

NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, July 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. Wastewater Flow Study – Aqua Engineering
2. Water Impact Fee Study Presentation – LEI Engineering
3. Inter-local Agreement – Russell Sly
4. Sewer Problem – Dean Ingram

7:00 - PM REGULAR COUNCIL MEETING AGENDA ITEMS:

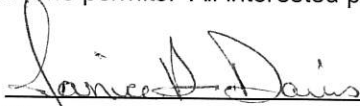
- Invocation and Pledge of Allegiance
Approval/Agenda Time Frame
- 7:05 5. Ordinance/Compensation of Elected & Statutory Officers
- 7:10 6. Road Repair – Gary Prestwich
- 7:15 7. Oak Bluff Estates, Plat G – Durability Retainer
- 7:20 8. Sewer Impact Fee Study – Russell Sly
- 7:30 9. Garbage Contract Renewal – Mayor Fritz
- 7:35 10. LEI Engineering Work Release #2003-7
 A. Trail Right of Way Improvements
- 7:45 11. Expenditures:
 A. General:
 B. Warranty Registers for April, May June 2003

7:50 - PM CITY COUNCIL CLOSED SESSION

12. Pending Litigation
- 8:00 13. Council Action/Phillip Thaut Request – Curb & Gutter Assessment – Mayor Fritz
- 8:10 14. 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 3rd day of July, 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 July 3, 2003.



City Recorder

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

**TIME & PLACE
OF MEETING**

The regular Meeting of the Elk Ridge City Council was held on Tuesday, July 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 (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 July 3, 2003.

6:00 PM

CITY COUNCIL WORK SESSION

ROLL CALL *Mayor:* Vernon Fritz; *City Council:* Sean Nielsen, Gary Prestwich, Todd Jackson, Russell Sly & Lee Freeman; *Administrative Asst:* Ernestine Folks; *LEI Engineering:* Greg Magleby & Michael Christianson; *Aqua Engineering:* Bruce Ward; *Public:* Paul Eddy, Michael Austin, Scouts: Abe Austin, Jordan Riley, Zach Morrell, Justin Tuckett, Kevin Johnson & Derrick Peatross, Dean Ingram, Joe Wadlinger, Michael & Laura Ashton & *City Recorder:* Janice H. Davis

**WASTEWATER
FLOW STUDY**

Russell Sly: Elk Ridge contracted with Aqua Engineering to conduct a Sewer Flow Study; to measure the Sewer flow going to Salem. The Study is complete. Bruce Ward (Aqua Engineering) was present to present the study to the Council.

Bruce Ward: Mr. Ward has been in contact with Councilmember Sly throughout the Study. There have been periodic updates faxed to Councilmember Sly.

The Report:

- There is a bit of background information and history of Elk Ridge's ownership in the Salem Plant.
- The metering device used was a 10" weir for use in sewer systems.
- There was a flow reading every 15 minutes = 96 flow measurements per day
- The weir was installed on May 7, 2003. The report reflects readings taken between 5-24-03 & 6-16-03.
- The weir was placed in the last manhole prior to any connection to the sewer main by Salem residents. The pipe size is 10' and the weir was placed on the upstream side of the manhole.
- Inspections took place regularly. Average Daily Flow Rate = 110,000 gallons per day (Elk Ridge is allowed up to 180,000 gal per day, as per Agreement with Salem City. Figuring 75 – 100 or an average of 80 gal per day/person translates into an additional 251 more connections.

Salem:

Any "bottleneck" in the line (If it is in existence) in Salem does not figure into the report. The flow meter at the Salem Plant was faulty. A new one was installed as of July 7, 2003.

The Salem Plant has been out of compliance in being able to adequately treat sewage.

Aqua Engineering is working with Salem City to improve this situation by adding "mixing" devices.

Russell Sly: (Concerns)

1. There are "spikes" on the flow graph (when the flow can be reported to reach up to 200,000 gpd. Mr. Ward explained that the Plant is designed to handle these "spikes".
2. Commented that the report does not seem to encourage Salem City purchasing Elk Ridge's 18% of the Plant.

Bruce Ward: The attempt was made to view the issue from various perspectives: Elk Ridge's, Salem's, from a "market value" point of view and from an accounting point of view...all over a 15 to 20 year period of time. Until Salem reaches their capacity at the Plant, the 18% owned by Elk Ridge is not as valuable to them. Supply and demand dictate value, to some extent. The same concept will apply in negotiations with Payson City.

Eventually, there will be a Regional Plant that will figure into all of this.

Mayor Fritz: Has met with Salem City and Mayor Brailsford is firm about not selling Elk Ridge more capacity in the Plant. Mayor Fritz advised approaching Salem City and Payson City from a position of strength.

Russell Sly: Feels that Elk Ridge cannot afford to sewer with both Salem City and Payson City and that any deal made with Salem City will be pivotal to future negotiations with Payson City. Mayor Fritz commented that he respectfully disagrees about the possibility of sewerage with both cities.

Ernestine Folks: Observed that even though the report translates into a certain number of connections available (approximately 250). It should be taken into consideration that of that 250 connections, we have 149 approved, vacant lots that have not connected to the system. This will affect the number of connections available for new development.

Mayor Fritz: Added that all of those approved lots will not be built upon within the next five years. He suggested having a separate meeting with the Council to discuss the results of the Studies and how development fits into this information. He would like the meeting to take place within 30 days.

WATER
IMPACT FEE
STUDY
PRESENTATION

LEI Engineering: Councilmember Nielsen turned the time over to Mike Christianson (LEI Engineering):

Mike Christianson: A report was submitted to the Council which is a combination of two studies and three different areas of consideration:

1. Capital Improvement Plan
2. Impact Fee Analysis
3. Water User Rate

The report consists of the results of LEI's investigation for the purpose of creating a Water System Capital Improvement Plan. It includes an analysis of the current water system storage capacity, source capacity and future requirements, the current irrigation consumption rate, and Elk Ridge's fire suppression protection capability. The investigation also identifies infrastructure needs and a proposed maintenance and repair schedule. (Applicable items were quantified according to Utah State Administrative Rules for Public Drinking Water Systems R309-203.)

Additional items identified: the immediate upgrades or improvements to the system; identification and prioritization of repairs, upgrades, or new improvements to the system including pump station needs, telemetry system options, main distribution system upgrades, and additional loops within the system; establishment of a maintenance and repair schedule for pump stations, PRV valves, fire hydrants, valves, water meters, and water tanks, as well as preparation of water system supervision, repair, upgrade and improvement budgets.

The report states a brief history of the City's water system and states the need of a Capital Improvement Plan for Elk Ridge.

Two critical areas of concern:

- Loafer Canyon Road/6" pipe
Fire flow @ 1,500 gpm could collapse the pipes.)
- Salem Hills Drive:

There is a long dead-end 6" pipe that needs to be up-sized (also a problem for fire flow)

Pg. 25: Discussed "Miscellaneous Capital Improvements":

As LEI reviewed the City's overall system, "other systems have been identified which warrant attention in attention in this Water System Capital Improvements Plan. These issues include an in-line booster station between the Oak Lane Tank and the Upper Tank, telemetry changes in the water distribution from the tanks, the proper spacing of fire hydrants, and installation of bypass PRV's."

Pg. 30: Total cost of all recommended improvements to the water system = \$316,861.40

Pg. 5: Current Storage & Source Capacity:

There are currently 596 approved residential lots (490 are connected to the water system) = 106 Bal.

There are 2 Churches; each Church = 6 typical residential lots.

$596 + 12 (2 \times 6) = 608$ ERU's (equivalent residential units)

The Irrigated Landscape Survey done by LEI changed the figures for the about of water needed for storage. The City was requiring .33 acre-feet; this changed to .26 acre-feet = 25% less water required for storage.

Pg. 7: Total Storage Required: 893,350 gallons

Total Storage Available: 1,000,000 gallons (Difference = 106,650 gallons)

Pg. 9: Growth Rates (Key Factors):

Average growth rate over the past few years = 7.9%

It is not wise to over-estimate growth rate...then the impact fees are underestimated. Growth rates should be conservative, yet realistic.

Pg. 12: Chart tells when to expect needing certain Capital Improvements in source & storage. By 2007, the City will need more storage and source capacity.

Mayor Fritz is committed to eventually getting a new well and a new tank.

How to prepare financially for these projects:

It must be taken into consideration what is fair to future residents vs. what is fair to existing residents (Impact Fees vs. User Rates).

Water Impact Fee: Propose \$3,350.00 (Current: \$3,005)

(Review of existing bonds)

Pg. 47: Table 5.1

Water User Rate Determination:

If more revenue is generated from the sale of water to residents, it should be budgeted to be spent on repairs. Care should be taken not to allow user rates to pay for too much new development, even though the current residents stand to benefit for these improvements.

Enterprise Funds should not run at a surplus.

1. Any excess could be applied to "depreciation".

2. Reduce the Base Rate from \$40 to \$33

Greg Magleby: Most municipalities do not have "depreciation" accounts. Depreciation should be applied toward the "old" (existing) system. Elk Ridge's Audit report indicates it has gone toward Debt Service.

***Suggestion: Move Debt Service to "Operating Expenditures"**

Perhaps create a Budget Line Item: "Capital Facilities Replacement" and apply depreciation to that. (Check with Auditors.)

There also needs to be some clarity on understanding "depreciation" and where that expenditure actually goes.

According to Mr. Magleby, "depreciation" should be spent on items, which have depreciated and are in need of replacement or repair.

Sean Nielsen: The extra charge needs to be justified.

Mayor Fritz: Part of the justification of the Base Rate increasing to \$40 was to help with replacement of the old system. It seems logical to plan for the future.

Greg Magleby: It just needs to be directed and categorized correctly.

Pg. 48: Maintenance Plan:

"To keep a water system with the complexity of Elk Ridge's operating properly for long-term benefits, a consistent well-thought out maintenance plan is essential."

LEI suggested a 52-card maintenance schedule system. This would organize the maintenance and help prevent breakdowns and untimely failures. Fire hydrants are an important part of this maintenance program.

INTERLOCAL AGREEMENT

Russell Sly: A draft copy of the proposed Interlocal Agreement (Sewer) is to be placed in each of the Councilmember's folders for review. It will be discussed at the next Council Meeting.

SEWER PROBLEM

Dean Ingram: Mr. Ingram just finished building a new home and experienced the sewer backing up. It was caused by an off-set pipe from the extension done during the building process. Mr. Ingram had the pipe cameraed, but it would not go past the off-set. The sewer line was dug up and repaired it. After completion of the work, he had the pipe cameraed again to make sure the repair was adequate and got past where they had made the connection (about 8' into the City's right-of-way) and found that the line is about 2/3 the way crushed and will eventually back-up again. Mr. Ingram feels the ditch may have not been compacted correctly.

Mayor Fritz: According to Kent Haskell, the angle of the ditch was such that when they laid the pipe, the correct contour was not followed. Mr. Ingram wants to determine who should pay for the repairs. There is an ordinance about who is responsible for the laterals. This needs to be clarified. The Mayor will have that information available to the Council by the next Council Meeting.

Russell Sly: Was present when the line was cameraed and reported that there was discussion at the time of the responsibility of inspection when the line was originally installed. He feels the City has a responsibility for the main and the lateral connecting to the property line.

The homeowner would be responsible beyond that point. This particular blockage is located "right on the curve". There may be problems beyond the point where the camera was blocked. Recommendation: The City should be responsible to pay for the repairs to that lateral to the property line, then Mr. Ingram would take it from there with his own contractor.

Sean Nielsen: Why not just have Kent Haskell do the work?

Russell Sly: Agrees and it should be done soon. It may be \$5,000 - \$6,000.

Mayor Fritz: The work would have to be contracted out; it is beyond the capability of Mr. Haskell's backhoe.

Sean Nielsen: If this is a maintenance issue, does the work need Council approval? It could be approved under the "General" heading of Expenditures. (The Mayor agreed.)

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

TIME & PLACE
OF MEETING

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8:04 PM

ELK RIDGE CITY COUNCIL - REGULAR SESSION AGENDA ITEMS

ROLL CALL *Mayor:* Vernon Fritz; *City Council:* Sean Nielsen, Gary Prestwich, Todd Jackson, Russell Sly & Lee Freeman; *Administrative Asst:* Ernestine Folks; *LEI Engineering:* Greg Magleby & Michael Christianson; *Aqua Engineering:* Bruce Ward; *Public:* Paul Eddy, Michael Austin, Scouts: Abe Austin, Jordan Riley, Zach Morrell, Justin Tuckett, Kevin Johnson & Derrick Peatross, Dean Ingram, Joe Wadlinger, Michael & Laura Ashton & *City Recorder:* Janice H. Davis

INVOCATION
PLEDGE OF
ALLEGIANCE

Invocation was offered by Paul Eddy; after which, Joe Wadlinger 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 1 HOUR & 4 MINUTES;
AND TO MOVE THE SCHEDULED 7:45 AGENDA UP TO
VOTE: YES (5) NO (0)**

EXPENDITURES

General:

MOTION WAS MADE BY RUSSELLS SLY AND SECONDED BY SEAN NIELSEN TO APPROVE THE EXPENDITURE NECESSARY TO REPAIR THE MR. INGRAM'S SEWER DIFFICULTY
VOTE: YES (5) NO (0)

ORDINANCE/
COMPENSATION
OF ELECTED &
STATUTORY
OFFICERS

This ordinance simply puts in place the wages with the cost of living adjustments (COLA).

MOTION WAS MADE BY TODD JACKSON AND SECONDED BY LEE FREEMAN TO ADOPT THE ORDINANCE PROVIDING FOR THE COMPENSATION OF ELECTED AND STATUTORY OFFICERS AND EMPLOYEES OF ELK RIDGE CITY

VOTE (POLL): SEAN NIELSEN-AYE, TODD JACKSON-AYE, LEE FREEMAN-AYE, GARY PRESTWICH-AYE, RUSSELL SLY-AYE
 PASSES 5-0

ROAD REPAIRS

Gary Prestwich: A list of proposed road repairs was submitted to the Council.

This is for overlay work to be done on the following roads:

Autumn Cr., Cortez, Park Cr, N. Powell (including compaction testing), N. Park Widening & Lakeview Drive...Subtotal = \$55,289.34

Street Preparation:

Gooseneck Dr. & Park Drive to Loafer Canyon Rd...Subtotal = \$17,013.80

Total = \$72,303.14

Chip and Seal has already been approved; that list along with this proposed list would be a total road repair budget of about \$117,000.

Lee Freeman: What if the budgeted amount goes up for Lakeview Drive?

Gary Prestwich: Councilmember Prestwich would come back to the Council with a revised amount.

Sean Nielsen: Enquired what work would be included on Lakeview Drive.

Gary Prestwich: Responded that the road would be rebuilt.

When asked if the City would by-pass engineering, Councilmember Prestwich further commented that essentially, Staker Asphalt would be designing the road.

Mike & Laura Ashton (Lakeview Drive Residents): Mrs. Ashton voiced her concerns that \$21,588 would be inadequate for the work necessary on Lakeview Drive. The City would not come back in seven years to re-do the road. She does not think the road could be done for \$21,588. She feels the minimum would be about \$57,000 to repair the road. One of the estimates was for about \$78,000. The City cannot afford to be repaving the roads every 7 years.

Mr. Ashton recalled that LEI's proposal of 2 years ago estimated around \$67,000 to repair Lakeview Dr. That was not including curb & gutter. He does not understand how the current estimate could be so much less. The curb & gutter alone for Lakeview would be approximately \$27,000 @ \$15 psf.

RB&G Engineering mapped out the proposed road, which would result in problems with access to his property. He noted the problems which occurred on Fremont Way and the resulting access problems. This concerns him.

Mayor Fritz: What is being proposed is less than what has been recommended by the engineers.

Michael Ashton: Feels this is a one-shot opportunity. The road will not be re-done in the near future, particularly when other roads are also in need of repair.

Sean Nielsen: The \$67,000 estimate did not include hauling off materials and other work that was to be done by the National Guard. It is not lawful for the National Guard to compete with local contractors. The actual cost would have been closer to \$117,000.

Mayor Fritz: Assured the Ashton's that there would be another meeting with the residents of Lakeview Drive. Their concerns are accepted and will be evaluated and will be a part of the next meeting with residents. No one wants to force anything on them or repeat some of the problems when Fremont Way was replaced. The Mayor added that he couldn't see spending the entire budget on one 900 ft. section of road.

Mr. Ashton: Asked to see the proposal from Staker, to see what they are planning to include.

Gary Prestwich: If the list is approved, it will give him authority to spend that much money on the road, if it is decided to do it (Lakeview) for the amount designated on the list. If it were decided to repair Lakeview another way, he would have to come back to the Council to have that approved. If we do that, the road will not be repaired this year.

Lee Freeman: Recommends the Lakeview Repairs not be included with the list for approval at this time.

Jan Davis: Expressed concern that the engineering designs already generated would not be followed for the replacement of Lakeview Drive. She feels there are standards in place that should be applied in the case of road replacement. Could the money be accrued over time to replace the road?

Sean Nielsen: He feels there should be a known estimate of what is going to be done, if any approval were to be granted.

Gary Prestwich: If having engineering were the criteria for repairing the roads, none of the roads would be done, due to the cost involved. Several of the roads are in very poor condition.

Sean Nielsen: There is no comparison between the estimates from both LEI and RB&G and \$21,000. Further, there is no breakdown to justify the cost to Staker...what has been eliminated to achieve this difference? He cannot agree with an "open-ended approval".

Mayor Fritz: Although he agreed with the suggestion to postpone approval on the Lakeview Project until a better estimate is available, he also is of the opinion that we are not building a new road, we are maintaining an existing road and he does not believe the ordinance requires it be built to the same standard as a new road. He absolutely does not intend to see this City go broke trying to build "masterful" roads that have little traffic on them. The collector-class roads have to be maintained at a higher level due to the amount of usage.

The Mayor closed any more comment on this subject, again deferring to another meeting with firmer numbers.

MOTION WAS MADE BY GARY PRESTWICH TO APPROVE THE "REBUILD" PROJECTS, AS PRESENTED ON THE SUBMITTED LIST, WITH THE EXCEPTION OF LAKEVIEW DRIVE; INCLUDING THE STREET PREPARATION OF GOOSENEST DRIVE AND EAST PARK DRIVE THAT CONNECTS ONTO LOAFER CANYON ROAD

Discussion:

Sean Nielsen: Lakeview engineering has been done which cannot be ignored. We are holding ourselves to a lower standard than expected of developers. He will support the other repairs.

Gary Prestwich: Then the ordinance should be changed. "No curb & gutter" was part of the platform when elected to office.

Lee Freeman: "It was not part of my platform." He admitted he knows little about road maintenance, but it would be nice to have an engineering opinion to base decisions on.

Todd Jackson: Undecided. There has to be a balance between what is financially possible and what is recommended by the engineers.

Russell Sly: What are the options? Should we have engineering done on all the roads? Meanwhile, the roads deteriorate. He supports the work done by Gary Prestwich.

THE MOTION WAS SECONDED BY RUSSELL SLY

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

OAK BLUFF
ESTATES, PLAT "G"
DURABILITY
RETAINER

(Lot owned by McIntire's)

According to engineering letter from LEI Engineering (Ernie L. Thornton), dated July 7, 2003: "All work has been completed as per the approved plans and City Standards, with the exception of the sloping of the property within the right-of-way (behind the curb & gutter). We suggest this item be appropriately addressed through the building permit, and home construction process. Also, due to the amount of time that has passed since the construction of the improvements, we suggest you consider waiving the durability period for this subdivision." Their recommendation was to accept the improvements, effective as of the date of the letter.

Mrs. Folks stated that she would note the exception of addressing the sloping of the property at the time of building permit on the Assessment List. The seller must produce a "disclosure statement" that protects the buyer. It is not recommended to record a lien.

MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY SEAN NIELSEN TO ACCEPT THE IMPROVEMENTS FOR OAK BLUFF ESTATES, PLAT "G" SUBDIVISION AS COMPLETE, EXCEPT FOR THE SLOPING OF THE PROPERTY WITHIN THE RIGHT-OF-WAY (BEHIND THE CURB & GUTTER) WHICH WILL BE ADDRESSED WITH THE BUILDING PERMIT, AND TO RELEASE THE DURABILITY RETAINER

VOTE: YES (5)

NO (0)

SEWER IMPACT
FEE STUDY

Russell Sly:

LEI Work Release #35 (Preliminary work for a Sewer Impact Fee Study)

This Work Release was proposed December 10, 2002. It was to assist in establishing an agreement between Elk Ridge, Payson & Woodland Hills; as well as a preliminary assessment of the previously proposed sewer routes and allocate liabilities for the improvements.

Are we ready for a Sewer Impact Fee Study?

Greg Magleby (LEI): Feels the growth plan should lean toward Payson. If a regional plant were created, Elk Ridge would still have to go toward Payson. In a regional plant situation, Payson would probably take on a "primary treatment facility" role.

Is the City ready for a Sewer Study?

- Council should determine if the City will pursue the option with Payson
- Put the time frame and the expenditures together to do that within the next 4 years
- Secure the Inter-local Agreement in place
- Then an Impact Fee Study could be done

Mayor Fritz: Another option would be to "not grow". If no annexation occurs, Elk Ridge will lose the opportunity to control or manage how the surrounding area is developed

Greg Magleby: If the City is not proactive, the control will go to Payson or to Salem.

Russell Sly: He would like to be proactive and would like to work toward a study to determine a Capital Improvement Plan and Impact Fee Study.

Greg Magleby: The Council should decide to go to Payson 1st. Much of what was required in negotiations was covered in the Inter-local Agreement draft, done by Councilmember Sly.

LEI can take an "advisory" role. Work Release #35 is no longer needed. They will come to meetings upon request.

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY LEE FREEMAN TO APPROVE PURSUING AN INTER-LOCAL AGREEMENT FOR SEWERING WITH PAYSON CITY

VOTE: YES (5)

NO (0)

Mayor Fritz: Does not want to give up the option of retaining Elk Ridge's 18% ownership with Salem. There would be no bargaining power.

**GARBAGE
CONTRACT**

Mayor Fritz: No recommendation at this time. It will be on the next Council Meeting agenda.

**LEI WORK
RELEASE #2003-7**

Todd Jackson: This is associated with the development of a City Trail right-of-way.

Councilmember Jackson will make a presentation at the next Council Meeting and will also re-visit Work Release #2003-7 at that time.

EXPENDITURES:

General:

1. Street Sweeper: Both the newer snowplow and the backhoe have been paid off. This frees up about \$30,000/year. This could be used to pay for the sweeper and save the interest.

Warranty Registers – April, May & June, 2003:

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO APPROVE THE WARRANTY REGISTERS FOR APRIL, MAY & JUNE, 2003, FOR THE CITY OF ELK RIDGE

VOTE: YES (5)

NO (0)

CITY COUNCIL CLOSED SESSION

ROLL CALL

ROLL CALL *Mayor:* Vernon Fritz; *City Council:* Sean Nielsen, Gary Prestwich, Todd Jackson, Russell Sly & Lee Freeman; *City Recorder:* Jan H. Davis

Pending Litigation

CITY COUNCIL – REGULAR SESSION AGENDA ITEMS:

Mayor Fritz: If the consensus of the Council is to waive the curb & gutter assessment in exchange for the damages due to flooding of the Thaut's home, then a vote may be taken this night. If the Council denies Mr. Thaut's request, he recommends waiting until Mr. Thaut is present, at the next Meeting.

**COUNCIL ACTION/
PHILLIP THAUT
REQUEST**

Opinion Poll:

The Mayor recommends the exchange of the curb/gutter figure for the damages.

Russell Sly: Recommends giving Mr. Thaut \$638 (amount of assessment) in exchange for damages.

Gary Prestwich: In favor of paying Mr. Thaut \$1,000 (amount of his insurance deductible) for damages to his home. The curb/gutter assessment is a separate issue.

Lee Freeman: Agrees with Councilmember Prestwich.

Todd Jackson: Mr. Thaut's request is for \$638 in exchange for damages. That is what Councilmember Jackson feels should be granted.

Sean Nielsen: Agrees to accept Mr. Thaut's proposal to exchange the amount of the curb/gutter assessment for the damages.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY LEE FREEMAN TO PAY MR. THAUT \$1,000 FOR THE DAMAGES TO HIS HOME

VOTE: YES (2)

NO (3)

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY TODD JACKSON TO ACCEPT MR. THAUT'S PROPOSAL TO FORGIVE HIS DEBT TO THE CITY FOR CURB & GUTTER IN EXCHANGE FOR WRITTEN VERIFICATION THAT HE WILL NOT PURSUE ANY FURTHER LITIGATION TO RECLAIM HIS \$1,000 DEDUCTIBLE

VOTE: YES (5)

NO (0)

MINUTES

City Council Minutes: 5-13-2003

MOTION WAS MADE BY TODD JACKSON AND SECONDED BY SEAN NIELSEN TO APPROVE THE CITY COUNCIL MINUTES OF 5-13-03

VOTE: YES (4)

NO (0)

ABSENT (1) GARY PRESTWICH

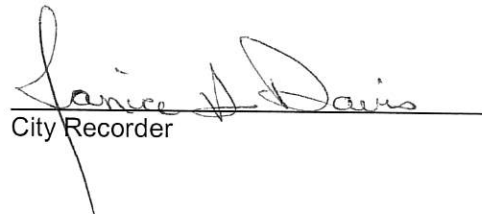
ADJOURNMENT

MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY TO ADJOURN THE CITY COUNCIL MEETING

VOTE: YES (4)

NO (0)

ABSENT (1) GARY PRESTWICH



City Recorder

NOTICE & AGENDA

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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. Wastewater Flow Study/Water Impact Fee Study – New Development
Discussion on Growth Management (**LEI & Jim Bolser**)
Accessory Apartment Impact Fees
System Upgrades

7:00 - PM REGULAR COUNCIL MEETING AGENDA ITEMS:

- Invocation and Pledge of Allegiance
Approval/Agenda Time Frame
- 7:05 2. Appoint Officer for Lot Line Adjustments – Mayor Fritz
 - 7:10 3. Action on Growth Management – Mayor Fritz
 - 7:20 4. Road Repair Update – Gary Prestwich
 - 7:25 5. High Speed Internet Access/Contract – Gary Prestwich
 - 7:30 6. City Web Page – Mayor Fritz
 - 7:35 7. Garbage Contract Renewal – Mayor Fritz
 - 7:45 8. RB&G Proposal for Salem Plant Valuation Study – Russell Sly
 - 7:55 9. Audit Proposal/Jones Simkins/Approval
 - 8:00 10. Trails Projects/Presentation – Todd Jackson
 - 8:20 11. Schedule Public Hearings:
 - A. Ordinance –Clarification of Lot Design Standards
 - B. Water Impact Fee – Sean Nielsen
 - 8:35 12. Adoption/Ordinance Providing Clarification of Defined Terms (Including "Household Pets")
 - 8:50 13. System Upgrades:
 - A. Approve Booster Station Construction/Tanks – Sean Nielsen
 - B. Salem Hills Circle/Water Main Replacement – Sean Nielsen
 - 9:00 14. Off Highway Vehicle Ordinance (Discussion) – Sean Nielsen
 - 9:10 15. Expenditures:
 - A. General:
 - B. LEI Work Releases: Sewer Impact Fee Study
Storm Drainage Impact Fee Study
 - 9:25 16. 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 17th day of July, 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 July 17, 2003.


City Recorder

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

**TIME & PLACE
OF MEETING**

The regular Meeting of the Elk Ridge City Council was held on Tuesday, July 22, 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 July 17, 2003.

6:00 PM

CITY COUNCIL WORK SESSION

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Sean Nielsen, Gary Prestwich, Todd Jackson, Lee Freeman (Absent: Russell Sly); *Administrative Asst:* Ernestine Folks; *LEI Engineering:* Michael Christianson; *City Planner:* Jim Bolser; *Public:* Michael Ashton, Christine Murray, Scouts: Michael Murray, Terry Pierce, Ian Pierce & *City Recorder:* Janice H. Davis

**WASTEWATER
FLOW STUDY/
WATER IMPACT
FEE STUDY**

Water Impact Fee Study:

Pg. 47: Change the figure at the bottom of the page... *Total Yearly Billing* from \$723.57 to \$786.00. This change would generate another \$72,000 surplus with current fee schedule. This could be interpreted as charging too much for water or repairs to the system (money expended).

Mayor: The Council and the Community accepted the raise in the Base Rate to \$40. Part of this increase was for replacement of aging portions of the Capital Facilities. He is hesitant to decrease the Base Rate and then have to increase it again when projects are pending. He has contacted David Church to find out if money can be accumulated for future projects, as long as those projects are identified.

Gary Prestwich: When the Auditor reported to the Council, he pointed out that the Water Dept. was losing money and had to seriously consider raising rates to plan for the future.

Todd Jackson: The Base Rate took into consideration the infrastructure and the depreciation. This Capital Improvement Plan is just what we need to identify the City's needs.

Mike Christianson: It is assessed how much of the improvements should be paid for by current users and future development (user fees vs. impact fees). Example: Cloward Well...28.3% can be paid for by current residents & 71.7% would be the responsibility of future development.

Sean Nielsen: It has to do with who benefits most from the facility.

Mayor Fritz: Would like to avoid future debt as much as possible. If a sum of money were to accrue, could it be used to pay for a new facility? This would reduce the amount of borrowing required.

Sean Nielsen: The problem is that we take money from people for new growth; where is the benefit for the users?

Suggestion: "Depreciation" is an Operating Expense; that could be increased to help pay for repairs.

Discussion on redundancy in the water system:

Mayor Fritz: When the money is available, can it be justified to not have "back-up" for the current citizens? The 6" line from the Cloward Well needs to be upgraded. The City is in a position to be able to do this.

Sean Nielsen: He feels the upgrade in the 6" line to a 10" line would be for growth. He agrees that the redundancy between the two tanks would benefit the current citizens.

Mayor Fritz: If the Upper Loafer Well were lost, how would we get adequate water to the current citizens?

Mike Christianson: Feels the risk is low. The aquifer is strong. It is at the top of the system, so there is no contamination from other people. A stand-by pump is up at the well site, so if the pump did go down, it would only be 2 or 3 days to get it back up & running. There has been no problem. (The Mayor has Mr. Haskell checking the level of the aquifers weekly.)

Todd Jackson: Is concerned with fire flows. Would Elk Ridge be able to fight a fire with the current capacity? He agrees that a 10" line should go in as well as a booster pump between the two tanks...to service the Community, as it exists.

Sean Nielsen: Is of the opinion that Elk Ridge has a good system in place now. There are fire flow issues in Loafer Canyon and Salem Hills Drive; however, the City is able to store & to deliver. This needs to be communicated to the citizens...that the system is in good shape. The reality is that Elk Ridge does have water.

Gary Prestwich: There are many "what ifs". What if next summer is cool and wet? The city would not collect a "surplus" in water charges. The Auditors made this point to the Council. It is common when people comment on disasters that, "It never happened before". If this attitude were applied to preparing for a possible disaster (if the Loafer Canyon Well were to go out), then the City could be caught unprepared. A redundant system should be part of the City's philosophy.

Sean Nielsen: A fully redundant system would require two more wells to deliver the extra 1,100 gpm. That would be fully redundant in storage and source.

Lee Freeman: If "full redundancy is not possible, then have a system with enough redundancy to supply the needs of the Community.

Todd Jackson: There are 2 projects he would like to see done...whether growth happens or not:

1. Upgrade the line from the Cloward well upgraded to a 10" line.
2. Install the booster pump between the 2 tanks.

Mike Christianson: There is reserve capacity in each of those tanks (180,000 gals...that is 1,500 gpm, which is good fire flow. The replenishing supply, with the upgrade, is going to be 1,200 gpm, but this would take some time to pump from the Cloward Well.

Work Release #2003-8:

This proposal would be to review Sewer Flows, Sewer Impact Fee Study (to include Sewer User Fees).

Mayor Fritz: Are we ready for this Study or is it a bit premature.

Mike Christianson: There is a great deal of work to be done to set things up to sewer with Payson; Councilmember Sly indicated he would like to get started on the process.

Mayor Fritz: Is not opposed to discussion, but is not prepared to act on this at this time. He suggested postponing the issue until the following Council Meeting.

Discussion:

Todd Jackson: Suggest also placing on the agenda the RB&G Engineering Proposal for the "Valuation Study" and an Interlocal Agreement are precursors to a Sewer Impact Fee Study.

Jim Bolser (City Planner):

1. Although the aquifer being drawn from in Elk Ridge is different than the one in Santaquin & Payson, but that aquifer (Payson & Santaquin) has not been drawing at all the past few days. Could that happen in Elk Ridge, as well?
2. Development Paying for itself: In principle, it is a great concept, but it is a "bit of a misnomer" in that the only way it "pays for itself" is through reimbursement. The only way to obtain growth is to provide services ahead of time. He feels it is "entirely appropriate" to install improvements prior to development, then to be reimbursed for a portion of the expense.

Ernestine Folks: While the discussion has been mostly financial in nature, she also has questions concerning some of the basic facts in the report.

Examples of areas of concern:

- One of the wells (Oak Lane Well) that is figured into LEI's calculations, is not producing. This would change the results of the Study somewhat.
- Storage Capacity: Do the figures indicate that we have the capacity if the tank is full? It has been her experience that the tanks are usually not full. There are questions on fire suppression capabilities. What is the reality of what we are capable of doing?

