

NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular City Council Meeting on Tuesday, October 9, 2007, at 7:00 PM, to be preceded by a Joint City Council / Planning Commission Work Session at 6:00 PM. The meetings will be held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

6:00 PM JOINT CITY COUNCIL / PLANNING COMMISSION WORK SESSION

1. Fire Sprinkler Code
2. Open space / Park Code
3. New Subdivision Construction Time Limits (Including Road Closures) – Mary Rugg

7:00 - PM REGULAR COUNCIL MEETING AGENDA ITEMS:

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

7:05 Public Forum:

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

7:15 4. Resolution/City Fee Schedule

(Building Permit Fees, including Correction to Sewer Impact Fee Total & Associated City Council Minutes)

7:25 5. Street Name Change (Re-visit) - Loafer Drive

7:35 6. CERT Team Equipment Storage – Mayor Dunn

7:45 7. Crestview Estates I – Release of Construction Phase and Begin Durability Retainer

7:55 8. Water System Project and City Center Land Purchase/Finance Discussion – Mayor Dunn & Alvin Harward

8:15 9. Approval of Minutes of Previous Meetings

8:20 10. Expenditures:

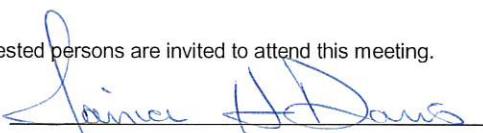
General:

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 5th day of October, 2007.


City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and hand-delivered to each member of the Governing Body on October 5, 2007.


City Recorder





**ELK RIDGE
CITY COUNCIL MEETING
October 9, 2007**

**TIME & PLACE
OF MEETING**

This Regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, October 9, 2007, at 7:00 PM.** It was preceded by a **Joint City Council/Planning Commission Work Session at 6:00 PM.**

All interested persons were invited to be heard.

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

Notice of the time, place and Agenda of the Scheduled Council Meetings & Public Hearing, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on October 5, 2007.

6:00 PM

JOINT CITY COUNCIL / PLANNING COMMISSION WORK SESSION AGENDA ITEMS

ROLL

Mayor: Dennis A. Dunn; *City Council:* Mark Johnson, Alvin Harward & Nelson Abbott (Absent: Mary Rugg & Raymond Brown); *Plan Coordinator:* Margaret Leckie; *Planning Commission:* Russell Adamson, Dayna Hughes, Shawn Eliot; Kevin Hansbrow, Scot Bell; *Building Official:* Corbett Stephens; *Public:* Cody Sampson, John Hoschouer, David Ethington, Mike Riley, Jordan Riley, Troy Densley, Ray & Sandra Osburn

**FIRE
SPRINKLER CODE**

Mayor Dunn: There was a handout with a great deal of information regarding sprinkler systems for residential use included in the City Council Packets. Mayor Dunn conducted a review of that handout.

Summarizing: There are concerns regarding fire sprinklers in the City:

- One concern is in an area where there is no fire protection provided by hydrants; that is the Goosenest area. They have their own water system and it is not big enough with smaller lines that do not support hydrants. The City's water system does not extend to that area. The last house built in that area was with the understanding that the resident would sign a "waiver" releasing the City from liability if there were ever a fire at his house. The City Attorney said the residents can get building permits, but there are other things that can be done...sprinklers is an option.
- The Planning Commission has also been considering sprinkler systems for the CE-1 Zone.

Shawn Eliot: The Planning Commission discussed sprinklers at their last meeting and Corbett Stephens was at the meeting and presented a great deal of information in support of sprinklers in homes.

Russell Adamson: There was a Code proposed for the Goosenest area, but the Planner felt the two areas should be addressed in the same Code amendment. *(The combination was tabled at the Council level for added information.)*

Corbett Stephens: (Presented a video demonstrating various types of sprinkler systems and how they are installed and how they operate.) Mr. Stephens introduced the information to those present, summarizing some of the main points.

- Cost: averages about 1% of the cost of the home (\$1.50 per sq. ft.)
- Home Insurances will offer discounts at 10% to 15%
- Compelling reason: in 100% of the homes with fire sprinklers, there has never been a fatality. There are about 4,000 residential fire deaths annually.
- Loss to properties with sprinklers is considerably less.
- There are grants available (match type grants: the "match can count "time spent in fire prevention" by community residents)
- Fires typically double in size every minute...it can take the Fire Dept. 5 to 10 minutes to get to the site of a fire. A fire will reach 1,000° within about 5 minutes.

The handout supplied to those present were comparisons gathered off of the internet regarding statistics, reasons for having sprinklers, common questions, benefits to the cities, benefits to the homebuilders, & case studies. There was also information about water usage, a 15-year history of sprinklers in Scottsdale, a report by FEMA & a slide demonstration of burning Christmas trees from the web site for the City of Medford, Oregon.

- Another point made by Mr. Stephens was clarifying the "myth" that there will be more damage done by the sprinklers than the fire, at times: The newer systems have stations that will go off in just one room or area of the house, isolating the water to where the fire is. Most indoor fires can be put out with one sprinkler head.

One of Mr. Stephen's main concerns as the Building Official is with the new development at the north end of the City have 5' setbacks; he is not sure what the distance is for "radiant heat for ignition", but when houses are only 10' from each other and one house is on fire...what will happen to the other house? "Fire sprinklers save lives; I don't know what else to say".

Questions:

Mayor Dunn: Questioned the insurance savings; does that include the ISO Rating? Is this discount on top of the ISO rating?

Nelson Abbott: The ISO Rating is independent of sprinklers. Most insurance companies will not insure a home over \$500,000 without having either sprinkler systems or some kind of advanced alarm system in place. Most of the homes on the south end of the City will likely be larger homes. He has seen an instance where one house fire spread to many others; and this was with the homes being 20' away from one another. Having the ability to control that would go a long way. The cost, if at the front end, would be included in the cost of construction.

Kevin Hansbrow: Since those costs would not make much difference, over the time of the loan, he cannot see way the City would not require the systems.

Alvin Harward: Is this being considered for all homes or only in certain areas?

Mayor Dunn: This has gone from considering one area, to two areas and now to basically all new construction. Existing homes would not be retro-fitted with the systems.

Corbett Stephens: He feels it would not be difficult or very expensive to retro-fit an existing house. He explained how this could be accomplished.

Shawn Eliot: The proposed Code does include "all new construction"; it does not include re-modeling. The Planning Commission has gone from saying, "all homes of a certain size" to "homes at 4,000 sq. ft." and the "hillside zone". Mr. Stephens does bring up valid arguments.

Corbett Stephens: Park City, Heber City and Woodland Hills all require fire sprinklers.

Russell Adamson: When one of the main concerns of the City is to provide health, safety and welfare for its citizens, the Planning Commission felt that it would be "tragic" to be able to prevent a house burning down and not take advantage of the opportunity to change the Code.

1% cost over 30 years would not keep anyone from being able to get a home.

Discussion of advantages of sprinklers when dealing with rooms above garages & response times.

Shawn Eliot: A compelling reason for sprinklers is a statement by the former Fire Chief (Elk Ridge); he said that there are two people in town during the day and if there were a fire, they would have to wait for backup to do anything besides roll out the hoses. That issue alone

Mr. Stephens: In considering the last two fires in Woodland Hills: neither home had fire sprinklers. Four Depts. showed up and until the third Dept. got there, the fire fighters did not even worry about the house; they protected the surrounding foliage.

Kevin Hansbrow: It is all about saving lives; not just structures. Cost is not important when considering lives. To him, it is an obvious choice...to go with fire sprinklers; particularly with the City's limited resources.

Russell Adamson: Summarizing: The Planning Commission sent this forward to the Council to see what the members want to do with it. They are waiting for direction from the Council.

Mayor Dunn: This information has not come to the Council yet.

Shawn Eliot: Perhaps it is to be considered with a future agenda.

Mayor Dunn: The indication is that this recommendation should be coming from the Planner; to be reviewed at a Council Meeting. The information gathered at this Meeting (10/9) should be added to that recommendation. When that is received from the Planner, it will be placed on the agenda for Council Meeting.

Comments from the Council:

Mark Johnson: Is in favor. It is like spending money on the fire dept.; you hope it never gets there, but if it does...you would want to be prepared.

Alvin Harward: Is definitely in favor of sprinklers in the Goosenest area; he is not sure about the rest of the City.

Nelson Abbott: He thinks it is a good idea and he is glad the Planning Commission has taken their recommendation to the next level, to include all new development.

OPEN SPACE –
PARK CODE

Shawn Eliot: He reviewed the policies of other communities for their "Public Facility" Zones; he found that many cities do not have this designation (Orem is an example: Timp. Hospital... 1/2 of the hospital is zoned "Residential" and the other 1/2 is "Commercial"...these zones allowing for hospitals).

There are only four cities in the County that have "Public Facility" Zoning. These address public uses and quasi public uses.

(He passed out Provo City's Zoning Map.) About ½ the City is zoned in this way. (He pointed out various areas in the city.)

(He passed out Woodland Hills Zoning Map.) The only thing included in that Zone is their Fire Dept. and the new City Hall. This map is a couple of years old and he would assume that their new park would be included and perhaps the chapel.

The Planning Commission preferred the Woodland Hills Code out of the Codes reviewed. The Public Facility Zone is already in the Elk Ridge Code.

The Intent of the Zone was read; from there attention was drawn to "Permitted Uses": cemeteries, Parks, municipal buildings, schools, water storage reservoirs. Other facilities could be added to those listed; like open space and golf courses.

Proposed: To keep current Code and add to the Zoning Map. They recommend adding certain elements from the Woodland Hills' Code.

He also mapped out parcels that would be zoned Public Facility.

The Planning Commission wants to know the Council's feelings as to the current direction being taken. They understood that the golf Course should be in this Zone.

Russell Adamson: If approved by the Council, the Planning Commission will proceed to recommend Code based on their current direction.

Nelson Abbott: Questioned proceeding with the amendment to the Zoning Map, since the Zoning is already in the Code. (*Commissioner Eliot responded that golf courses and open space are not in the Code.*)

Mayor Dunn directed that they should move forward with the recommendation.

NEW SUBDIVISION
CONSTRUCTION
TIME LIMITS

Mayor Dunn: Councilmember Rugg did not supply information for this item.

She was not in attendance. This item was a carry-over from the previous Council Meeting.

The Planning Commission is already addressing these issues.

There are a couple of options in approaching the issues:

- Have the Code providing hard lines to enforcement.
- The terms could be handled in a development agreement, backed up by the Code.

Shawn Eliot: Explained that in the current Code there are some confusing parts. Perhaps this should be re-visited by the Planning Commission for clarification.

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7:00 PM

REGULAR CITY COUNCIL AGENDA ITEMS

OPENING REMARKS
& PLEDGE OF
ALLEGIANCE

An Invocation was offered by Alvin Harward; and Mayor Dunn also led those present in the Pledge of Allegiance, for those willing to participate.

AGENDA TIME
FRAME

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO APPROVE THE AGENDA TIME FRAME, ADJUSTING THE START TIME TO 7:10 PM
VOTE: YES (3) NO (0) ABSENT (2) MARY RUGG & RAYMOND BROWN

PUBLIC FORUM

Dayna Hughes: (Planning Commission) The Planning Commission is going to try to have a Commissioner at every City Council Meeting to assist the Council with any questions. They are going to rotate the assignment.

Shawn Eliot: (Question from a neighbor) The new water tank is going in not far from Fairway Drive. The question was asked: Why not allow RL Yergensen have the land where the tank is going, with a few homes and put the tank on top of the hill, submerged and out of sight? The hilltop would be preserved. The last rendition of Mr. Yergensen's Plat only had three homes or so on the hilltop. Is this an option at this point?

Mayor Dunn: It actually is not an option at this point. The City has signed easements and pre-construction meetings have taken place, based on the current location.

RESOLUTION –
CITY FEE
SCHEDULE

Mayor Dunn: The building permit fees have been added to the Fee Schedule, in an attempt to include all the City's fees in one document. This amendment also includes Impact Fees that are paid at the time of the issuance of a building permit. The Sewer Impact Fee was miscalculated; The total being figured off of the assumption that the portion of the Impact Fee to be paid to Payson City was to be \$1,700.00. None of the Impact Fees have actually been altered; however, Payson City's Sewer Impact Fee came in at \$2,200.00; added to Elk Ridge's adopted and decreased Fee of \$910.00 = \$3,110.00. These Fees are supported by Impact Fee Studies from both cities. Since neither of the Fees actually changed, no public hearing was necessary. The amended total is listed in the Resolution.

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY ALVIN HARWARD TO APPROVE RESOLUTION #07-10-09-13R, AMENDING RESOLUTION #07-8-14-10R, SETTING A SCHEDULE OF FEES FOR OFFICE SERVICES
VOTE: YES (3) NO (0) ABSENT (2) MARY RUGG & RAYMOND BROWN

STREET NAME
CHANGE

Re-visit Street Name: Loafer Drive:

Mayor Dunn: Reviewed the circumstances regarding the proposed re-naming of Loafer Drive: Last spring, the Council and the residents of Loafer Drive discussed the proposed street name Change, based on safety issues with having two roads with similar names...Loafer Canyon Rd. and Loafer Drive. Some confusion in mixing the names could be not only inconvenient, but perhaps life threatening for emergency services. At that Meeting, there were some residents in favor and some against the name change. An interim "fix" was decided upon:

- Carissa Nosack (developer of the five lots on the south extension of Loafer Drive) said she would put up a sign that said Park Drive & Loafer Drive on the corner, in an attempt to alleviate some of the confusion.

There was an incident a couple of weeks ago when the Public Works Employees were installing a fire hydrant in Loafer Canyon and they told the delivery people from Mountainland Supply directions on where to drop off the materials for the hydrant. The delivery people confused the directions and unloaded the equipment on Loafer Drive. The confusion still exists.

The Mayor read a letter from Alan D. Eliason (resident on Loafer Drive): (He could not be present at the Meeting)

In his letter, Mr. Eliason made several points:

- Street name is *historical*. The posting of the above mentioned sign has been "substantially answered".
- Most of the residents agree that the name should remain.
- The presumption of confusion could be applied to many streets in the City.
- Google Earth and GPS units have Loafer Drive on them; these would be used by emergency services.

- There are legal implications involved with any street name change.
- There is not recommendation for a replacement name.

Comments:

Sandra Osburn: None of the residents want a name change. There have been three meeting with the Council and in the first Meeting, it was said that the proposed name change would not be forced on them if they did not want it; yet they feel that this is what is happening.

Mayor Dunn: All were agreed that this re-visit would take place in October, 2007. No one is forcing anything; but the review was to be an updated look at any on-going problems with the name as it is. There has been a continuation of confusion between the two street names.

Mrs. Osburn: They have continued to have no problems with people outside of the City finding their addresses. The new street sign has made a "huge difference".

Mr. Osburn?: Their home has even been found in the middle of the night.

Comments from the Council:

Mark Johnson: He still "dreads the day when the Fire Dept. is called out a two in the morning to put a fire out and they end up down in Loafer Canyon". There could be many problems.

Mrs. Osburn: She felt that this is just "scare tactics"; she has lived in the same place for over 20 years.

Mark Johnson: He does not feel these things are "scare tactics"; there has not been a fire on that road and there could be.

Mrs. Osburn: Many street names are similar and could cause problems, as well.

Mark Johnson: "That is what we are trying to correct...all these problems."

Mayor Dunn: Street names have been done, not to offend people, but for safety reasons. This is a Safety concern. We don't want to see a problem occur. There are fewer affected residents on Loafer Drive than on Loafer Canyon Road. Even if the name remains the same, the problems will continue. We would not want to see someone not receive emergency services due to confusion in finding an address.

Mrs. Osburn: She made the point that a street name change also causes confusion.

Discussion of other address and street name changes in the City and the effect on residents.

Nelson Abbott: Made some observations:

- The residents that voiced their approval of the street name change were not at this meeting.
- They have only heard from the resident against the change in this meeting.
- It sounds like some of the problems have been solved by the new corner sign.
- If correct information is given to emergency responders, then addresses are not that difficult to find.
- He sees no reason to change.

