

NOTICE & AGENDA


Notice is hereby given that the **Town Council and Planning Commission** of Elk Ridge will hold a **Joint Public Hearing** on Tuesday, July 28, 1998 commencing at 7:00 PM. The Public Hearing will be for the purpose of receiving public comment regarding proposed amendments to the Development Code of Elk Ridge, UT; establishing a new Zone to be designed as the Sensitive Lands Overlay Zone; Setting forth the requirements within the Zone; Identifying the area of the Town to be designated into said Zone; and providing for the enforcement of this Ordinance. The meeting will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

7:00 P.M. - JOINT PUBLIC HEARING WITH THE ELK RIDGE TOWN COUNCIL & PLANNING COMMISSION

7:00 PM **1. Sensitive Lands Overlay Ordinance**
Public Hearing regarding proposed amendments to the Development Code of Elk Ridge, UT; establishing a new zone to be designed as the Sensitive Lands Overlay Zone; setting forth the requirements within the Zone; and providing for the enforcement of this ordinance.

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

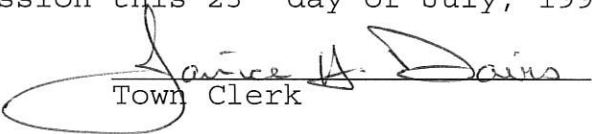
Dated this 23rd day of July, 1998.


Town Clerk

*Handicap Access, Upon Request. (48 Hours Notice)

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 of Joint Public Hearing, was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and to each member of the Town Council & Planning Commission this 23rd day of July, 1998.


Town Clerk

**ELK RIDGE TOWN
JOINT TOWN COUNCIL/PLANNING COMMISSION
PUBLIC HEARING
JULY 28, 1998**

**TIME & PLACE
OF MEETING** The Town Council and Planning Commission of Elk Ridge held a Public Hearing on Tuesday, July 28, 1998 at 7:00 p.m. The meeting was held at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah. Notice of time and place of meeting was provided to the Payson Chronicle and each member of the Town Council and Planning Commission on July 23, 1998.

ROLL CALL *Town Council:* Mayor Ingram, Vernon Fritz and Brent Bluth, *Planning Commission:* Jim Nicolet (Chairman), Stewart Jolley (Vice Chairperson), Ernestine Folks, Terie Righettini, Gary Proctor, Ty Ellis, and Todd Schulthess, *Attorney:* Denton Hatch, *Public:* Ray Lee Steinacker, Carole B. Whiting, Ned A. Whiting, Kendall M. Jolley, Hal Shuler, Paul Liston, Forrest Darling, Colette Shuler, Dennis Shuler, Amy Mason, Solveig Quass, Lisa Cox, Lee Brown, Jeneal Peterson, Lynn Peterson, Karl Shuler, Gary Winterton, Lucretia Thayne, Cindi Ellis, Don Mecham, and Becky Dare, *Town Clerk:* Jan Davis.

At 7:00 p.m., Mayor Ingram opened the Joint Town Council / Planning Commission Public Hearing regarding proposed amendments to the Development Code of Elk Ridge, Utah; establishing a new zone to be designated as the Sensitive Lands Overlay Zone; setting forth the requirements within the zone; and providing for the enforcement of this ordinance.

Mayor Ingram welcomed those present and set parameters of the Public Hearing. He said that the Public Hearing was only to discuss the Sensitive Lands Overlay Ordinance.

**REVIEW OF
MEETING AGENDA** 1. Presentation by the Planning Commission Vice Chairperson, Stewart Jolley.
2. (The Mayor was aware of no written statements or requests having been submitted to the Town.) The Mayor will permit anyone wishing to make a public statement to come forward to the Council table, state his/her name for the record, and limit the formal statement to 3-5 minutes.
3. All were asked to state their names clearly.

PRESENTATION Stewart Jolley:
The Planning Commission has looked to other communities with a

ELK RIDGE JOINT PUBLIC HEARING, 7-28-98 CONT.

2. Rae Lee Steinacker (resident)
Feels the Planning Commission is trying to solve some of the Town's problems; however, she feels parts of the proposed ordinance are unclear.
 - A. How will the proposed ordinance prevent a neighbor from building and landscaping in such a way as to flood her property? Mr. Steinacker feels the language is too broad and that the ordinance should be interpreted in the strictest sense in order to see how it could be interpreted in the future. If the wording and interpretation does not reflect what the Planning Commission's interpretation is - it should be changed.
3. Seth Waite (Fire Chief) - written statement read by Ernestine Folks in Mr. Waite's absence.
Concerns:
 - A. Vegetation - Clearing will need to conform with guidelines set in the Interface Ordinance. Homeowners will have to clear back more than what the developers will.
 - B. Fire Protection - Agrees that 40 PSI is okay on an 8" or greater diameter line; but, consideration needs to be combined with the size of home to be built. Proper size water lines should be installed for the size of homes to be built.
 - C. Testing of fire hydrants prior to approval needs to be mandatory to establish correct pressure.

PUBLIC
COMMENTS

1. Lucretia Thayne - has not gone entirely through the proposed ordinance; however, she has concerns on the parts she has reviewed. She feels that rapid growth is a problem in Town and she would like to see it controlled. People come into Town and do things which damage the environment and that causes her further concern. Mrs. Thayne recognizes the spirit with which the proposed ordinance was prepared; but, also feels that property owners should not be deprived of their opportunity to develop their land. She feels there are many vague areas in the document which need clarification. How do we define how/when others' rights are infringed upon?
2. Kent Burton - Has not read through the document - but has concerns about the proceedings. Quote (1) "He who loves liberty, loves others, he who loves power, loves himself." (2) About governing people - "I teach them correct principles and they

- govern themselves." Mr. Burton perceives the proposed Sensitive Lands Overlay Ordinance as the Town getting into "Big Government". He feels the Town's government wants to "Get into everything" - "Into every aspect of people's lives" and that this is wrong. It shouldn't matter how people develop their property.
3. Hal Shuler - Also stated that the proposed ordinance is unconstitutional. He noted that all of the area designated as "Sensitive" is flat and very developable. This level of restrictions is unconstitutional.
 4. Paul Liston - owns property in the CE-1 zone. In the process of attempting to develop his property and presenting his plan to the Planning Commission and Town Council, he claimed that the requirements kept changing - causing him to have to have plans re-drawn to meet the CE-1 regulations - then all of the requirements changed for that zone. The result being that out of 30 acres, 13 lots could be developed. This was not cost effective for Mr. Liston. The paperwork renders his property useless. Park City has been looked at as a model - in Park City, building on hillsides is allowed where there are steeper slopes.

Question: Janice Davis (Town Clerk) directed a question to the Town's Attorney, Denton Hatch.: Many times the term "Constitutional Takings" is referred to. From a legal perspective, are regulations such as those proposed in the Sensitive Lands Overlay Ordinance be considered a "Constitutional Takings" issue?

Denton Hatch - Since the 5th Amendment to the Constitution had been referred to, Mr. Hatch restated that one can't be deprived of property without due process of law. He pointed out that the Public Hearing is "due process of law", where the issues are being discussed and studied and everyone is trying to come up with the right solution. It is Mr. Hatch's understanding that the Sensitive Lands Overlay Ordinance is a proposal and all those present have shown interest by participating, by attending the meeting and expressing opinions and trying to learn.

Having studied volumes of books on constitutional law, Mr. Hatch stated that he does not understand the full breadth of what the term "Takings" means. There is no easy answer. A "Taking" would be an extreme situation where a person is deprived of the use of his/her property without due process of law. There are

ELK RIDGE JOINT PUBLIC HEARING, 7-28-98 CONT.

there are ordinances in place that he feels takes care of the drainage and slope issues.

Don Mecham - Four years ago, in conjunction with Oak Bluff Estates, a sump system was installed as a result of studying the drainage. The system was supposed to be extended to a full system with drainage basins. Drainage, cut and fill has been addressed in the past, prior to the "Mountain lands" Ordinance and the proposed Sensitive Lands Overlay Ordinance.

Solveig Quass (resident) - If the ordinances are in place to address these issues, they need to be re-addressed because the designs are not working. Flooding does occur. The homes in her area (Oak Ridge Dr.) Have been flooded twice this year.

Forrest Darling - The inner portions of Elk Ridge are eliminated from the Sensitive Lands Overlay Map, even though the same contour lines exist in these areas as in the areas designated as "sensitive". Mr. Darling asked how many lots have yet to be developed in the area not incorporated in the Sensitive Lands area where the slope, vegetation and other issues being addressed would qualify them as "sensitive"? Mr. Darling feels the proposed ordinance is the Town's attempt to control everything that happens on private property. He feels it is an attempt to stop development immediately. The restrictions make development virtually impossible and according to Mr. Darling, that is the intent of the governing bodies.

Jeneal Peterson - Question: Why weren't all lots with the same slope included in the Sensitive Lands area?

(Todd Schulthess - [Planning Commission] - If property doesn't meet the criteria for the Sensitive Lands Overlay Ordinance, then it doesn't apply.) It was Mrs. Peterson's suggestion to include the whole Town in the Sensitive Lands Overlay area - every lot would have to qualify and if the slope is an issue, then the regulations would have to be met.

Don Mecham -5 years ago, Rod Despain drafted a map detailing 30-40% slopes. It showed the suspect areas where erosion might be a problem. Topographical maps are currently required with subdivision if drainage and erosion are a problem, it must be taken

ELK RIDGE JOINT PUBLIC HEARING, 7-28-98 CONT.

care of. Flooding areas need to be re-engineered.

Amy Mason (resident) - Mrs. Mason wanted to know why flooding is occurring; if the ordinance was done right 4 or 5 years ago. Why is she being blamed for her neighbor's flooding?

Vernon Fritz (Town Council) - Sited both incidents of runoff flooding homes in the area:

1. 1ST time - drainage ditch in front of Mason's property was filled in, in conjunction with building their home - this was repaired.
2. 2nd time - (7/24) - flooding runoff coming from above the property exceeded the capacity of the sump to hold it all. That was a poorly engineered water structure. Corrective measures are being taken on this matter.

The Mayor called the meeting to order to discuss the Sensitive Lands Overlay Ordinance.

Lucretia Thayne - Mrs. Thayne feels drainage does pertain to the ordinance in question. Regarding the drainage problem on Oak Ridge Dr.:

1. Was the developer responsible for the size of the installed sumps or did they meet Town standards? (the Town sets the standard for the size of sump to be installed)
2. Do the Mason's live within the Sensitive Lands area? (No.)

Vernon Fritz - An unanticipated problem (100 year storm) occurred. The runoff exceeded the capacity and corrective steps are being taken.

Hal Shuler - vacant lots create drainage problems and once these are built on and filled in with landscaping, the problem should take care of itself.

Lisa Cox (resident) -

1. Mrs. Cox would like to commend the Planning Commission for attempting to protect the residents from future problems, such as flooding.
2. Repeated Stewart Jolley's statement that if the land does not qualify as "sensitive", then the property is not affected.

ELK RIDGE JOINT PUBLIC HEARING, 7-28-98 CONT.

3. She also feels that all lots should have to qualify under the Sensitive Lands Overlay Ordinance
4. Mrs. Cox shares the concern of others that the hillside should be protected; once it is gone, it can't be put back
5. She's concerned with the rapid growth and the impact on the Town's water supply. Currently, her home has "zero" water pressure most of the time.

Don Mecham - Drainage seems to be the main problem. He suggests replacing the Sensitive Lands Overlay Ordinance with a drainage plan, including a soil analysis, vegetation, slope, sumps, drainage basins.

Lee Brown - Question why the acreage he owns northeast of Town is designated as "sensitive" since it is fairly "flat". He feels there needs to be cooperation between the Planning Commission and developers.

Ernestine Folks (Planning Commission) - The area was included in the Sensitive Lands Overlay because a large portion of it which is off the bluff and are ravines which are environmentally sensitive.

Hal Shuler - Feels most homeowners could solve many of their own problems by eliminating reverse slope driveways.

Don Mecham - A required grading plan at the time of building permit already addresses this issue.

Rae Lee Steinacker - She is concerned about rapid growth; but, feels property owners should be allowed to develop and have their rights.

Becky Dare (resident) - There were drainage problems in her neighborhood 4 or 5 years ago that Mrs. Dare informed the Town of - these issues should be taken care of. Not only should reverse slope driveways be disallowed; but ground level windows wells also.

Lucretia Thayne - Interpretation of the Sensitive Lands Overlay Ordinance needs clarifying. Example: Landscaping, re-vegetation.

ELK RIDGE JOINT PUBLIC HEARING, 7-28-98 CONT.

Amy Mason - Restated that the issue is drainage and efforts should be put in that direction.

Cindi Ellis (resident) - Agrees that drainage is an issue; but she also cares if homes are built too close together and that the atmosphere in Elk Ridge is preserved by the zoning regulations.

Jeneal Peterson (resident) - Restated Denton Hatch's opinion that this meeting is considered "due process" of the law; if this is the case, most present are against the Sensitive Lands Overlay Ordinance. So, what will the decision of the Town Council be based on? Does the meeting matter? Has the Town Council already made up their minds? What criteria will be used to decide if the ordinance passes or not?

Mayor Ingram - The comments made in the Public Hearing have affected his opinion of the Sensitive Lands Overlay Ordinance and what should go into it. Utah Code, through the Municipal Land use and Development Management Act, gives the municipality and the governing body power to act on behalf of the Town in such things as: "Ordinances, resolutions and rules can control uses, densities, open spaces, structures, buildings, energy, light, air, air quality, transportation (public or alternative transportation), infrastructure, public facilities, vegetation and landscaping." This law did not come about to be in opposition to the 5th Amendment. From the Mayor's perspective, public opinion should be considered or, he feels, the Council would be acting arbitrarily and not being sensitive to the needs of the community. Once the ordinance reaches the Town Council, they can vote to:

1. Pass, as is
2. Amend
3. Deny

Lucretia Thayne - Asked for definition of the word "etc." as contained in the Sensitive Lands Overlay Ordinance. She feels this is too broad.

Karl Shuler (resident) - All those present want a good community. Is this type of ordinance necessary? He feels that enforcement of the current ordinance would solve any of the problems the Town is having. We may have to look at the engineering that isn't

ELK RIDGE JOINT PUBLIC HEARING, 7-28-98 CONT.

functioning well.

Vernon Fritz - No decision has been made on the proposed ordinance. Public input is important and will be considered, an honest effort made and the Council will vote according to it's conscience. The decision made by the Council will not please everyone.

Karl Shuler - If the current ordinances can control development, why was this ordinance proposed?

Ernestine Folks - As a Planning Commission member, it is not the intent to stop growth/development. It is the Planning Commission's feeling that the existing ordinances do not provide for the problematic areas that are zoned R-1-15,000, R-1-20,000, R&L-20,000 and some of the requirements in the CE-1 and CE-2 are not as restrictive as what they wanted to include - that's why this is presented as an "overlay". There are areas outside the CE-1 and CE-2 that have problems due to drainage channels and slope - the current requirements in those zones do not address these issues. The Sensitive Lands Overlay Ordinance addresses these areas.

Karl Shuler - Can't the current ordinance go through some minor changes?

Ernestine Folks - The Planning Commission has looked carefully, for over 6 months, at many different perspectives. They have looked toward other cities who have tried and tested similar regulations. The Elk Ridge Sensitive Lands Overlay Ordinance was modeled after Bountiful City's Ordinance, which has been in effect since 1978. This ordinance has been proven, over time, to be a good way to control development. The ordinance was drafted under the guidance of the Town Engineer and Planner. Mrs. Folks urged those present not to leave the Public Hearing with the impression that the Planning Commission intends to stop growth.

The question was asked, "Why not replace the Sensitive Lands Overlay Ordinance with a Drainage Ordinance?" - The Planning Commission knows how important a drainage plan is and the Town is in the beginning stages of doing something about that; but, the Sensitive Lands Overlay Ordinance is a necessary companion

to any drainage ordinance.

Kendall Jolley (resident) - If the intent is not to stop development, why is the area not built on in the Sensitive Lands area?

Ernestine Folks - There are areas built on within the Sensitive Lands area.

Forrest Darling (resident) - Restated Ernestine Folks, that the reason for the Sensitive Lands Overlay Ordinance is because the Town does not have adequate coverage in the zones outside of the CE-1 and CE-2 zones. Mr. Darling is finishing a project where the current ordinance required him to address drainage issues, including a \$10,000 retention pond, in an R-1-15-15,000 zone. Why was this required of him as a developer? Mr. Darling had to do a 100 year flood study. He questioned why the requirement of the retention pond, when the geology study provided to the Town indicated one was not necessary. According to Mr. Darling, after the last big storm, no water came out of the big ravine feeding into his pond. If what the Town has in place addresses the extreme of a 100 year storm drainage system - why another ordinance which is even more restrictive? Mr. Darling feels it gives more power to the government to control his property.

Ernestine Folks - The existing ordinance states that the issue of drainage must be addressed, the sensitive Lands Overlay Ordinance takes it one step further and defines what you have to do.

Forrest Darling - More problems are created when water is directed out of the natural drainage channels. The data presented to the governing bodies more than adequately addresses the issues.

Carol Whiting - Felt to inform those present that the Spirit witnessed to her that the proposed ordinance is not correct and is destroying our constitutional rights. She values the freedoms this Country offers and wants a peaceful place to raise children. The problems must be resolved. She encouraged the Town Council and Planning Commission to consider the Supreme Being in their decision making. He is not happy with this. "This is my witness to you." The Town Council should listen to people.

ELK RIDGE JOINT PUBLIC HEARING, 7-28-98 CONT.

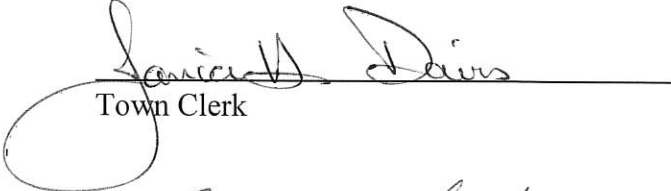
Solveig Quass - Much has been said about constitutional rights. "An Unconstitutional Takings" is when there is nothing you can do with the land and as long as you can use it the same way it was used before you wanted to build on it, it's constitutional." If the Sensitive Land Overlay Ordinance addresses real issues properly, it should pass - if not, then it should be re-considered. It is the right of the people to have a say.

MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY BRENT BLUTH TO ADJOURN THE MEETING.

VOTE: YES (4) NO (0)

MOTION WAS MADE BY ERNESTINE FOLKS AND SECONDED BY GARY PROCTOR TO ADJOURN THE MEETING.

VOTE: YES (7) NO (0)



Town Clerk



Planning Commission

NOTICE & AGENDA

Notice is hereby given that the **Town Council and Planning Commission** of Elk Ridge will hold a **Joint Public Hearing** on Thursday, July 30, 1998, commencing at 7:00 PM. The Public Hearing will be for the purpose of receiving public comment regarding the proposed Growth Management Strategy and Boundaries Ordinance. The meeting will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

7:00 P.M. - JOINT PUBLIC HEARING WITH THE ELK RIDGE TOWN COUNCIL & PLANNING COMMISSION

7:00 PM 1. **Growth Management Strategy & Boundaries Ordinance:**

Public Hearing regarding the proposed Growth Management Strategy & Boundaries Ordinance; and providing for the enforcement of this Ordinance.

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

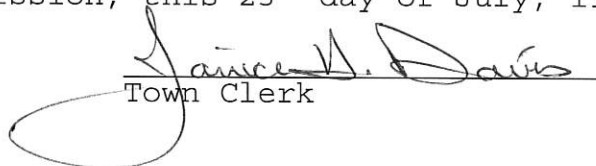
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Town Clerk

ELK RIDGE JOINT PUBLIC HEARING, 7-30-98 CONT

- B. Residential Component
- C. The Commercial Component
- D. Implementation and the Future Vision of Elk Ridge in 2018

2. Stewart Jolley : Review of the General Plan Development Criteria

As the Planning Commission considered the results from the Water/Sewer Engineering Studies and the number of lots the Town is committed to service, it became apparent that the Town has “a problem”. How does development go forward in a “managed” way? Many options were discussed.

- A. Quit developing until 2007 when the Town can bond for an additional Well/Tank
- B. Risk Management - Controlled growth until new Well/Tank is available

Risk Management allows development to proceed in a controlled way. Technically, if all the available lots in the Town that are committed to for services were built upon now, the Town would not be able to service any more with the current water system (source/storage). “Risk Management” assumes that not all of the available lots will be built at once, so, development could go forward at a certain number of lots per year.

Question: How to determine which proposed subdivision projects would be allowed to go forward for the year. Would 1st come 1st serve be the best way?

A General Plan Development Criteria was developed to qualify the developments. It is a methodology to score development proposals against certain criteria.

To qualify for consideration, a project must:

- 1. Comply with all applicable codes, ordinances, statutes and discretionary approval requirements
- 2. Be reviewed in terms of its proposed phasing plan, proximity to public facilities/services, and quality of the projects design process
- 3. Must comply with the minimum standards of each applicable category in order to be considered
- 4. Must provide the essential improvements or guarantees as determined by the Town for these improvements
- 5. Will be assessed in terms of existing and ultimate capacity of public facilities/services, or levels of services

ELK RIDGE JOINT PUBLIC HEARING, 7-30-98 CONT

6. Must contribute to the continued health, safety and welfare of the community and residents

Scoring: 5 Areas

1. Minimum Standard
2. Phasing Factor
3. Qualitative
4. Locational
5. Bonus Points

AREAS OF ASSESSMENT

1. Water / Sewer / Drainage / Traffic
2. Public parks
3. Public Safety
4. Site Design
5. Grading
6. Physical / Historical / Trees / Archeological
7. Locational
8. Trails / Open Spaces
9. Public Benefitting Facilities

The project application would be submitted to the Planning Commission with all the required plat maps. The project would then be scored individually against the criteria. A report would then go to the Town Council.

Rod Despain: Review of implementing ordinance. The ordinance adopts the policies and schedules by reference.

GENERAL COMMENTS

Elk Ridge has been "playing a catch-up game" since its creation as a Town. There is a potential for a considerable amount of development in the community. The Town is limited in its ability to accommodate this development. This is the motivation behind Growth Management.

Seven Major Sections with 4 subjects:

1. Intent - transitory condition, thresholds are constantly reviewed in terms of current conditions and any changes which would eliminate the need for Growth management.
2. Applicability of Ordinance
 - A. Does not apply to previously approved subdivision lots.
 - B. Does not apply to areas serviced by private systems (Loafer Canyon Recreation, Goosenest area)

ELK RIDGE JOINT PUBLIC HEARING, 7-30-98 CONT

passage of the proposed ordinances are capricious and self-seeking. Mr. Mecham stated that although he pays taxes on this land, he is unable to use it. He feels the Planning Commission members are against development. In the allowance of 30 lots to be developed each year, who gets their constitutional rights and who doesn't? How is this fair? He feels the "Bonus" system is the same as asking for cash. Everyone has constitutional rights and should not have to qualify before the Planning Commission or any other board. This is America and the last words of the Pledge of Allegiance are "liberty and justice for all" and that the flag was not present nor did anyone pledge allegiance to the flag. Mr. Mecham feels the added restrictions and qualifications which the Sensitive Lands Overlay Ordinance will impose represents too much bureaucratic red tape and takes away the right to develop land. Mr. Mecham suggests forming a new town and de annexing from Elk Ridge and perhaps incorporating into Salem or Payson so that their land and private property rights can be handled properly.

Terie Righettini (Planning Commission member) - There are only so many options open to allow development to proceed. Taking the water situation into consideration, initially, her feeling was to honor the already established lots that water is committed to. Risk Management could backfire if these property owners decided to develop. Technically, the door could be shut on new development; but, no one on the Planning Commission wants to do that. The names of the developers can't just be "placed in a hat".

Don Mecham - Stated that he had offered to install a 500,000 gal. Tank and was told this would not take care of the problem.

Terie Righettini - Said that she was in the meeting and that it was brought up as an option rather than an offer.

Don Mecham - Made the offer to put in a 500,000 gal. Tank - he said that the offer solves the problem - but, he would still have to "qualify" to develop his land. Mr. Mecham accused the government of having "hidden agendas" and there's too much "red tape".

Vernon Fritz - Stated that although everyone is entitled to an opinion, that he resents the accusation that he has a "hidden" or "personal" agenda.

Mayor Ingram - Opened the meeting up to questions and answers; but

ELK RIDGE JOINT PUBLIC HEARING, 7-30-98 CONT

reminded those present that the meeting was under his (Mayor's) control. He clarified that the standard procedure for a Public Hearing is to not Pledge Allegiance to the Flag at the beginning of the meeting. When the Town Council Meetings are conducted, each meeting begins with the Pledge of Allegiance and an opening prayer.

DISCUSSION

Rae Lee Steinacker - Water has been a concern for years. Does the proposed plan take into consideration a drought year?

Mayor Ingram - In the Culinary Water Engineering Study, water usage is projected with the current water supply. The Town Council wants to take care of the issues being discussed.

Hal Shuler - (Former Councilmember over Water for Elk Ridge) Elk Ridge, as a smaller Town, has water problems not experienced in larger cities. When a well goes out in a big city, there are many others to fall back on. When a larger well goes out in Elk Ridge, it causes a major impact. There are no guarantees that problems won't occur.

Jeneal Peterson - Commercial growth has been mentioned. How does commercial growth fit into the plan? A commercial tax base would help to lower the taxes for residents.

Ernestine Folks (Planning Commission member) - The recommendation to address commercial growth is real. Without a commercial tax base, the Town relies on property taxes. With the Growth Management Strategy, the recommendation to the Town Council is that they pursue some kind of commercial businesses for Elk Ridge.

Jeneal Peterson - Does the 30 lots per year for development take into consideration any commercial development?

Stewart Jolley (Planning Commission) - No, not right away. It would have to be planned for and worked towards. Hopefully, through managed growth, these needs can be met.

Forrest Darling - Question: Has the lower well been re-cased and repaired?

Brent Bluth (Town Council) - Explained that the company had been brought in from California to patch the hole in the casing - the patch was slightly misplaced, and another attempt made. The 2nd patch was better,

ELK RIDGE JOINT PUBLIC HEARING, 7-30-98 CONT

but still missed slightly. The company was not paid.

Forrest Darling - \$940 per lot was paid by developers towards that well.

Mayor Ingram - The lower well is on the system.

Forrest Darling - If the system is in place, and not running at peak, what would it take to bring the system to capacity? Why was it recommended to remove the two 40,000 gal. Tanks when they would add to storage capacity?

Brent Bluth - They are not online. They are going to the Goosenest area. They are steel tanks and are eroding.

Cindi Ellis - Clarification - the 30 lots per year are new development, not existing development.

Lucretia Thayne - Clarification - the amount of houses built may need to be lessened if approved lots started to be built upon, correct? (Yes) - If the problem of storage capacity is solved, does the problem go away? (Yes)

1. Can a developer put in his own system for his development? Or
2. If a developer solves the water problem for the size of development he is planning, could he go ahead?

Ernestine Folks - If a developer comes in with a 1,000,000 gal. Storage tank, for the whole Town - this eliminates the need to hold development to the 30 lots per year.

Stewart Jolley - The concept behind the Growth Management Strategy is to give all of the developers an even chance to develop. If part of the water problem can be solved by a person applying for development, then he would score more points.

Terie Righettini - There are other problems to be addressed besides water. Sewer problems will come to a peak in 2002. The engineering studies should be read.

Amy Mason - She doesn't understand why people are not seeing that efforts are noble and being made to control the growth and to provide for the citizens who are here.

ELK RIDGE JOINT PUBLIC HEARING, 7-30-98 CONT

Don Mecham - Mr. Mecham worked with the Town in increasing the capacity of the lower well and feels his efforts, as a developer, have benefitted the Town.

