

## AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, May 8, 2007, at 7:00 PM, to be preceded by a Joint City Council/Planning Commission Work Session at 6:10 PM.**

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

**6:00 PM      UTAH COUNTY COMMISSIONER – GARY ANDERSON**  
**Introduction**

**6:10 PM      JOINT CITY COUNCIL – PLANNING COMMISSION WORK SESSION**  
**CE-1 & CE-2 Regulations & Phase 4, Elk Ridge Meadows PUD (Access Roads)**

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

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

7:05      Public Forum:

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

7:15      1. Plat Vacations + Preliminary & Final Approvals:

A. Bean Subdivision, Plat A

1. Vacation of Salem Hills Subdivision, Plat B, Block 9, Lot 6

2. Preliminary & Final Plat Approval

7:25      2. Cloward Subdivision, Plat B – Final Plat Approval

Waivers of Entitlement to Build

7:35      3. Ordinance/Durability Retainer & Inspection Bond (Section 10-16-7)

7:45      4. New City Employee Positions – Mayor Dunn

A. Building Inspector

B. Asst. Treasurer/Clerk (Building Permits)

8:05      5. Boundary Line Adjustment – Elk Ridge & Payson City/Schedule Public Hearing – Mayor Dunn

8:10      6. Discussion/Sewer Impact Fee Study – Mayor Dunn

8:15      7. Hire New Fire Chief – Ratify Polled Vote

A. Resolution/Increase Pay – Fire Dept. Administration

8:25      8. Action on Work Session

8:30      9. Building Permit Request/Ron Moody (Goosenest Drive)

8:40      10. Approval of Minutes of Previous Meetings

8:45      11. Expenditures:

General:

A. Scanner Laminator for Building Dept.

8:55      12. Schedule Public Hearing/2007-2008 Fiscal Year Budget & CIP

Adjournment



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

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.  
Dated this 7<sup>th</sup> day of May, 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 mailed to each member of the Governing Body on May 4, 2007; and an Amended Agenda on 5-7-07.

  
City Recorder



**ELK RIDGE  
CITY COUNCIL MEETING  
May 8, 2007**

**TIME & PLACE  
OF MEETING**

This regular Meeting of the Elk Ridge City Council, was scheduled for Tuesday, May 8, 2007, at 7:00 PM; this was preceded by a Joint City Council/Planning Commission Work Session at 6:10 PM; with a Special Introduction of Utah County Commissioner at 6:00 PM.

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

Notice of the time, place and Agenda of the scheduled meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on May 4, 2007; & an Amended Agenda on 5-7-07.

**6:00 PM -**

**UTAH COUNTY COMMISSIONER – GARY J. ANDERSON**

Mayor Dunn: Welcomed Commissioner Gary Anderson; and introduced him to those present. He then turned the time over to Commissioner Anderson to speak to the City Council, the Planning Commission and those present.

Utah County Commissioner Gary Anderson: Commissioner Anderson introduced himself and spoke of his goals in the County to serve with dedication and an interest in how to better assist the communities. He mentioned that mistakes have been made in the past and he does not wish to repeat this. He asked that everyone feel free to contact him with any issue deemed important.

**6:20 PM -**

**JOINT CITY COUNCIL/PLANNING COMMISSION WORK SESSION AGENDA ITEMS:**

**ROLL CALL**

*Mayor:* Dennis Dunn; *City Council:* Mary Rugg, Nelson Abbott, Mark Johnson, Alvin Harward & Raymond Brown; *Planning Commission:* Russ Adamson, Sean Roylance, Kevin Hansbrow, Dayna Hughes, Paul Squires, Kelly Liddiard & Shawn Eliot; *City Planner:* Ken Young; *Plan Coordinator:* Margaret Leckie; *City Attorney:* David Church; *Public:* David Millheim, Forrest Millheim, John Money, Steven Shepherd, Steven Sumsion (Attorney), Karl Shuler, Jed Shuler, Elliott Smith, Bob Peavely, Barry Prettyman, Torie Ashton, Joann Bigler, Burke Cloward, Brian Bean & Anna Bean, Bronda Cazier, Bob Strang & McKay Massey; and the *City Recorder:* Janice Davis

**CE-1 & CE-2  
REGULATIONS &  
ELK RIDGE  
MEADOWS PUD,  
PHASE 4 –  
ACCESS ROAD**

Mayor Dunn: The Mayor welcomed all present for the Joint Work Session. He introduced the City Attorney, David Church, to those present. The Mayor opened up the discussion by reviewing some of the City's concerns. Mr. Church has visited with a couple of different groups last week regarding some of the issues concerned with the CE-1 Zone and developments north of the City.

He opened up discussion to the Planning Commission and the City Council and encouraged the members to seek a balance on some of the internal issues facing the City currently; with streets and roads; as they apply to the process of changing the Code. The City needs to be protected as well as the developers. The issues have become a bit complicated. He turned the time over to Mr. Church:

David Church: It is obvious that the City is busy with growth because he has gotten calls from developers and their lawyers regarding certain issues. In speaking to these developers, both groups were concerned about the same process issues; they felt they were caught in the middle of changes in the Code and in the development process. Both of them have concerns that they have attained a status where they should be considered "vested" in prior interpretations and prior rights and not caught in the change. Each of the two groups dealt with roads, though slightly different. One group is dealing with road grade issues in the CE-1 Zone, and the other dealt with the issue of partial width roads vs. full width roads.

For the benefit of the Council and the Planning Commission and for members of the public, he spoke of his understanding of the law regarding what many refer to as "vested rights": It is actually fairly simple in stating what it is...it becomes difficult in the application. The basic law is this; it is clear in Utah statute that the developer is entitled to have his project approved if it meets the State law requirements and the City ordinance requirements on the date that they file substantially complete application...whatever that means. For example, under Elk Ridge's ordinances, there is a section in the Code that says that people are not vested until Preliminary Plat.

"In my opinion, it doesn't matter what your ordinances say, the court and the State law says that the triggering time for vesting is when they file a substantially complete application, whatever that is"; and so you cannot artificially say a person isn't vested until some arbitrary time (Preliminary or Final, etc.)...it is when they file an application. There are some exceptions to that; no one gets vested if you're in the process of changing those ordinances when they file; even if they don't know you're in the process...if, in fact, you complete the process within 180 days. If you don't complete the process within 180 days then...the idea is that the City has had plenty of time to finish it and they get to continue under whatever the existing ordinances are. The other exception, that is rarely applied, is that if in fact there is a serious public health/safety issue. That being said, it gets difficult in the application of the law because the question is, what is a "substantially completed application"? How do we tell what triggering time is? Can we artificially say that it is at Preliminary Plat? Can we say that it is at "Concept"? His opinion is that the courts are going to say that they're vested at the earliest possible state that the ordinances provide. Example: if there is a "Concept Process" where an application is filed and fees are paid, that they are going to pay attention to that. If you have some kind of informal process where people come in and just chat and no application is filed and there is no list of things people have to turn in, they will ignore that...there needs to be some kind of formal triggering process that says, "this is the start of my project". His experience is that the courts, for purposes of vesting, will look at the earliest possible date that people have to do something official with the City where there are requirements to be met. As this is applied to the issue (for example to the issue on the road grades), the key is; what was the law on the day when the application was filed? Mistaken approvals don't vest people; if you make a mistake and then correct it, people don't gain any rights in that. If a staff mistakenly says something, if a Planner mistakenly interprets the Code or an engineer mistakenly interprets the Code; and people rely on that advice; it is not his opinion that people gain any rights in that. The key is what do the ordinances actually state?

- If we look at the development with the ½ street, it seems clear to him that the City ordinances don't allow ½ streets...there are no vesting rights. The City cannot allow a ½ street unless the City is willing to change the ordinance so it applies to everyone; there is no good way to do a variance.
- The key to the road grade issue was to take the earliest possible date when some application was filed and see what the ordinance said. You apply that ordinance, whatever it is. If the ordinance changed during the time, you ignore the change...unless the people want to voluntarily comply with it. If the ordinance didn't change, then it is rather simple.

This is a general view; he does not necessarily know how this applies in each individual problem that we have. He asked if there are some specific questions he could address?

Mayor Dunn: He felt that Mr. Church had answered a lot of questions in the opinions presented. He knows the Council has some questions:

Raymond Brown: If the City, in considering an application of some sort, determines there are safety issues, such as getting up the hill with the snowplows, busses, etc. and the City is in the process of changing the ordinances; some 60 to 90 days before the application is filed, he would think the safety issues would be a major concern.

David Church: If the ordinances are in the formal process of change at the time the application is filed, and if the City completes that process within 180 days, then the City has the right to apply the new regulations.

Raymond Brown: Another question: If a person applies and are informed that they are in the process of change, but they want to go forward with some kind of approval for their own reasons; the City could grant the approval with the understanding that there are changes being made...it may take a while to get it done.

David Church: The State statute says the changes must be done in 180 days or you won't be able to enforce those new ordinances that are in the process. Those 180 days are important is because the City has the right to also declare a 6 month moratorium. You can see how that coordinates. The City won't be allowed to delay people in their rights to develop their property beyond the 6 months. The State Legislature meets quickly and they do not seem to realize how long it can take to actually change an ordinance.

The 180 days is from the time the City started the ordinance change, not from the time any applications were filed.

When the road grade issue is considered, whatever the application process began, what did the Code say at that time? The safety issue would have to be a "serious" safety issue.



Mr. Church went on to say that he feels the difference between a 10% and an 8% road grade is not going to be a serious safety issue.

(Councilmember Brown replied that the difference between 8% and 15% is big difference.)

The other side of the issue is, even if the ordinance is applied...anytime a regulation is applied, the City must be prepared to justify it...there must be some rational basis. If the City states that 15% grade presents some serious safety issues, then you must be prepared to have an engineer or some professional verify that statement. You cannot just pick a number.

Steven Sumsion: Introduced himself as representing the "Elk Haven" group. He referred to minutes of November 28, 2006, meeting: "Recently the City Council adopted an ordinance amendment which provides for slopes on streets to be up to 10% slope; with the ability by the City Council to approve short stretches of up to 15% slope; however, a new ordinance amendment coming forward will limit slopes to a maximum of 10%, and although the applicants have vested rights into the existing ordinance requirements, they have agreed to keep the proposed road slopes under 10%." He wanted to highlight the fact that there was a vote of the Council 4-1 in favor of granting the 10% or less road grade for Elk Haven.

He stated that he agrees with everything that Mr. Church has stated as a rule of law. The other principle that they ask the Council to recognize is that there are processes to go through to gain approval, and it is important to have a "rule of law"...or to have structure and some degree of finality with regard to this Council's vote. It was their proposal that the road grade issue be put aside. It has been presented in detail before this Council and approved; their request is to address other parts of the development. He feels the "vesting" issue has been decided upon.

The applicants made application in February of 2006, paid their fees and went through an "exhaustive" process to get feed back at every level. In respect to this Council's decision making power, it seems prudent for the Council to reaffirm, if necessary, what has already been decided.

Nelson Abbott: Question: (Referring to vesting and the 180 day time period) Let's say someone comes to the Council and the existing Code says something like, "One cannot build on a lot with a 110' frontage, then 90 days into this, the Code is changed to 135'; which one is applied?

David Church: The one on the day they come in; unless the City is *in process* of change when they come in.

Nelson Abbott: The next question: One of the items brought up referred to the Code at the time when they developers initially approached the City; we did not have the Code that is in place now in the CE-1 Zone with regards to road grades. The grades were in question...which one applies.

David Church: This needs to be clarified: the Code when they applied said 8% or something...then there is the reference to the Code as quoted by Mr. Sumsion; did the City change the Code twice?

Nelson Abbott: Yes, because we needed to get the CE-1 Code in place, or at least a "skeleton" of it. The road grade question was still in question, so that portion of it was taken out of the "mix" to have time to review it; and then it was added back in.

David Church: Then, at the November 28 (2006) meeting, you vote to accept the road grade plan...and when you voted on this, it met the existing Code...right?

(Mayor Dunn replied, "Yes, that's right".)

The difficult issue is, what did you intend when you adopted the road grade plan?

Nelson Abbott: Speaking for himself, he was the dissenting vote in the quoted 4-1 vote; he did not agree with it. He did not feel the developers were justified allowing up to 10%; he did not have enough information to make that determination.

David Church: Whatever was intended to grant them, they have. If votes mean anything, you did something. He does not know what the *intention* was; he just knows what the minutes say.

Nelson Abbott: The Code is very specific about the 8% up to 10% *if they can show that, by allowing the 10%, that they are able to reduce the amount of cut & fill.* He has not seen anything one way or the other on this...at least not in terms he can understand.

David Church: He is saying that, if this issue did go to court as litigation; that November 28<sup>th</sup> vote would mean something to the judge. The judge would say, "You gave them something there, what did you give them?...otherwise why did you vote on it...what did you approve?"

Shawn Eliot: Explained the reasoning behind the Planning Commission's question on vesting on the issue of slopes: When the application was submitted, the Development Code allowed 8%; about two weeks later, the Planning Commission started re-writing the CE-1 Code over a totally different issue.

At that time, they were aware that the roads were steep and there were road issues and they had nothing in the Code regarding roads and the allowed slopes. In the CE-2 Zone, the question of road grades was addressed; so the Commission "borrowed" from it and re-wrote the Code accordingly. Then when Elk Haven submitted, it was noted that there were up to 15% grades allowed. The Planning Commission noted that the submitted plats had these proposed steeper grades and this was not what was desired for the City in that area. It was at that time when they (Planning Commission) started to interview other engineers, the City's own engineers, the Fire Chief & the Public Works; all felt uncomfortable with the steeper slopes. The developers were also submitting information gathered from other cities about road grades. That is the point at which the Planning Commission felt they were working on fixing the problem. When the Concept Approval was passed at the Council level; it was two weeks later that a new road grade ordinance was passed. The Commission felt under pressure to pass this ordinance and felt they had the "ball in motion".

Karl Shuler: There is an important point left out; there was an in between plan when they (developers) were informed they were too steep and the City would be changing this in the future...and voluntarily (even though they felt they were vested under the previous Code) changed there plats and went to 10% or less...this is the standard the City was moving toward at that time. They did change and they did comply with the pending ordinance amendment. They wanted to work with the City. Now, as the lots are being developed, the City wants to "start over".

Shawn Eliot: The Code allows 10% for "short" stretches and there are some pretty long stretches shown. In the Code it states that the developer would have to demonstrate that one is more advantageous than the other. That is what the Planning Commission has not seen.

Karl Shuler: But, they did comply with what they were told...the Code had not been passed. The Council approved it as presented.

John Money: They knew there would be problems associated with the CE-1 Zone; that is why they decided to present the road first; so they would not have to re-draw and re-plat every plat...they wanted the road stationary.

Mayor Dunn: (Directed to David Church) On the memo from Ken Young, the issue of "time line"...it is the Mayor's understanding that the Elk Haven road Concept Approval should stand as it was approved, based on the time line presented by the City Planner.

David Church: That would be up to the City Council...only the Council knows what the vote of November 28 was intended to be; was it intended to adopt the presented road plan? If so, then the road plan was adopted. He thinks the courts would find it inequitable to change it, unless you've got some very significant safety reasons to require the change. There may be some safety issues to work out.

Alvin Harward: His opinion is that the vote was taken and approval was granted; the engineers have done all the work based off of that approval; he feels the approval should stand.

Nelson Abbott: He sought clarification on the stated "time line" of the events and decisions as presented in the memo from the Planner: He was trying to understand if the 10% rule, or the 8% with allowances to 10%, if requirements are met. What percentage is being applied?

David Church: His understanding is that they (developers) offered in November to comply with what they understood the new ordinance to be (8% slope, with allowances up to 2% more) and they presented the Council with a road plan and the Council said, yes. He is not sure that it is clear to all concerned.

Nelson Abbott: He is not sure that there yet enough evidence to convince him that the extra 2% is justified; that is why he voted against it before.

Raymond Brown: Right now, it is 8% with the extra 2% being allowed upon approval? He still questions what the length of "short stretches" should be. This seems to be up for interpretation. If part of the road is too steep and too long to get a snowplow, bus or emergency vehicle up to an area, it is too long. He has maintained from the beginning, that the road has to be accessible to these types of vehicles; this has to do with the safety of the residents.

John Money: He does not feel that the road should even be an issue at this point; we should be considering the lots proposed for platting. As far as "short stretches"; the entire proposed road is only 1 & 1/3 mile long. They have met with all the technical people involved to arrive at the proper slopes in the road.

David Church: Suggested that the City tighten up on the ordinance regarding the definition of "short stretches". In considering the lots, the Council must consider cuts and fills; how high the retaining walls should be; as opposed to how flat you want the road. It is a balancing act. It is a tough deal to consider the aesthetics vs. the functionality of a road.

Mayor Dunn: In fairness to the process that has been going on, he feels the catalyst for this discussion was the memo written by several of the Planning Commissioners, withdrawing their recommendation for approval. This was presented on the day of City Council so an amendment to the Council Agenda could not be made for any action item. The reason for re-visiting this was to work through some of these issues and find out what the legal obligations are. He agrees that action was taken by the Council on Concept and that does mean something. A recommendation that comes to the Council and then action is taken on that recommendation basically becomes "gospel"; he feels we need to be careful with this process. Serious situations can be created. There is an obligation with the action taken.

Nelson Abbott: He feels the road grade issue is put to rest; he still has a question on two other items on the memo: 1) Grading plans 2) Right of way: Will these items still be discussed?

Karl Shuler: The grading plan was turned in; the slope analysis and grading plan were combined, as the City Engineer said they could. Barry Prettyman (their engineer) drew them both on the same print.

Shawn Eliot: The concern was that parts of it were missing...the retention plan and the re-vegetation plan are all part of it. The City has been placed in a negative position when these things have not been in place. There is the requirement that part of the grading plan shows re-vegetation, what will be taken out, what will be retained and how drainage issues will be handled.

Karl Shuler: Part of that was discussed in the narrative accompanying the plan they turned in.

David Church: In an attempt to answer Councilmember Abbott's question: If some information is missing, then the City has a right to request this information and review it. The application has to be complete.

Right-of-way: "It will be what it is. You are going to say what your right-of-way is as set by your Master Plan and your ordinances; for the width, it will be what it will be; so that is part of the process; I think if developers understand that. You draw lines on the map where the roads go and tell them what the widths are." He did not understand where the confusion is; he knows that it is costly to hire attorneys.

Mr. Sumsion: On the vegetation issue: There were comments in the same record stating that as each plat is coming forward, that the vegetation will be addressed. This is an open issue. These plans do have to be provided.

David Church: The second development seems to be more straight forward and easy (referring to Elk Ridge Meadows PUD, Phases 2 & 4)...he has looked this over; the City does not allow ½ streets...the developer has come up with an alternative to a ½ street; he is not sure how this alternative meets with City standards. There are many solutions as alternatives to ½ streets; but he does not think it is a good idea to build very many ½ streets. Any alternative would have to be approved by the Planning Commission and the Council.

(Before moving on to further discussion of the ½ road, Mr. Shuler continued©)

Karl Shuler: There is an issue he is not sure everyone understood: that of the 56' right-of-way vs. a 66' right-of-way...At the November 28 Council meeting, the road was approved at 45' in width. Is this still an issue? If so, why?

Shawn Eliot: He does not recall any of the handouts showing right-of-way; they simply showed the roads. (The developers said that they were shown on one of the pages of the required drawings.) Mr. Eliot referred to the City's circulation map indicating this section of road as a "major collector" road...this would be a 66' right-of-way. This is the main road in and out of this area.

John Money: They agreed that Hillside Drive would be a 66' right-of-way, but not High Sierra Drive. (High Sierra is a 56' right-of-way.)

Shawn Eliot: Hillside Drive is shown as a "major collector"; the proposed road behind High Sierra is a "major collector" and there is an access to Loafer Canyon Road. It is really Hillside that is the issue. On the "original map" Hillside is shown as a collector and the High Sierra "loop" road as an "arterial", which is not correct...that is why the Planning Commission re-visited the issue.

City Recorder: (Question) The existing Hillside Drive is a 56' right-of-way; how will this connect to a 66' right-of-way and be considered a "collector"?

Shawn Eliot: The major collector ends at Salem Hills, which is also a collector; this results in a two-block section that remains at 56'...this should be addressed some day. The road behind High Sierra that will be the main entrance in and out of the area.