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY ALVIN HARWARD TO LEAVE THE STREET NAME OF LOAFER DRIVE AS IT IS FOR NOW

VOTE: YES (2) NO (1) MARK JOHNSON

ABSENT (2) MARY RUGG & RAYMOND BROWN

**Mayor Dunn: Motion does not carry due to the vote being 2-1; the vote would have to be unanimous to carry. It will be deferred to the next City Council Meeting.*

The Mayor explained to those present that the matter is still not resolved. Mrs. Osburn replied that she understood that things are "still up in the air".

Nelson Abbott: Suggested making a note of who is not present to see how their votes will go.

**CERT TEAM
EQUIPMENT
STORAGE**

Mayor Dunn: The CERT Team has some medical equipment that has been stored in a private residence. It was fine for a while because the couple were on an LDS Mission; but they are back and would like the supplies stored somewhere else. The previous Administration intended on adding onto the back of the restroom area, to create a place to store this CERT equipment. It needs to be accessible to the CERT Team; and some of the medical supplies need to be kept dust-free and out of the cold. It is proposed to store the equipment down in the overflow storage area in the City Offices.

CRESTVIEW
ESTATES I –
RELEASE OF
CONSTRUCTION
PHASE & BEGIN
DURABILITY
RETAINER TIME

Mayor Dunn: (Memo from Aqua Engineering)

"All of the punch list items have been completed and the project is recommended for final acceptance, with the condition that the durability period be doubled to four years due to a lack of utility trench compaction results. The start of the four-year durability period for this project is October 10, 2007."
(The developers were present at the meeting.)

There were options listed:

- Cut open the road, dig down to the lines and re-compact everything, replace the road.
- Letter from Christensen & Sons: "After the warranty expires from the owners of the property known as Crestview Estates I, located in Elk Ridge, Utah; Christensen & Sons Construction, Inc will guarantee any defects made to road or trench area resulting from insufficient compaction on the part of Christensen & Sons Construction, Inc., for two additional years."

Mayor Dunn commented that, because there is a lack of insurance that the work will not fail, time will have to be the test.

Question: What of the Durability Bond, itself? Is the bond to be held for the additional time?

Can the bond be released and the work covered by Andre?

The Mayor responded that the second part of the Durability time could be covered by a performance bond.

Corbett Stephens: Craig Neeley (Aqua) recommended holding the retainer that is in place now, for the four years. It probably would not make much difference to the City if the last two years are covered by some sort of a surety bond.

Comment: At that point, it is assumed that the bond could be reduced to cover only the areas in question; not all of the improvements.

Alvin Harward: The Durability Bond could be held for the last two years, only on the reduced amount on the problem areas (trenches).

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO ACCEPT THE IMPROVEMENTS AS COMPLETE AND TO APPROVE THE RELEASE OF THE CONSTRUCTION PHASE OF CRESTVIEW ESTATES I; AND TO BEGIN A FOUR-YEAR DURABILITY RETAINER TIME PERIOD AS OF OCTOBER 10, 2007. AFTER THE INITIAL TWO YEARS ARE EXPIRED, AN ADDITIONAL TWO YEARS ARE REQUIRED DUE TO LACK OF COMPACTION TESTING ON CERTAIN UTILITY TRENCHES; THE DURABILITY BOND SHALL BE REDUCED TO COVER ONLY THOSE AREAS (TRENCHES) IN QUESTION; THE AMOUNT SHALL BE DETERMINED BY THE CITY ENGINEER.

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

WATER SYSTEM
PROJECT & CITY
CENTER LAND
PURCHASE –
FINANCE
DISCUSSION

Mayor Dunn: Councilmember Harward, the City Recorder and he (Mayor) have met with representatives from three different banks: Far West Bank, Zion's Bank & Wells Fargo Bank. They have all made proposals including their services. The terms are similar; the choice will be made based on the level of service each institution is capable of and the interest rates. There was a 70-day extension assigned to the property for the City Center, to give us time to get the financing arranged.

Mayor Dunn spoke to the property owner regarding moving the existing house; he told him we would either move the house about 75 ft. or 450 ft. It is unknown at this time.

He is hoping to have some preliminary drawings of a City Center to show the Council.

Alvin Harward: The terms from the Banks are similar; Wells Fargo and Zion's had more organized presentations than Far West, even though we do most of our City banking with Far West bank.

Far West wants to try to match the other offers, but they are on unfamiliar ground and do not have the expertise the other two banks do. Far West has merged with another bank and they are trying to provide what we need.

In the meetings with the bankers, it was discussed to include the purchase of Hole #7 in the bonding package, rather than having closing costs on two bonds.

Hole #7:

Councilmember Harward suggests making a real estates purchase offer for \$75,000/acre (just over 6 acres). Payson can take that offer to their Council and we can get going on this.

He also suggests including an explanation from the Mayor regarding the excavation of the other two holes (14 & 15); they did their projects without any permits or permission from Elk Ridge; they did not comply with any of the City's standards.

If they accept the offer, Elk Ridge will realign the boundaries between the two cities to place those two holes in Payson instead of Elk Ridge.

Mayor Dunn: Simply wants to remind them that the negotiations work two ways. He is having Shawn Eliot provide an aerial map of the entire area. Hole #7 has a major gas line easement running right through the center of the land; which should take the value down.

Update on Water Project:

1. Water System:

There was a pre-construction meeting today with VanCon; they said they would begin cutting in their valves, PRV Stations soon so they can get the asphalt back down.

2. Tank:

Gerber is ready to start within seven days. There will be a service road up the south side and material being stored on Burke Cloward's property. As homes are built in Phase 2 of the PUD, that dirt will be added to the dirt for the tank project.

Discussion of the possibilities of filling in the current area that was designated as the Retention basin.

Property in Loafer Canyon:

The Mayor mentioned the possibility of creating a building lot out of the City property west of the Dennis Shuler Subdivision; the revenue brought in from the sale of this lot could be used on the City Center.

Possible sale of a portion of Phase 3 of the Elk Ridge Meadows PUD for an elementary school:

The School District must determine the amount of water rights they will need; they were referred to Tony Fuller for assistance. The District would not build the school for a while, but they want to procure the land.

Alvin Harward: There is an opportunity to purchase water rights (189 acre ft.) at about \$3,500 or \$3,600 per acre ft. The City could make about \$120,000 profit. It is out of Birdseye; it has been partially transferred.

Mayor Dunn: The athletic courts and fields associated with the school will be open to the public.

Alvin Harward: He spoke to Randy Young; if the City does not require him to install a round about (part of their Annexation Development Agreement); he said he would be willing to give a triangle piece of ground to the City. A round about may not fit in the area designated.

Mayor Dunn: With 3 pieces of property, the City could end up with about \$500,000 in revenue to put toward the City Center. He saw a bronze elk in Wyoming that would be beautiful in front of the City Center.

SUVMWA Water Rights:

Alvin Harward: SUVMWA: There is a pending land purchase for the regional sewer site. The ground will be \$32,500 per acre.

Nelson Abbott: With a regional Plant, Payson Sewer Plant would become a treatment plant which would feed to the Regional Plant.

Alvin Harward: Springville City is opting out of the land purchase. The land is around the waste station and extends to the lake; the Plant will only need less than 20 acres for the Plant; the rest of the land would be partially for future development. Elk Ridge should remain in favor of the purchase. Buying into the deal in the future will be very costly. Councilmember Harward needs to give SUVMWA direction whether Elk Ridge is still interested.

Mayor Dunn: Jeff Budge (formerly with Aqua Engineering) gave a presentation over a year ago to the South County Mayors' Organization; SUVMWA had the same presentation...it is a great opportunity. Two administrators from District Sewer Plants in S. Salt Lake & Ogden presented information regarding regional sewer...they both were in favor and said that they are more economical and that "they work". The planning starts now.

Nelson Abbott: he is in favor of preparing now for this. The Council is committed to keeping the rates as low as they can be and still provide services. Failure to act now could cause undo financial hardship on citizens later.

Alvin Harward: The City's portion would be about \$16,920 per year (About \$169,000) from the Sewer Fund (it could come from general Fund or the Water Fund as loans, as well).

Nelson Abbott: As long as the payments could be paid for, he is in favor of it.

Alvin Harward: he needs a commitment from the City. The money from selling the water rights to Elk Ridge could be used for this project.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO COMMIT TO SUVMWA TO BE INCLUDED IN THE LAND PURCHASE AT THIS POINT, FOR THE FUTURE REGIONAL SEWER PLANT; AND THAT ELK RIDGE IS IN FAVOR OF SUVMWA MOVING FORWARD WITH NEGOTIATIONS FOR THE PURCHASE

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

MINUTES

1. Minutes of 8-14-07:

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY NELSON ABBOTT TO APPROVE THE CITY COUNCIL MINUTES OF 8-14-07

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

2. Minutes of 8-28-07:

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY NELSON ABBOTT TO APPROVE THE CITY COUNCIL MINUTES OF 8-28-07; WITH CORRECTIONS ON PG. 9, LINES 20 & 23

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

EXPENDITURES

General:

1. Mechanical Seals – 3 Booster Pumps:

The Engineer asked that the Council add \$1,350 (450 X 3) to the approved bid of \$918,204, which would total \$919,554.00.

This was inadvertently left off the original bid.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO APPROVE THE PURCHASE OF AN ADDITIONAL \$1,350 FOR THREE “MECHANICAL SEALS” FOR THE BOOSTER PUMPS, BRINGING THE TOTAL TO \$919,554

VOTE (POLL): NELSON ABBOTT-AYE, MARK JOHNSON-AYE & ALVIN HARWARD-AYE NAY (0) ABSENT (2) MARY RUGG & RAYMOND BROWN

2. TV-Video Player in Council Room:

Mayor Dunn: The TV is used by the Fire Dept., Planning Commission and occasionally the City Council; however it is very old and is not working anymore. The Mayor approved the purchase of a new TV + video capabilities. Total cost = about \$380.00.

The Mayor can approve expenditures up to \$500 without Council approval.

3. Sports Director Compensation:

Councilmember Rugg requests that the Council approve paying the Sports Director \$100 per sport for her services. The various sports bring in revenue of over \$5,000 annually; not all is spent on supplies. This would be a good gesture for all the work she does.

Mayor Dunn: Kara Cook is the Sports Director currently; she did not request this money; it is proposed by Councilmember Rugg. She has increased the interest in the various sports.

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO APPROVE \$100 PER SPORT TO BE COMPENSATED ANNUALLY TO THE ELK RIDGE SPORTS DIRECTOR

VOTE (POLL): NELSON ABBOTT-AYE, MARK JOHNSON-AYE & ALVIN HARWARD-AYE NAY (0) ABSENT (2) MARY RUGG & RAYMOND BROWN

**Note: The actual motion included a total of \$300 per year; when there are actually 4 sports currently: Basketball, Baseball, Soccer & Flag Football; I thought it more appropriate to simply designate \$100 per sport rather than place a total on it. If that is not acceptable, please make that adjustment when approving the minutes.*

4. City Backup Program to the Computers:

The backup system is not functioning. The computer technician for Harland (was Scantron) came in to check it and has a temporary backup to the extra hard drive; however, we need to replace the backup program. This is imperative and required by the Auditors, to have a system that allows backup to a disc that can be stored off-site.

- There is an option through Harlan; however, it offers more than the City would need and would be costly.
- The technician recommends a backup system from Symantec (the Company that supplies Norton Anti-virus to the City); the cost would be about \$1,000. Since this just came up, and we need line up a backup system as soon as possible; the request is for the Council to approve a figure above the \$1,000, to allow this purchase to take place. (Perhaps \$1,500)

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO APPROVE UP TO \$1,500 FOR THE PURCHASE OF A BACKUP SYSTEM FOR THE CITY'S COMPUTER NETWORK


VOTE (POLL): NELSON ABBOTT-AYE, MARK JOHNSON-AYE & ALVIN HARWARD-AYE NAY (0) ABSENT (2) MARY RUGG & RAYMOND BROWN

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3 NON-AGENDA
4 ITEM

Corbett Stephens: Asked for clarification regarding the newly adopted Fee Schedule: Does the new total for the Sewer Impact Fee apply to all building permits issued from this point forward? (The response from the Council was, "Yes, the Effective Date is after passage on October 9, 2007.")

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8 ADJOURNMENT

Mayor Dunn adjourned the Meeting at 8:47 PM.

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City Recorder



NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular City Council Meeting on Tuesday, October 23, 2007, at 7:45 PM, to be preceded by Meet the Candidates Night at 6:00 PM; and the State of the City Address at 7:00 PM.

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

6:00 PM **MEET THE CANDIDATES NIGHT**

7:00 PM **STATE OF THE CITY ADDRESS by MAYOR DENNIS A. DUNN**

7:45 - PM **REGULAR COUNCIL MEETING AGENDA ITEMS:**

Opening Remarks and Pledge of Allegiance Invitation

Approval/Agenda Time Frame

7:50 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 to the Mayor or City Council.

7:55 1. A) Consider for Adoption of a Resolution authorizing the issuance and sale of not more than \$1,500,000 Aggregate principal amount of Sales and Franchise Tax Revenue Bonds, Series 2007, of Elk Ridge City, Utah; and

B) Consideration for adoption of a Resolution authorizing the issuance and sale of not more than \$550,000 aggregate principal amount of Water Revenue Bonds, Series 2007, of Elk Ridge City, Utah; and related matters.

8:05 2. Schedule Public Hearing: Sales Tax Revenue Bond (October 13, 2007, at 6:00 PM))

8:10 3. Health Insurance – Matt Spencer

8:20 4. Hansen Annexation Petition – Acceptance/Denial

8:25 5. Loafer Canyon Road Development – Mayor Dunn

8:35 6. Ordinances:

A. Hard Surface Street Improvements (Section 10-12-24)

B. Street Facilities (Section 7-4-6-C-4)

8:45 7. City Planner Position (Ken Young/Shawn Eliot)

8:55 8. Golf Course, Hole #7 - Update

9:00 9. SUVMWA Water Right - Update

9:10 10. Approval of Minutes of Previous Meetings

9:15 11. Expenditures:

General:

A. Roosevelt City Money – Mayor Dunn

B. Public Works Pickup Replacement – Mayor Dunn

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 18th day of October, 2007.


City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and hand-delivered to each member of the Governing Body on October 18, 2007.


City Recorder



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**ELK RIDGE
CITY COUNCIL MEETING
October 23, 2007**

**TIME & PLACE
OF MEETING**

This Regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, October 23, 2007, at 7:45 PM.** It was preceded by the **Meet the Candidates Night at 6:00 PM; and the State of the City Address at 7:00 PM.**

All interested persons were invited to be heard.

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

Notice of the time, place and Agenda of the Scheduled Council Meetings & Public Hearing, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on October 18, 2007.

6:00 PM

MEET THE CANDIDATES NIGHT

ROLL

Mayor: Dennis A. Dunn; *City Council:* Mark Johnson, Alvin Harward, Raymond Brown, Nelson Abbott & Mary Rugg; *Plan Coordinator:* Margaret Leckie; *Planning Commission:* Shawn Eliot; (Candidates): Julie Haskell, Kevin Hansbrow, Derrek Johnson, Dennis Jacobson, Sean Roylance & Alvin Harward; *Public:* John Hoschouer, Gary Prestwich, Mark & Catherine Goold, Catherine Fillerup, Cecelia Harward, Susan Dunn, Darin Magoffin, Hal Shuler, Gerald Dye, Liz & Gary Smith, Kara Cook, Jacob & Leslie Johnson, Desiree & Jon Shallenberger, Todd Phillips, Ron Leckie, Weston Youd, Laura Deichman, Mary Thompson, Dr. David & Margaret Tipton, Rae Lee Steinacker, Mike Riley, Cynthia Riley, Ron Cooper, June Call, Jane Watson, Cathie Ogden, Tamera Holman, Nicholas S. Winn, Karl & Sharon Shuler, Maureen & Matt Bushman, Joann Bigler, Michael Brockbank, Russell Sly, Jamie & Jim Towse, Kristen Roylance, Linda & Robert Goodwin, Wesley & Blake Denning, LaRon Taylor, Reed Mauchley, Rick Wignall, David Rowland, Amber Haskell, Jordan Norton, Sherie Clark, Melissa & Kylie Anderson, Sherrie Woodward, Darrell & Martha Hodges, Todd & Mindy Norton, Janine Nilsson, Jennie Wilcox, Jane Watkins, Gayle Weber, Jeri Bonny, Scot Christofferson, and *City Recorder:* Janice H. Davis

Mayor Dunn: Welcomed everyone in attendance; and introduced the portion of the Meeting set aside for the public to meet the remaining 6 candidates running for City Council position. There will be three 4-year positions to fill. He explained that the Candidates drew numbers earlier and will address the public in that order. Each Candidate will have two minutes. After the initial 12 minutes, the meeting will be opened to questions. He asked that the questions be addressed to particular Candidates. He asked that basic rules of courtesy be followed.