Boyd Hanks - Until you have tried to get through the requirements for development, you can't get a sense for what Mr. Mecham is talking about.

QUESTIONS

Boyd Hanks-

1. Would like to know where this point system has been used and with what success.

Rod Despain - As he understands, it is modeled after a similar system in San Clemente, California. Stewart Jolley has direct knowledge.

Stewart Jolley - It was passed by the people, limiting the number of building permits per year. There had to be a way of allocating those lots.

2. As Salem City began to grow, I (Boyd Hanks) noticed over time that with growth, came new ideas, enthusiasm, new talent. The management of development is already in place in Elk Ridge. He wants to be part of the growth. Mr. Hanks likened growth to spring water which feeds Salem Pond and keeps the lake fresh and allows for balance. There is enough talent in Elk Ridge now to solve these problems, without "suffocating" the Town with added restrictions. Creativity should come into play. Mr. Hanks urges the Town Council not to pass these ordinances.

Cindi Ellis - Referred to Mr. Hanks' analogy - if too much water flows into the lake, it can flood - also destroying the eco-system. If the water system is so improved, why are there severe water pressure problems in Town?

Solveig Quass - How many new development lots are proposed currently? (As of May, 192 lots are approved in Town - not built on).

Ernestine Folks - It's difficult to say how many are hoping to develop in the near future. There are several developers with land plus possible annexations.

ELK RIDGE JOINT PUBLIC HEARING, 7-30-98 CONT

Solveig Quass -

1. Her water charges are paying for existing well - lots to be developed should be paying for added facilities. (Funds are being saved for the future facilities, and citizens will be participating.)
2. People moved up to Elk Ridge to be in a rural setting - not to have it built up like Spanish Fork or Provo.
3. There is a profit with development. The right to develop land is a privilege, not a constitutional right. Subdivision should be done within the laws of the community. What are the motives to subdivide? A profit for subdivision is fine, not at the expense of the current residents.

Don Mecham - Stated that his taxes pay for the parks which are donated as part of his subdivision. Pressure problems in Town are due to inadequate service line size and is a supply problem. When questioned, Mr. Mecham stated that all the fire hydrants in Oak Bluff area have at least 40 lbs. of pressure. PRV's need to be turned up to increase pressure.

Vernon Fritz - He does not believe that one person on either the Town Council or the Planning Commission has a "hidden agenda" to stop development. He will listen to everyone and will base his vote on information gathered and his evaluation of it. He agrees that development has provided opportunity to live in Elk Ridge. It is the objective of every member on the Town Council and Planning Commission to do the best job possible. Regarding a rumored petition to recall the current Town Council - if people who elected him to office don't feel he should be in office, he'll sign it.

Jeneal Peterson - Most people have no idea what developers have gone through. There are ordinances in place, the problem is enforcement.

Terie Righettini - Mrs. Peterson says the ordinances must be enforced, yet talks about losing constitutional rights.

Mayor Ingram - Concluding statement:

1. Mayor Ingram has been in office for about 7 months. He purchased a piece of property 14 years ago and has been paying taxes on it and thought that a ½ acre was a buildable lot; but, according to the Town, it did not qualify. He has had to do all the things everyone has been talking about to subdivide. He didn't agree. He felt the best thing he could do to get involved with the process was to run

ELK RIDGE JOINT PUBLIC HEARING, 7-30-98 CONT

for Mayor. The Council needs another member. There are only 4 since one resigned.

2. The Mayor is not aware of anyone on the Town Council or Planning Commission against development. Developers are necessary. It is a matter of planned, controlled quality.
3. What criteria will be used to vote? It is the 5th Amendment right to come to "due process" of voiced opinions and the Town Council will vote on the Planning Commissions best work as presented. He will consider what has been said and what is best for the greatest number of people in Elk Ridge now and in the future.
4. The Mayor requested the Growth Management Plan from the Planning Commission. Towns have to have them. The Planning Commission has put heart and soul into this document. It is not an automatic approval - but will be voted on to pass, not pass or amend.

MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY VERNON FRITZ TO ADJOURN THE MEETING.

VOTE: YES (4) NO (0) ABS (1) Pam Rodriguez

MOTION WAS MADE BY STEWART JOLLEY AND SECONDED BY TERIE RIGHETTINI TO ADJOURN THE MEETING.

VOTE: YES (6) NO (0) ABS (1) Jim Nicolet



Town Clerk



Planning Commission

NOTICE & AGENDA

Notice is hereby given that the Town Council of Elk Ridge will hold a regular Town Council Meeting on Tuesday, August 11, 1998, with the Council Work Session at 7:00 P.M., followed by 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:
Applicants for Town Council Appointment
Discussion/Sensitive Lands Overlay/Growth Management Strategy
- 8:00 P.M. - REGULAR COUNCIL MEETING AGENDA ITEMS:
- 8:00 Invocation and Pledge of Allegiance
 - 8:05 Approval of Agenda Time Frame
 - 8:10 Town Council Vote/Town Council Appointment
 - 8:20 R.L. Yergensen/Bond Explanation
 - 8:30 Planning Commission Recommendations:
 1. Forrest Darling/Zone Change Request Discussion/Action
 2. Address to Council by Vernon Fritz
 3. R.L. Yergensen - Zone Map Amendments required - Discussion/Action
 4. Sensitive Lands Overlay Ordinance Discussion/Action
 5. Growth Management Strategy Ordinance Discussion/Action
 - 9:30 Impact Fee Ordinance
 - 9:35 Resolution/Amendment-Agendas & Minutes
 - 9:40 Greenvew Estates/Acceptance of Improvements & Begin Durability Retainage
 - 9:45 Ordinance/Tracked Vehicles on Public Streets - Vernon Fritz
 - 9:50 Approval/Form for Tracking Ordinance Violations
 - 9:55 "Welcome Wagon" Concept - Vernon Fritz
 - 10:00 Contractor Clean-up
 - 10:05 Traffic Signs/Locations - Vernon Fritz
 - 10:15 Accessory Building Size - Vernon Fritz
 - 10:20 New Elk Ridge Sign/Entrance - Vernon Fritz
 - 10:25 Expenditures:
 - General:
 - Fire Dept./EMT Equipment
 - List of Expenditures for June, 1998
 - 10:45 Approval of Minutes of Previous Meetings
 - 10:50 Adjournment

*Handicap Access, Upon Request. (48 Hours Notice)

11

The times listed for each item which appears on the agenda may be accelerated if time permits. All interested persons are invited to attend. Dated this 7th day of August, 1998.

AGENDA, CONT. 8-11-98

CERTIFICATION

I, the undersigned, duly appointed and acting Deputy Town Clerk for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah and mailed to each member of the governing body on August 7, 1998.


Deputy Town Clerk

ELK RIDGE TOWN COUNCIL WORK SESSION 8-11-98 CONT.

Ordinance, though he does feel the overlapping requirement should be cleaned up.

- C. There has been a claim that the Town government is unconstitutionally "taking" property. Councilmember Bluth stated that "You have the right to own property, you have a privilege to subdivide property". Perhaps the process needs review.

Don Mecham - Questioned that the Town allows the "privilege" to develop.

Councilmember Bluth - stated that the constitution does not guarantee the "right". He reminded Mr. Mecham that this was not a Public Hearing and that Mr. Mecham should not interrupt.

- D. Open Space was an issue - Councilmember Bluth feels that the subject was not reviewed thoroughly; rather, just touched on the surface, to raise public clamor. Perhaps the Open Space requirement needs to be considered; but he feels it is a necessary element for the Town and it's community.
 - E. He is not against development; but he is aware that there are problems and he is concerned with being able to service the current residents. He has never gotten a call from a developer with a solution to the Town's problems. He is willing to listen.
 - F. Growth Management Strategy Ordinance - Councilmember Bluth does not disagree with the proposed strategy, in theory. As written, he feels there are "things that need to be redone". He noted that there is too much left to discretion. Controlled growth must be enacted or we will reach a point when we will not be able to provide services & issue building permits. He is "just looking for a solution". Again, he is willing to listen.
4. Vernon Fritz: Asked for clarification on the term "organic cover". (Stewart Jolley explained that it is made from fabric rather than plastic and holds the soil in place while vegetation becomes rooted.)

ELK RIDGE TOWN COUNCIL WORK SESSION - 8-11-98, CONT.

He appreciates patriotism & excitement about our Country; but, he has served in 2 public offices and has spent 21 years in the military and doesn't appreciate anyone challenging his patriotism!

A. Sensitive Lands Overlay Ordinance -

- 1 Concerned that the overlay "blankets" the Town. Within the designated area there is land which does not qualify as "sensitive". He has no problem with this as long as the application is that if it doesn't qualify, then the restrictions do not exist.
2. Vegetation/Re-vegetation - Councilmember Fritz does not agree with having to hire a landscape architect for planning landscaping.

Suggestion: Include a "landscape allowance" in the selling price of the lot & allow people to landscape according to taste. He would not vote for the Ordinance in its present form.

B. Growth Management Strategy Ordinance -

1. Councilmember Fritz refers to the "Point System" in the proposed Ordinance. He commended the Planning Commission for "coming up with a measuring system that attempts to bring fairness & reason in determining who, in the face of our diminishing capacity to provide services, gets to develop in Elk Ridge." He feels an excellent start has been made in assigning priority. The Town Council must review the recommendations. As both the Town Council & the Planning Commission review the material, compromise might be appropriate.

Councilmember Fritz submitted a sample chart of 3 hypothetical developers applying for subdivision under the point system (a small developer...10-20 lots, moderate...30-50 lots, large...50 plus lots) He drew attention to the last area for points entitled "Public Benefit Facilities", worth a possible 15 points. He is concerned that the well-funded developer will have an advantage over the smaller developer. "Public Parks" point area also seems to favor the larger developer.

2. Could this system create high cost residences, thus creating stratification? He recommends tabling the point system until the Council is confident that (1) a "patched" park system is not being created

ELK RIDGE TOWN COUNCIL WORK SESSION - 8-11-98, CONT.

(2) stratification is avoided (3) there is a "level" playing field (equal consideration given)..

3. Councilmember Fritz remains unconvinced that 30 lots/year is an appropriate number if weighted to water storage capacity. He feels a 2nd well, feeding the same tank, would extend the Town's capacity by 5 yrs.

Councilmember Fritz went through each of the areas for points. "Trails" - He feels the concept is good; however trails become a liability & there are maintenance problems for the Town. He recommends against this concept.

3. Mayor Ingram: Addressed the attacks on the Town Council and the Planning Commission on the members' patriotism. The Mayor also served in the military & he believes in the immortal words of Abraham Lincoln: "Government of the people, by the people & for the people"! He appreciates the effort of the Planning Commission for their countless hours without pay and feels they should be applauded, not ridiculed!

- A. Sensitive Lands Overlay Ordinance - If the Mayor is to vote favorably, there needs to be some clarification: (1) Overlay needs work (2) Drainage Issues (3) Vegetation/Re-vegetation
- B. Growth Management Strategy Ordinance - Mayor Ingram is in favor of quality, controlled growth. He knows from experience that there are several things that people want: (1) Water...now & lots of it, with no interruption of service (2) Access to & from their property without restrictions (3) Sewer...that works & doesn't back up into their homes. He feels everything should be weighed against this.

Whatever is left after the development is complete, the Town has to maintain & update. So, quality, controlled growth ensures that when the developer leaves, the Town is left with water, sewer, good roads and the Town can maintain them without great additional expense beyond what the Town collects in taxes. The Town's tax base only covers about 80% of what it costs to run the Town! The Town Council has the responsibility to minimize the impact of each new subdivision on the Town. He feels the Growth Management Strategy has to be compared against the existing Development Code to see if it is even necessary.

ELK RIDGE TOWN COUNCIL WORK SESSION - 8-11-98, CONT.

Planning Commission Recommendations to the Town Council:

Sensitive Lands Overlay Ordinance: To send the proposed Ordinance back to the Planning Commission for further work. After the public input, there are areas which need review.

Growth Management Strategy Ordinance: Most of the discussion in the Planning Commission's special meeting was on the proposed point system. Question: Is the Point System "fair"? What is "fair"? To "draw names out of a hat? 1st come, 1st serve? No one system is "fair" to all. Mr Nicolet (Planning Comm. Chairperson) made the point that "if you have the money, you can do it." (Meaning development costs money, if available, development occurs.) Whether a subdivision is small or large, the Planning Commission must consider them as equals. They are open to suggestions on the point system. The word "fair" is unrealistic when referring to development. Recommendation is to adopt the proposed Ordinance as it is.

ZONE CHANGE
REQUEST/
DARLING

Mayor Ingram invited Forrest Darling to address the Council about his request for Zone Change in the Work Session rather than in the Regular Session. The request is to re-zone his property , currently in the CE-1 Zone, to the R-1-15,000 Zone. Mr. Darling is appealing, to the Town Council, the Planning Commission's recommendation to deny his request. The Planning Commission's memo to the Town Council will be discussed later.

In addressing the question from the Zone Change Application..#2: "What changed or changing conditions make your proposed amendment reasonably necessary?" Mr. Darling submitted the reasons in written form (also attached to his zone change application).

1. (Summary of statement) Subdivisions in the area of Mr. Darling's property were re-zoned from CE-1 to R-1-15,000 based on evidence that the slopes were not as steep as originally perceived when zoned CE-1.
 - A. Mr. Darling presented a letter (slope analysis) from Cole Surveying & Engineering, which states that they reviewed the contours of the Darling property. Percentages of the slopes were listed. Cole Surveying concluded with a summary of their survey:

"Most of the property is on the top of a gently sloping hill, much like slopes of Fairway Heights, Plat "B". Along the hill top is where a road and home sites are planned. The homes would be built on top of the hill and the back portion

of the lots would more or less be left as open space with each lot." (This letter was not available for the Planning Commission meeting.) Mr. Darling reviewed the letter from Cole Surveying. A contour map of the proposed phase 3 of Mr. Darling's development (Fairway Heights, Plat "C") was also submitted. He stated that "no part of this slope exceeds the buildable qualifications of the CE-1 Zone." He pointed out that the middle ridge, running north & south, averages approximately a 5% fall. This is where he intends on placing the homes. A proposed plat, showing the road was also shown to the Council. In Fairway Heights, Plat "C", the north/south slopes are the same slope as Fairway Heights, Plat "B"; yet, Plat "B" is zoned R-1-15,000. The east/west slope is more critical due to the narrowness of the property.

Some areas go to 20% (no homes will be built there)...this would be the lots' back yards. There is no slope criteria for the R-1-15,000 Zone; therefore, if one can build in the most critical area (CE-1 Zone), at 22% slope, and criteria is presented which allows one to build on 3-5% slope...then, Mr. Darling feels it is only common sense that the area should qualify for the R-1-15,000 Zone.

Mr. Darling went on to other points on his application:

- B. Very limited natural oak & vegetation in proposed area.
- C. No fire hazard exists as the down-slope is gradual & no "chimney" effect is likely. Mr. Darling has 30 years as a fireman & a fire captain.
- 2. Changes in cost to developer for new improvements required by the Town makes it financially impossible to meet these requirements without the re-zone...making it more affordable to the property owner. B (was specifically addressed): a \$10,000 "catch basin" was required for Fairway Heights, Plat "B". Mr. Darling stated that he has a problem with the source of the water to flow into this basin. It is from water diverted by the Town from its natural drainage channel onto private property.
- 3. The developers of surrounding property who were in the original CE-1 district have benefitted by their zoning change. The total area should be considered - The

ELK RIDGE TOWN COUNCIL WORK SESSION - 8-11-98, CONT.

comparable slopes of the surrounding area should also qualify Mr. Darling's property and R.L. Yergensen's property as R-1-15,000. Larger lots are: Harder to sell and difficult to maintain.

How will the change promote the general welfare of the community?

1. Increased revenue from impact fees, development fees and additional tax base in the increased amount of homes.
2. Smaller lots create less of a burden on the water supply. (For more detail on Mr. Darlings proposed zone change request beyond what he had time to cover at this meeting - refer to his zone change application submitted to the Planning Commission.)

ELK RIDGE
TOWN COUNCIL MEETING

INVOCATION	Invocation was given by Lucretia Thayne.
ROLL	<i>Town Council:</i> Mayor Ingram, Councilmembers Gary Bowen, Brent Bluth, Vernon Fritz, <i>Planning Commission:</i> Jim Nicolet, Stewart Jolley, <i>Public:</i> Lucretia Thayne, Hal Shuler, Don Mecham, Solveig Quass, Michelle Williams, Kent Burton, Boyd Hanks, Karl and Lois Borklund, R.L. Yergensen, Don Shallenburger, Marina and Sam Coates, Jeneal Peterson, Forrest Darling, Sheriff Jo Murphy, Scot Bell, JoAnn Bigler and <i>Town Clerk:</i> Jan Davis.
TIME FRAME AND AGENDA	MOTION WAS MADE BY VERNON FRITZ AND SECONDED BY GARY BOWEN TO ADJUST THE AGENDA TIME FRAME 20 MINUTES. VOTE: YES (4) NO (0) ABS (1) Pam Rodriguez
TOWN COUNCIL VOTE - TOWN COUNCIL APPT.	There were six applicants. The Town Council was to vote for 3. The highest 2 will return to the next Town Council Meeting and be voted on again. Mayor Ingram asked Sheriff Jo Murphy to tally the votes.
R.L. YERGENSEN BOND EXPLANA- TION	R.L. Yergensen agreed to bond for his development (Oak Hills Estates, Plat B) in the form of an escrow account. The lending agent, 1 st Security Bank, also agreed to this arrangement and signed the Escrow Agreement Contract between The Bank and the Town. The account is actually a construction loan. 1 st Security Bank has been contacted and they do have a copy of the agreements they signed. Victor Robertson has been the

ELK RIDGE TOWN COUNCIL MEETING - 8-11-98, CONT.

Jim Nicolet (Planning Commission Chairman) addressed some of the Points made by Forrest Darling:

- A. The Town has made past mistakes in not requiring certain improvements. The new improvements that are being required, by ordinance, are to prevent future mistakes.
- B. The letter from Cole Surveying coincides with Rod Despain's letter to the Town's Slope Analysis.
- C. Currently, under the PRD/CE-1 requirements, Mr. Darling would be able to develop up to about 9 lots. The number of lots is dependent on the slope analysis. In the R-1-15,000 Zone (with no slope requirements), Mr. Nicolet said there was a potential of 27 lots on his property. Mr. Darling disagreed with the R-1-15,000 plan presented, the maximum number of lots would be 9.

Vernon Fritz - Could the maximum number of lots be stipulated on the deed or Subdivision Plat? (R.L. Yergensen feels it could be done)

Mayor Ingram - Slope restrictions are needed in the R-1-15,000 Zone. (Jim Nicolet, i.e. the Sensitive Lands Overlay Ordinance)

Vernon Fritz - Asked Mr. Darling if he would be willing to put restrictions as to the number of lots on the deed if legally possible. (Although Mr. Darling insisted that he would develop the property as his Plat indicated - he said he would have no problem if he were to develop it).

Jim Nicolet - Commented that the discussions should not be made based on financial criteria. If a zone change takes place, there must be a basis of why and there should be mitigating circumstances.

Vernon Fritz - Addressed the Mayor, Town Council and those present. Councilmember Fritz expressed his admiration and gratitude towards the members of the Planning Commission for their service.

SUMMARY OF ISSUES

1. Denial of the Zone Change Request for Forrest Darling and R.L. Yergensen. Although economic, time and energy investment does not justify overriding the Planning Commissions recommendation for denial. He asks if there is room for accommodation.

ELK RIDGE TOWN COUNCIL MEETING - 8-11-98, CONT.

- A. On 7-28-98, he made a formal request to the Planning Commission for an item explanation of this denial of the Zone Change Request. In a cover letter, dated 8-4-98, to the Town Council, the following was written: "The Planning Commission chose not to address point by point of the Zone Map Amendment request Mr. Darling submitted".
(Councilmember Fritz strongly expressed his opinion that the Town Council is being asked to decide on a matter of great importance to the petitions of the Town - Detailed information should be available to support the Planning Commissions denial upon request! Mr. Darling is exercising his right to appeal the decision. Councilmember Fritz feels that Mr. Darling presented his case and that the Planning Commission did not. The Town Council must be fully informed - they have a duty to evaluate the information, not to automatically accept the Planning Commission 's recommendations without study and deliberation.
- B. Councilmember Fritz does not feel that the property proposed for zone change meets the definition of "spot zoning" due to the fact that they are both corteges with the R-1-15,000 Zones on one side.
- 2. Councilmember Fritz feels an Advisory Commission should not be permitted to withhold data necessary to provide a fair hearing.
 - A. He recommends not deferring the decision
 - B. He fully recommended approval of Mr. Darlings request to override the Planning Commission's recommendation for denial. Councilmember Fritz makes that recommendation based on the principles of fairness, accountability and due process.

Mayor Ingram - Asked for any statement from the Planning Commission:

Stewart Jolley (Planning Commission Vice Chairman) -

- 1. The R-1-15,000 Zoning from CE-1 allowed in the past was a mistake. To re-zone in the area again would perpetuate the mistake.
- 2. Mr. Jolley had not heard of Councilmember Fritz's request (Jim Nicolet got the request while out of Town). The entire Planning Commission should not be indicted.

ELK RIDGE TOWN COUNCIL MEETING - 8-11-98, CONT.

The Planning Commission weighed all of the data carefully prior to issuing the recommendation to deny. Planning Commission recommends, not "dictates" to the Town Council and then the Council either accepts or denies.

MOTION WAS MADE BY VERNON FRITZ TO REJECT THE PLANNING COMMISSION RECOMMENDATION TO DENY THE ZONE CHANGE REQUEST FOR FORREST DARLING AND R.L. YERGENSEN.

NO SECOND - MOTION DIES

MOTION WAS MADE BY BRENT BLUTH TO TABLE THE DECISION OF THE PLANNING COMMISSION TO DENY THE ZONE CHANGE REQUESTS OF FORREST DARLING AND R.L. YERGENSEN UNTIL THE NEXT TOWN COUNCIL MEETING.
NO SECOND-MOTION DIES

Discussion -

MOTION WAS MADE BY GARY BOWEN TO APPROVE THE DENIAL OF THE PLANNING COMMISSION.

NO SECOND-MOTION DIES

MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY BRENT BLUTH TO MOVE THE ZONE CHANGE REQUESTS OF FORREST DARLING AND R.L. YERGENSEN TO A PUBLIC HEARING ON 9-8-98 AT 7:00 P.M.

VOTE: YES (4) NO (0) ABS (1) Pam Rodriguez
(To give time for the Town Council to weigh the data against current zoning requirements)

SENSITIVE LANDS MOTION WAS MADE BY VERNON FRITZ AND SECONDED BY
OVERLAY ORD GARY BOWEN TO RETURN THE SENSITIVE LANDS OVERLAY ORDINANCE TO THE PLANNING COMMISSION FOR FURTHER MODIFICATION.

MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY GARY BOWEN TO AMEND THE ORIGINAL MOTION TO INCLUDE A JOINT TOWN COUNCIL / PLANNING COMMISSION MEETING AT THE NEXT PLANNING COMMISSION MEETING ON AUGUST 27, 1998 AND TO ADJOURN TO A CLOSED SESSION AFTER FOR THE DISCUSSION OF PERSONNEL.

VOTE: YES (4) NO (0) ABS (1) Pam Rodriguez
(Vote on original motion: No (4))

ELK RIDGE TOWN COUNCIL MEETING - 8-11-98, CONT.

wind cannot blow debris out of it. The fenced areas are not working. Councilmember Fritz will pursue this.

TRAFFIC SIGNS Councilmember Fritz is consulting with Sheriff Jo Murphy as to placement of traffic signs.

ACCESSORY BUILDING SIZE Councilmember Fritz recommends amending the ordinance adopting the Uniform Building Code, on the size of Accessory Buildings. Kent Partridge recommends increasing the minimum size for a Building Permit to 12 x 14 or 170 sq. ft.

ELK RIDGE SIGN Sign at entrance (1600 West and Goosenest) needs to be replaced - the wood is rotting away. Would be a good Eagle Scout project.

EXPENDITURES General: Councilmember Fritz asked for authorization of up to \$5,000.00 for road work from money budgeted for road repair. Rain/erosion has caused damage to road edges. He expects \$2,000-\$3,000 in costs; but, maybe more. It would be for dressing shoulders and correcting problems with road edges. The Town Engineer should be consulted. Locations: Park Drive, High Sierra, Oak Ridge Drive, Goosenest/Park area above 1600 West.

MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY GARY BOWEN TO ALLOCATE UP TO \$5,000.00 FROM ROAD FUNDS FOR ROAD IMPROVEMENTS, WITH THE ENGINEERS APPROVAL.

VOTE: YES (4) NO (0) ABS (1) Pam Rodriguez

List of expenditures for June, 1998:

MOTION WAS MADE BY BRENT BLUTH AND SECONDED BY GARY BOWEN TO APPROVE THE EXPENDITURES FOR JUNE, 1998.

VOTE: YES (4) NO (0) ABS (1) Pam Rodriguez

MINUTES MOTION WAS MADE BY BRENT BLUTH AND SECONDED BY VERNON FRITZ TO APPROVE THE MINUTES OF THE 7-28-98 TOWN COUNCIL MEETING.

VOTE: YES (4) NO (0) ABS (1) Pam Rodriguez

ELK RIDGE TOWN COUNCIL MEETING - 8-11-98, CONT.

MOTION WAS MADE BY BRENT BLUTH AND SECONDED BY VERNON FRITZ TO APPROVE THE MINUTES OF 7-30-98 WITH THE FOLLOWING CORRECTION: PAGE #5, 1ST PARAGRAPH "HANDLES" TO "HANDLED"

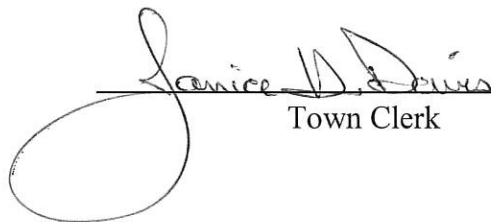
VOTE: YES (4) NO (0) ABS (1) Pam Rodriguez

NON-AGENDA
ITEM

Don Mecham would like to publicly apologize to the Town Council for comments made in the last Public Hearing. The comments he made were not directed to the Town Council. He said he has a deep regard for each member and apologize to each individual and the Town Clerk. He would like to educate the Council on the developers perspective of the current ordinance.

MOTION WAS MADE BY BRENT BLUTH AND SECONDED BY GARY BOWEN TO ADJOURN THE MEETING.

VOTE: YES (4) NO (0) ABS (1) Pam Rodriguez



Town Clerk

NOTICE & AGENDA

Notice is hereby given that the Town Council of Elk Ridge will hold a regular Town Council Meeting on Tuesday, August 25, 1998, with the Town Council Appointment at 7:00 PM, The Town Council Work Session at 7:10 P.M., followed by 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. - TOWN COUNCIL APPOINTMENT
Vote, Appointment & Oath of Office

COUNCIL WORK SESSION:
Communications-Ernestine Folks
Discussion-Personnel-Salary/Benefits
Discussion-Joint Town Council/Planning Commission Meeting:
Sensitive Lands Overlay Ordinance
Growth Management Strategy Ordinance
Requests for Zone Change
Other Business

8:00 P.M. - REGULAR COUNCIL MEETING AGENDA ITEMS:
8:00 Invocation and Pledge of Allegiance
8:05 Approval of Agenda Time Frame
8:10 Greenview Estates/Acceptance of Improvements & Durability Retainer
8:15 Eagle Scout Project/John Cooper
8:20 Planning Commission Recommendations
Proposed Amendments to Development Code
1. Dwellings & Accessory Buildings
Design Requirements
2. Stub Out Map for All Service Laterals
8:40 Town Council Polled/Announce Public Hearing
Declaration of "Default" (9-8-98)
8:45 Authorize Lien on Property/Payment of Asphalt Work
8:50 Authorize Letter to Hall Engineering
Storm Drainage/Run-off Study
8:55 Expenditures:
General:
9:00 Approval of Minutes of Previous Meetings
9:05 Adjournment

*Handicap Access, Upon Request. (48 Hours Notice)

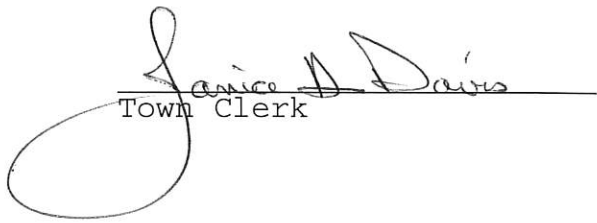
The times which appear on the agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.

