

### NOTICE & AGENDA

Notice is hereby given that the Town Council of Elk Ridge will hold a regular Town Council Meeting on Tuesday, June 8, 1999, with the Town Council Work Session at 6:00 P.M., followed by the regular Council Meeting at 7:00 P.M. The meetings will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

6:00 P.M. - TOWN COUNCIL WORK SESSION

CANCEL PUBLIC HEARING on Area & Heights of Accessory Bldgs.

1999/2000 Budget & Capital Facilities Plan

1998/1999 Final Amended Budget

Dept. Head Updates:

Planning & Zoning-Gary Bowen

Lots & Building Permits Report-Ernestine Folks

Growth Management Strategy-Ernestine Folks & Cindi Ellis

Sensitive Lands Overlay-Ernestine Folks

Future Growth/Water System-Ernestine Folks

Off-site Reimbursement Report-Ernestine Folks

Roads-Jerry Mason

General Update

Road Repair Bids

Culverts (Dips)/Cost Estimate-Cindi Ellis

Parks/Public Safety-Cindi Ellis

General Update

Tennis Court Update

4<sup>th</sup> of July Celebration

Water/Sewer Depts. - Brent Bluth

Capital Facilities Plan for 1999/2000

Durfey Property-Water line Update

Y2K Preparation Update

7:00 P.M. - REGULAR COUNCIL MEETING AGENDA ITEMS:

7:00 Invocation and Pledge of Allegiance

7:02 Approval of Agenda Time Frame

7:05 Nelson Abbott/Bird Aviary-Use Permit

7:15 Planning Commission Recommendations-Ernestine Folks

Adamsons/Standards Exception/Driveway Slope

Future Growth-Water System

Planning Commission Member Replacement

Re-set Public Hearing-Areas & Heights of Accessory Bldgs.

7:35 Approve 1999/2000 Tentative Budget as Working Budget Until  
Official Budget is Adopted After Public Hearing

7:40 Property Tax Increase/1999-2000 Budget

Cancel Public Hearings set for 6-22-99

Re-Set Public Hearings (August 10, 1999)

7:45 1998/1999 Final Amended Budget-Set Public Hearing

ELK RIDGE TOWN COUNCIL WORK SESSION - 6-8-99, CONT.

1998/1999  
FINAL AMENDED  
BUDGET

Expenditures for the 1998/1999 fiscal year should be cut off by the beginning of June, for all Departments, to allow time for the invoices to come in and the bills paid to close out the year.

DEPARTMENT  
HEAD UPDATES

**Planning & Zoning**

1. Lots & Building Permits Report:

Ernestine Folks:

A) Water System/April & May:

Total lots connected to System - 397

April - 3 new bldg. Permits                      May - 2 new bldg. Permits  
(47 new homes since May, 1998)

\*The proposed Growth Management Ordinance predicted 50 new homes for the year, so it was a close estimate.

Change: The old "Facility, Construction & Improvement (FC & I) Fees" are not referred to as "Impact Fees" owing. There are no "FC & I Fees". The Town still has 83 approved lots not subject to Water Impact Fees. Most of the growth has been in the newer subdivisions.

Availability in Water Storage System = 23 more lots

Availability in Water Source Cap.                      = 78 more lots

B) Sewer System:

(Added line) Sewer System Plant capacity = 994

(Added line) 10" Sewer trunk line capacity = 556

(Added line) 12" Sewer trunk line capacity = 533

Sewer Plant Availability.....= 481 more lots

10" trunk line .....= 43 more lots

12" trunk line.....= 20 more lots

The Planning Commission encourages Elk Ridge to meet with Salem City to plan for future growth.

Also, the Planning Commission feels it would be in the Town's best interest to install a flow meter.

Approval of a flow meter is to be on the Town Council Agenda.

2. Growth Management Strategy

The Planning Commission would like the Town Council to reconsider the Growth Management Strategy Ordinance. It has been through Public Hearing and has been "on hold" since July, 1998. Town Council action is needed. Currently, there are three subdivisions at about the same point in the development process. Will any form of growth management be applicable for these and



## ELK RIDGE TOWN COUNCIL WORK SESSION - 6-8-99, CONT.

other subdivisions?

Discussion of "Vesting":

The Development Code says a developer is considered "vested" at Preliminary approval.

Brent Bluth: State law declares "vesting" to occur at the time of Preliminary Approval.

Ernestine Folks: Some courts will declare that "vesting" has occurred if a certain amount of money has been spent on the preparation of the subdivision. Should rights to connect to the water system (water rights) be granted at the time of Preliminary approval

Brent Bluth: To consult an attorney on the following question:

If the Development Code states that vesting occurs at Preliminary, when the developer gets to Final Plat Approval and services are not available, does Final Approval still have to be granted? If that is the case, Preliminary should not be granted.

### 3. Sensitive Lands Overlay Ordinance

The Planning Commission would also like the Town Council to reconsider the Sensitive Lands Overlay Ordinance and to take action on it. It was mentioned that Payson City is currently considering a Sensitive Lands Overlay.

### 4. Future Growth of Water System

(Memo from the Planning Commission)

On May 4, 1999, the Planning Commission made the recommendation to the Council, that they pursue funding a New Well through a SUVMWA Grant. The new well should be located next to the existing well located at the north end of Town. A Storage Tank should be located at the site of the existing Ball Park and would be funded by developers. This would create the third pressure zone. The new storage tank would be equipped with a booster pump to interconnect two of the storage tanks, as a back-up for the entire Town.

On May 27, 1999, the Planning Commission made the recommendation to the Council that they pursue the acquisition of an alternate source of water, a secondary pressurized irrigation system utilizing water from the Highline Canal. Applying for "conservancy funding" would provide up to 65% of the costs to the system.

## ELK RIDGE TOWN COUNCIL WORK SESSION - 6-8-99, CONT.

All recommendations were based on the recommendation from the Town Engineer, Bruce Hall. This would meet short and long term needs.

Stewart Jolley: A secondary water system could cut the Town's use of culinary water by as much as 72%!

### 5. Off-Site Reimbursement

Ernestine Folks: Mrs Folks committed to check with other cities and Towns to find out what their policies are on the issue of "off-site reimbursements" to developers. Out of 12 cities contacted, most do some form of reimbursement to the developers, though they are selective in their participation. Some of the policies are limited, such as American Fork...their policy is limited to 10 years (like Elk Ridge). Their attorneys advise getting away from any type of reimbursement to developers. Out of all the 12 cities contacted, Payson City is the only one not participating in off-site reimbursements. Some of the Cities do "collection agreements".

The majority of the cities continue because if they don't, they fear they will not get the development of the necessary facilities to complete their systems.

If the Council directs, Mrs. Folks will compile the information into a written report.

Brent Bluth: Is not in favor of off-site reimbursements to developers.

### **Roads Dept.**

Jerry Mason: Has nothing to report at this time.

The question was raised why chip and seal work is rescheduled for the current fiscal year rather than the 1999/2000 fiscal year, as planned. Councilmember Mason was unaware of the change. Evidently, the cities are being scheduled in the next couple of weeks. If the service is performed in this fiscal year, the payment will have to be made in this fiscal year, as well. Councilmember Mason will contact Mayor Ingram for more information.

### Culverts/Cost Estimate:

Cindi Ellis: No cost estimate at this time.

## ELK RIDGE TOWN COUNCIL WORK SESSION - 6-8-99, CONT.

### **Parks Dept.**

#### **1. Tennis Court**

The poles already installed by the Town to support the fence around the tennis court were "pipe" rather than "poles". It is the advise of those installing the fence that the pipe will not support the tension of the fence and that they need to be replaced.

Added cost for the correct poles is \$500 (\$400 to come out of the Parks budget and \$100 out of fund balance.

#### **2. 4<sup>th</sup> of July**

A Theme is needed for the celebration. Several people have committed to be on the committee.

Suggestion: To move the date of the Town celebration to a different date, since many of the Town's residents are out of Town that week end. The celebration is suppose to create a feeling of unity in the residents...if so many are out of Town on the week end of the forth, why not have a celebration at another time?

### **Water/Sewer Depts.**

#### **Durfey Property:**

1. A portion of the Town's water line crosses a corner of the Durfey's property, without an easement. Kent Haskell estimates the cost to move the line at about \$3,000 to \$5,000 (much of the cost would be for valve replacement). Is Mrs. Durfey still pursuing having the Town relocate the line? Would the Durfeys grant the Town an easement?

2. Replacement of the 2" water lines on Astor Ln. and Highland Cr. is scheduled for the 1999/2000 fiscal year. The work will be bid out...Kent Haskell may bid on the line if he wants to.

### **Y2K Update**

Brent Bluth: Todd Wilson is preparing a letter to the Town with his findings on his Y2K check on the Town's computer system. He said that all the Town's hardware is in compliance. Corelle 7 is being run, which has some possible problems.

**ELK RIDGE  
TOWN COUNCIL MEETING  
JUNE 8, 1999**

**TOWN COUNCIL REGULAR SESSION**

**TIME & PLACE  
OF MEETING**

The regular Meeting of the Elk Ridge Town Council was held on Tuesday, June 8, 1999. The Council Work Session took place at 6:00 PM, followed by the regular Town Council Meeting at 7:00 PM. The meetings were held 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, 145 E Utah Ave, Payson, UT, and to each member of the Governing Body by mailing a copy to each on June 4, 1999.

**ROLL CALL**

*Councilmembers:* (Mayor Pro-tempore) Brent Bluth, Cindi Ellis, Gary Bowen, Jerry Mason, (*absent*): Mayor Ingram; *Planning Commission:* Stewart Jolley; *Plan Coordinator:* Ernestine Folks; *Public:* Aaron McCain, Tom McDougall, Russell Adamson, Robert Nelson, Hal Shuler and *Town Clerk:* Janice H. Davis.

**INVOCATION &  
PLEDGE OF  
ALLEGIANCE**

Cindi Ellis offered the Invocation.

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**AGENDA TIME  
FRAME**

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY GARY BOWEN TO APPROVE THE AGENDA TIME FRAME, MOVING THE GENERAL EXPENDITURES FORWARD TO 7:05 PM.**

**VOTE: YES (4)      NO (0)      ABSENT (1) MAYOR INGRAM**

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**GENERAL EXP.**

In order to accommodate the two Masters students conducting the GIS Mapping Project, this Agenda item was moved forward to the beginning of the meeting.

The GIS Mapping Project was approved for a cost of \$2,500.00. The maps were presented and upon examination, they were found to be incomplete in the areas of zone boundary changes and addresses. The information at the County was incomplete, which was the source of information for these maps.

ELK RIDGE TOWN COUNCIL MEETING - 6-8-99, CONT.

It seems that expectations on both sides were misunderstood. There arose a problem about time spent on the project vs. the expected end product which the Town received.

They (students) feel that the zone map corrections would take up to 20 hours extra and they have already spent more time than they planned on the project. (Ernestine Folks pointed out that the gentlemen were aware that the zone boundary descriptions were available through Hall Engineering.) The greater issue now is the extra time it would take to make the corrections. The Town will have to wait until the County updates their information to obtain current maps.

The maps received by the Town from the project are less accurate than the Town's previous ones.

The bill for the project was presented to the Council in the amount of \$2,652.00. The \$152.00 overage is due to extra printing costs. It was commented that the strength of what was provided is not in the paper; rather in the program, itself. The software package is at Hall Engineering; but, the Council was told that the Town bought and owns it.

Gary Bowen: Feels that a contractor should not have the option of changing his bid amount.

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY JERRY MASON TO APPROVE THE BILL FOR THE G.I.S. MAPPING PROJECT IN THE AMOUNT OF \$2,652.00.**

**VOTE: YES (3) NO (1) GARY BOWEN ABSENT (1)  
MAYOR INGRAM**

NELSON ABBOTT  
BIRD AVIARY

Mr. Nelson Abbott, a resident of Elk Ridge, would like to install a bird aviary on his lot for parakeets. He has been before the Planning Commission on November 11, 1998. The Town Development Code does not specifically include or exclude parakeets. The Planning Commission questioned Mr. Abbott with regard to noise or other possible disturbances and was given direction to present his project to the Zoning Administrator for review. At the time, the Planning Commission did not have any "undue concern" about Mr. Abbott's proposal.

On November 10, 1998, the Town Attorney issued an opinion that the Town could grant approval as a "clarification of statute"; a use permit with restrictions on 1) number of birds, 2) dimensions of

ELK RIDGE TOWN COUNCIL MEETING - 6-8-99, CONT.

enclosure, 3) noise restrictions

In the absence of a Zoning Administrator, Mr. Abbott has come before the Town Council to have a "use permit" approved.

Brent Bluth: 30 parakeets are not considered household pets. Mr. Abbott would need to ask for a "text amendment" from the Planning Commission.

Options:

1) Grant "conditional use permit"

Place certain conditions on the permit, the Council is not sure what those should be at this point.

2) Send Mr. Abbott back to the Planning Commission with a request for a "text amendment"

The Council felt that there is not enough clear language in the current Ordinance to justify a "Conditional Use" being granted.

**MOTION WAS MADE BY BRENT BLUTH AND SECONDED BY GARY BOWEN TO REMAND Mr. NELSON ABBOTT BACK TO THE PLANNING COMMISSION TO APPLY FOR A TEXT AMENDMENT, SINCE THE DEVELOPMENT CODE DOES NOT ALLOW BIRD AVIARIES AS A CONDITIONAL USE**

Discussion: Question...If Mr. Abbott's neighbors are in agreement, and the Town Council places restrictions on the conditional use, could he proceed with the aviary sooner? (What restrictions and how are they enforced?)

**VOTE: YES (4) NO (0) ABSENT (1) MAYOR INGRAM**

PLANNING  
COMMISSION

**1. Adamsons/Standards Exception/Driveway Slopes**

(Memo from Planning Commission)

On May 27, 1999, the Planning Commission made the recommendation to the Council to approve a modification from the 12% driveway slope standards with two conditions; 1) Allow a 14 ½% grade, or less, and 2) That the Council is provided with a satisfactory plan for retention of the sides of the driveway

The Adamson Family also requested an exception to the height of dwellings and was told the issue was not something the Planning Commission has any jurisdiction over and referred them to the Board of Adjustment.

## ELK RIDGE TOWN COUNCIL MEETING - 6-8-99, CONT.

Mr. Adamson reviewed his request for an exception with the Town Council.

He proposes:

- 1) a 14.5% grade for their driveway
- 2) A sump for drainage for the hillsides
- 3) Revegetation of hillsides

Brent Bluth: Would like to see engineering on these proposals.

**MOTION WAS MADE BY GARY BOWEN AND SECONDED BY CINDI ELLIS TO APPROVE A 14.5% DRIVEWAY SLOPE THE RUSSELL ADAMSON FAMILY**

Discussion: It was suggested to list the conditions listed by Mr. Adamson in the motion. The current Ordinance states that a property owner has to maintain water (run-off) on site and has to revegetate. The requirements are already in place, they should not have to be listed in the motion.

**VOTE: YES (4) NO (0) ABSENT (1) MAYOR INGRAM**

### **2. Future Growth/Water System**

The Planning Commission has asked that the Town Council take action on the recommendations from the Planning Commission on the following:

A) Secondary Water System

**MOTION BY JERRY MASON FOR THE TOWN TO INVESTIGATE A SECONDARY WATER SYSTEM**

(NO SECOND TO MOTION)

Discussion and the motion was withdrawn.

**MOTION WAS MADE BY BRENT BLUTH AND SECONDED BY CINDI ELLIS TO PLACE A PRESSURIZED SECONDARY WATER SYSTEM ON THE CAPITAL FACILITIES PLAN, TO BE PHASED OVER THE NEXT FIVE YEARS, TO ENABLE AN ENGINEERING STUDY AND A COST ESTIMATE TO BE SUBMITTED TO THE TOWN.**

**VOTE: YES (4) NO (0) ABSENT (1) MAYOR INGRAM**

B) Drill a new well by the lower well

Brent Bluth: Those at the State level who handle Federal money "frowned" on the receipt of the SUVMWA application to fund new wells. Councilmember Bluth reported that the man who actually manages the program was the one advising the application.



ELK RIDGE TOWN COUNCIL MEETING - 6-8-99, CONT.

The discussion on the issue is still ongoing.  
(Opinion) Councilmember Bluth has a problem (shared by Councilmember Ellis) with pumping water uphill. It is an option, but an expensive one. It has been a problem in the past. Does the Town want to get back into the same expense in pumping?

The Planning Commission is looking for direction from the Council.

C) A new tank (lower, by the ball park)

Brent Bluth: Has no problem with the proposed location of a new tank.

**3. Planning Commission Member Replacement**

Due to health problems, Donald O'niones resigned from the Planning Commission. Advertisement went out in the newsletter. There are no recommendations at this time.

Suggestion: That the names of those interested in volunteering for service on the Planning Commission be given to Stewart Jolley to interview, to be sure the people understand what is involved in the service. Also, that the Town pays to train these people...after such training, a certain period of time in office should be required to pay the Town back for the training.

Brent Bluth: Suggested appointing alternate members.

**4. Re-set Public Hearing on Areas & Heights of Accessory Buildings**

**MOTION WAS MADE BY GARY BOWEN AND SECONDED BY CINDI ELLIS TO SET THE PUBLIC HEARING ON THE AREAS & HEIGHTS OF ACCESSORY BUILDINGS FOR 7-13-99, AT 6:45 PM**

**VOTE: YES (4)      NO (0)      ABSENT (1) MAYOR INGRAM**

1999/2000  
TENTATIVE  
BUDGET

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY GARY BOWEN TO APPROVE THE 1999/2000 FISCAL YEAR TENTATIVE BUDGET AS THE WORKING BUDGET UNTIL THE OFFICIAL 1999/2000 YEAR BUDGET IS ADOPTED AFTER THE PUBLIC HEARING.**

**VOTE: YES (4)      NO (0)      ABSENT (1) MAYOR INGRAM**

ELK RIDGE TOWN COUNCIL MEETING - 6-8-99, CONT.

PROPERTY TAX INCREASE  
1999/2000 YEAR

**MOTION WAS MADE BY GARY BOWEN AND SECONDED BY JERRY MASON TO CANCEL THE PUBLIC HEARINGS ON 6-22-99 ON THE TAX RATE AND THE 1999/2000 FISCAL YEAR BUDGET**

**VOTE: YES (4) NO (0) ABSENT (1) MAYOR INGRAM**

**MOTION WAS MADE BY GARY BOWEN AND SECONDED BY CINDI ELLIS TO SET THE PUBLIC HEARINGS FOR THE ADOPTION OF THE 1999/2000 FISCAL YEAR BUDGET AND THE TAX RATE FOR 1999/2000 FOR AUGUST 10, 1999, AT 6:00 PM**

**VOTE: YES (4) NO (0) ABSENT (1) MAYOR INGRAM**

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1998/1999  
FINAL AMENDED  
BUDGET

**MOTION WAS MADE BY GARY BOWEN AND SECONDED BY CINDI ELLIS TO SET THE PUBLIC HEARING TO ADOPT THE FINAL AMENDED BUDGET FOR THE 1998/1999 FISCAL YEAR FOR 6-22-99 AT 6:30 PM**

**VOTE: YES (4) NO (0) ABSENT (1) MAYOR INGRAM**

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EXPENDITURES

List of Expenditures for April, 1999

**MOTION WAS MADE BY GARY BOWEN AND SECONDED BY JERRY MASON TO APPROVE THE LIST OF EXPENDITURES FOR APRIL, 1999**

**VOTE: YES (4) NO (0) ABSENT (1) MAYOR INGRAM**

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Tennis Court Fence

Cindi Ellis: Reported that according to the installers, the posts which have been installed around the tennis court will not support the tension of the fence to surround the tennis court. It will cost an additional \$500 to change the posts.

Currently there is \$27,900 budgeted for the Tennis Court, that figure was the bid from the concrete company. The Tennis Co. is doing the installing, and their costs will be close to \$35,000...a difference of \$7,500.

ELK RIDGE TOWN COUNCIL MEETING - 6-8-99, CONT.

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY JERRY MASON TO APPROVE AN ADDITIONAL \$7,500.00 TO BE TRANSFERRED FROM THE GENERAL FUND TO THE CAPITAL PROJECTS-TENNIS COURT FUND; TO BE SPLIT AS FOLLOWS:**

**\$5,000 FROM "MILLENNIAL PARK" TO "TENNIS COURT"**

**400 FROM "CERT" ACCOUNT IN THE PARKS DEPT.**

**2,100 FROM FUND BALANCE**

**\$7,500**

**VOTE: YES (4) NO (0) ABSENT (1) MAYOR INGRAM**

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**MINUTES**

**1. MOTION WAS MADE BY GARY BOWEN AND SECONDED BY JERRY MASON TO APPROVE THE MINUTES OF THE TOWN COUNCIL MEETING HELD ON 4-13-99 AS CONSTITUTED**

**VOTE: YES (4) NO (0) ABSENT (1) MAYOR INGRAM**

**2. MOTION WAS MADE BY JERRY MASON AND SECONDED BY GARY BOWEN TO APPROVE THE MINUTES OF THE TOWN COUNCIL MEETING HELD ON 4-27-99 AS CONSTITUTED**

**VOTE: YES (4) NO (0) ABSENT (1) MAYOR INGRAM**

**3. MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY GARY BOWEN TO APPROVE THE MINUTES OF THE TOWN COUNCIL MEETING HELD ON 5-12-99 AS CONSTITUTED**

**VOTE: YES (4) NO (0) ABSENT (1) MAYOR INGRAM**

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**NON-AGENDA  
ITEM**

An application for Initiative Petition, signed by certain Elk Ridge residents, was received by the Town. Its purpose is to try to get on the ballot and put to vote adding fluoride in Elk Ridge water. The Town Clerk will contact the attorney who sent the letter and determine what the Town's response should be.

**ADJOURNMENT**

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

**VOTE: YES (4) NO (0) ABSENT (1) MAYOR INGRAM**

  
TOWN CLERK

## **NOTICE OF PUBLIC HEARING & TOWN COUNCIL MEETING**

Notice is hereby given that the Elk Ridge Town Council will hold a Public Hearing on Tuesday, June 22, 1999, at 6:00 PM, for the purpose of hearing public comment regarding the proposed amendment to the Development Code of Elk Ridge Town, Utah, authorizing the establishment of Accessory Apartments within one-family dwellings within the Town; There will be a second Public Hearing at 6:30 PM, regarding the Final Amended Budget for the 1998/1999 Fiscal Year. These Public Hearings will be held in conjunction with the regularly scheduled Town Council Meeting. The Town Council Work Session will be at 6:30 PM with the regular Town Council Meeting to follow at 7:00 PM. The meetings will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

### **6:00 P.M. - PUBLIC HEARING/ACCESSORY APARTMENTS**

Public Hearing/Proposed Amendment to Development Code of Elk Ridge Town, Utah, authorizing the establishment of Accessory Apartments within one-family dwellings within the Town; setting forth the requirements for the establishment and operation of Accessory Apartments; & providing for the Adoption and Administration of the Ordinance.

### **6:30 P.M. - PUBLIC HEARING/FINAL AMENDED 1998/1999 BUDGET**

Public Hearing/Final Amended Budget for the 1998/1999 Fiscal Year  
Budget for the Operation of the Town of Elk Ridge.

## **Special Planning Commission Meeting**

### **6:45 P.M. - COUNCIL WORK SESSION**

Dept. Head Updates:

Mountainlands Association of Governments

21<sup>st</sup> Century Community Resolution

Dept. Head Reports:

Planning & Zoning:

Discussion:

Growth Management Strategy (GMS) Ordinance

Sensitive Lands Overlay (SLO) Ordinance

### **7:00 P.M. - REGULAR TOWN COUNCIL MEETING**

7:00 Invocation and Pledge of Allegiance

7:03 Approval of Agenda Time Frame

7:05 Adoption/21st Century Community Resolution

7:10 Planning & Zoning-Continued:

Recommendations: Accessory Apartments Ordinance

GMS Ordinance & SLO Ordinance

Discussion/Action

Adoption/Accessory Apartment Ordinance

General Update

Planning Commission Member Replacement

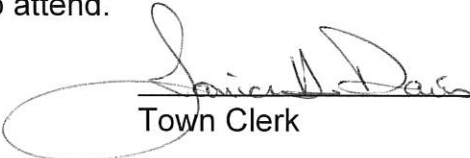
Elk Ridge Town Council Meeting

6-22-99

7:30	General Administration: Circuit Rider Contract/Administration Ordinance-Mayor Discussion/Action General Update
7:45	Roads Dept.: Road Repair-Jerry Mason Shoulder Work/National Guard General Update
7:55	Parks Dept.: 4 <sup>th</sup> of July Celebration Report-Cindi Ellis Tennis Court Report General Update
8:05	Water/Sewer Depts.: Water line Replacement Schedule/Astor Ln. & Highland Cr. 2" Water Meters Install Flow Meter on Main Sewer Trunk Line General Update
8:20	Adoption/Final Amended Budget for 1998/1999 Fiscal Year Budget
8:25	Expenditures: General
8:30	Approval of Minutes of Previous Meetings
8:35	Adjournment

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

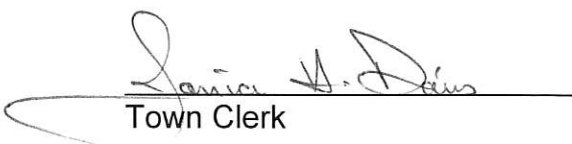
Dated this 17<sup>th</sup> day of June, 1999.

  
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 Town Council Public Hearing, and of the Agenda for the Town Council Meeting was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and mailed to each member of the governing body on June 17, 1999.

  
Town Clerk

**ELK RIDGE TOWN  
TOWN COUNCIL MEETING  
& PUBLIC HEARING  
JUNE 22, 1999**

**TIME & PLACE  
OF MEETINGS**

The Town Council of Elk Ridge held two Public Hearings on Tuesday, June 22, 1999, scheduled to convene at 6:00 PM and at 6:30 PM. The first Public Hearing (6:00 PM) was regarding the proposed Amendment to the Development Code of Elk Ridge Town, Utah, authorizing the establishment of Accessory Apartments within one-family dwellings within the Town; The second Public Hearing (6:30 PM) was on the adoption of the Final Amended Budget for the 1998-1999 Fiscal Year. The Public Hearings were held in conjunction with the regular Work Session at 6:45 PM and the regularly scheduled Town Council Meeting at 7:00 PM, at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and agenda was provided to the Payson Chronicle and to each member of the Town Council by mailing a copy to each on June 17, 1999.

**PUBLIC HEARING / ACCESSORY APARTMENTS**

**AT 6:00 PM, MAYOR INGRAM OPENED THE PUBLIC HEARING ON THE PROPOSED AMENDMENT TO THE DEVELOPMENT CODE OF ELK RIDGE, UTAH, AUTHORIZING THE ESTABLISHMENT OF ACCESSORY APARTMENTS WITHIN ONE-FAMILY DWELLINGS WITHIN THE TOWN; SETTING FORTH THE REQUIREMENTS, THE ESTABLISHMENT AND OPERATION OF ACCESSORY APARTMENTS; AND PROVIDING FOR THE ADOPTION AND ADMINISTRATION OF THE ORDINANCE.**

**ROLL CALL**

*Town Council:* Mayor Ingram, Gary Bowen, Cindi Ellis & Jerry Mason, (Absent-Brent Bluth); *Planning Commission:* Stewart Jolley (Chairman), David Charles; *Plan Coordinator:* Ernestine Folks; *Public:* Don Mecham, Paul Eddy, Hal Shuler, Tony Widowski; *EMS Dept.:* Terry Spoor; & *Town Clerk:* Janice Davis.

ELK RIDGE TOWN COUNCIL PUBLIC HEARING - 6-22-99, CONT.

Stewart Jolley: Implementing the proposed Accessory Apartment Ordinance is one option for the Town to meet the State requirements for the "Affordable Housing" element in Elk Ridge, which is based on wages...County-wide.

**Critical Issues:**

1. To preserve the "single-family" dwelling look (not "duplex-type" buildings)
  - A. There are several safe-guards against this in the proposed Ordinance.
2. Off-Street Parking
  - A. No parking on the streets
3. Impact to Town services
  - A. Accessory Apts. should have to bear that impact
  - B. Accessory Apt. Fees, set by resolution, were recommended by the Planning Commission.
4. Existing homes with finished basements...then the decision to convert basement to as accessory apt.
  - A. Planning Commission concerned with safety issues
    - 1) Ordinance specifies that there must be an inspection to check on safety
5. Defined as:
  - A. At least 300 sq. ft.
  - B. Further defined as having cooking, living & sleeping facilities
  - C. Cannot be larger than the main dwelling
  - D. Has to be owner-occupied

Discussion:

**Mayor:**

1. Difficult to enforce with those homes with accessory-type apartments already in existence.

(Stewart Jolley: It's whether or not people decide to follow the laws and ordinances of the Town...most of the enforcement will come at the time of building permit.)

2. Off-street parking will be difficult to enforce.

(Stewart Jolley: The issue of parking spaces in the proposed Ordinance is clear; where residents choose to park is another story.)

Ernestine Folks: The requirement of off-street parking is consistent with the current requirement.



ELK RIDGE TOWN COUNCIL PUBLIC HEARING - 6-22-99, CONT.

Comments:

Paul Eddy: Addressed the expressed concerns:

Suggested:

1. Car ports should be allowed for accessory apts.
2. For the home-owner to cover himself/herself with a contract between the owners and the renters, to allow regular inspections or "walk-throughs" by the owners.
  - A. This would safe-guard against possible problems such as damage, drugs as well as other problems.
  - B. The Town could encourage a contract, but could not require one.

