

## AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular City Council Meeting on Tuesday, April 11, 2006, at 7:00 PM, to be preceded by a Joint City Council/Planning Commission Meeting at 6:00 PM. The meetings will be held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

### **6:00 PM      JOINT CITY COUNCIL/PLANNING COMMISSION MEETING**

- 6:00      1. Elk Ridge Meadows Development – Randy Young
- 6:50      2. Correction of Planning Commission Vote to Ratify Polled Vote on Public Hearing Date Regarding Code Amendments to CE-1 Zone Regulations (Vote taken on Public Hearing Requirements...Public Hearing already took place at Planning Commission level – Agenda Item 10 on 4-6-06, was in error.)
- 6:55      3. Government Finance Training with City CPA – Change in Date

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

- Opening Remarks and Pledge of Allegiance Invitation
- Approval/Agenda Time Frame
- 7:05      4. Snyder Subdivision, Plat "A"/Preliminary & Final Plat Approval – Cory Snyder
- 7:15      5. Jeff Christensen – Brick Wall Issue
- 7:25      6. PUBLIC FORUM
- 7:35      7. Communications Opportunity – Raymond Brown
- 7:45      8. Water Rights Information/"Cash-in-lieu" Discussion – Mayor Dunn
- 8:55      9. Expenditures:
  - General:
  - A. Check Register for March, 2006
- 8:00      10. Approval of Minutes of Previous Meeting
- 8:05      11. Shuler Lane/Discussion – Mayor Dunn
- 8:05      Adjournment

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

The times th  
this meeting.

he permits. All interested persons are invited to attend

  
City Recorder

hereby c  
Utah, an

Recorder for the municipality of Elk Ridge,  
faxed to the Payson Chronicle, 145 E Utah Ave, Payson,  
on April 7, 2006; and an Amended Agenda on 4-10-06.

  
City Recorder

**ELK RIDGE  
CITY COUNCIL MEETING  
April 11, 2006**

**TIME & PLACE  
OF MEETING**

This regular Meeting of the Elk Ridge City Council, was scheduled for Tuesday, April 11, 2006, at 7:00 PM; this was preceded by a Joint City Council/Planning Commission Meeting at 6:00 PM.

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

Notice of the time, place and Agenda of the scheduled meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on April 7, 2006; and an Amended Agenda on 4-10-06.

**6:00 PM**

**JOINT CITY COUNCIL/PLANNING COMMISSION MEETING AGENDA ITEMS**

**ROLL CALL**

*Mayor:* Dennis Dunn; *City Council:* Alvin L. Harward, Mary Rugg, Nelson Abbott & Raymond Brown (Absent: Mark Johnson); *Planning Commission:* Chad Christensen (Chair), Shawn Eliot, Dayna Hughes, Scot Bell, Robert Wright, Russell Adamson; *Plan Coordinator:* Margaret Leckie; *Public:* "Scout" Flygare, Jeff Christensen, Bruce Collings (Contractor), Anette Brigham & Randy Young; & *City Recorder:* Janice H. Davis

**ELK RIDGE  
MEADOWS  
DEVELOPMENT**

Mayor Dunn: Gave a brief history of this proposed development:

Mr. Young has been associated with the City for about a year & a half; starting with a petition to annex. The petitions was accepted in December, 2004. The Concept Plans have been changed and altered according to recommendations made by the Technical Review Committee, headed by the City Planner. Mr. Young has worked diligently to comply with what has been expected of him. The Planning Commission and the City Council have met jointly tonight to attempt to accomplish what would normally take about 6 weeks, due to the process going back and forth from Planning to Council. The Mayor would like to try to get from Concept to Preliminary, depending on the questions and concerns. This proposed development is coming to the City as a PUD (Planned Unit Development), which has somewhat different rules attached to it. There is a memo provided to the Council by the Planner for the previous Council Meeting. (Copies were made for the Planning Commissioners present.)

Mayor Dunn opened the issues up to an "Open Forum" and invited all to participate in an orderly fashion.

Alvin Harward: Councilmember Harward encouraged all to keep an "open mind" during the discussion. He feels that the issues should be seen with the perspective that Elk Ridge is a small City; compared to larger cities with some subdivisions larger than Elk Ridge, even totally built-out. He feels that some of the issues have been dealt with as if Elk Ridge were a "metropolitan" community:

- "Collector" Roads: Reference was made to University Ave. in Provo, serving about 17,000. Too much emphasis is placed on what we can do with "collector" roads in this City. There is not one road that qualifies as a "collector" road, by our definitions. In his opinion, there is no reason to be concerned about backing out onto any of the roads in Elk Ridge; we will not have enough traffic congestion to worry about this issue.

There are three "collector" roads coming into Elk Ridge:

1. Loafer Canyon Rd.
2. 1600 West
3. Goosenest Drive

All of these roads bring traffic into the area; once inside the City, the roads are nothing more than "residential" streets in subdivisions.

- In the proposed concept drawings, 11200 South is the major "collector" road; the City doesn't need another one, serving the same area, running parallel to the existing road.

Chad Christensen (Planning Commission):

1. "Collector" Roads: The Planning Commission is trying to more fully implement the General Plan, including the Circulation Map. The map shows a minor "collector" road running parallel to 11200 South, connecting Elk Ridge Drive through to the east side of Mr. Young's proposed subdivision. Shawn Eliot made the recommendations the Planning Commission is following; he is over roads for Mountainland Assoc. of Governments (MAG).

Alvin Harward: He suggested moving the “collector” road north to 11200 South; this would only be moving it ½ a block. Commissioner Christensen responded that, “Yes it could be moved”.  
2. Open Space: The Concept Plan shows open space to be located on either side of the main street cutting through from 1600 West to Gooseneast Drive. He feels this is more of a concern than the collector road issue. This is a “safety issue”.

Alvin Harward: If all the open space is on one side of this main road, then everyone on the other side of the road would have to cross a busy street to get to the open space. If open space were on both sides of the road, then there could be smaller parks for the residents on both sides and residents would not have to cross the street. He feels it is safer on both sides.

Chad Christensen: He does not see a problem putting the open space somewhere else; just not against a main arterial.

Scot Bell:

1. At the beginning of the annexation process, the community came to public hearing to express their feelings and concerns regarding this proposed development. Traffic calming measures were discussed at that time. With the slope along 1600 West, the speed increases heading north; the same problem will exist on this proposed major street. Somehow in the process of annexation and Concept planning, the traffic calming aspects have been eliminated from this plan. This was and is a concern of the citizens of this Community and those living outside our City along 1600 West.

2. The City is “under parked” (not enough parks for the population). The City needs “usable” open space; like a baseball field or a soccer field. If the City will eventually “inherit” this open space from the homeowner’s association, the City should have more say on what goes on at these locations. We are supporting other communities in the area of city-league sports because we don’t have the facilities to have these activities in our own City. He does not feel this plan reflects what the Community wants. He feels that dividing a park into two parts on a busy street, is a real safety issue.

Mayor Dunn: This is considered “open space”, not necessarily a park.

Scot Bell: The Community requested additional recreational facilities if this annexation were accepted.

Raymond Brown: If a sports complex were to be developed by Mr. Young, he would also be entitled to higher density points...more amenities = higher density.

Alvin Harward: There needs to be a better understanding of what a “concept plan” is as compared to a Preliminary Plan. He feels preliminary and final requirements are expected at the time of concept; and this is too much. A concept drawing can be drawn on a piece of scratch paper. The Planning Commission voices suggestions to the developer; but as long as a developer meets the Code, he can take the suggestions or not. The Planning Commissions responsibility and power are to enforce the Codes. A developer should not have to keep coming back to concept to comply with preliminary and final requirements.

Scot Bell: There should be a willingness to “work it out together” and address the issues. The Planning Commission has not given any approval to this Concept Plan.

(Mayor Dunn asked Randy Young to share some reasons for the location of the open space, as discussed between the Mayor and Mr. Young.)

Randy Young: There are three separate land owners involved in this development (One owns 50 acres, one owns 60 acres and one owns 12 acres). To stay within Code, each portion of the open space will apply to each individual parcel of land. If one of the land owners falls out of the deal, he (Mr. Young) would still be within Code on the rest of the development.

(One parcel cannot have all the open space heaped on it for all 3 pieces of ground.)

Mr. Young is already at 25% open space, which is a high percentage. He said that most cities are at about a 5% - 10% (some at 15%) open space requirement. There is a point at which the figures just do not “pencil out”. The ground cannot be devalued into just open space for any one of the land owners. There needs to be consistency through the different phases of the development.

Russ Adamson: This was approved as one annexation so he does not follow the reasoning behind Mr. Young’s statement. The Planning Commission has been concerned with the feed-back from the Community and those they have talked to; that the road bi-sects this open space so that a future sport facility would not be possible. He is worried that if this issue is not addressed now, when Preliminary comes forward, there could be a roadblock to hold up progress on the project. If the Community is going to have these facilities in the future, is this the vehicle to acquire them? Does the Council feel the Community will want that open space divided by this major street?



Mayor Dunn: He has shown this Concept to people who have come into the City Office and they have not been negative about it. The one thing the Mayor recalls regarding the Public Hearings was that people wanted open space and a trail; this planned trail connects these various sections of open spaces quite well.

In the General Plan, there is a description of the qualifications of the different classifications of roads (minor, major, collector, arterial) and the major roads are described as "being congested at peak hours". Elk Ridge does not have a street that is congested under this definition.

We also need to take into account the neighboring Cloward property and what he is planning to do with his land. He has proposed subdivision plans in this area and has said he wants to stay within the zoning regulations and not consider a PUD. There will be no open space required.

Russ Adamson: If this is the vehicle to acquire more parks for the City, we may be missing that opportunity.

Mary Rugg: Agrees with what has been proposed by the Planning Commission. She understands what Councilmember Harward says regarding what is required at Concept; but there are times when the City needs to anticipate future needs. If problems can be anticipated, then there should be an attempt to solve those problems before they come up.

Collector Roads: They may not be busy now; but what will they be like as the City grows? At that point, residents are not going to want to be backing out onto a busy road.

Alvin Harward: There is no evidence that in a small community (basically like a subdivision of 1,500 homes) there will be major collector roads. He stated that Santaquin, with a subdivision of 2,500 homes, there is only one collector road for that subdivision.

Mary Rugg: Feels that those collector roads cannot be compared with roads that carry traffic into and out of busier places (the City). Many of the residents on Loafer Canyon Rd. have circular drives so they don't have to back out onto that road. There are still roads that do qualify, even in this small Community.

Alvin Harward: The City cannot bind a developer to do something for the future, we can only follow Code. In this proposed PUD, open space has been given; we cannot dictate that the use be a ballpark.

Mary Rugg: The Council must approve of the Concept the developer presents. The Council has the obligation to voice any objections. The developer must do what the Council directs, not the other way around. The City is in the position of power as to what is allowed with development.

Alvin Harward: The Council cannot require something that is outside our Code.

Shawn Eliot: PUD's... (He has called many cities and the Utah League of Cities & Towns for information on this subject.) Basically, a PUD is a "conditional use", which is above and beyond a "normal" subdivision. The reason PUD's are allowed is to give the City a chance to have a negotiation phase where the City can actually say what they would like to see installed with a particular development. The developer will counter, or agree and it allows this negotiation, back & forth. In the end, if the City should declare that the development is just not what they want, then the developer has the right to then come forward with a regular subdivision. A PUD was just done in Mapleton and it took them 5 meetings to negotiate a "Concept Plan" agreeable to all parties. Most city codes are just as vague as Elk Ridge's, yet look at the PUD's that have been developed, because they were willing to negotiate the terms.

Back on the "road issue": If we look at the busier roads (Salem Hills Drive, Loafer Canyon Road, Park Drive, etc.); how many speeding complaints do we receive? The roads are designed as "larger use facilities", yet we allow homes to be built on them. It is true that our "collector" roads will not be like those in a big city like Orem; but the reason we have a circulation map is to designate the higher-use facilities. Past mistakes in planning cause problems currently. When a road like Salem Hills connects on through to become a "collector road, complaints will increase because years ago, people moved onto a residential road not a "collector" road.

Mayor Dunn: In reality, there is one reason why people complain; because other people don't obey the law. Enforcement is the key. He has asked that the sheriff increase the tickets handed out due to broken traffic violations. If people are going to break the law, they have to be willing to "pay the price". Safety issues can be addressed through enforcement of the existing laws.

Shawn Eliot: He still maintained that correct planning, supported by the Standards and the General Plan, will eliminate future problems.



Mayor Dunn: Open Space: The Mayor went to the site of the proposed development to see what the “lay of the land” is. He asked Mr. Young if he knows the percentage of slope on that property, from the south end to the north end...(He did not.).

Although the property seems fairly flat because there is nothing blocking the view; however, the slope could prohibit a ball park unless there were a great deal of excavation involved. This is a “sloped community” and it may be difficult to plan a sport field. Can we expect a developer to be able to afford this type of improvement? Excavation to this extent would affect the rest of the area planned for homes, as well.

Robert Wright: A ballpark or a soccer field was suggested; it could be a park with trees or something finished-off; not just left, growing wild. From the development view point, a developer should want to build something with unique appeal; that is one of the things that attracted him to this City...the unique style that characterizes Elk Ridge. The Concept stage is the time to make adjustments; if the Concept Plan is not favorable, there will not be a favorable ending to the process.

Mayor Dunn: There may be other options to meet the needs of the City regarding open space; this particular piece of ground may not be the best location for a ballpark or soccer field. Land farther north that is flatter may be more conducive to those types of amenities. There are people interested in developing that area. He is an advocate of Elk Ridge having our own cemetery in one of these open spaces would be a great idea.

Russ Adamson: What other options are there? Have trades been explored? He is still concerned that the City may be passing up an opportunity to acquire the recreational facilities the City needs. How much more major development will provide opportunities for usable space? (Mayor Dunn agreed that trade options should be considered.)

Mary Rugg: She feels this development is the City’s opportunity to acquire these facilities. She also feel one of the problems in the past has been the lack of community involvement; residents tend to believe that their voice on matters does not make a difference. In this instance, the community has voices their concerns regarding how residents will be affected by the proposed road running straight through the proposed development. We have an opportunity to make this as attractive and appealing as possible. The speed traveling north on 1600 West are already a problem; will this be compounded by having a wider road running straight through this development? Who would want to live along this road? Could the road turn a bit? Will the City require more than fields of weeds of these open spaces?

Mayor Dunn: Traffic –calming has been a subject of discussion with the City for some time. Jim Bolser (previous Planner) did a presentation on this topic. Part of our suggestions to Mr. Young with the proposed 106’ corridor (road) has been met: there are proposed sidewalks & planting-strips for trees. These are for the purpose of traffic-calming as much as for appeal. He agrees that 25mph – 30mph speed limit is difficult to adhere to on a wide road with a downward grade. Curving roads do not always accomplish reduced speeds: example is the curved corner of Park Drive & Elk Meadows Drive...vehicles have been clocked at over 50 mph around that curve. There is responsibility to obey the laws.

Alvin Harward: Maintains that the safest road is a straight road where there is good visibility. Enforcement of speed laws is the key. Freeways do not curve in an attempt to slow traffic down.

Russ Adamson: Traffic-calming is not as much of an issue as the open space issue. The open space is a matter that the City does have control over. He has heard no comments on the suggestion made about “trading”; allowing Mr. Young to “trade” properties with the City getting what we want and it still being feasible for Mr. Young to develop.

Randy Young: (Seeking clarification on main concerns):

1. The south piece where 7 homes back up onto Goosenest Drive...nothing else backs up onto a main corridor. (Shawn Eliot indicated that the east/west road going through the development is designed as a “collector”.) Mr. Young has designed that road to continue on through to the next development to the east.

Scot Bell: The circulation map is the third most important element in the General Plan and we cannot arbitrarily declare it is not important. He feels it is absolutely ridiculous to run a city like this. We are breaking our own policies by ignoring this aspect of the General Plan. Mr. Young commented that 11200 South is the “collector” road.

Shawn Eliot: Although he admits that the east/west road running through Mr. Young's proposed development is a bit close to 11200 South, "it should be a little bit further"; but Goosenest Drive is not a "through" street, not does Park Drive. There must be "through movements". Traffic will divert to other ways to local streets. This is what the Planning Commission is trying to avoid.

25 mph should not be the speed limit on main roads...and houses should not be on those roads for that very reason...the purpose is to move traffic through. Speeds should be according to the normal speed on that road, not geared toward the speed being exceeded on a regular basis. (He cited an example in Orem where the City tried to gauge speeds to 85% of common speeds along that particular street.)

Scot Bell: Taking the subject back to parks...Sunrise Engineering (some years ago) informed us that Elk Ridge is "under parked" for the number of residents. If the City is not getting parks, then the problem is being compounded. How fair will it be to future developers to meet all of the demands rather than including current developers in this need?

Nelson Abbott: Isn't this what we are asking of Mr. Young? He was at the meeting when residents came to add input about what was wanted along this main road through Mr. Young's development. What was wanted was to preserve the "open feel" of the area; so that when people come into town, even with more homes, it would still feel like it does now. He has overlaid this map of this development on a topographical map and the ground actually "feeds" downhill...both ways...toward where the road would be located. If it were moved one way or the other, there will be cuts or fills that would have to be done in order to facilitate it.

The open space along this road is there for a reason...to meet the requests of the citizens to maintain an open feeling. He feels this Concept is ready to be approved the way it is. This open space will be park area, with playground equipment...not a baseball field.

Dayna Hughes: She is hearing two conflicting definitions of "collector" roads. She feels this is the main issue. She feels the open space issue is fairly subjective. One of these issues should be solved tonight and the time is running short.

Issue: Are the homes going to back up onto what the City's current Circulation Map defines as a "major collector" road? Do we follow the map section of the General Plan or the other interpretation that it is not truly a "collector" road?

Alvin Harward: This is classified as a "minor collector"; which is defined as having..."posted speeds attainable, with periods of delay during peak hours...congested flow during peak periods of traffic." Does the City have any areas that are "congested during peak hours"?

Dayna Hughes: In the opinion of Councilmember Harward, the Circulation Map is incorrect and needs to be changed; Commissioner Eliot is trying to use the Map to guide development.

Mayor Dunn: Added that when he was on the Planning Commission in Payson, he was counseled by a past Mayor and the City's Planner that, "Maps are only suggestions; you follow them, or not...they are not 'gospel'"...he thought they were; he learned a lesson. So, which way do we go with this? Do we follow a map that contradicts reality? The reality is that when this area is built out; there will be several alternate routes and the traffic will be disbursed. It is the job of both bodies to assess these conditions and make decisions.

Mary Rugg: We do not know what will happen in the future; the only thing we can do is plan.

Alvin Harward: Definition of "Arterial" (General Plan): "When posted speeds not attainable during peak periods of traffic...Significant congestion during peak periods of traffic"...we don't have any significant congestion. This City will not have heavy traffic coming through Elk Ridge...it stops here.

Shawn Eliot: Due to lack of planning in the past, problems have come up like Park Drive; how many residents want to live along a busy road like Park Drive, with the existing speeding problems? (Councilmember Harward responded that this is an enforcement problem...not a building problem.)

Mary Rugg: Agrees that there is an enforcement problem; but the bottom line is that people will break the law.