Sean Nielsen: Made the point that last summer the City was not in a good position when the new well was being drilled. We were only drawing 170 gpm from the old #5 well and the City still made it through the summer...the source and the storage were there.

Ernestine Folks: But, do we continue to live in a crisis situation? When all four wells were pumping, we did not have enough water. There is less water being pumped into the system, there are more connections...what has changed?

Mayor Fritz: Currently, the Cloward Well is pumping almost 24x7 to keep up. If an emergency occurs, how will the City be impacted?

Sean Nielsen: His biggest concern is not doing these needed projects; it is how they will be paid for. He would encourage development because it would help pay for the projects.

Ernestine Folks: Would like to take some time to review this Study and the concerns generated.

Mayor Fritz: Encouraged all to read the Study in detail to be prepared to discuss it. Anyone wishing to clarify any part of the Study with LEI, should make an appointment to do so.

Discussion on "Growth Management":

The concept should be considered of borrowing against the water and sewer assignments to approved lots to allow development to occur beyond the number of connections left for development, according to the Studies performed. It would be assumed that all of the approved lots would not be built upon over a five-year period of time.

ACCESSORY APARTMENT IMPACT FEES

There has been a question within the Council if Impact Fees should be charged on Accessory Apartments. The subject was not addressed in the Water Impact Fee Study.

From the Planning Commission minutes of 5-15-03:

Jim Bolser stated the reason for being in favor of impact fees, is that by nature, an accessory apartment is a separate dwelling unit, therefore creating a separate impact on the systems, there fore requiring impact fees.

There has been concern raised that accessory apartments were initiated as Elk Ridge's answer to the Moderate Income Housing requirement. If they are eliminated, what about the Moderate Income Housing issue? If they are counted as businesses, they cannot be considered as part of the effort in fulfilling this requirement.

When in non-compliance with the Moderate Income Housing, the City would be ineligible for certain funding sources (CDBG).

Sean Nielsen: Feels that charging impact fees discourage accessory apartments.

Jim Bolser: Other things can be done through zoning that encourage more moderate income housing: Allowing more density, condominiums and apartments or twin homes...this is done through PUD Development and allowing smaller lots. These types of options are fairly simple and they do encourage moderate income housing. People could be informed of the issues through the newsletter. Perhaps if they came forward by a certain date, they could be allowed financing of some sort.

Gary Prestwich: Feels they should be eliminated due to the fact that most people do not have these apartments for business purposes; they have family members living in them. Why should added fees penalize them? If they used accessory apartments for business purposes, then business licensing would cover them.

Jim Bolser: The only community in Utah County that outlaws accessory apartments is Orem. Everyone else have allowances for them...some at dramatically reduced fees, which is an option. Some communities restrict them to certain zones.

Lee Freeman: A decision needs to be made by the Council whether or not to charge impact fees for accessory apartments before LEI can address the matter. They need the Council's guidance to proceed.

Mayor Fritz: Recommends placing the matter on the agenda for 8-12-03 for a decision by the Council.

SYSTEM UPGRADES

(This subject has been discussed in the review of the Water Impact Fee Study.)

**ELK RIDGE
CITY COUNCIL MEETING
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**TIME & PLACE
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ROLL CALL

Mayor: Vernon Fritz; *City Council:* Sean Nielsen, Gary Prestwich, Todd Jackson, Lee Freeman (Absent: Russell Sly); *Administrative Asst:* Ernestine Folks; *Public:* Michael Ashton, Christine Murray, Scouts: Michael Murray, Terry Pierce, Ian Pierce & *City Recorder:* Janice H. Davis

ELK RIDGE CITY COUNCIL - REGULAR SESSION AGENDA ITEMS

**INVOCATION
PLEDGE OF
ALLEGIANCE**

Invocation was offered by Todd Jackson; after which, Lee Freeman 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 55 MINUTES
VOTE: YES (4) NO (0) ABSENT (1) RUSSELL SLY

**NON-AGENDA
ITEM**

Eagle Scout Project: Michael Murray would like to compile a phone directory for Elk Ridge. He would like to have a part of it dedicated to advertising, which would pay for the project. People could advertise their home businesses. The cost of an ad would be \$5 - \$10 for a ¼ or 1/8 page ad. Scout Murray estimates the total cost of the project to be about \$300.00. He would need a list of home businesses to contact them about possible ads. The City Council supports the project, as long as the scouts are sensitive to unlisted numbers. He was invited back to the Council after the project is completed to report back with the results.

**LOT LINE
ADJUSTMENTS/
APPOINT OFFICER**

"Lot Line Adjuster". Mr. Jim Bolser, the City Planner, suggested the Council consider appointing an Officer authorized to adjust lot lines. This would be a less costly and quicker way to determine boundaries between neighbors. This would by-pass the process of going through the Planning Commission/City Council. It is legal and allowable by State Code.

1 of 2 processes:

1. Require an entirely new subdivision plat, with entire approval process
2. Appoint an Officer to have jurisdiction over lot-line adjustments

The State Code also allows for the matter to be referred back into the formal process if there are problems.

Restrictions:

- May not create new lots
- May not affect the right-of-way in terms of a road
- May not vacate anything

There would be no extra cost to the City for these extra services.

MOTION WAS MADE BY TODD JACKSON AND SECONDED BY SEAN NIELSEN TO APPOINT JIM BOLSER AS THE LOT LINE ADJUSTER FOR ELK RIDGE CITY
VOTE: YES (4) NO (0)

**ACTION/GROWTH
MANAGEMENT**

The Council is deferring this agenda item until the Council Meeting on 8-12-03.

ROAD REPAIR
UPDATE

Gary Prestwich:

1. Staker has completed the preparation of Goosenest Drive, prior to chip & seal. He has spoken to many people about chip & seal over the last few weeks. One in particular, Richard Nelson, is over all the projects. The arrangement was to be: Liquid asphalt 1st, then the chips, then a cover-coat goes over the top of the chips.

Since that time he has heard differing stories.

Councilmember Prestwich asked Staker if that was the procedure to be followed...the reply was, "No". He was informed they would be putting down liquid asphalt & chips, but no cover coat. Councilmember Prestwich asked why the change and the response was that it costs more. He said the cost is about 20% more with the cover coat. The City allotted enough to do about 4 ½ miles = \$45,000...it would cost an estimated additional \$7,000 to apply the cover coat. The main advantage with the cover coat is that it keeps the chip in place better, with less windshield damage and chipping of paint.

The Mayor commented that he believed the cover coat to part of the original contract.

Councilmember Prestwich proposed an additional \$8,000 to provide the cover coat.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY LEE FREEMAN TO APPROVE AN ADDITIONAL \$8,000 FOR THE 2ND COAT (COVER COAT) OF ASPHALT OVER TE CHIP & SEAL

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

MAYOR FIRTZ-AYE (In the case of a tie, the Mayor's vote is the tie-breaker")

PASSES 3-2

3. Driveways/Loafer Canyon Road:

Steven Powell, a resident of Loafer Canyon Rd., feels he should have a driveway access paid for by the City. He feels that it is only fair, since his neighbors received the same. He admits that he did not have any driveway prior to the road work on Loafer Canyon Dr.; it was just dirt. He also claims that others were in the same position of not having driveways and the City installed driveways for them.

Mayor Fritz: There were driveways provided to those whose access was affected by the new road, which was installed on Loafer Canyon Road.

Gary Prestwich: Will present a cost estimate to install a driveway for Mr. Powell at the next Council Meeting. The only arrangement made with Mr. Powell was for Councilmember Prestwich to bring Mr. Powell's request to the Council.

Mayor Fritz: Observed that he access to his property has not been affected and that it is flat.

Sean Nielsen: Does not agree, if there is no need.

Todd Jackson: Agrees with Councilmember Nielsen.

Lee Freeman: Feels he should go and see the site.

Mayor Fritz: Recommended that all the Councilmembers go to the address (463 N Loafer Canyon Rd.) to better be able to determine "need".

The matter was deferred until the next Council Meeting.

HIGH-SPEED
INTERNET

Gary Prestwich: David Church has approved the contract with "Cyberlink". They have done the wiring in the building. The contract needs to be signed. Qwest is to install the T-1 line.

CITY WEB PAGE

Mayor Fritz: Assured the Mayor he would have the Web Page up & running by 1st part of September.

GARBAGE
CONTRACT
RENEWAL

The proposed contract has gone to David Church for review. There is to be a change in paragraph 10. We need the exact wording. It will be on the next Council Meeting Agenda.

RB&G –
SALEM SEWER
PLANT
VALUATION

Todd Jackson (for Russell Sly – not present):

Councilmember Sly would like the Council to approve up to \$2,000 for a "Plant Valuation Study" to be performed by RB&G Engineering. This is an estimate of the valuation of the Salem Sewer Plant & our part of that Plant. This amount could be used in negotiations with Payson City.

(Russ Brown of RB&G was to present at the Meeting to answer questions.)

Sean Nielsen: Again suggested sharing costs for this study with Salem City.

Mayor Fritz: Woodland Hills may be interested in purchasing Elk Ridge's portion of the Plant. The City should not abandon options and bargaining power.

Gary Prestwich: Would like to see an analysis of the agreement between Spanish Fork and Springville.

Todd Jackson: Would like for certain questions to be answered before approving the amount for the Study.

The matter was postponed until the next Council Meeting on August 12, 2003.

AUDIT PROPOSAL
2003/2003 FISCAL
YEAR

Jones Simkins (Audit Firm) has proposed conducting Elk Ridge City's fiscal year Audit for 2002/2003 for a cost not to exceed \$9,900.00.

MOTION WAS MADE BY TODD JACKSON AND SECONDED BY LEE FREEMAN TO APPROVE THE AUDIT PROPOSAL FROM JONES SIMKINS FOR A COST TO THE CITY NOT TO EXCEED \$9,900.00 FOR THE 2002/2003 FISCAL YEAR

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

TRAILS PROJECTS

Todd Jackson: (Submitted a "City-wide Trail System Proposal")

Councilmember Jackson reviewed this Proposal:

Why have a trail system?

- No sidewalks – pedestrians vs. automobiles
- Fitness & recreation
- 'Walkable' community

Proposed trail:

- 4 to 6 feet wide paved trail
- 4 to 6 inches of road base & two inches of asphalt
- Will be built in phases as funding allows
- Will allow maximum access for citizens
- Will start from the park & eventually encircle the City

Proposed route:

Councilmember Jackson presented a map showing the route of the trail, as it will eventually circle the City.

Phase 1 ("North Loop"):

1. Begin at the Ball Park
3. East/West Park Drive
4. North Park Drive to Goosenest Dr. and then,
5. Up (South) on Salem Hills Drive to E. Park Drive

Phase 2 ("South Loop"):

1. Salem Hills Drive to E. Salem Hills Dr.
2. West on E. Salem Hills Drive to Elk Meadows Dr.
3. North back down to Park Drive

The total trail length would be over 3 miles.

Costs:

- Costs are still being developed
- Surveying - \$7,800 (\$3,100 lower & \$4,700 higher)
- Asphalt varies from \$1.25 sp ft to \$3.50 sq ft – avg \$2.40 = \$50,688 per mile (4 ft trail)
- Other costs will be prepared by the city employees and potential engineering

Next Steps:

- Get approval to start on Ingram Field portion – (approximately 1,200 ft @ 6' wide = \$17,300 + \$??) and get it done (track around the field will have a "rubberized" surface added on top of the asphalt. (Budgeted \$20,000)
- After completing the park, get approval to complete East & West Park Drive (approx. 3,200 ft @ 4' wide = \$31,000)
- Complete studies for rights of way, storm drainage issues, and costs
- Seek additional funding to move forward
- There have been offers for private donations...some are larger, to be applied to a "matching grant".

The Council was supportive of the ideas.

MOTION WAS MADE BY TODD JACKSON AND SECONDED BY SEAN NIELSEN TO APPROVE THE 1ST PHASE OF THE TRAILS PROJECT; WHICH WOULD BE PAVING A 6' WIDE TRAIL AROUND INGRAM FIELD AT A BUDGET AMOUNT OF \$20,000

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

SCHEDULE
PUBLIC HEARINGS

1. Ordinance/Clarification of Lot Design Standards:

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY SEAN NIELSEN TO SCHEDULE A PUBLIC HEARING ON AUGUST 26, 2003, AT 6:00 PM, (FOR 15 MNUTES) ON AN ORDINANCE AMENDING THE ELK RIDGE CITYCODE PROVIDING FOR CLARIFICATION OF LOT DESIGN STANDARDS WITHIN SUBDIVISIONS, CODIFICAION, INCLUSIN IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE

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

2. Water Impact Fee:

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY LEE FREEMAN TO SCHEDULE A PUBLIC HEARING ON AUGUST 26, 2003, AT 6:15 PM, TO APPROVE THE WATER IMPACT FEE RATE, AS PROPOSED BY LEI ENGINEERING

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

ORDINANCE/
ADOPTION

Ordinance providing clarification of defined terms (Including "household pets"):
The final draft of the proposed ordinance was not available at this time.

SYSTEM
UPGRADES

1. General:

Booster Station: (Sean Nielsen)

2 routes to go:

- LEI Engineering recommendation of 1,000 gpm @ \$95,000 construction cost
- Public Works (Kent Haskell) install a booster station @ about \$15,000...this would only provide 100 gpm

Risk Assessment: How often would the City need to provide 1,000 gpm from the lower tanks to the upper tank? According to Mr. Haskell, with the tanks full, the residents would have water for two days (regular use) with what is held in storage. In case of a breakdown, the system would be back up and running in about 3 days. 100 gpm would add to this amount distributed to the residents. Does the Council feel the risk is worth the difference in cost for 1,000 gpm?

Lee Freeman: Feels the complete system should be redundant, not just between the two tanks.

Sean Nielsen: Loafer Canyon Well (upper well) is sufficient to maintain the upper tank. We are talking about a short-term "band-aid" during an emergency situation.

Gary Prestwich: Suggested using a booster pump larger than 100gpm, but not up to the 1,000gpm size.

Discussion:

Sean Nielsen: If all are in agreement, he asked to have a booster pump approved at 100 gpm. If more discussion on the issue were to take place, then he would postpone the vote. The only concern he voiced was that the only engineering is to be on the pump itself, by Nickerson Co. Everything else would be up to Kent Haskell to oversee. This saves cost, but is the Council willing to take the risk of the system not functioning correctly after installation?

Mayor Fritz: Felt that everyone had already had the opportunity to express their opinions on the matter and asked that the vote be taken.

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY GARY PRESTWICH TO APPROVE INSTALLATION OF THE BOOSTER PUMP STATION FROM THE LOWER TANKS TO THE UPPER TANK, UTILIZING KENT HASKELL (CITY PUBLIC WORKS) TO PERFORM THE WORK INVOLVED, AT A COST NOT TO EXCEED \$20,000

VOTE: YES (3) NO (1) TODD JACKSON ABSENT (1) RUSSELL SLY

2. Salem Hills Circle/Water Main Replacement:

Sean Nielsen: Salem Hills Circle has a 4" water main. There is a fire hydrant attached to the end of it that does not meet fire flow requirements. Kent Haskell made a proposal (Councilmember Nielsen does not agree with it), but he presented it to the Council:

Rather than run an 8" line and re-do all of the laterals, he suggested installing a 6" line from the main to the hydrant and leave the rest of the line as it is.

Councilmember Nielsen's issue is that the line has been in the ground for over 25 years.

He feels the City should stay within its own standards and upgrade the line to an 8" line.

The line will have to eventually be replaced, anyway.

Cost estimates:

Mr. Haskell's proposal (6" line): About \$6,000

Replacing the line to standard (8" line): About \$15,000

The Fire Chief would like to have this done as soon as possible, as would Councilmember Nielsen.

The Mayor feels Mr. Haskell could do this project as a City employee. The Council was in agreement.

The road restoration would be paid for out of the Water Budget (according to Councilmember Nielsen)

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY LEE FREEMAN TO AUTHORIZE COUNCILMEMBER NIELSEN TO CONTACT MIKE CHRISTIANSON OF LEI ENGINEERING TO WORK ON AN HOURLY BASIS TO CREATE A COST ESTIMATE FOR THE UPGRADE OF SALEM HILLS CIRCLE

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

OFF HIGHWAY
VEHICLES
(OHV'S)

Sean Nielsen:

Santaquin City has in place an ordinance, which allows for ATV's (OHV's) on designated public streets. Councilmember Nielsen submitted a copy of this sample ordinance for the Council to review and comment on. The State of Utah dictates that people can ride ATV's where it is designated, including roads. There are regulations to be followed. Letters supporting both sides of this issue have come to the Mayor. There have been citizens contacting Councilmember Nielsen in support of allowing ATV's in Elk Ridge.

Recommendation: Send the Santaquin ordinance to the City Attorney, David Church, for review and to create an Elk Ridge Ordinance that is applicable.

Mayor Fritz: Has appointed a committee of three to consider the ATV problems within the City; he suggested they get in touch with Councilmember Nielsen. He agrees the document should be sent to Mr. Church.

Councilmember Nielsen would like each member of this committee to receive a copy of this sample ordinance.

Gary Prestwich: Signs would have to be posted on streets designated for ATV travel. If signs were posted in the City, everyone else would come to Elk Ridge to ride their ATV's.

Lee Freeman: Agrees...He is not opposed to ATV's out in rural areas such as Santaquin, where they are appropriate; but Elk Ridge is a residential community with public roads and private property. This is not a place for ATV's. Most riders abuse the privileges and private property is left damaged. How is any control maintained?

Sean Nielsen: There is a place when there is the designation of such. Property owners have not forbidden him riding on their land (for example: Hal Shuler has granted his permission to some people.) When the landowner gives permission, it is allowed. The only law broken is riding on Elk Ridge streets to get to the property.

Councilmember Nielsen will come back to the Council after he hears from David Church.

EXPENDITURES

General:
None

LEI Work Releases: Deferred until August 12, 2003.

MINUTES

City Council Minutes: 5-27-2003


**MOTION WAS MADE BY TODD JACKSON AND SECONDED BY GARY PRESTWICH TO
APPROVE THE CITY COUNCIL MINUTES OF 5-27-03**

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

ADJOURNMENT

**MOTION WAS MADE BY TODD JACKSON AND SECONDED BY SEAN NIELSEN TO
ADJOURN THE CITY COUNCIL 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, August 12, 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. Lakeview Drive/Public Comment
2. Special Work Session
 RE: Development/Building Permits
3. Discuss Current Water Bills
4. Status of Eagle Project – Painting City Hall

7:30 - PM REGULAR COUNCIL MEETING AGENDA ITEMS:

- Invocation and Pledge of Allegiance
Approval/Agenda Time Frame
- | | |
|------|--|
| 7:30 | 5. Grandview North Subdivision/Lynn Thomsen – Mayor Fritz |
| 7:40 | 6. Gravel Shoulders/Discussion – Gary Prestwich |
| 7:50 | 7. Garbage Contract – Mayor Fritz |
| 8:00 | 8. Sewer Lateral Repairs:
Griffiths' & Ingram's |
| 8:10 | 9. Ordinance Changes:
Definitions of Household Pets |
| 8:20 | 10. Off Highway Vehicles ("OHV") Ordinance – Sean Nielsen |
| 8:30 | 11. Accessory Apartment Fee – Mayor Fritz |
| 8:45 | 12. League of Cities & Towns Conference – Mayor Fritz |
| 8:50 | 13. Contract Approval – Plumbing Between 2 Tanks – Mayor Fritz |
| 9:00 | 14. Expenditures:
A. General:
B. RB&G Sewer Study – Russell Sly
C. City Liability Insurance – Mayor Fritz |
| 9:15 | 15. 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 8th day of August, 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 August 8, 2003.



City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
August 12, 2003**

**TIME & PLACE
OF MEETING**

The regular Meeting of the Elk Ridge City Council was held on **Tuesday, August 12, 2003, at 7:30 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 August 8, 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); *Administrative Asst:* Ernestine Folks; *LEI Engineering:* Michael Christianson; *Sheriff:* Deputy Lea; *Public:* Don & Deseree Shallenberger, Michael & Laura Ashton, Jim Hiatt, Lynn Thomsen, Ron Ririe, Joe Wadlinger, Roger & Shanna Fleenor, Heather Barton & Jason Hayes; & *City Recorder:* Janice H. Davis

**LAKEVIEW DR/
PUBLIC COMMENT**

Mayor Fritz: Assured those present that the issues the residents of Lakeview Drive have about the reconstruction of said road do impact the Council and that the Council is still taking in information. The Council had made no decisions on the matter. He urged understanding on the part of the residents that the Council also has the responsibility to manage the City's budget.

When Loafer Canyon Rd. and Fremont Way were reconstructed, the philosophy that prevailed was that road should be rebuilt to new development standards. As a consequence, a "disproportionate" amount of money was spent as compared to the value received. When there is a limited budget, the Council must make a judgment as to what is appropriate. Adjustments are, at times, necessary. The Mayor is not in favor of rebuilding existing roads to new development standards. The Mayor distributed copies of a letter from the City Attorney (David Church) to those present at the meeting. He affirms that cities do not have to maintain existing roads according to new development standards. (Refer to letter from Mr. Church, dated August 5, 2003.)

This does not mean that the City should be "whimsical" about how roads are rebuilt and maintained. He feels the key element is that safety should be kept in mind.

He invited the residents to please be brief in stating their concerns. He wanted them to understand there would be no "debate" nor would any decision be made at this meeting. It is probable that Lakeview Drive will not be done until the spring of next year.

Public Comment:

Don Shallenberger (Resident of Lakeview Dr.):

Introduced himself as spokesman for the group of citizens who reside on Lakeview Drive: They all collected information, which was presented as a packet to the Council for consideration. He read the letter from the residents, which was part of the packet of information. They requested that the letter become part of the official minutes of the meeting.

**PRESENTAION TO THE ELK RIDGE CITY COUNCIL
BY CONCERNED RESIDENTS
WHO LIVE ON LAKEVIEW DRIVE
August 12, 2003**

INTRODUCTION

We are grateful for the invitation, which Mayor Vernon Fritz has given to the residents who live along Lakeview Drive, to address this City Council concerning several issues, which are centered on the current sub-standard condition of Lakeview Drive, and how the problems are to be corrected by the city in the future. Since Mayor Fritz has given us a "ten minute period of time . . . to make known any additional concerns or provide additional data", (see letter dated August 4, 2003) we recognize that we cannot present all of the material that we have gathered together in that allotted amount of time. Therefore, we have prepared a packet for the City Council to read on their own, that they might more fully understand the history of problems that have existed for 25 years relative to the faulty construction and initial lack of engineering when Lakeview Drive was constructed, and then still subsequently dedicated to and thereby accepted by the then Town of Elk Ridge.

This packet also includes letters, City Council Meeting minutes, road construction codes, and studies relative to Lakeview Drive construction and re-construction issues. We concede that this packet is probably not a complete history, but because of short notice, it is as complete at this time as possible.

In view of the current time restraints, we would like to by pass for now, the section titled:

THE HISTORY OF LAKEVIEW DRIVE, pgs. 1-4., and also enclosed Letters, City Council Meeting Minutes, Studies, etc. We want them to be part of the city record of this meeting, but we will move on to the section titled:

CURRENT CONCERNS AND REQUESTS OF THE LAKEVIEW DRIVE RESIDENTS on pgs. 5-6.

However, we do fervently ask that the members of the City Council review at some point, all of the data that we have prepared, and may still present, in order that they might more fully understand the issues involved, and thereby be able to make a more informed decision. We also reserve the right to re-visit these materials at some future date.

THE HISTORY OF LAKEVIEW DRIVE

Plat C was approved and subsequently recorded at the Utah County Clerk's Office on **October 20, 1977**. The developer was Jim Winterton. Mr. Winterton promised to immediately begin putting in the main road (originally named Champlain Lane), which would go in front of the Ken Tuttle property. Mr. Tuttle wanted to start construction on his home, but there were no developed roads in Plat C at that time. The Tuttle's house plans were approved with a reverse slope driveway. It was difficult to judge driveway and foundation elevations at that time, as there were no reference points as to the elevation of the would-be road.

Mr. Winterton did not put in the promised road, in spite of several requests, until the spring of 1978. The issue was forced after Teri Tuttle's car got stuck in the mud, in the middle of said 'would be road', as she was trying to return to her Provo apartment one evening during a severe rain storm. She had to hike at least a mile up the mountain with her two-month-old baby, in the blackness of a stormy night and pouring rain, in order to get help. Walt Limb Construction, then hurriedly laid the road in spite of the objections by the developer, to the end of the Tuttle property where the asphalt stopped and dirt began. (We will add that the plat was approved, the building permit granted, the house was almost completer, and all development fees had been paid by the property owners!) The specifications for materials and quality of work on the road were left to the discretion of the developer, Mr. Winterton. [It has been the unfortunate observation as-well-as the experience of many long-time residents of Elk Ridge, that the early developers frequently used an inferior quality of materials, and a minimal amount of money, in the development and infrastructure of Elk Ridge.] This was definitely the case concerning the construction of Lake View Drive. Lakeview Drive was later inaccurately and shoddily extended to the west of the Tuttle property when the David McKee home was built.

It quickly became evident that the storm run-off was going to be a problem. The rain would collect on the Lakeview Drive roadway from Canyon View Drive, as-well-as from other properties to the east and south. The water would continue west down the south side of Lakeview Drive, until it was about to the west-fourth end of Cregg Ingram's property. It would then divert diagonally across the road and run on the north side until the water finally flooded onto the Tuttle's front property, and down the Tuttle's reverse driveway. This would result in subsequent flooding of the garage and often also much of the basement. The Elk Ridge Town Council claimed to not have money in the budget to correct the problems, and said that the property owners would have to deal with the problem on their own.

The town was consulted again after frequent flooding onto the Tuttle front property and down the driveway into the garage and basement. Ken Tuttle was advised to purchase slag rock from Geneva, at his expense, and place it along the entire front length of his property. The slag was supposed to compact into the soil like hard cement, and he was told that this would help to direct the water beyond his property line. This did not work and within a couple of years, the slag was scattered by road traffic, foot traffic, water, and etc.

The councilman over roads and also other contractors were consulted once more after approximately nine years of flooding problems. The final consensus of these 'experts' was for the Tuttle's to completely re-do the driveway, again at their own expense because there was still no money in the budget. As was recommended, the cement was removed, the driveway was re-excavated, and a second cement driveway was poured. A rise sloping away from the house was put along the opening of the garage door; a four-inch drain and 40 feet of drain pipe were installed at the bottom of the driveway to carry water away from the house; and the driveway cement was sloped from all directions so that water would flow into the drain system in order to accommodate any flooding. All of these things were done at great expense to the property owner.

However, once again, these alterations were not sufficient to stop the flooding. The drain was often clogged by debris, which was carried in the floodwater, and the water backed up not only into the garage but also into the basement. (This was always the case when the property owners were away during a storm and couldn't clear the drain when it got clogged).

Mike and Laura Ashton built their home at the end of Lakeview Drive in 1994. They also began experiencing flooding problems from the road onto their property. They describe the water as being like, "A swift stream of water that would come off of the road and then run northward right next to the east side of their foundation." There was also additional water, which flooded their front yard, leaving it 'swampy' after rainstorms. This 'swamp' still occurs today.

They too approached the town with this problem. A councilman came and looked at the situation. He claimed that water was coming from the property to the east of them (currently Don Schallenbergers property). This councilman informed them that the owner of that property was responsible because the water was coming from private property and not the town's property.

The Ashton's then consulted a contractor and state:

"Our landscaping excavator looked at the problem and figured out that the city easement was actually 30 feet from the road on that side of our property. He said that the water was coming from the city's easement as-well-as the road in front of the neighboring lot and not from the lot itself.

He recommended, and eventually created, a huge L-shaped berm on the southeast side of our front property next to the road, in order to divert the water from our foundation. He told us to sod the berm to prevent it from eroding, which we did. All of these things were done at our expense.

This berm has prevented the stream of water from running along the side of our foundation. However, we still get a swamp on the front lawn, which lies west of our driveway, from the run off in the spring and after large rain storms."

The Tuttle's continued to have flooding problems, and three years after their driveway had been re-done, the councilman over roads, and other contractors, etc., were again consulted. It was decided by these 'experts' to build a retaining wall along the front of the Tuttle property, and place 'raised bumps' at the entry of each driveway, as there was also flooding onto the front lawn area of the Tuttle property. A drainage trench was also installed along the entire front width of the property. This drainage trench was 2 ½ feet deep and 18" – 2' wide. Some gravel was put in the bottom of the trench, perforated drainage pipe was then laid on the top of that, and cobblestone filled the rest of the trench to the top. (This was similar to the #2 recommendation from the 2000 LEI study). The hill west of the reverse driveway was landscaped to help hold water and keep it from running onto the driveway. All of these 'fixes' were again done at the property owner's expense. Eventually, debris and dirt were carried into the trench, which compromised its effectiveness, and after only a short period of time, the trench was full of debris and dirt, which allowed the water to run over the 'trench', down the driveway, and flood the garage and basement.

This brings us up to approximately 1998-99. Councilman Vernon Fritz was on the Town Council and over the roads at the time. Teri Tuttle approached him, reviewed the problems concerning the road with him, (i.e. the re-occurring flooding, the road not being placed correctly within the easement, lack of correct crowning, deterioration of asphalt, sink holes, etc.), and asked for the town's help. He did come up to Lakeview in person, to see just what it looked like.

The Tuttle's proposed that asphalt be laid from the edge of the street to the edge of the Tuttle's front property line, and a dip would be placed in the asphalt to create a channel which would carry the water run off beyond their property line.

They stated that they were willing to pay for the asphalt expense on what would be considered a "normal amount of easement". They wanted the town to pay for the part of the easement, which would be considered "excessive" due to the fact that the road was not positioned in the middle of the town's easement. However, once again they were told, in a nutshell, that this year's budget was shot and to try again next year. So, Teri approached him the next year and Councilman Fritz repeated the same process with the same reply.

Teri had a personal conversation with Mayor Cregg Ingram during this time. Mayor Ingram felt that since he lived on Lakeview Drive, it would be a conflict of interest on his part to take a position concerning whether-or-not funds were to be spent on Lakeview Drive. Mayor Ingram went on to say that as usual the budget didn't have funds set aside for Lakeview Drive, and he didn't think that the city could spend any money on the road at that time. He felt that funds were tight and since it was no longer a collector road, the town should only do repair work on the road. (We might interject here that Lakeview Drive had been a collector road for approximately 17 years that had greatly contributed to its current, severe deteriorating state.)

Sometime during Mayor Ingram's tenure, it was decided that the solution for Lakeview Drive was to chip & seal it. This was a waste of money as this 'fix' lasted about 3 months until most of the gravel washed out and ended up at the end of the street. Unfortunately, it is felt that this money could have been used toward a better and more permanent solution.

Somewhere during this point in time, another approved 'fix' by the council was implemented. It was to have Mr. Haskell make a trench in front of the Tuttle's reverse driveway for the purpose of channeling any excess water beyond their property line. The problem with this solution was that because of the depth of the trench in relation to the angle of the driveway, the Tuttles could not drive their car down the driveway without hitting the muffler and other items on the bottom of the car. The channel was also a very unsightly nuisance. Councilman Fritz resigned from the City Council and Councilman Gary Bowen was put in over the roads. Teri Tuttle contacted Councilman Bowen and discussed the Lakeview Drive problems with him. He initially started to give the pat answer of no funds. However, he finally agreed to ask the Town Council to approve an engineering study for Lakeview Drive. The Town Council approved this study, and LEI did an engineering work analysis for Lakeview Drive in 2000. LEI stated the following in the Elk Ridge Town Engineering Work Release #2, Lakeview Drive Drainage Investigation:

"Lakeview Drive is located near the southern extents of Elk ridge town, extending westward from Canyon View Drive for approximately 1,150 feet to the intersection with Hillside Drive . . . Based on a site visit and examining the topography, both run-on and run-off appears to be a problem. Run-on sources include the north-south Canyon View Drive, which collects water and channels the flow directly onto Lake View Drive, an appreciable amount of uncontrolled storm water is generated." There is also a problem with the current street alignment. . . the roadway is not centered in the Town's right-of-way and the road shoulders are within 1 foot of two properties along the southern edge of Lake View (see Figure 2). This alignment leaves insufficient room for the Town to install future utilities or any other required uses for the property." (Bolding and underlining added)

The report went on to state three solutions to the problems that they concurred existed on Lakeview Drive:

"1) **Roll Curb, Sump, and Street Re-Alignment.** In keeping consistent with current town Development and construction Standards, we recommend the street be improved (in this way) . . . (underlining added)

2) **Cobble-Filled Drainage Channel.** . . . this presents maintenance and aesthetic issues. . . maintenance may be required . . . While not our recommendation, this option may be a **short-term** (bolding added) remedy to the current drainage problem.

3) **Earthen Ditch.** – The principal negative issues with this option are the difficult maintenance requirements . . . Constructing an earthen ditch and berm would become quickly filled with noxious weeds and debris. . .we do not recommend that this option be selected."

The town council made a priority of road improvements to be done, and citizens along Lakeview Drive were told that their street was to be completely re-built as per the recommendations of the 2000 LEI Study. They were promised that the city would perform the work during the summer of 2002.

