

AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, September 14, 2004, at 7:00 PM, to be preceded by a Council Work Session at 6:00 PM.**

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

6:00 – PM CITY COUNCIL WORK SESSION

- 6:00 1. Discussion/Water Rates – Alvin Harward
- 6:15 2. South Utah Valley Municipal Water Assoc. (SUVMWA) Petition
 to Central UT Water Conservancy District/Water Allotment – Alvin Harward
- 6:25 3. Dennis Shuler Subdivision – Mayor Fritz
- 6:40 4. Eagle Scout Project/Report – Russell Sly
- 6:45 5. Sewer Connections/re: Remaining Capacity - Mayor

7:00 - PM REGULAR COUNCIL MEETING AGENDA ITEMS:

- Opening Remarks and Pledge of Allegiance
- 7:03 Approval/Agenda Time Frame
- 7:05 6. Ordinance/Authorizing the Execution & Delivery of Petition to Central Utah Water Conservancy
 District for Allotment of Water for Municipal & Industrial Use – Mr. Dale Wills
- 7:15 7. Water/Sewer Connections/Allocation for Additional Development - Mayor
- 7:30 8. Pre-Disaster Hazard Mitigation Plan – Andrew Jackson
- 7:45 9. Ridge View LDS Stake Center/Development Extension
- 7:50 10. Ordinance/Amending the Elk Ridge City Code Providing for Subdivision Improvements
 (Curb & Gutter) – Gary Prestwich
- 8:00 11. Loafer Recreation Association/Septic Systems – Mayor Fritz
- 8:10 12. Release of Notice of Interest/181 N. Powell Rd
- 8:15 13. Water Rate Adjustment – Alvin Harward
- 8:25 14. Grant Work Shop – Mayor Fritz
- 8:35 15. Expenditures:
 General:
 A. Purchase of Small Utility Truck – Mayor Fritz
- 8:40 16. Approval of Minutes of Previous Meeting
- 9:45 17. Approval/Contract of SUVMWA Petition to Central Utah Water Conservancy District
 Adjournment

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

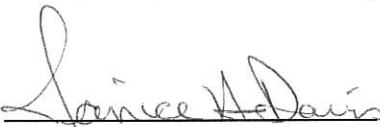
The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated September 13, 2004.



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 September 9, 2004; & an Amended Agenda on 9-10-04 & 9-13-04.



City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
September 14, 2004**

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6:00 PM

CITY COUNCIL WORK SESSION

ROLL CALL

Mayor: Vernon L. Fritz; *City Council:* Alvin L. Harward, Russell Sly, Mary Rugg, Gary Prestwich & Mark Johnson; *Administrative Asst.:* Ernestine Folks; *Daily Herald:* Caleb Warnock; *Sheriff:* Deputy Larsen; *Public:* Andrew Jackson (MAG), Joe Wadlinger, Seth Simonsen, Paul & Mary Jo Tervort (Loafer Recreation Assoc.) & *City Recorder:* Janice H. Davis

WATER RATES

Discussion:

Mayor Fritz: Asked for any comments on the proposal to lower water rates, as presented by Councilmember Prestwich at the last Council Meeting.

Mary Rugg: Is in favor of lowering water rates. Pointer out that the City's newsletter said the Council had voted not to lower rates, which is not the case. The Council acted to table the issue until this week. The Council is generally in favor of lowering water rates.

Russell Sly: He is also in favor of lowering rates, but he wants to hear what Councilmember Harward's proposal is before making any decisions.

Alvin Harward: Recommendation is to maintain the Base Rate at \$40, but increase the amount of water purchased from 12,000 gal. to 20,000 gal.

Over a 6-month period of time, this would impact the City's finances by a decreased amount of revenue from water sales of \$44,000. The average water user would see a decrease in their water bill by about \$14.

Gary Prestwich: Requested a summary of last fiscal year's operating costs & revenues.

*The City Recorder will provide those to Councilmember Harward.

The annual Audit has been completed and part of the Audit report will be to update the 5-year forecast for the Water Dept. The Council decided to table the water rate issue until after the Audit report.

SUVMWA
PETITION

South Utah Valley Municipal Water Association – Petition to the Central Utah Water Conservancy District for the Allotment of Water for Municipal & Industrial Use

Alvin Harward: The Central Utah Project has reached the mouth of Spanish Fork Canyon. Utah County has been allocated 30,000-acre ft. of water; and that is broken down by population as to the amount to be allocated per municipality. Elk Ridge's population = about 2 ½%, which is about 700 acre ft. of water.

The Project will not reach Elk Ridge for 10 to 12 years. At that time, the City would have up to 50 years to pay for it. The City must sign a contract or we give up the opportunity for that water. At some later time, should the City decide the Project would not benefit Elk Ridge, then it can be refused (without any payment required) and the water would be allocated to another city that would be willing to purchase it. Without the contract, there is no option.

Gary Prestwich: Reported that one engineer said that, due to high pressure in the line, Elk Ridge may not have to pump the water uphill. There is the possibility that the water would flow uphill.

Mayor Fritz: Signing the contract at this time does not cost the City any money; it is just to get the City on the list.

The Council agreed to enter into this Agreement.

DENNIS SHULER
SUBDIVISION

Mayor Fritz: Dennis Shuler owns land in Loafer Canyon and has donated a portion to the City used for the bus turnaround. At the time of the donation (about the year 2000), there was a letter from former Councilmember Gary Bowen, dated October 18, 2000, stating that, "The Town intends to complete an additional 800 ft. of sewer main and new road with curb & gutter each year for the next 3 years". Mr. Shuler acted in good faith, upon this information given at this time. With the change of the Council positions, the policy of completion of this project changed, as well. Mr. Shuler has paid the City \$15,937.30. He has placed the lots on the market to sell; however there are few or no additional sewer connections to allocate and the current Code disallows the use of septic tanks.

- An option (not the Mayor's 1st recommendation) would be to grant the used of septic tanks to these two lots.
- Another option: Extend the sewer line from its existing point, south to service these lots. Road improvements would not have to accompany this extension.
- Additional option would be to ignore the whole issue (not a good option).

Russell Sly: Two Basic Problems:

1. Mr. Bowen indicated there would be sewer available. He should not have made a promise that might not be fulfilled. The current Council is not legally bound by this statement, but Mr. Shuler acted upon his word.
2. Mr. Shuler has paid \$15,937.30 to the City up front in lieu of installation of certain improvements; however has made no attempt to be considered a priority.

Ernestine Folks: Mr. Shuler is already considered to be on the priority list. His two lots have been allocated connections last year. The liens were recorded as notations on his Plat; these would have to be removed and a new Plat recorded. The liens were placed on the Plat due to connections not being available because of no sewer main.

Mayor Fritz: The Council could simply authorize a Work Release to get an estimate on costs associated with extending the sewer line past Mr. Shuler's lots (the costs could be under \$50,000).

The road could be patched for now, with the assumption that the road would be improved at a later date. The Mayor has notified the utility companies instructing them that the City will be working on Loafer Canyon Rd. and they are to remove the utilities from the center of the road and move them to the side. Generally, a sewer line will be installed in the center of the road, so asphalt would have to be replaced.

*The Council was in agreement that a Work Release to determine projected costs would be appropriate.

Those connecting to the extended sewer line would be required to pay impact fees.

The Mayor made the point that the City is further out than anticipated to any connection to Payson for sewerage; this frees up some money that was to be used for this purpose.

Ernestine Folks: Aqua Engineering should be aware there is already a map detailing the placement of the sewer line and the public right-of-way.

EAGLE SCOUT
PROJECTS/REPORT

Russell Sly: (Discussion)

Councilmember Sly proposed that the City adopt a Policy in the form of a resolution to guide Scouts that come to the City Council for approval of Eagle Projects.

Items to be included:

1. Come to the City prior to going before the Scout Committee for approval of a Project. (Councilmember Rugg believes they have to go before the Committee first.)
2. Any proposed Project should be presented to the Council as a complete Project.
 - The Public Works Dept. should not have any extra maintenance work.
 - The product should be durable
 - Scouts should raise their own money rather than seeking funding from the City. (The Mayor would like for the Council to have the option of supporting the Project with \$100 limit.)
 - A list of Projects to choose from (The Mayor already has a list).

He feels the Policy should be written, as a guide.

Alvin Harward: If there has been no problem with the current process, why have a Policy that is written?

Mayor Fritz: Agreed that Policies do not have to be written.

SEWER
CONNECTIONS

Ernestine Folks: Reviewed a "Priority List" for Capacity in the Systems...
(Refer to Systems Capacity Report, dated Sept. 14, 2004)

- Water Storage Capacity – 182 Combined Connections available
(109 Vacant Lots + 73 Additional Connections)
- Water Source Capacity – 180 Combined Connections available
(109 Vacant Lots + 71 Additional Connections)
- Sewer Plant Capacity – 251 Combined Connections available
(109 Vac. Lots + 142 Additional Connections)
- 12" Sewer Interceptor – 116 Combined Connections available
(109 Vac. Lots + 7 Additional Connections)

Mayor Fritz asked that the following subdivisions be placed on a priority list:

- Rocky Mountain Way (Additional lots for 2nd phase, possible 13 more)
- Ririe Property across from City Office
- Cloward Property
- 4 acre site on east side of Elk Meadow Drive, by hole #7

The Mayor contacted the State about:

1) Approaching the limit of connections allowed...

What is the State's position when that limit is reached?

Response: The State inspects the City's water system every three years. If problems are discovered, recommendations would be given to expand the system in some way (tank, well, etc.). The City has tentative plans to expand the System with a new tank and well. Under those circumstances, the State would not "shut down" the City's water System? If the City continued for years without a solution to the problems, the State would assess "negative point", which eventually could lead to a fine.

2) The City has the ability to increase the flow of water from the Cloward Well by 250 gpm, to the lower tank. In case of fire, that would increase the reserve capacity.

3) The power could be increased to 3-phase to the Loafer Well and that would increase the flow from around 650 gpm to 800 – 900 gpm, which would refresh the storage tank.

Ernestine Folks: The earlier number of 50 for allocation of connections needs to be abandoned. That number was tied to water connections. This is not what the Council is trying to accomplish at this point.

The following 2 proposed subdivisions approved by the Council for capacity in the systems are NOT included in the above calculation:

- Quan Subdivision...2 lots, Council approved 10-28-03...Council did not stipulate a deadline for completing the subd. process.
- Lin Subdivision...2 lots, Council approved 10-28-03...no deadline for completing subd. process

*The 6 homes on Loafer Canyon Rd. should be added to the priority list.

Russell Sly: Provided a list of lines in the system allowing less capacity than the Plant...located closer to Salem. The cost would be prohibitive to repair those lines in comparison to the advantage gained. He feels the City should attempt to increase the capacity in the Salem Plant on a temporary basis. Mayor Brailsford has indicated that a temporary increase in capacity would not be approved unless there was a contract between Elk Ridge and Payson in place.

The City is currently within a few connections of the limit in capacity we are allowed with Salem. It is customary for cities to "mortgage" a percentage of the vacant lots to provide additional connections for development.

Ernestine Folks: Would recommend that the determining factor should be based on the 12" interceptor line...in that case there are only 7 additional connections. How many of the 109 vacant lots does the Council want to "mortgage"?

Mayor Fritz: Is contacted frequently by developers wanting to develop in the area of Elk Ridge. In-fill will take place rather than new development.

Recommendation: A maximum of 35 vacant lot connections to mortgage for new development, until a contract is signed with Payson...with the contingency that 10 be held "in reserve" for any unexpected situations.

There is the chance that an agreement with Payson may not happen in the future, for one reason or another.

Alvin Harward: Payson simply wants another year to study the issues associated with an agreement between the 2 cities...they are not saying they do not want the agreement.

Gary Prestwich: Feels that it is still unsure whether there will be a contract. He would suggest a lower number...perhaps 20 – 22 connections.

Mary Rugg: Also feels 35 is too high.

Russell Sly: **Recommends 25 until there is increased capacity...not restricted to a time limit. The Council was in agreement with this.**

After discussion, the Council agreed on 25 connections, with the exception of Councilmember Rugg, who feels 15 connections for one year would be more appropriate.

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ROLL CALL

Mayor: Vernon L. Fritz; *City Council*: Alvin L. Harward, Russell Sly, Mary Rugg, Gary Prestwich & Mark Johnson; *Administrative Asst.*: Ernestine Folks; *Daily Herald*: Caleb Warnock; *Sheriff*: Deputy Larsen; *Public*: Andrew Jackson (MAG), Joe Wadlinger, Seth Simonsen, Paul & Mary Jo Tervort (Loafer Recreation Assoc.) & *City Recorder*: Janice H. Davis

OPENING
REMARKS &
PLEDGE OF
ALLEGIANCE

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

AGENDA TIME
FRAME

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY ALVIN HARWARD
TO APPROVE THE AGENDA TIME FRAME, ADJUSTING THE START TIME TO 7:35 PM
VOTE: YES (5) NO (0)**

(Mayor Fritz moved the 7:30 PM Agenda Item up to this point, allowing Mr. Jackson to speak to the Council.)

PRE-DISASTER
HAZARD
MITIGATION PLAN

Andrew Jackson: October 30, 2000, President Clinton signed the Pre-Disaster Hazard Mitigation Act. In the past FEMA only reacted to post-disaster assistance. FEMA became aware of the need for *pre-disaster* assistance, under certain circumstances. There is the requirement for each municipality to adopt a "Pre-Disaster Hazard Mitigation Plan" to be eligible for any funding. The Plan requires that the cities look at a strategy to reduce potential problems. Mountainland Assoc. of Governments has completed the Plan. FEMA has approved that each community in the region could pass a resolution adopting MAG's Plan. The two likely areas for funding in this area would be *wildfire* and *flooding*. Funding is based off of past history of disasters.

There may be fewer applying for funding up front and the chances of receiving assistance could be greater. A storm water retention basin may be eligible.

*Councilmember Rugg will contact Mr. Jackson to get application information.

Change: (2nd paragraph) “post-disaster” changed to “mitigation”.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY MARY RUGG TO ADOPT A RESOLUTION ADOPTING THE MOUNTAINLAND ASSOCIATION OF GOVERNMENTS PRE-DISASTER HAZARD MITIGATION PLAN AS REQUIRED BY THE FEDERAL DISASTER MITIGATION AND COST REDUCTION ACT OF 2000

VOTE: YES (5)

NO (0)

ORDINANCE/
PETITION TO
CENTRAL UT
WATER
CONSERVANCY
DISTRICT

Ordinance/Authorizing the Execution & Delivery of Petition to Central Utah Water Conservancy District for Allotment of Water for Municipal & Industrial Use:

(This ordinance is a companion to CUP Water)

The proposed ordinance authorizes CUP water to eventually be used from the ditch and states that Elk Ridge City agrees that the water will go in that ditch (Highline Canal). Elk Ridge would probably not benefit from the water for 8 to 10 years. The signing of this proposed ordinance allows Elk Ridge to eventually be eligible for use of the water. There is no cost to the municipality at this time. Should the City decide to not use the water, it would be offered to another municipality.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO ADOPT AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF PETITION TO THE CENTRAL UTAH WATER CONSERVANCY DISTRICT FOR ALLOTMENT OF WATER FOR MUNICIPAL AND INDUSTRIAL USE

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

Passes 5-0

WATER/SEWER
CONNECTIONS-
ALLOCATIONS

After Discussion, the general consensus was to limit new connections to 25 connections.

(Councilmember Rugg believes 15 connections should be allocated for 1 year.)

The 25 is to come from the vacant lots.

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY ALVIN HARWARD TO ESTABLISH THE NUMBER OF 25 AS THE LIMITING AMOUNT OF NEW CONNECTIONS, UNTIL SUCH TIME AS ELK RIDGE CITY HAS ADDITIONAL SEWER CAPACITY

VOTE: YES (4)

NO (1) MARY RUGG

RIDGE VIEW LDS
STAKE CENTER/
DEVELOPMENT
EXTENSION

City Recorder (Jan Davis): Explained that each developer agrees to complete the required development improvements by October of the same year. If this is not possible, the developer must request an extension. The Council may grant an extension until July 1, of the following year. R.V & Associates, represented by Michael Raymond, submitted a written request for extension for the LDS Stake Center, dated August 30, 2004.

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RUSSELL SLY TO GRANT THE RIDGE VIEW LDS STAKE CENTER AN EXTENSION FOR DEVELOPMENT UNTIL JULY 1, 2005

VOTE: YES (5)

NO (0)

ORDINANCE -
AMENDING CODE
RE: CURB &
GUTTER

Gary Prestwich: Recommends sending this proposed ordinance draft back to the Planning Commission to include alternate wording concerned with the criteria listed.

1. Included in the section regarding gravel shoulders and swales, he feels there should be wording about the handling of run-off: A) *Retention Basins* (most favorable)

B) Secondary choice of *sumps*.

2. Existing lots: The area would be consistent with all having curb & gutter or no one having curb & gutter.

(Mayor Fritz point to page 5 of the attached Planning Commission minutes, where the discussion included these items.)

Councilmember Prestwich continued by saying that these points of discussion were not included in the draft of the ordinance.

Mary Rugg: The City created many of the problems being dealt with at this time. There should be clear specifications.

Mark Johnson: It has been determined that sumps are not always effective. They fill up with debris.

Mary Rugg: If the sumps are located correctly, they can work well.

After further discussion, the Mayor called for a motion.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO REMAND THE DRAFT OF THE ORDINANCE AMENDING THE ELK RIDGE CODE PROVIDING FOR SUBDIVISION IMPROVEMENTS (CURB & GUTTER) & COUNCILMEMBER PRESTWICH WILL GO TO THE PLANNING COMMISSION MEETING TO EXPLAIN WHAT HAS BEEN DISCUSSED

VOTE: YES (5)

NO (0)

*Mr. Bruce Ward will also attend.

LOAFER
RECREATION
ASSOC. –
SEPTIC SYSTEMS

Mayor Fritz: Refers to Letter from the City's Attorney, David Church, for an opinion as to whether it is legally appropriate to apply certain restrictions on building permits for cabins or residences in the Loafer Recreation area. The Mayor submitted a copy of Mr. Church's response, a letter dated September 9, 2004. The Mayor called attention to paragraph three (3rd sentence): "The limitation on the area where septic systems will be allowed can withstand a challenge if the City can point to any engineering or other study that supports this limitation". There is a letter from LEI Engineering which has basically said that they recommend against septic systems. The Wellhead Protection Plan suggests serious consideration whether or not to allow septic systems in this area. The proposal was a limit of 10 building permits over the next ten years, at the rate of two (2) per year. In any year that there are not two permits issued, the number would "slide" another year.

Attorney letter, paragraph 4 (2nd sentence): "Why only two per year and only ten systems in ten years? Perhaps your engineer or other expert has a reason for this limitation."

This is not an engineering decision; it is a compromise to allow the City to feel a bit more comfortable in allowing cabins to be built, with the recognition & hope that they would connect to the sewer system once it is available (about 3 to 5 years).

Alvin Harward: Feels this is a rational compromise. With only two per year, monitoring any possible contamination would be more manageable.

Mary Rugg: In reading this letter, specifically the part mentioned by the Mayor referring to engineering in paragraph three...the City not only has LEI Engineering's letter, but there is the Study conducted by Sunrise Engineering, as well. She feels this supports the view of not allowing septic systems in the area.

Attention was drawn to the second paragraph two (last sentence): "All the City will need to be able to show is that there is a rational connection between the regulation being proposed and interest to be promoted". The Mayor said that the interpretation of "rational" could differ from one to another.

Councilmember Rugg went to the sentence preceding that one wherein it states: "Since septic and sewer systems are in the general category of health, safety and welfare, and do not involve fundamental rights..." She feels that is the "rational connection". It is the duty of the Council to provide safe drinking water to the residents of Elk Ridge.

The Mayor continued with the rest of the sentence referred to by Councilmember Rugg, "...a court review of the regulation will be very limited".

Mary Rugg: Referred again to the engineering letters supporting the limitation. Has Mr. Church been provided with the information gathered by Councilmember Rugg? (No. She was encouraged to provide that information to him.)

Mayor Fritz: Feels the Council has already determined that the amount of risk is small to allow limited septic systems.

City Recorder: The process involved in amending the current Ordinance involves time and public hearings. During this time, Councilmember Rugg will have an opportunity to submit her information to the Attorney. (Request by Mr. Tervort to provide this information to Loafer Recreation Assoc., as well. Councilmember Rugg agreed to this.)

There is no approval planned for this Meeting, simply to allow the amendment to go forward to the Planning Commission.

Gary Prestwich: Quoted from Mr. Church's letter, fifth paragraph (2nd sentence): "Without these types of findings of fact a court may just presume that the reason for the limitation on septic systems is to limit growth and not to protect the water system."

As he interprets the statement, Mr. Church is stating that the City cannot limit the number of septic systems...it is either that the City allows septic tanks or not.

Paul Tervort: The City's Wellhead Protection Study states that there were 18 septic tanks in place at that time. He is confused about what the Council is saying. These septic tanks have been in existence before the Wellhead was in place. The Study states that you cannot have a septic tank within 100 feet of the Wellhead. That has changed to a certain number of days or time for the flow of water through the soil. He feels almost any septic tanks in Loafer Canyon would be permissible under the Wellhead Protection Program Ordinance; however, in the back where water quality is addressed, that is where the "flag flies" and he feels the intent is ambiguous. He has read the entire Plan.

(The Mayor inserted that he believes the existing 18 septic tanks are not affected.)

Question: How much more potential contamination can the City prove by one, two, ten or double the number of septic tanks that are there?

Mayor Fritz: If there has been no problem, and one arises after a couple of cabins are built, he feels the conclusion would lean toward there being a relationship.

Mr. Tervort added that he does not "follow" the Council...it appears to him that the only solution to this problem is to get a collection (sewer line) system in the Canyon, through whatever funding is available. He does not feel the City could prove that a few more septic tanks would jeopardize the City.

Mr. Tervort addressed Councilmember Rugg in saying that he follows her rational and he "agrees wholeheartedly" with her; but there happens to be a disparity between the State Dept. of Health and the State Dept. of Water Quality. The State Dept. of Health says septic tanks are acceptable and the State Dept. of Water Quality says..."maybe". The County Health Dept. is an arm of and is authorized by the State Dept. of Health.

(The information gathered by Councilmember Rugg is from the State Dept. of Water Quality.)

A year ago, a representative of the County Dept. of Health made a presentation to the City.

A year ago Mr. Tervort submitted information to the Mayor on holding tanks. The County flatly objected to holding tanks and would not authorize them.

"We're between a rock & a hard spot."

Mayor Fritz: Asked if there was a consensus among the Council to send this issue to the Planning Commission to move forward to the point of a public hearing? Or not?

Mary Rugg: No. Stick to the current Ordinance that is in place, or put a sewer line up Loafer Canyon.

Russell Sly: Expressed disappointment in the letter from Mr. Church. He feels his opinion is vague and the intent is unclear. There is no direct advise to the Council.

Gary Prestwich: Sees that Mr. Church is saying if the City allows limited septic systems, the City had better have a good reason for limiting the number. Either allow septic tanks or not. There is no engineering letter supporting the idea of limited numbers of septic tanks.

He is in favor of sending this to the Planning Commission.

Ernestine Folks: What would the directions to the Planning Commission be? Would it be to allow septic systems in Loafer Recreation area only? Is that possible?

Mayor Fritz: Verbally, Mr. Church said to the Mayor that the City could differentiate between full-time use and part-time use, if there is good rational. That is not what came across in the letter.

