT.

PUBLIC
HEARING
DATE SET

MOTION WAS MADE BY MAYOR BEAN SECONDED BY CLAYTON CREEK, TO SET A PUBLIC HEARING FOR ADOPTION OF THE FINAL BUDGET FOR 1993/1994, FOR JUNE 22, 1993 AT 9:00 P.M.

PEST CONTROL-
LEA ANN ADAMS

Councilmember Shuler stated that he would begin cutting hay in about a week. Councilmember Adams said that the Town will spray by the end of the week beginning May 31, 1993 and ending June 5, 1993. Councilmember Shuler disagrees due to the hay not being off the fields by then. Councilmember Adams maintains that spraying will begin as designated, and that she has contacted all property owners involved, and has permission to spray.

FIRE DEPT.
LEA ANNA ADAMS

The Fire Department is considering Colleen Liechty as secretary, to keep a journal and account for what they are doing. Framed pictures of the Fire Chiefs was also suggested.

WATER BOARD
MEMBER

Councilmember Searle recommends Cory Ruward as a Water Board Member.

MOTION WAS MADE BY TONY SEARLE SECONDED BY HAL SHULER, TO APPROVE CORY RUWARD AS A WATER BOARD MEMBER. VOTE: YES-ALL(5), NO-NONE(0).

EXPENDITURES

1) Rod Despain's bill for services rendered in 92/93 was presented in the total amount of \$5,385.
2) Steve Killpack's bill for service from 3/5/93 to 5/11/93 in the amount of \$675.00 was also presented to the Council.
3) A bill from L.N. Curtis & Sons for expenditures by the Fire Department (\$849.81)

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY LEA ANN ADAMS, TO APPROVE THE EXPENDITURES AS OUTLINED. VOTE: YES-ALL(5), NO-NONE(0).

FINANCIAL
REPORT
APRIL 1993

The Financial report was not approved at this time. The Council was unsure as to why this item was on the Agenda.

Councilmember Creek requests that a copy of the minutes be sent to Alvin Harward to be read at the next Planning Commission Meeting. (Pg. 67 only)

MINUTES OF ELK RIDGE TOWN COUNCIL MEETING - 5-25-93 CONT.

APPROVAL OF
MINUTES OF
PREVIOUS
MEETING

MOTION WAS MADE BY CLAYTON CREEK SECONDED BY HAL SHULER TO APPROVE THE MINUTES OF THE PREVIOUS MEETING WITH THE FOLLOWING CHANGE: PAGE 64, 2ND PARAGRAPH, CHANGE "PROPOSES" TO "PURPOSES". VOTE: YES-ALL(5), NO-NONE(0).

ADJOURNMENT

MOTION WAS MADE BY TONY SEARLE SECONDED BY CLAYTON CREEK TO ADJOURN. VOTE: YES-ALL(5), NO-NONE(0).


Town Clerk

Mayor Bean: Being informed of this meeting and trying to get in touch with out people and not finding out in fact until Sunday night that you'd be present here with an attorney, we made attempts to contact our attorney so that they could be here to this meeting and they're not able to be here until 8:30. We'll go ahead and discuss but will close out of this session and we will reopen the work session at 8:30 when they are there. You are welcome to stay, but I know that's an imposition on you, there would be a half an hour block there and that's what we'd propose to do. You are welcome to do that, the two attorney's are Mr. Tony Schofield and Mr. Craig Carlile have indicated they would be here about 8:30 to take that up. So, now we will turn the time over to you. *

Introduction of Martin MacNeill to the Town Council:

MacNeill: Gentlemen, I'm very happy to be here, unfortunately because of the setup of your room, it doesn't look like we have a lot of seats, so why don't we become as comfortable as possible. I do have a couple of things I wanted to discuss with you tonight, I think that it's important that we work out some of the problems that have come up between this association and the Town of Elk Ridge. I know that I'm getting in in the middle of this, that condemnation action has already commenced, but I do need to discuss some of the available options to us as an association. I think that it will be important for you as well that you understand what our options are. I hope I don't bring forth a couple of things tonight, I don't want you to speak like a New York Attorney, even though that's where I'm from, I've tried very hard in my life to overcome the New York and New Jersey accent. But, I also don't want to give you the idea that we're giving you an ultimatum, we are not doing that. We are anxious to work with you and are not trying to intimidate you in any way, but I know that most of us in the room are old enough to be aware of the TV show "Let's make a Deal". And if we remember that show with Monte Hall, Monte would have a number people in the audience they were dressed in outlandish costumes and the meat of the show was that at the end there were three doors for the grand prize. Door 1, door 2 and door 3, and behind each of these doors stood the chance of success for those individuals who where there that night. We're going to have an opportunity to talk about some doors, and to borrow from Monte Hall some of the excitement, we hope, of "Let's make a Deal". What are our options as an association? One option, and we'll call this, for want of a better term, door no. 1. I have in my hand here, I would like to present a copy to each of you, a summons as well as a request for the County to reannex this piece of land and to deannex from Elk Ridge. Deannex, Gentlemen, to deannex the property completely, to remove it from your jurisdiction and your boundaries. To take it back into the County from whence it came, that's behind door number 1. We have the papers and we have the option, if that's the door that's chosen, to file these papers tomorrow and to start deannexation procedures. I can tell you that this is not an exciting door for any of us. This is certainly not

exciting for us because there are some possibilities that behind that door for us will be some restrictions that the County will apply to us, we are now well aware of what those restrictions are. But, that's an option, that option is there. And we are fully within our rights to do so. Door number 2 Gentlemen, carries with it as well, many problems, but potential gratification as well. For lack of a better term we're going to call that "Fight". Behind door no. 2 we have the potential of fighting with this Township, of fighting your condemnation procedure to the fullest extent possible. To question your appraisal, the appraised value of the property. As you know through your condemnation procedures, you have listed the value of this land, and all access to the land as being \$40,000. Our appraisal at this point, tentative though it may be, is the value of \$355,417. So, why do you think it's possible, you have an idea that it's worth \$40,000, we have an idea that it's worth almost ten times that much, \$400,000. And I think we have figures to back that up as well. Along with that, we have the potential, behind door number 2, of getting a lot more money from this. Along with that, we have the potential of driving up legal costs. Which is not a bad idea for me, I'm sure your attorney's as well, would find that to be beneficial. I have a heavy car payment, I have a heavy house payment and I would love to have someone take those over for me. Door no. 2 has a lot of problems behind it as well. These Gentlemen don't want to fight if there is a potential for not fighting, they want to remain within the boundaries of your beautiful Town, if possible, they don't want to be deannexed, but these are two options that are available. These are two doors we have open. (Lea Ann Adams came into the meeting late). I'm sorry Ma'am I'm Martin MacNeill, I didn't meet you, what was your name?

Lea Ann Adams

Ms. Adams I'd like to give you a copy of the potential deannexation order. So, what are we talking about here? Well, Door 1, get rid of part of the problem by removing ourselves from your community. Door no. 2, fighting you to the fullest extent of the Law and with as much money as can be pulled together, which by the way is quite sizeable I've seen the finances of some of these gentlemen. Door no. 3. Door no. 3 would you all like to come in, I don't mean to keep you all out there. Door no. 3 I think is an excellent choice, and if you know from these game shows, you never jump at the first door. Frequently when you do you find out that you wish you hadn't. Door no. 3.....is negotiate. Negotiate. To discuss, to work these things out. Now, we need time to do that. If door no 3 is to be accepted, and chosen, that's one that you can choose right now. You can choose to negotiate right now, you have full choice there. As such, in your negotiation you close off these two doors for us for right now. We will not choose these two doors if you choose to negotiate. But what does negotiation mean? It means true negotiation and time to do it. Right now this condemnation has got to be stopped. We need time to negotiate some of these

