

AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, September 13, 2005, at 6:00 PM.**

(PREVIOUSLY SCHEDULED PUBLIC HEARINGS ARE CANCELLED DUE TO PUBLICATION ERROR)

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

6:00 - PM REGULAR COUNCIL MEETING AGENDA ITEMS:

Opening Remarks and Pledge of Allegiance

Approval/Agenda Time Frame

6:00 1. Eagle Scout Presentation – Buddy Adams

6:05 2. RL Yergensen/Final Asphalt Layer – Mayor Fritz

6:15 3. Schedule Public Hearings:

A. Ordinance/PUD Amendments

B. Ordinance/Land Use Element & Future Land Use Map of the Elk Ridge City General Plan

C. Proposed Page Farms – Crockatt Annexation

(Including the Ordinance of Annexation)

D. Vacation of Lot #3 of Oak Bluff Estates, Plat C and Lot #1 of Oak Bluff Estates, Plat H

(Approval of Oak Bluff Estates, Plat J)

E. Ordinance/Amending the Elk Ridge City Code Providing for the Permitted Uses in Zones

Allowing the Raising, Care & Keeping of Livestock & Fowl

F. Ordinance/Amending Section 10-15C-2 of the Elk Ridge City Code; RE: Full-Width Roads

6:30 4. Wastewater Impact Fee Study & Capital Improvement Plan – Russell Sly

6:35 5. Animal Control Interlocal Agreement – Mayor Fritz

6:45 6. Appointment of Planning Commission Member – Mayor Fritz

6:50 7. Old Fire Truck – Mark Johnson

6:55 8. Volleyball Court Discussion – Mayor Fritz & Mary Rugg

7:10 9. New Well Site – Mayor Fritz & Bruce ward

7:25 10. Interlocal Agreement with Salem City/Elk Ridge RE: Shared Engineer – Mayor Fritz

7:35 11. NIMS – Fire Dept. – Chief Olson

7:50 12. Lien Releases:

A. Dennis Shuler

B. Leonhardt Schroedter

7:55 13. Discussion - Council Consideration of an Ordinance Regarding Pigeons

8:05 14. Resolution/Qwest "True-up" of Local Charges

8:10 15. Audit Proposal for Jones Simkins, LLC: 2004/2005 Fiscal Year

8:15 16. Proposal/Storage Site –Mayor Fritz

8:25 17. Expenditures:

General

8:30 18. Minutes of Previous City Council Meetings

Adjournment

*Non-Heap Access, Upon Receipt, 143 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 September, 2005.

City Recorder

CERTIFICATION

I, City Recorder for the municipality of Elk Ridge, do hereby certify that the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and provided September 8, 2005; & an Amended Agenda on 9-9-05.

City Recorder

ELK RIDGE
CITY COUNCIL MEETING
September 13, 2005

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TIME & PLACE
OF MEETING

The regular Meeting of the Elk Ridge City Council, was scheduled for Tuesday, September 13, 2005, at 7:00 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 September 8, 2005: and an Amended Agenda on 9-9-05.

6:00 PM

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CITY COUNCIL REGULAR SESSION AGENDA ITEMS

ROLL CALL

Mayor: Vernon L. Fritz; *City Council:* Alvin L. Harward, Gary Prestwich, Mary Rugg, Russell Sly, Mark Johnson; *City Engineer (Aqua):* Bruce Ward, Brent Arns, Brad Rasmussen; *Planning Commission:* Chad Christensen, Russ Adamson; *Public:* Anette Brigham, Gerald Adams, Gerald Adams, Jr., Gary Smith, Spencer Quass, Abe Austin, Taylor Quass, Torie Ashton; & *City Recorder:* Janice H. Davis

OPENING
REMARKS &
PLEDGE OF
ALLEGIANCE

Opening Remarks (prayer) were offered by Councilmember Mary Rugg, after which the Pledge of Allegiance was led by Councilmember Russell Sly, for those wishing to participate.

AGENDA TIME
FRAME

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESTWICH TO APPROVE THE AGENDA TIME FRAME

VOTE: YES (3)

NO (0)

ABSENT FROM VOTE: (2) ALVIN HARWARD & MARK JOHNSON

EAGLE SCOUT
PRESENTATION

Buddy Adams:

Scout Buddy Adams proposed assisting the City in saving money by making some of the games for the 4th of July Celebration. Every year the City spends money on the games used for the carnival associated with the Celebration. He proposed making 6 games so the City could store them from year to year.

Certain contractors will donate time, materials & machinery to the Project. The games would be constructed to facilitate easy storage.

Councilmember Rugg feels this scout would be responsible and do a good job. She recommends approval.

Games: (1) Putting Game, (2) Football Toss, (3) Rainbow Roll, (4) Bowling Game, (5) 3 in a Row Bean Bag Toss & (6) Basketball Hoop Shoot

The Council approved the Project.

*Mayor Fritz: Asked that Scout Adams report back to the Council upon completion of the Project.

RL YERGENSEN –
FINAL ASPHALT
LAYER

Mayor Fritz: R.L. Yergensen is the contractor involved with Oak Hill Estates, Plats A & C; and as such, was responsible for the installation of the subdivision improvements. Initially, 2 1/2" of asphalt was laid down (required standard). The Ordinance states that when about 80% of the Homes are built, a one inch "cap" would be required over the top of the improvements. With the increasing price of oil and oil-based products, if Mr. Yergensen waits until spring of 2006, the prices may run over about \$5,000. He request is requesting permission to lay the cap on now in the fall, rather than waiting.

Comments:

Gary Prestwich: The purpose of the regulation was to finish the road off after 80% of the homes are done and all the heavy equipment is finished tearing things up. He sees no particular reason why Mr. Yergensen should be exempt from this portion of the Ordinance. The same regulations should apply to him that apply to other developers.

Councilmember Prestwich visited the development site with a representative of Staker (pavement company) and noted that there are already places where the initial 2 1/2" layer of asphalt is coming apart. It appears that this initial layer may not be 2 1/2 " deep...it will be measured, when the time comes, through core-sampling.

Mary Rugg: She agreed with Councilmember Prestwich; if the finish coat is applied now, contractors would tear up the road.

Russell Sly: Agrees. Finishing the road now would defeat the purpose of the Ordinance.

Alvin Harward: He had no problem with Mr. Yergensen's request...but, he also feels prices will go down and installing the 1" coat now may be a mistake.

Mayor Fritz: The Council is concerned about the final condition of the road. Mr. Yergensen did not follow the proper procedure when he laid the first layer of asphalt; the City was not alerted he was laying asphalt until the Mayor saw an asphalt truck go by his house and he followed it to the development site. Over ½ the job was completed at that time.

The consensus of the City Council is to not grant an exception to the Ordinance; Mr. Yergensen will have to wait to install the 1" cap.

SCHEDULE PUBLIC HEARINGS

Mayor Fritz: There were three Public Hearings scheduled for tonight; however, due to an error publication, the Hearings were cancelled and are being rescheduled:

MOTUION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESTWICH TO SCHEDULE THE FOLLOWING PUBLIC HEARINGS FOR OCTOBER 11, 2005:

1. **ORDINANCE/PUD AMENDMENTS, AT 6:00 PM;**
2. **ORDINANCE/LAND USE ELEMENT & FUTURE LAND USE MAP OF THE ELK RIDGE CITY GENERAL PLAN, AT 6:15 PM;**
3. **VACATION OF LOT#3 OF OAK BLUFF ESTATES, PLAT C & LOT #1 OF OAK BLUFF ESTATES, PLAT H, AT 6:30 PM;**
4. **ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR THE PERMITTED USES IN ZONES ALLOWING THE RAISING, CARE & KEEPING OF LIVESTOCK & FOWL, AT 6:40 PM;**
5. **ORDINANCE AMENDING SECTION 10-15C-2 OF THE ELK RIDGE CITY CODE, RE: FULL-WIDTH ROADS, AT 6:55 PM;**
6. **PROPOSED PAGE FARMS – CROCKATT ANNEXATION, AT 7:10 PM**

VOTE: YES (4) NO (0) ABSENT FROM VOTE: (1) MARK JOHNSON

WASTEWATER IMPACT FEE STUDY & CAPITAL IMPROVEMENT PLAN

Russell Sly: This is the same proposal the Council considered from Aqua Engineering last year; it would give us a study to base sewer impact fees and sewer rates on. The cost would be about \$4,000 and this could be paid back with impact fees. Councilmember Sly recommends approval of the proposal from Aqua to do the Study so the City can get these updated fees in place before any more major development occurs.

It must be determined whether Aqua Engineering or Bruce Ward will do the Study. The proposal is from Aqua Engineering; but Bruce Ward has been hired as City Engineer by Salem City. There is a possibility that Salem City and Elk Ridge could share Mr. Ward through an Interlocal agreement. Councilmember Sly would like for the Council to approve the Study with either choice.

Comments:

Alvin Harward: He agrees that the sewer rate needs to be adjusted; but the City is close to an agreement with Payson City and there will be adjustments to fees at that time; he feels that the City would be wasting money to do a study at this time. The final figures with Payson are still unknown. There will be no new subdivisions until a final contract with Payson is in place.

The basis for adjusting the monthly sewer rates is the fact that the Sewer Dept. is not able to meet expected expenses.

(The Mayor anticipates a contract with Payson in November or December.)

Russell Sly: Feels the impact fee should be in place now; and adjust it, if need be in the future.

He does not believe this would be a major adjustment for the engineers. (They will ask Aqua later in the Meeting.) When developers come to the City with plans to develop, they want to know the cost of impact fees...they need to be in place to be able to have this information available.

Mayor Fritz: The deficit that occurred in 2004/2005 was, in part, due to unexpected repairs /improvements to the Salem Plant; these repairs will not be a yearly occurrence. The sewer bond is to be paid off soon; this will also aid in bringing expenditures down.

Gary Prestwich: Suggested that a couple of smaller steps in increasing the rates may be accepted better than one larger increase. Unexpected repairs happen; and there should be money budgeted for this.

Mary Rugg: Disagrees with Councilmember Prestwich; she feels one increase would be accepted by the residents better than two. When will the contract with Payson be signed?

Russell Sly: When the sewer rate is adjusted, the citizens need to understand that this is not to support new development; if the City stayed with Salem, there would still be a higher rate to cover all the necessary improvements and repairs.

ANIMAL CONTROL - INTERLOCAL AGREEMENT

Mayor Fritz: Utah County does not want to be involved with animal control and it was suggested having the various cities in Utah County handle the facility. Pick-up would not be performed through the cities, but through individual contract with the Sheriff's Dept. or personal delivery. This Interlocal agreement proposes costs be divided among participating cities; Elk Ridge: \$415 (initially) and every six months...\$960 (based on last year's numbers of animals). These costs would vary, depending on the number of animals involved.

The Council is to decide if this is an acceptable alternative.

(The point was made that there does not seem to be another alternative.)

Elk Ridge contracts with the Sheriff's Dept. for animal pick-up...the Interlocal agreement would cover only the boarding and possible euthanasia of the animals.

Question: How much will the City keep for licensing? The proposed Resolution states only \$3.00 would stay in the City for licensing. This must be clarified.

*The Mayor will find out the information and bring it back to the Council.

MOTION WAS MADE BY ALVIN HARWARD AND WAS SECONDED BY GARY PRESTWICH TO APPROVE PAYMENT OF THE NECESSARY FUNDS TO JOIN THE PROPOSED INTERLOCAL AGREEMENT FOR ANIMAL CONTROL

VOTE: YES (5)

NO (0)

PLANNING COMMISSION MEMBER – APPOINTMENT

Mayor Fritz: Dayna Hughes has volunteered to be a member of the Planning Commission. She has been a resident for many years. The Mayor feels she would be a great asset to the Planning Commission. The Council agreed.

It is not known at this time if Mrs. Hughes will be filling the position left by the resignation of Joe Jamison, or if she will fill the Alternate position should Mr. LeBaron (current Alternate) decide to move to a full member position.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO APPOINT DAYNA HUGHES AS AN ALTERNATE MEMBER OF THE PLANNING COMMISSION, UNTIL THERE IS A FULL-TIME POSITION AVAILABLE

VOTE: YES (5)

NO (0)

FIRE TRUCK

Mark Johnson: There is an opportunity to give the old Brush Truck (2-wheel drive) to the City of Goshen in return for getting a newer one from Provo City (Provo got a grant to purchase all new Brush trucks, if they agree to give their trucks to other, more "needy" Fire Depts.). In the meeting held to determine what cities would receive their trucks, Chief Olson informed them that Elk Ridge has a truck that could go to another city in exchange for one of the newer ones. The truck Elk Ridge will be receiving is 4-wheel drive and more suited to our needs. With the Council's approval, the exchange will take place in about two weeks.

Mayor Fritz: Congratulated the Fire Dept. on their efforts to save City money through grants and "free" trucks.

MOTION WAS MADE BY GARY PRESTWICH AND WAS SECONDED BY RUSSELL SLY TO DONATE THE OLD BRUSH TRUCK TO THE CITY OF GOSHEN

VOTE: YES (5)

NO (0)

VOLLEYBALL COURT – DISCUSSION

Mayor Fritz: (From a Memo to Council, dated 9-13-05)

1. June 28, 2005: The Council authorized \$600 to replace the sand in the volleyball court (100 tons estimated by Public Works). Question: Is this a priority expense?

2. Sand will be hauled from Richfield due to it being a quality not readily available locally.

3. Public Works was to pick up the sand and haul it, to save money. Delivery would be costly.

4. If the cost exceeds the authorized amount, where will the extra money come from? Generally, the Council is polled to approve an expenditure exceeding the authorized amount. (The proposed tax rate increase was voted down by some Council members...this would have generated more General Fund revenue.)

5. Is this project considered "maintenance" to the park...can Park Impact Fees be used?

Mary Rugg: (Memo to Council, dated 6-14-05, was included in the Council packets)

1. Request for curbing around the volleyball court, swing set area & behind the restrooms.

Purpose: To give a "finished" look and to hold the sand in place.

2. New sand to go around volleyball court area; the old sand will be used to fill in and level out the area around swing set and by the tennis court.
3. The replacement sand would come from Nephi Sandstone.
4. Price per ton = \$6.00 (City picking up sand and delivering it to the Playground area)
Delivery cost per ton = \$13.00

Kent Haskell estimated 100 yards = approximately 1.35 tons (depth of about 8")

Councilmember Rugg commented that there will be the costs of time spent + gas for the dump trucks added onto these costs; but that there would still be a savings.

Mayor Fritz and Councilmember Rugg met and discussed some of the concerns he has regarding the cost of the sand. The sand was not picked up by Public Works and ended up costing more than was authorized. The total cost of the project was estimated to be about \$1,500.

(From Memo to Council, dated 9-13-05, from Councilmember Rugg)

"Upon the Mayor's recommendation, the project was changed. The sand was delivered from Nephi Sandstone, on Tuesday of last week, for a cost of \$1,599.33. This cost will need to be taken from the park & Rec. general Fund. In the meantime, I had asked Jan to find out if any of the cost could be taken from Park Impact Fees. She

has looked into the matter and found that the cost of the sand could not be considered a "new project" and the cost will have to retain its status in the General Fund. However, the curbing can be considered a new project and can be taken from Park Impact Fees.

She requested Impact Fees be used for the curbing.

Mary Rugg: The Council was not informed of the cost changes because when she met with the Mayor, she said she brought up the difference in cost and was told (by the Mayor) that between the two of them, they were authorized to approve up to \$800. She said she was directed to get the project done and "if there was any 'heat' from the Council", that he (Mayor) would take that "heat".

Mayor Fritz: Since the project was left ½ done, he did not want it to drag into the winter months; so that is why he directed that the project be completed. If the Council does not agree, he would be willing to take responsibility.

The issues have been covered; however, he still has difficulty in the reasoning behind removing the original sand; was this a necessary expense?

Mary Rugg: The site of the volleyball court was so far gone and over-grown with weeds that it would render the court unusable; and that sand was not wasted, it was recycled.

No one objected to the original request in June.

City Recorder: In speaking with Kent Haskell, he felt the cost of gas and time spent would not be much less than the cost of delivery of the sand; that is why they did not pick it up. (The Mayor considered this and added in the factor of the age of the City truck and wear & tear on it; and approved the delivery option.)

Alvin Harward: Wanted to go on record: He is not opposed to tax increases, but he would prefer to have the options presented well in advance of the time a decision has to be made.

(There was previous discussion of the proposed tax increase in Council meetings prior to the Public Hearing.)

Mayor Fritz encouraged the Council to vote on the issue.

MOTION WAS MADE BY MARY RUGG AND SECONDED BY ALVIN HARWARD TO HIRE CLAYTON'S CUTOM CURBING TO INSTALL THE CURBING AROUND THE VOLLEYBALL COURT AND PLAYGROUND AREA FOR A TOTAL OF \$852.00, AND TO APPROVE THE USE OF PARK IMPACT FEES FOR THE PROJECT

VOTE: YES (5)

NO (0)

SEWER IMPACT FEE STUDY (CONT.)

Mayor Fritz & Bruce Ward: (Bruce Ward, Brent Arns & Brad Rasmussen were present representing Aqua Engineering)

Questions re: Sewer Impact Fees Study...(Russell Sly)

The Council wanted to know if the Study were done now and if there future adjustments to the Study (perhaps when the final contract with Payson is signed); will an update to the Study be minor or major and costly?

Bruce Ward: A contract with Payson will probably be in place in 4 or 5 months...if the City waits to do the Study, how many impact fees would be lost during that time vs. waiting to do the Study at that time and not make any adjustment? In his opinion, a lot of the basis of the impact fee will be on Payson's treatment costs and the transmission costs.

Another variable is construction costs, which are increasing rapidly. The transmission line could cost a great deal more than the projected costs. It is not out of the range of possibilities that Payson would say that they should "hold off" for a year or so to take care of certain details and possibly for financial reasons, if costs continue to increase as they are.

If the Study were done now, there would be somewhat minor adjustments to adjust the Study.

Russell Sly: Does not feel comfortable adjusting the sewer rates without the figures to back up the change.

Mayor Fritz: Feels that any adjustment to the rates ought to be based on the current users.

Bruce Ward: The Study can project future capital improvements. Fees can be based on current as well as a conservative projection of future improvements.

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESTWICH TO ACCEPT THE PROPOSAL FROM AQUA ENGINEERING TO CONDUCT A WASTEWATER IMPACT FEE & CAPITAL IMPROVEMENT PLAN FOR ELK RIDGE CITY, AT A COST OF \$4,000, AS STATED IN THE PROPOSAL

VOTE: YES (5)

NO (0)

(Agenda Item #10 was advanced before the completion of the discussion on the New Well Site.)