The Tuttles decided in 2001, that in the meantime, (again at their expense), they would lay a type of larger, crushed rock from Pelican Point Quarry, along the City easement in front of their property. This type of rock was supposed to 'stick and not move very easily'. They feel that the rock has helped to control weeds, help to prevent the run off from forming a stream of water. However, during the winters of 2001 and 2002, the snowplow has methodically removed about ¼ of the rock next to the road, in an obviously straight-lined, orderly fashion.

The City Council decided to put Loafer Canyon and Fremont Lane ahead of Lakeview Drive in 2002 in priority because of the threat of a suit action against the City concerning septic tank drainage which affected our nearby city well, and water line issues along Fremont Lane which affected the road. The citizens of Lakeview Drive were promised that they were top priority, and that the above-described work would be done in the summer of 2003.

Jan and Cullen Brimhall state that recently the utility lines, which are located the city easement in front of their house, were worked on. The project created a huge mess because of the limited space (approximately a foot) where the lines are laid in the easement between the road and the Brimhall's property line. The workers did not have enough room to complete the job without encroaching on their private property. We refer to the LEI report to substantiate their experience:

"This alignment (of the road) leaves insufficient room for the Town to install future utilities or any other required uses for the property."

Ken Harris, who was the Mayor of Elk Ridge Town at the time that Lakeview Drive was constructed recently stated:

"Lakeview Drive has always had problems ever since Walt Limb Construction put it in. Lakeview Drive was never put in properly."

David McKee spoke this past week to Mike Christianson, who is a professional engineer for LEI. Mr. McKee asked Mr. Christianson:

"What will the residents along Lakeview Drive get for the proposed \$21,000.00 fix that the City is proposing on Lakeview Drive?"

Mr. Christianson replied,

"Nothing but trouble!"

CURRENT CONCERNS AND REQUESTS OF THE LAKEVIEW DRIVE RESIDENTS

- 1) Over the past 25 years since the construction of Lakeview Drive, the residents along that street have done everything in their power to bring the problems, which have resulted from the inherit, faulty design of the road, to the attention of the City Council. They have also requested the City's help in finding a solution to the water run off which causes flooding, to the drainage problems, and to the road alignment problems. The City has not been willing to take any form of responsibility until 2000.
- 2) We were promised by the 2001 Elk Ridge City Council, that Lakeview residents would receive a road in 2002. The re-construction of Lakeview Drive was to follow the #1 recommendation as stated in LEI's 2000 study of Lakeview Drive. (see 2000 LEI study)
- 3) We were willing to work with the City's request in the summer of 2002, when they asked to delay the re-construction of our road until 2003, because the City Council deemed that there were two other projects of great concern that needed to be funded in 2002. However, this agreement with the Council was made with the assurance that Lakeview Drive was the **next** road in line to be re-constructed during the summer of 2003.
- 4) We feel that the current attempts from members of the Elk Ridge City Council to propose a sub-standard alternative solution for Lakeview Drive, are mainly driven by personal opinion relative to personal interpretation of city codes, coupled with the desire to spend city funds on other projects. We do not agree with these interpretations and reasons. We also feel that the proposed solutions do not address the **underlying engineering reasons** for the problems that citizens living along Lakeview Drive have been experiencing for the past 25 years, and are still experiencing.
- 5) We feel that there are codes that have been adopted buy the City and outline the standards that dictate how roads should be designed, constructed, and how surface water and flooding should be facilitated. If there are those on the City Council who wish to adopt a different standard for Elk Ridge road construction, we feel that those recommendations need to be channeled through a legal process starting with the Planning Commission, public hearings, and finally a City Council vote, in order to get the current codes changed. In the meantime, we feel that our current city codes apply to the situation on Lakeview Drive.
(See Chapter 02.24. Restoration of Surface Improvements, pgs. 47-60; Article C. Design Standards and Requirements, sections 10-15C-1 through 10-15C-4, with particular note to sections: 10-15C-2:B – Class of Street, 10-15D-3-H.2-F Surface Water Disposal, and Subdivisions, and Article F. Requirements, sections 10-15F. 1 through 10-15F.12, with particular not to section: 10-15F: Standards and Specifications).
- 6) There is a current difference of opinion among some members of the Elk Ridge City Council, and some Elk Ridge citizens, concerning whether a road which is already in existence needs to be re-constructed according to the standards which are found in the current Elk Ridge City codes for road construction. Some feel that another standard which, has not yet been adopted, can apply. We feel that this difference of opinion needs to be legally decided.
- 7) We feel that the re-construction that occurred in 2002 on Fremont Way set a precedent for the re-construction of Elk Ridge roads, and that to deviate would be an arbitrary and discriminatory action against the citizens who reside along Lakeview Drive.
- 8) We want to point out that we already have two standards concerning the construction of Elk Ridge roads. One code is for a collector road. The other code is for a residential road. We recognize that Lakeview Drive is a residential road, and we are only requesting that Lakeview Drive be re-constructed according to the current code for a residential road. (See above City Code references in #5)

- 9) We wish to remind the City Council that the 2000 LEI Engineering Work Release #2 for Lakeview Drive was written to meet our current city code for the construction of a **residential road**.
- 10) However, may we point out to the City Council that we feel there is a difference between maintaining an already-existing road, and **totally re-constructing** a road that was previously in existence. **If a road is totally removed, moved 20 feet, and then re-constructed, it is our contention that this description constitutes a new road and not the maintenance of an existing road.**
- 11) We wish to substantiate the City's intention of completely removing the existing road on Lakeview and re-constructing it by quoting Gary Prestwich as Mayor Pro-Temp, in the letter dated June 16, 2003, and addressed to Citizens of Elk Ridge:
"The city is planning to make some major repairs on Lakeview which will cause some disruption for a period of time. **Because the road will be completely rebuilt,** a one-hour meeting is scheduled for July 2, 2003 at 7:00 P.M. in the City Hall to which all interested parties residing on Lakeview are invited. At this meeting **we will discuss Lakeview's rebuilding options.**" (Bold & underline added)
- 12) We would like to point out that if a home was built in Elk Ridge during 1982 and it burned down in 2003, the owner would have to re-build the home in accordance to the city's 2003 codes for residential construction. The owner could not arbitrarily decide to re-build the home any way that he desired, because of concerns of additional expense resulting from having to meet the current codes, vs. the original cost of building the home in 1982. This would be the case even if the owner re-constructed the home on the original property and on the original foundation.
- 13) May we remind the City Council that if the City would have re-constructed Lakeview Drive in 2001, according to the recommendations of the 2000 LEI study, the dollar amount that the city would have spent at that time would have only been \$45,932.00!! This amount is the total bottom-line bid of \$69,332.00 minus the curb and gutter cost of \$23,400.00, (as the amount for the curb and gutter would have been paid by the residents of Lakeview Drive).
- 14) Don Watkins, former Mayor of Alpine has said to us:
"Most cities have a Master Plan which addresses the orderly assignment of improvements which are to be done within the city. These improvements are prioritized within each department, i.e.: Water, Sewer, Roads, Parks & Recreation, Fire and Safety, etc. Furthermore, a city budget is passed each year and each department is given funds that are earmarked for specific spending within that department. A Master Plan, which has been adopted by the city, outlines how these monies should be Spent within each department based on priority. Some of the projects may exceed the budget of a specific department for any particular year, and perhaps the budget for subsequent years. However, monies are usually earmarked and set aside for those designated purposes."
- 15) It is our belief that it was the intention of the former City Council to have money set aside for the Lakeview Drive re-construction, and as we have previously stated, Lakeview was to be the next road to be reconstructed.
- 16) We also have concerns about surface water disposal and facilities for storm water runoff. Some have stated that curb and gutter would compound the collection of runoff, thereby causing more expense to the city. May we point out that all of the needed facilities for this purpose have already been installed at the end and to the west of Lakeview Drive. The only additional cost to the city, according to the LEI study, would be in the amount of "\$2,800.00 for a sump w/pre-treat Catch Basin."
- 17) May we remind those who have not lived in Elk Ridge for a substantial amount of time, that we are currently experiencing a 6-year drought. Storms and resulting water run off are very different today as compared to when we were not experiencing drought conditions, and when normal rain fall occurred on a regular basis. However, the City needs to plan for the 25-year storm and the 100-year storm as mentioned in code 10-15D-3:f:1. Residents who have lived in Elk Ridge for many years have witnessed the various types of weather conditions, as-well-as the resulting run off and damage that may occur.
- 18) We would like to state that Elk Ridge has now grown up from a town into a city. Cities are required to follow higher legal requirements in some areas of the law than towns. They have a larger population with an increased level of responsibility to their citizens. As a result, cities usually rely more heavily on the advice of professional lawyers, engineers, contractors, and etc., which they hire to guide them in decisions that are made. This is usually the case since most citizens who serve on the city councils are not generally trained in all aspects of construction, government, law, road design, water and sewer implementation, etc. We feel that the elected officials of Elk Ridge City may do well to re-evaluate the use of these professionals vs. just using their own judgment when making these types of decisions.

19) We request that time be set aside so that the council members can meet with the Lakeview Drive residents on the site of Lakeview Drive, in-order-that everyone can see first-hand the current and the re-construction concerns that we have.

20) We request that the residents of Lakeview Drive be given an adequate amount of time on the September 9th Elk Ridge City Council agenda, to present pertinent materials of our choosing, to ask questions, and to have our questions clearly answered, in an atmosphere where there is opportunity for a two-way dialogue between the residents of Lakeview Drive and all members of the City Council. We respectfully feel that this would be the only way that we our opinions and concerns can be fairly and democratically represented.

21) We were previously told by Mayor Fritz that there would be no two-way dialogue this evening, and therefore, we are not prepared to participate in one. We would ask that the City Council members abstain from any decisive action concerning the reconstruction of Lakeview Drive before September 9, 2003, so that the processes we have outlined can occur to ensure that we have fair representation as Elk Ridge City citizens.

We thank the members of the Elk Ridge City Council for the time that they have given to us this evening in behalf of our concerns relating to the future of Lakeview Drive.

Sincerely, Lakeview Drive Residents:

Laura Ashton	Jodi McKee	Brad Turner
Mike Ashton	Deseree Shallenberger	Lana Turner
Cullen Brimhall	Don Shallenberger	
Jan Brimhall	Kennth Tuttle	
Dave McKee	Teri Tuttle	

Mayor Fritz: Thanked the citizens for their organized presentation. The Council will meet with the residents again at a Council meeting in September. He will be gone on September 9th, so he suggested Sept. 23rd. He assured the residents that their issues will be studied and that no decision has been made. When a decision is made, it will be in the forum of an open & public meeting.

Special Work Session – Development/Building Permits:

Discussion of Recently Completed Water Impact Fee Study, Capital Improvement Plan & Water User Rate Study...Performed by LEI Engineering

Mayor Fritz: (Pg 3) The "User Rate Fee Structure" is incorrect. (There is a correct schedule on Pg. 47.) The Mayor feel the City should keep the water rates as they are for another year, at least; to have a better understanding of the financial position the City is in at that time. He pointed out that 2002/2003 has been an exceptionally dry year, which has resulted in high water usage; this could change.

Gary Prestwich: Commented:

1. Accountants advised setting aside money to pay for future projects in the Water Fund.
2. \$40 Base Rate...A lot of revenue has been collected over the year, but this is the hottest summer on record; what happens when it is the wettest summer on record? The revenue won't be collected. It is such an unknown; he does not see how predictions can be made.

Sean Nielsen: If we experienced a wet year, the operating costs would also go down accordingly.

Gary Prestwich: According to the Accountant, the City was behind in its ability to replace deteriorating lines in the system. He recommends leaving the User Rates as they are.

Russell Sly: When the Rate Structure was put in place, one of the key reasons for the increase was to try to get money set aside for repairs and improvements. With bonding, comes interest and the City should avoid debt as much as possible. He also feels the Rates should be left in place.

Mike Christianson (LEI):

3 options presented:

1. Modify the Tier Rate
2. Modify the Base Rate
3. Increase Depreciation Fund (Put more money into these replacement items)

His understanding of Enterprise Funds is that they must “0” out at the end of the year. According to Mr. Christianson, “you can’t collect more through User Rates than what you spend out for than given year...you can’t have a surplus”.

City Recorder: Disagreed that there cannot be any surplus for a given year...that is what is referred to as “Retained Earnings”. It is the same as “Fund Balance” in the General Fund. It is legal and encouraged.

Mike Christianson: This is his understanding of these laws work. If revenues are left where they are at, perhaps other operating expenses could be reduced. Example: Increase “Salaries and Wages” or increase depreciation...but it must all balance at the end of the year.

Suggestion: Have an Audit of the entire system and do a straight-line Depreciation over a 50-year period.

Mayor Fritz: Read from a letter from the City Attorney, dated August 5, 2003:

(David Church) “You asked if it was legal to raise and use money from the water rate payers to fund future improvements to the system. It is legal and probably advisable to accumulate funds from ratepayers for future projects. My impression is that this is the common practice for cities. Water facilities depreciate over time and need to be repaired and replaced. This is a cost that should be borne by the ratepayers and not paid for from impact fees. It is legal to pay for future new capital facilities in whole or in part with impact fees. It would also be legal to pay for new capital facilities with water rates. This is a policy decision.”

So, if we leave the rate structure as it is and continue to bring in revenue, we must then identify what the money will be spent on. (The Study has accomplished this.) The Mayor does not see why generating money in the Enterprise Fund would be considered illegal, as long as the improvements are identified.

Russell Sly: It should not be difficult to identify improvements in the water system with the replacement of lines and a storage tank that is needed.

Ernestine Folks: Referring to Table 4.7

The 1st two years listed on Table 4.7 seem to budget a loss (deficit) on the projections for Impact Fees. Why budget a deficit? Why not set the fee higher to avoid the deficit? The Fees are to be reviewed frequently and can be adjusted if found they are too high or too low. Budgeting Impact Fees is risky because they are not definite; they are an “unknown”. If the City doesn’t receive any Impact Fees, liabilities would still need to be paid for.

Lee Freeman: The amount of deficit (\$2,988) is less than one Impact Fee...he does not feel that is too risky.

Sean Nielsen: There seems to be a resistance to realize we are charging too much for water with our current Fee Structure. He feels the Fees should be decreased rather than finding ways to spend the money.

Gary Prestwich: Even though there seems to be excess money, he feels it is premature to act before the accounts declare this. In the last presentation by the auditors, they stated the opposite; that the City was going “in the red” every year.

Mike Christianson: One of the things that could drive the finances “into the red” would be to over-estimate growth rate, then user rates must supplement the income.

Other danger signs to watch for:

- 1) Increased expenses/Revenues go down
- 2) Infrastructure starts to fall apart at a greater rate than the City can generate money
- 3) Emergencies or disasters

Impact Fees should be fairly consistent, rather than fluctuating a great deal from year to year...as long as the occasional deficit does not overshadow the overall picture of accrued finances. High Impact Fees tend to deter development and the City does not want to do that. It is best to project out 20 years to anticipate revenues. The growth factor needs to be reviewed every year or two and, if necessary, the Fees could be backed off.

Russell Sly: Feels Impact Fees should be somewhat stable, rather than jumping up and down.

Mayor: Pg 9, Table 2.3 compared to Pg. 12, Table 2.4...There is a difference in the number of connections reported.

M. Christianson: Table 2.4 discusses the “Bell Curve”. The City does not have a significant amount of projects that are in the Preliminary or Final Plat stages of the development process. If the estimate is too high in the area of Impact Fees, the growth may not be sufficient; then there is an over-estimation of the amount of revenue to be generated by Impact Fees.

That deficit would have to be made up out of User Rates. They have used a "Bell Curve" out to 2013 as a more conservative approach

Pg. 10: Proposal for delivering water from the Cloward Well to the Oak Lane Tank:

1. Install a separate dedicated 10" pump line from the well, south to Goosenest Dr., then east and south along West Salem Hill Drive to the Oak Lane Tank. This is an expensive proposal.
2. Use portions of the existing line installed by various developers and "fill in" the spaces with a connecting 10" line to the site of a proposed storage tank. This is less costly.

Mayor: When another well gravity feeds into this proposed tank, will this elaborate line be necessary? He sees the Cloward Well as eventually servicing new development in the lower sections of the City.

M. Christianson: The site for the tank was arrived at due to 2 reason:

1. The City already owns the land.
2. The site would work out well to supply the pressure zone.

In 2007, there are 2 options available:

1. Drill a new well
2. Upgrade the Cloward Well

Mayor: Feels that a 3rd storage tank would take some of the pressure of servicing the City off of the Oak Lane Tank. Once the tank is in, will there be as much of a demand on the storage capability? At that time, would the Upper Loafer Canyon well be capable of filling both of the existing 500,000 tanks?

M. Christianson: All are agreed that growth will happen north of the City. 2 pressure zones already exist. The City needs another pressure zone to allow development where it is projected. The placement of PRV's is very important to the overall effectiveness of the system. His answer to the Mayor's concerns is the need for a new well as an additional "source" to meet the State's criteria for source of water. This new well is projected for 1024. In 2007, the City has 2 options: Upgrade the Cloward Well or drill a new well.

Mayor: We know that growth will occur in Utah County. There is a finite amount of water available. Kent Haskell is assigned to check the well levels every Monday. If we wait too long to drill a new well, do we run the risk of the State saying that the City does not need the extra water? If the City is in possession of the water and the rights assigned to it, he feels it would be more difficult for the State to then take it away. Could the City not sell the water to help pay for the well costs? Then when the City needed the water, it would be available. He has heard that eventually, the State will take over or control all the water rights in the State of Utah. He would like to consider drilling the new well ahead of the recommended time frame.

Pg. 24, Table 3-1:

Loafer Canyon Rd. 8" Water supply connection pipe line...

General Conclusion: If there were a major fire in Loafer Canyon under existing conditions, the lines could be collapsed. The Mayor would like to address this issue with any excess revenue in the Water Dept.; or at least start accruing the money to repair the situation. Due to these projects, the Mayor recommends leaving the water rates where they are. He would like for the City to arrive at a point where less and less bonding is required when a major improvement is necessary.

Ernestine Folks: Pg 23...Several 6" lines are located in various streets with concerns about fire flow and velocities...it is unclear as to the recommendation for these lines.

M. Christianson: N. Clark Ln.: The issue is with the elevation of the PRV...the way it is set establishes the down stream pressure higher than what the PRV can take. He will have to re-read the Study to evaluate the recommended solution.

Shanna Fleenor (resident on S. Clark Ln.): Reported that there is no water pressure on S. Clark Lane. It is so bad that when their neighbor waters their lawn, the Fleenors do not have enough water to flush a toilet. This would be a real problem in the case of a fire.

Ernestine Folks: The Study includes the Oak Lane Well in the totals for "source". This well is not functional at this time. Kent Haskell informed her that he has informed the State that they should consider this well "inoperable". The reality is that the City does not have this water.

Mr. Haskell said the aquifer dropped 80 ft. The pump was moved to 100' down and there was no water. Should the calculations change to determine the number of connections available.

M. Christianson: He feels it is not wise to report this well as “inoperable”. LEI test pumped that well 6 months ago and it was operable at 40 to 45 gpm. The City should keep it as a source. *The Mayor asked Mr. Christianson to follow up with the State to make sure they have the correct information.

Sean Nielsen: If the Oak Lane Well is a 600’ well, how deep has Mr. Haskell gone to determine there is no water? If we put the pump deeper, would it make a difference?

Ernestine Folks: Pg 34: Impact Fee analysis...The listed Debt Liabilities did not list all of the Interest Rates for the various Bonds, on the Agreement with Dallas Young for Water Rights, nor was the 2002 Bond included in the analysis.

(The missing information was provided to Mr. Christianson in the Meeting.)

There are older lots in the City, which the Impact Fees have been paid on at the time of development. Are these lots figured into the equations? Wouldn’t the percentages change?

M. Christianson: These lots generate impact to the system regardless of when the Fees were paid. If pre-paid, then the City would be held “liable” for these Fees. Basically, the City will be making up the difference to balance it all out. The percentages would stay the same.

Pg 48...last sentence...Emergency Repairs are covered under “Building & Grounds Operating Funds”. Councilmember Nielsen has addressed the possibility of creating an expenditure account in the Budget where repairs are made out of; this account would only reflect the amount of “Unrestricted Retained Earnings” to be used on repairs. (Another existing account or “code” already in the Budget could be “Appropriated Use of Retained Earnings”.)

Pg. 30: Table 3.3...Could the Fire Dept. or Public Works verify the need for the suggested 23 new fire hydrants to the system? (That should be removed.)

This was included with the “By-pass” PRV’s...is there a separate estimate listed in the report? (The wording should change on the PRV statement.)

#5...In-line “Booster Station”:

Mr. Christianson: The estimate was based on a 1,000 gpm pump. He feels that a 100 gpm pump is not going to be enough to benefit the City. The City could consider something higher than 100 gpm, yet not 1,000 gpm. It should be designed for the future.

Councilmember Nielsen suggested that the Council get an estimate for a 400 or 500 gpm pump.

#8...(Capital Improvement page)

- Salem Hills Drive/Fire flow improvement is listed, but Park Drive is not included...the costs nor the years are included for this project.

Not Included as Capital Improvements (with cost estimates):

- The new Storage Tank in 2007
- The upgrade on the Cloward Well in 2007
- The New Well costs in 2024
- Salem Hills Circle water main replacement in 2003
- E. Salem Hills Drive water line connecting to dead-end line
- 10” water line to the Goosenest area in 2005/2006
- To decide how the remaining 2002 Well Bond money will be spent

(Mr. Christianson responded that all of the projects are included with the Impact Fee Model.)

Mrs. Folks does not agree that all the mentioned projects are included.

Gary Prestwich: Requested a priority list of the fire hydrants needing to be installed.

(Mr. Christianson agreed to provide this.)

Ernestine Folks: The Study does not provide information on the status of the City’s Water Rights. She feels that would be valuable information to the City.

Mr. Christianson: Feels this information is outside the scope of this Study. LEI doesn’t know how much water right the City actually has...many of the rights are in Utah Lake or Canal Companies.

The Mayor commented that a Water Right Attorney, John Maybe, is working on all of this.

Mr. Folks: Reminded Mr. Christianson that the City would need a corrected copy of the Study.

The Mayor advised organizing these concerns, as identified, and returning them to Mr. Christianson. He could then respond to them.

CURRENT WATER BILLS/ DISCUSSION	<p><u>Sean Nielsen</u>: Asked Mr. Christianson about a Public Hearing on the Water Rate Fee Structure; would anything discussed at this evening's meeting affect any of the recommended figures. (He did not feel the figures would be affected.)</p> <p>Although there would be no action taken on this matter at this time, the Mayor requested the Council read over the memo from the Mayor submitted to them in their packets. He gave options that residents may be interested in:</p> <ol style="list-style-type: none">1. Reduce all bills by a percentage2. Lower tiered rates3. 12 month averaging <p>One of the reasons for the higher prices is the increase in conservation.. The Mayor still recommends keeping the base rate where it is currently. He asked that the Council be prepared to discuss the issue at the next council Meeting</p>
NON-AGENDA/ EAGLE PROJECT	<p><u>Mayor Fritz</u>: The Eagle Project to re-paint the City Hall does not appear to be completed. The trim needs to be done. The Mayor will not approve it until it is finished.</p>

**ELK RIDGE
CITY COUNCIL MEETING
August 12, 2003**

TIME & PLACE OF MEETING	<p>The regular Meeting of the Elk Ridge City Council was held on <u>Tuesday, August 12, 2003, at 7:30 PM;</u> it was preceded by a <u>City Council Work Session at 6:00 PM.</u> The meetings were held at the Elk Ridge City Hall (Fire Dept. Bay Area), 80 East Park Drive, Elk Ridge, Utah.</p> <p>Notice of time, place and Agenda of these meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body by mailing a copy to each on August 8, 2003.</p>
ROLL CALL	<p><i>Mayor:</i> Vernon Fritz; <i>City Council:</i> Sean Nielsen, Gary Prestwich, Lee Freeman, Russell Sly (Absent: Todd Jackson); <i>Administrative Asst:</i> Ernestine Folks; <i>LEI Engineering:</i> Michael Christianson; <i>Sheriff:</i> Deputy Lea; <i>Public:</i> Don & Deseree Shallenberger, Michael & Laura Ashton, Jim Hiatt, Lynn Thomsen, Ron Ririe, Joe Wadlinger, Roger & Shanna Fleenor, Heather Barton & Jason Hayes; & <i>City Recorder:</i> Janice H. Davis</p>
INVOCATION PLEDGE OF ALLEGIANCE	<p>Invocation was offered by Lynn Thomsen; after which, Ron Ririe led those present in the Pledge of Allegiance.</p>
AGENDA TIME FRAME	<p>MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY TO APPROVE THE AGENDA, ADJUSTING THE TIME FRAME BY 40 MINUTES</p> <p>VOTE: YES (4) NO (0) ABSENT (1) TODD JACKSON</p>
GRANDVIEW NORTH SUBDIVISION	<p>The Council was to consider the options available for drainage on the Grandview North Subdivision:</p> <ol style="list-style-type: none">1. 5 Sumps2. Cash in lieu of 5 sumps + 2 temporary sumps installed3. Retention Basin across Gladstan Drive <p>The Council was hesitant to approve any of the options prior to the Storm Drainage Study being completed. They were also more inclined to approve the actual installation of the improvements rather than "Cash in lieu" of the improvements.</p> <p><u>Lee Freeman</u>: He agrees that the City needs a long-term plan, but he does not feel that Mr. Thomsen should have to wait until that is in place to have approval on his development.</p> <p>MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY SEAN NIE LSEN TO APPROVE THE PROPOSAL TO PROVIDE 5 SUMPS FOR THE GRANDVIEW NORTH SUBDIVISION, FOR DRAINAGE WHICH WOULD ALLOW THE SUBDIVISION TO BE SELF-CONTAINED</p> <p>VOTE: YES (5) NO (0) ABSENT (1) TODD JACKSON</p>

GRAVEL
SHOULDERS/
DISCUSSION

Gary Prestwich: He is in the process of collecting information about gravel shoulders on roadways as opposed to curb & gutter:

Federal EPA Dept. (State level) RE: Storm Water run-off:

Explained Elk Ridge's situation on the side of a hill with curb/gutter in some places and some places without. He explained that the preference was to not have more curb & gutter and would like to have all the water contained "on-site". His answer (the Director) was:

"you are ahead of us. This is what we will be proposing. We want a lot more of this type of thing done. We don't want storm water going into retention ponds anywhere that we can possibly stop it. We want it to go into the ground right where it is generated."

Lee Freeman: This is not engineering position, specifically LEI's.

Mayor Fritz: It was RB&G's position.

Gary Prestwich: Has a lot of references that he will print out and make available to the Council. The State will send more literature to Mr. Prestwich as to what the State is planning with run-off. The retention basin on Goosenest that the City is planning will have to have filters and other things in it to collect toxic materials.

The preference with the State was rock-lined or vegetation-lined "swales" (ditches).

Mayor Fritz: Encouraged all Councilmembers to research the subject and to become informed so that when the Council comes to the point where decisions must be made, there can be an active and informed discussion.

GARBAGE
CONTRACT

Mayor Fritz: Proposed BFI Contract...The Mayor read the modifications, as presented by BFI: 5-year extension, to begin Jan. 1, 2004 and end Jan. 1, 2009.

Original Contract Terms would be in effect with the following amendments:

Item #10 (Paragraph 10): "Fees charged by BFI will not be adjusted during the calendar years 2003, 2004, & 2005. These charges by BFI will be adjusted upward I the amount of \$.25 for the 1st container and \$.10 for the extra container on July 1, 2006, and again July1, 2008. If during this time the cumulative CPI for the period were lower, then the amounts charged by BFI would be less. Comparisons will be based on the Wells Fargo cost of living index on the Wasatch Front. If tipping fees, regulation changes, taxes or items of the like that may reflect cost increase at any time during this period of contract, the amount paid to BFI shall increase by the same percentage.

Sean Nielsen: Has no problem with them covering their expense if the Government steps in increases their charges. They would have to show where the costs would go.

(Paragraph 12) Roll offs:

BFI will provide the City with roll-offs 30-yard service with one container being provided by BFI (free of charge) and BFI to pay all disposal fees...for a maximum of 12 lifts per calendar year...the City chooses the dates.

Recycling: If the City decides to do a recycling program, BFI will provide this service with a section roll-off bin at a haul rate to be negotiated.

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY LEE FREEMAN TO APPROVE THE CONTRACT BETWEEN ELK RIDGE AND BFI, AS PRESENTED

VOTE: YES (4)

NO (0)

ABSENT (1) TODD JACKSON

SEWER LATERALS
REPAIRS

Mayor Fritz:

There were 2 respondents to the bid request to repair sewer lateral (backed up):

1. Dean Ingram property...

Kent Haskell knows both of the excavators and would recommend either. One (Hone Excavating) has a bid of \$800 (without asphalt) and the other (Western Utility Co.) is for \$400 (without asphalt). LEI will be doing the inspections.

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESTWICH TO APPROVE THE BID FROM WESTERN UTILITY COMPANY FOR THE REPAIR OF DEAN INGRAM'S SEWER LATERAL IN THE AMOUNT OF \$400

VOTE: YES (4)

NO (0)

ABSENT (1) TODD JACKSON

3. Griffith's (Oak Lane):

They had a backed up sewer lateral, as well. Kent Haskell recommended the City pay ½ the bill. Dennis Jacobson has repaired it. This was Joan Durfey's home. It has been vacant for some time. The Griffith's moved into the home and shortly thereafter their basement was flooded with sewage. It was plugged in the line. The homeowner called Roto-rooter and they did unplug the line; but, in the process, drilled a hole through a corner of the lateral all the way up to the main. Mr. Haskell felt the elbow in the line was installed improperly and he recommended the City should cover the cost. There was not a quorum of the Council available at the time and the Mayor decided to have it repaired. The City and Mr. Griffith agreed to share the cost. The City's ½ of the bill is in the amount of \$1,100.

The asphalt is included in this price and the Mayor informed Mr. Jacobson that there would be no payment until the asphalt work is done.

MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY GARY PRESTWICH TO APPROVE \$1,100 FOR THE REPAIR OF THE SEWER LINE FOR MR. GRIFFITH, TO BE PAID TO MR. DENNIS JACOBSON

VOTE: YES (4)

NO (0)

ABSENT (1) TODD JACKSON

ORDINANCE
CHANGES

Definition of "Household Pets":

Lee Freeman: The Planning Commission was asked to review this ordinance, which contains a definition of "household Pets". The intent was to refine the definition, but as the Planning Commission struggled with this over a period of time (7 or 8 meetings) they finally sent an ordinance on to the City Council, which was sent back because it was too restrictive. As they revisited this, they determined that it is not so much the definition, it is more an issue of whether an animal is a nuisance; if so, it would fall under the nuisance ordinance. They felt rather than try to define the kind of pets to be allowed, it would be better to eliminate the definition of "Household Pets". After the Public Hearing, it was decided to leave in the restrictions on the number of dogs. The definition of "kennel" was left in the ordinance (no more than 2 dogs...3 dogs would constitute a "kennel"). Kennels would be allowed only in the Commercial Zone.

MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY TO APPROVE 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 AN EFFECTIVE DATE

VOTE (POLL): SEAN NIELSEN-AYE, LEE FREEMAN-AYE, GARY PRESTWICH-AYE, RUSSELL SLY-AYE

NO (0)

ABSENT (1) TODD JACKSON

PASSES 4-0

OFF-HIGHWAY
VEHICLES ("OHV")
ORDINANCE

Sean Nielsen: He has not received the ordinance back from David Church

Lee Freeman: In the last discussion, there was to be a committee organized by the Mayor and the recommendation was that Councilmember Nielsen contact the committee to give them his input; then the Council was to wait for direction from that committee.

(The Mayor did organize the committee: Ty Currie, Steve Fillerup & John Argyle...they were asked to contact Councilmember Nielsen. Mr. Argyle indicated they would get back to the Mayor by the 1st of September.)

Councilmember Nielsen had not received the names of the members of the committee. He has not heard from them.

Shanna Fleenor: If ATV's are allowed on the roads of Elk Ridge, they should have to provide proof of insurance, like owners of automobiles. The rules should be posted as people enter the City limits.

Deputy Lea: (Liability/ATV's) It is his understanding that there is a liability increase when ATV's are allowed on the City streets.

Lee Freeman: We live in a residential community surrounded by private land. There are public roads, but that is really all there is to accommodate ATV's. Currently, one may ride the ATV across the road to reach private property. "If we try to legalize the use of ATV's on our public roads, where are they going to go? Just up and down the public roads...that's all they're going to do." He feels it would create more of a problem if people were invited to ride on the City's roads. People would come from other areas to ride here in Elk Ridge. They are on private land and they are tearing up landscaping. He is not opposed to ATV's, but he feels people should

transport them to appropriate areas to ride in. He does not feel they can be used appropriately in a residential area like Elk Ridge.

Public Comment:

- ATV's also assist digging out of snowstorms at the residential homes and the Churches.
- It seems as if it is ok to ride to and from the Churches, but not to take an evening ride.
- If law enforcement is a problem, then the proposed ordinance ought to designate specific roads and the speed limits allowed.
- Young people 8 years and older, with the proper training may legally ride ATV's.

Russell Sly: He would like to find a way ATV's could be legally operated within the City; but one of the problems is stated in section 41 of the State Code (#3): A person may not operate an Off Highway Vehicle on any street or highway for any purpose than to gain direct access to or from a private or a public area open for off highway vehicle use." How does the Council over-ride the State law?

