

AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regularly scheduled **City Council Meeting** on **Tuesday, September 11, 2001, at 7:00 PM;** it will be preceded by a **Council Work Session, to be held at 6:00 PM.** The meetings will be held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

6:00 PM - CITY COUNCIL WORK SESSION

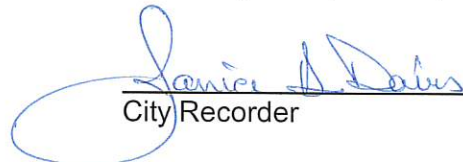
Code Violations
Randy Righettini
Snow Removal - Discussion
John Peterson Lots
Loafer canyon Rd./Sewer Connections/Update
City Attorney – Gary Bowen

7:00 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:

Invocation and Pledge of Allegiance
7:03 Approval of Agenda Time Frame
7:05 Inter-local Agreement/Payson-Gary Bowen
7:10 Santiago/Non-Conforming Status
7:40 John Peterson Lots
8:10 Code Violations
8:15 Set Public Hearing/Ordinance Related to Conveyance of Water Rights
8:20 City Attorney
8:30 Expenditures: General
- LEI Engineering Work Release
- Critchfield Excavation/Bill for Laterals
- Noel Hiatt
8:45 Proposed Annexation/Silver Creek Development
Remand to Planning Commission & Send to Publication
8:45 Haskell Subdivision, Plat J – Durability Retainer
8:50 Adjournment

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

The times, which appear on this amended agenda, may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 10th Day of September, 2001.



City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and mailed to each member of the Governing Body on September 7, 2001 and an Amended Agenda on September 10, 2001.



City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
September 11, 2001**

**TIME & PLACE
OF MEETING**

The regular Meeting of the Elk Ridge City Council was held on **Tuesday, September 11, 2001, at 7:00 PM;** it was preceded by a **Council Work Session at 6:00 PM.** The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and Agenda of these meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body by mailing a copy to each on September 7, 2001, and an Amended Agenda on September 10, 2001.

6:00 PM

CITY COUNCIL WORK SESSION

ROLL CALL

Mayor Pro-tem: Gary Bowen; *City Council:* Cindi Ellis, Kent Anderson (Absent: Mayor Ingram, Michael Motko, Don Mecham); *City Planner:* Jim Bolser; Cory Wride (Sheriff's Office) *Public:* John & Corine Peterson, Wanda Santiago; and *Recorder:* Janice H. Davis

**CODE
VIOLATIONS**

Gary Bowen: Most of the violators have reacted fairly well after receiving letters from the City and have come into compliance. Those who are not complying with the law will have to be dealt with on a legal basis. Dave Tuckett, acting City Attorney, is under pressure from the Payson City Council to discontinue representing both municipalities, so he is not going to take these cases into litigation. Finding a new City Attorney has to be settled before any more action can be taken on these violations. The proposed Inter-local Agreement between Payson City and Elk Ridge City is on hold for now. They are still willing to consider some of the terms; however things may not be settled until after the election and the new Administration takes office.

**RANDY
RIGHETTINI**

(Not Present at the Meeting) Gary Bowen:

A new water line was installed from the center of the street to his meter. When the Public Works Superintendent back-filled the trench, the backhoe made a mark on the entrance to his driveway. He wanted his whole driveway re-sealed. Councilmember Bowen checked on it and sent Kent Haskell to re-seal the driveway.

**SNOW
REMOVAL**

Kent Anderson:

(Nebo School District has requested that Elk Ridge improve the snow removal process.) Compared to the roads he has lived on in Alaska, the roads in Elk Ridge are relatively ice-free. Councilmember Anderson does not feel that the bus service in Elk Ridge is satisfactory. The buses are transporting school children without a place to sit. Another bus is needed in Elk Ridge. He feels the problem runs both ways.

Cindi Ellis: Disagrees. She feels there is a problem with snow removal in Elk Ridge.

Kent Anderson: Suggested more salt/sand besides scraping the roads as best as we can.

Gary Bowen: Not only does Woodland Hills contract out the snowplowing, but they only plow the bus routes. They use a smaller truck and they drop the blade down. They also have a calling system when the conditions are too bad. Then the children are driven to a central area to catch the buses.

Elk Ridge tries to plow all of the roads. It would be expensive to go through the larger blades. The School District has suggested meeting on North Park Drive, at the bend onto Gooseneast Drive. That would not only be dangerous to the children, but would block traffic.

Suggestion: To meet at the LDS Chapel on North Park Drive. The parents could drop the children off in the parking lot and the buses could park on the east side of the road, by the Chapel. Park Drive widens out in that area. Traffic would not be blocked and it would be safer for the children.

Gary Bowen: Salt & cinders will be stockpiled in Elk Ridge this year. It will be faster to load up the trucks. In past years the City trucks had to load up in Salem. (Salem City needs to be informed of this.) If the blades are lowered to the blacktop, it could get costly replacing them (\$3,000/blade). Would it be more costly than contracting the job out? Cinders are messier than sand, but create more traction.

Councilmember Mecham is to have added information ready by the next Council Meeting on the costs involved with contracting the work out. Councilmember Anderson will also check on the costs and have the information available by the next Council Meeting.

JOHN
PETERSON
LOTS

History: (Taken from a letter from Dave Tuckett regarding the issue)

1. Validity of lot split: In 1981, John Peterson (former resident) made a proposal to split his property into three lots. This was submitted pursuant to section 03.01102 of the Elk Ridge Ordinances, which allowed the subdividing of the property without the necessity of a Plat, if the applicant met the conditions of the Ordinance.

The Planning Commission at the time recommended approval of the subdivision. On December 16, 1981, the Town Council approved the subdivision. Since that time the approved lots lines on one of the lots has changed, but no new subdivision has taken place. According to Mr. Tuckett, section 10-9-808 of the Utah Code sets forth the procedure to change a subdivision plat (amending a plat). There is no plat to amend, but the process should probably be followed. The procedure allows the adjustment of lots lines under certain conditions (conditions were also listed in Mr. Tuckett's letter). It was his advise that the City Council should set up a hearing to determine if the criteria were met; if so, then the lots lines can be adjusted without complying with all of the subdivision requirements.

2. Utility Improvements: Under section 03.0102 of the Elk Ridge Ordinance, a person could subdivide property without a plat if he met the criteria of the Ordinance. Subsection E of 03.0102 states that the "requirements under section 03.0402 of this Ordinance are complied with." Section 03.0402 requires the improvements to be installed. Therefore Mr. Peterson, when he was granted approval of his subdivision, was required to install the infrastructure.

(Mr. Tuckett recommends the City Council makes sure Mr. Peterson installs the infrastructure either by putting up a bond, or other security to make sure the improvements are put in.)

At this time, Mr. Peterson wishes to adjust the lot lines to create larger lots of the two lots fronting Park Drive. When the lots were created in 1981, these two lots were 11,000 square ft. (allowable at the time). One of the lots was somehow reduced to a smaller size. His current request would adjust both lots to be nearer the current requirement of 15,000 sq. ft.

John Peterson: The original approval allowed the utilities to be installed at the time of building permit.

Gary Bowen: The minutes from the Meeting when approval was granted states the improvements would be installed. This responsibility cannot be passed from developer to future homeowner. The developer is the responsible party. (He is willing to install the improvements prior to the sale of the land.)

The Council reviewed the criteria to determine if the lot line adjustment should be allowed, as per the section quoted in Mr. Tuckett's letter. They found that the adjustment would be appropriate.

Kent Anderson: Would like to see the terms of the current agreement in writing. (Mr. Peterson stated that this type of arrangement is fine with him.)

Gary Bowen: Informed Mr. Peterson that Questar Gas Company will take their main line down Park Drive around July, 2002. Installation of the improvements to those two lots should be planned before that takes place. Mr. Peterson agreed to do this.

LOAFER
CANYON RD/
SEWER
CONNECTIONS

Gary Bowen: The sewer laterals are all in and the final camera work is done. There is a problem with one of the laterals. The "T" connection is not right. It will be fixed.

Kent Anderson: Suggests not paying the bill until all the work is done.

Gary Bowen: There will be a 5% reduction in the bill. The contractor would like the Council to approve payment subject to inspection by LEI Engineering and a letter of acceptance from LEI.

CITY ATTORNEY

Gary Bowen: Dave Tuckett will no longer be considered the City Attorney for Elk Ridge. Payson City's Council does not want him to continue to represent both municipalities. The Inter-local Agreement between Payson and Elk Ridge is still being negotiated. Decisions may not be arrived at until after elections. Elk Ridge needs an attorney due to pending litigation and pending ordinances to be reviewed. Suggestion: To hire an outside attorney for immediate needs while the City advertises for an attorney. (Glen Vernon may be one to contact.)

NON-AGENDA
ITEM

The times for the next City Council Meeting will be switched. The regular Council Agenda Items will begin at 6:00 PM (to include the Audit Presentation) and the City Meeting on Storm Drainage Plan will take place at 7:00 PM, in the bay area of the Fire Station. LEI will need some time at the beginning of the Meeting to present the proposed Plan.

**ELK RIDGE
CITY COUNCIL MEETING
September 11, 2001**

TIME & PLACE
OF MEETING

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ROLL CALL

Mayor Pro-tem: Gary Bowen; *City Council*: Cindi Ellis, Kent Anderson (Absent: Mayor Ingram, Michael Motko, Don Mecham); *City Planner*: Jim Bolser; Cory Wride (Sheriff's Office) *Public*: John & Corine Peterson, Wanda Santiago; and *Recorder*: Janice H. Davis

INVOCATION
& PLEDGE OF
ALLEGIANCE

Invocation was offered by Cindi Ellis.

AGENDA TIME
FRAME

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY KENT ANDERSON
TO APPROVE THE AGENDA TIME FRAME**

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
MICHAEL MOTKO, DON MECHAM**

INTERLOCAL
AGREEMENT

The information was covered earlier.

SANTIAGO/NON-
CONFORMING
STATUS

(Memo from Jim Bolser – City Planner):

Mr. Bolser has been dealing with this issue for some time. The applicants, Nelson and Wanda Santiago, want the City to declare the lot which their home sits on as legally "non-conforming", as it was approved and built under Utah County jurisdiction in 1972. The Santiago's also own the vacant lot to the north of their home. They are interested in selling both lots independently and want this designation from the City in order to do so. The reason for this issue: the carport located on the north side of the home rests on or very near the property line, therefore violating the side setback regulation.

Mr. Bolser has corresponded with the Santiago's on several occasions, the contents of which were attached to the memo from Mr. Bolser. Through his investigation and conversation with the Utah County Planning Dept., he was unable to uncover any evidence to justify the lot being legally non-conforming. It is very clear that the home was approved by Utah County with both lots mentioned acting as a single lot; however, the lots are separate. According to the Utah County Planning Dept., in 1972, Utah County did not allow lots to act as one, but, through their own admission, this quite obviously did...whether it was correct or not. Therefore the lot in question did not conform legally and cannot be determined to be legally non-conforming at this time.

Wanda Santiago: (Home is on the corner of N. Clark Ln. & Alpine Dr.)

(Resident for 21 years) The Santiago's are about to place their home on the market to sell. They are willing to sell the two lots together or separately. Their real estate agent came into the City Offices to check on the lots and was informed that the extra lot is not a buildable lot.

The building permit was issued before the City incorporated. When the City incorporated, the lots were included. She feels that the lots should be considered "grandfathered" and that the extra lot should be considered "buildable". The Santiago's need to have the status of the lots determined by the Council.

They are aware that if the carport on the north side of the house were cut back at least 7 ft., there would be no set back problems. They are not inclined to do that. The building permit lists both addresses (lots 19 & 20) with lot #20 circled and the lots were inspected that way. They do not wish to misrepresent the property to any prospective buyer.

Kent Anderson: Feels that attorneys should be involved in any legal decision made by the Council.

Jim Bolser: It would not be applicable for the Santiago's to go before the Board of Adjustments at this point. They would have to be denied by the Council, and then they may appeal the Council's decision before the Board of Adjustments.

Cindi Ellis: Even though lot #20 was circled, lot #19 was not crossed off & it is a concern that the building permit lists both lots.

Mrs. Santiago: The lot line was never dissolved. For the building permit to cover both lots, she feels the line would have to have been dissolved. She feels that if the Town had intended them to be one lot, they would have dissolved the line.

Gary Bowen: The City does not do that. The person who built the house bears the responsibility to meet building code. The set back was in place then.

Cindi Ellis: If the set back had been different back when the house was built, perhaps "grandfathering" would apply, but they have remained the same; it is simply a violation.

City Recorder: Read the definition of a "non-conforming lot of record" out of the Elk Ridge City Development Code. The lots in question do not fit the definition. The lots are both conforming. (Jim Bolser corrected that it is a "non-conforming structure".)

Mrs. Santiago: Still maintained that the house and lots were incorporated as they are. If this did not meet Town standards, the lot line should have been dissolved. Since it was not, it should be acceptable now, as is.

Gary Bowen: The responsibility to dissolve the lot line does not lie with the City or the County. The homeowner is responsible.

Mrs. Santiago: This is not about what the City wants or what she wants, it is about what is legal.

Jim Bolser: Submitted copies of the original building permit and photos of the lots and the Santiago home and the old County plat map of the area. He also had a copy of the original building site plans, including the garage, house and the carport. The plans show a side setback of 30' for the garage and an 18' set back on the carport side. The set backs do not add up to the frontage of the property. To meet the set back requirement, there would be an over-lap over the designated property line between the two lots. Ordinarily the County would not have approved this, but this seems to have gotten by them.

Kent Anderson: There is not enough information noted on the plans as to what the County was willing to accept.

Suggestion: Legal opinion is needed...1) on the issue at hand & 2) if the Council has the authority to grant a variance (Council can grant exceptions, if certain criteria are met, as stated in the Elk Ridge Development Code).

Gary Bowen: According to his understanding, the Council can do nothing to violate its own Ordinance. He believes that the Council will have to deny the request and it can then go before the Board of Adjustments. There are criteria to be met for a variance to be granted. If the request is denied by the Board of Adjustments, then the issue can be taken to circuit court for an appeal.

The issue will go to the City Attorney, and then Mrs. Santiago will be contacted to be placed on the City Council Agenda for a determination as to the course to be taken.

JOHN
PETERSON
LOTS

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY KENT ANDERSON TO APPROVE THE PROPOSED LOT LINE ADJUSTMENT, WITH THE NOTATION THAT THE REQUIRED INFRASTRUCTURE BE IN PLACE PRIOR TO THE SALE OF THE LOTS

Discussion: Options...to either have a written agreement stating the terms of approval or place the wording on the Plat

Amended Motion:

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY KENT ANDERSON TO AMEND THE MOTION TO APPROVE THE PROPOSED PETERSON LOT LINE ADJUSTMENT, WITH THE CONDITION THAT THE REQUIRED INFRASTRUCTURE BE IN PLACE PRIOR TO THE SALE OF THE LOT AND THAT THE TERMS OF APPROVAL BE NOTED ON THE SUBDIVISION PLAT AND THAT THE IMPROVEMENTS BE INSTALLED TO CITY STANDARDS

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM
MICHAEL MOTKO & DON MECHAM**

Vote on Original Motion:

**VOTE: YES (0) NO (3) ABSENT (3) MAYOR INGRAM
MICHAEL MOTKO & DON MECHAM**

CODE
VIOLATIONS

Probable Litigation:

Clough, Landers, Whiting

David Church will represent the City, if these issues go to court.

Letters from the Attorney have been received by all three, issuing warnings if compliance to the City Ordinance is not met.

SET PUBLIC
HEARINGS

MOTION WAS MADE BY CINDI ELIS AND SECONDED BY GARY BOWEN TO SET A PUBLIC HEARING FOR 10-9-01 AT 6:00 PM, TO CONSIDER THE FOLLOWING: AN ORDINANCE AMENDING CERTAIN PROVISIONS IN THE DEVELOPMENT CODE OF ELK RIDGE CITY, UTAH RELATING TO THE CONVEYANCE OF WATER RIGHTS; AND PROVIDING FOR THE ADOPTION AND ADMINISTRATION OF THIS ORDINANCE

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM
MICHAEL MOTKO & DON MECHAM**

CITY ATTORNEY

Dave Tuckett has been acting as the City's Attorney. This was on a temporary basis while Payson City and Elk Ridge worked through a proposed inter-local agreement. Certain members of Payson City's Council are not in favor of Mr. Tuckett representing both municipalities. Councilmember Bowen is to speak to Mr. Glen Vernon (a former resident of Elk Ridge). Mr. Vernon had expressed interest in being the City's Attorney; but the Council decided on the arrangement with Mr. Tuckett. The Vernon's moved to Vernal and he is the County Attorney there. Perhaps he would be willing to represent the City in the few pending issues.

NON-AGENDA
ITEM

Draft of Management letter from the Auditors:

The Council was in agreement with the draft of the Management Letter, which will be part of the 2000/2001 Audit Report.

EXPENDITURES

1. LEI Engineering Work Release #20:

Project: Cataloging all Elk Ridge Water Rights and associated points of diversion. This project also includes a field pump test.

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY GARY BOWEN TO APPROVE LEI ENGINEERING'S WORK RELEASE #20

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM
MICHAEL MOTKO & DON MECHAM**

Most of the deeds and transfers have been categorized. There is a problem on one of the groups of transferred water rights: the first group of water rights, which originated from Don Mecham (Thorne Water Rights). The transfer was done by Mr. Mecham before Elk Ridge got involved in the transfer process. The City does not have a copy of the original transfer documents. Mr. Mecham was asked to give a copy of his to the City; but he does not have a copy either. Mr. Mecham has gone to the State to obtain a copy from them; however the State does not seem to have the complete record of this transfer and they were unable to identify the transfer. All of the others transfers have been identified and assigned to specific subdivisions. The City Recorder is to meet with LEI Engineering to go through all of the information.

NON-AGENDA
ITEM

Discussion of Proposed Annexation:

How will the demand for water and sewer capacity be met if the proposed annexation is approved?

Gary Bowen: Part of the cost will be from up-front money from the developers of the property which is proposed to be annexed...on a "per-door" basis. It is a combination of the well, the tank, Payson City and Elk Ridge.

[Question: If this proposed development goes in stages, how would the up-front money be paid?...In stages or all at once?]

Gary Bowen: All the up-front money would be needed, and then the impact fees could be applied as they come in. The developers are aware of the issues to be solved prior to development. Much of this has to do with what happens between Elk Ridge and Payson City. With the three entities involved, there should be enough to finance the necessary improvements. Payson City should know something by mid-November. They want to see how the election turns out and who the new Mayor and Council will be.

The Public Hearing needs to be set far enough out to give the new Mayor and Council in Elk Ridge a chance to become acquainted with the issues.

2. Critchfield Excavation:

(Loafer Canyon Road...Sewer Laterals)

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY KENT ANDERSON TO APPROVE THE BILL FROM CRITCHFIELD EXCAVATION, PENDING LEI ENGINEERING SIGNING OFF ON THE PROBLEM WITH ONE "T" CONNECTION TO THE MAIN, LESS 5% OF THE BILL

VOTE: YES (3)

NO (0)

ABSENT (3) MAYOR INGRAM

MICHAEL MOTKO & DON MECHAM

3. Hiatt Construction:

Gary Bowen: Bill is for \$43,177.40

There are 2,100 ft. from the corner of Robert Nelson's Subdivision. The original deal was for 1,200 ft. The City has \$20,000 designated for the original 1,200 ft. (part of the \$80,000 in the Budget). This was going to cover 10 laterals. Hiatt bid the lateral too low, so the bid does not include the laterals. (10 laterals X \$550 = \$5,500)

There should be a credit against the \$20,000 (he didn't do the laterals).

An extra 800 ft. was done on the main...& they had to go an additional 100 ft = 900'

Cost = 10,200 (800') + 1,275 (extra 100') + 3 manholes = 15,000 (less 5,500

Credit) = \$9,500...comes to about \$29,500 or roughly, \$30,000 for the bill.

There are extra expenses listed at the bottom of the bill which add up to \$5,202.40

Councilmember Bowen sent all of the information on the bill to Ernie Thornton (LEI) for his consideration. Councilmember Mecham met with Mr. Thornton and Mr. Hiatt.

There was a section where the material packing the main was not the correct kind of dirt to pack the line. Other dirt had to be brought in. Is the extra money billed to the City covering work done in the original 1200' or the extra 900'? Mr Bowen understands that it is in the original 1,200'; if this is the case then he feels that Mr. Hiatt should lose this amount. It should have been covered in the original bid. This is the reason the bill is being held up.

Mr. Hiatt was going to do the curb & gutter, as well as the sewer line. His bid on curb & gutter is too high. Valley Asphalt and Geneva Rock have also bid on the job at a more reasonable rate. Councilmember Bowen is to meet with LEI and Mr. Hiatt; he would like authorization from the Council to negotiate the bill down to about \$33,000...with the extras would be about \$36,000.

The Council was in agreement. The bill will be available at the next Council Meeting

PROPOSED
ANNEXATION/
SILVER CREEK
DEVELOPMENT

Remand to Planning Commission:

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY KENT ANDERSON
TO REMAND THE PROPOSED CHAMONIX ANNEXATION TO THE PLANNING
COMMISSION AND SEND IT TO PUBLICATION**

VOTE: YES (3)

NO (0)

ABSENT (3) MAYOR INGRAM

MICHAEL MOTKO & DON MECHAM

HASKELL
SUBDIVISION,
PLAT J/
DURABILITY
RETAINER

**MOTION WAS MADE BY CINDI AND SECONDED BY KENT ANDERSON TO
ACCEPT HASKELL SUBDIVISION, PLAT J, AS COMPLETE, AS PER
LEI ENGINEERING LETTER DATED 9-4-01, AND PLACE THE BOND IN THE
TWO-YEAR DURABILITY RETAINER TIME PERIOD, EFFECTIVE AS OF 9-1-01**

VOTE: YES (3)

NO (0)

ABSENT (3) MAYOR INGRAM

MICHAEL MOTKO & DON MECHAM

There is an issue about who is paying the asphalt-coring bill. This would not have an effect on the Durability Retainer time. This will have to be cleared before the final release from the Retainer time. It should be Valley Asphalt's responsibility to pay the bill.

ADJOURNMENT


**MOTION WAS MADE BY KENT ANDERSON AND SECONDED BY CINDI ELLIS
TO ADJOURN THE MEETING**

VOTE: YES (3)

NO (0)

ABSENT (3) MAYOR INGRAM

MICHAEL MOTKO & DON MECHAM



City Recorder

NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold their **City Council Meeting** on **Tuesday, September 25, 2001, at 6:00 PM;** it will be followed by a **Special Work Session dedicated to Meet the Candidates at 6:30 PM.** There will also be a **City Meeting at 7:00 PM,** for the purpose of discussing the Proposed **Storm Drainage System.** The meetings will be held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

6:00 - REGULAR COUNCIL MEETING AGENDA ITEMS:

Invocation and Pledge of Allegiance
Approval of Agenda Time Frame
2000/2001 Audit Review – Jones, Simkins, LLP

6:30 MEET THE CANDIDATES/PRIMARY

7:00 PM - CITY MEETING – STORM DRAINAGE PLAN

Storm Drainage Plan/LEI Engineering

Vernon Fritz
Gary Prestwich
Betty Lou Bean

8:00 - REGULAR COUNCIL MEETING AGENDA ITEMS: (CONT.)

Administrative Ordinance/Personnel Policies & Procedures

8:10 Nebo School District - Snow Removal - Discussion

8:15 Code Violations

8:20 Set Public Hearings:

1. Ordinance/Amending the Elk Ridge City Code Relating to Commercial Zone Requirements & Creating a General Provision Dealing with Water Efficient Landscaping
2. Ordinance/Amending the Elk Ridge City Code, Section 10-3-3.21, Relating to Recreation Vehicles & Mobile Homes Prohibited as Dwellings

8:35 Resolution/Re-naming the Plan Review Committee to the Technical Review Committee & Making Changes to the Membership of the Committee & Other Minor Changes

8:40 Expenditures:

N.R. Hiatt Invoice

8:45 Approval of Election Judges

8:50 City Hall Flag

8:55 Approval of Minutes of Previous Meetings

9:00 Elk Ridge Heights Subdivision - Update

9:05 Adjournment

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

The times, which appear on this amended agenda, may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 21st Day of September, 2001.



City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and mailed to each member of the Governing Body on September 21, 2001.



City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
September 25, 2001**

**TIME & PLACE
OF MEETING**

The regular Meeting of the Elk Ridge City Council was held on Tuesday, September 25, 2001, at 6:00 PM, including "Meet the Candidates" at 6:30 PM; it was followed by a Special City Meeting to Discuss the Proposed Storm Drainage System. The continuation of the Regular City Council Session was scheduled for 8:00 PM.

The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and Agenda of these meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body by mailing a copy to each on September 21, 2001.

6:00 PM

REGULAR CITY COUNCIL MEETING AGENDA ITEMS

ROLL CALL

Mayor Pro-tem: Gary Bowen; *City Council:* Don Mecham, Cindi Ellis, Michael Motko (Absent: Mayor Ingram & Kent Anderson); *Planning Commission:* Stewart Jolley; *Administrative Assistant:* Ernestine Folks; *City Engineers:* Mike Christianson, Gregg Magleby, Jesse Conway; *Public:* Vernon Fritz, J. Bevan Jones, Gary Prestwich, Forrest Darling, Robert L. Siemer, Russell & Geniel Sly, Bettylou Bean, Phyllis Black, Patricia Day, Ray Day, Jim Nicolet, Lee Freeman, Brent & Diane Martin, Tracy Grover, Jeff Meyers, Dennis Jacobson, Lynn Jacobson, Merrill & Nichole Teemant, Sandi Bowen, Julie B. Christensen, Robert Goodwin, Terry Spoor, Todd Jackson, Leonhardt Schroedter, Bob Dennis, Eric Archer, James Bean, David & Margaret Tipton, Kent Burton; and *City Recorder:* Janice H. Davis

**INVOCATION
& PLEDGE OF
ALLEGIANCE**

Invocation was offered by Janice H. Davis

**AGENDA TIME
FRAME**

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY MICHAEL MOTKO
TO APPROVE THE AGENDA TIME FRAME, STRIKING THE 8:35 PM AGENDA ITEM
VOTE: YES (4) NO (0) ABSENT (2) MAYOR INGRAM &**

KENT ANDERSON

**2000/2001
AUDIT REVIEW**

Curtis Roberts, representing Jones, Simpkins & Associates (CPA Firm in Logan, Utah) was present to review the Audit recently performed for the 2000/2001 Fiscal Year. Curtis Roberts: Arrived early to discuss the Audit prior to the Council Meeting with Gary Bowen (Mayor Pro Tempore).

