

## AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular City Council Meeting on Tuesday, October 10, 2006, at 7:00 PM, to be preceded by a City Council Work Session at 6:00 PM

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

**6:00 PM**

### CITY COUNCIL WORK SESSION

1. Web Site Discussion – Jim Nicolet & Carey Montierth
2. CE-1, CE-2 Regulations & Road Grades – Mayor Dunn
3. Street name Changes/Phase 2 – Shawn Eliot
4. Trail Easements – Shawn Eliot
5. Park Curfews – Mayor Dunn

**7:00 - PM**

### REGULAR COUNCIL MEETING AGENDA ITEMS:

Opening Remarks and Pledge of Allegiance Invitation  
Approval/Agenda Time Frame

7:05

Public Forum:

\*Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comment will be limited to three minutes per person. A spokesperson who has been asked by the group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing. The Mayor or Council 7

7:15

6. Elk Ridge Meadows PUD/Phase 2 – Plat Change Approval

7:25

7. Action on Shawn Eliot's Presentation:

- A. Circulation Map Amendment – Shawn Eliot
  - CE-1, CE-2 Regulations & Road Grades
- B. Street Name Changes
- C. Trail Easements

7:35

8. Ordinance/Sidewalks & Trails

7:45

9. Appointment of Alternate Member of Planning Commission – Kevin Hansbrow

7:50

10. Alan Anderson Development - Requests

- A. Sewer Connection
- B. Bonding for Curb & Gutter

8:00

11. Park Curfews Changes – Mayor Dunn

8:05

12. Loafer Heights Subdivision, Plat A – Performance Extension Request

8:10

13. City Insurance – Annual Renewal

8:20

14. Expenditures:

General:

8:25

15. Approval of Minutes of Previous Meetings

Adjournment

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

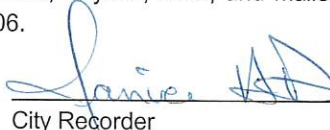
The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.  
Dated this 9th day of October, 2006.

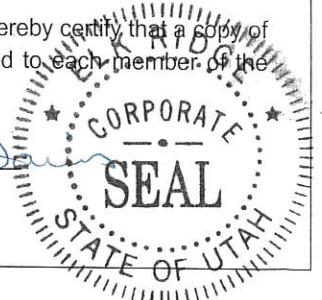


  
City Recorder

### 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 5, 2006; and an Amended Agenda on 10-9-06.

  
City Recorder



**ELK RIDGE  
CITY COUNCIL MEETING  
October 10, 2006**

**TIME & PLACE  
OF MEETING**

This regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, October 10, 2006, at 7:00 PM; this was preceded by a Council Work Session at 6:00 PM.** The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of the scheduled meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on October 5, 2006.

**6:00 PM**

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**CITY COUNCIL WORK SESSION AGENDA ITEMS**

**ROLL CALL**

*Mayor:* Dennis Dunn; *City Council:* Alvin L. Harward, Mary Rugg, Mark Johnson, Nelson Abbott & Raymond Brown; *Planning Commission:* Shawn Eliot, Russ Adamson; *Public:* Mike Abbott, Allen Anderson, Kris Hunter & Bob Van Parys

**WEB SITE  
DISCUSSION**

Mayor Dunn: The City Web Site has been updated by Carey Montierth; Jim Nicolet created the Web Site originally and has been in charge of it for 4 or 5 years (this represents a great deal of service to the City, that is appreciated). The details of the transition of the Web Site Need to be clarified with the Council.

Jim Nicolet: Has mostly "security" issues to discuss.

- One of the concerns he has is featuring photos of children on the Web Site; he spoke to the legal counsel for Novell and he advised against single child photos...groups pictures would be more acceptable. This is a possible invitation to possible predators.
- Picture Releases: A release form is not legal until the City Attorney has reviewed it and it has been filed with the City. (Individual adult pictures...not public employees) This might apply to taking pictures of winners of 4<sup>th</sup> of July contests and posting them on the Web Site.
- Even in taking group shots, ask permission. Since Ms. Montierth will be taking the photos, she will take care of these concerns.

*Division of responsibilities:*

Ms. Montierth will do the general maintenance on the Web Site (main pages).

Mr. Nicolet will continue to do the posting of minutes and agenda, etc.

Ms. Montierth: At some point, will any of the staff take over these responsibilities?

Mr. Nicolet: He is working on an application that some of this will be done automatically...he hasn't time to complete this. Eventually, staff will do some of this posting.

Ms. Montierth: Mr. Van Parys' wife would like to participate with keeping the information for the Fire Dept. updated on the Web Site. Perhaps she could be trained for that portion. Does the Council feel okay with having her trained? She would have to have the password.

Mr. Nicolet: The more people that know this information, the more vulnerable the City is for "hackers". He would prefer that other people would turn information into either Ms. Montierth or to him (Jim Nicolet) for review and posting. Then only those two would have the passwords.

Mr. Van Parys should approve the information that will go onto the Site for the Fire dept.

Ms. Montierth: She could train anyone else in working "off-line", then she could do the actual work on the Web Site. There was an attempt to contact LaRon Taylor (over the CERT Program) to have information posted for citizens.

Jim Nicolet: If it is okay with the Council, then, they will split up the responsibilities for managing the Web Site. He also changed the password. He locked everyone out to have the time to get rid of old files and clean up the files. The password should probably be filed with someone in the City...perhaps Nelson Abbott.

What other things would the Council like to see done? He would like to see the Web Site be the focal point for the public being able to access documents, etc. This would free up the staff for more important duties associated with their jobs. There have to be procedures in place to send newsletters, pavilion schedules, upcoming events and other information to him. He would like to increase the list of email addresses to send information to.

The public needs to be aware of public hearings and meetings, then they can simply go to the Web Site for their information. (Web Sites can be considered a legal posting place now.)

Ms. Montierth: Agrees with Mr. Nicolet that the public needs to be educated to seek information on the Web Site.

Shawn Eliot: Many people are unaware that there is a Web Site; perhaps a reminder could go out on the bills. Sometimes there is a problem getting the information emailed through to get it posted. He has tried and failed at times. Have an announcement on the City bill to turn in their email address with their payments to be added to the mailing list for the City. Keeping the Site up to date is important; like with the City Codes & Ordinances.

Mary Rugg: When each Dept. Head wants to post information, does it need to be cleared through the Mayor? After review, would the Mayor then send it to Mr. Nicolet?

Duties:

Jim Nicolet: email list, minutes, agenda, Code (*Actually Sterling Codifiers handles codification of the Ordinances after research and comparisons against State & Federal Codes*)

Carey Montierth: Will handle things considered "Public Relations" types of information.

\*Mayor Dunn: Asked that Mr. Nicolet and Ms. Montierth write up a breakdown of their various duties and responsibilities so that staff and Councilmembers are informed. (*They agreed.*)

Will they need a budget for this work? (*Perhaps for the software to be used by the Van Parys'.*)

CE-1 & CE-2  
REGULATIONS &  
ROAD GRADES

Shawn Eliot:

Road Grades:

(Brief History on City Code)

The e-1 Zone did not have anything in it for Road Grades; the Planning Commission felt that should be addressed. In reading other parts of the City's Code, he found road grades in the Mountain Home Development Section. He submitted a handout to the Council of the standard for road grades in Mountain Home Developments. This standard allows for no more than 10% grades; and you could go up to 15% with the Council's approval. The Planning Commission felt that, since it was already in the Code, it could be applied to the CE-1 & CE-2 Zones, as well. Then, the proposed development came in with a proposed development up in the CE-1 Zone; they talked to the City about the possibility of 15% and those on City staff felt this was excessive. Mr. Eliot has researched what is allowed by other communities; & found that no one allows 15%...the highest any city goes is 12%. The trend seems to be to allow (on Major Rds.) up to a certain percent is allowed (many allow up to 10%). If there is a long stretch, the grade will drop to 7 or 8%. This is to allow emergency vehicles passage. Then on residential roads the grade is a bit steeper.

He spoke to the Fire Chief to understand his thoughts on 15%: He was not sure of what that would be like, but he said that if it was anything like Woodland Hills...he has gone up there on calls before and his fire engine has just shut down trying to go up the road...and this is in dry weather. Mr. Eliot called the Mayor of Woodland Hills and he said that their roads are at 15% (the 2 main roads). One of the main roads was made a one-way street because it was so steep. The Mayor said it was the worst thing to have allowed those grades; their current Code only allows 10% at a maximum. Everyone he spoke to advised against these steeper grades. When the proposed developers of the land south of the City were spoken to regarding this issue of steep grades, they responded that the only reason they pushed for the 15% was because the City allows it. It isn't that they could not bring the grades down; their engineer said he could bring them down to 8%, if the City wants; they may not get as many lots as they want.

The Planning Commission has a public Hearing scheduled for the 1<sup>st</sup> week in November to talk about road grades for the Code. Mr. Eliot would like to have input from the Council on the suggestions from the Planning Commission.

Suggestions:

- No roads over 8% - For short stretches, up to 10% (The Council would have to approve that). The developer would have to prove to the Council that the 8% is adverse to cuts & fills and that Their reasoning isn't just because they want more lots.

Example: Elk Ridge Drive (old Elk Meadows) supposedly gets up to 8% in a few spots; and High Sierra gets up to 9% at the top...this is a fairly steep sustained grade.

The Planning Commission told the developer to go back and keep the grades under 10%; he wanted to just the main roads 10%.

If the suggested changes in the Code were to be adopted, then any of those 10% grades would have to be approved by the Council.

Mayor Dunn: Pointed out that the term, "may" (as in, "may approve") is very ambiguous; it is not a "mandate". When "may" is used, it implies that the developer must prove that there is no alternative to the 10%. The Council has to be very careful when approached by a developer, claiming that the Code allows the 10%.



The Council needs to be “picky” about the circumstances that would allow that and make sure that if that option is approved, that the decision is made with the best information available.

Shawn Eliot: Currently, the Code still states that the Council may approve over 10% grade. The new Code would be approval over 8%.

Mayor Dunn: The point is that the Council is responsible to get citizens in & out of the City; as well as the emergency equipment, the busses and the snowplows, etc. The proposed grades are very workable. (Driveways can still go to 12%, but the citizen has to deal with this.)

Alvin Harward: He favors allowing up to 12% on roads for short stretches, since we are in a mountain community.

Nelson Abbott: Needed to have clarification on:

1. Are the grades averaged out to figure the grades? *(No, the grades are literal percentages for specific areas.)*

2. What will school busses drive on wet or dry? Part of the reason we want the road south of the City connected is to allow school busses and better traffic flow.

*(The busses will drive the proposed roads, except on wet days.)*

Raymond Brown: Advised having the wording, “sustained grades will be limited to \_\_\_\_\_”.

Shawn Eliot: He believes that school busses will not drive on wet roads over 6 or 7% grade.

Public Works has stated that they would need a 4-wheel drive truck to maneuver the steeper grades. The City must be able to service the areas that have been approved for residency.

Add in:

- Sustained grades at 7%
- Main roads:
- Residential Roads: (local roads) Perhaps the grade could be a bit steeper. *(Recommendation is to keep it all the same)*
- 8% to 10%

#### STREET NAME CHANGES – PHASE 2

Shawn Eliot:

To Include:

- Replacement of street names signs
- Adding “Dead End” & “No Outlet” signs
- Replacing worn stop signs

There are 30 intersections left; he has done 43 so far (7 yesterday).

The remaining cost = \$5,050 (It could be broken into 2 jobs at \$2,525 each)

Recommendation: To do it all and get it done.

Mary Rugg: Regarding worn speed limit signs: can these be replaced as well?

Shawn Eliot: These should be replaced every 7 years because they lose their reflectivity.

Some of these signs are 30 years old. He can do this.

1. Ama Fille Lane: The road goes east/west and north/south

The Planning Commission recommended renaming the north/south section “Deer Run”. There is only one house on that section & it is addressed on the east/west portion; it is a corner lot and it should have been addressed on the north/south...this address should be changed.

2. Ama Fille Lane & Oak Ridge Drive: There is a “yield” sign there; but there is hillside on each side of the road, right to the curb. It is fairly dangerous to have a “yield” sign there; this would mean that you could not see oncoming traffic.

*Recommends: Replace this with a “stop” sign.* (Oak Ridge Drive is a minor “collector” and gets a lot of traffic.)

3. Haley’s Lookout: Some of the neighbors said there used to be a stop sign on Haley’s Lookout coming onto Elk Ridge Drive (old Elk Meadows); it was knocked down...there could be some liability on the part of the City if there were an accident at that intersection.

*Recommends: Replace stop sign at that intersection because there was one there before.*

Raymond Brown: Suggested using one-way bolts.

#### TRAIL EASEMENTS

Shawn Eliot:

Mr. Eliot will be turning in that Trail Application to the State, like the one last year, if the Council still wants him to.

Handouts:

1. Copy of Greenview Estates Subdivision on Cove Drive...there is an 8 ft. “trail” easement between lots 3 & 4. This is a flat area.



2. Leading from Mahogany Way (cul-de-sac) to the Playground area south of City Hall..

There is an 8 ft. "trail" easement.

*Councilmember Rugg has proposed a walking trail for the trail connecting Mahogany Way to the playground area; it has just not happened yet.*

The Planning Commission looked at these. The concern is that the lots are not developed yet; once they are developed, then there are improvements to deal with. Something should be done with them now.

*Proposal:*

*1) Mahogany Way to Park:*

- Utilize trail easement between lots 8 & 9 (oak Hill Estates, B)
- Construct 8' asphalt trail
- Requires some retention on lot 8
- Requires some tree removal in play area
- Already used by many to access Park

*2) South of Ball field*

- Construct trail connecting play area to ball diamond
- Pave 10' asphalt trail
- Requires some tree removal in play area
- Provides alternative to stairs
- Relatively flat, easy to do

*3) Hillside to Ball diamond*

- Utilize retention dam for trail between Hillside Dr. & ball diamond
- Construct 10' asphalt trail
- Requires some fill to ease slope to Hillside Dr.
- Provides alternative access to Park
- Relatively flat, easy to do
- Already used by many to access Park

*4) Cove Drive/Golf Course*

1<sup>st</sup> Section (shown in red)

- Utilize trail easement between lots 3 & 4
- Request RL Yergensen to level out as part of development
- Terrain not steep in this location
- Construct 8' asphalt trail

2nd Section (shown in green)

- Construct 8' asphalt trail on City property
- Use as vehicle connection to proposed water tank
- Connects to golf course property & trail (good jogging path)
- Connects to Shuler Park trails

3<sup>rd</sup> Section (shown in orange)

- Grade temporary dirt trail connecting to current dirt trail
- ½ of trail is on City property, other ½ requires property owners permission (Fitzgerald)
- Require future development to retain easement & make improvements to trail
- Opens up connectivity between neighborhoods & to proposed Park

Mayor Dunn: (Referring to the handout) The green line coming from Cove Drive follows the proposed line for the low-pressure water line that would come out of the future water tank; there would also be an access road through that area. The City will be required to place a fence around the water tank.

## PARK CURFEWS

Mayor Dunn: There has been some discussion on Park curfews. *(Some residents have complained.)* There is a light switch out at the Pavilion that gets left on. We are looking for night time usage time. The curfew is set at 11:00 PM on week-ends (18 & under) and 10:00 PM during the week days.

Mary Rugg: She thinks curfews are great; but if the current ones are not enforced, what difference will it make if they are changed?

Mark Johnson: If the times of the curfew are posted out at the Pavilion, then they can be enforced. The County curfews (as listed above) can be enforced anywhere in the County, at any time. If they change from the usual, then they will have to be clearly posted.

He feels the night time curfew should be no later than 10:00 PM.

Raymond Brown: A couple of enforcements would make the violations stop. (He favors 10:00 PM, as well.)

Mary Rugg: Agrees and asked if it should be posted.

Mayor Dunn: He knows the Sheriff has been called out to the Park on occasion.

Shawn The Council was in favor of the 10:00 PM curfew, year round. 2 signs are to be ordered.  
Eliot was asked to order them. The will be bolted onto the wall out at the Pavilion.

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ROLL CALL *Mayor:* Dennis Dunn; *City Council:* Alvin L. Harward, Mary Rugg, Mark Johnson, Nelson Abbott & Raymond Brown; *Planning Commission:* Shawn Eliot, Russ Adamson; *Public:* Mike Abbott, Allen Anderson, Kris Hunter & Bob Van Parys

1:05:38

**7:15 PM - CITY COUNCIL REGULAR AGENDA ITEMS**

OPENING REMARKS & PLEDGE OF ALLEGIANCE Opening Remarks (prayer) were offered by Councilmember Raymond Brown, after which he led the Pledge of Allegiance, for those wishing to participate.

AGENDA TIME FRAME **MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE STARTING TIME TO 7:17 PM**  
**VOTE: YES (5) NO (0)**

PUBLIC FORUM Russ Adamson: Question on building the road between East & West Salem Hills Drove: Why does finish that portion of the road?  
Mayor Dunn: That was checked into & the cost to build that road to construction standards was \$2000.55/square foot; which = over \$168,000. The Council is looking to an engineering study to create a "road impact" fee; and once that is built up, to use what could be considered a "perpetual account". When a road is installed, development would reimburse the City, just like any other development reimbursement. The perpetual fund would re-build itself at market value, so that the purchasing power stays in place. Road Impact fees could be diminished or removed once this fund is in place.  
Raymond Brown: This road, though important, would have taken nearly the entire budget. There are plans to build this road, when funding is available. An engineering study is necessary for an impact fee, and this bid could be used as part of this study. The impact fees are specific as to the use.  
Alvin Harward: That property has changed hands recently and there may be a development there shortly; this would take care of the road as part of the development.

ELK RIDGE MEADOWS PUD – PASE 2 – PLAT CHANGE APPROVAL Alvin Harward: This action is to eliminate a stub road between lots 28 & 29 due to the future development of Burke Cloward; it will be a "gated" community and he does not wish a road coming in at this point of his future development. This has been discussed by the Council and there were no objections.  
**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARY RUGG TO CHANGE THE FINAL PLAT FOR ELK RIDGE MEADOWS PUD, AS RECOMMENDED, ELIMINATING THE ROAD STUB BETWEEN LOTS 28 & 29 OF PHASE 2**  
**VOTE: YES (5) NO (0)**

ACTION ON WORK  
SESSION  
DISCUSSION BY  
SHAWN ELIOT

1. *Road Grades*: No action required; the Planning Commission just wanted information and direction. The Planning Commission will come back to the Council with recommendations.  
2. *Street Name Changes*: The resident on the North/South section of Ama Fille Lane needs to be notified to see about a street name change. The one house on this street is addressed East/West; this must change, as well. (The section joining onto Oak Ridge Drive.)

*Street Signs Phase Two*: as proposed:

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO APPROVE THE ENTIRE PHASE 2 OF THE STREET SIGN CHANGES, AS PRESENTED IN THE WORK SESSION: THAT IS TO APPROVE \$5,050 + THE COST OF REPLACING TWO STOP SIGNS; HE ALSO ADDS THE ADDITION OF THE PURCHASE OF A CURFEW SIGN FOR THE PAVILION**

**VOTE (POLL): RAYMOND BROWN-AYE, MARK JOHNSON-AYE, ALVIN HARWARD-AYE, MARY RUGG-AYE, NELSON ABBOTT-AYE**

*Passes 5-0*

ORDINANCE –  
SIDEWALKS &  
TRAILS

*(Memo from Planner to Council, date 10-10-06)*

*"Background:*

Recent review by the Planning Commission regarding new requirements for sidewalks and trails has occurred in light of the continued community growth and development of new residential subdivisions. The objective of the Commission's review was to ensure safe and effective methods of pedestrian circulation through the community. Recent sidewalk standards were adopted by the City Council, however the City Code does not currently specify where sidewalks are required, nor does it provide for the maintenance of sidewalks.

The following code requirements are recommended:

1. Sidewalks shall be provided along both sides of streets, at the developer's expense.
2. Sidewalks are not required in areas not required to have curb & gutter, or in agricultural zones.
3. The City Council may waive the sidewalks requirement on one or both sides of the street.
4. Bicycle/pedestrian trails are required to be constructed in areas called for in the General Plan.
5. Property owners, etc., have liability for failure to remove debris, snow or ice from sidewalks.

*Recommendations:*

Following their review, the Planning Commission has recommended that the City Council approve the proposed amendments to the Elk Ridge City Code in Sections 10-15D-3 and Title 4, Chapter 7, as shown in the attached Ordinance #6-15."

Shawn Eliot: (Explaining #2) Previously, the Council directed that the location of sidewalks be required in the same areas as where curb & gutter is required. The question was raised at the time of older portions of the City where there is no curb & gutter. It was discussed that infill areas would not require it if it was not already in the area.

Since that time, there has been some confusion that this was only applicable to the PUD. In speaking with the City Recorder, Mr. Eliot was informed that, according to the minutes of the Meeting, the discussion was regarding all new areas. This is being brought back to the Council in the form of an ordinance to solidify the Planning Commission's recommendations to include new development. Snow removal was also a topic of concern, as well as trail requirements; those are addressed in the proposed ordinance. Breaks in the sidewalks were not addressed in the ordinance; he conferred with other cities and, basically, the City usually takes care of a certain amount of repair. If a broken section actually has to be removed, the city generally cuts it out and the resident replaces the section. But, he could find nothing regarding liability in case of injury on a sidewalk.

*Brief discussion of liability.*

Mary Rugg: Recalls being informed by the City Recorder that the sidewalk standard was only applicable to the Elk Ridge Meadows PUD; and is concerned that a standard for the over-all City has been adopted.

*\*(This is a confusion of 2 separate meetings that took place on 6/27 & 7/11; addressing separate issues...copies of those minutes will be supplied to the City Council for clarification.)*

Raymond Brown: Concerned with the Crestview Estates Subdivision (across from City Hall) that will have a connection to an older part of the City with no curb & gutter and a newer section with curb & gutter.