INTERLOCAL
AGREEMENT –
SALEM/ELK RIDGE -
SHARED ENGINEER

Mayor Fritz: Bruce Ward (Aqua Engineering) has accepted a full-time position with Salem City as their City Engineer. (From Memo to the Council dated 9-13-05) "We can continue using Aqua if we choose, but I would suggest that for the short-time (one year or more) we might want to consider using Bruce with Salem through an Interlocal agreement.

We would still have to work out the details; but having an engineer we feel comfortable with is important. I don't expect a decision until we work out the cost but want to get the Council's opinion." Mayor Fritz has contacted Mayor Brailsford (Salem City) re: the idea of sharing Mr. Ward's services.

Bruce Ward: Mr. Ward introduced Brent Arns & Brad Rasmussen from Aqua Engineering.

He has been with Salem for about 5 days, to date. As he has gotten into the actual duties expected of him at Salem, he realizes he will not have as much time as they had originally figured. Mr. Ward's time was to be split between Salem and SUVMWA (60/40 split); now it seems that the time spent with SUVMWA will be less due to duties at Salem City.

Mr. Ward feels the staff at Aqua Engineering is very capable and able to take care of Elk Ridge's needs. They are currently looking for a replacement to fill Mr. Ward's position.

Brad Rasmussen: Though Mr. Ward will be missed at Aqua Engineering and will be difficult to replace, he feels that Aqua can continue to service Elk Ridge in a satisfactory manner, as the City Engineering firm. Mr. Ward will work with Aqua to finish up some projects while they are conducting interviews to fill his position. Mr. Ward would be available for questions and opinions during this transition period.

Mayor Fritz: The proposed Interlocal Agreement between Salem & Elk Ridge to "share" the services of Mr. Ward. The Mayor feels that Mr. Ward has served the City well, as the City Engineer and would like to continue this relationship. This arrangement may prove to be impractical, but this is the direction he would like to pursue.

Mr. Rasmussen: Individual personalities and relationships are what make a company; and they will do their best to fill Mr. Ward's position with someone equally as qualified.

Bruce Ward: The increased duties with Salem it may be too much to handle another city permanently. As the contract with Payson opens up new development, things will get busy in Elk Ridge, as well. Elk Ridge will need increased services at that point. Expectations need to be realistic.

NEW WELL SITE

Bruce Ward: Mr. Ward distributed copies of some topographical maps from IGES (the company used to assist in determining the best location for a new well site).

The map indicates the approximate location of the Cloward Well and east of that about 2,000' is a circle designating the suggested area to drill a new well. A color map shows that the recommendation is to try to hit the formation that the Cloward Well is in.

Options:

1. There has been good success above the fault; but the location is perhaps a couple of miles south of the center of the city. The drilling would be through "fractured" rock and hoping for a "pocket". Drilling in those conditions is "pure luck". There is a greater chance of hitting a "dry hole".

2. There is a known “alluvial deposit” further north, in the approximate area of the Cloward Well. This “deposit” is 985’ deep, in a gravel bank. It is recommended to stay about 1,000’ to 1,500’ from the Cloward Well, to keep from affecting it. This would be assuming a pump rate of 1,500 gpm at the Cloward Well and about 1,500 - 2,000 gpm at the new well.

The next step is to create a source protection zone around this site.

3 things to consider in choosing a site and moving forward with a “Preliminary Engineering Report” (PER):

1. Where it is in the geologic “formation”
2. Where it is in relation to power
3. Where it is in relation to where we want to use it

Mayor Fritz: He wants to get a well in place before the State puts a cap on the amount of water that can be pumped. We may drill a well that the City does not need immediately but, with growth, the need will arise.

Bruce Ward:

Source Capacity: The State of Utah (Drinking Water Standards) has requirements of 800 gal. per day/connection + outdoor use. For Elk Ridge, the requirement would be 950 gpm per day.

Sizing Water Systems determined by:

- Water Rights
- Ability to pull water from the ground (Source Capacity)
- Ability to store and distribute the water

Currently the City has about 1,100 gpm in “Source Capacity” (with every pump at full capacity) According to State standards, the City is approaching the point where we would need to drill a well, but we are not there yet. But there is another factor to consider: If we look at the use for 2004, the City is using about 650 gpm (peak months)...this meets the concept of a safety “cushion” suggested by the State. The City is approaching the point at which, with current population, we would be using what we have. This pending annexation is going to put the City well over the top of these figures; it will also use up storage capacity.

Redundancy in the system should also be taken into consideration. The City already had a situation when both big wells were down at the same time and this created problems that could have been worse.

Source Protection can be dealt with outside the City boundaries; even septic tanks in the County. The City has to work with the County, but it can be done.

Water Rights: The City is considering purchasing some new water rights. The City currently has between 910 & 950 acre feet of water. We require a minimum of 1.3 acre feet per connection. We are using 450 – 480 acre feet (about 50%). There is a bit of “cleanup” work remaining to clear up some of the rights, but these are pretty “solid” water rights. The City is in pretty good shape as far as water rights...Growth will occur and the City would need more rights. The Council should review the market value of water rights annually and adjust the price the City charges.

*The Mayor and Mr. Ward will meet at a later time to further discuss water rights.

The next step the City should take would be to move forward with getting the “Source Protection”, included in the PER (Preliminary Engineering Report).

Slant Drilling: Mr. Ward spoke to the geologist specifically about “slant drilling”...the drilling goes through the fault and find water backed up behind the fault and if it is “hit”, it is a great thing; but there is a great risk of hitting a dry hole. The fault that Elk Ridge has to deal with is a couple of miles south...the amount of infrastructure required has to be considered; and getting power to the site would be expensive.

There are choices for the Council:

- Drill a new well now
- Upgrade the size of the Cloward Well
- Put off drilling a new well for now (Wait until the proposed annexation is settled and see what the development plans will be)
- Drill new well now & down-size the pump for now

The consensus of the Council was to move forward to get permission from the State of Utah to drill the new well.

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO MOVE FORWARD WITH THE PRELIMINARY ENGINEERING REPORT, TO OBTAIN PERMISSION FROM THE STATE OF UTAH, AND THAT THE COUNCIL ACCEPTS THE INFORMATION PRESENTED REGARDING SITE LOCATION

VOTE: YES (5)

NO (0)

INTERLOCAL
AGREEMENT –
SHARED
ENGINEERING
SERVICES

(CONTINUED DISCUSSION)

Mayor Fritz: The details of possibly sharing the engineering services of Bruce Ward with Salem City have not been worked out yet. The Council agreed that they would prefer to work with Bruce Ward as long as possible, to give Aqua Engineering a chance to replace him.

NIMS –
FIRE DEPT.

Mark Johnson (Fire Dept.)

NIMS = National Incident Management System

This is an organization that assists by offering a pool of resources to pull from in case of disaster. The program also allows more opportunity for grants for the Fire Dept.

The City's ability to be awarded grants may be jeopardized if we do not join this organization.

For specific costs associated with joining NIMS, the Chief will have to be contacted.

Currently, all the fire fighters have taken the NIMS Test.

*If there is an Agreement to approve and sign, Chief Olson will present it at the next Council Meeting.

(Councilmember Prestwich took the NIMS Test for communications; and he feels Elk Ridge would benefit from the program.)

LIEN RELEASES

Mayor Fritz:

1. Dennis Shuler Subdivision, Lots 1 & 2: "Waivers of Entitlement to Build" were placed on these two lots pending the availability of the sewer main. With the extension of the sewer main in the Loafer Canyon area, the lots now have sewer available to them. A pending closing for one of the lots could not move forward until the lien was released. The Council was polled and the decision was made to release the liens.

2. Leonhardt Schroedter: A lien was placed on his property at 348 N. Columbus Ln. due to curb & gutter assessment, which has been paid in full. The Council was polled and it was decided to release the lien.

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESTWICH TO RATIFY THE POLLED VOTE TO RELEASE THE RECORDED LIENS ON THE PROPERTIES OWNED BY DENNIS SHULER AND LEONHARDT SCHROEDTER

VOTE: YES (5)

NO (0)

ORDINANCE –
RE: PIGEONS

The Planning Commission wants the Council to reconsider the proposed ordinance re: pigeons within the residential zones. It is recommended that it be separate from the proposed ordinance dealing with "livestock & fowl". There was a sample ordinance from Pleasant Grove, dealing with regulations regarding pigeons; the City Recorder does not have a copy of it.

Councilmember Johnson mentioned that the sample ordinance dealt with racing pigeons and not other types.

*The Mayor and Councilmember Johnson will work together to gather details of suggested regulations for an ordinance dealing with pigeons and will bring that information back to the Council.

RESOLUTION –
"TRUE-UP"
WITH QWEST

City Recorder: Qwest informed the municipalities charging franchise fees through them, that they over paid on the disbursements of these the cities' portions of these fees and will be charging the cities back these amounts for the period of 1999-2003.

The City had the option of paying the total amount (\$2,685.06) of having the monthly remittance offset by \$233.76. The City will have the amount offset each month until the full amount is paid back to Qwest.

Utah League of Cities & Towns were contacted to notify the municipalities involved that this claim has been investigated and that ULCT agrees with Qwest's claim. It was felt that this would save a great deal of time with individual cities investigating the issues.

Passing the following resolution will authorize Qwest to charge back the amount mentioned.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY ALVIN HARWARD TO APPROVE THE RESOLUTION AUTHORIZING A TRUE-UP OF LOCAL CHARGES COLLECTED FROM QWEST CORPORATION

VOTE: YES (5)

NO (0)

AUDIT
PROPOSAL
2004/05

Jones Simkins has proposed a fee not to exceed \$13,500 (same as last fiscal year).
There will be room reimbursements to pay for during the audit, as well.
The Audit will take place the 1st week in October, 2005.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY MARK JOHNSON TO APPROVE THE AUDIT PROPOSAL FROM JONES SIMKINS FOR THE 2004/2005 FISCAL YEAR

VOTE: YES (5)

NO (0)

STORAGE SITE –
PROPOSAL

Mayor Fritz:

The Mayor has a concern about the self-sufficiency of Elk Ridge in the event of a major earthquake or another unforeseen calamity.

(Memo) "While our Community enjoys a degree of tranquility, we cannot escape the knowledge that we sit astride an active fault line. While our risk is less than that of a larger city, so also are our resources more limited. I have concerns for the immediate needs of housing, feeding and medical care in the event of a major earthquake. I do not believe we are sufficiently ready for such an eventuality. It needs to be stated also that part of preparation includes having a supply of necessary materials on hand prior to an emergency.

Many government and civilian buildings in the Salt Lake area are currently undergoing earthquake mitigation remodeling. These efforts and the very large expenditure of public and private money is being justified by geologic studies and expectations regarding the near future. I believe it is prudent to consider the consequences of not acting now."

The Mayor submitted copies of an "Emergency Preparation Plan" for Elk Ridge City for the Council to review.

Proposes:

1. Extension of the Pavilion Building (restrooms) to the south 10 feet; this would be to store emergency supplies.
 2. Consideration of storing fuel to be able to use City equipment in an emergency
- Funding may include grants for emergency purposes, which are easier to get than development grants.

Mark Johnson: If the Fire Dept. builds a new building, a portion of that could be used to store supplies.

Gary Prestwich: State Agencies have strict regulations regarding storing fuel; this must be reviewed. It must also be remembered that Elk Ridge is isolated and would be low priority in getting assistance...with a response time of perhaps 4-6 weeks for outlying areas.

The Council was in general agreement; using grants if possible and in with the Fire Dept., if possible.

*The Mayor would like the Council to consider this matter of concern and be prepared to make recommendations at a later Meeting.

EXPENDITURES

General:

1. Slide Repair (Playground area)

The cost to repair the slide will be about \$985.

The slide is not under warranty and, though expensive, is necessary.

MOTION WAS MADE BY MARY RUGG AND SECONDED BY ALVIN HARWARD TO APPROVE AN AMOUNT NOT TO EXCEED \$1,000 FOR THE REPAIR OF THE SLIDE IN THE PLAYGROUND AREA

VOTE: YES (5)

NO (0)

2. Trails Project: (Mayor Fritz)

The Trails Project, as approved, is not going well. The streets are a mess and have required the Public Works Dept. to level some of the grading and to clean up the streets.

Councilmember Prestwich was asked to get an estimate for asphalt on top of the slag for 1/3 mile...2" thick X 8' wide. Current costs from Staker is at \$.62/sq. ft. = \$8,729.

The Mayor asked if the Council would prefer to straighten out the slag and leave it as is until spring; or to place the asphalt now. Asphalt can be poured in October...possibly early November. If the City waits until spring, the price could be more or less, depending on the cost of oil.

Mary Rugg: She was against the Project to begin with. She will consider the information and come back to the Council with a recommendation.

MINUTES

City Council Minutes of 7-26-05, 8-9-05 & 8-30-05, :

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY GARY PRESTWICH TO APPROVE THE CITY COUNCIL MINUTES OF 7-26-05; 8-9-05 (WITH A CORRECTION ON PAGE 5, #5: ADD..."OR TO SHARE EXPENSES WITH WOODLAND HILLS"); & 8-30-05
VOTE: YES (5) NO (0)

NON-AGENDA
ITEM

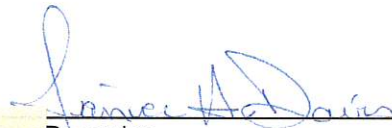
Alvin Harward: Commented that road base was not installed in the replacement of Loafer Canyon Road. Why does the City not adhere to the City Standards?

Councilmember Prestwich: Responded that the standard for replacement and repair is not the same as installing a brand new road; and that some of the asphalt that was ground up was used as road base. The process used was approved of by Aqua Engineering and the compaction was approved by Earth-tec.

Curb & gutter will be installed nest year; added height would create a problem with the connection to the driveways. The City had these problems with the north section of Loafer Canyon Road and it was costly to the City.

ADJOURNMENT

At 8:55 PM, Mayor Fritz adjourned the Council Meeting.



Recorder



NOTICE & AGENDA

Notice is hereby given that the regular City Council Meeting scheduled for Tuesday, September 27, 2005, at 7:00 PM, is hereby CANCELLED due to lack of business.

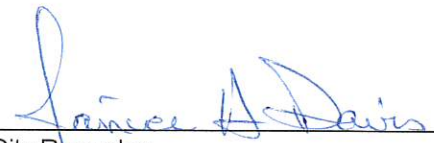
The meetings are usually held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

6:00 – PM COUNCIL WORK SESSION

CANCELLED!

7:00 - PM REGULAR CITY COUNCIL MEETING

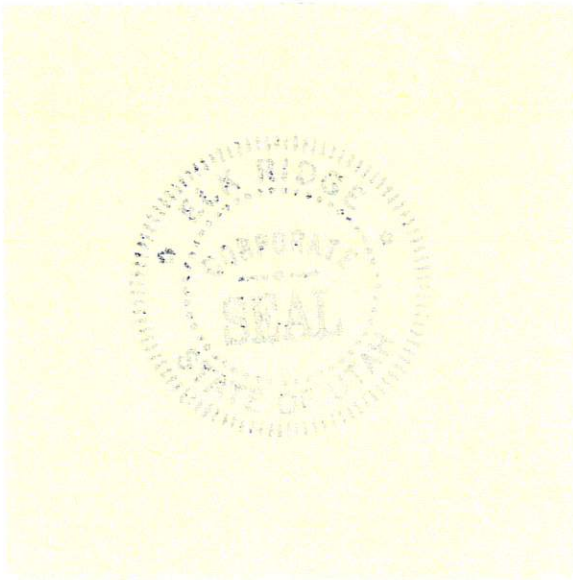
CANCELLED!

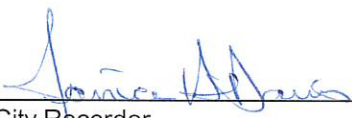


City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of the Notice of Cancellation was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and mailed to each member of the Governing Body on September 27, 2005.





City Recorder

NOTICE & AGENDA

Notice is hereby given that the Elk Ridge City Council will hold **six Public Hearings on Tuesday, October 11, 2005**; wherein public comment will be heard on the following: The first Public Hearing, to be held at 6:00 PM, is on a proposed Ordinance Amending the Elk Ridge City Development Code regarding PUD's, in sections: 10-14C-1, 10-7C-9, 10-14C-5 & 10-14C-6. The second Public Hearing, at 6:15 PM, is on a proposed Ordinance Amending the Land Use Element and Future Land Use Map of the Elk Ridge City General Plan. The third Public Hearing, to be held at 6:30 PM, is on the proposed Vacation of lot #3 of Oak Bluff Estates, Plat C & Lot #1 of Oak Bluff Estates, Plat H; the fourth Public Hearing, at 6:40 PM, is on a proposed Ordinance Amending the Elk Ridge City Code providing for the Permitted Uses in Zones allowing the Raising, Care & Keeping of Livestock & Fowl; the fifth Public Hearing, at 6:55 PM, is on a proposed Ordinance amending Section 10-15C-2 of the Elk Ridge City Code, RE: Full-width Roads. The sixth Public Hearing, to be held at 7:10 PM, is on the Proposed Annexation of a parcel of land known as the "Page Farms – Crockatt Annexation". The parcels are located north of Elk Ridge City, at the corner of 1600 West & Goosenest Drive, northeast to the County Road (11200). These Public Hearings will be held in conjunction with the Regularly Scheduled City Council Meeting, to begin at 7:30 PM.