Ernestine Folks: He states that the rational has to have an engineering study or some basis other than just a "gut" feeling.

Mayor Fritz: The issue has extended too long...he understands the concerns of those involved, but he feels it must go forward one way or the other. If septic systems are not allowed, then we will move to the next phase. He does not like the prospects of the "next phase". We need to get satisfaction in the way of clarity from Mr. Church...an absolute statement.

Mary Rugg: If the Council dropped the issue and said "no", there are legal grounds to stand on with an Ordinance in place that disallows septic tanks.

(The Mayor interjected that there is a difference in being able to defend a position and to be able to prevail.)

If the court decides to over-rule the City's position, then the City is not responsible if any contamination does occur.

Mayor Fritz: In answer to what direction would be given to the Planning Commission, his recommendation would be to allow septic tanks only in the Loafer Recreation area...with the rational being part-time use, with a future expectation of connection to the sewer when it becomes available.

Ernestine Folks: Reiterated Mr. Church in saying that if there were to be limited numbers of septic tanks allowed, he suggests the City “make them part of your well source protection zone ordinance”.

City Recorder: There are at least two ordinances to consider; the Sewering Ordinance and the Wellhead Protection Ordinance. The direction would be the Mayor’s proposal of a limited number of septic tanks over a limited time...then determine if this is legal to do.

(Councilmember Rugg advised that the Attorney’s job is to point out alternatives to choose. The Council weighs the information and makes a decision.

MOTION WAS MADE BY MARY RUGG AND SECONDED BY MARK JOHNSON, REGARDING THE ISSUE OF LOAFER RECREATION ASSOCIATION SEPTIC TANKS, THAT THE COUNCIL CLOSES THE ISSUE AND ADHERE TO THE EXISTING ORDINANCE, WHICH DISALLOWS ANY SEPTIC TANKS

**VOTE: YES (2) NO (2) ABSENT FROM VOTE: (1) ALVIN HARWARD
MAYOR VOTES IN CASE OF TIE...MAYOR VOTES “NO”**

City Recorder: Suggestion: To invite Mr. Church to a joint Planning Commission/City Council Work Session. All agreed.

Mr. Tervort: Contacted Bruce Ward (was with Sunrise Engineering, who conducted the Wellhead Protection Study) to find out why the portion regarding water quality was worded the way it was and he advised Mr. Tervort to contact Mr. Fuller in the Fillmore Office. Mr. Fuller and his group are the ones that wrote the Plan...perhaps they could shed light on the subject.

There are two areas in the Plan that do not agree. One section states that septic systems are okay within the restrictions of the various zones, list the travel time of water flow. The back of the Plan is the water quality issue...and that portion is “cloudy” (unclear).

MOTION WAS MADE BY RUSSELLSLY AND SECONDED BY GARY PRESTWICH TO REMAND THE ISSUE OF LOAFER CANYON RECREATION SEPTIC SYSTEMS TO THE PLANNING COMMISSION, WITH THE STIPULATION THAT THERE BE A JOINT PLANNING COMMISSION/CITY COUNCIL MEETING, WITH THE CITY’S ATTORNEY (DAVID CHURCH) PRESENT

**VOTE: YES (2) NO (2) ABSENT FROM VOTE: (1) ALVIN HARWARD
MAYOR VOTES IN CASE OF TIE...MAYOR VOTES “YES”**

RELEASE OF
NOTICE OF
INTEREST

City Recorder: Years ago a former Councilmember, Pamela Stanger (living at 181 N. Powell Rd.) has some asphalt work done in conjunction with the City’s annual road repair work. The cost to her was \$200. She was to repay the City and never did. A lien was placed on the property in 1998. The lien has been paid. The Council’s action is to release the lien recorded at the County.

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY MARY RUGG TO RELEASE THE NOTICE OF INTEREST IN THE AMOUNT OF \$200, TO BE RECORDED WITH THE COUNTY

VOTE: YES (4) NO (0) ABSENT (1) ALVIN HARWARD

WATER RATE
ADJUSTMENT

(Tabled until after the Audit Report)

GRANT WORK
SHOP

Mayor Fritz: Mayor Fritz wanted Council opinion whether he should attend a workshop on Grant Writing. He feels it would be beneficial, however, the cost is somewhat high (about \$1,475).

After discussion, it was decided that the City should seek assistance from City residents with experience in the field. The matter was tabled.

*Suggested to advertise in the City Newsletter for assistance.

EXPENDITURES: General: None

1. Purchase of Utility Pick-up truck:

Mayor Fritz: The Mayor polled the Council for permission to purchase a small Pick-up truck for the Public Works Dept. (The Mayor was able to contact all except Alvin Harward and all were in agreement to approve the purchase). The money has been set aside in Capital Project Fund/Equipment...there is, in fact, \$15,000 in the account at this time. The cost for the Pick-up is \$5,000.

Ernestine Folks: Is the truck part of the compensation package that can be used for personal use?

The Mayor would prefer the trucks were parked in front of the employees' homes for easy access for call-outs.

The Council adjourned to the Bay area to see how much room there is to park the trucks...not much.

Mary Rugg: Is mileage tracked and charted? (No, but the Mayor intends on addressing that matter.)

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RUSSELL SLY TO RATIFY THE POLL TAKEN PREVIOUSLY TO PURCHASE A UTILITY PICK-UP TRUCK FOR THE PUBLIC WORKS DEPT.

VOTE: YES (4) NO (0) ABSENT (1) ALVIN HARWARD

MINUTES

Minutes of 8-17-04:

*Identify problems on Page 4.

MOTION WAS MADE BY MARY RUGG AND SECONDED BY MARK JOHNSON TO APPROVE THE CITY COUNCIL MINUTES OF 8-17-04

YES (4) NO (0) ABSENT (1) ALVIN HARWARD

Minutes of 8-24-04:

(Mary Rugg requested to have her other letter included in the minutes.)

Page 7: 13 pages

Page 8:

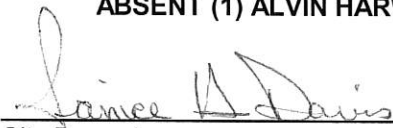
MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY MARY RUGG TO APPROVE THE COUNCIL MINUTES OF 8-24-04

VOTE: YES (4) NO (0) ABSENT (1) ALVIN HARWARD

ADJOURNMENT

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY GARY PRESTWICH TO ADJOURN THE MEETING

VOTE: YES (4) NO (0) ABSENT (1) ALVIN HARWARD



City Recorder

AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, September 28, 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 for the purpose of considering the developer of Elk Ridge Heights, Plat A Subdivision, in default. The **Second Public Hearing, at 6:15 PM**, is concerning a proposed Ordinance Amending the Elk Ridge City Code Providing for an Amendment to the Definition of "Kennel".

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/DEFAULT CONSIDERATION FOR ELK RIDGE HEIGHTS, PLAT A**
Public Hearing/Default Consideration for Developer of Elk Ridge Heights Subdivision, Plat A;
- 6:15 PM 2. PUBLIC HEARING/ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR AN AMENDMENT TO THE DEFINITION OF "KENNEL"**
Public Hearing/To Consider a Proposed Ordinance Amending the Elk Ridge City Code Providing for an Amendment to the Definition of "Kennel"
- 6:25 PM CITY COUNCIL WORK SESSION**
- 6:25 3. Report/Utah League of Cities & Towns Conference – Gary Prestwich
6:35 4. In-fill Lots RE: Connections held in Reserve – Mayor Fritz
6:55 5. Pornography – Steps to Keep Out of Elk Ridge – Carol Morrell
- 7:00 - PM REGULAR COUNCIL MEETING AGENDA ITEMS:**
Opening Remarks and Pledge of Allegiance
Approval/Agenda Time Frame
- 7:05 6. Council Action/Default Consideration – Elk Ridge Heights, Plat A
7:10 7. Adoption/Ordinance Amending the Elk Ridge City Code Providing for an Amendment to the Definition of "Kennel"
7:20 8. Oak Hill Estates Subdivision, Plats A & C/Request for Extension
7:25 9. Iron Oaks Subdivision, Plat B/Request for Extension – Alvin Harward
7:30 10. Sewer Impact Fee Study – Russell Sly
7:40 11. Discussion/Approval Loafer Canyon Rd. Sewer Line Extension – Russell Sly
7:55 12. Action/Connections held in Reserve - Allocation
7:55 13. Expenditures:
General
8:05 14. Minutes of Previous City Council Meetings
- Adjournment

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

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 27th day of September, 2004, .


City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and provided to each member of the Governing Body on September 23, 2004; and an Amended Agenda on 9-27-04.


City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
September 28, 2004**

**TIME & PLACE
OF MEETING**

This Regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, September 28, 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 to consider the Developer of Elk Ridge Heights, Plat A, in default.

The second Public Hearing, at 6:15 PM; was on a Proposed Ordinance Amending the Elk Ridge City Code Providing for an Amendment to the Definition of "Kennel".

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 September 23, 2004; and an Amended Agenda on 9-27-04.

6:00 PM

PUBLIC HEARING/DEFAULT CONSIDERATION FOR ELK RIDGE HEIGHTS, PLAT A

Public Hearing/Default Consideration for Developer of Elk Ridge Heights Subdivision, Plat A

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Mary Rugg, Alvin Harward, Gary Prestwich, Mark Johnson, (Absent: Russell Sly); *Administrative Assistant:* Ernestine Folks; *Sheriff:* Deputy C. Larsen; *Public:* Halvor & Tanya Bailey, Carol Morrell; and *City Recorder:* Janice H. Davis

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

Brief History: The Elk Ridge Heights, Plat A, Subdivision has several items to complete prior to the release of the Durability Bond in place. Inspections have been done and much time has gone by with no action taken to correct the problems. Mr. Morteazadeh has been notified of the Public Hearing, but chose not to be present for the Public Hearing. The Mayor has spoken to Mr. Morteazadeh several times and he assures the Mayor that he will complete the improvements. He has had trouble getting a contractor to commit to a smaller job this time of year. The Mayor has informed him that he will contact Mr. Morteazadeh on October 1, 2004, to determine if there has been any progress in the work.

Recommendation: Declare Mr. Morteazadeh to be in default and give him until November 1, 2004, to complete the improvements. If he does not, the City will then have the work done and use the Bond to pay for it. The Mayor will go ahead and get some bids for the work in preparation.

No Public comment.

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

**NON-AGENDA
ITEM**

Mayor Fritz: Received a letter from Loafer Recreation Association withdrawing their offer of accepting a limited number of building permits within a designated time period. They said they would proceed forward, on their own, to obtain building permits for their cabins in Loafer Recreation Area. They feel the Annexation Agreement allows them the freedom necessary for them to go forward.

The City's Attorney feels it would be a good idea to have the scheduled Joint Meeting on the following evening; he will be present.

6:15 PM

PUBLIC HEARING/ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR AN AMENDMENT TO THE DEFINITION OF "KENNEL"

Public Hearing/Ordinance Amending the Elk Ridge City Code Providing for an Amendment to the Definition of "Kennel"

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Mary Rugg, Alvin Harward, Gary Prestwich, Mark Johnson, (Absent: Russell Sly); *Administrative Assistant:* Ernestine Folks; *Sheriff:* Deputy C. Larsen; *Public:* Halvor & Tanya Bailey, Carol Morrell; and *City Recorder:* Janice H. Davis

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

(Memo from Planning Commission)

The Planning Commission reviewed the proposed ordinance, July 8, 2004 draft.

Jim Bolser informed the Planning Commission that a few months ago, this amendment was a part of an ordinance adopted by the Council, but the document that was signed and codified was a different draft, which left out this portion of the proposed ordinance.

This Amendment will correct this omission.

The Planning Commission did not see a need to send this ordinance to the Attorney, based on the fact that the text had already been before the Attorney.

"Kennels" are allowed in the City, but only for a fee or profit and only in the Commercial Zone, as a Conditional Use and specifically refer to dogs.

Mayor Fritz: Enforcement, primarily, is to have the Sheriff visit the owner in violation, issue a warning...then issue a citation. This method has not been particularly effective.

No further comments.

Mayor Fritz closed the Public Hearing at 6:25 PM.

6:25 PM

CITY COUNCIL WORK SESSION

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Mary Rugg, Alvin Harward, Gary Prestwich, Mark Johnson, (Absent: Russell Sly); *Administrative Assistant:* Ernestine Folks; *Sheriff:* Deputy C. Larsen; *Public:* Halvor & Tanya Bailey, Carol Morrell; and *City Recorder:* Janice H. Davis

REPORT/
ULCT
CONFERENCE

Gary Prestwich asked that this item be postponed until the next Council Meeting.

Mayor Fritz: Also attended the Utah League Conference and felt that classes and subject matters were valuable. He reported on one session he attended on Part-time employees: He learned that if part-time employees receive health benefits, they should also be receiving retirement benefits. He invited the Councilmembers to attend next year.

IN-FILL LOTS –
CONNECTIONS IN
RESERVE

Mayor Fritz:

(Memo to Council from Mayor)

"Conversation with David Church resulted in the following conclusion: The City denies itself increased revenue from new construction by withholding connections based upon the 109 approved lots. It is reasonable, based upon historical in-fill building, to commit some number (we determine that number) to new construction.

The law clearly states that approved lots have a right to water but sewer capacity can dictate whether they can build. If we have exceeded our sewer capacity then a building moratorium can be enacted.

I'm not anxious to use every reasonable connection possible but would consider what the in-fill rate has been during the past five years, to determine a safe number of connections that could be allocated based upon a figure of three years of in-fill figures. IE: If in-fill has been five per year for the past five years, then I would be willing to allocate up to a total of 75 connections over a three-year period. There is nothing however that says we must stretch that figure over three years, indeed we might choose to use all of the connections in the same year."

The Mayor asked, "How long do you keep connections open for in-fill lots? The answer was that we should make a determination based upon in-fill rate and expectance of added capacity.

As a general statement, about 9 or 10 building permits per year would be considered "in-fill" lots, over the last five years.

It is expected (not guaranteed) that the City will have a contract to sewer with Payson in the next three years. If the in-fill rate is 10/year, over five years, would it be appropriate to allocate up to 50 connections that are part of the 109 vacant lots? (This would keep 59 in reserve.)

There is a waiting list of proposed developments:

1. Lin Subdivision: 2 lots, Council approved 10-28-03 – Council did not stipulate a deadline for completing the subdivision process
Letter sent to Mr. Lin to discuss his allocation, 9-22-04
2. Quan Subdivision: 2 lots – No deadline for completing subdivision process

**Council approved allocating 25 additional connections from the 109 vacant lots – (9-14-04):*

Mayor asked for the following to be placed on a “priority list”:

- 4 lots for Mr. Lin’s 2 subdivisions
 - 6 homes on Loafer Canyon Rd. (Extension of sewer line)
 - Oak Hill Estates, 2 lots (these are in addition to Plats A & C lots)
 - Rocky Mountain Way (additional lots for 2nd phase...possible 13 more)
 - Ririe Property across from City Office – 20 lots (all or nothing)
 - 4-acre site on north side of Gladstan – Ririe property – 4 lots
 - Cloward Property (no actual conceptual plan)
 - Randy Young Annexation – 120 lots (not in position to request certain number lots)
 - 90 acres proposed for development on the NE side of the City (Numbers unknown)
- (Visited with Mayor and offered to assist with a portion of needed improvements.)

Suggestion: Developments not to be placed on the list until they have actually submitted conceptual paperwork...the Mayor agreed.

*Mayor Fritz will contact Ron Ririe.

The Mayor asked the Council if consideration could be given to add to the number of 25 connections decided upon on 9-14-04? (His recommendation: 50 connections)

Gary Prestwich: The Council already voted on the number of 25. He still agrees with that number. If a developer presents a proposed development that would be of real benefit the Community, then there could be reconsideration at that time.

Alvin Harward: Care must be taken to not *require* certain benefits for the City to consider a development. If extra improvements that would benefit the City are *volunteered*, that is the key.

**Example was given of Don Mecham offering to install a booster pump on the existing Lower Well to allow additional development. Reimbursement was paid by each developer on a “per lot” basis.*

The Council decided to stay with the 25 connections.

PORNOGRAPHY –
STEPS TO KEEP
IT OUT OF
ELK RIDGE

Carol Morrell: Mrs. Morrell introduced Mr. Halvor Bailey to speak to the Council.

Mr. Bailey: Some of the residents have been following a group in Northern Utah known as “Citizens for Families”. The main focus of this group is inappropriate words or pictures on display on magazines and literature at the checkout stands at grocery stores and other public establishments. If there is no Community Standard for Elk Ridge, he and other citizens are interested in proposing one, which would be child appropriate. This would be in the form of a resolution...a statement of policy that could be used for future reference. There are laws in Utah, the “Harmful to Minors” Law & “Utah Indecent Exposure” Law. These laws are being broken all over. If the storeowners become aware of the concerns of their clientele, they may react by blocking of or removal of these offending publications.

Mr. Bailey left information and sample policies and laws with the Council for review.

Mrs. Morrell: Made the point that the exposure and subsequent tolerance levels seem to increase bit by bit. There should be a Community Standard to protect young children.

The Mayor assured the citizens present that the Council would review the information.

Suggestion: The concerned citizens could draft a sample of the body of the policy they wish to be adopted. Then the City could put the draft of the policy into resolution form. One of the samples from N. Logan has the main points of any proposed policy.

The resolution will be spot lighted in the City’s Newsletter.

**ELK RIDGE
CITY COUNCIL MEETING
September 28, 2004**

TIME & PLACE
OF MEETING

This Regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, September 28, 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 to consider the Developer of Elk Ridge Heights, Plat A, in default.

The second Public Hearing, at 6:15 PM; was on a Proposed Ordinance Amending the Elk Ridge City Code Providing for an Amendment to the Definition of "Kennel".

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 September 23, 2004; and an Amended Agenda on 9-27-04.

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Mary Rugg, Alvin Harward, Gary Prestwich, Mark Johnson, (Absent: Russell Sly); *Administrative Assistant:* Ernestine Folks; *Sheriff:* Deputy C. Larsen; and *City Recorder:* Janice H. Davis

NON-AGENDA
ITEM

Mayor Fritz: Clarified that people may be invited to participate in the Pledge of Allegiance, not asked to "Pledge" directly. This comes from the Utah Atheists Organization. The Mayor mentions this to the Council to further comply with what is considered appropriate in a Public Meeting.

OPENING REMARKS
& PLEDGE OF
ALLEGIANCE

An Invocation was offered by Mary Rugg and Mayor Fritz led those present in the Pledge of Allegiance, for those willing to participate.

AGENDA TIME
FRAME

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON
TO ACCEPT THE AGENDA TIME FRAME, ADJUSTING THE STARTING TIME BY
15 MINUTES...TO A STARTING TIME OF 7:15 PM**

VOTE: YES (4)

NO (0)

ABSENT (1) RUSSELL SLY

*Mayor Fritz accelerated Agenda Item #11, to allow Bruce Ward (Aqua Engineering) to present his information at the beginning of the Meeting.

LOAFER CANYON
RD. SEWER LINE
EXTENSION

Bruce Ward: As requested by Councilmember Sly, Mr. Ward provided cost estimates covering two options of the possible extension of the sewer main on Loafer Canyon Rd.

Option #1: Sewer Line extended to the South end of lot 45 (just past Dennis Shuler's two lots)

Cost = \$69,220 + \$22,000 (Contingency - 7,000/Engineering Design & Survey - 4,500/

Construction Management & Staking - 6,000/Easements, Legal, Fiscal - 5,000)

Total = \$91,720

Option #2: Sewer Line extended to South end of lot 251 (past Peterson's & Spencer's lots south of dug way)

Cost = \$119,373.75 + \$30,000 (Contingency -10,000/Engineering Design & Survey - 7,000/

Construction Management & Staking - 8,000/Easements, Legal, Fiscal - 5,000)

To save money, the costs on Engineering Design & Survey, Construction Management & Staking & Easements/Legal/Fiscal, could be altered, depending on the amount of work done by City employees. On #17 (Easements...Elk Ridge does not own all of the land which makes up Loafer Canyon Rd. There are possible negotiations with property owners.

*Mayor Fritz will contact Don Mecham, one of the property owners on the east side of Loafer Canyon Rd.

Another point made by Mr. Ward to save certain costs: Asphalt Repair is estimated (Option #1) at \$28,500...if some of the work were done by City employees, costs could be reduced.

Traffic Control - estimated at \$2,000, could be done by City employees.

(The City Recorder mentioned "Connecting Driveways" & "Service Laterals" as areas to be considered.)

Mayor Fritz: Wants to avoid raising the road too much, which causes access problems for residents along the Road.

Mr. Ward has spaced the manholes at the maximum distance allowed to allow efficient cleaning.
Mark Johnson: Suggested that the Public Works Superintendent could inspect sewer manholes.

Mayor Fritz: The Mayor is willing to allow Mr. Haskell to inspect anything he is licensed to inspect. A time frame for doing the Project has not been decided upon yet. If the Council decides to proceed with the Project, Mr. Ward will be contacted to draft a Work Release. (Mr. Ward agreed.) The funding could come from the extra money in the PTIF Treasury Account/Sewer Bond. The City has included a cushion along with the money required for the annual Sewer Bond payment to Salem City. Currently, there is over \$200,000 extra in the Account. It is unknown at this time if that entire amount is unrestricted and available for use in the System. The suggestion was made for any decision on the Project to wait until after the Audit Report (or until after speaking to the CPA directly); to determine if this money is completely unrestricted. The Council agreed.

Mark Johnson: Since the City is involved in the issue of septic tanks in the Loafer Recreation area, it would be an act of good faith to eliminate the need for septic tanks in other parts of Loafer Canyon and, eventually, in the Goosenest area. The extension of the sewer line in Loafer Canyon would be the first step in doing this.

Mary Rugg: If the money is available, she feels Option #2 (the longer extension) would be preferable. (Councilmember Johnson agrees.)

Mayor Fritz: Reminded the Council, if a contract to sewer with Payson becomes a reality, there could be an opportunity to "buy-down" the City's portion of responsibility for the loan. If the more conservative Option were chosen, the rest of the money could be used for this purpose.

Also, if the City's percentage of the Salem Plant ownership were sold, the money for the sale could be used to apply toward the loan.

Any future development along Loafer Canyon Rd. is one of the topics of conversation he will have with Don Meham.

Discussion of some of the details of the actual construction of the Project.

ELK RIDGE
HEIGHTS, PLAT A –
DEFAULT

(Council Action)

Mayor Fritz: As discussed in the Work Session, the work on correction of the subdivision improvements have not been done. Prior to the City being able to draw on the bond to complete those corrections, the Council must declare the developer in default. No one was present to protest this declaration.

The Mayor will evaluate the developer's effort to complete the work on October 1, 2004.

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY MARY RUGG TO FIND TONY MORTEZAZADEH, THE DEVELOPER OF ELK RIDGE HEIGHTS, PLAT B, IN DEFAULT. IF ALL REPAIRS TO THE SUBDIVISION IMPROVEMENTS ARE NOT COMPLETED BY NOVEMBER 1, 2004, ELK RIDGE CITY WILL CAUSE THAT THE REPAIRS ARE COMPLETED, AND WILL UTILIZED THE DURABILITY RETAINER HELD IN ESCROW

VOTE: YES (4)

NO (0)

ABSENT (1) RUSSELL SLY

ORDINANCE/
DEFINITION OF
"KENNEL"

Adoption of Amendment:

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR AN AMENDMENT TO THE DEFINITION OF KENNELS, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

VOTE (POLL): MARY RUGG-AYE, GARY PRESTWICH-AYE, ALVIN HARWARD-AYE, MARK JOHNSON-AYE

NO (0)

ABSENT (1) RUSSELL SLY

Passes 4-0

OAK HILL ESTATES
PLATS A & C –
REQUEST FOR
EXTENSION

A written request was received from Concept Construction, developers of Oak Hill Estates, Plats A & C, for the Council to grant an extension to complete the required subdivision improvements. (The Code allows an extension to July 1st of the following year.)

