

NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, January 14, 2003, 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:
2. High Speed Internet Access – Jim Nicolet
Sheriff Substation at City Hall
3. City Web Page – Jim Nicolet
4. Memos from Councilmember Sly:
 - A. Police Coverage
 - B. Update on Sewer Issues
5. New Sign for Entrance to Elk Ridge
6. **Public Session RE: Traffic Signs -**

7:00 - PM

REGULAR COUNCIL MEETING AGENDA ITEMS:

- Invocation and Pledge of Allegiance
Approval/Agenda Time Frame
- 7:05 7. Approval of 2003 Meeting Schedules/City Council & Planning Commission
- 7:10 8. Traffic Signs Change – Veto – Mayor Fritz
- 7:20 9. Adopt "Irrigated Acreage Study" (LEI) – Mayor Fritz
- 7:25 10. LEI – Indemnification – Mayor Fritz
- 7:30 11. LEI – Extension of Contract
- 7:40 12. Kearns Subdivision, Plat A - Preliminary Plat Approval
A Vacation of Lot 9 & 10 of Salem Hills Subdivision, Plat A, Block 4
- 7:55 13. Appointment/New Water Board Members – Sean Nielsen
- 8:00 14. Expenditures:
General:
Approval of Change Order for Drilling Contract (Test Pumping)
Final Billing/Added Fuel Costs
Check Register for December, 2002
- 8:10 15. Approval of Minutes of Previous Meetings
- 8:15 16. Re-Schedule Public Hearing:
Oak Bluff, Plat G – Default of Performance
- 8:20 17. Proposal – Determining Water Impact Fees – Mayor Fritz
- 8:45 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 9th day of January, 2003.


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 January 9, 2003.


City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
January 14, 2003**

**TIME & PLACE
OF MEETING**

The regular Meeting of the Elk Ridge City Council was held on Tuesday, January 14, 2003, 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 January 9, 2003.

6:00 PM

CITY COUNCIL WORK SESSION

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Sean Nielsen, Todd Jackson, Gary Prestwich (Absent-2: Lee Freeman, Russell Sly; *Administrative Asst.:* Ernestine Folks; *LEI Engineering:* Jesse Conway; *Sheriff:* Deputy Dale Lea; *Public:* Doug Brinkerhoff, James & Ann Kearns, Jim Nicolet; & *City Recorder:* Janice H. Davis

**NEW WELL
REPORT**

The Mayor commented that the New Well is nearing completion. There are no problems and the project may even come in under budget.

**HIGH SPEED
INTERNET**

Jim Nicolet: Mayor Fritz asked Mr. Nicolet if he would address the Council about the high-speed Internet access. Mr. Nicolet uses the service through Broadband. He has an agreement with Broadband wherein he was not required to purchase any equipment upfront. He pays monthly (\$50) and had to sign with them for 2 years. In this way, he is not out the money for equipment, which would be outdated in a year or so; and if the company fails, he would not lose any big investment. The City might need a higher rate. Mr. Nicolet suggested the City purchase a "DSL Router" (Approximately \$120), which prevents "hackers" from accessing the system. The Sheriff's Dept. wants to have a sub-station at the Elk Ridge City Hall and will need high-speed Internet.

The Council feels having the Sheriff here would be good for the City.

The City could start out with a lower rate and upgrade, if necessary.

Even without the Sheriff substation at the City Hall, it would be worth it to have the high-speed access to better use staff time. It has also been a problem to send data over the Internet to Caselle with the slow dial-up access.

Mr. Nicolet also recommended that we inquire if Caselle would reduce the amount of money paid for support if the communications were on-line.

The cost would only be about \$30 more per month to go from dial-up to high-speed access.

**CITY WEB
PAGE**

Jim Nicolet: The City's web page is very out-dated and useless. A web page could be used in many various ways to assist the City and the residents.

Examples: Post agendas, announcements (City, CERT, 3-Step Program, etc), Special Events.

Citizens would have to be trained to utilize the Internet. Perhaps in the future, Government posting requirements could be met through the Internet rather than locations throughout the City.

Mr. Nicolet offered to train the staff to maintain the Web Page. The staff would all use it in their different areas of work.

MEMOS/
RUSSELL SLY

Todd Jackson: In the absence of Councilmember Sly, Councilmember Jackson presented the general ideas of the two memos placed in the Council packets from Councilmember Sly:

A. Police Coverage:

Councilmember Sly would like the Council to consider an Elk Ridge Police Dept. He experienced this type of operation in the small town where he grew up. The Dept. might consist of one equipped car and perhaps several officers trained from Elk Ridge citizens. The staff could answer radio calls.

Councilmember Sly believes the City could provide better coverage for about the same cost as the current arrangement with the County Sheriff's Dept.

There would be much more to the establishment of a small force; but he feels it would benefit the City to look into this concept.

Comments:

Todd Jackson: (Voiced his concerns)

1. What would happen to the City's liability? Would there be a substantial increase in insurance cost?
2. Would the additional administrative support be feasible? Would another staff member be required?

Deputy Dale Lea:

1. There is a "monstrous" amount of paper work. Reports must be reviewed. He guarantees that another staff member would be necessary...probably full-time.
2. The equipment costs are very high. (Example: The hand-held radio he was wearing that the State is going to cost about \$4,000; added to the equipment for a patrol car.)
3. For added information, he suggested speaking with the Chief of Police in Salem.

Todd Jackson: The costs could be paid off over time...perhaps five years or more.

The equipment would last because it would only be used in Elk Ridge.

According to the Sheriff's Dept., the cost for a "fully-loaded" deputy is about \$80,000 per year.

Deputy Lea: That cost does not include office space or staff time & salary. There are added benefits with the contract with the Sheriff's Dept., such as, extra coverage when Deputy Lea is not on duty.

Todd Jackson: Informed the Deputy that he had requested the police report on a monthly basis rather than quarterly. The request was made to Sgt. Gilbert.
(The report will go to Councilmember Jackson and the Mayor.)

B. Update on Sewer Issues:

There was no discussion on this matter at this time. The Mayor would like the Council to consider the points addressed in the memo. The memo discusses the possibility of selling Elk Ridge's 18% ownership in the Salem Plant as a way of funding a connection to Payson City's sewer system.

Mayor: In speaking with the City Recorder in Salem today, Jan Davis was informed that Salem's plant was out of compliance in some areas and had to purchase 9 aerators at the cost of \$8,000 each. This amounts to \$72,000 total; Elk Ridge's portion would be 18% = \$12,960. One of the Councilmembers was supposed to have informed Elk Ridge of this some time ago. This will be completed by the end of the current fiscal year and must be budgeted for.

Gary Prestwich: The Salem sewer plant is old in its design; if it is marginally meeting State requirements, will this be an on-going pattern? Will the expenses continue to increase? This is a concern. Payson's system is newer in design and has excess capacity.

ELK RIDGE
SIGN

Mayor Fritz: The Mayor visited with Bona Signs of Springville. They provided the Mayor with a design and an estimate. The suggestion was to have a three section Sign: Center section with 2 wings...one wing would have a street map and the other one would be for announcements and bulletins. It would be wired for lights and would have a small roof. The base would be constructed by the City...the estimate for the rest of the sign is approximately \$5,000. The Mayor would like to take the decision to the residents and see if they agree. It would be located at the entrance of Elk Ridge at 1600 West and Goosenest Drive.

There was a question whether the sign would need to be lighted.

Sean Nielsen: Concern that 1600 West would be by-passed and the sign would be in the wrong place. (The Mayor does not feel this would happen.)

The community would have to agree prior to any action taken by the Council.

PUBLIC
SESSION/
TRAFFIC SIGNS

This item is postponed until the next City Council Meeting.

WATER BOARD
MEMBERS

Sean Nielsen: Did not intend for this item to be listed on the Regular Session Agenda. Discussion was moved to this time.

Councilmember Nielsen submitted 6 names for consideration to serve on the Water Board. He needs to determine the duties and responsibilities of those serving on the Board. He expects to have this information by the next Council Meeting. The members can be appointed at that time.

**ELK RIDGE
CITY COUNCIL MEETING
January 14, 2003**

TIME & PLACE
OF MEETING

The regular Meeting of the Elk Ridge City Council was held on **Tuesday, January 14, 2003, 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 January 9, 2003.

CITY COUNCIL REGULAR SESSION AGENDA ITEMS

ROLL CALL

Mayor: Vernon Fritz; *City Council*: Sean Nielsen, Todd Jackson, Gary Prestwich (Absent-2: Lee Freeman, Russell Sly; *Administrative Asst.*: Ernestine Folks; *LEI Engineering*: Jesse Conway; *Sheriff*: Deputy Dale Lea; *Public*: Doug Brinkerhoff, James & Ann Kearns; & *City Recorder*: Janice H. Davis

INVOCATION
PLEDGE OF
ALLEGIANCE

Invocation was offered by Todd Jackson; after which, Sean Nielsen 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 10 MINUTES
VOTE: YES (3) NO (0) ABSENT (2) LEE FREEMAN, RUSSELL SLY**

2003 CITY
COUNCIL
MEETING
SCHEDULE

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY GARY PRESTWICH TO ACCEPT THE 2003 CITY COUNCIL MEETING SCHEDULE AS FOLLOWS: EVERY SECOND AND FOURTH TUESDAYS OF EACH MONTH, WITH THE EXCEPTION OF DECEMBER, 2003...THERE WILL ONLY BE ONE MEETING SCHEDULED ON THE 9TH OF DECEMBER, DUE TO CHRISTMAS
VOTE: YES (3) NO (0) ABSENT (2) LEE FREEMAN, RUSSELL SLY

TRAFFIC SIGNS/
MAYOR'S VETO

Following the last City Council Meeting, and the Council's action to replace stop signs which were removed; Mayor Fritz exercised his power to veto the vote taken. He felt that the replacement of the stop signs after their removal would continue to confuse the resident and possibly cause more of a danger to safety. The signs were to be replaced while more data is being gathered in a further traffic study. The concerned residents were not prepared to present anything at this Council Meeting.

Councilmember Prestwich asked the Sheriff his opinion of the stop sign removals. Deputy Lea does not have a good reference point as to what traffic was like prior to the removal of certain stop signs; but it seems like a "natural flow" to him without the stop signs along Park Drive. He has been patrolling the road, especially at bus-times and he has not witnessed any big problems. He will come to the Meeting when this matter is discussed.

Suggestion: Hire crossing guards that wear the orange vests and assist the children as they cross at the bus stops (Nebo School District would probably be over this). The Councilmembers present agreed that this matter could be deferred until more information on the matter is gathered. The issue will be on the agenda for February 11, 2003.

ADOPT
IRRIGATED
ACREAGE STUDY

The study was done by LEI Engineering to assist in updating the Water Impact Fee as well as determine the water resource situation. According to LEI, "a key component of understanding this issue is determining the outdoor irrigatable acreage to use in water source, storage and delivery requirement calculations. Work Release #36 indicated that LEI would survey approximately 5% of the existing lots in the City according to the three proposed service zones in the City." The lots were selected at random and were to be composed of lots which have mature landscaping. LEI was to provide the service for a lump sum of \$1,850. The study has been completed and the results reported in a previous Council Meeting.

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY TODD JACKSON TO ACCEPT THE IRRIGATED ACREAGE STUDY PERFORMED BY LEI ENGINEERING, AS PER WORK RELEASE #36

VOTE: YES (3) NO (0) ABSENT (2) LEE FREEMAN, RUSSELL SLY

LEI
INDEMNIFICATION
INSURANCE

LEI has requested that Elk Ridge consider including an "indemnification clause" in the contract renewal. The language in the proposed contract is the same language that is contained in LEI's current contracts with Salem and Woodland Hills as their City Engineer. Mayor Fritz had requested that each of the Councilmembers contact the City insurance carrier prior to the Meeting so they could make an informed decision. Mayor Fritz quoted from a memo to the Council from the City Attorney, David Church, "I suggest that you not indemnify for any claim that arises from intentional misconduct, fraud, or malice in addition to their own negligence." (A copy of the entire memo was included in the Council's packets for review.) The Mayor recommended approval of LEI's request. LEI has agreed to pay whatever the difference in the premium would be. Mayor Fritz also suggested that David Church finalize the language in the contract.

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY TODD JACKSON TO INCLUDE A CLAUSE PERTAINING TO THE INDEMNIFICATION OF LEI ENGINEERING AS PART OF THEIR CONTRACT RENEWAL WITH THE CITY, AS PER RECOMMENDATION OF DAVID CHURCH AND HIS REVIEW OF THE FINAL CONTRACT WITH LEI; TO BE ADDED TO THE CITY'S INSURANCE
VOTE: YES (3) NO (0) ABSENT (2) LEE FREEMAN, RUSSELL SLY

**LEI ENGINEERING/
EXTENSION OF
CONTRACT**

Mayor Fritz: It is proposed that the contract between LEI Engineering and Elk Ridge be extended for one year. The expiration date of the old contract was 9/2002. The terms and conditions will include the indemnification clause asked for by LEI and consideration should be given to the zoning administration feature previously discussed.

MOTION WAS MADE BY TODD JACKSON AND SECONDED BY SEAN NIELSEN TO EXTEND THE CONTRACT BETWEEN ELK RIDGE CITY AND LEI ENGINEERING UNTIL SEPTEMBER, 2003
VOTE: YES (3) NO (0) ABSENT (2) LEE FREEMAN, RUSSELL SLY

**KEARNS
SUBDIVISION,
PLAT A –
PRELIMINARY
PLAT**

(Summary/brief history – Jim Bolser/City Planner):

1. "The property in question was originally 2 lots of the Salem Hills, Plat A Subdivision, in the County, which had a lot standard of 11,000 sq. ft. Following development, lots 9 & 10 were combined into one lot and had a home built upon it prior to the current regulations of the Elk Ridge City Code. The property was sold to Mr. & Mrs. James Kearns in approximately July of this year (2002). The Kearns family wishes to divide the property once again, and avoid an overly great amount of unnecessary property maintenance, or the lack of maintenance to the excess portions of the lot, and sell the additional lot. The location of the home that was built prior to the sale of the property necessitates the odd configuration of the lots. As the property was originally 2 lots under County jurisdiction, impact fees were paid to the County at the time of the plat development. I (Mr. Bolser) have been unable to find evidence of any refund of these fees upon the lot combination. It is staff's interpretation, then, that the assumption of responsibility for the property upon the incorporation of Elk Ridge City, that these fees would stand, therefore granting development rights to the property, and the lot would be eligible for approval in light of the water situation under your review at the current time."

2. (Memo from Mr. Bolser) "As stated above, the location of the existing home on lot 2 necessitates an odd property line design. Under § 10-7-5.6 (1) of the Elk Ridge City Subdivision Code, states that there should not be peculiarly shaped 'elongations', which are not usable for normal purposes. According to §10-7-8.7, the City Council has the authority to grant adjustments or waivers to the provisions of the Subdivision Code." Mr. Bolser pointed out that to grant a "waiver" or "adjustment" to the Code would eliminate that provision universally rather than in application to an individual case."

Recommendation: to grant a waiver to the section disallowing "peculiarly shaped elongations" due to the following:

- The section is impractical & unnecessary to accomplishment of the intent of the City Code
- The provisions may be overly restrictive in certain circumstances to the point of possible legal jeopardy to the City
- The universal enforcement of the provision since its inception is questionable
- It is Mr. Bolser's feeling that the provision is very ambiguous & interpretive, leading back to State law that interpretation of ambiguous municipal codes must be in favor of the applicant or property owner.

In addition, the "finger" of land is made up of remnant parcels, which are not allowable by law. Their inclusion not only fulfills the needs of the property owner but also brings these parcels into compliance with State & City Codes.

3. The front property line for both lots extend into the City right-of-way. Curb/gutter was installed by the City after the subdivision was in place. The corner of Fremont Way was adjusted with the curb/gutter, leaving a portion of the dedicated right-of-way vacant & essentially unusable. The Council has already expressed "openness" to the possibility of the deeding of this "remainder" area to the property owner. Mr. Bolser feels the Council should consider this option.

Overall Recommendation (Jim Bolser):

1. Grant adjustment & waiver to § 10-7-5.6 (1) of Subdivision Code regarding "elongated" lots
2. Formally grant the right-of-use to the applicant for the "remainder" portion of Fremont Way right-of-way
3. Grant Preliminary Approval, contingent upon issues as noted, be resolved.

Ernestine Folks:

Memo to Council:

On December 19, 2002, the Planning Commission determined: *"based on the recommendation of the Planner, to recommend to the City Council to approve the Kearns Subdivision, Plat A, a Vacation of Lots 9 & 10 of Salem Hills Subdivision, Plat A, Block 4 – Preliminary Plat, contingent upon issues identified by the Planner and Engineer being satisfied."*

The letters from the Planner & Engineer were attached for the Council to review; also attached was a copy of the corrected plat.

*Note: The Council should be aware that there is an issue, which resulted after the Planning Commission made their recommendation to the Council, when Mr. Kearns' engineer made the corrected drawing, the existing home is located within the side setback, which is against code.

LEI Recommendation:

Preliminary Approval should be granted once certain comments are satisfied, as listed on their letter dated 12-19-2002.

(One of the contingencies would be satisfying the side setback problem on lot #2. This could be addressed by the engineer. If the setback requirement could not be met, then the Preliminary Approval granted by the Council would be null & void.

Discussion:

Mayor Fritz: Agrees that if there is any reasonable way that the Council can interpret in favor of the property owner, they should take Jim Bolser's advise and do so.

During discussion between the Councilmembers present, it became unclear as to the adjustment to the Code that should be granted. After clarification, the Mayor suggested sending the Plat back to the Planning Commission to consider the Plat as it is with the setback problem. The Planning Commission could make their recommendation based on current facts.

Gary Prestwich: He is more inclined to allowing Mr. Bolser make a further recommendation, based on the recent issue of the setback with the existing home. Perhaps the setback problem can be simply solved by re-drawing the plat.

Todd Jackson: Feels the setback issue is the more serious of the two considerations. He does not feel the "elongated" shape to the proposed lot is much of an issue, especially with much of the land being located on a hillside.

Sean Nielsen: Does not see a problem with granting approval with a contingency regarding the setback issue being resolved. If it cannot be adjusted, then none of the other issues matter.

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY TODD JACKSON TO:

- 1. GRANT THE ADJUSTMENT & WAIVER OF §10-7-5.6 (1) OF THE SUBDIVISION CODE REGARDING LOTS OF A PECULIARLY ELONGATED SHAPE, IN LIGHT OF THE ISSUES DISCUSSED IN NOTE 2 OF JIM BOLSER'S MEMO TO THE COUNCIL, AND HAVING FOUND THAT THIS ACTION FALLS IN COMPLIANCE WITH §10-7-8.9, AS RECOMMENDED BY THE CITY PLANNER;**
- 2. GRANT THE RIGHT-OF-USE TO THE APPLICANT (KEARNS) FOR THE "REMAINDER" PORTION OF THE FREMONT WAY RIGHT-OF-WAY, NOT TO REDUCE THE PARK STRIP BELOW THAT OF SIMILAR AREAS ALONG FREMONT WAY THAT ARE NOT ON CORNERS AND AS DEPICTED IN THE PRELIMINARY PLAT APPLICATION; AND**
- 3. TO APPROVE THE PRELIMINARY PLAT, CONTINGENT UPON THE ISSUE OF THE SIDE SETBACK INVOLVING THE EXISTING HOME BEING RESOLVED FOR KEARNS SUBDIVISION, PLAT A, LOTS 1 & 2**

VOTE: YES (3) NO (0) ABSENT (2) LEE FREEMAN, RUSSELL SLY

**WATER BOARD
MEMBERS**

Strike from this agenda. Appointments will be addressed at the next Council Meeting.

EXPENDITURES:

A. General:

1. LEI Work Release #28:

Mike Christianson brought over some invoices today. One is a portion of Work Release #28 in the amount of \$15,032.34, for engineering work on the new "Cloward Well".

MOTION WAS MADE BY TODD JACKSON AND SECONDED BY GARY PRESTWICH TO APPROVE PAYMENT OF LEI INVOICE #103833, WORK RELEASE #28, IN THE AMOUNT OF \$15,032.34

VOTE: YES (3) NO (0) ABSENT (2) LEE FREEMAN, RUSSELL SLY

2. Well Driller/Todd Beeman:

LEI also turned in a request for payment from Todd Beeman for the next phase of the drilling of the Cloward Well, in the amount of \$30,000.

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY GARY PRESTWICH TO APPROVE THE PAYMENT REQUEST FROM BEEMAN DRILLING FOR WORK ON THE NEW CLOWARD WELL, IN THE AMOUNT OF \$30,000

VOTE: YES (3) NO (0) ABSENT (2) LEE FREEMAN, RUSSELL SLY

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)

2. LEI Irrigated Acreage Study/Work Release #36:

Earlier in the Meeting the Council accepted the study.

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY TODD JACKSON TO APPROVE PAYMENT OF INVOICE LEI #103742, FOR WORK RELEASE #36, IN THE AMOUNT OF \$1,850.00

VOTE: YES (3) NO (0) ABSENT (2) LEE FREEMAN, RUSSELL SLY

3. LEI Work Release #33:
(Invoice not available) The work was previously approved and the Invoice does not exceed the approved amount on the Work Release.
4. Added Fuel Costs (Cloward Well):
This change in the total amount was included in the approved amount of \$30,000.00, payable to Beeman Drilling.
5. Check Register for December, 2002:
MOTION WAS MADE BY TODD JACKSON AND SECONDED BY SEAN NIELSEN TO APPROVE THE CHECK REGISTER FOR DECEMBER, 2002
VOTE: YES (3) NO (0) ABSENT (2) LEE FREEMAN, RUSSELL SLY

MINUTES

- 12-10-02:
MOTION WAS MADE BY TODD JACKSON AND SECONDED BY SEAN NIELSEN TO APPROVE THE CITY COUNCIL MINUTES OF 12-10-02
VOTE: YES (3) NO (0) ABSENT (2) LEE FREEMAN, RUSSELL SLY

OAK BLUFF
ESTATES,
PLAT G


- The letter from Ernie Thornton (LEI) was to have been faxed to the City; it has not been faxed. A re-inspection of the improvements remaining to be completed to finish the subdivision process for this Subdivision is necessary. Mr. Thornton has done the re-inspection; the revised list still needs to be sent. There needs to be time to not only publish the notice of Public Hearing, but to allow time for "reasonable" notice to the property owner.
- MOTION WAS MADE BY TODD JACKSON AND SECONDED BY SEAN NIELSEN TO RE-SCHEDULE THE PUBLIC HEARING FOR DECLARATION OF DEFAULT FOR OAK BLUFF ESTATES, PLAT G; FOR FEBRUARY 11, 2003, AT 6:10 PM**
VOTE: YES (3) NO (0) ABSENT (2) LEE FREEMAN, RUSSELL SLY

NON-SCHEDULED
CLOSED SESSION

- MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY GARY PRESTWICH TO MOVE INTO A CLOSED SESSION**
VOTE: YES (5) NO (0) ABSENT (2) LEE FREEMAN, RUSSELL SLY

ADJOURNMENT

- MOTION WAS MADE BY TODD JACKSON AND SECONDED BY SEAN NIELSEN TO ADJOURN THE CITY COUNCIL MEETING**
VOTE: YES (3) NO (0) ABSENT (2) LEE FREEMAN, RUSSELL SLY



City Recorder

NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, January 28, 2003, at 7:00 PM, to be preceded by a Council Work Session at 6:00 PM.** There will be a **Public Hearing at 6:10 PM** for the purpose of hearing public comment regarding a proposed Ordinance amending the Elk Ridge City Code providing for uses when said uses are not specifically listed.

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 CITY COUNCIL WORK SESSION

Discussion - Amended 2002/2003 Fiscal Year Budget
Expansion of County Road (1600 West) – Mayor Fritz
Consideration of Annexation (to Highline Canal) – Mayor Fritz

6:10 PM PUBLIC HEARING/ORDINANCE – PROVIDING FOR USES WHEN SAID USES ARE NOT SPECIFICALLY LISTED

Public Hearing/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 as Effective Date

6:30 PM CITY COUNCIL CLOSED SESSION

Discussion/Personnel - Competency

7:00 - PM REGULAR COUNCIL MEETING AGENDA ITEMS:

Invocation and Pledge of Allegiance

Approval/Agenda Time Frame

7:05 Adoption of Ordinance – Providing for Uses When Said Uses are not Specifically Listed

7:10 Schedule Public Hearings:

A. Ordinance/Amending the Elk Ridge City Code Providing for the Clarification of Certain Defined Terms (Household Pets & Kennel) & the Creation of Certain Defined Term(s)

B. Amended 2002/2003 Fiscal Year Budget

7:15 High Speed Internet/Authorize Purchase – Gary Prestwich

7:25 Elk Ridge Water Board: - Sean Nielsen

A. Define Duties

B. Appoint Members

7:30 Elk Ridge Planning Commission & Board of Adjustments/Appoint Members – Mayor Fritz

7:35 Water Impact Fee – Assignment of Contract – Mayor Fritz

7:50 Storm Drainage Funding – Mayor Fritz

8:00 Zoning Administrator Position – Mayor Fritz

8:05 Expenditures:

General

8:10 Approval of Minutes of Previous Meetings

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 24th day of January, 2003.


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 January 24, 2003.


City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
January 28, 2003**

**TIME & PLACE
OF MEETING**

The regular Meeting of the Elk Ridge City Council, scheduled for Tuesday, January 28, 2003, at 7:00 PM; to be preceded by a City Council Work Session at 6:00 PM, was cancelled. There was a Public Hearing, held at 6:10 PM, on an Ordinance Providing for Uses When Uses are not Specifically Listed. All interested persons were given an opportunity to be heard. The meeting was held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of the scheduled meetings & Public Hearing was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on January 24, 2003; Notice cancellation of these regularly scheduled meetings was provided to the Payson Chronicle on 1-27-03.

6:10 PM

PUBLIC HEARING/ORDINANCE PROVIDING FOR USES WHEN SAID USES ARE NOT SPECIFICALLY LISTED

Public Hearing/Ordinance Amending the Elk Ridge City Code, providing for Uses When Said Uses are not Specifically Listed, Codification, Correction of Scrivener's Errors, Severability and Providing an Effective Date.

ROLL CALL

Mayor Pro-tempore: Gary Prestwich; *City Council:* Sean Nielsen, Lee Freeman; and *City Recorder:* Janice H. Davis


At 6:10 PM, Mayor Pro-tempore Gary Prestwich opened the Public Hearing.

On November 11, 2002, the Planning Commission recommended that the City Council approve the proposed ordinance. The Council reviewed the proposed ordinance and felt the wording was confusing. It was sent back to the Planner for clarification. It is now before the Council once again in the corrected form.

There was no public present and no comments.

Mayor Pro-tempore Prestwich closed the Public Hearing at 6:20 PM.

***The remainder of the Meeting was cancelled.**



City Recorder

NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, February 11, 2003, at 7:00 PM, to be preceded by a Council Work Session at 6:00 PM.** There will be a **Public Hearing at 6:10 PM** for the purpose of hearing public comment regarding the City Council's possible declaration of Default for Oak Bluff Estates Subdivision, Plat G.

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

CITY COUNCIL WORK SESSION

1. Discussion - Amended 2002/2003 Fiscal Year Budget
2. Expansion of County Road (1600 West) – Mayor Fritz
3. Consideration of Annexation (to Highline Canal) – Mayor Fritz
4. New Well Discussion – Sean Nielsen

6:10 PM

PUBLIC HEARING/OAK BLUFF ESTATES SUBDIVISION, PLAT G – CONSIDERATION OF DEFAULT STATUS ON PERFORMANCE BOND

5. Public Hearing/City Council's Declaration That the Performance Guarantee for Improvements within the Oak Bluff Estates Subdivision, Plat G, is to be Considered Forfeited; and in Accordance with Section 10-8-6 of the Elk Ridge City Development Code, the Developer, Mrs. Rosalea McIntire, is to be Considered "In Default".

6:30 PM

6. CITY COUNCIL CLOSED SESSION

Discussion/Personnel - Competency

7:00 - PM

REGULAR COUNCIL MEETING AGENDA ITEMS:

Invocation and Pledge of Allegiance

7:03

Approval/Agenda Time Frame

7. SPECIAL PUBLIC MEETING:

Traffic Signs

Any Action to be Taken

7:30

8. Adoption of Ordinance – Providing for Uses When Said Uses are not Specifically Listed

7:35

9. Schedule Public Hearings:

A. Ordinance/Amending the Elk Ridge City Code Providing for the Clarification of Certain Defined Terms (Household Pets & Kennel) & the Creation of Certain Defined Term(s)

B. Amended 2002/2003 Fiscal Year Budget

7:40

10. High Speed Internet/Authorize Purchase – Gary Prestwich

7:50

11. Elk Ridge Water Board: - Sean Nielsen

A. Define Duties

B. Appoint Members

8:00

12. Elk Ridge Planning Commission & Board of Adjustments/Appoint Members – Mayor Fritz

8:10

13. Water Impact Fee – Assignment of Contract – Mayor Fritz

8:25

14. Storm Drainage Funding – Mayor Fritz

8:35

15. Zoning Administrator Position – Mayor Fritz

8:50

16. Expenditures:

General

Mountainland Association of Governments

Strawberry High Line Canal Co.

9:00

17. Envision Utah/Schedule Joint Session


9:05

Approval of Minutes of Previous Meetings

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 7th day of February, 2003.


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 February 7, 2003.


City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
February 11, 2003**

**TIME & PLACE
OF MEETING**

The regular Meeting of the Elk Ridge City Council, scheduled for Tuesday, February 11, 2003, at 7:00 PM; was preceded by a City Council Work Session at 6:00 PM & a Public Hearing at 6:10 PM on the consideration of Default Status for the Performance Bond held for Oak Bluff Estates, Plat G.

All interested persons were given an opportunity to be heard.
The meeting was held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of the scheduled meetings & Public Hearing was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on February 7, 2003.

6:00 PM

CITY COUNCIL WORK SESSION

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Gary Prestwich, Sean Nielsen, Lee Freeman, Todd Jackson (Absent: Russell Sly); *Sheriff:* Deputy Greg Knapp; *Deseret News:* Roger L. Hardy; *Public:* Scot Sessions, Terie Righettini, Jim A. Nicolet, Trina Merrill, Dave Merrill, Scot Bell, Laura Deichman, Julie Jorgensen, Ken & Diane Baguley, R.W. & Shirley Nielsen, Paul Cazier, Brian Thaut, Malea Simmons, Barry Bradshaw, Dennis A. Dunn, Alvin L. Harward, Catherine Fillerup; and *City Recorder:* Janice H. Davis

**AMENDED
BUDGET
2002/2003**

Discussion: (City Recorder) The proposed Budget Amendment & Capital Improvement Plan was reviewed.

The excess Fund Balance in the General Fund was transferred to a new Capital Projects Fund entitled "Capital Projects Fund/Future Improvements", in order to maintain not more than the limit of 18% Fund Balance in the General Fund.

The Councilmembers were asked to review the Capital Improvement Plan and communicate any corrections to the City Recorder or to the Administrative Assistant prior to the next Council Meeting when the Budget is adopted.

Water Dept.

Repair of the water line on Powell Circle will be postponed until the next fiscal year, along with the accompanying road repair.

The connection of the upper system to upper system at Oak Lane (\$15,000) is still planned for this fiscal year.

Storm Drainage Fund

No Revenue is coming in. This was discussed later in the Meeting.

6:10 PM

**PUBLIC HEARING/OAK BLUFF ESTATES SUBDIVISION, PLAT G, - CONSIDERATION OF
DEFAULT STATUS ON PERFORMANCE BOND**

Public Hearing/City Council's Declaration that the Performance Guarantee for Improvements within the Oak Bluff Estates Subdivision, Plat G, is to be Considered Forfeited; and in Accordance with Section 10-8-6 of the Elk Ridge City Development Code, the Developer, Mrs. Rosalea McIntire, is to be Considered "In Default".

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Gary Prestwich, Sean Nielsen, Lee Freeman, Todd Jackson (Absent: Russell Sly); *Sheriff:* Deputy Greg Knapp; *Deseret News:* Roger L. Hardy; *Public:* Scot Sessions, Terie Righettini, Jim A. Nicolet, Trina Merrill, Dave Merrill, Scot Bell, Laura Deichman, Julie Jorgensen, Ken & Diane Baguley, R.W. & Shirley Nielsen, Paul Cazier, Brian Thaut, Malea Simmons, Barry Bradshaw, Dennis A. Dunn, Alvin L. Harward, Catherine Fillerup; and *City Recorder:* Janice H. Davis

At 6:10 PM, Mayor Fritz opened the Public Hearing.

The Public Hearing was published in the Daily Herald and the developer, Mrs. Rosalea McIntire, was sent a letter informing her of the Hearing and the City Council's desire to settle the issues. She was also sent an Agenda of the City Council Meeting. If no satisfactory solution can be arrived at, then the developer is considered "in default" and the bond money can be drawn upon to help in the funding of a portion of the necessary improvements.

Ernie Thornton (LEI) has gone to the site of the 1-lot subdivision to upgrade the list of improvements to be completed. The estimate for the improvements is calculated by LEI at \$12,475.00 (See the "Notes" on LEI letter, revised on 12/02/2002).

The Council could also opt to do nothing at all with the bond money and either lien the property or contact the McIntire's again to determine if they will take complete the required improvements.

The McIntire's did not attend the Public Hearing.

Sean Nielsen: Should the City have had the "durability bond" increased during the subdivision process?

(Yes. This would happen as the bond was placed in the "2-year durability" period. The process did not get to that point. There was an overage due, in part, to the cost of excavation. The developer may either handle the overage outside of the bond being held, or increase the amount of the bond. With the bond increased, this will also increase the "retainer" to be held for 2 years. Mrs. McIntire was in an unusual position in that she and her husband were still living out of the Country and had someone authorized to handle the subdivision finances in their absence. When they returned, their address was unknown for some time. Meanwhile, the issues have continued unresolved for several years.)

The Mayor recommends using the approximately \$4,000 bond money to do what can be done on the list of required improvements, considering the safety issues first.

The Council generally agreed with the Mayor's recommendation.

At 6:30 PM, the Mayor closed the Public Hearing.

EXPANSION
OF COUNTY
ROAD

Mayor Fritz:

The Mayor has been in contact with the County about widening 1600 West from Goosenest Dr. to the bridge. According to Clyde Naylor and John McMullen, there is \$100,000 allocated for this project. They have indicated they do not have money to purchase the rights-of-way on both sides of the road. The County asked the Mayor to negotiate with the appropriate landowners.

Mayor Fritz expects a letter from the Page group, owners of fifty acres, in which it is stated that they are willing to deed their portion of the right-of-way to the County for the road, provided the other adjacent property owners would deed their portions as well. The County is hoping for a 56' right-of-way for the road.

Mr. McMullen also indicted to Mayor Fritz that the City would be able to run a sewer line down the west side of 1600 west.

CONSIDERATION
OF
ANNEXATION

Mayor Fritz:

The Cities of Payson, Salem, Woodland Hills and Elk Ridge has declared their boundary intentions, including expansion and possible annexations.

Payson plans on extending to 1600 West, north to the Canal.

Salem agreed to extend west to 1600 West as far south as the Canal.

Woodland Hills accepts Loafer Canyon Road as their western line of expansion, north to the Canal.

Elk Ridge is interested in 1600 as the west boundary, Loafer Canyon Rd. as the east boundary and Highline Canal to the north. About one & ½ months ago, Salem held a public hearing and expressed their interest in expanding south of Highline Canal up to the new County road connecting Loafer Canyon Rd. and 1600 West.