Jerry Mason: Cautioned against infringing on rights to privacy and suggested that appointments should be made prior to walk-throughs.

David Charles: None of the cities used as role-models for the proposed Ordinance had anything in place mandating inspections. (The attorney should be consulted on this matter.)

Cindi Ellis: Feels that at least one parking space should be allowed for an accessory apt. in the front set-back area.

Ernestine Folks: Asked the Council to consider that the intent of the proposed Ordinance is to maintain the single-family atmosphere. Accessory Apts. Should have to meet at least the same requirements that a single-family dwelling must meet.

Mayor: Agrees that homes with Accessory Apts. should look like single-family dwellings.

Paul Eddy: Asked if there will be a maximum number of people allowed in an Accessory Apt. (The proposed Ordinance does not designate a maximum number of people allowed in an Accessory Apt.)

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY GARY BOWEN TO CLOSE THE PUBLIC HEARING ON ACCESSORY APARTMENTS**

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

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**PUBLIC HEARING - FINAL AMENDED 1998/1999 BUDGET**

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY CINDI ELLIS TO OPEN THE PUBLIC HEARING ON THE FINAL AMENDED BUDGET FOR THE 1998/1999 FISCAL YEAR BUDGET FOR THE OPERATION OF THE TOWN OF ELK RIDGE**

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

ELK RIDGE TOWN COUNCIL PUBLIC HEARING - 6-22-99, CONT.

ROLL CALL

*Town Council:* Mayor Ingram, Gary Bowen, Cindi Ellis & Jerry Mason, (Absent-Brent Bluth); *Planning Commission:* Stewart Jolley (Chairman), David Charles; *Plan Coordinator:* Ernestine Folks; *Public:* Don Mecham, Paul Eddy, Hal Shuler, Tony Widowski; EMS Dept.: Terry Spoor; & *Town Clerk:* Janice Davis.

Town Clerk: Review of the more major issues concerning the Final Amended Budget for 1998/1999. Most of the amendments are based on current Year To Date, "Actual", figures.

**General Fund:**

Revenue:

Property Taxes:

Property Tax collections are \$14,000 under what was originally estimated for the 1998/1999 fiscal year (which was based on the adoption of the suggested certified tax rate for the 1998 tax year); however, "Sales Tax" is up by \$25,000...so, overall, Taxes are projected to increase by about \$11,000.

Other sources of revenue for the General Fund are about what was anticipated.

Misc. Revenue:

Increased from \$29,126 (original estimate) to \$35,756, due mainly to Park Impact Fees collected.

Expenditures:

Roads:

Ernestine Folks: question...What has been decided about the projected road repairs...what was actually done in 1998/1999? (The work for 1998/1999 was completed in the summer/fall time period of 1998, except for some miner patching)

For 1999/2000, the Town Council voted to accept Kent Haskell's proposal for road work, with the exception of Loafer Canyon Rd. not getting chip & Seal; rather, it will be patched for now.

Overlay: Ocampo Ln., N. Salem Hills Dr., Bridger Ln. & Lewis Wy. (Former Councilmember Fritz had also scheduled Cortez Dr. for overlay and no chip & seal in Town.)

Whatever funds are left after the overlays, chip & seal will then be applied to designated streets.

The Capital Improvement Plan must reflect these changes.

ELK RIDGE TOWN COUNCIL PUBLIC HEARING - 6-22-99, CONT.

Mayor: \$10,000 was designated for "Capital Projects/Backhoe"... \$6,000 - \$7,000 of this money will now go to the Town's portion of the purchase of a "chipper & striper" (with other South County cities).

This must also be changed in the Capital Improvement Plan.

Class C Roads: "Street Repair"

\$68,500 (original estimate) to \$50,000 (\$18,500 will make up the most part of the \$20,000 for the 1999/2000 Year Budget for "Reserved Class C Roads".

Parks Dept.

"Transfer to Capital Project/Tennis Court"

Increase from \$27,900 (original estimate) to \$34,882

Explanation: \$27,900 was the original bid from a cement company. The Council felt that the Town is spending a great deal of money for this facility, and they would like it to be done right and to have a guarantee on the work. The bid from The Tennis Company was accepted (close to a total of \$35,000).

The difference is made up from the following sources:

\$5,000 (Millennial Park), \$400 (Parks Dept.), \$1,582 (Fund Balance), and \$718 (Prior year Fund Balance) = \$35,600/Revenue

Capital Project/Backhoe:

Next year...Change the title to "...Backhoe and Equipment"

To allow for the purchase of a "Chipper & Striper" (For chip & seal)

Capital Project/Loafer Canyon Rd.:

\$12,000 is budgeted for "Engineering"...A bill was received in the amount of \$11,980 from Hall Engineering. The Mayor has requested a breakdown of the services rendered from Hall Engineering. The Town Council again gave directions not to pay the bill until an itemized invoice has been received.

Water Dept:

It has been the Town's Auditor's preference to place the Bond payments in "Operating Expenses", and the State Budget form places them in "Non-Operating Expenses". This needs to be clarified prior to the next audit.

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY GARY BOWEN TO CLOSE THE PUBLIC HEARING ON THE FINAL AMENDED 1998/1999 FISCAL YEAR BUDGET**

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

(The Planning Commission adjourned to a Special Meeting.)

## ELK RIDGE TOWN COUNCIL WORK SESSION

### **COUNCIL WORK SESSION**

ROLL CALL      *Town Council:* Mayor Ingram, Gary Bowen, Cindi Ellis & Jerry Mason, (Absent-Brent Bluth); *Public:* Don Mecham, Paul Eddy, Hal Shuler, Tony Widowski; EMS Dept.: Terry Spoor; & *Town Clerk:* Janice Davis.

#### DEPARTMENT      **Parks:**

#### HEAD REPORTS

1. 4<sup>th</sup> of July Celebration - Cindi Ellis

Dana Hughs volunteered to head up the Carnival for this 4<sup>th</sup> of July, and for future Town celebrations on the 4<sup>th</sup> of July.

2. Tennis Court: Is on schedule. The installers are at a point where they have to wait 30 days after the cement is poured before they can surface the court.

#### **Roads:**

Jerry Mason expressed some concerns as to the lack of communication accompanying the recent start of road repairs in Town.

#### Review:

1. On 5-11-99, the Town Council designated streets to be repaired with overlays and chip & seal.

2. Work was suppose to begin after July 1, 1999. The work was moved up into June without prior knowledge. It will be finished after July 1. (The Town Clerk called one of the Town Auditors and was told that if the work spans the two fiscal years, then it can be billed in the new fiscal year. A question remains in Councilmember Mason's mind whether this situation applies.)

The overlays had actually begun when Councilmember Mason became aware of the situation.

3. The Town Council did not approve of, or even see a copy of the contract for the work to be performed.

A. A cost estimate was sent in May, 1999, and the Council did not receive copies of it to review.

B. The overlays did not include a layer of petromat.

Councilmember Mason feels that the Council should have had the opportunity to discuss and approve/disapprove the use of petromat.

4. The Town Council has seen no figures on the chip & seal. (The Mayor stated that chip & seal costs about \$11,000/mile and the Town plans on about 2 miles of chip & seal.)

## ELK RIDGE TOWN COUNCIL WORK SESSION - 6-22-99, CONT.

A. For the amount of work to be done, should the work go out to bid?

B. Should the bill be paid for in the current fiscal year?

Discussion:

1. The Mayor prefers to keep the road repair funds the way they are, and pay for the work in the 1999/2000 fiscal year.

2. Information must come before the Town Council prior to the work being started.

### **ELK RIDGE TOWN TOWN COUNCIL MEETING June 22, 1999**

#### **TIME & PLACE OF MEETINGS**

The Town Council of Elk Ridge held two Public Hearings on Tuesday, June 22, 1999, scheduled to convene at 6:00 PM and at 6:30 PM. The first Public Hearing (6:00 PM) was regarding the proposed Amendment to the Development Code of Elk Ridge Town, Utah, authorizing the establishment of Accessory Apartments within one-family dwellings within the Town; The second Public Hearing (6:30 PM) was on the adoption of the Final Amended Budget for the 1998-1999 Fiscal Year. The Public Hearings were held in conjunction with the regular Work Session at 6:45 PM and the regularly scheduled Town Council Meeting at 7:00 PM, at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and agenda was provided to the Payson Chronicle and to each member of the Town Council by mailing a copy to each on June 17, 1999.

#### **ROLL CALL**

*Town Council:* Mayor Ingram, Gary Bowen, Cindi Ellis & Jerry Mason, (Absent-Brent Bluth); *Public:* Don Mecham, Paul Eddy, Hal Shuler, Tony Widowski; EMS Dept.: Terry Spoor; & *Town Clerk:* Janice Davis.

#### **INVOCATION & PLEDGE OF ALLEGIANCE**

The Invocation was offered by Stewart Jolley, followed by the Pledge of Allegiance.

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ELK RIDGE TOWN COUNCIL MEETING - 6-22-99, CONT.

order. Some of the main concerns expressed by the various Councilmembers were included.

Mayor: Agrees that action needs to be taken on these Ordinances; however, he does not feel the Town Council was prepared to make these decisions during the Town Council Meeting. The Councilmembers need to reviewed the issues.

Procedurally, if the Town Council takes no action on the proposed Ordinances, they simply die.

It was commented that a 6 month moratorium was declared for the purpose of the Planning Commission have the time to come up with some kind of Growth Management Strategy...it should be acted upon.

Don Mecham (Statement): Stated that for four (4) years he has been coming to the Town meetings, trying to do the best possible thing for Elk Ridge. He feels that the overlay "smacks" of more regulatory "taking".

Mr. Mecham referred to the current requirements for developing in Elk Ridge and feels there are already too many restrictions to allow landowners to be able to develop their property in the best way possible, for them and for the Town.

Sensitive Land Overlay: He discussed the contradiction of the requirement of "vegetation" & "re-vegetation" (Pg 2)...this conflicts with the requirements to clear the land for fire prevention in the Urban Interface area...also in the CE-1 Zone.

Mayor: Reminded those present that the discussion needed to be focused on direction to the Planning Commission. He suggested a time line to have recommendations in place for the Planning Commission on the Growth Management Strategy & the Sensitive Lands Overlay. He has suggested in the past that he would like to have a meeting with the developers to get their input on the future growth of Elk Ridge. He would still like to do this.

Jerry Mason: In working with environmental regulations, there are always going to be incompatible codes.

He does not want to re-do what the Planning Commission has already done.

Stewart Jolley: The first thing the Town Council needs to decide is if growth needs to be managed, or not. If so, these ordinances are options.

Mayor: He said that he would not support the GMS/SLO Ordinances, in their present form.

Cindi Ellis: There is nothing in place to control growth...this is not

ELK RIDGE TOWN COUNCIL MEETING - 6-22-99, CONT.

good for the Town.

Don Mecham: Regulations should not prevent the use of land. Interpretations in the Ordinances need to be clearly defined.

Cindi Ellis: Concern with the GMS:

1. The impact fees are not received up front at the time of development. This makes paying for the facilities outlined in the GMS more difficult to accomplish.

2. She has a problem with the "Point System".

Don Mecham: Who decides which developer gets to exercise his/her constitutional right to develop his/her property?

Stewart Jolley: It has nothing to do with constitutional rights! It is not a constitutional right to develop property, it is a privilege granted by the local government!

Mayor: Brought the discussion to a close.

Recommendation: On 10-1-99, the Town Council will have recommendations to sent back to the Planning Commission...to accept the two ordinances or with specific suggestions as to how they should be changed. This allows time to consider the content of the proposed ordinances and to have a meeting with the landowners, in an atmosphere of helpful options.

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY JERRY MASON THAT THE TOWN COUNCIL SEND RECOMMENDATIONS ON THE GROWTH MANAGEMENT STRATEGY BACK TO THE PLANNING COMMISSION BY 9-1-99 AND ON THE SENSITIVE LANDS ORDINANCE BY 10-1-99.**

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

**2. Accessory Apt. Ordinance:**

Cindi Ellis: Since the current Ordinance allows a side entrance on a single-family dwelling, she feels a side entrance should be allowed on a dwelling with an accessory apartment.

(Rod Despain recommends not allowing it, to maintain the single-family appearance.)

Ernestine Folks: The Planning Commission feels they should take the recommendation of their Town Planner, given his experience.

Don Mecham: Cautions against trying to control the design of a person's home.



ELK RIDGE TOWN COUNCIL MEETING - 6-22-99, CONT.

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY GARY BOWEN TO ADOPT THE ACCESSORY APARTMENT ORDINANCE WITH THE CHANGE OF DELETING THE PORTION OF PARAGRAPH "H" WHICH READS: "...or at the side of a dwelling adjacent to a street."**

**VOTE: (POLL) JERRY MASON-NAY, CINDI ELLIS-AYE, GARY BOWEN-AYE, MAYOR INGRAM-AYE, (ABSENT-BRENT BLUTH) PASSES 3-1**

**MOTION WAS MADE BY JERRY MASON AND SECONDED BY GARY BOWEN TO APPOINT JIM NICOLET AS AN ALTERNATE MEMBER OF THE PLANNING COMMISSION.**

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

GENERAL  
ADMINISTRATION

**1. Administration Ordinance**

Review:

Mayor Ingram proposed changes to the first part of the Ordinance in the areas of wages and employee benefits. The changes were attached to the wrong document (another amending Ordinance that was proposed earlier in the year, but not passed). He had meant to have it attached to the original Ordinance, passed in 1994.

Page 3 D (3): Is to be changed in that raises are to be by "merit" after an annual review.

Each year, if possible, a Cost of Living Adjustment (COLA) will be made for all employees of the Town. Employees who qualify are eligible for a "merit" increase. It will be brought forward at the next Town Council Meeting.

PARKS  
Dept.

The issues were already discussed earlier.

WATER/SEWER  
DEPTS.

1. The water lines are to be replaced on Highland Cr. and Astor Ln, after July 17, 1999.

2. The Town Council needs a breakdown of work to be completed

3. A "flow "meter needs to be purchased (Costs need to be approved).

1998/1999  
FINAL AMENDED  
BUDGET

**MOTION WAS MADE BY JERRY MASON AND SECONDED BY GARY BOWEN TO ACCEPT THE BUDGET FOR THE FISCAL YEAR 1998/1999**

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

ELK RIDGE TOWN COUNCIL MEETING - 6-22-99, CONT.

EXPENDITURES 1. Costs are needed for the flow meter.

MINUTES MOTION WAS MADE BY GARY BOWEN AND SECONDED BY  
JERRY MASON TO APPROVE THE MINUTES OF 5-11-99  
VOTE: YES (4) NO (0) ABSENT (1) BRENT BLUTH  
& CINDI ELLIS

ADJOURN MOTION WAS MADE BY GARY BOWEN AND SECONDED BY  
MAYOR INGRAM TO ADJOURN  
VOTE: YES (3) NO (0) ABSENT (2) BRENT BLUTH &  
CINDI ELLIS

## **NOTICE OF PUBLIC HEARING & TOWN COUNCIL MEETING**

Notice is hereby given that the Elk Ridge Town Council will hold a Public Hearing on Tuesday, June 22, 1999, at 6:00 PM, for the purpose of hearing public comment regarding the proposed amendment to the Development Code of Elk Ridge Town, Utah, authorizing the establishment of Accessory Apartments within one-family dwellings within the Town; There will be a second Public Hearing at 6:30 PM, regarding the Final Amended Budget for the 1998/1999 Fiscal Year. These Public Hearings will be held in conjunction with the regularly scheduled Town Council Meeting. The Town Council Work Session will be at 6:30 PM with the regular Town Council Meeting to follow at 7:00 PM. The meetings will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

6:00 P.M. - **PUBLIC HEARING/ACCESSORY APARTMENTS**

Public Hearing/Proposed Amendment to Development Code of Elk Ridge Town, Utah, authorizing the establishment of Accessory Apartments within one-family dwellings within the Town; setting forth the requirements for the establishment and operation of Accessory Apartments; & providing for the Adoption and Administration of the Ordinance.

6:30 P.M. - **PUBLIC HEARING/FINAL AMENDED 1998/1999 BUDGET**

Public Hearing/Final Amended Budget for the 1998/1999 Fiscal Year Budget for the Operation of the Town of Elk Ridge.

### **Special Planning Commission Meeting**

6:45 P.M. - **COUNCIL WORK SESSION**

Dept. Head Updates:

Mountainlands Association of Governments

21<sup>st</sup> Century Community Resolution

Dept. Head Reports:

Planning & Zoning:

Discussion:

Growth Management Strategy (GMS) Ordinance

Sensitive Lands Overlay (SLO) Ordinance

7:00 P.M. - **REGULAR TOWN COUNCIL MEETING**

7:00 Invocation and Pledge of Allegiance

7:03 Approval of Agenda Time Frame

7:05 Adoption/21st Century Community Resolution

7:10 Planning & Zoning-Continued:

Recommendations: Accessory Apartments Ordinance

GMS Ordinance & SLO Ordinance

Discussion/Action

Adoption/Accessory Apartment Ordinance

General Update

Planning Commission Member Replacement

**ELK RIDGE TOWN  
TOWN COUNCIL MEETING  
& PUBLIC HEARING  
JUNE 22, 1999**

**TIME & PLACE  
OF MEETINGS**

The Town Council of Elk Ridge held two Public Hearings on Tuesday, June 22, 1999, scheduled to convene at 6:00 PM and at 6:30 PM. The first Public Hearing (6:00 PM) was regarding the proposed Amendment to the Development Code of Elk Ridge Town, Utah, authorizing the establishment of Accessory Apartments within one-family dwellings within the Town; The second Public Hearing (6:30 PM) was on the adoption of the Final Amended Budget for the 1998-1999 Fiscal Year. The Public Hearings were held in conjunction with the regular Work Session at 6:45 PM and the regularly scheduled Town Council Meeting at 7:00 PM, at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and agenda was provided to the Payson Chronicle and to each member of the Town Council by mailing a copy to each on June 17, 1999.

**PUBLIC HEARING / ACCESSORY APARTMENTS**

**AT 6:00 PM, MAYOR INGRAM OPENED THE PUBLIC HEARING ON THE PROPOSED AMENDMENT TO THE DEVELOPMENT CODE OF ELK RIDGE, UTAH, AUTHORIZING THE ESTABLISHMENT OF ACCESSORY APARTMENTS WITHIN ONE-FAMILY DWELLINGS WITHIN THE TOWN; SETTING FORTH THE REQUIREMENTS, THE ESTABLISHMENT AND OPERATION OF ACCESSORY APARTMENTS; AND PROVIDING FOR THE ADOPTION AND ADMINISTRATION OF THE ORDINANCE.**

**ROLL CALL**

*Town Council:* Mayor Ingram, Gary Bowen, Cindi Ellis & Jerry Mason, (Absent-Brent Bluth); *Planning Commission:* Stewart Jolley (Chairman), David Charles; *Plan Coordinator:* Ernestine Folks; *Public:* Don Mecham, Paul Eddy, Hal Shuler, Tony Widowski; *EMS Dept.:* Terry Spoor; & *Town Clerk:* Janice Davis.

ELK RIDGE TOWN COUNCIL PUBLIC HEARING - 6-22-99, CONT.

Stewart Jolley: Implementing the proposed Accessory Apartment Ordinance is one option for the Town to meet the State requirements for the "Affordable Housing" element in Elk Ridge, which is based on wages...County-wide.

**Critical Issues:**

1. To preserve the "single-family" dwelling look (not "duplex-type" buildings)

A. There are several safe-guards against this in the proposed Ordinance.

2. Off-Street Parking

A. No parking on the streets

3. Impact to Town services

A. Accessory Apts. should have to bear that impact

B. Accessory Apt. Fees, set by resolution, were recommended by the Planning Commission.

4. Existing homes with finished basements...then the decision to convert basement to as accessory apt.

A. Planning Commission concerned with safety issues

1) Ordinance specifies that there must be an inspection to check on safety

5. Defined as:

A. At least 300 sq. ft.

B. Further defined as having cooking, living & sleeping facilities

C. Cannot be larger than the main dwelling

D. Has to be owner-occupied

Discussion:

Mayor:

1. Difficult to enforce with those homes with accessory-type apartments already in existence.

(Stewart Jolley: It's whether or not people decide to follow the laws and ordinances of the Town...most of the enforcement will come at the time of building permit.)

2. Off-street parking will be difficult to enforce.

(Stewart Jolley: The issue of parking spaces in the proposed Ordinance is clear; where residents choose to park is another story.)

Ernestine Folks: The requirement of off-street parking is consistent with the current requirement.

ELK RIDGE TOWN COUNCIL PUBLIC HEARING - 6-22-99, CONT.

Comments:

Paul Eddy: Addressed the expressed concerns:

Suggested:

1. Car ports should be allowed for accessory apts.
2. For the home-owner to cover himself/herself with a contract between the owners and the renters, to allow regular inspections or "walk-throughs" by the owners.

A. This would safe-guard against possible problems such as damage, drugs as well as other problems.

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Jerry Mason: Cautioned against infringing on rights to privacy and suggested that appointments should be made prior to walk-throughs.

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Cindi Ellis: Feels that at least one parking space should be allowed for an accessory apt. in the front set-back area.

Ernestine Folks: Asked the Council to consider that the intent of the proposed Ordinance is to maintain the single-family atmosphere. Accessory Apts. Should have to meet at least the same requirements that a single-family dwelling must meet.

Mayor: Agrees that homes with Accessory Apts. should look like single-family dwellings.

Paul Eddy: Asked if there will be a maximum number of people allowed in an Accessory Apt. (The proposed Ordinance does not designate a maximum number of people allowed in an Accessory Apt.)

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY GARY BOWEN TO CLOSE THE PUBLIC HEARING ON ACCESSORY APARTMENTS**

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

---

**PUBLIC HEARING - FINAL AMENDED 1998/1999 BUDGET**

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY CINDI ELLIS TO OPEN THE PUBLIC HEARING ON THE FINAL AMENDED BUDGET FOR THE 1998/1999 FISCAL YEAR BUDGET FOR THE OPERATION OF THE TOWN OF ELK RIDGE**

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

ELK RIDGE TOWN COUNCIL PUBLIC HEARING - 6-22-99, CONT.

ROLL CALL

*Town Council:* Mayor Ingram, Gary Bowen, Cindi Ellis & Jerry Mason, (Absent-Brent Bluth); *Planning Commission:* Stewart Jolley (Chairman), David Charles; *Plan Coordinator:* Ernestine Folks; *Public:* Don Mecham, Paul Eddy, Hal Shuler, Tony Widowski; EMS Dept.: Terry Spoor; & *Town Clerk:* Janice Davis.

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Expenditures:

Roads:

Ernestine Folks: question...What has been decided about the projected road repairs...what was actually done in 1998/1999? (The work for 1998/1999 was completed in the summer/fall time period of 1998, except for some miner patching)

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Whatever funds are left after the overlays, chip & seal will then be applied to designated streets.

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ELK RIDGE TOWN COUNCIL PUBLIC HEARING - 6-22-99, CONT.

Mayor: \$10,000 was designated for "Capital Projects/Backhoe"... \$6,000 - \$7,000 of this money will now go to the Town's portion of the purchase of a "chipper & striper" (with other South County cities).

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To allow for the purchase of a "Chipper & Striper" (For chip & seal)

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Water Dept:

It has been the Town's Auditor's preference to place the Bond payments in "Operating Expenses", and the State Budget form places them in "Non-Operating Expenses". This needs to be clarified prior to the next audit.

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY GARY BOWEN TO CLOSE THE PUBLIC HEARING ON THE FINAL AMENDED 1998/1999 FISCAL YEAR BUDGET  
VOTE: YES (4) NO (0) ABSENT (1) BRENT BLUTH**

(The Planning Commission adjourned to a Special Meeting.)

## ELK RIDGE TOWN COUNCIL WORK SESSION

### **COUNCIL WORK SESSION**

- ROLL CALL      *Town Council:* Mayor Ingram, Gary Bowen, Cindi Ellis & Jerry Mason, (Absent-Brent Bluth); *Public:* Don Mecham, Paul Eddy, Hal Shuler, Tony Widowski; EMS Dept.: Terry Spoor; & *Town Clerk:* Janice Davis.
- DEPARTMENT      **Parks:**  
HEAD REPORTS      1. 4<sup>th</sup> of July Celebration - Cindi Ellis  
Dana Hughs volunteered to head up the Carnival for this 4<sup>th</sup> of July, and for future Town celebrations on the 4<sup>th</sup> of July.  
2. Tennis Court: Is on schedule. The installers are at a point where they have to wait 30 days after the cement is poured before they can surface the court.  
**Roads:**  
Jerry Mason expressed some concerns as to the lack of communication accompanying the recent start of road repairs in Town.  
Review:  
1. On 5-11-99, the Town Council designated streets to be repaired with overlays and chip & seal.  
2. Work was suppose to begin after July 1, 1999. The work was moved up into June without prior knowledge. It will be finished after July 1. (The Town Clerk called one of the Town Auditors and was told that if the work spans the two fiscal years, then it can be billed in the new fiscal year. A question remains in Councilmember Mason's mind whether this situation applies.)  
The overlays had actually begun when Councilmember Mason became aware of the situation.  
3. The Town Council did not approve of, or even see a copy of the contract for the work to be performed.  
    A. A cost estimate was sent in May, 1999, and the Council did not receive copies of it to review.  
    B. The overlays did not include a layer of petromat.  
    Councilmember Mason feels that the Council should have had the opportunity to discuss and approve/disapprove the use of petromat.  
4. The Town Council has seen no figures on the chip & seal. (The Mayor stated that chip & seal costs about \$11,000/mile and the Town plans on about 2 miles of chip & seal.)

ELK RIDGE TOWN COUNCIL WORK SESSION - 6-22-99, CONT.

A. For the amount of work to be done, should the work go out to bid?

B. Should the bill be paid for in the current fiscal year?

Discussion:

1. The Mayor prefers to keep the road repair funds the way they are, and pay for the work in the 1999/2000 fiscal year.

2. Information must come before the Town Council prior to the work being started.

**ELK RIDGE TOWN  
TOWN COUNCIL MEETING  
June 22, 1999**

**TIME & PLACE  
OF MEETINGS**

The Town Council of Elk Ridge held two Public Hearings on Tuesday, June 22, 1999, scheduled to convene at 6:00 PM and at 6:30 PM. The first Public Hearing (6:00 PM) was regarding the proposed Amendment to the Development Code of Elk Ridge Town, Utah, authorizing the establishment of Accessory Apartments within one-family dwellings within the Town; The second Public Hearing (6:30 PM) was on the adoption of the Final Amended Budget for the 1998-1999 Fiscal Year. The Public Hearings were held in conjunction with the regular Work Session at 6:45 PM and the regularly scheduled Town Council Meeting at 7:00 PM, at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and agenda was provided to the Payson Chronicle and to each member of the Town Council by mailing a copy to each on June 17, 1999.

**ROLL CALL**

*Town Council:* Mayor Ingram, Gary Bowen, Cindi Ellis & Jerry Mason, (Absent-Brent Bluth); *Public:* Don Mecham, Paul Eddy, Hal Shuler, Tony Widowski; EMS Dept.: Terry Spoor; & *Town Clerk:* Janice Davis.

**INVOCATION  
& PLEDGE  
OF ALLEGIANCE**

The Invocation was offered by Stewart Jolley, followed by the Pledge of Allegiance.

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ELK RIDGE TOWN COUNCIL MEETING- 6-22-99, CONT.

AGENDA TIME FRAME      **MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY CINDI ELLIS TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE AGENDA BY 15 MINUTES**  
**VOTE: YES (4)      NO (0)      ABSENT (1) BRENT BLUTH**

21<sup>ST</sup> CENTURY COMMUNITY RESOLUTION      Tony Widowski from Mountainland Association of Governments (MAG) was present to discuss the proposed resolution. The Program was set up by Governor Leavitt and the State of Utah for the smaller communities in Utah, to better prepare them for the future. The challenge for the Program for this area of the State would be to protect the quality of life. There is a Community Assessment Process (15 to choose from) which would outline a "work plan" for the specific community. (Copies of the assessments are available for review.) Advantages:  
1. MAG will do the hardest & most tedious part of the process and work. (MAG has been granted funding for this project.)  
    A. The "Circuit Rider" grant goes hand-in-hand with this program...example: Surveys would be completed by MAG, specifically, the Circuit Rider.  
2. Aids in the creation and the maintenance of a General Plan.  
3. Gives the community recognition  
**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY GARY BOWEN TO ADOPT THE 21<sup>ST</sup> CENTURY COMMUNITY RESOLUTION**

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

PLANNING & ZONING      Planning Commission Recommendations:  
**1. ACCESSORY APT. ORD.:** The Planning Commission met and Recommend that the Council adopt the Accessory Apartment Ordinance, as written, as well as the suggested fee structure. (A resolution is needed for the fees.)  
**2. Growth Management Strategy Ordinance (GMS) & the Sensitive Lands Overlay Ordinance:**  
The public hearings for these two proposed Ordinances were held In July, 1998. They were essentially tabled and no action has been taken. The Planning Commission asks that the Council review the Ordinances and take action on them, one way or the other. The Planning Commission needs direction.  
Ernestine Folks: To refresh the Council on the two proposed Ordinances, Mrs. Folks summarized a brief history in chronological

ELK RIDGE TOWN COUNCIL MEETING - 6-22-99, CONT.

order. Some of the main concerns expressed by the various Councilmembers were included.

Mayor: Agrees that action needs to be taken on these Ordinances; however, he does not feel the Town Council was prepared to make these decisions during the Town Council Meeting. The Councilmembers need to reviewed the issues.