Dated this 21st day of August, 1998.


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 of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah and mailed to each member of the governing body on August 21, 1998.


Town Clerk

ELK RIDGE
TOWN COUNCIL MEETING
AUGUST 25, 1998

TIME & PLACE OF MEETING The regular meeting of the Elk Ridge Town Council was held on Tuesday, August 25, 1998. A Special Meeting of the Town Council met at 7:00 PM, to appoint a new Councilmember; the Council Work Session began at 7:10 PM, with the regular Town Council Meeting starting 8:00 PM at the Elk Ridge Town Hall, 80 E. 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 August 21, 1998.

ROLL CALL Mayor Ingram, Councilmembers Gary Bowen & Brent Bluth (Absent: Pam Rodriguez, Vernon Fritz); Planning Commission: Ernestine Folks, Stewart Jolley (Vice Chair), Ty Ellis; Lucretia Thayne, Cindi Ellis (Town Council Applicants); Janice Davis-Town Clerk.

SPECIAL TOWN COUNCIL SESSION

TOWN COUNCIL APPOINTMENT

VOTE The vote took place, all Town Councilmembers voted (Councilmember Fritz left his vote with the Mayor).

Candidates: Lucretia Thayne, Cindi Ellis

VOTE: CINDI ELLIS (3), LUCRETIA THAYNE (1)
CINDI ELLIS APPOINTED

APPOINTMENT **THE MOTION WAS MADE BY MAYOR INGRAM AND
SECONDED BY BRENT BLUTH TO APPOINT CINDI ELLIS TO
FILL THE VACANCY LEFT BY THE RESIGNATION OF PAM
RODRIGUEZ. THE APPOINTED TERM OF OFFICE WILL END
TWO YEARS FROM JANUARY, 1998 IN JANUARY, 2000.**

**VOTE: YES (3) ABSENT (2) PAM RODRIGUEZ AND
VERNON FRITZ**

OATH OF OFFICE Cindi Ellis was sworn in by Janice Davis-Town Clerk for Elk Ridge Town. Mrs. Ellis asked to be excused to return to her duties at Scout Camp. It was impossible for her to be relieved of these previously assigned obligations.

ELK RIDGE TOWN WORK SESSION - 8-25-98 CONT.

Capacity of Records Manager and would like to be considered as a Town employee. She will work 8 - 10 hours/week, plus her duties with the Planning Commission. The issue of increased salary comes to the Town Council for consideration. (Her ending salary was \$8.76/hr. And currently her salary has been reduced to \$8.00/hr.)

Mayor Ingram proposed looking, administratively, at what the Town needs to run the office. In his opinion, what is needed: A full-time Town Clerk, there is enough work to have the Deputy Town Clerk's position go to full-time (40 hrs./week) + the assistance of an additional person. Part of the fund balance could cover this request. The Mayor asked that the Council think about it and it will be revisited later.

2. Deputy Town Clerk Lisa Ehlers presented a written request to:

A) Include Health Benefits with her position

B) Redefine "full-time" positions as 30 or more hours/week and "part-time" as under 30 hrs/week.

1) This would qualify her position for health benefits

Mrs. Ehlers sees her position as eventually going to full-time (40 hrs/week). She would not be opposed to this with the understanding that she do part of her work at home due to home schooling one of her children.

C) A "benefits survey" of surrounding towns/cities was attached to Mrs. Ehlers' request, as well as a copy of pertinent sections of the Personnel Policies & Procedures Ordinance.

Councilmember Bluth suggested immediate evaluation and amending of the current Administrative Ordinance as best would meet the needs of the Town. The Mayor feels the development of policy should involve the staff. (1) The Mayor & Councilmember Bluth will meet (2) The Mayor will take the information to the staff (3) The Town Council will hold a special Meeting on 9-14-98 @ 6:30 PM to address the information.

DISCUSSION- TOPICS FOR JOINT TC/PC MEETING

Mayor Ingram reversed the order of the listed discussion items:

1. Requests for Zone Change:

The Mayor looked at the contour maps & the Sensitive Lands Overlay Map in relation to various areas in Town which would qualify as "sensitive". He asked what the criteria is/was for designating an area CE-1 Zone, outside of 20% or greater slope? How much of the land should be 20% to be designated as CE-1?

He looked at different parcels in the R-1-15,000 Zone, on the map, to examine slopes. He found: A) severely sloped areas of 20% or greater B) 40% of the land would be at 20% grade or more.

ELK RIDGE TOWN WORK SESSION-8-25-98, CONT.

Development Code, Section 10-5-10-7, under "Special Provisions" (1-6): These specifications are not in zones other than CE-1. If they were, they would control what goes in on any piece of property. The whole Town could be zoned R-1-15,000. To obtain buildable areas, these "special provisions" would have to be met.

He also asks himself if the Sensitive Lands Overlay (SLO) would accomplish the same thing across the Town? These will be some of the points the Mayor will make at the Joint Meeting on Thursday.

Councilmember Brent Bluth: He has reviewed the information & has specific questions to ask in Thursday's Meeting.

2. Growth Management Strategy Ordinance:

Councilmember Bluth: Feels there is much left to "discretion". Discretion changes, how do we stay consistent with the ordinance?

Mayor: Is not concerned with the concept of allocating 30 lots/year for new development. He is aware of other towns even more restrictive. His concern is not necessarily with the restriction; but, with the fire flow/pressures and the water capabilities. Any new development, beyond approved lots, have to be "water contingent". He feels developers should bring in their own water source and storage capacity.

3. Sensitive Lands Overlay Ordinance:

The Mayor has some of the same questions as on the zone change requests. Again, why not use Section 10-5-10-7 of the Development Code in all of the zones?

OTHER
BUSINESS

Pending Ordinance: The Mayor feels it is somewhat of a "nuisance" until we have a better idea what would be required. We have in place the existing ordinance. Developers are required to sign, to agree to be responsible for things that are yet unclear.

Stewart Jolley (PC): If after Thursday's meeting, things are not clear, then the Pending Ordinance should be dropped. Pending Ordinances should be immanent.

Ernestine Folks (PC): Feels a better solution is just to declare a moratorium until the ordinances are resolved. It is difficult to approve developments based on current ordinances which you know need to change, or are in the change mode.

ELK RIDGE
TOWN COUNCIL MEETING

ROLL Mayor Ingram, Town Council: Brent Bluth, Gary Bowen (Absent: Vernon Fritz, Cindi Ellis); Planning Commission: Stewart Jolley (Vice Chair) Ernestine Folks, Ty Ellis; Public: Forrest Darling, Ron Ririe, Dale Bigler, Russell Short, Troy & Kamile Peterson, Steven Clough, John & Ron Cooper; Jan Davis-Town Clerk & Lisa Ehlers-Deputy Town Clerk.

INVOCATION Invocation given by Gary Bowen.

AGENDA MOTION WAS MADE BY BRENT BLUTH AND SECONDED BY
TIME FRAME GARY BOWEN TO APPROVE THE AGENDA TIME FRAME.
VOTE: YES (4) NO (0) ABS (1) VERNON FRITZ, CINDI ELLIS

GREENVIEW Hall Engineering submitted a letter of approval saying the inspection
ESTATES/DUR. found everything to be complete with the exception of re-seeding within
RETAINER the retention basin, which Mr. Hall feels would be most productive if
Completed in October/November.
**MOTION WAS MADE BY GARY BOWEN AND SECONDED BY
MAYOR INGRAM TO ACCEPT THE IMPROVEMENTS ON
GREENVIEW ESTATES AS COMPLETE, AS PER HALL
ENGINEERING'S RECOMMENDATION THAT RE-SEEDING OF
THE RETENTION BASIN BE COMPLETED IN THE
OCTOBER/NOVEMBER, 1998, TIME FRAME; AND TO BEGIN
THE TWO-YEAR DURABILITY RETAINAGE TIME AS OF
8-25-98.**
VOTE: YES (3) NO (0) ABSENT (2) VERNON FRITZ & CINDI ELLIS

EAGLE SCOUT Scout John Cooper proposed replacement of the Elk Ridge Town sign at
PROJECT the main entrance to Elk Ridge at 1600 W. & Goosenest Dr. He also
JOHN COOPER wants to clean around the area, install a border around the sign & spread
fresh gravel.
Suggestions from the Town Council:
1. Find out whose property it is on (Lee Pope or Dale Christensen?)
2. See if Payson Lumber will donate the wood
3. Mayor Ingram will paint the sign
Scout Cooper requested up to \$100 for the project from the Town, if
needed. If costs go over, fund raisers/donations could be used.

MOTION WAS MADE BY MAYOR INGRAM TO APPROVE THE PROPOSED EAGLE SCOUT PROJECT FOR JOHN COOPER, TO REPLACE THE SIGN AT 1600 W. & GOOSENEST DR. AND TO BEAUTIFY THE AREA AS STATED AND TO APPROVE UP TO \$100 FORM THE TOWN. HE IS TO SHOW A COST BREAKDOWN AND TO REPORT TO THE COUNCIL AFTER COMPLETION.

VOTE: YES (3) NO (0) ABS (2) CINDI ELLIS, VERNON FRITZ

Completion of the project will be by the end of November, 1998 (weather pending).

PLAN. COMM.
RECOMMEND-
ATIONS

1. Dwellings/Accessory Bldgs/Design Requirements:

Ernestine Folks: After much discussion, it was the conclusion of the Planning Commission that to attempt to regulate the design of accessory bldgs. is not only complicated; but, the enforcement would become a problem. The Town Planner advised that other towns/cities do not have design requirements attached to accessory bldgs. Who would decide whether the design matches the surrounding area? People have different tastes. Recommendation: That the requirement stand, as is.

2. Stub-out Maps/Service Laterals:

The requirement already exists in the Construction Standards to show where the stub-outs (laterals) for water/sewer are. Bruce Hall was present to speak to the Council about enforcement. The Development Code states that the final portion of the bond will not be released until the "as- builds" are submitted. Inspections should verify "as-built" improvements. Mr. Hall suggested having developers not only submit the paper work; but, in disk form, as well...for ease in storage.

A) The disks could create as added cost to the developers

B) Construction drawings and actual construction should be the same.

1) location of laterals could be measured off of corner markers

Forrest Darling suggested a metal stake off the lot line into the concrete curbing, they are permanent & easily installed.

The Town Council does want enforcement of this requirement.

PUBLIC HEARING
DEFAULT
(DON MECHAM)
OAK BLUFF,
PLAT B IMP.

Regarding road improvements for Oak Bluff Estates, Plat "B" on Coley's Cove. The developer (Don Mecham) has been contacted about some long-standing road repairs which has not been done. The Durability Retainer was held until the work was completed. The Development Code requires That in order to declare the developer "in default" and to be able to use the

ELK RIDGE TOWN COUNCIL MEETING- 8-25-98, CONT.

Durability Retainer for the repair work, a Public Hearing & notice of such must be publicized in a newspaper and sent to the developer prior to the Public Hearing. (It has been.) The Mayor polled the Councilmembers to agree to set the Public Hearing for 9-8-98, @ 7:45 PM.

LIEN/ASPHALT
WORK

Prior to moving out, some private asphalt work was done in conjunction with the overlay on Powell Rd. by Pam Rodriguez. It was paid for by the Town (Councilmember Fritz has the documentation of this. He suggested a lien on the property in the amount of \$200.

The matter was tabled to be able to review the documentation.

AUTHORIZATION
LETTER/STORM
DRAINAGE
STUDY

\$5,000 was allotted in the 1998/99 budget in the Sewer Dept. To begin engineering on a storm drainage system for Elk Ridge. Mr. Hall needs authorization from the Town Council to begin. The Town Council issued a verbal directive for Mr. Hall to begin the engineering of the storm drainage system. Councilmember Bluth will verify the directive by letter to Mr. Hall, to be faxed to Hall Engineering.

EXPENDITURES

The Planning Commission (Ernestine Folks) proposes a computer program which would link building permits and impact fees to the water/sewer capacity status in Town. This is a must to be able to monitor these figures for growth management. It would be invaluable to the Town. Lisa Ehlers has been asked to do the project. It would have to be after her regular hours filled with her duties as Deputy Clerk. The cost of doing this should be authorized by the Council. A cost estimate of the project and the projected time it would take is needed. Ty Ellis (PC) was present and commented that he has done a similar spread sheet and feels he could assist in creating this program...at no charge, as long as it did not take too Long. Mr. Ellis will work with Mrs. Ehlers to coordinate their efforts and see what they can come up with.

MINUTES

MOTION WAS MADE BY BRENT BLUTH AND SECONDED BY GARY BOWEN TO APPROVE THE MINUTES OF 6-23-98, AS CONSTITUTED.

VOTE YES (4) NO (0) ABS (2) VERNON FRITZ, CINDI ELLIS

MOTION WAS MADE BY GARY BOWEN AND SECONDED BY BRENT BLUTH TO APPROVE THE MINUTES OF 8-11-98, AS CONSTITUTED.

VOTE: Yes (3) NO (0) ABS (2) VERNON FRITZ, CINDI ELLIS

NOTICE & AGENDA

Notice is hereby given that the Town Council of Elk Ridge will conduct two Public Hearings on Tuesday, September 8, 1998, 1) from 7:00 to 7:30 PM, on the following issue: The proposed rezoning of properties adjacent to Plats "B", Fairway Heights and Oak Hills Estates Subdivisions; from CE-1 Zone to R-1-15,000 Zone, and 2) from 7:45 to 7:50 PM, on the Town Council's declaration of "Default" for the developer, Don Mecham, of Oak Bluff Estates, Plat B. These Public Hearings will be held in conjunction with a regular Town Council Meeting on Tuesday, September 8, 1998, with the Council Work Sessions at 7:30 & at 7:50 P.M., followed by 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. - PUBLIC HEARING:

The Proposed Rezoning of Properties Adjacent to and South of Plat "B", Fairway Heights Subdivision (owned by Forrest & Joan Darling & Adjacent to and South of Plat "B", Oak Hills Estates Subdivision (owned by RL Yergensen), from the CE-1 Zone to the R-1-15,000 Zone.

7:30 P.M. - COUNCIL WORK SESSION:

Planning Commission Issues-Jim Nicolet

7:45 P.M. - PUBLIC HEARING:

Town Council Declaration of Default for the Developer, Don Mecham, of Oak Bluff Estates, Plat "B"

7:50 P.M. - COUNCIL WORK SESSION, CONT.

Planning Commission Issues, Cont.

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

- 8:00 Invocation and Pledge of Allegiance
- 8:05 Approval of Agenda Time Frame
- 8:10 R.L. Yergensen/Bond Explanation & Status of Subdivision Improvements-Oak Hills Estates, Plat B
- 8:20 Engineering Inspection Report for Development Construction Improvements/Oak Hills Estates, Plat B
- 8:35 Pending Ordinance-Discussion/Action
- 8:45
 1. Forrest Darling/Zone Change Request Discussion/Action
 2. R.L. Yergensen/Zone Change Request Discussion/Action
- 9:00 Planning Commission Issues
- 9:45 Construction Water Charge-Mayor Ingram
- 9:50 Brad Shuler Subdivision/Release of Improvements & Durability Retainage
- 9:55 Lien on Property/Road Work-Vernon Fritz
- 10:00 Vernon Fritz:
 1. Signage
 2. Welcome Wagon

ELK RIDGE TOWN COUNCIL MEETING AGENDA, CONT.


3. Orphan Lot Policy/Set Public Hearing
4. Fire Flow/Liability
5. Trackhoes/Contractor Clean-up
Purchase of Polaroid Camera
10:30 Expenditures:
General:
10:35 Approval of Minutes of Previous Meetings
10:40 Adjournment

*Handicap Access, Upon Request. (48 Hours Notice)

The times listed for each item which appears on the agenda may be accelerated if time permits. All interested persons are invited to attend. Dated this 4th day of September, 1998.

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 of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah and mailed to each member of the governing body on September 4, 1998.


Town Clerk

**ELK RIDGE TOWN
TOWN COUNCIL MEETING
& PUBLIC HEARINGS
SEPTEMBER 8, 1998**

**TIME & PLACE
OF MEETINGS**

The Town Council of Elk Ridge held two Public Hearings on Tuesday, September 8, 1998, scheduled to convene at 7:00 p.m. and 7:45 p.m. The first Public Hearing, at 7:00 p.m., was on the proposed Re-zoning of Properties Adjacent to & South of Plats "B", Fairway Heights Subdivision and Oak Hills Estates Subdivision. The second Public Hearing, at 7:45 p.m., was on the Town Council Declaration of Default for developer, Don Mecham, of Oak Bluff Estates, Plat "B". The Public Hearings were held in conjunction with the regular Work Sessions (7:30 & 7:50 PM) & Town Council Meeting (8:00 PM) at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah. The notice of time, place and agenda was provided to the Payson Chronicle and to each member of the Town Council on September 4, 1998.

PUBLIC HEARING/RE-ZONE REQUESTS
(DARLING & YERGENSEN)

At 7:00 PM, Mayor Ingram opened the Public Hearing on the Proposed Re-zoning of Properties Adjacent to and South of Plat "B", Fairway Heights Subdivision (owned by Forrest & Joan Darling) & Properties Adjacent to and South of Plat "B", Oak Hills Estates Subdivision (owned by RL YERGENSEN), from the Current CE-1 Zone to the R-1-15,000 Zone.

ROLL CALL

Town Council: Mayor Ingram, Vernon Fritz and Brent Bluth, Cindi Ellis & Gary Bowen; *Planning Commission:* Jim Nicolet (Chairman), Stewart Jolley (Vice Chairman), Terie Righettini, Ty Ellis, Ernestine Folks, (absent-Todd Schulthess & Gary Proctor), *Public:* Kent Burton, Forrest and Joan Darling, Marlyn Short, Jeneal Peterson, RL YERGENSEN, Russ Sly, Todd D. & Vivian Jackson, Steven Clough, Jeanne & Henry C. Adovnik, Loy Jolley & *Town Clerk:* Jan Davis.

Written Statements:

1. Vernon Fritz addressed the expressed concern that the Town Council may make a decision, on the requested re-zone, based upon emotion rather than on serious research. The Public Hearing is a legal & appropriate venue whereby an appeal may be made to the decision made to deny the requested re-zone of the described properties. It is the last option short of litigation.

Both the petitioner and the Planning Commission have presented their cases. With the decision of the Town Council, the Town and the petitioner should be willing to move forward.

ELK RIDGE PUBLIC HEARING/RE-ZONE REQUESTS - 9-8-98, CONT.

A. The Petitioners, through experience, are aware of the Zoning Ordinance, risks associated with development and the difficulty in changing zone categories.

B. The Planning Commission interprets the ordinance and attempts to protect the community from unwarranted development and/or density problems.

1. In Councilmember Fritz's opinion, there is a lack of clarity in defining the conditions used to classify the CE-1 Zone & the R1-15,000 Zone.

C. Although the Petitioner (Forrest Darling) plans no more than 8 dwellings, if the area is re-zoned to R1-15,000. The Planning Commission contends that, if the re-zone were granted, there would be no legal mechanism to enforce the number of lots within the proposed development. Councilmember Fritz asked if Mr. Darling would be willing to stipulate the number of lots, could a common ground be found with the Planning Commission? Councilmember Fritz feels there should be compromise from both Mr. Darling and the Town.

Councilmember Fritz referred to pg. 6-11, Section 10-6-3.4 of the Elk Ridge Development Code, regarding maximum density bonus points. He questioned allowing greater density in the CE-1 Zone based on developer "Contributions". He also suggested that the intent in the CE-1 Zone was to allow certain areas inappropriately included in the Zone, to be subject to re-zoning upon submission of verifiable data.

Councilmember Fritz totally rejects any accusations that either the Planning Commission or the Town Council has any ulterior motives in the performance of their tasks. He believes both bodies are acting in the best interest of the community. The Planning Commission has been tireless in their efforts and should be commended; however, he reserves the right to disagree with some aspects of their work. He feels the ordinances are flexible instruments permitting appeals, re-zoning, amendment and appending.

Elements as understood by Councilmember Fritz:

1. The Petitioner contends that increased costs mandated by a government body have diminished the potential profitability of the proposed development.
2. The six month moratorium created increased costs through the creation of additional interest on development loans.
3. That the development land under consideration was incorrectly zoned CE-1 and more properly should be R1-15,000.

According to the Planning Commission, the land in question is properly zoned CE-1 due to slopes, vegetation and environment concerns; and that

ELK RIDGE PUBLIC HEARING/RE-ZONE REQUESTS - 9-8-98, CONT.

the motivation for the re-zone request is largely economic in nature, which does not justify granting the re-zone to R1-15,000.

Councilmember Fritz feels government does have a responsibility to consider the effects of its actions upon private citizens.

Councilmember Fritz's Views:

1. He disagrees with the expressed concerns of the harmful effect of density, slope and erosion upon the Darling's property.
2. He believes that erosion problems can be handled by homeowners, in that it is required of dwellings to confine runoff to their own property boundaries. Regardless of the zoning classification, the same amount of asphalt would result and the runoff would be diverted to the natural drainage.
3. The impact to the indigenous animal life would be minimal if the area were re-zoned.
4. He does not believe there will be significant harmful effects upon existing vegetation due to its location in the proposed development.
5. He feels that R1-15,000 is not unreasonable utilization of Mr. Darling's land under consideration.
6. He agrees that engineering studies are necessary; but, is not always in agreement with them. The human element leaves room for error.
7. The risk evaluations referring to slope/density on pg. 6-12 of the Elk Ridge Development Code are not immutable facts.
8. The Town Council has the prerogative to stray from the letter of the ordinance when in the best interest of the community and/or a petitioner. The judgement rendered by the Town Council will represent a consensus of dedicated citizens charged with the responsibility of casting a vote. He hopes all persons involved will be able to accept the outcome of that decision.

2. Ty Ellis (Planning Commission): Mr. Ellis cautioned the Town Council to separate irrelevant facts and issues from the relevant in making their decision on the request to re-zone. He feels the core of the request is founded on lot size, density and the ability to make a profit on the proposed development. He believes these issues to be irrelevant and must be factored out. The re-zone request should be based on whether or not Mr. Darling can develop his land according to the current zoning requirements. If this is not possible, then a deviation from the guides of the Elk Ridge General Plan and the CE-1 Zone should be considered. If the Town Council disagrees with the General Plan, then action should be taken to change the Plan itself.

However, Mr. Ellis feels the General Plan does provide a good balance

ELK RIDGE PUBLIC HEARING/RE-ZONE REQUESTS - 9-8-98, CONT.

between development and preservation. "Any action by the Town Council that is inconsistent with the General Plan simply erodes at the foundation of our ordinances." To deviate from the General Plan, based on individual circumstances, reflects the intentions of the Town to ignore its own goals. Mr. Ellis recommends that the Town Council deny the request for re-zone and that all re-zoning requests which are based on irrelevant arguments should be denied.

Public Statements:

1. Marlyn Short (Co-developer of Fairway Heights):

A. Addressed one of the reasons given for denial of the zone change request by the Planning Commission: Slope Percentages

Mrs. Short referred to Ordinance #98-5-26-6 (Amendment to the Development Code), specifically sections explaining criteria for buildable areas. The property under consideration for re-zone falls within the slope percentages defined in this amending Ordinance. She feels it would be inappropriate to leave this property in a zone designed for steeper slopes.

B. Clarification of points 2-A, B & C of the zone change request.

These points were in response to Chapter 12, part 4 ("Powers & Duties of Municipal Officials in Utah") 12.405: Zoning Districts: which describes "Spot Zoning"...Municipalities must zone by district, not by "indiscriminate spot zoning". Definition: The process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property & to the detriment of other owners. The Darlings felt it their obligation to show proof of the damage created by the rezoning of parcels within their district &, in their case, it is a financial loss and has caused personal damage to them. The intent was not to have these points used as a basis with which to make a decision on re-zoning the area in question.

C. Two issues have not been addressed by the Town to the satisfaction of the Darlings.

1) Justification for "spot zoning"...leaving a peninsula of CE-1 land surrounded by R1-15,000 zone.

2) How the Town will benefit from larger lots, which put more strain on the water supply, and the Town would receive more impact fees for the lots, if re-zoned R1-15,000, rather than lots left in the CE-1 Zone.

Mrs. Short reminded the Council that their zone change request had been submitted prior to the adoption of the Planned Residential Development

ELK RIDGE PUBLIC HEARING/RE-ZONE REQUESTS - 9-8-98, CONT.

Ordinance (PRD). She continued that they were told that their property may not conform to the PRD criteria.

Strict restrictions would be recorded with their plat.

Mrs. Short agrees that the area south of Salem Hills Drive falls more under the criteria of the CE-1 Zone, due to steeper slopes; but, the majority of the developed portion of Town is zoned R1-15,000. Their property would not deviate from the greater part of the developed area in Town.

She concluded with the observation that communications between the public and the Town Council and Planning Commission should be of a professional nature rather than demeaning, as has been evidenced.

2. Memo From Rod Despain: (Read by Ernestine Folks)

Summary: Question to be answered by the Town Council regarding the proposed re-zone request for the Darling parcel...whether or not the Planning Commission and previous Town Council were in error when they determined the Darling parcel to be environmentally sensitive and thus justified in placing it in the CE-1 Zone.

Mr. Darling has attempted to place the Planning Commission in the position of defending the validity of the prior action. The Planning Commission has the responsibility of supporting the General Plan and its objectives. Mr. Despain feels the Town Council's actions have placed the Planning Commission in the role of defendant and that the future of the Town's plan is in jeopardy.

The applicant in a zone change request has the burden to convince the Planning Commission that the current zone classification is improper.

Mr. Despain feels, that the notion that a change to the R1-15,000 Zone is in the best interest of the Town and would result in superior planning, is without merit.

The effect of the Planning Commission's recommendation to deny, is that The prior action was proper and that the General Plan and Zoning Ordinance should be sustained. However, if the Council now feels that the prior actions were inappropriate and the zone change should be approved, two tasks are required:

1. The general land use plan for the Town should be amended to show the area is no longer considered as environmentally sensitive.
2. The zone classification should be amended from the CE-1 to whatever the Council feels is appropriate.

(Mr. Despain reviewed the process for amending the Land Use Plan.)

In Mr. Despain's opinion, the Darling's parcel is not flat and was properly identified as environmentally sensitive and was placed in the proper zone (CE-1).

ELK RIDGE PUBLIC HEARING/RE-ZONE REQUEST - 9-8-98, CONT.

Based on a preliminary evaluation of the slope study, the parcel has development capacity of approximately five lots. Under the R1-15,000 zone, the number of lots would be expanded to 2.5 lots/acre. A voluntary Commitment to have fewer lots than the Ordinance allows is unenforceable. If the zone is to be changed, be prepared to approve what it allows.

Mr. Despain pointed out that if the Council feels that the parcel has been improperly classified, then other similar parcels would also have to be considered. Should the entire hillside area be revisited and the General Plan & Zone Map be redefined? The effect of such a change in policy would have the effect of significantly increasing the development density in the Town. He feels that another visit to the utilities and impact fee studies would be required.