Sean Nielsen: It is a matter of interpretation. The reason he brought this proposed ordinance up is because there is a lot of disagreement in the City about the use of ATV's. Every month the citizens hear about it in the newsletter. He wants to work together to solve the problem rather than fighting about it. He feels there should be an ordinance that allows people the use of their ATV's in a responsible manner, which also has restrictions for riding at certain times etc. He, as an owner of ATV's, would be willing to accept and obey certain restrictions in exchange for the privilege of riding his ATV's. Will there be give and take on both sides?

Lee Freeman: The problem is with the few who abuse privileges, not with the responsible owners.

Public Comment: Agrees; but there needs to be some provision for those responsible people to ride. The private property should be posted.

Lee Freeman: Posting and fencing gets removed and ignored on private property.

Gary Prestwich: Read that ATV's may only be ridden on designated roadways or on private property with the consent of the property owner or person in charge. It is the operator's obligation to know which routes are open to OHV use and to get necessary permission.

Sean Nielsen: The assumption is that no one gets permission. He has received permission to ride on their private land. The only place he has to break the law is on the roads leading to that private land. There are preconceived notions about owners of ATV's...that all are irresponsible. It is not true.

Lee Freeman: Feels it is an open invitation for people to come to Elk Ridge to ride.

Public Comment: Certain citizens are tired of reading negative comments in the newsletters about ATV's. There should be positive articles written as well.

Mayor Fritz: There are those in favor and opposed to ATV's and there are those simply interested in the safety issues. He cannot turn his back on safety issues. There is a committee and the Mayor encouraged those present to participate in this committee. There are opinions on both sides of the issue.

Deputy Lea: Was asked if he felt enforcement would be easier with designated streets to ride on. His response was that he feels it would be "a nightmare" for him.

Sean Nielsen: Those wanting to ride ATV's will consider this a privilege and will do all they can to encourage obedience to the laws. We need to get to the place where we police ourselves.

Shanna Fleenor: People need to realize that ATV's include such things as dirt bikes, golf carts, motor scooters, etc...not just 4-wheelers.

Public Comment (Suggestion): Could there be a trial period to see the results of an ordinance that would permit ATV's on certain designated streets? Ordinances can be rescinded.

Deputy Lea: Responded to a question about use of names (witnesses) in filing complaints...He said many times he needs to get directions or information from the person calling to complain about a problem or a nuisance. He can still proceed once he gets to an area, but he has to use the witness. If the issue goes to court, the person making the complaint would have to testify.

Russell Sly: Many people do not want to be identified as the one making a complaint against their neighbor. Can the name be kept off the record?

Deputy Lea: People can make anonymous complaints. They should just inform dispatch that they want to remain anonymous and they will respect that. It is considered poor practice to reveal the name of the person filing the complaint.

Mayor Fritz: The proposed ordinance on ATV's would be discussed in a public forum prior to possible adoption.

ACCESSORY
APARTMENT FEES

Mayor Fritz: This subject will not be discussed at length at this time. He requested that the Councilmembers be prepared to make a recommendation regarding Accessory Apt. Fees. The matter has been discussed for 7 or 8 months. It is time to make a decision as to whether or not to continue the fee structure or to abandon it. Whatever the recommendation, the issue will be on the agenda for the next Council Meeting.

Sean Nielsen: He does not feel this is a good ordinance. He does not agree that there should be separate impact fees for accessory apartments.

Russell Sly: He agrees and feels that charging the impact fees is unenforceable. He would not want to give up the City's "affordable housing" status, but he does not agree with the fees.

Lee Freeman: How does the Council gather data on the number of "accessory apartments" there are in the City if no one will come forward and admit they have one due to the fees? What is the determining factor? Councilmember Freeman has a basement that could be considered an "accessory apt."; but it is not being used as one; in fact, it is not being used at all. So, should he be responsible to pay impact fees to the City? How is the City being impacted?

Gary Prestwich: Agrees that the ordinance should be changed.

UTAH LEAGUE
OF CITIES &
TOWNS –
CONFERENCE

Mayor Fritz: This is not an action item. The Mayor would like for the Councilmembers to look over the planned agenda for the Conference coming up in September, to see if there are any classes they would like to attend.

INTER-TANK
CONNECTION -
CONTRACT
APPROVAL

Mayor Fritz: The City needs the ability to provide water to the upper water tank in the advent that the Loafer Canyon Well goes down.

Lee Freeman: He reminded the Council that Mike Christianson (LEI Engineering) is of the opinion that a pump that has the capacity of 100 gpm is not going to do much. Councilmember Nielsen is to contact Nickerson for another estimate on pump with a capacity of 400 or 500 gpm. It will be on the agenda for the next Council Meeting.

Sean Nielsen: If the well were to go down, it would take 48 hours to get back in operation. What would it take to get the City through a couple of nights?

He sees this as an "insurance policy" in case of emergency. The booster pump will be in the well house on Oak Lane.

The estimate of \$15,000 is for Kent Haskell to install the system as a City employee.

The newsletter needs to be utilized to inform the residents of the procedure they should follow in case of emergency. People need to be educated on water storage and preparedness.

Mayor Fritz: Sees this as necessary for emergency usage.

Gary Prestwich: He feels the consensus in the Council is that the City will not go with the estimate of LEI using a 1,000 gpm pump; but would be willing to approve 100 gpm or a bit higher capacity.

*Place on the next City Council agenda.

EXPENDITURES

A. General:
None

B. RB&G Sewer Study:

Russell Sly: RB&G Engineering has proposed an amount not to exceed \$3,000 to conduct a study for the valuation of Elk Ridge's portion of the Salem Sewer Plant.

Councilmember Sly has been trying to meet with the Mayors of Payson and Woodland Hills to determine what they are willing to do.

Woodland Hills is interested in sewerage with Elk Ridge, to Payson. Would Salem be interested in purchasing Elk Ridge's 18%? All of this needs to be negotiated. Determining the value of this 18% is important for negotiations.

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESTWICH TO APPROVE AN AMOUNT NOT TO EXCEED \$3,000 TO FUND THE COST VALUE STUDY OF THE SALEM CITY SEWER PLANT, TO BE PERFORMED BY RB&G ENGINEERING

VOTE: YES (4)

NO (0)

ABSENT (1) TODD JACKSON

C. City Liability Insurance:

Mayor Fritz: Last fiscal year, the Auditor said that Elk Ridge could go either way as far as increasing the amount of liability coverage from \$2,000,000 to \$5,000,000. The premium also increases each year. Last year the premium would have been about \$15,680; this year it is up to \$16,284 annually. The Mayor feels the Council should consider whether the coverage should increase to \$5,000,000. The current premium for \$2,000,000 = \$13,683. The difference to increase the amount of coverage = about \$2,601.

MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY TO APPROVE THE INCREASE OF THE CITY OF ELK RIDGE'S LIABILITY INSURANCE COVERAGE TO PROVIDE COVERAGE OF \$5,000,000 FROM THE CURRENT COVERAGE EQUALLING \$2,000,000, AT AN INCREASE OF COST OF ABOUT \$2,600

VOTE: YES (4) NO (0) ABSENT (1) TODD JACKSON

MINUTES

City Council Minutes: 6-17-2003 and 7-8-2003:

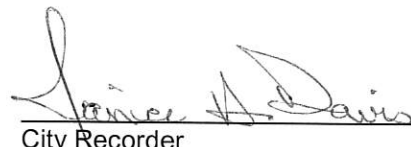
MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY GARY PRESTWICH TO APPROVE THE CITY COUNCIL MINUTES OF 6-17-03 AND 7-8-03

VOTE: YES (4) NO (0) ABSENT (1) TODD JACKSON

ADJOURNMENT

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESTWICH TO ADJOURN THE CITY COUNCIL MEETING

VOTE: YES (4) NO (0) ABSENT (1) TODD JACKSON



City Recorder

NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, August 26, 2003, at 7:00 PM, to be preceded by a Council Work Session at 6:30 PM.** There will be **two Public Hearings** to be held in conjunction with the City Council Meeting, 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 Subdivision Ordinance providing for clarification of lot design standards within subdivisions; **The second Public Hearing, at 6:15 pm,** is to consider the Water Impact Fee for 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

1. PUBLIC HEARING/ORDINANCE – CLARIFICATION OF LOT DESIGN STANDARDS WITHIN SUBDIVISIONS

Proposed Ordinance Amending the Elk Ridge City Code Providing for Clarification of Lot Design Standards within Subdivisions, Codification, Inclusion in the Code, Correction of Scrivener's Errors, Severability, and Providing an Effective Date

6:15 PM

2. PUBLIC HEARING/ELK RIDGE WATER IMPACT FEE

Consideration of the Revised Water Impact Fee for Elk Ridge City

6:30 PM

CITY COUNCIL WORK SESSION

3. Road Repair Update – Gary Prestwich

4. Discussion/Accessory Apartment Fee – Mayor Fritz

5. Report from Meeting with Auditor & Engineer – Sean Nielsen
Depreciation and Enterprise Fund Budgeting

7:00 PM

CITY COUNCIL MEETING/REGULAR SESSION AGENDA ITEMS

Invocation & Pledge of Allegiance

7:03 Approval/Agenda Time Frame

7:05 6. Public Hearings/Action:

A. Ordinance/Clarification of Lot Design Standards

B. Water Impact Fee

7. Accessory Apartment Fee – Mayor Fritz

7:15 8. Booster Pump – Sean Nielsen

7:25 9. Concrete Driveways/Steven Powell – Gary Prestwich

7:35 10. Mountainland Association of Governments (MAG) Contract – Mayor Fritz

7:40 11. Schedule Public Hearings:

A. Ordinance/Amending Elk Ridge City Code Providing for Clarification of Provisions Regarding Fences, Walls, and Hedges; their placement, and the enforcement of such provisions

7:45 12. Bond Obligation/Pay-off – Sean Nielsen

7:55 13. Storage of Junk & Debris/Planning Commission Recommendation – Ernestine Folks

8:05 15. 5 -Year Income Projection (Jones Simkins) – Sean Nielsen

8:15 16. Expenditures:

A. General

8:20 17. Minutes of Previous City Council 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 22nd day of August, 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 August 22, 2003.


City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
August 26, 2003**

**TIME & PLACE
OF MEETING**

This regularly scheduled Meeting of the Elk Ridge City Council, was held **Tuesday, August 26, 2003, at 7:00 PM.** It was preceded by two **Public Hearings and the City Council Work Session at 6:30 pm.** The Public Hearings were 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 clarification of Lot Design Standards within Subdivisions; The **second Public Hearing, at 6:15 pm;** was on Consideration of the Revised Water Impact Fee for Elk Ridge City.
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 were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on August 22, 2003.

**NON-AGENDA
ITEMS**

Public Concern: Paul Eddy expressed his concerns about the dangers of ATV riding in the fields. This could possibly add to the fire danger in the area. Parents should be responsible for their young people and educate them about the extreme fire danger existing right now. ATV owners should obtain permission from property owners to ride on their private property. (Councilmember Nielsen responded that Hall Shuler had given him permission to ride on his property.)
Mr. Eddy intends on getting a written note from Mr. Shuler designating the names of those he has given permission to; anyone else is violating the law.
Sean Nielsen: A mutual agreement between property owner and ATV owner works well. When someone is riding on his or her property without permission, the property owner is notified. This was the arrangement he had with Don Mecham. Councilmember Nielsen was anxious to retain his privileges and assisted in "policing" Mr. Mecham's land. Property owners should post "No Trespassing" signs if they do not want ATV's on their land.

Mayor Fritz: The fire within the City (above High Sierra Dr.) was costly, but not as costly as it could've been. The City's portion came to about \$18,000. It was lower than expected due to agreements between the cities and the County.

There was also a citizen in Loafer Canyon who has requested that a "city limit" sign be posted on S. Loafer Canyon Rd. Bow hunters have been close to the homes. The request also included a "No Hunting" sign be posted.

6:00 PM

**1. PUBLIC HEARING/ORDINANCE – CLARIFICATION OF LOT DESIGN STANDARDS
WITHIN SUBDIVISIONS**

ROLL CALL

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

At 6:03 pm, Mayor Fritz opened the Public Hearing on the proposed Ordinance amending the Elk Ridge City Code providing for the clarification of Lot Design Standards within Subdivisions, Codification, Inclusion in the Code, Correction of Scrivener's Errors, Severability, and Providing an Effective Date.

Ernestine Folks:

The Planning Commission recommends adoption of this proposed ordinance.

- This proposed ordinance disallows peninsulas as part of the total building area
- It does permit peninsulas under certain circumstances (See section 10-11-2 of the Code) "List of Definitions"...

The Kearns subdivision has two issues attached to it:

- 1) The creation of a subdivision cannot create an isolated (derelict) parcel as a result of the division.
- 2) Inclusion of the small peninsula of land to add to the buildable area.

Sean Nielsen: The weakness in the ordinance was brought to the surface and this ordinance fixes it by disallowing peninsulas as part of the buildable sites.
The City Council agrees with the ordinance and feels it is well written.
There were no public comments.
At 6:15 pm, Mayor Fritz closed the Public Hearing.

6:15 PM

PUBLIC HEARING /ELK RIDGE WATER IMPACT FEE

ROLL CALL

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

At 6:15 pm, Mayor Fritz opened the Public Hearing for the consideration of the Revised Water Impact Fee for Elk Ridge City.

Based on the Impact Fee Study, conducted by LEI Engineering, the recommended Water Impact Fee is in the amount of \$3,350.00

Discussion:

City Recorder: The Public Hearing was set by the Council to just include the Water Impact Fee; however, the fee should have the Study in place, which substantiates it. The Study should be adopted by ordinance. If the water rate structure is going to change, it may also need to be included in the ordinance. If there are to be changes in the Study, those should be made prior to the adoption of the Study.

(The Mayor and Mrs. Folks are to meet the following day to review the necessary changes to the Study; if any of the Councilmembers have any concerns or recommended changes, let them know so they can be included in the list to LEI.)

Ms. Davis went on to question the perspective taken by LEI that money should not be accrued from year to year in the Enterprise Funds; but that the Funds should “zero” out. That whole point of view was changed due to the meeting between the CPA (Curtis Roberts), Mike Christianson (LEI), Councilmember Nielsen, Mrs. Folks and the City Recorder (Jan Davis). The CPA was very clear that Enterprise Funds can and should “make money”. Retained earnings are a way to get necessary projects done. Mr. Roberts also agreed with Councilmember Nielsen that the 1990 Bond (Dead Well) should be retired early, if possible. The interest rate is at 3% for that Bond. It would make sense to take any extra money and pay it off.

(Councilmember Nielsen does not feel the way LEI figured things will change the overall totals of the Study. He does not feel the method used to determine impact fees will be affected by the difference in philosophy.)

Another concern is that impact fees are actually budgeted into the study. Impact fees are considered “windfall” revenue. How can those be budgeted?

(Councilmember Nielsen feels this is a difference of opinion between the CPA and LEI.

The cost of all the capital improvements will be billed to existing citizens and anything that comes in over and above the monthly revenue; through impact fees would be a “windfall”. He has a problem with billing existing citizens for improvements being done as a result of the impact of new construction and development.)

There is a fine line between what is perceived as necessary for new development and what is perceived as necessary to maintain the system for existing residents.

The Council could set another Public Hearing on the entire Study or at least the Impact Fee portion of it.

Ernestine Folks: The City Planner should know exactly what document or what portion of the document would need to be made a part of the impact fee ordinance. The fee cannot be adopted tonight because there is no adopting document before the Council. Perhaps Mr. Bolser should review this on Thursday when he comes into the office. Either he could prepare the document or he could make a recommendation as to who should prepare the document.

Sean Nielsen: Is of the opinion that development needs to be welcomed in Elk Ridge. There has been a definite deterrent to development. If we don't have the new growth, and the new projects are done, someone has to pay for it.

Mayor Fritz: The deterrents have been in the areas of water and sewer. Those have been partially solved. As soon as some connections are freed up, he feels developers will feel welcome.

Lee Freeman: Register the homes as having accessory apts., but with no fee; people would be encouraged to register. The mid-income in Elk Ridge is too high to qualify for CDBG Grants and that is one of the reasons to have "Affordable Housing".

Ernestine Folks: There are options for "Affordable Housing" other than accessory apartments: PUD's and higher density zoning. According to Jim Bolser, Orem is the only City in the area that does not allow for accessory apartments.

Suggestion:

- Keep Affordable Housing, but remove the fees (perhaps an annual registration fee)
- Keep the requirements to maintain the "single family dwelling" appearance

Another way to address the issue (as suggested by Jim Bolser) would be to declare that if all those with Accessory Apts. register with the City by a certain date, impact fees would be waived, reduced, financed, etc. Perhaps that would encourage owners to come forward.

If the impact fees are removed, there will have to be an amendment to the Development Code, which would delete the reference to the paying of impact fees; as well as a Resolution amendment (the fees are set by resolution).

REPORT –
MEETING WITH
AUDITOR &
ENGINEER

Sean Nielsen: Curtis Roberts from Jones Simkins (City Auditors) came to Elk Ridge for a meeting with Councilmember Nielsen, Mike Christianson (LEI), Ernestine Folks and the City Recorder. There were questions coming out of the Water Impact Fee Study that needed to be clarified. Mr. Roberts was also asked to address the subject of understanding depreciation in the Enterprise Funds.

Councilmember Nielsen felt it was time well spent. Two main topics were addressed:

1. Depreciation: Mr. Roberts explained the concept using a diagram on the board, which Established that "depreciation" assists in determining "net worth" for the financial statement...it is not considered "Real money". It does not have anything relative to the "cash statement". It is taken out of the Water Budget, then factored back in through the audit process.
2. Accounting practice in Enterprise Funds
Enterprise Funds may accrue money and it is acceptable practice to make money as a result of the sale of utilities.

The basic knowledge that he got out of the meeting was that we (Council) are not using our financial statements to plan ahead, rather we are using it historically...to see what was done in the past. Suggestion: A projection using growth patterns to determine net worth in 5 years. From this information, it can be decided if the Council is making the kind of decisions to keep the Dept. able to support itself and to replace infrastructure as necessary. Long-term projections would also be helpful.

Councilmember Nielsen asked Mr. Roberts to perform a 5-year projection on the Water Fund. He agreed, pending Council approval. The cost estimate could range from \$3,000 to \$6,000.

Todd Jackson: Value of projections...There are many reasons why projections are valuable. Generally, one can see the variance to where one expected to be, financially and determine why it is different. Patterns are determined and adjustments made where needed. Long-term projections can show if decisions being made are in line with goals made...this is measured through the numbers.

(Lee Freeman: Even Wall Street does not react to actuals, but to projections.)

Councilmember Jackson feels the best study the Council has had done is the Water Impact Fee Study because it gives a "roadmap" of where the City should go in that Dept. It forces us to consider priorities.

(Councilmember Nielsen commented that there seems to be a discrepancy in how the CPA's factor finances and LEI's approach.)

Councilmember Jackson agreed. He would like to have seen a more in-depth coverage of the water rates because he sees the City approaching a crisis when much of the infrastructure fails at the same time. If the rates are not in place, the money will not be available to cover these expenses. Will the cash balance that the "depreciation" has created be large enough to cover this? He feels the projection should be done. He has found the fees from Jones Simkins very reasonable...there was a study performed at Councilmember Jackson's work that cost \$90,000. He is not over-priced. He feels the money would be well spent.

*Call Mr. Roberts to have him proceed with the projection proposal.

**ELK RIDGE
CITY COUNCIL MEETING
August 26, 2003**

**TIME & PLACE
OF MEETING**

This regularly scheduled Meeting of the Elk Ridge City Council, was held **Tuesday, August 26, 2003, at 7:00 PM.** It was preceded by two **Public Hearings and the City Council Work Session at 6:30 pm.** The Public Hearings were 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 clarification of Lot Design Standards within Subdivisions; **The second Public Hearing, at 6:15 pm;** was on Consideration of the Revised Water Impact Fee for Elk Ridge City.
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 were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on August 22, 2003.

ROLL CALL

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

**INVOCATION &
PLEDGE OF
ALLEGIANCE**

The Invocation was offered by Sean Nielsen and Russell Sly 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 28 MINUTES
VOTE: YES (4) NO (0) ABSENT (1) GARY PRESTWICH**

**PUBLIC HEARING/
ACTION**

Ordinance/Clarification of Lot Design Standards:
**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY TO ADOPT
AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR
CLARIFICATION OF LOT DESIGN STANDARDS WITHIN SUBDIVISIONS, CODIFICATION,
INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY,
AND PROVIDING AN EFFECTIVE DATE
VOTE (POLL): SEAN NIELSEN -AYE, TODD JACKSON-AYE, LEE FREEMAN-AYE,
RUSSELL SLY-AYE NO (0) ABSENT (1) GARY PRESTWICH
PASSES 4-0**

Water Impact Fee:
**MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY TODD JACKSON TO
SCHEDULE A PUBLIC HEARING TO CONSIDER THE WATER IMPACT FEE STUDY,
CAPITAL IMPROVEMENT PLAN AND THE WATER USER RATE, FOR OCTOBER 14, 2003,
AT 6:10 PM
VOTE: YES (4) NO (0) ABSENT (1) GARY PRESTWICH**

**ACCESSORY APT.
FEE**

Mayor Fritz:
Options:

- Eliminate the Impact Fees
- Eliminate the Ordinance
- Consider as a business

Would all of the fees be eliminated, including water usage, permit fee? There is no resolution setting new fees. Is there a recommendation as to which fees to include with the Accessory Apts.?
Todd Jackson: Feels the tiered structure of the water rates will take care of any usage for the household by itself.

Any amendment to the fees will affect the Development Code due to the reference to the paying of fees for Accessory Apartments. This requires a Public Hearing with at least 2 weeks notice in the newspaper.

Mayor Fritz: Prefers an annual registration fee rather than a business license fee.

*Jim Bolser is to write the resolution amendment with the following directions:

- Eliminate all fees (Impact, Usage and Sewer fees)
- \$30 registration fee + Inspection Fees (to be determined by the Building Inspector)
- Amend the Development Code

All were in agreement.

BOOSTER
PUMP

Sean Nielsen: Kent Haskell was given directions to begin to install the water line between the two water tanks.

The cost estimate for an upsized booster pump from Nickerson is still not available.

No action at this time.

CONCRETE
DRIVEWAY/
STEVEN POWELL

Mayor Fritz: A resident of Loafer Canyon Rd. has requested that the City pay cement driveway on his property on Loafer Canyon Road. His reasoning is that others of his neighbors received when Loafer Canyon Rd. was reconstructed and he feels he should be included in that arrangement. This matter came up at the last Council Meeting and the Mayor asked each of the Councilmembers to go to the site to assess the situation in preparation to make a decision this night.

2 Issues:

1. It has been over a year since the work was done on the other driveways; why come to the Council a year later to request a concrete driveway?
2. Mr. Powell claim to have had a conversation with Gary Prestwich, in which he was told that he would receive a driveway in the Spring.
Councilmember Prestwich informed Mr. Powell that he would bring the matter before the Council for a decision.
A. He did not have a concrete driveway prior to Loafer Canyon Rd. being reconstructed.
B. There is no access problem with the elevation of the Road.

Sean Nielsen: Did drive by his address and does not feel there is justification for the City to pay for a driveway for Mr. Powell. There was no driveway torn out to do the road project and there is no issue with the approach to his home.

Lee Freeman: Agreed.

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY LEE FREEMAN TO DENY THE REQUEST MADE BY STEVE POWELL TO INSTALL A CONCRETE DRIVEWAY AT HIS HOME AT A COST TO THE CITY

VOTE: YES (4) NO (0) ABSENT (1) GARY PRESTWICH

MOUNTAINLAND
ASSOCIATION OF
GOVERNMENTS
CONTRACT

Mayor Fritz: It is time for the renewal of the contract for the circuit rider arrangement for the current fiscal year in the amount of \$10,092.00.

MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY TO APPROVE THE CONTRACT WITH MOUNTAINLAND ASSOCIATION OF GOVERNMENTS (MAG) FOR THE CITY PLANNER ARRANGEMENT IN THE AMOUNT OF \$10,092.00 FOR THE FISCAL YEAR JULY 1, 2003 TO JUNE 31, 2004

VOTE: YES (4) NO (0) ABSENT (1) GARY PRESTWICH

SCHEDULE
PUBLIC HEARING

1. Ordinance/Fences, Walls & Hedges:

MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY TODD JACKSON TO SCHEDULE A PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR CLARIFICATION OF PROVISIONS REGARDING FENCES, WALLS, AND HEDGES, THEIR PLACEMENT, AND THE ENFORCEMENT OF SUCH PROVISIONS, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE, FOR OCTOBER 14, 2003, AT 6:20 PM

VOTE: YES (4) NO (0) ABSENT (1) GARY PRESTWICH

NON-AGENDA
ITEM

Mayor Fritz: A resident on Elk Meadow Drive that has 5-7 cars being repairs and stores a great deal of junk in his back yard. There are homes forced to look down on his yard and all of the unsightly junk. This is against the Zoning Ordinance. This particular resident wants to build a big rock wall to hide it.

Sean Nielsen: If the current ordinance is enforced, he would be forced to abate the junk and there would be no need for the rock wall.

Lee Freeman: Agrees that the ordinance should be enforced.

The Mayor will begin the process for abatement.

BOND OBLIGATION

Sean Nielsen: After meeting with the City Auditor, Councilmember Nielsen recommends paying off the 1990 Water Parity Bond (Dead Well). The Auditor agreed that this would be wise, since the interest rate for this Bond is at 3%, which is higher than the interest generated with the money in savings at the State Treasury. He said that, besides the Reserve Account that pays the Bond payment each year, there is a Reserve Fund (Sinking Fund) that has been accruing money for the last payment of the Bond; also the Unrestricted Retained Earnings from the previous year (about \$55,000), or there is the excess Bond money from the 2002 Well Bond. It would cost about \$41,000 to pay off the Bond. There must be a 1 month notice to the State prior to paying off the Bond.

Salem Hills Drive water line replacement needs to be done, which will cost from \$15,000 to \$40,000 (the Roads Dept. would be responsible for part of this) This would still allow enough money to help pay off the 1990 Bond.

Mayor Fritz:

1. He is not opposed to paying off debts.
2. Is in favor of finishing off the project that would create redundancy in the water system.
3. He is in favor of replacing the line in Salem Hills Circle.
4. He is highly in favor of upgrading the line connecting the Cloward Well to the rest of the system. He will not allow this project to be abandoned.

Todd Jackson: Feels the Bond should be paid off.

Councilmember Nielsen will check with LEI on the engineering to connect the Cloward Well to the 10" line at the Haskell Subdivision.

MOTION WAS MADE BY TODD JACKSON AND SECONDED BY LEE FREEMAN TO PAY OFF THE 1990 WATER PARITY BOND, USING THE BOND PAYMENT, THE RESERVE (SINKING) FUND FOR THE 1990 BOND AND \$18,000 PLUS FROM RETAINED EARNINGS IN THE WATER FUND

VOTE: YES (4) NO (0) ABSENT (1) GARY PRESTWICH

STORAGE OF
JUNK & DEBRIS/
PLANNING
COMMISSION
RECOMMENDATION

Ernestine Folks: The Planning Commission has recommended:

1. Leave the current ordinance as it is written.
2. Enforce the ordinance as it is.

The Mayor has authorized the Assistant Public Works Employee to make a list of those yards needing to be addressed.

FIVE-YEAR
INCOME
PROJECTION

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY TODD JACKSON TO APPROVE A FIVE YEAR FINANCIAL PROJECTION DO BE DONE BY JONES SIMKINS FOR AN AMOUNT NOT TO EXCEED \$6,000, TO INCLUDE FINANCIAL STATEMENTS, CASH FLOW ANALYSIS AND ANY OTHER INFORMATION WHICH MAY BE APPLICABLE; AND TO AUTHORIZE SEAN NIELSEN TO SIGN A WORK RELEASE, IF NOT OVER \$6,000.

VOTE: YES (4) NO (0) ABSENT (1) GARY PRESTWICH

EXPENDITURES:

General: None

MINUTES

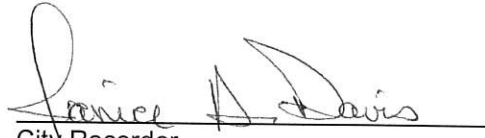
City Council Minutes of 7-22-03:

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY RUSSELL SLY TO APPROVE THE CITY COUNCIL MINUTES OF 7-22-03

VOTE: YES (4) NO (0) ABSENT (1) GARY PRESTWICH

ADJOURNMENT

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



City Recorder

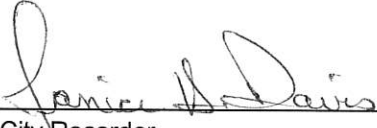
NOTICE & AGENDA

Notice is hereby given that the regularly scheduled City Council Meeting of the Elk Ridge City Council, to be held on **Tuesday, September 9, 2003, at 7:00 PM, HAS BEEN CANCELLED** due to lack of business.

CITY COUNCIL MEETING ...CANCELLED

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 Cancellation was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and mailed to each member of the Governing Body on September 4, 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, September 23, 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

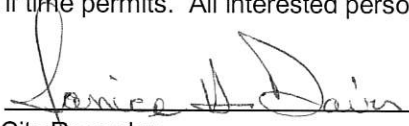
1. 2002/2003 Audit Presentation – Jones Simkins (Curtis Roberts, CPA)
2. Loafer Canyon Recreation Area/Septic Tanks – Mayor Fritz
3. Trails Update – Todd Jackson

7:00 - PM REGULAR COUNCIL MEETING AGENDA ITEMS:

- Invocation and Pledge of Allegiance
Approval/Agenda Time Frame
- 7:00 4. **MEET THE CANDIDATES**
- 7:30 5. Lakeview Drive Re-construction – Mayor Fritz
- 8:00 6. 10" Water Line/From Cloward Well – Phase I – LEI Engineering
- 8:10 7. Future Development – Additional Utility Connections
- 8:20 8. Schedule Public Hearing:
 - Adoption/Elk Ridge City Code
- 8:25 9. Release of Durability Retainers:
 - A. Haskell Subdivision, Plat "J"
 - B. Lakeview Estate, Plat "A"
 - C. Loafer Ridge Subdivision, Plat "A"
- 8:35 10. 2003/2004 Budget Amendment Discussion – City Recorder
- 8:50 11. Expenditures:
 - A. General:
 - B. Booster Pump (Tank Connection) – Cost Estimate - Sean Nielsen
- 9:00 12. Appointment of Election Judges
- 9:05 13. Acceptance of the 2002/2003 Fiscal Year Audit
- 9:10 14. 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 19th day of September, 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 September 18, 2003; and an Amended Agenda on September 19, 2003.



City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
September 23, 2003**

**TIME & PLACE
OF MEETING**

The regular Meeting of the Elk Ridge City Council was scheduled for **Tuesday, September 23, 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 September 18, 2003; & an Amended Agenda on 9-19-03.

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:* Ernie; *Sheriff:* Deputy Lea; *CPA:* Curtis Roberts; *Public:* Michael & Laura Ashton, Brian Thaut, Marilyn Russell, Paul Eddy, Dennis Roberts, Alvin Harward, Tommy Ingram, Janna Barry, Chad Christensen, Mark Johnson, Mary Rugg, Claudette Echols, Catherine Fillerup, Terry Spoor, Nola Allison, Cullen Brimhall, Laura Deichman, Ken Tuttle, Cindy Johnson, Dan Montierth, Karen Watkins, Marc Rugg, Lea Ann Adams, Brittany Haskell; & *City Recorder:* Janice H. Davis

**2002/2003 AUDIT
PRESENTATION**

Jones Simkins/Curtis Roberts:

Mr. Roberts submitted a Draft of the Financial Statements and a Final Version of the Management Letter. If the Audit is accepted, the Finals of the Financial Statement will be returned to the City as soon as possible.

Review of Financial Highlights:

They anticipate a "Clean Report" or an "unqualified opinion". This is what the Council is looking for. All the standards have been complied with (Pg. 1-2).

Pg. 54: Letter regarding Internal Controls states that the results of the tests performed disclosed no material instances of noncompliance.

Pg. 57-58: State Compliance Letter: They have followed all procedures required by the State. Enterprise Funds (Pgs. 43-44):

1. Water Fund:

Operating Income: This fiscal year there has been a significant improvement in the overall health of the Water Fund.

\$124,731 = Operating Income (This is "healthy") Due largely to:

A. Water Rate increase

B. Depreciation was high last year due to a piece of equipment that was on its last year of depreciation expense (part of the replaced well). Depreciation should go back up slightly next year with the new well on line for a full year.

The trend in the Water Fund should continue, at what level of return? That is a question for the Council to address.

2. Sewer Fund:

The Sewer Department does well. It has a fairly good rate of return.

Operating Income: = \$19,640

Fixed Assets is only \$355,193 (as compared to the Water Fund = \$2,199,015). This means the City does not need to recover as much income for future replacement.

Proposal/Five Year Forecast:

Councilmember Nielsen requested a 5-year financial forecast for the Water Dept., to go along with the Capital Improvement Plan. The Council approved this work to be done by Jones Simkins at a previous Council Meeting and authorized Councilmember Nielsen to sign the proposal, not to exceed \$6,000. A formal, written proposal was needed.

Mr. Roberts submitted a written proposal to the Council with professional fees amounting to \$4,000 - \$6,000. Mr. Roberts feels this information would benefit the City to be able to project growth and compare financial capabilities. This forecast could be updated annually, perhaps in conjunction with the Audit.

