

### **NOTICE & AGENDA**

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, July 13, 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 6:00 PM, is on a proposed 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; The Second Public Hearing, at 6:15 PM, is concerning the proposed Adoption of the Amended Certified Tax Rate, & Amending the Original Budget for 2004/2005, including the Capital Improvement Plan, for Elk Ridge City.

All interested persons shall be given an opportunity to be heard.

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

**6:00 PM      1. PUBLIC HEARING/ORDINANCE RE: AMENDMENTS TO & ESTABLISHMENT OF THE PROCESSES FOR REVIEW & APPROVAL OF DEVELOPMENT APPLICATIONS WITHIN THE CITY**

Public Hearing/Proposed Ordinance Amending the Elk Ridge City Code providing for Amendments to and Establishment of the Processes for Review & Approval of Development Applications within the City

**6:15 PM      2. PUBLIC HEARING/CERTIFIED TAX RATE FOR 2004, 2004/05 BUDGET & CAPITAL IMPROVEMENT PLAN**

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

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

6:30      3. Discussion/Revised Ordinance Amending the Elk Ridge City Code Providing for Subdivision Improvements (Curb & Gutter) - Mayor Fritz

6:45      4. City Council Assignments to the Planning Commission – Mayor Fritz

6:55      5. Discussion/Development Approval Process Memo – Mayor Fritz

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

Opening Remarks and Pledge of Allegiance

Approval/Agenda Time Frame

7:05      6. Oak Hill Estates, Plat A, Lots 1 & 12 – RL Yergensen

        A. Request-Allocation of Capacity in the Water/Sewer Systems

        B. Rescind Waivers of Entitlement to Build

7:10      7. Oak Hill Estates, Plat A – RL Yergensen

        A. Request Change Waivers of Entitlement to Build from Lots 1 & 12 to Lots 1 & 9

7:15      8. Loafer Canyon Recreation Area/Septic Tanks – Mayor Fritz

7:25      9. Authorize Sewer Impact Fee Study – Mayor Fritz

7:35      10. Adoption/Ordinance regarding Amendments to & Establishment of the Processes for Review & Approval of Development Applications within the City

7:40      11. Adoption/Amended Certified Tax Rate for 2004, Amended Budget 2004/05 Budget & Capital Improvement Plan

        A. Schedule Public Hearing to consider Proposed Tax Rate Increase

7:50      12. John Peterson Subdivision, Plat A – Durability Retainer Release – Mayor Fritz

7:55      13. Ordinance/Compensation of Elected & Statutory Officers & Employees of Elk Ridge City

8:00      14. Expenditures:

        General

8:05      15. Minutes of Previous City Council Meetings

8:10      16. Schedule Public Hearing: Ordinance Amending the Elk Ridge City Code Providing for Permitted & Conditional Uses within Zones

Adjournment

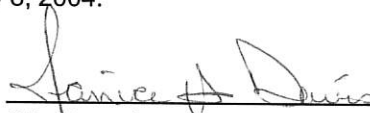
\*Handicap Access, Upon Request. (48 Hours Notice)

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 8th day of July, 2004.

  
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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 July 8, 2004.

  
City Recorder

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

**TIME & PLACE  
OF MEETING**

The Regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, July 13, 2004, at 7:00 PM.** It was preceded by a Council Work Session, and **Two Public Hearings,** for the purpose of hearing public comment regarding the following: **The first Public Hearing, held at 6:00 PM,** was on an Ordinance regarding proposed Amendments to & Establishment of the Processes for Review & Approval of Development Applications within the City. **The second Public Hearing, at 6:15 PM;** was on the proposed Adoption of the Amended 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 were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on July 8, 2003.

**6:00 PM**

**PUBLIC HEARING/ORDINANCE RE: AMENDMENT TO & ESTABLISHMENT OF THE PROCESSES FOR REVIEW & APPROVAL OF DEVELOPMENT APPLICATIONS WITHIN THE CITY**

Public Hearing/Proposed Ordinance Amending the Elk Ridge City Code providing for Amendments to and Establishment of the Processes for Review & Approval of Development Applications within the City.

**ROLL CALL**

*Mayor:* Vernon Fritz; *City Council:* Alvin Harward, Russell Sly, Gary Prestwich; (Absent: Mary Rugg, Mark Johnson); *Administrative Assistant:* Ernestine Folks; *Planning Commission:* Dennis Dunn, Joe Jamison; *Sheriff:* Deputy Larsen; *Public:* Joe Wadlinger, RL Yergensen, Kevin Peterson; & *City Recorder:* Janice H. Davis

Mayor Fritz: At 6:00 PM, The Mayor opened the Public Hearing and turned the time over to Ernestine Folks for a review of the proposed ordinance.

Ernestine Folks: The Planning Commission has been considering this amendment for about two years. There has been much to consider in consolidating all the development processes into one area of the Code and to update the current regulations to satisfy changing legislature, reflected in the Utah Code.

There is a new section: "K" on Page 8 of the document, entitled "Building Lots".

This section covers building lots and lots of record.

The Planning Commission's recommendation is to adopt the ordinance.

Suggestion from the Council: Number the pages on the drafts of the proposed ordinances.

No further comments.

Mayor Fritz closed the Public Hearing at 6:15 PM.

**6:15 PM**

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

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

**ROLL CALL**

*Mayor:* Vernon Fritz; *City Council:* Alvin Harward, Russell Sly, Gary Prestwich & Mark Johnson (Absent: Mary Rugg); *Administrative Assistant:* Ernestine Folks; *Planning Commission:* Dennis Dunn, Joe Jamison; *Sheriff:* Deputy Larsen; *Public:* Joe Wadlinger, RL Yergensen, Kevin Peterson; & *City Recorder:* Janice H. Davis

Mayor Fritz: At 6:15 PM, the Mayor opened the Public Hearing.

Janice H. Davis (City Recorder): On June 22, 2004, the Council adopted the 2004 Certified Tax Rate at .002450; which would generate a budgeted \$166,926 in Property Taxes.

On July1, 2004, the County Auditor's office faxed over an amended figure from the State at a proposed .002209; this would drop the budgeted amount of Property Tax in the up-coming fiscal year of 2004/2005 to \$150,506 (a difference of \$16,420).

Mayor Fritz proposes to adopt a rate that would allow the City to collect about the same amount of Property Taxes collected this past fiscal year...about \$163,612.

The tax rate of .002402 would generate \$163,655 for the 1004 Tax Year. Mayor Fritz checked with David Church to see if the City could amend the Budget and schedule a Public Hearing in August to exceed the suggested Tax Rate...He said, Yes. The City has notified both the State & the County Auditors' offices of this and they are both fine with it.

The scheduled Council Meetings are on August 10 & 24.

The County Auditor suggests the Council schedule the Public Hearing on the 8/17/04 to allow time for the County notices to reach all the residents at least 10 days prior to the Public Hearing.

The intent of the legislation passed was to allow the municipalities to budget property tax on the basis of what was collected the prior year. The first tax rate that came out before June 22 did that; however, the amended rate would drop the budgeted amount down approximately \$16,000.

The General Fund is currently drawing on the accrued Fund Balance to balance expenditures with revenue. The Council has discussed having an overall policy of controlled spending and wise budgeting to assist in building up the Fund Balance once again.

Alvin Harward: Is opposed to any tax increase to the citizens. He feels there should be an aggressive development program to increase properties in the City, to collect more revenue rather than raising taxes. The citizens have just had a Storm Drainage Fee charged to them at \$3/month.

Gary Prestwich: Feels the Public Hearing should be set and the rate increased to collect the same amount as the City collected last fiscal year. Long-term planning is important to provide expected services. Costs keep going up and the City needs to stay abreast of these increased costs.

Mayor: If taxes continue to go down, then the problem in the General Fund will continue.

Does about \$32/year per household constitute a hardship? The Mayor asked that a Public Hearing be scheduled to hear from the public and then make a decision.

The Council needs to decide:

1. Adopt the Amended Tax Rate
2. Choose to schedule a Public Hearing for a proposed Tax Rate increase
3. The amount of the Tax Rate to be proposed
4. Which regularly scheduled Council Meeting to cancel

At 6:37 PM, Mayor Fritz closed the Public Hearing.

6:37 PM

### CITY COUNCIL WORK SESSION

ROLL CALL

*Mayor*: Vernon Fritz; *City Council*: Alvin Harward, Russell Sly, Gary Prestwich & Mark Johnson (Absent: Mary Rugg); *Administrative Assistant*: Ernestine Folks; *Planning Commission*: Dennis Dunn, Joe Jamison; *Sheriff*: Deputy Larsen; *Public*: Joe Wadlinger, RL Yergensen, Kevin Peterson; & *City Recorder*: Janice H. Davis

REVISED  
ORDINANCE  
RE: CURB &  
GUTTER –  
DISCUSSION

Mayor Fritz: Turned the time over to Councilmember Prestwich...

Dennis Dunn (Planning Commission Chairman) & Joe Jamison (Planning Commission) were both present to discuss this draft of the proposed ordinance.

Gary Prestwich

1. Asphalt Thickness: The draft of the ordinance meets Councilmember Prestwich's expectation for this issue. Page 3: "List of Required Improvements" states there will be "2 1/2" surface layer of asphalt at the time of initial development construction. At such a time that 90% or more of the lots have been permitted for site construction, or not more than two years from the date of initial performance guarantee, the developer shall be responsible for any and all street repairs necessary and the installation of 1" asphalt overlay on all parts of all roads in and associated with the subdivision. At no time shall a street in a subdivision be completed with a street surface asphalt layer thinner than 3 1/2" total thickness."
2. Curb & Gutter: Councilmember Prestwich had wanted the ordinance to include various options and this draft does not. He understands there must be one main standard, but he would like to see other choices, as well.



Memo to the Council from Council Prestwich:

"The standard for new developments is curb and gutter to control surface runoff, however the following alternatives must be considered when developing.

The following criteria are to be used for determining whether curb and gutter or gravel shoulders with or without swales should be used to control surface water, including storm water runoff.

When selecting surface water control system, elevation of the lots in the new development, proximity to adjacent developments, and the type of surface water controls used in proximity developments, that is curb and gutter or gravel shoulders with or without sales, and retention ponds or sumps must be considered.

1. Curb and Gutter Criteria: Curb and gutter must be used in new developments where storm water runoff can be directly routed into a retention pond. If curb and gutter already exists, except for remaining isolated unbuilt lots in a development, then curb and gutter in the isolated unbuilt lots must be used. Curb and gutter may not be used in existing developments where only isolated lots remain undeveloped and the majority of lots have gravel shoulders.
2. Gravel Shoulders With Swales Criteria: In a new development where there is a significant grade, then gravel shoulders with swales must be used to route the surface water to a retention pond; or where a retention pond is impractical, then runoff water may be terminated into a sump. Only in extremely difficult cases should sumps be used to retain surface water.
3. Gravel Shoulders: In a new development where there is not a significant grade, then gravel shoulders must be used to route the surface water to a retention pond or where a retention pond is impractical then runoff water may be terminated into a sump. Only in extremely difficult cases should sumps be used to retain surface water.
4. Culvert Criteria: Culverts are required under driveways to control runoff into downhill driveways when gravel shoulders with swales are used."

Although the language may have to be altered, he would like these items included in the draft of the ordinance. There is no storm drain system in Elk Ridge...there should be alternatives to curb and gutter.

Mayor Fritz: The initial intent was to allow the developer a chance to register an appeal to deviate from the standard. The appeal must be justified and the Council is the determining authority, with recommendation from the Planning Commission. In most cases, curb and gutter will still be the most efficient way of controlling water, but there will be some areas where gravel shoulders will do the job as well or better. He feels the choice should be offered.

Russell Sly: Likes the concept of Councilmember Prestwich's proposal because the determining factors would be based on engineering recommendation. The engineering recommendation must be based on the "whole picture", not just one section of a street.

Joe Jamison: Pointed out that where the ordinance states that the curb & gutter or gravel is to be contiguous, any additional engineering would be a waste of money.

There was a discussion of existing lots of record and the improvements that would be required. The Council has the authority and the responsibility to determine the level of improvements to be required. The Council must consider the issues carefully. Lots of Record do not go before the Planning Commission.

Dennis Dunn: The Planning Commission does take a stand when the General Plan and the entire Code is considered. Infill housing should remain contiguous with the improvements in existence in the area; however there are cases where there may not follow that concept.

The Planning Commission's recommendation would be generally "hard-line" to protect the City by following the Codes that are in place. In considering a change to the Code, they still have to weigh all the ramifications.

The Planning Commission is reviewing reasons behind some of the flooding that has occurred in the City. If changes result in the same problems, then those changes would not be good.

Storm Drain issues have been discussed regarding retention ponds and sumps and how effective they are vs. any liability if the pond are full.

They are trying to be very thorough in their study of the issues.

The draft of the proposed ordinance is to be considered again at the next Planning Commission Meeting (7-15-04).

Gary Prestwich: Request for the Planning Commission to include his 4 elements listed in his memo into the draft of the ordinance.

Mayor Fritz: Agreed to have the Planning Commission consider how best to fit these elements into the ordinance.

CITY COUNCIL  
ASSIGNMENTS

Mayor Fritz: The Mayor has the authority to make assignments to cover certain areas or Departments to the various Councilmembers. The Planning Commission assignment has not been one the Councilmembers have wanted to fulfill. There were some conflicts and those have been resolved.

Memo from the Mayor to the Council:

"The Mayor is asking the Councilmembers to share in the duties of representing the City to the Planning Commission.

1. Mark Johnson has accepted the assignment to monitor and enforce the weed abatement program for the City.
2. "...my first preference is to make assignments based upon wants but failing that I have to seek and alternate approach.

I'm proposing that the Councilmembers share in being the liaison for three-month periods beginning with the month of July 2004, in which Russell Sly will have the first assignment.

A list of dates will be maintained in the Mayor's office for future assignments.

\*This is to be discussed at the next Council Meeting when all Councilmembers are present.

DEVELOPMENT  
APPROVAL  
PROCESS –  
DISCUSSION

Mayor Fritz: (Memo from Mayor to Staff, City Engineer, City Planner, Planning Commission)

"It has become evident that a change may be in order regarding what should be required before a new development proposal comes before the Council for approval.

It has been suggested that every "T" be crossed and "I" dotted before anything is brought to the Council. My questions follow:

1. What is the benefit vs. what is the downside?
2. Are there circumstances under which an exception might be justified?
3. I would also like your opinions regarding anything else that can increase the efficiency of our operation.

The Mayor invited each receiving the memo to join in suggesting how to more efficiently move actions through the system. "It is my expectation that we will implement this new policy not later than 1 August, 2004; therefore, your suggestions would be appreciated not later than 15 July, 2004."

