

## **AMENDED NOTICE & AGENDA**

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, April 13, 2004, 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. Well Head Protection Study/Update – Mayor Fritz
2. Loafer Recreation Association/Septic Systems – Mayor Fritz
3. LDS Chapel/Darryl Gandy – Mayor Fritz
4. Budget Presentation/2004-2005 – City Recorder
  - A. Roads Budget – Gary Prestwich
5. Road Repair Approval – Gary Prestwich
  - Crack Seal on City Roads – Gary Prestwich
6. Parks & Trails Proposal – Mary Rugg
7. Parks & Recreation/4<sup>th</sup> of July Celebration – Mary Rugg
8. Ordinance Amendment/Subdivision Improvements/Curb & Gutter Discussion – Gary Prestwich
9. Contract Review/LEI Engineering – Mayor Fritz

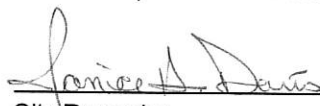
**7:00 - PM**

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

- Opening Remarks and Pledge of Allegiance  
Approval/Agenda Time Frame
- 7:05 10. Loafer Recreation Association/Septic Systems – Mayor Fritz
- 7:15 11. Elk Ridge Heights Subdivision, Plat A – Durability Retainer Release
- 7:20 12. LDS Chapel/Water Rights Conveyance – Mayor Fritz
  - Subdivision Code/Adjustments to Standards
  - Development Site Plan Approval & Approval of Off-site Improvements
- 7:35 13. Iron Oaks Subdivision, Plat B/Final Plat
  - Adjustments to Subdivision Code & Standards
  - Development Plan Approval & Off-site Improvements
- 7:55 14. Parks & Trails Committee Proposals – Mary Rugg
  - City Council Schedule Public Hearing
- 8:00 15. Ordinance Amendment/Subdivision Improvements (Curb & Gutter) – Gary Prestwich
  - Schedule Public Hearing
- 8:05 16. Review Study/Proposed 10" Water Line Going to Salem Hills Drive – Mayor Fritz
  - 2 Proposals form LEI Engineering & Aqua Engineering
- 8:20 17. Appoint Mayor Tempore for Period 4-22-04 to 5-3-04 – Mayor Fritz
- 8:25 18. Resolution Amendment/City Fees (Platting Fees & Business License Fees) – City Recorder
- 8:30 19. Expenditures:
  - General:
    - A. Caselle Hand-held Meter Reader Software – City Recorder
    - B. Aqua Engineering Invoice/Water Line Extension – Mayor Fritz
    - C. Public Works/Purchase of Saw – Mayor Fritz
    - D. Road Repair Approval – Gary Prestwich
    - E. Snowplow Drivers/Incentive Gifts – Gary Prestwich
    - F. Sump Pump – Mayor Fritz
- 8:55 20. Policy/Opening Remarks of Public Meetings – Mayor Fritz
- 9:00 21. Approval of Minutes of Previous Meeting
- 9:05 22. Street Name Change/Schedule Public Hearing – Mayor Fritz
  - Adjournment


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

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated April 12, 2004.

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

# CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and mailed to each member of the Governing Body on April 8, 2004; and an Amended Agenda on April 12, 2004.

  
City Recorder

**ELK RIDGE  
CITY COUNCIL MEETING  
April 13, 2004**

TIME & PLACE  
OF MEETING

The regular Meeting of the Elk Ridge City Council, **scheduled for Tuesday, April 13, 2004, at 7:00 PM;** to be preceded by a **City Council Work Session at 6:00 PM.**

The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah. Notice of the time, place and Agenda of the scheduled meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on April 8, 2004; and an Amended Agenda on April 12, 2004.

6:00 PM

**CITY COUNCIL WORK SESSION**

ROLL CALL

*Mayor:* Vernon L. Fritz; *City Council:* Alvin L. Harward, Mark Johnson, Gary Prestwich, Russell Sly, Mary Rugg; *Administrative Assistant:* Ernestine Folks; *Deseret News:* Caleb Warnock; *Public:* Greg & Maxine Christensen, Boyd Hanks, Jay Prather, Paul Cazier, Jeanette Gunnell, Joe Wadlinger, Barry Allensworth, Darrell Gandy, Lestor Van Nosedol, Bryan Gabler (LEI Engineering), Dean Ingram, Todd Jackson, Doug Stout; & *City Recorder:* Janice H. Davis

WELL HEAD  
PROTECTION  
STUDY

Mayor Fritz:

Utah State requires an update on the Drinking Water Source Protection Plans for Wells #2, 3, 4 & 7, to be completed by December, 2004. The update would take about 2 months. Sunrise Engineering did the original Study and Plan and has submitted a proposal to update that Study as well as evaluate septic systems in the Protection Zones of Well #7.

Sunrise Engineering proposes to perform the work for a lump sum of \$8,000 (\$4,000 is for completing the updated DWSP plans and the other \$4,000 is for evaluating the potential impact of septic systems.

Since Loafer Recreation Association has requested to build several cabins in the area of Well #7, the timing of this study is good. The update may give additional guidelines pertaining to issuing building permits.

Russell Sly: Would like to see more detail on soil testing and monitoring on the proposal from Sunrise Engineering.

Gary Prestwich: Referred to the letter from Utah County about septic systems: According to the letter, septic systems are acceptable to the County Health Dept.

Mayor Fritz: Will postpone any vote on the proposal for the update to the Well Head Protection Plan until the information requested by Councilmember Sly is available.

There is the other issue of an evaluation of septic systems in the area of the Upper Loafer Well. Quoting from the Letter from the County:

"Wellhead Protection Zones for *public* drinking water systems are based on studies by engineers of the geology and ground water movement in the specific area, and therefore can be more strict than the 100-ft. separation requirement between the well and the septic tank. If a septic tank were installed at a higher elevation than a well, and if the ground water were moving in the direction of the well, then it could possibly pose a threat to the well, and a grater separation distance might be warranted to protect a public drinking water well. The rate of travel of the ground water is of major importance in determining the wellhead protection zone. It could take several years for water from a septic system to reach a well head area via movement through the soil, and would become insignificant because in that time the wastewater would be completely treated and harmful constituents would have been removed."

Question: Is there a substantial risk?

No absolute guarantees can be given to protect the water source, yet many septic systems co-exist with wells, on the same property.

Russell Sly: Feels this letter from the County presents a good case for septic tanks and that septic tanks are generally safe. He also feels the Well in the Canyon presents a special circumstance to the use of septic tanks. Once the well is contaminated, it would be too late to remedy the situation. He would like to see an "early warning system" in the form of soil testing. There are 14 or 15 existing cabins and the expectation of building another 17 additional cabins...only used in the summer.

LOAFER  
RECREATION  
ASSOC./SEPTIC  
SYSTEMS

Mayor Fritz: If the effluent moves into a crevasse, the fracture through the rock could go directly into the aquifer. This could create a risk of contamination, since the area is hard rock. There are a couple of issues accompanying things:

1. Loafer Recreation Association was there 1<sup>st</sup>
2. The Well-head Protection Act came after the Well was in place, and was mandated by the State.

Mayor Fritz: The Mayor presented information on "environment friendly toilet systems" ("Envirolet"). These systems can be placed in a home or cabin to mitigate the risks of contamination. A drainage field for "gray" water would still be required.

Does the City want to spend \$4,000 for the evaluation of the Recreational area to determine the risk of contamination from septic systems?

If the Study moves forward, will the Council consider allowing building to occur at the rate of a couple of buildings/year, with the proviso that if the Study proves that there is a high risk of contamination, then these alternate systems would be required to be installed? If the Study reveals no risk, then a septic system would be permitted.

Boyd Hanks: There seems to be a contradiction between the State and the County...where is the communication between these two agencies?

Engineers get standards, based on geological formations, from the State; then tend to engineer things to the "max". The County standards are based on perk tests and biological controls.

The Association proposed that the Council approve about 10 lots in the next 10 to 12 years. By then the sewer line could be installed close enough to connect to it.

Mayor Fritz:

1. *Will the Council fund a \$4,000 Study on Septic Systems in the area?*

(Paul Cazier (public): Feels the responsibility should be on Loafer Recreation to prove beyond any doubt that the current water system would not be "interrupted".

In an area of a fault line, there is risk to the aquifer.)

Alvin Harward: Would Loafer Recreation Assoc. be willing to pay for the Study? He is not convinced that the City should pay for the evaluation.

(Mr. Hanks did not agree that the Association should pay for the evaluation.)

Mr. Harward asked if the City would not have to change the Well Head Protection Plan if the Council agreed to approve any septic tanks in the Loafer Recreation area?

Mayor Fritz: Asked again if Mr. Hanks would be willing to have 2 cabins approved now, with the understanding that if the standards of the Well Head Protection Plan, they would be willing to use one of the "dry" systems discussed earlier.

(Mr. Hanks does not have sufficient information on these "dry" systems to agree to the request at this time. He altered his request to the Council by asking for approval for 3 building lots over the next 5 years...then we could re-evaluate the situation.)

Mary Rugg: Sought clarity by asking if the City would then be evaluating the contamination level of the soil at that time?

Russell Sly: He believes that if it became evident that there some "migration" in the soil were taking place, then the City would have the authority to demand that the septic systems be abandoned and go to another system. This could only be determined by a soil test.

Maxine Christensen (Member of the Loafer Recreation Assoc.): Would a small septic system be preferable, since the cabin would only be used a short period of time throughout the year? They would not be living there.

(The Mayor responded that the "dry" system would be ideal for this type of situation.)

Greg Christensen: The site for their cabin would be ½ mile above the well. They do not know enough about the "dry" system to agree or not agree.

Boyd Hanks: Still prefers to be considered for a limited number of septic systems for a limited number of years.

Ernestine Folks: If the State has mandated an update to the Well Head Protection Study, wouldn't it be advisable to do the update, then make a determination about the approval of septic system.

(The Mayor asked again if Mr. Hanks would be willing to install "dry" systems if the update determined that would be necessary.)

Mr. Hanks: Said he might agree to that, with the stipulation that the State and the County agencies communicate with one another.



Joe Jamison: Has the County approved the “dry” systems?

\*Mayor Fritz: Is to check with the County about dry systems.

\*Boyd Hanks: Will go back to the Association to see what authority he has to agree to alternate systems.

LDS CHAPEL –  
DARRYL GANDY

Mayor Fritz: Turned the time over to Mr. Darryl Gandy from the LDS Church.

Mr. Gandy introduced Bryan Gabler (LEI), the Civil Engineer hired by the LDS Church for the Project. Mr. Gabler addressed the issues brought forward from the Planning Commission Meeting.

1. *Water Rights*: It is the recommendation of the City Engineer to adjust the standard of 2.6 acre-feet of water right per acre for this Project (which would be 11.83 acre-feet of water right for their property), to 6.8 acre feet of water right. Because this is considered an “adjustment” to the Subdivision Ordinance requirement, the recommendation had to also come from the Planning Commission. The matter has been back to Planning Commission and they are recommending approval of the adjustment.

2. *Other Issues to be addressed*:

- *Roads Widths*: There are three roads to be affected: East Goosenest Dr., (66’ right-of-way, as a “Collector Class road) & 2 new roads as part of the new development (56’ rights-of-way). The Planning Commission is recommending that the LDS Church develop the north side of E. Goosenest Dr. to where the current Haskell, Plat “J” Subdivision ends; then ½ + 9’ on the newly developed roads. The LDS Church feels this is “asking too much” and requests that the Council not require this of them. They say they are close to the budget amount for this Project and this would be a costly addition to their plans. It is not part of their property and they feel that the road there is more than adequate.

½ + 9’ = 30’ of asphalt...The LDS Church feels this is wider than most of the roads in the City. They are also of the opinion that widening roads does not necessarily slow down traffic, in fact, wider roads can encourage increased speeds.

The Planning Commission feels it is a safety issue to finish off the north side of Goosenest, since the LDS Church will create more traffic on this street.

The Mayor expressed concern that cars would be backing out onto E. Goosenest Dr. and the added width would help in giving more room and additional safety. (Mr. Gabler commented that typically, people drive toward the center of the road, not the shoulders.)

The extension of E. Goosenest Dr. would jog slightly to the north, around 2 or 3 existing lots. 2 new roads will turn to the north and then to the east, where the Stake Center will be located.

The new extensions will have curb & gutter and ½ + 9’ of asphalt on the south side of E. Goosenest Dr., the east side of the road turning north/south and the north side of the road running east/west (abutting the Stake Center).

There will be a turnaround at the east end of the road abutting the Chapel.

- Perk tests & Soil testing that needs to be done (The LDS Church always does this).
- The Planning Commission also recommends increasing the size of the water main from 8” to 10”, with the City covering the difference in cost of the upgrade. (The Council is agreeable to this.)
- The City Council is to approve names for the two new roads.

Todd Jackson: There are other means of traffic calming besides the width of the road.

City Recorder:

Brief explanation of budget format to the Council.

There were problems in entering the data for Accounts Payable, which affects the Year-to-date figures. The Deputy Recorder has been correcting these.

The Recorder submitted a draft of the Budget form to the Councilmembers for their review. This is in preparation for the adoption of the Tentative Budget for the 2004/05 Fiscal Year, in May, 2004.

In the Capital Projects Fund/Parks and Trails, there was a beginning Fund balance of \$13,959 (beginning of 2003/04) and a balance in the Restricted Impact Fees of \$48,694. This is money that is to be used for the installation of trails throughout the City.

BUDGET  
PRESENTATION –  
2004/2005

The Council is to consider their various Departments and project next year's budget figures in the next few weeks. The Capital Projects for next fiscal year, as well as for the following 4 years must be included into the Capital Improvement Plan; to be adopted with the Budget.

#### ROAD REPAIR

Gary Prestwich: A map of the proposed road projects was prepared by Councilmember Prestwich. The Council was provided with a breakdown of the projects and their estimated costs. Included are the costs for chip & seal, crack seal, overlays, general pothole repair, and major road replacements.

Mary Rugg: Expressed her concern over the residue of rocks and debris after the completion of the chip & seal. Could these not be swept up and removed in some way? The excess could be stockpiled and recycled by the City.

Gary Prestwich: A seal coat over the top was denied the City. (The County does that, but evidently the agreement between the South County Cities does not include a seal coat.) The City has a sweeper, but without a vacuum to remove the excess rocks. Councilmember Prestwich thinks that the rocks swept to the sides of the roads with no curb & gutter assist in building up the shoulders and preserving the road edges.

The Mayor added that about 6 dump truck loads of excess rocks were swept, picked up and used at various locations for road repair.

Joe Jamison: The sumps that were cleaned out last year got filled back up with all the excess rock washing into them. He asked if the Council had ever considered using a "slurry coat" rather than chip & seal. Orem City uses it and Mr. Jamison advises that it is less expensive and lasts longer.

Gary Prestwich: Follows UDOT's standards and they recommend chip & seal to extend the life of the roads.

(Mr. Jamison responded that UDOT is not always up to date on their methods.)

Ernestine Folks: Noticed that Councilmember Prestwich has allowed for \$50,000 for the improvement of the "Dugway" (Loafer Hill Project) as a part of an over-all estimate of \$400,000. She inquired as to the plan for the completion of the Loafer Canyon Road Project. In the Capital Improvement Plan, there was to be a transfer of \$50,000 into the Fund for Loafer Canyon Road (2004/05). The "Loafer Canyon Road Project" refers to the further extension (to the south) of the sewer main and the improvements to the Road from where the improvements ended before.

Gary Prestwich: The funding for the Dugway Project is to accrue money over time. Should any problems occur due to the condition of the road at that point...if the City has in place a plan for future improvement of the road, the liability to the City would be lessened.

The Loafer Canyon Road extension, as described above, will not be in the coming fiscal year's budget. (This will be discussed with Mrs. Folks as a change to the Capital Improvement Plan.) Included in the list of proposed road projects is a procedure called "crack seal" planned for this fiscal year, in the amount of \$4,000.

(This is not in the current budget and would be an increase to the "Roads" budget. If the money can be found within the current over-all "Roads" budget, then this could be approved. If the added cost increases the Fund total...then a Public Hearing would be required.)

It is important to do the crack & seal process while the weather is still cool; that way the seal coat can get inside the cracks. If the weather is too warm, the pavement expands and the seal coat cannot get inside the cracks.

Lakeview Drive: Councilmember Prestwich said the Council would not be meeting with the residents on Lakeview Drive again; however, they would be informed of what will be happening with their road and he will meet personally with some of the residents on the Street.