issues. We want to know what you want, and you need to know what we want. We want to work these things out. Door no 3 is our preference, door no 3 is what we want. I hope it's what you want. I hope that you'll comment on some of these issues, and then let's work these things out, let's get it to the point that we don't have to choose door no 1 or door no 2, because, who's going to win? Who's going to be the real winners here? Who's going to make the best deal with door no 1 or door no 2? I'm gonna make a darn good deal out of that. I'm gonna make some money, your attorneys are gonna make plenty of money. Ray Quinney and Nebiker are a big law firm, I'm sure they'd love the opportunity to work these things out. If that's what you want that's fine. Someone will pay my house bills. And you may be of the belief that attorney's don't own enough and don't have enough money, if you are, then lets go, lets go fight, and let's work to deannex. But if you really want to negotiate this thing and keep the cost down for yourself, get what you want, and get what we want as an association. We have the opportunity of doing it, we are ready to negotiate, we are ready now for door no 3. But we need to do it now, so we can then determine if you, in fact, choose to do otherwise what our next options are, which door we choose. If we could talk about those things tonight, and right now, that would be wonderful. Thank you for listening.

Mayor Bean: ?????? We have indicated from the outset that we wanted to negotiate. We, however, do feel that we want to obtain the title to the land as part of that negotiation.

MacNeill: Alright. Do you mind if I write while we talk?

Mayor Bean: No

MacNeill: The fact is then, you're saying that to negotiate, that a deal buster isn't your plan, because right now I'll tell you truthfully, the association doesn't want you to own the land. You know that, they'd rather lease the land to you, and I want to know from you, is this a deal buster?

Clayton Creek: Are you privy to the information in the negotiation form they had here before?

MacNeill: I am,

Tony Searle: And you feel that's fair?

MacNeill: At this point, I'm not sure what's fair. I'm not here, I'm being paid by the minute, this is great, I love that clock up there it's ticking away the minutes of my time. I'm not here to say what's right or wrong, I'm just telling you what our position is right now. I think that I know what the association position is, maybe you could tell me what your position is. What things you definitely need, what's the deal buster here?

Mayor Bean: I think in our last discussion with members of the Association we indicated we wanted to obtain title to the land, that we would then be willing to lease back from the well, water which would allow them to prove up on their water rights. Our question at that time was what they wanted to do. Was it to prove up on the water rights, is that all they wanted to do, and we were given the indication that that was what they wanted to do, was prove up on the water rights.

MacNeill: Well, one of the things that they wanted to do obviously, was prove up on the water rights, that's true.

Mayor Bean: Then there was something other than that? We weren't told that in that last....

MacNeill: I'm here, I've been given authority by the unanimous vote of the board to negotiate with you now.

Mayor Bean: I think we really specifically hit on that point, did we not, Tony? I'm trying to get at what they wanted.

MacNeill: I'm here obviously to negotiate these points. So, let's talk about that now. Let's say, ok, we know what's happened before, but let's stop, and let's find out what you want, you fill me in on what you need, what's your deal buster. The preference here, is to lease the land to you. A 99 year lease, is that a deal buster?

Mayor Bean: What

MacNeill: I'm really not trying to be obnoxious, I was born this way.

Lea Ann Adams: You are.

Clayton Creek: I second that.

Tony Searle: Why is 99 years so important?

MacNeill: Just that this Association's been together for longer a time, they would like to keep the land together, they would like, the preference is, not to have anyone break up the land.

Clayton Creek: Can you give me any examples ///a 99 year lease, the people who have been leasing it to have any advantages whatsoever.

MacNeill: Well, the advantage that, we can give you advantages, that's what we're saying. We're saying that we can give you advantages to that.

Clayton Creek: I'm just looking at the cases where the 99 year leases are almost up, I was wondering what advantages there are to those people who have leased.

MacNeill: Well, there's a truth, just a 99 year lease and no chance for renewal of that lease, then when I say that there's no great advantage. But, I'm saying that there is potential for renewal in perpetuity. As obnoxious as that might sound, you can second that one.