There will be a group meeting sometime near the end of July to discuss any suggestions made.

Ernestine Folks: Subdivisions have been coming before the Council with many things left to be completed. There are some problems associated with this and these same problems could continue, regardless of the timing of the completion of the requirements.

(The City Recorder was asked to comment)

Janice Davis: Subdivisions that used to come before the Council with all requirements having been met, were approved without contingencies. (Contingencies are exceptions granted by the approving body that allow Final to be granted while the developer completes the list of requirements.) Ms. Davis suggested the developer have all requirements met, except the bonding, before the subdivision is presented to the Council for Final approval.

When a list remains to be completed, it places the burden of tracking the completion of these items on the office staff. That is fine if Mrs. Folks is in the office, since she is the one who attends the Planning Commission meetings and follows the subdivisions closely, until they get to the bonding process; but, other members of the staff are not as acquainted with the details in each of the developments and items could be missed. This suggested change in policy would not require any change to the Code; the requirements are already included.

There is no advantage to the developer to be granted Final with contingencies since the Plat will not be recorded until all contingencies are met.

Mayor Fritz: As the City Administrator, he is not required to seek Council approval to enforce current processes. This is a matter of policy. As a matter of courtesy, he has brought the matter up to listen to any suggestions from the Council. The Mayor's recommendation is to "streamline" the process and have all requirements met before the Council considers Final Approval.

Council discussion on the development process.

Dennis Dunn: When he was with the Planning Commission in Payson, a checklist (guidelines) was used to direct development. All the items on the checklist were addressed from the very beginning of the development process. The developers knew exactly what was expected of them. (Elk Ridge has a Preliminary and a Final checklist that is given to developers.)

Ernestine Folks: Suggested having the Mayor kept abreast of the process followed with the next development that comes through the Planning Commission to the Council.

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

**TIME & PLACE  
OF MEETING**

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**REGULAR CITY COUNCIL MEETING AGENDA ITEMS**

**ROLL CALL**

*Mayor:* Vernon Fritz; *City Council:* Alvin Harward, Russell Sly, Gary Prestwich & Mark Johnson (Absent: Mary Rugg); *Administrative Assistant:* Ernestine Folks; *Sheriff:* Deputy Larsen; *Public:* Joe Wadlinger, RL Yergensen, Kevin Peterson; & *City Recorder:* Janice H. Davis

**INVOCATION &  
PLEDGE OF  
ALLEGIANCE**

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

**AGENDA TIME  
FRAME**

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY ALVIN HARWARD TO ACCEPT THE AGENDA TIME FRAME, ADJUSTING THE STARTING TIME BY 37 MINUTES**  
**VOTE: YES (4)                      NO (0)                      ABSENT (1) MARY RUGG**

**NON-AGENDA  
ITEM**

Mayor Fritz: (For the Record) The Council is adhering to the basic requirements regarding Opening Remarks in public meetings. The requests of the Utah Atheists are being complied with in that the public has been invited to address the Council in the form of opening remarks or a prayer; they must request to be on a meeting agenda at least 30 days in advance. No one has come forth expressing a desire to participate.

**OAK HILL  
ESTATES,  
PLAT A – LOTS  
1 & 12**

Ernestine Folks: R.L. Yergensen was present at the Meeting to request additional allocation in the Water & Sewer Systems for Lots 1 & 12 for Plat A, Oak Hill Estates Subdivision. The Council approved Waivers of Entitlement to Build to be recorded on those two lots due to lack of capacity in the Water System; however, it is a new fiscal year, which allows the Council to consider allocating additional connections. Last year the Council decided there was capacity in the system to be able to allocate 50 connections for 2003/2004. July 1 begins the new fiscal year. Of the 50 available last year, only 37 have actually been allocated to various developments so there are 13 left from last year. Mr. Yergensen would rather not have the waivers attached to the lots, if possible.

On July 8, 2003, there was a discussion about capacity in the Sewer System as a result of the Waste Water Flow Study performed by Aqua Engineering.

At that time, Mr. Ward felt there was enough capacity in the Sewer System to allow 250 more sewer connections. Of those 250 connections 149 were already for approved lots, leaving 101. There was to be a meeting to discuss the actual number to be allocated per year. The meeting did not take place.

Councilmember Sly thought a number of allocations had been decided upon; but in all the discussions the number kept changing. Nothing in the Council minutes refers to a decision on a particular number of connections available in the Sewer System.

Russell Sly: Feels the number of connections available must be determined and made official before the Council makes any further allocations. Aqua Engineering must be consulted prior to any decision.

R.L. Yergensen: Would like to be considered first in line for any future allocations.

The other choice would be included in the second request by Mr. Yergensen:

OAK HILL ESTATES,  
PLATA, LOTS 1 & 12

Request: To approve changing the Waivers of Entitlement from Lots 1 & 12 to Lots 1 & 9.

The Waivers have not been recorded so this changes nothing.

R.L. Yergensen: Lot #9 will require extensive structural fill, it will be expensive and will take longer to improve.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY GARY PRESTWICH TO RESCIND THE WAIVER OF ENTITLEMENT TO BUILD, BASED ON CAPACITY IN THE WATER & SEWER SYSTEMS, ATTACHED TO LOTS #1 & 12 AND TO CHANGE IT TO LOTS #1 & 9**

**VOTE: YES (3)**

**ABSTAIN (1) RUSSELL SLY**

**ABSENT (1) MARY RUGG**

\*Councilmember Sly abstains based on a perceived Conflict in that his daughter lives close by the site of the Subdivision.

\*Councilmember Sly is to meet with Aqua Engineering to discuss the number of connections available in the Sewer System.

LOAFER CANYON  
RECREATION  
AREA/ SEPTIC  
SYSTEMS

Mayor Fritz: (Memo to Council)

The Loafer Canyon Association has accepted the concept of a restricted number of cabins (10) and after the Tervort cabin, none would be built within a 1,000-foot perimeter for ten years above the wellhead and none within 400 feet below or until sewer is available.

The addition of new cabins would be restricted to 2 per year during the five year period with any year not building two cabins, said schedule would slide one year. In years when none are built, the schedule would slide one year, but no more than ten units in ten years unless sewer is available.

I suggest also that there be an agreement that Loafer Association connects to the City sewer system within three years of its availability at the Association gate.

If the Council chooses to permit new building permits in the Association area, a change in the City ordinance would have to be made.

The Mayor recommends the proposal be approved.

Summary:

Loafer Recreation is prohibited from any additional cabins because the City passed an Ordinance based on the Wellhead Protection Act, which proves to be non-effective as far as this well is concerned...because this well is considered a "deep" well and an "existing" well (as represented to the Mayor by the State Drinking Water Board). There has been about a year of studies, gathering information from the County and the State as to any alternatives that might be approved at those entities. This has all been done to assist in the Council decision to allow any additional septic tanks in the Recreation area.

After weighing the data carefully, it is the Mayor's contention:

1. There is no such thing as a 100% guarantee against any problem occurring. Safety is always an issue, in other areas of concern as well. One must measure the risk, and then attempt to make a judgment, based on what one believes to be right.
2. Utah County, after inspecting the Recreation area, sees no real concern with possible contamination of the aquifer.
3. There is an existing cabin (built in 1995) that is within 250'-300' of the existing wellhead.

Mr. Tervort proposes building a cabin with a septic tank approximately 300' above the wellhead. The County gave him a permit to do that.



The risk must be measured and a decision made by the Council. The Mayor does not believe the risk to be excessive.

The Mayor was to contact the Association to propose no more than ten (10) cabins over the next 5 years (2 cabin/year...as stated in the memo).

Will 10 cabins with septic tanks place the aquifer in jeopardy?

The Mayor also proposed to the Association they not seek any building permit within a 1,000' circumference of the wellhead, except for the Tervort cabin.

The Association:

1. Accepted the proposed number and timing of the cabins
2. Asked that the City consider allowing building 300'-400' below (north) the wellhead.
  - A. The Mayor would suggest the 400' distance
  - B. He also recommends that they (cabin owners) must connect to the sewer system within three years of the time the sewer becomes available at the Association gate

The Council has weighed the issues for some time. Councilmember Mary Rugg (absent) submitted additional information for the Council to consider. The Mayor spoke to Councilmember Rugg before she left on vacation and asked her to place that information in the Mayor's hands. She chose to place it in the hands of one of the other Councilmembers. The Mayor means no criticism; however, he questioned why it was not given directly to the Mayor. He expressed concern over one of the statements in the letter from Councilmember Rugg implying that the Council is already in favor of the septic systems.

The Mayor responded that he feels he is capable of analyzing the additional material, but it was not given to him until this Meeting. After briefly looking it over in the extra time in the Work Session, he did not find anything that would persuade him to alter his opinion.

If the Council agrees with the Mayor's proposal, there still remains the process of changing the City Code. The matter would go to the Planning Commission to draft an amending ordinance; the draft of the ordinance would come back to the City Council after going through a Public Hearing with the Planning Commission. The Council would then schedule a Council Public Hearing to consider the amendment. The proposed ordinance would have to go through Public Hearing and then a final decision would be made whether to adopt the changes or not.

Councilmember Rugg also requested that the Council postpone the decision to send this issue to Planning Commission until she returns from vacation.

If the decision is made by the Council to consider the Mayor's proposal of 10 cabins, the process is still a lengthy one and must be adhered to. When it comes back to the Council for Public Hearing, the entire Council, including Councilmember Rugg, will have opportunity to state their cases. By not deferring action two more weeks, it saves that time in the process and still allows for opinions to be stated. The final decision will not be made until the entire process has taken place.

The Mayor recommended accepting the concept and to instruct the Planning Commission to move forward to draft the amendments.

Comments:

Russell Sly: Agrees that the Association should have to connect to the sewer within three years, once it is available at their gate (date specific).

Alvin Harward: Agrees with what the Mayor has done...he would add that once the sewer is available at the gate, no additional septic tanks would be allowed until they connect to the system.

Ernestine Folks: Will this be limited to Loafer Recreation area, or will it apply to other parts of Loafer Canyon?

The Mayor's intent is to limit the amendment to Loafer Recreation area, but this is a valid question.

Alvin Harward: Feels the amendment should read that there not be septic systems within 1,000' above the wellheads...this would cover all situations in the City.

Ernestine Folks: Added that perhaps the same restrictions could apply as far as so many per year and connection to the system requirements.

Question: What has happened to the update on the Wellhead Protection Plan? The results of that update might add information.

Mayor Fritz: But, according to the State Drinking Water Board, the Wellhead Protection Act is preceded in authority by the fact that the Loafer Well is considered an “existing, deep” well. We as a Council may use the Wellhead Protection data to justify restrictions, but legally, the Act has no direct application because it was passed after the well was in existence.

Question: If part of the decision is based on temporary use by “seasonal cabins”, what about full-time use by typical dwellings?

Mark Johnson: Suggested restricting the ordinance to only apply to “temporary use” houses.

Ernestine Folks: Chairman Dunn mentioned something in a Planning Commission Meeting about the County Placing information on their Web Site regarding no longer being able to define “seasonal homes”. There is no way to be able to accurately determine residents only living in a house a few months out of the year.

Joe Jamison added that one must assume the resident occupies the home 12 months out of the year.

Mayor Fritz feels it is highly unlikely the owners of those cabins would be able to do that, given the condition of the road, especially in the winter. The City plows do not even plow that road.

\*This needs to be checked out.

Mayor Fritz: Mentioned that the City could always resort to litigation and allow a judgment to decide the issue.

Alvin Harward: Feels the proposal should go to the Planning Commission.

Mayor Fritz: The Planning Commission will check out all of the legalities in the process of drafting an amendment. There are those members of the Planning Commission and the Council who are opposed to the allowance of septic tanks in the City. That is the system and he has no difficulty with this whatsoever; but he does feel the process should move forward.

If any problems arise, they can be dealt with at that time.

His recommendation is to *proceed*...any action would not constitute an approval.

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESTWICH TO REMAND THE PROPOSAL TO AMEND THE CURRENT ORDINANCE REGARDING SEPTIC SYSTEMS WITHIN ELK RIDGE CITY, SPECIFICALLY IN THE LOAFER RECREATION ASSOCIATION AREA, BASED ON THE STATED PROPOSAL:**

1. Tervort Cabin to be issued a building permit with a septic system within 300' of the wellhead; then
2. no cabins to be built within a 1,000 ft. perimeter for ten years above the wellhead and none within 400 ft. below the wellhead
3. the addition of new cabins is restricted to two per year during a five-year period
4. in any one year, if two permits are not issued, the schedule would slide one year, but no more than ten units in ten years unless sewer connection is available
5. once the sewer is available at the Association's gate on Loafer Canyon Road, Loafer Recreation Association is required to connect to the sewer system within three years of availability
6. no further building permits will be issued to Loafer Recreation Association after the sewer becomes available, until such time as they connect onto the sewer system

VOTE: YES (4)

NO (0)

ABSENT (1) MARY RUGG

\*The Attorney is to be contacted for his opinion as to whether a distinction can be made between “seasonal” and full-time residency and if the ordinance can be restrictive to a specific area.

#### SEWER IMPACT FEE STUDY

Mayor Fritz: The matter of the proposed sewer line between Elk Ridge and Payson will be on Payson City's Council Agenda on 7-21-04. They will be discussing costs and if the Council is in favor of proceeding with the project. All indications are in favor of this project.

Andy Hall and Glade Robins will be presenting the concept to the Council.

Councilmember Sly will attend the meeting in the Mayor's absence.

The update to the Sewer Impact Fee Study should begin as soon as there is a positive direction with the project with Payson City. The engineer should be consulted as to the timing.

The Mayor recommends using the new City Engineers (Aqua Engineering) for the update. Councilmember Sly agrees. This decision will wait until the contract for the work is approved



ORDINANCE/  
DEVELOPMENT  
PROCESSES

Ordinance Adoption/Amendment to & Establishment of the Processes for Review and Approval of Development Applications within the City:

The Public Hearing was conducted at 6:00 PM.

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY ALVIN HARWARD TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR AMENDMENTS TO AND ESTABLISHMENT OF THE PROCESSES FOR THE REVIEW AND APPROVAL OF DEVELOPMENT APPLICATION WITHIN THE CITY, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE**

**VOTE (POLL): GARY PRESTWICH – AYE, ALVIN HARWARD – AYE,  
MARK JOHNSON – AYE, RUSSELL SLY - AYE**

**NO (0)**

**ABSENT (1) MARY RUGG**

Passes 4-0

CERTIFIED TAX  
RATE –  
2004/05 BUDGET &  
CAPITAL  
IMPROVEMENT  
PLAN

Mayor Fritz: The first item to consider is to accept the Certified Tax Rate or to schedule a Public Hearing to consider increasing the Tax Rate.