Mr. Roberts complimented the Council on their administration of the City. The financial reports are good and there is a good system in place. The Council sees the expenditures regularly and has the opportunity to approve spending. They were complimented on the great job done budgeting the revenues and expenditures for the City. He complimented the staff for their expertise; their help made the Audit process go faster.

The Auditors will submit a "clean opinion" to the State, which means that the financial figures in the various reports are sound and can be relied upon.

The General Fund: Total Fund Balance = 461,385. For the most part, this is cash that can be used; the problem is, if all the cash is spent at once, the City is broke. There is no reserve for any expenditure that could come up. How much should be considered "available"? Most financial planners would say six months. Elk Ridge: \$540,696 = Total General Fund expenditures...divided by 2 = \$270,348. This is probably the most cash that could safely be used by the General Fund.

If the City chooses to comply with the State requirement of no more than 18% fund balance, which can be in the General Fund, then all but \$48,662 will have to be transferred out. Mr. Roberts recommends a conservative amount of \$200,000 to be considered "usable".

Enterprise Funds: Mr. Roberts spent time educating the Council about the difference between "Governmental Funds" and "Enterprise Funds" (Proprietary Funds). Governmental Funds deal with current revenue and expenditures.

An Enterprise Fund is run more like a business...with concern for the "net income". What is the "return" on the investment? What does it take to run a good business? Is the City generating enough revenue to replace the system...anything less than the "inflation factor" (between 2% -4%) is inadequate.

Water Dept.:

This past year, the City did not generate even 1% of the current assets.

About \$44,000 = 3%...Actual Operating Income (2000/2001) = \$13,392

For years the City has had assets depreciating over long periods of time. Last year appropriate adjustments and some deletions were made in an attempt to correct this situation. Water users in the City have had lower-priced water for years...if the rates do not support the system's operations, then rates may have to be raised.

If the system cannot support itself, and the City does not provide for the on-going replacement of the system, it will come to the point where replacements and repairs have to take place...at a great cost. If the Depts. do not at least hit a break-even point, there would be no money for repairs, replacements or the administration involving staff.

It is unwise to transfer money into the Enterprise Funds from the General Fund; just as a business, the Funds should be able to support themselves.

Sewer Dept.:

3% of the Current Fixed Assets = \$9,806...Actual Operating Loss = (809)

Running the Dept. at a "break-even" point is not good business.

Mr. Roberts cautioned the Council that the Enterprise Funds should be able to "stand by themselves"...in other words, revenues should meet projected expenditures.

Capital Projects Funds:

Parks: This Capital Projects Fund was changed to a "Special Revenue Fund". A Special Revenue Fund differs from the Capital Projects Funds...it is still a Governmental Fund type; but it has other sources of income than the General Fund. These Funds can service debt, whereas a Capital Project Fund cannot. Parks draws its revenue from Impact Fees as well as Transfers from the General Fund

Storm Drainage Fund:

This is classified as an Enterprise Fund. Revenue sources must be arrived at to pay for the planned projects.

Suggestions included in the Management Letter of the Audit:

1. A follow-up of the recommendations in this letter should be made by the Council and reflected in the Council minutes before the next year's budget is adopted.

(Management Response: The City will address the issues outlined before the end of the calendar year.)

2. It was noted that certain debt agreements, legal documents, and documents relating to other agreements were not readily available and, in some instances, were not filed in the City offices at the time of the Audit. Several audit adjustments were required to properly record the impact of these agreements in the financial records of the City. It was recommended that all contact and agreements be properly documented and given to the City Recorder.

(Management Response: The City Recorder will receive all final contracts or agreements.)

3. (State Compliance): The City's general fund balance exceeds the statutory limit. State law limits undesignated general fund balance to 18% of the estimated

revenues of the General Fund of the City. The City was classified as a third-class city during fiscal year 2001 based on census reports. Prior to being classified as a city, the limit was 75% of the estimated revenues.

The recommendation was that the City considers transferring a portion of the fund balance to a capital projects fund to provide resources for the future capital projects.

(Management Response: After reviewing the City's financial position, the City Council will decide the most appropriate action to address the issue of the excess funds balance.)

Discussion: Assets/Depreciation...Assets in the General Fund do not depreciate; Assets in the Enterprise Fund do depreciate...when a purchase is made, it is not recorded as an expense all at once. The cost of the asset does not hit the net income line; instead depreciation is used to cover the cost of the asset, over time. In a Governmental fund type, the expense hits the net income line immediately. It must be paid for now...(Example: The purchase of a fire engine is covered by charging the tax-payers an amount of money "today", even if the fire engine lasts 10 or 15 years.)

6:45 PM

MEET THE CANDIDATES/PRIMARY ELECTION

There were more candidates running for the 2-year position of City Councilmember than there were positions available. In this case, a Primary Election must be held. There are two 2-year positions that will need to be filled. The candidates were invited to share some of their views on various topics and give the public a chance to know whom they are. Each candidate took a few moments to introduce himself, and then the time was turned over to the public for questions.

Candidates: Don Mecham, Lee Freeman, Todd Jackson, Brent Martin, & Leonhardt Schroedter

Issues addressed by the public:

Curb & gutter/Storm Drainage in the City

The possibility of SID's as a way to finance curb/gutter

Fremont Way

Use of private property: are there "constitutional takings" issues that should be considered?

Growth/Development

Conflicts of interest

Much of the subject matter had to do with storm drainage...the public was encouraged to wait until the engineering presentation on the storm drainage. Many of the questions would be answered by the presentation.

CITY MEETING – STORM DRAINAGE PLAN

LEI Consulting Engineers were assigned the task of analyzing the needs of Elk Ridge in the area of storm drainage and to determine a preliminary plan to fit those needs.

Gary Bowen: Stated that this is not a discussion about curb & gutter across the whole City...the plan may require curb & gutter in some places...this is a discussion about a proposed plan for storm drainage. He asked that the subject matter would stay away from any political forum or be misdirected toward only curb & gutter. He asked that the engineers be allowed to present the information they were asked to obtain, then the public could ask informed questions. Councilmember Bowen turned the time over to LEI Engineering.

Greg Magleby: (also present: Mike Christiansen, Jesse Conway)

Information was presented with the use of an over-head projector.

Storm Drainage:

A location for a catch basin was identified northwest of the City (Goosenest Dr.). The City arranged purchase of this piece of land.

1. Why Storm Drainage?

- Urbanization generates storm water
- Storm water contributes to roadway deterioration
- Potential for flooding of property or home
- City liabilities
- Erosion is the central issue

Gary Prestwich: Objected to the need for drainage: there was a prior problem, but the edge of the road was fixed with a ditch and there has been no issue with water flowing from his property to another.

2. Commissioned to do Storm Drainage Study

- Review Existing System
- Anticipate flows from existing & future development
- Locate potential detention basin sites

Existing: Hillside Dr., by the Golf Course

Potential: Goosenest Dr.

- Preliminary sizing of pipe network

(Is there information on the maximum rainfall for Elk Ridge? Elk Ridge does not have a reporting station...the closest one is in Spanish Fork. The frequency of storms is taken into consideration...10, 25 or 100-year storms. The design of the pipe system is based off of a 25-year storm. There is also some room to accommodate a 100-year storm.)

- Preparation of cost estimates:

If a storm drainage system was installed and money was “no object”, then this is the entire system they would recommend to be installed. “Certainly money is a constraint, so portions of the study, to be implemented over time, is the recommendation. It would be a waste of money to design something that is either inferior or would become obsolete in a short period of time. It needs to be a workable system that can be easily expanded.

- Evaluate funding sources

Cost Estimate (Overall System):

Full System without curb & gutter: 1.4 million dollars

Full System with curb & gutter: 1.75 million dollars

A) Zion's Bank (handles a lot of municipal funding: SID's, municipal bonds, revenue bonds)

*With monthly assessments (based off of 500 connections):

Assessment	15-yr	20-yr
\$5	240,000	285,000
\$10	480,000	570,000
\$15	720,000	855,000

The City does not need to start with the entire system, but a plan should be in place and there should be a start...somewhere.

- Other funding options

State grants, SID's, Impact Fees

COMMENTS:

Forrest Darling: Mentioned that interest would add to the cost. (The estimates include the interest.) However, including interest, there would not be the stated figure available for construction.

Brent Martin: Does the City have bonding capacity? (Yes. The bond would be based on the pledge of the assessment. The assessment pledge = collateral)

Don Meham: Reminded those present that these estimates are for the entire system. Installation would be in phases.

Greg Magleby: Example: Start with the Retention Basin...then consider Park Dr., Initially, the City would not need to spend the money for curb/gutter on the up-stream side of Park Dr. It would be more logical to curb & gutter the downstream side of Park Dr....at some time in the future, it may be an option to place curb/gutter on the south side.

Don Mecham: Mentioned Questar's intention to upgrade their main gas line currently running through the City. It is to go down Park Drive. This would be an opportunity to start the curb/gutter.

Bettylou Bean: Concerned about the residents being responsible for the bonding for this project for a long time into the future.

Greg Magleby: Storm drainage impact fees can be placed on new development, as well. This would take care of some of the cost or help to retire the bond faster.

Jim Nicolet: Asked why Goosenest and Loafer Canyon are not on the map.

(Loafer Canyon is being addressed currently. This plan does not currently include all of Goosenest.) Questioned the legal use of impact fees on existing parts of the City. (Impact Fees can be used to replace, not repair, the existing systems.)

Brent Martin: What percentage of the road problems is due to storm drainage?

(Greg Magleby responded it is his opinion that about 75% of the money spent on roads is due to storm drainage.)

How many houses are affected? (Gary Bowen: at least ½ a doz. & part of those are not complaining.)

Gary Bowen: The City has liability; there should be a plan in place. If there is a problem with flooding, the City will be considered liable if no plan is in place.

Michael Motko: This is not just a road problem, the City also has a liability problem. Water cannot be allowed to run onto other people's property.

(Question: Does the City not have liability insurance? How much coverage? Yes, the City does have coverage. It was not known at that time how much per occurrence.)

Gary Prestwich: Does not believe the sumps work.

(LEI: They are designed to work...but, inevitably there are sumps that fill and do not take in water. That is the reason that each development is required to have a site-specific analysis. The site for the drainage basin on Goosenest Dr. percolates very well. This percolation can vary within 100 ft.)

Rayburn Day: Will those on corner lots be assessed more or will it be an equal assessment? (LEI: The assessment process will be determined by the Council.)

Question: Are grants available? (LEI: Obtaining grants is difficult for Elk Ridge...the income level is too high. There may be soil conservation money.)

Lynn Jacobson (former Mayor): It is impossible for Elk Ridge to get grants. We cannot compete with the other cities in the State. Everything is based on the previous year's income.

Dennis Jacobson: Who votes on a SID...the whole City or the City Council? (LEI: 51% of the resident vote is required, combined with the Council vote.) Mr. Jacobson said that the residents on Fremont Way were told that their road would not be fixed unless they paid for the curb & gutter for their individual frontages.

Cindi Ellis: Responded that the Council said their road could not be fixed this fiscal year, because the funds would not be available.

Don Mecham: The City is the developer on this road. He cautioned, if the City told the residents on Fremont Way not to worry about curb & gutter, there could be legal repercussions.

Dennis Jacobson: Was concerned that if the remainder of Elk Ridge was to vote in an SID about curb & gutter, the issue may get voted down. What is the effect on Fremont Way? (LEI: Reminded those present that this is only a preliminary study...that no decisions have been made.) Mr. Jacobson went on to ask why the people of the City

had not received a letter informing them of this plan and the cost estimates. The vote in the City should have taken place before any action was taken on Fremont Way.

Vernon Fritz: (Directed comment to Councilmember Mecham) Councilmember Mecham was asked if he had said that the people on Fremont had been informed of and educated about the process...(Councilmember Mecham: Yes they came to quite a few Meetings)...and they voluntarily said they would pay for curb & gutter? (Councilmember Mecham: Repeated that they sat through quite a few of the drainage sessions.)

Mr. Fritz continued (to Councilmember Bowen) that two people had spoken to him (Mr. Fritz) and reported that Councilmember Bowen promised them that if they would put in curb & gutter, pay for it and not force a SID, that they would be exempt from paying some of the additional citywide storm drainage costs.

Gary Bowen: They won't be paying for curb & gutter...it has nothing to do with storm drainage. "There is no "special deal" like that."

Dennis Jacobson: Still wanted to know if the residents on Fremont would be responsible for other storm drainage costs. (Councilmember Bowen: This is just preliminary...there are no final costs...that is what this meeting is about)

(LEI: Storm Drainage is a city-wide expense. Curb & gutter may not be a city-wide expense. In the opinion of Mr. Magleby, perhaps the pipe that takes the water from your particular area may be part of your expense...but, not the expense of putting curb & gutter in other areas of the City.)

Forrest Darling: Questioned the use of Park Impact Fees for the new Park/Retention Basin planned for Goosenest Dr. New residents are charged Park Impact Fees with their building permit...are these being used to build the retention basin? How will a park be built around a retention basin when water cannot be standing for over 7 hours with 2 ft. of depth? (LEI: Corrected: 18" for over 24 hours. There will be grading, a basketball court, and playground area to create this park.)

Forrest Darling: "I understand what is being done and I think the Community does, too."

Michael Motko: Asked Mr. Darling to explain himself (as did Councilmember Ellis), as his meaning was unclear. He asked that the accusations and emotion be taken out and that the issues be dealt with.

Cindi Ellis: Explained that Park Impact Fees paid for the new playground equipment out in the current Park.

Stewart Jolley (Planning Commission Chair): Warned that if this City does not plan for the future, and the water is not handled...one law suite could have a huge negative impact. "This is crazy to sit here and hear all this back-biting about looking into the future and a plan for the City that makes some sense."

Dennis Jacobson: When will the people of this City going to be able to vote for this?

Gary Bowen: This is the first part of this plan...

If there is a liability issue, there needs to be a reaction to it..."no matter what".

There needs to be a plan in place. The plan can be modified.

Dennis Jacobson: Are there less expensive options available?

Vernon Fritz: The City has liability coverage, so we are not without some protection.

(Stewart Jolley: Insurance won't cover attorney's fees.)

Don Mecham: This is a thought process as a "fail-safe" to not do anything and rely on the liability insurance. Again this is in the planning stage.

Vernon Fritz: "It is the general consensus among the public is that you are past the planning stage, you have made a commitment, you've got a solution and now you are looking for a problem." He feels this is excessive to what the problem is.

(Don Mecham: That is not what our Engineering Dept. says.) Mr. Fritz continued that the engineering dept. has made mistakes in the past and we have fired engineers...they are not infallible.

(Don Mecham: Many Engineers have looked at the system and have seen that the issue of drainage must be addressed.)

Mr. Fritz continued: The question has been asked in the past, why force curb & gutter down Oak Ridge Dr.? At the time it was there seemed to be some discrepancy about how many times Oak Ridge Drive had been flooded in the previous year. Mr. Fritz and Gary Prestwich checked out Oak Ridge Drive in the middle of a major rainstorm; not one home on that street got flooded. They also inquired of the homeowners who had reportedly been flooded, if they still had a problem...they responded that they had not since the problem was corrected three years prior to that. (Don Mecham: Matters will only get worse as building continues.)

Cindi Ellis: Added that she was not completely sold on curb & gutter and felt that there were other ways to address the road edges. That was done on Park Dr. Shortly thereafter there was a good-sized rainstorm and there was road base washed across the road. The same thing happened on Loafer Canyon Road.

LEI Engineering: (In answer to Mr. Fritz's example of Woodland Hills not using curb & gutter, even with a 15% grade on many roads) LEI has been hired by Woodland Hills to do a hydrology study on the exact same issues with storm drainage. Woodland Hills Dr. has been overlaid 10 times in the past 20 years. Either storm drainage is addressed or the roads are in constant need of maintenance. The same sentiment is felt by the residents in Woodland Hills as in Elk Ridge. It wasn't a problem when one in three lots were built on, but now that those lots are being filled in, it is becoming a significant problem.

Vernon Fritz:

1. 1.75 million dollars is only the beginning point
2. Sewer capacity is a major problem in Elk Ridge and must be addressed
3. There are water issues

Greg Magleby (LEI): There needs to be a plan in place to handle the problems in the future. Plans are in place for the City water and sewer; the City Council understands the priorities. The area of top priority and was the first to address, is the water, then the sewer...now it is the storm drainage.

Pat Day: Expressed confusion as to what the City is liable for (concerning Storm run-off). (Don Mecham: It is illegal to allow water to flow from one person's property to another's...& to maintain the roads.)

The point was made that if a system is in place and fails, there would also be liability.

(Gary Bowen: The City's legal representative said that if the City is working on a plan, the liability is being minimized.)

Lynn Jacobson: Expressed concern over the gas line being taken down Park drive rather than through the current easement. He feels it presents a danger to have it place beside a public road. He is interested in safety and it was his estimation was that Councilmember Bowen has "no knowledge of what those gas lines can do".

Gary Bowen: Asked if Mr. Jacobson was sure he had no knowledge of the gas lines (Councilmember Bowen was an inspector for of the gas line in Wyoming.)

Don Mecham: In the existing easement, the line would be located closer to the home than if it were in the road.

The City was built on top of the existing gas line. They are willing to move the easement to install a larger line to accommodate the City.

Gary Prestwich (scheduled to speak): Feels curb/gutter cannot be separated from the storm drainage issue. Mr. Prestwich took pictures after a storm last June. (They were passed around) Problems he found:

1. Photo of sumps with debris collected on top. This would continue since storm run-off in the curb/gutter would contain debris. The water flowed over the top and went across the street. Conclusion by Mr. Prestwich: the sumps don't work.
2. There is a rock-lined ditch in front of his home (Oak Ridge Ln.) which carries the water just fine until it gets to where the gutter begins...then it flows across Park Dr. He attributes this to the ineffectiveness of guttering.

3. Cosmetically, he does not feel that curb & gutter appear attractive with weeds growing on both sides. These weeds will eventually tear up the road. Curb & gutter will also require maintenance. (Photos were submitted)
4. Mr. Prestwich did a study (submitted to the City) on the amount of water a gutter will carry (not much). His findings revealed that a ditch would carry 50 times the amount of water a gutter would carry.
5. The bottom of one of the sumps has a surface area of about 4 square ft., as compared to the absorption of the gully in front of his home, with a surface area of 840 sq. ft. These types of ditches all over the City would act as retention basins. He feels that most of the water flowing down the street comes from the roads themselves and the gutters, since the gutters do not absorb water, only direct it.
Cindi Ellis: Has no curb/gutter...they were told to place 1" drain-rock in the ditch in front of their home...it fills with silt, it overflows, washes across the road and floods the neighbors'. The ditches are not that effective.
Don Mecham: (Question directed to Mr. Prestwich) The curb & gutter requirement has been in place in the Development Code for 8 to 9 years...would he recommend that all new development not be required to install curb & gutter?
Gary Prestwich: Yes, because if curb & gutter were installed, without a way to take care of it, then the City would be liable. The storm drainage system needs to go in first.

Bettylou Bean (Scheduled to speak): Is a 25-year resident of Elk Ridge...she lives on the corner of Highland Circle and Alpine Drive. She has not seen the flooding referred to. The water is absorbed into the lawns and yards of the residents. They have three sides to their lot and only use two sides. She does not feel the charges for curb & gutter should be charged to residents who do not have a problem with flooding. Many of the older citizens who built Elk Ridge (from the beginning) are on fixed incomes and cannot afford these proposed improvements. They have "paid their dues" and should not have to pay anymore. Mrs. Bean feels as though the residents on Fremont Way were made to pay for the curb & gutter on their street by tying it to the needed road repairs. Mrs. Bean is of the opinion that curb & gutter are cosmetic in nature, and not really necessary.

Vernon Fritz was also scheduled to speak, but he felt that he had already expressed his concerns and questions, so he declined.

REGULAR CITY COUNCIL MEETING AGENDA ITEMS: (CONT.)

NEBO
SCHOOL
DISTRICT/
SNOW REMOVAL

Don Mecham: Has checked with various contractors for the cost on snow removal. The costs were not available. The issue of meeting on the corner of Goosenest and North Park Dr. presents a danger besides being impractical. The conditions would be slick, with children caught between busses.
Suggestion: "Bad snow days"...have the parents drop the children off in the Church parking lot on North Park Drive and the busses park along the road there where it widens out. Then the children and cars would be out of the road.

CODE
VIOLATIONS

Gary Bowen: Both Attorneys (Dave Tuckett & Dave Church) have been contacted and as soon as the City has an Attorney on-line, action will be taken on the violations. Dave Church has accepted the assignment to represent the City in these violations. Dave Tuckett may represent the City on some that he has been working on. Councilmember Bowen will ask Mr. Tuckett if he will continue.

Question: on Police protection after October, 2001

- SET
PUBLIC HEARINGS
1. Ordinance/Commercial Zone Requirements & General Plan-Landscaping:
MOTION WAS MADE BY MICHAEL MOTKO AND SECONDED BY CINDI ELLIS TO SET A PUBLIC HEARING ON 10-23-01 AT 6:00 PM, ON A PROPOSED ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO COMMERCIAL ZONE REQUIREMENTS & CREATING A GENERAL PROVISIN WITH WATER EFFICIENT LANDSCAPING
VOTE: YES (4) NO (0) ABSENT (2) MAYOR INGRAM & KENT ANDERSON
2. Ordinance/Relating to Recreational Vehicles & Mobile Homes Prohibited as Dwellings
MOTION WAS MADE BY MICHAEL MOTKO AND SECONDED BY CINDIELLIS TO SET A PUBLIC HEARING FOR 10-23-01 AT 6:15 PM, ON A PROPOSED ORDINANCE AMENDING THE ELK RIDGE CITY CODE, SECTION 10-3-3.21, RELATING TO RECREATION VEHICLES AND MOBILE HOMES PROHIBITED AS DWELLINGS
VOTE: YES (4) NO (0) ABSENT (2) MAYOR INGRAM & KENT ANDERSON
- EXPENDITURES: N.R. Hiatt Invoice:
Some of the work is being reviewed. \$38,000 is all that should be approved at this point. (The amount originally agreed upon,)
MOTION WAS MADE BY DON MECHAM AND SECONDED BY CINDI ELLIS TO APPROVE \$38,000 TO BE PAID TO N.R. HIATT ON INVOICE \$252, FOR WORK DONE ON THE SEWER LINE IN LOAFER CANYON.
VOTE: YES (4) NO (0) ABSENT (2) MAYOR INGRAM & KENT ANDERSON
- APPROVAL/
ELECTION
JUDGES
- MOTION WAS MADE BY MICHAEL MOTKO AND SECONDED BY CINDI ELLIS TO APPROVE SANDI BOWEN, CLAUDETTE ECHOLS & TRACY GROVER AS ELECTION JUDGES FOR THE PRIMARY ELECTION, TO BE HELD OCTOBER 2, 2001**
VOTE: YES (4) NO (0) ABSENT (2) MAYOR INGRAM & KENT ANDERSON
- FLAG POLE
LIGHTS
- The lights are in and need to be installed.
- MINUTES
- 8-14-01:
MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY MICHAEL MOTKO TO APPROVE THE CITY COUNCIL MINUTES OF 8-14-01
VOTE: YES (4) NO (0) ABSENT (2) MAYOR INGRAM & KENT ANDERSON
- 8-28-01:
MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY MICHAEL MOTKO TO APPROVE THE CITY COUNCIL MINUTES OF 8-28-01
VOTE: YES (4) NO (0) ABSENT (2) MAYOR INGRAM & KENT ANDERSON
- ELK RIDGE
HEIGHTS, PLAT A
- Mr. Morteazadeh has completed most of the final improvements. Councilmember Bowen will meet with LEI the next day on this issue.

ADJOURNMENT

**MOTION WAS MADE BY DON MECHAM AND SECONDED BY MICHAEL MOTKO
TO ADJOURN THE MEETING**

VOTE: YES (4)

NO (0)

**ABSENT (2) MAYOR INGRAM
& KENT ANDERSON**



City Recorder

AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold their **City Council Meeting** on **Tuesday, October 9, 2001, at 7:00 PM;** it will be preceded by the **City Council Closed Session at 6:00 PM,** and a **Council Work Session at 6:30 PM.**

The meetings will be held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

6:00 PM - CITY COUNCIL CLOSED SESSION

Pending Litigation

6:30 PM - CITY COUNCIL WORK SESSION

Amended Budget Discussion

Subdivision Durability Improvements:

Elk Ridge Heights Subdivision - Update

Oak Bluff Estates, Plat B Improvements – Update

Fairway Heights Subdivision, Plat B Improvements – Update

Nebo School District – Snow Removal - Discussion

Road Dept.: Loafer Canyon Rd/Fremont Way – Update

7:00 - REGULAR COUNCIL MEETING AGENDA ITEMS:

Invocation and Pledge of Allegiance

7:05 Approval of the Agenda Time Frame

7:10 Administrative Ordinance/Personnel Policies & Procedures

7:20 Snow Removal

7:30 Subdivision Durability Improvements

7:40 Set Public Hearings:

1. Ordinance/Amending the Elk Ridge City Code Relating to Clarification of Defined Terms

2. Ordinance/Amending the Elk Ridge City Code Relating to Correcting Errors in the Code Dealing with Conditional Uses in the RR-1 Zone

7:45 Resolution/Re-naming the Plan Review Committee to the Technical Review Committee & Making Changes to the Membership of the Committee & Other Minor Changes

7:50 Expenditures:

General

N.R. Hiatt Invoice - Update

LEI Work Release #22

8:00 Approval of Election Judges

8:05 Ordinance/Campaign Finance Disclosure

8:10 Approval of Minutes of Previous Meetings

8:15 Adjournment

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

The times, which appear on this amended agenda, may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 8th Day of October 2001.



City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and mailed to each member of the Governing Body on October 5, 2001; and an Amended Agenda was faxed to the Payson Chronicle and provided to the members of the Governing Body on October 8, 2001.



City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
October 9, 2001**

TIME & PLACE
OF MEETING

The regular Meeting of the Elk Ridge City Council was held on **Tuesday, October 9, 2001, at 7:00 PM;** it was preceded by a **Council Closed Session at 6:00 PM and a Council Work Session at 6:30 PM.** The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and Agenda of these meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body by mailing a copy to each on October 5, 2001, and an Amended Agenda on October 8, 2001.

6:00 PM

CITY COUNCIL CLOSED SESSION

ROLL CALL

Mayor Pro-tem: Gary Bowen; *City Council:* Cindi Ellis, Kent Anderson (Absent: Mayor Ingram, Michael Motko, Don Mecham); *Administrative Assistant:* Ernestine Folks; and *City Recorder:* Janice H. Davis

Discussion-Pending Litigation

6:30 PM

CITY COUNCIL WORK SESSION

ROLL CALL

Mayor Pro-tem: Gary Bowen; *City Council:* Cindi Ellis, Kent Anderson (Absent: Mayor Ingram, Michael Motko, Don Mecham); *Administrative Assistant:* Ernestine Folks; *Sheriff's Dept.:* Sgt. D. Gilbert; *Public:* Forrest Darling, Gary Prestwich, Annedelyn Rossi & Mrs. Rossi; and *City Recorder:* Janice H. Davis

AMENDED
BUDGET

The Audit has been finalized. The Council had wanted to wait to amend the Budget until after the Audit was completed. The Council committed to address the issue of Fund Balance in the General Fund. There is about \$250,000 Fund Balance in the General Fund. Only 18% of the Total Revenue for the General Fund can remain in the General Fund (3rd Class Cities).