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO GRANT AN EXTENSION FOR THE PURPOSE OF COMPLETING REQUIRED SUBDIVISION IMPROVMENTS, TO OAK HILL ESTATES SUBDIVISION, PLAT A & C, UNTIL JULY 1, 2005

VOTE: YES (4)

NO (0)

ABSENT (1) RUSSELL SLY

*Building Permits may NOT be issued in subdivisions under construction until all improvements have been accepted by the Council as complete, the Performance Bond is released and the Durability Period begun.

IRON OAKS, PLAT B
REQUEST FOR
EXTENSION

Developer, Alvin Harward, said that the improvements are nearly completed; however, there are couple of items remaining. He will be out of town and requests an extension for the completion of all improvements. (He was present to make the request to the Council.)

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY GARY PRESTWICH TO GRANT AN EXTENSION FOR THE PURPOSE OF COMPLETING REQUIRED SUBDIVISION IMPROVMENTS, TO IRON OAKS SUBDIVISION, PLAT B, UNTIL JULY 1, 2005

VOTE: YES (3)

NO (0)

ABSENT (1) RUSSELL SLY

ABSTAIN (1) ALVIN HARWARD (Feels there is a conflict of interest)

SEWER IMPACT
FEE STUDY

In the absence of Councilmember Sly, the matter was postponed.

LOAFER CANYON
SEWER LINE
EXTENSION

Deferred until after the Audit presentation.

WATER/SEWER
CONNECTIONS IN
RESERVE

Mayor Fritz: The Council decided to leave the number of connections to allocate to new development at the already voted-on number of 25 connections. (The "door is to be left open to the possibility to additional connections" as paperwork is submitted to the City for consideration.)

EXPENDITURES:

General: None

(Information only: The costs for Operations & Maintenance for the Salem Sewer Plant has increased nearly \$1,000/month since last year at the same time.)

MINUTES

The Council Minutes of 9-14-04 were provided to the Council; however they postponed approval until the following night at the Specially Scheduled Joint Meeting.

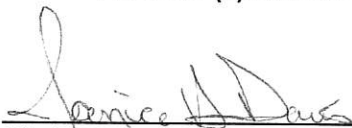
ADJOURNMENT

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

VOTE: YES (4)

NO (0)

ABSENT (1) RUSSELL SLY



City Recorder

AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council and the Planning Commission of Elk Ridge will hold a **Special Joint Meeting on Wednesday, September 29, 2004, at 7:00 PM.**

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

7:00 - PM SPECIAL MEETING AGENDA ITEM:

7:03 Opening Remarks and Pledge of Allegiance
 Approval/Agenda Time Frame


7:05 Approval of Minutes

7:10 LOAFER RECREATION ASSOCIATION/SEPTIC TANKS ISSUE

 Adjournment

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

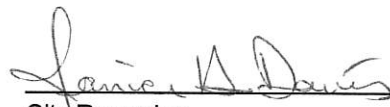
The times that appear on this Agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated September 28, 2004.



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 and Planning Commission on September 21, 2004; and an Amended Agenda on 9-28-04.



City Recorder

**ELK RIDGE
CITY COUNCIL/PLANNING COMMISSION MEETING
September 29, 2004**

**TIME & PLACE
OF MEETING**

This Special Joint Meeting of the Elk Ridge City Council & Planning Commission, was scheduled for **Tuesday, September 29, 2004, at 7:00 PM.**

The Meeting was held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of the Special Joint City Council/Planning Commission Meeting was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of both the Governing Body & the Planning Commission, on September 21, 2004; and an Amended Agenda on 9-28-04.

ROLL CALL

Mayor: Vernon Fritz; *City Council:* Mary Rugg, Gary Prestwich & Mark Johnson (Absent: Alvin Harward & Russell Sly); *Planning Commission:* Dennis Dunn (Chairman), Ray Brown, Joe Jamison & Bruce Lindow (Absent: Daniel Steele, Scot Bell); *Administrative Assistant:* Ernestine Folks; *City Attorney:* David Church; *Daily Herald:* Caleb Warnock; *Public:* Mr. & Mrs. Paul Tervort; and *City Recorder:* Janice H. Davis

**OPENING REMARKS
& PLEDGE OF
ALLEGIANCE**

Mr. Joe Jamison was asked to offer Opening Remarks; he did so in the form of a prayer. Planning Commission Chairman Dennis Dunn asked those present to participate in the Pledge of Allegiance.

MINUTES

Postponed until after the discussion of Loafer Recreation Association/Septic Tanks.

**LOAFER
RECREATION
ASSOC./SEPTIC
TANKS**

Mayor Fritz: Recited a brief summary of the issues:

Discussions of the possibility of septic tanks in the area of Loafer Recreation Assoc. have been going on for well over a year. Both sides of the issue have been explored in depth. All would like to come to a solution that is satisfactory to everyone...though that rarely happens in controversial subjects. He introduced the City Attorney, David Church. He was invited to respond to questions and to clarify his counsel to the City.

1. One side of the argument states that septic tanks are safe, depending on the design.
 - There exists a "body of thought" that feels that over ¼ of the homes in the United States are on septic systems...many exist close to wells on the same property...with no problems.
 - The Goosenest area in the City has about 20 septic systems...but they are over 1 ½ miles from the wellhead, with little chance for contamination. There are 3-5 wells in the area and there has been no reported incident of contamination that he is aware of.
 - The County Health Dept. has issued two septic system permits in the Loafer Recreation area.
2. There is also the contention that the safety of the City's water aquifers pre-empts any installation of septic systems.

Mr. Ross and an Assistant (Utah County) and the Mayor inspected the Loafer Recreation area and the conclusion of the County is that they see no rational reason why septic system should not be allowed in the area.

The Mayor invited the Council to offer their opinions:

Mary Rugg: Is opposed to septic systems being allowed in Elk Ridge. She has provided documentation to those present substantiating her position. She would like to see the issue "laid to rest" and work toward installing sewer to service the entire City.

The State Division of Water Quality's standpoint is that the City has every right, if not an obligation, to provide safe drinking water for the residents of Elk Ridge. They actually lean toward the City being more stringent in the rules and regulations.

Mayor Fritz:

- There is no way to guarantee a 100% risk-free environment to the aquifer...one must measure risk against the benefits.
- There is much evidence on both sides of the issue.
- About a month ago, four Councilmembers voted to allow the process of amending the City's current Ordinance regarding the allowance of septic systems. With a re-vote on the issue, there was a tie vote (one Councilmember was absent) and the Mayor broke the tie in favor of continuing with the amendment process.
- Suggestion to invite the City Attorney to a joint meeting with the Planning Commission.

David Church: It is a true statement that the City does have the authority under the State law to adopt a wellhead source protection plan that is more stringent than the County Board of Health requirements for a septic system.

The County frequently deals with septic tanks and shallow well being located on the same lot...they see no problem with them....they are very common and historically, they have not been a problem.

In fact, the City has adopted a Wellhead Protection Ordinance and a Wellhead Protection Zone that is the source of not allowing septic tanks within a certain distance from the wellhead. More stringent requirements have been adopted by the City.

This is not really the issue. The issue now is that someone wants to challenge that Wellhead Protection Zone, with his or her own rationale.

The "bottom line" is if the City wants to support the Wellhead Protection Zone, the City needs to be prepared to have an engineer defend the City's Plan and be able to say that the particular septic tanks that the City is saying "no" to is in Zone Two and will present a danger. It is not enough that the City's Plan is on paper, when there is a challenge; the regulation needs to be justified. If the regulation can be justified, a court would uphold it for the City. If the regulation cannot be justified, a court will "throw it out".

Question: All things considered, on both sides of the issue...is it worth a fight?

He does not feel that "compromise" options (a limited number of permits over a certain period of time) make any sense at all. If 10 septic tanks are bad, why would 10 over ten years be better?

He feels the decision for the Council is this: (in some ways it is a practical, political decision)

1. The City did not have to adopt the Wellhead Protection Plan (Zone); the City chose to based on engineering advice. It is not known how accurate those boundary lines on the map (Zones) are or how much study went into the engineering Plan. Engineers typically put these Plans together based on general information. The City must be prepared to pay for the engineering to justify the existing Plan.

or,

2. The city could take the position that the City chooses not to go beyond what the County Board of Health has said, that the area is safe for septic tanks. The City could choose to rely on their expertise and defer to the Board of Health. If the permit is permissible from the Board of Health, then the City will recognize their authority as well as their permit for a septic tank...and the City will issue a building permit.

This is a political choice...the second choice is easier because the City would not have a fight and the property owners would not be waiting for some court to rule...there would not be the expense of defending the Protection Ordinance.

The fight is "winnable" after the City spends the money on the necessary engineering to support the data. If they cannot support the data, then the result will be that the property owners can have their septic tanks.

The Council has the legal authority to require connection to the sewer system, once it becomes available. It is the City that controls the pace of the sewer. This would be the best option...the State is encouraging everyone to do this.... the State is anti-septic tanks and is in the "sewer business". The County Board of Health feels differently. The Council has to decide what the City's plans for sewer are...the Mayor says in 3 to 5 years a sewer line may be available to the Loafer Recreation area. How many cabins would be built in those 3-5 years?

Again...is it worth the fight? The Council must weigh the situation while the property owners are stuck in the middle.

Everyone (even the State) will tell the City that the risk to his or her aquifer is very low, but no one will tell you that there is no risk, including the Health Dept. There are no guarantees.

Meanwhile these people are being held up the use of their property in a legal way.

Mr. Church wanted the Planning Commission and the Council to understand that it would be inappropriate to use this situation as a form of growth management. The real reason must be to protect the water source.

Limiting the number is not the answer...the City might as well just allow the building to occur in the area. One badly installed septic tank (used improperly) could be worse than 10 well-engineered ones (used properly).

Mary Rugg: Where does the existing Ordinance disallowing septic tanks come in?

David Church: That has to be examined and weighed against the claim of Loafer Association that the Ordinance is ineffective against them due to the pre-existing Annexation Agreement. They feel they have some pre-existing rights because of the Agreement. This needs to be evaluated. If the City decides to support the current Ordinance, then the Association will challenge it and the City will spend money to go to court.

The point is that Ordinances can be changed.

Mark Johnson: Is concerned that if Loafer is allowed to install septic tanks, this will set a precedent for the rest of the City.

Mr. Church: Anyone within 300 ft. of the sewer main is forced to connect to it. Anyone outside of the 300 ft. of the sewer main can go to the County and claim that sewer is not available to their lot. If they have a legal building lot and sewer is not available to them, the County will issue a septic permit. If they can also prove that water is available, they will ask for a building permit.

What is done or not done in Loafer Canyon does not change this system.

Mayor Fritz: There is a risk if the City allows septic systems in Loafer Recreation area, that the other property owners below the gate would also feel entitled to be able to use septic tanks.

There is another well further north that is also a concern.

Mr. Church: Reiterated that the City should not consider using the Wellhead Protection to limit growth. The Wellhead Protection scheme must be justified as just that...to protect the wells. This is where Councilmember Rugg's point is well-made...if the City is willing to spend the money to justify the existing Plan, and the engineers are willing to support it...then the City is able to defend it.

The City can have regulations that are less restrictive. The State financed that well (Loafer), they require a certain level of protection and the City met that level; but the City's Protection Plan is fairly intricate.

Mayor Fritz: The Wellhead Protection Plan was put into place because the City Council at the time thought it was mandated from the State to do so.

Mr. Church: Some years ago the State required everyone to come up with a Wellhead Protection Ordinance. It was a requirement that the City have one.

Gary Prestwich: There are two wells in use in Loafer Canyon. Could anyone not within the 250 travels days from either wellhead obtain a building permit? (Mr. Church responded that, Yes...if they met all other requirements to be considered a legal lot.)

Mary Rugg: There has never been an intention of "growth control" behind any of the issues raised against septic systems in the Loafer area. (Mr. Tervort said that he understands this.)

Councilmember Rugg went on to ask, "What's the purpose of setting an Ordinance?" If someone can come into the City with a County septic permit in hand and expect a building permit?

Mr. Church: The purpose of ordinances is to be able to enforce them. The purpose of this Ordinance is to protect the aquifer. With the Association challenging the Ordinance, he is just saying that the City must be prepared to support that this Ordinance does carry out this purpose and that it does protect the aquifer.

The Association has taken a hard stand saying they don't have to "deal" with the City, based on their Annexation Agreement.

Discussion of the possible procedure if the City were to have to prove that the current Zone boundaries set by the Wellhead Protection Plan are valid.

Sunrise Engineering gave an estimate of \$4,000 to do a detailed Study of the area. (This was over and beyond the cost of the original Study's update.)

If contamination did occur (from any source), chlorination of the system would be required.

The fact that there were existing cabins pre-dating the Ordinance causes "sympathy" toward the members of the Association.

Question: How does the County supercede the State?

The State does not like to be in the position of actually saying "no" to someone. They will tend to not be definitive on specific cases.

Ray Brown: Knows of cases where septic systems have contaminated water supplies. He also understands that the County will approve a septic permit, then will not follow up and monitor the system.

Mr. Church: The point, as he understands it is that the County feels that septic systems are "low risk". If contamination did occur, the contamination would not be to the entire aquifer...this type of thing happens to municipal water systems frequently. It is the same risk as leaking sewer lines.

Summarized by stating that he is not arguing one side or the other; he is simply stating that if the City is challenged, the Ordinance will have to be backed up by more extensive engineering. The City will have to prove the lines are drawn properly. As much would be spent on engineering as would be spent on attorneys. These people are neighbors; you all have to live beside one another. All this must be factored into the decision. These issues are not just "in theory"...these are people.

Mark Johnson: Would rather see money spent on installing as much of the sewer line as possible, rather than on engineering and attorney's fees.

Asked Mr. Church to clarify part-time vs. full-time use of septic tanks.

Mr. Church: It makes no difference. A full-time resident could use the system less than a part-time resident. If septic tanks were appropriate, that would apply to either. That is not a rational distinction.

Bruce Lindow: Septic systems can be refined to the point of being able to re-cycle the water to use on lawns.

Mr. Church: There are systems that are like chemical toilets. Holding tanks can only be used where septic tanks won't work. The City is in the business of providing services...that is why cities and towns exist. That includes sewer service.

Mayor Fritz: Referring to the letter from the Loafer Association: they are taking the position that they have the right to make their own decisions and they intend to do so. Where does the City go from here?

Mr. Church: It is not clear what they mean by that. The letter does not change anything...only that they are not willing to compromise on a limited number of permits over a certain period of time.

City Recorder: Unless the Ordinance was amended, the staff could not issue a building permit that violated the City's laws.

Mr. Church: That is correct. They could attempt to disconnect from the City, but that would not change the Wellhead Protection issues...the City has extra territorial authority to protect watersheds.

Mayor Fritz: The Council must come to a determination and bring this to a "head" one way or the other. He believes the Association would like to know where the City stands.

Joe Jamison: (Planning Commission) Feels the City should do the extra engineering study. (Councilmember Johnson still maintains the money would be better spent on engineering an extension to the sewer line.)

Gary Prestwich: Extending the sewer to the Loafer gate would be a very expensive project for the City (Close to \$700,000 or \$800,000).

(The Mayor added that there would be high cost to the Association to connect, once sewer is brought to the gate...he is not sure they could afford that cost.)

Mr. Church: Developers could extend the line in increments. Again...this is a "political" decision. Loafer's argument could be that the City created the problem by installing the well; the City must solve it.

In court, the City must be prepared to:

1. Justify the Wellhead Protection Plan.
2. Show a plan on how to get sewer to that area.
If there is a plan to get sewer to the area so they can get "reasonable use" out of their ground in a reasonable time frame...then it is not a case of unconstitutional "taking"...is it a delay.
He is worried about how convincing the plan to sewer the area would be...given the cost involved.

The Council can legally make this decision and either way, they won't be "wrong". Just be prepared to spend the money to defend the Ordinance and on the other side, be prepared to justify to the residents why the Source Protection Ordinance is being amended. That is why the Council was elected...to make these tough decisions. No one will give them guarantees.

MINUTES

Council Minutes of 9-14-04:

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY MARY RUGG TO APPROVE THE CITY COUNCIL MINUTES OF 9-14-04

VOTE: YES (3) NO (0) ABSENT (2) ALVIN HARWARD & RUSSELL SLY

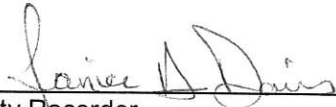
ADJOURNMENT

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY GARY PRESTWICH TO
ADJOURN THE COUNCIL MEETING**

VOTE: YES (3)

NO (0)

ABSENT (2) ALVIN HARWARD & RUSSELL SLY



City Recorder

AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, October 12, 2004, at 7:00 PM, to be preceded by a Council Work Session at 6:00 PM.**

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

6:00 – PM CITY COUNCIL WORK SESSION


- 6:00 1. Keep Pornography Out of Elk Ridge/Discussion – Mayor Fritz
- 6:05 2. Storm Drainage Discussion – Mary Rugg
- 6:20 3. Advise & Consent RE: Ad Hoc Committee – Mayor Fritz
- 6:25 4. Sewer Impact Fee Study – Russell Sly
- 6:35 5. Utah League of Cities & Towns Conference Report – Gar Prestwich
- 6:45 6. Possible Ordinance Amendment/Loafer Canyon - Mayor Fritz

7:00 - PM REGULAR COUNCIL MEETING AGENDA ITEMS:

- Opening Remarks and Pledge of Allegiance
- 7:03 Approval/Agenda Time Frame
- 7:05 7. Allocation of Water/Sewer Connections to Developers – Mayor Fritz
- 7:20 8. New Structure Add-on to Fire Station – Mayor Fritz & Mark Johnson
- 7:30 9. Possible Ordinance Amendment/Loafer Canyon - Mayor Fritz
- 7:45 10. Ordinance Amendment/Cost of Living Adjustment – Mayor Fritz
- 7:50 11. Ridge View LDS Stake Center/PRV Station (Cost Sharing) – Mayor Fritz & Alvin Harward
 - A. City Council Adjustment to Subdivision Standards – Mayor Fritz
- 8:00 12. Loafer Ridge Subdivision, Plat B –
 - Acceptance of Improvements as Complete & Release of Durability Retainer
- 8:00 13. Expenditures:
 - General:
 - A. City Hall Roof Repair – Mayor Fritz
- 8:05 14. Approval of Minutes of Previous Meeting
- Adjournment

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

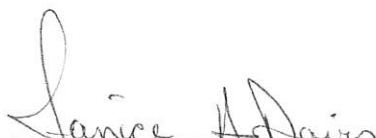
The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated October 11, 2004.



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 October 7, 2004; & an Amended Agenda on 10-8-04; and Amended Agenda on 10-11-04.



City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
October 12, 2004**

**TIME & PLACE
OF MEETING**

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6:00 PM

CITY COUNCIL WORK SESSION

ROLL CALL

Mayor: Vernon L. Fritz; *City Council:* Alvin L. Harward, Russell Sly, Mary Rugg, Gary Prestwich & Mark Johnson; *Administrative Asst.:* Ernestine Folks; *Daily Herald:* Caleb Warnock; *Sheriff:* Deputy Larsen; *Public:* Sean Nielsen, Jim Nicolet, Ron Ririe, Lynn Thomsen, Carol Morrell, Halvor & Tanya Bailey, Guy W. Jones, Mike Raymond, John Homer, Marc Rugg; and the *City Recorder:* Janice H. Davis

**PORNOGRAPHY
OUT OF THE
CITY**

Mayor Fritz: There are certain citizens in the City opposed to the suggestive and even pornographic material exposed to youngsters at checkout stands in markets and stores. They approached the Council on 9-28-04 to ask that a policy be adopted in the form of a resolution that is against this type of exposure to young children. The Council discussed the issue and were all in agreement that, though somewhat ineffective currently, the need could arise in the future and having a policy in place would be beneficial. A resolution could be drafted by the Elk Ridge staff.

**STORM
DRAINAGE**

Mary Rugg: Councilmember Rugg was asked to identify problem areas in the City regarding drainage and to offer possible solutions to those problems. After doing so, she prepared a memo to the Council outlining certain problems and suggestions for remedies.

Memo (introduction): "The City has created their problems in this area and now needs to come up with some plan that will aid the Community. The plan needs to be reinforced and adhered to, in order for a difference to be made."

(Mayor Fritz mentioned that some of the issues are being addressed.)

1. Finish Curb/Gutter Ordinance and ENFORCE it.
2. Fines for construction: Sumps fill up with mud, debris and gravel. Contractors must be responsible. (There is a "clean-up Bond" in place with building permits.) The regulations must be enforced.
3. Clean out sumps:
Suggestion: Clean all sumps in a particular area, then move to another area. The cleaning must be done regularly.
(The Mayor said a 3-year contract is being considered now.)
Currently, the Building Inspector is monitoring contractors through inspections to ensure mud and debris is cleaned up. The Mayor and other Councilmembers have assisted in contacting the Inspector. Citizens could be called on to help track violations (newsletter).
4. Chip & Seal: Loose rock and gravel add to the materials that fill up the sumps.
Question: Why not an oil coating over top of chip & seal? (Councilmember Prestwich responded that the City works in conjunction with a co-operative group of south County cities and the asphalt company refuses to do this added coat. If the City contracts the work independently, it would be much more costly. Jim Nicolet pointed out that the County and the State (UDOT) put the extra coat over their work and it holds the gravel in place. The sweeper pushes the excess gravel off to the side of the roads.
Councilmember Rugg feels there are other options just as good or better than chip & seal to maintain the roads, so that what is laid down is not wasted.
(Councilmember Prestwich responded that less than 1% is wasted from chip & seal. He also made a suggestion to keep the sumps covered throughout the construction period; an inspection would be done at the end of the construction period. The last point he made was that the sumps in the City are too small to serve their purpose; perhaps the Standard should require larger sumps.)
Policies from other cities could be considered that would allow better enforcement.

Russell Sly: He has arranged to get himself and other volunteers on the City's insurance; so they may drive the sweeper to get to more of the streets prior to the winter months.

5. Councilmember Rugg identified Certain Problem Areas:

A. High Sierra Drive:

1. Dirt berm (Placed there by the City employees to prevent flooding...the Public Works continues to work on this.)
2. Lot at the very top of the road creates run-off problem. The owners need to retain their own run-off. (Possible fine.)

B. Elk Meadows Drive (Past Cove Dr. on the east side of the road):

Weeds and overgrowth prohibits natural flow of run-off. The City could maintain the weeds to allow run-off to be absorbed into the ground.

C. Park Drive (Haskell Subdivision):

The rock gully needs to be maintained (Agreed).

Vehicles & construction trucks drive over the gully and flatten it out. This must be Prevented. (The Mayor gave Mr. Haskell an assignment of placing stakes across both Ends of the area...& place a rope or chain up. Perhaps large rocks or posts could be considered. The Mayor will contact Lee Haskell.

D. Columbus & Oak Ridge Lane:

Sump is full and needs to be cleaned regularly.

Perhaps the City could require larger size rocks/gravel used for sides of road. The larger rocks would not wash down the road and create problems.

E. 72 W. Oak Ridge Lane:

There are 3 homes with no curb & gutter that are surrounded by curb & gutter.