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

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

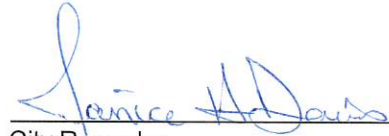
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|-----------|--|
| 6:00 PM | <u>1. PUBLIC HEARING/ORDINANCE - PLANNED UNIT DEVELOPMENTS</u>
Public Hearing/Proposed Ordinance Amending the Elk Ridge City Development Code regarding PUD's, in Sections:
10-14C-1, 10-7C-9, 10-14C-5 & 10-14C-6 |
| 6:15 PM | <u>2. PUBLIC HEARING/ORDINANCE – AMENDING THE LAND USE ELEMENT AND FUTURE LAND USE MAP</u>
Public Hearing/Proposed Ordinance Amending the Land Use Element & Future Land Use Map of the Elk Ridge City General Plan |
| 6:30 PM | <u>3. PUBLIC HEARING/VACATION OF LOT #3 OF OAK BLUFF ESTATES, PLAT C & LOT #1 OF OAK BLUFF ESTATES, PLAT H</u>
Public Hearing/Proposed Vacation of Lot #3 of Oak Bluff Estates, Plat C & Lot #1 of Oak Bluff Estates, Plat H |
| 6:40 PM | <u>4. PUBLIC HEARING/ORDINANCE AMENDMENT RE: LIVESTOCK & FOWL</u>
Public Hearing/Proposed Ordinance Amending the Elk Ridge City Code providing for the Permitted Uses in Zones allowing the Raising, Care & Keeping of Livestock & Fowl |
| 6:55 PM | <u>5. PUBLIC HEARING/ORDINANCE RE: FULL-WIDTH ROADS</u>
Public Hearing/Proposed Ordinance Amending Section 10-15C-2 of the Elk Ridge City Code; RE: Full-Width Roads |
| 7:10 PM | <u>6. PUBLIC HEARING/PROPOSED PAGE FARMS – CROCKATT ANNEXATION</u>
Public Hearing/Proposed Annexation of a parcel of land known as the "Page Farms – Crockett Annexation" |
| 7:45 - PM | <u>REGULAR CITY COUNCIL MEETING AGENDA ITEMS:</u>

Opening Remarks and Pledge of Allegiance
Approval/Agenda Time Frame
7:55 7. Action on Public Hearings: <ul style="list-style-type: none"> A. Ordinance/Planned Unit Developments B. Ordinance/Land Use Element & Future Land Use Map C. Vacation/Lot #3, Oak Bluff Estates, Plat C; Lot #1, Oak Bluff Estates, Plat H <ul style="list-style-type: none"> 1. Oak Bluff Estates, Plat J - Final Plat Approval D. Ordinance/Permitted Uses in Zones Allowing the Raising, Care & Keeping of Livestock & Fowl E. Ordinance/RE: Full-Width Roads F. Proposed Page Farms – Crockatt Annexation |

- 8:30 8. Ordinance/Employee – Elected Official Compensation
- 8:35 9. Update on Trails Project – Mary Rugg
- 8:45 10. Water Right Purchase – Mayor Fritz
- 8:55 11. Bond Payoffs – City Recorder
- 9:05 12. City Council Assignments to Planning Commission Meetings
- 10:00 13. Schedule Public Hearings:
 - A. Ordinance/Boarding of Miniature Horses
- 10:20 14. Expenditures:
 - General
- 10:25 15. Minutes of Previous City Council Meetings
- 10:30 16. NIMS Agreement – Mark Johnson
- Adjournment

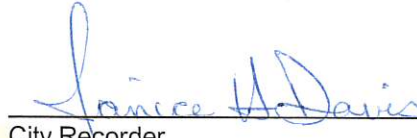
*Handicap Access, Upon Request. (48 Hours Notice)

The times that appear on this Agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 6th day of October, 2005.


 City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and provided to each member of the Governing Body on October, 6 2005.


 City Recorder



**ELK RIDGE
CITY COUNCIL MEETING
October 11, 2005**

**TIME & PLACE
OF MEETING**

The Elk Ridge City Council held **six Public Hearings on Tuesday, October 11, 2005**; in conjunction with the regularly scheduled City Council Meeting; wherein public comment was heard on the following: The first Public Hearing, held at 6:00 PM, was on a proposed Ordinance Amending the Elk Ridge City Development Code regarding PUD's, in sections: 10-14C-1, 10-7C-9, 10-14C-5 & 10-14C-6. The second Public Hearing, at 6:15 PM, was on a proposed Ordinance Amending the Land Use Element and Future Land Use Map of the Elk Ridge City General Plan. The third Public Hearing, was held at 6:30 PM, and was on the proposed Vacation of lot #3 of Oak Bluff Estates, Plat C & Lot #1 of Oak Bluff Estates, Plat H; the fourth Public Hearing, at 6:40 PM, was on a proposed Ordinance Amending the Elk Ridge City Code providing for the Permitted Uses in Zones allowing the Raising, Care & Keeping of Livestock & Fowl; the fifth Public Hearing, at 6:55 PM, was on a proposed Ordinance amending Section 10-15C-2 of the Elk Ridge City Code, RE: Full-width Roads. The sixth Public Hearing, held at 7:10 PM, is on the Proposed Annexation of a parcel of land known as the "Page Farms – Crockatt Annexation". The parcels are located north of Elk Ridge City, at the corner of 1600 West & Goosenest Drive, northeast to the County Road (11200). 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 October 6, 2005.

6:05 PM

PUBLIC HEARING/ORDINANCE – PLANNED UNIT DEVELOPMENTS

Public Hearing/Proposed Ordinance Amending the Elk Ridge City Development Code regarding PUD's in Sections: 10-14C-1, 10-7C-9, 10-14C-5 & 10-14C-6

ROLL CALL

Mayor: Vernon L. Fritz; *City Council:* Mary Rugg, Mark Johnson, Russell Sly & Gary Prestwich, Alvin Harward (Absent–Russell Sly)); *Daily Herald:* Heidi Toth; *Planning Commission:* Ray Brown, Chad Christensen, Dennis Dunn, Scott Petersen; *Plan Coordinator:* Margaret Leckie; *Public Works:* Wayne Frandson; *Public:* (Non-residents: Anette Brigham, Marlene J. Haskell, Donna Ross, George & Shari Woodruff, Norel (?), Alan (?), Spencer & Joan Sheets, Reed Page, Dewain (?); Residents: Robert J. Wright, Trina & Holly Brinkerhoff, Michelle Brady, Ron Leckie, April-Lynn Johnson, Steven Nielson, Nelson Abbott, Dorothy & Burke Cloward, Lance Pape, Michael Ashton; and *City Recorder:* Janice H. Davis

Mayor Fritz opened the Public Hearing at 6:01 PM.

(Memo from City Planner)

"In preparation to review development plans for large developments I the northern annexation area, the Planning Commission felt it would be wise for he City to review and amend some requirements for Planned Unity Developments, especially in regards to the use and amount of open space required. The following are recommended changes to the City Code:

1. Tie the R-1-12,000 PUD zone to the PUD requirements in Chapter 10-14
2. Change the minimum acreage for a PUD to 15 acres
3. Change the minimum open space requirement in a PUD to 25%
4. Expand the types of uses permitted in the what constitutes open space
5. Require that at least 10% of the density bonus total be achieved through the provision of additional open space
6. Change the percentages of total open space required for attaining up to a 25% density bonus
7. Require the developer to hold a neighborhood meeting with residents within 300 feet of the proposed PUD development prior to submission of the site plan to the City.

Recommendation:

I believe these changes will serve the City well as it prepares to handle the submission of future site plans for large PUD developments. The Planning Commission, following a public hearing on July 27, 2005, has recommended that these ordinance amendments be approved."

Mayor Fritz turned the time over to Chad Christensen (Planning Commission):

Mr. Christensen reviewed the changes, as stated in the memo from the City Planner; and compared them with the current Ordinance.

- the acreage falls under the minimum requirement (15 acres), the parcel would not qualify for a PUD. (Codes from other municipalities have been considered.)

The regular Zone regulations would apply.

- Open space & Density bonuses: Open Space: from 10% to 25% (Mapleton's requirement is 35% - 40%...their definition of "open space" is more "liberal")

- Developers would present the plans and it would go through Planning Commission and the Council would have the final say. There was concern expressed by Councilmember Prestwich about the possibility of smaller lots...possibly 8,000 sq. ft. in the PUD's.

Public Comment:

Robert Wright (Elk Ridge Resident): Who sets the parameters and boundaries on what can be done within the PUD's, for instance, the size of lots?

(Chad Christensen: The ultimate discretion lies with the City Council; but the Code is purposefully vague in order to allow developers the opportunity to propose their plan.)

Anette Brigham (Non-resident): She has been attending the Planning Commission and City Council Meetings for some time to acquaint herself with the governmental processes in Elk Ridge. She has gained a great respect for the Planning Commission and feels they have done an excellent job of reviewing the City Code and making recommendations to the Council that will fit the Community's vision of the future of Elk Ridge. The proposed open space aspect of the PUD ordinance will help in maintaining the City's "rural" atmosphere.

Gary Prestwich: It has been his experience that the citizens of Elk Ridge have demonstrated that they are against "high-density" units and he feels there should be some requirement in the proposed ordinance that limits the density to a point; he feels 8,000 sq. ft. is too small a lot for Elk Ridge.

Dennis Dunn: The proposed ordinance does allow for density "bonuses" and a limit to the open space; and although a developer could cluster the units, it would never get to the point of "high density" housing.

Gary Prestwich: "High Density" and "clustering" is not defined within the ordinance.

Chad Christensen: By increasing the "open space" the overall density is decreased. The more open space required by the City, the less units per acre are allowed. The general effect still lowers density.

Mayor Fritz: Mentioned that there the "minimum square footage" for a dwelling would limit the size of the lots, if they are to meet set backs. The Council also has the final authority to grant or not grant approvals for proposed developments.

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

6:25 PM

PUBLIC HEARING/ORDINANCE – AMENDING THE LAND USE ELEMENT AND FUTURE LAND USE MAP

Public Hearing/Proposed Ordinance Amending the Land Use Element & Future Land Use Map of the Elk Ridge City General Plan

ROLL CALL

Mayor: Vernon L. Fritz; *City Council*: Mary Rugg, Mark Johnson, Russell Sly & Gary Prestwich, Alvin Harward (Absent–Russell Sly)); *Daily Herald*: Heidi Toth; *Planning Commission*: Ray Brown, Chad Christensen, Dennis Dunn, Scott Petersen; *Plan Coordinator*: Margaret Leckie; *Public Works*: Wayne Frandson; *Public*: (Non-residents: Anette Brigham, Marlene J. Haskell, Donna Ross, George & Shari Woodruff, Norel (?), Alan (?), Spencer & Joan Sheets, Reed Page, Dewain (?); Residents: Robert J. Wright, Trina & Holly Brinkerhoff, Michelle Brady, Ron Leckie, April-Lynn Johnson, Steven Nielson, Nelson Abbott, Dorothy & Burke Cloward, Lance Pape, Michael Ashton; and *City Recorder*: Janice H. Davis

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

Ray Brown: (Planning Commission Chairman) The Planning Commission has taken the Land Use Element of the General Plan and proposes some changes:

Text Changes (Memo from City Planner):

1. Removal of reference to an older zoning change in 1993.
2. Update of the current land allocation numbers
3. Update of the names of land use designations and their and their respective applicable zones.

4. Improved definition of the purposes and use of PUD developments
 5. A statement under the Public Facilities land use designation that planning should provide for adequate public facilities to meet community demand, including a target of 10 acres of parks and trails for every 1,000 citizens
 6. Several minor updates and corrections to various sections in this element
- (The memo also lists the proposed changes to the Land Use Map that will not be referred to here.)

Chairman Brown demonstrated the proposed changes to the map by referring to the future land use map on the wall of the Council Chambers, including a proposed trails system. The map gives a "template" or a guideline for future development.

Comments:

Anette Brigham (Non-resident): Is in favor of the proposed changes and feels they will benefit Elk Ridge.

No further comments.

Mayor Fritz closed the Public Hearing at 6:30 PM.

6:30 PM

PUBLIC HEARING/VACATION OF LOT #3 OF OAK BLUFF ESTATES, PLAT C & LOT #1 OF OAK BLUFF ESTATES, PLAT H

ROLL CALL

Mayor: Vernon L. Fritz; *City Council:* Mary Rugg, Mark Johnson, Russell Sly & Gary Prestwich, Alvin Harward (Absent–Russell Sly); *Daily Herald:* Heidi Toth; *Planning Commission:* Ray Brown, Chad Christensen, Dennis Dunn, Scott Petersen; *Plan Coordinator:* Margaret Leckie; *Public Works:* Wayne Frandson; *Public:* (Non-residents: Anette Brigham, Marlene J. Haskell, Donna Ross, George & Shari Woodruff, Norel (?), Alan (?), Spencer & Joan Sheets, Reed Page, Dewain (?); Residents: Robert J. Wright, Trina & Holly Brinkerhoff, Michelle Brady, Ron Leckie, April-Lynn Johnson, Steven Nielson, Nelson Abbott, Dorothy & Burke Cloward, Lance Pape, Michael Ashton, Sheri Wisnom; and *City Recorder:* Janice H. Davis

Mayor Fritz opened the Public Hearing at 6:30 PM.

(Memo from City Planner)

"Background: Applicant Scott Peterson has requested the vacation and re-platting of two lots in Oak Bluff Estates, located on Haley's Lookout. This will be achieved through the approval of the new Oak Bluff Estates, Plat J. The result will be to decrease the size of the newly platted lot #1 and increase the size of lot #2. No other lots are affected by this re-drawing and re-platting of lot lines.

Mr. Peterson has indicated his intention to develop a swimming pool on lot #1, to be used and maintained through a home owner's association.

The proposed Plat J for Oak Bluff Estates meets the requirements of the Elk Ridge City Code, and has been reviewed and recommended for approval by staff and the Planning Commission."

Recommendation: it is recommended that the City Council approve the plat vacation; and approve the final plat for Oak Bluff Estates, Plat J.

Mayor Fritz: Regarding the proposed swimming pool: The City accepts no liability or responsibility for this project.

Comments:

Sheri Wisnom: (Resident of Haley's Lookout) Although a neighbor of Mr. Peterson, this is the first they have heard of this project. She came to the meeting to be informed. This is a pool to be owned by a "home owner's association"...it is not to be a "neighborhood pool".

There were no other comments.

Mayor Fritz closed the Public Hearing at 6:36 PM.

6:36 PM

PUBLIC HEARING/ORDINANCE AMENDMENT RE: LIVESTOCK & FOWL

Public Hearing/Proposed Ordinance Amending the Elk Ridge City Code providing for the Permitted Uses in Zones allowing the Raising, Care & Keeping of Livestock & Fowl

ROLL CALL

Mayor: Vernon L. Fritz; *City Council:* Mary Rugg, Mark Johnson, Russell Sly & Gary Prestwich, Alvin Harward (Absent–Russell Sly); *Daily Herald:* Heidi Toth; *Planning Commission:* Ray Brown, Chad Christensen, Dennis Dunn, Scott Petersen; *Plan Coordinator:* Margaret Leckie; *Public Works:* Wayne Frandson; *Public:* (Non-residents: Anette Brigham, Marlene J. Haskell, Donna Ross, George & Shari Woodruff, Norel (?), Alan (?), Spencer & Joan Sheets, Reed Page, Dewain (?); Residents: Robert J. Wright, Trina & Holly Brinkerhoff, Michelle Brady, Ron Leckie, April-Lynn Johnson, Steven Nielson, Nelson Abbott, Dorothy & Burke Cloward, Lance Pape, Michael Ashton, Sheri Wisnom; and *City Recorder:* Janice H. Davis

Mayor Fritz opened the Public Hearing at 6:36.

Ray Brown (Planning Commission Chairman):

(Memo from the City Planner to Council)

“Chapters 10-2-2, 10-7D, 10-8A & 10-8B

Background:

This ordinance amendment was presented earlier to the City Council in a public hearing on June 14, 2005. At that time it included reference to prohibiting pigeons, which has since been deleted. With no reference to pigeons, the raising of pigeons will remain, as currently viewed in the Code, as a conditional use. The remaining amendments are proposed to clarify the amounts, types and sizes that are applicable for regulating animal issues.

For the most part, the proposed changes are going back to the previous regulations for livestock and fowl that existed in the Code before last year, when the Code was changed. The changes made last year created difficult enforcement and regulating issues, where in many instances the animal issue would “be determined by the zoning administrator”. Such determinations are usually subjective, and are best regulated by set criteria.

Recommendation:

(Memo from Planner) I believe these changes will serve the City well as it prepares to handle zoning enforcement issues as they relate to livestock and fowl. The Planning Commission reviewed this amendment again on September 1, 2005 and recommended that the reference to pigeons be deleted, and has recommended that this ordinance amendment be approved.”

Mr. Brown commented that the ordinance lacked clarification and reiterated what Mr. Young’s memo stated.

Gary Prestwich: Why was the portion regarding pigeons deleted from this ordinance?

The Planning Commission did not have the information necessary for pigeon regulation before them; and, rather than hold up the other part of the Livestock & Fowl ordinance, they eliminated it and will bring it forward in a separate ordinance.

Mayor Fritz closed the Public Hearing at 6:40 PM.

6:40 PM

PUBLIC HEARING/ORDINANCE RE: FULL-WIDTH ROADS

Public Hearing/Proposed Ordinance Amending Section 10-15C-2 of the Elk Ridge City Code re: Full-width Roads

ROLL CALL

Mayor: Vernon L. Fritz; *City Council:* Mary Rugg, Mark Johnson, Russell Sly & Gary Prestwich, Alvin Harward (Absent–Russell Sly); *Daily Herald:* Heidi Toth; *Planning Commission:* Ray Brown, Chad Christensen, Dennis Dunn, Scott Petersen; *Plan Coordinator:* Margaret Leckie; *Public Works:* Wayne Frandson; *Public:* (Non-residents: Anette Brigham, Marlene J. Haskell, Donna Ross, George & Shari Woodruff, Norel (?), Alan (?), Spencer & Joan Sheets, Reed Page, Dewain (?); Residents: Robert J. Wright, Trina & Holly Brinkerhoff, Michelle Brady, Ron Leckie, April-Lynn Johnson, Steven Nielson, Nelson Abbott, Dorothy & Burke Cloward, Lance Pape, Michael Ashton, Sheri Wisnom; and *City Recorder:* Janice H. Davis

Mayor Fritz opened the Public Hearing at 6:40 PM.

Dennis Dunn: This issue has been considered by the Planning Commission for some about one year. There were problems with the current requirement of $\frac{1}{2}$ + 9' of the road being installed at the time of development. They looked specifically at specific locations with $\frac{1}{2}$ + 9':

- High Sierra Dr. (Problems with run-off with the unfinished side of the road.
- Salem Hills Dr. (Home owners encroaching into the road right-of-way where the road is not finished)
- West Gooseneck Dr. (Along Cloward's private drive: that north side will likely not be finished off. The issue was re-addressed when the LDS Chapel was seeking a building permit; the City hoped that they would finish off the north side of that road...that was not the case.

The recommendation is that developers be required to install full-width roads rather than the $\frac{1}{2}$ + 9'; to avoid these problems; as well as a revised sump system. A 30-year "recovery clause" was also attached to this; for off-site reimbursements. The 30 years would allow a more realistic time frame in which the developer could get some of the invested money back.