Mayor Fritz would like to see Elk Ridge take a "stronger" position on annexation. He feels because Elk Ridge is "land-bound", the City has very limited opportunity for commercial or industrial growth. He feels that the area between the new County Road and the Highline Canal will grow. Through Annexation, the City could zone the portion lying north of the new crossroad into affordable housing on the west end and industrial/commercial on the east end.

In the past, the City has allowed developers to propose annexation, usually associated with projected development. The policy has not been an aggressive one. Other Cities do take a more aggressive approach to annexation.

The Mayor commented that Salem City had a meeting about a month ago wherein they declared they would not be opposed to annexing property past the Highline Canal to the new County crossroad.

Gary Prestwich: Feels that the Council should consider the Mayor's recommendation; that the City should consider annexing the area between the new County crossroad.

Sean Nielsen: Asked if the City would incur any sort of "liability" in taking an aggressive roll in annexation. He also inquired if the City would have to provide all the utilities to the area, if annexed into Elk Ridge.

Mayor Fritz: He has asked Ernestine Folks to research the aspects of annexation. He also plans on speaking to each of the landowners in the area.

After gathering information, the Mayor will report back to the Council.

NEW WELL
CONSIDERATION

Sean Nielsen: The final cost of the New Well was approximately \$100,000 less than anticipated. The question remains...what to do with the excess bond money:

- Apply it to the bond itself
- Upgrade the connecting water lines
- Use it on another project within the water system

He feels the only project he could support would be to upgrade the existing water lines connecting to the well. Councilmember Nielsen is in favor of sending the excess money back to the State and applying it to the loan; but he knows there are projects that it could be used on.

Todd Jackson: Asked about the easement for the water line. It is currently on Jim Armstrong's property. If the line were re-routed, who owns the property and how would the City acquire ownership?

Lee Freeman: Is in favor of upgrading the infrastructure. He feels it would be wise to go to the citizens to inform them and to get their opinions.

Todd Jackson: Agrees that consideration should be given to upgrading the connecting water lines. If the City found itself dependent on the new well for some reason, the existing lines would not allow the maximum usage from the new well.

Sean Nielsen: Pointed out that a new pump would be necessary, as well; since the pump installed at this time is sized to match the capacity of the existing lines. That would be an additional cost.

Mayor Fritz: No decision will be made at this time. More information is required and the Mayor agrees that the citizens need to be informed. The Mayor will speak to the engineers for an estimate and have them present a work release for approval.

Well Update: Kent Haskell will be performing the well testing (chemical testing) and sending the samples to the State. Once the samples are approved, then the well can go "on-line".

Mayor Fritz closed the Work Session and moved into a City Council Closed Session.

6:30 PM

CITY COUNCIL CLOSED SESSION

ROLL CALL

Mayor: Vernon Fritz; *City Council*: Gary Prestwich, Sean Nielsen, Lee Freeman, Todd Jackson (Absent: Russell Sly); *City Recorder*: Janice H. Davis

Discussion/Personnel - Competency

**ELK RIDGE
CITY COUNCIL MEETING
February 11, 2003**

TIME & PLACEThe regular Meeting of the Elk Ridge City Council, scheduled for **Tuesday,**

OF MEETING

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ROLL CALL

Mayor: Vernon Fritz; *City Council:* Gary Prestwich, Sean Nielsen, Lee Freeman, Todd Jackson (Absent: Russell Sly); *Sheriff:* Deputy Greg Knapp; *Deseret News:* Roger L. Hardy; *Public:* Scot Sessions, Terie Righettini, Jim A. Nicolet, Trina Merrill, Dave Merrill, Scot Bell, Laura Deichman, Julie Jorgensen, Ken & Diane Baguley, R.W. & Shirley Nielsen, Paul Cazier, Brian Thaut, Malea Simmons, Barry Bradshaw, Dennis A. Dunn, Alvin L. Harward, Catherine Fillerup; and *City Recorder:* Janice H. Davis

INVOCATION &
PLEDGE OF
ALLEGIANCE

The Invocation was offered by Todd Jackson and Lee Freeman led those present in the Pledge of Allegiance.

AGENDA TIME **MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY TODD JACKSON**
FRAME **TO ACCEPT THE AGENDA TIME FRAME WITH AN ADJUSTMENT OF 3 MINUTES**
VOTE: YES (4) NO (0) ABSENT (1) RUSSELL SLY

SPECIAL PUBLIC MEETING - TRAFFIC SIGNS

Mayor Fritz: Opened the Public Meeting by expressing appreciation for the interest exhibited by the residents on this matter. Some of the citizens who were unable to attend the Meeting this evening submitted letters stating their opinions. Those have been copied off and made available in the outer office area. Comments have been made that the public was not informed of plans to alter traffic signs; the Mayor also made available copies of City Council Agendas where the subject of traffic control was listed for discussion. Although he realizes that he could have sent out separate fliers and done more to inform the public, he did not; but the Council was not attempting to conduct business without the public knowing about it...the Agendas were posted and the Payson Chronicle noticed, as well as the minutes of the meetings being available to the public. Would he handle the situation differently? "Yes, but we didn't and we --are where we are" and he would like to move forward from this point.

When discussing the topic of children and concern of safety issues, it can become emotional. He expressed his hope that all present could share opinions and ideas without rancor. The Council wants the public's input.

There are 2 sides to the issue of the stop signs on Park Drive. The Mayor has received calls and comments expressing views on both sides.

The Council wants to make decisions based on:

1. The wishes of the community
2. Proven statistical data
3. National recommended standards

The decisions have been made based on national standards. Those standards are applied in cities, large and small.

The citizens who approached the Council were invited to assemble data, through Mr. Sessions and a committee. He was informed that a speed gun was obtained to assist them with this.

The Sheriff's Dept. also did the same thing on Park Drive. According to Deputy Knapp, the fastest speed they were able to get on radar was 35 mph. He also understands that there are those that exceed the speed limit by a much greater margin.

Mr. Sessions, as spokesperson for the committee, has had time dedicated to him from several persons wishing to speak.

The Mayor asked that all others hold their comments to two minutes.

Trina Merrill: As parents, she and her husband are concerned for the safety of the children. Most of those expressing their concern are parents. Mrs. Merrill is most concerned about the children crossing safely. She is pleased that the cross walks were installed. She would feel more comfortable if the stop signs were put back in at the cross walks, to further protect those crossing. Another concern is safety at the bus stops. A suggestion has been made to have volunteer crossing guards...she agrees with this and would be willing to take her turn.

Park Drive does need to be safer for pedestrians. She also feels paths or walkways would help.

Malea Simmons: Expressed her concern that Park Drive is a main rd. She feels there should be at least one stop sign going east & west, as well as north & south. She is not as concerned with the placement of the sign. The speeds coming down (west) Park Drive can build quickly and she feels the stop sign would help slow down the traffic.

Ken Baguley: (Mr. Baguley was previously asked to present a traffic plan to the City Council, which he did; with the first phase being E. Park Drive.)

He is concerned with the safety of children, as well. He also recognizes it is a problem that parents must address with their children...to educate them about safety precautions with regards to traffic and roads. Streets are not mainly for pedestrians, they are to move traffic. We should not be stopping traffic unnecessarily with unwarranted stop signs. He feels the east/west stop signs, which were removed from Park Drive, were unwarranted.

3 Elements to Install a Stop Sign:

1. Sight distance
2. Traffic Accident Experience
3. Engineering

Educating residents and Enforcement of the laws is important!

Most citizens are law-abiding. The law must be enforced on the violators by writing out tickets rather than warnings.

It has been said that the City should hire a traffic engineer. He (Mr. Baguley) is as close to being a traffic engineer, with 30 years as a police officer and many of those years working directly with traffic.

Mr. Baguley asked the Deputy present if there had been any accidents at either of the intersections in question. The sheriff could not recall any, nor could anyone else present at the time.

There are numerous intersections in the City with the same conditions.

(Mr. & Mrs. Nielsen and Jim Nicolet dedicated their time to Mr. Sessions.)

Jeff Meyers: Submitted a letter to be read in his absence:

(Summary of main points of his letter)

1. He feels the stop signs are really not the issue – safety, particularly for the children, is the issue. "Safety is endangered by the fact that streets, E. Park Dr. in particular, are used for both auto and pedestrian traffic, particularly in the winter. The shoulder is not an option for pedestrians right now."
2. He feels the speed limit on Park Drive should be lowered from 30 mph to 25 mph.
3. Although traffic enforcement is expensive, he feels the City needs to give that a higher priority.
4. He also thinks all Elk Ridge residents should be more respectful of those who live on 1600 West and keep to the speed limit there.

Scot Bell: Lives on High Sierra Drive. He is also concerned with the safety of his own children and about safety, in general. He understands that the main issues are about *safety of children* and *speed*. There are 66 intersections throughout the City. Should a stop sign be posted at every intersection to regulate speed? Will this corner (Park Drive & Cortez) set precedence? He has received calls from residents who now feel they should have their own stop sign. There are other solutions to speeding; those should be explored.

Dave Merrill: There are no sidewalks & not many crosswalks. There are no stop signs around the City center where children come to play. The present condition of the road shoulders is not conducive to walking. He feels the subject of paths to and from the City center needs to be addressed. He is willing to help however he is needed in this endeavor.

Terie Righettini: She lives on the corner of Escalante & Park Drive. She feels if the stop sign is not replaced, the burden of children crossing the street falls on her. She will not allow a child to cross the street with a car coming at a speed of 30 or 40 mph. This is where children have to cross to get to the City Park. She thinks it is an unfair burden.

Julie Jorgensen: She supports Mr. Baguley. He agrees that children should be taught to stay out of the streets. Parents should escort their children across the street, if necessary. She is a mother of 10 children and knows that they must be watched over and protected; but she believes enforcement of the speed laws is the way to handle the problem. She has seen more people running the stop signs than she has seen speeding.

Alvin Harward: He also agrees with Mr. Baguley. He is also concerned with safety of children; but he also believes roads are made for traffic, not pedestrians. He realizes that without sidewalks pedestrians use roads; but children must be taught to be careful of traffic if they are on the roads. He has never seen someone waiting to cross the street in Elk Ridge.

He used to live in a small town named Ames, Iowa (25,000 – 30,000 population). There were only 4 stop signs in the entire town, yet they boasted of having the least accidents per capita of

any town in the United States. Stop signs are meant to regulate traffic. Traffic should flow as smoothly as possible.

Brian Thaut: Recalls when the stop signs were installed. It has not been uncommon to see the signs “run”. On occasion, he has been stopped at a stop sign and people behind him have passed him up. It is not fair to put stop signs on Park Drive and not put them in on Fremont Way, where he lives. Street safety is a matter of education. He was taught to “look left and right” and he feels it is the responsibility of the parents to teach their children.

Scot Sessions: (Review by slide presentation)

“Safety & Comfort – Elk Ridge”

Discussion Points:

- Council Meeting of December 10, 2002
- Traffic Calming
- Proposal
- Council Decision

Council Meeting 12-10-02:

- Citizen’s Presentation to have stop signs returned
- Council’s Approval
- Mayor vetoed Council’s decision

Speed Tests Taken (Park Dr):

- Westbound Traffic:
2% Over 40 mph, 9% Over 35 mph, 29% Over 30 mph, 33% Over 25 mph
- Eastbound Traffic:
2% Over 40 mph, 10% Over 35 mph, 32% Over 30 mph, 35% Over 25 mph

Total stopping distances @ various speeds:

30 mph = 196’, 35 mph = 248’, 40 mph = 314’

*Data provided by information provided by the Envision Utah booklet.

Traffic Calming:

“There is a need to balance residential traffic flow with the local access and non-motorized travel.” Envision Utah pp. 240

“Traffic calming concepts also encourage non-motorized mobility in the neighborhood...”
Envision Utah pp. 240

According to the Federal Highway Administration (FHWA), the objectives of traffic calming include:

- Reductions in vehicle speeds
- Safe & pleasant conditions for motorists, bicyclists, pedestrians, and residents.
- Improvements in the environment and livability of neighborhood streets.
- Improvements to the I and perceived safety for non-motorized users of streets.

*Envision Utah pp. 241

Quotes from Envision Utah on “Traffic Calming”:

“Providing safe residential streets in Utah is particularly important. Utah ranks first in the nation with the highest proportion of children in the population. Approximately 33% of the residents of a community are 0-17 years.” pp.242

“Residential streets should be designed to have a human scale where pedestrians and residents feel ‘comfortable’ on the street.” pp.242-243

“Priority should be given to the non-motorized forms of travel and the residential setting in which the street is located.” pp.245

Traffic Calming Techniques:

- Physical Methods, including speed bumps, speed tables, traffic diverters, narrower street widths.
- Streetscape enhancements that impose the feeling of narrower land and street widths by the use of street edge and landscaping treatments...
- Regulatory techniques, such as signs including stop, yield or speed signs. (Regulatory techniques provide the advantages of a low capital cost... pp. 245

Proposal:

- Verify speed data without stop signs (4-5 days)
- Return stop signs to Cortez & Escalante
- Reduce speed on Park Dr to 25 mph (well posted)
- Collect speed data with signs in place (few weeks)
- Proceed with added walking paths & trees
- Collect speed data with signs & paths during the summer
- Review data

Questions/Comments:

Ken Baguley: Stop signs should be installed when there is sight restriction. On Cortez, there is a stop sign, but on Park Drive drivers can see.

He agrees there should be another radar testing period. He wanted to know where Mr. Sessions got the radar “gun” and if it was tuned to a proper level.

Mr. Sessions: Obtained the radar “gun” from a friend at Collision Safety; and yes it was tuned daily.

Ray Nielsen: Does not feel there are sight restrictions on Cortez.

Mr. Baguley: The restriction is due to bushes obscuring sight looking left (east) onto Park Drive.

Terie Righettini: Concerned with stopping distances quoted. If traffic is not slowed down, a child in a crosswalk could be in danger.

Mayor Fritz opened the comments up to the City Council:

Todd Jackson: “It is subjective on both sides of the argument.” Quotes taken from the Envision Utah book yield certain information, but does it apply if there are steeper grades? It is also subjective on the other side with parents who say they perceive a danger and risks. He finds it “hard to take a side”. He looks to more permanent solutions:

1. There needs to be a place for children to travel on Park Drive. The City Park is available and at a great cost to all in the City. We cannot expect children & pedestrians to put their lives at stake to be able to use the Park.

He proposes:

- A path system (\$10,000 has been set aside to start the paths this fiscal year, in the Spring.)
- Trees – Beautify and have a calming effect. They create a “buffer” between the roads and the paths.
- Crossing guards to assist at peak times for school children
- The law must be carefully enforced.
- Lower the speed limit on Park Drive to 25 mph. He does not think the stop signs are needed if people are going 25 mph.
- The Sheriff’s Dept. will have a desk here at the City Hall. The added visibility of the Sheriff’s car will slow people down.

He encouraged input from the citizens. Many times the Council does not receive the feedback from the residents until after there has been a great contribution of time and effort on the part of the Council and others...then, after a decision has been made, the feedback comes in. Councilmember Jackson will form a committee to address the issues he proposed and invited anyone interested to be on the committee.

Lee Freeman: Agrees with much of what has been said by Councilmember Jackson. He feels the dialog has been a healthy one. He feels the standards must be consistent throughout the Community and that is what the Council attempted to do when they asked Mr. Baguley to conduct the study he did and make recommendations. We do not want to have unique standards for one group of citizens and different standards for other citizens.

RE: The Mayor's veto of the Council's action..."Sometimes we don't have a lot of time to study issues and that night was the first time I heard about the issue...& it came up and we talked about it and we listened to the information that was presented and we voted as a Council. The Mayor vetoed the decision, but when the Mayor talked to me and explained why he did it, I supported him; because it didn't make a lot of sense for us to put signs back and then do a study because we don't have any comparative data at all. It made more sense to do the study before we put signs back and then decide what we are going to do." There needs to be data. He has a concern as to what the study will actually prove. There must be a balance between moving traffic and safety. This is a continuing dialog. More information is needed.

(A question was asked if "consistency" means that all the stop signs on Park Drive would be removed? Councilmember Nielsen responded that he would like to see that.)

Mayor Fritz reminded the public that comments from the public had been closed.

Gary Prestwich: Offered a suggestion to hire a full-time officer...the cost could double. Would the residents be willing to pay an amount (perhaps \$8 to \$10) per month extra to have a full-time officer? (There was not much support of the idea.)

Todd Jackson: Guessed that the cost would more than double because part of the reason the City currently pays \$26,000/year is an expectation that the citations issued will go to the deputy. He doubts they would double the expectation of citations written in Elk Ridge.

Sean Nielsen: His decision against the replacement of the stop signs has not been swayed. The reason is, "we are taking personal responsibility and trying to replace it with a sign." He understands the concern of people about children trying to cross the road. He does not live near the Park, but when his children come to the Park, he brings them. He does not feel it is unreasonable for parents to escort their children to the Park.

Stop signs: "We do set a precedent if we set stop signs anywhere somebody complains about a traffic problem." The only traffic incident he can think of took place on Oak Ridge Drive, not in an intersection and he said that no sign could have prevented the accident. It involved a boy on a bike, going too fast and he ran into a car. The driver was not speeding nor was he at fault in any way. "It goes back to personal liability. People driving the cars are responsible to obey the speed limit. They are responsible to stop at a stop sign and they are responsible to yield to children if they are in a cross walk or anywhere else. I cannot, through signs, create that responsibility in an individual. It is up to all of us to obey the laws that are in place. I cannot support putting stop signs in a place that doesn't justify them." He feels the four-way stop at Escalante & Park, with 3 stop signs is "an accident waiting to happen". The safety standards, presented by Mr. Baguley are familiar to him.

Councilmember Nielsen's vote will stay the same. He feels the action taken to remove the stop signs was the "right change".

Mayor Fritz closed the comments from the Council and the public. Discussion on the issues will continue when further data has been collected. He intends on leaving the stop signs down in the interim period. The Council addressed the proposals made by citizens, represented by Scot Sessions and Councilmember Jackson:

MOTION WAS MADE BY TOD JACKSON AND SECONDED BY LEE FREEMAN TO REDUCE THE SPEED LIMIT ON EAST PARK DRIVE FROM 30 MPH TO 25 MPH, AND TO POST THE SPEED LIMIT, BEGINNING AT THE CITY PARK EAST TO LOAFER CANYON ROAD

VOTE: YES (4) NO (0)

ABSENT (1) RUSSELL SLY

Mayor Fritz commented that this would take place within 10 days.

Further Discussion:

Sean Nielsen: The Sheriff's Dept. needs to start writing out more citations for speeding rather than warnings.

Lee Freeman: Residents should be informed through the newsletter prior to citations being issued.

Todd Jackson: The stop signs could have flashing lights on them, as well.

Gary Prestwich: Has no problem with the citizens taking more tests, but the tests should be unbiased. He suggested having other citizens on the opposite side of the issues with them as the tests are conducted.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY TODD JACKSON TO:
1. TAKE THE ADDITIONAL DATA WITH THE SPEED REMAINING AT 30 MPH (NO CHANGES) FOR ONE WEEK
2. POST THE 25 MPH SIGNS AND TAKE ADDITIONAL DATA
VOTE: YES (4) NO (0) ABSENT (1) RUSSELL SLY

ADOPTION/
ORDINANCE
PROVIDING
FOR USES

Adoption/Ordinance – Providing for Uses When Said Uses are not Specifically Listed
The City Council sent this proposed ordinance back to the City Planner to clarify the wording. This is the 2nd draft. On November 11, 2002, the Planning Commission recommended that the City Council approve the proposed attached ordinance. The City Attorney has reviewed ordinance. He also observed that, although he could defend it legally, it could be clarified.

The proposed ordinance amends the language of the Code to more sufficiently address the issue of determining uses of land not specifically listed as either permitted or conditional uses in a particular zone

MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY SEAN NIELSEN TO ADOPT AN 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

VOTE (POLL): SEAN NIELSEN – AYE, LEE FREEMAN – AYE, TODD JACKSON – AYE, GARY PRESTWICH – AYE NO (0)
ABSENT (1) RUSSELL SLY
PASSES 4-0

SCHEDULE
PUBLIC
HEARINGS

A. Ordinance/Amending the Elk Ridge City Code Providing for the Clarification of Certain Defined Terms (Household Pets, Kennel & Mixed-Use Development).

On January 16, 2003, the Planning Commission reviewed the attorney's opinion regarding the proposed ordinance, made appropriate corrections and recommend that the Council approve it.
Discussion:

Todd Jackson: Questioned the exclusion of certain pets, such as snakes...if residents own such pets currently, would they be "grandfathered" in? Or would the pet owner have to get rid of the pet? (One of his neighbors recently got a snake.)

Sean Nielsen: Feels that people should be able to live with whatever type of animal they want.

Lee Freeman: The Planning Commission studied the ordinances of other cities and came up with a document they felt would fit Elk Ridge. There was much discussion by the members as to which animals should be included or excluded. They also agree on the number of pets allowed (3). The ordinance specifies pets living *within a residence*.

Lee Freeman: Feels that some snakes are appropriate for pets. Dangerous pets should be excluded and that is why the statement, "...nor any animals which are likely to inflict harm or discomfort or which potentially endanger the health, safety and general welfare of any person or property..."

Gary Prestwich: Agrees with Councilmember Nielsen and does not object if someone wants to keep a pet such as a chicken in his/her house.

Lee Freeman: This may have to go back to the Planning Commission. This does not really cover certain issues, such as having pigeons, because it indicates, "Animals ordinarily permitted to live within a residence...". Pigeons are not ordinarily allowed within a residence.

Todd Jackson: Feels the ordinance needs to address animals that live both *inside* and *outside*. Does the ordinance allow pigeons if they are outside the house? He feels the intent is still unclear and that the wording is still "ambiguous".

Lee Freeman: The definition of "Kennel" addresses the issue of the number of pets allowed.

Sean Nielsen: Suggested the addition of "birds" or "foul" to the definition of kennel, so that more than 3 birds would constitute a "kennel".

Gary Prestwich: He does not see the issue as what kind of pets as much as how many (except for farm animals, which are allowed in certain zones). He thinks there may also be State and Federal laws governing some animals.

Deputy Knapp: There are some dangerous animals that other cities and States do not allow.

Sean Nielsen: Agrees with Councilmember Prestwich, that the issue is more the number of pets rather than the type.

Todd Jackson: Feels any types prohibited by State statute should be excluded. If the Planning Commission wants to mention specific animals, other than what is mentioned in the State statute, then they should go ahead.

Gary Prestwich: Feels this would still be an arbitrary choice. People have different views as to what may be considered a "pet".

City Recorder: The problem with listing specific animals is that lists often miss some animal and end up allowing something unintended.

Lee Freeman: Suggested changing the definition as follows:

26. "...but not to include any animals which are likely to inflict harm or discomfort or which potentially endanger the health, safety, and welfare of any person or property, but not including a sufficient number to constitute a kennel."

The definition of "kennel" is where the number is stressed. The only specifically restricted animals would be those listed by the State or County.

Deputy Knapp: Some cities do list certain breeds of animals.

Sean Nielsen: It goes back to personal responsibility.

Mayor Fritz: Requested that Councilmember Freeman come back to the next Council Meeting with suggestions for the Planning Commission. Any input from the Council would be welcome. Councilmember Freeman will take those suggestions back to the Planning Commission.

The Council postponed scheduling the Public Hearing until a future date.

B. Amended 2002/2003 Fiscal Year Budget:

MOTION WAS MADE BY TODD JACKSON AND SECONDED BY GARY PRESTWICH TO SCHEDULE A PUBLIC HEARING TO AMEND THE 2002/2003 FISCAL YEAR BUDGET FOR FEBRUARY 25, 2003, AT 6:10 PM

VOTE: YES (4) NO (0) ABSENT (1) RUSSELL SLY

HIGH SPEED
INTERNET

Gary Prestwich: He spoke to Broadband about supplying high speed access to the City office. Their quote was high. He informed them that the City is unwilling to pay that much. They offered the same rate as a regular residential hook up, which is:

- No set-up fee
- \$40/month + \$20/month equipment lease
- The City must be committed for two years

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY LEE FREEMAN TO CONTRACT WITH BROADBAND FOR HIGH SPEED INTERNET ACCESS FOR THE CITY OFFICE FOR A TWO-YEAR PERIOD OF TIME, AT \$60.00/MONTH; PENDING REVIEW OF THE AGREEMENT TO VERIFY THE TERMS OF THE AGREEMENT AS MATCHING THOSE DISCUSSED

VOTE: YES (4) NO (0) ABSENT (1) RUSSELL SLY

ELK RIDGE
WATER BOARD

Sean Nielsen: He has drafted a list of duties for a Water Board. He based it on one taken from Cedar City. Most cities do not even use a water board any more. The Council is to review the draft and make any suggestions. There are citizens willing to serve on a Board. The Board would be under the jurisdiction of the Mayor. The Mayor may re-assign these responsibilities.

Citizens volunteering for the Board: Barry Bradshaw, Hal Shuler, Karla Ward, Steve Acerson, Doug Brinkerhoff.

The draft should be reviewed by the city Planner and the City Attorney. It will be voted on at the next City Council Meeting on 2-25-03.

PLANNING
COMMISSION &
BOARD OF
ADJUSTMENTS

Appoint Members:

Planning Commission:

MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY GARY PRESTWICH TO RE-APPOINT BRUCE LINDOW FOR A 5-YEAR TERM, AS A MEMBER OF THE PLANNING COMMISSION

VOTE: YES (4) NO (0) ABSENT (1) RUSSELL SLY

Councilmember Freeman is to contact Mr. Lindow to inform him of his appointment.

There is one more opening on the Planning Commission. Names are being considered.

Elected:

Chairman – Kelly Adams, Vice-Chair – Dan Steele

Board of Adjustments:

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY SEAN NIELSEN TO RE-APPOINT KATHY OGDEN, SCOT BELL AND JULIE CHRISTENSEN AS MEMBERS OF THE BOARD OF ADJUSTMENTS, BEGINNING FEBRUARY, 2003

VOTE: YES (4) NO (0) ABSENT (1) RUSSELL SLY

Mayor Fritz: The terms of office are staggered so that one member will retire each year. The Mayor said he needed to look into the issue of having an alternate member on the Board of Adjustments. Mrs. Fonnesbeck from the Utah League of Cities & Towns said it is permissible. Kathleen Williams was the alternate member. The other members, Perry Ewell and Catherine Holcomb, have terms of office ending in 2006.

**WATER
IMPACT FEE**

Assignment of the Contract:

Mayor Fritz: The issue before the Council is who will be awarded the contract to update the Water Impact Fee Study.

The Engineering contract with LEI Engineering has been extended through September, 2003; but that does not prohibit the City from using another firm to perform selected or all new work. Bids have been received from LEI and RB&G.

Sean Nielsen: Asked, why not consider Sunrise Engineering. (They did the original Study as well as an update on both the water and the sewer studies in 1998.)

They gave the City a bid about a year ago to update the current studies for less than the estimates from LEI and RB&G.

Mayor Fritz: Would like the same firm to do both the water and the sewer impact fee study updates. It will be difficult to update the sewer impact fee study until the City has more information available as far as future plans with Salem, Woodland Hills and Payson City.

Sean Nielsen: Part of the cost with LEI is that they are unwilling to use another firm's information. They would have to create their own data to base their figures on. Why go back to "square one" with another engineer? Why not stay with Sunrise, who already has the background information?

*Councilmember Nielsen is to contact Sunrise Engineering to update the cost estimate for the water impact fee.

**STORM
DRAINAGE
FUND**

Mayor Fritz: The Storm Drainage Fund has been discussed for some time and still has no source of funding. It is an enterprise fund and charges to the residents would make up most of the operating revenue. Expenses are being budgeted to the Fund, with no revenue coming in. The Sewer Fund has been subsidizing the Storm Drainage Fund to pay for the expenses. The Mayor recommends starting with a fee to be included with the monthly billing.

\$2.50 per household/month X 450 households = \$13,500/year.

\$5.00 per month X 450 = \$27,000/year

Lee Freeman: A Public Hearing or Meeting would be advisable to inform residents and get their input prior to charging them the fee. (Announcement to be included in the monthly newsletter.)

Gary Prestwich: The drainage from N. Park Drive onto Goosenest Drive needs to be addressed. That project could cost \$100,000.00 (a guess); so, the City needs to generate some money for this Fund.

Todd Jackson: Would rather start by charging the lower figure. Whatever the fee is, it needs to be well justified.

Mayor Fritz: This will be an Agenda item for the first Council Meeting in March, 2003.

The Mayor will put the information together for the Meeting.

**ZONE
ADMINISTRATOR
POSITION**

Mayor Fritz: Jim Bolser, the City Planner, has offered to be the Zone Administrator, as well. Currently, the assignment has been to the Building Inspector, but he has been reluctant to perform the duty of interpreting the Zoning Ordinance. Mr. Bolser is often consulted to interpret the Code, but he does not have the authority to do so.

The Mayor has spoken with Mr. Bolser and he is willing to do this.

This portion of the contract with LEI would have to be eliminated. Currently, Mr. Stevens (Building Inspector) is paid by the hour for each separate job, as the Zone Administrator.

There were no objections from the Council.

MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY TODD JACKSON TO APPOINT JIM BOLSER TO THE OFFICE OF ZONE ADMINISTRATOR, IN ADDITION TO HIS FUNCTION AS THE CITY PLANNER

VOTE: YES (4) NO (0) ABSENT (1) RUSSELL SLY

EXPENDITURES

General:

1. Water Rights Attorney, Mr. John Mabey:

(Up to \$2,500 has been previously approved by the Council.)

There may be additional cost over the \$2,500, but this invoice is still under that amount. According to the Mayor, Mr. Mabey discovered that two different entities own certain of our water rights; he will research this further. This is information that only someone skilled in the area would know.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY SEAN NIELSEN TO APPROVE PAYMENT OF INVOICE #2169 IN THE AMOUNT OF \$1,032.50, TO MR. JOHN MABEY

VOTE: YES (4) NO (0) ABSENT (1) RUSSELL SLY

3. Mountainland Assoc. of Governments (MAG):

(Annual Assessment and the City's part of the Regional Planning Process)

MOTION WAS MADE BY TODD JACKSON AND SECONDED BY LEE FREEMAN TO APPROVE PAYMENT OF THE ANNUAL ASSESSMENT FROM M.A.G. + ELK RIDGE'S PORTION OF THE REGIONAL PLANNING PROCESS, TOTALING \$868.00

VOTE: YES (4) NO (0) ABSENT (1) RUSSELL SLY

4. Strawberry Highline Canal Co.:

\$1,500.00 invoice for rerouting water from the New Well testing into the Canal. The Mayor feels this is high and has asked that they lower the bill to \$1,000.00. The bill will be "on hold" until the City hears from them.

The Mayor spoke to LEI Engineering to ask why the Canal Co. had not been contacted to ask permission to route the water from the testing into the Canal. The response was that there was no other place to route the water and the Canal Co. could be difficult about allowing it, so it was just done. Highline Canal Co. caught them and shut the project down, since they were in the process of cleaning out laterals. The City could not afford to wait; so a "dam" was placed on two ends at the place where the City was running water into the Canal and sent a bill for \$1,500.

Sean Nielsen: Questions is the figure should be negotiated, since the service has been rendered.

The Mayor had their assurance that the City "would be treated fair" and he does not feel that \$1,500 is "fair".

MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY GARY PRESTWICH TO APPROVE AN AMOUNT UP TO \$1,500.00 TO BE PAID TO STRAWBERRY HIGHLINE CANAL COMPANY FOR SERVICES RENDERED DURING THE CITY'S WELL TESTING

VOTE: YES (4) NO (0) ABSENT (1) RUSSELL SLY

ENVISION UTAH/
JOINT SESSION

Lee Freeman: Envision Utah is willing to come and spend some time educating the Planning Commission and the Council as to what they are doing and to assist us in our long-term planning. The Planning Commission felt this would be a good joint session. They would come to the City Offices. The presentation could be fit to the City's needs in either one or two hours.

Todd Jackson: He would like to see the paradigm shift from big lots/single family dwellings to higher density housing with walking paths.

Lee Freeman: If it is agreeable to the Council, it will be set up on a Thursday night in March or April, in place of a regular Planning Commission Meeting. Councilmember Freeman will follow up with the Planning Commission and get back to the Council.

Sean Nielsen: Suggested inviting all members of any community committee to the Joint Session. The Council agreed.

MINUTES

1. City Council Minutes of 1-14-03:

MOTION WAS MADE BY TODD JACKSON AND SECONDED BY GARY PRESTWICH TO APPROVE THE CITY COUNCIL MINUTES OF 1-14-03

VOTE: YES (4) NO (0) ABSENT (1) RUSSELL SLY

2. City Council Minutes of 1-28-03:


MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY LEE FREEMAN TO APPROVE THE CITY COUNCIL MINUTES OF 1-28-03

VOTE: YES (4) NO (0) ABSENT (1) RUSSELL SLY

ADJOURNMENT

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY TODD JACKSON 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 regular **City Council Meeting on Tuesday, February 25, 2003, 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. LEI Estimate on Water Line Upgrade & Pump Replacement – Sean Nielsen
2. Storm Drainage Fee – Mayor Fritz
3. Water Impact Fee Study Update – Sean Nielsen
4. Water Board Document – Sean Nielsen
5. City Sign – Entrance to Elk Ridge - Mayor
6. Sewer System Update – Russell Sly
7. Oak Bluff Estates, Plat G – Mr. & Mrs. McIntire

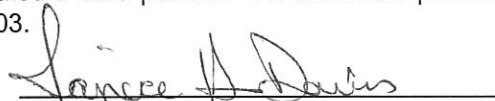
7:00 - PM

REGULAR COUNCIL MEETING AGENDA ITEMS:

- Invocation and Pledge of Allegiance
Approval/Agenda Time Frame
- | | |
|------|--|
| 7:05 | 8. Oak Bluff Estates, Plat G – Default Decision |
| 7:15 | 9. Water Impact Fee Study Update – Sean Nielsen |
| 7:25 | 10. Planning Commission Members/Appointment – Mayor Fritz |
| 7:30 | 11. City Sign – Entrance to Elk Ridge – Mayor Fritz |
| 7:35 | 12. Appointment of New Fire Chief – Mayor Fritz |
| 7:45 | 13. LEI Work Release/Update City Maps – Mayor Fritz |
| 7:50 | 14. Adoption of Water Board By-laws – Sean Nielsen <ol style="list-style-type: none">A. Appointment/New Water Board Members – Sean Nielsen |
| 8:00 | 15. Sewer System – Russell Sly |
| 8:10 | 16. Expenditures: <ol style="list-style-type: none">General:<ol style="list-style-type: none">Sump Clean-out – Ratify Polled Vote – Mayor FritzTraining Against Terrorism/Conference in Ogden - Mayor |
| 8:20 | 17. Re-schedule Public Hearing – Amended Budget for 2002/2003 Fiscal Year |
| 8:25 | 18. Approval of Minutes of Previous Meeting(s)
Adjournment |

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

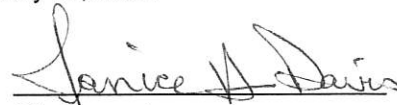
The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 21st day of February, 2003.



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 February 21, 2003.



City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
February 25, 2003**

**TIME & PLACE
OF MEETING**

The regular Meeting of the Elk Ridge City Council was held on Tuesday, February 25, 2003, 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 February 21, 2003.

