

## AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a **Public Hearing on Tuesday, July 9, 2002, at 6:00 PM**, for the purpose of hearing public comment regarding a proposed ordinance amending the Elk Ridge City Code providing for Requirements Regarding Accessory Buildings, Providing for Codification, Inclusion in Code, and Scrivener's errors, providing for Severability and providing an effective date.

**The Regularly Scheduled City Council Meeting is Cancelled due to lack of business.**

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

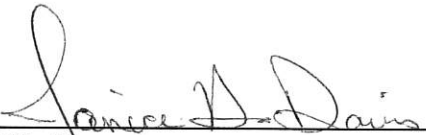
**6:00 PM      1. PUBLIC HEARING/ORDINANCE – ACCESSORY BUILDINGS**

A Public Hearing on a proposed ordinance amending the Elk Ridge City Code providing for Requirements Regarding Accessory Buildings, Providing for codification, Inclusion in Code, and Scrivener's Errors, Providing for Severability and Providing and Effective date

**7:00 PM -      REGULAR COUNCIL MEETING AGENDA ITEMS:**


**CANCELLED**

All interested persons are invited to attend the Public Hearing. Dated this 3<sup>rd</sup> Day of July, 2002.

  
\_\_\_\_\_  
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 July 3, 2002.

  
\_\_\_\_\_  
City Recorder

## NOTICE & AGENDA OF REGULAR MEETING

Notice is hereby given that the City Council of Elk Ridge will hold a regularly scheduled **City Council Meeting on Tuesday, July 23, 2002, at 7:00 PM;** it will be preceded by a **Council Work Session at 6:00 PM.** The meetings will be held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

### **6:00 PM      CITY COUNCIL WORK SESSION**

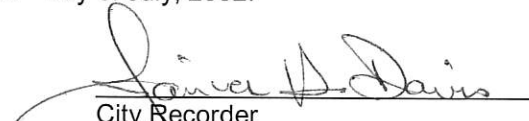
1. Parameter Resolution/Parity Water Revenue Bonds – Mayor Fritz
2. Discussion/Water Rate Structure – Sean Nielsen
3. New Well Update – Mayor Fritz
  - A. Alternative Plan/Drilling Well
4. Loafer Canyon Road/Speed Control – Mayor Fritz
5. Loafer Canyon Repair/LEI – Ernie Thornton
6. Sewer Status/Possible Rate Increase – Russell Sly
7. City Health Benefit Proposal – Lee Freeman
8. Mayor's Spending Authorization Limit – Mayor Fritz

### **7:00 PM      REGULAR COUNCIL MEETING AGENDA ITEMS:**

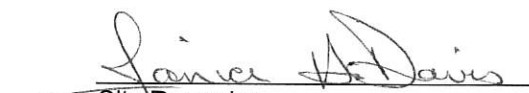
- Invocation and Pledge of Allegiance
- 7:05      Approval of Agenda Time Frame
- 7:10      9. Oak Hills Estates, Plat A-Durability Release
- 7:15      10. Adoption/Parameter Resolution-Parity Water Revenue Bonds  
Consideration for and adoption of a Parameter Resolution authorizing the issuance of not to exceed \$450,000 in Parity Water Revenue Bonds, Series 2002, of the City of Elk Ridge, Utah
11. Resolution/City Fee Schedule
- 7:20      12. Rocky Mtn. Way Subdivision, Plat A/Extension of Preliminary Plan Approval Period  
Marty Wootten)
- 7:25      13. Adopt Ordinance/Accessory Building Requirements
- 7:35      14. Nuisance Ordinance/Adoption
- 7:45      15. Expenditures:  
A. General:  
B. Check Register/Approval
- 7:55      16. Minutes of Previous Meetings
- 8:00      Adjournment

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

The Times, which appear on this agenda, may be accelerated if time permits. All interested persons are invited to attend this Meeting. Dated this 19<sup>th</sup> Day of July, 2002.

  
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 East Utah Ave., Payson, Utah, and mailed to each member of the Governing Body on July 19, 2002.

  
City Recorder



**ELK RIDGE  
CITY COUNCIL MEETING  
July 23, 2002**

**TIME & PLACE  
OF MEETING**

The regular Meeting of the Elk Ridge City Council was held on Tuesday, July 23, 2002, at 7:00 PM; it was preceded by a City 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 July 19, 2002.

**6:00 PM**

**CITY COUNCIL WORK SESSION**

**ROLL CALL**

*Mayor:* Vernon Fritz; *City Council:* Todd Jackson, Gary Prestwich, Russell Sly, Sean Nielsen, Lee Freeman; *Administrative Asst.:* Ernestine Folks; *Daily Herald:* Caleb Warnock; *LEI Engineering:* Ernie Thornton, Jesse Conway; *Public:* Jeremy Hermansen, Marty Wootten; *City Recorder:* Janice H. Davis

**PARAMETER  
RESOLUTION/  
PARITY WATER  
REVENUE BOND**

Mayor Fritz: One of the conditions of the Bond (funding the new well) is a thirty-day period of time wherein the public has a chance to protest and question the issuance of the Bond. It is unknown exactly how much the loan will be. For now, the resolution states an amount not to exceed \$450,000. It will likely be less than that. \$275,000 has been approved; another \$75,000 has been requested. This request will be considered on August 9, 2002. Going ahead with the resolution at this time starts the 30-day time period. The 30 days begins at the time of publication. A sample publication is on page 6 of the resolution. The resolution came from Ken Chamberlain's office (Bonding Attorney). No further discussion.

**WATER RATE  
STRUCTURE**

Sean Nielsen:

(Memo from Councilmember Nielsen was submitted to the Council for review.)

Summary:

Councilmember Nielsen feels the Council should review the effects of the water rate changes. He believes the City has met its objectives with the change; but there are some unintended effects from the new tier system. The willingness of the citizens of Elk Ridge to support conservation of water is apparent, and the brown lawns are not the only indicators. Councilmember Nielsen included a table containing a review of the usage for June, 2001 and June, 2002. Even with the added dry year, there has been a drop in water consumption per connection of 18.3% with an increase in revenue of 14.6% over June of 2001. In Councilmember Nielsen's mind, the issue continues to be an inability to deliver sufficient water, not a lack of water.

Unintended Effects:

Looking at the homes in Elk Ridge...they have dead lawns, dirty cars & parents who feel they cannot allow their children to run through the sprinklers.

Proposal:

He would like to offer the residents (on volunteer basis):

- A chance to decrease their monthly base rate back to the \$25/month it was, while maintaining the tiered structure implemented in May, 2002.
- 4-year lock on their base rate
- 15% difference in their base rate as long as they own their home

To qualify: Pay \$650 up front. By so doing, money would be generated at a faster rate to be able to pay off the loan quicker.

LOAFER  
CANYON  
REPAIRS/  
LEI

Jesse Conway & Ernie Thornton:

(This Agenda item was moved up.)

The Mayor has spoken with Mike Christiansen about the needed repairs on Loafer Canyon Road. LEI Engineering was asked to come to the Council Meeting to explain to the Council why the problems exist and possible solutions.

Ernie Thornton: Addressed the problems of settlement of improvements on the newly installed portion of Loafer Canyon Road:

There are five problem locations where the settlement has occurred...

Four of the five areas are sewer related and one is associated with the storm drain crossing.

The contractor, Dave Grant Construction, created one of the problems associated with the sewer. Critchfield Excavation did the work on the other 3 laterals experiencing problems, as well as the storm drainage crossing.

Dave Grant said that he would repair the problems he created at no cost to the City.

The Mayor and LEI have met with Dan Critchfield and the Mayor has written to Mr. Critchfield about the problems with his work. Mr. Critchfield stated he will not come back to fix the problems associated with his work. According to Mayor Fritz, he was asked specifically if he would stand behind his work and he said, "No".

The road is unacceptable as it is. Legal action may be required to force Mr. Critchfield to take responsibility. LEI feels the best course of action is to have another contractor repair the work now and at some future point, the Council may want to pursue the matter legally or simply let it go.

The contract between the City and Mr. Critchfield was signed by the previous Mayor Pro tempore and does not seem to be available to refer to.

The standard in the construction industry (with or without a signed contract) in Utah is a one-year durability time period. That is the way LEI feels this whole matter should be handled.

The approximate cost of the repairs is estimated at between \$8,000 and \$8,500.

\$2,000 billed by Dan Critchfield has not been paid to him and will not be; but that is not money in hand to help with the repairs. Mr. Critchfield stated that he did not expect to receive this money owed to him.

Lee Freeman: Without a signed contract, does the City have any legal recourse?

Ernie Thornton: Mr. Thornton is not an attorney; but has had a number of years in the construction business and he feels it would be determined there was a contract, even if verbal. The parameters of the work were very clear, as well as the dollar figures. The problems with the work occurred very rapidly after the completion of the work, not several years later.

Explanation of problems that occurred (Unique set of challenges):

1. All of the utilities run on the west side of the road. The sewer main was installed on the east side of the road to avoid the other utilities. The excavator had to cross every one of those utilities at a perpendicular angle. This significantly impacts a contractor's ability to compact backfill. He is not sure if the level of compaction was altered when he (Mr. Thornton) was not there to inspect the work or if it was a situation of them doing the best they (the contractors) thought they could and the settlement occurred regardless of their effort.

Lee Freeman: Either way they still have responsibility to "make it good".

Ernie Thornton: 2. To further complicate the situation, there were inherent issues in place when LEI was brought onto the job. For example: the previous Administration had opted to trade impact fees with Robert Nelson (developer of Loafer Ridge Subdivision, Plat A) for the construction of the sewer main. From LEI's perspective, there was an amount of work to be done that they did not have any involvement in.

3. LEI had to work with numerous contractors rather than just one, which is what they would have preferred.
4. The nature of the soil was ever changing. The excavation was different on the north end of the road, the middle of the road and the south end. In the middle, there was some concern over a layer of a dark brown clay material. They (LEI) brought in a geotechnical consultant and worked out an arrangement to import backfill material off of a lot in the Loafer Ridge Subdivision. The cost escalated and they had to come up with other alternatives in an attempt to stay within budget and still provide the best quality results that could be achieved. They worked out with the contractor on the sewer main (Noel Hiatt Construction) to some blending of materials. Ultimately they went to a "performance standard" on the backfill and compaction. ("Performance Standard" meaning that the effort being made to backfill & compact the trenches would be witnessed. If it looked like good compaction was being achieved, then instead of having a tester on site taking tests on every "lift" every 100 ft., driving costs up...then it becomes more of a visual determination if good compaction is being achieved.)

The contractor asked if compaction testing would be done. Compaction testing would slow down his process and his costs would increase (perhaps about double). He also asked about using "flowable backfill", particularly around the utility lines where it is harder to compact. Given the depth of the sewer main and the size & scope of the trenches, "flowable backfill" would have been a "staggering investment". ("Flowable backfill" is a very "lean concrete mix with a very low compressive strength. It is designed to be used as backfill in roadways or around buildings. It is extremely resistant to settlement. It costs about \$50/cubic yard and would be very cost prohibitive...it would have run into the ten of thousands in cost because of the amount needed in Loafer Canyon. Even if it had only been used on the laterals, the cost could have escalated \$10,000 to \$30,000 just for the material, plus extra materials and traffic control problems.

Mayor Fritz: Given the budget, in LEI's estimation, could anything have been done differently to insure better results?

Ernie Thornton: To have one general contractor for the whole project.

Mayor Fritz: In the interest of time, other subjects will be deferred to another time. He asked for a recommendation for solving the problems and an opinion as to the responsibility for payment.

Recommendation:

1. Having pursued quotes from various contractors for the repair work (in April), Dave Grant quoted just over \$8,000 (the lowest). Valley Asphalt was just slightly above Mr. Grant. Other quotes went to over \$10,000. Saw cutting was asked for. In the laterals (not storm drain crossing), it was requested that the price include:

A. Flowable fill to a depth of about 2 ½ ft. (2.33 ft)...to avoid a complete excavation down to the sewer lateral, which would cause the opening at the road level to be much larger.

B. A geotechnical engineer was brought from "out of house" recommended (LEI concurred) the same as in #1.

C. The asphalt would go in over the flowable fill.

D. Storm Drain location: This is 18", reinforced concrete pipe. It is very shallow. Flowable fill would not be necessary. The suggestion is to excavate around that pipe and back fill it with the road base material, compacted using a "jumping jack" type compactor. Asphalt (3 ½ " to 4") placed on top of that.

2. Payment:

LEI Engineering had two contracts (work releases) that related to this work, both for \$12,000. LEI did a substantial amount of work outside of the spectrum of the contracts. To date, they have expended (hours) in excess of \$41,000. LEI has no desire or interest at this point in seeking additional compensation. In conversations with the previous Administration, it was mentioned that renegotiations might be in order after the project was completed. Mr. Thornton said that LEI has "gone in the hole" \$29,000 or \$30,000. They are not seeking any additional funds and will see this project through to the end.

The recommendation is that the City cover the cost of the repairs and then, if so desired, the Council could then pursue other options legally with the contractor.

Russell Sly: If the repair work should fail, what would the recourse be?

Sean Nielsen: There will be a contract guaranteeing the durability of the work performed.

Ernie Thornton: Another thought is that an additional lateral could settle. The City could pay IGES or Earth-tech (geotechnical consultants) to issue a letter, stamped by them...offering their recommendation and their willingness to accept some of the liability if it should fail, after proper installation.

Mr. Thornton said that he has spent 270 hours inspecting the project during the course of construction. He further stated that perhaps he needed to spend 280 hours (Jesse Conway disagreed, he felt Mr. Thornton had spent enough time on the job.)

The repair work should begin as soon as possible.

Councilmember Jackson again asked LEI to be sure to have contracts in order.

LOAFER CANYON  
ROAD/SPEEDING

Jeremy Hermansen: Mr. Hermansen was present to remind the Council that speeding remains a big problem on Loafer Canyon Road. The speed limit is 25 mph in the residential part of the Road. The speeds far exceed this limit. He wanted to know what plans are being made to solve this on-going problem.

Widening the road seems to have made it worse. Promises have made in the past with no results.

Suggestions:

- Control bumps or dips
- Higher level of patrol in that specific area  
(Preferred times for patrol: early in the morning...7:00 am & evening...5:00 to 6:00 pm.)
- More speed limit signs
- Councilmember Sly suggested a sign like: "We live our kids, Slow Down"
- While the road is being repaired would be a good time to do something about the problem

The Mayor assured Mr. Hermansen that the Council would address the issue. The Newsletter will be used to warn residents of increased patrol. Councilmember Jackson will contact the Sheriff to direct the increased patrol in the area.

Sean Nielsen: The Council cannot legislate people's behavior. They can only do so much, and then the rest is up to the citizens.

Mayor Fritz invited Mr. Hermansen to revisit the Council in 90 days to see if the Council has done anything about the matter.

No one wants an accident to be the motivating factor.



WATER RATE  
STRUCTURE,  
(CONTINUED)

Sean Nielsen: Continued his comments on the water rates for Elk Ridge. He would like to see a re-evaluation of the recent increase in water rates to determine the effectiveness of the increase.

He is still convinced that the City needs to pay off this new loan from the State as quickly as possible and not add to the City's indebtedness. He feels the citizens will be agreeable to the concept.

Proposal: To make it an option available to the citizens of Elk Ridge to pay \$650 in one payment up front, they will receive a decrease of \$15/month, in exchange. The tier structure would remain the same. This decrease in their base rate would be a guaranteed "lock" for as long as they live in Elk Ridge. This advantage would not be transferable to another party, if the home were sold.

Other emergencies could come up that would require loans.

Lee Freeman: This could be an administrative "nightmare" with people paying at different rates.

Mayor Fritz: Advised that the Council review the hand-out from Councilmember Nielsen and place the discussion back on the agenda for the first Meeting in August.

Sean Nielsen: Summarized by adding...when emergencies arise in our homes, drastic action is taken. "Water is not something that would be nice to have. It is something we need to live."

NEW WELL  
UPDATE

Mayor Fritz: Bob Beeman (driller) won the bid to drill the well. They are also wanting to bid on a well in another city and would be willing to wait to drill the well in Elk Ridge. The Mayor mentioned a possible increase in price if the drilling went into the winter months. Mr. Beemer replied that if the City would be willing to defer the time frame, he would be willing to "eat" those costs.

The Mayor suggested a willingness to defer the time frame. All arrangements should be in writing in a contract.

The City needs to have the well by next spring. It could be capped-off once it is drilled.

Todd Jackson: Cautioned that he would not like to see Mr. Beemer end up with a negative profit and just disregarded the contract.

SEWER STATUS/  
POSSIBLE RATE  
INCREASE

Russell Sly:

Memo submitted to Council:

1. Sewer line break at upper end of Powell Rd. is in Steve Vaughn's back yard. It is too deep (about 18') for the city equipment and requires a contractor with a trackhoe. Bids being solicited at this time.
2. The bottleneck in the trunk line to Salem apparently does not exist or at least is no problem, according to Sunrise Engineering. We do not intend to address this problem further.
3. Salem has received notice of wastewater discharge violations. Elk Ridge will have participate in any expense to rectify the problem. It is not known how much at this time.
4. Preliminary talks have been held with Payson City on connecting to their sewer system. This is in very early stages and we are in the process of fact-finding and formulating negotiations strategy.
5. We have installed a temporary flow meter in the trunk line to Salem. Payson City provided the meter in order to obtain the information needed to proceed on any joint venture.
6. The plan at present is to keep the 18% of the Salem Plant that Elk Ridge owns. (bonding costs will be paid off within 3 years.
7. It is expected that construction of new pipeline to connect with Payson would be funded by new development.

CITY HEALTH  
BENEFIT  
PROPOSAL

Lee Freeman: Currently the City is paying for health benefits for the full-time employees. The premiums are high with PEHP. Councilmember Freeman has been collecting information to compare prices and coverage. Not all the information is back yet. Councilmember Freeman wants to be sensitive to the staff's needs and possibly save the City some money. He will present his findings to the Council.

SPENDING  
AUTHORIZATION  
FOR MAYOR

Mayor Fritz: Currently, the Mayor is authorized to approve up to \$300 without the Council's approval. He feels this should be increased to \$500 to \$1,000. Often has had to either poll the Council or wait until a Council Meeting to approve an expenditure. The Council agreed to \$500. The Purchasing Ordinance would have to be amended.

**ELK RIDGE  
CITY COUNCIL MEETING  
July 23, 2002**

TIME & PLACE  
OF MEETING

The regular Meeting of the Elk Ridge City Council was held on Tuesday, July 23, 2002, at 7:00 PM; it was preceded by a City 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 July 19, 2002.

ROLL CALL

*Mayor*: Vernon Fritz; *City Council*: Todd Jackson, Gary Prestwich, Russell Sly, Sean Nielsen, Lee Freeman; *Administrative Asst.*: Ernestine Folks; *Daily Herald*: Caleb Warnock; *LEI Engineering*: Ernie Thornton, Jesse Conway; *Public*: Jeremy Hermansen, Marty Wootten; *City Recorder*: Janice H. Davis

INVOCATION  
PLEDGE OF  
ALLEGIANCE

Invocation was offered by Ernestine Folks and Caleb Warnock (Daily Herald) led & those present in the Pledge of Allegiance.

AGENDA TIME  
FRAME

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY TODD JACKSON TO APPROVE THE AGENDA, ADJUSTING THE TIME FRAME BY 35 MINUTES**

**VOTE: YES (5)**

**NO (0)**

OAK HILLS  
ESTATES/  
DURABILITY  
RETAINER  
RELEASE

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY SEAN NIELSEN TO ACCEPT THE IMPROVEMENTS AS COMPLETE AND TO RELEASE THE DURABILITY RETAINER FOR THE OAK HILLS SUBDIVISION, PLAT B, AS PER ENGINEERING RECOMMENDATION IN A LETTER DATED JUNE 25, 2002; EFFECTIVE AS OF THE DATE OF THE LETTER**

**VOTE: YES (5)**

**NO (0)**

PARAMETER  
RESOLUTION/  
PARITY WATER  
REVENUE BOND  
2002

Adoption/Consideration for and adoption of a Parameter Resolution authorizing the issuance of not to exceed \$450,000 in Parity Water Revenue Bonds, Series 2002, of the City of Elk Ridge, Utah

**MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY LEE FREEMAN TO ADOPT RESOLUTION NO. 7-23-2002, A RESOLUTION AUTHORIZING THE ISSUANCE AND CONFIRMING THE SALE OF PARITY WATER REVENUE BONDS, SERIES 2002, IN AN AMOUNT NOT TO EXCEED \$450,000 (THE "BONDS") OF ELK RIDGE CITY, UTAH COUNTY, UTAH (THE "ISSUER"), FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE ALL OR PART OF THE COST OF CONSTRUCTING CULINARY WATER SYSTEM IMPROVEMENTS FOR SAID ISSUER (THE "PROJECT"); FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR; PROVIDING FOR THE PUBLICATION OF A NOTICE OF BONDS TO BE ISSUED WITH RESPECT TO THE BONDS; PROVIDING FOR THE RUNNING OF A CONTREST PERIOD; AND RELATED MATTERS**

**VOTE (POLL): SEAN NIELSEN-AYE, TODD JACKSON-AYE, GARY PRESTWICH-AYE, RUSSELL SLY- AYE, LEE FREEMAN- AYE NO (0)  
PASSES 5-0**

RESOLUTION/  
CONCEPT FEE-  
CITY FEE  
SCHEDULE

On 5-22-02, the Concept Application was adopted. The fee of \$50 was not implemented. The City Fee Schedule needs to be amended. The Planning Commission recommended placing this amendment on the Council Agenda.

**MOTION WAS MADE BY TODD JACKSON AND SECONDED BY RUSSELL SLY TO ADOPT A RESOLUTION AMENDING RESOLUTION NO. 00-2-8-2R, SETTING A SCHEDULE OF FEES FOR OFFICE SERVICES, ADDING A CONCEPT PLAN FEE OF \$50 + \$5 PER LOT**

**VOTE: YES (5)**

**NO (0)**

ROCKY MTN.  
WAY  
SUBDIVISION,  
PLAT A/  
EXTENSION OF  
PRELIMINARY  
PLAN PERIOD

Marty Wootten: Submitted a written request for an extension on the approval given to the Preliminary Plat for the Rocky Mountain Way Subdivision, Plat A. The original approval was granted on 5-22-01. The Preliminary approval is good for one year.

**MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY TODD JACKSON TO GRANT THE REQUESTED EXTENSION ON THE PRLIMINARY APPROVAL TIME PERIOD FOR ROCKY MOUNTAIN WAY SUBDIVISION, PLAT A, UNTIL 5-22-03**

**VOTE: YES (5)**

**NO (0)**

Mr. Wootten cannot go further in the subdivision process due to the lack of water capacity in the City. If the situation should change, he will continue.

ORDINANCE/  
ACCESSORY  
BUILDING  
REQUIREMENTS

This Ordinance went through a Public Hearing on 7-9-02. There were no comments from the public at that time.

The ordinance had been sent back to the Planning Commission for review and recommendation because some of the Councilmembers did not feel the height of A building should be measured from the "median point". It was felt that more clarification was needed.

The Planning Commission felt the method of measurement is more restrictive than the current ordinance, which measures from the highest point of grade. They feel the "median point" is reasonable. Their recommendation is to leave the proposed ordinance as it is.



**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY GARY PRESTWICH TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR REQUIREMENTS REGARDING ACCESSORY BUILDINGS, CODIFICATION, INCLUSION IN CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE**

**VOTE (POLL): TODD JACKSON – AYE, SEAN NIELSEN – AYE,  
LEE FREEMAN – AYE, GARY PRESTWICH – AYE, RUSSELL SLY – AYE  
NO (0)**

**PASSES 5-0**

**NUISANCE  
ORDINANCE**

This ordinance has been before the Council many times in various forms. It was to be reviewed by the City Attorney and corrected. It is a combination of the other Ordinances. The Attorney made a few changes. He did question the placement of the requirement of dumpsters on a building site in this ordinance.

Page 3 (Duties), 2<sup>nd</sup> paragraph (4):

The Council does need to make a decision on the amount of time to be allowed to request a hearing before the Board of Adjustments after the receipt of a notice from the City Inspector. It reads "20 days", the Council decided on 30 days.

Page 4 (Hearing): The first sentence should read "...pursuant to Section 3 (not 1), Subsection 2 (not E).

2<sup>nd</sup> sentence: Again, the request for a hearing should be within 30 days (not 20 days).

Mayor Fritz: Asked whether the ordinance should include the part of the appeals process that requires the application to appear before the Board of Adjustments to be sent to the City Attorney to determine the appropriateness of the hearing and to offer an opinion on the matter. It has been a matter of policy to do so in the past.

Gary Prestwich: Suggested tabling the ordinance for two weeks to make further changes to the ordinance.

Russell Sly: Page 3 (Appointment of Nuisance Inspector)

Advised leaving the last sentence of this paragraph out' which refers to the City Attorney, Fire Chief, Councilmembers or employees being under the direction of the Inspector to enforce the nuisance ordinance. These people are authorized under the direction of the Council. (The Council agreed to strike the sentence.)

Adoption of the ordinance was tabled until the next City Council Meeting.

**EXPENDITURES:**

A. General:

Nothing to approve at this time.

B. Check Register: June, 2002, has not been closed out.

**MINUTES**

5-28-02:

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESWICH  
TO APPROVE THE CITY COUNCIL MINUTES OF 5-28-02**

**VOTE: YES (5)**

**NO (0)**

6-11-01:

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY SEAN NIELSEN  
TO APPROVE THE CITY COUNCIL MINUTES OF 6-11-02**

**VOTE: YES (4)**

**NO (0)**

**ABSENT (1) TODD JACKSON**

\*Councilmember Jackson had to leave the Meeting early.

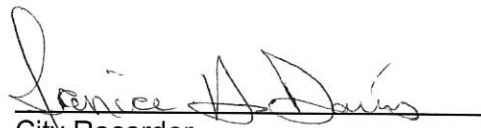
MINUTES  
(CONT.)

7-9-02:

These minutes were of the Public Hearing only. The regular City Council Meeting was cancelled due to lack of business for that night. The Mayor was the only member of the Council present to conduct the Public Hearing. No public attended. **The Mayor verified that the minutes reflected a true account of the proceedings.**

ADJOURNMENT

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESTWICH TO ADJOURN THE CITY COUNCIL MEETING**  
**VOTE: YES (4) NO (0) ABSENT (1) TODD JACKSON**

  
\_\_\_\_\_  
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, August 13, 2002, at 7:00 PM.** This Meeting will be preceded by a **City Council Work Session 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**

1. Roads Update – Gary Prestwich
  - A. Intersection Repair
  - B. Driveway Tie-ins
  - C. Loafer Recreation Area/Road Repair
  - D. Street Signs – Ken Baguley
2. Finish Work on Shute/Mason Home on Fremont Way
3. Trail Easement/Transfer of Land – Mayor Fritz
4. Resolution – Septic/Water Connections as Prior Condition for Building Permit
5. Water Rate Pricing Structure – Sean Nielsen
6. Deputy Recorder Position/Discussion

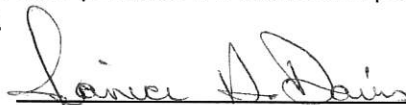
**7:00 PM**

### **CITY COUNCIL MEETING – AGENDA ITEMS**

- Invocation and Pledge of Allegiance
- 7:03 Approval of Agenda Time Frame
- 7:05 7. Nuisance Ordinance/Adoption
- 7:10 8. Approval of Roadway Projects - Gary Prestwich  
(Intersection Repair, Driveway Tie-ins, Loafer Recreation Area Road Repair)
- 7:25 9. Finish Work on Shute/Mason Home on Fremont Way
- 7:30 10. Set Public Hearing/Ordinance Regarding Culinary Water Mains
- 7:35 11. New Well Report:  
Set Public Hearings: New Well Loan Requirements
- 7:45 12. Resolution – Septic/Water Connections as Prior Condition for Building Permit
- 7:50 13. Expenditures:  
General
  - A. LEI Work Release #28 – Vernon Fritz
  - B. Loafer Canyon Rd/Level Land Fill/Parking for Park – Approval of Cost.
- 8:05 14. Approval of Minutes of Previous City Council Meetings
- 8:10 15. Safety Barriers – Questar –Gary Prestwich
- 8:15 Adjournment

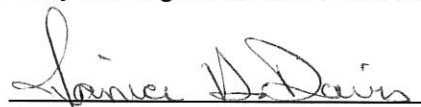
\*Handicap Access, Upon Request. (48 Hours Notice)

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 12<sup>th</sup> day of August, 2002.

  
\_\_\_\_\_  
City Recorder

### **CERTIFICATION**

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certifies 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 August 9, 2002; and an amended Agenda on 8-12-02.

  
\_\_\_\_\_  
City Recorder

**ELK RIDGE  
CITY COUNCIL MEETING  
August 13, 2002**

**TIME & PLACE  
OF MEETING**

The regular Meeting of the Elk Ridge City Council was held on **Tuesday, August 13, 2002, 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 August 9, 2002.

**6:00 PM**

**CITY COUNCIL WORK SESSION**

**ROLL CALL**

*Mayor:* Vernon Fritz; *City Council:* Todd Jackson, Lee Freeman, Gary Prestwich, Russell Sly, Lee Freeman, Sean Nielsen; *Administrative Asst:* Ernestine Folks; *Public:* Kenneth W. Baguley, David F. Cloward, Glen T. Cole, Stanley Cole; *Sheriff:* Sgt. Darren Gilbert; & *City Recorder:* Janice H. Davis

**ROADS UPDATE**

Gary Prestwich:

A. Intersection Repair:

\$4,350 has already been approved for the repair of two of the intersections:

N. Park Dr. & Goosenest and N. Park Dr. & Elk Meadow Dr. Mr. Prestwich has gotten an estimate for the stripe work; it will cost an additional \$170.

Mr. Prestwich also wants to add left-hand turn lanes. Currently, problems exist with those attempting to pass cars making left-hand turns. On Elk Meadow Drive, a parking area will be installed on the east side, for parents waiting for the school bus. Reflectors will be added to the south side of the intersection at N. Park Dr. and Elk Meadow, to try to keep cars from cutting the corner and spreading gravel. Some surveying work has been done on the intersection by LEI.

B. Driveway Tie-ins:

A Construction Agreement with Paramount General Contractors, Inc. was included in the Council Packets. This is to finish repairing the driveway tie-ins on Loafer Canyon Road. (Addresses: 465, 469, 549, 605 & 629 Loafer Canyon Rd.)

The contract amount is \$7,730.55. Councilmember Prestwich has polled the Council and the poll was in favor of the agreement. The project was scheduled to begin on that day (8-13-02).

B. Loafer Recreation Road Repair:

Loafer Recreation Association has asked the City to provide a truck and a driver for a project wherein they will supply the workers and labor if Elk Ridge will assist in paying for t=some of the materials. They are patching their private road and wish to continue on north covering South Loafer Canyon Road. The cost to Elk Ridge would be \$2,000 for hot mix.

Mayor Fritz informed the Council of a development project in Woodland Hills, which is located on the hill east of Loafer Canyon. They propose to use Loafer Canyon Road as an alternate access to the development. The Mayor is opposed to this. The road was not designed to carry the traffic associated with a large development. Dave Church informed the Mayor that Elk Ridge does not have to permit another town to connect to one of our roads. The Mayor has nothing in writing at this point. He will pursue this. A portion of Loafer Canyon Road belongs to Utah County. The Mayor has asked Clyde Naylor to deed this portion to the City. He feels traffic would be better managed if the City owns the road.

David Cloward (Loafer Recreation Association): Informed the Council that they had also requested the same thing of the County, to assist in the repair of the Road leading to the Association property. The repair work is good quality, supervised by Stan Cole, who worked for many years for Salem City and knows the process. The County commented that they would do the work with their own crew.

Mr. Cloward asked that they borrow the City's tamper, as well.

The Road is in very poor shape and if not repaired, we could be in danger of losing the Road.

Mayor Fritz: Suggested that it is an acceptable agreement and is in favor of assisting Loafer Recreation Association in the repair of the Road.

Gary Prestwich: Is in favor of the project.

(The \$2,000 would be billed directly to the City from the Asphalt Company.)

#### D. Street Signs (Ken Baguley)

Mr. Baguley, a former police officer, was asked to analyze the streets in town to determine traffic sign and directional sign needs. He presented a map of suggested signage. He addressed the Council with a brief summary of his thoughts on the issues facing the City.

"The 3 E's regarding traffic are:

1. Engineering
2. Education &
3. Enforcement

\*Traffic safety is the goal of each of the 3 E's

When we are weak in any of the 3 elements, we lose the potential synergistic effect. The antonym for synergism is conflict or collision.

When we're strong in all elements, the desired effect, which is safety, can be achieved."

Mr. Baguley advised the Council that traffic signs should encourage movement, not restriction. Speed is controlled through better enforcement, not stop signs. The map, which was presented, is only a beginning. The Council would like the suggestions prioritized, probably starting with Park Drive.

Nebo School District should also be contacted to coordinate any changes with their bus route and pick-up stations. The Mayor will contact Nebo School District.

Sean Nielsen: Commented that the main arterial roads should continue to be plowed first, even they are not part of the bus route.

Lee Freeman: The Elk Ridge sign on the old Highway needs to be moved from 1700 West to 1600 West (Elk Ridge Ave.). The Mayor spoke to the County and was assured the sign would be moved. They said a streetlight would also be installed.

#### FINISH WORK/ SHUTE/MASON HOME - FREMONT WAY

Mayor Fritz: When Fremont Way was redesigned and re-installed, a resultant problem exists of a "drop off" between the curbing and some of the existing properties. One of these properties was owned by Wayne Shute, who sold it to Jack Mason. Mayor Fritz received a note from Mr. Mason attached to a letter, dated November 19, 2001, from former Mayor Ingram to Wayne Shute. The letter discusses some solutions to Mr. Shute's drop-off problem. Mr. Shute had apparently consulted with Ernie Thornton (LEI) and Gary Bowen (former Mayor Pro-tem) to determine options available to help "blend" the curb & gutter back into the frontage of his house as well as the east side of his property.

List of items discussed in letter:

1. An appropriate slope from the curb back down & into existing driveway
2. Steps from the curb, down to the sidewalk that leads into the home

3. A small retaining wall (4-6 x 18") from west side of driveway to southwest corner of property. The area from retaining wall to curb should be filled with appropriate materials (road base & gravel)
4. Fill dirt & gravel placed behind curb from east side of the driveway & along the east edge of the property

Mayor Fritz is inclined to honor arrangements made by the former Administration; however, the authorization limit of the Mayor was at set at \$300. These repairs will cost considerably more than that. Did the former Mayor have the authority to commit to this size of a project? Approval of this project also exceeds the authority of Mayor Fritz. An estimate of the proposed work is needed.

The Council agreed that there would be no decision until a cost estimate is available.

Russell Sly: Suggested that it appears the work could be expensive, perhaps a "cap" on the amount to be funded by the City would be a good idea.

\*The Mayor will ask Kent Haskell to get a cost estimate, as well as contacting Jack Mason to determine what Mr. Mason wants to do at this point.

This matter will be placed on the next Council Meeting Agenda.

TRAIL EASEMENT/  
TRANSFER OF  
LAND

Mayor Fritz: At the intersection of Oak Ridge Drive and Columbus Lane, Columbus Lane was designed to continue on north, past Oak Ridge Drive and into the Haskell Subdivision. Haskell redesigned the road and it was decided to eliminate the road, Deed the property to the adjacent property owners and create a trail easement for a path leading from the development in the area to the LDS Chapel on Oak Ridge Lane. The property owners, Joseph Blouin and Alton Ekins are adjacent to the road. Mr. Blouin (on the west side) said that he received permission from the former Mayor Pro-tem to install a cement driveway over the road right-of-way in anticipation of having the land deeded to him.

Mr. Ekins (east side) needs to have access to the back of his property through the easement.

With the cement driveway in place on Mr. Blouin's property, if the trail were to go in, it would have to be installed all on Mr. Ekins' property.

There has been no vacation process to vacate the old road (Columbus Lane).

\*Councilmember Todd Jackson will speak to Mr. Ekins to determine his needs to access that side of his property and will bring the information back to the City Council at the next Meeting.

RESOLUTION/  
SEPTIC -  
WATER  
CONNECTIONS

Mayor Fritz: The intent of this proposed resolution is to allow building permits on existing, approved lots in the Goosenest Area. The City Planner feels this could be accomplished safely. Currently, building permits cannot be issued in the area because the Ordinance states that property owners may not have septic tanks. Connection to a water system with sufficient flow for fire protection has also been an issue.

Ernestine Folks: The current Ordinance does not require connection to the City water system, only that there is sufficient flow for fire protection.

The Well Head Protection Plan should also be taken into consideration with the proposed allowance of septic tanks in the Goosenest area.

The proposed resolution has not been to the Attorney for review and any action on it will be deferred until that time.



WATER RATE  
PRICING  
STRUCTURE

Sean Nielsen: Submitted a Water Report for July, 2002, wherein he summarized as follows:

June, 2002 gave us some hope for conservation because of the dropped usage over June, 2001. July does not tell the same story. There was an increase in usage for July, 2002 (26,882,000) over 2001 (24,549,000). There were an additional 33 homes connected to our water system. This reflects a 7% increase in connections, but usage went up by 9.5%. It is apparent that there was a greater effort to participate in conservation requests from the City Council in June.

*Information taken from the 2001 & 2002 Well Meter Readings Report:*

	Usage	Revenue	Count
July 2001	24,540,000	\$38,574	430
July 2002	26,882,000	\$57,972	463

Change/Percentage    +2,333,000 + 9.5%    \$19,398/ + 50%

Proposal: The increase in revenue, while needed, is very extreme. The average per connection increase is \$41.89 in July 2002. Only \$15 is mandated by the current base rate. \$26.89 is based off the new tier structure. Using July 2002 as an example, consider the following:

Allowing citizens of Elk Ridge an opportunity to buy down the base rate, the City would still have increased revenue based off usage.

(Graphs were included in the report showing:

1. Gallons sold comparison from Jan. 2001 to July 2002
2. Revenue generated at various levels of up-front payments)

The money would be applied to the bonding obligations the City has for water projects.

Discussion:

Mayor Fritz: Would like to have information generated from at least one-year of history with the current water rates prior to any more changes. He plans to consider drilling another well in the Elk Meadow area (possible participation from Payson City).

Todd Jackson: The increased base rate was intended to cover bonding requirements, as well as, creating a reserve for other water system projects, like the replacement of substandard water lines. He is concerned that the Council would have to go back to the citizens for more money to cover any major emergency.