3. Joan Darling:

- A. The reason for the zone change request is that the Darlings & Mrs. Short felt that their land was misplaced in the CE-1 Zone.
- B. Spot zoning in that area has still not been addressed.
- C. The PRD Ordinance came into effect after their original Plat "A"...This was a change & placed 8 lots (Ririe's Subdivision) directly below their acre lots.

4. Loy Jolley: Mrs. Jolley is a long-time resident of Elk Ridge and commented that "flat lands" do not exist in Elk Ridge.

Vernon Fritz (Town Council): Responded to memo from Rod Despain: Councilmember Fritz disagrees about the enforceability of a stipulation on the number of proposed lots. He feels this would be enforceable and legal. Stewart Jolley (Planning Commission): Stated that if the Town is going to "wheel & Deal" with every developer who comes to Town, then the ordinances are not needed. Ordinances are in place to enforce the requirements.

Mrs. Short agrees with this statement; but, stated that changes have occurred over & over during the time that the Darlings have attempted to develop their land. They are not trying to "wheel & deal". They would not request more than the ordinances would allow. She disagrees that 14-24 lots could be placed on their land, particularly with a road going through the middle of their property.

Councilmember Fritz asked the Darlings & Mrs. Short if they would stipulate to a maximum of eight (8) lots on their proposed subdivision. Mr. Darling replied, "that is how it is designed". Mrs. Short added, "There is probably no more than that, that we could ever even put on it."

ELK RIDGE PUBLIC HEARING/RE-ZONE REQUESTS - 9-8-98, CONT.

5. RL YERGENSEN: (Zone Change Request) Mr. YERGENSEN stated that he would also "go by the rules" of the R1-15,000 Zone, if the change were allowed. He is confident that the land could be developed properly. If any slopes exceed the maximum requirement, he is willing to dedicate that land to public use.

MOTION WAS MADE BY VERNON FRITZ AND SECONDED BY BRENT BLUTH TO CLOSE THE PUBLIC HEARING.

VOTE: YES (5)

NO (0)

TOWN COUNCIL WORK SESSION

ROLL CALL

Town Council: Mayor Ingram, Vernon Fritz and Brent Bluth, Cindi Ellis & Gary Bowen; *Planning Commission:* Jim Nicolet (Chairman), Stewart Jolley (Vice Chairman), Terie Righettini, Ty Ellis, Ernestine Folks, (absent-Todd Schulthess & Gary Proctor), *Public:* Kent Burton, Forrest and Joan Darling, Marlyn Short, Jeneal Peterson, RL YERGENSEN, Russ Sly, Todd D. & Vivian Jackson, Steven Clough, Jeanne & Henry C. Adovnik, Loy Jolley & *Town Clerk:* Jan Davis.

PLANNING
COMMISSION
ISSUES

Jim Nicolet (Planning Commission Chairman):

1. Growth Management Strategy (GMS)

The Planning Commission feels that the Town Council has gotten aught up in certain issues and has not addressed other key issues. The GMS is not just an enforcement of development criteria, it is an overall strategy for the Town for the next 20 years, including the "vision" for what Elk Ridge is to become. The Planning Commission needs the Town Council's feedback and direction for them to proceed with new development. A decision must be made on the availability of water. What is the collective policy direction from the Council?

Mayor Ingram stated that he feels the Planning Commission should consider new development in light of the existing ordinances, as well as the existing Engineering Study. When the stated capacity has been reached, then no new development would be considered without the requirement of bringing additional water with the development.

Ernestine Folks (P.C.): Based on the Engineering Study, capacity for water storage has been reached.

Forrest Darling asked for clarification between supply of water and storage of water. There is a difference and it should be stated.

Stewart Jolley: There are actually 3 factors:

1) Supply 2)Storage 3)Distribution

ELK RIDGE TOWN COUNCIL WORK SESSION - 9-8-98, CONT.

Storage will run out first, then the supply...then there is the problem of getting the water to the homes through existing lines.

Marlyn Short: If the Planning Commission is asking for a moratorium, there has to be strict regulations under which a moratorium can be declared.

Stewart Jolley: Ordinances bind the Town. If the Town cannot supply services to new development, then developments should be turned down. This is different than a moratorium.

Mayor Ingram reiterated Sunrise Engineering's Study stating that the Town's ability to provide services to the existing homes and approved lots has reached its limit.

Since the Growth Management Strategy has not been approved, there is no basis by which the Planning Commission can approve future development. There is no provision for "risk management". So, in order to go forward and approve any more new development, they need the Town Council's direction.

PUBLIC HEARING/DECLARATION OF DEFAULT

ROLL CALL

Town Council: Mayor Ingram, Vernon Fritz and Brent Bluth, Cindi Ellis & Gary Bowen; *Planning Commission*: Jim Nicolet (Chairman), Stewart Jolley (Vice Chairman), Terie Righettini, Ty Ellis, Ernestine Folks, (absent-Todd Schulthess & Gary Proctor), *Public*: Kent Burton, Forrest and Joan Darling, Marlyn Short, Jeneal Peterson, RL YERGENSEN, Russ Sly, Todd D. & Vivian Jackson, Steven Clough, Jeanne & Henry C. Adovnik, Loy Jolley & *Town Clerk*: Jan Davis.

At 7:45 PM, Mayor Ingram opened the Public Hearing on the Declaration of Default for the developer, Don Mecham, of Oak Bluff Estates, Plat "B".

Councilmember Vernon Fritz is withdrawing any default action against Mr. Mecham. There is a commitment from Mr. Mecham to repair the road in question (Coley's Cove). Councilmember Fritz chooses to accept this assurance that the repairs will be completed by the following week. The Council discussed this and decided that Mr. Mecham must complete the required repairs on Coley's Cove within the specified time frame (by Sept. 18, 1998) or he will be considered "in default".

MOTION WAS MADE BY BRENT BLUTH AND SECONDED BY GARY BOWEN TO CLOSE THE PUBLIC HEARING.

VOTE: YES (5)

NO (0)

TOWN COUNCIL WORK SESSION - 9-8-98, CONT.

TOWN COUNCIL WORK SESSION - CONT.

Jim Nicolet (Planning Comm. Chairman): The question remains of how to go forward with new development.

Town Council Opinion:

Brent Bluth: If services are not available, then development should not go forward. This was agreed with by Cindy Ellis and Gary Bowen.

Councilmember Fritz still questions how 30 lots/year was arrived at. Can't the Planning Commission proceed with this idea? In his opinion, risk management permits the Town to go forward with new development. Approximately 200 approved lots are not going to be built upon in one year. Water is available that has been reserved for these lots.

Ty Ellis (P.C.): There is no ordinance in place which allows "risk management" and to be able to enforce the criteria.

Ernestine Folks (P.C.) : While the process of considering the Growth Management Strategy takes place, the question remains of what the Planning Commission is suppose to do with new development? With no other policy in place, the developments would be denied.

Marlyn Short explained that the Darlings and she do not see their proposed Plat "C" as "new development", rather as the 3rd phase of the same subdivision.

Ty Ellis: He is not willing to sign on any new subdivision which could extend the Town beyond the current capacity with the water system without having a plan in place which sets forth the Town's policy to overcome the water deficit.

Councilmember Fritz: Does not believe that there is a deficit, with the water designated to the approved lots.

ELK RIDGE

TOWN COUNCIL MEETING

ROLL CALL

Town Council: Mayor Ingram, Vernon Fritz and Brent Bluth, Cindi Ellis & Gary Bowen; *Planning Commission*: Jim Nicolet (Chairman), Stewart Jolley (Vice Chairman), Terie Righettini, Ty Ellis, Ernestine Folks, (absent-Todd Schulthess & Gary Proctor), *Public*: Kent Burton, Forrest and Joan Darling, Marlyn Short, Jeneal Peterson, RL YERGENSEN, Russ Sly, Todd D. & Vivian Jackson, Steven Clough, Jeanne & Henry C. Adovnik, Loy Jolley & *Town Clerk*: Jan Davis.

INVOCATION

The invocation was given by Loy Jolley.

ELK RIDGE TOWN COUNCIL MEETING - 9-8-98, CONT.

AGENDA TIME
FRAME

**MOTION WAS MADE BY GARY BOWEN AND SECONDED BY
CINDI ELLIS TO APPROVE THE AGENDA TIME FRAME**
VOTE: YES (5) NO (0)

RL YERGENSEN/
BOND EXPLAN. &
STATUS OF SUBD.

RL Yergensen was present to address the Council.

On 9-8-98 the Town received written verification from First Security Bank That \$46,279.96 had been transferred from the construction loan to interest bearing escrow account #330-10388-85. This was for the durability retainage amount only. On 8-11-98 the Council gave Mr. Yergensen direction to have the "entire amount of the balance of the construction cost plus 20% placed into an interest bearing escrow account". Mr. Yergensen said he has always used this type of loan for development and does not see the problem. He said he would have the subdivision completed in 2 weeks, and the water line would be worked on while finishing the curb/gutter.

Council member Bluth: Asked why the bank was unwilling to comply with what was signed. Mr. Yergensen cannot be the exception to what is expected of other developers.

Mayor Ingram: Outlined consequences for non-compliance, as permitted in the Development Code:

The Subdivision could be "red-tagged"...no work would proceed. This has an impact on those having received building permits in that area.

Council member Fritz: Is not pleased with the lack of performance; but, does not want to "red-tag" the development due to the other people involved. Rather, he would like to see the work completed as quickly as possible...by the end of September, 1998.

Henry Adovnik: Has been issued a full building permit on Fairway Heights, Plat "B". Oak Hills Estates provides access to their subdivision, if red-tagged, what happens to their access this winter? They would be snow-bound and the Town would bear some legal liability since the Town has the obligation to provide services to his lot. He would encourage the Council to allow Mr. Yergensen to proceed.

**MOTION WAS MADE BY VERNON FRITZ AND SECONDED BY
CINDI ELLIS TO INSTRUCT RL YERGENSEN TO COMPLETE
THE FINANCIAL TRANSITION, AS REQUIRED BY
ORDINANCE, BY 9-14-98.**

VOTE: YES (5) NO (0)

Mayor Ingram is to contact Bruce Hall the next day to determine when full building permits can be issued on Mr. Yergensen's subdivision.

ELK RIDGE TOWN COUNCIL MEETING - 9-8-98, CONT.

Councilmember Brent Bluth: Publically apologized to Mr. Darling for the community for the graffiti on the new road in Fairway Heights, Plat "B". He assured Mr. Darling that no one on the Town Council would do that and he hopes no one in the community would do that. He knows of other incidents at the Payson Middle School.

Mayor Ingram: Reviewed the Zone changes. The Town Council can amend the ordinances; however, if it is an "unreasonable" amount of amendment, (according to the Utah Code, it must go back to the Planning Commission to be reconsidered). He believes that the Zoning Ordinances must be carefully viewed and amended with a specific goal. He has consulted other Towns with severe slopes. It is clear to him that, with a cursory review of the codes/ordinances specific to zoning, that there exists overlay on top of overlay and that amendments have been made without extensive planning for the future. He feels there are inconsistencies which need to be addressed. Can this be done by the re-zoning of this particular piece of property, as well as that owned by RL Yergensen? He thinks not.
Action:

MOTION WAS MADE BY GARY BOWEN AND SECONDED BY CINDI ELLIS TO DENY THE ZONE CHANGE REQUEST FOR FORREST DARLING.

VOTE: POLL...GARY BOWEN-AYE, BRENT BLUTH-AYE, CINDI ELLIS-AYE, VERNON FRITZ-NAY, MAYOR-ABSTAIN (ON THE BASIS THAT ZONING IS NOT CLEAR AND NEEDS TO BE CLARIFIED.)

PASSES 3-1 (ABSTAIN-1)

Mayor: Referred to Rod Despain's memo where he stated that the Town Council and the Planning Commission have been put in the role of "defendant"; he feels "We should be in that role." Are our zoning ordinances defensible? The Mayor feels they are not.

Council member Fritz: Agrees that any Government body should be able to defend any decision made.

Marlyn Short: Requested in writing the reasons for the Town Council's denial of the zone change from each Town Council member.

Mayor Ingram: (For the record) "In terms of amending the ordinance; in the Utah Code, it is clear, in my interpretation anyway...clear to me...that this constitutes more than a small amount of change or amendment and would require a major change in the existing ordinance; therefore, it is required to go back to the Planning Commission with recommendations."

ELK RIDGE TOWN COUNCIL MEETING - 9-8-98, CONT.

Council member Ellis: Said that she is willing to provide her reasons for denial in writing.

2. RL Yergensen

Discussion: None

Action:

MOTION WAS MADE BY GARY BOWEN AND SECONDED BY CINDI ELLIS TO DENY THE R.L. YERGENSEN ZONE CHANGE REQUEST

VOTE: POLL...GARY BOWEN-AYE, BRENT BLUTH-AYE, CINDI ELLIS-AYE, VERNON FRITZ-AYE, MAYOR INGRAM-ABSTAIN (FOR THE SAME REASONS AS STATED WITH MR. DARLING'S REQUEST FOR ZONE CHANGE)

PASSES 3-1

ABSTAIN (1)

PLANNING
COMMISSION
ISSUES, CONT.

Jim Nicolet:

1. Water System...3 concerns: 1) Capacity 2) Supply & 3) Distribution of the water. In a previous meeting, Chief Waite raised some issues about fire flow, gals. per minute & pressure in Town. The Planning Commission had not even considered this information, including "draw-down" on a water line. How are the needs of the community being met? What will the Town Council do with the information? Does the Council see a need for a plan on how to address the needs of the community.

Vernon Fritz: Is there a liability in not providing the necessary services (gal. per minute) for fire suppression. Should the standard be, if sufficient water cannot be pulled from a hydrant, (1,000 gpm for every 3,500 sq. ft. home), then should there be no building...as in the Gooseneck area? Does the Town Council realize the impact of his statement?

2. The Planning Commission needs guidance on the GMS from the Town Council. Individual opinions have been offered, collective direction is needed. Does the Town Council support the General Plan?

The Council will have a special Work Session to consider each point of the GMS.

3. Allowing for new development: If current ordinances are used, based on the updated engineering study on the Town's water system, the Town is near capacity for storage. Capacity will be 565 connections. We are at 541, that allows up to 24 new lots. Mayor Ingram proposes going up to the 24 new lots.

Councilmember Bowen: Feels the Town should not use up to capacity. If the fire flow cannot be maintained, he is concerned and advises against going to the limit (The Planning Commission agrees with this).

ELK RIDGE TOWN COUNCIL - 9-8-98, CONT.

Forrest Darling: addressed the required 1,000 gpm. He has fought fires for over 29 years and most were fought and put out with under 400 gpm. In a bedroom type community, there are protective devices you can built into construction of homes. 500 gpm is sufficient to fight fires. The tanker truck holds up to 1,000 gal. of storage.

Town Council Opinion on allowing the development to proceed.

Town Council Opinion: Mayor (Go to capacity) 24 more lots.

Gary Bowen-Does not feel we should go to capacity.

Brent Bluth-Go to capacity

Cindi Ellis-Feels we should go to the limit, not beyond.

Vernon Fritz...He agrees that we should not go beyond the 24 lots, under the current ordinance, and up to 565 lots.

Summary: It is the collective opinion that the Planning Commission should go forward and approve upto 24 additional lots, under the current ordinance requirements.

4. Sensitive Lands Overlay (SLO)

Ernestine Folks: If she understands correctly, it was the Mayor's approach to eliminate some of the zones, zoning most of Elk Ridge R-1,15,000, with a page of provisions. Is this the Council's opinion, as well?

Cindi Ellis: No, she disagrees.

Vernon Fritz: This is not his opinion.

Brent Bluth: Feels the intent of what the Mayor said was that there needs to be a hard look taken at the Development Code, and the Town Planner should be advising and giving guidance.

The Mayor A) finds overlaps, confusion and lack of clarity in the Development Code. B) Growth Management and the future of Elk Ridge rest on how much density is desired? The Town Council feels the SLO should be compared against the current ordinance & eliminate some of the layers.

The Town Council will meet on September 22nd , at 6:00 P.M.

CONSTRUCTION
WATER USE

The fee for water usage by contractors needs to be revisited. The agenda item is postponed until the Council has a chance to consult with Linda Cooper and Kent Haskell to find out some of the problems.

BRAD SHULER
SUBD./DUR.
RETAINER

No letter from Hall Engineering at this time.

ELK RIDGE TOWN COUNCIL MEETING- 9-8-98, CONT.

LIEN ON
PROPERTY/
RODRIGUEZ

Pam Rodriguez had some asphalt work done privately in conjunction with road work on Powell/Maple Ln. An amount of \$200 is owed to the Town. She has moved with no forwarding address and no payment. A letter will go out giving her a month to pay this. If unpaid, a lien will be placed on her property.

MOTION WAS MADE BY VERNON FRITZ AND SECONDED BY BRENT BLUTH TO PLACE A LIEN IN THE AMOUNT OF \$200 ON THE PROPERTY OWNED BY PAM RODRIGUEZ FOR ASPHALT WORK DONE.

VOTE: YES (5)

NO (0)

VERNON FRITZ:

1. Signage: Councilmember Fritz will propose "yield" signs in Town. They act to establish liability. He will place on a future agenda when he has the information ready to submit.

2. Welcome Wagon: Tabled for the present.

3. "Orphaned Lots":

Vernon Fritz (Town Council): Described "orphaned" lots as lots/parcels to be developed, existing on a road already established without curb/gutter in an approved subdivision. What level of improvements will be required of these developments? Councilmember Fritz does not feel it is feasible to require widening the road to meet Town Standards with curb/gutter, when it would result in "piecemeal" installation. In checking with Denton Hatch (Town Attorney), about establishing a Town Policy regarding the level of improvement to be required of these parcels, it was Mr. Hatch's advise to amend the Development Code rather than just setting a policy by Town Council vote. There is an urgency on this matter since there are property owners waiting to develop such parcels, who need direction on how these situations will be handled.

Councilmember Fritz proposes setting a policy to exempt "orphaned" lots from the Ordinance requirement of curb & gutter & road improvement based on the premise that the established roads will likely not be widened nor brought to Town Standards. He recommends acceptance of this concept and to also set the Public Hearing for an amendment to the Development Code. Isolated curb/gutter creates drainage problems. Clarification is needed that "orphaned" lots are defined as parcels existing in established "neighborhoods" without curb/gutter, not necessarily on roads without improvements to Town Standards.

ELK RIDGE TOWN COUNCIL MEETING - 9-8-98, CONT.

Brent Bluth (Town Council): If a storm drainage system becomes a reality for the future in Town, the opportunity will be missed to have the improvements installed by the developers.

Councilmember Fritz: There was a study done by Bruce Hall in the upper part of Elk Ridge on the soil. It was such (clay) that it would not be appropriate to place curb/gutter in that area. The water would have no place to go.

Gary Bowen (Town Council): The total plan needs to be looked at. Is it the intent to eventually have curb & gutter in Town or not? If so, leave the

Ordinance as is until the Town fills in. If curb/gutter will be required all over Town, it would be beneficial to already have these pieces installed. The requirements should be enforced equally of all subdivisions.

Councilmember Fritz: If curb/gutter is to be installed all over Town, it would be financed through a Special Improvement District (SID).

Mayor Ingram: Example...Harris Subdivision (proposed) consists of 6 lots within an existing subdivision, approved under the current Ordinance.

The previous Town Council declared that the curb & gutter requirement would be waived due to the impact on the surrounding property and based on the Engineer's study on the soil. The question remains on the level of improvements to be required for the road. Can the road improvements be accepted "as is"? According to the Mayor, there was a suggestion by the engineer to consider the cost of 1/2 of the road plus 9 ft. of gravel.

Cindi Ellis (Town Council): Could money be held in escrow for those improvements?

1) MOTION WAS MADE BY VERNON FRITZ AND SECONDED BY MAYOR INGRAM TO SET A JOINT PUBLIC HEARING WITH THE TOWN COUNCIL & PLANNING COMMISSION TO DISCUSS THE POSSIBILITY OF AMENDING THE ELK RIDGE DEVELOPMENT CODE TO PERMIT THE WAIVING OF ALL ROAD IMPROVEMENTS, INCLUDING CURB/GUTTER & ROAD BASE MATERIAL WHERE "ORPHANED" LOTS WOULD BE CREATED, FOR OCTOBER 20, 1998.

VOTE: (POLL) VERNON FRITZ-AYE, CINDI ELLIS-AYE, MAYOR INGRAM-AYE, BRENT BLUTH-AYE, & GARY BOWEN-NAY

PASSES 4-1

2) MOTION WAS MADE BY VERNON FRITZ TO ESTABLISH A POLICY ALLOWING DEVELOPMENT ON "ORPHANED" LOTS TO MOVE FORWARD & EXEMPT THEM FROM THE CURRENT REQUIREMENT OF CURB & GUTTER

There was no second to the motion. The motion died.

Ernestine Folks understands that the minimum level of improvements would be applicable to all situations, not isolated incidents. Forrest Darling questioned why the Town Standards were not met when Clark Lane was repaired. Why was curb & gutter not installed? Mayor Ingram replied that overlays are considered road maintenance. The Mayor wanted clarification for the proposed Harris/Ingram Subdivision: since curb/gutter is not being required of this subdivision, would the cost of road improvements be placed in escrow? (Yes.)

MOTION WAS MADE BY VERNON FRITZ AND SECONDED BY CINDI ELLIS TO ALLOW DEVELOPMENT OF "ORPHANED LOTS" TO PROGRESS WITH AN ESCROW DEPOSIT COVERING THE ESTIMATED COST OF THE CURRENT REQUIREMENTS AND IF THE ORDINANCE (DEVELOPMENT CODE) IS AMENDED TO EXEMPT THESE LOTS FROM THE REQUIRED ROAD IMPROVEMENTS, THEN THE DEPOSIT WOULD BE REFUNDED. IF AMENDMENT DOES NOT OCCUR, THE FUNDING WOULD BE IN PLACE WHILE THE DEVELOPMENT HAS BEEN ALLOWED TO PROGRESS.

VOTE: YES (4) NO (0) ABSTAIN (1) MAYOR INGRAM

The Planning Commission will consider this issue at their meeting.

4. Fire Flow: Previously discussed

5. Trackhoes/Clean-up:

MOTION WAS MADE BY VERNON FRITZ AND SECONDED BY BRENT BLUTH TO APPROVE THE PERFORMANCE BOND OF \$500, ON THE BUILDING PERMIT, TO INCLUDE TRACKHOE DAMAGE AT FINAL INSPECTION

VOTE: YES (5) NO (0)

MOTION WAS MADE BY VERNON FRITZ AND SECONDED BY MAYOR INGRAM TO INCREASE THE AMOUNT OF THE CLEAN-UP BOND FROM \$250 TO \$500, TO INCLUDE A DUMPSTER AND STREET AND PROPERTY CLEAN-UP, AS DETERMINED BY THE BUILDING INSPECTOR

VOTE: YES (5) NO (0)

ELK RIDGE TOWN COUNCIL MEETING - 9-8-98, CONT.

It is proposed that Kent Partridge (Inspector) pre-inspect the condition of the road and take a photo with a Polaroid camera.

MOTION BY VERNON FRITZ AND SECONDED BY CINDI ELLIS TO PURCHASE A POLAROID CAMERA FOR THE TOWN, NOT TO EXCEED \$150.00.

VOTE: YES (5) NO (0)

MINUTES

MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY GARY BOWEN TO APPROVE THE MINUTES OF THE TOWN COUNCIL MEETING HELD ON 7-14-98 AS CONSTITUTED

VOTE: YES (5) NO (0)

MOTION WAS MADE BY BRENT BLUTH AND SECONDED BY GARY BOWEN TO APPROVE THE MINUTES OF 8-25-98 WITH THE FOLLOWING CORRECTIONS:

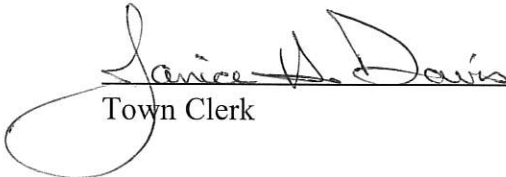
- 1. PG. 76...CHECK ON TERM OF OFFICE FOR AN APPOINTED OFFICIAL**
- 2. PG. 79...A) 1ST PARAGRAPH - CHANGE "R-!" TO "R-1" 3RD PARAGRAPH - ADD AT THE END OF THE LAST SENTENCE, "WATER SOURCE & STORAGE CAPACITY".**

VOTE: YES (5) NO (0)

ADJOURN

MOTION WAS MADE BY VERNON FRITZ AND SECONDED BY CINDI ELLIS TO ADJOURN

VOTE: YES (5) NO (0)



Town Clerk

NOTICE & AGENDA

Notice is hereby given that the Town Council of Elk Ridge will hold a regular Town Council Meeting on Tuesday, September 22, 1998, with a Special Town Council Work Session at 6:00 PM, The Town Council Work Session at 7:00 P.M., followed by the regular Council Meeting at 8:00 P.M. The meetings will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

6:00 - SPECIAL TOWN COUNCIL WORK SESSION
Discussion/Planning Commission Issues

7:00 P.M. - TOWN COUNCIL WORK SESSION
Discussion/Administration Policy
Including Town Utility Vehicle
Other Business

8:00 P.M. - REGULAR COUNCIL MEETING AGENDA ITEMS:
8:00 Invocation and Pledge of Allegiance
8:05 Approval of Agenda Time Frame
8:10 Resolution/Sheriff's Contract
8:15 Action/Planning Commission Direction
8:25 Action/Administration Policy Ordinance
8:35 Well Head Protection Update
8:45 Oak Hills Estates Update
8:50 Oak Bluff Estates, Plat "B"/Coley's Cove Update
8:55 Multiple Family Living-Vernon Fritz
9:00 S. Shuler Subdivision/Begin Durability Retainage
9:05 Haskell Subdivision, Plat "E"/Begin Durability Ret.
9:10 Brad Shuler Subdivision, Plat "A"/Durability Ret.
9:15 Expenditures:
General:
9:20 List of Expenditures for July, 1998
9:25 Approval of Minutes of Previous Meetings
9:30 Re-set Public Hearing for "Orphaned" Lots Amendment
9:35 Adjournment

*Handicap Access, Upon Request. (48 Hours Notice)

The times which appear on the agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.

Dated this 15th day of September, 1998.


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 of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah and mailed to each member of the governing body on September 15, 1998.


Town Clerk

ELK RIDGE
TOWN COUNCIL MEETING
SEPTEMBER 22, 1998

TIME & PLACE OF MEETING The regular meeting of the Elk Ridge Town Council was held on Tuesday, September 22, 1998. A Special Work Session of the Town Council met at 6:00 PM, with the Regular Council Work Session 7:00 PM, followed by the regular Town Council Meeting starting at 8:00 PM at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

Notice of time, place and Agenda of this meeting was provided to the Payson Chronicle and to the members of the governing body by mailing a copy to each on September 15, 1998.

ROLL CALL Mayor Ingram, Councilmembers Gary Bowen & Brent Bluth, Vernon Fritz & Cindi Ellis; Planning Commission: Stewart Jolley (Vice Chair), Ty Ellis; (Staff) Janis McGill, Linda Cooper, Annebel Meredith, Lisa Ehlers & Kent Haskell; (Public) Forrest Darling, Amy K. Stewart, John Thomas; and Janice H. Davis-Town Clerk.

SPECIAL TOWN COUNCIL WORK SESSION

PLANNING COMMISSION ISSUES This meeting was for the purpose of discussing certain Planning Commission issues in an effort to give the Planning Commission "Collective" direction from the Town Council.