Procedurally, if the Town Council takes no action on the proposed Ordinances, they simply die.

It was commented that a 6 month moratorium was declared for the purpose of the Planning Commission have the time to come up with some kind of Growth Management Strategy...it should be acted upon.

Don Mecham (Statement): Stated that for four (4) years he has been coming to the Town meetings, trying to do the best possible thing for Elk Ridge. He feels that the overlay "smacks" of more regulatory "taking".

Mr. Mecham referred to the current requirements for developing in Elk Ridge and feels there are already too many restrictions to allow landowners to be able to develop their property in the best way possible, for them and for the Town.

Sensitive Land Overlay: He discussed the contradiction of the requirement of "vegetation" & "re-vegetation" (Pg 2)...this conflicts with the requirements to clear the land for fire prevention in the Urban Interface area...also in the CE-1 Zone.

Mayor: Reminded those present that the discussion needed to be focused on direction to the Planning Commission. He suggested a time line to have recommendations in place for the Planning Commission on the Growth Management Strategy & the Sensitive Lands Overlay. He has suggested in the past that he would like to have a meeting with the developers to get their input on the future growth of Elk Ridge. He would still like to do this.

Jerry Mason: In working with environmental regulations, there are always going to be incompatible codes.

He does not want to re-do what the Planning Commission has already done.

Stewart Jolley: The first thing the Town Council needs to decide is if growth needs to be managed, or not. If so, these ordinances are options.

Mayor: He said that he would not support the GMS/SLO Ordinances, in their present form.

Cindi Ellis: There is nothing in place to control growth...this is not

ELK RIDGE TOWN COUNCIL MEETING - 6-22-99, CONT.

good for the Town.

Don Mecham: Regulations should not prevent the use of land. Interpretations in the Ordinances need to be clearly defined.

Cindi Ellis: Concern with the GMS:

1. The impact fees are not received up front at the time of development. This makes paying for the facilities outlined in the GMS more difficult to accomplish.

2. She has a problem with the "Point System".

Don Mecham: Who decides which developer gets to exercise his/her constitutional right to develop his/her property?

Stewart Jolley: It has nothing to do with constitutional rights! It is not a constitutional right to develop property, it is a privilege granted by the local government!

Mayor: Brought the discussion to a close.

Recommendation: On 10-1-99, the Town Council will have recommendations to sent back to the Planning Commission...to accept the two ordinances or with specific suggestions as to how they should be changed. This allows time to consider the content of the proposed ordinances and to have a meeting with the landowners, in an atmosphere of helpful options.

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY JERRY MASON THAT THE TOWN COUNCIL SEND RECOMMENDATIONS ON THE GROWTH MANAGEMENT STRATEGY BACK TO THE PLANNING COMMISSION BY 9-1-99 AND ON THE SENSITIVE LANDS ORDINANCE BY 10-1-99.**

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

**2. Accessory Apt. Ordinance:**

Cindi Ellis: Since the current Ordinance allows a side entrance on a single-family dwelling, she feels a side entrance should be allowed on a dwelling with an accessory apartment.

(Rod Despain recommends not allowing it, to maintain the single-family appearance.)

Ernestine Folks: The Planning Commission feels they should take the recommendation of their Town Planner, given his experience.

Don Mecham: Cautions against trying to control the design of a person's home.



ELK RIDGE TOWN COUNCIL MEETING - 6-22-99, CONT.

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY GARY BOWEN TO ADOPT THE ACCESSORY APARTMENT ORDINANCE WITH THE CHANGE OF DELETING THE PORTION OF PARAGRAPH "H" WHICH READS: "...or at the side of a dwelling adjacent to a street."**

**VOTE: (POLL) JERRY MASON-NAY, CINDI ELLIS-AYE, GARY BOWEN-AYE, MAYOR INGRAM-AYE, (ABSENT-BRENT BLUTH) PASSES 3-1**

**MOTION WAS MADE BY JERRY MASON AND SECONDED BY GARY BOWEN TO APPOINT JIM NICOLET AS AN ALTERNATE MEMBER OF THE PLANNING COMMISSION.**

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

GENERAL  
ADMINISTRATION

**1. Administration Ordinance**

Review:

Mayor Ingram proposed changes to the first part of the Ordinance in the areas of wages and employee benefits. The changes were attached to the wrong document (another amending Ordinance that was proposed earlier in the year, but not passed). He had meant to have it attached to the original Ordinance, passed in 1994. Page 3 D (3): Is to be changed in that raises are to be by "merit" after an annual review.

Each year, if possible, a Cost of Living Adjustment (COLA) will be made for all employees of the Town. Employees who qualify are eligible for a "merit" increase. It will be brought forward at the next Town Council Meeting.

PARKS  
Dept.

The issues were already discussed earlier.

WATER/SEWER  
DEPTS.

1. The water lines are to be replaced on Highland Cr. and Astor Ln, after July 17, 1999.
2. The Town Council needs a breakdown of work to be completed
3. A "flow" meter needs to be purchased (Costs need to be approved).

1998/1999  
FINAL AMENDED  
BUDGET

**MOTION WAS MADE BY JERRY MASON AND SECONDED BY GARY BOWEN TO ACCEPT THE BUDGET FOR THE FISCAL YEAR 1998/1999**

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

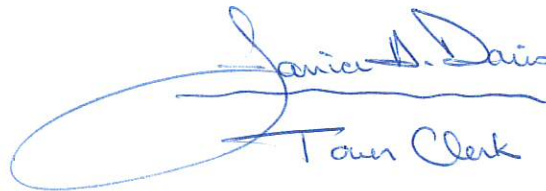


ELK RIDGE TOWN COUNCIL MEETING - 6-22-99, CONT.

EXPENDITURES 1. Costs are needed for the flow meter.

MINUTES MOTION WAS MADE BY GARY BOWEN AND SECONDED BY  
JERRY MASON TO APPROVE THE MINUTES OF 5-11-99  
VOTE: YES (4) NO (0) ABSENT (1) BRENT BLUTH  
& CINDI ELLIS

ADJOURN MOTION WAS MADE BY GARY BOWEN AND SECONDED BY  
MAYOR INGRAM TO ADJOURN  
VOTE: YES (3) NO (0) ABSENT (2) BRENT BLUTH &  
CINDI ELLIS

  
Town Clerk

**AMENDED NOTICE OF PUBLIC HEARING**  
**ELK RIDGE TOWN COUNCIL MEETING**

Notice is hereby given that the Elk Ridge Town Council will hold three Public Hearings on Tuesday, July 13, 1999. The first Public Hearings are for the purpose of hearing public comment regarding proposed amendments to the Development Code of Elk Ridge, Utah. The first Public Hearing, commencing at 6:00 PM, is on the issue of the establishment of Premises Occupations within certain residential zones within Elk Ridge, and setting forth the requirements for the establishment and operation of Premises Occupations; The second Public Hearing, at 6:30 PM, is related to the Parking and Storage of large Trucks and Equipment in residential zones; and the third Public Hearing, beginning at 6:45 PM, has to do with the Area and Height of Accessory Buildings; All three of these proposed ordinances provide for the adoption and administration of these Ordinances. These Public Hearings will be held in conjunction with the regularly scheduled Town Council Meeting, to begin at 7:00 PM, the regular Town Council Meeting to follow at 7:00 PM. The meetings will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

6:00 P.M. - **PUBLIC HEARING/PREMISES OCCUPATIONS**

Public Hearing/Proposed Amendment to the Development Code of Elk Ridge Town, Utah, authorizing the establishment of Premises Occupations within certain residential zones within the Town; setting forth the requirements for the establishment and operation of Premises Occupations; & providing for the Adoption and Administration of the Ordinance.

6:30 P.M. - **PUBLIC HEARING/STORAGE OF LARGE TRUCKS & EQUIPMENT**

Public Hearing/Proposed Amendment to the Development Code of Elk Ridge Town, Utah, relating to the parking and storage of large trucks and equipment in residential zones, and providing for the Adoption & Administration of the Ordinance.

6:45 P.M. - **PUBLIC HEARING/AREA & HEIGHT OF ACCESSORY BUILDINGS**

Public Hearing/Proposed Amendment to the Development Code of Elk Ridge Town, Utah, amending certain provisions relating to the Area & Height of Accessory Buildings, and providing for the Adoption and Administration of the Ordinance.

6:50 P.M. - **SPECIAL PLANNING COMMISSION MEETING**

Premises Occupations/Recommendation

7:00 P.M. - **REGULAR TOWN COUNCIL MEETING**

7:00 Invocation and Pledge of Allegiance

7:03 Approval of Agenda Time Frame

**Department Heads**

7:05 **Planning & Zoning**

7:15 Bed & Breakfast/Norton-Gary Bowen  
Discussion/Action

Town Council Agenda 7-13-99

Page 2

- Planning & Zoning (Cont.):** Planning Commission Recommendation  
7:25 Premises Occupation Ordinance  
Action
- 7:35 Storage of Large Trucks & Equipment in Residential Zones Ord.  
Action
- 7:45 Area & Height of Accessory Buildings Ordinance  
Action
- 7:50 Water Right Conveyance Ordinance - Discussion
- 8:00 Cluster Developments in Residential Zones - Discussion
- 8:15 Woodland Hills Access Road
- 8:25 Water Source Capacity & Development - S. Jolley & Mayor
- 8:35 10" Water line to East Side of Town/3rd Pressure Zone
- 8:45 Trulan Preece - Loafer Canyon Development
- 8:55 Street Name Approval - Haskell Subdivision, Plat G
- 9:00 Planning Commission Member Replacement
- 9:05 Resolution/Accessory Apartment Fees
- 9:10 **General Administration:**  
General Update  
Circuit Rider Contract-Mayor  
Service Project Approval/LDS Church (Elk Ridge 4<sup>th</sup> Ward)
- 9:20 **Roads Dept.:**  
General Update  
Road Repair Update-Jerry Mason
- 9:25 **Parks Dept.:**  
General Update  
4<sup>th</sup> of July Celebration Report-Cindi Ellis  
Tennis Court Report  
Bookmobile...Discussion/Action
- 9:35 **Water & Sewer Depts.:**  
General Update  
Tank Update/Valve Replacement  
Water line Replacement/Astor Lane & Highland Cr.
- 9:45 Install Flow Meter on Main Sewer Trunk Line
- 9:50 Expenditures:  
General  
Purchase of Fax Machine & Paper Shredder  
List of Expenditures for May, 1999
- 10:00 Approval of Minutes of Previous Meetings
- 10:05 Adjournment
- 10:05 TOWN COUNCIL CLOSED SESSION  
Discussion of Personnel

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 9<sup>th</sup> day of July, 1999.

  
\_\_\_\_\_  
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 Town Council Public Hearing, and of the Amended Agenda for the Town Council Meeting was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and mailed to each member of the governing body on July 9, 1999.

  
\_\_\_\_\_  
Town Clerk

**ELK RIDGE TOWN  
TOWN COUNCIL MEETING  
& PUBLIC HEARING  
JULY 13, 1999**

**TIME & PLACE  
OF MEETINGS**

The Town Council of Elk Ridge held three Public Hearings on Tuesday, July 13, 1999, at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, UT, for the purpose of receiving public comment regarding proposed amendments to the Development Code of Elk Ridge, UT; The first Public Hearing, commencing at 6:00 PM, is on the issue of establishing Premises Occupations within certain residential zones within Elk Ridge, and setting forth the requirements for the establishment and operation of Premises Occupations; The second Public Hearing (6:30 PM) was related to the Parking & Storage of Commercial Vehicles and Equipment in residential zones; and the third Public Hearing, beginning at 6:45, has to do with the Area & Height of Accessory Buildings; All three proposed Ordinances provide for the adoption and administration of these Ordinances. The Public Hearings were held in conjunction with the regularly scheduled Town Council Meeting at 7:00 PM.

Notice of time, place and agenda was provided to the Payson Chronicle and to each member of the Town Council by mailing a copy to each on July 9, 1999.

**PUBLIC HEARING / PREMISES OCCUPATION**

**6:00 PM -**

**MOTION WAS MADE BY BRENT BLUTH AND SECONDED BY  
GARY BOWEN TO OPEN THE PUBLIC HEARING ON THE  
PREMISES OCCUPATION ORDINANCE  
VOTE: YES (3)      NO (0)      ABSENT (2) JERRY MASON,  
CINDI ELLIS**

**ROLL CALL**

*Town Council:* Mayor Ingram, Gary Bowen, Cindi Ellis, Jerry Mason, Brent Bluth; *Planning Commission:* Stewart Jolley (Chairman), Kamile Peterson; *Plan Coordinator:* Ernestine Folks; *Public Works Superintendent:* Kent Haskell; *Public:* Paul Eddy, Chad & Joan Durfey, Walter & Yvonne Norton, John Comito, Lisa Denning, Kendall M. & Loy K. Jolley, Stephen Clough, Michael Ashton, Paul & Doreen Barker, Berty Morgan, Boyd Hanks, Logan & Janine Nilsson, Marc Rugg, Jay Prather; & *Town Clerk:* Janice Davis.

ELK RIDGE TOWN COUNCIL PUBLIC HEARING - 7-13-99, CONT.

Mayor: Set the parameters of the Public Hearings to be held that evening...comments were limited in time and were to be delivered with order. There were no written comments turned into the Town. All verbal statements were to be held to 3 minutes, with a warning from the Mayor when 1 minute remained.

Review (Summary and Brief history)Stewart Jolley:

The Town Council asked the Planning Commission to consider the issue of storing commercial vehicles and equipment in residential zones. The Council felt that the current ordinance is difficult to enforce because it is so vague. Home Occupation does not allow part of the business to be conducted outside the primary dwelling. The Premises Occupation would enable part of the home business to be conducted from an accessory building.

A permit would be required, with an annual renewal fee.

Suggestion (Joan Durfey): To examine the Uniform Fire Code, to check on required set-backs for fire safety. If the Code is not being met on existing buildings, they could be "grandfathered" in.

Ernestine Folks: (Opposed to the Premises Occupation Ordinance) She feels it is contrary to the intent of the residential zoning, in that it is in conflict with this intent. She feels that commercial equipment belongs in a commercial zone or industrial zone.

Joan Durfey: Moved to a rural area "to allow what we want in the yards". She is not opposed to the proposed ordinance, as long as individual rights to enjoy residential property is not obstructed.

Others' rights must be respected to live together peacefully.

Restrictions should be placed on larger equipment due to safety problems, wear & tear on the roads.

Kendall Jolley: Addressed the concern expressed over noise from large trucks... He asked why there was no enforcement on 4-wheelers, motor cycles, and driving cars to work...He is not opposed to large trucks being stored on a person's property.

Paul Eddy: Expressed concern with the property rights of the owners. He feels the rights of others to conduct their businesses as they wish should be respected, including the storage of trucks & equipment. Long-time residents should not be forced to lose their rights as a result of new development.

Mayor: Reminded those present that this ordinance has been in effect since 1977, prohibiting the storage of commercial vehicles and equipment.

Lisa Denning (8 year resident): Owns a dump truck. She feels many things happen due to "knee jerk" reactions, rather than

ELK RIDGE TOWN COUNCIL PUBLIC HEARING - 7-13-99, CONT.

communicating with one another. Instead of complaining to the Town, neighbors need to talk respectfully to each other about their problems. She tries to respect others and expects the same, in return. She feels she should be free to earn her living the best she can.

**MOTION WAS MADE BY GARY BOWEN AND SECONDED BY CINDI ELLIS TO CLOSE THE PUBLIC HEARING ON THE PREMISES OCCUPATION ORDINANCE**

**VOTE: YES (5) NO (0)**

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**PUBLIC HEARING/STORAGE OF COMMERCIAL VEHICLES & EQUIPMENT**

6:30 PM -

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY GARY BOWEN TO OPEN THE PUBLIC HEARING ON THE STORAGE OF COMMERCIAL VEHICLES AND EQUIPMENT**

**VOTE: YES (5) NO (0)**

ROLL CALL

*Town Council:* Mayor Ingram, Gary Bowen, Cindi Ellis, Jerry Mason, Brent Bluth; *Planning Commission:* Stewart Jolley (Chairman), Kamile Peterson, David Charles; *Plan Coordinator:* Ernestine Folks; *Public Works Superintendent:* Kent Haskell; *Public:* Paul Eddy, Chad & Joan Durfey, Walter & Yvonne Norton, John Comito, Lisa Denning, Kendall M. & Loy K. Jolley, Stephen Clough, Michael Ashton, Paul & Doreen Barker, Berty Morgan, Boyd Hanks, Logan & Janine Nilsson, Marc Rugg, Jay Prather; & *Town Clerk:* Janice Davis.

The Mayor directed that he expected the same parameters which existed in the last Public Hearing.

Public Comments:

Mike Ashton: Large trucks are no more a threat to safety than trees, fences, RV's or anything else. Dump trucks are not offensive. He is against the proposed ordinance.

Mayor: Again reminded those present that this is not a new ordinance. The proposed ordinance is an amendment which clarifies the existing Ordinance. The Town Council has an obligation to enforce ordinances. The current Ordinance was difficult to enforce due to the need for clarity.

1. Everyone moved to or built in Elk Ridge knowing what the ordinances are.



ELK RIDGE TOWN COUNCIL PUBLIC HEARING - 7-13-99, CONT.

Kent Haskell (Public Works Superintendent): Is highly in favor of being allowed to park commercial vehicles and equipment on residential property.

1. If the Town is exempt, why not any individual in the same situation?

2. Is a 10-year resident of Elk Ridge and has had a backhoe on his property about 8 years. He has been called out on emergencies when he has used his backhoe. He has responded to individual problems, as well as Town problems. If the backhoe was not accessible, how would these situations have been handled? Salaries have to be subsidized and all anyone is trying to do is make a living.

Doreen Barker: Strongly disagrees. She is a resident of Elk Ridge and lives on Loafer Canyon Rd. next to individuals who break the current law by having three diesel trucks parked on their lot. She is awakened at 6:00 AM by the back-up warning signals beeping and diesel fumes blowing in her home. She feels this infringes on her right to enjoy their lives. They are commercial vehicles and the zoning is residential. She does not want to live in a commercial area. Where is the line drawn?

Lisa Denning:

1. Not all situations are the same as Mrs. Barker's. With consideration, these concerns can be taken care of.

2. She makes sure that her truck tests out high on emissions. She cares about her neighbors. We cannot generalize, some commercial vehicle owners are respectful of their surroundings. Neighbors must work things out with neighbors.

Steve Clough: Is a resident on Loafer Canyon Rd. He owns a full excavation business. This ordinance would impact him more than it would others. He wanted to build a barn to house his equipment.

Issues:

1. Safety: The Federal Government regulates safety issues.

2. If problems exist, people should take it up with one another, personally. He tries to be considerate of his neighbors and does not complain.

3. His equipment has also been used for emergency purposes.

Kamile Peterson (Planning Commission):

1. Agrees that she moved to a residential area for specific reasons. The Premises Occupation Ordinance is an attempt to accommodate the majority of the residents in Elk Ridge.

ELK RIDGE TOWN COUNCIL PUBLIC HEARING - 7-13-99, CONT.

2. Statistics say that by the year 2000, 80% of the businesses in Town will be home-based. How will the needs be met?
3. Safety of children: Children should be supervised.
4. Problems need to be resolved through communication & effort in finding a mutually agreeable solution.
5. She feels that commercial vehicles , although necessary to some businesses, should be stored out of sight.
6. Has a problem with the Town's own commercial equipment parked on Loafer Canyon Road.

John Comito: Question...If commercial vehicles are stored on the lot, will there be a time frame to comply with the ordinance?

Stewart Jolley: A large truck (over 2 ½ tons) would not be able to be stored in Town.

Lisa Denning: A diesel suburban makes as much noise & is as much of a nuisance as a large truck. A building is a permanent structure, the vehicle is not...it comes & goes. She feels the building is more "unsightly" than the vehicle, besides being a huge expense.

Joan Durfey: Suggestion...to have a centrally located commercial area to provide storage for commercial vehicles and equipment.

Kent Haskell: Neighbors have complained in the past about his backhoe; he spent \$30,000 to build a new garage to store it in and now the neighbors complain about the building. In his opinion, lawnmowers and barking dogs are more annoying than the few minutes it takes to pull a backhoe in/out.

Paul Barker: This is not a "people" issue, it is a zoning issue. He purchased his property in a residential zone. His house has been for sale for a while...he has had comments from prospective buyers asking if the property is zoned commercial due to the large diesel trucks parked next door. He regrets that he has not spoken directly to his neighbor; but, he feels that since there is an ordinance established prohibiting this, that it should be enforced. When he was building his home there was an ordinance violation called on him for parking his trailer on the lot while building, he complied and moved it. What is the difference now?

James Prather (15 year resident): He has been on the Town Council, Planning Commission and Board of Adjustments. The main thrust of action of those bodies was to keep the Town quiet, beautiful and residential. He feels that parking commercial vehicles and equipment in residential zones "flies in the face of everything that we tried to do and hopefully will continue to try to do" to make Elk Ridge a distinctive and unique community. Businesses with

ELK RIDGE TOWN COUNCIL PUBLIC HEARING - 7-13-99, CONT.

This type of vehicles and equipment should park them out of Town and commute like everybody else does. He thinks that the equipment is unsightly, noisy, unsightly and a polluting factor.

**MOTION WAS MADE BY GARY BOWEN AND SECONDED BY CINDI ELLIS TO CLOSE THE PUBLIC HEARING ON THE PROPOSED STORAGE OF COMMERCIAL VEHICLES AND EQUIPMENT ORDINANCE**

**VOTE: YES (5)**

**NO (0)**

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**PUBLIC HEARING/AREA & HEIGHT OF ACCESSORY BUILDINGS**

**6:45 PM -**

**MOTION WAS MADE BY GARY BOWEN AND SECONDED BY JERRY MASON TO OPEN THE PUBLIC HEARING ON THE AREA & HEIGHT OF ACCESSORY BUILDINGS**

**VOTE: YES (5)**

**NO (0)**

**ROLL CALL**

*Town Council:* Mayor Ingram, Gary Bowen, Cindi Ellis, Jerry Mason, Brent Bluth; *Planning Commission:* Stewart Jolley (Chairman), Kamile Peterson, David Charles; *Plan Coordinator:* Ernestine Folks; *Public Works Superintendent:* Kent Haskell; *Public:* Paul Eddy, Chad & Joan Durfey, Walter & Yvonne Norton, John Comito, Lisa Denning, Kendall M. & Loy K. Jolley, Stephen Clough, Michael Ashton, Paul & Doreen Barker, Berty Morgan, Boyd Hanks, Logan & Janine Nilsson, Marc Rugg, Jay Prather; & *Town Clerk:* Janice Davis.

Stewart Jolley(Planning Commission Chair): Review...

The current Ordinance does not designate height/area of accessory buildings in the CE-2 Zone. This clarifies this and also reduces the area in the rear yard of a lot where an accessory building can be built from 25% to 8% of the rear yard.

Steve Clough: How high can the accessory buildings be? (20')

Lisa Denning: Questioned why it is okay to have a 28' motor home or a 28' boat and not large trucks. She feels that it is the opinion of some that these things designate financial "clout" and that a truck denotes "blue collar" status. Where is the line drawn when pick-ups and motor homes are also noisy and some run off of diesel fuel?

Steve Clough: Suggested denying business license renewals if the

ELK RIDGE TOWN COUNCIL PUBLIC HEARING - 7-13-99, CONT.

owner is not in compliance with the rules for storage of commercial equipment in accessory buildings. He agrees that the Barkers do have a problem with their neighbors' diesel trucks.

Jan Davis: Why not use the current Nuisance Ordinance for enforcement?

Kent Haskell: There are many violations in Town. Which ones will be enforced?

Jay Prather: The Town should enact & enforce ordinances to keep neighbors from having to complain to one another.

Lisa Denning: Disagrees! Neighbors should communicate. We should not infringe on one another's rights. The Town should not over-regulate. We should have basic ordinances with an appeal process. She does not feel that the Town should mediate civil problems.

**MOTION WAS MADE BY GARY BOWEN AND SECONDED BY CINDI ELLIS TO CLOSE THE PUBLIC HEARING ON THE AREA & HEIGHT OF ACCESSORY BUILDINGS**

**VOTE: YES (4)      ABSENT FROM VOTE: (1) BRENT BLUTH**

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**ELK RIDGE TOWN  
TOWN COUNCIL MEETING  
JULY 13, 1999**

**TIME & PLACE  
OF MEETINGS**

The Town Council of Elk Ridge held three Public Hearings on Tuesday, July 13, 1999, at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, UT, for the purpose of receiving public comment regarding proposed amendments to the Development Code of Elk Ridge, UT; The first Public Hearing, commencing at 6:00 PM, is on the issue of establishing Premises Occupations within certain residential zones within Elk Ridge, and setting forth the requirements for the establishment and operation of Premises Occupations; The second Public Hearing (6:30 PM) was related to the Parking & Storage of Commercial Vehicles and Equipment in residential zones; and the third Public Hearing, beginning at 6:45, has to do with the Area & Height of Accessory Buildings; All three proposed Ordinances provide for the adoption and administration of these Ordinances. The Public Hearings were held in conjunction with the regularly scheduled Town Council Meeting at 7:00 PM.

ELK RIDGE TOWN COUNCIL MEETING - 7-13-99, CONT.

Notice of time, place and agenda was provided to the Payson Chronicle and to each member of the Town Council by mailing a copy to each on July 9, 1999.

ROLL CALL

*Town Council:* Mayor Ingram, Gary Bowen, Cindi Ellis, Jerry Mason, Brent Bluth; *Planning Commission:* Stewart Jolley (Chairman), Kamile Peterson, David Charles; *Plan Coordinator:* Ernestine Folks; *Public Works Superintendent:* Kent Haskell; *Public:* Paul Eddy, Chad & Joan Durfey, Walter & Yvonne Norton, John Comito, Lisa Denning, Kendall M. & Loy K. Jolley, Stephen Clough, Michael Ashton, Paul & Doreen Barker, Berty Morgan, Boyd Hanks, Logan & Janine Nilsson, Marc Rugg, Jay Prather; & *Town Clerk:* Janice Davis.

INVOCATION  
& PLEDGE  
OF ALLEGIANCE

The Invocation was offered by Joan Durfey, followed by the Pledge of Allegiance.

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AGENDA TIME  
FRAME

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY CINDI ELLIS TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE AGENDA BY 25 MINUTES**  
**VOTE: YES (5) NO (0)**

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DEPT. HEADS:

PLANNING &  
ZONING

Bed & Breakfast:

Yvonne and Walter Norton were present to attempt to obtain approval from the Town Council for a business license for a Bed & Breakfast "Homestay" business in Elk Ridge. The Town does not have any of this type of business, so the Nortons were asked to obtain Council approval. The question was if this type of business falls under the "home occupation" guide-lines.

The primary use of their home would still be a residence, not a commercial lodging establishment. The Nortons would only use one bedroom with a private bathroom. A "continental" breakfast would be served, so cooking would not be a part of the business. There are no State or County requirements or licenses that are necessary to do this. There would be no outside employees. The home occupation would be conducted entirely within the dwelling.

Gary Bowen: According to the Town Planner, Rod Despain, the "homestay" type business fits within the Home Occupation regulations.

**MOTION WAS MADE BY JERRY MASON AND SECONDED BY GARY BOWEN TO APPROVE THE NORTON'S APPLICATION FOR A BUSINESS LICENSE FOR "ROSEHILL" BED & BREAKFAST HOMESTAY**

Discussion:

Gary Bowen: The business should be monitored annually for any changes which would be outside the Town's ordinances.

Brent Bluth: He would like some assurance that the business would not occupy more than one room in the dwelling.

Mrs. Norton: For tax purposes, the business has to be conducted from no more than 25% of the dwelling (or approximately one bedroom, in their case).

Brent Bluth: Feels there should be further clarification...if it were a larger home, 25% could be more than one room.

The license has to be renewed annually, any significant change in the business would be noted at that time...and the license could be denied.

**VOTE ON MOTION: YES (3)      NO (2) BRENT BLUTH  
MAYOR INGRAM**

(Reason for "no" vote: They are not opposed to the "homestay"; however, they both feel that clarification of the terms is needed.)

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Premises Occupation Ordinance:

**Planning Commission Recommendation:**

It is the recommendation of the Planning Commission to not adopt the Premises Occupation Ordinance because the members feel that Elk Ridge is a residential community and the ordinances should support that.

Discussion: It was felt that more time was needed to consider the action to be taken.

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY BRENT BLUTH TO TABLE THE DECISION ON THE PROPOSED PREMISES ORDINANCE UNTIL THE TOWN COUNCIL MEETING ON 8-10-99**

Discussion: Councilmember Ellis suggested the last Meeting in July.



**MAYOR INGRAM AMENDED THE MOTION AND IT WAS  
SECONDED BY BRENT BLUTH TO TABLE THE DECISION ON THE  
PROPOSED PREMISES OCCUPATION ORDINANCE UNTIL THE  
TOWN COUNCIL MEETING ON 7-27-99**

**VOTE: YES (5) NO (0)**

**VOTE ON ORIGINAL MOTION: YES (0) NO (5)**

The amended motion passes 5-0.

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The Storage of Commercial Vehicles & Equipment

Planning Commission recommends adopting the proposed Ordinance  
As written.

This amends the current Ordinance to clarify the types of vehicles &  
equipment and the size. Even if the Premises Ordinance passes, this  
amendment would limit the size of the vehicles/equipment to 2 ½ tons  
(Change from 1 ½ ton limit).

Jerry Mason: Perhaps this should also be tabled for further  
consideration. Does the Council want to limit the size to 2 ½ tons?

Mayor: If not passed, the current Ordinance, which is unclear and  
makes enforcement difficult, would prevail.