Clayton Creek: No thank you

MacNeill: The fact is that the lease is the preference. Why is it that you weren't told, if you can answer that for me? Because they don't know. This Association doesn't know why you demand title over the 99 year lease.

Lea Ann Adams: Martin, if it is not to provoke????? It is not the only thing. I think it would be interesting to hear what it is that you do want.

MacNeill: I told you, one thing we want is the lease.

Lea Ann Adams: What else?

MacNeill: We want water, and we want this compensation. Wouldn't any one want this, for a piece of their land? That's what our question is. Why is it important for you to have title? If there is a reason for it, let us know.

Mayor Bean: Yes there is a reason for it. If we have title then we own the well, and it's not a question of somewhere down the line an argument occurring over the lease arrangement, or eventually, perhaps not be able to renew the lease in perpetuity. In our view, it just eliminates problems down the road.

MacNeill: OK, I'm going to tell you this, keep problems right here. It's not down the road it's, these men are willing to negotiate so that you can have, basically, access to the land for 99 years, long after we and our children are dead.

Hal Shuler: What about our Grandchildren?

MacNeill: In perpetuity, we're willing to give renewals on those leases, 'til your grandchildren, your great grandchildren, and their children are dead.

Mayor Bean: Would the Association be willing to write the lease initially in perpetuity?

MacNeill: I've been given that permission to say that, yes they will write it.

Tony Searle: And now if we turn it around and we buy the land and we own it, that we'll give you first rights of buying it back.

MacNeill: Yes, that's one option I guess, something to negotiate with, something to talk about. Right now their preference is to lease the land to you. Lease the land for a long period of time, 99 years, with a renewal of another 99 years, and a renewal of 99 years after thereafter.

Lea Ann Adams: With no strings attached.

MacNeill: There are always strings attached, there's going to be strings attached to buying ground, if you don't think that there's strings attached to, what I'm saying here, behind door no 2, then you're wrong. There are many strings attached here.

Clayton Creek: Let's look at some of the other things that the Association is looking for besides the lease.

MacNeill: Alright. Water, obviously, your drinking some of it, it's not any better than what comes out of that mountain right up there. Water, a certain amount of the water coming from that well that you mean to drill.

Clayton Creek: Is there a rate or amount that you are willing to put forth right now?

MacNeill: Well, it's all going to be dependant upon all of these other issues, it's not something that we can negotiate solely here, and this one solely here because they're dependant upon one another.

Clayton Creek: But you must have an opening position by which you want to negotiate.

MacNeill: We'll take 100% of the water, that's an opening position, that's a joke, you may smile occasionally. The initial negotiation was for 25% of the water.

Tony Searle: I think we ought to back up a little bit here. What's your goal tonight as far as this meeting right here?

MacNeill: The goal is to work out some of these issues, come to agreement, if necessary, that you will stop the condemnation procedures until we can negotiate these issues,

Tony Searle: I may be out of turn, but I'll be honest with you. I don't think that you'll come to an agreement tonight, especially without our attorney present, even if he comes, I don't think that you're going to come to an agreement tonight. Do you understand what I'm saying?

MacNeill: Sure.

Tony Searle: I think that we're very much on the defensive here, we've got 80 people out here, and an attorney standing in front of us;

McNeill: 80 people who own land in your Township, and they are citizens?

Tony Searle: That's correct, and we want to support them and put water up in their area, anyway, the point is that we're very much on the defensive, we don't have our attorney here.

McNeill: We can come back, we were told Saturday that your attorney would be here at this time, we were told that Saturday. On Saturday I stood in the office when someone was contacted and we were told they would be here, otherwise I would have suggested we wait until the attorney was present.

Mayor Bean: We were trying to get in touch with the attorney, but we had not made that contact.

McNeill: Well, tell us what you want.