All the Councilmembers present were in agreement to schedule the Public Hearing, with the exception of Councilmember Harward, who is opposed to increasing Property Tax and feels the Certified Tax Rate should be adopted.

The proposal is to exceed the Certified Tax Rate for the 2004 Tax Year enough to collect approximately the same amount of Property Tax as the City collected in 2003/04.

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO SCHEDULE A PUBLIC HEARING TO CONSIDER EXCEEDING THE CERTIFIED TAX RATE FOR THE 2004 TAX YEAR, ADOPTION OF THE 2004/05 AMENDED BUDGET AND CAPITAL IMPROVEMENT PLAN FOR AUGUST 17, 2004, AT 6:00 PM**

**VOTE: YES (3)**

**NO (1) AVLIN HARWARD**

**ABSENT (1) MARY RUGG**

JOHN PETERSON  
SUBDIVISION,  
PLAT A –  
DURABILITY  
RETAINER  
RELEASE

LEI Engineering letter dated July8, 2004:

Ernie Thornton (LEI) conducted a Final Inspection of the Subdivision and found that there were no concerns and recommended release of the Durability Retainer to the developer.

Discussion:

There is no evidence that "as-builts" have not been turned in. Councilmember Harward felt any action should be postponed until all requirements have been met, including the submission of the "as-builts".

The Council agreed.

\*The Release will be on the Council Agenda for the next Meeting.

ORDINANCE/  
COMPENSATION  
OF ELECTED &  
STATUTORY  
OFFICERS

Mayor Fritz: In the budget process, the Council estimated what the Cost of Living Adjustment (COLA) would be and the Mayor recommended 2% (from 1.4% last year). The 2004/2005 Budget was adopted with that percentage in mind for wage increases for the 2004/05 Fiscal Year. There needs to be an enacting ordinance to accompany the wage increase.

The Mayor has been granted authority to assess each employee with regards to a "Merit Bonus" at the end of the calendar year and to make recommendations to the Council.

No further discussion

**OTION WAS MADE BY GARY PRESTWICH AND SECONDED BY ALVIN HARWARD TO ADOPT AN ORDINANCE FOR THE COMPENSATION OF ELECTED AND STATUTORY OFFICERS AND EMPLOYEES OF ELK RIDGE CITY**

**VOTE (POLL): MARK JOHNSON – AYE, ALVIN HARWARD – AYE, RUSSELL SLY – AYE,  
GARY PRESTWICH – AYE**

**NO (0)**

**ABSENT (1) MARY RUGG**

EXPENDITURES:

General:

Jeff Nielsen (Salem City's Recorder) emailed us of information regarding a bill the City will receive from them in the amount of about \$1,800 for two D.O. Meters @ about \$500 each. 18% of this expected cost would be \$1,800.

MINUTES

City Council Minutes of 6-8-04:

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY MARK JOHNSON TO APPROVE THE CITY COUNCIL MEINUTES OF 6-8-2004**

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

NON-AGENDA  
ITEM

Alvin Harward:  
(Projects Update)

1. The water pressure problems have been addressed on Oak Lane & Canyon View Drive
2. 10" water line extension: The Council must determine what will be done with N. Salem Hills Drive. Councilmember Harward and Dennis Dunn (Planning Commission) visited the site and feel that if the road were extended around the problem area (steep slope), then it would be feasible to connect the water line to Salem Hills Drive.

Tony Trane (Rocky Mountain Subdivision's Engineer) comes before the Planning Commission on Thursday (7/15) to present concepts for a traffic-circulation plan for that area.

SCHEDULE  
PUBLIC HEARING/  
ORDINANCE –  
PERMITTED &  
CONDITIONAL USES

Ernestine Folks:

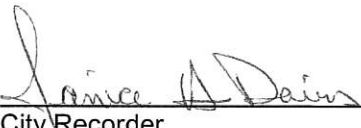
**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO SCHEDULE A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR PERMITTED AND CONDITIONAL USESWITHIN THE ZONES, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILTIY, AND PROVIDING AN EFFECTIVE DATE**

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

ADJOURNMENT

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO ADJOURN THE CITY COUNCIL MEETING**

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

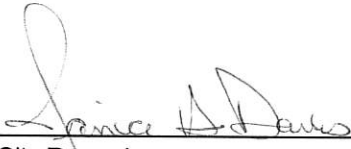
  
\_\_\_\_\_  
City Recorder

## **NOTICE & AGENDA**

Notice is hereby given that the City Council of Elk Ridge will **CANCEL the regularly scheduled City Council Meeting scheduled for Tuesday, July 27, 2004, at 7:00 PM.**

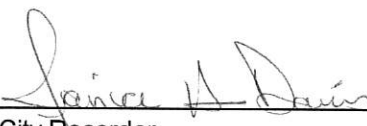
7:00 - PM      **REGULAR COUNCIL MEETING AGENDA ITEMS:**

**CANCELLED**

  
\_\_\_\_\_  
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 Cancellation of the scheduled Meeting Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and mailed to each member of the Governing Body on July 22, 2004.

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

## **NOTICE & AGENDA**

Notice is hereby given that the City Council of Elk Ridge will hold a Special **City Council Meeting on Tuesday, August 17, 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 6:00 PM, is to consider Exceeding the Certified Tax Rate for the 2004 Tax Year, an Amended Budget for the 2004/2005 Fiscal Year, including the Capital Improvement Plan; The Second Public Hearing, at 6:30 PM, is on a Proposed Ordinance Amending the Elk Ridge City Code Providing for Permitted and Conditional Uses within Zones.

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      PUBLIC HEARING/TO EXCEED THE SUGGESTED CERTIFIED TAX RATE FOR 2004, 2004/05 BUDGET AMENDMENT & CAPITAL IMPROVEMENT PLAN**

Public Hearing/Proposed to exceed the Suggested Certified Tax Rate for 2004, 2004/05 Budget Amendment & Capital Improvement Plan

**PUBLIC HEARING/ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR PERMITTED & CONDITIONAL USES WITHIN ZONES**

Public Hearing/Ordinance Amending the Elk Ridge City Code Providing for Permitted and Conditional Uses within Zones, Codification, Inclusion in the Code, Correction of Scrivener's Errors, Severability, and Providing an Effective Date

**6:40 – PM      CITY COUNCIL WORK SESSION**

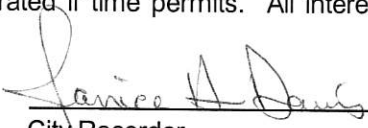
1. Web Page Updates – Jim Nicolet
2. Retired & Senior Volunteers – Norman Smith
3. Capacity in the Water/Sewer Systems – Ernestine Folks
  - A. Sewer Capacity Meeting/Aqua - Update – Russell Sly
4. Carnival Update – Mary Rugg
5. Storm Drainage Problems/General Discussion – Russell Sly

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

- Opening Remarks and Pledge of Allegiance
- 7:03 Approval/Agenda Time Frame
- 7:05 6. Page Annexation – Council Acceptance/Denial of Petition – Randy Young
- 7:35 7. South Utah Valley Municipal Water Association (SUVMWA) – Mayor Randy Brailsford
- 7:45 8. Adoption/2004 Tax Rate, Amended Budget & Capital Improvement Plan for 2004/05
- 7:55 9. Adoption/Ordinance Amending the Elk Ridge City Code Providing for Permitted & Conditional Uses within Zones
- 8:00 10. Street Lines – Elk Meadow & Park Dr. – Mary Rugg
- 8:05 11. City Hall & Park/Possible Re-do of Parking Lot – Mary Rugg
- 8:10 12. Discussion/Performance Bonding for Development – Alvin Harward
- 8:20 13. Authorized Inspections for the City – Alvin Harward
- 8:30 14. Capacity in the Water/Sewer Systems/Action – Mayor Fritz
- 8:40 15. Stand-by Stipend/Public Works – Mayor Fritz
- 8:50 16. Aqua Engineering/Retainer – Mayor Fritz
- 9:00 17. Expenditures:  
General:
- 9:05 18. Audit Confirmation Approval – Jones Simkins
- 9:10 19. 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 August 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 August 12, 2004.

  
City Recorder

**ELK RIDGE  
CITY COUNCIL MEETING  
August 17, 2004**

**TIME & PLACE  
OF MEETING**

This Special Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, August 17, 2004, at 7:00 PM.** It was preceded by a Council Work Session, and **two Public Hearings,** for the purpose of hearing public comment regarding the following: **The first Public Hearing, held at 6:00 PM,** was on a Proposed Tax Rate Increase for the 2004 Tax Year and an Amendment to the 2004/2005 Fiscal Year Budget & Capital Improvement Plan.

**The second Public Hearing, at 6:30 PM;** was on a Proposed Ordinance Amending the Elk Ridge City Code Providing for Permitted & Conditional Uses within the Zones.

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, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on August 19, 2004.

**6:00 PM**

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

Public Hearing/Proposed to Exceed the Suggested Certified Tax Rate for 2004, 2004/05 Budget Amendment & Capital Improvement Plan

**ROLL CALL**

*Mayor:* Vernon Fritz; *City Council:* Mary Rugg, Alvin Harward, Russell Sly, Gary Prestwich (Absent: Mark Johnson); *Administrative Assistant:* Ernestine Folks; *Daily Herald:* Caleb Warnock; *Public:* Sean Nielsen, Paul Eddy, Joe Wadlinger, Dennis Dunn, Stewart Jolley, Jim Nicolet, Terry Spoor; and  
*City Recorder:* Janice H. Davis

Mayor Fritz opened the Public Hearing at 6:00 PM.

Mayor Fritz had a flier on the proposed Annexation delivered to Elk Ridge residents on the previous day. (The fliers were also available at the door of the Bay area, where the Meeting took place.)

The Mayor turned the time over former Councilmember, Sean Nielsen (signed up to speak at the Meeting).

Sean Nielsen: Concerned with the reason behind the proposed tax rate increase. He knows that the General Fund is budgeting a deficit, but what is the reason for the deficit? The revenue generated by the proposed tax increase should be designated for a specific purpose.

Mayor Fritz: Explanation of the taxing process as it applies to Property Tax and budgeting for the City's expenses: Each year the State attempts to maintain the same amount of tax paid to the municipalities the previous tax year. When new growth is added to the equation, a lower tax rate is required to maintain the amount collected. In June, the Council adopted the tax rate as set by the State. It would have generated approximately the same as the total amount collected last fiscal year, including the delinquent taxes...this was the intent of recent legislature passed in the spring of 2004. After the tax rate and the Budget for 2004/05 was adopted, the State amended the tax rate, which resulted in about \$16,000 less than anticipated.

The Council decided to schedule a Public Hearing to propose an increase in the tax rate to generate additional revenue for the General Fund (currently budgeting a \$70,000 deficit, which will be made up by accrued fund balance from previous years).

The City's roads are taking a great deal of money to maintain and to replace, where needed (approximately \$140,000 spent this year). Next year, it is planned to spend about the same amount on roads.

The Fund Balance is being spent down. It is better to have some reserve in case of emergency. The City can "get by", but certain projects will be deferred and the longer the delay, often the deterioration exceeds the advantage.

City Recorder: Brief explanation about Governmental Funds and the various options available for the consideration of an appropriate tax rate for Elk Ridge. (A summary sheet of possible tax rates compared to the amount of revenue they would generate, was prepared for the Council and the public present at the Meeting.)

Mayor Fritz: The last increase of 6% took place in August, 2001.



Sean Nielsen: He feels this proposed increase is a "Band-aid" to the City's problems. As the citizens pay more and more for taxes, utilities and infrastructure, it makes moving into our Community less attractive. We need to get things to where people can afford to live here. Perhaps the water rates could be adjusted lower to compensate for a tax rate increase.

Gary Prestwich: It would be nice if prices stayed the same to run the City. This year the City is paying an additional \$8,000 in road repair because petroleum prices are so high. He doubts it will go down next year. This proposed tax rate simply keeps the City in line with the amount collected for the 2003 Tax Year.

Stewart Jolley: The State Law for taxes is designed to maintain the same amount of revenue each year. If additional revenue is needed then the City Council goes back to the citizens. If the rate is adjusted, make sure it is what the City needs...the citizens will not want to come back next year.

Mayor Fritz: Many of the other cities are experiencing the same problems with the rate that finally came out. The Council is charged with the responsibility of maintaining infrastructure and meeting the needs of the Community. The Council is open to creative ideas in fulfilling those obligations.

It is true that water rates could be lowered, but what would the consequences be? How will the services be paid for? He feels for those on fixed income, but the needs of the City must be met. Elk Ridge is not an inexpensive Community to live in. The Public Hearing is to "hear" The public, but where are the citizens? Eight citizens out of about 2,000 were present at the Meeting. This representation is very poor.

Jim Nicolet: Nebo School District has a big tax hearing on 8/18. This is not good timing.

Gary Prestwich: (RE: Water Rates) The Council will be reviewing the rates with "an eye to reducing them". This summer has been cool and rainy and the City has not collected as much in the sale of water as a result.

Paul Eddy: The valuation of homes is brought down due to yards not being watered because of high rates. He cannot get out of his home what it is worth.

Mayor Fritz: Has been a realtor and he is aware of the sales methods used to convince people to sell homes quickly at a lower price.

The Mayor thanked those present for their input; he assured them the Council would weigh the issues carefully and vote accordingly.

The Public Hearing was then closed at 6:30 PM.

6:30 **PUBLIC HEARING/ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR PERMITTED & CONDITIONAL USES WITHIN ZONES**

Public Hearing/Ordinance Amending the Elk Ridge City Code Providing for Permitted and Conditional Uses within Zones, Codification, Inclusion in the Code, Correction of Scrivener's Errors, Severability and Providing an Effective Date.

ROLL CALL

*Mayor*: Vernon Fritz; *City Council*: Mary Rugg, Alvin Harward, Russell Sly, Gary Prestwich (Absent: Mark Johnson); *Administrative Assistant*: Ernestine Folks; *Public*: Sean Nielsen, Paul Eddy, Joe Wadlinger, Dennis Dunn, Stewart Jolley, Jim Nicolet, Terry Spoor, Dave Simmons, Cecilia Harward, Norman Smith, Jay Prather, Darin & Tracie Magoffin, Laura Deichman, Troy & Kamile Peterson, Claudette Echols, Robert & Larisa Wright, Donald Hopkins, Doug Lindsay, Karl Borkland, Kevin & Janis McGill, Paul Cazier, Mitch Stoker, Ray Brown, Russ Adamson, Jeff Meyers, Alan Hughes, Joe Gibbons, Brandon & Richelle Adams, Robert Goodwin, Jeff Jarvis, Laura Ashton, Cindi Ellis, Scott Young, Brent Bluth; and *City Recorder*: Janice H. Davis

At 6:35 PM, Mayor Fritz opened the Public Hearing.