Ken Young (City Planner): He pointed out that, even though what Mr. Eliot brought up may be correct in theory, he thinks the reality of what we had here at the City offices as far as mapping is concerned; there was no "correct" map until very recently, when it was reviewed and approved by the City Council. There were two or three different versions hanging up on the wall; all of them were incorrect, especially regarding Hillside Drive and High Sierra Drive. He also pointed out that as you connect into High Sierra and Hillside, they are both 56' rights-of-way.

Shawn Eliot: Elk Meadows/Elk Ridge Drive: There is a one-block stretch that is 56'...the rest is 66'. The fact that there is the potential of so many homes in the area south of the City with future development, there needs to be more collector roads.

Ken Young: The issue of vesting still comes up and under what requirements would they be held to, when they made their application. He has a question in his mind if we even know what we had at that time. "Was there any way to get a clear message to them at that time? How can we effectively hold them to a 66' right-of-way if it was assumed, in many instances, that it was a 56?"

David Church: he suggested that the process be put to work. "The Planning Commission needs to make a recommendation on the Preliminary Plat or at whatever stage it is, and say, 'we recommend that these roads be whatever it is', and with that recommendation, it goes to the Council and the Council then makes their decision." "The trouble we get into is when we 'ping-pong' it back and forth...trying to reach a consensus...if the Planning Commission's recommending that those roads be a certain width and has a rational...they have the right to make that recommendation to you. It comes to you, the people have the right to respond to it...then we get a decision done... these guys at least have a decision that they can then appeal up to the next level or accept...one way or the other. One of the things we do in local government that is completely unfair is to search for a consensus amongst us, where we just keep sending things back and forth between the Commissions and the Councils...and in the end we get a decision that nobody likes...and everyone gets mad because it took them all summer to get it. So, if the Planning Commission feels strongly, make a recommendation on those widths...let them make it and send it forward...then you guys (Council) do your job."

Mr. Sumsion: Question about the 56' right-of-way has already been approved, given that the plans have been presented...there is a question whether there was a detail identifying a 56' right-of-way; the detail was sufficient for a reasonable person to come to a conclusion...and the Councilmembers to approve that already. He would argue that this falls into the same category as the 10% grade. This has been presented and there has been a conscious decision; he feels the memo from the Planner re-enforces this.

David Church: That may be and it may not be. He is suggesting that we get this process going and make that argument then. We don't know how many lots are going to be up there..."you bring one lot up there, it's 56'...you bring your maximum, we might need 66'. Road widths are decided when you show us the plats and the lots and the layouts...not with some kind of road plan. I am just saying that's the other side of it...when see your Preliminary Plats, generally...and we look at our Master Plan, we say, that road needs to be wider, narrower or straighter...that is part of the typical subdivision process...it makes sense to most people."

The Planning Commission will be making recommendation on it, sending it on to the Council...the arguments can be made there. Then a decision will be made.

Full Width Road:

Eliot Smith: (one of the developers of the Elk Ridge Meadows, Phase 4/Horizon Farms)

He presented their planned alternative to a full-width road to the Council and to those present: All the way through the development process, there was the assumption that, based on the plans presented, that would be a ½ width road. Everyone missed it until recently when it was pointed out that there was a ½ width road and those are not allowed in Elk Ridge. When they met with Mayor Dunn (a couple of weeks previously), they left the meeting with a clear impression that was going to be a very difficult path...to change the ordinance and get approval for ½ width. So, they sought alternative solutions.

The proposal was to place part of the road in question (Cotton Tail Lane) on the property known as Phase 4 at full-width and to curve the road going south to the west and have that part as ½ width + 9'. Keeping the intersection of Sky Hawk Way and Cotton Tail in tact is pretty important because there are four roads that tie into it in the future. In working with the developers of Phase 2, the suggestion was made to bend the road, build Sky Hawk Way (full width) and leave only one section where the necessary portions of the right-of-way would be dedicated; and Development Associates would escrow the costs to complete that road at some



future point in time, when the other property owner (Smart) decides to proceed with development. Another reason they are not big fans of shifting the road is that it starts to “pinch” the open feel they are trying to maintain in their planned development. This would not require any proposed ordinance changes nor require any exercise of “eminent domain” procedures.

Comments:

Mayor Dunn: Phase 3 covers a portion of this road. The road could go in at full-width if placed internally onto Phase 4's property. He has taken a copy and marked it, showing this design. He is only asking a short piece to be included into the full-width road. According to the Code, the off-site reimbursement clause would refund their money to them by the other property owners. Question: Re: Proposed escrowing of costs...If money goes into escrow or a “buy-out” (as the Mayor refers to it), could there be a provision for cost of living adjustments in the costs of the road? Or, wouldn't it just be easier to comply with the existing Code and install the full-width road now?

David Church: In more aggressive communities, some of which he represents, would say they want a full-width road, and they would exercise their eminent domain to acquire the property that the developers do not control...the road would be installed and the reimbursement agreement would be signed. The down side to this is the property on the other side; he does not know the land owner or the situation surrounding this. He feels those are the two choices. “½ width really doesn't work; and the developers who get condemned hate that; but that is an option.”

David Millheim: Though he appreciates what is being said, he wanted to add a few things: He had to go to district court last week and stop Bluffdale City (owns property there) from condemning ground that he felt was a “hideous misuse of power” and the judge agreed due to other things being involved in the equation.

- He can understand the options, but he would be absolutely opposed to any condemnation process.
- He is not in favor of reimbursement agreements. It is impossible to project what other property owners will do; he only knows what he is doing today.
- He feels that ½ widths serve a purpose. He said he was not there to debate the Code or vesting; but he felt there are some circumstances that should be taken into consideration:
  1. He said he felt he had full plat approval (Phase 2) and they are in the middle of construction...he has stopped the graders until it is decided what will happen with this road in question.
  2. He wants things to do things correctly and has great faith in the developers of Phase 4.
  3. He does not want to open up the density factor again and they are trying to work with Phase 4 to configure the lots and the roads to best meet the needs of the Community. The intersection spoken of needs to stay in tact.
- (Addressing the Mayor's concern) He does not know how to escrow the road for the future. He has no problem agreeing to building the road as agreed, but he feels that the portion of the road could be ½ width without a problem. What is the proper escrow number? From a design aspect the proposed design works for Phase 4. He does not want to get into a 30-year reimbursement agreement.

Mayor Dunn: The agreement would allow the engineer at the time of reimbursement to assess the cost of reimbursement.

David Millheim: He agrees with a differential they put on that stops at a fixed point in time and he would suggest it be tied to the same rules you have to follow to track that law. It is like tracking impact fees; if the fees are not used within a period of time, the fee is returned to the one that paid the fee. He has no problem saying that they will may an inflation factor that is mutually agreed upon, in the escrow; as long as the funds are expended within a time period (7 years?). He is not willing to go into the 30 years. They are trying to come up with a solution that will work for everyone. He knows the road issue needs to be resolved for Phase 4 to progress.

David Church: 1) If the Council is interested in escrowing a portion of the road, they (City and Mr. Church) can come up with an agreement that would work. Typically, he would suggest choosing a number of years (not 30 years)...a reasonable time when we feel the road would be built or the City would be willing to build it. We would then look at our recent past...that is the of construction, inflation and land values; return on City investment and build these factors cost into the escrow.

The amount escrowed would be more than typical inflation because construction land costs exceed that.

2) There are only two other approaches:

- Either shift that road over because the ordinance does not allow ½ streets
- Get the property and build the whole road (He would not recommend condemning people's property unless it is absolutely necessary).

(Mr. Millheim feels this would be bad development business.)

Mr. Millheim: To clarify further re: escrow: "We would want the escrow to be only on those portions of the road we own; I do not want to be paying for the escrow of a future condemnation." There would be a road right-of-way dedication now so you've got the ground; so that part of the "clock doesn't have to keep moving". The only part to be escrowed would be our proportionate share of that road... then there is no reimbursement.

City Recorder: Explained that the City Engineer (Craig Neeley) brought this issue to the attention of the City: that the road in question had only received Preliminary approval and should have been included in the plat recorded for Phase 2 as part of the off-site improvements. At this point in time a "road dedication plat" needs receive Final Approval. (He said that, "Preliminary is preliminary and Final is final". Mr. Neeley stated that this dedication needs to receive final approval prior to construction on the road.

(Mr. Millheim said he agrees...that this road needs to be dedicated to the City.)

The last thing that Mr. Neeley recommended was that a full-width road should be required.

Alvin Harward: (Directed to the developers) You have met with the family (Lyle Smart)?

(It has been several years, but yes.)

Are they opposed to participating on the road? (He had not spoken to them about this issue.)

Councilmember Harward suggested contacting the property owner to see if he will cooperate.

He is in favor of a full-width road. (The Mayor agreed.)

Mr. Smith (?) This would have to include Mr. Millheim. But they would be happy to be accommodating with them; they just want to expedite this.

Mr. Millheim: They purchased the property from a consortium and he wondered why this piece of ground was left out of the annexation/development; they responded that it was because they could not get the property owner to cooperate. He did not contact them. He wants to cooperate with property owners in development. He would not be involved if he had not offered to install this road for Phase 4. ½ width roads are useful in making owners responsible for the improvements on their own property.

Alvin Harward: In that case, he suggested placing the road entirely on their property.

Mr. Millheim: But is this what is desired...to force the road into Phase 4 and sacrifice the open space and the design?

Alvin Harward: The full width road ordinance was passed for a reason; we have many problems in a mountain community with ½ width roads in existence now.

Shawn Eliot: The suggestion has been made to eliminate Cotton Tail; but there were concerns:

- It is the only real access to 11200 South (connecting to the big park in Phase 3)
- The homes where the front doors would be facing the road; they end up, potentially, facing a fence of another development (future).
- Simply being able to access that area (Smart property) rather than having that area access out onto 11200 South

They recommend keeping the road and making it work.

David Millheim: He is not opposed to contacting the Smart Family; but he does not want to push someone where he does not want to go. He agrees that the road will go in someday...all the other roads are full width.

David Church: The direction on this (directed to Mr. Millheim and Mr. Smith) is that you have to talk to those people first.

Mr. Millheim: Does the City like the proposed design? This information will be needed to move forward.

Mayor Dunn: Offered to poll the Council:

Nelson Abbott: In favor of full width road; speak to Smart Family then consider design;

Mary Rugg: Full width road; Raymond Brown: Full width; Alvin Harward: Full width &

Mark Johnson: Full width

All agreed that the full width should be installed now.

The Mayor will assist in any way to contact the Smart family.

Mr. Millheim just wants to build a good subdivision, as they have in the past.

**ELK RIDGE  
CITY COUNCIL MEETING  
May 8, 2007**

**TIME & PLACE  
OF MEETING**

This regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, May 8, 2007, at 7:00 PM;** this was preceded by a **Joint City Council/Planning Commission Work Session at 6:10 PM; with a Special Introduction of Utah County Commissioner at 6:00 PM.**

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

Notice of the time, place and Agenda of the scheduled meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on May 4, 2007; & an Amended Agenda on 5-7-07.

**7:50 PM -**

**CITY COUNCIL MEETING - REGULAR SESSION AGENDA ITEMS:**

**ROLL CALL**

*Mayor:* Dennis Dunn; *City Council:* Mary Rugg, Nelson Abbott, Mark Johnson, Alvin Harward & Torie Ashton, Joann Bigler, Burke Cloward, Todd Trane, Brian Bean & Anna Bean, Bronda Cazier, and the *City Recorder:* Janice Davis

**OPENING  
REMARKS &  
PLEDGE OF  
ALLEGIANCE**

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

**AGENDA TIME  
FRAME**

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:50 PM  
VOTE: YES (5) NO (0)**

**PUBLIC FORUM**

No comments.

**PLAT VACATION –  
PRELIMINARY &  
FINAL APPROVALS  
BEAN SUBDIVISION**

*(Memo from Planner to Council, dated 5-8-07)*

"Background:

The applicants have requested to split the lot into 3 new lots as shown on the attached plat. Lot 1 will have access on Canyon View Drive, while Lots 2 & 3 will have access on Alpine Drive. The proposed three new lots meet the minimum square footage and lot frontage requirements of the R-1-15,000 zone. Corrected rear yard setbacks have been requested, showing 30 feet on all lots. A new plat with these corrections is expected prior to the meeting.

Single lot splits are the simplest method of creating a new subdivision, and although only one plat is required to be submitted, the approval is considered to be for both a preliminary and final plat.

The Planning Commission reviewed this application on 5-3-07 and has found no further concerns. Curb and gutter are not recommended since the area is mostly developed and none exist nor are anticipated to be installed in the area in the future.

*Recommendation:*

It is recommended that the City Council approve this simultaneous submission of a preliminary and final plat for the Bean Subdivision."

Margaret Leckie: A Public Hearing was held and no oppositions were voiced regarding the proposed vacation.

(The Plat has been changed by the County to meet requirements, rather than actually acquiring another plat.)

Nelson Abbott: There is to be no curb & gutter? (Not required as there is not contiguous curbing in the area.) There will be no road alignments? (No.)

Water rights have been previously allocated from the SUVMWA Rights owned by the City.

No further comments.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO:**

- 1. FIND THERE WOULD BE NO MATERIAL INJURY INVOLVED WITH THE PROPOSED VACATION AND SO TO APPROVE THE VACATION OF SALEM HILLS SUBDIVISION, PLAT B, BLOCK P, LOT 6; AND**
- 2. TO GRANT PRELIMINARY AND FINAL PLAT APPROVAL TO THE NEWLY CREATED BEAN SUBDIVISION, PLAT A**

**VOTE: YES (5) NO (0)**





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CLOWARD  
SUBDIVISION,  
PLAT B –  
FINAL PLAT

*(Memo from Planner to Council, dated 5-8-07)*

**"Background**

The Preliminary Plat was reviewed and approved earlier by the City Council, and the applicant now desires approval of the Final Plat for this 39-lot subdivision.

The Planning Commission reviewed this request on 3-15-07 and 5-3-07. The identified corrections have been submitted and are attached for the Commission's review.

One outstanding issue which should be resolved prior to the approval by City Council is the applications submission of a signed waiver of entitlement for development rights. This will preclude the issuance of any building permits in this development until the transfer of water rights for the development to the City is completed, or until City water is available.

**Recommendation:**

It is recommended that the City Council approve this plat, subject to the applicant's waivers of entitlement being filed with the City."

**Comments:**

Alvin Harward: Burke Lane shows this going into a ½ street; why is that?

Todd Trane: That is the future Armstrong development; the other ½ will be built with them (Doe Hill Estates...already approved).

Raymond Brown: Dot Drive is only 47' width? This should be a 56' right-of-way.

Todd Trane: In the future there will be an additional dedication for a 10' trail on there. It is on the utility plan. So there is the full width and curb & gutter; and in the future the other 10' will be dedicated as a trail, creating a 57' right-of-way. The asphalt section will be identical to a 56' roadway; you would just be missing the sidewalk and planter on the one side. There will be curb & gutter on both sides. This is a separate parcel. This was approved with the Preliminary Plat. This is the same as approving a temporary turn around...subject to future development.

Plans and profiles are shown on the construction documents. In the future, the sidewalk and planter strip will be a trail. The Final Plat will not show these construction drawings.

Alvin Harward: Agrees that the full width (56') should be installed now with this plat, to conform to the Code. This is Final Plat, not Preliminary. This is the same issue just discussed concerning the proposed road with Phase 4 of Elk Meadows PUD.

Mary Rugg: Can there be a notation on the Plat indicating what will occur?

Todd Trane: We can place a notation on the Plat saying: "Full improvements will be in the 47'". (The construction drawings were reviewed and explained by Mr. Trane.)

The Code said ½ width roads were acceptable when they first got Preliminary.

(The City Recorder added that Preliminary was granted in December, 2006; the full width requirement has been in place since 2005.)

After discussion, the Council agreed that a full width road should be installed with this development, to be shown on this Final Plat.

Alvin Harward: Asked Mr. Cloward if he agrees with adding 10' more to the other side of Dot Drive.

Burke Cloward: He responded that he is fine with this.

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO GRANT FINAL PLAT APPROVAL TO THE CLOWARD ESTATES SUBDIVISION, PLAT B; WITH THE FOLLOWING CONDITIONS;**

**1. WAIVERS OF ENTITLEMENT TO BUILD ARE TO BE PROVIDED TO THE CITY, TO BE RECORDED ON EACH LOT**

**2. DOT DRIVE IS TO SHOW A 57' RIGHT-OF-WAY DEDICATED ON THE FINAL PLAT**

**VOTE: YES (5)**

**NO (0)**

ORDINANCE –  
DURABILITY  
RETAINER

Mayor Dunn: The City Engineer, Craig Neeley, and the Mayor came up with the figures together to change the requirement for developer bonding regarding the Inspection Bond. Previously, it was set at a flat 6%, which is too high for larger developments. It will stay at 6% for smaller subdivisions. The amendment would also loosen up the wording regarding durability retainers, allowing more options for guaranteeing the money.

This has been discussed by the Council and agreed upon at previous Council meetings.

*(Memo from Planner to Council, dated 5-8-07)*

"Concerns have arisen regarding the requirements for the posting of durability retainer bonds, allowing some flexibility in the form of the bond. The Mayor has suggested that the Planning Commission consider the following changes in a proposed ordinance amendment in a public hearing: *(Review of retainer and tiered rates for Inspection bond)*

**Recommendation:**

It is recommended that the City Council amend the City Code as proposed above."

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN TO APPROVE AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR THE POSTING OF A DURABILITY RETAINER WITH PERFORMANCE GUARANTEES FOR A DEVELOPMENT PROJECT, 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**

*Passes 5-0*

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO MOVE AGNEDA ITEM #7 AHEAD TO THIS POINT IN THE AGNEDA TIME FRAME VOTE: YES (5) NO (0)**

**HIRE NEW  
FIRE CHIEF**

Mayor Dunn: Fire Chief Craig Olson has resigned and Seth Waite has agreed to be the new Fire Chief. He has been in this position before; and has agreed to fill this position again. Mr. Waite is well respected as a leader and the Department is fortunate to have him back. Mr. Waite was present to meet the Council.

The Council has been polled to hire Mr. Waite and the Council needs to ratify this polled vote.

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN TO RATIFY THE POLLED VOTE TO HIRE SETH WAITE AS THE ELK RIDGE CITY FIRE CHIEF VOTE (POLL): NELSON ABBOTT-AYE, MARY RUGG-AYE, ALVIN HARWARD-AYE, MARK JOHNSON-AYE & RAYMOND BROWN-AYE**

*Passes 5-0*

One of the things that Mr. Waite focuses on is to maintain the City's ISO Rating; he was instrumental in actually bringing it down to "5".

Nelson Abbott: This saves residents money on their home insurance... 10% to 20% drop.

Mayor Dunn: Being Chief requires much of an individual; it is suggested to increase the pay for this position from \$200 to \$300 per month.

**MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY MARK JOHNSON TO ADOPT ORDINANCE #07-8, PROVIDING FOR THE COMPENSATION OF ELECTED AND STATUTORY OFFICERS AND EMPLOYEES OF ELK RIDGE CITY; REGARDING AN INCREASE IN THE SALARY FOR THE POSITION OF FIRE CHIEF FROM \$200 TO \$300 PER MONTH**

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

*Passes 5-0*

Mayor Dunn: The Fire Chief's vehicle is being underused by the Fire Dept.; if it is not going to be utilized, he proposes using it for the Building Inspector. (The vehicle has not been licensed and registered; that is one reason it has been under-used. Chief Waite will assess the situation when he further acquaints himself with the current issues in the Fire Dept.

Raymond Brown: Cautioned use of any emergency vehicle without a cover on the top lights for anything but emergency uses.

Mary Rugg: Asked Chief Waite to contact her regarding the City Celebration. (He met with Linda Jones later that same night about the budget; and he will contact Councilmember Rugg.)

*\*The City Recorder administered the Oath of Office to the new Fire Chief.*

**NEW CITY  
EMPLOYEES  
POSITIONS**

Mayor Dunn: (Memos from Mayor to Council, dated 5-8-07)

1. "We have a new *Building Inspector* that will be serving the city starting in June. Because of contractual commitments, our building inspector will be finishing up for Woodland Hills and coming full time to us by June 15. Our office here is moving stuff around to make a work space for Corbett. He cannot work for us until his contract with Woodland Hills is finished. He can still inspect for us."

2. *New City Clerk Position*:

"As the City is growing, it has become apparent that the office has need of an additional position. This position will be a cross-over job that covers both the treasurer's duties and the assistant Clerk job. Filling this position will give the office complete coverage for building permit, payroll, file management, newsletter and cash receipting."

The Building Inspector will supervise the building permit portion of the duties of the new position and the Deputy Recorder. Building Permit revenue will be coming into the City rather than paying Woodland Hills.