How can water be diverted? Should the City consider installing curb & gutter in this area? What would the cost be? Would this set precedence?

Various solutions were discussed.

F. Hudson Lane:

Overgrowth along curb & gutter needs to be maintained. Spraying the weeds may help.

5. Keep curb & gutters clean: "This is needed throughout the City. Residents can and should be responsible to keep their gutters cleaned out. This will help with the amount of debris that continues to collect within the sumps. New homeowners could be required to have a yard in place within a reasonable amount of time after completion of building. This would also help in the amount of debris that runs off and out. If a problem warrants it, perhaps we should consider an ordinance where we can assess a fine to residents who continually leave debris in their gutters, bottom of driveways, etc...where it can be washed down, resulting in the clogging of the sumps."

*Russell Sly is to write in the newsletter regarding assistance with violations in the construction process and to keep their gutters cleaned out.

AD HOC
COMMITTEE

Mayor Fritz: Recently the Council has listened to the public response regarding the issue of "High Density" in certain areas in the City. There were volunteers to be involved in an Ad Hoc Committee to review the General Plan to see how best to consider higher density in Elk Ridge. The Mayor does not want the General Plan radically re-done.

The Mayor appointed the Committee members:

Scott Peterson (Chairman), Stewart Jolley (former Planning Commission Chairman), and Robert Goodwin (former Planning Commission Chairman)

Ernie Folks has been asked to act as the secretary during their deliberations.

The Mayor asked that the results of their study be available in 120 days or not later than February 1, 2005.

Objective: To make sure the Master Plan is compatible with what the citizens expect, particularly regarding "high density".

SEWER IMPACT
FEE STUDY
UPDATE

Russell Sly: Costs are increasing regarding Operations & Maintenance (O&M) with Salem. There seems to be "no end in sight". With the expenditures planned for next year at a possible \$150,000, should an increase in Sewer Rates be considered? Future Projects could include the extension of the sewer line on Loafer Canyon Rd. & on Goosenest Dr.

An engineering study is necessary to upgrade the City's Sewer Impact Fees. The Study would be based on future connection to the Payson System. Councilmember Sly asked that the Council review the proposal submitted by Aqua Engineering, Inc. to provide a Sewer Impact Fee Study and Capital Improvement Plan. Aqua's proposal included a cost estimate for a lump sum of \$4,000.

*The proposal will be placed on the Agenda for the next Council Meeting.

Councilmember Sly feels the City is losing money on every sewer connection.

Sean Nielsen: Recouping money does not always work out as planned. With the Water Impact Fee Study, the connection fee was increased, but only by about \$100. The cost of the Study was about \$8,000. It would take some time to recoup that amount of money. There were other benefits, however.

Mayor Fritz: These fees need to be in place before any substantial development occurs. There is a high probability of 200 to 300 homes being built north of the City in the next four or five years. Although cost vs. return must be taken into consideration, he feels the City needs to upgrade this Study.

The upgrade on the Study will use the original Study as a basis; this saves money.

UTAH LEAGUE OF
CITIES & TOWNS
CONFERENCE

Report on Conference (Gary Prestwich):

Mayor Fritz, Councilmember Prestwich, the City Recorder and the Administrative Assistant attended the Semi-annual Conference held by the Utah League of Cities & Towns (ULCT). The one held in September is very useful for City Government. Councilmembers were encouraged to attend next year.

Sessions varied in topics:

Health and over-all well being

Ethics and legal information as well as General Government Administration tips
(Taught by David Church)

Government Budget, Taxes & Finance

Utah Local Technical Assistance Program

(Specialists will come to the cities and assist in planning projects...at no cost.)

Energy-efficient housing ideas

Part time/Full time Employees

Planning Sessions (for Planning Commission Members & Council)

Inter-State purchasing contracts (Could be useful to Elk Ridge)

LOAFER CANYON/
POSSIBLE
ORDINANCE
AMENDMENT

Mayor Fritz: (Review of David Church's letter dated 10-7-04)

Mr. Church's letter was in response to the Mayor's question regarding an approach to settling the issue that would involve only Loafer Canyon and not the other areas in town.

Mr. Church's response: "I believe that this is legally possible. I would not do it as you suggested through a zone amendment. I would do it in an agreement with the Loafer people that referred to potential litigation and recited that the agreement was to settle that dispute."

What Mr. Church says is that if the Council goes with the agreement, then Loafer would be able to control their own destiny in terms of selecting cabin and septic sites.

The Council has two concerns:

1. Septic issue in relationship to the City's aquifer
2. If septic tanks are allowed in the Loafer Recreation area, how does this impact the lower (northern) Loafer Canyon area?

Mr. Church continues that if done in this way, it would allow the existing Ordinance to be enforced against all others not included in the dispute.

Mr. Church: "It is a rational thing to do because in this case the situation was in part created by the City's condemnation of the well property and annexation of the loafer canyon area. But for those two things the Loafer Canyon land owners would be able to build their cabins on septic systems."

The Mayor invited comments from the Council:

Mary Rugg: Wanted to clarify the intent of Mr. Church's letter...that Mr. Church was counseling the Council to allow the Association to build cabins in the area...with no restriction on numbers. Mr. Church has also stated that the City could choose to defend its current position of no septic tanks, as long as the City is willing to justify the Wellhead Protection Plan.

Mayor Fritz: Mr. Church maintains that the City has two choices:

1. Continue to enforce the current Ordinance (with certain consequences...possible litigation)
2. Allow the Association to install septic systems (with certain consequences)

*The Councilmembers are to have copies of the letter from Loafer Recreation Association to Mayor Fritz; as well as copies of the Original Annexation Agreement placed in their file folders to review.

Alvin Harward: Does not feel the Council should agree to allow the Association to do anything they want. He admits he agreed with the original proposal of limiting the number of septic tanks over a certain period of time. He also feels the City has added to the situation by postponing definite action for so long.

Mark Johnson: Agrees that the City should "not be held hostage" in the situation.

Gary Prestwich: Being held "hostage" is to allow them to do whatever they (the Association) want to; but he feels that Mr. Church's letter implies that we (the Council) can specify some things. There are certain things the Association is willing to go along with.

The Attorney will not make the decision for the Council.

The Mayor wants this matter settled one way or the other. The matter will be on the next Council Agenda.

**ELK RIDGE
CITY COUNCIL MEETING
October 12, 2004**

**TIME & PLACE
OF MEETING**

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ROLL CALL

Mayor: Vernon L. Fritz; *City Council:* Alvin L. Harward, Russell Sly, Mary Rugg, Gary Prestwich & Mark Johnson; *Administrative Asst.:* Ernestine Folks; *Daily Herald:* Caleb Warnock; *Sheriff:* Deputy Larsen; *Public:* Sean Nielsen, Jim Nicolet, Ron Ririe, Lynn Thomsen, Carol Morrell, Halvor & Tanya Bailey, Guy W. Jones, Mike Raymond, John Homer, Marc Rugg; and the *City Recorder:* Janice H. Davis

**OPENING
REMARKS &
PLEDGE OF
ALLEGIANCE**

Opening Remarks (prayer) were offered by Councilmember Gary Prestwich, after which the Pledge of Allegiance was led by Councilmember Mary Rugg.

**AGENDA TIME
FRAME**

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

**ALLOCATION OF
WATER/SEWER
CONNECTIONS TO
DEVELOPERS**

Mayor Fritz: (Memo from Mayor to Council)

"Mr. Ron Ririe (Owner of land across from City Hall and additional land across from the proposed Grand View Estates, Plat A, on Gladstan Drive. Mr. Ririe has requested connection authority for 19 lots across from the City Hall. If he cannot get the full 19, he will wait until we have greater capacity.

Mr. Ririe also owns the three already approved lots (Grand View Estates) above golf course hole number eight and another four lots just north of the Gladstan road (parcels not approved lots).

Mr. Ririe is asking the Council to approve four connections for that property. He claims that the Thomsen development (3 lots) is not cost effective and he has a buyer who would develop if he can get both pieces of property with the added 4 connections."

Currently, the Council has approved up to 25 additional connections (allocated to various developments). Mr. Ririe requests that the Council go a little further into the connections attached to approved lots in town.

The Mayor told Mr. Ririe that he would present this as two separate issues:

1. 4 lots in conjunction with the 3 lots included in Grand View Estates, Plat A
2. 19 lots across from the City Hall

Ron Ririe:

1. (4 lots on Gladstan Drive) The 3 lots on the South side of Gladstan have been approved by the City. The final approval has a December, 2004 deadline. Once approved, Mr. Ririe and Mr. Thomsen tried to find a developer to purchase the land and do the work.

The economic return on developing the 3 lots by themselves was not good enough. If the land across Gladstan Drive could be developed at the same time, it would be profitable.

The improvements required for the 3 lots would also be tied to the proposed lots across the street. If they cannot get the approval on the 4 additional connections for those proposed lots, they are faced with a dilemma in December, when the Final deadline occurs.

2. (19 lots across from City Hall on Park Drive) The proposed lots would be "in-fill" development. From the City's perspective, he feels it would make a lot of sense to develop this area. Home would be along Park Drive and Magellan Ln. would be connected through. John Homer (present at the Meeting) has expressed interest in purchasing this property to develop it. The sale is conditional upon the allocation of connections.

Allocations have been made to Grand View North Subdivision. Mr. Ririe was informed that he should submit Concept drawings to even have a remote chance of being considered for further allocations. (He did so.) Even though the Council voted to only "mortgage" 25 connections, it was mentioned that more might be considered, depending on the benefit to the City.

Mayor Fritz: Stressed that he made it very clear that the chance for approval of additional connections was slight. (Memo) "I am more inclined to grant the request for the 4 lots, but not the 19 across from City Hall, even though I would like to see that developed."

The Mayor's rationale is this: There is no guarantee the City will have a contract with Payson in one year or even two or three. "It is quite possible that the whole deal will fall through. If that became the case, we would have placed ourselves in a difficult position for in-fill lots if and when people decided to build. The economy is difficult to predict."

Gary Prestwich: The Council has approved 25 of the 109 connections assigned to vacant lots.

Mayor Fritz: The Mayor asked Mrs. Folks to look at the history of in-fill. The number is at 6 – 9 in-fills/year. At an average of 10/year, over 5 years, that is 50 that should be held back. If there is no contract with Payson, new development will be shut down.

He feels the 19 lots could be reconsidered in a year, when the situation with Payson is clearer.

Gary Prestwich: The growth rate could turn around, as it has in the past.

Mr. Ririe: Feels that they were encouraged to turn in paperwork to be considered for more connections. He felt there was a good chance. (Mayor Fritz reminded him that without the submittal of the paperwork, he would not have been considered at all; and that he had said there was a "slight" chance the Council would approve additional connections.)

Mr. Ririe feels development of this property should be a priority for the City.

Mary Rugg: The Council has already allocated 25 of the connections belonging to vacant lots...she, personally, felt that was too much. These connections are not the City's to give away.

After discussion, the Council was in agreement that development of the 19 lots would be beneficial to the City, but should wait until there is added capacity in the sewer system.

If 4 more connections were allocated to the property across from Grand View North that would be over the 25 already allocated.

Mr. Homer: If the Council were to allow them to develop the 19 lots, they would maintain the standards of the Community.

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESTWICH TO DENY THE REQUEST TO ALLOCATE ADDITIONAL CONNECTIONS TO THE 19 PROPOSED LOTS, TO BE KNOWN AS "HARVEST MEADOWS SUBDIVISION", ACROSS FROM THE CITY HALL
VOTE: YES (5) NO (0)

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESTWICH TO APPROVE THE REQUEST TO ALLOCATE FOUR ADDITIONAL CONNECTIONS TO THE LAND LOCATED ACROSS FROM GRAND VIEW ESTATES, PLAT A
VOTE: YES (4) NO (1) MARY RUGG

**ADD-ON TO THE
FIRE STATION**

Mark Johnson: The Fire Dept. would like to add onto the existing Fire Station for added storage and capacity for another Fire Truck. Money has accrued in the Capital Projects Fund-Town Hall/ Fire Station for improvements to the existing building or the construction of a new one.

The area at the southeast corner of the building would be good to add storage area.

Other Options:

1. Build another building for the Fire Dept. on the corner property across the driveway. In the past, the gas line running through the property prevented any building over the easement. Now that the line has been abandoned, if the sewer line were re-routed, building could occur in that area. This would free up the existing building for expansion of office space and a much-needed Council Room. Councilmember Johnson suggested that a metal building would serve the purposes of the Dept. and would be much more cost-effective to build. (The Council has mixed feelings about the type of building that could be erected. Councilmember Johnson is to bring more information, photos of metal buildings and cost estimates back to the Council for further consideration.)
2. Money has accrued partly from the Water & Sewer Depts. for the eventual building of a Public Works Facility on the City's property by the Golf Course. This must also be taken into consideration.

**LOAFER CANYON
AREA/SEPTIC TANKS**

(Possible Ordinance Amendment)

This matter is deferred to the next City Council Meeting. Copies of the Letter from Loafer Recreation Association to the Mayor; as well as copies of the original Annexation Agreement between Elk Ridge and the Association, will be supplied to each Councilmember for careful consideration. The Council is to come to the next Meeting prepared to make a decision.

**ORDINANCE/
AMENDMENT –
COST OF LIVING
ADJUSTMENT
TO EMPLOYEES**

Mayor Fritz: When the original Budget for 2004/2005 was adopted, the actual Cost of Living Allocation (COLA) was unknown at the time. Mayor Fritz estimated at about 2%, with the understanding that when the rate was known, an adjustment to wages would be considered. The overall COLA was determined to be 3.1%. The Mayor recommended amending the wages for the employees accordingly.

MOTION WAS MADE BY MARY RUGG AND SECONDED BY MARK JOHNSON TO APPROVE A COST OF LIVING ADJUSTMENT OF 3.1% FOR THE CITY EMPLOYEES FOR THE 2004/2005 FISCAL YEAR, EFFECTIVE IMMEDIATELY

VOTE (POLL): RUSSELL SLY-AYE, MARK JOHNSON-AYE, ALVIN HARWARD-AYE, GARY PRESTWICH-AYE AND MARY RUGG-AYE
NO (0)

Passes 5-0

**RIDGE VIEW LDS
STAKE CENTER –
PRV STATION**

(Possibility of "Cost Sharing")

Kent Haskell (Public Works): Mr. Haskell feels strongly there needs to be a PRV Station north of the City, in the area of the new LDS Stake Center. There are three other possible developers in the area: Burke Cloward, Rocky Mountain Way Subdivision and possibly Jim Armstrong. The original plans for the Stake Center does not show the necessity of a PRV Station. Mr. Haskell suggested one at the beginning of the development process however, LEI Engineering said they did not agree that one should be required. The estimated cost is \$31,000 for the PRV Station. The LDS Church feels they should only be responsible for ¼ of the cost and request that the City share in part of the expense. Burke Cloward and Rocky Mountain Way have verbally agreed to take part of the responsibility for the cost, since they will be sharing in the benefit. The other argument is that the LDS Church could simply install a Pressure Reducing valve on their line and not participate at all in the PRV Station. Mr. Haskell agrees that this would work temporarily, but would have to be maintained by the Church. He still recommends the larger Station for the area because of the high pressure.

In an "Off-site" improvement, the developer pays for the improvement up-front, then gets reimbursed from other developers as subdivisions are approved; ones that would benefit from the improvement. Mr. Haskell offered to assist in presenting this issue to the Council.

He feels that the LDS Church is being asked to do something they were not originally expected to do. It will cost about \$3,500 for a "change order" for the contractor doing the work.

Request:

1. The LDS Church is hoping the City will agree to pay for ¼ of the cost of the PRV Station. (There would be some type of agreement as to when and how the City would be paid back.)
 2. Contract with the Church to purchase the materials, tax exempt; thereby saving money (about \$2,000-3,000). The \$3,500 change order would also be eliminated.
- Mr. Haskell has suggested the Church place the money required for the PRV Station in an "Escrow Acct." so the City can draw on the money to purchase the supplies.

The PRV will be installed, regardless of how it is paid for. The City is requiring this of the LDS Church. How it is paid for is another matter.

The cost of the PRV was not part of the Bond.

Gary Prestwich: Points out that the City is saving the Church approximately \$6,000, by purchasing the materials. (That could count as the City's portion of this cost or it would just take that amount off of the top and there would be less to split.)

Mike Raymond (LDS Church): There are two engineers that totally disagree on this issue. (Aqua & LEI) LEI Engineering is licensed and successful and their plans and bonding were based on their information.

Aqua has not written a letter to the Church on the necessity of the PRV; they simply designed the Station and said this is what would be installed. Why should the Church be responsible for this benefit to the City?

Mr. Haskell: Maintains a PRV is needed because at the location of the Chapel, there would be about 200 psi (pounds of pressure) going into the Chapel. The recommendation by the State is no more than 70 psi. Once the line is connected to the pump house, the pressure increases from about 200 psi to about 270 psi. If a PRV were placed on the Church only, it would not solve the problem of high pressure in the area. A larger PRV Station would still need to be installed in the area.

Two Options:

1. The LDS Church installs a smaller PRV for the Chapel and the Church agrees to maintain it.
2. Install the larger PRV Station:
The LDS Church pays the cost up front and will collect reimbursement from the City, Rocky Mountain Way Subdivision and Burke Cloward.

Mary Rugg: The City should be relieved of further responsibility after providing savings to the Church.

MOTION WAS MADE BY MARY RUGG AND SECONDED BY RUSSELL SLY TO APPROVE THE PRV STATION TO BE INSTALLED WITH THE CITY TO SERVE AS CONTRACTOR TO PURCHASE MATERIALS FOR THE LDS CHURCH, TAX EXEMPT...THIS WOULD CONCLUDE THE FINANCIAL RESPONSIBILITY FOR THE CITY; WITH THE COST BEING SPLIT BETWEEN THE OTHER THREE DEVELOPERS; WITH THE LDS CHURCH BEING RESPONSIBLE TO COLLECT THE REIMBURSEMENT FROM THE OTHER DEVELOPERS

**VOTE: YES (2) MARY RUGG, RUSSELL SLY NO (3) MARK JOHNSON,
ALVIN HARWARD, GARY PRESTWICH**

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON THAT THE CITY PARTICIPATE WITH 25% OF THE COST TO INSTALL THE LARGER PRV STATION, WITH THE CITY RESPONSIBLE TO SERVE AS CONTRATOR TO PURCHASE MATERIALS

VOTE: YES (4) NO (1) MARY RUGG

RIDGE VIEW
LDS STAKE
CENTER –
ADJUSTMENT TO
STANDARDS

Mayor Fritz: (Memo to Council)

The Building Inspector has not issued a building permit to the LDS Church to begin construction on the new Stake Center, based on the requirement to have a minimum level of improvements completed prior to the issuance of a permit. (See 10-12-24: "Minimum Level of Improvements Installed Before Issuance of Building Permit")

The LDS Church contractors are requesting the Council grant an "exception" to the Standards, due to their desire to begin construction while the weather is good. There is also the fact that the contractor has 60 days to complete the work.

Mark Johnson: Concerned about the safety issues of being able to get emergency vehicles into the area if roads are not in.

Mr. Raymond: By the time the framing begins, the roads will be in place.

Mayor Fritz: Observed that the Church took a great deal of time throughout the summer months in getting bonding together and has generally not expedited the process. Now they want the City to make exceptions for them because of the lateness of the season. The Mayor feels all developers should be treated equally. He does not want to set precedence by granting exceptions to one developer. There is also the issue of the mess of mud and dirt being tracked all over the roads.

Russell Sly: Does not feel there is danger in setting precedence if the procedure is followed to grant an exception.

Alvin Harward: Feels that since the LDS Church has a bond in place equal to 120% of the construction cost, there should be no problem in issuing a building permit so they can get going with their work. They are responsible for clean-up.

Russell Sly: There should be a plan in place in handling the clean-up.

Mike Raymond: They intend on laying gravel to mitigate the mud problem.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RUSSELL SLY TO ADJUST THE STANDARDS AND ALLOW A BUILDING PERMIT TO BE GRANTED TO THE LDS CHURCH

VOTE: YES (4)

NO (0)

ABSENT (1) MARY RUGG

LOAFER RIDGE
SUBDIVISION,
PLAT B –
RELEASE OF
DURABILITY BOND

Mayor Fritz:

As per a letter from LEI Engineering, the Subdivision has been inspected and their recommendation is to release the Durability Bond. There was an issue with a fire hydrant and Kent Haskell has inspected this and wrote a letter that it passed his inspection.

Councilmember Prestwich inspected the asphalt on the cul-de-sac and found it faulty. It is Staker Asphalt's opinion that the asphalt was probably too dry when it was laid. It can be fixed with patching compound to fill the hole and a type 2 slurry coat on the top. Robert Nelson met with them and agreed. He also agreed to fix one section of curb & gutter...it needs to be back-filled on the other side of it.

Mayor Fritz recommends approval contingent upon Mr. Nelson completing the items agreed upon.

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO ACCEPT THE IMPROVEMENTS FOR LOAFER RIDGE SUBDIVISION, PLAT B, AS COMPLETE AND TO AUTHORIZE RELEASE OF THE DURABILITY BOND, CONTINGENT UPON COMPLETION OF PATCHING HOLE WITH SLURRY COAT AND REPAIR & BACK-FILL THE CURB & GUTTER ON VALLEY VIEW CIRCLE

VOTE: YES (4)

NO (0)

ABSENT (1) MARY RUGG

EXPENDITURES:

General: None

*The issue of the \$64,000 excess Bond money from the Cloward Well will be on the next Council Agenda.

MINUTES

Minutes of 9-28-04:

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY MARK JOHNSON TO APPROVE THE CITY COUNCIL MINUTES OF 9-28-04

YES (4)

NO (0)

ABSENT (1) MARY RUGG

Minutes of 9-29-04:

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY GARY PRESTWICH TO APPROVE THE COUNCIL MINUTES OF 9-29-04

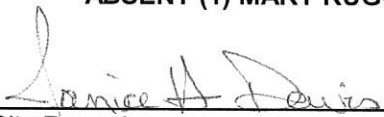
VOTE: YES (4)

NO (0)

ABSENT (1) MARY RUGG

ADJOURNMENT

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



City Recorder

AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, October 26, 2004, at 7:00 PM, to be preceded by a Council Work Session at 6:00 PM & a Council Closed Session at 6:45 PM.**

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

6:00 – PM CITY COUNCIL WORK SESSION

1. Development Bonding – Alvin Harward
2. Increased Plan Check Fee for City Planner/Discussion – Mayor Fritz
3. Planning Commission Review/Discussion – Gary Prestwich
4. Water Line Master Plan – Alvin Harward

6:45 – PM CITY COUNCIL CLOSED SESSION

Discussion of Personnel

7:00 - PM REGULAR COUNCIL MEETING AGENDA ITEMS:

- Opening Remarks and Invitation to Participate in the Pledge of Allegiance
- 7:03 Approval/Agenda Time Frame
- 7:05 5. Loafer Recreation Association/Septic Systems – Mayor Fritz
- 7:20 6. Elk Ridge Heights, Plat A/Default – Discussion – Mayor Fritz
- 7:25 7. Sewer Impact Fee Study/Aqua Engineering Proposal – Approval – Russell Sly
- 7:30 8. Rescind Zoning Action (Church Exception) of Previous Council Meeting – Mayor Fritz & Staff
- 7:35 9. Alvin Harward/Request for Building Permit – Alvin Harward
- 7:40 10. Rocky Mountain Way Subdivision, Plat A/Request for Allocation of Connections in the System
Michael Dubois
- 7:45 11. Schedule Public Hearings:
A. Zone Map Amendment – Michael Dubois
B. Ordinance/Amending the Elk Ridge City Code Providing for Subdivision Improvements
(Curb & Gutter) – Gary Prestwich
C. Ordinance/Amending the Elk Ridge City Code Providing for Amendments to the
Procedure for Bonding & Durability Associated with Development
- 7:55 12. Dennis Shuler Subdivision, Amended Plat A – Final Approval
A. Release of Lien for Water & Sewer
B. Waiver of Entitlement of Building Permit Associated with Sewer Availability
- 8:05 13. Grand View North Subdivision, Plat A/Request for 6-Month Extension of Final Plat Approval
- 8:10 14. Expenditures:
General:
A. Year-End Bonuses – Mayor Fritz
B. Check Registers for July, Aug & Sept, 2004
- 8:15 15. Approval of Minutes of Previous Meeting
- Adjournment

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

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated October 25, 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 October 21, 2004 and an Amended Agenda on 10-25-04.