1. Alvin Harward: (Built 1st home in Elk Ridge in 1990)

Qualifications:

- Financial background (banking for 34 years)
- He has a real estate background as well.
- He has been on the City Council for the last 4 years (Water Dept.)...much has been accomplished in the Water Dept.
- He was also Planning Commission Chair

He would like to see accomplished:

- One more well (avoid the same type of situation that Woodland Hills was in this Summer)
- City cemetery
- City Center (current building would go to the Fire Dept.)
- Develop more park space

If any of the public has some things they would like to see addressed, please call him.

2. Sean Roylance: (Resident for 1 ½ years... He is a member of the Planning Commission)

Qualifications:

- Planning Commission
- He has small business involvement – he is currently the V.P. of marketing for a financial company. He assists with decision making in the area of finances.
- He generally has a conservative philosophy about finances; meaning, if you don't have to spend it, don't. (Save money where you can.)

Issues:

- Water rates: He needs to learn why they are at the current level & what can be done in the future. He is learning, but there is more to learn. He hopes to see them lowered.
- Growth: Having served on the Planning Commission, he has seen need for change.
- Communication: Respect for the opinions of the citizens. He invited anyone interested to visit his web site.

3. Derrek Johnson: (Resident of about 9 years)

Issues:

- Water Rates
- Growth: Design of buildings, lot sizes & annexations
- Better communication with the citizens & between the Planning Commission & the Council
 - He believes that the citizens know what is going on and that they are not misinformed.
 - He wants to listen to concerns.
- He feels the Planning Commission has done an excellent job in guiding growth.

4. Julie Haskell: (Resident for 22 years)

Qualifications:

- She has lived in Elk Ridge for a long time and has seen many changes...she loves living here
- She cares very much about the future of Elk Ridge City
- BA in computer science; she worked in that industry for 13 years
- She is currently a "stay-at-home Mom"; so this is a good time to dedicate to serving the Community

Issues:

- She would like to see increased police protection with a full-time officer in Elk Ridge; growth has increased the need
- Responsible growth; taking care of existing residents

5. Dennis Jacobson: (resident of 15 years)

He agrees with much of what Derrek Johnson said...

Issues:

- Input from the citizens is a must...it needs to happen.
- Growth & Development: How development will impact current residents financially and in other ways...he does not have all the answers...but he would like to find out.
- He feels that some of the issues that will affect the Community in the future are the cost of services and the various rates. He does not want to be financially forced out of being able to live here.
- Gary Prestwich has tried to get commitments from the Candidates to lower water rates; he does not know if this is realistic. He is not going to give a "promise" to lower rates unless he knows that it will happen. He is for lowering rates, but he does not want to be placed in a position of lying to people.
- He wants to place the burden of development on developers, not on existing residents. Developers should have to meet City ordinances to be able to develop here.

6. Kevin Hansbrow: (Resident since 12/2005)

Qualifications:

- Though he appears to look like a teenager, he assured everyone that he is 31
- Has served on the Planning Commission for the past year; and has learned a great deal in this service.
- He feels that getting involved is the best way to find out information

Issues:

- The Planning Commission just put out a survey and has gathered that information to review.
- Growth: There are laws and ordinances that dictate what happens in a city; and if some of those are "broken" they need to be fixed.

He is in favor of reviewing those Codes that may not fit the needs of the Community...and to assist in slowing growth.

- Property owners have rights and it is important to realize the just because we are here, we just can't close the door.
- He wants to hear concerns of the citizens; he listens to Mr. Prestwich regarding water rates being lowered. (He gave out his cell number for people to call him.)
- He loves the feeling of Elk Ridge and is going to be here for a long time; he realizes that his decisions will affect people in the future, including his children. He will not base decisions on the emotion of the situation.

Mayor Dunn expressed his appreciation for those introductions; and opened up the meeting to questions and answers; asking for those wishing to speak to raise their hands.

*Bob Goodwin: Water run-off... there are curbed and non-curbed streets; some homes built in and close to ravines...there are some major problems with water run-off and flooded basements. What are the positions to handle this problem? (Directed to all.)

Kevin Hansbrow: The City has identified areas where more curb/gutter would be appropriate.

Dennis Jacobson: The City (people) needs to decide whether we want curb/gutter throughout the City. He is not in favor of installing an underground drainage system; he feels there are cheaper ways of handling drainage...above ground. In the past (on Fremont Way) curb/gutter was forced on the residents. There are problem areas with run-off that need to be addressed.

Alvin Harward: The current City Engineers have come up with a great sump system to handle run-off; and where those have been installed; the run-off is handled very well and is effective.

Sean Roylance: The Planning Commission is addressing keeping homes out of the areas of ravines.

*Weston Youd: The City owns property on Loafer Canyon Rd. (where Loafer Canyon Rd. meets Park Drive.); west of his residence. He has heard that the City is considering making this a building lot. They were informed that that area is not developable. If the Candidates do not wish to place homes in drainage areas (ravines) such as this; would the Candidates commit to not considering this land as a building lot; but perhaps a neighborhood park or something. (Directed to all.)

Derrek Johnson:

He does not know what the Code says; but he is in favor of tightening up the Code for areas where there could be dangerous or damaging situations...if this is one of those areas, then he would be in favor of "tightening up the Code so building does not take place. He would not want a situation to occur like in Cedar Hills...where erosions has caused the sides of the mountains to slide. Ravines and ridgelines should have Code to keep building out of those areas.

Dennis Jacobson: Mentioned the flooding that happened in 1983 down in Loafer Canyon Road. There is a house blocking the natural drainage channel in Loafer Canyon; how will that be addressed? If this type of flooding re-occurs, there will be a problem in that area. Ordinances should change...it is easy to forget.

Alvin Harward: The builder of the home blocking the drainage channel (corner of Park Drive & Loafer Canyon Drive) was very much aware that situation, and has cleaned out the culvert as it goes under the road. Almost every land owner in Loafer Canyon has filled up the ditch in the back.

Kevin Hansbrow: Agrees with Sean Roylance.

Derrek Johnson: He lives on Hillside Drive; it is a natural drainage channel right behind his home...the home just to the north of him is downhill and 2' higher than his back yard. He spoke to the City and right now there is nothing they can do. He understands the concern.

Julie Haskell: She agrees with the things that have been said regarding tightening the Code for drainage areas.

*Shawn Eliot: (A member of the Planning Commission) One of the toughest assignments this year involves hillside development associated with Codes that do not seem to fit the needs of the Community. One of his concerns (& from the General Plan Survey) is that a majority of the returned surveys mention preserving open space in the City as well as the hillsides; what is the stance of the Candidates on this issue?

Julie Haskell: She agrees that open space should be safeguarded; she does not know how this can be accomplished; she is still learning, but she is in favor of this.

Dennis Jacobson: He countered with a question to the Planning Commission; wondering what they think of having 500 homes south of the City?

Returning to the question: He is for open space; but he expressed his opinion and concern that the ordinances for the CE-1 Zone had been changed just a few years ago. From what he understands, the grade elevations had been in place for 30 years or so. According to his understanding, no one could go up into that area and make cuts. He feels the ordinance should be restrictive, to not allow "1,000 people driving off that hill". He has had many residents ask him about this. He agrees; but he feels the ordinance should be returned to its original form.

He said that some of the Planning Commissioners agree.

Alvin Harward: The City Council has placed a 6-month moratorium on development in the CE-1 Zone; and it is in the Planning Commission's hands to look at the CE-1 Zone and come up with the amending ordinance.

Kevin Hansbrow: He is in favoring of "clustering"; 67.1% of the respondents to the City Survey said the CE-1 Zone should remain at one house lot per every 1-acre lot. The Planners consider these numbers in the plan for the area. He is for clustering to maintain more open space; it would still be an average of one house per acre.

Sean Roylance: Issues in considering the CE-1 Zone Code:

- Density & Open Space
- Width of lots
- Density per acre

His position (in general): In the survey, the people said they want to feel more like Woodland Hills: to him, that means not quite as much density...but then Woodland Hills does not have a lot of open space, and people want open space. This might be accomplished by perhaps clustering some homes and leaving some land open and usable.

The project that came through under the current Code was allowed more houses per acre because they gave the City some open space, but much of the open space was on 40% hillside.

So, he wants lower density per acre and more usable open space in the CE-1 area.

Derrek Johnson: He is opposed to clustering; he likes the open space like Woodland Hills; but when the developer is asked to give a certain percent of open space, usually this is given on a hillside that has steep slopes and cannot be used. It does not benefit the public at all. The result of the Code need to be of benefit to the citizens.

Dennis Jacobson: (Directed to Shawn Eliot) Is the Planning Commission in favor of putting the Code for the CE-1 Zone back the way it was, since they are the ones who changed it?

Shawn Eliot: He would be willing to have a conversation with Mr. Jacobson regarding these changes; because they really did not change it that much.

Comment from the audience: This is way off track; she asked that the conversation return to the appropriate topic.

*Reed Mauchley: (Directed to Kevin Hansbrow) He wanted clarification: Mr. Hansbrow stated earlier that he would be in favor of changing ordinances "for the developers"; could he please clarify this?

Kevin Hansbrow: No; he referred to Codes that seem to be "broken" and do not work well for anyone, including meeting the City's needs. The density is a big issue in the current Code; and it wasn't right in the previous Code. They are trying to fix this, under the direction of the City Council.

Mr. Mauchley: In other words, you would enforce the Code and change it where necessary? How will the Community be notified of any proposed changes?

Mr. Hansbrow: The City will follow the legal noticing requirements as well as posting on the web site and other channels the City uses. The public is encouraged to attend and voice their opinions.

Sean Roylance: He feels the City needs to go beyond notifying "by law" + other efforts. He would like to see better noticing and better dispensing of information to the citizens. It seems that people find out about issues after the fact, rather than before the fact. He would like to see other techniques implemented to notify the public.

*Gaylene Jacobson: She needs clarification of the powers and duties of the Planning Commission and the association they have with the City Council; how does the process of approval function between the two bodies?

Sean Roylance: (Explanation of the process) Primarily, the Planning Commission is a recommending body to the Council; they may have ideas to present to the Council, if approved the Commission does more work on an issue and then it goes back to the Council for final approval or denial.

Kevin Hansbrow: The Planning Commission looks over the Codes and ordinances and if a certain issue/project meets the Code, then the recommendation would be for approval; if it does not fit, then the recommendation would be for denial. They do not approve or deny; they simply recommend to the City Council.

*Laurica Jacobsen: (Directed to all Candidates) How committed are they to voting the way the citizens want; even if it contradicts the personal opinion of each?

Sean Roylance: He wants to know what the public thinks. If elected, he represents the public, not himself; he referred to the address change as an example of an issue that, in his opinion, most of the residents were not fully aware of what was going on. He wants people notified so that opinions can be heard and respected before decisions are made.

Kevin Hansbrow: He feels that the desires of the citizens are very important; he also feels that changes cannot always be made immediately. Actions must be within what the Code allows; if the Code needs to change, that can take time. He would not push his agenda over what the citizens want.

Dennis Jacobson: He is confused when he hears that the Code is "broken"; his thought is that the Codes were changed and those changes have created problems. What were the reasons for the changes? He also agrees that communication to the citizens needs to improve.

Alvin Harward: He does not believe that anyone on the Council "pushes his/her own agenda"; all the Councilmembers take an oath that they will do what is best for the citizens and Elk Ridge City. He feels the Council pretty well holds to that.

Derrek Johnson: Community involvement is important. People need to come out to the meetings to be heard. The Council cannot do much after a decision is made if there is no input from the public.

Julie Haskell: She agrees with Derrek Johnson; we need to be involved... she does not have a personal agenda; so she would not be voting in that way. She wants to hear what the citizens want.

*Cecelia Harward: Question on the Surveys sent out; how many were sent out? (*Kevin Hansbrow responded that 475 surveys were sent out; 49% of those were completed and returned = 232 completed surveys, with 95% confidence level.*) Then every house did not get one.

Sean Roylance: A few houses were missed; they tried their best to get to every house, but that did not happen; but a 50% return rate is excellent, so they are impressed with the numbers.

*Nicholas Winn: (re: hillside building) He snowboards and sleds on the hillside south of High Sierra Drive; and he does not believe that any of that area could be developed due to the slope of the terrain.

Sean Roylance: The Codes that are "in process" will address those steep slopes; pending approval. We want to protect those hills while respecting the landowner's rights to develop.

Dennis Jacobson: (RE: Developer's rights) An example was given: If I buy property in a designated wet land, I'm not going to be able to build a house there. If you buy ground in certain areas, you've got to realize that you might not be able to do something with it."

Alvin Harward: There will be no homes built on that steep of a road. In the area that Mr. Winn referred to, there are no plans to blacktop that road.

Kevin Hansbrow: (RE: Building) Builders come in and pay fees; and once they pay fees, they are then under the Code in existence at the time they make application to the City. On the Planning Commission, one sees Codes that are "broken" (do not fit the needs of the City). The developers that came in to develop southeast of High Sierra Drive are under the Code that existed at that time. That has been a learning experience for City.

*Jacob Johnson: Why is "clustering" preferred? Land owners buy acre lots; it is private property (not City-owned)...so the City cannot make anything out of it; so how does the City make parks and open space on that property? It seems from the survey that most people want the larger lots.

Kevin Hansbrow: Clustering uses smaller lots than 1-acre; if there is less land tied up in the lots; it allows more open space to be dedicated to the City. The question in the survey referred to the appropriateness of one-acre lots in the area south of the City...he feels this refers more to density issues.

Dennis Jacobson: He is not in favor of clustering homes. The comment regarding the City not owning the property was a valid one. If density allows open space, then what is the purpose of the open space? Example: The PUD north of the City: the park will be unavailable to the general public (homeowner's association); how does that benefit the City? Clustering, in this case, did not benefit the existing residents.

Sean Roylance: He would like to see a mixture of 1-acre lots with ½ -acre lots...or smaller; with the City receiving a decent portion of open space. The City could make the open space useable.

Mayor Dunn: (Clarified issues in the PUD) The park in that PUD is built, paid for and designed by the homeowners...it is a private park, not a public park. They maintain it. Dedicated open space and that contained in a PUD are different. He intends to discuss this further in his State of the City Address later that evening.

*Catherine Fillerup: (Directed to Councilman Harward and Julie Haskell) Another City Center was suggested; as well as increased police protection: How would the City fund those suggestions?

Julie Haskell: (Increased Police Protection was her suggestion) She is not aware of the financial capacity of the City at this time; but in her opinion, we cannot afford not to protect our citizens. She would like to look into this.

Alvin Harward: There are options to consider: 1. Bonding (the City borrows the money and pays over long term period of time) The City has made an offer on some property at the corner of Goosenest Drive & Elk Ridge Drive for a new City Center. The Mayor has a good plan outlined to try to get professionals in the City as well as citizens to donate time and talents to the building of a new City Center. Mapleton did this and saved money in the process.

*Laura Deichman: How many of the Candidates are interested in a City Cemetery (by show of hands)? *Three if the Candidates raised their hand...one undecided.*

Kevin Hansbrow: Referring to the General Plan Survey: 56% were not in favor of a cemetery in the City.

*Darin Magoffin: Based on the response of Mr. Hansbrow, he assumes that he is voting in favor of what the citizen's want, not his own opinion? (*Mr. Hansbrow: "Yes."*)

*Cathy Ogden: How many of the Candidates currently own property other than the lot your home is located on; & how much?

(Other than the property where their houses are located, none of the Candidates own other property in Elk Ridge. Mayor Dunn commented that Julie Haskell is part of a family that owns property in and around Elk Ridge.)

