

## NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a Special City Council Meeting on Saturday, August 9, 2008, at 8:00 AM, as a Training Session on Government Finances.

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

### **8:00 AM - SPECIAL CITY COUNCIL MEETING:**


Ordinance/Elk Ridge City to Convene and Conduct Electronic Meetings

Adjournment

Handicap Access, Upon Request. (48 Hours Notice)


All interested persons are invited to attend this meeting.

Dated this 5<sup>th</sup> day of August, 2008.

  
City Recorder

## CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge City, 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 August 5, 2008.

  
City Recorder





## AMENDED NOTICE & AGENDA

Notice is hereby given that the Elk Ridge City Council will hold Two Public Hearings on Tuesday, August 12, 2008; for the purpose of hearing public comment on the following: the first Public Hearing, at 6:00 PM, is to consider the 2008 Tax Rate for Elk Ridge City. The second Public Hearing, at 6:30 PM, is on the Proposed Budget for the 2008/2009 Fiscal Year for the Operation of Elk Ridge City.

These Public Hearings will be held in conjunction with the Regularly Scheduled City Council Meeting, to begin at 7:00 PM. Both the Public Hearings and the vote on the 2008 Tax Rate & the 2008/2009 Budget, included in the Regular Session of the City Council Meeting, will be Electronic; the connection will be with a speaker phone.

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

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

**6:00 PM - 1. PUBLIC HEARING/2008 TAX RATE**

Public Hearing/Consideration of the 2008 Tax Rate

**6:30 PM 2. PUBLIC HEARING/2008/2009 FISCAL YEAR BUDGET**

Public Hearing/To consider the adoption of the 2008/2009 Fiscal Year Budget for the Operation of Elk Ridge City

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

Opening Remarks and Pledge of Allegiance

Approval/Agenda Time Frame

7:00 3. Approvals:

A. Tax Rate for 2008 Tax Year for Elk Ridge City

B. 2008/2009 Fiscal Year Budget for the Operation of Elk Ridge City

7:10 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

7:25 4. Ordinance/Boundary Line Adjustment (Payson City & Elk Ridge City)

7:30 5. Water Pressure Issues

7:45 6. 2007/2008 Government Audit – Approval of Engagement Letter (Jones Simkins CPA's)

7:50 7. SUVMWA Water Rights – City Purchase – Mayor Dunn

8:00 8. Ordinance/Elected and Employee Compensation for 2008/2009 Fiscal Year

8:15 9. 911 Resolution/Ratify Polled Vote & Update – Mayor Dunn

8:30 10. Expenditures:

A. General

8:35 11. Minutes

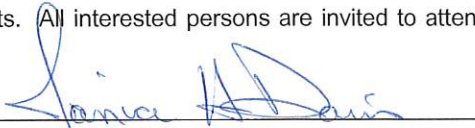
Adjournment


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

The times that appear on this Agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 11<sup>th</sup> day of August, 2008.



CERTIFICATION

  
City Recorder

  
City Recorder

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 August 8, 2008; and an Amended Agenda on 8-11-08.





ELK RIDGE  
CITY COUNCIL MEETING  
August 12, 2008

TIME & PLACE  
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, August 12, 2008, at 7:00 PM; this was preceded by two Public Hearings: The first Public Hearing, at 6:00 PM, was to consider the Proposed Tax rate for the 2008 Tax Year; the second Public Hearing, scheduled for 6:30 PM, was on the Proposed adoption of the Budget for the 2008/2009 Fiscal Year for the operation of Elk Ridge City. The Public Hearings and the portion of the City Council Meeting associated with the Public Hearings were conducted on an "Electronic Basis", as permitted by 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 these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on August 8, 2008; & an Amended Agenda on 8-11-08.

6:35 PM -

**TRUTH IN TAXATION PUBLIC HEARING -2008 TAX RATE**

Public Hearing/To Consider the Tax Rate for the 2008 Tax Year  
At 6:00 PM, Mayor Dunn opened the Public Hearing.

ROLL

*Mayor:* Dennis A. Dunn; *City Council:* Derrek Johnson, Julie Haskell, Sean Roylance & Raymond Brown, Nelson Abbott; *Public:* Doug Lindsay, Don Hopkins, Tom & Joan Chynoweth, Doretta Van Parys, Sherrie Dalton, Russell Sly, Gary Frankovich, Don Duncun, Bruce Lindow, Marc Rugg, Gary Prestwich, Tony Searle, Paul Cazier, Shelly Neria, Jared Roberts, Jesse Norton, Gary Smith, Weston Youd, Terry Gunn, Todd Phillips, Lele Neria, Ken Christensen, Kara Cook, Stewart Jolley, Michael Richardson, Judy & Denzil Dickson, Jamie Towse and Chad & Suzanne Perry; and the *City Recorder:* Janice H. Davis

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

Mayor Dunn: (Read a letter from Dallas John, dated 8-12-08)

Mr. John submitted a cartoon; but he also respectfully expressed his concern over raising taxes for people on "fixed" incomes, as he is.

*(The Mayor referred to the memo from the City Recorder to the Council)*

"2008 Tax Rate: The certified Tax Rate for 2008 came in this past week; this is the first time the rate is a bit higher than the previous tax year. 2007- .001655 and 2008 - .001768

When multiplied against the "Sum of valuations adjusted by collection rate" (\$132,601,084.00), the current suggested rate (.001768) would yield \$234,439 in property tax for 2008/2009.

2007/2008: \$211,516.00 was budgeted (a difference of nearly \$23,000)

So, if the City simply accepts the suggested certified tax rate, we would have about 23,000 more than current year.

Options:

1. To make up about \$100,000 of the projected \$121,829 deficit for 2008/2009, a tax rate of .002345 would have to be adopted...that would yield \$310,950 in property tax.

- Current house count 559 (round to 560) This is not exact due to varied house valuations, but an average...Suggested tax rate =  $\$234,439 \div 560 = 418.64$  (419)  
.....002345 =  $310,950 \div 560 = 555$  (difference of \$136 for one year)
- This could be for one year and then, next year, go back to the suggested rate + cost of living adjustment of perhaps 3.5% (or whatever it is) to keep abreast of the rising costs.
- Another option would be to go to a tax rate somewhere in the middle of all that...ex: .001830 would yield about \$242,660 in property tax (31,144 higher than current year)

Problem: we still have a sizeable deficit in the General Fund to make up with previous years' fund balance...fund balance that was to assist in building the Public Works portion of the City Center.

This discussion should take these plans into consideration."

The Mayor explained the electronic connection to Councilmember Roylance for the Public Hearings and the Budget Portion of the Regular Session.

(Councilmember Roylance was connected by telephone to the Council Meeting and Public Hearings.)

Mayor Dunn contacted the County Auditor's office to ask him some questions about tax rates and how they are arrived at; he had some questions:

- Where does the suggested tax rate come from? What was it derived from?

The County sends us a worksheet with the suggested tax rate and associated parameters...where do those figures come from? The figures change every year.

*Answer:* There is a formula where you take the assessed values of the properties... \$147,702,023(for Elk Ridge City...the County collects 9.36% of that amount; about 10% that is uncollected; either due to arbitration or some other reason)...divided into last year's budget revenue = suggested tax rate (.001768)  
Over the past five years Elk Ridge has been able to collect on about 90% (or about \$132,000,000) of the assessed values; over 77% of property taxes go to Nebo School District. Alpine School District collects 69% of their property taxes. Why the difference in percentages?

*Answer:* The way the bonding takes place: Alpine...conventional 30-year Bonds; Nebo School District: 20-year bonds, due to the savings in interest by decreasing the number of years on the bond.

Only 10% of the over-all property tax comes to Elk Ridge; and that 10% is about 25% of the City's General Fund Budget for revenue.

The Mayor compared the tax rate from last year (.001655) to current suggested rate (.001768)...after reviewing the City's needs, the Council decided to propose .002345.

Mr. McConnell gave Mayor Dunn some comparisons, based on the sizes and types of communities within the County: Elk Ridge is unique in population and type ("bedroom"...Woodland Hills is similar, but with smaller population by about ½. Woodland Hills' tax rate last year was at .002850, with a suggested rate of .002823; they are proposing .003600. The Mayor wanted to know what was driving their tax rate increase proposal...he responded that it was driven mostly by road conditions.

It is a disadvantage not having a commercial tax base to rely on for tax subsidies; if Elk Ridge had commercial tax base, the private property tax rate would go down.

The Mayor also went onto the County web site to get some past tax rates for Elk Ridge:

1999 - .002097; 2000 - .002130; 2001 - .002130; 2002 - .002190; 2003 - .002304; 2004 - .002209; 2005 - .002209; 2006 - .002156; 2007 - .001655; & current suggested rate - .001768 (The fluctuation of the economy is evident).

When the suggested tax rate comes to us, there is a range that allows some flexibility in what the cities may assess their citizens: the top end of the range extends to .007000.

(The Mayor distributed copies of the comparisons of tax rates in various communities throughout Utah County...he also directed those present to the County web site and told them the address:

utahcountyonline.gov – Depts. – Treasurer – tax rates)

Things affecting the rates:

- How much real growth has occurred
- Demographics of the Community
- Economy (It jumped significantly and then last year it went down a great deal)

He hopes this helps those present to understand where these figures come from and what the Council considers when weighing the issues and trying to balance the budget.

The proposed rate would generate \$310,950 (There would still be a short-fall of \$11,221 in the General Fund.

Comments:

Bruce Lindow: If every city is different, is every household in the city the same?

Raymond Brown: The multiplier is the same, but the valuations vary.

(Though Mayor Dunn requested that each of the public that wanted to address the Council or speak, to come up and state his/her name clearly so the Council, particularly Councilmember Roylance connected by phone, the public generally did not follow this direction and tended to speak out of turn randomly. Many time the names of those speaking was unknown to the City Recorder.)

Paul Cazier: Asked for a comparison of the values of the properties.

2007 – Sum of Valuations = \$137,438,435 & Adjusted Sum = \$127,804,000

2008 – Sum of Valuations = \$146,747,548 & Adj. Sum = \$132,601,084

Tony Searle: What has caused the deficit in the budget?

Raymond Brown: Some of the causes:

- Engineering rates have increased
- Police Protection has increased 3.5% COLA for employees (Due to fewer hours for the new Planning Commission Asst., the overall total has decreased from last year by about \$2,000).
- New equipment: Truck/snowplow (other plows are over 10 years old...one is not in great shape) (Snowplow cost: \$141,000) The City paid \$50,000 down payment on the truck, on a 5-year payment plan.
- Unknown expenses: Fuel and oil increases...this caused a marked increase in the use of vehicles; added to a severe winter...with much more road salt used for plowing.
- Councilmember Brown discussed the installation of some sumps to mitigate some run-off problems (though thus is not indicative of the deficit in the General Fund).

City Recorder: The problem does not come with only added expenses; decreased revenue also adds to the deficit: Less building results in less revenue from building permits and associated fees; development slowing down due to the economy results in fewer subdivision fees being charged and inspection fees collected; no annexation fees on proposed annexations.

Gary Frankovich: The 38% increase needs clarity.

Mayor Dunn: That isn't correct; he clarified with some additional figures:

2007: Tax rate was .001655 with \$211,516 in property tax...so even though the overall valuation is a large number, the City is receiving a small part of that. At the suggested tax rate of .001768, the City would receive \$234,439 & the proposed rate of .002345, the City would receive \$310,950.

Again, this is only about 10% of the overall assessment, with 77% going to the School District.

Westin Youd: so that is a 30% increase on the City tax.

Russell Sly: What would the typical increase for an average home be?

Mayor Dunn: He felt that Mr. Frankovich's (& Mr. Youd's) estimate of around a 30% increase is correct. Out of the 570 homes in Elk Ridge, according to the advertisement in the paper, said on a home valued at \$250,000, there would be an average increase of around \$79 per year.

Raymond Brown: He continued that the Council has a "fiduciary" responsibility to manage and balance the budget; as an example, he mentioned how he has cut the road repair budget considerably...are there roads that should be repaired that won't this year? Yes, but he had taken the spending down to the least he can do. The Council must be frugal and look for the best deal possible; the Council reviews the expenditures and must be careful in what is spent. The purchase of the truck/snowplow was done just prior to a 7% increase; so we got a better deal on this purchase. He does feel the Council is trying to be responsible in their spending...most of the equipment and vehicles are second hand and they are trying to make the best of this. He agreed that perhaps .002345 is too high, but .001768 is too low; perhaps the tax rate should be somewhere in the middle. The Fire Engines we have are not good for snow travel and we need to get another engine.

City Recorder: The Fire Dept has cut their budget down considerably for 2008/2009, in an effort to bring expenditures down. The City's Finance Director held a Finance seminar for the City Council not long ago, and in that seminar made the point that a city is in the "business of providing services"; the level of services provided is determined by the level of revenue sources available to the City. We want roads plowed, but the fact is that, though we have a new plow, one of the other plows is old and may not last long...we could be facing the purchase of another, unless we want the level of services to go down.

The Recorder said that though she is also a citizen who pays taxes; but she is aware of the budget...she cautioned that if the General Fund continues to be balanced through Fund Balance, there would be no emergency fund left to draw upon. All we would need would be one major emergency in the City, where emergency funds would be needed to draw upon...and the money would not be there.

Thomas Chynoweth: Why can't each household be taxed the same? You could take the entire amount and divide it by the number of houses in the City and everyone pay the same.

Mayor Dunn: Each home is assessed differently, based on the value of the home. Mr. Chynoweth is asking why we can't take each of the existing homes and charge each house approximately \$136 so that everyone pays the same. The problem is he is not sure how this would be placed on a bill and figure out how to work with the County, since they are the billing and collection agency. Would this be as a "special service district"? (Explanation of "special service district")

There is a difference in the rates every year; with the proposed rate of .002345, they are within the range of where the rates were a couple of years ago. The rate went down due to values increasing so much; now they are going up slightly due to values decreasing.

Stewart Jolley: The tax rate is set each year to maintain a status quo as far as the amount of money going to the cities in property tax. If the City Council proposes a tax increase, a public hearing is required.

He addressed his next comments to the Council: The citizens are being asked to "swallow" a great deal right now...as a Community and as a Nation: there has been a recent raise in sewer rates...there should not be anything in the budget that is not absolutely necessary or deferred until next year...to give the residents a chance to recover in the next year or so. The public cannot argue about the City's needs; that should be taken care of in the budget meetings. The Council should be "inventive".

Raymond Brown: He agrees; and the Council has spent many hours trying to cut expenditures where possible.

Mayor Dunn: (Sewer Rates) 22 years ago the sewer rates were set at \$20.50; it has stayed at that rate for 21 years. Several years ago the expenditures were exceeding what was being collected, but there was no rate increase. Last year, the rate was increased slightly (\$24) to cover fees going to Payson for operations and maintenance; knowing that the Council would review the rates again after a year on the Payson System. The rate was re-visited and found to be inadequate. It was raised from \$24 to \$36/household to catch-up for all those years that the Sewer Enterprise Fund was ignored and lost money. An Enterprise Fund is supposed to be able to sustain itself and cover any emergency to come up.

Lele Neria: Is there a possibility of a tax cut next year if there is a re-surge in the economy? It seems like everything just goes up.

Mayor Dunn: Yes... (He reiterated the question for Councilmember Roylance.) The Truth in Taxation can go both ways.

Sean Roylance:

- The average amount of property tax per home is about \$175... (he used the difference between last years property tax amount and this year's projected amount and divided that by the number of homes)...this is not the median, which is probably a bit less...as an increase over last year...If the City were to move forward with the .002345 rate
- Regarding what has changed on the budget: He does not believe it was mentioned, but the City committed last year to a new bond that has been used to purchase the land for the future site of the City Center, near Elk Ridge Drive and Gooseneast Drive.

Mayor Dunn: (Repeated Councilmember Roylance's comments to the audience so they could be heard by all present.) The Mayor explained the City-owned property at the site referred to: The City owns four parcels of property at the corner of Elk Ridge Drive and Gooseneast Drive. Two of the pieces were contiguous with a small. The property owner of the portion where the house sits, approached the City with the proposal to purchase that property, which would connect all of the parcels for the City. Discussions with the previous Council had included the need for increased needs with the Fire Dept. in storing equipment and fire trucks; as well as the increased need to house the diesel fueled trucks for public works. The deal offered was pretty good at the time...\$900,000 for all of it. This sale included the house sitting on the property...though the City did not really want the house...it was included as a "gift"; it is now rented out, providing a source of revenue for the City. This provides additional park space in that area, which the City is in need of.