Ernestine Folks: The Planning Commission reviewed the Permitted and Conditional Uses within all of the Zones and decided that they needed to be updated based on current information and to comply with State requirements.

In the sections concerned with animal rights, the Zoning Administrator's discretion would determine whether an animal is living "without discomfort, crowdedness or illness". The City Attorney questioned the amount of discretion given to the Zoning Administrator. According to the Planning Commission minutes, dated 7-15-04:

"Jim Bolser responded by stating there isn't as much discretion as there sounds, because as a zoning administrator, under the law, every action that he takes as a zoning administrator, he has to base it on substantial evidence."

The Planning Commission felt there was not a problem with this and recommended that the City Council approve the proposed ordinance.

There were no comments.

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

6:40 PM

### CITY COUNCIL WORK SESSION

ROLL CALL

*Mayor:* Vernon Fritz; *City Council:* Mary Rugg, Alvin Harward, Russell Sly, Gary Prestwich, Mark Johnson; *Administrative Assistant:* Ernestine Folks; *Public:* Sean Nielsen, Paul Eddy, Joe Wadlinger, Dennis Dunn, Stewart Jolley, Jim Nicolet, Terry Spoor, Dave Simmons, Cecilia Harward, Norman Smith, Jay Prather, Darin & Tracie Magoffin, Laura Deichman, Troy & Kamile Peterson, Claudette Echols, Robert & Larisa Wright, Donald Hopkins, Doug Lindsay, Karl Borkland, Kevin & Janis McGill, Paul Cazier, Mitch Stoker, Ray Brown, Russ Adamson, Jeff Meyers, Alan Hughes, Joe Gibbons, Brandon & Richelle Adams, Robert Goodwin, Jeff Jarvis, Laura Ashton, Cindi Ellis, Scott Young, Brent Bluth; and *City Recorder:* Janice H. Davis

WEB PAGE  
UPDATES

Jim Nicolet: (Mr. Nicolet manages the City's web page.)

He would like more Council support in posting up-coming events and news. He would like for the web page to become more of a medium for reaching the citizens in our Community.

He would like for the Planning Commission to participate, perhaps with summaries of any ordinances being considered.

The Newsletters need to publicize the web page address to the residents more noticeably.

The Mayor thanked Mr. Nicolet for the service he gives to the City.

RETIRED & SENIOR  
VOLUNTEERS

Norman Smith: Mr. Smith reports to the City Council periodically as to the progress of their organization and to recruit volunteers in the Community that are 55 years of age or older.

This year one citizen, Marsha Wilson, served as a tutor in reading. Recently there were two more volunteers from our area.

Locations where volunteers might volunteer:

Spanish Fork Senior Center  
Mt. Loafer Elementary  
Safety Net Mentor Program  
Individual Entertainers

Peteetneet Museum  
Utah State Hosp. Quilters  
Utah County Jail

CAPACITY –  
WATER/SEWER

Ernestine Folks: Tracks building permits as compared to the water & sewer connections & the impact to the capacity in these systems. The report shows there are 73 more connections available in the water storage system, 71 in the water source system and 88 in the sewer system. There are 109 vacant lots in the City. This means that the City is "managing" capacity allocated to the vacant lots.

Mayor Fritz: The 109 vacant lots have a right to make a claim to our water & sewer systems; but the likelihood of all 109 lots building in the same year is small...a percentage of them will. The Council made a value judgment...how many should be kept in reserve to make sure those seeking building permits can connect to the systems? The Mayor does not recommend using any more of the allocated connections.

Russell Sly: The same situation exists in the Sewer Dept. A decision needs to be made as to the number of connections to "mortgage" of those allocated to approved lots.

Aqua Engineering did a Study about a year ago. At that time there were 583 lots approved in the City and 476 lots connected. The Study indicated that 604 lots would be allowed onto the sewer system, using an "average daily flow" figure. Using a "peak flow" figure, there would be 502 lots. The engineers had advised that the "peak flow" is not one that the City needs to use to figure the amount available.

As of the end of June, 2004, the City had 599 lots approved and 487 connected. The average daily flow figure of 604 lots less the number of lots connected (487) = 117 connections additional connections. There are 105 approved vacant lots to be taken into consideration. How many connections could safely be "mortgaged" to allow building or development? A firm number needs to be arrived at. Councilmember Sly's recommendation is 30 to 40 more connections.

Mayor Fritz: Once a contract with Payson City is in place for sewerage, Salem City may allow Elk Ridge temporary use of additional capacity in their system to allow development to go forward.

\*Next Council Agenda: Decision on number of connections to allow.

Russell Sly: The argument could be made to keep the City's Sewer System as it is and not consider possible higher costs with Payson; Salem City's costs are also increasing. Elk Ridge was billed high, non-budgeted costs from Salem due to non-compliance issues with the Lagoon. Costs for "Operations" goes up every year and he feels this will continue. Costs will increase regardless of the direction the City goes to sewer.

Payson's Plant is new and likely fairly stable, as far as necessary repairs. Salem's Lagoon will need costly improvements and repairs.

Mayor Fritz: There are 2 options:

1. Sewer totally with Payson
2. Existing residents sewer with Salem; & only new development sewer with Payson

Negotiations with Payson are tentative at this time. When the current Council came into office, there was a prior proposal that every household would be assessed a connection fee (the Mayor thought it might have been \$400 or \$700 fee), which the Mayor opposed. The last conversation indicated that the connection charge would be for new development. The Council does not want to impact existing Elk Ridge any more than necessary; but if we stay with Salem City, there will still be an increase due to upgrades that could cost approximately two million dollars (that works out to about \$4.57 per household).

If the City sewers with Payson, there is still existing infrastructure to maintain as well as the monthly price of usage and the City's portion of the installation of the connecting main line.

There is no "free ride" either way.

#### CARNIVAL UPDATE

Mary Rugg: The City's Freedom Celebration was successful and everyone had a good time.

In the past, the budgeted money for the Celebration was not tracked as to where expenses went and how much revenue was brought in. This year, Councilmember Rugg tracked the money in and out. \$2,000 is budgeted to spend on the Celebration and \$1,923.06 was spent...about breaking even. This is expected; and covering costs is the goal.

#### STORM DRAINAGE PROBLEMS

Russell Sly: The problems occur where the curb & gutter ends and then resumes down the street. A heavy rainstorm, such as the one experienced the previous weekend, causes run-off problems. There was one on Elk Ridge Drive (? This is what was said...was it "Oak Ridge Drive?"); the run-off ran into a residents yard where the curb & gutter ends, on the north side of the street. A "gully" was washed out of his yard and ran into his garage.

There is another place in the City where a similar situation occurred.

Does the City have any obligation to do anything about this problem; and if so, what? If we do agree to do anything about the problem, do we incur the obligation to fix other problems in the City? His question was: since the City did not require curb & gutter on certain lots, is the City liable for damage caused by run-off from lots with curb & gutter?

Councilmember Sly would like for this issue to be an item of discussion with the Council.

\*The Mayor asked that Councilmember Rugg, since she is over Storm Drainage, to come back to the Council in September with more information and suggestions for a solution to this problem.

**ELK RIDGE  
CITY COUNCIL MEETING  
August 17, 2004**

**TIME & PLACE  
OF MEETING**

This Special Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, August 17, 2004, at 7:00 PM.** It was preceded by a Council Work Session, and **two Public Hearings,** for the purpose of hearing public comment regarding the following: **The first Public Hearing, held at 6:00 PM,** was on a Proposed Tax Rate Increase for the 2004 Tax Year and an Amendment to the 2004/2005 Fiscal Year Budget & Capital Improvement Plan. **The second Public Hearing, at 6:30 PM;** was on a Proposed Ordinance Amending the Elk Ridge City Code Providing for Permitted & Conditional Uses within the Zones. 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, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on August 19, 2004.

**ROLL CALL**

*Mayor:* Vernon Fritz; *City Council:* Mary Rugg, Alvin Harward, Russell Sly, Gary Prestwich (Absent: Mark Johnson); *Administrative Assistant:* Ernestine Folks; *Public Works:* Kent Haskell & Wayne Frandson; *Public:* Sean Nielsen, Paul Eddy, Joe Wadlinger, Dennis Dunn, Stewart Jolley, Jim Nicolet, Terry Spoor, Dave Simmons, Cecilia Harward, Norman Smith, Jay Prather, Darin & Tracie Magoffin, Laura Deichman, Troy & Kamile Peterson, Claudette Echols, Robert & Larisa Wright, Donald Hopkins, Doug Lindsay, Karl Borkland, Kevin & Janis McGill, Paul Cazier, Mitch Stoker, Ray Brown, Russ Adamson, Jeff Meyers, Alan Hughes, Joe Gibbons, Brandon & Richelle Adams, Robert Goodwin, Jeff Jarvis, Laura Ashton, Cindi Ellis, Scott Young, Brent Bluth, Annedelyn Rassi; and *City Recorder:* Janice H. Davis

**OPENING REMARKS  
& PLEDGE OF  
ALLEGIANCE**

An Invocation was offered by Mary Rugg and Russell Sly led those present in the Pledge of Allegiance.

**AGENDA TIME  
FRAME**

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD  
TO ACCEPT THE AGENDA TIME FRAME, ADJUSTING THE STARTING TIME BY  
16 MINUTES  
VOTE: YES (5) NO (0)**

**PAGE ANNEXATION-  
DENIAL /  
ACCEPTANCE OF  
PETITION**

Mayor Fritz: Randy Young was present to present the Development Concept to the City Council and to those citizens present, regarding the proposed Page Annexation. The proposed Annexation includes a Development focusing on higher density for the Community. Development is a part of life and developers assist in organizing communities. They are not the "enemy" and should be treated with respect. A flier was passed out to the residents of Elk Ridge, indicating there would not be a vote to either accept or deny the Page Annexation at this meeting; but Public Input will be permitted at the next Council Meeting, to be held on 8-24-04. A vote will be taken following the Public Hearing, during the regular session. The Mayor asked that Mr. Young be allowed 30 minutes to present his material, then he will entertain questions for a short time during this Meeting. Randy Young: He is a developer with RCP Land Investments. They have eight projects going at the present time, specifically in La Quinta (near Palm Springs, California). They also have about 14 projects along the Wasatch front. Their company is also involved with a project in Las Vegas. He grew up in Salt Lake and understands the growth in Utah. The Page property is located at 1600 West and Goosenest Drive. (Concept drawings were passed out to the Council and those in the audience desiring one.) The City has a goal of higher density housing; this proposed development would help in the achievement of this goal, while assisting in getting a couple of the major streets lined up so the traffic will flow better. Two comparable developments: one in Provo, called *Stone Ridge*; & the other in South Jordan, called *Windgate*.



They are planning on:

- Higher density, mixed in with open space  
6 or 7 units per acre (combination of six-plexes and duplexes sharing same driveway)  
All have 2-car garage ...2-3 bedrooms
- Upper-middle class to high-end homes (brick/stucco)
- These units should appeal to “professionals or empty-nesters”
- Range from 1,400 sq. ft. “Rambler” to 1,500-1,600 sq. ft. two-stories
- The main road going through the development would have an 84’ right-of-way (wide road)
- The smaller roads would have 56’ right-of-way
- There would be a Homeowner’s Association:  
Maintain grasses as well as the streets (with the exception of the Main Rd.)
- Curb & gutter with sidewalks
- Cost ranging from about \$160,000 and up
- The units would not be for rent...only to own

Comment from audience:

His experience with a homeowner’s association was that it was optional to belong to it...in that case, the property that was not a part of the association got run down.

Mr. Young: Membership would be mandatory. The Homeowners Assoc. will be managed by a management company.

Comment: The Condominiums pay lower taxes while impacting the systems in the City and the schools as much as a regular dwelling. This raises everyone’s taxes. Vacant land ends up being less of a burden tax-wise.

-Part of the over-all plan is to bring in some type of convenience store/gas station...this would be to bring in some commercial tax base.

-Elk Ridge has some existing beautiful homes and views...he feels this development would be an asset to the City.

-The revenue generated from this development would be a means to help pay off the debt incurred with Payson City to connect onto their sewer line...through impact fees.

Homeowners start with a larger home, as we find in Elk Ridge currently; then they reach a point where “down-sizing” may become desirable and even necessary, with maintenance provided.

Mayor Fritz invited comments from the audience (as time permitted):

\*(Mr. Young’s answers/comments in parenthesis)

Stewart Jolley: What is the build-out schedule? (In phases: 4 to 5 years.)

Vicki Gibbons: Elk Ridge Drive gets a lot of traffic; are there plans to widen it?

(The main road going through the development will be 84 ft. wide.)

Why not regular homes? What is reasoning behind high density housing in that area?

(We could build single dwellings.

1. 1/3 or 1/2 acre lots will take a long time to repay the debt to Payson for sewer line.

2. The main road will be very costly to install and the higher density generates more revenue.)

Comment:

With less density the road would not need to be as wide because there would be less traffic.

(Possibly; but we’re planning for future growth.)

Paul Eddy: In the commercial area, would you consider installing professional offices that look like homes? (The Mayor and Mr. Young have had that conversation; it would depend on the needs to the City.)

Tracie Magoffin: If commercial buildings are built, what if they are not successful? Another convenience store may not do well. Most residents shop in Payson.

(“Roof-tops” bring commercial.)

Mayor Fritz: Does not believe a convenience store is an idea that would be approved. If it failed, the structure would be an eyesore.

Russell Sly: Are there any recreational facilities planned?

(Yes. The plan is to have a clubhouse and a pool...open to the Homeowner’s Assoc.)

Paul Eddy: How many retention ponds would this development require?

(Their engineers, in conjunction with the City Engineers, would determine how best to handle drainage.)

Scott Young: What are the assurances that the Homeowner’s Assoc. will maintain the quality of the homes and the surrounding area? (The Homeowner’s Assoc. has a monthly fee that is managed by the Management Team. There are insurances that go with the Assoc.

Mitch Stoker: Many people move out to this area to get away from apartments and duplexes. The residents would like to see pictures of the proposed homes & condominiums.

(Mr. Young will bring pictures to the next Meeting.)

Mayor Fritz: He tries to maintain a neutral position; but he has a concern about where young families and retired folks can afford to live. There may be a "moral" issue as well to consider. These homes are in this range. High density does not have to be a "slum".

Joe Gibbons: (new resident) They have moved out of two other areas where complexes became rentals and problems arose. If this development had been in place when they were looking for a place to live, they would not have moved to Elk Ridge.