Nelson Abbott: Pointed out the Council does have the ability to waive this requirement where deemed appropriate.

Mayor Dunn: Feels the safest way to approach this, is to consider what is contiguous. Perhaps it could be brought to the end of the area where curb & gutter does not exist.



Mary Rugg: With trails planned city-wide, what is the purpose of the sidewalks? Sidewalks can run into the trails; but this may not look good.

Raymond Brown: Supposedly trails will intersect sidewalks; they won't run parallel to them.

Shawn Eliot: If it is on the trails map and a new subdivision comes in, it would be a 10' asphalt trail instead of a sidewalk.

Raymond Brown: The way the trails system is set up only has one section he can think of that the sidewalk actually runs parallel... a sign would have to be installed indicating where the sidewalk is and then it goes back into trail.

Mary Rugg: Understands this; but there will still be sidewalks running into trails. There will not be one contiguous look.

Raymond Brown: Those situations are in every community. It is not a big issue.

Suggestion on #2: Change wording to "Sidewalks may not be required in areas not required...."

*Continued discussion of the sidewalks being contiguous with curb & gutter.*

Mayor Dunn: (Read through Section 1 of the proposed ordinance)

Note: Change in B-2: "Sidewalks are may not be required...."

(Question on 3: last sentence: What "other public facilities in lieu of sidewalks"?

Shan Eliot: Retention basins?...whatever would be appropriate.

Alvin Harward: Question on Chapter 7 (1)(A) RE: Property owner liability: The sidewalk is on City property and becomes City property...the legal owner is the City, not the homeowner; therefore the City becomes liable.

Raymond Brown: Expressed his opinion that there is still the obligation to maintain the rights-of-way.

Alvin Harward: In some cities, the property owner's boundaries go right to the curb; this is not the case in Elk Ridge; sidewalks are on City property.

Shawn Eliot: Payson is like Elk Ridge, yet there is precedence that places maintenance responsibility on the property owner.

Mary Rugg: Feels the City should have sidewalks or trails. People move to Elk Ridge for a rural feel; not to be back in the city. There is not the same level of safety issues as in a large city. She does not feel the City needs both.

Raymond Brown: Sited a specific, recent incident of a child riding her scooter in the street because of no sidewalk or trail...there was a close call and the scooter was nicked by a car and she was cut.

Nelson Abbott: We may be rural and small; but the population is growing and the dynamics of the City are changing. The opportunity is here now to make the decision before development takes place.

Raymond Brown: Does feel safety is an issue. People are using the streets to walk now.

Mayor Dunn: As growth occurs, and foot traffic increases, there will be a real need for trails/sidewalks. People will take the path of least resistance.

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO ACCEPT THE PLANNING COMMISSION'S RECOMMENDATION FOR SIDEWALKS AND TRAILS AND ADOPT THE ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR REQUIREMENTS FOR SIDEWALKS AND TRAILS; WITH THE NOTED CHANGE TO SECTION 1 (10-15D-3: (B)(2); AS FOLLOWS: "Sidewalks are may not be required in areas not required...."**

**VOTE (POLL): RAYMOND BROWN-AYE, MARK JOHNSON-AYE, ALVIN HARWARD-AYE, MARY RUGG-NAY, NELSON ABBOTT-AYE**

*Passes 4-1*

APPOINTMENT OF  
ALTERNATE  
MEMBER OF  
PLANNING  
COMMISSION

Mayor Dunn: The Planning Commission is in need of an alternate member, to replace Mel LeBaron. Being certified a "Citizen Planner" is a requirement to be on the Planning Commission. Mr. Kevin Hansbrow has been interviewed and is ready to go.

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN TO APPOINT KEVIN HANSBROW AS AN ALTERNATE MEMBER OF THE ELK RIDGE PLANNING COMMISSION**

**VOTE: YES (5)**

**NO (0)**

ALLEN ANDERSON  
DEVELOPMENT

Mayor Dunn:

*1. Sewer Connection:*

The Mayor called the City engineer in Salem and did not get a return call. The City Recorder was aware of some of the conversations that had taken place with the engineer and the city's

attorney (Jr. Baker). His (City Recorder) opinion was that Mayor Dunn needed to contact Salem's engineer and attorney to set an appointment to finish the discussions regarding connections (temporary and permanent). These issues need to be resolved and placed back on the Salem's City Council Meeting Agenda.

Payson City has hired their crew, they have the pipe and they are scheduled to start laying pipe for the sewer line this week.

Allen Anderson: Question to the Council...considering that he is going to build his own home in the next 9 – 12 months, could he "borrow" a sewer allotment (*assignment*) or put that sewer allotment (*assignment*) on hold until they are available...when the sewer line from Payson is connected? He probably won't need sewer until September or later.

(The area under discussion is located on the south/west corner of Loafer Canyon Road and E. Park Drive. Mr. Anderson purchased the parcel and a piece from the City, to be added onto his property.

Alvin Harward: He sees no reason not to allow him a sewer connection, based on negotiations with Salem; and the progress that Payson is making with the sewer line.

Mary Rugg: Thinks that the City has already allocated all the sewer connections away to other developments in progress.

Mayor Dunn: We would be looking at borrowing connections. The thing about borrowing is that now we know that the Payson line is coming. There is a difference from a year ago when there was no contract, no equipment, etc. It is less of a risk.

Mr. Anderson: Is willing to sign an agreement that he wouldn't even ask for an "Occupancy Permit" until this sewer allotment has been granted and agreed upon. He does not see him being ready to move in until about a year from now. The sewer situation should be solved by then.

Raymond Brown: He feels better about that (*Talking over...unclear*)

Alvin Harward: The City owns a portion of the Salem Sewer Plant and the city can grant a connection...he does not feel there is any risk.

Mayor Dunn: The other thing being left out of this discussion...is that in a short period of time, the City will be granted those temporary connections.

Mary Rugg: Has a concern with granting connections that do not belong to us...they have been attached to approved, vacant lots. Technically, if all those owners want to build, we would have given some of those rights away. "As a moral issue and an ethical issue, that bothers me...to give something away that really does not belong to us."

Raymond Brown: Mr. Anderson said that he understands the situation and he is willing to sign off on hooking up, or asking for occupancy until connection is possible.

Mayor Dunn: He will not have use for the sewer for about 12 months or so.

Raymond Brown: He is aware of the issues as he goes into this process; he is willing to do what he can to not have this be an issue.

Mr. Anderson: But, if he does not get started in the next 30 days, he won't get started until spring.

Mary Rugg: Does understand this...she knows how the gentlemen on the Council will vote and she knows how she will vote...so, she doesn't want Mr. Anderson to take this personally.

#### *1. Bonding for Curb/Gutter:*

##### *Explanation:*

Mr. Anderson: The curb/gutter in that area is more of a gutter coming down the road from the Spencer's and Peterson's...the two houses further north from his property do not have any curb/gutter. There is curb/gutter on both sides of the street farther north on Loafer Canyon Road.

Question: Does he need to install all of that now, with winter coming...knowing that trucks and equipment will have to drive across it; or can he bond with the City for the cost of that curb until spring and install it when the ground is more stable.

Alvin Harward: That is the way it is usually done.

Mr. Anderson: Not always...other cities require it first; which he feels is ridiculous.

Also, how far up the street will the sewer have to be extended? Does it need to be this fall or can that be bonded for, as well? (Alvin Harward: "You should be able to bond for that, as well.")...under the same circumstances...(Alvin Harward: "Has to be done before..") The reason he is considering that is to be able to install it all together in the spring and not dig up the existing asphalt, and then have to leave it until spring.

Mayor Dunn: He thinks the Code allows that to happen.

Alvin Harward: Isn't the sewer extended through the intersection?

Mr. Anderson: Just past the center section, where the manhole is...perhaps just south of his frontage.

Alvin Harward: Advised Mr. Anderson to get a contractor's bid on the improvements...(Mr. Anderson: *On the sewer, on the gutter and the asphalt...*)...and you have to put up a bond for 120% of those costs; but you don't have to have that done before you start building your house...that's why it's bonded...so that you don't get a occupancy permit until it's all done.

(Mr. Anderson: *"Right, well I was going to sign a release anyway..."*)

Mr. Anderson: The only issue he has: the power lines that go overhead: He has been told differing directions; do they have to be moved or not?

Alvin Harward: Ken Harris has put up \$28,000 (*now is at \$31,000*) to put the power underground on the only area in Elk Ridge with overhead lines (upper section of the City). That will be done right away.

Then there is another gentleman across the street that will put up \$27,000 to teal the line down, go over the hill and actually run the power line underground to south of where Mr. Anderson's property is. This would take care of part of his line and he would be charged for it. He would be responsible to dig the trench for the line and bury it, fill it in and replace the blacktop.

(Dan Ellsworth is the man to contact at the electric company.)

Mayor Dunn: The sewer connection would not be granted until he comes in for Final Approval; but his interest is to see if he can proceed...

Alvin Harward: It is already a "lot of record"...correct?

Mr. Anderson: That's what the City Manager (*Planner?*) said.

Alvin Harward: If it is a "lot of record", then there is no choice but to grant him a sewer connection. These lots or record have already been accounted for in the sewer connections.

*\*(Note: This was not considered a "lot of record and was not part of the lots figured into the connection allocations.)*

Mr. Anderson: So, we don't have to worry about the sewer? We can turn in our plans and take care of it then...we need to bond for the gutter, asphalt & sewer at 120% off of a contractor's bid?

Alvin Harward: You need to submit that to the engineer for his approval and estimate.

Mayor Dunn: The next step is to bring your plans in and sit down with Ken Young. Give Ken a call; he is in on Thursdays...set an appointment for Concept, Preliminary and Final...Preliminary and Final can sometimes be at the same time.

The Mayor explained the various stages of the subdivision process.

One issue to consider is the drainage ditch that runs through that area.

Mr. Anderson: He has contacted Mrs. Spencer (one of the owners of the homes to the south) and they have both filled in the trench. He proposed to Mrs. Spencer to run a culvert at the base of the hill (a little further west). He is willing to take care of the additional 100' between his property and the existing culvert if some of the neighbors understand what is going on.

He will contact the other two neighbors and make sure that the efforts are coordinated. What is in place now is not working.

*\*The Mayor will contact the City Planner.*

PARK CURFEW  
CHANGES

This had been discussed previously.

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN  
TO APPROVE A CHANGE IN THE PARK CURFEW TO 10:00 PM; AND TO APPROVE THE  
PURCHASE OF TWO SIGNS**

**VOTE: YES (5)**

**NO (0)**

LOAFER HEIGHTS,  
PLAT A –  
PERFORMANCE  
EXTENSION

The developers of the Loafer Heights Subdivision, Plat A, are requesting an extension for the installation of the subdivision improvements, for another 6 months.

Mayor Dunn read the written request, included in the Council packets.

The Council required clarification of the reasons for this request. No vote was taken. Perhaps the Mayor could poll the Council.



CITY INSURANCE –  
ANNUAL RENEWAL

*\*(This next discussion has been transcribed nearly word for word...only summarizing in a few places. In the final version of the minutes, the Council may choose to summarize the intent of the discussion.)*

Mayor Dunn: Though the City Recorder was not present, the Mayor indicated that he had discussed this with her that afternoon...*(Interrupted)*

Alvin Harward: Is this the plan that we are going to approve for the City workers?...*(Mary Rugg: We are looking at this, yes")*.

Nelson Abbott: This is the renewal. The Council needs to make a decision so that "Dave Vogelsberg can come down and get gold of the people on the plan we select. If we are going to make a change be made, we need to do it..." *(Interrupted with "Now")...*"So that..." *(Interrupted..."It will be effective January 1")* "Yeah...Right now is our opening where we make a decision."

Mary Rugg: Councilmember Rugg feels the insurance plan is a "steal" even with an adjustment to the employees' benefits. *(Interruption by talking over)* Question: on prescriptions...there needs to be clarification on this.

Raymond Brown: There are different options, with different charges for "name brand", for "generic" & a 3rd type (

Mary Rugg: She was looking at something other than what is received currently; but that information was not available at the Meeting.

Question: Part time employees are offered health benefits? Most part-time employees are not offered health benefits. This was done with a previous Council and as a "special exception".

Mark Johnson: The opportunity is offered to part time employees on a pro-rated basis.

Mary Rugg: "Andrea did not have the opportunity to purchase this, she was placed on to this plan; you will have to look into this..."

Mayor Dunn: Andrea Muhlestein was offered benefits according to her part-time status: for instance 40% status would allow 40% benefits. Does that make sense? *(Mary Rugg: I understand what you're saying, but most part time employees are not offered benefits.)* No they are not. Right now she's not on it because she is covered under her husband...

Kent Haskell does "buy into" a part of his coverage that takes his coverage up a step...

*(Mary Rugg: "But Kent is not a part-time employee, why would he have to buy into it?")*

There is an option that if you want to but into it...(he was not sure which part this applies to)

*\*(It applies to his Life Insurance coverage.)*

Mary Rugg: What kind of feed-back have you gotten?

Mayor Dunn: "I have talked to them...at first, they were really apprehensive...that was last January/February..." *(Interrupted...Mary Rugg: "...when this first came about?")* Yeah...and I have talked to a lot of people; and of course have relied on Nelson's expertise as an insurance individual...and I have talked to other people and...they are really comfortable going to a program where the benefits, like their co-pays and a few things like that, stay the same...right now they don't have a deductible. I said, we are looking at a program that would save the City about \$12,000 a year, but you'd be faced with a deductible...even if we took \$2,000 of that savings and paid that deductible for you...you would be getting the same basic coverage, but we're saving now, \$10,000 a year as a City...*(Interruption)*...for the program; and if you decide to use your deductible, it's there (\$500 per family or whatever...that's not a lot for a deductible)...and some of the people he talked to have actually said that that deductible is put into an account that they can draw from, to use; and if they don't draw from it, then they can do what they want with it at the...*(Interruption)* end of the year..."

Mark Johnson: "The health plan at the County: they give you a bank account and they give us so much percentage of that every year; and then..."*(Interruption...Mary Rugg: which you don't use...)"* and if you don't use it, then you can accumulate it and when you retire or whatever, you can draw out of that *(Interruption...comment not clear)* whatever you want; but if you use it before it is really taxed, it is hard because what you put into it *(Interruption...Mary Rugg: Like a ?)"* and they can put a certain amount into it...and it is pre-taxed."

Mary Rugg: "So, that is actually different from what you're talking about, Mayor; I don't know how the rest of you gentlemen feel; but I don't know that we should set the precedence by stating that we are changing the insurance policy, but...don't worry we're now going to cover your deductibles. I understand what you're saying, because they have not been faced with anything, they have had no deductibles... they are still getting a savings; their co-pays are going down; their out-of-pocket maximums are actually going down. The only thing that is affecting them is that now they actually have a deductible.

If we look at when the cost of living (COLA) increase comes around; we have always granted them a cost of living increase and maybe having that be just a little bit more...to subsidize (Interruption: Mayor Dunn: "to subsidize the deductible?") Yes, instead of actually stating that, don't worry, we're changing the plan, but we'll still pay your deductibles."

Mark Johnson: "I don't have a problem that, 'We'll put a percentage into a savings plan for you (the employees), but you have to come up with the rest'...and have them pull it out of their paycheck to put into it."

Mary Rugg: "That works great, but what they do for you at your work is actually something different than what (Interrupted) the Mayor is talking about."

Mayor Dunn: "The reason this is so good is that we are with over 200 communities that are on this program."

Nelson Abbott: He was at a Payson City Council Meeting and they discussed going from the \$500 deductible to \$1,000 because of the cost and they were not going to do anything. This was just to absorb the rate increase that they were going to receive. "Frankly, he told me that where our rates are likely to be...any changes we make may be completely absorbed by the rate increase."

- If the City went to the \$250 deductible, it would be absorbed by the rate increase
- \$500 deductible: a little would come back to the City after the rate increase

"The only difference between these plans...the co-pays are the same on all 3 plans;

(These have been adjusted for the renewal)

- Under "Coinsurance", dropping from the 1 (Option 1) to the 2 (Option 2)

- Co-pays stay the same

- 80/20 instead of 90/10

- and then the family deductibles on the \$250 with \$500 maximum and on the \$500 there is a \$1,000 maximum; maximum out-of-pocket on all plans is \$2,000.

All the plans (Preferred, Summit or Advantage)...the Trust (Utah Local Governments Trust) has negotiated with these insurance companies and said, this is what we want to offer...you build a plan around these parameters and give us a rate. That is where the rates are devised. So, if we go with the obvious...the Summit Plan as opposed to the PEHP Plan \*(Actually, the company is PEHP..."Preferred Care" is the current plan in place), the benefits are going to be the same; they basically give them the parameters to build a plan."

Raymond Brown: "When I looked at this policy a year ago and sent the Mayor a Letter...

(Mayor Dunn commented he still has that letter.)...he looked at all the...here is the important thing...it's not so much blue, red or white...it's who in this area services you. If you have a "blue" plan, but you gotta go to Orem...not so good...the one I looked at (Altius) was Mountain View...he did some research on Altius and they are not bad, they are a pretty good company. They pay quickly; there are not a lot of guys hounding you about paying, and they had one of the better rates for a city...it was between \$350 - \$500."

Nelson Abbott: "I got this from Utah League of Cities & Towns \*(should that be Utah Local Governments Trust?) I asked for a quote for our people on our plans; for each of these separate plans. What they sent me was; this is a "single rate", this is a "double rate", this is a "family rate"; then there are modifiers that they apply. We are at 0/11, which means that we are not tier one, we are tier 11...that is a multiplier that they use to determine where we're at, based on the utilization of our plan. But, that does mean that it is utilized often. It goes up to, I want to say, 20...so, we're not using it the most, but we're not using it the least. The Altius plans...their rates are lower than the PEHP plans, the Advantage plans use the IHC network; like Ray was saying, I don't know that we want to say that, 'You gotta go into..."

(Interruption: Ray Brown: "You go to those insta-care places first..then...")...then you have to get a referral & so forth. There were a couple of plans they have now deleted; they are no longer available...they just discontinued those...they are not on the paper work.

So, really what we're looking at is: should we go with the Preferred Plan, or some other plan? Whether we want to go with a deductible or stay right where we're at?

\*(Actually, all the plans are going to deductibles...the question was, 'How much?')

The way to put this into perspective here on the "family":

- With a \$250 deductible with PEHP \*(Is this Preferred plan?) is \$1,176, approximately...if we go with the same deductible with the Summit plan, it's \$971. This is \$200.
- With a \$500 deductible...\$870 vs \$1,110

Mary Rugg: Are you talking per person or per family?

(Raymond Brown: 2 persons maximum)...

Nelson Abbott: \$500 deductible, 2 person maximum (Raymond Brown: "With a stop loss at \$2,000..pay the 2 deductibles at \$1,000 and pay nothing else",)which is still incredibly generous...(Raymond Brown: "that is very good, because most of them are at \$5,000.)

Alvin Harward: "I was concerned with the plan; weren't we talking about paying 100% of the insurance premium...and have the employees participate in the insurance premiums? Are we still paying 100% of the premiums? (Mary Rugg: "No.") I think that is what we're going to change...that they are going to participate with it."

Raymond Brown: "Here's what we are saying...as an example: Summit, Option 3: \$870 for family plan...I don't want that plan...you don't want the plan? Okay, we'll still put the \$870 toward \$1,110 (Interruption: Nelson Abbott: They have that option, to buy in.) We still pay that \$870 for you...(Interruption: Nelson Abbott: "We can allocate it...") *\*(others talking over each other)* Councilmember Brown continued: Pay the deductible...go as often as you want, but you pay the extra" *(talking over)*

Nelson Abbott: We've only given them one plan to choose from...period. *(talking over)*.

So if we are going to cover Option 3...if you want to buy into 2 or 1, then they have that option and they pay the difference...if they feel it is that big of an incentive...now, frankly, looking at the difference *(interruption)*...in the potential out-of-pocket expenses, and the money they'd save...I'd keep the money in my own pocket and self-insure."

Raymond Brown: "The one plan...the Summit 3 plan...I don't know if there have been any changes, but when I researched it, it was excellent... I used to be over benefits for a private sector before...and we were self-insured...and this is as good as what we had. We had a stop-loss at \$5,000.

Nelson Abbott: Most of the plans now range anywhere...depending on the deductible...up to \$7,500.

Raymond Brown: The only thing I liked about that is that it did keep people from, for lack of a better term, abusing the system...that you got 100%...go any time you want...you get the sniffles, you run to the doctor. That is why the system is over burdened, I think. So, if you have a deductible, you think to yourself...wait a minute, this is just a cold...let's see if it will work itself out; and usually it does."

Nelson Abbott: But, when they renew our policy *(Interruption: Raymond Brown: "& it goes up")* ...based on our utilization...our rates could be affected by that; so if we do something to help mitigate *(Interruption)* potential claims, it could actually, in the long run, save us more money."

Raymond Brown: If we are in the fifty-percentile...that is crazy; well, it's not if it's paying..."

*(Interruption)*

Mary Rugg: "Nelson, as the professional here at the table...on insurance policies; what would be your recommendation?

Nelson Abbott: My recommendation would be to go with...probably Option 2 or Option 3...it comes down to what the Council is comfortable with. I'd look at Summit, Option 2...this would save the City a lot of money...and I really don't feel like we're taking a lot...*(Interruption: Mary Rugg: "Option 2 would be which one of these here?")* *(Much talking over one another)*

Mary Rugg: "And the other option you told us was?...(Raymond Brown: "Option 3")...Option 3 under Advantage or Preferred? (Nelson Abbott: "Under the Preferred...the Advantage is under the IHC network") So, the middle one is completely out, since it is IHC.

Raymond Brown: Option 2 is \$500 deductible per person (2 people) & Option 3 is \$1,000 deductible per person...\$2,000 maximum, is that right?"