The Auditors have warned the Council that the Water Dept. is not supporting itself. He agrees with the Mayor that there should be more history to base a decision off of. Suggestion: To revisit the issue in December so there is more data available.

Making decisions based on too little information could create unforeseen problems.

Russell Sly: Agrees that the Council should wait until after October, 2002.

Gary Prestwich: Also feels the Council should wait at least until after the summer months to look at the numbers.

Sean Nielsen: The City is raising rates to pay for new bonds and projects, anyway. He feels it is an endless cycle of raising rates. This volunteer option would only be rewarded with a \$15 reduction in the base rate.

Todd Jackson: Would like of see a comparison of various levels of participation and the resulting revenue generated.

\*Councilmember Nielsen will request that this item be placed back on the Agenda at a later date.



DEPUTY  
RECORDER  
POSITION

The position of Deputy Recorder was advertised as open. After interviewing the applicants, Mayor Fritz recommends to the Council to hire Stephanie Christensen. She seems to be highly qualified and is currently building a home in Elk Ridge. The Mayor checked her listed references and received very positive comments about Mrs. Christensen's work and abilities. She would be filling the position on a part-time basis, with no benefits included.  
The subject is not on the Agenda as an action item  
The Mayor polled the Council for their opinion.  
The Council had no objections to the Mayor's recommendation.

**ELK RIDGE  
CITY COUNCIL MEETING  
August 13, 2002**

TIME & PLACE  
OF MEETING

The regular Meeting of the Elk Ridge City Council was held on **Tuesday, August 13, 2002, 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 August 9, 2002.

ROLL CALL

*Mayor:* Vernon Fritz; *City Council:* Todd Jackson, Lee Freeman, Gary Prestwich, Russell Sly, Lee Freeman, Sean Nielsen; *Administrative Asst:* Ernestine Folks; *Public:* Kenneth W. Baguley; *Sheriff:* Sgt. Darren Gilbert; & *City Recorder:* Janice H. Davis

INVOCATION  
& PLEDGE OF  
ALLEGIANCE

Invocation was offered by Russell Sly and Lee Freeman led those present in the Pledge of Allegiance.

AGENDA TIME  
FRAME

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY SEAN NIELSEN  
TO APPROVE THE AGENDA, ADJUSTING THE TIME FRAME BY 57 MINUTES  
VOTE: YES (4) NO (0) ABSENT FROM VOTE: (1)  
GARY PRESTWICH**

NUISANCE  
ORDINANCE/  
ADOPTION

Mayor Fritz: The City Attorney has reviewed the document and has made some revisions. To the definitions in a few places to make them more clear. He removed redundant portions on criminal penalties and left in just one reference in the failure to comply. He also removed the duplicative sections on notice and hearing and left just one in the failure to comply section. In his previous memo, Mr. Church advised that the section on *Nuisances on Property Under Construction* would be better placed somewhere else and not be part of this nuisance ordinance. Currently, the Mayor is having the City Planner compile all the ordinances having to do with building permits and construction in one ordinance. The section referred to by Mr. Church may be better located in that document.

Discussion:

Gary Prestwich: Question on Page 3 (B. Duties), 2<sup>nd</sup> Sentence:

"If requested by a citizen, the Inspector may keep the name of the citizen confidential." He feels the "may" should be changed to "must".

According to the Sheriff, since this is a City ordinance, if the accused pleads “not guilty” and the nuisance did not occur in the sight of the sheriff, then the citizen making the complaint would have to come forward with a formal complaint, or there would be no case.

After further discussion, it was decided to delete the entire sentence.

Page 2 (C. Nuisances of Property under Construction):

It was decided to delete the entire section.

The process should include contact with the accused violator, to give him/her a chance to abate the nuisance. Prior to issuance of a citation by the sheriff, which is the less expensive method, the City Attorney should be contacted.

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY  
ADOPT AN ORDINANCE ENACTING POLICIES AND PROCEDURES FOR  
ABATING PUBLIC NUISANCES WITH THE FOLLOWING CHANGES:**

**1. PAGE 3 (B. DUTIES): DELETE THE 2<sup>ND</sup> SENTENCE CONCERNED WITH  
CITIZENS’ NAMES BEING KEPT CONFIDENTIAL**

**2. PAGE 2 (C. PROPERTY UNDER CONSTRUCTION): DELETE ENTIRE  
SECTION**

**VOTE (POLL): SEAN NIELSEN-AYE, TODD JACKSON-AYE, LEE FREEMAN-  
AYE, GARY PRESTWICH-AYE, RUSSELL SLY-AYE NO (0)  
PASSES 5-0**

APPROVAL/  
ROADWAY  
PROJECTS

1. Intersections & Driveways:

Ernestine Folks: Have the contracts been reviewed by the City Attorney?

These have not been. (These contracts have already been let out. In the future, it is a wise suggestion to have all contracts reviewed by the Attorney.)

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED RUSSELL SLY  
ACCEPT THE CONTRACTS FOR THE WORK TO BE DONE ON THE  
INTERSECTIONS OF GOOSENEST DRIVE & N. PARK DRIVE AND N. PARK  
DRIVE & ELK MEADOW, WITH THE ADDITION OF \$170.00 TO THE ALREADY  
APPROVED COST OF \$4,350.00; AND THE CONTRACT WITH PARAMONT  
GENERAL CONTRACTORS, INC. FOR THE DRIVEWAY TIE-INS ON LOAFER  
CANYON ROAD, IN THE AMOUNT OF \$7,730.55**

**VOTE: YES (5)**

**NO (0)**

2. Loafer Canyon Road Repair/Loafer Recreation Association:

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL  
SLY TO APPROVE UP TO \$2,000.00 FOR MATERIALS TO REPAIR THE  
SECTION OF LOAFER CANYON ROAD OWNED BY ELK RIDGE CITY; THE  
WORK TO BE DONE BY LOAFER RECREATION ASSOCIATION; TO BE PAID  
DIRECTLY TO THE ASPHALT COMPANY, WHEN BILLED**

**VOTE: YES (5)**

**NO (0)**

FINISH WORK-  
SHUTE/MASON

This item is deferred until the Mayor speaks to Mr. Mason.

SET PUBLIC  
HEARING

Ordinance/Culinary Water Mains:

The City Attorney has reviewed this proposed ordinance. His recommendation is to approve the ordinance.

Correction:

Page 2: Section I (10-3-3.26) 1-1-B (2):

Change from “accepted by the Town” to “inspected and approved by the City Engineer,”

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY SEAN NIELSEN TO SET A PUBLIC HEARING FOR AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO THE REQUIREMENTS THAT MUST BE SATISFIED BEFORE THE ISSUANCE OF A PERMIT REGARDING CULINARY WATER MAINS, PROVIDING FOR CODIFICATION, INCLUSION IN THE CODE, AND SCRIVENER'S ERRORS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE, FOR SEPTEMBER 10, 2002, AT 6:00 PM**  
**VOTE: YES (5) NO (0)**

**NEW WELL  
REPORT**

Mayor Fritz: The additional \$75,000 for the New Well has been approved by the State Drinking Water Board.  
One of the requirements for the Loan is a Water Conservation & Management Plan. This has been completed and submitted to the State Drinking Water Board.  
Review of this document has to be reviewed by the Council with the water users in the City. There will be a Public Meeting. The residents will be invited to the Meeting. The notice does not have to be published in the local newspaper.  
It will go out by way of flier, posting and publication. The Meeting will be on the next agenda for the City Council Meeting to be held on August 27, 2002.

**RESOLUTION/  
SEPTIC/WATER  
CONNECTIONS**

Defer until the next City Council Meeting.

**EXPENDITURES:**

1. LEI Work Release #28:

**MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY TODD JACKSON TO PAY INVOICE #102938, FROM WORK RELEASE #28, IN THE AMOUNT OF \$10,031.99; PENDING VERIFICATION OF THE AMOUNT PAID TO LEI ENGINEERING FOR WORK RELEASE #28**  
**VOTE: YES (5) NO (0)**

2. Loafer Canyon Rd-Level Landfill/Parking Lot for Park:

Russell Sly: The fill dirt piled in Loafer Canyon needs to be leveled off; and the temporary parking lot for the Park also needs to be cleared off. The cost of a bulldozer is \$375/day + transport cost, which adds up to \$875 + fuel.  
The Mayor and Councilmember Sly are going to donate the labor in running the bulldozer.

**MOTION WAS MADE BY TODD JACKSON AND SECONDED BY LEE FREEMAN TO APPROVE \$1,200 FOR THE RENTAL OF A BULL DOZER FOR LEVELING AND CLEARING PURPOSES FOR THE CITY**  
**VOTE: YES (5) NO (0)**

**MINUTES**

City Council Minutes of 6-25-02 & 7-23-02:


**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO APPROVE THE CITY COUNCIL MINUTES OF 6-25-02 AND 7-23-02**  
**VOTE: YES (5) NO (0)**

**SAFETY  
BARRIERS/  
QUESTAR**

Gary Prestwich: Questar is going to place cement barriers on the corner of Escalante & Park Dr. to protect the main access point to the Questar Gas Line. They will be 3' high X 10' long.

ADJOURNMENT

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY LEE FREEMAN  
TO ADJOURN THE CITY COUNCIL MEETING  
VOTE: YES (5) NO (0)**

  
\_\_\_\_\_  
City Recorder

## **NOTICE & AGENDA**

Notice is hereby given that the City Council of Elk Ridge will hold a Regularly Scheduled City Council Meeting on **Tuesday, August 27, 2002, at 7:00 PM**. This Meeting will be preceded by a **City Council Work Session 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**

1. Fairway Heights, Plat B/Turnarounds – Mayor Fritz
2. Elk Ridge Heights, Plat A/Durability Retainer Bonding
3. Finish Work on Shute/Mason Home on Fremont Way – Mayor Fritz
4. Resolution – Septic/Water Connections as Prior Condition for Building Permit – Mayor Fritz
5. Trail Easement/Columbus Ln. & Oak Ridge Dr. – Todd Jackson
6. Roads Update – Gary Prestwich
7. Park Grant Request – Todd Jackson
8. LEI Engineering/Contract Extension – Mayor Fritz
9. City Parking Lot/Surface Repair – Mayor Fritz

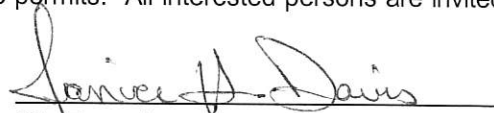
**7:00 PM**

### **CITY COUNCIL MEETING – AGENDA ITEMS**

- Invocation and Pledge of Allegiance
- 7:03 10. Approval of Agenda Time Frame
- 7:05 11. Fairway Heights, Plat B/Turnarounds – Mayor Fritz
- 7:20 12. Elk Ridge Heights, Plat A/Durability Retainer Bonding
- 7:30 13. Public Meeting:
- A. Water Conservation & Management Plan – New Well Funding
  - B. New Well Loan & Drilling Contract – Mayor Fritz
- 8:00 14. Finish Work on Shute/Mason Home on Fremont Way – Mayor Fritz
- 8:05 15. Resolution – Septic/Water Connections as Prior Condition for Building Permit – Mayor Fritz
- 8:10 16. Trail Easement/Columbus Ln. & Oak Ridge Dr. – Todd Jackson
- 8:20 17. Sewer Repair Contract/Confirm Polled Vote – Mayor Fritz
- 8:25 18. LEI Engineering/Contract Extension – Mayor Fritz
- 8:35 19. City Parking Lot/Surface Repair – Mayor Fritz
- 8:40 20. Park Grant Request – Todd Jackson
- 8:45 21. Flag Pole Lighting – Mayor Fritz
- 8:50 22. Expenditures:
- A. General
  - B. Warranty Register/June, 2002
  - C. Meter System Conference/Kent Haskell – Mayor Fritz
- 9:00 23. Approval of Minutes of Previous City Council Meetings
- 9:05 24. Impact Fees – Discussion & Action – Russell Sly
- 9:10 Adjournment

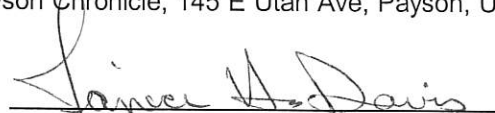
\*Handicap Access, Upon Request. (48 Hours Notice)

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 23<sup>rd</sup> day of August, 2002.

  
City Recorder

### **CERTIFICATION**

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certifies 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 August 23, 2002.

  
City Recorder

**ELK RIDGE  
CITY COUNCIL MEETING  
August 27, 2002**

**TIME & PLACE  
OF MEETING**

The regular Meeting of the Elk Ridge City Council was held on **Tuesday, August 27, 2002, 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.

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**6:00 PM**

**CITY COUNCIL WORK SESSION**

**ROLL CALL**

*Mayor:* Vernon Fritz; *City Council:* Todd Jackson, Lee Freeman, Gary Prestwich, Russell Sly, Sean Nielsen; *Administrative Asst:* Ernestine Folks; *Scouts:* Bryce Christensen, Eric Newman, Brad Tuckett, Jared Roberts, Andrew Lindsey, Brad Tuckett, Riley Bradshaw; *Public:* Paul Eddy; & *City Recorder:* Janice H. Davis

**FAIRWAY  
HEIGHTS, PLAT B  
TURNAROUNDS**

The turnarounds in the subdivision are deteriorating. This issue has been addressed in the past. Last fall LEI Engineering marked the places to be cut and patched; nothing was done. The original Development Bond was in the form of a letter of credit and the Bond were released prematurely, without the authorization from the City. There is no Durability Bond in place. The Mayor spoke to Mr. Darling and gave him two weeks to make the repairs. Mr. Darling responded that he is unwilling to repair the turnarounds. The choice is to continue to argue about the necessary repairs, as the road gets worse, or to do the work and bill the developer. Mr. Darling did sign a "Performance Agreement", which guarantees the improvements within his subdivision.

Suggestion: To consult with David Church to determine if the City could legally eliminate the option of using Performance Bonds for development (the Letter of Credit option has been taken out of the Subdivision Ordinance). This would allow developers to use Escrow Accounts only. It would not be popular with developers; however, the City can track the disbursements and has control of the money during the construction period as well as during the 2-year Durability time period.

Gary Prestwich: Perhaps the Planning Commission could re-visit the issue of standards for temporary turnarounds and the removal of the Performance Bond option to fund development in Elk Ridge.

**ELK RIDGE  
HEIGHTS,  
PLAT A/  
DURABILITY  
RETAINER**

The developer of the Subdivision, Hamid (Tony) Morteazadeh, desires to convert the money held in an Escrow Account for the remainder of the durability time, to a Performance Bond. The City Planner, Jim Bolser, is of the opinion that this would be allowed, as long as the Bond is in Place prior to the money being approved for release to the developer. Currently, a Performance Bond is one of the options. Mr. Morteazadeh will have to sign a Performance Bond Agreement to state the terms of the Bond. He understands this.

**FINISH WORK  
ON SHUTE/MASON  
HOME ON  
FREMONT WY**

David Church feels, since the previous City Council did not approve any agreement with Mr. Shute, that the letter from former Mayor Ingram may not be legally binding. Mayor Fritz feels there may be some obligation to install some of the improvements mentioned in the letter to Mr. Shute. The height of the curbing has created the Problem. The improvements would cost approximately \$2,000.



Gary Prestwich: To be consistent with the improvements offered to some of the residents in Loafer Canyon, in conjunction with the installation of the road and curb & gutter, he feels the agreement should be honored. The City Government needs to be credible.

Mayor Fritz: The retaining wall would be about \$1,400 – \$1,600; the steps need to be done. Mr. Mason would like to have the retaining wall.

Russell Sly: Commented that individuals should not make promises, which place other Councils in a bind to fulfill them. He would like to offer to do less than the letter says.

Lee Freeman: What would the difference in cost be? What would the “minimum” consist of? He does not see why the Council would be bound to doing all of the repairs.

Mayor Fritz: Minimum: Install the steps and fill in the gaps with road base, sloping it down to the grass.

Todd Jackson: Agrees with Councilmember Prestwich. When promises are made, they should be honored. He is inclined to seek Mr. Mason's feelings on how much would be acceptable to him. Perhaps Mr. Mason would be willing to pay for ½ of the wall.

Sean Nielsen: Agrees with Councilmember Sly. He feels the City pays for too much. If the former Mayor agreed to certain things, perhaps just offering the amount the Mayor can authorize (\$300) for work to be done for Mr. Mason would be the answer. He feels that \$2,000 is too much. There are other solutions to the problem than a retaining wall.

Mayor Fritz: The Council's decision would be 1) Not to do anything 2) Do all of the improvements listed in the letter, or 3) Compromise and do a portion of it.

RESOLUTION/  
SEPTIC/WATER  
CONNECTIONS-  
BUILDING  
PERMITS

Mayor Fritz: This proposed resolution would allow building permits to be issued in specific areas using septic tank disposal systems. Residents in this area would also be permitted to receive water services from a source other than the Elk Ridge municipal water system; so long as there is sufficient capacity to continue such water service. There would have to be an accompanying statement of serviceability from the Elk Ridge City Fire Chief.

The Mayor feels that the Goosenest area is 1 ½ miles from any of the well heads and a few more septic tanks will not endanger the aquifers. There would have to be an understanding that as soon as the sewer is available, they would have to connect.

Changes: In the heading for the resolution: “residential development” changed to “residential building permits”

TRAIL  
EASEMENT/  
COLUMBUS LN.  
& OAK RIDGE DR.

Todd Jackson: Columbus Ln. used to continue north from Oak Ridge Drive. It was meant to eventually connect to Lee Haskell's development. The extension of this road was abandoned and it was decided upon to install a trail to connect Oak Ridge to this lower area. Based on verbal permission granted, there have been improvements made to this area where the 8' wide trail was to go. They were not informed of the plans for a trail.

There have been inquiries from some of the citizens in the Haskell Subdivisions, who were told there would be a trail.

The resident on the west of the road has installed a fence and a cement driveway. Councilmember Jackson contacted Mr. Ekins (on the east side of the road) to see if he would be willing to have a 4' wide trail run across the edge of his property. His fence would have to be moved and the access to his property would be asphalted. Mr. Ekins was agreeable. A written agreement would have to be approved and in place prior to any construction.



Councilmember Jackson will draft the document and work with Mr. Ekins. The trail would be a 4' wide trail rather than 8' wide.

Scout (Question): Will bikers be able to use the trail? (Walking bikes through would be permissible. Posts installed at either end of the trail would prohibit misuse of the trail.)

\*Note: There is a "vacation" process that needs to take place, to "vacate" the street shown on the existing Plat(s) and create a replacement plat. The City Engineers would do this. It includes a Public Hearing.

#### ROADS UPDATE

Gary Prestwich:

Cost estimates for Intersection repairs:

1. Gooseneck/Oak Ridge; Elk Meadows Drive/Park Drive;  
Fairway Drive turnarounds: \$11,700.00 (5,200 sq ft. @ \$2.25/ft.)
2. Fremont Way; Columbus/Oak Ridge Dr.: 160 tons overlay = \$8,550.00

The funding for this will come from the General Fund, fund balance. It will have to be transferred into the budget when it is amended.

Councilmember Prestwich reviewed engineered drawings of the intersection repairs with the Council.

The Council was generally in favor of the repairs being done this fiscal year.

#### PARK GRANT REQUEST

Todd Jackson: There are grants available that the City might be able to use on "trails". Councilmember Jackson is going to pursue any of these grants that would be applicable. He will bring any information he gathers back to the Council. October 15, 2002, is the deadline for the larger grant and until early September for a couple of the smaller ones.

Proposal for trails:

1. Columbus Lane & Oak Ridge Drive
2. Trail from LDS Chapel on N. Park Drive, extended south on N. Park Dr. to the intersection at N. Park Dr. & Elk Meadows Dr., turn (perhaps crossing the street) and extend east on East Park Drive to the City Park area.

Other grants for forested areas and tree-planting programs. He would like to see trees planted along these proposed trails.

Most of these grants require a 50% match, which could be made up of "volunteer time".

Russell Sly: Questioned if the drainage project of mitigating run-off problem on Park Drive with this proposed trail project? (He was not referring to curb & gutter.)

Mayor Fritz: The suggestion would have to go to the engineer and the Planning Commission, or to the "Trails Committee".

Scout (suggestion): Could any of this project be considered as a project for an Eagle Scout? (The Mayor commented that the Council is always willing to listen to proposals for Eagle Projects.)

#### LEI ENGINEERING/ CONTRACT EXTENSION

Mayor Fritz: LEI Engineering has been the City's Engineer for the past three years. Their contract with the City expires on September 17, 2002. Other engineering firms have made presentations to the City Council and have submitted written proposals. The Mayor has spoken to LEI to see if they would be agreeable to an extension of the contract; and they were agreeable. The Mayor recommends a one-year extension of the City's contract with LEI Engineering. There would be changes in the contract to better meet the City's needs, for example:

- A more extensive breakdown of items on an estimate for work to be done
- Items compared to the final bill and actual costs for the items listed
- There is a question on the percentage rate charged for work to be done on projects

The Mayor asked that the Council be prepared to discuss this matter at the next Council Meeting, to be held 9-10-02.

CITY PARKING  
LOT/SURFACE  
REPAIR

Mayor Fritz: Three proposals have been submitted for striping the City Parking Lot. Part of the Parking Lot will be repaired by Questar. The Council may wish to postpone the work until Spring. A petroleum-based seal coat should be used, rather than water-based.

**ELK RIDGE  
CITY COUNCIL MEETING  
August 27, 2002**

TIME & PLACE  
OF MEETING

The regular Meeting of the Elk Ridge City Council was held on **Tuesday, August 27, 2002, 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 August 23, 2002.

ROLL CALL

*Mayor:* Vernon Fritz; *City Council:* Todd Jackson, Lee Freeman, Gary Prestwich, Russell Sly, Sean Nielsen; *Administrative Asst:* Ernestine Folks; *Scouts:* Bryce Christensen, Eric Newman, Brad Tuckett, Jared Roberts, Andrew Lindsey, Brad Tuckett, Riley Bradshaw, Daniel Mason; *Public:* Paul Eddy, Doug Lindsay, Ryan Magoffin, Perry Ewell, Jared Clark, Jack Mason, Ray Day, Don Hopkins, Ron Jasper, Stuart Jolley, Richard White, R. Norlund, Hal Shuler, Darren Balls, Michael Brockbank, Cameo Johnson, James Bonny, Catherine Fillerup, Steven Acerson, Barry Bradshaw, Kendall Gibson; & *City Recorder:* Janice H. Davis

INVOCATION  
& PLEDGE OF  
ALLEGIANCE

Invocation was offered by Sean Nielsen and Todd Jackson led those present in the Pledge of Allegiance.

AGENDA TIME  
FRAME

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY GARY PRESTWICH TO APPROVE THE AGENDA, ADJUSTING THE TIME FRAME BY 11 MINUTES**  
**VOTE: YES (5) NO (0)**

FAIRWAY  
HEIGHTS, PLAT B/  
TURNAROUNDS

The vote was postponed until later in the Meeting.

ELK RIDGE  
HEIGHTS, PLAT A/  
DURABILITY BOND

Deferred to a future Meeting.

7:30 PM

**PUBLIC MEETING**

ROLL CALL

*Mayor:* Vernon Fritz; *City Council:* Todd Jackson, Lee Freeman, Gary Prestwich, Russell Sly, Sean Nielsen; *Administrative Asst:* Ernestine Folks; *Scouts:* Bryce Christensen, Eric Newman, Brad Tuckett, Jared Roberts, Andrew Lindsey, Brad Tuckett, Riley Bradshaw, Daniel Mason; *Public:* Paul Eddy, Doug Lindsay, Ryan Magoffin, Perry Ewell, Jared Clark, Jack Mason, Ray Day, Don Hopkins, Ron Jasper, Stuart Jolley, Richard White, R. Norlund, Hal Shuler, Darren Balls, Michael Brockbank, Cameo Johnson, James Bonny, Catherine Fillerup, Steven Acerson, Barry Bradshaw, Kendall Gibson; & *City Recorder:* Janice H. Davis

**Water Conservation & Management Plan:**

Mayor Fritz: A part of the requirements for the Loan from the State Drinking Water Board is to provide a plan from the City for Water Conservation & Management. It is a Federal law to have such a Plan in place by January, 2004. The Plan was submitted to the State in a draft form and copies were made available to the public. Of all the communities in Utah, only 94 have turned these Plans into the State. The State rates the Plans on a scale of 1-10, with the majority of the ratings falling in the range of about 5 or 6. The Plan, as presented, is a beginning. It will evolve over time. The Plan covers a brief history of the Community, the existing problems and the directions to go in relation to these problems. The document should be a re-evaluation on an annual basis. The goal is for the City to be able to predict what the water consumption and the population will be at a given year and how will the City fund these needs?

As was mentioned in the "State of the City" address, the City has some costs. There are about ¾ mile of water line that is only capable of handling about 400 gpm, yet the New Well being drilled is expected to produce approximately 1,000 to 1,200 gpm. The replacement of the water line could cost about \$100,000.00.

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESTWICH TO APPROVE A RESOLUTION ADOPTING THE WATER CONSERVATION AND MANAGEMENT PLAN FOR THE YEAR 2002 FOR ELK RIDGE CITY, SHOWN AS EXHIBIT "A"**

**VOTE: YES (5)**

**NO (0)**

**New Well Funding & Drilling Contract:**

Mayor Fritz: Gave a brief up-date on the process of drilling a replacement well in the area of the existing Well #5. The original amount applied for was \$250,000; that amount has increased to about \$350,000 (The City is required to participate at least \$25,000). The terms of the Loan are to be decided: A 20-year loan would be at 4.05% interest and the payments would average a little over \$25,000/year

A 15-year Loan would be at 3.8%, with payments at about \$31,000/year.

One of the Drilling Bids is in the range of \$274,400.00; the closest bid to this was over \$100,000.00 higher. The price could increase if the bids have to be let again. The Driller (Mr. Beemer) is willing to work with the City and wait until the first part of October, 2002, to start drilling. The hope is that the drilling will be complete in about 45 days; the reality is that it could take longer with winter coming up.

Mayor Fritz: The Mayor and City Recorder participated in a conference call between the State Drinking Water Board, the City's Bond Attorney's Office, the City's Attorney (David Church) and the City's Engineering firm (Mike Christiansen). The purpose of the call was to clarify all aspects of the pending Loan from the State Drinking Water Board to Elk Ridge, for the purpose of drilling a new well in the area of the existing Well #5. The city was advised by the State Drinking Water Board not to grant the drilling contract until the money from the State has been received by Elk Ridge.

The Mayor left a message stating that advise with Mr. Beemer (driller). He has not responded.

The bond Attorney is hoping to have the Bond Resolution on the City Council Agenda by September 10, 2002; and the Closing on the Loan is tentatively set for September 18, 2002, in Richfield, Utah.

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY SEAN NIELSEN TO SET A PUBLIC HEARING FOR 9-10-02 AT 6:10 PM FOR THE PURPOSE OF HEARING PUBLIC COMMENT ON THE PROPOSED BOND RESOLUTION AND TO INFORM THE PUBLIC OF THE PROGRESS ON DRILLING A REPLACEMENT WELL FOR THE CITY**

**VOTE: YES (5)**

**NO (0)**

**Open Comments & Questions:** (Mayor Fritz answered the questions)

Cameo Johnson: Where will the New Well be located?

(About 57' from the existing Lower Well #5)

Doug Lindsay: At what depth?

(It is expected to hit water at 800'; we will drill down to 1,100'.)

Paul Eddy: Asked if Elk Ridge is working with Payson City on a project to drill a well above the 7<sup>th</sup> or the 12<sup>th</sup> hole of Gladstan Golf Course?

(Yes. There was a meeting on the previous Friday to discuss the options and there is another meeting scheduled for 9-24-02.)

Jared Roberts: Where will the funding come from for the New Well?

(State Drinking Water Board)

(Questions/Answers – cont.)

Mike Brockbank: When would the project with Payson City take place?

(This is all still in the beginning stages. There are many things yet to be decided.

There are other issues to consider:

- Developers desiring to come into the Community could be required to share in the costs of the projects.  
The Mayor's recommendation would be to have developers pay the larger share of the costs.
- The target time frame would be within the next year to year & 1/2.; but nothing is for sure at this stage.

Mike Brockbank: He has heard that Woodland Hills drilled a well, which turned out to be artesian. What criteria were used to obtain this result?

(A geological study is being conducted to determine where the well should be drilled. A test hole will be drilled, with Payson sharing in the cost. An artesian well would be a matter of good luck. There are no guarantees in drilling any well.)

Richard White: How much creative thinking is going on in an effort to raise money rather than taxes?

The Mayor turned the time over to Councilmember Nielsen to discuss an idea he is researching:

Sean Nielsen: The concept is to offer "up-front" payments (up to \$650 per household) for water charges, to "buy-down" the base rate. There would be a guaranteed \$15.00 reduction on the base rate as long as the water user owns his/her home. This benefit would come over a longer period of time and the arrangement would not be transferable. The "up-front" payment would be used to pay down the cost of the New Well. He proposed that the arrangement be worded so that those who participate are guaranteed the \$15 difference in the base rate.

The Mayor added that the Council is looking for ways to accomplish the goals and to meet the needs of the City. This is one idea under consideration.

Mr. White: Suggested the arrangement be legally written to guarantee the future discount.

Jack Mason: Has any consideration been given to other water sources: Catching rainwater and gray water management?

(Mayor Fritz admitted that those would be options a Water Board could investigate. As far as “gray water” or a secondary water system, he does not think this is a good alternative for Elk Ridge due to the high pumping costs to get the water to the City and the cost of the system itself.)

Russell Sly: Asked for the public present to express their opinion by a show of hands, of the proposed “buy-down” option.

Tom Bean: Has been gone for two years. He can see the advantage of paying down the base rate. Has any research been done on Federal grants available? Why not drill up above the fault line where pumping is not a problem?

(A person has been assigned to look into grant money available. There have been no results yet. This would also be part of the responsibilities of a Water Board.

As far as drilling up above the fault line; the arguments against this were discussed:

1. Two major sources in the same area could present problems with the aquifer; would it support two big wells drawing from it?
2. In case of an earthquake, two sources could be cut off rather than just one.
3. There is a known, good aquifer in the area of Well #5 (Lower)

Mayor Fritz commented that the City Engineers advised drilling a well up around hole #7 of the Golf Course; however, the cost for a test well would be about \$35,000 and if a dry hole were the result, the money would be wasted. We know there is a good aquifer under Well #5. It was felt that there would be less risk.

The Council felt that the City should solidify the sources of water first to service the current residents, and then explore other options.

Paul Eddy: Suggested everyone write to our senators and congressmen to get a rider on a bill to get the City some funding.

(The Mayor asked Mr. Eddy if he would head up this effort? He said, “Yes”. The Mayor responded with “So appointed”).

Barry Bradshaw: Wanted to know how long it would be before the City would have CUP Water available?

(10 to 15 years at best. Even though there are disadvantages, CUP water is not a “dead issue”, it is an issue being pursued.)

City Recorder: The base rate was raised for a reason. Could a “buy down” on the base rate create problems for future Councils and future bonding capability?

Sean Nielsen: The increases in rates are there to cover bonding obligations. If we don't get the bonds paid off, the rates will never decrease. The only way to guarantee our rates will go down is to pay our shares up-front and pay off some of this debt. If the need arises, rates could be raised again; but these people would still be \$15 below the rates. There could be further opportunities to buy down the rate again to further assist in paying off any future debt. This would not be an “end all” solution to all the City's water problems; it is just one way to assist.

Stewart Jolley: Another way would be to run the Water Dept. as a business, and could operate at 6% above cost. If a bond retires and costs go down, then rates would decrease accordingly.

(Close Public Comments)

The Council needs to decide on the terms of the loan.

**MOTION WAS MADE BY GARY PRESWICH AND SECONDED BY LEE FREEMAN TO APPROVE THE TERMS OF THE LOAN FROM THE STATE DRINKING WATER BOARD AS A 15-YEAR LOAN AT 3.8% INTEREST RATE**

**VOTE: YES (5)**

**NO (0)**



FINISH WORK-  
SHUTE/MASON

This item is deferred until the City Council Meeting on 9-10-02.

RESOLUTION –  
WATER/SEWER  
CONNECTIONS  
PRIOR TO  
BUILDING PERMIT

Mayor Fritz: This proposed resolution would allow building permits to be issued, under certain conditions, in areas where there is no available connection to the sewer system or to the City's municipal water system. This would also allow building permits to be issued in areas where there is insufficient culinary water for fire protection. A statement of serviceability from the Elk Ridge City Fire Chief would also be required.

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO APPROVE A RESOLUTION ESTABLISHING THE AVAILABILITY OF RESIDENTIAL BUILDING PERMITS USING SEPTIC TANK DISPOSAL SYSTEMS WITHIN SPECIFIC AREAS OF THE CITY AND UNDER SPECIAL CRITERIA, PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE**

**VOTE: YES (5)**

**NO (0)**

TRAIL EASEMENT/  
COLUMBUS LN. &  
OAK RIDGE DR.

Todd Jackson: Suggested deferring this matter until more information is available. Councilmember Jackson will draft an agreement for the proposed easement and submit it to the Council for approval.

SEWER REPAIR  
CONTRACT

(Confirm Polled Vote): There was a necessary repair on the sewer line between Fremont Way and Powell Cr. The Mayor polled three of the Councilmembers for approval on the bid (\$5,050) for the work to be done, with the proviso that the leak site has been properly located by a previous scope. If the leak site is off, the cost of repair could be more.

Russell Sly: This was a deep hole for a sewer line. The contractor (Dennis Jacobson) is using a track hoe to do the work. The bid is firm and Councilmember Sly intends on "holding him to it".

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY TODD JACKSON TO RATIFY THE ALREADY POLLED VOTE BY THE CITY COUNCIL TO ACCEPT THE BID FOR \$5,950, AS NEGOTIATED BY MAYOR FRITZ, FOR REPAIR WORK ON THE SEWER LINE BETWEEN FREMONT WAY AND POWELL CR.**

**VOTE: YES (4)**

**NO (1) SEAN NIELSEN**

**(Needed more information to vote)**

LEI ENGINEERING  
CONTRACT

No further business at this time.

CITY PARKING  
LOT

No further business at this time.

PARK GRANT

Councilmember Jackson will pursue grant information and bring it back to the Council.

FLAG POLE  
LIGHTING

Todd Jackson: The conduit for the electrical work to the flagpole is in. Gardner Enterprises has given an estimate of \$1,200 to pull the wires through and install the lights. The Council would like other estimates to compare to.

EXPENDITURES:

1. General:

Dallas Young has water rights available to sell and has approached the City to see if we are interested. They are shares from the South Jordan Irrigation Company. We have already purchased rights from this Company. Mr. Young is willing to finance any purchase over time whether the City needs more rights. It is also to be determined if cities can sell water rights

2. The bill on the rental of the bulldozer is to be spent between Loafer Canyon Rd. and Parks (General Fund). The Mayor is to contact Lee Haskell about overtime use of the bulldozer.

3. Road Work Approval:

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO EXPEND \$11,700 FOR ASPHALT WORK AND ROAD REPAIR ON THE CORNER OF GOOSENES & OAK RIDGE DR. AND THE CORNER OF N PARK DRIVE AND ELK MEADOWS DRIVE AND AT THE TURNAROUND IN FAIRWAY HEIGHTS, PLAT B, AT THE END OF FAIRWAY DR.**

**VOTE: YES (5)**

**NO (0)**

**MOTION WAS MADE BY GARY PRESWICH AND SECONDED BY RUSSELL SLY TO APPROVE \$8,550 FOR 160 TONS OF ASPHALT TO OVERLAY THE INTERSECTIONS OF FREMONT WAY & SALEM HILLDS DRIVE AND AT COLUMBUS LANE, OAK RIDGE DRIVE & HUDSON LN., IN THE AREA WHERE NEW CURB & GUTTER WAS INSTALLED**

**VOTE: YES (5)**

**NO (0)**

3. An update on the Impact Fee studies is necessary. Sunrise Engineering did the Studies on the Water & Sewer Systems. Will they be used for further updates? Dept. Heads are to consider Impact Fees for their various Depts. Suggestions are to be ready for the next Council Meeting.

B. Warranty Register:

The Council will review and approve at the next Council Meeting.

C. Meter System Conference/Kent Haskell:

The Council felt the Mayor has the authority to approve this. There were no objections to Kent Haskell's attendance at the conference.

#### MINUTES

City Council Minutes of 8-13-02:

**MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY RUSSELL SLY TO APPROVE THE CITY COUNCIL MINUTES OF 8-13-02, STRIKING "ONLY" FROM THE COMMENTS BY THE CITY RECORDER ON THE ISSUE OF UP-FRONT PAYMENTS ON WATER CHARGES**

**VOTE: YES (5)**


**NO (0)**

#### ADJOURNMENT

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY TODD JACKSON TO ADJOURN THE CITY COUNCIL MEETING**

**VOTE: YES (5)**

**NO (0)**

  
City Recorder



## **NOTICE & AGENDA**

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, September 10, 2002, at 7:00 PM, to be preceded by a Council Work Session at 6:30 PM.** These meetings will be preceded by **Two Public Hearings** for the purpose of hearing public comment about the following: **The First Public Hearing, at 6:00 PM,** is on a proposed Ordinance amending the Elk Ridge Code relating to the requirements that must be satisfied before the issuance of a permit regarding culinary water mains, providing for codification, inclusion in the Code, and scrivener's errors, providing for Severability and providing an effective date.

The **Second Public Hearing, to be held at 6:10 PM,** is for the purpose of informing the Elk Ridge City water users of the intent to issue a Non-voted Revenue Bond to the Utah State Drinking Water Board; and for the consideration and adoption of a Bond Resolution authorizing the issuance of a \$350,000.00 Parity Water Revenue Bond, Series 2002 of Elk Ridge City, Utah County, Utah.