BOUNDARY LINE  
ADJUSTMENT –  
ELK RIDGE &  
PAYSON

Mayor Dunn: This has been discussed with the Council previously; it is the proposed boundary line adjustment between Payson and Elk Ridge north of the Golf Course. Payson City desires to have condominiums built in that area, with access to Elk Ridge Drive. Currently, the boundary does not include one of the holes of the Golf Course. Payson City has purchased a piece of property from Shulers' along Elk Ridge Drive. This gives them access to place a gate leading to this project. This will be a City-owned project.

A Public Hearing needs to be scheduled.

Raymond Brown: Can the City use this adjustment as leverage for Hole #7?

Nelson Abbott: Elk Ridge should come up with an offer to purchase Hole #7.

\*Mayor Dunn will contact Mayor Bills to further discuss the purchase of this ground; it has been offered verbally at the price of "raw ground".

City Recorder: Suggested getting all these arrangements with Payson in writing: Water rights for this property, revenuing utility charges... will they be at non-resident rates, Hole #7, etc.

\*It was agreed that David Church should be consulted on this agreement.

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN TO SCHEDULE A PUBLIC HEARING FOR JUNE 12, 2007, AT 6:00 PM; TO CONSIDER THE PROPOSED BOUNDARY LINE ADJUSTMENT BETWEEN ELK RIDGE CITY AND PAYSON CITY; ALONG THE NORTH BOUNDARY OF THE GLADSTAN GOLF COURSE**

**VOTE: YES (5)**

**NO (0)**

NON-AGENDA  
ITEMS

There are various properties that the Council needs to re-address:

- Loafer Canyon Road – City owned property west of Jed Shuler's lot.

- The Council decided that we need to acquire costs for part of the "arena property" for a future site for a City Center. *(The owners said they will get back to Councilmember Harward regarding a price.)*

Re: Property in Loafer Canyon...

Nelson Abbott: Is there a legal obligation to open the sale of that property to the public?

Alvin Harward: Feels there is no problem with the sale of the property as long as it is sold at fair market value.

Mayor Dunn: Fair market value eliminates the need for the "auctioning process".

The property has become "dead" property for the City, since it was going to be used to assist in widening of the dugway. To widen the road 10', 40 feet of property would be necessary. This would require a condemnation process for the remaining properties to the north to actually do this (this would be 9 lots).

The drainage easement on the west side of that property needs to be kept clear.

Raymond Brown: Pointed out that this property used to belong to the Shulers'; they deeded it to the City; and now they would like it back, since the City does not plan to use it in the way it was intended.

Alvin Harward: He does feel the City should publicly announce the proposed sale of the property and if there are any questions, call the City Office.

\*David Church should be consulted on disposing of City property.

SEWER IMPACT  
FEE –  
DISCUSSION

Mayor Dunn: There needs to be a statement issued by Aqua Engineering regarding the portion of the Sewer Impact Fee (\$1,700) that will be paid to Payson. The fee was calculated by Payson City; but it becomes part of Elk Ridge's over-all fee. There should be some reference to it in our Study to justify the charges. Elk Ridge's portion for collection is \$910. This letter should be issued by either Aqua Engineering or Payson City.

\*The Mayor is to contact either Payson or Aqua Engineering for this letter.

ACTION ON  
WORK SESSION

No action besides the fact that the Council decided to uphold the Code regarding a full width road for the Elk Ridge Meadows PUD, Phases 2 & 4.

Raymond Brown: Pointed out that the standard is 8% grade for roads; with the option of going to 10% for short stretches, *with Council approval*. Developers need to realize that no matter how many other cities they have developed in, they need to adhere to Elk Ridge's Code when they develop here.

Mayor Dunn: Expressed his appreciation to the Council for upholding the Code in the way that they did.



Alvin Harward: Suggested that, in the future, when a recommendation comes forward from the Planning Commission that is an exception to the Code, it should be accompanied by an explanation of the reasoning behind that recommendation.

Mary Rugg: Many times developers want the Code changed to fit their plans. The Planning Commission could pass things along to have the Council determine if these requests should be considered.

Mayor Dunn: He stated that he is in his position to uphold the law; his personal feelings do not matter. He felt that there was a definition of the law this night and a stand taken. The tools the Planning Commission and the Council have are the laws and the Codes; they need to be adhered to.

**BUILDING PERMIT  
REQUEST –  
GOOSENEST**

*(Memo from City Recorder to Council)*

"Mr. Ron Moody owns two 5-acre parcels, possibly considered lots of record, in the Goosenest Drive area. (Located on the north side of Goosenest Dr., east of Elkhorn Drive) He came in to speak to the City Planner regarding the possibility of building on his property.

*Brief History:*

For some time there were no more building permits issued in the Goosenest area due to the water lines not being of a sufficient size to support fire hydrants and the City disallowed any more septic systems. During the administration of Mayor Fritz, the Code was altered (Section 10-12-24 of the City Code). The Code does mention exceptions for the culinary water and sanitary sewage requirements in sub-sections (A) & (B)... "except in locations where not further extension of the line is anticipated" (written in 2002).

Also... Resolution 2-8-27-12R was passed by the City Council addressing the issue of sewerage with the City; specifically in the Goosenest area... (Resolution attached)

This resolution was considered due to the location of the existing City well being east and north of this location. The drainage flows to the northwest, so the Council felt this was not an issue.

Further... a building permit was issued to Mr. Ken Orton on August 11, 2005; these regulations allowed this building permit to be issued.

*Issues:*

1. The parcel must be declared a "lot of record" (Zoning Administrator or Building Inspector)
2. The City Planner feels the Council should interpret Section 10-12-24 (A) & (B) wherein it states that, '...no further extension of the line is anticipated'... the Planner asked:
  - A. For a certain period of time?
  - B. Indefinitely?
3. Mr. Moody has water shares in the Goosenest Water System; will they allow him to utilize those with another connection?
4. Mr. Orton was required to sign a waiver agreeing that, in the event of a fire, they will hold the City harmless as it pertains to flow and pressure... Mr. Moody would be expected to sign a similar waiver.
5. A statement of serviceability from the Fire Chief would be required."

\*Mayor Dunn is to direct Ken Young, as the Zoning Administrator, to determine if these parcels are lots of record.

Mayor Dunn: There is limited fire protection in this area. If the sewer comes within 300' of their properties, they will have to connect. The sewer would run west and north of this area.

Alvin Harward: If it continues that Elk Ridge is not able to service this area, we may have to consider the possibility of an eventual de-annexation to Payson; so that these residents can be serviced properly, for their benefit.

Nelson Abbott: There are other properties that connect to this property that have issues, as well.

*Discussion of whether services are "anticipated" or not.*

Raymond Brown: There are certain rights one cannot sign away... is it legal to have a waiver?

Nelson Abbott: He feels that service can be "anticipated" in the future.

Mary Rugg: This issue concerns her in that she knows some of the history surrounding this wording in the Code; and she disagrees with it. Can there be a further change in the wording to clarify this wording? If Payson were to eventually annex this area, why grant permits now with these problems?

Mayor Dunn: From Mayor Bills (Payson) and Andrew Hall (Payson): Payson has no anticipation to annex this Goosenest area, or any part of Elk Ridge.

Raymond Brown: How can the Council deny a permit to another individual after approving one for Mr. Orton? But, perhaps an amendment could be addressed to further clarify the Code.

Alvin Harward: There is no fire suppression in the County.

Mayor Dunn: However, a city has a different obligation to its citizens.

Alvin Harward: The Planning Commission could be directed to consider for areas where there is insufficient water pressure, sprinkler systems should be required.

Question: If Mr. Moody applies for a building permit, what is the Council's direction?

Alvin Harward: If it is a lot of record, he should be able to get a permit.

Nelson Abbott: Interprets it to be "no", based on knowledge now. If it is a lot of record, then that could change it for him.

Mary Rugg: That would not change it for her...she would still say "no". (Councilmember Abbott agrees.) The service is anticipated in the area.

The Mayor wanted the Council to offer their opinions if they would agree to a building permit, under the condition that these properties are lots of record:

(Council Polled): Mary Rugg (No); Nelson Abbott (No); Raymond Brown (Yes); Mark Johnson (Yes); Alvin Harward (Yes)

3-2 in favor

\*Action to be taken:

- Mayor Dunn to contact: David Church re: waivers; and Ken Young re: Determination of Lots of Record
- Planning Commission to consider sprinkler systems for the areas where water pressure is insufficient for fire flow (including CE-1 Zone and the Gooseneast area)
- (Alvin Harward) Ask the Planning Commission to consider amending resolution to say there will be no building permits in the Gooseneast area unless there are options for fire suppression capabilities and to make recommendations to the Council.

\*Mayor Dunn will get this information to the Planning Commission for their packets.

At this point, then, the City is in the process of changing the Code and applicants should be informed of this.

- Mayor to David Church: When does the process begin? If Mr. Moody begins building now, can the 180 days be considered applicable?

#### MINUTES

City Council Minutes of 4-10-07:

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY MARK JOHNSON TO APPROVE THE CITY COUNCIL MINUTES OF 4-10-07, WITH CORRECTIONS ON PG 3; CHANGE "SUE" TO "SURE" IN PARAGRAPH BY RUSSELL ADAMSON**  
**VOTE: YES (5) NO (0)**

#### EXPENDITURES:

General: None

Expenditures for March & April, 2007:

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN TO APPROVE THE CHECK REGISTER FOR MARCH & APRIL, 2007**

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

Passes 5-0

*Laminator for the Building Dept. (Not scanner as mentioned in the Agenda)*

The Building Inspector is requesting a laminator to assist with plans, rather than having plans laminated at a copy store. Eventually, this will save the City money. Total = \$1,895

This expense would be covered by the revenue coming in with building permits.


**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO APPROVE THE PURCHASE OF A LAMINATOR FOR THE BUILDING DEPT.; AT THE COST OF \$1,895**

**ND BROWN-AYE, MARK JOHNSON-AYE, ALVIN HARWARD-AYE, NELSON ABBOTT-AYE**

**Y RAYMOND BROWN AND SECONDED BY MARY RUGG TO HEARING FOR MAY 22, 2007, AT 6:30 PM; TO CONSIDER THE BUDGET**

**NO (0)**

in adjourned the Council Meeting.

  
City Recorder



## AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, May 22, 2007, at 7:00 PM, to be preceded by a City Council Work Session at 6:00 PM.**

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

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

- 6:00      1. Developer Reimbursement for Upfront Water Contribution (Water Impact Fees)  
             Nate Fatheringham
- 6:30      2. Tentative Budget for 2007/2008 Fiscal Year

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

- Opening Remarks and Pledge of Allegiance Invitation
  - Approval/Agenda Time Frame
  - 7:05      Public Forum:  
             \*Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comment will be limited to three minutes per person. A spokesperson who has been asked by the group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing. The Mayor or Council 7
  - 7:15      3. Plat Vacations + Preliminary & Final Approvals:
    - A. Salem Hills Subdivision, Plat K (Jolley's)
      - 1. Vacation of Salem Hills Subdivision, Plat C, Lot 9
      - 2. Preliminary & Final Plat Approval
    - B. Burton Subdivision, Plat A (Kent Burton/Travis Russell)
      - 1. Vacation of Salem Hills Subdivision, Plat B, Block 5, Lot 3
      - 2. Preliminary & Final Plat Approval
  - 7:30      4. John Henry Subdivision, Plat A – Final Plat Approval
  - 7:45      5. Acceptance of Subdivision Improvements/Begin Durability Retainer Time Period
    - A. Salem Hills Subdivision, Plat C, Lot 20 (Montierth Lot Split)
    - B. Loafer Heights Subdivision, Plat B (Formerly Plat A)
    - C. Harris Estates Subdivision, Plat A
  - 7:55      6. Tentative Budget for 2007/2008 Fiscal Year
    - A. Adoption of the Tentative Budget
    - B. Schedule Public Hearing for Adoption of Final Budget Fro 2007/2008
    - C. Schedule Public Hearing for Adoption of Final Amended Budget for 2006/2007
  - 8:10      7. Harris Annexation petition
  - 8:20      8. Proposed Improvements in Northeast Section of the City – Mayor Dunn
  - 8:30      9. Approval of Minutes of Previous Meetings
  - 8:45      10. Expenditures:
    - General:
    - A. Laminator for Building Dept. – Increase in Price
- Adjournment

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

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 20<sup>th</sup> day of May, 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 mailed to each member of the Governing Body on May 18, 2007; AND AN Amended Agenda on 5-20-07.

  
City Recorder



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**ELK RIDGE  
CITY COUNCIL MEETING  
May 22, 2007**

**TIME & PLACE  
OF MEETING**

This regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, May 22, 2007, at 7:00 PM;** this was preceded by a **City Council Work Session at 6:00 PM.** The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of the scheduled meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on May 18, 2007; & an Amended Agenda on 5-20-07.

**6:00 PM -**

**CITY COUNCIL WORK SESSION AGENDA ITEMS:**

**ROLL CALL**

*Mayor:* Dennis Dunn; *City Council:* Nelson Abbott, Mark Johnson, Alvin Harward & Raymond Brown (Absent: Mary Rugg; *Public:* Forrest Millheim, John Henry, Kendall & Loy Jolley, Brook & Travis Russell, Chyral Snyder, Tracey Snyder, Paul Jones, Tyson Jones, Nate Fotheringham, Ton Henriod; and the *City Recorder:* Janice Davis

**DEVELOPER  
REIMBURSEMENT –  
UPFRONT WATER  
CONTRIBUTION**

Nate Fotheringham and Tom Henriod (developers of Elk Ridge Meadows PUD, Phase 1):

*Brief History by Mayor Dunn:*

The Development Agreement, signed by the City and Randy Young, included terms of development for the Elk Ridge Meadows PUD; one of those terms agreed upon was the "up front" payment of \$700,000, to be used to improve the water system. Payments were split between Phases 1-3, at \$233,000 each. This money is to be paid back through water impact fees; but the specifics of this reimbursement were not included in the Agreement.

Mayor Dunn received a letter from Mr. David Millheim (via David Church forwarding it to the Mayor by email), who is one of the developers of Phase 2 of the Project. His was the first Phase to start construction and therefore the only development thus far to have paid the \$233,000 to the City. The letter stated that it was "unacceptable" to Elk Ridge Managers (David Millheim and Development Associates) that a year and ½ has gone by without a draft of the reimbursement plan being provided to those involved. He pointed out that this "could very likely lead to a claim and damages". It is the intent of Elk Ridge Managers to avoid this approach. The letter went on the request that the following "take place immediately:

- "1. Within 15 days from the date above (5-18-07), we will receive a draft of the reimbursement agreement the City wishes to have us sign.
2. Within 30 days from the date above, we will have agreed or modified the agreement as needed to comply with development agreement approved October 11, 2005 and the City Council will have approved the reimbursement agreement.
3. We will receive by June 1, 2007, a detailed accounting of water connection AND water impact fees collected by Elk Ridge City since October 11, 2005, to date.
4. No further building permits nor plats be issued or approved in Elk Ridge City until the water reimbursement agreement has been formally approved."

Again, the letter expressed the desire to not have to resort to a legal process, but expects the City to "address the problem immediately".

Concern with the required full-width road to be installed by the developers of Phase 2, for Phase 4, as an off-site improvement. Mr. Millheim is anxious to meet with Mayor Dunn and the City Attorney.

Mayor Dunn pointed out that the \$233,000 was paid for Phase 2 in December, 2006.

This Agenda item was place on the agenda for Council Meeting prior to receiving the letter.

Mr. Fotheringham was present to discuss possibilities for reimbursement with the Council.

The Mayor expressed his offense at the "threatening" tone of portions of the letter; and observed that it was likely that Mr. Millheim was unaware of he planned discussion in the Council Meeting this night; regardless of the offense, there action does need to be taken to arrive at a plan and an agreement drawn up that is satisfactory to all concerned.

*Discussion:*

The current Water Impact fee is \$5,140, collected at the time of the issuance of building permit.

Questions:

- Will the City disburse the reimbursement from all impact fees collected or just the ones with in the Phases having to pay?
- How much of the impacts fee... 100% or a lesser percentage?

Nate Fotheringham: Suggested taking the full amount paid to the City for the “UP front” money, and dividing it by the number of lots in each Phase affected; this could be reimbursed to the developer from each water impact fee until the full amount paid by each Phase is paid off. Phase 1 would be the heaviest Phase hit due to having fewer lots.

Mark Johnson: Thought the reimbursement would be taken out of all impact fees from homes that would benefit from the new tank. That would require adding up the lots in the developments in the northern sections of the City and dividing the full amount by that number.

Nate Fotheringham: Prefers to keep the reimbursement plan within the specific developments to better track the process.

Phase 1:  $\$233,000 \div 50 \text{ lots} = \$4,660 \text{ per impact fee}$

Phase 2:  $\$233,000 \div 82 \text{ lots} = \$2,841 \text{ per impact fee}$

Phase 3:  $\$233,000 \div 100 \text{ lots} = \$2,330 \text{ per impact fee}$

(Phase 4 was not included in the payments.)

Various options were discussed, including the alternative of returning the entire impact fee to the developers until the amount is paid back; and finally, it was decided to have the agreement written up according to the above figures; to stay within the specific subdivisions.

The City may have the option of returning the entire water impact fee, depending on the City's need at the time (This option should be included in the agreement). This plan needs to be approved by the other affected developers; Forrest Millheim will take the information back to his father, David Millheim.

\*The Mayor will contact the developers involved and the City Attorney. Three separate agreements are required, and The Mayor will ask David Church to draft these agreements.

Nate Fotheringham: The developers for Phase 1 would like a pre-construction meeting set up; they do not have their bond in place and they are waiting for Dan Ellsworth (SESD) to get back to sign their plat, but they want to be ready to go when the other things are in place.

They intend to have equipment on site; to be ready to begin when bond is in place.

Discussion of water rights and the SUVMWA water rights. There may be a problem showing beneficial use on those rights; the City is trying to solve this problem. Randy Young was planning on using those rights while waiting for his rights to go through the transfer process at the State. His rights have not transferred yet and he is trying to get Final on Phase 3.

Phase 4 does not have any water rights either. (Are the rights in the transfer process at the State sufficient for both Phases 3 & 4?)

City Recorder: The Plat will not be recorded until fees are paid and SESD (Dan Ellsworth) signs the mylar. There is no harm in having the pre-construction meeting just so that they can get things set up and ready to go. (Mr. Fotheringham: That would be great; if we could at least do that...)...But, it was explained to him that he would need to have the escrow account set up, provide a copy of the Surety Bond...then the bonding would be complete.

(Cell phone numbers of the developers were provided to the Mayor.)

Craig Neeley also needs to be notified of a “pre-con” meeting; as well as Kent Haskell.

(Forrest Millheim will take the discussion of the Council to his father, David Millheim regarding the reimbursement.)

#### *Full-width Road associated with Phases 2 & 4:*

(Discussion)

Mayor Dunn: Updated those present about the status of the proposed road (Cotton Tail Ln):

Cotton Tail Ln. accesses 11200 South; it is part of the improvements bonded for by Elk Ridge Meadows PUD, Phase 2, as off-site improvements. The Council's direction was to stay with the Code and require a full-width road. On May 8, 2007, the direction from the City was for the developers to contact the owners of the property to the west (Lyle Smart) to see if they would cooperate in the installation of that road, since they will eventually benefit from the road to access their property, as well. It was discovered that Lyle Smart has passed away and there is currently a group holding the property; they are a bit reticent about moving forward with the land in question.

Options:

1. Bring the entire road inside Phase 4
2. Eliminate the north section of Cotton Tail Ln. (This would leave any access to the Smart property to them, should they decide to develop in the future.) Phase 4 could utilize Skyhawk Way to access his development; with another access off of 11200 South.

The Planning Commission needs direction from the Council, based on existing Code.

Nelson Abbott: Suggested that the Smart Family be notified of the position that they would be placed in if that road is not installed off of 11200 South; since the County is limiting the number of accesses.

\*Forrest Millheim will get contact information for the Smart Family to Mayor Dunn.

*Discussion of Off-site reimbursements.*

The current Code states that the costs are to be determined by the engineers. It is not clear if the costs are the same as those listed on the breakdown of the cost estimate submitted at the time of development or the cost at the time of reimbursement. The only permanent record is the cost estimate at the time of the original submission.

Should there be a percentage charged to the costs?