Nelson Abbott: "The other thing that we can do...we can get them...it comes down to what the Mayor tells Mr. Vogelsberg that we want to give them in terms of options...if want to give them 2 plans...I think we ought to say, 'this is the plan, if you want something better'...give them that option and let them buy into the other plan. I think that goes a long ways...rather than taking the rug out from underneath them and saying, 'this is the only choice you've got'...they'll go home and analyze it, and they're going to 'crunch' some numbers and figure, 'oh, that doesn't make sense...why would I want to do that?'...and not understand why."

Raymond Brown: "I think Option 2 is about the best because it has a lot more to offer...it helps the City maintain some costs."

Nelson Abbott: The other thing to look at is the 'out-of-network deductibles'...*(Interruption)*...

*...(recording unclear) is lower...and on the... (Interruption)*

Mary Rugg: 70/30...we've had that before and that's...you feel like you're still paying a ton...there is a difference between 70/30 and 80/20...and Mayor, I still think it's something to



consider; that in giving this to them, it's going to be a big difference...but cost-of-living does come up in just a few months...\*(Actually, not until July, 2007) in padding that just a little more...to soften the blow to them...these ladies work hard...and cost-of-living increase is pittance..."

Mayor Dunn: "Yes, it barely covers...well, the cost-of-living...when we talk about the cost-of-living index...& they give a percentage...one thing they don't take into account is any of your taxes...So, the COLA Index is basically 'goods' & 'rent' and has nothing to do with taxes...so, the higher the cost of things, the higher the taxes...and they don't account for that."

Raymond Brown: "I wish you'd tell the government that because I only got 3% this year and they didn't take that into account either."

Mayor Dunn: My biggest concern is, if we are looking at a savings here...what I mentioned earlier, about paying their deductible and giving it to them and letting them either pay their deductible or put it into savings, or something vs. trying to figure out where our cost-of-living increase would be in paying it...to help cover that...I kind of like the idea of just paying their deductible because it is such a simple thing to do. We are still saving a considerable amount of money. I know we can save more if we do it the other way, without a doubt we can save more...I am just a little concerned at destroying their incentives a little bit...I know they've been spoiled with this program at 100% everything...it's like, if we are going to clean house and start taking away their pensions, how do you take someone's pensions?...and (Interruption)

Raymond Brown: This is not the same parallel. This is saying, the cost of medical care has gone through the roof...no matter what you say...We are basically a poor city...I've said that 100 times...this plan is a good plan and this is what the City is willing to pay, you have got to take care of your deductibles and all that; however, should you feel that this is not a good plan, we'll still put whatever it is (\$870) toward any plan you want to choose in the network... and that is fine. I think that is fair." (Mary Rugg: "I think that's fair also...") I don't think you can do more than that (Mary Rugg: "Way more than fair.") This is dollars and cents, unfortunately, and this has nothing to do with personalities, it really doesn't. It has to do with the finances of this City. Is it being fair? 80/20? That's still pretty doggone good. I don't think even Social Security is as good, if you look at what they get...it's not this good. Bottom line...I think that Option 2 is fair...honestly, I'd love to see out Option 3; but, I want to keep somewhat humanistic about this...Option 2 would be the best (Mary Rugg: "Yeah."). Option 3 would be the best thing for the City, but I think your point...(Interruption)

Nelson Abbott: It's too bad we can't go the other way and say, take Option 3 and we'll pay you the difference."

Mary Rugg: "I think it just sets a precedence in stating that now we'll pay your deductible...we're changing this to save money; but, don't worry still going to pay your deductible...and realistically, that doesn't really happen. People don't employ you so they can turn around and give you benefits, but they are going to pay all your benefits. (Interruption)

Marc's (Marc Rugg?) benefits change all the time...all the time...because they're always out there shopping for the best deal...and we get stuck with 80/20...70/30...60/40...we have the same option, to buy in...but in reality, it is not a savings for us. But, if they offered at the same time...here is a little boost in your salary...there is a semantics issue there...as well as ...it's not enough to cover the cost of anything, but it's also the 'olive branch' being extended."

Raymond Brown: "If I pay you \$100,000, I've got to add 35% to that to cover medical and retirement. It is going up...it's closer to 40% now. Think about that; either I've got to hire you at a lower salary (\$70,000) so I can take 35% of that and put it into the fund...so the employees are getting hurt by other costs...there is nothing we can do about it until another one comes along with a medical reform and I don't know when that will ever happen...socialized medicine would be great!"

Nelson Abbott: "The other thing that we need to consider here...the deductible doesn't come into play unless they have an event and there is a need for the deductible...so, for us to say, 'let's give you a bonus...' I would rather just do what Mary is saying and maybe increase the inflation portion and go that route."

Raymond Brown: "Let me tell you something about the deductible: I talked to Altius months ago, but...in other words, you go to the doctor and get a bill for \$400 and \$400 is yours...they don't do that. They take a portion of that and put it toward your deductible, and pay a portion of it. So it's not \$400 out-of-pocket...they don't take it out just because you went in with an event, and take it all at the front end...they don't do that, which I thought was pretty good. They do take a piece of it, but they assume that you're going to be there again...somebody in the family."

I still think this is the best way for the City, again barring any personalities, this is a financial decision...I think Option 2 is a fair decision...period. Of course you know I have felt that for a year."

Nelson Abbott: "I think by going along these lines, we're not doing anything outside of the box. We are doing what every other city in this area is doing. Payson spends more on health insurance than we have in our budget. I wouldn't be surprised if they start looking for another way to reinvent the wheel...above and (Interruption)

Raymond Brown: Most companies hiring new employees tell you that this is your salary....and there are no benefits...and sometimes there's 401K, if you want to join.."

Nelson Abbott: One of the items that was discussed was the possibility of saying , 'Okay, you don't get this until you are fully vested'...they may say, 'there are 2,3 or 4 years before we will even consider offering this to you because of the high turn over coming in...getting the job because of health insurance because their wife is pregnant...they get the baby delivered and everything and then they take off...that is the other thing that is happening and it drives the costs up."

Raymond Brown: "We went from 6 months probation with no insurance, to a year. I didn't know how people could do that...but..."

Mayor Dunn: "So, what I am hearing then, is Option 2...with an improvement on their cost-of-living...what kind of improvement would you consider?"

Raymond Brown: "I'm not too sure I like that idea either..."

Mary Rugg: "I don't know exactly where the percentage comes from...based on...(Interruption: *\*(Note: Those percentages came from a formula dictated to the City Recorder by our Auditor.)*)

Mark Johnson: "We do vote on that every year.") That's what I am saying and we just had that cost-of-living...we generally do...we give them their cost-of-living increase, but we 'pad' that a little more than what would be the standard percentage for cost-of-living. I don't know where those numbers are pulled from...(Interruption)

Raymond Brown: "I think that 'cost-of-living' is an argument that should come up at the time of cost-of-living...I don't think it should be tied to this."

Mary Rugg: "I'm not saying that we should vote to having that tied in...that is just something I am saying that we should consider as an option here to soften..."(Interruption)

Nelson Abbott: "And that is fair."

Raymond Brown: "That is one consideration...and I'll agree to that. I am being a real hard--- on this part, I'm sorry...I apologize...excuse me...I am sorry I may have offended you...excuse me Al."

Mary Rugg: " He offended you? I didn't touch that. You know he is sitting over there being real quiet...completely out of character..." (*Alvin Harward: "It is."*)

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY SECONDED BY MARY RUGG; THAT DURING OPEN ENROLLMENT, THAT THE CITY PURCHASE THE SUMMIT CARE, OPTION 2; ALLOWING THE EMPLOYEES, IF THEY PREFER TO HAVE ANY OTHER OPTION THAT IS AVAILABLE THROUGH THE BENEFIT PLAN THROUGH THE UTAH LOCAL GOVERNMENT'S TRUST, TO BE ABLE TO PURCHASE THAT AT THEIR COST, IF IT IS THEIR DESIRE (THE CITY WILL PAY AN AMOUNT TOWARD THE PREMIUM EQUAL TO WHAT THE PREMIUM IS FOR SUMMIT CARE, OPTION 2)**

**VOTE: YES (5)**

**NO (0)**

*(\*Note: The benefit plans are through the Utah Local Governments Trust...and should the motion also state that, should the employee choose to go with another option, that the City will still pay a certain amount toward the premium? This was discussed, and it seemed that it was decided upon in the discussion. The Council decided to go with this change in the motion when the minutes were approved on 9-12-06.)*

Mayor Dunn will call Dave Vogelsberg a call to come down and talk to the employees about member Abbott: the number to call is: (800) 748-4440 Ex:1319 in the next day.

9-12-06:

**BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN TO APPROVE MINUTES OF 9-12-06, AS PRESENTED**

**NO (0)**

the Council 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, October 24, 2006, at 7:00 PM, to be preceded by a City Council Work Session at 6:00 PM

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

### **6:00 PM      CITY COUNCIL WORK SESSION**

1. Amendment to the General Plan/North Section of Circulation Map – Shawn Eliot
2. Letter from Fire Chief Craig Olson/Discussion

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

Opening Remarks and Pledge of Allegiance Invitation  
Approval/Agenda Time Frame

7:05      Public Forum:

\*Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comment will be limited to three minutes per person. A spokesperson who has been asked by the group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing. The Mayor or Council 7

7:15      3. Ryan Haskell – Zone Change Request – Ryan Haskell

7:30      4. Amendment to the General Plan/North Section of Circulation Map – Shawn Eliot

7:40      5. Crestview Estates 2 – Eric Allen

        A. Water Right Allocation

        B. Preliminary Plat Approval

7:50      6. Alan Anderson Development - Requests

        A. Sewer Connection

        B. Water Right Allocation

        C. Preliminary Plat & Final Plat Approval

8:15      7. Water Flow/Amerigo Lane – James Hiatt

8:25      8. Expenditures:

        General:

8:35      9. Approval of Minutes of Previous Meetings

        Adjournment

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

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.  
Dated this 20<sup>th</sup> day of October, 2006.

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

### **RTIFICATION**

ty Recorder for the municipality of Elk Ridge, hereby certify that a copy of the ironicle, 145 E Utah Ave, Payson, Utah, and mailed to each member of the ended Agenda on 10-20-06.

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



**AMENDED NOTICE & AGENDA**

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, October 24, 2006, at 7:00 PM, to be preceded by a City Council Work Session at 6:00 PM**  
The meetings will be held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

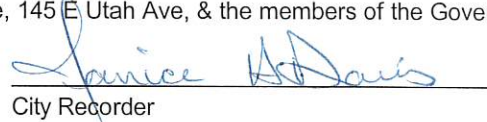
**MEETING CANCELLED DUE TO LACK OF QUORUM!!**

  
City Recorder

CERTIFICATION

I, the  
No  
were notified

the municipality of Elk Ridge, hereby certify that a copy of the  
Chronicle, 145 E Utah Ave, & the members of the Governing Body

  
City Recorder

## NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a Special **City Council Meeting on Thursday, October 26, 2006, 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
- 6:05    1. Ryan Haskell – Zone Change Request – Ryan Haskell
- 6:15    2. Crestview Estates 2 – Eric Allen
  - A. Water Right Allocation
  - B. Preliminary Plat Approval
- 6:30    3. Alan Anderson Development - Requests
  - A. Sewer Connection
  - B. Water Right Allocation
  - C. Preliminary Plat & Final Plat Approval
- 6:45    4. Resolution - Amendment to the General Plan/North Section of Circulation Map
- 6:55    5. Loafer Heights Subdivision, Plat A – Performance Extension Request
- 7:00    6. Expenditures:
  - General:
  - A. Check Registers
- 7:05    7. Approval of Minutes of Previous Meetings
- Adjournment

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

TI      and if time permits. All interested persons are invited to attend this meeting.  
D      This 26th day of October 2006

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

I, the undersigned \_\_\_\_\_ Municipality of Elk Ridge, hereby certify that a copy of the  
Notice of Agenda \_\_\_\_\_, Payson, Utah, and each member of the Governing Body  
was contacted on \_\_\_\_\_

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

**ELK RIDGE  
CITY COUNCIL MEETING  
October 26, 2006**

**TIME & PLACE  
OF MEETING**

This Special Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, October 27, 2006, at 6:00 PM.**  
The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of the scheduled meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, on October 25, 2006; and the members of the Governing Body, on were contacted by phone on October 25, 2006.

**6:00 PM -**

**CITY COUNCIL REGULAR AGENDA ITEMS**

**ROLL CALL**

*Mayor:* Dennis Dunn; *City Council:* Nelson Abbott, Mary Rugg, Mark Johnson, Raymond Brown (Absent: Alvin Harward); *Public:* Isaac Workman< Ryan Haskell Lawrence Wiscomb, Tony Trane, L. Allen Anderson & Eric Allen; & *City Recorder:* Janice H. Davis

**OPENING  
REMARKS &  
PLEDGE OF  
ALLEGIANCE**

Opening Remarks (prayer) were offered by Mark Johnson, after which the Pledge of Allegiance was led by Mayor Dennis A. Dunn, for those wishing to participate.

**AGENDA TIME  
FRAME**

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY MARK JOHNSON TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 6:05 PM; AND TO REVERSE THE ORDER OF THE AGENDA ITEMS, BEGINNING WITH ITEMS 4, 5, 6, & 7 TO ALLOW TIME FOR THE SCHEDULED GUESTS TO ARRIVE**  
**VOTE: YES (3)      NO (0)      ABSENT (1) ALVIN HARWARD & MARK JOHNSON**

**RESOLUTION –  
AMENDMENT TO  
GENERAL PLAN –  
NORTH SECTION  
OF CIRCULATION  
MAP**

*(Memo form Planner to Council, dated 10-24-06))*

**"Background"**

The Planning Commission recently reviewed, discussed and held a public hearing on proposed amendments to the General Plan Circulation Map as attached, including revised collector roadways in the northern section of town.

The Planning Commission has been in process recently with reviewing and discussing potential changes to the Circulation Map, including proposed road alignments; the Planning Commission chose to forward those changes applicable to the northern area.

Lawrence Wiscombe, representing the proposed Armstrong Estates subdivision, met recently with the Council to discuss their development proposal and options for east/west traffic flow through the northern area. Difficulty was explained by Mr. Wiscombe in meeting the planned alignment shown on the Circulation Map, due to existing utilities and the Armstrong home. The Council was agreeable to a proposal to amend the Circulation Map based upon the Armstrong Estates development proposal.

The effect of this amendment is to realign and divide the east/west proposed minor collector shown on the map between Goosenest Drive and 11200 South. A portion of this minor collector has already been approved by plat and will be installed in the Elk Ridge Meadows subdivision and then will connect into the Cloward property. From there it will be divided and continue eastward along Meadow Lark Lane, as planned through Rocky Mountain Subdivision (see attached map for detail).

Additional changes to the classification of existing and proposed roads are also recommended, as shown on the attached map. These other proposed changes are an effort to update the roads to match existing, approved or anticipated roadway situations.

**Recommendation**

The proposed changes to the Circulation Map of the General Plan are considered necessary for planned future growth and development in the north area of town. Following the public hearing by the Planning Commission, it was recommended that the City Council approve these map changes. The City Council may approve these changes by resolution, as attached."

Mayor Dunn: Shawn Eliot prepared a sample map showing the proposed changes, with a key to the map at the bottom of the page. There were 5 different area of change, with corresponding numbers showing specific areas/streets:

- A. Raise to Arterial
  - 1. Canyon View Dr/Park Dr to Salem
- B. Lower to Major Collector
  - 2. Loafer Canyon Rd
  - 3. Goosenest Dr/Rocky Mountain Wy



- C. Lower to Minor Collector
  - 4. Sky Hawk Wy, Elk Ridge Dr to #10 (delete collector to north)
  - 5. Meadow Lark Ln, #10 to Loafer Cyn Rd (delete collector to north)
- D. New Minor Collectors
  - 6. New N/S Minor Collector, Goosenest Dr to 11200 South
  - 7. Cotton Tail Ln, Elk Ridge Dr to 11200 South
- E. Corrections
  - 8. Loafer Dr – Change to Local
  - 9. Loafer Cyn Rd, realign to "T" intersection at Canyon View Dr
  - 10. Hudson Ln, connect to Canyon View Dr

Concerns:

- #7) This goes through Mr. Cloward's land and there are no roads planned for this due to Mr. Cloward's plan to create a gated community with this future development.
- #1 & #9) With Canyon View being planned to continue on as an "Arterial" rather than Loafer Canyon Rd.; this presents problems with areas of land not yet annexed into Elk Ridge. Councilmember Johnson suggested having Canyon View "T" into Loafer Canyon, rather than the opposite.

Mayor Dunn spoke to Mr. Hansen (lives on the corner of Loafer Canyon Rd and 11200 South): Mr. Hansen & Mike Christiansen (engineer) has some proposals for growth.

- In the course of the conversation, he offered to allow the New Well site to be on his property, perhaps in exchange for water "or something". He wanted to know how much property...usually 100' X100' piece of property for the well house, etc.
- They also discussed the right-of-way for the major gas line being considered for a road. (It was mentioned that this area would create a steep grade for a road.)

Another area of concern is the street name "Loafer Dr" (is often confused with Loafer Canyon Rd.)...perhaps the name of the street should be changed. This should be done prior to the new development adding 5 new homes onto the extension of this street.

*(Discussion: Aligning our roads with future roads from Salem City.)*

\*The Council felt that there are many unanswered questions and they would prefer to have a member of the Planning Commission present for further explanation before the proposed map is approved or changes made.

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN TO TABLE ANY ACTION ON THE PROPOSED NORTH SECTION OF THE CIRCULATION MAP UNTIL THE NEXT COUNCIL MEETING; TO ALLOW FOR A MEMBER OF THE PLANNING COMMISSION TO BE AT THE MEETING TO ANSWER QUESTIONS AND CLARIFY THE PROPOSED CHANGES**

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

\*This postponement does NOT affect the Armstrong property from moving forward with their subdivision process, as they have no proposed roads crossing the Cloward property; and the road plan shown to the Council by the developers of the Armstrong property was acceptable to the Council at the time.

**MOTION WAS MADE BY RAUMOND BROWN AND SECONDED BY MARY RUGG THAT THE PRESENTATION MADE BY MR. WISCOMBE AT A PREVIOUS CITY COUNCIL MEETING REGARDING THEIR PROPOSED ROADS IN THE NORTH AREA OF THE CITY; THAT THEIR INTENT IS TO HAVE CONTIGUOUS ROADS, NOT INTRUDING ON OTHER PROPERTES; AND THIS PROPOSAL WAS ACCEPTABLE TO THE CITY COUNCIL AND SHALL BE INCLUDED IN THE CIRCULATION MAP; WHICH MAP MUST STIL BE APPROVED AT THE CITY COUNCIL LEVEL**

**VOTE: YES (4) NO 90) ABSENT (1) ALVIN HARWARD**

RYAN HASKELL –  
ZONE CHANGE  
REQUEST -  
C-1 to R-1-15,000

*(Mr. Haskell arrived, so this Agenda item was moved forward at this time.)*

Mr. Haskell approached the Council on 6-27-06 to request a zone change and action on his request was postponed until the Economic Development Committee issued a report on the future of commercial enterprise in Elk Ridge. The Committee was unable to meet due to illness on the part of the Chairman of the Committee and the report could not be generated. Mr. Haskell would like to be reconsidered for this zone change affecting his proposed 5 lot subdivision.

Recommendation from the Planning Commission, following a public hearing, was for the Council to "approve the request for this property to both amend the General Plan Land Use Map and change the zone to Residential R-1-15,000".



Mayor Dunn: Contacted the owner of the commercially zoned property at the corner of Goosenest & N. Park Dr (Elk Ridge Dr) to see if he is still interested in developing a convenience store in this area; he is, he was simply waiting for the population to increase enough to make the project more feasible.

The Mayor feels changing these 2.8 acres of land for these 5 lots would benefit the City by completing the existing Olympic Lane to Elk Ridge Drive.

Ryan Haskell:

He and his father, Lee Haskell, understand the need for commercial zoning in the City; the City needs the tax revenue. They want to do what is best for the City; but they do not feel they would do justice to any commercial endeavors. They would be willing to put the land on the market and sell it for commercial purposes.

Meanwhile they still request that the proposed zone change for their proposed 5 lot subdivision be approved. They feel this is a good compromise.

Personally, Ryan Haskell feels the best possibilities for commercial would be a joint venture with Payson & Salem further north.

Comments:

Mary Rugg: Agrees that the corner of Elk Ridge Drive and Goosenest Drive would not be a good location for commercial; aesthetically, she feels this would not benefit the City.

Ryan Haskell: He and his father would like to develop a retirement community in that area; but current zoning would not allow it; but they are willing to sell it for tax benefits to the City.

Mayor Dunn: He has met with other South County Mayors and they are discussing Inter-local Commercial ventures. There will be an economic survey that will go out to the residents with the next newsletter.

Isaac Workman: He supports the Haskell's' request to re-zone the area and extend Olympic Lane. He is a real estate agent and does not fully agree that Elk Ridge is ready to accept commercial of any kind at this point in time.

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY NELSON ABBOTT TO APPROVE THE PROPOSED HASKELL REQUEST TO RE-ZONE THEIR PROPERTY AT NORTH PARK DRIVE (ELK RIDGE DRIVE) AND OLYMPIC LANE FROM C-1 (COMMERCIAL) TO R-1-15,000 ZONE (RESIDENTIAL)**

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

CRESTVIEW  
ESTATES 2  
PRELIMINARY PLAT

*1. Water Right Allocation:*

*(Memo from Planner to Council, dated 10-24-06)*

"Background

Eric Allen has submitted a preliminary plat for the proposed Crestview Estates 2 Subdivision with 11 lots. The property received approval from the City Council on 7-11-06 for a zone change to the R-1-15,000 zone.