Brent Bluth: "Conditional Uses" allow certain conditions to be placed  
on regulations; whereas, if the Town Council wants to enable larger  
vehicles, it should be stated in the Premises Occupation Ordinance.  
Currently, it is not.

**MOTION BY GARY BOWEN AND SECONDED BY CINDI ELLIS TO  
APPROVE THE STORAGE OF COMMERCIAL VEHICLES AND  
EQUIPMENT ORDINANCE**

Discussion: Clarifies existing Ordinance.

**VOTE (POLL): JERRY MASON-AYE, CINDI ELLIS-AYE, MAYOR  
INGRAM-AYE, BRENT BLUTH-AYE, GARY BOWEN-AYE  
PASSES 5-0.**

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Water Right Conveyance Ordinance

The Planning Commission needs clarification as to the intent of a  
previous Council discussion on the water right requirements.

The prior Council discussion was focused on lot splits. The existing lot  
would be required to bring in an additional .3 acre ft. of water  
right...based on the fact that a lot split still constitutes a "new  
subdivision". This would upgrade both lots to the required 1.3 acre ft.  
from the previous requirement of 1 acre ft. of water right/dwelling.



## ELK RIDGE TOWN COUNCIL MEETING - 7-13-99, CONT.

The ordinance drafted by Rod Despain states that all undeveloped (not built on) lots should have to meet the new requirement of 1.3 acre ft. This would occur at the time of building permit for lots in approved subdivisions.

Jan Davis: Disagrees. She feels that an owner of a lot in an already approved subdivision should not have to purchase .3 acre ft. at the time of building permit, when the developer met the water right requirement at the time of development. It is not the cost, it is the time factor involved in the transfer process.

Brent Bluth: If not upgraded by the individual, then the Town would have to make up the difference. The Planning Commission needs to come back to the Council with a recommendation.

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### Clustering Developments in Residential Zones

Stewart Jolley: Washburn & Assoc. (Representing the Brown property, NE of Town) approached the Town Council for feed-back as to possible clustering options in other areas of Town besides CE-1. They were told to come back to the Planning Commission with a proposal for clustering. They have come back with several plans for clustering mixed with open space, including a twin-home concept. Re-zoning would be required. If the Town Council is willing to consider some of these concepts, the developer is willing to look into solving some of the water problems in Town. They don't want to move forward if the Council is not favorable.

Concerns expressed by some of the public present:

Parking, not looking cluttered, open space.

Brent Bluth: These kinds of units can be designed very beautifully and can be beneficial for both the Town and the developer.

Stewart Jolley: In a survey to the Town residents (only about 10% responded), the majority chose the option centered around a combination of clustering techniques and open space, with more commercial area.

If the Town Council is favorable, the Planning Commission will draft some ordinances in order to implement these concepts.

Cindi Ellis: Would like more public input, particularly in the immediate area.

Kent Haskell: Is this developer willing to run a 10" sewer trunk line to Salem to service this area?

The Planning Commission should present a plan for development in that area & Washburn & Assoc. could proceed according to that plan

## ELK RIDGE TOWN COUNCIL MEETING - 7-13-99, CONT.

(There will be a public meeting with the Town Council and developers on the future growth in Elk Ridge, on 7-19-99 @ 6:00 PM.)

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### Woodland Hills Access Road

There is no written agreement between Elk Ridge and Woodland Hills on an access road from Woodland Hills to Elk Ridge. What would be the advantage to Elk Ridge? Verbal Agreements are not good enough, there would need to be in writing.

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### Water Source Capacity & Development

Stewart Jolley: What will the lower well actually pump? (Kent Haskell commented that the well does not consistently pump 400 gal. per minute (GPM). At times he can only get 50 gpm from the well.)

Mr. Jolley said that if the lower well won't pump 450 gpm consistently, Then the Town is "in a hole" as far as water source capacity. What is the Town going to do about this? Engineering studies were based on that lower well pumping 450 gpm.

Kent Haskell: The Town has the capacity (Upper well + 2 smaller wells) to pump 1,080,000 gals. per day (24 hrs./day). On a normal day at peak season, about 800,000 gals. Are used/day.

A 3<sup>rd</sup> water pressure zone is needed, with a 10" line running to the east side of Town. The Planning Commission urges the Town Council to decide if there will be a 3<sup>rd</sup> pressure zone. If so, Maybe Lee Haskell should run a section of 10" line to the east on Goosenest Dr. along with the improvements for his proposed subdivision.

The Planning Commission and the Engineer's recommendation is to drill a well beside the lower well (Good aquifer) and pump it to a tank under the ball park...to distribute to the lower (north) sections of Town. The Mayor feels that he would rather not pump water when it could free-fall to a tank. Bruce Hall suggests the lower well site because of the fault line which runs above Town...if that ever slipped, the Town's main water sources would be cut off.

The Town Council is in favor of the Engineer's suggestion.

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### Trulan Preece/Loafer Canyon Development

Trulan Preece (developer of Loafer Canyon Development) has been in the subdivision process for his property located northeast of Town, on the east side of Loafer Canyon Road. Fees have been paid and considerable money spent to bring the proposed subdivision to the

## ELK RIDGE TOWN COUNCIL MEETING - 7-13-99, CONT.

point of Preliminary approval from the Planning Commission. He was denied approval based on a letter from Fire Chief Waite, signed by the Public Works Superintendent, stating that the fire flows were insufficient on Loafer Canyon Road and would not support another subdivision. In fact, it was recommended to not approve any other subdivisions in Town due to the shortage of water source and storage capacity; yet, Lee Haskell was granted Preliminary approval in the same Meeting. It was stated that the Fire Chief and the Public Works Superintendent have known about the problem from the time that the first few homes went in on Loafer Canyon Road. They have expressed their views to the Council and the Planning Commission; but, they feel that their opinions were disregarded.

Boyd Hanks owned the land prior to Mr. Preece and he had been working on the subdivision process, as well. He was not informed of this existing problem either. If he had known about it, he would not have annexed into Elk Ridge.

Loafer Canyon Development was listed first on the Planning Commission Agenda, before Mr. Haskell's, due to Mr. Preece having followed the established procedure of plat submission to the Town, and at the time the agenda was created, it was unknown that Mr. Haskell was also ready. Therefore, the agenda was amended to add Haskell's Subdivision after Mr. Preece's.

Following the Sunrise Engineering Study, it was determined that the number of water connections left were limited. The remainder was taken up by Mr. Haskell's Subdivision.

Since one of the recommendations was to not approve any more subdivisions, why was Mr. Haskell granted Preliminary? Why wasn't Mr. Preece told of the existing problems at Technical Review...Mr. Haskell was present?

Mayor: The Town needs a plan. How will a line be supplied to Loafer Canyon Road?

Kent Haskell: A line from the tank to Loafer Canyon might cost around \$750,000.

Mr. Preece: Requested that the Town install a 10" line running east/west to the lower part of Loafer Canyon, and get reimbursed as development occurs along the line.

The Mayor will meet with Mr. Preece and the Engineer in the next couple of days to try to come up with a solution.

ELK RIDGE TOWN COUNCIL MEETING - 7-13-99, CONT.

Street Name Approval

The Council is to approve street names of new subdivisions. This street is in Lee Haskell's proposed Subdivision.

**MOTION WAS MADE BY GARY BOWEN AND SECONDED BY BRENT BLUTH TO APPROVE THE STREET NAME OF OLYMPIA LANE IN THE PROPOSED HASKELL SUBDIVISION.**

**VOTE: YES (5) NO (0)**

Planning Commission Member Replacement

Diane Adams was appointed as a Planning Commission Member. She cannot serve at this time and asked to be removed. She was not sworn in. Names to consider: Lisa Denning, Brad Morgan and Don Mecham (he will be gone for two months in the Fall).

Resolution/Accessory Apartment Fees

The Town Fee Schedule will also have to be amended to include the annual permit renewal fee. This permit fee will have to be reported to the State, annually.

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY BRENT BLUTH TO ADOPT THE RESOLUTION SETTING THE ACCESSORY APARTMENT FEES**

**VOTE: YES (4) NO (1) GARY BOWEN  
(FEELS THAT THE FEES ARE NOT ENFORCEABLE)**

GENERAL

ADMINISTRATION

Circuit Rider Contract

Through a Federal Grant to Mountainlands Association of Governments (MAG) for one year (Verbal agreement for three years), Elk Ridge will have a Circuit Rider Town Planner. Andrew Jackson will be the Town Planner. Rod Despain has been the Town's Planner for many years and deserves some recognition for the Planning Commission and the Town Council.

The Council expressed some concern over the possibility of the grant not being renewed to MAG after one year.

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY GARY BOWEN TO ACCEPT THE CONTRACT AGREEMENT WITH MOUNTAINLANDS ASSOCIATION OF GOVERNMENTS FOR A CIRCUIT-RIDER TOWN PLANNER**

**VOTE: YES (5) NO (0)**

ELK RIDGE TOWN COUNCIL MEETING - 7-13-99, CONT.

Service Project

The 4<sup>th</sup> Ward (LDS Church) wants approval to clean up the Town as they did last year. They will generally clean up, clear around signs, trim bushes. (Approved)

ROADS  
DEPT.

General Update:

Jerry Mason: 1) Chip & Seal was laid on the designated roads. The excess gravel will be swept up. Striping will also occur.

2) Request/Hillside Dr.

Part of Hillside Dr. has washed away due to the Tank over-flow.

Re-grading needs to be done so that the waste water will drain into the natural drainage channel; and a 12" pipe buried on one side of the road. The Street also needs to be swept.

PARKS DEPT.

1) The 4<sup>th</sup> of July Celebration was a success (No totals yet).

2) Tennis Court: Surfacing of the Court should take place in a couple of weeks.

Suggestions:

A) Sign with Court rules posted

B) Court to be locked and reserved for use

C) "Partly funded by Utah County", must be on the sign.

3) Bookmobile: They will cut back from 2 hours in Town each visit, to 1 hour. The amount needs to be decided.

WATER/SEWER

1) Well Head Protection Study

The Studies just came in from Sunrise Engineering. Councilmember Bluth has not had a chance to review.

2) Tank Update/Valve

When the tank over-flowed, then emptied, it was due to a faulty sensor valve in the tank. Some parts have been replaced; but, it has not been necessary to replace the valve yet. It seems to be working now.

3) Water line-Astor Ln. & Highland Cr.

Councilmember Bluth has not spoken to Bruce Hall for specifications. The replacement is scheduled to begin on Thursday. Councilmember Bluth will speak to Kent Haskell. The start date will depend on bid comparisons.

4) Flow Meter Approval/Sewer Trunk line

Councilmember Bluth was to check on the cost.

ELK RIDGE TOWN COUNCIL MEETING - 7-13-99, CONT.

EXPENDITURES    General: A bill was submitted by RL Yergensen (Oak Hills Subdivision, Plat B) for the Town's portion of the water line upgrade from 8" to 10" on Hillside Dr. Bruce Hall is to check it over before paying it.

List of Expenditures for May, 1999

(Review) Suggestion:

To have the phone bills screened to reimburse the Town for all personal phone calls

**MOTION WAS MADE BY GARY BOWEN AND SECONDED BY CINDI ELLIS TO APPROVE THE LIST OF EXPENDITURES FOR MAY, 1999.**

**VOTE: YES (5)**

**NO (0)**

Purchase of Office Machinery:

**MOTION WAS MADE BY BRENT BLUTH AND SECONDED BY CINDI ELLIS TO AUTHORIZE JAN DAVIS TO PURCHASE A FAX MACHINE, PAPER SHREDDER AND ANSWERING MACHINE FOR THE TOWN OFFICE**

**VOTE: YES (5)**

**NO (0)**

MINUTES

The Town Council has not had time to review the minutes, they will be approved at the next Town Council Meeting.

ADJOURN

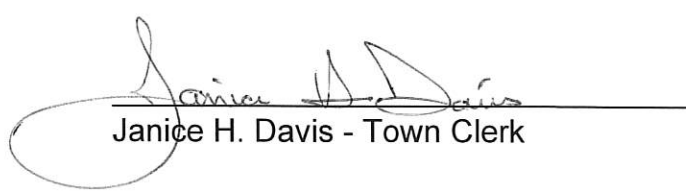
**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY JERRY MASON TO ADJOURN THE REGULAR SESSION OF THE TOWN COUNCIL MEETING AND MOVE TO A COUNCIL CLOSED SESSION**

**VOTE: YES (5)**

**NO (0)**

**TOWN COUNCIL CLOSED SESSION**

Discussion of Personnel



Janice H. Davis - Town Clerk

## NOTICE & AGENDA

Notice is hereby given that the Town Council of Elk Ridge will hold a Special Town Council Meeting on July 19, 1999, at 6:00 P.M. The meeting will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

6:00 PM - SPECIAL COUNCIL MEETING AGENDA ITEMS:

6:00 Invocation and Pledge of Allegiance

Future Growth of Elk Ridge Town

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

The time which appears on the agenda may be accelerated. All interested persons are invited to attend this meeting.

Dated this 16<sup>th</sup> day of July, 1999

  
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 July 16, 1999.

  
Town Clerk



**ELK RIDGE  
TOWN COUNCIL MEETING  
July 19, 1999**

**TIME & PLACE  
OF MEETING**

A special meeting of the Elk Ridge Town Council was held on Monday, July 19, 1999, at 6:00 PM. The meeting was held 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, 145 E Utah Ave, Payson, UT, and to each member of the Governing Body by mailing a copy to each on July 16, 1999.

**ROLL CALL**

*Mayor* Cregg Ingram, *Councilmembers:* Brent Bluth, Cindi Ellis, Jerry Mason and Gary Bowen; *Planning Commission:* Stewart Jolley; *Town Planner:* Andrew Jackson; *Town Engineer:* Bruce Hall; *Public Works Superintendent:* Kent Haskell; *Public & Land Owners:* Paul Eddy, Ron & Joyce Collings, Kim & Carrie Christensens, Trulan Preece, RL Yergensen, Lee Brown, Lee Haskell, Forrest Darling, Hal Shuler, Don Mecham, Dennis Shuler, Dave Shuler; & *Town Clerk:* Janice H. Davis.

**FUTURE GROWTH OF ELK RIDGE TOWN**

Mayor Ingram opened the Public Meeting by referring to a statement made by Boyd Hanks at a Public Hearing in 7/1998; that there are a lot of bright, talented people in the area, if a problem were presented to them, solutions could be arrived at...working together.

He explained that this is the intent of this Meeting. It is not meant to be a complaint session. The Mayor reminded all present that although this was an open Meeting, that he, the Mayor, was in control of it and he expected it to be conducted with respect.

The Mayor presented some of the Town's main problems:

**Water:**

1. The engineering studies (Impact Fee Studies) state that there are about 20 more undeveloped lots available for connection to the Elk Ridge water system.

2. Distribution System

A. Older parts of Town: Most of the lines are 6" line (current requirement is 8" minimum) and some 2" lines.

Source: The lower well does not always produce as it should.

Example: A sensor valve in the main tank malfunctioned and it

ELK RIDGE TOWN COUNCIL MEETING - 7-19-99, CONT.

only took 9 to 10 hours to empty the lower tank. Added to these problems with the lower tank, there was also the problem with the lower well not pumping at a consistent level. Because of this, it took about three days of running the tanks continuously to fill the tanks. Since the engineering studies include the lower well's production to be up to its designed capacity, it may be the case that even fewer connections (if any) are available for new development. Kent Haskell (Public Works Superintendent): When there were problems with the tanks, He was unable to run the lower well at a consistent level; so, it took about 3 days of continuous running of all the wells to fill the tanks.

Review of problems with the lower well:

Bruce Hall: The bottom line is that more water needs to be provided prior to more development.

Stewart Jolley: Perhaps even building needs to be cut off for now.

Mayor: Suggestion: an additional tank could go in under the ball park.

Hal Shuler: Feels that pumping uphill isn't good. Perhaps the Town could sell the lower well to Salem City.

Mayor: Bruce Hall has suggested drilling another well beside the lower well. There is a great aquifer and due to the fault line being located south of (above) most of the Town, it might be best to locate another well below the fault line.

Don Mecham: Speaking for several property owners, he is concerned about "deeper" issues. He reviewed problems with past Planning Commissions.

Question: If the property owners solve the Town's water and sewer problems, drainage and fire flow problems, will they be able to develop their property, with all of the Town's restrictions on development?

Example: An ordinance exists which requires 30% of his land to be "open space". Mr. Mecham interprets this as a "takings" issue and says that the Supreme Court agrees. He feels that Planners should consider how landowners can solve their economic requirements to best benefit the landowners and the Town.

Mr. Mecham asked why all this should go to court for solutions? It would be a waste of time and tax payers' money. Friends and neighbors should be able to solve these problems.

Mr. Mecham expressed his appreciation for the meeting, to have the opportunity to educate each other.

ELK RIDGE TOWN COUNCIL MEETING - 7-19-99, CONT.

Paul Eddy: The Town needs the help of developers to build the Town. The Legislators should try to cooperate with them, rather than fight them.

Mr. Mecham: Recounted to the Council certain negative comments directed toward and said about him in the past. He feels he has been purposefully held up from developing his land.

Mayor: From his own perspective, he has no sure knowledge of how restrictive the Town's Codes are in comparison with other cities and towns. Development must occur; but, it must be focused on services and safety.

Mr. Mecham: He told the Council that he is currently working on a "state of the art" development with trails, wild life corridors & open space; but, designed to where it is economically feasible. He said that it was not well received by Elk Ridge. There is a proposed "disconnection" for his land from Elk Ridge.

Stewart Jolley: (Seeking clarification) Stated that no proposal had come before the Planning Commission since he has been a member. He said that a proposal had been presented three years ago; but, was not the same proposal he describes now.

Mr. Mecham: Said that it was the same, only a portion of it.

Stewart Jolley: Then it is not the same proposal.

Mayor: The recent problem with the tank being emptied raised real concerns with the Town's water situation.

Mr. Mecham: Although the developers would like to help, it is not economically possible.

Mayor: Around 500 lots are approved currently, 20 more can connect. That ends development in Elk Ridge until the water system's capacity is increased.

Hal Shuler: These are old problems...common to most communities. They have been solved in the past and can be solved now.

Mayor: He is able to see the land-owner perspective; but, he is also able to see the perspective of the safety and welfare of the current residents.

Forrest Darling: Why make it so difficult to develop in this Town? From his experience with development in Elk Ridge, delays and contradictions in the process are impossible to deal with. Why place such extreme restrictions on development, then to say you need the land-owners? There is a great deal of wasting time in the attitude of holding up developers. Ordinances which are in place should be acted upon, rather than delay while ordinances are

## ELK RIDGE TOWN COUNCIL MEETING - 7-19-99, CONT.

changed mid-development.

Stewart Jolley: Encouraged everyone present to turn the meeting into a "solution" session.

Forrest Darling: Feels he was denied the opportunity to develop his total property in one development.

Don Mecham: Reminded everyone that the reason they were all there was to solve the Town's service problems. When so much of their land is required as "open space", the land-owners feel it is not feasible. Mr. Mecham stated that it is illegal for a municipality to take land for public use without compensation.

Stewart Jolley: Every mountainous town has "open space" ordinances.

Don Mecham: The State has an "open space" fund. If they could just legislate it, they wouldn't need the fund.

Mayor: The Development Code came from the best available thinking across the State.

Don Mecham: Said that the Attorney General had commented that whoever wrote the Development Code were idiots.

Also quoting a representative of the Court, "I use a term 'out on a limb', these are not even in the orchard". He stated later that 30% of land, no matter what, is "takings".

According to Don Mecham and RL Yergensen, Matt Dastrup (former Planning Commission Chair) stated that the developers' ability to economically prosper is of no concern to the Planning Commission. Mr. Mecham went on to explain that there are criteria to claim "takings", one of which is:

1. "In applying the 5<sup>th</sup> Amendment "takings" clause, the United States Supreme Court follows a parallel analysis with the State of Utah...Regulations which deny an owner economically viable use of her land and any other regulations which do not substantially advance a legitimate private property interest."

Mr. Mecham went on to say that because Elk Ridge regulations make it economically impossible to develop, there is no way the developers can afford to solve the problems of the Town.

Options:

1. Take it to court and sue for damages and not develop at all. (No one wants that.)
2. Disconnect or disban Elk Ridge, or
3. Fix the problems.

Lee Haskell: Said this is not the opinion of all developers. There is a lot of area in Elk Ridge which can be developed with the ability to

ELK RIDGE TOWN COUNCIL MEETING - 7-19-99, CONT.

make money. It may not "pencil out" for Don Mecham; but, that is for his subdivision. Mr. Haskell does not have the same problems. Mr. Haskell spoke up for the Planning Commission and their efforts...saying that they are trying to do their best.

Don Mecham: To allow one developer the freedom to develop and not another is arbitrary and capricious.

Stewart Jolley: Every community has zoning. Every ordinance and every zone is reviewed publically. It is the Town, not the Planning Commission, who creates the regulations.

Don Mecham: He said that he was not called.

Stewart Jolley: You are not called directly. Every meeting is properly noticed and published and the subjects are, as well. He pointed out that the meeting had returned to a complaining session.

Kent Haskell: The purpose of this meeting was not to try to solve all these other problems. As the Public Works Superintendent, he works with the water system and it is "maxed out". In his opinion, before he can supply water to new people, his first responsibility is to supply water to current residents.

If the developers don't want to be a part of the solution, they are welcome to walk away. Anyone who would like to be a part needs to put the past behind and help.

Forrest Darling: Many developers have done their parts by paying \$940/lot (reimbursement to Don Mecham) for the booster pump, which has never worked properly. The problems with Elk Ridge are 20 + years old. As Mr. Mecham funded the booster pump on the lower well, the increase in water went to all the residents of Elk Ridge, old and new. Did the total community pay for it? No, the developers paid for it. In most of the communities he has lived, the total community bears the burden of solving a long-existing problem.

Kent Haskell: Made the point that the community does bear the cost of improving the system...Loafer Well, water line and storage tank...through increased water rates charged to the home owners.

Forrest Darling: Residents in a community should be willing to pay for their services.

Stewart Jolley: Agreed; but, they shouldn't pay for new development.

Trulan Preece: Suggested the Town have an organized plan to solve the existing problems with the system at the same time the problems are being solved to allow future growth. The developers need to get together; but, to do what? Dig a new well? If so,

ELK RIDGE TOWN COUNCIL MEETING - 7-19-99, CONT.

where and when?

Bruce Hall: The plan does exist for a lower well; but, that won't help Mr. Mecham up above Town. The Town won't be in a position to bond for a new well for another 3 to 5 years. Are developers willing to wait until then to develop?

A new sewer line was just finished for Spanish Fork (Cost - \$1,000,000) that the developer had to fund to be able to develop. The City told him that they had plans to put the line in, in 5 years. If he wanted to develop now, he would have to bear the cost. He took the option to bear the cost and he is now subdividing. If someone wants to develop in Elk Ridge soon, then they, too, will have to bear the cost of a new well and a new tank.

Jerry Mason: The same type of situation took place in Lindon, recently. It is working there and it can work in Elk Ridge.

Don Mecham: Would have no problem putting in a well and a storage tank for the higher regions in Town, if it were economically possible. He needs bigger lots or more lots.

Paul Eddy: Suggestion to have a developer on the Planning Commission.

Lee Haskell: Developers could work with the Planning Commission as consultants and with the engineer. Bruce Hall needs to supply information on the cost of a 16" well, etc., then the developers need to decide where to come up with the money.

Cindi Ellis: Currently, the Town is working on solving the existing problems with the system by replacing water lines and upgrading the system and budgeting annually for these improvements.

Town Clerk: A water board should be re-activated and it should be re-determined through the State if the Town, given added growth, could get another bond.

Hal Shuler: As a former Town Councilmember, he was over the Water system for 10 years. Bigger cities have many sources of water to draw from to solve water problems. Elk Ridge only has a few; however, If a well goes down, it is not the end of the world, in those 10 years, no one went without a drink of water.

Forrest Darling: Spoke with the Water Master for Woodland Hills. They drilled on the up side of the fault line and there is enough water in that aquifer to irrigate Utah Valley. There are springs and artesian water. If the Town drills another well, let's put it in the right place.

Bruce Hall: Woodland Hills didn't drill the well, Harry Davis did. The



ELK RIDGE TOWN COUNCIL MEETING - 7-19-99, CONT.

same geologist located the Loafer Canyon Well for Elk Ridge as well as the well in Woodland Hills. The Woodland Hills well pumps about 1200 gpm (the artesian part is only about 200 gpm).

To maximize artesian flow, a pump is still necessary.

Mr. Hall has a problem in locating all the main sources of water up higher in Loafer Canyon:

1. Slip in the fault, water and gas lines will break...fires could result. Where will the water come from to fight the fires?

2. Loafer Canyon has all the vegetation. In a forest fire, the community would be in danger and the power lines would go in Loafer Canyon...use of the well would also be lost.

The other option is to come down where the lower well is... it was pumped at 900 gpm with an 8" casing. That is a really good well. It was a bad casing. A new well could be drilled that could pump 1500 gpm. Yes, it would have to be pumped up to a tank, but with a tank placed lower in Town, it wouldn't have to be pumped far. It would give the Town a sense of security.

Kent Haskell: Another problem exists up in Loafer Canyon. There is only single phase power. The Town uses a 3 phase power converter. It would cost about \$100,000 to run another power line.

Bruce Hall: The problem is on-going. In 5 to 10 years, after a new well is put in now, another one will be necessary.

Mayor: (Summarized major points):

1. Solidify a plan for location of source/storage. (Funded by developers using that part of the water system...lower and higher.)

2. The Town owns well property. A new well could be drilled beside the old one. (Negotiate with developers in that area.)

3. Reorganize the Water Board and look into funding

4. Though Don Mecham has brought information to this meeting, he (the Mayor) was under the impression that the Fore-fathers of this Town selected ordinances that they felt were in the best interest of the community. It was not the intention to "hammer" anyone in terms of development. He will have the new Town Planner examine the ordinances to determine how "user friendly" they are...and if the Town is really in violation of State Laws and Constitutional rights.

3. Strongly suggests: If a developer is not on the Planning Commission, then use them as consultants. Andrew Jackson will be part of the process.

4. When a developer installs facilities, then the Town has to maintain them.



ELK RIDGE TOWN COUNCIL MEETING - 7-19-99, CONT.

Jerry Mason: Asked Mr. Mecham for copies of the statements from the Attorney General's Office.

Question: (On process for a zone change request) Could private owners, as part of a large piece of land, seek zone change?

Hal Shuler: Originally, the CE-1 Zone was not zoned for development. That changed as development began to occur.

Gary Winterton: As a small developer, he is willing to pay his part.

Kent Haskell: Suggesting asking how many of the developers would be willing to participate in solving the Town's water problems.

Hal Shuler: Impact fees are designed to pay for these facilities.

Stewart Jolley: The Planning Commission proposed the Growth Management Strategy, it was not well received. This was to be able to allow controlled growth until the impact fees can be collected. But, the Town is at an end to growth, so no impact fees come in...so, the improvements cannot be built.

All of the already approved lots, where the developers paid the impact fees at the time of development (170 lots), don't owe impact fees for water/sewer.

Mayor (Summarized):

There exists: the major complaints about the Development Code. This is from a developer perspective. It is the Mayor's experience that the current Planning Commission attempts to keep development going and still maintain the Town.

Paul Eddy: Asked if there are sewer problems, as well.

Mayor: They are being addressed with other development problems, with the aid of the new Town Planner. Hopefully, by also consulting with some of the people present, solutions can be found.

Cindi Ellis: Addressing Mr. Eddy's question: A "flow Meter" is going to be installed on the main sewer trunk line going down to Salem, to measure the actual flow vs. The flow that Salem says Elk Ridge is using.

The Mayor closed the meeting by expressing appreciation to those at the meeting who took the time to come and express an interest.

  
TOWN CLERK

## NOTICE & AGENDA

Notice is hereby given that the Town Council of Elk Ridge will hold a regular Town Council Meeting on Tuesday, July 27, 1999, with the Town Council Work Session at 6:00 P.M., followed by the regular Council Meeting at 7:00 P.M. The meetings will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

### 6:00 P.M. - TOWN COUNCIL WORK SESSION

Future Growth of Elk Ridge/Discussion

Dept. Head Updates:

Administration-Mayor Ingram

General Update/Discussion

Administration Ordinance Amendment/Discussion

Planning & Zoning-Gary Bowen

General Update/Discussion

Planning Commission Recommendations-Stewart Jolley

Loafer Ridge Subdivision, Plat A-Preliminary

Storm Drainage Study-Stewart Jolley

Water Rights Conveyance-Stewart Jolley

Premises Occupation Ordinance/Discussion

Roads-Jerry Mason

General Update/Discussion

Parks/Public Safety-Cindi Ellis

General Update/Discussion

Tennis Court Update

Fire Flows-Chief Waite

Water/Sewer Depts. - Brent Bluth

Y2K Preparation Update

### 7:00 P.M. - REGULAR COUNCIL MEETING AGENDA ITEMS:

7:00 Invocation and Pledge of Allegiance

7:02 Approval of Agenda Time Frame

7:05 Premises Occupation Ordinance/Adoption

7:15 Planning & Zoning:

Loafer Ridge Subdivision, Plat A-Preliminary

Future Growth-Council Recommendation to Planning Commission

Planning Commission Members Replacement

7:40 Cancel Public Hearing on 1999 Tax Rate & 1999/2000 Fiscal Year Budget

7:45 Amendment to Administrative Policy Ordinance

7:55 Ordinance/Compensation of Elected & Statutory Officials

8:00 Resolution/Amendment to Town Fee Schedule

(Accessory Apt. Permit Renewal Fee)

8:05 Expenditures:

General:

Clean Water Tank/Action

Dialing System (Telemetry) on Tanks/Action

ELK RIDGE TOWN Council Meeting - 7-27-99. Cont.