Comments:

Gary Prestwich: He agrees with the proposed changes and mentions Grand View North Subdivision (at the corner of Gladstan Dr. & Elk Meadows Dr.) as another example of problems as a result of the $\frac{1}{2}$ + 9' requirement.

Mayor Fritz: The cost element to the developer is a concern, with a full-width road requirement, particularly when it could take 30 years to get his investment back.

The other side of the issue is exemplified by the stated example on High Sierra Dr., where there is a continuing problem with run-off.

The Mayor feels the 30-year reimbursement time is fairer to the initial developer than 10 years. 10 years seems to encourage other developers to wait until the time is over, to avoid any pay-back.

Alvin Harward: Feels a full-width road requirement places an unfair financial burden on the developer, that doesn't own the other side of the road. The current requirement is sufficient if the road is engineered properly to avoid run-off; he also feels it would be difficult to track the reimbursement for the City.

Mayor Fritz closed the Public Hearing at 6:49 PM.

6:50 PM

PUBLIC HEARING/PROPOSED PAGE FARMS – CROCKATT ANNEXATION

Public Hearing/Proposed Annexation of a parcel of land known as the "Page Farms – Crockatt Annexation"

ROLL CALL

Mayor: Vernon L. Fritz; *City Council*: Mary Rugg, Mark Johnson, Russell Sly & Gary Prestwich, Alvin Harward (Absent–Russell Sly)); *Daily Herald*: Heidi Toth; *Planning Commission*: Ray Brown, Chad Christensen, Dennis Dunn, Scott Petersen; *Plan Coordinator*: Margaret Leckie; *Public Works*: Wayne Frandson; *Public*: (Non-residents: Anette Brigham, Marlene J. Haskell, Donna Ross, George & Shari Woodruff, Norel (?), Alan (?), Spencer & Joan Sheets, Reed Page, Dewain (?); Residents: Robert J. Wright, Trina & Holly Brinkerhoff, Michelle Brady, Ron Leckie, April-Lynn Johnson, Steven Nielson, Nelson Abbott, Dorothy & Burke Cloward, Lance Pape, Michael Ashton, Sheri Wisnom; and *City Recorder*: Janice H. Davis

Ray Brown (Planning Commission Chairman):

Mr. Brown met with the Planner and Mr. Randy Young (developer of the pending annexation).

The previously discussed "Land Use" ordinance amendments have been addressed at the same time as the pending annexation because they will affect the future development of this land, should it be annexed.

The Planning Commission recommends that the proposed Page Farms – Crockatt Annexation be approved. The developer has met with the Planning Commission, the City Planner, the City Council and the Mayor to determine the terms of annexation; these are reflected in the "Annexation Development Agreement". With proper planning, this development would benefit the Community. The development will eventually occur and Elk Ridge would have more say in how the development occurs if it is part of our City.

Alvin Harward: In the Agreement, page 1; under "Covenants" (1-C) it states, "The developer agrees to pay a total sum of \$700,000 towards the cost of developing a new water system in the vicinity of the property." Councilmember Harward questioned if this was an "offer" to the City.

Mayor Fritz: Explained: Prior to Mr. Young approaching the City, other developers came to the City with a proposal to annex 90 acres into Elk Ridge and another of 20 acres. The Mayor informed those developers that the City cannot allow development until the sewer and water problems are solved. The developer of the 90 acres had offered to assist in solving the problems to accelerate the process. When Mr. Young was informed of the offer, he also offered to help. About two week later, Mr. Young came back to the City with a proposal of \$700,000. There were no "demands" placed on Mr. Young. Later in negotiations, Mr. Young suggested he be paid back through reimbursements with water impact fees. The Mayor responded, "No, absolutely not; we're going to use that for the development of a storage tank."

The well, itself, could cost the City over \$1,000,000. The City will also need a new storage tank. Mr. Young agreed.

Ray Brown: Mr. Young also offered an improved Entrance to Elk Ridge with some sort of monument, a 108' wide right-of-way for the main road, roundabouts and parks to benefit the City and his future development.

Mayor Fritz: Acknowledged the presence of certain non-residents that live along 1600 West (Elk Ridge Drive), who have concerns about the future development of the property included in the proposed annexation. The City is going to drill a new well; the engineering is in process at this time. There has been a geologic study done to determine the best place to drill a new well. One of the concerns is whether or not the City could deplete the aquifer that we and these property owners draw from. There is a question as to possibility that the City has already done so in that area. The geologic study revealed that the most logical location for the new well would be north of the City, but east toward Loafer Canyon. There is an indication that this could be a slightly different aquifer coming out of Loafer Canyon.

Public Comments:

Anette Brigham (Non-resident...living on 1600 West)

Concerns:

1. There is a concern about how thorough the City's evaluation has been to assist in making the decision to annex or not.

A. She is aware that the Annexation Policy included in the City's General Plan is to be used as a guideline for the evaluation. There are specific criteria listed that should be considered. She was hoping for more detail in how this information has been included in the City's evaluation of the pending annexation.

B. She would like to know what kind of "economic evaluation" has been done in relation to this large of a plan for expansion.

2. It is her understanding that the City Code states that certain portions of the State Code will be conformed to. It is Ms. Brigham's opinion that two of the main reasons the Council has considered annexation of this property are:

A. The \$700,000 from the developer to go toward the drilling of a new well

B. That If Elk Ridge does not annex this land, another community will and Elk Ridge wants to maintain control over the development

Under "Annexation Limitations" in the State Code it states, "a municipality may not annex an unincorporated area in a specified county for the sole purpose of acquiring municipal revenue or to retard the capacity of another municipality to annex the same or a related area unless the municipality has the ability and intent to benefit the annexed area by providing municipal services to the annexed area."

She feels the City has the "intent" but not the "ability" to provide services to the area.

Mayor Fritz: Though he will not argue the fact, there will be no development in the area proposed to be annexed until the ability to sewer with Payson is established.

It was further clarified that the \$700,000 has never been an issue of annexation, rather it was an offer by the developer to assist in solving the concerns of the City.

The City is not considering annexing this property to keep another entity from annexing; it has simply been stated that eventually this land will be annexed into one community or another and, at this time, the petition was made to Elk Ridge.

George Woodruff (Non-resident...living on 1600 West)

Mr. Woodruff expressed his concerns about the intended drilling of a new well north of Elk Ridge. He and some of his neighbors came to the meeting where the geologic study was presented and though there seems to be somewhat of a "gravel field" that flows north out of Loafer Canyon, it does also seem as if that alluvial area is fed from the same aquifer they draw water from.

Anette Brigham: It is the general consensus is that there are not individual aquifers, but that they are all inter-connected.

Mayor Fritz: The aquifers serving the well drilled by the City three years ago has at least three levels of aquifers: one at about 280', one at about 600' and a third at about 800'...the City went to 980' to draw from. He cannot say that there is no influence from one area to another, but the City did go through the geologic study to determine the optimal location and this is the recommended choice. The mayor has asked the engineers if this location would likely have an impact on the existing wells in the area...the answer was that the engineer did not feel that it would impact the area of the homes on 1600 West.

Anette Brigham: She said that she has researched the topic quite thoroughly and have examined the City's well logs and was hoping for additional information to be able to make the necessary calculations. An important factor was the report of the well test, with a 70 ft. "draw-down"...this is a concern. (Mayor Fritz clarified that this was at a level of 1,800 gpm pumping 24 hours/day (full capacity).) The information was not available of how quickly that draw-down would re-charge.

Mayor Fritz: He would be happy to have Ms. Brigham meet with the engineer to further go through these figures. The Mayor said he would leave it up to Ms. Brigham to contact the Mayor on this matter; he will not contact her.

Gary Prestwich: RE: The City taking advantage of new development:

The City does not generally come out ahead with new development, it is usually about 80% of the costs that new development covers for itself.

Mayor Fritz: Added that the City will not, however, permit a development to go in that becomes a financial burden to the existing Community; that is where the \$700,000 for the new portion of the water system came in. If the Community had to drill a new well to accommodate this development, the Mayor would have not wanted any part in it. He feels developments should "pay for themselves".

Comment by one of the public: It is customary for Cities to require developers to provide these kinds of things; in fact he is not aware of any city that does not require those things.

Non-resident...lives on 1600 West (Did not state name):

Concerned that growth will interfere with the rural environment, which is why he and his neighbors moved out to this area. Councilmember Prestwich commented on development not completely covering the costs generated to provide services...this is true except for higher-end homes; example...one or two acre lots with \$700,000 or \$800,000 homes on them. This decreases the amount services to provide, yet the tax base is increased.

Mayor Fritz: Should only the wealthy be able to purchase land in a beautiful location? If the total property value is about 1 million dollars or more, the 80% figure does not apply.

The only way to insure that land will not be developed around a property owner is for the property owner to purchase the adjacent land. In most instances, development cannot be avoided. The forecast for Utah Valley is a dramatic increase in population in the next 10 years. This is part of our society.

No decision will be made at this meeting. Public input is valuable to the Council and the comments, as well as all of the information presented, will be weighed and considered prior to any decision by the Council.

There were no further comments.

Mayor Fritz closed the Public Hearing at 7:15 PM.

**ELK RIDGE
CITY COUNCIL MEETING
October 11, 2005**

**TIME & PLACE
OF MEETING**

The Elk Ridge City Council held **six Public Hearings on Tuesday, October 11, 2005**; in conjunction with the regularly scheduled City Council Meeting; wherein public comment was heard on the following: The first Public Hearing, held at 6:00 PM, was on a proposed Ordinance Amending the Elk Ridge City Development Code regarding PUD's, in sections: 10-14C-1, 10-7C-9, 10-14C-5 & 10-14C-6. The second Public Hearing, at 6:15 PM, was on a proposed Ordinance Amending the Land Use Element and Future Land Use Map of the Elk Ridge City General Plan. The third Public Hearing, was held at 6:30 PM, and was on the proposed Vacation of lot #3 of Oak Bluff Estates, Plat C & Lot #1 of Oak Bluff Estates, Plat H; the fourth Public Hearing, at 6:40 PM, was on a proposed Ordinance Amending the Elk Ridge City Code providing for the Permitted Uses in Zones allowing the Raising, Care & Keeping of Livestock & Fowl; the fifth Public Hearing, at 6:55 PM, was on a proposed Ordinance amending Section 10-15C-2 of the Elk Ridge City Code, RE: Full-width Roads. The sixth Public Hearing, held at 7:10 PM, is on the Proposed Annexation of a parcel of land known as the "Page Farms – Crockatt Annexation". The parcels are located north of Elk Ridge City, at the corner of 1600 West & Goosenest Drive, northeast to the County Road (11200). 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 October 6, 2005.

7:25 PM

REGULAR CITY COUNCIL AGENDA ITEMS:

ROLL CALL

Mayor: Vernon L. Fritz; *City Council:* Mary Rugg, Mark Johnson, Russell Sly & Gary Prestwich, Alvin Harward (Absent–Russell Sly); *Daily Herald:* Heidi Toth; *Planning Commission:* Ray Brown, Chad Christensen, Dennis Dunn, Scott Petersen; *Plan Coordinator:* Margaret Leckie; *Public Works:* Wayne Frandson; *Public:* (Non-residents: Anette Brigham, Marlene J. Haskell, Donna Ross, George & Shari Woodruff, Norel (?), Alan (?), Spencer & Joan Sheets, Reed Page, Dewain (?); Residents: Robert J. Wright, Trina & Holly Brinkerhoff, Michelle Brady, Ron Leckie, April-Lynn Johnson, Steven Nielson, Nelson Abbott, Dorothy & Burke Cloward, Lance Pape, Michael Ashton, Sheri Wisnom; and *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.

**ACTION ON
PUBLIC HEARINGS**

A. Ordinance/Planned Unit Developments:
No comments.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR PLANNED UNIT DEVELOPMENTS, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE
VOTE (POLL): MARK JOHNSON-AYE, ALVIN HARWARD-AYE, GARY PRESTWICH-AYE, MARY RUGG-AYE NO (0) ABSENT (1) RUSSELL SLY
Passes 4-0

B. Ordinance/Land Use Element & Future Land Use Map:
No comments.

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY GARY PRESTWICH TO ADOPT AN ORDINANCE AMENDING THE LAND USE ELEMENT AND THE FUTURE LAND USE MAP OF THE ELK RIDGE CITY GENERAL PLAN; CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE
VOTE (POLL): MARK JOHNSON-AYE, ALVIN HARWARD-AYE, GARY PRESTWICH-AYE, MARY RUGG-AYE NO (0) ABSENT (1) RUSSELL SLY
Passes 4-0

C. Vacation/Lot #3, Oak Bluff Estates, Plat C; Lot #1, Oak Bluff Estates, Plat H:
No comments.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY ALVIN HARWARD TO DECLARE THAT THE CITY COUNCIL FINDS THAT THE PROPOSED VACATION SHALL CAUSE NO MATERIAL INJURY AND TO GRANT APPROVAL TO THE VACATION OF LOT #3, OAK BLUFF ESTATES, PLAT C; AND OF LOT #1, OAK BLUFF ESTATES, PLAT H
VOTE: YES (4) NO (0) ABSENT (1) RUSSELL SLY

OAK BLUFF
ESTATES, PLAT J –
FINAL PLAT
APPROVAL

Oak Bluff Estates, Plat J – Final Plat Approval:

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BE ALVIN HARWARD TO GRANT FINAL PLAT APPROVAL TO OAK BLUFF ESTATES, PLAT J
VOTE: YES (4) NO (0) ABSENT (1) RUSSELL SLY

D. Ordinance/Permitted Uses in Zones Allowing the Raising, Care & Keeping of Livestock & Fowl:

Comments:

Mary Rugg: (Question) How does the passage of this ordinance affect the current pigeon owners?

Mark Johnson: This action should not affect the current pigeon owners; nothing has been added at this point. Councilmember Johnson is working with the pigeon owners to come up with acceptable regulations to monitor the raising of pigeons.

City Recorder: Currently, the City Code lists the ownership of pigeons as a "conditional use"...placing all but one of the owners (Mr. Clark) in violation of the current ordinance.

Mary Rugg: These owners will have to apply for a "conditional permit".

No further comments.

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY GARY PRESTWICH TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR THE PERMITTED USES IN ZONES ALLOWING THE RAISING, CARE AND KEEPING OF LIVESTOCK AND FOWL; CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

VOTE (POLL): MARK JOHNSON-AYE, ALVIN HARWARD-AYE, GARY PRESTWICH-AYE, MARY RUGG-AYE NO (0) ABSENT (1) RUSSELL SLY

Passes 4-0

FULL-WIDTH
ROADS

E. Ordinance/Full-Width Roads:

Comments:

Alvin Harward: He still feels that a full-width road requirement would be "very unfair" to a developer; then expecting him/her to carry that cost up to 30 years. He feels developers should only be responsible for the side of road he/she owns.

Mary Rugg: What is the requirement in other communities?

Alvin Harward: He is not sure what the requirements are.

Gary Prestwich: Did the Planning Commission evaluate the regulations in other communities?

Dennis Dunn: He, personally went into the Alpine/Highland area and did not find any ½ + 9' roads. Even roads without homes were full-width. He was not sure of the "off-site" requirements.

Mary Rugg: As a developer, does Mr. Dunn feel the full-width road requirement would be "unfair" to the developers?

Dennis Dunn: This was discussed in the Planning Commission; the Planning Commission came up with the 30-year reimbursement clause to off-set the cost of the road. As the Commission considered "fairness":

1. The idea was discussed that the cost of installing a road now would be far less than in the future; and the reimbursement would be less costly than the actual installation of future improvements, so this would be a good deal for future development.

2. The developer would have 30 years to recover the invested money...or the decision could be made that the investment would not be cost effective and development postponed.

3. The improvements would enhance the environment of the City.

Question: Would off-site improvements have the same standard as the improvements within the development? (Yes, the same standard would apply to off-site improvements.)

Mayor Fritz: Asked if a cost of living increase could be included in the reimbursement?

Dennis Dunn: The Commission did not feel they could be a recommending body to include these types of details; that would be more appropriate from the Council.

Ray Brown: For accounting purposes, the builder would have to come up with the actual numbers. If they include inflationary numbers, that could be within their rights. That should not be up to the City.

Discussion of particular subdivisions throughout the City.

Alvin Harward: If a developer gets into an area that both sides of the road are not developable, both sides of the road should be installed; that could be a conditional use on the off-site improvements.

Mayor Fritz: There are valid arguments on either side of the issue; the Council must consider what is: 1) pragmatic 2) what is fair & 3) the possible lack of "infill" in the City due to additional expense and how would this impact the Community?

No further comments.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY MARY RUGG TO APPROVE AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR SUBDIVISION IMPROVEMENTS REGARDING FULL-WIDTH ROADS; CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

**VOTE (POLL): MARK JOHNSON-AYE, GARY PRESTWICH-AYE, MARY RUGG-AYE
NO (1) ALVIN HARWARD ABSENT (1) RUSSELL SLY**

Passes 3-1

F. Proposed Page Farms – Crockatt Annexation:

Action is postponed to allow the City Council to review and weigh the public comments.

*The Mayor expects to return to the matter for action at the next Council Meeting.

**ORDINANCE –
ELECTED OFFICIAL &
EMPLOYEE
COMPENSATION**

Ordinance/Providing for the compensation of Elected and Statutory Officers and Employees of Elk Ridge City:

Cost of living adjustments of 3.1% was approved at the Public Hearing to consider the tentative Budget for 1005/2006. This ordinance includes those figures.

No comments.

MOTION WAS MADE BY GRY PRESTWICH AND SECONDED BY MARK JOHNSON TO ADOPT AN ORDINANCE PROVIDING FOR THE COMPENSATION OF ELECTED AND STATUTORY OFFICERS AND EMPLOYEES OF ELK RIDGE CITY

**VOTE (POLL): MARK JOHNSON-AYE, ALVIN HARWARD-AYE, GARY PRESTWICH-AYE,
MARY RUGG-AYE NO (0) ABSENT (1) RUSSELL SLY**

Passes 4-0

**TRAILS PROJECT –
UPDATE**

Mary Rugg: It is her understanding that what the Council voted on and accepted as the current project, has been met; this included the grading and slag base being spread. Asphalt was not approved for this stage of the project and she is not inclined to approve asphalt now.