On September 26<sup>th</sup>, the City Council approved an ordinance amendment which eliminated the requirement for extra lot width on corner lots. With that approval, the proposed lots sizes in this subdivision meet zoning requirements. The road alignment of Meadow Lark Lane ties into the Rocky Mountain Subdivision to the east as well as to the proposed road alignments on the Cloward property to the west.

In Technical Review, the plat has been found to meet all of the requirements concerning utilities and engineering. Sidewalks are being required to be installed as per the recently adopted ordinance and "sidewalk standards". A corrected plat showing sidewalks will be submitted to the City prior to the Meeting.

Recommendation:

The Planning Commission reviewed the preliminary plat on October 3, 2006 and has recommended that the City Council approve this plat."

Concerns/Questions:

- Cross section of sidewalks need to be shown
- Drainage off of cul-de-sac (Crestview Crt) crossing Meadow Lark Ln to Lot #2
- Location of Fire Hydrants

Discussion:

1. The current sumps are located on the map at:

- S/W corner of Rocky Mountain Wy & Meadow Lark Ln
- Between Lots 2 & 3 on Meadow Lark Ln
- West end of Meadow Lark Ln

In this position, the run-off from the cul-de-sac would miss the sumps. Suggestion: to move a sump to the very end of Crestview Crt. (right in the middle of the "T"), on Meadow Lark Lane (Where the current survey monument is shown on the Plat)...this should be checked by the engineer. Two new curb collectors should be added so there will be 3 collectors emptying into that sump. These sumps will be using the City's new sump design.

2. Councilmember Johnson expressed his concern that there is no fire hydrant shown on Rocky Mountain Way (1 is shown at the south end) and the placement for the others could be more beneficial. After discussion, it was decided to place them:

- N/E corner of Lot #10 (A hydrant on Rocky Mountain Wy will be subject to off-site reimbursement from development across the street.
- Move the hydrant shown in the cul-de-sac to the corner of Lot #9 (by the stop sign)

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO GRANT PRELIMINARY PLAT APPROVAL TO THE CRESTVIEW ESTATES 2; WITH THE FOLLOWING CHANGES:**

**1. MOVE THE FIRE HYDRANTS:**

- N/E CORNER OF LOT #10
- N/W CORNER OF LOT #9

**2. ENGINEERING REVIEW OF THE LOCATION OF THE SUMPS AS DECRIED ABOVE**  
**VOTE: YES (4) NO (0) ABSENT (1) ALVIN HARWARD**

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY MARK JOHNSON TO ALLOCATE 12.72 ACRE FEET OF WATER RIGHT TO CRESTVIEW ESTATES, AT THIS TIME; AT CURRENT MARKET VAKLUE AT THE TIME OF PAYMENT**  
**VOTE: YES (4) NO (0) ABSENT (1) ALVIN HARWARD**

*\*(Suggestion to amend the intent of the motion to read, "at current market value at the time of payment"...rather than mentioning the price in the motion; the Council agreed to this change on 11-28-06 when the minutes were approved.)*

ALLEN ANDERSON  
DEVELOPMENT

*(Memo from Planner to Council, dated 10-24-06)*

"Background:

Allen Anderson has submitted an application for simultaneous review of the preliminary and final plat for the proposed one lot Anderson Heights Subdivision. Mr. Anderson recently purchased land adjoining his property on Loafer Canyon Rd., from Elk Ridge City. He ahs combined the two lots through a quit-claim deed, but needs to meet the subdivision requirements of the City. Since it is a simple one lot subdivision, staff determined that a simultaneous review of the preliminary and final would be sufficient.

Due to mixed communications and misunderstandings with various City staff and officials regarding the status of the lot (whether it was considered to be a lot of record) and development requirements, the process in dealing with Mr. Anderson's application has been bungled and lengthy. Part of the determination to do a simultaneous review is due to the desire to move his application forward as expeditiously as possible while following due process, to help him meet a building schedule before the weather prohibits.

In Technical Review, some engineering items have been identified which need to be shown on the plat. Although a revised plat with these items may not be available prior to the Council Meeting, staff feels comfortable that these things can and will be met, and that the plat can be approved subject to the completion of utility and engineering requirements (see attached). City Engineer Jeff Budge has agreed to verify the completion of all the requirements prior to recordation of the plat.

Waiver Sought: Street improvements (pavement, curb & gutter) will be required along the property adjacent to Park Drive and Loafer Canyon Rd. However, staff recommends a waiver of curb & gutter requirement on the opposite side of the roads. The City owns the property on the opposite side of Park Drive, and a reimbursement program with the City is not recommended. Curbing on the east side of Park Drive does not currently exist, and the engineering for such a project may require further review and planning. The City can install improvements as deemed necessary in the future. A waiver of curb and gutter requirements is also recommended on the east side of Loafer Canyon Road, since no curb & gutter exists to the north or south, nor is planned for installation in the foreseeable future, and will likely require further engineering and planning along the whole road. A small patch of curb & gutter would not be effective and would be undermined with storm drainage, and would be a waste of money.

Recommendation:

The Planning Commission recommends approval, subject to all engineering requirements, including a waiver of curb & gutter requirements on the opposite sides of Park Drive and Loafer Canyon Road.

Mr. Anderson has paid for his water rights (cash-in-lieu) in the amount of \$8,000 in two checks.

*Discussion:*

The City Engineer, Jeff Budge, was consulted regarding the possibility of curb & gutter on the east side of Loafer Canyon Rd.: The City committed to install curb & gutter on the east side of Loafer Canyon Rd. when the Council approved the road/sewer line extension project. The motion actually committed the Council to install curb & gutter. With this in mind, Mr. Budge advised that the Council decide if this is a reality and if it is, then the Council may want to consider having Mr. Anderson include 120' of curb/gutter on the opposite side of the road in front of his property.

After discussion, the Council agreed that curbing on the east side of Loafer Canyon Rd. should be included in the budget for the up-coming fiscal year (2007/2008); they also agreed that Mr. Anderson should include the 120' of curb/gutter for the east side of Loafer Canyon Rd. in his cost breakdown for bonding requirements (to be installed when the City acts to extend the curb & gutter on Loafer Canyon Rd.).

*Question:* Will a drainage ditch be required on the plat? (It can be added.)

Mr. Anderson: He went in and "shot the grades" on that gutter and it falls steadily from the south end of his property, around the corner and down into the low point, which is about 8' to the west of his property, where the existing culvert goes underneath the road. It (culvert) finally came through his property and there is actually going to be a second one there and then turns and parallels the road around the bend, which would then be under the asphalt. The plan was to install the culvert with the neighbors to the south of his property and put a collector of this. The existing culvert was filled in. Mr. Anderson said he would take care of this and maintain.

*\*To be added to the list for Mr. Anderson: "Drainage culvert at the west end of property; to drain into sump"*

(A list of subdivision details to be completed prior to recording the plat was provided to the City and to Mr. Anderson; determined by the Technical Review Committee and subject to sign-off by Jeff Budge, upon completion.)

Mr. Anderson said he was agreeable to including the 120' on the east side of Loafer Canyon Rd. in the Bond required for his subdivision.

1. *Sewer Connection:* (Mayor Dunn updated those present on the current status of the sewer connections) Mayor Dunn and Councilmember Nelson went to Salem City to discuss the following: 1) Temporary connections and 2) Permanent connections (north of 11200 South) Jr. Baker (Salem's Attorney) has an electronic copy of the proposed contract submitted by the Mayor to Salem City.

*Temp. Connections:* The response was positive and that Elk Ridge did not have to request them from Salem (The Council felt that Elk Ridge should have this intent in some written form).

*\*(The Mayor could take out the 14 month dead line clause in the agreement; and say that the "temporary connections" would not longer be needed upon completion of the sewer line between the 2 cities...the Council agreed.)*

*Permanent Connections:* The contract is still forthcoming from Mr. Baker.

With the above information, it is no longer necessary to request sewer connections from the Council.

2. *Water Right Allocation:*

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY MARK JOHNSON TO ALLOCATE 2.8 ACRE FEET OF WATER RIGHT; WITH THE CASH-IN-LIEU AMOUNT EQUAL TO CURRENT MARKET VALUE AT THE TIME OF PAYMENT; TO THE ANDERSON HEIGHTS SUBDIVISION, PLAT A**

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

*\*(Suggestion to amend the intent of the motion to read, "at current market value at the time of purchase"...rather than mentioning the price in the motion; the Council agreed to this change on 11-28-06 when minutes were approved.*

3. Preliminary and Final Plat Approval:

Mayor Dunn: The motion should include the adjustments discussed earlier in the meeting.

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO GRANT PRELIMINARY AND FINAL PLAT APPROVAL TO THE ANDERSON HEIGHTS, PLAT A SUBDIVISION; WITH THE FOLLOWING ADDITIONS TO THE LIST OF REQUIREMENTS TO BE COMPLETED PRIOR TO RECORDING THE PLAT:**

- **BONDING FOR THE CURB & GUTTER FOR THE EAST SIDE OF LOAFER CANYON RD**
- **CONSTRUCTION OF THE CULVERT ON THE WEST SIDE OF THE ANDERSON PROPERTY**

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

RESOLUTION –  
CIRCULATION  
MAP

Action postponed until a member of the Planning Commission can be present to clarify certain concerns.

LOAFER HEIGHTS  
SUBDIVISION,  
PLAT A –  
EXTENSION  
REQUEST

(There was confusion at the last Council Meeting as to why this item was placed on the Agenda.)

*Explanation by the City Recorder:*

In the bonding agreements, the developer has a completion date when improvements must be completed on the following October 1<sup>st</sup>. The City Engineer explained that this is to ensure that asphalt is not laid when the weather is too cold. The asphalt companies will not guarantee their work after Oct. 15<sup>th</sup> or unless the temperature is 55° and rising. If the date is exceeded, then the developer seeks an extension from the Council, with the warning regarding the laying of asphalt. The Nosacks (developers) are seeking this extension.

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY MARK JOHNSON TO GRANT A SIX-MONTH EXTENSION TO THE LOAFER HEIGHTS, PLAT A SUBDIVISION; WITH THE UNDERSTANDING THAT ASPHALT MUST BE LAID ACCORDING TO STANDARDS: THAT IS, NOT AFTER OCTOBER 15<sup>TH</sup> OR WHEN THE TEMPERATURE IS AT 55° AND RISING**

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

EXPENDITURES

General: None

1. Check Register & Payroll for August, 2006:

There was a question regarding the Check Register: Why all the "voided" checks?

It was actually only 2 voided checks; the computer registered many more; but this has been cleared with the CPA.

**MOTION WAS MADE BY MARY RUGG AND SECONDED BY NELSON ABBOTT TO APPROVE THE CHECK REGISTER FOR AUGUST, 2006**

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

MINUTES

1. City Council Minutes of 9-26-06:

Mary Rugg: Correction: Pg 13: Clarification: Are the upgrades on Nick Callor's Eagle Project going to be made at the same time as the Project is being done? Or after? She thought it was to be done at the same time so the Project will be done well and correctly. The Council agreed.

*\*Mayor Dunn will contact Nick Callor to inform him of the Council's wishes.*

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY MARY RUGG TO APPROVE THE CITY COUNCIL MINUTES OF 9-26-06**

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

ADJOURNMENT

At 8:05 PM, Mayor Dunn adjourned the Council 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 14, 2006, at 7:00 PM, to be preceded by a City Council Work Session at 6:00 PM**

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

### **6:00 PM      CITY COUNCIL WORK SESSION**

1. Purchase of Water Shares – Mayor Dunn
2. Engineering Rate Changes/Aqua Engineering – Mayor Dunn
3. Hearing Adjuster/Discussion – Mayor Dunn
4. Speeding Concerns (Request from a Resident)

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

Opening Remarks and Pledge of Allegiance Invitation  
Approval/Agenda Time Frame

7:05      Public Forum:

\*Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comment will be limited to three minutes per person. A spokesperson who has been asked by the group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing. The Mayor or Council 7

7:15      5. Rocky Mountain Subdivision, Plat B/Request for Extension

A. Letter from Russell Sly (Former Councilmember)

7:25      6. Elk Ridge Meadows PUD – Phases 1, 2, 3 & 4:

A. Water Rights Charges/Administrative Fees – Mayor Dunn

B. Landscaping Plan

C. Phase 1: Final Plat Approval

- Sewer Connection Issues

D. Water Right Dedication for Phases 3 & 4

7:55      7. Water Flow/Amerigo Lane – James Hiatt

A. Information from Russell Sly

8:05      8. Action/Engineering Rates for Aqua Engineering – Mayor Dunn

8:10      9. Impact Fee Study Update (Water, Sewer & Road) – Mayor Dunn

8:20      10. Ordinances:

A. Lot Widths

B. CE-1 Zone

C. Street Grades

D. Corner Lots

8:35      11. Action – Water Shares Purchase

8:40      12. Expenditures:

General:

8:45      13. Approval of Minutes of Previous Meetings

Adjournment

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

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

Dated this 9<sup>th</sup> day of November, 2006.



### **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 & an Amended Agenda was faxed to the Payson Chronicle on 11-9-06; & provided to the City Council.

  
City Recorder

  
City Recorder

**ELK RIDGE  
CITY COUNCIL MEETING  
November 14, 2006**

**TIME & PLACE  
OF MEETING**

This regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, November 14, 2006, at 7:00 PM; this was preceded by a City Council Work Session at 6:00 PM.**

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

Notice of the time, place and Agenda of the scheduled meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on November 9, 2006.

**6:00 PM**

-

**CITY COUNCIL WORK SESSION AGENDA ITEMS:**

**ROLL CALL**

*Mayor:* Dennis Dunn; *City Council:* Alvin L. Harward, Mary Rugg & Raymond Brown (Absent: Mark Johnson, Nelson Abbott); *Aqua Engineering:* Craig Neeley; *Public:* Jim Hiatt, Mike Dubois, Dennis Roberts, Jed Shuler, Derik Christensen, Tami & Chase Wilson, Brittney Thorpe, Gayle Evans, Ken S. Olson, Randy G. Young, Dave Millheim, Bob Peavley, Carey Montierth, Dean White, Karl Shuler; & *City Recorder:* Janice H. Davis

**PURCHASE OF  
WATER SHARES**

Mayor Dunn: The Mayor reported that Tony Fuller (consultant to Aqua Engineering for water rights) located 7 shares of water right; and he has prepared a memorandum of understanding regarding these 7 shares. Currently, the shares are owned by East Bench Canal Company and they are asking \$3,000/share for them. The City could do a trade with Spanish Fork for rights that would be useful in Elk Ridge (Spanish Fork is aware of this). The "Memo of Understanding" needs to be approved.

Report on negotiations for 500 acre feet of water rights: Mayor Dunn said that the litigation involving the owner of those rights has slowed things down a bit; but, according to Mr. Fuller, it looks like those rights are "beginning to unfold".

Alvin Harward: Feels the City is way ahead of other communities with proving up on City-owned rights. The City is in good shape due to the work and advice of Aqua Engineering and Tony Fuller.

Mayor Dunn: Reviewed with the Council a situation with Burke Cloward (long-time resident of Elk Ridge, in the beginning stages of the development process), who owns about 64 acre feet of water right that he felt could be utilized to satisfy his water right requirement for development. An agreement was signed by him and the City back in 1996 to jointly apply to the State for transfer of these rights to the City; however, the application was not filed and the rights are still associated with other areas. Mr. Fuller was asked to investigate these rights to determine if an application had been filed; his research discovered that it has not. Mr. Fuller is willing to assist Mr. Cloward in filing these rights, if he desires his assistance.

*Further discussion of the water system: Specifically the projected water tanks...*

Alvin Harward: Reported that he and the Mayor and Jeff Budge went to the State Division of Drinking Water to investigate low interest loans for the projected water tanks.

Mayor Dunn: After consideration, it may be advantageous to install 2 one million gallon tanks rather than 1 two million gallon tank. One would service the north area of the City and one the southern portion of the City. The Mayor suggested to Mr. Budge to install the lower (northern) tanks first and upgrade the Cloward Well; then, eventually, install another tank south of the City. Mr. Budge did some rough calculations and figured, with the upgraded well and a million gal. tank, the City would be able to service 1,221 homes. Impact fees could be used for the new tanks and lines associated with them, to connect to the existing system.

Alvin Harward: Eventually, developers would assist in the installation of a 2<sup>nd</sup> tank south of the City.

Raymond Brown: Feels strongly that, as soon as the situation allows, the price of water should be lowered.

**NON-AGENDA  
ITEM**

The Mayor has started getting the resident surveys back. He sent out a survey with the last with questions pertaining to the future of the City. He feels there is some good information in these responses, which will be useful in updating the General Plan.

Raymond Brown: Suggested a quarterly City Meeting, where the Public may air their concerns. (Perhaps the State of the City address could be the 1<sup>st</sup> of these meetings (in February, '07).

ENGINEERING  
RATE CHANGES –  
AQUA ENGINEERING

Mayor Dunn: Aqua Engineering has submitted a contract renewal proposal for their engineering services to the City. Some of the rates have increased substantially (Principal Engineers') and some have increased only slightly (Project Engineer such as Jeff Budge). Mr. Craig Neeley (Principal Engineer) was present to address the Council and answer any questions (Jeff Budge was not available for the Meeting).

The proposed rate changes are "due to the inevitable increases that go with any business". (From the letter accompanying rate change sheet): "We request the City's consideration on a rate adjustment for the General Engineering Services Contract as allowable under section 4.5. It has been more than two years since the original contract was approved and with the recent exception of the new tank and well authorizations, we have been able to keep our rates stable during that period."

Comments:

Jeff Budge has been a great asset to the City as the engineer; he does a great job actually "monitoring" the installation of the subdivision improvements. The City is very pleased with the professionalism offered by Mr. Budge to the City.

Mary Rugg: Why the substantial increase with the portion listed under "civil engineering"; while the rates under "SKM, Inc." did not increase as much?

Craig Neeley: In comparison with the 2004 rates, as shown within the handout, there was an "interim adjustment" last summer; so the prices have been adjusted already. This proposed adjustment is simply to meet costs and stay competitive in the market.

Mayor Dunn: These increases can be passed onto the developers' fees.

Mr. Neeley: If there were a specific project (like the new storage tanks), the City would have a "ceiling" built into the proposals; usually, Aqua comes in under the overall budget for a project...savings get passed onto the City.

Aqua Engineering has been very happy with Jeff Budge, as well.

There is a broad area of professional expertise within the various engineers associated with Aqua. We appreciate having Elk Ridge as a client.

These adjustments help in keeping good engineers.

Discussion: (Tanks) Mr. Neeley's opinion on the 2 tanks vs. 1 larger tank:

He has some information on this; he thinks the cost of the 2 million gallon tank is 1.3 million and for the 1 million gallon tank, it was \$990,000. He was not in a position to analyze this further at that point. He did offer his opinion that there is no reason to build for the capacity if you don't need it right away.

The City should have the source to back up the storage capacity; you should be able to fill the tank at least once a day.

HEARING ADJUSTER  
DISCUSSION

Mayor Dunn (memo from the Mayor to the Council)

"We have a need to either put together an active, trained Board of Adjustment consisting of 5 citizens or look at the possibility of putting into place a Hearings Adjuster to replace the BOA.

The BOA has not been active because of lack of need and does not exist as a staffed working board. The possibility of replacing the BOA with a Hearings Adjuster is something that has a positive bearing.

A Hearings Adjuster is one person that has experience either as a professional planner, land use attorney, or city manager. This person, with their knowledge of code, standards and law can hear a case with an unbiased and neutral position. This opportunity also eliminates any conflict of interest that can happen as a result of an untrained and experienced BOA member that may have emotional ties to a decision.

Recommendation: Look it over and decide if this is a more professional and uncomplicated direction to move."

Mayor Dunn: Has asked for volunteers for a BOA; he has heard from one volunteer; there needs to be 5 members under our current regulations. In September, at the Utah League of Cities & Towns, the Mayor spoke to several people and found out about the idea of a "Hearings Adjuster" rather than a Board of citizens. Margaret Leckie (Plan Coordinator for the City) inquired of Jodi Hoffman (ULCT & attorney for Park City) and found out about this option.

As the Mayor read through the minutes from the Planning Commission regarding this issue, he was disappointed that the subject was not researched more before their conclusions were reached. He feels they relied on their personal opinions in recommending that there be no change in the regulations controlling the Board of Adjustments. (The Planning Commission did feel that the members of the Board should be trained and possibly drawn from a pool of 8 people. They also said they feel a public hearing would be desirable if there is any change.)



The members of a BOA must realize they are in a “quasi-judicial” position, meaning that each decision they make has legal tenure to it and they only way their decisions can be reversed is through a district court of law. Neither the Council nor the Planning Commission can overturn these decisions. If someone disagrees with a decision handed down by the legislative body, the Planning Commission, (*or the building inspector*), that person may appeal to the BOA and it is the applicant to prove their case or position.

Alvin Harward: Questioned if there have been any BOA meetings in the last few years.

*(After looking into this, the City Recorder found that there were 3 cases presented to the BOA in 2002; those were the last ones.)*

Mayor Dunn: It is difficult to put a trained group of citizens together as a BOA.

(Read from booklet, “*Handbook for Members of the Board of Adjustment*”...put out by the ULCT): “It is not a board where ‘good common sense’ will get you by. Nor is it a board where decisions will fall neatly into place once you have sufficient information. A crowded hearing of irate or supportive citizens can’t instruct you how to vote and the elected official who might try will be breaking the law. The Board of Adjustment is not the place for people who can’t say ‘no’ or who believe that ‘people should just be able to do whatever they want with their property’. In other words, this is a board that requires knowledge of the law and the courage to obey it.”

“Even if it (BOA) believes the law under consideration is silly, unwise, inappropriate, or unclear, the Board’s first responsibility is to the law, and the process that it requires. In other words, rather than being a legislative body, the Board is a quasi-judicial body that works within the law as it is written.”

*Comment*: The City Recorder commented that many of the decisions made by past BOA’s have been emotion-based. Perhaps if the members making the decisions had been well-versed in the law, some of the decisions might have been different.