City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
October 26, 2004**

**TIME & PLACE
OF MEETING**

The regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, October 26, 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 October 25, 2004.

6:00 PM

CITY COUNCIL WORK SESSION

ROLL CALL

Mayor: Vernon L. Fritz; *City Council:* Alvin L. Harward, Russell Sly, Mary Rugg, Gary Prestwich & Mark Johnson; *Sheriff:* Deputy Larsen; *Public:* Dennis Shuler, Hal Shuler, Dennis Roberts, Gerald Adams & *Scouts:* Nate Shumway, Gerald Adams III, Ryan Shumway; and the *City Recorder:* Janice H. Davis

**DEVELOPMENT
BONDING**

Strike from the Agenda. (The issue is being covered later in the Meeting.)

**INCREASED
PLAN CHECK FEE
FOR CITY
PLANNER**

Mayor Fritz: The Mayor placed a fee comparison in each of the Councilmembers' folders. *They should be reviewed before the next City Council Meeting and the item is to be placed on the agenda. (Fee comparison between Elk Ridge & Spanish Fork.)
Currently. The City pays just under \$12,000/year to Mountainland Assoc. of Governments (MAG) for services performed by Jim Bolser as a Planner.
The Mayor is interested in determining how long in generally takes for a Plan Review. Spanish Fork chares by the hour rather than a percentage of the building permit fee.

**PLANNING
COMMISSION
REVIEW –
DISCUSSION**

Gary Prestwich: Attended the Planning Commission Meeting and reported that there was no resolution to the Curb & Gutter Ordinance. He informed the Commission that he would still like to have certain elements included in the proposed ordinance.

According to Councilmember Prestwich, the proposed ordinance is not ready for a Public Hearing.

- Storm Drainage: Councilmember Prestwich met with Aqua Engineering to discuss sump design. He suggested that perhaps sumps could be designed based on the amount of rainfall rather than 25-year or 100-year storms. (Example: With a 1" rainfall, the City's sumps are about 7,000 gals. short in capacity.)

Recommendation to Aqua:

1. Change specifications to reflect a certain amount of rainfall.
2. Elk Ridge sumps are a bit small...determine a more appropriate size.

Suggestion: To keep sumps covered until development is complete...subject to inspection before removal of cover. This would require an amendment to the current ordinance.

Russell Sly: Pointed out that mud and debris will flow down to the next sump...should these be inspected, as well? This would be difficult to enforce.

Discussion of Curb & Gutter:

Question: What points are not clear about the proposed ordinance?

Alvin Harward: The last draft that came to the Council was about as good as the Planning Commission can do...the standard is curb & gutter and for an exception, other options would be available. It should be left as it was presented.

Gary Prestwich: The new standard would be curb & gutter, flowing into a retention pond. He had suggested including what the options for an exception would be.

(Mayor Fritz understood it differently.)

According to Jim Bolser, the only option available is curb & gutter. Councilmember Prestwich did not agree, however he could not seem to make his points understood. Much time was spent at the Planning Commission Meeting discussing a possible "road tax", which Councilmember Prestwich has not heard of.

Alvin Harward: He understands that the intent is that the ordinance cannot list two systems of handling run-off along the roads; Mr. Bolser suggests that curb & gutter is the standard and exceptions to that standard can be sought.

Mary Rugg: It is her understanding that the City cannot specify what Councilmember Prestwich suggests; she understands that it can be listed as one way with possible exceptions. She also prefers the wording be more specific, but apparently it cannot be. Regarding "in-fill" lots...Jim Bolser says the City cannot assess existing homeowners with improvements such as curb & gutter.

Gary Prestwich: He feels the issues of existing homes and new development should be separated. Just consider new development being required to install curb & gutter. Wants the following included:

1. Change the sump specification to a larger size (as per Aqua Engineering).
2. Require builder/developer to cover sumps during construction and have completed development subject to sump inspection.
3. Change the rainfall amount to a specific amount (as per Aqua Engineering)
4. The thickness of the asphalt must increase from 2 ½" to 3 ½".

*It was decided that the Mayor will contact the City Attorney to ask:

1. If it is legal to assess existing homes for curb & gutter
2. Ask for an explanation of a "road tax"

WATER LINE
MASTER PLAN

Alvin Harward: Councilmember Harward met with Bruce Ward (Aqua Engineering) to discuss the problem in the City with irregular sizes of lines connecting together. Another problem is that Aqua Engineering and Kent Haskell feel the water map is incorrect.

Councilmember Harward advised updating the water map. Aqua Engineering would charge the City about \$3,000 to create a Master Plan; this would contain useful information such as: required water flow, available water pressure, size line to connect to, etc.

Mayor Fritz: He feels the proposal has merit; but if the City is not experiencing problems currently and there is sufficient flow and adequacy, where would the benefit be?

Alvin Harward: The Master Plan would guide development in an organized way.

If LEI Engineering will cooperate with Aqua in supplying information, the cost should be lower.

Mark Johnson: Discussed problems with existing lines.

It was decided that Mr. Ward is to determine how much existing information he can make use of and then draft a work release (contract) for the work.

6:45 PM

-

CITY COUNCIL CLOSED SESSION

ROLL CALL

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

Discussion of Personnel

**ELK RIDGE
CITY COUNCIL MEETING
October 26, 2004**

TIME & PLACE
OF MEETING

The regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, October 26, 2004, at 7:00 PM;** to be preceded by a **City Council Work Session at 6:00 PM.**

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ROLL CALL

Mayor: Vernon L. Fritz; *City Council*: Alvin L. Harward, Russell Sly, Mary Rugg, Gary Prestwich & Mark Johnson; *Sheriff*: Deputy Larsen; *Public*: Dennis Shuler, Hal Shuler, Dennis Roberts, Gerald Adams & *Scouts*: Nate Shumway, Gerald Adams III, Ryan Shumway; and the *City Recorder*: Janice H. Davis

OPENING
REMARKS &
PLEDGE OF
ALLEGIANCE

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

AGENDA TIME
FRAME

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RUSSELL SLY
TO APPROVE THE AGENDA TIME FRAME, ADJUSTING THE START TIME TO 7:04 PM
VOTE: YES (5) NO (0)**

NON-AGENDA
ITEM

Mayor Fritz: Took some time to mention the passing away of former Mayor Cregg Ingram. Cregg Foote Ingram passed away on October 24, 2004, from complications arising from a long illness. He was an accomplished man and beloved by many! The Mayor expressed his admiration for former Mayor Ingram and read from his obituary. All who knew him will miss him. (A summary will be included in the City Newsletter.)

LOAFER
RECREATION
ASSOCIATION –
SEPTIC SYSTEMS

Mayor Fritz: (Memo from Mayor to Council)

Should the City enter into an agreement with Loafer Canyon Association regarding their ability to build cabins and use septic systems as per the letter of response from David Church?

“As Mayor, I recommend entering into such an agreement provided we are able to get the Association to agree to some limitations, as identified by the Council.

As a starting point in conversation, I would still like to attempt an agreement to the concept of ten cabins in a ten-year period. I don’t believe we can persuade them to pay for and install a sewer line.

If the Council concurs then I will approach the Association with this new approach.”

The Mayor briefly described the situation to those who may not have been familiar with the issues. He quoted from David Church’s letter, dated October 7, 2004, in that an agreement with Loafer to allow septic systems only in the Loafer Recreation area, based on the Annexation Agreement, would be “legally possible”. In the third paragraph, “It will allow you to continue to enforce your existing ordinance against all others not involved in the dispute.” He further states that he “would do it in an agreement with the Loafer people that referred to potential litigation and recited that the agreement was to settle that dispute.”

The Mayor opened the meeting to the Council for discussion:

Mary Rugg: Wanted to point out that she does not believe that the Letter from David Church is his recommendation; he responded to a letter from the Mayor asking for Mr. Church’s advice.

Mr. Church’s letter begins stating that it was, “in response to your latest question concerning the septic tanks in the Loafer Canyon area.” This is the Mayor’s recommendation and Mr. Church is “backing him up”.

Mayor Fritz: Restated his intent, that Mr. Church is stating that this is “a way” the City could approach the issue. (Councilmember Rugg indicated that this is only one way to look at solving the issues.)

Alvin Harward: He feels the agreement should go forward with Loafer Recreation Association, based on the Annexation Agreement as soon as possible. It should have happened long ago.

Russell Sly: He understands the City’s Attorney have given the Council two alternatives:

1. Deny building permits requiring septic tanks...and probably proceed with litigation. This would involve: attorney’s and engineers to justify the Wellhead Protection Plan...at great expense to the City (the costs would also include court costs). The Association is after the amount of the valuation of their property.
2. Allow the Association to have septic tanks; at no financial cost to the City.
There are arguments on both sides of the issue; he feels it comes down to “risk” and his assessment is that the risk is “extremely minimal” with septic tanks.

Mark Johnson: Also feels an agreement could be entered into with Loafer Association, but he would prefer the septic tanks be farther away from the wellhead than 100’...perhaps 200’.

Gary Prestwich: He agrees with allowing septic tanks in the area of Loafer Recreation. David Church mentioned that the City cannot dictate how many septic tanks they can have. Perhaps they would agree to not having septic tanks any closer than 340’ (Mr. Tervort’s planned cabin is 340’ from the wellhead).

Mary Rugg: She feels the Council should reconsider and authorize tests to prove there is potential risk of contamination to the City's drinking water. The State has said that if they would not put in a brand new home with a septic tank that close to a well, why would we allow a property owner to put in a septic tank that close to our well? That well is considered "unprotected".

Russell Sly: Does Councilmember Rugg propose to deny building permits and hire engineers to justify the City's Wellhead Plan? (Yes, she does.)

(Discussion of sewer line extension in Loafer Canyon.)

Mayor Fritz: Will the Council authorize him to approach the Association with a new proposal?

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY ALVIN HARWARD TO AUTHORIZED THE MAYOR TO APPROACH THE LOAFER CANYON ASSOCIATION WITH A PROPOSED AGREEMENT THAT WOULD INCLUDE ALLOWING THEM TO INSTALL SEPTIC TANKS NOT CLOSER THAN 340 FEET FROM THE CITY'S EXISTING WELLHEAD IN THE AREA; NOT INCLUDING THE NUMBER OF CABINS TO BE ALLOWED OVER A PERIOD OF TIME

VOTE: YES (4)

NO (1) MARY RUGG

ELK RIDGE HEIGHTS
PLAT A/DEFAULT

Mayor Fritz: The corrections to the Subdivision improvements are nearly completed by Mr. Mortezaadeh. According to Corbett Stephens, all that remains is some clean-up work. The developer has been informed that if the clean-up is not complete by November 1, 2004, the City will take care of it and deduct the cost from his bond.

SEWER IMPACT
FEE STUDY –
AQUA ENGINEERING
PROPOSAL

Russell Sly: The City is over-due on updating the Sewer Impact Fee Study & Capital Improvement Plan. According to the engineers, the update should take place about every 3-4 years. He is afraid that the current fees are not covering costs and that the City may be losing money on each new connection. Since new development is occurring, he proposes that Aqua Engineering be authorized to perform this update, for an amount not to exceed \$4,000.

The Mayor agreed and recommends approval.

Alvin Harward: He offered that the City could be wasting money on a study when it is not known if a contract with Payson is going to be a reality.

Russell Sly: He feels that:

1. The City has to have a plan
2. There has to be an engineering study to back up the plan

(Question: if challenged, could the study hold up if there is no contract with Payson in place?)

The Capital Improvement Plan can be based on expansion towards Payson since that is the City's intention.

Gary Prestwich: If the study were done now, any changes could be done relatively inexpensively; so he is generally in favor of the study update being done now.

Mary Rugg: How can the City afford to approve this study if not for other studies? She agrees that a contract should be at least imminent before an update is done.

Mark Johnson: He agrees with Councilmembers Harward and Rugg.

**The general consensus of the Council was to wait until the plan with Payson City is clarified to consider allocating any more connections to the Sewer System.*

**(At this time Mayor Fritz accelerated Agenda item #12 to allow those present to be heard.)*

DENNIS SHULER
SUBDIVISION,
AMENDED PLAT A -
FINAL APPROVAL

Mr. Shuler is the owner of two lots in Loafer Canyon that were recorded with "waivers of Entitlement to Build" attached to water & sewer connections. The wording was on the Plat, itself. The Plat has been amended with the wording taken off of the Mylar (Plat). The amended Plat is before the Council for Final approval. The recommendation from the Planning Commission is approval. There are no other changes.

The action of the Council would be to release the Waivers for Water & Sewer and the to authorize separate Waivers to be recorded attached to the availability of sewer. (This could be rather soon, since the City is considering an extension of the sewer main in Loafer Canyon.)

A) MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO GRANT FINAL APPROVAL TO THE DENNIS SHULER SUBDIVISION, AMENDED PLAT A

VOTE: YES (5)

NO (0)

B) MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESTWICH TO RELEASE THE WAIVERS OF ENTITLEMENT TO BUILD ASSOCIATED WITH AVAILABILITY OF WATER & SEWER CAPACITY, ATTACHED TO THE DENNIS SHULER SUBDIVISION, PLAT A

VOTE: YES (5)

NO (0)

C) MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO AUTHORIZE THE RECORDING OF WAIVERS OF ENTITLEMENT TO BUILD ASSOCIATED WITH THE AVAILABILITY OF SEWER; TO BE PLACED AGAINST THE LOTS 1 & 2 OF THE DENNIS SHULER SUBDIVISION, AMENDED PLAT A

VOTE: YES (5)

NO (0)

RESCIND

ZONING ACTION –
LDS STAKE CENTER

Mayor Fritz: (Memo to Council)

The Council permitted an exception to a zoning regulation associated with the request from the LDS Church to grant exception to the minimum level of improvements having to be completed before the issuance of a building permit. The Council cannot legally grant exceptions to the Zoning Ordinance...only to the Subdivision Ordinance and Construction Standards. What actually took place was a "fast track". The Council can grant an exception to the Code in this area; with careful consideration.

The Mayor recommended rescinding the zoning action and to replace it with a clarification of why the Council is willing to grant a "fast track" and how to avoid "exceptions" as the "norm".

"Rationale: It is the policy of the City to avoid "fast track" action where possible. In every case where "fast track" exception is requested, the City must weigh the merits of the issue and find that there is a rational basis for making an exception. In the case under discussion now, the weather is closing in and rain will make it extremely difficult to get the foundation and pad poured before the freezing weather hits.

Further, the City finds that any problems caused by the said "fast track" will be resolved promptly by the developer. This action is not to be construed as a regular exception to the no "fast track" resolution."

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESTWICH TO RESCIND THE ZONING WAIVER GRANTED TO THE LDS CHURCH TO HAVING TO COMPLETE DEVELOPMENT IMPROVEMENTS PRIOR TO BEING GRANTED A LIMITED BUILDING PERMIT

VOTE: (5)

NO (0)

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY ALVIN HARWARD TO RATIFY THE ACTION TO GRANT A FAST TRACK, LIMITED BUILDING PERMIT TO THE LDS CHURCH; SAID PERMISSION BEING GRANTED TO DO SITE PREPARATION IN THE FORM OF LAYING THE CEMENT PAD. NO VERTICAL CONSTRUCTION ACTIVITY WILL BE PERMITTED UNTIL ALL ROAD IMPROVEMENT REQUIREMENTS HAVE BEEN MET

VOTE: YES (5)

NO (0)

*Alvin Harward: Would like to place a discussion of the issue of required improvements prior to the issuance of building permits on the next Council Meeting Agenda.

ALVIN HARWARD –
REQUEST BUILDING
PERMIT

All of Councilmember Harward's required improvements are complete at this time. The item was stricken from the Agenda.

ROCKY MOUNTAIN
WAY SUBDIVISION,
PLAT A –
ALLOCATION OF
CONNECTIONS

(Dennis Roberts was present in place of Mr. Dubois.)

Mr. Roberts was present to request that the Council allocate 14 connections to the system to Rocky Mountain Subdivision, Plat A. They realize that 13 more would be unlikely and are willing to be placed on the waiting list for future allocations.

The Mayor understood that the original 14 connections were already allocated; but Mr. Roberts informed the Council that the Subdivision had been re-configured.

The City Council is unwilling to extend the allocations of connections beyond the number already allocated.

The Council will not be allocating any more connections to the sewer system until there are changes in the capacity. Developers must submit a Concept Plan to be placed on the waiting list.

SCHEDULE PUBLIC
HEARINGS:

1. Zone Map Amendment:

Michael Dubois, developer of the Rocky Mountain Way Subdivision has extended the amount of property to be developed and is requesting the additional portion of their property be changed from the existing RR-1 Zone to R-1-15,000 A Zone, to match the rest of the property.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY GARY PRESTWICH TO SCHEDULE A PUBLIC HEARING TO CONSIDER A ZONE MAP AMENDMENT FOR THE ROCKY MOUNTAIN WAY SUBDIVISION FROM RR-1 ZONE TO R-1-15,000 A ZONE; FOR NOVEMBER 23, 2004, AT 6:00 PM

VOTE: YES (5)

NO (0)

2. Ordinance/Amending the Elk Ridge City Code Providing for Subdivision Improvements:
(Curb & Gutter) – Strike from Agenda...document not available.

3. Ordinance/Amending the Elk Ridge City Code Providing for Amendments to the Procedure for Bonding & Durability Associated with Development:

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RUSSELL SLY TO SCHEDULE A PUBLIC HEARING TO CONSIDER A PROPOSED AMENDMENT TO THE ELK RIDGE CITY CODE REGARDING THE PROCEDURE FOR BONDING & DURABILITY ASSOCIATED WITH DEVELOPMENT; FOR NOVEMBER 23, 2004, AT 6:15 PM

VOTE: YES (5)

NO (0)

GRAND VIEW NORTH
SUBDIVISION,
PLAT A
REQUEST FOR FINAL
EXTENSION

Mr. Lynn E. Thomsen and Mr. Paul Shupe are requesting an extension of the Final approval previously granted by the Council to Grand View North Subdivision, Plat A.

New owners will further develop the land across Gladstan Drive in conjunction with the three-lot development known as Grand View North. This has all taken time and the owners have been informed they must update and revise the improvement cost estimate relating to the required amount for the Performance Guarantee Documents. This could require approximately six weeks to accomplish, including the issuance of the bond. The Preliminary Title Report must also be updated. The owners submitted a written request of an extension to the Council, dated October 20, 2004. They would like the to extend from December 6, 2004 to June 1, 2005.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY ALVIN HARWARD TO GRANT AN EXTENSION OF THE FINAL APPROVAL FOR GRAND VIEW NORTH SUBDIVISION, PLAT A; FROM DECEMBER 6, 2004 UNTIL JUNE 1, 2005; CONDITIONAL UPON THE COST ESTIMATES BEING RECALCULATED AND APPROVED BY AQUA ENGINEERING

VOTE: YES (5)

NO (0)

EXPENDITURES:

General: New tires are needed for one of the City trucks (which one?) at a cost of about \$530.

MOTION WASMADE BY GARY PRESTWICH AND SECONDED BY ALVIN HARWARD TO APPROVE UP TO \$600 FOR THE PURCHASE OF TIRES FOR ONE OF THE CITY'S TRUCKS

VOTE: YES (5)

NO (0)

1. Year-end Performance Bonuses:

Mayor Fritz: Reminded the Council that Year-end Bonuses are not to be considered an employee "right", but an effort to reward employees for work well done. The Mayor recommends the Council approve a Year-end bonus for the staff of 3% of the respective incomes; with the same stipulation that the Mayor has the right to diminish the amount, based on performance.

Russell Sly: Although he is generally in favor of this, he asked if the concept of year-end bonuses is appropriate when the General Fund is budgeting expenditures over expected revenue for the 2004/2005 Fiscal Year? The Council voted to not increase the Property Tax Rate, which further decreased revenue. Although the amount is not significant (under \$5,000), this should be considered.

Gary Prestwich: He feels "employees should not be subject to political moves". They need to know they will be paid for their work.

The rest of the Council was in agreement that the bonuses would be appropriate.

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY GARY PRESTWICH TO APPROVE YEAR-END BONUSES FOR THE CITY EMPLOYEES IN THE AMOUNT OF UP TO 3% OF THE ANNUAL INCOME, AS PER THE MAYOR'S DISCRETION TO EVALUATE PERFORMANCE

VOTE: YES (5)

NO (0)

2. Check Registers for July, August & September, 2004:

The Mayor receives the Check Registers on a monthly basis.

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY GARY PRESTWICH TO APPROVE THE CHECK REGISTERS FOR THE MONTHS OF JULY, AUGUST AND SEPTEMBER, 2004, AS PRESENTED

VOTE: YES (5)

NO (0)

MINUTES

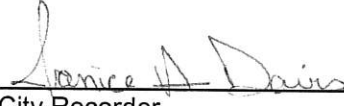
No minutes to approve.

ADJOURNMENT

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY ALVIN HARWARD TO ADJOURN THE CITY COUNCIL MEETING

VOTE: YES (5)

NO (0)



City Recorder

AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, November 9, 2004, at 7:00 PM, to be preceded by a Council Work Session at 6:00 PM.**
The meetings will be held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

6:00 – PM CITY COUNCIL WORK SESSION


- 6:00 1. CUP Water = Planning Ahead for New Development – Mayor Fritz
- 6:05 2. Allocation of Connections in the Systems
 - A) Denning Development – Mayor Fritz
 - B) Rocky Mountain Way Subdivision
- 6:15 3. Discussion/City Planner – Mayor Fritz
- 6:30 4. Discussion/10" Water Line & Sewer Line Extension Projects – Mayor Fritz
(Auditor's Recommendation)
- 6:45 5. LDS Stake Center PRV/Discussion of Contract – Alvin Harward
- 6:55 6. Possible Amendment to Required Improvements prior to Building Permits - Alvin Harward

7:00 - PM REGULAR COUNCIL MEETING AGENDA ITEMS:

- Opening Remarks and Pledge of Allegiance
- 7:03 Approval/Agenda Time Frame
- 7:05 7. Allocation of Water/Sewer Connections to Developers – Mayor Fritz
 - A) Denning Development
 - B) Rocky Mountain Way Subdivision
- 7:10 8. City Planner/Ken Young – Mayor Fritz
- 7:15 9. 10" Water Line & Sewer Line Extension Projects – Mayor Fritz
- 7:25 10. LDS Stake Center Contract/PRV – Alvin Harward
- 7:30 11. Release of Waivers of Entitlement to Build on Oak Hill Estates, Plat A, Lots #1 & #9
- 7:35 12. Schedule Public Hearing:
 - A) Ordinance/Amending the Elk Ridge City Code Providing for Subdivision Improvements (Curb & Gutter)
- 7:40 13. Expenditures:
 - General:
- 7:45 14. Approval of Minutes of Previous Meetings
- Adjournment

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

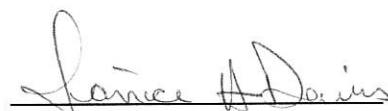
The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated November 8, 2004.