Mayor Fritz: Agrees that the residents of Lakeview have been informed and have had opportunity to voice their opinions. It is his opinion that many were in agreement and that some will want the expensive option of road replacement; that option is cost prohibitive for the City. Councilmember Prestwich has upgraded what he had presented. Not everyone will be satisfied.

The City Council Agendas are public and available to all. Any of the residents may come to the meetings and keep abreast of information.

Mary Rugg: Feels the Council should inform the residents on Lakeview of the final plan for their street far enough in advance for them to respond. She also feels other residents should be notified of planned projects in the City prior to the actual start of the construction phase.

Alvin Harward: Suggested using the City Newsletter to inform residents of up coming projects.

Gary Prestwich: Another item for discussion is the Loafer Canyon “Turnaround” for school buses. The City is going to utilize the easement to the well.

PARKS & TRAILS  
PROPOSAL

Mary Rugg: Turned the time over to former City Councilmember Todd Jackson, who currently represents the Parks & Trails Committee.

Todd Jackson: Presented the Council with a written summary of his Proposal:

*Recreational Non-Motorized Trail Proposal:*

1. Proposed Trail
  - The trail will meet recreation & transportation needs (One of the reasons the idea came up was due to residents 'complaint that they cannot get to the Park except by way of the City roads.)
  - The trail will link to future trails that are being planned by MAG
  - The trail will be built in phases as funding is available
2. Map of Proposed First 2 Phases of the Trail.
3. Phases
  - Phase 1 (shown on the map in red) will start at the Park Drive & Salem Hills Drive & will go west, then north to Goosenest Drive – it will also follow Elk Meadows Drive south to W. Salem Hills Drive.
  - Phase 1 will also take advantage of several blocks of full-width road on Salem Hills Drive & an old roadway on Goosenest Dr. (Shown in pink).
  - Phase 2 (in yellow) will complete the circle following Goosenest Drive & Salem Hills Drive south to E. Salem Hills Drive (connecting to W. Salem Hills Drive).
4. Trail Construction
  - The construction is proposed to be 6" of road base with 2 ½" of asphalt with an 8" width.
  - The trail will be marked with appropriate pedestrian crossings and signage. Full-width roads will be marked with striping, which allows people a place to walk and has a “calming” effect on traffic.
  - The trail will be kept 3'-5' away from roadways where possible, especially near busy roads such as Park Drive & Elk Meadows Drive.

(These are minimum standards to be able to apply for a grant.)
5. Proposed Funding
  - The City has budgeted \$30,000 for the trail
  - A private donor has pledged an additional \$10,000
  - The City will apply for a State Grant to match our \$40,000
  - Do we have additional funds that can be applied here?
  - Funding for Phase 2 is anticipated from future Park Impact Fees & additional donations & grants.
6. Costs
  - The cost for an asphalt trail as described are about \$18,000 per linear foot – approximately \$95,040 for Phase 1
  - Survey work will be roughly \$3,200 for Phase 1
  - Signage & striping are estimated at \$2,500 for Phase 1
  - Annual maintenance is estimated to be \$3,000 & will need to be budgeted each year.
7. Time Frame
  - Grant applications are due May, 2004 – word will not come back until Oct, 2004
  - Any funds spent prior to this date will likely not be considered for matching funds
  - If we receive the grant, additional environment work will be required and work cannot begin until spring, 2005
8. City Council Actions
  - Provide feedback
  - Vote or give support to the project before grant is applied for
  - If in support, look into additional funds prior to our applying for grant

Comments/Questions:

City Recorder:

1. E. Salem Hill's connection to W. Salem Hills is not a dedicated easement for a road...we do not know how that road will be developed, yet that is part of the proposed trail.  
(Todd Jackson: That is included in Phase 2, which is a ways out. It is a "public" easement; perhaps a temporary, soft-surface trail could be installed.)
2. Impact Fees: Many times the public is not aware that impact fees are "restrictive" in nature and can only be spent on improvements particular to what they were collected for. There is also a time limit attached to the use of impact fees; if the City does not use them within a 6-year period of time, the City could lose them or a portion of them. Park Impact Fees can be used on Trails, as well.
3. The Council could support this Phase of the overall project to facilitate the Grant application, which will only apply to Phase 1.

Mark Johnson: How and by whom will the trails be maintained in the winter?

(Mr. Jackson replied: If the trails were kept open in the winter, perhaps they could be plowed with a 4-wheeler or on a volunteer basis.)

Jay Prather: Which side of Salem Hills Drive will have the trail on it...there are residents on the west side concerned with existing fences, trees & new Comcast lines.

(Todd Jackson: "I don't think that there is any intent from the Committee to tear out improvements to make this happen." "There are only a couple of places on the whole proposed route of the trail that there are improvements that we could encroach upon:

1. The trees in front of Mr. Wadlinger's...the intent would be, don't tear out trees in Elk Ridge, we don't have enough trees."

The path could be narrowed and brought a little closer to the street.

3. There are utility boxes: the path will have to move around them and "make it work".
4. Phase 2, at the earliest, would be about 2006.)

Jeanette Gunnell: Will the mailboxes be moved?

(Mr. Jackson: The design specifications would indicate which side of the trail the boxes should go on. The postmaster will be the determining factor.)

Mrs. Gunnell also asked about liability for any injury.

(Mr. Jackson: There is no intent to place the trail on private property, only on public easements.)

Joe Wadlinger: Salem Hills Drive may not be considered until 2006, but he would like assurance now that the future path will not result in the loss of his trees.

Todd Jackson: This Committee won't be considering the path that is to go in front of Mr. Wadlinger's house. Perhaps at some future date. He cannot guarantee he will still be on the Committee to address Phase 2.

Again, it is not the intention of anyone on the Committee to tear out any trees.

Mayor Fritz: That would be the last alternative he would support, however he only has another 1½ year in office.

Mary Rugg: Will still be in office in 2006, and she said she would fight to support his trees.

Ernestine Folks: The plans for the proposed trail should come to the Planning Commission so that they can keep abreast and make sure that they all fit in with the General Plan.

Gay Prestwich: Complimented Mr. Jackson on his presentation and added that the National Guard may be available to assist with the path in the future.

4<sup>TH</sup> OF JULY

Mary Rugg: The theme for the 4<sup>th</sup> of July Celebration is "Let Freedom Ring". It will take place on June 25 – 26. Pamphlets will go out the 1<sup>st</sup> week in June.

We will plan on 160 – 175 for the Mayor's Dinner.

\*Councilmember Rugg is to get the health permit.

SUBDIVISION  
ORDINANCE  
AMENDMENTS/  
CURB & GUTTER

Gary Prestwich: Submitted draft copies of the proposed Ordinance Amendment RE: curb & gutter in new subdivisions. The ordinance was drafted by Jim Bolser and reviewed by Councilmember Prestwich.

Review:

Section I:

Pg. 2 (A-2): The proposal is for a total of 3 1/2 ' of asphalt rather than 2 1/2". There would be 2 1/2" surface layer of asphalt at the time of initial development. After 90% or more of the lots have been permitted for site construction, the developer would be responsible to install an additional 1" of asphalt overlay on all parts of the road.

(H-2-a): Deleted and add insert...included with draft of proposed ordinance.

(H-2-b, c & f): Delete

Alvin Harward: Suggested sending the proposed ordinance to the Planning Commission for review and recommendation; as well as sending it to the City Attorney for his legal opinion.

Russell Sly: He feels this is a step in the right direction to give the City more flexibility.

Ernestine Folks: Agrees with Councilmember Harward that the proposed ordinance should be sent to the Planning Commission for a recommendation back to the Council prior to scheduling a Public Hearing.

Mary Rugg: Agrees with Councilmember Sly, but wants to be sure there is clarity in the ordinance prior to adoption.

CONTRACT  
RENEWAL –  
LEI ENGINEERING

Mayor Fritz: Suggested the Council look the proposed contract from LEI Engineering over and be prepared to vote on it at the May 11, 2004, City Council Meeting.

Alvin Harward: Commented that the Public Works Superintendent could be further trained to inspect installation of improvements in the City, rather than paying high engineering costs for the same work.

\*Mrs. Folks is to gather other fees from other Engineering firms as a basis for comparison.

**ELK RIDGE  
CITY COUNCIL MEETING  
April 13, 2004**

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**6:00 PM**

**CITY COUNCIL REGULAR SESSION**

ROLL CALL

*Mayor*: Vernon L. Fritz; *City Council*: Alvin L. Harward, Mark Johnson, Gary Prestwich, Russell Sly, Mary Rugg; *Administrative Assistant*: Ernestine Folks; *Deseret News*: Caleb Warnock; *Public*: Jay Prather, Jeanette Gunnell, Joe Wadlinger, Barry Allensworth, Darrell Gandy, Lestor Van Nosedol, Bryan Gabler (LEI Engineering), Dean Ingram & *City Recorder*: Janice H. Davis

OPENING  
REMARKS &  
PLEDGE OF  
ALLEGIANCE

Opening Remarks were offered by Mr. Dean Ingram, after which the Pledge of Allegiance was led by Mark Johnson.

AGENDA TIME  
FRAME

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO APPROVE THE AGENDA TIME FRAME, ADJUSTING THE START TIME TO 8:25 PM, AND MOVE AGENDA ITEM #12 TO THE BEGINNING OF THE REGULAR SESSION**

**VOTE: YES (5)**

**NO (0)**



LDS CHURCH  
STAKE CENTER –  
APPROVALS

Mayor Fritz:

1. Water Rights

would have to provide 11.83 acre-feet for the proposed Stake Center.

LEI Engineering feels this is excessive and recommends 6.8 acre-feet of water right.

The Council, as per legal counsel, has determined that exceptions may be granted to the Subdivision Ordinance and the Planning Commission has also recommended the reduction in the requirement.

The Mayor reviewed Section 10-15F-7 (A), which allows adjustments to the Standards and cites the procedure for the Council to follow.

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY ALVIN HARWARD TO ADJUST THE WATER REQUIREMENT TO 6.8 ACRE-FEET OF WATER RIGHT INSTEAD OF THE 11.83 ACRE-FEET OF WATER RIGHT FOR THE PROPOSED LDS CHURCH STAKE CENTER, AS RECOMMENDED BY LEI ENGINEERING**

**VOTE: YES (5)**

**NO (0)**

2. Development Site Plan Approval:

Ernestine Folks: The Planning Commission took the Engineer's concerns into consideration when discussing the proposed Site Plan Approval for the LDS Stake Center. They went point by point through those concerns:

*A. Percolation rate of the proposed sumps to be located on the property.*

The Planning Commission is not aware of any problems; however, Mr. Raymond (LDS Church representative) stated that soil studies are required on every project during the drawing phase.)

*B. Names of the two new proposed streets must be decided on by the Council.*

The Planning Commission asked that the Council consider changing to a "grid" system of addressing lots or to stay with a common theme.

Several names were discussed. The Council finally decided on two names:

Cloward Lane (North/south) and Ridge View Drive (East/west).

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO APPROVE THE NAMES OF BURKE LN. (NORTH/SOUTH STREET) AND RIDGE VIEW DR. (EAST WEST STREET) FOR THE STREET NAMES INCLUDED IN THE IMPROVEMENTS TO BE INSTALLED BY THE LDS CHURCH FOR THE PROPOSED STAKE CENTER**

**VOTE: YES (5)**

**NO (0)**

*C. Water line size:*

The Planning Commission recommends up-sizing the water main from the required

8" to a 10", with the City paying the difference

The Council agreed.

*D. Legal Descriptions have been prepared:*

These documents will be signed by the property owners prior to recording.

The road to run north/south will eventually continue on to the north, so there will be no turnaround; there will be one at the east end of RidgeView Drive.

(All dedications will be done via the Plat that will be recorded.)

*E. Road Improvements:*

Planning Commission Recommendations:

- Goosenest Drive: Park Dr. east to end of Haskell Development...LDS Church would be required to complete that road to the full 66' width, including curb/gutter.
- From that point, going east, the road would "jog" to the north 10' (avoiding three lots) and the improvements would be installed on the south side of the road. The width at this point would be ½ + 9' (end of Haskell Development to Burke Lane...where the road turns north).
- Burke Lane (north/south) would have ½ +9' on the east side of the road, with curb & gutter.
- Ridge View Drive (east/west) would have ½ + 9' on the north side, with curb & gutter.

Alvin Harward: Does not agree that the LDS Church should have to complete both sides of Goosenest Dr. across from the Haskell Development. He feels Mr. Haskell should have had to complete the full width of that section of road. That Street is wider than either of the streets in front of the other two Chapels in the City. There will not be as much traffic as Park Dr.



Jeanette Gunnell: The corner of Goosenest and N. Park Dr. is already dangerous; widening Goosenest would help.

Mayor Fritz: Agrees that this corner does present a safety problem and needs to be re-engineered.

Alvin Harward: Added that the traffic on that section of Goosenest Dr. will not be driving on the sides, they will stay toward the center of the road.

Dean Ingram: The Planning Commission's reason for their recommendation was based on safety. The Church will be bringing more traffic to the area than Mr. Haskell.

Mr. Gandy (LDS Church): When asked, responded that the LDS Church feels installing the full width of Goosenest Drive is "asking too much" of them. The costs of the project are pushing the limit of their budget already.

Russell Sly: He also feels there is a safety issue with the corner of Goosenest and N. Park Drive. He agrees the road should be wider.

Mark Johnson: Realizes there is a problem with the corner; however, he does not agree the LDS Church should be responsible for that section of road.

Alvin Harward: The corner needs to be addressed. He is opposed to the LDS Church paying for the widening of Goosenest.

Gary Prestwich: Is opposed to the LDS Church paying for the widening that section of Goosenest Dr.

Mary Rugg: Agrees there is a safety issue and that the LDS Church should not have to pay for that portion of the road.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY GARY PRESTWICH TO ACCEPT THE SITE PLAN AND OFF-SITE IMPROVEMENTS FOR THE PROPOSED LDS STAKE CENTER, WITH THE EXCEPTION OF:**

1. TO NOT REQUIRE THE COMPLETION OF THE FULL WIDTH OF GOOSENENST DRIVE FROM N. PARK DRIVE, EAST TO THE END OF HASKELL DEVELOPMENT
2. THE ALIGNMENT OF EAST GOSENEST DRIVE WILL CURVE NORTH 10' FROM THE END OF THE ESIXTING HASKELL DEVELOPMENT TO THE TURN NORTH ONTO BURKE LN.
3. THE SIZE OF THE WATER MAIN WILL INCREASE FROM THE REQUIRED 8" TO A 10" LINE, WITH THE CITY RESPONSIBLE FOR THE DIFFERENCE IN SIZE
4. ONE HALF + 9' OF THE ROAD WIDTH WILL BE REQUIRED OF THE EAST END OF GOOSENENST DR., BURKE LANE AND RIDGE VIEW DR., REQUIRING ALL IMPROVEMENTS, INCLUDING CURB & GUTTER

VOTE: YES (5)

NO (0)

LOAFER  
RECREATION  
ASSOC.-  
SEPTIC SYSTEMS

Mayor Fritz: Recommends having the update on the Well Head Protection Plan done. He suggested allowing Loafer Recreation being allowed to obtain a limited number of building permits, provided they agree to the "dry systems" in the case that the Study indicates "no septic systems".

More information is needed on the "dry systems"; for instance, will the County approve of these systems?

The Mayor does not feel the Council is prepared to make a decision at this point.

Mr. Hanks will go back to the Association to determine their feelings on the information presented in the Meeting tonight.

ELK RIDGE  
HEIGHTS  
SUBDIVISION,  
PLAT A

City Recorder: The Durability Time period for the Elk Ridge Heights Subdivision has expired. Ernie Thornton (LEI Engineering) did the final inspection and found nine items to be addressed prior to the bond being returned to the developer, Mr. Hamid Mortezaazadeh. Mr. Mortezaazadeh will be informed.

IRON OAKS  
SUBDIVISION,  
PLAT B –  
FINAL PLAT

*1. Adjustments to Subdivision Code & Standards:*

There have been some changes required for the Final Plat:

- A. Waive requirement of the additional fire hydrant (originally shown on Plat)
- B. Waive the curb & gutter improvement
- C. Waive construction of, and/or payment of cash in lieu of construction for the "small strip/little triangular piece" of asphalt. (Mr. Harward indicated to the City Council that he will construct all future improvements.)

The Council will not have to waive this requirement.