She agreed that having a professional outside the Community to make an unbiased decision would be beneficial to the City.

Mayor Dunn: Ms. Hoffman indicated that there are volunteer land-use attorneys, like herself, who volunteer to do this. There are acting and retired City Planners, City Managers, people who have worked in the government, with training and education in these fields...and there are people in Utah County that fit this description.

Mary Rugg: Felt this is a good idea; even sitting on the Council, it is difficult at times to keep emotion out of the issue and render an unbiased vote; even with the best interest of the Community at hand. Having someone like this, she feels, may even “set better” with the Community.

Alvin Harward: The decisions can be appealed in the District Court.

Raymond Brown: Had 4 questions when he read through the information in the packets:

1. Are there those trained in the area? (Answered...Yes)
2. Are there any outside this Community? (Answered...Yes)
3. Cost? (That is unknown at this time.)
4. That the Council has a say in who is selected.

He would like to see the decisions made backed up with documentation and justification. The decisions should be based on valid reasons.

Alvin Harward: No matter who would be appointed out of the Community, the Board does not meet often enough to remain abreast of the current laws and regulations; as well as the danger of biased opinion.

Mayor Dunn: The more he looked onto this, the more it made sense. He can check with both David Church and Jodi Hoffman for names of individuals.

Raymond Brown: Suggested checking with other cities to see what their experience has been.

City Recorder: There is a request to appear before the Board of Adjustment no from one citizen. There is nothing in place to hear his request.

Mayor Dunn: The Code needs to be changed to the language prepared by the City Planner. It is unclear whether this would require a public hearing. The Planning Commission will have to see this again; perhaps with a clearer understanding of the matter.

Raymond Brown: Suggested a Public Hearing, or at least a joint meeting with the Planning Commission.

*\*Mayor Dunn will check with Mrs. Leckie the next day for a list of names; he will also check with David Church regarding the necessity of a public hearing to enact an ordinance like this one.*



SPEEDING  
CONCERNS

Mayor Dunn: A resident (no Name) called in to request that the Council discuss this issue.

Alvin Harward: This is a concern in all communities. With growth comes more problems; the best we can do is to instruct the officers to enforce the law during their patrol...and to patrol problem areas. As the City grows, we will have to increase our patrol time. The current problems do not justify a full-time officer.

Mayor Dunn: He has given the sheriff direction to ticket violators.

Raymond Brown: Recommended having the officers spend a certain amount of time if the various zones doing traffic enforcement. (Mayor Dunn has already directed the officers to patrol different areas in the City where most of the complaints have come from.

**ELK RIDGE  
CITY COUNCIL MEETING  
November 14, 2006**

TIME & PLACE  
OF MEETING

This regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, August 22, 2006, at 7:00 PM;** this was preceded by a **City Council Work Session at 6:00 PM.**

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

Notice of the time, place and Agenda of the scheduled meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on November 9, 2006.

7:14 PM -

**CITY COUNCIL REGULAR AGENDA ITEMS**

ROLL CALL

*Mayor*: Dennis Dunn; *City Council*: Alvin L. Harward, Mary Rugg & Raymond Brown (Absent: Mark Johnson, Nelson Abbott); *Planning Commission*: Shawn Eliot; *Aqua Engineering*: Craig Neeley; *Public*: Jim Hiatt, Mike Dubois, Dennis Roberts, Jed Shuler, Derik Christensen, Tami & Chase Wilson, Brittney Thorpe, Gayle Evans, Ken S. Olson, Randy G. Young, Dave Millheim, Bob Peavley, Carey Montierth, Dean White, Karl Shuler; & *City Recorder*: Janice H. Davis

OPENING  
REMARKS &  
PLEDGE OF  
ALLEGIANCE

Opening Remarks (prayer) were offered by Alvin Harward, after which the Pledge of Allegiance was led by Scout Derik Christensen, for those wishing to participate.

AGENDA TIME  
FRAME

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO APPROVE THE AGENDA TIME FRAME; ADJUSTING AGENDA ITEM #7 TO THE BEGINNING OF THE MEETING, TO ALLOW MR. HIATT TO RETURN TO WORK AT THE EMERGENCY ROOM AT THE HOSPITAL**

**VOTE: YES (3) NO (0) ABSENT (1) MARK JOHNSON & NELSON ABBOTT**

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARY RUGG TO AMEND THE AGENDA TO ADJUST THE START TIME TO 7:14 PM**

**VOTE: YES (3) NO (0) ABSENT (1) MARK JOHNSON & NELSON ABBOTT**

PUBLIC FORUM

There were no comments or statements.

WATER FLOW –  
AMERIGO LANE

Mayor Dunn: There were letters submitted to the Council by Mr. Hiatt (present) and former Councilmember Russell Sly. The Mayor had Mr. Kent Haskell review these letters and address The stated concerns...he did so and submitted his recommendations in writing.

Brief History:

There is a sump on Amerigo Lane that doesn't work very well; it is inefficient and creates a problem by flooding out Mr. Hiatt's yard (not the basement).

James Hiatt: It is directly on the property line on the northeast corner of his lot. The water runs southeast to northwest, into the back of his yard and into the back of the Quass' yard (Oakridge Dr.) and the Dunn's yard (nest to Quass').

This has not caused any structural damage as far as the home goes; but the damage is about to include a washed-out vinyl fence...and his dogs are "swimming".

Mayor Dunn: Russell Sly submitted a letter to the Mayor, with photos of the problem areas.

*(The Council received copies of the letters and the photos in their packets.)*

There is another vinyl fence in jeopardy.

*(Portion of the Letter from Russell Sly):*

"...There needs to be something done about the sump on the northeast corner of my property. It is totally inadequate and cannot handle the water flow which is deposited in my and the Roberts' yard."

"...It may be that we need to have the city engineer and your engineering consultants review this matter. If there is indeed a problem, I would like the city to address any type of repair or retrofit to the system to minimize property damage and control the flow of water due to heavy rains. I have no idea what we would need to expect in the case of a 100 year storm. I would like the system to at least be able to handle rains such as the one we just experienced on October 16, 2006.

I have spoken to neighbors behind me who receive the residuals for our property damage. Due to erosion, their properties are now the dumping ground for our dirt, sludge and other debris that results from the water flow."

Mayor Dunn reviewed the photos with the Council.

There are three sumps involved; starting with Mr. Hiatt's house...water runs through his yard to Oak Ridge Drive...it fills up the sump there and then crosses the street to Russell Sly's house where another sump is filled up; it goes to the end of the curb, runs down between 2 yards to another street to Foulger's (Olympic Ln) backyard (taking her fence as well as part of the hillside). It is a good sized problem.

*(Councilmember Rugg was mentioned in Mr. Sly's letter; she was given as assignment to identify the problem spots in the City...she did this and created a list. She was not asked to resolve the problems; that is up to the Council to take action on these problems).*

Mayor Dunn asked Mr. Kent Haskell to give a cost estimate for fixing these problems.

*Kent's Recommendations:*

"1. At the location of 407 Amerigo Ln., there needs to be another sump added and a pipe run east 250 feet, to eliminate the water flooding problem. (Estimated cost: \$25,000)

2. At the location of 63 West Oakridge Drive, another sump needs to be installed.

*(Estimated cost: \$20,000)*

3. At the location of 72 Oakridge Drive, there needs to be another sump added with curb & gutter installed from 72 West Oakridge Drive to 156 West Oakridge Drive, about 400 feet. (Estimated cost: \$50,000)

*Summary: To fix any of these problems, a new sump is recommended at each location, for a total cost of \$95,000. (These estimates are admittedly at the high end of the scale.)*

*After talking to Jeff Budge on the actual cost of sump boxes and covers it was his estimate that those supplies would run about \$4,500 each. (3 sumps = \$13,500) The labor, gravel hauling off of the dirt, and repairs of the roads and curbs would have to be more defined for costs."*

The existing sumps were cleaned out. Mr. Haskell feels the existing sumps in that location are undersized for the amount of water flow.

Mayor Dunn advised the work be done as an "in house" project, which would save some money. The City has the equipment and the operator.

Raymond Brown: (Declared that he does have a "conflict of interest" in the matter since James Hiatt is his son-in-law) Question on the projected costs...if the assessment for roads (*Road Impact Fee*), could this money be used for this type of project? (Impact fees cannot be used for repair work.) The Project could also be done in phases and be funded over a period of time, rather than having to come up with the money all at once. The phases would need to be prioritized.

City Recorder: Loans and Contributions can take place between Funds; that would be another source of income to cover these costs. Perhaps the costs could be split between the General Fund, Sewer Fund and the Water Fund.

*\*Alvin Harward suggested getting firm prices on the different phases.*

Priority List:

1. Amerigo Lane
2. 63 W. Oakridge Lane
3. 72 W Oakridge Lane

*Discussion of Curb & Gutter on Oakridge Drive:*

*(Brief History)*

The 3 homes between 72 W Oakridge and 156 W Oakridge were built before curb & gutter were required; if installed, water would be carried further west. It could be brought around the corner, to connect to sumps in Ryan Haskell's proposed subdivision.

ROCKY  
MOUNTAIN  
SUBDIVISION,  
PLAT B –  
EXTENSION  
REQUEST

*(Memo from the City Recorder)*

Brief History: "This proposed subdivision came forward originally with Rocky Mountain Subdivision, Plat A; it was put 'on hold' for water right allocation. Last spring, the Plat had exceeded the 6 month limit on the time permitted between the Council granting Final and the recording of the Plat. As you will note on the attached copy of the Code, after the 6 month period, the plat is considered null & void. Part of the delay was due to the water right situation and the Council felt it appropriate to grant Final again on 5-9-06, without requiring Mr. Dubois (developer) to go back through the process.

On 11-10-06, this proposed Plat B has again exceeded the 6 month time limit. At the end of the week of October 30, 2006, I spoke to Mr. Dubois re: bonding for Plat A & B...I contacted him again on 11/9 and reminded him of the time period ending as of 11/10...(there have been many reminders over the course of the 6 months to get the bonding in place.)"

Mr. Dubois wants to extend the time permitted for his Final Approval until January, 2007, for tax reasons. "During that 2 ½ months, he would be required to get his bonding in place and he must understand that his cost breakdown will have to be re-bid due to rising costs. (Jeff Budge is aware of this.)

The Mayor contacted the City Attorney to inquire if the Council has the power to grant this extension, given the Code is pretty specific. He responded that, if there would be no significant changes, other than the costs having to be redone, why make him go through the process again? Yes, the Council can grant the extension.

Ken Young (Planner) mentioned "changes" in Code to consider: 1) Curb & gutter design has changed (easy fix); and 2) Sidewalks are now required

The Council is to decide if the Plat is to be extended "as is" or go back to included the 2 changes."

City Recorder: This proposed subdivision has also had water rights allocated to it; the motion accomplishing this mentioned the cost at \$3,500/acre foot. That price has gone up to \$4,000/acre foot. The Council not has the policy to allocate the water right at the market value when the rights are purchased. Mr. Dubois has not purchased the rights allocated to his subdivision. The City is paying \$3,750 plus administration costs, which is determined to add \$250.

Mary Rugg: Though she understands the reasoning behind the request, how many times will the Council extend the Final? (Councilmember Brown agrees that financial reasons are not enough to extend the time. The City is paying more for the rights and should be able to collect that amount.)

City Recorder: The other alternative would be for the Council to declare the Subdivision Null & Void and send Mr. Dubois back through the Planning Commission; he could probably come back through with Preliminary and Final together. The Code states that *all* approvals granted by the City Council are considered null & void; so an extension would extend all the decision, including the cost of the water rights (14.3 acre ft.).

If the developer is not charged market value for water rights, then the City is responsible for the difference.

**MOTION WAS MADE BY ALVIN HARWARD TO GRANT A THREE MONTH EXTENSION TO THE FINAL GRANTED TO ROCKY MOUNTAIN SUBDIVISION, PLAT B**

*(Motion died due to no Second)*

**MOTION WAS MADE BY MARY RUGG AND SECONDED BY RAYMOND BROWN NOT TO GRANT THE REQUESTED EXTENSION, WHICH DECLARES ALL APPROVALS, INCLUDING FINAL APPROVAL FOR THE ROCKY MOUNTAIN SUBDIVISION, PLAT B, NULL & VOID**

*Discussion:*

Mr. Dubois has no problem with paying the higher price (current market value) for the water rights, if the subdivision can move forward.

**MOTION WAS WITHDRAWN BY MARY RUGG, AS WELL AS THE SECOND WAS WITHDRAWN BY RAYMOND BROWN.**

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO GRANT THE REQUESTED THREE MONTH EXTENSION (TO TERMINATE AT THE END OF JANUARY, 2007) TO ROCKY MOUNTAIN SUBDIVISION, PLAT B; WITH THE UNDERSTANDING THAT MR. MICHAEL DUBOIS HAS AGREED TO PAY THE CURRENT MARKET VALUE PRICE AT THE TIME OF PURCHASE, FOR 14.3 ACRE FEET OF WATER RIGHT**

**VOTE: YES (3)**

**NO (0)**

**ABSENT (2) MARK JOHNSON & NELSON ABBOTT**

*Elk Ridge City Council Meeting – 11-14-06*

ELK RIDGE

*1. Water Rights Charges – Administrative Costs:*

(Phases 1 & 2)

Mayor Dunn: \$3,750/acre foot of water right was paid for at the time of purchase; with the request that the Council consider if the “administrative fees” are to be included. (The last motion of the Council regarding the cost for cash-in-lieu of providing the actual water right, stated \$3,750 + administrative costs...to be determined between the Mayor and Mr. Tony Fuller. Mr. Fuller determined the “administrative costs” to be \$250/acre foot...bringing the current market value to \$4,000/acre foot.)

*(Memo from the Mayor to Council; dated 11-14-06)*

“Both Jeff Budge and I explained that the city’s real cost for water included the administrative fees and we would like to have them paid for in order to replace the water at market value.

*Recommendations*: To have Randy (Young) include the administrative fees in order to have proper funds to replace the water across the board and not create a gap in our financial opportunities to obtain water.” The difference would be \$66,740.

Mr. Young: We would pay half of that...(Mayor Dunn confirmed this.)

*Discussion*:

Mr. Young: The intent was not to be antagonistic with this (request to waive the administrative fees); it came as a surprise when they came in to pay for the rights. Councilmember Harward informed him that there would be an increase in the cost; but they were focused on obtaining other water rights and waiting for some lots to sell. He felt there were mixed messages as far as what he would be expected to pay. He is not here to combat the system.

(Mayor Dunn stated what the motion should state: To collect \$33,370 in Administration Fees, associated with the cash-in-lieu purchase of water rights for Elk Ridge Meadows PUD, Phases 1 & 2

**MOTION WAS MADE BY MARY RUGG AND SECONDED BY RAYMOND BROWN TO COLLECT \$33,370.00 IN ADMINISTRATION FEES ASSOCIATED WITH THE CASH-IN-LIEU PURCHASE OF WATER RIGHTS ALLOCATED TO ELK RIDGE MEADOWS PUD, PHASES 1 & 2**

**VOTE (POLL): RAYMOND BROWN-AYE, MARY RUGG-AYE, ALVIN HARWARD-AYE  
NO (0) ABSENT (2) MARK JOHNSON & NELSON ABBOTT**

*Passes 3-0*

## *2. Landscaping Plan (Phase 1):*

The Planning Commission recommended approval of the Landscaping Plan submitted for Elk Ridge Meadows PUD, Phase 1.

The Open Space was previously approved for Phases 1 & 2; this Plan places the detail into the Plan.

Randy Young identified the trail and picnic area for the Council.

Mary Rugg: Needed to have clarification on the placement of the existing home.

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO ACCEPT THE LANDSCAPING PLAN, AS PRESENTED, FOR ELK RIDGE MEADOWS PUD, PHASE 1**

**VOTE: YES (2) NO (1) MARY RUGG  
ABSENT (2) MARK JOHNSON & NELSON ABBOTT**

*Discussion: Councilmember Rugg felt that since she had voted against the Landscaping Plan in the past that she needed to be consistent. She did not agree with the Original Plan as presented.*

*The location of this particular Plat was clarified as being the one on the north side of 11200 S. Councilmember Rugg thought this was a review of the landscaping for Phase 2.*

Councilmember Brown restated his motion:

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO ACCEPT THE LANDSCAPING PLAN, AS PRESENTED, FOR ELK RIDGE MEADOWS PUD, PHASE 1**

**VOTE: YES (3) NO (0) ABSENT (2) MARK JOHNSON & NELSON ABBOTT**

## *3. Phase 1- Final Plat Approval:*

*(Memo from Planner to Council, date 11-14-06)*



*"Background:*

The Final Plats for Elk Ridge Meadows, Phases 1 & 2 were reviewed by the Technical Review Committee, and then submitted & reviewed by the Planning Commission on 8/17. The City Council approved the Final Plat for Phase 2 on 8-22-06.

Although the applicant is desirous to have the plat for Phase 1 brought forward and approved at this time, there are two issues that need to be addressed:

1. Dan Ellsworth of SEDS met with the Technical Review Committee on 11-9-06 and recommended that a survey be performed by the Bureau of Reclamation on the canal property, to verify boundaries. Any potential boundary issues could bungle up and possibly cause a re-draw of some of the lot lines proposed along the canal. *(Does this affect this project? The developers will be sure there are no problems with the rights-of-way.)*
2. The provision of sewer for this phase needs to be discussed. It is understood that a lift station is being proposed in the case that connection capacity is not made available through Salem. The City needs to consider whether the maintenance of a lift station is in the city's best interest. *(A lift station would be the responsibility of a Homeowner's Assoc., not the City's.)*

*Recommendation:*

The Planning Commission has recommended that the City Council approve the Final Plat and Landscape Plan for Phase 1 of the Elk Ridge Meadows Development. Staff recommends the same, subject to the satisfactory resolution/completion of the two above mentioned issues."

Mayor Dunn: Mayor Dunn called Jr. Baker (Salem City's Attorney) again to find out when the issue of permanent connections to their sewer system would be finalized. Salem is planning on accepting the proposal; Mayor Dunn left additional wording for the proposed contract on Mr. Baker's desk that day. He will review it. The Council would like to have a contract in place by 11-28-06 (next Council Meeting for Elk Ridge). The Mayor recommended postponing the vote on Final Acceptance until the contract with Salem is solidified. The Mayor has continued in negotiation with Salem and feels the contract will pass.

Mr. Young: Asked that the Final Approval be granted contingent upon approval for permanent connections with Salem.

*(Question: If Final is granted with contingencies; if Salem does not approve the connections...would the design then be in question for the sewerage of this Phase?)*

Mr. Young continued that nothing in the engineering would change; he would be left with 2 options:

- Run the sewer along the ditch-bank to 1600 West
- Build lift station, running the line up the sewer easement to 11200 South (not the best option)

*(The Mayor mentioned a possible 3<sup>rd</sup> option: Put a hole under the canal and run a line northwest to 1600 West...that is the way the fall of the terrain goes; this would be all gravity-flow.)*

Mayor Dunn: To protect Mr. Young and the City, he still recommended postponing the vote until after Salem's approval...and to follow State Code to be assured those connections are in place prior to any approval.

The Council Agreed.

*\*The Mayor will stress to Mr. Baker that the City really needs to have this taken care of by 11/28.*

*4. Water Right Dedication for Phases 3 & 4:*

Mayor Dunn: Tony Fuller gave the application for the State (Transfer of water rights) to the Mayor and it needs approval so it can be submitted. This is for water rights for Phases 3 & 4.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RAYMOND BROWN TO APPROVE THE AGREEMENT AND TO MOVE THE APPLICATION FORWARD TO THE STATE OF UTAH**

**VOTE: YES (3) NO (0) ABSENT (2) MARK JOHNSON & NELSON ABBOTT**

ENGINEERING  
RATES – AQUA  
ENGINEERING

**MOTION WAS MADE BY MARY RUGG AND SECONDED BY ALVIN HARWARD TO APPROVE THE PROPOSED RATES AS PRESENTED FOR AQUA ENGINEERING VOTE (POLL): RAYMOND BROWN-AYE, MARY RUGG-AYE & ALVIN HARWARD-AYE**  
**NO (0) ABSENT (2) MARK JOHNSON & NELSON ABBOTT**

*Passes 3-0*

*Elk Ridge City Council Meeting – 11-14-06*

IMPACT FEE  
STUDY UPDATE

To approve the Impact Fees Study, a Work Release (Proposal) would need to be presented. Mr. Neeley felt it would be a matter of identifying the areas and updating some of the

information; he did not have all the documentation at this meeting.  
Mayor Dunn identified some of the problem areas for roads.

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY MARY RUGG TO  
AUTHORIZE AQUA ENGINEERING TO PREPARE A PROPOSAL INDICATING THE SCOPE  
AND COSTS FOR THE PROPOSED STUDY, INCLUDING WATER, SEWER & ROADS  
VOTE: YES (3) NO (0) ABSENT (2) MARK JOHNSON & NELSON ABBOTT**

## ORDINANCES

### 1. Lot Widths:

(Memo from Planner to Council, dated 11-14-06)

#### "Background"

Carey Montierth came before the City Council previously with a separate request to amend the City Code to provide a method for her to split her one-acre lot at 554 Lakeview Drive, into two half acre lots. Current Code requirements do not allow this split to occur, even though logically it seems that such should be permitted, based upon size and shapes of the neighboring lots. The City Council denied her earlier request to change the frontage width requirement for all lots in the R-1-20,000 Zone, from 120 ft. to 100 ft.

The new approach is to meet the provisions of an exception to lot widths, as found in Section 10-12-30. Carey Montierth's lot meets all of the provisions except for two. She is requesting that the following provisions of Section 10-12-30 be eliminated:

~~C. The proposed subdivision shall be created from a metes and bounds lot that is not from any lot platted in a recorded subdivision.~~

~~D. When a lot that is proposed to be split is occupied by a single family dwelling, only the lot of the proposed subdivision that does not contain the single family dwelling shall be allowed the eighty percent (80%) width, side setbacks and/or area exception.~~

In review, staff has not determined any outstanding reasons why either of the above provisions should be considered necessary for being able to achieve an exception for lot widths.