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

**6:00 PM      1. PUBLIC HEARING/ORDINANCE-CULINARY WATER MAINS**

Ordinance/Amending the Elk Ridge City Code relating to the requirements that must be satisfied before issuance of a permit regarding culinary water mains; providing for Codification, Inclusion in Code, Correction of Scrivener's Errors, Providing for Severability, and Providing an Effective Date

**6:10 PM      2. PUBLIC HEARING/BOND RESOLUTION-PARITY WATER REVENUE BOND, SERIES 2002**

To inform Elk Ridge City Water Users of the intent to issue a Non-Voted Revenue Bond to the Utah State Drinking Water Board; and for the consideration and adoption of a Bond Resolution authorizing the issuance of a \$350,000 Parity Water Revenue Bond, Series 2002 of Elk Ridge City, Utah County, Utah

**6:30 PM      CITY COUNCIL WORK SESSION**

3. LEI Engineering – Discussion/Extension of Contract - Mayor Fritz
4. Water Dept. & New Well Report – Sean Nielsen
  - A. Update Council on Current Water System
  - B. Revisit New Well Location
  - C. Information on Water Rights
5. Dallas Young Water Rights – Mayor Fritz
6. Work Release #33 - for Future Growth Study – Sean Nielsen
7. Sump Clean-out
8. Traffic Control: - Gary Prestwich
  - A. Illegal Use – ATV's
  - B. Speeding/Increased Patrol
  - C. Traffic Signs - Ken Baguley
9. New Well Contract – Mayor Fritz
10. Ordinance Violations/Enforcement – Mayor Fritz
11. Sewer & Storm Drainage Fee – Russell Sly
12. Sale of 1966 Fire Truck – Mayor Fritz

**7:00 - PM      REGULAR COUNCIL MEETING AGENDA ITEMS:**

Invocation and Pledge of Allegiance

Approval/Agenda Time Frame

- |      |  |
|------|--|
| 7:05 | 13. Resolution/Adoption – Parity Water Revenue Bond, Series 2002   |
| 7:15 | 14. Ordinance/Culinary Water Mains Permits   |
| 7:20 | 15. Ordinance/Purchasing Authorization for Mayor   |
| 7:25 | 16. Sump Clean-out   |
| 7:30 | 17. Ratify Council Poll/Hiring Public Works Employee (Salary)  |
| 7:35 | 18. Ratify Council Poll/Payment of Sewer Repair Invoice  |
| 7:40 | 19. Traffic Control – Gary Prestwich <ol style="list-style-type: none"><li>A. Illegal Use of ATV's</li><li>B. Speeding/Increased Patrol</li><li>C. Traffic Signs - Ken Baguley</li></ol> |
| 7:50 | 20. New Well Contract – Mayor Fritz  |
| 7:55 | 21. Ordinance Violations/Enforcement – Mayor Fritz   |
| 8:00 | 22. Sale of 1966 Fire Truck – Mayor Fritz  |

*Elk Ridge City Council Meeting 9-10-02*

- 8:05 23. Expenditures:  
General  
A. LEI Work Release #33 – Sean Nielsen  
B. Check Register for May & June, 2002  
8:10 24. Approval of Minutes of Previous Meetings  
8:15 Adjournment

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

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 6<sup>th</sup> day of September, 2002.

  
\_\_\_\_\_  
City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, 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 6, 2002.

  
\_\_\_\_\_  
City Recorder

**ELK RIDGE  
CITY COUNCIL MEETING  
September 10, 2002**

**TIME & PLACE  
OF MEETING**

The regular Meeting of the Elk Ridge City Council was held on **Tuesday, September 10, 2002, at 7:00 PM;** it was preceded by two Public Hearings for the purpose of hearing public comment on the following: **The First Public Hearing, held at 6:00 pm,** was on an Ordinance amending the Elk Ridge Code relating to the requirements that must be satisfied before the issuance of a permit regarding culinary water mains; **The Second Public Hearing, held at 6:10 pm,** was for the purpose of informing the Elk Ridge City water users of the intent to issue a Non-voted Revenue Bond to the Utah State Drinking Water Board, and for the consideration and adoption of a Bond Resolution authorizing the issuance of a \$350,000 Parity Water Revenue Bond, Series 2002 of Elk Ridge City, Utah County, Utah.  
The Council Work Session was scheduled for 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 September 6, 2002.

**6:00 PM**

**PUBLIC HEARING/ORDINANCE-CULINARY WATER MAINS**

**ROLL CALL**

*Mayor* Vernon L. Fritz; *City Council:* Gary Prestwich, Lee Freeman, Todd Jackson, Sean Nielsen (Absent: Russell Sly); *Administrative Assistant:* Ernestine Folks; *City Engineers:* Mike Christianson and Jesse Conway; *Public:* Carol Morrell, Christie Peatross, Ken Baguley, JoAnn Bigler; and *City Recorder:* Janice H. Davis

At 6:00 PM, Mayor Fritz opened the Public Hearing on a Proposed Ordinance/Amending the Elk Ridge City Code relating to the requirements that must be satisfied before issuance of a permit, regarding culinary water mains; Providing Codification, Inclusion in Code, Correction of Scrivener's Errors, Providing for Severability, and Providing an Effective Date.

This Ordinance addresses the minimum level of improvements to be installed prior to the issuance of a building permit (Section 10-3-3.26: 1, 1-B, #2...Previously stated that water mains had to "be accepted by the Town," ...replaced by: (2) "inspected and approved by the City Engineer,"

There were no comments

Mayor Fritz closed the Public Hearing at 6:10 pm.

6:10 PM

**PUBLIC HEARING/BOND RESOLUTION-PARITY WATER REVENUE BOND, SERIES 2002**

ROLL CALL

*Mayor* Vernon L. Fritz; *City Council:* Gary Prestwich, Lee Freeman, Todd Jackson, Sean Nielsen (Absent: Russell Sly); *Administrative Assistant:* Ernestine Folks; *City Engineers:* Mike Christianson and Jesse Conway; *Sheriff:* Sgt. Gilbert; *Public:* Carol Morrell, Christie Peatross, Ken Baguley, Jo Ann Bigler, Dallas Young; and *City Recorder:* Janice H. Davis

At 6:10 PM, Mayor Fritz opened the Public Hearing to inform Elk Ridge Water Users of the intent to issue a Non-voted Revenue Bond to the Utah State Drinking Water Board; and for the consideration and adoption of a Bond Resolution authorizing the issuance of a \$350,000 Parity Water Revenue Bond, Series 2002, of Elk Ridge City, Utah County, Utah.

Mayor Fritz explained the Bond Resolution:

The bond for the State Drinking Water Board is for the purpose of drilling a replacement well in the area of the old Well #5. The reason the existing Well #5 needs to be replaced is that the casing is deteriorating. The booster pump had to be removed from the Well and we have gone from about 400 gpm to about 175 gpm. A smaller pump was installed at a lower level to get the 175 gpm. This was done to see the City through the peak usage months. The City only has three other wells (2 small ones and the one larger well in upper Loafer Canyon) and the Council felt it was in the best interest of the City to keep the old #5 on line for as long as possible.

The loan is for \$350,000 at an interest rate of 3.8% over 15 years.

A Parity Bond or Revenue Bond is a loan, which is paid back by revenue generated in this case by the Water System. It is a non-voted bond. The increase in the base rate will cover the payments on the bond. The annual payments will be about \$31,000.

Copies of the Resolution were available for the public. The closing for the loan is scheduled for September 18, 2002. The drilling will begin after the money is actually deposited in the City's account. Beeman Drilling is doing the drilling on the well.

There were no further comments or questions.

At 6:30 pm Mayor Fritz closed the Public Hearing.

6:30 PM

**CITY COUNCIL WORK SESSION**

LEI  
ENGINEERING/  
EXTENSION OF  
CONTRACT

Mayor Fritz: September 17, 2002, ends the current contract with LEI Engineering.

Other engineering firms have presented proposals to the City. The Mayor recommends extending the contract with LEI for one year; and during that year, the both parties would evaluate the relationship to determine if needs are being met. The two-week period prior to meeting to discuss the contract could be used to determine what should go into the new agreement. He asked that the Councilmembers express their views.

Todd Jackson: Is putting together an emergency response plan. He needs to be sure we have current maps of the various systems within the City, such as, utilities, water & sewer lines. He needs copies of all of these maps. They have not been updated since May of 1999. LEI needs to provide the costs of the updates for these maps.

Mike Christianson (LEI): Commented that the water & sewer maps are always kept. There has not been too much control over where the utility companies bury their lines. LEI does not know where they are at.

Jesse Conway: They would be glad to put together what they have and go from that point.

Todd Jackson: He has only been on the Council a short time; but, from his perspective, disagreements seem to arise as a result of various parties not being clear about their respective responsibilities and duties. If the contract is to be extended, these areas need to be clarified in order to mitigate the confusion. The Loafer Canyon Road Project is an example of this confusion. The confusion seems to result in costing the City money.

Jesse Conway (LEI): Suggested meeting on a regular (perhaps quarterly) basis to go over the issues at hand. Any continuation will be a matter of whether or not there is mutual trust between the City and LEI.

Lee Freeman: Is not opposed to a one-year extension in the contract with LEI.

Comments, based on his own experience:

- Cost over-runs: There does not seem to be much control over this issue. Certain expenditures are expected and the bill comes in for more than anticipated with little understanding of the reasons. Often it is difficult to get sufficient detail or an explanation of the breakdown behind the billing. The City has a very limited budget and cannot afford the repeated over-runs. The billing process needs to be revised to fix a price for projected work and to provide for more detail in the billing.

Jesse Conway: Absolutely.

Gary Prestwich: He is generally supportive of a year's extension. He would also like to see more detail in the billing.

Jesse Conway: What is being referred to? The work releases or in the contract? Generally they bid a "lump sum" contract, with the billing at various levels of completion.

Mayor Fritz: Suggested that he and LEI get together to discuss the issues from both the perspective of the City and LEI. (Mr. Conway agreed.)

Sean Nielsen: Has met with Mike Christiansen and Jesse Conway (LEI) and talked with them about Elk Ridge's water system. He has had a good response from LEI when he has needed assistance. Some of the past issues go both ways.

Mayor Fritz: Recommends the extension for one year. The current contract ends on 9-17-02. It needs to be amended. The discussion of this amendment will take place upon the Mayor's return toward the end of September.

#### WATER DEPT. NEW WELL REPORT

Sean Nielsen: (Mike Christianson and Jesse Conway were invited to attend)

Mike Christianson: Reviewed the four active wells, the water system, water rights and the direction the City should go.

3 decisions:

- Drill the planned replacement well. (The contract for the driller is prepared.)
- Drill well up on City property around Elk Meadows and install a storage tank. (Payson City does not feel sharing in this type of project would be in their best interest. They don't feel they could get bonding to drill a well and install a tank beyond their own city boundaries.)
- Possible Joint Project with Payson City on their property...they would be responsible for the bonding. (Payson has property up around their springs [Four Bay area], which they would like to develop. They would like to also drill a well in that area. This presents an option to participate in this project with Payson City. Elk Ridge could tap into the pipe leading to the Golf Course and upgrade it to 18" for our use. Payson is also interested in providing water to possible development of the Rocky Ridge area along Goosenest Drive.)

Mayor Fritz: In favor of partial ownership rather than rental, as with Salem City.

If we drill a well on our property, then all of the control would be Elk Ridge's. We would have to be sure a problem is not created for Elk Ridge's future growth.



Gary Prestwich: In getting more water to the Golf Course area, Payson would be able to develop the surrounding area more and draw more daytime business to the Golf Course.

Mike Christianson: Wanted to go on record for saying: LEI advises that the proposed joint project with Payson is the best long-term option for Elk Ridge rather than drilling the "Cloward" Well. The cost would be shared with Payson and Elk Ridge gets a good, dependable water supply. The operating costs would be lower than pumping costs for the replacement well for #5. The joint project would be gravity-fed to the tank (also on Payson property). LEI will do whatever the Council decides and will support the decision made.

Recommendations:

1<sup>st</sup>...Joint Project with Payson

2<sup>nd</sup>...Drill a pilot hole in the Elk Meadow area, as discussed in the past

3<sup>rd</sup>...Drill in area of Well #5. Pumping costs would be high.

The use of impact fees would be limited with the lower well because of the "replacement" status. The other options would allow for new growth and impact fees could be used.

\$350,000 has been approved through the State. That same money could be applied to another project.

Mayor Fritz: Absolutely does not want the State to be contacted on this matter. He does not want anything to jeopardize the closing on the loan. He doubts the State would allow the project to be switched. The money has been approved on the basis of a "replacement well" for Well #5 (which is falling apart). A replacement well has to be within 150' of the well being replaced.

A meeting with Payson is scheduled for 9-24-02, to discuss the proposal in more detail.

Mike Christianson: (Joint Project with Payson) A 10" water line would have to be installed from Gladstan Drive, along Park Drive to connect onto the existing line further north. This would be about \$75,000.

Gary Prestwich: How secure would you (LEI) be with the project with Payson in hitting water?

Mike Christianson: A spring already exists, so there is a water supply. Payson is contracting with a hydro-geologist to locate a new well.

Review of work releases:

Work Release #4: Studied all the pressure zones in the water system, preliminary tank location. The mapping was done and met with the previous Council and they decided to hold off on part of the study.

Work Release #28: LEI was to do a survey of the tank site, size the tank, and lay out some preliminary piping. The Council asked that LEI stop work on the rest of the proposed job. There are funds left on both of these work releases, which have been approved.

Work Release #4 had \$1,700 left, Work Release #28 had \$2,260 left. They would like to combine these funds and size a tank, see what acreage could be developed inside the City and predict development that might happen. From that, they could determine how many residences to expect and what size tank would be appropriate. Will impact fees be enough to pay for growth? What kind of cost percentages would there be?

The proposed Payson project would be addressed. Pressure zones would be looked at.

Question: Since the engineering paper work for the replacement well has already been done and sent in, would we have to start over with the documentation for the State?

Mike Christianson: Some of the documentation could be used, but they would have to re-apply to the State for a new well, which is a 6-month process at best...maybe longer.

Mayor Fritz: An associated element is that we have a good bid from Mr. Beeman now...how long will he hold that price?

Sean Nielsen: We committed to Payson that we would have information by the meeting on the 24<sup>th</sup> for a joint venture. This proposed study by Elk Ridge would give us the information we need.

Mayor Fritz: He is rather startled that in two weeks the situation with Payson has changed so dramatically. The Mayor commented that he “was disturbed that we were not included” in Payson’s decision to change the project. (This option with Payson had not been explored at all. The previous consideration was to develop the Elk Meadows Drive area, jointly.)

Todd Jackson: The first responsibility is to the current residents and the 100 approved lots.

Discussion on the pro’s and con’s of ownership of a facility vs. non-ownership. It is not always preferable to own a facility. With ownership, comes liability.

Sean Nielsen: The key factor is, do we want to pursue this proposed joint venture? It is a dead issue if we drill the lower well. The lower well has nothing to do with future growth and we would not need to spend over \$3,900 on an engineering study.

(Comment: #5 does have the potential for growth, once the lines are up-sized enough to be able to utilize a 22” casing. Eventually, that well would assist in growth.)

Mayor Fritz: Information is always valuable. If LEI does the study on the system, it will be useful regardless of the decision on which well to pursue.

Mike Christianson: Councilmember Nielsen also asked LEI to discuss the wells and the water right situation.

There are misunderstandings in the labeling of the wells in the City. Numbering has been used in the past. This is being changed to naming the wells:

Lower Well = “Cloward Well”.....yields 185 gpm

Lower Loafer Well = “Dug-way Well”..... yields 45 gpm

On Oak Ln. = “Oak Lane Well”..... yields 42 gpm

Upper Loafer = “Loafer Canyon Well”.....yields 650 gpm

Total water right in the City = 915 acre feet + the Dallas Young rights

The gpm’s need to be converted to acre-feet per year. The water rights have to be distributed among the four active wells. Currently, the rights are distributed among all 7 of the wells (active or non-active). Technically, the City cannot “prove-up” on the water rights because we have them assigned to wells where we can’t show water flowing. We cannot “prove” that we are beneficially using the water.

The plan is to go through and do a change application on each water right, show the water is being extracted, do a “proof” and do it all at one time. He talked to the Mayor and he authorized LEI to resolve these issues.

There is 1,500 acre-feet of pumping capacity and total rights of 915 + acre-feet. The pumping records have to be examined to find out how much is being pumped in a year.

It is unknown if Elk Ridge is exceeding the amount of water right.

The question is, “does Elk Ridge need more water rights”?

“Proving up” means that you have the capability to pump the amount of your rights and prove that you are “beneficially using” the water.

You only have to do this once. It is being “certified” on your rights.

Todd Jackson: Is it possible to assign water rights to a well outside of Elk Ridge?

(LEI: Yes.)

Mr. Christianson said they would try to have the water rights “situated” by the end of November, 2002.

Mayor Fritz: Why is it so difficult to come up with this information? It has been talked about for years.

Mike Christianson: A work release could be authorized and they would do the work.

Todd Jackson: Felt the work could be done by the Council has the information and, with the help of the staff, could do this. Contact Linda Cooper for water usage.

\*A meeting will be arranged between Councilmembers Prestwich & Nielsen and LEI.

DALLAS YOUNG  
WATER RIGHTS

The City already owns about 103.74 acre-feet of water right from South Jordan Irrigation Co. (through Dallas Young). There are more shares available (242 acre ft.) at \$1,800/acre foot. Due to previous dealings with Elk Ridge, Mr. Young came to the City to see if we are interested. The rights are currently assigned to wells located in American Fork. They are transferable to the wells in Elk Ridge.

Todd Jackson: Based on a preliminary study done by Councilmember Jackson last spring, he feels we may have a difficult time proving up on the rights we have. His figures show the City only using about 475-acre ft./year. The only reason to purchase more water rights is the anticipation of growth.

Sean Nielsen: Feels more information is needed as to how the system works before the Council can make a decision whether more water rights are needed. We do have the ability to pump more than we have right to pump, if the pumps are running all the time. If cities have to "prove up" on their rights, there could be problems.

Dallas Young (Has been an attorney specializing in water rights):

He is quite sure, under current law, that the State Engineer must grant applications for extensions to the municipalities that file them.

Gary Prestwich: The reason to have additional rights is the anticipation of growth in the City.

Lee Freeman: Developers would bring their own water rights.

Gary Prestwich: They could purchase them from the City. They are being re-assigned.

Mayor Fritz: Mr. Young has also approved the possibility of financing the purchase over time. We already have a finance arrangement with Mr. Young. He would rather not extend the financing longer than 10 years. He would be willing to sell less than the entire amount.

Todd Jackson: Still feels it needs to be determined how much we are actually using now.

\*Mr. Young is willing to wait to sell the rights. Mr. Young will contact the City in 60 days. (5% interest rate was discussed, if financing occurs.)

WORK  
RELEASE #33

To be discussed later in the meeting under Expenditures.  
(Combining residual money from Work Releases #28 & #4.)

SUMP CLEAN-  
OUT

The sumps have not been cleaned out since they were installed. There are 20 to 25 sumps in the City. The Mayor checked on costs and it has been estimated at \$135/hour for a total of approximately \$4,000 for all the sumps, plus some sewer "blow-out". It should be assigned to Storm Drainage, however there is no money in that Fund. Will it be assigned to Sewer?

\*Ernie Thornton will check out Work Release #17 (Impact Fee Study for Storm Drainage).

TRAFFIC  
CONTROLL

Ken Baguley:

A. Illegal Use of ATV's:

ATV violations have become a real problem in Elk Ridge. He has contacted the Sheriff's Dept. to request enforcement of the problem on East & West Salem Hills Drive. They said they have been out here and have not seen them.

Problems:

Drivers are too young and not licensed, they are speeding, and riding on wrong side of street. Mr. Baguley brought an article from Nephi in Juab County about ATV's.

Mr. Baguley quotes some statistics on injuries and fatalities (1996). There were 250 children, under the age of 16, were admitted to the hospital as a result of ATV injuries.

For this area (Mt. View Hospital), there were 252 patients that had accidents on ATV's, with no *known* fatalities (in the last year). There were 12 transfers to other hospitals.

The drivers are riding across private property. An attorney from the office of Zabriski and Associates was contacted on the matter and was asked ...if ATV's or motorcycles are on private property and a driver is either injured or killed, is the property owner liable? He responded, "Yes, he/she is." He was asked further, "if there is signage saying 'No Trespassing', does that make a difference?" The attorney replied that it would make the property less liable, but there could still be legal problems. This message needs to be gotten to property owners to post signs.

Riding on the streets is also illegal.

The noise from the ATV's has also become a problem, particularly at night...between 10:00 pm and midnight. (This would be a violation of the nuisance laws.) This is a safety issue. This is causing problems between neighbors, as well.

Gary Prestwich: (Directed his comments to Sgt. Gilbert)

He asked that for extra patrol in the areas of concern...namely West Salem Hills Drive and High Sierra Drive, as well as the roads just south of City Hall.

Mayor Fritz: Asked the Council if they felt a 1<sup>st</sup> time warning or a 1<sup>st</sup> time ticket would be appropriate...

The Council felt violators should get a ticket for a 1<sup>st</sup> time offense.

Sean Nielsen: Disagreed. He feels if they are not hurting anyone else, it is a risk the driver takes upon himself. He also feels that property owners are aware of the ATV's on their land. There are those who have permission from the property owner to be on their private land.

He made the point that there are noisy diesel trucks...when they drive down the street, there is a problem with noise. Councilmember Nielsen feels there should be a warning for a 1<sup>st</sup> time offense.

#### B. Speeding/Increased Patrol:

Carol Morrell and Christie Peatross were there to inform the Council of the injury to Mrs. Peatross's 8-year old son was struck by a car while riding his bike. The car was not speeding, but if it had been, her son might have been killed rather than having a broken femur. They were there to request 25 mph signs posted to slow drivers down. Speeding is an increasingly growing problem in Elk Ridge. They realize the responsibility parents have to keep their children out of the street, but "there is nowhere for the children to play".

Mayor Fritz: Currently the Council has appointed an individual to evaluate all the signage in the City. Out of this study, recommendations will come for additional signs, and in some cases, the deletion of some of the signs. People unfortunately do not modify their behavior because a sign is posted. People also know there are many children in this City. They still speed. The Sheriff has been given the directive to increase patrol in certain areas.

Todd Jackson: There is also the possibility of developing a trails system in Town. This is something Councilmember Jackson is pursuing.

Gary Prestwich: Plans on putting announcements in the newsletters about ATV's and injuries and that violators will be cited.

#### NEW WELL CONTRACT

This would be to authorize Councilmember Prestwich to sign the drilling contract in the Mayor's absence. The drilling contract will not be awarded until the loan money is secured.

Councilmember Prestwich will also sign the closing documents for the loan from the State Drinking Water Board on 9-18-02, in the Mayor's absence. (Mayor Fritz on vacation and will not be back until about 9-23-02.

It needs to be decided if the loan is to be a 15-year loan or a 20-year loan.



ORDINANCE VIOLATIONS/ ENFORCEMENT	There are many violations of many different ordinances in the City. Violations concerned with health, safety and welfare need to be addressed. The Mayor suggested coming up with a “cut-off date” (or a “line in the sand”) for existing violations; after that date, the ordinances would be enforced. A warning should be in the newsletter informing the residents of the intent and dates to be aware of.
SEWER & STORM DRAINAGE	Strike from the agenda due to lack of information.
SALE OF FIRE TRUCK	The 1966 Fire Truck was sold for \$500.

**ELK RIDGE  
CITY COUNCIL MEETING  
September 10, 2002**

TIME & PLACE OF MEETING	<p>The regular Meeting of the Elk Ridge City Council was held on <b><u>Tuesday, September 10, 2002, at 7:00 PM;</u></b> it was preceded by two Public Hearings for the purpose of hearing public comment on the following: <b><u>The First Public Hearing, held at 6:00 pm,</u></b> was on an Ordinance amending the Elk Ridge Code relating to the requirements that must be satisfied before the issuance of a permit regarding culinary water mains; <b><u>The Second Public Hearing, held at 6:10 pm,</u></b> was for the purpose of informing the Elk Ridge City water users of the intent to issue a Non-voted Revenue Bond to the Utah State Drinking Water Board, and for the consideration and adoption of a Bond Resolution authorizing the issuance of a \$350,000 Parity Water Revenue Bond, Series 2002 of Elk Ridge City, Utah County, Utah.</p> <p>The Council Work Session was scheduled for 6:30 pm.</p> <p>The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.</p>
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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 6, 2002.

**REULAR CITY COUNCIL MEETING SESSION AGENDA ITEMS:**

ROLL CALL	<p><i>Mayor</i> Vernon L. Fritz; <i>City Council:</i> Gary Prestwich, Lee Freeman, Todd Jackson, Sean Nielsen (Absent: Russell Sly); <i>Administrative Assistant:</i> Ernestine Folks; <i>Public:</i> Jo Ann Bigler; <i>Sheriff:</i> Sgt. Gilbert; and <i>City Recorder:</i> Janice H. Davis</p>
INVOCATION & PLEDGE OF ALLEGIANCE	<p>Invocation was offered by Gary Prestwich, followed by the Pledge of Allegiance led by Lee Freeman.</p>
AGENDA TIME FRAME	<p><b>MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY TODD JACKSON TO APPROVE THE AGENDA TIME FRAME, ADJUSTING THE TIME BY 1 HOUR AND 15 MINUTES</b></p> <p><b>VOTE: YES (4)                      NO (0)                      ABSENT (1) RUSSELL SLY</b></p>



PARITY WATER  
REVENUE BOND,  
SERIES 2002...  
RESOLUTION

Adoption of Resolution:

**MOTION WAS MADE BY TODD JACKSON AND SECONDED BY GARY PRESTWICH TO ADOPT RESOLUTION #9-10-2002 ENTITLED:**

**A RESOLUTION AUTHORIZING THE ISSUANCE AND CONFIRMING THE SALE OF PARITY WATER REVENUE BOND, SERIES 2002, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$350,000 (THE "BOND") OF ELK RIDGE CITY, UTAH COUNTY, UTAH (THE "ISSUER"), FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE ALL OR PART OF THE COST OF ACQUIRING, CONSTRUCTING, IMPROVING AND EXTENDING THE CULINARY WATER SYSTEM OF THE ISSUER (THE "PROJECT"); PRESCRIBING THE FORM AND OTHER DETAILS OF THE BOND; FIXING THE INTEREST RATES TO BE BORNE THEREBY; PROVIDING FOR THE COLLECTION AND DISPOSITION OF THE REVENUES OF THE PUBLIC UTILITY SYSTEM OF THE ISSUER OF WHICH THE PROJECT FORMS PART; PROVIDING FOR THE ISSUANCE OF THE BOND; PROVIDING FOR THE PAYMENT OF THE BOND; MAKING CERTAIN FINDINGS AND COVENANTS IN CONNECTION THEREWITH; PROVIDING FOR A SYSTEM OF REGISTRATION FOR THE BOND; CONFIRMING THE PUBLICATION OF A "NOTICE OF BONDS TO BE ISSUED", AND RELATED MATTERS.**

**VOTE: YES (4)**

**NO (0)**

**ABSENT (1) RUSSELL SLY**

ORDINANCE/  
CULINARY WATER  
MAINS

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY SEAN NIELSEN TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATED TO THE REQUIREMENTS THAT MUAT BE SATISFIED BEFORE THE ISSUANCE OF A BUILDING PERMIT, REGARDING CULINARY WATER MAINS, PROVIDING FOR CODIFICATION, INCLUSION IN CODE, AND SCRIVENER'S ERRORS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE**

**VOTE (POLL): SEAN NIELSEN-AYE, TODD JACKSON-AYE, LEE FREEMAN-AYE, GARY PRESWICH-AYE**

**NO (0)**

**ABSENT (1) RUSSELL SLY**

ORDINANCE/  
PURCHASING  
AUTHORIZATION  
FOR MAYOR

In a previous Council Meeting, the Council discussed raising the limit for approval for the Mayor on purchases over \$300. The Mayor recommended raising the limit to \$500. The Council was in agreement at the time.

**MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY LEE FREEMAN TO ADOPT AND ORDINANCE AMENDING ELK RIDGE CITY ORDINANCE #97-10-14-13 REGARDING THE PURCHASE OF SUPPLIES, MATERIALS, EQUIPMENT AND CONTRACTUAL SERVICES, AND DISPOSAL OF PUBLIC PROPOERTY, PROVIDING FOR CODIFICATION, INCLUSION IN CODE, AND CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE**

**VOTE (POLL): SEAN NIELSEN-AYE, TODD JACKSON-AYE, LEE FREEMAN-AYE, GARY PRESTWICH-AYE**

**NO (0)**

**ABSENT (1) RUSSELL SLY**

SUMP  
CLEAN OUT

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY GARY PRESTWICH TO AUTHORIZE THE CLEAN OUT OF THE SUMPS IN THE CITY, CONDITIONAL UPON FINDING THE SOURCE OF FUNDING THE PROJECT, NOT TO EXCEED \$5,000**

**VOTE: YES (4)**

**NO (0)**

**ABSENT (1) RUSSELL SLY**

PUBLIC WORKS  
EMPLOYEE  
POSITION

Ratify Council poll taken to hire Asst. Public Works Employee:

(Wayne Frandson was hired to take the place of Tyler Cruz, at \$10.00/hour for 90 days probationary period. At the end of the 90 days, he would either remain at \$10/hour or the wage would be adjusted at that time.

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY LEE FREEMAN TO RATIFY THE COUNCIL POLL TO HIRE WAYNE FRANDSON AS THE ASST. PUBLIC WORKS EMPLOYEE AT THE WAGE OF \$10/HOUR FOR THE PROBATIONARY TIME PERIOD OF 90 DAYS; AFTER THAT TO ADJUST THE WAGE TO \$11/HOUR**

**VOTE: YES (4)**

**NO (0)**

**ABSENT (1) RUSSELL ALY**

**SEWER REPAIR**

The sewer line was in need of repair on the east side of the City, around Powell Cr. The work was completed on time and on budget. A Council poll was taken to approve the work.

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY LEE FREEMAN TO RATIFY THE POLLED VOTE CONCERNING THE SEWER REPAIR**

**VOTE: YES (4)**

**NO (0)**

**ABSENT (1) RUSSELL SLY**

**TRAFFIC CONTROL**

Gary Prestwich: The Sheriff has been asked to increase the patrol in certain areas.

**NEW WELL CONTRACT**

The Council decided to wait until the return of Mayor Fritz for the drilling contract to be signed. This would be after the closing on the loan from the State for the well.

**ORDINANCE VIOLATIONS/ ENFORCEMENT**

Information is needed from David Church.

**SALE OF FIRE TRUCK**

No further information

**EXPENDITURES**

1. General: None.

A. LEI Work Release #33:

(Discussed as a combination of funds from Work Releases #4 & #28)

**MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY TODD JACKSON TO APPROVE WORK RELEASE #33, ON THE FUTURE GROWTH STUDY, THE AMOUNT IS NOT TO EXCEED \$3,960.00**

**VOTE: YES (4)**

**NO (0)**

**ABSENT (1) RUSSELL SLY**

B. Check Register for May, June 2002:

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY SEAN NIELSEN TO APPROVE THE ELK RIDGE CHECK REGISTERS FOR THE MONTHS OF MAY AND JUNE, 2002**

**VOTE: YES (4)**

**NO (0)**

**ABSENT (1) RUSSELL SLY**

**MINUTES**

No minutes at available.

**AJOURNMENT**

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY LEE FREEMAN TO ADJOURN THE MEETING**

**VOTE: YES (4)**

**NO (0)**

**ABSENT (1) RUSSELL SLY**

  
\_\_\_\_\_  
City Recorder

### **NOTICE & AGENDA**

Notice is hereby given that the City Council of Elk Ridge will hold a Special **City Council Meeting on Tuesday, September 24, 2002, at 8:00 AM**, for the purpose of meeting with the Payson City Manager & Dept. Heads and LEI Engineering.

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

**8:00 - AM      SPECIAL COUNCIL MEETING AGENDA ITEM:**

Invocation and Pledge of Allegiance

Approval/Agenda Time Frame

Discussion of Water System/Joint Projects

Future Development

Adjournment

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

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 20<sup>th</sup> day of September, 2002.

  
\_\_\_\_\_  
City Recorder

### **CERTIFICATION**

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, 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 20, 2002.

  
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City Recorder

**ELK RIDGE  
CITY COUNCIL MEETING**

**September 24, 2002**

**TIME & PLACE  
OF MEETING**

The Elk Ridge City Council scheduled a Special City Council Work Session, held on **Tuesday, September 24, 2002, at 8:00 AM;** 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 20, 2002.

**8:00 AM**

**CITY COUNCIL SPECIAL SESSION OF CITY COUNCIL MEETING:**

**ROLL CALL**

*Mayor:* Vernon Fritz; *City Council:* Gary Prestwich, Russell Sly, Sean Nielsen (Absent: Todd Jackson, Lee Freeman); *Administrative Asst:* Ernestine Folks; *Public Works Forman:* Kent Haskell; *Payson City:* Mayor Bernell C. Evans; Andy Hall (City Manager), Gordon White, Scot Spencer, Jill Spencer, Glade Robbins; *LEI Engineering:* Greg Magleby, Mike Christianson, Jesse Conway; *Public:* Tom Ballard & Dave Millheim (Development Associates) & *City Recorder:* Janice H. Davis

**DISCUSSION/  
WATER SYSTEMS  
& POSSIBLE  
JOINT PROJECTS**

Mayor Fritz (Elk Ridge City): Welcomed everyone to the Meeting. Introductions followed, after which the Mayor expressed the desire of the Elk Ridge City Council that by communicating openly, good relationships would be established. The purpose of this Meeting was to further the cooperative efforts begun at the last Meeting in Andy Hall's office regarding future water sources and possible joint participation in the development of a well and a tank, as well as options in sewerage Elk Ridge to Payson.

A summary of the last Meeting was submitted to all present. It was the understanding of Mayor Fritz, at that time, that Elk Ridge and Payson shared a common interest of exploring the concept of a well and a tank in the area of hole #7 of the Gladstan Golf Course. The situation has changed in that Payson City is now interested in developing a well and a tank further up on Payson property.

LEI Engineering was asked to prepare a study regarding the sizing of a well and tank. Mayor Fritz turned the time over to LEI Engineering.

Greg Magleby:

Since the last meeting there have been updates to Payson City's needs. Originally the two cities were considering a piece of ground in Elk Ridge for a well and tank. Payson City consulted with their bond council and they were informed that it would be preferable to locate the facilities on Payson property. Payson City could get a lower interest rate and they have a higher bonding capacity than Elk Ridge.

Payson owns Dixon Springs, located north of the Four-Bay area. This would be the future well site. Elk Ridge could participate in the development of this well; however, they would have no part in the use of the Springs.

The tank would be fed by Dixon Springs, Bear Canyon Springs and the new well, and would service Gladstan Drive, the Golf Course Club House and it would service the needs on the Elk Ridge side. It would be difficult for Dixon Springs to feed into a tank in the original location on Elk Ridge's property.

The difference in the required piping would be Elk Ridge's responsibility.

The elevation of the tank would not be high enough to feed High Sierra and the surrounding area.

Greg Magleby: A pilot hole would still be drilled for the well.

LEI Engineering feels this is a viable option for Elk Ridge.

Mayor Fritz: Expressed concerns:

The well and the tank would be on Payson property. If the two Cities proceed jointly with the project, Elk Ridge must protect its own interest. He questioned the reasoning behind not locating the tank on Elk Ridge's property.

Andy Hall: Payson would feel the same discomfort with the facilities being located on Elk Ridge property. Bonding is a major factor and the fact that it would be Payson that procures the bond for the Project. Taking advantage of the Springs also comes into play and locating the tank higher up would accomplish that better than if the tank were located lower, on Elk Ridge land.

Time frame for the project:

Payson is under "temporary regulations" currently and about four months remain to identify a solution to the problem. This was enacted due to the proposed development planned for the "Rocky Ridge" area in Payson...services had to be in place for the development to proceed.

The intent is to bring the water line down to Gladstan Drive and connect onto Park Drive, which would feed the Gooseneck area and Haskell Ville.

Mayor Fritz: Asked LEI Engineering if that connection would in any way affect the ability to provide for Elk Ridge's needs, including expansion?

Greg Magleby: For the short term this connection would work; long-term...he feels Payson would need to consider a trunk line of significant size (14" - 16") to service Payson. An existing 10" line is in place, which is adequate for maybe 5 - 10 years; beyond that time period, there has to be two separate lines.

Elk Ridge would require ½ million gallons of storage capacity and at least 400 gpm from the well.

Andy Hall: After some analysis, it appears Payson will need two separate 2-million gallon tanks up there.

Any concern of Elk Ridge's about the facilities being located on Payson's property could be addressed in a legal contract between the two Cities.

Russell Sly: Suggested the possibility of Payson deeding part of the property to Elk Ridge. (Andy Hall felt that Payson's Council might be interested in that concept.)

Sean Nielsen: Wondered why Elk Ridge would want to share the property with Payson City...if Payson is willing to supply the property; it doesn't matter where it is located. Why put Elk Ridge's money into purchasing land when we would have part-ownership in the well and the tank? Elk Ridge does not own the land in Salem where the sewer plant is located; we just have ownership in the capacity of the plant.

Gary Prestwich: He feels that part ownership in the well and the tank would be sufficient. He has a concern about funding the upgrade to the water line up-front. Could payment be delayed? If we waited for new development to occur, impact fees could be used for the upgrade of the line. He is also concerned with getting enough of the water for Elk Ridge to meet its needs.

Andy Hall: It would be up to Elk Ridge whether or not to include the cost of the line up-grade in the bonding.

Kent Haskell: Questioned why the necessity of installing two water lines; wouldn't one be sufficient if it were eventually up-sized?

Greg Magleby: Suggested a shared trunk line up to a certain point, then it could split. One line would service Payson and the other would service Elk Ridge.

Elk Ridge's side would be metered. The use of the shared 10" line running north on Park Drive would be temporary and he is not sure if it would be mutually beneficial.

Andy Hall: Even though Payson has a larger interest in completing the project, they do not want to give the impression that they are not interested in Elk Ridge's participation. They want to work the project "in tandem" as much as possible. Payson has a need to drill a well in that area.



Mayor Fritz: Elk Ridge has an interest in the project. More information (geology report) is needed to make a final decision. He would like to make sure that Elk Ridge would be considered “partners” not just “participants”. The terms would be handled in the agreement between the two cities.

Payson: (Update on the geology report)

Three requests for proposals were sent out to three different geologists. They have received two back. One is for \$2,400 and the other one was for about \$3,900.

Both geologists are qualified.

Elk Ridge would be expected to participate in the geologist study and the test well.

It is to be understood that Elk Ridge would share in the well, not in the Springs.

It is difficult to tell at this point how much water will be available from the well.

Mayor Fritz: Inquired about the expected costs of the project.

(LEI Engineering has put some estimates together based on a \$400,000 well, well house, etc. & 25% participation in the project for Elk Ridge. The Elk Ridge portion came to about \$640,000. This was to be discussed at the regular Elk Ridge City Council Meeting to be held that same evening. The power situation is not known at this point. Three-phase power is expensive. There are still many questions to be answered.)