Tony Searle: All I'm trying to drive at is that, my suggestion would be that we at least have our attorney, possibly set up a time where again we meet at your group of representatives, how ever many that you want. I don't know if you want everybody there, but maybe you do, and then we get with our attorney possibly meet,

Mayor Beam: When we're not even limited to an hour, when we have more time.

McNeill: Actually, we're willing to negotiate, the problem is right now, we still don't know what you want. If we could get that out tonight, what both sides want, then at least we'll have something more than we've got right now. What is it you want from us? You want to just take the land free of charge, and give us nothing in return? What is it you want?

Mayor Bean: What we wanted to do is to obtain the land at the appraised price, and drill a well, and run it down through there and..

McNeill: And pay nothing for the access, for the right of ways, for the destruction to the property?

Clayton Creek: no. 917 ???

Tony Searle: To answer your question, we want, obviously we want title to the land, in the condemnation we have asked for all rights of entry, and the price that we want to pay is the appraised price,

the appraised price includes both the site all easements, all ingress and egress whatever they call it, it includes all of that in the condemnation. Actually if my understanding is correct we already have the right of entry and exit from the annexation, if I understand correctly, maybe I don't. In to answer your question, we're willing to pay the appraised price for the property and that includes all easements.

McNeill: Ok, you want the title to the land and entry, and I suppose you want some of the water that comes out of there. How much of the water do you want?

Lea Ann Adams: We want 100%

McNeill: Ok, that's a good starting point. Cause I'm willing to negotiate,.....

Tony Searle: Now, think about that for a minute. We want the water for the Town, ok, the people are part of the Town and they are welcome to hook onto the water system, we want them to hook onto the water system.

McNeill: It's our water, I mean right now it's our water.

Tony Searle: Ok, now that's the one point you gotta be careful on, it's not your water, it's not our water, it's not anyone's water under there, unless you have the water rights for it.

McNeill: Ok, it's our position we have access to the water, now we own the land that the water is under, and that.....938 See, that because even though you say that it's not our water, we say that it is. So, that's a disputable point. Ya, we can argue these points, we can have our smug little looks for a long period of time here, but I'm gonna tell you something, that this is going to be the most expensive water in the history of Utah unless something can be worked out. Negotiation, even if you don't like the negotiator, is going to be in the best interest of both. And so we need to talk an awful lot. We both want 100%, we both want title to the land.

Lea Ann Adams: Martin, these negotiations have gone on for several months, even years. It's not like negotiation wasn't a process that we have looked at.

McNeill: Everything so far has been a lease, all of a sudden there's a condemnation to (perfeet)? title.absolute, there is nothing that I can see that tied in the two. I'm coming in, in the middle here, but I'm here.

Lea Ann Adams: But you didn't have all of the information, like you mentioned before,

McNeill: I have all of the initial agreements, the agreements that were initially given by you, which by way, says LEASE Agreement. That's yours isn't it? Right there. Lease Agreement. I have everything that these few fine people have that you have given them. And nothing here, until the condemnation order says that you wanted to own this land. It's true, you can go in there and condemn it, we can start the deannexation procedure and try to stop it, you may still own it. But it's gonna cost ya. We can fight, we can fight every step of the way, and that's a definite possibility. It's gonna cost ya, it's gonna cost us, this group, but that's another possibility. If you don't want to negotiate, if you're set in your ways, if you've decided that you're going to be stuck here, and that you've decided to cop an attitude,

Lea Ann Adams: I think that was the feeling we had attained from the Association, and in return we are 964.

Loafer: Lea Ann, can I ask you a question? You say that is the position the Association has taken. Concerning water, or possible well site, how many of the meetings have you been to with us?

Lea Ann Adams: I have not been to any of the meetings with the Association, I have listened to all of the information that has come back from the Association.

MacNeill: From a second party?

Lea Ann Adams: That is correct...

Clayton Creek: As you well know, we're not allowed to have more than two of those meetings between Council Meetings.