With the recent approval of the Ken Harris Estates Subdivision, the reasoning for maintaining 120 foot lot widths in the area has become much weaker, and it has also caused the Montierth property to be in a better position to seek a lot width exception.

The attached proposed amendments (*Ordinance*) would have impact generally on lots throughout the city which find themselves in a similar situation.

#### Recommendation:

The Planning Commission recommends that the City Council approve the proposed amendment to Section 10-12-30 of the Elk Ridge City Code."

#### Comments:

Mary Rugg: Needed to have the wording in the proposed Ordinance clarified regarding the Council being able to grant exceptions to lot width requirements.

Shawn Eliot: It says that, once you get a certain amount of the zone already having lots with a lesser width, (80%) then the Council could grant the exception. When the Harris Subdivision was approved, that left only two or three properties in the entire zone that this action would affect. The Planning Commission felt that it would be justified. Right now the Code does allow the exception, but two of the line items did not work for Ms. Montierth; so she is applying for the amendment. The City Planner advised that eliminating these two items would not make any difference to the Code (The Planning Commission agreed with him).

If a parcel fits into the requirements for an exception then, yes...the Council can grant that. This is simply "cleaning up" the Code.

Mary Rugg: She understands that the City Code evolves and that needs arise when change is necessary; but it seems to her that the Council is being asked to change the Code all the time. It seems that if something does not fit the mold, then there is an exception. Why have the Code if it changes to meet the needs of the situation?

Alvin Harward: Disagrees...he does not feel the Council makes that many exceptions; this is not an exception...this is cleaning up the Code of two items that do not make any sense.

#### Brief History of the idea of allowing 80% exceptions:

The City Recorder related the history/intent behind allowing the 80% exception:

Years ago, the Council (a prior Council) recognized a need to address infill parcels in town and to consider the fact that they were generally neglected and left with weeds (safety hazard and unsightly). There was one particular parcel on E. Magellan Ln. that was a "residual parcel" left between two early subdivisions. The major gas line also ran right through the middle of the parcel. When it was known that the Gas Company was going to relocate the main gas line, the Council considered a way to allow this and other infill lots to be developed...thus the 80% exception recommendation. So, the intent of this began long ago.

Elk Ridge City Council Meeting – 11-14-06

Mayor Dunn: Page 2 of the proposed Ordinance has the revised ("cleaned up") version of "C" & "D".

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RAYMOND BROWN TO APPROVE AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR ZONE DEVELOPMENT STANDARDS LOT WIDTH EXCEPTION, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE**

**VOTE (POLL): RAYMOND BROWN-AYE, MARY RUGG-AYE, ALVIN HARWARD-AYE  
NO (0) ABSENT (2) MARK JOHNSON & NELSON ABBOTT**

**2. CE-1 ZONE:**

*(Memo from Planner to Council)*

**"Background:**

The Planning Commission held a public hearing reviewing proposed ordinance amendments to the CE-1 zone code requirements on 11/2/06, which address several provision regarding:

1. Lot sizes and density
2. Average slope of lots
3. Street Grades
4. Natural and park space requirements

It has been determined that these recommended changes will better serve the City's objectives for development in the CE-1 Zone.

Planning Commissioner, Shawn Eliot will represent this application and be available for questions as the Council Meeting.

**Recommendation:**

It is recommended that the City Council approve the proposed amendments to Sections 10-9A-1, 10-9A-4, 10-9A-6 & 10-9A-10 of the Elk Ridge City Code."

**Shawn Eliot:** (Explaining some of the proposed changes)

The slopes in this CE-1 area south of the City are not as steep as everyone thought they were when the Code was written, the Planning Commission felt that by having just a base density (1 acre) and then having the bonus density (anything under 1 acre) would be more appropriate than having two base densities. They had ½ acre as a base density on slopes 15% or less; and the acre as a base density on slopes of 15% or above.

Mr. Yergensen was planning on developing some land in the CE-1 zone and our own Planner and Mr. Yergensen were both a bit confused on the issues regarding density...they felt the Code should be clarified and be easier to use.

**Mary Rugg:** Sought further clarification re: allowable slopes that can be built upon.

**Mr. Eliot:** The current Code is confusing; if someone wants to develop acre lots, he/she could go on 15% -30% slopes. If "they" (developers) want to do ½ acre lots, they could do it on 15% & below slopes; if they want to under ½ acre down to 1/3 acre, then they get into the "bonus density" where they have to do open space or park space...and that is on 20% or less slope.

The Planning Commission thought that the slopes would guide development in the CE-1 Zone. There are 537 acres south of the City; with 51 acres that are 30% & above and 390 acres that are under the 20% in that Zone. Technically the Code would allow 1/3 acre lots on that 390 acres....less the area for roads, etc. When the Council was approached the last time, there was a potential for many lots.

One of the changes: if the developer chooses to do "park space", it has to be on 20% or less slope; if they choose what is called "natural space", it was proposed to go with 20% or less slope, but the Planner recommended 30% or less (Planning Commission accepted his recommendation). 30% slope cannot be used for density bonus, but they can use 20% for park space or 30% or less for "Natural space" as part of this density bonus.0

*(Explanation of density and open space.)*

**Mary Rugg:** What instigated this change? Was it caused by developers?

**Shawn Eliot:** Partially. The slope analysis was done after some initial changes were brought forward to the Council. The results of the slope analysis brought about more proposed changes:

- Road Grades
- Open space
- Proposing only: If a developer wants to do the "Natural Open Space for density bonuses (20% of their property) it has to be on 30% or less slopes. Right now it could be anywhere.

*Elk Ridge City Council Meeting – 11-14-06*

*Comment from one of the public: What can one do with 30%?*

(Shawn Eliot cont.) A toad can cut across 30% slope; but a home should not be built on 30% slope. In Morgan County, there are home falling off the side of the mountain because of this.

*Response from same individual: "We do not want to build homes on 30%.)*

There are only 51 acres out of the entire 537 acres that is 30% or over. When the Code was written, they felt the slopes were steeper. The slope analysis showed a lot of 15% slopes in that area. Right now, the whole development could be done in 1/2 acre lots.

Karl Shluer: The developers of this area do not want to look at 1/3 or 1/2 acre lots...all are considering larger lots. Also, the street slope and intersection problems are difficult to deal with. At the 15% - 20% grade, if an attempt were made to try to cluster the homes on 1/3 acre lots, it could not be done because of the restrictions with the roads and intersections.

He feels clustering would work with a different terrain; but with the fairly gentle slopes they are working with, he does not think the developers will use the bonus density with 1/3 acre lots.

*Comment (Tami Wilson?): It would be better to take off the 1/3 acre than the 1/2 acre requirement; because occasionally an acre lot would not be possible.*

Shawn Eliot: What is proposed is; anything under an acre would fall into the density bonus option, allowing for a lot of any size down to 1/3 acre.

Anything between a 1/3 acre and an acre is within the bonus density.

*\*(Mayor Dunn: Councilmember Rugg had to leave the Meeting early; so, Mayor Dunn asked to move to Agenda Items #10-C, 10-D & #11. The Council felt that further discussion was required for the CE-1 Zone amendments and this item was postponed until the next Council Meeting. Any further action had to be postponed due to a lack of a quorum.*

*(Discussion continued without a quorum on the Council:*

*Comment: (Tami Wilson) There has already been a change in the Code to have to comply with; new engineering has been done to meet those requirements...now there is another proposed change to the Code? (Yes.)*

How many times with the ordinance change?

Shawn Eliot: In fairness, the new ordinance is clarifying and cleaning up the previous amendment. The only thing presented to the Planning Commission is the connecting road issue; and the road issue addresses the 15% grades that the City does not want to have. The engineering came back with 10% grades...the intent of the Zone has not changed and the Planning Commission, after consulting with other cities, even felt that 12% grades in certain places would be acceptable. The Planning Commission is trying to work with the developers for development in this area. The intent of the Zone (originally) was 1-acre lots only.

After closer review of the area, the PUD element, including the bonus density, was presented. If the developers in the area want to do just 1-acre lots, this can still be accomplished.

The current zoning says that to apply the bonus density, one would have to have a 10-acre subdivision or larger.

The slopes in the area are varied and are difficult to deal with.

*Discussion of road grades in other communities and Elk Ridge.*

It is important to be able to get schools busses and emergency vehicles into areas and the grades have to be conducive to this.

The developers do not want to make anything "dangerous"; they just need to know what will be expected of them so they can have engineering done and their proposed lots platted.

The Planning Commission is trying to do their best to accommodate the needs of the developers while keeping the best interest of the City in mind and preserving the mountainside.

Mr. Eliot mentioned a current developer that is planning, under current Code, to place lots and homes on top of a hill. In the areas where natural landscaping is available, the Planning Commission feels that perhaps 3 units per acre is too much. That was the motivation of proposing "Natural Space" on 30% or less slopes. It is also proposed to have a 1 1/2 unit "cap" on the density bonus; so even if a developer went down to 1/3 acre lot, there could not be 3 units per acre...there could only be 2 units. It is a "balancing act" between the various grades.

Road issues do make it more difficult. After consulting with other communities, it was decided to propose 8% grades on main roads, 10% grade on local (residential) roads with the possibility of adding 2% above that for short distances (on both the 8% & the 10%).

Public Comment: Other cities also have differences in intersection ordinances: Most say 3% grade with 50' on each side of an intersection; while Elk Ridge's says 4% grade for 100'.



Mr. Eliot responded that there are some cities with like regulations: (Provo does the 4% and 100').

*Discussion of "vesting":* (Public comment) Ken Young considers vesting to occur with the paid application of "Road Concept". He said that since they were considered "vested", the current Code would apply. What does the Council feel about this (vesting)?

Mayor Dunn: Responded that this is an "open-ended" issue in a lot of communities; some codes do have it written that vesting occurs when there are paid applications...

(Mr. Eliot responded that the Elk Ridge PUD Code indicates that vesting occurs at Preliminary Application. Many cities say that a concept is just that...an idea. Concept is informal and is simply permission to go forward.)

*Other Public Comments:*

- Typically, the only thing one is vested in prior to Preliminary Plat, is the density. There is no vesting specific use until Preliminary Plat...this is because of so many variables...you can't approve or "vest" in a concept.
- The roads are not going to allow certain development. There is space where lots could be developed, but road grades would not allow it.
- Their idea of "open space" is to leave the land in its natural state.

*(Mr. Eliot: The 30% slope would allow that.)*

Raymond Brown: This area has not been considered "buildable" until the Planning Commission suggested all the property-owners work together to develop it. Road grades became an issue; now there is the interest in preserving as much of the area as possible.

Shawn Eliot: "Critical Environment" does not indicate that the area is not buildable; this is a common misunderstanding.

*Summary:*

The reason the Planning Commission went back to re-look at the Code after it was amended was due to the ATV ride to the actual site and discovered that the terrain was flatter and more buildable than they had thought. This required reconsideration.

Three proposed changes:

- A. Road Grades (even relaxing intersections a bit)
- B. Open Space (Explanation of the slope allowances)
- C. One-acre base density and anything under 1 acre would be bonus density

3. *Ordinance/Street Grades:*

*\*(This item was postponed due to lack of quorum.)*

4. *Ordinance/Corner Lots:*

*(This item was moved forward for action. On Sep. 27, 2006, the Council vote to accept this portion of a proposed ordinance and deny the portion regarding changing lot width requirements for the R-1-20,000 Zone; this proposed ordinance simply puts the corner lot portion into a new ordinance by itself.)*

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RAYMOND BROWN TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR WIDTH REGULATIONS FOR CORNER LOTS IN ALL ZONES, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE**

**VOTE (POLL): RAYMOND BROWN-AYE, ALVIN HARWARD-AYE & MARY RUGG-AYE  
NO (0) ABSENT (2) MARK JOHNSON & NELSON ABBOTT**

*Passes 3-0*

ACTION –  
WATER SHARES  
PURCHASE

*(This was discussed in the Work Session.)*

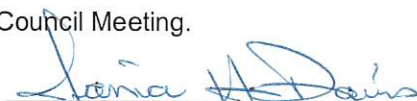
**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO APPROVE THE "MEMO OF UNDERSTANDING" FOR WATER SHARE PURCHASE**

**VOTE: YES (3) NO (0) ABSENT (2) MARK JOHNSON & NELSON ABBOTT**

ADJOURNMENT

8:50 PM Mayor Dunn adjourned the Council Meeting.



  
City Recorder

## NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, December 12, 2006, at 7:00 PM, to be preceded by a City Council Work Session at 6:30 PM**. The meetings will be held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

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

1. Water Rights/Update – Mayor Dunn
2. Engineering Changes/Aqua Engineering – Mayor Dunn
3. Hearing Adjuster/Discussion – Mayor Dunn

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

Opening Remarks and Pledge of Allegiance Invitation  
Approval/Agenda Time Frame

7:05      Public Forum:

\*Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comment will be limited to three minutes per person. A spokesperson who has been asked by the group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing. The Mayor or Council 7

7:15      4. Elk Ridge Meadows PUD/Phase 1 – Final Approval

        A. Permanent Sewer Connections to Salem City

7:25      5. Driveway Slope Approval/Ross Frandsen – Ed Noel (Citadel Builders)

7:35      6. Cloward Estates Subdivisions:

        A. Plat A – Preliminary Approval

                (1) Water Right Allocation

        B. Plat B – Preliminary & Final Approval

                (1) Water Right Allocation

8:00      7. Doe Hill Estates Subdivision – Preliminary Plat Approval

        A. Water Right Allocation

8:20      8. Carey Montierth Lot Split Approval

8:35      9. Action to the Planning Commission: Hearings Adjuster

8:40      10. Resolution/Regional Sewer Plant (SUVMTWA) – Alvin Harward

8:45      11. Expenditures:

        General:

        A. City Trucks – New Tires – Mayor Dunn

        B. Payment Approval Report & Payroll for November, 2006

8:55      12. Approval of Minutes of Previous Meetings

        Adjournment

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

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 7<sup>th</sup> day of December, 2006.

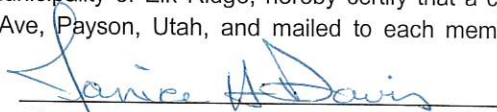


  
City Recorder

### **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 12-7-06.



  
City Recorder



**ELK RIDGE  
CITY COUNCIL MEETING  
November 28, 2006**

**TIME & PLACE  
OF MEETING**

This regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, November 28, 2006, at 6:00 PM.**

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

Notice of the time, place and Agenda of the scheduled meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on November 22, 2006.

**7:14 PM -**

**CITY COUNCIL REGULAR AGENDA ITEMS**

**ROLL CALL**

*Mayor:* Dennis Dunn; *City Council:* Alvin L. Harward, Mary Rugg & Raymond Brown, Mark Johnson & Nelson Abbott; *Planning Commission:* Shawn Eliot; *Aqua Engineering:* Jeff Budge; *Sheriff:* Deputy Riding; *Public:* Jed Shuler, Karl Shuler, Melissa Shuler, Lee Pope, Craig Peay, Rob Dean, Gayle Evans, Ryan Haskell, John Money, (2 unknown individuals...names unclear on roll); & *City Recorder:* Janice H. Davis

**OPENING  
REMARKS &  
PLEDGE OF  
ALLEGIANCE**

Opening Remarks (prayer) were offered by Raymond Brown and the Pledge of Allegiance was led by Karl Shuler, for those wishing to participate.

**AGENDA TIME  
FRAME**

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO APPROVE THE AGENDA TIME FRAME AS PRESENTED**

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

**PUBLIC FORUM**

1. Former Mayor Fritz and his wife, Doris have not been well; however they wish no visitors.
2. Councilmember Rugg reported that the postholes for the Park fence have been dug and the posts are to set.

**HILLSIDE – HIGH  
SIERRA ROAD  
CONNECTION**

Mayor Dunn: (Read Memo from Planner)

*"Background:*

The applicant, along with a group of property owners/developers of 100+ acres of land in the south hills area have been working with the City for over a year to develop an acceptable street alignment for a loop connection system of roads between the existing south ends of Hillside Drive and High Sierra Drive. After several meetings of review and revision, this plan is being proposed for your review.

Recently, the City Council adopted an ordinance amendment which provides for slopes on streets to be up to 10% slope, with the ability by the City Council to approve short stretches up to 15% slope. However, a new ordinance amendment coming forward will limit slopes to a maximum of 10%, and although the applicants have vested rights into the existing ordinance requirements, they have agreed to keep the proposed road slopes under 10%.

Several considerations and alterations have been made, which staff feels have brought the proposal a long way to meeting the concerns for safety, access, connectivity and serviceability. The proposal connects High Sierra with Hillside Drive, as well as provides future access points for additional roadways in the area. The estimated overall density which can be serviced by these roads, including developable slope limitations, is around 80 to 85 homes on over 100 acres (or less than 1 unit per acre).

The developers are anxious to move forward in preparing development proposals and plats, and are looking at this road alignment plan to be their best option considering the land they are working with.

*Recommendation:*

The Planning Commission has recommended that the City Council approve the proposed street alignment plan as submitted, with the stipulation that additional road accesses be required to service the area before any additional developments are approved, beyond the 80 to 85 lots that can be serviced with these proposed road alignments."

Mary Rugg: Expressed her concern that there may not be a connection through Payson Canyon and that this area would only be accessed from 2 streets (Hillside Drive and High Sierra Drive). (*Canyon View will eventually connect to this area, as well.*)

Karl Shuler: re: The eventual road connection to Canyon View drive...

According to his engineer, there was a dotted line drawn in as a possible connection.

Mayor Dunn added that this connection has been discussed before; Mr. Beaty lives in the house across front he Mayor and he has talked to some people about this possibility; the deal was never completed with Tom Hall to actually install this road. Mayor Dunn suggested that Mr. Shuler contact Mr. Hall to see what issues he faced with the same situation. Mr. Shuler responded that this possible road would not affect him as much as another developer. The purpose of the road would be to service the future lots in that area.

If the new Circulation Map is approved, there is a

Another access is planned just west of High Sierra, extending Elk Ridge Drive to the south and then to the east.

Mayor Dunn: Payson City is favoring keeping Payson Canyon and the area southwest of the Golf course as it is and preserving the natural state. Councilmember Abbott added that this would affect any future roads through that area.

Nelson Abbott: He questioned what the total build-out will be in that area south of the City.

Mayor Dunn: Indicated that there could be access to Loafer Canyon Road by way of an existing road leading from a cabin; there is another road that cuts toward the golf holes (west of the City).

City Recorder: There may be a possible connection to East/West Salem Hills Drive, as it is developed. *(Jeff Budge mentioned that that proposed development does have some concerns about slopes attached to it; they are revising their lay-out to address some of these concerns and will be coming back to TRC this Thursday.)*

Mayor Dunn: Discussed the plans to widen High Sierra Drive, only using the existing right-of-way as an option to add additional access to the area south of the City.

Nelson Abbott: Questioned how the matter of "cut & fill" is going to be handled.

John Money: Said that cut & fill will be addressed in depth as each plat is brought forward; the plans will include re-vegetation.

He pointed out a slight change to the road map that makes the road not as steep...he had a map showing the change. The road is moved slightly to the south, with less grade.

Mary Rugg: After listening to the discussion, she still has the same concern that this proposal only shows two accesses to the area these developers wish to develop.

Is the Council comfortable with trusting in what future developers are proposing as far as additional access to this area?

Nelson Abbott: If there is to be no access through Payson Canyon, how does the Council feel about access to this area? He is trying to look forward to possible future problems; he feels this is wiser than trying to deal with them later.

Alvin Harward: These developers have done what was asked of them for this development. Other developers will have to answer these questions and be responsible for their own improvements. The Council cannot speculate on future situations.

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO ACCEPT THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE THE CONCEPTUAL PLAN FOR CONNECTION OF HILLSIDE DRIVE TO HIGH SIERRA DRIVE**  
**VOTE: YES (4) NO (1)**

HASKELL  
SUBDIVISION,  
PLAT H –  
PRELIMINARY &  
FINAL

Mayor Dunn: *(Memo from Planner to Council)*

*"Background"*

Lee Haskell's request to change the General Plan & Zoning on his 2.83 acre property was approved by the City Council on October 28<sup>th</sup> (2006). The City has now received application for the approval of the Preliminary and Final Plats for the Haskell Subdivision, Plat H, creating a residential subdivision of 5 lots.

Since the City has previously reviewed the submitted plats, both in Technical Review and as part of the zone change request, it has been recommended that a simultaneous review and approval both the preliminary and final plats occur. Staff and the Planning Commission reviewed these plats and have recommended the following corrections to be shown on the plats:

1. Show corrected sump detail
2. Show new curb detail for type "b" curbing
3. Show sidewalks to be installed on both sides of Olympic Lane and Elk Ridge Drive.
4. Show addresses for the 5 new lots.

*Recommendation:*

The Planning Commission recommends that the City Council approve the Preliminary and Final Plats for the Haskell Subdivision, Plat 'H'."



After discussion, it was decided to add:

#3: "...and east side of Elk Ridge Drive; (Curbing on both sides of Elk Ridge Drive; curbing only (no sidewalk) on the west side & curb with trail on east side.

#4: All addresses are to be odd numbers.

Raymond Brown: Reviewed location of proposed sumps. There is an existing sump on Star Lane and it was decided to place an additional sump at the South/West corner of Lot #1.

Councilmember Brown also brought up the subject of a secondary water system. The requirement, if not in the current Code, needs to be added.