The Council should consider the areas of Capital Improvement Projects and what will be spent this fiscal year. One area of concern is the Capital Projects Fund/Storm Drainage. There is no budgeted revenue, yet there are projects listed in the Capital Improvement Plan.

There was a suggestion by Vernon Fritz to increase the payment for the Mayor and the Councilmembers by four-fold. Currently the Mayor is budgeted to receive \$150/month and the Councilmembers receive \$100/month. Mr. Fritz feels this may broaden the spectrum of candidates willing to run for public office.

There is a great deal of work involved with serving the City. The compensation has only increased once in many years.

The feeling was that it would be uncomfortable for a new Council to immediately increase the level of compensation. It was the general consensus of the Council that pay should be based on willingness to attend the required meetings and actual participation on the Council.

Another area of concern is updating the Administrative Policy. A Human Relations Group called Strategic Human Resource Solutions has proposed services at various levels. To bring our current Policy into legal compliance and to keep it updated (bi-annually) would be at a cost of \$1,500 initially and \$100 per year to keep the Policy updated. The new Council may wish to contract for more of their services. If the Administrative Policy is to be extensively amended, it may not be wise to adopt any revisions to the Policy at this time.

SUBDIVISION
DURABILITY
IMPROVEMENTS

Elk Ridge Heights/Update:

1. The developer feels the requirement of installing steps in the manholes is cost-prohibitive and he feels he should not have to put them in.
2. All Water meter cans, except those on lots 2 & 4 have been corrected
3. No compaction test report data has been received.
4. All other items on the lists have been completed.

According to the City Engineer, the steps should go in. The Council agrees.

There was also a letter from Art Jueschke (Developer's engineer) regarding the manholes. He said that Hall Engineering did not indicate on the plans that ladders would be required in the sewer manholes. Mr. Jueschke also said that he had as-built drawings for the subdivision.

The Standards have not been amended on the matter of ladders in the manholes.

The Subdivision has already been declared "in default". Mr. Mortezaadeh will either have to make the adjustments, or the City will draw on the Durability Bond in place.

Oak Bluff Estates, Plat B:

A new fire hydrant is being installed with the repairs to the road. The road and the curb & gutter will also be installed.

Fairway Heights, Plat B: (LEI Letter...No action to remedy the problems with the temporary turnarounds has taken place since report dated 6-11-01.)

According to Ernie Thornton (LEI), there are three options:

1. Re-do the entire turnaround (both)
 2. Overlay the turnarounds
 - or 3. Cut & patch
- Mr. Thornton was to get a recommendation from Mike Christiansen for the Council.

Gary Bowen: LEI and Forrest were to come to an agreement on this. They have not. There was an extension granted until October, 2001. This time has nearly expired. Mr. Darling was asked, what action would be taken?

Mr. Darling: Feels the project has been in Durability long enough and that the development was already approved. He also feels the garbage trucks turning around on those turnarounds has been hard on the asphalt.

Mr. Hall did not require an overlay on the top of the turnaround. (Is there a letter stating this?)

Gary Bowen: Maintained that the asphalt in the turnarounds did not hold up the length of the Durability time.

Mr. Darling: Said that he will contact LEI and come to a decision.

Gary Bowen: Stated that it appeared that the decision had been made as far as Mr. Darling is concerned...that he was not going to do anything.

Mr. Darling: "At the present time, unless I can get some information from him (LEI) that is within reason."

Gary Bowen: Stated that there is no problem getting in touch with LEI. The agreement between the Council and Mr. Darling was that he (Mr. Darling) would contact LEI...(Mr. Darling agreed at that point)...and Mr. Darling was to make a decision with LEI to solve the problem. The problem is not LEI's, it is Mr. Darling's problem. Councilmember Bowen asked Mr. Darling if he would like to get the "Durability" released? (Mr. Darling stated that it had been released...that Mr. Hall had released it.)

(Officially, the Subdivision Improvements have not gone into the 2-year retainage time...the Council would have to have a letter from the Engineer stating that the improvements were complete. The Council would have to accept the improvements as complete and place the Subdivision into Durability by motion. This has not taken place.)

There was a delay due to having to re-do the roads in the Subdivision with an overlay. This took extra time because of the time of year required to do an overlay. Mr. Darling feels the retainer time should have started when the Subdivision was initially complete...before the overlay was done.

Mr. Darling was asked if he understands what "Durability" means and when it starts...he said that he does understand what it means, but it started when the City decided to start it.

Gary Bowen: It starts when Mr. Darling and LEI have a settlement as to when it starts...whether it is Hall Engineering or LEI, there needs to be a letter saying that the Subdivision improvements are approved and designating a particular day. That is the responsibility of the developer to get that. LEI Engineering recommends that the Durability time begins as of October 13, 1999, if the improvements are completed. The Standards of the City say when the 2-year time starts...when the improvements are accepted by the City Council as complete. The Council has never accepted the Subdivision as complete...and will not until the turnarounds are repaired. They are not holding up. If the Council backdated the time to 10-13-99, they have not held up...the problem with the turnarounds began some time ago. Mr. Darling still maintained that Hall Engineering approved the Improvements. He said that he would contact LEI Engineering.

NEBO SCHOOL
DISTRICT

Snow Removal: Nebo School District is waiting to hear back from the City as to the solution of the problem the school busses have on the roads. It was decided by the Council to:

1. Drop the plow blade to the asphalt rather than keeping it slightly raised. (This could result in expensive blade replacement and added damage to the asphalt on the roads. Costs will be reviewed.)
2. There will be more sand/salt placed on the roads. (The City is going to stock-pile sand/salt in the City this year.)

ROADS DEPT.

Loafer Canyon Rd. & Fremont Way:

Curb & Gutter will be installed at both locations

Loafer Canyon Rd.

The sewer main is to be available to 19 property owners.

(13 lots have previously paid for curb/gutter)

One parcel (Isaacson): Sewer Impact Fee is due at the time of development & building (Question: will the property be liened for the amount?)

(Gary Bowen: When Councilmember Bowen spoke to Mr. Isaacson, that is what was agreed to. The City will file a lien for the amount owed on the parcel. The same applies to the 2 lots owned by Knudsen on Loafer Canyon Rd. Liens need to be filed on all three.

Ernestine Folks: Three lots have not pre-paid and do not have any exceptions, how will these lots be handled?

(Morgan, Kellam, Petersons) This needs to be decided.

Ernestine Folks: LEI will measure the curb/gutter and come up with the figures to charge to the residents.

Legal descriptions and deeds need to be provided to the Council for the property that will be deeded back to the residents on Loafer Canyon Rd.

**ELK RIDGE
CITY COUNCIL MEETING
October 9, 2001**

TIME & PLACE OF MEETING	<p>The regular Meeting of the Elk Ridge City Council was held on <u>Tuesday, October 9, 2001, at 7:00 PM</u>; it was preceded by a <u>Council Closed Session at 6:00 PM and a Council Work Session at 6:30 PM</u>. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.</p> <p>Notice of time, place and Agenda of these meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body by mailing a copy to each on October 5, 2001, and an Amended Agenda on October 8, 2001.</p>
ROLL CALL	<p><i>Mayor Pro-tem:</i> Gary Bowen; <i>City Council:</i> Cindi Ellis, Kent Anderson (Absent: Mayor Ingram, Michael Motko, Don Mecham); <i>Administrative Assistant:</i> Ernestine Folks; <i>Sheriff's Dept.:</i> Sgt. D. Gilbert; <i>Council-Elect:</i> Vernon Fritz, Gary Prestwich, Russell Sly; <i>Public:</i> Forrest Darling, Annedelyn Rossi, Sandra Steen Larsen; <i>Daily Herald:</i> Caleb Warnock; and <i>City Recorder:</i> Janice H. Davis</p>
INVOCATION & PLEDGE OF ALLEGIANCE	<p>Invocation was offered by Gary Prestwich.</p>
AGENDA TIME FRAME	<p>MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY KENT ANDERSON TO APPROVE THE AGENDA TIME FRAME, ADJUSTING THE TIME BY 40 MINUTES, TO INCLUDE THE FOLLOWING ITEMS: 7:40, 8:15 & 8:20 PM VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM, MICHAEL MOTKO, DON MECHAM</p>
ADMINISTRATIVE ORDINANCE	<p>Personnel Policies & Procedures: Since the Administrative Ordinance is being re-examined by a company that is proposing to create a new Policy, this item will be postponed.</p>
SNOW REMOVAL	<p>MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY KENT ANDERSON TO APPROVE THE FOLLOWING: 1. DROPPING THE BLADE ON THE SNOWPLOWS TO THE LOWEST LEVEL POSSIBLE ON THE BUS ROUTE, TO ALLOW THE ROADS TO BE BETTER PLOWED VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM, MICHAEL MOTKO, DON MECHAM</p>
SUBDIVISION DURABILITY IMPROVEMENTS	<p>Discussed in Work Session...no further action at this time.</p>
SET PUBLIC HEARINGS	<p>1. Ordinance/Amending the Elk Ridge City Code Relating to Clarification of Defined Terms: MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY KENT ANDERSON TO SET A PUBLIC HEARING FOR AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO CLARIFICATION OF DEFINED TERMS FOR 11-13-01 AT 6:00 PM VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM, MICHAEL MOTKO, DON MECHAM</p>

2. Ordinance/Amending the Elk Ridge City Code Relating to Correcting Errors in the Code Dealing with Conditional Uses in the RR-1 Zone

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY KENT ANDERSON TO SET A PUBLIC HEARING FOR AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO CORRECTING ERRORS IN THE CODE DEALING WITH CONDITIONAL USES IN THE RR-1 ZONE FOR 11-13-01 AT 6:10 PM

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
MICHAEL MOTKO & DON MECHAM**

3. Ordinance/Relating to the Conveyance of Water Rights:

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY KENT ANDERSON TO SET A PUBLIC HEARING ON AN ORDINANCE RELATED TO THE CONVEYANCE OF WATER RIGHTS FOR 11-13-01 AT 6:20 PM

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
MICHAEL MOTKO & DON MECHAM**

4. Ordinance/Amending the Elk Ridge City Code Relating to Commercial Zone Requirements & Creating a General Provision Dealing with Water Efficient Landscaping:

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY KENT ANDERSON TO SET A PUBLIC HEARING ON AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO COMMERCIAL ZONE REQUIREMENTS & CREATING A GENERAL PROVISION DEALING WITH WATER EFFICIENT LANDSCAPING, FOR 11-13-01 AT 6:40 PM

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
MICHAEL MOTKO & DON MECHAM**

5. Ordinance/Amending the Elk Ridge City Code, Section 10-3-3.21, Relating to Recreation Vehicles & Mobile Homes Prohibited as Dwellings:

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY KENT ANDERSON TO SET A PUBLIC HEARING ON AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE, SECTION 10-3-3.21, RELATING TO RECREATION VEHICLES & MOBILE HOMES PROHIBITED AS DWELLINGS, FOR 11-13-01 AT 6:50 PM

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
MICHAEL MOTKO, DON MECHAM**

RESOLUTION/
PLAN REVIEW
COMMITTEE

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY KENT ANDERSON TO ADOPT A RESOLUTION OF THE CITY COUNCIL OF ELK RIDGE, UTAH, AMENDING RESOLUTION NUMBER 92-2-11-1R, RE-NAMING THE PLAN REVIEW COMMITTEE TO THE TECHNICAL REVIEW COMMITTEE, MAKING CHANGES TO THE MEMBERSHIP OF THE COMMITTEE AND OTHER MINOR CHANGES

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
MICHAEL MOTKO & DON MECHAM**

EXPENDITURES

1. N. R. Hiatt Invoice - Update
\$38,000 (partial release of 43,177.40) was paid to Mr. Hiatt. Councilmember Bowen contacted Mrs. Hiatt about the difference in the bill. LEI Engineering and Mr. Hiatt will work out the rest of the bill. The City will not release the rest of the bill until we receive a letter from LEI releasing the entire job and that it is the correct amount.

3. LEI Work Release #22:

Gary Bowen: Property stakes were removed from the corners of a lot by the City while work was being done. The City is willing to re-stake the lot. There was a question on one of the corner stakes.

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY KENT ANDERSON TO APPROVE LEI ENGINEERING'S WORK RELEASE #22

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
MICHAEL MOTKO & DON MECHAM**

ELECTION
JUDGES

MOTION WAS MADE BY KENT ANDERSON AND SECONDED BY CINDI ELLIS TO APPROVE THE FOLLOWING ELECTION JUDGES FOR THE NOVEMBER 6, 2001 MUNICIPAL ELECTION: CINDI ELLIS, CLAUDETTE ECHOLS & TRACI GROVER

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
MICHAEL MOTKO & DON MECHAM**

ORDINANCE/
CAMPAIGN
DISCLOSURES

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY KENT ANDERSON TO ADOPT AN ORDINANCE SETTING FORTH CAMPAIGN FINANCE DISCLOSURE REQUIREMENTS FOR CANDIDATES FOR ELECTED MUNICIPAL OFFICE

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
MICHAEL MOTKO & DON MECHAM**

The intent is to be able to track the campaign donations. It was to be in place by August, 2001; but, the City defaults to the State Code in the absence of its own municipal code.

MINUTES

None available

CANVASSING
PRIMARY
ELECTIONS

The Council canvassed the Election Returns and found no mistakes and all to be in order. The results stand as correct for the Two Year Term of Office.

Primary Candidates: Don Mecham, Leonhardt Schroedter, Todd Jackson.
Lee Freeman, Brent Martin

Leonhardt Schroedter was eliminated from running in November for the Two Year Position on the City Council.

SCHEDULE
SPECIAL CITY
COUNCIL
MEETING

There will be no special City Council Meeting.

ADJOURNMENT

MOTION WAS MADE BY KENT ANDERSON AND SECONDED BY CINDI ELLIS TO ADJOURN THE MEETING

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM
MICHAEL MOTKO & DON MECHAM**



City Recorder

AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold their regularly scheduled **City Council Meeting** on **Tuesday, October 23, 2001, at 7:30 PM;** it will be preceded by the **City Council Work Session at 6:00 PM,** and a **Special "Meet the Candidates Meeting" at 6:30 PM.** A **City Council Closed Session will be held at 8:30 PM.** The meetings will be held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

6:00 PM - CITY COUNCIL WORK SESSION

Amended Budget Discussion

Merit Bonuses

Discussion/Ordinance Enacting Policies & Procedures for Abating Public Nuisances

City Easement/Columbus-Oak Ridge

Sewer Connection Policy Resolution/Discussion

Law Suit/Brent Martin

Road Dept.: Loafer Canyon Rd/Fremont Way - Update

Water System/Upper System

6:30 PM - MEET THE CANDIDATES NIGHT

7:30 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:

Invocation and Pledge of Allegiance

7:35 Approval of the Agenda Time Frame

7:40 Administrative Ordinance/Personnel Policies & Procedures - Proposal

8:10 Snow Removal/Don Meham

8:15 Exception to 12% Driveway Requirement – Spencer Edwards

8:25 Expenditures:

General

N.R. Hiatt Invoice - Update

Warrant Registers

Park Retaining Wall

8:35 Approval of Minutes of Previous Meetings

8:40 Set Public Hearings:

-Ordinance on Regulating Sewerage in Subdivisions

-Ordinance/Relating to Clarification Between Walls, Retaining Walls & Their Requirements, Clarification of the Process for an Applicant to Appeal a Decision of the Zoning Administrator Regarding Fences, Walls, Hedges & Provisions for Parking, Lighting & Landscaping for Commercial Developments and Public Facilities within the Residential Zones

8:45 Adjournment

8:45 PM - CITY COUNCIL CLOSED SESSION

Pending Litigation

Discussion of Personnel

Strategy

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

The times, which appear on this amended agenda, may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 22nd Day of October 2001.


City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and mailed to each member of the Governing Body on October 19, 2001; and an Amended Agenda on 10-22-01.



City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
October 23, 2001**

TIME & PLACE

The Work Session of the Elk Ridge City Council was held on Tuesday, October 23, 2001, at 6:00 PM; it was followed by a "Meet the Candidates" meeting at 6:30 PM; following the "Meet the Candidates" meeting the Regular Session of the City Council Meeting began at 7:45 PM; it was followed by a Closed Session at 9:00 PM. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and agenda of these meetings was provided to the Payson Chronicle, 145 East Utah Ave., UT, and mailed to each member of the Governing Body on October 19th, 2001, and an Amended Agenda on October 22, 2001.

6:00 PM

CITY COUNCIL WORK SESSION

ROLL CALL

Mayor Pro-tem: Gary Bowen; *City Council:* Cindi Ellis, Kent Anderson, Don Mecham, (Absent; Mayor Ingram and Michael Motko), *Deputy Recorder:* Abby Hicks, *Administrative Assistant:* Ernie Folks, *Utah County Sheriff:* Cory Wride, *Daily Herald:* Caleb Warnock, *City Inspector:* Corbett Stephens, *Public:* Paul Cazier, Todd Jackson, Allen Nelson, Ken Baguley, Diane Baguley, Stewart Jolley, Jay Spencer, Jarid Spencer, Craig Olsen, Vernon Fritz, Marilyn Gabler, Russell Sly, Darin Magoffin, Gary Prestwich, Jim Bean, Bettylou Bean, Dave Merrill, Trina Merrill, Necia Albrecht, Diane Martin, Brent Martin, Robert Goodwin, Karl Borklund, Lois Borklund, Sandi Bowen, Lane Bowen, Diana Freeman, Marilyn Russell, Bruce Lindow, R.W. Nielsen, Lee Freeman, Geniel Sly, Mike Rice, Darrell Hodges, Lisa Denning, Dale Bigler, Annedelyn Rassi, David Tipton, Gerald Adams, Julie Christensen, Tom Chynoweth, Laura Deichman, Kristi Freeman-Dodenbier, Clifford Ammons, Michael Ashton, Ann Gockley, Christie Peatross, Karla Marie Ward, Sheila Achroedter, Kent Burton, Wayne Shute, Jeff Myers, Tony Searle, Debbie May, Mishelle Knuteson, R. Norlind, Scott Young, Kamille Peterson, Mindy Norton, Raelee Steinacker, Malea Simmons, Ty Ellis, Jerry Thun, Lisa Bradshaw, Barry Bradshaw, Ray Day, Woody Echols, Claudette Echols, Doug Lindsay, Leonhardt Schroedter, Loy Valley, Byron Molinari, Sam Coates, Marie Jo Stout, F. Lucretia Thayne, Jeff Steinacker, Andy King, Hal Shuller, Lesley Edwards, Mike Hicks

MOTION WAS MADE BY GARY BOWEN TO BEGIN THE WORK SESSION OF THE CITY COUNCIL MEETING IT WAS SECONDED BY DON MECHAM.

VOTE: YES (4)

NO (0)

**ABSENT (2) MAYOR INGRAM & MICHAEL
MOTKO**

**AMENDED
BUDGET**

Gary Bowen addressed the memo written by Mayor Ingram suggesting that the Council review the Amended Budget and decide if and how the merit bonuses for the City employees should be paid this year. Councilperson Bowen told the Council that upon calculations merit bonuses verses yearly pay increases would benefit the City, as it would allow the salary ranges for employees to stay intact. If pay increases were given each year then the ranges for current as well as new employees would continue to increase. Yearly merit bonuses based upon certain criteria would be a way to compensate the employees without hurting the ranges. The matter was scheduled to be discussed in a Closed Session later in the evening.

DISCUSSION
ORDINANCE
ENACTING
POLICIES &
PROCEDURES
FOR ABATING
PUBLIC
NUISANCES

The City Council discussed the ordinance as it reads currently. Council member Cindi Ellis voiced concerns that the ordinance still has the same verbiage as the previous ordinance, such as "the Beautification Committee will assist in abating the nuisance....". The Council agreed that the Ordinance would need to be updated. Mayor Pro-tem Bowen asked Council Member Ellis to read over her copy of the Ordinance and make any corrections to the verbiage of the Ordinance and return it for review by the Council.

CITY EASEMENT
COLUMBUS/
OAK RIDGE

Council Member Cindi Ellis informed the City Council that a fence has been built along the City Easement on Columbus Lane and Oak Ridge Drive. Council Member Ellis wanted the individuals who put the fence up to be notified that the fence they constructed was the City's easement. Mayor Pro-tem Bowen informed Council Member Ellis that the individuals are aware that the fence was in the City easement. He told the Council that the road is to be blocked off until the City does something with the road, and it will have to be fenced on both sides.

Council Member Ellis requested that the agreement to move the fence at the builder's expense be placed in writing. Mayor Pro-tem Bowen told the Council that the agreement was in writing. Council Member Mecham asked if the easement has been recorded with the County. Mr. Bowen explained that it had not been recorded as of that date, but would be recorded soon. Council Member Ellis asked if the individuals were buying the property from the City. Mayor Pro-tem told Council Member Ellis that the City was giving the property to Joseph and Janet Blouin and Alton and Nancy Ekins. He further explained that the fence down the middle is in the right place and the City will have to put another fence eight feet from the existing fence to the other property line. Mr. Bowen did not feel it was in the City's best interest to put two fences in at the present time, until the road is complete.

SEWER
CONNECTION
POLICY
RESOLUTION
DISCUSSION

Mayor Pro-tem Bowen explained to the Council that the City currently has a resolution but the City did not pass the Sewer Connection Policy Ordinance. The City Planner, Jim Bolser, had recommendations to the Council regarding this Ordinance. The Ordinance was given to the City Attorney: Dave Tuckett. Upon review of this Ordinance Mr. Tuckett felt that the Ordinance was fine the way it is now. Mr. Bowen told the Council that the Ordinance would now be returned to Mr. Bolser and it will need to be placed on the Agenda for the next City Council Meeting to schedule a Public Hearing on the matter.

LAWSUIT/
BRENT
MARTIN

The City Council was informed that Mr. Brent H. Martin, a resident of Elk Ridge, had filed a lawsuit against the City to collect damages from the Board of Adjustments denying his petition for variance of setback.

Councilmember Bowen informed the Council that the information on the lawsuit is public knowledge and any information that is requested from the public is to be given out. The acting city Attorney: David church, has reviewed the paperwork filed and feels that the Board of Adjustments acted with responsible and good judgment, and would defend the decision to the full extent possible.

ROAD DEPT.
LOAFER
CANYON/
FREEMONT WY.
UPDATE

Councilmember Gary Bowen updated the Council that the sewer line problem is currently being fixed in Loafer Canyon, that the curb and gutter would come in and it would then be ready to receive payment. Councilmember Don Mecham updated the Council on his communications with LEI. There has been reported a few driveway approaches in Loafer Canyon that will not meet up the road surface. Councilmember Mecham recommended that the City along with LEI assist those homeowners in creating

workable solutions to these lower approaches. The Council agreed that it should begin collecting bids for those property owners that need assistance.

Loafer Canyon is currently putting in sumps on one side of the road, then they will be able to place the cross gutters in, as they cannot be put in place at the same time. They are on schedule to have it finished in two weeks.

WATER
SYSTEM/
UPPER
SYSTEM

Councilmember Bowen explained to the City Council that the City has had a problem in the past with the photo sensor on the upper tank. It will not pick up the signal if there is smoke in the air or other obstructions. He explained that when the photo sensor fails to work the computer locks the last reading in and thus does not give an accurate reading, thus allowing the system to go unmonitored. The other problem is that the call alarm will not call for those types of problems.

Mr. Bowen informed the Council that the couple of times this year that the system has been shut down, upon restarting, the system was in shock. The pressure will go up and be fine, then there will be surges in the lines. Mr. Bowen and Mr. Haskell have been up to the system to try and determine the cause of the surges. Mr. Bowen explained that the PRV (pressure regulating valve) was placed in the wrong place, as well as it is missing a necessary valve. The former engineering firm, Hall Engineering, placed this PRV.

Councilmember Ellis asked if this situation is repairable, and Mr. Bowen explained that it is repairable, it would only be an additional cost.

**ELK RIDGE CITY
MEET THE CANDIDATES NIGHT
October 23, 2001**

TIME AND
PLACE

The Meet the Candidates Night was held on October 23, 2001 from 6:30 to 7:30 PM at the Elk Ridge City Hall. Notice of the meeting was given to each candidate, delivered to each residence, mailed out in the City Newsletter, and faxed to the Payson Chronicle, 145 East Utah Ave, Payson, Utah and mailed to each member of the Governing Body.

ROLL CALL

Mayor Pro-tem: Gary Bowen; *City Council:* Cindi Ellis, Kent Anderson, Don Mecham, (Absent; Mayor Ingram and Michael Motko), *Deputy Recorder:* Abby Hicks, *Administrative Assistant:* Ernie Folks, *Utah County Sheriff:* Cory Wride, *Daily Herald:* Caleb Warnock, *City Inspector:* Corbett Stephens, *Public:* Paul Cazier, Todd Jackson, Allen Nelson, Ken Baguley, Diane Baguley, Stewart Jolley, Jay Spencer, Jarid Spencer, Craig Olsen, Vernon Fritz, Marilyn Gabler, Russell Sly, Darin Magoffin, Gary Prestwich, Jim Bean, Bettylou Bean, Dave Merrill, Trina Merrill, Necia Albrecht, Diane Martin, Brent Martin, Robert Goodwin, Karl Borklund, Lois Borklund, Sandi Bowen, Lane Bowen, Diana Freeman, Marilyn Russell, Bruce Lindow, R.W. Nielsen, Lee Freeman, Geniel Sly, Mike Rice, Darrell Hodges, Lisa Denning, Dale Bigler, Annedelyn Rassi, David Tipton, Gerald Adams, Julie Christensen, Tom Chynoweth, Laura Deichman, Kristi Freeman-Dodenbier, Clifford Ammons, Michael Ashton, Ann Gockley, Christie Peatross, Karla Marie Ward, Sheila Achroedter, Kent Burton, Wayne Shute, Jeff Myers, Tony Searle, Debbie May, Mishelle Knuteson, R. Norlind, Scott Young, Kamille Peterson, Mindy Norton, Raelee Steinacker, Malea Simmons, Ty Ellis, Jerry Thun, Lisa Bradshaw, Barry Bradshaw, Ray Day, Woody Echols, Claudette Echols, Doug Lindsay, Leonhardt Schroedter, Loy Valley, Byron Molinari, Sam Coates, Marie Jo Stout, F. Lucretia Thayne, Jeff Steinacker, Andy King, Hal Shuller, Lesley Edwards, Mike Hicks

Elk Ridge City Council Meeting – 10-23-01

WELCOME
AND
EXPLANATION
OF FORMAT

Councilmember Cindi Ellis welcomed the candidates and the citizens to the Meet the Candidates Night. Councilmember Ellis explained to the candidates and the audience the format for the meeting. Each of the City Council Candidates would have two minutes to introduce themselves, the Mayor Candidates would have three Minutes. Councilmember Ellis explained that as people entered the hall they were given the opportunity to take a number. These numbers would be called out and the holder of the number would have the opportunity to ask the candidates a question. The Mayoral Candidates would have two minutes to answer a question; the Councilmember Candidates would have one. The Mayoral Candidates would have one minute for rebuttals. It was also explained to all that 10 seconds before the welcome or answer Period would end one bell would be rung. When the time was up, tow bells would ring and the Candidate speaking would need to stop. This format was chosen in order to give all equal opportunity to speak as well as ask questions. The candidates were invited to come and sit up front where their nametags were.