The Mayor asked Mr. Hall if he could give an estimate of when the project is expected to be finished.

Andy Hall: Two things “trigger” the time frame for completion:

1. When the developer wants to start development
2. When Elk Ridge needs the water

Payson City does not have a need for the water currently.

## SEWER SYSTEM

Russell Sly: It is Elk Ridge’s understanding that Payson City plans on bringing a sewer line to 1600 West, around the point of the Highline Canal. Elk Ridge would be responsible to connect onto this line from the main trunk line (approximately 5,500 ft.). The east/west lines would have to be 12” to 15” lines due to the flatness of the terrain. Payson’s line would be installed as development occurs.

The suggestion was made that Elk Ridge may consider selling the 18% ownership in the Salem Plant capacity and put the money into the development of this connecting line to Payson’s System.

Mayor Fritz: Commented that he would not be anxious to sell the ownership percentage in the Salem System. If the City did connect onto Payson’s System, the entire City would not connect...only a portion of it.

Russell Sly:

Santaquin City has an agreement with Payson that the residents will pay \$20.60/connection on a monthly basis. Would this be the same for Elk Ridge?

Payson residents pay a monthly fee based on water usage with a base figure of

\$16 + .67 per 1,000 gal. The average household pays between \$18 - \$20/month.

Elk Ridge’s fee (probably the same as Santaquin City) would be a flat fee, not based on water usage.

The estimate for the 5,500’ connection from Elk Ridge to Payson is about \$125,000; however, this is probable the cost for the just piping; it would not include labor and manholes, etc. LEI Engineering has yet to determine what the estimate would be, all things included.

(According to Greg Magleby, Elk Ridge could use impact fees for about 50% of the installation of the connecting line. Payson City also has an impact fee for their treatment plant; these would have to be included in Elk Ridge’s impact fees, with any other of Elk Ridge’s costs added on.)

Councilmember Sly recommended contacting possible developers and landowners that would be affected by the proposed new sewer line (Payson and Elk Ridge) and meet with them. They would be informed of the project, estimated costs involved and how much their contribution to project would be.

Development Associates: (Developers of proposed “Rocky Ridge Development”)

Dave Millheim & Tom Ballard:

Respectfully disagreed with the recommendation of Councilmember Sly:

According to Mr. Millheim, here are good developers and there are bad developers” and opening up this kind of information to some developers may result in “opening flood-gates” that the communities may not be prepared to handle. The Councils need to maintain the control of any planned projects. Landowners are whom the cities should deal with first. Developers could tie up land, which might be “key” to establishing easements and rights of way necessary for the project.

Dealing with landowners takes more time...there are things like family issues to work out; but easements come from landowners. A premature announcement to developers may say, “we are open for business” when the city may not be ready for that. Developers may attempt to “cut deals” with property owners to gain control over the land.

Cities need to decide on the size of the planned infrastructure to be installed...that will drive the zoning for the area. Care should be taken to size the infrastructure to the planned density for the area.

Russell Sly: There should be a contract between the two cities. Councilmember Sly asked Payson City what the next step should be. Would a letter of intent from Elk Ridge be appropriate?

Payson City (Andy Hall): Responded that it would be a good idea. Payson City informed Santaquin (the same would apply to Salem and Elk Ridge) that Payson has a wastewater treatment facility that has excess capacity. It was built for Payson’s use and there is probably 20 years of capacity left. “For good or bad, we pay for that 20 years of capacity.” Payson City does not use all the capacity and they would like to be able to utilize every bit of it. Sewer plants only last about 20 years. At that point, there could be a regional facility available. “The door is open.” If Elk Ridge wants to use some of the excess capacity, Payson is open to that. Whatever arrangement works out best for Elk Ridge...either to have partial ownership in the plant or ownership in the capacity (ownership in the capacity is like leasing the space to be able to use the service; while ownership in the plant brings with it more liabilities and commitments that Elk Ridge may not want to be involved with. The lease rate is in the range of \$12 - \$14 per connection.

Dave Millheim: Their plans to develop the Rocky Ridge area would involve the “current Payson scenario”. There are some properties on the east side of the ridge, which could require the development of other options in the future; but this area is not the main focus for now.

He emphasized again the importance of allowing the sizing of infrastructure to guide zoning.

They are interested in the discussion on water between the two cities. They are not happy with the “temporary regulations” imposed by Payson City, but they do see it as a necessary step to try to solve these problems. Their driving commitment is to the property owners they work with, to help them develop their property. They will pay their part of the costs based on engineering studies; but the project is not just for their benefit. Their development does not offer a “blank check” to solve everyone’s problems.

Mr. Millheim expressed their concern with the politics involved in the “partnership issues” between Payson and Elk Ridge. This could take time and they are interested in a timely way of working out solutions.

Mayor Fritz: The Council does not want the current residents of Elk Ridge to have to support or pay for the costs of development. "Developers cover their own costs. If the developer perceives it to be excessive or acceptable...is a matter of conversation." The Mayor continued, "We just have to be sure when the process is finished, that it is a net gain for everybody".

Andy Hall: Agreed to meet again in 30 days. Payson would like to have the geologist hired to get started on his study so a well site can be identified. Then a test well will be drilled. The facts are needed.

Payson will move forward on the project. Elk Ridge needs to decide whether or not to participate. It is the interest of both cities to keep the costs as low as possible.


The proposed annexation boundaries were discussed: It was assumed by Payson that Elk Ridge would extend to Salem Canal Road. Payson would sewer everything else in the Haskell Ville & Allred Orchard area. (Ernestine Folks & Kent Haskell questioned the boundary. It is their understanding that it is at the Highline Canal. Mayor Fritz agreed.)

Mike Christiansen (LEI Engineering): Since LEI is the "common denominator", they proposed working with Sean Nielsen, Glade Robbins to create a draft of an agreement between Payson and Elk Ridge.

Mayor Fritz: Since LEI will be at Elk Ridge's Council Meeting that night, the conversation will be continued at that time.

October 22, 2002, is the date set for the next meeting with Payson. It will be held in the Payson City Council Chambers, at 8:00 AM.

Mayor Fritz thanked all the parties for their attendance and declared the Council Meeting adjourned.

  
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City Recorder

## **NOTICE & AGENDA**

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, September 24, 2002, at 7:00 PM, to be preceded by a Council Work Session 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**

1. New Well Report:

- A. Report/Discussion on Joint Water Project/Cost Sharing with Payson – Sean Nielsen
- B. Information on Water Rights
- C. New Well Drilling Contract – Mayor Fritz

2. Roads Update – Gary Prestwich

**6:30 PM**

3. LEI Engineering/Review of Work Release to Determine Future Growth & Water Requirements

**7:00 - PM**

### **REGULAR COUNCIL MEETING AGENDA ITEMS:**

Invocation and Pledge of Allegiance

Approval/Agenda Time Frame

- 7:05 4. Eagle Scout Project/Painting City Building– Todd Jackson
- 7:10 5. Approval-Landscape/Driveway Slope Exception – Merrill Teemont
- 7:15 6. Financial Level of Capitalization/Audit Recommendation – Todd Jackson
- 7:20 7. New Well Drilling Contract – Mayor Fritz
- 7:25 8. Budget Requests for 2002/2003 – Todd Jackson
- 7:35 9. Signage for Entrances to City – Todd Jackson
- 7:40 10. Parks Dept: Completing Back Stops/Ingram Field – Todd Jackson
- 7:45 11. Set Public Hearings:
  - A. Ordinance/Regulation of Building Heights Within Zones
  - B. Ordinance/Amending Section 10-3-3.28 Regarding Flag Lot Development
- 7:50 12. Expenditures:
  - General
  - A. Check Register for May & June, 2002
- 7:55 13. Approval of Minutes of Previous Meetings
- 8:00 Adjournment

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

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 20<sup>th</sup> day of September, 2002.

  
City Recorder

## **CERTIFICATION**

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**ELK RIDGE  
CITY COUNCIL MEETING  
September 24, 2002**

**TIME & PLACE  
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**6:00 PM**

**CITY COUNCIL WORK SESSION**

**ROLL CALL**

*Mayor:* Vernon Fritz; *City Council:* Gary Prestwich, Russell Sly, Sean Nielsen (*Absent:* Todd Jackson, Lee Freeman); *Administrative Asst:* Ernestine Folks; *LEI Engineering:* Greg Magleby, Mike Christianson; *Scouts:* Sean J. Woodward, Steven L. Woodward; *Public:* Robert Siemer; & *City Recorder:* Janice H. Davis

**NEW WELL  
REPORT**

City Recorder: Reported that the Loan from the State Drinking Water Board took place on 9-18-02. There were no problems. The State accepted the over \$26,000 worth of bills paid to LEI Engineering for work done in preparing loan documents as the City's obligation for the loan. The \$350,000.00 will be deposited into an account at the State Treasury after the 30-day protest time is over (9-23-02).

1. After the Closing on the 18<sup>th</sup>, the City Recorder spoke to Michael Georgeson and William Birkes (State Drinking Water Board) about the loan money and how it might be used. The money was approved for the particular project of a "replacement well" for the existing lower well #5. If any of the loan money is left over after Project is completed, that money could be used toward another project within the water system, or applied to the debt.

2. Water Rights were also discussed with Mr. Georgeson and Mr. Birkes: the question of municipalities being required to "proving up" on water rights came up and their response was that they did not feel the State Engineer would actually take rights from municipalities. Extensions can be granted for long periods of time. Their advise was that good water rights are getting harder to come by and "you can't have too many".

This advise concurs with the Utah Code (73-3-12), which states that cities have up to 50 years to prove up on water rights, then additional extensions may be granted if the cities can "demonstrate the water will be needed to meet reasonable future requirements of the public".

Another point about the water rights available from Dallas Young...they are considered very "senior" rights, which receives preferential consideration over newer rights. These water rights were approved in 1870.

3. Ms. Davis (Recorder) also asked about the possibility of using the existing Well #5 and not capping it off. They said, from the State's point of view, they had no problem with the City continuing to use the existing well, however the Water Rights' people may have a problem if no additional rights are available.

4. The Capital Facilities Replacement Fund was also addressed: Can the money be used for other projects in the same water system? (Yes) There is approximately \$90,000 in the Fund at this time.

5. Impact Fees: According to the State Drinking Water Board and the City's auditors, if the replacement well project is under way...it is fulfilling the City's current needs.



Any other project would then be for future growth and impact fees would apply. If the replacement well project is not pursued, then a portion of any other project would have to be applied to the current needs of the community, and impact fees could only be used for any part over and above that amount.

According to Curtis Roberts (Auditor), if Elk Ridge were to abandon the replacement well in order to participate with Payson in the proposed project, and only ended up with about 400 gpm (as anticipated)...this would be to fill the communities current needs...impact fees could only be used for anything over the 400 gpm.

There is about \$100,000 in water impact fees.

Mr. Roberts also advised that General Fund money could be used to subsidize a project in the Enterprise Funds. It would not be advisable on a regular basis; but for a certain project, it could be done in conjunction with a public hearing.

Gary Prestwich: If we participate with Payson, we may have to purchase more water rights.

City Recorder: Bond money was used with the 1993 Bond to purchase water rights (Wesley Waters Rights); if there is any left from drilling the replacement well, perhaps it could be used to purchase more rights.

Mayor Fritz: Would the Council be willing to commit to the purchase of 50 acre-feet from Mr. Young? (That would = \$90,000.) Mr. Young is willing to wait for a while for Payson to gather more information to be in a position to purchase his rights.

There is a firm in Salt Lake City (Bureaucratic Systems) that does work on researching water rights; perhaps they could do some work for the City.

Discussion of Impact Fees study updates.

Sean Nielsen: LEI Engineering has noticed some problems with some of the figures in the current Impact Fee Studies. Councilmember Nielsen has asked them for an estimate on updating the City's Impact Fee Studies. LEI would also like to conduct a survey of the entire City, examining the lots and the amount of landscaping which would indicate a more realistic over view of water usage. LEI disagrees with the calculated amount of water right usage for each lot (.33 acre ft.)...most places go be the standard of .25 acre ft. LEI will be at the Meeting later that night to further explain.

\*Discussion of water system while waiting for LEI Engineering to arrive at the Meeting:

Mayor Fritz: Expressed thoughts about the proposed joint project with Payson City... He wondered about the possibility of not participating in the project initially, but eventually contracting for a volume of the water.

#### LEI ENGINEERING

##### Review of Municipal Water System Analysis:

A report was submitted to the Council, which presents the results of LEI's investigation of the present and future water needs of the City of Elk Ridge. It includes an analysis of the current water system storage capacity, source capacity and future requirements, a discussion on the current irrigation consumption rate, and Elk Ridge's fire suppression protection capability. Each of these items is determined according to Utah State Administrative Rules for Public Drinking Water Systems R309-203.

(The minutes will reflect just a few of the key points covered in the Analysis. For full coverage, please refer to the Analysis, itself.)

**Current & Future Water Connections:**

Projected growth rates were predicted by focusing on the balance between infill rates of existing lots, and the variable rates of new development. A Table was used to demonstrate growth as measured on a "bell-curve".

It was noted in the analysis that all projections are based on successful resolution of water storage, source and delivery issues as well as sanitary sewer capacity.

**State Requirements:**

The State of Utah Administrative Rules for Public Drinking Water Systems R309-203 requires community water systems to provide adequate water storage to satisfy peak day water demands for indoor & outdoor uses, as well as fire suppression storage volume if the water system is equipped with fire hydrants.

The current Elk Ridge Impact Fee Study conducted by Sunrise Engineering in 1998 used an irrigated acreage of 0.33 acres per lot. LEI feels this is too high and that the actual acreage is more near 0.25 acres. This concept greatly affects both source and storage minimum requirements, they feel this value should be studied in more detail.

**Current Storage Requirement (Using 0.25 irrigated acres per connection)**

Using .25 rather than .33 acres per lot yields 120 surplus connections.

**Full Build out Storage Requirements (Using 0.25 irrigated acres per connections)**

Using .25 acres per irrigated connection for outdoor usage, the City has adequate current storage with 120 more connections available.

**Current Source Requirement (Using 0.25 irrigated acres per connection)**

Taking indoor use + outdoor use = current surplus of "0"

**Full Build out Source Requirement (Using 0.25 irrigated acres per connection)**

Requirement would be 4,482 gpm.

\*The data concluded the City is currently deficient in meeting the minimum demands of the State by 26 gpm. Again it must be reiterated that this data is largely dependent on the value used for the irrigated acreage. Using 0.33 acres per irrigated acreage increases this deficit to 214 gpm. More accurately assessing the actual irrigated acreage of the City will determine more precisely the actual storage and source needs.

**Service Zones:**

The Upper Tank services the southern third of the City and the Lower Tank provides water to the northern 2/3's. To reduce the pressures on the system in the lower service zone, the City relies on pressures reducing valves (PRV's). This is adequate, but does present some risks with multiple pressure zones.

More lower zones were recommended, as Elk Ridge grows.

**Additional Water Storage Tank:**

The proposed joint project with Payson City was addressed. This could present the opportunity to participate in a jointly owned storage tank and water transmission line.

The benefits of this proposed project was further discussed in this section.

**Cost Estimate of the Combined Elk Ridge/Payson Tank & Transmission Line:**

The cost estimates were broken down in an attached Table 2. The overall estimate for Elk Ridge's portion is \$669,366.

**Project Comparisons Between a Combined Elk Ridge/Payson Tank & Replacing the Cloward Well:**

Greg Magleby: Payson has a better bonding capacity since they are a larger city than Elk Ridge; and they would be able to get a lower interest rate. Elk Ridge would be responsible for 25% of the total bond. It would be like the arrangement Elk Ridge has with Salem City.

Russell Sly: Elk Ridge would not only be responsible for 25% of the bond, but 25% of operations & maintenance of the facility, as well.

Greg Magleby: Generally the percentage of operations & maintenance is based on use. A meter would measure the usage by Elk Ridge. The percentage could be less than the 25%. One of the more favorable things about having a 2-million gallon tank available is if there is a high-demand day, the system may not even be noticeably impacted. Elk Ridge could be pumping 25%, but there would be a lot of “cushion”.

A significant issue against the joint project with Payson is the dependence on future impact fees (development) to repay the bond. This puts the City in the position of being, in a sense, a partner with the developers. If development stops, it would leave the citizens to cover the cost of the bond. The Impact Fee analysis has to have a very well thought-out growth pattern to establish the impact fee up front.

**Pro's & Con's:**

*Joint Project with Payson (Tank & Well)*

*Pro's:*

- Payson bonding capacity
- Majority of improvement costs available for impact fee reimbursement
- Adaptable for future development
- Relieves storage pressure off of existing tanks
- Utilizes long term planning (not a “quick fix”)
- Project provides both source & storage
- Payson storage portion available in emergencies
- Maintenance costs shared on as-needed basis
- Low pumping costs

*Cons:*

- Higher initial investment
- Infrastructure not controlled by Elk Ridge
- Requires additional Elk Ridge only piping
- Establishes a “partnership” with developers

*Replacement of Cloward Well*

*Pro's:*

- Satisfies needs of existing residents
- Lower initial costs
- Project is currently designed, bid & funded
- Known aquifer

*Con's:*

- Limited to 400 gpm
- Existing pipeline near service life
- Elk Ridge does not own the pipe
- High pumping costs
- Low return on investment
- Majority not available for impact fee reimbursement

**LEI's Recommendation:**

- Pursue joint water improvement project with Payson City
- A study be conducted regarding the irrigation use in Elk Ridge & a standard established for State regulation compliance
- Continue negotiations with Payson City regarding the joint project with particular attention to the timing of the planned facilities

ROADS UPDATE

Gary Prestwich: The sections of road being repaired are nearly finished:

- Loafer Canyon Rd...the driveways are done, as well as the spots in the road, which sunk.
- Temporary turn around (Fairway Heights, Plat B): The patch is complete on one of the turn arounds.
- The intersection at Fremont Way & Salem Hills Drive has been over-laid.
- The intersection at Park Drive and Elk Meadows Drive is done, but it is still blocked off to allow the road to cure.
- Elk Meadows: They are working on that section of road (about 1/3 complete).
- Goosenest and Park Drive: Probably will not be started until 9-25-02.
- The over-lays for the curb/gutter on Columbus Ln. and on Oak Ridge Drive.

Russell Sly: Asked about the idea of having a preferred list of contractors to repair the roads when after they have been dug into. The Council has discussed this in a previous meeting. This needs to be placed back on the agenda for the Council to address.

He feels the City should hold off in having the impact fee studies updated because of the proposed joint project with Payson City. If Elk Ridge participates, this could impact the study for the water dept.

The Mayor was under the impression that LEI was suggesting doing both projects (Replacement well & Joint Project with Payson). The intent was to do one or the other. Mayor Fritz is opposed to abandoning the replacement well. The other Councilmembers are willing to further consider the Payson Project.

Sean Nielsen: Reiterated the advantages of considering the joint project over the replacement well. The City would benefit from creating a 3<sup>rd</sup> pressure zone, which would be possible through the joint project.

Mayor Fritz: There has already been about \$50,000 expended towards the replacement well. The loan has been approved. We can't let the money just sit in the escrow account for a year. The City will be paying interest. (Greg Magleby agreed that the City might be paying interest on the full amount of the loan.) There is an interest only payment due in December, 2002. If the project were abandoned, this money already expended would be wasted.

Gary Prestwich: The differences would have to be weighed. It could be that the City would come out ahead in the long run...even financially.

Mayor Fritz: There is still much to discuss and suggested continuing the conversation in two weeks, after more information is gathered. The driller and his bid needs to be addressed...he has been waiting to have the bid awarded until the State loan was approved.

The Mayor declared the Work Session closed.

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**REGULAR CITY COUNCIL MEETING SESSION**

**ROLL CALL**

*Mayor:* Vernon Fritz; *City Council:* Gary Prestwich, Russell Sly, Sean Nielsen (*Absent:* Todd Jackson, Lee Freeman); *Administrative Asst:* Ernestine Folks; *Scouts:* Sean J. Woodward, Steven L. Woodward; *Public:* Robert Siemer; Merrill Teemont; *Sheriff:* Sgt. Gilbert & *City Recorder:* Janice H. Davis

**INVOCATION  
& PLEDGE OF  
ALLEGIANCE**

Invocation was offered by Russell Sly and Bob Siemer led those present in the Pledge of Allegiance.

**AGENDA TIME  
FRAME**

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESTWICH TO APPROVE THE AGENDA, ADJUSTING THE TIME FRAME BY ONE HOUR**

**VOTE: YES (3)      NO (0)      ABSENT (2) TODD JACKSON, LEE FREEMAN**

**EAGLE SCOUT  
PROJECT**

Scouts Sean & Steven Woodward were present for approval of their Eagle Scout Project; neither were prepared to present any information to the City Council. Mayor Fritz asked that they return at the next Council Meeting (10-8-02) with a formal presentation of their Project.

**LANDSCAPING/  
DRIVEWAY  
SLOPE  
EXCEPTION**

Merrill Teemont: (Resident at 42 W. Salem Hills Drive)

Mr. Teemont's driveway has an existing slope of more than 22% grade. The City's Code only allows up to 12%. His driveway is also about 210 ft. long. He would like to re-landscape his yard and in doing so, would like to improve on the slope of the driveway as well. Due to the positioning of the house, it would be impossible to get the slope down to the 12%. It would be at between 16½ % & 17% grade, which would improve on the situation. The angle going toward the house would also be improved. A letter from LEI Engineering to Robert Goodwin (Planning Commission Chairman) recommends approval.

Ernestine Folks: The Planning Commission recommends approval.

**MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY RUSSELL SLY TO APPROVE THE LANDSCAPING AND DRIVEWAY SLOPE EXCEPTION FOR MERRILL TEEMONT, AT 42 W. SALEM HILLS DRIVE, SUBJECT TO THE FOLLOWING CONDITIONS:**

- EXISTING DRIVEWAY GRADE BEING IMPROVED
- THE ROCK RETAINING WALLS IN EXCESS OF 48" IN HEIGHT NEED TO BE ENGINEERED BY A PROFESSIONAL ENGINEER

**VOTE: YES (3)      NO (0)      ABSENT (2) TODD JACKSON, LEE FREEMAN**



CAPITALIZATION  
LEVEL  
INCREASED

City Recorder: The Auditors, while they were performing the annual audit, recommended the City Council review the level of capitalization. It has been set at \$500.00, which means that any purchase under \$500 is not considered a capital expenditure. Currently, any purchase in the General Fund is not tracked through a "depreciation schedule". With GASB 34 coming into play within a year, the General Fund will be reported more like a "business", as the Enterprise Funds are. This means that purchases will be considered "Assets" and will be tracked and assigned to a depreciation schedule. The less items to track, without losing a significant amount of value, the better for bookkeeping purposes. The Auditor did go through and eliminate all items not having an assigned value of at least \$500. They then experimented with the list increasing the level to \$1,000, then \$1,500. They were able to increase the level to \$2,000 and only lose 10% of the total value. (The suggested retention level of value is 80%; so retaining 90% is good.) There were 266 items on the Depreciation Schedule. 200 items were removed from the Schedule while retaining 90% of the value; thus, the recommendation of increasing the level for capitalization to \$2,000. This is a "Policy call" by the Council and does not require an ordinance or resolution (according to the Auditors).

The Council was in agreement.

**MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY RUSSELL SLY TO INCREASE THE LEVEL OF CAPITALIZATION FROM \$500 TO \$2,000**

**VOTE: YES (3) NO (0) ABSENT (2) TIDD JACKSON & LEE FREEMAN**

NEW WELL  
DRILLING  
CONTRACT

Postponed until later in the Meeting.

BUDGET  
REQUESTS FOR  
2002/2003

(Todd Jackson placed this item on the agenda)

In his write-up for the Council packets, this included:

1. \$150 – photocopying materials (3-step Emergency Program)

(The Council felt no approval from the Council is necessary since the amount is under the amount required to be approved by the Council...\$500.)

2. Community Billboards at both entrances to Elk Ridge to remind citizens of Emergency Preparedness events (will ask Don Meham to build these). (No Council participation required.)

3. Parks Dept: Completing backstops/Ingram Field (From write-up by Councilmember Jackson)

In the Capital Projects/Parks budget money was set aside to complete several projects including backstops behind the soccer goals on the west end of Ingram Field. A young man in town is proceeding to get this approved as his Eagle Project. Councilmember Jackson would like the Council to be fully aware of this proposed project and hear any concerns before proceeding.

Project:

Move bench and the temporary fence on the west end of the field and build two backstops approximately 30' long X 12' high. The approximate cost is \$1,000. Councilmember Jackson's recommendation is to approve the expense and complete the project.

Mayor Fritz: Made the point that the Scout was not present to present his project to the Council. The subject is tabled.

SET PUBLIC  
HEARINGS

1. Ordinance/Regulation of Building Heights Within Zones:

Ernestine Folks: In each of the Zones the height of Accessory Buildings is now measured by the median point rather than the highest point of finished grade. To be consistent, this proposed ordinance would then apply the same standard to the primary dwelling in all Zones.

(The second proposed ordinance was not discussed, but it is concerned with decreasing the width requirement of an access to a "flag lot" from the current 60' to 20'.)

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO SET A PUBLIC HEARING ON AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR REGULATION OF BUILDING HEIGHTS WITHIN ZONES FOR 10-22-2002, AT 6:00 PM; AND A SECOND PUBLIC HEARING ON AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR FLAG LOT REGULATIONS FOR 10-22-2002, AT 6:10 PM**

**VOTE: YES (3) NO (0) ABSENT (2) TODD JACKSON, LEE FREEMAN**

EXPENDITURES:

1. General:

Gary Prestwich: The driveways in Loafer Canyon are complete.

Cost: \$7,730.55 + \$1,496.00 (Morgans) to Paramount General Contractors

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY SEAN**

**NIELSEN TO PAY THE TWO INVOICES TO PARAMONT GENERAL**

**CONTRACTORS IN THE AMOUNTS OF: \$7,730.55 AND \$1,496.00 (FOR MORGANS) FOR WORK DONE ON DRIVEWAYS IN LOAFER CANYON**

**VOTE: YES (3) NO (0) ABSENT (2) TODD JACKSON, LEE FREEMAN**

2. Check Registers for July and August, 2002:

Explanation of multiple payments to Russell Shipp: 2 of the checks were voided, the third check was the one that went through.

**MOTION WAS MADE BY SEAN NIELSEN AND RUSSELL SLY TO APPROVE THE CHECK REGISTERS FOR THE MONTHS OF JULY AND AUGUST, 2002**

**VOTE: YES (3) NO (0) ABSENT (2) TODD JACKSON, LEE FREEMAN**

MINUTES

City Council Minutes of 8-27-02:

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY SEAN NIELSEN TO APPROVE THE CITY COUNCIL MINUTES OF 8-27-02**

**VOTE: YES (3) NO (0) ABSENT (2) TODD JACKSON, LEE FREEMAN**

NEW WELL  
DRILLING  
CONTRACT

Mayor Fritz: (Continued Discussion)

He expressed his concern that the possible joint project with Payson City is meant to be instead of the Well #5 "Replacement Well". The funding is in place for the drilling to begin for the Replacement Well and this is what was promised the citizens of Elk Ridge with the increase in water rates.

The Mayor has difficulty changing projects with so little information and without more exact numbers from Payson.

Russell Sly: Commented that he is concerned that the City would only be able to use a part of the capacity of the 22" Replacement Well, thus held to an expected 400 gpm...unless the water line leading from the well were replaced. The City would be responsible for this upgrade to the line, or developers would assist in this.

Sean Nielsen: Feels the Replacement Well is a "quick fix" for our current situation.

The City could continue to use the 175 gpm from the existing Well #5 and still join with Payson in their project. He feels this would benefit the City now and in the future.

The shared tank would take the pressure off the other tanks plus the full 2 million gal. capacity of Payson's tank would be available in an emergency.

Mayor Fritz: Dies not feel the Council is prepared to make a decision until more information is available. He will speak to the driller the next day to see how long he will keep his current bid open. The decision must be made fairly soon so that Payson will know whether we will participate. We would be sharing in the cost for the geologist and the test hole.

He does not see that the Payson Project would necessarily provide a long-term solution since we only anticipate getting 400 to 500 gpm from that well. That is the short-term amount expected from the replacement well.

Gary Prestwich: Reminded the rest of the Council that Payson was very firm that Elk Ridge would have nothing to do with the springs up there.


City Recorder: Could the State be consulted whether the loan money could be applied to another project at this point...and if so, what would the City have to do to change it over. (The Mayor will call Mr. Georgeson on October 1<sup>st</sup>.)

\*More information will be gathered for a decision to make at the next Council Meeting.

ADJOURNMENT

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY SEAN NIELSEN TO ADJOURN THE CITY COUNCIL MEETING**

**VOTE: YES (3)      NO (0)      ABSENT (2) TODD JACKSON, LEE FREEMAN**

  
\_\_\_\_\_  
City Recorder

### **NOTICE & AGENDA**

Notice is hereby given that the City Council of Elk Ridge will hold a Special **City Council Work Session on Tuesday, October 1, 2002, at 6:30 PM.** The meetings will be held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

**6:30 – PM      SPECIAL COUNCIL WORK SESSION AGENDA ITEM:**  
Invocation and Pledge of Allegiance

Discussion of Water System/New Well Options

Adjournment

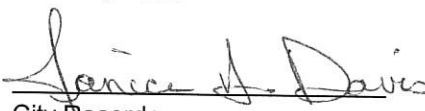
\*Handicap Access, Upon Request. (48 Hours Notice)

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 27<sup>th</sup> day of September, 2002.

  
\_\_\_\_\_  
City Recorder

### **CERTIFICATION**

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, 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 27, 2002.

  
\_\_\_\_\_  
City Recorder

**ELK RIDGE  
CITY COUNCIL MEETING  
October 1, 2002**

**TIME & PLACE  
OF MEETING**

The Elk Ridge City Council scheduled a Special City Council Work Session, held on **Tuesday, October 1, 2002, 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 September 27, 2002.

**6:30 PM**

**CITY COUNCIL WORK SESSION**

**ROLL CALL**

*Mayor:* Vernon Fritz; *City Council:* Sean Nielsen, Todd Jackson, Gary Prestwich, Russell Sly, (Absent: Lee Freeman); *Public Works Forman:* Kent Haskell

Mayor Fritz: For the benefit of Councilmember Jackson, Councilmember Nielsen was asked to review the meeting held on 9-24-02, between Elk Ridge, Payson, LEI Engineering and the developers of the Rocky Ridge area. (Councilmember Jackson was not present at the meeting on 9-24-02.)

The minutes for the above-mentioned meeting were also made available to the Councilmembers for review of the matters discussed.

Mayor Fritz: There is merit to the proposal of a joint project of sharing the cost of a new well and tank with Payson. The Mayor also called attention to some issues to be considered:

1. Last Spring the citizens of Elk Ridge were invited to public meetings wherein they were made aware of the planned increases in their water rates (both in the base rate and in the usage costs). This was done to help meet the demands of the bond for the new well and to help in replacing old, substandard waterlines.

(The loan for this replacement well has been approved by the State and the funds are deposited in our account at the State Treasury.)

The information regarding Payson comes at either a fortuitous or a bad time. Fortuitous if we choose to join with Payson before the drilling of the replacement well. It is bad timing if it causes us to delay another month or two and jeopardize the current drilling bid. If the driller has to use winter rates, that will add about \$25,000 to \$30,000 to the present bid.

The Mayor expressed concern over the reaction of the citizens if the replacement well were not drilled.

Todd Jackson: "Officially, that well goes in. That's the vote of the Council."

Mayor Fritz: Agreed that, from his point of view, the replacement well should go in.

\*Councilmember Russell Sly wanted the following memo to the Council included in the minutes for this meeting:

**Joint Well Project with Payson**

**Pros:**

1. Supposedly little or no money up front. Make only monthly payments to Payson as they would do the bonding. (however, we would have to pay ½ of test hole and 25% of all engineering costs up front)
2. Can pay off substantial amount of well and tank with future impact fees.
3. Large storage capacity for emergencies in our city. (We still may be able to tap into this at a later date if Payson goes it alone)
4. Payson has 2 springs to help feed the tank. (large question mark as to how much & would Elk Ridge have any access to that extra water?)



**Cons:**

1. Must install water service line before we would get any water. Cost????
2. We would have no control. Tank and well both on Payson property and we have only 25% share. We would always be out-voted.
3. \*Cannot get this system on line in time for summer as we promised citizens.
4. \*No guarantee of productive well. What if we don't get one?
5. \*Cost of running 3 phase power to well site? No one knows but it is expected to be huge.
6. Our money is already in place for the Cloward Well – after much delay and difficulty.
7. Don't want to lose well driller contact that delay will cause. Worth about \$100,000.
8. Don't want to lose other expenses on Cloward Well – Engineering, etc.
9. Transfer of water rights and other permits are easy with Cloward Well. Payson project will involve much delay.
10. \*Citizens are expecting us to do what we have said we will do. We should not go back on our word, especially on such a huge gamble.

\*These issues are extremely important. We cannot afford to make a mistake. We cannot afford a delay. Any of these asterisk items by themselves is reason to stick with our present plan. Taken together they represent a formidable case to do so.

I believe the Payson project has many merits, which I would like to see us benefit from; but the risks are too great at this time. I recommend that we take the conservative path and stick with our present plan.

Kent Haskell (Public Works Forman):

He has reviewed the above memo to the Council. He added his perspective:

Mr. Haskell has been with the City about 9 years. When he first started with the City, there was work done on the wells to increase the amount of water pumped. The water system currently is 250 gpm less than was supplied 8 years ago. He has watched the water system get worse instead of better.

The citizens have been patient. They have been told over and over that we were going to put another well in. He feels it is time for the well to be drilled.

Getting water from Payson could be a good opportunity for the future.

Todd Jackson: The citizens are being charged higher rates, for specific purposes.

Now the Council is trying to decide whether to do something different or not.

He said he would not vote for anything else unless the citizens were informed properly through more public meetings and the citizens agreed with the proposed changes.

Mayor: One of the advantages of the proposed Payson Project is the back-up capacity of the 2 million gallon tank. There is also merit in the idea of connecting the Payson water system & the Elk Ridge water system and the Woodland Hills water system together, by valves; to be opened only in the event of necessity. The Communities could assist each other in case of emergency.

How much would it cost Elk Ridge to buy-in to the Payson System, as in leasing water from them? (The Mayor tried to contact Andy Hall today; but he was in a meeting.)

He did contact Greg Magleby and he believes the line will extend down through the Golf Course with a "spur" to the Club House. Elk Ridge could connect onto that "spur" along Gladstan Drive, if Payson were to allow this option.

The Mayor thinks the Lower Replacement Well for Well #5 needs to be drilled, rather than being a partner in the construction of and part owner in the Payson Project.

Gary Prestwich: Councilmember Prestwich reviewed the memo from Councilmember Sly (Pros & Cons on the Payson Project):

**Pros:**

Add:

5. Reduced pumping costs
6. We could pay off a substantial amount of the well & the tank with future impact Fees
7. Large storage capacity
8. The water lines leading from #5 are not the City's property. They have to be replaced.

Kent Haskell: There is a sewer easement 10 ft. away where we could run a water line through that sewer easement (about 1,000 ft.). That would only be to increase the flow from 400 gpm on up.

**Cons:**

1. Cost of upgrade: About \$27,000 to up-size trunk line.
2. No control? We would have as much as we have with the sewer plant in Salem. It has never been an issue.
3. Can't get well on line before summer...(Sean Nielsen commented that Elk Ridge made it through this past summer with only the old #5. The storage levels in the tank stayed up. The valves could be changed to better regulate the flow into the lower tank.)  
(Kent Haskell said that could cost \$7,000 to \$10,000 for this valve change. Well #5 pumps directly into the lower tank. The upper tank is a back-up to the lower tank, so, if the levels don't drop, it doesn't feed into the lower tank.)
- Gary Prestwich: Rates were raised to have a well on line by next summer.
4. Feels we will have as much a "guarantee" with a test well with Payson as drilling for #5
5. (Cost of 3-phase electricity?) It will cost \$45,000
6. (Money is in place for #5) That is big factor.
7. (Lose current drilling bid?) It may not cost us \$100,000...maybe \$50,000.
8. (Loss of money spent on engineering for #5) Yes there would be a loss.  
(Sean Nielsen replied that we own the engineering reports for the lower well. The information would still be available for future use; so it is not really money lost.)
9. (Delay in transferring water rights with Payson Project?) He can't imagine that being a problem. (Russell Sly was also referring to things like well-head protection and all the other delays, which could come into play.)
10. Would the Payson City Project be a "huge" gamble?  
The advantages may still be available in the future with Payson City, if the Replacement Well #5 is the choice.

Sean Nielsen: If the supply-line were not upsized to accommodate Elk Ridge's portion, Payson would not be able to work with Elk Ridge.

Kent Haskell: The line is going to be 4,500 ft. from the location to the nearest power source. A 10" water line could be run later.

Todd Jackson: Wanted to clarify that the Council must decide on one or the other of the proposed projects...Well #5 or the Payson Project. He feels the Payson Project would be beneficial, after #5 well is replaced by the planned lower new well. He is concerned that the City could lose the current bid for drilling the well. (There would not be sufficient funds to do both projects.)

Gary Prestwich: Understands that the drilling business is such that the other drillers could even bring their bids down to being awarded the job, rather than Mr. Beeman increasing his.

Sean Nielsen: He does not want to do something because it is the “easy” thing to do. Replacing #5 Well could be accomplished as planned; but, if the Payson Project is a better option, he would hate to not consider it because the original plan would be the easier way.

Todd Jackson: Feels he has too little information to “scrap” the plans for Well #5 and go with the Payson Project, for close to \$700,000, when they are ready.

Gary Prestwich: Payson said they would start as soon as the test well is drilled. They said they will drill through the winter and have the well on line probably by June, 2003.

Kent Haskell: Does not believe it would be on line for at least 12 months. He figures it would be 12 to 18 months before the well were on line.

Mayor Fritz: With the Payson Project, there are no guarantees in terms of capacity, delivery and timing. If the time were to extend into next summer and we experience another drought year, Elk Ridge could experience what Springville City did recently. They drilled two dry wells, their springs are going dry, they are having to come up with \$300,000 for a filtration system for a previously drilled well to remove manganese & iron from the water and they still have to drill another well.

Drilling where there is a known aquifer makes more sense to the Mayor.

Councilmember Nielsen commented that we could still use the aquifer and the current Well #5 at 175 gpm and still participate in the other (Payson) program.

Kent Haskell added that the casing on that old well is still falling apart.