GROWTH MANAGEMENT STRATEGY Comments:
Vernon Fritz:
Pg. 3, Paragraph beginning, "Many months...": change "within the end of 1998" to "by the end..."
Pg. 6, 1st paragraph: Change "compromises four segments..." to "comprises four..."
Pg. 7, Under "Commercial Development":
1) Last word, change to "assessments"
2) 2nd sentence: suggests removing the word, "immediate" implementation..
3) Last paragraph: Suggests striking "only" ...add sentence at the end..."The Town Council reserves the right to consider other proposed annexations when the development can demonstrate that its inclusion would be in the best interest of the community."

ELK RIDGE SPECIAL WORK SESSION - 9-22-98, CONT.

Pg. 9, 1) 4th Proposal: Needs clarification..."regional waste water"
(Gary Bowen explained that a 10-year master plan for the sewer plant includes the surrounding region...including Utah County.)
2) Under "Wise Environmental Management"...1st proposal: Clarify.
(Brent Bluth explained Park City's process for excavation, which is very strict. Waste from development site must be contained, sorted, some recycled...No mud on streets. Any violation results in "red-tagging" the project!

Pg. 10, 2nd paragraph (3rd statement) - Clarify "climate"
(Example: geologic location, population)

Pg. 11, 1st paragraph (end): "form" to "from"

1) Clarify "tourism"...how does that apply to Elk Ridge?
(Explanation: Cross-country ski trails, hiking, biking, running trails)
Close-by tourist destinations such as Mt. Nebo Loop...perhaps Elk Ridge could attract some of the tourism from this attraction.)
2) Adequate Supply of Commercial Lands
"All forms of commercial..." suggested something like "forms compatible with the General Plan Vision for Elk Ridge."

Mayor Ingram: Rod Despain advised the Mayor that the Town should start with something specific for consideration of the General Plan...such as "density". Take that main idea and build a strategy around it.

1) What is the sought-after capacity of population for the future in Elk Ridge?
2) Feels the Town should work from a common central point. (Example: Mission Statement)

A. The decisions/actions of the Town Council & Planning Commission should reflect the community & should be usable in the future.

1. In reviewing the Development Code, the Mayor feels there is much within the Code which he would not classify as "usable".
2. Most issues come back to the point of "density"
3. On pg. 6-11 of the Development Code, there are guidelines for density.

Brent Bluth: There are many things affected by density (water/sewer situation as well as administration needs including staffing, as the Town grows). How will the Town support a high level of density, financially? Councilmember Bluth supports both the Growth Management Strategy (GMS) & the Sensitive Lands Overlay (SLO); however, he also advised that cities change and even rescind their Development Codes, on a constant basis. Elk Ridge may be at that point. If the Town Council were to look at the Development Code through the eyes of "density", the

ELK RIDGE SPECIAL WORK SESSION - 9-22-98, CONT.

water/sewer engineering studies would be guides. How much revenue would be generated at the different levels of density and how far would that revenue stretch with increased expenses (administratively, providing services, if the staff grew, would the Town need a new Town Hall or be forced to increase the size of the current building?

Vernon Fritz: Zoning to allow "affordable housing" may be necessary. Larger lots tend to boost the size/cost of homes on the lots.

Mayor Ingram: Declared that he was not comfortable with any more work on either Ordinance until there is a clearer understanding of which direction to go.

Choice:

1) Remand the Ordinances back to the Planning Commission to define the issues spoken of

2) The Town Council defines the issues

There is no sense in continuing to adopt ordinances on top of ordinances.

Vernon Fritz: Feels that the Town Council must articulate a specific direction to the Planning Commission. The extensive work on these documents by the Planning Commission is viable work. They have asked for direction, the Town Council should formulate that direction.

Cindi Ellis: The Ordinances are based on the General Plan; if not in agreement with the General Plan, then that document should be revisited.

Brent Bluth: Suggested a Town Council "retreat" to thoroughly review the General Plan & related ordinances.

Mayor Ingram: Proposed that the Planning Commission continue development on the 24 lots (as previously directed). The Town Council will "retreat" to come up with specific guidelines to the Planning Commission. The special meeting referred to as a "retreat" will be on 10-16-98. The Mayor asked that each Councilmember review the General Plan and the Development Code prior to the meeting.

7:00 P.M. -

REGULAR TOWN COUNCIL WORK SESSION

ROLL CALL

Mayor Ingram, Councilmembers Gary Bowen & Brent Bluth, Vernon Fritz & Cindi Ellis; Planning Commission: Stewart Jolley (Vice Chair), Ty Ellis; (Staff) Janis McGill, Linda Cooper, Annebel Meredith, Lisa Ehlers & Kent Haskell; (Public) Forrest Darling, Amy K. Stewart, John Thomas; and Janice H. Davis-Town Clerk.

ADMINISTRATION-**Discussion:**

POLICY

1) Status of Town Employees

A. Requests:

ELK RIDGE TOWN COUNCIL WORK SESSION - 9-22-98, CONT.

1. Lisa Ehlers - Insurance benefits
 2. Change (increase) in compensation for various duties
- 2) Consultants to Town
 - 3) Compensation package for Town vehicle (Public Works)
 - A. Truck part of compensation package
 - B. Other direction

Role of Consultants:

- 1) Yearly contracts
 - Allows for annual (periodic) review
 - Clarify terms/expectations
 - Clearly define duties/responsibilities
- 2) Positions considered as consultants:
 - Town Planner, Engineer, Attorney, Plan Coordinator
 - A. Plan Coordinator
 - Question: Is there a conflict of interest with the Plan Coordinator also serving on the Planning Commission?

Mayor: Legally, no; but, he would feel more comfortable if the Plan Coordinator were a 3rd party, not as a voting member of the Planning Commission. He sees the position more as a consultant.

Vernon Fritz: Feels the Plan Coordinator should not be a member of the Planning Commission

Brent Bluth: Agrees with Councilmember Fritz and the Mayor

Gary Bowen: Agrees with other Councilmembers

Cindi Ellis: Does not have enough information to offer an opinion, as she is newly appointed to the Town Council.

In considering the Town's Administration Ordinance, Councilmember Bluth submitted Payson City's Employee Analysis. The study behind the policy was extremely extensive and costly; the information will be cared for, copied and returned to Councilmember Bluth as soon as possible.

1) Request for Employee Benefits:

The Deputy Town Clerk, Lisa Ehlers, has requested to have insurance benefits. Her position has been considered a part-time position. The Administration Ordinance is unclear in its definition of a "full-time" employee. It is clear that "part-time" is 30 hours or less per week. Insurance benefits are available to full-time employees. Mrs. Ehlers would like to be a full-time employee. A survey of other Towns and their employee benefit policies was turned in to the Town Council. The Council felt that, although it may be necessary to have the Deputy Town

ELK RIDGE TOWN COUNCIL WORK SESSION - 9-22-98,

Clerk's position be full-time, they were unwilling to approve the added cost to the Town until after the annual audit.

Comment: Some Towns prorate the percentage paid by the Town for insurance benefits and offer it to their part-time employees, too.

Decision: Deputy Town Clerk's Position

- 1) Full-time with benefits
- 2) Determine if funding is available
- 3) Change full-time definition in the Administration Ordinance

Should benefits be offered to all employees...at a percentage of participation?

Kent Haskell: There should be the attitude of providing these things (benefits) to valuable Town employees because of what they provide in services to the Town.

This statement was agreed with; but, any commitment of funds needs to be after the audit.

Public Works Superintendent

Issues:

- 1) "On Call" Compensation

Kent Haskell (Public Work Superintendent) has to answer emergencies at all hours...he requests "on call" pay for himself and for the Asst. Public Works Superintendent, in Mr. Haskell's absence. Should they both be provided with a pager?

Councilmember Fritz would like to research this issue for the Town Council.

- 2) Truck (Utility Vehicle)

Needs to be replaced/repared.

Annebel Meredith

Mrs. Meredith resigned as the Deputy Town Clerk and was retained to train Lisa Ehlers. She was also rehired to serve in the capacity of Records Manager to organize the Town records. She was then asked to take minutes for the Planning Commission at the rate of \$8.00/hour. For her continued clerical duties, she feels she should have received the same raise as the rest of the Town employees as of July 1, 1998. Because her newly created position was not listed in the Administration Policy, her position was overlooked when the raises were approved. Her wages for clerical work would increase by 10% which would be from \$8.76/hour to \$9.64/hr. This increase would not apply to her work with the Planning Commission.

ELK RIDGE TOWN COUNCIL WORK SESSION - 9-22-98, CONT.

Priorities:

1) Finish training Lisa Ehlers

2) Records Manager

Total hours = 8-10 hours/week

If increase is approved, it would be retroactive back to July 1, 1998.

Town Utility Vehicle

Choices:

1) Compensation package for vehicle

2) Purchase Town vehicle

3) Repair old pick-up

Councilmember Brent Bluth has presented a proposed compensation package for the Town vehicle in the amount of \$350/month (no mileage) to be paid to the Public Works Superintendent (PWS). Mr. Haskell (PWS) Broke this down and figures that with fuel, insurance, etc. that would allow about \$137/month for the actual payment for a 4-wheel drive truck. He feels this would not be feasible. He mentioned that Payson City pays their Public Works employees \$450/month for a truck plus mileage over the first 50 miles driven. Mr. Haskell suggested \$500/month. A decision will be made on this issue on 10-13-98.

ELK RIDGE
TOWN COUNCIL MEETING

ROLL CALL	Mayor Ingram, Councilmembers Gary Bowen, Vernon Fritz & Cindi Ellis; (Absent Brent Bluth) Planning Commission: Stewart Jolley (Vice Chair), Ty Ellis; (Staff) Janis McGill, Linda Cooper, Annebel Meredith, Lisa Ehlers & Kent Haskell; (Public) Forrest Darling, Amy K. Stewart and Janice H. Davis-Town Clerk.
INVOCATION	Invocation given by Annebel Meredith
AGENDA TIME FRAME	MOTION WAS MADE BY GARY BOWEN AND SECONDED BY CINDI ELLIS TO EXTEND THE AGENDA TIME FRAME BY 30 MINUTES VOTE: YES (4) NO (0) ABS (1) BRENT BLUTH
SHERIFF'S CONTRACT	The contract with the Utah County Sheriff's Dept. Was already approved by the Town Council in a previous meeting. The contract stated that it must be adopted by resolution.

ELK RIDGE TOWN COUNCIL MEETING - 9-22-98, CONT.

MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY GARY BOWEN TO ADOPT BY RESOLUTION #98-9-22-10R, THE UTAH COUNTY POLICE SERVICES CONTRACT

VOTE: YES (4) NO (0) ABS (1) BRENT BLUTH

ACTION/

PLANNING COMM.
DIRECTION

1. Contractor Water Charge

Previously, the Town Council voted to replace the flat fee of \$20 charged for water used while building a home. It was felt that the better way would be to monitor usage by installing a meter as soon as possible.

Public Works Superintendent: When the meter is set prior to grading, the cans get bent up and require repair or change, and the meters must be raised at times (costly).

Treasurer: (does the billing)

Issues:

- 1) Town becomes a "collection agency" with the contractors.
- 2) The only leverage when people move in...Moving in is subject to the meter being installed & deposit paid.

MOTION WAS MADE BY VERNON FRITZ AND SECONDED BY GARY BOWEN TO RESCIND THE PREVIOUS POLICY OF MONITORING WATER USAGE WITH A WATER METER

VOTE: YES (4) NO (0) ABSENT (1) BRENT BLUTH

MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY VERNON FRITZ TO ADOPT A \$60 FEE FOR CONSTRUCTION WATER USE

VOTE: YES (4) NO (0) ABSENT (1) BRENT BLUTH

The remaining Planning Commission items were postponed until after the Town Council "retreat".

ACTION/ADMIN.
POLICY

MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY CINDI ELLIS TO INCREASE THE WAGE FOR ANNEBEL MEREDITH FROM \$8.76/HOUR TO \$9.64/HOUR, RETROACTIVE BACK TO JULY 1, 1998, FOR UP TO 10 HOURS PER WEEK FOR TRAINING THE DEPUTY TOWN CLERK AND FOR RECORDS MANAGEMENT.

VOTE: YES (4) NO (0) ABSENT (1) BRENT BLUTH

WELL HEAD
PROTECTION

Councilmember Brent Bluth was absent.

ELK RIDGE TOWN COUNCIL MEETING - 9-22-98, CONT.

OAK HILLS Verification has been received from First Security Bank that the
ESTATES/UPDATE construction loan for RL Yergensen has been transferred to an Escrow
Account.

OAK BLUFF Coley's Cove has been repaired to the satisfaction of
Councilmember

ESTATES, PLAT B Vernon Fritz.
COLEY'S COVE

MULTIPLE There situations in Town where more than one family (not related) are
FAMILY LIVING living in the same single-family dwelling. Is this an ordinance that the
Town Council wishes to enforce or modify? The Ordinance is not
clear...in one section, ("definitions") Single family dwellings allow up to 2
non-related families to live in the same home.
The Town Council will have Denton Hatch review the Ordinance and give
a legal opinion.
Councilmember Fritz will follow up on this.

S. SHULER **MOTION WAS MADE BY GARY BOWEN AND SECONDED BY**
SUBD./BEG. **CINDI ELLIS TO ACCEPT THE IMPROVEMENTS AS**
DUR. RETAIN. **COMPLETE FOR S. SHULER SUBDIVISION, PLAT "A", AS PER**
 HALL ENGINEERING'S LETTER DATED 9-10-98, WITH THE
 FOLLOWING EXCEPTIONS MENTIONED IN THE ENGINEER'S
 LETTER;
 1. WATER METER CANS NEED TO BE BROUGHT UP TO
 GRADE
 2. FIRE HYDRANT NEEDS TO BE BROUGHT UP TO GRADE
 3. AS BUILT DRAWINGS NEED TO BE SUBMITTED
 TO BEGIN THE 2-YEAR DURABILITY RETAINER AS OF
 9-22-98.
VOTE: YES (4) NO (0) ABSENT (1) BRENT BLUTH

HASKELL SUBD **MOTION WAS MADE BY GARY BOWEN AND SECONDED BY**
PLAT E/BEG. **CINDI ELLIS TO ACCEPT THE IMPROVEMENTS AS**
DUR. RETAIN. **COMPLETE FOR HASKELL SUBDIVISION, PLAT "E", AS PER**
 HALL ENGINEERING'S LETTER DATED 9-10-98, WITH THE
 FOLLOWING EXCEPTIONS:
 1. WATER METER CANS TO BE LOCATED AND SET TO
 PROPER GRADE

ELK RIDGE TOWN COUNCIL MEETING - 9-22-98, CONT.

**2. AS BUILT DRAWINGS NEED TO BE SUBMITTED
TO BEGIN THE 2-YEAR DURABILITY RETAINER AS OF
9-22-98.**

VOTE: YES (4) NO (0) ABSENT (1) BRENT BLUTH

BRAD SHULER
SUBD, PLAT "A"

No action/no letter from Hall Engineering.

EXPENDITURES

**MOTION WAS MADE BY VERNON FRITZ AND SECONDED BY
CINDI ELLIS TO APPROVE THE LIST OF EXPENDITURES FOR
JULY, 1998.**

VOTE: YES (4) NO (0) ABSENT (1) BRENT BLUTH

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY
VERNON FRITZ TO APPROVE THE LIST OF EXPENDITURES
FOR AUGUST, 1998.**

VOTE: YES (4) NO (0) ABSENT (1) BRENT BLUTH

General:

Mayor Ingram has a complete breakdown of costs for construction of improvements on Fairway Heights, Plat "B" and the relationship to the 40% of the Town's portion of the costs. Bruce Hall will have to review.

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED
BY VERNON FRITZ TO APPROVE THE PAYMENT OF 40% OF
THE CONSTRUCTION COST FOR HILLSIDE DRIVE, LOCATED
WITHIN THE FAIRWAY HEIGHTS SUBDIVISION, PLAT "B", IN
THE AMOUNT OF \$19,068.93 AND \$2,474.20 FOR THE UPGRADE
OF THE WATER MAIN FROM 8" TO 10", CONTINGENT UPON
THE APPROVAL FORM HALL ENGINEERING.**

VOTE: YES (4) NO (0) ABSENT (1) BRENT BLUTH

MINUTES

Minutes were not available.

ADJOURNMENT

**MOTION WAS MADE BY VERNON FRITZ AND SECONDED BY
GARY BOWEN TO ADJOURN**

VOTE: YES (4) NO (0) ABSENT (1) BRENT BLUTH



Town Clerk

AMENDED NOTICE OF PUBLIC MEETING

Notice is hereby given that the Planning Commission of Elk Ridge, Utah will hold a special Joint Public Meeting with the Town Council at 6:00 PM, on Tuesday, October 6, 1998; at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah, at which time consideration will be given to the following:

	<u>PLANNING COMMISSION/TOWN COUNCIL SPECIAL SESSION</u>
6:00 PM -	Invocation & Pledge of Allegiance
6:03	Agenda Time Frame
6:05	Hillside Dr./Fairway Heights, "B"-Town Payment
6:10	General Plan Discussion
7:30	Proposed Amendments to Development Code
	Water Right Requirement
	Home Occupation Licensing
	Ownership Water/Sewer Service Laterals
	Municipal Property Zoning
	Minimum Level of Improvement Requirement
7:35	Other Business
8:00	Adjournment

*Handicap Access, Upon Request. (48 Hours Notice)

The times which appear on the agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.

Dated this 30th day of September, 1998.

BY ORDER OF THE ELK RIDGE PLANNING COMMISSION/TOWN COUNCIL

CERTIFICATION

The undersigned duly appointed and acting Town Clerk for the municipality of Elk Ridge, hereby certifies that a copy of the foregoing Notice of Public Meetings was faxed to the Payson Chronicle, Payson, UT, and mailed to each member of the Planning Commission and Town Council, this 30th day of September, 1998.


Town Clerk

**ELK RIDGE
TOWN COUNCIL / PLANNING COMMISSION
JOINT MEETING
OCTOBER 6, 1998**

TIME & PLACE OF MEETING	<p>A special Joint Public Meeting was held with the Town Council and the Planning Commission on Tuesday, October 6, 1998, at 6:00 p.m. The meeting was held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.</p> <p>Notice of time, place and agenda of this meeting was provided to the Payson Chronicle, Payson, Utah, and to each member of the Town Council and Planning Commission by mailing a copy to each on September 30, 1998.</p> <p>An Amended Notice of time, place and agenda of this meeting was faxed to the Payson Chronicle, Payson, Utah, on the 5th day of October, 1998.</p>
ROLL CALL	<p><i>Town Council:</i> Mayor Ingram, Cindi Ellis, Gary Bowen, (Absent-Brent Bluth and Vernon Fritz); <i>Planning Commission:</i> Jim Nicolet (Chair), Stewart Jolley (Vice-Chair), Terie Righettini, Ernestine Folks, (Absent-Gary Proctor, Ty Ellis & Todd Schulthess; <i>Public:</i> Joan & Forrest Darling, Rod Despain and <i>Town Clerk:</i> Jan Davis</p>
INVOCATION	<p>Invocation and Pledge of Allegiance was given by Stewart Jolley.</p>
AGENDA AND TIME FRAME	<p>MOTION WAS MADE BY ERNESTINE FOLKS AND SECONDED BY STEWART JOLLEY TO AMEND THE AGENDA TIME FRAME BY STRIKING "OTHER BUSINESS" AND TO ACCELERATE THE AGENDA TO ACCOMMODATE THE ARRIVAL OF GARY BOWEN.</p> <p>VOTE: YES (4) NO (0) ABSENT (3)</p>
HILLSIDE DRIVE FAIRWAY HGTS TOWN PAYMENT	<p>On 9-22-98, Forrest Darling presented his final billing of the charges for road installation of Hillside Dr., located within Fairway Heights Subdivision, Plat B. On 5-27-97, the Town Council voted to be responsible for 40% of the road width for a distance of 543 on the extension of Hillside Dr. (The Town owns the property on that side of the road).</p> <p>The original estimate discussed at the Town Council Meeting on 5-27-97 was for \$11,000. Additional sub base and asphalt added to the cost of the project. Based on 11,176 sq. Ft., the cost for the Town on Mr. Darling's breakdown = \$19,068.93. Also included was the Town's portion of upgrading the Water Main from 8" to 10" = \$2,474.20.</p>

ELK RIDGE JOINT PUBLIC MEETING 10-6-98, CONT.

Bruce Hall disagrees with the 11,176 sq. Ft. and the price charged by Skip Dunn to Mr. Darling. He measures 7,500 sq. Ft. (Not to include the turn around)

According to Bruce Hall's letter dated 10-5-98: "The Town is responsible for 7,500 sq. Ft. of road and 550 l.f. of curb. Mr. Dunn is charging \$1.25 / sq. ft. for asphalt and base course, Mr. Hall estimates a figure of \$0.83 / sq. ft. Mr. Dunn is charging \$11.50 / l.f. for curb/gutter, Mr. Hall estimates \$8.50 / l.f. Mr. Hall stated his opinion that the asphalt work on Hillside Drive is "less than satisfactory". He recommended that the contractor place a seal coat on the asphalt. Mr. Dunn did not agree. Mr. Hall asked for the independent opinion of Earthtec - to inspect the asphalt and give their recommendation. They recommended that a 1" overlay be placed on the road. A copy of Earthtec's report was attached to his letter. Mr. Hall recommended that no funds be released for the asphalt portion of the project until the overlay is in place.

Mr. Darling stated that Mr. Hall's estimate did not include backfill (curb) nor road compaction and that the upgrades were required by the Town (Mr. Hall). Mr. Darling said that Mr Dunn had stayed within his bid.

Mayor Ingram reminded the council that the motion on 5-27-97 stated that the Town would participate by being responsible for 40% of the width of the road on a 34' paved road, with curb/gutter for a distance of 542' (Mr. Hall rounded up to 550). The motion did not stipulate an amount. The motion should have been more specific about an amount.

Jim Nicolet and Ernie Folks (Planning Commission) maintain that the cost estimates are part of the Plat approval. The bonding is based on those figures.

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY MAYOR INGRAM FOR THE TOWN TO PAY FORREST DARLING \$10,525 FOR SUB BASE AND CURB/GUTTER; WITH THE ADDITIONAL \$5,175 FOR ASPHALT NOT TO BE RELEASED UNTIL IT IS APPROVED BY HALL ENGINEERING.

VOTE: YES (2) NO (1) Gary Bowen

Councilmember Bowen does not agree that the Town should be responsible for installing any portion of new roads included in a new subdivision. The motion is defeated due to lack of quorum.

ELK RIDGE JOINT PUBLIC MEETING 10-6-98, CONT.

This will be reconsidered at the next Town Council Meeting on 10-13-98, when other Councilmembers are present.

Forrest Darling stated that he must pay for:

1. Actual field measurements
2. Lead count

He also explained his original cost breakdown submitted with his bonding paperwork.

GENERAL PLAN DISC.

A video was shown from Mountainlands Association of Governments on the General Plan -

A booklet was also submitted entitled "The Planning Process & the General Plan.

The Planning Commission met with the Town Council to assist in educating the Town Council about the General Plan prior to the Town Council's special "retreat" meeting where the General Plan will be discussed in relation to the Growth Management Strategy and Sensitive Lands Overlay Ordinances.

Andrew Hall (Then with MAG) guided the Planning Commission through the steps of planning. The six step process in the booklet was followed in creating the General Plan for Elk Ridge.

Rod Despain - Explained the function of planning as authorized by State laws. The intent of the General Plan is to give conscious forethought to the vision of a community.

Official Process:

1. Planning Commission drafts the plan
2. Town Council adopts plan as official statement for the future of the community

Once prepared, the Town should seek to its implementation. If there are changes to consider, the Town may revisit the General Plan.

Example: Orem City revisits once or twice a year. Plans are unique to the community. Refer to the booklet - Appendix II, #2 (8 elements comprising the General Plan - Elk Ridge has 4 elements:

1. Land use
2. Public Facilities
3. Environmental

ELK RIDGE JOINT PUBLIC MEETING 10-6-98, CONT.

4. Circulation

If one element changes, all elements should be considered because they are inter related.

The Zoning Ordinances and Subdivision Ordinances have been a form of planning. Points to be kept in mind:

1. A) Zoning without a plan, has questionable legal basis
B) Zoning in violation with the plan also has a questionable basis if considering a major change in zoning, it must be consistent with the plan.
2. A) The role of the Planning Commission - Burden of preparation lies with the Planning Commission.
B) Adoption through the Town Council

ZONE MAP

Stewart Jolley: Explanation of General Plan Map

1. Vision Statement (Mission Statement)

The map is in relation to the Vision Statement

- Highest density - center
- Less density - Agricultural (North)
- ½ acre (R-1-20,000) (no animal rights)
- South of Town: designated as "special" due to beautiful open spaces, golf course, natural vegetation & wildlife, mountainous and sloped are (CE-1)
- More mountainous (CE-2)

4 Elements:

1. Land use - Maximum build out (current area and future) Possibility of 10,000 - 12,000 population in 40+ years. 2,293 - 2,671 dwellings. Commercial tax base must be considered. "Bedroom" communities = High tax base - lower services. Growth Management Strategy - states that economic development must be considered.
2. Public facilities -Ernestine Folks: Stated that a 5 year Capital Facilities Plan was adopted with the Tentative Budget. How committed to the Plan is the Town Council? It should be evaluated and re-evaluated. If the Plan is not going to be followed, why have the Plan? Are decisions made in relation to the 5 year Plan? (It is also a 20 year Plan) Has the Town lost the vision of 20 years ago, due to the reactionary decisions?

Rod Despain - Elk Ridge, at the time of incorporation, started "in the hole" (Planning wise). Original Subdivisions in the County lacked planning to effectively convert to a municipal community.

ELK RIDGE JOINT PUBLIC MEETING 10-6-98, CONT.

The Town Council should consider the 13 goals listed on pages 24 & 25 of the General Plan - Is the Town still consistent with these goals?

Changes have occurred since the adoption of the General Plan.

Examples:

1. Water Map needs to be updated
2. Sewer Map should be updated to take into account Sunrise Engineering's study
Other considerations and guidelines -
Storm Drainage, City Buildings, Parks, Recreation & Trails, Parks Plan.
3. Environmental
Jim Nicolet (Unique Problems)
1. Climate, 2. Soils, 3. Hillsides, 4. Flood Zones, 5. Geological Hazards (He called attention to the areas of soils & geological hazards as particular concerns for Elk Ridge) Open Space will be a requirement by the State. The Zone regulations deal with open space.
4. Circulation
Ernestine Folks: Addressed land use. How to most effectively get residents on/off the hill.
 - A) Street Map is part of General Plan. Another is needed for Elk Ridge
Planning Commission Considered:
North Salem Hills Dr. connecting onto Goosenest Dr. Then extend north prior to intersecting Park Dr. , eventually tying into County Road (running east/west) Roads may need to be widened to accommodate growth.
 - B) Trail Plan
The problem with Trail maintenance could be addressed on a committee/volunteer basis. The Town Council should consider the 6 guidelines listed on page 50 of the General Plan.

AGENDA MODIFIED

The agenda was modified to postpone the discussion of the proposed Amendments to the Development Code to the Planning Commission Meeting.

TOWN COUNCIL

Town Council "Retreat": A Special, Open Meeting on October 16, 1998 from 9:00 a.m. to 3:00 p.m. Location to be announced.

ELK RIDGE JOINT PUBLIC MEETING 10-6-98, CONT.

ADJOURNMENT MOTION WAS MADE BY STEWART JOLLEY AND SECONDED BY
ERNESTINE FOLKS TO ADJOURN THE MEETING.