*Reed Mauchley: (Directed to Alvin Harward) RE: The City investing in a City Center, cemetery & City Parks: Where would safety issues be prioritized on Park Drive as it extends down into Loafer Canyon Rd.? Is that a higher priority than these other investments?

Alvin Harward: That road (the "dugway") is not as steep as most people think; but it does have sloughing that needs to be addressed continually. Any solutions have been considered. He can not say that it has a higher or lower priority than a City Center. It does come up with the Council at various times.

*June Call: She has moved from a large city in the east of about 50,000; how vigilant will the Candidates be in standing up against developers in getting away with things?

Derrek Johnson: He is of the opinion that the City Council has been too pro-development; and he does not think that the City has gotten near the concessions we should have from developers.

Example: The road in front of Dr. Tipton's home (W. Magellan Ln.); the connection to the new section of road does not match up and creates a bump in the road. He feels the developer should have to tear it out and re-do it. He feels the Council allows developers to do what they want to up here; the citizens pay for it.

Alvin Harward: He differs with Mr. Johnson completely. The Council follows the Code; in fact the Council just considered driveways that were installed and they were too steep. The Council made the contractors tear them out and re-do them. As a City, we (Council) has to follow Code. If it is in the Code, it has to be allowed; if they violate the Code, they are forced to change what they have done. The City Council has not been lacks.

Sean Roylance: The responsibilities of the City are legislative (making the Code) and administrative (enforcing the Code); he is not clear at this point on how much the City Council can enforce vs. the administrative side of the City. He is in favor of strict enforcement: example of a rock wall (terraced) by Hillside Drive...the developer should be monitored carefully as he continues to develop.

Kevin Hansbrow: He cited an example of a developer approaching the Planning Commission with a plan that did not meet Code; they did not meet current Code. They proposed twin homes (survey indicates that the citizens are not in favor of this); the Planning Commission denied their request.

Dennis Jacobson: Can the road in front of Dr. Tipton's be fixed?

Mayor Dunn: He has been over to the road referred to and it is actually built to the existing Code. It looks like a bigger difference than it is.

*Gaylene Jacobson: He is still confused about the power between the Planning Commission vs. the power of the City Council. She feels the elected officials should be making the decisions in the City, not just one individual

Alvin Harward: Explanation:

1. The City Council are the only people that can vote and make policy; the Mayor does not vote (unless in the case of a tie).
2. The Planning Commission is an appointed body that gives recommendations to the Council. They consider the Code and then make these recommendations of approval or denial.

The Council does listen to the Planning Commission and does take the recommendations seriously. There are times when the Council does not agree with the recommendation; that is the Council's position. Thank goodness for the Planning Commissioners, that spend time considering the issues before them; the Council could not do all that.

Sean Roylance: He would like to see a City Council member attend Planning Commission Meetings because they (Council) does not always understand the reasoning behind why certain recommendations are made.

Kevin Hansbrow: Recently, the Planning Commission members have been assigned to attend the Council Meetings to assist in their decisions.

*Russell Sly: (Former Councilmember) Are there any of the Candidates not willing to take his/her turn in attending the Planning Commission meetings?

Mayor Dunn: There is a difference now in that City Planner should be the liaison between the Planning Commission and the City Council; this has happened in the past and it worked very well.

*Tamera Holman: Who determines where Commercial Zoning will be? Are these Candidates in favor of commercial in Elk Ridge?

Kevin Hansbrow: (Again referring to the Survey) The citizens are in favor of some commercial. The Zoning would come before the Council (as recommended by the Planning Commission).

Sean Roylance:

- If something needs to be re-zoned, that would have to go through the process before the Planning Commission and then the City Council.
- Commercial: There is the incentive to acquire revenue from the commercial. The City is limited in certain financial areas.

Kevin Hansbrow: He wanted to point out that Payson is planning a high density development north of the golf course; when that comes forward, it will not be Elk Ridge promoting this.

Dennis Jacobson: (RE: money vs. no money in the City) He has some questions on this because he gets varying answers, depending on if he talks to Dennis (Mayor) or Alvin (Harward). "We were told just the other day by a contractor that "Russ" Brown said, 'Oh we are broke and can't do this and can't do that'." He said that he does not know. He does not the answer to that. (When asked if he meant "Russ" Brown or "Ray" Brown, Mr. Jacobson corrected himself that it was "Ray Brown...the guy over the roads".)

He is in favor of "soft commercial".

Kevin Hansbrow: Yes, if it is right.

Derrek Johnson: He moved up here for "no commercial"; he would rather not see it, but we do need a tax base...there are a few things that could fit in with the Community.

Julie Haskell: She is in favor of a small convenience store...nothing big.

Mayor Dunn: Closed the portion of the Meeting dedicated to meeting the Candidates; and summarized that this has been a good opportunity. He thanked those present for coming and encouraged them to stay for the State of the City Address, coming up next.

7:20 PM

STATE OF THE CITY ADDRESS by MAYOR DENNIS A. DUNN:

**(For an entire transcript of the Mayor's Address, go to the City's web site: elkridgecity.org.)*

The Mayor covered the last 22 months of administration for the current City Council; he commented that, "An understanding of the events and changes that have gone on about you should bring some balance to your perception of what is going on here in Elk Ridge".

The Mayor covered the following topics:

Sewer

The worries of the past, while sewerage with Salem City have not been alleviated through sewerage with Payson City. We will have capacity with Payson for our current and future needs. "Other than occasional rate increases and regular maintenance issues that will happen as the system ages and costs rise, we have a permanent home for the sewer."

The Mayor discussed the future regional sewer plant and how Payson City would fit.

Water

Water Rights: "Our water needs here are constantly changing. These changes are affected by how much people use, the price, how much it costs to fill the tanks, growth concerns, available rights, and acts of God that change our available supply."

The Mayor discussed the water right requirement, as part of the subdivision process.

The City hired a water rights specialist to assist Aqua Engineering in proving up on the City's water rights and working with the State to straighten out all the points of diversion; he has also advised the City in setting up a "cash-in-lieu" program for developers to acquire a water right allocation from the City; and how the City can obtain additional water rights.

Water Conservation: As a new Mayor, Mayor Dunn had to rewrite the City's Water Conservation Plan, to turn into the State. He discussed how this has assisted in gathering enough money to assist in the installation of a new water tank and upgrading the Cloward Well pump and associated lines.

Water Rates: The water rates are where they are due some very serious dialog with the Council and the CPA Financial Advisor; these discussions and his counsel helps keep the City Council on the proper economic track. Water conservation plays a part in the water rates, as well.

Roads:

"Roads and their maintenance require constant consideration." The Mayor followed with some of the ways in which our roads deteriorate.

B&C Roads Funds are based, in part, on the miles of roads we maintain in the City. This record had not been updated for about 10 years; Councilmember Brown did this and the result is more revenue for the City.

Mayor Dunn discussed the various ways the City maintains the roads and stated that there is a conscious effort to stay away from chip & seal on less traveled roadways. These costs keep going up, along with the rest of the Country's and State's economy.

Parks:

Mayor Dunn drew attention to the beautiful work accomplished in upgrading the City's park; through Park Impact Fees. The park is a model for the citizens to look at regarding drought tolerant plants and conservation of water.

There is a need to acquire more property for parks in the City, as we are considered "short of actual public park facilities as far as total acreage goes". Hole #7 is being considered for additional park space for the City; the price is under negotiations.

Safety – Fire & Police:

Review of the Fire Dept. and the EMT Dept. (under the jurisdiction of the Fire Chief), as well as the CERT Team: Information including training, equipment management, supplies & grant applications to supplement the budget.

"As the demographics of Elk Ridge change, we will be concerned with keeping the safety systems in balance with growth."

Police protection will need to be increased as the population grows. "The diversity of people requires us to stay on top of the types of situations that come with the added population. In the future, a more permanent and full time police presence will be required."

Where are we going?

Change will come to Elk Ridge and we must prepare for the challenges. "Growth will continue as long as conditions will support it. Supplies must be accessible, money must be affordable, and it is mandatory that infrastructure has to be in place for any dwelling to be built and serviced."

Elk Ridge's build-out will be about 1,500 units. Preparation is the only way to handle this expected growth; this requires planning. The Impact Fee Studies extend growth out at least 30 years; this allows us to look ahead.

"A General Plan that is updated every five years is a wonderful tool in the planning process. Not only is the 'public interest' expressed and defined, but the goals and policies that need to be formulated are updated and written to help guide the public bodies in critical decision making."

In summary, the Mayor reviewed the future needs of the City to better be able to service our Community.

**ELK RIDGE
CITY COUNCIL MEETING
October 23, 2007**

**TIME & PLACE
OF MEETING**

This Regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, October 23, 2007, at 7:45 PM.** It was preceded by the **Meet the Candidates Night at 6:00 PM; and the State of the City Address at 7:00 PM.**

All interested persons were invited to be heard.

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

Notice of the time, place and Agenda of the Scheduled Council Meetings & Public Hearing, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on October 18, 2007.

8:10 PM

REGULAR CITY COUNCIL MEETING AGENDA ITEMS

ROLL

Mayor: Dennis A. Dunn; *City Council:* Mark Johnson, Alvin Harward, Raymond Brown, Nelson Abbott & Mary Rugg; *Plan Coordinator:* Margaret Leckie; *Planning Commission:* Shawn Eliot; (Candidates): Julie Haskell, Kevin Hansbrow, Derrek Johnson, Dennis Jacobson, Sean Roylance & Alvin Harward; *Public:* John Hoschouer, Gary Prestwich, Mark & Catherine Goold, Catherine Fillerup, Cecelia Harward, Susan Dunn, Darin Magoffin, Hal Shuler, Gerald Dye, Liz & Gary Smith, Kara Cook, Jacob & Leslie Johnson, Desiree & Jon Shallenberger, Todd Phillips, Ron Leckie, Weston Youd, Laura Deichman, Mary Thompson, Dr. David & Margaret Tipton, Rae Lee Steinacker, Mike Riley, Cynthia Riley, Ron Cooper, June Call, Jane Watson, Cathie Ogden, Tamera Holman, Nicholas S. Winn, Karl & Sharon Shuler, Maureen & Matt Bushman, Joann Bigler, Michael Brockbank, Russell Sly, Jamie & Jim Towse, Kristen Roylance, Linda & Robert Goodwin, Wesley & Blake Denning, LaRon Taylor, Reed Mauchley, Rick Wignall, David Rowland, Amber Haskell, Jordan Norton, Sherie Clark, Melissa & Kylie Anderson, Sherrie Woodward, Darrell & Martha Hodges, Todd & Mindy Norton, Janine Nilsson, Jennie Wilcox, Jane Watkins, Gayle Weber, Jeri Bonny, Scot Christofferson, and *City Recorder:* Janice H. Davis

**OPENING REMARKS
& PLEDGE OF
ALLEGIANCE**

An Invocation was offered by Alvin Harward; and Mayor Dunn also led those present in the Pledge of Allegiance, for those willing to participate.

**AGENDA TIME
FRAME**

**MOTION WAS MADE BY RAY BROWN AND SECONDED BY MARK JOHNSON TO
APPROVE THE AGENDA TIME FRAME, ADJUSTING THE START TIME TO 8:10 PM
VOTE: YES (5) NO (0)**

PUBLIC FORUM

Dayna Hughes: (Speaking as the Planning Commission representative)

Commissioner Hughes approached what she referred to as a "delicate & procedural" problem:

If developers come before the City Council prior to coming before the Planning Commission, they need to clarify the procedure. It is the Planning Commission's understanding that it would be better if they come before the Planning Commission first.

A recent example was cited when a developer came before the Planning Commission and said that they had been before the Council and that the Council was in favor of their concept. They feel that undue pressure is placed on the Planning Commission when this occurs. She said that she "would like to respectfully ask that if developers come to you (City Council) with these issues...even if it is just for a 'straw poll', it really needs to come to the Planning Commission first. This is not a power play, or a power struggle; but procedurally, it works a lot better for us (Planning Commission) if we are the first body that sees something that's a land use issue."

Raymond Brown: Is that Eric Allen? (Yes.) He did come before the Council to address his plan for twin homes and some of the Council did agree that it was better than a flag lot; but he was told that he would have to take his plan back to the Planning Commission.

Dayna Hughes: We appreciate that; and if the Council could do that as much as possible... because sometimes the developers like to "skip over us".

He came back to the Commission and said that the City Council is very favorable to this position.

Mayor Dunn: There was no legal or binding action taken on this because the Council cannot do that without the recommendation of the Planning Commission.

Dayna Hughes: Commissioner Hughes went on to make the point that they would like the Council to not see developers before they have been before the Planning Commission.

If someone comes to the Council for an opinion, "just don't even hear it"; just refer them to the proper process.

Mayor Dunn: The Mayor was in slight disagreement with this opinion; and he will contact the attorney and determine just what the stewardship is.

Dayna Hughes: It is her understanding that the Planning Commission hears land use first. She also would like to see a City Councilmember at the Planning Commission Meetings; "It is not the same thing as having a Planning Commission member attend City Council Meetings".

The Council gets the Commission's motions but not the minutes with the reasoning behind some of their decisions. This is not always possible, depending on the scheduling of the meetings.

Raymond Brown: When he was on the Planning Commission, the Commission would send items forward to the Council with an assigned Commissioner.

Mayor Dunn: Added the perspective that having a Council member at a Planning Commission meeting can create undue influence; and if the Councilmembers do attend the Planning Commission meetings, they are not to take action with the Commission. They are to listen and pay attention; don't ask them for advice...that is conflict of interest. It does work both ways; if they (Council) gets information from the Commission after they have done their job...that is what they are after. They are not after an opportunity to influence the Commission at their meeting...that is unethical.

He likes and appreciates what the Planning Commission is doing...to be available to answer questions.

Raymond Brown: Having been on the Commission, he takes what they do and recommend seriously...the Council does approve most recommendations that are sent forward.

Mayor Dunn: Answering a question from the audience: He sought to clarify that a developer will occasionally come before the Council at "Concept" for an opinion.

A memo could go to the Planning Commission from the Council to clarify any discussion at the Council level.

Alvin Harward: Also sought to further clarify the situation with Eric Allen:

- Mr. Allen had been to the Planning Commission and was sent to the Council with a recommendation of "denial" (flag lot). It is his right to come before the Council. The Council voted to uphold the Planning Commission's recommendation and his plan was denied by the Council. *(One of the issues was that he had not explored other options to a flag lot)* Other options were discussed and the Council said that this sounded better than a flag lot. He was sent back to the Commission with an alternate plan. This was appropriate. You cannot tell a person he/she cannot speak.

Mayor Dunn: There have been times when individuals have been given answers to questions that were not legal to offer.

RESOLUTION –
SALES TAX &
FRANCHISE TAX
REVENUE BOND,
SERIES 2007

A. Consider for adoption of a Resolution authorizing the issuance and sale of not more than \$1,500,000 aggregate principal amount of Sales and Franchise Tax Revenue Bonds, Series 2007, of Elk Ridge City, Utah; and related matters.

This bond is for the purchase of the land for the future City Center; as well as the purchase of additional land for another City Park. The City has paid \$10,000 "earnest money" toward the purchase of the property located at the corner of Elk Ridge Drive and Goosenest Drive.

Hole #7 is the proposed site of a future City Park; it would have to be purchased from Payson City and their City Council rejected Elk Ridge's initial offer for the land. Through communication between the Mayor of Payson and Mayor Dunn, it is felt that it might be better to wait to continue negotiations until after the new Councilmembers take office in January, 20078.

This Resolution simply adopts the parameters of the bonding.

There will be a public hearing scheduled to hear the issued associated with this proposed bonding.

B. Consideration for adoption of a Resolution authorizing the issuance and sale of not more than \$550,000 aggregate principal amount of Water Revenue Bonds, Series 2007, of Elk Ridge City, Utah; and related matters.

Ty Burgess (Wells Fargo Bank) was present to present the Resolutions and to answer any questions the Council may have.

Ty Burgess: He handed out time-tables for both of the bonds; they are different for each. He has worked in public finance here in Utah for about 14 years.

He reviewed the other bonding the City has issued (all paid off); ending with 2002 Water Revenue Bonds (still being paid on).