6:00 PM

CITY COUNCIL WORK SESSION

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Sean Nielsen, Gary Prestwich, Lee Freeman, Russell Sly (Absent: Todd Jackson); Deputy Knapp; Rodney & Rosalea McIntire; & *City Recorder:* Janice H. Davis

**NEW WELL
REPORT**

The Mayor commented that the New Well is nearing completion. There are no problems and the project may even come in under budget.

A. Sean Nielsen: Has contacted Mike Christianson at LEI about an estimate on water line upgrade and pump replacement; they do not want to put anything in writing as far as a cost estimate. There are too many things to consider. Basically, a 10" line from the new Cloward Well south about 4,700 ft., would be about \$103,000 (\$22/ft) for just laying the pipe. This would create some additional needs: one being a larger pump for the well, existing pressure valves, easement descriptions and acquiring property for the easements, etc.

Mayor Fritz: The only source of water to the upper tank is the Loafer Well. The upper tank is the primary source of water for upper Elk Ridge. One of the rationales for upgrading the line is to be able to fill up the lower tank; then the lower tank could pump to the upper tank. Could the City get by without this action? Probably, but would that be the best course of action for the City? Probably not.

Sean Nielsen:

There is no question there needs to be "redundancy" in the system.

Question:

- Could the entire line be paid for with impact fees? Any upgrade in the line would be for growth, not the immediate needs of the residents. It is not needed for the current residents (barring any catastrophe).

Mayor Fritz: Example...Loafer Canyon Well: Produces about 600 gpm (running in the summer, nearly 24 hours a day); that, with the Lower Well producing about 400 gpm (summer months) = about 1,000 gpm to supply the needs of the City...by nightfall during the peak use months (June, July, August) the tanks emptied to a dangerously low level. If anything happened to the Loafer Canyon Well, 400 gpm to service the entire City would be inadequate.

Gary Prestwich: With the tank levels low, the minimum fire fighting requirements were not met.

Sean Nielsen: Understood that the problem was mainly with the level in the upper tank. He also understands that adequate storage for fire protection has more to do with the exchange between the tanks than with the source.

It is assumed that the City can use the bond money to upgrade any part of the water system (not repairs); this needs to be verified.

Councilmember Nielsen's concern is that the project could get costly with all of the varied aspects of installing a 10" line. Currently, growth has slowed down and impact fees would not be coming in very quickly to assist in covering these costs.

LEI felt the pressing concern is to address the two tanks and how they feed each other.

The Irrigated Acreage Survey from LEI was accepted by the City Council, which resulted in the decrease of the average irrigated acreage to .26 acres per residential connection. This is significantly less than the .33 acres used previously.

**According to the survey, Elk Ridge's current storage capacity is 1,000,000 gallons, which leaves a current surplus of 121,500 gallons. This equates to an additional 106 connections available in the City's storage capacity.*

Russell Sly: Felt estimate comparisons from other engineering firms would be good.

Mayor Fritz: The sewer issues must be solved before the City can count on any impact fees (water or sewer), because development would be held up.

City Recorder: There is approximately \$100,000 available in the Capital Facility Replacement Fund, which could also be utilized to improve the water system.

Gary Prestwich: If the Loafer Canyon Well goes out, there must be some redundancy. At the moment, we do not. He sees that as a real problem, particularly in the summer months.

*The Mayor will contact Michael Georgeson from the Drinking Water Board to find out what the excess money can be used for and if the City could obtain an extension.

*Councilmember Nielsen is to talk to Mike Christianson to find out about additional costs associated with running a supply line directly to the tank and to come back to the Council at the next Council Meeting.

STORM
DRAINAGE FEE

Mayor Fritz: \$4,000 or \$5,000 was authorized to clean out sumps in the City. This needs to be done more frequently to keep the sumps cleaned out. The Public Works Superintendent felt some of the sewer lines should be flushed out at the same time. There was a great deal of debris in the lines. There is more of this work that needs to be completed. The combined figure is about \$8,000.

WATER
IMPACT FEE
STUDY
UPDATE

Sean Nielsen: Sunrise Engineering is coming to the Council Meeting on March 11th. They will address updating the studies they did in 1996 (& again in 1998). They will discuss the impact fees and the cost associated with the study. (The Mayor thought they would be ready with a bid and that the Council could then make a decision that night.) Councilmember Nielsen offered to contact Sunrise and make an appointment to get together before the Meeting to get an idea of what the projects are, to base the study on. They are to meet with the Mayor and Councilmember Nielsen.

WATER
BOARD

The draft of the by-laws was sent to the City Attorney for review. He is at a conference and will have it ready by the next Council Meeting, including the adopting document. He called and commented that the content of the draft was fine, but he would like to re-word it a bit.

CITY SIGN

Entrance to Elk Ridge: (Mayor Fritz)

The Mayor would like more bids to compare with the one he has from Bona Signs.

Councilmembers Sly and Prestwich would not want power run to the sign due to high cost. There have been no objections voiced to the Mayor. The Public Works Superintendent may be able to do some of the foundation work and Bruce Lindow offered to assist.

Teri Righettini has also offered her services to arrange a sign for the City; this is what she does as a profession.

SEWER SYSTEM
UPDATE

Russell Sly:

1. Payson City is still open to Elk Ridge connecting to their sewer system.

2. According to Salem, Elk Ridge is near to capacity with the 18% share ownership in the plant. Another flow study is needed, since the information from the last one is unreliable. An additional study would tell us:

- Whether we can approve additional connections
- The information may be needed in negotiations with Payson City

Councilmember Sly will be initiating a new measurement study and requested approval for funding the study in the amount of \$3,000.

3. There are about 3 years remaining to pay on the sewer bond with Salem.

4. Recent Developments:

- Salem may be willing to purchase Elk Ridge's share of the Plant. The price is to be negotiated. The value of our share is apparently about \$176,400, less our bond debt.
- The Mayor has contacted Woodland Hills and they may be interested in connecting with Payson along with Elk Ridge in a joint venture.

5. LEI proposed to do the negotiations with Payson on Elk Ridge's behalf, at a cost of \$5,000. Will LEI be engineering this project?

Whoever assists with the negotiations, will need to bring all parties together: Salem, Woodland Hills, Payson & Elk Ridge.

The Mayor is confident that a good deal of the cost of a new line could be mitigated by development.

OAK BLUFF
ESTATES,
PLAT G –
DEFAULT

The Public Hearing to consider this Subdivision in default for uncompleted improvements, was held in conjunction with the last Council Meeting on 2-11-03.

There have been on-going issues to be solved since 1998. The McIntire's were out of the Country while much of the subdivision process was taking place. When they returned, we had no address to contact them. Ernie Thornton (LEI Engineering) re-inspected the property and updated the letter written in May, 2001. A revised cost breakdown of the work to be completed listed the cost at \$12,475.00.

The McIntire's did not come to the Public Hearing on 2-11-03. There was a confusion of dates and Mr. McIntire was ill. They called and requested to be placed on the Agenda to address the Council on the issues. The Council did not act on the issues after the Public Hearing.

The Durability Retainer Period (2 years) has never begun due to the subdivision being incomplete. LEI has backdated other subdivisions on the start of the 2-year period.

The McIntire's have met (on site) with Ernie Thornton (LEI) and Kent Haskell to try to resolve the remaining issues. They were at the Meeting to speak to the Council.

Rosalea McIntire: Mrs. McIntire apologized for not attending the previous Meeting when the Public Hearing was held. Until contacted by the City, she said they were unaware there were any improvements left undone.

According to Mrs. McIntire, both Mr. Thornton and Kent Haskell assured her that the remaining items would not be difficult to complete. Their intent is to solve the problems as soon as possible, not just because of the bond being held; but because they do not want their name to be associated with problems left to the City.

In the past, they paid for work to be done that has apparently not been completed. Because they were out of the Country, they were unaware of this.

Hall Engineering and LEI have been contacted in an attempt to locate information and records of the inspections. This was during the transition between Hall Engineering and LEI and the records she recalls are not available. The City has a file for the subdivision, but it does not contain the information Mrs. McIntire refers to.

1. There is asphalt, which should have been removed by a local contractor, it has not been. They will have it removed as soon as the snow permits.

2. Fire hydrant and water valve: according to Kent Haskell, can be solved easily. They do not need to be dug up and replaced; it needs to be covered. The materials are right there on site. That fire hydrant is on Hal Shuler's land; she is waiting to receive permission from him to cover and clean up the area.

3. Lower or replace water service: This has been done.

4. Cutting (excavation) the slope: When they originally had approval, it was with a 2 to 1 cut. Both Mr. Thornton and Mr. Haskell agreed that when the property is built upon, then the owners would be held to a 3-1 standard. She is aware of the erosion problem with ATV's using their property at the edge of High Sierra Drive; they will clean up the area, but cannot assure that it won't reoccur with continued use. She feels the residents should be educated in caring for the land and not causing added erosion problems. The McIntire's are aware they are technically liable, as property owners, for any injury sustained on their land. They are not sure what to do about the misuse of their land. They welcome any advise from the Council.

Mayor Fritz suggested a 60-day extension to accomplish what needs to be done.

*An updated letter from Ernie Thornton needs to be submitted to the Council, including the recommendation on the 2 to 1 cut being acceptable at this point, but a 3 to 1 requirement at the time of the issuance of building permit. The City will contact

Mr. Thornton.

**ELK RIDGE
CITY COUNCIL MEETING
February 25, 2003**

**TIME & PLACE
OF MEETING**

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CITY COUNCIL REGULAR SESSION AGENDA ITEMS

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Sean Nielsen, Gary Prestwich, Lee Freeman, Russell Sly (Absent: Todd Jackson); Deputy Knapp; Rodney & Rosalea McIntire; & *City Recorder:* Janice H. Davis

**INVOCATION
PLEDGE OF
ALLEGIANCE**

Invocation was offered by Gary Prestwich; after which, Lee Freeman led those present in the Pledge of Allegiance.

**AGENDA TIME
FRAME**

**MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY LEE FREEMAN TO APPROVE THE AGENDA, ADJUSTING THE TIME FRAME BY 17 MINUTES
VOTE: YES (4) NO (0) ABSENT (1) TODD JACKSON**

**OAK BLUFF
ESTATES,
PLAT G**

Default Decision:
**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY TO GRANT A 60 DAY EXTENSION TO RODNEY AND ROSALEA McINTIRE, DEVELOPERS OF THE OAK BLUFF ESTATES SUBDIVISION, PLAT G, TO COMPLETE THE IMPROVEMENTS NECESSARY TO FINISH THEIR SUBDIVISION PROCESS
VOTE: YES (4) NO (0) ABSENT (1) TODD JACKSON**

**WATER IMPACT
FEE STUDY**

No action at this time.

**PLANNING
COMMISSION
APPOINTMENT**

Lee Freeman: Has spoken with Doug Lindsay...he is interested in serving as a member; he is thinking about it. Two others are interested: Leonhardt Schroedter & Scot Bell. No action taken at this time. Councilmember Freeman recommended Scot Bell, as he has been serving on the Board of Adjustments for some time already and is a dependable and knowledgeable individual.
*This will be back on the agenda 3-11-03.

CITY SIGN

Mayor Fritz: The Mayor will gather more bids for the sign and bring the information back to the Council.

**NEW FIRE CHIEF
APPOINTMENT**

Mayor Fritz suggested postponing the vote on the new Fire Chief until the return of Councilmember Todd Jackson, since he is over this Dept. Former Chief Waite has given his recommendation to approve Craig Olson as the new Chief. He has experience as a professional fire fighter. This agenda item will be voted on at the 3-11-03 Council Meeting.

**LEI WORK
RELEASE/
UPDATE CITY
MAPS**

The various City maps need to be updated. If there are any maps that have been updated recently, they should be excluded from the Work Release.
**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY TO APPROVE LEI ENGINEERING WORK RELEASE #2003-1, UPDATING THE CITY MAPS, TO INCLUDE THE WATER MAP, SEWER MAP AND STORM DRAINAGE MAP, NOT TO EXCEED \$1,000
VOTE: YES (4) NO (0) ABSENT (1) TODD JACKSON**

WATER BOARD
BY-LAWS &
MEMBERS

*To be addressed on 3-11-03
David Church called to verify he had received the fax of the draft of the "by-laws" by Councilmember Nielsen. He is attending a Conference and would like the time to get back and Revise some of the wording, but the basic content is fine.

SEWER SYSTEM

MOTION WAS MADE BY RUSSEL SLY AND SECONDED BY SEAN NIELSEN TO APPROVE SPENDING UP TO \$5,000 FOR A MEASUREMENT STUDY OF SEWER FLOW FROM ELK RIDGE CITY TO SALEM CITY
VOTE: YES (4) NO (0) ABSENT (1) TODD JACKSON

NON-AGENDA
ITEM

Question: What is the on-going relationship with LEI Engineering? The Council has approved an extension to the contract; will the City continue to use their services?
Sean Nielsen: LEI should be informed of the City's position. "It is only right to be up-front with people when dealing with them."
Mayor Fritz: The only other options under consideration are RB&G and Sunrise. He would like for the Council to be prepared to make that decision on 3-11-03. He agrees that LEI should be informed. The suggestion was for a couple of the Councilmembers to visit with RB&G prior to the next Meeting.
*Mayor Fritz will set up the meeting.

EXPENDITURES:

General: No General Expenditures

1. Sump Clean-out/Ratify Polled Vote:

MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY TO RATIFY THE ALREADY-POLLED VOTE TO APPROVE UP TO \$5,000 TO CLEAN OUT SUMPS IN THE CITY AND UP TO \$3,000 TO CLEAN OUT THE SEWER LINES
VOTE: YES (4) NO (0) ABSENT (1) TODD JACKSON

The Mayor will address the Storm Drainage Fee (among other key issues) in the "State of the City" address on 3-11-03
(Discussion of various options for funding the Storm Drainage Fund.)

2. Training Against Terrorism:
The State has a requirement for an Emergency Operating Procedure Plan. Bob Goodwin is creating a draft of this.
There will be a 3-day Conference on How to write this document; to also include instruction on terrorist awareness. The Mayor recommended that Bob and Linda Goodwin attend this conference, as well as himself. \$5,000 is already budgeted for Conferences in the General Fund, so there would be no increase in the budget to accommodate this. The total cost would not be over \$1,000.
Gary Prestwich: Advised using grant money to fund the Goodwin's attendance at the conference.


MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY LEE FREEMAN TO APPROVE MAYOR FRITZ, AND BOB & LINDA GOODWIN TO ATTEND THE TRAINING AGAINST TERRORISM CONFERENCE
VOTE: YES (4) NO (0) ABSENT (1) TODD JACKSON

RE-SCHEDULE
PUBLIC HEARING/
AMENDED BUDGET
2002-2003 FISCAL
YEAR

MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY SEAN NIELSEN TO RE-SCHEDULE THE PUBLIC HEARING FOR THE AMENDED 2002/2003 FISCAL YEAR BUDGET FOR 3-25-03, AT 6:10 PM
VOTE: YES (4) NO (0) ABSENT (1) TODD JACKSON

MINUTES No Minutes available at this time.

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



City Recorder

NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, March 11, 2003, 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. STATE OF THE CITY

7:00 - PM REGULAR COUNCIL MEETING AGENDA ITEMS:

- Invocation and Pledge of Allegiance
- Approval/Agenda Time Frame
- 7:05 2. Sunrise Engineering Report
 - A. Water Impact Fee Study Update – Sean Nielsen
- 7:30 3. Storm Drainage Fund - Mayor
- 7:45 4. Planning Commission Member/Appointment – Mayor Fritz
- 7:50 5. City Sign – Entrance to Elk Ridge – Mayor Fritz
- 7:55 6. Appointment of New Fire Chief – Todd Jackson
 - A. Appointment of Asst. Fire Chief
- 8:00 7. Adoption of Water Board By-laws – Sean Nielsen
 - A. Appointment/New Water Board Members – Sean Nielsen
- 8:00 8. Parks & Recreation Committee – Todd Jackson
- 8:10 9. New Well Update –
 - A. Bond Money from State (New Well)/Extension of Time – Mayor Fritz
- 8:20 10. Lakeview Drive/Work Release – Gary Prestwich
- 8:30 11. Report – Elk Ridge/Payson Meeting on Sewer System – Mayor Fritz
- 8:40 12. Expenditures:
 - General:
- 8:45 13. Approval of Minutes of Previous Meeting(s)
- 8:50 14. Appointment of Alternate Mayor Pro-tempore
- Adjournment

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

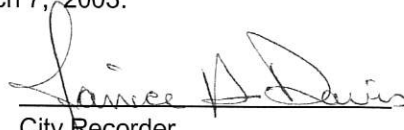
The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 7th day of March, 2003.



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 March 7, 2003.



City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
March 11, 2003**

TIME & PLACE
OF MEETING

The regular Meeting of the Elk Ridge City Council was held on Tuesday, March 11, 2003, 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 (Fire Dept. Bay Area), 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 March 7, 2003.

6:00 PM

CITY COUNCIL WORK SESSION

STATE OF THE CITY ADDRESS – MAYOR FRITZ

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Sean Nielsen, Gary Prestwich, Todd Jackson, Russell Sly (Absent: Lee Freeman); *Administrative Asst:* Ernestine Folks; *Deputy City Recorder:* Stephanie Christensen; *Sheriff:* Deputy Dave Lea; *Sunrise Engineering:* John L. Chartier; *Public:* Kenneth & Diane Baguly, Jay Prather, Rhonda Salcido, Alan & Dayna Hughes, Hal Shuler, Bob & Linda Goodwin, Diane Adams, Craig & Jenny Olson, Joe Wadlinger, Garren Holman, Bruce Lindow, Darren Balls, Neil & Jeanette Gunnell, Terry Pierce, Jack & Janet Waterman, Mark & Jan Christensen, Doug Lindsay, Doug & Marie-Jo Stout, Barry & Riley Bradshaw, Mark Johnson, Michael Ashton, Richard Barton, Jared Roberts, Jared Clark, Jan Newman, Geniel Sly; & *City Recorder:* Janice H. Davis

Mayor Fritz: Handouts summarizing the topics to be addressed were provided to all in attendance.

• **Staff Acknowledgment and Reduction:**

The Mayor reviewed the downsizing of the City Office Staff and commended them for not only consolidating the previous duties into fewer positions, but for jobs well done. The comments were appreciated. He also mentioned the City has nearly 50 volunteers serving on various committees.

• **City Sign:**

It has been proposed to install a City Sign at the entrance of 1600 West and Gooseneast Drive. One design and bid has been submitted by Bona Signs. The Mayor would like to gather more information; other bids and designs, as well as getting input from the residents of Elk Ridge. (The design submitted by Bona Signs was included in the handout given to the Public in attendance at this Meeting.) The estimate given by Bona Signs is about \$5,000; though the Mayor feels the City could possibly have it installed for less.

Comments:

Dayna Hughes: Feels the sign would be valuable. She was instrumental in having the sign installed in front of Loafer Elementary and it has been a great asset to all.

Jay Prather: Thinks the design is too plain; that a more rustic design would fit Elk Ridge better.

Linda Goodwin: A central sign is needed for announcements of many kinds, including emergency matters and bulletins. Other bids for a comparison would be good.

Garren Holman: If there is any fund-raising associated with the sign or any other project, he would like to be involved. (The Mayor said he would be in touch with Mr. Holman when he returns from a 2-week trip.)

Joe Wadlinger: Vandalism is a problem. The citizens may all agree the sign would be an asset, but would it be money wasted if vandalized?

Mayor Fritz: Do we deny ourselves aesthetics on the basis of a possibility of vandalism?

• **Road Projects:**

1. Loafer Canyon Road: Was completed to the predetermined point. There were problems, which resulted in overages, financially. The Mayor does not expect to continue construction on Loafer Canyon Rd. for at least two years.

2. Fremont Way: This project also ran over the estimated amount, but is also completed. There were portions of the projects left to complete when the new administration took office. Those issues are now finished.
- **Partial Failure of Two Wells:**
 1. Oak Lane Well: The aquifer dropped and rendered the well nearly useless. The pumps can be run for about an hour or so, and then it goes dry. (Loss of about 40 gpm)
 2. Highline (#5) Well: The casing failed. (Loss of about 400 gpm)
After much research, the City Council decided to drill a "replacement well" in the same vicinity in order to take advantage of the known aquifer.
The new well (Cloward Well) was completed under budget, on time & exceeded the capacity expectation. The well is capable of producing 1,800 gpm; however the State will only allow us to use about 1,250 gpm. (The 6" lines connecting it to the system hold the capacity to about 400gpm.)
 - **Questar Gas:**

Questar Gas Co. was in the process of changing the route of the major gas line. It was to be taken out of the middle of the lots as much as possible and run through the street rights-of-way. This has taken place, with Questar replacing ½ of the road they cut into. About \$3,400 more has come from Questar to repair any further damage to the road and to assist with chip and seal on Park Drive.
 - **Water & Sewer Impact Fee Analysis:**

The studies which determine impact fees to be charged for development and which lay out the short/long term plans for the City in the areas of Water & Sewer need to be updated often. This has not been done since 1998. The Council is considering bids to update these studies.
 - **Infrastructure:**
 1. Roads: Councilmember Prestwich has identified about \$175,000 worth of roadwork that needs to be done in the City. It has to be done gradually, as the funding is available.
 2. Well: The Mayor spoke of the necessity of another source of water:
Utah Valley is going to grow and most of the water will come from underground sources. The Mayor recommends drilling a third well to help guarantee the water and water rights for Elk Ridge. He projects that development will pay for most of this.
There is also the possibility of working with Payson to share in the cost of the development of a well. The Council was urged to do this previously, but there were too many unknowns and the Council decided to go with the replacement well.
 3. Water Storage: There is a problem with "redundancy" in the area of water storage.
\$15,000 - \$20,000 has been proposed to re-do the water system so it is possible to pump from the lower tank to the upper tank.
The Council is also considering the installation of a new 10" water line to connect the new well with the system...perhaps the lower tank.
 3. City Web Page: The City's web page is inactive and could be put to good use.
A volunteer in the City has offered to set it up and get it updated. He would like to see it used to post ordinances and agendas; as well as announcements, etc.
 - **Parks Improvement:**

Councilmember Todd Jackson will address the topic of a trail system in the City on March 25, 2003.
 - **ATV Committee:**

ATV's have created a problem in the City. A resident came to the Mayor and offered to be part of the solution. The Mayor would like to form a committee to come up with some solutions for the various existing problems. (Comment was made that the problem is not with ATV's, it is with the riders of them.) The Mayor feels it is a "self-management" problem.
 - **Traffic Enforcement:**

The general direction to the Sheriff is to give fewer warnings...and to write more tickets.

Joe Wadlinger: Questioned what the City's "cut" is on tickets written.

Deputy Lea: The City gets a small portion of the ticket revenue back, but in the form of a credit on the amount owing for services from the Sheriff's Dept.

Mayor Fritz: The Council has approved the Sheriff's Dept. locating a satellite office at the City Hall in Elk Ridge. This will increase visibility of the Sheriff.

- **Nuisance Ordinance Enforcement:**

The question is, "how much to enforce"?

Jay Prather: Ordinances should be enforced! Violations to the Zoning Ordinance in the form of parking of commercial vehicles within residential zones have been going on for years. The problem still exists, though there have been good editorials in the newsletters accompanying the water bills. What is the status of the violations?

Mayor Fritz: There are several situations in the City where violations are taking place. Letters have been sent out to all. One party has been cited and this case is going through the court system. This will "test the strength of the Ordinance". If the Ordinance is upheld in the courts, then the others violators will be pursued, as well.

Jeanette Gunnell: Why have ordinances, if they are not enforced?

Question: Does storage of junk qualify as a nuisance? (Yes, the Mayor responded that this is the year when these issues are being addressed.)

Dayna Hughes: What happens if the ordinance in question does not hold up in court?

Mayor Fritz: Then the ordinance would have to be re-written so that it would be enforceable.

- **Other Problems:**

(When current Council took office)

1. Probable 4th year of drought with the City needing a new well
2. Deferred Road Maintenance: Money was going into the Loafer Canyon Road Project
3. A City-wide Storm Drainage Plan had been proposed.

The Mayor is against a City-wide Storm Drainage System. He supports the concept of "on site problem solving".

The first two problems have been addressed and the Council will not implement a City-wide Storm Drainage system.

- **Growth:**

1. There will probably not be much new development in the next 1 to 2 years due to not having sufficient water and sewer capacity. In the newsletter, the Mayor indicated that developers had proposed development in the lower section of the City. He will address this later in the meeting.

2. Annexation: The City has a master plan for annexation. Currently, there is no commercial or industrial in Elk Ridge. There isn't really much land where that could occur. Research is being conducted of areas where annexation might be considered. As a general statement, Goosenest Drive north to Highline Canal, then east to Loafer Canyon is the land under consideration.

Why annexation?

- A. If Elk Ridge does not annex this area, then Payson or Salem might, and Elk Ridge could lose the opportunity to control how this area is developed.
- B. This would be a likely location for the commercial, industrial or "affordable housing" that Elk Ridge lacks.

Growth will happen. The Mayor feels a proactive perspective would be preferable so that we could have a say in how it happens.

Diane Adams: Is there a legal requirement to have "affordable housing"?

Mayor: The concept of Accessory Apts. has been an attempt by the City to partially address this issue.

Robert Goodwin (former Planning Commission Chairman): If someone wants to come into Elk Ridge to develop "affordable housing", they cannot legally be refused. (What is "affordable"?)

Mayor: The Government uses a formula based on what they consider a median income figure...anything below that would be lower (affordable).

Ken Baguly: If the proposed development of perhaps 400 units is to be considered "affordable", that would exceed the required percentage. (It would not necessarily be considered "affordable".)

- **Storm Drainage System:**

The Mayor is opposed to a Citywide system. Run-off will eventually flow to a retention pond, southeast of the City in the Goosenest area. There are certain problem areas that need to be addressed. If the City fails to act:

1. Road repairs go up due to erosion
2. "Nuisance" damage continues
3. Some property damage occurs

The issues will be resolved with "on site" containment, rather than a citywide system. Previous administrations felt that curb & gutter was the way to handle the drainage issues. Water has only one place to go...downhill. The Mayor's home is located "downhill" from the newer subdivisions with curb & gutter and he has had a problem with flooding on his lot due to run-off. Many cities are moving away from the concept of curb & gutter. Rather than channeling run-off with curb & gutter, it discharges across gravel shoulders of the road. A citywide system has been estimated at about \$1.75 million...on site containment ditches, shoulders and/or "collector pots" (sumps) would be much less.

The problems in the City are old ones; they will not be fixed overnight.

Funding:

1. Increased Property Tax
2. Special Utility Tax billing
3. General Fund
4. Storm Drainage Fee

Suggestion of \$5 per month/household (Taking an average of 500 homes):

1 Year	=	\$30,000
2 Years	=	\$60,000
3 Years	=	\$90,000
4 Years	=	\$120,000
5 Years	=	\$150,000

(\$2.50 per home would only generate 75,000 over a 5 year period.)

Assessing another fee is not a pleasant concept; but what do we do? Address the problems or ignore them?

Comments:

Joe Wadlinger: Is concerned about "affordable" housing and property values. The City should avoid this as long as allowed by the Government.

Mayor Fritz: The Mayor shares this appreciation of the aesthetics of living in Elk Ridge. The City will listen to the proposals by developers, but the Council is under no obligation to approve any development that would jeopardize the well being of the Community.

Robert Goodwin: Growth will come. The City should be in a position to control that growth rather than trying to fight it. We can either work with growth or we could tax ourselves out of living in Elk Ridge.

Ordinances and regulations are in place to be able to handle growth takes place.

Diane Baguly: Feels that 400 new homes concentrated on 50 acres would cause too much congestion not only from the homes, but also with other associated vehicles and trailers. The impact from the traffic concerns her.

Mark Christensen: Feels that many homes would be "stacked on top of one another".

Garren Holman: Agrees, that a proactive approach to development is the way to go.

Ken Baguly: A development of this size will create other problems with drainage, cul-de-sacs too small to turn around in, too little parking and kids playing in the street due to no sidewalks.

Jeanette Gunnell: She is personally against condos/twin homes in the City. Perhaps they would be better situated further north, or if the City allowed smaller homes than the current requirement. Moderate or low income housing requirements could be provided without allowing condos.

Mayor Fritz: Summarized that the consensus seemed to be that the residents are not in favor of the proposed development intended for 1600 West and Goosenest Drive, as it has been presented.

This development could not move forward for at least another year or two, if there is more sewer capacity at that time. The Mayor recommends at least considering what the Developers have to say.

Russell Sly: If the area develops, then requests annexation, then the City would be forced to accept the development as it is, if the annexation were to be approved. He feels this presents an incentive to annex the area.

Mayor Fritz: (City Sign)

Asked for response on the City sign.

Linda Goodwin: Recommended presenting 3 different designs (3 different bids) to the residents and allow them to choose.

Mayor Fritz: (Storm Drainage Fee)

(Speaker was unidentified) A suggestion was made to charge the \$5.00 amount up front rather than having to go back to the citizens and charge more if the needs are not met.

The Mayor closed the Special Public Meeting section of the Agenda.

**ELK RIDGE
CITY COUNCIL MEETING
March 11, 2003**

**TIME & PLACE
OF MEETING**

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CITY COUNCIL REGULAR SESSION AGENDA ITEMS

ROLL CALL

Mayor: Vernon Fritz; *City Council*: Sean Nielsen, Gary Prestwich, Todd Jackson, Russell Sly (Absent: Lee Freeman); *Administrative Asst*: Ernestine Folks; *Sheriff*: Deputy Dave Lea; *Sunrise Engineering*: John L. Chartier; *Public*: Jay Prather, Rhonda Salcido, Craig & Jenny Olson, Neil & Jeanette Gunnell, Mark & Jan Christensen, Doug & Marie-Jo Stout, Mark Johnson, Jared Roberts, Jared Clark, JoAnn & Dale Bigler; & *City Recorder*: Janice H. Davis

**INVOCATION
PLEDGE OF
ALLEGIANCE**

Invocation was offered by Sean Nielsen; after which, Jay Prather 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 21 MINUTES
VOTE: YES (4) NO (0) ABSENT (1) LEE FREEMAN**

**SUNRISE
ENGINEERING**

John Chartier (Sunrise Engineering): Addressing the topic of Impact Fees
In 1996, Sunrise Engineering did Impact Fee Studies for the Water & Sewer Depts.
In 1998, both studies were updated.
Councilmember Nielsen contacted Mr. Chartier seeking a proposal to further update these studies. He was at the Meeting to address this proposal and associated costs.
Sunrise was contacted previously by Councilmember Sly relating an update to the Sewer Study. In September, 2002, they wrote a letter to the Council, outlining the two impact fee updates at a cost of \$2,500 each. That price was under the assumption that Sunrise would take the master plans done by them; review the 20-year projections included in those plans and stay within those. Any improvements done by the City would be figured into the recalculations.

It sounds like there may be variations, particularly in the plans for wastewater. The current Impact Fee Study did not involve changing cities for treatment. If this is the direction the Council pursues, the fee for the wastewater study will increase slightly. It would involve issues such as:

1. Alternate routes to get to another city
2. The possible sale of Elk Ridge's interest in the Salem plant
3. Purchasing treatment elsewhere

He would like to propose a new cost estimate, incorporating the Council's current wishes. These studies should be updated regularly, in order to accommodate changes in the community.

Questions/Comments:

Sean Nielsen: In the studies done for the City, the growth rates are too high. These future studies should reflect a lower growth rate. If these rates are too high, more revenue from impact fees would be projected than actually comes in.

Mr. Chartier: The growth drives improvement. The number of connections will determine the need for improvements.

The Impact Fee Study for the sewer would change to meet current plans, but the cost estimate for the update on the Water Impact Fee Study would stay "pretty close" to the quote of \$2,500.

Russell Sly: Reviewed the current situation regarding sewer capacity with those present:

Options:

1. Sewer with Payson City
 - Payson has excess capacity and welcomes the possibility of Elk Ridge purchasing some of it.
 - Woodland Hills is interested in participating in sewerage with Payson
2. Elk Ridge may be able to sell the 18% share in Salem City's Plant, and use that money to assist in a project with Payson.
3. When Salem is out of compliance with certain laws, or repairs are necessary, Elk Ridge is responsible for 18% of any cost incurred.

Mr. Chartier summarized the contract process Sunrise uses and mentioned the importance of having good contracts in place with subcontractors. A "contingency" amount is good to cover any "unforeseens" on a project.

*Councilmember Nielsen would like to schedule a time to meet with Mr. Chartier to talk about future projects, which would be incorporated into the updated studies and how they would impact the cost estimates to do the studies. He will call Mr. Chartier.

Question: Does Sunrise Engineering include Building Inspection in their services as city engineers? (Yes, they do.)

STORM DRAINAGE FUND

The Mayor opened the discussion up to the Council for their opinions:

Russell Sly: Feels a \$5 monthly fee to build the Storm Drainage Fund would be appropriate. There were no objections from the citizens at the earlier Public Meeting.

Sean Nielsen: He agrees with having a separate Fund for Storm Drainage. It would enable us to create an impact fee for storm drainage expenses.

Mayor Fritz: An advantage to having a projected income would be if the City were to apply for a loan to fund a project, there would be money available to pay the loan back. He prefers "progression on a cash basis", but sometimes assistance is needed.

Todd Jackson: He agrees there are problems with drainage that need to be fixed, but he feels the Council should propose a budget of how that money generated from a fee would be utilized. The project(s) should be identified in the Capital Improvement Plan. This would at least justify the need for the fee. (The Mayor agreed.)

Jay Prather: If the problems are addressed in a "site specific" manner, he is sure that some citizens would object to paying for improvements not directly benefiting their property.

(Mr. Prather said he, personally, would "chip in whatever it takes to fix the whole town".)

Mayor Fritz: Commented that there is no "easy answer". He cited the example of the City Fire Dept.; he has never had his house burn down, but his taxes are used to fund the Fire Dept.

He concluded that the Council should proceed with developing the concept and then bring it before the Council for action.

PLANNING
COMMISSION
MEMBER

Mayor Fritz: In Lee Freeman's absence, the Mayor presented the following names to be considered to fill one position on the Planning Commission:

Leonhardt Schroedter, Doug Lindsay & Scot Bell

Sean Nielsen: Lee Freeman had recommended Scot Bell for the position. Since Councilmember Freeman is over the Planning Commission, he would like to support his recommendation. All were in agreement.

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY TODD JACKSON TO APPOINT SCOT BELL A MEMBER OF THE PLANNING COMMISSION FOR A FIVE YEAR TERM OF OFFICE

VOTE: YES (4) NO (0) ABSENT (1) LEE FREEMAN

*Ernestine Folks is to contact Mr. Bell. He must also be released from the Board of Adjustments.

CITY SIGN

Entrance to Elk Ridge:

It was agreed to get other designs and bids.

Gary Prestwich: Feels much of the work could be done as a "volunteer" project.

Mayor Fritz: Wants to install a good sign that will withstand 70-knot winds and vandals.

APPT. NEW
FIRE CHIEF

Todd Jackson: Chief Seth Waite is serving in the Armed Forces and has been called to active duty. He recommended Craig Olson fill the position of Fire Chief and Doug Stout as the Assistant Chief. Craig Olson was the Asst. Fire Chief and is a fire fighter for Provo City. Doug Stout has been serving as the trainer for the Dept. Councilmember Jackson feels Seth Waite's recommendations should be supported.