The Planning Commission recommends the Council approves the two adjustments to the Standards:

**MOTION WAS MADE BY MARY RUGG AND SECONDED BY MARK JOHNSON TO APPROVE THE REQUESTED ADJUSTMENTS TO THE CITY STANDARDS:**

**1. WAIVE REQUIREMENT FOR THE ADDITIONAL FIRE HYDRANT**

**2. WAIVE CURB & GUTTER REQUIREMENT**

**FOR THE IRON OAKS SUBDIVISION, PLAT B**

**VOTE: YES (5)**

**NO (0)**

*2. Development Plan Approval & Off-site Improvements:*

Certain requirements must be met prior to recording of the Plat.

There was no further discussion.

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY MARY RUGG TO APPROVE IRON OAKS SUBDIVISION, PLAT B, AND TO GRANT FINAL PLAT**

**VOTE: YES (5)**

**NO (0)**

**PARKS & TRAILS  
PROPOSAL**

Mayor Fritz: The request is for the City Council to support the request for available Grant money for Phase 1 of this project. The Council has expressed their support for Todd Jackson to pursue the Grant, including Phase 1, in the Work Session. There will be no approval from the Grant Board on the actual awarding of the Grant until October, 2004.

Mary Rugg: Encouraged the Council to set a Public Hearing to obtain input from the residents, prior to approving the other phases.

**MOTION WAS MADE BY MARY RUGG AND SECONDED BY RUSSELL SLY TO SCHEDULE A PUBLIC HEARING TO CONSIDER THE PARKS & TRAILS PROPOSAL ON MAY 25, 2004, AT 6:00 PM**

**VOTE: YES (5)**

**NO (0)**

**ORDINANCE  
AMENDMENT/  
SUBDIVISION  
IMPROVMENTS**

Gary Prestwich: The proposed ordinance is being sent to the Planning Commission for review and recommendation to the Council.

**10" WATER LINE/  
REVIEW STUDY**

Mayor Fritz: Aqua Engineering has completed their work on the Study they were hired to do. The City has received Aqua's bill in the amount of \$5,648.00.

The State also approved the use of the surplus bond money from the Cloward Well on the installation of the 10" water line. The extension of the bond is good for one year from the date of the letter, March 30, 2004.

The Mayor asked if there might be an advantage to waiting until the fall to advertise for bids.

Alvin Harward: Reminded the Council that there has been no vote to actually install the line, only to have the Study done.

Mark Johnson: Questioned if the bond money must be used on this proposed project.

Is there enough money in Retained Earnings to pay for it? The bond money could be returned to the State.

City Recorder: There is enough money in Retained Earnings to pay for the project. The question is whether the Council wishes to use up the majority of this money on this project.

Mayor Fritz: If the Council waits until fall to decide on the line, the bond money will still be available. The audit will be done in August and this year's Retained Earnings will be known at that time.

Alvin Harward: Has a concern...if the line is to be connected with a pump, then he is in favor of the project. He would not be in favor of installing the pipe if it is not to be used until a future time.

City Recorder: This line will have to be installed eventually. One of the original reasons for the project was for the sake of redundancy in the system in case of emergency. The point was made by the engineers that a pump could be installed in a matter of a few days; but a line could not be installed quickly. If the line were in place, the pump could simply be installed and the system would be back in service.

\*The City Council agreed that they would wait until fall, 2004 to decide about the line.

Mayor Fritz: LEI Engineering claims that the Mayor approved the continuation of the work to engineer the installation of the 10" line from the Cloward Well to Salem Hills Drive. The Mayor does not recall ever authorizing this work with LEI, since Aqua Engineering had been awarded the contract for the Study.

LEI Engineering proceeded with their work and are now billing the City. The survey was also in the wrong place for the placement of the line.

- The bill includes:
- 34.25 hours for professional engineer (Michael Christianson)
- 3.5 hours for project manager
- 3.5 hours for 2 man survey crew

The Bill = \$3,951.25

(This has no bearing on the extra work they are claiming for representing the City during the time when there was no contract with them.)

The Mayor asked that the Council consider this issue and come back for a decision at the end of the Meeting.

Gary Prestwich: Added that directions have been given to LEI to provide detailed billing. There is no work release on this work.

Mark Johnson: Recalls the Meeting when LEI asked for this project, and the Council did not give them any approval.

Mayor Fritz: Does recall giving them approval to continue on the water right issues, not the water line.

APPOINT MAYOR  
PRO-TEMPORE

Mayor Fritz: The Mayor and Councilmember Prestwich will be out of town from 4-22-04 until 5-03-04. He has asked Councilmember Sly to act as Mayor

Pro-Tempore during that time.

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO APPOINT RUSSELL SLY AS MAYOR PRO-TEMPORE FROM APRIL 22, 2004 TO MAY 3, 2004**

**VOTE: YES (5)**

**NO (0)**

RESOLUTION/  
AMENDING  
CITY FEES

City Recorder: Two amendments to the City Fee Schedule are needed:

1. Addition to the wording accompanying all Platting Fees:  
(Includes two reviews by the City Engineer) &  
Additional Reviews shall be billed directly to the developer
2. A Fee of \$25 to be set for a Business License for all Solicitors, Canvassers, Peddlers & Itinerant Merchants

The Business License Ordinance allows this fee to be set by Resolution. There has been no Resolution setting this fee.

Mayor Fritz: Is opposed to charging these people a fee. Their profit is marginal and some services should be expected as a courtesy.

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO ADOPT A RESOLUTION AMENDING RESOLUTION #03-5-13-3R, SETTING A SCHEDULE OF FEES FOR OFFICE SERVICES, WITH TWO CORRECTIONS:**

- CORRECT TITLE ON #7 OF THE FEES TO "CONDITIONAL USE FEES"
- STRIKE "TEMPORARY" OUT OF #12

**VOTE: YES (5)**

**NO (0)**

EXPENDITURES:

General:

Hand-held Meter Reading System:

At the last Council Meeting, the cost of the Caselle software was unknown. After determining the cost, Councilmember Harward was to poll the Council for approval of the purchase of the system. (The system was being offered at a lower price for a limited period of time.) As the poll taken was on the software from Caselle, no ratification needed to be done.

The system allows for quicker reading time. It is a five-year project.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RUSSELL SLY TO PURCHASE THE HAND-HELD, AUTO READ METER READING SYSTEM AT A COST OF \$13,500.**

**VOTE: YES (5)**

**NO (0)**

*A. Caselle Hand-held Meter Reader Software:*

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO PURCHASE THE HAND-HELD AUTO READ METER READ SOFTWARE FROM CASELLE AT A COST OF \$2,500**

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

*B. Aqua Engineering Invoice/Water Line Extension:*

There is a bill from Aqua Engineering for work on the Study on the 10" Water Line installation in the amount of \$5,648. The original contract amount was for \$7,500; the difference is for the Inspections/Management during the construction phase of the project.

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY MARK JOHNSON TO APPROVE PAYMENT OF AQUA ENGINEERING INVOICE #9562, IN THE AMOUNT OF \$5,648 FOR WORK COMPLETED ON THE 10" WATER LINE EXTENSION**

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

*C. Public Works/Purchase of Saw:*

The Public Works Dept. requests approval for the purchase of a new saw for cutting asphalt. The old one is worn out. It is expected to cost not more than \$2,000.

The Mayor recommends approval.

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RUSSELL SLY TO APPROVE THE PURCHASE OF A NEW ASPHAT SAW FOR THE PUBLIC WORKS DEPT. AT A COST NOT TO EXCEED \$2,000**

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

*D. Road Repair Approval:*

The overall balance for the "Road Fund" cannot be exceeded without a public hearing; however money can be transferred from one account to the other within the Fund without a public hearing. There is extra money in "Contract Services" that could be transferred to "Asphalt Repair".

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY MARK JOHNSON TO APPROVE VALLEY ASPHALT APPLYING CRACK SEAL TO THE CITY ROADS FOR THE AMOUNT OF \$4,000 AND TO REPAIR POT HOLES FOR THE AMOUNT OF \$4,234.95, CONTINGENT UPON THE MONEY BEING AVAILABLE WITHIN THE "ROADS FUND"**

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

The presentation and adoption of the Tentative Budget for 2004/2005 will take place the first Meeting in May. This is the time to have next year's Road's budget approved.

*E. Snowplow Drivers/Incentive Gifts:*

Councilmember Prestwich recommends a \$30 "incentive gift" paid to the snowplow drivers for inconveniences during snowstorms.

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY ALVIN HARWARD TO APPROVE A \$30 DINNER GIFT CERTIFICATE FOR EACH OF THE SNOWPLOW DRIVERS**

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

Councilmember Rugg suggested collecting donations for expenditures like this. It would save the City money and she has experience in doing this.

Wal Mart donated to some communities, but not to Elk Ridge. Elk Ridge did not ask.

*F. Sump Pump:*

Mayor Fritz: There was flooding as a result of a strong storm last weekend. A new home was affected and had water in their basement. There was no pump available.

It is not the City's responsibility to provide a pump to the citizens in the Community; but he feels it would be a nice gesture. The Fire Dept. and the Public Works Dept. could also benefit from having one on hand. The cost would be \$1,510 (not to exceed \$2,000); the cost would be split between Water, Sewer, Fire Dept. and Roads.

Russell Sly: This type of equipment is typically used in times of disaster. Many of those situations could have City liability. He feels it would be useful to have a pump available.

(Councilmember Johnson suggested having the Public Works Dept. in charge of the pump.)

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESTWICH TO APPROVE THE PURCHASE OF A SUMP PUM FOR THE CITY AT A COST NOT TO EXCEED \$2,000**

**VOTE: YES (5)**

**NO (0)**

POLICY/OPENING  
REMARKS OF  
PUBLIC MEETINGS

The Mayor responded back to the Utah Atheists with a letter including the City's Policy of Opening Remarks for public meetings. The Council all agreed and the Policy was adopted.

- A list will be compiled of those citizens in the community interested in participating in a prayerful way or to present thoughtful remarks that are uplifting at the opening of Council Meetings. Those names will be assigned a date of participation. The name of the individual will be entered on the agenda for each meeting. If they fail to show then the Mayor will invite someone from either the Council or those present to offer an opening remark that must be kept to a maximum time frame of one minute and of an uplifting nature.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY GARY PRESTWICH TO ADOPT A POLICY FOR OPENING REMARKS IN CITY COUNCIL MEETINGS, AS PER THE LETTER FROM THE MAYOR DATED MARCH 23, 2004.**

**VOTE: YES (5)**

**NO (0)**

10" WATER LINE  
EXTENSION  
(CONTINUED)

Mayor Fritz: The Mayor asked the Council for a decision on payment of the bill from LEI Engineering.

Councilmember Johnson suggested sending a copy of the minutes from the meeting when LEI requested the work for this project, as proof that the work was not authorized.

Councilmember Rugg does not feel the City should pay for unauthorized work. She asked if there is any liability in not paying the invoice. The Mayor responded that he would be negotiating the issue with LEI,

Councilmember Prestwich commented that there is no signed work release for them to proceed.

Councilmember Harward does not feel the City should pay the bill.

Councilmember Sly agrees.

The Mayor will contact LEI Engineering.

NON-AGENDA  
ITEM

Alvin Harward: A 6" water line was approved for Salem Hills Cr., but the Standard is 8". He recommends adhering to the Standard and to install an 8" line.

MINUTES

Minutes of 3-23-04:

There is a possibility that a motion was left out on Page 5 of the minutes.

There was also a typographical error on Page 10.

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY GARY PRESTWICH TO APPROVE THE CITY COUNCIL MEETING MINUTES OF**

**3-23-2004, CONTINGENT UPON VERIFICATION OF THE MOTION ON PAGE 5**

**REGARDING STORM DRAINAGE**

**VOTE: YES (5)**

**NO (0)**

STREET NAME  
CHANGES

Gary Prestwich: A survey went out to the citizens proposing street name changes for east/west Salem Hills Drive. There is concern for potential confusion for emergency services. Cindi Ellis had approval from Councilmember Prestwich to conduct a survey to assess the opinions of the citizens.

A letter was received from Earl Jorgenson (E. Salem Hills Dr.) saying that he had polled the residents and none he polled are in favor of the street name change.

There have been complaints about some of the street names, but he has heard more negative complaints.

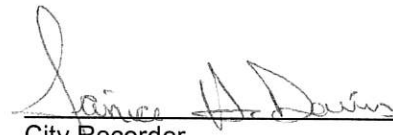
Mary Rugg: Added that Mrs. Ellis does have the support of the Fire Dept., the mail carrier, some residents on the west side of Salem Hills Dr. and a couple of residents on the east side of Salem Hills Dr.



MOTION WAS MADE BY MARY RUGG AND SECONDED BY GARY PRESTWICH TO  
SCHEDULE A PUBLIC HEARING ON JUNE 8, 2004, AT 6:00 PM, TO CONSIDER THE  
STREET NAME CHANGE OF SALEM HILLS DRIVE  
VOTE: YES (5) NO (0)

ADJOURNMENT

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO  
ADJOURN THE 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, May 11, 2004, 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**

- 6:00    1. Armed Service Recognition – Mayor Fritz
- 6:20    2. Boundary Agreement – Dave Nixon
- 6:35    3. Update Grant for Trees – Mary Rugg
- 6:40    4. Loafer Canyon Recreation Area/Septic Tanks – Mayor Fritz
- 7:10    5. Fee Schedules/Engineering Firms – Mayor Fritz
- 7:40    6. Discussion/Plan for Minimum Level of Yard Work – Mayor Fritz

### **7:45 - PM      REGULAR COUNCIL MEETING AGENDA ITEMS:**

- Opening Remarks and Pledge of Allegiance
- 7:48    Approval/Agenda Time Frame
- 7:50    7. Loafer Recreation Association/Septic Systems – Mayor Fritz
- 8:20    8. Grandview North Subdivision, Plat "A"/Extension of Final Plat Approval
- 8:25    9. Adoption/Tentative 2004/2005 Budget & Capital Improvement Plan
- 9:00    10. Mountainland Assoc. of Government/Contract Renewal – Mayor Fritz
- 9:10    11. Sewer Proposal to Payson City – Mayor Fritz
- 9:20    12. Expenditures:
  - General:
  - A.. Check Registers for March & April, 2004
- 9:25    13. 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 May 10, 2004.

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

## **CERTIFICATION**

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and mailed to each member of the Governing Body on May 6, 2004; & an Amended Agenda on May 10, 2004

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

**ELK RIDGE  
CITY COUNCIL MEETING  
May 11, 2004**

TIME & PLACE  
OF MEETING

The regular Meeting of the Elk Ridge City Council, scheduled for **Tuesday, May 11, 2004, at 7:00 PM;** to be preceded by a **City Council Work Session at 6:00 PM.**

The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah. Notice of the time, place and Agenda of the scheduled meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on May 6, 2004.

**6:00 PM**

**CITY COUNCIL WORK SESSION**

ROLL CALL

*Mayor:* Vernon L. Fritz; *City Council:* Alvin L. Harward, Mark Johnson, Gary Prestwich, Russell Sly, Mary Rugg; *Administrative Assistant:* Ernestine Folks; *Daily Herald:* Caleb Warnock; *Sheriff:* Deputy Larsen; *Fire Chief:* Craig Olson; *EMT's:* Kamile Peterson, Linda Jones; *Public:* Boyd Hanks, Nick V. Hanks, Dave Nixon, Carl Cook (RB&G Engineering), & *City Recorder:* Janice H. Davis

ARMED SERVICE  
RECOGNITION

There was to be a presentation to the returned National Guardsmen, Seth Waite & Cole Christensen, at the City Hall Pavilion at 6:00 PM. They have been in Iraq over one year. Due to inclement weather, the Mayor & City Councilmembers went to the LDS Chapel on N. Park Drive for the gathering. They returned at 6:20 PM.

BOUNDARY  
AGREEMENT

Dave Nixon: Was present to address the City Council about his proposed development of a lot of record on N. Park Drive. It is located on the corner of N. Park Drive & the City road easement leading to the Public Works' land off of N. Park Dr. His parcel of land was recorded incorrectly and the plat drawing he presented will correct this. It will move the north boundary of his property to where the City line is. There will be no change to the City's boundary description; only to his property.

Mr. Nixon requests the Council's approval for this boundary change.

Ernestine Folks: As far as she is aware, Mr. Nixon and Jim Bolser spoke and Mr. Bolser indicated that Mr. Nixon would need to research the descriptions and to make the necessary changes.

Mr. Nixon: The title company that should have corrected this discrepancy when Mr. Nixon purchased the property, and they agreed to record his deed with the corrected description.

Road Improvements:

Depending on the direction Mr. Nixon faces his home, he may or may not be responsible for road improvements. North: Improvements would be constructed on the road right of way for a minimum of 100 linear ft. If facing east: no improvements to N. Park Dr. would be necessary.