There is also the possibility of creating a couple of building lots in that area and selling them for additional revenue, to re-coupe some of the money. The Council also discussed the property owned by the City in Loafer Canyon and the opportunity to create a building lot and sell it; or selling the land to the two homes just east of the property...also bringing in revenue.

There were public meetings and public hearing associated with this bond and the purchase of the land; and none of the public showed up.

Sean Roylance (Continued): That bond is having an impact on the budget. Here are all of the positives mentioned by the Mayor, but those things have not taken place.

Mayor Dunn: He explained the bond further...in that it is a "Sales Tax Revenue Bond"...based on the sales tax distributed to the City. He also explained the Water Project and how it was funded, mostly through sale of water rights and impact fees, with little required in bonding (this did not have any direct bearing on the



General Fund, except that it further demonstrated how the Council is trying to come up with good ways to fund necessary projects).

Mayor Dunn also talked about water rates and that Elk Ridge does not have the highest rates around; for one, Woodland Hills has higher rates, as does Salem City. The Mayor did a cost comparison on these rates and explained this to those present, with and without pressurized irrigation.

Tony Searle: (Former City Councilmember) 34% increase is too much; there must be a way to cut expenses as much as possible. Keep the essentials and cut the non-essentials...cut parks, the City Celebration...whatever it takes.

Derrek Johnson: Councilmember Johnson asked what the bond payments are for the City property... (\$141,784 for 2008/2009 fiscal year...on a five-year bond; the City Recorder added that \$133,935 of that bond amount is coming through Administration Fees from the Water and Sewer Depts.)

Terry Gunn: He questioned if Elk Ridge receives any revenue from Payson for the use of our roads, particularly en-route to the Golf Course?

Raymond Brown: He has contacted the Mayor and City Attorney for Payson regarding this very idea...Councilmember Brown sent Payson City a bill for 1/3 of the asphalt work on Elk Ridge Drive; the response was that we use their roads with no charge...they did agree to "get together" to discuss some of these issues. Basically, the response has not been favorable.

(Mr. Gunn continued) Another question: Are there plans for commercial in the City or around the City?

Mayor Dunn: When he took office, he put together an economic committee that met every month for the first year. Their desire was to be able to double the City's tax base. The City does bring in a little from home businesses in the City...some illegal home businesses whose owners will not come in to get a business license)...they have been encouraged, but many refuse. The committee was looking at the types of businesses that could be moved from a house to a public location; professional types of businesses (dentists, doctors, lawyers, etc.). They were considering part of the property the City purchased as appropriate for some types of businesses. They also considered some joint businesses with some of the property owners at the north end of the golf course. The Mayor had Larry Brown (Mountainland Assoc. of Governments – Economic Development Committee) come to Elk Ridge to discuss some of these issues.

Unfortunately, on the City survey that went out from the City about a year ago, the majority of the residents are not in favor of commercial.

(Comment: Then people should not complain when taxes go up.)

Raymond Brown: Addressing park fees: There are certain fees that come (Impact Fees) that are restricted to new improvements in parks and trails...these must be used over a period of time or be lost. These costs are not "frivolous"...for instance, the playground equipment and ballpark improvements have been paid for through these Park Impact Fees, not taxes.

Mayor Dunn: There are impact fees for various areas: Water, Sewer, Park & Trails & Roads (though the City is not currently collecting road impact fees). (Explanation of impact fees and the laws governing their use)

The Mayor listed some of the improvements purchased with Park Impact Fees.

(Mr. Gunn continued) How will the proposed construction of the future City Center be funded?

Mayor Dunn: The rest of the bond (\$600,000) will get us started...perhaps with the Public Works portion first.

Comment: (Unknown) People can get upset when things are passed "like that" (not sure what he referred to). Property Taxes can increase too much...but it needs to be reasonable and not over-done.

Gary Prestwich: (Former City Councilmember over Roads) Councilmember Brown has had complaints about chip and seal on the roads. He reviewed the reasons why he chose to utilize the chip & seal method while he was in office: Paving is more expensive and not as much of the roads can be done in a year. The City belongs to a 15-city consortium (Councilmember Brown added that it has not been active the last couple of years) that has done chip & seal as a group. According to the UDOT Design Manual, a road will last longer with chip & seal...say 40 years, if it is chip & sealed every 3-5 years (side roads, not main roads). Paving is nice if there is enough money to do that; but it sounds like there isn't that kind of money. Chip & seal is a cheaper way to go.

Raymond Brown: Anytime chip & seal is placed on a non-through street or a cul-de-sac, it is a disaster.

(Mr. Prestwich continued) He did not agree; he had an inspector from a State Agency come to town and check out the condition of the roads, and they gave the City high marks for using chip & seal and for the condition of our roads.

Another issue: It was mentioned that Alpine School District was at a lower rate...what is happening is that one of them is "cheaper" if you have lived in the city for 30 years...there is the opportunity to "pay up front" and then they are done...the problem is that most people move before that time. If someone is in an area that has a higher rate and you move, then you pay for someone else. He does not feel bonding is "that bad".

(Was he referring to water rates or tax rates?)

Mayor Dunn: We don't disagree with chip & seal in some places and under the correct conditions. When he first took office, all of the chip & seal (except Goosenest Drive) failed...it all failed. The tar stayed on, the chips did not; and it ended up in people's lawns and in the gutters and sumps. The engineer informed them that the loads of chips had dust on them. One of the actions resulting from that occurrence is that the parking lot east of the City Hall was paved so that any future loads of chips could be cleaned prior to using.

The City has been rather hesitant to use chip & seal because of the problems caused.

Councilmember Brown has been to Roads Schools and has gotten good information and as a result, other options have been tried out to maintain our roads: overlays, slurry seal & crack-seal. When we do use chip & seal, it will be on the well-traveled streets where it can be worked in; not on side roads and cul-de-sacs.

Todd (Phillips?): We are talking of about \$100,000 increase in Property Taxes for the City; it is his understanding that this increase would sustain the basic services. He would prefer to see "restricted monies" left where they belong..."it looks good...but..."

In that approximately \$100,000 proposed increase, are we expanding any of the services; are we repeating services...we talked of saving for a new fire truck...what happens to that extra property tax money?

City Recorder: (She asked if she should address this question...Mayor Dunn responded that she should.)

There really will not be added services...Police Services are increasing their contract amount, but there will be no increase in patrol time; Snowplowing services will increase because of the purchase of an additional plow. This Council is carrying out what the previous Council voted to do regarding the purchase of City property. The resolution accompanying the bond was approved (with the associated public hearings) and now the bond payments have to be met...it was a good decision considering the economy at the time. The Council had the advice of professionals (Finance Director and Auditors) and they made an informed decision.

The Recorder explained that this deficit in the current budget did not occur due to one year's expenses; it started in 1999 with certain road projects that overshot the budget (Loafer Canyon Road/Sewer line extension & Fremont Way with the driveway tie-ins required). There has been slight progress in gaining on the deficit; however, overall...the City has not recovered from that short-fall in the General Fund.

There have been attempts to raise property taxes in increment amounts through a couple of Truth in Taxation Hearings; but those were voted down. It is somewhat like the sewer rates; the problem did not happen all at once, it took time to build into the absolute need to raise rates. The Council is considering if we will continue to add to the problem and cutting into the General Fund's fund balance to make up the difference; or attempt to correct this by raising taxes. This reserve (fund balance) is for emergencies and needs to be preserved as much as possible. There may be a chance to gain a bit through an increase in Sales Tax, but that is difficult to gauge and the "worst case scenario" must be considered.

Todd Phillips: That helps to a degree; but unfortunately the accounting and reporting for city government is very complex; there are a number of different funds...there has been a fair amount of discussion about things that are not related to this proposed property tax increase...he was trying to ferret those things out and discover what is different this year.

Mayor Dunn: In a short sentence, "we are paying for the sins of our fathers". He is not saying the other Councils did a "bad job"; they did listen to people in the public hearings and the decisions were made not to go with proposed tax increases along the way; now we are at a point where we have a cumulative effect of many years that we are trying to fix.

Derrek Johnson: If we have been in a deficit situation since 1999, why did we purchase \$900,000 worth of property?

Mayor Dunn: He said that he thought he had explained that earlier...part of the previous Council's decision was to consider the future and what we will do to accommodate growth, which was happening at a phenomenal pace...services would also increase: fire trucks are needed, additional equipment...where would they be housed? Our EMT's are seeking to be able to transport people...there is no place to park an ambulance. A more central location for service and emergency vehicles would better serve the community. There has been requests from the citizenry for additional park space (we are very shy of the required park space per capita) and it is planned for by the Planning Commission. What do we do?

One of the key purposes of the purchase of the land was to acquire additional park space as well as having a resource in property and to turn the current City Hall into a Fire Station. The Council was focused on future needs and how to provide for those.

Alvin Harward: (Former City Council) The advisors at the time were counseling that the City could purchase the land now at \$900,000, or in five years for \$1.8 million...no one had a crystal ball. At the time it was a good decision... (would the land or any land still be available in a few years?)

Derrek Johnson: It does not set well that the property nearly doubled in about a year's time.

Alvin Harward: That is what was happening to all the property around.

Mayor Dunn: The property across from the City Hall was selling for \$60,000/lot and they went to \$120,000/lot...the same with Mike Dubois' lots: they doubled in price in just four months. This has changed.

Alvin Harward: We should not increase taxes if we don't have to; but we elected the Council and the people's trust is placed in them to make the decisions that are best for the Community; he does not feel the Council will bog us down with needless taxes.

Westin Youd: (Seeking clarity) The only new requirements in the General Fund this coming year: (1) Bond payment (2) Saving for a Fire truck? Last year's obligation for the Bond was about \$35,000? And this year's is \$141,000...there is the \$100,000 right there.

The obligation for the fire truck (was corrected that it is a snowplow) is about \$20,000 in a lease payment. This would identify most of the forecasted deficit.

- Question: Are all the meetings involved with the decisions made to propose to the County this tax rate contained in minutes and considered public record? He did not attend those meetings.
- How did the Council determine the figures for the proposed tax rate? Could they have a roll call to see how the Council voted on the proposed rate?

Mayor Dunn: Those minutes are public; they have been approved and should be posted on the City web site. He believes that suggested rate was a unanimous vote (corrected by Councilmember Abbott, who was absent from that vote since he was out of town for that meeting).

Sean Roylance: (On the phone) He recalled that they wanted to make the public aware of the situation and what the City needed to make up the deficit; knowing the proposal would go to public hearing and the Council would hear the public response at that time.

Westin Youd: So the Council proposed a worst case scenario to "get our attention"?

Sean Roylance: In his opinion, he wanted to present the top end of the proposed range; he certainly did not want to put out a smaller rate and then end up increasing it from there...he is not sure he is in favor of raising the rate past the suggested rate...the proposed rate was to leave the options open.

Mayor Dunn: To further answer Mr. Youd's question: no it was not to "catch your attention"; they actually followed recommendation from our Financial Director. (Explanation of who the City's Financial Director is) Curtis Roberts used to head up the Audit team for our annual audit....he worked for the Auditing firm. A year or so ago he left that firm to work for the Bus Transport District. He had time to offer to a few of the cities he used to audit, to contract with them as their finance director. Elk Ridge hired him on a quarterly basis. He counseled us to look at the General Fund and try to find the balance that has not been found in the last several years. You could say that a new truck and the purchase of the land created a deficit; but that view does not address the fact that there has been a problem since 1999.

A Truth in Taxation Hearing is supposed to be exactly what we are doing here: talking and discussing your concerns. This would be much easier if people would come to the public hearings when they are advertised. The public hearing for the sewer rate increase... one person showed up for the public hearing to raise sewer rates by 50%.

Sean Roylance: Added that the proposed rate certainly was not meant as a "scare tactic"; but people had to be informed that there was a possibility of raising taxes and by how much.

Westin Youd: From the voting record, it does state that the majority of the Council did want the .002345 rate. If elected officials propose one thing and hope for another, that is a concern.

Sean Roylance: "If you read through the minutes carefully, assuming they were documented and reviewed correctly, you will find that I (& I wasn't alone in this) that specifically we were not sure that we were in favor of raising it above the '17 figure' at all." We had a lot of questions at the time, not the least of those was what the public response would be. The intent was to leave our options open at the time.

Mayor Dunn: When a suggested tax rate is set, the County has to have something. The Council was comfortable enough with the proposed rate to submit it to the County...we had to do that because when you advertise for it, there must be a figure to work with. The advertisement runs twice and is a ¼ page ad, with very specific restrictions...so that it is well-advertised. The proposed rate does not "set it in stone"; it means...here is a suggested rate; here is what it could generate...what do you think? That is being fair. What we are hoping is that we will see more of the public that have concerns. Public opinion and thought count in this process...it all counts. We have a budget we are responsible for; we really have not been "frivolous". There have been some really good conversations and a lot of dialog and concerns expressed to help this Community, not just now...but in the future. Hind sight is such a wonderful "looking glass"; and we are looking through that glass right now at an economy that is not very kind to anybody.

Marc Rugg: It is his understanding that the City owns property that the City owns: some of it that is tied to the bond and some of the property that the City could collect revenue off of. Is it possible to liquidate some of the property and to bring in revenue to assist in paying down the bond?

Mayor Dunn: Yes, the present and previous Council have discussed this: some of the property is in Loafer Canyon just west of Westin Youd and Jed Shuler...that could be either developed for sale to either the two neighboring property owners or to another party. If the Public Works Dept. were to be re-located, that would free-up more of the City-owned property in Loafer Canyon for sale. Some of the property on Goosenest Dr. could be divided off into more land to sell. The land purchased for the future City Center can also be used to add to the park area in the City; the house on the land was given to the City with the land and we are now leasing it out at \$1,200/month. It would cost about \$30,000 to move the house or we could allow the Fire Dept. to use it for training and burn it down.

Raymond Brown: He spoke to Jed Shuler and told him that he and Mr. Youd could have the right of first refusal to purchase the land west of him (Loafer Canyon).

Sherrie Dalton:

1. Saratoga Springs is proposing an increase in taxes of 200% (she is glad she doesn't live there).
2. She and her husband have only lived in Elk Ridge about 1 ½ yrs; in that time, their property value went up and our taxes went up; if that keeps happening, they cannot stay here.
3. It has taken about 10 years to get into this "mess"; we are trying to fix it in one? This is too much in one year.

Mayor Dunn: If we go with a tax rate somewhat lower than the proposed one, it would lessen the burden. Next year there would have to be a review of the previous year and there would likely be another Truth in Taxation Hearing.

Raymond Brown: He agrees that the problem could be addressed in stages rather than in one year...say in five years. Costs will continue to increase; so long term, a regular increase...like cost-of-living-adjustment (COLA) could be considered...at perhaps 3%. There is a difference when one is retired.

Todd Phillips: He is not "retired"; he does not have any opportunity to obtain any more money from his job than a retirement income would offer...he feel the same way everyone else does...everyone is struggling. Rather than discussing tax rates, he would rather understand where the need is coming from. The City has entered into a bond for 5 years; so we need that extra \$100,000 from some source to pay that bond off. Taxes are the most likely sources of revenue; but he would like to explore other sources.

(Unknown): We are talking about 10% of the overall tax assessment we all receive...77% goes to the School District...most of the assessment is going somewhere other than to the City; yet we complain to the City about the assessment.

Raymond Brown: (Taxes to the School District) He is expected to pay for equipment and facilities for school age children that will not benefit him in the least...within a 15 mile radius, he is expected to pay for five stadiums...this does not make any sense.



Mayor Dunn: He came to Elk Ridge in 1976 and he has seen a great deal of change and growth...he is also aware that build-out will be at about 1,500 homes...what we do now prepares us for that time in this Communities future. When he considers improvements like a City Center and a building dedicated to emergency services, he is thinking of the future...so we try to do things that are preparatory in nature, and at the same time, trying to afford it. It is a tough balance.

Gary Prestwich: There is one other thing that can be done about property taxes: When the assessment from the County comes we can appeal it; if declined, a professional appraiser can be hired for a realistic appraisal...the County has to accept that. He has done this and though it does cost a bit to hire the appraiser, that appraisal will be the basis for future assessments, so the cost is made up.

Mayor Dunn: Warned that building permit to finish off a basement will be sent in to the County and that will raise your taxes.

Don Hopkins: How will the City pay for a City Center if we can't afford what we have now?