The adoption of a "Parameter's Resolution" (on the Agenda for this meeting); then a notice of the "issuance of bonds" in the newspaper...that publication runs one time and begins a 30-day "contest period" (citizens may protest the City's legal right to issue this bond...it is a well-established procedure in Utah that the cities so have a right to issue bonds so there would be no grounds to protest; however the opportunity to do so is provided.

When the Resolutions are adopted, the Bond Council will publish the notice and begin the contest period.

Parameters on the Water Bond are that the City will not issue more than \$550,000 at a rate not to exceed 4.75% for a return not to exceed 11 years; to be purchased at a price not less than 98%.

The parameters are set much broader than the anticipated issuance; that give the City room to work with the anticipated costs to be incurred. It is anticipated that the Water Revenue Bond will be at around \$4,890,000.

The actual Bond Resolutions will be adopted at the Council Meeting at the end of November, 2007, and then close in early December.

The Sales Tax & Franchise Tax bond have only been around Utah for about 5 or 6 years. It has become a popular option in bonding with municipalities.

It is a bit different than the Water Revenue Bond in that there is still the 30-day notice; but also the need for a public hearing...there is also the noticing requirement: the notice of public hearing and the issuance of bonds will be published twice in a newspaper. Then the actual Bond Resolution will be adopted at the end of November; with the closing at the beginning of December.

The parameter on the Sales Tax Bond is \$1,500,000; it is anticipated that the amount will be at about \$1,300,000; at a rate not to exceed 5%, at a term not to exceed 21 years, with the same discount of a purchase price at 98%. The purpose of this bond is for the purchase of land for a City Center, park or City building.

Adoption of these bonds allows the process to move forward.

City Recorder: Many times the issuance of bonding in a City can be associated with a "General Obligation" Bond, which pledges property taxes; this is not the case with these bonds.

(Brief explanation of Sales Taxes.) Sales Tax Revenue is pledged as collateral; the actual payments on the bond can come from other areas in the budget: water, sewer, fund balance, etc.

Nelson Abbott: Is the Sales Tax revenue sufficient to cover the payments?

Ty Burgess: Yes; under State law, one cannot pledge more on the annual debt service on the bond than 80% of the Sales Taxes received for the year. The City currently has enough revenue to cover this debt.

Adoption of Resolutions:

1. Sales & Franchise Tax Revenue Bond:

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO ADOPT A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$1,500,000 AGGREGATE PRINCIPAL AMOUNT OF SALES AND FRANCHISE REVENUE BONDS, SERIES 2007, OF ELK RIDGE CITY, UTAH (THE "ISSUER") FOR THE PURPOSE OF ACQUIRING LAND AND RELATED IMPROVMENTS FOR A PUBLIC PARK, A FUTURE CITY CENTER, AND A FUTURE PUBLIC WORKS BUILDING; CALLING A PUBLIC HEARING AND ESTABLISHING A TIME, PLACE AND LOCATION FOR SAID PUBLIC HEARING; PROVIDING FOR PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; PROVIDING FOR A PLEDGE OF SALES AND FRANCHISE TAX REVENUES FOR REPAYMENT OF THE BONDS; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; EXPRESSING AN INTENT TO REIMBURSE; AND RELATED MATTERS

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

NAY (0)

Passes 5-0

2. Water Revenue Bond:

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN TO ADOPT A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$550,000 AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE BONDS, SERIES 2007, OF ELK RIDGE CITY, UTAH; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; PROVIDING FOR THE PUBLICATION OF A NOTICE OF BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS

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

Passes 5-0

SCHEDULE
PUBLIC HEARING

Sales & Franchise Tax Revenue Bond:

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO SCHEDULE A PUBLIC HEARING ON NOVEMBER 13, 2007, AT 6:00 PM; TO RECEIVE COMMENT WITH REGARD TO THE CITY'S PROPOSED ISSUANCE OF SALES AND FRANCHISE TAX REVENUE BONDS, SERIES 2007, IN AN AMOUNT NOT TO EXCEED \$1,500,000

VOTE: YES (5)

NO (0)

HEALTH INSURANCE

Matt Spencer: (Representing Association Health Plans...an Insurance Brokerage)

specialize in health plans for small cities and towns and municipalities. He has been working with Nelson Abbott. There have been some changes in the Utah Local Governments Trust Risk Pool, which Elk Ridge City is a member of, through PEHP.

Mr. Spencer had a handout for the Council, outlining a proposal to the City in recommending a strategy for health insurance for the City:

"Vision Statement:

Association Health Plans is a dedicated agency serving the health insurance needs of its members through honest consultation, expert knowledge and prompt service.

Goal & Objective:

- Establish a long term relationship with Elk Ridge City
- Provide excellent service & honest advice
- Continue to establish outside relationships that are beneficial to Elk Ridge City
- Allow Elk Ridge City to make the most educated and informed decision possible concerning health insurance and employee benefits

Today's Situation:

- PEHP contractual changes:

ULGT contract to end

(ULGT had a contract with PEHP to administer the health programs for smaller cities & towns ...under 150 lives would go through ULGT; they were paid to handle claims, answer phone calls and services and to sell the product, for a commission. Over the years they have lost some business to outside companies; they felt that a way to recoup some of that money would be to act as a brokerage, rather than an agent to PEHP; this violates the contract with PEHP, since ULGT would not be "exclusively" with PEHP. PEHP chooses not to renew the contract with ULGT. ULGT sent out a letter to the cities & towns stating that the cities/towns may choose to stay with PEHP to stay at the same cost being paid currently. If the cities choose to stay with ULGT as a brokerage, a fee will need to be negotiated.

City Recorder: It was her understanding, after speaking to a representative of ULGT, that ULGT did not want an "exclusion" with PEHP so they could offer other plans to the cities & towns, and that they could best do that as a brokerage; as Mr. Spencer is doing.

Mr. Spencer: Yes, the City could stay with ULGT as a brokerage; that is the standpoint he comes from, as well. PEHP is a wonderful product. But it may or may not be the best for all cities & towns.

Mr. Spencer quoted from a report from the State of Utah, Insurance Dept.: "Large domestic health insurers account for more than 90% of the market and provide a solid pool of health insurers. These insurers are financially solvent and provide an important level of strength, stability, and choice for Utah's comprehensive health insurance market." It is Mr. Spencer's opinion that ULGT risk pool is shrinking. It is his opinion that that pool may become unstable in the future. Mr. Spencer would like to approach the City with an honest opinion and show the City what is out there, so you can make a

decision whether or not to stay with ULGT and PEHP. He would like to explore other options and try to save some money and use that money to better the employees' health benefits through health trust accounts, retirement, flex spending accounts and saving money so it could go toward them having a "0-deductible plan"; he thinks that would be wise to do.

Agencies can go direct

- Continual increases in health insurance acquire attention
- Dynamic, competitive market
 - Select Health with over 45% market share
 - Regence Blue Cross / Altius in top three
- Association Health Plans can help you navigate this complex market

Available Options:

- Summit Care (Current plan with the City)
 - Altius direct
 - Regence BlueCross Blue Shield of Utah
 - Humana
- Preferred Dental
 - Educator's Mutual
 - Dental Select

Recommendation:

- Allow Matt Spencer (Association Health Plans) to:
 - Analyze current health insurance portfolio
 - Recommend a strategy
 - Educate HR and employee

Nelson Abbott: Asked Mr. Spencer to clarify what happens to the rates as a pool shrinks.

Mr. Spencer: The smaller a pool, the harder it is to spread the risk out. ULGT pool has experienced some pretty dramatic increases in the past; currently, it is at about 6.5%, which is great; but it won't stay at 6.5 %. As the pool shrinks, the increases will take place. That pool has about 1,400 members in it...it needs to be watched closely.

Raymond Brown: What other cities do you represent?

Mr. Spencer: Harriman, Brian Head...and a few more they are working with.

Raymond Brown: There are probably several small towns with Altius; if those were gathered together...another pool could be created; perhaps preferred rates would still be available.

Mr. Spencer: There are several smaller cities want to form their own pool; he does not recommend that route because they expose themselves to a bit more risk. He recommends that the City stand on its own...Select Health accounts for 40% of the market-share in Utah; BlueCross comes in 2nd; Altius has about 15% market-share.

He wants to see what the best option would be for Elk Ridge. If PEHP is the best, he would not hesitate to recommend going direct to them; which would cut his services out.

He needs authorization to proceed to gather information from the employees to get some quotes together.

Nelson Abbott: He will be glad to have actual numbers to review and true rates. Councilmember Abbott will receive no benefit from this information due to the fact that he is in the insurance business. He simply has been asked by the Mayor to gather this information together and make an informed recommendation to the Council, because of his experience in this field.

There is no possible way that he could gain from this in the future with BlueCross, due to their strict regulations regarding writing agents.

Matt Spencer: The deadline for renewal with PEHP is December 16...to renew in January, 2008. The City needs to have enough time to consider the options brought forward by him and to make a decision.

MOTION WAS MADE BY MARY RUGG AND SECONDED BY NELSON ABBOTT TO AUTHORIZE MATT SPENCER TO WORK WITH COUNCILMEMBER NELSON ABBOTT AND TO REVIEW THE CITY'S CURRENT INSURANCE POLICY, GATHERING THE APPROPRIATE INFORMATION TO BRING OPTIONS AND ALTERNATIVES TO THE CITY COUNCIL FOR CONSIDERATION; AND TO PRESENT THIS INFORMATION AT THE CITY COUNCIL MEETING TO BE HELD ON NOVEMBER 27, 2007, AT 7:20 PM

VOTE: YES (5)

NO (0)

HANSEN
ANNEXATION

Gary Hansen (located on the southwest corner of 11200 South and Loafer Canyon Rd....currently in the County) submitted a Petition for Annexation into Elk Ridge City. It is before the Council to accept/deny the Petition.

This is not tied to development at this point; it is simply an annexation.

Mayor Dunn: Other than being aware of the existing ravine and major gas line easement; he sees no major problems with this proposed annexation. (89.606 acres)

City Recorder: Brief explanation of the annexation process. Approval at this point allows the Petitioner(s) to move forward in the process.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO APPROVE THE ANNEXATION PETITION FOR GARY HANSEN

VOTE: YES (5)

NO (0)

LOAFER CANYON RD.
PROPOSED
DEVELOPMENT

Mr. Don Mecham met with Mayor Harding (Woodland Hills) and Mayor Dunn regarding a proposed development by Mr. Don Mecham at the southeast end of Loafer Canyon Rd. (just south of the gate to the Loafer Recreation Association).

Mayor Dunn: Possible boundary agreements were discussed with Woodland Hills. Woodland Hills has annexed the property north and east of the private gate and have approved 14 building lots. They talked of various possibilities:

1. Divide Loafer Canyon Rd. (East side in Woodland Hills and the west side to Elk Ridge)
Problems associated with this: financing snow removal and other problems associated with servicing the road
2. Follow the ridge line of the hill, as it continues south off of Don Mecham's previously owned property.
The west slope of the hill and the entire canyon would be Elk Ridge.
This would require that those 14 building lots would have to be deannexed from Woodland Hills to Elk Ridge; and Mr. Mecham would install the entire sewer line and other utilities up the Canyon to the existing connections, which would make some of the flatter property developable.
3. Not to do anything.

Mayor Harding is taking this information to his Council and Mayor Dunn is bringing it to our City Council simply as information to consider.

Both Cities and Mr. Mecham are interested in knowing what the interests and desires of the two Cities.

Comments:

Raymond Brown: We definitely do not want ½ a road. He would prefer having the entire road and sewer installed.

Mayor Dunn: Another consideration with the ½ road option: who would revenue water to whom?

Nelson Abbott: There are some actual barriers that already exist for the residents that live in the Canyon. Many of the citizens feel somewhat "isolated" from the rest of the City, as it is; if the east side of the Road were part of Woodland Hills, they would feel even more isolated.

Kevin Hansbrow: (Lives on Loafer Canyon Rd.) He would prefer to stay in Elk Ridge. He would be curious to know how those property owners on the east side feel about this.

Raymond Brown: The main access to those 14 lots would be Loafer Canyon Rd.? (Yes.) Even though there would be access both ways, the residents would primarily utilize Loafer Canyon Rd.

City Recorder: In speaking to Mr. Mecham, he said that although he has already received approval for those lots through Woodland hills, he really does not have a preference which City they would be located in.

Alvin Harward: It is disturbing to him; how could Woodland Hills grant approval on those lots when Elk Ridge currently owns the Road. He recommends that we take the ridge-line of the hill and those lots come into Elk Ridge.

Nelson Abbott: The only way he would approve those lots is if they had to abide by our City Codes.

Mary Rugg: So if we follow the ridge-line and annex that property, they would have to go through Elk Ridge's Planning Commission and the development process for Elk Ridge? (Yes.)

Mayor Dunn: Woodland Hills may grant them septic systems; Elk Ridge would protest it since that would violate pour Well-head Protection Zones. Another point would be servicing the Road they use as access; Elk Ridge would not maintain it.

Summary:

The Council was in agreement that the boundary line should follow the ridge-line and that all of Loafer Canyon Rd. would be in Elk Ridge; that would require the lots to annex into Elk Ridge. If those lots are to develop, the utilities would be installed and both sides of the road improved.

Mayor Dunn: Another issue to be considered: the Code states that if a sewer line comes within 300' of a property, the owner(s) must connect to the sewer. Loafer Recreation Association would come within 300' of the sewer line. The drainage in the Canyon would be seriously dealt with.

Nelson Abbott: With Loafer Canyon Road improved, it would also allow for another alternative for the south end of Elk Ridge.

Mayor Dunn: With annexation of the Hansen property, Canyon View Drive's connection to Loafer Canyon Road would have to be worked out, as well.

There is a fire safety road planned elsewhere coming from Woodland Hills; it would end up on 11200 South.

*Mayor Dunn will take this information to Mr. Mecham and Mayor Harding.

ORDINANCES

1. *Hard Surface Street Improvements:*

(Memo from City Planner to Council, dated 10-23-07)

"In dealing with the construction of new developments, concern has arisen regarding whether a developer should be allowed to defer completion of road hard surfacing improvements prior to the issuance of a building permit. It has been recommended that it is better policy and allows fewer problems with builders and home owners to always require the road improvements first.

Language allowing for such deferral of improvement completion is proposed to be eliminated from Section 10-12-24 of the City Code, as follows:

C, Street Improvements:

1. A hard surfaced city street having a right-of-way width which conforms to the minimum city standards. The hard surfaced street shall extend from the point of connection to an existing hard surfaced street to and across the full width of the lot seeking approval. ~~The city may allow a building permit to be issued on a lot in a subdivision without asphalt surfacing, if the applicant agrees in writing that a certificate of occupancy for the structure will not be issued until asphalt surfacing is complete. All other requirements of this section shall be met prior to the issuance of a building permit. If building permits are issued before asphalt surfacing is in place, it is the applicant's responsibility to:~~
 - a. ~~Clear and maintain the roads to allow fire and emergency vehicle access to the building site.~~
 - b. ~~Strip the road base after winter months.~~
 - c. ~~Replace and re-compact the road base prior to installation of asphalt to meet city requirements.~~

Recommendation:

The Planning Commission reviewed this request in a public hearing on October 4, 2007, and has recommended that the City Council approve the amendment to the City Code as proposed above."

This originated from the City Engineer, Craig Neeley (Aqua Engineering); he prefers hard surface be asphalt. The building permit timing would be after the asphalt is installed.

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY MARY RUGG TO APPROVE AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR THE INSTALLATION OF HARD SURFACE STREET IMPROVEMENTS BEFORE ISSUANCE OF A BUILDING PERMIT, 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)

Passes 5-0

2. *Street Facilities (Section 7-4-6-C-4):*

(Memo from City Planner to City Council, dated 10-23-07)

"Background:

Recent concerns and problems with road construction in the community have caused staff to look at and suggest code amendments regarding construction deadlines, fines and required lanes remaining open.

This item was reviewed by the Planning Commission in a public hearing held on October 4, 2007, and on October 18, 2007.

The following recommended code amendments are intended to:

1. Clarify the 3-day and 7-day construction completion language.
2. Require that at least one lane remain open during road construction.
3. Provide for a \$500 daily fine for road construction projects not completed according to schedule requirements.