VOTE: YES (4) NO (0) ABS (3)



Town Clerk

Planning Commission Chairman

NOTICE & AGENDA

Notice is hereby given that the Town Council of Elk Ridge will hold a regular Town Council Meeting on Tuesday, October 13, 1998, with the Town Council Work Session at 7:00 P.M., followed by the regular Council Meeting at 8:00 P.M. The meetings will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

- 7:00 P.M. - TOWN COUNCIL WORK SESSION
Discussion/Administration Policy
Including Town Utility Vehicle
Job Descriptions
Ordinance Codification-Town Clerk
Discussion/Planning Commission Issues
"Orphaned Lots" - Update
Road Projects/Federal Funding
Other Business
- 8:00 P.M. - REGULAR COUNCIL MEETING AGENDA ITEMS:
8:00 Invocation and Pledge of Allegiance
8:05 Approval of Agenda Time Frame
8:10 Hillside Dr./Fairway Heights-Payment of Billing
8:25 Engineering Inspection Report/Development
Improvements
8:40 Housing Construction Equipment Inside Enclosures
Vernon Fritz
8:55 Modifying Town Property Zoning-Vernon Fritz
9:10 Well Head Protection Update
9:15 Oak Hills Estates-Update on Improvements
9:25 Harris/Ingram Subdivision-Final Plat
9:40 Flag pole Lighting-Cindi Ellis
9:45 Expenditures:
General:
List of Expenditures for September, 1998
9:50 Approval of Minutes of Previous Meetings
9:55 Adjournment

*Handicap Access, Upon Request. (48 Hours Notice)

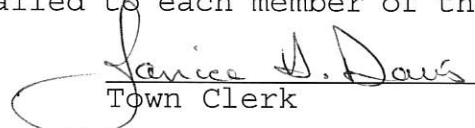
The times which appear on the agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.

Dated this 8th day of October, 1998.


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 of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah and mailed to each member of the governing body on October 8, 1998.


Town Clerk

**ELK RIDGE
TOWN COUNCIL MEETING
OCTOBER 13, 1998**

TIME & PLACE OF MEETING The regular meeting of the Elk Ridge Town Council was held on Tuesday, October 13, 1998. The Council Work Session began at 7:00 PM, with the regular Town Council Meeting starting 8:00 p.m. at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge Utah.

Notice of time, place and Agenda of this meeting was provided to the Payson Chronicle, Payson, UT and to each member of the governing body by mailing a copy to each on October 8, 1998.

ROLL CALL *Town Council:* Mayor Ingram, Councilmembers Gary Bowen, Brent Bluth, Vernon Fritz, Cindi Ellis, *Planning Commission:* Ernestine Folks, Ty Ellis; (Public): Ken Harris, Forrest Darling and *Town Clerk:* Jan Davis.

**ELK RIDGE TOWN COUNCIL
WORK SESSION**

ADMIN. POLICY 1. Job Descriptions:
The Mayor was asked to draft job descriptions for the positions of Town Engineer, Town Attorney, Town Planner and Plan Coordinator. He will present information on these positions at the Town Council "Retreat" on Friday, 10-16-98. (All will meet at the Town Hall and go up to the cabin together.) Rod Despain, although welcome, will not be formally invited to the meeting

2. Town Utility Vehicle:
Options:

- A. Repair Brown Ford
- B. Incentive package/allowance, which would be part of the compensation for the Public Works Superintendent. (Mr. Haskell feels that \$500/month is a fair amount.)
- C. Town purchase a Town Utility Vehicle
The expenditure would come from the General Fund, Water Fund and the Sewer Fund.

Vernon Fritz (opinion): He is in favor of the Town purchasing a used truck for under \$15,000

- 1. Set up quality control on usage
 - 2. The truck could be financed over time
 - 3. Possible to use \$5,000 from Road Dept. money
- Suggestion: Check with Government Surplus & auctions

TOWN COUNCIL WORK SESSION -10-13-98, CONT.

All of the Town Councilmembers were in agreement to purchase a Town Utility Vehicle. The amount is to still be decided upon.

ORDINANCE CODIFICATION

Town Clerk: A bid from Sterling Codifiers, Inc. was submitted to the Town Council. This is an estimate of the projected cost (based on the work done on a Town of similar size) to codify the Town's municipal ordinances. The cost estimate = \$6,850.00 payable in 4 installments over 2 budget years. 25% is payable up front (\$1,712.50)
Other services: Sample legislation (no charge) & on-going supplemental Services (about \$600 to \$1,000/year budget)
It would be like the current Development Code; but, it would be for the municipal ordinances rather than the zoning and subdivision ordinances. Ordinances are suppose to be in book form for reference purposes. This would also save the original documents from being used and possibly lost or destroyed. With the growth in the Town, and added activity in the Town office, easy access to needed information within these documents in important. The question is, when?
It was suggested to call the cities listed as references on the cost estimate from Sterling Codifiers to find out their opinion of the services received form Sterling. Also, as another alternative, Councilmember Bluth offered his time to do the work of codifying the ordinances, which was appreciated by the Council; however, it was felt that the work would be so time consuming that it might not be feasible, with Councilmember Bluth's schedule...plus, there would be no follow-up services.
All of the Town Council are of the opinion that codifying the municipal ordinances would be advantageous to the Town. After the annual audit, the Council will know more about what fund balance is available.
A decision is to be made on this issue at the last Town Council Meeting in November (11-24-98).

PLANNING COMMISSION ISSUES

Mayor Ingram has a tentative agenda for the meeting (Retreat) for Friday, (10-16-98). He would like the main issues to focus on the Growth Management Strategy (GMS) and the Sensitive Lands Overlay (SLO) and the related issues. The Mayor has a strategy in mind to consider the development process.

"ORPHANED" LOTS

Councilmember Vernon Fritz spoke with Denton Hatch about how best to adopt the proposed policies concerning these lots. It is Mr. Hatch's opinion that a separate ordinance is not necessary; that the existing ordinance should be amended, and state:

TOWN COUNCIL WORK SESSION - 10-13-98, CONT.

1) Specific roads should be designated

There would only be 3 or 4 roads falling into the category of having "orphaned" lots on them.

2) Include: "at the discretion of the Town Council". (This would allow the Town Council to make a decision without an issue having to be referred to the Board of Adjustments.)

A public hearing would still be required.

There was a question as to the necessity of an adopting ordinance which would amend the Development Code. The Mayor also questioned if an amendment to the Development Code would have to go through the Planning Commission. Councilmember Fritz is to speak to Denton Hatch and request a draft of an amending ordinance.

ROAD PROJECTS
FED. FUNDING

There is available a Federally funded grant for road projects. It is a "matching" funds type formula. The formula calls for 96% from Federal money and the remaining 4% would be the Town. Councilmember Fritz suggested moving the Loafer Canyon Road Project ahead to be able to utilize the Federal funds.

OTHER
BUSINESS

Beautification:

Vernon Fritz: Proposed lining the entrance to Elk Ridge (Park Dr.) With trees to beautify the Town (a sprinkling system would also be necessary).

Gary Bowen: 1. Asked what happens when the area is developed?

2. Should the Town use its water supply on trees?

3. Would a sprinkling system be a problem with other utilities in the easement?

Suggestion...Trees could be placed along the Park and already developed areas.

Brent Bluth: Also concerned with water usage.

Councilmember Fritz will do a feasibility study and present the information to the Council.

Unauthorized Dumping:

Cindi Ellis: Concerned with dumping of dirt mixed with garbage around Town. Example: On Hillside Dr. & E. Salem Hills Dr...will this interfere with the natural drainage channel?

Kent Haskell: The dirt was placed in the Hillside Dr. area for the purpose of covering the water line being installed and for building the area back up. There should be no affect on the natural drainage channel and the trash will be pulled out prior to filling in the trenches.

TOWN COUNCIL WORK SESSION - 10-13-98, CONT.

Vernon Fritz: Reported 7 loads of asphalt & gravel dumped between RL Yergensen's property and the golf course. This was not done recently.

Cindi Ellis: Requested that the street sign on Fremont Way be corrected, it currently is spelled "Freemont".

**ELK RIDGE
TOWN COUNCIL MEETING**

ROLL CALL *Town Council*: Mayor Ingram, Councilmembers Gary Bowen, Brent Bluth, Vernon Fritz, Cindi Ellis, *Planning Commission*: Ernestine Folks, Ty Ellis; Engineer-Bruce Hall; (Public): Ken Harris, Forrest Darling, Steven Clough and *Town Clerk*: Jan Davis.

INVOCATION
& PLEDGE OF
ALLEGIANCE The invocation was given by Vernon Fritz.

AGENDA TIME
FRAME **MOTION WAS MADE BY BRENT BLUTH AND SECONDED BY GARY BOWEN TO APPROVE THE AGENDA TIME FRAME AS WRITTEN.**
VOTE: YES (4) NO (0) ABSENT (1) VERNON FRITZ

HILLSIDE DR.
FAIRWAY
HEIGHTS At the Town Council Meeting, held 10-6-98, there was a motion to pay \$10,525.00 for the Town's portion of the cost to install Hillside Dr. within the Fairway Heights, Plat "B" Subdivision. The motion was defeated by a 2-1 vote. When a full quorum is not present, the votes must be unanimous. The Town Council revisited the agenda item with a full quorum.
MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY VERNON FRITZ TO REVISIT THE ISSUE OF THE TOWN'S PORTION OF ROAD INSTALLATION OF HILLSIDE DR. WITHIN FAIRWAY HEIGHTS SUBDIVISION, PLAT "B", AS IT WAS DEFEATED BY A VOTE OF 2 (YES) - 1 (NO).
VOTE: YES (5) NO (0) ABSENT (0)

Vernon Fritz: He feels the whole situation was handled poorly. The final figures are much higher than the original estimate. The Town Council should have been informed of the cost increases; however, he does feel that the 40% should be paid by the Town, as per previous Town Council motion. In the future, the Town should have all agreements in writing and specific on the terms.

ELK RIDGE TOWN COUNCIL MEETING - 10-13-98, CONT.

Cindi Ellis: The original motion was not specific on the amount of the payment, only on the percentage and the length of road. She feels the Town Council is bound by the previous Council's motion; although, she agrees that the Town Council motions should be specific and that all agreements should be in contract form.

Gary Bowen: He does not agree with paying more than exactly what the "estimate" or "bid" called for. When a contractor bids a job, the costs should stay within the estimate. He called other contractors for estimates per square foot and the most he got was about \$1.00/sq.ft., not \$1.25/sq.ft.

Forrest Darling: Stated that additional subbase and asphalt were required of him. Mr. Darling said that the increases are due to the additional ½ " of asphalt and 6" of sub-base required be the Town engineer.

Bruce Hall: This is not additional, there is a choice:

- 1) Install subbase, road base and asphalt - if the development does not want to put subbase in, they can put higher road base (8" or 9" of road base and 3" of asphalt) or
- 2) They can put 10" of subbase, 6" of road base and 2½" of asphalt - This was not required after the fact.

Forrest Darling: According to Mr. Darling, he was told by Earthtec to add another 6" of road base and another ½" of asphalt after everything was platted and construction had begun - the bonding was already in place.

Bruce Hall: Disagrees - there are 2 options.

- 1) Town Standards
- 2) Go to a testing laboratory and have them design the road - (Earthtec came in to do samples) Suggested: 8" road base and 3" asphalt and would have the same road capacity as the Town Standard.

Forrest Darling: Maintained that it was by Bruce Hall's request that the road was upgraded. Mr. Darling got a call from Skip Dunn telling him that the upgrades were required.

Bruce Hall: Denied that he gave that direction - (He asked for a copy of Earthtec's report)

Forrest Darling: Questioned if he had been misinformed by Mr. Dunn.

Mayor Ingram: Still sees 2 issues-

- 1) He feel's the previous Town Council's Motion to pay 40% of the road construction should be honored. Future Councils must be very careful to make specific motions as to terms of agreements.
- 2) There has been miscommunication leading to problems

MOTION WAS MADE BY VERNON FRITZ AND SECONDED BY CINDI ELLIS TO APPROVE THE PAYMENT OF \$10,525.00 FOR

ELK RIDGE TOWN COUNCIL MEETING - 10-13-98, CONT.

THE TOWN'S PORTION OF HILLSIDE DRIVE CONSTRUCTION;
WITHHOLDING \$5,175.00 UNTIL AFTER THE ADDITIONAL 1"
OVERLAY HAS BEEN INSTALLED AND INSPECTED BY HALL
ENGINEERING.

VOTE: AYE - (3) VERNON FRITZ, CINDI ELLIS, MAYOR
INGRAM
NAY - (2) BRENT BLUTH, GARY BOWEN
(Did not agree with the original motion - Does not feel the
Town should be involved in the development of roads in
conjunction with subdivisions)

PASSES 3 - 2

ENGINEERING
INSP REPORT

There is a discrepancy in what was built compared to the engineering drawings submitted with the final plats for Oak Hills Estates, Plat B and Fairway Heights, Plat B. On August 27, 1998, Bruce Hall reported this to the Planning Commission. At that time, the Planning Commission recommended to the Town Council to ask Bruce Hall to make a formal inspection in regard to the developments and submit a written report to the Town Council. The Town Council should then determine if the changes are significant enough to warrant the developer(s) to go back and correct discrepancies or allow the development(s) to continue with what was built.

On September 24, 1998, Bruce Hall reported to the Planning Commission his inspection findings. The Planning Commission did not have at this meeting a copy of his written report.

The level of accuracy of the construction drawings is an issue of concern to the Planning Commission. The Planning Commission approves plans based on what they show, not what might be, and what has occurred is a very unsatisfactory way to work.

It was expressed to Bruce Hall that the degree of engineering accuracy is in his (the engineer) realm of determination. The Planning Commission relies on him to determine or question and inform us when he is aware of what is or will not be there. The question is, how does the Planning Commission determine a level of accuracy or at least a level to which to hold to? Once the Town makes that determination, then the engineer should hold to it. Without it, the Planning Commission doesn't know what they are approving.

Development Standards currently do not require an inspection on cuts and fills. To do so would require engineers to stake and show where the catch points will fall, then call for an inspection before cutting. There are costs associated with this requirement.

Bruce Hall: (present) stated that he had fewer concerns than the Planning

ELK RIDGE TOWN COUNCIL MEETING - 10-13-98, CONT.

Commission. Mr. Yergensen's plans showed a 10' cut, Forrest Darling's plans did not. Since Mr. Yergensen's plan showed a 10' cut, Bruce was not as concerned as the Planning Commission with Mr. Darling's 10' cuts.

Vernon Fritz: Concerned - If a standard exists, there should be no rationalization if not met.

Bruce Hall: If the Town requires this, then cross sections should be shown every 50 to 100 ft. (Forrest Darling agrees with this)

The Town Council feels that there should be criteria to give to the engineers. They won't do what is not required of them. The Council felt the extra inspections on the cuts, though an extra cost to the developer, would help insure the job being done correctly. (Mr. Hall gave an example of Mr. Darling's subdivision - it would have run about \$500.00) As development extends up into the hillside more, the situation will only get worse. This matter will be discussed at the special Town Council Meeting on 10-16-98.

HOUSING
CONSTRUCTION
EQUIPMENT

Vernon Fritz: The Development Code does not allow construction equipment to be kept in residential zones. Currently, letters are being sent to residents in violation. Councilmember Fritz wants to know the feeling of the Council of allowing certain construction equipment being housed within a structure of reasonable size.

Gary Bowen: Suggested a better definition of "construction equipment". He recommends allowing enclosures with a minimum square footage. Control the size of the enclosure, not what goes into it.

Brent Bluth: He has no problem housing the trucks/equipment; but trucks coming in/out could cause problems.

Vernon Fritz: Would it be possible to change the Curfew Ordinance to disallow engines being started too early or late?

Mayor Ingram: The key is in the enclosure - it must fit into size restrictions.

Cindi Ellis: Agrees.

Town Council Consensus:

Direction to the Planning Commission - to see if accommodation can be made to house certain commercial vehicles in residential zones.

Kent Haskell: Feels excavators are being singled out. What is the difference between listening to construction equipment and other annoying noises (example: lawn mowers, dogs barking, ect.)

ELK RIDGE TOWN COUNCIL MEETING - 10-13-98, CONT.

Comment: Another problem to consider is the hazard of housing combustibles like gas/oil within the enclosures.

MODIFYING TOWN PROPERTY ZONING The zoning around the Town Hall/Fire Station needs to be changed from residential. The Planning Commission proposed an ordinance to modify the Town Hall zoning.

WELL HEAD PROTECTION UPDATE Brent Bluth: 1) It is mandated by the state to have a Well Head Protection Plan in place by January 1, 1999. The lowest bid to do this plan is \$3,700 per well head. (The Town has 4 well heads) The state has some funding available for rural communities. It is possible to be considered with Goshen, Santaquin, Salem and other rural communities - this could lower the cost to \$2,700 per well head. The cost will be about \$14,000 to have the plan in place. There is \$15,531 in the "Old Tank Reserve Account" at the State Treasury which is available.
2) Possible Future Water Sources - a. Woodlands Hills hit an artesian well (at a fissure) which yields about 2,000 gpm. Could Elk Ridge locate the same? A test hole costs about \$10,000.

MOTION WAS MADE BY BRENT BLUTH AND SECONDED BY CINDI ELLIS TO APPROVE THE CONTRACT WITH SUNRISE ENGINEERING TO PERFORM THE WELL HEAD SOURCE PROTECTION PLAN WITH A PROVISIO THAT SUNRISE ENGINEERING WILL PUT FORTH EVERY EFFORT TO SECURE STATE FUNDS AVAILABLE FOR THIS PLAN.

VOTE: YES (5) NO (0)

OAK HILLS ESTATES/UPDATE Vernon Fritz and Brent Bluth visited the site and the asphalt job seems terrible. Bruce Hall has been contacted to check it out and to have Earthtec test the road.

HARRIS/INGRAM Subdivision- Final
Not ready for approval

FLAGPOLE LIGHT Cindi Ellis: Would like the flag to be up and flying at the Town Office. To do this, it must be lit up at night.
1) Strawberry won't assist (liability)
2) 5 electric companies were called - the jobs are too small
3) Duane Curtis may help
4) Mark Johnson suggested using Kent Haskell's backhoe to dig the trench.

ELK RIDGE TOWN COUNCIL MEETING - 10-13-98, CONT.

The council suggested a trencher rather than a backhoe. Councilmember Bowen will work with Councilmember Ellis. Eagle Project - could be to raise the funds for this project.

EXPENDITURES General - Town Vehicle

MOTION WAS MADE BY BRENT BLUTH AND SECONDED BY GARY BOWEN TO AUTHORIZE MAYOR INGRAM TO PURCHASE A VEHICLE TO REPLACE THE CURRENT UTILITY VEHICLE - NOT TO EXCEED THE AMOUNT OF \$15,000.

VOTE: YES (5) NO (0)

This should be done as soon as possible - not later than the end of this calendar year. (1998)

MINUTES MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY GARY BOWEN TO RE-APPROVE THE TOWN COUNCIL MINUTES OF 6-23-98 WITH CORRECTIONS FROM THE PLANNING COMMISSION: PG. 6...FINAL AMENDED BUDGET, PG. 11 - FINAL BUDGET, - CHANGE 1998/1999 TO 1997/1998, ADD VOTE YES (4) ABS (1) PAM RODRIGUEZ

VOTE: YES (5) NO (0)

MOTION WAS MADE BY VERNON FRITZ AND SECONDED BY BRENT BLUTH TO APPROVE THE TOWN COUNCIL MINUTES OF 9-8-98 WITH CORRECTIONS. PG. 7 - CHANGE "BLUSH" TO "BLUTH" AND PG 13 - VOTE POLL - CHANGE THE VOTE FOR VERNON FRITZ TO "AYE".

ADJOURNMENT MOTION WAS MADE BY BRENT BLUTH AND SECONDED BY CINDI ELLIS TO ADJOURN THE MEETING.

VOTE: YES (5) NO (0)


Town Clerk

ELK RIDGE
TOWN COUNCIL MEETING
OCTOBER 16, 1998

TIME & PLACE OF MEETING	<p>A Special Meeting of the Elk Ridge Town Council was held on Friday, October 16, 1998. This Special Council Session began at 9:00 AM, at a cabin at the Sundance Resort, in Provo Canyon.</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 October 8, 1998; with an Amended Agenda provided to the Payson Chronicle on October 15, 1998.</p>
ROLL CALL	<p><i>Town Council:</i> Mayor Ingram, Councilmembers Gary Bowen, Brent Bluth, Vernon Fritz, Cindi Ellis and <i>Town Clerk:</i> Janice Davis.</p>
INVOCATION	<p>Invocation was given by Janice Davis.</p>
POSITION DESCRIPTION	<p>CONTRACT LABOR/Discussion of Duties & Responsibilities</p> <p>The Town Council discussed those positions that are considered contract labor for the Town: Town Planner, Engineer, Attorney, Auditors, Plan Coordinator. There needs to be current contracts on each, reviewed annually. Terms of the contract should be listed clearly.</p> <p>1. Town Planner:</p> <p>Brent Bluth reviewed Payson City's development approval process and the role that their City Planner plays in that process.</p> <p>It was felt by all of the Councilmembers that the Town Planner should have a greater role in presenting information to the Town Council and should be available for Town Council Meetings. They feel that, currently, the Plan Coordinator position is overlapping with the duties of the Town Planner. There needs to be a better definition of each position's duties. There is no written contract with the current Town Planner, Rod Despain. Mayor Ingram is to meet with him to discuss his position/duties with the Town.</p> <p>2. Plan Coordinator:</p> <p>Discussion: Subject...Being a member of the Planning Commission was generally determined by the Councilmembers that, although it is not a legal conflict of interest, that ethically it could be considered so. They felt that voting on matters disallows an impersonal approach to dealing with developers and that there exists the tendency to become emotionally involved.</p> <p>A job description was submitted by the Mayor for Council review. All were in agreement with the duties as outlined. It was decided that the Plan</p>

Coordinator will not be a voting member of the Planning Commission or any other legislative or administrative body that sets policy.

Payment: It was suggested that this position be on a retainer. This position should "pay for itself" through that platting fees collected from the developers. The fees must also cover administration costs. Currently, there is no fee for a zone change request. (Payson charges \$500.00 for a zone change request.) If the fees are too low, they should be raised.

If paid on an hourly wage, would this be cost prohibitive since attendance at the Planning Commission and Town Council meetings would be necessary? The Council felt that attendance would only be for the particular agenda items needing input from this person. This would have to be coordinated when creating the agendas. An hourly wage may be preferable to the person filling this position.

The Council agreed that the position is a valuable one for now; but, the Town Planner's role could eventually grow into one which could include the duties of the Plan Coordinator, if the ordinances are written clearly.

The job description was corrected on page 2, paragraph 2-B..."og" to "of". All were in agreement to keep the position of Plan Coordinator and to specify more clearly the role of the Town Planner.

MOTION WAS MADE BY MAYOR INGRAM TO RETAIN THE POSITIONS OF PLAN COORDINATOR AND TOWN PLANNER AND TO DEFINE BOTH POSITIONS MORE CLEARLY.

The Mayor withdrew his motion.

MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY GARY BOWEN TO GENERATE MORE DEFINITIVE CRITERIA FOR THE POSITION OF TOWN PLANNER AND THAT THE TOWN COUNCIL ADOPTS THE POSITION OF PLAN COORDINATOR AS OUTLINED ON THE SUBMITTED DESCRIPTION OF DUTIES AND RESPONSIBILITIES WITH THE ADDITION UNDER #3 "EMPLOYMENT", THAT IT BE A CONTRACT POSITION; EFFECTIVE AS OF NOVEMBER 1, 1998.
VOTE: YES (5) NO (0)

The current Plan Coordinator, Ernestine Folks, will have a chance to speak to the Mayor, choose between the 2 positions and a replacement found for one of the positions. The contract needs to be in written form.

JOB
DESCRIPTIONS

Sample job descriptions from other Towns for Plan Coordinator and the Public Works Superintendent were given to the Town Councilmembers.

ELK RIDGE SPECIAL TOWN COUNCIL MEETING - 10-16-98, CONT.

They will review them and give suggestions on criteria to be included by the first meeting in December, 1998.

Specific Assignments from the Mayor:

Brent Bluth: Responsibilities of the Town Planner

Vernon Fritz: Public Works Superintendent

Mayor: Engineer and Attorney

TOWN PLANNING

1. Belief Statements

The Town Council expressed their personal beliefs about how the Town of Elk Ridge should develop.

- Keeping country, open-space atmosphere
- Improving aesthetics (example: more trees)
- No more houses than available services
- Parks & open space builds unity
- Without developers, there would be no Town
- Neighbors should respect each other's rights
- Elk Ridge should be a safe community

These beliefs were compared to the responsibilities of the Town Council, as seen by the individual members.

2. Mission Statement of this Town Council:

In general, the mission of government is to provide for the citizens those things the citizens cannot provide for themselves.

3. Objectives:

Mission Statement for Planning

- Ordinances
- Policy
- Zoning

Councilmember Bluth feels that the Vision or Mission for Elk Ridge should go through the public hearing process. Visions will change and should adapt to current activities.

The Town Council, as a decision-making body, should be involved in the process of creating a Vision or Mission Statement, not just reacting to it.

The Council discussed the Vision created by the Planning Commission in conjunction with the Growth Management Strategy. Do the members of the Council agree with it? As a statement, in its entirety, the Council was in agreement with the main points as stated in the first paragraph; however, they did feel that some points need clarification and that it is redundant in places.

ELK RIDGE SPECIAL TOWN COUNCIL MEETING - 10-16-98, CONT.

Agreed upon points as a vision of Elk Ridge:

- Environmentally sensitive
- Predominantly residential
- Beautiful area
- View sheds should be protected as much as development will allow
- Open spaces & existing vegetation should be protected
- Concerned with density

Discussion

LUNCH BREAK

GENERAL PLAN

Review/Discussion

Mayor Ingram - Agrees with most of the General Plan. He does not agree with parts of the section entitled "Land Use Element". He feels that the zoning designations need to be examined carefully.

(The Mayor asked Andy Hall (Payson City) to review Elk Ridge's Development Code and offer any suggestions. Mr. Hall's response was not available for this Town Council discussion)

The Mayor said that the Zone Map seems arbitrary in it's zone assignments rather than functional. He questions the need for so many zones. He thinks that there can be control/management without so many zones.

Vernon Fritz - Suggested that perhaps the Sensitive Lands Overlay ordinance should be examined against the CE-1 zone requirements - To him, it seems excessive.

Gary Bowen - The Sensitive Lands Overlay Ordinance does not have anything to do with the zones - it has to do with slopes. If the slopes don't apply - neither do the Sensitive Lands Overlay requirements. Zones have to do with density. If no one cares about density, then 1/3 acre lots across Town is no problem; but, if density is a concern then the zones regulate that.

Cindi Ellis - Some residents do not want to live on 1/3 acre lots, or next to them - which is why they purchase in Zones with larger lots.

The Mission Statement from the Town Council will direct the Planning commission on all ordinances and amendments - (including Growth management Strategy and Sensitive Lands Overlay)

ELK RIDGE SPECIAL TOWN COUNCIL MEETING - 10-16-98, CONT.

GROWTH MGMT STRATEGY Brent Bluth - Is it functional? There seems to be a division of opinions in the Planning Commission about impact fees. Does the fact that impact fees are not collected up front render the Growth Management Strategy non-functional?

Gary Bowen - The Planning Commission thought the impact fees were coming in up front to fund projects such as parks, trails, etc. Part of the Planning Commission feels the money is necessary up front; since it's not - where does this leave the Growth Management Strategy?

Brent Bluth - is unwilling to vote on an ordinance that would be considered a "lame duck" because of financing, enforcement - is it on hold for a time?

Gary Bowen - Sensitive Lands Ordinance is not affected. Growth Management Strategy, in part, is affected by the difficulty in financing some of the projects.

Brent Bluth - So the ordinance is not a fully functional ordinance that the Town Council can proceed with?