The Council was in agreement that this would be beneficial for the City. Councilmember Nielsen will sign the proposal after he reviews it and send it back to Jones Simkins.

3. Storm Drainage Fund:

Continues to struggle. It is still not funded through its own Storm Drain Fee. The fee still needs to be addressed.

4. General Fund:

(Pg. 30): Excess revenues over expenditures: \$125,194 (Normal Operations)

The fund balance has been decreased in the General Fund by about \$264,563 to bring the Fund down to the required 18% in the General Fund.

(Question: Is there a time limit requirement for having to use the fund balance?...No, within reason. League of Cities & Towns stresses a 5-Year Capital Improvement Plan; however this is not a legal requirement.)

Accruing money for major improvements is common in small cities.

It is nice to have the comparison between this time last year and the Year-to-date actual for the current fiscal year. Example: Last fiscal year the General Fund Revenue was up over this year and by looking at the comparisons, it is obvious that building permit revenue was up about \$36,000 over this year.

Question: Is Elk Ridge ever compared financially with other smaller cities?

(Yes. This is the information used in the "analytical" report that is generated.)

Where does Elk Ridge stand, in comparison?

(Water Fund: Is doing better than it has in the past and is more in line with other Water Depts. in smaller cities.

Sewer Fund: Is fairly typical of most comparable communities.

General Fund: Suggestion is to "benchmark" the General Fund to see how the City is doing considering sales tax, property tax, etc. to see if the same patterns repeat themselves.

Roads: The up and down pattern of spending is very typical. The Class "C" allotment is being used up almost every year, which is common for small cities. Some years there are significant projects; this last year, not much happened as far as road repair.

If anything, Elk Ridge is a little better off in that the Capital Improvement Plan has been used for a number of years, whereas many other small cities are still trying to implement the idea. The City has been fairly fiscally prudent as far as setting aside funds for larger expenditures.

Questions: What is the Unrestricted Fund Balance in the General Fund and what would the Unrestricted Retained Earnings be in the Enterprise Funds?

(Pg. 7...**General Fund:** Total revenues for last fiscal year...

Fund Balance as of July 1, 2002: \$437,386

Fund Balance – June 30, 2003: \$172,823

Pg. 3...Unreserved Fund Balance: \$132,946

The fiscal year end actual for 2002/2003 in Fund Balance (Gen. Fund) went slightly over the allowed 18%. Mr. Roberts's recommendation is to take it down to a more conservative level of say 12% and transfer the rest out into the Capital Projects Fund/Future Improvements. This permits a bit more of a lea way at the end of the year. If the Fund needs to use more of the prior year Fund Balance, money can be transferred back into the General Fund for appropriation.

$132,946 \times 12\% = 15,954$ (to remain in the General Fund) \$116,992 would be transferred out to the Capital Projects Fund.)

(**Enterprise Funds:** Pg 25...

Water Fund:

Unrestricted net Working Capital: \$197,132 (this included the \$55,000 Retained Earnings for the prior year). Conservative amount to utilize: \$98,566 [4-6 month cushion is safe = \$98,566 for 6 months]. A less conservative amount, but still safe would be to drop the Unrestricted Working Capital down to about \$65,000 and still leave a 3-month cushion. Leaving \$100,000 in would be more advisable.

Sewer Fund:

Unrestricted net Working Capital: \$281,214 [4-6 month cushion = 140,607]

General Recommendations:

State Compliance:

1. The City's General Fund Balance exceeds the statutory limit. State law limits undesignated general fund balance to 18% of the estimated revenues of the General Fund of the City. We recommend that the City consider transferring a portion of the fund balance to a capital projects fund to provide resources for future capital projects.

(Management Response:)

This was the same recommendation last fiscal year, and as soon as the audit is accepted, the City Council will amend the current year's budget and transfer all but 18% of the General Fund balance into the Future Improvements Capital Projects Fund.

2. The City submitted two out of four quarterly building permit fee surcharge reports to the State of Utah after their due dates. We recommend that all reports be submitted in accordance with required deadlines.

(Management Response:)

This was in the middle of one of the City's change-overs from one of the Deputy Recorders to another. The incoming Recorder was not trained on this process adequately. There has been another change in this position since then. The new Deputy Recorder has a firm understanding of the importance of submitting reports on time.

Controls:

3. The City has incurred significant turnover in their accounting staff during the past two years. As a result, we noticed that some accounting procedures and controls were not performed. We understand that the City's size limits its ability to implement certain controls over accounting information. However, we recommend that the City develop a detailed checklist to be performed at each month-end. This checklist should outline key reconciliation's and procedures to be performed. These reconciliations should include the Public treasurer's Trust Fund accounts, bank accounts and payroll liability accounts.

(Management Response:)

This is a good suggestion. There is a checklist for financial procedures in Caselle; however, this can leave out certain steps regarding office procedures. This general checklist will aid the staff in correcting any problems at the time of occurrence.

In summary, GASB 34 will change some of the procedures in the City. The staff should get busy this fall the get ready for the next year's audit.

One of the biggest things to get going on is to identify infrastructure, and the approach the City will take in regards to infrastructure and identifying a lot of the key adjustments.

Assets will be depreciated in the General Fund as well as in the Enterprise Funds.

Roads must be identified and all the curb & gutter the City owns.

They will be happy to consult with the staff in implementing some of these ideas.

*(The two Agenda items on the Work Session regarding Loafer Canyon Recreation Area & Trails Update were deferred until later in the Regular Council Session, due to time.

**ELK RIDGE
CITY COUNCIL MEETING
September 23, 2003**

**TIME & PLACE
OF MEETING**

The regular Meeting of the Elk Ridge City Council was scheduled for **Tuesday, September 23, 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 September 18, 2003; & an Amended Agenda on 9-19-03.

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Sean Nielsen, Gary Prestwich, Lee Freeman, Russell Sly, Todd Jackson; *Administrative Asst:* Ernestine Folks; *LEI Engineering:* Ernie; *Sheriff:* Deputy Lea; *CPA:* Curtis Roberts; *Public:* Michael & Laura Ashton, Brian Thaut, Marilyn Russell, Paul Eddy, Dennis Roberts, Alvin Harward, Tommy Ingram, Janna Barry, Chad Christensen, Mark Johnson, Mary Rugg, Claudette Echols, Catherine Fillerup, Terry Spoor, Nola Allison, Cullen Brimhall, Laura Deichman, Ken Tuttle, Cindy Johnson, Dan Montierth, Karen Watkins, Marc Rugg, Lea Ann Adams, Brittany Haskell; & *City Recorder:* Janice H. 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 TODD JACKSON AND SECONDED BY RUSSELL SLY TO
APPROVE THE AGENDA, ADJUSTING THE TIME FRAME BY 5 MINUTES
VOTE: YES (5) NO (0)**

**MEET THE
CAMDIDATES**

Meet the Candidates :

The City will have a Primary Election on October 7, 2003. There are three 4-year positions open. Eight individuals have declared their candidacy. The Mayor introduced them and had them take a seat at the Council Table, while the current City Council sat in the audience. Each of the candidates introduced him/herself and gave a brief summary of why they are running for office.

Councilmember Gary Prestwich: Gave a brief address of the duties and opportunities of members of the City Council. Serving on the Council requires much time and dedication.

Janna Berry: Wishes to meet the City's needs. She is a hard worker and will serve wherever she is needed.

Michael Ashton: His concerns are with spending the City's limited resources appropriately, gathering other sources of revenue and keeping expenditures within the budget.

Sean Nielsen: (Incumbent) His experience on the Council will benefit the City further. He has served as the Dept. Head over the Water. There is a current impression of Elk Ridge that is false. He wants to clear up these false perceptions that Elk Ridge has no water and that residents are worried about their property values. The City is in a good position with water and good planning is happening.

Alvin Harward: He is retired from a career in banking with Central Bank, so he has extra time to give back to the Community. He has experience on the Elk Ridge Planning Commission as the Chairman and he has been on the Planning Commission in Payson. He has worked with Provo City on certain projects. He is aware of the issues in the City.

Tommy Ingram: There are a lot of issues in the City that need to be addressed and worry him. The water situation needs to change, including water rates...positive information should go out to the citizens.

He has the time to give to the City.

Nelson Abbott: He feels he has the skills to be a politician as a business manager, who owns his own business in Payson. The decisions made by government will impact him for years, since he and his family will be here in Elk Ridge for a long time. He believes there are ways to handle things appropriately, yet still get the point across.

Mark Johnson: He has been a volunteer fireman for 9 years and has worked part-time for the City. He knows the roads system and Water and Sewer Systems in the City. He feels the City can grow in a positive way. He would like to work hard for the Community.

Mary Rugg: She has been actively involved with the Community. She has served at the Elementary School and sat as a member of the Board of the School Community Council Group. She feels very fortunate to live in such lovely place as Elk Ridge, however there are contentious issues that she would like to address:

Water Rates and water consumption...price-tiering should be reviewed. She would like to see the billing changed to offer more useful information on the bills themselves. She would like to address road repair and see that the City's money is spent effectively; and that roads are fixed on a priority basis. She also feels the roads should be properly repaired.

The Candidates then responded to various questions from the audience, such as the education level achieved by the candidates, ATV's on public Roads, expected growth, ordinance enforcement and the water situation in town.
Each of the Candidates was asked to summarize their views.

LAKEVIEW DRIVE
RECONSTRUCTION

(Lakeview Residents were invited to the Meeting, only four came.)

Mayor Fritz: The road is in need of major repair. It should have been repaired 5 or 10 years ago. When the current Council assumed their offices, the amount of money that had been spent on Fremont Way and Loafer Canyon Rd. devastated the ability to repair Lakeview the following year. The residents were asked to wait for a year.

The engineers have provided cost estimates for the reconstruction of the road.

The latest engineering figure from RB&G is for \$120,000 to \$130,000 for a road built completely to standards. This is equal to or more than the entire Roads' budget for an entire year.

The Mayor's view:

- He is opposed to a complete reconstruction of the road, according to construction standards
- He is opposed to curb & gutter

It is unnecessary and channels the water rather than handling it.

On Lakeview Drive there are residents in favor of curb & gutter and those who oppose it.

Cullen Brimhall (Resident of Lakeview Dr.):

1. Could some of the residents on Lakeview have curb & gutter and some of them not have it?

(Mayor: If everyone installs curb & gutter, then the water flows down and can be accommodated. If there is partial installation, then the run-off is channeled by the curbing onto the area that does not have it. A good example is N. Park Drive.)

2. Does the City have a drainage system in place in that area?

(Mayor: We would have to tunnel under the road to get the water over to the drainage ditch, then there is a pipe that goes under E. Salem Hills Drive and empties into the drainage basin on the other side.)

Ken Tuttle: The flaws in the road design cause many of the problems. The water is channeled where the erosion is the greatest. The engineers stated that if the road were repaired the way the City Council proposed, the street could last 3 years then erosion would take over. Even if the residents are not directly affected by the run-off, they are still concerned about the integrity of the road, itself.

Gary Prestwich: Presented a new option (a compromise) to the reconstruction of Lakeview Road.

- The road would be surveyed to determine correct placement within the right-of-way.
- Existing asphalt material would be pulverized.
- Soil tests performed.
- The road would be designed...
- Road construction would be done with measurements to assure: compaction, depth of materials, road alignment within the right-of-way and proper elevation to assure levelness and slope.
- The asphalt will be 3 1/2" thick (thicker than any road in Elk Ridge).
- A rock-lined swale would be on either side of the road (36" X 6" deep).
- A culvert would be placed in the ground underneath the driveway where water runs onto lot by way of the driveway.
- The asphalt will be 24' wide.

Curb/gutters: The present design for curbs & gutters in Elk Ridge typically have a surface area where water can run through of 24 square inches. A rock-lined swale (6" X 36") will carry 100 square inches (4 times the amount). The Council can only solve the problems the City can afford to solve. There was no cost estimate available at the time. (He will get the estimate for the Council to review.)

Laura Ashton: Not every road in Elk Ridge has the kind of on-going problem that Lakeview Drive does. The City is responsible for run-off caused by the design of the road.

Dan Montierth: Appreciates the proposal presented by Councilmember Prestwich.

If the run-off can be handled and the road improved, the implementation should not be argued about.

Michael Ashton: The last proposal was 20% of the engineering proposal. He does not feel decisions should be made that ignore professional advice. If the result ends up costing him financially or the lives of his children, then he would come back to the City.

Russell Sly: What percent of the overall budget do the residents think should be spent on Lakeview Drive?

Laura Ashton: Enough to allow the roads to be safe and to last. She feels professionals should engineer the roads properly.

(Gary Prestwich responded that the engineering firm of Earth-tech would be overseeing the project.)

Ken Tuttle: How is this proposal different from the other engineering studies? Where are the costs being cut? They are not opposed to cutting costs if it is a good job.

Cullen Brimhall: The plan presented by Councilmember Prestwich sounds good. If this plan will help solve the existing problems, then he would support it.

Sean Nielsen: Feels that one of the most important questions asked was about the difference between engineering and no engineering. If problems arise from the work done, the City can go back on a bonded contractor or an engineering firm to stand behind their work. Without this, there is no recourse for the City.

(Payson City does their own roads. Lakeview Drive will be engineered.)

Michael Ashton: Requested a cost breakdown and a comparison of what is included in the various proposals.

Mayor Fritz: Concluded by stating his position:

- He is opposed to spending \$120,000 to \$130,000 on Lakeview Drive because he thinks it can be done adequately for less.
- He is opposed to curb & gutter unless the entire street has it.

WATER LINE
UPGRADE/
CLOWARD WELL

LEI Engineering: (Ernie Thornton)

Subject: Extension of 10" water line from New Cloward Well to the main system (Haskell Subdivision).

Mr. Thornton submitted a preliminary estimate of the project.

The line would be run from the Cloward Well parallel to the existing sewer main...bring it up to Goosenest Drive, tie it into the line that currently ends at Goosenest, have a "T" in the line and have it also extending east to tie into the bottom end of Salem Hills Drive. It is a fairly simple approach, but it does connect into the system.

The understanding that Mr. Thornton has about tying into Salem Hills Drive is that would give a good loop to the east. If the line feeds in both directions then the line could serve the southeastern part of the City, should the need arise.

Mike Christianson: If the line ties in at Goosenest, that is not a pump line, it is a distribution line. There would be no way to get the water to the upper tank. There are other sections of 10" line that need to be installed around the City, as well. The Salem Hills line could deliver to the lower tank and the volume would increase.

Mayor Fritz: Views this 10" line as a back-up line. He feels the Cloward Well will eventually be the source of water for the lower portions of Elk Ridge, even the area that could be annexed. He maintains that a 3rd source of water would benefit the City. In the interim period, the 10" line would increase our ability to "recharge" the lower tank. The redundancy between the two tanks will also help. These are temporary, but prudent measures. In the event that the Loafer Well failed, we could get water to the tanks. It is a "risk management" effort.

Ernie Thornton: LEI believes in back-up plans and redundancy, as budgets allow. It is difficult to know how much water could be delivered at a given time to the lower tank because the line is dual-purpose, but it will deliver water.

The cost estimate for the project = \$117,507.50

Councilmember Nielsen noted that the estimate does not include a different pump. Is the current pump adequate?

Mike Christianson: The existing pump will pump more water, but with less efficiency. The booster pump is back on-line. A new pump could cost from \$8,000 to \$12,000.

There may be an opportunity for some cost-sharing with a pending subdivision in the area...Rocky Mountain Way.

FUTURE
DEVELOPMENT

Additional Utility Connections:

A list of pending developments was provided to the Council (totaling 33 lots). They have been held up from receiving Final Plat Approval due to a shortness of water and sewer connections available for new development. The City has conducted studies, which have revealed available connections in both water and sewer. The Council was to discuss and make a decision on how many of those connections to release this fiscal year.

Mayor Fritz: Recommended allowing up to 35 (for both water and sewer) connections for this fiscal year. The second fiscal year, the Council will re-evaluate the situation, but the Mayor anticipates the number will also be at 35. The 3rd year will depend on circumstances; however the Mayor feels 35 connections would be made available at that time.

Comments:

Sean Nielsen: We have the capacity; he would like to get some help paying for things. He feels that 35 connections for this fiscal year is too conservative. He suggested allowing ½ of the total available to be opened up for this fiscal year.

Lee Freeman: Why place a limit on the number? Why not go forward and approve the connections as they apply until we run out of excess connections?

Mayor Fritz: Asked the opinion of the staff present...

Ernestine Folks: Feels that the more conservative approach is to place a limit on the number of connections.

Todd Jackson: "It is probably easier to open the pockets some more than it is to close it off"... particularly with larger developments.

Sean Nielsen: He is in favor of a limit, but he still maintains that 35 is too conservative.

Gary Prestwich: The City needs to make sure that developers pay their fair share.

Russell Sly: Is concerned that the City's Impact Fees are about to change. To approve new lots not subject to the adjusted fees "worries" him. He would rather see fewer connections approved now. He does not believe the current Impact Fees pay for the improvements associated with development.

Lea Ann Adams (Resident): Feels 35 is too restrictive. Developers should be encouraged to come to Elk Ridge without the over-all impression that they will be held up in the process.

MOTION WAS MADE BY SEANNIELSEN AND SECONDED BY TODD JACKSON TO APPROVE THE RELEASE OF 35 CONNECTIONS, FOR NEW DEVELOPMENT FOR THE CURRENT FISCAL YEAR

VOTE: YES (5)

NO (0)

SCHEDULE PUBLIC
HEARING –
ELK RIDGE CITY
CODE

The process of codifying the City's ordinances has been a lengthy one. The Code is ready to be adopted. Any updates for 2003 will be done after the initial adoption.

MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY TO SCHEDULE A PUBLIC HEARING TO ADOPT THE MUNICIPAL CODE FOR ELK RIDGE CITY, TO BE HELD ON OCTOBER 28, 2003, AT 6:10 PM

VOTE: YES (5)

NO (0)

RELEASE OF
DURABILITY
RETAINERS

1. Lakeview Estate, Plat "A":

Developer: Cregg Ingram

As per engineering recommendation:

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY TODD JACKSON TO ACCEPT THE IMPROVEMENTS AS COMPLETE FOR THE LAKEVIEW ESTATE, PLAT "A" SUBDIVISION AND TO RELEASE THE DURABILITY RETAINER TO THE DEVELOPER

VOTE: YES (5)

NO (0)

2. Haskell Subdivision, Plat "J":

Developer: Lee Haskell

Engineering recommendation was to release the retainer:

MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY TO ACCEPT THE IMPROVEMENTS AS COMPLETE FOR THE HASKELL SUBDIVISION, PLAT "J" AND TO RELEASE THE DURABILITY RETAINER

VOTE: YES (5)

NO (0)

3. Loafer Ridge Subdivision, Plat "A":

There were many items needing to be addressed prior to the release of the Durability Retainer.

2002/2004 BUDGET
AMENDMENT –
DISCUSSION

The City Recorder asked the City Council to consider their budgets for the current fiscal year. The Audit is completed and the budget should be amended.

EXPENDITURES

A. General:
None

B. Booster Pump (Tank Connection):

This is an estimate from Nickerson Co., Inc. for the booster pump to be placed between the two tanks:

Conditions: 350 GPM @ 400' HD

1-each-Aurora Pump Model 423-B Two Stage Vertical Split Case Pump Size 2-1/2X3X12A, cast iron bronze fitted construction with standard mechanical seal, flexible coupling, and 60HP 3,800 RPM 3/60/460 volt vertical drip-proof standard efficiency motor.

NET Price.....\$6,735.00

(Delivery=6-8 weeks A.R.O.)

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY LEE FREEMAN TO APPROVE THE PURCHASE OF THE PUMP FROM NICKERSON CO., INC., WITH A DELIVERY TIME OF 8-10 WEEKS, AT A COST OF \$6,735.00

VOTE: YES (5)

NO (0)

CONTINUE WORK
SESSION ITEMS

Trails Update:

Todd Jackson: Staker is scheduled to do the excavation work for the trail around the ballpark next week. The asphalt trail will be 8' wide...4" of road base and 2" of asphalt.

LOAFER CANYON
RECREATION AREA

Mayor Fritz: The Ordinance that was passed about allowing septic tanks did not include the Loafer Canyon Recreation area. The Mayor stated that the intent was to include this area in the Ordinance. The use of the cabins is marginal since they are summer cabins. (There are 54 lots approved in the area, 20 are connected.) Due to the Well-head protection laws, septic tanks cannot be within a certain distance of the well.

After drilling a well in their area, we are now restricting their ability to use their land due to the septic tank issue.

The City Sewer system does not extend to within a "reasonable" distance of the property.

The Mayor asked for comments from the Council as to their individual feelings as to the intent of allowing Loafer Recreation area to have septic tanks.

Gary Prestwich: Would it be possible to install a large septic tank below the well with lines leading into it from the cabins and homes? The problem is that the septic tanks are up-stream from the well.

Sean Nielsen: He thought Loafer Recreation area was included in the ordinance allowing septic tanks in certain areas.

Todd Jackson: Quoted from the memo to the Mayor, dated 4-5-2002:

"The difficulty in your current position is that you have several homes on septic tanks so you will need to explain why four more septic tanks create a problem." (Mayor: The number of lots in the Gooseneast area is actually nine.) The County Health Dept. has no discomfort with allowing septic tanks.

Ernestine Folks: It is not part of the County's responsibility to monitor the well head protection zones. That is up to the City.

Sean Nielsen: Wouldn't Loafer Recreation Association be included because it is not within a "reasonable distance" away from the sewer line? (The Ordinance states the Gooseneast area specifically.)

Mayor Fritz: Mr. Tervort is seeking a building permit in the Loafer Recreation area and has met with resistance due to the well head protection issues. The Mayor needs to be able to offer guidance to Mr. Tervort. He has informed Mr. Tervort that there is a possibility a permit would not be approved. The Mayor is waiting for a written statement from Jim Bolser. He suggested deferring the issue until this statement has been received.

A meeting was scheduled between Mike Christianson (LEI) and Kent Haskell for the following day to discuss the well head protection plan. Mrs. Folks was to supply Mr. Christianson with a copy of the Well Head Protection Plan.

Ernestine Folks: The ordinance that was modified last spring for the Goosenest area did state that there would be no further connections to septic tanks anywhere in the City.

APPOINTMENT OF
ELECTION JUDGES

The Primary Election is on October 7, 2003. One of the Judges will be replaced by the Alternate Judge on November 4.

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY RUSSELL SLY TO APPOINT AS ELECTION JUDGES FOR THE OCTOBER 7, 2003 PRIMARY ELECTION THE FOLLOWING:

**DALLAS MEYERS, SANDRA BOWEN & ANNETTE JUDD
DORIS FRITZ – ALTERNATE**

VOTE: YES (5) NO (0)

MOTION WAS MADE BY TODD JACKSON AND SECONDED BY LEE FREEMAN TO APPROVE THE MAYOR'S DECISION TO INCREASE THE PAY FOR THE ELECTION JUDGES FROM \$50/DAY TO \$75/DAY

VOTE: YES (5) NO (0)

2002/2003
AUDIT

MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY TODD JACKSON TO ACCEPT THE 2002/2003 FISCAL YEAR BUDGET, AS PERFORMED BY JONES SIMKINS, LLP

VOTE: YES (5) NO (0)

MINUTES

City Council Minutes - 8/12/2003:

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY GARY PRESTWICH TO APPROVE THE CITY COUNCIL MINUTES OF 8-12-03

VOTE: YES (5) NO (0)

City Council Minutes – 8/26/2003:

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY LEE FREEMAN TO APPROVE THE CITY COUNCIL MINUTES OF 8-26-03

VOTE: YES (5) NO (0)


City Council Minutes – 9/9/2003:

(The Meeting was cancelled...there were no minutes except to state the cancellation.)

ADJOURNMENT

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY TODD JACKSON TO ADJOURN THE CITY COUNCIL MEETING

VOTE: YES (5) NO (0)



City Recorder

AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, October 14, 2003, at 7:00 PM, to be preceded by a Council Work Session at 6:00 PM, continued at 6:30 PM.** There will be **two Public Hearings** to be held in conjunction with the City Council Meeting and Work Session, for the purpose of hearing public comment regarding the following: **The first Public Hearing, to be held at 6:10 pm,** is to consider acceptance of the Study performed by LEI Engineering on the Water Impact Fee, Capital Improvement Plan and Water User Rate; **The second Public Hearing, at 6:20 pm,** is on a proposed Ordinance amending the Elk Ridge City Code providing for clarification of provisions regarding fences, walls, and hedges, their placement, and the enforcement of such provisions.

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. School Bus Route – Gary Prestwich
 - A. E. Salem Hills Drive
 - B. Loafer Canyon Road

6:10 PM

2. PUBLIC HEARING/WATER IMPACT FEE STUDY, CAPITAL IMPROVEMENT PLAN, WATER USER RATE

Public Hearing/ to consider acceptance of the Water Impact Fee Study, Capital Improvement Plan and Water User Rate

6:20 PM

3. PUBLIC HEARING/ORDINANCE – FENCES, WALLS AND HEDGES

Public Hearing/Proposed Ordinance amending the Elk Ridge City Code providing for clarification of provisions regarding fences, walls and hedges, their placement and the enforcement of such provisions

CITY COUNCIL WORK SESSION (CONT.)

4. Retention Pond Discussion – Gary Prestwich
5. Park Drive Striping/Discussion – Mayor Fritz

7:00 PM

CITY COUNCIL MEETING/REGULAR SESSION AGENDA ITEMS

Invocation & Pledge of Allegiance

7:03 Approval/Agenda Time Frame

7:05 6. Public Hearings/Action:

- A. Water Impact Fee Study, Capital Improvement Plan & Water User Rate
- B. Ordinance/Fences, Walls & Hedges

7:20 7. Park Drive Striping/Action

7:25 8. Resolution/Utility Discount – Military Personnel – Mayor Fritz

7:30 9. Canvassing Election Returns – Mayor Fritz

7:45 10. Expenditures:

- A. General
- B. Christmas Bonuses – Mayor Fritz
- C. Registers for July, August, September, 2003
- D. City Hall Roof/Shingles – Mayor Fritz

8:00 11. Appoint Election Judge/General Election

8:05 12. Minutes of Previous City Council 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 13th day of October, 2003.

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and mailed to each member of the Governing Body on October 8, 2003; & an Amended Agenda on 10-13-03.


City Recorder


City Recorder

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

**TIME & PLACE
OF MEETING**

This regularly scheduled Meeting of the Elk Ridge City Council, was held **Tuesday, October 14, 2003, at 7:00 PM.** It was preceded by two **Public Hearings and the City Council Work Session at 6:00 pm.** The Public Hearings were for the purpose of hearing public comment regarding the following: **The first Public Hearing, held at 6:10 pm,** was on the Elk Ridge Water Impact Fee, Capital Improvement Plan & Water User Rate; The **second Public Hearing, at 6:20 pm;** was on a proposed Ordinance regarding 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 Council Meetings & Public Hearings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on October 8, 2003; & an Amended Agenda on 10-13-03.

6:00 PM

CITY COUNSEL WORK SESSION

ROLL CALL

Mayor Pro tempore: Gary Prestwich; *City Council:* Sean Nielsen, Lee Freeman, Russell Sly, Todd Jackson (Absent: Mayor Vernon Fritz); *Administrative Assistant:* Ernestine Folks; *City Council Candidates:* Mark Johnson, Mary Rugg, Nelson Abbott; *Public:* Jon Argyle, Scot Peterson, Joseph Cromar, Rachel Peterson, Scouts: Spencer Salcido, Sean Flygare, Kurt Jones, Kyle Shuler, Cameron Searle, Michael Murray, Colton Johnson, Brayden Schmanski, Jacob Tipton; and *City Recorder:* Janice H. Davis

**SCHOOL BUS
ROUTE**

Gary Prestwich:

Councilmember Prestwich met with Gary Knap (Nebo School District) to discuss various concerns in the City.

1. Loafer Canyon & Elk Meadows turn-arounds:

Solutions: A. Loafer Canyon...a bus turn-around directed across the land owned by the City or a turn-around. (Cost estimate: about \$3,000)

B. Elk Meadows Drive...Possibly use the connecting dirt road from E. Salem Hills to W. Salem Hills...

Breakdown: 8" road base and to spray it with magnesium fluoride (similar to Asphalt); & the National Guard said they could do the work.

There are no immediate plans to develop that area.

Could this road endure snowplowing? Snowplows do not plow well on gravel roads.

Councilmember Prestwich will research this further.

6:10 PM

PUBLIC HEARING/WATER IMPACT FEE STUDY, CAPITAL IMPROVEMENT PLAN & WATER USER RATE

Public Hearing/To consider acceptance of the Water Impact Fee Study, Capital Improvement Plan & Water User Rate

ROLL CALL

Mayor Pro tempore: Gary Prestwich; *City Council:* Sean Nielsen, Lee Freeman, Russell Sly, Todd Jackson (Absent: Mayor Vernon Fritz); *Administrative Assistant:* Ernestine Folks; *City Council Candidates:* Mark Johnson, Mary Rugg, Nelson Abbott; *Public:* Jon Argyle, Scot Peterson, Joseph Cromar, Rachel Peterson, Scouts: Spencer Salcido, Sean Flygare, Kurt Jones, Kyle Shuler, Cameron Searle, Michael Murray, Colton Johnson, Brayden Schmanski, Jacob Tipton; and *City Recorder:* Janice H. Davis

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

Sean Nielsen: There was a suggestion made to separate the section on the Impact Fee out of the over-all Study. This was not something that Councilmember Nielsen was aware of and he is not sure why the Study should not be considered as a whole.

Ernestine Folks: At one of the Council Meetings the discussion concluded with the anticipation of obtaining the City Planner's opinion on the Study and that he would advise the Council whether the Study should be adopted as a whole or not. It was his direction that the section on the Water Impact Fee should be pulled from the Study and considered as a "stand alone" section.

- RETENTION POND DISCUSSION
- Gary Prestwich: Has re-evaluated the engineering recommendation for the proposed Retention Pond/Park on Gooseneast Drive. He met with Dale Bigler and the National Guard may come up and do some work on the Retention Pond as a project, at no cost to the City.
1. They would use their heavy equipment to make the pond area conform to the drawing by LEI. The City would supply the surveyors for the project.
 2. The soil is very porous in the area and is good for percolation.
- Councilmember Prestwich questions if the sumps and perforated pipes designed by LEI are necessary when the soil would serve to drain any run-off by itself. (Percolation rate = 30"/hr)
- Sean Nielsen: Questioned how the pond would be cleaned...sumps can be clean out. A great deal of silt & debris would build up on the top of the ground.
- Russell Sly: Grass planted in the area would interfere with the percolation.
- Gary Prestwich: Even a concrete pad would decrease the permeable area, but not by much. This matter will be discussed further in the future.
- PARK DRIVE STRIPING
- Gary Prestwich: There is no discussion on this item. The striping on Park Drive and Elk Meadow Drive was shortened to facilitate traffic turning east on Park Drive.

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

- TIME & PLACE OF MEETING
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- Notice of the time, place and Agenda of the Scheduled Council Meetings & Public Hearings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on October 8, 2003; & an Amended Agenda on 10-13-03.
- ROLL CALL
- Mayor Pro tempore*: Gary Prestwich; *City Council*: Sean Nielsen, Lee Freeman, Russell Sly, Todd Jackson (Absent: Mayor Vernon Fritz); *Administrative Assistant*: Ernestine Folks; *City Council Candidates*: Mark Johnson, Mary Rugg, Nelson Abbott; *Public*: Jon Argyle, Scot Peterson, Joseph Cromar, Rachel Peterson, Scouts: Spencer Salcido, Sean Flygare, Kurt Jones, Kyle Shuler, Cameron Searle, Michael Murray, Colton Johnson, Brayden Schmanski, Jacob Tipton; and *City Recorder*: Janice H. Davis
- INVOCATION & PLEDGE OF ALLEGIANCE
- The Invocation was offered by Lee Freeman and Scot Peterson led those present in the Pledge of Allegiance.
- AGENDA TIME FRAME
- MOTION WAS MADE BY TODD JACKSON AND SECONDED BY RUSSELL SLY TO ACCEPT THE AGENDA TIME FRAME AND TO ADJUST THE STARTING TIME TO 7:15 PM**
- VOTE: YES (5) NO (0) ABSENT (1) MAYOR FRITZ**
- NON-AGENDA ITEM
- Jon Argyle: Mr. Argyle was present to express his disappointment and offense at a flyer he received in his mailbox from a "group of concerned citizens" which expressed views against ATV's in town just prior to the Primary Election. The flyer named the candidates & what was perceived as their individual platform about ATV's. He said that what angered him was the way it was distributed. He felt it was well planned out to distribute the flyer the day before the Election so none of the candidates would have a chance to rebut what was contained in the letter. He feels this was inappropriate for a public servant to participate in.

Gary Prestwich: Pointed out that the flyer had nothing to do with City business in any way. The author of the flyer was acting as a private citizen, not as an official of the City. As far as the City is concerned, it is a “non-existent” item and if there is anything further to discuss, it would have to be with the citizen.

PUBLIC HEARINGS/
ACTION

1. Water Impact Fee Study, Capital Improvement Plan & Water User Rate:

This matter is not ready for action at this time.