Section 7-6-4-C-4, Street Facilities:

Unless authorized by the public works superintendent on the permit, all paving, resurfacing or replacement of street facilities in any street construction project shall be completed done in conformance with the regulations contained in chapter 02.24 of the city development and construction standards within three (3) calendar days, and must be completed at least within seven (7) calendar days prior to from the time the excavation commences on any all other streets construction projects, except as provided for during excavation in winter or during weather conditions which do not allow paving according to engineering regulations. In winter, a temporary patch must be provided which is to be saw cut out and replaced by the permittee with permanent asphalt or concrete by March 15, or earliest possible date when asphalt is available following the winter placement of the temporary patch. In all excavations, restoration of pavement surfaces shall be made immediately after backfilling is completed or concrete is cured. If work is expected to exceed the above duration, the permittee shall submit a detailed construction schedule for approval. The schedule will address means and methods to minimize traffic disruption and complete the construction as soon as reasonably possible. Construction on major collector and arterial roads shall provide for at least one lane remaining open to traffic. The permittee shall be subject to a fine of up to \$500 a day for any road construction work not completed according to the above schedule requirements.

Recommendation:

The Planning Commission recommends that the City Council approve this Code Amendment."

Mary Rugg: Suggestion: The City should have a form that the developers have to sign stating that are fully aware of the City Code and that they will comply. This Code should be brought to their attention.

Mayor Dunn: This can be addressed in the construction agreement, which would bring this to attention right up front. This Code is a result of the problems the City has experienced with Crestview Estates I, and the amount of time taken to improve Park Drive.

Raymond Brown: When Staker comes out to do the roads, they will have to close one side of the road then the other...the road may have to be closed for a few hours; they have to be able to do this. *(It will be okay for short times; and the City Staff needs to know ahead of time so that residents may be notified.)*

Mayor Dunn: When there is a conflict of interest with the Public Works Superintendent, then Corbett Stephens steps in.

Shawn Eliot: The detour signs need to be up and easy to follow; when applicable, they are the developers' expense.

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN TO APPROVE AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE, SECTION 7-6-4-C-4, ENTITLED STREET FACILITIES; PROVIDING FOR THE CONSTRUCTION AND COMPLETION OF STREET FACILITIES, 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)

Passes 5-0

CITY PLANNER
POSITION

Mayor Dunn: Ken Young is now the Director of Development for Pleasant Grove City (has been for about a year); he is getting pretty busy with that job. The Pleasant Grove Mayor wants more of his time; and as a result of this, Mr. Young asked Mayor Dunn if he could cut back his hours even more. This will be inadequate. The Mayor spoke to Shawn Eliot (works for MAG and is a Certified Planner) about the possibility of taking over for Mr. Young. Mr. Eliot is currently on the Planning Commission and he would have to resign. Mr. Eliot is agreeable to both situations. This may require some adjustments to schedules. A letter to the Mayor from Mr. Eliot was in the Councilmembers' packets.

All of the Council was in agreement with this arrangement.

*The Mayor and Mr. Eliot will meet and work out the details to bring a proposal back to the Council.

*New names will be needed to recommend to fill positions on the Planning Commission.

GOLF COURSE
HOLE #7

Mayor Dunn: Spoke to Mayor Bills and their City Manager/City Manager, Dave Tuckett about the proposed purchase of their Hole #7. A map and a proposal was given to Mr. Tuckett to present to the City Council that evening; and the Payson Council did not like the price on the proposal. Mayor Bills called Mayor Dunn, who asked him if his Council is aware of the huge natural gas easement that runs right through the center of the property that Hole #7 is on? Mayor Bills said he did not think they were aware of that. This may assist in further negotiations. The suggestion was to wait until the newly elected Councilmembers take office, then to present the offer again. There are several points of leverage that can be discussed. The Mayor wants the negotiations to be positive.

SUVWMA WATER
RIGHTS

Update:

Alvin Harward: SUVWMA has agreed unanimously that Elk Ridge will have 399 acre feet of water rights. The contract needs to be signed. The details should be worked out before the next Council meeting.

This water is proved up on and already assigned to the City's points of diversion (wells).

Roosevelt:

This is a unique situation: they actually had certificated water, but they have applied for a different point of diversion to get the water from; and the State says, "No, you haven't used the water and your well cannot produce the water; therefore the state says they will take their 5,000acre ft. They are proposing that all communities participate financially, according to the size of the community, in assisting them in their legal battle to fight this. This will affect us and all communities. Elk Ridge's portion would be \$200.

This case will set a precedent for other cities and towns.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RAYMOND BROWN TO PROVIDE \$200 TO ROOSEVELT CITY TO ASSIST IN THE LEGAL BATTLE REGARDING WATER RIGHTS

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

Passes 5-0

MINUTES

1. Minutes of 9-11-07:

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN TO APPROVE THE CITY COUNCIL MINUTES OF 9-11-07

VOTE: YES (5) NO (0)

2. Minutes of 9-25-07:

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO APPROVE THE CITY COUNCIL MINUTES OF 9-25-07

VOTE: YES (5) NO (0)

EXPENDITURES

General:

1. Electronic Panels (Water Project):

Amy Thatcher (Aqua) wrote a memo to the Council indicating that these electrical panels are for the Cloward Well House and the Fairway Booster Station. The recommendation is to go with Electro Power Utah, LLC, as the supplier due to the reasonable cost and good experience working with this company on other projects. The bids were from Electro Power Utah @ \$56,420; Emerson Industrial Automation @ \$74,119 & Energy Management Corp. @ \$89,356. Aqua recommends the lowest bidder, Electro Power at \$56,420.

Question: If this was part of the original bid? Not known; but it was felt that it was a portion of the original bid. The money has already been authorized through acceptance of the bid.

*(*Note this was corrected at a later meeting; it was not part of the original bid.)*

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO APPROVE THE RECOMMENDED BID FROM ELECTRO POWER UTAH IN THE AMOUNT OF \$56,420.00

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

Passes 5-0

2. Laptops for the Office:

Margaret Leckie brought up the subject of purchasing a laptop to assist in transcribing minutes for the Planning Commission and the Council. In conversations with the Mayor, it was felt that a laptop could be utilized for other purposes as well (ex: power point presentations).

Reasons:

- Rough minutes are more easily done at the Planning Commission Meetings and City Council Meetings
- It is helpful to have a wireless laptop to look up city code on the city website during meetings
- A laptop would allow Jan to do minutes at home, it is difficult to get these done in the office with all the other things going on
- If Corbett needs a laptop for anything in the field, one would be available
- When the Mayor or staff goes to conferences, etc. they can still be in touch with office email via the web
- Many cities provide laptops for their council members and office staff

Mrs. Leckie did some research and price comparisons and found that a laptop at Comp USA seems to be the best deal for the City (\$1,480.30)

City Recorder: She added that purchasing one would create problems in that it would likely be needed at the same times. She suggested purchasing two.

Ms. Davis's situation at home is changing in being at home to care for her elderly mother; and being able to transcribe the minutes at home would be helpful.

Councilmember Raymond Brown felt he could find a better deal for less money.

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO APPROVE UP TO \$3,000 FOR THE PURCHASE OF TWO LAPTOPS FOR THE CITY STAFF

VOTE (POLL): ALVIN HARWARD-AYE, MARK JOHNSON-AYE, MARY RUGG-AYE, NELSON ABBOTT-AYE RAYMOND BROWN-NAY Passes 4-1

2
3 *It was agreed for Margaret Leckie to work with Raymond Brown in an attempt to get the laptops
4 at a better price.

5
6 3. *Snowplow:*

7 Mark Johnson: The money has already been approved for the purchase of a snowplow. The deal
8 just needs to be found. The big truck has over 500,000 miles on it and there are continuous
9 problems with it.

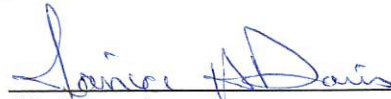
10
11 4. *Public Works Pick-up Replacement:*

12 The pick-up that Kent Haskell drives is beyond repair. It would cost more to repair it than to
13 replace it. The range is between \$7,000 to \$9,000.

14 The Mayor intends on re-writing the City Policy for the care of city vehicles. If they find a good
15 deal, the Mayor will poll the Council.

16
17 ADJOURNMENT

18 Mayor Dunn adjourned the Meeting at 10:05 PM.

19
20 
21 City Recorder



AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular City Council Meeting on Tuesday, November 13, 2007, at 7:00 PM, to be preceded by a Joint City Council/Planning Commission Work Session at 6:00 PM. The meetings will be held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

6:00 PM PUBLIC HEARING – SALES TAX & FRANCHISE TAX REVENUE BONDS

Public Hearing to receive comment with regard to the City's proposed issuance of Sales and Franchise Tax Revenue Bonds, Series 2007 in an amount not to exceed \$1,500,000.

6:15 PM JOINT CITY COUNCIL/PLANNING COMMISSION WORK SESSION

1. Review General Plan Survey
2. Discussion of Roundabout in PUD, Phase 3 – Shawn Eliot
3. Building Heights

7:00 - PM REGULAR COUNCIL MEETING AGENDA ITEMS:

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

7:05 Public Forum:

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

7:15 4. Ordinances:

- A. Zoning Code Amendment – Street Facilities
- B. Zoning Code Amendment – Minimum Level of Improvements Installed Before Issuance of Building Permits
- C. Zoning Code Amendment – Fire Sprinkling Systems Requirements

7:30 5. Street Name Change – Loafer Drive

7:40 6. SUVMWA Water Rights – Alvin Harward

7:50 7. Elk Ridge Meadows PUD, Phase 4 (Horizon View Farms) – Water Right Allocation

8:00 8. Cloward Estates Subdivision, Plat B – Extension of Final Approval Time Period (February 1, 2008)

8:05 9. Re-schedule City Council Meeting form 11-27-07 to 11-20-07 (to Canvass Election Returns)

8:10 10. Sump Project Update – Mayor Dunn

8:15 11. Approval of Minutes of Previous Meetings

8:25 12. Expenditures:

General:

- A. Council Approval - Check Registers for September, October, 2007

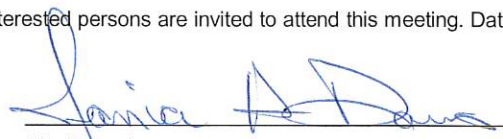
Adjournment

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

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 9th day of November, 2007.



CERTIFICATION


City Recorder

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, on November 8, 2007; & an Amended Agenda was faxed to the Payson Chronicle and hand-delivered to each member of the Governing Body on November 9, 2007.


City Recorder

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ELK RIDGE
CITY COUNCIL MEETING
November 13, 2007

TIME & PLACE
OF MEETING

This Regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, November 13, 2007, at 7:00 PM.** It was preceded by a **Public Hearing at 6:00 PM.** on a Sales & Franchise Tax Revenue Bond, Series 2007, in an amount not to exceed \$1,500,000; as well as a **Joint City Council/Planning Commission Meeting, at 6:15 PM.**

All interested persons were invited to be heard.

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

Notice of the time, place and Agenda of the Scheduled Council Meetings & Public Hearing, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on November 8, 2007; & an Amended Agenda on 11-9-07.

6:00 PM

PUBLIC HEARING – SALES & FRANCHISE TAX REVENUE BONDS, SERIES 2007:

Public Hearing – to receive comment with regard to the City's proposed issuance of Sales & Franchise Tax Revenue Bonds, Series 2007, in an amount not to exceed \$1,500,000.

ROLL

Mayor: Dennis A. Dunn; *City Council:* Mark Johnson, Alvin Harward, Raymond Brown, Nelson Abbott & Mary Rugg; *Council Elect:* Julie Haskell & Sean Roylance; *Planning Commission:* Shawn Eliot, Russ Adamson & Sean Roylance; *Public:* Bob Allen (MAG), Tye Burgess (Wells Fargo Bank), Scouts: Austin Johnson & Nathan Dunn, Ray & Sandy Osburn, Carolyn Shirley, & Barbara Eliason, Chris Haskell; and *City Recorder:* Janice H. Davis

Mayor Dunn: Opened the Public Hearing at 6:00 PM.

He referred to Tye Burgess (Wells Fargo Bank – Hired to handle the Bonding processes for the Sales & Franchise Tax Revenue Bond and for the Water Revenue Bond)...he has spoken with Curtis Roberts, the City's Financial Director, about the terms of the Bonds.

The Mayor read from a summary of Mr. Roberts' thoughts and advice on this matter:

(Summary from Curtis Roberts, dated 11-13-07)

"Points to Consider:

- Bond Payment = about \$116,999 annually
The Bond pledges Sales Tax as 'collateral'; however, the City can utilize other sources of revenue to make the actual bond payments.
- The General Fund transferred out about \$125,000 as 'Fund Balance' to the *Capital Projects Fund/Future Improvements*. The money in the Fund does need to be designated toward particular projects: 1) Purchase of Snowplow 2) Future City Building
- There are two new salaries in the General Fund to pick up this fiscal year: 1) Building Inspector = 60,000 + 2) increases in the salary for the City Planner (?)
- Are there any new sources of revenue planned for the General Fund? (No planned increase to property taxes; will there be an increase in building permits; or will the economy have an effect on this?; Sales Taxes could even decrease, based on the overall economy of the State).
Example: If Sales Tax decreases to 1% and rising costs are at 3% - 4%, where will the revenue come from?

Possible Options/Solutions:

- If cost of land purchase = 1.3 million, with \$400,000 to \$500,000 of that being for Hole #7 (Park), **then all of the Park Impact Fees could be designated to pay for the Park portion of the Bond.** Currently, there is \$35,000 in accrued Park Impact Fees (these will be affected by the building permits issued in the City).
- Future building of City Center: **Save as much of the \$520,000 (Fund Balance in Capital Projects Fund) for future building...**add to it, if possible; and avoid bonding for the future building as much as possible.
- Consider **"Opening up the Bond"** to allow for partial construction as well as land purchase (just an option).
- There is currently **\$116,000 in the Capital Projects/Town Hall Fire Station** that was designated as going to a new City Center...that could be used either in the future for the building construction itself, or toward the bond payments.
- Administrative Fees from the Water and Sewer Funds could be increased to assist in the bond payments. Mr. Roberts feels that, even though the General Fund is pledging the Sales Tax, that burden should be shared between Funds, since all will be run from the City Hall, administratively.
 - A) The Water Fund could handle this without raising rates
 - B) The Sewer Fund recently rearranged the money used by the City; with \$22 of each \$24 collected going to Payson City...it was known at the time that this would probably not be sufficient for the City's needs.

It was felt by the Council that the rates should increase from \$20.50 to \$24. For now, and that it could be re-evaluated to see where operations and maintenance will go.

Roberts said he feels that the City would be "pushing it to the limit " financially (General Fund) unless the Council is willing to do the following:

1. Increase water/sewer Administrative Fees to cover part of the Bond
2. Dedicate all the Park Impact Fees to the Park portion of the Bond
3. Look for other revenue sources to assist in the Bond Payments

There is an opportunity to prepare for the future needs of the City as far as providing space to park more snowplows/trucks; increased space for Fire Trucks and equipment in the current City building. There are very good and justified reasons to have additional space for growth to increase services provided by the City. The overall picture must be taken into consideration regarding the ability regarding the ability to have the necessary cash flow to fund this bond."

Alvin Harward: Regarding the comment about 2 "new" salaries...part of this is not true; with the salary for the Planner: the City has been paying a salary for the current Planner, though not as much (unknown). The Building Inspector also generates added revenue with inspections on subdivisions, as well as permits; and the City is not contracting with Woodland Hills, so saves money.

Mayor Dunn: Possible sources of revenue (General Fund)

1. Sale or lease of some of the property attached to the land where the City Center may be located, rent of the existing home for a while, sale of other City property.
2. City Center: Recreation Center for "All Seasons" to rent out for events
3. More Subdivision Inspections: not being paid to Aqua, but to the City.

Mayor Dunn suggested considering taking Hole #7 out of the financial equation and using the land around the City Center for a park...it is flatter and could be used as a ball field also. The proposed school in the PUD could also be used as park space for the City.

The Mayor asked Bob Allen (MAG) about the use of Park Impact Fees for bond payments and the purchase of land for parks; in the past, Mr. Allen indicated to the Mayor that this could not be done.

Mr. Allen: "You can, as long as it is going to be a park." They can be and that is what they should be used for." "The problem comes in the accounting of it." "If it is going to be a park, you can use park impact fees to pay for it...absolutely."