MOTION WAS MADE BY TODD JACKSON AND SECONDED BY RUSSELL SLY TO APPOINT CRAIG OLSON AS THE ELK RIDGE CITY FIRE CHIEF AND DOUG STOUT AS THE ASST. FIRE CHIEF

VOTE: YES (4) NO (0) ABSENT (1) LEE FREEMAN

They were present at the meeting.

ADOPTION OF
WATER BOARD
BY-LAWS

No action at this time.

PARKS &
RECREATION
COMMITTEE

Todd Jackson: He is proposing the formation of a Parks/Recreation & Beautification Committee.

1. The first order of business will be to study and recommend a pedestrian path.

This came about partially due to the issue about Park Drive. There is nowhere for pedestrians to walk around the City safely.

2. Beautification Project: Planting trees along the City streets

3. Recreation/Park projects and funding

There will be five members on the committee; 2 members with 3-year terms & 3 people with 1-year terms.

NEW WELL
UPDATE

Mayor Fritz: The Mayor spoke to Michael Georgeson (State Drinking Water Board) to ask how long the City has to use the excess loan money and how can it be used?

The response:

- Mr. Georgeson feels an extension could be attained without much trouble and that and that the City could use the excess loan money on a project within the same system. The Mayor recommends using the money on upgrading the connecting the 6" water line leading from the new well, to a 10" line.

Todd Jackson: He would vote for whatever it takes to carry the full capacity of the well. (Check with the engineers.)

Sean Nielsen: Councilmember Nielsen does not share the same opinion about upgrading the water line at this time. He agrees that the line should be changed, but perhaps the need is not immediate. He feels the money should go back to the State and be applied to the loan. Money should not be spent unwisely just because it is available.

Mayor Fritz: The opportunity is available to add water to the tank. If the upper Loafer Well were to go down, there would be a major problem. It would be difficult to justify not taking advantage of the opportunity when it was available to us.

Russell Sly: Feels that having "redundancy" in the system is important. The money has been approved and he agrees that it should be used to upgrade the water line.

Gary Prestwich: There is an old saying "This thing always worked until just before it broke". This could happen to the well in Loafer Canyon. The storage capacity would be used up and the City would be out of water. The City needs to plan ahead. The emergency may not happen, but who can say that it won't.

Sean Nielsen: Upgrading the connecting lines was not part of the original plan when it was decided to drill a replacement well. It is only being considered because there is money left over. If the well had cost more money to drill, the Council would not be thinking about the water lines. We would be satisfied with the results of the drilling.

An option the Council has not discussed is installing a booster station, which would allow us to increase our flow through the same pipe.

Mayor Fritz: When rates were raised, one of the reasons was to upgrade the lines. It is also a concern that the line is not in an easement owned by the City. The owner has a contract with the City that states when he decides to develop his property the City will be forced to install another line. The Mayor understands Councilmember Nielsen's rational. He agrees that extending credit needlessly is not wise; but if a real need does arise, he feels it is warranted to use the credit if available.

Russell Sly: Stated that it is his opinion that a booster station is a poor alternative to building a new line needs to be replaced anyway.

Sean Nielsen: Brought up the idea of a booster station as a possible solution to the concern of the Loafer Well going down. A \$30,000 booster station could subsidize the storage tank until the well is repaired and back on line. It is a lower-cost solution to provide increased volume.

He does feel there is a need to replace the 6" line, but is this the time? Would this be an example of "impulse shopping vs. planning ahead" to replace the line when money has accrued from the sale of water to residents, rather than spending the rest of the loan money simple because it is available?

Gary Prestwich: Advised the engineering to upgrade the line be done and be in place so the work could go forward as soon as possible, if the decision is to replace the line at this time.

A work release could be prepared for approval at the next Council Meeting.

Sean Nielsen Would like the opportunity to obtain proposals from all three engineering firms (LEI, RB&G, & Sunrise) to compare the proposals. Councilmember Nielsen will contact the three engineering firms.

Mayor Fritz: Requested that the Council take the information into consideration and come to the next Council Meeting prepared to make a decision.

Ernestine Folks: Encouraged the Council to be specific in the request for proposals.

LAKEVIEW DR.

Lakeview Drive/Work Release:

Gary Prestwich: Met with RB&G Engineering to request that they assess the repair work needed on Lakeview Drive. The road is in very poor condition. There has been some flood damage, but Councilmember Prestwich feels the flooding would be more in the category of "nuisance" rather than any real damage to the homes.

RB&G were asked to prepare a preliminary study, to inform the Council of the conditions and what their recommendations would be.

There would be four tasks:

1. Do a topographic survey of the roadway (vertical & horizontal)
2. Investigate the pavement
 - A. Drill core samples 10' deep
3. Drainage evaluations
4. Cost estimates & reporting

The cost of this study is \$2,450.00.

Councilmember Prestwich asked for two approaches:

1. Full-width road, with curb/gutter on both sides
2. Asphalt road of the same quality, but on the sides there would be drainage indentation on the south side of the road (with cobblestones), and the other side would also be prepared with cobblestones.

This study will include costs for drainage.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO APPROVE SPENDING \$2,450, PAYABLE TO RB&G ENGINEERING FOR THE STUDY ON LAKEVIEW DRIVE

Question on the Motion: (Sean Nielsen) Has any other firm been given the opportunity to bid on the project?

(LEI Engineering already did a study of Lakeview Drive)

Mayor Fritz: Their proposal for a cost estimate changed from just under \$70,000 to an updated amount of \$111,000 for the project.

Russell Sly: Would like to have RB&G do the study for the City to have them on a project to evaluate their performance.

Sean Nielsen: Asked if the intent is to have RB&G do a study on a project that has already been engineered?

Mayor Fritz: RB&G informed the Mayor that they are unwilling to take data created by other engineers and perpetuate a possible problem. They would be willing to review the data, but their preference is to create their own figures. The Mayor is concerned with previous "overages" in costs calculated at much lower amounts than actual figures came in at for projects such as Loafer Canyon Road & Fremont Way reconstruction. The Mayor also addressed the cost assessed for curb & gutter for these two projects...they were made on the basis of \$7.50 plf (per linear foot)...that figure does not represent the actual cost of curb & gutter; in fact it is less than ½ of the cost. A number of citizens received the benefit of the City paying for ½ of their curb & gutter. He does not judge if that is "good or bad", but in the future, the property owner, not the City, should pay for curb & gutter.

Councilmember Prestwich will set up a meeting with the residents of Lakeview Drive in April sometime. Options will be explained to them and get their feedback.

Gary Prestwich: RB&G will prepare two different cost estimates, which LEI did not do...theirs was just a "full-blown" estimate. That is one of the reasons to have RB&G do the study; he feels it would be preferable to not have curb & gutter since it would pose additional problems with drainage. If it were decided to go with curb & gutter, any additional costs caused by the drainage (sumps, culverts, etc.) would be added onto the cost of the curb & gutter and charged to the property owners.

*Councilmember Nielsen is willing to support RB&G doing the study; he just wanted to understand why the City was willing to pay for the same thing twice.

VOTE: YES (4) NO (0) ABSENT (1) LEE FREEMAN

ELK RIDGE/
PAYSON MEETING-
SEWER

Mayor Fritz: (Report)

Mayor Fritz and Councilmember Prestwich visited with Payson City on issues pertaining to connecting to their sewer system. The Mayor was seeking information about the planned location of the proposed sewer line between Payson & Elk Ridge. Payson plans to bring the line to 1600 West, to the new bridge; following the canal. Payson will pay for this portion of the line. Elk Ridge would be responsible to deliver its effluent to that connection point. They estimated this project would be about 1½ years out. This will affect the proposed development planned for 1600 West and Goosenest Drive.

Russell Sly: Submitted a memo addressing the update on sewer issues. The memo contained figures attempting to estimate flow to Salem City. Another attempt is in progress to obtain a reliable flow study. Payson's engineer is to get the equipment in place for the study. Councilmember Sly has figured an estimate based on Elk Ridge's water usage during winter months (these figures would have to be verified by an engineer).

EXPENDITURES:

General:

1. Gift Certificates: Councilmember Prestwich proposed to the Council the idea of presenting gift certificates to the paid City employees on their birthdays in the amount of \$30.00 (not to include temporary, volunteer, or elected workers. Part time workers are included. To be eligible, an employee must have worked at the City office one year prior to their birthday. Restaurant choice shall be determined by the Mayor, from a list submitted from the eligible employees, with each employee submitting one choice of restaurant.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY TODD JACKSON TO RATIFY THE POLLED VOTE TO APPROVE THE POLICY OF BIRTHDAY GIFT CERTIFICATES TO PAID CITY EMPLOYEES

VOTE: YES (4) NO (0) ABSENT (1) LEE FREEMAN

MINUTES

City Council Minutes: 2-11-2003

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY TODD JACKSON TO APPROVE THE CITY COUNCIL MINUTES OF 2-11-03

VOTE: YES (4) NO (0) ABSENT (1) LEE FREEMAN

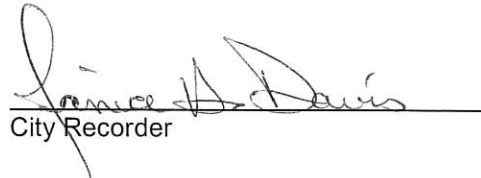
APPOINTMENT/
ALTERNATE
MAYOR PRO-
TEMPORE

In the absence of both the Mayor and Gary Prestwich (current Mayor Pro-tempore), an alternate needs to be appointed. The Mayor recommended Sean Nielsen. Mayor Fritz appointed Councilmember Sean Nielsen as the Alternate Mayor Pro-tempore.

ADJOURNMENT

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

VOTE: YES (4) NO (0) ABSENT (1) LEE FREEMAN


City Recorder

NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, March 25, 2003, at 7:00 PM, to be preceded by a Council Work Session at 6:00 PM.** There will be a **Public Hearing at 6:10 PM** for the purpose of hearing public comment regarding amending the 2002/2003 Fiscal Year Budget & Capital Improvement Plan, for the Operation of the City of Elk Ridge.

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 CITY COUNCIL WORK SESSION

1. Storm Drainage Fee/Discussion
- A. Impact Fee Study + Capital Improvement Plan

6:10 PM PUBLIC HEARING/AMENDMENT TO 2002/2003 FISCAL YEAR BUDGET & CAPITAL IMPROVEMENT PLAN

2. Public Hearing/Resolution Amending the 2002/2003 Fiscal Year Budget & Capital Improvement Plan

6:30 PM CITY COUNCIL WORK SESSION

3. Traffic Sign Report
4. Discussion/LEI Engineering – Sean Nielsen
5. Lakeview Drive Replacement/Discussion – Sean Nielsen
6. Upgrade Water Line from New Well/Discussion – Sean Nielsen
7. Sewer Connection Fee/Discussion – Sean Nielsen

7:00 - PM REGULAR COUNCIL MEETING AGENDA ITEMS:

Invocation and Pledge of Allegiance

Approval/Agenda Time Frame

- 7:05 8. Adoption of Amended 2002/2003 Fiscal Year Budget – Capital Improvement Plan

- 7:10 9. Schedule Public Hearing:

- A. Saunders Subdivision, Plat "C" – A Vacation & Amendment of Saunders Subdivision, Plat "B"
- B. Vacation of Lot #2, Plat A, Goosenest Subdivision & Lot #1, Plat A, Lomento Subdivision; (includes the Vacation of a Portion of Columbus Ln. – Goosenest Subdivision, Plat A)
- C. Kearns Subdivision, Plat A – Includes the Amendment of Lot 9 & 10, Block 4, Plat A, Salem Hills Subdivision
- D. Ordinance/Amendment to Section 10-3-3.14, Fences, Walls & Hedges

- 7:15 10. Adoption - Resolution/Water Board – Sean Nielsen

- A. Define Duties
- B. Appoint Members

- 7:25 11. Board of Adjustment/Member Appointment – Mayor Fritz

- 7:30 12. Storm Drainage Funding – Mayor Fritz

- 7:45 13. Parks, Trails & Beautification Committee – Todd Jackson

- 7:50 14. Traffic Signs/Action

- 8:00 15. Expenditures:

 General

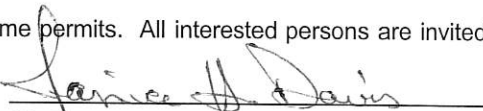
 NR Hiatt Invoice/Loafer Canyon Rd. – Mayor Fritz

- 8:10 16. Approval of Minutes of Previous Meetings

- 8:15 17. New Employee/Facilities Maintenance – Mayor Fritz
- 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 21st day of March, 2003.



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 March 21, 2003.



City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
March 25, 2003**

TIME & PLACE
OF MEETING

The regular Meeting of the Elk Ridge City Council, scheduled for Tuesday, March 25, 2003, at 7:00 PM; was preceded by a City Council Work Session at 6:00 PM & a Public Hearing at 6:10 PM, on amending the 2002/2003 Fiscal Year Budget & Capital Improvement Plan. All interested persons were given an opportunity to be heard. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of the scheduled meetings & Public Hearing was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on March 21, 2003.

6:00 PM

CITY COUNCIL WORK SESSION

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Sean Nielsen, Lee Freeman, Russell Sly (Absent: Gary Prestwich, Todd Jackson); *Administrative Assistant:* Ernestine Folks; *Sheriff:* Deputy Lea; *Public:* Cindi Ellis, Julie Jorgensen; and *City Recorder:* Janice H. Davis

STORM
DRAINAGE
FEE

Discussion: (Mayor Fritz)

The last Council Meeting contained a lengthy presentation on storm drainage and possible fees, during the Mayor's State of the City address to the citizens of Elk Ridge. The Mayor advised that a "storm drainage fee" would provide revenue for the Storm Drainage Fund. The amount the Mayor suggested was \$5.00 per month. There were no negative comments during the meeting; however, one written communication has been received in opposition to the proposed \$5 fee. He turned the time over to the Council for further consideration

Russell Sly: He felt the message from the residents at the previous Council Meeting was that they were in favor of having the fee and that \$5 seemed appropriate.

Lee Freeman: A couple of the Planning Commission members expressed views against the concept of charging a fee. They felt the increase in the water charges were enough.

Ernestine Folks: Questioned how the suggested rate of \$5/month was arrived at. She is opposed to any fee that does not have a sound basis to it. (Councilmember Nielsen agreed.)

Lee Freeman: Feels there is a basis to the suggested amount of \$5/month. If anything, this is a "light" estimate, considering the projects under consideration. This is at least "something to help us address issues".

Mayor Fritz: Estimated costs for improvements have been the basis for the suggested amount.

Sean Nielsen: As he has been studying the need for a water impact fee study, he understands that impact fees go "hand in hand" with the Capital Improvement Plan. The Council could be challenged any time for the fees charged by the City. There must be justification for those fees. These studies are crucial, along with the Capital Improvement Plan, to be able to show the various projects and associated needs for revenue. If the Council decides on unsubstantiated fees, two things could occur:

1. The Council will take the "brunt" for a rate increase and it might not be adequate to meet the needs of the City.
2. The City Council could place themselves in a position of not being able to justify fees being charged to residents.
3. There is no way to charge impact fees without the studies.

City Recorder: A Storm Drainage Study has been done by LEI. The Council could designate which parts of the study to implement, and then have the impact fees based on those projects.

Lee Freeman: He feels the intent of the proposed \$5 fee is to begin to accumulate some funding towards the long-range goals. He agrees there should be a plan.

A. Impact Fee Study + Capital Improvement Plan:

Sean Nielsen: He feels the Council is not using the Capital Improvement Plan as it was intended. Projects should be decided upon ahead of time and then work toward the plan. There is nothing in the current Plan explaining what steps should be taken, based off of growth patterns and revenue from the citizens.

6:10 PM

PUBLIC HEARING/AMENDMENT TO 2002/2003 FISCAL YEAR BUDGET & CAPITAL IMPROVEMENT PLAN

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Sean Nielsen, Lee Freeman, Russell Sly (Absent: Gary Prestwich, Todd Jackson); *Administrative Assistant:* Ernestine Folks; *Sheriff:* Deputy Lea; *Public:* Cindi Ellis, Julie Jorgensen; and *City Recorder:* Janice H. Davis

At 6:10 PM, Mayor Fritz opened the Public Hearing on the proposed amendment to the 2002/2003 Fiscal Year Budget.

AMENDED
BUDGET
2002/2003

Discussion: (City Recorder) The proposed Budget Amendment & Capital Improvement Plan was reviewed.

Ernestine Folks: Encouraged the Councilmembers to review the five-year plan (6 years with the current year)

- The City Recorder reviewed the Salaries of the City employees and associated salaries and benefits. "Benefits" have increased due to rate increases in retirement, premium increases and the addition of an additional full-time employee (Wayne Frandson)
- The excess Fund Balance in the General Fund was transferred to a new Capital Projects Fund entitled "Capital Projects Fund/Future Improvements", in order to maintain not more than the limit of 18% Fund Balance in the General Fund.
- Sump clean out will be more expensive than expected due them never having been cleaned out. The clean out will be budgeted yearly, but should not be as expensive, if kept up.
- The Fire Dept. exceeded the budget under "EMT Equipment"; however, a grant came in to compensate for that.
- Question in "Parks"...will a youth be hired to mow lawns for the summer months? Councilmember Jackson will have to address this.

Sean Nielsen: The Asst. Public Works (Wayne Frandson) should be able to accomplish this (unless on another assignment and too busy).

Mayor Fritz: Agrees that two people should not do the job of one.

Water Dept.

Repair of the water line on Powell Circle was to be postponed until the next fiscal year, along with the accompanying road repair; however, it has been done.

The connection of the upper system to lower system at Oak Lane (\$15,000) is still planned for this fiscal year.

Storm Drainage Fund

Revenue funding for the current fiscal year may still have to be transferred from the Sewer Fund.

At 6:35 PM, Mayor Fritz closed the Public Hearing on the Amended Budget for 2002/2003 and Capital Improvement Plan.

COUNCIL WORK SESSION/CONTINUED

Discussion of the Storm Drainage Fee was continued:

Russell Sly: Agrees that there should be a study to base the numbers on. It may be that the engineers could be asked to give us a cost estimate on a portion of the Storm Drainage Study and base the fees off of that. Whatever kind of study is required, it should be done.

He sees the setting of a storm drainage fee as separate from the impact fee study.

(*The Mayor and Councilmember Sly will visit to discuss Sewer/Storm Drainage.)

Sean Nielsen: Cautions that the Council not "go down the same road" of requesting engineering on a specific project based off of a "perceived" need. "What we need is a Capital Improvement Plan that encompasses all of that, but it also correlates with the Impact Fee Study so that we not only know what the project is going to be...but, how we are going to pay for it."

He explained that the storm drainage fee would not be separate; the fees and the impact fee study go hand-in-hand. A Capital Improvement has to be incorporated into an impact fee study, because an impact fee study is going to determine two sources of revenue: existing citizens and projected growth. "Without doing the study and having a plan, there is no way to determine what the impact fee would be; nor can we determine what the monthly fee charged

to citizens would be, without knowing what the plan is. If the Storm Drainage Fund is going to be a separate Fund, then an impact fee study, incorporated into the Capital Improvement Plan, is necessary.

Lee Freeman: If the engineers were to give an estimate of a project, that project could be included in the Capital Improvement Plan.

Mayor Fritz: Do to time constraints; the discussion of these issues was postponed until the following Council Meeting on 4-8-03.

TRAFFIC SIGN
REPORT

The citizens that were interested in providing additional data on speeds on Park Drive were not present. The Mayor attempted to contact the spokesperson, Scot Sessions, but there was no response. Two citizens were present to address the Council: Cindi Ellis and Julie Jorgensen.

Julie Jorgensen: The speed limit signs seem to have slowed people down. She pointed out that the speed limit was to change from 25 mph to 30 mph at the City Park, heading west on Park Drive. It does not. Suggestion: to move the sign further east on Park Drive, closer to the Park. (The Council agreed.)

Cindi Ellis: Agrees with the removal of the stop signs on Park Drive. Mrs. Ellis does not believe speed should be regulated with stop signs. She does not agree with the decision to change the speed limit from 30 mph to 25 mph on Park Drive. She feels that those speeding will not obey the speed limit regardless of what it is. The key is enforcement during peak hours.

Sean Nielsen: He feels Park Drive is a residential zone and that 25 mph is an appropriate speed.

**ELK RIDGE
CITY COUNCIL MEETING
March 25, 2003**

TIME & PLACE
OF MEETING

The regular Meeting of the Elk Ridge City Council, scheduled for **Tuesday, March 25, 2003, at 7:00 PM;** was preceded by a **City Council Work Session at 6:00 PM & a Public Hearing at 6:10 PM,** on amending the 2002/2003 Fiscal Year Budget & Capital Improvement Plan. All interested persons were given an opportunity to be heard. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of the scheduled meetings & Public Hearing was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on March 21, 2003.

ROLL CALL

Mayor: Vernon Fritz; *City Council*: Sean Nielsen, Lee Freeman, Russell Sly (Absent: Gary Prestwich, Todd Jackson); *Administrative Assistant*: Ernestine Folks; *Sheriff*: Deputy Lea; *Public*: Cindi Ellis, Julie Jorgensen; and *City Recorder*: Janice H. Davis

INVOCATION &
PLEDGE OF
ALLEGIANCE

The Invocation was offered by Russell Sly and Cindi Ellis led those present in the Pledge of Allegiance.

AGENDA TIME
FRAME

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY
TO ACCEPT THE AGENDA TIME FRAME WITH AN ADJUSTMENT OF 15 MINUTES
VOTE: YES (3) NO (0) ABSENT (2) GARY PRESTWICH, TODD JACKSON**

*The Mayor moved several action items forward for a vote while the quorum in the Council was still present. Councilmember Nielsen had to leave the Meeting early and the remaining items for the Regular Session of the Meeting were postponed until the following Council Meeting.

AMENDED BUDGET 2002/2003 FISCAL YEAR Adoption:
MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY LEE FREEMAN TO ADOPT THE AMENDED BUDGET FOR THE 2002/2003 FISCAL YEAR, INCLUDING THE CAPITAL IMPROVEMENT PLAN, FOR THE OPERATION OF ELK RIDGE CITY
VOTE: YES (3) NO (0) ABSENT (2) GARY PRESTWICH, TODD JACKSON

SCHEDULE PUBLIC HEARINGS 1. Saunders/Vacation of Subdivision:
MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY TO SCHEDULE A PUBLIC HEARING FOR APRIL 22, 2003, AT 6:00 PM, ON THE PROPOSED VACATION & AMENDMENT OF SAUNDERS SUBDIVISION, PLAT "B"
VOTE: YES (3) NO (0) ABSENT (2) GARY PRESTWICH, TODD JACKSON

2. Vacation of Columbus Ln./Goosenest Subdivision, Plat "A":
MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY RUSSELL SLY TO SCHEDULE A PUBLIC HEARING FOR APRIL 22, 2003, AT 6:05 PM, TO CONSIDER THE PROPOSED VACATION OF LOT #2, PLAT "A", GOOSENEST SUBDIVISION & LOT #1, PLAT "A", LOMENTO SUBDIVISION; (INCLUDES THE VACATION OF A PORTION OF COLUMBUS LN. – GOOSENEST SUBDIVISION, PLAT "A")
VOTE: YES (3) NO (0) ABSENT (2) GARY PRESTWICH, TODD JACKSON

3. Vacation of Salem Hills Subdivision, Plat "A" - Kearns Subdivision, Plat "A":
MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY LEE FREEMAN TO SCHEDULE A PUBLIC HEARING FOR APRIL 22, 2003, AT 6:10 PM, TO CONSIDER THE PROPOSED KEARNS SUBDIVISION, PLAT "A", TO INCLUDE AN AMENDMENT OF LOTS #9 & #10, BLOCK 4, PLAT "A", SALEM HILLS SUBDIVISION
VOTE: YES (3) NO (0) ABSENT (2) GARY PRESTWICH, TODD JACKSON

4. Ordinance/Amendment to development code/Fences, Walls, Hedges:
MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY SEAN NIELSEN TO SCHEDULE A PUBLIC HEARING FOR APRIL 22, 2003, AT 6:15 PM, ON A PROPOSED ORDINANCE AMENDING SECTION 10-3-3.14 OF THE ELK RIDGE CITY CODE, REGARDING FENCES, WALLS & HEDGES
VOTE: YES (3) NO (0) ABSENT (2) GARY PRESTWICH, TODD JACKSON

BOARD OF ADJUSTMENT Member Appointment:
MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY SEAN NIELSEN TO APPOINT KATHLENE WILLIAMS TO REPLACE SCOT BELL AS A MEMBER OF THE BOARD OF ADJUSTMENTS
VOTE: YES (3) NO (0) ABSENT (2) GARY PRESTWICH, TODD JACKSON

WATER BOARD RESOLUTION Adoption:
MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY LEE FREEMAN TO ADOPT THE RESOLUTION CREATING AN ELK RIDGE CITY WATER BOARD AND PROVIDING FOR ITS COMPOSITION, POWERS AND DUTIES
VOTE: YES (3) NO (0) ABSENT (2) GARY PRESTWICH, TODD JACKSON

MINUTES 1. City Council Minutes of 2-11-03:
MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY SEAN NIELSEN TO APPROVE THE CITY COUNCIL MINUTES OF 2-11-03
VOTE: YES (3) NO (0) ABSENT (2) GARY PRESTWICH, TODD JACKSON

2. City Council Minutes of 2-25-03:
MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY TO APPROVE THE CITY COUNCIL MINUTES OF 2-25-03
VOTE: YES (3) NO (0) ABSENT (2) GARY PRESTWICH, TODD JACKSON

NEW EMPLOYEE/
FACILITIES
MAINTENANCE

Cindi Ellis has submitted her resignation from the position of Facilities Maintenance Employee. Councilmember Sean Nielsen, acting as Mayor Pro-tempore, spoke to and hired Rhonda Salcido to replace Cindi Ellis.

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY RUSSELL SLY TO ACCEPT THE LETTER OF RESIGNATION FROM CINDI ELLIS, WITH THANKS, AND TO HIRE RHONDA SALCIDO AS THE FACILITIES MAINTENANCE EMPLOYEE FOR THE CITY
VOTE: YES (3) NO (0) ABSENT (2) GARY PRESTWICH, TODD JACKSON

*See current wage breakdown in the job description.

DISCUSSION ITEMS FROM THE WORK SESSION/CONT.

DISCUSSION/
LEI ENGINEERING

Sean Nielsen: Was to discuss this matter with the Council; however, he would like to postpone this until the next Council Meeting to give him adequate time.

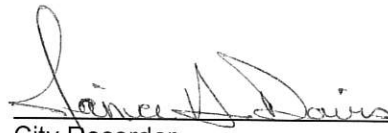
LAKEVIEW DRIVE
REPLACEMENT

Sean Nielsen: At the previous City Council Meeting Councilmember Nielsen feels he was misled with information. He would not have voted the way he did if the information available had been correct. "When Councilman Prestwich recommended that we re-do the study for this 'Lakeview Drive', I was told that LEI presented one option...a full-blown option...and that was it." (*Referring to a study performed by LEI Engineering on recommended repairs to Lakeview Drive.) In reading over the study, Councilmember Nielsen discovered LEI had listed three proposed options with three cost breakdowns for each option. The survey work has been done for the project. The cost of the study was \$1,850.00. He does not agree that the Council should have approved re-doing "something that has been done". He wants to "on the record" stating that he was misled. He suggested the Council review the study performed by LEI.

Mayor Fritz: The authorization has been given for RB&G to begin their study. He wants the project to continue with RB&G and he will share the rational on April 8, 2003. Councilmember Sly asked that the Mayor write up a memo concerning his views. The Council would also like to have copies of the previous study on Lakeview Drive in their folders.

ADJOURNMENT

Due to the lack of a quorum, the Mayor adjourned the City Council Meeting.



City Recorder

NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, April 8, 2003, 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. Discuss LEI Engineering – Sean Nielsen
2. Fire Hydrant Replacement – Sean Nielsen
3. Mountainland Assoc. of Governments/Planner – Contract – Mayor Fritz
4. Web Page/Discussion – Mayor Fritz
5. High Speed Internet – Gary Prestwich
6. Sewer Connection Fee – Sean Nielsen

7:00 - PM REGULAR COUNCIL MEETING AGENDA ITEMS:

- Invocation and Pledge of Allegiance
Approval/Agenda Time Frame
- 7:05 7. Water Impact Fee Study Update + Capital Improvement Plan - Sean Nielsen
- 7:15 8. Accessory Apt. Fee/Amend City Fee Schedule – Mayor Fritz
- 7:20 9. Storm Drainage Fund/Ordinance - Mayor
- 7:35 10. New Well Update –
 A. Bond Money from State (New Well)/Extension of Time – Mayor Fritz
- 7:40 11. Approval of New Employee/Facility Maintenance – Mayor Fritz
- 7:45 13. Appointment/New Water Board Members – Sean Nielsen
- 7:50 14. Expenditures:
 A. General:
 B. NR Hiatt Invoice/Loafer Canyon Rd. – Mayor Fritz
 C. Approval of Check Registers for Elk Ridge City
- 8:10 15. Approval of Minutes of Previous Meeting(s)
- 8:15 16. Joint Quarterly Meeting/Council & Planning Commission – Mayor Fritz
 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 4th day of April, 2003.

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 April 4, 2003.

City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
April 8, 2003**

**TIME & PLACE
OF MEETING**

The regular Meeting of the Elk Ridge City Council was held on Tuesday, April 8, 2003, 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 April 4, 2003.

6:00 PM

CITY COUNCIL WORK SESSION

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Sean Nielsen, Gary Prestwich, Lee Freeman, Russell Sly, Todd Jackson; *Administrative Asst.:* Ernestine Folks; *Sheriff:* Deputy Lea; *Public:* N.R. Hiatt; *(Absent: Jan H. Davis – City Recorder)*

**LEI ENGINEERING
DISCUSSION**

Sean Nielsen: Two Council Meetings ago, Councilmember Nielsen was given the assignment of contacting 3 engineering firms: LEI, Sunrise & RB&G, about the cost of a study to engineer the installation of a 10" water line, to upgrade the lines connecting to the new well. Lei & RB&G both gave the same advice; that a Capital Improvement Plan and an impact fee study are needed. This would give the City direction.

Since the City does not have a history with RB&G, he focused on information provided by LEI. Councilmember Nielsen wanted to attempt to explain his perspective on the relationship the City has with LEI. He feels many of the issues with LEI are somewhat beyond their control. They have attempted to respond to the requests of made of them by the City.

Issues:

- Lakeview Drive: Mr. Prestwich told the Council there was only one option presented by LEI, for the recommended road repairs. There were 3 options presented.
 - A. There was a cost difference between the previous cost estimate for the Project and the one received from LEI's update on the cost to repair Lakeview. The reason there was a difference is that the former Mayor requested a bid for the job, planning on utilizing City employees and the National Guard to remove the existing road. The new bid includes the added cost of having the road removal done professionally. (The City may still want to use the National Guard.)
Mayor Fritz: Commented that this was the first time the National Guard and employee labor had been mentioned to him. There is a problem with the National Guard...they cannot perform work that would compete with local contractors.
 - B. One issue was the difference in estimates for curb/gutter = \$7.50 plf
LEI produced bids on another project they are engineering in Santaquin...two of the bids are lower and two are higher than the one they turned in for Lakeview. The bid was fairly accurate, comparatively speaking.
(Mayor Fritz said the cost came in higher on the curb/gutter installed by the City.)
Councilmember Nielsen feels part of that was due to the way the Projects were handled.
- Recently it was approved to have LEI added to our insurance in an indemnity clause. The only reason they would need this type of insurance is if the City overrides their professional advice. Why would the City do that? A decision made by an engineering firm should not be overridden. But, it does happen. The result is this ongoing problem that any engineering firm would find it difficult to deal with.
The Council should be working off a Capital Improvement Plan. The engineers should be directed to update this Plan annually. However, this is not the process usually followed. The engineers are generally told to do individual studies on specific projects. Elected officials are not engineers. The Council identifies problems and issues, but should be working off of an established Plan. Problems arise:
 1. The Council spends a great deal of time "putting out fires", without making definite plans for the future. (He brought the current Capital Imp. Plan to show the lack of planning two or three years forward.)

Example: The Council is currently addressing the storm drainage issue. No fee study has been done. There is no Impact Fee Study related to it. Yet, the Council proposes to charge a fee to the residents. The Council is seeking to advise them which projects should be done and in which order, rather than being directed according to growth and existing needs...and asking the engineers which projects should be done.

Mayor Fritz: He has no difficulty in following Councilmember Nielsen's counsel; however, this is something that goes back to previous Administrations. He is willing to defer action until the necessary studies are in place. The subject of a storm drainage fee has been discussed for over a year. It is only now, when the Council has attempted to implement the fee, that these issues have been addressed.

The Mayor asked if Councilmember Nielsen is opposed to using RB&G as City Engineers. He responded, "No. My big concern is, no matter who we use we are not using them properly."

Sean Nielsen: LEI came to the City with a proposal to do an Improvement Plan & an Impact Fee Study at an estimated \$14,000 - \$16,000 to do the Study.

Mayor Fritz: Yes, initially. When the Mayor asked if the City would be credited for work already completed, they brought the price down to just under \$10,000.

Sean Nielsen: LEI felt the City did not approve the study because of the opinion that LEI was just trying to get more money for a larger study. By doing projects piecemeal, the City ends up paying more money in the long run.

Mayor Fritz: Remains adamant that the City change engineering firms, but in the right way. He feels the change is justified.

Sean Nielsen: There has been one project overseen by LEI since Councilmember Nielsen took office...that was the new well. It came in at \$30,000 under budget and on time. He feels it is difficult to justify changing engineers and saying that their performance "is not good enough". The other issues, which he has not been involved in, he found reasoning behind LEI's actions and feels the procedure was more at fault than the engineer.

Mayor Fritz: After approximately 1 ½ years of conversations with LEI, these reasons were not brought to light. It is the Mayor's belief that, when forced to, people will come up with rational behind their actions. It is not his intent to denigrate anyone; he just does not have the confidence in LEI at this time.

Russell Sly: He has issues with the way the new well proceeded. Councilmember Sly feels there were many "by the ways" regarding expenses associated with the new well.

In speaking with Mr. Haskell (Public Works), LEI neglected informing the well water sample had to go to the State prior to pumping.

Sean Nielsen: That is one of the issues he addressed with LEI, and they did take water samples in; but the State had begun using special bottles with a tablet in the bottom, for the samples. When LEI got the correct bottles, the driller had already finished and was not on site. True, LEI could have been better informed about the State's requirements.

Elk Ridge has also caused delays. The reason Elk Ridge pumped into the canal was that LEI was informed by the Public Works Superintendent that it would not be a problem to pump the water onto his uncle's private property.

Mayor Fritz: The Mayor did not agree. He said he was there when the test pumping was running into the canal and the owners of the canal shut the operation down. The Mayor spoke to them and got it reopened. This is the first time the Mayor has been informed that Mr. Haskell is suppose to be the "culprit". Mr. Mike Christianson told the Mayor they (LEI) had no choice; the water had to be pumped into the canal and if they would have contacted the owners of the canal, and had been refused...there would have been nowhere to divert the water from the test pumping.

Sean Nielsen: He in no way was referring to Mr. Haskell as the "culprit"; Mr. Haskell simply informed LEI that it was permissible to run the water over his uncle's land.

(The Mayor agreed that the landowner had agreed that the water could be run over his property.)

Mayor Fritz: Brought up the issue of the discrepancy between the estimated total cost of the well project and the actual cost. LEI claimed the cost came in about \$30,000 under the bid amount. It was \$12,200 that was saved. (Councilmember Nielsen maintained that, to date, the city has paid \$30,000 less than the loan was approved for.)