In speaking with Dennis Jacobson, there are problems with the grading and the depth of the slag...there are indications that it will not set up the way it was intended.

Mayor Fritz: Added that there are times when spending the money for engineering may be the best alternative.

Recommendation:

Not to approve the asphalt at this time.

MOTION WAS MADE BY MARY RUGG AND SECONDED BY ALVIN HARWARD NOT TO APPROVE ASPHALT FOR THE TRAILS PROJECT AT THIS TIME; BUT TO REVISIT THE ISSUE IN THE SPRING

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

**WATER RIGHT
PURCHASE**

Mayor Fritz: There is about \$90,000 dedicated to the purchase of water rights. He would like to continue to pursue finding water rights to purchase for the City. The best price he has found to date is at \$2,750/acre foot.

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO AUTHORIZE MAYOR FRITZ TO CONTINUE TO PURSUE THE LOCATION OF WATER RIGHTS FOR THE CITY; AND TO NEGOTIATE THE PRICE, WITHIN THE AVAILABLE FUNDS

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

BOND PAY-OFFS

City Recorder: As per the City Auditor (Curtis Roberts), the City has enough money tied up in all the Reserve Funds accompanying the various Bonds the City has with the State of Utah, to pay off all but the newer 2002 "Cloward Well" Bond. This would not affect the over-all cash flow of the Water Dept. He feels the slight loss in interest accrued by the money at the State Treasury would be off-set by the fact that this would place the City in a very favorable position to able to further bond for an additional tank or well. He also suggests that the City consider paying off our loan with Dallas Young for the water rights purchased from him, in this fiscal year...by June 30, 2006. This would be dealt with at the time the 2005/06 Budget is amended.

Mayor Fritz: Feels this is a good plan to reduce debt.

Alvin Harward: Agrees with the concept and also feels this would place the City in a better bonding position.

CITY COUNCIL
ASSIGNMENTS

Mayor Fritz (Memo to Council, dated 10-11-05)

"To date, Council representation at Planning Commission meetings has been a three month rotating assignment. The Mayor has taken two turns at the three-month assignments even though it is not within his job description."

The Mayor has the responsibility to make these assignments to the Council.

Mayor Fritz spoke to Councilmember Rugg regarding fulfilling the assignment; but "she stated that she is unable to perform that responsibility because she holds guitar classes in her home on Thursdays evenings."

"Having communicated the concept of 'shared duties', Mary said she would like to bring the issue before the Council and was sure the other members would be willing to carry her share of the load once they understand the issue."

Councilmembers Rugg and Harward have not served with the Planning Commission assignment; Councilmember Harward has no problem taking his turn.

The Mayor wanted to know how the Council feels about this issue.

Mary Rugg: Councilmember Rugg feels her words to him were misrepresented. She suggested that in the future, there be another person present when the two of them talk or that the meeting is tape recorded. She feels she has been insulted and discriminated against by the Mayor; she is not sure why.

She stated that other members of the Council have been asked to fill this responsibility and have either had that rotation cut short or have been relieved of that obligation of going. Why make an issue of her particular problems of attendance? She feels she has been demeaned in many ways and she resents this "vendetta".

Gary Prestwich: He was never released from this obligation and fulfilled his rotation with the Planning Commission. He missed one or two meetings when the Mayor came to address the Commission on particular topics.

Mayor Fritz: It is difficult in communicating...one must be careful what is said. What is intended is not always what is heard or perceived. The Mayor does not recall looking upon Councilmember Rugg as an "enemy". Though they have often not been in agreement, he does not categorize her as an "enemy". He feels that she has projected a challenging attitude toward him from the beginning of their terms of office. He does not attempt to turn disagreements into "vendettas".

He accepts Councilmember Rugg's opinion and view of the situation and he expressed regret at having offending her. It was not deliberate. He would like to be able to get past this and function without animosity.

Issue...Fulfilling the quarterly assignment:

Councilmember Rugg: Maintains that she has Thursday evening responsibilities....work related. She was not aware that this was part of the job description when she ran for office. This assignment came after the election.

(In response to Councilmember Harward's question as to whether this situation was ongoing...she said that it had been consistent for the last four years and that it would likely not be modified.)

Gary Prestwich: He feels when someone takes public office, he/she should understand what is expected and be willing to fulfill those requirements, including training conferences. Being a City Councilmember requires a lot of commitment; and if unwilling to meet those requirements, one should probably not run for office.

Mary Rugg: Reminded those present that serving a 3-month assignment to the Planning Commission was made known until after the elections.

Mayor Fritz: Recalls Councilmember Rugg giving different reasons for not fulfilling this assignment. He still has the obligation to have this assignment covered. Councilmember Harward will take his turn from November, 2005 through January, 2006.

The Mayor reiterated that he apologized for any offense and he will attempt to avoid that in the future.

Mary Rugg: Thanked the Mayor.

SCHEDULE
PUBLIC HEARING

Ordinance/Boarding Miniature Horses:

Comments:

Alvin Harward: He does not feel this matter should go to a public hearing.

1. "A horse is a horse", regardless of the size; it is a "barn-yard" animal and "you don't train it to be in the house". He pointed out that other barn-yard animals could also be brought up for special approval. It should not be considered.

2. There are over 500 homes in Elk Ridge; why would the Council entertain the possibility of changing the current ordinance for one resident? (There was another; but this resident has moved.)

3. Both horse-owners have been in violation of an existing City Ordinance for about a year; and now they are asking for a "sympathy" vote to change the Ordinance to accommodate their horses.

Mayor Fritz: One of the reasons for setting a public hearing is to "hear" the positions of the Councilmembers' opinions prior to any action. Regarding the action only affecting 1 or 2 citizens: the Council should always be open to change, if it is warranted. The Mayor wanted to hear the other Councilmembers' comments, as well.

Mark Johnson: Agrees with Councilmember Harward, he also feels miniature horses are barnyard animals; however, he also feels a Public Hearing is in order.

Mary Rugg: She feels the matter should go before the public.

Gary Prestwich: He agrees that there should be a Public Hearing.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY MARY RUGG TO SCHEDULE A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR THE BOARDING OF MINIATURE HORSES IN RESIDENTIAL ZONES; FOR NOVEMBER 22, 2005, AT 6:00 PM

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

EXPENDITURES:

General:

1. Railing for front walk/City Hall:

Mayor Fritz: This issue has already been discussed by the Council. Public Health and safety is the issue. A cost estimate of \$650 has been submitted.

MOTION WAS MADE BY MARK JOHNSON AND SECONDED GARY PRESTWICH TO APPROVE UP TO \$700 FOR A RAILING IN FRONT OF THE CITY HALL

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

2. Election Judges:

POLLED VOTE: TO APPOINT RON AND MARGARET LECKIE AND ANNETTE JUDD AS ELECTION JUDGES FOR THE NOVEMBER 8, 2005 MUNICIPAL ELECTION

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

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY GARY PRESTWICH TO APPROVE AN INCREASE IN THE PAY TO ELECTION JUDGES FROM \$75/DAY TO \$80/DAY

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

MINUTES

The Council Minutes of 9-13-05:

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO APPROVE THE CITY COUNCIL MINUTES OF 9-13-05, WITH A CORRECTION IN COUNCILMEMBER HARWARD'S NAME IN THE ABSENT VOTE UNDER "AGENDA TIME FRAME"

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

"NIMS"
AGREEMENT

Mark Johnson:

This action would be to accept these policies and procedures to manage any incident. The Dept. of Homeland Security has mandated that the cities adopt these management policies. The City could jeopardize our ability to procure grants for the City, without adopting this Agreement. A standard is created to know how to manage incidents, regardless of the location.

Gary Prestwich: Asked for a statement of those policies.

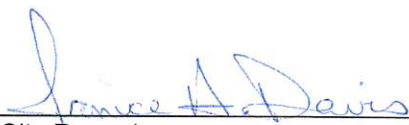
(There was no statement available at that time.)

It was decided to have a written agreement for the Council to review and then adopt.

*Councilmember Johnson will be responsible to provide the written agreement to the Council in the form of a resolution.

ADJOURNMENT

Mayor Fritz Adjourned the Meeting AT 8:30 PM.



City Recorder



NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, October 25, 2005, 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 REGULAR COUNCIL MEETING AGENDA ITEMS:

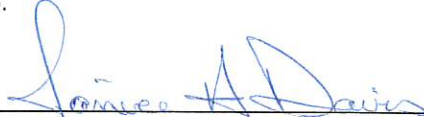
- Opening Remarks and Pledge of Allegiance Invitation
Approval/Agenda Time Frame
- 6:03 1. Discussion/Action - Proposed Page Farms – Crockatt Annexation
 - 6:20 2. Weed Abatement – Mayor Fritz
 - 6:30 3. SUVMWA Contract – Alvin Harward
 - 6:40 4. Street Signage – Mayor Fritz
 - 6:50 5. Planning Commission Member Appointment – Mayor Fritz
 - 6:55 6. NIMS Report/Resolution – Mark Johnson
 - 7:00 7. Elk Ridge Heights Subdivision, Plat A - Release of Durability Retainer
 - 7:03 8. Salt Retention Barricade – Mark Johnson
 - 7:08 9. Expenditures:
General:
 - 7:10 10. Approval of Minutes of Previous Meetings

7:10 - PM**MEET THE CANDIDATES NIGHT**

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 20th day of October, 2005.



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 20, 2005.



City Recorder



**ELK RIDGE
CITY COUNCIL MEETING
October 25, 2005**

**TIME & PLACE
OF MEETING**

This Regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, October 25, 2005, at 6:00 PM.** There was a Special "Meet the Candidates" portion of the City Council Meeting scheduled to begin at 7:10 PM.

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 Hearing, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on October 20, 2005.

REGULAR CITY COUNCIL AGENDA ITEMS:

ROLL CALL

Mayor: Vernon L. Fritz; *City Council:* Mary Rugg, Russell Sly, Gary Prestwich, Alvin Harward & Mark Johnson; *Planning Commission:* Ray Brown, Dennis Dunn, Chad Christensen, Scott Bell & Mel LeBaron; *Candidates:* Dennis Dunn, Nelson Abbott & Ray Brown; *Daily Herald:* Heidi Toth; *Public:* Shawn Eliot, Anette Brigham, Robert Siemer, Joe Wadlinger, Jay Prather, Cindi Ellis, Catherine Goold, Laura Deichman, KJ Lutes, Darin & Tracie Magoffin, Steve & Catherine Fillerup, Judy Brown, Randy Jones, Geniel Sly, Tom Chynoweth, Lesa Hazen, Melani Paxton, Ron & Margaret Leckie, Tricia & Kacey Gunnerson, Mike Turner and Mindy Norton; and *City Recorder:* Janice H. Davis

**OPENING REMARKS
& PLEDGE OF
ALLEGIANCE**

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

**AGENDA TIME
FRAME**

The Agenda Time Frame was accepted.

**PAGE FARMS –
CROCKATT
ANNEXATION**

Mayor Fritz: Announced that this would not be considered a "Public Hearing" to listen to public comment; that took place on October 11, 2005. and to, possibly, make a decision.

The purpose was to discuss and to weigh the information gathered at the Public Hearing and to review the proposed Annexation Agreement and Ordinance.

The Mayor complimented the Planning Commission for the negotiations conducted with the developer of the property.

Review of Annexation Agreement:

- Page 1 (1-C): RE: Agreement for developer to pay \$700,000:
(History) A developer had been seeking information regarding annexing in a 90-acre piece of land; this developer was informed of the sewer & water problems existing in the City. The Mayor indicated that these problems need to be resolved prior to approval of any more development. The developer said that he wanted to help financially to bring these things about so he could proceed with his proposed annexation. About two weeks later, the Mayor met with Randy Young, who was seeking annexation of the Page Farms – Crockatt land. Mayor Fritz informed Mr. Young of the previous conversation with the other developer and Mr. Young responded that he wanted to participate, as well. Two weeks later Mr. Young came back to the City with a proposal to participate to the degree of \$700,000 for the development of a new well and system for that area.
The well/system that the City has had engineered has a cost estimate (on the high side) of about \$1,010,000 (It could be less).
Mr. Young also requested keeping the Water Impact Fees as reimbursement for the \$700,000. The Mayor responded that the City would keep the Impact Fees because there is still the bonding for the surrounding system and a new tank to consider.
The Mayor maintains that any new development would not burden existing residents.

Comments:

Alvin Harward: Questioned the part in "C" where it reads "...new water system in the vicinity f the property." Suggestion: Strike: "vicinity" and indicate that the system will be located where the City deems appropriate. The same applies to Page 2 (D). (The Mayor feels that would be fine.)

- Page 2 (1-E): Add (For clarification): "...in accordance with engineering standards."

- Page 2 (F, G & H) All deal with the extra wide street and the entrance to Elk Ridge.
(H) The current signs to the City were constructed by former Mayor Ingram and were a wonderful addition; updated ones would be good at this time.
Occasionally there are criticisms about the City being “run down” in appearance; he receives many more comments regarding the beautiful Community that we enjoy. He feels that Elk Ridge will continue to be one of the “premier” places in Utah County to live.
- Page 2 (I): Will there be a problem with obtaining warranty deeds for water rights?
- “The City’s Obligation to the Developer”
 - A. Clarification is needed with the 2.6 acre feet of water right...is that quantity necessary (as per engineering)?
 - B. Payback Agreement to developers for use of new well and tanks (Off-site Reimbursement agreements from contractors to Mr. Young, as the developments are built out). Mr. Young would install the infrastructure and improvements; however, he would sell off tracts of land to contractors to build and further develop the property.
 - C. Change “contribute” to “allow” to the Development; and change the blanks to “an appropriate number” of water and sewer connections, “when they become available”.
 - D. “SID” (Special Improvement District) to recover monies for the well and system...
The Mayor needs greater clarity on this item. It is unknown that this is applicable or advisable for the City.
- * Mayor Fritz will research this item and come back to the Council.
- **The Mayor also needs to clarify the terms of 1-C, regarding the \$700,000.

Though the Council was not ready for a vote on the proposed annexation, the Mayor wanted to poll the Council for their feelings:

Russell Sly: Feels the annexation goes forward with a positive recommendation; with the understanding that there needs to be some things clarified.

Mark Johnson & Alvin Harward: Agree with Councilmember Sly.

Gary Prestwich: Agrees; with clarification of 2-D (SID)

Mary Rugg: Questions:

1. Needs explanation of SID
2. If there is no sewer capacity, what happens to the development plans? There is nothing written in the Agreement. (Mayor Fritz responded that the developer is very clear that there will be no development...the same as any other development proposal.)
3. Has the developer given any indication what his plan would be if the annexation were denied? (Mayor Fritz said that Mr. Young has indicated that he would not pursue any further plans for that area.)

*The Mayor will let the Council know what Mr. Young says about the comments and any further information he finds out.

There will be no City Council Meeting on November 8, 2005; due to Municipal Elections.

The next Council Meeting will be on November 22, 2005.

WEED ABATEMENT Mayor Fritz: Strike from the Agenda.

SUVMWA
CONTRACT Alvin Harward: The South Utah Valley Communities assist one another in what is known as the South Utah Valley municipal water assoc. (SUVMWA). The city has been involved for some time; this is a renewal of the Interlocal agreement between these cities.
No comments.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO APPROVE THE RENEWAL OF THE SOUTH UTAH VALLEY MUNICIPAL WATER ASSOCIATION AGREEMENT FOR JOINT AND CO-OPERATIVE ACTION

VOTE: YES (5)

NO (0)

STREET SIGNAGE Shawn Eliot (Resident and employee of Mountainland Assoc. of Govt. “MAG”)
Mr. Eliot has been conducting an on-going study of the City streets and has found them to be in poor shape and in need of replacement.

Mr. Eliot passed out a handout indicating proposed “next steps”:

1. Need to determine how many phases to do first and when
 - A. Phase 1: Safety issue, signs are missing
 - B. Public Hearing is not needed, no changes to street names or addresses
2. Choose type of post
 - A. Round green or black post vs. galvanized square post

- B. Issue with cement vs. pounding into raw soil
 - 3. High Intensity (glow in the dark) vs. standard signs
 - A. Planning Commission recommended "High Intensity"
 - B. Vastly improved night reading in dark areas
 - 4. Who does installation?
 - A. \$79 per new post, \$25 for extending current posts
 - 5. Establish signage standard for future development (see handout)
 - 6. This signage will help in like names confusion
 - A. Use of arrows on signage to direct motorist at confusing intersections
 - B. Coordinate system on signage should help EMS & others
 - 7. Funding – Class C Road Funds from State can be used
 - 8. Current posts to be used need to be measured on the inside circumference
 - 9. Naming unnamed street off Hillside Dr., between Alexander Dr. & Salem Hills Dr.
 - 10. Elk Ridge Dr./Elk Meadows Dr./ Park Dr. – Issue (One flows into the other and they are really extensions of the same roadway. It is confusing and he recommends they all be changed to one name.)
- A list of various suggested street names was provided (There are too many "Drives" in Elk Ridge).
- Mr. Eliot also distributed a chart with a list of streets, divided into three phases (color-coded red, yellow & green). The 1st Phase (red) lays out selected streets and the coordinating signs. The projected costs for Phase 1 would range from \$1,632 (Low end/City Installs) to \$3,473 (High end/Company Installs) Projected costs for the other two phases are also listed.
- The Council postponed any action to the next City Council Meeting.

PLANNING
COMMISSION
APPOINTMENT

Mayor Fritz: With the elections this year, there will be one, perhaps two vacancies on the Planning Commission. Two citizens have asked to be considered as members of the Planning Commission: Robert Wright and Shawn Eliot. There is already an alternate member, who is undecided as to the role he will fill until after the Municipal Election. Both of these gentlemen are qualified to serve the Community and the Mayor recommends both to be appointed for future assignment.

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY ALVIN HARWARD TO APPROVE SHAWN ELIOT AND ROBERT WRIGHT FOR FUTURE ASSIGNMENT TO THE PLANNING COMMISSION

VOTE: YES (5)

NO (0)

NIMS REPORT –
RESOLUTION

Mark Johnson: The information was not available to move forward to approval.

ELK RIDGE
HEIGHTS
SUBDIVISION,
PLAT A – RELEASE
OF DURABILITY
RETAINER

City Recorder: This Subdivision has spanned three engineering firms and many years. There were problems in clearing up some of the items on the list to be completed prior to the release of the Durability Retainer, held in escrow at Far West Bank. The list has been completed and the improvements are ready to be accepted by the Council as complete and the Retainer released, as per engineering letter from Aqua Engineering, dated October 18, 2005.