Mr. Nixon is not sure which direction the home will face.

Would Mr. Nixon be required to install the full width of the road or ½ + nine ft.? Jim Bolser's recommendation: ½ + nine ft. Mr. Nixon added that

Mr. Bolser told Mr. Nixon he was going to do some research regarding the reasoning behind the difference in requirements depending on which way the house faces.

Mr. Nixon's intent is to have the house face north and have the driveway access N. Park Drive.

Mayor Fritz: Referred to an ordinance that prohibits driveways accessing major streets.

Alvin Harward: Disagrees with this concept. Elk Ridge is small enough that it should not matter which street is accessed.

Mayor Fritz: There are always differing opinions and laws and ordinances can be changed; however we must deal with the current ordinance as it is.

Request from the City Council:

1. Approval of the boundary line adjustment
  2. Level of road improvements required by the Council  
(Will there be any adjustments to the Standards granted by the Council?)
- Any decision is deferred until May 25, 2004.

GRANT FOR  
TREES

Mary Rugg: The \$250 grant for the purchase of trees for the Ball Park came through. The trees have been purchased (4 trees, poles & fencing) Cost = \$50/tree  
Councilmember Rugg met with Kent Haskell and was informed there is no power or water to the north side of the Park. He suggested planting them on the west side where there is already a line for watering. They will be planted on Monday, 5/17.  
The Council would have preferred to have the trees planted on the north side of the Park, but the Grant dictates that the project has to be completed with all paper-work turned in by May 28, 2004.  
Ernestine Folks: Dan Ellsworth (Strawberry Electric) offered to do some things for the City. Mrs. Folks will call Strawberry to find out.

LOAFER CANYON  
RECREATION  
AREA –  
SEPTIC SYSTEMS

Mayor Fritz: Mr. Hanks was present representing Loafer Canyon Recreation Assoc. Mr. Hanks was to find out if the members would be willing to consider the Dry Systems rather than septic systems to allow them the opportunity to build. Mr. Hanks responded that the members of the Assoc. are not interested in considering the Dry Systems.  
Russell Sly: He is generally in favor of septic systems. The only issue he has is in dealing with the City's Well Head Protection Study. He contacted Intermountain Geo/Environmental Services (IGES), who specialize in soil testing. They are supposed to be able to monitor any migration of any contaminants. Councilmember Sly was hoping this process would have the ability to warn the City through soil testing. They and Councilmember Sly visited the area located in the Loafer Recreation area.  
Councilmember Sly asked IGES for a proposal as to what would be required in soil monitoring to issue this early warning.  
IGES stated they do not feel it would be feasible for the following reasons:  
1. It would be necessary to drill "monitoring" wells at a substantial cost.  
2. Due to the proximity of some of the existing and proposed septic systems, monitoring wells installed between the septic systems and the well may provide warning; but by the time test results are obtained and due to the amount of flow toward the well...the contamination may have already reached the well.  
They do not feel the necessary early warning would be given from these monitoring wells. They also referred to the Well Head Protection Plan; that there does not appear to be an allowance for any additional septic systems.  
There was no contact between IGES and the County Health Dept.  
Kent Hartley (IGES) feels "holding tanks" would be a solution to the problem, if the State would allow them.  
An effort has been made to accommodate the property owners in Loafer Recreation Assoc. and still protect the wellhead.  
Mayor Fritz: Although the Council would like to grant approval the Association's request for building permits, there remains the concern about the potential of contamination of the aquifer in the area.  
Boyd Hanks: Questioned how Mr. Mecham could be allowed to develop in Woodland Hills and be granted septic approval. His development is in the same general area.  
Are these 240 units within the Wellhead Protection Zone?  
\*Mayor Fritz: The Mayor will look into how close the development is to the Wellhead.  
Boyd Hanks: Based on the letter from IGES, Mr. Hanks felt the Council was leaning toward the advice given by IGES.  
Nick Hanks: Asked the Council to respond to the letter from Utah County that was more in favor of septic systems.  
Russell Sly: Read the highlights from a letter from Lanty Ross, Program Manager for Utah County. The letter was generally in favor of septic systems; however the last paragraph falls short of actually recommending septic tanks. Councilmember Sly agrees with the County's letter; he thinks septic systems work fine, but there is the Wellhead Protection to consider and that is where the difficulty lies.  
Boyd Hanks: Clarification: In essence, the Council is "shutting down" building in the area until the sewer is available to connect to...even though the Assoc. has approved building lots. Mr. Hanks reminded the Council of the investment the Assoc. has in this Recreation area. He and the Assoc. find the situation ironic, given the history of the Loafer Well location.  
Can Mr. Tervort (property owner in the Assoc.) expect any refund of permit money he has paid to the City, since he will not be able to build?

Mayor Fritz: The Council is making a decision based on a State mandated study (Wellhead Protection Plan) that requires them to respond to the results of that Study. He understands the issues associated with the location of the Loafer Well. Mr. Tervort was aware from the beginning that there was not a positive projection that he would be granted a building permit, since his property is located within 100' of the Wellhead of the Loafer Well. Any money spent on landscaping & grading would not be refunded to him. \*The fees paid to the City will have to be researched.

The Mayor asked for the individual opinion of each of the Councilmembers: Holding tanks were again discussed. The Mayor will contact David Church (City Attorney) to have him check into any possible way of the State granting an exception to their policy of "no holding tanks". The Mayor has been told that a holding tank *could* be approved if the existing septic system is failing. Any new construction would not be considered for holding tanks.

City Council Response to County letter:

Mark Johnson: the County cannot give a definite recommendation, given the City's Wellhead Protection Plan and he is not comfortable with approval of septic tanks in the area.

Alvin Harward: He would be comfortable if the opinions were more definitive in support of septic systems in this particular area; however, he feels there is no choice but to follow the directions of the Wellhead Protection Plan.

Russell Sly: As he has stated, he is generally in favor of septic systems, but he does not feel the Council can disregard the Wellhead Protection.

Other possible options:

- Holding Tanks
- System below the Wellhead

Gary Prestwich: Suggestion:

- Perhaps allow lots to develop that are farther away than the existing cabins in the area
- Those lots closer than existing cabins...no approval for septic tanks

Mary Rugg: Both letters represent a difference of opinion, but she feels the Wellhead Protection Plan binds the Council and that the vote needs to consider the Plan, although she recognizes the feelings of those involved.

Mayor Fritz: He is personally opposed to anything within the 100' Zone...he is not opposed to the requested 10 or 11 lots being allowed septic systems; however he also knows that the Council must respond to the Wellhead Protection Plan.

He will contact David Church on the possibility of holding tanks.

This will require the Council to postpone any vote until this information is available.

The Mayor will keep Mr. Hanks informed.

#### ENGINEERING FIRMS – FEE SCHEDULES

Mayor Fritz: LEI Engineering has written a letter of a termination of service to Elk Ridge, effective as on June 1, 2004. The City Council is considering proposals from various engineering firms.

1. RB&G Engineering: Mr. Carl Cook, representing RB&G, was present to address the Council and to answer any questions. (Mr. Cook would be the contact person for the City.) Minutes of a previous visit to the Council to propose services were included in the Councilmembers' packets.

Carl Cook: RB&G recognizes Elk Ridge anticipates a great deal of growth in the future and growth requires infrastructure. Their Firm has been in business for nearly 50 years (located in Provo), and they have approximately 50 employees. Their area of expertise is in municipal engineering, geotechnical engineering, and they have engineered many roads for the UTOT (Utah Dept. of Transportation).

The geotechnical service is unique and would be an advantage to the City.

RB&G also recognizes the City does not have unlimited resources; most small communities do not. It is important that the best service is available for the least amount of money. This would include getting an appropriate design for the situation that would be affordable.

Mayor Fritz: He asked that the Council take notice of the concept that a "Cadillac is nice, but may not be necessary and a Chevy may be just fine".

He has spoken with several engineering firms and he knows that RB&G is bringing on younger engineers, with less experience; who would be available at a lesser hourly charge. The senior engineers, specifically Mr. Cook, would supervise them closely. Using these engineers would also result in a savings to the City.

The costs between RB&G and the other engineering firms are comparable.

Mr. Cook: The contract would be open-ended for day-to-day business, as per the City's request. Specific jobs would be by contract.

(The Mayor requested the contract have wording included that would allow a "non-exclusive" relationship with the City Engineer.)

Mr. Cook said RB&G no longer do residential work and can see no problems with "conflicts of interest".

They also have experience with annexations. No Building Inspector would be available through RB&G. (LEI will continue on with Corbett Stevens as the City's Inspector.)

2. MWR Engineering: Has withdrawn their proposal for this time.

3. JUB Engineering: Has withdrawn proposal.

4. Aqua Engineering: Turned in a proposal two weeks ago, which the Council received copies of. The Mayor spoke to Bruce Ward about coming to represent their Firm. His presence was not required, as the City is familiar with Aqua. Their services have been used on other projects for the City. Their specialty is water related, but they are capable of other general engineering functions, as well.

The Mayor asked that the Council be prepared to make a decision on May 25, 2004.

MINIMUM LEVEL  
OF LANDSCAPING/  
PLAN

Mayor Fritz: A letter received from a resident (Barry Bradshaw) suggested the Council consider requiring a minimum level of landscaping to be done after a home is completed, within a certain time frame. Many communities require this.

No decision is required at this time, but the Mayor would like for the Council to consider this idea.

The Mayor will ask that Jim Bolser provide a sample ordinance to review.

Mary Rugg: Added that many homes have allowed their established landscaping go to seed due to high water rates. She feels this should be carefully considered.

Russell Sly: Pointed out that though the City's water rates are higher than they were, they are not a lot higher than other surrounding cities...Woodland Hills' rates are higher the Elk Ridge's. Perhaps a committee could assist in this.

Gary Prestwich: He would be in favor of some type of ordinance, but he feels the Council should take care in deciding the requirements.

Craig Olson (Fire Chief): Some communities require either landscaping or bonding in place for landscaping before an occupancy permit can be issued.

Generally, the Council agreed that care should be taken in what to require of citizens.

Smaller lawns or "O-scape" should be allowed.

Mark Johnson: Does not agree that the Council should dictate how citizens should landscape.

Alvin Harward: Does not agree that committees should dictate to property owners how to landscape.

\*This will be re-visited on 5-25-04.

ELK RIDGE  
CITY COUNCIL MEETING  
May 11, 2004

TIME & PLACE  
OF MEETING

The regular Meeting of the Elk Ridge City Council, scheduled for **Tuesday, May 11, 2004, at 7:00 PM;** to be preceded by a **City Council Work Session at 6:00 PM.**

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

Notice of the time, place and Agenda of the scheduled meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on May 6, 2004.

ROLL CALL

*Mayor*: Vernon L. Fritz; *City Council*: Alvin L. Harward, Mark Johnson, Gary Prestwich, Russell Sly, Mary Rugg; *Administrative Assistant*: Ernestine Folks; *Daily Herald*: Caleb Warnock; *Sheriff*: Deputy Larsen; *Fire Chief*: Craig Olson; *EMT's*: Kamile Peterson, Linda Jones; & *City Recorder*: Janice H. Davis



OPENING  
REMARKS &  
PLEDGE OF  
ALLEGIANCE

Opening Remarks (A prayer) were offered by Mrs. Kamile Peterson, after which the Pledge of Allegiance was led by Chief Craig Olson.

NON-AGENDA  
ITEM

Mayor Fritz: The Council's adopted policy on "Opening Remarks" at the beginning of Council Meetings went out in the City's newsletter. The public was noticed that names of volunteers would be placed on a list.

AGENDA TIME  
FRAME

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY MARK JOHNSON TO APPROVE THE AGENDA TIME FRAME, ADJUSTING THE START TIME TO 7:59 PM**  
**VOTE: YES (5) NO (0)**

LOAFER  
RECREATION  
ASSOC.-  
SEPTIC SYSTEMS

Mayor Fritz: Action is deferred until there is more information available.

GRANDVIEW  
NORTH SUBD.  
PLAT A –  
EXTENSION OF  
FINAL PLAT

Ernestine Folks: Final Approval was granted the Grandview North Subdivision on 6-9-03. The Plat was not recorded due to certain requirements needing to be met. Mr. Thomsen and Mr. Ririe sought a joint venture partner and this process has not been completed. Final Approval is only good for 6 months, after which, it becomes null & void. Mr. Thomsen sent a written request to the Council for an extension from June 9, 2004 to December 9, 2004.

Alvin Harward: Questioned if any major changes had been made to the Code during the time since the approval was granted.

Ernestine Folks: Is not sure. She recommends, if the Council grants the extension, it be contingent upon the Subdivision being fully reviewed again by the City Planner and the Engineer to ensure that nothing had changed substantially that would warrant changes to the Plat. Cost estimates could change substantially.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RUSSELL SLY TO APPROVE A SIX MONTH EXTENSION TO THE GRANDVIEW NORTH SUBDIVISION, PLAT A, PROVIDING:**

1. THE PLAT IS RE-CHECKED BY THE CITY PLANNER AND THE ENGINEER AGAINST THE CURRENT CODES
2. COST ESTIMATE ARE REVIEWED

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

TENTATIVE  
2004/2005  
BUDGET &  
CAPITAL  
IMPROVEMENT  
PLAN

Jan Davis (City Recorder): Ms. Davis reminded the Council that they needed to decide if they will go to a Truth in Taxation Hearing in August to increase the recommended Certified Tax Rate for 2004.

Extra time was taken to review the Budget Process to the Councilmembers and to explain the format of the Budget Worksheet.

General Fund Revenue:

Grants:

1. Parks/Trails Grant of \$50,000 has been applied for. The information on receiving the money will come in October, 2004.

2. EMS Grant of \$5,270 is expected...this is a "Match Grant".

Charges for Services:

Administrative Fees (Water/Sewer): The formula to arrive at the fees was explained. They are based on the actual amount of time worked in each Dept.

There was much discussion of the General Fund...Fund Balance.

The Council is attempting to get a great deal of the necessary roadwork done in the next two years. This has put a strain on the accrued Fund Balance for the General Fund. Rather than cut the amount of funds available in the Capital Projects Fund/Future Improvements too much, the Council decided to eliminate all transfers out of the General Fund to Capital Projects Funds for the 2004/05 fiscal year.



This action will take the Appropriated Use of these funds from \$178,690 to \$118,190.  
Next fiscal year, the Council decided to cut expenditures as much as possible to allow the Fund Balance to build back up.

General Fund Expenditures:

*Legislative:*

No proposed increases in either the Mayor's or the Council's salaries.

*Administrative:*

1. Wages: The Public Works & Office Staff: COLA of 2% with Year-end merit bonuses of 3% of gross income.
2. Equip. Supplies & Maintenance: Increase due to Caselle's increase for the Auto-read meter reading system.

*Non-Departmental:*

Planner (MAG): Contract increase for 1 additional hour/week to \$11,560/year.

Engineer: This is an unknown since the City's engineer is changing.

CPA (Audit): Increase due to GASB #34...the first year will be more expensive to make the switch...anticipated increase from about \$10,000 to \$15,000. It may go back down to about \$12,000 or \$13,000 in the following years.

*Fire Dept.*

Wages for the volunteers: Increase to \$6.00/hour

EMT Training: Increase to \$9,000 as a result of the expected grant of \$5,270

Sundry – Breakfast: "0" due to separate funds built up over the years

Fire Truck Loan Pmt. – Increased from \$13,000 annual payment to \$20,143.

In 2001, the Council decides that the Fire Dept. could roll any savings in their Dept. over to assist in an early pay-off on the Becker Fire Truck.

*Insect & Weed Control:*

Increased from \$2,000 to \$4,000 due to clearing of lots.

*Class C Roads:*

\$196,000 budgeted for street repairs or replacements...to include the re-build of Lakeview Drive & a bus turn-around on Loafer Canyon Road.

\*(The Council is to consider which projects, if any, could be postponed to another fiscal year.)

Special Revenue Fund/Parks:

*Expenditures:*

Park Loan Payment: A balloon payment is due for the Retention Basin on Goosenest Drive...80% will be paid by Parks = \$21,102

Park Impact Fees will cover \$14,102 of that

Trails & Open Space (Part of Parks Fund):

*Revenue:*

Transfer from General Fund: \$50,000 (grant for trail...Phase 1)

Use of Park Impact Fees: \$34,000.

*Expenditures:*

Expected cost of Phase 1 = \$100,000

Storm Drainage Fund:

*Revenue:*

Storm Drainage Fee: Went into operation in 2003/04 at \$3/household per month. This should generate about \$18,108 in 2004/05.