Sprinkler System/Ball Park-Cindi Ellis/Action  
Flagpole Update-Cindi Ellis

8:25 Approval of Minutes of Previous Meetings

8:30 Adjournment


TOWN COUNCIL CLOSED SESSION

Discussion of Personnel

\*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 23<sup>rd</sup> day of July, 1999

  
\_\_\_\_\_  
Town Clerk

CERTIFICATION

I, the undersigned, duly appointed and acting Town Clerk for the municipality of Elk Ridge, hereby certify 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 July 23, 1999.

  
\_\_\_\_\_  
Town Clerk

**ELK RIDGE  
TOWN COUNCIL MEETING  
JULY 27, 1999**

**TOWN COUNCIL WORK SESSION**

**TIME & PLACE  
OF MEETING**

The regular Meeting of the Elk Ridge Town Council was held on Tuesday, July 27, 1999. The Council Work Session took place at 6:00 PM, followed by the regular Town Council Meeting at 7:00 PM. The meetings were held 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, 145 E Utah Ave, Payson, UT, and to each member of the Governing Body by mailing a copy to each on July 23, 1999.

**ROLL CALL**

*Councilmembers:* Mayor Cregg Ingram, Brent Bluth, Cindi Ellis, Jerry Mason, (*absent* : Gary Bowen); *Planning Commission:* Stewart Jolley; *Public:* Paul Eddy, Lisa Denning, Trulan Preece, Boyd Hanks, Ryan Johnson and *Town Clerk:* Janice H. Davis.

**FUTURE  
GROWTH OF  
ELK RIDGE**

Mayor: Would like to add to the General Plan (Capital Improvement Plan): Lower Water System

1. Storage Tank (1/2 million gal.): Located under Ingram Field (Ball Park)

2. Lower well would feed into Lower tank

Cindi Ellis: Concerned because of a conversation with Kent Haskell, who said that in the summer, the aquifer drops. The pump isn't down far enough, if it is dropped any lower, the pump draws sand through the hole in the casing .

Mayor: There may be some options with the current Lower well. The Council needs to determine what percentage of the approved lots to "tap" into, to allow growth management.

**PLANNING &  
ZONING**

1. Loafer Ridge Subdivision:

Stewart Jolley: 2 or 3 developers are getting ready for Preliminary approval from the Planning Commission, two of them at the same time. The Fire Chief stated that the Town doesn't have sufficient fire flow in Loafer Canyon to permit any more development in the area. Trulan Preece's proposed subdivision, (Loafer Ridge, Plat A), in Loafer Canyon, was tabled until the Planning Commission could determine if this is really the case.

## ELK RIDGE TOWN COUNCIL WORK SESSION - 7-27-99, CONT.

Lee Haskell's proposed subdivision was on the Planning Commission Agenda after Mr. Preece's and was granted Preliminary. This commits the Planning Commission to grant Final Approval if all other requirements are met. (This is 19 of the 20 available water connections in Town.)

Mr. Preece was present at the next Planning Commission Meeting. Prior to the Meeting, the Fire Chief re-tested the fire flow on Loafer Canyon Road, under the direction of an agent assigned to begin the ISO Rating process with the Town. He discovered that in measuring the flows differently, there does seem to be sufficient flow in the area.

The Planning Commission came forward with a recommendation to the Town Council to deny Preliminary to the subdivision, based on "no water available " for new development. There was also a recommendation to grant an exception to Mr. Preece's proposed subdivision on the length of his cul de sac, based on the good layout of the cul de sac.

Mr. Preece was before the Town Council for a decision as to the possibility of moving forward with his subdivision and for the Town Council to approve Preliminary Plat. If granted, there was also a street name approval to be considered (Valley View Cr.).

Mr. Jolley went on to point out that when Boyd Hanks was still working the subdivision process, the road was to be dead-ended and eventually go to Woodland Hills. When the Planning Commission considered this, they felt that this would not be advisable and they could find no written agreement. The Planning Commission advised that any agreement for a connection to Woodland Hills should be approved and in writing.

Mayor: Asked Mr. Hanks if he knew any more about a possible solution to the water problems. (Mr. Hanks, as President of the Loafer Canyon Recreation Association, had commented that there may be a possibility of tapping into the Association's water source for emergency purposes.)

Boyd Hanks: Spoke to the other Board members to see what their reaction would be. Some members would consider it and others still harbor negative feelings from past problems. Mr. Hanks felt that this is a conflict of interest for him, and proposed that the Mayor and one other Councilmember arrange to meet with himself and the other Board members to determine what could be worked out. (There are 350 gpm available in their system.)

Stewart Jolley: Suggested checking all of the legal aspects. He believes there is a law prohibiting connection of a private water

## ELK RIDGE TOWN COUNCIL WORK SESSION - 7-27-99, CONT.

system to a public water system.

Mr. Jolley also cautioned the Town Council against setting a precedent of moving the "line" which was drawn on the number of available water connections.

Cindi Ellis: She would not even be considering approval if it had not been for the incorrect assessment of available fire flow on Loafer Canyon Road, which resulted in denial of Mr. Preece's subdivision. Since his subdivision was on the agenda first, he probably would've been granted Preliminary approval rather than Mr. Haskell.

Stewart Jolley: If the Town Council approves Mr. Preece's subdivision, then the Town Council needs to reconsider the Growth Management Strategy.

### 2. Street Improvements:

Stewart Jolley: (Subdivision Ordinance, Section 10-7-5.3)

Clarification is needed on where curb & gutter is required. The Planning Commission feels that the road system should be classified "by Town" rather than "by zone".

Question: Why not "by zone"? How does curb & gutter fit with Loafer Recreation Association, which is zoned CE-2? These are summer homes (cabins) in a Mountain Home Development.

Mayor: Has the Town Planner looked at this change? (No.)

Stewart Jolley: He will take the question on curb/gutter "by zoning" Back to the Planning Commission. He would prefer not to make changes in this issue until the General Plan changes are in place.

### 3. Storm Drainage Study

The Town Council needs to get revenue coming in through a Storm Drainage Fee (monthly).

\*This needs to be on the Town Council agenda for discussion.

### 4. Water Rights Conveyance

Planning Commission recommendation: When a lot splits, the existing lot should bring the previously required 1 acre ft. to the current requirement of 1.3 acre ft.

### 5. Premises Occupation Ordinance

Discussion prior to action:

Jerry Mason: Based on phone calls received, about ½ of the people he spoke to have no problem with large dump trucks in a residential zone. The other ½ do.

Concern: Current Ordinance does not allow someone who operates

ELK RIDGE TOWN COUNCIL WORK SESSION - 7-27-99, CONT.

a dump truck to park it on his/her property. He suggested the possibility of amending the proposed Premises Occupation Ordinance to allow this by way of "conditional uses".

He spoke with a realtor who said that there does not seem to be an issue with property values if a dump truck is present in a residential zone.

Question: If the Premises Occupation Ordinance were revised, would a large truck have to be housed in an oversized building? (The way it is written now, yes.)

Suggestion: Could the current Ordinance (Development Code) be amended to include "conditional uses"?

Cindi Ellis: Spoke with many of the Elk Ridge residents and asked them how they felt about the proposed ordinance. Generally, people were not concerned about large trucks in Town, unless they were parked next door to them. Most of the people were not in agreement with allowing an ordinance permitting the parking of large trucks in residential zones when some of the consequences were explained to them. Mrs. Ellis was asked how the Town would enforce either the storage or use of hazardous waste or illegal substances in this type of accessory building.

How can the contents be regulated?

According to the Fire Dept., State Law allows up to 1,000 gals. of hazardous material to be stored before it is considered illegal to store it. That is dangerous and would have to meet Federal and State guidelines. (Again, there is the problem of tracking and enforcement.)

Comment: This type of activity could be done in a house or in our current accessory buildings.

Cindi Ellis: If businesses are conducted from accessory buildings and it becomes a nuisance to neighbors, it would be harder to pull this right by repealing the Ordinance, once the right is granted, and money is invested in these businesses. So, why allow the Ordinance?

Brent Bluth: He would not support the proposed Ordinance the way it was written.

Paul Eddy: Rather than re-writing the Ordinance, why not just apply the current Nuisance Ordinance?



ELK RIDGE TOWN COUNCIL WORK SESSION - 7-27-99, CONT.

Stewart Jolley: The Ordinance was not written specifically for the storage of large trucks. There are businesses which have deliveries to their homes and have the supplies stacked outside. Currently, the entire "home occupation" regulations require that the business be conducted out of the main dwelling. The proposed Premises Occupation Ordinance allows storage in an accessory building built specifically for that purpose.

ROADS DEPT. Jerry Mason: The excess gravel from the chip & seal (part left over from last year) will be swept...approximate cost = \$1,000.

PARKS DEPT. Cindi Ellis:

1. Tennis Court:

The Town Council decided to charge a \$25 deposit for the key to the tennis court, to be refunded after the key is returned to the Office. The Court is to be kept locked in an effort to protect the surface.

2. Fire Dept.

The ISO agent who was working with the Fire Dept., said that he felt the Town's rating may be between 6 and 8.

3. Hillside Drainage:

Mr. Rugg (resident on Hillside Dr.) asked about a culvert pipe going under his driveway to channel the runoff when the tank overflows. The pipe needs to run the entire length, down Hillside Dr.

WATER/SEWER DEPTS. The Mayor met with the Durfeys regarding the water line and valves located on their property.

Options:

1. Durfeys grant the Town an easement

2. Move the line (\$4,000 to \$5,000) and place it in the Capital Improvement Plan for 1999/2000.

Cindi Ellis: Commented that Mrs. Durfey wants this done as soon as possible so that they can begin to landscape.

Y2K UPDATE Mayor...No report from Tod Wilson on the computer upgrades.

**ELK RIDGE  
TOWN COUNCIL MEETING  
JULY 27, 1999**

**TOWN COUNCIL REGULAR SESSION**

**TIME & PLACE  
OF MEETING**

The regular Meeting of the Elk Ridge Town Council was held on Tuesday, July 27, 1999. The Council Work Session took place at 6:00 PM, followed by the regular Town Council Meeting at 7:00 PM. The meetings were held 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, 145 E Utah Ave, Payson, UT, and to each member of the Governing Body by mailing a copy to each on July 23, 1999.

**ROLL CALL**

*Councilmembers:* Mayor Cregg Ingram, Brent Bluth, Cindi Ellis, Jerry Mason, (*absent* : Gary Bowen); *Planning Commission:* Stewart Jolley; *Public:* Paul Eddy, Lisa Denning, Trulan Preece, Boyd Hanks, Ryan Johnson and *Town Clerk:* Janice H. Davis.

**INVOCATION &  
PLEDGE OF  
ALLEGIANCE**

Mayor Ingram offered the Invocation.

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**AGENDA TIME  
FRAME**

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY CINDI ELLIS TO APPROVE THE AGENDA TIME FRAME, ADJUSTING THE TIME BY 15 MINUTES.**  
**VOTE: YES (4)      NO (0)      ABSENT (1) GARY BOWEN**

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**PREMISES  
OCCUPATION  
ORD.**

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY BRENT BLUTH THAT THE TOWN COUNCIL DOES NOT ADOPT THE PREMISES OCCUPATION ORDINANCE**

Discussion:

Jerry Mason: Questioned if there is a way to amend the current Ordinance to allow "conditional uses" to allow large dump trucks.

Brent Bluth: Anyone can propose any amendment to an ordinance.

Mayor: Suggested that Councilmember Mason should prepare a proposed amendment and that he should check with Andrew Jackson for help in the preparation.

**VOTE: JERRY MASON-AYE, CINDI ELLIS-AYE, MAYOR INGRAM-AYE, BRENT BLUTH-AYE**  
**NO-NONE                      ABSENT (1) GARY BOWEN**

ELK RIDGE TOWN COUNCIL MEETING - 7-27-99, CONT.

PLANNING &  
ZONING

**1. Loafer Ridge Subdivision, Plat A - Preliminary**

Mayor: The Subdivision has been presented by the Planning Commission with a recommendation to not approve it, based on the number of available water connections in Town. This Subdivision was first on the Planning Commission agenda for Preliminary approval; however, due to the calculations of the Fire Chief, the fire flows on Loafer Canyon Rd. were thought to be insufficient to support the addition of the subdivision...therefore, it was denied Preliminary. Since that time, the Fire Chief discovered that another way of testing the flow indicates that there is enough flow to allow the addition of the proposed subdivision.

Brent Bluth: There is also a recommendation to grant an exception on the length of the cul de sac.

Review of criteria to grant an exception, as listed in the Elk Ridge Development Code, Section 10-7-8.7. The Town Council felt that all four of the criteria were met to allow an exception for the cul de sac. Neither the Public Works Superintendent nor the Fire Chief felt that there would be a problem with the cul de sac.

Cindi Ellis: Is concerned with septic tanks. She feels that all future development should connect onto the sewer system. (The sewer main and the stub-outs will be installed in this subdivision for future connection to the main trunk line.)

Mayor: There is the potential of tapping into an alternate water source on an "emergency" basis...with Loafer Recreation Association's water system.

Brent Bluth: Feels the Town's water supply would be overtaxed if the proposed subdivision were approved.

Cindi Ellis: Is concerned that there is no specific plan in place to correct the existing water problems.

Jerry Mason: Will a precedent be set for other subdivisions to get seek approval?

Mayor: Circumstantially, either subdivision could have been approved.

Town Clerk: Commented that the Town Council decided to only approve a certain number of water connections, based on Sunrise Engineering's Study. Does the Council now wish to make a motion to change that decision towards managing the already assigned water connections?

ELK RIDGE TOWN COUNCIL MEETING - 7-27-99, CONT.

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY JERRY MASON TO APPROVE LOAFER RIDGE SUBDIVISION, PLAT A, FOR PRELIMINARY PLAT.**

Discussion:

Stewart Jolley: Feels it is important to document in the motion the reason any exception is being granted.

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY JERRY MASON TO AMEND THE ORIGINAL MOTION TO INCLUDE: THAT THE REASON FOR THE APPROVAL IS BASED ON THE TOWN PROVIDING MISINFORMATION ON THE FIRE FLOWS.**

**VOTE: YES (3) NO (1) BRENT BLUTH ABSENT (1)  
GARY BOWEN**

**VOTE ON ORIGINAL MOTION:**

**YES (3) NO (1) BRENT BLUTH ABSENT (1)  
GARY BOWEN**

(ENTIRE MOTION TO READ:

MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY JERRY MASON TO APPROVE LOAFER RIDGE SUBDIVISION, PLAT A, FOR PRELIMINARY PLAT...DUE TO THE FACT THAT THE DENIAL WAS BASED ON MISINFORMATION ABOUT FIRE FLOWS WHICH WAS PROVIDED BY THE TOWN.)

**Street Name Approval:**

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY JERRY MASON TO APPROVE VALLEY VIEW CIRCLE AS THE NAME OF A STREET IN LOAFER RIDGE SUBDIVISION, PLAT A.**

**VOTE: YES (4) NO (0) ABSENT (1) GARY BOWEN**

**2. Future Growth:**

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY BRENT BLUTH TO RECOMMEND TO THE PLANNING COMMISSION THAT A LOWER PRESSURE ZONE BE PLANNED, WITH A STORAGE TANK TO BE LOCATED AT INGRAM FIELD (BALL PARK) TO SUPPLY THE NORTH END OF TOWN. THE WATER SOURCE WILL INCLUDE EITHER UPGRADING CURRENT WATER SOURCES, TO INCLUDE A DISCUSSION WITH LOAFER RECREATION ASSOCIATION TO ACCESS THEIR WATER SYSTEM. THE TOWN PLANNER IS TO BEGIN WORKING ON THIS.**

**VOTE: YES (4)      NO (0)      ABSENT (1) GARY BOWEN**

**MOTION WAS MADE BY MAYOR INGRAM TO ACCEPT THE TOWN ENGINEER'S RECOMMENDATION THAT UNTIL THERE IS A PLAN IN PLACE, NOT TO ACCEPT ANY NEW SUBDIVISIONS OR CONNECTIONS...**

(No second)

Discussion:

Boyd Hanks: Under the current situation, developers should be informed at Concept Review.

Cindi Ellis: She does not think the Town should allow any other developments until the storage tank is actually in place.

Brent Bluth: Cautions that by not accepting any further plats or developments, the Town is, essentially, declaring a moratorium. This can only be for a six month period of time.

He does not feel that it is a bad idea to have the plans in process, as long as the developers are clear that no approvals will be granted until the necessary improvements to the water system are installed.

Councilmember Bluth suggested getting a legal opinion.

(The Mayor withdrew his motion.)

Jerry Mason: The subdivision process should be able to move forward and if the developers have the ability to adequately upgrade the system, then approvals could be granted.

He also expressed his concern with the sewer capacity. Those upgrades also need to be addressed.

ELK RIDGE TOWN COUNCIL MEETING - 7-27-99, CONT.

**MOTION WAS MADE BY JERRY MASON AND SECONDED BY MAYOR INGRAM TO INCLUDE AS PART OF THE CAPITAL IMPROVEMENT PLAN, A WAY TO UPGRADE THE SEWER SYSTEM, ALONG WITH THE WATER SYSTEM, TO MEET THE NEEDS OF THE TOWN.**

**VOTE: YES (3)      NO (0)      ABSENT (2) GARY BOWEN  
BRENT BLUTH**

Payson City has offered the possibility of working with Elk Ridge to develop the springs in the Four-Bay area.

**3. Planning Commission Member Approval**

The Planning Commission recommends Lisa Denning and David Charles as Planning Commission Members.

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY CINDI ELLIS TO APPROVE AS MEMBERS OF THE PLANNING COMMISSION: LISA DENNING TO REPLACE DONALD ONIONES, WHOSE TERM OF OFFICE ENDS 2/2001; AND BRAD MORGAN TO REPLACE DAVID CHARLES, WHOSE TERM OF OFFICE ENDS 2/2003**

**VOTE: YES (3)      NO (0)      ABSENT (2) GARY BOWEN &  
BRENT BLUTH**

CANCEL PUBLIC  
HEARING/1999  
TAX RATE &  
1999/2000  
BUDGET

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY JERRY MASON TO CANCEL THE PUBLIC HEARING SCHEDULED FOR 8-10-99 ON THE 1999 TAX RATE AND THE 1999/2000 YEAR BUDGET**

**VOTE: YES (3)      NO (0)      ABSENT (2) GARY BOWEN  
BRENT BLUTH**

The Town Clerk explained that valuations dropped from over 49 million dollars in 1998 to just over 44 million for 1999. The County shows "zero" growth for Elk Ridge last year. The reason is not yet known. The County Assessor's Office is suppose to let us know. Approximately \$93,000 was budgeted for Property Tax revenue for 1998/1999. Only about \$81,000 was collected. To maintain the same amount of Property Tax as the Town budgeted for last year, the tax rate would have to increase from the certified tax rate of .001893 to .002113. The law allows a maximum rate of .007000. The Council needs to decide if this will be proposed. If not, the budgeted amount of Property Tax would take the Town back to about 1995.

ELK RIDGE TOWN COUNCIL MEETING - 7-27-99, CONT.

**MOTION WAS MADE BY JERRY MASON AND SECONDED BY CINDI ELLIS THAT IN ORDER TO MAINTAIN THE PROPERTY TAX REVENUE OF 1998/1999, THE TOWN PROPOSES THE TAX RATE OF .002113**

**VOTE: YES (3) NO (0) ABSENT (2) GARY BOWEN  
BRENT BLUTH**

ADMINISTRATION  
POLICY  
AMENDMENT

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Review:

Sections to be amended were discussed at a previous Town Council Meeting. The amendments were not voted on at the time.

The amendments are concerned with pay scales, employee benefits, holidays, sick days, employment classifications and positions covered by the Ordinance. There was also a "repealing" section added at the end of the Ordinance.

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY JERRY MASON TO APPROVE ORDINANCE #99-7-27-7 AMENDING ORDINANCE #94-3-22-2, AN ORDINANCE ADOPTING THE POLICIES AND PROCEDURES FOR THE EMPLOYEES OF THE TOWN OF ELK RIDGE, UTAH.**

**VOTE: YES (3) NO (0) ABSENT (2) GARY BOWEN &  
BRENT BLUTH**

ORD./COMP.  
OF ELECTED &  
STATUTORY

---

This ordinance sets the wages for the employees and elected officials of Elk Ridge, for the 1999/2000 fiscal year.

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY JERRY**

OFFICIALS

**MASON TO ADOPT RESOLUTION #99-7-27-8R PROVIDING FOR THE COMPENSATION OF ELECTED AND STATUTORY OFFICERS OF THE TOWN OF ELK RIDGE**

**YES: (3) NO (0) ABSENT (2) BRENT BLUTH &  
GARY BOWEN**

AMEND TOWN  
FEE SCHEDULE/  
ACCESSORY APT

---

This resolution adds the Accessory Apartment Fee to the Town Fee Schedule. It is a \$30 fee, renewable annually.

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY JERRY**

FEE

**MASON TO ADOPT RESOLUTION #99-7-27-9R, SETTING THE ACCESSORY APARTMENT FEE FOR THE TOWN OF ELK RIDGE**

**VOTE: YES (3) NO (0) ABSENT (2) GARY BOWEN &  
BRENT BLUTH**



ELK RIDGE TOWN COUNCIL MEETING - 7-27-99, CONT.

EXPENDITURES General: None

1. Clean Water Tank: Sediment needs to be cleaned out of the lower tank. Action postponed until Councilmember Bluth is present.

2. Dialing System: Postponed

3. Sprinkling System/Ball Park

Cindi Ellis: The PRV's don't allow the sprinklers to cover all the grass. A new line is needed. Cost Estimate = \$800 to \$1,000

(Councilmember Ellis would like to also use the same trencher to run the electric line to the flag pole. Estimated cost for all = About \$1,500. The Mayor suggested approving up to \$2,000.

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY MAYOR INGRAM TO APPROVE UP TO \$2,000 TO UPGRADE THE SPRINKLING SYSTEM IN THE BALL PARK AND TO RUN AN ELECTRICAL LINE TO THE FLAG POLE.**

**VOTE: YES (3) NO (0) ABSENT (2) GARY BOWEN & BRENT BLUTH**

(Funding to come from Park Impact Fees.)

MINUTES

**1. MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY MAYOR INGRAM TO APPROVE THE MINUTES OF THE TOWN COUNCIL MEETING HELD ON 6-8-99 AS CONSTITUTED, WITH TYPOGRAPHICAL ERRORS CORRECTED, AS NOTED IN THE MEETING**

**VOTE: YES (3) NO (0) ABSENT (2) GARY BOWEN & BRENT BLUTH**

ADJOURNMENT

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY JERRY MASON TO ADJOURN THE MEETING.**

**VOTE: YES (3) NO (0) ABSENT (2) GARY BOWEN & BRENT BLUTH**

**COUNCIL CLOSED SESSION**

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY JERRY MASON TO CANCEL THE CLOSED SESSION DUE TO THE ABSENCE OF 2 COUNCIL MEMBERS.**

**VOTE: YES (3) NO (0) ABSENT (2) BRENT BLUTH GARY BOWEN**

  
TOWN CLERK

**ELK RIDGE  
TOWN COUNCIL MEETING  
AUGUST 10, 1999**

**TOWN COUNCIL WORK SESSION**

**TIME & PLACE  
OF MEETING**

The regular Meeting of the Elk Ridge Town Council was held on Tuesday, August 10, 1999. The Council Work Session took place at 6:00 PM, followed by the regular Town Council Meeting at 7:00 PM. The meetings were held 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, 145 E Utah Ave, Payson, UT, and to each member of the Governing Body by mailing a copy to each on August 6, 1999 and for an Amended Notice of Agenda on August 9, 1999.

**ROLL CALL**

*Mayor:* Cregg Ingram, *Councilmembers:* Cindi Ellis, Jerry Mason (*absent* : Gary Bowen, Brent Bluth); *Planning Commission:* Stewart Jolley; *Administrative Assistant:* Ernestine Folks; *Public:* Kenneth R. Orton, Kim & Carrie Christensen, James H. Armstrong, & *Town Clerk:* Janice H. Davis.

**DEPT. HEADS  
REPORTS**

**Administration:**

Mayor: Spoke with Andrew Jackson (Town Planner). They discussed the duties and responsibilities of his position as Town Planner, as well as for the Administrative Assistant position. This memo listing duties will be given to the Administrative Assistant at a later date, as well as a copy given to the Councilmembers.

Municipal Election: A flier went out with the Elk Ridge Newsletter asking for those interested in running for Town Council. To date, there have been two names turned in as candidates. August 15, 1999 is the cut-off date for declaring candidacy. August 15<sup>th</sup> falls on a Sunday, so August 16<sup>th</sup> will be the last day to declare candidacy.

**Planning & Zoning:**

Stewart Jolley:

1. Well Head Protection: The Study from Sunrise Engineering went to the Planning Commission for review and input. The Planning Commission wants to meet with Sunrise Engineering for explanation and they would like the Town Council to be in attendance.

## ELK RIDGE TOWN COUNCIL WORK SESSION - 8-10-99, CONT.

(The Council was in agreement.)

The report that the Planning Commission has is only on Well #3 (Why?).

The Planning Commission also has concerns about septic tank control as it relates to well head protection.

### 2. Christensen Lot Request:

Stewart Jolley: Review of circumstances

A packet of information was given to the Town Council members on the Christensen's proposed single lot subdivision. They own land located within the property owned by Burke Cloward (Carrie Christensen is Mr. Cloward's daughter). It is on the north boundary of Town, adjacent to the proposed County Road which will connect Loafer Canyon Rd. to 1600 West. The Christensens purchased a house and are attempting to have it moved from the Hansen property to the east...to their land. They are eventually seeking a building permit to have the home reconstructed on a new foundation. The parcel is not buildable as it stands.

Status of Preliminary Plat approval:

- Road cross section on plat needs to show  $\frac{1}{2}$  plus 9 ft. (They have committed to this)
- Committed adding a fire hydrant near the house
- Committed to providing a driveway and turnaround necessary for fire equipment
- They have a prior paid-for water connection to Town water system (unbuilt inventory). Recording of use of pre-paid water connection committed
- Subdivision not accessible by way of an improved, hard-surfaced public street. (They proposed using the future County Rd. to meet the requirement of a hard-surfaced public street.)

Other commitments not related to ordinances:

- Egress & ingress right-of-way from Cloward, Christensen, Hansen & possibly the Armstrong properties to the Elk Ridge well house.
- Utilities easement (33 ft.) From Cloward, Christensen, Hansen & possibly Armstrong to Loafer Canyon Rd.

\*(A plat map was also attached)

There is also a possibility of negotiating a sewer line with various property owners which would connect that area to Loafer Canyon Rd. (Councilmember Bluth or the Mayor is to arrange the meeting.)

ELK RIDGE TOWN COUNCIL WORK SESSION - 8-10-99, CONT.

The outstanding issue is not having access to a public street. The Christensens were seeking an "exception" to the requirement since the County Rd. is soon to be installed and this would serve as the public street. To them, it does not make sense to go to great expense to install a road to Town standards and then have the County tear it out only to reinstall it to their standards.

"Cash in lieu" of actually installing the improvements is also an option.

Ernestine Folks: Will this set a precedence with other developers requesting the same type of exception?

Mayor: Feels that the precedence has already been set by accepting "cash in lieu" of road improvements.

Stewart Jolley: The difference is that there was already a hard-surfaced, public street access with the other subdivisions. If an "exception" is to be considered, the criteria listed in the Development Code must be met. (Section 10-7-8.7 of the Subdivision Ordinance)

Stewart Jolley: Review of criteria:

1. Is it necessary for the proper development of the subdivision and will not be required in the future. (In the future, the County will put the road in.)
2. Would cause an unreasonable hardship if adhered to..(Yes)
3. May be granted without destroying the intent of the standard of this Code. (It is only a one lot subdivision, and the benefits to the Town would outweigh the negative aspects.)
4. The adjustment does not constitute a variance from the terms of the Zoning Ordinance. (The requirement is in the Subdivision Ordinance, not the Zoning Ordinance.)

The Council felt that the criteria were met.

No further discussion.

3. General:

Stewart Jolley: Requested that the Town Council take action, at the next Town Council Meeting, on the Storm Drainage Plan

1) Fees      2) Location

Mayor: Storm Drainage is an immediate problem on the north end of Columbus Ln. (Echols' home was flooded with the last big rain storm.) This problem will be dealt with as soon as possible.

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**Roads:**

Jerry Mason: (1) Reported that the excess gravel from the chip & seal on the roads was being swept. The cost will be less than expected.

ELK RIDGE TOWN COUNCIL WORK SESSION - 7-27-99, CONT.

2) Hillside Drive/Drainage Plan: To use the Public Works Superintendent to redirect the tank overflow to the opposite side of the road (west side). He is to cut the west edge of the road to drain into the natural channel.

**Parks/Public Safety:**

Cindi Ellis:

1. Emergence Preparedness: There was a small fire at a construction site on Lakeview Dr. It was started by a truck knocking a power line down. There was a subsequent power outage all over Town. No alarm went off at the Fire Station, the electric doors would not open, and no fire fighters responded to their pages. (Lynn Jacobson did, but he was too far from Town to help.) The fire was put out by local neighbors and Salem Fire Dept. responded. The incident served as a good "wake-up" call for the Town.