Loafer: On several of the occasions when Jerry and I and the rest of the board members have been to, we've been under the impression that we were going to meet with the Council, and when we come here it's been with either the Mayor by himself, or the Mayor and Tony Searle, and so you're getting the information second hand, and the reason we're here tonight and asked for a meeting with the Council was so that we could discuss, exactly the feeling of the Association members, who are part of the community of Elk Ridge, to tell you exactly what we would like to do.

Lea Ann Adams: Do you feel, honestly, that Martin is painting a true picture of your feelings and portraying how you feel.

Clayton Creek: Is he representing what you have said to this point for the last year and a half, because I've heard more unofficial ultimatums from Martin in the last half an hour than I've ever heard from any body from Loafer Canyon for a year and a half.

MacNeill: I'm sorry, you have misrepresented my position, I specifically said, we're not here to present ultimatums, if you

recall. There's no ultimatums here, we're anxious to negotiate, we're anxious to finish this thing right now. We're anxious to sign on the dotted line, you want to negotiate, let's do it right now, let's wrap it up.

Mayor Bean: No, let's not. Let's wait until our attorneys are here.

MacNeill: I mean, we can do anything you want. We thought that they'd be here.

Lea Ann Adams: I'm concerned with your feelings, and I would like to go ahead and address that.

Loafer: You use the term ultimatum, and I think that's the exact term before we began, before Martin started, he said I'm not here to intimidate, I don't want to give ultimatums, we're here to discuss our options. And the option that he discussed, he called it door no. 3, is the most preferred option by any member of the Board of Directors from the Loafer Recreation Association, is to negotiate something that we feel is fair to the citizens of Elk Ridge, where you can get water, where we can prove up on our water rights and we're environmentally impacted the very least.

Lea Ann Adams: And you feel like the first option that you gave Elk Ridge was a true option that was very livable?

MacNeill: Those options aren't being presented today though.

Loafer: Are you discussing the Lease that you've been presented, those two different documents, one was for a test well, one was for a permit. The Mayor and Tony were at those meetings, and there was not one item discussed at those meetings that they were not privy to. And if there was something that was drastically offensive to you, then we should have discussed it.

Lea Ann Adams: I think that those were meetings to go to gather the information and come back, and give the information to the Council

.....what you wanted, and as we received those, it was my opinion, that you were wanting everything.

Loafer: Second Party.....

Lea Ann Adams: No, I read the lease, that's not second party, that is what you wanted from Elk Ridge.

Loafer: You've never asked us..

Lea Ann Adams: We didn't have to ask you, it was in the lease that was brought to us.

Loafer: Then why didn't Tony and Mayor Bean object to it drastically?

MacNeill: There was no midpoint, we're talking about the lease, straight to condemnation. I mean, that's no negotiation there. I can't imagine that anyone would assume that initial discussions were end discussions that that was the closure of the deal.

Loafer: Remember, these documents were drawn up last October.

Lea Ann Adams: Right, but there was negotiations going on long, long before that.

Loafer: Well, why was nothing done between October and April? We've never met with you, we've never discussed this with Hal Shuler, we've never discussed it with you.

Rasmussen: On that question there, after we were aware that you had the lease agreement, we wrote a letter, a registered letter on January 8, this year, explaining that we did not want to be put in a position if there was something that we did not agree to on this, to be put on a last minute position to negotiate. We wanted to start that and do it from the ground.