INTRODUCTION
OF
CANDIDATES

The candidates present were; *Mayor Candidates*, A. Gary Bowen and Vernon L. Fritz, *Four Year City Council Candidates*, Kent Anderson, Gary Glen Prestwich, Russell Sly, (Absent from table, Sheila Schroedter) *Two Year City Council Candidates*, Lee P. Freeman, Todd D. Jackson, Brent H. Martin, and Don Mecham

Each of the Candidates introduced himself. During the introductions Kent Anderson, Candidate for one of the Four Year City Council Seats announced that he was withdrawing his name from the election, stating that he would continue to complete current term of office. The introduction time took twenty minutes.

QUESTION
AND
ANSWER
TIME

Councilmember Cindi Ellis then began the question and answer time of the meeting by calling the first number. Most of the Candidates answered the questions individually and some were answered as a group. Most of the questions had to do with the issues of future development, storm drainage, curb and gutter, and rising costs of utility services. Councilmember Ellis ended the meeting with two questions from the outgoing Council. One of the questions was for Brent H. Martin and the other was for Vernon L. Fritz. The meeting ended at 7:30PM.

ELK RIDGE
CITY COUNCIL MEETING
October 23, 2001

TIME & PLACE
OF MEETING

The regular Meeting of the Elk Ridge City Council was held on **Tuesday, October 23, 2001 at 7:30 PM** at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah. Notice of time, place, and Agenda was faxed to the Payson Chronicle, 145 East Utah Ave, Payson, Utah and mailed to each member of the Governing Body on October 19, 2001; and an amended Agenda on 10-22-01.

ROLL CALL

Mayor Pro-tem: Gary Bowen; *City Council:* Don Mecham, Cindi Ellis, Kent Anderson, (Absent: Mayor Ingram & Michael Motko); *Deputy Recorder:* Abby Hicks; *Administrative Assistant:* Ernie Folks; *City Inspector:* Corbett Stephens; *County Sheriff:* Cory Wride; *Daily Herald:* Caleb Warnock; *Public:* Andy King, Anndelyn Rassi, Dale Bigler, Necia Albrecht, Jared Spencer, J. Spencer, Lesley Edwards, Spencer Edwards, Sandi Bowen, Gary Prestwich.

INVOCATION
& PLEDGE OF
ALLEGIANCE

Invocation was offered Abby L. Hicks. The Pledge of Allegiance was led out by Mayor Pro-tem Gary Bowen.

AGENDA TIME
FRAME

**MOTION WAS MADE BY MAYOR PRO-TEM GARY BOWEN AND
SECONDED BY CINDI ELLIS TO APPROVE THE TIME FRAME.**

**VOTE: YES (4) NO (0) ABSENT (2) MAYOR INGRAM &
MICHAEL MOTKO**

ADMIN.
ORDINANCE
PERSONNEL
POLICIES &
PROCEDURES
PROPOSAL

Mayor Pro-tem Gary Bowen explained to the Council that both he and Mayor Ingram feel that the City should look at updating and revising the Cities Personnel Policy. The current Administration/Personnel Policy does not reflect current laws in some areas. Mayor Pro-tem Bowen introduced to Andy King of Strategic Human Resource Solutions, Inc. Mr. King and his company had looked over the Administrative/Personnel Policy for Elk Ridge City, and have created a proposal for the City Council to review. Mr. Bowen turned the time over to Mr. King for his presentation.

Mr. Andy King introduced himself and gave a brief history of his company. Mr. King explained that the company he works for is one of the leading companies in the field of Human Resource Management. He also explained to the Council what Strategic Human Resource Solutions, Inc. could do for the City's administration. He presented the Council with the bid and information for their review.

The City Council agreed to read over the material and discuss the proposal at the next City Council meeting.

SNOW
REMOVAL

Councilmember Don Mecham informed the Council that he spoke to several other communities about the removal of snow in their Towns. The Towns that Councilmember Mecham spoke with use contract snow removal companies. The contracts would require a contract for the entire winter, which would be cost effective if there was a wet winter and a quite expensive if we had a dry winter. It was the opinion of the Council that it would better for the City to utilize it's own trucks and resources and continue to replace the blades when needed, as well as store the salt and cinders in Elk Ridge, and keep a record of expenses and snow removal requirements, and make a decision concerning contract snow removal next year.

Mayor Pro-tem Bowen said that Nebo School District was concerned about the safety of the roads for the busses and children. Mr. Bowen informed the Council that the blades on the trucks would be lowered and the roads salted. It also mentioned that the Council would look into incentives for the employees who have to be on call and keep in touch with the Nebo School District in order to have the roads cleared for the bus routes.

EXCEPTION
TO 12%
DRIVEWAY
SPENCER
EDWARDS

Administrative Assistant, Ernie Folks explained to the Council that the information concerning the request for an exception to the 12% driveway requirement was in the Council packets. Ernie Folks also provided the letter from the Planning Commission to the Council. Mayor Pro-tem Gary Bowen asked Corbett Stephens, City Inspector what his opinion was of the driveway in question. Mr. Stephens stated that it would require more work for the homeowner, but that it was workable. Mr. Bowen asked Mr. Stephens how this situation came to be. Mr. Stephens informed the Council

that the garage was set up too high, and the garage slab flooring was in place, which would make it difficult for the garage floor elevation to be lowered. Mr. Stephens told the City that the engineers from LEI have looked at several possible alternatives, and feel that the safest option was to allow the exception. Councilmember Mecham felt that the City should not be regulating the slope of driveways on personal property, as far as it does not affect the health safety and welfare of the community.

Mr. Stephens made several suggestions to help reduce the chances of harm, (i.e. roughing the concrete, heating the driveway, etc.). He explained that the Edwards' are aware that once the house passes inspection they assume all liability for any harm that may occur as a result of their driveway. Ernie Folks also informed the Council that the Planning Commission informed the homeowners that no cars will be permitted to be parked on the streets during the winter.

Mayor Pro-tem Gary Bowen suggested to the Council that since there are two recommendations from the Planning Commission and the City Engineers that the Council move to approve.

MOTION WAS MADE BY DON MECHAM TO APPROVE THE SPENCER EDWARDS EXCEPTION TO THE 12% DRIVEWAY REQUIREMENT ON THE DRIVEWAY SUBJECT TO LEI AND ELK RIDGE CITY PLANNING COMMISSION RECOMMENDATIONS MOTION WAS SECONDED BY CINDI ELLIS.

A discussion began by Councilmember Anderson, as he expressed the concern that the steepness of a drive in icy winter conditions could cause pedestrians and vehicles to be in danger if a car exiting from a steep driveway lost control and crossed sidewalks or roads.

He felt that the homeowner should be required to install a heated driveway to prevent ice on the driveway.

Mr. Edwards told the council that they had received two bids for placing heating lines in the driveway, both over \$12,000.00. Mr. Bowen explained his concern that if the homeowner was required by the City to install a heated driveway, there is no means by which the City could regulate that the system be used. Mr. Bowen said that it is the homeowners responsibility to make sure that the driveway is safe not the City Council.

**VOTE: YES (3) NO (1) KENT ANDERSON
ABSENT (2) MICHAEL MOTKO & MAYOR INGRAM**

EXPENDITURES: General:

N. R. Hiatt Invoice – Update: Mayor Pro-tem Bowen informed the Council that the City would not be paying any part of the invoice to Noel Hiatt until the corrections are made by LEI and Noel Hiatt.

Warrant Register: Council decided to move the discussion and approval of the Warrant Register to the next City Council Meeting.

Park Retaining Wall: Councilmember Cindi Ellis told the Council that the City would be building a retaining wall, sidewalk and steps into the tennis courts on the east side of the park. The construction would be concrete, with a four-foot fence on the top of the retaining wall. The wall would be 3.5 feet above the bark with the four foot fence, which is the current building code. The Council discussed the height of the fence and decided that it would be safer for the fence would be safer for the fence to be built to code, and not a six foot fence, as it would create a higher drop if children tried to climb over the fence.

The impact fees from new building permits are in the current budget to fund the construction of the park project. Councilmember Ellis asked the Council for the approval to begin construction of the retaining wall, fence, sidewalk, and steps in the City Park.

MOTION WAS MADE BY CINDI ELLIS TO APPROVE UP TO FIVE THOUSAND DOLLARS FOR THE CONSTRUCTION OF RETAINING WALL, FENCE, SIDEWALK, AND STEPS SECONDED BY GARY BOWEN.

VOTE: YES (4) NO (0) ABSENT: MAYOR INGRAM & MICHAEL MOTKO

APPROVAL
OF
MINUTES
PREVIOUS
MEETINGS

MOTION WAS MADE BY CINDI ELLIS TO APPROVE THE CITY COUNCIL MEETING MINUTES FROM SEPTEMBER 25, 2001 SECONDED BY DON MECHAM.

VOTE: YES (4) NO (0) ABSENT: MAYOR INGRAM & MICHAEL MOTKO

PUBLIC
HEARINGS

MOTION WAS MADE BY CINDI ELLIS TO SET THE PUBLIC HEARING FOR THE ORDINANCE ON REGULATING SEWERS IN SUBDIVISIONS FOR NOVEMBER 27, 2001 AT 6:00PM. MOTION WAS SECONDED BY KENT ANDERSON.

VOTE: YES (4) NO (0) ABSENT: MAYOR INGRAM & MICHAEL MOTKO

MOTION WAS MADE BY CINDI ELLIS TO SET THE PUBLIC HEARING FOR THE ORDINANCE RELATING TO CLARIFICATION BETWEEN WALLS, RETAINING WALL AND THEIR REQUIREMENTS, ETC. FOR NOVEMBER 27, 2001 AT 6:15PM. MOTION WAS SECONDED BY DON MECHAM.

VOTE: YES (4) NO (0) ABSENT: MAYOR INGRAM & MICHAEL MOTKO

ADJOURNMENT

MOTION WAS MADE BY DON MECHAM TO ADJOURN THE CITY COUNCIL MEETING AND MOVE INTO CLOSED SESSION. MOTION WAS SECONDED BY CINDI ELLIS.

VOTE: YES (4) NO (0) ABSENT: MAYOR INGRAM & MICHAEL MOTKO

**ELK RIDGE
CITY COUNCIL MEETING
CLOSED SESSION
October 23, 2001**

TIME AND
PLACE

The Closed Session of the Elk Ridge City Council Meeting was held on October 23, 2001 at 8:45PM. It was preceded by the Elk Ridge City Council Meeting, Work Session, and Meet the Candidates Night. The meeting was held at Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and agenda for these meetings was provided to the Payson Chronicle, 145 East Utah Ave, Payson, Utah, and to the members of the Governing Body by mailing a copy to each on October 19, 2001.

8:45PM

CLOSED SESSION OF THE CITY COUNCIL MEETING

ROLL CALL

Mayor Pro-tem: Gary Bowen; *City Council:* Don Mecham, Cindi Ellis, Kent Anderson

AGENDA
ITEMS

Pending Litigation
Discussion of Personnel
Strategy



City Recorder

AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regularly scheduled **City Council Meeting** on **Tuesday, November 13, 2001, at 7:00 PM**; it will be preceded by **Five Public Hearings on the following Issues: The first Public Hearing will be at 6:00 PM**, on a Proposed Ordinance Relating to Clarification of Defined Terms; **The second Public Hearing, at 6:10 PM**, is concerning a Proposed Ordinance Amending the Elk Ridge City Code Relating to Correcting Errors in the Code Dealing with Conditional Uses in the RR-1 Zone; **The third Public Hearing, scheduled for 6:20 PM**, is on a Proposed Ordinance Related to the Conveyance of Water Rights; **the fourth Public Hearing, to be held at 6:40 PM**, is on a Proposed Ordinance Amending the Elk Ridge City Code Relating to Commercial Zone Requirements & Creating a General Provision Dealing with Water Efficient Landscaping; **the fifth Public Hearing, scheduled at 6:50 PM**, is concerned with a Proposed Ordinance Amending the Elk Ridge City Code, Section 10-3-3.21, Relating to Recreation Vehicles & Mobile Homes Prohibited as Dwellings. These Meetings will be followed by a **Council Closed Session**. The meetings will be held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

- 6:00 PM PUBLIC HEARING/ORDINANCE-CLARIFICATION OF DEFINED TERMS**
Public Hearing on a Proposed Ordinance relating to Clarification of Defined Terms
- 6:10 PM PUBLIC HEARING/ORDINANCE-CORRECTING ERRORS IN CODE, CONDITIONAL USES IN RR-1 ZONE**
Public Hearing on a Proposed Ordinance Amending the Elk Ridge City Code relating to Correcting Errors in the Code Dealing with Conditional Uses in the RR-1 Zone
- 6:20 PM PUBLIC HEARING/ORDINANCE-RELATED TO CONVEYANCE OF WATER RIGHTS**
Public Hearing on a Proposed Ordinance Related to the Conveyance of Water Rights
- 6:40 PM PUBLIC HEARING/ORDINANCE-COMMERCIAL ZONE REQUIREMENTS & CREATING A GENERAL PROVISION DEALING WITH WATER-EFFICIENT LANDSCAPING**
Public Hearing on a Proposed Ordinance Amending the Elk Ridge City Code Related to Commercial Zone Requirements and Creating a General Provision dealing with water-efficient Landscaping
- 6:50 PM PUBLIC HEARING/ORDINANCE-RECREATION VEHICLES & MOBILE HOMES PROHIBITED AS DWELLINGS**
Public Hearing on a Proposed Ordinance Amending the Elk Ridge City Code, Section 10-3-3.21, Relating to Recreation Vehicles & Mobile Homes Prohibited as Dwellings
- CITY COUNCIL WORK SESSION**
Jay Spencer
Administration Policy
Amended Budget/Discussion
Oak Bluff Estates, Plat B-Release of Bond
Santiago Lots
- 7:00 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:**
Invocation and Pledge of Allegiance
- 7:03 Approval of Agenda Time Frame**
- 7:05 CANVASS MUNICIPAL ELECTIONS**
- 7:10 Oak Bluff Estates, Plat B/Release of Bond – Don Mecham**
- 7:25 Administration Policy/Action**
- 7:30 Loafer Canyon Residents/Jay Spencer-Action**
- 8:15 Santiago Lots/Action**
- 8:25 Chamonix Annexation/Set Public Hearing**
- 8:30 Expenditures: General**
- Property Tax Clearance/City Property
- D.P.G. Construction
- 8:40 Approval of Minutes of Previous Meetings**
- 8:45 Asst. Public Works/Probationary Period**
- 8:55 Set Public Hearings:**
1. Ordinance/Amending the Elk Ridge City Subdivision Ordinance, Section 10-7-3, Re-naming the Plan Review Committee to the Technical Review Committee and Other Minor Changes

2. Ordinance/Amending the Elk Ridge City Code Relating to Clarification of the Tabulation for Minimum Base Density, Amending the Maximum Lot Size, and Clarification of the Open Space Requirements within a Planned Residential Development
3. Ordinance/Amending the Elk Ridge City Code relating to the Creation of a General Provision Regarding Development of Sloped Land and Amendment of Existing Ordinances to Comply with said Provision
4. Ordinance/Amending the Elk Ridge City Code Relating to Restrictions Concerning Accessory Buildings
5. Ordinance/Adopting the Elk Ridge General Plan for 2001 to 2006
6. Ordinance/Regarding a Proposed Ordinance Amending the Elk Ridge City Code, Relating to Increased Setback Requirements for Corner Lots in a Subdivision
7. Ordinance/Amending Elk Ridge City Code Relating to the Creation of New Zoning Classifications and the Provisions Thereof, Entitled R-1-12,000-PUD and R-1-15,000-A
8. Ordinance/Amending Elk Ridge City Code Relating to Annexations

9:10

Ordinances/Adoption:

Ordinance/Clarification of Defined Terms

Ordinance/Correcting Errors in Code, Conditional Uses in RR-1 Zone

Ordinance/Relating to Conveyance of Water Rights

Ordinance/Recreation Vehicles & Mobile Homes Prohibited as Dwellings

9:20

Council Christmas

9:25

Adjournment

CITY COUNCIL CLOSED SESSION

Discussion of Personnel

Handicap Access, Upon Request. (48 Hours Notice)

The times, which appear on this amended agenda, may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 9th Day of November, 2001.



City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and mailed to each member of the Governing Body on November 9, 2001.



City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
November 13, 2001**

**TIME & PLACE
OF MEETING**

The regular Meeting of the Elk Ridge City Council was held on Tuesday, November 13, 2001, at 7:00 PM; it was preceded by Five Public Hearings on the following Issues: The first Public Hearing was at 6:00 PM, on a Proposed Ordinance on the Clarification of Defined Terms. The second Public Hearing, at 6:10 PM, was concerning a Proposed Ordinance Correcting Errors in Code, Conditional Uses in RR-1 Zone. The third Public Hearing, scheduled for 6:20 PM, was related to a Proposed Ordinance Related to Conveyance of Water Rights. The Fourth Public Hearing, held at 6:40 PM, was on a Proposed Ordinance dealing with Commercial Zone Requirements & Creating a General Provision Dealing with Water-Efficient Landscaping. The Fifth Public Hearing, at 6:50 PM, was concerned with a Proposed Ordinance Related to Recreation Vehicles & Mobile Homes Being Prohibited as Dwellings; with items from the Council Work Session being discussed from 6:00 PM to 7:00 PM, as time permitted.

The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and Agenda of these meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body by mailing a copy to each on November 9, 2001.

6:00 PM

PUBLIC HEARING/ORDINANCE-CLARIFICATION OF DEFINED TERMS

Public Hearing on a Proposed Ordinance Amending the Elk Ridge City Code Relating to Clarification of Defined Terms

ROLL CALL

Mayor Pro-tem: Gary Bowen; *City Council:* Don Mecham, Cindi Ellis, (Absent: Mayor Ingram, Michael Motko & Kent Anderson); *Planning Commission:* Stewart Jolley; *Council Elect:* Vernon Fritz, Gary Prestwich, Lee Freeman, Russell Sly; *LEI Engineering:* Mike Christianson, Ernie Thornton; *Daily Herald Newspaper:* Caleb Warnock; *Public:* Rayburn Day, Tom Chynoweth, Lynn & Jeneal Peterson, Blain & Sandon Nilsson, Jay Spencer, Corbin Holcomb, Jarett Youd Family, Shuree & Kyle Moosmann, Jeremy Hermansen, Dallan Boothe, Amy Weyerman, Mina Kearl, Jay Gammon, Abe Austin, Gary & Kiley Williams, Jana Saunders, Matthew Mason, Joe Marrott, Jeanie Wride, Mike Morgan, Claudia & Larry Knudsen, Kamile K. & Troy Peterson, Darrin Johnson, David Wride, Wendy Kimber, Mike Kellam, and *City Recorder:* Janice H. Davis

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY DON MECHAM TO
OPEN THE PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING THE
ELK RIDGE CITY CODE RELATING TO CLARIFICATION OF TERMS**

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
KENT ANDERSON & MICHAEL MOTKO**

Addresses Lot lines: On a corner lot, the front lot line is the one adjacent to the street having the lowest level of service of determined to have the least amount of potential traffic. (Safety issue)

No Public Comment.

**MOTION WAS MADE BY DON MECHAM AND SECONDED BY CINDI ELLIS TO
CLOSE THE PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING THE
ELK RIDGE CITY CODE RELATING TO CLARIFICATION OF TERMS**

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
KENT ANDERSON & MICHAEL MOTKO**

6:10 PM -

PUBLIC HEARING/ORDINANCE-CORRECTING ERRORS IN CODE, CONDITIONAL USES IN THE RR-1 ZONE

Public Hearing on a Proposed Ordinance Amending the Elk Ridge City Code Relating to Correcting Errors in the Code Dealing with Conditional Uses the RR-1 Zone

ROLL CALL

Mayor Pro-tem: Gary Bowen; *City Council:* Don Mecham, Cindi Ellis, (Absent: Mayor Ingram, Michael Motko & Kent Anderson); *Planning Commission:* Stewart Jolley; *Council Elect:* Vernon Fritz, Gary Prestwich, Lee Freeman, Russell Sly; *LEI Engineering:* Mike Christianson, Ernie Thornton; *Daily Herald Newspaper:* Caleb Warnock; *Public:* Rayburn Day, Tom Chynoweth Lynn & Jeneal Peterson, Blain & Sandon Nilsson, Jay Spencer, Corbin Holcomb, Jarett Youd Family, Shuree & Kyle Moosmann, Jeremy Hermansen, Dallan Boothe, Amy Weyerman, Mina Kearl, Jay Gammon, Abe Austin, Gary & Kiley Williams, Jana Saunders, Matthew Mason, Joe Marrott, Jeanie Wride, Mike Morgan, Claudia & Larry Knudsen, Kamile K. & Troy Peterson, Darrin Johnson, David Wride, Wendy Kimber, Mike Kellam, and *City Recorder:* Janice H. Davis

MOTION WAS MADE BY DON MECHAM AND SECONDED BY CINDI ELLIS TO OPEN THE PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO CORRECTING ERRORS IN THE CODE DEALING WITH CONDITIONAL USES IN THE RR-1 ZONE

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
KENT ANDERSON & MICHAEL MOTKO**

The Development Code allows larger lots to occur throughout the City. The section on Conditional Uses may have errors or may necessitate some changes. In the RR-1 Zone, under "Conditional Uses" (Section 10-5-6.3), it was clarified what is considered to be a "Conditional Use". #1 was stricken: this referred to Home Occupations (this is a "Permitted Use").

Russell Sly: There was a concern about the size of an enclosure that is considered an "arena". Dust control can be an issue.

No further comments.

MOTION WAS MADE DON MECHAM AND SECONDED BY CINDI ELLIS TO CLOSE THE PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO CORRECTING ERRORS IN THE CODE DEALING WITH CONDITIONAL USES IN THE RR-1 ZONE

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM.
KENT ANDERSON & MICHAEL MOTKO**

6:20 PM -

PUBLIC HEARING/ORDINANCE-RELATED TO CONVEYANCE OF WATER RIGHTS

Public Hearing on a Proposed Ordinance Related to the Conveyance of Water Rights:

ROLL CALL

Mayor Pro-tem: Gary Bowen; *City Council:* Don Mecham, Cindi Ellis, (Absent: Mayor Ingram, Michael Motko & Kent Anderson); *Planning Commission:* Stewart Jolley; *Council Elect:* Vernon Fritz, Gary Prestwich, Lee Freeman, Russell Sly; *LEI Engineering:* Mike Christianson, Ernie Thornton; *Daily Herald Newspaper:* Caleb Warnock; *Public:* Rayburn Day, Tom Chynoweth, Lynn & Jeneal Peterson, Blain & Sandon Nilsson, Jay Spencer, Corbin Holcomb, Jarett Youd Family, Shuree & Kyle Moosmann, Jeremy Hermansen, Dallan Boothe, Amy Weyerman, Mina Kearl, Jay Gammon, Abe Austin, Gary & Kiley Williams, Jana Saunders, Matthew Mason, Joe Marrott, Jeanie Wride, Mike Morgan, Claudia & Larry Knudsen, Kamile K. & Troy Peterson, Darrin Johnson, David Wride, Wendy Kimber, Mike Kellam, and *City Recorder:* Janice H. Davis

MOTION WAS MADE BY DON MECHAM AND SECONDED BY CINDI ELLIS TO OPEN THE PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING CERTAIN PROVISIONS OF THE DEVELOPMENT CODE OF ELK RIDGE CITY, UTAH, RELATING TO THE CONVEYANCE OF WATER RIGHTS

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
KENT ANDERSON & MICHAEL MOTKO**

The Ordinance establishes a requirement for the conveyance of water rights based on acreage.

Section 10-7-8.11:

All words "Town" will be changed to "City" & some of the numbering is changed.

2. Strike

Discussion of the amount of water right assigned to each lot and the usage of water. issues will need to be addressed by the new Council:

1. If a resident on the water system uses more water that they have "right", there should be a stiff penalty to discourage this. Currently, if one uses over a certain amount, the water rates (charges) go up quite a bit. This is also meant to discourage excessive water usage.

2. Existing Homes...will they be forced to up-grade the amount of water rights assigned to their particular lot?

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY DON MECHAM TO CLOSE THE PUBLIC HEARING ON THE CONVEYANCE OF WATER RIGHTS

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
KENT ANDERSON & MICHAEL MOTKO**

6:40 PM -

PUBLIC HEARING/ORDINANCE-COMMERCIAL ZONE REQUIREMENTS & CREATING A GENERAL PROVISION DEALING WITH WATER-EFFICIENT LANDSCAPING

Public Hearing on a Proposed Ordinance Amending the Elk Ridge City Code Relating to Commercial Zone Requirements and Creating a General Provision Dealing with Water-Efficient Landscaping

ROLL CALL

Mayor Pro-tem: Gary Bowen; *City Council:* Don Mecham, Cindi Ellis, (Absent: Mayor Ingram, Michael Motko & Kent Anderson); *Planning Commission:* Stewart Jolley; *Council Elect:* Vernon Fritz, Gary Prestwich, Lee Freeman, Russell Sly; *LEI Engineering:* Mike Christianson, Ernie Thornton; *Daily Herald Newspaper:* Caleb Warnock; *Public:* Rayburn Day, Tom Chynoweth, Lynn & Jeneal Peterson, Blain & Sandon Nilsson, Jay Spencer, Corbin Holcomb, Jarett Youd Family, Shuree & Kyle Moosmann, Jeremy Hermansen, Dallan Boothe, Amy Weyerman, Mina Kearn, Jay Gammon, Abe Austin, Gary & Kiley Williams, Jana Saunders, Matthew Mason, Joe Marrott, Jeanie Wride, Mike Morgan, Claudia & Larry Knudsen, Kamile K. & Troy Peterson, Darrin Johnson, David Wride, Wendy Kimber, Mike Kellam, Tony Searle; and *City Recorder:* Janice H. Davis

Comments:

Cindi Ellis: How did the Planning Commission determine on the classifications, what would be considered "conditional" and "permitted"?