Needed:

A) Back-up electrical source at the Town Hall/Fire Station (generator)

B) Fire Fighters who are home during the day...many of the fire fighters are not qualified to drive trucks.

2. Summer help: The job description for this position needs to be clarified. The grounds around the Town Hall and the Park area are not being kept up very well. (The Mayor will clarify the expected responsibilities to the young man filling the position.)

3. Tennis Court: There have been complaints about the gate to the new tennis court being kept locked. It is to help preserve the surface of the court. The Town Council still wants to keep it locked.

4. Ban Fireworks: Councilmember Ellis is very concerned about the increased number of fire call-outs. She suggested an ordinance that would ban fireworks in Town.

Y2K  
PREPARATION

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The Town Clerk is to remind the Mayor to call Todd Wilson.

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NON-AGENDA  
ITEM

Cindi Ellis: Asked if the 25 mph sign on Park Dr. was placed there by mistake. (Yes. The Mayor will direct Kent Haskell to change it.)

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### AMENDED NOTICE & AGENDA

Notice is hereby given that the Town Council of Elk Ridge will hold a regular Town Council Meeting on Tuesday, August 10, 1999, with the Town Council Work Session at 6:00 P.M., followed by the regular Council Meeting at 7:00 P.M. The meetings will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

#### 6:00 P.M. - TOWN COUNCIL WORK SESSION

Dept. Head Updates:

Administration-Mayor Ingram

General Update/Discussion

Planning & Zoning-Gary Bowen

General Update/Discussion

Planning Commission Recommendations-Stewart Jolley

Well Head Protection Plan

Christensen Lot Request

Roads-Jerry Mason

General Update/Discussion

Parks/Public Safety-Cindi Ellis

General Update/Discussion

Water/Sewer Depts. - Brent Bluth

General Update/Discussion

Water Well Overflow

Y2K Preparation Update

#### 7:00 P.M. - REGULAR COUNCIL MEETING AGENDA ITEMS:

7:00 Invocation and Pledge of Allegiance

7:02 Approval of Agenda Time Frame

7:05 Administration: Action Items

General Update/Discussion

7:15 Planning & Zoning: Action Items

General Update/Discussion

Planning Commission Recommendations

Christensen Lot Request

7:35 Roads: Action Items

General Update/Discussion

7:45 Parks/Public Safety: Action Items

General Update/Discussion

7:55 Water/Sewer Departments: Action Items

General Update/Discussion

Water-Well Overflow

8:05 Ken Orton-Building Permit

8:15 Expenditures:

General:

Clean Water Tank/Action

Dialing System (Telemetry) on Tanks/Action

8:35 Approval of Minutes of Previous Meetings

8:40 Set Public Hearing/1999 Tax Rate & 1999-2000 Year Budget

8:40 Adjournment

ELK RIDGE TOWN Council Meeting - 8-10-99 Cont.

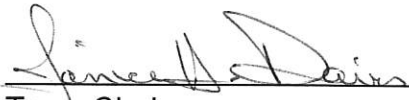
TOWN COUNCIL CLOSED SESSION

Discussion of Personnel

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

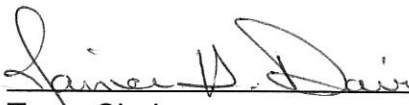
The times which appear on the agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.

Dated this 9<sup>th</sup> day of August, 1999.

  
\_\_\_\_\_  
Town Clerk

CERTIFICATION

I, the undersigned, duly appointed and acting Deputy Town Clerk for the municipality of Elk Ridge, hereby certify that a copy of the foregoing Amended Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah on August 9, 1999.

  
\_\_\_\_\_  
Town Clerk



**ELK RIDGE  
TOWN COUNCIL MEETING  
AUGUST 10, 1999**

**REGULAR TOWN COUNCIL MEETING:**

TIME & PLACE OF MEETING	<p>The regular Meeting of the Elk Ridge Town Council was held on Tuesday, August 10, 1999. The Council Work Session took place at 6:00 PM, followed by the regular Town Council Meeting at 7:00 PM. The meetings were 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, 145 E Utah Ave, Payson, UT, and to each member of the Governing Body by mailing a copy to each on August 6, 1999 and for an Amended Notice of Agenda on August 9, 1999.</p>
ROLL CALL	<p><i>Mayor:</i> Cregg Ingram, <i>Councilmembers:</i> Cindi Ellis, Jerry Mason, Brent Bluth (<i>absent</i> : Gary Bowen); <i>Planning Commission:</i> Stewart Jolley; <i>Administrative Assistant:</i> Ernestine Folks; <i>Public:</i> Kenneth R. Orton, Kim &amp; Carrie Christensen, James H. Armstrong, &amp; <i>Town Clerk:</i> Janice H. Davis.</p>
INVOCATION & PLEDGE OF ALLEGIANCE	<p>Cindi Ellis offered the Invocation.</p> <p>_____</p>
AGENDA TIME FRAME	<p><b>MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY CINDI ELLIS TO APPROVE THE AGENDA TIME FRAME, ADJUSTING THE TIME BY 17 MINUTES.</b></p> <p><b>VOTE: YES (4)      NO (0)      ABSENT (1) GARY BOWEN</b></p> <p>_____</p>
ADMINISTRATION DEPT./ACTION	<p>No Action items at this time.</p> <p>_____</p>
PLANNING/ ZONING	<p>Christensen Lot Request:</p> <p>There was a brief explanation by Stewart Jolley for the benefit of Councilmember Brent Bluth, who was not present during the Work Session.</p> <p>In the Work Session, the Town Council reviewed the 4 criteria to grant an exception to the design standards as listed in the Elk Ridge Development Code. They determined that all four of the criteria were met and the reasons were re-stated.</p>

ELK RIDGE TOWN COUNCIL MEETING - 8-10-99, CONT.

Councilmember Bluth asked if the turnaround, as shown on the plat (50' X 50') would meet the requirement for emergency vehicles.

Chief Seth Waite is to okay.

The Christensens also agreed to supply a utility easement from Cloward's property to Loafer Canyon Rd. and an ingress/egress right of way to the Town's lower well.

There is also the possibility of negotiating a sewer line, to extend across the various land owners' property to Loafer Canyon Rd. Jim Armstrong is not sure if he would be willing to participate in either installing a sewer line or granting an easement across his property for a sewer line.

Jerry Mason: He likes many things about the proposal; but, due to his inexperience, wonders if there is not some element he may be missing that could be a problem.

Brent Bluth: Commented that if the criteria for an exception were met and all other subdivision requirements were met, then the decision needs to be made.

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY BRENT BLUTH TO APPROVE THE CHRISTENSEN LOT REQUEST, BASED ON THE STIPULATIONS THE CHRISTENSENS HAVE MADE TO MEET ALL REQUIREMENTS AND THAT THE TURNAROUND MEETS THE FIRE CHIEF'S STIPULATION THAT IT MEETS FIRE CODE. THE APPROVAL IS ALSO BASED ON THE COMMITMENTS MADE BY THE CHRISTENSENS, TO PROVIDE ALL EASEMENTS AND RIGHTS OF WAY AND BENEFITS TO THE TOWN, AS STATED IN THE WORK SESSION OF THIS MEETING.**

Discussion:

Stewart Jolley: Stated that the Preliminary Plat is to include an adequate turnaround, and other than that, the other easements are separate from the Plat.

Town Clerk: Reminded those present that the request was before the Council to grant an "exception". She suggested an amendment to the motion on the floor to either grant an exception to the requirement that a subdivision must abut a hard-surfaced, public street, or not.

ELK RIDGE TOWN COUNCIL MEETING - 8-10-99, CONT.

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY JERRY MASON TO GRANT TO THE CHRISTENSEN'S PROPOSED ONE-LOT SUBDIVISION, AN EXCEPTION TO THE DESIGN STANDARDS IN SECTIONS 10-7-6.3 AND 10-3-3.26 OF THE ELK RIDGE DEVELOPMENT CODE, WHICH REQUIRES A SUBDIVISION TO ABUT A HARD-SURFACED, PUBLIC STREET; WHICH EXCEPTION, IN THE OPINION OF THE TOWN COUNCIL MEMBERS PRESENT, MEETS THE FOUR CRITERIA TO GRANT AN EXCEPTION, AS LISTED IN SECTION 10-7-8.7 OF THE SUBDIVISION ORDINANCE. THE SUBDIVISION MUST ALSO MEET THE REQUIREMENTS OF THE FIRE CHIEF: THAT THE TURNAROUND MEETS THE FIRE CODE FOR EMERGENCY VEHICLES AND A FIRE HYDRANT MUST BOTH BE RECORDED ON THE PRELIMINARY PLAT.**

**VOTE ON AMENDED MOTION:**

**YES (4) NO (0) ABSENT (1) GARY BOWEN**

**VOTE ON THE ORIGINAL MOTION:**

**YES (0) NO (4) ABSENT (1) GARY BOWEN**

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Brent Bluth: Would like for the Town Council to meet with the new Town Planner, Andrew Jackson, to clarify assignments from the Planning Commission and to outline general procedures and how he relates to the Town Council. The Mayor will invite him to the next Town Council Meeting to the Work Session. The Planning Commission is also invited to attend.

WATER/SEWER  
DEPTS.

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Brent Bluth:

1. Well/tank overflow: Kent Haskell is to redirect the flow of run-off to the west side of Hillside Dr. to the natural channel.
2. Run-off/Columbus Ln.: Kent Haskell was also given direction from the Mayor to re-direct the flow of the run-off on Columbus Ln. away from Echols' home. A drain would pipe the run-off to a sump, then it would flow away from the homes in the area. This will help for now.

KEN ORTON-  
BUILDING  
PERMIT

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Review of situation:

Mr. Orton purchased a lot in an approved subdivision on Elkhorn Dr. Building permits have not been granted for dwellings in the Goosenest area since the Development Code was adopted in 1993, due to Section 10-3-3.22 of the Development Code, which requires:

ELK RIDGE TOWN COUNCIL MEETING - 8-10-99, CONT.

1. That all dwellings must be connected to a water system (municipal or private) which "is capable of providing and delivering adequate supplies for both culinary and fire fighting purposes".

2. "Each dwelling or other structures used for human occupancy shall be located not more than 250 ft. from the closest fire hydrant."

Homes in the Goosenest area use the Goosenest Water System, which will not support fire hydrants due to the small size of the lines. Mr. Orton has been denied a building permit in the past, and has appealed to the Board of Adjustments. The Board of Adjustments upheld the requirement of the Development Code and denied his appeal.

Recently, Mr. Orton applied for a building permit and submitted the application and plans to the Town's Building Inspector, Kent Partridge, Mr. Partridge directed that Mr. Orton would have to resolve certain issues prior to the approval of his building permit and plans:

A. Provide license number and signature of a contractor

B. Engineering by licensed engineer

1) Structural report (Including calculations)

C. Provide details on how to meet the required fire protection regulations as per Town Ordinance. Dwelling unit shall be no further than 250' from the closest fire hydrant

D. Perform required grading and lot elevation plan

E. Septic tank approval, in writing, from the Utah County Health Dept. Mr. Orton feels it is an issue of "rights". He feels the Town should not change the rules on approved lots and that he should be allowed to build. He wants to avoid litigation and solve the problem. Mr. Orton suggested a "text amendment" to the Development Code to "grandfather" approved lots.

Brent Bluth: Mr. Orton has the right to propose an ordinance amendment. It would go through the Planning Commission process and come back to the Town Council with their recommendation.

Cindi Ellis: Does not feel comfortable "grandfathering" lots and guaranteeing permits when there is a safety issue involved.

Ken Orton: Said, "I will issue a statement which will have no bearing, unenforceable...that I will not hold you liable for a fire."

Brent Bluth: Suggested consulting with the Town's new Planner, Andrew Jackson, about the situation. The Town will also consult with him for his opinion. Then Mr. Orton can decide if he wants to go forward with a text amendment.

Mayor: Time is an issue...Mr. Orton should meet with the Planner as soon as possible (the following Thursday). The Mayor will arrange it and inform Mr. Orton of the time.

ELK RIDGE TOWN COUNCIL MEETING - 8-10-99, CONT.

ROADS DEPT. Jerry Mason: Dale Bigler is to arrange some road work to be done to the shoulders of certain roads by the National Guard. Councilmember Mason will consult with Kent Haskell for his input. The proposal for work plus costs will come back before the Council prior to the work.  
Mayor: The proposal is to have Kent Haskell's approval and the Town Engineer's, if needed. The National Guard is a valuable resource; but, must be used wisely.  
Jerry Mason: There are two week-ends available to the Guard for work. The first one is September 11, 1999. Councilmember Mason will try to have the information by the next Town Council Meeting (8-24-99).

PARKS DEPT. Cindi Ellis: LDS 2<sup>nd</sup> Ward (Work project proposal)  
To clean up around the Park area, to include: Til the sand in the Play areas, til the volleyball court area and the east side of the tennis court  
Landscape around the pine trees in the playground area.  
Approximate cost = \$120 (to rent a small tractor) Date: 8-14-99  
To be coded to the "Volunteer Projects" account.  
(The Town Council was in favor of the project.)

EXPENDITURES

1. Drainage Study: Bill from Hall Engineering = \$5,000 (The Council approved payment)
2. Town Planner: The Town received the first installment from Mountainland Assoc. of Governments (MAG) for \$4,000 for the "Circuit Rider" Program. This is to be charged to the account which covered Rod Despain's payments.
3. List of Expenditures for June, 1999  
**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY JERRY MASON TO APPROVE THE LIST OF EXPENDITURES FOR JUNE, 1999, WITH THE EXCEPTION OF THE BILL FROM MOUNTAINLAND SUPPLY CO. FOR A "FORD ADAPTOR" AT \$680.64...AS THE INVOICE WAS UNAVAILABLE TO IDENTIFY WHAT A "FORD ADAPTOR" IS. THIS WILL BE BROUGHT BACK BEFORE THE COUNCIL AT THE NEXT TOWN COUNCIL MEETING.**  
**VOTE: YES (4) NO (0) ABSENT (1) GARY BOWEN**
4. The following items were postponed until the next Town Council Meeting (8-24-99) for approval: Cleaning the Water tank and Dialing system for the telemetry system for the tanks. This will give Councilmember Bluth further time to consider the costs.

ELK RIDGE TOWN COUNCIL MEETING - 8-10-99, CONT.

MINUTES                    **MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY JERRY MASON TO APPROVE THE MINUTES OF 6-22-99, AS WRITTEN**  
**VOTE: YES (4)      NO (0)      ABSENT (1) GARY BOWEN**

SET PUBLIC                    **MOTION WAS MADE BY BRENT BLUTH AND SECONDED BY**  
HEARING                    **CINDI ELLIS TO SET A PUBLIC HEARING FOR A PROPOSED**  
1999 TAX RATE/            **TAX RATE INCREASE AND THE 1999/2000 FISCAL YEAR**  
                                 **BUDGET**  
1999-2000                    **FOR 9-14-99 AT 6:00 PM**  
BUDGET                    **VOTE: YES (4)      NO (0)      ABSENT (1) GARY BOWEN**

ADJOURNMENT            **MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY JERRY MASON TO ADJOURN THE MEETING**  
**VOTE: YES (4)      NO (0)      ABSENT (1) GARY BOWEN**

  
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 24, 1999, with the Town Council Work Session at 6:00 P.M., followed by the regular Council Meeting at 7:00 P.M. The meetings will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

6:00 P.M. -

#### TOWN COUNCIL WORK SESSION

6:30

Andrew Jackson (Town Planner)

6:45

Growth Management Strategy Policy

Dept. Head Updates:

Administration-Mayor Ingram

General Update/Discussion

Administrative Assistant-Request for Pay Increase

Certified Tax Rate/Discussion

Planning & Zoning-Gary Bowen

General Update/Discussion

Lower Water Zone-Stewart Jolley

General Plan/Public Input-Stewart Jolley

Drainage Plan/Discussion (Fees & Location)

Roads-Jerry Mason

General Update/Discussion

Parks/Public Safety-Cindi Ellis

General Update/Discussion

Forrest Council Grant

Water/Sewer Depts. - Brent Bluth

General Update/Discussion

7:00 P.M. -

#### REGULAR COUNCIL MEETING AGENDA ITEMS:

7:00

Invocation and Pledge of Allegiance

7:02

Approval of Agenda Time Frame

7:05

Administration: Administrative Asst./Approval-Pay Increase

7:10

Planning & Zoning: Action Items

General Update/Discussion

Planning Commission Recommendations

Action-Growth Management Strategy Ordinance

Drainage Plan: Fee/Location

Engineering Contract Consideration

7:30 Roads: Action Items

7:35 Parks/Public Safety: Grant Approval

7:40 Water/Sewer Departments:

Cleaning Water Tanks

Dialing System

Flow Meter/Sewer Trunk Line

7:45 Expenditures:

General:

7:50 Approval of Minutes of Previous Meetings

8:00 Adjournment



## NOTICE & AGENDA

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6:00 P.M. -

### TOWN COUNCIL WORK SESSION

Andrew Jackson (Town Planner)

6:30

Growth Management Strategy Policy

6:45

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Planning & Zoning-Gary Bowen

General Update/Discussion

Lower Water Zone-Stewart Jolley

General Plan/Public Input-Stewart Jolley

Drainage Plan/Discussion (Fees & Location)

Roads-Jerry Mason

General Update/Discussion

Parks/Public Safety-Cindi Ellis

General Update/Discussion

Forrest Council Grant

Water/Sewer Depts. - Brent Bluth

General Update/Discussion

7:00 P.M. - REGULAR COUNCIL MEETING AGENDA ITEMS:

7:00

Invocation and Pledge of Allegiance

7:02

Approval of Agenda Time Frame

7:05

Administration: Administrative Asst./Approval-Pay Increase

7:10

Planning & Zoning: Action Items

General Update/Discussion

Planning Commission Recommendations

Action-Growth Management Strategy Ordinance

Drainage Plan: Fee/Location

Engineering Contract Consideration

7:30 Roads: Action Items

7:35 Parks/Public Safety: Grant Approval

7:40 Water/Sewer Departments:

Cleaning Water Tanks

Dialing System

Flow Meter/Sewer Trunk Line

7:45 Expenditures:

General:

7:50 Approval of Minutes of Previous Meetings

8:00 Adjournment


Town Council Agenda - 8-24-99

TOWN COUNCIL CLOSED SESSION  
Discussion of Personnel

\*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 20<sup>th</sup> day of August, 1999.

  
\_\_\_\_\_  
Town Clerk

CERTIFICATION

I, the undersigned, duly appointed and acting Town Clerk for the municipality of Elk Ridge, hereby certify that a copy of the foregoing Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah and to each member of the Legislative Body on August 20, 1999.

  
\_\_\_\_\_  
Town Clerk

**ELK RIDGE  
TOWN COUNCIL  
AUGUST 24, 1999**

**COUNCIL WORK SESSION**

**TIME & PLACE  
OF MEETING**

The regular meeting of the Elk Ridge Town Council was held on Tuesday, August 24, 1999. The Council Work Session took place at 6:00 PM, followed by the regular Town Council Meeting at 7:00 PM. The meetings were held at the Elk Ridge Town Hall, 80 E. Park Dr. Elk Ridge, Utah

Notice of time place and Agenda of this meeting was provided to the Payson Chronicle, 145 E Utah Ave, Payson, Ut, and to each member of the Governing Body by mailing a copy to each on August 20, 1999.

**ROLL CALL**

Mayor Cregg Ingram, Councilmembers Gary Bowen, Brent Bluth, Cindi Ellis, Jerry Mason; Planning Commission Chairman Stewart Jolley, Town Planner Andrew Jackson, & Annebel Meredith (Secretary).

**ANDREW  
JACKSON-  
TOWN PLANNER**

Mayor Ingram requested that Andrew Jackson present his perception of what a Town Planner is & where he sees the Town's future going.

Andrew Jackson outlined his idea of good planning. He presented what he calls "A Triangle of Good Planning". One leg of the triangle is the Professional Staff another an Educated Planning Commission and Town Council, the third is Active Citizens or citizen participation. Successful town planning consists of all three of these. If the triangle is weak in any area, there will not be sound planning. The Zoning Ordinance and the Subdivision Ordinance are tools, to help the community accomplish the things that are necessary. Mr. Jackson stated that the number one thing in having a successful Community comes from a well defined Community Vision, which falls back to active Citizenry and well educated Staff. The community needs to define what they want to be, and where they want to be. Specific tools, Codes and Ordinances, help to further community vision. The development process not being understood causes stress and misunderstanding. There is reality and perception, at times you have to work off of perception as if it were reality. If people perceive something to be a certain way, you have to work off of that perception to be able to clarify the process.

## ELK RIDGE TOWN COUNCIL WORK SESSION - 8-24-99 - CONT.

The most important part of the General Plan and the most important part of the Development Code, is that it be useable by the general public. The codes should not have to be interpreted for the general public to be able to understand them.

Mayor Ingram stated that he sees Mr. Jackson's roll as helping the Town Council clarify the vision, as well as clarifying some of the steps that are currently being followed. The Mayor felt that the current process could be smoother and communication clearer. The Planning Commission has planned training meetings for the first Thursday of each month, The Town Council is encouraged to attend.

Councilmember Brent Bluth - His biggest concern is that the Codes are not very understandable by the general public. He felt that the Development Code needs to be simplified and clarified.

Andrew Jackson - feels that the Codes could be simplified, as well.

Brent Bluth - Would like to see a professional staff in place, such as Mr. Jackson as the mediator between the Planning Commission and the Town Council to help more clearly understand the issues where individual plats are concerned.

Planning Commission Chair Stewart Jolley - Define what the expectations are from Mr. Jackson. The Mayor's memo outlined that all planning is to be done by Mr. Jackson. Mr. Jolley felt that the hours that Mr. Jackson is available, will not be enough to be able to complete everything that needs to be done. Mayor explained that the intent of the memo was an attempt to find a starting place, in order to be able to establish a process.

Councilmember Brent Bluth had questions regarding the Don Mecham project. Mr. Bluth questioned what needs to be done by Elk Ridge. Is de-annexation the best for Elk Ridge, or not? Mr. Bluth requested that Mr. Jackson research this issue in order to help the Town Council understand what will be the best option for Elk Ridge.

ELK RIDGE TOWN COUNCIL WORK SESSION - 8-24-99 - CONT.

GROWTH                      Mayor Ingram requested that Stewart Jolley give the Town Council an idea of what kind direction to give to the Planning Commission.

MANAGEMENT STRATEGY

POLICY                      Because Trulan Preece was granted approval for his development, Mr.

Jolley asked what criteria the Town Council is planning on using for other requests for development. The Planning Commission tried to put on paper, through the Growth Management Strategy, a process by which managed growth could be achieved.

Mayor Ingram - felt there should be some growth permitted in conjunction with a water development plan. The Town cannot consider development beyond water availability. "Mortgaging" lots, contingent upon a water development plan being in place, could be a possibility.

The priority is finding a water source along with a storage plan, along with identifying available funding. A water system improvement plan needs to be in place before further development is even considered. The idea of "mortgaging" water connections assigned to approved lots was reviewed by the Mayor.

Cindi Ellis - felt that the pros and cons of the Growth Management Strategy Policy need to be reviewed with Andrew Jackson. She also felt that no development should be allowed until there is water in place, or mortgage lots with a water development plan.

Mr. Jolley suggested organizing a water board to be in charge of researching options for development of a water improvement plan.

The Mayor indicated that an organization is in place, members are needed.

DEPT. HEAD  
UPDATES

Mayor Ingram presented information pamphlets, "Walk Your Children to school", and various tickets to other functions, to see if Councilmembers were interested.

ADMINISTRATION-  
MAYOR  
ADMINISTRATIVE  
ASSISTANT-  
REQUEST FOR  
PAY INCREASE

Administrative assistant - Ernestine Folks- request for salary increase. Has been at same salary since 1996. Requests at least a Cost of Living Adjustment (COLA). Mayor recommended to the Council, a Cost of Living Adjustment increase.

## ELK RIDGE TOWN COUNCIL WORK SESSION - 8-24-99 - CONT.

### Certified Tax Rate/Discussion

The purpose for increasing the Certified Tax Rate is to maintain the budget amount from last year. A Public Hearing is to be scheduled.

### PLANNING & ZONING

#### General Update/Discussion

Stewart Jolley informed the Town Council that Andrew Jackson will be presenting a University of Utah Citizen Planner training session during the first 40 minutes of the Planning Commission meeting. The Town Council is invited to attend this meeting.

Mecham annexation - Mr. Jolley felt that the Town needs to consider what needs to be done. Mr. Mecham's proposed annexation to Payson City connects to three roads in Elk Ridge, so there should be some kind of agreement with regard to the roads.

#### Lower Water Zone-Stewart Jolley

The lower line along Goosenest Rd., Haskell Subdivision needs to be a 10" line instead of a 8" line to Loafer Canyon. (It is currently an 8" line in the General Plan).

Mr. Jolley wondered that if the Town were to come up with the cost for an upgrade would Mr. Haskell agree to upgrade the water line. Councilmembers felt that there would be available funds to help upgrade the line. Mr. Jolley suggested that any time a major trunk line is installed, it needs to be a 10" line.

#### General Plan/Public Input-Stewart Jolley

Mr. Jolley informed the Town Council that the Planning Commission has scheduled a Public input meeting for the 21<sup>st</sup> of September at 7:00 PM, to discuss the General Plan. Information is to be sent out with the Town Newsletter.

The Planning Commission proposes a Water Meter Ordinance, which will be presented to the Town Council at the next Town Council meeting.

#### Brent Bluth - Source Protection Plan

The Town Engineers are going to return with a presentation to the Planning Commission and the Town Council.

(Councilmember Brent Bluth left the meeting)

## ELK RIDGE TOWN COUNCIL WORK SESSION - 8-24-99 - CONT

### Roads-Jerry Mason

Jerry Mason - Spoke with Kent Haskell regarding National Guard's intentions to improve Town road sides. Kent Haskell, Jerry Mason and Dale Bigler are to meet and discuss needs of the Town with regard to the road sides. Proposed dates for improvement is Labor Day weekend. The Mayor insisted that there must be a plan, in order for the project to be successful.

Update road plan - There has been a request by Ernestine Folks, to update the General Plan Road Plan. Mr. Mason suggested involving Kent Haskell, to review the road plan. There have been changes made since the original road plan was included in the Capital Facilities Plan, Mr. Mason is to meet with Kent Haskell to determine what changes need to be made.

### Parks/Public Safety - Cindi Ellis

An application for a matching grant, from the Forest Council is being made. This will give the Town 15 trees for the park. The Grant amount is \$500 matched with \$500 from the Town. Mrs. Ellis has met with Town Planner, Andrew Jackson to write up the grant application.

Mayor Ingram - Proposed closing the Work Session



**ELK RIDGE  
TOWN COUNCIL  
AUGUST 24, 1999**

**TOWN COUNCIL REGULAR SESSION**

TIME & PLACE OF MEETING	The regular meeting of the Elk Ridge Town Council was held on Tuesday, August 24, 1999. The Council Work Session took place at 6:00 PM, followed by the regular Town Council Meeting at 7:00 PM. The meetings were held at the Elk Ridge Town Hall, 80 E. Park Dr. Elk Ridge, Utah Notice of time place and Agenda of this meeting was provided to the Payson Chronicle, 145 E Utah Ave, Payson, Ut, and to each member of the Governing Body by mailing a copy to each on August 20, 1999.
ROLL CALL	Mayor Cregg Ingram, Councilmembers Gary Bowen, Cindi Ellis, Jerry Mason, absent(1)-Brent Bluth; Annebel Meredith as secretary
INVOCATION & PLEDGE OF ALLEGIANCE	Invocation was given by Jerry Mason followed by the Pledge of Allegiance.
APPROVAL OF AGENDA TIME FRAME	<b>MOTION WAS MADE BY GARY BOWEN SECONDED BY CINDI ELLIS TO ADJUST THE AGENDA TIME FRAME BY 25 MINUTES. VOTE: YES-(4), NO-NONE, ABSENT(1)-BRENT BLUTH</b>
ADMINISTRATIVE ASSISTANT APPROVAL-PAY INCREASE	<b>MOTION WAS MADE BY MAYOR INGRAM SECONDED BY CINDI ELLIS TO GRANT THE STATE APPROVED COLA INCREASE TO THE ADMINISTRATIVE ASSISTANT. VOTE: YES-(4), NO-NONE(0), ABSENT(1)-BRENT BLUTH.</b>
PLANNING & ZONING	Mayor Ingram suggested that the Planning Commission pursue a plan for "Mortgaging" water connections. Councilmembers Cindi Ellis and Jerry Mason suggested meeting with Town Planner Andrew Jackson to review the implications of both scenarios in the Growth Management Strategy. Mayor Ingram stated that whatever is done, a water plan needs to be in place. Town Councilmembers suggested talking to Andrew Jackson to advise the Town Council what would be in the best interest for the Town. There was further discussion with regard to the existing problem and possibilities for solutions. Councilmember Bowen suggested a possible water rate increase .

ELK RIDGE TOWN COUNCIL MEETING - 8-24-99 - CONT.

Drainage Plan: Fee/Location

The Town Council needs to approve a fee schedule for the Drainage Plan.. Mayor Ingram suggested bringing this item into the next meeting.

Roads: Action Items

There were no action items.