Mayor Dunn: Planning does not cost anything. The Mayor spoke of ways to be able to have this as a Community Project...through donated labor and talents. He spoke to Mapleton City's Mayor (now retired due to ill health); and he shared how they accomplished building a new City Center that houses their police station, library, Council chambers, room for growth:

- Bonding for some of it
- Fund raising
- Donations (time, talents, money, etc.)

Mayor Dunn would love to see Elk Ridge produce something where we, as a Community, bond together and volunteer time, professional labor, other labor, donations...and we create a City Center that we all have "sweat ownership" in. We have to be creative and it would include input from all the citizens...one citizen suggested an auction...we could auction off many valuable items. The people must get involved and come together. We have one of the greatest Communities in the County...with much to offer.

City Recorder: Suggestion: from the tone of the meeting thus far, it seemed like the citizens and the Council are leaning toward a lesser tax rate; a couple of lower rates were suggested:

- .002000 would yield \$265,202 in Property Tax (\$59,877 difference from what was collected in 2007)
- .001900 would yield \$251,942 (\$46,617 difference)

Take a polled vote of the citizens present and see what the reaction was.

1. Lesser Property Tax
2. Evaluate the Sales Tax this coming year
3. Develop City-owned property for sale to assist in the bond payments (if the property sells)
4. Review position next year

Perhaps we could have gotten the property for less; but the seller had another buyer willing to pay more and the economy was different then (there is a limit on land available for this kind of project).

(Mayor Dunn added that there is still money left from that bond still in the bank...and it must be used within a 3 year period of time. The money could use that money to purchase or develop land for parks. The City Center itself could be rented out for receptions and other like gatherings.)

Sean Roylance: (Summary of Options)

- Pay for property by raising taxes
- Slow down by raising taxes by ½ (also depletes savings in General Fund)
- Bond money still in Bank (\$600,000) toward loan & reduce the City's commitment
- Sell the land (No one has mentioned this and may not be popular)  
Land values have dropped significantly and City could take a loss and still have bond
- The Water Dept. is in a strong financial position and we could take money from the Water Fund and use it in the General Fund.

He is concerned that once property taxes are raised, that they won't go back down. He hesitant to raise taxes when there is money in this other Fund. We could lower water rates.

The Water Fund will have to be in a strong position to bond in the future, but there will be more homes to pay for future needs.

Alvin Harward: You cannot take Water Funds top pay for land for purchased through the General Fund; the funds have to be used in the Water Dept. for needs within that particular Fund. He was in favor of a polled vote from the public.

Sean Roylance: He disagreed with Mr. Harward; according to the Finance Director, Logan City moved money from one area to another.

Todd Phillips: The General Fund can go into other Funds; but the Proprietary Funds must keep the money within that Fund.

Sean Roylance: (Water Fund) There are two ways to move the money from one Fund to another:

- Annual Transfer (Involved with Public Hearings in the budget process)
- Another suggestion would be to reduce water rates to put money back in the pockets of the citizens to better be able to pay increased taxes.

(The City Recorder responded that the City does do an annual transfer from the Water Fund to the General Fund...in the form of the "Administrative Fee", which is a contracted amount based on actual percentages of time spent administering the Water Dept. In 2008/2009, it is budgeted to transfer just under \$100,000.)

Unknown: (Michael Richardson?) He is in favor of reducing water rates...people would be more willing to pay more in taxes.

Stewart Jolley: Asked why 1.5 million was borrowed and he feels the extra money should to pay the City's bills.

(Response: The money is to either be used to start on the City Center itself (Public Works portion) or on the development of a park. It is restricted money.)

Mr. Jolley went on to say that park money has to be used on park expenses.

(Response: Park Impact Fees cannot be used to purchase land when we are behind in the park to population ratio.)

Jamie Towse: The people trust the Council to be wise with their money. It should not be invested in improvements we have no money for and is not necessary...like a Park Celebration.

Mayor Dunn: If you are referring to impact fees, they are very restrictive.

Raymond Brown: He took this time to point out some of the positive accomplishments that have occurred:

- Alvin Harward (then on the Council) sold shares of water rights that raised about 1.2 million dollars
- Administrative fees are charged on top of the sale of water rights
- We have reduced the benefits for employees to save about \$32,000
- No pay raises for employees this fiscal year
- We have not upgraded our list of roads to UDOT; this is the basis for getting money (B&C Road Funds)
- Elk Ridge had the chance to purchase Hole #7 from Payson; and they wanted too much; so we declined...we offered an amount and they turned it down; so we did not purchase the land.
- Alvin Harward, while on the Council, found 300 acre feet of water rights to purchase and sell to developers...we made a profit on this
- The City was able to pay off the many water bonds we had and get out from under the interest

This is being responsible with public money. Past Councils have considered raising property taxes, but did not; there comes a time when you have tightened your belt all you can and something needs to be done. Has everything been done perfectly? No, no one has...but look at Saratoga Springs with 242% increase in taxes.

In the City survey, it was indicated that most citizens want increased police protection; how will this happen? The public needs to hear the good things; not just the bad rumors.

Mrs. Towse: She agreed that these things should be made more public.

Gary Prestwich: Lower water rates and leave the tax rate at the proposed amount.

Nelson Abbott: He would be more comfortable breaking up the resolution to the problem in the General Fund (over time). If we go with .001768, this would result in an additional \$23,000+ in the General Fund. If we add to this, we are generating about \$13,000 in revenue from the rental. Sales Tax will generate some additional revenue this year. He is more comfortable going with a lower rate.

Stewart Jolley: The Council knows the budget; get everything out of it that does not need to be there...then look at the budget...no extras.

Nelson Abbott: There are no extras at this point.

Raymond Brown: One of the Council assignments in considering this budget was to take the Tentative Budget and cut everything possible...and that was done..."all the fat was gone".

Unknown (Question) What is the down side (penalty) of not making up the deficit in one year...but taking it over time?

City Recorder: We cut into the savings in the Fund Balance and that leaves the City in a dangerous position with any emergency that could occur.

Raymond Brown: We never know if a major need will come up; taking it in smaller bites is good, unless an emergency comes up. He feels the deficit should be made up in perhaps three years. The future market could make it possible to sell some of the City owned property.

Marc Rugg: If we had an opportunity to sell some of our land; and use the \$600,000 to go back toward the bond...then we could use the money from the sale of the property to start on the City Center.

Mayor Dunn: He feels that the Water Fund needs to keep its money and not mix it into the General Fund. The City has "good marks" right now (with the State and lending agencies) because we have been doing the right thing with the money in the Water Fund over the history of the City. Loans must be paid back.

Sean Roylance: He still maintains that money can be transferred from the Water Fund or lower water rates. He feels that saving money in the Water Fund for future needs is not necessarily the course to take.

Mayor Dunn: Our water rates are tied into Water Revenue Bonds...these bonds cannot be jeopardized. We would not want to lower them and then raise them again. We are at a 6% return on our investment...when we are at 8% to 10%, then we look at lowering rates.

Sean Roylance: That is according to our accountant; if we want to save up money for replacement of the old system rather than bonding for the cost.

Raymond Brown: It is "pay me now or pay me later"...but if you pay later, you pay interest.

Sean Roylance: But, later also means more people to draw from.

Raymond Brown: He agrees with the idea of increasing slowly.

Gary Prestwich: When the water rates were increased, the Council at the time said it was temporary; they have not been lowered.

Unknown: (The 1<sup>st</sup> part of his comment could not be heard on the recording) He did say that he does not need More park space...he can go to Payson.

Mayor Dunn: Reminded those present that that was one of the strongest requests on the City survey...to have more parks. There is a formula based on population and we are about 6 acres behind that ratio.

The City Hall is currently inadequate...we are being pushed right out of the capacity to house the vehicles that service the Community.

The other reason for the purchase of the land on Goosenest was that it connected the other land purchased for a public works building. Rather than having a piece here and there; it is now one piece.

Raymond Brown: The City Web site has the survey on it... "more parks" was one of the higher requests.  
Unknown: It sounds like the Council does not agree with some of the decisions of the past; it would be wise to proceed with caution rather than "panic"... haste has caused problems in the past.  
If there are a lot of people requesting parks... why not make it more of a "Community" effort? Have a fund (bank account) where citizens wanting the parks can donate to the fund... or donate to a City Center Fund.  
Mayor Dunn: He thanked everyone for their attendance and participation; but he did close the Public Hearing.  
He did conduct a polled vote:

- .001768 – (5)
- .001900 – (14)
- .002345 – (0)

The Public Hearing closed at 8:50 PM

8:50 PM -

**PUBLIC HEARING – 2008/2009 FISCAL YEAR BUDGET**

ROLL  
*Mayor:* Dennis A. Dunn; *City Council:* Derrek Johnson, Julie Haskell, Sean Roylance & Raymond Brown, Nelson Abbott; *Public:* Doug Lindsay, Don Hopkins, Tom & Joan Chynoweth, Doretta Van Parys, Sherrie Dalton, Russell Sly, Gary Frankovich, Don Duncun, Bruce Lindow, Marc Rugg, Gary Prestwich, Tony Searle, Paul Cazier, Shelly Neria, Jared Roberts, Jesse Norton, Gary Smith, Weston Youd, Terry Gunn, Todd Phillips, Lele Neria, Ken Christensen, Kara Cook, Stewart Jolley, Michael Richardson, Judy & Denzil Dickson, Jamie Towse and Chad & Suzanne Perry; and the *City Recorder:* Janice H. Davis

At 8:50 PM, Mayor Dunn opened the Public Hearing regarding the proposed adoption of the 2008/2009 Fiscal Year Budget for the operation of Elk Ridge City.

The subject matter of the major budget issues were discussed in conjunction with the Truth in Taxation Hearing. Property Tax will be affected by the tax rate decided upon in the regular session.  
There were no further comments.

The Mayor closed the Public Hearing at 8:51 PM.

**ELK RIDGE  
CITY COUNCIL MEETING  
August 12, 2008**

TIME & PLACE  
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, August 12, 2008, at 7:00 PM;** this was preceded by two Public Hearings: The **first Public Hearing, at 6:00 PM,** was to consider the Proposed Tax rate for the 2008 Tax Year; the **second Public Hearing, scheduled for 6:30 PM,** was on the Proposed adoption of the Budget for the 2008/2009 Fiscal Year for the operation of Elk Ridge City. The Public Hearings and the portion of the City Council Meeting associated with the Public Hearings were conducted on an "Electronic Basis", as permitted by  
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 these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on August 8, 2008; & an Amended Agenda on 8-11-08.

ROLL  
*Mayor:* Dennis A. Dunn; *City Council:* Derrek Johnson, Julie Haskell, Sean Roylance (Still present electronically) & Raymond Brown, Nelson Abbott; *Public:* Doug Lindsay, Don Hopkins, Tom & Joan Chynoweth, Doretta Van Parys, Sherrie Dalton, Russell Sly, Gary Frankovich, Don Duncun, Bruce Lindow, Marc Rugg, Gary Prestwich, Tony Searle, Paul Cazier, Shelly Neria, Jared Roberts, Jesse Norton, Gary Smith, Weston Youd, Terry Gunn, Todd Phillips, Lele Neria, Ken Christensen, Kara Cook, Stewart Jolley, Michael Richardson, Judy & Denzil Dickson, Jamie Towse and Chad & Suzanne Perry; and the *City Recorder:* Janice H. Davis

8:54 PM -

**CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS**

REMARKS  
& PLEDGE OF  
ALLEGIANCE

An Invocation was offered by Gary Prestwich and Mayor Dunn 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 JULIE HASKELL TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 8:55 PM  
VOTE: YES (5) NO (0)**

## APPROVALS

2008 TAX RATE

Mayor Dunn: According to the poll taken during the Truth in Taxation Hearing, the motion would be to adopt a tax rate of .001900

Nelson Abbott: He said he would like to make what he referred to as a “counter motion” first:

**MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY SEAN ROYLANCE TO ADOPT THE SUGGESTED TAX RATE OF .001768 AS THE 2008 TAX RATE FOR ELK RIDGE CITY**

Discussion:

Councilmember Roylance asked that Councilmembers Haskell and Johnson share their thoughts on the various options discussed...

Derrek Johnson: He feels that selling the City property is not feasible in the current economy and he does not want to count on that option.

Julie Haskell: She agreed with Councilmember Johnson; she feels this is a bad time to try to sell land, but she also feels it is a bad time to invest more money into a City project.

Sean Roylance: He asked for further thoughts regarding water rates being tied to the level of the tax rate.

Derrek Johnson: He felt that the Council should consider water rates and discuss them further before making any decisions.

Julie Haskell: The subject of “water rates” is not on the agenda and she felt it inappropriate to further discuss them at that point.

Sean Roylance: He was referring to water rates simply in reference to the level of tax rate...as discussed, if water rates were lower, perhaps the property tax rate could be higher and be more affordable.

**VOTE (POLL): DERREK JOHNSON-AYE, NELSON ABBOTT-AYE, JULIE HASKELL-AYE, SEAN ROYLANCE-AYE (4) RAYMOND BROWN-NAY (1)**

*Passed 4-1*

Mayor Dunn: Water Rates will be discussed at another Council meeting and the public will be made aware of those discussions and any decisions made.

2008/2009 FISCAL YEAR BUDGET

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY DERREK JOHNSON TO APPROVE THE PROPOSED 2008/2009 FISCAL YEAR BUDGET; WITH THE APPROPRIATE CHANGE IN THE PROPERTY TAX REVENUE GENERATED BY THE ADOPTED TAX RATE OF .001768**

**VOTE: YES (5)**

**NO (0)**

## PUBLIC FORUM

Eliminated due to the extensive time taken for the Tax Rate Public Hearing.

*\*(Councilmember Sean Roylance chose to not be included in the remainder of the City Council Meeting.)*

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BE DERREK JOHNSON TO MOVE AGENDA ITEM #5 (WATER PRESSURE) FORWARD TO BE DISCUSSED AT THIS TIME, SINCE THERE WERE MANY OF THE CITIZENS PRESENT TO ADDRESS THIS ISSUE**

**VOTE: YES (4)**

**NO (0)**

**ABSENT (1) SEAN ROYLANCE**

WATER PRESSURE  
ISSUES

*(Aqua Engineering letter, dated 8-11-2008, signed by Craig Neeley)*

This is quoting a portion of the letter from Aqua Engineering, dated 8-11-08, regarding a summary of the Water Project, included was an opinion and recommendation about the existing water pressure problem:

*"Once the location of Fairway Tank was set, the pressure zones that existed under the older system had to be changed to match it. This meant expanding the Hillside Tank Zone, which formerly terminated at Park Drive, to include Magellan and Hudson. When the system was put on line, most residents along Magellan experienced pressure increases in the order of 40 psi while residents on Oakridge experienced pressure decreases of approximately 30 psi. In all cases, Elk Ridge City's current distribution system meets or exceeds the capacity and delivery requirements of the Utah State Division of Drinking Water.*

*I did not expect any problems with residential water pressure because most residential pressure reducing valves are adjusted to maintain residential pressures at from 50 psi to 65 psi. I suspect most of the indoor water pressure problems are caused by faulty or improperly adjusted pressure reducing valves that are overly restricting flow under the lower system pressure conditions.*

*As for outdoor watering, there is no doubt that the coverage of a residential sprinkler system tapped upstream of a residential pressure reducing valve will be decreased under the new system, especially if head spacing and line loading were determined based on the actual system pressure rather than a more conservative "target" pressure of 50 psi to 65 psi. Modifications of the sprinkler system of the installation of smaller booster pumps are the only remedies with the former being much more practical than the latter."*

Mayor Dunn: (Explanation)

The previous day (8/11) Public Works went out to take readings on hydrants to determine the pressure.

A new PRV (Pressure Reduction Valve) went in on Park Drive and Columbus Lane; another one went in on Cortez Drive, close to Ama Fille Lane; while eliminating a PRV across the street (Park Drive) and one on the other side of the Ballpark. These actions changed the pressure zones, resulting in most pressures going down (Mayor Dunn read from the Engineering letter mentioned above.)

Pressures over 50 psi is "State approved". One of the PRV's has water coming out of it at 70 psi (across the street from City Hall); the PRV on Cortez is at 55 psi. (These PRV's are adjustable.)

If the PRV's are adjusted to a certain point...by as little as even 10 lbs higher: Result...the Hillside Tank would drain into the Fairway Tank and then the water would be pumped uphill for redistribution; right now, the water comes into this pressure zone and it stays in that zone.