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 November 5, 2004; & an Amended Agenda on 11-8-04.



City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
November 9, 2004**

**TIME & PLACE
OF MEETING**

The regular Meeting of the Elk Ridge City Council, was scheduled for Tuesday, November 9, 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 November 5, 2004 and an Amended Agenda on 11-8-04.

6:00 PM

CITY COUNCIL WORK SESSION

ROLL CALL

Mayor: Vernon L. Fritz; *City Council:* Alvin L. Harward, Russell Sly, Gary Prestwich (Absent: Mark Johnson, Mary Rugg; *Administrative Asst.:* Ernestine Folks; *Daily Herald:* Caleb Warnock; *Sheriff:* Deputy Larsen; *Public:* Kevin Call, Ken Young, Scouts: Devin P., Jared Q., Derik Christensen, Chase Wilson; and the *City Recorder:* Janice H. Davis

**CUP WATER =
PLANNING
AHEAD**

Mayor Fritz: (Memo to the Council)

"CUP water will be available in the future...in about 10-15 years. It would be pressurized and could be used for watering lawns, etc. It will not be potable water for cooking, bathing, etc. Should we be considering new development requirements of installing master lines into each new development so we don't have to cut into existing roads, fight utilities, etc.?"

The Mayor mentioned this topic to the Planning Commission and suggested they be thinking along the lines of requiring new development to install the necessary lines to deal with irrigation water.

The Mayor estimated the City would receive about 35,000 ace-feet of water at that time. The water would be delivered to the canal at 1600 West.

Russell Sly: The developments affected by this would be those north of the City. The time to create the requirement is now, before development occurs. If the ones benefiting from the water would be in north of the City, would it be fair to require all citizens to pay for a service that would not be available to them?

Suggestion: Perhaps the citizens could vote for the service to be delivered to all parts of the City in a bond election.

**ALLOCATION OF
CONNECTIONS IN
THE SYSTEM**

1. Denning Development:

The Dennings own a parcel of land located off of Alexander Drive. They wish to develop it and have requested the Council allocate two sewer connections to them.

(Memo from Mayor to Council)

"Mr. Denning is aware that we have restrictions and a limited amount of discretion regarding additional connections due to having exceeded the capacity of the Salem Plant.

It is my recommendation that we deny the allocations at this time, with the understanding that we may well be in a better position to grant such allocations by mid-summer of 2005."

Ernestine Folks: (Report Update)

The total number of available lots = 106 (not 109)... 4 building permits were issued for new homes in the last month (1 was in the Goosenest area, who are on a septic system).

On Sept. 14, the Council allocated 25 additional connections above the 7 additional connections (total = 32 additional connections). On Oct. 12, the Council approved increasing the 25 connections to 29 (adding four more for the 4 acres across from Grand View Estates).

Mr. Lin has one connection under consideration, but no allocation has been made.

(Information from the Report)

The following developments have been approved by the Council for allocation in the systems, to be taken from the 29 of the 106 vacant lots:

6...homes currently on septic system on Loafer Canyon Rd.

4...Ririe property on Gladstan Drive (Across from Grand View North Subdivision)

10...Total Connections allocated from 29 available

13 ...Rocky Mnt. Way (to be allocated)

6 connections = Balance of connections to be allocated

Priority List:

*Mr. Lin (1) & Dennings (2)

*(Dennings would like to be on the Council Agenda for 12/14)

19...Ririe Property across from City Office – “Harvest Meadows”

...Cloward Property

...Randy Young Annexation (120 acres)

CITY PLANNER –
DISCUSSION

Ken Young, A.I.C.P. – Municipal Planner:

Mr. Young was present and on October 18, 2004, he submitted a resume of services he would provide to the City. The resume outlines a summary of projects performed throughout the Valley. A more detailed proposal was submitted previously. He has been mostly in the capacity of consultant, although he was the “lead” City Planner for Orem City for four years, Mesquite City and has been Project Manager on many and varied assignments.

His company – Utah Community Planners & he works with JUB Engineers for mapping services. Mr. Young’s proposed cost to provide listed services to Elk Ridge City is \$1,250 per month. To complete a project or a level of service, which exceeds the scope of the mentioned services, UCP (Utah Community Planners) will negotiate with the City for additional contracted services and associated costs.

Questions and Clarifications:

1. Mr. Young’s services would included regular Planning Commission Meetings (1st & 3rd Thursdays of every month) and Thursday afternoons to be in the City Office to work on City business and to meet with developers
2. He would schedule time away form the City (vacations, trips, etc.) around his work with the City. He is not usually gone for extended periods of time.
3. Large Projects & document preparation: Any larger documents such as Master Plan preparation would be outside the regular duties to be performed.
4. Availability to Phone Calls: He encourages calls during the hours he is at the City Office on Thursdays, but will provide a phone number where he can be reached away from the City. The Mayor will be in contact with Mr. Young to inform him of the Council’s decision.

FUTURE PROJECTS:
10” WATER LINE &
SEWER LINE
EXTENSION

1. 10” Water Line/Cloward Well:

There is approximately a \$64,000 balance of the 2002 Cloward Well Bond money. The CPA was asked his opinion if the Council should turn this money back to the State and reduce the overall bond amount; or if he feels it should be used on the proposed 10” Water Line Project. The City Recorder met with him (Scott Swenson from Jones Simkins, LLP) on a letter associated with the Audit and asked him for his input. There is \$194,341 “Unrestricted Retained Earnings” in the Water Fund. He advises not using about three months working capital (about \$100,000 for Elk Ridge)...this would leave about \$94,000 usable money.

The cost estimate for the project is about \$120,000.

His suggestion was to use the 2002 Bond money:

- A. The interest rate is lower than most available money
- B. It has been approved for this use
- C. This leaves “Retained Earnings” for other projects

2. Sewer Line Extension/Loafer Canyon:

There is \$262,658 listed as “Unrestricted” in the Sewer Fund. Three months working capital = about \$38,000. Nearly all of this money could be used for capital projects. Either option on the proposed extension of the sewer main in Loafer Canyon would be fine.

The Council would rather leave some of the money on a future contract with Payson for sewerage. The general feeling of the Council was to go with the shorter extension of the sewer line, taking the south past Dennis Shuler’s lots (Just over \$90,000).

LDS STAKE CENTER
PRV CONTRACT

Mayor Fritz: (Brief Review)

The Council has previously agreed to share in the cost of the installation of the required PRV Station. The LDS Church was nor originally aware they this would be required of them. LEI Engineering does not agree that this is necessary; however, Aqua Engineering and the Public Works Superintendent advise that the PRV is necessary due to high pressure in the area. Two other developers, Burke Cloward and Michael Dubois, have agreed to participate, as well. The LDS Church has submitted a contract for the joint project to the Council for approval.

The City Attorney, David Church, said the contract is in an acceptable form. The City will assist in the actual purchase of the PRV, to get a better price and to save on sales tax. The remaining cost will be about \$24,000...to be split four-ways (\$6,000 each).

It was intended that the City not act as "banker" and collect the funds from the various parties; however, the proposed contract says, "Each of the Developers shall pay the sum of six thousand dollars (\$6,000) to the City..." The Council does not agree with this wording and feel the LDS Church should act as the "collector" in this agreement.

The Council also feels the Escrow Acct. holding the money for the PRV should be in the name of the LDS Church.

*The Mayor will contact the LDS Church with this information.

DISCUSSION –
MINIMUM LEVEL OF
IMPROVEMENTS
PRIOR TO
BUILDING PERMITS

Alvin Harward: Councilmember Harward feels a person should be able to obtain a building permit once developments have been approved and the bond is in place.

Developers post 120% of the cost of all the improvements. After all the improvements are installed, the City is still protected by a bond for 20% of the cost for two years.

He is not aware of other cities that have this requirement.

Gary Prestwich: There were safety reasons for the current requirements. If there were a problem, emergency vehicles may be unable to access the property.

Alvin Harward: Does not feel this is the City's responsibility. The liability would be with the builder.

Mayor Fritz: This is a legal question. The Mayor asked for input from Mrs. Folks.

Ernestine Folks: The Council approved this amendment for safety reasons...because experience proved that in Elk Ridge there is a need to have a certain level of improvements prior to the issuance of a building permit to insure emergency vehicles could access the property. The winters are harsher...there is more snow and it stays on the ground longer than in other places.

Alvin Harward: The regulations need to be enforced consistently. He does feel that in the summer months, when the ground is dry, that people should be able to obtain permits sooner in the development process.

The Mayor and Councilmember Harward will meet in the next couple of weeks to discuss the matter in more detail.

ELK RIDGE
CITY COUNCIL MEETING
November 9, 2004

TIME & PLACE
OF MEETING

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ROLL CALL

Mayor: Vernon L. Fritz; *City Council*: Alvin L. Harward, Russell Sly, Gary Prestwich (Absent: Mark Johnson, Mary Rugg; *Administrative Asst.*: Ernestine Folks; *Daily Herald*: Caleb Warnock; *Sheriff*: Deputy Larsen; *Public*: Kevin Call, Ken Young, J. Lynn Spencer, Scouts: Devin P., Jared Q., Derik Christensen, Chase Wilson, Jarid Spencer, Jace Spencer, Alisha Spencer, Stuart Spencer, Jeff Spencer; and the *City Recorder*: Janice H. Davis

OPENING
REMARKS &
PLEDGE OF
ALLEGIANCE

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

AGENDA TIME
FRAME

**MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY ALVIN HARWARD
TO APPROVE THE AGENDA TIME FRAME, ADJUSTING THE START TIME BY 10 MINUTES
VOTE: YES (4) NO (0) ABSENT (1) MARY RUGG**

ALLOCATION OF
WATER/SEWER
CONNECTIONS TO
DEVELOPERS

1. Denning Development:

*Deferred to 12-14-04. (A Concept plan must be submitted to be considered.)

2. Rocky Mountain Way:

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RUSSELL SLY TO
ALLOCATE 13 CONNECTIONS TO ROCKY MOUNTAIN WAY SUBDIVISION**

VOTE: YES (4)

NO (0)

ABSENT (1) MARY RUGG

CITY PLANNER

Mayor Fritz: Councilmember Prestwich and the Mayor met with Mountainland Assoc. of Govt. (MAG) and the current City Planner to express some of the concerns. They were informed that another Planner had been interviewed and was being considered. Mr. Young is slightly more expensive (about \$2,500 annually), but the contract would be for 25 hours/month rather than the current

20 hours/month.

Gary Prestwich: The meeting with MAG also brought out some suggestions to change current City policy to improve and perhaps "streamline" certain practices regarding the use of the Planner:

Example:

- At Planning Commission Meetings: Schedule any matters requiring the Planners attention at the beginning of the Meetings; then the Planner may leave.
- Schedule fewer times at the Office...for longer periods of time.
- Rearrange duties.

All Councilmembers present were in favor of canceling the current contract with MAG for planning services and hiring Mr. Young as the City Planner for Elk Ridge.

The Mayor advised an initial contract for one year, subject to renewal.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY GARY PRESTWICH TO
HIRE MR. KEN YOUNG AS THE CITY PLANNER FOR ELK RIDGE, WITH AN INITIAL
CONTRACT OF ONE YEAR, SUBJECT TO REVIEW AND RENEWAL, EFFECTIVE
JANUARY 1, 2005**

VOTE: YES (4)

NO (0)

ABSENT (1) MARY RUGG

*Mayor Fritz will contact MAG and Mr. Young and inform them of the Council's decision.

10" WATER LINE &
SEWER LINE
EXTENSION

1. *10" Water Line:*

Mayor Fritz: The Mayor would like a consensus of the Council whether to use the 2002 Bond money on the 10" Water Line. The Council will consider approval on the actual Project after the bids come in. If the bids are too high, resulting in the postponement of the Project, the City could lose the Bond money.

Alvin Harward: Normally the developers would pay for the line, as development occurs...not the City. This is his only hesitation with the Project, itself.

Mayor Fritz: There are dual purposes for the line:

- A. Redundancy in the current system and the capability of recharging the lower tank (all citizens benefit from this)
- B. New development

Questions:

- Can impact fees be designated to pay back a certain percentage of the "retained earnings" in the Water Fund?
- (Ask Aqua Engineering) What percentage of the Project could be designated as appropriate for water impact fees? (Perhaps higher than 30%...maybe 50%?)

*The Mayor will contact the State Drinking Water Board to inform them of the Council's willingness to use the Bond money on the Project, should it be approved.

2. *Sewer Line Extension:*

Russell Sly: There are two proposals from Aqua Engineering:

- Shorter Option = about \$91,720
- Longer Option (past the dugway) = about \$150,000

Recommendation: The lower amount (shorter option). This would allow some reserve money to be used for the possible Project of sewerage with Payson City.

All other Councilmembers present agreed with Councilmember Sly's recommendation to consider the shorter option

(There may be opportunities to reduce some of the costs, if the City can do some of the work involved.)

Mayor Fritz: Has letters from the utility companies in response to the Mayors correspondence with them that the City is considering this extension and he does not want a problem with having the utility lines removed from the road.

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESTWICH TO APPROVE THE SHORTER OPTION OF THE SEWER LINE EXTENSION, TO JUST PAST THE TWO LOTS OWNED BY DENNIS SHULER; IN THE AMOUNT OF THE ESTIMATE OF \$91,720 (AS PER AQUA ENGINEERING'S PROPOSAL), NOT TO EXCEED \$95,000; INSTRUCTING AQUA ENGINEERING TO OBTAIN BIDS FOR THE PROJECT

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

LDS STAKE CENTER
CONTRACT – PRV

Mayor Fritz:

*The Mayor will contact the LDS Church regarding their proposed contract for the PRV. The Council requests changes in the contract wording as follows:

1. Change the contract to designate the LDS Church as the "collector" for the money being provided by the various parties for the cost of the PRV.
2. The escrow account holding the money to be used for the installation of the PRV is to be in the Church's name, not the City's.

When the bill for the PRV comes into the City, the City will then forward this bill to the Church.

RELEASE – WAIVERS
OF ENTITLEMENT TO
BUILD – OAK HILL
ESTATES, PLAT A,
LOTS 1 & 9

When this Subdivision was granted Final Approval, the Council did so with the condition that "waivers" be recorded with the Plat to prohibit building until the capacity in the systems could support additional connections. The Council has allocated connections to these two lots. The recorded "waivers" need to be released by the Council. The lots were chosen by the developer.

MOTION WAS MADE BY MARK JOHNSON ANDS SECONDED BY AVIN HARWARD TO RELEASE THE WAIVERS OF ENTITLEMENT TO BUILD RECORDED ON LOTS #1 & #9, OF OAK HILL ESTATES, PALT A

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

SCHEDULE PUBLIC
HEARING

Gary Prestwich: Councilmember Prestwich agreed with the Planning Commission's recommendation not to change the draft of the proposed ordinance regarding curb & gutter. The proposed ordinance, as written now, does specify curb & gutter as the standard. The City Council can specify exceptions to this standard to curbing and sump vs. retention ponds.

*David Church was to be asked if assessments can legally be charged to existing homes.

Perhaps another amendment could include:

1. Require covers on sumps during development (Aqua should address the occurrence of the problem)
2. Require perk tests on sumps
3. Address the City's specification for "rainfall" (25-year rainstorm & 100-year storm)

Recommendation: A certain amount of rainfall instead

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY MARK JOHNSON TO SCHEDULE A PUBLIC HEARING FOR DECEMBER 14, 2004, AT 6:00 PM, TO CONSIDER AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR SUBDIVISION IMPROVEMENTS (CURB & GUTTER)

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

EXPENDITURES:

General: None

MINUTES

Minutes of 10-12-04:

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RUSSELL SLY TO APPROVE THE CITY COUNCIL MINUTES OF 10-12-04

YES (4) NO (0) ABSENT (1) MARY RUGG

Minutes of 10-26-04:

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO
APPROVE THE COUNCIL MINUTES OF 10-26-04**

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 hold a regular **City Council Meeting on Tuesday, November 23, 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 for the purpose of considering the proposed rezoning of the property known as the proposed Rocky Mountain Way Subdivision, Plat A, from RR-1 to R1-15,000A Zone; located east of Jackson Howard & Burke Cloward property. The **Second Public Hearing, at 6:15 PM**, is concerning a proposed Ordinance Amending the Elk Ridge City Code Providing for Amendments to the Procedure for Bonding and Durability Associated with Development.

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

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

6:00 PM 1. PUBLIC HEARING/REZONING RR-1 TO R1-15,000A ZONE

Public Hearing/Proposed Rezoning of the Property known as the proposed Rocky Mountain Subdivision, Plat A, from RR-1 to R1-15,000A Zone.

6:15 PM 2. PUBLIC HEARING/ORDINANCE RE: AMENDMENTS TO THE PROCEDURE FOR BONDING & DURABILITY ASSOCIATED WITH DEVELOPMENT

Public Hearing/To Consider a Proposed Ordinance Amending the Elk Ridge City Code Providing for Amendments to the Procedure for Bonding & Durability Associated with Development

6:25 PM CITY COUNCIL WORK SESSION

6:30 3. PRV Station Contract with LDS Church – Mayor Fritz

6:40 4. Interlocal Agreement for Fire Protection/Woodland Hills & Elk Ridge – Mark Johnson

7:00 - PM REGULAR COUNCIL MEETING AGENDA ITEMS:

Opening Remarks and Pledge of Allegiance

Approval/Agenda Time Frame

7:05 5. Action on Public Hearings:

 A. Proposed Rezone of RR-1 to R1-15,000A – Rocky Mountain Way Subdivision

 B. Ordinance/Amending the Elk Ridge City Code Providing for Amendments to the Procedure for Bonding & Durability Associated with Development

7:15 6. PRV Station Contract/LDS Church – Mayor Fritz

7:20 7. Aqua Engineering Work Order Agreement/Loafer Canyon Sewer Extension – Mayor Fritz

7:30 8. Loafer Ridge Subdivision, Plat B:

 • Cash in Lieu of Final Road Correction –

 • Final Acceptance of Improvements as Complete & Release of Durability Bond

7:40 9. Schedule Public Hearing: Vacation of Lot 30, Plat B & Lots 28 & 29, Plat E, Oak Bluff Estates

7:45 10. Expenditures:

 General

7:50 11. Minutes of Previous City Council Meetings

Adjournment

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

The times that appear on this Agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 19th day of November, 2004.



City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and provided to each member of the Governing Body on November 19, 2004.



City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
November 23, 2004**

**TIME & PLACE
OF MEETING**

This Regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, November 23, 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 to consider the proposed Rezoning a portion of the RR-1 Zone to R1-15,000A Zone. **The second Public Hearing, at 6:15 PM;** was on a Proposed Ordinance Amending the Elk Ridge City Code Providing for Amendments to the Procedure for Bonding & Durability Associated with Development.

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 November 19, 2004.

6:00 PM

PUBLIC HEARING/REZONING RR-1 TO R1-15,000A ZONE

Public Hearing/Proposed Rezoning of the Property known as the proposed Rocky Mountain Subdivision, Plat A, from RR-1 to R1-15,000A Zone

ROLL CALL

Mayor Pro tempore: Gary Prestwich; *City Council:* Alvin Harward & Mark Johnson, (Absent: Mayor Fritz, Councilmembers: Mary Rugg & Russell Sly); *Sheriff:* Deputies Camille Larsen & Dave Oliver & Lieutenant Jerry Mason; *Planning Commission Chairman:* Dennis Dunn; *Public:* Jackson Howard, Jackson B. Howard, Dennis Roberts, Burke & Dorothy Cloward; and *City Recorder:* Janice H. Davis

Mayor Pro tempore Gary Prestwich opened the Public Hearing at 6:00 PM.

This would be an addition of 5-acres to the north boundary of Rocky Mountain Subdivision. The first phase has already been granted the requested zone change from the RR-1 Zone to R1-15,000 Zone. The General Plan allows for animal rights in that area.

Discussion:

Alvin Harward: Has concerns:

1. Animal rights in the middle of planned development encouraging high density.
2. Animal rights on 1/3-acre lots. (The concern is that there would not be enough room on that size lot).

The other two Councilmembers present agreed with Councilmember Harward.

Perhaps the General Plan needs to be reconsidered with animal rights being allowed closer to Loafer Canyon Road.

Gary Prestwich: The logical dividing line between "horse property" and regular residential property would be a road. Would the proposed Rocky Mountain Way be a dividing line?

Dennis Dunn (Planning Commission Chairman): The Planning Commission anticipates higher density (perhaps "affordable housing") developing north of the City. With this in mind, he feels it is "totally illogical to have animal rights" in the area...there is an ordinance protecting against smells.

City Recorder: A point was made that Bridger Lane currently has animal rights...with the approval of the Planning Commission. The corrals and barns cannot be too close to dwellings; distances are measured by the Zoning Administrator.

By granting approval for the zone change on the other portion of the Subdivision, the owner has been led to believe that the second request would not be a problem. Since the current General Plan allows for the R1-15,000A Zone in that area, what rights (if any) does the property owner have regarding his proposed development? Is the Council considering rescinding the previous approval? That approval places animal rights in this particular area. This proposed subdivision has been in the process of development for some time and there has been no indication of any problem with the zoning, until now.

Of course the request comes before the Council to be considered...there is always the chance requests will be denied. They have in the past.

Gary Prestwich: Could the R1-15,000 Zone, without animal rights, be considered?

Jackson Howard (property owner to the west of the development in question):

1. How much of the land will be rezoned? (Just the site for proposed development.)

2. Has any one considered Utah County's Master Plan for roads, etc.? How do Elk Ridge's proposed roads tie in?

Gary Prestwich: Suggested not voting on the request for rezone this night, but postponing the vote until more of the Council is present at the next Council Meeting (12-14-04). If voted on in this meeting, the Members present would deny the request, based on the concern of animal rights on 1/3-acre and the location of the proposed Zone.

Dennis Roberts (Representing Rocky Mountain Way Subdivision): He expressed confusion...he understood the Council would vote on the issue at this meeting. He cannot understand why the Council is just now bringing up issues to this addition when there was no problem with the previous rezone.

At 6:40 PM, Mayor Pro tempore Gary Prestwich closed the Public Hearing.

NON-AGENDA
ITEM

Deputy Larsen: Is expecting a baby and is going on "light duty" for a while. She will be replaced by Deputy Dave Oliver. Deputy Oliver was present to be introduced (he is a resident of Elk Ridge). Lieutenant Jerry Monson was also present. The Sheriff Dept. wants to monitor the "Contract Cities" better.

NON-AGENDA
ITEM

Burke Cloward: Was present to bring up his observation that the roads being installed to access the new LDS Stake Center are build up to a point of creating a problem with future development of lots along that road. The lots would be forced to install reverse slope driveways. LEI Engineering designed the road and is inspecting it. They are getting ready to lay asphalt; so if any changes are to be made, they would have to be considered very soon. Councilmembers Prestwich and Harward will meet Mr. Cloward at the site the following morning at 9:00 AM to inspect the construction. (Councilmember Prestwich will inform the Mayor, as well.) Councilmember Johnson will drive down to look at the road after the Council Meeting.