*Due to time constraints, the Mayor closed the Work Session and moved the budget discussion of the 2007/2008 Tentative Fiscal Year Budget to the Regular Session.*

**ELK RIDGE  
CITY COUNCIL MEETING  
May 22, 2007**

**TIME & PLACE  
OF MEETING**

This regular Meeting of the Elk Ridge City Council, was scheduled for Tuesday, May 22, 2007, at 7:00 PM; this was preceded by a City Council Work Session at 6:00 PM. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of the scheduled meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on May 18, 2007; & an Amended Agenda on 5-20-07.

**6:00 PM -**

**CITY COUNCIL WORK SESSION AGENDA ITEMS:**

**ROLL CALL**

*Mayor:* Dennis Dunn; *City Council:* Nelson Abbott, Mark Johnson, Alvin Harward & Raymond Brown (Absent: Mary Rugg; *Public:* Forrest Millheim, John Henry, Kendall & Loy Jolley, Brook & Travis Russell, Chyral Snyder, Tracey Snyder, Paul Jones, Tyson Jones, Nate Fotheringham, Ton Henriod; and the *City Recorder:* Janice Davis

**7:50 PM -**

**CITY COUNCIL MEETING - REGULAR SESSION AGENDA ITEMS:**

**ROLL CALL**

*Mayor:* Dennis Dunn; *City Council:* Mary Rugg, Nelson Abbott, Mark Johnson, Alvin Harward & Torie Ashton, Joann Bigler, Burke Cloward, Todd Trane, Brian Bean & Anna Bean, Bronda Cazier, and the *City Recorder:* Janice Davis

**OPENING  
REMARKS &  
PLEDGE OF  
ALLEGIANCE**

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

**AGENDA TIME  
FRAME**

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:15 PM AND MOVING AGENDA ITEM #2 TO THE REGULAR SESSION**  
**VOTE: YES (4) NO (0) ABSENT (1) MARY RUGG**

**PUBLIC FORUM**

No comments.

**PLAT VACATION –  
PRELIMINARY &  
FINAL APPROVALS**

*1. Salem Hills Subdivision, Plat K:*

*(Memo from the City Planner to the Council, dated 5-22-07)*

*"Background:*

The Jolley's have requested to split their lot as shown of the attached plat. A portion of the lot in the southeast corner has been sold to the adjoining property to the south, owned by Brad Turner. The proposed two new lots meet the minimum square footage and lot frontage requirements of the R-1-20,000 Zone.

The Technical Review Committee and Planning Commission have reviewed this application and found no concerns. Curb & gutter are not recommended since the area is mostly developed and none exist nor are anticipated to be installed in the area in the future.

*Recommendation:*

The Planning Commission recommends approval of this simultaneous submission of a preliminary and final plat for Salem Hills Subdivision, Plat K."

There were no protests filed with the City against the proposed vacation.

Property owners within 300' have been notified.

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY NELSON ABBOTT THAT THE CITY COUNCIL FINDS THAT THERE IS NO MATERIAL INJURY CREATED AND TO APPROVE THE VACATION OF SALEM HILLS SUBDIVISION, PLAT C, LOT 9; AND TO GRANT PRELIMINARY AND FINAL PLAT TO THE NEWLY CREATED SALEM HILLS SUBDIVISION, PLAT K, LOTS 1 & 2**

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

**ABSTAIN (1) ALVIN HARWARD (Personal interest)**

*2. Burton Subdivision, Plat A:*

*(Memo from City Planner to Council, dated 5-22-07)*

*"Background:*

The applicants have requested to split the lot as shown on the attached plat. Lot 1 will have access on Park Drive with a circular driveway. Lot 2, with the existing home, will maintain access on Autumn Circle. The proposed two new lots meet the minimum square footage and lot frontage requirements of the R-1-15,000 Zone. An existing double frontage situation is on this lot, no new double frontage is being created. The applicant will work with the City to meet the intent of rear frontage fencing regulations, as listed in City Code Section 10-12-13.

The technical Review Committee and Planning Commission have reviewed this application and found no further concerns. Curb and gutter are not recommended since the area is mostly developed and none exists nor are anticipated to be installed in the area in the future.

*Recommendation:*

The Planning Commission recommends approval of this simultaneous submission of a preliminary and final plat for the Burton Subdivision, Plat A."

*Discussion:*

Mark Johnson: Expressed concern that curb & gutter is installed across park Drive in the new Loafer Heights Subdivision. Why no curbing across Park with this proposed subdivision?

Nelson Abbott: Expressed the same concern.

Discussion of possible drainage issues: the run-off would not be directed across Park Drive; it would run east, down the dugway; curb & gutter could even add to the run-off directed east.

To address all the curb & gutter in the City would require a Special Improvement District.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY NELSON ABBOTT THAT NO MATERIAL INJURY IS FOUND AND TO APPROVE THE VACATION OF SALEM HILLS SUBDIVISION, PLAT B, BLOCK 5, LOT 3; AND TO GRANT PRELIMINARY AND FINAL PLAT APPROVALS TO THE NEWLY CREATED BURTON SUBDIVISION, PLAT A, LOTS 1 & 2; TO INCLUDE THE CORRECTION IN THE DESCRIPTION TO READ "ELK RIDGE CITY" RATHER THAN "SALEM HILLS"**

**VOTE: YES (4)**

**NO (0)**

**ABSENT (1) MARY RUGG**

JOHN HENRY  
SUBDIVISION,  
PLAT A –  
FINAL PLAT

*(Memo from Planner to Council, dated 5-22-07)*

*"Background:*

The existing two lot final plat for this subdivision was approved by the City Council on September 12, 2006. The applicant desires to further plat the property into a one lot subdivision. All outstanding planning and engineering issues have been addressed and reviewed by the Technical review Committee.

*Recommendation:*

This application was reviewed by the Planning Commission on 4-19-07. The Commission granted approval of the Grading Site Plan, and have recommended approval of the Final Plat."

*Discussion:*

The owners of the southern most lot in the previous two-lot subdivision did want to move forward with the development process at this time. The improvements remain the same, only for the single lot.

There was a desire to see the grading plan.



**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO GRANT FINAL PLAT APPROVAL TO THE JOHN HENRY SUBDIVISION, PLAT A**  
**VOTE: YES (4) NO (0) ABSENT (1) MARY RUGG**

ACCEPTANCE OF  
IMPROVEMENTS -  
DURABILITY  
RETAINAGE

1. *Salem Hills Subdivision, Plat C, Lot 20 (Lot split) – Montierth:*

As per engineering recommendation:

**MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY ALVIN HARWARD TO ACCEPT THE IMPROVEMENTS AS COMPLETE FOR SALEM HILLS SUBDIVISION, PLAT C, LOT 20, LOTS 1 & 2; AND TO BEGIN THE DURABILITY RETAINAGE TIME AS OF MAY 1, 2007**

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

2. *Loafer Heights Subdivision, Plat B (formerly A – Nosack:*

**MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY ALVIN HARWARD TO ACCEPT THE IMPROVEMENTS AS COMPLETE FOR LOAFER HEIGHTS SUBDIVISION, PLAT B, LOTS 1-5; AND TO BEGIN THE DURABILITY RETAINAGE TIME PERIOD AS OF MAY 1, 2007**

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

3. *Harris Estates Subdivision, Plat A – Harris:*

**MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY ALVIN HARWARD TO ACCEPT THE IMPROVEMENTS AS COMPLETE FOR HARRIS ESTATES SUBDI MAY 1, 2007**

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

NON-AGENDA  
ITEM

Mayor Dunn: June's Newsletter Message: that Utah County beat Salt Lake County as the issuing the highest number of building permits. Asking citizens to answer certain questions. There was also a discussion of weed abatement and the time limit to install yards.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO MOVE AGENDA ITEM #10 UNDER "GENERAL" EXPENDITURES, UP TO DISCUSS AT THIS TIME**

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

EXPENDITURES

*General:*

Alvin Harward: The telemetry system for the water tank and the wells needs to be replaced. A new system would cost \$29,265.46. He would like this to be approved for this fiscal year.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RAYMOND BROWN TO PURCHASE A NEW TELEMTRY SYSTEM FOR THE WATER DEPT., FOR THE OPERATION OF THE WATER SYSTEM, IN THIS FISCAL YEAR; AND TO INCREASE THE BUDGET BY \$30,000**

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

*Passes 4-0*

BUDGET  
DISCUSSION FOR  
2006/2007 &  
2007/2008

1. *Tentative Budget for 2007/2008"*

- *Discussion of Employees wages*: Presented to the Council...proposed 4% COLA, based on recommendation of both Curtis Roberts (City Finance Director) and Mike Kidman (Audit Partner of City Auditors, Jones Simkins LLC). There was also proposed a 3% performance based bonus at the end of the calendar year. This proposal was approved of and recommended by Mayor Dunn>

*Discussion:*

Raymond Brown: Pointed out that granting 4% COLA, across the board; would result in everyone getting the same "raise", regardless of performance. He proposed allowing the possibility of earning more in the area of the performance bonus and decreasing the COLA slightly, say to 3.5%. This would be a good motivator for the employees. They may be able to earn more than 4%, but the budget will be funded at 4%...again, based on performance; they may not earn the full 4%.

After discussion, the Council agreed. The Mayor will meet with Councilmember Brown to discuss performance evaluations.

**- Snowplow:**

The City has discussed the purchase of a smaller truck to plow cul-de-sacs. Councilmember Johnson pointed out that the City really needs a heavier truck, not a 1 ton.

Costs: Sterling: about \$135,000 & GMC: about \$100,000

**- Hydrants:**

There will be 2 more: out side the City Hall and Loafer Canyon Rd. & Park Drive  
The hydrants need to be flushed out and cleaned out.

**- Discussion of Fund Balance in General Fund:**

It appears that the Council is improving the General Fund by controlled spending and more revenue coming in certain areas.

**- 800 MHZ Radio System:**

The coming year is the last transfer back into the General Fund from the Capital Projects Fund...this was a Lease/purchase agreement; will the Fire Dept. purchase a new system?

\*Councilmember Johnson will meet with Linda Jones on this and get back to the City Recorder.

**- City Building:**

Funding of other city centers was discussed and the possibility of grants and the use of impact fees for the Fire Station, which would be the current City Hall. The Mayor would like to see this placed on the calendar and "just get it done". The Council agreed. Councilmember Harward is supposed to be bringing cost information back to the Council for the future site of the City Center. (Councilmember Harward had to leave the Meeting early.)

**- Water Tank Bonding:**

Discussion of bonding options for the new tank. 4.6% has been the rate discussed by Zion's Bank and Far West Bank. The City Engineer reported that the State reviewed the geotechnical report and has basically rejected the proposed site. The Mayor spoke to the Engineer and they are trying to work this out with the State.

**- Police Protection:**

The question is where will this cost be for 2007/2008? Current cost = \$48,000

Discussion of increased patrol and even a full time officer as growth occurs

**- Hiring new Office Clerk:**

How will the City finances be impacted? This position should be covered partially by Building Permit fees and by the Enterprise Administration fees coming into the General Fund.

Linda Cooper is also working less hours this fiscal year.

**- Sewer Connection for City Hall:**

Sewer connection will be under Town Hall/Fire Station.

**- Road Repair Discussion:**

Staker has not given a bid on Magellan Ln. This is still in this fiscal year. Curbing on the south side of Park Drive will be installed from the west side of the ballpark on to Columbus Ln. A sump should also be installed at that end. (Sumps are from Storm Drain and they are about 7,500 each (2 in 2007/2008 and one in 2006/2007).

Curb & gutter on West Magellan will be assessed to certain residents. If they refuse, can their homes be liened?

\*Raymond Brown to contact David Church.

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN TO ADOPT THE TENTATIVE BUDGET FOR THE 2007/2008 FISCAL YEAR, FOR THE OPERATION OF ELK RIDGE CITY**

**VOTE: YES (3) NO (0) ABSENT (2) MARY RUGG & ALVIN HARWARD**

**2. Schedule Public Hearing for Adoption of Final Budget for 2007/2008:**

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN TO SCHEDULE A PUBLIC HEARING TO ADOPT THE 2007/2008 FISCAL YEAR BUDGET FOR 6-12-07, AT 6:00 PM**

**VOTE: YES (3) NO (0) ABSENT (2) MARY RUGG & ALVIN HARWARD**

**3. Schedule Public Hearing for Adoption of Final Amended Budget for 2006/2007:**

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN TO SCHEDULE A PUBLIC HEARING TO ADOPT THE FINAL AMENDED BUDGET FOR THE 2006/2007 FISCAL YEAR FOR 6-26-07, AT 6:00 PM**

**VOTE: YES (3) NO (0) ABSENT (2) MARY RUGG & ALVIN HARWARD**

HARRIS  
ANNEXATION  
PETITION

*Petition for Annexation for the Harris Annexation:*

This petition was submitted for the second time, including the island that was created and was protested by the County. The 1<sup>st</sup> Petition was denied and this Petition was corrected.

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN TO ACCEPT THE PETITION FOR THE PROPOSED HARRIS ANNEXATION**

**VOTE: YES (3) NO (0) ABSENT (2) MARY RUGG & ALVIN HARWARD**

PROPOSED  
IMPROVEMENTS  
IN NE  
SECTION OF THE  
CITY

Mayor Dunn: Mr. Hansen owns property currently located in the County. He is interested in annexing into the City. The Mayor rode with him in one of his helicopters to view this land from the air. He wants to develop the corner of 11200 South and Loafer Canyon Rd. There was a discussion of future roads with Doe Hill Estates, Rocky Mountain Subdivisions and Cloward Estates...with Canyon View extending to the north.

MINUTES

*1. City Council Minutes of 4-24-07:*

**MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY RAYMOND BROWN TO APPROVE THE CITY COUNCIL MINUTES OF 4-24-07, AS CORRECTED**

**VOTE: YES (3) NO (0) ABSENT (2) MARY RUGG & ALVIN HARWARD**

EXPENDITURES:

*1. Laminator for Building Inspection:*

Corbett Stephens has requested that the City approve the purchase of a laminator for the City; Eventually, this will save the City money.

The Council has already approved the purchase of a laminator; however it was not wide enough...this is wider and will accommodate the plans.

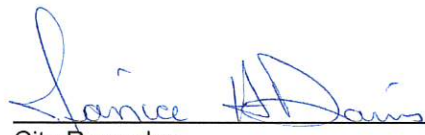
**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY MARK JOHNSON TO APPROVE THE PURCHASE OF A LAMINATOR FOR THE BUILDING INSPECTOR; FOR THE COST OF \$2,565 + \$150 FOR SHIPPING**

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

*Passes 3-0*

ADJOURNMENT

At 9:20 PM, Mayor Dunn adjourned the Council Meeting.

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







## AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, June 12, 2007, at 7:00 PM, to be preceded by a City Council Work Session at 6:00 PM.**

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

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

1. City Celebration/Parade – Necia Albrecht
2. 2007/2008 Budget Discussion
3. 2006/2007 Budget Discussion
  - A. Inspector Pick-up / Inspections for Building/Subdivisions
  - B. Roads Budget

### **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. Right-of-way Exception/Sidewalks – Elk Ridge Meadows PUD, Phase 4
  - 7:25            5. Road Impact Fees Recommendation/Planning Commission – Mayor Dunn
  - 7:35            6. Water Tank Funding – Mayor Dunn
  - 7:50            7. Water Rights Discussion – Mayor Dunn
    - A. Cash-in-lieu
    - B. Possible Purchase of Water Rights
  - 8:10            8. Message Board Completion – Mary Rugg
  - 8:15            9. Landscaping Maintenance – Mary Rugg
  - 8:20            10. City Center Property/Plans – Mayor Dunn
  - 8:25            11. Loafer Canyon Road/City Property – Mayor Dunn
  - 8:35            12. Re-Schedule Public Hearings:
    - A. 2007/2008 Budget (6-18-07 @ 9:00 AM)
    - B. Boundary Adjustment between Elk Ridge City & Payson City (6-26-07 @ 6:30 PM)
  - 8:40            13. Elk Ridge Meadows PUD:  
Building Permits/Plan Check – Model Homes vs. Primary Residences – Mayor Dunn
  - 8:55            14. Temporary Land Use Ordinance in the CE-1 Zone
  - 9:05            15. Internet Service/DSL – Possible Change
  - 9:10            16. Approval of Minutes of Previous Meetings
  - 9:15            17. Expenditures:  
General:
    - A. Purchase of Digital Camera/Building Inspection
- 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 8th day of June, 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 mailed to each member of the Governing Body on June 7, 2007; and an Amended Agenda on 6-8-07.

  
City Recorder



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**ELK RIDGE  
CITY COUNCIL MEETING  
June 12, 2007**

**TIME & PLACE  
OF MEETING**

This Regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, June 12, 2007, at 7:00 PM.** It was preceded by the **City Council 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 June 7, 2007; & an Amended Agenda on 6-8-07.

**6:00 PM**

**CITY COUNCIL WORK SESSION AGENDA ITEMS**

**ROLL**

*Mayor:* Dennis A. Dunn; *City Council:* Nelson Abbott, Mary Rugg, Mark Johnson, Alvin Harward (Absent: Raymond Brown); *Sheriff:* Deputy Rob Riding; *Public:* Steve Carter & Necia Albrecht; and *City Recorder:* Janice H. Davis

**CITY CELEBRATION –  
PARADE**

Necia Albrecht: Mrs. Albrecht was present to invite the Mayor and the City Council to be in the City Parade. She needed to know who would be attending and if she needed to provide transportation for them in the Parade. Mayor Dunn was planning to be on a motorcycle; Councilmember Brown was not sure if he would need transportation.

**2007/2008 FISCAL  
YEAR BUDGET –  
DISCUSSION**

City Recorder: This is simply discussion, since the tax rate has not come in yet; and the Recorder (with the Mayor's approval) has rescheduled the Public Hearing for June 18, 2007 (this was with a polled vote from the Council, which will need to be ratified in the Regular Council Session).  
*Roads:* Is a critical issue to discuss. Clarification is needed as to the planned projects for roads and which fiscal year they will be done in.

- There will be curb & gutter on Park Drive; and after discussion, it was decided that it would be installed west of the Ballpark, along Burke Cloward's property to Columbus Lane; and that a sump would be needed.
- Magellan Lane (connections onto existing roads) + tearing out the old asphalt and replacing it on the east section of Magellan Ln.

\*Mayor Dunn is to contact Kent Haskell regarding Staker's bid for Magellan Ln.

*Fire Dept:* Fire Truck (Becker) will be paid off this fiscal year, as per recommendation of the City's Finance Director (\$26,929 = final payoff). The 13,000 usual payment for the Truck is to set aside for transfer to the Capital Projects for purchase of another truck sooner.

*Building Inspection:* The pickup truck that was purchased for the Building Inspector, ran 215 over the approved \$10,000; through the State Surplus.

*Police Protection:* Increase from \$48,000 to 53,000 (County wide).

*Parks:* Drinking Fountain...approve up to \$2,000 for 2006/2007

Other Park improvements should be planned by the incoming Councilmember, since Councilmember Rugg's term of office is up in January, 2008.

\*Councilmember Rugg will contact the City Recorder with the price of the drinking fountain.

*Storm Drain:* The sumps will not be cleaned until after July 1, 2007; so that cost (5,000) will be eliminated.

*Water:* (The subject of water rights will be discussed later.)

We will need a better figure for the purchase of water rights; \$100,000 is simply an arbitrary number. The money (over 1 million) that came in during the current fiscal year will show in next year's budget as "Retained Earnings/Water Rights".

Water Impact Fees: the portion of the impact fees that will pay back the developers for the \$700,000 can be paid against the revenue code; or we can create an additional expenditure code to pay that back. \*The Recorder will speak to the Finance Director.

*Sewer:*

- The "Sewer Service Fee" figures in the \$24 to be paid monthly per resident to Payson; Elk Ridge maintains \$2.00 of that for operations...this is based on current residents + 10 new residents (conservative for revenue).
- 50,000 will come in from Salem as the 1<sup>st</sup> of five payments to buy out the City's portion of the Salem Plant...this will go right back out to Payson.
- O & M: will increase as the \$22.00 sent to Payson per month
- Payments to Salem need to be solidified...they will likely be the same as with Payson.

NON-AGENDA  
ITEMS

1. *New Clerk's Position:* Only 2 applications have been turned in so far for the new position.
  2. *Brent Arns:* (Field Inspector for Aqua Engineering) He has accepted a job as Engineer for Payson City and will be leaving Aqua Engineering. Craig Neeley wants to stay in charge of the Developments, with Corbett Stephens doing the subdivision inspections. Aqua will still conduct final inspections and write letters to the Council. Mr. Arns will work with Mr. Stephens to update him on the developments.
  3. *Elections:* The Counties will be running the General Elections and the amount dedicated to the Elections in the budget will be sent in to the Counties to assist in the financial needs of running the Elections. (It is expected to cost 3.3 million dollars to run these elections and they are expecting 1.2 million to come from the cities and towns in Utah.
- Mayor Dunn brought up the point that there was discussion at the Council of Governments that the cities should not be expected to fund these special elections.