Second part to that - How does it tie into the current ordinance? It was not felt that the Council had the necessary information in that meeting to determine that. Is there a request to have this in place by the 1st of the new year? Councilmember Bluth has not heard this from Payson City - How much needs to be in place?

Gary Bowen - There is problem with going to the cities who have Growth Management Strategies in place and trying to adapt these to Elk Ridge. So we have a document which the Planning Commission and Town Council do not agree on. The Town Planner should correlate this information completely with the Development Code. Councilmember Bowen is not sure where the Town should go with the documents.

Mayor Ingram - Feels that the Town Council is at an impasse - He suggested course of action:

Sensitive Lands Overlay and Growth Management Strategy should go back to Town Planner (Rod Despain) for review.

Rod is to review and correlate with existing Development Code.

ELK RIDGE SPECIAL TOWN COUNCIL MEETING - 10-16-98, CONT.

DIRECTION
TO PLANNING
COMMISSION

1. The Mayor will take the points agreed upon for a Vision for Elk Ridge and draft a sample statement, submit it to the Town Councilmembers. Any suggestions, changes, additions or recommendations will be welcome. This will be compared with the current statement and discussed.
2. A) Mayor Ingram to meet with Rod Despain to determine the duties/responsibilities of the Town Planner and if those criteria can be met.
B) The Town Planner will review the Growth Management Strategy and the Sensitive Lands Overlay from point of view of overlaps, legalities and differences between those documents and the Development Code
3. Procedure for any Town Planning (Ex. Growth Management Plan)
A) Town Planner - clarifies information and submits to Town Council with his/her recommendations
B) Town Council reviews and recommends direction to the Planning Commission
C) Planning Commission - develops plan for review - goes back to Town Council with recommendation
D) Town Council - To set Public Hearing
E) Public Hearing - Action to approve/disapprove
Town Planner is a liaison and advisor to both the Town Council and the Planning Commission. If something is generated by the Planning Commission, the link to the procedure is the Town Planner.
4. The Town Council and the Planning Commission will make a conscious effort to deal with each other in a professional way and in an atmosphere of cooperation.

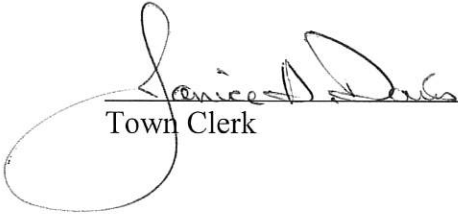
INTERMEDIATE
PROBLEM

- Drainage on Oak Ridge Drive
Recommendation - Problem from Gary Prestwich's driveway
A) Culvert under driveway
B) Channel run-off into culvert
C) Fix Sumps
Make a list of priority items to be done by the Public Works Superintendent, with a time limit on the projects.

ELK RIDGE SPECIAL TOWN COUNCIL MEETING - 10-16-98, CONT.

ADJOURNMENT MOTION WAS MADE BY BRENT BLUTH AND SECONDED BY
CINDI ELLIS TO ADJOURN THE MEETING.

VOTE: YES (5) NO (0)



Town Clerk

NOTICE & AGENDA

Notice is hereby given that the Town Council of Elk Ridge will hold a regular Town Council Meeting on Tuesday, October 27, 1998, with the Town Council Work Session at 7:00 P.M., A Town Council Closed Session at 7:30 P.M., followed by the regular Council Meeting at 8:00 P.M. The meetings will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

- 7:00 P.M. - TOWN COUNCIL WORK SESSION
Mission Statement - Mayor
Report on State Ombudsman Meeting (Arbitration)
Mayor
Developer Meeting/Discussion-Mayor
Cement Trucks-Vernon Fritz
Approved Lots & Building Permits Report
Growth Management Strategy/Discussion-Cindi Ellis
- 7:30 P.M. - TOWN COUNCIL CLOSED SESSION
Discussion of Personnel
- 8:00 P.M. - REGULAR COUNCIL MEETING AGENDA ITEMS:
8:00 Invocation and Pledge of Allegiance
8:05 Approval of Agenda Time Frame
8:10 Planning Commission Members/Approval-Gary Bowen
8:15 Impact Fee Ordinance Amendment/Adoption
8:25 Oak Bluff Estates, Plat B-Coley's Cove/Durability
Retainer Release
8:30 Expenditures:
General:
List of Expenditures for September, 1998
8:40 Schedule Public Hearings:
1. Moderate Income Housing ordinance
2. Amendments to the Development Code
A) Water Right Requirement Ordinance
B) Home Occupation Licensing Ordinance
C) Construction & Maintenance of Water/Sewer
Service Laterals
D) Public Facilities Zone Ordinance
E) Minimum Level of Improvements Ordinance
9:00 Approval of Minutes of Previous Meetings
9:05 Discussion/Council Christmas Dinner
9:10 Adjournment

*Handicap Access, Upon Request. (48 Hours Notice)

The times which appear on the agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.

Dated this 23rd day of October, 1998.

**ELK RIDGE
TOWN COUNCIL MEETING
OCTOBER 27, 1998**

**TIME & PLACE
OF MEETING**

The regular meeting of the Elk Ridge Town Council was held on Tuesday, October 27, 1998. The Council Work Session began at 7:00 PM, with the regular Town Council Meeting starting 8:00 PM, at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge Utah.

Notice of time, place and Agenda of this meeting was provided to the Payson Chronicle, Payson, UT, and to each member of the governing body by mailing a copy to each on October 23, 1998.

ROLL CALL

Town Council: Mayor Ingram, Councilmembers Gary Bowen, Vernon Fritz, Cindi Ellis, (*Absent:* Brent Bluth) *Planning Commission:* Ernestine Folks, Stewart Jolley, *Public:* Scouts - Teegan Hardle, Benji Salcido, D.J. Salcido, David Salcido, *Fire Chief:* Seth Waite and *Town Clerk:* Jan Davis.

**ELK RIDGE TOWN COUNCIL
WORK SESSION**

**MISSION
STATEMENT**

A draft of the Town Council Mission Statement was submitted to the Town Council by the Mayor, as per assignment from the Town Council on 10-16-98 at a Special Meeting. The Mayor asked for the Council's opinions prior to the next Town Council Meeting in November.

It is a current statement from the Town Council as to their vision of Elk Ridge in the future. It is much the same as the Planning Commission's statement in the General Plan. Ernestine Folks questioned the need for another mission statement.

Mayor Ingram - Everything, including the General Plan, starts from a mission or a "vision" statement. It is a pre-cursor to the General Plan. The Town Council felt they should support the one stated in the General Plan, if all were agreeable. Except for minor changes in wording and formatting, they are alike. This is simply the current Town Council's statement.

Cindi Ellis - It may or may not have supported the mission statement in the General Plan - it so happens that it did.

ELK RIDGE WORK SESSION, 10-27-98 - CONT.

**APPROVED LOTS/
BLDG PERMITS
REPORT** Ernestine Folks - Distributed copies of a report the Planning Commission is sending out to the Town Council for their information. The report contains information on the water and sewer systems for Elk Ridge as compared to the number of approved lots in Town. It also compares lots connected/not connected to water and sewer systems, the number of lots on septic systems, lots connected to the Goosenest Water System and impact fees owing. This report will track water source/storage capacity so as not to over extend the Town's ability to provided services. The lots owing "Facility, Construction and Improvement Fees" is an issue the Planning Commission would like the Town Council to address with the Attorney. These fees are shown as owing on lots given previous Preliminary approval of lot splits and would be payable when final approval is granted. However, "Facility, Construction and Improvement Fees" are no longer being assessed. They have been replaced with impact fees which are assessed to the property owner at the time the building permit is issued. It is the Planning Commission's opinion that the owing of "Facility, Construction and Improvement Fees" be removed and when final approval is granted, and "Impact Fees" be required.

**GROWTH MGMT
STRATEGY** Cindi Ellis - Referred to the Town Council's "retreat", when the Council decided to send the Sensitive Lands Overlay and the Growth Management Strategy Ordinances back to Rod Despain to review in relation to the Elk Ridge Development Code. Councilmember Ellis feels, as far as the Growth Management Strategy is concerned, that to do this is a waste of time. The Growth Management Strategy really doesn't have a connection with the Development Code. It is a separate issue. Perhaps the Ordinance should be sent back to the Planning Commission with specific directions from the Town Council as to any suggestions or changes that should be considered.

Suggestion: Planning Commission can draft a model, taking into consideration that Impact Fees cannot be collected up front, at the time of development, for various projects. What is the impact on the proposed projects with a delay in the collection of the Impact Fees?

Stewart Jolley (Planning Commission) will calculate "risk management" in relation to growth rates and the current water study.

**ELK RIDGE TOWN COUNCIL
CLOSED SESSION
OCTOBER 27, 1998**

ROLL CALL *Town Council:* Mayor Ingram, Councilmembers Gary Bowen, Vernon Fritz, Cindi Ellis, (*Absent:* Brent Bluth)

Discussion of Personnel.

MOTION WAS MADE BY GARY BOWEN AND SECONDED BY CINDI ELLIS TO ADJOURN THE TOWN COUNCIL CLOSED SESSION

VOTE: YES (4) NO (0) ABSENT (1) BRENT BLUTH

NON-AGENDA Town Council questions the depth of the Planned Retention Pond in Oak
ITEM Hills Estates, Plat B. Will the design of it be functional as far as drainage
and dissipation?

**ELK RIDGE
TOWN COUNCIL MEETING
OCTOBER 27, 1998**

ROLL CALL *Town Council:* Mayor Ingram, Councilmembers Gary Bowen, Vernon Fritz, Cindi Ellis, (*Absent:* Brent Bluth) *Planning Commission:* Ernestine Folks, Stewart Jolley, *Public:* Scouts - Teegan Hardle, Benji Salcido, D.J. Salcido, David Salcido, and *Town Clerk:* Jan Davis.

INVOCATION Cindi Ellis gave the invocation.

AGENDA TIME **MOTION WAS MADE BY VERNON FRITZ AND SECONDED BY
FRAME GARY BOWEN TO ADJUST THE AGENDA TIME FRAME
FORWARD 20 MINUTES AND TO STRIKE "C" FROM THE 8:40
ITEM**

VOTE: YES (4) NO (0) ABSENT (1) BRENT BLUTH

PLANNING Proposed:
COMMISSION 1. David Charles to replace Ty Ellis (to be reappointed the first of
MEMBERS January, 1999.
2. Kamile Peterson to replace Todd Schulthess until the year 2001.
**MOTION WAS MADE BY GARY BOWEN AND SECONDED BY
VERNON FRITZ TO APPROVE DAVID CHARLES AND KAMILE
PETERSON AS PLANNING COMMISSION MEMBERS**
VOTE: YES (4) NO (0) ABSENT(1) BRENT BLUTH

ELK RIDGE TOWN COUNCIL MEETING, 10-27-98 - CONT.

IMPACT FEE ORD. Ordinance needs to be rewritten to allow the fees to be changed by resolution. A Public Hearing is needed.

MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY GARY BOWEN TO SET THE PUBLIC HEARING FOR THE WATER/SEWER IMPACT FEE ORDINANCE FOR 11-24-98 AT 7:00 PM

VOTE: YES (4) NO (0) ABSENT (1) BRENT BLUTH

OAK BLUFF Durability Retainer Release.

ESTATES, PLAT B This must be inspected by Bruce Hall and the Town Council must receive a letter approving the release from Mr. Hall. Repairs have been completed on the road (Coley's Cove).

EXPENDITURES

1. General: (Reminder) - The Park's Grant information for the Tennis Court must be turned in by the end of October.
2. Fire Department Grants from the State
Fire Chief Seth Waite presented a written explanation of grants to the Fire Department and proposed expending of the grant money.
A. Total Grant award for training = \$1,000.00 (100% of reimbursement)
B. Total Grant award for Protective Equipment = \$2,131.00 (50% reimbursement)
A cost breakdown of proposed expenditures and an explanation sheet from Rural Community Fire Protection Program on the exact definitions of the grant money was included.
3. List of Expenditures for September, 1998
There were questions to be clarified. The list was not ready in time for a thorough Council review.

SCHEDULE
PUBLIC
HEARINGS

1. Moderate Income Housing
On October 27, 1998, the Planning Commission made a motion to schedule a Public Hearing for an ordinance amending the Elk Ridge General Plan to adopt the Moderate Income Housing Element; furthermore, to adopt said ordinance following the Public Hearing. The final draft of the ordinance was not available. A copy of what the Planning Commission reviewed, discussed and amended was submitted so the Town Council could have the basic information which will be included in the final draft of the ordinance.
On the second page, under ELK RIDGE'S PROGRAM TO ENCOURAGE MODERATE INCOME HOUSING,

The Planning Commission intends to recommend accessory apartments as a way to provide for affordable housing in the Town. It is the opinion of the Planning Commission that accessory apartments will be the least intrusive, given the fact that we already have more than one family living in some homes. This would be an acceptable way to meet the requirements. This will be in the final draft of the ordinance.

The Planning Commission has scheduled their Public Hearing on the Moderate Income Housing Ordinance for Thursday, November 12, 1998, from 6:00 to 6:30 PM. In addition, the Planning Commission is working with Andrew Jackson and Rod Despain to complete an accessory apartment ordinance, which is separate from the Moderate Income Housing Ordinance.

MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY CINDI ELLIS TO SET THE PUBLIC HEARING TO CONSIDER THE MODERATE INCOME HOUSING ORDINANCE ON 11-24-98 @ 7:15 - 7:45 PM.

VOTE: YES (4) NO (0) ABSENT (1) BRENT BLUTH

*Andrew Jackson to be at the Planning Commission Public Hearing & invited to the Town Council Public Hearing.

2. Amendments to the Development Code:

A) Water Right Requirement Ordinance

On October 22, 1998, the Planning Commission made a motion to recommend to the Town Council to schedule a Public Hearing for the proposed ordinance amending certain provisions of the Elk Ridge Development Code relating to the conveyance of water rights and to adopt said ordinance following the Public Hearing.

The change is based on the recommendation of the updated Sunrise Engineering study...1 acre ft. per ½ acre of land to 1.3 acre ft./1/2 acre.

B) Home Occupation Licensing Ordinance

The Planning Commission recommends that the Town Council schedule a Public Hearing for the proposed ordinance amending the Development Code, revising provisions relating to approval of Home Occupations and to adopt the ordinance following the Public Hearing.

The Code currently states that the Board of Adjustments grants Home Occupation licenses. The changes would include:

1) Eliminating the Board from this process and allow the office staff to accept and approve the normal applications for business license.

2) Adding section 4 on "appeals" and section 6 on "termination of approval permitted".

ELK RIDGE TOWN COUNCIL MEETING, 10-27-98 - CONT.

C) Public Facilities Zone Ordinance

The Planning Commission recommends to the Town Council to schedule a Public Hearing for the proposed ordinance amending the Elk Ridge Development Code, establishing a Public Facilities Zone; Setting forth the requirements within said Zone; Defining the area to be included within the Public Facilities Zone and to adopt the ordinance following the Public Hearing.

D) Minimum Level of Improvements Ordinance

It is the recommendation of the Planning Commission to the Town Council to schedule a Public Hearing for the proposed ordinance amending the Development Code; setting forth the minimum level of improvements required to be installed prior to issuance of a building permit and providing for the adoption.

The amending ordinance is proposed due to the current ordinance being incorrectly interpreted. It is the opinion of the Planning Commission that no exceptions be allowed to the street improvements required, given the conditions which exist in Elk Ridge. Without the hard surface being in place prior to building permits being issued, services (garbage pickup, E.M.S., Fire Dept. & owner access) could not be provided to the development because the road could not be snowplowed.

Clarification of page 2 (3-B) is suggested. Ernestine Folks will consult with Rod Despain as to the correcting wording.

MOTION WAS MADE BY GARY BOWEN AND SECONDED BY VERNON FRITZ TO SET THE PUBLIC HEARING FOR THE PROPOSED AMENDMENTS TO THE DEVELOPMENT CODE OF ELK RIDGE TOWN, UTAH:

- 1. WATER RIGHT REQUIREMENT ORDINANCE**
 - 2. HOME OCCUPATION ORDINANCE**
 - 3. PUBLIC FACILITIES ZONE ORDINANCE**
 - 4. MINIMUM LEVEL OF IMPROVEMENTS ORDINANCE**
- FOR 12-8-98 FROM 7:00 TO 7:45 PM.**

VOTE: YES (4) NO(0) ABSENT (1) BRENT BLUTH

MINUTES

1. MOTION WAS MADE BY VERNON FRITZ AND SECONDED BY CINDI ELLIS TO APPROVE THE TOWN COUNCIL/PLANNING COMMISSION MINUTES OF 10-6-98 AS WRITTEN, WITH THE CORRECTION OF TYPOGRAPHICAL ERRORS

VOTE: YES (4) NO (0) ABSENT (1) BRENT BLUTH

ELK RIDGE TOWN COUNCIL MEETING, 10-27-98 - CONT.

**2. MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY
GARY BOWEN TO APPROVE THE TOWN COUNCIL MINUTES
OF 10-16-98 AS CONSTITUTED**

VOTE: YES (4) NO (0) ABSENT (1) BRENT BLUTH

TOWN COUNCIL
CHRISTMAS
DINNER

The Town Council will only hold one Town Council Meeting in
December (as allowed by law). The Town Council dinner will be on
12-22-98 @ 6:00 PM.

ADJOURN

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY
GARY BOWEN TO ADJOURN THE MEETING**

VOTE: YES (4) NO (0) ABSENT (1) BRENT BLUTH


Town Clerk

NOTICE & AGENDA

Notice is hereby given that the Town Council of Elk Ridge will hold a regular Town Council Meeting on Tuesday, November 10, 1998, with the Town Council Work Session at 7:00 P.M., followed by the regular Council Meeting at 8:00 P.M. The meetings will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

- 7:00 P.M. - TOWN COUNCIL WORK SESSION
"On Call" Compensation-Brent Bluth
Youth Council-Brent Bluth
Ordinance Violation Update
Cement Trucks/Discharge of Waste-Vernon Fritz
Federal Roads Grant Update-Vernon Fritz
Backhoe/Purchase or Not-Vernon Fritz
- 8:00 P.M. - REGULAR COUNCIL MEETING AGENDA ITEMS:
8:00 Invocation and Pledge of Allegiance
8:05 Approval of Agenda Time Frame
8:10 Harris/Ingram Subdivision, Plat "A"-Final Approval
8:25 Oak Bluff Estates, Plat "B"/Coley's Cove
Release of Durability Retainer
8:30 Planning Commission Items:
1. Adoption/Ordinance-Construction/Maintenance
Of Water Sewer Service Laterals
2. Set Public Hearing: Park Impact Fee Ordinance
8:45 Expenditures:
General:
List of Expenditures for September, 1998
8:55 Approval of Minutes of Previous Meetings
9:05 Adjournment

*Handicap Access, Upon Request. (48 Hours Notice)

The times which appear on the agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.

Dated this 6th day of November, 1998.


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 of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah and mailed to each member of the governing body on November 6, 1998.


Town Clerk

**ELK RIDGE
TOWN COUNCIL MEETING
NOVEMBER 10, 1998**

TIME & PLACE OF MEETING The regular meeting of the Elk Ridge Town Council was held on Tuesday, November 10, 1998. The Council Work Session began at 7:00 PM, with the regular Town Council Meeting starting 8:00 p.m. at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge Utah.

Notice of time, place and Agenda of this meeting was provided to the Payson Chronicle, Payson, UT, and to each member of the governing body by mailing a copy to each on November 6, 1998.

ROLL CALL *Town Council:* Mayor Ingram, Councilmembers Gary Bowen, Brent Bluth, Vernon Fritz, Cindi Ellis, *Planning Commission:* Ernestine Folks; (Scouts): Sean Woodward, Michael Murray and *Town Clerk:* Jan Davis.

**ELK RIDGE TOWN COUNCIL
WORK SESSION**

"ON CALL" COMPENSATION Brent Bluth: Councilmember Bluth was asked to give the Town Council some background information on "on call" compensation, based on his past experience. It would apply to full-time employees only. The "on call" experience Councilmember Bluth participated in was paid in "comp time" rather than in wages...(1 week "on call" = 2 hours of "comp. Time").

1. 24 hrs/day or night
2. Had to carry a pager or phone
3. Ready to respond ASAP (from in Town)

Other cities compensate in cash or "comp time"

Concern: does the position of Public Works Superintendent (PWS) already require the person filling the position to be ready to respond to an emergency at any time? Is that just part of the job description?

A clear definition is needed of what "on call" means, as related to the Town Administration Policy.

An example of "on call" exists with US West employees. They are subject being called out; but, they are only paid for the hours worked (overtime) when called out on a job. (Utility Companies do not fall under the Fair Labor Standards Act, so this is not applicable.)

Mayor Ingram is to check with the Utah League of Cities & Towns (ULCT) and the Utah Local Governments Trust (ULGT) for direction.

YOUTH COUNCIL Councilmember Brent Bluth has been approached about creating a Youth Council in Elk Ridge. The youth of Elk Ridge, though they take the

TOWN COUNCIL WORK SESSION, 11-10-98 - CONT.

Government classes at the High School, are not able to participate in the Payson City Youth Council because they are not residents of Payson. Pam Knight (citizen of Elk Ridge who works for Payson City) approached Councilmember Bluth on the matter of a Youth Council in Elk Ridge. Mrs. Knight volunteered to gather the necessary information and coordinate with Payson High School. An enthusiastic leader is the key. The leader would change with the Youth Council (annually). It could, perhaps, be a Town Council assignment. The Council was agreeable to the idea and would like more information.

ORDINANCE
VIOLATION
UPDATE

The current Zoning Administrator is also the Building Inspector, Kent Partridge. He has been offered a job to work full-time for Eagle Mountain and enforcement of the ordinances has not taken place. The Town is in need of a new Building Inspector and someone to enforce the ordinances. Kent Partridge arranged for Ernie Muirhead to take over inspections for the Town either to replace him or until Mr. Partridge is replaced. Councilmember Bluth is to contact a couple of other names for consideration: Corwin Peck (Orem) and Roland Satler (Provo) Councilmember Cindi Ellis will contact Joan Durfey for a name mentioned.

NON-AGENDA
ITEM

Cindi Ellis noticed that the speed limit sign on Loafer Canyon Road was changed from 30 MPH to 25 MPH. She wanted to know when that happened and by what authority. (Mayor Ingram authorized the change) Councilmember Ellis feels this is unreasonable to punish those citizens who do obey the speed limits, while those who violate them won't slow down anyway.

Mayor Ingram responded that it is a residential area and that 25 MPH is appropriate in any residential area.

Cindi Ellis feels there is no difference between Loafer Canyon Road, Park Drive and Goosenest and that speeding should be controlled by Police patrol.

CEMENT TRUCKS No further information at this time.

FEDERAL ROADS GRANT Elk Ridge has no access to the Grant Funds...It is not applicable to Elk Ridge.

TOWN COUNCIL WORK SESSION, 11-10-98 - CONT.

BACKHOE
PURCHASED

Councilmember Fritz submitted gathered information on the costs involved with the Town purchasing a backhoe. Currently, the Town rent's the use of Kent Haskell's backhoe at \$45.00 per hour.

1. Financial considerations in purchase -

PROS:

- A. Interest Rate - 5.25% (5 yrs)
- B. Price - \$58,897.21
- C. Annual Payments / 5 yrs - \$11,628

CONS:

- A. Fuel Costs (300 hours per yr) \$ 2,000.00/yr
 - B. Oil Changes/Lube - \$ 450.00/yr
 - C. Insurance Costs \$ 400.00/yr
- Total cost per year would be about - \$14,438.00/yr

Recommendation: Delay purchase for one year and place in reserve cash funds in anticipation of the purchase. (Perhaps at \$10,000.00 per year)
This should be re-evaluated yearly.

ELK RIDGE TOWN
TOWN COUNCIL MEETING
NOVEMBER 10, 1998

ROLL CALL

Town Council: Mayor Ingram, Councilmembers Gary Bowen, Brent Bluth, Vernon Fritz, Cindi Ellis, *Planning Commission:* Ernestine Folks; (Scouts): Sean Woodward, Michael Murray and *Town Clerk:* Jan Davis.

INVOCATION
& PLEDGE
OF ALLEGIANCE

Invocation was given by Brent Bluth.

AGENDA

MOTION WAS MADE BY BRENT BLUTH AND SECONDED BY GARY BOWEN TO APPROVE THE TOWN COUNCIL TIME FRAME.
YES (5) NO (0)

HARRIS/INGRAM
SUBDIVISION
PLAT "A" - FINAL

A letter from Hall Engineering was received on Harris Estates with the following comments.

- 1. "The Plat shows a 5' public utility easement. These should be 8' along the side and back lot line and 10' along the front lot lines.
- 2. I recommend the waterline on Lakeview Dr. be looped. This will require an additional 110' of water line.
- 3. Cost Estimate - The cost for sewer/water services should be increased from \$8/l.f. to \$10.50/l.f. Increasing the cost and looping

ELK RIDGE TOWN COUNCIL MEETING, 11-10-98 - CONT.

the waterline would increase the bond amount by \$2,150.00."

The letter has been given to Ken Harris to take back to his engineer to correct. 7 copies of the Plat must be returned to the Town. Once approved by Hall Engineering, there are items which still need to be addressed prior to Town Council approval; one of which is to make arrangements with Strawberry Electric to move a pole and power line (it must be paid for up front). Currently, Mr. Harris is negotiating with Jim Winterton to pay to move these power lines and pole. Mayor Ingram wanted to make sure there won't be any additional things to be done and that Mr. Harris has a clear understanding of what is expected.

Ernie Folks - There is always the possibility of finding things to be addressed as the engineer reviews the Plat. Developers are required to meet the standards, until final approval is granted.

Mayor Ingram pointed out that #2 on the letter from Bruce Hall is a "recommendation" and is new to the Harris Subdivision. He is not only concerned with regard to the Harris Subdivision; but, in the development process, itself. He feels that the process should be definitive and should not "go on and on". He went on to say that he should not have to get phone calls from people complaining that the Town's Development Code and Standards don't make sense and that people are being mistreated. The sooner the requirements are clarified, the better off the Town will be. (Mrs. Folks disagreed that people are being mistreated and said that many times developers hold themselves up in the process by either not following through with what has been required of them or, at times, they simply drop the process altogether.) No action was taken on the Harris Subdivision at this time.

OAK BLUFF
ESTATES,
PLAT "B"
DURAB. RET.

Hall Engineering inspected the improvements and recommends release of the Durability Retainer. The question was asked if the Council will require the "as built" drawings to be turned in prior to the release of the Retainer? (Yes.)

MOTION BY BRENT BLUTH AND SECONDED BY GARY BOWEN TO ACCEPT THE IMPROVEMENTS OF OAK BLUFF ESTATES, PLAT "B" AS COMPLETE AND TO RELEASE THE DURABILITY RETAINER, PENDING THE SUBMITTAL OF THE "AS BUILT" DRAWINGS.

VOTE: YES (5)

NO (0)

ELK RIDGE TOWN COUNCIL MEETING, 11-10-98 - CONT.

PLANNING
COMMISSION
ITEMS

1. Ordinance/Construction Maintenance - Water/Sewer Laterals

On October 22, 1998, the Planning Commission recommended to the Town Council to adopt the proposed ordinance relating to the construction and maintenance of water/sewer service laterals. This ordinance is for the purpose of clarifying ownership and responsibility.

MOTION WAS MADE BY BRENT BLUTH AND SECONDED BY GARY BOWEN TO ADOPT AN ORDINANCE RELATING TO THE CONSTRUCTION AND MAINTENANCE OF WATER/SEWER LATERALS.