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO ACCEPT THE IMPROVEMENTS FOR THE ELK RIDGE HEIGHTS SUBDIVISION, PLAT "A", AS COMPLETE; AND TO RELEASE THE DURABILITY RETAINER TO THE DEVELOPER, AS OF THIS DATE, THE 25TH DAY OF OCTOBER, 2005; AS PER ENGINEERING RECOMEDATION, DATED 10-18-05

VOTE: YES (5)

NO (0)

SALT RETENSION
BARRICADE

Mayor Fritz: The projected costs came in low enough for the Mayor to be able to approve. Councilmember Johnson came up with the idea to have barricades to hold the road salt in place as the backhoe shovels it into the sanders on the snowplows. The cost will be less than \$300.

MINUTES

Not available for approval

NON-AGENDA
ITEM

Russell Sly: The old sewer line down by the Haskell Developments has been abandoned. Any property owners adjacent to the sewer line are free to remove the old sewer line on their property; they are required to plug both ends that remain.

*The property owners will receive a letter from the City, informing them of their options.

EXPENDITURES: General: None

1. Backhoe Tires: four tires will cost about \$1,300...

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY ALVIN HARWARD TO APPROVE THE PURCHASE OF FOUR TIRE FOR THE CITY BACKHOE AT THE ESTIMATED COST OF \$1,300

VOTE: YES (5)

NO (0)

MEET THE CANDIDATES

With the upcoming Municipal Election on November 8, 2005; this meeting was organized to allow the public the chance to meet and question the candidates.

Mayor Fritz asked former City Councilmember Cindi Ellis to introduce the speakers and to keep them to the time allotted them to speak.

Mrs. Ellis explained the format of the discussion period.

The candidates were each given time to introduce themselves and to summarize why they are running for office; after that the public was invited to question any or all of the candidates.

Office of Mayor:

Mayor Vernon Fritz and Dennis Dunn: Both spoke briefly of their personal histories and the current issues facing the City and commented that they were eager to serve the Community as best they could.

Both men expressed their respect and appreciation for the other in their civic duties (Mr. Fritz as former Councilmember and current Mayor; and Mr. Dunn as former Chairman of the Planning Commission and current member of the same Commission).

Office of Councilmember:

Ray Brown and Nelson Abbott:

Ray Brown: Gave a brief personal history and mentioned his current duties as Chairman of the Planning Commission. He enjoys public work and is retired and has the time to serve the City.

Nelson Abbott: He reviewed his personal history and his current interest in serving the Community. He ran for office in the last municipal election and did not win; but has maintained his interest in the City.

Public Questions:

The topics of concern:

- The pending annexation at the corner of 1600 West and the subsequent development of that area and the possibility of high density and "low income housing".
- Moderate Income or "pre-fab" houses (pre-built homes)
- Will the developer involved with the proposed annexation be recording "protective covenants" with the various phases of the development? (Not known at this point.)
- How the candidates perceive the role of "leadership" and how it applies to those running for Mayor.
- When the City is faced with a "short-fall" financially, what would the remedy be...particularly regarding taxes?
- Future Well and tank

The candidates were, generally, in agreement on the summarized answers given to the topics of concern:

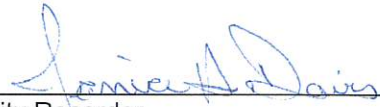
- Though the City Council has been carefully monitoring the expenses to better manage the budget, there is still a need for revenue for the General Fund. Additional revenue sources, including possible commercial enterprises, would be preferable to raising property taxes; however, that does remain an option, though not a favorable one.

- The candidates are in favor of controlled growth and being able to properly manage the availability of services to new resident, without placing financial burden on existing residents.

- Leadership involves various qualities for any leader, including a Mayor: availability, commitment to what is best for the City, an open mind, management skills, knowing the direction to best bring to fruition the plans already in progress and leaders do not have to be "right" all the time.

- The new well and tank are a positive direction for the City, particularly with assistance from new growth. Getting the permission to drill the well is important, even if it is not put to full use until later. There is the possibility of sharing the financial responsibility for a new tank with Payson City.

ADJOURNMENT Mayor Fritz Adjourned the Meeting.



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 22, 2005, at 7:00 PM, to be preceded by one Public Hearing at 6:00 PM, on a Proposed Ordinance Amending the Elk Ridge City Code Providing for the Boarding of Miniature Horses in Residential Zones; and a City Council Work Session at 6:15 PM.

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

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

6:00 PM **1. PUBLIC HEARING/PROPOSED ORDINANCE REGARDING THE BOARDING OF MINIATURE HORSES**
Public Hearing/Proposed Ordinance Amending the Elk Ridge City Code Providing for the Boarding of Miniature Horses in Residential Zones

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

6:15 2. CANVASSING ELECTION RETURNS
6:45 3. Weed Abatement – Mayor Fritz
6:55 Break

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

Opening Remarks and Pledge of Allegiance
Approval/Agenda Time Frame
7:05 4. Mr. Gunderson/Connection to City Water System – Mayor Fritz
7:20 5. Road Signs – Gary Prestwich & Shawn Eliot
7:30 6. Adoption/Ordinance re: Boarding of Miniature Horses
7:35 7. SUVMWA Contract – Alvin Harward
7:45 8. Resolution/General Plan Amendment (Circulation Map of the Elk Ridge City General Plan)
7:55 9. Resolution/Development & Construction Standards Amendment (Storm Drainage)
8:05 10. Park Retainer Wall/Street Side – Mark Johnson
8:15 11. City Newsletter/Advertising – Mayor Fritz
8:20 12. Schedule Public Hearings:
 A. Ordinance/Providing for Tennis Courts, Sport Courts, Batting Cages, etc.
8:25 13. Expenditures:
 General
8:25 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 21st day of November, 2005.


City Recorder

CERTIFICATION

I, Janice H. Davis, acting City Recorder for the municipality of Elk Ridge, do hereby certify that the foregoing is a true and correct copy of the Amended Notice & Agenda as faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and posted on November 17, 2005; & an Amended Agenda on 11-21-05.


City Recorder

ELK RIDGE
CITY COUNCIL MEETING
November 22, 2005

**TIME & PLACE
OF MEETING**

This Regular Meeting of the Elk Ridge City Council, was scheduled for Tuesday, November 22, 2005, at 7:00 PM. It was preceded by a Public Hearing at 6:00 PM, for the purpose of hearing public comment regarding a Proposed Ordinance regarding the Boarding of Miniature Horses; and a Council Work Session at 6:15 PM.

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 Hearing, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on November 17, 2005; and an Amended Agenda on 11-21-05.

6:05 PM

**PUBLIC HEARING/PROPOSED ORDINANCE REGARDING THE BOARDING OF
MINIATURE HORSES**

Public Hearing/Proposed Ordinance Amending the Elk Ridge City Code Providing for he Boarding of Miniature Horses in Residential Zones

ROLL CALL

Mayor: Vernon L. Fritz; *City Council:* Mary Rugg, Russell Sly & Alvin Harward, Mark Johnson (Absent: Gary Prestwich); *Planning Commission:* Ray Brown, Dennis Dunn & Scot Bell; *Council Elect:* Nelson Abbott; *Public:* Anette Brigham, Shawn Eliot, Cory Snyder, Jason & Coreen Gunderson and *City Recorder:* Janice H. Davis

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

(Memo form City Planner to Council)

Background:

This proposed Ordinance Amendment has been reviewed by the Planning Commission in a public hearing, regarding the need to allow provisions for the boarding of miniature horses in Elk Ridge. The issue was initially raised as certain community members requested consideration of their specialized animals, which do not seem to fit in the categories of either household pets or livestock. The ordinance wording proposed here has been used by other cities in Utah that currently allow for the boarding of miniature horses.

Recommendation:

Finding that the above amendment is both prudent and necessary, and that no objections to such an amendment have been raised, the Planning Commission recommends that the City Council set a public hearing for the approval of the proposed amendment to Chapter 10-12-38 of the Elk Ridge City Code.

The Mayor turned the time over to Chairman Ray Brown to summarize the issues:

Ray Brown: There were two families that were affected by this issue, now there is one.

After much review of the matter, it was not a unanimous decision to forward this proposed ordinance on to the City Council for a public hearing. One argument against the proposed amendment is that the owners have been and continue to be in violation of the current ordinance...and are asking permission to change the regulations.

Other reasoning behind approval of the amendment is that they are no different than a large dog. (Provo City does allow this in certain zones.)

Mary Rugg: Read a note from one of the Planning Commission members (Dayna Hughes):

"I was not able to attend the public hearing tonight because my daughter has an orchestra concert in Provo. My comments concern the miniature horse ordinance.

I want to make it clear that I have no complaints whatsoever regarding the two miniature horses that currently live in Elk Ridge. However, I have several vacant lots around my house and I do not want farm animals next to my house. For several years I had a neighbor who had ducks and chickens right up against our property line and it was a nuisance.

I realize that these horses are smaller than typical farm animals, but we wouldn't allow miniature tigers in a zone that was not zoned for tigers. Our city has zoning areas for horses and I think a horse is a horse, of course, of course."

Council Comments:

Alvin Harward: Agrees with Mrs. Hughes. Although he sees both sides of the issue, he does not feel the ordinances should change to accommodate one or two people. Horses are still barnyard animals and he does not feel the current ordinance should change to allow barnyard animals in a regular residential zone. The Nuisance Ordinance would handle any issue the neighbors would have.

Mayor Fritz: One neighbor was the one that initiated this issue. The complaint was that the surrounding neighbors were complaining to her about the nuisance. The neighbors were unwilling to press charges. Many times neighbors are unwilling to take formal action against another neighbor in violation of some ordinance.

He does agree that the Council should consider the point made that there are those who violate existing ordinances and then ask for permission later.

Nelson Abbott (Council Elect): he is a neighbor of Mr. Brockbank, who owns a miniature horse. They do keep the property clean and the animal is cared for. The other situation in the City (the owners have since moved to a zone allowing barnyard animals), was very offensive and unkept. He personally has no issue with allowing miniature horses, but he does recognize that there is a disparity between how people keep up their responsibility to care for their pets.

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

CITY COUNCIL WORK SESSION

ROLL CALL

Mayor: Vernon L. Fritz; *City Council*: Mary Rugg, Russell Sly & Alvin Harward, Mark Johnson (Absent: Gary Prestwich); *Planning Commission*: Ray Brown, Dennis Dunn & Scot Bell; *Council Elect*: Nelson Abbott; *Public*: Anette Brigham, Shawn Eliot, Cory Snyder, Jason & Coreen Gunderson and *City Recorder*: Janice H. Davis

CANVASSING
ELECTION RETURNS

The City Council checked over the Official Register Book, the Poll Book, the Tally List and the Statement of Disposition of Ballots; they found all in order and agreed with the Election results, noting that all ballots were accounted for.

WEED ABATEMENT

Mayor Fritz: The City has an Ordinance in place that prohibits having tall, "noxious" weeds growing on one's property (no more than 12" tall, not within 30' of a structure or within 10' of the outer edge of any public street, or weeds in any other location including vacant lots & open fields that constitute an unreasonable fire hazard). If the property owner fails to take care of a problem, the Ordinance permits the City to cut the weeds down and to bill the property owner. With a particularly large open field (example: across Park Dr. from the City Offices), does it do any good to cut the entire piece of ground? In the past, this particular field has been cut and bailed by Hal Shuler; Mr. Shuler can no longer do this. The Mayor has had the Public Works Superintendent cut along the perimeter of this and other fields...but, does this do any good, when the cut weeds simply lay on top and still are a fire hazard? This continues to be a problem that the new Council will have to address.

Mark Johnson: (from a firefighter's perspective) Cutting the outside perimeter is better than nothing. Currently the Fire Dept. is contacting land owners to get permission for some "controlled burns" on the open fields and vacant lots; this would be done in the spring of 2006. Public Works has been putting weed killer on the sides of the roads.

There were 4 or 5 brush fires this past season; all of them were intentionally started. All were caught in time and put out in a timely manner.

Mary Rugg: Suggested notifying surrounding neighbors of the dates & times of these controlled burns, to give them an opportunity to be out of the area.

Mayor Fritz: Many have adverse reactions to smoke and notification would be a must. Criminal charges can be imposed if the land owners are in violation.

Alvin Harward: The sides of the roads belong to the City and it is the City's obligation to keep these rights-of-way clear. It is hard to enforce with others if the City does not adhere to the Ordinance.

There was excess time in the Work Session and item #9 was moved forward to allow Planning Commission member Scot Bell to address the Council.

RESOLUTION –
STORM DRAINAGE

(Memo from City Planner to Council)

“Background

In reviewing the development plans of recently approved subdivisions, it became apparent that several components of the Storm Drainage Standards were in need of updating and revision. On several occasions the Planning Commission discussed and reviewed the needed changes with Aqua Engineering, who have compiled and presented this proposed draft of the storm drainage standards. When approved, this draft will completely replace Section 02.23 of the Development and Construction Standards.

Recommendation:

The Planning Commission has reviewed this amended section in a public hearing and has recommended that the Development and Construction Standards be amended as proposed. The City Council may approve this amendment by resolution, as attached.”

Scot Bell: (Representing the Planning Commission)

The Planning Commission was unanimously in favor of adopting this policy. He feels there are many benefits offered to the City:

1. It would mitigate and, perhaps, eliminate the need for a major storm collection system.
2. It is a “pay-as-you-go” program: the developer passes the cost onto the future resident; existing resident would not pay for the upgrades.
3. Change: No more than 2% of run-off water can be passed from one adjacent property to the next. If this policy is enforced, the result would be to keep water where it falls and problems would not be passed downhill.

Storm Drain Fees could increase quite a bit. The City needs to attempt to keep the fees at a reasonable rate...with this type of policy, the residents could hope to re-coupe their investment in about four years. Proposed increase in Fee: from \$3 to \$13.

The changes are in Section 02.23 and cover the following headings:

General Requirements

Design Requirements

Operation & Maintenance

Surface Water to be Retained

The more the City can do to make developers responsible to clean up debris, trash, mud, etc.; the better it will be for the City and tax-payers.

Mayor Fritz: A great deal of good work has gone into this proposed ordinance. There is an acknowledgement that though sumps have limitations, they also have value; the modifications of the sump design will enhance the ability to contain most of the run-off. There will still have to be constant vigilance in maintaining those sumps. The City only has between 6 & 7 major storms/year that can create problems; most of those problems come from gravel being washed onto the streets, which can be cleaned up fairly easily. He has no further suggestions or criticisms.

Russell Sly: There are also problems with home-owners leaving mud and debris in the roads and gutters that gets washed down into the sumps.

(Maintenance is still the key.)

Mary Rugg: There is still the possibility of purchasing a truck to vacuum up the debris and gravel. The current Council was not in favor of this purchase because of the cost involved and storage problems. There are other ways of storing these trucks.

She would like to look into this further.

*This suggestion will be brought before the new administration for reconsideration.

City Recorder: There is an existing problem in Loafer Canyon with the pre-designated drainage channel on the west side of the Canyon...some of the residents have filled in the natural channel.

The Mayor declared the Work Session over as of 6:55 PM, and called for a brief break.

(There were some scouts from Troop #1545 present to meet the City Council during this break.)

ELK RIDGE
CITY COUNCIL MEETING
November 22, 2005

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OF MEETING**

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7:05 PM

REGULAR CITY COUNCIL AGENDA ITEMS:

**OPENING REMARKS
& PLEDGE OF
ALLEGIANCE**

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

**AGENDA TIME
FRAME**

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO
APPROVE THE AGENDA TIME FRAME, ADJUSTING THE START TIME TO 7:05 PM
VOTE: YES (4) NO (0) ABSENT (1) GARY PRESTWICH**

**GUNDERSON –
CONNECTION TO
CITY WATER
SYSTEM**

Mayor Fritz: (Memo to Council)

"Background: Mr. Gunderson bought his property seven years ago. He had a contract for 1/5 years with the previous owner to maintain the well and system. He currently has permission to hire a water truck to fill two 1,000 gallon tanks for meeting his flushing and washing needs. Drinking water could possibly be gotten from his neighbor.

Mrs. Evans, the previous owner, called me expressing concern about Mr. Gunderson and told me she shut off his water for non-payment and other reasons. I asked her if she would extend his use of the water for six months to permit him to make other arrangements. Because of the relationship, she will absolutely not give him an extension.

My question in part is, how far should we bend to expedite this process and under what terms and conditions? The items below establish some things that should be considered.

A. Do we set a precedent by permitting connections for non-residents?

1. We currently have two such cases, Armstrong & Hansen (Armstrong is in Elk Ridge)
2. Other properties north of the City in the county areas may want to connect to our system without annexation. Have we set a precedent?

B. How many water rights should he be required to bring in?

C. Should the City make its reserves available to him? (17 shares)

D. He has two five acre parcels (actually, he owns 15 acres). At present, the City would require 2.6 shares (acre feet) per acre for someone wanting to annex and develop their land. That equals $2,750 \times 1.3 = \$3,755$ or $2.6 \times 5 \text{ acres} @ 2,750 = \$37,750$

Hook-up.....375

Water Impact Fee....3,350

Water Rights.....(as applicable)

(This needs to be clarified.)

E. If we decide to permit connection, contingent upon annexation, can we allow a temporary hook-up with a six month term for meeting all of the conditions?

(Mr. Gunderson is aware that Mrs. Evans will allow him to fill the storage tanks; however, due to the negative relationship between him and Mrs. Evans, he chooses not to take this action.)

Mary Rugg: If the City has already connected a non-resident, hasn't the precedent been set?

Alvin Harward: He does not believe that the City would be setting a precedent; each case would be considered on its own merit. He does not feel there is a problem with connecting Mr. Gunderson. He also thinks that in Mr. Gunderson's case, much of the 15 acres is natural vegetation and only a small area has the house on it; if connection is granted, he suggested requiring no more than would be required of a 1-acre lot (2.6 acre ft.)

Mary Rugg: Is unclear why the Gunderson's have not been serviced, since the Mayor polled the Council two week prior to this meeting. (The Mayor since received a call from Mrs. Evans, who gave him more information than he had at that time. He felt the Council should have all the information before making a final decision.)

Councilmember Rugg continued that as long as Mr. Gunderson is willing to pay the associated costs, she has no problem with allowing him to connect.

Russell Sly: Agrees that the property directly around the house should be segregated out of the over-all 15 acres; for the purpose of assigning water rights...perhaps annexation into the City would be the best action to take.