**ELK RIDGE  
CITY COUNCIL MEETING  
June 12, 2007**

TIME & PLACE  
OF MEETING

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7:05 PM

**REGULAR CITY COUNCIL AGENDA ITEMS**

ROLL

*Mayor:* Dennis A. Dunn; *City Council:* Nelson Abbott, Mary Rugg, Mark Johnson, Alvin Harward (Absent: Raymond Brown); *Sheriff:* Deputy Rob Riding; *Public:* Steve Carter, Joann Bigler, Jed Shuler, Corbett Stephens; and *City Recorder:* Janice H. Davis

OPENING REMARKS  
& PLEDGE OF  
ALLEGIANCE

An Invocation was offered by Jan Davis; and Mayor Dunn 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 7:07 PM**  
**VOTE: YES (4) NO (0) ABSENT (1) RAYMOND BROWN**

PUBLIC FORUM

Public Comments: Mayor Dunn was asked to be in Spanish Fork to assist in sending of American troops to Iraq. He encouraged support of the troops, regardless of what is brought out by the media. It is because of these troops that freedom of speech is permitted in this Country.  
May Rugg:  
1. Elk Meadows Drive sign needs to be changed to Elk Ridge Drive. Mayor Dunn commented that the last phase of signs still needs to be activated and this is included in this last phase. Shawn Eliot is aware of this.  
2. The dirt road between West and East Salem Hills Road was graded and since it rained, it needs to be done again.  
\*Mark Johnson: A fire hydrant needs to be added on Alpine Drive and Canyon View Drive. (about \$2,500/hydrant)

1:03:19  
RIGHT-OF-WAY  
EXCEPTION –  
SIDEWALKS

(Memo from Planner to Council, dated 6-12-07)  
[\*City Recorder pointed out that the memo refers to a "Development & Construction Standards Amendment"; however, the intent and the recommendation from the Planning Commission was meant to be an "exception" to the Subdivision Standards rather than an attempt to change any of the Standards.]  
"Background:



In review of a concept plan for the proposed Horizon View Farms development, which plans 74 town homes in the Phase 4 area of Elk Meadows development, a need was determined by the applicant to request a revised version of the City's minimum 56' right-of-way requirement. The proposed concept layout of the town home units shows sidewalks at the "front" of the unit, and the driveways at the "rear". Initially the applicants desired a narrower 30' right-of-way, but discussion with the City Council regarding their concept has led to a revised request.

The requested new PUD right-of-way maintains the same amount of actual roadway, with two 17-foot drive lanes with the type "b" curb, but alters the sidewalk and easement area outside of the roadway (see an example of proposed PUD right-of-way cross a=section, as well as the existing standard, attached). Utility easements are still maintained within the right-of-way, but the sidewalks are moved to the other side, or "front" of the units. This will better serve the needs of the design for the town home community, and will meet the city's needs for sufficient road width. This proposed layout of the town homes development will present a nice, front-door appearance from the surrounding city streets.

This is the first such development in Elk Ridge, and our standards have not yet addressed the various development needs and possible options for multiple family projects. This is a reasonable request for this type of development. This type of adjustment may be approved under the provisions of Section 10-15F-7.

The request for this adjustment has come forward in advance of the forthcoming preliminary plat in order to resolve some questions which impact the site plan / plat design.

*Recommendation:*

The Planning Commission recommended that the City Council approve an adjustment to the 56' right-of-way in the City's Development and Construction Standards, for the proposed Horizon View Farms, as shown on the attached."

Jason Smith (Horizon View Farms): Was present to address the Council...

After the Council denial of the 30' right-of-way request, the developers are now proposing moving the sidewalks to the front of the units rather than strictly along the street right-of-way. This is an attempt to create a nice-looking town home community, particularly at the entrance to Elk Ridge. They proposed to have the driveways adjoining the streets with "rear-load" units...driveways to be located at the rear of the units and the sidewalks at the front of the units. This allows the front of the units to be viewed from the main roads; this looks open & inviting.

The garage (2-car) side of the units will also be attractive as the face the inside roads with depth and architectural "relief".

There is also a "front load" version". The sidewalks will be on the inside of the loop for the rear load units. (Units 1-16 are front load units...garage and the front door are on the same side or the loop side of the units.) The right-of-way is the full 56', based on the previous comments of the Council. There will still be a 8.5' utility easement in the right-of-way.

(Price range \$170,000 - \$190,000...this is good for the City's "moderate income plan".)

Another alteration to the previous plan is the elimination of most of Cottontail Lane; changed to a stub road that forms a "T", leading into this development and future development (Smart Property) to the west. All 74 units will be attached to a Homeowner's Association. If run properly, homeowner's associations can last; particularly if maintained by an outside management company. The actual set-up in the CC&R's will have to be checked out by Mr. Smith.

City Recorder: This proposed use of the PUD Zone does not appear to be in conflict with the intent of the Zone; which is one of the criteria to grant an adjustment to the Code.

Mark Johnson: Questioned any planned fencing that may prohibit emergency access to the units. (No fencing is planned...the open feeling is sought.)

*There was a discussion regarding 6' trail connecting onto 10' trail.*

Mary Rugg: Expressed her concerns that the landscaping...the City does not desire "weeds" (The developers will be relying on their landscape architects for their plan, but hey would not e a "patch of weeds".)

Mr. Smith was referred to a resident with a model yard for "zero-scape" landscaping. He said he interested in the information to contact this resident.

**MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY ALVIN HARWARD TO GRANT AN ADJUSTMENT TO THE DEVELOPMENT & CONSTRUCTION STANDARDS, TO ALLOW THE SIDEWALKS TO BE PLACE TO THE FRONTS OF THE TOWN HOMES**

**VOTE: YES (4) NO (0) ABSENT (1) RAYMOND BROWN**

ROAD IMPACT FEES (Memo from Planner to Council, dated 6-12-07)

PLANNING "Background:

COMMISSION The Planning Commission has recently reviewed the road impact fee projects list, and have offered  
RECOMMENDATIONS recommendations regarding their requested feedback.

The Commissioners discussed whether they felt each project should stay on the list and if so, what should the priority be. Below is a list of the projects, followed by the commissioners' comments.

The Commission has also provided a list of suggested projects that should be on the list, as well as an ultimate priority list for the recommended projects to be on the list (see attached map).

**Impact Fee Analysis Listed Projects Recommendations**

**- Item No. 1:** Extend new curb and gutter on Loafer Canyon Road from intersection of Park & Loafer, south about 1250 ft. New curbing will be placed on both sides of the road, for a total of 2500 ft. to protect the existing road shoulder and aid in erosion control.

**Should it stay on the list? YES**

- a. The commissioners felt this project was appropriate to road impact fees
- b. There are erosion issues.

**- Item No. 2:** Complete the unimproved section of Salem Hills Drive, including asphalt & curbing, approximately 1080 ft.

**Should it stay on the list? NO**

- a. The commissioners felt this project was not appropriate as developers will pay for this. There are two subdivisions currently under discussion in that area – Fairway Heights, Plat C on the north side, & on the south side, Nebo Heights Subdivision.

**- Item No. 3:** Widen & install curb & gutter to the section of Salem Hills Drive from the intersection of Canyon View Drive east approximately 870'.

**Should it stay on the list? NO**

- a. The commissioners questioned why this item was on the list. Because there is infill, why not have the owners develop as they build? Also, is there more advantage in doing Canyon View Drive when the master plan shows it as a major collector? It might be wiser to do the portion with drainage problems.

**- Item No. 4:** Widen & install curb & gutter to north side of Gooseneck Drive from the intersection of Elk Ridge Drive, west, approximately 1780 ft.

**Should it stay on the list? NO**

- a. This is along Cloward's property towards the new Church. Scot Bell stated that if Cloward is entertaining developing this property, we should allow him to improve this portion of Gooseneck. There was a question from Sean Roylance as to whether there is a pressing need to have this done now in case Cloward does not develop this portion of his property during his lifetime. Shawn Eliot did not feel there was heavy traffic here nor were there drainage problems. He did state that once the southern portion of the city is developed it may be part of a major traffic pattern going south. (Doe Hill & Rocky Mountain Subdivisions). All the roads in these developments will have curb & gutter.
- b. Scot Bell mentioned that these improvements will be done at one time, probably one every three years. If we could just pick our main road improvement priority now, the priority for the rest may change two years from now.

**- Item No 5:** Extend Hillside Drive east approximately 830' including asphalt and curbing to Elk Ridge Drive. (should that be west?).

**Should it stay on the list? NO**

- a. Shawn Eliot mentioned that the considerations are similar to Item No. 4. This is Cloward's property. He has talked about putting senior residences on this property. Thus, development can pay for this extension.

**Item No 6:** Widen High Sierra Drive from 56' Right-of-way to 66' Right-of-way, including new asphalt and new curb and gutter on both sides.

**Should it stay on the list? NO**

- a. Chairman Adamson stated that our circulation map does not show this street as being a major collector.
- b. Shawn Eliot mentioned that when we met with the council there was some discussion that impact fees could not be used to develop a proposed road behind High Sierra Drive. He was not sure why not? Kevin Hansbrow said he remembered that these fees could only be charged to those who would be affected, so that would be the people on and above this proposed new road. Ken Young felt this was a policy and procedure type thing and not a legal issue. The City can choose to apply impact fees based upon some overall community need.

**Item No. 7:** Construction of two new access roads into the proposed city's commercial and industrial area approximately 500 feet each, including asphalt and new curbing and gutter.

**Should it stay on the list? NO**

- a. The commissioners were not in favor of this one, they felt the developers could do this.

**Projects that could be included but were not on the list**

**1: The Dugway.** The portion of Park Drive that goes down to Loafer Canyon Road.

- a. Russ Adamson mentioned slope problems. He stated there needs to be a retention wall. Scot Bell felt that there was a case for this. He stated there have been people look at this and it would be a horrendously expensive project. Maybe the city could accomplish more throughout the whole city than
- b. Kevin Hansbrow mentioned it is a safety issue. Russ felt it should be a consideration and at least a study should be done showing the cost of improving it. He proposes it be added to the list and have a study done to show the cost. We know what some other Cities are charging for road impact fees. See if what we want to do would be covered by an impact fee of a similar amount.
- c. Sean Roylance mentioned that the time is now, before the lots in the southern portion of town are sold, and building permits issued in the south part of town, to collect some of these impact fees to aid the City in these improvements. If we are ever going to do this improvement, now is the time, when we can collect impact fees on the new growth.
- d. Russ Adamson mentioned he turned Highland City's impact fees in to the Mayor showing him that we are way below some of the other cities. There are also some other impact fees we could be charging, including public safety.

**2: On Elk Ridge Drive from the proposed roundabout south to Olympic Lane...**

- a. Shawn Eliot mentioned this will be part of the main entrance to town. At Olympic Lane along Elk Ridge Drive, the Haskell Subdivision developers will be installing curb & gutter on Elk Ridge Drive, so this is where the proposed improvement project would end and tie into their improvements, making a much nicer entrance into town.

**3: Hillside Drive between new development in the south, going north to the John-Henry Subdivision**

- a. This will be part of the heavily traveled roads into the proposed new section of town.

**4: Intersection of Park Drive and Elk Ridge**

- a. Shawn Eliot mentioned this was altered last year & made more of a T-intersection; It needs to be realigned correctly.
- b. Margaret Leckie mentioned that a developer (Eric Allen) just brought in a concept map involving this corner (Park View Estates) and he might correct this corner.

**5: The south end of Canyon View Drive (intersection of Salem Hills Drive) to the new development**

- a. There has been talk of another access to the southern portion of town to the west towards Loafer Canyon Road. Ken Young mentioned that Elk Haven, Plat E, is being reworked to show just such an exit.
- b. Curb & gutter improvements were suggested, not widening, because of the potential of new development connecting to it.

**The Planning Commission's Recommended Project Ranking**

1. Elk Ridge Drive from the proposed round-about to Haskell Subdivision (Olympic Lane)
2. The Dugway
3. Loafer Canyon Road. Extend new curb & gutter from intersection of Park & Loafer, south about 1250 ft. (Impact Study's No.1)
4. Hillside Drive between new development in the south, going north to John-Henry Subdivision
5. Alignment of intersection of Park Drive & Elk Ridge Drive
6. Canyon View Drive from Salem Hills Drive to Park Drive
7. Canyon View Drive from Salem Hills Drive south to the new development"

**Discussion:**

**Nelson Abbott:** Expressed concern re: #4 (Project Ranking)...(the Mayor also has concerns about this)...This is no different than the east/west section connection of Salem Hills Dr...they would both be developer driven.

**Mayor Dunn:** Pg 2 (#7): The developer would be the City (Councilmember Abbott asked about the possibility of sharing road expense with Payson City, since that is the area of the entrance to their proposed condos.)

**Alvin Harward:** That is to be a "gated" community (not accessible).

**Nelson Abbott:** He still feels the expense could be shared. It would not make sense to have 2 roads beside one another.

**Pg 2 (#5)** This is the area of a proposed City Park (Hole #7); won't the City have to have a road to this park? Are developers responsible for this? (The Mayor also questioned this.)

**Mayor Dunn:** Felt that ranking the various proposed projects may not be necessary; the Planning Commission simply needs to help identify them; the Council will rank them according to the availability of financing. The Council is committed to the curb & gutter in Loafer Canyon; (installing it was part of the vote when the road extension was approved). Both sides qualify for road impact fees.

**Alvin Harward:** Disagrees. He feels there should have been road assessments charged to the residents, like the north part of the road. He does not believe that the current Council can be bound by the decisions of the previous Council. Where is the documentation that the City is responsible for the installation of the curb & gutter in that area?

Brief History: Years ago a previous Council accepted John Peterson's contribution of the initial installation of Loafer Canyon Road as having met the road assessment requirements for the residents in his subdivision. When the engineers at the time reviewed the situation, it was their recommendation not to include any property included in the Peterson Subdivision. The Council took that advice and did not assess those residents road and curb/gutter assessment. The other lots were assessed as they developed and they actually "bought out" of the obligation to install the improvements at the time of their individual developments, because the City wanted to wait and accrue the money until the road could be done all at once, rather than in piece-meal fashion. When the sewer line was extended and the road re-laid by the City, the curb & gutter was left out due to expense; but part of the motion to accept the bid to extend the road to the dugway was based on the curb/gutter being installed within one year...it has been over two years.

Mayor Dunn: Commented that the project does qualify for impact fees. There has already been a problem with run-off under-cutting the east side of the road. Part of the shoulder of the road has been broken off. The question is whether to keep this project as part of the Impact Fee Study. The Community does use this road as one of the main accesses to Elk Ridge.

Nelson Abbott: Perhaps the City should do a Special Improvement District and start installing curb & gutter city-wide. This is a "band-aid" approach to a much bigger problem. There are sections all over town.

Mark Johnson: The standard was and is to include curb & gutter; it should have been done when the road was extended. It was required north of this area on Loafer Canyon Rd.; and it is being required of the developer to the south. The City needs to adhere to the same standards.

Mayor Dunn: Is not sure what is meant by the ranking #7: None of the proposals that have come into the City utilize this road. (Does Elk Haven, Plat E, have plans to re-do their Plat to include Canyon View?)

Nelson Abbott: Agrees that the dugway should be a priority, and that stabilization should be focused on rather than aesthetics.

Mayor Dunn: Pg 1 (Item #4): There is no plan to develop this side of the road in Burke Cloward's life time. He has spoken to Mr. Cloward and his children. Meanwhile, the traffic backs up at this intersection with Elk Ridge Drive, due to the Stake Center and the associated activities. This project does qualify for road impact fees, according to Craig Neeley, because a large part of the Community uses this road due to the events associated with the Stake Center. There is not property to develop along this road. He is not going to re-route his driveway.

The dugway is an issue; not just because of rocks on the road; but to stabilize it.

Mary Rugg: Suggested that the Mayor explain some of the issues surrounding these roads to the Planning Commission; and the ranking by financial availability. Road Impact Fees and the use of those fees should be explained to the Commission. The dugway should be a priority.

Mark Johnson: Agrees; the dugway is a safety issue...Loafer Canyon Rd. needs to be a priority, as well.

Ranking does not need to be addressed by the Commission, as it is a finance issue.

All Councilmembers were in agreement that the dugway needs to be stabilized; the width may increase with a retaining wall.

\*Mayor Dunn will attend the next Planning Commission meeting to address the road impact fee issues. He will write his comments down and present them to the Council at the meeting on 6-18-07.

WATER TANK  
FUNDING -  
WATER RIGHTS

Mayor Dunn: Curtis Roberts (City's Finance Director) reviewed the City's finances, preparing for fiscal year end; he made certain recommendations regarding the water right revenue the City has collected with the cash-in-lieu. The City Recorder included a memo to the Council summarizing the overall discussion of water rights...Mayor Dunn referred to this memo:

Funding for Tank:

1. Regular Bonding (through a bank @ about 4.6% interest rate)
2. Lease/Option for the Construction amount  
Replace Reserve Fund with the amount secured through insurance  
(Both Far West Bank & Zion's can do this)
3. Mr. Robert's recommendation:  
Use City's money to pay for the tank and save bonding for  
New Well  
City Center



Proposal for utilizing the City's money:

\$700,000 – Developer Up-front money (pay back through impact fees)  
600,000 – Water rights money (leave 400,000 for purchase of other rights)  
140,000 – Capital Facilities Replacement Fund (PTIF Fund)  
360,000 – Cash Flow from the Water Fund  
\$1,800,000

Mr. Roberts is of the opinion that the water right revenue collected on the cash-in-lieu arrangement can be used in the Water Fund for improvements, it is not restricted to the purchase of more water rights; in fact, he feels the City should get out of what he termed as the "water business", developers should bring in their own water rights. Mr. Roberts did ask if the City still owes anyone water rights that have not been supplied. (No.)

\*The Mayor needs to check this out with the water rights attorney, John Mabey.

*Water Rights Upgrades (Memo):*

Some time ago this Council voted to discontinue the practice of requiring individual property owners to upgrade the water right for their lots at the time of the issuance of building permits. It was determined by the Council that whatever requirements were met and fulfilled at the time of development Final, should be all that is required of that subdivision and the lots contained therein. The Dallas Young water rights were purchased for this purpose. The following recommendation was made:

"Because the City was requiring 2.6 acre feet of water right (LEI Engineering) and now, after current study we have decreased that to 1.8 ace ft. per acre...we were left with an excess (275 acre ft. used in the cash-in-lieu) we have actually re-sold water rights paid for by individuals who paid to upgrade their water rights at the time of building permits. Since we have collected this money, and have determined these extra water rights per acre of land are not needed; and considering these individuals have certificates of allocation from the City, we should refund that money to them. (Total = \$75,859.25 to be refunded...this does not include any developers using these same rights in conjunction with new development.)

Alvin Harward: He pointed out that to prove up on the SUVMWA rights, the City has to use more water. There needs to be a balance between Water Conservation and using enough water to prove up on those rights. Perhaps Payson City could utilize more water at the Golf Course.

*(Question: How would that be showing "beneficial use" to Elk Ridge?)*

Mayor Dunn: Payson wants the City to revenue water to them for their planned condominiums by the golf course; they would have to arrange for water rights, as well.

Phase 3 of the Elk Meadows PUD is using a great deal of water with their park...it is not a City-owned park, it is owned by the Home-owner's Association. This will assist in "proving up on the SUVMWA water rights that the City is attempting to purchase. There are two 2-inch lines for the open space; they are both metered.

When the City shows "beneficial use" on the SUVMWA rights, and has purchased them, we can use them as part of the City's "cash-in-lieu" program and allocate them to waiting developers. SUVMWA was designed to buy water rights so municipalities could move them back & forth through that one entity, or bring them into their own municipality coffers. Unfortunately, that water just sat there (within SUVMWA) and with administration changes, for some reason the rights were never put to beneficial use.