Ernestine Folks: In reviewing with the Planner, it was the consensus of the Planning Commission.

Don Mecham: Brought up concerns with the restrictions on the landscaping allowed to commercial businesses. He shared an incident in Park City where the Planer dictated the types of trees and the size.

The business was held up until the requirements were met. The costs were not only prohibitive, but the time element endangered the businesses.

The proposed ordinance before the Council is much like the ordinance in Park City. He feels commercial enterprise should be encouraged to develop in Elk Ridge, not restricted to the point of not being able to meet the requirements for landscaping.

He understands that there should be wisdom in allowing commercial businesses to develop in the City, but feels the ordinance, as it is, is too restrictive.

Vernon Fritz: Corrected typographical errors along with Councilmember Ellis.

Issue...Pg. 11, #3: Why require such large trees? (6 ft. above ground & 3" caliper)

Cindi Ellis: Also feels this is excessive (Councilmember Mecham agrees).

Ernestine Folks: Most of the standards were recommended by Envision Utah. How long does the Council feel it should take to have the landscaping look the way it was designed?

Vernon Fritz: Suggestion: 1" is sufficient. If it needs to be adjusted when commercial businesses begin to build, then review it at that time.

Gary Prestwich: Agrees that the restriction are excessive.

Russell Sly: Are City Facilities subject to the same requirements?

Gary Bowen: Public Facilities are generally exempt from most restrictions; but good reason should be used.

Suggestion: 1" X 3' for the size of the trees.

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY DON MECHAM TO CLOSE THE PUBLIC HEARING ON THE ORDINANCE ON COMMERCIAL ZONE REQUIREMENTS AND CREATING A GENERAL PROVISION DEALING WITH WATER-EFFICIENT LANDSCAPING

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
KENT ANDERSON & MICHAEL MOTKO**

6:50 PM -

PUBLIC HEARING/ORDINANCE-RECREATION VEHICLES & MOBILE HOMES PROHIBITED AS DWELLINGS

Public Hearing on a Proposed Ordinance Amending the Elk Ridge City Code, Section 10-3-3.21, Relating to Recreation Vehicles & Mobile Homes Prohibited as Dwellings

ROLL CALL

Mayor Pro-tem: Gary Bowen; *City Council*: Don Mecham, Cindi Ellis, (Absent: Mayor Ingram, Michael Motko & Kent Anderson); *Planning Commission*: Stewart Jolley; *Council Elect*: Vernon Fritz, Gary Prestwich, Lee Freeman, Russell Sly; *LEI Engineering*: Mike Christianson, Ernie Thornton; *Daily Herald Newspaper*: Caleb Warnock; *Public*: Rayburn Day, Tom Chynoweth, Lynn & Jeneal Peterson, Blain & Sandon Nilsson, Jay Spencer, Corbin Holcomb, Jarett Youd Family, Shuree & Kyle Moosmann, Jeremy Hermansen, Dallan Boothe, Amy Weyerman, Mina Kearn, Jay Gammon, Abe Austin, Gary & Kiley Williams, Jana Saunders, Matthew Mason, Joe Marrott, Jeanie Wride, Mike Morgan, Claudia & Larry Knudsen, Kamile K. & Troy Peterson, Darrin Johnson, David Wride, Wendy Kimber, Mike Kellam, and *City Recorder*: Janice H. Davis

MOTION WAS MADE BY DON MECHAM AND SECONDED BY CINDI ELLIS TO OPEN THE PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING THE ELK RIDGE CITY CODE, SECTION 10-3-3.21, RECREATION VEHICLES AND MOBILE HOMES PROHIBITED AS DWELLINGS

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
KENT ANDERSON & MICHAEL MOTKO**

This ordinance allows temporary buildings to be used during construction in commercial zones only.

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY DON MECHAM TO CLOSE THE PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING THE ELK RIDGE CITY CODE, SECTION 10-3-3.21, RECREATION VEHICLES AND MOBILE HOMES PROHIBITED AS DWELLINGS

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
KENT ANDERSON & MICHAEL MOTKO**

CITY COUNCIL WORK SESSION

JAY SPENCER

Jay Spencer: (Was present to address the Council)
(Brief History/Lives on S. Loafer Canyon Rd.)

Since the Pressure Reducing Station was installed in Loafer Canyon, the water pressure at his home and at the Peterson's has been reduced to a level that creates problems. He feels that the station has been placed in the wrong spot in the Canyon. The pressure at the north end of the line is still high. He also has air in his line.

Mr. Spencer said that he was informed by LEI that if a fire truck hooked onto the hydrant just below his home, that the water would be sucked out of his line and start to collapse things in his house.

He said that, according to Kent Haskell, it would be simple to by-pass the two houses (Spencer's & Paterson's). He was also informed that Gary Bowen had told Mike Christiansen that this was the Spencer's problem and they would have to fix it.

They have 80 psi when the Pressure Reducing Station is off; with it on, it drops to about 35 –45 psi. That meet code, but they can't run the washer and flush the toilet at the same time. When they developed their two-lot subdivision, they met the requirements. Why should he have to suffer now that the City decided to put in a Pressure Reducing Station. According to Kent Haskell, it would cost \$1,000 to \$1,500 to by-pass them.

The dead-end line creates air in the line at that point.

(Don Mecham: Suggested a "blow-off" at the top of the line to get the air out of the line.)
That was suggested by LEI and it has not been done. That won't solve the pressure problem; but it will "bleed" the air out.

The problem is that we live in the mountains. State regulations for pressure require 20 – 85 lbs. The PRV's are set accordingly. It would be good to put in more PRV's, but they are very expensive.

Jay Spencer: Said that he was told by Mayor Ingram (at the time when Robert Nelson was developing his subdivision) that if Mr. Nelson caused the problem, that Mr. Nelson would pay for it. It has been forgotten and Mr. Nelson is done with his development.

Gary Bowen: Met with LEI (Greg Magleby, Mike Christiansen and Ernie Thornton and asked them if the PRV is in the correct place or not. They say that it is in the right place. When the PRV went off the previous week, the City now has a bill for almost \$1,000 for damage done because the pressure was too high. The Council is in the middle of two issues.

Jay Spencer: So, the City would rather pay for the costs associated with the problems incurred due to the pressure than to fix their problem?

Gary Bowen: If the problem were solved by by-passing, then if anything happens higher up the line, and other problems occur because of the pressure being too high, will he be in to ask for the Council to pay for damages?

Mr. Spencer's home would be the last on the line and the pressure may build up to 250 lbs.

To fix the fire hydrant would require the 10" line to be brought all the way down the hill and loop the line. It is being worked on, but the City cannot afford to do it all at once.

So, what Mr. Spencer is asking is to have the residents pay for a solution to his pressure problem, when his pressure is well within the range set by the State.

Robert Nelson was required to get the pressure for his development down to 120 lbs. By installing a PRV; he would not have had to be responsible for a by-pass.

Don Mecham: If there were a by-pass, would he be willing to sign a waiver that states that Mr. Spencer is aware that if the PRV above him fails, he would not hold the City responsible for any damage. (Mr. Spencer does not feel there would be a problem; there hasn't been in the past.) That does not mean there won't be in the future. He could have a surge of over 200 lbs. of pressure if there were a problem above him.

Don Mecham: Where would the exceptions end? Then everyone wanting more pressure in the lines would come to the City.

The Council can empathize with the Spencer's position.

Gary Bowen: If there is a way to get the costs down on a by-pass, and if the Spencer's and Peterson's would be willing to sign a waiver of responsibility, maybe there is a way to accomplish a solution to their problem. The solution will probably come through the new City Council. Councilmember Bowen said he would move on getting the costs together for the new Council to make a decision on the matter.

ADMINISTRATION POLICY

The Council feels that the City should have the revised Employee Handbook/Administrative Policy but not the rest of the proposed services at this time. The future Council may want to re-consider the other services. The Handbook will cost \$1,500 initially and \$100/year to up-date it bi-annually, to make sure it is compliance with the current laws.

AMENDED BUDGET DISCUSSION

City Recorder: Explanation of the Budget Worksheet format.

In reviewing the various accounts in the Financial Report, certain funds have been mis-miscoded, and will have to be re-classified to clear up the year-to-date figures.

Fire Dept.: Fire truck loan needs to be paid back out of the General Fund (Capital Project Funds cannot pay back loans). The truck was purchased from the Capital Project Fund.

Non-Departmental: (Building Inspector) This could come in higher than the budgeted amount at the end of the fiscal year...it depends on the amount of building in the Winter months and in the Spring.

Roads: 15,000 for the Snowplow payments. This amount will double due to the payback payments for the backhoe. This was purchased out of the Capital Project Fund/Backhoe, but will be paid back out of the General Fund.

Final costs for Freemont Way and Loafer Canyon Rd. are needed for the Budget.

(Don Mecham: The costs will include the approaches. Each home needs to have a separate estimate.)

The Capital Improvement Plan needs to be amended with the Budget. Please get those figures to Ernestine Folks.

Parks: "Salaries" has more than doubled from the budgeted amount. (Problems with paying Brad Mecham too much. He was fired for reporting hours dishonestly, as well as for using gas paid for by the City for his own vehicle and charging it to Parks.) Councilmember Ellis may want to review the time cards to determine if the charges are correct.

Capital Projects Fund/Town Hall/Fire Station: The new Public Works Building is figured at approximately \$80,000.

Capital Projects Fund/Backhoe: The money that has been transferred into this Fund to pay for the loan payment on the backhoe should be transferred back into the General Fund for this purpose.

Capital Project Fund/Loafer Canyon Rd: Final costs need to be reported for the project.
Special Revenue Fund/Parks: This Fund cannot only purchase assets, but can also fund the loan payments. This is because it has its own source of revenue...Impact Fees. This set it apart from the Capital Projects Funds, whose source of revenue comes from transfers from other Funds.

Councilmember Ellis will be looking into the grant from Restaurant Tax money, to be used on the retaining wall around the playground equipment.

Water & Sewer Funds: Final figures on the various projects needs to be turned in. "Capital Outlay" in both Funds will have to be amended to reflect the Actuals.

Storm Drain Capital Enterprise Fund: There are projects scheduled; but no revenue budgeted. Where will the revenue come from and should the projects be stricken from the schedule this year?

**ELK RIDGE
CITY COUNCIL MEETING
November 13, 2001**

**TIME & PLACE
OF MEETING**

The regular Meeting of the Elk Ridge City Council was held on **Tuesday, November 13, 2001, at 7:00 PM;** it was preceded by **Five Public Hearings on the following Issues: The first Public Hearing was at 6:00 PM,** on a Proposed Ordinance on the Clarification of Defined Terms. **The second Public Hearing, at 6:10 PM,** was concerning a Proposed Ordinance Correcting Errors in Code, Conditional Uses in RR-1 Zone. **The third Public Hearing, scheduled for 6:20 PM,** was related to a Proposed Ordinance Related to Conveyance of Water Rights. **The Fourth Public Hearing, held at 6:40 PM,** was on a Proposed Ordinance dealing with Commercial Zone Requirements & Creating a General Provision Dealing with Water-Efficient Landscaping. **The Fifth Public Hearing, at 6:50 PM, was concerned with a Proposed Ordinance Related to Recreation Vehicles & Moblie Homes Being Prohibited as Dwellings;** with items from the **Council Work Session being discussed from 6:00 PM to 7:00 PM,** as time permitted.

The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and Agenda of these meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body by mailing a copy to each on November 9, 2001.

ROLL CALL

Mayor Pro-tem: Gary Bowen; *City Council:* Don Mecham, Cindi Ellis, (Absent: Mayor Ingram, Michael Motko & Kent Anderson); *Planning Commission:* Stewart Jolley; *Council Elect:* Vernon Fritz, Gary Prestwich, Lee Freeman, Russell Sly; *LEI Engineering:* Mike Christianson, Ernie Thornton; *Daily Herald Newspaper:* Caleb Warnock; *Public:* Rayburn Day, Tom Chynoweth, Lynn & Jeneal Peterson, Blain & Sandon Nilsson, Jay Spencer, Corbin Holcomb, Jarett Youd Family, Shuree & Kyle Moosmann, Jeremy Hermansen, Dallan Boothe, Amy Weyerman, Mina Kearl, Jay Gammon, Abe Austin, Gary & Kiley Williams, Jana Saunders, Matthew Mason, Joe Marrott, Jeanie Wride, Mike Morgan, Claudia & Larry Knudsen, Kamile K. & Troy Peterson, Darrin Johnson, David Wride, Wendy Kimber, Mike Kellam, and *City Recorder:* Janice H. Davis

**INVOCATION
& PLEDGE OF
ALLEGIANCE**

Invocation was offered by Mayor-Elect Vernon Fritz.

- AGENDA TIME FRAME
MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY DON MECHAM TO APPROVE THE AGENDA TIME FRAME, ADJUSTING THE TIME BY 15 MINUTES AND MOVING THE 7:05 AND THE 7:10 AGENDA ITEMS TO THE END OF THE COUNCIL MEETING
VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM, KENT ANDERSON & MICHAEL MOTKO
- ADMINISTRATION POLICY
MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY DON MECHAM TO APPROVE \$1,500 FOR THE ADMINISTRATION POLICY/EMPLOYEE HANDBOOK, AS PROPOSED BY HUMAN RESOURCE SOLUTIONS, INC.
VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM, KENT ANDERSON & MICHAEL MOTKO
- LOAFER CANYON RESIDENTS
(Kamile Peterson was acting as “spokesperson” for the residents of Loafer Canyon)
The residents submitted a letter to Gary Bowen with questions directed to the Council.
Gary Bowen: The end of the letter was concerned with Don Mecham and possible development on the east side of the hill in Loafer Canyon. The City does not have any control of development in Woodland Hills.
Kamile Peterson: According to Woodland Hills, there is development planned and the residents of Loafer feel that there should be shared responsibility for the sewer line, if there will be a connection onto the line.
Bowen: They would be responsible to bring the line on up; that has nothing to do with the line that runs in front of the property in Loafer. They would also be responsible for their own share of the plant operations. The size of the line in Loafer is fine for a possible connection to Woodland Hills (8” pipe is the standard...Councilmember Mecham added that, at a 6% grade, an 8” line will take over 2,700 residences.)
Issues:
1. Impact Fees: They (Residents) feel that, since they have existing homes, they should not be considered “new development”. It is their understanding that “Impact Fees” apply to new development. (Gary Bowen: “new” means new to the sewer system.) Yes, they agree they should be subject to connection fees, not impact fees. In the Impact Fee Studies, it says that those who have already paid Facility, Construction & Improvement Fees (previous title of “development fees”) should not be charged impact fees again.
Gary Bowen: Agreed. The residents on Loafer Canyon Rd. have not been charged sewer impact fees, it was not included with the building permit fees for Loafer Canyon.
K. Peterson: She understands the increase in sewer impact fees was due, in part, to the future sewer lines projected for Loafer Canyon and the Goosenest area. They ask to be exempt from the \$1,700 Sewer Impact Fee based on their belief that they are not new development.
Gary Bowen: There is no way to do that. If a resident ties onto a sewer line, that impact fee will be charged to that person connecting. Anytime you tie a new sewer line onto the system, that is considered “new development”...residents in the Goosenest area will have to pay the fees, as well.
K. Peterson: Asked for the Council to provide proof of the law dictating that the residents are forced to pay Impact Fees. Everything she can find refers to “new development”. (The new sewer line is “new development”).
If the City is the “developer”, then the City should be responsible.
Gary Bowen: “Not actually, the City can’t be responsible...what is being said is that the Loafer residents want all of the tax-payers to pay for their sewer connections.”
The Impact Fee pays for the sewer that goes in front of each lot, and the impact to the system over time...and that amount falls short of actual costs. The fees will be increasing to about \$2,800 before too long.

Impact fees have nothing to do with paying for the curb & gutter. The money comes from separate Funds that cannot be mixed. Roads and curb & gutter are funded out of the General Fund, Water & Sewer have their own Enterprise Funds.

2. When the Impact Fee Study was done in 1998, why weren't the residents in Loafer Canyon notified? It would have been helpful for the people who have built recently to have known this information...they could have placed their septic tanks in the front of their property or gotten smaller tanks.

Gary Bowen: The Study was in place, but there was no plan to accomplish what was recommended in the Study, until the current Council began the process.

K. Peterson: The residents feel they have been misinformed and because of that, they should be given more time to connect, with out any penalties.

Gary Bowen: The law states that as soon as the line is within 300 ft. of one's house, that person must connect to the line.

(The Loafer residents would like to know the reference for that law. It will be provided.)

3. Speed on the new, wider road is a concern. What can be done to reduce the speed? Suggestion: Speed bumps.

Cindi Ellis: Narrow roads are also a cause for concern. One of her children was forced off the road when the snowplow was coming up the road. They had to pull off into a ditch.

Vernon Fritz: Shallow dips in the road are a possibility.

Cindi Ellis: Dips have been researched in the past. According to the Sheriff, the speed actually increases as a result of speed dips and bumps. People speed up in between the stops to try to "make up" for lost time.

Sheriff Mike Morgan (also a property owner on Loafer): Commented that aggressive enforcement and hefty fines are better deterrents to speeding.

Suggestion: Double painted line...no passing. (New Council will have to consider this.)

Gary Bowen: The Council may be able to make an adjustment in the length of time to hook onto the sewer; but there is no way to go longer than a year.

Kamile Peterson: A year is more what was expected then they received a letter giving them a shortened time period.

Why has it taken so long to get the improvements in?

Gary Bowen:

1. The storm drainage had to be fixed
2. The utility system was difficult to locate
3. The elevation of the road has not changed...it seems higher in places because of accesses that have to be adjusted to fit the elevation of the road.

(This means: the six accesses that will need concrete, will be put in and the City will fix them...the City will pay for this.)

Each homeowner will be contacted by LEI. Top soil or gravel will be installed (owner's choice).

Question: May the home owners hire contractors and bill the City? (Yes.)

4. There were problems with two of the laterals not lining up with the main, a "drop manhole" had to be installed.

Ernie Thornton (LEI) says the work will be done by December 1, 2001.

The residents feel they have experienced hardships (road closures, dust, etc.) in having the road installed. There were concerns with the future completion of the rest of Loafer Canyon Rd. They hope that the same problems will not repeat themselves.

Experience is a good teacher and certain lessons have been learned during the 1st phase. As soon as the Ordinance has been given a time frame in which to connect onto the sewer system, the Loafer residents will be notified by letter.

Gary Bowen: As the Sewer Impact Fee changes, the intent is to not impose the increase onto the current homeowners.

Water rights were discussed. The minimum required for any lot is 1.3 acre ft. It is 2.6 acre ft. for an acre of land. The amount needed to upgrade is determined by this. If water usage goes over the amount of right attached to a lot, then the water rates will be very costly. Councilmember Bowen was asked if it is cheaper to purchase more rights than to pay for overage? His answer was, "Yes."

Question (Jay Peterson): If they purchase more "shares" than needed, will the City reimburse them for the extra not in use? (No, this is a misconception.)

Gary Bowen: The State will be concerned that the City has enough water rights to equal the amount of water being pumped into the system.

JAY SPENCER

Councilmember Bowen will obtain the cost estimate of a by-pass and will have an "waiver" agreement written up. This information should come before the new Council in January, 2002.

Jeneal Peterson: Why has this taken so long? It has been an on-going problem for a long time.

Don Mecham: Continued to remind the Peterson's and the Spencer's that the pressure at their homes is well within Code requirements. To have the City be responsible to run a by-pass for one person sets a precedence. The City cannot afford PRV's all over the City to keep everyone at optimum pressure, nor can the City by-pass all those unhappy with their pressures. Even though the City is apparently going to help in this case, it is not the City's obligation to do so.

Gary Bowen: The information will be gathered together; but if the Attorney says that it can't be done without setting a precedence, the action will probably be denied.

Mike Christiansen: Tested the pressure at their homes at 54 lbs. The minimum is 20 lbs.

Jay Spencer: When the fire hydrant was turned on down below, to flush out Robert Nelson's line, the Peterson's and Spencer's were out of water. When the PRV was shut down for a week, their pressure returned to a normal level. There is also a safety issue involved with getting air and dirt in their lines.

Don Mecham: It is also a problem feeding an 8" line with a 6" line. Eventually, the City will replace these smaller lines; but it will not happen all at once. This increases volume, not pressure. The south end of the water line in Loafer Canyon should eventually be looped. That won't happen until the rest of Loafer develops. A fire hydrant or an air release valve should be at the end of the line (past Spencer's home) to flush it out.

Jay Spencer: Is willing to take care of the costs of current repairs if the City will consider a by-pass; but if he is going to continue to have these problems, he will bring the bills to the City.

Councilmember Bowen will contact Mr. Spencer after he finds out costs.

The information will go to the new Council and the Attorney; then the new Council will act on it. Councilmember Mecham will also check on the matter.

SANTIAGO LOTS

MOTION WAS MADE BY DON MECHAM AND SECONDED BY CINDI ELLIS TO APPROVE THE LEGAL OPINIONS, AS REFERENCED IN THE MEMORANDUM FROM JAMES BOLSER, ELK RIDGE CITY PLANNER, DATED NOVEMBER 6, 2001, DECLARING LOT 19, PLAT A, SALEM HILLS SUBDIVISION, AS A BUILDABLE LOT AND THAT LOT 20, WITH THE NON-CONFORMING USE STATUS, IS ACCEPTABLE AS IS & POSES NO THREAT TO HEALTH, SAFETY & WELFARE

VOTE: YES (3)

NO (0)

ABSENT (3) MAYOR INGRAM,

KENT ANDERSON & MICHAEL MOTKO

Mrs. Santiago will be sent notice of the Council's decision.

CHAMONIX
ANNEXATION/
SET PUBLIC
HEARING

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY DON MECHAM
TO SET A PUBLIC HEARING FOR MARCH 12, 2002, AT 6:00 PM TO
CONSIDER THE PROPOSED CHAMONIX ANNEXATION**
VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
KENT ANDERSON & MICHAEL MOTKO

EXPENDITURES

General:

Property Tax Clearance:

There was some property tax left to be paid on the three pieces property the City acquired. Ordinarily, the City does not pay property tax, but since some of the property was a gift, and the amount is not very much, the County Assessor has agreed the City can pay ½ the amount owed (192.09). This clears up the tax issues on this property.

**MOTION WAS MADE BY GARY BOWEN AND SECONDED BY DON MECHAM TO
PAY \$192.09 IN PROPERTY TAX ON THE CITY-ACQUIRED PROPERTY**
VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
KENT ANDERSON & MICHAEL MOTKO

Since this does not happen regularly, the payment will be subtracted from the General Fund Revenue Account ("Property Tax").

DPG Construction:

Due to mistakes made in installing the sewer main on Loafer Canyon Rd., a "drop-down" Manhole needed to be installed to accommodate two connections. DPG Construction did the work.

There was question about who is liable for this bill.

**MOTION WAS MADE BY DON MECHAM AND SECONDED BY GARY BOWEN TO
APPROVE PAYMENT OF THE INVOICE FROM DPG CONSTRUCTION FOR THE
WORK DONE ON THE LOAFER CANYON SEWER MAIN REPAIR ON THE
MISTAKES MADE ON ELEVATION, IN THE AMOUNT OF \$16,896.00**
VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
KENT ANDERSON & MICHAEL MOTKO

OAK BLUFF
ESTATES,
Plat B-
RELEASE OF
BOND

Place on the Agenda for the nest Council Meeting. A letter of release for LEI will be needed by that time.

MINUTES

9-11-01:

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY GARY BOWEN TO
APPROVE THE CITY COUNCIL MINUTES OF 9-11-01**
VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM &
KENT ANDERSON & MICHAEL MOTKO

10-23-01:

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY GARY BOWEN TO
APPROVE THE CITY COUNCIL MINUTES OF 10-23-01, WITH TYPO CORRECTIONS**
VOTE: YES (3) NO (0) ABSENT (2) MAYOR INGRAM &
KENT ANDERSON & MICHAEL MOTKO

CANVASS
MUNICIPAL
ELECTIONS

The Council Canvassed the Election Returns and found all to be correct and in order.