Mayor Dunn: Regarding the already approved purchase of a new snowplow; we get another snowplow, with no place to put it. A new City Center is needed for many reasons. We are growing to a point that we need new equipment to add to our services provided to the residents. It has a "domino effect" in that a new works building be constructed and the Fire Dept. needs to expand their fleet to protect the City and surrounding areas.

Mayor Dunn closed the Public Hearing at 7:23 PM.

Continued Discussion:

Tye Burgess:

Commenting on the summary from Mr. Curtis:

He ran some numbers of the City's long-term financial position, after speaking to the Finance Director. Even looking at projected charges for services from a very conservative perspective, he feels the City will be able to afford the bond payments. (Handout to Council)

Whatever amount of money is issued in these Bonds, the City would have three years to spend it; if any money remained unspent, and the balance could be used to pay down the loans.

Russ Adamson: Has the price been negotiated for Hole #7; and for the property projected for the City Center? Are there any other projects designated for Park Impact Fees?

Mayor Dunn: The City Center property – yes; Hole #7...the offer was rejected by Payson's Council. Elk Ridge will re-approach their Council until after the new Councilmembers take office. Park Impact Fees: Beyond the park and park facilities and the trails in the City, there are no other plans at this time.

City Center: The Mayor has already contacted an architect that will provide the City with plans to a City Center...no charge. He has designed other Centers in the past. It is the Mayor's plan to be creative and utilize the great talent we have in our Community.

Nelson Abbott: He feels if citizens were educated as to the need for a new City Center, that might make a difference in how they view a new Center.

Russ Adamson: If the real need is to have more space for added equipment, has adding garage space on the east side of the Fire Bay been considered; and then adding on this building.

Mayor Dunn: Part of the growth will include our EMT's going to "paramedic" status...an ambulance needs a warm building to put it in.

Tye Burgess: Asked about a Public Safety Impact Fee...

Mayor Dunn responded that the City does not have one in place at this time, but he would love to see one. Those kinds of additions would be welcome.

Mayor Dunn: In projecting out the needs of the City; he feels the City does need a new public works building and City Center. We are trying to think "ahead of the game".

(Councilmember Johnson added that we have put our new Inspector in the closet for his office space.)

City Recorder: One thing mentioned by the Finance Director was the need for increased Police protection; the Sheriff Dept. would put a sub-station out here if there were space for it. There is not place.

Russ Adamson: He feels the residents see a park as a higher priority than a new City Center. There would be disappointed citizens without a new park planned with the City Center.

Raymond Brown: A park around the City Center would be able to support a practice field.

Nelson Abbott: Hole #7 would not be usable for a field due to the terrain.

Mayor Dunn: He feels the citizens need to be better informed about the issues at hand. He feels we are going in the right direction.

Tye Burgess: *(Discussion of the rest of the bonding process)* The Council needs to make these decisions about the amount and how it will be used. The bond documents do allow for construction as well as purchase of land. He feels the City is wise in looking to the future; he has been to a lot of cities and has seen the result of not planning for the future. It is hard for citizens to see what happens when growth happens around them and they do not really see the needs growing. When it becomes apparent that services needs to increase, many times it is too late; costs have gone up and the City finds themselves potentially spending much more than if they had planned ahead.

Sean Roylance: He sees citizen concern with exploring other options; like could the other parking lot be used? What are the needs vs. what are the wants?

Nelson Abbott: Water & Sewer Impact Fees could be used for some of this? *(If it were stated in the Impact Fee Study...currently, it is not.)*

*The Mayor will contact Mr. Burgess with the amount of the bonds.

JOINT CITY COUNCIL / PLANNING COMMISSION MEETING

ROLL

Mayor: Dennis A. Dunn; *City Council*: Mark Johnson, Alvin Harward, Raymond Brown, Nelson Abbott & Mary Rugg; *Council Elect*: Julie Haskell & Sean Roylance; *Planning Commission*: Shawn Eliot, Russ Adamson & Sean Roylance; *Public*: Bob Allen (MAG), Scouts: Austin Johnson & Nathan Dunn, Ray & Sandy Osburn, Carolyn Shirley, & Barbara Eliason, Chris Haskell; and *City Recorder*: Janice H. Davis

GENERAL PLAN SURVEY REVIEW

Bob Allen: (Mountainland Assoc. of Governments or "MAG")

Copies of the 2007 General Plan Survey Results were provided to the Planning Commission and the City Council for review and discussion.

Purpose of Survey: One of several ways to obtain input for the writing up of the General Plan. 475 surveys were distributed, with a total of 240 completed (51%); this results in a 95% confidence level, with a margin of error that = +/- 3%.

(Mayor Dunn added that there are 550 homes, which means that 75 homes were not provided with a survey...this drops the percentages down to in the 40+% rate.)

Mr. Allen reviewed the Survey to a point and then was asked if the review of what is already in writing is necessary, due to the shortage of time in this Meeting.

Mr. Allen responded that no, it is not necessary; that the Summary is pretty clear, if reviewed.

H asked that the Council and the Planning Commission pay particular attention to the "Survey Highlights" on the front page of the survey (which is an overall summary of the opinions of the citizens responding to the survey:

"Highlights

Citizens moved to Elk Ridge for...

- Quiet setting, scenery, rural feeling, mountains, leave congestion

What citizens want for Elk Ridge...

- Follow through with goals of the City Vision statement
- Large lots in hillside areas (similar to Woodland Hills)
- Some form of commercial services

- Preserve hillsides and open space – extremely important
- Development of parks and recreation activities is important
- Keep rural setting
- Planned trail system
- Recycling program
- Protect wildlife habitat
- Bond/possible tax for hillside and open space protection and water improvement

What citizens don't want for Elk Ridge...

- Any type of higher density housing
- Bonding/possible tax for sidewalks, new city center, additional code and law enforcement
- Street lights at major intersections
- A cemetery

The City is doing a good job with...

Roads, water, sewer, police, fire, parks, garbage, utility billing, snow removal, recreation

Needs improvement with...

Animal control, building and development department, and senior citizen opportunities"

Bob Allen: He and the Planning Commission feel this has been a very useful and successful survey. This is just one resource when writing up the General Plan.

He had another handout; a one sheet paper, entitled, "Elk Ridge City... General Plan 2008-2013" (*Points out the Planning Process and Options for Writing the Plan*)

Mr. Allen recommends Option #3 (Option #2 – 2nd Choice & Option #1 – Last choice).

Last item for discussion:

Another tool for writing General Plan (like the Survey), is to sit down and have about an hour with the City Council & Planning Commission in a "visiting exercise", wherein the most important issues to be addressed are determined; and how to create those policies.

**Mr. Allen will contact the Mayor and move this process forward.*

BUILDING HEIGHTS

Shawn Eliot: (Planner)

The issue of building heights was referred to the Planning Commission about 1 ½ to 2 years ago; and this is one of the things that the Planning Commission's recommendations came to the City Council in a form other than the actual recommendation given. Since then it has been a concern to the Planning Commission. Currently the measurement is from the highest point of grade. According to Mr. Eliot, most cities measure from the median point of grade. In a hillside community, problems can arise with the variance in elevation from the front of the house to the back; there is doubt that the ladders for the Fire Dept. could reach those upper windows from the back of the house. At times the measurement can be taken from the side of the house.

The Fire Chief commented that they typically do not approach a house from the back, they would approach it from the front.

Mayor Dunn: Some measurements do not go to the highest point of the house for the height measurement; some go to the eaves of the roof. If the City measured to the eaves of the roof, then the homes could be even taller. Elk Ridge has gone from highest point of grade to highest point of roof; rather than medium point of grade to eaves or highest point to the eaves.

Shawn Eliot: Would the Council like him to gather all the previous information to re-visit this issue?

Discussion:

Nelson Abbott: He had not been on the Council very long when this came before the Council; he feels that the Council should re-visit the issue. He would like to know if the Fire Dept. feels comfortable with the Code the way it is and that the residents are taken care of

Alvin Harward: Feels the Code should be left the way it is currently.

Mark Johnson: (Fire Dept.)

- Neither he nor the Fire Dept. are going to get on a roof.
- There is not a house in Elk Ridge that the Fire Dept. cannot get to a window.
- He feels the Code should be left the way it is.

City Recorder: Asked if the Planner had spoken to the Building Inspector; Mr. Stephens feels the measurement should remain from the highest point of grade. (*The Building Inspector had not been contacted by the Planner or the Planning Commission.*)

Raymond Brown: He does have a concern about being able to get to the windows.

Mary Rugg: She feels the Building Inspector should be involved.

Mayor Dunn: Mr. Stephens already gave an opinion; he feels the building heights should remain as it is. This is the third time this issue has been visited. The Council was clear on the last information used to adopt the current Code.

Nelson Abbott: The issue has nothing to do with safety; and that is that tall buildings destroy other people's views...realizing that that did not "buy the air-space" around them.

Mayor Dunn asked the Council what the direction to the Planning Commission should be: Review the Code again or leave the Code as it is.

(Polled vote: Mark Johnson - Leave it as is, Alvin Harward – Leave it, Raymond Brown – Leave it, Mary Rugg – Leave it, Nelson Abbott – (It does not seem to matter at this point in the poll) – He feels it should be reviewed.

ROUND
ABOUT
DISCUSSION

Shawn Eliot: (Planner)

(memo for Planner, dated 11-23-07)

"Background"

The round about that was proposed at Goosenest DR and Park DR as a part of the Elk Ridge Meadows PUD, Phase 3 has been back and forth as to whether it will be built or not. Staff and the planning commission would like to discuss if this feature, that was an amenity as part of the development agreement, will go forward now that the city is purchasing the land to the south for the proposed city center.

The applicant for phase 3 is moving forward with approvals of a new preliminary plat that includes the proposed elementary school property as a separate phase to the development. If it is the desire of the council to work with the developer to allow construction of a round about on the city owned land, now would be the appropriate time to design the round about and show it correctly engineered on the preliminary plat.

One benefit of around about at this location would be to slow down downhill traffic on the main arterial that now will have school crossings in two locations. Another would be the allowance of the continuation of Goosenest DR, a major collection, through the area.

Your guidance is needed to make sure that we approve the preliminary in the manor that the council would have us do."

1. Question: Is the idea of a round about at the corner of Goosenest Drive and Elk Ridge Drive to be installed in conjunction with Elk Ridge Meadows PUD, Phase 3, dead; or is it still to be considered?

Mr. Young has stated that he is submitting his preliminary plat for that Phase, but he is going to "sit on it" for a while until he sells his other lots. The City is moving forward in the purchase of the property on the southwest corner for the future City Center (*part of that could be used for the round about*). The round about was a major part of the Development Agreement between Mr. Young and the City.

There have been some problems associated with this site and it is on hold for now.

There are places on Elk Ridge Drive, through the new portion of the proposed development, with an 8% grade...added to that a proposed elementary school; means traffic will need to have calming devises will be needed on both ends of the new portion of Elk Ridge Drive.

City Recorder: The parties involved in the Development Agreement referred to by Mr. Eliot are Mr. Young and the Mayor (representing the City Council). To change the agreement, all parties would have to be involved; that change has not taken place, so no one person can over-ride this document. Any change would have to be re-written and come back to the Council for approval; and approval of Mr. Young would be required. This document, unless changed, keeps this issue alive.

Mary Rugg: She agrees; however the last time Mr. Young was at a Council Meeting, he attempted to get out of installing the round about. Speaking for herself, she feels he is obligated to do that (install the round about).

Mayor Dunn: Here is something to consider...it was put into the Development Agreement by the previous Administration, which is fine...but when they tried to engineer it, difficulties arose that were not evident when the Development Agreement was signed. There is an individual that does not want to change his driveway entrance. So far there has not been a design to a round about that works; he just received one the previous week that could work, that has yet to be determined; but the one thing missing on this design is this one person's driveway. The original idea in the Development Agreement was a great one; but if it cannot be properly engineered, then there needs to an alternate plan.

Raymond Brown: Going back to the safety issues...there is already a traffic problem with speeding; and round abouts do slow drivers down. The one individual with the driveway has a very long driveway with other options for an entrance; this should not be an issue; he does not have to exit in that exact spot. He feels a round about is a necessity. Without the property that the City is purchasing, it would be difficult to engineer; but with the property, it is doable. He feels the Council should stay with the concept of the round about in that original area; for safety reasons...it could involve some trading of land, but that could be considered.

Shawn Eliot: When Mr. Young came to the Planning Commission with Preliminary the first time, the design of the round about came up; because when Preliminary is passed, the design is supposed to be included. At that time, they were told not to worry, that it would be made "right". Then at Final, there were problems. Now he is coming before the Planning Commission with a new Preliminary, including a school; so why push for Preliminary if they are going to "sit on it" a while and there are still issues to resolve? That is the guidance he would like.

2. Phase 3 is on the Planning Commission Agenda for Thursday (11/15) for Preliminary.

About 2 meetings ago, he came forward with his new school plan and the question before the Commission was, can he include the playgrounds and parking lots as open space? The Code does not completely support that; but it could be "stretched" to make it work.

Now he has come forward with a different proposal: The area including the school would be a phase all by itself; the open space across the street now has 11 additional lots in the middle of it...his reasoning being that after getting permission to allow this to be open space, he has 24 less lots; therefore he would not be required to have as much open space (only 25% is required). What is the Council's direction on this?

Mayor Dunn: The discussion between he and Mr. Young regarding this: Mr. Young asked if this proposal complies; and the Mayor answered that he did not know. He said that the 1st question he would be confronted with is if there is the same amount of open space.

Mr. Eliot: There has been no calculations supporting the requested open space.

Raymond Brown: If the school's property was sold to the school district, then this cannot take away from the open space required by the City. He does not think Mr. Young can claim open space on one phase that belongs to the school, as open space for his other phases.

Nelson Abbott: He does not own this property, it is not part of his development; it is coming through as two separate pieces now. He needs to work within his own development in meeting the City's Code; it was a business decision to separate that.

Mayor Dunn: It is a business decision; but it is still part of his project; and the real question is what can be counted as open space? Are the parking lots at the three Chapels in the City considered open space?

Mr. Eliot responded, "No it isn't...it is Church". The City Code does not allow for parking lots to be open space; it just says "fields and playgrounds".

(Mary Rugg: Then he needs to stick with "fields and playgrounds".)

So, he needs to come back with additional data showing the calculations of that open space. The school district does not want to be a part of the PUD.

(Nelson Abbott: If it is not part of the PUD, then they cannot count any of that area as part of his open space.)

*Mayor Dunn: If the School District takes itself out of the PUD, then He (Mr. Young) needs to come back with figures on what remains and the open space required for that portion of the development (25%). That may require the removal of those 11 lots.

Alvin Harward: Then how can he come for Preliminary?

Shawn Eliot: Mr. Young's portion of the PUD is being brought forward as Phases 1 & 2...so there is 3.1 acres in one and 3.2 acres in the other (school = 3.3 acres). There will still be a trail system through the school portion...and they have agreed to that. The City should have this in writing.

There are fewer roads to install for Mr. Young.

3. Mr. Young is also concerned with the full-width roads requirement for Goosenest Drive.

**ELK RIDGE
CITY COUNCIL MEETING
November 13, 2007**

**TIME & PLACE
OF MEETING**

This Regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, November 13, 2007, at 7:00 PM**. It was preceded by a **Public Hearing at 6:00 PM**, on a Sales & Franchise Tax Revenue Bond, Series 2007, in an amount not to exceed \$1,500,000; as well as a **Joint City Council/Planning Commission Meeting, at 6:15 PM**.

All interested persons were invited to be heard.

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

Notice of the time, place and Agenda of the Scheduled Council Meetings & Public Hearing, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on November 8, 2007; & an Amended Agenda on 11-9-07.