The Mayor accepts Councilmember Nielsen's assessment and recommendation that the procedure followed by the Council to implement capital projects need to be organized and planned for. He will work toward that end. He still recommends RB&G as the City's engineer.

Sean Nielsen: Understands. His biggest concern is "that the comments made about LEI are wrong". Previously formed opinions have concentrated on LEI's incompetence rather than on their ability...and these opinions were based on misinformation. After speaking directly to LEI, he has been given reasons and added information that has changed his opinion about their value as the City's engineers.

Gary Prestwich: Feels the Council was misled by LEI as to the necessity of having all the water rights proven up and in place, or the State could take action against the City and the City could lose a portion of its water rights. RB&G informed Mr. Prestwich that the State has never penalized a city or shut down its water system for not having the proper water rights in place.

Sean Nielsen: The City still needs the proper information and still needs to have the water rights proven up on, regardless of the consequences or lack thereof. All of this information goes back to the Capital Improvement Plan and Impact Fee Studies necessary to justify fees charged to individuals and developers. Planning is not a waste of time or money...it is a vehicle to keep the City on track. It is the City's responsibility to have things in order. (Councilmember Prestwich agrees that the studies are important, but the urgency is not necessarily an issue.)

The Councilmembers are not engineers and need the professional input to guide the City toward the right goals...short-term and long-term. This is not a question of "who's right"; it is a question of "what's right".

FIRE HYDRANT REPLACEMENT

Sean Nielsen: A faulty fire hydrant needs to be replaced. Councilmember asked if Mr. Haskell had completed the replacement.

Mayor Fritz: The Mayor meets with Mr. Haskell (Public Works) every week.

Mr. Haskell said he would not have the time to do the project during regular working hours if the Council were in a hurry, but could address the work as a private contractor after hours. The Mayor is inclined to pay Mr. Haskell overtime and have the job done during regular working hours with the city-owned backhoe. He recommends having the work done during the summer sometime.

Sean Nielsen: Feels the project should be a priority. It would only take a couple of days to install the hydrants. He also agrees the work should be done during City hours. (The Mayor and Council agree.)

The new Fire Chief is also concerned about a hydrant on W. Salem Hills Drive, which has been inoperative for about two years. The damage could have been caused during installation. The Mayor would like a breakdown of the costs associated with replacement. Perhaps these costs will be billed back to those who installed the hydrant.

Gary Prestwich: Feels it would be best to have an "outside" firm do the work on replacing the hydrants.

Mayor Fritz: Suggested having the paperwork presented to Mr. Grant and Mr. Mecham (Installers) to determine responsibility.

MOUNTAINLAND ASSOC. OF GOVERNMENT

Mayor Fritz: Mountainland Association of Governments (MAG) wants to know if the City would like to increase the time Jim Bolser (Planner) works with Elk Ridge.

They are in the middle of their budget process for next year and need to know if they should budget an increase in charges to the City. Currently he is in the office on Thursday afternoons. Mr. Bolser has told the Mayor that he does a great deal of his work for the City in his office at MAG. Mr. Bolser feels he is putting in more time than he is being paid for. The Mayor desires fairness to both parties involved in the agreement. When asked how much more time Mr. Bolser would need, he responded that we could double the amount of time and he would still need more time. The City is currently paying about \$10,000 annually to MAG for the "Circuit-Rider" services provided. The time will not be "doubled". Mayor Fritz requested what the incremental cost per hour would be. Mr. Bolser will provide this information to the Mayor. Mr. Bolser currently spends four hours each Thursday at the City Office + three hours twice/month for Planning Commission Meetings.

Ernestine Folks: Questioned what area Mr. Bolser noticed an increase in hours? Would it be in the area of Zone Administration?

Gary Prestwich: Is the City getting \$10,000 worth of service currently?

Lee Freeman: Councilmember Freeman feels an accounting of his time and how it is spent might give the Council a better idea if increased hours would be necessary.

Mayor Fritz: The Mayor will gather additional information and bring a recommendation back to the Council.

WEB PAGE/
DISCUSSION

The domain name was lost. The name of "Elk Ridge City" has been submitted with the State of Utah, at no cost to the City. Hosting services will have to be paid for. Councilmember Nielsen's sister works at an Internet company and may be able to get the service for the City at \$20/month (regularly \$30/month).

HIGH SPEED
INTERNET

Gary Prestwich: Is still having difficulty deciding which company to go with for service.

There are problems with the proposed contract with Broadband. Councilmember Prestwich feels they are asking for too much money. They have been confusing to deal with. There is another local company called "Raw Speed" that he is contacting and will keep the Council informed.

SEWER
CONNECTION FEE

Sean Nielsen: The City Recorder brought this matter to the attention of Councilmember Nielsen...currently, the City charges a "sewer connection fee" of \$200 on every building permit. These fees must be based on legitimate costs. There is no cost to the City, except administration of the account once a resident is connected to the system. The fee needs to either re-named or eliminated. (Ernestine Folks submitted a breakdown of what is included into the charges: 1) Set up Fee for a new account, 2) Fee for an inspector & Inspector's vehicle, 3) Service lateral "as-builts".)

The inspections are covered under the building permit fee. Administration and "as-builts" are the only things the City could charge for. "As-builts" on existing lots could be provided by the City.

Todd Jackson: It is common to charge administration fees for new accounts.

*The Mayor asked that Councilmember Sly have additional information by the next Council Meeting.

NON-AGENDA
ITEM

Sean Nielsen: Does any action need to be taken on the issue of "capping-off" Well #5?

Mayor Fritz: The Mayor has instructed Mike Christiansen (LEI) about Kent Haskell "spot welding" on site. LEI is in the process of closing off the contract with Beeman Drilling. The advantage to preserving the well as a "monitoring well":

- The City will not have to "plug" the well (fill up), which is a savings of \$12,200.

**ELK RIDGE
CITY COUNCIL MEETING
April 8, 2003**

TIME & PLACE
OF MEETING

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ROLL CALL

Mayor: Vernon Fritz; City Council: Sean Nielsen, Gary Prestwich, Lee Freeman, Russell Sly, Todd Jackson; Administrative Asst.: Ernestine Folks; Sheriff: Deputy Lea; Public: N.R. Hiatt; (Absent: Jan H. Davis – City Recorder)

INVOCATION
PLEDGE OF
ALLEGIANCE

Invocation was offered by Lee Freeman; after which, Sean Nielsen led those present in the Pledge of Allegiance.

AGENDA TIME
FRAME

**MOTION WAS MADE BY TODD JACKSON AND SECONDED BY GARY PRESTWICH
TO APPROVE THE AGENDA, ADJUSTING THE TIME FRAME BY 15 MINUTES
VOTE: YES (5) NO (0)**

WATER IMPACT
FEE STUDY

Sean Nielsen: He hopes to bring to a vote his proposal of having LEI Engineering finish out his proposal of having LEI Engineering continue with the rest of the Water Impact Fee Study and Capital Improvement Plan. He needs the information to be able to effectively carry out his obligations as the Dept. Head over the Water Dept. Councilmember Nielsen feels it would be redundant to have another firm do an Impact Fee Study when LEI has already done a portion of the required work on the project.

Mayor Fritz: Reported that Ernestine Folks recalled that Mountainland Association of Governments (MAG) performed the City's Park Impact Fee Study at no actual cost to the City, except for paying for some engineering. The suggestion was to have the Mayor meet with Andrew Jackson at MAG to determine if this would be a possibility. The Council would benefit from reviewing a copy of a water/sewer impact performed by MAG.

The Mayor could also ask Mr. Jackson what engineering costs would be involved to provide them with the necessary information.

The Mayor feels it would be prudent to pursue this with MAG, to have a comparison with the other proposals for the study. Another firm has expressed interest in presenting a proposal for an impact fee study.

Mayor Fritz advised having the same firm do both the Water and the Sewer Impact Fee Studies.

Sean Nielsen: Expressed concern about obtaining regular updates to the studies. Would MAG be able to accommodate the City in this? If engineering were required, wouldn't it be more cost effective to just have the engineering firm do the study? Some administrative costs might be avoided, but it appears the engineering costs will still be a factor.

Mayor Fritz: Will follow up on contacting MAG and get back to the Council by the next Meeting.

*The Council was in agreement that a comparison between firms would be beneficial.

1. Ernestine Folks: The issue of fees charged for accessory apartments was placed on the City Council Agenda in November, 2002. When the water rates were changed, the Council did not amend the rates to be charged to owners of accessory apts.

Stewart Jolley (then the Planning Commission Chairman) calculated the sewer & water impact fees charged to owners of accessory apts. The Sewer Impact Fee was calculated at 1/2 of the regular fee. The Water Impact Fee (\$421) is at 14% of the regular fee (\$3005); and the Park Impact Fee (\$464) is 1/3 of the full Park Impact Fee. It is unclear as to the method one would use to calculate these fees for the accessory apts. Mr. Jolley no longer has the information available on his computer. His thinks the calculations have something to do with the number of people in the family. Mrs. Folks recommends leaving the impact fees for the accessory apts. as they are for now. When the updates are done on the Impact Fee Studies, these fees should be recalculated.

Gary Prestwich: Why not replace dollar amounts with straight percentages? Then when the Impact Fees are changed, these fees would automatically change.

Ernestine Folks: Is not sure how these can be figured. There are set formulas in figuring the Impact Fees. The fees are dependent on the impact the particular dwelling will have on the system.

Sean Nielsen: This issue is a good example of not being able to justify the reasoning behind the fees being charged.

Todd Jackson: Added that the current fees could probably be "retro-fit" with solid reasoning based on usage. Since a dwelling is going to use a good portion of water on outside watering, additional people may not impact the water as significantly as the sewer.

Mayor Fritz: Another element to consider is that Accessory Apts. help meet the requirement for "Affordable Housing". He feels this should be encouraged. The fees should not be so high so as to discourage Accessory Apts.

Russell Sly: It is unclear in his mind how the status of "Accessory Apt." is determined. What is the difference between that condition and additional people living in a home? Enforcement seems to be difficult.

Sean Nielsen: Recalled that the last time this matter was on the Agenda, the Council discussed eliminating the impact fees altogether, and perhaps charging an annual fee for having an Accessory Apt.

ACCESSORY
APARTMENT FEE/
AMEND CITY
FEE SCHEDULE

This would generate annual revenue and be much more affordable than expensive impact fees. This would treat having an Accessory Apt. like a home business, with a required permit and an annual fee.

Russell Sly: Feels an element of error is being introduced in that Impact Fees and future planning is based on the number of connections, not on population; Accessory Apts. are considered to be a single connection, regardless of the number of people in the dwelling. Future planning for such things as Impact fees, disasters, etc. would be based on erroneous figures.

Gary Prestwich: Feels the ordinance is "unenforceable" the way it is written. Strict regulations should be applied when the home is built. A basement with a separate entrance with a bathroom & kitchen, would qualify as an "accessory Apt". The City could charge an affordable amount (perhaps \$30/year) to all homes meeting the standard.

(Lee Freeman disagrees...there are homes which meet this description that are not being used to house additional people and are not "Accessory Apts".)

Ernestine Folks: If the City Code is amended to define "Accessory Apt." differently, the Planning Commission would be involved. If the fees are amended, the Planning Commission would not be involved. The Council would accomplish this by resolution.

Russell Sly: Requested a copy of the portion of the Code dealing with Accessory Apts.

*(The Mayor asked Mrs. Folks to provide copies of the Accessory Apt. portion of the Code to the Councilmembers. She agreed.)

The Council will reconsider this matter at the next Council Meeting.

Ernestine Folks: Jim Bolser (City Planner) and she noted that the City does not have a "Conditional Use Permit Fee" in place. There should be. Santaquin charges \$150 as their fee. No action on deciding on the amount of the fee is to be taken until the amending resolution is before the Council.

NR HIATT
INVOICE
(Moved Forward
on Agenda)

This is concerning a previously billed invoice regarding work done (hauling off pulverized asphalt on Loafer Canyon Rd.) by Mr. Hiatt. (The original invoice was date 10/15/2001, Invoice #258.) By order of the City

The Council at the time, the bill was place on permanent "hold" and not to be paid. The reasoning behind the Council's decision was based on mistakes made installing the main sewer line, which cost the City over \$16,000 to correct. Whether the fault was on the part of Mr. Hiatt, the Engineers or the City remains unclear.

Letter from LEI (dated 3-25-03):

(Suggested solution...copy provided to Mr. Hiatt by the Mayor)

1. A portion of the pulverization work would normally be considered incidental to the installation of the sewer trunk line work.
2. Noel Hiatt should provide for the pulverization necessary to construct the sewer main.
3. The City could be responsible for the pulverization cost outside the boundaries of the sewer main trench.
4. The City's portion should not exceed 50% of the total \$4,980 cost.

Since LEI was not involved directly with the City's arrangements with Mr. Hiatt, the agreement could have differed from the suggestions above.

Noel Hiatt: He was involved with Robert Nelson in the Loafer Ridge Subdivision improvements. The sewer line was brought from the main trunk line by Kim Christensen's, east to Loafer Canyon Rd., then south on Loafer Canyon Road. He had only dealt with Gary Bowen (previous Mayor Pro tempore) on doing the work. Other than the written estimate for the sewer line and the roadwork, the arrangements were verbal. He felt there were "no problems in doing the sewers". Two bids were included: 1 for the sewer installation 2. Roadwork. (gutter, storm drain, etc.) He had no mold for the style of gutter designed for Loafer Canyon Rd. at that time. He went to Mr. Bowen to be sure he had the job before ordering the mold (over \$3,000). He confirmed to Mr. Hiatt he had the job. The sewer line was completed about July, 2001. Other contractors were hired to install the laterals on Loafer Canyon Rd. This was completed by about mid-August. Mr. Bowen was anxious to begin the rest of the work.

The first item on his agenda was to pulverize the road, which would have made a suitable sub-base for the road. A pile of dirt from lateral installation was left by the road. That was hauled off and the road the pulverized road was graded off.

At this point, (3 days into the project) Ernie Thornton came to Mr. Hiatt and informed him they needed to get other competitive bids.

He had experienced problems achieving the correct compaction with the sewer line. There were many problems associated with the job. He requested of Mr. Thornton to be paid for the work completed to that point and he (Mr. Hiatt) would just walk away from the job. He left a copy of the bill to Geneva Rock for \$4,200 + cost for grading and hauling. Some time after that, Mr. Thornton came back to Mr. Hiatt and asked him if he would install the storm drain. Mr. Hiatt refused, saying it had been a "package deal". He still has a \$3,000 gutter mold in the crate. He has never been paid for the rest of the work completed for the City.

Mayor Fritz: Asked Mr. Hiatt if he had any recollection of Mr. Bowen's order not to pay him.

Mr. Hiatt responded that he did not, unless it was tied to the "extras" on the sewer main.

The Mayor also quoted from the Council Minutes of 10-23-01, "Mayor Pro-tem Bowen informed the Council that the City would not be paying any part of the invoice to Noel Hiatt until the corrections are made by LEI and Noel Hiatt".

Todd Jackson: Commented that since this issue is consistent with other situations pertaining to the Loafer Canyon Road project, that he sees no reason not to believe Mr. Hiatt.

Sean Nielsen: Mentioned that this is yet another example of why clearly written contracts for City projects are so important. He also agrees with Councilmember Jackson and feels Mr. Hiatt should be paid for his work.

Gary Prestwich: He either did the work or he didn't. He feels the entire amount should be paid, or pay him nothing. Why 50%, as suggested by LEI?

After much discussion, it was decided that action on this matter would be postponed until the next City Council Meeting. The Mayor still had some unanswered questions.

STORM DRAINAGE FUND/ORDINANCE

Mayor Fritz: The City's Attorney (David Church) was asked to write an ordinance establishing a Storm Drainage Fund, which would establish fees for storm water services. Copies of the proposed ordinance were in the Council's packets for review.

Review (Mayor):

Pg. 1: *Findings on Storm Water Runoff Harm...*(Last sentence):

The Mayor feels this is too general and does not apply to Elk Ridge.

Pg. 2: *Purposes and Objectives...*(2, RE: Application of rates & charges)

Question to Mr. Church: Are the homes with curb/gutter of one class vs. homes with gravel shoulders a second class? Mr. Church's response: "Yes, that is absolutely the case".

An argument made by a resident that they had already paid for storm drainage, was presented to Mr. Church: he replied that this has nothing to do with that. This has to do with maintenance and handling of runoff...it is two separate issues. Paying for curb/gutter does not relieve residents from being charged a "storm drainage fee".

Question: Should the Church be considered another class? (No, leave it at 2 classes.)

Todd Jackson: Seeking clarification...Residents with curb/gutter would be paying more than those without?

Mayor Fritz: That is his understanding, because they have more runoff due to water being channeled than those with graveled shoulders.

Todd Jackson: Added, that curb/gutter channels the runoff to sumps and retention basins, so why should residents with curb/gutter pay more?

Gary Prestwich: Responded that the City has to maintain those sumps...that maintenance incurs cost.

Todd Jackson: How can they be assured that the extra money paid by those with curb/gutter will only be applied to maintenance of sumps? Would that revenue not be used on repair of roads that have damage due to runoff, or dressing the sides of the roads? He does not mind paying his share, but feels there should not be different levels of assessment.

Russell Sly: Agrees with Councilmember Jackson. He does not agree with two rate structures.

Discussion followed about various problems with run off.

Mayor Fritz: There were still too many questions to come to any decision that night. He will contact the engineers to get a recommendation. He will bring the information back to the next Council Meeting.

*Russell Sly: Added that he would like to enlist the assistance of all the Councilmembers to report any incident of construction mud and debris in the gutters and roads to the City's Building Inspector. He will red-tag them and shut them down until the mess is cleaned up.

NEW WELL
UPDATE

Mayor Fritz: The City Recorder spoke to Mr. Michael Georgeson (State Drinking Water Board) to ask about using the extra bond money from the Well Project:

1. There would not be any significant problem in applying the money to the upgrade of the connecting water lines.
2. The City could easily get an extension for the use of the money.

Until the engineering study is done, the cost of the proposed project is unknown.

Sean Nielsen: The bigger concern is getting an over-all Impact Fee/Capital Improvement Plan Study done to determine what the projects should be.

Mayor Fritz: Intends on meeting with Ernestine Folks and Jan Davis to see what their opinions are about what needs to be done, then meet with an engineering firm and get their ideas...after which, he will bring that information to the Council.

FACILITY
MAINTENANCE
EMPLOYEE

Mayor Fritz: Rhonda Salcido had previously been approved by the City Council to fill the position of Facilities Maintenance Employee. She has since decided the job would not work out for her and plans to be gone out of town on weekends. Kris Bluth also applied for the job. Councilmember Nielsen directed the City Recorder to call her and offer the position to her. She gladly accepted.

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY LEE FREEMAN TO APPOINT KRIS BLUTH AS THE FACILITIES MAINTENANCE EMPLOYEE

VOTE: YES (5)

NO (0)

APPOINTMENT/
WATER BOARD
MEMBERS

Sean Nielsen: The Water Board members are to be appointed by the Mayor. He may assign another member of the Council. The Mayor needs the list of names to be appointed.

The City Recorder has the list of names. There are 6 positions open and 6 individuals who turned in their names. Councilmember Nielsen recommended Barry Bradshaw to be the Chairperson for the Board.

Mayor Fritz: Feels one of the main duties that should be assigned to the Water Board would be in the area of water conservation.

Russell Sly: Questioned if there would be watering restrictions imposed during the summer months.

Sean Nielsen: In his opinion, if a serious need should arise, then restrictions would be imposed. "It is a double-edged sword. If we have the water, we need to sell it. We need the revenue."

Gary Prestwich: The "conservation program" for the City is the rate structure.

Ernestine Folks: Other communities are taking a long-range approach by promoting methods of conserving water.

Mayor Fritz: Will get the list of names and poll the Council to appoint the Water Board members.

EXPENDITURES:

General: No General Expenditures

Approval of Check Registers:

MOTION WAS MADE BY TODD JACKSON AND SECONDED BY GARY PRESTWICH TO APPROVE THE CHECK REGISTERS FOR JANUARY, FEBRUARY & MARCH, 2003

VOTE: YES (5)

NO (0)

MINUTES

City Council Minutes of 3-11-2003:

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY SEAN NIELSEN TO APPROVE THE CITY COUNCIL MINUTES OF 3-11-2003

VOTE: YES (4)

NO (0)

ABSTAIN (1) LEE FREEMAN (Was not at the Meeting of 3-11-03)

JOINT MEETING
PLANNING
COMMISSION/
CITY COUNCIL

Lee Freeman: The Planning Commission has been concerned that the joint meeting has not happened, as planned. The suggestion was to have the Meeting in conjunction with the Envision Utah presentation about "water conservation". (It was suggested to invite the Water Board, as well.) The Meeting will take place on May 1, 2003, at 7:00 pm.

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

CITY COUNCIL MEETING

April 22, 2003

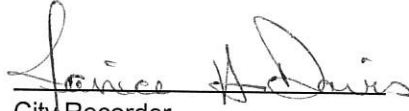
The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 21st day of April, 2003.



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 April 15, 2003.



City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
April 22, 2003**

**TIME & PLACE
OF MEETING**

The regular Meeting of the Elk Ridge City Council, scheduled for **Tuesday, April 22, 2003, at 7:00 PM;** was preceded by a **City Council Work Session at 6:30 PM & four Public Hearings,** for the purpose of hearing public comment regarding the following: **The first Public Hearing, held at 6:00 pm,** was on the vacation & amendment of Saunders Subdivision, Plat "B" (to remove wording off the Plat); **The second Public Hearing, at 6:05 pm;** was on the vacation of Lot #2, Plat "A", Goosenest Subdivision & Lot #1, Plat "A", Lomento Subdivision; **The third Public Hearing, at 6:10 pm,** was on the vacation of the Kearns Subdivision, Plat "A" & included the amendment of Lots #9 & #10, Block 4, Plat "A", Salem Hills Subdivision; **The fourth Public Hearing, held at 6:15 pm,** was on a proposed ordinance amending section 10-3-3.14 of the Zoning Ordinance, concerning fences, walls & hedges. All interested persons were given an opportunity to be heard. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of the scheduled meetings & Public Hearing was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on April 15, 2003.

6:00 PM

1. PUBLIC HEARING/VACATION – SAUNDERS SUBDIVISION, PLAT 'B'

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Sean Nielsen, Lee Freeman, Russell Sly, Todd Jackson (Absent: Gary Prestwich); *Administrative Assistant:* Ernestine Folks; *Public:* Alan & Annebel Meredith, Dayna & Alan Hughes, James & Ann Kearns, Alton & Nancy Ekins, Jack Mason, Bryan Murray, Phillip & Allison Thaut, Robin Money, Stanley & Sherrie Woodward, Brian Thaut, Michael Murray, George Thaut, Shantel Woodward, Jeanette Gunnell and *City Recorder:* Janice H. Davis

At 6:00 pm, Mayor Fritz opened the Public Hearing on the proposed Vacation & Amendment of Saunders Subdivision, Plat "B", to remove wording from the Plat.

Ernestine Folks: (Memo to Council)

On the previous plat, Plat "B", there was a notation that was inappropriate. In order to remove the notation from the plat, there has to be a plat vacation. The only change is the removal of that notation. The inappropriate notation referred to the portion of the lot to the west of the natural drainage easement being non-irrigatable.

At the time a building permit was issued, the Saunders were required to convey sufficient water rights for the entire lot, and now need to amend the subdivision plat to remove the notation.

Jim Bolser reviewed the plat and the City engineer has signed the plat and staff's recommendation to the planning commission was to recommend approval by the City Council.

On March 20, 2003, the Planning Commission recommended to the City Council to approve the Saunders Subdivision, Plat "C", and the vacation & amendment of Saunders Subdivision, Plat "B".

There was no public present to be heard on this matter.

At 6:05 pm, Mayor Fritz closed the Public Hearing.

6:05 PM

PUBLIC HEARING/VACATION – GOOSENEST SUBDIVISION, PLAT "A"; LOMENTO SUBDIVISION, PLAT "A" & A PORTION OF COLUMBUS LN.

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Sean Nielsen, Lee Freeman, Russell Sly, Todd Jackson (Absent: Gary Prestwich); *Administrative Assistant:* Ernestine Folks; *Public:* Alan & Annebel Meredith, Dayna & Alan Hughes, James & Ann Kearns, Alton & Nancy Ekins, Jack Mason, Bryan Murray, Phillip & Allison Thaut, Robin Money, Stanley & Sherrie Woodward, Brian Thaut, Michael Murray, George Thaut, Shantel Woodward, Jeanette Gunnell and *City Recorder:* Janice H. Davis

At 6:05 PM, Mayor Fritz opened the Public Hearing on the proposed vacation of Lot #2, Plat "A", Goosenest Subdivision & Lot #1, Plat "A", Lomento Subdivision (Including vacation of a portion of Columbus Ln.)

Ernestine Folks: (Memo)

The City initiated the vacation of Columbus Ln. The previous Administration was of the opinion that the section of Columbus Ln. north of Oak Ridge Dr. should be vacated because of the steepness of the future road when extended further north. The property owners, Blouin & Ekins, adjacent to that portion of Columbus Ln., were told the City would vacate and convey the portion of the street being vacated to the two of them.

Both Ekins & Blouins have given their written consents to the vacation of that portion of Columbus Ln. adjacent to their properties. The plat has been drawn and prior to the Council approval of the plat, the Council will schedule a public hearing and find that no one will be materially injured by the vacation. Property owners within 300' have been provided with notice of that public hearing.

Planner, Jim Bolser, informed the Planning Commission that he and the City engineer have reviewed the proposed plat and recommend approval contingent upon the outcome of the council public hearing.

On April 3, 2003, the Planning Commission recommended to the City Council to approve the Blouin-Ekins Subdivision, Plat "A" (a vacation of Lot #2, Plat "A", Goosenest Subdivision, & Lot #1, Plat "A", Lomento Subdivision (Includes the vacation of a portion of Columbus Ln. – Goosenest "A"), subject to the Council holding a public hearing.

Mayor Fritz: There has been a protest to this proposed vacation & amendment based on a one-time commitment, at the time of approval of Haskell Subdivision, Plat "J", to install a public trail from the Haskell Development up to Oak Ridge Ln. and the upper portions of Elk Ridge. Safety became an issue due to the slope of the area as well as the trail creating other problems with motored bikes, skateboards, ATV's, etc. There were also discussions about not having the right-of-way at all.

Mr. Blouin was cut off from using his driveway & garage due to the excavation that had taken place. He asked for permission from the previous Administration to extend his driveway out to the east and south to access Oak Ridge Drive. He was given permission, but the driveway was installed prior to the actual vacation of the property. The only place for a trail would be on the Ekins' property. The purpose of the Public Hearing is to give the public an opportunity for input to the Council.

Todd Jackson: Contacted the Ekins and they were fine with having the trail on their property; however, as Councilmember Jackson and the Ekins walked down the hill, they discovered how steep the slope is and felt it would be unsuitable for a trail. If a trail were to access that portion of Elk Ridge, he recommends that it would be better placed along N. Park Dr. where the slope is gentler. This was the reasoning behind the recommendation to vacate the road between the Blouin's & Ekins'.

The Trails Committee meets for the first time on Wed., April 23, 2003, and will be discussing plans. How much is completed will depend on the availability of money.

Ernestine Folks: Commented that both the Blouin's & the Ekins' have given their written consent for the vacation and amendment to the current subdivision.

At 6:13 pm, Mayor Fritz closed the Public Hearing.

6:14 PM

PUBLIC HEARING/KEARNS SUBDIVISION – VACATION OF SALEM HILLS SUBDIVISION, PLAT "A"

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Sean Nielsen, Lee Freeman, Russell Sly, Todd Jackson (Absent: Gary Prestwich); *Administrative Assistant:* Ernestine Folks; *Public:* Alan & Annebel Meredith, Dayna & Alan Hughes, James & Ann Kearns, Alton & Nancy Ekins, Jack Mason, Bryan Murray, Phillip & Allison Thaut, Robin Money, Stanley & Sherrie Woodward, Brian Thaut, Michael Murray, George Thaut, Shantel Woodward, Jeanette Gunnell and *City Recorder:* Janice H. Davis

At 6:14 pm, Mayor Fritz opened the Public Hearing on the proposed Vacation & Amendment of Salem Hills Subdivision, Plat "A", Block 4, Lots #9 & #10, & the Approval of Kearns Subdivision, Plat "A".

The Mayor announced to those present, "Decisions of a quasi-judicial nature are required by law to be made on substantial evidence alone. In short, quasi-judicial decisions must be made on fact and hard evidence, and legislation can be based on opinion, as to what is best for the general good. Under those circumstances should any public comment be received in any way when dealing with a quasi-judicial matter?"

The Council set the Public Hearing, which falls under this category of *quasi-judicial*. The conflict lies in the question of the appropriateness of public comment. "Affected persons" will be allowed to speak. There will be no arguing over matters; the Council was present to *receive* information from the public. Any action was reserved for a later time. The Mayor is simply trying to keep the proceedings as "legal" as possible.

The Mayor and Councilmembers Prestwich & Sly went to the site in question and walked it at length; Councilmember Freeman is also familiar with the property.

Ernestine Folks: (Memo)

On March 20, 2003, the Elk Ridge Planning Commission made the motion to recommend approval of the Kearns Subdivision, Plat "A", which included the amendment of Lots #9 & #10, Block 4, Salem Hills Subdivision – Final Plat, subject to the contingencies as outlined in the letter from Jim Bolser (City Planner).

Mr. Bolser's findings, as listed in letter dated 3-10-03, were included in the packets to the Council, as well as a letter of approval from Mike Christianson at LEI Engineering.

The conditions listed in Mr. Bolser's letter have been met by the Kearns'.

Many of the residents of Fremont Way (within 300' of the proposed Subdivision) submitted written protests to the proposed Vacation. Some asked to be heard at the Public Hearing.

Mr. Phillip Thaut acted as spokesman for the group of concerned citizens who were present.

Phillip Thaut: (RE: Impact on the neighborhood)

Mr. Thaut expressed concern about the changes proposed by Mr. Kearns. He and others perceive a negative impact of the surrounding neighborhood. The Thauts purchased their property in 1989 for the singular purpose of the quality of life to be enjoyed in the area. Elk Ridge has a "connotation" to it: the wild life, the outdoors, the quietness and serenity. At the time the Thaut's purchased their lot, they were concerned about the lot to the south of them (then owned by Tom Tervort and currently owned by Mr. Kearns). The Thaut's were informed at that time the adjacent lot could not be subdivided because it would not have sufficient frontage, it was not large enough to meet the requirements of the City. On this basis, the Thaut's went forward, purchased their lot and built on it. Mr. Thaut was considerate to his neighbors as he built his home and showed them their house plans (including retaining walls and fill dirt). He wanted to make sure they were "comfortable" with his plans before he proceeded. He believes this process to have been "flawed". In many communities neighborhood input is one of the first requirements before the Planning Commission considers a subdivision amendment. He feels he has not had sufficient time to hire outside consultation to investigate the issues. He is concerned with the type of home that would have to be built on that property. He also feels that the narrow strip of land at the back of the property was added simply to meet the 15,000 square foot requirement for the Zone, since it extends down the side of the hill and is not buildable. "It really adds nothing to the size of the property."

Elevation is another concern. How much fill would be required to provide sufficient slope for sewage removal? The possibility of flooding from run-off should be considered.

His main concern is with aesthetics! Mr. Thaut then read from the "Legislative Intent" of the Elk Ridge Zoning Ordinance for the R-1-15,000 Zone (Section 10-5-2.1), with his main point being that the "Zone is characterized by spacious lots, uncrowded buildings, and quiet residential conditions favorable to the rearing of children". He feels this addresses the "aesthetics" and quality of life in Elk Ridge. He does not wish to question the intentions of Mr. Kearns; he realizes that Mr. Kearns is attempting to maximize his investment.

If the Council votes to approve this amendment, Mr. Thaut feels they are in material breach of the Legislative Intent of the Zoning Ordinance.

The property configuration places a portion of the proposed lot "almost up to the front door of the house that resides on that property at this time". The existing house was not positioned on the lot to accommodate two lots. It would create a "crowded condition".

In Mr. Thaut's opinion, it is the Council's responsibility to consider the "over-site" of the Planning Commission. They may meet the technical qualifications to amend the subdivision, but he feels that they violate the Legislative Intent of those Ordinances and that the regulations have been manipulated from what they were intended to provide for.

It is Mr. Thaut's understanding that the Council is bound to accept the Planning Commission's recommendation.

(Mayor Fritz added that the City Council is not bound to accept the recommendation of the Planning Commission. They do, however, have to take into consideration whether a proposed lot meets the legal definition of a "lot".)

Mr. Thaut again makes the point that, it only meets the definition in the technical aspect; but it violates the intent. He said he was not trying to "impugn the integrity of the Council", but he wants them to strongly consider what the Legislative Intent states. The "Spirit" of the legislative intention is not being met.

Suggestion: (a "Win-win" opportunity) This area could be dedicated as a community park. There would be tax advantages for Mr. Kearns. The property value of the existing home would be enhanced. Mr. Thaut would personally be willing to contribute money to the development of this kind of project. Even though Mr. Kearns does not live in this Community, he has a responsibility to the neighborhood and to add to the quality of life here.

Mr. Kearns did not wish to address the Council.

Mayor Fritz opened comments to the Public:

Dayna Hughes: Agrees with Mr. Thaut that this proposed action violates the "Spirit" of the Law. She does not feel the intent for this parcel of land was to have two houses on it. Adding the "elongated piece to the back of the lot = the correct amount of square footage, but she feels the integrity of the street is violated. She also has concerns about the installation of sewer/water connections after the residents of Fremont Way have paid a lot of money to have their road repaired as it is currently.

Bryan Murray: Also agrees with Mr. Thaut. The "norm" for this part of Elk Ridge is spacious lots and open area. About 25% of the lot extends down the hill and is only useful to bring up the square footage of the lot. He feels the system has been "geri-rigged".

Alan Meredith: Would like the record to state that he supports what Mr. Thaut and the other residents have said. He is concerned with the "jiggling" of the property lines and how close they come to the front of the existing house. If a fence were installed to divide the two lots, he feels it would be "impossible" to sell the existing home. He also feels this is a violation and manipulation of the property lines to provide sufficient square footage and to meet the "letter of the law". He is opposed to the proposed vacation.

Brian Thaut: For the record, he agrees with everything stated by other residents that are against the proposed vacation. He feels the original builder of the existing home intended the placement of the home to preserve not only that lot, but to prevent any other lot from being created. He is of the opinion that the rules and regulations have been changed and he cannot accept this. He is concerned with the safety of the land below the level of this proposed lot after fill dirt has been brought in and construction has taken place.

Robin Money: She would like to go on record as agreeing with what has been stated by Mr. Thaut and the other residents. If another house were put between the existing home and Mr. Thaut's, it would be too cramped and too crowded. It would not fit with the way the Community looks and could detract from selling homes in the area.

Jack Mason: Supports Mr. Thaut's statements. He asked about the setbacks between the lots. (The Mayor stated that the proposed Kearns Subdivision meets all required setbacks.)

Alan Hughes: Agrees with statements by the other residents. He added that the previous Administration assured the residents of Fremont Way that the street would not be torn up to accommodate another lot in that location. He is adamantly opposed to this proposed action.

Mayor Fritz assured those present that the Council has given this matter much thought and will continue to do so. The Public Hearing was closed on the proposed vacation and amendment of Salem Hills Subdivision; Plat A, and the proposed approval of the Kearns Subdivision.