**MOTION WAS MADE BY GARY BOWEN AND SECONDED BY DON MECAHM
TO ACCEPT THE ELECTION RETURNS AS CORRECT**
VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
KENT ANDERSON & MICHAEL MOTKO

SET PUBLIC
HEARINGS

1. Ordinance/Re-name Plan Review Committee:
MOTION WAS MADE BY CINDI ELILIS AND SECONDED BY DON MECHAM TO SET A PUBLIC HEARING ON AN ORDINANCE AMENDING THE ELK RIDGE CITY SUBDIVISION ORDINANCE, SECTION 10-7-3, RE-NAMING THE PLAN REVIEW COMMITTEE TO THE TECHNICAL REVIEW COMMITTEE AND OTHER MINOR CHANGES FOR 12-11-01, AT 6:00 PM
**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
KENT ANDERSON & MICHAEL MOTKO**
2. Ordinance/Clarification of Tabulation of Minimum Base Density, Amending Lot Size, Open Space within a PRD:
MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY GARY BOWEN TO SET A PUBLIC HEARING ON AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO CLARIFICATION OF THE TABULATION FOR MINIMUM BASE DENSITY, AMENDING THE MAXIMUM LOT SIZE, AND CLARIFICTION OF THE OPEN SPACE REQUIREMENTS WITHIN A PLANNED RESIDENTIAL DEVELOPMENT FOR JANUARY 8, 2002, AT 6:10 PM
**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
KENT ANDERSON & MICHAEL MOTKO**
3. Ordinance/Create General Provision Regarding Development of Sloped Land:
MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY DON MECHAM TO SET A PUBLIC HEARING ON AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO THE CREATION OF A GENERAL PROVISION REGARDING DEVELOPMENT OF SLOPED LAND AND AMENDMENT OF EXISTING ORDINANCES TO COMPLY WITH SAID PROVISION, FOR 12-11-01, AT 6:10 PM
**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
KENT ANDERSON & MICHAEL MOTKO**
4. Ordinance/Accessory Building Restrictions:
MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY DON MECHAM TO SET A PUBLIC HEARING ON AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO RESTRICTIONS CONCERNING ACCESORY BUILDINGS, FOR 12-11-01, AT 6:15 PM
**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
KENT ANDERSON & MICHAEL MOTKO**
5. Ordinance/Elk Ridge General Plan:
MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY GARY BOWEN TO SET A PUBLIC HEARING ON AN ORDINANCE ADOPTING THE ELK RIDGE GENERAL PLAN FOR 2001 TO 2006, FOR 1-8-02, AT 6:20 PM
**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
KENT ANDERSON & MICHAEL MOTKO**
6. Ordinance/Increased Set-back Requirements-Corner Lots:
MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY DON MECHAM TO SET A PUBLIC HEARING ON AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE, RELATING TO INCREASED SETBACK REQUIREMENTS FOR CORNER LOTS IN A SUBDIVISION FOR 12-11-01, AT 6:20 PM
**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
KENT ANDERSON & MICHAEL MOTKO**

7. Ordinance/New Zoning Classifications (R-1-12,000-PUD, r-1-15,000-A):
MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY DON MECHAM TO SET A PUBLIC HEARING ON AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO THE CREATION OF NEW ZONING CLASSIFICATIONS AND THE PROVISIONS THEREOF, ENTITLED R-1-12,000-PUD AND R-1-15,000-A, FOR 12-11-01, AT 6:25 PM

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
KENT ANDERSON & MICHAEL MOTKO**

8. Ordinance/Annexations:
MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY DON MECHAM TO SET A PUBLIC HEARING ON AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO ANNEXATIONS FOR 12-11-01, AT 6:30 PM

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
KENT ANDERSON & MICHAEL MOTKO**

ORDINANCES/
ADOPTION

1. Ordinance/Clarification of Defined Terms:
MOTION WAS MADE BY DON MECHAM AND SECONDED BY GARY BOWEN TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CODE RELATING TO CLARIFICATION OF DEFINED TERMS, PROVIDING FOR CODIFICATION, INCLUSION IN CODE, AND SCRIVENER'S ERRORS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE
**VOTE (POLL): AYE (3) CINDI ELLIS-AYE, DON MECHAM-AYE, GARY BOWEN-AYE
NAY (0) ABSENT (3) MAYOR INGRAM, KENT ANDERSON, MICHAEL MOTKO**

2. Ordinance/Correcting Errors in Code, Conditional Uses in RR-1:
MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY DON MECHAM TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO CORRECTING ERRORS IN THE CODE DEALING WITH CONDITIONAL USES IN THE RR-1 ZONE, PROVIDING FOR CODIFICATION, INCLUSION IN CODE, AND SCRIVENER'S ERRORS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE
**VOTE (POLL): AYE (3) CINDI ELLIS-AYE, DON MECHAM-AYE, GARY BOWEN-AYE
NAY (0) ABSENT (3) MAYOR INGRAM, KENT ANDERSON, MICHAEL MOTKO**

3. Ordinance/Related to Conveyance of Water Rights:
MOTION WAS MADE BY DON MECHAM AND SECONDED BY GARY BOWEN TO ADOPT AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE DEVELOPMENT CODE OF ELK RIDE CITY, UTAH, RELATING TO THE CONVEYANCE OF WATER RIGHTS; AND PROVIDING FOR THE ADOPTION AND ADMINISTRATION OF THIS ORDINANCE
**VOTE (POLL): AYE (3) CINDI ELLIS-AYE, DON MECHAM-AYE, GARY BOWEN-AYE
NAY (0) ABSENT (3) MAYOR INGRAM, KENT ANDERSON, MICHAEL MOTKO**

4. Ordinance/Recreation Vehicles & Mobile Homes Prohibited as Dwellings:
MOTION WAS MADE BY DON MECAHM AND SECONDED BY CINDI ELLIS TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE, SECTION 10-3-3.21, RECREATION VEHICLES & MOBILE HOMES PROHIBITED AS DWELLINGS, PROVIDING FOR CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE
**VOTE (POLL): AYE (3) CINDI ELLIS-AYE, DON MECHAM-AYE, GARY BOWEN-AYE
NAY (0) ABSENT (3) MAYOR INGRAM, KENT ANDERSON, MICHAEL MOTKO**

5. Ordinance/Commercial Zone-Water Efficient Landscaping:
It will be placed on the next City Council Agenda for adoption, with noted changes.

COUNCIL
CHRISTMAS

The next Council Agenda will be kept somewhat short, to allow time at the end for refreshments and "Good byes" to the out-going Council. There is the possibility of having the Meeting at Councilmember Mecham's home.

ADJOURNMENT

**MOTION WAS MADE BY DON MECHAM AND SECONDED BY CINDI ELLIS TO
ADJOURN THE MEETING AND MOVE INTO CLOSED SESSION
VOTE: YES (3) NO (0) ABSENT (3) MAYOR INGRAM,
KENT ANDERSON & MICHAEL MOTKO**



City Recorder

CITY COUNCIL CLOSED SESSION

ROLL CALL

Mayor Pro tempore: Gary Bowen; *City Council:* Don Mecham & Cindi Ellis; (Absent: Kent Anderson, Mayor Ingram, Michael Motko); *Mayor-Elect:* Vernon Fritz; & *City Recorder:* Janice H. Davis

Discussion of Personnel

AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regularly scheduled **City Council Meeting** on **Tuesday, November 27, 2001, at 7:00 PM**; it will be preceded by **two Public Hearings on the following Issues: The first Public Hearing, at 6:00 PM**, will be on a Proposed Ordinance Regulating Sewerage in Subdivisions; **The second Public Hearing, at 6:15 PM**, is concerning a Proposed Ordinance Relating to the Clarification Between Walls, Retaining Walls & their Requirements, Clarification of the Process for an Applicant to Appeal a Decision of the Zoning Administrator Regarding Fences, Walls, Hedges & Provisions for Parking, Lighting & Landscaping for Commercial Developments and Public Facilities within the Residential Zones. The meetings will be held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

- 6:00 PM PUBLIC HEARING/ORDINANCE-REGULATING SEWERAGE**
Public Hearing on a Proposed Ordinance regulating Sewerage in Subdivisions
- 6:15 PM PUBLIC HEARING/ORDINANCE-CLARIFICATION: WALLS, RETAINING WALLS; PROCESS TO APPEAL DECISIONS OF ZONING ADMINISTRATOR**
Public Hearing on a Proposed Ordinance Relating to the Clarification Between Walls, Retaining Walls & their Requirements; Clarification of the Process for an Applicant to Appeal a Decision of the Zoning Administrator Regarding Fences, Walls, Hedges & Provisions for Parking, Lighting & Landscaping for Commercial Developments & Public Facilities within the Residential Zones.
- 6:25 PM CITY COUNCIL WORK SESSION**
Amended Budget/Discussion
Update-Loafer Canyon Rd, Fremont Wy, Columbus/Magellan
Discussion/Ordinance-Commercial Zone Requirements
Discussion/Water Rights
- 7:00 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:**
Invocation and Pledge of Allegiance
- 7:03 Approval of Agenda Time Frame
- 7:05 Ordinance/Regulating Sewerage in Subdivisions - Adoption
- 7:10 Ordinance/Clarification: Walls, Retaining Walls; Clarification of Appeal Process-Zoning Administrator Adoption
- 7:20 Tom Chynoweth-Request for Corner Lot Reflectors
- 7:25 Curb & Gutter Questions – Dennis Jacobson
- 7:35 Ordinance/Commercial Zone Requirements & Creating a General Provision Dealing with Water-Efficient Landscaping
- 7:40 Schedule Public Hearing & Special City Council Meeting – General Plan for 2001 to 2006
Cancel Public Hearing on 1-8-01
- 7:45 Playground Retaining Wall/Fence
- 7:50 Oak Bluff Estates, Plats A, B, C, D/Final Release
- 7:55 Fletcher/Extension of Temporary Permit (July 1, 2002)
- 8:00 Employee Bonuses
- 8:05 Expenditures:
Warrant Registers/Approval
- 8:10 Adjournment

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

The times, which appear on this amended agenda, may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 21st Day of November, 2001.

CERTIFICATION


City Recorder

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and mailed to each member of the Governing Body on November 21, 2001 and an Amended Agenda on November 27, 2001 was faxed to the Payson Chronicle and provided to each member of the Governing Body.


City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
November 27, 2001**

**TIME & PLACE
OF MEETING**

The regular Meeting of the Elk Ridge City Council was held on Tuesday, November 27, 2001, at 7:00 PM; it was preceded by the Council Work Session at 6:25 PM and two Public Hearings on the following Issues: The first Public Hearing was at 6:00 PM, on a Proposed Ordinance Regulating Sewerage in Subdivisions. The second Public Hearing, at 6:15 PM, was concerning a Proposed Ordinance Relating to the Clarification Between Walls, Retaining Walls & their Requirements, Clarification of the Process for an Applicant to Appeal a Decision of the Zoning Administrator Regarding Fences, Walls, Hedges & Provisions for Parking, Lighting & Landscaping for Commercial Developments and Public Facilities within Residential Zones.

The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and Agenda of these meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body by mailing a copy to each on November 21, 2001, and an Amended Agenda on 11-27-01.

6:00 PM

PUBLIC HEARING/ORDINANCE-REGULATING SEWERAGE

Public Hearing on a Proposed Ordinance Regulating Sewerage in Subdivisions.

ROLL CALL

Mayor Pro tempore: Gary Bowen; *City Council:* Cindi Ellis, Don Mecham; (Absent: Mayor Ingram, Kent Anderson...Michael Motko resigned, effective as of 11-13-01); *Mayor-Elect:* Vernon Fritz; *Council-Elect:* Lee Freeman, Russell Sly, Gary Prestwich, Todd Jackson; *Administrative Assistant:* Ernestine Folks; *City Planner:* James Bolser; *Daily Herald:* Caleb Warnock; *Public:* Tom Chynoweth and *City Recorder:* Janice H. Davis

**MOTION WAS MADE BY DON MECHAM AND SECONDED BY CINDI ELLIS TO
OPEN THE PUBLIC HEARING ON A PROPOSED ORDINANCE REGULATING
SEWERAGE IN SUBDIVISIONS**

**VOTE: YES (3) NO (0) ABSENT (2) MAYOR INGRAM,
KENT ANDERSON**

This Ordinance sets the City Policy about connecting onto the sewer system. The Attorney sent back his advise on the following:

1. Plumbing Code requires that each home within 300 ft. of a sewer system must connect. (This is also State Code)
2. All Subdivisions & new developments to connect to the City sanitary collection system...this would include all existing subdivisions and new development.

A time frame needs to be stated as well as addressing any waivers of fees.

He recommends that if the City is not going to require existing subdivisions to connect to the sewer system until they are within 300 ft., that section 10-7-6 read as follows:

"All new development, existing structures that are on septic tanks must connect to the City's sanitary sewer system when the sewer line is within 300 ft. of the existing structure's property line."

This statement needs to be added to the Ordinance, along with the time frame of one year.

The Planning Commission and the Attorney recommend adoption.

**MOTION WAS MADE BY DON MECHAM AND SECONDED BY CINDI ELLIS TO
CLOSE THE PUBLIC HEARING ON AN ORDINANCE REGULATING SEWERAGE IN
SUBDIVISIONS**

**VOTE: YES (3) NO (0) ABSENT (2) MAYOR INGRAM,
KENT ANDERSON**

6:15 PM

**PUBLIC HEARING/ORDINANCE-CLARIFICATION: WALLS, RETAINING WALLS;
PROCESS TO APPEAL DECISIONS OF ZONING ADMINISTRATOR**

A Public Hearing on a proposed Ordinance Relating to the Clarification Between Walls, Retaining Walls & their Requirements; Clarification of the Process for an Applicant to Appeal a Decision of the Zoning Administrator Regarding Fences, Walls, Hedges & Provisions for Parking, Lighting & Landscaping for Commercial Developments & Public Facilities within the Residential Zones

ROLL CALL

Mayor Pro tempore: Gary Bowen; *City Council:* Cindi Ellis, Don Mecham; (Absent: Mayor Ingram, Kent Anderson...Michael Motko resigned, effective as of 11-13-01); *Mayor-Elect:* Vernon Fritz; *Council-Elect:* Lee Freeman, Russell Sly, Gary Prestwich, Todd Jackson; *Administrative Assistant:* Ernestine Folks; *City Planner:* James Bolser; *Daily Herald:* Caleb Warnock; *Public:* Tom Chynoweth and *City Recorder:* Janice H. Davis

MOTION WAS MADE BY DON MECHAM AND SECONDED BY CINDI ELLIS TO OPEN THE PUBLIC HEARING ON A PROPOSED ORDINANCE RELATING TO THE CLARIFICATION BETWEEN WALLS, RETAINING WALLS & THEIR REQUIREMENTS; CLARIFICATION OF THE PROCESS FOR AN APPLICANT TO APPEAL A DECISION OF THE ZONING ADMINISTRATOR REGARDING FENCES, WALLS, HEDGES & PROVISIONS FOR PARKING, LIGHTING & LANDSCAPING FOR COMMERCIAL DEVELOPMENTS & PUBLIC FACILITIES WITHIN RESIDENTIAL ZONES

**VOTE: YES (3) NO (0) ABSENT (2) MAYOR INGRAM,
KENT ANDERSON**

This Ordinance clarifies the Uniform Building Code (UBC) so that regulations are better defined. Anything over 6' needs to be inspected. It also clarifies off-street parking.

The exact size of the area designated for parking is not mentioned; that may be an issue to consider in the future.

No further comments.

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY DON MECHAM TO CLOSE THE PUBLIC HEARING ON A PROPOSED ORDINANCE RELATING TO THE CLARIFICATION BETWEEN WALLS, RETAINING WALLS & THEIR REQUIREMENTS; CLARIFICATION OF THE PROCESS FOR AN APPLICANT TO APPEAL A DECISION OF THE ZONING ADMINISTRATOR REGARDING FENCES, WALLS, HEDGES & PROVISIONS FOR PARKING, LIGHTING & LANDSCAPING FOR COMMERCIAL DEVELOPMENTS & PUBLIC FACILITIES WITHIN RESIDENTIAL ZONES

**VOTE: YES (3) NO (0) ABSENT (2) MAYOR INGRAM,
KENT ANDERSON**

6:25 PM

CITY COUNCIL WORK SESSION

ROLL CALL

Mayor Pro tempore: Gary Bowen; *City Council:* Cindi Ellis, Don Mecham; (Absent: Mayor Ingram, Kent Anderson...Michael Motko resigned, effective as of 11-13-01); *Mayor-Elect:* Vernon Fritz; *Council-Elect:* Lee Freeman, Russell Sly, Gary Prestwich, Todd Jackson; *Administrative Assistant:* Ernestine Folks; *City Planner:* James Bolser; *Daily Herald:* Caleb Warnock; *Public:* Tom Chynoweth and *City Recorder:* Janice H. Davis

NON-AGENDA
ITEM

1. 4 – Wheelers: There have been 4-wheelers pulling snowboarders at night, without lights. This is illegal. The Sheriff's Dept. wants the Council to back the officers' action in issuing citations.
2. There is also an increasing problem with parked cars on the streets during winter months. The current Ordinance says that cars are not allowed to park on the street between 10 PM and 7 AM, during the winter months. Jim Bolser will be contacted to change the Ordinance to 24 hours/day during winter months.

AMENDED
BUDGET

Review of actual figures as compared to budgeted figures.
Items to be considered:
Roads Budget + 10,000 for Loafer Canyon Rd. Project (Compaction materials)
Bonuses
LEI Work Releases: #21, #22
Police Protection
Parks Grant to be included in the Amended Budget

LOAFER
CANYON RD./
FREMONT WY
OAK RIDGE DR.
UPDATE

Oak Ridge Dr.: The curb/gutter & paving are installed. The paving was deliberately left down an inch. If the weather clears up, this will be finished with "hot-mix"...if not, they will use "cold mix" for now.

Fremont Way: The only thing not finished is a small portion of concrete where the catch basin is located and the paving on each side of that curb. The patch across Salem Hills Drive was from a trench that Critchfield dug...Valley Asphalt was going to patch that for him. If it does not get done, they will have to cold-patch it through the winter.

Cindi Ellis: The trench is really bad and must be addressed as soon as possible.
(NEBO School District also complained about it.)

LEI Engineering is suppose to write up an agreement for the residents on Fremont Wy. They have supplied a breakdown of the costs per linear foot.

Loafer Canyon Rd.: The contractor (Fisher) doing the driveway approaches on Loafer Canyon Rd. has until 9:00 AM by the next morning, another contractor will do the work. Fisher has not been showing up on the job.
(Fisher has the contract on Oak Ridge, Fremont & Loafer Canyon Rd.)

ORDINANCE/
COMMERCIAL
ZONE
REQUIREMENTS

The Ordinance can be adopted with changes.

WATER
RIGHTS

There are certain of the City's water rights which need to proven up on by the end of November, 2001. Many of the rights have been granted extensions to have to "prove-up" on them. LEI needs to address the following:

1. Prove up information to the State Drinking Water Board (every 2 years)
2. Change current well assignments to specific wells rather than to 6 wells
3. The amount of water pumped must match the amount of water right owned by the City

If there is no proof of use, the rights are lost.

The EPA will begin controlling the Dept. of Drinking Water Quality in January, 2001.

1. If the City sells more water than is being pumped = penalty
2. If more is pumped than is being sold = penalty

The average amount of water right = 1.3 per dwelling (this will not be enough)
Misconception: Some residents have the understanding that it is possible to purchase more rights, which would allow them to more water usage. This is not true; residents can only purchase as much water as the amount of land they own.

- How much is left of the Dallas Young rights the City purchased.
- There are 40 rights available at \$1,850 per acre ft. Is the Council interested in purchasing more?
- Ririe's Springville Irrigation Company (6 shares = about 12 acre ft.)

Will current residents be required to upgrade their water rights?

**ELK RIDGE
CITY COUNCIL MEETING
November 27, 2001**

**TIME & PLACE
OF MEETING**

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ROLL CALL

Mayor Pro tempore: Gary Bowen; *City Council:* Cindi Ellis, Don Mecham; (Absent: Mayor Ingram, Kent Anderson...Michael Motko resigned, effective as of 11-13-01); *Mayor-Elect:* Vernon Fritz; *Council-Elect:* Lee Freeman, Russell Sly, Gary Prestwich, Todd Jackson; *Administrative Assistant:* Ernestine Folks; *City Planner:* James Bolser; *Daily Herald:* Caleb Warnock; *Public:* Tom Chynoweth and *City Recorder:* Janice H. Davis

**INVOCATION
& PLEDGE OF
ALLEGIANCE**

Invocation was offered by Council-Elect Lee P. Freeman.

**AGENDA TIME
FRAME**

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY DON MECHAM
TO APPROVE THE AMENDED AGENDA TIME FRAME, ADDING THE 7:50 & 7:55
AGENDA ITEMS**

**VOTE: YES (3) NO (0) ABSENT (2) MAYOR INGRAM,
KENT ANDERSON**

**ORDINANCE/
SEWERAGE**

It was recommended to postpone the adoption of this Ordinance to add:

Time frame to connect to the sewer system

Information from Attorney

It will be on the next City Council Meeting agenda for adoption (with corrections).

ORDINANCE/
WALLS &
APPEAL
PROCESS –
ZONING ADMIN.

MOTION WAS MADE BY DON MECHAM AND SECONDED BY CINDI ELLIS TO ADOPT THE ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO CLARIFICATION BETWEEN WALLS, RETAINING WALLS AND THEIR REQUIREMENTS; CLARIFICATION OF THE PROCESS FOR AN APPLICANT TO APPEAL A DECISION OF THE ZONING ADMINISTRATOR REGARDING FENCES, WALLS AND HEDGES, AND PROVISIONS FOR PARKING, LIGHTING AND LANDSCAPING FOR COMMERCIAL ZONES AND PUBLIC FACILITIES WITHIN RESIDENTIAL ZONES, PROVIDING FOR CODIFICATION, INCLUSION IN CODE, AND SCRIVENER'S ERRORS, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

**VOTE (POLL): AYES (3) CINDI ELLIS–AYE, DON MECHAM–AYE,
GARY BOWEN–AYE NO (0) ABSENT (2) MAYOR INGRAM &
KENT ANDERSON**

TOM
CHYNOWETH

Resident on the corner of Escalante Dr. and Hudson Ln. There is a problem with traffic cutting the corner and rock get spread all over the road. Corner markers have been effective on other corners. He is requesting the same.

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY DON MECHAM TO APPROVE CORNER MARKERS/REFLECTORS ON THE CORNER OF ESCALANTE DR. AND HUDSON LN.

**VOTE: YES (3) NO (0) ABSENT (2) MAYOR INGRAM &
KENT ANDERSON**

(Kent Haskell is to install as soon as possible. Don Mecham will contact Mr. Haskell.)

CURB/GUTTER
QUESTIONS

Dennis Jacobson was not present.

ORDINANCE/
COMMERCIAL
ZONE REQ.
& WATER-
EFFICIENT
LANDSCAPING

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY GARY BOWEN TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO COMMERCIAL ZONE REQUIREMENTS AND CREATING A GENERAL PROVISION DEALING WITH WATER EFFICIENT LANDSCAPING, PROVIDING FOR CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE WITH CHANGES AS FOLLOWS:

PG. 11, 10-5-14.10 (#3): CHANGE TO, "ALL TREES SHALL BE A MINIMUM OF 1" CALIPER, AS MEASURED 3' ABOVE THE GROUND." AND INCLUDING ALL TYPOGRAPHICAL ERRORS

Discussion:

Don Mecham: He knows that the ordinance means well; but he feels it restricts any commercial business too much. It is difficult to attract commercial business to Elk Ridge, then to place unreasonable landscaping restriction on them when the owners are trying to get their businesses started up...this will discourage them from coming to Elk Ridge. Councilmember Mecham encourages the Council to work with the owners, rather than Government dictating what they can plant. He feels this is too much "policing" of private property.

Gary Bowen: Agrees to a point. The Ordinance may be a bit too restrictive; however, the City does not want to allow a business to come in with little or no landscaping and end up with a lot of asphalt. What would be an alternate plan?

The Planning Commission should not have the power to dictate usage of private property.

Gary Prestwich: Feels this is a starting point.

Russell Sly: Perhaps the owner could have the landscaping approved by the Planning Commission or the Council at the time of building permit.

Gary Bowen: Agrees that there should still be restrictions, but perhaps this ordinance is too restrictive. If the restrictions are in the ordinance, then any approvals are tied to the ordinance. If there is something in the ordinance that does not work, then it is a process to change the ordinance. That takes a while. Meanwhile, there is a business being held up.

The ordinance also dictates how the landscaping is irrigated, including the types of sprinklers, where they should be placed, how high the sprinkler heads should be, etc.

All Councilmembers (current & elect) were in agreement that the proposed ordinance should be sent back to the Planning Commission for revision. The directions for revision should be specific:

- 1) City Council approval/Planning Commission recommendation
- 2) Don't specify exactly what the applicant should plant. Applicant could present landscaping plan to the Planning Commission on an individual basis. The Planning Commission could then recommend to the City Council.
 - A. No irrigation standards (It is not there for anyone else.)
 - B. Landscaping design requirements taken out. A landscaping plan could be drawn by a landscape architect or other qualified specialists.
 - C. If any of the landscaping is in the right of way, then the City should have absolute say over what goes into it.
 - D. There should exist proper grade and infrastructure, which follow the Code, as far as concrete, asphalt & handi-capped parking are concerned.
 - E. If landscaping and irrigation cannot be installed at the time of occupancy, then the applicant would have an option of an 18-month extension with a bond to secure the plans with a landscape architect (A business person will want his/her business to be attractive and appealing...this will motivate landscaping the property.)

VOTE (POLL): AYES (0)

NAYS (3) CINDI ELLIS-NAY, GARY BOWEN-NAY,

DON MECHAM-NAY

ABSENT: (2) MAYOR INGRAM & KENT ANDERSON

Gary Bowen: Is to contact the Planning Commission to inform them of the Council's directions for the ordinance.

**SCHEDULE
CITY COUNCIL
MEETING**

A special City Council Meeting needs to be set to consider the General Plan Ordinance. It is felt that this is a document that has been worked on under the current Administration. If it is held off for the new Council to consider, it will take a while for them to get acquainted with the issues prior to a vote being taken. The current Council is familiar with the document.

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY DON MECHAM TO SCHEDULE A PUBLIC HEARING AND A SPECIAL CITY COUNCIL MEETING ON DECEMBER 18, 2001, AT 6:00 PM, TO CONSIDER AN ORDINANCE ON THE GENERAL PLAN FOR 2001 TO 2006

VOTE: YES (3)

NO (0)

ABSENT (2) MAYOR INGRAM &

KENT ANDERSON

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY GARY BOWEN TO CANCEL THE PUBLIC HEARING SCHEDULED FOR 1-8-02

VOTE: YES (3)

NO (0)

ABSENT (2) MAYOR INGRAM &

KENT ANDERSON

PLAYGROUND
RETAINING
WALL/FENCE

Cindi Ellis: The original bid for the retaining wall/fence to go around the area was bid for 60 ft. This would only cover a portion of the back wall. Two sidewalls need to be included into the bid. The original bid is now tripled. A 4' fence will be placed on top of the wall. Next fiscal year a platform and stairs leading to the tennis court will need to be installed.

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY DON MECHAM TO APPROVE \$9,000 MORE FOR THE PLAYGROUND RETAINING WALL AND FENCE

Discussion:

Russell Sly: Suggested safety lighting be considered in the direct area. It could be placed on the wall.

Gary Bowen: Two more security lights are being installed in the parking lot already. These would also add to the lighting of the playground area. Power is in the Pavilion building. More lights could be added specifically for the playground area. There are no funds for it now.

Cindi Ellis: The lighting would need to be angled so as not to be a nuisance to the surrounding neighbors.

**VOTE: YES (3) NO (0) ABSENT (2) MAYOR INGRAM &
KENT ANDERSON**

OAK BLUFF
ESTATES/
BOND RELEASE

MOTION WAS MADE BY DON MECHAM AND SECONDED BY CINDI ELLIS TO ACCEPT ALL IMPROVEMENTS ON OAK BLUFF ESTATES, PLATS A, B, C & D AS COMPLETE AND TO RELEASE THE DURABILITY RETAINAGE BOND, AS PER LETTER OF RECOMMENDATION FROM LEI ENGINEERING, DATED NOVEMBER 27, 2001

**VOTE: YES (3) NO (0) ABSENT (2) MAYOR INGRAM &
KENT ANDERSON**

Don Mecham: The ditch that was dug in the road by a private contractor (working across the street) cut into the prepared road-base. The owner and the contractor are held responsible for the replacement of this portion of the road, not Don Mecham. A bond will be held for two years to insure durability of this repair.

FLETCHER/
EXTENSION

Chris Fletcher (resident of 98 W. Salem Hills Drive) has requested an extension until July, 2002, to complete his retaining wall. A temporary Certificate of Occupancy was issued to the Fletcher's about 6 months ago, to give them time to install a retaining wall.

Gary Bowen: Explained that Mr. Fletcher was left with many of the bills unpaid by the Contractor he had hired. He had to go back and settle all of the liens himself. Now he cannot finish the wall in the prescribed period of time and is requesting an additional 6-month extension.

Lee Freeman: Is there a requirement to install a fence around the area for safety reasons. There is a 15-20 ft. drop-off and is dangerous.