6:40 PM

PUBLIC HEARING/ORDINANCE RE: AMENDMENTS TO THE PROCEDURE FOR BONDING & DURABILITY ASSOCIATED WITH DEVELOPMENT

ROLL CALL

Mayor Pro tempore: Gary Prestwich; *City Council*: Alvin Harward & Mark Johnson, (Absent: Mayor Fritz, Councilmembers: Mary Rugg & Russell Sly); *Planning Commission Chairman*: Dennis Dunn; *Public*: Dennis Roberts; *City Recorder*: Janice H. Davis

At 6:40 PM, Mayor Pro tempore Gary Prestwich opened the Public Hearing.

This proposed ordinance will allow developers to bond using:

- Letters of Credit
- Performance Bonds
- Escrow Accounts

(Currently, the Code allows a choice between a Performance Bond or and Escrow Account.)

The other difference is that the Durability Bond and the Inspection Bond will be required up front in the form of an Escrow Account. This allows the City to track the money and to be assured of having access to the Bond if repairs or corrections to the improvements are needed and the developer should be declared in default.

All Councilmembers present were in favor of these changed to the bonding process.

Mayor Pro tempore Gary Prestwich closed the Public Hearing at 6:45 PM.

6:45 PM

CITY COUNCIL WORK SESSION

ROLL CALL

Mayor Pro tempore: Gary Prestwich; *City Council*: Alvin Harward & Mark Johnson, (Absent: Mayor Fritz, Councilmembers: Mary Rugg & Russell Sly); *Planning Commission Chairman*: Dennis Dunn; *Public*: Dennis Roberts; *City Recorder*: Janice H. Davis

PRV STATION
CONTRACT –
LDS CHURCH

City Recorder: The Contract submitted did not meet the specifications of the City. The change was made that establishes the LDS Church as the collector of the money for the installation of the PRV Station; however, the contract indicates that the City will take control of the PRV Station at the conclusion of the installation; the City would not take over responsibility until the conclusion of the durability time period...and it should be clear that the Durability Bond and the Inspection Bond are adjusted to cover the added cost of the PRV Station.

The Mayor sent a letter, dated November 18, 2004, to the LDS Church saying that the Church must meet the City's requirements. The Church objects to being the "collector" of the funds for the PRV Station, but the Mayor was very clear about the terms of the contract, if it is to be approved by the Council.

INTERLOCAL
AGREEMENT –
FIRE PROTECTION

Mark Johnson: Councilmember Johnson and the Fire Chief met with the Mayor of Woodland Hills and the Fire Chief from Woodland Hills.

(Memo from Councilmember Johnson):

Woodland Hills' Fire Chief approached Elk Ridge Fire Chief about a merger between the two fire depts. He proposed we build a station in the area of the cross roads between the two towns. This could work to our benefit in many ways. With this, we would have to have an agreement between the two towns that both towns would respond to emergencies in Elk Ridge and emergencies in Woodland Hills.

1. We could share in the cost of a new building that would be sufficient for all of our apparatuses.
2. If we do this for the fire depts., we might want to make it a municipal building with a big enough council room for the two towns and office space for each town, which both towns are in need of. The cost of the building would be split between the two towns.
3. With the safety of the fire dept. in mind, this could be very beneficial. We would be able to double the personnel, which we need at this time for both towns.
4. This would help our emergency medical team by allowing us to buy a used ambulance to share between the towns. We would be able to respond to calls with enough personnel to man the equipment. We could start receiving money from each medical call involving insurance that could help with the costs of running our emergency medical team.
5. This would help with the costs of training because we could split the costs. This would allow our towns' fire depts. to work together with more personnel, which is safer, and more cost effective.
6. Both towns are looking at growth north of existing homes, so this would be a logical place to put an emergency services building.

There will be more contact with Woodland Hills on January 1, 2005.

This could eventually become a District for both cities...the District would be its own taxing entity.

ZONE CHANGE
REQUEST:
RR-1 TO R1-15,000A
(CONTINUED)

Gary Prestwich: Clarified to Mr. Roberts that the Council would not be voting on the proposed rezone in this Council Meeting...the matter will be postponed until the next Council Meeting on 12-14-04. The Public Hearing requirement has been met, but the Councilmembers present were not comfortable with voting on the request until they get more answers on their concerns about animal rights on 1/3-acre lots and the location of the subdivision (if animal rights were included) being where the City plans higher density housing.

Mr. Roberts: Asked the Council if they would reconsider and proceed with the vote at this Meeting.

(The Council responded that if they voted at this Meeting, they would deny the request. They felt it would be better to have more of the Council present and have time to consider their expressed concerns.)

Mr. Roberts feels they have complied with the requirements of the City and should be granted the Zone Change request; the rules should not be changed at this point of their development process.

Does the Ordinance allow for animal rights in this area?

Gary Prestwich: The current zoning (RR-1) does allow animal rights, but on 1/2 acre.

Alvin Harward: There has been a re-zone on the first phase that allows animal rights on 1/3 acre; however, the Council does not feel comfortable to continue this zone. The fact that the land is contiguous with the 1st phase of the development is in the developer's favor.

Mark Johnson: Stated that the first decision to grant the rezone to the first phase should have considered these issues; however, they do not feel they should perpetuate the problem.

The Council has the right to deny a request for a zone change; but they felt they should seek legal counsel to determine the Council's ability to deny the request at this point in the development process.

Dennis Dunn: Read the regulations within the R1-15,000A Zone regarding animal rights.

Mr. Roberts: Requested a letter stating the Council's concerns...later, he withdrew that request.

He wanted it to be clear that Mr. Roberts feels the request should be granted.

*(The question remains: Does the Council have to grant the request for the Zone change with their concerns?)

After further discussion, Mr. Roberts agreed to come back to the Council Meeting on 12-14-04 for the Council vote on their request.

**ELK RIDGE
CITY COUNCIL MEETING
November 23, 2004**

**TIME & PLACE
OF MEETING**

This Regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, November 23, 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 to consider the proposed Rezoning a portion of the RR-1 Zone to R1-15,000A Zone. **The second Public Hearing, at 6:15 PM;** was on a Proposed Ordinance Amending the Elk Ridge City Code Providing for Amendments to the Procedure for Bonding & Durability Associated with Development.

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 November 19, 2004.

ROLL CALL

Mayor Pro tempore: Gary Prestwich; *City Council:* Alvin Harward & Mark Johnson, (Absent: Mayor Fritz, Councilmembers: Mary Rugg & Russell Sly); *Planning Commission Chairman:* Dennis Dunn; *Public:* Dennis Roberts; *City Recorder:* Janice H. Davis

**OPENING REMARKS
& PLEDGE OF
ALLEGIANCE**

An Invocation was offered by Alvin Harward and Mark Johnson led those present in the Pledge of Allegiance, for those willing to participate.

**AGENDA TIME
FRAME**

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO ACCEPT THE AGENDA TIME FRAME, ADJUSTING THE START TIME TO 7:22 PM
**VOTE: YES (3) NO (0) ABSENT (3) MAYOR FRITZ, MARY RUGG
RUSSELL SLY**

**ACTION ON
PUBLIC HEARINGS**

1. Proposed Rezone of RR-1 to R1-15,000A – Rocky Mountain Way Subdivision:
Action on this request has been postponed to the next Council Meeting on 12-14-04.

2. Ordinance re: Amendments to the Bonding Procedure & Development Durability:
MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR AMENDMENTS TO THE PROCEDURE FOR BONDING AND DURABILITY ASSOCIATED WITH DEVELOPMENT, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY & PROVIDING AN EFFECTIVE DATE
VOTE (POLL): AYE-MARK JOHNSON, AYE-ALVIN HARWARD, AYE-GARY PRESTWICH
NO (0) ABSENT (3) MAYOR FRITZ, MARY RUGG & RUSSELL SLY
Passes 3-0

PRV STATION
CONTRACT

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO APPROVE THE CONTRACT BETWEEN THE LDS CHURCH AND ELK RIDGE CITY FOR THE INSTALLATION OF THE PRV STATION REQUIRED AS PART OF THE BUILDING OF THE LDS STAKE CENTER; CONDITIONAL UPON THE CONDITIONS SET BY MAYOR FRITZ IN HIS LETTER TO THE LDS CHURCH, DATED NOVEMBER 18, 2004:

- 1. THE CITY WOULD TAKE RESPONSIBILITY OF THE IMPROVEMENTS (PRV STATION) AT THE CONCLUSION OF THE DURABILITY TIME PERIOD**
- 2. THE DURABILITY BOND AND THE INSPECTION BOND NEED TO BE ALTERED TO REFLECT THE ADDITIONAL COST OF THE PRV STATION**

VOTE: YES (3) NO (0) ABSENT (3) MAYOR FRITZ, MARY RUGG & RUSSELL SLY

AQUA ENGINEERING
WORK ORDER
AGREEMENT

Aqua Engineering has submitted Work Order Agreement #11-16-04A, which authorizes Aqua to perform services related to the Loafer Canyon Road Sewer Extension Project:

Engineering Design & Survey.....\$4,500 (Lump sum)
Bidding & Construction Management.....\$6,000 (Not to exceed without written approval)
Easement Survey & Preparations.....\$3,500 (Not to exceed without written approval)

Gary Prestwich: Prefers that Aqua not go out for bid for the roadwork on Loafer Canyon Road.

It was his understanding that the City would do some of the work on the road. Staker Asphalt was to come in and "grind up" the old road, then the trench for the sewer could be dug and the line installed, then the road could be finished.

Alvin Harward: This is simply the work order to collect the bids; the Council will still have to approve the contracts.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO APPROVE AQUA ENGINEERING WORK ORDER #11-16-04A

VOTE: YES (3) NO (0) ABSENT (3) MAYOR FRITZ, MARY RUGG & RUSSELL SLY

LOAFER RIDGE
SUBDIVISION,
PLAT B

1. Cash in Lieu of Final Road Correction:

As per Council direction, Mr. Nelson (developer) was to finish off cracks and have a slurry coat placed on Valley View Circle before the Durability Bond can be released. Mr. Nelson says the temperature is too cold to complete this work at this point in the season, and he requested that he be allowed to pay the City the amount to complete the project when the weather warms up...and to release the bond on this basis.

The Council accepted this proposal.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO ACCEPT CASH IN LIEU OF THE COMPLETION OF THE ROAD CORRECTIONS FOR LOAFER RIDGE SUBDIVISION, PLAT B; CONTINGENT UPON THE COST ESTIMATE FOR THE PROJECT BEING APPROVED BY GARY PRESTWICH

VOTE: YES (3) NO (0) ABSENT (3) MAYOR FRITZ, MARY RUGG & RUSSELL SLY

2. Final Acceptance of Improvements as Complete & Release of Durability Bond:

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO ACCEPT THE IMPROVEMENTS AS COMPLETE FOR LOAFER RIDGE SUBDIVISION, PLAT B; AND TO RELEASE THE DURABILITY BOND ONCE THE CITY IS PAID THE APPROVED AMOUNT FOR THE COMPLETION OF THE WORK ON VALLEY VIEW CIRCLE

VOTE: YES (3) NO (0) ABSENT (3) MAYOR FRITZ, MARY RUGG & RUSSELL SLY

SCHEDULE PUBLIC
HEARING

Vacation of Lot 30, Plat B & Lots 28 & 29, Plat E, Oak Bluff Estates:

Dennis Dunn (Planning Commission Chairman):

This is a proposed vacation to make three lots into two larger lots. There are existing homes on the two lots. (Owned by Mr. Glen Gabler and Russell Adamson)

This would create Oak Bluff Estates, Plat I.

There is a question on what happens to the water right assigned to the lot to be dissolved (Lot 29). Can a portion be sold? The Planning Commission recommends the existing water right be divided proportionally between the other two lots. The Council is to review the water right

requirement policy. There was a question on the amount of water right required for the two lots being enlarged. Will more right be necessary with the larger amount of property?
It was the general feeling of the Council present that the right stays with the land and does not belong to the landowner, as a share in a private water company does. They also felt that since there are existing homes on the lots, the right should be sufficient, if divided proportionally.

Gary Prestwich: Felt a legal opinion should be obtained on the water right issue.

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO SCHEDULE A PUBLIC HEARING TO CONSIDER THE VACATION OF LOT 30, PLAT B & LOTS 28 & 29, PLAT E, OAK BLUFF ESTATES, FOR DECEMBER 14, 2004, AT 6:30 PM

VOTE: YES (3) NO (0) ABSENT (3) MAYOR FRITZ, MARY RUGG & RUSSELL SLY

*If there are no written protests, the Public Hearing will not be required and can be removed from the Agenda.

EXPENDITURES: General: None

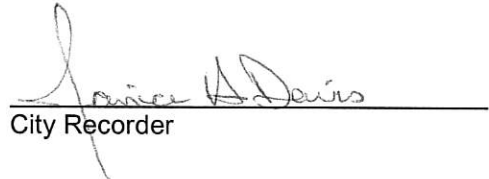
MINUTES The Council Minutes of 11-9-04:

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO APPROVE THE CITY COUNCIL MINUTES OF 11-9-04

VOTE: YES (3) NO (0) ABSENT (3) MAYOR FRITZ, MARY RUGG & RUSSELL SLY

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

VOTE: YES (3) NO (0) ABSENT (3) MAYOR FRITZ, MARY RUGG & RUSSELL SLY



City Recorder

NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, December 14, 2004, at 7:00 PM, to be preceded by a Council Work Session and a Public Hearing, at 6:30 PM,** on the proposed vacation & amendment of Lot 30 of Oak Bluff Estates, Plat B; and Lots 28 & 29 of Oak Bluff Estates, Plat E; and the subsequent approval of Oak Bluff Estates, Plat I.

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

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

6:00 PM CITY COUNCIL WORK SESSION

1. Audit Presentation/Jones Simkins, LLP – Curtis Roberts/Scott Swensen

6:30 PM 2. PUBLIC HEARING/VACATION & AMENDMENT OF LOT 30 OF OAK BLUFF ESTATES, PLAT B; & LOTS 28 & 29 OF OAK BLUFF ESTATES, PLAT E

Public Hearing/Proposed Approval of Oak Bluff Estates, Plat I, which is a Vacation of Lot 30 of Oak Bluff Estates, Plat B; and Lots 28 & 29 of Oak Bluff Estates, Plat E

CITY COUNCIL WORK SESSION/CONT.

Continuation of Audit Presentation/Jones Simkins, LLP – Curtis Roberts/Scott Swensen

7:00 - PM REGULAR COUNCIL MEETING AGENDA ITEMS:

Opening Remarks and Pledge of Allegiance

Approval/Agenda Time Frame

7:05 3. Action on Public Hearing:

A. Vacation of Lot 30, Oak Bluff Estates, Plat B; and Lots 28 & 29, Oak Bluff Estates, Plat E

B. Approval of Proposed Oak Bluff Estates, Plat I

7:15 4. City Council Acceptance/Denial of Page, Crocket, Freeze Annexation Petition

7:45 5. Allocation of Connections – Mr. Denning

7:55 6. Action/Proposed Zone Change from RR-1 to R1-15,000A – Mayor Fritz

8:10 7. 10" Water Line Project/Approval – Alvin Harward

8:20 A. Use of 2002 Bond Money – Alvin Harward

8:25 8. Acceptance of 10" Water Line Bid – Alvin Harward

8:35 9. Water/New Well Consideration – Mayor Fritz

8:45 10. Schedule Public Hearing: Proposed Ordinance Amending the Elk Ridge City Code Providing for Subdivision Improvements Related to Curb & Gutter

8:50 11. Acceptance of 2003/2004 Fiscal Year Audit for Elk Ridge City

8:55 12. Bookmobile Contract Renewal – Mayor Fritz

9:00 13. Interlocal Cooperation Agreement – Mayor Fritz

9:05 14. City Planner Contract – Mayor Fritz

9:10 15. John Peterson Subdivision/Acceptance of Improvements & Release of Durability Retainer

9:15 16. Expenditures:

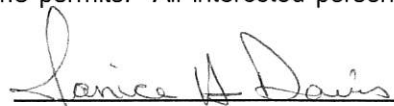
General

9:20 17. Minutes of Previous City Council Meetings

Adjournment

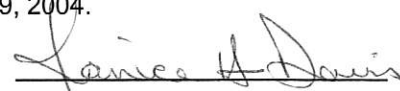
*Handicap Access, Upon Request. (48 Hours Notice)

The times that appear on this Agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 9th day of December, 2004.


City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and provided to each member of the Governing Body on December 9, 2004.


City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
December 14, 2004**

TIME & PLACE
OF MEETING

This Regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, December 14, 2004, at 7:00 PM.** It was preceded by a **Council Work Session**, and a **Public Hearing scheduled for 6:30 PM,** for the purpose of hearing public comment regarding a proposed Vacation & Amendment of Lot 30 of Oak Bluff Estates, Plat B; & Lots 28 & 29 of Oak Bluff Estates, Plat E. All interested persons were invited 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 December 9, 2004.

6:45 PM

CITY COUNCIL WORK SESSION

ROLL CALL

Mayor: Vernon L. Fritz; *City Council:* Gary Prestwich, Alvin Harward, Mark Johnson, Mary Rugg & Russell Sly; *Sheriff:* Deputy Dave Oliver; *Administrative Assistant:* Ernestine Folks; *Jones Simkins LLP (CPA):* Scott Swenson; *Daily Herald:* Caleb Warnock; *Public:* Paul Eddy, Alan Hughes, Randy G. Yong, Curtis Page, Glen Gabler, Richard White, Dane Kimber, Reed Page, Tracy & Darin Magoffin, Laura & Michael Ashton, Michael Brockbank, Eric Rassi, Robert J. Wright, Dennis Roberts; *Scout:* Ryan Magoffin; and
City Recorder: Janice H. Davis

AUDIT
PRESENTATION
2003/2004 YEAR

Scott Swenson (Representing Jones Simkins LLP...CPA/Auditors):

Mr. Swensen reviewed the Management Letter with the Council:

The Audit revealed "no material weaknesses" in the accounting system for the City.

General Recommendations:

1. Recommendations made by the Auditors should be discussed and followed up on and reflected in the Council minutes prior to the adoption of next year's budget.
2. *As regulatory bodies continue to issue accounting and auditing standards that place significant additional responsibilities on management, the Council should monitor & evaluate the impact of any new regulations on the staff and management of the City. In the opinion of the Auditors, the regulatory environment is going to continue to be burdensome and may require additional resources from both management and external auditors. (Periodic reviews from an outside CPA may be required in the future. The Auditors must "audit" and avoid too many "clean-up" adjustments.)

State Compliance:

1. The City's General Fund balance exceeds the statutory limit of 18% of the budgeted revenue for the fiscal year. (The City will transfer a portion of the fund balance out of the General Fund & into the Future Improvements Capital Projects Fund.)

Controls:

1. The staff began the implementation of a detailed checklist to outline key reconciliations and procedures to be performed at each month-end as recommended during last year's audit. During the course of the Audit for this past year, suggestions were made to add more steps to the checklist. (The staff will continue to follow the recommended checklists and Management will continue to monitor the use of the checklist.)

Page 4: "Management Discussion & Analysis"

The City Recorder prepared this analysis, with some assistance from the Auditor. This is the first year the analysis has been required. This first year is a basic analysis of the City's financial status; future years will be more of a comparison.

GASB 34 is an attempt to report the City's finances as if the City were a business...a "full accrual system". This idea originated with the lending agencies wanting to understand the financial reports of the municipalities seeking bonding.

Page 10: "Profit/Loss": Summarizes the Expenses vs., Revenues from various sources and compares "government activities" with "business-type" activities. When looking at the General Fund (Government-type). It appears that the City is at -\$279,554; however, this does not include taxes, transfers & other miscellaneous sources of revenue.

6:30 PM

PUBLIC HEARING/VACATION OF LOT 309, OAK BLUFF ESTATES, PLAT B; & LOTS 28 & 29 OF OAK BLUFF ESTATES, PLAT E

according to the Utah Code, if there are no written protests to the proposed vacation, the Public Hearing is not required. There were no protests.
The Public Hearing was cancelled.

CONTINUATION OF WORK SESSION

Government Activities had net assets ending at \$3,564,644
Business-type Activities had net assets ending at \$2,075,879

Pages 16 - 17 (Sewer Fund.):

Total "Operating Revenue" has not changed much from last fiscal year; but total "Operating Expenditures" have increased due to improvements on the sewer plant to meet non-compliance measures. This resulted in a Net Loss of -\$30,174. The one-time repairs to the plant may not continue, but the operating expenses will continue to increase. The recommendation is to consider raising the rate for sewer service to the residents. This is not an option the Council wants to consider, but they understand that they may have to if the Sewer Fund is going to be able to operate without a loss. We could use retained earnings for a couple of years, but the City would be using up cash rather than building cash for expected major projects in the near future. The Council has discussed having Jones Simkins do a five-year forecast for the Sewer Fund; this should be done, as well as an update on the Sewer Impact Fee Study.

Of "retained Earnings" (Sewer = \$262,658) the City must hold back about 3 months of operating cash, which = about \$50,000. This leaves about \$210,000 that is available for projects.

Pages 15 – 17 (Water Fund):

Since the water rates were raised to bring the Water Fund out of a similar place that the Sewer Fund is in, there has been a net increase. This is meant to build to assist in the planned projects of a new well and storage tank, as well as replace existing lines that are wearing out, upgrade lines to a larger size to meet code and improve the system over-all.

Net Income = \$138,724 for the 2003/2004 fiscal year.

Unrestricted Retained Earnings = \$194,341 (less 3 months working capital of about \$100,000), Leaves about \$94,000 to be able to spend on projects (example: 10" line upgrade connecting to the Cloward Well).

Mr. Swenson said that perhaps 100% of the line upgrade could qualify for the use of impact fees. (Water Impact Fees = \$136,838)

Storm Drainage Fund: At this point is sustaining itself, but the revenue collected would not cover any major projects.

Approval of the Audit was postponed until the next Council Meeting to give the Councilmembers a chance to review the report and ask any questions.

**ELK RIDGE
CITY COUNCIL MEETING
December 14, 2004**

TIME & PLACE
OF MEETING

This Regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, December 14, 2004, at 7:00 PM.** It was preceded by a **Council Work Session**, and a **Public Hearing scheduled for 6:30 PM (Cancelled)**, for the purpose of hearing public comment regarding a proposed Vacation & Amendment of Lot 30 of Oak Bluff Estates, Plat B; & Lots 28 & 29 of Oak Bluff Estates, Plat E.

All interested persons were invited 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 December 9, 2004.

ROLL CALL

Mayor: Vernon L. Fritz; *City Council:* Gary Prestwich, Alvin Harward, Mark Johnson, Mary Rugg & Russell Sly; *Sheriff:* Deputy Dave Oliver; *Administrative Assistant:* Ernestine Folks; *Daily Herald:* Caleb Warnock; *Public:* Paul Eddy, Alan Hughes, Randy G. Yong, Curtis Page, Glen Gabler, Richard White, Dane Kimber, Reed Page, Tracy & Darin Magoffin, Laura & Michael Ashton, Michael Brockbank, Eric Rassi, Robert J. Wright, Dennis Roberts; *Scout:* Ryan Magoffin; and *City Recorder:* Janice H. Davis

7:00 PM

REGULAR CITY COUNCIL AGENDA ITEMS:

OPENING REMARKS
& PLEDGE OF
ALLEGIANCE

An Invocation was offered by Mary Rugg and Alvin Harward led those present in the Pledge of Allegiance, for those willing to participate.