Laura Ashton: She does not agree that there is a "moral" issue. Elk Ridge is an expensive place to live. It is fair to say that people of "modest" means could not afford to live here. It is a beautiful Community, but expensive.

Comment: This development does not answer the needs of "modest income" people.

Annedelyn Rassi: This sounds like "investment property". How would this bless our Community?

Cleaning up after renters is not a position Elk Ridge wants to be in.

Claudette Echols: How long would the Homeowners Assoc. be maintained by the management company? How long has his Investment Company been in existence?

(The management companies usually manage the business of a homeowner's assoc. for 20-25 years. His company has been in existence for 12 years.)

Comment: Is this type of density packing too many into a small area? Would this be too much for our resources?

Mark Johnson: Would there be space for RV's and recreational equipment? (There would be a fenced-off area on-site.)

Jeff Jarvis: Is the land under contract to purchase? Would the homes be "speck" homes? (Yes, the land is under contract to purchase and the complexes and homes would be "speck homes".)

Gary Prestwich: The Council needs this input. Most people he has spoken with have had much the same reaction as those present at the Meeting. He asked that interested individuals contact the Council with their opinions to assist the Council in making their decision the following week.

Mayor Fritz: Calculated that with a 30-year mortgage on a \$160,000 home in this development, an annual of about \$38,000 would be required.

\*Mr. Young will come to the Meeting the following week. There will be an hour dedicated to public comment.

SOUTH UTAH  
VALLEY  
MUNICIPAL WATER  
ASSOC.

(This item was postponed. Mayor Brailsford was unable to attend.)

2004 TAX RATE,  
AMENDED BUDGET  
& C.I.P. FOR 2004/05

Adoption of Tax Rate, Budget and Capital Improvement Plan:

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON  
NOT TO EXCEED THE CERTIFIED TAX RATE AND TO ADOPT THE TAX RATE FOR 2004 AT  
.002209, AND TO MODIFY THE BUDGET TO REFLECT THE APPROPRIATE AMOUNT OF  
PROPERTY TAX**

**VOTE: YES (3)**

**NO (2) RUSSELL SLY & GARY PRESTWICH**

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARY RUGG TO ADOPT  
THE AMENDED BUDGET FOR THE 2004/2005 FISCAL YEAR WITH THE PROPERTY TAX  
REVENUE REFLECTING THE ADOPTED TAX RATE, TO INCLUDE THE CAPITAL  
IMPROVEMENT PLAN**

**VOTE: YES (4)**

**NO (1) GARY PRESTWICH**

Ernestine Folks: What will the Council delete from the Budget to reflect the decreased amount of property tax?

Mayor Fritz: After discussion, the Mayor declared this subject would be discussed at a later time.

ORDINANCE/  
PERMITTED &  
CONDITIONAL USES

Adoption/Ordinance Amending the Elk Ridge City Code Providing for Permitted & Conditional  
Uses within Zones  
No further comments.



**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARY RUGG TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR PERMITTED AND CONDITIONAL USES WITHIN ZONES, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE**

**VOTE (POLL): RUSSELL SLY-AYE, ALVIN HARWARD-AYE, MARK JOHNSON-AYE, GARY PRESTWICH-AYE, MARY RUGG-AYE  
PASSES 5-0**

**STREET LINES –  
ELK MEADOW &  
PARK DRIVE**

Mary Rugg: This issue was discussed by the Council a few months ago. The lines at the intersection of Elk Meadow and Park Drive are considered unsafe and were to be removed.

Gary Prestwich: There are several projects the Public Works Dept. has been busy with this summer. A citizen, Doug Lindsay, has volunteered to assist with this. Councilmember Prestwich has the materials. He invited Councilmember Rugg to contact Mr., Lindsay and to possibly assist in the removal of the lines. She agreed.

**CITY HALL & PARK-  
PARKING LOT  
RE-SURFACING**

Mary Rugg: The parking lot is in need of re-surfacing. The cost would be \$2,551.

Councilmember Rugg is willing to remove this from the budget and postpone the work, in an effort to reduce expenses.

The comment was made that postponing needed work can result in higher costs at a later time.

\*Councilmember Rugg will check with the contractor to see if postponing the work would do more harm than good.

**PERFORMANCE  
BONDING OPTIONS**

Alvin Harward: The Planning Commission made a recommendation on May 6, 2004, to bring to the Council an amendment to the City Code allowing for bonding options to be made available for development. Councilmember Harward wanted to know why it has not come to the Council.

Ernestine Folks: The Planning Commission has been waiting for the ordinance document to be provided by the Planner. It was on the Planning Commission Agenda to be discussed; however, there was only one item discussed that evening. No action has been taken on it at this point.

Alvin Harward: The Council should approve what is going to go into the ordinance before the Planner goes to the trouble of drafting the document. Why is it taking so long?

Ernestine Folks: The process is to have a document (proposed ordinance), set the required Public Hearing and to then make recommendation to the Council.

City Recorder: The Council can discuss the issue and give guidance to the Planning Commission before it is actually drafted. It also needs to be reviewed by the City Attorney.

\*This matter will be on the Council Agenda for discussion on 8-24-04.

**AUTHORIZED  
INSPECTIONS FOR  
THE CITY**

Alvin Harward: What is Kent Haskell legally qualified to inspect?

Mayor Fritz: Has contacted the State and has not received an answer. He wants to be clear as to what Kent is legally able to inspect before he represents the City in any inspections.

**CAPACITY IN THE  
WATER/SEWER  
SYSTEMS**

The Council needs to decide if any more connections will be allocated to development lots.

The Mayor does not feel the City will have a problem with the State if we exceed the number of connections allowed. That is his opinion and he needs to hear back from the State to verify this.

Recorder: Is the proposed Page Annexation going to connect to the sewer as planned with Payson? Will they be responsible for at least a portion of the cost of connection? In the past, other development proposals for that piece of land have been abandoned due to the high cost of connecting the sewer main down to Salem.

Mayor Fritz: As has been pointed out, Salem will consider a temporary increase in Elk Ridge's capacity, if a contract is in place with Payson. The current developers will be made aware of this expectation. The Mayor has informed them that they are expected to "pay their own way".

At this time, the City is not accepting new development until a contract for sewerage is in place with Payson

Water must also be addressed by the developers.

Further discussion and action will be on the next Council Agenda.

STAND-BY  
STIPEND –  
PUBLIC WORKS

Mayor Fritz: The City currently pays *on-call* stipend of five dollars a day to Kent Haskell & Wayne Frandson. This requires they stay within 30 miles of the City for any emergency. What is a fair amount of compensation? Emergencies do occur that require the employees to be out in the middle of the night and on weekends. Would the Council be willing to do this for \$5/day and/or \$10 on a weekend?

The Mayor commented that the timing might not be the best since the Council just voted to reduce the General Fund revenue by about \$16,000; however, Kent Haskell was asked to prepare a scale of comparisons of a few of the surrounding communities, as well as options for on-call pay.

Proposed: \$12 per day (weekdays)

\$30 per day plus paid @ straight time wage (weekends)

Other options:

\$120 per week or 8 hours of comp time

\$60 per week plus 4 hours of comp time

There is not a more important asset to the City than the people who work for the City of Elk Ridge. Does the Council wish to consider adopting this change in stipend?

Comments:

Kent Haskell: The reality of what is being asked for is less than what other cities pay.

Most cities have more employees in the Public Works Dept. to rotate. It is hard when there are only two. Taking all things into consideration, he and Wayne would be happy to accept \$60/week + 4 hours of comp time. They would prefer higher, but realize the City is limited in available funds.

Brent Bluth: Are either of the employees considered "exempt" or "director level"? (No.)

Cindi Ellis: The increase would be \$780/year. She is concerned with the employees' ability to utilize their comp time, since they are already so busy with projects in the City?

Paul Eddy: Volunteered to mow the lawns to free up some of their time.

Gary Prestwich: Has worked with Mr. Haskell and Mr. Frandson on certain projects this past summer; and he would like to commend them for they way they use their time. He has no problem with the increase in stipend.

Mayor Fritz: Does not believe that comp time has to be taken in the same week that it is earned. He thinks it can accrue for a period of time, to be used in the less busy months (winter).

\*This should be verified.

**MOTION WAS MADE BY GARY PRESTWICH TO APPROVE THE PROPOSED AMOUNT OF \$12 PER DAY (WEEKDAYS) AND \$30 PER DAY PLUS PAID @ STRAIGHT TIME WAGE; THIS TO BE PAID TO THE PUBLIC WORKS EMPLOYEES FOR ON-CALL TIME**

Discussion:

Councilmember Rugg feels this is too high. The rest of the Council agreed.

The motion dies due to lack of a second to the motion.

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY ALVIN HARWARD TO INCREASE THE ON-CALL PAY TO THE OPTION OF \$60 PER WEEK PLUS FOUR HOURS OF COMP TIME; EFFECTIVE AS OF AUGUST 17, 2004**

**VOTE: YES (5)**

**NO (0)**

AQUA  
ENGINEERING-  
RETAINER

Mayor Fritz: Reviewed the conversation with Bruce Ward and previous billing practices resulting charges to the City for time spent with the City engineer by various individuals.

Aqua Engineering is now the City Engineer. Mr. Ward (Aqua) was asked to consider a retainer to cover miscellaneous conversations and appointments, to be limited to certain people in the City. Mr. Ward did submit a proposal for a retainer that is not really a "retainer" because it ended up as an hourly charge for services.

The Mayor would like to clarify this issue with Aqua and have them resubmit a proposal.

The proposal = an hourly charge of \$70 per hour for 20 hours per month.

Recorder: Suggestions to consider the building inspection process...when an inspection is made that is not covered by the permit, an inspection fee is paid to the City prior to the inspection...then the service is covered by the builder, not the City. Why not apply this same concept to the engineer? If someone outside the City wants to meet with the Engineer, have that person come in and pay for the time prior to the meeting? People should not have unlimited access to the City's Engineer at the City's expense.

Russell Sly: Recalls the engineers, as they submitted proposals to the Council, saying they would not charge for consulting time if they were the City's Engineers. He agrees the developers should be paying the bill for the time they use with the City's Engineer. He feels the exchange should not even pass through the City; why not pay the Engineers directly?

Mayor Fritz: Aqua Engineering is not comfortable with that particular arrangement. Their policy is that they work for the City and should not be taking any payment directly from the developers.

Recorder: It should be understood that developers do pay for the City's engineering services through their 6% bond, which is tied to their development. There are others who are simply considering development in Elk Ridge, who meet with the Engineer for advice, then the City pays for that time.

Gary Prestwich: Suggested some kind of form to fill out if an individual requests to see the City's Engineer.

Mary Rugg: Added that the individual should arrange the appointment through the City Office and obtain the form at the Office, pay the City and take the form back to the Engineer.

Mark Johnson: Agreed.

Mayor Fritz: People can always speak to the City's staff at no charge, including himself. He will contact Mr. Ward and bring more information back to the Council next week.

EXPENDITURES: General: None  
There were no expenditures to approve.

AUDIT CONFIRMATION APPROVAL – JONES SIMKINS  
The Government Audit is to be performed beginning 8-23-04. There will be some added expense this year to adjust to the new laws of "GASB 34". This will be for the 2003/2004 Fiscal Year, ending June 30, 2004. The cost is not to exceed \$13,000.  
Jones Simkins has done a great job for the City.

**MOTION WAS MADE MARK JOHNSON AND SECONDED BY GARY PRESTWICH TO APPROVE THE ENGAGEMENT LETTER, DATED JULY 21, 2004, FROM JONES SIMKINS, TO PERFORM THE GOVERNMENT AUDIT FOR ELK RIDGE AT A COST NOT TO EXCEED \$13,000**

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

MINUTES  
1. 6-22-04:  
**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RUSSELL SLY TO APPROVE THE CITY COUNCIL MINUTES OF 6-22-04, WITH CORRECTIONS:**  
• **CLARIFY THE MAYOR'S STATEMENTS CONCERNING THE LOAFER WELL BEING CONSIDERED A "DEEP & EXISTING" WELL; AS REPRESENTED BY THE STATE DRINKING WATER COMMITTEE**


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

Russell Sly: Follow-up to the Eagle Project of curb painting (numbers on the curb). Another company left a message on the door that numbers would be painted on the curb...they were and then he got the bill. (Not part of the Eagle Scout project.)

2. 7-13-04:  
**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO APPROVE THE MINUTES OF JULY 13, 2004, WITH CLARIFICATION OF MAYOR'S STATEMENT ABOUT LOAFER WELL BEING "DEEP & EXISTING"; ADD: AS REPRESENTED BY THE STATE DRINKING WATER COMMITTEE**

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

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

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

## **NOTICE & AGENDA**

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, August 24, 2004, at 7:00 PM, to be preceded by a Council Work Session/Public Meeting 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/PUBLIC MEETING**

#### **1. PROPOSED “PAGE ANNEXATION” & DEVELOPMENT**

(Area of Consideration: Page Property – Corner of Elk Ridge Drive & Gooseneast Drive)  
Interested Persons will be given an Opportunity to be Heard.

2. Discussion/Performance Bonding Options for Development – Alvin Harward
3. Discussion - Capacity in Water/Sewer Systems – Mayor Fritz
4. Aqua Engineering Payment Policy

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

- Opening Remarks and Pledge of Allegiance
- 7:03 Approval/Agenda Time Frame
- 7:05 5. Proposed Page Annexation – City Council Acceptance/Denial of Petition
- 7:15 6. Capacity in the Water/Sewer Systems/Action – Mayor Fritz
- 7:20 7. Loafer Recreation Association/Septic Systems – Mayor Fritz
  - A. Recommendation from Planning Commission
  - B. Letter from David Church
- 7:45 8. 10" Water Line Connection – Mayor Fritz/Alvin Harward
- 7:55 9. Water Rates – Gary Prestwich
- 8:05 9. Schedule Public Hearings:
  - A. Elk Ridge Heights Subdivision, Plat A Developer – Consideration of Default
  - B. Ordinance/Amending the Elk Ridge City Code Providing for Subdivision Improvements (Curb & Gutter)
- 8:15 10. Ordinance Amending the Elk Ridge City Code Providing for an Amendment to the Definition of “Kennel”
- 8:20 11. Ordinance Amending the Elk Ridge City Code Providing for Amendments to the Procedure for Bonding & Durability Associated with Development
- 8:25 12. Expenditures:
  - General:
  - A.. Check Registers for May & June, 2004
- 8:30 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 August 19, 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 August 19, 2004.

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



**ELK RIDGE  
CITY COUNCIL MEETING  
August 24, 2004**

**TIME & PLACE  
OF MEETING**

The regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, August 24, 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 August 19, 2004.