Clayton Creek: I think that we have been trying to come to terms with this for a long time, we've gone back and forth and I think as we get smarter about leases and we get smarter about land ownership, we feel that land ownership is the way for us to go. As we look at how the water rights would be divided, and how the pipe was going to run, and who was going to have control, and who was going to pay for this or that, we feel that we have done everything that we should have done both legally and if you want to call so morally, to do the best we can by both parties in the event that hasn't been portrayed we're sorry. Bob, I admit you speeked very well for the Association, I think you understand we're trying to get water for Elk Ridge both here and for up there. If you look at some of the lease agreements that were out there from some time ago, I tend to think that some of those items were a little bit leveragable at that point, if you look at it, I mean, not only did you want to make sure that, I mean, it came all the way down to specifying the certain color of fence to be painted at a certain time of the foliage. I think you wanted the fence to be painted the same color as the foliage in July? And I guess that's for esthetics, but then I start looking at, well, if you don't get water out of there in a certain amount then, and you abandon it and beget it, we don't get to buy it back, we just get it. And by the way if you just don't do much with the well, not only do we get that but we get everything you've got on it. So it really wasn't, as far as we read it, a situation that was ever close to a draw. If we go up there and the test well doesn't work we have equipment up there, and it doesn't work out for us and we can't pump enough to make it profitable for Elk Ridge, we have to walk away and it's

gone. And there really was no compensation back from Loafer Canyon back again. And it seemed that that agreement was very much one sided and not in the interest of all, and we were really, honestly trying to put water in Loafer Canyon and in Elk Ridge.

MacNeill: Let's do it, I know, when your attorney's here. You think about that now, don't mention to me what you wanted, but think about it. Here are sides that we're talking about. These are the killers, these are the biggies. You want title to land at \$40,000 you want the water in one hand sweep to the land. We prefer having the lease, getting some of the water, and having the least amount of impaction upon the land. This is not a detriment to your Town, this impaction. The concept of water is fairness, and we're understanding that you want water, that you need water. There's no problem with that. For in alleven with working out some kind of middle ground here for all of these issues. We can work that out, we can work it out when your attorney gets here, or now. I'm not saying do it now, think about it now, let's do it when your attorney gets here. But if you're not willing to negotiate if you've formed a position..

Mayor Bean: No, we are willing to negotiate

MacNeill: Then let's do it, let's do that, let's do that when your attorneys gets here. Let's plan on settling this issue, and let's do it so that we're all happy, I think that's possible. I think you have a responsibility to this group as any other citizens of your community, to do what's best for them, and that's something that we're asking you to do. Nothing more. If that's obnoxious, I apologize. I guarantee you, I'm the nicest guy that ever came out of New York.

Clayton Creek: Is there any way when the attorney gets here at 8:30 that we can put ours in that corner and yours in that corner, and we can talk? And that way we can go that way, and you can have your Council as it is, because never once has anybody from Loafer Canyon come and said, let's play a game show, let's do 1,2,3, let's threaten, and let's do a number of different things, and then sit there and say smugness, and all sorts of other things, let's just get down to the two of us and let them all offer council. Because I'm not having the easiest time here with Martin, and I'm not quite sure he's best represented things. I think we ought to just work out what we have been working on for some time. And Bob said it just as well as anybody else, a little while ago, I think you ought to know that the lease agreement was out there for some time, and look at all the details that a win situation for Loafer Canyon and a lose situation for us, that's my own personal feeling.

MacNeill: That's why we're willing to negotiate, I do not believe that I'm the best negotiator for them, if you choose otherwise then that's fine. I'm willing to step out now, I'm willing to throw down my glove and to keep quiet, it's hard for me to do.

Lea Ann Adams: Turn off the clock?

MacNeill: Turn off the clock?, no, that I won't do.

Mayor Bean: Speaking of the clock, we have other Council agenda items. I don't believe that even when those attorney's get here, we've got enough time to really hash it out and resolve it.

MacNeill: That's true. Well, let's get a working agreement though, all we're asking for at this point is your agreement that you'll not continue that condemnation, that you will not go through that condemnation for a certain set period of time. We're suggesting two months now. That you just hold off for two months while we negotiate these issues, that's what we're asking for right now. And you can wait for your attorney to decide that, that's alright to do that. I think that's a reasonable request. Just give us the time to negotiate, we'll negotiate at 8:30 tonight at 4:00 in the morning whenever you want, whenever your attorney wants to come. Whenever you're willing to meet with us, will really be good. Great. Thank You. 8:30?

Mayor Bean: That's when they're supposed to be here.

MacNeill: I'll be here.