*(Discussion on the water system and how the wells and tanks interact with each other.)*

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARY RUGG TO APPROVE THE REIMBURSEMENT OF CAS-IN-LIEU MONEY ACCEPTED FOR THE UPGRADE OF WATER RIGHTS ON CERTAIN BUILDING PERMITS ISSUED BETWEEN THE YEAR 2000 TO 2007, AMOUNTING TO A TOTAL OF \$75,859.25**

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

**MOTION WAS MADE BY MARY RUGG AND SECONDED BY NELSON ABBOTT TO MOVE AGENDA ITEMS #11 & #13 FORWARD TO THIS TIME, BEFORE ITEM #8; THOSE WAITING TO ADDRESS THE COUNCIL WERE PRESENT**

**YES (4) NO (0) ABSENT (1) RAYMOND BROWN**

**LOAFER CANYON RD. CITY PROPERTY** There is property that lies west of the existing Dennis Shuler Subdivision (2 lots) in Loafer Canyon; which is owned by the City. It was donated to the City by Dennis Shuler initially to assist in the possible widening of E. Park Drive ("dugway"); however, this widening would necessitate the condemnation of other properties to allow for this widening. This is not a feasible option. Jed Shuler owns one of the Dennis Shuler lots and would like to purchase some of this land west of his lot. A portion of this land is dedicated to well-head protection; this must remain in tact. Mark Johnson: Are there actual plans to widen the dugway? He does not see that happening.

Nelson Abbott: Reminded all concerned about the drainage easement on the west side of the property.

Councilmembers Rugg and Harward are in favor of selling the land, as long as the drainage ditch is provided for.

Jed Shuler: He is okay with having a City park in the area, if the Council is not going to sell it to them; however the weeds area a fire hazard and need to be cut down. The land would be sold as "agricultural" land; it can't be built on.

*\*(Mayor Dunn will speak to the Public Works Dept. to have the weeds cut down.)\**

Nelson Abbott: He would not be opposed to placing the land on the open market; others should have an opportunity to purchase the land as well. He has the perspective of disposing of surplus property.

Alvin Harward: Feels that property owners should have the opportunity to purchase any excess land behind them, to be added onto their lots.

Mary Rugg: Councilmember Rugg suggested placing this future park in the Capital Improvement Plan, and consulting with the new Councilmember over Parks make decisions on it.

*\*(Mary Rugg is to find out what a cost estimate would be for a neighborhood park in that area.)\**

ELK RIDGE  
MEADOWS PUD,  
would

PHASE 2 –  
BUILDING PERMITS –  
MODEL HOMES VS.  
PRIMARY  
RESIDENCES

Mayor Dunn: The developers of Phase 2 asked to have model homes approved (not primary residences). They would use porta-potties until the sewer is connected with Payson. Water

not be available in the homes until all utilities could be connected to; outside use might be available for watering landscaping. *(Councilmember Johnson suggested a lock on the interior water systems.)\**

Corbett Stephens: A "balloon" could be placed in the sewer line (clean-out); this would keep people from flushing toilets. A lock on the main valve would be effective.

Mayor Dunn: Part of this proposal is to allow building plans to be submitted to Corbett Stephens for review ahead of time, so he does not experience a back up when everything opens up at once.

City Recorder: In the City Code, there are certain improvements that have to be installed prior to the issuance of a building permit. The Inspector is bound by the Code. Granting exceptions to certain developments sets precedence with other developments.

Mayor Dunn: In a perfect scenario, everything could be in and the sewer ready for connection by the time homes are ready to occupy; however, the opposite could occur, that something unforeseen happens and results in delays...possibly extensive delays...creating major problems for the City and the homeowners.

Corbett Stephens: He has received calls from private owners that turn in a set of plans...they were informed upfront that he would not start Plan Check until these issues are resolved. When he starts Plan Check, there is a fee associated with that. The homeowner called him on that day and said he wants to pick up his plans and he wants to sell the lot back to DAI (Development Associates, Inc.). Later he received a call from the developer representing DAI asking, if they (DAI) builds these people's house as a model home, then they take the risk and when the sewer is connected, sell the home to the people. Mr. Stephen's concern: Does this open the door to those wishing to build to simply declare that their planned house is a model home? How do we determine that one lot is approved for a model home and another is not?

Mayor Dunn: DAI specifically stated that a certain 6 designated properties would be for model homes. Now it seems that this is being expanded to other lots. This seems to be misrepresented. He listened to Bob Peavely that he is determined to stay within the Code.

Mary Rugg: This goes back to benefiting the developer. Corbett will get busy with the new growth; that is to be expected...but why change from Code to accommodate the developers?

Nelson Abbott: Sees that there are two separate issues:

1. Approving building permits before connection to Payson is available

2. Allowing building plans to be submitted during this waiting time period, so Corbett can get a head-start and not be backed up later.

He agrees with #2.

Corbett Stephens: There is nothing in the Code that says we cannot accept plans ahead of time; but this is different from allowing permits to be issued against the Code.

Mark Johnson: He does not feel comfortable allowing building permits to be issued prior to the proper improvements being installed.

Issues:

- Accepting Plan Checks early: No problem with this since the Code is not violated.
- Issuing Permits prior to a minimum level of improvements are installed, according to the Code

**MOTION WAS MADE BY MARY RUGG AND SECONDED BY NELSON ABBOTT STAY WITHIN THE CODE AND NOT ALLOW BUILDING PERMITS FOR MODEL HOMES PRIOR TO ALL OF THE REQUIRED IMPROVEMENTS ARE INSTALLED**

**VOTE: YES (2) NO (2) MARK JOHNSON & ALVIN HARWARD**

**TIE: (1) MAYOR DUNN VOTED "NO"**

*Motion dies*

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO ALLOW MODEL HOMES TO BE ISSUED BUILDING PERMITS ON THE SPECIFIC 6 LOTS AT THE ENTRANCE OF ELK RIDGE MEADOWS, PUD, PHASE 2; AND ONLY ONE MODEL HOME PER CONTRACTOR**

*Discussion:*

Mayor Dunn: The question is raised regarding the information given to the Building Inspector about building other homes under the declaration that they are model homes; if there are other contractors, is this okay with the Council?

Alvin Harward: Is okay with there being other contractors...he offered to withdraw his motion and restate it.

Corbett Stephens: Asked for clarification re: stipulations would be placed on this situation so that the contractor is not just building 3 houses (not model homes)? One could be a model home and the other 2 sold.

Mayor Dunn: We need to check to be sure that contractor is referring to 3 model homes on "model home row"; or this motion would have to be altered.

Alvin Harward: Withdrew his motion to re-state it:

**MOTION WAS AMENDED BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO ALLOW MODEL HOMES TO BE ISSUED BUILDING PERMITS ON THE SPECIFIC 6 LOTS AT THE ENTRANCE OF ELK RIDGE MEADOWS, PUD, PHASE 2**

*Discussion:*

Jed Shuler: He sells homes for a builder and he pointed out that the City will have builders coming in requesting permits on other lots. He does not feel the City can say, "No model homes on the interior lots"...but only on these 6 lots. He thinks the marketing plan has changed from only building 6 model homes. The City must treat the contractors the same, unless there are specific reasons to allow only these model homes.

Corbett Stephens: The City could go to the developer (DAI) and say that it was represented by them that there would only be 6 model homes and they would only be located on 6 specific lots; and those will be the only lots issued permits until the sewer is connected. Does that leave the City open for criticism from other contractors?

Alvin Harward: Yes, he feels it does; and he withdrew his 2<sup>nd</sup> motion.

**MOTION WAS MADE BY MARY RUGG AND SECONDED BY NELSON ABBOTT TO STAY WITHIN THE CODE AND NOT GRANT BUILDING PERMITS FOR MODEL HOMES**

**VOTE: YES (4) NO (0) ABSENT (1) RAYMOND BROWN**

*Motion passes*

*\*Corbett Stephens is to contact Bob Peavelly to inform him of the Council's decision.*

Corbett Stephens: He suggested \$1,000 deposit rather than the \$100, to cover Plan Checks if the permit is dropped. When he worked for LEI doing inspections, they charged \$1,000 deposit; and if they decided not to build the house, the owner would be billed the hours against that \$1,000; and refunded them the difference or charged them additionally if the \$1,000 fell short of covering the time spent.

(The Council was in favor of this option.)

Is a resolution needed?

City Recorder: Not if this is just for a few homes in this subdivision...then a motion would suffice.

**MOTION WAS MADE BY MARY RUGG AND SECONDED BY NELSON ABBOTT TO ACCEPT PLANS AND CHARGING \$1,000 PLAN CHECK DEPOSIT, WHICH WILL REMAIN AT \$1,000 IF THE BUILDING PERMIT PROCESS IS CARRIED OUT; IF THE PROCESS IS TERMINATED, THEN THE OWNER WOULD BE BILLED ACTUAL PLAN CHECK HOURS, BASED ON A FAIR WAGE FOR THE BUILDING INSPECTOR, AND THE DIFFERENCE EITHER REFUNDED TO THE OWNER OR THE ADDITIONAL AMOUNT CHARGED TO THEM**

*Discussion:*

Alvin Harward: Is this on all Plan Checks? Or just the ones with approvals prior to improvements being complete?

Corbett Stephens: "Just the ones where there is a risk...where we are accepting plans today, but we might not issue the permit for three months."

**VOTE: YES (4) NO (0) ABSENT (1) RAYMOND BROWN**

*Suggestion: Perhaps there should be a written agreement to be signed by the owner, under these circumstances; that states he/she has full understanding of this arrangement...permits would not be issued until there is connection to the sewer and the lines are active. The inspector agreed; as did the Council.*

*\*Andrea is to create this agreement with the Building Inspector.*

**MESSAGE BOARD  
COMPLETION**

Mary Rugg: The message board out by the Park was constructed as an Eagle Project by Nick Callor. The City Council approved upgrading the project, once he had completed his portion. It was discussed to enclose the sections with tempered glass, lock & key on both sides, graphics. Two companies have been contacted: YesCo & Allied, with two very different bids:

- YesCo: \$9,540
- Allied: \$3,030

These bids are based on phone calls; they have not been out to actually inspect the project. Councilmember Rugg would like to be authorized to move to the next step and have the contractors come out and firm up their bids. This would be for the 2007/2008 Fiscal Year. The Council was in agreement to have Councilmember Rugg move to the next step; to have the contractors look at the project and solidify their bids.

*Discussion on City logo and name of Park.*

*Request from Scout Callor for partial reimbursement for expenses:*

*Typically, the Council allows \$100 per project, upon request.*

**MOTION WAS MADE BY MARY RUGG AND SECONDED BY ALVIN HARWARD TO AUTHORIZE \$100 TO BE REFUNDED TO SCOUT NICK CALLOR; FOR A PORTION OF THE EAGLE PROJECT EXPENSES SPENT OF THE MESSAGE BOARD**

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

*Passes 4-0*

**LANDSCAPING  
MAINTENANCE –  
PARK**

Mary Rugg: There is about \$17,000 worth of landscaping on the Park; she is concerned about the public works having time to adequately maintain it all. Sterling Johnson has offered to be responsible for the landscaping and the irrigation; Mr. Johnson works for Spanish Fork in the same capacity. This proposal would be for the three summer months for 4 hours/week.

The question came up as to the current Park help; can't he take care of the landscaping? There are times when he is taken away from working on Parks to assist the Public Works' Dept. When The increase in Parks was approved, it was budgeted only in Parks; how can he be paid from other Depts.?

Alvin Harward: Suggested that he be supervised by the Mayor. (The Mayor agreed.) He should work in the Parks unless he is told otherwise by Mayor Dunn.

Nelson Abbott: There has been a substantial amount of landscaping added to the Park; Chris (Haskell) is a park time employee and will likely not have the time to maintain all of it. Mr. Johnson has experience and he feels the City should hire him for this purpose.

Mary Rugg: The proposal is for about \$1,200; \$20/hour x 4 hours per week...with a bit added in for spring and fall.



MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY ALVIN HARWARD TO APPROVE HIRING MR. STERLING JOHNSON, AT APPROXIMATELY \$1,200 FOR THE SUMMER MONTHS; TO MAINTAIN THE LANDSCAPING IN THE PARK  
VOTE (POLL): MARK JOHNSON-AYE, ALVIN HARWARD-AYE, MARY RUGG-AYE, NELSON ABBOTT-AYE NO (0) ABSENT (1) RAYMOND BROWN  
Passes 4-0

CITY PROPERTY  
PLANS

Alvin Harward: Councilmember Harward has spoken to Kent Rasmussen (owner of corner property on Elk Ridge Drive and Gooseneast Drive. He would prefer that the City consider purchasing all of the property in that area, rather than just a piece of it. He has 2 parcels...amounting to about 6 acres. He will have a proposal by Friday, 6-15-07.  
\*Place this on the next City Council Agenda for further discussion.

RE-SCHEDULE  
PUBLIC HEARINGS

1. 2007/2008 Budget:  
The tax rate is not in yet; part of the Council is not present, particularly Ray Brown (over roads), who needs to answer some question regarding timing on the proposed road work. The City Recorder requested the Council re-schedule the hearing until 6-18-07, at 9:00 AM; the change.  
MOTION WAS MADE BY MARY RUGG AND SECONDED BY NELSON ABBOTT TO RATIFY THE POLLED VOTE TO RE-SCHEDULE THE PUBLIC HEARING TO CONSIDER ADOPTION OF THE 2007/2008 FISCAL YEAR BUDGET AND CERTIFIED TAX RATE; FOR 6-18-07, AT 9:00 AM

VOTE: YES (4) NO (0) ABSENT (1) RAYMOND BROWN

2. Boundary Adjustment between Payson City and Elk Ridge City:  
The pending ordinance has not been available from Payson to Elk Ridge.  
MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY ALVIN HARWARD TO SCHEDULE A PUBLIC HEARING TO CONSIDER A BOUNDARY ADJUSTMENT BETWEEN PAYSON CITY AND ELK RIDGE CITY; NORTH OF THE GOLF COURSE, FOR 6-26-07, AT 6:30 PM

VOTE: YES (4) NO (0) ABSENT (1) RAYMOND BROWN

TEMPORARY LAND  
USE ORDINANCE  
IN THE CE-1 ZONE

(Memo from Planning Commission to Council)

"Re: Moratorium for CE-1 Zone

With the complexity of the new developments that have been proposed within the CE-1 Zone and the concern and confusion that has come about with the new CE-1 code, the Planning Commission would like to request that the City Council place a six-month moratorium on any new applications for development within the CE-1 Zone. The proposed moratorium would not effect any developments already with approved applications.

The Planning Commission would like to use this time to clarify the language in the Code to be more specific on what is required. We would also like to work with the Council to change two portions of the Code that do not work as intended. A moratorium would allow the Commission the ability to work without the constant pressure to pass projects with developers confused on which Code to adhere to.

We feel this is the best way to address the desires to he community, to try to plan properly, and to better avoid the mistakes of the past.

This is an extremely important issue to the Commission. Thank you for your consideration."

Mayor Dunn: What is the driving idea behind the proposed changes? Is this driven by direction from the Council or by existing residents?

*Discussion/Opinion of Council:*

Alvin Harward: He is opposed to the City declaring a moratorium. He understands that there will be different situations to face.

Nelson Abbott: He feels it would be useful to have everything in order before going forward. He agrees with the memo from the Planning Commission.

Mary Rugg: Agrees with Councilmember Abbott; there has been need for clarification on the parts of all the parties involved. There is more anticipated growth south of High Sierra that falls within the CE-1 Zone; she feels there should be further clarification in place.

Alvin Harward: He does not agree that 6 months is needed to clarify the Code.

Nelson Abbott: Could the moratorium be rescinded once the Planning Commission accomplishes the clarification they need? He still feels the Code should be in order.

Alvin Harward: He does not disagree that the Code needs to be clarified; he just feels that the Planning Commission should get on it and get it done.

Mary Rugg: The Planning Commission is asking for time to focus on these changes prior to accepting any more applications for development in that area.

Mayor Dunn: Asked what is driving these proposed changes? Are they based on Council concern; or concerns of residents who are not fully informed?

Nelson Abbott: He would like to know what the proposed changes are.

Alvin Harward: He would also like to know what the specific reasons are; which parts of the Code need to be addressed? What direction? He would like to see further discussion.

He is not opposed to a moratorium if there are good reasons for it.

City Recorder: This item is not on the Agenda for action; only for discussion to send direction back to the Planning Commission.

*Direction to Planning Commission:*

1. What are the specific areas of concern? What sections need to be clarified and how?
2. What direction is the Planning Commission going with these changes?
3. Send forward these specifics to the Council and this will be re-visited.
4. Where did the memo come from? Did the Planner write this memo? (The Planner did ask for information as to previous "Temporary Ordinances" the City has had, so it was being considered by him.)

\*The Mayor will contact the Planner.

INTERNET  
SERVICES/DSL

The City's internet provider is slow and less than efficient. Mrs. Leckie (Plan Coordinator) has contacted the City's web man, Jim Nicolett and he does not feel it would create any problems to change. She has researched various options and proposes a change to Quest.

Councilmember Abbott said the City could get a faster connection with "Digis" than with Quest.

Wireless is the only way to get a faster connection.

\*This will be relayed back to Mrs. Leckie.

MINUTES

*1. City Council Minutes of 5-8-07:*

**MOTION WAS MADE BY NELSON ABBOTT AND WAS SECONDED BY MARY RUGG TO APPROVE THE CITY COUNCIL MINUTES OF 5-8-07, WITH CORRECTION TO PGs 2, 3 & 11**  
**VOTE: YES (4) NO (0) ABSENT (1) RAYMOND BROWN**

EXPENDITURES

*General:* None.

*2. Purchase of a Camera for the Building Inspector:*

There are many time a camera is necessary in the inspection process. Mr. Stephens is to look for a good deal and inform the Mayor.

\*Place the Presentation of "Citizen of the Year" on the next agenda.

ADJOURNMENT

Mayor Dunn adjourned the Meeting at 10:30 PM.

ELK RIDGE  
CITY COUNCIL MEETING  
June 18, 2007

TIME & PLACE  
OF MEETING

This Special Meeting of the Elk Ridge City Council, was scheduled for **Monday, June 18, 2007, at 9:30 AM**. It was preceded by a **Public Hearing, at 9:00 AM**, to consider the adoption of the Certified Tax Rate and the proposed Budget for the 2007/2008 Fiscal Year Budget for the Operation of Elk Ridge City.

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 Provo Daily Herald, 1555 N 200 W, Provo, UT, and was posted in three public places throughout the City on the 5<sup>th</sup> Day of June, 2007.

6:00 PM

**PUBLIC HEARING/CERTIFIED TAX RATE AND 2007/2008 BUDGET**

Public Hearing/2007/2008 Fiscal Year Budget and Tax Rate for the Operation of Elk Ridge City

ROLL

*Mayor:* Dennis A. Dunn; *City Council:* Nelson Abbott, Mary Rugg, Mark Johnson, Alvin Harward & Raymond Brown; and the *City Recorder:* Janice H. Davis

Mayor Dunn opened the Public Hearing at 9:00 AM.

After discussion, it was decided to make the following changes:

1. Motion should adopt the Certified Tax Rate, with no increase; and to allow the budget to be adjusted to accommodate the resulting Property Tax.
2. Add \$15,000 for sumps on Amerigo and Oak Lane (7,500 for this fiscal year)
3. 40,000 for Roads (Magellan Ln.)
4. Add:
  - A. New Tank...1,800,000
  - B. Purchase of Water Rights...550,000 (SUVMTA water rights are at 3,250/acre ft)

Mayor Dunn closed the Public Hearing at 9:48 AM

ELK RIDGE  
CITY COUNCIL MEETING  
June 18, 2007

TIME & PLACE  
OF MEETING

This Special Meeting of the Elk Ridge City Council, was scheduled for **Monday, June 18, 2007, at 9:30 AM**. It was preceded by a **Public Hearing, at 9:00 AM**, to consider the adoption of the Certified Tax Rate and the proposed Budget for the 2007/2008 Fiscal Year Budget for the Operation of Elk Ridge City.

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Notice of the time, place and Agenda of the Scheduled Council Meetings & Public Hearing, was provided to the Provo Daily Herald, 1555 N 200 W, Provo, UT, and was posted in three public places throughout the City on the 5<sup>th</sup> Day of June, 2007.