**6:00 PM**

**CITY COUNCIL WORK SESSION**

**PROPOSED "PAGE ANNEXATION" & DEVELOPMENT**

Public Meeting:

**ROLL CALL**

*Mayor:* Vernon L. Fritz; *City Council:* Alvin L. Harward, Russell Sly, Mary Rugg Gary Prestwich & Mark Johnson; *Planning Commission:* Dennis Dunn; *Daily Herald:* Caleb Warnock; *Public:* Eric & Annedelyn Rassi, Jay Prather, Woody & Claudette Echols, Stan Cottam, Michael & Laura Ashton, Stewart Jolley, Darin & Tracie Magoffin, Joe Wadlinger, Sherie Clark, Ron Jordan, Jean Nielsen, Laurica Jacobson, Catherine Fillerup, Luther Giddings, Richard Swanson, Tom Nelson, Evan Nielson, Jeanette Gunnell, Judy Jarvis, Nathaniel ?, Dale Bigler, Mike & Paulette Fenton, Donald Hopkins, Alan Hughes, Mitchell Stoker, Jay Goold, Grant Moore, Laura Deichman, Kevin & Janis McGill, Nichole Van Valkenburgh, Doug Lindsay, Troy & Kamile Peterson, Robin Brown, Kelsey & Teresa Cain, Jen Stephens, Scot Young, Richard White, Paul Cazier, Kevin Call, Janis Cancoly, Morris Smith, Gary Jones

Mayor Fritz opened the Public Meeting at 6:02 PM.

Brief Background:

1. The proposed Annexation is no longer being considered at this time. The Payson City Council voted against the proposed sewer connection from Elk Ridge to Payson. One of the Councilmembers wanted to further "study" the idea and he convinced the other Councilmembers to vote to postpone any decision until August of 2005. There may be an opportunity to accelerate that date, but for the present, we have to accept their decision. That Agreement will involve Payson, Salem, Woodland Hills and Elk Ridge.
2. Payson is considering "high-end" housing in that vicinity...west of 1600 West.
3. The Mayor believes that the contract to sewer with Payson will eventually happen.
4. The 50 acres included in the "Page Annexation", he believes, is contiguous with Payson's boundary. It would be possible for Payson to annex that land, then they would have control of any development planned for the area.
5. The feed-back the Council has received is that 375 units in a 50-acre area...generating 700 cars...is too dense. Most of those responding have said they are not opposed to some high density, but not that high.
6. The same developer has 120 acres under tentative contract, waiting on availability of sewer, in that same area.
7. Mr. Randy Young was willing to be at the meeting, but the Mayor called him to clarify that the intent of the meeting is to hear the public's concerns; if he wanted to be hear, he would be welcome. The Mayor did not feel there was much value in his attendance since the Mayor would recommend voting against any acceptance of the Petition to Annex, based on Payson's decision not to go forward with plans to allow Elk Ridge to sewer with them at this time.

For those who wish to speak, they should have signed up and taken a number. The Mayor asked that the addresses be confined to three minutes.

Even though the Annexation is not going forward currently, a proposal will come back to be considered in time and the Council still wants the Community's input to have a basis of information to take into consideration.

Gary Prestwich: Petitions were signed by citizens in Elk Ridge and submitted to the Council that oppose high density housing in Elk Ridge. The petition states that these people do not feel this plan would be in the best interest of Elk Ridge's current residents. "Condominium units pay considerably less in property taxes per family than families in traditional homes; while the residents in condominiums require the same public services as a traditional homeowner.

The recent proposal of more than 450 condominium units would nearly double the number of homes in Elk Ridge. The added water, sewer, school & street issues, as well as traffic enforcement & control, etc. would mean a higher tax base for the current residents. While we understand that growth for the City may be inevitable, high density housing is not what the Community of Elk Ridge is willing to accept."

This probably represents how the majority of the residents feel. He also had a letter from Darin Magoffin that states about the same thing.

Mr. Magoffin's letter also expresses concern over the planned open spaces and grassy areas...these will be expensive to water and to keep up. Will these further restrict water usage? (Later in the same evening Councilmember Prestwich proposed a water rate reduction.)

Speakers:

Richard White: (Resident on Oak Ridge Drive) He moved from Southern California to get away from high-density housing. He and his family were victims of crime due to high-density housing. He has a background in rental units...these areas attract transients...and this attracts crime. He is "adamantly" opposed to this type of high-density housing for these reasons.

He is also concerned with water usage with this size development.

Eric Rassi: (Resident of Elk Ridge) He quoted the portion of the Mayor's letter to the citizens regarding providing lower-income housing for young people and retired folks to live in. He looked on one web site concerning existing homes for sale in Utah County, under \$170,000 and he found over 1,400 in the immediate surrounding area. There are also 80 new construction sites with comparable homes. In his view, there are many places where lower-income people could live.

The Mayor also commented in his flier that the main issue is the question, does

Elk Ridge want this type of high-density housing? Mr. Rassi does not want

2-3 bedroom six-plexes; and his opinion is that the majority of the residents feel as he does. Are any of the residents for high-density?

(Stewart Jolley: Thinks there are other things to be considered.)

Development will happen, but we need to be careful what comes into the Community.

Scott Peterson: (Resident of Elk Ridge for about 1 ½ years...lives on Haley's Lookout)

He has had the opportunity in the past to serve as President of his Homeowner's Assoc. (Kansas). He has done development projects, though it is not his primary means of income. He is significantly opposed to this project for various reasons:

1. He is more concerned with the people who already live in Elk Ridge than those who *may* live here. He has a significant investment in the home he lives in and he does not believe he could sell his home for what he has into it. It is a concern that homes are not selling and when they do, it is for about ½ of what they are worth. He "assures" those present that if the City allows high-density housing, property values will be significantly reduced. How much do we care about our City and its future, as opposed to those who *may* one day live here?

Cities that make good planning and development decisions are rewarded handsomely as a City for the quality of life provided and economically; and he has seen other cities that have not taken the time for sufficient planning and they reap worse consequences.

We have the ability to control what happens in our own City. He knows that City Councils can do what they want, but they generally don't.

We have power over annexations...on our own terms that are favorable to the City.

He would hope that what has been proposed...never happens.

Jay Prather: He agrees with what has been said thus far and he hopes that most of Elk Ridge feels the same way. He contacted the engineer for RCP Investments (Mr. Young's company). He wanted to see what the other development Mr. Young referred to was like (located at 113 South Redwood Rd.)...and took photos of the development.

The development consists of high, multi-family buildings and recreation area. The entrance is a rock wall, but on the inside there is plastic fencing. The rockwork is cultured stone and the stucco is imitation...basically on plywood.

He also feels this type of density would be a burden tax-wise and on the systems in the City. (He left the photos for people to look at.)

Stewart Jolley: (Resident for about 8 years...with 5 years on the Planning Commission)

He would rather have larger lots...say ½ acre...for new development, but to do that the current residents would have to have taxes raised. The infrastructure cost to maintain a city is high...we cannot afford it with the tax structure we have currently.

1. Last week we had a public hearing to increase taxes (it was voted down); but our taxes will increase a lot more than what was proposed if we continue to develop the way we are.



2. Bluffdale (at the Point of the Mountain) took the same approach and said “no” to higher density. The courts are now directing the way Bluffdale will develop; so we have to be careful of this.
3. Our General Plan (which can be modified at any time) says that higher density is the direction we should be going with new growth...not necessarily this proposal. The zoning in that area is higher density than 1/3-acre lots. That was determined based on a cost study to continue to develop on 1/3-acre or ½-acre lots. We can't afford that, unless we raise taxes.

As citizens, if we want to maintain the City as it is, there are two things we should do:

1. Go back to that study and see what kind of a tax increase we would experience.
2. Modify the General Plan. Developers will see what the planned zoning allows and insist on that.

Dale Bigler: He has seen the proposal to “develop another City of Elk Ridge” in that area, since it would about double the population. That is how this should be viewed.

Santaquin City has recently built higher density housing on the east side (he has a son-in-law living there) and, according to one of their City Councilmembers, all they have done is to create a “slum”. It was originally owner-occupied only condominiums.

He is not opposed to a little higher density, but this is a proposal that will not benefit the City. They will be attractive at the beginning, what will it be 10 years from now? What will happen to the by-laws of the Homeowner's Assoc.? Will they be sitting vacant?

Laurica Jacobson: (Resident) Most of her issues have been covered.

-We have spoken of “need”. Unless we need the project, don't do it.

-We have spoken of the “downside” of the project.

-She is an accountant and understands that the City needs a retail tax base; there are very few cities that do not have that.

-Something has to be done long-range, but she does not think this development is the answer.

-She left the Denver area to get away from “suburbia”...she does not want to return to that. She would rather have no walking paths, no curb & gutter, and streets that aren't as nice and parks that aren't as beautiful...because she wants the lifestyle that exists in Elk Ridge.

-Personally, she would rather be annexed into Payson or Salem rather than change the lifestyle we all enjoy.

Luther Giddings: (Resident of 11 years...lives on Ocampo Lane) With family here even longer, they have watched Elk Ridge grow.

-He and his family are in favor of the Annexation and feel Elk Ridge should be in a position to control the growth in that area.

-They are strongly opposed to the proposed development. He feels there would be resulting problems with the water and the sewer.

-He feels this proposal would be harmful to the Community in various ways...at the very least, we should entertain a cost analysis to see what would happen if we “trade off” taxes with the rates for the citizens that live here.

Darin Magoffin: They have had concerns with this proposed development.

-This developer is not from our area...

His experience is with totally different circumstances than what we live in.

-He will build his units; make his money, then leave.

-We do want control of that area and how it develops.

-We should have local developers because they understand what to preserve.

-There was a recent school bond to create new schools; and we are paying higher taxes to pay for that bond. That only takes into consideration the current population.

He does not believe this area will attract “professionals” or “empty-nesters”, as

Mr. Young stated. Schools taxes will have to increase again to finance the increase in population.

He wants to see Elk Ridge stay the way it is.

Mayor Fritz: These proposals for this land will continue to come before the Council. The Mayor wants input from the citizens. The consensus seems to be that *if* we are going to have higher density, it is going to be under our terms and not to the degree of density that has been proposed by this particular development.

Open Comments/Questions:

Kelsey Cain: They moved to Elk Ridge because of the way the Community is presently. The interest of the developers is their "profitability". When they finish with their project, they will leave with their money and the City will be left with whatever they leave behind and we will have to live with it. He agrees that this type of structure will start out looking good then deteriorate. He agrees that the Master Plan should reflect the desires of the residents that live here.

Unknown: Master Plans play an important part in holding developers to the standard the City wishes for its future.

Mayor Fritz: He is aware that a great deal of work and consideration went into the current General Plan. A plan is just that...it is a direction to look towards...it is not etched in stone. It can be adjusted to accommodate. Does our General Plan still fit the needs of our Community?

Paulette Fenton: They moved from Florida to get out of the dense traffic. She would not like to see this type of density ruin the quiet charm of Elk Ridge. She is concerned with these plans.

Laura Ashton: She hopes the City could fulfill the low-income requirements without going to such high density. She also feels we should consider what other communities have done to provide low to middle-income housing.

Stewart Jolley: The market will drive development. If there are families that can buy, developers will build. We can't just not allow developers into the City, growth will happen. It is a balance between what we can live with and what the market will create.

He encourages participation in going through the General Plan...it is a lot of work.

Mitch Stoker: Development will occur. Is the motivation to "line the pockets" of the developer, or for the betterment of the Community? With a proposal of 375 units, the profit will be substantial. The development should be something that will benefit the City and that will last. He is not against annexation, he feels the development in Elk Ridge should compliment the existing Community.

Jeanette Gunnell: (Resident...lives just above the proposed annexation/development)

The growth in the last 20 years south of Salt Lake City into Utah Valley has been faster than the average growth rate. She agrees with the concept that "we need to spell it out first". Developers cannot be allowed to dictate what will be permitted. If they are permitted to do so, the resulting mess will be difficult to fix after the fact. There are examples all over Provo where new apartment buildings are now "dives". If it is not quality work to begin with, it will only get worse.

Mayor Fritz deferred the rest of the Work Session items to the Regular Agenda to give those arriving late a chance to be heard. He reiterated his opening remarks, including the vote by the Payson City Council to postpone the installation of a connecting sewer line to Elk Ridge. They will study the matter and revisit the issue in August, 2005. This will give the Elk Ridge Council no choice but to deny the proposed Page Annexation Petition, due to lack of capacity in the sewer system.

Councilmember Prestwich summarized the proceedings thus far in the Meeting for those arriving late. The general feeling is one of opposition to the proposed development due to such high density.

**ELK RIDGE  
CITY COUNCIL MEETING  
August 24, 2004**

**TIME & PLACE  
OF MEETING**

The regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, August 24, 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 August 19, 2004.

ROLL CALL

*Mayor:* Vernon L. Fritz; *City Council:* Alvin L. Harward, Russell Sly, Mary Rugg Gary Prestwich & Mark Johnson; *Planning Commission:* Dennis Dunn; *Daily Herald:* Caleb Warnock; *Public:* Eric & Annedelyn Rassi, Jay Prather, Woody & Claudette Echols, Stan Cottam, Michael & Laura Ashton, Stewart Jolley, Darin & Tracie Magoffin, Joe Wadlinger, Sherie Clark, Ron Jordan, Jean Nielsen, Laurica Jacobson, Catherine Fillerup, Luther Giddings, Richard Swanson, Tom Nelson, Evan Nielson, Jeanette Gunnell, Judy Jarvis, Nathaniel ?, Dale Bigler, Mike & Paulette Fenton, Donald Hopkins, Alan Hughes, Mitchell Stoker, Jay Goid, Grant Moore, Laura Deichman, Kevin & Janis McGill, Nichole Van Valkenburgh, Doug Lindsay, Troy & Kamile Peterson, Robin Brown, Kelsey & Teresa Cain, Jen Stephens, Scot Young, Richard White, Paul Cazier, Kevin Call, Janis Cancoly, Morris Smith, Gary Jones,

OPENING  
REMARKS &  
PLEDGE OF  
ALLEGIANCE

Opening Remarks (prayer) were offered by Mr. Dale Bigler, after which the Pledge of Allegiance was led by Councilmember Mark Johnson.

AGENDA TIME  
FRAME

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

**CARRY-OVER WORK SESSION AGENDA ITEMS:**

PERFORMANCE  
BOND OPTIONS

No information at this time. The proposed ordinance is being drafted by the City Planner.