Mayor Fritz: Questions the possibility of annexation, since the property around the house is not contiguous with the City boundary. He would recommend allowing the connection for a one acre parcel of land around the house (2.6 acre ft. of water right), without annexation.

Mr. Gunderson: (In response to being questioned) He would not like to complicate the matter with the annexation process. He prefers not to drill a well on his property, since the cost is prohibitive (over \$30,000...with no guarantee that they would hit water). They only need water for domestic use.

Mayor Fritz: Should the Council also consider allowing a 6-month period of time to allow the conditions to be met? Mr. Gunderson will want to get started on running the water line.

Another matter is where Mr. Gunderson can purchase the necessary water right; the Mayor is not particularly in favor of designating the City's water rights (these are reserved for residents needing to upgrade their water right in conjunction with their building permits and the Council has not been allowing new development to use these).

Suggestion: Contact either Gary Winterton or Dennis Shuler, who both have transferred water rights they may be willing to sell to Mr. Gunderson.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARY RUGG TO ALLOW MR. GUNDERSON TO CONNECT ONTO THE CITY WATER SYSTEM FOR DOMESTIC USE; BASED OFF OF A ONE ACRE PARCEL; AND TO HAVE 90 DAYS TO PAY THE APPROPRIATE FEES: INCLUDING WATER IMPACT FEE, CONNECTION FEE AND TO MEET THE WATER RIGHT CONVEYANCE REQUIREMENT

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

STREET SIGNS

Shawn Eliot: (Submitted drawings of the proposed street signs and a sample of a proposed street sign standard to be adopted (developers would be required to use these standards). The proposed signs would include the Elk Ridge logo and the corresponding coordinate.

Mr. Eliot recommended approval of Phase 1 of the overall project at a cost of \$3,431 and would basically replace missing or badly damaged signs.

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RUSSELLSLY TO APPROVE PHASE ONE OF THE STREET SIGN PROJECT, FOR A COST OF \$3,431

VOTE: YES (3) NO (1) MARY RUGG ABSENT (1) GARY PRESTWICH

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY MARY RUGG TO ACCEPT THE PROPOSED "STREET NAME SIGN STANDARD" AS THE OFFICIAL STANDARD FOR ELK RIDGE CITY

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

ORDINANCE – BOARDING OF MINIATURE HORSES

No further discussion.

MOTION WAS MADE BY MARY RUGG TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR THE BOARDING OF MINIATURE HORSES IN RESIDENTIAL ZONES, CODIFICATION, INCLUSION IN THE CODE, CORRECTIONS OF SCRIVENER'S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE

The Motion died for lack of a second.

Councilmembers Johnson, Harward & Sly agree that horses are barnyard animals and should be kept in an appropriate zone.

SUVMWA
CONTRACT

Alvin Harward: There have been some minor changes to the proposed contract with South Utah Valley Municipal Water Association (SUVMWA). Davis Church has reviewed the contract and finds no problems with it.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO APPROVE THE SOUTH UTAH VALLEY MUNICIPAL WATER ASSOCIATION AMENDED AGREEMENT FOR JOINT AND CO-OPERATIVE ACTION; AND TO AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT IN BEHALF OF THE CITY COUNCIL
VOTE: YES (4) NO (0) ABSENT (1) GARY PRESTWICH

RESOLUTION –
GENERAL PLAN
AMENDMENT/
CIRCULATION MAP

(Memo from the City Planner to the Council)

Background:

"The Planning Commission recently reviewed, discussed and held a public hearing on two proposed amendments to the General Plan Circulation Map, as attached; including 1) connecting loop roadways in the south hills area (CE-1 zone), and 2) a revised proposed major collector on Salem Hills Drive.

The first proposal is in response to several inquiries and potential development proposals for the south hills area. It would not be prudent to allow any further development of this area without connecting circulation of major roadways in the area. The proposed revised map shows two alignments for loops that would connect future development into the existing roads at High Sierra Drive and Hillside Drive.

The second proposal will change the proposed major collector heading to the City's north boundary from an alignment on N. Loafer Dr. to Salem Hills Dr. Salem Hills Drive is already a major collector, and the future need of extending N. Loafer Dr. is questionable. There is no need for both to be extended as major collectors due to their proximity. The adjustment to this part of the map also eliminates the shown connection between Goosenest Dr. & Salem Hills Dr. The concept for that connection has been abandoned in light of the steep slope and the approved roadways in the Rocky Mountain Subdivision.

The intention of including these changes on the Circulation Map of the Elk Ridge City General Plan is to provide guidance for potential alignments to future developments, as well as provide stronger direction from the City as to what type of circulation is needed and expected. Future actual roadway alignments may vary, but it is the conceptual alignment that will provide the needed guidance.

Recommendation:

The proposed changes to the Circulation Map of the General Plan will benefit the City as it prepares for future growth and development. Following the public hearing by the Planning Commission, it was recommended that the City Council approve these map changes. State law no longer requires a public hearing for general plan amendments by the City Council. The City Council may now approve these changes by resolution, as attached."

Dennis Dunn: The Planning Commission desires to tie the City together in the best possible way. None of the roads would be more than the allowed 8% slope. Mr. Dunn reviewed the major changes covered in the memo from Ken Young.

There was no further discussion.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RUSSELL SLY TO APPROVE THE RESOLUTION AMENDING THE CIRCULATION MAP OF THE ELK RIDGE GENERAL PLAN

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

RESOLUTION –
DEVELOPMENT &
CONSTRUCTION
STANDARDS
AMENDMENT/
STORM DRAINAGE

(Planning Commissioner Scot Bell presented this information in the Work Session.)

There was no further discussion.

MOTION WAS MADE BY RUSSELL SLY ABND SECONDED BY MARK JOHNSON TO APPROVE THE RESOLUTION AMENDING SECTION 02.23 OF THE ELK RIDGE CITY DEVELOPMENT AND CONSTRUCTION STANDARDS REGARDING STORM DRAINAGE

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

PARK RETAINER
WALL – STREET
SIDE

Mark Johnson: The Public Works has installed the rock blocks to assist in loading salt into the snowplows. The blocks are \$30 each. He proposes the Council consider purchasing enough to finish off the street side of the Park; with two levels (tiered). The blocks would be lined up and leveled off. Some of the citizens have had positive comments about the blocks that are already in.

Mary Rugg: Councilmember Johnson has contacted her and she was going to come to the Council with a bid for a rock retaining wall after the beginning of the new year. This wall would be in two sections. How far would the blocks be extended and what would be used as a "cap"?

Mark Johnson: The blocks would extend west all the way to where the ground slopes off; and there is a cap to those blocks available. He is not sure of the cost of the caps; he will fine out the price.

Mary Rugg: She questioned why the salt has to be piled by the walking trail in the Park. Eventually the salt will seep into the soil. This would kill the trees and anything else on that side. Why couldn't the salt be piled on the east side of the City Hall where all the gravel is?

Mark Johnson: It used to be; but the neighbors complained of the noise and lights caused by the snowplows in the middle of the night. A suggestion was made to consider the City property off of N. Park Drive; but a road access would have to be installed for the trucks to be able to get into the property.

There was no vote at this time.

*Councilmember Johnson is to find out how long the price of \$30/block will last.

CITY
NEWSLETTER –
ADVERTISING

Mayor Fritz: There have been some requests to use the City Newsletter for advertising some of the home businesses in town. The Mayor wants to know if the Council feels the City should become involved in this.

Alvin Harward: Feels the City should stay out of advertising.

City Recorder: This has been tried in the past and the City Newsletter turned into more of a "newspaper" and demanded much time on the part of the Deputy Recorder; and the cost of mailing increases when the number of pages increases. The idea was abandoned in favor of a simple newsletter.

Suggestion: A great Eagle Project would be to gather ads and information about the home businesses and create a little directory for people to keep, rather than throw away every month. The general consensus was to leave the Newsletter as it is and avoid advertising.

SCHEDULE
PUBLIC HEARING

1. Ordinance regarding Tennis Courts, Sport Courts and Batting Cages:

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY ALVIN HARWARD TO SCHEDULE A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR TENNIS COURTS, SPORT COURTS, BATTING CAGES, ETC. FOR DECEMBER 13, 2005, AT 6:00 PM

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

EXPENDITURES:

General: None

MINUTES

The Council Minutes of 10-11-05 & 10-25-05:

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO APPROVE THE CITY COUNCIL MINUTES OF 10-11-05, WITH CORRECTION ON PAGE 12:

ADD HARWARD AS THE CITY COUNCILMEMBER; AND OF 10-25-05

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

ADJOUR

Meeting AT 8:15 PM.


City Recorder

NOTICE & AGENDA

Notice is hereby given that the regular City Council Meeting scheduled for Tuesday, November 8, 2005, at 7:00 PM, is hereby CANCELLED due to lack of business.

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

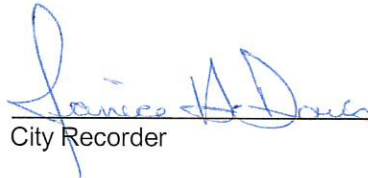
6:00 – PM COUNCIL WORK SESSION

CANCELLED!

7:00 - PM REGULAR CITY COUNCIL MEETING

CANCELLED!





City Recorder

AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, December 13, 2005, at 7:15 PM, to be preceded by a Public Hearing, at 6:00 PM,** on a proposed Ordinance Amending the Elk Ridge City Code Providing for Tennis Courts, Sport Courts, Batting Cages, etc.; and a **City Council Work Session at 6:10 PM.**

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

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

6:00 PM 1. PUBLIC HEARING/ORDINANCE RE: TENNIS COURTS, SPORT COURTS, BATTING CAGES

Public Hearing/Proposed Ordinance Amending the Elk Ridge City Code Providing for Tennis Courts, Sport Courts, Batting Cages, etc.

6:10 - PM CITY COUNCIL WORK SESSION

- 2. Recognition of Departing City Council Members – Mayor Fritz
- 6:15 3. Water Rights Study – Aqua Engineering
- 6:45 4. Sewer Impact Fee Study – Aqua Engineering
 - A. Consideration of "Over-all" Impact Fee Study (Water & Roads)

7:15 PM REGULAR CITY COUNCIL MEETING AGENDA ITEMS:

- Opening Remarks and Pledge of Allegiance
- Approval/Agenda Time Frame
- 7:20 5. Ratification of Polled Vote/to Authorize Water Needs Study by Aqua Engineering – Mayor Fritz
- 7:25 6. Purchase of Electric Breaker Hammer – Shawn Eliot
- 7:30 7. Water Rights Study/Action
- 7:35 8. Sewer Impact fee Study/ Action
- 7:40 9. Schedule Public Hearings:
 - A. General Plan Land Use Map Amendment
 - B. Burke Cloward Zone Change Request (From RR-1 to R-1-15,000)
 - C. Ordinance/Landscaping Requirements for Single Family Home Lots, Planned Residential Developments & Planned Unit Developments
 - D. Ordinance/Review of Petitions for Lot Line Adjustments
 - E. Ordinance/Installation of Secondary Water System Improvements
- 7:50 10. Resolution/City Fee Schedule – Development Service Fees
- 7:55 11. Sewer Connection Allocations: Mrs. Norlund, Mr. Snyder & Mr. Yergensen
- 8:05 12. Adoption of Ordinance re: Tennis Courts, Sport Courts, Batting Cages, etc.
- 8:10 13. Expenditures:
 - A. General
 - B. City Check Registers
- 8:15 14. Minutes of Previous City Council Meetings
- 8:20 15. Page Farms – Crockatt Annexation – Mayor Fritz

Handicap Access, Union Request 7:18 PM Notice)

The times for the agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 9th day of December, 2005.


City Recorder

CERTIFICATION

I, Janice H. Davis, acting City Recorder for the municipality of Elk Ridge, do hereby certify that this Amended Notice & Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and to the Elk Ridge City Council on December 8, 2005; & an Amended Agenda on 12-9-05.


City Recorder

ELK RIDGE
CITY COUNCIL MEETING
December 13, 2005

**TIME & PLACE
OF MEETING**

This Regular Meeting of the Elk Ridge City Council, was scheduled for Tuesday, December 13, 2005, at 7:00 PM. It was preceded by a Public Hearing at 6:00 PM, for the purpose of hearing public comment regarding a Proposed Ordinance regarding Tennis Courts, Sports Courts & Batting Cages; and a Council Work Session at 6:10 PM.

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 Hearing, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on December 8, 2005; and an Amended Agenda on 12-9-05.

6:05 PM

PUBLIC HEARING/PROPOSED ORDINANCE RE: TENNIS COURTS, SPORT COURTS & BATTING CAGES

Public Hearing/Proposed Ordinance Amending the Elk Ridge City Code Providing for Tennis Courts

ROLL CALL

Mayor: Vernon L. Fritz; *City Council:* Russell Sly & Alvin Harward, Mark Johnson, Gary Prestwich (Absent: Mary Rugg); *Planning Commission:* Ray Brown, Dennis Dunn; *Council Elect:* Nelson Abbott; *Engineer:* Jeff Budge & Tony Fuller (Aqua); *Plan Coordinator:* Margaret Leckie; *Public:* Anette Brigham, Shawn Eliot, Cory Snyder, Robert J. Wright, C. J. Linford, Steve Linford & Randy Young; and *City Recorder:* Janice H. Davis

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

(Memo from City {Planner to Council})

"Background:

In reviewing the options for residents desiring to install tennis and sport courts, etc. in their yards, it was found that the existing City Code does not sufficiently specify or regulate such uses and the fencing required. The verbiage suggested in this proposal will allow for the installation and the fencing needed for such courts, and is similar to language used in other Utah city codes.

In their review of this proposal, the Planning Commission recommended that the setback of such sport courts from other properties and the main structure be increased from 10 feet to 20 feet. The main concern here was to provide a use and noise buffer between properties. However, from the street, such a setback is not necessary. A ten-foot setback from the street should be sufficient. The draft ordinance contains these proposed setbacks.

Recommendation:

The Planning Commission has reviewed and recommends approval of this ordinance amendment."

Gary Prestwich: Cautions that this ordinance not be in conflict with the proposed "landscaping ordinance". He is personally opposed to regulating the amount of concrete a person can place in a backyard. Allowing these sport courts is a good thing; but we should make sure there are no conflicts.

Russell Sly: Questioned if the fencing could go up to 18' without being on top of a retaining wall. (The ordinance states that the retaining wall is included in the height.)

There were no further comments.

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

CITY COUNCIL WORK SESSION

**RECOGNITION
OF DEPARTING
CITY COUNCIL
MEMBERS**

Mayor Fritz: Presented Councilmembers Russell Sly and Gary Prestwich with plaques expressing gratitude for their service to Elk Ridge City.

Gary Prestwich: Surprised Mayor Fritz with a plaque expressing gratitude for his service; but also had on it his gavel and sounding block. He mentioned the number of hours spent in the City's behalf; and that one of his strong points has been the amount of effort put into future planning.

*It is always difficult to say good bye to out-going Councilmembers...they are missed and appreciated for their dedication to serving our City. Thank you.

WATER RIGHTS
STUDY

Mayor Fritz: (Introduced the presentation) This study presents hope for the future in the area of water rights for the City. In the past, the City has been advised by several engineers, that we are in need of more water rights for City use. The study, performed by Aqua Engineering, who have contracted with Mr. Tony Fuller (water right expert), may prove that the City has not only sufficient but an excess of water rights for City use.

Jeff Budge: (Aqua Engineering) Mr. Budge replaced Bruce Ward at Aqua Engineering. Prior to the transition between himself and Bruce Ward, the Mayor had asked Mr. Ward to review the water right situation for the City, to see where we stand and what needs to be done to “prove up” on the rights we own. Aqua contracted with Mr. Tony Fuller (water right specialist) to assist them in this review. Mr. Fuller has done some very useful work in categorizing and reviewing the City’s water rights.

Tony Fuller: (Handout to the Council summarizing his findings)

- In an effort to summarize, he pointed out clarification of terms used in the water right business.
- He explained the transfer and “proving up” processes that water rights have to go through to be able to be used for municipal purposes.
- Water right numbers are assigned by the State to track them (Elk Ridge has about 26 numbers).
- *There are corrections that need to be made to certain certificates.
- He advised the City acquire title insurance on water (has only been available in Utah for the last 4 years).
- Page 2 of the handout: he feels is an accomplishment...Meter readings have been compared to sales records to try to determine how much water the City actually using. On paper, the water system indicated that the City sold more water than the meters said was diverted from the wells. That is not possible and this condition of meter readings not matching up has been going on for many years.
- Many change application have been filed in the name of an owner and/or Elk Ridge...and have not been deeded to the City; why not? An individual is not entitled to use a municipal right. He does not know what the outcome will be of some of these rights that are still being held by individuals.
- Jeff Budge has inspected the meters and the wells: There is always going to be what would be termed as “unaccounted for water” (typically 5%-8%); but the opposite situation should be the case of diverting more than is sold). Upper “Loafer Well”: it appears that it has not been flowing “full” across the meter, which would tend to have it run slower...this would appear to pump less than was actually pumped. They feel this may be how the City is “creating” the situation where more water is being sold than is being metered. Kent has tried to get all of the meters up and functioning & repaired in the main system. The meters were replaced in two of the wells. The numbers they are coming up with are getting close to being accurate. This should correct the discrepancy.
- Page 3: Base Rights (26 of them) = 959.270; Flow Rate = 2.075
Change Applications = 907.43 (Rights that have not been deeded to the City, according to the State Engineer, & are still owned by certain individuals...are left off of this figure.)
The figure he is using that is available for municipal use in Elk Ridge = 907.43 acre feet of water.
- He is comparing rights to the well those rights are assigned to; this is to be sure we do not have rights assigned to abandoned wells.
- Page 4: this part will be used in an analysis to determine if the City has the capacity to produce what is required for a water system.

Russell Sly: Questioned if the use of the lower “Cloward” well would be the cause of drawing down wells owned by others along 1600 West (this claim has been made by certain non-residents in that area).

Jeff Budge: The records would have to be reviewed over a long period of time.

Tony Fuller: Concluded the report on the study that is in process and advised that the City has a “bank” of water rights and could take “cash in lieu” of developers providing more rights to the City. This money could be used to “build some tanks, not borrow money and pay off some bonds...or something in the water system...until those get into balance. The City could double the population of the City without acquiring a single additional acre foot of water”.

SEWER IMPACT
FEE STUDY

Jeff Budge: He came to work for Aqua Engineering about the time that the Study should be coming back to the City. He is at a point where he needs information from Payson City. They are still unable to give him the necessary information on the future transition.