Dayna Hughes: The issue still remains: There are two conflicting views on the "collector" roads and this affects Mr. Young and his Concept Plan. Will the City Council vote or will the Planning Commission reconsider the Plan?

Mr. Young: Pointed out that there are other connecting roads heading north to 11200 South, which is a major road.

Scot Bell: Expressed concern about the open space between the homes being an area that could not be seen for law enforcement purposes. These areas could become a “nucleus for trouble”. Has this trail system/open space plan created areas difficult to patrol? For the health, safety & welfare of the Community, this should be considered now during the planning stage.

Alvin Harward: This situation exists currently, between every house in the City. There is no way to have a City where everything can be seen.

Reminded Randy Young that there needs to be access to future development of the property east of his development...we need to avoid “isolated developments”.

Mr. Young: Lot #49 will be removed and have a stub street, eventually leading to future development to the east. There is also a north/south road bordering the land owned by Mr. Cloward.

- Larger lots were planned for Goosenest Drive; that is what the Planning Commission and the Council wanted. The objective was to have large lots visible as one enters Elk Ridge. To accommodate this concept, he did arrange some of the lots to back out onto Goosenest Dr. Question: Is it these 7 lots on Goosenest that are the problem? (Yes, that was addressed as one of the problems.)

- Re: Open Space...In response to the question of placing all the open space on one side of the main road: Mr. Young asked if the City wants it all to “flow” through the whole development. It was his understanding that the City wanted a walking path that went through the development and was accessible to all the neighborhoods. If the open space is all on one side of the road, there will still be the issue of having to cross the street to get to the park area. The open space area is steep and there is not a lot that he can do. The road has to be located where it is currently shown; unless it gets very costly. He can review those 7 lots on Goosenest Dr. and move things around so they do not face Goosenest Dr.

Russ Adamson: This is a big safety issue. We are seeing this as being a 40 mph road, like 1600 West is now. We do not want children crossing a street with a speed limit of 40 mph.

Randy Young: There will still be crossing the street with all the open space on one side of the road. (Shawn Eliot suggested having a neighborhood park in the middle of the homes instead of it all right on the road.) Mr. Young requested being allowed to get into the Preliminary stage of this development; and he would commit to complying with these requests as much as possible.

Mr. Young is planning on doing the entire Concept Plan and Preliminary Plat as one development; then he will do the subdivisions in three phases. The corner of 1600 West will not likely be the first stage. He has to be able to access utilities and that would be done more easily at the north side of the development. As a PUD, he has to make sure that all the infrastructure will flow.

Mr. Young will have his engineers review the possibilities of reconfiguring the lots and open space and bring this back to the City.

Responding to a further request to move the main road to another location and the comment that the cost of a project is the responsibility of the developer:

He feels he has tried to comply with the wishes of the City and, in the process, has lost over 100 lots. He has offered to front \$700,000 to be used toward the City's water system.

The cost is not the City's problem; however, the development does have to be profitable for both the City and the developer.

Russ Adamson: If this development is not the vehicle to add a ball field to the City, then he feels it is important to consider it with future development. How will we accomplish acquiring more parks in Elk Ridge?

Mayor Dunn: Agrees that we need to look ahead and consider certain aspects:

- Availability to the Community
- Flatness of the land
- Location

Direction to Mr. Young:

1. Re-visit the open space issue and see what can be done to rearrange the plat so the open-space could be relocated to the south section.
2. Review an alternate plan for the homes on Goosenest Drive.
3. Access into surrounding areas is important. Change the east/west road to extend through lot #49.
4. The plat will stay at the Concept level when re-visited.
5. Consider the possibility of trade options; the Mayor may have some name of some land owners.



Question: (From City Recorder) The current Code allows for homes to front major roads and have circular or “hammerhead” driveways. Rather than having smaller lots, wouldn’t it be preferable to have larger lots with circular drives? Backing out onto Goosenest Drive is not an option anyway.

\*Engineer is checking on the width of the easement on either side of the canal.

**ELK RIDGE  
CITY COUNCIL MEETING**

**April 11, 2006**

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OF MEETING**

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**ROLL CALL**

*Mayor:* Dennis Dunn; *City Council:* Alvin L. Harward, Mary Rugg, Nelson Abbott & Raymond Brown (Absent: Mark Johnson); *Building Inspector:* Corbett Stephens; *Public:* “Scout” Flygare, Jeff & Kathy Christensen, Bruce Collings (Contractor), Anette Brigham, Theresa Dorrity & Chris Orlob (Dish Professionals); & *City Recorder:* Janice H. Davis

**RATIFY POLLED  
VOTE:  
SCHEDULE PUBLIC  
HEARING ON  
CE-1 ZONE**

**MOTION WAS MADE BY CHAD CHRISTENSEN AND SECONDED BY SHAWN ELIOT TO RATIFY THE POLLED VOTE TO RE-SCHEDULE THE PUBLIC HEARING ON REGULATIONS WITHIN THE CE-1 ZONE TO APRIL 20, 2006**

**VOTE: YES (4)                      NO (0)                      ABSENT FROM VOTE: (2) DAYNE HUGHES & RUSS ADAMSON**

**7:10 PM -**

**CITY COUNCIL REGULAR AGENDA ITEMS**

**OPENING  
REMARKS &  
PLEDGE OF  
ALLEGIANCE**

Opening Remarks (prayer) were offered by Mayor Dennis Dunn, after which the Pledge of Allegiance was led by Councilmember Nelson Abbott, 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; MOVING AGENDA ITEM #3 TO THE REGULAR AGENDA & TO STRIKE ITEM #4 FROM THE AGENDA**

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

**GOVERNMENT  
FINANCE  
TRAINING**

The City Council is to meet with the CPA/Auditor in a training seminar on Government Finance. May 13, 2006 is a date agreeable to the Council.

\*The City Recorder will contact the CPA to verify the date.

**JEFF CHRISTENSEN  
BRICK WALL ISSUE**

(Brief History of Issue)

Mr. Christensen just completed building a home in Elk Ridge; during this process, a brick wall was constructed without “flashing” or a “vapor barrier” being in place (code). No inspection was called for. The Inspector just happened to be inspecting close by and discovered the problem. After much communication between the affected parties, the problem has yet to be fixed. The Christensen’s have Temporary Occupancy, based on the completion of certain items, one of the issues is this wall in their garage. They need to know how to proceed; in that the brick mason they hired will not tear down the wall and be responsible for his work.

Jeff Christensen: (Mr. Christensen expressed his gratitude for the job that Corbett Stephens does as Building Inspector for Elk Ridge; he is thorough and does as much as he can to insure that the Code is met.)

Summary of events from Mr. Christensen’s perspective:

He (Mr. Christensen) called for a dry-wall inspection; during which Mr. Stephens noticed that their brick mason was not doing a number of things (flashing) before he laid brick. The “wrap” was around the house section; but not around the side of the garage. Mr. Stephens informed him (brick mason) that he still needed to add the “flashing” and “weep holes”. Mr. Stephens also added that the side of the garage should not be finished until there were solutions, using the various options available. “The brick mason went ahead and finished the wall when he was told not to, cleaned up and left; then “threw” a lien on the house.” (The Christensen’s would not finish paying him.) The brick mason the used works generally in Juab County, where, according to the mason, the building dept. of Juab County does not enforce the house wrap. (House wrap provides added protection by creating a “vapor barrier” to prevent moisture from ruining the structure of the house. Prior to the 2003 International Building Code, was this a requirement? He is not sure. He has spoken to various brick masons and his attorney is working with the brick mason’s attorney, trying to come to a solution. They are at an impasse. Corbett Stephens suggested Mr. Christensen approach the City Council to see if the work could be accepted “as is” (The City Inspector has the obligation to enforce the Code). Mr. Bruce Collings (General Contractor & Brick Mason) was at the Meeting with Mr. Christensen to address the Council and answer questions.

Bruce Collings: Quoting from the “Code Book” regarding “Wall Coverings”:

Brick veneer concrete masonry should have a wrap...(exceptions: footnote R 703.4: “For masonry veneer, the weather resistant membrane, or building paper, is not required for water repellent...[not “water-proof”]...sheeting materials on a 1” air-space left between the brick veneer and the sheeting.” What that says is that if you have “obs”, this is not water-proof, but “water-resistant”. All of your exterior plywood is water resistant. He is sure there must be a 1” air space associated with Mr. Christensen’s wall, because that is the typical way to lay brick. This should pass with no problem. Further, Mr. Christensen says that his brick mason has a “drip edge” and “weep holes”; technically, that is all you would need on that wall.

Mr. Christensen: Once Mr. Stephens found that the brick mason was not installing the “flashing”, the “weep holes” and the drip edge, the brick mason went back and took out the brick on the whole back of the house and on the side of the garage...installed the flashing, weep holes and then on every other section of the house, there is wrap...just the south garage, which faces the sun. There will be no sprinklers hitting that side of the garage and he will have concrete poured 12’ to 15’ on that side of the house.

Mr. Collings: Sprinklers should never be set to hit the house...they should always be set to spray out from the house. He called Orem City to find out their policy on “non-occupied space”; they said you don’t need to wrap it. In over 40 years of contracting, he has never run into taking brick off where the wood was rotted...not with veneer. The problem is with stucco, not brick veneer, which keeps the moisture out.

Jeff Christensen: Request: to not have to tear down that brick wall and re-do it. There will be additional attorney costs and bonding costs; plus, he has been told that it will never look as good as it does now.

Mary Rugg: Asked Corbett Stephens if he is in agreement with this; and would he be willing to go along with this proposal?

Corbett Stephens: “I’m not. The weather barrier that he is talking about on the sheeting... I would have to go back to the manufacturer; and if the manufacturer would certify that as a “vapor barrier”, then I don’t have a choice. I don’t write the Code, I just need to enforce it. I try to enforce it the best way I understand. If the manufacturer will back it, then the liability is off the City and that is really all we’re trying to do, anyway, is limit the liability.”

Mr. Collings: It is not put there as a moisture barrier. It is a water repellent sheeting. That is what your exterior plywood is. My feeling is we do not have a problem with the brick rotting, so why the unnecessary expense. It’s already up, it’s done. I will bet that if your homes are over 5 years old, you don’t have any kind of moisture barrier on it.

Mary Rugg: “You may very well be right”, but Mr. Stephens has concerns and does not want any liability coming back on the city.

Mr. Collings: “Well have him sign a paper saying he won’t come back against the city.”

Mr. Christensen: “I would be glad to sign any kind of paper that would not hold the City responsible.”

Mr. Collings: “I think your beating a dead horse here and trying to punish these guys. They should have put it on, I agree with that. That is the Code and they should have done it. It isn’t on now.”

Mayor Dennis Dunn: Stated that the brick mason that did the work is not welcome in Elk Ridge. It is not acceptable to do work and then ask for forgiveness for not following the Code. We can see to it that he does not do any more work in our city.

Mr. Collings: He agrees, but feels that the owner is being punished not the brick mason. (At this point Alvin Harward asks if the brick mason and Mr. Christensen were informed of what was expected. Corbett Stephens answered that they were.

Mr. Christensen gave an account of a conversation that occurred between him, his wife Kathy and the brick mason:

Mr. Christensen: He wanted to have a meeting with Mr. Stephens and the brick mason and the Mayor; but the brick mason kept saying, "No, let's just finish it and see what happens." Kathy Christensen stated that the brick mason told her that her husband "should shut-up and quit bringing this up", it would be forgotten about. Mr. Christensen wants to build his home according to Code...he paid the brick mason to do that. He wishes there were a way to punish the brick mason; but he feels he (Mr. Christensen) is getting all the punishment.

Kathy Christensen: Feels that Corbett Stephens is doing his job; he is there to protect their home and to make sure it gets done right. They are wondering what to do; their Temporary Occupancy Permit expires May 30<sup>th</sup> 2006. They need to know what to do, legally.

Jeff Christensen: They did have Corbett Stephens file a complaint against the brick mason's license with the State. "I will sign a paper saying that I would never hold the City liable or Corbett."

He has talked to other brick mason's who think that it's absurd to tear the wall down, particularly when we do not live in a humid climate. It is a garage wall; not a common wall to the house. He just wants it resolved.

Raymond Brown: Asked if Mr. Stephens to call and find out if the exterior plywood would meet the vapor barrier requirements. (Mr. Stephens said he could call the next day.) Mr. Collings interrupted with, "They won't do that, because it would make them liable."

Mr. Collings: Asked if the Christensen's could spray the brick wall with waterproofing spray?

Corbett Stephens: Stated that the concern is that the moisture itself deteriorates the structural balance. The moisture comes from humidity.

Mr. Collings: That is what the "weep holes" are for. Mr. Collings thinks that since the wall is on the South side, the moisture will evaporate.

Corbett Stephens: It doesn't take enough moisture to "weep out" the holes to create damage.

City Recorder: Ms. Davis stated, "With two construction people, we are going to be at a standstill." Can we contact our Attorney and have him write up a Waiver to be signed by the home owners, that will stand up in court and that will release the city and the Inspector from any liability? It doesn't look like we are going to come to an agreement. Our inspector is upholding the code and it is obvious that the Christensen's are caught in the middle.

What happens if they decide to sell their home?

Alvin Harward: That would have to be part of the "full disclosure".

\*After further discussion, it was decided that the Mayor will contact the City Attorney to write a "waiver" releasing the City and the Inspector from liability for the work done outside of Code.

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO CONTACT THE CITY ATTORNEY FOR A WAIVER FOR THE JEFF CHRISTENSEN HOME, TO BE SIGNED BY THE CHRISTENSEN'S, RELEASING THE CITY AND THE CITY BUILDING INSPECTOR FROM ANY LIABILITY FOR THE BRICK WORK ON THE GARAGE WALL NOT BEING DONE ACCORDING TO CODE; AND TO MOVE TO FINAL OCCUPANCY FOR THE CHRISTENSEN'S**

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

\*All agreed that the City Council, the Christensen's and Corbett Stephens would file a complaint with the State Licensing Department regarding the substandard work performed by the brick mason that worked for the Christensen's.

#### PUBLIC FORUM

There were no comments from the public.

#### COMMUNICATIONS OPPORTUNITY

Raymond Brown: In the spirit of "soft commercial", he has contacted several people, including those representing "Dish Professionals". He invited representatives of that company to address the Council...Theresa Dorrity & Chris Orlob.



The idea is to offer residents Internet, phone service and Family TV access all in a package deal, where the City could make revenue from the sales. Spanish Fork offers something similar to their residents. The whole package would cost about \$78, with the City making \$10 profit from each home. There are other options, but that is the regular package. There is the advantage of not having fees for additional usage and no franchise taxes for calling because the frequency is over the airways from West Mountain. This would be particularly advantageous when Randy Young's development breaks ground and he opens ditches, because a "hub" could be installed. Councilmember Brown would want the citizens to get a good deal as well as the City being able to make a bit of revenue. Ordinarily, this package costs \$139; if they can get it for between \$79 & \$89 and the City gets about \$10 - \$12 per home, then this could provide roughly \$100,000 per year to the City. The better part is that if Elk Ridge becomes the hub or the primary user, then other cities could tap into this system and Elk Ridge would still make about \$2 from each of their users. This could multiply out rather quickly and provide a good source of income for the City.

(Handouts were passed out to those present.)

Theresa Dorrity: This program was designed for a "private community". This does present a bit of a snag. Elk Ridge would have to set up some type of home owner's association or an LLC of some kind. They cannot sign up a regular city on this program. Where this city is so small, there may be a way around the regulations.

Chris Orlob: This was meant for "locked gate", private communities. So, the only draw back would be that the City would have to post signs at each entrance that this is a "private community"... "locked-gate"... "no soliciting", etc.

There was more explanation about the ways to make revenue on this package and how the program works, including costs for installation.

Alvin Harward: Elk Ridge is not a "private community"... it is a public community.

Mr. Orlob: There are ways to make the City a "locked gate" community. (Residents would have to punch in a security code.)

Alvin Harward: We can't do that.

Ms. Dorrity: Perhaps in the new portion of the City (Randy Young's development), since there would be a home-owner's association, maybe this could be established in that portion of the City. They are not sure how it would work in a city.

Raymond Brown: The important thing is to see how this could work in a public community.

Mr. Orlob: The City could charge a one-time charge for each person that connects to the internet. They would have to ask about the possibilities of franchising for public entities. He still thinks there would be a problem if it is not a private community... even a portion of the City. If it were brought into the new portion of the Community, then it could be taken to the rest of the City... no one would know. (Council response: "We would.")

Discussion of the various subdivisions with home owner's associations. Perhaps these homes would be sufficient for the City to participate.

Mayor Dunn: The Council needs to consider this and get some legal advice. He would never allow the City Council to compromise its integrity or to even move that direction. He is looking for a way to do this with full knowledge that this is a City... a public community.

\*Raymond Brown is to contact David Church (City Attorney).

#### WATER RIGHTS INFORMATION – "CASH-IN-LIEU" DISCUSSION

Mayor Dunn: The Public Hearing on certain proposed changes in the regulation of City water rights is to be held on May 9, 2006. In preparation of these amendments, Jeff Budge (Aqua Engineering) obtained a copy of Santaquin City's Ordinance that allows "cash-in-lieu" of installation of improvements to be paid by developers. (Mayor Dunn read a portion of the sample ordinance to the Council.) This sample ordinance needs to be modified to fit Elk Ridge's situation; but no progress has been made to this end. Tony Fuller and Jeff Budge are trying to figure how to go forward with the current excess of water rights the City has. The adopting ordinance should be written and in place at the City Office within the next three weeks, to be able to go to Public Hearing on May 9. Will the Council do what other communities do and charge the cash-in-lieu fee for the excess water right? These are acre feet of water right that the City did not purposefully acquire; the current situation is a result of various engineering opinions on the amount of water rights necessary for development. With the number of pending developments, this perceived "excess" will not last long; then the City will need to purchase more water rights or accept more rights from developers.

City Recorder: The City has what is considered as its own “water business” that already charges for services and water rights. This is simply a continuation of current policy. This benefits prospective developers and allows the City to accrue funds to eventually purchase more rights, when needed. The City is not “divesting” itself of water rights; we are simply assigning rights that have already been transferred to our points of diversion. People are actually buying a “right to connect to the system and to use a certain amount of water that has been pumped out of the ground.

Mayor Dunn: With all the pending developments, these water right assignments could go quickly.

\*One thing that needs to be determined is if municipal water rights can be pulled from vacant lots in approved subdivisions, after a period of time. The City Planner has not heard of this being the case.

## EXPENDITURES

General:

Alvin Harward:

1. Fire Hydrants: There is over \$24,000 designated in the current budget for fire hydrants. The fire hydrant at the corner of Oak Lane & Canyon View Drive is not functioning properly and needs to be replaced. The estimated cost is \$3,000 to replace the hydrant.
2. Water Line: We have a leak in the 10” water line at the junction of Goosenest Drive & North Park Drive. The cost to repair the line will be approximately \$2,300. (Bids will be collected for the work.)

Question: Why collect bids on the water line and not have Public Works take care of it?

(Mr. Haskell said they would not be able to do it because they would have to turn off the water for a week, if they do it.)

3. SUVMWA Meeting: Councilmember Harward will be unable to attend the Meeting. There was no other Councilmember that was able to attend in his place. The Mayor said he would try to attend.