PUBLIC HEARING/ZONING ORDINANCE AMENDMENT – FENCES, WALLS & HEDGES

Mayor Fritz opened the Public Hearing on a Proposed Ordinance amending Section 10-3-3.14 of the Zoning Ordinance, providing clarification of provisions regarding fences, walls & hedges, their placement, and the enforcement of such provisions.

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Sean Nielsen, Lee Freeman, Russell Sly, Todd Jackson (Absent: Gary Prestwich); *Administrative Assistant:* Ernestine Folks; *Public:* Alan & Annebel Meredith, Dayna & Alan Hughes, James & Ann Kearns, Alton & Nancy Ekins, Jack Mason, Bryan Murray, Phillip & Allison Thaut, Robin Money, Stanley & Sherrie Woodward, Brian Thaut, Michael Murray, George Thaut, Shantel Woodward, Jeanette Gunnell and *City Recorder:* Janice H. Davis

Ernestine Folks: The Planning Commission addressed the amendments to this section of the Ordinance thoroughly; focusing on the heights of fencing in Elk Ridge. The maximum heights of a fence would be changed from 6' to 16'. Anything above 16' would have to be engineered. The other paragraphs deal with clarification.

Lee Freeman: The Planning Commission was primarily concerned that any fence or wall that is taller than the "norm" would require engineering. The reason they went to 16' is that there are citizens who would install something like a tennis court with a 16' fence. (The question was asked if this height includes walls.)

Ernestine Folks: The ordinance states "fence or wall".

Russell Sly: Question on paragraph 2: He feels this section does not adequately address "sight obscuring" walls or fences on corner lots. It may be that a fence or a wall could be more than 36" and not be "sight obscuring".

Ernestine Folks: Read definition of "sight obscuring" (walls not addressed).

Todd Jackson: Suggested that focus could be on sport courts and tennis courts being an exception.

Ernestine Folks: The Planning Commission feels that Government should not dictate what people do with their property. The reasoning was that people can purchase fencing designed to 16 feet. If the Council has concerns, the Planning Commission can re-visit the ordinance.

The Mayor asked Mrs. Folks to share her opinion on the issue. She answered that she was not in favor of the 16' requirement; she feels it is "excessive". However, the Planning Commission still felt property owners should be able to decide for themselves.

Mayor Fritz: Has requested diagrams, charts & schematics from Santaquin City through Jim Bolser.

Lee Freeman: Favors sending the ordinance back to the Planning Commission with specific direction:

- Have a residential norm of 6', with a section included that would be applicable unusual situations (tennis court or swimming pool, etc.) where 16' would be justified. In those cases, prior approval would be necessary. (The Council would review until an architectural committee could be formed for this purpose.)
- (Russell Sly) Advised modification of paragraph 2, addressing 36" height in fencing on corner lots...if not sight obscuring, could this be allowed?

Sean Nielsen: If a check on engineering is to be part of the process, the City Council is in no Position, nor are they qualified how to do this kind of review. This would have to be decided "case-by-case"

Todd Jackson: Suggested having the City Engineer review each case.

Mayor Fritz closed the Public Hearing at 7:00 pm.

7:10 PM

CITY COUNCIL WORK SESSION

WATER IMPACT
FEE STUDY

Mayor Fritz: It was suggested for the Mayor to contact Mountainlands Assoc. of Govnt. (MAG) about doing Impact Fee Studies for the City. They can do the studies with a certain amount of engineering done ahead of time. Based on the engineering work, they could then proceed with the actual report. It could be 2 to 3 months in the process. The question would be how much savings would there actually be and is it worth the extension in time?
The Mayor will check with RB&G to see how much their portion would be.

STORM DRAINAGE
FEE

Mayor Fritz: LEI Engineering will present a proposal in the form of a work release by the next Council Meeting. Storm Drainage Fees will be a part of this proposal.

SEWER
CONNECTIONS

Mayor Fritz: All of the figures the Mayor has been working with to determine the City's capacity in the Salem Plant were based on a 1995 contract with Salem City. The Mayor and Councilmember Sly discovered there is a more current contract (1997), which means he has to refigure the numbers.

**ELK RIDGE
CITY COUNCIL MEETING
April 22, 2003**

TIME & PLACE
OF MEETING

The regular Meeting of the Elk Ridge City Council, scheduled for **Tuesday, April 22, 2003, at 7:00 PM;** was preceded by a **City Council Work Session at 6:30 PM & four Public Hearings,** for the purpose of hearing public comment regarding the following: **The first Public Hearing, held at 6:00 pm,** was on the vacation & amendment of Saunders Subdivision, Plat "B" (to remove wording off the Plat); **The second Public Hearing, at 6:05 pm;** was on the vacation of Lot #2, Plat "A", Goosenest Subdivision & Lot #1, Plat "A", Lomento Subdivision; **The third Public Hearing, at 6:10 pm,** was on the vacation of the Kearns Subdivision, Plat "A" & included the amendment of Lots #9 & #10, Block 4, Plat "A", Salem Hills Subdivision; **The fourth Public Hearing, held at 6:15 pm,** was on a proposed ordinance amending section 10-3-3.14 of the Zoning Ordinance, concerning fences, walls & hedges.
All interested persons were given an opportunity to be heard.
The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of the scheduled meetings & Public Hearing was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on April 15, 2003.

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Sean Nielsen, Lee Freeman, Russell Sly, Todd Jackson (Absent: Gary Prestwich); *Administrative Assistant:* Ernestine Folks; *Public:* Alan & Annebel Meredith, Dayna & Alan Hughes, James & Ann Kearns, Alton & Nancy Ekins, Jack Mason, Bryan Murray, Phillip & Allison Thaut, Robin Money, Stanley & Sherrie Woodward, Brian Thaut, Michael Murray, George Thaut, Shantel Woodward, Jeanette Gunnell and *City Recorder:* Janice H. Davis

INVOCATION &
PLEDGE OF
ALLEGIANCE

The Invocation was offered by Todd Jackson and Mr. James Kearns led those present in the Pledge of Allegiance.

AGENDA TIME
FRAME

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY
TO ACCEPT THE AGENDA TIME FRAME WITH AN ADJUSTMENT OF 13 MINUTES & TO
DELETE ITEM #13-A & 13-B
VOTE: YES (4) NO (0) ABSENT (1) GARY PRESTWICH**

NON-AGENDA
ITEM

Continuation of Public comments from the Public Hearing on the proposed vacation of Goosenest Subdivision, Plat A & Lomento Subdivision (including a portion of Columbus Ln.): Mayor Fritz elected to allow a concerned citizen from the affected area to be heard by the Council, even though the time for Public Hearing had past.

Jeanette Gunnell: (Resident of Haskell Subdivision, Plat "J") When they purchased their lot, Columbus Ln. appeared on the Plat map connecting to Oak Ridge Drive. After they commenced building their home, the Gunnell's were approached to re-sign the Plat map to eliminate Columbus Ln. coming down into their Subdivision. The Gunnell's felt this action would "cut them off" from the central part of Elk Ridge. They understood the decision to eliminate the proposed road was due to the steepness of the slope; however, the only access to the upper part of Elk Ridge (City Hall, Park, etc.) is all the way around to Goosenest and onto N. Park Drive (which is a dangerous intersection).

The other concern was if the vacation of that portion of Columbus Ln. resulted in the land being "gifted" to those particular families or if they were required to pay for the land.

If this road is not going to continue to be a possible access to that area, is there a plan for an alternate road?

Mayor Fritz: Agreed with Mrs. Gunnell that the N. Park Drive and Goosenest Drive intersection is a dangerous corner.

Todd Jackson: (Dept. Head over Trails) Contacted the Ekins & the Blouins (Property owners on either side of the extended portion of Columbus Ln. They were told they could have ½ of the street due to the pending vacation of this portion of the Street)

Blouins: Due to the pending vacation of their portion of Columbus Ln., their access to their driveway was being eliminated, as well. They said they were given permission to install a driveway and a fence on what would become their ½ of the road.

Ekins: Were agreeable to having a trail come out of their ½ of the road.

After actually walking that section of road, it was determined the slope was too steep for a trail, steps would have been required. The idea of a trail in that area was abandoned for safety reasons. Councilmember Jackson recommended to the Council to allow the Blouins and the Ekins to keep the property. A trail down the east side of N. Park Drive would be pursued instead. The Trails Committee was to meet on the following evening (4-23-03). There is a grant available that could be applied to trails in the City, if the requirements can be met and in time to make the deadline.

There has been a tentative commitment made to the residents in the area of E. Park Drive and Cortez Drive for a trail leading to the City Park. Then the trails would branch out from there.

PUBLIC HEARINGS/
ACTION

1. Vacation/Saunders Subdivision, Plat "B" & Final Plat Approval of Saunders, Plat "C":

No further comments.

MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY SEAN NIELSEN TO APPROVE THE VACATION OF SAUNDERS SUBDIVISION, PLAT "B", BY THE REMOVAL OF THE NOTATION ON THE PLAT THAT A PORTION OF THE LOT WAS NON-IRRIGATABLE; AND THE CITY COUNCIL FINDS THAT NO ONE WILL BE MATERIALLY AFFECTED BY THIS ACTION

YES (4) NO (0) ABSENT (1) GARY PRESTWICH

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY SEAN NIELSEN TO APPROVE THE AMENDED SAUNDERS SUBDIVISION, PLAT "C", AND TO GRANT FINAL PLAT APPROVAL

YES (4) NO (0) ABSENT (1) GARY PRESTWICH

2. Vacation/Goosenest Subdivision, Plat "A", Lot #2 & Lomento Subdivision, Plat "A", Lot #1;
Final Plat Approval: Blouin-Ekins Subdivision, Plat "A"

No further comments.

MOTION WAS MADE BY TODD JACKSON AND SECONDED BY SEAN NIELSEN TO APPROVE THE VACATION OF GOOSENEST SUBDIVISION, PLAT "A", Lot #2 & LOMENTO SUBDIVISION, PLAT "A", LOT #1; AND THE CITY COUNCILS FINDS THAT THERE WILL BE NO MATERIAL INJURY BY THIS ACTION. THE CITY COUNCIL ALSO APPROVES THE BLOUIN-EKINS SUBDIVISION, PLAT "A" AND GRANTS FINAL PLAT APPROVAL.

3. Vacation/Salem Hills Subdivision, Plat "A", Block 4, Lots #9 & #10 & Final Plat Approval of Kearns Subdivision, Plat "A"

Comments:

Lee Freeman: Expressed concerns:

Councilmember Freeman went up and walked the property. He knows the proposed Kearns Subdivision meets all the requirements for development. He goes back to consideration of the "Spirit of the law": if he had a home in that area, he would be troubled. He agrees that "squeezing" a home onto that property may cause a decrease in property values on that street. He feels that aesthetically, a home on that lot would look out of place. The way the lot has been construed is unconventional and abnormal and he feels it was done that way simply to meet the minimum square footage allowable for a building lot.

He does not fault Mr. & Mrs. Kearns for the subdivision process, but he feels it will be a difficult lot to sell and would not be in the best interest of the Community.

Councilmember Freeman reminded the Council that part of their responsibility is to "look after" the aesthetics of the Community. There is no "architectural or design committee" available, so the Council must do this. We want justice to be done. Could there be some kind of compromise so that the interests of all parties involved are met? He feels the proposal to consider that lot as a potential park has merit. He is not sure of the financial implications of that would be. He is opposed to the way the subdivision is being proposed.

Russell Sly: "Echoes" those same concerns. He also wonders if an environmental impact study would be appropriate. Can the City require one due to the rear slope of the lot?

Mr. Kearns: The rear line of the lot is at the top of the hill; it does not extend down the hill.

Mr. Kearns also stated that fill would not be required to build the lot up for sewer drainage.

(Mr. Thaut disagreed.)

Mayor Fritz: Reminded those present that the "public hearing" portion of the Meeting was over. The Council has to be fair and just in the application of the ordinances. The Mayor also stated the policy of disclosing any conflict of interest that may be associated with any of the public officials. Councilmember Freeman is a relative to Mr. & Mrs. Thaut and therein lays a potential for a conflict of interest, though the Mayor does not believe this affects his opinion on this matter. This does not preclude him from voting, however.

Russell Sly: Since subdivision requirements have been met, are there any grounds to disapprove this proposed subdivision?

Mayor Fritz: Possible litigation from either side of the matter must be considered.

(Suggestion)...to have the City Attorney review both sides of the issue and offer an opinion and table any action.

Lee Freeman: Still feels the Council should consider more than the attorney's opinion on the legalities of the lot.

Todd Jackson: He feels adding "little peninsulas" of otherwise "useless" land simply to achieve the required square footage necessary for a buildable lot violates the intent of the Zone. He would vote against the proposed "vacation", if it were voted on that night.

Ernestine Folks: (RE: Adding "peninsulas" of ground to lots...)

She reminded the Council of a previous action of setting aside (striking something from the Code) that section of the ordinance dealing with "peculiarly elongated" pieces of ground, at the time prior to Preliminary Plat Approval of the Kearns Subdivision. This was done with the counsel of the City Planner because it was unclear and vague. Mr. Kearns was not held to that section in the Code. That section was clarified, but was not in effect until after Mr. Kearns received Preliminary. He should not be "held hostage" to something he was already exempted from.

Sean Nielsen: The Council reviewed this issue and granted Preliminary approval to Mr. Kearns. There was a part of the plat that did not meet requirements (set-backs) and they were told to have it fixed so that the requirement was met.

Councilmember Nielsen sees very little difference in the sizes of the lots in the surrounding area, even with the exclusion of the "peninsula" on the east side of the lot.

It is his understanding that the original intent was that there should be 2 lots.

(When the subdivision was approved in the County, it was 2 lots.)

Councilmember Freeman commented that the placement of the existing home indicates that the intent was not to have 2 lots.

A home could be built that could be appropriate for the area.

(Mayor Fritz reminded those present that the time for public comment had ended.)

Councilmember Nielsen passed out a photo taken of the retaining wall between Knudsen's and Thaut's and one from Thaut's property toward the Kearns' property.

Councilmember Nielsen commented that the photos are an indication of what the stated concerns are: that of imposing on someone else's lot. He asked, "Is this what we are trying to avoid?" The issues which have been brought up as concerns are valid; "but, those things happen anyway". Mr. Kearns has met the requirements for subdivision. How can there be any objections to what "could" happen to that piece of property? We cannot assume what will be put there will be a detriment to the neighborhood.

Mayor Fritz: Stated his opinion...(directed toward Mr. Thaut)...Mr. Thaut has a very good view, which he stands to lose. He understands this is upsetting.

Mr. Kearns wants to maximize his investment, which is also understandable.

The Council faces the problem of what can be done legally. The Mayor asked the Council if they wanted to render a decision or postpone any action until the City Attorney has conducted a further review and has offered a second legal opinion on the matter.

Lee Freeman: Did not see that the Attorney would "shed any more light" on the matter.

Russell Sly: Agrees with Councilmember Freeman; however, he would like more time to think about it and would like to know what the Attorney has to say.

Todd Jackson: Agrees that he would like to have the Attorney's opinion. He was still inclined to vote against the approval of the proposed subdivision; but, he would like time to review notes, prior to any action.

Mayor Fritz: Agrees with Mrs. Folks. We do not want to "hold any one up" any longer than necessary, but once the decision is made, it is made.

Suggestion: No action that night, and solicit the services of David Church to review the matter and to place the topic on the Council Agenda for the next Meeting. (The Council all agreed.)

*A copy of the minutes is to go to Mr. Kearns, along with the minutes when Preliminary Approval was granted.

4. Ordinance/Amending Elk Ridge City Code – Fences, Walls & Hedges:

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY TODD JACKSON TO REMAND THE PROPOSED ORDINANCE CONCERNING FENCES, WALLS & HEDGES BACK TO THE PLANNING COMMISSION

VOTE: YES (4) NO (0) ABSENT (1) GARY PRESTWICH

SEWER
CONNECTIONS/
DEVELOPMENT

Mayor Fritz: Had just received a copy of the 1997 Sewer Contract between Elk Ridge and Salem City. He still needs to compare these numbers with the number of connections.

It is still unknown whether new development should be approved based on ability to connect to the City's sewer system.

Russell Sly: Previous figures on usage (based on Winter usage of water) have since been negated with corrected information. Rather than attempting to re-figure these numbers, he suggested the re-installation of a flow meter for a one-month period. This should give more definitive figures on sewer capacity. He stated reasons this information would be useful to the City:

1. To determine if Elk Ridge still has capacity with the Salem plant.
2. To determine if more development can occur.
3. Information would be useful in negotiations with Payson City.

Mayor Fritz: Aqua Engineering has a close relationship with Salem City. The Mayor expects discretion on the part of Aqua Engineering to not voluntarily share their findings with Salem City without Elk Ridge's permission.

Sean Nielsen & Lee Freeman: Feel that since Elk Ridge is in partnership with Salem City, we should do the study together. If we are in non-compliance, we should take responsibility.

(The Mayor would rather have the study done and control the information.)

The engineering proposal to do the study is at a cost of \$1,792.00. The study is to take about 4 weeks to complete.

An alternative would be to simply bill Salem City for their percentage of the bill for the study, as they do to Elk Ridge.

Russell Sly: Suggestion...Possibility of obtaining professional assistance in negotiating with other cities in the issues of concern.

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY TODD JACKSON TO APPROVE THE PROPOSED FLOW METER STUDY TO BE CONDUCTED BY AQUA ENGINEERING, AT A COST OF \$1,792.00

VOTE: YES (3) NO (0) ABSENT (1) GARY PRESTWICH

**WATER IMPACT
FEE**

Mayor Fritz: The decision remains to be made to have an engineering firm conduct the study in its entirety, or to have MAG (Mountainlands Assoc. of Gov.) conduct the study with a certain amount of engineering to base the study on.
Councilmember Nielsen would still like for the Council to consider LEI Engineering, since they have already done some of the preliminary work to base the full Impact Fee Study on.

**WATER BOARD
MEMBER**

Mayor Fritz: The Mayor polled 3 of the 5 Councilmembers to appoint the members of the Water Board. The polled vote needs to be voted on:

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY RUSSELL SLY TO APPOINT KARLA WARD, BERRY BRADSHAW, STEVE ACERSON, TERRY PIERCE, HAL SHULER & DOUG BRINKERHOFF AS MEMBERS OF THE ELK RIDGE CITY WATER BOARD

VOTE: YES (4) NO (0) ABSENT (1) GARY PRESTWICH

**HIGH SPEED
INTERNET**

Mayor Fritz: The contract received from a company called "Just Raw Speed" did not identify costs clearly. Councilmember Prestwich would like to have the service approved with the proviso that if the cost exceeds \$83/month for 1 year & \$50 installation fee...then the contract would not be acceptable.

MOTION WAS MADE BY TODD JACKSON AND SECONDED BY LEE FREEMAN TO APPROVE THE PROPOSED CONTRACT WITH "JUST RAW SPEED" FOR HIGH SPEED INTERNET SERVICE AT A PROPOSED COST NOT TO EXCEED \$83/MONTH, WITH A \$50 INSTALLATION FEE

VOTE: YES (4) NO (0) ABSENT (1) GARY PRESTWICH

EXPENDITURES

General: (None)

Hiatt Construction Bill:

In the absence of any written contract or other proof to the contrary of what has been claimed by Mr. Hiatt, the Council felt that there has been a service rendered and Mr. Hiatt should be paid.

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY TODD JACKSON TO HONOR ANY VERBAL CONTRACT BETWEEN THE CITY AND MR. HIATT, FOR SERVICES RENDERED, AND TO PAY MR. HIATT THE SUM OF \$4,980.00

VOTE: YES (4) NO (0) ABSENT (1) GARY PRESTWICH

MINUTES

City Council Minutes of 3-25-03:


MOTION WAS MADE BY TODD JACKSON AND SECONDED BY SEAN NIELSEN TO APPROVE THE CITY COUNCIL MINUTES OF 3-25-03

VOTE: YES (4) NO (0) ABSENT (1) GARY PRESTWICH

ADJOURNMENT

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY RUSSELL SLY TO ADJOURN THE COUNCIL MEETING

VOTE: YES (4) NO (0) ABSENT (1) GARY PRESTWICH



City Recorder

NOTICE OF PUBLIC MEETING

Notice is hereby given that the Elk Ridge Planning Commission will hold a regular scheduled meeting on **Thursday, May 1, 2003 beginning at 7:00 p.m.** This meeting will be a **joint meeting with the City Council**. The meeting will take place at the Elk Ridge City Hall, 80 E. Park Dr., Elk Ridge, UT, at which time consideration will be given to the following:

7:00 P.M. Invocation & Pledge of Allegiance

Envision Utah Presentation – Water Conservation

9:00 P.M. ADJOURNMENT

*Handicap 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 24th day of April, 2003.

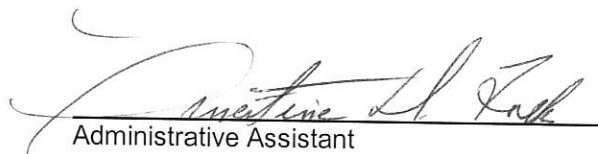


Administrative Assistant

BY ORDER OF THE ELK RIDGE PLANNING COMMISSION

CERTIFICATION

The undersigned duly appointed and acting Administrative Assistant for the municipality of Elk Ridge, hereby certifies that a copy of the foregoing Notice of Public Meeting was faxed to the Payson Chronicle, Payson, Utah, and delivered to each member of the Planning Commission and mailed to each member of the City Council on the 24th day of April, 2003.



Administrative Assistant

NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, May 13, 2003, 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. Discussion/Kearns Subdivision:
 - A. Vacation & Amendment/Salem Hills Subdivision, Plat "A", Block 4, Lots #9 & #10
 - B. Final Approval of Kearns Subdivision, Plat "A"
2. Update/High Speed Internet – Gary Prestwich
3. Update/Fourth of July Celebration – Todd Jackson
4. Accessory Apartments – Mayor Fritz

7:00 - PM REGULAR COUNCIL MEETING AGENDA ITEMS:

- Invocation and Pledge of Allegiance
Approval/Agenda Time Frame
- 7:05 5. Kearns Subdivision:
 - A. Vacation & Amendment/Salem Hills Subdivision, Plat "A", Block 4, Lots #9 & #10
 - B. Final Plat Approval of Kearns Subdivision, Plat "A"
- 7:15 6. Water Impact Fee Study Update + Capital Improvement Plan & Booster Pump - Sean Nielsen
 - A. LEI Work Releases 2003-2, 3, & 4 & RB & G + MAG
- 7:35 7. Water Line Upgrade from Cloward Well – Mayor Fritz
- 7:45 8. Storm Drainage – Mayor Fritz
- 7:55 9. Conditional Use Fees – Resolution Amendment
- 8:00 10. Vacation & Amendment/Subdivision Plat for Loafer Canyon Road Rights-of-way – Ernestine Folks
 - A. Approval of Work Release
- 8:10 11. Construction Equipment/Residential – Mayor Fritz
- 8:20 12. Approval of New Employee/Facility Maintenance – Mayor Fritz
- 8:25 13. Activation of Watering Schedule – Mayor Fritz
- 8:30 14. Garbage Contract Renewal – Mayor Fritz
- 8:35 15. Weed Control – Mayor Fritz
- 8:40 16. New Fiscal Year Budget Preparation
- 8:55 17. Joint Meeting Planning Commission/City Council – Mayor Fritz
- 9:00 18. Expenditures:
 - A. General:
- 9:05 19. Approval of Minutes of Previous Meeting(s)
- 9:10 20. Upgrading Procedures – Gary Prestwich
- 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 8th day of May, 2003.


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 May 8, 2003.


City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
May 13, 2003**

**TIME & PLACE
OF MEETING**

The regular Meeting of the Elk Ridge City Council was held on **Tuesday, May 13, 2003, 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 May 8, 2003.

6:00 PM

CITY COUNCIL WORK SESSION

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Sean Nielsen, Gary Prestwich, Lee Freeman, Russell Sly, Todd Jackson; *Administrative Asst.:* Ernestine Folks; *LEI Engineering:* Greg Magleby; *Public:* Joe Wadlinger; & *City Recorder:* Jan Davis

**KEARNS
SUBDIVISION**

Mayor Fritz: Mr. Kearns was unable to attend the Meeting due to ill health. All those interested in this discussion were notified that the Agenda Item would be postponed until the next Council Meeting.

The City Attorney (David Church) was asked to issue an opinion on "Material Injury".

Memo to Elk Ridge City Council:

Dated: May 13, 2003

"You have asked my opinion as to what it means to find that the public or a person has been materially injured by a plat amendment. I have researched this issue and have found no case that exactly defines "Material injury". The best I can do is to tell you that the injury must be real and not imagined; the injury must be related to the plat amendment; the injury must be measurable and supported by some evidence. A finding of a financial loss will always be material. A finding of a loss of a property right such as access to roadways or easements will always be material. The suggestion that the plat amendment may make another person's lot less desirable will only be material if it is supported by some evidence other than just subjective opinion.

A finding by the City that the plat amendment will cause a material injury must be supported by evidence in the record from the public hearing. The evidence must be what the courts call substantial evidence. This means that the evidence supporting a finding of the material injury must be more than a "scintilla" of evidence, but can be less than a preponderance."

City Recorder: According to the memo, a finding of material injury by the Council must be supported by evidence presented in a public hearing. In a conversation with the Mayor, it was discussed, that if not all of the information was available in the Public Hearing (held 4-22-03), could the Public Hearing be carried over to another Council Meeting?

Mayor Fritz: An appraisal may produce "proof" of material injury, but he does not feel it is the City's place to counsel the concerned citizens in the area of the proposed Kearns Subdivision.

Sean Nielsen: Without a building constructed on the lot, how does an appraisal provide "proof" or evidence of material injury? (Proof must also be "real", not "imagined".)

Mayor Fritz: Copies of Mr. Church's memo will be sent to Mr. Kearns and to Mr. Thaut.

Sean Nielsen:

Mr. Thaut had suggested using the land where the proposed lot is for a park or something that would benefit the community. To do this, the same process of vacating the Subdivision would still have to take place. In Mr. Thaut's presentation, he quoted from the Legislative Intent of the Zone, wherein he stated that there should be precedence placed to the residents over the developer. Councilmember Nielsen quoted from this section: It actually states that "primacy is given to residential development. It does also mention that the intent of the Zone is toward "spacious lots & uncrowded buildings". (Section 10-5-2.1 in the Elk Ridge Development Code)

The next section states, if someone meets all the requirements, then approval must be granted. What would prevent Mr. Kearns from building on the existing lot, or cutting down the orchard? This would create the same "undesirable" circumstance referred to by Mr. Thaut.

Not wanting a site-obscuring building or wall next door is understandable, but that could happen without a new lot or home being approved.

Councilmember Nielsen said that he has found nothing that would substantiate the claim of “material injury”.

Russell Sly: Does Mr. Thaut have recourse with the Board of Adjustments?

City Recorder: He has not been denied anything.

Todd Jackson: His recourse would be to take legal action.

Lee Freeman: Mr. Kearns would have the same option...to litigate, if he wants to pursue it. It must be kept in mind that Mr. Thaut is not the only citizen against this...there is a whole neighborhood involved.

City Recorder: There are two separate issues: An action to “vacate” would find no “material injury”, which would have to precede granting Final Plat Approval to the Kearns Subdivision.

Todd Jackson: Asked for clarification on the adding of a peninsula of land to add to the square footage of the lot.

Ernestine Folks: The Council struck what was the existing section of the Ordinance, because it was unclear. It stated that “peculiarly elongated” pieces of land could not be attached. There was no definition of “irregularly elongated” pieces of land. According to the City Planner, that was unclear. Should it be challenged, it would not hold up in court. That is why his recommendation was to approve the adjustment to the Standards. That means it is struck from the ordinance and no one would be held to that particular definition. The definition was redefined to more closely match the State’s.

City Recorder: The City Planner also stated in his memo that, according to the State law, if something is considered “unclear”, it goes in favor of the developer.

Lee Freeman: Concluded that the only defense the residents of Fremont Way have rests on the issue of “material injury”. They would have to have the evidence to prove it.

Todd Jackson: According to Dave Church, the evidence would have to be presented in a public hearing to be considered by the Council.

Question: Could the Public Hearing be extended or re-opened? This is a question to ask of Mr. Church.

Ernestine Folks: Reminded the Council that one of the motivating factors to strike this part of the Code, was that if Mr. Kearns did not include the peninsula of land into his Subdivision, he would be leaving an “isolated parcel”, which is also against the Code.

Sean Nielsen: Feels there is more information to consider now, than when the public hearing was conducted.

Question: (To David Church) Do the issues themselves have to be written in the protests when submitted to the City, or is a general written protest sufficient prior to speaking at the public hearing?

Question: (To David Church) Mr. Church’s memo did not address the subject of the “Spirit of the Law vs. the Letter of the Law”, which was in the original letter to Mr. Church. The Council would like this to be addressed regarding an approval of Mr. Kearns’ Subdivision.

UPDATE/HIGH SPEED INTERNET

Gary Prestwich: The company “Just Raw Speed” came out to install the system. They were going to mount the antenna on the siren pole behind the City Hall/Fire Station. The pole is not high enough. They felt another company (Broadband) would be better.

Councilmember Prestwich contacted Braodband and found out they are not selling any new subscriptions to Elk Ridge. AT&T is a long time out before they will be providing high speed Internet to the area. (Sean Nielsen: The height provides the line of sight necessary.)

To go with “Raw Speed”, additional equipment would be required at more cost. The installation fee would be about \$500. Councilmembers Jackson, Nielsen and Sly agree that the City needs to continue to pursue this to not only accommodate the Sheriff’s Dept., but for other advantages, as well.

Councilmember Prestwich will also check on satellite access.

4TH OF JULY CELEBRATION

Todd Jackson: The Celebration is titled “American Spirit”. The City Celebration will take place between June 23rd and 28th. The Mayor’s dinner will be on the 27th. Sign-up packets will be handed out. The budget needs to be raised to \$2,000 to cover expenses. Last year the City actually went in the hole about \$500. There was some money in a separate account.

The Fire Dept. would like to sell raffle tickets at the Fire Dept. Breakfast to raise money for the purchase of emergency equipment.

*The Council supported this, as long as the State Code is not violated in any way.

ASSESSORY APTS.

Mayor Fritz: Enforcement of Accessory Apartment regulations is a problem. There are issues attached to the subject:

1. Building Permits are required (not always obtained)
2. What to do about those who build accessory apartments but avoid the permit process?
3. What if there is no rent involved?
4. How does enforcement of non-declared units happen?
5. What is the value of "affordable housing" goals?

Ernestine Folks: Submitted a packet of information on Accessory Apartments to the Council. One section with the definition of "Accessory Apts." was left out of the packets..."A portion of a one-family dwelling (primary dwelling unit), containing separate cooking, sleeping and sanitary facilities, & occupied or intended for occupancy as a separate but subordinate dwelling unit."

Mayor Fritz: This has come to the Mayor's attention due to a situation with a resident who converted his garage into an accessory apartment for his parents. When he applied for a building permit, he knew he would have to pay \$1,820 for the apartment. It was not collected at the time of the issuance of the permit and he still has not paid, even after letters and a conversation with the Mayor. His justification in his refusal to pay is that he feels that he should not have to pay when others "get away with this" all over the City.

How does the Council enforce this issue? Many have apartments in their homes and they are used by family members or are not even in use.

Sean Nielsen: Feels the definition describes many homes. He does not feel there should be a charge. If it is to be used for a business, why not allow the business licensing process to cover the costs?

Gary Prestwich: Feel the criteria are confusing and he does not agree with the concept of charging for an accessory apartment. It is not enforceable. The only advantage he can see is to meet the "affordable housing" requirement; but, it should not be enforced.

Le Freeman: There is generally a problem with enforcement in the City of all the ordinances.

*The Mayor will inform Mr. Bacalla that he needs to pay the fees.

*The Mayor will also check to see how other cities handle this type of situation.

**ELK RIDGE
CITY COUNCIL MEETING
May 13, 2003**

TIME & PLACE
OF MEETING

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ROLL CALL

Mayor: Vernon Fritz; *City Council*: Sean Nielsen, Gary Prestwich, Lee Freeman, Russell Sly, Todd Jackson; *Administrative Asst.*: Ernestine Folks; *LEI Engineering*: Greg Magleby; *Public*: Joe Wadlinger; & *City Recorder*: Jan Davis

INVOCATION
PLEDGE OF
ALLEGIANCE

Invocation was offered by Greg Magleby; after which, Ernestine Folks led those present in the Pledge of Allegiance.

AGENDA TIME
FRAME

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY TODD JACKSON
TO APPROVE THE AGENDA, ADJUSTING THE TIME FRAME BY 15 MINUTES
VOTE: YES (5) NO (0)**

KEARNS
SUBDIVISION

1. Vacation & Amendment/Salem Hills Subdivision, Plat "A", Block 4, Lots #9 & #10
Mr. Kearns was unable to attend the Meeting due to health reasons.
Any action on this matter has been postponed. Mr. Thaut has been informed.
David Church is to be contacted with questions concerning:

- A. Re-opening a Public Hearing once it has been formally closed.
- B. "Spirit of the law" vs. "Letter of the law"
- C. Whether written protests must contain the details of the conflict or can they be general and the specifics presented in the Meeting.

Sean Nielsen: Apologized to Mr. Thaut for the manner in which the photo of his property was presented at the Public Hearing.

WATER IMPACT
FEE STUDY
UPDATE/
CAPITAL
IMPROVEMENT
PLAN

Sean Nielsen: Councilmember Nielsen has felt an urgency to have the Capital Improvement Plan done in conjunction with an update to the Impact Fee Studies. This information is the "key" to planning projects and their associated costs for planning and general budgeting purposes. Greg Magleby was invited to review the work releases concerned with these studies.
Greg Magleby (LEI):

1. Work Release 2003-2 (Capital Improvement Study/Water):

Elk Ridge's water system was first installed in the mid 1970's. Most of these improvements were installed with a design life of approximately 30 to 50 years.
Currently Elk Ridge is within this design life as evidenced by the increasing amount of repairs to the water system. LEI proposes to address the following:

- A. Review previously completed studies & work releases, and characterize the state of the current water system in regards to Utah State Code. This will give base data to plan for improvements & future growth.
- B. Identification of immediate upgrades or improvements to the system.
- C. Identification & prioritization of repairs, upgrades, or new improvements to the system.
- D. Establishment of a maintenance & repair schedule for the water system.
- E. Preparation of water system supervision, repair, upgrade & improvement budget.
- F. Additional recommendations as identified by the study.

Proposed fee: Lump sum of \$4,800. A report would be presented to the Council within 45 days of the authorization of this work release (The two studies can be done at the same time).

Sean Nielsen: Asked how often the updates to this study would be done and what the cost would be.

Greg Magleby: There would be a review every two years. LEI's goal would be to train the Elk Ridge office staff to be able to update the studies, unless there were significant changes to planned improvements; the cost would be about \$500 for the update.

LEI Engineering did the water impact fees study for Woodland Hills
(Councilmember Prestwich requested a copy of Woodland Hills' study.)

Mayor Fritz: Questioned if future annexations would be included in the impact fee studies.
Developers need to know what the fees will be before they decide to develop.
He would prefer to collect the impact fees up front, at the time of application.