\$5,276 will be spent on 20% of the balloon payment due on the Retention Basin on Goosenest Drive.

Water Fund:

*Revenue:*

Investments & Other Current Assets:

\$64,247 is left of the Cloward Well Bond. The State has granted approval to spend it on the extension of the 10" line from the Cloward Well. The Council is not sure if this will be the action or if the money will be turned back into the State to lessen the amount of the loan.

Impact Fees: Increased in 2003/04 from \$3,005 to \$3,350...as a result of the Updated Water Impact Fee Study.

Sewer Fund:

*Expenditures:*

Bldg. & Grounds Operating Supplies:

\$6,000 for cleaning out sewer lines.

Contracted Services – O & M: Salem City says the costs will increase this year.

Capital Improvement Plan (Ernestine Folks):

Most of the improvements for the 2004/05 fiscal year have been covered in the discussion of the Budget. The Council was reminded that the Capital Improvement Plan is a six-year plan (current + 5 years). The subsequent years must be addressed.

By eliminating the transfers from the General Fund, 2004/05 is handled; but this is a "stop-gap" measure. How will the future improvements be funded?

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY ALVIN HARWARD TO ADOPT THE TENTATIVE BUDGET FOR THE 2004/2005 FISCAL YEAR, CONTINGENT UPON THE ELIMINATION OF ALL TRANSFERS OUT OF THE GENERAL FUND TO CAPITAL PROJECTS FUNDS; TO INCLUDE THE CAPITAL IMPROVEMENT PLAN**

**VOTE: YES (5)**

**NO (0)**

M.A.G. –  
CONTRACT  
RENEWAL

Mayor Fritz:

The new contract with Mountainland Assoc. of Governments adds one hour/week for \$11,560 per year.

Question:

Is Elk Ridge getting the amount of time being paid for?

If Mr. Bolser is unable to come into the office, does the City still pay the same amount?

The Mayor offered to check with MAG about this.

The City Council agreed that they would postpone any action.

SEWER  
PROPOSAL TO  
PAYSON CITY

Russell Sly: He provided two handouts to the members of the Council.

1. A draft of an Interlocal Agreement from the City of Vineyard.

2. Notes on Payson Sewer Proposal

These are the items Councilmember Sly feels should make up the proposal to Payson and will eventually be included in a contract.

1. Term of the Agreement – as long as possible or permanent
2. Joint Board (Administration) – Payson: two members & Elk Ridge: one
3. Metering Station: Is one required? Why? How many?
4. Capacity – How much allowed now & in the future? This will be based upon build-out allocations. Limitations
5. Elk Ridge Residents to pay:
  - A. Elk Ridge share for construction...proposed \$10.80/mo. (Payson to bond for this)
  - B. Elk Ridge payment to Payson for usage: negotiable  
This would have to be broken down as to what the percentages are.
  - C. Elk Ridge costs of our own system (O & M)...included in the \$20.60/mo.
  - D. Pretreatment enforcement costs...(Is this needed? Do we need to eliminate all reference to pretreatment enforcement costs from sample agreement?)
6. Enact ordinance to mirror Payson's wastewater ordinance
7. What to do about our Salem sewer agreement? We still have about 3 years to pay on the Salem Bond. Do we attempt to sell Elk Ridge's percentage of the Plant or keep it? Can the City afford to make payments to both Salem & Payson?
8. Independent study to determine recovered water value
9. 1 to 1 ½ years before first payment to Payson
10. Annual billing to Elk Ridge (Elk Ridge would collect monthly & pay annually)
11. Use proceeds from sale of Elk Ridge's portion of Salem System to reduce initial debt.

EXPENDITURES:

General:

Alvin Harward: Alan Hone's estimate for installing a 6" line on Salem Hills Circle and looping it is \$6,795. The Council approved an 8" line for this street. It is the recommendation of the Public Works Superintendent to use a 6" line instead because it will only be servicing a fire hydrant. He feels there is no sense in spending an additional \$3,000 for an 8" line. It will be tied back into the 4" line to loop it.

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY GARY PRESTWICH TO APPROVE A 6" WATER LINE ON SALEM HILLS CR.... AND TO LOOP IT...TO BE INSTALLED BY ALAN HONE AT A COST OF \$6,795**

**VOTE: YES (5)**

**NO (0)**

MINUTES

Minutes of 4-13-04:

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY MARY RUGG TO APPROVE THE CITY COUNCIL MEETING MINUTES OF 4-13-2004**

**VOTE: YES (5)**

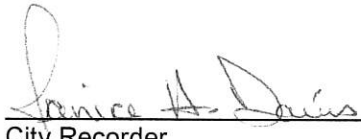
**NO (0)**

ADJOURNMENT

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY GARY PRESTWICH TO ADJOURN THE 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, May 25, 2004, at 7:00 PM, to be preceded by a Council Work Session and a Public Hearing at 6:00 PM** for the purpose of hearing public comment regarding a proposed Plan for City Trails.

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/PROPOSED PLAN FOR CITY TRAILWAYS**

Public Hearing/Proposed Plan for a Trails System throughout the City, Phase 1 & Phase 2 -  
Mary Rugg

**6:20 PM**

**CITY COUNCIL WORK SESSION**

- 6:20 2. Aqua Engineering Presentation/Bruce Ward – Mayor Fritz
- 6:40 3. LEI Engineering/Presentation RE: Billing – Mayor Fritz

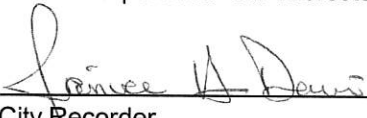
**7:00 - PM**

**REGULAR COUNCIL MEETING AGENDA ITEMS:**

- Opening Remarks and Pledge of Allegiance
- Approval/Agenda Time Frame
- 7:05 4. LEI Engineering/Billing – Mayor Fritz
- 7:10 5. Dave Nixon/Boundary Agreement & Level of Improvements – Mayor Fritz
- 7:20 6. Updating Drinking Water Source Protection Plans – Mayor Fritz
- 7:25 7. Utah County Substance Abuse Ordinance – Mayor Fritz
- 7:35 8. Energy Tax Ordinance/Adoption – Mayor Fritz
- 7:45 9. Meeting with Utah County Health Dept. – Mayor Fritz
- 7:50 . Expenditures:
  - General
- 8:10 10. Approval of Minutes of Previous Meetings
- 8:15 11. Approval/Engineering Contract – Mayor Fritz
- Adjournment

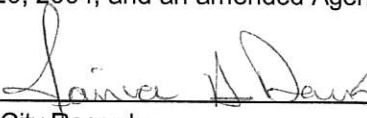
\*Handicap Access, Upon Request. (48 Hours Notice)

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 24<sup>th</sup> day of May, 2004.

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

### **CERTIFICATION**

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and mailed to each member of the Governing Body on May 20, 2004; and an amended Agenda on 5-24-04.

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

**ELK RIDGE  
CITY COUNCIL MEETING  
May 25, 2004**

TIME & PLACE  
OF MEETING

The regular Meeting of the Elk Ridge City Council, scheduled for **Tuesday, May 25, 2004, at 7:00 PM;** to be preceded by a **City Council Work Session at 6:20 PM and a Public Hearing at 6:00 PM.**

The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah. Notice of the time, place and Agenda of the scheduled meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on May 20, 2004; and an Amended Agenda on 5-24-04.

6:00 PM

**PUBLIC HEARING/PROPOSED PLAN FOR CITY TRAILWAYS**

Public Hearing/Proposed Plan for a Trails System throughout the City, Phases 1 & 2

ROLL CALL

*Mayor:* Vernon L. Fritz; *City Council:* Alvin L. Harward, Russell Sly, Mary Rugg (Absent-2: Gary Prestwich & Mark Johnson; *Public:* Dave Nixon, Bruce Ward (Aqua Engineering), Joe Jamison, Dave Jacobson, Scout Adam Brown, Laurica Jacobson, Dave Merrill, Todd Jackson, Scot Sessions, Michael Turner, Joe Wadlinger, Reed Page, Jeanette Gunnell; & *City Recorder:* Janice H. Davis

At 6:00 PM, Mayor Fritz opened the Public Hearing on the Proposed Plan for City Trailways. Mary Rugg: Was assigned to chair any questions from the public present.

Questions/Comments:

Laurica Jacobson: What is the City trying to accomplish with a trails system?

Mary Rugg: Referred to the presentation packet Todd Jackson had used at a previous Council Meeting:

- The trail will provide recreation and transportation needs
- It will link to future trails being planned by MAG (Mountainland Assoc. of Governments)

Explained Park Impact Fees. Impact Fees must be used for the purpose intended; i.e. Park Impact Fees on a Parks/Trails project. There is a limited period of time to use these fees. Part of this project will hopefully be funded by a grant.

Todd Jackson: One of the main benefits of a trail system is safety. The State is supporting these safety projects with matching grants, which will be very beneficial to the City. The City is able to budget \$100,000 for Phase 1 of the project and ½ of that will be funded by a grant.

Laurica Jacobson: She has lived in communities with walking trails. Here in Elk Ridge, she does not feel there is enough traffic to warrant walking trails. She feels the money would be better spent on other projects such as: another soccer field, another baseball field, something that would be utilized more than a walking trail.

People already walk along the side of the road.

Mary Rugg: Feel Mrs. Jacobson has a good point. Others have mentioned this perspective to Councilmember Rugg. She clarified that the previous City Council began this project and it was carried over.

Joe Jamison: Questions:

- Phase 1 is budgeted at \$40,000 (City money), how many Phases will there be and what are the associated costs?  
(\$40,000 will provide a trail along the busiest of the City's roads.)
- How much will the maintenance be and who will provide it?  
(Public Works Dept. would maintain the trails.)

Mayor Fritz: Feels there will be sufficient money with new growth to maintain the trails.

(Mr. Jamison does not feel the City can count on the growth until it happens.)

Dave Merrill: He feels a trail system would be very "family friendly". He would love to have sidewalks in the City, but that would be cost prohibitive. We are fortunate that no serious accident has happened. He feels a trail is money well spent.

Mary Rugg: The use of the trail will be limited to those in the vicinity of the trail. Not everyone will be able to access it easily.

Todd Jackson: The idea is to access the trail by using secondary roads and use the trail on easements of the busy roads. There will be a 3' to 5' buffer between the asphalt and the trail. On the full-width roads, a white stripe would divide the walking area from the rest of the asphalt.

Joe Jamison: Then where is the added safety for the kids? They would still be walking on the road.

Mayor Fritz: Every problem will not be solved. What we can do is address those things we can afford to address. Measures have already been taken to provide walking areas along some of the busy roads. These are all valid questions and comments.

Scot Sessions: He is a 12-year resident of Elk Ridge and a former Councilmember. He was over the Parks Dept. at the time. There were many projects they would have liked to do, but were unable to do because of the lack of funds. Impact Fees provided money for things like the playground equipment and tennis court.

Last year he represented a number of residents who came before the Council regarding the removal of some stop signs. He feels the proposal of trails is a safety issue. The main roads are not full width and there needs to be a place for pedestrians to walk/run and access the center of town without placing themselves in danger. Many people walk and run in town and need this trails system.

It will also diminish the weeds along that side of the road.

Michael Turner: Recently moved to the City. He runs a great deal and he would like to see a trail system in the City. It takes the place of a sidewalk. Part of the trail will cross his frontage on E. Park Drive and he is fine with that.

Joe Jamison: Many people move to the area to get away from sidewalks, curb & gutter, etc. It is a small community and we cannot have all the luxuries a larger city has.

Mayor Fritz: Thanked everyone present for his/her comments. The Council will take The opinions expressed into consideration and make a decision.

#### AQUA ENGINEERING

Bruce Ward: Aqua Engineering has been before the Council before. They have done several projects for Elk Ridge, including the most recent study on the proposed 10" water line leading from Cloward Well to Gooseneck Drive, then over to Salem Hills Drive. (This project is temporarily on hold.)

Aqua has been in business since 1991. They have about 28 employees. There are two offices...one of them in Payson, which makes them accessible to Elk Ridge. They rarely do work for private individuals and as a rule, do not work with developers. Their role is to serve the cities and acting in their behalf.

Benefits to the City:

- Smaller firm...interested in the City's needs
- Accessible
- He and the three partners are involved with all of the jobs.
- Fee structure is somewhat lower than others offering the same services
- Is familiar with Elk Ridge's needs
- They have kept their overhead down, which keeps the costs down  
(Highest billing rate for the President of the Company is \$78/hr as compared to other firms with \$95, \$90 & \$85 per hour.)

Mayor Fritz commented that the South Utah County Mayor's Association has contracted with Aqua to engineer the new Regional Sewer Plant.

Russell Sly: He has been pleased with the results of the projects engineered by Aqua Engineering. He feels continuity with the Payson Sewer Project is important. (Mayor Fritz added that he heard LEIU Engineering has approached Payson about being the engineer for this Project.)

Bruce Ward: Billing for services:

- Retainer
- Break up the work into projects as much as possible

Aqua would be willing to have terms in the contract that protects the City. A 1-year contract as a probationary period would be fine or a longer contract with a non-exclusive clause...whatever the Council feels comfortable with...would be fine.

The contract should be clear that Elk Ridge owns all reports, maps, electronics, everything produced for the City, in any format.



The relationship with LEI Engineering is terminating at the end of May, 2004. Corbett Stephens will retain his position as the Building Inspector. The contract with LEI will be for inspection purposes. Aqua Engineering does not have building inspection services.

TIME & PLACE  
OF MEETING

## ROLL CALL

OPENING  
REMARKS &  
PLEDGE OF  
ALLEGIANCE

## AGENDA TIME FRAME

NON-AGENDA  
ITEM

LEI ENGINEERING

## DAVE NIXON – BOUNDARY AGREEMENT

3

2. The second request is for the Council to decide what level of improvements will be required of Mr. Nixon; however Mr. Nixon still needs to decide which direction his home will face.

**MOTION WASMADE BY ALVIN HARWARD AND SECONDED BY RUSSELL SLY TO APPROVE THE BOUNDARY DESCRIPTION, AS PRESENTED BY MR. DAVE NIXON, TO CHANGE THE BOUNDARY FOR HIS PROPERTY**

**VOTE: YES (3) NO (0) ABSENT (1) GARY PRESTWCH  
ABSENT FROM VOTE (1): MARK JOHNSON**

UPDATE  
DRINKING  
WATER SOURCE  
PROTECTION  
STUDY

Mayor Fritz: Sunrise Engineering has proposed updating the Drinking Water Source Protection Plan for a lump sum of \$4,000. They did the original Study on the Wells. The proposal has been considered by the Council, but not voted on. The proposal had also included a Geologic Study for an additional \$4,000...this is not needed.

Russell Sly: Recommends approval of the Updated Study...it is mandated by the State to do so.

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY ALVIN HARWARD TO APPROVE THE PROPOSAL FROM SUNRISE ENGINEERING TO UPDATE THE DRINKING WATER SOURCE PROTECTION PLAN FOR WELL #2, #3, #4 & #7, IN THE AMOUNT OF A LUMP SUM OF \$4,000**

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

UTAH COUNTY  
SUBSTANCE  
ABUSE  
ORDINANCE

Mayor Fritz: This proposed ordinance is regarding permits for beer handlers. Utah County is asking that each City pass an ordinance that states what is acceptable and what punishments are levied for violation of the ordinance.

Memo: While the City currently does not have retail outlets that market alcohol products, there may well come a day when we may have a small neighborhood market or convenience store. This ordinance identifies rules and penalties.

Recommendation:

The Mayor's recommendation is that the City include in this ordinance wording that basically prohibits the sale of any form of alcoholic beverages.

The information provided by the County is not in a form appropriate for adoption.

The Mayor asked the Council to review the proposed ordinance and be prepared to vote on it at the next Council Meeting.

Alvin Harward: The City already has an ordinance prohibiting the sale of beer within City limits. He feels the Council clarify what should be in the ordinance before Jim Bolser is asked to draft one. Personally, Councilmember Harward feels the City should re-consider the sale of beer within the City. In the case of a convenience store, the City would not want to prevent the sale of beer; he feels this would be a mistake.

He does not see any purpose in adopting an ordinance that contradicts the current ordinance.

Russell Sly: He feels it should go forward to Jim Bolser to put it into an appropriate form for adoption.

Mark Johnson: Does not feel it should go forward to Mr. Bolser.

Mary Rugg: She sees Councilmember Harward's point of view, but also sees the County's perspective. She is in favor of the document going on to Mr. Bolser.