Check Register:

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO APPROVE THE CHECK REGISTER AND PAYROLL FOR MARCH, 2006**

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

## MINUTES

City Council Minutes of 3-14-06 & 3-28-06:

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RAYMOND BROWN TO APPROVE THE CITY COUNCIL MINUTES OF 3-14-06, WITH CORRECTION ON PAGE 2, PARAGRAPH 4: CHANGE “SALEM CANAL RD.” TO “HIGHLINE” CANAL”; & “...STRAWBERRY WATER IN THE ROAD” TO “HIGHLINE CANAL”**

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

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARY RUGG TO APPROVE THE CITY COUNCIL MINUTES OF 3-28-06, AS WRITTEN**

**VOTE: YES (5) NO (0) ABSENT (1) MARK JOHNSON**

## SHULER LANE

Mayor Dunn: Karl Shuler request that a portion of Shuler Lane returned to him. He wants to build a garage and needs the extra footage for setback purposes. The Mayor has driven the road to assess the situation. Shuler Lane is off of the south side of Goosenest Drive. Years ago it was a private drive; but to accommodate a proposed one-lot development by Brad Shuler, the road was dedicated to the City and widened as much as possible, considering the existing homes and the restrictions created by them. In the opinion of the Mayor, it should never have been a public road. It does not meet standards for road width. The reason it was allowed to be such is that “flag lots” were not allowed at that time and this was the only way this particular lot could be developed.

There is a 10’ strip of road on the east side that Mr. Shuler would like to have back. That strip does not have much asphalt on it, if any. Mr. Shuler is willing to have a utility easement on that strip, if the City needs it.

The Mayor noted that the “turn around” drawn on the Plat that accompanied the Brad Shuler Subdivision, does not exist at the south end of Shuler Lane...it is more of a “hammer-head” or “T” turn around on a private dirt lane.

The Mayor discussed with Mr. Shuler the proposed plans that Elk Ridge & Payson City have discussed regarding future connecting roads for that whole area between the Golf Course and Goosenest Drive.

The Mayor feels this will never be a road that is according to Code. If it were widened at all, it would be at the south end, but not at the north end due to existing homes.


Mr. Shuler is coming before the Council in two weeks to request a portion of this road back.

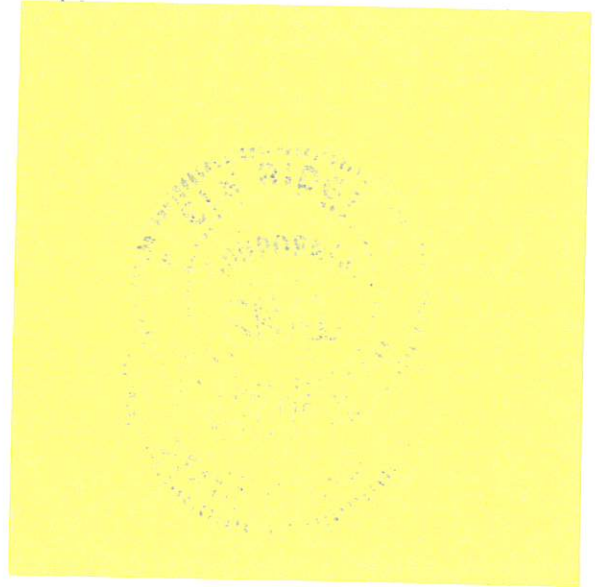
If the road were abandoned as a public road, this would return it to the previous status of a private drive. This may inconvenience the property owners due to the elimination of City services and taking that down to Goosenest Drive.

Alvin Harward: Expressed concern that other property owners would not have access to a public road.

ADJOURNMENT

At 9:10 PM, Mayor Dunn adjourned the Council Meeting.

  
City Recorder





**NOTICE & AGENDA**  
**AMENDED**

Notice is hereby given that the Elk Ridge City Council will hold two **Public Hearings on Tuesday, April 25, 2006;** for the purpose of hearing public comment on the following: the **first Public Hearing, at 6:00 PM**, is concerned with a proposed Ordinance Amending the Elk Ridge City Code Providing for Regulation of Building Heights within Zones. The **second Public Hearing, at 6:10 PM**, is on City Code Amendments regarding Public Hearing Requirements.

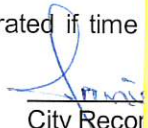
This Public Hearing will be held in conjunction with the Regularly Scheduled City Council Meeting, to begin at 7:00; and a **Joint City Council-Planning Commission-Economic Development Committee Work Session, at 6:20 PM.**

The meetings will be held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.  
All interested persons shall be given an opportunity to be heard.

- 6:00 PM**      **1. PUBLIC HEARING/ORDINANCE – BUILDING HEIGHTS**  
Public Hearing/Ordinance Amendments concerned with the Regulation of Building Heights within Zones
- 6:10 PM**      **2. PUBLIC HEARING/ORDINANCE – PUBLIC HEARING REQUIREMENTS**  
Public Hearing/Ordinance Amendments regarding Public Hearing Requirements
- 6:20 – PM**      **CITY COUNCIL WORK SESSION**  
3. Payson/Elk Ridge Sewer Project – Mayor Dunn  
4. City Street Addresses/Discussion – Mayor Dunn  
5. Candy/Drink Machine – Mayor Dunn  
6. 2006/2007 Budget Discussion – Jan Davis
- 7:00 - PM**      **REGULAR CITY COUNCIL MEETING AGENDA ITEMS:**  
Opening Remarks and Pledge of Allegiance  
Approval/Agenda Time Frame
- 7:00      7. \*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 may restrict the comments beyond these guidelines
- 7:10      8. Karl Shuler – Shuler Lane Right-of-way Consideration
- 7:25      9. Paul Ure – Lot Development/ Request for Water/Sewer Connection
- 7:30      10. Loafer Heights Subdivision – Preliminary Plat Approval – Ron Cutler
- 7:45      11. Salem Hills Subdivision, Plat D, Lot #9 – Lot Split – Earl (Lynn) Wilson  
Request for Water/Sewer Connection and Water Right
- 7:50      12. Planning Commission Member Appointment/Kyle Houghton
- 7:55      13. Bids for Road Installation - East/West Section of Salem Hills
- 8:10      14. Action of Public Hearings:  
A. Ordinance/Building Heights  
B. Ordinance/Public Hearing Requirements
- 8:15      15. Snyder Meadows Subdivision, Plat A – Final Plat Approval
- 8:25      16. Expenditures:  
A. General  
Adjournment

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

The times that appear on this Agenda may be accelerated if time invited to attend this meeting. Dated this 24th day of April, 2006.

  
City Recorder

**CERTIFICATION**

I, the undersigned, duly appointed and acting City Recorder for the City of Elk Ridge, Utah, do hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and provided to each member of the Governing Body on April 19, 2006; & an Amended Agenda on 4-24-06

  
City Recorder

**ELK RIDGE  
CITY COUNCIL MEETING  
April 25, 2006**

**TIME & PLACE  
OF MEETING**

This Regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, April 25, 2006, at 7:00 PM.** It was preceded by two **Public Hearings: the first Public Hearing, at 6:00 PM**, was on an Ordinance Amending the Elk Ridge City Code providing for Regulation of Building Heights within Zones; **the second Public Hearing, scheduled for 6:10 PM**, was on City Code Amendments regarding Public Hearing Requirements. The **City Council Work Session was scheduled for 6:20 PM.**

All interested persons were invited to be heard.

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

Notice of the time, place and Agenda of the Scheduled Council Meetings & Public Hearing, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on April 19, 2006; & an Amended Agenda on 4-24-06.

**6:00 PM**

**PUBLIC HEARING/ORDINANCE – BUILDING HEIGHTS**

**ROLL CALL**

*Mayor:* Dennis A. Dunn; *City Council:* Alvin Harward, Mark Johnson & Nelson Abbott (Absent: Mary Rugg & Raymond Brown); *Public:* Anette Brigham, Jamie D. Towse, Karl H. Shuler, David Morley, Ron Cutler, Carissa J. Nosack & Cory Snyder; and *City Recorder:* Janice H. Davis

Mayor Dunn opened the Public Hearing at 6:04 PM.

There were no public in attendance to for this proposed ordinance.

The City Council was in agreement with the proposed changes, which basically increase the building heights back to where it was in 2002. The height will be measured at 36' from the *highest* point of grade (rather than from the median point of grade).

Mayor Dunn closed the Public Hearing at 6:10 pm.

**6:10 PM**

**PUBLIC HEARING/ORDINANCE – PUBLIC HEARING REQUIREMENTS**

**ROLL CALL**

*Mayor:* Dennis A. Dunn; *City Council:* Alvin Harward, Mark Johnson & Nelson Abbott (Absent: Mary Rugg & Raymond Brown); *Public:* Anette Brigham, Jamie D. Towse, Karl H. Shuler, David Morley, Ron Cutler, Carissa J. Nosack & Cory Snyder; and *City Recorder:* Janice H. Davis

Mayor Dunn opened the Public Hearing at 6:10 PM.

There were no public comments.

This ordinance changes the time requirement for publication prior to a public hearing from 14 days to 10 days (which is in compliance with the Utah Code). It also addresses the "approval process & requirements" for land use issues.

The Council was in agreement.

Mayor Dunn closed the Public Hearing at 6:20 PM.

**6:20 PM**

**CITY COUNCIL WORK SESSION**

**PAYSON –  
ELK RIDGE  
SEWER PROJECT**

Payson City opened the single bid for the new sewer line at 4:00 PM, on 4-19-06, and it was a about one million dollars over the engineer's estimate. They decided not to bond for that amount. Payson is going to re-bid the project and open the new bids on May 17, 2006.

It seems the bids are high because excavators are so busy they feel they can bid high on "smaller" jobs (in comparison with big cities like Provo, Orem & Salt Lake, this would be considered a "smaller" job). The price of pipe could be affected by the high price of petroleum.

Nelson Abbott: There was a meeting with Payson, Mayor Dunn & Councilmember Abbott.

Councilmember Abbott felt the meeting went well and that all parties seem to be in agreement on the terms of the contract (rates, fee structure, etc.). There was one section that needed clarification. Glade Robbins (City Engineer) is to look in to what Payson's Operations & Maintenance (O&M) costs are. Elk Ridge has proposed keeping \$4 of the \$24 charged to users, for administration of the billing and any repairs to the system.

Cleaning and regular maintenance of the lines would be taken care of by Payson City.

Mayor Dunn: The value of the Elk Ridge sewer lines as an asset to the City, as well as the accrued equity, are being taken into consideration regarding who will actually own the lines. Woodland Hills is in a little different situation since they do not have any lines at this time, they are on septic systems.

- Payson would not want repairs or any disaster in their City to reflect in the charges to citizens in Elk Ridge; and the reverse would be true of any necessary repairs or disasters in Elk Ridge not having an impact of Payson residents.

Last year, Mayor Fritz' negotiations with Payson included Payson connecting onto Elk Ridge's water system for fire suppression purposes; that contract is still being considered and has not been signed. It appears that Payson is a little ahead of the process, in that they have begun excavation for that connecting water line. The City Attorney still needs to review all of the proposed contracts.

- Water Rights: Will there be any water rights required for Payson to use Elk Ridge's water?

The water that Payson City would use is for fire suppression only. Payson City would not have to provide rights; however, should development occur and that line be tapped into, then water rights would have to be provided to the City by the developers.

#### CITY STREET ADDRESSES

Mayor Dunn: After looking at the City map and having the engineer's plot the grid lines used for addressing the community, it was found that over 141 homes have been addressed incorrectly. To correct this problem will take some commitment by both the City and citizens.

*Recommendation:*

Mayor Dunn recommends putting together a presentation for the citizens, have a City meeting and correct the addresses.

The Mayor researched the meridian lines established for the City with the mid-point at Fitzgerald's lot. The manner in which they were established did not follow the usual method.

If you put your back to any one of those center lines and look down a road, the even numbers should be on the right and the odd numbers on the left...this works in every city/town.

- Hillside was put in backwards because whoever built and addressed Hillside felt it was more convenient to approach addressing from another perspective rather than the grid.
- This has been working so far because people really don't care and the City has been small enough to find the various addresses and some of the roads have not joined (like east/west Salem Hills Drive, north/south Hillside Dr., east/west Magellan Ln., etc.). How will people know when the meridian line has been crossed between east/west?

Alvin Harward: Pointed out that it is the City Engineer that assigns the addresses, not a developer. He agrees that, although it will be inconvenient, it would be beneficial to correct the problem. This is a safety issue when emergency vehicles cannot find addresses.

Mayor Dunn: This problem will perpetuate itself as more development occurs.

*Suggestion:*

- \*Send letters to affected resident (Mayor Dunn to write & send letters out)
- Have a Public Meeting to explain the problem and the solutions through a power-point presentation.
- The North/South meridian needs to be addressed
- Install signs designating where the east/west divisions are in the roads

Alvin Harward: Suggested having Aqua Engineering re-assign the addresses first; then we would know what the proposed addresses would be when the letters are sent out.

Nelson Abbott: If street names are to be changed, we should do the address and the street name changes all at once.

Mayor Dunn: Cited Phoenix, AZ as an example of a system of naming streets where the names differ according to direction of the street, as well as, which quadrant an address is in; for instance, all "Drives" would be in one quadrant, all "Avenues" in another, etc. and all cul-de-sacs would be either "Circles" or "Courts".

#### CANDY MACHINES

Mayor Dunn: The candy machine in the front lobby area of the City Hall is supposed to be removed. It is privately owned and last year the Council decided to have the machine removed. It creates a problem in the summer when school age children are in the office asking for change, the noise level is distracting, many times the machine needs to be refilled (by office staff). The Mayor simply wants the Council's support in asking that the machine be removed.

Councilmember Johnson suggested the Public Works employees move the machine out to the Bay area; then call the owner and inform them that it can be removed from the bay. The Mayor agreed. \*Mayor Dunn will contact the owner.



NON-AGENDA  
ITEM

Mayor Dunn: Mayor Harding (Woodland Hills) proposes a change in the discussed contract for Building Inspection services from Corbett Stephens. (Mr. Stephens worked for LEI Engineering when the City first contracted for his services as a building inspector. He has since been hired by Woodland Hills to be their full-time Public Works Superintendent/Building Inspector. Mayor Dunn has discussed the option of entering into a like contract with Woodland Hills to continue Mr. Stephens' services as a building inspector; Mayor Harding agreed. Recently Mayor Harding proposed increasing the percentage paid to Woodland Hills from Elk Ridge, based on the higher fee Woodland Hills paid to LEI Engineering. Mayor Harding asked why Woodland Hills paid a larger fee.

Corbett Stephens clarified the situation: Woodland Hills has used Mr. Stephens for much more than Inspections; he has answered zoning questions, acted as the Public Works Superintendent & Zone Administrator, besides building inspections...now he works for Woodland Hills, full-time. He was paid for different services. \*Mayor Dunn will contact Mayor Harding to discuss this with him.

2006/2007  
TENTATIVE BUDGET  
& CIP

City Recorder: The adoption of the Tentative Budget is to be adopted by the end of May. She asked that all Dept. Heads get her updates on the 5-Year Capital Improvement Plan as soon as possible. A Public Hearing is to be scheduled at the next Council Meeting.

The Council needs to decide what will be done about curb/gutter in Loafer Canyon.

The Council decided against any Truth in Taxation Hearing this year and to adopt the Certified Tax Rate.

**ELK RIDGE  
CITY COUNCIL MEETING  
April 25, 2006**

TIME & PLACE  
OF MEETING

This Regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, April 25, 2006, at 7:00 PM.** It was preceded by two **Public Hearings: the first Public Hearing, at 6:00 PM,** was on an Ordinance Amending the Elk Ridge City Code providing for Regulation of Building Heights within Zones; **the second Public Hearing, scheduled for 6:10 PM,** was on City Code Amendments regarding Public Hearing Requirements. The **City Council Work Session was scheduled for 6:20 PM.**

All interested persons were invited to be heard.

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

Notice of the time, place and Agenda of the Scheduled Council Meetings & Public Hearing, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on April 19, 2006; & an Amended Agenda on 4-24-06.

**7:00 PM**

**REGULAR CITY COUNCIL AGENDA ITEMS**

ROLL CALL

*Mayor*: Dennis A. Dunn; *City Council*: Alvin Harward, Mark Johnson & Nelson Abbott (Absent: Mary Rugg & Raymond Brown); *Public*: Anette Brigham, Jamie D. Towse, Karl H. Shuler, David Morley, Ron Cutler, Carissa J. Nosack & Cory Snyder; and *City Recorder*: Janice H. Davis

OPENING REMARKS  
& PLEDGE OF  
ALLEGIANCE

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

AGENDA TIME  
FRAME

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO APPROVE THE AGENDA TIME FRAME, STRIKING AGENDA ITEM #12**  
**VOTE: YES (3)                      NO (0)                      ABSENT (2) MARY RUGG & RAYMOND BROWN**

PUBLIC FORUM

Public Comments:

Anette Brigham: Has been fielding questions regarding future development in the City. She has been correcting misinformation that has spread about the development of the corner of 1600 West.



SHULER LANE  
RIGHT-OF-WAY

There was a handout for the Council regarding a brief history of Shuler Lane, written by Karl Shuler:

Issue: Width of road right-of-way for Shuler Lane.

Request: Elk Ridge City deed back the 11.72' along Mr. Shuler's west boundary.

Brief History of Shuler Lane.

When Shuler Lane became a city road, the pavement was widened on just Mr. Shuler's side due to the fact that Mark Brown's home (the other side of the Lane) was located much closer to the road. It was not feasible to deed the property for the full length (436'), because it would have taken a significant portion of Mr. Shuler's cement driveway, well-established trees and sprinkler system. This created a narrower right-of-way for 190' on the north end of Shuler Lane.

*Discussion:*

1. Mr. Shuler does not feel he should have been required to deed the 11.72' to the City. He feels it should have been considered a legal, non-conforming road width; with legal, non-conforming set-backs for buildings.

2. Currently, the paved portion is approximately 19' 6". If the property were deeded back to Mr. Shuler, the paved portion of the road could still be widened an additional 8 or 9 feet; this would make the paved portion approximately 28' wide.

3. For years Mr. Shuler has planned on building a detached garage just south of his current home. With the current situation and the 40' set-back requirement, the garage would have to be set-back about 60' from the paved road. This seems excessive to Mr. Shuler since the front set-back on a main building in Elk Ridge is 30'.

Karl Shuler: Reviewed his handout with the Council. Mr. Shuler is willing to keep a portion of the road (if deeded back to him) as a utility easement, if required.

Mayor Dunn: Has paid a recent visit to Shuler Lane to inspect the situation.

1. It is a non-conforming width

2. He looked up some of the history behind the action to have Shuler Lane dedicated as a public road.

*Recommendation:*

He feels the City should give the entire road back to the Shuler's and make it a private Lane, which would mean that City services (garbage collection and snow plowing) would change: garbage cans would have to be taken to Goosenest Dr. and the City would no longer plow the street.

Mr. Shuler: He prefers not having Shuler Lane as a private drive. The residents pay taxes and would want to continue with City services.

Alvin Harward: He would prefer to keep the road as access to the property south of Goosenest Drive.

Mayor Dunn: Pointed out that the portion of the right-of-way that Mr. Shuler wants back is not paved with asphalt.