Councilmember Nielsen is to contact David

Church (City Attorney) for his opinion on the items discussed. He will begin by contacting Jim Bolser, since it was his suggestion to separate the Water Impact Fee section out of the Study. David Church needs to be asked about the comparison of the current ordinance and the proposed one; should fees be included in the ordinance? Is the format correct? Should there be a “repealing clause”?

2. Ordinance/Fences, Walls & Hedges:

MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY TO APPROVE AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR CLARIFICATION OF PROVISIONS REGARDING FENCES, WALLS & HEDGES, THEIR PLACEMENT AND THE ENFORCEMENT OF SUCH PROVISIONS, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE; WITH THE DISCUSSED CHANGE IN ITEM #2-C-(4), WHERE THE REFERENCE TO A RESIDENTIAL DWELLING HAVING TO BE OWNER-OCCUPIED WILL BE DELETED...& APPROPRIATE REFERENCES WOULD BE AMENDED, AS WELL

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

NO (0)

ABSENT (1) MAYOR FRITZ

PARK DRIVE
STRIPING

No further discussion.

RESOLUTION/
MILITARY DISCOUNT
FOR
MILITARY

This is a policy passed in Payson City to grant all military personnel called to active duty and their families a break on their utility charges. A proposed resolution was submitted to the Council for review. It would grant up to \$100 monthly credit. It will be retroactive to include July through October, 2003. It would remain in effect until the date when the person returns home from active duty or June 30, 2004, whichever is earlier.

MOTIN WAS MADE BY RUSSELL SLY AND SECONDED BY TODD JACKSON TO APPROVE A RESOLUTION AUTHORIZING A DISCOUNT ON UTILITY BILLS FOR ACTIVE MILITARY PERSONNEL IN ELK RIDGE CITY, UTAH

VOTE: YES (5)

NO (0)

ABSENT (1) MAYOR FRITZ

CANVASSING
PRIMARY
ELECTION
RETURNS

2003 Primary Election Returns:

The City Council checked over the reports on the Election returns. They found all in order.

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY LEE FREEMAN TO APPROVE THE PRIMARY ELECTION RETURNS FOR THE CITY OF ELK RIDGE, UTAH

VOTE: YES (5)

NO (0)

ABSENT (1) MAYOR FRITZ

EXPENDITURES:

1. General: None

2. Christmas Bonuses:

Discussion:

MOTION WAS MADE BY TODD JACKSON AND SECONDED BY SEAN NIELSEN TO APPROVE YEAR END BONUSES FOR THE ELK RIDGE OFFICE STAFF AT THE SAME AMOUNT APPROVED FOR LAST YEAR'S BONUSES

VOTE: YES (5)

NO (0)

ABSENT (1) MAYOR FRITZ

3. Elk Ridge Check Registers for July, August & September, 2003:

**MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY LEE FREEMAN TO
ACCEPT THE CHECK REGISTERS FOR JULY, AUGUST & SEPTEMBER, 2003**

VOTE: YES (5)

NO (0)

ABSENT (1) MAYOR FRITZ

4. City Hall Roof/Shingles:

Four bids were considered and the Council decided on the two lower bids and felt the Mayor and Kent Haskell should find out what kind of warranty the two companies have and make the decision from that information.

**MOTION WAS MADE BY TODD JACKSON AND SECONDED BY SEAN NIELSEN TO
APPROVE UP TO \$3,450.00 FOR THE REPAIR OF THE CITY HALL ROOF. THE
CONTRACT IS TO BE AUTOIZED BY MAYOR FRITZ AND KENT HASKELL.**

VOTE: YES (5)

NO (0)

ABSENT (1) MAYOR FRITZ

APPOINT
ELECTIN
JUDGE

**MOTION WAS MADE BY LEE FREEMAN ANDSECONDED BY SEAN NIELSEN TO
APPOINT JANIS MCGILL AS AN ELECTIN JUDGE FOR THE ELK RIDGE GENERAL
ELECTION**

VOTE: YES (5)

NO (0)

ABSENT (1) MAYOR FRITZ

MINUTES

No Minutes available

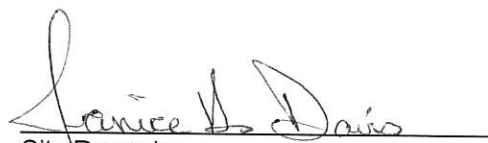
ADJOURNMENT

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY LEE FREEMAN TO
ADJOURN THE COUNCIL MEETING**

VOTE: YES (5)

NO (0)

ABSENT (1) MAYOR FRITZ


City Recorder

NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, October 28, 2003, at 7:00 PM, to be preceded by a Council Work Session at 6:00 PM & continued at 6:20 pm. A Public Hearing will be held, at 6:10 pm,** in conjunction with the City Council Meeting and Work Session, for the purpose of hearing public comment regarding the proposed adoption of the Elk Ridge City Municipal Code.

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. Norman Smith/Retired & Senior Volunteer Program

6:10 PM

2. PUBLIC HEARING/ELK RIDGE MUNICIPAL CODE

Public Hearing/A proposed ordinance adopting the Municipal Code for Elk Ridge City, Utah.

6:20 PM

CITY COUNCIL WORK SESSION (CONT.)

3. MEET THE CANDIDATES NIGHT

7:00 PM

CITY COUNCIL MEETING/REGULAR SESSION AGENDA ITEMS

- Invocation & Pledge of Allegiance
- 7:03 Approval/Agenda Time Frame
- 7:05 4. Water & Sewer Connections – Henry Lin
- 7:15 5. Utah County Health Dept./Septic Tanks – Lannie Ross
- 7:30 6. Discussion/Police Dept. Funding – Russell Sly
- 7:35 7. Ordinances/Action:
 - A. Adoption/Ordinance-Elk Ridge Municipal Code
 - 1. Online Proposal from Sterling Codifiers
 - B. Adoption/Ordinance-Sewer Laterals – Russell Sly
- 7:50 8. Review-Wastewater System Report/RB&G – Russell Sly
- 8:05 9. LEI Work Release #2003-8/Sewer Impact Fee Study
- 8:20 10. Water Impact Fee, Capital Improvement Plan, Water User Rate – Sean Nielsen
 - A. Discuss Preferred Format for Adoption
 - B. Re-schedule Public Hearing
- 8:35 11. E. Salem Hills Drive/Water Line – Sean Nielsen
- 8:45 12. Funding Disasters/Emergencies (Budget) – Mayor Fritz
- 8:55 13. Minutes of Previous City Council Meetings
- 9:00 14. Expenditures:
 - A. General
 - B. Christmas Bonuses /Re-visited – Mayor Fritz
- 9:10 15. Adjournment

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

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 23rd day of October, 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 October 23, 2003.


City Recorder

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

**TIME & PLACE
OF MEETING**

This regularly scheduled Meeting of the Elk Ridge City Council, was held **Tuesday, October 28, 2003, at 7:00 PM.** It was preceded by a **Public Hearing and the City Council Work Session at 6:00 pm.** the following: **The Public Hearing, held at 6:10 pm,** was for the purpose of hearing public comment regarding a proposed ordinance adopting the Municipal Code for Elk Ridge City, Utah.

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6:00 PM

CITY COUNSEL WORK SESSION

ROLL CALL

Mayor Pro tempore: Gary Prestwich; *City Council:* Sean Nielsen, Russell Sly, Todd Jackson (Absent: Mayor Vernon Fritz & Lee Freeman); *Administrative Assistant:* Ernestine Folks; *City Council Candidates:* Mark Johnson, Mary Rugg, Nelson Abbott, Alvin Harward; *Public:* Paul Eddy, Terry Spoor, Norman Smith, Reba White, Joseph Jamison, Phillip Thaut, Brian Thaut, Corbin Holcomb, Ray Nielsen, Janna Barry, Logan Nilsson, Robert L. Siemer, Kenneth W. & Diane Baguley, Kevin Watson, Lori Nielsen, Cindy Johnson, Rhonda Salcido, Laura Deichman, Cindi Ellis, Garren Holman, Laurica Jacobsen, Darrell Hodges, Geniel Sly, Jeff Meyers, Richard Swanson, Kristine Murray, Shanna Fleenor, Kent & Lorraine O'Driscoll, Lucretia Thayne, Henry F. Lin, Kim Christensen, Kelvan Christensen, Vanessa Christensen, Mary Jo Tervort, Boyd Hanks, Paul Tervort, Scot Bell, Tracy McGoffin, Lisa Bradshaw & Lannie Ross (Utah County Health Dept.)

**RETIRED & SENIOR
VOLUNTEER
PROGRAM**

Norman Smith (Representative):

This program encourages Seniors (55 & older) to help in their communities. Most of the "Stations" where people can serve are located somewhere else. They would like for the Council to think of ways that Seniors can assist within their own cities.

Locations for service: Mt. Loafer Elementary, Salem Elementary, Hospital and at Peteetneet Museum (Payson).

At the end of the year, certificates are presented to the "Stations" involved with the number of volunteer hours. In South Utah County, 48,000 volunteer hours have been registered. This saves the County money in wages.

**WATER
IMPACT FEE,
CAPITAL
IMPROVEMENT
PLAN, WATER
USER RATE**

Due to an excess in time, Councilmember Nielsen led a discussion on Agenda Item #10-A:

Sean Nielsen: There has been some debate as to the correct format to adopt the Study done by LEI Engineering. David Church is going to draw up the ordinance to adopt the Study; but the Council needs to decide if the entire Study, including the Water Impact Fee Study, the Capital Improvement Plan and the Water User Rate; or separate the Water Impact Fee portion of the Study out and adopt it by itself.

Reasons for separating the Water Impact Fee Study out:

1. After the initial codification of the Municipal Code, it will cost \$20 per page to update the Code. If the entire Study were adopted by reference, it would be costly. The Impact Fee Study refers to the other portions.

David Church's recommendation is to adopt the Water Impact Fee Study by itself. He does not feel it is necessary to include the entire Study. Since he is drafting the ordinance, he will make sure that the proper references are made.

He also suggested re-naming the title of Capital *Improvement* Plan to the Capital *Facilities* Plan...there is a difference between the two titles and what they represent. Councilmember Nielsen has already mentioned this change to LEI.

6:10 PM

PUBLIC HEARING/ORDINANCE – ADOPTING THE ELK RIDGE MUNICIPAL CODE

Public Hearing/Proposed Ordinance Adopting the Municipal Code for Elk Ridge City

ROLL CALL

Mayor Pro tempore: Gary Prestwich; *City Council:* Sean Nielsen, Russell Sly, Todd Jackson (Absent: Mayor Vernon Fritz & Lee Freeman); *Administrative Assistant:* Ernestine Folks; *City Council Candidates:* Mark Johnson, Mary Rugg, Nelson Abbott, Alvin Harward; *Public:* Paul Eddy, Terry Spoor, Norman Smith, Reba White, Joseph Jamison, Phillip Thaut, Brian Thaut, Corbin Holcomb, Ray Nielsen, Janna Barry, Logan Nilsson, Robert L. Siemer, Kenneth W. & Diane Baguley, Kevin Watson, Lori Nielsen, Cindy Johnson, Rhonda Salcido, Laura Deichman, Cindi Ellis, Garren Holman, Laurica Jacobsen, Darrell Hodges, Geniel Sly, Jeff Meyers, Richard Swanson, Kristine Murray, Shanna Fleenor, Kent & Lorraine O'Driscoll, Lucretia Thayne, Henry F. Lin, Kim Christensen, Kelvan Christensen, Vanessa Christensen, Mary Jo Tervort, Boyd Hanks, Paul Tervort, Scot Bell, Tracy McGoffin, Lisa Bradshaw & Lannie Ross (Utah County Health Dept.)

At 6:10 pm, Mayor Pro tempore Gary Prestwich opened the Public Hearing regarding the Elk Ridge Municipal Code.

Discussion:

Gary Prestwich: After review of the proposed Municipal Code, there were some changes that need to be included in the adopting motion.

There were no further comments.

At 6:20 PM, Mayor Pro tempore Gary Prestwich closed the Public Hearing on the Adoption of the Municipal Code.

6:20 PM

MEET THE CANDIDATES NIGHT

Gary Prestwich: Turned the time over to the six remaining candidates running for Municipal Office. There are three 4-year positions open on the City Council.

Each of the candidates was given 5 minutes to summarize their platforms.

After the candidates finished their initial summaries, the public was allowed time to ask questions.

Nelson Abbott: Resident of Elk Ridge for over 5 years. He has seen problems with consistent enforcement of ordinances in the City. He feels he would bring a "voice of reason" to the City Council as well as directing the future of the City.

- He has serious issues with ATV's being used in the City because the law prohibits it.
- Roads: The City needs a solution to make the roads last longer than they do now. The traffic flow should be "user friendly".
- Water: The water rates should be revisited.
- Growth: He would like to see growth managed and controlled.

He would like the public to contact him with their views so that he can represent the public.

Michael Ashton: Resident of Elk Ridge over 10 years. He has been impressed with the behavior and the caliber of the candidates in this political race. There seems to be harmony amongst the candidates themselves.

- ATV Issue: He has spoken to people on both sides of the issue. He is unconvinced that ATV's should be allowed on the roads in Elk Ridge. There are questions to be addressed:
Liability...He called his insurance agent and was told that if an accident occurred involving an ATV, the Injured person (or family) would "go after the deepest pockets". Elk Ridge is not a wealthy community.
- There are also issues with safety & privacy of land. He is not ready to rule out possibilities; but there are too many issues that must be addressed before any decision should be made.
- Growth should be managed and careful consideration given to proposed development and annexations.
- Taxes: Would like to see other options made available for tax revenues...perhaps more commercial
- Water Rates: Although he would like to see lower rates, he does not want to jeopardize replacement of aging infrastructure.

- ATV's: She was sorry to see this become such a big issue right before the Primary Elections. There was no time to get any other information out to the residents. She was pleased that the candidates were able to collectively circulate a flier stating their views on some of the issues.

She knows she would not be able to please everyone, but she would do her best to make informed decisions.

Questions from Public:

Issues addressed:

- Commercial Tax Base & High Density Housing
 1. The candidates were all in favor of controlled High Density Housing, as long as the aesthetics of Elk Ridge were preserved.
 2. As a "bedroom" community and due to the location of Elk Ridge, not much commercial would be hoped for, but some small businesses would be a welcome addition to the tax base.
- Ordinance against certain types of weapons: Paint Ball Guns, Beebe Guns, Bows & Arrows and other destructive weapons and curfews
 1. There are State laws in place. It comes to a matter of enforcement.
 2. Parents of juveniles should be responsible for the actions of their children
 3. There is a curfew ordinance in place...again the problem is with enforcement
- There was a request for the candidates to offer a reason to vote for one over another
 1. It was generally agreed that any one of the candidates would serve the community well
 3. The candidates also reiterated their individual qualifications
- City-wide curb & gutter and responsibility for payment of curb/gutter
 1. Candidates agreed that they would be against a City-wide requirement for curb & gutter
 2. Most agreed that the property owner receives the benefit from curb & gutter and should pay for it
 3. Mary Rugg felt that it is City property and should be City cost
- The candidates were asked to re-state their main concerns
- Cindi Ellis asked that each candidate consider carefully the time commitment involved with serving on the Council and asked if they would each be willing to resign if unable to fulfill that time commitment...they answered, "Yes".
- Gary Prestwich: Also encouraged the candidates to work hard to discover ways to best serve in their assigned areas.
He used the example of road maintenance: it is important to use the opinion of experts like UDOT to guide the Council through certain decisions.
He concluded this portion of the Meeting.

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

**TIME & PLACE
OF MEETING**

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

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ROLL CALL	<i>Mayor Pro tempore:</i> Gary Prestwich; <i>City Council:</i> Sean Nielsen, Russell Sly, Todd Jackson (Absent: Mayor Vernon Fritz & Lee Freeman); <i>Administrative Assistant:</i> Ernestine Folks; <i>City Council Candidates:</i> Mark Johnson, Mary Rugg, Nelson Abbott, Alvin Harward; <i>Public:</i> Henry F. Lin, Paul Eddy, Paul Tervort, Mary Jo Tervort, Boyd Hanks, Lanny Ross (Utah County Health Dept.), Scot Bell, Garren Holman & Shanna Fleenor
INVOCATION & PLEDGE OF ALLEGIANCE	The Invocation was offered by Alvin Harward and Mary Rugg led those present in the Pledge of Allegiance.
AGENDA TIME FRAME	MOTION WAS MADE BY TODD JACKSON AND SECONDED BY RUSSELL SLY TO ACCEPT THE AGENDA TIME FRAME AND TO ADJUST THE STARTING TIME TO 7:26 PM VOTE: YES (4) NO (0) ABSENT (2) MAYOR FRITZ & LEE FREEMAN
WATER & SEWER CONNECTIONS	<u>Henry Lin</u> : Mr. Lin owns property off of Alexander Drive. He would like to develop 4 lots on that property. The Council has recently released 35 water/sewer connections for new development; 33 of those connections are already taken by 33 pending lots in the development process (leaving 2 extra connections). Mr. Lin would like the Council to consider releasing 2 additional water/sewer connections to enable him to develop his 4 lots. <u>Sean Nielsen</u> : Suggested freeing up more than is being requested so the Council does not have to continually revisit this issue to release more connections. <u>Ernestine Folks</u> : Does the Council want the Planning Commission to allow developers to proceed through the Preliminary Plat process; then at that point come before the Council to request connections? Or, should they come before the Council prior to the beginning of the development process? MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY RUSSELL SLY TO ALLOCATE 15 ADDITIONAL CONNECTIONS (BESIDES THE PREVIOUSLY RELEASED 35 CONNECTIONS)...FOR A TOTAL OF 50 CONNECTIONS FOR THE CURRENT FISCAL YEAR VOTE: YES (4) NO (0) ABSENT (2) MAYOR FRITZ & LEE FREEMAN
UTAH COUNTY HEALTH DEPT./ SEPTIC TANKS	<u>Lannie Ross</u> (Program Manager for both wastewater & drinking water systems): He was asked to address the relationship between septic systems and drinking water well in the immediate area and how they might be affected. He gave a brief history on the disposal of human waste and concluded that depositing it in the ground is an efficient way of handling it. The bacteria in the soil are efficient in treating the wastewater. The treatment begins in the tank itself in breaking down the solids and paper. Eventually the tank needs to be pumped out. There are many misconceptions about septic systems, but the very worst thing is to not pump out the tank. This will result in wastewater coming to the surface or backing up into the home. As the wastewater travels through the soil the bacteria attach to the individual particles of soil and they act on the wastewater as it passes through the soil and in a matter of about 10 ft., the wastewater is treated. There is a requirement that the drain fields be at least 100 ft. from any drinking water well or any body of water. He feels 100 ft. is a conservative distance since the wastewater is pretty well treated after 10 ft. or so and it takes a long time to travel 100 ft., unless it were really sandy soil (in which case a septic system would not be allowed). The wells themselves are required to constructed properly with grouting around the casing so surface water does not enter the well, which would contaminate the aquifer and the well itself. Mr. Ross feels the chances of a septic system contaminating a well or an aquifer are very slim. <u>Boyd Hanks</u> : Asked if Mr. Ross is acquainted with the bench area where Loafer Recreation is located. (Yes.) There are 17 cabins in use currently on septic systems. They are summer homes and most are only used about 10% of the time. There is no one living there year round. At the rate the wastewater travels, with so little use, in 365 days, the issue becomes insignificant, doesn't it?

Mr. Ross: The ground water moves extremely slowly. Mr. Hanks would probably not see that Groundwater coming as far down as the well.

Even though you don't want wastewater in the drinking water, "everything needs to be kept in perspective and realize that a quarter of the home in the United States are on septic systems. Many of those homes are on both septic systems and private wells. It is a pretty rare occurrence for a septic system to contaminate someone's own well on their own property, even in areas where there may be a subdivision with all lots on individual wastewater systems and their own wells...will full time usage of the systems.

Paul Eddy: How close would the recommended distance be from a septic system to a city well?

Mr. Ross: The accepted distance is 100 ft. For Elk Ridge, the Well Head Protection Zone Studies should be referred to.

Russell Sly: Are you saying that the septic tank must not lie within the well-head protection zone?

Mr. Ross: "Certainly...any concentrated source of pollution, which includes septic systems...also things like feed lots." Septic systems don't pose as much of a real threat to wells as chemicals such as pesticides, nematicides and possible spills.

Russell Sly: Does the County get involved with the enforcement of issues involving well-head protection zones?

Mr. Ross: The County really doesn't; it is usually left up to the city...unless there is a problem with the drinking water, then the State would quickly get involved.

Mr. Hanks: Is the State the regulatory agency on public & private water systems?

Mr. Ross: Not on private water systems.

Todd Jackson: Are the laws leaning toward forcing individuals to move away from them?

Mr. Ross: Not at all; in fact, the mind set has been to temporarily use septic systems until the area is serviced with sewer. Now, the mind-set is reversed in that septic systems could be just as good as sewer system. All sewers leak raw sewage and can be at least as big of a problem as septic systems.

Mr. Tervort: He owns a lot in Loafer Canyon. He has been issued a permit from the County Health Dept. to install a septic tank. He has gone through Planning & Zoning in Elk Ridge for a site plan and they said, "No, you are not going to have a septic tank in that area."

The last paragraph in a letter from LEI states, "an alternative to a septic tank with leach fields, may be a simple holding tank design. Since the homes in the area are typically seasonal, a holding tank would simply require periodic pumping, with no potential risk to the local ground water..."

The Planning Commission says a septic tank will not be allowed. The County says a "holding tank" will not be allowed. How can he go forward with plans for a cabin? His septic system would be 345 ft. away from the Elk Ridge Well.

Ernestine Folks: The problem is that in the Loafer Canyon area, there exists a well-head protection zone and his cabin would be located within Zone #2. The well-head protection plan states that septic tanks are a hazard (risk) in that Zone. That is why the Planning Commission felt that they should go with the engineers. They did not want to deny Mr. Tervort the ability to build his cabin; however, they also recognized the well-head protection plan, which says septic tanks should not be allowed. They recognized the fact that the City already has some septic tanks, but admitted that they are a potential risk. To minimize the risk they should not be allowed. Mr. Tervort said he was willing to doing a "pumping vault" system, but the County won't approve a "vault system". The Planning Commission approved a "vault system" based on the fact that the State would regulate the system (they were okay with the system) and that there would be an inspection of that system to make sure it would be installed according to the regulations the State would provide.

Currently, the Mayor was to research what the State actually said about this.

Mr. Ross: A "holding tank" would not be possible without the County's approval; and you cannot go over their heads, to the State...this cannot be done. The County would have been the approving agent. The reason they do not allow "holding tanks" is they are:

1. Extremely expensive to maintain (perhaps not with limited use)

They may be granted a variance for limited use only...summer use may qualify.

Sean Nielsen: Has a concern with a "holding tank"...when the waste has to be hauled off, it invites behavior such as dumping illegally into our sewer system. He supports a properly installed septic system rather than a holding tank.

The Planning Commission is working off information they are given. If there is additional information to aid in their ability to make a decision, that would be welcomed.

Mr. Tervort: Would like to be able get a building permit. He prefers a septic system, but has been refused. He is reluctant to ask the Council to over-ride the Planning Commission, but they have information that septic tanks are acceptable.

Todd Jackson: Is the well-head protection plan valid, or too conservative in the restrictions?

Mr. Ross: The basic standard specifies 100 ft. around a well. Other than that, the engineers who do the studies of the specific areas define the protection zone. Every well in the municipality has a different protection zone depending on various factors.

Boyd Hanks: Reiterated the history of the problems between Elk Ridge and Loafer Canyon Recreation Association. This needs to be solved. Could the Association have a response to this issue within the next 2 or 3 weeks?

Gary Prestwich: The Mayor is working on this issue. Mr. Hanks is to contact the Mayor the next day to determine where he is with the information he is gathering.

Scot Bell (Planning Commission member): Feels that Mrs. Folks summarized the Planning Commission's perspective on this issue. There were many concerns...one of the biggest was the obligation to protect the City's current residents and their water source. The Planning Commission relies heavily on the professionals who advise them. Engineers have provided the protection plan. Should the Planning Commission over-ride the engineers? Water safety is a primary concern.

Sean Nielsen: Is committed to finding a solution to this problem. If the engineers can determine the reason for this secondary zone, then he would like to sit down with them and with Mr. Hanks and Mr. Tervort to come up with a solution. He would like to wait until after the elections in a couple of weeks.

POLICE DEPT.
FUNDING

Russell Sly: One of the biggest problems in the City is enforcement of the ordinances in place. The Sheriff is here on a limited basis. He feels that eventually Elk Ridge will be able to afford a police dept. The City could begin by putting some funds every year aside for this purpose. He recommends budgeting \$10,000/year for improved police protection. This funding would come from the General Fund revenues.

The money would be for the purpose of purchasing the necessary equipment for a dept.

Gary Prestwich: Enforcement is the key, but most residents may not be for increased taxes for more protection.

Todd Jackson: Feels the City needs to grow into this option for its own police dept.

He would say Elk Ridge would need to perhaps double its size before this is considered.

Sean Nielsen: What would be neglected by putting \$10,000/year away for this? What would the "trade-off" be?

He would not want to create a Fund with the option to "get out of it". There is not a big excess of cash to put it away for something that may not be used.

Russell Sly: Another option may be to increase the amount of money paid to the County Sheriff's Dept. to increase the amount of patrol time.

Todd Jackson: Policing with Payson has not been received by Payson well and has been more expensive by comparison.

He would like to consider this further, but he would like to know where the funding would come from.

ORDINANCES/
ACTION

1. Adoption/Ordinance – Elk Ridge municipal Code

Ernestine Folks: After many years and many extensive reviews by various employees of the City, it has come to a point where the Code needs to be adopted. There some changes which should be noted in the motion.

**MOTION WAS MADE BY TODD JACKSON AND SECONDED BY
TO ADOPT AN ORDINANCE ADOPTING THE MUNICIPAL CODE FOR THE CITY OF
ELK RIDGE, UTAH; WITH THE FOLLOWING CHANGES:**

1. TITLE 5...(5-1-1) CHANGE THE REQUIRED NUMBER OF COPIES TO BE KEPT IN THE CITY OFFICE FROM 3 TO 1 (UTAH CRIMINAL & TRAFFIC CODE)
- TITLE 5...(5-2-1) LIST THE REQUIRED NUMBER OF COPIES TO BE KEPT IN THE CITY OFFICE AS THREE COPIES (UTAH COUNTY ANIMAL CONTROL ORDINANCE)
- TITLE 6...(6-1-1) CHANGE THE REQUIRED NUMBER OF COPIES TO BE KEPT IN THE CITY OFFICE FROM 3 TO 1 (UTAH CRIMINAL & TRAFFIC CODE)

2. TITLE 4...(4-1-4: A-8) CNAGE "CART" TO "CERT"
3. TITLE 10...(10-4-5) RE: WATER & SEWER LATERALS: THIS WHOLE SECTION WILL BECOME CHAPTER 5 OF TITLE 8
4. 7-2-1...DEPTH OF UTILITY LINES (DEPTH: INCLUDED LINES)
DELETE WATER & SEWER LINES FROM LIST OF LINES REQUIRED TO BE AT 36"
DEPTH...(STANDARDS REQUIRE VARIED DEPTHS FOR WATER/SEWER LINES)
VOTE (POLL): RUSSELL SLY-AYE, GARY PRESTWICH-AYE, TODD JACKSON-AYE,
SEAN NIELSEN-AYE NO (0)
ABSENT (2) MAYOR FRITZ & LEE FREEMAN
PASSES 4-0

A. Online Proposal from Sterling Codifiers:

Sterling Codifiers, Inc. is the company that recently finished codifying the ordinances for the City. They have sent a proposal to place the Code online. It would be easier to access and would eliminate inadvertent changes to the ordinances contained therein.

Costs:

- \$1,000 = 1 time fee to format code to html; one time fee includes technical support to establish link
- \$500 = Annual fee effective 1-1-04
- No charge = Host fee
- Ongoing supplements
 - Hard copy \$20/published page
 - Online Updates Included in annual fee
 - Post newly adopted ordinance Included in annual fee

The Council was not clear on the "hosting fee". This needs to be clarified prior to approval. This matter was tabled until the next Council Meeting.

2. Adoption/Ordinance – Sewer Laterals:

Russell Sly: This proposed ordinance clarifies the wording pertaining to ownership of and responsibility for the laterals. It also deals with installation in homes and new subdivisions. David Church has reviewed the old ordinance and made suggestions that are incorporated in this proposed amendment. He also reviewed the ordinance in its current form and approved of it.

Gary Prestwich: Referred to Page 2 (Section 7)...

The last sentence says a bond for the purpose of guaranteeing materials, construction and workmanship of not less than \$1,000 is to be held by the City for not less than 1 year. Councilmember Prestwich pointed out that most bonds in the subdivision process are held for two years. He would like for this to be changed to two years.

Sean Nielsen: Referred to Pg 2 (Section 8)...

Concerned with patching the road after installation. Is there any room for exception when the road is in need of repair?

(Councilmember Sly would hesitate doing this because an individual could come to the Council and request an exception based on circumstances.

It was brought up that roads should be repaired, even on a temporary basis, due to traffic and snowplowing.)

The necessity of videotaping was questioned. Councilmember Sly said the City is considering purchasing a camera and renting it out for this purpose. The videotapes would be kept as records.

Russell Sly: Correction in heading of Section 7..."Posting of Bond" should be just below the heading. Correction to main heading...spelling of "maintenance".

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY TODD JACKSON TO ADOPT AN ORDINANCE AMENDING ORDINANCE #98-11-10-10, RELATING TO THE CONSTRUCTION AND MAINTENANCE OF WATER AND SEWER SERVICE LATERALS; CORRECTING SCRIVENER'S ERRORS AND THE CHANGE IN SECTION 7 (LAST SENTENCE): THE BOND TO BE HELD BY THE CITY FOR TWO YEARS RATHER THAN ONE YEAR

VOTE (POLL): SEAN NIELSEN-AYE, TODD JACKSON-AYE, GARY PRESTWICH-AYE,
RUSSELL SLY-AYE NO (0) ABSENT (2) MAYOR FRITZ & LEE FREEMAN
PASSES 4-0

WASTEWATER
SYSTEM REPORT

Russell Sly: Copies of the Salem Waste Water Treatment System Analysis was submitted to the Councilmembers for review. RB&G Engineering performed the Analysis.

The reasons for this study:

- To establish the value of the Salem Sewer Plant
- To establish how much money was spent
 - How much grant money spent
 - How much local money spent
 1. Total local money spent on the bond when retired = \$2,569,801 (not counting any grant money)
 2. 5 bonds were involved in funding the plant, with 1 remaining to pay off.
(Elk Ridge's share = \$59,127)
- To establish present day value (replacement value)

Exhibit A-1:

Councilmember Sly pointed out that originally, Salem City purchased 60.18 acres for the lagoon. This is an interesting point because the sewer plant is utilizing only about 1/3 of this land.

The purchase price at the time was \$3,500/acre, which Elk Ridge shared in.

Table III: Total Project Cost (Estimated Replacement Cost) = \$4,250,000

Salem (82%) = \$3,485,000

Elk Ridge (18%) = \$765,000

These numbers are a basis for negotiation.

We are hopeful that Woodland Hills will join with Elk Ridge in considering sewerage with Payson. There are two studies to be conducted by LEI Engineering: One will be for Payson's share of the proposed project; the other study will be for Elk Ridge's share of the project. (The Work Release for Elk Ridge's portion of the study was on the Agenda later that evening.)

LEI ENGINEERING
WORK RELEASE
#2003-8

Russell Sly: LEI Engineering proposed the Work Release rather than RB&G because LEI has already done some preliminary work on this project. Russ Brown (RB&G) commented to that LEI would underbid everybody because they are subsidizing this project. He said that is good for the City.

LEI's Work Release is for a lump sum of \$5,800. Currently, Payson City has not approved this Work Release. The fee to Elk Ridge is contingent upon Payson's approval of a similar proposal. In the Meetings with Payson, there has been a seemingly positive response to the project.

Elk Ridge has to come up with some proposed prices, and then negotiations can begin.

Elk Ridge has made it very clear that Elk Ridge residents should not be expected to pay more than Payson residents.

Discussion on usage and what goes into the user rates for Payson.

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY SEAN NIELSEN TO APPROVE ENGINEERING WORK RELEASE #2003-8, DEALING WITH SEWER IMPACT FEES AND A STUDY OF THE ELK RIDGE SEWER SYSTEM; CONTINGENT UPON THE LIMITATIONS THAT LEI HAS IMPOSED IN THE WORK RELEASE DENOTING: SATISFACTORY RESOLUTION OF FEE SCHEDULE WITH PAYSON CITY, FOR A LUMP SUM OF \$5,800. IF CHARGES EXCEED \$5,800, THE NOTE (AGREEMENT) IS NULL AND VOID

VOTE: YES (4) NO (0) ABSENT (2) MAYOR FRITZ & LEE FREEMAN

WATER IMPACT
FEE, C.I.PLAN,
WATER USE RATE

Sean Nielsen: He recommends adopting just the Water Impact Fee portion due to the high cost of codification. He also proposes renaming the study to Capital Facilities Plan.

Schedule Public Hearing for adoption of the Water Impact Fee Study.