Some of the pressures are higher, while a neighbor could have a lower pressure...depending on which zones residents are located in.

(Comments from certain citizens): Some of the sprinkler systems are inadequate and some pressures have increased too much.

Seven of the homes (E. side of Oak Ridge Drive to the Peterson's and Morrell's and then S. at 322 Ama Fille going east and a coupler of the homes on Hudson Lane): Those pressures have been adjusted from 50 psi to 85 psi; and the hydrant went from 30 lbs to 130 lbs and from 30 lbs to 70 lbs. These seven homes were moved from one zone to another, making them the highest pressures in that zone.

Other changes have been considered that would change homes to different zones, but there is a need for another valve to do that...it would cost about \$10,000 to add another valve to the system.

Mayor Dunn reviewed the suggestions made by the City Engineer:

- Installing pressure pumps on private lines
- By Code all homes should have pressure reducing valves inside  
(It was mentioned that they do need to be replaced after 5 to 8 years)

(Explanation of the installation of these valves and booster pumps both inside and outside of the homes)

Stewart Jolley: Where was the engineering on all this? Why would the City take 90 lbs of pressure away from these citizens...where was the design work? 90 lbs of pressure was taken out of his lines.

Nelson Abbott: Suggested checking the meter itself; perhaps upgrading the meter would help. Changes do affect the individual systems.

Mayor Dunn: He realizes that the citizens should have been warned.

Many of the citizens present were in agreement that warnings and communications between the City Administration and the public needs improvement; utilization of the City's web site could be a very useful tool. Other suggestions: mass emails, links to web sites, getting word out in other ways ("Advertising" to the public is actually a line item in the budget this year.)

Raymond Brown & Nelson Abbott: Both Councilmembers mentioned that the web site has been used in the past; and that Councilmember Roylance is over the reorganization of the web site and updating it to be more user-friendly.

*(The City is also in transition between Margaret Leckie and her replacement, Marissa Bassir, who post certain things on the web page...like minutes and agendas; as well as special notice of public hearings.)*

Gary Prestwich: Suggestions in adjusting valves:

- Look at pressure first with a pressure reader
- Consider two pressure regulating valves: 1 for the sprinkler system and 1 for the house
- Make sure valves match the size lines you have

Gary Smith:

- There should be a way to respond to emails
- There is a proposed tax increase and now the citizens are being asked to pay for new valves to fix a problem the City has caused

(Unknown): Were there pre-pressure readings prior to the change?

*(Mayor Dunn responded that there were readings taken at the PRV stations.)*

Can the valves be turned back up?

*(This becomes complicated with zones.)*

Chad Perry: He tested his sprinkler system at only 45 psi in the middle of the day...5 lbs less the recommended pressure of 50 psi.

Mayor Dunn: He has been considering this for a couple of weeks with the Public Works Director and the City engineer; he asked them why there were no warnings to the citizens to be affected by the changes? He agrees the information should have gone out to them. There have been many variables, but the best options are the ones discussed this night:

1. Install a booster pump
2. Find the pressure reducing valve and adjust it for you home
3. Change the heads on your systems
4. Perhaps another PRV Station could be installed as part of the overall Water Project (with part of the bond or money designated to the Project)

He, personally, lives at the top of Canyon View Drive; with 32 lbs of pressure. He waters by hand and that change came due to some things that were done to the system. His neighbor had to re-do his whole system; he just did it.

He asked the Public Works and the Engineer if there would be any more changes; they responded that there would be no more.

*(Mayor Dunn read the other part of the Aqua Engineering letter, dated 8-11-08, regarding the overall Well/Tank Project.)*

More Public Comment:

(Unknown): He has too much pressure and his basement flooded.

Suzanne Perry: She is "disgusted" that the citizens were not informed ahead of time. As a result of the lack of warning, plants have died. IS there a way to keep the flow from going back and forth between tanks?

Kara Cook: If they had been warned ahead of time, they could have planned ahead as far as planting and landscaping. There is a concern that communications are not getting out to residents. She would be willing to assist in email list and getting word out to the public.

**Mayor Dunn:** He agrees that information should have gone out. He is willing to take the blame for not informing people ahead of time; but he is going to share that "blame" with the rest of the Council. He is disappointed that this did not happen. The Council invited those involved with the problem to pass on any information they have to help the situation; this is the best they can do at this point. He is sorry for the plants that have died and the inconvenience. He asked the Public Works and the Engineer why, if this information was known, warnings did not go out. He welcomes any assistance in better communication; perhaps a "team" or a committee will do better.

(Regarding the flow between tanks: the Mayor referred them to the Public Works Director, who knows the system better than he [the Mayor] does.)

They have done what they could to improve the water system; if services were decreased in the process, he is sorry. He closed the discussion due to the fact that discussion was deteriorating to "finger pointing" and "blaming".

(**Unknown**) A member of the audience did thank the Council for all that they do in their (the public's) behalf, knowing it is a difficult job.

**ORDINANCE –  
BOUNDARY LINE  
ADJUSTMENT  
PAYSON & ELK RIDGE**

After discussion, it was decided to postpone the vote until an accompanying map is with the proposed ordinance, to better define the area to be adjusted. The map, at that point had not been completed.

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO TABLE ANY APPROVAL UNTIL THE ACCOMPANYING MAP IS AVAILABLE**  
**VOTE: YES (4) NO (0) ABSENT (1) SEAN ROYLANCE**

**2007/2008 AUDIT  
ENGAGEMENT  
LETTER**

Jones Simkins is the Audit Firm and they have provided the Engagement Letter to contract with the City for a price not to exceed last year's audit, which was about \$11,000. This is considered a "discount" due to the amount of work done by the City's Finance Director. Other cities are receiving a 10% increase this year; Elk Ridge is not.

**MOTION WAS MADE BY RAYMOND BROWN TO APPROVE THE BOUNDARY LINE ADJUSTMENT ORDINANCE BETWEEN ELK RIDGE AND PAYSON, BARRING ANY CORRECTIONS TO THE DESCRIPTION**

*Discussion:*

City Recorder: Who will check the description? Are we to order the City Engineer to do so? At what cost?  
**THE MOTION WAS WITHDRAWN BY RAYMOND BROWN**

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO APPROVE THE ENGAGEMENT LETTER, HIRING JONES SIMKINS TO PERFORM THE 2007/2008 FISCAL YEAR AUDIT**

**VOTE: YES (4) NO (0) ABSENT (1) SEAN ROYLANCE**

**SUVMWA WATER  
RIGHTS – CITY  
PURCHASE**

The budget allows for the purchase of certain water rights from SUVMWA.

Nelson Abbott: Recommendation: To purchase as many water rights as possible. This should be brought back to the Council next month to review.

**ORDINANCE -  
ELECTED & EMPLOYEE  
COMPENSATION**

*(Explanation)*

After the budget for the year is adopted, an ordinance must be passed, formalizing the wages for the year. In hiring the new Planning Commission Assistant, the Mayor offered a probationary amount of \$12.50/hr, going to \$13.00/hr., after the initial three months. The starting wage was approved at \$12.00/hour going to \$12.50/hr; however, this is now what was offered. Even though this was a mistake, it is considered a "verbal offer" and human resource regulations say that it should be honored.

At a previous meeting, the Council had decided to take the two positions of Deputy Recorder and Asst. Treasurer/Clerk up to be slightly more than the \$12.50 starting wage the new position was approved at. With the change in the wage for the new Planning Commission Asst., the previous decision to raise the other two positions loses the idea of being slightly higher than the newly-hired Planning Commission Asst.

The proposed ordinance has COLA of 3.5% and a possible 4% Performance Bonus; with the exception of the two positions. The Council had decided to take the other two positions to \$12.75/hr. (beyond the COLA of 3.5%).

Julie Haskell: She recalled the previous Council conversation regarding the possibility of raising the two positions to \$12.75/hr. as a suggestion that needed to be researched and compared against other cities. She feels that there should be consideration of the employees who have worked here for a long time and who have taken years to work up to the wage they are at currently; is it right to start the newly-hired employee out at \$13.00 per hour?

There is also the point that it took the current summer help three years to get to \$7.50/hour; why start out there for new help?

After discussion, the Council decided to stay with the original decision of "no raises" for the employees, particularly in view of the discussion regarding "fiduciary" responsibility.

The Planning Commission Asst. will be at \$12.50 going to \$13.00; but all other employees will stay with the cost-of-living adjustment (COLA) of 3.5%.

(Park Help: Question...\$7.50 is the current wage; but this is after a few years' seniority; what should the starting wage be for this position?)



Question: (City Recorder) Since the public's opinion in the Truth in Taxation Hearing regarding "fiduciary" spending is of high consideration; why was the public's vote to exceed the suggested tax rate not heeded in the actual vote on the tax rate?

Mayor Dunn: It was Councilmember Abbott that initially brought up the need to go to a Tax Hearing; yet it was Councilmember Abbott that moved to not exceed the suggested rate...why is that?

Nelson Abbott: He based that decision on the projected differences in the amount of sales tax the City will receive; he feels the City will be in a better position than we think we will.

City Recorder: The job description and wage from the summer help needs to be re-considered; all of the budgeted figure comes from the Parks Dept. and there are times when they help with roads. Care must be taken that age-appropriate assignments are made for this position.

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO STAY WITH THE COLA OF 3.5% FOR THE EMPLOYEES, WITH A POSSIBLE 4% BONUS; EXCEPT FOR THE NEWLY HIRED PLANNING COMMISSION ASST.; THE SUMMER JOB WITH THE PARK SHOULD HAVE A FITTING JOB DESCRIPTION AND THE STARTING WAGE SHOULD BE AT MINIMUM WAGE OR ACCORDING TO EXPERIENCE**

VOTE: YES (4)

NO (0)

ABSENT (1) SEAN ROYLANCE

# 911 RESOLUTION – RATIFY POLLED VOTE & UPDATE

Mayor Dunn:

The Mayor spoke to the County Commissioner and said that he had polled the Council; the Council was not *against* going into this proposed Special Service District; but they do have concerns about there being an inadequate gap between the approximately \$21.00 per call...up to \$34,000. The County Commissioner replied that they had decided not to place this on the ballot because there are so many concerns about the price tag on this.

Mayor Dunn stated that Elk Ridge wants to be a part of this, but we want it to be "fair". More discussion will occur. The Mayor would like to discuss this as a Council of Governments and come up with a mill levy assigned to Elk Ridge reflects \$7,900/year, not \$34,000.

All of the Mayors feel the system will work, but they want the figure to be fair.

In polling the Council, all were in favor of the Special Service District, as long as the assessments would be fair.

The proposed Resolution allows the discussion to move forward, even though the mill levy is not in place at this time.

**MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY JULIE HASKELL TO RATIFY THE VOTE TO ADOPT A RESOLUTION OF THE LEGISLATIVE BODY OF ELK RIDGE CITY, CONSENTING TO THE INCLUSION OF AREA WITHIN ELK RIDGE CITY IN UTAH VALLEY DISPATCH SPECIAL SERVICE DISTRICT**

VOTE: YES (3)

NO (1) RAYMOND BROWN

ABSENT (1) SEAN ROYLANCE

# EXPENDITURES

General: None

Nelson Abbott: Can the fence on the east side of the City Hall parking lot be fixed? Can we find it in the budget or tear it down?

Derrek Johnson: It is probable the same group of kids vandalizing other part of town.

Mayor Dunn: The Playground area has two broken slides.

*Tires for the Bobtail Truck:*

Mayor Dunn needs to get two more bids for tires.

# MINUTES

*City Council Minutes of 6-24-2008:*

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO APPROVE THE CITY COUNCIL MINUTES OF 6-24-08, WITH CORRECTIONS**

VOTE: YES (4)

NO (0)

ABSENT (1) SEAN ROYLANCE

*City Council Minutes of 7-22-2008:*

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO APPROVE THE CITY COUNCIL MINUTES OF 7-22-08, AS AMENDED**

VOTE: YES (4)

NO (0)

ABSENT (1) SEAN ROYLANCE

# ADJOURNMENT

At 11:08 PM, the Mayor adjourned the Meeting.

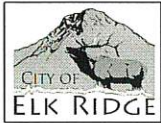


*[Signature]*  
City Recorder

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**ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651**

t.801/423-2300 - f.801/423-1443 - email [staff@elkridgecity.org](mailto:staff@elkridgecity.org) - web [www.elkridgecity.org](http://www.elkridgecity.org)

**NOTICE & AGENDA – CITY COUNCIL**

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, August 26, 2008, at 7:00 PM.**

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

**7:00 PM -**

**REGULAR COUNCIL MEETING AGENDA ITEMS:**

Opening Remarks and Pledge of Allegiance Invitation

Approval/Agenda Time Frame

7:05 Public Forum:

7:15 1. Eagle Scout Projects Presentations:

A. Austin Gunnerson

B. Brandon Cook

C. Kyle Shuler

7:35 2. Review Water Rates – Mayor Dunn

7:45 3. Smoke Free Parks Update – Mayor Dunn

7:55 4. Accounts Payable – Tracking Expenditures – Mayor Dunn

8:05 5. Stop Sign Review – Mayor Dunn

8:20 6. Truck Tires – Bid – Mayor Dunn

8:30 7. Kimber Estates – Sewer Line – Nelson Abbott

8:45 8. Expenditures: General


8:50 9. City Council Minutes

Adjournment

Handicap Access, Upon Request. (48 Hours Notice)

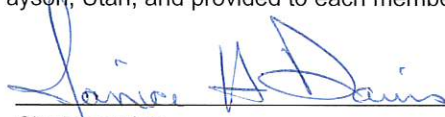
The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.

Dated this 21<sup>st</sup> day of August, 2008.

  
\_\_\_\_\_  
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 provided to each member of the Governing Body on August 21, 2008.

  
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City Recorder



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**ELK RIDGE  
CITY COUNCIL MEETING  
August 26, 2008**

**TIME & PLACE  
OF MEETING**

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, August 26, 2008, at 7:00 PM.**

The meeting was held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of this Meeting was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on August 21, 2008.

**7:00 PM -**

**CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS**

**ROLL**

*Mayor:* Dennis A. Dunn; *City Council:* Nelson Abbott, Derrek Johnson, Julie Haskell, Sean Roylance & Raymond Brown; *Scout:* Brandon Cook, Colby Clark, Kyle Shuler & Austin Gunnerson; *Public:* Wes Cook, Cheyn Gunnerson & Steve Johnson; and the *City Recorder:* Janice H. Davis

**REMARKS  
& PLEDGE OF  
ALLEGIANCE**

An Invocation was offered by Sean Roylance and Scout Kyle Shuler led those present in the Pledge of Allegiance, for those willing to participate.

**PUBLIC FORUM**

No comments

**EAGLE SCOUT  
PROJECTS:**

Mayor Dunn: He took the time to explain the approval process for an Eagle Project through the City.

*1. Austin Gunnerson:*

He presented the idea for his proposed Project: To re-vegetate the area around the new water tank.  
Plan:

- 24 trees (spruce, pine & fir and aspens)
  - These will be smaller trees to root better
  - Location: toward the bottom of the tank hill
  - He will need close to \$300
- He plans to get fund this project through car washes
- He presented his plan for using scouts and the time schedule planned

The Council complimented him on his presentation and the detail involved.

Mayor Dunn: What is the plan to keep the new trees watered? He said the City would take care of the watering, perhaps with a drip system. Hydro-seeding the area is also planned and he will have to coordinate the planting with this plan.

Nelson Abbott: Are there plans to stake the trees (Aspens)? (Yes): Are there plans to stake the trees (Aspens)? (Yes)

\*Mayor Dunn plans to go to the site with Scout Gunnerson to assist in locating the location of the trees.  
He will also find out Gerber's time schedule for hydro-seeding.

Raymond Brown: Suggested it may be better to plant the trees prior to hydro-seeding.

Scout Gunnerson asked how much the City would donate; the answer is that typically, the Scout will earn as much of the funding as he can...if there is a short-fall, the City will donate up to \$100 per project.

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO APPROVE THE EAGLE PROJECT FOR SCOUT AUSTIN GUNNERSON, TO RE-VEGETATE THE TANK AREA**

**VOTE: YES (5)**

**NO (0)**

*2. Kyle Shuler*

Project: Install fitness equipment along the walking trail around the City Park.

Scout Shuler has priced the proposed equipment and the cost is high; he is trying to find the best deal for the best equipment.