(In the case of a tie vote, the Mayor votes.) Mayor Fritz feels the document should go forward to Jim Bolser to place it in an ordinance form.

\*The Mayor will contact Jim Bolser to place the document into ordinance form. It will come back to the Council at the next Council Meeting.

ENERGY TAX  
ORDINANCE

**TELECOMMUNICATIONS ORDINANCE:**

Mayor Fritz: Legislature dictates that the tax on telecommunications will change.

6% has been charged on phone service and \$1 on cell phones. (Elk Ridge has been charging 6% on Qwest, but has not charged on cell phones. The new rate will be up to 4% for phone service and up to 4% for cell phones.

Currently the franchise taxes are spent on road repair, as per City Council decision. If the money is no longer needed in roads that could change in the future.

The question remains: who receives the tax on cell phones? The city where the cell phone is sold or where the resident resides?

\*Mayor Fritz will check on this.

**MOTION WAS MADE TO ADOPT AN ORDINANCE ESTABLISHING A TAX ON THE GROSS RECEIPTS OF TELECOMMUNICATIONS SERVICE PROVIDERS; SETTING THE RATE FOR SUCH TAX; AND ESTABLISHING THE EFFECTIVE DATE OF THE TAX**  
**VOTE (POLL): MARK JOHNSON-AYE, RUSSELL SLY-AYE, ALVIN HARWARD-AYE, MARY RUGG-AYE                      NO (0)                      ABSENT (1) GARY PRESTWICH**

MEETING WITH  
UTAH COUNTY  
HEALTH DEPT.                      (Postponed)

EXPENDITURES:                      General:  
   Alvin Harward:  
   The engineering has been paid for on the 10" water line from the Cloward Well. He feels the bids should be collected now rather than in the fall. Bids go up in the fall, not down.  
   \*He will bring this to up at the next Council Meeting.

MINUTES                      Minutes of 5-11-04:

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY MARY RUGG TO APPROVE THE CITY COUNCIL MEETING MINUTES OF 5-11-2004**  
**VOTE: YES (4)                      NO (0)                      ABSENT (1) GARY PRESTWICH**

NON-AGENDA  
ITEM                      Mayor Fritz: Contacted Mountainland Assoc. of Governments (MAG) ask about the payment of the annual fee for the services of the City Planner. The question was raised by the Council about full payment when the Planner is out of town on business or illness. The response was that Mr. Bolser does enough work outside of the hours when he is actually present in Elk Ridge, that he does not get paid for that covers any time he is out of town. The Mayor has spoken with Dennis Dunn (Planning Commission Chairman) to institute a "logging" system, to track the projects being considered by the Planning Commission.  
   \*The Mayor will meet with Jim Bolser to discuss the details of the proposed contract with Mountainland Assoc. of Governments (MAG).

APPROVAL –  
ENGINEERING  
CONTRACT                      The Council was in agreement that Aqua Engineering is the smaller firm and more accessible. They feel that they would be getting trainees from RB&G, even though they would be supervised by the senior engineers. They all agreed the City would give Aqua the opportunity to service the City.  
   All agreed that RB&G is also a reputable firm and would serve the City well.  
   **MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RUSSELL SLY TO APPROVE AQUA ENGINEERING FOR A ONE-YEAR CONTRACT, TO SERVICE THE CITY AS THE CITY ENGINEERS**  
**VOTE: YES (4)                      NO (0)                      ABSENT (1) GARY PRESTWICH**

ADJOURNMENT                      **MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO ADJOURN THE MEETING**  
**VOTE: YES (4)                      NO (0)                      ABSENT (1) GARY PRESTWICH**

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

## **AMENDED NOTICE & AGENDA**

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, June 8, 2004, at 7:00 PM, to be preceded by a Council Work Session and a Public Hearing at 6:00 PM** for the purpose of hearing public comment regarding consideration of changing the street name on portions of Salem Hills Drive.

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/PROPOSED PLAN FOR STREET NAME CHANGE**  
Public Hearing/Proposed Plan to change the street name on portions of Salem Hills Drive

**6:15 PM      CITY COUNCIL WORK SESSION**

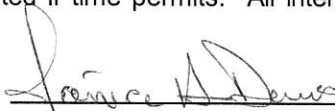
- 6:15      2. Report on Meeting with Utah County Health Dept. – Mayor Fritz
  - A. Updating Drinking Water Source Protection Plans – Mayor Fritz
  - B. Loafer Canyon Recreation Area/Septic Tanks – Mayor Fritz
- 6:35      3. LEI Engineering Contract/Building Inspection – Mayor Fritz
  - A. City Inspector – Alvin Harward
- 6:45      4. Water Pressure Problems – Alvin Harward
- 6:55      5. Payson Sewer Contract Negotiation Update – Mayor Fritz

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

- Opening Remarks and Pledge of Allegiance
- Approval/Agenda Time Frame
- 7:05      6. LEI Engineering Contract/Building Inspection
  - A. City Inspector
- 7:15      7. Construction Bids on 10" Water Line from Cloward Well – Alvin Harward
- 7:25      8. Schedule Public Hearings:
  - A. Final Amended Budget & Capital Improvement Plan for 2003/2004
  - B. Original Budget & Capital Improvement Plan for 2004/2005
  - C. Ordinance Amending the Elk Ridge City Code Providing for Subdivision Improvements (Streets & Curb & Gutter)
  - D. Ordinance Amending the Elk Ridge City Code Providing for Amendments to and Establishment of the Processes for the Review & Approval of Development Applications Within the City
- 7:35      9. John Peterson Subdivision, Plat A/Durability Retainer Release
- 7:45      . Expenditures:
  - General
- 7:55      10. Approval of Minutes of Previous Meetings
- 8:00      11. Adjournment

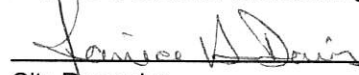
\*Handicap Access, Upon Request. (48 Hours Notice)

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 June, 2004.

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

## **CERTIFICATION**

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and provided to each member of the Governing Body on June 2, 2004; and an Amended Agenda on 6-7-04.

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

**ELK RIDGE  
CITY COUNCIL MEETING  
June 8, 2004**

**TIME & PLACE  
OF MEETING**

The regular Meeting of the Elk Ridge City Council, scheduled for **Tuesday, April 13, 2004, at 7:00 PM;** to be preceded by a **City Council Work Session at 6:00 PM.**

The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah. Notice of the time, place and Agenda of the scheduled meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on June 2, 2004; and an Amended Agenda on June 7, 2004.

**6:00 PM**

**PUBLIC HEARING/PROPOSED PLAN FOR STREET NAME CHANGES**

Proposed Plan to change the street name on portions of Salem Hills Drive

**ROLL CALL**

*Mayor:* Vernon L. Fritz; *City Council:* Alvin L. Harward, Mark Johnson, Gary Prestwich, Russell Sly (Absent: Mary Rugg); *Administrative Assistant:* Ernestine Folks; *Daily Herald:* Caleb Warnock; *Public:* Earl & Julie Jorgensen, AJ Christensen, Dorian Pia, Joe Wadlinger, M. Troy Richardson, Marriner L. & Jean Beckstead, Jim A. Nicolet; & *City Recorder:* Janice H. Davis

At 6:00 PM, Mayor Fritz opened the Public Hearing on the Proposed Plan for Street name changes on portions of Salem Hills Drive.

Public Comment:

Anthony J. (AJ) Christensen: He realizes that people do get lost at times when trying to find an address on Salem Hills Drive, due to the existence of so many directions on the same street. He is a resident at 161 W. Salem Hills Drive. Even with the occasional problems with direction, there would exist a greater problem for one of the residents of W. Salem Hills Drive...Marilyn Russell. (Mr. Christensen acted as spokesman for Mrs. Russell) She and her husband lived in Belgium. Her husband died and she receives social security benefits from Belgium. It is a difficult process to receive these monthly benefits. When she moved from Provo to Elk Ridge, she had a difficult because they would not change her address. It took her a long time to finally accomplish this through the Belgium Government...and that was with the assistance of a senator. Mayor Fritz regularly signs an affidavit verifying she lives at the address on W. Salem Hills Drive. It would be an extreme hardship to change her address.

Mr. Christensen and her other neighbors agree that the Street name should remain as it is; however, the signs should designate west, east, north or south Salem Hills Drive. This would help in finding addresses and would still honor Mrs. Russell's situation.

Earl Jorgensen: Resident at 401 East Salem Hills Drive for over 23 years...

He has never had an issue with anyone not being able to find them. He sees a change as a tremendous hassle. He agrees the street names should indicate east, west, north or south.

Troy Richardson: (503 E. Salem Hills Dr.) His business address is established. His certification for his welding business has his current address on it. It would cost him \$6,000 to change his address on this certification. He agrees with what has been proposed regarding the street name signs.

Dorian Pia: (427 E. Salem Hills Dr.) Agrees with other residents about the street signs having directions on them. He does not see the value in changing the names.

Marriner Beckstead: Agrees with the proposal for the street signs to have directional designations on them.

Mayor Fritz: The Council is gathering information at this time. No decision has been made or will be made until the next Council Meeting, when all members are present.

The reason the Public Hearing was scheduled was due to the concerns expressed by a citizen that the emergency services might be better served if the names were clarified. A survey of the residents was approved.

The Mayor asked for the Council's opinions:

Russell Sly: The signs should have east, west, north or south designations; that should be sufficient.

Gary Prestwich: Change street signs to east, west, north & south Salem Hills Dr.

(Perhaps even have arrows that would designate divisions in the direction designations).

Ernestine Folks: Has worked on some mapping with dispatch, in identifying numbers and direction to be able to facilitate locating addresses.

Mark Johnson: Dispatch needs to clarify their directions, as well.

Mayor Fritz closed the Public Hearing.



Mr. Morteazadeh contacted the City and indicated he is working on the list and has arranged to do the asphalt work in conjunction with the City's work.  
The Council felt that, since he is working on completing the list, as provided by the Engineers, they would not schedule a Public Hearing at this time.

ACTION/  
STREET NAME  
CHANGE

The request to have street names on Salem Hills Drive changed has been withdrawn. It has been decided that the same street names would remain; however, the north, south, east, west directions will be added to the signs.  
The Public Hearing was conducted last Council Meeting and the majority of the opinions were against changing the names of the street due to the major inconvenience of doing so. They did agree that the directions being added to the signs would be good. The Fire Chief agreed.  
Signs with arrows designating north/south & east/west when addresses change mid-street.

ADOPTION/  
BUDGETS AND  
TAX RATE

1. Final 2003/04 Fiscal Year Budget & Capital Improvement Plan:  
**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO ADOPT THE FINAL 2003/2004 FISCAL YEAR BUDGET AND CAPITAL IMPROVEMENT PLAN**  
VOTE: YES (5) NO (0)

2. Certified Tax Rate for 2004:  
**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY MARY RUGG TO ADOPT THE CERTIFIED TAX RATE AS RECOMMENDED BY THE STATE OF UTAH, AT THE RATE OF .002450 FOR THE 2004 TAX YEAR**  
VOTE: YES (5) NO (0)

3. Original Budget for 2004/2005 Fiscal Year Budget & Capital Improvement Plan:  
**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESTWICH TO ADOPT THE 2004/2005 FISCAL YEAR BUDGET AND CAPITAL IMPROVEMENT PLAN, WITH CHANGES AS NOTED**  
VOTE: YES (5) NO (0)

EXPENDITURES:

General: None


Alvin Harward: Received a bid from Western Quality for work on the pressure changes on the south part of the City (Oak Lane) in the amount of \$8,850...the City will pay for the supplies.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO APPROVE AN AMOUNT NOT TO EXCEED \$8,850, IN THE 2004/2005 FISCAL YEAR, FOR WORK ON INCREASING THE WATER PRESSURE ON OAK LANE AND CANYON VIEW DRIVE**

VOTE: YES (5) NO (0)

ADJOURNMENT

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

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

6:15 PM

**CITY COUNCIL WORK SESSION**

ROLL CALL

*Mayor:* Vernon L. Fritz; *City Council:* Alvin L. Harward, Mark Johnson, Gary Prestwich, Russell Sly (Absent: Mary Rugg); *Administrative Assistant:* Ernestine Folks; *Daily Herald:* Caleb Warnock; *Public:* Joe Wadlinger, Jim A. Nicolet; & *City Recorder:* Janice H. Davis

MEETING WITH  
UTAH COUNTY  
HEALTH DEPT.

Mayor Fritz: The Mayor met with representatives from the Utah County Health Dept. Mr. Beeby called the State regarding the Wellhead Protection Act. The result of the conversation is that the Wellhead Protection Act had no affect on the Loafer Canyon Well, because the Well was registered 3 or 4 days before the Act went into effect. The Loafer Canyon Well is listed an "existing well" as the Protection Act went into effect. It is also listed as a "deep well", due to the depth of the Well. The implication is that a "deep well" is safer than a "shallow well".

A letter was received from the State regarding the Loafer Canyon Well Source Protection Zone restrictions, summarizing this information. The letter also states that the City was "required to obtain a land use agreement from the Loafer Water Users' Assoc. based on Division of Drinking Water Rules that were in effect prior to the Source Protection Rule. Essentially, the Loafer Water Users' agreed to prohibit the location of 'concentrated sources of pollution' (septic tank/drain-field systems, land fills, etc.) within a 100' radius of the well. This agreement is still in effect and must be enforced."

The Mayor left a message with the City Attorney asking if the City would still be within its rights to prohibit septic systems in Loafer Canyon.

The letter from the State goes on to say, "With the exception of the requirement discussed in the first paragraph, Elk Ridge City's management of its Drinking Water Source Protection zones is within their control. This control is usually accomplished through local city and county ordinances, etc. We recommend that any development permitted by the City be conducted with due consideration being given to source protection issues."

Memo from Mayor:

The Health Dept. still did not address the holding tank issue. The problem remains that just because our Well pre-dates the Act, nothing has changed the underpinnings of the report, that being, is it safe to use septic systems in the area?

- The County believes it is safe. Indeed, as they pointed out, there is a cabin about two hundred feet from the wellhead and it has been there for about eight years without having caused a problem.
- The difficult part of this issue is that the Association "WILL" litigate if we don't permit them to build up to eight or so cabins over the next ten years. Their argument (with some legitimacy) being that the restriction diminishes the value of their property and they will litigate for recovery of that lost value. The figure could be quite high.
- I (the Mayor) want to take the letter from the Health Dept. and appeal again to the State Environmental Agency for approval to use a holding tank for the cabin within the 250 feet of the wellhead. I (Mayor) don't know what the result will be but I do know we do not want to get involved with expensive litigation.
- We also don't want to pollute our well, so the case still hasn't been resolved.

The Mayor added that the members of the Loafer Recreation Association have invested quite a bit of money into improvements in Loafer Canyon Recreation area, they are not making "loud, boisterous threats; but it has been clearly communicated that if they don't gain some satisfaction, they will litigate."

The Council still needs to be concerned about the possibility of contamination to the City's Well. From the County's perspective, Mr. Beeby sees no reason why there should not be septic tanks in the upper portion of Loafer Canyon, where 10-12 existing cabins are located. He pointed out that within 200 feet, there is an existing cabin that has been there for about 8 years...on a septic system...Mr. Tervort's proposed cabin is about 200 to 250 feet from the wellhead. At this point, the City is unaware of any contamination to the wellhead.

City Recorder: The current Ordinance prohibits septic tanks; the Ordinance would need to be amended to accommodate the requests of the Association.

Mayor Fritz: Even though there are old septic systems in the area, it is still important for the Council to be sure the City is protected.

Council opinions:

Russell Sly: His opinion is that septic systems work; this is supported by all the authoritative sources the City has. He would like to see David Church's opinion regarding the legalities of the current issues associated with Loafer Recreation area. The question remains, if the Association decides to litigate, will the City's Ordinance be effective?

Alvin Harward: He is not aware of anything to date that offers proof that contamination will occur outside the 100 ft. zone around the wellhead. He feels the Association may have a "case" to allow septic tanks beyond the 100' zone.

Gary Prestwich: Shares the opinion that septic systems work. He also feels that contamination would have already occurred from the existing septic tanks in the area.

Mayor Fritz: Is not ready to give up on the idea of a holding tank for the area closer to the well. If the State refuses to grant approval, then the City will have to make a decision.

Mark Johnson: He agrees with the concept of septic tanks and that the Association may have a case in favor of septic tanks in their area

The Mayor hopes to have an answer back from David Church by June 22.