AGENDA TIME
FRAME

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESTWICH TO APPROVE THE AGENDA TIME FRAME, ADVANCING AGENDA ITEMS 10-17 TO BE CONSIDERED AFTER ITEM #3, TO GIVE COUNCILMEMBER JOHNSON THE TIME TO RETURN TO THE MEETING

VOTE: YES (4) NO (0) ABSENT (1) MARK JOHNSON

*(Councilmember Johnson responded to a call to the Fire Dept. and he had input on items 10-17.)

ACTION ON
SCHEDULED
PUBLIC HEARING

1. Vacation of Lot 30, Oak Bluff Estates, Plat B; & Lots 28 & 29 of Oak Bluff Estates, Plat E: Ernestine Folks: The Planning Commission sent forth recommendations to the Council:

1. Approve the proposed vacation. This would combine three lots and create two larger lots as one separate subdivision, Oak Bluff Estates, Plat I.
2. The Council should obtain legal counsel on the water right issue. (Mr. Gabler would like to retain ownership of the entire water right assigned to the lot to be divided; or he would like to sell a portion of the water right to the other lot owner. The question: Can the right be sold from one person to another, or retained by Mr. Gabler, since it is assigned to the land, not a person? The Mayor did speak with the Water Rights Attorney in Salt Lake City...he inferred that the right stays with the land; HOWEVER, THE mayor did not have all the information he needed for the Attorney. This needs to be further clarified, so this issue will not be settled this night.)
3. It was indicated that the minimum requirement for water rights be met by dividing the extra right proportionately between the two lots.
4. Sometime in the near future, the Council should review the existing current water right policy.
5. The Plat is to be corrected to reflect the public utility easement rotations, required by the Elk Ridge City Standards, prior to the recording of the Plat.

Utility companies have responded and they do not have a problem with the proposed action.

Public Works (Elk Ridge) indicated they would like Mr. Gabler to remove the water can for the lot to be divided.

There has been no evidence of any material injury to any party.

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY ALVIN HARWARD TO DECLARE THAT THE COUNCIL FINDS THAT THERE WILL BE NO MATERIAL INJURY AS A RESULT OF THE PROPOSED VACATION; AND TO GRANT THE VACATION OF LOT 30, PLAT B, OAK BLUFF ESTATES, & LOTS 28 & 29, PLAT E, OAK BLUFF ESTATES

VOTE: YES (5) NO (0)

*(Councilmember Johnson returned to the Meeting.)

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO APPROVE OAK BLUFF ESTATES, PLAT I

VOTE: YES (5) NO (0)

(The water right issue will be addressed at another time.)

ANNEXATION
PETITION -
ACCEPTANCE OR
DENIAL

Mr. Randy Young, acting as the Contact Sponsor for the combined annexation request for three parcels of land described as: 1) Page Annexation 2) Crockatt Annexation 3) Frazee Annexation, was present to address the Council.

The proposed Annexation is north of the City, beginning at the corner of Goosenest Drive and Elk Ridge Drive (1600 West); extending northeast to just across the County Road connecting to Woodland Hills. It includes a total of approximately 122 acres, currently located in Utah County. The proposed development (submitted in the form of a "concept map") shows 1/3-acre to nearly 1-acre lots on the Page property, approximately 11,000 to 14,000 sq. ft. lots on the Crockatt parcel and higher density (twin homes and/or condominiums on the Frazee property). The petition requests the zoning be R-1-12,000 PUD. Open spaces would also be included in the development. Most of this current plan has much lower density than the previous submittal.

Mr. Young has reviewed the City's Master Plan and has taken the City's Missions Statement and intent into consideration as he has gone forward in preparing the Petition.

Mr. Young has contacted the affected entities.

Mayor Fritz: Commented that there would be considerable opposition to smaller lots, such as the 11,000 - 12,000 sq. ft. lots. (Mr. Young is willing to work with the City in whatever way he can to meet the City's expectations.) Payson City is not anticipating a possible sewerage contract with Elk Ridge any sooner than late fall...perhaps late November. At that rate, pipe would not be laid until the spring of 2006. (Mr. Young realizes this and said that his objective is to get as far along in the process as possible to be able to move forward.)

The Mayor wanted Mr. Young to understand clearly that there will be limited forward progress until Elk Ridge has a contract with Payson City and until there is a resolution with Salem for additional effluent.

(Mr. Young agrees. His objective is simply to get the annexation, with zoning approval; realizing that everything is on hold until the sewerage is taken care of.)

Mary Rugg: Questioned the higher density portion of the plan. (The intent is to put town-homes in the area across the County Rd.)

City Recorder: Clarified that the annexation could take place and the property could sit undeveloped until conditions allowed the process to move forward. (Mr. Young understands the risk involved.) Any action taken to accept the petition does not insure that the annexation will eventually be approved. An acceptance of the petition simply allows the details to be considered.

Gary Prestwich: Feels that anything denser than single-family dwellings would be met with much opposition.

Mayor Fritz: Pointed out that there are things that he and Mr. Young have talked about regarding improvements Mr. Young would be willing to participate in to benefit the City. (All these things would be included in the "terms of annexation.")

Gary Prestwich: RE: Storm water run-off

Of the available option in handling run-off, Councilmember Prestwich prefers retention basins. He asked what Mr. Young has planned.

(Mr. Young responded that he would have their engineer, along with the City's Engineer, examine this area and make recommendations; but, generally they plan on having on-site retention.)

Mary Rugg: In Mr. Young's opinion, how will this annexation/development add to the Community?

Mr. Young:

1. Added infrastructure would be a huge benefit. He refers to aesthetically planned landscaping combined with open spaces. It would further beautify Elk Ridge.

3. People in Utah County would like to live close to a golf course and to a Community that is "up & coming" while being a good place to raise their children.

He would choose 4 to 5 upper-end homebuilders to build the homes in their development.

Price range: entry level would be minimum \$265,000 to 300,000 & \$400,000 homes and up.

Mayor Fritz: Read a written letter from a former Councilmember who has worked in City government for years. He is currently the City Administrator for Bluffdale, UT. As well as a citizen of Elk Ridge. The letter was written to give some advice to the Council as far as the pending annexation is concerned. (Brent Bluth submitted the letter, since he could not attend the Meeting.)

Taken from Brent Bluth's letter, dated December 14, 2004:

"During my 23 years of government I have had the chance to deal with large and small scale developers in large and small developments. I have been involved in many annexations and even some disconnections. One thing I have learned is that all developers are not created equal, yet all developers have the same goal. I will be the first to admit that annexation can be a good or a bad thing. Much depends on the circumstances, geography, finances, density, utilities, politics and, literally several hundred other factors that need to be taken into consideration."

..."If the right questions are not asked, and answered, the developer will not volunteer the information necessary for you to make a well-informed decision."

..."An annexation agreement should always be negotiated and signed as part of the annexation."

Mr. Bluth has volunteered his services to assist the City through this process. He has several other recommendations that the Mayor feels has merit.

The Mayor does not feel competent to know what questions to ask and feel the Council should take advantage of professional, outside help, when available.

The Mayor has no difficulty in allowing the Petition to go forward to the next stage of the annexation process, as long as Mr. Young understands that there are some obstacles to overcome. (Mr. Young realizes he may not get everything he asks for, but hopes the requested zoning could be tied to the annexation.)

The Mayor is in favor of Elk Ridge annexing north to the Highline Canal. The City would then be in control of the development of that area.

Russell Sly: This is within Elk Ridge's declared area of annexation. He feels, if done right, this could be beneficial to the City.

The Mayor requested that the City Recorder review the annexation process and the steps involved. She referred to the Utah Code, Section 10-2-403, 10-2-405 & 10-2-406. This is not a quick process.

The Mayor allowed brief questioning/comments from the Public:

1. With higher density comes more children. The need could arise for an additional school. Has this been considered? (Nebo School District will be notified of the proposed annexation, in fact the School District has already expressed interest in some of this land.)
2. How many new homes would this proposed development bring to the Community? (Mr. Young estimates at approximately 260 homes.)

Ernestine Folks:

- Elk Ridge needs to plan for growth and the proposed annexation is within the City's General Plan. She feels it is a good plan.
- Elk Ridge already has smaller sized lots. When the Community was incorporated, we already had a zone that allowed 11,000 sq. ft. lots. This is not new to Elk Ridge. In the next few weeks, she will try to pinpoint those lots so the Council can take a look at them. They do not depreciate the value of the neighborhood. We need to be open to these suggestions.

The Mayor called for a vote on accepting or denying the submitted Petition for Annexation.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO ACCEPT THE PETITION FOR ANNEXATION FOR THE PROPERTY IDENTIFIED AS THE PAGE FARMS - CROCKATT ANNEXATION

VOTE: YES (5)

NO (0)

**ALLOCATION OF
CONNECTIONS –
DENNING**

Mr. Denning was not present.

*An address or phone number is needed.

**ACTION ON
PROPOSED ZONE
CHANGE –
RR-1 TO R1-15,000A**

The Public Hearing was held in conjunction with the previous Council Meeting. There were only 3 voting members of the Council present at that Meeting. They decided to postpone the vote on the request for Zone change to allow time to contact the City Attorney on the matter of the ability to deny the request, since the Council has already approved the first Zone Change for The first phase of this development (Rocky Mountain Way Subdivision).

Dennis Roberts: (Present representing Rocky Mountain Way Subdivision)

When this subdivision process began, the intention was to include this 5-acre parcel into the first phase. It was their mistake that it was not. They are requesting that this 5-acres be treated the same as the first phase. That is why the request for re-zoning from RR-1 to R1-15,000A.

Council comments:

Mark Johnson: Councilmember Johnson has studied other cities on this issue. He found that Utah County requires at least 1-acre to allow animal rights (1 horse) and an additional 1/2 –acre for each additional horse. Other cities, such as Springville, Mapleton & Salem have the same requirement as the County. The current ordinance does not indicate certain information regarding minimum square footage required for the enclosure for an animal. This needs to be re-addressed. The previous Code did include this information. He would like to see this information back in the City Code. Neighbors must be protected from being too close to areas where the animals are maintained.

Ernestine Folks: The current Code leaves the decision about what is a “reasonable” amount of space for the animals up to the Zoning Administrator. He would rely on other professional sources, such as the County Health Dept. and the Humane Society, to assist him in rendering a decision. Setbacks from existing buildings are taken into consideration.

The City Planner indicated that Santaquin has a zone that allows even smaller lots than 1/3-acre, with animal rights, as well as other cities.

Even though animal rights are allowed, the individual property owner still has to meet certain criteria to actually have an animal on the property. It could be that not everyone would qualify.

(This same scenario exists in the Loafer Canyon and Bridger Lane areas of the City, where limited animal rights are included in the Zone.)

Mayor Fritz: Pointed out that not everyone moving into the area will want to own horses; but they will move into the area with the knowing that animal rights are allowed in that zone.

If the horses do not become a nuisance, he personally does not see a problem with allowing animal rights on 1/3-acre. Nine acres have already been approved with animal rights.

He recommends approval of these five acres, with animal rights and then to consider amending the ordinance.

Russell Sly: Questioned how “grand-fathering” works within a zone. (It was explained that animal rights stay with a piece of property even if the zone changes, if the use is continuous and uninterrupted.)

*David Church’s (City Attorney) response: “In regards to your question about zoning for animal rights: The answer to this question is the same for any decision regarding zoning. Zoning is discretionary and legislative in nature. If a zoning decision is challenged in court, the court will uphold the City’s decision, if the decision is reasonably debatable. This is a very low standard. It is my opinion that if the City Council decides to not allow animal rights on a particular piece of property, a court will concur in that position if it is clear from the record that the reason for the decision is to avoid conflicts between property with animal rights and property without animal rights and there is evidence in the record of the decision that these types of potential conflicts will exist. That is the type of rational decision that courts generally will not second-guess.”

Alvin Harward: Apologized for the previous decision of the Council’s to approve the first request to re-zone the initial nine acres to allow animal rights, resulting in the developers’ anticipation that animal rights would be approved for the second request for the added five acres. In his opinion, the Council made a mistake with the last approval and he does not wish to repeat the same mistake on the five acres. Councilmember Harward has raised horses and though he has “wrestled” with this issue and he does not feel 15,000 square ft. is adequate for a home and a horse.

Russell Sly: Has also had horses and he agrees with Councilmember Sly; he does not feel 1/3 acre is adequate for a horse.

Mary Rugg: The recommendation from the Planning Commission has come forward to approve the change. She does not see why the request should be sent back to the Planning Commission if they agree with the change.

How locked in to the Master Plan is the Council? (The Mayor responded that it is a “working document”.)

Alvin Harward: Added that the Planning Commission is a recommending body and will act as directed by the Council.

Gary Prestwich: Referred to his question to Dennis Dunn (Planning Commission Chair) regarding his opinion. Mr. Dunn said his personal opinion was that 1/3-acre is too small for animal rights.

Ernestine Folks: The Planning Commission can only send forth recommendations based on the General Plan and the current ordinances.

Russell Sly: Does not feel that the lack of animal rights on this piece of property will appreciably affect the value of the proposed lots.

Comments: (Mr. Roberts)

He has listened to the discussion and apparently there are other lots in the Community that have animal rights. (Response: They are larger lots than 1/3-acre.)

Concerns:

1. They want the process to move along.
2. This issue could probably solve itself in that majority of their prospective customers would usually not put animals on the property.
3. They seem to be caught in the middle of a possible change in the ordinance. What else could be required of them? They began under one set of rules and not feel they should have the rules change.
4. He sees the possibility of higher density surrounding their property with the proposed Annexation. He also noted that the developer for that project is not going to get all they requested.

Alvin Harward: Based on Mr. Roberts' comment regarding most of the buyers not wanting animals; he does not see how the project will be hurt if animal rights are eliminated on the added five acres.

City Recorder: 1) Cautioned against comments that would indicate any final decisions regarding one development or another. Assumptions should not be made at this point in time.

2) The laws ("rules") are not being changed mid-stream in their development process. The Dubois property is currently located in the RR-1 Zone, which allows animals on larger lots. The developers are requesting the change.

(The question would be: if the request were changed to RR-1 to R1-15, 000, would this require The Planning Commission to reconsider the matter and make another recommendation? Would an additional Public Hearing be required?)

Mr. Roberts: Asked the Council, on what basis would their request be denied? Would it be based on personal preference. There would be somewhat of an economic hardship if the lots were left at 1/2-acre.

Mary Rugg: The decision would be based on the fact that the zoning already states that the property must be not less than 1/2-acre lots. They are asking for something different than what exists.

Mark Johnson: One request is not necessarily tied to the other. There are two separate requests.

Alvin Harward: The decisions made by the Council do reflect personal preference of each of the Councilmembers and the feedback received by the Council.

Mayor Fritz called for a vote from the Council, reminding the Council that he recommends approval.

(The options are clear: to approve or deny *this* particular request.)

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO DENY THE REQUEST MADE BY MR. DUBOIS TO REZONE FIVE ACRES FROM RR-1 ZONE TO R-1-15,000A ZONE

VOTE: YES (4)

NO (1) MARY RUGG

*Mr. Roberts requested a copy of the minutes of the Meeting.

10" WATER LINE PROJECT

1. (Approval or Denial)

Alvin Harward: The upgrade to the line connecting the Cloward Well to Salem Hills Drive, to a 10" line: He recommends approval of the project.

The only thing that has been approved was to accept bids from contractors.

According to the CPA, impact fees could be used for this project.

MOTION WAS MADE BY ALVIN HARWARD TO APPROVE THE PROJECT OF UPGRADING THE WATER LINE CONNECTING CLOWARD WELL TO SALEM HILLS DRIVE, TO A 10" LINE

VOTE: YES (4)

NO (1) MARY RUGG

2. (Use of the excess 2002 Bond Money)

In an email from the CPA (Auditors), Mr. Scott Swensen offered three options:

- Pay the money back to the State and thereby reduce the associated debt and then pay for future water fund projects with Water Fund profits or future borrowings of money.

- Pay for the projects you want to do with the \$64K and then pass a Council resolution to service Water Fund debt with impact fee collections first before using other Water Fund revenues.
- Pay for the projects you want to do with the \$64K. If you can substantiate that the City has spent money in the past on impact fee qualified projects in excess of cumulative impact fee collections during that same time frame, you could claim reimbursement now from current impact fee collections.

If the City decides to use the \$64K for current projects, Mr. Swensen recommended #2 of his recommendations.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO PAY FOR THE 10' WATER LINE PROJECT WITH THE EXCESS 2002 BOND MONEY FIRST; AND THEN PAY FOR THE REMAINDER OF THE PROJECT WITH IMPACT FEES AND RETAINED EARNINGS FROM THE WATER FUND

Discussion:

Mary Rugg: Why pay interest on this extra amount of Bond money; and why has the City not turned that money back in to the State?

(Interest does not begin to accrue until the money is in use by the City. Councilmember Harward feels this is lower interest money than the City could obtain by other means. That was also the recommendation of the CPA for the City.)

VOTE: YES (4)

NO (1) MARY RUGG

10" WATER LINE BID
ACCEPTANCE

Alvin Harward: Aqua Engineering collected the bids from contractors on the 10" water line project. The lowest bid came in at \$116,230 from Western Quality Concrete.

Aqua Engineering has no problem with this particular company.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RUSSELL SLY TO ACCEPT THE BID OF \$116,230 FROM WESTERN QUALITY CONCRETE TO DO THE 10" WATER LINE PROJECT

VOTE: YES (4)

NO (0) MARY RUGG

WATER DEPT. –
NEW WELL
CONSIDERATION

Alvin Harward: He and the Mayor have had conversations regarding the matter of water becoming more of an issue with the State. They are beginning to issue more regulations about use of water. He and the Mayor feel, that with the City's anticipated growth, we should submit another petition to the State to drill a new well and begin the process.

Councilmember Harward has contacted Michael Georgeson (a former director of the State Drinking Water Board; currently with an engineering firm) and he is going to give the City a bid on the cost of preparing all the paperwork to submit to the State.

Mayor Fritz: There are two issues Mr. Georgeson has been asked to look into:

1. The State is conducting a study to determine whether or not they have over-allocated the amount of water that can be pulled from the aquifers.

There may come a time when restrictions are placed on new wells.

2. Mr. Georgeson suggested that the City pursue both the permission to drill a well and the financing of the project as simultaneous actions.

This is a project that will take time; and he feels the timing is right to begin this process.

Alvin Harward: There is also another option under consideration: the possibility of transferring rights from one well that is not producing to a new well. The old well would be capped.

As a point of interest: Springville was just denied permission to drill a new well because they are not using 75% of the water they have access to. Elk Ridge needs to verify how much of the water we are using. If the City is not using 75% of the water we have rights to, the State can take it away from us.

(LEI Engineering has been working on proving up on our water rights with the State.)

The Tank Bond is due to retire in 2007. That would free up revenue for a bond payment on a new well.

*Councilmember Harward is gathering information and costs involved to present to the Council.)

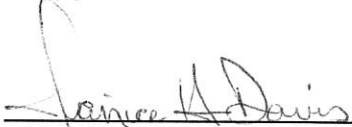
The Council was generally in favor of considering this project.

SCHEDULE PUBLIC HEARING	<p>Proposed Ordinance Amending the Elk Ridge City Code Providing for Subdivision Improvements related to Curb & Gutter:</p> <p>MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY MARK JOHNSON TO SCHEDULE A PUBLIC HEARING ON JANUARY 11, 2004, AT 6:05 PM. TO CONSIDER A PROPOSED ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR SUBDIVISION IMPROVEMENTS RELATED TO CURB & GUTTER</p> <p>VOTE: YES (5) NO (0)</p>
2003/2004 FISCAL YEAR AUDIT – APPROVAL	<p>*Approval was postponed until the next Council Meeting to give the Council time to review the Audit report.</p>
BOOKMOBILE CONTRACT RENEWAL	<p>The Bookmobile Contract is renewed annually. The cost remains the same AT \$2,880.</p> <p>MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY MARY RUGG TO APPROVE THE INTERLOCAL COOPERATION AGREEMENT BY AND BETWEEN UTAH COUNTY AND ELK RIDGE CITY REGARDING LIBRARY AND BOOKMOBILE SERVICES FOR 2005, WITH THE STOP-OFF LOCATION AT CITY HALL</p> <p>VOTE: YES (5) NO (0)</p>
INTERLOCAL COOPERATION AGREEMENT	<p><u>Mayor Fritz</u>: This is an agreement to permit named cities (Utah County) to cooperate with each other in common matters. The agreement is for ten years with an opinion to terminate with at least a window prior to July 1, of any given year.</p> <p>The Mayor sent the contract to David Church to review and he had no comment, negative or otherwise.</p> <p>This agreement allows one city to call for assistance with matters form other cities in the Co-op.</p> <p>MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RUSSELL SLY TO APPROVE THE INTERLOCAL COOPERATION AGGREEMENT BETWEEN UTAH COUNTY AND CERTAIN NAMED CITIES IN UTAH COUNTY</p> <p>VOTE: YES (5) NO (0)</p>
CITY PLANNER CONTRACT	<p><u>Mayor Fritz</u>: This is a proposed contract between Elk Ridge and the new City Planner, Mr. Ken Young. The contract is to be for either one year of three years, with an opt-out by either party with sixty days notice or some other time period.</p> <p>Negotiations are still being conducted. David Church has a copy to review.</p> <p>It was noted that, according to the draft contract from Mr. Young, he is only planning on being in the office on Thursdays for a couple f hours.</p> <p>There is also a question on "travel time" to and from the City office. It also says that he will only make minor reviews and recommendations to amendments to the City Code. These concerns need to be addressed.</p> <p>MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESTWICH TO ACCEPT THE CONTRACT BETWEEN MR. KEN YOUNG, AS THE CITY PLANNER, AND THE CITY; CONTINGENT UPON THE MAYOR'S AND THE STAFF'S FINAL APPROVAL</p> <p>VOTE: YES (5) NO (0)</p>
JOHN PETERSON SUBDIVISION, PLAT A	<p>LEI letter dated July 8, 2004, Ernie Thornton recommended release of the durability bond; however, the "as-builts" had not been submitted to the City. The "as-builts" have been submitted and the bond is ready to be released.</p> <p>MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RUSSELL SLY TO ACCEPT THE SUBDIVISION IMPROVEMENTS AS COMPLETE FOR THE JOHN PETERSON SUBDIVISION, PLAT A,' AND TO RELEASE THE DURABILITY RETAINER</p> <p>VOTE: YES (5) NO (0)</p>
EXPENDITURES:	<p>General: None</p>
MINUTES	<p>The Council Minutes of 11-23-04:</p> <p>MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY GARY PRESTWICH TO APPROVE THE CITY COUNCIL MINUTES OF 11-23-04</p> <p>VOTE: YES (5) NO (0)</p>

ADJOURNMENT

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY GARY PRESTWICH TO
ADJOURN THE CITY COUNCIL MEETING
VOTE: YES (5)**

NO (0)



City Recorder

NOTICE & AGENDA

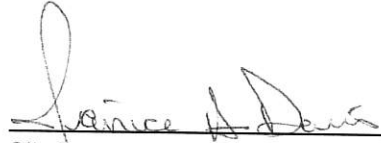
Notice is hereby given that the City Council of Elk Ridge cancels their regular **City Council Meeting for Tuesday, December 28, 2004, at 7:00 PM.**

The meeting was to be held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

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

CANCELLED

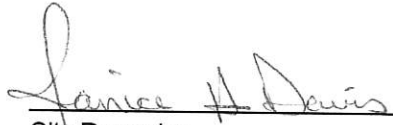
Dated December 21, 2004.



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 Cancellation was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and mailed to each member of the Governing Body on December 21, 2004



City Recorder