It was decided to:

1. Schedule a Public Hearing to vacate that 11.72' on the east side of the street, with a utility easement to remain in place for any future development and installation of infrastructure.

2. Refer this to Ken Young to determine what is required to vacate a portion of a city street.

(Noticing requirements for vacating a street are a bit more stringent than vacating a plat.)

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY NELSON ABBOTT TO SCHEDULE A PUBLIC HEARING FOR MAY 23, 2006, AT 6:10 PM, TO CONSIDER THE VACATION OF A PORTION OF SHULER LANE**

**VOTE: YES (3) NO (0) ABSENT (2) MARY RUGG & RAYMOND BROWN**

(This date may not work, depending on the noticing requirements for a vacation of a street.)

\*Ken Young to be notified.

PAUL URE –  
LOT DEVELOPMENT  
REQUEST FOR  
WATER/SEWER  
CONNECTION

(Memo form City Planner to Council)

"The applicant desires to develop the 1-acre parcel at the southwest corner of Hillside Drive & Salem Hills Drive, in the CE-1 Zone (there was an attached map showing location of the parcel). Prior to submission of a conceptual grading plan for review, Mr. Ure desires to attain approval for both water shares and a sewer connection to service this property.

The property is not a subdivision lot, but rather an existing metes and bounds lot."

There was no further information coming forward on this property.

Mr. Ure was not present at the Meeting.

Question: What improvements will be required?

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO APPROVE A WATER RIGHT ASSIGNMENT AND A SEWER CONNECTION TO THE PARCEL LOCATED ON THE SOUTHWEST CORNER OF HILLSIDE DRIVE AND EAST SALEM HILLS DRIVE**

**VOTE: YES (2)**

**NO (1) NELSON ABBOTT**

**ABSENT (2) MARY RUGG & RAYMOND BROWN**

LOAFER HEIGHTS  
SUBDIVISION –  
PRELIMINARY PLAT

(Memo from Planner to City Council, dated 4-25-06)

*Background:*

The application submitted by Mr. Cutler is for the creation of 5 new lots at the east bend of Park Drive, with an extension of Loafer Drive through the subdivision. This parcel has been looked at by a few potential developers. Creating 5 lots to fit on the property was a challenge, but the applicant has achieved it with a creative traffic calming road design. It appears to be a good plan for this property.

In their view, the Planning Commission recommended approval of this Preliminary Plat with the condition that the need for road improvements on Park Drive be resolved by having the City Engineer determined a fair market value for road improvements, so that funds can be placed as cash-in-lieu for when the City's plans for the road improvement are determined.

Following submission of a revised plat and further review by staff, additional concerns have been demonstrated. The City Council will need to determine:

1. What to do with the 50' of "no man's land" (City right-of-way) between the property and the existing Park Drive roadway. The ultimate need or use of this land for future road widening is in question, especially because of the grading along Park Drive as it makes the bend and heads down the hill. It has been suggested that the land (or a portion) could be dedicated to the owners, or that it be retained by the City but used and maintained by the property owner.
2. Whether curbing is necessary along Park Drive. Public Works Director, Kent Haskell, believes it is an unnecessary expense with very little water coming off the road. (See Kent Haskell's comments attached). If curbing is required, it would be better to have it installed, rather than do a cash-in-lieu arrangement.
3. Whether a sump is required at the end of the property on Park Drive. The determination of curbing would affect the requirement for a sump. A half-sump is suggested by the applicant, but not recommended by staff. A full-sump should be installed if one is required.

*Recommendation:*

Following the resolution of the above items, it is recommended that the City Council approve the Preliminary Plat for the Loafer Heights Subdivision.

*Aqua Engineering* (Jeff Budge): In a letter dated 4-18-06, states that the minimal difference in cost between a ½ sump and a full sump does not justify the City deviating from the standard design for a sump. It was recommended that Preliminary approval be granted.

*Kent Haskell: (Comments of Loafer Heights Subdivision)*

1. "If a sump is required, it needs to be a full sump. My reasoning is that to give a variance will cause problems down the road with others wanting to do the same.
2. Re: 50 ft. of road right-of-way between Park Drive & Lot: Let the homeowner maintain it but the City retain possession. Treat it as part of the lot. Even let them put a fence on it.
3. Re: Curb on Park Drive: I do not feel there should be any curb on Park Drive. Going southeast from the street, the curb will not continue anywhere as the land slopes off down the hill. Going west, also I feel there is no need for curb as there is not very much water that will be caught coming off the road. The water can absorb into the building log. In my opinion, it is unnecessary expense.
4. I feel that rather than do cash-in-lieu for improvements, it would be better to just put the curb in if required."

The Council reviewed the recommendations and the Plat.

Mayor Dunn:

1. One of the issues: 50' right-of-way
  - A. Deed it back to the property owner, or
  - B. The City keeps it for future widening of the road

Alvin Harward: Feels it would be better to deed the right-of-way to the property owners. It is not likely the City will widen that road and the area would then be maintained by the owners.

2. Curbing along Park Drive:

Even with the opinion of the Public Works Superintendent, the City still has a Code in place that requires curb & gutter as the standard.

Alvin Harward: Feels curb & gutter should be required, with a sump at the end.

3. Full Sump or ½ Sump:

After Discussion, it was decided to require a full sump.

(The property owners stated that they would be adding 2 ½ extra feet to the arc on the north side of Park Drive.)

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO GRANT PRELIMINARY APPROVAL TO THE LOAFER HEIGHTS SUBDIVISION, PLAT A; WITH THE FOLLOWING CONDITIONS:**

1. **THE CITY WILL DEED THE 50 FOOT RIGHT-OF-WAY BETWEEN THE EXISTING ROAD AND THE PROERTY INCLUDED IN THE PROPOSED SUBDIVISION, TO THE PROPOERTY OWNERS**

2. **CURB & GUTTER WILL BE REQUIRED ON THE ARC OF PARK DRIVE**

3. **A FULL SUMP IS REQUIRED TO BE INSTALLED**

**VOTE: YES (3) NO (0) ABSENT (2) MARY RUGG AND RAYMOND BROWN**

SALEM HILLS  
SUBDIVISION,  
PLAT D, LOT 9 –  
LOT SPLIT

(Memo from Planner to Council, dated 5-4-06)

Following review of the Plat submitted for the Lynn Wilson Lot Split, it appears that it is in compliance with the development standards & ordinances of Elk Ridge City. The Wilson lot has an existing home on the eastern side, allowing for sufficient lot area; frontage and setbacks to be met on the planned new lot.

The following will be required to accomplish the creation of a new development lot:

1. Reimbursement of \$1,200 to the City for the cost of installation of sewer & water stubs to the new lot. (A lot split was anticipated when the City improved Bridger Lane 5-6 years ago.)

2. Approval of assignment of a water share.

3. Approval of a sewer connection.

(The lot under consideration is located on Bridger Lane.)

Nelson Abbott: He has less of a problem granting a sewer connection to this lot, in that it was in the process of splitting the lot previously and thought it was completed; it did not get finished. This process is also considered "in-fill", not new development.

The sewer/water laterals are already in place.

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY NELSON ABBOTT TO GRANT THE NEWLY-CREATED LOT FORMED BY THE LOT SPLIT OF SALEM HILLS SUBDIVISION, PLAT D, LOT 9 THE FOLLOWING:**

1. **WATER RIGHT = 1.3 ACRE FEET**

2. **ONE SEWER CONNECTION**

**VOTE: YES (3) NO (0) ABSENT (2) MARY RUGG & RAYMOND BROWN**

BIDS FOR ROAD  
INSTALLATION –  
EAST/WEST  
SECTION OF  
SALEM HILLS DR.

Mayor Dunn: The Mayor had both Staker Paving & Geneva Rock come to bid on this project; however, Geneva declined the opportunity to bid. One bid came through for \$199,610.40; also including the "T" Intersection at Elk Meadows & N. Park Drive. The Mayor recommends getting a second bid and use the information to set into place a "road impact fee" to build a "Perpetual Road Fund".

Gaining financial information allows us to be able to move forward with a Road Impact Fee Study.

Alvin Harward: Why spend \$12,000 on the "T" Intersection at Elk Meadows & Parks Drive?

Why not wait until the lot to the north is developed, then straighten out the road?

Nelson Abbott: Gas prices will affect these bids.

\*1. Gather other bids to compare with.

\*2. Leave the "T" for a later time when development of the parcel on the corner occurs.

(The three Councilmembers present agree.)

ACTION ON  
PUBLIC HEARINGS

1. Ordinance/Building Heights:

No further comments.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR REGULATION OF BUILDING HEIGHTS WITHIN ZONES, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE**

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

Passes 3-0

2. Ordinance/Public Hearings Notice:

No further comments.

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY NELSON ABBOTT TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING TFOR THE NOTIFICATION AND HOLDING OF PUBLIC HEARINGS, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE**

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

Passes 3-0

SNYDER MEADOWS  
SUBDIVISION,  
PLAT A –  
FINAL PLAT

Mr. Cory Snyder has completed all requirements to allow Final Approval on his development. He has purchased a water right assignment form the City and has taken care of the bonding for the improvements to his development.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO GRANT FINAL PLAT APPROVAL TO THE SNYDER MEADOWS SUBDIVISION, PLAT "A"**

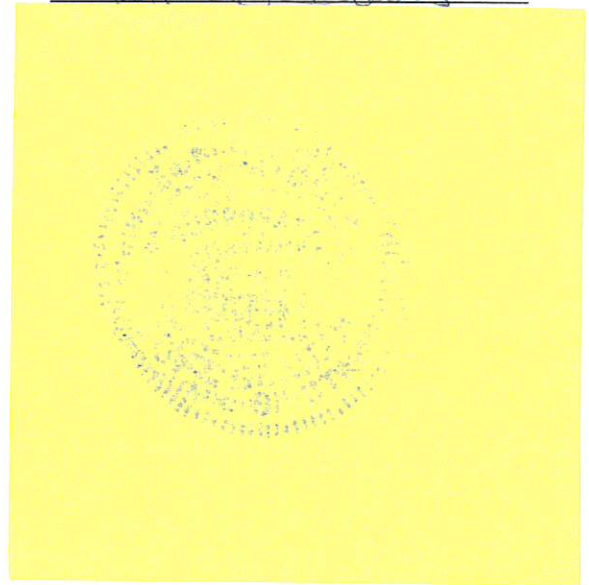
**VOTE: YES (3) NO (0) ABSENT (2) MARY RUGG & RAYMOND BROWN**

EXPENDITURES:

General: None

ADJOURNMENT

Mayor Dunn adjourned the Meeting at 8:10 PM.





### **AMENDED NOTICE & AGENDA**

Notice is hereby given that the Elk Ridge City Council will hold two **Public Hearings on Tuesday, May 9, 2006;** for the purpose of hearing public comment on the following: the **first Public Hearing, at 6:00 PM**, is concerned with proposed Street Name Changes in Elk Ridge City. The **second Public Hearing, at 6:30 PM**, is on proposed City Code Amendments regarding Water Rights.

These Public Hearings will be held in conjunction with the **Regularly Scheduled City Council Meeting, to begin at 7:00;** and a **City Council Work Session at 6:40 PM.**

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

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

- 6:00 PM      1. PUBLIC HEARING/STREET NAMES CHANGES**  
Public Hearing/Proposed City Street Name Changes
- 6:30 PM      2. PUBLIC HEARING/ORDINANCE – WATER RIGHTS**  
Public Hearing/Ordinance Amendments regarding Elk Ridge Water Rights
- 6:20 – PM      CITY COUNCIL WORK SESSION**  
3. Discussion/ Paul Tervort Property – Mayor Dunn  
4. Discussion/Loafer Canyon Recreation Association – Mayor Dunn
- 7:00 - PM      REGULAR CITY COUNCIL MEETING AGENDA ITEMS:**  
Opening Remarks and Pledge of Allegiance  
Approval/Agenda Time Frame
- 7:00      5. 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 may restrict the comments beyond these guidelines
- 7:10      6. Lot Split - Salem Hills Subdivision, Plat D, Lot #9 — Earl (Lynn) Wilson)
- 7:20      7. Paul Tervort Property/Action – Mayor Dunn
- 7:25      8. Action of Public Hearings:  
A. Street Name Changes  
B. Ordinance/Water Rights
- 7:35      9. Rocky Mountain Subdivision, Plat "B":  
A. Water Right Assignment  
B. Final Plat Approval
- 7:45      10. Paul Ure – Lot Development/ Request for Sewer Connection
- 7:55      11. Tipton Subdivision Preliminary/Final Plat Approval
- 8:05      12. Elk Meadows – Concept Approval – Mayor Dunn
- 8:20      13. Oak Bluff Estates, Plat "B" – Lot Line Adjustment
- 8:30      14. City Park/Rock Wall – Mary Rugg
- 8:35      15. Schedule Public Hearings:  
A. Tentative 2006/2007 Budget & Capital Improvements
- 8:40      16. Expenditures:  
A. General
- 8:45      17. Minutes  
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.

Dated this 5<sup>th</sup> day of May, 2006.

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

### **CERTIFICATION**

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and provided to each member of the Governing Body on May 4, 2006; and an Amended Agenda on 5-5-06.

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

**ELK RIDGE  
CITY COUNCIL MEETING  
May 9, 2006**

**TIME & PLACE  
OF MEETING**

This Regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, May 9, 2006, at 7:00 PM.** It was preceded by two **Public Hearings: the first Public Hearing, at 6:00 PM,** was on Proposed Street Name Changes & **the second Public Hearing, scheduled for 6:30 PM,** was on a Proposed Ordinance Amending Water Right Regulations. The **City Council Work Session was scheduled for 6:40 PM.**

All interested persons were invited to be heard.

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

Notice of the time, place and Agenda of the Scheduled Council Meetings & Public Hearings, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on May 4, 2006; & an Amended Agenda on 5-5-06.

**6:00 PM**

**PUBLIC HEARING/ORDINANCE – STREET NAME CHANGES**

**ROLL CALL**

*Mayor:* Dennis A. Dunn; *City Council:* Alvin Harward, Nelson Abbott, Mary Rugg, Raymond Brown (Absent: Mark Johnson); *Engineers:* Jeff Budge & Tony Fuller; *Planning Commission:* Russ Adamson; *Public:* Linda Christensen, Paul Washburn, Paul Tervort, Julie Smith, Bud Whitaker, Ron Jasper, Blain Ogden, Lindsey Andrus, Dennis Roberts, Mike Dubois, Heather Barker, Kilee Linford, Laura Turner & Cathie Ogden; *Scouts:* Jones, Robby Calcote; and *City Recorder:* Janice H. Davis

Mayor Dunn opened the Public Hearing at 6:06 PM.

*Recommendation from the Planning Commission:*

1. Rename Ama Fille Ln. to?
2. Rename the north/south portion of Park Drive & Elk Meadows Drive to Elk Ridge Drive, Since the will all soon become one thoroughfare.
3. Rename the north/south portion of Salem Hills Drive to Canyon View Drive

Numbers 2 & 3 were addressed; but the residents on Ama Fille Ln. were not notified of the Meeting, so this will wait until a later date. The suggestion was made to consider renaming Ama Fille Ln. to Amy Lane, to keep the original sentiment.

Lee Haskell, the developer of that Subdivision, should be consulted.

Mayor Dunn: There has been a long-standing problem in the City with confusion regarding some of the street names that are similar. There have been times when emergency vehicles have gotten lost in search of a particular address. The minutes lost in locating an address could be life-threatening.

With health & safety issues the driving force behind the proposed street name changes, the Mayor recommends changing:

1. The north/south part of Salem Hills Drive to Canyon View Drive; this would continue that south portion of the road already named Canyon View to the north. The east/west portion of Salem Hills Drive would retain the current name.

(The Mayor has one bid in to finish the middle section of east/west Salem Hills Drive for an estimated \$199,000.)

Residents on Salem Hills Drive were notified of the proposed changes by letter.

2. Elk Ridge Drive, North Park Drive & Elk Meadows Drive (current) all to Elk Meadows Drive, which is the road coming off of the Highway. Elk Ridge Drive will be cut on a diagonal through the proposed development on the corner of 1600 West & Gooseneck Drive, known as Elk Ridge Meadows Subdivision.

Public Comment:

- Letter from Fire Chief's wife, Jenny Olson was read by Mayor Dunn (resident on Salem Hills Dr): Mrs. Olson expressed her support of the safety reasons for changing the name of the street; though she is not opposed to the change, she also realizes this will be a temporary inconvenience for the residents affected by the change.

- Cathy Ogden (lives on Salem Hills Dr.): She also agrees that there is a problem that needs to be addressed; however, it will be an inconvenience to those living on the affected portion of Salem Hills Drive.

- Ron Jasper (lives at the north end of Salem Hills Drive & Bridger Ln.) Years ago, Mr. Jasper brought up these same issues of "confusion" of street names to the Council. He had had visitors from out of the Country that got lost. It has been a hassle.

These complaints were not noted back then, and now after all these years, the change has been proposed at a great inconvenience; many parties will have to be notified of this change of address. Why did it take so long?

Another issue: On North Salem Hills Drive, there exists a road block where the road will eventually continue on to the north. Currently it is open land and in the past, people were using the dirt road as a short-cut to connect onto Hudson Ln. The short-cut created problems and damage to private property; so a road-block was installed. Will this road eventually connect on through? He is concerned with the traffic that will result from a through road.

As retired Fire Chief, Mr. Jasper does understand the problems with addresses.

Mayor Dunn: Yes, and it will happen when the property owner develops the land. Eventually, the road will connect to 11200 South (County Road). The 24" gas line also runs through that area and must be dealt with when the land is developed.

(Non-Agenda Discussion) There about 16 homes on the north/south Salem Hills Drive that will have to deal with these same issues. The problem has expanded to include 147 addresses that are wrong (around the North Park & Elk Meadows area). This is from years of various engineering firms using the wrong basis to assign addresses. The Mayor has an engineer from Aqua Engineering to come up with new addresses. These addresses will have to be changed, or the problem will be worse with more development.

Jan Davis: The matter comes down to safety issues versus a major inconvenience to the affected residents.

Linda Christensen: (Recently an ambulance was coming to her home for her husband and it was detained due to being lost, trying to locate the correct address on S. Salem Hills Drive.) She described the panic she felt when the ambulance did not arrive for a while. She realizes changing the addresses is not convenient to the residents; however something needs to be done to assist the emergency services.

Blain Ogden: Asked how long the change-over process will take.

Mayor Dunn: Various entities will be contacted by the City to inform them of the change: Dispatch, Nebo School District, etc. The Post Office will allow up to two years to forward mail. Delivery Services (UPS, Fed Ex, etc) will gather their information from Dispatch. The Mayor warned that residents must be careful in giving addresses to emergency services, to not revert back to their previous address when in a stressed state-of-mind. Children must relearn their new addresses.

The Elk Ridge Drive change may take longer due to some individual addresses needing to be corrected. The diagonal portion of Elk Meadows Drive is in Phase 3 of the proposed development of Elk Ridge Meadows; that could be 2 to 3 years out.

Ron Jasper: Suggested replacing the bigger Elk Ridge sign on the Highway that was located at 1700 West; it was removed when Elk Ridge Drive (1600 West) connected to the Highway.

An attractive sign on the north side of the Highway would be helpful in finding the City.