*Discussion of the necessity of requiring a "dry" system of new development. (Salem City has been requiring this for about 10 years.)*

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARY RUGG TO APPROVE THE PRELIMINARY AND FINAL PLATS FOR HASKELL SUBDIVISION, PLAT "H"; WITH THE CHANGES TO THE FOUR CORRECTIONS LISTED ON THE MEMO FORM THE CITY PLANNER AS FOLLOWS:**

- #3: "...and east side of Elk Ridge Drive; (Curbing on both sides of Elk Ridge Drive; curbing only (no sidewalk) on the west side & curb with trail on east side.
- #4: All addresses are to be odd numbers
- VERIFYING THE SECONDARY WATER SYSTEM AS A REQUIREMENTS IN THE CODE
- ADDITION OF ANOTHER SUMP AT THE SOUTH/WEST CORNER OF LOT#1
- ADDRESSES WILL BE ESTABLISHED AS ODD NUMBERS ON THE LOTS

**VOTE: YES (5)**

**NO (0)**

**SALEM SEWER  
CONNECTIONS  
CONTRACT**

Mayor Dunn: The Mayor prepared a draft of an agreement (modeled after the agreement Elk Ridge has with Payson City) for sewerage the property north of 11200 South. This draft was given to Jr. Baker (Salem's Attorney) for review. He made a few modifications and has resubmitted this for approval by both Salem and Elk Ridge. The modification was done in Section 4 on the "Manner of Financing". These changes have been reviewed with Mayor Henderson (Salem). If the Elk Ridge Council approves this draft, he will schedule with the Salem City Council (12/13).

The Mayor emailed this document to Elk Ridge's Attorney, David Church; and he has reviewed it. He says it "looks okay as a form. There are some issues that do not seem to be covered by the agreement, but I believe all of them that I identified would normally be issues for Salem to be concerned about and not Elk Ridge. One example of this: usually in these types of agreements, there is language regarding types of connections and pre-connection review and approval for non-residential connections. There are usually requirements for the City that is contracting for treatment services to adopt regulations that are similar, if not identical, to the providing city's regulations. This governs what can be put in the system.

As I said, these are normally issues for the owner of the treatment plant and may already be taken care of through other agreements."

Changes: (Review of Section 4) Impact fee (due at the time of connection) of \$1,800 to Salem per ERU (within 30 days of connection)

Monthly fee to Salem: \$22 per ERU (based on average fee to Salem residents); to be remitted to Salem by the 15<sup>th</sup> of the month. These fees are subject to change by the Salem City Council. Salem will notify Elk Ridge of any changes.

No further comments.

**MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY MARK JOHNSON TO APPROVE THE INTERLOCAL AGREEMENT ALLOWING SEWAGE AND WASTEWATER FROM ELK RIDGE TO FLOW TO THE SALEM WASTEWATER TREATMENT PLANT, AS WRITTEN**

**VOTE: YES (5)**

**NO (0)**

**CASH-IN-LIEU  
PAYMENT POLICY –  
WATER RIGHTS**

City Recorder: The Council previously approved the current market value at \$3,750 + administration fees (to be determined by Mr. Tony Fuller). The total market value was determined to be \$4,000/acre foot of water right allocation. The Council has had the policy of requiring this to be paid at current market value *at the time of payment*. At times the Council has mentioned the amount at the time of allocation within the motion, itself. The motion to allocate the water rights should simply state, "at current market value at the time of payment". The Mayor also wanted to clarify that the current market value is set at \$4,000/acre foot.

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO SET THE CURRENT MARKET VALUE, INCLUDING THE ADMINISTRATION FEE, AT \$4,000/ACRE FOOT OF WATER RIGHT**  
**VOTE (POLL): RAYMOND BROWN-AYE, ALVIN HARWARD-AYE, MARK JOHNSON-AYE, MARY RUGG-AYE, NELSON ABBOTT-AYE**  
*Passes 5-0*

PERFORMANCE  
BONUSES –  
RATIFY POLLED  
VOTE

When the Council approved the Budget for 2006/2007, they also discussed performance-based bonuses and approved up to 3%. The Mayor polled the Council and received approval to grant these bonuses to City employees in the payroll checks generated on 11/25/06. This vote is to ratify this polled vote.  
**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO RATIFY THE POLLED VOTE TO APPROVE UP TO 3% FOR PERFORMANCE-BASED BONUSES TO THE CITY EMPLOYEES, AS DETERMINED BY MAYRO DUNN**  
**VOTE (POLL): RAYMOND BROWN-AYE, ALVIN HARWARD-AYE, MARK JOHNSON-AYE, MARY RUGG-AYE, NELSON ABBOTT-AYE**  
*Passes 5-0*

EXPENDITURES

General: None  
*1. Check Registers:*  
The Council mentioned they would like to have quarterly financial reports in their folders for their various Departments.  
There was concern expressed that there was no detail listed under the VISA bill payment.  
\*The City Recorder will check into having the detail listed for review by the Council.  
**MOTION WAS MADE BY MARY RUGG AND SECONDED BY MARK JOHNSON TO APPROVE THE CITY CHECK REGISTERS FOR SEPTEMBER AND OCTOBER OF 2006**  
**VOTE (POLL): RAYMOND BROWN-AYE, ALVIN HARWARD-AYE, MARK JOHNSON-AYE, MARY RUGG-AYE, NELSON ABBOTT-AYE**  
*Passes 5-0*

MINUTES

*Minutes of 10-10-06:*  
Does the Council want the transcription as presented on the Insurance Discussion? The members indicated the minutes should be left as written.  
Mayor Dunn: Asked that "side-bar" conversations be left out of the Council proceedings (in the audience and on the Council); they are considered illegal in a public meeting because they do not give the public "ear" to that conversation and they appear as "closed door" or "biased". He also discussed courtesy being observed between Councilmembers and showing respect for the thoughts of another. It is proper to speak when recognized by the Chair of the meeting. He invited the Council to read his copy of the Roberts Rules of Order that governs public meetings.  
Public Clamor should not be allowed...when this happens, there does not need to be a motion to shut down a conversation that has gotten out of control.  
City Recorder: Added that when there is talking in the audience or on the Council, the recorders pick this up and the person that has the floor many times cannot be understood.  
Corrections to minutes:  
Pg 9: Strike, "There is a gentleman up above Ken Harris that..." & replace with "Ken Harris"  
Pg 14: Correct motion re: Insurance as stated in *note* below the motion.  
**MOTION WAS MADE BY MARY RUGG AND SECONDED BY RAYMOND BROWN TO APPROVE THE CITY COUNCIL MINUTES OF 10-10-06, AMENDED AS FOLLOWS:**  
Pg 9: Strike, "There is a gentleman up above Ken Harris that..." & replace with "Ken Harris"  
Pg 14: Correct motion re: Insurance as stated in *note* below the motion.  
**VOTE: YES (5) NO (0)**

*Minutes of 10-26-06:*  
Correction: Pgs 4 & 5: (Motion) "...water right" & "at current market value at the time of payment" rather than listing a price at the time of allocation.  
Pg 6: Under *Minutes*..."She though thought it was to be done at the same..."

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN TO APPROVE THE COUNCIL MINUTES OF 10-26-06, AS AMENDED:**  
**Correction: Pgs 4 & 5: (Motion) "...water right" & "at current market value at the time of payment" rather than listing a price at the time of allocation.**  
**Pg 6: Under *Minutes*..."She though thought it was to be done at the same..."**  
**VOTE: YES (5) NO (0)**

IMPACT FEE  
STUDY

Jeff Budge: (Was asked to come to the Council with a proposal for Water, Sewer & Road Impact Fees Study)  
A proposal from Aqua Engineering was submitted to the Council.  
Mr. Budge was present to review the proposal with the Council.  
The past and current master plans (including the study conducted by LEI Engineering) for the areas of concern were reviewed; then they examined what revisions may need to be done and the estimates to update the Study.  
Impact Fees are highly regulated by statute as to what can be included and how reimbursements to developers are handled.  
**1. Water System:**  
Cost for revision: at a base amount of \$8,750 (This fee will not be exceeded without prior written authorization.)  
**2. Sewer (Wastewater) System:**  
Cost for revision: Base amount of \$7,500 (This fee will not be exceeded without prior written authorization.)  
**3. Street (Roads) System:**  
(This would be a new impact fee) Cost for generating this portion of the Study: Base amount of \$5,000 (This fee will not be exceeded without prior written authorization.)  
Discussion:  
Jeff Budge: The Study can be reimbursed to the City by rolling the cost into the impact fee, itself. So the City would pay for the Study upfront, then get paid back through the fee.  
The impact fees will come to the Council for approval, but the Council can decide to decrease the fee...the fee could not go higher than the proposed fee.  
Until the City reaches a population of 5,000, there is no legal requirement to generate a "Master Plan" prior to doing an Impact Fee Study, but there does need to be some basis for the fee to be based off of. The roads would need to be prioritized and a recommendation would come from this.  
Nelson Abbott: Will a Wastewater Impact fee take the agreements with Payson and Salem into consideration, weighing the varying rates for different parts of the City? (Mr. Budge: It is not unusual to have varying costs for different areas; some communities have pressurized irrigation in parts of the city and not in others, so different rate structures would be appropriate.)  
Raymond Brown: How long to complete the Study? (Mr. Budge: Probably into January, 2007.)  
Could the phases be implemented and Public Hearings be separate, as the phases are completed? (Mr. Budge: You can, with impact fees, there would need to be three separate public hearings if not implemented at the same time; other wise, just one would suffice if all three were implemented at once.)  
Nelson Abbott: He would like to have a rate structure for Water & Sewer included in the Study. (The Council was in agreement.)  
*\*Mr. Budge will revise the Proposal to include the rate structures.*

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO AUTHORIZE AQUA ENGINEERING TO PROCEED WITH THE IMPACT FEE STUDY THAT INCLUDES WATER, SEWER AND ROADS, AS PRESENTED IN THEIR PROPOSAL, ADDING RATE STRUCTURES FOR WATER AND SEWER TO THE STUDY**  
**VOTE (POLL): RAYMOND BROWN-AYE, ALVIN HARWARD-AYE, MARK JOHNSON-AYE, MARY RUGG-AYE, NELSON ABBOTT-AYE**

*Passes 5-0*

ORDINANCES

**1. Employee & Elected Officials compensation:**  
(Memo from Recorder to Council, dated 11-27-06)  
"On May 23, 2006, the Council voted on the projected wages for the City employees and the Elected Officials...After discussion, the Temporary Budget for Fiscal Year 2006/2007 was adopted, including these wages. This ordinance formalizes this acceptance...and puts these wages into force...it is a

formality, but one the Auditors look for in the current year. The approval was the motion to adopt the Budget in May & June."

This ordinance usually come forward in July or August of the new fiscal year; however, it was overlooked at that time, even though the wages changed in July to reflect the Council's acceptance.

**MOTION WAS MADE BY MARY RUGG TO APPROVE THE ORDINANCEREGRARDING THE CITY EMPLOYEES AND ELECTED OFFICIALS**

*Question:* Councilmember Brown wanted to know what period of time this covers.

(July, 2006 – June, 2007)

He suggested that the changed wages for Mayor Dunn (effective January, 2007) be included in this ordinance. It was decided to wait and amend the ordinance after the Beginning of January, 2007.

**THE MOTION WAS SECONDED BY ALVIN HARWARD**

**VOTE: YES (5)**

**NO (0)**

**2. CE-1 Zone:**

*(Memo from Planner to Council, dated 11-14-06)*

*"Background*

The Planning Commission held a public hearing reviewing proposed ordinance amendments to the CE-1 zone code requirements on 11-2-06, which address several provisions regarding:

1. Lot sizes and density
2. Average slope of lots
3. Street grades
4. Natural and park space requirements

It has been determined that these recommended changes will better serve the City's objectives for development in the CE-1 zone.

Planning Commissioner Shawn Eliot will represent this application and be available for questions at the Council meeting.

*Recommendation:*

It is recommended that the City Council approve the proposed amendments to Sections 10-9A-1, 10-9A-4, 10-9A-6 and 10-9A-10 of the Elk Ridge City Code."

(Shawn Eliot submitted a summary of the CE-1 for the Council to better understand what the zone allows, an explanation of bonus density and recommendations. It was very helpful.)

Shawn Eliot: Talked about the development planned by RL Yergensen at the south end of Mahogany Way: His proposed development includes the whole hillside just west of Hillside Drive.

If the Council adopted the proposed ordinance with the density bonus, it would preserve the hilltop he is planning to build houses on. He could still get a number of units in other areas. The intent of the bonus density is to preserve the mountain-tops in the areas south of the City. Explanation of current vs. proposed zoning regulations. Does the Council want hillside development? This is not what the Planning Commission feels the intent of the Code is.

Clarification for Councilmember Rugg:

*Current:* The base density says you can do ½ acre lots on 50% and acre lots on 15% or above

*Proposed:* Want to change the base density to an acre and anything under 1 acre goes to a bonus density.

When the Planning Commission 1<sup>st</sup> re-did the CE-1 Zone, they were relying on steeper slopes in this whole area to regulate development; after they did the slope analysis, they realized that there are more slopes at 15% than they thought. The nature of a 1 acre lot is to preserve open space, one would not develop the whole acre in a wooded area...the Code does not allow this (Urban Interface Zone)

Mary Rugg: Clarified...under the Base Density, there are less homes & less open space...

*(Mr. Eliot: You would have open space that is basically owned by vacant lots...)*

One option: Homes are "sandwiched" in and is one great big area, which, essentially, you can't do anything with due to steep slopes.

*(Mr. Eliot: The Bonus Density could be on 30% or less slopes.)*

With the Base Density, you still have homes, but there is still that "open feel" because the lots are bigger. There is still "open space".

*(Mr. Eliot: That's why there is the 1 ½ unit per acre "cap"; you can't do 3 units per acre, only 2 units per acre.)*

Nelson Abbott: There was a computer presentation that was done for Woodland Hills, where it showed "clustering" vs. spreading the homes out; is that where the City is headed?



This is how he pictures this...In part of the area, more clustering is encouraged to leave more of the hillside alone and preserve some of the mountain.

Shawn Eliot: There are areas in this Zone where clustering of 1/3 acre lots works; but there are other areas where it does not work. 1/2 acre or 3/4 acre lots may work better due to slopes.

*(Mary Rugg pointed out that there is only a 2 lot difference between the Base Density and the Bonus Density, for this proposal.)*

Alvin Harward: He agreed with Councilmember Rugg; in that it seems like when a developer comes in, the City tries to change the Code for that developer; rather than setting the Code developers to follow. He does not feel the Code should be changed all the time; he would rather see it stay the way it is currently.

Shawn Eliot: The Planning Commission was not reacting to a developer proposal; it was a result of the slope analysis and the realization that the area is different, with less slope than they had thought previously. The proposed amendment actually goes back to the Code the way the intent was originally...one acre and anything under that is a Density Bonus.

Anything over 30% has to be shown on the Plat map as open space, meaning you can't build on it or develop it. That can be a restriction on the lot itself; many cities do that.

Nelson Abbott: The City is not forcing the developers to have smaller lots; if they want larger lots, they can do that in certain areas. If they elect to apply the density bonus, they may. This gives them more options.

*Comment (Person unknown)*: Feels the City is limiting the developers a lot with the proposed Code.

There is a difference between this area and the rest of the City; he would like to see this area preserved as much as possible within the regulations governing development.

Alvin Harward: They cannot cut those areas that are 30% slope or greater; the options for 1/2 acre lots is taken away if the City stays with the existing Code.

Karl Shuler: (RE: Proposed development by RL Yergensen) In a buildable area, for purposes of compliance, the subsection states that no portion of any designated buildable area shall contain territory that has been subject to artificial grading.

Shawn Eliot: Aren't you talking about 30% slopes? (No.) It (Code) states that in the current 1/2 acre and 1 acre, you can build on anything under 30%. *(Karl Shuler: Yes, but you can't just go in and level the top of a mountain flat...)*

Nelson Abbott: Isn't that what Mr. Yergensen is currently doing in the CE-1 Zone?

Shawn Eliot: "For purposes, the designated buildable area shall be determined, based on its current natural state." All that is saying is that if there is an area with 30% slopes, you can't change it to be able to build on it. If it is under 30%, then there are other places in the Code that do allow you to grade those areas. The developer has to show what the lay of the land looks like before the buildable areas are shown. The City does not want the developers to tear down the 30% slope and then claim it is a lower grade.

What Mr. Yergensen is proposing now, under the current Code; he could do 1/2 acre lots on the hillside. The Planning Commission is trying to protect the smaller lots.

*(Further discussion of slopes and grades in that area.)*

There has been no subdivision that the new Code for.

*(Comment: Unknown)* The problem is we (developers) have to have something to "go off of". They do not want to prepare a proposal and then have to change it again.

Shawn Eliot: The Planning Commission did check into State law regarding effective dates; they had thought there was a 30-day waiting period before an Ordinance takes effect, after passage; they discovered that State law says an effective date on an ordinance can be stated within the text of the ordinance itself. If the date is not included in the text, then there is a 30-day waiting period. This has affected what Mr. Yergensen was held to as far as regulations.

Another thing the State law says regarding "vesting"...is that a developer is considered vested once an application is submitted and all fees paid...the debate has been whether this means at "Concept" or another stage...it also says that if you are in the middle of updating the ordinance, then the City has up to 180 days to work on the ordinance. David Church said that the law is there to protect the City; if we are in the middle of re-writing the Code, then submittals can be postponed. *(Comment: That can be considered a "moratorium".)* The City is trying to work with the developers and work out all the problems.

Mark Johnson: Fire protection favors the clustering of homes in that area. The homes are easier to access.

City Recorder: In the past, the Planning Commission has taken time to get regulations in place to prepare for development. This is not uncommon.

*Comment - unidentified*: He sees a difference between the old Code and the proposed: the new one will have a lot more City-owned open space... is that correct?

Shawn Eliot: That would be decided as a Council as a point of negotiation; it would either be deeded to the City or kept as part of the development in something like a homeowner's association.

Mayor Dunn: This would be dependent on the capacity of the City to service the open space areas.  
(Comment: This could be a liability to the City to own a lot of open space; the land owners should have the responsibility.)

Shawn Eliot: The Planning Commission is learning and trying to preserve the mountainside and natural elements as much as possible...this is the intent of the Zone. He does not feel that hilltop development is conducive to the intent of the future of the City.

(Discussion of grading permits.)

Nelson Abbott: He acknowledges the great amount of work done by the Planning Commission and he can see the difference this would make in the way the City is laid out and developed according to the lay of the land.

Alvin Harward: The existing Code will allow this.

Nelson Abbott: Respectfully...allowing for differing of opinions...he feels that one of the jobs the Council has is to represent the current residents and he feels that the Council has an obligation to preserve the natural beauty of the City.

Mayor Dunn: RE: Attempting to represent the residents and their wishes...

The Mayor has been collecting "feed-back" forms sent out with the newsletter about how to improve the City. About every form says this is a beautiful place; about ¾ of them say that they moved here because it is a small community and they do not want to see any growth...nearly everyone is against growth. They are against commercial development, but they want indoor pools and recreation centers. There are many contradictory concepts, based on ignorance of government administration process; that makes it difficult to determine what the residents want. The Council cannot "go with the will of the people" when that "will" is contrary to the law. He does not think the opinion of not being in favor of growth is, itself, against the law; however, to prohibit individuals from exercising their right to develop their property is against the law. That development needs to be within the Code and in the best interest of the existing community.

*Comment (unidentified): It sounds like with Mr. Yergensen, that the "cow is already out of the barn" (or that he was able to develop part of his property under the old Code that may not be in the best interest of the City). Is this current ordinance "broken"? Does it need to be "fixed"?*

*Another comment: It's never been tested.*

Shawn Eliot: What Mr. Yergensen is doing is under the prior Code.

(Question: "So, no subdivisions have really come before you under this current ordinance?" (No, they haven't.) ...and you want to change it? So what part of this is "broken"?)

Shawn Eliot: It was a result of the slope analysis of the area... the Planning Commission found that there were flatter slopes than they figured; and that would allow for more ½ acre lots with no exchange for any kind of open space. Out of 537 acres in that area there are only 51 acres over the 30% slope. It is over 200 acres that are about 15% or below. That is what concerned the Planning Commission. They did not feel it (Code) was "broken", they just felt that they had another tool now to aid in development of that area.

Karl Shuler: Part of what doesn't show up is when you try to lay the lots out with the road slopes; as they are laid out with the engineers, they are well under 1 lot per acre...using the current Code. You will see that there are natural clusters created in the buildable areas because that is the only place a road will fit.

*Comment (unidentified): There are also natural open spaces, as it works out.*

Shawn Eliot: Reminded this gentleman that his 100 acre area has a high percentage of 30% slopes, compared to some of the other areas up there.

Karl Shuler: Yes, there are steep areas and flatter areas where it would seem that clustering would be possible; however, they cannot "cluster" because they can't get the roads in there to these lots.

Shawn Eliot: Example: Behind Oak Lane, the hillside is proposed to extend Hillside Drive has 30% slopes all over; so that is non-buildable. However, another part of the area south of Oak Lane is all 15% or less slopes...they could have 1/3 acre lots on all of that right now and the open space (current Code) could be that 30% Hillside.

Jed Shuler: There still needs to be frontage for those lots and they cannot get that for 1/3 acre lots.

Shawn Eliot: (Summarized) Basically 3 main proposed changes:

1. Density Bonus vs. Base Density
2. Road Grades
3. Natural Open Space Requirement in the density bonus

Whatever is passes...as we work with the developers and things come in that just aren't working, we need to be flexible enough to say, "Let's work through this and make it work". The fear is, if the City is too lacks, it is difficult to be more strict.

**MOTION WAS MADE BY MARY RUGG AND SECONDED BY ALVIN HARWARD TO STAY WITH THE CURRENT CODE FOR THE CE-1 ZONE**

**VOTE: YES (3)**

**NO (2) RAYMOND BROWN & NELSON ABBOTT**

*Passes 3-2*

### 3. Street Grades:

(Memo from Planner to Council)

"Background:

Following review of the grades on streets and roads in the City, and especially in the south hills (CE-1) Zone area, the Planning Commission held a public hearing on a proposed ordinance amendment which

would address the grades of streets throughout the City. This amendment falls in line with the same proposed amendments included in the CE-1 Zone Code amendments being presented at this meeting.