Over-all Impact Fee Study:Water Impact Fee Study:

Mr. Budge knows that LEI did conduct an update to the Water Impact Fee Study and he would like to review that Study to determine what information is still applicable and see where they should go from this point. Aqua Engineering would review the actual Water Impact Fees, themselves, and compare them with projected improvements to determine if they are still appropriate.

Possible Road Impact Fee:

Aqua Engineering would be willing to include Road Impact Fees into the over-all Study, as directed by the Council.

Russell Sly: Question: Is an engineering Impact Fee study necessary to obtain the information needed to charge additional fees?

Jeff Budge: The State requires there be "reasonable rational" to justify charging impact fees. For a city the size of Elk Ridge, the justification just has to be "reasonable". There should be a high level of confidence in staff or the CPA and the reasons used to justify the charge. Aqua is prepared to offer a professional opinion to justify these costs, which would be the only advantage of allowing Aqua Engineering to conduct the study and recommend certain fees.

Mayor Fritz: The Council has considered postponing a "full-blown" Sewer Impact Fee Study until Elk Ridge connects with Payson; and in the meantime, raising the user fee to cover the short-fall; is that feasible? For every month this is postponed, there is potential revenue being missed.

Jeff Budge: In the interest of time, and under the circumstance that the City is losing money, perhaps an adjustment in the user fee would be appropriate; based on advice from the CPA, or whoever is advising the Council. The Impact Fee is a bit different in that it is based on future work rather than operations and maintenance costs. The short-fall was due to added upgrades to the Salem Sewer Plant...the improvements to the Plant were unexpected and not budgeted for. Costs due to operations would be covered by "user fees".

Russell Sly: The Council has considered raising both the Sewer Impact Fee and the user fee. (Future improvements are changing rapidly with the possibility of sewerage with Payson and the fact that the City may sell its ownership in the Sewer Plant. The current Impact Fee is based on projected improvements that might not take place; so an updated study is needed.)

These issues will be discussed further in the Regular Session of the City Council Meeting.

ELK RIDGE
CITY COUNCIL MEETING
December 13, 2005

TIME & PLACE
OF MEETING

This Regular Meeting of the Elk Ridge City Council, was scheduled for Tuesday, December 13, 2005, at 7:00 PM. It was preceded by a Public Hearing at 6:00 PM, for the purpose of hearing public comment regarding a Proposed Ordinance regarding Tennis Courts, Sports Courts & Batting Cages; and a Council Work Session at 6:10 PM.

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 Hearing, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on December 8, 2005; and an Amended Agenda on 12-9-05.

ROLL CALL

Mayor: Vernon L. Fritz; *City Council*: Russell Sly & Alvin Harward, Mark Johnson, Gary Prestwich (Absent: Mary Rugg); *Planning Commission*: Ray Brown, Dennis Dunn; *Council Elect*: Nelson Abbott; *Engineer*: Jeff Budge & Tony Fuller (Aqua); *Plan Coordinator*: Margaret Leckie; *Public*: Anette Brigham, Shawn Eliot, Cory Snyder, Robert J. Wright, C. J. Linford, Steve Linford & Randy Young.

7:15 PM

REGULAR CITY COUNCIL AGENDA ITEMS:

OPENING REMARKS & PLEDGE OF ALLEGIANCE An Opening Prayer was offered.

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 SIX (6) MINUTES

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

WATER NEEDS STUDY – AQUA ENGINEERING

(Ratification of Polled Vote):

The last Water Impact Fee Study, conducted by LEI Engineering, needs to be updated to reflect the realities of the probable annexation of property north of Elk Ridge. Mayor Fritz polled City Councilmembers: Alvin Harward, Russell Sly & Gary Prestwich on November 14, 2005; for permission to authorize the study by Aqua at a cost estimate of \$3,000. The vote was unanimous by the three Councilmembers listed above.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY MARK JOHNSON TO AUTHORIZED AQUA ENGINEERING TO UPDATE THE WATER IMPACT FEE STUDY AT AN ESTIMATED COST OF \$3,000

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

PURCHASE OF "ELECTRIC BREAKER HAMMER"

Shawn Eliot: 1) The quote on the street signs has been adjusted due to a couple of errors found when he got together with the sign company. Phase 1 will have an increase of about \$700 over the approved amount. (From \$3,400 to \$4,100)

(Mr. Eliot had a sample street sign.) Mayor Elect Dunn was contacted by Mr. Eliot and proposed changing the logo to just the elk, with no mountain behind it (Mr. Dunn is an artist). The sample sign has the current logo on it.

Would the Council rather wait to have the altered logo on the signs, to go forward with the current logo? (Mayor Fritz commented that the mountain & the elk would be difficult to see at night.

"Electric Breaker Hammer" (Assists in installing posts for signs):

Currently the posts are easily bent and pulled out due (mainly) to the type of posts used; also the City staff does not have the proper equipment to install the posts. Mr. Eliot proposes purchasing what is known as an "electronic breaker hammer"; which is like a "jack-hammer" that shoots the post into the ground. If this were purchased, the City staff could do the installing of the signs, rather than contracting the installation out to the sign company. This would save the City about \$1,100 on two of the phases. The cost is about \$1,100, with the hammer and the "bed". Other attachments could be purchased at a low cost to assist in other projects (ex: shovel, asphalt chipper). The Public Works Dept. needs help in doing these jobs. Example of usefulness: Hillside Drive - the traffic signs that have been authorized for installation have arrived, but the posts cannot be installed now that it is winter (frozen ground). This "hammer" would allow the installation in winter months.

(Mr. Eliot would be glad to assist in this installation, if necessary.)

Gary Prestwich: This project on Hillside Drive has been ongoing since June, 2005; the signs need to be installed and the project completed.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO APPROVE:

1. THE ADDITIONAL FUNDING OF \$700 FOR PHASE 1 OF THE STREET SIGN PROJECT

2. \$1,100 FOR THE PURCHASE OF THE "ELECTRIC BREAKER HAMMER" AND THE ACCOMPANYING "BED"

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

WATER RIGHTS STUDY

Mayor Fritz: This item refers to the Water Rights study discussed in the Council Work Session. He feels the study should be completed. These issues have been long-standing, with no satisfactory conclusion.

This seems to be the first time there have been answers to guide the Council in the direction the City needs to go concerning water rights and water usage.

Gary Prestwich: If the information proves correct and “cash-in-lieu” of providing water rights is accepted, the City would collect revenue exceeding the cost of the Study and avoid potential legal problems in the future, as well. He is in favor of completing the Study.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY RUSSELL SLY TO APPROVE THE COMPLETION OF THE WATER RIGHTS STUDY BY AQUA ENGINEERING
VOTE: YES (4) NO (0) ABSENT (1) MARY RUGG

**SEWER IMPACT
FEE STUDY**

Russell Sly: In light of the previous discussion, he feels the Impact Fee Study could be postponed until the Payson City contract is in place and new development is under way. In the meantime, the City could increase the user fee.

Mayor Fritz: This item is deferred until further information is available from Payson City.

**SCHEDULE
PUBLIC HEARINGS**

1. General Plan Land Use Map Amendment:

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO SCHEDULE A PUBLIC HEARING TO CONSIDER A GENERAL PLAN LAND USE MAP AMENDMENT AND ZONE CHANGE REQUEST FOR PROPERTY OWNED BY BURKE CLOWARD, LOCATED AT APPROXIMATELY 200 EAST GOOSENEST DRIVE, FROM RR-1 TO R-1-15,000; FOR JANUARY 10, 2006, AT 6:00 PM
VOTE: YES (4) NO (0) ABSENT (1) MARY RUGG

2. Ordinance/Landscaping Requirements:

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY GARY PRESTWICH TO SCHEDULE A PUBLIC HEARING TO CONSIDER A PROPOSED ORDINANCE REGARDING LANDSCAPING REQUIREMENTS FOR SINGLE FAMILY HOME LOTS, PLANNED RESIDENTIAL DEVELOPMENTS & PLANNED UNIT DEVELOPMENTS; FOR JANUARY 10, 2006, AT 6:10 PM
VOTE: YES (4) NO (0) ABSENT (1) MARY RUGG

3. Ordinance/Review of Petitions for Lots Line Adjustments:

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY ALVIN HARWARD TO SCHEDULE A PUBLIC HEARING ON A PROPOSED ORDINANCE REGARDING THE REVIEW OF PETITIONS FOR LOT LINE ADJUSTMENTS, FOR JANUARY 10, 2006, AT 6:20 PM
VOTE: YES (4) NO (0) ABSENT (1) MARY RUGG

4. Ordinance/Installation of Secondary Water System Improvements:

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RUSSELL SLY TO SCHEDULE A PUBLIC HEARING TO CONSIDER A PROPOSED ORDINANCE ON THE INSTALLATION OF SECONDARY WATER SYSTEM IMPROVEMENTS; FOR JANUARY 10, 2006, AT 6:30 PM
VOTE: YES (4) NO (0) ABSENT (1) MARY RUGG

**RESOLUTION –
CITY FEE SCHEDULE
RE: DEV. FEES**

1. Resolution/City Fees for Office Services:

Comments:

Dennis Dunn: This was brought before the Planning Commission as a comparison with other communities. The suggested changes were passed onto the Council, as the Council has more to do with finances than the Planning Commission.

(Memo from Planner to Council):

“Background:

A recent analysis of Development Services Fees charged by Elk Ridge and other area cities shows that there is room for some adjustments to the Elk Ridge fee schedule. Several development application fees are recommended for increase, a few for decrease and a few for new fees not currently charged, but which are needed.

((Attached was a breakdown of existing and proposed fees to be amended by resolution.))

Recommendation:

"It is recommended that the City Council approve this resolution so that the City will be set to receive appropriate fees for reviewing development proposals that will be coming next year."

Alvin Harward: Did not feel it appropriate to charge \$150 for someone to come into the City with a Concept Plan. The other fees are substantial to cover costs for the City.

Suggestion: to leave Concept Fee at \$50.

Ray Brown: Feels the fees are justified to compensate the City for the time and cost involved.

Dennis Dunn: Individuals are already paying substantial fees to go through the development process; he does not feel that extra fees would be justified.

Gary Prestwich: Agrees with Councilmember Harward, but the other fees should be as suggested.

*The other Councilmembers present were in agreement.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RUSSELL SLY TO APPROVE RESOLUTION #05-12-13-9R, ENTITLED A RESOLUTION AMENDING RESOLUTION NO. 04-4-13-5R, SETTING A SCHEDULE OF FEES FOR OFFICE SERVICES; WITH THE EXCEPTION TO LEAVE CONCEPT PLAN FEE AT THE CURRENT COST OF \$50 & \$5/LOT

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

SEWER
CONNECTION
ALLOCATIONS

Mayor Fritz: For the last year, the Mayor has recommended not approving any further sewer connections. The City needs to leave a cushion of a few rights to service prior obligations.

The Mayor feels the City is close enough to a contract with Payson City that he feels comfortable in approving three additional sewer connections.

Alvin Harward: Agrees with the mayor. These are individual cases rather than a developer with many lots. He also feels the contract with Payson will be in place before any approvals of large-scale development.

Mark Johnson: Agreed with Councilmember Harward.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO APPROVE SEWER CONNECTIONS FOR SINGLE LOTS FOR THE FOLLOWING:

1. ORTENCE NORLUND
2. CORY SNYDER
3. RL YERGENSON

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

ORDINANCE –
TENNIS COURTS,
SPORT COURTS,
BATTING CAGES,
ETC. –
ADOPTION

No further comments:

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY ALVIN HARWARD TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR TENNIS COURTS, SPORT COURTS, BATTING CAGES, ETC; CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE

VOTE (POLL): MARK JOHNSON-AYE, RUSSELL SLY-AYE, ALVIN HARWARD-AYE, GARY PRESTWICH-AYE NAY (0) ABSENT (1) MARY RUGG

Passes 4-0

EXPENDITURES:

A. General: None

B. City Check Registers:

Mayor Fritz reviewed the check signing/review process with those present: When there are checks to be signed, two signatures are required and the expenditures are checked and questions asked and answered before the checks are signed. Though there are checks and balances in place, a copy of the check registers is provided to the Council and a further opportunity to review and question the expenses. (The Auditors will check the Council minutes for these approvals.)

At times the register will show a "split" of an expenditure between different Departments. Example: Expenses on the Utility Vehicles are split four ways between Parks, Roads, Water & Sewer because the trucks are used by all of these Departments.

(Memo from City Recorder to the Council)

A problem occurred in placing approvals of the check registers on the past agendas: Some of the packets would be picked up late and the Council would need more time to review the various check registers prior to approval. The subsequent approvals were overlooked; this has gone on for some time. The check registers from July – November, 2005 were in the Council's packets for approval in this Council Meeting.

There were questions on some of the expenditures and the City Recorder was not present to answer them. Approval was postponed until a later date.

MINUTES

The Council Minutes of 11-22-05:

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RUSSELL SLY TO APPROVE THE CITY COUNCIL MINUTES OF 11-22-05

VOTE: YES (3) NO (0) ABSENT (1) MARY RUGG

ABSTAIN (1) GARY PRESTWICH (Not present at the Meeting of 11-22-05)

NON-AGENDA ITEM

Mayor Fritz: The proposed "Miniature Horse" Ordinance was not approved; this leaves Mr. Mike Brockbank in violation of the current Ordinance, which disallows miniature horses in residential zones. He will leave any enforcement of this violation to the next Administration.

PAGE FARMS – CROCKATT ANNEXATION

Mayor Fritz: The proposed Page Farms – Crockatt Annexation is located at the corner of 1600 West and extends north and east, across the County Road and includes 22 acres on the north side of the County Rd. The total acreage = 122 acres. Public Hearings have been held and public input has been considered. There have been comments for and against the proposed annexation. Some comments have been made that the Council is giving a great deal away to the developer of this property. The Mayor actually reviewed the history of this proposed annexation. The development agreement has been negotiated carefully through the Planning Commission and meetings between the Mayor, various Council members, engineers, staff and the developer. The agreed upon terms are very advantageous to the City as well as being equitable for Mr. Young (developer). The Mayor reviewed these terms with those present, as listed on the Development Agreement.

The Mayor then invited comments from the Council regarding the Development Agreement.

Alvin Harward: Page 1..."in the vicinity of the property"...it was Councilmember Harward's understanding that this statement would be deleted and that the City would determine where the tank/well should be located. (This phrase is mentioned twice in this same section on the 2nd page.) Recommendation to strike this was already discussed with the Council.

The Council agreed.

Mayor Fritz: Clarified the issue of the \$700,000 to be "donated" to the City up-front. This will not be a "donation", rather an "off-site improvement", subject to reimbursement from development benefiting from these improvements.

The reimbursement will be predicated on a study by the City Engineer to decide what would be fair and equitable.

Randy Young: Higher density in the development process equates to more open space requirements (green space).

Mayor Fritz: Reminded those present that the City Code and General Plan have to be met and all development approved of by the City.

No further comments.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RUSSELL SLY APPROVE THE ANNEXATION DEVELOPMENT AGREEMENT, WITH THE CORRECTION TO THE PHRASE DISCUSSING THE "VICINITY OF THE PROPERTY"

VOTE (POLL): GARY PRESTWICH-AYE, RUSSELL SLY-AYE, ALVIN HARWARD-AYE, MARK JOHNSON-AYE NO (0) ABSENT (1) MARY RUGG

There was a question whether the PUD Ordinance had been approved...this is to be determined. This sets the zoning in this area to be annexed.


NON-AGENDA
ITEMS

Alvin Harward: Every Council Member and every Planning Commission member should submit a "conflict of interest" statement. If you are a property owner, there is a potential conflict of interest.

Is the Council prepared to apply for a grant for a secondary water system? (Not at this time.)

ADJOURNMENT

The Mayor adjourned the Meeting



City Recorder



NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a Special **City Council Meeting on Monday, December 19, 2005, at 10:00 AM.**

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

10:00 - AM REGULAR COUNCIL MEETING AGENDA ITEMS:

Strawberry Water Users Association Agreement – Mayor Fritz

Expenditures:

General:

A. Elk Ridge City Check Registers

Adjournment

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

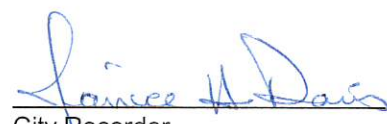
The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 16th day of December, 2005.



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 each member of the Governing Body was contacted on December 16, 2005.



City Recorder



**ELK RIDGE
CITY COUNCIL MEETING
December 19, 2005**

**TIME & PLACE
OF MEETING**

The Elk Ridge City Council held a special City Council Meeting on **Monday, December 19, 2005, at 10:00 AM.**

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 this special meeting was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on December 16, 2005,

10:00 AM

SPECIAL CITY COUNCIL MEETING AGENDA ITEMS

ROLL CALL

Mayor: Vernon L. Fritz; *City Council:* Alvin L. Harward, Russell Sly, Gary Prestwich (Absent: Mark Johnson, Mary Rugg); and the *City Recorder:* Janice H. Davis

Mayor Fritz: Opened the City Council Meeting at 10:07 AM.

**STRAWBERRY
WATER USERS
ASSOCIATION
AGREEMENT**

Mayor Fritz: 10 South County Mayors met re: an agreement to allow Woodland Hills and Elk Ridge to have access to Strawberry water, if it should become available in the future. Both Communities would have access to any excess water.

MOTION WAS MADE BY RUSSELL SLY AND SECONDED BY GARY PRESTWICH TO AUTHORIZE THE MAYOR TO SIGN THE STRAWBERRY WATER USERS ASSOCIATION AGREEMENT

VOTE: YES (3)

NO (0)

ABSENT (1) MARY RUGG, MARK JOHNSON

EXPENDITURES:

General: None

A. Elk Ridge City Check Registers

Mayor Fritz: Some of the expenditures were in question on the Check Registers at the last Council Meeting, held 10-13-05; and the City Recorder was not present to explain.

The questions have been reviewed and explained to the satisfaction of the Council.

MOTION WAS MADE BY GARY PRESTWICH AND SECONDED BY ALVIN HARWARD TO APPROVE THE CHECK REGISTERS FOR THE MONTHS OF JULY – NOVEMBER, 2005


VOTE: YES (3)

NO (0)

ABSENT (1) MARY RUGG, MARK JOHNSON

ADJOURNMENT

Mayor Fritz adjourned the Meeting at 10:11 AM.



City Recorder