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY RUSSELL SLY TO MOVE FORWARD TO ADOPT THE INDIVIDUAL WATER IMPACT FEE STUDY SEPARATE FROM THE CAPITAL FACILITIES PLAN AND THE WATER USER RATE STUDY, PERFORMED BY LEI ENGINEERING

VOTE: YES (4) NO (0) ABSENT (2) MAYOR FRITZ & LEE FREEMAN

MOTION WAS MADE BY SENA NIELSEN AND SECONDED BY TODD JACKSON TO SCHEDULE A PUBLIC HEARING TO ADOPT THE WATER IMPACT FEE STUDY FOR NOVEMBER 25, 2003, AT 6:10 PM

VOTE: YES (4) NO (0) ABSENT (2) MAYOR FRITZ & LEE FREEMAN

E SALEM HILLS
DRIVE -
WATER LINE

Sean Nielsen: There is an issue of stagnant water in the water main at the west end of E. Salem Hills Drive (dead-end line).

3 Options:

1. Loop the line with the new 10" line that runs across Hillside Drive

Cost: Approximately \$4,000 (preferred option)

2. Install a fire hydrant to be able to flush out the line (every 2 or 3 months)

3. Cap off line at the last lateral, vacate the existing pipe... the flow would continue into the Ellis home at the end of the line (This is Councilmember Nielsen's recommendation) This would be about \$700...to a private contractor.

This project is on the Capital Improvement Plan.

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY RUSSELL SLY TO APPROVE OPTION #3 AS STATED ABOVE: TO CAP OFF THE MAIN LINE AT THE LAST LATERAL ON THE END OF E. SALEM HILLS DRIVE, WITH A COST NOT TO EXCEED \$700

VOTE (4)

NO (0)

ABSENT (2) MAYOR FRITZ AND LEE FREEMAN

FUNDING
DISASTERS/
EMERGENCIES

Gary Prestwich: The Mayor would like to budget \$5,000 into the "Emergency Preparedness" line item to purchase 1st Aid supplies. There is a grant, currently being used for this purpose. The City is reimbursed after the expenditure. There needs to be an account to expend this money out of.

The Council was unclear as to the status of the grant and how the reimbursement operates.

A resident (Paul Eddy) added that the Mayor was considering purchasing a metal storage unit.

The Council was not aware of this.

The Council felt the matter should be deferred to the next Council Meeting.

MINUTES

Minutes of Previous Meetings:

Minutes of 9-23-03:

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY RUSSELL SLY TO APPROVE THE CITY COUNCIL MINUTES OF 9-23-2003

VOTE: YES (4)

NO (0)

ABSENT (2) MAYOR FRITZ & LEE FREEMAN

Minutes of 10-14-03:

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY TODD JACKSON TO APPROVE THE CITY COUNCIL MINUTES OF 10-14-2003

VOTE: YES (4)

NO (0)

ABSENT (2) MAYOR FRITZ & LEE FREEMAN

EXPENDITURES:

1. General: None

2. Christmas Bonuses:

Postponed until the Mayor is available to discuss with the Council.

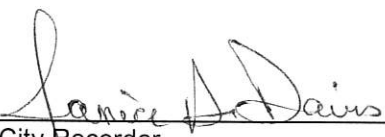
ADJOURNMENT

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY TODD JACKSON TO ADJOURN THE COUNCIL MEETING

VOTE: YES (4)

NO (0)

ABSENT (2) MAYOR FRITZ & LEE FREEMAN



City Recorder

AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, November 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 CLOSED SESSION

1. Part Time/Full-Time Benefits - Mayor Fritz

6:20 - PM CITY COUNCIL WORK SESSION

1. Dumping Ordinance Study – Mayor Fritz
2. 2003/2004 Budget Amendment Discussion – City Recorder
 - A. Discussion/Transfer from General Fund to Storm Drainage Fund – Mayor Fritz
3. Codifying City Ordinances – Byron Harward

7:00 - PM REGULAR COUNCIL MEETING AGENDA ITEMS:

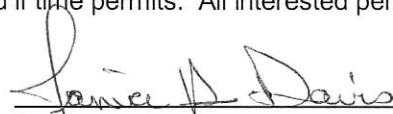
Invocation and Pledge of Allegiance

Approval/Agenda Time Frame

- 7:05 4. Eagle Project Presentation – Brandon Petersen
 - 7:10 5. Alvin Harward Development/Final Approval of Flag Lot
 - 7:20 6. Canvass Election Returns – City Recorder
 - 7:30 7. Funding Disasters/Emergencies – Mayor Fritz
 - 7:40 8. Schedule Public Hearing/Storm Drainage Fee - Mayor
 - 7:50 9. Expenditures:
 - A. General:
 - B. On line Codification Proposal – City Recorder
 - C. FEMA Expenditure – Mayor Fritz
 - 8:00 10. Discussion/Off-Site Reimbursement – Gary Prestwich
 - 8:00 10. Year-End Bonuses – Mayor Fritz
 - 8:05 11. Approval of Minutes of Previous Meeting
- 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 November, 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 November 7, 2003.



City Recorder

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

**TIME & PLACE
OF MEETING**

The regular Meeting of the Elk Ridge City Council was scheduled for **Tuesday, November 11, 2003, at 7:00 PM;** it was preceded by a **City Council Closed Session at 6:00 PM and a Council Work Session at 6:20 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 November 7, 2003.

6:00 PM

CITY COUNCIL CLOSED SESSION

ROLL CALL

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

At 6:00 pm, Mayor Fritz opened the Council Closed Session.

Part-time/Full-time Benefits

6:40 PM

CITY COUNCIL WORK SESSION

**DUMPING
ORDINANCE STUDY**

Mayor Fritz: There is a problem with cement trucks washing excess cement onto private property or on the edge of the roads. The intent is that any dumping from cement trucks should be confined to the property. The Building Inspector instructs the contractors to do this, but the requirement is ignored. The current ordinance is vague and needs clarification.

There is also a problem with dumping fill dirt onto other property where they should not.

Sean Nielsen: Feels the ordinance should not be specific in listing materials that cannot be dumped. The door is then opened for all the things that are excluded. He feels the statement should end with "...combustible and non-combustible waste".

Mayor Fritz: Has a concern that when he tries to enforce the ordinance, he wants to be on solid ground with the law so there is no ambiguity.

Russell Sly: Agrees that the ordinance needs to be simplified and clarified.
(David Church will be asked to re-write the ordinance.)

**2003/2004
BUDGET
AMENDMENT**

The public hearing for the Budget Amendment needs to be set. The budget process for the 2003/2004 budget will begin in March, 2004. The Amendment for the current year should take place soon. It will be scheduled for December 9, 2003. (The Mayor will not be in attendance at the last Meeting in November.)

1. Transfer from General Fund to Storm Drainage Fund:

Mayor Fritz: The Mayor recommends a transfer in the form of a "contribution" in the amount of \$5,000, from the General Fund to the Storm Drainage Fund. In the period of time it will take to enact the Storm Drainage Fee and to begin the collection, this would take care of any expenditure that could come up...such as the cleaning of sumps and lines, drainage ditch on N. Park Drive or anything associated with drainage. The money will come from Fund Balance in the General Fund. The caution would be to not continue to have this Enterprise Fund dependant on other Funds, financially.

All Councilmembers in attendance were in agreement.

**CODIFYING
CITY
ORDINANCES**

Byron Harward: (C.E.O. of Code Co.) An expert in codification, he has been responsible in the publication of the Utah Code online as well as in hard copy.

Councilmember Prestwich asked Mr. Harward to address the Council on the recent codification of City ordinances and the prospect of having on-line access to the City Code.

He has reviewed a copy of the Municipal Code produced by Sterling Codifiers and it is his estimation that the City "got a really good deal". Sterling's prices seem justified and reasonable, particularly considering the consultation services offered.

The on-line proposal of \$500/year is very reasonable; he does not know of another company that would match that. Sterling has the necessary experience to continue with the services offered.

The one suggestion he did make was concerning the indexing in the Code. He feels it would be clearer if organized differently. Cross-referencing is a key feature to assist in understanding the Code.

Review of on on-line features:

On-line access advantages:

- Always have the current version of the Code
- Eliminates confusion of getting current disks and amended hard copies
- No one could inadvertently change anything in the Code
- Accessibility to others seeking information
- Sterling will post ordinances passed by the City but not yet codified

Mr. Harward felt Sterling's on-line proposal is fair and advisable. There are many options to creating web pages and putting information on-line; however, the Code is very different. The City needs those experiences in Codes to handle this.

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

**TIME & PLACE
OF MEETING**

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ROLL CALL

Mayor: Vernon Fritz; *City Council:* Sean Nielsen, Gary Prestwich, Lee Freeman, Russell Sly, (Absent-Todd Jackson); *Administrative Asst:* Ernestine Folks; *LEI Engineering:* Greg Magleby; *Council Elect:* Mary Rugg, Alvin Harward & Mark Johnson; *Planning Commission:* Dan Steele; *Daily Herald:* Caleb Warnock; *Public:* Nathaniel Morrell, Ian Pierce, Zach Morrell, Kevin Johnson, Mark Christensen, L.D. Wright, Kevin Christopherson, Randy Stevens, Susan Tuckett, Chris Austin, Taylor Dickenson, Taylor Quass, Jesse N., Brandon G., Trevor Pierce, Jordan Riley, Collin Rich, Scott Petersen, Brandon Petersen, Tanner Dickson, Berty Morgan, Jay Gammon, Richelle Adams; & *City Recorder:* Janice H. Davis

**INVOCATION
PLEDGE OF
ALLEGIANCE**

Invocation was offered by Russell Sly; after which, Chris Austin 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 STARTING TIME BY 7 MINUTES AND TO MOVE THE 7:50 PM AGENDA ITEM (9-A) FORWARD TO FOLLOW AGENDA ITEM #5
VOTE: YES (4) NO (0) ABSENT (1) TODD JACKSON

**EAGLE PROJECT
PRESENTATION**

Scout - Brandon Peterson: Was present seeking approval from the Council for his proposed Eagle Project. He proposes a Storm Drainage Project do be done on N. Park Drive. The Project will benefit the Community by assisting with runoff on N. Park Drive.

He plans to use 6 or more adults and 15 or more youth in the Project, with 150 man-hours.

The City will dig the ditch and provide the gravel to line the ditch.

Plan:

- Round the edges of the ditch to finish it off
- Spread the rock to line the ditch
- Level ground on the sides of the ditch (this can be planted in the Spring)

Brandon spoke with the Mayor in August, 2003.

Estimated cost: \$300 (to be paid by the City) the tools will be provided by the team of scouts.

Question: Are there legal regulations about youth being around heavy construction equipment?

The Mayor will check into this.

ALVIN HARWARD
DEVELOPMENT

Iron Oaks Subdivision, Plat B:

Alvin Harward is in the process of developing a building lot at the south end of Canyon View Drive. There are issues to be considered in conjunction with this proposed development.

Jim Bolser wrote a memo to the Mayor, dated 10-2-03, listing his concerns. Eight items were listed in the memo.

Mike Christianson also reviewed the Plat and listed 6 concerns in a letter.

Alvin Harward: He lives next to the proposed lot (about 7/10 acre). The parcel next to him is also 7/10 acre. The proposed lot has been sent forward from the Planning Commission to the City Council with a recommendation to move forward and approve this lot with "conditional use". Mr. Harward seeks an exception to the requirement for a turn-around at the end of Canyon View Drive.

The Mayor has contacted the property owners to the south of Mr. Harward's land and they are both unwilling to dedicate any portion of their land for a turn-around.

Mr. Harward said that he has installed a turn-around previously, but the requirement then was 80ft., as opposed to the current 100 ft. requirement. He requested an exception to allow the 80ft. turn-around to suffice.

Lee Freeman: Questioned if service and emergency equipment could turn-around in that space.

Dan Steele (Planning Commission Member):

The Mayor asked him to share his thought on the issue.

After reviewing the circumstances associated with Iron Oaks, Plat B, and weighing Mr. Harward's comments, the Planning Commission felt the best way to move forward with this proposed development was to send the Council a recommendation to approve Mr. Harward's lot as a "flag lot". Any future developer would have to deal with the road improvements. They did not feel the City would be impacted or changed in any way, with the addition of this lot.

Greg Magleby (LEI Engineering):

In Mr. Magleby's opinion, the Plat poses some potential concerns for the City:

1. The classification as a "flag lot"...the development does not appear to meet the criteria of a "flag lot" as described in the Standards:

Flag lots:

- A. Should not inhibit any future development
(Canyon View Drive will extend at some point)
- B. Proper road dedication is not shown
- C. Utilities or Road services will not be installed at this point

Mayor Fritz: Should the City be concerned with the development of land in the County?

(The 2 parcels to the south of Mr. Harward's property are in the County.)

Greg Magleby: The problem is that we have "gone too far" in the process. Any extension would require a turn-around...if there were no concern with the road extending, then a cul-de-sac would be required at the end of Canyon View Drive. The "flag lot" classification is based on the extension of the road. If the property owners are not willing participants for a standard turn-around...and it is longer than a cul-de-sac should be...then we have issues with either approach:

- It would be considered "arbitrary" to allow a cul-de-sac in this place, and then a new standard would be created.
- If a "flag lot" is allowed, a new standard is also created in that the road improvements would not be completed and the burden would be placed on future developers to improve the frontage and provide adequate street dedication as well as a turn around.

Mr. Harward: If anyone ever develops the land to the south of him...

- They would not want the road to go straight...they would turn the road to allow lots along the hillside

Mr. Magleby:

- Another issue is the extension of services. The utility extensions would be a small water line and a sewer lateral. At some point, this will need to be upgraded to full City standard. This is significant to the next developer. The City needs to protect both developers.

The major issues are:

- The lack of a turn around
- The classification as a "flag lot"

Recommendation: At the time the letter was written by Mike Christianson, it had not been decided whether the proposed lot was to be considered a subdivision or a site plan; consequently no recommendation to accept or deny the proposal.

2 sets of criteria:

1. Site Plan...1 set of criteria
2. Subdivision...a different set of criteria

The same concern with classification and the ability of service and emergency vehicles to turn around apply to both options.

Simple solution at this point would be a turn around within a reasonable distance from the lot and bonding for future installation of improvements.

Ernestine Folks: When Mr. Harward did a previous subdivision of his first two lots, one of the conditions was a 100 ft. turn around (shown on the Final Plat), which was not installed.

(Mr. Harward maintains that he did do the turn around with dirt; it has not been maintained.)

Mr. Magleby: If this were to be declared a suitable location for a cul-de-sac, then the lot would become a "flag lot" in its truest sense because it would have the "pole" and the "flag". The surrounding lots would have to be re-platted to accommodate this plan; this plan would fall under the subdivision regulations.

Sewer/water: If the proper sizes were not installed at his time, it would be LEI's recommendation that the proper sizes be bonded for.

(The water line would go to the end of the street to a fire hydrant. The issue would be with the sewer lateral.)

Mayor Fritz: John McMullen (Utah County) came out about 8-10 months ago to inspect this section of road with the Mayor. He said the County has no current intention to extend that roadway. A developer would have to do so.

Concern: The opinions from the professionals (Engineers & Zoning Administrator) have offered their opinions and those opinions are somewhat conflicting.

Ernestine Folks: (Mrs. Folks was asked to review Jim Bolser's memo.)

She feels there are enough legal concerns with numbers 1, 2, 3, 4 & 8 of the memo that she does not see how the Council could render a decision without a legal opinion from the City Attorney. Mrs. Folks questioned why a turn around would not be required of a flag lot.

Dan Steele: Answering for the Planning Commission...They could not why the current conditions would not serve an added single lot at the end of the road.

Greg Magleby: Cautioned the Council about setting precedence. The next developer would want equal consideration.

Mayor Fritz: Was doubtful that a decision could be reached that evening.

Mr. Harward: Has been at this process for a long time and has done what he was directed to do by the City Planner. The memo written by Mr. Bolser contradicts the directions given to Mr. Harward.

Sean Nielsen: He sees the problems presented by all the opinions. How can Mr. Harward win? Where are the solutions?

Has the option been given to Mr. Harward to bond for the future improvements being installed according to standards (sewer and the roadway)?

(Mr. Magleby feels this is a reasonable solution to have fair cost sharing; but the issue of classification as a flag-lot still remains. Turn-arounds have been discussed in the past 2 years or more in the City and they have become a "hot issue".)

Mayor Fritz: Is it uncommon to make exceptions?

Mr. Magleby: "It is not uncommon to make exceptions, but it is uncommon to make rulings against the City Ordinance without changing the Ordinance. There are some variances allowed for hardships (very narrow) and this would be considered a self-imposed hardship;" so the hands of the variance committee (Board of Adjustments) would be tied.

Lee Freeman & Russell Sly: Both agreed that a legal opinion would assist the Council in making a decision. Councilmember Sly would also like to walk the property.

Mayor Fritz: Would like to see the opinions of the City Planner and the engineers resolved.

Sean Nielsen: Would like to see recommendations for solutions to the problems.

Mr. Magleby: "It is the developer's responsibility to come up with adequate solutions there are reviewed within the Code and possibly approved. When it comes back as a mandate against Ordinance, we are creating a new Ordinance."

Mr. Magleby: does not feel there is a way to solve this under the current Ordinance. "It does not fit. If you want it to fit, there will have to be changes in the Ordinance or the Plan; but as recommending bodies and approving bodies, I don't think we are at a point that we re-draw and do that process for the developer."

Lee Freeman: Does it not meet Conditional Use Requirements?

Mr. Magleby: If it is placed into "Conditional Use", it again has to fall under the Ordinances; it is a "Use" with conditions attached; the conditions can't go contrary to the Ordinances either.

Mr. Magleby does not think this development fits under a "Conditional Use"; those are subject to future review. We do not want this "subject to future review".

Ernestine Folks: Could Mr. Harward take both letters back to his engineer and have them look at all three lots in the area and see if somehow he can't re-draw them to come up with a turn-around?

Dan Steele: The setback on one of the lots could preclude this.

Sean Nielsen: Would like to see addressed:

- Bonding options for future Improvements
- Councilmember Nielsen would be willing to grant an exception on the issue of a turn around

Mayor Fritz: The Council was not prepared to make a decision on this development. The matter was tabled until more information is available to the Council.

EXPENDITURES

General:

LEI Engineering Work Release 2003-8:

Includes the engineering and construction/installation of a 10" water line from the lower well to the existing 6" water line in Salem Hills Drive.

Cost of engineering: lump sum of \$9,340 (10% of estimate of project)

There would be added costs:

Design...4,670

Construction Management...4,670

Total cost of Project @ \$112,080.00

Mayor Fritz: Is highly in favor of this project. He feels it is imperative to be prepared to provide water to the residents in case of an emergency that would result in the loss (temporary or permanent) to the Upper Loafer Well. The loss of the Loafer Well would leave the City with only the Cloward Well as the primary source of water, @ 450 gpm, which would not be sufficient. It seems prudent at this time to install the line, since there is money available from the loan from the State for the drilling of the Cloward Well.

Lee Freeman: The installation of a 10" line would increase the capacity to 750 gpm (somewhat restricted due to the pressure reducing measures).

Greg Magleby: Main issue: The pump line from the lower well to the lower tank is also a "service line" (distribution line), so the pressure cannot be increased substantially. This line has a dual function. In increasing the line size, more water can be pushed through the line and keep the pressures essentially the same. This allows additional capacity without additional pressure.

The line would come from the existing pump house, using roughly the same easement alignment as the current sewer line (this would require an addendum to the easement from Burke Cloward). The line would extend to Goosenest Drive to connect onto the existing 10" line installed by Lee Haskell (not active at this point); the line would go east along Goosenest Dr. to tie in at Salem Hills Drive and tie into the existing 6" line.

Eventually the 10" line at Goosenest Drive would allow for future development, should another tank be installed on City property. The pump line would extend from the lower well to a future tank location. The full capacity of the lower well would then be used.

Russell Sly: How would capacity be increased with the proposed line connecting onto a 6" line?

Mr. Magleby: To push more water through the 6" line, more pressure must be behind it. A larger line has less friction and requires less pressure. The 10" line would deliver more water to the 6" line (400 gpm vs. 700 gpm).

Sean Nielsen: The City is 2 ½ years away from the scheduled major project in the water system, according to the Capital Facilities Plan. He does not see the advantage of spending money on this project now for a temporary situation. How much of this cost could be salvaged when the system is under major improvement efforts in a couple of years?

Mr. Magleby: 2 main issues:

- Setting another step in the well and pump/motor
(Rather than going from 400 gpm to full production (1200 gpm), the City would be investing in a “middle ground” at about 750 gpm.
- The lines for the future improvements would partially be installed at this time.

Gary Prestwich: What is the cost of re-sizing the pump? (Cost was not included in the cost estimate for the project.)

(The City would have to check with Nickerson’s on the cost of upgrading the pump.)

Mayor Fritz: There is a lack of work available to contractors; if the City could obtain “winter rates” for the bids, there would likely be a discount.

Decisions that the Council makes usually take possible “risk” into consideration. Is the Council prepared to take a chance on being unable to provide adequate water to the Community, when the financial resources are available at this time? He, personally, is not willing to take that risk.

Gary Prestwich: Agrees that this is the issue; if the Loafer Well went down in the summer, in the middle of fire season, there would only be 400 gpm available. This could present a real problem to the Community.

Mayor Fritz: The funding for the 10” line would come partially from the State bond money and the rest of it from profit from the Water Dept.

Russell Sly: This is addressed in the Impact Fee Study. A portion could be reimbursed from Water Impact Fees (about 70% - 80%).

Gary Prestwich: With all of the steps involved, installation could take about 6 weeks.

Pressure Reducing Valves (PRV’s) were discussed: Mr. Magleby explained that PRV’s only go one way. They cannot be pumped through. Flow can be regulated, not pressure. It is a “break” in the system and the water can only go down. We can’t pump into Goosenest at this time because they are fed through a PRV.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO APPROVE THE LEI WORK RELEASE #2003-8, DATED NOVEMBER 11, 2003

Discussion:

Russell Sly: Feels the vote is affected by the price of a pump. He would like to have that information prior to a vote. He also feels that preparation for providing adequate water is the main issue.

Lee Freeman: Agrees with Councilmember Sly. He also questions the need for the 10” line at this time. Would this be money “thrown away” for not much added capacity? He thought the pump size would be increased to 1,250 gpm at this time.

Sean Nielsen: Feels this is a waste of money for an added 200 gpm. The proposed project does not fit into the future growth plan. The Capital Facility Plan should be followed. In 2 years we will have to increase the pumping capacity to 1,233 gpm.

If the Loafer Canyon Well were to go down, residents would be contacted to minimize their water usage and he feels the City could get by on 400 – 450 gpm.

Discussion of pump sizing. Mr. Magleby suggested keeping the existing pump for now and just focus on upgrading the line. In case of emergency, a larger pump could be installed within 2 days or so.

Mayor Fritz: Felt no one was prepared to make a recommendation at this time.

Russell Sly: Requested the Motion be withdrawn.

Gary Prestwich withdrew the Motion.

The Councilmembers Elect were asked to share their opinions:

Mary Rugg: planning ahead is great; but she feels that this would be spending money for a project that may not be needed. More information is needed.

Mark Johnson: He agrees with the water line going through Goosenest. He does not agree with the line going toward Salem Hills Drive. He disagreed with the concept that the water cannot go both ways through a PRV; a “check valve” would allow this.

(Mr. Magleby: To pump water through a PRV the pressure in the lower zone would have to be built up to overcome the pressure difference and pump it up the hill. He feels the PRV cannot be by-passed.)

Mr. Johnson also cautions leaving a line capped off and not in use; it lends itself to possible contamination.

Alvin Harward: He thinks this is a lot of money to spend for a 2-year “window” of time.

MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY RUSSELL SLY TO DEFER ACTION ON WORK RELEASE #2003-8 FOR THE COUNCIL TO HAVE TIME TO ACQUIRE MORE INFORMATION

VOTE: YES (4) NO (0) ABSENT (1) TODD JACKSON

CANVASS
ELECTION
RETURNS

On November 4, 2003, a Municipal Election was held at the City Offices. Six candidates ran for three Council positions (Sean Nielsen, Mike Ashton, Mary Rugg, Alvin Harward & Mark Johnson). Mark Johnson, Mary Rugg and Alvin Harward were elected and will take office in January, 2004. The Council canvassed the returns and found all to be in order as presented by the Election Judges.

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESTWICH TO APPROVE THE ELECTION RETURNS AS PRESENTED BY THE ELECTION JUDGES

VOTE: YES (4) NO (0) ABSENT (1) TODD JACKSON

FUNDING
DISASTERS/
EMERGENCIES

Mayor Fritz: There is grant money available to purchase emergency items for the City. \$2,600 is left to spend.

1. The supplies would be stored and would be available as needed.

2. This is also preparation for medical needs.

To allow these expenditures, the Mayor suggests increasing the amount for Emergency Preparedness to \$5,000.

The Council was in agreement to increase this account. It will be approved in the Amended Budget for 2003/2004.

SCHEDULE
PUBLIC
HEARING/
STORM DRAINAGE

Mayor Fritz: The City Budget has a Storm Drain Fund. This is an Enterprise Fund. It has no source of revenue besides transfers from other Funds. The Auditors have cautioned that this practice is appropriate on occasion, but not to rely on other Funds to supply revenue on a regular basis. LEI in their Study recommended a fee of \$8.00; this was predicated on a FEE full City-wide Storm Drainage System. The Mayor had suggested \$5.00 at one time.

The Council agreed that a fee needs to be set to provide revenue to pay for planned expenditures in this Dept.

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY RUSSELL SLY TO SCHEDULE A PUBLIC HEARING FOR DECEMBER 9, 2003, AT 6:05 PM, TO CONSIDER SETTING A STORM DRAINAGE FEE

VOTE: YES (4) NO (0) ABSENT (1) TODD JACKSON

David Church is to write the Ordinance to accompany the Storm Drainage Fee.

EXPENDITURES

B. On line Access to the Municipal Code:

The Council heard the presentation by Mr. Harward about on line access to the Code. He felt The cost proposal was fair to place the Code on line; as well as the annual hosting fee of \$500. There would be a benefit over hard copy. The Council was supportive of the proposal in the previous Council Meeting; they simply needed clarification of the "hosting fee".

The suggestion to improve the index would have to be handled between Mr. Harward and Sterling Codifiers. Sterling already has their set format for indexing.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY SEAN NIELSEN TO APPROVE THE PROPOSAL FOR ON LINE ACCESS TO THE MUNICIPAL CODE BY STERLING CODIFIERS, DATED OCTOBER 8, 2003

VOTE: YES (4) NO (0) ABSENT (1) TODD JACKSON

C. FEMA Expenditure:

Mayor Fritz: This was discussed earlier in the Meeting. The grant money must be spent by the end of November, 2003. There is about \$2,600 left. There is a meeting with the Planning and Disaster Committee on Thursday evening (11-13-03) to decide what is to be purchased.

There is a "Training Grant" that will have about \$150 left that will not be spent. (Linda & Bob Goodwin will be attending a training conference on the 18th and 19th of November, 2003.)

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO APPROVE EXPENDING THE REMAINING FEMA FUNDS BY THE END OF NOVEMBER, 2003

VOTE: YES (4) NO (0) ABSENT (1) TODD JACKSON

OFF-SITE
REIMBURSEMENTS/
DISCUSSION

Ernestine Folks: Mrs. Folks passed out copies of the section of the Code dealing "Off-Site Reimbursements". Section 10-15F-12 has been in place for some time. It does require the City be involved to track developments and to be sure developers are reimbursed for the improvements previously installed for a 10-year period of time. When Mrs. Folks mentioned this section to Jim Bolser (City Planner), he declared that the City should not be participating in this process. The burden is placed on the City to not only track the developments, but to verify accuracy of payments made. According to Mr. Bolser, these things should be negotiated between developers without the City being in the middle. Would there be advantages to leaving it the way it is, as a protection to the developers. Suggestion: to send this matter to the Planning Commission and the Planner for consideration. If it needs to be amended, then they should send this amendment back to the Council for approval or disapproval. The Council agreed to send this to Planning Commission.

YEAR-END
BONUSES/
EMPLOYEES

Mayor Fritz: This matter was discussed at a previous Council Meeting when the Mayor was absent due to family matters. At the time, the Council voted to approve year-end bonuses for the City employees in an amount equal to last years bonuses. The Mayor would like to re-visit the issue. Last year the bonuses were decided on after raises As well as factoring two new employees, who received a lesser amount due to the amount of time with the City? The motion to approve last year's bonuses also included direction to have a policy in place to award bonuses based on merit. The Mayor proposed 3% of the annual income for full-time and part-time employees, with two provisos:

- That it clearly be stated that the bonus is not an "entitlement"
- Based on Merit

It would fall to the City Administrator (Mayor) to make this judgment, with welcome counsel from the Councilmembers.

Gary Prestwich: Some may not merit the full 3%.

MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY GARY PRESTWICH TO ESTABLISH A 3% BONUS FUND, PLUS \$50 FOR THE FACILITIES MAINTENANCE WORKER, TO BE ADMINISTERED AT THE MAYOR'S DISCRETION IN TERMS OF HOW THOSE FUNDS WILL BE PAID TO THE EMPLOYEES. THE BONUSES ARE NOT TO BE CONSIDERED AN "ENTITLEMENT" AND ARE TO BE BASED ON MERIT
VOTE: YES (4) NO (0) ABSENT (1) TODD JACKSON

MINUTES

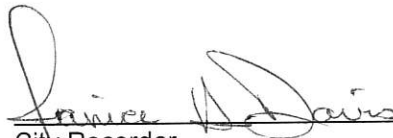
Not available.

NON-AGENDA
ITEM

Russell Sly: Each Councilmember, as Dept. Heads, are encouraged to write articles for the Newsletter.

ADJOURNMENT

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



City Recorder

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

**TIME & PLACE
OF MEETING**

The regular Meeting of the Elk Ridge City Council was scheduled for **Tuesday, November 25, 2003, at 6:00 PM.** The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time, place and Agenda of these meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body by mailing a copy to each on November 20, 2003.

ROLL CALL

Mayor Pro tempore: Gary Prestwich; *City Council:* Sean Nielsen, Todd Jackson; (Absent: Mayor Fritz, Lee Freeman & Russell Sly); *City Council Elect:* Mark Johnson, Mary Rugg; *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 SEAN NIELSEN AND SECONDED BY TODD JACKSON TO APPROVE THE AGENDA, ADJUSTING THE STARTING TIME BY 10 MINUTES
VOTE: YES (3) NO (0) ABSENT (2) MAYOR FRITZ, RUSSELL SLY & LEE FREEMAN

**SCHEDULE
PUBLIC HEARINGS**

1. Amended 2003/2004 Fiscal Year Budget:
MOTION WAS MADE BY TODD JACKSON AND SECONDED BY SEAN NIELSEN TO SCHEDULE A PUBLIC HEARING FOR DECEMBER 9, 2003, AT 6:35 PM. TO CONSIDER AMENDING THE 2003/2004 FISCAL YEAR BUDGET
VOTE: YES (3) NO (0) ABSENT (2) MAYOR FRITZ, RUSSELL SLY & LEE FREEMAN

2. Ordinance/Amending the Elk Ridge City Code-Employee Benefits:
MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY TODD JACKSON TO SCHEDULE A PUBLIC HEARING FOR DECEMBER 9, 2003, AT 6:50 PM, TO CONSIDER AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE SECTION CONCERNED WITH EMPLOYEE BENEFITS
VOTE: YES (3) NO (0) ABSENT (2) MAYOR FRITZ, RUSSELL SLY & LEE FREEMAN

**AFFORDABLE
HOUSING
STUDY**

This issue was concerned with the Council authorizing Mountainlands Association of Governments (MAG) to conduct a survey about the feasibility of "Affordable Housing" in Elk Ridge. The Agenda Item was stricken from the Agenda because the Mayor already granted the authorization.
There would be no cost assigned to the City. It is a service provided to members of MAG

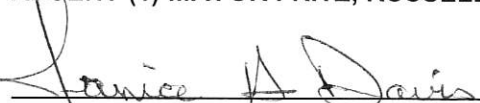
MINUTES

1. 10-28-03:
MOTION WAS MADE BY TODD JACKSON AND SECONDED BY SEAN NIELSEN TO APPROVE THE CITY COUNCIL MINUTES OF 10-28-03
VOTE: YES (3) NO (0) ABSENT (1) MAYOR FRITZ, RUSSELL SLY & LEE FREEMAN

2. 11-11-03:
MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY GARY PRESTWICH TO APPROVE THE CITY COUNCIL MINUTES OF 11-11-03
VOTE: YES (3) NO (0) ABSENT (1) MAYOR FRITZ, RUSSELL SLY & LEE FREEMAN

ADJOURNMENT

MOTION WAS MADE BY SEAN NIESLEN AND SECONDED BY TODD JACKSON TO ADJOURN THE CITY COUNCIL MEETING
VOTE: YES (3) NO (0) ABSENT (1) MAYOR FRITZ, RUSSELL SLY &


City Recorder

AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, December 9, 2003, at 7:00 PM**, to be preceded by three **Public Hearings** and a **City Council Work Session, to begin at 6:00 PM**. The three Public Hearings are for the purpose of hearing public comment on the following: The first Public Hearing, scheduled for 6:05 PM, was to be on a proposed adoption of a Storm Drainage Fee...the Public Hearing is CANCELLED. The second Public Hearing, at 6:35 PM, is on the Adoption of an Amended Budget for the Fiscal Year 2003/2004. The third Public Hearing, scheduled for 6:50 PM, was to be on a proposed ordinance amending the Elk Ridge City Code regarding employee benefits...it was CANCELLED. 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

Mayor's Comments to Councilmembers

1. Cloward Well/Excess Bond Money – Sean Nielsen
2. 1991 Bond for "Dead Well"/Pay-off – Sean Nielsen
3. Water Impact Fee Ordinance – Sean Nielsen
4. Water Rights Update – LEI Engineering

6:05 PM - 5. PUBLIC HEARING/STORM DRAINAGE FEE

CANCELLED – Ordinance not Available

6:35 PM - 6. PUBLIC HEARING/AMENDED BUDGET FOR 2003/2004 FISCAL YEAR

Adoption of an Amended Budget for Fiscal Year 2003/2004

6:50 PM - 7. PUBLIC HEARING/ORDINANCE AMENDMENT – EMPLOYEE BENEFITS

CANCELLED – Ordinance not Available

7:00 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:

Invocation and Pledge of Allegiance

Approval/Agenda Time Frame

7:05 8. Grandview North Subdivision – Final Plat Approval – Lynn Thomsen

7:20 9. Action:

- A. Excess 2002 Bond Money
- B. 1991 Bond (Dead Well)/Pay-off
- C. Water Impact Fee Ordinance

7:35 10. Loafer Canyon Recreation – Sewer/Holding Tanks – Mayor Fritz

7:50 11. Adoption/Amended 2003/2004 Fiscal Year Budget

8:05 12. Appoint Planning Commission Members – Mayor Fritz

8:10 13. Schedule Public Hearing:

- Storm Drainage Fee/Enterprise Fund

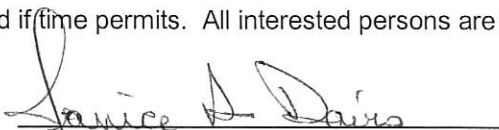
8:15 14. Alvin Harward Development

8:25 15. Approval of Minutes of Previous Meeting

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 December, 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 December 5, 2003; and an Amended Agenda on 12-8-03.