LEI ENGINEERING  
CONTRACT/  
BUILDING  
INSPECTION

Alvin Harward: Needs more time on this issues and would like to postpone the Agenda item until June 22. Both the proposed Contract and the matter of a City Inspector will be on the City Council Agenda on June 22.

WATER PRESSURE  
PROBLEMS

Alvin Harward: There are water pressure problems within the City's water system.

1. South side of Oak Lane & Canyon View Drive: Some residents in the area have 30 lbs. of pressure or less; this is due to the way the pipes are laid or the pressure valves.
2. North end of the City: 2 problem places exist where the pressure is over two hundred lbs. These are areas that need to be addressed and he proposes correcting these problems, one at a time, to get the pressure between 120 – 150 lbs.

Gary Prestwich: He would like to recommend Oak Lane as a priority because the road is scheduled to be re-built next summer. It would be good to do the work prior to the road repairs.

Alvin Harward: The cost for Oak Lane is estimated at \$6,000...the road will have to be crossed in one place. Councilmember Prestwich will keep in contact with Councilmember Harward on the repairs.

(The 2004/05 Budget will include the estimated cost for the project.)

The other two areas will cost about \$10,000.

PAYSON SEWER  
CONTRACT  
NEGOTIAIONS/  
UPDATE

Mayor Fritz: The negotiations seem to be favorable. The proposed figures provided by Payson reflect the cost of running the line from the Payson Sewer Plant to the bridge on 1600 West, on to the roundabout in Woodland Hills. That figure is in the range of 2.2 to 2.3 million dollars. The Mayor prefers to use the figure of 2.5 million dollars because there are always extra costs involved with a project of this size.

The engineers assigned a proportionate share of that cost to Elk Ridge at 33%. The Mayor feels this is high and he will continue in the negotiations with Payson. The Mayor thinks 25% is a more appropriate percentage. Woodland Hills would be at 10%.

This would be just the cost of installation of the line. Operation costs would also have to be addressed, on a "per connection" basis.

Payson is willing to obtain a 20-year Bond at 4.5% to 4.6% interest rate.

LEI Engineering is the firm hired to engineer the project; they would add onto the cost another 5%.

It is possible that rights-of-way acquisitions could begin in the fall of the current year and construction could begin in the spring of 2005.

Based on a projected cost of 2.5 million dollars, the cost per household could be about \$35 - \$38. There is no commitment on the part of the Mayor to force the existing systems in Elk Ridge onto the Payson system; but it is an option.

Options:

- Sewer part with Salem, part with Payson
- Sewer all with Payson

Russell Sly: Salem Plant has also become more expensive to operate. The Operation & Maintenance (O&M) cost has increased a great deal this year and we expect higher costs in the future, as well.

The Salem Plant anticipates about 2 million dollars in upgrades and Elk Ridge is responsible for 18% of this (about \$360,000).

Alvin Harward: Is in favor of sewerage with Payson, but does not agree with 33% of the cost being assigned to Elk Ridge.

Mayor Fritz closed the Work Session.

**ELK RIDGE  
CITY COUNCIL MEETING  
June 8, 2004**

**TIME & PLACE  
OF MEETING**

The regular Meeting of the Elk Ridge City Council, scheduled for **Tuesday, April 13, 2004, at 7:00 PM;** to be preceded by a **City Council Work Session at 6:00 PM.**

The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah. Notice of the time, place and Agenda of the scheduled meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on June 2, 2004; and an Amended Agenda on June 7, 2004.

**CITY COUNCIL REGULAR SESSION AGENDA ITEMS**

**ROLL CALL**

*Mayor*: Vernon L. Fritz; *City Council*: Alvin L. Harward, Mark Johnson, Gary Prestwich, Russell Sly (Absent: Mary Rugg); *Administrative Assistant*: Ernestine Folks; *Daily Herald*: Caleb Warnock; *Public*: Joe Wadlinger, Jim A. Nicolet;  
& *City Recorder*: Janice H. Davis

**OPENING  
REMARKS &  
PLEDGE OF  
ALLEGIANCE**

Opening Remarks in the form of a prayer were offered by Mark Johnson, after which the Pledge of Allegiance was led by Alvin Harward.

**AGENDA TIME  
FRAME**

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RUSSELL SLY  
TO APPROVE THE AGENDA TIME FRAME, STRIKING AGENDA ITEMS 6 & 6-A FROM THE  
AGENDA**

**VOTE: YES (3) NO (0)**

**ABSENT (2) GARY PRESTWICH  
(FROM VOTE) & MARY RUGG**

**CONSTRUCTION  
BIDS ON  
10" WATER LINE  
FROM CLOWARD  
WELL**

Alvin Harward: If the 10" water line is going to be installed, he recommends collecting the bids for the construction now rather than the fall. He has contacted a couple of contractors and they expect expenses will increase in the fall. They feel the City will get a better price now.

Mayor Fritz: Agrees and suggested when the bids are "let", it would be with the stipulation that it is acceptable to the City if the work be considered as "fill-in" work...which means the contractors would do the work as their time permits...but they would not go beyond a designated date.

Mark Johnson: If the work is done, he prefers using retained earnings in the Water Fund rather than the excess Bond money from the Cloward Well Bond.

Mayor Fritz: This decision can be deferred until after the Audit, to better determine if it is wise to use the Bond money. The Mayor prefers using the Bond money for the proposed project.

Alvin Harward: The only decision now would be to allow Aqua Engineering to let out the bid for the work.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RUSSELL SLY TO  
ALLOW AQUA ENGINEERING TO SOLICIT BIDS FOR THE INSTALLATION OF THE  
PROPOSED 10" WATER LINE LEADING FROM THE CLOWARD WELL; AND TO ADVISE  
THE CITY ON ANY "PARTICULARS" TO BE TAKEN INTO CONSIDERATION REGARDING  
THE PROJECT**

**VOTE: YES (4)**

**NO (0)**

**ABSENT (1) MARY RUGG**



SCHEDULE  
PUBLIC  
HEARINGS

1. Final Amended Budget & Capital Improvement Plan for 2003/2004:

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY ALVIN HARWARD TO SCHEDULE A PUBLIC HEARING FOR JUNE 22, 2004, AT 6:05 PM, TO CONSIDER THE FINAL AMENDMENT TO THE 2003/2004 FISCAL YEAR BUDGET & CAPITAL IMPROVEMENT PLAN**

**VOTE: YES (4) NO (0) ABSENT (1) MARY RUGG**

2. Certified Tax Rate, Original Budget & Capital Improvement Plan for 2004/2005:

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO SCHEDULE A PUBLIC HEARING FOR JUNE 22, 2004, AT 6:35 PM, TO CONSIDER THE ADOPTION OF THE CERTIFIED TAX RATE, FISCAL YEAR BUDGET & CAPITAL IMPROVEMENT PLAN FOR 2004/2005**

**VOTE: YES (4) NO (0) ABSENT (1) MARY RUGG**

3. Ordinance/Amending the Elk Ridge City Code Providing for Subdivision Improvements (Streets & Curb/Gutter):

The Council agreed in principle that curb & gutter is not the only answer for new development in Elk Ridge. This proposed Ordinance was mandated to the Planning Commission for consideration.

Memo to the Council from the Planning Commission:

"Action taken June 3, 2004 on the proposed ordinance amending the Code providing for subdivision improvements was as follows:

Discussion over the past two meetings brought out many possible reasons to retain or eliminate the curb and gutter ordinance. After weighing the values of both, for and against, using the General Plan as a Standard, it was decided to keep the existing ordinance as it now stands but to look closer at any and all possible exceptions, while maintaining the integrity of the general plan and current ordinance.

Jim Bolser is now providing us with a document to look at that will list some exceptions for additional discussion and debate."

Mayor Fritz: The Mayor spoke with Chairman Dennis Dunn (Planning Commission) about their primary concerns:

- They did not feel developers should have the option of curb/gutter or gravel shoulders.

The suggestion was that the Council could grant exception to allow curb & gutter or gravel shoulders in place of curb & gutter. The thought being that in certain places, gravel may be more appropriate.

The Mayor agrees that it should not be left up to the developer to decide.

Jim Nicolet: Why have an ordinance if "exceptions" are to be granted? Decisions should not be made according to the "heat" of the moment. Granting exceptions sets precedence and other developers will want the same consideration.

He was on the Council when this ordinance was enacted and the over-all goal was to place curb & gutter into places without it...eventually it would fill in. Payson has addressed the issue in a "piecemeal" manner and it has worked out well.

Alvin Harward: There is a need for exceptions to the curb & gutter regulation...when there is a small development in the middle of no curb & gutter, a drainage problem would result if a few lots met the requirement. Unless curb & gutter is to be installed city-wide, the ordinance should be changed. He does not feel that is the intent of this Council.

Gary Prestwich: When part of the Council was elected, the platform at the time was "no curb & gutter".

Mark Johnson: Curb & gutter creates other problems with drainage...that becomes a City maintenance problem.

Jim Nicolet: Modify the ordinance, if necessary; but don't grant exceptions.

Gary Prestwich: (Brief explanation of the intent of the proposed ordinance he had presented for consideration)

There are options...not necessarily "exceptions" to the ordinance.

4. Ordinance/Amendments to & Establishment of the Processes for the Review & Approval of Development Applications within the City:

Ernestine Folks: This proposed ordinance has been under consideration for nearly two years. It has evolved to include all the Planning Commission processes. The Planning Commission feels it will better clarify and organize the information.



The recommendation to the Council is to schedule a Public Hearing.

Mayor Fritz: Urged the Council to read the proposed ordinance carefully prior to the Public Hearing and be prepared for discussion and any suggestions.

**MOTION WAS MADE RUSSELL SLY AND SECONDED BY MARK JOHNSON TO SCHEDULE A PUYBLIC HEARING ON JULY 13, 2004, FROM 6:00 PM TO 6:15 PM, TO CONSIDER AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR AMENDMENTS TO AND ESTABLISHMENTOF THE PROCESSES FOR THE REVIEW AND APPROVAL OF DEVELOPMENT APPLICATIONS WITHIN THE CITY**

**VOTE: YES (4) NO (0) ABSENT (1) MARY RUGG**

JOHN PETERSON  
SUBDIVISION,  
PLAT A –  
DURABILITY  
RETAINER  
RELEASE

No letter from LEI Engineering available. The issue is postponed.

EXPENDITURES

General:

Water Pressure problems:

Alvin Harward: \$6,000 is in the 2004/05 Budget for the pressure problems to be addressed on Oak Lane. Councilmember Harward would like to collect bids.

It will be on the agenda on June 22, 2004.

MINUTES

Minutes of 5-25-04:

\*Check page 6 for rest of sentence regarding meeting with Jim Bolser.

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO APPROVE THE CITY COUNCIL MEETING MINUTES OF 5-25-2004, CONTINGENT UPON CORRECTION ON PAGE 5 REGARDING MAG CONTRACT**

**VOTE: YES (4) NO (0) ABSENT (1) MARY RUGG**

NON-AGENDA  
ITEMS

1. Brent Martin/Lot Line Adjustment:


Jim Bolser approved the adjustment. A letter from Mr. Bolser went to the County; however Mr. Martin does not want to record the adjustment without a Plat.

2. The Mayor is to check with David Church about the charge of a franchise tax on cell phones. If the City does not benefit from the tax, does the City have to pass the ordinance, which will levy the tax?

ADJOURNMENT

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY MARK JOHNSON TO ADJOURN THE MEETING**

**VOTE: YES (4) NO (0) ABSENT (1) MARY RUGG**

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

### **AMENDED NOTICE & AGENDA**

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, June 22, 2004, at 7:00 PM, to be preceded by a Council Work Session and Two Public Hearings on the following: The First Public Hearing, at 6:05 PM, is on the Final Amended Budget for the 2003/2004 Fiscal Year, including the Capital Improvement Plan; The Second Public Hearing, at 6:35 PM, is on the Adoption of the Certified Tax Rate, & the Original Budget for 2004/2005, including the Capital Improvement Plan, for Elk Ridge City. The regular Council Meeting will also be preceded by a Council Closed Session at 6:50 PM.**

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**

Web Page Discussion – Jim Nicolet

**6:05 PM      1. PUBLIC HEARING/FINAL AMENDED 2003/04 BUDGET & CAPITAL IMPROVEMENT PLAN**

Public Hearing/Proposed Adoption of the Final Amended Budget for 2003/04 Fiscal Year, including the Capital Improvement Plan

**6:35 PM      2. PUBLIC HEARING/CERTIFIED TAX RATE FOR 2004, 2004/05 BUDGET & CAPITAL IMPROVEMENT PLAN**

Public Hearing/Proposed Adoption of the Certified Tax Rate for 2004, 2004/05 Budget & Capital Improvement Plan

**6:45 PM      CITY COUNCIL WORK SESSION**

6:45      3. Kyle Hill Presentation – Serviceman – Mayor Fritz

**6:50 PM      CITY COUNCIL CLOSED SESSION**

4. Discussion of Personnel

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

Opening Remarks and Pledge of Allegiance

Approval/Agenda Time Frame

7:05      5. Eagle Projects/Curtis & Carl Deichman

7:10      6. Loafer Canyon Recreation Area/Septic Tanks – Mayor Fritz

7:30      7. Aqua Engineering Contract Approval

7:45      8. Renewal of MAG Contract/City Planner – Mayor Fritz

7:55      9. LEI Building Inspection Contract – Mayor Fritz

8:05      10. Extension of Salem Hills Rd. to W. Goosenest Drive – Mayor Fritz

8:15      11. John Peterson Subdivision, Plat A/Durability Retainer Release

8:20      12. Schedule Public Hearing to Consider Developer of Elk Ridge Heights Subdivision in Default

8:30      13. Action/Street Name Change Proposal – Mayor Fritz

8:40      14. Adoption:

        A. Final 2003/2004 Fiscal Year Budget & Capital Improvement Plan

        B. Certified Tax Rate for 2004 Tax Year

        C. Original Budget for 2004/2005 Fiscal Year Budget & Capital Improvement Plan

8:50      15. Expenditures:

        General

9:00      Adjournment

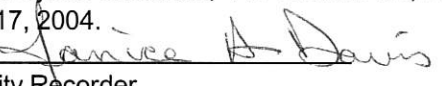
\*Handicap Access, Upon Request. (48 Hours Notice)

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 21st day of June, 2004.

  
City Recorder

### **CERTIFICATION**

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and provided to each member of the Governing Body on June 17, 2004.

  
City Recorder

**ELK RIDGE  
CITY COUNCIL MEETING  
June 22, 2004**

**TIME & PLACE  
OF MEETING**

This Regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, June 22, 2004, at 7:00 PM.** It was preceded by a Council Work Session, a Closed Session and **two Public Hearings,** for the purpose of hearing public comment regarding the following: **The first Public Hearing, held at 6:05 pm,** was on the Final Amended Budget for 2003/04 & Capital Improvement Plan:

**The second Public Hearing, at 6:35 pm;** was on the proposed Adoption of the Certified Tax Rate for 2004, the 2004/2005 Fiscal Year Budget & Capital Improvement Plan.

All interested persons were given an opportunity to be heard.

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

Notice of the time, place and Agenda of the Scheduled Council Meetings & Public Hearings, as well as the Amended Agenda, were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on June 12, 2004.

**6:00 PM**

**CITY COUNCIL WORK SESSION**

**WEB PAGE  
DISCUSSION**

Jim Nicolet: Was not present for discussion.

**6:05 PM**

**PUBLIC HEARING/FINAL AMENDED 2003/04 BUDGET & CAPITAL IMPROVEMENT PLAN**

Public Hearing/Proposed Adoption of the Final Amended Budget for 2003/04, including the Capital Improvement Plan

**ROLL CALL**

*Mayor:* Vernon Fritz; *City Council:* Mary Rugg, Alvin Harward, Russell Sly, Mark Johnson, Gary Prestwich; *Administrative Assistant:* Ernestine Folks; *Public:* Scouts: Carl & Curtis Deichman, Laura Deichman; *Sheriff:* Deputy Larsen and *City Recorder:* Janice H. Davis

At 6:05 PM, Mayor Fritz opened the Public Hearing.

Janice H. Davis (City Recorder): Review of the Final Amended Budget for 2003/04

Introduced Ernestine Folks to review the 5-Year Capital Improvement Plan:

Copies of the updated Plan were submitted to the Councilmembers.

Summary of Changes since February 24, 2004...