Mayor Fritz continued: IF something happened to the Upper Loafer Canyon Well (main water source year-round), where would be the City's back up source of water? He is not opposed to being involved with Payson City, he simply wants #5 in the ground and pumping to give the City two sources of water first. His goal is to have three strong wells. He feels Payson could be approached with a “buy-in” for use of the water. An inter-local agreement would also be an option. The Replacement well could be on line and pumping in the spring.

Kent Haskell: Well sizes...The best we could hope for from the well shared with Payson would be about 500 gpm from a 2,000 gpm well. This size well is very uncommon in this location of the Valley. We were getting about 500 gpm out of Well #5 when it was running with the booster pump attached, with only a 10 ft. draw-down. The pump in that well is only at about 360 ft...it is in about 100 ft. of water. He realizes the pumping costs are high, but if we have to go down 1,000 ft. into the Payson well and if the pump were at 800 ft., the pumping costs would be high also. Right now on #5, we only pump 350 ft. out of the ground. Without sure numbers, it is hard to say what the results will be. One of the best well he is aware of is the one Harry Davis drilled. It is an artesian well and it only pumps around 1,400 or 1,500 gpm.

Todd Jackson: There won't be any future impact fees until we have sewer capacity.

Russell Sly: The last flow meter reading was low. It showed about ½ of the previous reading from 1½ years ago when LEI did a study. The current reading is not reliable. Perhaps the location of the meter was at fault...maybe the water was running too fast or it wasn't deep enough and the meter couldn't accurately read the flow.

There was a discussion about watering restrictions and how much water is actually saved. Requiring residents to water every other day actually consumes more water because people water more on their designated day. There are methods of watering that conserves water. The Mayor brought the discussion back to the subject of the meeting.

Sean Nielsen: Could Elk Ridge get through another summer with just the old #5?

Todd Jackson: Felt very uncomfortable trying to get through this past summer. If the casing had completely given out or the pump failing, we would have been in serious trouble in August.

Kent Haskell: Commented that he has been very uncomfortable with the water situation for a few years.

Mayor Fritz: Submitted a list of costs of bond money still owed by the City. The City owes a total of \$557,987. In 2007 (December, 2006) the tank will be paid off. Once that bond is retired, that money can be used for other water needs.

Sean Nielsen: Once a bond is paid off, it would be nice to adjust the rates down rather than spending it on another project.

Mayor Fritz: If cutting back on rates is premature, then a reserve is never built up to cover the ever-growing needs of the City.

The next page of the summary from the Mayor:

(Interest is not included in the projections of revenue.)

Projecting new revenue in water system based on the \$15/month increase in the base rate only...(460 connections)

Annual Increases: 2002 (7 months of use) = \$48,000. The following years would generate a \$69,000 increase each year (not taking into consideration growth + interest).

Increased Revenue due to increased consumption: (only using June, July & August...we know that more water is used in May & September, as well)

\*These figures could vary depending on wet or dry years.

2002: Probably about \$34,000 income each of those 3 months, above last year.

Combined Total: In four years it could be up to \$432,000. Some of that money will be used for normal operations and maintenance. Not all of it will be used.

Possible available funds:

- \$90,000 – Capital Facility Replacement Fund (PTIF Account)
- \$97,000 – Water Impact Fees
- \$100,000 – Fund Balance from General Fund (Amount undetermined by Council)

Possible total: \$287,000 (Conservative...\$200,000)

Next Page ("Defer Drilling Any New Well") This is really not an option.

With all totals...by the end of 2003 (no interest) there is the potential of having \$316,800 cash, which could be used for the Water System. With the drilling of the Replacement Well #5 (Cloward Well), that total would diminish by \$31,000/annually for the bond payment on that loan; however, the first payment does not occur until January 1, 2004.

Recommendation:

Rather than going with the Payson Joint Venture at this time, suppose the Replacement Well was drilled...400 gpm of that is to serve the existing Community.

If 1,000 gpm were the capability of that New well, that would be 600 gpm that would be available for new development. In his opinion, Impact fees could be used for that portion. If the Well is paid for by State funds and we have been accumulating money, then we could install a tank with the accumulated money.

This does not dismiss the idea of "buying into" Payson's project or "renting" water from the Payson System, at a later date.

The lower well could then pump to the new tank rather than so far up to the existing tank...this would save pumping costs.

The Mayor feels the Council has made a commitment to the Community to install the Replacement Well #5. The residents have sacrificed lawns and high rates. They expect to see a "return on their money". At some future point, we still may be able to work with Payson City.

Mayor Fritz (Cont.)

Next Page: The Mayor simply reviewed the Pro's and Con's, as did Councilmember Sly. They have been discussed.

Kent Haskell: (Also wrote some Pro's & Con's)

1. Well #5:

Pro's:

- Loan Approved
- Driller is ready to drill and the well could be on line by January, 2003
- Possible 1,000 gpm
- Strong aquifer
- Only a 10' draw-down on 400 gpm (there could be more on the new well)
- Elk Ridge owns the entire well
- The City growth is headed north, below the new well
- Easy access (year-round)

2. Payson City Project:

Pro's:

- We could pay it off with impact fees (part of it)

Con's:

- Only own 25% of System
- Payson would have full control of the System and make most of the decisions
- Elk Ridge could not expect any more than 500 gpm (Does not feel that is feasible)
- The well is not a sure thing at this point (it could be out 18 months)
- \$750,000 + the cost of PRV's (2 to 3 @ \$10,000 each)
- The tank would be lower than High Sierra Drive and a booster station would still be needed.

Todd Jackson: There is definitely a "ceiling" on the amount of water we could get from the Payson Project. If we put \$750,000 into Well #5, then we could get the big well, the bigger pipe and a tank (eventually).

The Mayor stated that although no action could be taken at the meeting, since it is a Work Session; he still wished to poll the Council as to their individual opinions on the matter:

Sean Nielsen: Still prefer to participate with Payson in their Project.

Todd Jackson: Has already voted on the matter and he would not go against that vote at this time.

Gary Prestwich: He would vote for the Replacement Well for #5, by a narrow margin. The deciding factor is the amount of water the City would get from the Payson Project, plus the timing.

Russell Sly: He would like to be able to take advantage of the opportunity with Payson; but he feels that the timing is such that we cannot afford to make a mistake. He feels the risk is too high to go ahead with Payson at this time. He does agree that it would be something for the future.


The Mayor has been given authority to grant the contract. The decision has already been made previously to drill #5. He will notify LEI to proceed.

Todd Jackson: There is no reason to discontinue the talks with Payson. We still have the sewer issues to work out. They also are looking to install a large power plant...could Elk Ridge participate in this project?

Russell Sly: Requested to have his memo be part of the minutes of the meeting.



Mayor Fritz adjourned the meeting.

  
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City Recorder

## **NOTICE & AGENDA**

Notice is hereby given that the City Council of Elk Ridge will hold a regular City Council Meeting on **Tuesday, October 8, 2002, at 7:00 PM**; it will be preceded by **the City Council Work Session 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**

Audit Presentation – Jones Simkins LLP (Curtis Roberts)

### **7:00 - PM      REGULAR COUNCIL MEETING AGENDA ITEMS:**

- Invocation and Pledge of Allegiance
- 7:03 Agenda Time Frame
- 7:05 1. Acceptance of 2001/2002 Audit
- 7:10 2. Vacation of Loafer Recreation Association Cluster No. 4, Plat "A" Subdivision and Combining Cluster No. 2 and Cluster No. 4 into Loafer Recreation Association Cluster No. 2 Seasonal Home and Multiple Use Area – Boyd Hanks
- 7:25 4. Eagle Scout Project Approval -
  - A. Eagle Scout Projects: Policy – Mayor Fritz
- 7:35 5. Planning Commission Chairman – Robert Goodwin
- 7:45 6. Back Stops/Ingram Field – Todd Jackson
- 7:50 7. Shute/Mason Landscaping – Mayor Fritz
- 8:00 8. LEI Contract Extension – Mayor Fritz
- 8:10 9. Dallas Young Water Rights – Mayor Fritz
- 8:15 10. New well Update – Mayor Fritz
- 8:20 11. Expenditures:
  - General
- 8:25 12. Approval of Minutes of Previous Meeting(s)
- 8:30 13. Adjournment

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

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 4<sup>th</sup> day of October, 2002.

  
\_\_\_\_\_  
City Recorder

### **CERTIFICATION**

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certifies 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 4, 2002.

  
\_\_\_\_\_  
City Recorder

**ELK RIDGE  
CITY COUNCIL MEETING  
October 8, 2002**

**TIME & PLACE  
OF MEETING**

The regular Meeting of the Elk Ridge City Council was held on Tuesday, October 8, 2002, at 7:00 PM; it was preceded by a City 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 October 4, 2002.

**6:00 PM**

**CITY COUNCIL WORK SESSION**

**ROLL CALL**

*Mayor:* Vernon Fritz; *City Council:* Todd Jackson, Gary Prestwich, Sean Nielsen, (Absent: Russell Sly, Lee Freeman); *City Auditor:* Curtis Roberts; *Public:* Zac & Patricia Richens; *Scouts:* Sean & Steven Woodward; & *City Recorder:* Janice H. Davis

**AUDIT  
PRESENTATION**

Curtis Roberts: (Jones Simkins, LLP)

Review of the Audit of the 2001/2002 Fiscal Year

Overall comments on the findings are that the Office does a pretty good job and suggestions are relatively minor.

*Management Letter:*

Main recommendation on page #2 of the Management Letter...(Independent Auditor's Report)...third paragraph:

"Clean Opinion": represents that the financial statements present fairly, *in all material respects* the financial position of the City as of June 30, 2002, and that the "proprietary funds" (Water, Sewer & Storm Drainage) are in conformity with accounting principles generally accepted in the United States of America.

Page 14: *Summary of Significant Accounting Policies:*

The found there were no significant changes in Policy.

City Recorder: Questioned if the change in the financial level at which purchases are "capitalized" would be considered "significant" next year when that level increases to \$2,000. (The Council has already taken the advise of the Auditors to raise that level from \$500 to \$2,000.) Yes, at that point, it would be. Mr. Roberts feels this was a wise action on the part of the Council since most of the value for the City is still retained.

**General Recommendations:**

1. The Council should follow-up on the recommendations made in the Management letter and should be reflected in the Council minutes before the next year's budget is adopted.
2. While confirming the utility franchise taxes, the auditors were unable to completely reconcile the confirmations to the amount recorded in the General Ledger. They noted that most of the taxes are deposited to the City's account at the State's Public Treasurer's Investment Pool (PTIF) by the collecting utility company. "However, the City is currently unable to determine which companies have remitted utility franchise taxes to the PTIF." It seems that the City is not receiving all the taxes collected by the utility companies. In fact, Quest may not be remitting to the City at all.

(Recommendation #2 was followed up on while the Audit was still being conducted, by sending out letters to the Utility Companies providing franchise taxes to the City. The letters requested a disclosure of the taxes collected from Elk Ridge and remitted to the City. They were also asked to remit directly to the City rather than depositing into the PTIF account.

Curtis Roberts:

There are 2 ways to remit to the Cities:

- A. If the entity collecting the energy tax collects at their entity level over one million dollars in energy taxes, then they can remit to the Cities directly.
- B. If the entity does not collect over one million dollars, they have to remit to the PTIF.

**State Compliance:**

1. Fund Balance = \$437,386...this exceeds the statutory limit (18%) of the estimated revenues. They recommended transferring a portion of the fund balance to a capital projects fund to provide resources for future capital projects.

(Response: The Council agreed with the suggestion.)

2. The City was miscalculating the amount of Building Permit surcharge remittance being sent to the State, resulting in a slight overpayment. They recommended recalculating the amount and request a refund.

(Response: The amount was recalculated by the Deputy Recorder and a request for a refund (\$539.28) will be submitted to the State.

**Audit Report:**

Page ¾:

Accounting Policy Change: "Statement #33/Revenue Recognition"

This says that Property Taxes are recognized based on lien date rather than when they are actually received (the year they are budgeted for). In Utah the lien date is January 1; so by January 1 the Government has a lien on your home, yet no property tax has been imposed. At the end of June, budgets are adopted and rates are submitted...then an amount of property tax is assessed, but it is not due until November. In other words, there is a lien against one's home 11 months prior to being assessed taxes are due. This would be listed in the Audit as a "Receivable". The bulk of this assessment won't be received until January, February and March of the following calendar year.

\*The Financial Statements were reviewed in detail.

RE: Unreserved Fund Balance...

(Fund Equity) \$437,386...Problem: how much will the City go through before the next revenue really comes in?

General Fund sources of Revenue:

- Taxes (Largest source)  
Property Tax & Fee in Lieu (about 166,000) "Fee in lieu" comes in fairly regularly, but Property Tax won't come in until about Jan., Feb., and March. So, the bulk of this money will not be received until ½ or ¾ of the way through the Fiscal Year. The Auditors encouraged the Council to have more than 18% of Fund Balance available to keep the City from running short of cash revenue. 18% = about \$120,000...approximately 36,000 of this is in receivables.

If the difference is transferred into Capital Projects (as a reserve), then it can be available, if needed. This satisfies the law and still reserves the money for future use.

Sean Nielsen: In reality, if there is over 18% Fund Balance, the people are being over-taxed.

Todd Jackson: 18% is only about 2 months of expenditures. It would only take one emergency or unexpected major event and the City would have to shut down.

Curtis Roberts: This is also their position. The City must have more available than 2 months of capital. "Receivables" cannot be spent. Much of the City's Fund Balance could be tied up in receivables.

Expenditures (General Fund) for last year were about \$680,000 (round up to \$700,000).  $\frac{1}{2}$  of this = 350,000...If the equity position was at 350,000,  $\frac{1}{2}$  of the year's expenditures would be covered. With a small community, this is a safer level of coverage. The Auditors feel more comfortable with three to six months' coverage...\$166,000 is the bare minimum amount of fund balance they would recommend maintained in the General Fund.

(Property Taxes and valuations were discussed.)

If the County Assessor is overstating or understating values by greater than 10%, then there may be some recourse. Cities and towns should monitor their assessor's office to determine if the assessments are high or low.

***Enterprise Funds:***

***Storm Drainage Fund:***

Is in trouble since there is no actual fee being charged to the citizens for Storm Drainage; consequently, there is revenue budgeted, but nothing has been collected. If the fee is not instigated, the expenditures will have to be reclassified to another Fund for payment.

***Water Fund:***

Last year, Mr. Curtis discussed "return on investment" and warned that the Water Fund was losing money and that rates would have to be raised to offset this curve. He submitted a current comparison (Operating Accounts) to the Council that shows a return of .37%, which is "incredibly low...3% – 5 % just keeps up with inflation...that should be the minimum value. This reflects 2001/2002 figures, which does not take into account the recent raise in water rates, effective June, 2002. The return on investment should be increased.

***Sewer Fund:***

According to Mr. Curtis, the Sewer Fund is "dragging a little bit" and should be monitored to make sure that returns are keeping up with inflation.

***GASB 34:***

This is an accounting pronouncement, which redefines the financial statements for government accounting. He compared a worksheet organized in accordance with GASB 34 with page 6 (Audit Report) showing the difference in how the information is formatted. Both the old and new formats will have to be shown. Jones Simkins will assist in training the staff.



**ELK RIDGE  
CITY COUNCIL MEETING  
October 8, 2002**

**TIME & PLACE  
OF MEETING**

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

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**CITY COUNCIL REGULAR SESSION**

**ROLL CALL**

*Mayor:* Vernon Fritz; *City Council:* Todd Jackson, Gary Prestwich, Sean Nielsen, (Absent: Russell Sly, Lee Freeman); *planning Commission:* Robert Goodwin, Marc Rugg; *Public:* Zac & Patricia Richens, Boyd Hanks; *Scouts:* Sean & Steven Woodward; & *City Recorder:* Janice H. Davis

**INVOCATION  
PLEDGE OF  
ALLEGIANCE**

Invocation was offered by Sean Nielsen and Boyd Hanks led those present in the Pledge of Allegiance.

**AGENDA TIME  
FRAME**

**MOTION WAS MADE BY TODD JACKSON AND SECONDED BY SEAN NIELSEN TO APPROVE THE AGENDA, ADJUSTING THE TIME FRAME BY 20 MINUTES  
VOTE: YES (3)      NO (0)      ABSENT (2) RUSSELL SLY, LEE FREEMAN**

**2001/2002  
AUDIT  
ACCEPTANCE**

**MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY TODD JACKSON TO ACCEPT THE 2001/2002 AUDIT PERFORMED BY JONES SIMKINS, LLP, AS AS PRESENTED  
VOTE: YES (3)      NO (0)      ABSENT (2) RUSSELL SLY, LEE FREEMAN**

**LOAFER  
RECREATION  
ASSOC./  
VACATION OF  
CLUSTERS  
#2 & #4 AND  
CLUSTER  
COMBINATION  
INTO #2**

Boyd Hanks: Present representing Loafer Recreation Association...

Memo from Planner, Jim Bolser to the Council (dated 10-8-2002):

Outline of the issues regarding the proposal plat for the Loafer Recreation area.

1. The developer(s) have compiled the requested changes to the plat, which included the addition of 4 new fire hydrants to bring the project into compliance with the Fire Code, adjustment to the depiction of easements and zymology, and typographical errors.

2. This project is not a subdivision, nor is the original plat. This is also not a lot line adjustment project. The "lots" shown on the plat maps are building sites, not "lots". All of the property is under the ownership of the Recreation Association. All that is sold by the Association is the ability and assignment to build on a specific site. The City does not have the ability to strictly regulate this project through the Subdivision Ordinance. What can be done is regulation through the Zoning Ordinance. Having said this, the applicant has complied with all applicable Zoning regulations and the requests of the staff to accomplish principle ideas and basic requirements from the Subdivision Ordinance.

3. The City is tied by the amount of regulation that we can place on the project. Other than the physical location of the project within the boundaries of Elk Ridge City, the Loafer Recreation site is essentially their own independent entity. They run their own systems.

4. The idea behind the proposal is to reduce the overall number of building sites and make the remaining building sites more useable.
5. Finally, staffs' recommendation is for an approval of the project based on the fact that the applicant has complied with every request and requirement the City has placed on the project and has even gone beyond what has been required of him.

LEI Engineering's letter, dated 9-19-02, recommends approval of the project, with the addition of a fire hydrant at the northern end of site #7, to be in compliance with Fire Code.

Mr. Hanks was present to answer any questions from the Council. The extra fire hydrant has been added to the Plat.

The intent of the Association is to combine certain building sites. The action will create three lots less in the development. (Lot numbers have changed slightly.)

Reasons:

- Elk Ridge well occupies a lot that no one wants to build by
- A cul de sac was eliminated due to 2 lots, which interfered with the property easement for power...the lots were combined and increased the size.
- To simply "clean up" the area and add 5 new hydrants

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY TODD JACKSON TO DECLARE THE FINDING BY THE COUNCIL THAT THERE WILL BE "NO MATERIAL INJURY" BY THE VACATION OF LOAFER RECREATION ASSOCIATION CLUSTER NO. 4, PLAT "A" AND TO APPROVE THE COMBINING OF CLUSTER NO. 2 AND CLUSTER NO. 4 INTO LOAFER RECREATION ASSOCIATION CLUSTER #2, SEASONAL HOME & MULTIPLE USE AREA**

**VOTE: YES (3)      NO (0)      ABSENT (2) RUSSELL SLY, LEE FREEMAN**

#### EAGLE SCOUT PROJECTS

Mayor Fritz: Submitted a proposed Eagle Application for scouts to fill out to approach the City Council for approval of Eagle Projects. (To be reviewed by the Council for suggestions.)

The Mayor feels that part of the training process in doing an Eagle Project is learning how to make a formal presentation to a Government Body and to demonstrate to that Body the value of the Project they have in mind.

Sean and Steven Woodward were present.

Steven Woodward: Presented photos of the City Hall, to be repainted.

- Repair loose wood  
(They will provide some of the tools needed for repair)
- Sand off peeling areas and to paint the entire building

Sean Woodward:

- Estimate: 3,000square feet
- Will need about 15 gallons of lighter color and about 2 gal. of darker paint
- They think about \$30 for paint supplies (the Council felt this was a low estimate)

Mayor Fritz: Wanted to know to what degree they (scouts) plan on participating in funding the project.

(They are not planning on participating financially.) This was solicited by the City and they (scouts) will provide the labor, the City will provide the materials.

It was decided that a semi-gloss would be best.

It was felt that \$438.00 would be needed. (The Council felt \$600 would be more appropriate.)

They will begin as soon as the project is approved by the Eagle Board.

The project will be adult supervised.

**MOTION WAS MADE BY TODD JACKSON AND SECONDED BY GARY PRESTWICH TO APPROVE THE EAGLE PROJECT FOR SEAN AND STEVEN WOODWARD, TO PAINT THE CITY BUILDING AND TO PROVIDE MATERIALS IN THE AMOUNT OF UP TO \$600.00**

**VOTE: YES (3) NO (0) ABSENT (2) RUSSELL SLY, LEE FREEMAN**

PLANNING  
COMMISSION  
CHAIRMAN

Chairman Robert Goodwin: Was present to address the City Council about an action taken at a past Council Meeting. Resolution #02-8-27-12R was passed by the Council on August 27, 2002. It was concerned with the availability of building permits for approved lots using septic tank disposal systems within specific areas of the City.

(Mayor Fritz requested that both the letter from the Planning Commission and his answering letter be included in the official minutes.)

Mr. Goodwin read a letter (dated 10-2-02) from the Planning Commission:

"Dear Sirs & Madam:

We, as the Planning Commission and residents of Elk Ridge, are writing this letter in response to your decision to overlook our concerns about allowing septic tanks in the City of Elk Ridge. Not to mention, our concerns about the total disregard of the advise of the City's legal counsel. We are of the opinion that **One More Does Matter!**

Decisions that affect an entire City should not be based on one person's personal reasons or relationships with business associates. We are very concerned that, to allow a septic tank, has the possibility, if not the probability, of causing legal problems for our City. When we do not support this Ordinance, or any other one for that matter, we open the door for future entanglements. We believe the words of our legal counsel were as follows: "Utah State Code requires cities to enforce their codes. If the City doesn't apply it here, it can't apply it equally elsewhere. I caution, this is not a game you want to get into." His recommendation was to **not** permit this, at any time until the sewer system was extended to the area and the water system is adequate. To allow anything different would be contrary to everything the City has been and continues trying to accomplish.

We have little or no recourse now, but we wanted out thoughts and concerns made for legal and permanent record. City residents are not always aware of the decisions that their elected officials are making for them. We might ass that we are confident that few would be in agreement with this decision. We are al concerned about contamination of our drinking water. We are concerned about our children who drink and bathe in our City's water.

We state again, for the record, that we are of the opinion that **One More Does Matter**. We are opening up a legal lane for many more septic tanks to be installed within our City.

Sincerely,

City of Elk Ridge Planning Commission"

Mayor's Response (dated 10-10-02):

"Regarding the letter referred to above, I find it necessary to offer a rebuttal. Said rebuttal is to be entered into the minutes of the City Council held on October 8, 2002 and must appear immediately following the letter so referred to above.

Good people can have honest disagreements. Even as two people look at the same set of data, they can come to opposite conclusions. I n our form of government, each person has a right to his/her opinion. Such is the substance of our great democratic approach to governing ourselves. The right to criticize is inalienable. We permit citizens to make abusive public statements about those who serve the community. If one serves in a public position, he/she accepts the reality that whether ill intended or of honest desire, citizens have a right to voice their concerns. The content is secondary to the right to voice opinions, but remarks should be consistent with the facts.

The "business associate" referred to in the second paragraph is a man of ten years acquaintance, with whom I had my last business transaction at least seven years ago. At that time, within the week of taking office as a Councilman, I delivered a letter to the concerned gentleman stating that I would no longer accept business from him or any member of his office. I honored that commitment and resent an inference of improper behavior.

If personal familiarity and past associations exclude a citizen from redress then we will have reached a sad state of affairs. All citizens have a right to seek a remedy when they feel they have been injured. I will not use a litmus test in determining who has the right to seek a legal variance from a perceived illegal action on the part of the City. I will, however, obey the law, work within the system, and accept the outcome in a professional manner.

In our form of government, one may vigorously express opposition during the debate of a subject, but after a decision has been made, it is the responsibility of each person to accept it. Failing that, they may then work to have it reversed. It is a legal process that applies to all.

In the first paragraph, an accusation is made that the Council overlooked the Planning Commission's concerns. The nearly three months of deliberation on this subject hardly represents ignoring concerns. All support documentation was delivered to the Commission. Planning Commission input was considered and evaluated but, in the end, the Council felt this was an action that needed to be taken based upon legal advice from the City Attorney.

If only the opinions of the Commission should prevail then we can remove the elected Council members from the process and acquiesce to the collective wisdom of a commission, which has no direct responsibility to the electorate. The Planning Commission is an invaluable body and without its contribution and advise the Council would struggle; however, an advisory body does just that, advise. It doesn't make the law. It offers its opinions and wisdom to help the elected body make good decisions. There is no assurance that full agreement will follow.

Further, paragraph two of the Commission's letter falsely attributes a statement to our City Attorney that gives the impression of disapproval of the proposed change. Nowhere in the Attorney's letter does that statement appear. Rather, as quoted below and seen in the full text of his letter inserted behind this rebuttal, he states the following:

*'The issue of withholding permits until the sewer comes is more complicated. You can only do so if you have a rational basis for the decision. The basis should be related to health and safety. An example would be that you need to deny more septic tanks because of the ground water concerns. This will be difficult for you to do unless you have studies or other information that support your decision. The difficulty in your current position is that you have several homes on septic tanks so you will need to explain why four more septic tanks create a problem. If you cannot do this you probably should allow the building, if the health department approves the building site for the septic tank. The strongest point in your position is that you are currently pursuing sewer service to the area so this is not a permanent prohibition on building.'* (underline and bold added)

Government by its nature makes laws intended to benefit the community in general and individuals in particular. Occasionally a well-intended statute passes into law only to be discovered later that it improperly infringes upon a single person's rights. Does government then amend the lengthy statute to provide remedy or does it have a mechanism that permits isolated redress? The answer is the latter. That was what happened in the case under discussion now.

Another approach in this instance would be to ignore the violation of a single individual's rights and say it happens all the time and that one person doesn't matter. I disagree. Like you, I believe one more does matter.

I, too, offer this rebuttal in the spirit of resolving conflict.

Sincerely,

Vernon L. Fritz

Mayor of Elk Ridge City"

After Mr. Goodwin read the letter from the Planning Commission, the Mayor questioned the source of the "legal statement" quoted in the letter. He asked if it came from David Church.

Mr. Goodwin responded that that was the letter that came from the legal counsel.

Mayor Fritz said that it was "contradictory to the letter" he had seen.

Todd Jackson: Said it was hard to be prepared to discuss this when the Council has no copy of the letter.



Mayor Fritz: Again reiterated that the quote in the Planning Commission's letter is contradictory to the letter received from the City's Attorney.

Mark Rugg: It is "verbatim".

Gary Prestwich: "That was from David Church?"

Mayor Fritz: Made the point that Mr. Church, over all, stressed that the City would have great difficulty defending ourselves by refusing to allow the building of a home based upon the belief that septic tanks are risky when, in the same area there are 20 other septic tanks. The other element as far as contamination of water supplies goes...the nearest well-head is a mile and ½ from any contamination element. As the Planning Commission knows from the information provided to them...there is no opposition from the County. There was no opposition by the Goosenest Water System Officers.

One of the issues he had was the denial of property rights by action the Council took when they said that if an individual could not connect onto a "suitable" water system and sewer system, he/she could not get a building permit. The Mayor simply wanted to gather up the facts and present the matter for reconsideration. This action would also prevent the Loafer Recreation area from building, as well because the City may never run a sewer system to that area.

Mr. Goodwin: Septic is not altogether bad, when needed. The risk of contamination is a real problem. He feels the City has come down a road toward progress and that this action "reverses" the attempted progress.

Mayor Fritz: The crux of the issue is that the Planning Commission is asked to do a difficult job, but they are an "advisory" board. Five Councilmembers weighed the information and voted the direction they did.

Mr. Goodwin: We can always agree to disagree. Planning should take in at least the next 5 or 10 years.

Gary Prestwich: Added: In the case of the Goosenest area, part of the ordinance also specifies that when a sewer line is available, they would have to connect onto it. Laterals have to be installed to facilitate the eventual connection.

Todd Jackson: Commented that there was no one representing the Planning Commission was present at the Council Meeting when the decision to pass the ordinance was made. This is "new information" to him that the Planning Commission has a very strong feeling against what the Council was doing. When there is an item on the Council agenda that someone is opposed to, the information should come to the Council before action is taken, not after. They can only vote on the information presented to them.

The Mayor thanked Mr. Goodwin for the work the Planning Commission does.

The joint meeting with the Planning Commission was discussed. The 12<sup>th</sup> of November was decided upon at 6:00 pm. The Council will host the meeting.

#### BACK STOPS/ INGRAM FIELD

Todd Jackson: Another young man seeking an Eagle Project approached Councilmember Jackson. Money is set-aside in the *Capital Projects/Parks* to complete several projects, including backstops. If the scouts provide the labor, then the City only has to provide the materials. Councilmember Jackson would like to hear any concerns before proceeding.

The project will move the bench and the temporary fence on the west end of the field and build two backstops approximately 30' long by 12' high. The cost would be about \$1,000.

These projects are things the City would have done anyway. This just eliminates the cost of labor. Scouts cannot count the hours spent in raising funds toward their projects. The Recorder needs the name of the scout.

Mayor Fritz: The scouts should be encouraged to obtain their own funding as much as possible. They should also present their idea to the Council.



SHUTE/MASON  
LANDSCAPING

Mayor Fritz: The proposed project in its entirety would cost about \$2,000. The Mayor the list of improvements on former Mayor Ingram's letter to Wayne Shute and he does not feel the retaining wall is necessary for the City to install. He has little problem with the steps. Mr. Mason has not been approached on the matter. Councilmember Prestwich suggested that Mr. Mason be contacted by the Mayor to determine what he will settle for and a recommendation come back to the Council.  
Todd Jackson: Mr. Mason should be aware the Council is hesitant to spend the citizens' money on items promised by the former Mayor.

LEI CONTRACT  
EXTENSION

Mayor Fritz: The Mayor will not be meeting with Jesse Conway (LEI) until Monday, October 21, 2002, at 9:00 am.

DALLAS YOUNG  
WATER RIGHTS

Mayor Fritz: Dallas Young was informed that the City would need some time to determine if there is a need for more water rights. The Mayor met with LEI this morning and a new concept was presented to him. Information has recently come to LEI via a fax. One of the governmental agencies dealing with CUP Water has a proposal that, in substance, would pay the City for Irrigation shares already in our possession. The City could then purchase water rights from another source (such as Dallas Young)

Sean Nielsen: Questioned if the City could sell its water rights.

Mayor Fritz: A problem experienced with "ditch water" (irrigation shares) is the loss of over 30% of the water that enters the ditch due to evaporation and to percolation. They are going to change the canal from an open canal to a pipe system. By so doing, they (CUP) want to share the surplus water (in some way) with the cities. If this takes place, would the Council consider purchasing 100 shares or more?

Recently, the State required Spanish Fork to drill an "observation well" along with the regular wells being drilled. (An "observation well" is used to measure the affect upon the aquifer.)

Todd Jackson: Based on rough figures, he is still of the opinion that the City has more water rights than necessary. He is reticent to spend money on rights we may not need.

Mayor Fritz: There is a firm (Bureaucratic Systems), which has offered to research Rights. The Mayor will contact them and LEI to get estimates on coming up with answers to this on-going question...does the City need more water rights? Then the Council could be polled to decide which company to go with.

Sean Nielsen: We need to supply information to either company based off of correct figures. LEI feels .33-acre ft of water is too high to require for outdoor landscaping. They have stated .25 is a more reasonable number. This makes a big difference in what is required by the City. LEI would have to conduct the survey they have proposed. (Gary Prestwich suggested having the State do the survey.)

DALLAS YOUNG  
WATER RIGHTS

The Mayor will contact Mr. Young to see if he will give the City a chance to check into all the new information about CUP Water and whether the City actually needs more rights.

NEW WELL  
UPDATE

Mayor Fritz: The Mayor met with the driller and LEI today, going over the pre-award terms and conditions. One stipulation to be aware of is that the driller will only communicate with LEI Engineering. Lei will then communicate with the City (even Kent Haskell).

Question: Does the agreement with Mr. Beeman include the well being insured during construction? Utah Local Governments Trust asked if they should cover this for us. The bond attorney feels this should be covered by the contractor. (The Mayor will find out if they have it and if it is needed.)

EXPENDITURES: A. General:

Road Repair: Staker Construction Invoice = Over \$22,000

This bill is "on hold" until Councilmember Prestwich checks with Staker for a more descriptive breakdown. The current bill does not list the various repair sites, only "Elk Ridge City Road Repair...S. Salem Hills & Fremont Dr."

The Council is agreed to pay the bill, contingent upon receiving a better breakdown from Staker.

MINUTES

9-24-02:

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY SEAN NIELSEN TO APPROVE THE CITY COUNCIL MINUTES OF 9-24-02**

**VOTE: YES (3) NO (0) ABSENT (2) RUSSELL SLY, LEE FREEMAN**

10-1-02:


**MOTION WAS MADE BY TODD JACKSON AND SECONDED BY GARY PRESTWICH TO APPROVE THE CITY COUNCIL MINUTES OF 10-1-02**

**VOTE: YES (3) NO (0) ABSENT (2) RUSSELL SLY, LEE FREEMAN**

ADJOURNMENT

**MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY GARY PRESTWICH TO ADJOURN THE CITY COUNCIL MEETING**

**VOTE: YES (3) NO (0) ABSENT (2) RUSSELL SLY, LEE FREEMAN**

  
City Recorder

## AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular City Council Meeting on Tuesday, October 22, 2002, at 7:00 PM, to be preceded by a Council Work Session at 6:20 PM. These meetings will be preceded by Two Public Hearings for the purpose of hearing public comment about the following: The First Public Hearing, at 6:00 PM, is on a proposed Ordinance concerning the regulation of building heights within zones. The Second Public Hearing, to be held at 6:10 PM, is on an ordinance amending Section 10-3-3.28, regarding flag lot development. All interested persons shall be given an opportunity to be heard. The meetings will be held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

6:00 PM

1. PUBLIC HEARING/ORDINANCE-REGULATION OF BUILDING HEIGHTS

Ordinance/Amending the Elk Ridge City Code Providing for Regulation of Building Heights within Zones, providing for Codification, Inclusion in Code, Correction of Scrivener's Errors, Providing for Severability, and Providing an Effective Date

6:10 PM

2. PUBLIC HEARING/FLAG LOT REGULATIONS

An Ordinance Amending the Elk Ridge City Code Providing for Flag Lot Regulations; Codification, Inclusion in the Code, Corrections of Scrivener's Errors, Severability, and Providing an Effective Date

6:20 PM

CITY COUNCIL WORK SESSION

3. Insect Control – Karen Kolibar
4. Jack Mason/Finish Steps & Retaining Wall – Mayor Fritz
5. Lot Combination Problem/Dean Ingram & Mike Johnson
6. Bureaucratic Systems – Mayor Fritz
7. "Fast Tracking" – Ernestine Folks
8. New Elk Ridge Sign at 1600 W. & Gooseneat Drive
9. Internal Review of "Municipal Water System Analysis" – Mayor Fritz
10. C.U.P. Water Purchase – Mayor Fritz
11. LEI Engineering: - Mayor Fritz
  - A. Insurance Coverage
  - B. Zone Administration Charges

7:00 - PM

REGULAR COUNCIL MEETING AGENDA ITEMS:

Invocation and Pledge of Allegiance


Approval/Agenda Time Frame

- 7:05 12. Adoption of Ordinances:
  - A. Ordinance/Regulation of Building Heights
  - B. Ordinance/Flag Lot Regulations
- 7:10 13. Lot Combination – Dean Ingram & Mike Johnson
- 7:20 14. Water Rights – Mayor Fritz
- 7:30 15. Insect Control – Karen Kolibar
- 7:35 16. Eagle Scout Projects/Update
- 7:40 17. Amended Budget, 2002
- 7:50 18. Expenditures:
  - General
- 8:00 19. Approval of Minutes of Previous Meetings
- 8:05 20. Contract/Mountainland Association of Governments
- 8:10 Adjournment

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


The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 21<sup>st</sup> day of October, 2002



  
City Recorder

# CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, 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 18, 2002; and an amended Agenda on 10-21-02.

  
City Recorder



**ELK RIDGE  
CITY COUNCIL MEETING  
October 22, 2002**

**TIME & PLACE  
OF MEETING**

The regular Meeting of the Elk Ridge City Council was held on Tuesday, October 22, 2002, at 7:00 PM; it was preceded by a City Council Work Session at 6:20 PM. These meetings were preceded by two Public Hearings for the purpose of hearing public comment about the following: The first Public Hearing, at 6:00 pm, was on a proposed Ordinance concerning the regulation of building heights within zones. The second Public Hearing, at 6:10 pm, was on a proposed Ordinance amending Section 10-3-3.28, regarding flag lot development. 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 18, 2002.

**6:00 PM**

**PUBLIC HEARING/ORDINANCE-REGULATION OF BUILDING HEIGHTS**

**ROLL CALL**

*Mayor:* Vernon Fritz; *City Council:* Todd Jackson, Gary Prestwich, Sean Nielsen, Russell Sly, Lee Freeman; *administrative Asst.:* Ernestine Folks; *Sheriff:* Deputy Greg Knap; *Public:* Jack Mason, Mike Johnson, Dean Ingram, Alvin Harward, Bob Kolibar, Audrey Hatch, Julie Haskell; *Scouts:* McKade Waite, Reese Knuteson, Cory Deichman, Colby Stoker; & *City Recorder:* Janice H. Davis

At 6:00 PM, Mayor Fritz opened the Public Hearing on a proposed Ordinance amending the Elk Ridge City Code providing for regulation of building heights within zones, providing for codification, Inclusion in Code, correction of scrivener's errors, providing for Severability, and providing an effective date.

Explanation of proposed ordinance: Heights of buildings have been measured from the highest point of finished grade. Previously, the City addressed measuring the height of accessory buildings from the "median" point of grade. This proposed ordinance would apply the same standard to the main dwelling on the lot.

Comments:

Todd Jackson: How would the "median" be measured? Hopefully, the spirit of the changes will be that the measurement is the average "middle of a data set". (Example: Measurement could be taken every 10 ft. or so, then the biggest and the smallest measurements would be dropped off, until the "middle" is arrived at.) If not, someone could take advantage of the method of measurement.