The proposal is that street grades be restricted as follows:

- Major collector/arterial streets: No more than 8%, except that the City Council may approve up to an additional 2% for short stretches
- Local streets: No more than 10%, except that the City Council may approve up to an additional 2% for short stretches

These recommended changes will put our requirements more in line with those of other cities, and will provide for safer and more effective provision of services on city streets.

Planning Commissioner Shawn Eliot will represent this application and be available for questions at the Council Meeting.

*Recommendation:*

It is recommended that the Planning Commission recommend approval by the City Council of the proposed amendment to Section 10-15-D-3 of the Elk Ridge City Code"

*Comments:*

Nelson Abbott: Local Streets: could have up to a 12% grade (short distances)...question: are emergency vehicles okay with this? (Yes, the Fire Chief was consulted.)

Why 8% on major roads and steeper grades on local streets where people with children dwell?

Mark Johnson: The grade of road does not necessarily increase the speed of traffic.

Shawn Eliot: The nature of a local road is that it is shorter and narrower than a main road, where speeds increase. Most cities have this.

The proposed CE-1 Code amendment does have matching grades; this would apply to all other areas. The motion should state that it also applies to the CE-1 Zone.

After discussion, it was decided to adopt the proposed street grades.

*Comment (unidentified): that he prefers 10% grade; he feel 8% is too restrictive.*

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO APPROVE AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR REGULATIONS FOR STREET GRADES, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS AND PROVIDING AN EFFECTIVE DATE**

**VOTE (POLL): RAYMOND BROWN-AYE, MARK JOHNSON-AYE, ALVIN HARWARD-AYE, MARY RUGG-AYE, NELSON ABBOTT-AYE**  
**NAY (0)**

*Passes 5-0*

**AN AMENDED MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY MARY RUGG TO APPROVE AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR REGULATIONS FOR STREET GRADES, ALSO APPLICABLE TO THE CE-1 ZONE; CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS AND PROVIDING AN EFFECTIVE DATE**

**VOTE (POLL): RAYMOND BROWN-AYE, MARK JOHNSON-AYE, ALVIN HARWARD-AYE, MARY RUGG-AYE**  
**NAY (0) ABSENT (1) NELSON ABBOTT**

*Passes 4-0*

RESOLUTION -  
CIRCULATION MAP

Postponed until next Council Meeting.

ADJOURNMENT

At 9:00 PM, Mayor Dunn adjourned the Council Meeting.

  
City Recorder





## NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, November 28, 2006, 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
- 6:05      Public Forum:  
\*Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comment will be limited to three minutes per person. A spokesperson who has been asked by the group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing. The Mayor or Council 7
- 6:15      1. Hillside/High Sierra Road Connection -  
6:30      2. Haskell Subdivision, Plat H – Preliminary & Final Plat Approval  
6:40      3. Salem Sewer Connection Contract – Mayor Dunn  
6:50      4. Cash-in-lieu Payment Policy – Mayor Dunn  
6:55      5. Performance Bonuses – Ratify Polled Vote – Mayor Dunn  
7:00      6. Expenditures:  
            General:  
            Check Registers
- 7:10      7. Approval of Minutes of Previous Meetings  
7:20      8. Impact Fee Study  
7:30      9. Ordinances:  
            A. Employees & Elected Officials Compensation  
            B. CE-1 Zone  
            C. Street Grades
- 7:50      10. Resolution - Amendment to the General Plan/North Section of Circulation Map  
            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 21<sup>st</sup> day of November, 2006.




### **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, on November 21, 2006; and mailed to each member of the Governing Body on November 22, 2006.

  
City Recorder



  
City Recorder



**ELK RIDGE  
CITY COUNCIL MEETING  
December 12, 2006**

**TIME & PLACE  
OF MEETING**

This regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, December 12, 2006, at 7:00 PM;** this was preceded by a **City Council Work Session at 6:30 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 December 7, 2006.

**6:30 PM**

**CITY COUNCIL WORK SESSION AGENDA ITEMS:**

**ROLL CALL**

*Mayor:* Dennis Dunn; *City Council:* Alvin L. Harward, Mary Rugg, Nelson Abbott & Raymond Brown (Absent: Mark Johnson); *Public:* Taylor Dickson, Randy G. Young, Spencer Quass, Natalie & Ross Frandsen, Tony Trane, Ed Noel, Bob Peavley, Dave Millheim, Lawrence Wiscombe, Griff Johnson, Carey Montierth & *City Recorder:* Janice H. Davis

**WATER RIGHTS  
UPDATE**

Mayor Dunn: (Tony Fuller/Background) He is a physicist; he got involved with water rights because of his profession. He lives in Richfield. He worked with the State Water Dept. for about 15 years, then left to create his own business as a water rights broker/researcher. The City is lucky to have his expertise available.

1. The group of water rights (500 shares) is still in litigation. Jim Riley (also a chief officer with the State Water Dept.) is the consultant that Tony Fuller uses to assist him. Mr. Riley has been reviewing that group of water shares due to the litigation. They are fairly inactive at this point. In the mean time, Mr. Riley found a package of 500 acre feet of water that is in "pieces" here and there. He is checking those out to determine how transferable they would be. Mr. Fuller will present this package to the Council when they are ready.

2. Other water rights (7 shares from SUVMWA): Signatures have been gathered and the price is still at the original quote.

3. Other cities are catching up with the market value. (Lehi is moving toward \$6,000/acre foot.) In southern Utah, cities require water rights to be brought with the developer. In Utah County, availability of transferable shares is diminishing. CUP water is still available, at a price. SUVMWA still has water rights available, as well.

**ENGINEERING  
CHANGES –  
AQUA  
ENGINEERING**

Mayor Dunn: The Field Engineer (Jeff Budge) for Aqua Engineering is leaving Aqua for another job. For personal reasons, this will be a better situation for him and his family. Craig Neeley (one of the Principle Engineers) is assisting with Elk Ridge while Mr. Budge is replaced. The recent increase in rates was an attempt to be competitive and keep Mr. Budge at Aqua. Brent Arns will be helping to fill in with inspections. With Mr. Budge's resignation, the rates are going to decrease somewhat.

Jeff Budge was well-respected as our City Engineer and will be missed.

**HEARING  
ADJUSTER**

Mayor Dunn: This matter has been discussed both at the Council level and the Planning Commission level. The Planning Commission was not in favor of the initial suggestion; however, the Mayor believes they did not fully understand the advantages and some of the main issues. This is an individual that would take the place of a Board of Adjustment.

Mayor Dunn contacted David Church (City Attorney) and was informed that many communities now use this system, much to their satisfaction.

*(Memo from Mayor to Council, dated 11-14-06)*

Review of the previous memo stating that there is a need to either replace members of the Board of Adjustment or consider another, accepted system of utilizing a "Hearings Adjuster" to hear appeals. This person would have experience as a professional planner, land use attorney or city manager. "With a knowledge of the Code, this person could hear a case with an unbiased and neutral position. This option would also eliminate any conflict of interest that can happen as a result of an untrained and inexperienced BOA member that may have emotional ties to a decision."

David Church referred the Mayor to Highland City (they have gone to a "Hearings Adjuster").

The Mayor contacted the City Manager of Highland City and found that the matter initially met with some resistance, but is working well and the City is very satisfied with the new process.

Alvin Harward: Agrees that it is a much better situation than having an uninformed Board of Adjustment. He would rather have someone in the position that can make decisions based off of experience and knowledge.

Raymond Brown: He favors having someone in the position that is not a resident of the City; then the decisions can be more unbiased. There can be a great deal of "raw" emotion generated on subjects.

NON-AGENDA ITEM

*(Brief Discussion of the eventual re-writing of the General Plan.)*

Mayor Dunn encouraged the Councilmembers to read the General Plan and consider the feedback forms he is collecting from the Elk Ridge citizens.

*\*Mayor Dunn is to go to the Planning Commission Meeting to revisit the issues associated with having a Hearing Adjuster rather than a Board of Adjustment. He will bring with him a sample of Highland City's Code, as well as a couple of others.*

**ELK RIDGE  
CITY COUNCIL MEETING  
December 12, 2006**

TIME & PLACE  
OF MEETING

This regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, December 12, 2006, at 7:00 PM; this was preceded by a City Council Work Session at 6:30 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 December 7, 2006.

7:14 PM -

**CITY COUNCIL REGULAR AGENDA ITEMS**

ROLL CALL

*Mayor*: Dennis Dunn; *City Council*: Alvin L. Harward, Mary Rugg, Nelson Abbott & Raymond Brown (Absent: Mark Johnson); *Public*: Scout Taylor Dickson, Randy G. Young, Scout Spencer Quass, Natalie & Ross Frandsen, Tony Trane, Ed Noel, Bob Peavley, Dave Millheim, Lawrence Wiscombe, Griff Johnson, Carey Montierth & *City Recorder*: Janice H. Davis

OPENING  
REMARKS &  
PLEDGE OF  
ALLEGIANCE

Opening Remarks (prayer) were offered by Raymond Brown, after which the Pledge of Allegiance was led by Scout Taylor Dickson, for those wishing to participate.

AGENDA TIME  
FRAME

**MOTION WAS MADE BY ALVIN HARARD AND SECONDED BY RAYMOND BROWN TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:09 PM  
VOTE: YES (4) NO (0) ABSENT (1) MARK JOHNSON**

PUBLIC FORUM

There were no comments or statements.

ELK RIDGE  
MEADOWS PUD -  
PHASE 1 – FINAL  
APPROVAL

Mayor Dunn: The situation holding Phase 1 up from Final Approval from the Council has been the lack of permanent sewer connections for the north side of 11200 South. The Salem City Council has been at a point of approval for some time and are still reviewing the contract; though it appears they will approve it soon. If the Council decides to approve Phase 1, the motion should be conditional upon Salem's approval of permanent connections for the north side of 11200 South.

Jr. Baker (Salem's Attorney) re-wrote the contract and will be taking back before their Council on 12/13 for final approval.

The Mayor re-read the memo from the City Planner to the Council, date 11-14-06.

*(Memo)*

There were two issues to be resolved mentioned in the memo:

1. Dan Ellsworth of SESD met with the Technical Review Committee on 11/9/06 and recommended that a survey be performed by the Bureau of Reclamation on the canal property, to verify boundaries.

Any potential boundary issues could bungle up and possibly cause a re-draw of some of the lot lines proposed along the canal.

2. The provision of sewer for this phase needs to be discussed. It is understood that a lift station is being proposed in the case that connection capacity is not made available through Salem. The City needs to consider whether the maintenance of a lift station is in the city's best interest.

Randy Young:

*(In response to the above mentioned issues:*

1. The Bureau of Reclamation has been made aware of the issues and will get back the Mr. Young by the end of the week. He does not expect any problems at all.

No further comments or concerns were expressed.

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO GRANT FINAL PLAT APPROVAL FOR ELK RIDGE MEADOWS PUD, PHASE 1; WITH THE FOLLOWING CONDITIONS:**

1. SALEM CITY APPROVES THE PERMANENT SEWER CONNECTIONS TO HOMES ON THE NORTH SIDE 11200 SOUTH
2. TECHNICAL REVIEW REVEALING NO PROBLEMS REGARDING BOUNDARY LINES FOR THE SALEM CANAL RIGHT-OF-WAY

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

*\*(Mayor Dunn to call Dan Ellsworth to check on the Technical Review and Up-front money expected for a sub-station.)*

FRANDSEN -  
DRIVEWAY SLOPE  
APPROVAL

The Frandsen's are building a home and have request for a driveway slope exceeding the allowed 12% grade. They anticipate their driveway slope to be at 13.6%; the Planning Commission proposed not exceeding 14%.

*(There are neighbors at 19% & 17%.)*

Mr. Frandsen: Part of the driveway is at 12%; one side of the circular drive is steeper.

**MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY ALVIN HARWARD TO APPROVE THE DRIVEWAY SLOPE UP TO 14% FOR THE FRANDSEN HOME, AS RECOMMENDED BY THE PLANNING COMMISSION**

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

CLOWARD ESTATES  
SUBDIVISIONS,  
PLATS A & B

*(Memo from Planner to Council, dated 12-12-06)*

*Background*

"Last year, Mr. Cloward submitted to the City a proposed plat for the Cloward Estates Subdivision, Plat A, to accompany his request for a zone change on his property. The change to an R-1-15,000 zone from RR-1 was approved. Since some review of the plat occurred at that time, it was recommended that a simultaneous review of the preliminary and final for Plat A occur now.

Preliminary Plats "A" "B":

The TRC and Planning Commission have reviewed this proposal and have recommended the following corrections be shown on the preliminary plat:

1. Show type "b" curbing & meandering sidewalks on the typical street sections
2. Show name of Meadow Lark Lane above lots #37-39
3. Show no access allowed on Goosenest Drive for lots 5, 7, 8, 17, 28 & 29
4. Show no access allowed on Goosenest Drive on Rocky Mountain Way for lot #4
5. Show circular or hammerhead driveways required for lots 1-3 and lots 12 & 13
6. Name the cul-de-sac and the street on the western side of Plat B
7. Show full road width improvement to be constructed on western side street

These corrections are to be submitted to the City prior to the City Council meeting.

Final Plat "A"

The final plat for Plat A meets zoning and engineering requirements, with one requested correction:

1. Add a signature line for SESD in the title bar.

*Recommendation:*

The Planning Commission recommends that the City Council approve Preliminary for Plats A & B, and approve Final Plat for Plat A of the Cloward Estates Subdivision, subject to the above corrections being shown."

*(Corrected plats were submitted; they were compared against the list from the Planner.)*

#3...the notes on the plat need to be changed.

Water Rights is an issue in that Mr. Cloward thought he had transferred water rights for his developments; however, the application was never filed with the State. Tony Fuller is currently working with Mr. Cloward to determine the status of those rights and to assist him in the transfer process.

Until that occurs, Mr. Cloward will have to decide on an alternative to satisfy his water right obligation.

*Options:*

- Purchase water rights from the City at market value for Plat A
- Use all or part of them for the Plat (He may want to sell only a few of the lots and could record the others with "Waivers of Entitlement to Build" on them).
- When his rights transfer, he could turn those back to the City and be reimbursed for them.
- Waive the water right allocation for Plat B for now.
- Mayor Dunn reported that the County contacted him to be sure that none of our subdivision lots would access 11200 South (County Road)

These options will be presented to Mr. Cloward (not in attendance) by his engineer, Tony Trane.

*(No further comments.)*

*1. Cloward Estates, Plat A (Preliminary & Final):*

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RAYMOND BROWN TO GRANT PRELIMINARY AND FINAL APPROVAL TO CLOWARD ESTATES, PLAT A, CONDITIONAL UPON THE WATER RIGHT ISSUE BEING RESOLVED**

*Discussion:*

Mary Rugg: Is wording too vague regarding the water rights? (The water rights issue can be handled in another motion.)

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

**MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY ALVIN HARWARD TO ALLOCATE THE APPROPRIATE AMOUNT OF WATER RIGHTS FOR 17 LOTS IN CLOWARD ESTATES, PLAT A, FROM THE CITY WATER RIGHTS ON A CASH-IN-LIEU BASIS, AT CURRENT MARKET VALUE AT THE TIME OF PURCHASE; WITH THE UNDERSTANDING THAT MR. CLOWARD MAY CHOOSE TO USE LESS AND RECORD THE PLAT WITH WAIVERS OF ENTITLEMENT TO BUILD ON SOME OF THE LOTS, AS DESIGNATED BY MR. CLOWARD**

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

*2. Cloward Estates, Plat B (Preliminary):*

*Discussion:*

- Fire hydrants will show on the Final Plat
- Sumps should be sufficient (One additional based on the placement of curbing on the west side of Dot Drive
- Curbing on both sides of Dot Drive
- Discussion of "dry-lines" for future secondary water system (This needs to be an issue for development)

Tony Trane (engineer for Mr. Cloward) said they may not come forward for Final Approval for Plat B for another year.

*Review of list on memo from Planner:*

- The specs for the "b" type curbing need to be checked.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARY RUGG TO GRANT PRELIMINARY PLAT APPROVAL TO CLOWARD ESTATES, PLAT B**

**VOTE: YES (3) NO (1) RAYMOND BROWN ABSENT (1) MARK JOHNSON**

DOE HILL ESTATES – *(Memo from Planner to City Council, dated 12-12-06)*

PLAT A –  
PRELIMINARY  
PLAT

*Background:*

"The TRC and Planning Commission have reviewed the Preliminary Plat for this proposed 58-lot subdivision. The following items have been identified and recommended as conditions of approval:

1. Show type "b" curbing & meandering sidewalk with street sections. (24" curbing?)
2. Meet all engineering and public works requirements
3. Show no access for lot #1 to 11200 South
4. Show no access for lots #5 & 52 on Rocky Mountain Way
5. Correct the names on Deer Run on all 3 sides to say "Deer Run Loop"

*(Memo stated that "recently the Council had approved an amendment to the Circulation Map; this is not true...the Council did not pass this.)*

*Recommendation:*

The Planning Commission recommends that the City Council approve the Doe Hill Estates Preliminary Plat with the above corrections being shown."



- Vicinity map is upside down
- “Deer Run” is the name of one of their proposed streets (The short, N/S section of Ama Fille Lane is being re-named; the Mayor contacted the one resident on that street and asked him to choose a name...he chose “Artist Ave.” There was no discussion on this proposed name change.)
- Meandering sidewalks: They may need to request to narrow the sidewalk a bit; the current standard does not fit.

**MOTION WAS MADE BY MARY RUGG AND SECONDED BY RAYMOND BROWN TO GRANT PRELIMINARY PLAT APPROVAL TO DOE HILL ESTATES, PLAT A**

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

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RAYMOND BROWN TO ALLOCATE 67.60 ACRE FEET OF WATER RIGHT, ON A CASH-IN-LIEU BASIS, TO THE DOE HILL ESTATES, PLAT A SUBDIVISION; AT MARKET VALUE AT THE TIME OF PAYMENT FOR THE WATER RIGHTS**

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

NON-AGENDA  
ITEM

\*There was further discussion regarding secondary water systems being required with development. It is to be determined if this requirement is in the current Code; if not, the Planning Commission needs to address the matter.

CAREY MONTIERTH – *Memo from Planner to Council, dated 12-12-06)*

LOT SPLIT  
APPROVAL

*Background:*

Carey Montierth's request to amend the City Code regarding lot width exceptions was approved at the City Council Meeting on November 14, 2006. This code amendment now allows her request to split her property located at 554 Lakeview Drive into two half acre lots.

The proposed new lots meet all the zoning requirements of the R-1-20,000 zone, with application of the lot width exception as listed in Section 10-12-30 of the Elk Ridge City Code.

Two correction items will need to be added to the Plat, which should be listed as conditions of approval by City Council:

1. Addresses shown for the two lots (This has been corrected)
2. Separate legal descriptions for each lot shown in the title bar (Corrected as per Art Jueschke)

*Recommendation:*

The Planning Commission recommended at their 12-7-06 meeting that the City Council approve the proposed lot split of Lot #20, Salem Hills Subdivision, Plat C, subject to the above conditions."

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RAYMOND BROWN TO DECLARE THAT ALL CRITERIA ARE MET FOR AN EXCEPTION TO THE LOT WIDTH REQUIREMENT IN THE R-1-20,000 ZONE; AND TO GRANT THE REQUESTED LOT SPLIT OF LOT 20, SALEM HILLS SUBDIVISION, PLAT C; CREATING LOTS 20A & 20B**

**VOTE: YES (2) RAYMOND BROWN & ALVIN HARWARD**

**NO (2) MARY RUGG & NELSON ABBOTT**

**TIED VOTE, MAYOR VOTES YES**

**ABSENT (1) MARK JOHNSON**

*Passes 3-2*

*Water Right Allocation:*

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RAYMOND BROWN TO ALLOCATE THE APPROPRIATE AMOUNT OF WATER RIGHT, ON A CASH-IN-LIEU BASIS, TO THE NEWLY CREATED LOT 20B OF SLAEM HILLS SUBDIVISION, PLAT C; AT MARKET VALUE AT THE TIME OF PAYMENT FOR THE WATER RIGHTS**

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

HEARING  
ADJUSTER

This is being sent back to the Planning Commission to schedule a public hearing.

RESOLUTION –  
REGIONAL SEWER  
PLANT – SUVMWA

A resolution came from South Utah Valley Municipal Water Association (SUVMWA) for a resolution showing support of the future Regional Sewer Plant and to pledge support for future financing to purchase the property for the facility.

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO SUPPORT THE RESOLUTION FROM SUVMWA, FOR THE EVENTUAL REGIONAL SEWER PLANT**

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

**EXPENDITURES:**

*General:*

*1. Snowplows:*

Raymond Brown: A new snowplow is needed for steeper roads. After the experience of having Elk Ridge's snowplows and drivers up in Woodland Hills.

Mayor Dunn: It was discovered that pick-ups with a plow attached works better on steep grades; our trucks had problems in Woodland Hills.

*2. Cell Phones:*

\*The rates seem high for the City's cell phones. It was suggested that the Mayor check into government rates at a possible \$32/month.

*City Trucks – New Tires:*

Mayor Dunn: The City trucks are in need of new tires. The Public Works Superintendent is to obtain estimates for tires for his pick-up and the 10-wheeler; it needs to be determined if the other dump truck tires need to be replaced.


*Check Register – Payroll:*

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RAYMOND BROWN TO APPROVE THE EXPENDITURES AND PAYROLL FOR NOVEMBER, 2006**

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

**ADJOURNMENT**

At 8:50 PM, Mayor Dunn adjourned the Council Meeting.

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