9:45 AM

**REGULAR CITY COUNCIL AGENDA ITEMS**

ROLL

Mayor: Dennis A. Dunn; City Council: Nelson Abbott, Mary Rugg, Mark Johnson, Alvin Harward & Raymond Brown; and the City Recorder: Janice H. Davis

ADOPTION OF  
2007/2008  
BUDGET &  
TAX RATE

**MOTION WAS MADE BY MARY RUGG AND SECONDED BY RAYMOND BROWN TO ADOPT THE CERTIFIED TAX RATE; AND TO ALLOW THE BUDGET TO BE ADJUSTED IN PROPERTY TAX TO ACCOMMODATE THE TAX RATE**

**VOTE: YES (5) NO (0)**

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO ADOPT THE 2007/2008 FISCAL YEAR BUDGET AND CAPITAL IMPROVEMENT PLAN, WITH THE FOLLOWING CONDITIONS:**

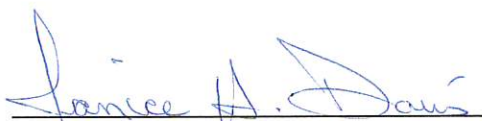
1. Motion should adopt the Certified Tax Rate, with no increase; and to allow the budget to be adjusted to accommodate the resulting Property Tax.
2. Add \$15,000 for sumps on Amerigo and Oak Lane (7,500 for this fiscal year)
3. 40,000 for Roads (Magellan Ln.)+ 30,000 for Crack & Seal
4. Add:
  - a. New Tank...1,800,000
  - b. Purchase of Water Rights...550,000 (SUVWMA water rights are at 3,250/acre ft)

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

*Passes 5-0*

ADJOURNMENT

Mayor Dunn adjourned the Meeting at 9:51 AM.

  
City Recorder





### AMENDED NOTICE & AGENDA

Notice is hereby given that the Elk Ridge City Council will hold Two Public Hearings on Tuesday, June 26, 2007; for the purpose of hearing public comment on the following: the first Public Hearing, at 6:00 PM, is on the adoption of the Final Amended 2006/2007 Fiscal Year Budget. The second Public Hearing, at 6:30 PM, is to consider a proposed Boundary Line Adjustment between Elk Ridge City and Payson City.

These Public Hearings will be held in conjunction with the Regularly Scheduled City Council Meeting, to begin at 7:00 PM; and a City Council Work Session at 6:45 PM.

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

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

### CITIZEN OF THE YEAR/PRESENTATION

- 6:00 PM**      **1. PUBLIC HEARING/FINAL 2006/2007 BUDGET**  
Public Hearing/To consider the adoption of the Final Amended 2006/2007 Fiscal Year Budget for the Operation of Elk Ridge City
- 6:30 PM**      **2. PUBLIC HEARING/BOUNDARY LINE ADJUSTMENT – PAYSON & ELK RIDGE**  
Public Hearing/On a proposed Boundary Line Adjustment between Payson City & Elk Ridge City
- 6:45 – PM**      **CITY COUNCIL WORK SESSION**  
3. Update on the Future Purchase of Land for a New City Center – Mayor Dunn  
4. Water Pricing for Summer Months, 2007 – Mayor Dunn
- 7:00 - PM**      **REGULAR CITY COUNCIL MEETING AGENDA ITEMS:**  
Opening Remarks and Pledge of Allegiance  
Approval/Agenda Time Frame
- 7:00      Public Forum:  
\*Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comment will be limited to three minutes per person. A spokesperson who has been asked by the group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing. The Mayor or Council may restrict the comments beyond these guidelines
- 7:10      5. Elk Haven Subdivision, Plats A & B – Preliminary Plat Approval
- 7:40      6. Horizon View Farms (Elk Ridge Meadows PUD, Phase 4) – Preliminary Plat
- 8:00      7. Bean Subdivision, Plat A – Release of Construction Stage and Begin Durability Retainage
- 8:05      8. Ordinance/Amendment to Section 10-12-24: Minimum Level of Improvements Prior to Issuance of Building Permit RE: Sprinkler Systems
- 8:15      9. Action of Public Hearings:  
A. Adoption/Final Amended 2006/2007 Fiscal Year Budget  
B. Approval Boundary Line Adjustment
- 8:25      10. Action on Work Session Items:  
A. Purchase of Land for Future City Center  
B. Water Pricing for Summer, 2007
- 8:35      11. Reimbursement Agreement for Water System Loan  
(Upfront money from Elk Ridge Meadows PUD) – Mayor Dunn  
A. Letter from Elk Ridge Managers (David Millheim) – Mayor Dunn
- 8:45      12. Expenditures:  
A. General
- 8:50      13. Minutes  
Adjournment



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

The times that appear on this Agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 22<sup>nd</sup> day of June, 2007.

  
City Recorder

### CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and provided to each member of the Governing Body on June 21, 2007; and an Amended Agenda on 6-22-07.

  
City Recorder



ELK RIDGE  
CITY COUNCIL MEETING  
June 26, 2007

TIME & PLACE  
OF MEETING

This Regular Meeting of the Elk Ridge City Council, was scheduled for Tuesday, June 26, 2007, at 7:00 PM. It was preceded by two scheduled **Public Hearings: the first Public Hearing, at 6:00 PM,** was to consider adoption of the Final Amended 2006/2007 Budget; **the second Public Hearing, scheduled for 6:30 PM,** was to consider a proposed Boundary Line Adjustment between Elk Ridge City and Payson City. The **City Council Work Session was scheduled for 6:45 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 June 21, 2007; and an Amended Agenda on 6-22-07.

**CITIZEN OF THE YEAR PRESENTATION**

Mayor Dunn: In conjunction with the annual City Celebration, the Citizens of the Year are to be honored at the Council Meeting prior to the Celebration. This year, there are two winners: Mike Brockbank was present to be honored and to receive his plaque and gifts; the other winner was Mrs. Carol Goold, who could not be present at this meeting...

One of the main accomplishments for Mr. Brockbank was to begin the Liberty Academy Charter School.

Mayor Dunn read the nominating letter.

(Presentation of plaque and gifts)

6:00 PM

**PUBLIC HEARING/FINAL 2006/2007 BUDGET**

Public Hearing/to consider the adoption of the Final Amended 2006/2007 Fiscal Year Budget for the Operation of Elk Ridge City

ROLL

*Mayor:* Dennis A. Dunn; *City Council:* Nelson Abbott, Mary Rugg, Mark Johnson, Raymond Brown (Absent: Alvin Harward); *Public:* Mike Brockbank; and *City Recorder:* Janice H. Davis

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

City Recorder: This is the final version of the 2006/2007 Fiscal Year Budget. There was a brief explanation of the budget format.

Fund Balance: Will be kept at 15% of the total General Fund Revenue, rather than the minimum 18%. The Finance Director's goal is to have "no adjustments" from the auditors.

Most of the final budget figures are meeting the current expenditure needs ("Year to date" figures) to make sure the Revenue balances with the Expenditures.

Road Work was moved to next fiscal year, as per recommendation of Councilmember Brown. This cut budgeted expenditures down; as well as re-calculating the amount of money still owing Woodland Hills City for Building Inspections. There was over \$14,000 owing, according to the last invoice from Woodland Hills; Mr. Stephens took this number down to about \$1,700; this was a result of reviewing the open permits and what inspections applied to Woodland Hills and which ones were with Elk Ridge. This increases the expenditures for 2007/2008.

Mayor Dunn:

*Plan Check:* In the past, Woodland Hills charged ½ of the plan check fees on each permit; they took 75% of the building permit fees. Mr. Stephens has calculated that our credit with Woodland Hills is \$13,054.03; resulting in a payment of \$1,751.80. There are 9 plan checks that have taken place during the interim period when he was not working for Woodland Hills and had not yet begun employment with Elk Ridge City; to be fair, Mr. Stephens said he would like to charge 25% of those fees to the City, to be paid directly to him for his time. This would amount to \$3,684.27. The Mayor feels hiring Mr. Stephens was a good move on the part of the City; not only due to saving the money previously paid to Woodland Hills, but because he brings a lot of knowledge with him to the position.

The City Council approved of this payment.

City Recorder: The Capital Improvement Plan seems to have been slipping out of existence. The Dept. Heads need to project 5 years ahead for major improvements.

*Parks:* "Special Projects": There is money budgeted to upgrade the message board (Scout Project); but we do not have the cost...this will be in the new fiscal year? (Yes.)

"Drinking Fountain"...This fiscal year...not over \$1,500.

*Fire Dept.:* Fire Truck has been paid off... the closing papers were received today + the title to the truck.

*Capital Projects/Future Improvements:* Interest earned will be added to the revenue side of this Fund; as per Finance Director recommendation...the amount for this year is \$20,000.

*Discussion of "Fund Balance".*

*Water Dept.:* It has yet been decided if we will purchase more water rights, in either this or next fiscal year.

We have collected 2/3 of the up-front money from Elk Ridge Meadows PUD of the total \$700,000.

Money collected this year will show up as "retained earnings" in 2007/2008.

If the City is going to attempt to fund the new tank installation, we will be a bit short on the funding; that could be made up by purchasing water rights and selling them at current market value; this should make up the difference.

*Bond Payment:* We still have one bond payment on the Cloward Well...\$31,210 for this year.

*Fire Hydrants:* Originally over \$24,000 was budgeted for the placement of new fire hydrants in the City...this year, 3 will be installed. Kent Haskell estimated 4,000each (is this high?...Yes)

*Water:* "Engineering – PIC Expenses" (Tony Fuller for work on Water Rights) To date, City has paid out over \$40,000 this year only. The policy of paying Mr. Fuller has changed through Aqua Engineering: Aqua now sends his billing breakdown to the City for approval before they pay him...if there are any problems on the bills; it is caught before the payment.

*Capital Outlay – Other Improvements:* This account will pay for the new telemetry system: \$30,000 is budgeted.

*Nelson Abbott:* Feels that the Council should consider raising Property Taxes next year; "so that everybody is paying their 'fair share'". With growth, this would allow the newer residents to be paying their "fair share", as well.

*Raymond Brown:* They will be paying more than their fair share...assessments values will be higher, resulting in higher taxes.

*Mark Johnson:* If taxes are increased, he would like to see some of the increase go to added law enforcement.

*City Recorder:* There is also the plan to purchase a new snowplow in the coming fiscal year...this will take a good portion of the fund balance in the General Fund. (*Discussion on various models of snowplows*)

Mayor Dunn closed the Public Hearing at 6:34 PM.

6:34 PM

**PUBLIC HEARING/BOUNDARY LINE ADJUSTMENT – PAYSON & ELK RIDGE**

Public Hearing/on a proposed Boundary Line Adjustment between Payson City & Elk Ridge City

ROLL

*Mayor:* Dennis A. Dunn; *City Council:* Nelson Abbott, Mary Rugg, Mark Johnson, Raymond Brown (Absent: Alvin Harward); *Sheriff:* Deputy Rob Riding; *Public:* Mike Brockbank, Tracy Thurgood, Karl H. Shuler, Steve Shepherd, John Money, Joann Bigler, Jason Smith; and *City Recorder:* Janice H. Davis

Mayor Dunn opened the Public Hearing at 6:34 PM.

This is the proposed boundary line adjustment north of the Golf Course. This has been discussed at a previous Council Meeting; however a Public Hearing is required. The amending ordinance will come from Payson City; they have not produced the Ordinance.

\*Mayor Dunn will contact David Tuckett.

Mayor Dunn closed the Public Hearing at 6:45 PM.

6:45 PM

**CITY COUNCIL WORK SESSION**

ROLL

*Mayor:* Dennis A. Dunn; *City Council:* Nelson Abbott, Mary Rugg, Mark Johnson, Raymond Brown (Absent: Alvin Harward); *Sheriff:* Deputy Rob Riding; *Public:* Mike Brockbank, Tracy Thurgood, Karl H. Shuler, Steve Shepherd, John Money, Joann Bigler, Jason Smith; and *City Recorder:* Janice H. Davis



CITY CENTER –  
FUTURE LAND  
PURCHASE

Mayor Dunn: Councilmember Harward has contacted the land owner, Mr. Rasmussen, and the City was offered the entire 6 acres on the corner of Elk Ridge Drive and Gooseneast Drive. This could give the City some opportunity for development. The question would be, what to do with the existing home.

The Mayor spoke to Randy Young regarding the proposed round about in Phase 2; would he be interested in trading some of this ground for some of his lots; so the round about could be more feasible...he is interested. The Council needs to come up with an offer for these 6 acres...perhaps at least \$100,000/acre...with an offer of about \$650,000 for all of the land.

With this amount of property, we could entertain ideas for soft industrial. If done right, the building could be constructed for a good price, resulting in revenue opportunities for the City.

We are waiting for a counter offer from the owner.

Over \$100,000 has accrued toward the down payment on this City Center; public finance would have to cover the balance.

Councilmember Harward needs authorization to move forward with this offer.

\*Mayor Dunn will speak to Dean Allen (spear-headed the City Center in Mapleton as the former Mayor) about some of the ways they were able to get a lot of the work done through donations and volunteerism. He will also speak to the current Mayor; and bring those ideas back to the Council.

WATER PRICING –  
SUMMER MONTHS

Mayor Dunn: He accompanied Councilmember Harward to the SUVMWA Meeting a couple of weeks ago; and all of the cities agreed to sell Elk Ridge their allotment of SUVMWA water rights; except Woodland Hills and Goshen.

This requires proving up on these rights. It was proposed to draft a contract to lease each acre foot for \$1.00; and purchase them for \$3,250/acre foot.

The "water pricing" was to be a result of this "proving up" period of time. (This proposal has become a rather mute point, since other things have happened lately.) He was going to propose allowing residents to use as much water as they want and not be charged over \$100/month for water usage, so the water could be used and we could prove-up on the rights.

- The Mayor spoke to Tony Fuller and he recommended placing 169 acre feet of the City's current rights into a "non-use status", which takes them out of the system for now and opens the window up for 169 acre feet of the SUVMWA rights.

- The open space/park in Elk Ridge Meadows PUD, is currently being watered at a pretty constant rate...there are two 2-inch meters on the park and Elk Ridge Managers is paying the bill. They are using enough water that the dialer for the Loafer Canyon Well has called an alarm a couple of times. This indicates that the tanks are going down to about 8 ½ ft., then the pump turns on...night-time usage is high.

This usage is helping to prove-up on the water rights from SUVMWA.

ELK RIDGE  
CITY COUNCIL MEETING  
June 26, 2007

TIME & PLACE  
OF MEETING

This Regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, June 26, 2007, at 7:00 PM.** It was preceded by two scheduled **Public Hearings: the first Public Hearing, at 6:00 PM,** was to consider adoption of the Final Amended 2006/2007 Budget; **the second Public Hearing, scheduled for 6:30 PM,** was to consider a proposed Boundary Line Adjustment between Elk Ridge City and Payson City. The **City Council Work Session was scheduled for 6:45 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 June 21, 2007; and an Amended Agenda on 6-22-07.

7:10 PM

**REGULAR CITY COUNCIL AGENDA ITEMS**

ROLL

*Mayor:* Dennis A. Dunn; *City Council:* Nelson Abbott, Mary Rugg, Mark Johnson, Raymond Brown (Absent: Alvin Harward); *Sheriff:* Deputy Rob Riding; *Public:* Mike Brockbank, Tracy Thurgood, Karl H. Shuler, Steve Shepherd, John Money, Joann Bigler, Jason Smith; and *City Recorder:* Janice H. Davis

OPENING REMARKS  
& PLEDGE OF  
ALLEGIANCE

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

AGENDA TIME  
FRAME

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY MARK JOHNSON TO APPROVE THE AGENDA TIME FRAME, ADJUSTING THE START TIME TO 7:16 PM;  
VOTE: YES (4) NO (0) ABSENT (1) ALVIN HARWARD**

PUBLIC FORUM

Public Comments:

Tracy Thurgood: (Flag lots) He is not in favor of a proposed flag lot on Elk Ridge Drive, south of Nelsons. He feels it would be too crowded, as his lot is just east of the proposed flag lot.

Mayor Dunn: He was present at the Planning Commission meeting when this was discussed; Mr. Thurgood is not alone in his opinion. The Mayor does not, personally does not like flag lots; however, that does not interfere with the fact that the City Code allows them. This proposed flag lot was designed according to Code. The Planning Commission had some concerns. "It is an interesting project and it all fits within the Code; so it could happen."

John Money: He was seeking an update on the current situation with water rights; they will have to deal with this issue soon. The City was attempting to purchase more water rights; he wanted to know the status of these rights.

Mayor Dunn: The City is seeking to prove up on about 395 acre ft. of SUVMWA water rights. David Tuckett (attorney for SUVMWA) is finishing a draft of a contract that will allow Elk Ridge to purchase these rights. Some of the City's current water rights are being moved into a "non-use" category to allow these SUVMWA rights to be put to "beneficial use". This process will take about 3 months. Developments have to have the water rights to get to the Final Approval stage. (Mr. Money asked if there is any way around this or any acceptable condition.) The Mayor responded that the "condition is that we have to prove them up; and if they're not proved up, they're not good to anybody. It's just a 'time thing' now with proving them up. We have to make sure they are put to beneficial use and the State needs to see that they have been put to beneficial use."

He spoke to Mr. Fuller today and there is a possible block of 98 acre ft. that is already in this area; if we determine that it would be good to make an offer on it.

There is also 12 acre ft. available.

There is nothing in the City's inventory of water rights currently.

City Recorder: Typically, developers will bring their own transferred water rights with them for development. The City was in an unusual place with excess acre feet to be able to allocate to developers. This is not usual for cities.

Jed Shuler: Asked what happened to the water rights belonging to Bob Fillerup; he gave the information to Alvin Harward to pursue. The asking price at the time was at \$3200/acre ft. Mr. Fillerup said he felt he could get those rights through the transfer process in about 6 months.

\*(Mayor Dunn will ask Councilmember Harward about these rights. They may be the 98 acre feet that Mr. Fuller is checking on. They would still need to go through the transfer process.)

ELK HAVEN  
SUBDIVISION,  
PLATS A & B –  
PRELIMINARY  
PLAT  
APPROVAL

*(Memo from Planner to Council, dated 6-26-07)*

*"Background:*

The applicants have been working with the City for over a year to develop acceptable street alignments and the subdivision of the Elk Haven property. Several meetings have been held with both the City Council and Planning Commission. Last week, the Planning Commission went on a field trip and met with the applicants of all five plats (only two are being reviewed here) to iron out details and resolve issues surrounding the proposed plats and eventual development of the property.

Development Issues

Overall issues which regard all of the Elk Haven Plats include:

- 1) Approval of a 56' right-of-way, including elimination of the 9-foot easement areas in certain locations where the grade is steep and the cuts and fills will be the most; ***(The Council was in agreement with 56'...the connecting streets are both 56'.)***

- 2) Approval of 10' paved trails on one side of all roads in lieu of sidewalks; (Ok)
- 3) Buildable areas are to be in the flattest part of the lot (Ok)
- 4) Driveways may not exceed 12% slope
- 5) Re-vegetation plan is to be submitted for all plats as each individual lot (prior to building)
- 6) All roads must be completed before issuance of building permits
- 7) Add the following notes to each plat:
  1. After the homes have been built and the removal of required vegetation for the protection of the inhabitants, according to the fire code, 75% of the existing hardwood vegetation shall remain through the ownership of the property.
  2. To protect wildlife corridors and natural drainage, slopes of 20% or greater outside of the building envelop shall not be fenced.  
(The Mayor questioned if this statement is in the Code...is the wording 'fenced' or 'disturbed'?)

Here's a summary of the identified issues regarding each plat:

**Plat A – Total acres:** 23.03

**Total lots:** 24 (1/2 acre min.)

- Issues:**
- Approval of over 20% average slope on lots 1, 2, 3, 4, 5 and 6 (**Changed to 2 & 4**)
  - Approval of incidental 30% slope on lots 1, 2, 3, and 23 (**Changed to 1, 2, & 3 and 23**)
  - Reduce right-of-way requirement along lots 2, 3, 22, 23, and 24 in favor of a 1 1/2:1 slope (**Changed to: Reduce right-of-way requirement along lots 2, 3, 22, 23, and 24 21, in favor of a 1 1/2:1 slope**)  
Explanation: The right-of-way is still there, it is simply not cut.
  - A 10' Trail on south side of Mountain Crest Drive, and some kind of pedestrian access north of Mountain Crest along the east side of High Sierra Drive.  
— Change the lot line between lots 2 and 3 to give more frontage to lot 3 (**Corrected**)  
— Demonstrate how a drive access to lot 3 will work (**Corrected**)
  - Private access for lot 23 between lots 19 and 20 (**Change to: Private access for lot 23 22 between lots 19 18 and 20 19**)
  - Combine lots 23 and 24, and show an open-space preservation area on the are of lot 24- (**Corrected as requested**)

**Plat B – Total acres:** 9.08

**Total lots:** 10 (1/2 acre min.)

- Issues:**
- Approval of incidental 30% slope on lot 4 (**Corrected**)
  - A 10' Trail on south side of Mountain Crest Drive, and along the east side of Scenic Drive

Grading Sire Plan

Attached to both preliminary plats is a slope analysis and grading plan. Also submitted was information related to the re-vegetation of the area. A large-sized sheet with information on the cuts and fills as well as the re-vegetation areas was reviewed at the last work session and will be available at the meeting. The grading site plan information provided on these documents is sufficient to meet the by the Planning Commission on each individual lot as home plans are submitted.