CAPACITY IN  
WATER/SEWER  
SYSTEMS

Russell Sly: He requested the Council establish a firm figure on the capacity in the sewer system. Based on the Flow Study performed by Aqua Engineering and considering the "Approved Lots Building Permits – Water & Sewer Information Report", Revised 8-19-04 for corrections to sewer capacity...Councilmember Sly would like to update the figures:

604 does not reflect the Plant Capacity; it is actually much higher. The 604 (connections) is based on the "pipeline" capacity. There is more capacity at the Plant than we can deliver to the Plant. 604 connections is our limitation. Would Salem allow an upgrade of the pipeline capacity to match the capacity in the Plant? The size of the pipe would have to be upgraded in a few places to allow more capacity in the lines. Councilmember Sly believes we are at our limit and no more connections should be approved until we have increased sewer capacity with Payson or Salem.

There are 599 total lots approved and 488 lots connected. Are we willing to "mortgage" anymore of the connections for approved lots?

Mayor Fritz: Of the 50 connections that were allotted last year there are about 13 not assigned to particular lots. There are developers waiting in line for connection allocations.

Alvin Harward: He does not see a problem with allowing a certain percentage of the 109 assigned connections to be used by new development. The build-out will not happen all at once. He would hate to see a complete stop to all development.

Mayor Fritz: Summarized...13 of the original 50 connections have not been allocated and there are 59 connections left = 72 connections to be considered.

No further comments.

AQUA  
ENGINEERING  
PAYMENT POLICY

Mayor Fritz: A brief history of this Agenda item:

The City received a bill from our previous City Engineers of about \$17,000. Much of this bill was accrued from developers and other individuals going to the Engineers for advise and counsel. These services were then billed to the City. The same thing is already happening with the City's new Engineers. There is a concern with this situation. The Mayor spoke to Bruce Ward (Aqua) about the idea of individuals paying up front for services rendered to them. They would pay the City and fill out a form arranging for an appointment for a specific period of time. Mr. Ward is not completely in agreement with this concept. He feels that any City Engineer should be accessible to developers wishing to speak to them.

The Mayor agrees that when there is a full-time city engineer (like Payson, Provo, Spanish Fork, etc.) who is salaried, they should be accessible; their fee is covered. Elk Ridge does not have this "luxury". If a developer wishes to speak to the Engineer, the Engineer should direct him/her to the City to make the arrangements at \$70/hour; whatever portion is unused, would be returned to the individual. If the session runs over the time allotted, they must gain permission from the City to proceed further.

(The actual development process includes a separate bond covering use of the City Engineer.) There won't be much development until a contract has been signed to allow additional sewer capacity. The City cannot afford to pay for engineering advice, with no way to recover those costs.

Comments:

The Council agreed with the Mayor's recommendation.

**MOTION WAS MADE BY MARK JOHNSON SECONDED BY ALVIN HARWARD TO APPROVE THE USE OF A REQUEST FORM, OBTAINED THROUGH THE CITY, TO ARRANGE FOR APPOINTMENTS WITH THE CITY ENGINEER; THE COST OF THE SERVICE WILL BE PAID UPFRONT AT A RATE MATCHING THAT OF THE CURRENT ENGINEERING RATE WITH AQUA ENGINEERING**

**VOTE: YES (5)**

**NO (0)**

PROPOSED  
PAGE ANNEXATION  
PETITION

City Council - Accept or Deny Petition for Proposed Page Annexation:

Mayor Fritz: Given the reaction of the citizens of Elk Ridge to the proposed development attached to the Page Annexation, and the fact that Payson City postponed consideration of Elk Ridge City sewerage with Payson until at least August, 2005...the Mayor's recommendation is to deny the Petition to annex,

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY MARY RUGG TO DENY THE PAGE ANNEXATION PETITION TO ANNEX INTO ELK RIDGE CITY**

**VOTE: YES (4)**

**NO (1) ALVIN HARWARD**

(Councilmember Harward felt the Annexation should not be held up, just the development proposing high-density housing.)

CAPACITY  
IN WATER/SEWER  
SYSTEMS

Mayor Fritz: It was decided to maintain the current status.

LOAFER  
RECREATION  
ASSOC. –  
SEPTIC SYSTEMS

Mary Rugg: Councilmember Rugg left a letter expressing her concerns with approving septic systems in Loafer Canyon. In her absence from the Council Meeting on 7-13-04, she had intended her comments be read in the Meeting. She also sent an addendum to each Councilmember about 1½ weeks ago. No one has addressed the question she keeps asking. No information has been provided that would refute the reasoning behind the action taken by the previous City Council to disallow septic systems. The documentation provided by her in her letters stated reasoning against septic systems for that area. She does not see that there has been any change in circumstances except that we feel bad that due to the ordinance in place, no septic tanks can be allowed to the members of Loafer Recreation Assoc.

Alvin Harward: The fact that the past Council made that motion does not mean the new Council has to live with that decision. He has read her letters and feels if one is for or against the issues, supporting evidence can be provided. In his opinion, there is no evidence that the wellheads are going to be contaminated.

Mary Rugg: Her concern is with Zones 1 & 2...there is no guarantee that the water could be contaminated...There is not a "protected well" as per State definition.

Kamile Peterson: Was under the impression that the State had mandated the regulations having to do with the wellhead protection.

Mayor Fritz: He contacted the State and was informed that the Loafer Well preceded the Wellhead Protection Act; therefore the Wellhead Protection Act can be cited as justification for preventing septic systems, but it has no legal basis because the Well existed previously. There is also the issue that Loafer Recreation Assoc. protested that while the City basically condemned the land and they agreed they would not build within 100 ft. of the Wellhead...now we are not allowing any building permits in the area.



Mary Rugg: Cannot ignore that she pulled 13 pages of possible contaminants as a result of usage of septic systems. The required tests do not test for all of these to provide the proof that there aren't some of these other contaminants. If they will not put in a new well close to septic tanks, why would we want to allow septic tanks so close to our existing well in the area?

Gary Prestwich: Comment on some research he did:

There is a new development about 10 miles away from Prescott, AZ. The homes are considered "high-end" homes...most all of the homes with their own wells and septic tanks about 200 ft. apart on their property. The local Code allows them to do this.

The outlying areas in Heber have the same situation...wells and septic tanks on the same property. The contaminants would be "organic"...most micro-organisms die in a short period of time in a "hostile" environment, which a septic tank is.

Mayor Fritz: To answer the question, "What has changed?"...from the Mayor's perspective, after examining all the information, many members of this Council have come to a different conclusion than the past Council.

Mary Rugg: If there is evidence on both sides, what has made the difference to allow the septic tanks rather than not allow them? Was it sympathy toward the members of the Association?

Russell Sly: It sounds like Councilmember Rugg is looking for zero risk to the City's wells. That would involve shutting down all the septic tanks in the entire area...this does not take into account all the septic tanks in Woodland Hills...to accomplish zero risk. The evidence he has seen is in favor of septic tanks. One of the engineers stated to the previous Council that they would not approve any more septic tanks in that area, but they did not give a reason why. He does not feel there can be a situation resulting in "zero risk". Many things could happen. The Council should consider if there is significant risk. He does not believe there is.

Mary Rugg: Agrees there can be no "zero risk", but things progress and there are reasons why there are fewer homes on septic tanks. Why backtrack?

Mark Johnson: Agrees with Councilmember Rugg that sewerage is preferable to septic tanks and they will require that Loafer Recreation connect to the sewer as soon as it is available. The line will come from Woodland Hills and be routed just north of the Loafer gate.

Mary Rugg: The point is, what happens between now and then? The members of the Assoc. have waited this long...and the City has an ordinance in place that does not allow septic tanks.

Dale Bigler: Asked if the proposed septic system are to be located above or below the Well. (Above)

Mayor Fritz: Read the Planning Commission's recommendation:

"MOTION WAS MADE BY DENNIS DUNN, SECONDED BY BRUCE LINDOW, TO SEND BACK TO THE CITY COUNCIL THE RECOMMENDATION FOR THE COUNCIL TO SEND THE FOLLOWING PROPOSED CONDITIONS: 1) Allow the Tervort cabin to be issued a building permit with a septic system within 300' of the wellhead: then 2) No cabins are to be built within a 1,000 ft. perimeter for ten years above the wellhead and none within 400 ft. below the wellhead. 3) The addition of new cabins is restricted to two per year during a five year period. 4) In any one year, if two permits are not issued, the schedule would slide one year, but no more than ten units in ten years unless sewer connection is available. 5) Once the sewer is available at the Association's gate on Loafer Canyon Rd., Loafer Recreation Assoc. is required to connect to the sewer system within three years of availability. 6) No further building permits will be issued to Loafer Recreation Assoc. after the sewer becomes available, until such time as they connect onto the sewer system. TO THE ATTORNEY, FOR HIS OPINION"

The proposal from the Planning Commission is the same as the Council's recommendation to the Planning Commission. The one stipulation that was discussed, but did not come as part of the recommendation was the requirement to pump the septic tanks every five years.

If the Council votes to move forward with this proposal, then the Association would be approached to see if they are willing to agree to these terms. If they sign a document agreeing to these terms, then it will go back to the Planning Commission to prepare a change in the Ordinance. This is going to take a while.

Kamile Peterson: "This will open a can of worms for the people in Loafer Canyon that were forced to hook up to sewer."

(If there were sewer close to the Assoc. property, they would have to hook up, too.)

Mark Johnson: In the letter from the City Attorney (David Church), he does state that the City can make a distinction between part and full time residents in the requirements to connect or not connect to a sewer system.

The cabins are used sparingly.



Mayor Fritz: When Woodland Hills runs a sewer line to the Loafer gate, and there is the subsequent connection to the existing line, that will open up that whole area in Loafer Canyon for development.

Comment from one of the Assoc.: The cabins in that area have been up there since 1903...with septic systems. The usage is only 3-4 times per year. He can appreciate the City not wanting to contaminate the water; but even though there has not been a problem with contamination, yet the City wants to "shut us down".

Mary Rugg: 1) She does not think usage of the cabins is the issue that she is referring to...it is simply a matter of not wanting to take a chance of polluting the water.

\*Councilmember Rugg requested her letters be inserted into the minutes.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RUSSELL SLY  
TO APPROVE THE RECOMMENDATION OF THE PLANNING COMMISSION AS STATED IN  
THE MINUTES OF AUGUST 5, 2004, INCLUDING THE 6 CONDITIONS SO LISTED  
VOTE: YES (4) NO (1) MARY RUGG**

The City will contact Loafer Recreation Assoc. regarding their agreement to the terms, as stated.

1.

Letter from Councilmember Mary Rugg to the Council, dated July 5, 2004:

Mayor & Fellow Council Members,

The purpose of this letter is to express to each of you my feelings, in my absence, on this particular issue. We, as a Council board, have discussed the possibilities of this subject and at the present meeting a decision is to be made – determining the initial outcome of this issue. I have expressed to the board my strong opposition to placing a septic tank (or any septic tank) in the area of Elk Ridge. It is my intention to continue to oppose this issue **and** provide you with information that might convince you that placing a septic tank above the Loafer Canyon Well is an extremely large mistake. It is also my firm conviction that the area under consideration **does** constitute a significant risk to the aquifer. The documents accompanying this letter (Chapter 4 – Drinking Water Source Protection) were taken directly off the Elk Ridge City Website. I have taken the liberty of highlighting areas containing pertinent information. May I also remind you that for all information presented to the board, supporting the septic tanks, we have also had the same amount of information stating the risks of the potential hazards involved in placing a septic tank above our drinking water.

The Drinking Water Board has adopted a rule, which is meant to govern the protection of ground-water sources of drinking water. It states the following:

R309-600-2

"Public Water Systems (PWS's) are responsible for protecting their sources of drinking water from contamination. R309-600 sets forth minimum requirements to establish a uniform, statewide program for implementation by PWS's to protect their ground-water sources of drinking water. Public Water Systems are encouraged to enact **more stringent** programs to protect their sources of drinking water if they decide they are necessary."

It is my absolute belief that it is necessary. When did it become o.k. for us to put any one person or child at any potential risk? R309-600 is also implemented for existing ground-water sources. The National Primary Drinking Water Regulations **are legally enforceable** standards **and** they do apply to public water systems. The list of potential hazards and contaminants is 13 pages long! Many of these illnesses are currently being diagnosed in some of our Elk Ridge residents (fact, not opinion). I wonder what their reaction might be to some of these findings?

May I draw your attention to the issue of amending our present ordinance, which prohibits the placement of any new septic tanks. Let me begin by stating that it is truly unfortunate that the Loafer Canyon Association has had to undergo this negotiation process as long as they have and I in no way intent to belittle their predicament. I would also be extremely frustrated and angered with the lengths that they have had to endure, if the tables were turned. BUT, as the Mayor so frequently likes to remind us, our duty is to act in the best interest of the **entire** Elk Ridge Community. Sustaining this vote to continue with this issue would **not** be in the best interest of the entire Community, but rather acting in the best interest of a **few** who wish to build and maintain a **part-time** residence.

We have spoken of using our time and money wisely. Sending this issue before the Planning Commission to review an amendment to our existing ordinance would be a great waste of time. I would like to enlighten you with some further information regarding a septic tank issue, that was previously placed for consideration, before the Planning Commission. There is presently a home, located on Goosenest Drive, that was granted the permission to place a septic tank on their property. The current ordinance was already in place, prohibiting the placement of any septic tanks. The action was placed before the Planning Commission and their decision was that they **adamantly opposed** the construction/placement of a septic tank.

The Mayor also attended this meeting and was aware of the Planning Commission's opposition to this issue. After reviewing the minutes from the City Council, it appears that at **no** time did the Mayor bring back to the City Council the planning Commission's obvious concerns, prior to the Council approving the 'availability of residential building permits using septic tank disposal systems'. In fact, if you refer to City Council Minutes, dated 10-8-02, I have highlighted a statement from Councilman Todd Jackson. I quote, "this is 'new information' to him that the Planning Commission has a very strong feeling against what the Council was doing. When there is an item on the Council agenda that someone is opposed to, the information should come to the Council before action is taken, not after. They can only vote on the information presented to them." I re-state that it appeared that the Mayor did not bring the Planning Commission's opposition back to the City Council. When the Commission realized that their evaluations, information, thoughts, feelings, etc...held no weight and that if was the intention of the Mayor to present the opinion of continuing forward, the Planning Commission drafted a letter of concern and presented it to the City Council Board. I have enclosed a copy of that letter. There is also a copy of the Mayor's rebuttal to their response. My question is this – Why do we have a Planning Commission and why do we require them to send time researching facts if their information is not taken seriously? Is not the Planning Commission an **appointed** office? **Do we not choose** the board members for their dedication to the issues and the time they put forth into researching our Community's best interest? Yes, "in our form of government, each person has a right to his or her opinion". The Planning Commission exists for our Community as an advisory board. I remind you again, that they are **appointed, by the City Council**, to their positions. When does the advice and or guidance become valuable? Does it only occur when it matches our own opinion? In these same minutes, the Mayor is quoted as stating, "...based upon the belief that septic tanks are risky..." I draw your attention to the word "belief" and would like to add that it is not just a "belief" that septic tanks are hazardous and are full of potential contaminants and dangers.