8:10 PM

REGULAR CITY COUNCIL MEETING AGENDA ITEMS

ROLL Mayor: Dennis A. Dunn; City Council: Mark Johnson, Alvin Harward, Raymond Brown, Nelson Abbott & Mary Rugg; Council Elect: Julie Haskell & Sean Roylance; Planning Commission: Shawn Eliot, Russ Adamson & Sean Roylance; Public: Bob Allen (MAG), Tye Burgess (Wells Fargo Bank), Scouts: Austin Johnson & Nathan Dunn, Ray & Sandy Osburn, Carolyn Shirley, & Barbara Eliason, Chris Haskell; and City Recorder: Janice H. Davis

OPENING REMARKS & PLEDGE OF ALLEGIANCE An Invocation was offered by Nelson Abbott; and Scout Chris Haskell also led those present in the Pledge of Allegiance, for those willing to participate.
Mayor Dunn complimented Scout Haskell on the great achievement of attaining all of the merit badges offered in the Scouting Program. He does not believe that any other scout in the United States has achieved this honor.

AGENDA TIME FRAME **MOTION WAS MADE BY RAY BROWN AND SECONDED BY NELSON ABBOTT TO APPROVE THE AGENDA TIME FRAME, ADJUSTING THE START TIME TO 7:47 PM; WITH THE ADDITION OF AGENDA ITEM 10-A, REGARDING THE HANSEN ANNEXATION**
VOTE: YES (5) NO (0)

PUBLIC FORUM No comments

NON-AGENDA ITEM 1. City Recorder: Next Tuesday's Special Council Meeting is to Canvass the Election Returns.
2. Nelson Abbott: The Utah Local Governments Trust has been given a deadline to present information regarding estimates for insurance coverage. Matt Spencer is aware that the date of the Meeting has been changed to November 20, 2007.

ORDINANCES 1. *Zoning Code Amendment – Street Facilities:*
This amendment was previously approved by the City Council; however, the incorrect version of the ordinance was presented to the Council, requiring the correct version to be approved. The memo from the City Planner is exactly the same as the one presented on October 23, 2007; with the following exception:
(From the memo form the Planner to the Council, dated 11-13-07)
"...This item was heard and approved by the City Council on October 23rd, however, the wrong format was presented. The below code format is what was recommended for approval by the Planning Commission on October 18, 2007."

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY MARY RUGG TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR THE CONSTRUCTION AND COMPLETION FOR STREET FACILITIES, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE
VOTE (POLL): RAYMOND BROWN-AYE, ALVIN HARWARD-AYE, MARK JOHNSON-AYE, MARY RUGG-AYE & NELSON ABBOTT-AYE NO (0)
Passes 5-0

2. *Zoning Code Amendment – Minimum Level of Improvements Installed before Issuance of Building Permits:*
The memo included both this and the Fire Sprinkler issues. There was one Public Hearing held at the Planning Commission level for both matters:
"Background
Concerns have arisen regarding the requirements for minimum improvements to be installed on a site prior to the issuance of a building permit, especially in regards to the provision of culinary water and sewer service in certain areas. Also, requirements for the installation of fire sprinkling systems have been proposed by the Planning Commission.

The Mayor has suggested that the Planning Commission and City Council consider the following changes in a proposed ordinance amendment:

10-12-24: MINIMUM LEVEL OF IMPROVEMENTS INSTALLED BEFORE ISSUANCE OF BUILDING PERMIT:

A. Culinary Water Main:

1. A culinary water main which connects to an existing city water main having sufficient capacity to serve both culinary and fire flow requirements, and which extends from the point of connection to the existing main to and across the full width of the adjacent lot (~~except in locations where no further extension of the line is anticipated~~). (except in the area serviced by the Goosenest Water Company located west of 1600 West, where there is presently no extension, but where a future extension as a result of contiguous development may be anticipated). Also a permanent water service lateral, extending from the main to the property line and including the service tap, lateral pipe, constructed in accordance with city standards.

2. Prior to the issuance of the permit, said water main shall have been:

- a. Tested and sanitized;
- b. Inspected and approved by the city engineer;
- c. Charged; and
- d. Capable of delivery of the water for both culinary and fire flow purposes to the premises.

B. Sanitary Sewage: A sanitary sewage collection main which connects to an existing adequate city sewer main at the most appropriate location, as determined by the city. Said sewer main extension shall run from the point of connection to the existing main, to and across the full width of the adjacent lot (~~except in locations where no further extension of the line is anticipated~~). (except in the area serviced by the Goosenest Water Company located west of 1600 West, and the Loafer Canyon Recreation area south of the private gate on Loafer Canyon Road, where there are presently no extensions, but where future extensions as a result of contiguous development may be anticipated).

(This portion of the proposed ordinance was recommended by the Council to the Planning Commission to change the Code accordingly, to cover areas without fire suppression capabilities.)

No further comments.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO ADOPT THE PROPOSED ELK RIDGE CITY CODE AMENDMENT TO SECTION 10-12-24, ENTITLED, "MINIMUM LEVEL OF IMPROVEMENTS INSTALLED BEFORE ISSUANCE OF BUILDING PERMIT"; CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE VOTE (POLL): RAYMOND BROWN-AYE, ALVIN HARWARD-AYE, MARK JOHNSON-AYE, MARY RUGG-AYE & NELSON ABBOTT-AYE **NO (0)**

Passes 5-0

3. Zoning Code Amendment – Fire Sprinkling Systems Requirements:

(2nd part of the memo from the Planner to the Council, dated 11-13-07)

Mayor Dunn read from the memo.

10-12-38: FIRE SPRINKLING SYSTEMS REQUIREMENTS

Fire sprinkler systems are required to be installed in all new residential development serviced by the Elk Ridge City and Goosenest Water Company water systems. This requirement is for new construction of any heated structure or construction that constitutes more than 50% expansion of any dwelling unit. The fire sprinkler system shall comply with the Fire Code and related regulations and standards adopted by the City. Sprinklers shall be provided with an exterior inspector's test port that complies with the following specifications or other material approved by the Fire Chief: (i) a wall hydrant that is a Woodford Model 65 (exposed type) or B65.

A joint session with the Planning Commission scheduled for November 13th may bring further review and discussion regarding the fire sprinkling requirements. Corbett Stephens will present information which may cause the ordinance to be remanded to the Planning Commission.

Recommendation

The Planning Commission recommends that the City Council amend the City Code as proposed above."

Mayor Dunn: (Brief History) The Mayor wrote a memo to the Planning Commission several months ago, that they address the Goosenest area, which does not have culinary water system from the City...there are no fire hydrants in the area due to the substandard size of the lines. Property owners in this area were required to sign waivers that stated there is no fire suppression capability prior to a building permit being issued. His instructions were to only consider the Goosenest area at that time. A proposed ordinance came back from the Planning Commission for adoption; but they had added the CE-1 Zone to it.

At that time, the Council tabled the proposed ordinance due to the issues not being separated. Now the recommendation has evolved into every new home in Elk Ridge being required to have a sprinkler system.

Discussion:

Alvin Harward: He does not agree with the Council legislating this requirement in areas where there is already fire suppression capability. He does not think this should be forced on all homes in the City.

(The projected cost would be 1% to 1 ½% of the cost of building the home.)

Mary Rugg: She feels the cost is minimal compared to the benefits to have that system in one's house; and the risk of living on a hillside. The City is lucky to have not had a major fire in Elk Ridge. She would pay the cost to retro-fit her home. It will improve the home-owner's insurance rating as well.

Alvin Harward: He agrees with the benefits; but he feels there could be incentives offered to people building to install the systems where they can save and even give them a break on the costs of their permits; but he does not feel it should be legislated.

Nelson Abbott: The major part of the future growth will be on the perimeters of the City; if something happens here like happened in California, it would be disastrous.

Alvin Harward: He does not feel that is a fair comparison; that is a heavy forest area in California. With no way to stop the fire; and a water system in that area would not have saved one of those houses from burning.

Mark Johnson (Fire Dept.): He likes the idea; he would do it in his home...but he has a hard time requiring it of all.

Mary Rugg: We can legislate that people put in yards within a certain period of time; but we won't legislate a safety code?

Raymond Brown: If there is not enough water pressure to run fire hydrants, then he feels that sprinklers should be required...Goosenest is a given...up on the hillside, it may be necessary as well. Further down, he is not convinced that it is as necessary.

Nelson Abbott: He feels it should be required all over the City.

Mayor Dunn: How about making it an option with incentives? Example: (According to Building Inspector: With a fire suppression system in a home, double sheet-rocking the garage is not necessary; there are construction requirements regarding fire suppression that can be eliminated. Though home insurance does get discounted somewhat with a system in place, the City already gets a good ISO rating, which most insurance companies use. Can the options be a matter of weighing the benefits, rather than mandating that the systems be installed?

Raymond Brown: Another problem is that we are legislating it for Goosenest Drive; and he feels it should be legislated for areas where there is not adequate water pressure at the fire hydrant.

One way or the other, the Council is legislating it for certain areas.

Alvin Harward: But, in the Goosenest area there is no fire suppression capability...that is a reason to do so; but he still does not agree with requiring it in other areas with fire suppression capability.

No further discussion.

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY MARY RUGG TO APPROVE AN ORDINANCE AMENDING THE ELK RIDGE CIT; AS PROPOSED VOTE (POLL): RAYMOND BROWN-AYE, MARY RUGG-AYE; NELSON ABBOTT-AYE & ALVIN HARWARD-NAY, MARK JOHNSON-NAY

Passes 3-2

STREET NAME
CHANGE –
N. LOAFER DR

Mayor Dunn: This was on a previous agenda for a Council Meeting, however there were two Councilmembers missing as the vote was taken. When there is a quorum of three voting members and the vote is not unanimous, the vote is considered "tabled", rendering the vote null & void. The issue needs to be re-visited whether to re-name N. Loafer Drive, or not.

The reason for the proposed name change was based on safety factors of confusing the name of the street with Loafer Canyon Rd.

Nelson Abbott: He mentioned that there were a number of residents of Loafer Drive present and he wanted to know from them if they feel there is a safety issue.

Barbara Eliason: (Resident of Loafer Drive) She has spoken to members of the Fire Dept. and they said there is no problem with the Road name since the connecting portion has been well-marked. Leaving it as is would be easier than changing the names. The ambulance could have trouble finding it; but there is a system now that includes meeting the ambulance at the entrance to Elk Ridge and guiding them to a location.

Mayor Dunn: Said he is not sure how well that works; three weeks ago there was a baby that quit breathing; Elk Ridge's EMT's were at the scene, and they did not have anyone at the meeting place and no one met the ambulance. So, at times this does not work.

Carolyn Shirley: That could be the case with any street in the City; so even if the street name is changed, that could occur.

Mayor Dunn: He told of another example of difficulties in finding a location to deliver an order placed by the Public Works Dept.

The residents feel it would be too complicated to change the street name after all the years the street name has been in existence.

The Mayor said the City would notify all the involved entities regarding the street name change.

Nelson Abbott: There are no residents present that are in favor of the proposed street name change; all the residents present prefer keeping the name as it is. Councilmember Abbott agrees with leaving the name as it is.

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY MARY RUGG TO LEAVE THE STREET NAME OF N. LOAFER DRIVE AS IT IS

VOTE: YES (3)

NO (2) RAYMOND BROWN & MARK JOHNSON

The Street name stays the same.

SUVMWA WATER RIGHTS

Alvin Harward: 392.91 acre feet of water right from SUVMWA has been approved for sale to Elk Ridge City. The contract has been signed. The change needs to be filed at the State (deed of ownership and that all the acre feet are coming to Elk Ridge's points of diversion.

There is a priority list, based on the date that Preliminary Approval was granted.

Mayor Dunn: The City has shown beneficial use for those water rights.

ELK RIDGE MEADOWS PUD, PHASE 4 – HORIZON VIEW FARMS – WATER RIGHT ALLOCATION

Final was granted contingent upon water rights being available. With the contract being signed for the SUVMWA Water Rights, this allocation can take place for Horizon View Farms. They are on the priority list for these rights.

41.84 acre feet are needed for their development (worked out by Tony Fuller, due to the nature of multi-family dwellings in this phase of the PUD). 41.84 acre feet @ \$4,200 per acre ft. = \$175,728.00, payable to Elk Ridge City.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RAYMOND BROWN TO ALLOCATE 41.84 ACRE FT. TO ELK RIDGE MEADOWS PUD, PHASE FOUR; OR "HORIZON VIEW FARMS"

VOTE: YES (5)

NO (0)

When the developers pay the City for these rights, they will receive a Certificate of Allocation from the City. Jason Smith (Pangea Development) was present and this process was explained to him at the meeting. He is to contact the City Recorder when he is ready with the payment and bonding information.

CLOWARD ESTATES PLAT B – EXTENSION OF FINAL APPROVAL TIME PERIOD

(Memo from the City Recorder to Council, dated 11-9-07)

"This came before the Council with mistaken understanding, previously. Corbett Stephens wrote the developer a letter directing him to extend, but it was thought that the extension was for the construction phase of the development; in fact they have not even bonded for the development.

They were waiting for water rights, then they thought they had extended with the past action. Since they have not bonded yet, there is no Developer Agreement that says October 1, 2007.

This would only be applicable to have construction improvements in by that time. They were granted an extension...but for the wrong purpose. The extension was to June, 2008.

The real issue is that the Final Approval needs to be extended. They (developers) are asking for an extension until February 1, 2008 (tax purposes). At that point, they will complete the bonding process; and the water rights have now been transferred from the State."

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY MARK JOHNSON TO APPROVE AN EXTENSION OF THE FINAL APPROVAL FOR CLOWARD ESTATES, PLAT B, TO FEBRUARY 1, 2008

VOTE: YES (5)

NO (0)

RE-SCHEDULE CITY COUNCIL MEETING

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO RE-SCHEDULE THE CITY COUNCIL MEETING FROM NOVEMBER 27, 2007 TO NOVEMBER 20, 2007; TO ALLOW THE CITY COUNCIL TO MEET STATE REQUIREMENTS TO CANVASS THE ELECTION RETURNS FOR THE MUNICIPAL ELECTIONS NO LONGER THAN TWO WEEKS AFTER THE GENERAL ELECTION

VOTE: YES (5)

NO (0)

SUMP PROJECT
FOR THE CITY

Mayor Dunn: Lee Haskell has bid on the job. Mayor Dunn was waiting for another bid; but it did not come through. The bid is for about \$31,000 from Lee Haskell. It is felt that this is a good bid. Hopefully this bid will stand, since it is about a month old. He will have assistance from the City.

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY MARY RUGG TO AWARD THE BID FROM LEE HASKELL TO INSTALL THE THREE SUMPS FOR HE CITY; IF HE CANNOT DO THE JOB NOW, DUE TO WEATHER, WILL THE BID HOLD UNTIL SPRING OF 2008

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

Passes 5-0

*Raymond Brown will notify Lee Haskell.

HANSEN
ANNEXATION

The County responded to the Petition that the proposed annexation violates the State Code in that it "creates or leaves an island or peninsula". The piece left is on the east side of Loafer Canyon Rd. & 11200 South. The question to the City Council is, if the City should then deny the Certification of the Petition, based on the County's evaluation.

The City Recorder called the County to ask about their issue with the proposed annexation, and was informed that if the City certifies the Petition, and thereby allows it to move forward to publication and the protest period, there could be protests from various entities; and the County said they would have to say that Elk ridge had received the evaluation, but chose to go forward anyway. They did stress that the evaluation from the County is advisory.

After discussion, the Council agreed that the Petition should not be certified.

*Mayor Dunn is to contact the County to determine how the residents within the proposed "island" on the corner of Loafer Canyon Rd. and 11200 South would be impacted if they were to annex into Elk Ridge (regarding connections).

Mr. Hansen has been contacted with this denial from the County and that the Council is discussing the issue at this meeting.

MINUTES

1. Minutes of 10-9-07:

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY NELSON ABBOTT TO APPROVE THE CITY COUNIL MINUTES OF 10-9-07; WITH A CORRECTION ON PG. 5

VOTE: YES (5) NO (0)

EXPENDITURES

General:

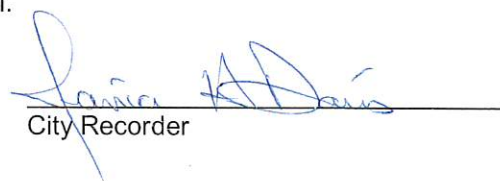
A. Check Register for Sept. and October, 2007:

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO ACCEPT THE CHECK REGISTERS FOR SEPTEMBER AND OCTOBER, 2007

VOTE: YES (5) NO (0)

ADJOURNMENT

Mayor Dunn adjourned the Meeting at 8:51 PM.


City Recorder