Parks/Public Safety: Grant Approval

**MOTION WAS MADE BY CINDI ELLIS SECONDED BY JERRY MASON, TO APPROVE \$500 TOWARD THE FORESTRY GRANT WHICH HAS BEEN APPLIED FOR. VOTE: YES-(4), NO-NONE(0), ABSENT(1)-BRENT BLUTH.**

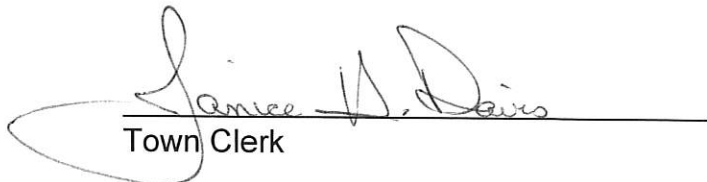
Water/Sewer Departments

These items are to be placed on the agenda for the next Town Council Meeting.

EXPENDITURES      There were no expenditures.

APPROVAL OF  
MINUTES OF  
PREVIOUS  
MEETING      **MOTION WAS MADE BY CINDI ELLIS SECONDED BY GARY BOWEN, TO APPROVE THE MINUTES FOR 7-13-99. VOTE: YES-(4), NO-NONE(0), ABSENT(1)-BRENT BLUTH.**

ADJOURNMENT      **MOTION WAS MADE BY MAYOR INGRAM SECONDED BY GARY BOWEN TO CLOSE THE REGULAR TOWN COUNCIL MEETING. VOTE: YES-(4), NO-NONE(0), ABSENT(1)-BRENT BLUTH.**

  
Town Clerk

**NOTICE OF PUBLIC HEARING**  
**AMENDED NOTICE OF ELK RIDGE TOWN COUNCIL MEETING**

Notice is hereby given that the Elk Ridge Town Council will hold a Public Hearing at 6:00 PM, on Tuesday, September 14, 1999, for the purpose of hearing public comment regarding the issue of a proposed Tax Increase for the 1999 Tax Year and on the 1999/2000 Fiscal Year Budget for the operation of the Town of Elk Ridge. This Public Hearing will be held in conjunction with the regularly scheduled Town Council Work Session, to begin at 6:20 PM, followed by the regular Town Council Meeting at 7:00 PM. The meetings will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

6:00 PM - **PUBLIC HEARING/1999 TAX INCREASE AND 1999/2000 BUDGET**  
Public Hearing on the Issue of a proposed Tax Increase for the 1999  
Tax Year and on the 1999/2000 Fiscal Year Budget

**TOWN COUNCIL WORK SESSION**

6:20 PM - Dept. Heads Reports:  
Planning/Zoning-Gary Bowen  
Update  
Storm Drainage Fees/Discussion  
Water Meter Size Ordinance  
Administration-Mayor  
Update  
Roads-Jerry Mason  
Update  
Loafer Canyon Rd. Project  
Public Safety-Cindi Ellis  
Update  
Stop Signs  
Water/Sewer-Brent Bluth  
Update  
Ken Orton-Building Permit

7:00 P.M. - **REGULAR TOWN COUNCIL MEETING**  
7:00 Invocation and Pledge of Allegiance  
7:03 Approval of Agenda Time Frame  
7:05 Bruce Jeppsen-Temporary Permit/Sales Trailer  
7:15 Ken Orton-Building Permit  
7:25 Adoption/1999 Tax Rate and 1999/2000 Fiscal Year Budget  
**Department Heads**  
7:35 Planning & Zoning  
Loafer Ridge Subdivision, Plat A-Final Plat Approval  
Adoption/Water Meter Size Ordinance  
8:00 Action/Stop Signs  
8:05 Engineer/Contract Approval

Town Council Agenda 9-14-99

Page 2


8:10	<b>Expenditures:</b>
	General
	Generator...Split Cost Between Funds
8:15	Cleaning Water Tanks
8:20	Dialing System
8:25	Flow Meter/Sewer Trunk Line
8:30	List of Expenditures for July, 1999
8:35	Approval of Minutes of Previous Meetings
8:45	Adjournment

**TOWN COUNCIL CLOSED SESSION**

Acquisition of Property  
Discussion of Personnel

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 13<sup>th</sup> day of September, 1999.

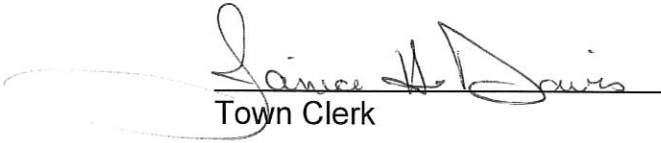


Town Clerk

\*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 Town Council Public Hearing, and of the Agenda for the Town Council Meeting was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and delivered to each member of the governing body on September 13, 1999.



Town Clerk

**ELK RIDGE TOWN  
TOWN COUNCIL MEETING  
& PUBLIC HEARING  
SEPTEMBER 14, 1999**

**TIME & PLACE  
OF MEETINGS**

The Town Council of Elk Ridge, Utah, held a Public Hearing on Tuesday, September 14, 1999, at 6:00 PM, at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, UT, for the purpose of receiving public comment regarding the issue of a proposed Tax Increase for the 1999 Tax Year and on the 1999/2000 Fiscal Year Budget for the operation of the Town of Elk Ridge. The Public Hearing was held in conjunction with the regularly scheduled Town Council Meeting at 7:00 PM.

Notice of time, place and agenda was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to each member of the Town Council by mailing a copy to each on September 9, 1999. Amended Notice of Agenda was faxed to the Payson Chronicle and provided to each member of the Town Council on September 13, 1999.

**6:00 PM**

**PUBLIC HEARING /1999 TAX RATE INCREASE & 1999/2000  
FISCAL YEAR BUDGET**

At 6:00 PM, Mayor Ingram opened the Public Hearing on the proposed Tax Rate increase for 1999 and for the 1999/2000 Fiscal Year Budget for the operation of the Town of Elk Ridge, Utah.

**ROLL CALL**

*Mayor:* Cregg Ingram; *Town Council:* Gary Bowen, Cindi Ellis, Jerry Mason, Brent Bluth; *Planning Commission:* Stewart Jolley; *Administrative Assistant:* Ernestine Folks; *Public:* Don & Linda Bowen, Bruce Jeppson, Ken Orton, Henry C. & Jeanne Adovnik; Terry Spoor, Bob Goodwin, Tony Searle & Trulan Preece; *Town Clerk:* Janice Davis.

Background (Town Clerk): (Read a memo prepared for the Town Council's packets...a summary also went out with the newsletter) The Town's adjusted sum of valuations is lower this Tax Year than last year. (It usually increases slightly from year to year to allow increased Property Tax for the growing expenses.) The reason it dropped is that the County Assessor's office has Elk Ridge at "zero" Growth Rate for last year, even though the Town submitted more building permits last year than before. This was off-set because more home and land appeals were made from the Elk Ridge area

ELK RIDGE TOWN COUNCIL PUBLIC HEARING - 9-14-99, CONT.

than any other area in Utah County. When the County Assessor's Office was asked why and if this indicated that the County needs to re-assess South Utah County (including Elk Ridge)...he replied that he agreed; but, that their office was short-handed. The valuations come out prior to any appeals. The adjustments cause the valuations to drop. The Town went from over 49 million dollars to just over 44 million dollars in one year. (This is quite a drop.) When the Certified Tax Rate is multiplied times the Adjusted Sum of Valuations, the resulting revenue from Property Tax would be about what the Town received back in 1995. Last year the Town budgeted over \$93,000 and only collected a little over \$81,000. To just maintain the amount of Property Tax which was budgeted for last year, the suggested Tax Rate of .001893 must increase to .002113, which would generate \$93,738. The difference in property tax would be about \$10,000.

Mayor: If the revenue is not generated, will expenditures have to be cut?

Town Clerk: Not necessarily...there would be less of a "cushion" (Fund Balance) for the current Fiscal Year. The Town has already spent \$8,000 of unbudgeted money on a generator for the upper well. This is an attempt to prepare for any power failure the Town could experience. This cost will be split between Funds...when it is determined where the generator will be used the most. This was an unexpected, though necessary purchase for the welfare of the Town. The generator will also need a "switch-over mechanism" that could cost the Town another \$10,000 (approximate).

If the proposed Tax Rate were adopted, the General Fund Balance for 1999/2000 would be about \$29,000.

Mayor: No requests for a formal statement were made.

He opened the Meeting up to public comment:

Stewart Jolley: Asked how much of the valuations were for homes and how much for land? This shouldn't happen. He feels that the Town is supporting the landowners (Greenbelt areas). Can we find out?

Gary Bowen: Spoke with the County Assessor's Office and they estimated it was about half & half between homes and land.

Henry Adovnik: How does the tax increase affect the individual?

Cindi Ellis: It only amounts to less than \$25 on a \$100,000 home. (The Tax notice read: On a home valued at \$170,000, the increase would be \$20.57 per year...or \$1.71 per month.)

Terry Spoor: His home is valued at roughly \$150,000, his increase would be less than \$20 per year.

ELK RIDGE TOWN COUNCIL PUBLIC HEARING - 9-14-99, CONT.

Tony Searle: Asked for a review of the reason for the drop in valuations and the proposed tax increase. (He came in late to the Meeting.)

Ken Orton: Addressed the issue of open land. As a realtor, he has knowledge about land values. At the County, there is generally a one year "lag" between the time they receive building permits and the time when the owner's name actually appears on the tax rolls. He knows of examples where there has been as much as a 5 year "lag". The Town takes the brunt of this deficiency at the County level.

Terry Spoor:

Long Term Issues:

1. The way assessments are done is a concern to him. He feels that this needs serious investigation & possibly legal action.
2. What would the increased revenue be expended on? It would take just one unexpected expense to put the Town at risk financially. This would not be good.

Short Term:

The proposed tax increase would be less than \$20 to him, personally. He would support the increase.

Ernestine Folks: Addressed the Capital Improvement Plan

After review, she has some concerns:

(Mrs. Folks, the Planning Commission and the Town Council worked for about a year formulating the original Capital Improvement Plan, adopted in 1998/1999).

Mrs. Folks said that her reactions have ranged from amazement to anger to frustration. There has been little planning and a lack of commitment to the Plan. She feels the Plan has evolved into a "worthless" document. The Plan has not been adhered to in the past year. Improvements were changed; however, the Improvement Plan was not changed accordingly. The document does not include future changes and projects either.

She is not opposed to the proposed tax increase; but, she is opposed to money being spent on items not listed in the Capital Improvement Plan. She stated that the Town Council has the responsibility to set goals in line with the Plan and then to stick to the Plan. Money should be spent in accordance to these goals.

Mayor: The increase is going toward making up last year's "short-fall" in property tax.

Tony Searle: Mr. Searle is "adamantly opposed" to the tax increase! He feels it is wrong. People are being taxed to death from all directions, not just from the Town. The Town should be more



ELK RIDGE TOWN COUNCIL PUBLIC HEARING - 9-14-99, CONT.

pro-active and find out about the assessment process and what can be done about it. Tax increases, he declared, are never "short-term", they are always permanent. The Town should learn to live within our Budget and find other ways to make up the revenue.

1999/2000 Year Budget Review/Town Clerk

After the review of the proposed Budget, the Town Clerk asked for the Town Council to consider their areas of responsibilities regarding the Capital Improvement Plan and to work toward a more appropriate and complete document by the time the Budget is amended after this year's audit.

Suggestion: Regarding 1999 Audit - To clarify placement of bond payments in the Water/Sewer Depts. The Auditors have maintained that the payments should be listed in the "Operating Expenditures" section of the financial reporting, while the State Budget Form places the payments in "Non-Operating Expenditures". This should be clarified prior to the Audit.

An area with a high level of activity projected for 1999/2000:

Loafer Canyon Rd. Capital Project Fund:

Transfer from Sewer Dept. - \$128,480 (\$81,130 for the sewer line & \$47,350 for storm drainage system for Loafer Canyon Rd.)

Summary Report by Ernie Folks: Balance to carry over from 1998/1999 to 1999/2000 = \$83,732. The report from Ernie Folks reveals a \$87,466 "short-fall" in the over-all funding for the Project.

Total Project Cost Estimate: \$349,484

Total Revenue Sources: \$202,466

Short-fall: \$87,466

This needs to be considered in the Capital Improvement Plan.

There were no further comments.

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY GARY BOWEN TO CLOSE THE PUBLIC HEARING ON THE 1999 TAX RATE AND THE 1999/2000 FISCAL YEAR BUDGET**

**VOTE: YES (5)**

**NO (0)**

**ELK RIDGE TOWN  
TOWN COUNCIL MEETING  
SEPTEMBER 14, 1999**

**TIME & PLACE  
OF MEETINGS**

The Town Council of Elk Ridge, Utah, held a Public Hearing on Tuesday, September 14, 1999, at 6:00 PM, at the Elk Ridge Town Hall, 80 East Park Drive, Elk Ridge, UT, for the purpose of receiving public comment regarding the issue of a proposed Tax Increase for the 1999 Tax Year and on the 1999/2000 Fiscal Year Budget for the operation of the Town of Elk Ridge. The Public Hearing was held in conjunction with the regularly scheduled Town Council Meeting at 7:00 PM.

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**TOWN COUNCIL WORK SESSION**

**ROLL CALL**

*Mayor:* Cregg Ingram; *Town Council:* Gary Bowen, Cindi Ellis, Jerry Mason, Brent Bluth; *Planning Commission:* Stewart Jolley; *Administrative Assistant:* Ernestine Folks; *Public:* Don & Linda Bowen, Bruce Jeppson, Ken Orton, Henry C. & Jeanne Adovnik; Terry Spoor, Bob Goodwin, Tony Searle & Trulan Preece;  
*Town Clerk:* Janice Davis.

**DEPT. HEADS  
REPORTS**

**Planning & Zoning:**

**1. Storm Drainage:**

Recommendation from the Planning Commission:

The recommendation has already gone to the Council of implementing a \$3.00 storm drainage fee to the residents, to go out with their utility billing from the Town.

New Developments are now required to install their own drainage systems.

**2. Water Meter Size Ordinance:**

Recommendation from the Planning Commission to add 2" lines for fire protection purposes only (separately metered from the culinary water). There have been four recent requests for the larger lines (most for non-fire protection usage).

Ernestine Folks: Does the 2" line affect other residents in the same area? (May be a question for the Town Engineer.)

## ELK RIDGE TOWN COUNCIL WORK SESSION - 9-14-99, CONT.

### **Administration:**

The Deputy Town Clerk (Lisa Ehlers) requested to attend 2 seminars; one for Caselle Updates and the other one on Business Licensing. The Council felt that she should attend the conference for Caselle; but, not the one on business licensing.

### **Roads:**

Jerry Mason: The National Guard was scheduled to be in Town on Saturday of the previous week. They were grading the south shoulder of Park Dr. for a "walk-way" (path). The Public Works Superintendent (Kent Haskell) and Dale Bigler met to plan the project. Councilmember Mason could not be in attendance; but, the information was relayed to him by Kent Haskell and was approved. The next step is to lay gravel in October, 1999.

Loafer Canyon Road Project:

Appraisals are to be in by 9-16-99. Appraisal cost estimate was at \$500...it could go up to \$700. The Town Council was in agreement that the appraiser should be held to his original cost of \$500.

### **Public Safety:**

Cindi Ellis: Stop Signs...

Councilmember Ellis proposes removal of two stop signs in Town. (Cortez & Park Dr.) The stop signs were originally installed due to a school bus stop being located at that corner. It is Councilmember Ellis' understanding that this corner is no longer a bus stop. (It was discovered later in the Meeting that this corner is still a school bus stop.) In this case, Councilmember Ellis feels the Bus stop should be moved off of Park Dr. for the safety of the children.

The Sheriff has monitored this corner, at Councilmember Ellis' request, and he reports that only about 25% of the motorists stop at the stop sign...most go through it. The ones who stop, build up speed to make up for the stop. Councilmember Ellis feels that speeding should not be controlled with stop signs, but with added patrol in the area. The Sheriff agrees.

Councilmember Ellis will check with Nebo School District about moving The bus stop.

Henry Adovnik (resident): Reminded the Town Council that there are no street signs in the Fairway Heights Subdivision, where they live. Is this the developer's responsibility or the Town's? (The Mayor assured Mr. Adovnik that the matter would be dealt with.)

ELK RIDGE TOWN COUNCIL WORK SESSION - 9-14-99, CONT.

**Water & Sewer Depts.:**

Brent Bluth:

Sunrise Engineering will be at the next Town Council Meeting to discuss the Well Head Protection Study

Ken Orton/Building Permit:

This matter was back on the Agenda for Town Council Action.

Mr. Orton feels he should be granted a building permit because it is not feasible for him to connect onto the Town's water system & his lot is in an approved subdivision.

As directed by the Council, the issue was presented to Andrew Jackson (Town Planner).

(Taken from the memo from Mr. Jackson on this issue)

Opinion from a planning perspective:

1. Mr. Orton's lot is a pre-existing, non-conforming lot
2. He feels the Town should stand by its previous approval
3. If the Town Council feels a gross error was made in the previous approval then, based on "health & welfare" issues, reasonable mitigating conditions could be attached to the approval of the building permit; or
4. The Town could purchase the property to avoid issuing a building permit. (Conditions could include an in-home fire-suppression system (sprinklers).

Board of Adjustments:

1. Andrew Jackson could not find any reference to the Town Council delegating the authority to the Board of Adjustments to make determinations on non-conforming uses. This rests with the Town Council.
2. The Board's denial to Mr. Orton is mute because it did not have authority to decide.

He summed up his memo by stating that this is his opinion only as a Town Planner. Other professionals may have very different opinions. The Town Council should receive as much input as possible, prior to making any decisions.

Brent Bluth: Questioned if the Town Council has the right to grant a building permit. (He thinks not.)

Cindi Ellis: Would like to get legal advise.

Gary Bowen: The Town has adopted the Uniform Fire Code

Mayor: Will obtain legal opinions from both the Utah League of Cities & Towns (ULCT) & the Utah Local Govt. Trust (ULGT), as well as the Town's attorney, & bring the information back to the Council at the next Meeting.

## TIME & PLACE OF MEETINGS

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*Mayor:* Cregg Ingram; *Town Council:* Gary Bowen, Cindi Ellis, Jerry Mason, Brent Bluth; *Planning Commission:* Stewart Jolley; *Administrative Assistant:* Ernestine Folks; *Public:* Don & Linda Bowen, Bruce Jeppson, Ken Orton, Henry C. & Jeanne Adovnik; Terry Spoor, Bob Goodwin, Tony Searle & Trulan Preece;  
*Town Clerk:* Janice Davis.

INVOCATION  
& PLEDGE  
OF ALLEGIANCE

The Invocation was offered by Brent Bluth, followed by the Pledge of Allegiance.

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY  
BRENT BLUTH TO APPROVE THE AGENDA TIME FRAME;  
ADJUSTING THE AGENDA BY 32 MINUTES  
VOTE: YES (5) NO (0)**

TEMPORARY  
PERMIT/SALES  
TRAILER

Bruce Jeppson: Requested approval for a Temporary Use Permit to place a sales trailer on one of the lots in the Oak Hills Subdivision, Plat B. It would be occupied only during business hours, primarily daylight, not for overnight occupancy; for about 6 months. There will be no water/sewer hook-ups, only electricity and, eventually, a porta-potty. Signage must conform to the Codes of the Town.

ELK RIDGE TOWN COUNCIL MEETING - 9-14-99, CONT.

**MOTION WAS MADE BY JERRY MASON AND SECONDED BY GARY BOWEN TO APPROVE THE REQUEST BY BRUCE JEPSON FOR A TEMPORARY USE PERMIT FOR A SALES TRAILER, WITH THE FOLLOWING CONDITIONS:**

- 1. THE PERMIT WILL EXPIRE AT THE END OF MAY, 2000**
- 2. ALL SIGNS MUST CONFORM TO APPLICABLE CODES IN THE TOWN'S ORDINANCES**
- 3. DAYTIME USE ONLY (REGULAR BUSINESS HOURS)**

**VOTE: YES (5)**

**NO (0)**

KEN ORTON/  
BUILDING  
PERMIT

Mayor: Committed to have at least two legal opinions by the next Town Council Meeting. He recommended that the Council satisfy all their own questions, as well. The issue was tabled until the next Town Council Meeting, at the end of September, 1999.

Mr. Orton is also to meet with the Town's Planner.

1999 TAX RATE/  
1999/2000 FISCAL  
YEAR BUDGET

Mayor: Feels the Town should have enough funds to make up the "short-fall" of last year's property tax revenue. The Tax Rate increase is an attempt to do this. The Town can make efforts to change procedures at the County level; but, he does not believe that it will make much difference and the Town will still be in need of funds.

Cindi Ellis: Agrees with Mr. Tony Searle that the Town should be pro-active in the approach to solving the tax problems; however, she also agrees that the Town does not have control over certain things. She feels there should be an effort to make up the "short-fall". The Town's budget is already a "bear-bones" budget...the Departments have been cut back.

Jerry Mason: Feels the Council would be negligent to not do what they can to cover the increasing costs.

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY JERRY MASON TO ADOPT THE PROPOSED TAX RATE OF .002113 FOR THE TOWN OF ELK RIDGE, WHICH IS AN INCREASE OVER THE SUGGESTED CERTIFIED TAX RATE.**

**VOTE: YES (5)**

**NO (0)**

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY BRENT BLUTH TO ADOPT THE 1999/2000 FISCAL YEAR BUDGET FOR THE OPERATION OF THE TOWN OF ELK RIDGE, UTAH**

**VOTE: YES (5)**

**NO (0)**



ELK RIDGE TOWN COUNCIL MEETING - 9-14-99, CONT.

DEPT. HEADS

**Planning & Zoning**

**Loafer Ridge Subdivision, Plat A - Final Plat**

Memo (submitted by Andrew Jackson):

The request is for Final Plat approval for Loafer Ridge Subdivision, Plat A. It includes 12 lots located at Valley View Cr. & Loafer Canyon Rd. In the R & L 1-20,000 Zone. The Plat complies with all applicable Town Codes except that it appears from the plans & profiles that there will be a 10' cut along the "knuckle" of Valley View Cr. The 10' cut would require an exception from the Town Standards. Lot 12 has a detention basin as an easement on it. The detention basin may be moved in the future if additional development occurs.

There was some discussion at the Planning Commission Meeting about lack of water and/or water pressure, generally, in the area due to flushing of a line through a fire hydrant. The problem is an existing problem with the system as a whole. Since this subdivision is not currently attached to the system, the problem was not caused by this development. This subdivision should have no negative effect on the culinary system. The problem with the fire hydrant usage will exist with or without this subdivision. The Planning Commission recommended approval of the Plat to the Council.

Stewart Jolley: The Town Engineer recommends that the Town require no more than a 2 to 1 slope and to revegetate the slope.

Mr. Jolley recommends approval contingent upon these two items and that they be noted on the actual Plat prior to recording.

There is a list of things to be completed prior to recording. The Town needs to review the bonding requirements being expected before Final Plat approval. This is not how most lending agencies work.

The Town Planner is looking over the process.

Brent Bluth: Asked about the fire flow and why the Planning Commission forwarded a recommendation for approval without a 10" water line, to loop the system in that area, brought from the west side of Town.

Stewart Jolley: The problem is not isolated to that area. Looping the line from Lee Haskell's line would fix this problem.

Cindi Ellis: Feels the line should be hooked onto the one from Mr. Haskell's subdivision. She has no problem approving the development if the line is connected.

Trulan Preece: He reminded the Council that he has been restricted from developing the rest of his land until additional water has been provided.



**MOTION WAS MADE BY MAYOR INGRAM TO APPROVE LOAFER RIDGE SUBDIVISION, PLAT A, FOR FINAL PLAT APPROVAL, CONDITIONAL UPON:**

- 1. A 2 TO 1 CUT ON THE SLOPE**
  - 2. REVEGETATION OF THE SLOPE**
- AS OUTLINED IN THE ENGINEERING STUDY  
NO SECOND...MOTION DIES**

**MOTION WAS MADE BY GARY BOWEN AND SECONDED BY CINDI ELLIS TO DENY THE LOAFER RIDGE SUBDIVISION, PLAT A'S APPLICATION FOR FINAL PLAT APPROVAL BASED ON:**

- 1. 6" WATER LINE WHICH EXTENDS NORTH/SOUTH ON LOAFER CANYON RD...THERE IS A POSSIBLE FIRE FLOW PROBLEM AT THE TOP (SOUTH) OF THE TOWN WHEN THE HYDRANTS ARE TURNED ON LOWER (NORTH) ON LOAFER CANYON RD.**

- A. PRIOR TO APPROVAL, THE COUNCIL NEEDS TO BE SURE THAT THIS PROBLEM IS TAKEN CARE OF.**
- 2. WITH THE WELL HEAD PROTECTION, IT IS POSSIBLE THAT SEPTIC TANKS SHOULD NO LONGER BE APPROVED ANYWHERE IN TOWN.**

Discussion:

Mayor Ingram: Wants clarification as to what would be acceptable to get this subdivision approved.

Gary Bowen: A plan to loop the line. To approve more lots in the areas where there are problems, is a mistake.

Trulan Preece: There was a test saying fire flows on the Loafer Canyon line are fine.

Gary Bowen: Even though it says the flow is fine, other parts of the Town are affected.

Trulan Preece: This is not his fault. It is faulty engineering from years ago.

Cindi Ellis: But, it is up to the current Council to protect the health, welfare and safety of all of the citizens of Elk Ridge.

Trulan Preece: He stated that they have gone by the engineering facts.

Gary Bowen: Responded that the engineering facts are not being ignored. He agrees that the culinary water flow would not be affected with the approval of Mr. Preece's 12 lots; but, the fire hydrant system is definitely a problem.

Trulan Preece: These are pre-existing problems!

ELK RIDGE TOWN COUNCIL MEETING - 9-14-99, CONT.

Gary Bowen: The problems still need to be solved.

Trulan Preece: Stressed that Councilmember Bowen said he would not vote on the project due to septic tank concerns alone.

Gary Bowen: There is new information available. Councilmember Bowen maintains that Mr. Preece knew in advance of his concerns.

Trulan Preece: Feels that his subdivision is "vested".

Gary Bowen: Said that he would vote against any subdivision tying into substandard lines and into the flow going through those lines. Mr. Haskell's lines will not connect into that flow.

Trulan Preece: Understands the point; but, he should not be at the point of final with added requirements.

Cindi Ellis: New information helps the Council make better decisions. They cannot guarantee a developer will get Final approval.

Brent Bluth: Questions whether the Town can disapprove septic tanks at this point, since the Development Code allows them.

The water issues are a concern to him. They were the reason he did not vote for this subdivision in the first place. This was based on Sunrise Engineering's Study, which indicated the number of available water connections in the Town. He asked Mr. Preece if he would rather have the issue (Final Approval) stricken from the Agenda or tabled until he has a chance to either solve the problem or try to educate the Council.

Cindi Ellis: Stated that if she had known what she knows now, she would not have voted to allow the subdivision to go forward with the Planning Commission. One engineer says that any connections beyond those designated as "available" for development...would tax the system and another says they won't. A definite plan should be in place to solve the problem.

Trulan Preece: A plan is in place to bring a 10" line to the Loafer Canyon area when the new well and tank are in place. Loafer Canyon then becomes part of the "lower system", not part of the "upper system", which looping the line now would do.

Brent Bluth: Could the reimbursement of impact fees to the developer help pay for the line?

Gary Bowen: Has no problem with impact fees going toward reimbursement. He still has a problem going over the number of designated available connections.

Brent Bluth: Re-stated that Mr. Preece needs to decide if he wants to let the motion on the floor stand, and put it to a vote...or, remove the issue from the agenda for further study of other options.

ELK RIDGE TOWN COUNCIL MEETING - 9-14-99, CONT.

Trulan Preece: Decided that, if it would help, he would prefer to remove The item from the agenda for further study.

Councilmember Bowen withdrew his motion...the second was also withdrawn by Councilmember Ellis.

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY CINDI ELLIS TO TABLE THE DECISION ON LOAFER RIDGE SUBDIVISION, PLAT A...FINAL PLAT APPROVAL**

**VOTE: YES (5)**

**NO (0)**

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**Water Meter Size Ordinance**

**MOTION WAS MADE BY GARY BOWEN AND SECONDED BY CINDI ELLIS TO ADOPT THE WATER METER SIZE ORDINANCE**

**VOTE (POLL): JERRY MASON-AYE, CINDI ELLIS-AYE, BRENT BLUTH-AYE, GARY BOWEN-AYE AND MAYOR INGRAM-AYE PASSES 5-0**

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**Parks/Public Safety**

Stop Signs

Cindi Ellis: Deferred the issue until she has a chance to check with The bus station on the location of the bus stop on Park Dr.

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**Administration**

Engineering Contract/Approval

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY BRENT BLUTH TO APPROVE THE CONTRACT BETWEEN LEI CONSULTING ENGINEERING AND THE TOWN OF ELK RIDGE AND TO AUTHORIZE THE MAYOR TO SIGN THE CONTRACT, IF SATISFIED WITH ALL OF THE TERMS OF THE AGREEMENT.**

**VOTE: YES (5)**

**NO (0)**

(Effective as of September 15, 1999)

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**EXPENDITURES**

**General:**

Clean Water Tanks:

Every three years the tanks should be cleaned. About \$700/year should be budgeted toward this cost. It should be cleaned in the Spring of 2000.

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY CINDI ELLIS TO APPROVE CLEANING THE WATER TANKS AFTER JANUARY, 2000 AND BEFORE MAY, 2000**

**VOTE: YES (5)**

**NO (0)**

ELK RIDGE TOWN COUNCIL MEETING - 9-14-99, CONT.