- He plans to fund the project through the sale of chocolate, frozen bananas during Payson's Onion Days.
- He plans to begin digging on Sept. 27, 2008...and possibly extend to October 3, 2008.
- He plans on actually installing the equipment by October 10, 2008.
- Equipment: Stretch bars or standing push-up bars, as well as other similar things that are low-impact in nature (he had pictures for the Council to review).
- They will be well-anchored in the ground
- The number of stations will depend on the amount of money he can raise and how many pieces of equipment that money will purchase...he hopes for 4 or 5; the Council felt fewer stations might be more appropriate and feasible...perhaps 2, perhaps 3; going for the more expensive and better equipment.
- He will use as many scouts as possible to dig the holes and install the equipment.

Mayor Dunn: Suggestion on locations: Get in touch with Public Works (Kent Haskell) and Councilmember Johnson to clear the locations.

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY DERREK JOHNSON TO APPROVE THE EAGLE PROJECT FOR SCOUT KYLE SHULER; WITH THE EXCEPTION THAT THE NUMBER OF UNITS IS TO BE DETERMINED**

**VOTE: YES (5)**

**NO (0)**



3. Brandon Cook

Project is partially installed at this point; it is to cut out a practice baseball diamond in the southwest corner of the existing ball field at the City Park.

- Back stop must be moved (they do not plan on being responsible for this; they expect the City to do this)
- The fields will have "movable bases"
- 3<sup>rd</sup> through 6<sup>th</sup> grades can play on it
- Sprinkler heads must be moved (done)
- Sod has been cut out and placed on the west side of the field
- They may have a possible donation of the clay (Paul Clyde of Springville)...if there is no donation, the City would be responsible for the clay and hauling it? (Yes.)

Mayor Dunn: He thinks that what has been done so far looks good. He asked for Scout Cook to let the Mayor and Council know what they find out about the donated clay. Perhaps the Mayor can assist in the contact with Mr. Clyde.

If the City must cover the cost, it could be around \$1,200 to haul it from the "Point of the Mountain". Geneva Rock may be another option.

Nelson Abbott: The scouts need to know and use the available resources; perhaps a bob-cat would be preferable to more the dirt around.

**MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY SEAN ROYLANCE TO APPROVE THE EAGLE PROJECT FOR SCOUT BRANDON COOK, TO INSTALL A PRACTICE BASEBALL FIELD**

**VOTE: YES (5)**

**NO (0)**

## REVIEW WATER RATES

Mayor Dunn: Mayor Dunn passed out handouts to the Council with information regarding some research and comparisons he had done regarding water rates; in Elk Ridge and other communities.

One of the handouts was a comparison of the usage and cost of water by the various City Councilmembers.

One of the things the Mayor learned was that the "State owns everything"...even in the Code book it states this; not as a government entity, as a people. Every drop of water that falls on our property must have a right attached to it to be able to use it (that was surprising).

The comparison of the usage for the Councilmembers also had a comparison between what the usage and cost would be in other cities: Elk Ridge, Woodland Hills, Salem, Spanish Fork & Mapleton.

The cities were numbered according to how they are rated as far as highest and lowest.

Other handouts:

- Printout of water rate structures of the cities being compared
- Work sheets showing figures of comparisons

The cities with pressurized irrigation had different tiered rates for their residents.

- Base Rates: Elk Ridge – 12,000 gal (\$40), Salem – zero gal – (\$21) tiered structure was reviewed
- Woodland Hills – zero gal (\$52) then the tiered structure begins, Spanish Fork – zero gal (\$10) then the tiered structure begins, Mapleton – zero gal (\$12) then the tiered structure begins
- The various tiered rates were discussed

Sean Roylance: Noted that, with high usage, Mapleton would actually be higher than Elk Ridge.

Water Rate Comparison (for July, 2008):

Comparing all aspects of the various rates, usage and costs, Elk Ridge is actually 3<sup>rd</sup> and 4<sup>th</sup> in the comparison of how high the rates are. Woodland Hills is 2<sup>nd</sup> and 1<sup>st</sup>, Salem was 3<sup>rd</sup> and 4<sup>th</sup>, Spanish Fork was the highest at 1<sup>st</sup> and 2<sup>nd</sup> & Mapleton was the lowest (but their rates are being reconsidered).

Work Sheets: Reviewed to show figures for June and July, 2008.

He discovered that there is no difference in usage depending on the Zone people live in.

He also compared the usage of various citizens throughout the City between June and July, 2008.

The Mayor encouraged the Councilmembers to review these figures and be ready for further discussion at a future Council Meeting.

When we hear citizens say we have the most expensive water in the County, it is not true.

He did ask himself the question, "Why install pressurized irrigation in the City?"...considering the findings of some of the other communities and the cost of water in those communities.

City Recorder: She reminded the Council that part of the reasoning to consider pressurized irrigation was to conserve water in the City's aquifers.

The City Council felt that this is very valuable information and that the citizens should be made aware of these findings.

Mayor Dunn: Discussed the history and thinking behind the consideration of pressurized irrigation in Elk Ridge.

Nelson Abbott: Discussed SUVMWA's view on pressurized irrigation water: They are working on improvements up in Spanish Fork Canyon. The discussions have been centered on the line and if it will be "open" or piped...what will this do to water tables?

Sean Roylance: Offered to place the formula the Mayor used to compare usages from city to city on the City Web site so citizens can insert their information and see where they fall in the comparisons.

*The Council agreed that would be a good thing to offer the residents.*

Mayor Dunn: Observed that other cities are now 'getting on board' with tiered rate structures because they work well. A work shop he went to earlier in the year, it was brought up that in the hottest months of the year, some rates change to increase with water usage.

## SMOKE FREE PARKS

Mayor Dunn: Springville and American Fork have adopted "smoke free park" code; the codes are different.



The County is re-writing that code so that it can be uniform across the County. The idea is to make all public facilities (parks) "smoke free". In some areas there would be a designated "smoking area". He simply wanted to update the Council on what is going on. When the County has the sample code ready, he will bring forward.

# ACCOUNTS PAYABLE

Mayor Dunn: The Deputy Recorder (Janine Nilsson) has requested that the Councilmembers please turn in receipts from various purchases; she has to have these for records and for the auditors.

# STOP SIGN REVIEW

Mayor Dunn: Read a memo from Kent Haskell (Public Works Director) to the Council:

"Elk Ridge City Council

Recently the stop signs on Alpine Dr. and Escalante Dr. were changed. This letter is to inform you of the need to have them returned to the way they were.

1. By putting a stop sign going South on Escalante Dr. it makes it very hard to pull up to a stop on icy roads with a snow plow truck then continue going again after stopping. You are on a hill which makes it hard enough but the ice and snow make it almost impossible to continue after making a stop.
2. Because of the hump in the road at this location and the length from the front of the snow plow blade to where the driver sits it is almost impossible to see traffic coming from the East. The truck would need to be half way into the intersection in order to see oncoming traffic. Traffic already moves through this intersection too fast. With slick roads, traffic coming from the East would be very likely to slide into the plow truck.
3. By not having a sign on the East side of the intersection, traffic comes through faster than it should when turning north. It ends up on the east side of Escalante Dr. for a short distance.
4. By leaving this intersection the way it is, it puts the city at risk during snow removal time.
5. By putting the stop signs back the way they were, it controls speed and problems coming off of Alpine Dr. It makes it easier for snow plow trucks and traffic to enter on Alpine without problems.

In my opinion, this intersection should not have been changed. It needs to be changed back to the way it was for the safety of the public and the snow plow drivers.

The Public Works Department was not notified about the change of this sign and many others in town. Public Works should be notified for discussion and input on sign changes in the future in order to help give the City Council information they need to make good decisions.

Thank you for your time."

City Recorder: Reviewed the history of that particular intersection and why the stop signs were installed the way they were: In the past, there was a problem with westbound cars sliding through that intersection (winter months) and right into the Curtis' yard...with the potential of actually continuing on into the home. It was enough of a safety problem that the Council decided to install a stop sign on Alpine (westbound traffic).

Julie Haskell: That intersection has a steeper slope than it appears...one has to slow down well in advance of the intersection if traveling west on Alpine.

Mayor Dunn: The Public Works Dept. was not consulted prior to the proposed stop sign changes were presented to the Council. Their perspective should have been added to the information.

The Mayor received another letter from a resident on Astor Lane regarding that intersection, as well as a request from a resident (Gerald Armstrong) on Highland Circle, to replace the stop sign on Alpine and remove the stop sign for southbound traffic on Escalante, going to Alpine.

The resident on Astor offered to have a petition signed to submit to the Mayor, to have the intersection changed back to the way it was (the petition has not been submitted to date).

Raymond Brown: He feels, with history of the signage and with the input from the Public Works Director, that the Council should consider putting the signs on that intersection back the way they were.

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY JULIE HASKELL TO PUT THE INTERSECTION OF ALPINE DRIVE AND ESCALANTE DRIVE BACK THE WAY IT WAS PRIOR TO THE ADOPTION OF THE STOP SIGN STANDARD FOR THE CITY**

*Discussion:*

Nelson Abbott: #3 on Kent Haskell's letter...He feels the reflectors on the corner are too close to the pavement; there should be more room.

Julie Haskell: If you are stopping, it shouldn't matter because you have slowed down.

Nelson Abbott: There has been an instance when a vehicle has been trapped between the posts and a bus.

Sean Roylance: Concerns about switching back:

His understanding is that much of the signage is meant for out-of-towners, rather than for residents ("regulars"). One expects to stop at a "T" intersection, whether there is a stop sign or not. He is concerned about the irregular pattern of the stop signs at that intersection before the Standard was applied...we are being asked to return to that "irregular" form. There are other issues with intersections...there are other steep approaches to stop signs in the City.

Raymond Brown: The UPS driver is a good authority on the safety issues of the various intersections.

He does not necessarily agree that the issues lie with visitors to the City...most of the residents think that stop signs are a "suggestion". Residents do not stop at the signs.

Sean Roylance: If that is the case, then why have a stop sign there at all?

Raymond Brown: We don't want to be like Payson; with intersections with no signage to direct traffic.

Sean Roylance: He is not discounting the concerns listed; but he does not know if they are unique to this intersection and he is concerned about getting away from the Standard adopted.

City Recorder: Should the same Standard apply to a hillside community?

Raymond Brown: He does not think it can.

Mayor Dunn: Consideration for hillsides is important feature in signage. He feels it takes precedence over a general flatland standard. The safety issues and the associated history of this particular intersection need to be considered. Did we learn from history? If the Standard creates a safety issue, should it be applied?

He feels Mr. Haskell's recommendation is unique to this intersection. In a hillside community, we need to know what features each intersection presents...there may be future changes after this coming winter.

Julie Haskell: School age children stand and wait at this bus stop; it presents that added hazard.

Raymond Brown: The Public Works Director did not list several intersections, he mentioned one...and we should take his recommendation.

Sean Roylance: Questions:

- There are problems; are they that big? Some of them may be.
- Is the stop sign the correct solution?
- Is there an expectation to stop at this "T" intersection? Is this creating another hazard?

Raymond Brown: (Regarding "Public Safety") If you find one hazardous issue and do not react to it, then there is liability.

City Recorder: Prior to finalizing the adoption, it was conditional upon the School District concurring with the proposed changes; perhaps the contingency should have included the Public Works and snowplowing problems. There could be a potential problem on Elkhorn Drive, heading south to Goosenest Drive; that is a steep road as well...that is why a stop sign was not placed there.

**VOTE: YES (4) NO (0) ABSTAIN (1) SEAN ROYLANCE**

(The reason Councilmember Roylance gave for abstaining was that his questions were not adequately answered.)

NON-AGENDA  
ITEMS

1. There has been a problem with vandalism in the City. The police are looking to identify the people involved.  
2. Mayor Dunn: Read from a letter from Mines & Ross (developers of the Subdivision across from the City Hall) Mines & Ross sold the project to Christensen Bros. about 18 months ago. The job was worked on very slowly...there were problems that arose between Mines & Ross and Christensen Bros. Compaction testing was not performed and tests were not submitted. When it was time to lay asphalt, the required 2 ½ inches was laid...and one year later a one inch overlay is expected. Prior to Park Drive being asphalted, there was a meeting between Kent Haskell, Mayor Dunn, Craig Neeley, Corbett Stephens, Mines & Ross and Mr. Christensen...at that point the decision was made to put 2 ½ inch patches where the trenches were located, with a 1 ½ inch overlay on the road...that would give a 4" road. By putting an extra inch on the road, they would not be required to do an overlay in one year (just on Park Drive). Since then, Mines & Ross have re-possessed the property and paid the bills (way over the cost of the project). "Magellan Lane has held up, with no problems at all. It does not need to be overlaid; on the other hand, Park Drive has had some trench settling."

(The Mayor and Corbett Stephens walked that street a couple of weeks ago and found 11 failures...trenches settling and cracks have begun to come up through the asphalt.)

"Around August 12<sup>th</sup> Kent Haskell, Mayor Dunn, Corbett Stephens, Wayne Frandson, Bill Mines and Grant Ross met to discuss about what could be done about fixing Park Drive. My suggestion to take care of the problem was to move the overlay from Magellan Lane to Park Drive. Everyone felt it was a fair compromise for the problem at the time. Mayor Dunn suggested we notify the City Council for their approval on moving the overlay from one road to the other. It was also discussed that the overlay would be done in the spring of '09 in case there was any more settling."

Mayor Dunn pointed out a place where the road has settled almost 14"...one of his concerns is when water gets into any of these trenches...it could accelerate the settling. If we can wait one more winter, it will be obvious next spring. All agreed to wait...then when they do the overlay, they can repair anything that has settled. The Mayor felt this information should come before the Council.)

Raymond Brown: He has concern that the road did not have proper compaction testing that there is any record of; if the road has failed, why give up the overlay on Magellan Lane to fix Park Drive? He feels the overlay on Magellan Lane should be required and Park Drive should be repaired as well. Without the proper compaction testing, Mr. Haskell required a longer durability time period. The road has failed and must be fixed as well as an inch and ½ overlay. At today's costs, that overlay would cost the City in the neighborhood of \$40,000. The City went through some tough times even getting the road in after it was torn up for the lateral work.

Mayor Dunn: Mr. Haskell made the suggestion to move the overlay because of the thickness of the asphalt. Since this matter is not on the agenda for action at this time; action was postponed until the next Council meeting:

1. To keep the overlay for Magellan Lane
2. To require that Park Drive, which has failed, should be repaired

TRUCK TIRES

Mayor Dunn: He has been collecting bids for truck tires for the big dump truck/snowplow: He has considered "government pricing"...he found the 6 tires we need for less...

- Prior bid: \$2,700
- Current bid from Quality Tire: \$2,337 (including balancing, 1" tread depth, dismounts – mounts)

We can look into re-capping the older tires in the future.

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY JULIE HASKELL TO APPROVE THE PURCHASE OF 6 NEW TIRES FROM QUALITY TIRE FOR \$2,337**

**VOTE (POLL): DERREK JOHNSON-AYE, JULIE HASKELL-AYE, RAYMOND BROWN-AYE, NELSON ABBOTT-AYE & SEAN ROYLANCE-AYE NAY (0)**

Passes 5-0

KIMBER ESTATES -  
SEWER LINE

Nelson Abbott: (Referring to the Kimber's one-lot subdivision northeast in the City)  
In their subdivision plans a sewer line is planned that is at a depth of 24'.

There are issues involved:

- The contractor does not have equipment that goes that deep
- The City does not have equipment that goes that deep
- Questar has a 60' easement in that area and Questar will not allow the line within this easement (The developer has not obtained clearance from Questar)
- Mr. Stephens feels the line could be installed at about 7'...the line could be upsized.

The redrawing and redesigning the plans should not hold up the Kimbers.

**MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY RAYMOND BROWN TO APPROVE THE INSTALLATION OF THE SEWER LINE FOR KIMBER ESTATES AT A MINIMUM DEPTH THAT WILL STILL FUNCTION PROPERLY**

**VOTE: YES (5)**

**NO (0)**

EXPENDITURES

General: None

\*Next agenda: Auto read Meters Update.