There were no further comments.

At 6:15 pm, Mayor Fritz closed the Public Hearing on an Ordinance concerned with the regulation of building heights.

**6:15 PM**

**PUBLIC HEARING/FLAG LOT REGULATIONS**

**ROLL CALL**

*Mayor:* Vernon Fritz; *City Council:* Todd Jackson, Gary Prestwich, Sean Nielsen, Russell Sly, Lee Freeman; *administrative Asst.:* Ernestine Folks; *Sheriff:* Deputy Greg Knap; *Public:* Jack Mason, Mike Johnson, Dean Ingram, Alvin Harward, Bob Kolibar, Audrey Hatch, Julie Haskell; *Scouts:* McKade Waite, Reese Knuteson, Cory Deichman, Colby Stoker; & *City Recorder:* Janice H. Davis



At 6:15 PM, Mayor Fritz opened the Public Hearing on a proposed Ordinance amending the Elk Ridge City Code providing for Flag Lots Regulations; codification, inclusion in the Code, corrections of scrivener's errors, Severability and providing an effective date.

This proposed ordinance decreases the width for access to a flag lot from 60' to 20'.

The Planning Commission feels 60' is nearly the required width of a subdivision lot. It is too wide for a flag lot entrance.

This ordinance has been to the Attorney and changes were made based on his advice. The Planning Commission recommends approval.

There were no further comments.

At 6:30 PM, the Mayor closed the Public Hearing on an ordinance concerning Flag Lot Regulations.

6:30 PM

### CITY COUNCIL WORK SESSION

ROLL CALL

*Mayor:* Vernon Fritz; *City Council:* Todd Jackson, Gary Prestwich, Sean Nielsen, Russell Sly, Lee Freeman; *administrative Asst.:* Ernestine Folks; *Sheriff:* Deputy Greg Knap; *Public:* Jack Mason, Mike Johnson, Dean Ingram, Alvin Harward, Bob Kolibar, Audrey Hatch, Julie Haskell; *Scouts:* McKade Waite, Reese Knuteson, Cory Deichman, Colby Stoker; & *City Recorder:* Janice H. Davis

INSECT CONTROL

Bob Kolibar: Mr. Kolibar lives on High Sierra Drive. He represented many residents experiencing a problem with "box elder" bugs infesting the City, particularly around the edge of the City. This year is worse than other years. This seems to run in cycles. Mr. Kolibar contacted the Extension Services at Utah State University. He is in possession of information, which he will make available to anyone who is interested. The information includes where the bugs breed, when to spray for them and what to use.

Information has been provided concluding that the normal spray, diazinon is not very effective on the mature bugs. Spraying the foliage when the bugs are young may be more effective. Removal of "female" box elder trees may reduce the bug population.

Caution should be taken whenever pesticides are used. They have both benefits and risks. Instructions should always be followed carefully.

The information can educate the Council and the general public to be in a position to better control the problem next year. There is still an opportunity to spray the bugs with certain chemicals before they hibernate this winter.

People need to spray the surrounding areas, as well.

The spray Mr. Kolibar has used is not toxic to children or animals. Mr. Kolibar wants to speak to Woodland Hills and Payson City, as well.

Ernestine Folks: Good success has resulted from using just dish soap in an attachment to a hose.

The Mayor asked Mr. Kolibar to prepare a statement for the newsletter.

JACK MASON/  
FINISH STEPS &  
RETAINING

Mayor Fritz: (Review) Mr. Mason owns a home previously owned by Wayne Shute, on Fremont Way. When the curb & gutter was installed in conjunction with the re-design of the road, the roadbed ended up higher than the grade of the yard. The driveway adjustment was substantial. Former Mayor Ingram wrote Mr. Shute a letter indicating that certain improvements would be completed by the City. The current Council has been discussing the issue of how much, if any of the work the City should be responsible for. Mayor Fritz feels steps should be installed and a partial front-walk. Mayor Ingram's letter also referred to an 18" retaining wall, which would

really be about a 24" (or more) wall; part of it must be buried for stability. Mayor Fritz does not agree the City should be responsible for the retaining wall, however the former Mayor made a commitment, which carries weight.

Jack Mason: Purchased the home from the Shute's under certain term & conditions. Mr. Shute informed the Mason's of the work that was to be completed by the City. The Mason's assumed that all of the improvements would be installed and the matter resolved and this is what they expect, including the retaining wall. (The cost would be about \$2,000...for the wall, sidewalk & the steps.)

\*The decision by the Council will be made later in the Meeting, under "General Expenditures".

LOT  
COMBINATION/  
MIKE JOHNSON &  
DEAN INGRAM

\*(Brief History as per memo from Ernie Folks to the City Council:)

Mike Johnson did a lot combination in April, 1998 (approved by the Council).

Dean Ingram submitted the necessary documents for a lot combination in September, 2002. At that time the City staff became aware that the properties being combined were part of Mike Johnson's lot combination. (Mr. Ingram had purchased portions of the Mike Johnson property September, 2001.)

The Declaration of a Zoning Lot document for Mike Johnson stipulates that "*the sale, lease, bequests, or other assignment or transfer of the above-described parcels shall occur as a unit, and that any sale, lease, bequest or other assignment or transfer, of only a part of the property to persons or entities other than the owners of the one-family shall be a violation of this covenant, and in addition to any sanctions for such violation, shall revoke the right to maintain the one-family dwelling on the property*".

*"This covenant shall run with the land and be finding upon all persons owning or leasing the above-described property until 20 years from the date of execution hereof and shall be automatically renewed for successive 10 year periods, or until such time as: a) the Development Code of the Town of Elk Ridge is repealed to no longer require the above described zoning lot or the parcels shall have been released from the terms of this declaration by action of the Town Council of Elk Ridge, Utah."*

At this time, Mr. Johnson is in violation of the provisions of the Declaration of a Zone Lot document.

Mr. Dean Ingram is requesting the Council release Mike Johnson from the terms of the Declaration of a Zone Lot.

City Planner, Jim Bolser, has indicated the Council can release Mike Johnson from the terms of the Declaration of a Zone Lot, but should be very cautious in doing so, as they would be in releasing anyone from the terms of an agreement. Furthermore, the Council can only release Mr. Johnson from the terms of the Agreement at this time. The release from the terms of the Agreement then requires Mr. Johnson to go through the subdivision process of vacating and amending the Ridge View Meadows Subdivision to change Lot #5. There are public hearings required with the approval of the vacation & amendment of a subdivision plat. The required process will need to be followed and the appropriate fees paid. The approval of the vacation & amendment subdivision plat would be contingent upon the lot combination of Mr. Ingram, combining the properties. Each approval (4) is contingent upon approval of the others. No new lots can be created with this process.

Dean Ingram: Met with David Tuckett (Attorney for Payson City) and submitted a letter, dated 10-21-2002, to the Council. Mr. Tuckett, though not wanting to influence the decision of the Council, sought to clarify an item, which he believes is incorrect. He feels that since the City did not require Mr. Johnson to amend the plat, but to sign a covenant not to do anything with his property. The parcels in question are not part of the Ridge View Meadows Subdivision Plat; "therefore there would be no requirement to amend the plat". Mr. Tuckett stated in his letter that he understands that Mr. Ingram would be willing to sign a similar document as the one signed by Mr. Johnson.

Mike Johnson was required to do a lot combination years ago in order to build a garage as an accessory building.

Mr. Ingram is in the process of building a home on a lot in Ridge View Meadows and wants to eventually build a garage on the parcel he purchased from Mr. Johnson.

The parcels included in the current lot combination are still considered separate pieces of ground by the County. They are taxed separately. Ridge View Meadows Subdivision was not altered or amended. By dissolving the Agreement, the Plat would be the same, only with the extra parcel detached.

Mr. Ingram proposes to replace the existing lot combination with two more, one from Mr. Johnson and one from him (Mr. Ingram). Mr. Ingram made the point that if the Agreement were dissolved without replacement declarations ready to go at the same time; that would leave Mr. Johnson's garage existing illegally on a parcel not included in with a subdivision lot.

He made the point that other lot combinations had taken place in the City, which leave the lots still recorded as separate. The declaration acts like a "lien" on the property.

Mr. Ingram made the point that selling off parcels of land happens. The effect comes when one tries to obtain a building permit for that parcel. Property owners that "carve off" portions of their land are "in violation", but does it happen? Yes.

Mike Johnson: Commented that when he did the lot combination, he was "subconsciously" combining the one parcel, not two parcels. When the current matter with Mr. Ingram came up, he became aware of the multiple parcels included into the Agreement.

Ernestine Folks: Was asked if she agrees with Mr. Tuckett's advise...she responded that every city has its own processes to accomplish things and that there are always more than one way. Elk Ridge has the way pointed out by the City Planner.

She suggested consulting with the City's Attorney, the City Planner and the County Recorder's office to see what they will accept. The subdivision process is cleaner.

Mayor Fritz: He prefers the least onerous way without causing problems in the future. After reading the letter from Dave Tuckett, the Council felt no decision should be made until the matter had been presented to Elk Ridge's Attorney and City Planner.

The Mayor committed that they Council would have an answer for Mr. Ingram within 30 days.

#### BUREAUCRATIC SYSTEMS

Mayor Fritz: Regarding researching water rights...The Mayor contacted the owner of company to determine if they would be of use to Elk Ridge in the process of organizing water rights and determining how many would be needed currently and for the future. The company would not be of any benefit to Elk Ridge.

#### "FAST TRACKING"

Ernestine Folks: (The Mayor asks the Council if there would be any justifiable situations where "short-cuts" are allowed in the building permit process.)

Robert Goodwin (Planning Commission Chairman) wrote a letter to the Mayor Spring, 2002, regarding "fast tracking". (The Mayor did not receive it.)

Another letter was written, dated 10-1-2002, reviewing the information discussed by the Planning Commission. They found that there were no good reasons to allow "fast tracking" (temporary permits). They unanimously agreed and recommended that the City completely eliminate "fast tracking" in the building permit process.

According to Mrs. Folks, the Building Inspector is not in favor of temporary permits.

Things "fall through the cracks" and problems arise. In looking back through the City documents, Mrs. Folks found a resolution passed in 1997, which prohibits work prior to the issuance of a building permit. So, the current law does not allow fast tracking.

The Council agreed to uphold the law as it is and not allow temporary permits.

NEW ELK RIDGE  
SIGN

Mayor Fritz: Introduced a concept of a 3-piece structure which could include the Elk Ridge sign, a bulletin board and a city map. It would serve multiple purposes. Quality is important. The entrance to Elk Ridge (1600 West) should look professional. The bulletin board could be used for announcements pertaining to the 3-Step Emergency Plan, along with other City announcements. The Mayor suggested the Council look at the announcement board used for Peteetneet Academy of Arts and perhaps using that as a model. The point was made that the Elk Ridge sign on the Highway still needs to be moved to 1600 West from its current location at 1700 West. Councilmember Jackson spoke to Don Mecham and Mr. Mecham said he would donate the materials for the sign. This matter will be back on the agenda for next Council Meeting.

MUNICIPAL  
WATER SYSTEM  
ANALYSIS

Mayor Fritz: Submitted a memo to the Councilmembers regarding his evaluation of the result of Work Release #33 (LEI Engineering) concerned with the Municipal Water System Analysis. The Mayor feels that the Analysis should have included the expected information from LEI on the City's water system rather than being "slanted" towards the proposed joint project with Payson City. He would like the Council to compare the evaluation provided by the Mayor to the Analysis provided by LEI. They (LEI) have been asked to make a formal presentation at the next City Council Meeting.

C.U.P. WATER  
PURCHASE

Mayor Fritz: Central Utah Water Conservancy District is interested in the Upper East Canal water shares owned by Elk Ridge. A proposed contract to facilitate the exchange has been drawn up by C.U.P. and reviewed by the City's Attorney, David Church. The proposal was to purchase the rights from the City at \$2,000/acre foot. It does not appear that the exchange will take place. The rights belonging to the City could be reduced by 32%. If the deal did not make it through the courts system and through the protest period, then the money would have to be returned to C.U.P. There could also be additional legal costs associated with court. There is the question, which remains about the legality of municipalities selling water rights. David Church advised the best solution would be to trade our shares for rights we could use in the system rather than taking money. An even trade is allowed under the constitution. He also feels the City should make an annual effort to replace any rights lost.

What is the reason for the 32% loss? (That needs to be determined.)

Russell Sly: Reminded the Council that the Dallas Young water rights are very "senior" rights and that they will be more and more valuable as water rights become more difficult to purchase.

The Mayor will contact David Church for further counsel.

LEI  
ENGINEERING

A. Insurance Coverage: As part of the revised contract with LEI, they would like for the City to indemnify (include under the umbrella of the City's insurance) LEI Engineering, when they are working under the direction of the City.

A developer (Mr. Bushnell) is suing Woodland Hills, the Corporation of LEI and one of the owners of LEI, for over \$1,000,000.

The Mayor commented that he could not see the benefit to the City in accommodating LEI. The Council was not in favor of LEI's suggestion.

B. Zone Administration Charges: Currently there is a charge of \$60/hour for Zone Administration...LEI retains \$45/hour the City retains \$15/hour to off-set any administration costs. LEI is suppose to bill these charges directly to the individual or company.



LEI would like for the City to pay LEI for the service and then collect the charges from the individual or company. They feel it is not worth taking someone to small claims court to collect the charges, if they refuse to pay.

Does the City want to act as "collection agent:" for LEI? If so, how would this be accomplished?

LEI is acting under the direction of the City to enforce the Zoning Ordinance. Is this justification to pay them directly?

City Recorder:

- When the Sheriff's Dept. enforces the law, the City pays for the "call-out". Is Zoning enforcement a service the City should pay for?
- Jim Bolser has offered to be the City's Zoning Administrator (he also performs this duty for Santaquin). The advantage in keeping Corbett Stevens as the Zoning Administrator is that he is here and available more often than Mr. Bolser is.

There was a suggestion for the City to retain more of the fee.

Lee Freeman: If the City does the collecting, the amount paid to LEI should be reduced.

Russell Sly: Feels the arrangement for collection should not change in the new contract.

**ELK RIDGE  
CITY COUNCIL MEETING  
October 22, 2002**

**TIME & PLACE  
OF MEETING**

The regular Meeting of the Elk Ridge City Council was held on **Tuesday, October 22, 2002, at 7:00 PM;** it was preceded by a **City Council Work Session at 6:20 PM.** These meetings were preceded by **two Public Hearings for the purpose of hearing public comment about the following: The first Public Hearing, at 6:00 pm, was** on a proposed Ordinance concerning the regulation of building heights within zones. **The second Public Hearing, at 6:10 pm,** was on a proposed Ordinance amending Section 10-3-3.28, regarding flag lot development.

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 18, 2002.

**ROLL CALL**

*Mayor:* Vernon Fritz; *City Council:* Todd Jackson, Gary Prestwich, Sean Nielsen, Russell Sly, Lee Freeman; *administrative Asst.:* Ernestine Folks; *Sheriff:* Deputy Greg Knap; *Public:* Jack Mason, Mike Johnson, Dean Ingram, Alvin Harward, Bob Kolibar, Audrey Hatch, Julie Haskell; *Scouts:* McKade Waite, Reese Knuteson, Cory Deichman, Colby Stoker; & *City Recorder:* Janice H. Davis

**INVOCATION  
PLEDGE OF  
ALLEGIANCE**

Invocation was offered by Russell Sly and Gary Prestwich led those present in the Pledge of Allegiance.



AGENDA TIME FRAME	<b>MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY GARY PRESTWICH TO APPROVE THE AGENDA, ADJUSTING THE TIME FRAME BY 45 MINUTES</b> <b>VOTE: YES (4) NO (0) ABSENT (1) SEAN NIELSEN</b>
ADOPTION/ ORDINANCES	<p>A. Ordinance/Regulation of Building Heights: <b>MOTION WAS MADE BY TODD JACKSON AND SECONDED BY LEE FREEMAN TO ADOPT AN ORDINANCE AMENDING ELK RIDGE CITY ORDINANCE #97-10-14-13, REGARDING THE PURCHASE OF SUPPLIES, MATERIALS, EQUIPMENT AND CONTRACTUAL SERVICES, AND DISPOSAL OF PUBLIC PROPERTY, PROVIDING FOR CODIFICATION, INCLUSION IN THE CODE AND CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE</b> <b>VOTE (POLL): TODD JACKSON-AYE, LEE FREEMAN-AYE, GARY PRESTWICH-AYE, RUSSELL SLY-AYE NO (0) ABSENT (1) SEAN NIELSEN</b> Passes 4-0</p> <p>B. Ordinance/Flag Lot Regulations: <b>MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR FLAG LOT REGULATIONS, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE</b> <b>VOTE (POLL): TODD JACKSON-AYE, LEE FREEMAN-AYE, GARY PRESTWICH-AYE, RUSSELL SLY-AYE NO (0) ABSENT (1) SEAN NIELSEN</b> Passes 4-0</p>
LOT COMBINATION/ MIKE JOHNSON & DEAN INGRAM	This matter is deferred for a maximum of 30 days. More information should be available by the next Council Meeting. The City Attorney and the City Planner are to review the issue, including the letter from David Tuckett and issue a response to the City.
WATER RIGHTS	No action at this time. The Mayor will contact Dallas Young. This Agenda item will be placed on the Agenda for the Next Council Meeting.
INSECT CONTROL	No action at this time.
EAGLE SCOUT PROJECT	No action at this time.
AMENDED 2002/2003 BUDGET	<p>Rough drafts were submitted to the Council for review and suggestions. The current fiscal year needs to be amended. The Council was asked to have amendments for the Recorder by the next City Council. The Fund Balance in the General Fund needs to be transferred to a Capital Projects Fund to comply with the legal limit of 18% in the General Fund. It must be decided how much of the Fund Balance will be used on "Roads", etc.</p> <p>Another area to be considered is the "Storm Drainage Fund". There are expenditures budgeted, but no revenue budgeted. The Auditors pointed this out to the Council. The Storm Drainage Fund needs a service fee charged monthly, as well as an Impact Fee.</p> <p>Suggestions for the Capital Improvement Plan are to be turned into Ernestine Folks by December 1, 2002.</p>


EXPENDITURES: A. General:  
Jack Mason/Retaining Wall:  
Lee Freeman: Mayor Ingram represented the City when he wrote the letter to Wayne Shute. The letter infers that the work will be completed. He feels that this binds the City to those promises.  
Mayor Fritz: Contacted Mr. Mason and said the City would do the steps and the sidewalk and Mr. Mason responded that he wants the retaining wall, as well.  
Ernestine Folks: Was asked by Mr. Mason to remind the Council that the letter says the "slope will be provided, that the curb down to the sidewalk will be completed and the fill dirt and the retaining wall will be provided.  
Todd Jackson: Thinks the intent of the letter was that the improvements would be done by the City.  
Russell Sly: Does not feel the City has to, but should do what Mayor Ingram promised.  
Gary Prestwich: Agrees with Todd Jackson  
**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY TO PAY THE COST OF INSTALLING A RETAINING WALL AND COMPLETE THE TERMS IN THE LETTER FROM FORMER MAYOR INGRAM TO WAYNE SHUTE**  
**VOTE: YES (4) NO (0) ABSENT (1) SEAN NIELSEN**

B. The Council decided to use any excess money in the Reserve Funds for the Bonds on the purchase of water rights.

MINUTES 9-10-02:  
**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY TODD JACKSON TO APPROVE THE CITY COUNCIL MINUTES OF 9-10-02**  
**VOTE: YES (4) NO (0) ABSENT (1) SEAN NIELSEN**

CONTRACT/  
M.A.G. Contract/Mountainland Association of Governments (MAG):  
The Contract for MAG is due for renewal. This is to renew our association with MAG as well as agreeing to renew our contract for the City Planner, Jim Bolser.  
**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY TO APPROVE THE RENEWAL OF THE PROPOSED CONTRACT WITH MOUNTAINLAND ASSOCIATION OF GOVERNMENTS (MAG) IN THE AMOUNT OF \$10,092.00 FOR 2002/2003**  
**VOTE: YES (4) NO (0) ABSENT (1) SEAN NIELSEN**

ADJOURNMENT **MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY TODD JACKSON TO ADJOURN THE CITY COUNCIL MEETING**  
**VOTE: YES (4) NO (0) ABSENT (1) SEAN NIELSEN**

  
\_\_\_\_\_  
City Recorder

## **AMENDED NOTICE & AGENDA**

Notice is hereby given that the City Council of Elk Ridge will hold a regular City Council Meeting on **Tuesday, November 12, 2002, at 7:00 PM**; it will be preceded by **the City Council Work Session 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**

1. 3- Step Program - Linda Goodwin
2. Three corner area of Park Drive and Elk Meadow Drive – Ty Currie
3. Volunteers for Schools – Norman Smith
4. Resolution/Establish Fine for Tracked Construction Vehicles on City Streets - Mayor
5. Well Update – Mayor
- 6:30 6. LEI Engineering - Presentation/Contract
- 6:45 7. LEI Engineering – Municipal Water System Study  
Impact Fee Studies

**7:00 - PM**

### **REGULAR COUNCIL MEETING AGENDA ITEMS:**

- Invocation and Pledge of Allegiance
- 7:03 Agenda Time Frame
- 7:05 8. LEI Engineering Contract - Mayor
- 7:10 9. Vacation of Columbus Ln. – Todd Jackson
- 7:20 10. Temporary Water Usage - Mayor
- 7:25 11. Resolution/Tracked Vehicles - Mayor
- 7:30 12. Dallas Young Water Shares - Mayor
- 7:40 13. Oak Bluff Estates, Plat "G"/Subdivision Improvements – Ernestine Folks
- 7:50 14. Ordinance/Adoption of Construction & Safety Codes & Additional Guidelines
- 8:00 15. List of Contractors/Road Work - Mayor
- 8:05 16. Administrative Dept. – Mayor Fritz
- A. New Employees (Probationary Time Expiration)
- B. Sick Time vs PTO (Personal Time Off)
- C. Employee Bonuses (Percentage or "Flat Rate")
- 8:40 17. Sewer/Storm Drainage Fees - Mayor
- 8:50 18. Dean Ingram Lot Combination
- 8:40 16. Council Christmas Party
- 8:45 19. Expenditures:
- A. General
- B. PEHP Health Benefits/ Renewal
- C. Flag Pole Electrical
- D. Mason Retaining Wall
- 8:55 20. Approval of Minutes of Previous Meeting(s)
- 9:00 21. Resolution/Charges for Water Usage from Hydrants
- 9:05 22. Adjournment

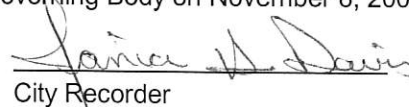
\*Handicap Access, Upon Request. (48 Hours Notice)

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 11<sup>th</sup> day of November, 2002.

  
City Recorder

### **CERTIFICATION**

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certifies 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 8, 2002, and an Amended Agenda on 11-11-02.

  
City Recorder

**ELK RIDGE  
CITY COUNCIL MEETING  
November 12, 2002**

**TIME & PLACE  
OF MEETING**

The regular Meeting of the Elk Ridge City Council was held on Tuesday, November 12, 2002, at 7:00 PM; it was preceded by a City Council Work Session at 6:00 PM. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

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**6:00 PM**

**CITY COUNCIL WORK SESSION**

**ROLL CALL**

*Mayor:* Vernon Fritz; *City Council:* Todd Jackson, Gary Prestwich, Sean Nielsen, Russell Sly, Lee Freeman; *administrative Asst.:* Ernestine Folks; *Chief:* Seth Waite; *Sheriff:* Deputy Gilbert; *LEI:* Ernie Thornton, Jesse Conway; *Public:* Gayle Weber, Ty Currie, Doris Fritz, Linda Goodwin, Claudette Echols, Kamile Peterson, Karla Munson, Linda Jones; *Scouts:* Jonathan Chichoni, Joshua Chichoni & *City Recorder:* Janice H. Davis

**3-STEP  
PROGRAM**

Linda Goodwin: Mrs. Goodwin is the Chairwoman of the 3-Step Emergency Plan Committee. She gave an update of the events and accomplishments leading up to the present. Neighborhood Chair people positions have been staffed:

- #1 – Sharon Dahlstrom (Co-Chair: Lesa Hazen)
- #2 – Marci Durrant (Co-Chair: Holli Young)
- #3 – Cindi Ellis (Co-Chair: Dayna Hughs)
- #4 – Evelyn Brown (Co-Chair: Shery Moody)

CPR & 1<sup>st</sup> Aid Instructors:

(Kamile Peterson, MarieJo Stout, Kamille Booth, Hal Shelley,  
Sharon Dahlstrom)

3 – Steps Committee:

- Director – Staffing & Education...Linda Goodwin
- Emergency Response Training...Gayle Weber
- Communications...Linda Jones
- Recruiting & Emergency Supplies...Claudette Echols
- Liaison with Fire Chief...Kamile Peterson
- Publicity...Doris Fritz

Mrs. Goodwin introduced them to the Council and they each addressed their individual areas of responsibility:

Gayle Weber:

Question: What responsibility does the City have to set up?

- Emergency Operations Center
- Critical Care Unit (The need for Medical Supplies would be extensive in case of disaster) The Mayor responded that this information is "evolving".

There will be a Meeting on January 7, 2003 (Introduction to CERT). Announcements will come through the Neighborhood Captains.

The goal is to get a CERT Team going by mid-February, 2003, and then each neighborhood would set up their own CERT Team.

Kamile Peterson:

Mrs. Peterson spoke to the Council about all of the ways the 3-Step Program can respond to various emergencies.

Mrs. Peterson was asked by Councilmember Todd Jackson to create an "Emergency Operations Plan" for various natural disasters (earthquake, flooding, landslide/mudslide, drought, wild land fire, gas line explosion, child abduction/kidnapping). She briefly reviewed these.

Linda Jones:

In an emergency, the phone systems would probably be inoperable. There are 4 communication systems:

(Phone/land lines; walking door-to-door; walkie-talkies, family radios, CB's; and ham radio operators)

The only sources available when other systems are down would be out-of-state contacts.

They want to have each neighborhood group to have out-of-state contacts.

Big concern with getting information from the smaller areas to the "top".

Their goal is to have people trained on other sources of communication; for example: having a trained ham radio operator for each neighborhood group who would work with a Bishop of the particular neighborhood. Linda Jones would work closely with Bevan Jones (Stake Communications Specialist). Mr. Jones is willing to train the neighborhood ham radio operators and they could receive their licenses for about \$5 – 7.

Claudette Echols:

Submitted a map of the neighborhood boundaries (Approximate boundaries of the LDS wards).

Submitted a handout covering various "Discussion Topics":

1. Relationship of City Council to 3-Steps Committee?  
(Mayor: Councilmember Gary Prestwich has been appointed as liaison between the Committee and the City Council as well as the Stake Communications Specialist. Councilmember Prestwich would report to the Mayor.)
2. Who does the 3-Steps Chairperson report to?  
(Gary Prestwich or the Mayor)
3. Will change of Administration affect the 3-Steps Program?  
(No. It should continue as it is set up.)
4. Where will the City headquarters be in time of disaster?  
(If the building still stands, it would be the City Hall.)
5. Who in the City's organization will have responsibility for communications?  
(Mayor: Is working on this process and will continue to address the issue.)
6. What is the City's process for identifying needs for emergency supplies & procuring supplies to meet those needs?  
(Mayor: There is no process in place. This must be addressed.)

Todd Jackson: It needs to be determined who has what powers, legally...for instance, who can initiate an evacuation? There may be grants available to those communities with formal emergency plans. There are formal lines of authority. Councilmember Jackson will give Councilmember Prestwich the information to find out about authority in times of emergency. This would include the County Sheriff and even the Governor. By formalizing the plan, the next Administration would accept what had been established.

Russell Sly: Asked if any of the local hospitals in Payson or Provo. They have emergency plans.



THREE-CORNER  
AREA – PARK DR.  
& ELK MEADOWS  
DR.

Ty Currie: Mr. Currie was present to express his growing concern about the intersection of Elk Meadows Drive and Park Drive. Traffic flow and unwillingness to obey the laws have created a hazard at this intersection. There seems to be confusion about who has the right-of-way. His suggestion is to change this to a 3-way stop.  
Gary Prestwich: There is a specialist working on the traffic signs and traffic flow in the City. The matter will be brought up to him to include in his considerations.

LEI ENGINEERING

**A. New Contract:**

Mayor Fritz: Received a memo from David Church after he reviewed the proposed contract:

Jesse Conway: He has met with the Mayor and Gary Prestwich to discuss the proposed contract letter, dated 11-8-02.

Updates:

**1. Article 6. Indemnification:** (The wording is the same in the contracts prepared for Salem City and Woodland Hills.)

*LEI would hold harmless the City from any and all claims, demands, suits, losses, costs, and damages of every kind, if they arise out of any negligent act, error or omission of the engineer in the performance or non-performance of engineer's obligations under this contract*

and

*City would agree to indemnify and hold harmless engineer from any and all claims, demands, suits, losses, costs and damages of every kind & description, to the extent such arise out of, or are in any way connected with engineer's position as city engineer, and not from any negligent act, error or omission of engineer in the performance or non-performance of engineer's obligations under this contract.*

LEI does carry a substantial amount of "Errors & Omissions" Insurance...\$2,000,000 (aggregate) & \$1,000,000 (incident) as well as general liability and automotive. The additional is asked as added protection when an employee of LEI would be acting under the direct orders of the City...for example:

Under the direction of the Mayor, the Building Inspector red-tags a building site and shuts down construction. Then the owner decides to sue the City, LEI and the Inspector. (There is a situation in Woodland Hills like this. The entire Council was sued individually, as well.) There is no insurance LEI can purchase that would cover LEI acting under the City's authorization.

Salem & Woodland Hills have written this language into their contracts with LEI. In the event this kind of situation arises, LEI would then fall under the umbrella of the City's insurance.

Mayor Fritz: Called attention to the memo from Davis Church:

1<sup>st</sup> Paragraph...The Utah Local Governments Trust would have no problem with the indemnification, as long as the City realized the premium would be impacted (increased).

2<sup>nd</sup> Paragraph..."I generally would not recommend agreeing to indemnify the engineers in this manner unless it is absolutely necessary to do so."

Last Paragraph (1<sup>st</sup> sentence)... "If you are going to indemnify them I do not believe that the language should be as broad as is suggested."

After speaking to the Council, the first reaction was, "why should the City increase its expenses to indemnify the engineers?"

Gary Prestwich: How much would LEI be willing to pay, if they could find this type of coverage?

Jesse Conway: They would have to know the terms of the insurance policy before answering that. They currently pay \$25,000/year for their "Errors & Omissions" policy. Perhaps a \$500 deductible with \$1,000 premium?

Mayor Fritz: The City needs to find out what the increase in premium would be for the requested coverage.

Jesse Conway: They need to change the term of three years to a “one-year extension”.

**2. Exhibit “A” Standard Hourly Rates:**

These reflect current hourly rates.

**3. Exhibit “E” Zoning Administrator:**

(They wanted to discuss preferred wording with the Council.)

The current contract says that the Zoning Administrator (Corbett Stevens) enforces the Code and LEI collects the fee (\$60) from the person in violation. Elk Ridge would retain \$15 and LEI retains \$45. High costs are incurred in sending Mr. Stevens out to contact the people. The \$45 does not cover the cost to LEI.

The new contract proposes the fee of \$60 be charged to Elk Ridge City for enforcement, as authorized and directed by the Mayor or his representative. Should a fine be assessed, the fee would be paid directly to Elk Ridge City.”

Mayor Fritz: The Council will need time to consider the proposed contract changes. The matter will be placed back on the Agenda for City Council Meeting, to be held on 12-10-2002.

**\*(Municipal Water System Study)** The Mayor has spoken with Mike Christiansen (LEI) about the study and the Mayor’s concerns. The Mayor is prepared to make a recommendation regarding Work Release #33 in the Regular Session.

**B. New Well Update: (Mike Christiansen)**

The project was 2 weeks into the drilling process, as of 11-4-02. By that time:

1. A 16” hole was drilled to 920’ when the driller hit an unyielding” substance and stopped drilling at 985’.
2. A “reamer bit” opened the hole to 22”.
3. A chart (geophysical log) measured where the good aquifers are located. The report helped in designing the pipe.
4. The log shows aquifers starting at about 250’. Test pumping will tell how much the well will produce.
5. Discussion: Low Carbon steel vs. Stainless steel  
(Low Carbon steel will be used due to the high cost of stainless steel)
6. There is a partial payment request from the driller (\$128,875).
7. A) Todd Beeman (driller) asked for some relief concerning the increase in diesel fuel costs from when the project was originally bid in June, 2002 and when the contract was authorized in October, 2002. As per a letter from LEI to the Council (submitted to Council at the Meeting), the fuel receipts indicate the price has increased from \$0.82/gallon to \$1.05/gallon over this time period. Mr. Beeman estimates they will consume approximately 10,000 gallons of diesel fuel during the project.

B) The test-pumping subcontractor has also raised their rates to \$160 per hour from \$150 per hour. The contract time for test pumping is 132 hours.

*LEI’s recommendation:* Bob Beeman Drilling be compensated \$0.23/gallon for fuel consumed on this project for a total not to exceed \$2,300 and that they be compensated an additional \$10/hour for test pumping...not to exceed additional cost of \$1,320 for test pumping. Upon approval by the City Council, LEI will prepare a “change order” once this work is completed.

- Mr. Christianson will address the Council on the issue of impact fees on 12-10-02  
(Sewer, water & storm drainage)

**ELK RIDGE  
CITY COUNCIL MEETING  
November 12, 2002**

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 8, 2002.

*Mayor:* Vernon Fritz; *City Council:* Todd Jackson, Gary Prestwich, Sean Nielsen, Russell Sly, Lee Freeman; *administrative Asst.:* Ernestine Folks; *Sheriff:* Deputy Gilbert; *LEI:* Ernie Thornton; *Public:* Dennis Christensen; *Scout:* Drew Christensen & *City Recorder:* Janice H. Davis

Invocation was offered by Ernestine Folks and Russell Sly led those present in the Pledge of Allegiance.

**MOTION WAS MADE BY TODD JACKSON AND SECONDED BY RUSSELL SLY TO APPROVE THE AGENDA, ADJUSTING THE TIME FRAME BY 30 MINUTES**  
**VOTE: YES (5) NO (0)**

The proposed contract needs further review and consideration. No action at this time.

VACATION OF  
COLUMBUS LN.

Todd Jackson: This is the previous extension of Columbus Lane on the north side of Oak Ridge Drive, between Blouin's and Ekins' property. The walking trail, which was going to continue north into the Haskell Subdivision, would have a fairly steep slope for a walking path. The excavation required to lessen the slope would result in a "pit".  
Recommendation: Allow the Ekins to take the rest of the easement in the road. The City needs to follow through with whatever it takes to make that legally binding for them. An alternate location could be considered for a walking path...perhaps along Park Drive, leading from the Haskell Development to Oak Ridge Drive.

LEI Engineering is to draft a plat vacating the two subdivisions. Ernestine Folks to ask LEI to send over a work release, to include 1) survey/plat work & 2) deeds for the property owners.

TEMPORARY  
WATER USAGE

Included with the Ordinance on the Construction & Safety Codes, later in the Meeting.

RESOLUTION/  
TRACKED  
VEHICLES

Included with the Ordinance on the Construction & Safety Codes, later in the Meeting.

DALLAS YOUNG  
WATER RIGHTS

Mayor Fritz:

1. *CUP Water Shares*: It is probable that there will be an exchange between Elk Ridge & Central Utah Conservancy District (CUP) for water shares associated with Utah Lake (the Utah Lake shares would be "senior" to the shares the Upper East Canal shares. The shares would not have to go through the "transfer process" at the State Engineer level, but an application for an "exchange" would have to be made. The caution is: how transferable are the Utah Lake shares? Would the protest period cause problems and would the City still lose a portion of the shares in the exchange? How transferable are these Utah Lake shares?

Suggestion: for the Mayor to contact the State Engineer's office for information on the proposed exchange. The Mayor said he would do this.

*Dallas Young Water Rights*: Mr. Young still has some of his rights for sale.

- 50 acre-feet: Mr. Young would finance the purchase over 8 years @ 5% interest...\$1,800/acre ft.
- 100 acre-feet: this also could be financed over 8 years @ 5% interest.

Todd Jackson: Does not feel comfortable purchasing water rights the City may not need. (Councilmembers Nielsen and Freeman agree, but in fairness to Mr. Young, the survey to be done by LEI to help in determining Elk Ridge's need for rights should be done as soon as possible to be able to give Mr. Young a firm date to be able to tell if the City will purchase his rights or not.)

Gary Prestwich: Is in favor of purchasing 50 water rights. If not, then give Mr. Young an absolute date when he can know if the City is going to purchase any rights or not.

Russell Sly: He feels the City should buy 50-acre ft. from Mr. Young. He would like to have the necessary information available to make a wise decision.

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY TODD JACKSON TO AUTHORIZE MAYOR FRITZ TO CONTACT LEI ENGINEERING TO INITIATE A WORK RELEASE AS SOON AS POSSIBLE TO DO THE SURVEY REQUIRED TO GIVE THE COUNCIL THE INFORMATION NECESSARY TO DETERMINE IF THE CITY SHOULD ACQUIRE ADDED WATER RIGHTS; AND TO APPROVE SAID WORK RELEASE FOR AN AMOUNT NOT TO EXCEED \$2,500**

VOTE: YES (5)

NO (0)

OAK BLUFF  
ESTATES,  
PLAT "G"

Ernestine Folks: Last year the Council authorized LEI to perform bond release inspections on various subdivisions. One of those subdivisions was Oak Bluff Estates, Plat "G". The letter generated by LEI, dated 5-4-2001, and lists 14 items left to complete the improvements for the subdivision. The letter stated that since there is only about \$4,700 in the bond, the items would have to be prioritized. They also pointed out that the developer, Rosalie McIntire, had been unavailable for comment. LEI requested input from the City Council as to their desires for corrective action on the items listed.

The Council did not receive the letter at the time.

(Mrs. McIntire was unavailable for comment because she could not be located. The project exceeded costs and when an attempt was made to contact her about her bond, she could not be located. The bond money has been sitting in the escrow account since.)

Mrs. Folks became involved when an individual contacted the City about the possibility of purchasing the lot owned by Mrs. McIntire. In checking on the status of the development, she discovered nothing had been done about the improvements.