Dialing System (Telemetry)

Cost estimate = About \$1,500

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY JERRY MASON TO APPROVE A DIALING SYSTEM FOR THE TOWN'S TELEMETRY SYSTEM...TO BE FUNDED FROM RETAINED EARNINGS IN THE WATER DEPT.**

**VOTE: YES (5) NO (0)**

Flow Meter:

Cost estimate of about \$2,800 to \$3,000

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY GARY BOWEN TO APPROVE UP TO \$3,000 FOR THE PURCHASE OF A FLOW METER...TO BE FUNDED THROUGH SEWER RETAINED EARNINGS**

**VOTE: YES (5) NO (0)**

List of Expenditures for August, 1999:

(Review) Suggestion:

1. Check for a cheaper rate for wireless phone at \$49.99/400 minutes
2. Check on \$50/hour for rental of Kent Haskell's backhoe.

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY JERRY MASON TO APPROVE THE LIST OF EXPENDITURES FOR AUGUST, 1999.**

**VOTE: YES (5) NO (0)**

MINUTES

**MOTION WAS MADE BY JERRY MASON AND SECONDED BY CINDI ELLIS TO APPROVE THE TOWN COUNCIL MINUTES OF JULY 19, 1999**

**VOTE: YES (5) NO (0)**

ADJOURN

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY CINDI ELLIS TO ADJOURN THE TOWN COUNCIL MEETING**

**VOTE: YES (5) NO (0)**

**TOWN COUNCIL CLOSED SESSION**

There was no information available. The Closed Session was canceled.

  
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 28, 1999, with the Town Council Work Session at 6:00 P.M., followed by the regular Council Meeting at 7:00 P.M. The meetings will be held at the Elk Ridge Town Hall, 80 E. Park Drive, Elk Ridge, Utah.

### 6:00 P.M. - TOWN COUNCIL WORK SESSION

#### **Dept. Head Updates:**

Administration-Mayor Ingram

General Update/Discussion

Status of Engineering

Planning & Zoning-Gary Bowen

General Update

Report on Special Planning Commission Meeting

Stewart Jolley

Loafer Ridge Subdivision, Plat A/Discussion

Ken Orton/Building Permit-Discussion - Mayor

Water/Sewer Depts. - Brent Bluth

General Update:

Approved Lots & Building Permits Report-Ernestine Folks

Resolution/Water Connections-Discussion-Mayor

Storm Drainage Fee Ordinance/Discussion

Roads-Jerry Mason

General Update/Discussion

Parks/Public Safety-Cindi Ellis

General Update/Discussion

Forrest Council Grant Status

Emergency Management

### 7:00 P.M. - REGULAR COUNCIL MEETING AGENDA ITEMS:

7:00 Invocation and Pledge of Allegiance

7:02 Approval of Agenda Time Frame

7:10 Sunrise Engineering Report/Well Head Protection

#### 7:25 **Planning & Zoning:**

K & C Subdivision, Plat A (Christensens)-Final Plat Approval

7:40 Approval/Street Name

7:45 Loafer Ridge Subdivision, Plat A-Final Plat Approval

#### 8:00 **Water/Sewer Depts.:**

Ordinance/Storm Drainage Fee

8:10 Highland Circle Water Line/Project Approval

#### 8:15 **Parks/Public Safety:** - Cindi Ellis

Emergency Management/Action

8:25 Ordinance/1999 Edition of Utah Code Unannotated

8:30 Ordinance/Utah State Criminal Code, Alcohol Regulations &  
Traffic Laws

8:35 Expenditures: General

8:40 Approval of Minutes of Previous Meetings

8:50 Adjournment

Town Council Agenda - 9-28-99

TOWN COUNCIL CLOSED SESSION

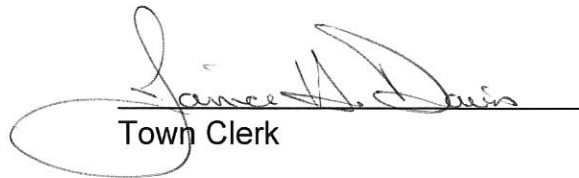
Discussion of Personnel

Acquisition of Property

\*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.

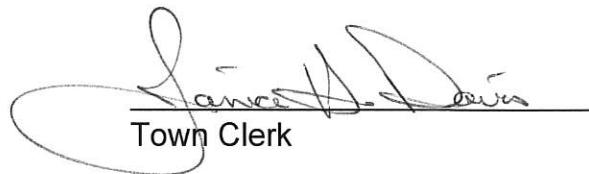
Dated this 24<sup>th</sup> day of September, 1999.



Janice H. Davis  
Town Clerk

CERTIFICATION

I, the undersigned, duly appointed and acting Town Clerk for the municipality of Elk Ridge, hereby certify that a copy of the foregoing Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah and to each member of the Legislative Body on September 24, 1999.



Janice H. Davis  
Town Clerk

**ELK RIDGE  
TOWN COUNCIL MEETING  
SEPTEMBER 28, 1999**

**TIME & PLACE  
OF MEETING**

The regular Meeting of the Elk Ridge Town Council was held on Tuesday, September 28, 1999. The Council Work Session was at 6:00 PM, followed by the Regular Town Council Meeting at 7:00 PM. The meetings were held 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, 145 E Utah Ave, Payson, UT, and to each member of the Governing Body by mailing a copy to each on September 24, 1999.

6:00 PM

-

**TOWN COUNCIL WORK SESSION**

**ROLL CALL**

*Mayor:* Cregg Ingram; *Town Council:* Cindi Ellis, Jerry Mason, Gary Bowen, (absent - Brent Bluth); *Public:* Trulan Preece, Dao Yang, Kim & Carrie Christensen, Dorothy Cloward, Matt & Kelly Stewart, Larry Vest, Boyd Hanks; & *Town Clerk:* Janice H. Davis

**DEPARTMENT  
HEAD UPDATES**

**Administration:**

**Mayor Ingram:**

1. The Elk Ridge Town Council & Planning Commission have been invited to attend a Public Meeting with Payson City (At Payson City) about the proposed Mecham Annexation; to be held on Wednesday, 9-29-99. (The Mayor, Stewart Jolley and Ernestine Folks are to attend; all other members of the Town Council and Planning Commission are also invited.)
2. The Utah Domestic Violence Coalition would like all the Mayors in Utah to proclaim October, 1999, as "Domestic Violence Awareness" month. This will go out in the Town Newsletter.
3. The Mayor has drafted a manual for procedures and policies for the administration of the Town in the different areas of responsibility. This is to assist new Town Councilmembers to understand their duties. He asked for feedback from the Council and the Planning Commission Chairman.
4. The Mayor also drafted a summary of his meeting with Craig Bott, Attorney for the Utah Local Governments Trust (ULGT). Several issues were discussed:



ELK RIDGE TOWN COUNCIL WORK SESSION - 9-28-99, CONT.

A) Ken Orton property Mr. Orton feels that he is entitled to a building permit on his lot in the Goosenest area; even though the Development Code and the Fire Code require a hydrant no more than 250 ft. from each dwelling. The size of the water lines in the Goosenest System are too small to support hydrants; therefore, building permits for dwellings in the area are not being issued until this situation is corrected. Mr. Orton feels he is entitled to a permit since his lot exists in an approved subdivision.

Mr. Bott responded that if there was a "vested interest" (Was he issued a building permit prior to the change in the ordinance?), then granting of the building permit should be considered. However, this was not the case and Mr. Bott feels that Mr. Orton does not have a legal basis to his claim. Mr. Bott feels that, in a law suit, the Town's position would win.

Options:

1) Legal 2) Practical 3) Moral

The Town Council is bound by its Ordinances and granting exceptions to the requirements within these Ordinances should not occur. It would be preferable to change the Ordinances and Mr. Bott suggested that the Town do just that for practical and moral reasons.

Councilmember Bluth suggested a "text" amendment, if necessary, and that Mr. Orton should be the one to instigate this action.

5. Suggestion (Mr. Bott): The Town should have a resolution to specify the number of new water connections to be allowed. A close look should be taken of those pending subdivisions which are "vested" or of developers who feel they are vested. A determination needs to be made as to where to "draw the line". This information should be included in the resolution.

The question was raised as to the status of:

A) The Harris Subdivision

B) Fairway Heights, Plat C (proposed development of Mr. Forrest Darling)

Mr. Bott recommended including any proposed subdivisions which are considered "vested" in the resolution.

The Mayor said that he would research the status of the Harris Subdivision and have the Town Planner draft a resolution.

6. Engineering:

The Mayor met with both LEI Engineering and Bruce Hall (Hall Engineering). Mr. Hall was informed of the Town Council's decision

## ELK RIDGE TOWN COUNCIL WORK SESSION - 9-28-99, CONT.

to hire LEI Engineering as the Town Engineering firm. Mr. Hall recommended that the new Engineers take over on all of the current projects. The Mayor also sent a follow-up letter thanking Hall Engineering for their service to the Town.

LEI (Greg Magleby) agreed to finish up the current Town projects. Speaking from an administrative point of view, all planning & zoning or development questions are to be directed to the Town Planner, Andrew Jackson.

### **Planning & Zoning:**

#### Stewart Jolley: Report on Meeting

The Planning Commission had a "Public Input" Meeting on the General Plan. 15 people were in attendance; that, added to the 57 responses to the survey sent out, supplies the Planning Commission with some "feed-back".

The agenda for the Meeting included:

Concerns of the Planning Commission Members

Clustering Concepts

Businesses/Commercial

Summarization of ideas:

- Infrastructure is installed by the developers
- Impact fees can only be used to add to the Town's services; they cannot be used to fix or maintain

Main Concerns:

- Affordable housing/Moderate income housing
- The remaining developable land in Elk Ridge has low density (1/2 acre or more). Larger lots are higher in cost to the potential buyer, as well as costing the Town more to maintain. So, smaller lots, with possible clustering was discussed.
- "Bedroom" communities (with no commercial tax base) are always struggling, financially. The opinion was to consider professional type businesses, rather than trades. A "Business Review Board" would be established
- Merging with Salem City was brought up. Mayor Ingram reminded the Council that this issue had come up in the past and was rejected when public opinion was sought. It is an option worth reconsideration.

Mayor: to meet with each of the Councilmembers to discuss the "Capital Improvement Plan" in their particular areas of authority.

ELK RIDGE TOWN COUNCIL WORK SESSION - 9-28-99, CONT.

Cindi Ellis: Reminder of assignment from the Council on 8-24-99 for the Planning Commission to review the "Growth Management Strategy" with the Town Planner.

Loafer Ridge Subdivision, Plat A

Gary Bowen: Councilmember Bowen met with LEI, Lee Haskell & Trulan Preece to try to solve the problem of the 10" water line required to loop the line from Mr. Haskell's proposed Plat G to Loafer Canyon Road. Councilmember Bowen reported that he feels an acceptable arrangement has been worked out. Mr. Haskell will run a 10" water line from his project to Loafer Canyon. Water Impact fees will be used to pay for that line. About 80% of the impact fees due from Mr. Preece's development and Mr. Haskell's development will be spent on this line. The two developers will pay the impact fees up-front & install the line. They can charge the fees back to the landowner as the lots are sold and built upon.

Mr. Preece would have to install a "T" in the line in Loafer Canyon, a 10" valve and a piece of pipe to take it out of the asphalt. The line will connect Park Dr. to Loafer Canyon Road with the 10" line.

This will increase the flow by at least 3 times; but, it won't solve the water problem for the Town. There will be a "developers' agreement" between Lee Haskell and Trulan Preece.

The Town Planner was consulted and the arrangement, in his opinion, is legal.

Trulan Preece:

1. Will construction of the line restrict the issuance of building permits?

2. Requested that the Council waive the requirement for asphalt to be installed prior to the issuance of building permits...so that he can start building homes before the bad weather comes.

Gary Bowen: Would not object to this as long as Mr. Preece is the builder and the developer on the lot and that he (Mr. Preece) does not sell any of these lots with building permits.

Mr. Preece: An agreement is needed that there will be no occupancy permits granted until the asphalt is installed.

Stewart Jolley: To grant that request is going against the Town's Ordinance.

(The Ordinance says that a building permit cannot be issued until asphalt is installed.)

Mayor: There is the process in the Development Code which the Town Council must follow to grant any exception.

ELK RIDGE TOWN COUNCIL WORK SESSION -9-28-99, CONT.

Cindi Ellis: Warned against the possibility of fire hazzard of not being able to get emergency vehicles to the construction site without the asphalt.

Mr. Preece: Mid-winter will not be much of a risk for a fire to spread. He said that he is liable for the house while it is under construction.

3. Mr. Preece feels that \$36,000 in water impact fees (up front) would be a "hardship".

A. He asked for permission to move forward with the other phase of his development, to generate added revenue...or,

B. Another option: to de-annex the north end of the land to Woodland Hills and allow them to control the road from Woodland Hills to Loafer Canyon Road.

Stewart Jolley: The General Plan would need to be modified.

Gary Bowen: He is against de-annexation. He is not in favor of losing control of the east side of Loafer Canyon Road.

Mayor: Pointed out that if Mr. Preece is in a hurry, de-annexation is not a "quick" process. It could take months.

Stewart Jolley: Couldn't the \$36,000 be a part of the construction loan?

Mr. Preece: Maintains that either paying the \$36,000 up front to Lee Haskell or paying the interest on that amount for an unknown period of time is beyond what he is capable of. How long would it take for Mr. Haskell to install the water line? De-annexation is not a quick process; but, there is no guarantee when a new well/tank will go in to allow further development.

The general feeling of the Councilmembers present toward Mr. Preece de-annexing the northern portion of his land into Woodland Hills: They see no advantage in doing so. They would prefer for Elk Ridge to control Loafer Canyon Rd., north to the County Rd. How Woodland Hills will develop in the future is speculation at this time.

Ken Orton/Building Permit:

This was discussed earlier. Councilmember Bowen said that he agreed with Councilmember Bluth...that the Town should do nothing right now...to allow Mr. Orton to instigate whatever option he chooses.

**ELK RIDGE  
TOWN COUNCIL MEETING  
SEPTEMBER 28, 1999**

TIME & PLACE OF MEETING	<p>The regular Meeting of the Elk Ridge Town Council was held on Tuesday, September 28, 1999. The Council Work Session was at 6:00 PM, followed by the Regular Town Council Meeting at 7:00 PM. The meetings were 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, 145 E Utah Ave, Payson, UT, and to each member of the Governing Body by mailing a copy to each on September 24, 1999.</p>
ROLL CALL	<p><i>Mayor:</i> Cregg Ingram; <i>Town Council:</i> Cindi Ellis, Jerry Mason, Gary Bowen (absent: Brent Bluth); <i>Planning Commission:</i> Stewart Jolley; <i>Sunrise Engineering:</i> Dao Q. Yang; <i>Administrative Assistant:</i> Ernestine Folks; <i>Public:</i> Terry Spoor, Kim &amp; Carrie Christensen, Dorothy Cloward, Trulan Preece, Boyd Hanks; <i>Town Clerk:</i> Janice H. Davis</p>
INVOCATION & PLEDGE OF ALLEGIANCE	<p>Jerry Mason offered the Invocation.</p> <p>_____</p>
AGENDA TIME FRAME	<p><b>MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY GARY BOWEN TO APPROVE THE AGENDA TIME FRAME, ADJUSTING THE TIME BY 15 MINUTES</b></p> <p><b>VOTE: YES (4)      NO (0)      ABSENT (1) BRENT BLUTH</b></p> <p>_____</p>
WELL HEAD PROTECTION/ SUNRISE ENG.	<p><u>Mr. Dao Yang:</u> Was present to summarize and explain the Well Protection Reports:</p> <p>He submitted a summary of the 4 Well Head Reports.</p> <p>Four Zones were delineated for groundwater management purposes:</p> <p><b>1. Zone One</b> (Accident Prevention Zone) = area within 100' radius from wellhead or margin of the collection area. No future pollution sources will be allowed in this area.</p> <p><b>2. Zone Two</b> (Attenuation Zone) = area within 250 day groundwater time of travel to the wellhead or margin of the collection area. The Public Water System (PWS) should not allow future pollution sources within this zone (unless there is an agreement to implement design or operating standards which prevent discharges to the groundwater.</p>

ELK RIDGE TOWN COUNCIL MEETING - 9-28-99, CONT.

**3. Zone Three** (Waiver Criteria Zone) = area within a 3-year groundwater time of travel (tot) to the wellhead or margin of the collection area. Waivers would be available if certain criteria are met. They would be reevaluated every 3 years.

**4. Zone Four** (Remedial Action Zone) = area within a 15-year groundwater time of travel (TOT) to the wellhead or margin of the collection area. The purpose is to provide protection to the drinking water source.

Mr. Yang led a discussion on some charts and tables submitted as part of the summary.

There must be a plan in place to connect onto the sewer in Loafer Canyon as soon as it is ready. After approved by the State, the Town will have 6 months to implement a water source protection ordinance. Sunrise Engineering submitted their reports to the State at the end of June, 1999.

Mr. Yang stressed that record-keeping will be very important: such as...

- Record all changes & activities within each zone of each well
- Update potential contamination source inventory for each well

Resubmit records to the State every six years

Inspect zones once a year

In zones 1 & 2, Mr. Yang suggests not allowing any more septic tanks.

PLANNING &  
ZONING

**1. K & C Subdivision, Plat A - Final Plat Approval:**

(Also Approval of Street Name)

Memo from Andrew Jackson:

Kim & Carrie Christensen are requesting final Plat approval of K & C Subdivision, one lot in the RR-1 Zone. The Christensens received approval from the Planning Commission on 9-16-99, with the condition that they: 1. Provide easements along the alignment of Lakota Lane to Loafer Canyon Rd. For a public utility easement and as an emergency vehicle access, signed by the property owners; 2. Water, sewer & road plan & profile drawings; 3. Provide service letters from the various utility companies. Items 1,2 & 3 were to be completed prior to the Town Council Meeting. Compliance with the rest of the Code would be required prior to recording the Plat. (Attached to the memo from Mr. Jackson was a memo prepared by Ernestine Folks [Admin. Assistant], wherein 11 items were to be met prior to recording the Plat.) There is a note on the Plat stating that the street will become part of Utah County's 11200 South Street.



ELK RIDGE TOWN COUNCIL MEETING - 9-28-99, CONT.

The applicant will deed the road right-of-way when the County is ready to develop the road.

The applicant & the adjacent property owners will allow an access easement for emergency vehicles and to allow Elk Ridge Town to access Well #5. The applicant has submitted a "right to connect" letter from the water company. The letter is for a different property owned by the Clowards.

Carrie Christensen: Reported that Jim Armstrong & Gary Hansen said they would grant the necessary easements through their property. The easements are signed, but will not be recorded until the Christensens are assured of a building permit.

The profiles were turned in. The requests for verification of service were delivered to the various utility companies; however, the Christensens did not have the reply letters with them. They informed the Council that even though they delivered a request letter to the Gas Company, they will not be using natural gas in their home, they will be using propane.

**MOTION WAS MADE BY GARY BOWEN AND SECONDED BY CINDI ELLIS TO APPROVE THE K & C SUBDIVISION, PLAT A FOR FINAL PLAT APPROVAL**

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

**MOTION WAS MADE BY GARY BOWEN AND SECONDED BY CINDI ELLIS TO APPROVE LAKOTA LANE AS THE STREET NAME FOR THE K & C SUBDIVISION, PLAT A**

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

**2. Loafer Ridge Subdivision, Plat A - Final Plat Approval**

Mayor Ingram asked Boyd Hanks if there was a possibility of using Loafer Recreation Association water on an "emergency" basis. (Mr. Hanks was going to speak to the Board of Directors of Loafer Recreation Association about this.)

Mr. Hanks replied that the feelings had been mixed. He felt that the Mayor and the Board should sit down and discuss it.

The main concern with the Board was, once a long-term agreement for water use is entered into, how would they withdraw? Would Elk Ridge become dependent on the water?

Mayor: The initial interest was for a short-term lease for emergency use.



ELK RIDGE TOWN COUNCIL MEETING - 9-28-99, CONT.

Boyd Hanks: A legal opinion is needed:

A. If a Town uses water over a period of time, would a "prescriptive" easement result?

B. Can a municipal water system connect onto a private system?

**MOTION WAS MADE BY GARY BOWEN AND SECONDED BY JERRY MASON TO APPROVE LOAFER RIDGE SUBDIVISION, PLAT A, AND TO GRANT FINAL PLAT APPROVAL SUBJECT TO:**

- 1. THE CONTRACTOR AGREEMENT TO EXTEND THE 10" WATER LINE BETWEEN LEE HASKELL'S LINE IN HIS PROPOSED HASKELL SUBDIVISION, PLAT G, TO THE 6" WATER LINE ON LOAFER CANYON ROAD WHERE THE PRESSURE REDUCING STATION WILL BE LOCATED.**
- 2. THAT THE DEVELOPER HAVE A 10" GATE VALVE AND ONE LENGTH OF 10" DUCTILE PIPE COMING OFF OF LOAFER CANYON ROAD.**

Discussion:

Cindi Ellis: Is the water line looped within Mr. Preece's subdivision (Since it is a cul-de-sac)?

Mr. Preece: The line is not looped.

Cindi Ellis: Then there will be a problem with the line dead-ending & causing the water to stagnate, as in other places in Town.

Gary Bowen: He does not feel this is a problem all over Town.

Cindi Ellis: Could a lateral be connected off the very end of the line, so a "dead" area is avoided?

Gary Bowen: Still feels there is no problem.

Mayor: Feels this situation will not occur.

No further discussion.

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

**MOTION WAS MADE BY GARY BOWEN AND SECONDED BY JERRY MASON TO ALLOW TRULAN PREECE TO OBTAIN BUILDING PERMITS ON NO MORE THAN THREE (3) LOTS IN THE LOAFER RIDGE SUBDIVISION, PLAT A, PRIOR TO THE ASPHALT CROSSING IN FRONT OF ALL LOTS; AND NO OCCUPANCY PERMITS ARE TO BE ISSUED PRIOR TO THE ASPHALT BEING IN PLACE AND APPROVED OF BY THE TOWN ENGINEER.**

ELK RIDGE TOWN COUNCIL MEETING - 9-28-99, CONT.

Discussion:

The Town Council reviewed the exception process, outlined in the Development Code:

Section 10-7-8.7 "...Any such adjustment shall be granted only upon finding that, because of topographic or other unique physical condition, the standard appealed from:

(Jerry Mason: Questioned if the property even qualifies as a "topographic" or "unique" physical condition...)

The Mayor proceeded through the 4 criteria:

1. Unnecessary for proper development of the subdivision and will it be required in the future? (Cindi Ellis feels the property does not meet #1.)

Mayor: No one will occupy the homes until the asphalt is in.

2. Would adherence to the Ordinance cause unreasonable hardship?

Gary Bowen: Due to delays in getting to the point of Final, a hardship has been created because of winter weather coming up, which will delay building.

3. May be granted without destroying the intent of the standard of this Code.

Jerry Mason: Does not see how the intent could be destroyed if occupancy does not occur until after the asphalt is in.

4. The adjustment does not constitute a variance.

Gary Bowen: No, it doesn't.

Jerry Mason: Readdressed his first concern:

A. (Mayor) It is not a topographic situation.

B. Does it constitute a "unique physical condition?"

(Does snowfall constitute a "unique physical condition"?)

Gary Bowen feel it does.)

Cindi Ellis: Is concerned about the precedence being set for other developers.

Gary Bowen: The Town Engineer does not agree with the current asphalt requirement prior to the issuance of building permits. He feels the construction equipment necessary for building tears up the new asphalt. Councilmember Bowen feels that "occupancy" is the key issue.

Stewart Jolley: Disagrees...the purpose of the Ordinance is to maintain health, safety & welfare. The risk to those is present while building a house, as well. Emergency vehicles must have access.

Mayor: It isn't necessary to have asphalt laid to get an emergency vehicle to a building site. Hard surface is adequate.

No further discussion.

ELK RIDGE TOWN COUNCIL MEETING - 9-28-99, CONT.

**VOTE: YES (3)      NO (1) CINDI ELLIS      ABSENT (1)  
BRENT BLUTH**

The Councilmembers present signed the Plat.

**WATER/SEWER  
DEPTS.**

**Ordinance/Storm Drainage Fee:**

Andrew Jackson submitted a draft of a Storm Drainage Fee Ordinance. The fee would be charged to all residents of Elk Ridge and would be used, initially, to pay for the engineering for a storm drainage system for the entire Town.

Ernestine Folks: Reported that Mr. Jackson said he could come up with some figures and the Council would have to decide what to charge.

No figures were submitted with the Ordinance.

The Town Council needs to have the figures to decide.

The Mayor will contact Mr. Jackson to arrange for him to be at a Town Council Meeting to answer questions about the storm drainage fee. The Council also needs a cost estimate from LEI Engineering to do the study for the whole Town.

The Mayor will speak to Mr. Jackson about drafting a resolution establishing the number of lots which will be allowed to develop and which subdivisions would be allowed to progress forward (as suggested by Craig Bott, the attorney for ULGT).

**Highland Circle/Water Line Replacement:**

The project of replacing the 2" lines on Highland Cr. Was approved; but, the original estimate was \$8,000 for both Astor Ln. & Highland Cr. Astor Ln. Cost about \$11,000 to do. The estimate is about the same for Highland Cr. The Mayor would like to see these projects completed. The money has been budgeted.

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY CINDI ELLIS TO APPROVE \$11,000 TO COMPLETE THE PROJECT OF REPLACING THE 2" WATER LINE ON HIGHLAND CR.**

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

**Approved Lots & Building Permits Report:**

Ernestine Folks: 162 vacant lots (not connected to the water system) & 406 lots are connected.

**NON-AGENDA  
ITEM**

Gary Bowen: He was to analyze water usage and water rates... The maximum amount of water each lot can draw is 53,333 gals.

ELK RIDGE TOWN COUNCIL MEETING - 9-28-99, CONT.

Anyone drawing more than that, is drawing water over what is physically possible to pump into the system. (That would change from year to year as the facilities are improved.) In August, 1999, 38 lots were drawing over 100,000 gals. That is the reason that there is not enough water in the system to furnish water to the 160 lots not developed. The Town needs to establish a way to increase the amount of water in the system and reduce the amount of usage. He suggested possibly raising the base rate from \$20 to \$21...or, raising high-end users in an effort to conserve water.

PARKS & PUBLIC  
SAFETY

**1. Disaster Preparedness**

Cindi Ellis: Has attended meetings to educate citizens about disasters. Recent Utah emergencies were reviewed. One of the biggest problems faced was with communication. If phone lines are down, cell phones get jammed. Key people need to communicate with each other.

Suggested that the Mayor use a pager, so he can be reached in times of emergency. Pagers will not jam up, as cell phones do.

Cost estimate = (AT & T are the least expensive..)

\$30-45, \$20 reactivation fee, \$5.95 per month.

Gary Bowen: Realizes that it is not a lot of money; but, how effective would a pager be? What could happen to require paging the Mayor? In an earthquake, he would know about it and he would still have to get to a phone. What good would it do to page him?

Cindi Ellis: The only advantage she can see would be to activate some sort of CERT action. The Mayor would have to track things for FEMA purposes.

Mayor: We do need an emergency response system. The Mayor will look into this and get back to Cindi Ellis.

Cindi Ellis: Feels that the Councilmembers should give the Town Clerk an itinerary when they know they will be out of Town.

**Emergency Management:**

The County has voted to go to the 800 Mega Htz. System.

**The Forrest Council Grant:** Elk Ridge's application was not one chosen to receive the Grant.

ORDINANCE/  
1999 EDITION  
OF UTAH CODE  
UNANNOT.

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY JERRY MASON TO ADOPT THE 1999 EDITION OF THE UTAH CODE UNANNOTATED**

**VOTE (POLL): JERRY MASON-AYE, CINDI ELLIS-AYE, MAYOR INGRAM-AYE, GARY BOWEN-AYE; ABSENT (1) BRENT BLUTH**

ELK RIDGE TOWN COUNCIL MEETING - 9-28-99, CONT.

ORDINANCE/  
UT. STATE  
CRIMINAL CODE.  
ALCOHOL REGS.  
& TRAFFIC LAWS \_\_\_\_\_

This sample ordinance came from Denton Hatch for the Council's consideration. No decision is to be made at this time. The Mayor is to find out more information about this ordinance.

EXPENDITURES      General:  
There were no expenditures to approve.

MINUTES      \_\_\_\_\_  
**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY  
JERRY MASON TO APPROVE THE MINUTES OF THE TOWN  
COUNCIL MEETING HELD ON 7-27-99, AS CONSTITUTED  
VOTE: YES (4)      NO (0)      ABSENT (1) BRENT BLUTH**

**MOTION WAS MADE BY JERRY MASON AND SECONDED BY  
CINDI ELLIS TO APPROVE THE MINUTES OF THE TOWN  
COUNCIL MEETING HELD ON 8-10-99, AS CONSTITUTED  
VOTE: YES (4)      NO (0)      ABSENT (1) BRENT BLUTH**

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY  
JERRY MASON TO APPROVE THE MINUTES OF THE TOWN  
COUNCIL MEETING HELD ON 8-24-99, AS CONSTITUTED  
VOTE: YES (4)      NO (0)      ABSENT (1) BRENT BLUTH**

ADJOURNMENT      \_\_\_\_\_  
**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY  
GARY BOWEN TO ADJOURN THE REGULAR TOWN COUNCIL  
MEETING AND MOVE TO A COUNCIL CLOSED SESSION  
VOTE: YES (4)      NO (0)      ABSENT (1) BRENT BLUTH**

**TOWN COUNCIL CLOSED SESSION**

ROLL CALL      *Mayor: Cregg Ingram, Town Council: Jerry Mason, Cindi Ellis, Gary  
Bowen (Absent-Brent Bluth); Jud Harward; Town Clerk: Jan Davis*

Discussion of Personnel  
Acquisition of Property

  
\_\_\_\_\_  
TOWN CLERK