(The Mayor made note of this suggestion.)

There were no further comments.

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

6:40 PM

#### **PUBLIC HEARING/ORDINANCE – WATER RIGHTS**

Public Hearing/Ordinance Amendments regarding Elk Ridge Water Rights

ROLL CALL

*Mayor*: Dennis A. Dunn; *City Council*: Alvin Harward, Nelson Abbott, Mary Rugg, Raymond Brown (Absent: Mark Johnson); *Engineers*: Jeff Budge & Tony Fuller; *Planning Commission*: Russ Adamson; *Public*: Paul Washburn, Paul Tervort, Julie Smith, Bud Whitaker, Lindsey Andrus, Dennis Roberts, Mike Dubois, Heather Barker, Kilee Linford, Laura Turner; *Scouts*: Jones, Robby Calcote; and *City Recorder*: Janice H. Davis

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

He read the proposed Ordinance and noted that the table listing the breakdown of the water rights necessary for development needs to be updated.

The proposed ordinance allows a cash-in –lieu of payment for water right "credit" within the City's water system; it also refigures the breakdown of required acre feet of water rights per lot.

The water rights are to be sold at a fair market value, which at this time is about \$3,500/acre foot. Correction to the proposed ordinance: Change from "no less than 1.1 acre ft." to "no less than 1 acre ft."



The proposed ordinance addresses the type of water right acceptable to the City and the process of conveyance. The process of conveyance will be considered a "Project Improvement". Determination of the amount of cash-in-lieu to be paid to the City will be figured by multiplying the acre feet of water right required for the size lot by the fair-market value (currently at \$3,500). The market value will be re-evaluated periodically by the City Council.

Tony Fuller: He suggested a change in the wording in "C" of the proposed ordinance, from "domestic purposes" to "municipal purposes". The Council agreed.

Nelson Abbott: He cautions the Council against "mortgaging" any water rights assigned to other lots.

Mayor Dunn: Recommends keeping close contact with Jeff Budge and Tony Fuller during this time period of accepting cash-in-lieu of water rights; and to re-assess the "fair market value" every 6 months. (Mr. Fuller agreed with that.)

City Recorder: Should the market value be set by ordinance, by resolution or by City Council decision, by vote? (Mr. Fuller pointed out that the ordinance allows the Council to decide.)

Jeff Budge: Recommended keeping the way in which the "Impact Fee" (cash-in-lieu) is charged the same as the process in place with water & sewer impact fees. (Mr. Fuller agreed.) Changing fees by resolution is easier than by ordinance. The motion could reflect that this process is to be determined.

\*The other Impact Fee Ordinances need to be checked out.

The Mayor closed the Public Hearing at 6:55 PM.

#### PAUL TERVORT PROPERTY

Mayor Dunn: Introduced the matter by briefly summarizing the issues:

The Mayor met with Mr. Tervort, his wife and Mr. Reo Carson on or about May 1, 2006, at the City Office regarding a piece of property north of the City and just south of the Highline Canal.

Brief History of Issue:

Mayor Dunn received a phone call from Salem City's Engineer, Mr. Bruce Ward, who was fulfilling an assignment from the Mayor, the City Attorney and himself as the Engineer...to contact Elk Ridge regarding a request made by Mr. Paul Tervort to annex this piece of property into Salem City. Mr. Ward asked the Mayor how he felt about that and the Mayor responded that he preferred to honor the existing Interlocal Agreement for the City's urban growth boundaries; but the Mayor said he would like to talk to Mr. Tervort. An appointment was set up. During the interim period, the Mayor did some research.

A Petition to annex into Salem City, signed by the property owners, was presented to the Mayor; all owners except Mr. Jared Bradford have signed the Petition requesting to be withdrawn from Elk Ridge City's build-out declaration. The owners also declared that they would like to pursue a Petition for Annexation into Salem City (signed by: Ron & Debbie Porter, Gary & Lorri Hansen, Sarah Hughes, Reo & Janice Carson and Paul & Mary Jo Tervort).

During the Meeting with the Mayor, Mr. Tervort explained that their group wanted to annex into Salem City for long-standing sentimental reasons. They discussed urban growth boundaries and the Interlocal Agreements with the surrounding communities. They also discussed the source of water and sewer for that area and the future of infrastructure. The Mayor further expained the written agreement the City has with Payson and the other agreements with Woodland Hills and Salem City. The agreement with Salem is that Elk Ridge will not expand north of the Highline Canal and Salem will not expand south of the Highline Canal. The property in question doesn't belong to any community; it is currently located in the County. With development, there will have to be a decision where it will go. Most annexations are done in a "contiguous" manner and cannot create an island; islands must be annexed into a community.

Paul's group was firm on not coming to Elk Ridge. The Mayor told Mr. Tervort that he would share with the Council his request to not ever be a part of Elk Ridge.

On May 3, 2006, the Mayor was also contacted by Mr. Washburn about the property (interested in purchasing the property for development); he wanted to know what was going on and the Mayor shared with him the discussion of the meeting that took place on May 1<sup>st</sup>.

Mr. Tervort: Added that the property in question is contiguous with Salem on its north boundary and though the land is also contiguous with Elk Ridge, the property owners are adamant that they all want to annex into Salem for a number of reasons:

1. Future of this area is "brighter" with Salem, with schools, opportunity for commercial development, athletics and other services available.
2. The Highline Canal was a natural "dividing line" between the two communities, but they feel the new County Road (11200 South) is a better dividing line.



Mr. Reo Carson: (Owns land just east of that belonging to Mr. Tervort) He feels the utilities and other services would be better taken care of through Salem and he agrees that 11200 South is a better dividing line between Salem and Elk Ridge. He feels the issues associated with connecting roads, including the bridge, need to be worked out.

Mayor Dunn: The property owned by Mr. Tervort could change hands (be sold); and the prospective buyer (Paul Washburn) wishes to develop the land. He was present at the Council Meeting.

Mr. Washburn: About two months ago he entered into a contract to purchase the property from Mr. Tervort.

Mr. Tervort: He was aware the property is within Elk Ridge's "build-out"; and the contract was written specifically to require that the land had to go to Salem as a condition of the sale of the land.

Mr. Washburn: After signing the contract, Mr. Washburn went in to the Salem Office to inquire about the annexation into Salem; Salem was very firm that that [property was not within their Policy Declaration; that it was part of Elk Ridge's. The Washburn's were informed that they needed to contact Elk Ridge, which they have done.

Mr. Washburn wanted to share some of his thoughts with the Council:

1. There is a lot of emotion involved with this and he does not know if he initially understood how much. The question whether they would be better off in Elk Ridge or Salem...short term, they would probably be better off in Elk Ridge. There is water, sewer, power and basically all the things it takes to develop. The development to the west (Randy Young's) would tie in easily to their proposed development. The trail system could continue on into their development. These things are important to them, as prospective developers; while there are other issues important to the Tervort's.
2. One of the issues for him is that he has looked at the property and feels that communities needs to "tie together". As he develops the land, he will eventually be gone and there would be 100 or so families left living on the property. The boundaries, 1600 West, Loafer Canyon Road and the Canal become "impediments" for the residents in that area to really being a part of the community of Salem...they would be somewhat "isolated" from the rest of the community. This would not be the case with Elk Ridge. Boundaries do make a difference. Elk Ridge is going to grow and have its own services and activities. It seems a more natural tie to come the direction of Elk Ridge than the other direction.  
If Elk Ridge would not like to have this land in your community, then they would make the best of going with the other community (Salem); but they feel that it would make more sense to tie into Elk Ridge.

Mayor Dunn: He sees two different "fields of thought": one is more sentimental and one is quite economical; so as a Council, we need to address these issues in a fair and democratic. In the long run, which way makes more sense and would be more conducive of making a community grow in a balanced manner?

Mr. Tervort: Salem City said they would love to have that land in their community. Mr. Tervort said the reason Mr. Washburn got the information he did was that he had spoken to the City's Attorney and the Attorney never talks to the Mayor and Council. He added that the only reason they are even at the Meeting tonight was due to the agreement between Elk Ridge and Salem regarding the build-out boundaries. Salem said they would need for Elk Ridge to "back out" of the agreement; "otherwise we'll have to use some other alternative".

Mr. Washburn: He talked to their (Salem's) Attorney; but he also talked to Salem's Mayor...with Mr. Tervort...in the same room, together. Salem said that if Elk Ridge "doesn't want you, we will take you; there's no question about that". They also made it very clear that they had no intention of trying to re-write the boundary agreement themselves...it is up to Elk Ridge to decide what they want to do.

Council Comments:

Alvin Harward: He feels it would be a "poor system" to have that property go into Salem. The Canal is a natural barrier. Elk Ridge already has development going to the Canal and it would be "extremely foolish" for the Council to want to have a piece of land "jog up into Elk Ridge that belongs to another city". It does not make any economic sense. It could cause many problems "down the road". That is why we come to these agreements with the surrounding communities...these natural boundaries is where the boundaries between cities should be.

Mr. Carson: It is not just Mr. Tervort's property being considered; there are the other pieces of land extending further east.

Mayor Dunn: Yes, but it is the Paul Tervort pieces that is being considered tonight.

Mr. Tervort: Explained the percentages owned by various land owners in that area: Mrs. Tervort represents about 40%, Reo Carson represents about 40% and the other owners represent the remaining percentage. About 95% of the land owners want to go to Salem. As he explained before, "the contract is written to go to Salem; and that is a tight contract". (Mayor Dunn asked if that was legal?) Mr. Tervort responded, "According to my people...said it can be that way".

Mayor Dunn: Began to say, "I would not want us to make a decision until..."; however he was interrupted by Mr. Tervort:

Mr. Tervort: "You need to make a decision...whatever your decision is, you write us the letter what your decision is and then we'll act on your decision...whatever way, after that."

Comments:

Nelson Abbott: Needed clarification of the boundaries between the cities. If Mr. Tervort's land were annexed into Salem, would that action not create a "peninsula"?

Mr. Carson: There is a similar dispute between Salem and Woodland Hills and the part of their boundary declarations that over-lap. According to Mr. Tervort, property owners in Woodland Hills had withdrawn their petition. There is a sensitive area including wells in Salem that are all in Salem's Source Protection Zones.

Mayor Dunn: Elk Ridge has a proposed well projected for this area. The City also has some water issues in the aquifer located in that area.

LOAFER CANYON  
RECREATION  
ASSOC.

Mayor Dunn: (Memo to Council)

"Alvin Harward and I were escorted by Mr. Christensen through the Mt. Loafer neighborhood and stopped at the City's well location. We looked at the grounds and the three surviving trees of the original 26. Our tour was throughout the Canyon, not the upper part of the properties. Discussion was centered on the look of the well property and how the City and Association have dealt with each other over the years. It was recommended that the City and the Association get together and have a meeting to express all issues of concern."

The Mayor agrees with this recommendation.

The Mayor was impressed with the beauty of the recreation area. The City needs to instigate perhaps a couple of Eagle Projects to further beautify the lot where the well is located.

There is not the "best of history" and the Mayor wants to make it better; because they are good people; they are a part of the City, they will continue to be part of the City...unless they want to de-annex somehow. He knows 'feelings have been trampled on'..."trees have been trampled on"; but we want to make the area look nice. We want to be "good neighbors" as a City...we want them to be comfortable with us...and to have a "better, if not the best, working relationship".

As a result of the tour we would like to:

1. Put together a couple of Eagle Project to beautify the area where the well is located.
2. Set up a meeting to meet with the Association's leadership and discuss the issues and try to solve them.
3. The Mayor mentioned to Mr. Christensen that there are things their Assoc. needs to be aware of:
  - A. When the sewer line comes within 300 ft. of their property, they must connect to it. There is talk of Don Mecham bringing a sewer line from Woodland Hills.
  - B. This will also apply to the west section of Goosenest Drive, when the sewer line is extended to that area.

We like them as neighbors and want them as neighbors...it is a beautiful little gated community.

The Council agreed that the Mayor should contact the Association to schedule a meeting, to take place during the Work Session of a regular Council Meeting.

**ELK RIDGE  
CITY COUNCIL MEETING  
May 9, 2006**

**TIME & PLACE  
OF MEETING**

This Regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, May 9, 2006, at 7:00 PM.** It was preceded by two **Public Hearings: the first Public Hearing, at 6:00 PM,** was on Proposed Street Name Changes & **the second Public Hearing, scheduled for 6:30 PM,** was on a Proposed Ordinance Amending Water Right Regulations. The **City Council Work Session was scheduled for 6:40 PM.**

All interested persons were invited to be heard.

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

Notice of the time, place and Agenda of the Scheduled Council Meetings & Public Hearings, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on May 4, 2006; & an Amended Agenda on 5-5-06.

**7:00 PM**

**REGULAR CITY COUNCIL AGENDA ITEMS**

**ROLL CALL**

*Mayor:* Dennis A. Dunn; *City Council:* Alvin Harward, Nelson Abbott, Mary Rugg, Raymond Brown (Absent: Mark Johnson); *Engineers:* Jeff Budge & Tony Fuller; *Planning Commission:* Russ Adamson; *Public:* Paul Washburn, Paul Tervort, Julie Smith, Bud Whitaker, Lindsey Andrus, Dennis Roberts, Mike Dubois, Heather Barker, Kilee Linford, Laura Turner; *Scouts:* Jones, Robby Calcote; and *City Recorder:* Janice H. Davis

**OPENING REMARKS  
& PLEDGE OF  
ALLEGIANCE**

An Invocation was offered by Jan Davis and Kilee Linford led those present in the Pledge of Allegiance, for those willing to participate.

**AGENDA TIME  
FRAME**

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO  
APPROVE THE AGENDA TIME FRAME, ADJUSTING THE START TIME TO 7:34 PM  
VOTE: YES (4)                      NO (0)                      ABSENT (1) MARK JOHNSON**

**PUBLIC FORUM**

Public Comments:

Russ Adamson: RE: Chip & Seal on the roads...Any legal action for the faulty project?

Mayor Dunn: He has been calling the Spanish Fork Engineer for the last 5 or 6 months to try to get some answers. They finally made contact and he actually came to Elk Ridge with another gentleman from Spanish Fork (correlates the interlocal projects). The Mayor took these gentlemen to every chip & seal road in Elk Ridge that was done last year. The roads were closely inspected; some of the conclusions are:

- The tar did stick to the road
- We have what amounts to a "slurry seal" (good for 4 to 5 years, even with the gravel coming off)
- The gravel will continue to come off the roads because, in their opinion, the gravel was dirty (was not washed properly)...it was dusty and did not create a "bond".
  - A. The 1<sup>st</sup> load of gravel that came in was used on Goosenest Drive was good and the project turned out fine.
  - B. Every other road in town has failed...not a complete failure because the tar is still in place to create the "slurry seal".  
The bad news is that the gravel (chip) will continue to come off because it was dirty.
  - C. There were requests that the gravel be washed during installation...the workers saw dust coming off the gravel.
- The City is not going to do anything, at this point; except continue to clean the roads as best as we can. We are not going to try to re-chip it or re-seal it. There will be tests done on another part of the road to see what the results will be.
- Another suggestion was to asphalt the east side of the City Hall/Fire Station to be able to put the chips there and be able to wash it without picking up any dust from the ground.

LOT SPLIT –  
SLAEM HILLS  
SUBDIVISION –  
PLAT D, LOT 9

(Lot belonging to Earl (Lynn) Wilson)

Memo from Planner to Planning Commission for their 5-9-06 Meeting:

“Following review of the Plat submitted for the Lynn Wilson Lot Split, it appears that it is in compliance with the Development Standards & Ordinances of Elk Ridge City. The Wilson’s lot has an existing home on the eastern side, allowing for sufficient lot area, frontage & setbacks to be met on the two planned new lots.

The City Council approved the assignment of a water right and a sewer connection to this new proposed lot on 4-25-06.

The Planner advised that the Planning Commission recommend approval of this lot split.”

Lindsey Andrus: (Representing Mr. Wilson) Years ago Mr. Wilson tried to split his lot on Bridger Lane. He did not complete the process and wishes to do so now. He is attempting to get his affairs in order for his children; he has no intention of selling the lot at this time.

*Comments:*

This is a situation where the process is being completed; there were no further comments.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RAYMOND BROWN TO APPROVE THE LOT SPLIT FOR SALEM HILLS SUBDIVISION, PLAT D, LOT 9**

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

PAUL TERVORT  
PROPERTY –  
ACTION

Mayor Dunn: Asked the Council for their input:

Mary Rugg: (Question) Should the Council check on the clause in the referred to seller’s contract regarding the absolute condition of annexation into Salem City?

Nelson Abbott: Agrees that the Council should know if it is legal to require this in the seller’s contract. He would not want to have the Council’s action result in legal fees for anyone.

Alvin Harward: Advised that this is not a problem to be considered by the Council; this is business between the seller and the prospective buyer. The Council’s concern is whether to “back out” of the agreement with Salem City.

Nelson Abbott: There is a natural boundary; as long as this (contract between buyer & seller) is not a problem for the Council, he has no problem voting on it.

*Mayor Dunn asked for the Council’s position to abandon the established boundary or to stay with it:*

All the Council present agreed that the land in question should remain in Elk Ridge’s proposed build-out area.

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO DENY THE REQUEST TO NEGATE ELK RIDGE’S AGREEMENT WITH SALEM ON THE BOUNDARIES THAT INVOLVE THE TERVORT PROPERTY (NORTH OF ELK RIDGE AND SOUTH OF HIGHLINE CANAL); AND HENCE THAT PROPERTY WILL REMAIN PART OF ELK RIDGE’S BUILD-OUT BOUNDARY**

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

\*Mayor Dunn will contact Salem City’s Mayor & Attorney to pass on the result of the City Council’s action.

ACTION ON  
PUBLIC HEARINGS

1. Street Name Changes:

Mary Rugg: Expressed her concern about repercussions resulting from any street name changes made at this meeting.

(Residents have been notified and there will be a transition period to allow the change-over.)

She wanted to verify that Lee Haskell would be notified on the personal issue of the proposed street name change on Ama Fille Lane.

\*(Yes, he will.)

Nelson Abbott: Businesses will keep updated on information from the Postal Service.

Mayor Dunn: Listed the proposed changes to be considered at this meeting:

- North/South Salem Hills Drive be changed to Canyon View Drive

- North Park Drive. Elk Meadows Drive will not change until the addresses have also been corrected.

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO APPROVE THE FOLLOWING STREET NAME CHANGES:**

**1. NORTH/SOUTH SALEM HILLS DRIVE FROM CANYON VIEW DRIVE NORTH, TO CANYON VIEW DRIVE**

**3. NORTH PARK DRIVE AND ELK MEADOWS DRIVE TO ELK RIDGE DRIVE**

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



2. Ordinance/Water Rights:

Mayor Dunn: Reminder that corrections were made:

A. Page 2: changing 1.7 acre ft. of water right to 1.0 acre ft.

B. Change “domestic” to “municipal”

C. The spread sheet must reflect the changes

D. Wording to charge Impact Fee must match that of other Impact Fees being charged

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO ADOPT AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE ELK RIDGE CITY MUNICIPAL CODE, PERTAINING TO THE TYPE, QUALITY AND AMOUNT OF WATER RIGHTS THE CITY REQUIRES AS A PORTION OF ITS MUNICIPAL WATER SYSTEM IMPACT FEE; ALSO, OUTLINES AND SOLIDIFIES CONDITIONS UNDER WHICH THE CITY CAN ACCEPT “CASH-IN-LIEU” OF WATER RIGHT FOR ALL OF THE WATER RIGHT PORTION OF THE IMPACT FEE; WITH THE FOLLOWING CORRECTIONS:**

1. 10-12-32 (A) CHANGE 1.1 TO 1.0 ACRE FT.