MINUTES

*Minutes of July 8, 2008:*

(Timpanogus was spelled incorrectly)

**MOTION WAS MADE BY RAYMOND ROWN AND SECONDED BY SEAN ROYLANCE TO APPROVE THE CITY COUNCIL MINUTES OF 7-8-08, AS CORRECTED**

**VOTE: YES (5)**

**NO (0)**

*Minutes of 8-9-2008:*

**MOTION WAS MADE BY JULIE HASKELL AND SECONDED BY SEAN ROYLANCE TO APPROVE THE CITY COUNCIL MINUTES OF 8-9-08, AS PRESENTED**

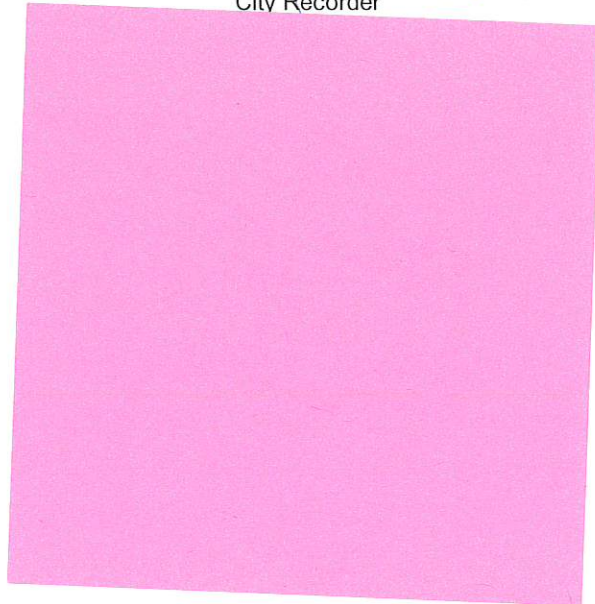
**VOTE: YES (5)**

**NO (0)**

ADJOURNMENT

At 9:15PM, the Mayor adjourned the Meeting.

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

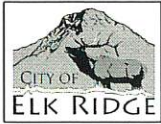


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**ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651**

t.801/423-2300 - f.801/423-1443 - email [staff@elkridgecity.org](mailto:staff@elkridgecity.org) - web [www.elkridgecity.org](http://www.elkridgecity.org)

**NOTICE & AGENDA – CITY COUNCIL**

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, September 9, 2008, 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. "4-Wheeler" Code/Discussion – Mayor Dunn
2. Projectile Code/Discussion – Mayor Dunn
3. Change Order – Gerber Construction (Tank Project) / Discussion – Mayor Dunn
4. Road Extension Hudson to Canyon View Drive – Discussion – Mayor Dunn
5. Gooseneast Drive Speed Study – Shawn Eliot

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

Opening Remarks and Pledge of Allegiance Invitation

Approval/Agenda Time Frame

7:05 Public Forum:


- 7:15 6. Building Heights Ordinance – Shawn Eliot
- 7:45 7. Stop Sign on Alpine Drive & Mahogany Way – Nelson Abbott
- 7:55 8. Mines and Ross Road Overlay – Mayor Dunn
- 8:15 9. Water Meter Upgrades – Mayor Dunn
- 8:25 10. Approval/Change Order – Gerber Construction – Mayor Dunn
- 8:40 11. Schedule Public Hearing/"4-Wheeler" Code
- 8:45 12. Expenditures: General
- 8:55 13. City Council Minutes

Adjournment

Handicap Access, Upon Request. (48 Hours Notice)

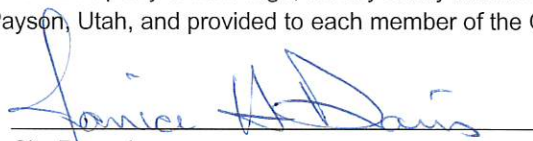
The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.  
Dated this 5th day of September, 2008.



  
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 provided to each member of the Governing Body on September 5, 2008.

  
City Recorder

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**ELK RIDGE  
CITY COUNCIL MEETING  
September 9, 2008**

**TIME & PLACE  
OF MEETING**

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, September 9, 2008, 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 these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on September 5, 2008.

**6:00 PM –**

**CITY COUNCIL WORK SESSION**

**ROLL**

*Mayor:* Dennis A. Dunn; *City Council:* Nelson Abbott, Julie Haskell & Sean Royslance (Absent: Raymond Brown & Derrek Johnson); *City Planner:* Shawn Eliot; *Scouts:* Ryan Shumway & Ian Shumway; *Public:* Emily Holcomb & Joann Bigler; and the *City Recorder:* Janice H. Davis

**FOUR-WHEELER  
CODE**

*(Mayor Dunn provided information regarding various suggestions for Changes, based on SB 181):*

The Mayor has gathered information and has spoken to the County Sheriff regarding the matter of allowing ATV's on public streets. He wants the Councilmembers to update themselves on the information available and even acquaint themselves with the Senate Bill 181, in preparation for future discussion.

Currently, the City Web Site says "no ATV's, but it is not being enforced.

Included in this information was a draft of some proposed code for the City.

*Discussion on definition of "street legal" (as listed on page 19 of SB181) (Section 4-6a...):*

- One or more headlamps
- One or more tail lamps
- Tail lamp to illuminate registration plate with a white light
- One or more reflectors on the rear
- One or more stop lamps on the rear
- Amber electric turn signals (1 on each side of the front & rear)
- A breaking system (other than a parking break)
- Horn or other warning device
- Muffler & emission control system
- Rearview mirrors on the right & left sides of the driver
- Windshield (or eye protection)
- Speedometer (illuminated for night)

*(Newsletter article by Sheriff)*

"A question was asked about the use of ATV's (4-wheelers and motorcycles) on the public roadway. Currently there is not a City Ordinance or Utah State law which allows the use of ATV's on the public roadways in Elk Ridge, "Good News" as of October 1, 2008, the Utah Legislature has allowed cities with less than 7,500 population to create their own ordinance for ATV's. I have spoken with the Mayor about this issue. For Many years the use of ATV's in Elk Ridge has been a common practice and overall, has worked very well with limited complaints. The majority of the complaints have been mostly **speeding and dust**. The Mayor and I would like to see the limited use continue until the City Council implements a City Ordinance to be effective as of October 1st. After speaking to the Mayor about what to do until October 1<sup>st</sup>, the following will apply **but can change to no use" if compliance is not met.**

1. ATV's must yield to ALL Pedestrian & Vehicle Traffic
2. **When traveling to and from your destination please stay on the side of the roadway and do not exceed more than 10 MPH**
3. **All persons on an ATV must wear a helmet**
4. **The driver and or owner of the ATV assumes all responsibility and does not hold ELK RIDGE City liable for any physical injury and or property damage which may result in the use of an ATV**

(Mayor Dunn said the above list should be discarded; it was a temporary list until the Bill came out.)

*Review of Page 62:*

Street Designations: (Certain streets may be designated)

- Open for street-legal all-terrain vehicle use
- Open for general off-highway vehicle use
- Open for limited off-highway vehicle use to allow off-highway vehicle operators to gain direct access to or from a private or public area open for off-highway vehicle use

"Absent such an ordinance, it would appear that all roads and highways other than freeways in such cities and counties will be open to use by street legal ATV's."

*Deputy Tindall:* He has gotten many emails expressing opinions since the article came out...most complaints have been about dust and noise.

*Mayor Dunn:* Page 62 says that certain streets and highways can be designated as "open for street-legal all-terrain vehicle use" or "open for general off-highway vehicle use" or "open for limited off-highway vehicle use...(as stated above in bullet #3). These are the options to designate any of the above listed choices.

*Also included in the packets:*

The Mayor gave the Councilmembers a copy of an article named, "Too young to die. Too young to ride?"

The article was about young riders: Elk Ridge has had two accidents involving young riders.

*Question:* What should the minimum age of an operator be? The State Parks have an application for an ATV course; the age is 8 years old or older...up to 16 (then they have a driver's license); so 8 through 15 is allowed to take the course for an Operator's License.

Deputy Tindall: He reminded the Council that this Code was written long before SB 181; and was created with intent of Camping...without all the obstacles with roadway driving.

Mayor Dunn: His opinion is that we do not want 8 year old kids on the roadways and highways...he feels that 12 years and older should have this course. He cautioned that the City can be stricter in the Code than the State, but not less restrictive.

Question: How fast should they be allowed to go? The Mayor had used a reference to, "reasonable and prudent for existing conditions"...but not to exceed the posted speed limit. ATV's are built different for off-road travel; but on asphalt, they tend to feel a bit less secure than an automobile or a truck.

Nelson Abbott: Shouldn't the posted speed limit for an ATV be less than a car?

Deputy Tindall: Under 16 should still be in the eye-sight of an adult...this is State Code; they are also required to wear a helmet. It would be difficult to tell the age of a young person with a helmet on; he likely would not stop someone unless they were breaking some law that was noticeable.

Mayor Dunn: There will be problems with certain responsible youth who have yard service jobs that use ATV's to get around. He would rather see youth about constructive past-times than causing trouble...could this type of use be described as "humanitarian" in nature? Where is the balance between enforcing the law and allowing a productive young person to pursue something constructive?

The Mayor called "White Knuckles Sports" to ask how they, as a dealership, are going to handle dealing with SB 181; they responded that they are working on putting packages together that would allow people to retro-fit their ATV's to comply with the Bill. The owner has a mechanic that is getting certified to do inspections; and according to the information the Mayor has, there is only one inspection needed when you initially purchase the ATV or when you make it "street legal".

Nelson Abbott: Is concerned about riders under 16 being allowed to ride after dark.

Mayor Dunn: Those concerns can be addressed when the code is written for Elk Ridge.

Deputy Tindall: (RE: Alcohol) "It is not illegal to have a drink and drive...it is illegal to drink *and* drive at the same time." His concern is about the person that comes home and works on an ATV..."have a few inside the garage...whatever...and take it for a ride". This could be a hazard to the residents. He suggests "zero tolerance for alcohol...any measurable amount...that he would not have to show "impairment" to enforce the law with a citation...this is not considered a DUI. This would be more restrictive than the State Code.

Mayor Dunn: He can see the wisdom in this because ATV's do not handle as well as regular vehicles...maneuvering can be touchy...they slide easily on different surfaces.

Sean Roylance: He agrees with this.

➤ There is a difference in handling an ATV...reflexes need to be quick.

➤ Many people are somewhat inexperienced on ATV's.

Nelson Abbott: Expressed a further concern of Elk Ridge becoming an entryway to the National Forest or other places to ride ATV's. Elk Ridge will be one of the few Communities to allow ATV's on the roads.

Deputy Tindall: There are actually no roads open to ATV's in the areas south and southwest of the City.

Mayor Dunn: Currently, there are ATV's that go up to "Big Tree" (front trail); there trails available for utility purposes. Payson City has requested that Elk Ridge citizens not go up into the Four bay area anymore; the area has been refurbished and they do not want ATV's up there destroying the area. Most of the area is "private property". There has been some disrespectful behavior in the area.

Sean Roylance: Questioned if there could be some kind of sticker if a person is an Elk Ridge resident.

He has a hard time with ages under 14 riding; an especially under the age of 12...the maturity and strength is not there.

Julie Haskell: She pointed out the West Virginia law: more than 95% of crash victims were not wearing a helmet; she does not see riders with helmets on in Elk Ridge. (17 & under have to wear a helmet...this is not optional.)

Nelson Abbott: (Also from the West Virginia law) The size of the machine should be age-appropriate, as well. The numbers of riders on a vehicle should be an important area of enforcement.

Deputy Tindall: There is no hurry o this...the public should have a chance for input through a public hearing. (Mayor Dunn pointed out that this is the beginning of the discussions on this. We want to allow responsible usage.)

## PROJECTILE CODE

Mayor Dunn: This matter came about due to an incident the Sheriff was involved in with a couple of neighbors. One neighbor complained about the other shooting arrows from a compound bow in their back yard. The complaining neighbor felt that this is hazardous and called the Sheriff; however, there was one problem...the complaining neighbor's husband does the same thing. When did come of this whole matter was that the City really does not have Code in place to enforce regarding projectile type firearms and weapons. There have been other problems with rifles and various kinds of weapons.

The Mayor provided sample code from other communities in Utah. The Council was encouraged to review the codes and consider what laws should be included in Elk Ridge's code.

Nelson Abbott: He suggested that "firearms" or "projectiles" be further defined to include specific weapons (perhaps paint ball guns could be included). He feels the key is anything that could cause harm or damage.

Shawn Eliot: He feels air soft guns can cause problems, as well.

Deputy Tindall: He suggested that part of the definition could say something about how far it shoots. Listing items specifically can also be a negative: list gets out-dated quickly, items are left off the list, etc. (Example: I saw in a newspaper a "projectile"?)

Sean Roylance: Perhaps if these things are used in a hostile, threatening or angry manner; then there is more potential for harm.

CHANGE ORDER –  
GERBER  
CONSTRUCTION –  
(TANK PROJECT)

Mayor Dunn: Gerber Construction proposes a "change order" in the amount of \$7,230.40 to preserve the planned landscaping around the tank.

Gerber's statement:

"There are approximately 60,000 SF acres around the tank with most of it being steep. The 60,000 SF excludes the road the pump station and the tank parking area. This area will be seeded by hydro mulch with an Epoxy tackifier UDOT approved for steep slopes. The area down the road and where the dirt was stockpiled will be hydro mulched without the Epoxy tackifier."

Aqua Engineering:

"Re-vegetation in the original bid amount included drilling and broadcasting approximately 4.2 acres of land disturbed by construction activities.

After backfilling the tank and nearing project completion, re-vegetation was reevaluated by Gerber Construction and Aqua Engineering. Finish slopes ended up being steeper than planned due to differences in the existing storm drain line and the desire to protect private property adjacent to the site. It was concluded that it was in everyone's best interest to apply a hydromulch with tackifier to the tank embankment and retention pond slopes. All other areas would be re-vegetated via drilling and broadcasting per the original contract. It was also decided to place four runs of straw wattles on the tank embankment slopes to minimize soil loss potential."

(A change order was attached to Aqua's letter; it included:)

- Addition of straw wattles and hydro mulching of 1.38 acres.
- A credit for drilling and broadcasting the 1.38 acres was applied from the original contract amount for re-vegetation
- Total change order: \$7,230.40"

Nelson Abbott: Why did they not know this would be needed? ((No answer at this time.)

Mayor Dunn: He would like to know what will be included in the hydro-seeding.

Sean Roylance: He agrees that it would be nice to know what the options are.

Mayor Dunn: Does the Council wish to table this until more information is available? (Yes.)

*\*The Council decided to table this until the next Council Meeting. The Mayor will contact Aqua Engineering and ask for information on the (1) mix and (2) options (if there are any).*

ROAD EXTENSION –  
HUDSON TO CANYON  
VIEW DRIVE

(Memo from City Recorder to Council, dated 9-6-08)

There is a piece of ground where a road will be installed as part of a recently approved one-lot subdivision, (Kimber Estates). Is this the time to finish off the rest of the road to complete the connection?

This could also be included in the Road Impact Fee Study. (This has been a matter of discussion for years.)

(The portion of the road is from the west end of Bridger Lane to Kimber Estates.)

The Mayor mentioned to the Public Works employees that this should be an "in-house" project...with our asphalt being done at the same time as the Kimbers. Doing part of it "in-house" would include installing a sewer line; which does not need to be 24' deep...the Project would also have curb & gutter.

What do we, as a City want to do with this? (The Mayor did not have the cost estimate available at the meeting.)

Nelson Abbott (Regarding the pending Road Impact Fee Study) He gave a brief history for the benefit of the newer Councilmembers: The Council and the Planning Commission could not agree on the roads to designate as those to be included in the Road Impact Fee Study; and it "got de-railed"...it was not finished and since then, things have changed.

Mayor Dunn: He has contacted Aqua to complete the Study; he will contact them to check on the progress.

*Discussion of the Dugway and possible repairs...current and future. There is a Study performed by the City's former Engineering Firm (LEI) that was specifically dedicated to the Dugway and their recommendations. Something needs to be done to stabilize the cut from on-going erosion.*

GOOSENEST DRIVE –  
SPEED STUDY

(Memo fro Planner to Council, dated 9-9-08)

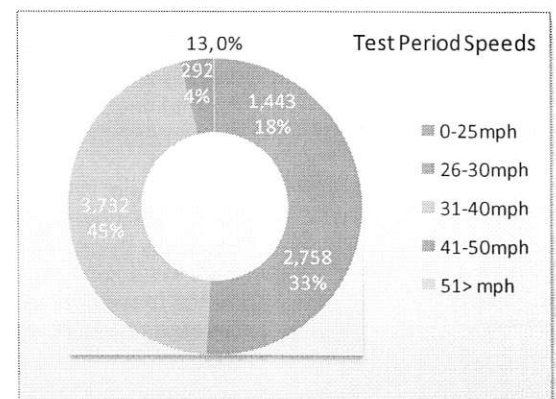
**"Background**

In the spring of 2008, it was proposed by Shawn Eliot, and approved by the city council, to remove the stop signs facing Gooseneast DR at Elk Horn DR. This was because the signs were not warranted and were placed for speed control. Since then the residents of the area have requested that other options for safety and speed be addressed for this road.