VOTE-POLL: VERNON FRITZ-AYE, CINDI ELLIS-AYE, GARY BOWEN-AYE, BRENT BLUTH-AYE, MAYOR INGRAM-AYE
PASSES 5-0

2. Set Public Hearing: Park Impact Fee Ordinance:

The Planning Commission recommends to the Town Council to schedule a Public Hearing for the Park Impact Fee Ordinance and to adopt the proposed ordinance.

MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY GARY BOWEN TO SET A PUBLIC HEARING FOR THE PARK IMPACT FEE ORDINANCE FOR 12-8-98 AT 7:30 PM.

VOTE: YES (5) NO (0)

3. Planning Commission Member Approval

Tod Schulthess is not resigning from the Planning Commission. His term is not up yet. David Charles will replace Ernestine Folks instead.

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY GARY BOWEN TO APPROVE DAVID CHARLES TO REPLACE ERNESTINE FOLKS AS A MEMBER OF THE ELK RIDGE PLANNING COMMISSION.

VOTE: YES (5) NO (0)

EXPENDITURES

There was a reminder from the Council to clear any expenditure not listed in the budget which is over \$300 with the Town Council.

MOTION WAS MADE BY VERNON FRITZ AND SECONDED BY CINDI ELLIS TO APPROVE THE LIST OF EXPENDITURES FOR SEPTEMBER, 1998.

VOTE: YES (5) NO (0)

MINUTES

MOTION WAS MADE BY VERNON FRITZ AND SECONDED BY CINDI ELLIS TO ACCEPT THE MINUTES OF 10-13-98, WITH CORRECTIONS: PG.2 (2ND PARAGRAPH) "FORM" TO "FROM", PG.7 (TOP OF PG.) FIX SPACING & "NOT" TO "not", PG.8 SPACING

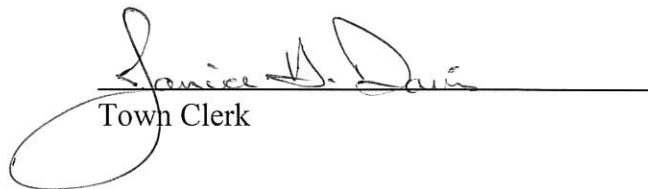
ELK RIDGE TOWN COUNCIL MEETING, 11-10-98 - CONT.

IN HEADING "OAK HILLS ESTATES"

VOTE: YES (5) NO (0)

ADJOURNMENT MOTION WAS MADE BY GARY BOWEN AND SECONDED BY
CINDI ELLIS TO ADJOURN THE MEETING

VOTE: YES (5) NO (0)


Town Clerk

NOTICE & AGENDA

Notice is hereby given that on Tuesday, November 24, 1998, the **Elk Ridge Town Council** will hold a Public Hearing on the issue adopting a proposed ordinance amending Ordinance #97-2-25-3, establishing the amount of fees to be charged as Water & Sewer Impact Fees, and for the purchase of Town Acquired Water Rights, to begin at 7:00 PM. This Public Hearing will be followed by a **Joint Town Council/Planning Commission Public Hearing** from 7:15 to 7:45 PM, for the purpose of receiving public comment regarding a proposed ordinance amending the Elk Ridge, Utah, General Plan to adopt the Moderate Income Housing Element. After the Public Hearings, the Elk Ridge **Planning Commission** will hold a Special Planning Commission Meeting at 7:45 PM, as the Town Council moves to the **Regular Council Work Session** at 7:45 PM followed by the Regularly Scheduled **Town Council Meeting** at 8:00 PM. The meetings will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

- 7:00 P.M. - **TOWN COUNCIL PUBLIC HEARING ON WATER SEWER IMPACT FEES**
Public Hearing on the Issue of Adopting a Proposed Ordinance Amending Ordinance #97-2-25-3, Establishing the Amount of Fees to be Charged as Water & Sewer Impact Fees, and for the Purchase of Town Acquired Water Rights.
- 7:15 P.M. - **JOINT TOWN COUNCIL/PLANNING COMMISSION PUBLIC HEARING ON THE MODERATE INCOME ELEMENT**
Public Hearing regarding a Proposed Ordinance Amending the Elk Ridge, Utah, General Plan to Adopt the Moderate Income Housing Element.
- 7:45 P.M. - **SPECIAL PLANNING COMMISSION MEETING**
Invocation
Moderate Income Housing/Recommendation
Adjournment
- 7:45 P.M. - **TOWN COUNCIL WORK SESSION**
Contract Labor/Discussion
Other Business
- 8:00 P.M. - **REGULAR TOWN COUNCIL MEETING AGENDA**
8:00 Invocation and Pledge of Allegiance
8:03 Approval of Agenda Time Frame
8:05 Moderate Income Housing Ordinance
Planning commission Recommendation
8:15 Adoption/Moderate Income Housing Ordinance

ELK RIDGE TOWN COUNCIL MEETING, 11-24-98 - CONT.

Planning Commission Items:

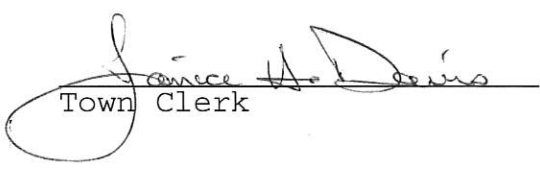
8:20	1. Growth Management Strategy-Stewart Jolley
8:35	2. Proposed Amendments to Development Code
	A. Housing Construction Equipment in Residential Zones
	B. "Orphaned" Lots
8:45	3. Resolution/Adoption of Development & Construction Standards
8:55	4. Resolution/Amendment Adoption
	Fee Set for Application to Amend Zone Map or Zoning Ordinance
9:00	Ordinance/Amendment Adoption-Impact Fee Ordinance
9:05	Expenditures:
	General
	List of Expenditures for October, 1998
9:10	Approval of Minutes of Previous Meetings
9:15	Adjournment

*Handicap Access, Upon Request. (48 Hours Notice)

The times which appear on the Agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.

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 of Public Hearings and Town Council Agenda, was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and to each member of the Town Council & Planning Commission this 19th day of November, 1998.


Town Clerk

**ELK RIDGE
TOWN COUNCIL MEETING
NOVEMBER 24, 1998**

TIME & PLACE
OF MEETING

The regular meeting of the Elk Ridge Town Council was held on Tuesday, November 24, 1998, in conjunction with two Public Hearings: The first Town Council Public Hearing was held at 7:00 PM on the issue of adopting an Ordinance amending the Water and Sewer Impact Fees. The second Town Council Public Hearing, at 7:15 PM, was on the adoption of the Moderate Income Housing Element. The Council Work Session began at 7:45 PM, as the Planning Commission held a Special Meeting, also at 7:45 PM with the regularly scheduled Town Council Meeting starting at 8:00 PM, at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge Utah.

Notice of time, place and Agenda of this meeting was provided to the Payson Chronicle, Payson, UT, and to each member of the governing body by mailing a copy to each on November 19, 1998.

7:00 PM -

PUBLIC HEARING ON WATER/SEWER IMPACT FEES

ROLL CALL

Town Council: Mayor Ingram, Councilmembers Gary Bowen, Brent Bluth, Vernon Fritz, Cindi Ellis, *Planning Commission:* Stewart Jolley, Kamile Peterson, Jim Nicolet; *Plan Coordinator:* Ernestine Folks; Andrew Jackson; *Scouts:* Eric Newman, Shane Bluth; Jay Prather and *Town Clerk:* Jan Davis.

At 7:00 PM, Mayor Ingram opened the Public Hearing on the issue of adopting a proposed Ordinance amending Ordinance #97-2-25-3, establishing the amount of fees to be charged as Water and Sewer Impact Fees, and for the purchase of Town Acquired Water Rights. Sunrise Engineering, in their Water/Sewer Impact Fee Study Update, recommended a change in the impact fees as follows:

Water Impact Fee: from \$3,500 to \$3,005

Sewer Impact Fee: from \$855 to \$1,700

It was also recommended by the Town Attorney and by Andrew Jackson of Mountainlands Assoc. of Gov. (MAG) to amend the ordinance to allow the fees to be changed by resolution rather than by ordinance.

There were no comments from the public.

TOWN COUNCIL PUBLIC HEARING - 11-24-98, CONT.

**MOTION WAS MADE BY VERNON FRITZ AND SECONDED BY
CINDI ELLIS TO CLOSE THE PUBLIC HEARING ON THE
WATER AND SEWER IMPACT FEES**

VOTE: YES (5) NO (0)

**JOINT TOWN COUNCIL/PLANNING COMMISSION PUBLIC
HEARING ON THE MODERATE INCOME ELEMENT**

ROLL CALL

Town Council: Mayor Ingram, Councilmembers Gary Bowen, Brent Bluth, Vernon Fritz, Cindi Ellis, *Planning Commission:* Stewart Jolley, Kamile Peterson, Jim Nicolet; *Plan Coordinator:* Ernestine Folks; Andrew Jackson; *Scouts:* Eric Newman, Shane Bluth; Jay Prather and *Town Clerk:* Jan Davis.

At 7:15 PM, Mayor Ingram opened the Public Hearing regarding a proposed Ordinance amending the Elk Ridge, Utah, General Plan to adopt the Moderate Income Element.

Andrew Jackson (MAG) addressed the Town Council to explain the ordinance. Mr. Jackson has worked with the Planning Commission to draft this ordinance.

House Bill #295 requires plans for "affordable housing" from every community. These plans are to include: estimate of supply of existing affordable housing in the community, an estimate of the need for Moderate Income Housing in the Municipality over the next five years, survey of residential zoning and an evaluation of the zoning's affect on housing opportunities and a program for the "affordable"/Moderate Income Housing.

Definition:

- 1) "Affordable Housing" is housing in which the occupants of the house are paying 30% or less of their gross income towards shelter. The State has said that there must be "affordable housing" for moderate incomes.
- 2) "Moderate Income" is someone who is making 80% of the "median" income (½ of the people are earning above the median and ½ are earning below).
- 3) "Median Income" (Utah County...family of 4)=\$43,000
"Moderate Income (" ")=\$34,950

The plan must be in place by the end of December, 1998. "HUD" may subsidize rental and mortgage payments, if the occupants qualify. Plans for the next five years have been considered by the Planning Commission. Some options have been discussed which would further meet the requirement in Elk Ridge. As a Town, Elk Ridge is exempt from

ELK RIDGE JOINT PUBLIC HEARING, 11-24-98 - CONT

the mandatory annual report on what is being accomplished towards meeting the requirements. The proposed ordinance fills the requirement for the Plan to be in place. Other ordinances will follow to put into action the plan for Elk Ridge.

Ernestine Folks: The Planning Commission is in the process of defining "Accessory housing/apartments" to meet the mandate. They will continue their work on this after the first of the year.

Example of "Accessory housing/apartments": Families living with members of the same family paying "0" rent. (If they are going to school, newly married, etc. they could be counted as "accessory housing".) Accessory housing (to be part of the home...not a separate unit) is the current approach. Other options will be considered in the future. Another option could be Retirement Housing.

No further comments.

TOWN COUNCIL:

MOTION WAS MADE BY VERNON FRITZ AND SECONDED BY BRENT BLUTH TO CLOSE THE JOINT PUBLIC HEARING ON THE MODERATE INCOME HOUSING ELEMENT

VOTE: YES (5) NO (0)

PLANNING COMMISSION

MOTION WAS MADE BY STEWART JOLLEY AND SECONDED BY KAMILE PETERSON TO CLOSE THE JOINT PUBLIC HEARING ON THE MODERATE INCOME HOUSING ELEMENT

VOTE: YES (4) NO (0) ABS (3)
DAVID CHARLES
GARY PROCTOR
TERIE RIGHETTINI

7:45 PM - **SPECIAL PLANNING COMMISSION MEETING**

Moderate Income Housing Element/Recommendation

7:45 PM

TOWN COUNCIL WORK SESSION

ROLL CALL

Town Council: Mayor Ingram, Councilmembers Gary Bowen, Brent Bluth, Vernon Fritz, Cindi Ellis, *Planning Commission:* Stewart Jolley, Kamile Peterson, Jim Nicolet; *Plan Coordinator:* Ernestine Folks; *Scouts:* Eric Newman, Shane Bluth; Jay Prather and *Town Clerk:* Jan Davis.
(Note: the Planning Commission was present for part of the Work Session)

CONTRACT LABOR

1. Discussion: This part of the discussion was specifically centered on the position of Plan Coordinator. Mayor Ingram contacted legal sources for the Town (Denton Hatch and the Utah State Attorney's office) on the issue: Should the position of Plan Coordinator be considered "contract labor" or an "employee" of the Town? Both sources agree that no matter how it is stated, that the person filling this position would be considered an employee of the Town. The contract or agreement would state the status of the position. Denton Hatch advised defining the position and as part of the job description, state the terms of employment.

As an employee of the Town, this position would be covered by the Town's liability insurance.

There has been a concern with certain issues if the position of Plan Coordinator were regarded as "contract Labor":

A. Indemnity insurance coverage

B. Taxes: Would the person filling this position (Mrs. Folks, currently) be considered "self employed", subject to self employment taxes?

C. What would the terms of dismissal be?

If the agreement (contract) for the position handles all of the above issues as an employee of the Town, Mrs. Folks would stay on in her current position; if not, she would discontinue as the Plan Coordinator. Mrs. Folks feels the position should be a Town employee position. Her duties are dictated by the Town Council, the Planning Commission and the engineer. She is not licensed, certified, nor does she have a degree in planning.

The Mayor confirmed that the position is considered as an employee of the Town. The Town Council is in the process of defining the duties of the Town Planner as well as those of the Planning Coordinator. If the duties of the Town Planner increase, they will overlap less with those of the Plan Coordinator. For now, the duties will continue on as they have.

Vernon Fritz: When the position was created, it was done so with a "finite life" which would be reviewed periodically. Councilmember Fritz still feels there should be at least an annual review to determine the continued necessity of the position.

The Mayor added that even though the employee filling the position of Plan Coordinator could not be terminated except under the terms as stated

ELK RIDGE TOWN WORK SESSION - 11-24-98, CONT.

in the Town's Termination Policy; the position, itself, could be terminated by the Town Council at any time, just as any staff position which is not a statutory one, could be eliminated.

Brent Bluth: The position of Plan Coordinator was designed to pay for itself through the platting fees charged to the developer. It should be reviewed if those fees are covering the wages being paid out.

Vernon Fritz: The Council discussed compensating the Plan Coordinator for time spent at Town Council and Planning Commission Meetings for time spent on issues related to the duties of the Plan Coordinator. The rest of the time spent at these meetings would not be compensated for.

Mrs. Folks agrees with this for the Town Council Meetings; but, questions how this applies to Planning Commission Meetings, since all of the issues discussed reflect on the duties of her position.

Attendance at Planning Commission Meetings is to continue as is for now.

ELK RIDGE TOWN
TOWN COUNCIL MEETING
NOVEMBER 24, 1998

ROLL CALL	<i>Town Council:</i> Mayor Ingram, Councilmembers Gary Bowen, Brent Bluth, Vernon Fritz, Cindi Ellis, <i>Planning Commission:</i> Kamile Peterson and Stewart Jolley, <i>Plan Coordinator:</i> Ernestine Folks, <i>Public:</i> Jay Prather and <i>Town Clerk:</i> Jan Davis.
INVOCATION & PLEDGE OF ALLEGIANCE	Invocation was given by Mayor Ingram
AGENDA	MOTION WAS MADE BY BRENT BLUTH AND SECONDED BY GARY BOWEN TO APPROVE THE TOWN COUNCIL AGENDA TIME FRAME. YES (5) NO (0)
MODERATE INCOME HOUSING ORD.	1. Planning Commission Recommendation: Stewart Jolley: The Planning Commission recommended to the Town Council to adopt the Ordinance establishing the Moderate Income Housing Element portion of the General Plan.

2. Adoption

MOTION WAS MADE BY BRENT BLUTH AND SECONDED BY CINDI ELLIS TO ADOPT THE ORDINANCE AMENDING THE ELK RIDGE GENERAL PLAN TO ADOPT THE MODERATE INCOME HOUSING ELEMENT, PROVIDING OF SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE, WHICH SHALL BE UPON PASSAGE.

VOTE: POLL - VERNON FRITZ-AYE, CINDI ELLIS-AYE, BRENT BLUTH-AYE, GARY BOWEN-AYE AND MAYOR INGRAM-AYE.

PASSES 5-0

PLANNING
COMMISSION
ITEMS

1. Growth Management Strategy

Stewart Jolley was asked to report on an analysis of the Growth Management Strategy (GMS) as compared to data on the Elk Ridge Water System and growth in Town.

He prepared & presented three (3) separate scenarios in his analysis:

1. (A) Limited growth for two years (30) to reduce unused inventory to 95. Once reduced, inventory is reached (95), approve enough new development to maintain.

Assumes a 50/50 split between lots without fees & lots with fees until lots without fees remain

2. (B) Limited growth for two years (30) then allow new development to grow at Town growth rate. Inventory of unbuilt lots not controlled. Assumes 60/40 split between lots with fees and lots without fees until no lots without fees remain.

3. (C) Limited growth to number of new connects previous year to maintain inventory at 193

Assumes 50/50 split between lots without fees and lots with fees until no lots remain without fees.

Some of the figures in the analysis don't quite match those in the Sunrise Engineering Updates on the Water Impact Fee Studies. The figures in the analysis are based more off of actuals rather than projections.

The figures on A, B & C for the 1998 Water Impact Fees were questioned. They are higher than what actually came in as revenue. The actual for 1998 is about \$31,000.

The Planning Commission feels a number for the inventory of building lots should be established. On option "A", after two years of limited growth, the unused lot inventory would be reduced to 95; then only the number of new lots would be approved to maintain the 95 unused lots. The Planning Commission also feels that the number 193 unused lots

ELK RIDGE TOWN COUNCIL MEETING - 11-24-98, CONT.

should be brought down to a more reasonable number (95).

Ernestine Folks: The "Development Criteria" part of the Growth Management Strategy (GMS) allows the Town Council/Planning Commission to monitor the impact in all of the areas of concern...(streets, building permits, parks, water, sewer, etc.), prior to approval of a plat.

Cindi Ellis: Feels a common problem area with the GMS is the point system proposed to determine lot distribution. (Many options have been considered at length by the Planning Commission...are there any other suggestions?)

Ernestine Folks: The questions must be kept in mind...How will the Town benefit from any proposed subdivision, and how will the Town not benefit if nothing is approved?

Brent Bluth: If no growth is allowed, surrounding property outside Elk Ridge boundaries, could be developed according to standards from the other entities rather than controlling the growth through the Town's own Standards.

Cindi Ellis: Perhaps developers could be consulted as to their suggestions (not criticisms) for lot allocation.

Ernestine Folks: The Planning Commission has asked developers to submit, in writing, an amendment to the PRD (for development in sensitive areas)...there has been no response.

A meeting to get ideas from developers will take place prior to the end of January, 1999.

Suggestion: Have Andrew Jackson (MAG) submit a written opinion of the GMS, from his perspective, to the Town Council. (Councilmember Bluth will contact him.)

2. Amendments to the Development Code

A) Housing Construction Equipment in Residential Zones

Vernon Fritz: He does not feel the Planning Commission survey to the public will be beneficial. He feels that the purpose of the survey would be to rally support for already-formed opinions on the part of some Planning Commission members. He suggested that a public hearing is the proper arena for public input.

Cindi Ellis: Commented that many people are in violation of housing construction equipment of some kind on their property.

Vernon Fritz: He has no sympathy with larger, commercial trucks and there should be no structure allowed which could house those.

Brent Bluth: Agreed that the way the survey was worded led the reader to a negative attitude toward housing commercial equipment.

ELK RIDGE TOWN COUNCIL MEETING - 11-24-98, CONT.

Ernestine Folks: The article in the newsletter was intended to be as update and came out more as a survey.

B) "Orphaned Lots"

Vernon Fritz: Understood that policy could be created by Town Council action. (It would still need an amending ordinance.)

He stated that the Harris Subdivision is an example of "Orphaned Lots".

Ernestine Folks: Relayed the Planning Commission's feeling that a policy of how to handle these lots should be formed prior to the consideration of Final Plat Approval.

Vernon Fritz: The Council is waiting for a formal recommendation from the Planning Commission for the Town Council to act upon.

Cindi Ellis: If there is an exemption to the standard procedure, then she feels the construction amount should be placed in escrow for future installment of the improvements.

Vernon Fritz: Disagrees if it is likely there will be no improvement to the roads in that area. A SID (Special Improvement District) could be an option.

Mayor Ingram: If the money is not in escrow, the improvements would be handled by the homeowner.

The Planning Commission would hold the developers to the standards. This should come to the Council in the form of a formal recommendation with each subdivision proposal. Unless the Town Council grants the particular subdivision an exception, they will be expected to meet all development requirements. Each proposal will be considered individually.

C) Resolution: Amendment to the Construction Standards

Changes to the existing Ordinance:

- 1) 02.08.079: (add)..."and ten (10) feet along front lot lines"
- 2) 02.10.010, A-8: (add #8)
- 3) 02.32.030, A-4: (add #4) The Council disagreed that "driveway cross sections are developer responsibility. Applies more at the time of building.
- 4) Checklist for Preliminary Plat: (add #16)

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY GARY BOWEN TO ADOPT A RESOLUTION AMENDING RESOLUTION #97-5-13-10R AND THE MINIMUM STANDARDS SET FORTH IN THAT RESOLUTION, AS PER THE FOLLOWING EXCEPTIONS:

SECTION 02.32.030...

1. (A-4) REMOVE: "AND DRIVEWAYS"

2. (B) ADD: "LICENSED" BEFORE "CIVIL ENGINEER"

VOTE: POLL...VERNON FRITZ-AYE, CINDI ELLIS-AYE, BRENT BLUTH-AYE, GARY BOWEN-AYE, MAYOR INGRAM-AYE. PASSES 5-0

**RESOLUTION
FEE SCHEDULE**

A fee needs to be charged for application for a Zone Map or Zoning Ordinance amendment. The suggestion from the Planning Commission was to charge \$300 minimum plus any additional costs at Final from the Town Council.

Councilmember Bluth feels a one-time fee up front is preferable; in fact, He would like to see all of the Town fees reviewed and updated prior to adoption of the amending resolution.

MOTION WAS MADE BY BRENT BLUTH AND SECONDED BY VERNON FRITZ TO TABLE THE PROPOSED FEE RESOLUTION UNTIL THE TOWN FEES HAVE BEEN REVIEWED AND UPDATED WHERE NEEDED.

VOTE: YES (5) NO (0)

**ORDINANCE/
WATER, SEWER
IMPACT FEE**

There were no further comments.

MOTION WAS MADE BY BRENT BLUTH AND SECONDED BY VERNON FRITZ TO ADOPT AN ORDINANCE AMENDING ORDINANCE #97-2-25-3 OF ELK RIDGE, UTAH, ESTABLISHING THE AMOUNT OF THE FEES FOR FACILITY, CONSTRUCTION AND IMPROVEMENT, AND FOR THE PURCHASE OF THE TOWN ACQUIRED WATER RIGHTS

VOTE (POLL): VERNON FRITZ-AYE, CINDI ELLIS-AYE, BRENT BLUTH-AYE, GARY BOWEN-AYE AND MAYOR INGRAM-AYE. PASSES 5-0

ELK RIDGE TOWN COUNCIL MEETING - 11-24-98, CONT.

EXPENDITURES There was a reminder from the Council to clear any expenditure not listed in the budget which is over \$300 with the Town Council.
Anyone in violation of the Town's purchasing policy should have to answer to the Town Council. This message is to be relayed to all Town staff and Councilmember Ellis will inform Chief Waite for the Fire Dept.
MOTION WAS MADE BY VERNON FRITZ AND SECONDED BY BRENT BLUTH TO APPROVE THE LIST OF EXPENDITURES FOR OCTOBER, 1998.

VOTE: YES (5) NO (0)

MINUTES **MOTION WAS MADE BY VERNON FRITZ AND SECONDED BY CINDI ELLIS TO APPROVE THE MINUTES OF OCTOBER 27, 1998 AS PRESENTED WITH CORRECTIONS:**

- 1. PG.2: "FORM" TO "FROM"**
- 2. PG.4: CHANGE DATE TO OCTOBER 27, 1998**
- 3. LAST PG.: REMOVE THE SECOND MOTION TO ADJOURN**

VOTE: YES (5) NO (0)

ADJOURNMENT **MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY CINDI ELLIS TO ADJOURN THE MEETING**

VOTE: YES (5) NO (0)

Town Clerk

NOTICE & AGENDA

Notice is hereby given that the Town Council of Elk Ridge will hold a Special Town Council Meeting on Tuesday, December 22, 1998, at 6:30 P.M. The meeting will be followed by a **SPECIAL TOWN COUNCIL CHRISTMAS DINNER.** The Meeting will be held at the Family Tree Restaurant, 77 W. Main St., Santaquin, UT,

6:30 PM - SPECIAL TOWN COUNCIL MEETING AGENDA

6:30 Invocation
6:33 Agenda Time Frame
6:35 Oak Bluff Estates, Plat "B"/Rescind Release of
Durability Retainer (Curb/Gutter)
6:40 Brad Shuler Subdivision, Plat "A"
A. Accept Improvements as complete
B. Release Durability Retainer
6:42 Release of Lien/Pam Rodriguez
6:45 Adjournment

TOWN COUNCIL CHRISTMAS DINNER

*Handicap Access, Upon Request. (48 Hours Notice)

The times which appear on the agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.

Dated this 17th day of December, 1998.


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 of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah and mailed to each member of the governing body on December 17, 1998.


Town Clerk

TIME & PLACE OF MEETING

Notice of time, place and Agenda of this meeting was provided to the Payson Chronicle, Payson, UT, and to each member of the governing body by mailing a copy to each on December 17, 1998.

ROLL CALL

INVOCATION

AGENDA

MOTION WAS MADE BY GARY BOWEN AND SECONDED BY CINDI ELLIS TO APPROVE THE AGENDA TIME FRAME AS PRESENTED

VOTE: YES (5)

NO (0)

OAK BLUFF
ESTATES,
PLAT B

ELK RIDGE TOWN COUNCIL MEETING - 12-22-98, CONT.

MOTION WAS MADE BY GARY BOWEN AND SECONDED BY CINDI ELLIS TO RESCIND THE FORMER RELEASE OF THE DURABILITY RETAINER FOR OAK BLUFF ESTATES, PLAT "B" UNTIL THE SUBMISSION OF THE "AS BUILTS" TO THE TOWN AND UNTIL THE ASPHALT AND CURB/GUTTER ARE EXTENDED ACROSS THE FULL WIDTH OF LOT #37, AS WELL AS RAISING THE FIRE HYDRANT TO PROPER GRADE AT THE CORNER OF LOT #37.

VOTE: YES (5)

NO (0)

BRAD SHULER
SUBD. PLAT A
DUR. REL.

Done at the previous Town Council Meeting.

RELEASE OF
LIEN

A Notice of Interest has been filed with Utah County, in favor of the Town of Elk Ridge, UT. Against Pam Rodriguez, in the amount of \$200, owed for private asphalt work done to her property on Powell Rd. As she has paid this amount to the Town, the Town needs to release this Notice of Interest.

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY BRENT BLUTH TO RELEASE THE NOTICE OF INTEREST AGAINST PAM RODRIGUEZ, OWNER OF LOT 2B, SALEM HILLS SUBDIVISION, PLAT A, BLOCK #7.

VOTE: YES (5)

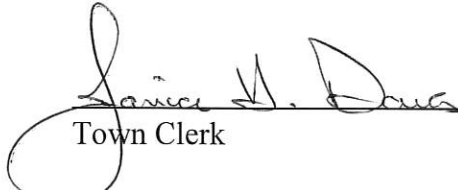
NO (0)

ADJOURNMENT

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY GARY BOWEN TO ADJOURN THE MEETING

VOTE: YES (5)

NO (0)



Town Clerk