2. 10-12-32 (C) CHANGE WORD “DOMESTIC” TO “MUNICIPAL”

3. 10-12-32 (E) CHANGE THE PROCESS OF CHARGING FAIR MARKET VALUE TO MATCH THE PROCESS THE WATER & SEWER IMPACT FEES ARE CHARGED

4. CORRECT TABLE (10-12-32-T1) TO REFLECT THE CHANGED FIGURES FOR REQUIRED AMOUNTS OF WATER RIGHT TO 1.0, 1.1, 1.3, 1.3 & 1.8 ACRE FEET OF WATER RIGHT

**VOTE: YES (POLLED) RAYMOND BROWN-AYE, ALVIN HARWARD-AYE,**

**MARY RUGG-AYE, NELSON ABBOTT-AYE**

**NO (0)**

**ABSENT (1) MARK JOHNSON**

ROCKY MOUNTAIN  
SUBDIVISION,  
PLAT B –  
WATER RIGHTS &  
FINAL PLAT

(Memo from City Recorder to Council, dated 5-5-06)

Brief History:

On April 26, 2005, Rocky Mountain Subdivision, Plat B, was approved for Final Plat (minutes of that meeting attached). Recording of the Plat was pending compliance with the final list, provided by Mrs. Folks. Water Rights was the main issue with Plat B; the developer assumed he had approval from the City for City-owned rights, based on the previous arrangement made for Plat A. The City did not have enough water rights to do this and was not aware of this assumption. Mr. Dubois attempted to find water rights on the open market, but could not find any. He waited for the City to free up certain excess acre feet.

(Mr. Dubois was at the Meeting to request some of these water rights and to arrange paying the required “Impact Fee” for them.)

Since the previous Council had already granted Final, that portion of the Agenda *may* be stricken; however, there is a section in the City Code (10-15A-3 (C3) that states that after 6 months, if all conditions have not been met, the decision is “null & void”. So, the Council will probably want to re-visit this approval. (The Council was provided with a copy of this section of the City Code.)

The City Attorney declared that the Plat should be considered null & void and either remove the previous signatures from the mylar of the Plat or have the developer provide a new final plat for signing and recording. (The previous Council's signatures were removed.)

The quantity of water rights is yet to be determined.

The amount of acre feet per acre of land has changed, as has the amount to be charged.

There are 13 lots in Plat B.

Raymond Brown: Questions:

1. Is Goosenest Drive going to change to another street name at the east end, as it curves into the area? (It has been discussed in the past.)

(No.)

2. Will full-width roads be installed? (Mr. Dubois said that the roads are full-width roads.)

Tony Fuller (present at the Meeting) feels it is best to figure the amount of water right by the lot, rather than over-all acreage.

Alvin Harward: Was concerned that the lots in the development would be sold a few at a time and the water rights would be sitting, unused. Mr. Dubois responded that this is not his intention.

There were no further comments.

**MOTION WAS MADE BY ALVN HARWARD AND SECONDED BY NELSON ABBOTT TO GRANT TO ROCKY MOUNTAIN SUBDIVISION, PLAT B AN ASSIGNMENT OF WATER RIGHT IN THE AMOUNT OF 14.3 ACRE FEET, ACCEPTING CASH-IN-LIEU OF WATER RIGHT IN THE AMOUNT OF \$3,500/ACRE FOOT**

**VOTE: YES (4)**

**NO (0)**

**ABSENT (1) MARK JOHNSON**

Final Plat Approval:

*Discussion:*

Raymond Brown: Wanted clarification:

- Are the roads installed? (Mr. Dubois: For Plat A, not for Plat B)
- Do you (Mr. Dubois) have the new sump design the City has approved? There was a change between Plats A & B...it is a larger and more efficient sump.
- \*(Mr. Dubois needs to get a copy of the new design)
- The roads include full width and curb & gutter? (Mr. Dubois: Yes.)

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO GRANT FINAL PLAT TO ROCKY MOUNTAIN SUBDIVISION, PLAT B; WITH THE UPDATE FOR THE SUMP DESIGN**

**VOTE: YES (4)**

**NO (0)**

**ABSENT (1) MARK JOHNSON**

PAUL URE –  
LOT DEVELOPMENT

Mayor Dunn: This is the same lot considered at the last Council Meeting for approval of a sewer connection; this lot was formerly owned by Mr. Boyd Winterton. The request for an additional sewer connection was denied by the Council (Vote was 2-1, with one "nay" by Councilmember Abbott). Since that time, Mr. Winterton, Paul Ure & Mr. John Henry met with Mayor Dunn and brought in some additional information.

- "Early 1990, Boyd & Bonnie Winterton contracted with Jim Winterton, doing business as Suburban Land Corp. to provide asphalt road base, sewer & water lines fronting property. Cost: \$19,500
- Mid-October, 1993: I (Boyd Winterton) inquired as to feasibility of obtaining water rights, & to determine procedure for platting Hansens's lot (Verbal Reply: Negative: Both issues.) Reasons for Negative reply: Lots are non-conforming as to size. Zone CE-1 applies now (1993)
- October 18, 1993: Application for Amendment to Zoning Ordinance  
Result: Request was denied."

(Memo from City Recorder to Council)

Mr. Winterton also provided information which he felt assured had granted him a water right transfer of about 28 acre feet, to the Elk Ridge City wells (points of diversion) by the State Drinking Water Board.

I (City Recorder) submitted all of the information provided by Mr. Winterton to Mr. Tony Fuller & to Aqua Engineering; Mr. Fuller responded with a letter dated May 4, 2006.

Mr. Fuller investigated the water rights and accompanying documents provided by Mr. Winterton, as well as the State Engineer's database; he found:

"The four rights in the group, which have been previously combined into change application

(a 11340), are owned by Mr. Boyd Winterton. There are no documents in the State Engineer's File that link the rights in any way to Elk Ridge City. The rights together total 28.808 acre-feet, and are presently permitted from an 8 inch diameter well located in Section 20, T9S, R2E, SLB&M (which is between Payson & Spring Lake). The permitted uses are 6.837 acres of irrigation, 2 families, and 20 ELU's (livestock).

Mr. Winterton had a change application prepared that shows himself and Elk Ridge as owners; he & his wife signed the change application, but there is no evidence that Elk Ridge City ever signed it, and there is no evidence in the file that it was ever submitted to the Division of Water Rights (State Engineer), so it is of no effect. (The Change would have moved the right to the City's wells and changed the use to municipal.)

Because of the intricacies of water law and the change application process, the Winterton's apparently were under the mistaken impression that since the State Office printed out a change application and they signed it, it was all approved.

The City, if you wish, can initiate a change application on this right. I would like to have a chance to investigate the background of this right, particularly how and where it has been used since title was transferred to the Winterton's in 1998, until present.

After I (Mr. Fuller) have done further investigation, with your go-ahead, I can write an opinion on the quality of the right and it's suitability for use in the City's water system."

(Continuation of memo from City Recorder to Council)

"1. Sewer Connection: Does the Winterton's contribution (19,500 toward road improvements, including water & sewer) warrant an additional sewer connection?

2. Water rights assignment? (Does Mr. Winterton wish to re-apply for transfer of his rights to Elk Ridge? Does he have other land to develop?"

After reconsideration of the contribution made to the City, the Council agreed that the matter should go to a re-vote.

It was decided that a portion of the City's water rights would be assigned to this parcel; 1.15 acres X 1.8 acre feet of water right = 2.07 acre feet.

For the present, Mr. Winterton is not going to proceed with re-applying to transfer his other water rights to Elk Ridge.

Nelson Abbott: Apparently, Mr. Winterton assisted in installing the sewer line in Hillside Drive, along with the other improvements, amounting to \$19,500; in anticipation of developing the west side of the road. There is nothing in writing as far as a contract with the City for the work completed by Mr. Winterton.

(The proof seems to be the fact that the sewer main is in the road and has been connected onto by lots on the east side of Hillside Drive.)

*No further comments:*

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RAYMOND BROWN TO ASSIGN 2.07 ACRE FEET (x \$3,500 = \$7,245.00) OF WATER RIGHT AND ONE SEWER CONNECTION FOR THE PARCEL LOCATED AT THE SOUTHWEST CORNER OF HILLSIDE DRIVE AND E. SALEM HILLS DRIVE**

**VOTE: YES (2) NO (2) MARY RUGG & NELSON ABBOTT**

**TIE BREAKER VOTE: MAYOR DUNN VOTED YES**

**ABSENT (1) MARK JOHNSON**

Passes 3-2

\*(Note: The amount of water right should be re-evaluated...will the City assign more than 1.8 acre feet of water right to any one parcel/lot?)

\*Ken Young is to contact Paul Ure/John Henry.

The action of the Council allows the property owners to move forward with the Planning Commission.

*Discussion:*

Note: (City Recorder: Currently, this is being handled as a "Lot of Record". There is little difference in this situation and Mr. Cory Snyder's, and Mr. Snyder went through the subdivision process. In the past, Mr. Winterton was in the middle of a subdivision process wherein he requested a Zone Change for a 4-lot subdivision. When the Zone Change request was denied, the process was abandoned. Since then, Mr. Winterton sold on of the acres to a Mr. Hansen; changing the configuration of the original parcel. Perhaps this needs to be re-evaluated with the City Planner. Now the owners are returning to finish the process.

Alvin Harward: Agrees that this does not qualify as a "Lot of Record".

Nelson Abbott: The owner (John Henry) mentioned that he wishes to split his one-acre parcel into two ½ acre lots.

Mayor Dunn: They already tried that and couldn't do it. They know the history; it is in the Critical Environment Zone.

Nelson Abbott: Is there a minimum lot size in the CE-1 Zone?

(It is one acre, unless it is in a PRD.)

Mayor Dunn: "It will never be smaller than what it is."

TIPTON  
SUBDIVISION,  
FINAL PLAT

(Memo from Planner to Council, dated 5-9-06)

"The Preliminary and Final Plats for the Tipton Subdivision as 65 Salem Hills Drive have been submitted by the applicant and reviewed simultaneously. This was recommended by staff since it is a simple one-lot subdivision. The new lot is being created on property which currently includes a platted lot with an existing home, and some remaining un-platted land. Curb & gutter are not required to be installed since none currently exist on the road, where most lots have been developed. There are no drainage or other development issues identified by the Technical Review Committee.

- The City Council approved the assignment of a water right and a sewer connection to this new lot on April 11, 2006.

- The Planning Commission reviewed this proposal on May 4, 2006, and recommended approval of the Preliminary and Final Plats for the Tipton Subdivision."

*No further discussion.*

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY NELSON ABBOTT TO GRANT PRELIMINARY AND FINAL PLAT APPROVAL TO THE TIPTON SUBDIVISION, PLAT A, LOT 1**

**VOTE: YES (4)**

**NO (0)**

**ABSENT (1) MARK JOHNSON**

ELK MEADOWS  
SUBDIVISION –  
CONCEPT  
APPROVAL

(Memo from City Planner to City Council, dated 5-9-06)

Randy Young, developer, has worked with the City for some time in preparing a concept plan for the Elk Ridge Meadows Development. After a version of the concept plan was reviewed by both the Planning Commission and the City Council in the last two months, a new version of the plan was submitted by Mr. Young, meeting the change requests that had been recommended. This revised plan was reviewed by the Planning Commission last Thursday. The Planning Commission made some additional recommendations for changes and then gave their approval of the plan, subject to those changes.

Although the City Code does not stipulate the approval process of authority for concept plans, it is appropriate for the Planning Commission to grant approval. However, since this is a large scale development, the plan also needs approval from the City Council.

It is my opinion that the recommended changes (see Planning Commission minutes and concept plan with written change recommendations) represent good planning and will serve to create a better development. It appeared that Mr. Young was in agreement with the recommended changes and was willing to revise his plan.

Recommendation:

It is recommended that the City Council approve the Elk Ridge Meadows Concept Plan as presented by Randy Young and as revised with the changes recommended by the Planning Commission."

There were two versions of a Concept Map included with the memo to the Council:

- Original Concept map (open space on both sides of Elk Ridge Drive)
- Amended Concept map (open space on one side of Elk Ridge Drive)

Mayor Dunn: Has spoken to Mr. Young on the phone (Mr. Young was not present at the meeting) about the requested changes to Concept. The Mayor explained the written-in comments and notes on the 2<sup>nd</sup> version of the Concept Map, as noted by the Planning Commission, regarding the changes.

The Mayor reviewed the changes, as noted in the Planning Commission minutes of 5-4-06 (1-9).

Mary Rugg: re: open space...She expressed her concern that the development would have open fields of weeds, if not landscaped.

Mayor Dunn: Responded that when he spoke to Mr. Young, these concerns had been discussed, specifically regarding the open space ending up in weeds. The Mayor mentioned that at one time we had mentioned having grass in there (in the open space) and he said he is "okay with grass".

Mary Rugg: Wanted clarification that he (Mr. Young) would lay water lines and the sprinklers...

Mayor Dunn: That needs to be worked out with him.

Alvin Harward: He thinks that all of it (open space) needs to be watered..."we can't just go with weeds..."

Nelson Abbott: If we get all these weeds and they will be blowing seeds into people's yards.

Mayor Dunn: If the open space is weeds, then the weed abatement laws would go into effect. It would be no different that weed patches on properties that we have now; only this would be much bigger and would be a problem...we don't want it to be a "problem".

Margaret Leckie: Some of the Planning Commission suggested grass along with some "zero-scaping" for water conservation.

The Council agreed with this suggestion; as long as it is maintained.

Mayor Dunn: Feels the Planning Commission has been quite thorough and asked the Council how the members feel about the comparison between the two versions of the Concept map... What are they comfortable with? What do they want the City to look like?

Alvin Harward: Prefers the 1<sup>st</sup> Concept map better with some of the changes recommended; except the Phase with the main drive (Elk Ridge Drive) cutting the diagonal...he prefers the open space be on both sides of the road rather than on one side. One of the Planning Commission's concerns was "safety" and how dangerous it would be if people had to cross the busy street to get from one side of the open space (park) to the other...now they are proposing that more people cross the street to get to the open space...if it were all on one side.

There will not be a baseball diamond or a soccer field due to the slope.

Another problem is that the backs of the homes would back up to the main street entering Elk Ridge.

Raymond Brown: There was a recent ordinance passed regarding having front and side yards completed within a certain time period; now we would have back yards facing the City's beautiful entrance and they would be unattractive.

Nelson Abbott: This is the entry-way into the City and he envisions it as having nice trees and looking nice.



Raymond Brown: (RE: Straight main street or a curved main street) If the road has trees on either side, it would have a “calming effect” already built in. Statistic prove that these types of things will slow traffic down...a curve in the road, by itself, would not accomplish the purpose of calming traffic.

His main concern is that he does not want back yards facing the main entrance to the City.

Mary Rugg: Prefers the newer version (submittal #2) for the section furthest north.

(The Council agreed.)

Mayor Dunn: Prefers the newer version (submittal #2) for the middle section.

Redefining the trail as 10’.

(The Council agreed.)

- The Mayor prefers the original version (submittal #1) for the section on the corner of 1600 West and Goosenest Drive (with the open space on either side of Elk Ridge Drive).

- The Mayor likes the “safety cul-de-sac” (by lot 1).

- He would rather see front yards coming off of Goosenest Drive than backyards.

- He likes the round-about.

According to Mayor Dunn, Mr. Young said he was okay with going back to the 1<sup>st</sup> submittal for the corner section.

Nelson Abbott: Questioned the double-dark lines on the sides of parts of the roads.

(They are called chicane; they are “traffic calming” devices.)

Mayor Dunn: He is not in favor of these. They are little extensions of the curbing that are built out from the curb & gutter to slow traffic down. Problems could evolve with snowplowing the roads.

Raymond Brown: Suggested “stamped asphalt” rather than “chicanes”. It would be an attractive Alternative and would also have a “calming” effect on traffic. (Gary Proctor has a business that does this kind of work.)

(The Council agreed.)

Mary Rugg: (Question) Can the City request what will be done to the open space, at the time of Concept Approval?

Mayor Dunn: Feels it “wouldn’t hurt” to address this issue now. He will need to talk to Mr. Young about it again; he has agreed to grass previously. The Mayor advised that whoever makes a motion, to include the following: as Mr. Young designs his Preliminary, the open space be planned for grass and “zero-scaping”.

Raymond Brown: The trails need to match up with what the City has planned and has described in the Grant Application for “Trails” (3 or 4 feet of gravel & zero-scape + lighting.) This should also be included into the motion. These standards will be consistent throughout the City.

(\*The City missed out on the Trails Grant by only about 8 points. The things our application was missing could have been easily corrected, had we had more experience. There is another program that the City could consider applying for to get part of the trail installed. The Grant will be re-applied for next year.)

**MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY ALVIN HARWARD TO APPROVE THE CONCEPT PLAN FOR ELK RIDGE MEADOWS SUBDIVISION WITH THE FOLLOWING CONDITIONS:**

- AS RECOMMENDED BY THE PLANNING COMMISSION FOR THE UPPER (NORTH) PORTION OF THE PROPOSED DEVELOPMENT;
- AS RECOMMENDED BY THE PLANNING COMMISSION FOR THE MIDDLE PORTION OF THE PROPOSED DEVELOPMENT;
- THE “ENTRY PORTION” (SOUTHWEST PORTION) AS PRESENTED IN THE 1<sup>ST</sup> SUBMITTAL FOR CONCEPT APPROVAL
- WITH THE REMOVAL OF ALL “CHICAINS”; REPLACING THOSE WITH “STAMPED ASPHALT”
- THE OPEN SPACE SHALL HAVE GRASS & “ZERO LAND-SCAPING”;
- THE TRAILS WILL MATCH THE STANDARD AS NOTED IN THE GRANT APPLICATION FOR TRAILS

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

\*Mayor Dunn will contact Mr. Young the following day.

OAK BLUFF  
ESTATES, PLAT B –  
LOTS #32 & 33 -  
LOT LINE ADJ.  
(COLEY'S COVE)

(Memo from Planner to Council, dated 5-9-06)

"The applicant has been working with the City for some time to determine a method of being able to achieve his desires for building on the subject lot. Being a corner lot, it should have a minimum width of depth or side yard street frontage of 110 feet. The lot was created with only 100 ft. depth and thus makes it more difficult to build a house with any comfortable footprint size and meet the setback requirements. A corner lot requires a 30' setback in the front, back and side along a street.

To achieve his desired buildable area and meet the setback requirements, Mr. Olsen has made arrangements with his neighbor to the north, on lot 33, to acquire an 8-foot wide strip of property along their common boundary. This will allow both owners to comply with the code setback requirements. The lot line adjustment does not include a small area in the east corner, which the neighbor wishes to maintain.

The Planning Commission reviewed the proposal on May 4, 2006, and recommends approval of this lot line adjustment."

After discussion, the Council voted to approve.