Greg Magleby: The impact fee studies project growth for 20 years. The Capital Improvement Plan is a 10-year projection. It is difficult to allocate expenses to people on their building permits based on development that "could" occur. If it becomes clear that a development is imminent, then it would be wise to not allow the developer to progress until that updated information on impact fees is available. This would be upon acceptance of an application for annexation or the petition is accepted.

He also advised not allowing any more development until the current impact fees are updated, because they are substantially lower than they should be.

If any impact fees were to be collected upfront from a developer, the arrangement would have to be negotiated in an annexation agreement. The City could not request that the fees be paid up front.

Gary Prestwich: Requested clarification of the last paragraph which states that "any work & expenses which are beyond the scope of work described in the work release, which is requested & approved by the City will be reimbursable and/or billed on an hourly basis".

It seems to indicate that anything specifically mentioned in the work release is "within the scope", while anything not specifically mentioned in the work release is not, even if requested by a member of the City Council.

Greg Magleby: Yes, within reason.

Gary Prestwich: Also wanted further information about the various areas of focus to be addressed in the proposed study.

Greg Magleby: Stated that the City has more needs than there is adequate funding. Part of the purpose of the study is to identify the needs to the City and to prioritize them.
No further comments.

2. Work Release #2003-3 (Water Impact Fees Study):

This study goes in conjunction as the Capital Improvement Plan Study.

Proposed Services:

Provide a report to the City Council meeting the requirements of Utah Code, Title 11, Chapter 36, Impact Fees Act. The proposal lists the items to be addressed by the study. Those items were reviewed by Mr. Magleby.

Cost = \$5,300

Ernestine Folks: Questioned if LEI would use past impact fee studies and update the information in them or will they disregard that information and start over again?

Greg Magleby: "I read it...I don't ever want to see it again." Mr. Magleby further stated that he was not comfortable with the numbers resented in the previous studies. He also did not agree with the 15% growth rate for 20 years, used as a basis for the numbers.

Sean Nielsen: One of the reasons LEI did not agree with the previous study is that it did not separate the funding sources (growth vs. existing residents). There was no way to determine which project was being paid for by new growth vs. existing residents.

Councilmember Nielsen had a question on the Water Rate Fee.

Greg Magleby: The goal is to separate the expenses for future residents and existing residents, including debt. This is dependant on growth rate and future number of lots to be added.

Expenses allocated to existing citizens are compared to what would be a fair rate.

This study needs to be reviewed every two years. Growth rate in a small community needs to have more effect on the budget than in a larger City. The Council could do the updates, but if not, LEI would charge by the hour to review. It would not take long to review, if done on a regular basis. The cost would be less than \$500.

Ernestine Folks: Will impact fees for Accessory Apartments be included in this study? The Council has questioned whether or not to have them.

Greg Magleby: Has not seen impact fees for Accessory Apts. in other communities.

3. Work Release #2003-4 (Booster Station between Tanks):

II-line booster station design and construction management: In order to provide a redundancy to Elk Ridge's water storage system, an in-line booster station can be installed between the lower 500,000 gallon reservoir and the upper 500,000 gallon reservoir. In the event of failure of the Loafer Canyon Well, water can be pumped from the lower reservoir to the upper one, thus providing water to the southwest portion of the City, which relies on this tank.

Services by LEI:

- Perform a topographical survey of the lower tank area
- Design and prepare construction drawings and specifications for a new in-line booster station complete with pipe, valves and booster pump station.
- Prepare cost estimates for the project.

Sean Nielsen: The study on the Capital Improvement Plan should be done first, that would indicated what projects should be addressed.

Greg Magleby: This could be the first project listed in the City's Plan. It could turn out that this project may not be top on the priority list. The redundancy in the system is important.

The project would take about 30 days and the cost would be \$3,900. This project could be done concurrently with the Impact Fee Study and the Capital Improvement Plan.

Mayor Fritz: The Council has been considering having Nickerson do the design work for the booster station. What is Mr. Magleby's professional opinion about this?

Greg Magleby: The pump manufacturers will offer a free design. The pump prices may not be included in the information. Generally the pump price will be included in the design price.

If the City wants to proceed through the pump manufacturers, they can provide similar services. The only issue he would have a concern about would be State compliance. The design would have to be submitted to the State and approved. If they (Nickerson) have the ability to do that, then it is just a matter of how the City wants to proceed.

4. Work Release 2003-5 (Storm Drainage Impact Fee Study):

Elk Ridge City is experiencing a financial burden in management of storm water generated from existing and new developments in the City. LEI has previously completed a hydrological assessment of the City and has determined a conceptual piping and detention system to effectively manage this water. This Work Release will examine the costs associated with these improvements and prepare an impact fee and user rate study to determine fair impact fee and user rate amounts to relieve the financial burden.

- A. A report will be provided to the City Council meeting the requirements of Utah Code, Title 11, Chapter 36, Impact Fees Act.
- B. Establish a Master Plan for Storm Drainage.
(Allows enforcement of requirements.)

Work could be completed within 45 days of authorization of this Work Release.

The cost = \$4,400

The scope of this study would include:

- Detention Basin in conjunction with a Park (Goosenest)
- Pipe system coming up Park Drive with an eventual extension past the LDS Chapel to pick up storm drainage on Park Drive from other parts of town.

Mayor Fritz: Expressed his concerns:

- In the area of the proposed Detention Pond there are perhaps four wells going down about 250'.
- EPA seems to be leaning toward gravel shoulders along the sides of the road rather than single deposit catch basins.

Greg Magleby: Commented that gravel shoulders have a problem with discharging the salt and oil from the road directly into the ground. Larger cities even have to separate the grease and sand out to protect the aquifers. Controlling contaminants is also important. In Elk Ridge's design, there would be a separator for oil before the water gets to the basin.

5. Work Release #2003-6 (Roadway Vacation-Dedication Plat/Loafer Canyon Rd.):

This Work Release proposes:

- Prepare a Roadway Vacation/Dedication Plat for Loafer Canyon Rd. that vacates the roadway as dedicated with previous plats, and re-dedicates the new alignment from the north line of Rutter "B" Subdivision to the south line of Loafer Canyon South "A" Subdivision (approx. 3,800' +/-). Said plat will include a new 10' Public Utility Easement along both sides of the right-of-way.
- The signatures of affected landowners on said plat will convey necessary right-of-way that needs to be acquired by the City to individual landowners. The City will be responsible to obtain all necessary signatures on the plat, and to insert legal descriptions into a deed format acceptable by them.

Fieldwork would begin within 10 working days following receipt of signed work release.

Completion of the plat will be within 90 days following completion of fieldwork.

Cost = \$6,000 (Lump sum)

Ernestine Folks:

This Work Release is associated with the Loafer Canyon Road Project. The alignment of the road changed as a result of the improvements to the road. The final construction of the road did not fall where we had the right-of-way. When a public street is vacated, another plat has to be drawn. There are about 10 subdivisions involved in the re-alignment.

Mrs. Folks asked Mr. Magleby if LEI would take into consideration the fact that Elk Ridge has already paid for the legal descriptions for the property owners.

Greg Magleby: That has already been taken into account with the proposal as it is.

Mayor Fritz: Recommends that this project be authorized.

These Work Releases will be billed as of the next fiscal year (2003/2004).

Comparison with RB&G Engineering:

	RB&G	LEI
• Capital Improvement Plan	\$7,500	\$4,800
• Impact Fee Study	\$6,500	\$5,300
• Redundancy between the Tanks	\$8,000-10,000	\$7,300

Action on Work Releases:

1. Work Releases # 2003-2, 2003-3:

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY TODD JACKSON TO AUTHORIZE LEI ENGINEERING TO PROCEED WITH WORK RELEASES #2003-2 AT A COST OF \$4,800 FOR THE CAPITAL IMPROVEMENT PLAN AND WORK RELEASE #2003-3 AT A COST OF \$5,300 FOR THE WATER IMPACT FEE STUDY; BOTH TO BE BILLED IN THE 2003/2004 FISCAL YEAR

VOTE: YES (4) NO (0) ABSTAIN (1) RUSSELL SLY
(Not enough time to consider)

2. Work Release #2003-5:

MOTION WAS ADE BY LEE FREEMAN AND SECONDED BY SEAN NIELSEN TO APPROVE LEI'S WORK RELEASE #2003-5, AT A COST OF \$4,400 FOR THE STORM DRAINAGE IMPACT FEE STUDY; TO BE BILLED IN THE 2003/2004 FISCAL YEAR

VOTE: YES (4) NO (0) ABSTAIN (1) GARY PRESTWICH
(Not enough time to consider)

3. Work Release #2003-6:

MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY SEAN NIELSEN TO APPROVE WORK RELEASE #2003-6, AT A COST OF \$6,000 TO RE-PLAT LOAFER CANYON ROAD; TO BE BILLED IN THE 2003/2004 FISCAL YEAR

VOTE: YES (5) NO (0)

WATER LINE
UPGRADE/
FROM
CLOWARD WELL

The Council needs to have the information from the Capital Improvement Plan before any decision is made.

STORM
DRAINAGE

Postponed until after the Storm Drainage Impact Fee Study is completed.

CONDITIONAL
Split
USE FEES/
RESOLUTION

Previously there were no fees for Conditional Use Permits, Site Plan Approval, and Single Lot Application, Flag Lot Application.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO APPROVE RESOLUTION #03-5-13-3R, WHICH AMENDS THE CITY FEE SCHEDULE, ADDING FEES FOR CONDITIONAL USE PERMITS, SITE PLAN APPROVALS, SINGLE LOT SPLIT APPLICATION & FLAG LOT APPLICATION
YES (5) NO (0)

VACATION/
SUBDIVISION -
LOAFER CANYON
ROAD

This matter was accomplished earlier in the Meeting.

CONSTRUCTION
EQUIPMENT/
RESIDENTIAL

Mayor Fritz: It is against the City's Ordinances to store construction equipment on lots within the residential zones. Letters have gone out to a certain resident reminding him of the Code violation. He responded that the equipment is used for agricultural purposes, not construction. The Mayor wanted the Council's opinion on this. It was decided that Jim Bolser, as the Zone Administrator, should interpret the Code and issue a letter to this resident.

NEW CITY
EMPLOYEE

Deputy Recorder Position: The Mayor recommends hiring Andrea Muhlestein to fill the position of Deputy Recorder, previously held by Stephanie Christensen, at a beginning wage of \$10.50/hr. After the 90-day probation, the pay would increase to \$11.50/hour, should she be hired permanently. During the training period, Mrs. Christensen will be paid mileage.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO APPROVE HIRING ANDREA MUHLESTEIN AS THE ELK RIDGE DEPUTY RECORDER, AT A PROBATIONARY WAGE OF \$10.50/HOUR, AND \$11.50/HOUR AFTER THE 90-DAY PROBATIONARY STAGE...STEPHANIE CHRISTENSEN WILL BE PAID MILEAGE DURING THE TRAINING TIME

VOTE: YES (5)

NO (0)

**WATERING
SCHEDULE**

The Ordinance restricting watering must be activated each year by resolution.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO ACTIVATE ORDINANCE #02-4-23-8, THROUGH THE ADOPTION OF RESOLUTION #03-5-13-1R-A, WHICH RESTRICTS LANDSCAPE WATERING TO THE HOURS OF 6:00 PM TO 10:00AM

VOTE: YES (5)

NO (0)

**BFI GARBAGE
CONTRACT
RENEWAL**

Mayor Fritz: Compared the services offered by BFI to those offered by Payson City. After review, it was felt that BFI has the better offer. The contract is to be reviewed by David Church. The Mayor will send it to Mr. Church.

WEED CONTROL

Mayor Fritz:

Options:

1. Spraying (Rawlings Pest Control)...\$600...this would last for 60 days, then would have to be repeated. (Mayor recommends turning the offer down.)
2. Pellets...Kills many things and is good for about 5 years (Perhaps Elk Meadow & the Dugway)
3. Cut weed on the sides of the roads

This issue needs action. The weeds are a fire hazard. The City must also comply with the ordinances. Kent Haskell suggested the City purchase a weed mower. The Mayor would like to research these options further.

**2003/2004
BUDGET
PREPARATION**

The Mayor will be out of town on the 24th of June. It is proposed to move the regular Council Meeting from June 24 to June 17, 2003. This accommodates the time frame for adopting the Budget for 2003/2004, since it has to be adopted on or before June 22, 2003.

City Recorder: Explanation of proposed budget figures. Most are taken off of an average from the current fiscal year.

Review of City's of the proposed projects:

It was decided upon by the Council that there will be no "Truth in Taxation Hearing" to increase the proposed tax rate. Consequently, the Certified Tax Rate will be adopted.

Legislative updates were discussed at the Spring Conference attended by the City Recorder. The State is attempting a bit of a reform in the taxation process for property tax. They are trying to avoid so many hearings to increase tax rates by keeping the tax rates closer to the budget amounts. This is new and it is unknown how this will turn out for the municipalities.

A Tentative Budget will be presented and adopted at the next City Council Meeting in May. That budget may be modified until the final budget for 2003/2004 is adopted in June.

Councilmembers Nielsen and Sly will meet with the Recorder to discuss the Water & Sewer Administration Fees.

Water Rights payments to Dallas Young are made biannually. The money generated by the upgrade of water rights at the time of building permit is used to make these payments. According to the City Planner, the City may not be within our rights to charge for this upgrade. This could put a hardship on the Water Fund to pay for these rights. The subject should have a legal opinion to verify this.

The Storm Drainage Fund remains a problem area, in that there have been expenditures and there is still no fee being charged to the residents. A transfer from the Sewer Fund will cover the costs this year. The Storm Drainage Impact Fee Study should result in an amount to be charged for Impact Fees as well as a monthly Fee to be charged to residents for next fiscal year.

The Backhoe and the Smaller Snow Plow will be paid off this fiscal year.

Ernestine Folks: (Capital Improvement Plan) Encouraged the Councilmembers to add to the planned projects in the Capital Improvement Plan through the next 5 years.

JOINT MEETING
CITY COUNCIL/
PLANNING
COMMISSION

The Council and the Planning Commission are supposed to meet quarterly. It has been about 6 months since the last joint meeting. One is planned for June 5, 2003. The Mayor and the Planning Commission Chairman will set the agenda. The intent is to discuss the General Plan.

EXPENDITURES:

General: No General Expenditures

MINUTES

City Council Minutes of 4-8-2003:

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY TODD JACKSON TO APPROVE THE CITY COUNCIL MINUTES OF 4-8-2003

VOTE: YES (5)

NO (0)

UPGRADING
PROCEDURES

Gary Prestwich:

Comparison between RB&G Engineering and LEI Engineering regarding their proposals for rebuilding Lakeview Drive.

It was brought out that RB&G's proposal did not include the engineering for the project.

According to Councilmember Nielsen, he called RB&G to get a further breakdown of their proposal and was informed of the fact. (\$114,000 does not include any contingency or the engineering. This would add approximately \$14,000 to the estimate, bringing the total to about \$128,000...this would need to be verified, in writing.)

LEI's original study on Lakeview was done October, 2000; however, it was updated in December, 2002. Their estimate of the project is \$110,969.25 (engineering included).

Overall, RB&G's proposal gave more detail than the proposal by LEI.

Based on the reports, Councilmember Prestwich would rather go with RB&G, except for them not including the engineering cost.

Councilmember Prestwich actually plans on using Staker Paving. Either of the engineering firms would probably use Staker anyway. They will bring up the machine that grinds up the existing asphalt and road base...puts them back in place, then adds additional road base where needed. They would then lay about 3" of asphalt. Perhaps some of the geo-textile fabric would be used in places. This process would cost about \$20,000...compared with the other proposals.

Sean Nielsen: Concerned that the road is in the wrong place compared to the easement. Usually, Staker would do work as to the specifications provided by the engineers and the engineers would inspect the work to be sure it meets the specifications. What assurance would the City have to be sure work was done according to specifications?

Gary Prestwich: The City would have the road surveyed and identify the centerline. Then Staker would place the road where it should be.

The drainage problems would be addressed through the use of culverts.

The driveways would be replaced with asphalt to the roadway.

Any assurance of work completed would be through the contract with the City.

Mayor Fritz: Would like to avoid rebuilding driveways, if possible. How much durability time could be expected with Staker?

Todd Jackson: Agrees with saving money.

Gary Prestwich: Wants them to do other roads in the City as well.

Lee Freeman: The road needs to last...we don't want them to have to come back and have to do it again.

Sean Nielsen: Part of RB&G's report indicated there is insufficient base. How much base would we gain if the asphalt is ground up?

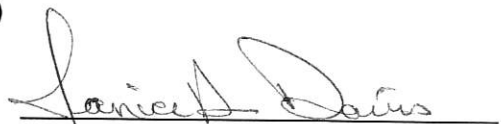
Gary Prestwich: The City would specify how much base is needed. He pointed out that even when engineers are used, projects do not always turn out the way they were intended...Loafer Canyon Road is a good example of this.

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, May 27, 2003, at 6:30 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. Discussion/Kearns Subdivision:
 - A. Vacation & Amendment/Salem Hills Subdivision, Plat "A", Block 4, Lots #9 & #10
 - B. Final Approval of Kearns Subdivision, Plat "A"

6:30 - PM REGULAR COUNCIL MEETING AGENDA ITEMS:

- Invocation and Pledge of Allegiance
Approval/Agenda Time Frame
- 6:35 2. Kearns Subdivision:
 - A. Vacation & Amendment/Salem Hills Subdivision, Plat "A", Block 4, Lots #9 & #10
 - B. Final Plat Approval of Kearns Subdivision, Plat "A"
- 6:45 3. Rocky Mountain Subdivision/Extension – Marty Wooten
- 6:50 4. Adoption/Tentative Budget for 2003/2004 Fiscal Year + Capital Improvement Plan
- 7:05 5. Garbage Contract Renewal – Mayor Fritz
- 7:10 6. Weed Control – Mayor Fritz
- 7:15 7. Schedule Public Hearings:
 - A. Ordinance/Clarification of Certain Defined Terms & Creation of Needed Terms (Animal Control)
 - B. 2003/2004 Fiscal Year Budget & Capital Improvement Plan
 - C. Final Amended 2002/2003 Fiscal Year Budget
- 7:25 8. Expenditures:
 - A. General:
- 7:30 9. Approval of Minutes of Previous Meeting(s)
Adjournment

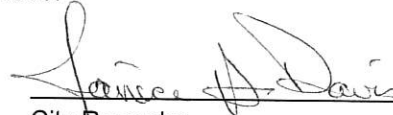
*Handicap Access, Upon Request. (48 Hours Notice)

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 23rd day of May, 2003.


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 May 23, 2003.


City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
May 27, 2003**

**TIME & PLACE
OF MEETING**

The regular Meeting of the Elk Ridge City Council was held on Tuesday, May 27, 2003, 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 May 23, 2003.

6:00 PM

CITY COUNCIL WORK SESSION

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Sean Nielsen, Gary Prestwich, Lee Freeman, Russell Sly, Todd Jackson; *Public:* James & Ann Kearns, Jon Argyle, Phillip Thaut, Marty & Lori Wooten; & *City Recorder:* Jan Davis

**KEARNS
SUBDIVISION**

Mayor Fritz: Mr. Kearns was unable to attend the previous Council Meeting due to ill health. Certain questions were raised in the last Council Meeting. The Mayor addressed those: (David Church responded to the questions by way of a phone call to the City Recorder. He was in court all day called during a short break.)

Memo (Attorney's Opinion):

1. Re-opening a Public Hearing after it was formally closed...

The Council may re-open a Public Hearing after it was formally closed if a "continuation of the Public Hearing was properly noticed as a Public Hearing.

(This meeting of 5-27-03 was not noticed as a Public Hearing. It was simply a regularly scheduled Council Meeting.)

If the Council wishes to allow additional information on either side of the issue, another Public Hearing would have to be set and noticed properly as such.

2. Letter vs. Spirit of the Law...

According to Mr. Church, in a Zoning issue, when it is a "close case", the Court will favor the property owner.

3. How detailed do the written protests have to be?...

Mr. Church was called back into the Courtroom and did not have time to address the question.

The Mayor asked if there was any new information.

Phillip Thaut: Mr. Church commented that in a "close case" the court would favor the property owner. His concern is that in the "preamble" (meaning the "Legislative Intent" of the Zone, in the Development Code of Elk Ridge) it states "residential concerns have primacy over that of developers". That issue was not addressed directly by the Attorney.

In trying to come to a decision on the issue of "material injury", Mr. Thaut had an appraisal on their home and the results have not come back to the Thaut's. At the time the appraisal was being done, the appraiser stated that, "Yes, it would have an impact on the value of their home." (Meaning the reconfiguration of the Kearns' lot) Does this represent "material harm"?

Mr. Thaut reminded the Council that it was not just him who came before them. It was the whole neighborhood "pleading" that the issue of "material injury" be considered.

Mayor Fritz: Directed to Mr. Thaut...Is it his intent to present the results of the appraisal as additional evidence? (Mr. Thaut stated, "Yes" and that it would be available within two weeks.) If that is the case, a new Public Hearing would have to be set and no decision could be rendered that evening, of 5-27-03.

Phillip Thaut: He has empathy for the position Mr. Kearns is in; but, Mr., Thaut (& his neighbors) are the ones who live on the street...it is their investment at risk. We are willing to work with the Kearns', but all of the resident on the street are "sick" about the possibilities.

Mayor Fritz: Is willing to reschedule the Public Hearing in order to hear new information.

City Recorder: Mr. Church has received all of the information, including a copy of the Legislative Intent of the Zone, which Mr. Thaut quotes from. Clarification to the Council: The Recorder read from the section of the Development Code referred to: "The zone is characterized by spacious lots, uncrowded buildings, and quiet residential conditions..."the

section actually states, "Owners and developers of property within this zone should bear in mind that primacy is given to residential development and maintain their properties in recognition thereof."

Jon Argyle: The concerns he has heard revolve around the possibility of litigation on the part of Mr. Kearns, if he is not allowed to proceed with his development process. Is this true?

The lot is obviously too small in the front. The lot re-configuration would alter the value of Mr. Kearns' existing lot as well as Mr. Thaut's lot, because "it will look too crowded". We owe it to ourselves to watch how things are built out.

Mayor Fritz: From the Mayor's perspective, the possibility of litigation from either side of the issue is not a determinate in the decision the Council has to make. The Council is responding to facts, not the threat of litigation.

Mr. Thaut: Would like to go on record that he is not attempting to "threaten" anyone, especially Mr. Kearns.

Mayor Fritz: Asked the Council if they wanted to schedule another Public Hearing to further address the "material Injury" aspect of this matter.

Sean Nielsen: Referring to the quoted "Legislative Intent": He does not see how the subdivision proposed by Mr. Kearns is in opposition to that statement, because it would be a residential development. The zoning class would remain the same.

The question of monetary damages would have to be clarified. It is difficult to determine any damages when there is no structure in place on the proposed lot. What creates the value? As the lot exists, the trees could be cut down and/or an accessory building erected by the property owner.

It is possible that a home could be built that would not detract from the property value.

Mr. Thaut: The appraiser (from Bank One) was in "disbelief" at the future plans for Mr. Kearns' lot. This is a professional opinion that says there will be an impact on the surrounding property values. He wanted to know Councilmember Sean Nielsen's experience with appraisers...

Sean Nielsen: Responded that he is well acquainted with appraisals, and "curb appeal"...

Mr. Thaut: The values are determined by the surroundings. The "crowding" will affect the value. He made the point that a possible 4,000sq. ft. structure is much different than an accessory building. The proposed changes in the property lines are also an issue. There could be a fence right in front of the other home.

Sean Nielsen: He agrees that any new information needs to be presented in a Public Hearing. He also needs more facts in order for him to consider any declaration of "material Injury".

Mr. Kearns has met the zoning requirements for his development. He looks forward to any other proof of "material Injury" an appraisal may provide.

Mayor Fritz: Recognized Mr. Kearns...

Mr. Kearns: It was never his intent to get everyone "stirred up". He went through all the processes required by the City. He added that appraisals are "quite subjective". They have not been serious about selling the existing home, so there have not been many offers. They priced the home quite high, but have dropped the price and are more intent on selling it.

The point has been made that many things could happen to the existing lot that could be detrimental to the surrounding homeowners...for example, a big motor home, or a big structure...and that would be legal. One prospective buyer was interested in the space on the lot to do just that. "This is all subjective. I don't know how an appraiser can determine that. I am a 'hard money lender'. I look at appraisals all the time. I run into all kinds of crooks, whom are appraisers...falsifying things, over-appraising, claiming that there are water rights when there aren't...all kinds of 'funny' things. Once again, we're not quite sure what we want to do with the property now; but I hear a lot of negative comments about what we started to do and we are sorry we upset everybody. This is not a threat either. I've already been involved in one lawsuit. I've never heard of any lawsuit where anybody won...except the lawyers."

"As far as law suits...that is not our intent." Listening to the comments does upset Mr. Kearns, however.

Mayor Fritz: "What you are saying is that the two primary parties are not proposing litigation, but everybody on the periphery...or many appear to be thinking that is a possibility."

The Mayor again invited comments from the Councilmembers:

Lee Freeman: Feels the real issue is that if the proposed lot included just the land around the building area, there would not be enough land for an approved lot. The Council allowed a peninsula of land to be included that has nothing to do with where a house would sit. By

"annexing" that land, the square footage was increased to meet the requirements of the Ordinance. He feels that is unfortunate. He encouraged the Council to revisit that ordinance and to not allow this to happen in the future. We want larger lots in Elk Ridge. He would be just as upset as those in the neighborhood.

Mr. Kearns: Maintained that his proposed lot would meet the requirements without the extra piece of land attached to it and that it is as large as the lots around it.

He cautioned the Council, "be careful what you do to me".

Lee Freeman: The only thing being considered is the issue of "material Injury".

Gary Prestwich: He would like any additional information available.

Russell Sly: It seemed evident to Councilmember Sly that the legalities have been met on the lot. The only question is whether there is "Material Injury". He feels this can only be settled by professionals, such as appraisers. Perhaps Mr. Kearns would want to have a separate appraisal.

Mr. Thaut: Invited Mr. Kearns to meet with him outside of the current public meeting...perhaps in the Mayor's office. (Mr. Kearns agreed. Both adjourned to the Mayor's office.)

Sean Nielsen: Four different appraisers would give four different appraisals. That would be a very subjective area. Perceived damage is not valid.

Mayor Fritz: Asked that any further discussion be curtailed until all parties are present in the Council room, since Mr. Thaut and Mr. & Mrs. Kearns had retired to the Mayor's office.

**ELK RIDGE
CITY COUNCIL MEETING
May 27, 2003**

**TIME & PLACE
OF MEETING**

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6:00 PM

CITY COUNCIL WORK SESSION

ROLL CALL

Mayor: Vernon Fritz; *City Council*: Sean Nielsen, Gary Prestwich, Lee Freeman, Russell Sly, Todd Jackson; *Public*: James & Ann Kearns, Jon Argyle, Phillip Thaut, Marty & Lori Wooten; & *City Recorder*: Jan Davis

**INVOCATION
PLEDGE OF
ALLEGIANCE**

Invocation was offered by Gary Prestwich; after which, 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 20 MINUTES
VOTE: YES (5) NO (0)**

**KEARNS
SUBDIVISION-
VACATION/
FINAL PLAT**

1. Vacation & Amendment/Salem Hills Subdivision, Plat "A", Block 4, Lots #9 & #10
r. & Mrs. Kearns and Mr. Thaut came back into the Council Meeting;

Thaut: Withdrew his request for an additional Public Hearing. He would like the Council to render a decision at the current Meeting and at Mr. & Mrs. Kearns convenience.

Mr. Thaut was speaking for himself. (There were no other residents of Fremont Way present at the Meeting.)

The Mayor wanted to know if the Council is willing to render a decision.

Jon Argyle: Suggested that a neutral party be brought in to assess the situation and determine if either party would be damaged.

Mayor Fritz: Does not feel this is the City's responsibility. If the two parties involved wanted to do so, that would be their decision; but it seems the two parties are ready to accept the decision made by the Council.

The Council agreed that the responsibility of the Council is to make sure the ordinances are followed.

Gary Prestwich: He sees that there are 2 issues:

1. Have the ordinances been met?
2. Mr. Kearns and Mr. Thaut would like a vote by the Council on Material Injury issue.

City Recorder: There are 2 issues to be voted on...one must precede the other. 1st...the issue of "Material Injury" & 2nd...Final Plat Approval for the Subdivision.

Anything that weighs into the decision must have been presented in the Public Hearing, or another Hearing must be scheduled to hear anything further.

Mr. Kearns: "We would like to have a vote and then, Mr. Thaut and myself could work things out."

Gary Prestwich: Then feels the Council must uphold the ordinances; although he does feel the proposed subdivision violates somewhat the intent of the Zone.

Sean Nielsen: As much as he would like to assist in preserving that area, the ordinances have been met and without any evidence of "Material Injury", he cannot go against what is stated in the ordinances.

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY GARY PRESTWICH TO APPROVE THE PROPOSED VACATION AND AMENDMENT OF SALEM HILLS SUBDIVISION, PLAT "A", LOTS #9 & #10; AND THAT THE COUNCIL FINDS THERE HAS BEEN NO EVIDENCE OF MATERIAL INJURY PRESENTED

VOTE: YES (4)

NO (1) LEE FREEMAN

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY TODD JACKSON TO APPROVE THE KEARNS SUBDIVISION, PLAT "A" AND TO GRANT FINAL PLAT APPROVAL

VOTE: YES (4)

NO (1) LEE FREEMAN

ROCKY
MOUNTAIN
SUBDIVISION/
EXTENSION

Marty Wooten: Mr. Wooten had been granted an extension to the Preliminary Plan for his proposed development, Rocky Mountain Way Subdivision, until 5/22/2003. He has submitted a written request for an additional extension for one year. The reason for the original extension was to give Elk Ridge time to solve the existing water and sewer problems. The approval process cannot go forward until this happens. For this same reason, Mr. Wooten is requesting this 2nd extension.

Jim Bolser, City Planner, has no concerns with granting another extension to Mr. Wooten. The Mayor added his recommendation to grant the extension.

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY LEE FREEMAN TO APPROVE MR. WOOTEN'S REQUEST FOR A ONE-YEAR EXTENSION FROM THIS DATE (5-27-2003) TO TERMINATE ON 5-27-2004, FOR ROCKY MOUNTAIN WAY SUBDIVISION

VOTE: YES (5)

NO (0)

TENTATIVE
BUDGET FOR
2003/2004

City Recorder (Jan Davis):

The issue of a street sweeper was discussed: The Mayor is to find out the cost of a sweeper that actually sucks the dirt and debris up into the machine. The Council would like to see a cost analysis on the benefits to the City.

Gary Prestwich: Commented that it would keep the streets safer.

A detailed discussion took place on 5-13-03.

"Road Repair" in the Capital Improvement Plan was at about \$151,000 and the Mayor insists on holding down the expense to about \$110,000.

The Budget will be adopted on June 17, 2003, for the 2003/2004 fiscal year.

Councilmember Nielsen and the Recorder reviewed the Water Administration Fee to the General Fund. The time spent in each Dept. was examined and the percentage of time calculated. About 47% of the time for the Public Works employees is spent doing tasks related to Water. About 10% of their time is spent on jobs related to Sewer.

This percentage goes into the salary provided to the Public Works.

Councilmember Nielsen may have Curtis Roberts (Auditor) come to Elk Ridge to meet about a couple of key issues: Understanding depreciation & calculating the amount of "unrestricted" retained earnings that would be available to place in a separate account for use on the system.

The same thing needs to be figured for the Sewer Fund.

The Mayor has authorized the expenditure to have Mr. Roberts come to the City.

The General Fund will utilize about \$56,000 of prior years fund balance.

Parks Capital Projects Fund:

Todd Jackson: Wants to budget \$30,000 expenditure for "Trails & Open Space" (to begin a trail system in the City). He will budget \$16,000 to be used from prior years Fund Balance and \$15,000 from "Usage of Impact Fees". (Leave \$5,000 in the Parks Fund)

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY TODD JACKSON TO ADOPT THE TENTATIVE BUDGET FOR THE 2003/2004 FISCAL YEAR, INCLUDING THE CAPITAL IMPROVEMENT PLAN

VOTE: YES (5)

NO (0)

GARBAGE
CONTRACT
RENEWAL

Mayor Fritz: The Mayor has been checking into a possible contract with Payson City.

He is meeting with a representative from BFI on 5-28-03. Payson's fees would be higher than Elk Ridge residents currently pay.

He expects BFI to offer some additional benefits. He would like to add to the days the City has the large roll-away dumpsters. He will bring a report back to the Council at the next Council Meeting.

Todd Jackson: Asked that we try to get some recycling bins.

WEED CONTROL

Mayor Fritz: \$600 has been set aside for spraying weeds. It would cost \$500 - \$600 for a heavy-duty weed eater to use around the well houses, tanks and road edges.

There was a lawn-mower size one, but the cost was high...about \$4,000.

The Mayor proposed increasing the "Weed Control" budget from \$600 to \$800, to purchase a heavy-duty weed eater.

Mayor Fritz is determined to enforce the clearing of weeds on vacant lots, fields and along the edges of the roads. He would like to be authorized to make this purchase.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY TODD JACKSON TO APPROVE UP TO \$600 TO PURCHASE A WEED EATER, AND TO AUTHORIZE THE MAYOR TO MAKE THIS PURCHASE

VOTE: YES (5)

NO (0)

SCHEDULE
PUBLIC HEARINGS

1. Ordinance/Clarification of Certain Defined Terms & Creation of Needed Terms

Lee Freeman: The Planning Commission feels the definition of "Household Pets" is somewhat vague and confusing. Various animal-related problems have been reported throughout the City. For these reasons, the Planning Commission was asked to review the existing Ordinance to determine what, if any, changes need to be made.

A proposed ordinance was submitted to the Council for review with the request to schedule a Public Hearing to consider this ordinance.

Review:

Section I (10-11-2) Under "List of Definitions":

#26. The definition of "Household Pets" was eliminated.

#27. Kennel – This would allow an unlimited number of animals for "fee" or "profit"

#40 (added) Has to do with "Mixed Use Developments", such as Residential & Commercial mixtures.

The Planning Commission spent a great deal of time discussing the topic of the definition of "Household Pets". They finally concluded that it would be better if the definition were eliminated altogether. They also felt it would be best to not restrict the types or numbers of pets. If any pet became a problem, the complaint would be handled under the "Nuisance Ordinance". The justification was that there are some people with only one pet, yet that one pet can create problems. On the other hand, a pet owner with many pets could keep his/her pets under control and they might never be nuisances to any of the neighbors.

The subject of "Kennels" was also reviewed. It was decided that "kennels" for fee or profit is a commercial use and should be in a Commercial Zone.

Councilmember Freeman supports the conclusions of the Planning Commission.

Councilmember Nielsen agrees with the concept.

Question: Will enforcement become a problem? Neighbors don't like to press charges against one another and that is what it comes down to.

Gray Prestwich: Feels the main issue is with "dogs".

The Mayor will clarify the matter of job description with Mr. Jim Bolser. There seems to be some confusion as to who the "Nuisance Inspector" is. Mr. Bolser understands that he is. The Council commented that it might be beneficial to have someone who is not a resident of Elk Ridge as the Nuisance Inspector.

MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY TO SCHEDULE A PUBLIC HEARING ON 6-17-2003, AT 6:00 PM, OR ON 7-8-2003, AT 6:00 PM; TO CONSIDER AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR THE CLARIFICATION OF CERTAIN DEFINED TERMS AND THE CREATION OF NEEDED DEFINED TERM(S), CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING AND EFFECTIVE DATE

VOTE: YES (5)

NO (0)

2. 2003/2004 Fiscal Year Budget & Capital Improvement Plan:

MOTION WAS MADE BY TODD JACKSON AND SECONDED BY RUSSELL SLY TO SCHEDULE A PUBLIC HEARING TO CONSIDER THE 2003/2004 FISCAL YEAR BUDGET & CAPITAL IMPROVEMENT PLAN, FOR 6-17-2003, AT 6:30 PM

VOTE: YES (5)

NO (0)

3. Final Amended 2002/2003 Fiscal Year Budget & Capital Improvement Plan:

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY RUSSELL SLY TO SCHEDULE A PUBLIC HEARING TO CONSIDER THE FINAL AMENDED 2002/2003 FISCAL YEAR BUDGET & CAPITAL IMPROVEMENT PLAN, FOR 6-17-2003, AT 6:40 PM

VOTE: YES (5)

NO (0)

EXPENDITURES:

General: No General Expenditures

**NON-AGENDA
ITEM**

Lee Freeman: Concerned with a retaining wall being built on the property behind the Fletchers' (neighbor). The wall is about 15' high. There is a question of a requirement for a fence. A temporary, flexible fence has been put up; but Councilmember Freeman is concerned about safety.

*The Building Inspector needs to speak with Councilmember Freeman about this situation.

MINUTES


No Minutes available approval.

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

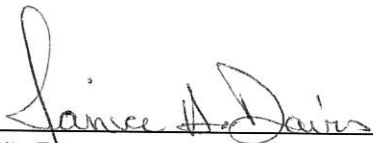
NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will cancel the regular **City Council Meeting on Tuesday, June 10, 2003, at 7:00 PM.**

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

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


CITY COUNCIL MEETING CANCELLED DUE TO LACK OF BUSINESS.



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 this cancellation of City Council Meeting and Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and mailed to each member of the Governing Body on June 6, 2003.



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, June 17, 2003, at 7:00 PM, to be preceded by three Public Hearings; for the purpose of hearing public comment regarding the following: The first Public Hearing, to be held at 6:00 pm, is on a proposed ordinance amending the Elk Ridge City Code providing for the clarification of certain defined term(s) related to animal control; The second Public Hearing, at 6:30 pm, is on the adoption of the 2003/2004 Fiscal Year Budget & Capital Improvement Plan; The third Public Hearing, at 6:40 pm, is on the adoption of the Final Amendment of the 2002/2003 Fiscal Year Budget & Capital Improvement Plan.

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 – ANIMAL CONTROL

Proposed Ordinance/Amending the Elk Ridge City Code providing for the clarification of certain defined term(s) related to Animal Control

6:30 PM

2. PUBLIC HEARING/2003-2004 FISCAL YEAR BUDGET & CAPITAL IMPROVEMENT

Adoption of the 2003/2004 Fiscal Year Budget, Certified Tax Rate & Capital Improvement Plan

6:40 PM

3. PUBLIC HEARING/FINAL AMENDMENT OF 2002/2003 FISCAL YEAR BUDGET & CAPITAL IMPROVEMENT PLAN

Adoption of the Final Amendment of the 2002/2003 Fiscal Year Budget & Capital Improvement Plan


7:00 PM

CITY COUNCIL MEETING/REGULAR SESSION AGENDA ITEMS

- Invocation & Pledge of Allegiance
- 7:03 Approval/Agenda Time Frame
- 7:05 4. Grandview North Subdivision, Storm Drainage Facilities
- 7:20 5. Mr. Thaut vs. City (Curb & Gutter Assessment) – Mayor Fritz
- 6. Public Hearings/Action:
 - A. Ordinance Amendment/Animal Control
 - B. Adoption-2003/2004 Fiscal Year Budget, Certified Tax Rate & Capital Improvement Plan
 - C. Adoption-2002/2003 Fiscal Year Budget & Capital Improvement Plan
- 7:35 7. Rebuild Road Projects – Gary Prestwich
- 7:45 8. Cyberlynk Network Access Service Agreement – Gary Prestwich
- 7:55 9. Sewer Evaluation Test – Russell Sly
- 8:00 10. BFI Contract – Mayor Fritz
- 8:10 11. Weed Control & Equipment Acquisition – Mayor Fritz
- 8:25 12. Pavilion Restrooms/City Hall – Mayor Fritz
- 8:30 13. Street Sweeper – Mayor Fritz
- 8:45 14. Parks & Trails – Todd Jackson
- 8:50 15. Expenditures:
 - A. General
 - B. Elk Ridge Warrant Register(s)
- 8:55 16. Minutes of Previous City Council Meetings
- Adjournment

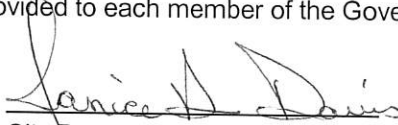
*Handicap Access, Upon Request. (48 Hours Notice)

The times that appear on this amended agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 12th day of June, 2003.


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 & an Amended Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, on June 12, 2003, and was and provided to each member of the Governing Body


City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
June 17, 2003**

**TIME & PLACE
OF MEETING**

This Special Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, June 17, 2003, at 7:00 PM.** It was preceded by a **three Public Hearings,** for the purpose of hearing public comment regarding the following: **The first Public Hearing, held at 6:00 pm,** was on a proposed Ordinance amending the Elk Ridge City Code providing for the clarification of certain defined terms and the creation of needed defined terms; **The second Public Hearing, at 6:30 pm;** was on the Adoption of the 2003/2004 Fiscal Year Budget, Certified Tax Rate & Capital Improvement Plan; **The third Public Hearing, at 6:40 pm,** was on the Adoption of the Final Amendment of the 2002/2003 Fiscal Year Budget & Capital Improvement Plan. All interested persons were given an opportunity to be heard. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of the Scheduled Council Meetings & Public Hearings, as well as the Amended Agenda, were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on June 12, 2003.

6:00 PM

1. PUBLIC HEARING/ORDINANCE – CLARIFICATION OF TERMS, “ANIMAL CONTROL”

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Sean Nielsen, Lee Freeman, Russell Sly, Todd Jackson, Gary Prestwich; *Administrative Assistant:* Ernestine Folks; *Public:* Tom Chynoweth, Chad & Suzanne Perry, Joe & Joyce Wadlinger, Reece DeMille (BFI), Jeff Brewster (BFI), Lynn E. Thomsen, Logan Nilsson, Phillip Thaut and *City Recorder:* Janice H. Davis

At 6:04 pm, Mayor Fritz opened the Public Hearing on the proposed Ordinance amending the Elk Ridge City Code providing for the clarification of certain terms and the creation of needed defined terms.

This Public Hearing is to provide the Community with an opportunity to make their concerns known about the proposed Ordinance. In the absence of taking advantage of that opportunity, the Council is left to make the decisions based on the information they receive.

The Mayor turned the time over to Councilmember Lee Freeman:

Lee Freeman:

Several months ago the Planning Commission was asked to address the subject of animal control, specifically to see if it needed to be strengthened; or is it adequate on its own? The Planning Commission met several times and even came up with one draft that was sent on to the Council and the Council rejected it and sent it back to the Planning Commission for more work.

1. The definition of “household pets” became a difficult issue to deal with, when considering all of the variations of pets that people could have and all the pets they shouldn’t have. Clearly, any pet prohibited by law, should not be allowed in the City. As they worked with this, they came to a consensus: “Why do we even need a definition of “household pets”? The primary concern seems to be, “Are pets, or animals, a nuisance to neighbors?” Therefore, they concluded that a definition of “household pet” is not really necessary. They felt what is needed is a means to make sure that pets do not become a “nuisance” and that would fall under the Nuisance Ordinance. Complaints could be filed under the Nuisance Ordinance and then follow the due process.

The basis of these conclusions was the fact that some pet owners may have numerous pets that are never a problem; whereas some may have only one or two that are major problems. It would be impossible to include all the combinations of pets people should or should not have.

2. The other issue was the definition of a “kennel”. The current Ordinance defines a kennel as...“any land or building for the keeping of three or more dogs...at least 4 month old”... It was determined that this particular language would be kept in the revisions, but to add, “for fee or profit”...this would indicate a commercial interest.

Ernestine Folks: There will be another ordinance coming soon that will remove “household pets” as a permitted use.

Lee Freeman: The proposed changes are not intended to lessen controls over animals in Elk Ridge. The Planning Commission feels (Councilmember Freeman agrees) that people have the right to have the kind of pets that would like to have in their homes, as long as they manage those animals responsibly.

Mayor Fritz opened the Meeting up to the public for comments:

Chad Perry: Feels there should be a limit to the number of dogs a resident can have. According to Mr. Perry, he has a neighbor who currently has 9 dogs. "Have you heard 9 dogs bark at night?" Who will be patrolling this? Will it be the Mayor? Will the Sheriff's Dept. enforce the laws?

Four months ago, Mr. Perry came up to complain and he was told at the time it would be four months. Mr. Perry reiterated that this neighbor still has all 9 of the dogs.

He does not want to pick up after his neighbor's dogs. If he wants to have that many dogs and to operate a kennel, then he should move to a commercial zone.

According to Mr. Perry, Payson City has a limit of two dogs, two cats, etc. No farm animals are allowed. He feels that is how it should be.

Sean Nielsen: Regardless of the number of dogs, the Nuisance Ordinance would cover any situation where they become a problem.

Lee Freeman: Either way, a complaint must be filed.

Mayor Fritz: Every citizen has the right to file a complaint; but there must also be a willingness to actually sign the complaint. He has rarely seen anyone willing to do this. (Mr. Perry said he is willing to do so. As stated by Mr. Perry, the neighbor's dogs attempted to attack him.

He called the Sheriff and was told to fill out some papers...the Sheriff did not come back to collect the papers. Mr. Perry said he called a 2nd time and the Sheriff still did not return.

Mr. Perry he has the right to "protect himself" by killing the dog. Mayor Fritz said he would talk to the deputy and tell him that if a citizen is willing to sign a complaint, a Sheriff needs to go to the site.)

Tom Chynoweth: He does not understand why the Council is even considering changing the rules, as they are now. If he has a problem, he can come into the office and the City will take care of it. The current limit is 2 dogs per household; why change that? He has called other cities and has gotten a response of disbelief that Elk Ridge would proposed to allow any number of pets.

Sean Nielsen: Has tried to come up with a solution to all of the problems, not just with dogs. Anything that could be a nuisance, any citizen could act on it. He feels the proposed ordinance empowers someone more than current Ordinance does.

Gary Prestwich: Most of the complaints have been about dogs, not about other animals. He would vote against anything that does not specifically regulate dogs. He suggested the number allowed stay at 2 dogs. He further advised leaving the rest of the proposed ordinance the way it is written...and just add a couple of paragraphs: "...except dogs (Maybe cats)...that would limit the numbers of these specific animals; the rest of the animals could be addressed under the Nuisance Ordinance.

Mayor Fritz: The answer is citizen involvement. There was not a good turnout at the "hearing" that evening. The Mayor is personally opposed to "unlimited dogs". He would like the restriction to remain at 2 dogs. There is a diversity of opinion as to what is acceptable. He wanted the public to have a chance to express their concerns.

Joyce Wadlinger: Mrs. Wadlinger expressed her appreciation of Councilmember Prestwich's comments. She agrees that it comes down to "responsible ownership". She would like to see wording of that type put into the ordinance. They have dogs and they are trained and well cared for. Other pet owners do not take care of their animals. She does not think limiting the number of animals is the issue...it is "responsible ownership". Dogs should not infringe on the rights of neighbors.

Joe Wadlinger: He has attended past City Council and Planning Commission Meetings; he sees everyone faced with the lack of enforcement of ordinances of previous Administrations. Most people will feel that they would be forced to "turn on their neighbor". We generally do not want to upset our neighbors. In reality, someone (a citizen) needs to "stand up", sign a complaint, be willing to stand behind the complaint and the City (Council) must support that citizen. When that happens a couple of times, precedence will be set. People will know that enforcement will happen.

Mayor Fritz: The key is that citizens must be willing to file the complaints. It should be considered that the neighbor with the offending animals are not considering the well-being of their surrounding neighbors in the least.

He agrees that enforcement is the key.

Joe Wadlinger: There can also be repercussions from neighbors who have been complained about. He has had negative experiences with this.

Mayor Fritz: Is committed to enforcement of these ordinances, it his responsibility as Mayor.

Gary Prestwich: Suggestion to update the residents through the Newsletter on current enforcements and citations issued...not listing cases by name, only the number and nature of the violations and resultant enforcement.

Joe Wadlinger: Citizens do not show up for the meetings because they do not feel their attendance will do any good. "We have to get beyond that."

Joyce Wadlinger: She is against too many rules...she would like to see exceptions be made, if the person is responsible and comes to the Council to request an exception in the limit of animals...if they produce proof of their responsibility for their animals.

Tom Chynoweth: Not many people take good care of their animals. He would like the ordinance to stay the way it is.

Mayor Fritz closed the Public Hearing at 6:45 pm.

6:45 PM

PUBLIC HEARING/2003-2004 FISCAL YEAR BUDGET & CAPITAL IMPROVEMENT PLAN

ROLL CALL

Mayor: Vernon Fritz; *City Council*: Sean Nielsen, Lee Freeman, Russell Sly, Todd Jackson, Gary Prestwich; *Administrative Assistant*: Ernestine Folks; *Public*: Tom Chynoweth, Chad & Suzanne Perry, Joe & Joyce Wadlinger, Reece DeMille (BFI), Jeff Brewster (BFI), Lynn E. Thomsen, Logan Nilsson, Phillip Thaut and *City Recorder*: Janice H. Davis

At 6:45, Mayor Fritz opened the Public Hearing on the adoption of the 2003/2004 Fiscal Year Budget n& Capital Improvement Plan.

Review (City Recorder): There have not been many changes since the adoption of the Tentative Budget in May, 2003.

One difference is the arrival of the Certified Tax Rate, which is the figure the amount of Property Tax is calculated from. It is usually late in arriving. The expected amount of Property Tax for 2003/2004 is going to be \$138,166 (decreased from the tentative amount of \$147,602). This is at a tax rate of .002304 for the 2003 Tax Year.

This affects the Budget in the amount of "Prior Year Fund Balance" to be used.

Fire Dept.: The Fire Chief would like to utilize the accrued money to make the change to change radio frequencies to match the County frequency. Many neighboring communities have already made the switch. If Elk Ridge wants to remain "compatible" with these other communities, we will have to switch over as well.

The hand-held units are \$1,300 each. We will need about 10 units. Chief Olson suggests a lease of the units rather than actually purchasing them. This would save money over time. A lease would also enable the City to change the units out as they become obsolete.

The Council agreed to enter into a lease for these units.

The payments will be accomplished through transfers from the "Capital Improvement Fund/800 MHZ" to the General Fund.

The City Attorney should review the lease before we sign it.

General Review

Mayor Fritz closed the Public Hearing at 7:05 PM.

7:06 PM

PUBLIC HEARING/2002-2003 FINAL AMENDED BUDGET & CAPITAL IMPROVEMENT PLAN

ROLL CALL

Mayor: Vernon Fritz; *City Council*: Sean Nielsen, Lee Freeman, Russell Sly, Todd Jackson, Gary Prestwich; *Administrative Assistant*: Ernestine Folks; *Public*: Tom Chynoweth, Chad & Suzanne Perry, Joe & Joyce Wadlinger, Reece DeMille (BFI), Jeff Brewster (BFI), Lynn E. Thomsen, Logan Nilsson, Phillip Thaut and *City Recorder*: Janice H. Davis

Mayor Fritz opened the Public Hearing on the Final Amended Budget for the 2002/2003 Fiscal Year & Capital Improvement Plan.

The review by the City Recorder began and was continued into the Regular Session, due to time.

**ELK RIDGE
CITY COUNCIL MEETING
June 17, 2003**

**TIME & PLACE
OF MEETING**

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Notice of the time, place and Agenda of the Scheduled Council Meetings & Public Hearings, as well as the Amended Agenda, were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on June 12, 2003.

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Sean Nielsen, Lee Freeman, Russell Sly, Todd Jackson, Gary Prestwich; *Administrative Assistant:* Ernestine Folks; *Public:* Tom Chynoweth, Chad & Suzanne Perry, Joe & Joyce Wadlinger, Reece DeMille (BFI), Jeff Brewster (BFI), Lynn E. Thomsen, Logan Nilsson, Phillip Thaut and *City Recorder:* Janice H. Davis

**INVOCATION &
PLEDGE OF
ALLEGIANCE**

The Invocation was offered by Logan Nilsson and Lee Freeman led those present in the Pledge of Allegiance.

**AGENDA TIME
FRAME**

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY
TO ACCEPT THE AGENDA TIME FRAME WITH AN ADJUSTMENT OF 15 MINUTES
AND TO MOVE THE "BFI CONTRACT" ITEM FORWARD ON THE AGENDA TO 7:00 PM
VOTE: YES (5) NO (0)**

**BFI CONTRACT
RENEWAL**

Mayor Fritz: The renewal of the Garbage Collection Service Contract is due. BFI has proposed a 5-Year Contract. The Mayor prefers a 1 Year Agreement. BFI has also included with the renewal, 12 free dumpster days (12 dumps per year). The representatives from BFI, Jeff Brewster and Reece DeMille, were introduced by the Mayor. Proposed Contract:

- 12 roll-offs (Including the dumps) per year – free
- No increase in fees for the this year and next year (there would be an increase in 2005)

Sean Nielsen: Requested a written proposal with the prices.
Lee Freeman: Suggested that the increase match the economy (CPI). BFI agreed to write this in.
Jeff Brewster: Recycling was also discussed. It may be considered at no cost to the City.
Mayor Fritz: Suggested the City could try the recycling for a year on a trial basis.
Jeff Brewster: Will draft 2 or 3 proposals and submit them to the City Council for review.

**GRANDVIEW
NORTH
SUBDIVISION/
STORM DRAINAGE**

Ernestine Folks: (Memo)
Lynn Thomsen has requested for the Council to approve his request to install the required sumps associated with his development instead of a detention basin.
Letter for LEI Engineering, dated 5-19-2003:
Reports that the soil at the site of the proposed subdivision has a relatively low permeability. The developer must manage all generated storm water.
Options:
1. Install required amount of sumps (5 sumps)
2. Construct an adequately sized detention basin
3. Post a "cash in lieu" amount to be used by the City as part of an overall storm drainage system
Comments in the letter:
Five sumps could prove to be undesirable to the City as they would require an inordinate amount of maintenance for only 3 lots.

LEI Recommendation (Michael Christianson):

Each of the methods meets the technical criteria for managing the storm water. Considering the long-term maintenance effects of the sumps, I recommend a conceptual detention basin be designed, a fair cost determined, and cash in lieu be posted to the City for use in a citywide system. The ultimate decision is with the City Council.

Letter from Dudley & Associates, Inc. (Engineers for Mr. Thomsen):

Cost for 5 sumps (installed as a group) = \$1,800 each or \$9,000 total

- Placement of 5 face inlet catch basins = \$850 each (\$4,250 total)
- Total Project cost = \$13,250.00

*There is no breakdown of the cost of a catch basin.

Lynn Thomsen: The original catch basin would have far reaching effects on any future development of the property across Gladstan Drive (also belonging to Mr. Thomsen, Mr. Ririe & one other owner), where the basin would have been located. The idea of 5 sumps was brought up as an alternative to the catch basin. Those would require a great deal of maintenance.

Mr. Thomsen would like for the Council to consider the cash in lieu of the 5 sumps. The storm water would be handled in the interim period (before the City solves the storm drain issues in the area) by installing 2 extra sumps (temporary) for the subdivision.

Russell Sly: The Engineers are in the process of conducting a Storm Drainage Impact Fee Study. Could there be a delay in this decision until the Study is complete?

Sean Nielsen: Expressed his concerns about cash in lieu of the installation of the improvements. The run-off problem would not be solved.

Gary Prestwich: There has been little or no design work on drainage above Elk Meadows Drive. He sees a real problem with drainage in that area, with the golf course just north of the property.

Lee Freeman: Agrees that the decision should wait until the completion of the Study.

Sean Nielsen: Suggested consideration of a change to cement edging on the roads, which would allow water to flow over edge & be absorbed.

Mr. Thomsen: According to the perk tests, the water would not absorb into the soil.

Mayor Fritz: Retention basins are not necessarily desirable. He also feels the decision on this request should wait until the Study is done.

Todd Jackson: Agrees that the Council should wait.

Mr. Thomsen: Wanted to know which direction the Council feels he, as the developer, should consider...either the 5 sumps or the catch basin?

Gary Prestwich: Feels the cash in lieu would not be an option.

Mayor Fritz: Would like to see cash in lieu of 5 sumps + 2 extra sumps.

Sean Nielsen: Would like to see the 5 sumps installed. (Gary Prestwich and Todd Jackson agreed. Councilmember Jackson also felt the catch basin would be just as acceptable.)

It was decided to defer the Council decision until after the completion of the Storm Drainage Impact Fee Study.

MR. THAUT VS.
CITY

(Memo for Mayor Fritz to the Council):

Mr. Thaut believes the City (Elk Ridge) is responsible for damages to his basement. Our Insurance carrier determined that the City is not.

Mr. Thaut owes the City for a curb & gutter assessment for work on Fremont Way. He wants to trade the amount owed to the City for curb & gutter for the damages to his basement.

Recommendation:

To decline the request. Mr. Thaut owes the money. If he fails to pay it, we will then take appropriate steps to collect.

Mayor Fritz: Gave a brief history of the Insurance claim and Mr. Thaut's request to the Council. He also read from a statement from Libby Lowther from Lowther & Assoc. (Investigated claim on damages to Mr. Thaut's basement caused by water leaking from a fire hydrant located by Mr. Thaut's lot.) Evidently when the Insurance Company denied Mr. Thaut's claim, Mr. Thaut indicated they would proceed with the matter with an attorney. Since legal action was threatened, Libby Lowther recommended the following to the Council:

"While the claimant should be made to feel free to voice his opinion and position in the public forum if he wishes, the City should not discuss or debate the details of the claim in public meeting."

Phillip Thaut: Mr. Thaut reviewed the cause of damages, which occurred on January 13, 2002. There was a speculation that Valley Asphalt may have used the hydrant as they were installing the asphalt on Fremont Way; however, there was no documentation or proof of this. Valley Asphalt was an agent of the City at the time of the roadwork. The Thaut's sustained about \$3,900 damage. The claim was denied by the City's Insurance Company.

Concerns:

- No proof that anyone had turned the hydrant on or off (Valley Asphalt denies using it)
- Kent Haskell replaced the valve on the hydrant...why if it was not defective?
- \$660 is owed on the curb & gutter assessment. He has no problem paying this. He feels the City owes him about \$4,000...the deductible for his insurance was \$1,000...he requested a trade: waive the \$660 assessment in exchange for the \$1,000 out of pocket money the Thaut's spent for their damages.

If the Council disagrees with his request, Mr. Thaut feels that perhaps a legal judge could come up with a solution...or perhaps arbitration would be an alternative.

The Council did not comment further at this time.

PUBLIC HEARINGS
ACTION

1. Ordinance Amendment/Animal Control:

Lee Freeman: It seemed that most of the concerns expressed were about the number of dogs to be allowed, not with the elimination of the definition of "household pets".

There was a suggestion that there should be a limit to the number of dogs allowed; but if a citizen could prove responsibility with their dogs, that the number could be increased by Council approval.

Sean Nielsen: That proof would be difficult to obtain.

Russell Sly: He feels it comes down to the issue of enforcement. He agrees with Councilmember Prestwich that the dog problem is big enough by itself that it needs to be addressed by it. All the other animals combined do not add up to the problem that exists with dogs. He is not in favor of eliminating the ordinance that addresses dogs.

Lee Freeman: Suggested the possibility of simply reinstating the section on kennels and the number of dogs that constitutes a "kennel".

Gary Prestwich: Advised sending the ordinance back to Jim Bolser (Planner) to further address dogs.

Sean Nielsen: Agrees with the direction the Planning Commission is going and agrees with Councilmember Freeman's suggestion. He is not opposed to keeping the 2-dog limit and 3 dogs would constitute a "kennel".

Lee Freeman: Kennels would still be allowed in the commercial zone.

Councilmember Freeman is to take the proposed ordinance back to Jim Bolser for changes to include restrictions on the number of dogs.

2. 2003/2004 Fiscal Year Budget, Certified Tax Rate & Capital Improvement Plan:

Certified Tax Rate:

MOTION WAS MADE BY TODD JACKSON AND SECONDED BY SEAN NIELSEN TO ADOPT THE CERTIFIED TAX RATE FOR THE 2003 TAX YEAR

VOTE: YES (5) NO (0)

2003/04 Budget & CIP:

MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY TODD JACKSON TO ADOPT THE 2003/2004 FISCAL YEAR BUDGET AND THE CAPITAL IMPROVEMENT PLAN; TO INCLUDE AN ADJUSTMENT TO THE PROPERTY TAX UPON RECEIPT OF THE CERTIFIED TAX RATE

VOTE: YES (5) NO (0)

3. 2002/2003 Fiscal Year/Final Amended Budget and Capital Improvement Plan:
(Continuation of Discussion)

City Recorder: A decision still needs to be made regarding the use of Retained Earnings from the Water Dept. (\$55,000). Where will it be applied?

It would take \$53,116 to pay-off the "Dead Well" Bond. Councilmember Nielsen recommends using the Retained Earnings to pay-off this Bond and to turn the money left on the Bond for the Cloward Well back to the State.

It was also suggested to use the \$55,000 to assist in the installation of the proposed 10" water line.

The Mayor closed the Public Hearing.

MOTION WAS MADE BY TODD JACKSON AND SECONDED BY LEE FREEMAN TO ADOPT THE FINAL AMENDED BUDGET FOR THE 2002/2003 FISCAL YEAR; AS WELL AS THE CAPITAL IMPROVEMENT PLAN

VOTE: YES (5)

NO (0)

REBUILD ROAD
PROJECTS

Gary Prestwich: (Quotes supplied by Staker Company)

1. Submitted a breakdown of the roads to be rebuilt. He said that the figures need more work.

Suggestion to drop Oak Ridge Drive from the list for this year.

The Council may want to consider the "Dugway" road edge repair & for chip & seal.

Ekins driveway area = \$1,200

Defer action until costs are confirmed.

2. Chip & Seal List:

There are 12.5 miles of road in Elk Ridge...it is proposed to chip & seal 4.8295 miles at a cost estimate of \$45,000.

Lee Freeman: Pointed out that the patch job on Park Drive done by Questar is settling. There is a warranty on the work. Questar should be contacted. Councilmember Prestwich will follow up on this.

This list replaces the plan for 2003/2004 in the Capital Improvement Plan.

Lakeview Drive is not on the current list. There is to be a meeting with the residents of Lakeview Drive and the Mayor and Councilmember Prestwich, on July 1, 2003. Letters to the residents have gone out. This meeting is for the purpose of informing the residents of the plans for Lakeview and to gather their input to formulate what will be done.

The estimates from LEI and RB&G are high and would take the entire budget for road repair for the entire year. The residents will be presented with a lower-cost alternative.

Gary Prestwich: Daley & Assoc. would survey the road to determine road elevations and the centerline, which is incorrect at this time. They will make sure it is geometrically correct at a cost of about \$2,000. Earth-tech will do compactions tests, as well.

Ernestine Folks: That road has problems in the way it was built. We are going to need some engineering make sure it is built with the proper "crown" and sub-base, so that money is not spent on a road that still has the run-off problems.

Mayor Fritz: Standards will be used, but not necessarily the standards as presented by LEI & RB&G. The costs would be prohibitive. Not every road has to be a "Cadillac".

Gary Prestwich: It will be better than the original road was.

If the residents wish to have curb & gutter, it won't be this year and they would have to participate significantly. Their alternatives will be presented to them at that time. One of the main considerations with Lakeview Drive is that it is not a heavily traveled road.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO APPROVE \$45,000 FOR CHIP & SEAL FOR THE ROADS, AS PRESENTED ON THE LIST FOR A TOTAL OF 25,519 FEET (ATTACH LIST TO MINUTES)

VOTE: YES (5)

NO (0)

CYBERLYNK
NETWORK ACCESS

Gary Prestwich: The contract has been changed and has been sent to the City Attorney. Changes:

- The Agreement will not be a "12-month Agreement", it will be referred to as "long-term"
- Recitals: Add..."Cyberlynk will provide High Speed Internet Access to the City Building via frame relay, provided by Cyberlynk, linking back to our office, the use of a direct T-1 link to the Internet."
- Allow any computers to be connected
- Supply a A-port switch
- Supply technical assistance, which may be needed to establish connectivity

Elk Ridge will, in turn:

- Allow a 360 Disbursing antenna on top of the pole used for the siren
- Allow to be placed in the City Building...all routers, access points needed to allow Cyberlynk to provide high quality & High Speed Internet (There will be some equipment mounted on the wall).
- Elk Ridge will supply no more than 10 watts for electrical power

Term & Conditions: This paragraph will be deleted.

Network Service Order Form: This specifies that the fee is \$600 with a reoccurring fee of \$40 (for 6 months)...beyond that point there will be no additional charge.

Either party may terminate the Agreement within 45 days.

Other customers will be able to connect based on the equipment located at the City Hall.

Approval was deferred until a final draft of the contract is available.

SEWER EVALUATION TEST

Russell Sly: The flow meter is installed on the main trunk line going to the Salem Plant.

This will measure flows from Elk Ridge to better estimate the City's capacity. Aqua Engineering is the firm conducting the Study. The duration of the Study is one month.

The beginning numbers were somewhat erroneous due to a blockage in the line. Once that was cleared out the numbers dropped from about 200 gal per day to 130,000 gal/day.

Elk Ridge is allowed up to 185,000 gal per day. The limit goes down to 144,000 gal per day taking into consideration a "bottle neck" in the line. (There is no proof of this "bottle-neck".)

The Study will be in a "useable" form so it can be used in future negotiations with Payson, Woodland Hills & Salem.

David Church advised for the City to get professional assistance in negotiating with Salem & Payson. Jim Bolser was asked to recommend someone.

*Ernestine Folks is to compile a priority list of developers waiting for approval from the City.

WEED CONTROL & EQUIPMENT ACQUISITION

Mayor Fritz: The Council authorized the purchase of a large, heavy-duty "weed eater".

There are also areas that need to be mowed. Councilmember Prestwich is to contact Dale Christofferson to cut and spray weed on road edges.

PAVILION RESTROOMS

Mayor Fritz: Currently, the Pavilion restrooms are kept locked except when someone has the Pavilion reserved. The result is a constant flow into the City Offices, of children using the Park during the day. The City Hall becomes the public restroom.

Suggestion: To unlock the Pavilion restrooms during regular Office hours and lock them again after hours. This will require more cleaning of the restrooms. Kris Bluth will need to be notified.

STREET SWEEPER

Mayor Fritz: A new sweeper would cost about \$130,000, as opposed to a re-conditioned one for about \$97,000.

There is a 3-Wheeler version for \$18,649. The dirt would have to be swept in a pile and removed where curb & gutter exists. (This machine does not suck up the dirt.)

Another option would be to allow the dirt be washed into sumps and the sumps cleaned...it would cost less.

Another option: To force the developers and contractors to clean up their messes.

The recommendation is to purchase the sweeper that costs \$18,000 to \$20,000.

\$10,000 is budgeted for this fiscal year. The rest could be paid off next fiscal year.

The Mayor will also pursue Federal Funding.

NON-AGENDA ITEM

Todd Jackson: 4th of July Celebration:

The Health Dept. has put a few more restrictions on the "Mayor's Hot Dog Dinner". There needs to be a cover over the area where the meal will be served, as well as a more sanitary process.

He will need help on the set up and take down of the Carnival.

Packets have gone out to residents.

The budget for the 4th of July Celebration increased to \$2,000 from \$1,500.

PARKS & TRAILS

Todd Jackson: The Trails Committee has met three times. They are planning a trail that will eventually circle Elk Ridge. They will start with a walking path around the City Park. The over-all Project will be done in phases, as funding is available.

This proposal will be presented to the City Council for approval.

BUDGET PUBLIC
HEARINGS

**PUBLIC HEARINGS/2003-2004 BUDGET & CAPITAL IMPROVEMENT PLAN &
AMENDED 2002/2003 BUDGET & CAPITAL IMPROVEMENT PLAN
(CONTINUED)**

Review of Capital Improvement Plan:

Ernestine Folks: 2003/2004 Plan:

- Changes need to include the New Well
- Sewer Study (\$5,000)
- Connecting the Tanks (\$15,000)
- Add in \$110,000 (Road Repairs)

Parks: Change "Park Playground" to "Park Projects"

Fire Dept/800 MHZ Radios: The money will be transferred back into the General Fund from the Capital Improvement Fund to make the payments. The Lease will go to Curtis Roberts for review before signing.

Sean Nielsen: According to Curtis Roberts (Auditor), there is \$55,000 unrestricted money in the Water Dept. (Retained Earnings)...to be applied to paying off the "Dead Well" @ \$53,116.

The \$55,000 could also be applied to any of the other Bonds for the Wells...or to the upgrade of the water line connecting the Cloward Well to the system.

The Certified Tax Rate will be adopted. There will be no hearings in August.

2002/2003 Budget:

Pg. 7 (bottom) Revenues exceed expenditures in the General Fund, which is good.

The Fire door in the record's room was less than anticipated. About \$1,200 was budgeted and the total cost was under \$300. There was a question if the materials were to standards for a "fire door"?

There were few comments on the final amended Budget for the current year. The Audit is the final financial report that is sent in to the State. Next year, spending should be cut off sooner.

The Mayor Closed the Public Hearings on the 2003/2004 Fiscal Year Budget, Certified Tax Rate and Capital Improvement Plan & the 2002/2003 Final Amended Budget & Capital Improvement Plan.

**MOTION WAS MADE BY TODD JACKSON AND SECONDED BY SEAN NIELSEN TO
ADOPT THE CERTIFIED TAX RATE FOR THE 2003 TAX YEAR**

VOTE: YES (5)

NO (0)

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY TODD JACKSON TO
ADOPT THE 2003/2004 FISCAL YEAR BUDGET AND CAPITAL IMPROVEMENT PLAN**

VOTE: YES (5)

NO (0)

**MOTION WAS MADE BY TODD JACKSON AND SECONDED BY LEE FREEMAN TO
ADOPT THE FINAL AMENDED 2002/2003 FISCAL YEAR BUDGET & CAPITAL
IMPROVEMENT PLAN**

VOTE: YES (5)

NO (0)

EXPENDITURES:

General: None

Road Repair: Road Preparation/Goosenest Drive:

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO
APPROVE \$9,313.80 FOR ROAD PREPARATION & REPAIR FOR GOOSENES DRIVE**

VOTE: YES (5)

NO (0)

Warrant Registers: Not available

MINUTES

City Council Minutes of 4-22-03:

**MOTION WAS MADE BY TODD JACKSON AND SECONDED BY SEAN NIELSEN TO
APPROVE THE CITY COUNCIL MINUTES OF 4-22-03**

VOTE: YES (4)

NO (0)

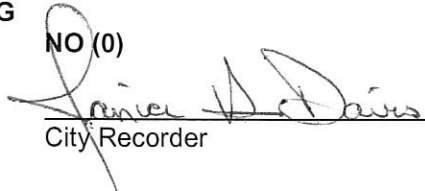
ABSTAIN (1) GARY PRESTWICH (not present)

ADJOURNMENT

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY TODD JACKSON TO
ADJOURN THE COUNCIL MEETING**

VOTE: YES (5)

NO (0)


City Recorder