Don Mecham: Does not mind an extension; but, does agree that the situation is not safe. There is a way to panel it off and place warning signs around to help prevent a problem. All were in agreement that the safety issue should be addressed in the motion.

MOTION WAS MADE BY DON MECHAM AND SECONDED BY CINDI ELLIS TO EXTEND THE TEMPORARY OCCUPANCY PERMIT FOR CHRIS FLETCHER TO JULY 1, 2002; WITH THE CONTINGENCY THAT WITHIN 30 DAYS (UNTIL DECEMBER 30, 2001) A BARRICADE WILL BE CONSTRUCTED AROUND THE UNSAFE AREA TO DETER PEOPLE FROM GOING INTO THE AREA OF THE EXISTING DROP-OFF. AFTER JANUARY 1, 2002, IF THE UNSAFE AREA IS NOT PROPERLY BARRICADED, THIS MOTION AND THE TEMPORARY OCCUPANCY PERMIT WILL BE CONSIDERED RESCINDED AND THE RETAINING WALL WILL BE INSTALLED AT THE EXPENSE OF THE CITY AND THE FLETCHERS WOULD BE BILLED FOR THE WORK AND A LIEN PLACED ON THEIR PROPERTY
VOTE: YES (3) NO (0) ABSENT (2) MAYOR INGRAM & KENT ANDERSON

**EMPLOYEE
BONUSES**

This matter has been discussion by the Council. Mayor Ingram issued a memo to the City Council recommending bonuses of 5% of the current wages. The Council was in agreement.

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY DON MECHAM TO APPROVE 5% OF THE CURRENT EMPLOYEE WAGES AS EMPLOYEE BONUSES, AS PER THE RECOMMENDATION OF MAYOR INGRAM, DATED APRIL 23, 2001, USING 2,080 HOURS/YEAR TO BASE THE PERCENTAGE ON
VOTE: YES (3) NO (0) ABSENT (2) MAYOR INGRAM & KENT ANDERSON

EXPENDITURES

General:

1. Ingram Field Sign: Bids will be brought before the Council at the next City Council Meeting.
2. Jay Gammon Claim:
A PRV went out in Loafer Canyon. Mr. Gammon is claiming that the increased pressure caused damage. The Insurance Company (Utah Local Govt. Trust) will investigate the claim.
3. Tom Nelson: Claim that a 50 gal. water heater was damaged when a PRV went out. This should be investigated by the Insurance Company, as well.
4. Jay Spencer: If there is a by-pass in the water line, the new Council will have to address the matter.

Gary Bowen: Is against any action, which would change what the Code requires. If the City employees performed the labor, the cost would be around \$1,200 to \$1,300.

Don Mecham: State requirement is from 20 lbs. up...the Spencer's pressure has been tested at 56 and at 58 lbs. (two separate occasions). If the Spencer's are not comfortable with this and want a by-pass, they can install the improvement (by-pass). If the City does this, precedence would be set for others to come in and request the same of the City. The City cannot afford this. An individualized pressure system inside the homes is an option for homeowners to consider...it is called a "bladder system". Spencer's plans should have shown a "blow-off" at the end of his water line. It did not and there was none installed. The City may have some responsibility for a "blow-off" at the south end of the water line in Loafer Canyon.

Check Registers:

Changing over to "Windows" has generated some problems with the bank reconciliations. It has taken a while to get the registers for the expenditures.

7/2001:

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY DON MECHAM TO APPROVE THE CHECK REGISTER FOR JULY, 2001
VOTE: YES (3) NO (0) ABSENT (2) MAYOR INGRAM & KENT ANDERSON

Councilmember Ellis questioned the high amount spent on gas in the Parks Dept. The former Asst. Public Works Employee was discharged, in part, for repeatedly using the City's account at Fast Gas to obtain gas for his private vehicle. Gas cans were filled up and charged to the Parks Dept.

8/2001:

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY DON MECHAM TO APPROVE THE CHECK REGISTER FOR AUGUST, 2001

VOTE: YES (3) NO (0) ABSENT (2) MAYOR INGRAM & KENT ANDERSON

9/2001:

Councilmember Ellis questioned the renewal cost of Costco Membership. The invoice will be reviewed.

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY DON MECHAM TO APPROVE THE CHECK REGISTER FOR SEPTEMBER, 2001, CONTIGENT UPON THE REVIEW OF THE COSTCO MEMBERSHIP RENEWAL INVOICE

VOTE: YES (3) NO (0) ABSENT (2) MAYOR INGRAM & KENT ANDERSON

Critchfield Invoice:

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY DON MECHAM TO APPROVE THE RELEASE OF \$10,000 OF THE \$17,632 BILLED TO THE CITY (AS PER LEI ENGINEERING RECOMMENDATION), TO BE PAID TO CRITCHFIELD EXCAVATION, FOR CURB & GUTTER WORK

VOTE: YES (3) NO (0) ABSENT (2) MAYOR INGRAM & KENT ANDERSON

ADJOURNMENT

MOTION WAS MADE BY DON MECHAM AND SECONDED BY CINDI ELLIS TO ADJOURN THE MEETING

VOTE: YES (3) NO (0) ABSENT (2) MAYOR INGRAM & KENT ANDERSON



City Recorder

AMENDED NOTICE & AGENDA

Notice is hereby given that the City of Elk Ridge will hold six Public Hearings on Tuesday, December 11, 2001, for the purpose of hearing Public Comment on the following:

THE FIRST PUBLIC HEARING WILL BE HELD AT 6:00 PM, ON A PROPOSED ORDINANCE AMENDING THE ELK RIDGE CITY SUBDIVISION ORDINANCE, SECTION 10-7-3, RE-NAMING THE PLAN REVIEW COMMITTEE TO THE TECHNICAL REVIEW COMMITTEE AND OTHER MINOR CHANGES; THE SECOND PUBLIC HEARING, AT 6:10 PM, IS ON A PROPOSED ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO THE CREATION OF A GENERAL PROVISION REGARDING DEVELOPMENT OF SLOPED LAND AND AMENDMENT OF EXISTING ORDINANCES TO COMPLY WITH SAID PROVISION; THE THIRD PUBLIC HEARING, SCHEDULED FOR 6:15 PM, IS ON A PROPOSED ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO RESTRICTIONS CONCERNING ACCESSORY BUILDINGS; THE FORTH PUBLIC HEARING, TO BE HELD AT 6:20 PM, IS ON A PROPOSED ORDINANCE AMENDING THE ELK RIDGE CITY CODE , RELATING TO INCREASED SETBACK REQUIREMENTS FOR CORNER LOTS IN A SUBDIVISION; THE FIFTH PUBLIC HEARING, SCHEDULED AT 6:25 PM, IS CONCERNED WITH A PROPOSED ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO THE CEATION OF NEW ZONING CLASSIFICATIONS AND THE PROVISIONS THEREOF, ENTITLED R-1-12,000-PUD & R-1-15,000-A; THE SIXTH PUBLIC HEARING, AT 6:30 PM, IS ON A PROPOSED ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO ANNEXATIONS. THE MEETINGS WILL TAKE PLACE AT THE ELK RIDGE CITY HALL, 80 EAST PARK DRIVE, ELK RIDGE, UTAH.

ALL INTERESTED PERSONS SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD.

These Meetings will be held in conjunction with the regularly scheduled City Council Meeting, to be held at 7:00 PM, preceded by the Council Work Session at 6:40 PM, at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

- | | |
|----------------|---|
| 6:00 PM | <u>PUBLIC HEARING/ORDINANCE-RE-NAMING PLAN REVIEW COMMITTEE</u>
Public Hearing on a Proposed Ordinance Amending Section 10-7-3, of the Subdivision Ordinance, Re-naming the Plan Review Committee to the Technical Review Committee and Other Minor Nomenclature Changes |
| 6:10 PM | <u>PUBLIC HEARING/ORDINANCE-DEVELOPMENT OF SLOPED LAND</u>
Public Hearing on a Proposed Ordinance Amending the El Ridge City Code relating to the Creation of a General Provision Regarding Development of Sloped Land and Amendment of Existing Ordinances to Comply with said Provision |
| 6:15 PM | <u>PUBLIC HEARING/ORDINANCE-ACCESSORY BUILDING RESTRICTIONS</u>
Public Hearing on a Proposed Ordinance Amending the Elk Ridge City Code Relating to Restrictions Concerning Accessory Buildings |
| 6:20 PM | <u>PUBLIC HEARING/ORDINANCE-INCREASED SETBACK REQUIREMENTS FOR CORNER LOTS</u>
Public Hearing on a Proposed Ordinance Amending the Elk Ridge City Code Related to Corner Lot Requirements within Subdivisions |
| 6:25 PM | <u>PUBLIC HEARING/ORDINANCE-CREATION OF NEW ZONING CLASSIFICATIONS</u>
Public Hearing on a Proposed Ordinance Amending the Elk Ridge City Code, Relating to the Creation of New Zoning Classifications, and the Provisions thereof, entitled R-1-12,000-PUD and R-1-15,000-A |
| 6:30 PM | <u>PUBLIC HEARING/ORDINANCE-RELATED TO ANNEXATIONS</u>
Public Hearing on a Proposed Ordinance Amending the City Code Relating to Annexations |

6:40 PM

CITY COUNCIL WORK SESSION

Eagle Scout Project – Brad Jaspersen

Discussion/Resolution – Declaring Consideration of Boundary Adjustment Between Payson City & Elk Ridge City

Ingram Field/Sign – Cost Estimate

Nuisance Ordinance-Discussion

Sewerage Ordinance/Discussion of Proposed Ordinance & Policies

7:00 PM -

REGULAR COUNCIL MEETING AGENDA ITEMS:

Invocation and Pledge of Allegiance

7:03

Approval of Agenda Time Frame

7:05

Appointment/City Council Position

7:10

Adoption of Ordinances:

Ordinance/Parking Regulations During Winter Months

Ordinance/Sewerage Regulations

Ordinance/Re-Naming Plan Review Committee

Ordinance/Development of Sloped Land

Ordinance/Accessory Building Restrictions

Ordinance/Increased Setback Requirements for Corner Lots

Ordinance/Creation of New Zoning Classifications

Ordinance/Related to Annexations

7:30

Oak Hills Estates, Plat A/Preliminary Approval – Jerry Hatch/Concept Construction

7:30

Resolution – Declaring Consideration of Boundary Adjustment Between Payson City & Elk Ridge City

7:40

Expenditures: General

- Ingram Field Sign

- LEI Engineering – Work Release #23

7:50

Approval of Minutes of Previous Meetings

7:55

Approval of Elk Ridge City Credit Card

3:00

Council Christmas

9:00

Adjournment

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

The times, which appear on this amended agenda, may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 7th Day of December, 2001.


City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and mailed to each member of the Governing Body on December 7, 2001, and an Amended Agenda on 12-10-01.


City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
December 11, 2001**

**TIME & PLACE
OF MEETING**

The regular Meeting of the Elk Ridge City Council was held on Tuesday, December 11, 2001, at 7:00 PM; it was preceded by Five Public Hearings on the following issues: The first Public Hearing was at 6:00 PM, on a Proposed Ordinance re-naming the Plan Review Committee. The second Public Hearing, at 6:10 PM, was concerned with the Development of Sloped Land. The third Public Hearing, scheduled for 6:15 PM, was related to a Proposed Ordinance Related to Accessory Building Restrictions. The Fourth Public Hearing, held at 6:20 PM, was on a Proposed Ordinance dealing with increased Setback Requirements for Corner Lots. The Fifth Public Hearing, at 6:25 PM, was concerned with a Proposed Ordinance Related to the Creation of New Zoning Classifications. The Sixth Public Hearing, at 6:30 PM, was on a Proposed Ordinance Related to Annexations. The Council Work Session was scheduled for 6:40 PM

The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and Agenda of these meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body by mailing a copy to each on December 7, 2001, and an Amended Agenda on 12-10-01.

6:00 PM

PUBLIC HEARING/ORDINANCE-RE-NAMING PLAN REVIEW COMMITTEE

Public Hearing on a Proposed Ordinance Amending Section 10-7-3, of the Elk Ridge City Subdivision Ordinance, Re-naming the Plan Review Committee to the Technical Review Committee and Other Minor Nomenclature Changes

ROLL CALL

Mayor: Cregg Ingram; *City Council:* Gary Bowen, Don Mecham, Cindi Ellis & Kent Anderson; *Mayor-Elect:* Vernon L. Fritz; *Council-Elect:* Russell Sly, Lee Freeman; *Planning Commission:* Stewart Jolley; *Administrative Assistant:* Ernestine Folks; *Deputy Recorder:* Abby Hicks; *LEI Engineering:* Mike Christiansen; *Sheriff:* Cory Wride; *Public:* Julie Christensen, Cindy Mecham, Jerry Hatch, Michael Hatch and *City Recorder:* Janice H. Davis

MOTION WAS MADE BY GARY BOWEN AND SECONDED BY CINDI ELLIS TO OPEN THE PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING SECTION 10-7-3 OF THE ELK RIDGE CITY SUBDIVISION ORDINANCE, RE-NAMING THE PLAN REVIEW COMMITTEE TO THE TECHNICAL REVIEW COMMITTEE AND OTHER MINOR CHANGES

VOTE: YES (4)

NO (0)

Changes in the Ordinance:

"Town" to "City"

"Plan Review Board" & "Plan Review Committee" to "Technical Review Committee"

The Council wants the following amendments to the Proposed Ordinance:

Pg. 5: #2..."the Planning Commission and the City Council shall be guided..."

#3..."Planning Commission and the City Council..."

Pg. 6: #4..."Planning Commission and the City Council..."

#6...(Add to the beginning of the paragraph) "Preliminary Plan Approval requires a recommendation from the Planning Commission and an appointment by the City Council..."

MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY CINDI ELLIS TO CLOSE THE PUBLIC HEARING ON AN ORDINANCE RENAMING THE PLAN REVIEW COMMITTEE TO THE TECHNICAL REVIEW COMMITTEE
VOTE: YES (4) NO (0)

6:10 PM

PUBLIC HEARING/ORDINANCE-DEVELOPMENT OF SLOPED LAND

Public Hearing on a Proposed Ordinance Amending the Elk Ridge City Code Relating to the Creation of a General Provision Regarding Development of Sloped Land and Amendment of Existing Ordinances to Comply with said Provision

MOTION WAS MADE BY DON MECHAM AND SECONDED BY GARY BOWEN TO OPEN THE PUBLIC HEARING ON THE ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO THE CREATION OF A GENERAL PROVISION REGARDING THE DEVELOPMENT OF SLOPED LAND

VOTE: YES (4) NO (0)

ROLL CALL

Mayor: Cregg Ingram; *City Council:* Gary Bowen, Don Mecham, Cindi Ellis & Kent Anderson; *Mayor-Elect:* Vernon L. Fritz; *Council-Elect:* Russell Sly, Lee Freeman; *Planning Commission:* Stewart Jolley; *Administrative Assistant:* Ernestine Folks; *Deputy Recorder:* Abby Hicks; *LEI Engineering:* Mike Christiansen; *Sheriff:* Cory Wride; *Public:* Julie Christensen, Cindy Mecham, Jerry Hatch, Michael Hatch and *City Recorder:* Janice H. Davis

This Ordinance allows land not exceeding 30% slope to be developed. All development on land of 20% or more slope shall be designed and stamped by a licensed engineer prior to submitting plans to any City body or official for review.

Don Mecham: Feels this ordinance is long overdue. It placed the focus for restriction on the engineers, and not entirely on the City. Mr. Mecham is of the opinion that 30% slope is very "workable".

Gary Bowen: The industry standard is 30%. It was felt that 20% was too restrictive. Acceptable standards change.

Ernestine Folks: The Planning Commission uses models from other cities. Earlier, with Rod Despain as the City Planner, other cities were at 20%. Since that time, other cities have found this too restrictive and have allowed building up to 30% slope, as long as sound engineering was provided. Dave Church (acting City Attorney) felt this would be a good move for the City to take. Years ago, development was just more cautious.

MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY DON MECHAM TO CLOSE THE PUBLIC HEARING ON THE ORDINANCE REGARDING THE DEVELOPMENT OF SLOPED LAND

VOTE: YES (4) NO (0)

6:15 PM -

PUBLIC HEARING/ORDINANCE-ACCESSORY BUILDING RESTRICTIONS

Public Hearing on a Proposed Ordinance Amending the Elk Ridge City Code Relating to Restrictions Concerning Accessory Buildings

MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY CINDI ELLIS TO OPEN THE PUBLIC HEARING ON AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO RESTRICTINS CONCERNING ACCESSORY BUILDINGS

VOTE: YES (4) NO (0)

ROLL CALL

Mayor: Cregg Ingram; *City Council:* Gary Bowen, Don Mecham, Cindi Ellis & Kent Anderson; *Mayor-Elect:* Vernon L. Fritz; *Council-Elect:* Russell Sly, Lee Freeman; *Planning Commission:* Stewart Jolley; *Administrative Assistant:* Ernestine Folks; *Deputy Recorder:* Abby Hicks; *LEI Engineering:* Mike Christiansen; *Sheriff:* Cory Wride; *Public:* Julie Christensen, Cindy Mecham, Jerry Hatch, Michael Hatch and *City Recorder:* Janice H. Davis

This Ordinance clarifies certain restrictions governing the size of accessory buildings. Stewart Jolley: A formula was used to arrive at the "combined area" figures. The Planning Commission feels that regulations need to be able to be administered easily. This clarifies whether more than one building would be allowed on a piece of property and what the square footage would be. This designates the combined square footage of all of the accessory buildings.

MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY KENT ANDERSON TO CLOSE THE PUBLIC HEARING ON AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO RESTRICTIONS CONCERNING ACCESSORY BUILDINGS

VOTE: YES (4)

NO (0)

6:20 PM -

PUBLIC HEARING/ORDINANCE-INCREASED SETBACK REQUIREMENTS FOR CORNER LOTS

Public Hearing on a Proposed Ordinance Amending the Elk Ridge City Code Related to Corner Lot Requirements within Subdivisions

MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY DON MECHAM TO OPEN THE PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATED TO CORNER LOT REQUIREMENTS WITHIN SUBDIVISIONS

VOTE: YES (4)

NO (0)

ROLL CALL

Mayor: Cregg Ingram; *City Council:* Gary Bowen, Don Mecham, Cindi Ellis & Kent Anderson; *Mayor-Elect:* Vernon L. Fritz; *Council-Elect:* Russell Sly, Lee Freeman; *Planning Commission:* Stewart Jolley; *Administrative Assistant:* Ernestine Folks; *Deputy Recorder:* Abby Hicks; *LEI Engineering:* Mike Christiansen; *Sheriff:* Cory Wride; *Public:* Dennis Jacobson, Julie Christensen, Cindy Mecham, Jerry Hatch, Michael Hatch and *City Recorder:* Janice H. Davis

Jim Bolser: Current Subdivision Ordinance requires corner lots to have an additional 10 ft. of frontage. A problem came up with a specific corner lot with one side (that had the extra 10 ft.) facing a street that is classified as a major "collector-type" street, rather than facing the cul-de-sac on the other side of the lot. The essence of this ordinance is to require the extra side setback (on all corner lots) to be in addition to the required frontage for the zone. Then the house could be oriented on the lot either way.

Section B, "orientation": Added stipulations on orientation of a home on a lot facing two low-impact streets, or two major class streets.

A statement was added that was intended to say if there are any problems, then the Planning Commission has the ability to dictate how the home is oriented. Dave Church felt it to be a bit contradictory and vague. The statement was removed, but that is not how the Planning Commission approved the document. It was approved with the statement in.

Issues:

1. Specification of minor street access...feels the statement is not clear and should be re-addressed.
2. Mr. Bolser is not aware of the State Code allowing appeals to be made to any body except the Board of Adjustments.

Stewart Jolley: Perhaps the wording needs to be changed to a "request" before the Planning Commission. The intent was to stop the idea that people could just go right to the Board of Adjustments if they do not like a decision. The next step is court. The Planning Commission should have a chance to resolve the problem before it is taken out of their hands. He does not have a problem if the Council wants to be the approving body. He does feel that there should be a step prior to the Board of Adjustments.

Cindi Ellis: (Question) Regardless of the orientation of the home, an additional 10 ft. on both sides is required? (Yes, on a corner lot) What is the purpose of requiring an additional 10 ft. on both sides? (Safety issues around corners...to create a clear view)

Russell Sly: The wording implies (not clear) that if the lot is sided by two minor class roads, there is a choice on orientation, is this correct? (Yes) The wording should be clearer.

Jim Bolser: It could be determined by the City that one of the lesser class roads is more heavily traveled and can decide the orientation of the home for the homeowner. The homeowner may disagree and that is where the appeals process comes into play.

Mayor Ingram: Is this document in need of further clarification?

1. Change the word "appeal"
2. Does the word "minor" need to be changed? ("lesser" or "greater" classification should clarify this)

MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY GARY BOWEN TO CLOSE THE PUBLIC HEARING ON THE ORDINANCE ON SETBACK REQUIREMENTS FOR CORNER LOTS

VOTE: YES (4) NO (0)

6:25 PM -

PUBLIC HEARING/ORDINANCE-CREATION OF NEW ZONING CLASSIFICATIONS

Public Hearing on a Proposed Ordinance Amending the Elk Ridge City Code, Relating to the Creation of New Zoning Classifications, and the Provisions thereof, entitled R-1-12,000-PUD and R-1-15,000-A

MOTION WAS MADE BY MAYOR INGRAM AND SEONDED BY GARY BOWEN TO OPEN THE PUBLIC HEARING AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE, RELATING TO THE CREATION OF NEW ZONING CLASSIFICATIONS, AND THE PROVISIONS THEREOF, ENTITLED R-1-12,000-PUD AND R-1-15,000-A

VOTE: YES (4) NO (0)

ROLL CALL

Mayor: Cregg Ingram; City Council: Gary Bowen, Don Mecham, Cindi Ellis & Kent Anderson; Mayor-Elect: Vernon L. Fritz; Council-Elect: Russell Sly, Gary Prestwich, Lee Freeman; Planning Commission: Stewart Jolley; Administrative Assistant: Ernestine Folks; Deputy Recorder: Abby Hicks; LEI Engineering: Mike Christiansen; Sheriff: Cory Wride; Public: Brad & Kim Jasperson, Dennis Jacobson, Julie Christensen, James Bean, Sean Nielsen, Cindy Mecham, Jerry Hatch, Michael Hatch and City Recorder: Janice H. Davis

Cindi Ellis: In light of the previous Ordinance, this proposed Ordinance should address the corner lot issues in relation to the streets they abut. (They are addressed)

Don Mecham: Has strong feelings against what he feels is excessive Government control...i.e. when Government says what size a person's home can be. In contacting his own attorneys, they advise against cities becoming involved with the size requirement. The State Code should be adhered to. There should be no minimum

requirement for the size of a home. Developers can record “restrictive covenants” on a subdivision, but cities should not. Many cities have found out that they cannot do this.

Stewart Jolley: Does not advocate removing any of the size restrictions.

James Bolser: Many cities do get involved with size restriction and many cities get sued for it.

Mayor Ingram: This exists in all zones throughout the City’s ordinances. This needs further consideration.

Don Mecham: “It may exempt them on lower classifications (example: multiple family dwellings), if they are considered “low-income”, then he would agree with Mr. Jolley.

Vernon Fritz: Questioned Section 10-5-15.8, “Dwelling Requirements”...3-C:

Minimum height of a building (dwelling) = not less than 8 ft. That seems very low. Would that create a “basement house”? (No, that is standard for ceiling height...and meets Code...this is fairly common...this would be from the highest point of the roof.)

MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY KENT ANDERSON TO CLOSE THE PUBLIC HEARING ON AN ORDINANCE RELATING TO THE CREATION OF NEW ZONING CLASSIFICATIONS AND THE PROVISIONS THEREOF, ENTITLED R-1-12,000-PUD AND R-1-15,000-A

VOTE: YES (4)

NO (0)

6:30 PM -

PUBLIC HEARING/ORDINANCE RELATED TO ANNEXATIONS

Public Hearing on a Proposed Ordinance Amending the Elk Ridge City Code Relating to Annexations

MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY DON MECHAM TO OPEN THE PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO ANNEXATIONS

VOTE: YES (4)

NO (0)

ROLL CALL

Mayor: Cregg Ingram; *City Council*: Gary Bowen, Don Mecham, Cindi Ellis & Kent Anderson; *Mayor-Elect*: Vernon L. Fritz; *Council-Elect*: Russell Sly, Gary Prestwich, Lee Freeman; *Planning Commission*: Stewart Jolley; *Administrative Assistant*: Ernestine Folks; *Deputy Recorder*: Abby Hicks; *LEI Engineering*: Mike Christiansen; *Sheriff*: Cory Wride; *Public*: Sandi & Lane Bowen, Brad & Kim Jaspersen, Dennis Jacobson, Julie Christensen, James Bean, Sean Nielsen, Cindy Mecham, Jerry Hatch, Michael Hatch and *City Recorder*: Janice H. Davis

There will be discussion, but no adoption during this Meeting.

This proposed ordinance is meant to comply with the changes in the State requirements for Annexation, as set forth in Title 10-2-401, et seq., Utah Code Annotated, as amended. This ordinance establishes a formal Annexation Policy Plan as part of the General Plan. (So, this Ordinance should be approved with the General Plan.)

10-9-1.1: Annexations are legislative in nature. The City is not required to accept a petition for annexation even though the petitioners may comply with all provisions required for annexation.

The Plan includes the following Conditions of Annexation:

10-9-3.1 Water Rights to be Conveyed

10-9-3.2 Conveyance of Land for Park or other Public Purpose

10-9-3.3 Annexation Agreement Authorized – To be Approved by the Council

10-9-3.4 Other Conditions: (The Council may attach other conditions, as it may deem necessary for the general welfare of the City, as a pre-requisite to the annexation of any land.)

10-9-4 Review & Processing Fees

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY CINDI ELLIS TO
CLOSE THE PUBLIC HEARING ON AN ORDINANCE AMENDING THE ELK RIDGE
CITY CODE RELATING TO ANNEXATIONS
VOTE: YES (4) NO (0)**

6:40 – PM

CITY COUNCIL WORK SESSION

ROLL CALL

Mayor: Cregg Ingram; *City Council:* Gary Bowen, Don Mecham, Cindi Ellis & Kent Anderson; *Mayor-Elect:* Vernon L. Fritz; *Council-Elect:* Russell Sly, Gary Prestwich, Lee Freeman; *Planning Commission:* Stewart Jolley; *Administrative Assistant:* Ernestine Folks; *Deputy Recorder:* Abby Hicks; *LEI Engineering:* Mike Christiansen; *Sheriff:* Cory Wride; *Public:* Sandi & Lane Bowen, Brad & Kim Jasperson, Dennis Jacobson, Julie Christensen, James Bean, Sean Nielsen, Cindy Mecham, Jerry Hatch, Michael Hatch and *City Recorder:* Janice H. Davis

EAGLE SCOUT
PROJECT
REPORT

Brad Jasperson got approval from the City Council for an Eagle Scout Project. The City donated \$100.00 to the Project. The Project is complete and he was present to report back to the Council. The Project was to build and install a City map at the entrance to Elk Ridge at Goosenest Drive & 1600 West. The map is installed, but there has been a problem with leakage under the covering.