**It is a FACT.** I have produced more information validating my concerns and can continue to bring forth more documents, if necessary. Furthermore, my personal "remarks are consistent with the facts".

Bob Lowe of the Department of Environmental Quality, Environmental Scientist, states, "We recommend that any development permitted by the city be conducted with due consideration being given to source protection issues." I.e. Drinking Water Source Protection, R309-600, U.S. Environmental Protection Agency, National Primary Drinking Water Regulations, etc... The Mayor is of the opinion that we would lose any litigation to restrict the use of septic tanks. I disagree. Mr. Lowe further states the "city **does** have a defensible position in continuing to restrict septic tanks in the Association's boundaries." The State statute, Utah Code 10-8-15 tells us that we **do** have governing rights to protect our water. We have 15 miles jurisdiction past our wellhead! We **do** have the authority **and are backed by the State** to protect our drinking water. The Mayor feels that "our defense would be a losing cause with the possibility of the Association asking for the settlement to include their expenditures". My response to the latter is, "What information has the current administration gained that previous Council was unaware of?" Please don't tell me that our sole basis for allowing this is because documents have been produced that are in support of septic tanks. Documents can be produced that negate every single one. Too bad there is not a document that states that sometimes we need to have a little common sense. I refer back to Mr. Lowe's statement (of the Dept. of Environmental Quality) that the "city **does** have a defensible position in continuing to restrict septic tanks in the Association's boundaries". In the even of possible contamination the Courts would then be responsible and legally liable. Is the Council aware of what the City would have to incur if there was contamination to our drinking water? There would be no turning back **and** we would most definitely put the City into bankruptcy if we were legally obligated to provide a water treatment plant. Are the Council members also aware that when a water test is performed on drinking water located by or near a septic tank that it is not uncommon for the test to **fail** a number of times? For example, the test could be administered 10 times and fail. Then on the 11<sup>th</sup> time pass and guess what? That is the test that goes forward for review. (**Factual information** gained from Kate Johnson, employed at the Drinking Water Source Protection Agency)

We **can** withhold permits, until sewer becomes available, because we do have a "rationale basis for this decision". Sumner Newman, of the Utah Drinking Water Board, cited State Code. It states the following: The State Drinking Board would not issue a permit, for a new well to be drilled with septic tanks within Zones 1 or 2. Zone 1 is within 100 feet of the wellhead. Zone 2 is within 250 days water travel. All the proposed cabins/septic tanks reside within Zone 2. (Information derived from Kate Johnson and re-stated from Sumner Newman) Why would we allow potential contamination within Zones 1 or 2 if the State would not allow a brand **new** well to be dug, because of potential hazards or contaminants within the same area? The Mayor is of the feeling that we must allow a limited number of septic systems, for the Loafer Canyon Association. I wonder if the Mayor and the Association would feel the same if their drinking water came from that well? But...why not put forth a good faith effort and find a way to provide and pay for running a sewer line up to the Association gate? The cabins then built, within the canyon, would be required to tie-in and run a line down to meet our sewer line. Some of the cost could be recovered within Impact Fees.

"The elective offices we hold require decisions based upon fact both evidenced by studies, professional opinions, and gut feelings." We have seen "studies" supporting my views. I have included "professional opinions" and it is my "gut feeling" that a **severely large mistake will be made** if the Council moves forward with the permitting of septic tanks, within our City limits."

Mary Rugg

2.

Follow-up letter from Councilmember Rugg, dated July 23, 2004:

Mayor and Fellow Council Members,

In my absence, the City Council voted to send this issue forward to the Planning Commission to revise our current City Ordinance, regarding the use of septic tanks. My question still remains, "What knowledge have we, the present Council, gained that the previous council did not have?" The minutes were pulled from that previous City Council meeting. Under the City's request, Mr. Dao Yang, of Sunrise Engineering, was hired to perform a survey, regarding the use of septic tanks within Loafer Canyon. He presented his findings and advice at this meeting, dated September 28, 1999. I have enclosed those minutes for your review. Mr. Yang also stressed, at this time, that it would be imperative to keep accurate records, would we allow the use of septic tanks. He also stated, "in zones 1&2" that he **would not allow** any more septic tanks. It is my understanding that there are at least 2, possibly 3, cabins that would be built in zone 2 (250 day groundwater time of travel to the wellhead).

I have gone through past council minutes and at one time or another all members of the board had questions or doubts to the safety issues of septic tanks. Again I ask, "What have we learned?" The County supports or takes an I don't care attitude, regarding this issue, because they profit from this venture. Revenues are to be had for the County. Not one piece of information, that I have seen, read or heard from the State, tells us to go ahead and accommodate the Association. In fact, we have an obligation to ensure safe and sanitary drinking water for our residents. (Information cited from the Drinking Water Source Protection Ordinance.) Why are we turning a blind eye? "The Mayor does not believe the risk to be excessive." How excessive does the risk need be?

After review of the minutes, dated July 13, 2004, I need to point out that the well in question continues to be referred to as an "existing, deep well". The well is, in fact, an existing well, although, it's classification as a deep well **is not valid**. At one time, wells were classified as deep or shallow. The State no longer uses that classification. Wells are now classified as protected or unprotected. **All of the wells, located within Elk Ridge City, are classified as unprotected wells.** The Wellhead Protection Act, itself, may not apply to this issue because the Loafer Canyon well is an existing; BUT...all other information I have gathered from the Drinking Water Source Protection, R309-600, U.S. Environmental Protection Agency, National Primary Drinking Water Regulations, etc...does cover the well located in the Loafer Canyon. The State would not issue a permit to allow you to drill a new well with septic tanks within zones 1 or 2. Why would we allow potential contaminants to pollute our drinking water? Potential contaminant is defined as a pollution source. A pollution source is defined as hazardous substances stored in containers – septic tanks! (Information taken right from Elk Ridge City Website, under Drinking Water Source Protection)

#### 10" WATER LINE CONNECTION

Alvin Harward: The only thing approved was for the engineer to go out for bids on the project. He has seen nothing back from the engineers

Mayor Fritz: Thinks that the engineers were waiting to see what the City planned to do with the extension of N. Salem Hills Dr. The slope is so steep in that area. It has been proposed to re-route Salem Hills Drive around the hill. The 10" line would run up and "T" off...it would be blocked and then run to connect to the existing 8" line. This would increase the flow capacity to the lower tank by about 250 gpm.

The Council is authorizing the Engineers to solicit bids. Once those are in, the Council can decide on the project, itself. Part of the reason the project was being postponed was to wait until after the Audit, to determine the finances of the City. The Audit is currently under way.

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY ALVIN HARWARD TO  
AUTHORIZE AQUA ENGINEERING TO SOLICIT BIDS IN BEHALF OF ELK RIDGE CITY, FOR  
THE INSTALLATION OF A 10' WATER LINE LEADING FROM THE CLOWARD WELL TO  
CONNECT ONTO THE SYSTEM**

**VOTE: YES (4)**

**NO (1) MARY RUGG**

**WATER RATES**

Gary Prestwich: Many residents feel that the water rates are too high. After listening to many citizens, he feels "there are two good reasons to lower the rates:

1. Citizens want the rates lower
  2. It doesn't make sense for us to pay for the water that people are going to use well in advance
- He submitted a chart to the Council listing a comparison.  
The proposal is to leave the Base Rate at \$40; but he would like to reduce the tiered structure for overages.

The average water user in Elk Ridge uses 44,478.7 gal in the months May through September; based on years 2002 & 2003 (2004 is a wet year and the totals will be less). For purposes of this report, the number 44,480 (44.48 Kgal) of water will be used.

Existing Rates:

If someone used 125,000 gals = **\$270.90** (highest rate)

Average user uses 44.48 K gal (K = 1,000 gal) = **\$98.46**

Proposal:

New Rate 1:

Kgal/mo	Kgal	Rate	125 Kgal User \$	Ave User Kgal	Ave User \$
Up to 12	12	base	40	12	40
12 to 50	38	.90	34.20	32.5	29.25
50 to 75	25	1.30	45.00	0	0
75 to 125	50	1.80	90.00	0	0
Totals	125		<b>209.20</b>	44.48	<b>69.25</b>

New Rate 2:

Kgal/mo	Kgal	Rate	125 Kgal User \$	Ave User Kgal	Ave User \$
Up to 12	12	base	40	12	40
12 to 50	38	.70	26.6	32.5	22.75
50 to 75	25	1.10	27.50	0	0
75 to 125	50	1.30	75.00	0	0
Totals	125		<b>169.10</b>	44.48	<b>62.75</b>

(Councilmember Prestwich favors proposal #2.)

Russell Sly: When the current rates were instigated, there were three main purposes:

1. To conserve water in a drought
2. Water Dept. was not in a good position financially
3. The infrastructure (water) needed replacement & improvement

The Water Dept. is now solvent and doing better. There is still the matter of planning for the future. It bothers him to have to borrow money for every major improvement the City installs. Interest does not benefit the City. He would not want to see the rates lowered to the point that the City cannot afford normal repairs to the system, regular operations or being able to drill a new well and installing another tank. He does agree that the rates should be lowered, but cautions the Council to not decrease revenue too much. He favors Proposal #1.

Alvin Harward:

Proposal #1 would result in a loss of \$93,630 (based on 6 months of usage)

Proposal #2 would result in a loss of \$107,130 (6 months)

The City cannot afford this loss.

Summary of Councilmember Prestwich's Proposal:

1. (5 months) = a reduction of \$78,000
2. (5 months) = a reduction of \$89,000

Councilmember Harward's Proposal:

Changing the Base (increase base from 12,000 gals. to 20,000 gals.) = \$36,720 for that 5 months

Mayor Fritz: Recommends postponing any decision until the next Council Meeting to have a chance to review and weigh the information. He is having difficulty reducing the rates at this point in time.



Mark Johnson: He agrees with the Mayor; he would like the time to consider this proposal. He feels this may be too drastic of a cut for now; but he does think the rates should be lowered.

Comments/Questions:

Dale Bigler: If the income were reduced as much as proposed by Councilmember Prestwich, how much revenue would be generated? (Councilmember Harward feels the City would fail to cover expenditures.) Mr. Bigler is not opposed to paying his share, but lowering the rates would benefit all the citizens.

Gary Prestwich: Asked that Councilmember Harward calculate an amount that would cover the Water Dept.'s expenses and present that to the Council.

Mayor Fritz: Reminded the Council of the Auditor's comment that, at the rate the City is going, everything could be paid off within five years. From a businessman's perspective, that would be good for the City; however, after considering comments made to the Mayor and Councilmember Prestwich's proposal...there may be cause to ask why existing residents should pay for future beneficiaries? There are still Operations and Maintenance and bonds to pay off, as well as infrastructure to pay for.

Comment (unknown):

Why isn't the rate listed on the water bill? (Councilmember Prestwich responded that Caselle had been contacted about this issue and they want a great deal of money to change the program.)

The rates have been listed in the Newsletter.

Mayor Fritz deferred any action on this matter until the next Council Meeting. He asked that each of the Councilmembers study this out and come back with ideas.

SCHEDULE PUBLIC  
HEARINGS

1. Elk Ridge Heights Subdivision, Plat A – Developer – Consideration of Default:

There is still work to be completed on this Subdivision. The Engineers have re-inspected the Improvements and have stated that nothing more had been done. The Mayor spoke to Mr. Morteazadeh, and he assured the Mayor the work would be done.

Part of the process is to schedule a Public Hearing. The City will have the work done and draw upon the bond or demand the work be completed by a certain date.

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY MARK JOHNSON TO SCHEDULE A PUBLIC HEARING FOR SEPTEMBER 14, 2004, AT 6:00 PM; FOR THE PURPOSE OF CONSIDERING THE DEVELOPER OF THE ELK RIDGE HEIGHTS, PLAT A, SUBDIVISION IN DEFAULT**

**VOTE: (5)**

**NO (0)**

2. Ordinance/Amending the Elk Ridge City Code Regarding Curb & Gutter:

Mayor Fritz: The proposed ordinance is still in the format Councilmember Prestwich would prefer. This will be postponed.

Councilmember Prestwich will attend the Planning Commission Meeting to discuss this issue with the members.

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO DEFER SCHEDULING A PUBLIC HEARING ON THE PROPOSED ORDINANCE AMENDING THE ELK RIDGE CITY CODE REGARDING SUBDIVISION IMPROVEMENTS (CURB & GUTTER) UNTIL IT IS IN AN APPROPRIATE FORM**

**VOTE: YES (5)**

**NO (0)**

ORDINANCE/  
DEFINITION OF  
A "KENNEL"

Schedule a Public Hearing:

**MOTION WAS MADE BY MARY RUGG AND SECONDED BY MARK JOHNSON TO SCHEDULE A PUBLIC HEARING ON SEPTEMBER 28, 2004, AT 6:15 PM, TO CONSIDER A PROPOSED ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR AN AMENDMENT TO THE DEFINITION OF "KENNEL"**

**VOTE: YES (5)**

**NO (0)**

ORDINANCE/  
BONDING  
PROCEDURE

Mayor Fritz: This proposed ordinance is still under consideration by the Planning Commission. Any Action is postponed.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RUSSELL SLY TO DEFER THE PUBLIC HEARING ON THE PROPOSED ORDINANCE REGARDING BONDING PROCEDURE & DURABILITY ASSOCIATED WITH DEVELOPMENT, UNTIL SEPTEMBER 14, 2004, AT 6:30 PM**

**VOTE: YES (5)**

**NO (0)**



*\*(Note Added by City Recorder: There was no Public Hearing to defer; it has yet to be scheduled. No action can be taken during the Work Session, at 6:30 PM. Any action must take place during the Regular Session, after 7:00 PM.)*

EXPENDITURES: General: None

Check Registers:

Questions:

Alvin Harward: (June) What is the bill to LEI for \$10,000 for? Who were the Red Wing shoes for? June, 2004:

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY GARY PRESTWICH TO APPROVE THE CHECK REGISTER FOR MAY, 2004**

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

July, 2004:

**MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO APPROVE THE CHECK REGISTER FOR JUNE, 2004**

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

MINUTES No minutes available.

ADJOURNMENT **MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY ALVIN HARWARD TO ADJOURN THE MEETING**

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

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