A copy of the letter from LEI was faxed to Mrs. Folks. In researching the items left to perform, she discovered that some of them are no longer issues:

- #2...No curb on west side of street (plans showed both sides)  
It is generally accepted that the developer install  $\frac{1}{2}$  + 9 ft. of the road (not both sides).
- #3...  $\frac{1}{2}$  width + 9' (plan shows full width road)  
Again,  $\frac{1}{2}$  + 9' of the asphalt is the standard.
- #4...No temporary turnaround

On 10-28-1997, the Council approved no turnaround for Plat "G".

So, items 1 & 5 – 14 are still remaining, but these were not the most costly of the items.

An address for the developers was found. It should be determined through Ernie Thornton if the remaining bond would cover the improvements left to complete.

Does the Council wish to consider a declaration of default, to be able to draw on the bond money?

"Default" is declared against the developer, not the property. If the buyer purchases the property, he/she becomes the developer. The improvements can be tied to the building permit.

Ernie Thornton (LEI): Suggested using the bond as far as it will go to complete the improvements, then leave the rest to be settled between the developer and the prospective buyer.

#5 of the letter from LEI states: "Slope in right of way too steep on the east side of road". Mr. Thornton feels this could be addressed by incorporating it into a site plan, to be a part of the building permit.

*Suggestion: for Mr. Thornton to review the previous letter and to draft a new letter with a list of current items left to be performed, his suggestion to address the slope issue and a cost breakdown of what it would take to make this a buildable lot, to compare against the bond remaining in escrow.*

The Council can begin the "default process" by setting a public hearing for January, 2003. This allows time to get the revised letter from Mr. Thornton, notify the owners and publication in a newspaper.



**MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY GARY PRESTWICH TO SET A PUBLIC HEARING TO DECLARE IN DEFAULT THE DEVELOPER OF OAK BLUFF ESTATES, PLAT "G", FOR JANUARY 14, 2003, AT 6:10 PM**

Discussion: Gary Prestwich asked if any of the items could be considered safety issues. Mr. Thornton felt they did not, under the current circumstances.

**VOTE: YES (5)**

**NO (0)**

Dennis Christensen (public): Asked whose responsibility it is to complete a subdivision, when the City takes a bond for its completion. His point was that the City took the bond, therefore shouldn't the City bear the responsibility?

ORDINANCE/  
CONSTRUCTION  
& SAFETY  
CODES

Mayor Fritz: This proposed ordinance combines the building regulations into one document, rather than having them spread out over many ordinances. It was the suggestion of Sterling Codifiers that the City combine these into one. This ordinance will adopt the various building codes as well as other regulations not covered by these codes, such as:

- Temporary Certificates of Occupancy
- Trash Receptacles
- Cleated or Track Equipment
- Temporary Water
- Mitigation of Powers
- Fast Tracking

Certain issues were not included in the document presented during this meeting:

#3. \$500 fine for allowing track or cleated vehicles on City streets, increased to \$1,000 + repairs as a result of the damage.

- Change wording from "damage to rights-of-way" to "damage to improvements within the City right-of-way".

#4. Temporary Water...\$200 for up to 30,000 gallons of construction water, changed to \$100 flat fee, with no reference to the amount of water.

There was nothing on prohibiting "fast tracking" in the proposed ordinance; this needs to be added.

\*This proposed ordinance is to go back to Jim Bolser and placed on the City Council agenda for the next meeting.

LIST OF  
CONTRACTORS/  
ROAD WORK

No information.

ADMINISTRATIVE  
DEPT.

A. *New Employees*: Wayne Frandson (Asst. Public Works) and Stephanie Christensen (Deputy Recorder) have both done well in their 90-day probationary time Period. Mayor Fritz recommends a \$1.00/hour increase in their wages.

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY LEE FREEMAN TO INCREASE THE WAGES FOR BOTH THE NEW EMPLOYEES (ASST. PUBLIC WORKS AND THE DEPUTY RECORDER) UPON COMPLETION OF THEIR 90-DAY PROBATIONARY TIME PERIOD, BY \$1.00/HOUR FOR EACH**

**VOTE: YES (5)**

**NO (0)**

- B. *Sick Time vs PTO (Personal Time Off)*: Currently, the City allows 12 paid sick days. The question is whether to leave it as is or to change it to straight Personal Time Off. The current Administration Policy also allows an employee to “bank” up to 5 sick days and carry them over to the following year or get paid for them. The question came to the Mayor because the policy, as it is, seems to reward those that are either ill or dishonest about the time off. If PTO days were allowed, would it matter to the Council if an employee were away from work due to illness or for another reason? It is still time away from the office.

The Council discussed the pro's and con's of the issue:

The Mayor's recommendation is to use the same number of days (twelve) and to Change the description from “sick” days to “personal time off (PTO)”.

Once the days are used up, whether for sick time or for PTO, then the days are gone.

Lee Freeman & Sean Nielsen: Both felt the policy is a very generous one and that the Council may want to consider using some of those days as personal time off, and part of them as sick time. To give all of the days as PTO is more like “vacation” time, then the employee would have paid vacation time as well as PTO. Certain days should be used specifically as “sick” days.

Lee Freeman: “It all comes down to policy.” There are many options available.

If employees are not honest with the employer, that is a “performance” issue and that is reflected when wage increases are considered.

He does feel that an employee's honesty and dedication to his/her duties should be rewarded in some way.

Gary Prestwich: Agrees with the PTO, as recommended by the Mayor.

Todd Jackson: At his place of employment, it is all considered PTO...for whatever the reasons.

Russell Sly: Suggested 6 days of sick time and 6 days of PTO. (Todd Jackson agreed.)

After much discussion, it was suggested to allow the 12 days PTO and to not allow any days to be carried over to the next year, creating a possible 17 days of PTO. The reward to an employee not using all of the days and as an encouragement toward this...could be to allow up to 5 days to be “cashed out” at the end of the year.

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY GARY PRESTWICH TO CHANGE THE CURRENT POLICY OF “SICK TIME”, AS CURRENTLY CONSTITUTED, TO “PERSONAL TIME OFF (PTO)”, AND AT THE END OF THE CALENDAR YEAR, ALLOW UP TO FIVE PTO DAYS TO BE PAID FOR BY THE CITY TO THE EMPLOYEE, WITH NO CARRY-OVER DAYS ALLOWED**

**VOTE: YES (3)**

**NO (2) SEAN NIELSEN, TODD JACKSON**

- C. *Employee Bonuses*: Mayor Fritz raised the question of whether or not to offer the employees Christmas Bonuses. In the past a bonus was offered in lieu of wage raises. This year the employees' wages were increased. Last year 5% of the gross annual pay was given to the employees for their bonuses.

The other issue to be considered is that two of the employees have only worked ½ a year...would bonuses, if granted, be pro-rated?

Sean Nielsen & Lee Freeman: Both agree that this year it would be too much with the benefit of “PTO” rather than “sick days” just granted to the employees.

If a bonus were granted, perhaps it should be a smaller amount.

Todd Jackson: The bonus concept is usually based on a performance element, or it becomes “expected”. Goals are set for the year, and reviewed periodically throughout the year...bonuses and raises should be tied to performance. He has no problem with bonuses, but does have a problem with a percentage “across the board”.

Mayor Fritz: The pay raise this year was an effort to bring the employees closer to the average pay for comparable positions. Their wages are still not on a par with other communities.

Gary Prestwich: Feels last year's figure of 5% of the base pay should be given for bonuses. He feels the Mayor should have the authority to determine the amount.

Todd Jackson: Feels 5% is too high, given the other benefits this year. He suggested an amount not to exceed a certain "pool" amount, giving the Mayor authority to decide the various amounts.

**MOTION WAS MADE BY GARY PRESTWICH TO AUTHORIZE MAYOR FRITZ TO ASSIGN EMPLOYEE BONUSES IN AN AMOUNT UP TO 5% OF THE ANNUAL BASE PAY, THE BONUSES WILL BE BASED ON PERFORMANCE AND WILL BE PRO-RATED BASED ON TIME IN THE POSITION**

The motion died due to no second to the motion.

Discussion:

Todd Jackson: Bonuses and wage increases should be based on a structured policy, not last-minute approvals.

Sean Nielsen: Agrees that the award of bonuses should be planned for and based on performance. This year, the money for raises has already gone out.

Mayor Fritz: Consolidating positions also saved the City about \$19,000/year. Would the Council consider a lesser amount this year, with the understanding that at the beginning of the next year, a structured policy will be put in place for future increases and bonuses?

**MOTION WAS MADE BY TODD JACKSON AND SECONDED BY RUSSELL SLY TO ALLOW A POOL AMOUNT OF \$2,000 TO BE ALLOCATED, AT THE DISCRETION OF THE MAYOR, AS BONUSES FOR THE CITY EMPLOYEES, BASED ON THEIR PERFORMANCE DURING THIS YEAR**

**VOTE: YES (4)**

**NO (1) SEAN NIELSEN**

**SEWER/STORM  
DRAINAGE FEES**

This item is deferred until the engineering study is completed.

**MIKE JOHNSON/  
RELEASE FROM  
DECLARATION OF  
ZONING LOT &  
LOT COMBINATION  
REQUEST**

Ernestine Folks: (From Memo to City Council)

There has been a request by Mr. Mike Johnson and Mr. Dean Ingram to release Mr. Johnson from the terms of the Lot Combination Agreement between the City and Mr. Johnson to use the Declaration of a Zoning Lot process between the City and Mr. Ingram.

The City Council asked that this issue be researched further before they come to a decision on the request. The Council also requested that the City Attorney review the issue and offer a legal opinion.

County Engineer: A Declaration of Zoning lot document does not amend the subdivision plat. Most cities require changes to go through a subdivision process. According to the County Engineer, this is the only document, which the County will allow to change a subdivision plat.

Jim Bolser/City Planner: The process for subdivision is clear in the Elk Ridge Development Code, in the Subdivision Ordinance. Both Mr. Ingram and Mr. Johnson should prepare a final plat to amend the subdivision plat to accomplish the changes to the subdivision in combining parcels of property with their existing lots.

Ernie Folks: The City was in error to allow a Declaration of Zoning lot to answer the requirements to combine Mr. Johnson's existing lot and the parcel he wanted to build an accessory building on. These parcels were not combined at the County level and both Mr. Johnson should go through the subdivision process to accomplish what Mr. Johnson set out to do initially.

David Church (City Attorney): Any legal opinion would be based on what the City is trying to promote. "If the concern is in preventing the conveyance from Mr. Johnson to Mr. Ingram, then the City should not released him (Mr. Johnson) from the agreement. If the City does not care who owns the property, as long as there is no new building lot created or no non-conforming property remnant left, then there are various procedural tracks to facilitate the matter properly."

Mr. Church advised that the subdivision process is costly and time consuming, but it also results in a "clean record at the County".

He suggested an "exchange process" or the more informal method of the declaration of zoning lot.

The Councilmembers were also supplied with the current section of the Utah Code (10-9-808), concerned with "vacating or changing a subdivision plat".

Mrs. Folks summarized: The Council should not grant the request to release Mr. Johnson from the agreement. The Attorney, in his letter stated that the City should not allow anything contrary to the City's own Zoning Ordinances, which may prohibit the action. There is a section in the Development Code, which states that if something is not allowed through the Development Code, then it is in conflict with it and is a violation of the Zoning Ordinance.

Mr. Johnson could be released from his agreement, but with the contingency that he would have to amend the subdivision.

Sean Nielsen: If it was done improperly in the first place, the precedence has been set. Why wouldn't the County allow the same thing now?

Ernestine Folks: The City acted as they were advised at the time. The Council was not aware of the error at the time. The parcels are not actually combined, as the City thought.

The Mayor could inform both Mr. Johnson and Mr. Ingram that the City Code prohibits the Council from granting their request. They will need to go through the subdivision process to accomplish what they wish to do. The Mayor prefers a written contact. (Mrs. Folks will draft the letter.)

Todd Jackson: The Council would now "knowingly" violate the City's Ordinance by granting their request and bypassing the subdivision process.

Mayor Fritz: The choice is to either deny the request or defer the decision until (& if) the Ordinance is changed. Should it be changed? That is a process that would have to go through the Planning Commission.

Gary Prestwich: Cautioned against indicating that the decision would be deferred until the ordinance could be changed to meet their circumstance.

Sean Nielsen: Agrees that the Mayor should send them the letter informing them that the Council cannot approve any new contractual agreement without violating the City's own Ordinances; but does not see why Mr. Johnson could not be released from his Agreement...since it was not in line with the City's Ordinances anyway.

Russell Sly: Releasing him does not do him any good, either.

The consensus of the Council was that a letter should go out to both Mr. Johnson and Mr. Ingram, informing them that the Council will take no action at this time and they should go forward with the subdivision process.

EXPENDITURES:

A. General:

1. *Pitless Adaptor*: The Engineers asked that the Council approve the purchase of the "pitless adaptor" needed for the connection of the new well to the system.

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY TODD JACKSON TO APPROVE THE PURCHASE OF A PITLESS ADAPTOR FOR THE PRICE OF \$7,113.00 AND TO AUTHORIZE LEI ENGINEERING TO ORDER IT**

**VOTE: YES (5)**

**NO (0)**



2. *Well Driller/1<sup>st</sup> Draw:* The first draw for the well driller will be submitted to the State Drinking Water Committee:

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO APPROVE THE INVOICE FROM BEEMAN DRILLING IN THE AMOUNT OF \$128,875.00, WHICH CONSTITUTES A PARTIAL DRAW FOR THE WORK COMPLETED ON THE NEW WELL, THUS FAR**

3. *Driveway/Loafer Canyon Dr.* An invoice in the amount of \$724, for replacing another driveway in Loafer Canyon Rd, a shared project between the City and Brandon Adams, was presented by Councilmember Prestwich for approval:

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY LEE FREEMAN TO PAY PARAMONT GENERAL CONTRACTORS \$720.00 FOR IMPROVEMENTS TO BRANDON ADAMS' DRIVEWAY IN LOAFER CANYON**

**VOTE: YES (4)**

**NO (1) SEAN NIELSEN**

4. *LEI Work Release #33:* (\$3,960: Combination of Work Releases #4 & #28)

The Mayor deferred this item at the last Council Meeting to give the Council a chance to review the invoice and offer an opinion. The Mayor feels the work did not cover all the information it should have. The study did not take into account the property to be annexed into Elk Ridge. It only covered those properties within the City's boundaries currently.

Comments:

Sean Nielsen: Felt there was a lot of emphasis on the proposed joint project with Payson City, which is not going to happen. He would like to be able to ask Mike Christianson some questions and would like to defer any approval until 11-26-02.

Mr. Christianson is coming to the Council Meeting on 11/26, anyway.

The Council agreed.

5. *City Hall Restroom Remodel:* The bathroom floor in the City Hall Restroom is not in good shape. Wax was put on the floor some time ago and then stripped off, leaving the floor in poor condition. Originally, the restroom was not finished off...i.e. door was not stained nor were the doors to the closet across from the restroom. The base boards are stained, as well as the walls need to be re-painted.

Some time ago Mike Hicks gave the City a bid of about \$600.00 to do the job, including the laying of new linoleum.

Set Waite was asked to turn in a bid...he does not work in linoleum, only tile. He feels tile will last longer, be more durable and is fairly maintenance free.

His bid was for \$939.00.

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY TO APPROVE THE BID FOR THE REMODELING OF THE CITY HALL RESTROOM, TO INCLUDE A TILE FLOOR**

**VOTE: YES (5)**

**NO (0)**

B. *PEHP Health Benefits/Renewal Letter:*

(Annual Renewal for Health Benefits)

Councilmember Lee Freeman has been researching other health plans for the employees. The results of the research are not available yet.

**MOTION WAS MADE BY TODD JACKSON AND SECONDED BY LEE FREEMAN TO RENEW THE HEALTH BENEFIT PACKAGE THE CITY HAS WITH ULGT AND PUBLIC EMPLOYEE'S HEALTH PLAN (PEHP) FOR THE CURRENT YEAR**

**VOTE: YES (5)**

**NO (0)**



*D. Flag Pole Lighting:*

The bid was for \$906.84 to Bill's Custom Electric:

**MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY TODD JACKSON TO APPROVE \$906.84 FOR THE INSTALLATION OF THE FLAG POLE LIGHTING IN THE PARK AREA, PAYABLE TO BILL'S CUSTOM LIGHTING**

**VOTE: YES (5)**

**NO (0)**

*E. Mason Retaining Wall:*

It was decided that an additional bid should be obtained before the Council will approve the cost.

MINUTES

9-24-02:

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY TODD JACKSON TO APPROVE THE CITY COUNCIL MINUTES OF 9-24-02**

**VOTE: YES (5)**

**NO (0)**

10-8-02:

**MOTION WAS MADE BY TODD JACKSON AND SECONDED BY GARY PRESTWICH TO APPROVE THE CITY COUNCIL MINUTES OF 10-8-02**

**VOTE: YES (5)**

**NO (0)**

RESOLUTION/  
CHARGES FOR  
WATER USAGE  
FROM HYDRANTS

Mayor Fritz recommends changing the Resolution in the following areas:  
Part II – Fire Hydrant Water Rates:

1. Change the fee from \$5 to \$10 for 1,000 gallons or less
2. More than 1,000 gal. - \$0.01 per gallon (metered)

**MOTION WAS MADE BY TODD JACKSON AND SECONDED BY LEE FREEMAN TO APPROVE A RESOLUTION ESTABLISHING THE RATE FOR USE OF WATER FROM FIRE HYDRANTS AND OBTAINING PERMITS, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE, WITH THE FOLLOWING CHANGE: \$10.00 IN ADVANCE FOR EACH 1,000 GALLONS OF WATER TO BE DRAWN**

**VOTE: YES (5)**

**NO (0)**

COUNCIL  
CHRISTMAS  
PARTY

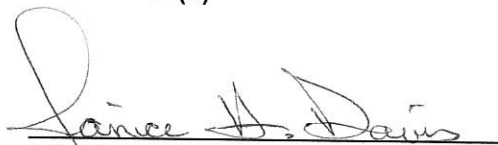
The Council agreed to have a get-together at some other time of the year. They will not be having a Christmas Party this year.

ADJOURNMENT

**MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY RUSSELL SLY TO ADJOURN THE CITY COUNCIL MEETING**

**VOTE: YES (5)**

**NO (0)**

  
\_\_\_\_\_  
City Recorder

## **NOTICE & AGENDA**

Notice is hereby given that the City Council of Elk Ridge will hold a regular City Council Meeting on **Tuesday, November 26, 2002, at 7:00 PM**; it will be preceded by **the City Council Work Session 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**

1. Volunteers for Schools – Norman Smith
2. New Well Update – Mayor Fritz
3. Update/Dallas Young Water Rights – Mayor Fritz
4. Update/Transfer of Upper East Canal Shares
5. Traffic Plan – Gary Prestwich

### **7:00 - PM      REGULAR COUNCIL MEETING AGENDA ITEMS:**

- Invocation and Pledge of Allegiance
- 7:03      Agenda Time Frame
- 7:05      6. Review & Approval of New Documentation for Purposes of "Notice of Approval for Exchange of Title"
- 7:10      7. Johnson/Ingram – Lot Line Adjustment – Mayor Fritz
- 7:15      8. LEI Engineering/Indemnification in New Contract – Mayor Fritz
- 7:25      9. Involuntary Liens/Council Approval – Mayor Fritz
- 7:35      10. Ordinance/Construction & Safety Codes
- 7:45      11. Resolution/Setting Accessory Apartment Fees
- 7:50      12. Set Public Hearing/Ordinance Regarding Uses Within the Zones
- 7:55      13. Traffic Plan/Approval – Gary Prestwich
- 8:05      14. Authorization to Hire Water Rights Attorney – Mayor Fritz
- 8:10      15. Expenditures:  
            A. General  
            B. Check Register/September & October, 2002
- 8:15      16. Approval of Minutes of Previous Meeting(s)
- 8:20      17. Adjournment

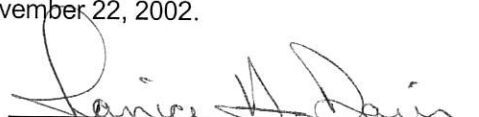
\*Handicap Access, Upon Request. (48 Hours Notice)

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 22<sup>nd</sup> day of November, 2002.

  
City Recorder

## **CERTIFICATION**

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, 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 22, 2002.

  
City Recorder

**ELK RIDGE  
CITY COUNCIL MEETING  
November 26, 2002**

**TIME & PLACE  
OF MEETING**

The regular Meeting of the Elk Ridge City Council was held on Tuesday, November 26, 2002, at 7:00 PM; it was preceded by a City 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 November 22, 2002.

**6:00 PM**

**CITY COUNCIL WORK SESSION**

**ROLL CALL**

*Mayor Pro tempore:* Gary Prestwich; *City Council:* Sean Nielsen, Lee Freeman (Absent: Mayor Vernon Fritz, Councilmembers Russell Sly, Todd Jackson); *Public:* Norman Smith (RSVP); & *City Recorder:* Janice H. Davis

**VOLUNTEERS  
FOR SCHOOLS**

Norman Smith: Represented a group called RSVP (Retired and Senior Volunteer Program)

*What is RSVP?*

It is part of the National Senior Service Corps, which provides programs that help adults age 55 and older find volunteer opportunities that make a difference and help strengthen their communities, the public and non-profit agencies.

*Who can volunteer?*

Anyone 55 or older can become an RSVP volunteer. They have many different types of opportunities to fit the various needs of those wishing to volunteer.

*Why join RSVP?*

Volunteers:

- Become members in a national service group with no fees
- Provides free liability insurance for each volunteer while serving or attending volunteer activities
- Can receive transportation reimbursement if travel costs are a burden
- Enjoy membership recognition...includes free quarterly newsletter, and annual recognition celebration and various awards
- Coordinators help match the individual's skills and interests to the right volunteer opportunity

*How do RSVP Volunteers benefit the community?*

Mountainland RSVP impacts an estimated 30,000 individuals. The program maintains over 1,000 volunteers who serve close to 140,000 hours a year in more than 100 non-profit organizations.

*Do RSVP Volunteers have to meet a specified time commitment?*

When a volunteer is placed in a specific site, the site coordinator offers specific training. Also, RSVP volunteers are recognized for their service at an annual recognition celebration and receive "years of service" pins. Awards are given to RSVP volunteers making significant contributions in the community.

*How to become a volunteer or an organization to become a partner with RSVP?*

Numbers to contact the nearest representative for the RSVP Organization were listed. Mr. Smith requested the use of the City's newsletter to reach the citizens in the community who may be interested in this program. The Council agreed and thanked Mr. Smith for visiting with them and informing them of this worthwhile program.

**NEW WELL  
UPDATE**

Gary Prestwich: The well is drilled and the pump testing will begin next week to determine the capacity. The driller is staying close to budget.

The next step on the well is to connect the pump up to the existing water system. The Public Works Forman, Kent Haskell, will be doing the work on this part of the process.

WATER RIGHTS/  
DALLAS YOUNG

Update: The water rights he offered to the City are gone. There are none left to buy.

TRANSFER OF  
UPPER EAST  
CANAL SHARES

Jan Davis: The possible “exchange” of water rights with Central Utah Conservancy District (CUP) for shares of the City’s Upper East Canal Rights may present a problem in that there could reduction of these rights in the exchange/protest process. If the City does no exchange, there could be a loss of 32% of the rights as they are “proven up” on. CUP wants to exchange for shares they have in Utah Lake. If there is a danger in the exchange, why not just keep the rights the City owns? Mayor Fritz contacted an attorney who specializes in water rights to assist the City in determining if the exchange is beneficial to the City.

The Mayor took a poll of the Council to allow him to hire the Attorney. That will be ratified in the regular session.

TRAFFIC PLAN

Gary Prestwich: Councilmember Prestwich has been working with Ken Baguley (resident and former police officer) to come up with a plan for traffic signs in Elk Ridge. Mr. Baguley was assigned by the Council to research a plan. The plan will come before the Council in stages. This particular stage deals only with Park Drive. It is proposed to remove all stop signs on Park Drive. The concept presented by Mr. Baguley in past Council Meetings is that traffic signs should assist in the flow of traffic rather than stopping it. Speed is controlled through police patrol and ticketing, not with stop signs on every corner.

- The stop sign on Elk Meadows Dr will stay, but it needs to be raised.
- There will be speed limit signs facing both directions. (The speed was discussed...25 mph vs. 30 mph. Even in a residential area, on a “collector road”, the speed can be 30 mph. It is currently set at 30 mph. Should it be consistently set at 25 mph everywhere in the City?)
- There will be two “yield” signs on Escalante, turning onto Park Dr, but no stop signs on any of the corners of that intersection. (There is good visibility on these corners.)
- Park Dr. & Cortez: The stop signs on Park Dr. will be removed, but the one on Cortez will remain.
- Park Dr. & Salem Hills Dr: the stop signs on Salem Hills Dr. (for traffic headed north & south on Salem Hills Dr.) will remain due to poor visibility.
- E. Park Dr. & Powell Rd.: There will be a “yield” sign turning onto Park Dr.
- A curve sign will be located towards the top of the hill.
- A stop sign at the “T”, where Park Dr. ends on Loafer Canyon Rd.
- The stop signs at 1600 West will remain.

Comments:

Sean Nielsen: Agrees with the proposed plan. He has not agreed with all the stop signs on Park Dr. He is undecided about the speed limit. He feels the action of removing stop signs should continue onto Goosenest Dr. to Elkhorn Dr. and that the stop signs at that corner should be removed.

NON-AGENDA  
ITEMS

Gary Prestwich:

1. LEI Survey on Irrigation Acreage: Their findings support going from .33 (1/3 acre) per connection for irrigation demands...to .26 per connection. This would allow for more connections. The sewer problems are still not solved. This will be discussed more at a future meeting with LEI.

2 Recommendations from LEI:

- .26 acres of irrigated lot be adopted as a value to use for all future water storage and source-related studies for the City
  - There are 106 connections available to the City storage capacity and 41 connections available to the City's source capability, when the Cloward Well is brought on-line. Aside from the sewer capacity issue, LEI recommends that 41 connections be made available for development, following an accurate and acceptable Impact Fee Study (1<sup>st</sup> to developers who have already submitted plans).
2. Councilmember Prestwich and the Mayor went to LEI to discuss Loafer Canyon Rd. The discussion turned to E. Park Drive (the "dug-way"). There is a growing problem of the side of the hill sloughing off onto the road. There was a study done by LEI some time ago with recommendations to fix the road in this area. An estimated \$300,000 would just fix the side of the hill...then the road would have to be repaired. There are several methods available to fix this basic problem. The road is not wide enough (NEBO School District will not allow buses on this section of road). A special Capital Project Fund needs to be set up to begin to accrue the money necessary to fund these repairs. A good time to do this would be at the time of the final amended budget.
3. Sean Nielsen: A bid came in to do the upgrade to the water line on Powell Cr. One bid came in at \$12,000 and another one at \$9,000 (\$12,000 was previously Budgeted). That section of road needs to be replaced. Does the road repair need to coordinate with the road repair? Councilmember Nielsen would prefer to get started on the water line improvement, the road can be done later in the year. He feels the homeowners will be happy with the upgrade on the line and would be willing to go through the inconvenience of having the road torn up for a while. Councilmembers Nielsen & Prestwich would like to get copies of LEI's Work Release #2 (Study on recommendations to repair Lakeview Dr.).

**ELK RIDGE  
CITY COUNCIL MEETING  
November 26, 2002**

TIME & PLACE  
OF MEETING

The regular Meeting of the Elk Ridge City Council was held on **Tuesday, November 26, 2002, at 7:00 PM;** it was preceded by a **City Council Work Session at 6:00 PM.** The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

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ROLL CALL

*Mayor Pro tempore:* Gary Prestwich; *City Council:* Sean Nielsen, Lee Freeman (Absent: Mayor Vernon Fritz, Councilmembers Russell Sly, Todd Jackson); & *City Recorder:* Janice H. Davis

INVOCATION  
PLEDGE OF  
ALLEGIANCE

Invocation was offered by Sean Nielsen; after which, those present repeated the Pledge of Allegiance.



AGENDA TIME  
FRAME

**MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY LEE FREEMAN  
TO APPROVE THE AGENDA AS PRESENTED**  
**VOTE: YES (3) NO (0) ABSENT (3) MAYOR FRITZ, RUSSELL SLY  
& TODD JACKSON**

FORM: NOTICE  
OF APPROVAL  
FOR EXCHANGE  
OF TITLE

Jan Davis: Approval of this form was placed on the Agenda due to the situation with Dean Ingram & Mike Johnson. They have previously requested releasing Mr. Johnson from the Lot Combination Agreement he entered into with the City. In researching the matter further with the City Planner, Mr. Folks wrote a memo to the Council correcting the advice given as to the process to accomplish the property exchange between Mr. Johnson and Mr. Ingram. (To be discussed further in the next Agenda item.) The form to accomplish this process is to be called a "Notice of Approval for Exchange of Title". Before the staff can use the form, the Council must approve it.

After review of the proposed document, the Council voted to approve the document:  
**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY SEAN NIELSEN TO  
APPROVE THE FORM TO BE KNOWN AS A "NOTICE OF APPROVAL FOR  
EXCHANGE OF TITLE", AS PRESENTED**

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR FRITZ, RUSSELL SLY  
& TODD JACKSON**

JOHNSON/  
INGRAM –  
LOT LINE  
ADJUSTMENT

(Taken from a memo from Ernestine Folks to the City Council):  
Misinformation was given to the Council in the previous Council Meeting (11-12-02) about the process to be required of Mr. Johnson and Mr. Ingram to accomplish their requested property exchange. A section in the Development Code was cited which would not allow a simple lot line adjustment or property exchange without going through the subdivision process. It was determined that this section does not apply to this matter. In fact, according to Jim Bolser, the Planning Commission should review this section and consider amending the Development Code.

In order for Mr. Johnson and Mr. Ingram to go forward with the exchange of title in accordance with the requirements of the Utah State Code, 10-9-808, Subsection (7)(b), as suggested by the City Attorney,

- 1) Each individual will need to complete all of the documentation required by the Utah County Recorder's Office to transfer the property and
- 2) Submit this information to the City of Elk Ridge (information described specifically in the Exchange Form)
- 3) Each of the individual's will also need to provide the "altered parcel legal description"
- 4) This information should also include plat maps and is to be submitted to the City for review by the City's engineer for accuracy, and reviewed by the City Planner for compliance with the City Zoning Code. Costs for the review by the City's engineer will be billed directly to Mr. Ingram & Mr. Johnson. Currently, the City has no fee in place for the Exchange of Title process.
- 5) When the reviews have been completed and found acceptable, the information will be used to prepare the document (Exhibit A) to be recorded with the Notice of Approval for Exchange of Title. The property owners' and notary signatures will also be required on Exhibit A. The documents will then be submitted to the Council for review and approval.
- 6) Upon submission & review, the City Council can then act as they see fit regarding the application & pending approval to authorize the submission of the documentation to the Utah County Recorder for execution.

- 7) When the Council approves the Notice of Approval for Exchange of Title for Mr. Johnson, it would be appropriate for the Council to, concurrently, release Mr. Johnson from the previous Declaration of Zoning Lot agreement.

This information needs to be sent in a letter to both Mr. Ingram & Mr. Johnson to allow them to proceed with the process.

LEI ENGINEERING/  
INDEMNIFICATION  
IN NEW CONTRACT LEI Engineering has requested that they be covered by the City's insurance while engaged in City business. Councilmember Gary Prestwich recommended deferring any action on this matter until the entire Council can be together to make the decision. Utah Local Governments Trust should be contacted to determine what the difference in cost would be to indemnify LEI. LEI said they would cover the difference.

INVOLUNTARY  
LIENS Gary Prestwich: The City still has many property owners who have not paid assessments for curb & gutter and/or sewer connections. The Mayor wants to have these people notified that the City is going to lien their property, if their assessments are not paid by January 1, 2003.  
**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY SEAN NIELSEN TO NOTIFY PROPERTY OWNERS WHO HAVE NOT PAID THEIR CURB & GUTTER AND/OR SEWER HOOK-UP ASSESSMENTS BY JANUARY 1, 2003, THAT THE CITY WILL LIEN THEIR PROPERTY FOR THE AMOUNTS THEY OWE THE CITY**  
VOTE: YES (3) NO (0) ABSENT (3) MAYOR FRITZ, RUSSELL SLY & TODD JACKSON

ORDINANCE/  
CONSTRUCTION  
& SAFETY CODES This proposed ordinance was sent back to the City Planner for some changes. Certain references were left out of the document.  
1. "Fast tracking" should be listed as prohibited.  
2. The fine for tracked vehicles increased from \$500 to \$1,000  
3. Temporary water charge of \$100  
These corrections have been made.

**MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY LEE FREEMAN TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR THE ADOPTION OF CONSTRUCTION AND SAFETY CODES, ADDITIONAL GUIDELINES, AND THE REPELLENT OF CONFLICTING AND/OR OUTDATED ORDINANCES, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE**  
VOTE (POLL): SEAN NIELSEN – AYE, LEE FREEMAN – AYE,  
GARY PRESTWICH - AYE NO (0)  
ABSENT (3) MAYOR FRITZ, RUSSELL SLY & TODD JACKSON  
Passes 3-0

RESOLUTION/  
SETTING  
ACCESSORY  
APARTMENT Jan Davis: An ordinance was passed allowing Accessory Apartments in the City. The ordinance permitted the applicable fees to be set by resolution. The resolution setting the fees is out-dated. The water rates have changed and the fees should be adjusted accordingly.  
The resolution and fees need to be reviewed and amended at a future meeting.  
Lee Freeman: Questioned the wisdom in requiring fees for existing homes with accessory apartments already in them. There are many homes, which would fall into this situation. The payment of partial impact fees does not encourage homeowners to apply for a license with the City. The fees could be enforced at the time of the issuance of building permits, but it would be difficult to enforce for existing homes.

Jan Davis: The intent of the ordinance was to provide a minimum standard for accessory apartments within the City and to attempt to at least partially meet the requirement for “affordable housing”. There would be another family impacting the City’s systems. That is why it was felt ½ of the expected fees should be paid.

Sean Nielsen: The only fee that makes any sense to him is the business-licensing fee, since the homeowner would be generating income from renting the apartment.

Lee Freeman: There are large families and small families living in the City. The larger families use more water/sewer than the small families, yet there are no extra fees. The rates cover the extra usage. The more people in the home, the higher the utility charges. (Sean Nielsen agrees with Councilmember Freeman.)

Gary Prestwich: Summarized:

- Water usage should not be an issue
- Sewer usage is probably not an issue
- Pay for a license or a permit...Yes.
- Impact Fees: research is required on this issue.

SET PUBLIC  
HEARING/  
ORDINANCE –  
USES WITHIN  
ZONES

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY SEAN NIELSEN TO SET A PUBLIC HEARING TO CONSIDER A PROPOSED ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR USES WHEN SAID USES ARE NOT SPECIFICALLY LISTED, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE, FOR JANUARY 28, 2003, AT 6:10 PM**

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR FRITZ, RUSSELL SLY & TODD JACKSON**

\*The Planning Commission has considered this proposed ordinance and recommends approval. It has also been to the City’s Attorney, Davis Church, for his opinion. He feels the wording to be difficult to understand, but defend it legally. The intent of the proposed ordinance is to clarify uses in the zones, but the Council also felt the wording was confusing.

The document is to go back to the City Planner to clarify the wording.

TRAFFIC PLAN  
APPROVAL

*Stop Signs:*

**MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY LEE FREEMAN TO ACCEPT THE PROPOSAL FOR TRAFFIC CONTROL SIGNS ON PARK DRIVE, EXCLUDING THE SPEED LIMIT ISSUE, AS PRESENTED**

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR FRITZ, RUSSELL SLY & TODD JACKSON**

Sean Nielsen: Prefers to stay with the current speeds limit on Park Drive...30 mph.

Lee Freeman: Is fine with the current speed limit, as well.

Gary Prestwich: A vote does not need to take place, since there will be no change.

WATER RIGHTS  
ATTORNEY

Gary Prestwich: The polled vote taken by Mayor Fritz on hiring a water rights attorney should be ratified by the Council:

**MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY LEE FREEMAN TO RATIFY THE POLL TAKEN BY MAYOR FRITZ TO HIRE A WATER RIGHTS ATTORNEY TO RESEARCH THE PROPOSED EXCHANGE OF WATER RIGHTS WITH CENTRAL UTAH CONSERVANCY DISTRICT**

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR FRITZ, RUSSELL SLY & TODD JACKSON**

EXPENDITURES: A. General:  
Gary Prestwich: Fixing the intersection at Goosenest Drive and N. Park Drive will cost about \$1,000 and \$125.00 to re-paint the lines on the road.

B. Approval/Check Register/September & October, 2002

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY SEAN NIELSEN TO APPROVE THE CHECK REGISTER FOR SEPTEMBER AND NOVEMBER, 2002**

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR FRITZ, RUSSELL SLY & TODD JACKSON**

MINUTES

10-22-02:

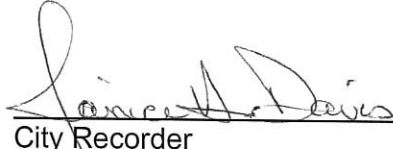
**MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY LEE FREEMAN TO APPROVE THE CITY COUNCIL MINUTES OF 10-22-02**

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR FRITZ, RUSSELL SLY & TODD JACKSON**

ADJOURNMENT

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY SEAN NIELSEN TO ADJOURN THE CITY COUNCIL MEETING**

**VOTE: YES (3) NO (0) ABSENT (3) MAYOR FRITZ, RUSSELL SLY & TODD JACKSON**

  
\_\_\_\_\_  
City Recorder

## **AMENDED NOTICE & AGENDA**

Notice is hereby given that the City Council of Elk Ridge will hold a regular City Council Meeting on **Tuesday, December 10, 2002, at 7:00 PM**; it will be preceded by **the City Council Work Session 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**

1. Budget Discussion
2. Scot Sessions/Street Signs
3. LEI Engineering/Indemnification in New Contract – Mayor Fritz
- 6:30 4. LEI Engineering/Impact Fees Presentation

### **7:00 - PM      REGULAR COUNCIL MEETING AGENDA ITEMS:**

- Invocation and Pledge of Allegiance
- 7:03      Agenda Time Frame
  - 7:05      5. LEI Engineering/Impact Fees Presentation
  - 7:35      6. Report on Water Right Attorney Results – Mayor Fritz  
            Approval of Payment
  - 7:40      7. Jack Mason Retaining Wall/Approval of Bid & Authorize Work – Mayor Fritz
  - 7:50      8. Street Signs/Action
  - 7:55      9. Approve Water Line Upgrade on Powell Rd. Repairs – Sean Nielsen
  - 8:00      10. Expenditures:
    - A. General
    - B. Drilling Contract/Change Order – Mayor Fritz
    - C. Flag Pole Lighting/Approve Invoice – Mayor Fritz
    - D. LEI Work Release #33 – Mayor Fritz
    - E. Beeman Drilling Payment – Mayor Fritz
    - F. Staker Paving/Corner of N. Park Dr & Goosenest Dr – Mayor Fritz
  - 8:20      11. Approval of Minutes of Previous Meeting(s)
  - 8:25      12. Set Public Hearing/Amended 2002/2003 Fiscal Year Budget
- Adjournment

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

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 5th day of December, 2002; and an Amended Agenda on 12-9-2002.