**Staff Finding**

A speed study was conducted by the county for the week of June 20 - June 27. The study detailed east and westbound speeds on an hourly basis throughout the week. It also showed averages. One note, when setting a speed limit for a road, a speed study is used to gauge what the 85<sup>th</sup> percentile of drivers drive. This is the excepted level of what the majority of drivers feel safe to drive for the conditions. This data is also coupled with accident data and road design to arrive at a posted speed limit. The data in summary shows:

1. 1,177 average trips a day are made on Gooseneast DR.
2. 94% of drivers drive within the 85<sup>th</sup> percentile.
3. The 85<sup>th</sup> percentile speed is 36mph - speed most drivers feel safe to drive.
4. The 95<sup>th</sup> percentile speed is 39mph - incorporates speeders.
5. AM Peak travel is greatest between 10 and 11am.
6. PM Peak travel is greatest between 6 and 8pm.





**Recommendations**

Speed humps are not recommended for a main corridor because they can impede emergency equipment and diminish the nature of a main thoroughfare. They are more acceptable in residential areas. The 85th percentile drivers drive an acceptable speed for the main corridor. Other methods of traffic calming for main roads can be used to slow down excessive speeds while allowing the road to be used for what it was designed for and also make a safer place for pedestrians.

**Short Term Recommendations:**

1. Create safe place for pedestrians to walk.
  - a. Grade and gravel 10 feet of the south side of road in areas currently without gravel.
  - b. Create a 5 foot clear zone along shoulder of north side of road by clearing scrub oak.
  - c. Thin out remaining oak near Elk Horn drive for better driver and pedestrian visibility (home on NE corner has done this).
2. Upgrade worn out signage (3 speed limit signs, 2 school bus stop signs, 3 share the road signs).
3. Stripe the road with double yellow middle and white shoulder lines. This creates the illusion of a narrowing of the road and studies have shown this tends to slow drivers down.
4. Install 2 Radar Speed Signs to alert drivers to keep the speed limit (pricy about \$2,500 to \$5,000 each).
5. When other improvements are in place, raise speed limit to 35mph - set to 85<sup>th</sup> percentile for main corridor.

**Long term:**

1. Widen the pavement of the road at least an extra 5 feet to 24 feet and up to the full improvement of 42 feet.
2. Pave 6 foot trail/pedestrian area."

**Comments:**

Shawn Eliot: One problem he noticed is that the speed limit signs on Goosenest Drive toward Payson do not match: Heading into Payson the speed limit sign says 30 MPH and coming toward Elk Ridge it says 35 MPH, until the curve in the road, then it goes down to 30 MPH. The signs should be posted at the same speed; 35 MPH feels safe on that road. Mr. Eliot reviewed the graph (shown above.)

**Westbound Traffic:**

No one drove above 50 MPH...only three that drove over 45 MPH.

**Eastbound:**

13 drove over 50 MPH.

Unwarranted stop signs tend to result in people driving faster to make up for being stopped in place they find inappropriate.

(Referring to #1 of the Staff Recommendations): (a) People are concerned that there is no place to walk along the roadway. Portions of the south side of the road already have gravel placed there for various reasons; there is about 700' that would need to be graded and graveled. One of the safety concerns could be addressed with this recommendation. (b) Having trees and brush along the edge of the asphalt creates "tunnel vision" and creates the hazard of someone darting out unseen.

(The "clear view" portion of the Code for corner lots was discussed.)

These recommendations may not be popular for the property owners, but the current conditions do create safety issues.

Deputy Tindall: Coming from Elk horn Drive onto Goosenest Drive: he said he has had his vehicle 10' out into the intersection just to be able to see around the corner.

He mentioned flashing yellow lights (led) on stop signs; verses \$2,500 speed signs... he feels that could help. Solar power is also an option.

(Mayor Dunn explained that we have had these in place and they get vandalized within a week or two of putting them up.)

Shawn Eliot: He feels part of the problem with the lights being vandalized is that the signs are too low; they can be reached easily. The signs could be raised up higher, out of reach.

\*The led and solar lights could be looked into.

(Referring to #5) Speed limits that are set "artificially low" tend to not be obeyed; whereas if speeds are set at the speed that the majority of the drivers travel at, the speeds actually tend to slow down slightly...particularly with other calming devices are utilized as well.

Posting a 25 MPH speed limit "so that children can be safe playing in the road" is not a very good argument...children should not be playing in a roadway, much less a main road into Elk Ridge.

Goosenest is not part of the current trails system; but perhaps it should be added.

Deputy Tindall: Many of the complaints were based on the school children still attending Payson High; this has changed and they now attend Salem High; perhaps another study should take place with this in mind.

Shawn Eliot: The City may not be able to afford all of the recommended changes; but we could start with this list and do the best we can in implementing them.

\*We do need to find out how much of the right-of-way the City owns.

Nelson Abbott: There are places for kids to walk that are off of the road; much of the south side of the street is graveled.

Mayor Dunn: What could be done to this road to improve it, based on growth needs? It could be wider and faster and it will have to carry more people as growth occurs. It will have to be a better road to meet the needs. Someday those stop signs will be gone anyway; should we just remove them now? These are things that will have to be considered as the City grows.

\*In the meantime, he feels that he and Mr. Eliot (with the support of the Council) should draft a letter to Randy Cloward regarding the line of sight and safety issued with his corner...and what he needs to do to improve this.



\*The City needs to determine what kind of easement we have in that area so a walking path could be created.  
Shawn Eliot: He feels that if we could do some of these short-term things, and then remove the sign...at least there would be an effort to mitigate the problem.  
Sean Roylance: He agrees that as much as possible should be done to mitigate traffic problems prior to removing the stop signs.  
 \*Mr. Eliot will check on the cost of the yellow lights spoken of by Deputy Tindall.  
 \*This matter can be re-visited, perhaps in October.

**ELK RIDGE  
 CITY COUNCIL MEETING  
 September 9, 2008**

**TIME & PLACE  
 OF MEETING**

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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 these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on September 9, 2008.

**8:00 PM -**

**CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS**

**ROLL**

*Mayor*: Dennis A. Dunn; *City Council*: Nelson Abbott, Julie Haskell & Sean Roylance (Absent: Raymond Brown & Derrek Johnson); *City Planner*: Shawn Eliot; *Scouts*: Ryan Shumway & Ian Shumway; *Public*: Emily Holcomb & Joann Bigler; and the *City Recorder*: Janice H. Davis

**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 NELSON ABBOTT AND SECONDED BY JULIE HASKELL TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 8:00 PM; STRIKING AGENDA ITEMS 10 & 11**  
**VOTE: YES (3)                      NO (0)                      ABSENT (2) RAYMOND BROWN & DERREK JOHNSON**

**PUBLIC FORUM**

No one was present to address the Council.

**BUILDING HEIGHT  
 ORDINANCE**

*(Memo from Planner to Council, dated 9-9-08)*  
**"Background**

The planning commission was asked to pass a new building height ordinance back in 2006 that would raise the then current height of 30 feet to 36 feet. The commission held a public hearing at which the fire chief attended. His main concern with the proposed code was the proposal that the 36 feet was measured at the front of the home at the highest grade. The concern was that the fire department only had a 24 foot ladder and on sloped front yards, could have a problem reaching a second story window. The fire chief was not as worried about the rear of the home, but the commission did want to limit the height of 3 story walk out basement type homes. The code recommended to the city council was 36 feet high measured from the front at the medium grade and 48 feet high of the rear medium grade. The planning commission recommendation was never forwarded by staff to the city council. The original proposal of 36 feet from the highest front grade mistakenly was given to the council as recommended by the commission. This has been a concern for the commission since the fire chiefs testimony was used in their recommended code.

The new building height code was passed by the council May 13. It was then revisited two weeks later at the concerns of the building inspector and mayor. The council at that time requested that the planner and building inspector work together to iron out the concerns. The mayor and building inspectors main concern is that using the natural terrain would not allow for taller homes that use architectural styles with steep pitched roofs on sloped lots. The Planning Commissions approach in the HR-1 Zone and building height code has been toward minimizing the heights of cuts, fills, and rock walls. They've used the current general plan and new general plan survey as the basis of this (people want open space, they moved here because of the view and the mountains). The PC is concerned that homes constructed lately with extensive fills and rock walls are out of place next to homes in neighborhoods that didn't build this way (Cove DR, Salem Hills DR, Gladstan DR, RL's wall!). Other than the HR-1 zone, there are no other height restrictions for cuts, fills, and rock walls. Their thinking was that the building height code was a mitigation tool to discourage the construction of homes that dominate the neighborhood or hillside because of extensive grading. The allowance of an exception with the conditional use permit could allow for taller homes if it was proved that other ways to mitigate the height were exhausted.

The building inspector gave a presentation to the council in June showing that a 60 foot deep home and a 12/12 pitch roof, with a walkout basement would not pass with the new building height code. They would have to have a conditional use permit and go to the planning commission. He also showed the same scenario with a 40 foot deep home. The council kept the current code in place and asked that the planner and building inspector get together to iron out the code. The code has now been adjusted by adding additional height, changing the starting ground point for measuring height, changing the roof line point for measuring height, and changing the use of a conditional use permit for exceptions to allowing to planning commission to give an exception.

Julie Haskell: She feels that the restrictions that are in place and the ones presented are sufficient.

Nelson Abbott: The only way this proposed code is going to pass this night is if the vote is unanimous; and he could see that this was not going to be the case. He feels the issues need further study.

**MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY SEAN ROYLANCE TO TABLE THE PROPOSED CODE UNTIL THE ENTIRE CITY COUNCIL IS PRESENT AT A FUTURE MEETING**

*Discussion*

Sean Roylance: He did not mean to seem as if he was singling Councilmember Haskell out...this is a question as he has asked himself...and he would like to have the question clarified...why do we have a building code at all? what is the purpose for it; particularly if the code is not accomplishing much?

Julie Haskell: Is it better to restrict everyone and direct them that they have to build a "cookie cutter" type home? She does not feel that is the purpose.

Mayor Dunn: He agreed with Councilmember Haskell. He added that we have to remember that places like Provo and Orem do not have one building height code, they have three...based on their terrain.

We are looking at one that is kind of a "catch-all"...he feels it is fair.

*Brief history of how this matter of building heights came about:*

He does not think that the Planning Commission's job is to see things over and over again to make allowances or conditional uses, or to grant special considerations. The Planning Commission should take their existing tools within the existing code and tell an applicant exactly where the parameters are and what is expected of them. If the code is written right, it should be that simple. The code, as presented, leaves some options and answers some questions like, "am I high enough for the sewer?"

He feels it is extremely prideful and selfish for an existing resident to say, in essence, "You can't build there because it blocks my view". He feels a person's right to build a home and exercise property rights should not be determined from whether or not someone's view is going to be blocked. That is the risk one takes on a hillside...on flat ground you block everyone's view. He does not feel that people have really built their homes with the purpose of being taller than everyone else.

Shawn Eliot: He had a couple of thoughts:

- In this whole process, he does not think we have looked at trying to block someone else's view. The issue was, does the home stand out in the neighborhood...is it "pedestal up"? The builder may not have tried to get a better view, but by bringing in the entire added fill, does the home stand out? In some cases this has been the case. We have tried to limit the building height for safety issues, etc.
- When Alpine's code was brought in, the only difference was the mid-point vs. the high point; and the natural vs. the final, as well.

He feels after adding in section 50("building with the natural terrain"), by building along the natural contours...this takes away the ability to bring in a lot of fill, without someone reviewing it first. He feels this is more important than the building height.

Mayor Dunn: He feels a good illustration would be on Cove Drive...the house that is just across from Margai Leckie...if you go east to the next house, it looks like it is down a little...perhaps the budget one is working with, in building a home does not allow for extra fill to be brought in. It is difficult to know if economics prevent someone from being able to bring in fill or not.

Our freedoms allow us to do certain things...it is not a "bad thing" to have homes at a slightly different height...it is just unique. The artist in him sees the diversity in things as unique and desirable.

Sean Roylance: He did not mean to come off as "negative"; he honestly does struggle with the question of, what is the purpose of having a building height code? He has not been able to answer it for himself.

If the height is going to be restricted, it is not to say that we will not to say that he expects that there won't be any houses in the City over 25'; he fully expects that when people come in to request an exception, they will likely get it most every time...to just about any height they ask for. But building on hillsides must be more restrictive and he feels they must be held to these restrictions; and it should not just be left completely to a Building Official up to enforce them. He has a concern when the hillsides or the flatlands are significantly altered...he feels that the argument goes both ways...that significantly altering the land could also be considered "rude".

He is not set on 35', but he wants a good reason not to go with that.

Julie Haskell: On the other hand, do we want to set things up where the regulations are so restrictive that people have to come in to the Planning Commission every time someone wants to build a home?

Nelson Abbott: He knows the code will not pass this night; he did not feel they were going to come to any conclusion or answer to Councilmember Roylance's question.

Sean Roylance: He agrees that everyone should not have to come in for an "exception"; that would be too restrictive...that is why he provided the table (handout)...to show that we are probably looking at 10% to 15% of the houses that might need an exception.

Julie Haskell: She asked Councilmember Roylance where he came up with his percentages.

Sean Roylance: They are based on the fact that most of the houses left to build are in the flatlands and these will not come up against the need for an exception. South of town, 50% of the houses will be built on the downhill side and will not need exceptions. Many of the homes built on the uphill side will be ramblers, or have a second story with a roofline that comes clear down to the top of the first story.

Further, there will be those homes that are not 12:12 pitches...so there will be huge numbers of houses where the code will have little or no impact on...if the top is at 35'.

He could provide more detailed information with a more concrete percentage, based on the existing homes.

Perhaps we don't want to impact any of the homes.

City Recorder: In reviewing the direction from the City Council regarding this code: The City Planner and the Building Official were to come up with a code they could both agree on...they have agreed on this code, as presented this night. The Planning Commission sent this code forward with the recommendation for approval. If there cannot be agreement between the Councilmembers and their various perceptions; why not leave it to the Planner and the Building Official to agree on the code...since that was the Council's direction.

Sean Roylance: There are two things:

1. To be honest, he feels his attitude has changed somewhat just talking this through with everybody this night. For him, personally, he would feel much better understanding...even if he does not agree...at least understanding why the decision was made the way it was. If people disagree, fine...but he wants to understand why.
2. Our Building Inspector did some math that had some flaws and he is not ready to completely accept his previous approach, which he feels was "definitely skewed" and was not representative of realistic buildings.

Mayor Dunn: In fairness to Corbett (Stephens), who has inspected homes in several cities; his math was pretty accurate.

Sean Roylance: He was presenting 60' deep houses as being common; according to Councilmember Roylance, the deepest house in the City is 50'...that would put the figures off by quite a bit. You also have to look at the width of a house...even with that, the trusses are broken up in different ways.

Mayor Dunn: The Building Official was pretty accurate; he was trying to simplify it for us.

Sean Roylance: There are not many (if any) houses with a 60' depth; and that was presented as a typical scenario. It is not a typical scenario

*Motion on the floor to table the vote until the entire Council is present, at a future Council Meeting:*

**VOTE: YES (3) NO (0) ABSENT (2) RAYMOND BROWN & DERREK JOHNSON**

*\*(As a note, not part of this discussion...but as clarification: During the above mentioned presentation by the Building Official on 6-24-08, Mr. Stephens did also present various scenarios, including using a 40' depth as a base point.)*

*\*This will be 1<sup>st</sup> on the next Council Meeting Agenda.*

STOP SIGN ON  
ALPINE DRIVE &  
MAHOGANY WAY

*(Memo from Nelson Abbott to the Council, dated 9-4-08)*

"There is a stop sign at the intersection of Alpine Drive & Mahogany Way; on the north end is a cul-de-sac with 4 homes on it. In looking at the general flow of traffic, it seems to me that there is no need for a stop sign at this intersection; perhaps a yield sign for people heading south on Mahogany, but nothing more. After this stop sign you travel about 200 feet and you are at another stop sign. I would recommend this sign be removed as it serves no real purpose. I have had more people ask why that sign is there than all the other stop sign changes combined."