Question: Is the other property owner in agreement with this?

(Margaret Leckie (Plan Coordinator) spoke with Sharon Wintch and she confirmed that, yes, they are in agreement.)

**MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY ALVIN HARWARD TO APPROVE THE LOT LINE ADJUSTMENT FOR OAK BLUFF ESTATES, PLAT B, LOTS 32 & 33, AS RECOMMENDED BY THE PLANNING COMMISSION**

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

CITY PARK –  
ROCK WALL

Mary Rugg: Councilmember Rugg presented two bids for the proposed rock wall for the ballpark.

1. One is the original bid + \$1,500

Total = \$26,820

2. The other bid is what had been requested by the Council; to lower the parking lot and haul out the dirt, build retaining walls, etc. There would be a great deal of area dug out and we would actually lose part of the parking area. It will not make this any safer to have kids kicking balls off the park. The cost to haul the dirt away would be over \$9,000.

Total = \$37,510

Recommendation:

To go with the original bid of \$26,820 (including the extra 1,500).

Raymond Brown: Still feels the parking would be safer if the parking lot were arranged on the diagonal and the parking lot were dropped. They would enter the parking lot from one direction and leave, still heading the same direction...in a circular drive manner.

Mary Rugg: The parking lot would have to extend out into Burke Cloward's property west of the ballpark.

The east side of the City Hall should also be asphalted.

**MOTION WAS MADE BY MARY RUGG AND SECONDED BY NELSON ABBOTT TO APPROVE BID #1 FOR \$26,820, PLUS \$1,500 FOR STAIRS TO THE STREET**

**VOTE: YES (3) NO (1) RAYMOND BROWN ABSENT (1) MARK JOHNSON**

SCHEDULE PUBLIC  
HEARING

Tentative 2006/2007 Budget & Capital Improvement Plan:

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY MARY RUGG TO SCHEDULE A PUBLIC HEARING TO ADOPT THE TENTATIVE 2006/2007 BUDGET & CAPITAL IMPROVEMENT PLAN FOR MAY 26, 2006, AT 6:30 PM**

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

NON-AGENDA  
ITEM

The Finance Seminar with the City CPA will be this Saturday (5-13-06) at 8:00 AM.

EXPENDITURES:

General: None

MINUTES

City Council Meeting on 4-11-06:

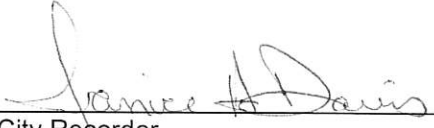
**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO APPROVE THE CITY COUNCIL MINUTES OF 4-11-06; WITH CORRECTIONS:**

- **CHANGE HEADING DATE FROM “JANUARY” TO “APRIL” (PAGES 1 & 7)**

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

ADJOURNMENT

Mayor Dunn adjourned the Meeting at 9:40 PM.

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



## NOTICE & AGENDA

Notice is hereby given that the Elk Ridge City Council will hold two **Public Hearings on Tuesday, May 23, 2006**; for the purpose of hearing public comment on the following: the **first Public Hearing, at 6:00 PM**, is concerned with a proposed Ordinance regarding the regulation of Pigeons in Elk Ridge. The **second Public Hearing, at 6:30 PM**, is on the proposed adoption of a Tentative Budget and Capital Improvement Plan for the 2006/2006 fiscal year. These Public Hearings will be held in conjunction with the Regularly Scheduled City Council Meeting, to begin at 7:00; and a City Council Work Session at 6:15 PM.

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

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

**6:00 PM      1. PUBLIC HEARING/PIGEON REGULATIONS**

Public Hearing/Ordinance regarding the regulation of Pigeons in Elk Ridge

**6:30 PM      2. PUBLIC HEARING/ORDINANCE – TENTATIVE 2006/2007 BUDGET**

Public Hearing/Adoption of Tentative 2006/2007 Budget & Capital Improvement Plan (CIP)

A. Purchase of Fire Chief's Vehicle

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

3. Chris Child – Fast Tracking & Over-time Payment

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

Opening Remarks and Pledge of Allegiance

Approval/Agenda Time Frame

7:00      4. 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 may restrict the comments beyond these guidelines

7:10      5. Eagle Project Presentation – Kurt Jones

7:15      6. Hillside Drive/High Sierra Conceptual Street Alignment

7:30      7. Action of Public Hearings:

A. Ordinance on Pigeon Regulations

B. Tentative 2006/2007 Budget & CIP

7:40      8. Boswell Residence – William Berry Lot Split (44 Powell Way)

7:50      9. Adoption/Ordinance - Code Clarification – CE-1 & CE-2 Zones

8:00      10. Expenditures:

A. General

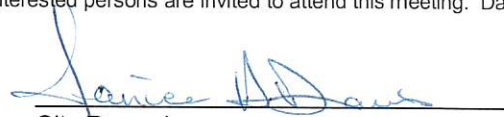
7:05      11. Minutes

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 19<sup>th</sup> day of May, 2006.

  
City Recorder

### **CERTIFICATION**

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and provided to each member of the Governing Body on May 19, 2006.

  
City Recorder



**ELK RIDGE  
CITY COUNCIL MEETING  
May 23, 2006**

**TIME & PLACE  
OF MEETING**

This Regular Meeting of the Elk Ridge City Council, was scheduled for Tuesday, May 23, 2006, at 7:00 PM. It was preceded by two **Public Hearings: the first Public Hearing, at 6:00 PM,** was on an Ordinance Regulating Pigeon Ownership in Elk Ridge; **the second Public Hearing, scheduled for 6:30 PM,** was on the Proposed Adoption of the 2006/2007 Tentative Budget & Capital Improvement Plan. The **City Council Work Session was scheduled for 6:15 PM.**

All interested persons were invited to be heard.

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

Notice of the time, place and Agenda of the Scheduled Council Meetings & Public Hearing, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on May 19, 2006.

**6:00 PM**

**PUBLIC HEARING/ORDINANCE – PIGEON REGULATIONS**

Ordinance/Regulation of Pigeons in Elk Ridge

**ROLL CALL**

*Mayor Pro tempore:* Alvin Harward; *City Council:* Mark Johnson & Nelson Abbott, Mary Rugg, Raymond Brown (*Absent:* Mayor Dunn); *Planning Commission:* Shawn Eliot; *Building Inspector:* Corbett Stephens; *Public:* Steven Nielson, Cris Child, Randy Jones, Kurt Jones, Bill Berry, John Money, Steve Shepherd, Kim & Amy Boswell; and *City Recorder:* Janice H. Davis

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

Nelson Abbott: Has been spear-heading this proposed amendment to the City Code. He is a pigeon owner and he feels they should be allowed in the City, with certain rules. The issues have been discussed quite extensively over the past year, with the Planning Commission and the Council.

He and Mr. Steve Nielson spent a great deal of time researching ordinances from other cities and combining with the current regulations; to try to arrive at a good combination. The original sample ordinance was from Pleasant Grove City and it only allowed for one breed of pigeon.

Some of the wording was changed to reflect a wider variety of birds.

- One of the things the Planning Commission did when they were considering the proposed ordinance was to increase the minimum lot size from 15,000 sq. ft. to 20,000 sq. ft.  
This defeats the purpose of trying to get an ordinance like this on the books, because there are not many lots that fit that criteria.
- There are other residents besides Councilmember Abbott and Mr. Nielson that would like to own birds to assist in training hunting dogs, as well as others who would like to be pigeon owners.
- Councilmember Abbott's recommendation is to return to the proposed minimum lot size of 15,000 sq. ft.

*Comments:*

Steven Nielson: His concern is that about a year ago the Planning Commission recommended that the City not allow pigeons at all. The Council did not vote on that version of the ordinance and sent it back to the Planning Commission. After all this time, the recommendation is to increase the lot size to 20,000 sq. ft., which (in his mind) does what they wanted to do in the first place...and restrict ownership of pigeons in town; many lots in Elk Ridge would be eliminated from the possibility of having pigeons.

He understands that he is "grandfathered" in, since he has owned birds for some time; but he would like to comply with what is written.

Alvin Harward: Unless a pigeon owner has a conditional use permit, which constitutes a license for ownership, that owner is not "grandfathered". In this case, there is only one resident who owns pigeons in Elk Ridge that has gone through that process; that is Jim Clark.

Nelson Abbott: They had been informed by the Planning Commission that they were grandfathered in.

(Councilmembers Harward, Brown and Johnson disagreed and stated that this was wrong information.)

*No further comments.*

Mayor Pro tempore Harward closed the Public Hearing at 6:10 pm.

NON-AGENDA  
ITEM

Alvin Harward: There was another Public Hearing publicized for tonight on the vacation of a portion of Shuler Lane; however, due to extensive noticing requirements to vacate a public street, this matter will not be discussed tonight. The Planning Commission will have a Public Hearing after four weeks of noticing and then will send it forward to the Council with their recommendation.

6:15 PM

**PUBLIC HEARING/2006/2007 TENTATIVE BUDGET & CIP**

Adoption of Tentative Budget & Capital Improvement Plan for 2006/2007

ROLL CALL

*Mayor Pro tempore*: Alvin Harward; *City Council*: Mark Johnson & Nelson Abbott, Mary Rugg, Raymond Brown (*Absent*: Mayor Dunn); *Planning Commission*: Shawn Eliot; *Building Inspector*: Corbett Stephens; *Public*: Steven Nielson, Cris Child, Randy Jones, Kurt Jones, Bill Berry, John Money, Steve Shepherd, Kim & Amy Boswell; and *City Recorder*: Janice H. Davis

City Recorder: Review of major budget items:

General Fund:

(Revenue)

1. Review of Budget formatting.
2. Tax Rate is yet unknown and may still be at the time of adoption of the Budget in June.
3. The Capital Improvement Plan (CIP) needs to be addressed by the various Councilmembers. At this point, there is little information to create this five-year projection. The Parks Dept. (including trails), Water & Sewer Depts. And the Roads Dept. are the major areas where Capital Improvement occurs.  
\*The Councilmembers were asked to please have their projections ready for the adoption of the Budget in June.
4. Utility Franchise Fees: Increase in costs of utilities (phone, natural gas, electricity, etc.) results in increase in this revenue source.  
(Will the Council adhere to the decision to use this money for roads?)
5. B&C Road Funds seem to be decreasing slightly...not sure of the reason.
6. Arbor Day Grant of \$250 to be used in conjunction with the Reese Knuteson Eagle Project for Trees in the pavilion and remembrance plaques.
7. Administration Fees from Water & Sewer: (Explanation and formula to figure these fees.) These fees vary every year, according to the time actually worked in each of the Depts.
8. 59,481 (Transfer from Capital Projects/Future Improvement) When Expenditures in the General Fund exceed the Revenue, the money to balance the General Fund comes from this Capital Projects Fund.

(Explanation of Capital Projects Funds & Special Revenue Fund/Parks)

9. New accounts have been formed to handle the expenditures for Loafer Canyon Rd. that occurred this year. The money can accrue in the Capital Projects Funds; however the money should not be spent out of these Funds; they are to be thought of as "savings accounts". The new accounts are in the General Fund and the Sewer Fund.

(Expenditures)

1. Council Salaries: Alvin Harward: Proposed raising the salary for the Mayor's position to \$1,000/month based on hours worked on City business (effective 7-1-06).
  - A. If the Mayor contributes 80 hours or more/month; he/she earns \$1,000
  - B. If the hours worked is less than 80 hours /month, he/she receives \$500Mayor Dunn puts in a lot of time for the City; but the next Mayor may not be able to.  
Question: Will this be pro-rated? If he/she works 75 hours in a month...would the pay increase? (No...it would simply be based on 80 hours/month.)

Comments:

Nelson Abbott: He realizes that the Mayor spends a great deal of time on City business; so he has no problem with the proposal. As Councilmember Johnson brought up: how would the hours be tracked? By a time card?

Raymond Brown: He does not have a problem with the proposal. He knows that Mayor Dunn works long hours for the City. When was the last time the Mayor's position received a raise? (When the last Administration first took office.)

What if a Councilmember works more than 80 hours in one month?

Alvin Harward: He does not feel the Councilmembers will be working those kinds of hours. The Mayor is out and about the City and has to take all the complaints; then he writes letters of response. He is also the Administrator of the staff in the Office.

Mary Rugg: She thought that the consensus of the Council was that the Mayor would work for a year and then the Council would re-visit the issue.

Alvin Harward: At the very beginning of his Administration, he did not know how many hours it would take.)

Mary Rugg: Feels it is still too early to take this action. The public sees a new Mayor coming into office and then there is an increase...this is a big increase. She has no doubt that the Mayor does contribute long hours. But, he was the first one that stated that he would prefer to wait.

Alvin Harward: This would not take effect until July 1, 2006. He feels \$1,000/month is still low for the amount of work the Mayor is called upon to do.

City Recorder: (Suggestion) It is more comfortable to vote on something of this nature when the Mayor is not in the discussion or the Meeting. If the Council decided to vote on this tonight, the effective date could be later in the upcoming fiscal year. The Mayor is very busy...he works on everything from Planning & Zoning to working with the staff; he attends many meetings outside of the City, on behalf of the City. He is in the City Office most every weekday, all day.

Raymond Brown: We have an exceptionally good Mayor that has the time to focus on the City. He does not have a problem with Councilmember Harward's proposal. He agrees that the Council should vote on this issue now and make the effective date another time.

*\*Mayor Pro tempore Harward interrupted the Public Hearing on the Budget to allow the Agenda item scheduled for 6:15 PM to proceed. Mr. Cris Child arrived to address the Council.*

6:15 PM

### CITY COUNCIL WORK SESSION

FAST-TRACKING  
& OVER-TIME  
PAYMENT

Cris Child: (Contractor currently building in Elk Ridge)

Request: for the Council to re-visit an existing Ordinance that prohibits "fast-tracking" of building permits or any "partial permits" in the City. He feels it is broader than it needs to be.

As a builder, there are time when it may be justified to have the option to pay a little extra for a plan-check and have it "fast-tracked". He cited the way Orem City handles it: they charge an additional fee equal to the amount of over-time for the Inspector doing the plan-check.

The building season is relatively short, compared to other areas. If he has to wait for a plan-check for 6-8 weeks, it would cut into the time he could be building.

Mary Rugg: Asked for clarification of the term, "fast-tracking".

Mr. Child: Difference:

- "Partial Permits" (Allows a certain amount of building to go forward without a full permit)
- "Fast Tracking" (Allows the contractor to pay the Inspector over-time to facilitate the completion of his plan-check)

The Inspector would go forward with the permit applications, in the order he receives them during regular working hours; however, after hours, he would then work on those that have paid over-time for their plans to be moved forward.

He feels Fast Tracking should be separated out from Partial Permits rather than including both options under the same term.

Corbett Stephens (Building Inspector for Elk Ridge): He does not have a problem with Fast Tracking" the way it has been defined by Mr. Child. His attitude is, if he does not issue building permits, he does not have a job. He is all for trying to help the contractors get through the process. He does not like "Partial Permits"; he has seen too many problems with "Partial Permits". If a contractor asks for a "Partial Permit", it is usually an indication that he/she does not have everything ready and lined up. This causes trouble down the road when building begins.

Raymond Brown: Asked the cost; what would be reasonable?

Corbett Stephens: The Inspector would be doing that plan-check anyway; so the Contractor should have to come up with the extra ½ time.

Mr. Child: He feels the fee should be reasonable but not so low that everyone want to pay it.

City Recorder: Could it be a percentage of the plan-check fee?

Both the Inspector and Mr. Child think that would be reasonable.

\*(The fee should be worked out between the Mayor and Mr. Stephens, and come back to the City Council with an amendment to the City Code.)

The City Council was in favor of this coming back to the Council to review and vote on.

2006/2007 BUDGET & CAPITAL IMPROVEMENT PLAN (Continuation of Discussion)  
City Recorder: General Fund:

**Roads & Street signs:** The new street signs for the north/south Salem Hills Drive are to be ordered so the change can be completed. The change should also include the small section of Salem Hills Drive that connects onto Ama Fille Ln.  
*\*The resident on that section of Salem Hills Drive should be notified, if that hasn't happened.*  
*\*Councilmember Brown will contact Shawn Eliot.*

**Salaries & Wages:** The Mayor was going to write up a memo to the Council recommending The following:

- 4.1% Cost of Living Adjustment (COLA)
- 3% Performance-based Bonus at the end of the calendar year.

The Mayor got busy preparing for his trip and the memo was not written. The City Recorder did review the salaries for the City employees for 2006/2007, based on these figures.

The Councilmembers received a breakdown of these salaries in their packets.

Ms. Davis contacted the CPA for the City to determine the COLA. He predicted it would fall at a bit over 4%, once the fuel increases are figured into the consumer prices. Mr. Roberts provided the web site to find the COLA and to work out the formula.

The Mayor agreed.

**Raymond Brown:** Explained "bonuses" and salary increases and the possibility of having varying percentage rates for the bonuses.

*\*He will talk it over with Mayor Dunn when he returns from his trip.*

There was no problem expressed with this proposal.

**Page 5:** Nothing budgeted under "Engineer"...the Council felt that there should be at least \$25,000 budgeted (equal to the Final Budget figure for 2005/2006).

**10-55-740: Purchase of Equipment:** The new Chief's Vehicle is accounted for in the current fiscal year budget. 11,000 transferred from Capital Projects Fund for this purchase.

**Parks (Page 16) Special Revenue Fund:**

The Rock Wall will be completed this fiscal year? (Councilmember Rugg responded that it would).

**Trails:** Nothing budgeted for this...Projects are unknown at this time. The Grant for Trails should show up in this budget.

*\*Needed before adoption in June: (1) How much the Grant is expected to be & (2) How much will be spent? Councilmember Brown is to work with Shawn Eliot to provide this number.*

**Raymond Brown:** The machine to be used on roads ("Zipper") would be at a cost of \$18,000/year; should this be in the budget for 2006/2007. (The Council will discuss this in the Regular Session.)

**Water Fund:**

Bonds were paid off in this fiscal year; which clears up the usual payments for 2006/2007.

The 2002 Well Bond is the only one left to pay on.

**Sewer Fund:**

Salem Bond (about 20,000/yer) for the Sewer Plant is paid off this current year.

**\*The Council was asked to please have projections for the Five-Year Capital Improvement Plan in to have ready for the June adoption.**

ELK RIDGE  
CITY COUNCIL MEETING  
May 23, 2006

TIME & PLACE  
OF MEETING

This Regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, May 23, 2006, at 7:00 PM.** It was preceded by two **Public Hearings: the first Public Hearing, at 6:00 PM,** was on an Ordinance Regulating Pigeon Ownership in Elk Ridge; **the second Public Hearing, scheduled for 6:30 PM,** was on the Proposed Adoption of the 2006/2007 Tentative Budget & Capital Improvement Plan. The **City Council Work Session was scheduled for 6:15 PM.**

All interested persons were invited to be heard.

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

Notice of the time, place and Agenda of the Scheduled Council Meetings & Public Hearing, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on May 19, 2006.