City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
December 9, 2003**

**TIME & PLACE
OF MEETING**

This regularly scheduled Meeting of the Elk Ridge City Council, was held **Tuesday, December 9, 2003, at 7:00 PM.**

2003/2004 Fiscal Year Budget. The other 2 publicized Public Hearings on Storm Drainage Fund/Fee & a proposed Ordinance on Employee Benefits were cancelled.

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 were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on December 5, 2003, and an Amended Agenda on 12-8-03.

6:00 PM

CITY COUNSEL WORK SESSION

ROLL CALL

Mayor: Vernon L. Fritz; *City Council:* Sean Nielsen, Russell Sly, Todd Jackson, Lee Freeman & Gary Prestwich; *Administrative Assistant:* Ernestine Folks; *City Council Elect:* Mark Johnson, Mary Rugg & Alvin Harward; *Daily Herald:* Caleb Warnock; *Sheriff:* Deputy Camille Larsen; *Public:* Doug Lindsay, Donald Hopkins, Ron Leckie, Jim Nicolet, Lynn E. Thomsen

**MAYOR'S
COMMENTS TO
COUNCIL**

Mayor Fritz opened the Work Session by addressing the City Council, the new Council Elect and those present. He recognized the out-going Councilmembers: Lee Freeman, Todd Jackson and Sean Nielsen, and expressed his gratitude and the appreciation of the entire City for their service to the Community. He then presented them with plaques. There were refreshments served at the Meeting, as well. A plaque was also to be presented to Kelly Adams (Planning Commission Chairman, who has resigned); however, he was unable to be present.

Mayor Fritz welcomed the incoming Councilmembers, as well.

**CLOWARD WELL-
EXCESS BOND
MONEY**

Sean Nielsen: There is excess money that remains unexpended from the construction of the new Cloward Well. Councilmember Nielsen would like to turn that money back into the State and close out the account before he leaves office in January. He feels it would constitute "frivolous spending" to use that money for anything not related to the construction of the Well.

The main reason for his motivation to close out this account is that the City is 2 ½ years away from a major project that would include upgrading the Cloward Well and a new tank; the City needs to be prepared to qualify for that bond of approximately 2 million dollars.

The time has nearly expired on the duration of the bond.

Mayor Fritz: Contacted the State Drinking Water Board and they indicated there is not statutory limit (or deadline) by which the money must be used. The State does require a letter from the City's attorney verifying that the money would be related to the Cloward Well.

Gary Prestwich: He feels there is no reason to close the account out at this time, since no interest is being charged on it. There is the possibility that the 10" water line will be installed and that money could be used for that purpose.

Todd Jackson: We are ½ the way to accomplishing the original goals for the Cloward Well...the well is in, but can only deliver 25% of its capacity. He voted for the Well so the City could have more water and he feels the upgrade of the 10" line would help in accomplishing that goal, besides removing it from the easement on the Armstrong property.

Lee Freeman: If there is no urgency in closing the account, then he feels it should continue as it is for the new Council to consider.

Russell Sly: If the money in our possession were not used now, then the City would have to go through the process of securing other financing. He still believes redundancy in the water system should be the goal. Facts are being gathered that would allow water in the proposed 10" line to flow both directions with a "pilot valve" (cost = about \$500). There is also the possibility that the existing pump could be used to help increase the flow from about 450 gpm to about 750 gpm.

Mayor Fritz: Observed that the Council was not prepared to make a decision at this point.

1991 BOND –
“DEAD WELL” –
PAY-OFF

Sean Nielsen: There is money budgeted in use of Retained Earnings in the Water Dept. Councilmember Nielsen would like to use a portion of this to pay off the 1991 Bond used to drill a well that is referred to as the “Dead Well”. The CPA over the Audit (Curtis Roberts) was consulted and he recommended that it would be a good idea to rid the City of some of the outstanding debt. The 1991 interest rate is higher than all but the 2002 Bond and it would only cost about \$53,000 to pay it off. Councilmember Nielsen would like to see the City be in a better position to bond in 2006 or 2007, since that is when it is scheduled to upgrade the Cloward Well and install a new water tank.

About \$13,000 would come from a Reserve Fund dedicated to that particular Bond and the remaining \$40,000 would come from Retained Earnings.

Mayor Fritz: Questioned the wisdom in paying off the loan early rather than waiting a couple of years...based on the consideration of interest rates.

Todd Jackson: Feel the Council should pay attention to the advice of the CPA. He commented that it was “sixes” on the interest rate issue. The auditors are becoming a more important part of City management.

Gray Prestwich: Suggested paying down the 2002 Bond rather than the 1991 Bond due to the higher interest rate on the 2002 Bond.

Sean Nielsen: But, the debt would not be eliminated. He does not feel the City needs the 10” line at his time and that the money would be better spent in paying off the 1991 Bond.

NON-AGENDA
ITEM

Mayor Fritz asked the City Recorder to relate the status of the 5-Year Projection Report the Council asked Jones Simkins to do. In speaking with Curtis Roberts (Jones Simkins, LLP), he indicated that they had gone as far as possible on the projection. The Council needs to determine which of the recommended Capital Projects in the Water Dept. the City will incorporate into the Capital Improvement Plan; then the CPA firm can finish the projection. The improvements tie in to the estimated use of impact fees. (As per phone conversation and a memo from Mr. Roberts.

WATER
IMPACT FEE
ORDINANCE

Sean Nielsen: The Ordinance establishing the amount of the impact fee for Water was not completed and available 10 days prior to the Meeting, so action will be postponed until next month, at the first Council Meeting.

WATER
RIGHTS UPDATE

Mayor Fritz: The question keeps arising about whether the City has sufficient water rights for its needs. LEI Engineering was asked to investigate this matter and report to the Council. As per a memo from LEI, dated 12-9-03, the City seems to be in “good shape” as far as water rights go.

“Currently, the City has available 946.14 acre-feet of water right available, of which 192.59 acre-feet has been certified (“proven-up).” 753.55 acre-feet still need to be proven-up on. Rather than continually seeking extensions, LEI has been working to “prove-up” on the Elk Ridge rights.

“Subtracting the current number of connections from 728 should give a reasonable idea of the surplus amount of water rights the City has available.”

(Mayor Fritz read the memo from LEI to the Council.)

Mr. Christianson will attend a meeting with Springville Canal Co. to see about the 6 shares the City owns.

In the opinion of Mayor Fritz, cities are given a lot of latitude in “proving-up” on water rights.

(According to Councilmember Prestwich, RB&G Engineering agreed with that statement.)

Developers are expected to bring in their own water rights for future development.

Question: If the rights were available through the City, is the City required to sell them on a “first-come, first –sell” basis? (This would be a question for David Church.)

NON-AGENDA
ITEM

Mayor Fritz introduced the new Deputy Sheriff to those present: Deputy Camile Larsen.

PUBLIC HEARING/STORM DRAINAGE FEE

Mayor Fritz cancelled the Public Hearing due to the Ordinance not being available.

6:35 PM -

PUBLIC HEARING/AMENDED BUDGET FOR 2003/2004 FISCAL YEAR

ROLL CALL

Mayor: Vernon L. Fritz; *City Council:* Sean Nielsen, Russell Sly, Todd Jackson, Lee Freeman & Gary Prestwich; *Administrative Assistant:* Ernestine Folks; *City Council Elect:* Mark Johnson, Mary Rugg & Alvin Harward; *Daily Herald:* Caleb Warnock; *Sheriff:* Deputy Camille Larsen; *Public:* Doug Lindsay, Donald Hopkins, Ron Leckie, Jim Nicolet, Lynn E. Thomsen

At 6:35, Mayor Fritz opened the Public Hearing on the adoption of an Amended Budget for 2003/2004 Fiscal Year.

Ernestine Folks: Reviewed the Capital Improvement Plan with the City Council.

The Roads budget has been updated, with one project remaining for the current fiscal year: Salem Hills Circle replacement. There were changes in the final figures for chip & seal (\$45,000 to \$42,704) and overlay (\$72,303 to \$60,126).

Water Dept.:

- The Salem Hills water line replacement was budgeted at \$14,000.
- The E. Salem Hills water main will be capped off at the closest service lateral...this results in a decrease in the budgeted amount from \$4,100 to \$700.
- Connecting the upper & lower systems: the \$15,000 budgeted has already been exceeded...there is a concern that the amount for Capital Outlay (\$30,000) will be exceeded.

City Recorder:

General Fund: (Fund Balance)

18% of the Budgeted General Fund Revenue is the amount that the law requires to be left in the General Fund; the rest of Fund Balance needs to be transferred out into

"Capital Projects/Future Improvements".

(Explanation of the usage of Fund Balance in the General Fund.)

Budgeting annual usage of Fund Balance on a regular basis is not a sound practice.

Russell Sly: (Had to leave the Meeting early so he addressed an issue in the Sewer Fund: "Purchase of Equipment"...The City requires a videotape of the sewer to be turned in from developers and contractors. He recommends the purchase of a camera to be used on the lines by the City as well as individuals wishing to rent the equipment from the City. The cost is close to \$8,000...this amount needs to be added to the Sewer budget.

Review of some of the increases, based on Year-to-date actuals:

Areas to be adjusted:

- Council Travel (Newly Elected Officials Conference)
- Audit & Financials (5 -year projection is to be reclassified to Water)
- Elections (2 elections, including a Primary)
- Emergency Prep. (+ \$5,000 for grant money to be spent)
- Benefits (Part-time employees may be allowed prorated health benefits)
- Codification (+ \$1,500 on-line access to Code)
- Fire Dept: Received notification they received a sizeable grant (FEMA)...it is in the approximate amount of \$63,000. The City has to come up with \$7,000; so about \$70,000 will be spent in total. The City will be reimbursed as the expenditures occur.
- Town Hall/Fire Station (Roofing repairs = \$3,450)
- Animal Control (Increased based on actual)
- Weed Control (Fire Prevention & dry summer resulted in preventative weed cutting)
- Roads (Stayed within budgeted amount for the year)
- Capital Projects/Parks & Trails: The cost of the path in the park (\$11,744) is to be reclassified to Parks rather than Trails.
- Storm Drainage Fund: There is no revenue coming in and there are \$10,133 in expenditures budgeted. Currently, the storm drain fee is under consideration. The expenditures should not be budgeted prior to the revenues being available for use.
- Water Sales: increased due to hot/dry summer...the Council has discussed the possibility of addressing the tiered structure in the water rates.
- Water & Sewer Impact Fees: Decreased from the normal amount
- Sewer: \$8,000 for camera

Todd Jackson: Cautions the Council not to budget a cost structure that is too rich for the revenues available. The fixed costs needs to be considered.

At 7:20 PM, Mayor Fritz closed the Public Hearing on the Amended Budget for 2003/2004 Fiscal Year.

PUBLIC HEARING/ORDINANCE AMENDMENT – EMPLOYEE BENEFITS

Cancelled due to the Ordinance not being available for action.

(According to David Church, a Public Hearing is not needed on a Municipal Ordinance...the Public Hearing was not re-scheduled.)

**ELK RIDGE
CITY COUNCIL MEETING
December 9, 2003**

**TIME & PLACE
OF MEETING**

This regularly scheduled Meeting of the Elk Ridge City Council, was held **Tuesday, December 9, 2003, at 7:00 PM.**

2003/2004 Fiscal Year Budget. The other 2 publicized Public Hearings on Storm Drainage Fund/Fee & a proposed Ordinance on Employee Benefits were cancelled.

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 were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on December 5, 2003, and an Amended Agenda on 12-8-03.

ROLL CALL

Mayor: Vernon L. Fritz; *City Council*: Sean Nielsen, Todd Jackson, Lee Freeman & Gary Prestwich (Absent – Russell Sly); *Administrative Assistant*: Ernestine Folks; *City Council Elect*: Mark Johnson, Mary Rugg & Alvin Harward; *Daily Herald*: Caleb Warnock; *Sheriff*: Deputy Camille Larsen; *Public*: Ron Leckie, Jim Nicolet, Lynn E. Thomsen

**INVOCATION &
PLEDGE OF
ALLEGIANCE**

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

**AGENDA TIME
FRAME**

**MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY TODD JACKSON
TO ACCEPT THE AGENDA TIME FRAME AND TO ADJUST THE TIME 35 MINUTES
VOTE: YES (4) NO (0) ABSENT (1) RUSSELL SLY**

**NON-AGENDA
ITEM**

Mark Johnson: There was a call-out for one of the residents who were not breathing. The Fire Dept. and the EMT's were able to respond and keep her from going into cardiac arrest. She was transported to the Payson Hosp. And she is doing well. The City's Rescue Team did a great job and was commended by the Mayor.

**GRANDVIEW
NORTH
SUBDIVISION –
FINAL PLAT**

Ernestine Folks:

On December 4, 2003, the Planning Commission moved to recommend to the City Council to approve the final Plat for Grandview North Subdivision, Plat A, with the exception to the street grade. The standard is 8%...Grand View Circle road grade is 11.06%. (A previous plat drawing had the road design at 14.17%. "The current submittal has a maximum of 11.06% for approximately 70' and a 10% grade for approximately 100'. A landing area with a 2% slope for 60' has been included in this current submittal." (LEI letter dated 10-16-2003)

LEI quoted section 02.08.062 "Street Grades"...Development Code & Construction Standards: Addresses exceptions to the standard. LEI feels the slope is feasible under the circumstances. The decision lies with the Council.

Mr. Lynn Thomsen was present, representing Mr. Ron Ririe (developer). He presented a copy of the protective covenants to be recorded with the Plat. All other requirements of bonding and payment of fees must be met prior to recording.

Comments & Questions:

Wanted to have #2 on the LEI letter concerning the "radius around the NW corner of the intersection of Gladstan Drive & Elk Meadows Dr." clarified...(It will be installed, as indicated in the letter.)

The Staff and the Planning Commission have reviewed the Protective Covenants, to make sure they are not in conflict with the ordinances of the City.

Building Plans will be reviewed by Kent & Kevin Ririe (signers on the Plat...or the Ririe Family Trust) to enforce the CC&R's (covenants) for the Subdivision.

MOTION WAS MADE BY LEE FREEMAN AND SECONDED BY SEAN NIELSEN TO APPROVE THE GRANDVIEW NORTH SUBDIVISION, PLAT A, AND TO GRANT FINAL PLAT; WITH THE EXCEPTION TO THE GRADE STANDARD OF 8%

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

**ACTION ON WORK
SESSION ITEMS**

Sean Nielsen: All of these matters were discussed during the Work Session and are listed during this regular session for action:

1. Excess 2002 Bond Money:

MOTION WAS MADE BY SEAN NIELSEN TO CLOSE OUT THE 2002 BOND FOR THE CLOWARD WELL

(MOTION DIES FOR LACK OF A SECOND)

2. 1991 Bond (Dead Well) Pay-off:

MOTION WAS MADE BY SEAN NIELSEN TO USE RETAINED EARNINGS IN THE WATER FUND AND THE RESERVE FUND FOR THAT BOND TO PAY OFF THIS DEBT

(MOTION DIES FOR LACK OF A SECOND)

3. Water Impact Fee Ordinance:

(Ordinance not available)...No motion.

**LOAFER CANYON
RECREATION –
SEWER/HOLDING
TANKS**

Mayor Fritz: A letter from the Mayor was sent to each of the Councilmembers, indicating that he had given a great deal of thought to the situation in Loafer Canyon. The Planning Commission recommended at one time that "holding tanks" might be acceptable. The letter from the Mayor (based on the information available to him at the time) recommended permitting holding tanks within a certain distance from the well-head and possible septic tanks at a greater distance. Since then, the Mayor has been advised that this would not be acceptable because the County is opposed to holding tanks. Going contrary to the County could result in liability on the part of the City in the case of any occurrence of pollution. In light of this recent advice, the Mayor withdrew his recommendation of installing holding tanks without the County's permission. This leaves the City with the terms and conditions in the well-head protection studies, which says one of the measurements of safety is the length of time it takes for water residue to flow from point A to point B. This would require a study at each location. As the matter stands at this time, the Mayor is not prepared to recommend any of the available options. To proceed further, Loafer Canyon Recreation Association would have to fund the studies to justify installing the tanks.

Todd Jackson: Suggested the possibility of sharing a septic tank further up from the well-head area.

Sean Nielsen: Feels the City needs to work with Loafer Canyon Recreation Assoc. to resolve the issue.

Mayor Fritz: Agrees; but also feels the responsibility lies with the Association.

**ADOPTION –
AMENDED BUDGET
2003/2004**

Adoption is postponed until December 23, 2003.

APPOINT
PLANNING
COMMISSION
MEMBER

Mayor Fritz: There have been some changes in the Planning Commission: Kelly Adams (Chairperson) has resigned. Scot Bell has been elected as the Chairperson to replace Mr. Adams, leaving a vacancy on the Commission. Dennis Dunn is willing to serve on the Commission.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY LEE FREEMAN TO APPOINT DENNIS DUNN AS A MEMBER OF THE PLANNING COMMISSION, TO REPLACE KELLY ADAMS

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

SCHEDULE
PUBLIC HEARING/
STORM DRAINAGE
FEE - ENTERPRISE
FUND

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY TODD JACKSON TO SCHEDULE A PUBLIC HEARING TO CONSIDER AN ORDINANCE ESTABLISHING A STORM WATER UTILITY FOR STORM WATER SERVICES, FOR JANUARY 13, 2004, AT 6:00 PM

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

ALVIN HARWARD
DEVELOPMENT

Alvin Harward: Was present seeking approval of his proposed Subdivision, Iron Oaks, Plat B. Mr. Harward requested to address the Council and to be placed on the Agenda. He would like to be granted an exception and to accept his 7/10 acre as a lot.

A memo from LEI Engineering was received this day, dated 12-9-03. The memo states the recommendations of LEI regarding the issues under consideration for this proposed development.

4 issues are listed in the memo after discussion with the City Planner:

1. The allowance of an 80' temporary turnaround would be sufficient in this case; provide the property to the south side of Canyon View Dr. is owned by the City.
2. Canyon View Dr. must be projected along its current alignment of S70 degrees 09'47"E until it intersects with the County boundary to the south...the projection must be dedicated to the City.
3. With the Canyon View Dr. property dedication, the City can then grant a Conditional Use Permit for a flag lot. When development does occur to the south, this conditional use permit would then be abandoned and the lot considered a conforming lot.
4. A cash improvement bond would be necessary to pay for identified improvements.

Mr. Harward stated the Planning Commission had already approved the Conditional Use.

Ernestine Folks: If the plat were going to be any different from what was drawn and presented, then it would have to go back to the Planning Commission for reconsideration.

There are conditions listed on the letter from LEI and there were no conditions when the Planning Commission recommended approval of the Conditional Use Permit. This is a change that needs to be reviewed.

Mr. Harward:

1. He has no problem paying for 80' turnaround.
2. He has a problem with LEI dictating that the future road must follow their suggested path. He feels this is not how that road would be developed in the future. Mr. Harward is not willing to give up that piece of property to the south of Canyon View Dr. He feels it would change his setback.

Discussion of the proposed 80' turnaround.

Ernestine Folks: The General Plan should be a guide to future development. The property to the south of Canyon View Dr. is within the City's General Plan to incorporate into the City.

The Council does not have authority over Conditional Use Permits...that is the responsibility of the Planning Commission.

The Planning Commission does not meet until January 15, 2004.

LEI should be consulted about #2 in their letter. Are they recommending an amendment to the City Standards as far as temporary turnarounds? What will be expected of Mr. Harward?

Sean Nielsen: Does not feel the future road will follow the path designated by LEI. The other requirements mentioned by LEI seem reasonable. Any future development to the south would plan around any existing lot.

Mayor Fritz: Suggested sending the Plat back to the Planning Commission for re-consideration.

The Council was not prepared to vote on the Plat at this time. Further information is needed.

MINUTES

City Council Meeting 11-25-03:

There were mistakes in the listing of those present.


**MOTION WAS MADE BY TODD JACKSON AND SECONDED BY GARY PRESTWICH
TO APPROVE THE MINUTES OF 11-25-03, WITH NOTED CHANGES**

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

ADJOURNMENT

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

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



City Recorder

AMENDED NOTICE & AGENDA

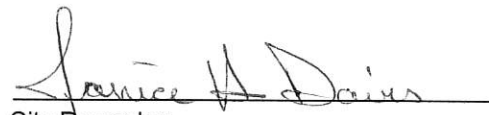
Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, December 23, 2003, at 6:00 PM (This is a change from the regularly scheduled Meeting time of 7:00 PM).** The meetings will be held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

6:00 - PM REGULAR COUNCIL MEETING AGENDA ITEMS:

- Invocation and Pledge of Allegiance
- Approval/Agenda Time Frame
- 6:03 Report on ATV's – Steve Fillerup & Ty Currie
- 6:15 Update City Council/Payson Sewer Meeting – Mayor Fritz
- 6:25 Adopt Amended Budget for 2003/2004 Fiscal Year
- 6:35 Part-time Employee Benefits
- 6:45 Minutes of Previous Meetings
- 6:50 Approval of Expenditures
- 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 22nd day of December, 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 December 18, 2003; & an amended Agenda on 12-22-03



City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
December 23, 2003**

**TIME & PLACE
OF MEETING**

The regular Meeting of the Elk Ridge City Council was scheduled for **Tuesday, December 23, 2003, at 6:00 PM.** The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of time change from 7:00 PM to 6:00PM, place and Agenda of these meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body by mailing a copy to each on December 18, 2003; and an Amended Agenda was provided to each of the members of the City Council on 12-22-03.

ROLL CALL

Mayor: Vernon L. Fritz; *City Council:* Gary Prestwich, Sean Nielsen, Todd Jackson, Lee Freeman & Russell Sly; *City Council Elect:* Mark Johnson; *Public:* Steve Fillerup, Joe Jamison, Paul Eddy; *Sheriff:* Deputy Larsen; *City Recorder:* Janice H. Davis

**INVOCATION
PLEDGE OF
ALLEGIANCE**

Invocation was offered by Steve Fillerup; after which, Mark Johnson led those present in the Pledge of Allegiance.

**AGENDA TIME
FRAME**

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY LEE FREEMAN TO
APPROVE THE AGENDA, ADJUSTING THE STARTING TIME BY 3 MINUTES
VOTE: YES (5) NO (0)**

**REPORT ON
ATV'S**

Steve Fillerup (Committee Member on ATV's):

(Other Committee Members: Ty Currie & Jon Argyle...Mr. Argyle resigned from the Committee) Ty Currie could not be present.

The Committee is not coming forward with one joint recommendation. There were basically 2 perspectives on the issue of ATV's in the City:

1. Ty Currie & Jon Argyle were in favor of ATV's being allowed in Elk Ridge.
2. Mr. Fillerup is against legalizing ATV's on the City streets.

There was talk within the Committee of the possibility of a reasonable compromise. This is the point of view Mr. Fillerup took. He was discouraged when they received a letter from the Council saying, in essence, that the City lacks the ability to legalize a vehicle that is not street-legal. All the City could do would be to designate certain roads as by-ways or pathways to access public lands.

Mr. Fillerup has a problem with the fact that Elk Ridge is not surrounded by public lands where ATV's are allowed; so to enact legislation in the City to permit access to private lands is "tantamount to supporting trespassing". ATV's owners can obtain permission from land owners, but most will not bother to do that.

Ty Currie is of the opinion that the access roads should be designated and leave it up to the ATV owners to obtain the required written permission to access those lands; Jon Argyle would be supportive of that position.

Mr. Fillerup's personal recommendation would be to "leave well enough alone". Unless access roads are to be designated, the City does not have the ability to legalize the vehicles.

Problems:

1. Enforcement
2. Hesitation to pass laws that cannot be enforced

The rest is up to the City Council.

The Sheriff was asked to offer her opinion on the issue:

Deputy Camile Larsen: She has cited four juveniles for riding ATV's illegally on the public streets. Their parents have been very upset since there are many violations in the City. She will not be able to catch every violator, but she will cite those she does catch. It is a State Statute that they cannot be ridden on public roads. She personally agrees with this. She feels the City would be placing itself in a liable position to allow ATV's on the streets.

(She will check into the difference between non-motorized vs. motorized vehicles on the streets and if there is a difference in liability for the City.)

Mayor Fritz: Added, there is a statute that states if an engine is below a certain "CC", that it is not controlled like a motorcycle would be.

Mayor Fritz: Invited Joe Jamison to comment on the issue.

Joe Jamison: Will the City stipulate that ATV's cannot be ridden on the streets during the 4th of July Parade or to plow snow out of driveways?

Deputy Larsen: upon being asked if she would city someone on an ATV that was plowing snow; she replied that, as an officer, she would take intent into consideration before citing someone.

Joe Jamison: Responded that not citing someone under those circumstances would be demonstrating "favoritism". He still suggests that the City offer training for proper use of ATV's.

The Mayor closed the discussion on the issue and commented that the new Council would have to address the issue.

PAYSON SEWER
MEETING/
UPDATE

Russell Sly: There was a meeting with Payson wherein the possibility of Elk Ridge sewerage with Payson was discussed. Payson has remained very positive about the idea.

The City is very near or at capacity with Salem City. Some lots have been approved for development, and he feels that will be the end of the capacity at the Salem Plant. There will be a report in the Newsletter to inform the citizens.

An official proposal needs to be given to Payson.

LEI Engineering has a pending Work Release to do a study on the Sewer Impact Fee at a cost of \$9,600. A further study (Proposed cost was not clear) would have LEI participate in negotiations with Payson for sewerage with them. Councilmember Sly cautioned against paying twice for any duplication of information from the engineering firms.

Aqua engineering has been retained by SUVMWA (South Utah Valley Municipal Water Association) to do the preliminary engineering for a regional sewer plant. Some of the work for this study would cross over and duplicate information useful to Elk Ridge...Aqua Engineering said they would not charge Elk Ridge for this information. They would like to submit a proposal to do a sewer study for Elk Ridge.

Councilmember Sly feels the City has vested time and money involved with LEI toward this study. If the savings with Aqua is not significant, he would recommend staying with LEI (particularly if Payson is willing to pay for a portion of the bill).

2 items pressing:

1. The City needs a Sewer Impact Fee Study

Sewer Impact Fees need to be in place for the pending new development. The current fee is not sufficient...it is low.

3. The City needs a document as a basis for a proposal to Payson, listing the terms of the proposal.

Mayor Fritz: The 1st Council Meeting in January is targeted for a decision on this matter.

AMENDED
BUDGET FOR
2003/2004
FISCAL YEAR

City Recorder: The changes were discussed during the Public Hearing, held on 12-9-03.

This final copy of the Amended Budget simply implements these suggested changes.

Changes discussed:

Fire Dept. Grant, change of account for the running path in the Park, \$8,000 for a camera for the Sewer Dept.

(Councilmember Sly added that upon further investigation, the cost of the camera could be as high as \$20,000. The suggestion was to purchase the camera over a 3-year period of time.

The Council may reconsider the purchase of the camera.)

Joe Jamison works for Orem City and may be able to gather information about used equipment for the City. He cautioned that the maintenance of this equipment is also very costly.

Mr. Jamison also warned that the camera will not go through the line unless the lines are cleaned out.

Leasing may be a better way to go.

Water Dept.: The pay-off amount for the 1991 Bond (Dead Well) of \$53,116 has decreased back down to the annual payment of \$6,722. The Council decided not to pay off the Bond at this time.

There were no further comments.

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY RUSSELL SLY TO ADOPT THE AMENDED BUDGET FOR THE 2003/2004 FISCAL YEAR

VOTE: YES (5)

NO (0)

PART TIME
EMPLOYEES –
BENEFITS

Mayor Fritz: Currently, medical benefits are extended to Full-Time employees only. It is proposed to extend the option of medical benefits to part-time employees, on a pro-rated basis. The City would pay a portion of the monthly premium; as per the number of hours the employee is scheduled to work (nothing under 20 hours/week or 50%). The remainder of the premium would be garnished from the employee's paycheck. The monthly premium for a family is about \$800...this decreases with fewer family members...one person is about \$400.

At this point in time, there is one part-time employee that would take advantage of this arrangement; the other two already have insurance through their husbands.

The Mayor recommends approval.

Comments:

Russell Sly: It is unlikely that many employees would want to take advantage of this offer because of the offer due to the expense.

Lee Freeman: It might be attractive to those without insurance through their spouses. It would provide them with an opportunity to participate in a group plan.

Sean Nielsen: He still has the same concern with the proposal. He does not support the idea. He feels that there are benefits to being a full-time employee vs. a part-time employee. The reason this came about is because the City has a specific part-time employee that this would benefit; the other part-time employees are not interested in taking part in the offer at this time. In his opinion, if the employee is worth a \$400/month raise, then give her the raise and allow her to obtain her own health insurance than to bring this added liability to the Community.

Todd Jackson: Added that it would cost the City an additional \$4,800 per year for an employee that works ½ time and an added \$7,200/year for ¾ time employee.

Gary Prestwich: Does not agree that an employee could get a plan for her/himself for \$400/month. Insurance is better through a group plan.

Sean Nielsen: Is self-employed and is responsible for his own insurance for his whole family. He pays about \$320/month for "catastrophic" type insurance...there are riders one can get for further coverage. It still averages under \$400/month.

Mayor Fritz: If this individual's pay were increased by \$400/month...this same offer would have to be extended to all part-time employees; and then the full-time employees would also have to be considered.

Sean Nielsen: He is not saying that this should be the case...he is pointing out that the motivation is misplaced. If there is a specific individual with a specific need, then this is what should be addressed.

Lee Freeman: Agrees that the policy should be directed towards all staff members, not to an individual. There are other companies that offer benefits to part-time employees; the question is...do we want to do this?

Todd Jackson: If all 3 part-time employees accepted the offer, the cost to the City would be about \$20,000/year...the General Fund is making up the difference between Expenditures and lack of Revenue, as it is. It has been pointed out to the Council that it is not wise to budget a deficit.

Mayor Fritz: Commented that the "short-fall" or "deficit" situation in the General Fund has been due, in part, to the extensive Roads projects currently in process. This should be finished in two more summers. This matter has been discussed previously, and the Mayor suggests putting the proposed ordinance to vote.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO APPROVE AN ORDINANCE AMENDING THE ELK RIDGE CITY HUMAN RESOURCE POLICY MANUAL TO PROVIDE FOR ADDITIONAL BENEFITS FOR PART TIME EMPLOYEES

VOTE (POLL): SEAN NIELSEN –NAY, TODD JACKSON-NAY, LEE FREEMAN-AYE, GARY PRESTWICH-AYE, RUSSELL SLY-AYE

PASSES 3-2

MINUTES

1. 12-9-03:

MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY GARY PRESTWICH TO APPROVE THE CITY COUNCIL MINUTES OF 12-9-03, WITH CORRECTION OF TYPOGRAPHICAL ERROR ON PAGE ONE

VOTE: YES (5)

NO (0)


EXPENDITURES

Approval of Check Registers for October, November & December, 2003:
(Councilmember Sly would like copies for O&M expenses to Salem City.)

**MOTION WAS MADE BY SEAN NIELSEN AND SECONDED BY LEE FREEMAN TO
APPROVE THE CHECK REGISTERS FOR OCTOBER, NOVEMBER & DECEMBER, 2003
VOTE: YES (5) NO (0)**

ADJOURNMENT

**MOTION WAS MADE BY SEAN NIESLEN AND SECONDED BY TODD JACKSON TO
ADJOURN THE CITY COUNCIL MEETING
VOTE: YES (5) NO (0)**



City Recorder