  
\_\_\_\_\_  
City Recorder

## **CERTIFICATION**

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, 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 5, 2002; and an Amended Agenda on 12-9-02.

  
\_\_\_\_\_  
City Recorder



**ELK RIDGE  
CITY COUNCIL MEETING  
December 10, 2002**

**TIME & PLACE  
OF MEETING**

The regular Meeting of the Elk Ridge City Council was held on Tuesday, December 10, 2002, at 7:00 PM; it was preceded by a City 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 December 5, 2002; and an Amended Agenda on 12-9-2002.

**6:00 PM**

**CITY COUNCIL WORK SESSION**

**ROLL CALL**

*Mayor:* Vernon Fritz; *City Council:* Sean Nielsen, Lee Freeman, Russell Sly, Todd Jackson, Gary Prestwich; *Administrative Asst.:* Ernestine Folks; *LEI Engineering:* Greg Magleby, Jesse Conway, Mike Christianson; *Public:* Scot Sessions, Debbie & Andy May, Kenneth & Diane Baguley, R.W. Nielsen, Curt & Laura Deichman, Catherine Fillerup, Malea Simmons, Dave Merrill, Scott Young, Richard & Linda Jones, Allen Gardner, J. Gunnell, Jim A. Nicolet, Necia Albrecht, Tracy Grover; & *City Recorder:* Janice H. Davis

**AMENDED  
BUDGET  
DISCUSSION**

*City Recorder:* Jan Davis reviewed some of the changes to be made to the Amended Budget for 2002/2003 with the Council and those present.  
The Budget Public Hearing needs to be re-scheduled. The figures will not be ready by the first Council Meeting in January, 2003.

**TRAFFIC SIGNS**

*Scot Sessions:* (Spokesman for a group of concerned citizens)  
Mr. Sessions requested that the memo read to the Council be included in the official minutes of the Meeting.  
Respectfully submitted by Concerned Citizens of Elk Ridge:  
Traffic Control Signs, 10 December 2002  
"Elk Ridge City Council, my name is Scot Sessions and I have been chosen as the spokesperson for a group of citizens of Elk Ridge that are concerned about traffic flow and safety in the City. Thank you for allowing us to present on the issue, and we commend the efforts of this Council for serving our Community. This Council has made great strides to improve our area. The work that has been done over the summer on our water situation has put the City in a strong position for the future. The Council has kept the Community informed throughout the new well process and has received the support of the Community based on the sharing of information.  
We approach you this evening regarding the recent decision and action to remove stop signs and add yield signs along Park Drive. This was a surprise to many and we are uncertain why this decision was made. Mayor Fritz indicated to me in a phone conversation last Wednesday evening that it was to alleviate congestion. Councilman Jackson indicated to me in a phone conversation, on the same evening, there was a concern over traffic sign standards. Councilman Prestwich related to me in a phone conversation last Saturday evening that this decision was made to improve safety. We too agree that safety is a concern and should be of paramount importance. Is Park Drive now safer without the stop signs? If so, how do we know?  
Park Drive is the main street in and out of the city. It has many users, including those driving cars, trucks, and motorcycles. Bicyclists, walkers and runners also use it, as well as children attending lessons, playing at friends homes, or catching the school bus. We believe that all these users should be addressed.

Since our conditions do not allow for sidewalks, bike lanes, or widened roads, we believe that pedestrian traffic safety should be addressed first.

When Councilman Prestwich was asked for the basis of the decision to the changes, he stated that the services of a retired police officer, Ken Baguley, were requested to develop and present a plan. According to the minutes of the Elk Ridge City Council work session, dated 26 November 2002, "Mr. Baguley was assigned by the Council or research a plan." Councilman Prestwich indicated that the plan was based on standard engineering practices. Do these practices make our roads safer?

If the decision was based solely on traffic flow, was there a problem before? Did the removal of the stop signs and addition of yield signs solve this problem? Is this the right solution?

One concept presented by Mr. Baguley in past meetings, according to the meeting minutes, is "Signs should assist the flow of traffic rather than stopping it." He continues by saying, "Speed is controlled through police patrol and ticketing, not with stop signs on every corner." We believe patrol and ticketing is an effective method of speed control when available on a regular basis. However, if it is only available on a limited basis, is it our best solution for controlling speed? There are other possible alternatives.

An example of this is the "Neighborhood Traffic Calming Policy" enacted by the City of Grand Junction, Colorado.

Its goal is to:

Address public neighborhood livability concerns resulting from a documented vehicular problem including speeding, cut-through traffic, and hazards. Actively involve the people who live in the project area in the planning and decision-making process.

A few of its objectives are to:

- Encourage reasonable driver and pedestrian behavior in residential
- Effectively balance the public safety interests of traffic mitigation and emergency response
- Encourage citizen involvement and input into the determination of appropriate measures
- Improve safety and convenience for pedestrians, cyclists, the elderly and other vulnerable street users

Their policy includes details on addressing possible problems and includes "Potential Traffic Calming Measures".

Some of them are:

- Stop signs
- Speed limit signs with issuance of speed resolution
- Striping/markings changes or additions
- A radar trailer
- Neighborhood Speed Watch

This "Neighborhood Traffic Calming Policy" implemented by the City of Grand Junction is one of many possible solutions to the problem of pedestrian and traffic safety.

In conclusion, the action taken to change the signs without notice was uncharacteristic of this Council. Our petition tonight is one of concern for the safety of our Community. As I said earlier, we believe the Council has done a great job with improving our water situation. As part of that job, the Council chose to keep the Community apprised of the progress and the decisions being made through our City newsletter. Therefore, when the sign changes were made, we were surprised. We ask to be a part of this process and believe that the pedestrian user of Park Drive should be given priority. Are stop and yield signs the right answer? Until we know for certain one way or another, we request that all traffic signs be returned to their previous locations until a traffic study can be commissioned and performed by a traffic engineer. Thank you...

Mayor Fritz: Agreed that even though the Council Meetings are open and public, and the agendas posted and the local newspaper noticed, a small majority of the residents actually attend the Meetings. He agrees the subject could have been addressed more directly in the newsletter. The Mayor introduced Kenneth Baguley, who was authorized by the Council to assess the traffic flow and safety in the City and present recommendations for improvement. He is a retired police officer (30 years as an officer, with 6 years spent in traffic investigation, which included traffic engineering).

Kenneth Baguley: "It appears that speed is the main issue here and the proper way to handle that is through enforcement; since we don't have it all the time, I understand that is a frustration."

Mayor Fritz: Recently, the Sheriff's Dept. instigated a change, which will result in having an officer in the City more. Previously, Elk Ridge has shared an officer with the City of Goshen, which took a portion of the patrol time away in driving between the two Communities. The Sheriff's Dept. has arranged for Elk Ridge to share an officer with Woodland Hills instead. This will cut down on travel time and give us more patrol time. There is also the possibility of having a Sheriff's sub-station in the City Hall, which increases their visibility. Hopefully, their presence will improve the current problems within the City. (It was not felt that the Sheriff is patrolling 20 hours/week.)

Kenneth Baguley: The standards to help determine solutions to traffic issues is the Federal Highway Administration National Manual on uniform traffic control devices. According to the standards regulating the installation of stop signs, is that stop signs are not to be used for slowing traffic. That is the number one standard for all of the United States, not one city over another.

Another standard says that "stop signs should be installed in a manner that minimizes the number of vehicles having to stop." We need to understand that "roadways are to move traffic, not to stop it". If we need enforcement, that should apply.

Three Elements in Traffic:

- Engineering  
Placement of signs according to uniform standards, so that politics are not involved.
- Education  
Children should not be playing or walking in the streets and bicycles should not be ridden down the middle of the road. People run the stop signs and the yield signs alike because they don't respect the laws. The people at the Meeting this night are all against the action the Council has taken. If a poll were taken, there would be as many or more with an opposing opinion.  
Park Drive is a main thoroughfare in Elk Ridge. We should yield to that thoroughfare, not having the main thoroughfare yield to everything else.  
Example: 3 stop signs & 1 open corner, at the intersection of Escalante and Park Drive..."was an accident waiting to happen".  
Yield signs are installed when the visibility is high and there is time to stop.  
Stop signs are used when there is a high volume of traffic on cross street or poor visibility at the intersection, leading onto the main road.
- Enforcement

Todd Jackson: Speed is a problem, but he also agrees with Mr. Baguley that we should follow the standards and that people need to be taught to respect the laws. He asked if any of the public has had any experience with the "neighborhood speed watch" to better involve the citizens to make up for any lack of patrol from the Sheriff's Dept. (No, not directly.)

Mr. Baguley: There are other issues in the City besides stop signs. There are safety problems with 4-wheelers, motorcycles and dune buggies. The drivers of these vehicles are speeding, carrying 4 & 5 passengers and driving "all over the place".

Mayor Fritz: Asked Mr. Sessions had any documentation on the research he was presenting.

Scot Sessions: Researched on the Internet and spoke with experts. He appreciates everything said by Mr. Baguley. He also knows that the last time a sub-station was located at the City Hall, enforcement did not improve as much as the Council (at the time) had hoped. Park Drive is a means of getting from point A to point B for pedestrians. (A cross walk is going to be installed to aid pedestrians.)

Engineering practices should be applied to the conditions of a specific city. It would be difficult to compare Elk Ridge with other larger cities with widened roads, sidewalks and bike lanes. The citizens present are interested in obtaining data from a traffic engineer commissioned to do a study specific to Elk Ridge. The question is what to do in the mean time? What will help, on a limited budget, to help control traffic and insure safety?

The Mayor opened the Meeting for public comments:

Andy May: (Resident of Park Circle)

He works in Orem at Collision Safety Engineering as a mechanical engineer. He feels the City is in line with engineering practice, from the information he has reviewed.

Question: What were the average speeds on Park Drive prior to the signs being changed as compared to the current conditions? People living along Park Drive feel the speeds have increased since the signs were removed. He feels data should be gathered rather than opinions.

Ray Nielsen: (Resident of Cortez Drive)

More people stopped at the stop sign that was on Park Drive and Cortez than run through it. Is interested in the Community involvement. He would be happy to assist.

Todd Jackson: Asked that Mr. Sessions gather more information on the Community Involvement Program he spoke of. He also asked for a copy of the information he has at this time.

Scot Sessions: Asked if the discussion could continue during the Agenda item concerned with "Street Signs" in the regular session? (Yes...a short discussion.)

He repeated the request of returning the signs to their previous positions as a more detailed study is being conducted.

Sean Nielsen: He realizes his position may not be popular, but he feels that having national standards available should take precedence. The burden of proof should be to prove those national engineering studies are incorrect and that they don't apply. He could not support replacing the signs the way they were. It is possible that everything was not factored into the decision the Council made to comply, but the decision was based on a national engineering platform, which is all there is to work with at this point. He feels that is the point to work from and any study would be to prove that those are not effective.

Gray Prestwich: There is a concern about traffic, speeding and dangerous practices. He feels community involvement is a good idea. That is one of the reasons

Mr. Baguley was asked to assist. He suggested that citizens form a committee, with a chairperson, to research ways to solve some of the problems. He asked that, as the spokesman, could Mr. Sessions hold a meeting to form a committee and elect a chairperson. (Mr. Session agreed to assist in forming a committee to assist.)

Mr. Sessions asked that the residents be kept informed of the issues, which affect them.

Mayor Fritz: The Council represents the Community and welcomes input, but ultimately the Council will make the decisions. The Sheriff has been asked to "write more tickets" and issue fewer warnings. No one should be exempt from the law.

\*Councilmember Jackson will contact the Sheriff and ask that he step up the patrol, particularly during peak times.



Citizens can call the Sheriff and turn in violators of the law, as well. They must be willing to issue a complaint. The phone number for Dispatch at the Sheriff's Dept. will be included in the next newsletter.

LEI  
ENGINEERING/  
INDEMNIFICATION  
IN NEW  
CONTRACT

The City Recorder was asked to contact the Utah Local Governments Trust to find out information about LEI's request to include an "indemnification clause" in the new contract with Elk Ridge, yet to be approved.

City Recorder (Jan Davis):

(The Mayor also contacted Mr. Ferrall from the Trust (ULGT) and he repeated, basically what he said to Ms. Davis. The Mayor did not want to place the City in a position of increased liability. He asked Mr. Ferrall to explain what conditions would increase risk to the City. His answer was when the Council over-rides professional judgment of a hired consultant and it results in a law suit, then the consultant and the Council are placed in a position of risk.

Mr. Ferrall also offered to discuss the issue with the engineers. LEI has committed to pay whatever the difference is in the insurance premium, to be included in the coverage. Salem and Woodland Hills both have agreed to include this coverage in their contracts with LEI.

Greg Magleby (LEI): The problem lies when the engineer is enforcing city standards and codes and acting as an "agent" of the City. This has no bearing on any professional liability or negligence on their part as professional engineers.

Mayor Fritz: This will postpone any action by the Council, since they are not meeting again until January, 2003. (Jesse Conway responded that they are still continuing under the terms of the old contract until the new one is approved.)

**ELK RIDGE  
CITY COUNCIL MEETING  
December 10, 2002**

TIME & PLACE  
OF MEETING

The regular Meeting of the Elk Ridge City Council was held on **Tuesday, December 10, 2002, at 7:00 PM;** it was preceded by a **City 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 December 5, 2002; and an Amended Agenda on 12-9-2002.

**CITY COUNCIL REGULAR SESSION AGENDA ITEMS:**

ROLL CALL

*Mayor:* Vernon Fritz; *City Council:* Sean Nielsen, Lee Freeman, Russell Sly, Todd Jackson, Gary Prestwich; *Administrative Asst.:* Ernestine Folks; *LEI Engineering:* Greg Magleby, Jesse Conway, Mike Christianson; *Public:* Scot Sessions, Debbie & Andy May, Kenneth & Diane Baguley, R.W. Nielsen, Curt & Laura Deichman, Catherine Fillerup, Malea Simmons, Dave Merrill, Scott Young, Richard & Linda Jones, Allen Gardner, J. Gunnell, Jim A. Nicolet, Necia Albrecht, Tracy Grover; & *City Recorder:* Janice H. Davis



INVOCATION  
PLEDGE OF  
ALLEGIANCE

Invocation was offered by Todd Jackson; after which, Greg Magleby led those present in the Pledge of Allegiance.

AGENDA TIME  
FRAME

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY  
TO APPROVE THE AGENDA, ADJUSTING THE TIME FRAME BY 5 MINUTES  
VOTE: YES (5) NO (0)**

LEI  
ENGINEERING/  
IMPACT FEES  
DISCUSSION

Mike Christianson (LEI):

Mr. Christianson addressed the Council on three matters:

1. Update on the New Well
2. Water Rights
3. Impact Fees

1. New Well Update:

The final pump test is scheduled for the next morning. It will be pumped for 24 hours, straight. With over 1,850 gallons being pumped, the State would allow the City to pump 1,250 gallons to be pumped. The State allows 2/3 of the amount of water pump-tested to be pumped for usage. (Mayor Fritz said to be sure to notify the Canal people of the pump testing.)

To complete the project:

- The "pitless adaptor" still needs to be welded on (Beeman Drilling)
- Clean up the drilling site
- Electrical Issues
- Kent Haskell will do the plumbing
- Place the pump into the well

The well could be on-line by about the 1<sup>st</sup> of the year (2003). The Mayor is trying to obtain permission from the State to leave the old well #5 open, rather than seal it off. He was advised to approach the State with the old well being considered a "monitoring well". Mayor Fritz wanted to make sure the well would not be sealed off while he is negotiating with the State. Greg Magleby assured the Mayor that they requested a 45-day window of time after the completion of the pump test before the old well has to be sealed off.

2. Water Rights:

*(A chart was submitted to the Council to assist in the discussion.)*

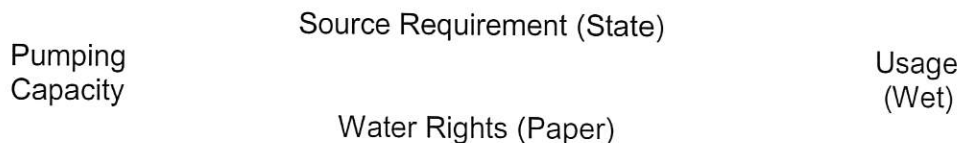
Mr. Christianson expressed LEI's desire for the City Council to understand the whole concept of water, water rights, how the State assesses the City's needs, and the basic issues we need to understand about water.

Chart (Side One) shows:

1. Pumping Capability – *How much can we physically pump and deliver?*
2. Usage – *How much water is the City consuming?*
3. Water Rights – *How much water are we entitled to?*  
It must be understood that the State owns all the water...cities do not.  
Cities have the "right" to use the water.
4. Source Requirements – *How much source does the City need per State Requirements?*

The State requires there be so much water per connection.

How do these 4 areas inter-relate with each other?



Usage:

We must know the State requirement. The *usage* has to be less than the *source requirement* and the *water rights*.

The *pumping capability* has to be greater than the amount of *water right* and the *source requirement* from the State.

The answer to the question, "Does the City need more water rights?" is "I don't know."

It is not known how much the City is actually using. They also do not know what the *right* is. They (LEI) tabulated the "paper rights" and each of those have certain types of rights that will transfer straight across, many of the rights have not been transferred. Out of about 24 rights, maybe four have been finalized and "proven-up" on. The others are in canal companies, ditch companies, surface water in Utah Lake. When those are actually brought to the City's wells, there will be a depletion of about 30-40%.

Greg Magleby: (Explanation) In considering an irrigation company (flood irrigation), the water is either evaporating, sinking into the soil, or it is going down through the ditches. When that water is turned into "municipal & industrial use", some of that water does not return to the aquifer; then they (State) give a depletion rate. This depletion rate will vary according to use. That is why the question of the amount of "right" the City actually owns.

Gary Prestwich: Wondered why the meter readings, averaged over a year's time, do not indicate the usage.

Mr. Christianson:

Two ways to look at this:

1. Meter readings
2. Average of 1.3 acre feet per connection...balancing between the two

Sean Nielsen: Wouldn't it be more accurate to use the readings off the pump houses, since there is a certain amount of un-metered usage (Fire Dept.)?

Mr. Christianson: There is a lot of data to collect. The answers can be determined with some effort.

Greg Magleby: There is probably a lot of useful data contained within the current telemetry system.

Explanation:

*State, Paper & Wet:*

Example: In surveying there is the *real* world and the *paper* world. You may have a certain description of a piece of property (*paper*); but in the *real* world, you try to lay out that description and it may not fit.

The same concept applies to water rights and usage. The State has a requirement (only the State Standards apply). The *real* world doesn't apply; usage has nothing to do with it. Water Rights (*paper*) world...this does not constitute delivery or actual *use*. The question is, *What can we actually produce at a faucet?*

*Source Requirement* = 800 gal. per day/connection and 3.39 gal. per irrigatable acre.

3. Impact Fees:

A. Survey of Irrigatable acreage:

Mike Christianson: LEI was authorized by the Council to conduct a survey of the City's "irrigatable" land area. The survey took 5% of each of the "Zones" in the City as a representative sample. They surveyed each of those lots, then calculated the amount of irrigated acreage. This is a key number to what the State requires for storage capacity, determining impact fees, & development capabilities. The result of the study is that the number would be reduced from .33 irrigated acres per connection to about .26 irrigated acres/connection. That would free up about 105 connections in the existing system. The State requirement has a lot of "slush" built into it, so 105 connections would not be taking the City to just meeting its needs.

Source Requirement = 800 gallons per day/connection for Indoor Use.

Storage Requirement = 400 gallons per day/connection (1/2).

Usage Requirement = Should be under the 400 gal./day per connection.

A more representative number for usage is needed to be able to design more efficiently.

(Mayor Fritz wanted to know if the City would be able to use some of the CUP water.)

A "pressurized irrigation system" has been considered for the City. This would take a good percentage source and storage requirement. Source and storage requirements for outside irrigation is very heavy. In our ½ million gal. tank, 180,000 gals. is reserved for fire...about 60% of the remaining capacity is for outside use. Only about 40% is for indoor use. If that is taken through a pressurized irrigation system, you have re-captured about 60% of the use of your tank for culinary purposes.

Questions:

Ernestine Folks: How were the lots selected for the survey? It seems that many of the lots are smaller. What would the impact be if more of the larger lots in the City had been included? The average would have increased.

Greg Magleby: It was a random selection. LEI also did a random type survey in Woodland Hills and the State accepted the figures from that study.

Mike Christianson: Cautioned the Council to use the lack of water as a reason to deny development in the City. The sewer capacity remains a problem, not the water.

Water Impact Fee:

*Sources of Revenue:*

- User Rates (sewer & water)
- Impact Fees

Revenue = Liabilities + City Operating Costs

*Liabilities:*

- Current Bonds
- Outstanding Debts
- Capital Improvements
- Future Projects

*City Operating Costs:*

- Maintenance
- Staff
- Materials & Supplies
- Depreciation
- Professional Services
- Miscellaneous

An Impact Fee Study has to be based on good information and be well thought-out; it must be able to stand on its own. The State Impact Fee Act has certain criteria that must be met. To balance these requirements, a "model" must be created. All of the factors have to be taken into consideration.

The City cannot "count" on new development for revenue...this holds the City "hostage" to development. The City becomes a partner to developers. If that expected revenue does not come in, then the City might be persuaded to comply with developers' demands to be able to make up the money. This is not a good position for the City to be in.

Greg Magleby: Impact fees cannot be based on "anticipated growth"; rather on conservative historical data.

2 Issues with current study:

- The current impact fees were based on 15% growth rate, that is no longer the case.

- All documentation in the study advises a fee of about \$5,300, yet the recommendation is for \$3,005. If financial information is correct, the City is losing out on about \$2,000 per connection. Mr. Magleby agrees that the City should be collecting more on the water impact fees.

The numbers need to be very defensible. With higher impact fees, more criticism will be generated.

There is a possibility of a "2-tier" impact fee:

- One for existing lots (suggestion of some sort of up-grade to fees paid up-front)
- One for future

The Impact Fee Study for the Water is estimated at roughly \$10,000 (Work Release #34 = \$9,800). Some of the information they already have through other assignments will assist in the current study. The study is also tied to water-user rates or water rights (Payson City paid \$30,000 and their study did not include either of these). These charges must be justified. At some point someone will challenge these rates.

Lee Freeman: These studies must be done regularly to keep the information current.

Greg Magleby: Updates on a yearly basis could be handled by the office staff.

#### Sewer Impact Fees:

Mr. Magleby: There are still too many unknowns to be able to generate a Sewer Impact Fee Study (i.e.: the cost & participation associated with a line going to Payson; how much sewage would go to Payson; Is there a possibility for a Revenue Bond?).

Work Release #35 would get the City "off dead center" and start to generate some of the necessary information required for an effective Impact Fee study.

Services proposed:

- Perform a preliminary assessment of the previously proposed sewer route to allocate liabilities for the improvements.
- Draft a Basis of Agreement between the three cities (Payson, Elk Ridge & Woodland Hills) to initiate dialogue & begin negotiations.
- Facilitate meetings & update drafts of the Basis of Agreement.
- Attend City Council Meetings as appropriate to discuss progress of the negotiations.

The proposed cost for Work Release #35 = \$5,000.

Todd Jackson: Feels authorizing the work releases would be money well-spent. The Council needs the information.

Russell Sly: It is difficult to where to start with Payson City. Should Elk Ridge submit a letter of intent?

Mr. Magleby: LEI feels it would best for Elk Ridge to take an offensive role of what we would like them to do and allow them to respond. Funding could come by approaching Payson about a revenue bond. They pledge the revenue that would come from Elk Ridge (monthly fees) and generate a bond, using their bonding ability. Payson wants to sell capacity in their plant and this may work very well with this idea.

The Mayor asked if there is any conflict of interest between LEI and Payson.

Mr. Magleby said "No". LEI is not representing Payson on the sewer. They engineer certain sewer projects for them, but there would be no conflict of interest.

Mayor Fritz: The Work Releases (#34 & # 35) will be voted on at the 1<sup>st</sup> Council Meeting in January.

#### STREET SIGNS

Mayor Fritz: Moved this Agenda Item up to better accommodate the many residents who came to the Meeting in regards to the subject of Street/Traffic Signs. The citizens had already presented their issues during the Council Work Session. Prior to any vote by the Council, the Mayor opened the Meeting back to the public, asking that their comments be kept short (not over two minutes).

Scot Sessions spoke for many of the citizens.

Scot Sessions: Requested that the presentation given earlier be included in the minutes and that copies were provided to the Councilmembers. He also reiterated the questions raised in the previous session about how the Council came to the decision they did to remove the stop signs.

- Why was the decision made to remove the stop signs?

Was it an issue of safety or of convenience in “getting out of town”? If it was for safety, is Park Drive safer?

Gary Prestwich: He feels Ken Baguley already addressed this question. On occasion, certain people who are qualified are asked to help the City with their particular area of expertise. The Council commissioned Mr. Baguley to do the research on traffic signs. The Council approved his recommendation. (3 or 4 intersections were affected with this 1<sup>st</sup> phase.)

- Why was the request to Mr. Baguley made?

Sean Nielsen: The same way many issued come up...other citizens asked about the signage in town.

Lee Freeman: Over time, stop signs were put up here and there, sometimes in a “haphazard way”. The Council wanted to compare the City’s signage with some standard to determine if it was appropriate. This person was willing to participate and is qualified to offer a recommendation to the Council.

Andy May: Mr. May spoke to a traffic engineer and he said that “studies” are made up of data that would “hold up in court” in case of any reaction from citizens against an action taken by the City. A “study” is referred to by the Council. What was the study and can the residents view it? It seems to him that federal guidelines and regulations were applied without taking into consideration Elk Ridge’s current situation, environment and traffic flow patterns at these stop signs.

Sean Nielsen: If an accident happened at one of these intersections, (say Park Drive and Escalante) what basis would the City have to support the 3-way-stop that was in place?

Scot Sessions & Andy May: How do we best apply the national standards? Before changes are made, data should be provided to back up those changes. Until that data can be provided for the removal of a stop sign, the stop sign must be returned.

Todd Jackson: It is being presumed that there must be data collected prior to any change in signage. He is guessing that many of the rules are applied subjectively; such as, a stop sign is warranted under certain conditions...like limited visibility. (Mr. May agreed...it is called the “climate of the area”; but along with those judgments, data such as the speed of the traffic, etc. is taken into consideration.) What the Council did was to take someone with 30 years experience and 6 years with direct experience in traffic and took his recommendation. The Council met with him on at least three occasions. The subject was always on the agenda, posted for all to be aware of. Feels the problem lies with the citizens (drivers), themselves.

1. He would like to see action taken to get drivers to respect the law (more tickets written, “traffic calming”, etc.).
2. He is not opposed to some of the signs being returned.

Lee Freeman: The Council is hearing what the citizens are saying. In the Work Session, there was to be a committee, with an elected chairperson, to review everything. The Council is not disagreeing that further information should be gathered. The issue seems to be whether or not to replace the signs while the study is being conducted.

Mayor: The Council cannot react to emotion alone. There must be consistency in the decisions made.



Scot Sessions: That is why emotion has been avoided by having a spokesperson and why the concerned citizens collected their own data and submitted a petition signed by 45 citizens living in the areas around the affected intersections. One of the “standards” in the General Engineering Practices says that there should be 5 occurrences of accidents, then action can be taken. Is the Council willing to wait for 5 occurrences in order to take action again? We strongly request that the signs be replaced during any further study.

Mayor Fritz: Cut off public comment and turned for discussion by the Council and any decision to be made.

Sean Nielsen: He still feels the decision made earlier should stand. If people obey the laws, there is no greater risk with the signs out than with them in. He sees no safety value in replacing the signs while further study is being done. He would not be opposed to replacing the stop signs along Park Drive, if a further study proved that, but he does not agree they should be replaced during a study.

Todd Jackson: He “is okay with putting the signs back”. He is concerned with the cost of a further study. The budget is tight; it could be next year before the study would be fit into the budget. He would really like to see citizen education towards increased safety and obedience to existing laws, that’s where it really counts. He does not feel replacing the signs will accomplish this.

Lee Freeman: The presence of those in opposition to the removal of the signs as well as the concerns that have been expressed is enough to convince him that the stop signs should be replaced for now. A group of citizens should form a committee, but there should also be qualified, knowledgeable people involved in that group. He feels the citizens should be comfortable with what is being done to insure the safety of our residents.

Gary Prestwich: Feels the view being taken is somewhat simplistic. He cannot understand replacing a stop sign at an intersection like Salem Hills Drive and Park Drive with a yield sign. It seems contradictory that this would increase the safety. Is this what is wanted (directed at Mr. Sessions)?

Scot Sessions: Still maintains that traffic data should back up whether the stop signs and the yield signs were performing their functions and if they should have been removed or left in place.

Gary Prestwich: The “data” is this...when you were at this intersection with the prior yield sign, you could not see. That is why it was changed to a stop sign...are the people present saying they want this replaced with the yield sign? The statement has been made to “change the signs back”.

Jim Nicolet: That is not what the intent is. What the data supports, will be supported by the citizens, but there is no data to tell the people what to support.

(Mayor Fritz reminded those present that the public debate portion of the Meeting is over and that the comments should be confined to the Council at this point.)

Gary Prestwich: Wanted to clarify the following point: that Salem Hills Drive & Park Drive is a dangerous intersection due to the lack of visibility. That is the data...you cannot see. There is a 3<sup>rd</sup> stop sign at the intersection of Park Drive and Escalante...“this is non-standard” intersection. The problem lies in those coming into the community not familiar with this non-standard stop...in has been described as “an accident waiting to happen”. He is not saying that some of the stop signs shouldn’t be replaced, but perhaps not exactly like they were.

Russell Sly: Feels that the Council represents the people of Elk Ridge; many of a common view were present at the Meeting...consequently, he is not opposed to returning the signs and going forward with a further study, if the City can afford the cost. He also feels there should be qualified people on the committee.

Mayor Fritz: Counseled the residents present that they should get a group together with Scot Sessions and bring forth a recommendation to the Council. All the Councilmembers have a desire to serve the Community. The Mayor asked the Council for a motion.

Councilmember Jackson asked if there was any opposition to leaving the stop sign at Salem Hills Drive & Park Drive; as well as the removal of the stop sign on Elk Meadows Drive (headed north). There was no objection to either.

**MOTION WAS MADE BY TODD JACKSON AND SECONDED BY RUSSELL SLY TO CHANGE THE SIGNAGE BACK TO PREVIOUS LOCATIONS, WITH THE EXCEPTION OF THE STOP SIGN ON SALEM HILLS DRIVE & ON ELK MEADOWS & GALDSTAN DRIVE (HEADED NORTH), WHILE THE COUNCIL FURTHER CONSIDERS THE ISSUE AND TRIES TO DETERMINE THE BASIS FOR ANOTHER DECISION**

**VOTE: YES (4)**

**NO (1) SEAN NIELSEN**

Jeanette Gunnell commented (resident of Haskell Subdivision, Plat J) that she feels the citizens presenting their views to the Council were acting on emotion. Traffic is a "matter of habit". When she moved to town, she could not figure out the signage. One just has to learn to adjust.

She would like the Council to consider the intersection on N. Park Drive as it turns into Goosenest Drive...as one heads north on N. Park Drive, there should be a turn lane at that corner.

The Mayor spoke to Mrs. Gunnell earlier in the day and assured her that he and Councilmember Prestwich would discuss the matter.

#### WATER RIGHT ATTORNEY REPORT

Mr. Mabey was hired as the City's Water Right Attorney. A bill in the amount of \$875 has been presented for approval for work completed to date. The Council authorized the Mayor to spend up to \$1,000. The job is not done and more money will need to be approved for payment.

Update: There is the apprehension that if an exchange of water rights is pursued without everything in order, the City could end up in a position of giving up our Upper East Irrigation shares without the assurance that the new shares would be transferable. His recommendation is that there be an "escrow account" established, into which the Upper East shares and the other shares from C.U.P. would be deposited until the exchange is ready to happen simultaneously. He is also working on the idea that the Central Utah Conservancy District wants the Upper East shares badly because it affects the sizing of the pipe they will be able to use. It is his opinion that the City may be able to "leverage" this into more shares than offered to the City.

It could cost up to about \$1,200 more to complete the entire process. The Mayor requested up to \$1,500 more.

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY LEE FREEMAN TO AUTHORIZE UP TO \$1,500 MORE (A TOTAL OF NOT MORE THAN \$2,500), PAYABLE TO THE WATER RIGHTS ATTORNEY, JOHN MABEY**

**VOTE: YES (5)**

**NO (0)**

#### JACK MASON RETAINING WALL

Mayor Fritz: A bid for \$1,800 came in for work on the retaining wall and steps for Jack Mason's yard. This is less than the original estimate of over \$2,000.

The Council wanted more than one bid. Four came in and \$1,800 is the lowest bid.

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY TO APPROVE UP TO \$1,800 TO INSTALL THE RETAINING WALL AND STEPS FOR JACK MASON**

**VOTE: YES (4)**

**NO (1) SEAN NIELSEN**

WATER LINE  
UPGRADE/  
POWELL RD.

Sean Nielsen: This project (Upgrade of the water line and subsequent road repair on Powell Cr.) has already been budgeted for in the current fiscal year. The weather has been too cold. It will be done in the spring. He needs approval of the bid for the water line upgrade. There were two bids: one of them dropped \$1,000 off of his original bid of \$12,000 and the other bid was for \$9,000. It is the opinion of the Public Works Forman that both contractors would do an equally good job. It is proposed to accept the lower bid.

Councilmember Prestwich is not planning to do the asphalt work until after July 1, 2003...so the line should be put off until the end of June.

**MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY GARY PRESTWICH TO AWARD THE BID FOR THE UPGRADE OF THE WATER LINE ON POWELL CR. TO JIM COON CONSTRUCTION, INC. IN THE AMOUNT OF \$9,000.00; TO INCLUDE THE EIGHT ITEMS LISTED ON THE BID. THE BID ALSO AGREES THAT ELK RIDGE CITY WILL HAUL OFF ASPHALT & EXTRA DIRT AND REPLACE ASPHALT IN THE ROAD AREA**

**YES (5)**

**NO (0)**

EXPENDITURES: A. General: (No added expenditures)

B. Change Order: Delay of drilling resulted in unanticipated fuel costs. Beeman Drilling has requested an approval of additional costs of \$3,620.00, based on anticipated added hours and a higher rate to be paid to the contractor doing the test pumping. Councilmember Nielsen suggested postponing the approval of the added cost until the 1<sup>st</sup> Council Meeting in January, 2003, so that the final hours are available. The Council agreed.

C. Flag Pole Lighting: (Todd Jackson) The lighting for the Flag Pole at the City Hall has been installed:

**MOTION WAS MADE BY TODD JACKSON AND SECONDED BY SEAN NIELSEN TO APPROVE \$1,221.24, PAYABLE TO BILL'S CUSTOM ELECTRIC**

**VOTE: YES (5)**

**NO (0)**

D. LEI Work Release #33: Payment on this Work Release was held up due to ongoing discussions with LEI about the billing. The Mayor feels his interest in the breakdown has been satisfied and it is now ready for payment.

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY SEAN NIELSEN TO APPROVE PAYMENT OF LEI ENGINEERING WORK RELEASE #33, IN THE AMOUNT OF \$3,960.00**

**VOTE: YES (4)**

**NO (0)**

**ABSTAIN (1) TODD JACKSON**

E. Beeman Drilling Invoice: (Mayor Fritz) Beeman Drilling is requesting his second draw on the Well Loan money, in the amount of \$85,000.00  
LEI Engineering recommends payment.

**MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY TODD JACKSON TO APPROVE PAYMENT OF \$85,000.00 TO BEEMAN DRILLING AS THE SECOND OF HIS REQUESTED DRAWS, FOR WORK ON THE "CLOWARD" WELL**

**VOTE: YES (5)**

**NO (0)**

F. Staker Paving/Park Dr. & Goosenest Dr: (Mayor Fritz)

The corner of N. Park Dr. & Goosenest Dr. was widened and a left-turn lane added, turning onto Goosenest; as well as striping at the intersection of the two roads. In the process of adding the extra asphalt to the west side of Park Drive, the added piece slanted to the east into the original asphalt.

There were many complaints because vehicles would lean in to the east and threaten tipping over. Winter roads could prove even more dangerous with this situation.

The mayor authorized the modification of this section of the road (N. Park Drive). He did not poll the Council for approval of the cost. It had to be repaired due to the safety hazard. The estimate given to Councilmember Prestwich from Staker was about \$1,000. He is "disappointed" in the final bill and he said this would impact how he deals with Staker next year.

The initial bill for the original work done to various sections throughout the City was in the amount of \$22,409, which was already approved for payment. Mr. Prestwich requested that Staker write on this last bill, in the amount of \$2,666.46, that it was the "final" invoice. (It is noted on the Invoice.)

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY LEE FREEMAN TO PAY THE ADDITIONAL \$2,666.46 TO STAKER PAVING FOR REPAIR WORK DONE ON THE CORNER OF GOOSENEST DRIVE AND N. PARK DR.**

**VOTE: YES (5)**

**NO (0)**

MINUTES

11-12-02:

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY TODD JACKSON TO APPROVE THE CITY COUNCIL MINUTES OF 11-12-02**

**VOTE: YES (5)**

**NO (0)**

11-26-02:

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY SEAN NIELSEN TO APPROVE THE CITY COUNCIL MINUTES OF 11-26-02**

**VOTE: YES (4)**

**NO (0)**


**ABSTAIN (1) TODD JACKSON  
(Not present on 11-26-02)**

ADJOURNMENT

**MOTION WAS MADE BY TODD JACKSON AND SECONDED BY SEAN NIELSEN TO ADJOURN THE CITY COUNCIL MEETING**

**VOTE: YES (5)**

**NO (0)**

  
City Recorder