Recommendation:

It is recommended that the Planning Commission recommend that the City Council approve the Preliminary Plats for the Elk Haven Subdivision, Plats A & B, conditioned upon the submittal of corrected plats addressing and demonstrating all of the above mentioned issues."

Discussion:

Karl Shuler: (Plat A) Lots 23 & 24 were combined (now lot 22); and lots 2 & 3 are combined into one lot (#2); lot 1 stays the same. Lot 22 is a large lot with designated open space.

Lot 2: Access to buildable area... they will have to show how a driveway will access this lot. They may have to start back over by High Sierra by lot 1. They are still looking for ways to bring it in on the final plat that would lead to a side-entrance garage.

Mayor Dunn pointed out that many of the 30% slopes are a result of cuts along the roads.

Jed Shuler: Mentioned that a hill can be cut into for a driveway, up to 7'.

Discussion of accesses to various lots.

**#1 of list above:**

Nelson Abbott: (RE: #1...elimination of 9' easement) What is the reason to eliminate this?

John Money: The easement will not actually be eliminated, it simply goes up the hill rather than being cut; the 56' right-of-way is still there (should the Council approve this).

**#2 of list above:**

Nelson Abbott: The proposed trail is going on the steepest side of the road; what is the reasoning?

John Money: The discussion at the Planning Commission has been not to have the trails on the downhill side; if a vehicle were to be out of control, it would be safer for pedestrians on the trail to be uphill from that.

This was not their idea, it was the Planning Commission. On the downhill side there would also be substantial fill and compaction.

Mary Rugg: The trail that ends on Mountain Crest and Scenic is going to be difficult to access. (The developers commented that the access will be at the same level as the road; not up higher. The trail is a little higher than the road...only about 6", though.)

Karl Shuler: (Plat A) The Planning Commission wanted them to come up with a plan for the trail access to High Sierra Drive; 10' wide with a 3' planter strip = 17' wider for cuts and fills and that is what we are trying to avoid. They discussed bringing the trail up higher...then it crosses 30% slopes. A "monolithic pour" was suggested, with a 5' sidewalk to facilitate traffic for that particular stretch off of High Sierra. (In front of lots 20 – 22) The same thing was requested on Plat B.

Nelson Abbott: Questioned a driveway that is designed to be over 200' long. Where will the run-off water from that driveway be directed?

*(The roads will collect the run-off and the water is directed to large catch basins.)*

*A fire hydrant will be within Code to that property.*

*The reason for catch basin over sumps is that they could not get the appropriate percolation in that area for sumps.*

Mary Rugg: (Question on #5) Re-vegetation plan...will there be more detail shown in the final plan?

Jed Shuler: Each lot will require its own re-vegetation plan...this submitted plan is "construction appropriate".

*(Discussion of options for access point to the trail, including the impact on or from the proposed South High Sierra Drive.)*

Nelson Abbott: It makes more sense to go behind High Sierra Drive with a trail and to end a sidewalk at the east end of High Sierra.

Mayor Dunn: The Trail Map is like the Circulation Map...they are guides to the future, not Code. Trail Gant money has been a goal of the City's for a few years. The trail is to follow Mountain Crest and connect into the proposed road behind High Sierra Drive at a later time.

*(Discussion of how the "front of a lot" is determined...it is the side that faces the road "less traveled.")*

**Plat "B":** (John Money)

(Corrections listed above)

Nelson Abbott: Wanted to clarify the sections of the road over 10% grade...The grade of the road is 8%, and up to 10% for "short" distances. "Short distances" needs clarification...for future; not applicable in this case. *(This was covered in the Joint Meeting when attorneys were present...that is, that whatever was in place at the time of initial application, is what they are being held to at this time...in fact, the developers agreed to this newer standard of road grades, rather than applying the Code as it was.)*

No further questions on Plat B.

Karl Shuler: (Secondary Water Systems) The requirement to install these systems is in the Code, should it be left in the Code? Is the City really going to have a secondary system in the areas south of the City? This is a significant expense if it is not feasible to utilize the system. Could there be an amendment to the Code that eliminates the requirement if the development is over a certain altitude?

Mayor Dunn: The Code states that any project over certain acreage is required to have a secondary system installed. The Mayor has spoken to people at Payson City and there will be no secondary water that could come to Elk Ridge through any surface drainage through Payson Canyon; it is all going to Payson. The pressurized water that could reach Elk Ridge in the next decade will come to the elevation of the current City Hall. Anything south of Park Drive would require another tank or a holding pond up above the south sections of the City; and it would require that the water be pumped to that holding area and then disbursed to the lots...about 20% of the water being held in a pond would be lost due to evaporation. A booster pump would be required to get the water to that altitude. It is required in the Code, but secondary could be very expensive to get to the area.

Nelson Abbott: Thinks it is a good idea to consider changing the Code to make the requirement according to altitude.



Mary Rugg: Agrees that a Code amendment could be considered based on altitude; however, she does not feel comfortable not requiring it at this time.

Mark Johnson: Agrees with Councilmember Rugg. He feels the City engineer should review this.

\*Mayor Dunn: Polled the Council to get an opinion on sending this to the Planning Commission to consider a change in the Code; in that anything south of Park Drive may be in question for a secondary system. The Council agreed that the City engineer should review this first, to give the Planning Commission direction.

\*Mayor Dunn will contact Craig Neeley and discuss this with him and then to give the Planning Commission direction.

*There were other reason other than cost effectiveness when this was originally required in the Code; the ability to conserve the water in the aquifers was the major reason.*

**MOTION WAS MADE BY MARY RUGG AND SECONDED BY RAYMOND BROWN TO ACCEPT THE RECOMMENDATION OF THE PLANNING COMMISSION TO GRANT PRELIMINARY PLAT APPROVAL TO ELK HAVEN SUBDIVISION, PLAT A & B; WITH THE LISTED DEVELOPMENT ISSUES 1 – 7 TO BE ADDRESSED; AND CHANGES, AS NOTED IN THE MEMO FROM THE CITY PLANNER, DATED 6-26-07, WITH THE FOLLOWING CHANGES IN LOT NUMBERS:**

**Plat A – Total acres: 23.03**

**Total lots: 24 (1/2 acre min.)**

- Issues:**
- Approval of over 20% average slope on lots 1, 2, 3, 4, 5 and 6 (*Changed to 2 & 4*)
  - Approval of incidental 30% slope on lots 1, 2, 3, and 23 (*Changed to 1, 2, & 3 and 23*)
  - Reduce right-of-way requirement along lots 2, 3, 22, 23, and 24 in favor of a 1 1/2:1 slope (*Changed to: Reduce right-of-way requirement along lots 2, 3, 22, 23, and 24 21, in favor of a 1 1/2:1 slope*)  
Explanation: The right-of-way is still there, it is simply not cut.
  - A 10' Trail on south side of Mountain Crest Drive, and some kind of pedestrian access north of Mountain Crest along the east side of High Sierra Drive.
  - ~~Change the lot line between lots 2 and 3 to give more frontage to lot 3~~ (*Corrected*)
  - ~~Demonstrate how a drive access to lot 3 will work~~ (*Corrected*)
  - Private access for lot 23 between lots 19 and 20 (*Change to: Private access for lot 23 22 between lots 19 18 and 20 19*)
  - ~~Combine lots 23 and 24, and show an open space preservation area on the are of lot 24~~ (*Corrected as requested*)

**Plat B – Total acres: 9.08**

**Total lots: 10 (1/2 acre min.)**

- Issues:**
- Approval of incidental 30% slope on lot 4 (*Corrected*)
  - A 10' Trail on south side of Mountain Crest Drive, and along the east side of Scenic Drive

**VOTE: YES(3) NO (1) NELSON ABBOTT ABSENT (1) ALVIN HARWARD**  
*Passes 3-1*

John Money: Since they, as developers, are trying to "make everyone happy"; he questioned Councilmember Abbott why he voted against the project.

Nelson Abbott: "I knew it would pass, I just did not want my neighbors angry at him...that is what it amounts to."

Karl Shuler: The curb & gutter will be high-back curbing...to be changed on the Final Plat.

*\*Mayor Dunn will check on the Bob Fillerup water rights.*

**HORIZON VIEW  
FARMS –  
(ER PUD – 4)  
PRELIMINARY  
APPROVAL**

*(Memo from City Planner to Council, dated 6-26-07)*

*"Background*

This preliminary plat is for Phase 4 of the Elk Ridge Meadows development, to be known as Horizon View Farms, including 74 town home units. Following preliminary review and discussions with both the Planning Commission and City Council, the developers have refined their plat design, and are requesting approval of this revised version. Changes shown from previous designs, which require review and approval include:

1. The elimination of that portion of Cotton Tail Drive between Sky Hawk Way and Sunset Lane, (which has been agreed upon by the property owners to the west – Smart Family). This will require approval of amending the General Plan Circulation Map. (*Corrected*)
2. Moving the east side of Horizon View Loop. To the east side of the property, with units #49-60 on the west of the street. (*Corrected*)

3. Moving the sidewalk from behind units #1-16 to the front of the street (west side of Horizon View Loop). This requires approval of a modification of development standards for the varying placements of the sidewalk in the development (either front or rear of the units).
4. Rename the portion of ~~Getton Tail Lane~~ (*Twilight View Drive*) from 11200 South to ~~Sunset Drive~~ (*Dusk View*) (which will now not continue) as it does not continue.
5. ~~Rename Sunset Drive as this name is already proposed in one of the Elk Haven Subdivision plats.~~
6. ~~Move units 1-24 west into the open space, which will make more of a rectangular bend in Horizon View Loop, thus enlarging the center open space containing the Tot Lot and Sports Court. (The Council did not favor this amended option; they still preferred the original plat...they felt the openness for these lots, being moved against Sky Hawk would be eliminated and the added open space would not be that significant. They felt there should be more of a buffer zone between the town homes and the road.)~~
7. ~~Move the sidewalk in units 17-24 to the Horizon View Loop side so it is consistent with the sidewalk placement in units 1-16. (Nelson Abbott was not in favor of breaking up the sidewalk as proposed in the amended proposal for the plat; the Council agreed; as Mr. Smith.)~~
8. Additionally, water rights for this development need to be purchased and dedicated to the City. (*The rights in the transfer process at the State are for Phases 3 & 4; those have not transferred. There are water rights from SUVMWA that are being proven up on by Elk Ridge; but they are not available yet for allocation.*)

The Planning Commission recommends that the City Council approve this plat, subject to 1) the approval of a General Plan Circulation Map amendment prior to Final Plat approval, and 2) items 1-8 listed above."

(*After discussion, it was discovered that many of the above mentioned items were corrected...lines were drawn through these changed or corrected items.*)

Raymond Brown: Questioned the 6' trails indicated on the plat map, connecting to existing 10' trail. The standard for trails in the City is 10 feet wide.

Jason Smith: They are not proposing anything new; they are simply tying into what has already been established in Phase 2 of the Elk Ridge Meadows PUD. The 6' trail leads into the main 10' trail. The 6' trail just leads into the open space.

Mark Johnson & Raymond Brown: That is okay..."you can't say anything about that".

City Recorder: That 6' trail also connects into the 6' trail in Phase 2; and that connects onto the 10' trail.

Jason Smith: Whatever has been approved for Phase 2 is what they are continuing with; in fact, DAI (Phase 2) is going to be constructing the trails system for Phase 4 (Horizon View Farms).

**MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY MARY RUGG TO APPROVE ITEMS 1-4 & 8 OF THE MEMO DATED 6-26-07 FROM THE CITY PLANNER, AND STRIKING ITEMS 5-7 OF SAID MEMO; GRANTING PRELIMINARY PLAT APPROVAL TO HORIZON VIEW FARMS SUBDIVISION (ELK RIDGE MEADOWS PUD, PHASE 4)**

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

BEAN SUBDIVISION, PLAT A –  
RELEASE OF CONST. time period.

PHASE – BEG. Asphalt must be replaced in the cuts for the laterals.

DUR. RET. \*Mayor Dunn is to speak to Kent Haskell regarding filling in the asphalt (Mr. Haskell did the work for Mr. Bean on his own time).

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN TO ACCEPT THE IMPROVEMENTS AS COMPLETE FOR THE BEAN SUBDIVISION, PLAT A, AND TO BEGIN THE DURABILITY RETAINER AS OF THE DATE THAT THE ASPHALT PATCH IS IN AND IT HAS BEEN INSPECTED**

**VOTE: YES (3) NO (0) ABSENT (2) MARY RUGG & ALVIN HARWARD**

ORDINANCE –  
SPRINKLER  
SYSTEMS

(Memo from Planner to City Council, dated 6-26-07)

"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).

#### **10-12-38: FIRE SPRINKLING SYSTEMS REQUIREMENTS**

Fire Sprinkler Systems are required within the CE-1 and CE-2 zones. They are also required for homes that have livable square footage (including unfinished basements) of over 4,000 sq. ft. 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.

#### *Recommendation*

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

Mayor Dunn: His memo to the Planning Commission was to *not* consider the CE-1 Zone in this proposed amendment; but to consider only the Goosenest area. They added the CE-1 & the CE-2 Zones. The Mayor had wanted this to be separate issues. He was aware that there had been talk of sprinkling systems in the CE-1 & the CE-2 Zones.

The Mayor spoke to David Church about this matter and he responded that a building permit cannot be denied because there are already structures in the area; and a permit cannot be denied based on Fire protection.

He suggested striking out the proposed Section 10-12-38.

Nelson Abbott: When the Council discussed this matter in the past, one of the major issues was whether any connection would be anticipated in the near future. In speaking to Shawn Eliot, the Planning Commission is simply trying to get it cleaned up in one amendment. If they get the changes in place now, they can then enforce it later.

Mayor Dunn: The proposed ordinance also speaks of a "wall hydrant"...this needs to be clarified. This is a new concept to the Council.

*(\*Nelson Abbott can find out about the "wall hydrants" from a friend that installs sprinkling systems.)*

The Mayor still recommends that the two areas of concern need to be kept separate.

*After further discussion, it was decided to table the ordinance until more information on the CE-1 & CE-2 Zones is available.*

*\*Place on the next City Council Agenda.*

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN TO  
TABLE ACTION ON THIS PROPOSED ORDINANCE UNTIL THE NEXT CITY COUNCIL  
MEETING**

**VOTE: YES (3)                      NO (0)                      ABSENT (2) MARY RUGG & ALVIN HARWARD**

*\*Request to have a member of the Planning Commission or Inspector present for questions.*

ACTION ON  
PUBLIC HEARINGS

1. *Final Amended 2006/2007 Fiscal Year Budget:*

**MOTION WASMADE BY RAYMOND BROWN AND SECONDED BY MARK JOHNSON TO ADOPT THE FINAL AMENDED BUDGET FOR THE 2006/2007 FISCAL YEAR; ALOOWING THE CITY RECORDER TO ADJUST THE FUND BALANCE IN THE GENERAL FUND TO STAY AT 15%**

**VOTE: YES (3) NO (0) ABSENT (2) MARY RUGG & ALVIN HARWARD**

*Boundary line Adjustment (Payson & Ell Ridge):*

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN TO TABLE THE APPROVAL OF THIS PROPOSED BOUNDAY LINE ADJUSTMENT UNTIL THERE IS AN ORDINANCE AVAILABLE THAT SERVES TO ACCOMPLISH THIS TASK**

**VOTE: YES (3) NO (0) ABSENT (2) MARY RUGG & ALVIN HARWARD**

ACTION ON WORK  
SESSION ITEMS:

1. *Purchase of Land for Future City Center:*

Raymond Brown: Typically the seller starts the price negotiations for a land purchase. The City has not been informed what the starting price is. There are different options including the existing house that is not an advantage to the City.

After discussion, it was decided to move to a Council Closed Session to discuss the details of the proposed acquisition of property.

Should we authorize Councilmember Harward to go up to \$105,000 per acre?

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY NELSON ABBOTT TO MOVE TO A CLOSED SESSION AT THIS POINT IN TIME**

**VOTE: YES (3) NO (0) ABSENT (2) MARY RUGG & ALVIN HARWARD**

ROLL

*Mayor*: Dennis A. Dunn; *City Council*: Nelson Abbott, Mark Johnson, Raymond Brown (Absent: Mary Rugg & Alvin Harward); *City Recorder*: Janice H. Davis

Discussion of Acquisition of Property.

**REGULAR CITY COUNCIL SESSION AGENDA ITEMS (CONT.)**

ACTION ON WORK  
SESSION (CONT.)

2. *Water Pricing for Summer, 2007:*

No Action.

There was a discussion of water rates, Water Impact Fees and Future Improvements to the water system.

*\*Mayor Dunn is to find out from Tony Fuller if the City can place more water rights into the "non-use" category, so we can shown beneficial use of the SUVMWA rights..*

REIMBURSEMENT  
AGREEMENT FOR  
WATER SYSTEM  
LOAN FROM ELK  
RIDGE MEADOWS  
PUD

Mayor Dunn: (Provided a copy of a letter from Mr. Dave Millheim, of Elk Ridge Managers, to the Council) The Mayor received this letter via David Church from the City's email; not directly from Mr. Millheim, which he did not appreciate. The letter was read. It is a request to have the City address the reimbursement arrangement back to the first three phases of the Elk Ridge Meadows PUD, particularly Phase 2, which Mr. Millheim is associated with as a developer. Mr. Millheim expressed that he expected the City to respond to his request to have an agreement drawn up and signed as soon as possible.

Other items addressed in his letter dated 6-14-07:

- Cottontail Road Completion
- Storm drain (Phase 3)
- Sewer Connections

Mayor Dunn discussed the possible options in reimbursing the developers: The payments are to reimbursed through Water Impact Fees

The draft agreements have been approved by the City Attorney, David Church, and the issues have been resolved. The three agreement for Phases 1, 2 & 3 are slightly different; the one for Phase 3 is \$1,000 more than the other two, so that the total equals \$700,000. The one for Phase 2 will be changed: the responsible party will be Elk Ridge Managers rather than Development Assoc., Inc. (DAI). The developers are in agreement.

*Cottontail Road Completion:*

Already discussed.

*Phase 3 Storm Drain:*

This is a change to the use of sumps rather than retention ponds.



*Sewer Connections:*

Phase 2: The Mayor contacted Bruce Ward (Salem's Engineer) to ask if there is any "cap" on temporary connections to Salem while waiting for Payson's connections to be available; Mr. Ward responded that Elk Ridge could go forward; and he offered a suggestion: Allow the development to build and if the Payson connection is not available, then hook onto Salem on a temporary basis by "punching" under the road. Have them bond for the "punch" and not use it if they don't need it. The Mayor agrees with the suggestion & so did Mr. Millheim.

The Council agreed with this option for Phases 1, 2 & 4.

Raymond Brown: He does not feel it is the City's place to come up with solutions to developer's problems; however, the Mayor could offer three options:

1. Wait for Payson connection
2. Install the "punch line" now; or
3. Bond for the "punch line" and use it if necessary

*\*Mayor Dunn will present these three options to the developers of Phase 2 the next day.*

MINUTES

*1. City Council Minutes of 5-22-07:*

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY NELSON ABBOTT TO APPROVE THE CITY COUNCIL MINUTES OF 5-22-07; WITH THE NOTED CHANGE ON PAGE ONE**

**VOTE: YES (3)                      NO (0)                      ABSENT (2) MARY RUGG & ALVIN HARWARD**

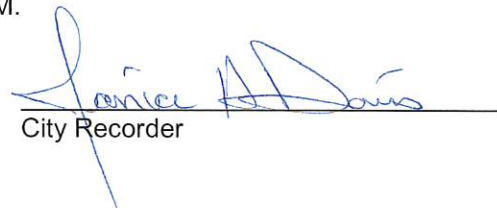
*2. City Council Minutes of 6-18-07:*

**MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY RAYMOND BROWN TO APPROVE THE CITY COUNCIL MINUTES OF 6-18-07, WITH THE CHANGE ON PAGE 2**

**VOTE: YES (3)                      NO (0)                      ABSENT (2) MARY RUGG & ALVIN HARWARD**

ADJOURNMENT

Mayor Dunn adjourned the Meeting at 10:07 PM.

  
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City Recorder



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