Brad Jasperson: Steps are being taken to repair the leakage problem.

RESOLUTION/
BOUNDARY
ADJUSTMENT-
PAYSON &
ELK RIDGE

James Bolser (City Planner): It has been proposed to adjust the boundary for some property currently within Elk Ridge's incorporated area. The property is located southwest of Oak Bluff Estates, beyond the Four-bay area. Three pieces of property are included in the proposed adjustment. All three of the properties prevent the creation of a peninsula, which is not allowable. (Total area to be adjusted = 110 acres)

Gary Bowen: Feels that Elk Ridge cannot service the land in question. For Payson City to service the area would require a great deal of expense to connect services through Payson Canyon. There are no plans to develop the area.

Stewart Jolley: Recommended for the Council not to approve any adjustment in boundaries until it is determined exactly where the lines for the Conservancy District will be located. It is important to know what that land is going to be used for.

Gary Bowen: All the property that Don Mecham owned in that general area was included in the application to create a Conservancy District.

James Bolser: The City has to hold a Public Hearing within 60 days from the adoption of the resolution (February 11, 2002). The Public Hearing must be noticed in the Newspaper for three consecutive weeks. There were no objections from any of the property owners.

Kent Anderson: Cautions the Council to consider any negatives attached to the proposed adjustment.

Ernestine Folks: Are there any homes in the area? Mr. Collins had his home there. (No one has objected.)

Don Mecham: For Elk Ridge to be able to service this area, it would necessitate crossing a gorge, which would be extremely expensive, just to be able to develop about 40 acres of useful land.

Ernestine Folks: According to Andrew Jackson, conservancy districts can be changed. Perhaps Elk Ridge would be able to service this area in the future.

Don Mecham: A conservancy district cannot be changed if it is done in perpetuity. At some point, the Board of Reclamation or the Federal Government could come in and reverse it...nothing is for sure.

Elk Ridge City Council Meeting – 12-11-01

INGRAM FIELD/
SIGN

Cindi Ellis: The cost estimate was not available for the proposed sign for Ingram Field. This item is to be placed on the Agenda for 12-18-01.

NUISANCE
ORDINANCE

There was a proposed Nuisance Ordinance before the Council and it was never approved nor denied. It was somewhat dropped due to other concerns. It had gotten to the final draft stage and was to be reviewed prior to sending it to the attorney. It has not come back to the Planning Commission nor has it been sent to the attorney. Copies need to go to the new Mayor and Council for review.

SEWERAGE
ORDINANCE

This Ordinance has gone through the required Public Hearings: (Planning Commission on 7-19-01 & City Council on 11-27-01). It is on the Agenda for approval later in the Regular Session. There were changes to be made in the document prior to adoption: time frame for connecting onto the sewer to be added.

Cindi Ellis: Concern that the ordinance does not state that should the homeowner refuse to connect, and then the City can connect them and charge them the cost.

Gary Bowen: The City really would not go onto someone's property and hook up a sewer line. There is a charge for sewer service (after the one year) whether they are connected onto the sewer or not.

Cindi Ellis: How does the City enforce the requirement to connect? If they refuse, there is the danger to the well-head protection.

(This is a requirement in the Development Code. If the Development Code is violated, it is a misdemeanor and the violator could be fined up to \$1,000 per day.)

ELK RIDGE
CITY COUNCIL MEETING
December 11, 2001

TIME & PLACE
OF MEETING

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ROLL CALL

Mayor: Gregg Ingram; *City Council*: Gary Bowen, Don Mecham, Cindi Ellis & Kent Anderson; *Mayor-Elect*: Vernon L. Fritz; *Council-Elect*: Russell Sly, Gary Prestwich, Lee Freeman; *Planning Commission*: Stewart Jolley; *Administrative Assistant*: Ernestine Folks; *Deputy Recorder*: Abby Hicks; *LEI Engineering*: Mike Christiansen; *Sheriff*: Cory Wride; *Public*: Sandi & Lane Bowen, Brad & Kim Jaspersen, Dennis Jacobson, Julie Christensen, James Bean, Sean Nielsen, Cindy Mecham, Jerry Hatch, Michael Hatch and *City Recorder*: Janice H. Davis

INVOCATION
& PLEDGE OF
ALLEGIANCE

Invocation was offered by Cindi Ellis.

NON-AGENDA
ITEM

Mayor Ingram formally thanked the current, out-going City Councilmembers for their service to the City and for their assistance to Mayor Ingram.

Plaques and gifts were presented to the various Councilmembers by Mayor Ingram.

The Mayor reviewed the some of the accomplishments of this Administration:

1. Upgraded Administrative Policy and tried to get the wage ranges and benefits more in line with other municipalities.

2. Two full-time employees have been hired.

3. Air conditioned the building

4. Upgraded the computer system and added windows software to the General Ledger

5. (Thanks to Gary Bowen): Acquired land for future Public Facilities, storm drainage and plans for a new park

6. Parks/Recreation (Thanks to Cindi Ellis): Successful City Celebrations, with the addition of Playground Equipment and a Tennis Court...as well as beginning a Recreation Program

7. Roads: Road repair...chip & sealed certain roads, Overlays

Loafer Canyon Road was engineered and a good portion of it installed, along with the sewer line connecting into the system in Loafer Canyon (This constituted a great deal of work on the part of Gary Bowen). The plan is to finish Loafer Canyon in 3 to 5 years.

Fremont Way was replaced and curb/gutter installed.

8. Water System has been upgraded by removing old pipes and replacing them with new ones, which are to the City's standards. Money is being set aside to use for wells and storage capacity in the future. Hopefully the new Administration will continue to work with Payson and Salem to develop the City's Systems.

9. The Police protection has been increased

10. New Fire truck purchased

11. This does not take into consideration all of the Ordinances, which have been reviewed and passed, and the countless hours and meetings.

The Mayor had special gifts for the long-time service of Gary Bowen and Cindi Ellis.

Gary Bowen presented a thank you Plaque and Picture to Mayor Ingram.

AGENDA TIME
FRAME

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY DON MECHAM
TO APPROVE THE AGENDA TIME FRAME, ADJUSTING THE TIME BY 15 MINUTES
VOTE: YES (4) NO (0)**

APPOINTMENT
OF CITY
COUNCIL
POSITION

A Council position was left vacant by the resignation of Michael Motko.

His resignation was accepted by the City Council on November 13, 2001.

Three people submitted their names to be considered for appointment, to fill this position for the remaining two years: Sean Nielsen, Sheila Schroedter and Gary Bowen. Sean Nielsen formally withdrew his name in the Meeting when he discovered that Gary Bowen had submitted his name.

The City Council voted and it was a unanimous vote in favor of Gary Bowen (Gary Bowen was not allowed to vote in the process). He will be re-appointed to fill the Michael Motko's vacant position. His position on the Council will be left unfilled, due to there only being one Council Meeting left in his term of office. He was already under his previous oath of office.

ADOPTION OF
ORDINANCES

1. Ordinance/Parking Regulations During Winter Months

Many concerns expressed due to vehicles being parked in the roads.

The ordinance changes the time to 24 hours/day during winter months.

This could cause problems with relatives visiting for the Holidays. The ordinance does allow 24 hours to remove any vehicle in violation, before a citation would be issued. This would allow for visitors.

A. Liability caused by possible damage to vehicles (both the residents' and the City's)

It is difficult, if not impossible, to snowplow around the parked vehicles.

B. Don't enact ordinances if they are not going to be enforced!

Kent Anderson: Feels the Ordinance is satisfactory as it is.

MOTION WAS MADE BY GARY BOWEN AND SECONDED BY KENT ANDERSON TO APPROVE AN ORDINANCE AMENDING THE ELK RIDGE CITY ORDINANCE #95-11-28-8, RELATING TO PARKING REGULATIONS DURING WINTER MONTHS, PROVIDING FOR CODIFICATION, INCLUSION IN CODE, AND SCRIVENER'S ERRORS, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE VOTE (POLL): KENT ANDERSON-AYE, CINDI ELLIS-AYE, GARY BOWEN-AYE, DON MECHAM-AYE NO (0)

*Residents need to be informed.

2. Ordinance/Sewerage Regulations

MOTION WAS MADE BY GARY BOWEN AND SECONDED BY DON MECHAM TO APPROVE THE ORDINANCE AMENDING THE ELK RIDGE CITY ZONING & SUBDIVISION ORDINANCE, SECTIONS 10-3-3.22 (3), 10-3-3.26 (2), 10-6-4.10, 10-7-5.6 (5) & 10-7-6.3 (4) C, REGULATING SEWERAGE IN SUBDIVISIONS, PROVIDING FOR CODIFICATION, INCLUSION IN CODE, AND SCRIVENER'S ERRORS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE

VOTE (POLL): KENT ANDERSON-AYE, CINDI ELLIS-AYE, GARY BOWEN-AYE, DON MECHAM-AYE NO (0)

3. Ordinance/Re-naming Plan Review Committee:

MOTION WAS MADE BY GARY BOWEN AND SECONDED BY CINDI ELLIS TO APPROVE AN ORDINANCE OF THE CITY OF ELK RIDGE, UTAH, AMENDING SECTION 10-7-3 OF THE SUBDIVISION ORDINANCE, RE-NAMING THE PLAN REVIEW COMMITTEE TO THE TECHNICAL REVIEW COMMITTEE AND OTHER MINOR NOMENCLATURE CHANGES

Discussion:

There are changes to be made to the ordinance, as it exists. The approval process currently includes the City Council, this ordinance, as written, would remove the Council from the process. The ordinance needs to list the changes to match the current process. These should be noted in the motion.

VOTE (POLL): YEAS (0)

NAYS (4) KENT ANDERSON, CINDI ELLIS, GARY BOWEN AND DON MECHAM

MOTION WAS MADE BY GARY BOWEN AND SECONDED BY DON MECHAM TO APPROVE AN ORDINANCE OF THE CITY OF ELK RIDGE, UTAH, AMENDING SECTION 10-7-3 OF THE SUBDIVISION ORDINANCE, RE-NAMING THE PLAN REVIEW COMMITTEE TO THE TECHNICAL REVIEW COMMITTEE AND OTHER MINOR NOMENCLATURE CHANGES TO INCLUDE THE FOLLOWING CHANGES:
PG. 5: 10-7-3.7 –1. (4) “...CONSIDERED BY THE PLANNING COMMISSISON & CITY COUNCIL...”

2. “...PLANNING COMMISSION & CITY COUNCIL...”

3. “...PLANNING COMMISSION & CITY COUNCIL...”

PG 6: 4. “...PLANNING COMMISSION & CITY COUNCIL...”

(LAST LINE OF SAME PARAGRAPH...”PLANNING COMMISSION OR CITY COUNCIL”

5. “...IN THE OPINION OF THE PLANNING COMMISSON OR THE CITY COUNCIL...”

6. ADD AT THE BEGINNING OF PARAGRAPH: “PRELIMINARY PLAN APPROVAL REQUIRES A RECOMMENDATION FROM THE PLANNING COMMISSION AND AN APPROVAL FROM THE CITY COUNCIL.”

END OF 1ST SENTENCE, STRIKE “PLANNING COMMISSION” ADD: CITY COUNCIL, OR UNTIL FINAL PLAT APPROVAL BY THE CITY COUNCIL, WHICHEVER TIME PERIOD IS FIRST. THE APPROVAL MAY BE EXTENDED OR REAFFIRMED BY THE PLANNING COMMISSION CITY COUNCIL,...(LATER IN SAME SENTENCE:)...RULES AND OPERATION OF THE COMMISSION COUNCIL AND...”

VOTE (POLL): AYES (4) KENT ANDERSON-AYE, CINDI ELLIS-AYE, GARY BOWEN-AYE, DON MECHAM-AYE
NO (0)

4. Ordinance/Development of Sloped Land:

MOTION WAS MADE BY DON MECHAM AND SECONDED BY GARY BOWEN TO APPROVE AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO THE CREATION OF A GENERAL PLAN REGARDING DEVELOPMENT OF SLOPED LAND AND AMENDMENT OF EXISTING ORDINANCES TO COMPLY WITH SAID PROVISION, PROVIDING FOR CODIFICATION, INCLUSION IN CODE, AND SCRIVENER’S ERRORS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE

VOTE (POLL): AYES (4) KENT ANDERSON-AYE, CINDI ELLIS-AYE, DON MECHAM-AYE, GARY BOWEN-AYE
NO (0)

5. Ordinance/Accessory Building Restrictions:

MOTION WAS MADE BE CINDI ELLIS AND SECONDED BY GARY BOWEN TO APPROVE AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO RESTRICTIONS CONCERNING ACCESSORY BUILDINGS, PROVIDING FOR CODIFICATION, INCLUSION IN CODE, AND SCRIVENER’S ERRORS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE

VOTE (POLL): AYES (4) KENT ANDERSON-AYE, CINDI ELLIS-AYE, DON MECHAM-AYE, GARY BOWEN-AYE
NO (0)

6. Ordinance/Increased Setback Requirements for Corner Lots:

James Bolser: Read a suggested change in wording about the “appeals” process:

(Request to Planning Commission, with any appeal to City Council then Board of Adjustments.) The council was in agreement with the suggested change.

Gary Prestwich: Would a circular drive be allowed on a corner lot? (Yes.)

Kent Anderson: “Vehicular Access” should be reviewed. Perhaps the point should be not which way the house is oriented, but where the access is.

James Bolser: Feels the intent was to address health, safety & welfare in suggesting home orientation.

Don Mecham: Feels the City needs to stay away from "home orientation". Government should not dictate to residents which yard their children play in. He agrees that the wording should be changed to "vehicular access".

Cindi Ellis: Agrees that "home orientation" should be changed to "vehicular access".

MOTION WAS MADE BY DON MECHAM AND SECONDED BY CINDI ELLIS TO REMAND THE ORDINANCE REGARDING CORNER LOT REQUIREMENTS BACK TO THE PLANNING COMMISSION TO ADDRESS "VEHICULAR ACCESS" RATHER THAN "HOME ORIENTATION"

VOTE: YES (4)

NO (0)

7. Ordinance/Creation of New Zoning Classification:

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY GARY BOWEN TO APPROVE AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO THE CREATION OF NEW ZONING CLASSIFICATIONS, AND THE PROVISIONS THEREOF, ENTITLED R-1-12,000-PUD AND R-1-15,000-A, PROVIDING FOR CODIFICATION, INCLUSION IN CODE, AND SCRIVENER'S ERRORS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE, WITH THE CORRECTION TO ADD R-1-15,000-A TO 10-5-16.1

VOTE (POLL): AYES (3) KENT ANDERSON-AYE, CINDI ELLIS-AYE, GARY BOWEN-AYE

NAY (1) DON MECHAM

8. Ordinance/Annexations:

Adoption of this Ordinance should be a conjunction with the General Plan and will be placed on the Agenda for December 18, 2001.

OAK HILLS
ESTATES,
PLAT A –
PRELIMINARY
APPROVAL

(As per memo from Ernestine Folks to the City Council)

Jim Bolser reported to the Planning Commission that the corrections to Plat A have been made and reviewed by the engineer and himself, and all items noted in the letters from the engineer and the Planner had been addressed and corrected.

The Planning Commission has concerns with lack of water storage capacity and sewer capacity to provide for further developments. Mr. Hatch is aware of the lack of water storage capacity at this time. The recommendation from the Planning Commission is as follows:

"This proposed Preliminary Plan on Oak Hills Estates Subdivision, Plat A, through technical review and planning staff, meets all the City requirements for Preliminary Plan Approval; however, the City has no water service or sewer service to dedicate to this plat. Therefore, the Planning Commission's recommendation to the City Council is to disapprove this Plat until water and sewer can be made available.

Mr. Hatch asks for approval contingent upon obtaining water and sewer availability.

Don Mecham: Approving Preliminary vests a developer. The development process can go forward, but it is "cleaner" to grant Preliminary when all the issues have been addressed. There is also still an issue with asphalt.

MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY DON MECHAM TO DENY THE PRELIMINARY APPROVAL FOR OAK HILLS ESTATES SUBDIVISION, PLAT A, BASED ON NO AVAILABILITY OF WATER OR SEWER

VOTE: YES (4)

NO (0)

RESOLUTION/ BOUNDARY ADJUSTMENT- PAYSON & ELK RIDGE	MOTION WAS MADE BY GARY BOWEN AND SECONDED BY DON MECHAM TO APPROVE A RESOLUTION DECLARING THAT ELK RIDGE CITY IS CONSIDERING ADJUSTING ITS COMMON BOUNDARY BETWEEN PAYSON CITY AND ELK RIDGE CITY VOTE: YES (4) NO (0)
EXPENDITURES:	General: Invoice/David Church (Acting City Attorney) MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY KENT ANDERSON TO APPROVE THE INVOICE FROM DAVID CHURCH FOR LEGAL SERVICES, IN THE AMOUNT OF \$725.00 VOTE: YES (4) NO (0) LEI Work Release #23 Storm Drainage pipe/Loafer Canyon...there were no "clean-outs" to maintain the line. The installation includes cleaning (included in LEI's bid). This is to engineer and inspect this project. MOTION WAS MADE BY DON MECHAM AND SECONDED BY CINDI ELLIS TO APPROVE LEI ENGINEERING WORK RELEASE #23, IN THE AMOUNT OF \$1,200 VOTE: YES (4) NO (0)
MINUTES	None available.
CITY CREDIT CARD	MOTION WAS MADE BY DON MECHAM AND SECONDED BY CINDI ELLIS TO APPROVE A CITY CREDIT CARD FOR ELK RIDGE VOTE: YES (4) NO (0)
ADJOURNMENT	MOTION WAS MADE BY DON MECHAM AND SECONDED BY CINDI ELLIS TO ADJOURN THE MEETING VOTE: YES (4) NO (0)



City Recorder

AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a Special **City Council Meeting** on **Tuesday, December 18, 2001, at 6:15 PM;** it will be preceded by a **Public Hearing at 6:00 PM,** for the purpose of hearing public comment regarding the adoption of the Elk Ridge City General Plan for 2001 to 2006. The meetings will be held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

6:00 PM - PUBLIC HEARING/ORDINANCE ADOPTING THE ELK RIDGE GENERAL PLAN
Public Hearing Regarding a Proposed Ordinance Adopting the Elk Ridge General Plan for 2001 to 2006

6:30 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:

Invocation and Pledge of Allegiance
6:33 Approval of Agenda Time Frame
6:35 Adoption/Ordinance Adopting the General Plan
6:45 Adoption/Ordinance Related to Annexations
6:55 Approval/Ingram Field Sign
7:00 Approval of Minutes of Previous Meetings
7:05 Adjournment

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


The times, which appear on this amended agenda, may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 14th Day of December, 2001.



City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and mailed to each member of the Governing Body on December 14, 2001, and Amended Agenda on December 17, 2001.



City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
December 18, 2001**

**TIME & PLACE
OF MEETING**

The special meeting of the Elk Ridge City Council was held on **December 19, 2001 at 6:15 PM;** it included a **Public Hearing at 6:00 PM,** for the purpose of hearing public comment regarding the adoption of the Elk Ridge City General Plan for 2001 to 2006. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and Agenda of these meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body by mailing a copy to each on December 17, 2001.

6:15 PM

**PUBLIC HEARING/ORDINANCE ADOPTING THE ELK RIDGE
GENERAL PLAN**

ROLL CALL

Mayor; Craig Ingram, Mayor Pro-tem: Gary Bowen; City Council: Cindi Ellis, Kent Anderson, Don Mecham Administrative Assistant: Ernestine Folks; Planning Commission Chairman; Stewart Jolley, City Planner; Jim Bolser, Deputy Recorder: Abby Hicks, Russell Sly, and Lee Freeman

**MOTION WAS MADE BY MAYOR CRAIG INGRAM AND SECONDED BY
DON MECHAM TO OPEN THE PUBLIC HEARING/ORDINANCE ADOPTING
THE ELK RIDGE GENERAL PLAN FOR 2001 TO 2006.**

VOTE: YES (4) NO (0) ABSENT (0)

**PUBLIC
HEARING**

Mayor Ingram congratulated the Planning Commission on a job well done in developing the General Plan for 2001 to 2006.

Council Member Don Mecham congratulated the Planning Commission as well as the City Planner, Jim Bolser, on the completion of a well-written and comprehensive General Plan.

Mayor Craig Ingram asked Jim Bolser if the General Plan included and met the requirements for moderate-income percentages. City Planner, Jim Bolser answered that the law for Utah County requires that a City provide for homes to be built at a minimum price of \$105,000.00 or less, excluding the lot. He further explained that Elk Ridge meets these requirements in several zones, and will be able to further meet these requirements through the development of the PUD Zone.

Planning Commission Chairperson, Stewart Jolley described the Zoning Map to the City Council, pointing out the areas, which are set aside for future commercial development, open space, trails, as well as the other residential zones. Chairperson Stewart Jolley explained the concerns that were considered in the planning of the General Plan. Some of these concerns were the ability for children living in Elk Ridge to grow up and raise their families here and providing a place for retirement-aged individuals to stay where they raised their families.

The Planning Commission also wanted to provide for a few commercial development areas that would have contiguous boundaries with Salem City and Woodland Hills. The Planning Commission planned a ten-acre area where Loafer Canyon Road meets with North Loafer Canyon Road, as well as ten acres on 1600 North/Elk Ridge Drive.

City Planner, Jim Bolser talked about the Open Space Corridors along the canal and Loafer Canyon. Mr. Bolser further explained the trail system plan that is currently in place. The tentative plan was to follow the Bonneville Shore Line Trail. Council Member Cindi Ellis mentioned that she had been informed that it would be possible to amend the tentative plan to follow the Bonneville Shore Line Trail and adopt a different trail path if the City was not satisfied with the current plan. Mr. Bolser agreed with Council Member Ellis, and explained that the trail is now in the planning stages and is still subject to change.

City Planner, Jim Bolser distributed to the Council the most current list of typographical errors found in the General Plan. The Council discussed these errors and agreed to have them corrected.

Mayor Ingram had several questions regarding the General Plan that needed further clarification, consisting mostly of word clarifications and typographical errors. Mr. Bolser and Mr. Jolley answered each of these questions and agreed to fix the errors that were found. Among these was the request that the General Plan specifically mention that Elk Ridge City was actively pursuing relationships with other cities for the purpose of establishing commercial zones of a contiguous nature.

MOTION WAS MADE BY MAYOR INGRAM AND SECONDED BY DON MECHAM TO CLOSE THE PUBLIC HEARING REGARDING THE ADOPTION OF THE GENERAL PLAN 2001-2006
VOTE: YES (4) NO (0) ABSENT (0)

**ELK RIDGE
CITY COUNCIL MEETING
December 18, 2001**

**TIME & PLACE
OF MEETING**

A special meeting of the Elk Ridge City Council was held on December 18, 2001, at 6:15 PM; it was preceded by a Public Hearing at 6:00 PM, for the purpose of hearing public comment regarding the adoption of the Elk Ridge City General Plan for 2001 to 2006. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place, and Agenda of these meetings was provided to the Payson Chronicle, 145 East Utah Ave, Payson, UT and to the members of the Governing Body by mailing a copy to each on December 14, 2001, and the amended Agenda on December 17, 2001.

6:00 PM

CITY COUNCIL REGULAR SESSION

ROLL CALL

Mayor; Craig Ingram, Mayor Pro-tem: Gary Bowen; City Council: Cindi Ellis, Kent Anderson, Don Mecham Administrative Assistant: Ernestine Folks; Planning Commission Chairman; Stewart Jolley, City Planner; Jim Bolser, Deputy Recorder: Abby Hicks, Russell Sly and Lee Freeman.

**PLEDGE &
INVOCATION**

The pledge was led by Mayor Ingram and the invocation was offered by Abby L. Hicks.

**ADJUSTMENT
OF TIME FRAME**

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED
BY GARY BOWEN TO ADJUST THE ADGENDA TIME FRAME BY
25 MINUTES.**

VOTE: YES (4) NO (0) ABSENT (0)

**APPROVAL OF
GENERAL PLAN
2001 TO 2006**

**MOTION WAS MADE BY MAYOR INGRAM AND SECONDED
BY CINDI ELLIS TO ADOPT THE GENERAL PLAN FOR 2001
TO 2006 WITH THE ADDITION OF A POLICY STATEMENT IN THE
COMMERCIAL SECTIONS INDICATING THAT THERE WILL BE ACTIVE
PURSUIT BY THE CITY WITH OTHER CITIES THAT SHARE CONTIGUOUS
BOUNDARIES IN DEVELOPING COMMERCIAL USE AREAS (PAGE 2.10),
LAND USE MAP ADDITION, WITH OTHER MINOR CHANGES.**

VOTE: YES (4) NO (0) ABSENT (0)

**APPROVAL OF
ANNEXATION
ORDINANCE**

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED
BY KENT ANDERSON ADOPTING AN ORDINANCE
AMMENDING ELK RIDGE CITY CODE RELATING TO ANNEXATION,
PROVIDING FOR CODIFICATION, INCLUSION IN CODE, AND
SCRIVENER'S ERRORS, PROVIDING FOR SEVERABILITY, AND
PROVIDING AN EFFECTIVE DATE.**

VOTE: YES (4) NO (0) ABESNT (0)

**APPROVAL
OF INGRAM
FIELD SIGN**

**MOTION WAS MADE BY DON MECHAM AND
SECONDED BY CONDI ELLIS TO APPROVAL THE
PURCHASE OF THE INGRAM FIELD SIGN FOR THE AMOUNT OF
\$330.00.**

VOTE: YES (4) NO (0) ABSENT (0)

APPROVAL
OF
MINUTES

**MOTION WAS MADE BY CINDI ELLIS AND
SECONDED BY KENT ANDERSON TO APPROVE
THE CITY COUNCIL MINUTES FROM OCTOBER 9,
2001.**

VOTE: YES (4) NO (0) ABSENT (0)

**MOTION WAS MADE BY CINDI ELLIS AND SECONDED BY GARY
BOWEN TO APPROVE THE CITY COUNCIL MINUTES FROM NOVEMBER
13, 2001 WITH TYPOGRAPHICAL ERRORS.**

VOTE: YES (4) NO (0) ABSENT (0)

ADJOURNMENT

**MOTION WAS MADE BY DON MECHAM AND
SECONDED BY CINDI ELLIS TO ADJOURN THE ELK RIDGE CITY
COUNCIL MEETING OF DECEMBER 18, 2001**

VOTE: YES (4) NO (0) ABSENT (0)



City Recorder – Janice H. Davis