2003/2004:

- Crack & Seal added (\$4,000)
- 10" Water line moved from 2003/04 to next year
- Oak Lane Water Line added (\$3,000)
- Deleted the purchase of a sewer camera (\$8,000)
- Trails project moved from current year to next year (\$100,000 for Phase 1)
- Updated the streets to be repaired

2004/2005:

- All Transfers from the General Fund cancelled
- Lakeview Drive moved from 2003/04

Mrs. Folks urged the Council to review the future years and contact her with planned projects.

Russell Sly: \$15,000 Transfer to Loafer Canyon Drive for the future extension of the sewer main, is to be eliminated from 2003/04 & the 2004/05 Budgets.

Mary Rugg: Is concerned with spending \$42,000 on chip & seal, particularly when the Council is attempting to cut expenditures in 2004/05. She questioned the value of chip & seal, especially on newer roads.

Gary Prestwich: In contacting other communities and UDOT (Utah Dept. of Transportation), he has been assured that the chip & seal process extends the life of a road. The City is not contracting with a private company; it is a joint, multi-city project with Spanish Fork.

Chip & seal now will save money on the roads in the long run. He does not feel it would be wise to skip a year. Councilmember Prestwich gave the example of the Highway between Payson & Salem...as soon as UDOT resurfaced the entire road; a final coat of chip & seal was laid down. He has eliminated some of the planned projects that have been cut.

City Recorder:

2003/04 Final Budget:

Capital Outlay/Water...Decrease from \$50,000 to \$30,000

Alvin Harward: Approximately \$28,000 will be needed to correct pressure valves, beginning in 2005/2006, in three areas in the City. Capital Outlay will have to be increased for 2004/05 to include this \$28,000.

\*Question: If project includes some repair and some new installation, how much is to be considered "Capital Outlay" and how much as "Operating Maintenance"? The Recorder will meet with Councilmember Harward for more information on the breakdown of the project.

At 6:40 PM, the Mayor closed the Public Hearing.

**CITY COUNCIL WORK SESSION**

KYLE HILL  
PRESENTATION

Mayor Fritz: Serviceman Kyle Hill has been serving the United States in Afghanistan and has returned home. The City Council honored him by presenting him a token of the City's gratitude for serving our Country. The gift was a framed picture of George Washington.

6:43 PM

**PUBLIC HEARING/2004 CERTIFIED TAX RATE, 2004/05 BUDGET & CAPITAL IMPROVEMENT PLAN**

Public Hearing/Proposed Adoption of the Certified Tax Rate for 2004, 2004/05 Budget & Capital Improvement Plan

ROLL CALL

*Mayor:* Vernon Fritz; *City Council:* Mary Rugg, Alvin Harward, Russell Sly, Mark Johnson, Gary Prestwich; *Administrative Assistant:* Ernestine Folks; *Public:* Scouts: Carl & Curtis Deichman, Laura Deichman; *Sheriff:* Deputy Larsen and *City Recorder:* Janice H. Davis

At 6:43 PM, the Mayor opened the Public Hearing.

City Recorder:

The Council decided not to exceed the Certified Tax Rate for the 2004 Tax Year.

Fire Dept.

The EMS Grant that was to be about \$5,200 will come in at about \$1,700.

No usual Transfers will be made to the Capital Projects Funds from the General Fund.

\$61,677 will be used of prior years' fund balance to balance the Budget between Revenue and Expenditures.

Discussion of the proposed usage of the excess Bond money from the Cloward Well.

A decision must be made whether or not to use this money from the Bond or to pay for the installation from other sources.

\*The projects to improve the pressure need to be assigned an account. The City Recorder will contact Curtis Roberts (CPA).

Storm Drainage Fees: Will Impact Fees be added to this Fund? Currently, the fee of \$3 Per household is inadequate to plan for any major improvements to the System.

Few changes were made from the time in May when the Tentative Budget for 2004/05 was adopted. Much of the discussion took place at that time.

There were no further comments.

Mayor Fritz closed the Public Hearing at 7:00 PM.

**ELK RIDGE  
CITY COUNCIL MEETING  
June 22, 2004**

**TIME & PLACE  
OF MEETING**

This Regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, June 22, 2004, at 7:00 PM.** It was preceded by a Council Work Session, a Closed Session and **two Public Hearings,** for the purpose of hearing public comment regarding the following: **The first Public Hearing, held at 6:05 pm,** was on the Final Amended Budget for 2003/04 & Capital Improvement Plan:

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All interested persons were given an opportunity to be heard.

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

Notice of the time, place and Agenda of the Scheduled Council Meetings & Public Hearings, as well as the Amended Agenda, were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on June 12, 2003.

**REGULAR CITY COUNCIL MEETING AGENDA ITEMS**

**ROLL CALL**

*Mayor:* Vernon Fritz; *City Council:* Mary Rugg, Alvin Harward, Russell Sly, Mark Johnson, Gary Prestwich; *Administrative Assistant:* Ernestine Folks; *Public:* Scouts: Carl & Curtis Deichman, Laura Deichman; *Sheriff:* Deputy Larsen and *City Recorder:* Janice H. Davis

**INVOCATION &  
PLEDGE OF  
ALLEGIANCE**

An Invocation was offered by Gary Prestwich and Alvin Harward led those present in the Pledge of Allegiance.

**AGENDA TIME  
FRAME**

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESTWICH TO ACCEPT THE AGENDA TIME FRAME, ADJUSTING THE STARTING TIME TO 7:03 PM AND MOVING THE COUNCIL CLOSED SESSION INTO THE REGULAR SESSION TIME FRAME**

**VOTE: YES (5)**

**NO (0)**

**EAGLE PROJECTS**

Curtis Deichman: Request to Paint address numbers on curbing in the City...

The Council feels this would be an appropriate Eagle Project, pending the approval of the residents involved.

Color: White with Black...this will be at no cost to the City.

Carl Deichman: Request to build park benches by the Soccer field...

Councilmember Rugg agrees that this would be a useful project, but asked that the design be professional. The scouts are using the design used by scouts in Provo City. These scouts will assist and guide the project in Elk Ridge. Two benches will be provided to the City at no cost to the City. The benches will be made from treated wood.

\*The plans will be presented to the Mayor prior to actually doing the projects.

**7:10 PM**

**CITY COUNCIL CLOSED SESSION**

**ROLL CALL**

*Mayor:* Vernon Fritz; *City Council:* Mary Rugg, Alvin Harward, Russell Sly, Mark Johnson, Gary Prestwich

Discussion of personnel

**REGULAR CITY COUNCIL SESSION – CONTINUED**

**ROLL CALL**

*Mayor:* Vernon Fritz; *City Council:* Mary Rugg, Alvin Harward, Russell Sly, Mark Johnson, Gary Prestwich; *Administrative Assistant:* Ernestine Folks; *Public:* Scouts: Carl & Curtis Deichman, Laura Deichman; *Sheriff:* Deputy Larsen and *City Recorder:* Janice H. Davis



LOAFER CANYON  
RECREATION AREA/  
SEPTIC TANKS

Mayor Fritz: The Mayor provided copies of the letters both to and from authorities regarding legal positions based upon new data.

One letter was from the State of Utah, dated June 1, 2004; and stated that the Loafer Canyon Well was classified as an "existing well" just prior to the adoption of the Source Protection Rule. It also states that Elk Ridge was required to obtain a "land use agreement" from Loafer Water Users Association based on Division of Drinking Water Rules in effect at the time. Loafer Recreation agreed to prohibit the location of "concentrated sources of pollution" (septic tank/drain field systems, land fills, etc.) within a 100' radius of the well. This agreement is still in effect and must be enforced.

"With the exception of the requirement in the first paragraph, Elk Ridge City's management of its Drinking Water Source Protection zones is within their control. This control is usually accomplished through local city and county ordinances, etc. We recommend that any development permitted by the City be conducted with due consideration being to source protection issues."

The Mayor responded back to the State in a letter dated June 9, 2004, with questions:

1. If Utah County has no objection to septic tanks in the area, does the City have a defensible position in continuing to restrict septic tanks in the Association's boundaries?
2. RE: Agreement between Elk Ridge and the Association to a limited restriction of 100' from the wellhead...

The County has already issued two permits for septic tanks within 250' of the well. The Mayor would still like to require a holding tank for the newly proposed cabin.

It could be about 3 to 4 years before that area has any City sewer connections available. The City is fully capable of monitoring and requiring maintenance of a holding tank, if the State will approve its installation.

Will the State grant a holding tank permit under the conditions just described?

A third letter, dated June 9, 2004, was sent to David Church from the Mayor; accompanied by a copy of the letter sent to the State.

Question: Does this agreement (between Elk Ridge & Loafer Recreation) prevent the City from enforcing the septic tank restriction?

The Mayor expressed concern that the Association has stated they will litigate if the City continues to refuse them building permits based on the septic tank restriction. If they are in a legally strong position, the Mayor does not want to spend a lot of City money on a losing cause. Two Utah County Health Dept. officials on a tour of the Association land stated verbally to the Mayor that they would have no difficulty in issuing septic tank permits. They continue to oppose holding tanks for cabins for more than one year. It is most likely at least three to four years before sewer lines are in the area.

Is the City in a weak position legally?

He asked that Mr. Church get back to the Mayor before June 22 with his opinion.

Discussion:

Litigation is not always negative. Allowing the decision to be in the hands of the judicial system relieves the Council of the necessity of judging the issue.

Mayor (Recommendation)

He has reviewed all the information for a long time...

1. He would follow the Association's request and allow 10 building permits for cabins over the next 5 years, at the rate of two cabins per year.

2. This would begin with one cabin (Tervort) that is located 340 feet from the wellhead.

(The rate of construction can be negotiated with the Association with a limit of two per year.)

Council Discussion:

Russell Sly: If two permits were not used in one year, the amount would not double the next year...it "slides" (correct)

Mary Rugg: The Wellhead Protection Ordinance was put into place for a specific reason, it the Council gives in to threats of litigation, and this would set a dangerous precedent. The City has to have Standards to follow, regardless of how much the Council would like to be accommodating.

Her advice would be to adhere to the Ordinance in place.

Mayor Fritz: Feels the Council has done a great deal of research on the issues at hand and taking the many perspectives into consideration. He wants to avoid any dereliction of duty in not making a decision.

Russell Sly: He still feels that septic tanks do work. The County also believes that they do not present an undue hazard on the same piece of property. The Council has explored various options.

Objections to Septic Systems:

1. He wanted to require soil testing, as an early warning system.

2. The Wellhead Protection Act is a “formidable” document; but that is now “out of the picture”. He feels the Association should be able to use their property and he agrees with the Mayor’s recommendation.

City Recorder: The City Ordinance would have to be changed to accommodate the exception.

Mary Rugg: Is against changing the Ordinance to accommodate developers. This is an important Ordinance, put in place for a purpose.

Russell Sly: Ordinances evolve with new circumstances and adequate reasons behind the action.

Gray Prestwich: There is an existing septic tank in the area, in place since 1995. Any contamination would have already occurred. He would be willing to allow an additional septic tank at that distance or farther away.

Alvin Harward: Is concerned that the City’s water is drinkable. He has not seen any evidence that any problem with contamination exists. He feels no septic tanks should be allowed within 100’ of the wellhead, or at a distance of not less than the existing cabin.

Mark Johnson: Agrees with Councilmember Harward, and the use of these cabins is limited in the Loafer Recreation area.

Mayor Fritz: Septic tanks not being allowed in the City originated due for the most part to the Wellhead Protection Act. The regulations of this Act do not apply to the Loafer Well because it is classified as a “deep” well and an “existing” well, as represented to the Mayor by the State Drinking Water Board.

\*Issue:

Should the City Council move forward in modifying the Ordinance to allow septic tanks in the Loafer Recreation area?

Gary Prestwich: There is nothing in the recommendation about not allowing then to build any closer than the existing cabin.

The Mayor feels the only restriction that is totally defensible is the 100’ from the wellhead.

Would the Council authorize the Mayor to negotiate with the Association to see how they feel about the suggestion of not building any closer than the existing cabin?

\*He will bring the information back to the Council at the next Meeting.

Russell Sly: Would like for the Council to have copies of the Ordinance dealing with the Wellhead Protection. Mayor Fritz asked that Mrs. Folks provide copies of the Ordinance.

\*She agreed to have copies in the Council’s folders before the week was out.

AQUA  
ENGINEERING  
CONTRACT

Mayor Fritz: David Church has not returned his opinion on the proposed contract. The Mayor suggested approval contingent upon receipt of David Church’s favorable opinion.

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO APPROVE THE CONTRACT WITH AQUA ENGINEERING, CONTINGENT UPON THE CITY ATTORNEY’S FAVORABLE OPINION REGARDING THE CONTRACT**

**YES (5)**

**NO (0)**

MAG CONTRACT  
RENEWAL/CITY  
PLANNER

Mayor Fritz: The Contract with Mountainland Assoc. of Governments (MAG) for Jim Bolser as the City’s Planner is due for renewal.

Memo from Mayor to Council:

According to Mr. Bolser, MAG is assigning him additional duties that will impact his time between MAG projects and his Elk Ridge and Santaquin work. He has provided a breakdown of the hours he spends on our behalf.

We currently get eight hours a week. If his time is substantially impacted by increased MAG projects, he indicates that the “bonus” hours will be fewer.

If we increase his hours by whatever figure there will be an obligation to provide us with at least that amount of time.

Recommendation: Renew contract with no additional hours, subject to review at a later time.

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESTWICH TO APPROVE THE CONTRACT BETWEEN ELK RIDGE CITY AND MOUNTAINLAND ASSOC. OF GOVERNMENTS (MAG), CONDITIONAL UPON THE OPTION TO INCREASE THE HOURS, IF SO NEEDED**

**VOTE: YES (4)**

**NO (1) ALVIN HARWARD**

Passes 4-1

LEI CONTRACT/  
BUILDING  
INSPECTIONS

Mayor Fritz: Recommends approval with the non-exclusive clause to be entered into for a three-year period of time.

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO RENEW THE CONTRACT WITH LEI ENGINEERING FOR BUILDING INSPECTION SERVICES**

**VOTE: YES (5)**

**NO (0)**

EXTENSION –  
SALEM HILLS DR.  
TO W. GOOSENEST

Mayor Fritz: Brief review:

The connection between N. Salem Hills Dr. and E. Goosenest Dr. is a steep grade.

There would be 20 feet of fill at the deepest part just to get a grade that would meet road standards. Mr. Cloward indicated he would not be willing to donate any additional land to allow an extension with a lesser slope. The developer with Rocky Mountain Subdivision is required to address this connection as part of his off-site improvements. Councilmember Prestwich will be working with Aqua Engineering to consider the issues.

Gary Prestwich: Expects Aqua Engineering to make recommendations regarding available options for the proposed street connection.

Ernestine Folks: Pointed out that the engineer for Rocky Mountain Development has to come up with a design acceptable to the City; perhaps there would not be cause to pay our City Engineer for the same work.

(Councilmember Harward agreed.)

Councilmember Prestwich offered to meet with the engineers for Rocky Mountain Development to communicate the wishes of the Council for that road. He does not want to see 20 feet of fill and he would direct that they come up with some other design.

Mrs. Folks still maintained that the developer's engineer is working on the project and that it would be beneficial to have that connection in the road. Currently it is the developer's problem, not the City's. She feels their engineers should be allowed to come up with a solution.

Mayor Fritz: The 10" water line that is suppose to extend from Cloward Well to Salem Hills Drive...this was proposed to accomplish redundancy in the system and increased flow to the tank. This must be preceded by this issue on the connection between these two roads being settled. If the grade is too steep and the water line has to be buried too deep, then the design will not work.

Mary Rugg: She sees the wisdom in having Councilmember Prestwich contact the developer's engineers to make them aware of the City's concerns before they put in a lot of time on the project.

Ernestine Folks: Emphasized that their engineers are aware of the issues to be addressed.

Alvin Harward: Agrees that the City should not have to pay an engineer needlessly. In the past, money has been spent on engineering that produced no results. He advised caution in spending the City's money.

JOHN PETERSON  
SUBDIVISION,  
PLAT A

The time for the Durability Retainer for this Subdivision is completed; the City is waiting for the letter from the Engineer to release the improvements. The letter is not available for the Council to act on.

ELK RIDGE  
HEIGHTS/  
DEFAULT

City Recorder: The Subdivision is at the completion of the two-year Durability time period. After inspection by the Ernie Thornton (LEI), there are several issues to be addressed.

Mr. Mortezaadeh (Developer) has been informed of these items. The City had not heard from him for some time and The Mayor placed this on the Agenda to schedule a Public Hearing to consider the Developer in default. This is a process wherein the Developer has an opportunity to fix the items; if he chooses not to, then the City has the right to draw on the bond money.