7:00 PM

**REGULAR CITY COUNCIL AGENDA ITEMS**

|                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ROLL CALL                                                            | <i>Mayor Pro tempore:</i> Alvin Harward; <i>City Council:</i> Mark Johnson & Nelson Abbott, Mary Rugg, Raymond Brown ( <i>Absent:</i> Mayor Dunn); <i>Planning Commission:</i> Shawn Eliot; <i>Building Inspector:</i> Corbett Stephens; <i>Public:</i> Steven Nielson, Cris Child, Randy Jones, Kurt Jones, Bill Berry, John Money, Steve Shepherd, Kim & Amy Boswell; and <i>City Recorder:</i> Janice H. Davis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| OPENING REMARKS<br>& PLEDGE OF<br>ALLEGIANCE                         | An Invocation was offered by Randy Jones and Kurt Jones led those present in the Pledge of Allegiance, for those willing to participate.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| AGENDA TIME<br>FRAME                                                 | <b>MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY MARK JOHNSON TO APPROVE THE AGENDA TIME FRAME, AMENDING THE START TIME TO 7:15 PM</b><br><b>VOTE: YES (5)                      NO (0)                      ABSENT (1) MAYOR DUNN</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| PUBLIC FORUM                                                         | Public Comments:<br>There were no comments from the Public.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| EAGLE PROJECT<br>PRESENTATION –<br>KURT JONES                        | <u>Scout Kurt Jones:</u> His proposal is to paint symbols on the streets in front of the fire hydrants in the City, to make them easier to locate. This project was pre-approved by Mayor Dunn on his list of projects. He will: <ul style="list-style-type: none"><li>• Locate all hydrants in the City &amp; update a map of their locations.</li><li>• He will make copies of the map and return them to the Fire Station</li><li>• Determine the kind of paint to use on roads<br/>(Will the City provide money for paint?)</li></ul> <u>Alvin Harward:</u> The Council expects Scout Jones to get an estimate of the cost of the project; in the past the Council has allowed up to \$100 towards an Eagle Project.<br><u>Scout Jones:</u> (Cont.) <ul style="list-style-type: none"><li>• They will install poles with blue tape to be able to locate the hydrants in the winter.</li><li>• Cut weeds around the hydrants where necessary; and spray weed killer around them.</li><li>• Report back</li></ul> <u>Nelson Abbott:</u> Will Blue stakes be notified prior to installing poles?<br><u>Mark Johnson:</u> There are specific kinds of stakes the Fire Dept. uses; Scout Jones should consult with Chief Olson.<br><u>Scout Jones:</u> Asked for a list of roads scheduled for chip & seal; since the chip & seal would ruin the paint.<br><u>Ray Brown:</u> Any maintenance on the roads would cover the paint.<br><u>Mark Johnson:</u> He does not like the idea of painting the roads as much as the poles.<br><u>Mary Rugg:</u> She is in favor of both ideas; suggestion: leave the stencil for painting the symbols on the roads, and when any type of road maintenance covers them, they can be re-painted. The \$100 is to be used to subsidize the project; the Scout should still try to earn the money. Earning the money demonstrates leadership skills. A budget needs to be presented to the Council. |
| HILLSIDE DRIVE –<br>HIGH SIERRA DR. –<br>CONCEPT STREET<br>ALIGNMENT | (Memo from City Planner to the Council)<br>“The proposed alignment for the connecting loop street between High Sierra & Hillside Drive follows the concept adopted earlier for a connecting roadway for development in the south hills area, in the CE-1 Zone. The contour lines provided offer sufficient information for the review and approval of street alignment. Actual street construction will not be able to go forward until a grading site plan, which meets the City’s requirements, is approved.<br>The Planning Commission reviewed this application on 5-18-06 & recommended approval of this conceptual street alignment plan.”<br>A Concept Map was provided to the Council for review.<br><u>John Money</u> (With Partner, Steve Shepherd): They are contractors/developers and are going through the first stages of developing property south of the City. The property must be accessible; thus the conceptual street alignment.<br>Their engineer is Barry Prettyman from Cole Engineering.<br>The roads should be at less than 6% grade.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

They have had several meetings with land owners in the area; and they have agreed to deed the ground to the City for this proposed connection. This is a beautiful area and they are excited to develop it into lots. Each land owner will develop their own property in their own time.

The proposed connection matches fairly well to the City's Circulation Map. The location of the roadway is determined by the slope of the land.

Before the Project begins:

- The entire Project will be bonded for
- The entire road will be built...fully connected.

Nelson Abbott: Is concerned with cuts and fill required for the project. He does not want to see the hillside marred and destroyed. It seems that the road will follow the natural contour of the land; except for a couple of areas.

Mr. Money: There will be one area that will have fairly extensive cuts; that is around Hillside Drive. They will have to re-vegetate right away. The Preliminary drawings will have specifications on all the cuts & fills and what will be done with them. They understand the concern. The re-vegetation will be appropriate for the area. The road will be about 1 1/3 miles.

Mr. Money and Mr. Shepherd are land owners, but the entire road needs to go in first. Water & Sewer lines will be installed with the road.

*Concerns of the Planning Commission (Shawn Eliot):*

Main concerns: Cuts & Fills and re-vegetation...there is no ordinance regarding cut & fill in the current City Code, they are working on this.

Mr. Money: The intent on selling "high-end" home in that area and they want to "make it nice" to facilitate this.

Nelson Abbott: Asked about water pressure for that area. Some of the existing homes that are located higher up in the City already have pressure problems. Would fire suppression be a problem?

(This had been corrected last year. Councilmember Harward said it is a matter of location of PRV valves.)

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY MARK JOHNSON TO APPROVE THE HILLSIDE DRIVE/HIGH SIERRA CONCEPTUAL STREET ALIGNMENT PLAN**  
**VOTE: YES (5) NO (0) ABSENT (1) MAYOR DUNN**

ACTION ON PUBLIC  
HEARINGS

1. Ordinance/Pigeon Regulations:

*No further comments.*

**MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY MARY RUGG TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR THE CONTROL OF THE KEEPING AND RAISING OF PIGEONS, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE; AS WRITTEN, WITH THE FOLLOWING CHANGE:**

- **SECTION 5-2-2B (a): CHANGE TO "LOT MUST BE ZONED R-1- 15,000 OR LARGER**

Discussion: Mark Johnson suggested adding in a licensing clause and to charge a fee.

He feels it would be beneficial to know who has pigeons and if the regulations are being met.

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

Motion fails 2-3

**AMENDED MOTION MADE BY NELSON ABBOTT AND SECONDED BY MARY RUGG TO ADD A LICENSING CLAUSE AS FOLLOWS:**

- **WORDING BE ADDED TO REQUIRE LICENSING, WITH A FEE:**

"Pigeon Permit: The City shall maintain a register of qualified pigeon permit holders. Application shall be submitted in writing to the City, who shall notify the applicant of the acceptance within thirty (30) days of the application date. A fee of shall be charged and set by Resolution. A holder of a pigeon permit will be permitted to own and keep a maximum of 50 pigeons on his/her property, provided the owner meets all other provisions and conditions imposed by law."

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

Passed 4-1

TENTATIVE  
BUDGET &  
CIP

1. Raymond Brown: Discussion on Purchase of Equipment for Roads:

He has researched a piece of heavy equipment called the "Asphalt Zipper" that would assist in road repair in the City. The Mayor, the Public Works and he (Councilmember Brown) saw a demonstration of the machine on one of the City streets. The function:

- Chops up old asphalt
- Re-lays it as road base with other ingredients added
- It can do a whole road in a day
- Then asphalt would have to be added over the top
- The road would be good for about 15 years

The cost would be \$70,000 (with an upgraded head cutter that has 30 extra "teeth" on it) This could be done through a lease/purchase that would cost the City \$17,000 or \$18,000 annually for five years. It is pushed by the back-hoe.

Mary Rugg: Clarified the process...adding that the City would still have to contract to have the base rolled out and asphalt laid. Why is this more cost efficient than hiring to have the whole job done?

Raymond Brown: To overlay one mile of a City road runs over \$150,000; with this machine, the City could do part of the process ourselves. It grinds up a 3 ½ ft. section at a time.

There are 150 "teeth" at \$5.30/tooth. It was stated that the City could probably go 30 to 40 miles before we would have to start replacing heads. (Should check every 3-4 miles.)

Mary Rugg: There would be at least 4-5 sweeps on each road. Would the current Public Works employees operate this machine? (A separate operator would be trained by the company and he is not the one driving the backhoe, he is the one that walks beside...he has to be well trained.

*(Does this require hiring another employee?)*

Kent & Wayne's schedule already seems full.

Could it be stored in the bay area? (Not with everything parked in the garage.)

*So the question remains where it would be stored.*

Alvin Harward: Would this really save us at least \$18,000/year?

Raymond Brown: The Mayor's suggestion was to lease out the machine and the operator to other communities to make some of the cost back.

There is the option of going in together with other cities to purchase the machine, but the Mayor felt it might be better if we owned it.

The company is local and accessible. He would like for all the Council to see the demonstration.

*\*Councilmember Brown will set up a demo of the machine.*

*\*This should be discussed at a future Council Meeting to give the Council time to consider it.*

2. Mayor's Salary:

Opinions:

Raymond Brown agrees with Mary Rugg; it is something that should be done, but in the future. (January 1, 2007)

Mark Johnson agrees with Alvin Harward and that the increase should be effective July 1, 2006.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO APPROVE AN INCREASE IN THE MAYOR'S SALARY, PROVIDING 80 HOURS OR MORE PER MONTH IS WORKED ON THE CITY'S BEHALF; FROM \$500/MONTH TO \$1,000/MONTH; EFFECTIVE JULY 1, 2006**

**VOTE: YES (2) NO (3) MARY RUGG, RAYMOND BROWN & NELSON ABBOTT**

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY MARY RUGG TO APPROVE AN INCREASE FOR THE MAYOR'S SALARY FROM \$500/MONTH TO \$1,000/MONTH, BASED ON 80 HOURS OR MORE PER WEEK, IF LESS THAN 80 HOURS IN ONE WEEK IS WORKED FOR THE CITY, THEN THE SALARY WOULD STAY AT \$500/MONTH; THIS INCREASE WOULD BE EFFECTIVE AS OF JANUARY 1, 2007**

**VOTE: YES (5) NO (0) ABSENT (1) MAYOR DUNN**

**\*\*THIS NEEDS TO BE CORRECTED TO 80 HOURS PER MONTH (NOT PER WEEK); OR OUR MAYOR WILL BE DEAD AND NO RAISE WOULD BE APPROPRIATE! THE WORDING IN THE MOTION WAS "PER WEEK".**

3. Tentative Budget for 2006/2007 & CIP:

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN TO APPROVE THE TENTATIVE BUDGET AND CAPITAL IMPROVEMENT PALN FOR THE 2006/2007 FISCAL YEAR, INCLUDING THE MAYOR'S INCREASED SALARY (1-1-07)**

**VOTE: YES (5) NO (0) ABSENT (1) MAYOR DUNN**

BOSWELL  
RESIDENCE –  
WILLIAM BERRY  
LOT SPLIT  
(44 POWELL WY)

*(Memo form Planner to Council, dated 5-23-06)*

"Mr. Berry has requested that his 1 acre lot be split to create a new building lot on the northern half of his property at 44 Powell Way. The proposed split allows for the required lot frontage for both lots, and the existing and proposed new home will be able to meet setback requirements.

The Technical Review Committee reviewed this application on 5-10-06 and found no concerns. Curb & gutter are not recommended since the area is mostly developed and none exist or are anticipated to be installed in the area in the future.

The Planning Commission reviewed this application on 5-18-06 and recommends approval of this single lot split."

*Discussion:*

If the Council agrees, this will be the last sewer connection granted to any proposed development, until sewerling with Payson is completed. The previous Council decided to "mortgage" 50 sewer connections from approved, vacant lots in the City; it was not a unanimous decision; but, this would be the 50<sup>th</sup> connection. It has been asked, "Where is the line drawn? Unless the Council decides to borrow further into connections assigned to already approved lots in the City, this would be the "line".

Bill Berry: They would like to split their property and get some neighbors close to them. The Berry's have a good relationship with the Boswell's.

Alvin Harward: The Planning Commission has recommended approval and what the Berry's are looking for is a sewer connection and a water right assignment. This is a ½ acre piece of land and would require approximately 1.3 acre feet of water right. (This will have to be checked against the table of water rights established by Tony Fuller.

*No further comments:*

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY NAELSON ABBOTT TO APPROVE THE WILLIAM BERRY LOT SPLIT AT 44 POWELL WAY; AND TO GRANT A WATER & A SEWER CONNECTION; AS WELL AS ASSIGNING APPROXIMATELY 1.3 ACRE FEET OF WATER RIGHT (TO BE CALCULATED AGAINST THE CURRENT WATER RIGHT TABLE) TO THE NEWLY CREATED LOT**

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

*\*Either one of the owners are to contact the City Office to work out the details in purchasing the water right and to finalize any requirements to be met prior to recording.*

Alvin Harward: Until the sewer contract with Payson is signed and a reality, he would be unwilling to go any further into connections assigned to vacant, approved lots in the City.

Question: Is it still an option, once the contract with Payson is signed, to get a number of "temporary" connections from Salem while the line is being installed? If so, how many?

Nelson Abbott: Salem was going to check to see the average amount of effluent going into the plant; compare that against peak demand and come up with a number of connections; once the contract between Payson & Elk Ridge is signed.

NON-AGENDA  
ITEM

Sewer Bids/Update:

Nelson Abbott: Last Tuesday Mayor Dunn, Alvin Harward and Councilmember Abbott went to Payson City's Council Meeting where the bid was re-opened for the sewer line. This time, they did not have the ability to come up with the bonding capacity for the whole line; but, when they broke it down, they did. There was a change in the engineering, the pipe was taken out of the 2<sup>nd</sup> bid, but they added in about \$500,000 of fill that goes into the pipe trench. It needs to be determined why the change from one bid to the other.

Councilmember Abbott feels there will have to be a meeting with the Payson City Councilmembers over the sewer; there still seems to be the mind-set with a few of them to charge the existing Elk Ridge residents \$1,000 Connection Fee. The Mayor and he felt that, through the meetings they have had with Payson City's Attorney and Andy Hall, that that had been worked out to not pay that connecting fee.

The longer this takes, the less likely the line will go in this year.



Alvin Harward: He called Mayor Bills to see if Mayor Dunn, Councilmember Abbott and he could come to Payson City's Work Session of May 31, 2006. They would ask that Payson consider the following: That there is no advantage in running the sewer line all the way to Woodland Hills at an added million dollars, with no homes ready to connect onto the line. If the line were brought just to Elk Ridge, with about 500 homes ready to connect immediately, it would cost less at this point. Developers in Elk Ridge could bring the line east to a connection point. When Woodland Hills is ready with the necessary lines, they can also connect onto the system.

ADOPTION OF  
ORDINANCE RE:``  
CE-1 & CE-2 ZONES  
CE-2 Code

*(Memo to the Council)*

"With the need to review the Code for the approval of the grading plan for the property at the east end of Cove Drive, the Planning Commission found some errors and contradictions in the CE-1 & regarding minimum lot size and developable slope. The Planning Commission has worked over the last few months to address this problem and to also clarify that the use of clustering through the PRD and MHD Ordinance is preferred in these zones.

The changes proposed to the CE-1 Zone include a 1-acre minimum lot size, clarification of the 20% slope ordinance, and clarification to the legislative intent of the Zone. It was the Planning Commission and staff's understanding that the original intent of the CE-1 Zone was to have a minimum 1-acre lot size. Currently there is not minimum lot size standard in the Code for this Zone. There is precedence for 1-acre lots in this Zone with newer subdivided lots that were created with the 1-acre standard. The 1-acre minimum was originally envisioned for this Zone by allowing enough land to allow homes to be built on the flatter, more buildable areas protecting the hillsides and ravines. If higher density was desired, the Code is written to encourage the use of the PRD Ordinance allowing the clustering of lots in the flatter areas, therefore preserving the environmentally sensitive areas. The PRD Ordinance is written supporting the 1-acre lot minimum by classifying 1-acre lots as the smallest base density, as shown in Chapters 9, 12 & 14."

Shawn Eliot: The Planning Commission is still reviewing the CE-1 Zone for further changes, but for now, the changes in this proposed ordinance are ready to come forward for adoption.

- The major point is that there is no designated 1-acre lot size in the CE-1 Zone. The ramification of this is that we have RL Yergensen digging up the hillside, putting in 15,000 sq. ft. lots in a zone that really ought to have 1-acre lots. If he had incorporated those lots in a PRD, he would not be tearing up the hillside because he would have to move the lots down lower. This needs to be avoided in the future.
- The other issue is the 20% slope; that is awkward because it basically states that you cannot build on anything over 20%...yet in another section of the Code, it says anything between 20% & 30%, as long as you get an engineer to stamp the plans...then it will be approved. So, which is it? Most of these slope are in the CE-1 Zone. They tried to clarify this.
- The 3<sup>rd</sup> issue was to clarify the Legislative Intent of those Zones.

Nelson Abbott: Under "Special Provisions": Specifically "Re-vegetation"...Is there anywhere in the current Code that designates a time frame to accomplish this?

Shawn Eliot: He thinks that when a developer turns in a final plat, there should be something with that addressing re-vegetation.

Nelson Abbott: His concern is that although the Council has passed an ordinance regulating landscaping the front and side yards of homes, there is really nothing addressing the back yards, which could be up against a hillside. How long will neighbors have to look at the cut and stripped-off soil? He suggested including a time frame involving re-vegetation. On Hillside, where those homes are not in the CE-1 Zone, there exists an unsightly situation. The city is already saying they need to re-vegetate, he is asking if a time frame can also be imposed?

Mary Rugg: We have to be careful what the City dictates to private property owners.

Mark Johnson: That is why the Council stopped with the front & side yards.

Shawn Eliot: This is not just someone's back yard, it is a steep slope that could cause erosions problems. He agrees that there could be a time frame place on re-vegetation.

Mary Rugg: Can it be worded so that the property owners are made aware of possible problems if run-off is not retained within a certain period of time.

City Recorder: Is it not within the current building parameters that one must retain all run-off on one's property and cannot allow it to flow onto another's land? However, if the lot is not built on and is just sitting vacant, there is still the erosion problem.

Shawn Eliot: In St. George, as the lots are developed, the retaining walls are installed. Perhaps the lot should be prepared by the developer to avoid erosion problems on vacant lots.

Alvin Harward: It should not just apply to the CE-1 Zone, it should show up in other areas of the Code, as well.

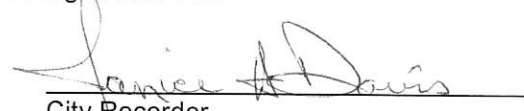
**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR ZONING IN CRITICAL ENVIRONMENT AREAS, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE**

**VOTE (POLL): RAYMOND BROWN-AYE, MARK JOHNSON-AYE, ALVIN HARWARD-AYE, MARY RUGG-AYE, NELSON ABBOTT-AYE NO (0)  
ABSENT (1) MAYOR DUNN**

EXPENDITURES: General: None

MINUTES Minutes of the 4-25-06 Council Meeting:  
**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY NELSON ABBOTT TO APPROVE THE CITY COUNCIL MINUTES OF 4-25-06**  
**VOTE: YES (5) NO (0) ABSENT (1) MAYOR DUNN**

ADJOURNMENT Mayor Pro tempore Harward adjourned the Meeting at 8:30 PM.

  
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City Recorder