Nelson Abbott: Since the signs on Alpine and Escalante have been switched back, it has made the stops at the intersection in question more obvious than before.

With the cul-de-sac at one end and a stop sign just a few feet beyond at Hillside, it makes the stop at the intersection with Mahogany redundant.

North Clark Lane has more homes on it and has a "yield" sign, yet there is a stop sign on this smaller cul-de-sac. He recommends a yield sign on Mahogany for traffic coming out of the cul-de-sac.

He has stopped driving that route due to the redundancy of the stop signs.

Shawn Elliot: With a "T" intersection, the part that comes into the trough movement is generally where the stop sign would be placed. The problem with Councilmember Nelson's suggestion, if someone is coming down Mahogany from Hillside Drive...going into the cul-de-sac, then there would be a conflict...no one would have any control there. Living in that area, he has not seen any accidents...but has seen some near-misses.

In a yield (or uncontrolled) situation, there is supposed to be 110' for a 25 MPH road of clear view of the intersection. Without 110', the driver does not have time to stop...there would be "turning conflicts". The reason they did not put a yield sign is because there is not 110' of clear view.

Another point is that the whole "set-up" of going around Alpine to Mahogany to Hillside, is a short cut...it was not meant to be a main movement in our transportation system. Traffic calming devices are effective in a place like this, not only to slow traffic down, but to discourage use of the particular route.

Even though the cul-de-sac does not produce much traffic, it is still a "T"...if only one leg of that "T" is controlled, conflicts will arise. Traffic has slowed down since the installation of the stop signs.

No matter what is done in that area, it won't be perfect until the rest of the road system is in.

Over time, people will get used to it.

**MOTION WAS MADE BY JULIE HASKELL TO LEAVE THE INTERSECTION AS IT IS**

*Discussion:*

It was felt that a motion was not necessary to maintain the intersection as it is.

Councilmember Haskell withdrew her motion.

Sean Roylance: He has seen a yield sign in a position coming off of a cul-de-sac; but there were other issues and difficult characteristics with the road. As it is, it is a typical "T" intersection. When there was no stop sign, he felt there was more danger.

MINES & ROSS  
ROAD OVERLAY

Mayor Dunn: He feels with the information they have, the Council can go straight to a motion. This was discussed a couple of weeks ago at the Council Meeting, but the item was not on the agenda for action. The discussion was that, no the City will not allow the proposed movement of the 1' overlay to go from Magellan Ln. to Park Drive (this was the request from Mines & Ross). The (developers) will still be required to provide the 1" overlay on Magellan Ln. and to make the necessary repairs to Park Drive.



Park Drive: we will wait until spring to see if the water migration settles some of the cuts that are settling now; if they settle any more, they will have to come in and repair those cuts with either a "leveling course" or dig them out and fill them back in...then do a 1" overlay over the top.

**MOTION WAS MADE BY SEAN ROYLANCE AND SECONDED BY NELSON ABBOTT TO REQUIRE THE DEVELOPERS OF CRESTVIEW ESTATES I TO STILL DO THE 1" OVERLAY ON MAGELLAN LANE AND TO MAKE THE NECESSARY REPAIRS TO PARK DRIVE NEXT SPRING; ONCE WE HAVE DETERMINE THE EXTEND OF ANY DAMAGE TO THE ROAD, PLUS THE 1" OVERLAY ON PARK DRIVE**  
**VOTE: YES (3) NO (0) ABSENT (2) RAYMOND BROWN & DERREK JOHNSON**

#### WATER METER UPGRADES

Mayor Dunn: (Memo from Mayor to Council, dated 9-9-08)

"To date we have installed approximately 90 new meters. As we have been installing meters we have been bringing each up to current state requirements incorporating dual check backflow preventers into the meter yoke; so far about 40. The map shows that approximately 360 meters in the City are auto-reads...about 104 of the remaining meters are already touch-read, only needing the MXU (radio module), and we should have enough meters now on hand to finish the rest of the City to touch-read...leaving only the MXU's to install at a future date."

Nelson Abbott: Councilmember Abbott had Corbett Stephens order new meter up-grades. We are transitioning to auto-read meters to be able to read them faster. With this latest purchase, all of the meters will be either touch-read or auto-read. The purchase is approved as a budgeted expenditure for this fiscal year. He had a map showing the types of meters and their locations throughout the City.

The next phase of this overall project will be to add the MXU's to the meters (so they can be read with a radio); so far there a 153 installed. They are striving for more efficiency, particularly as the City grows.

Julie Haskell: Questioned why we are changing these meters out now instead of waiting until they wear out?

Nelson Abbott: To allow the meters to be read more efficiently and faster.

Mayor Dunn: This has been a five-year project that is in its fifth year. We are slightly behind in replacing these; that is why Corbett Stephens has been assisting in this. When all the meters are auto-read, it will only take 4 or 5 hours to read the entire City; whereas it was taking two workers three days (with interruptions) to read the meters.

Nelson Abbott: One thing to ask Mr. Stephens is what is happening to the meters being pulled out...is there a surplus or salvage market for these?

#### NON-AGENDA ITEM

Mayor Dunn: In the year 2000, State Code started requiring backflow preventers on houses. It was determined by the City Council that these devices should be installed; some residents received them and were billed for the installation. Only 20 homes were placed on this program and then it just stopped. The Code says that every home should have one. Corbett Stephens has been installing these.

(The Mayor explained how the device is installed.)

Costs: 1" = \$180 and the 3/4" = \$105

This needs to be addressed to get back wit the program.

\*He needs to speak to Kent Haskell as to his knowledge of the program and how we should handle it now.

Do we start charging the nearly \$300 at this point?

He will bring this information back to the Council.

#### EXPENDITURES

General:

(Councilmember Abbott mentioned discussing the City Celebration; that the budget was exceeded.)

Mayor Dunn: The budget for the City Celebration was exceeded and was not brought back to the Council for approval of an increase. The entire budget was \$4,000 and there is one bill in the amount of \$4,721.85 from Party Land. According to Party Land, they were sending requests to Councilmember Johnson that he submit the bill for payment; they finally sent a letter to the Accounts Payable Clerk (Janine Nilsson) requesting payment. Both the Mayor and Mrs. Nilsson attempted contacting Councilmember Johnson and messages were not responded to. No one on the Council can approve anything over \$500 without Council approval.

This has not been closed out; the bill from Party Land should have been in last year's budget and is not carrying over to this fiscal year's expenses. There are several other expenses added to the Party Land bill, which exceeds the budget by several thousand dollars.

City Recorder: The original budget in 2007/2008 for the Celebration started out at \$3,000; however that was increased to \$4,000.

Mayor Dunn: This City Celebration is important for the binding of our Community and, regardless of the negative comments of some of the public at the Taxation Hearing; the Mayor feels this tradition should continue.

There were no receipts for visa bills and Mrs. Nilsson has had to contact visa directly to tract these expenditures down. It is important for audit purposes to submit any receipts for expenses.

Sean Roylance: The Council should consider if prices have gone up for items associated with the Celebration or if the budget is too low. Perhaps we used things we have not used before. For future years the budgeted amount may need to be altered.

We need to be creative to assist in the costs for next year.

#### MINUTES

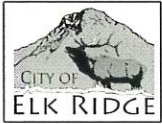
Postponed.

#### ADJOURNMENT

At 9:30 PM, the Mayor adjourned the Meeting.







**ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651**

t.801/423-2300 - f.801/423-1443 - email [staff@elkridgecity.org](mailto:staff@elkridgecity.org) - web [www.elkridgecity.org](http://www.elkridgecity.org)

**AMENDED NOTICE & AGENDA – CITY COUNCIL**

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, September 23, 2008, 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. Off-Road Vehicle Code – Discussion – Mayor Dunn
2. Firearms & Weapons Code – Discussion – Mayor Dunn
3. City Finances – Discussion – Mayor Dunn
4. Gooseneast Drive Speed Study – Shawn Eliot
5. Sensitive Area Map – Shawn Eliot
6. Smoke Free Parks – Mayor Dunn
7. City Park Considerations/Discussion – Derrek Johnson

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

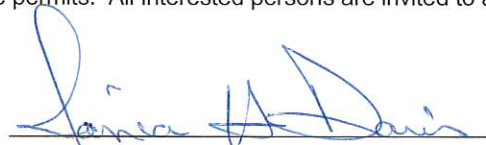
Opening Remarks and Pledge of Allegiance Invitation

Approval/Agenda Time Frame

- |      |   |
|------|---|
| 7:05 | 8. Public Forum:  |
| 7:15 | 9. Eagle Project Approval                                 |
| 7:25 | 10. Building Heights Ordinance – Shawn Eliot              |
| 8:00 | 11. Action of Work Session Items:                         |
|      | A. Gooseneast Drive Speed Study                           |
|      | B. Sensitive Area Map                                     |
|      | C. Schedule Public Hearings:                              |
|      | 1. Off-Road Vehicles Code                                 |
|      | 2. Firearms & Weapons Code                                |
| 8:15 | 12. Code Enforcement Officer – Raymond Brown & Mayor Dunn |
| 8:25 | 13. Change Order – Water Project                          |
| 8:45 | 14. Purchase of SUVMWA Water Rights – Mayor Dunn          |
| 9:00 | 15. Expenditures: (General)                               |
|      | A. Dump Truck/Snowplow (10-Wheeler) – Repairs - Approval  |
| 9:10 | 16. City Council Minutes                                  |
|      | Adjournment   |

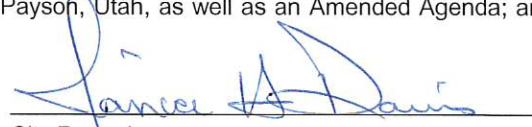
Handicap Access, Upon Request. (48 Hours Notice)

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.  
Dated this 19th day of September, 2008.

  
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, as well as an Amended Agenda; and was provided to each member of the Governing Body on September 19, 2008.

  
City Recorder



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**ELK RIDGE  
CITY COUNCIL MEETING  
September 23, 2008**

**TIME & PLACE  
OF MEETING**

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, September 23, 2008, 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 these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on September 19, 2008.

**6:00 PM –**

**CITY COUNCIL WORK SESSION**

**ROLL**

*Mayor:* Dennis A. Dunn; *City Council:* Nelson Abbott, Julie Haskell, Sean Roylance, Raymond Brown & Derrek Johnson; *City Planner:* Shawn Eliot; *Sheriff:* Deputy Tindall; *Scouts:* Cody Towse & Jonathan Larsen; *Public:* Jed Shuler; and the  
*City Recorder:* Janice H. Davis

**OFF-ROAD  
VEHICLE CODE**

Mayor Dunn: As a result of the conversation at the previous Council Meeting, the Mayor is presenting a draft of possible Code for the Off-Road Vehicle regulations. He used code from other communities to come up with this sample for the Council to review.

Public Hearings still need to be scheduled for both the Off-Road Vehicle Code and the Firearms and Weapon's Code; if there are concerns and matters to be included or deleted in either of the proposed codes, he wanted those discussed so that another draft can be done prior to the Public Hearings.

The Mayor went through the various sections with the Council:

*6-2-1: Definitions:*

After discussion, it was felt that snowmobiles should not be included in the definitions or part of the code for "Off-Road Vehicles".

*6-2-2: Operator Age & Limitations*

No comments at this time.

*6-2-3: Three Choices to identify which roads will be identified at appropriate for off-highway use:*

a. All public streets in order to gain access to or from private of public areas open for off-highway use

b. Using off-highway vehicles on any public street for any purpose

c. Subsection (2) (b) does not apply to off-highway implements of husbandry

If all roads are designated as appropriate for off-highway use, then the ATV's do not have to be "street legal"; (definition of "street legal" followed...taken from the State Standards... *Section 6-2-6*).

If only some roads are designated as useable for off-highway vehicles, then only those types (street legal) ATV's can be on those roads.

The Mayor contacted White Knuckle Sports to see what it would take to outfit an ATV with the necessary equipment to make it "street legal". They have a parts employee that is working on a package to retro-fit ATV's with this equipment and they are certifying one of their employees to be an inspector.

He understands that there is only one required inspection.

Mapleton and Woodland Hills have codes in place designating all their roads for ATV's.

Derrek Johnson: He feels that the speed limit should be more in line with Mapleton's...20 MPH is plenty of speed for a 4-wheeler.

Mayor Dunn: That is a good concern; he has spoken to a retired justice of the peace and he feels it should be 10 MPH.

*6-2-4: Age Limits*

(Out of State law) Under 16 years of age shall not operate an off-highway vehicle on any public street unless under the direct visual supervision of an adult who is at least 18 years of age.

"Visual supervision" means within the line of sight.

Mayor Dunn: The Operator Permit can be obtained at the age of 8, but the City's code does not have to accept that for City streets. At age 14 or 15, they would be allowed to be on the streets with an operator's permit, under visual supervision; under 14 would not be allowed to operate on the streets.

In speaking to the sheriff; his understanding of the law is that the intent of the younger age limit was meant for people up in the mountains...like families together with young children with their parents.

One of the Mayor's concerns is for those youngsters who are taking care of lawns or acting responsibly and staying out of trouble...using ATV's. The State law also states that 17 & under have to wear helmets (*6-2-7*); and the sheriff said that if he sees a person with a helmet, he cannot tell how old they are. He would have no reason to stop that person unless they were breaking the law.

*6-2-9: Speed Limits:*

This can be placed at whatever the Council feels is best...currently the sample code says that the speed is "as permitted". This section could state the specific speed the Council decides on.

Raymond Brown: He agrees with 20 MPH.

Sean Roylance: He suggested 10 mile per hour under the posted speed limit.

(That would be 10 MPH in a few areas and 15 MPH on most streets,)

The Council was okay with either of the choices.

City Recorder: (Question) Why aren't ATV's required to be "street legal" if all the roads are classified as useable?

Mayor Dunn: There is a choice in Senate Bill 181 to classify your streets...if the City does not specifically designate all the streets as legal for ATV's, then the law defaults to require that only street legal machines are allowed on the streets. We are given the choice: all, some or none of the roads.

Sean Roylance: He has a concern with major arterial roads: ATV's on those roads could cause problems.

Mayor Dunn: 1600 West (Elk Ridge Drive) and 11200 South are County Roads, so these laws would not apply. We do have jurisdiction on Goosenest and Loafer Canyon Road.

Derrek Johnson: He has seen ATV's on 1600 West, but the drivers were being responsible. He has taken a 4-wheeler on Goosenest Drive, but on the side of the road. Most people are responsible; some will violate the law regardless of what it is.

Julie Haskell: She agrees that a speed limit should be decided upon and posted.

Speed Limits:

The Council discussed 20 MPH for ATV's.

6-2-11: Husbandry Equipment:

Mayor Dunn: This is to allow people to assist others in such a way as shoveling snow without getting cited. (Golf carts are not included in this code.)

## FIREARMS & WEAPONS CODE

Mayor Dunn: HE used code from other communities on these sample regulations, as well. He is okay if the definition is changed to exclude slingshots, wrist rockets, etc. They have not really been a problem. He included them in the sample code so that the Council could be aware of some of the things some cities are addressing.

The Mayor received a letter from one of the residents, Steve Fillerup, regarding shooting of "projectiles": *(It was the complaint of his wife regarding a neighbor shooting a compound bow in the backyard that began the review of the City's current Code and the lack of anything addressing this type of situation.)* His letter pointed out that he is not necessarily in agreement with his wife's views on this matter; which the Mayor feels should be a part of the Public Hearing to present views on both sides.

Raymond Brown: He has seen incidents where people, including children, have been struck by arrows and BB guns, pellet guns and sling shots...the Code should be inclusive; the law can always be enforced in a more lenient way, but cannot be made stronger. We live in a community; he does not feel there is room for various harmful "projectiles".

City Recorder: A rock can be a "projectile"; there will always be those that violate any law...are we trying to be too restrictive?

Raymond Brown: He pointed out that there are places to go to fire weapons; he does not feel it is appropriate within the City's neighborhoods. He has reviewed the proposed code changes and is in agreement with them, as presented.

## CITY FINANCES – DISCUSSION

*(Memo from Mayor Dunn to City Council for Packets)*

"We have had some discussion about the prospect of moving money from one department to another, specifically from Water to the General Fund. This is not sound business practice and can be damaging to our credit rating as a city and close the options for future opportunities that are presented to us, such as new well drilling or upgrades to our Loafer Canyon Well. I have asked Curtis Roberts to provide us with written explanation and guidance as to both the legal and prudent avenues that we can take. Please read and understand what sound advice he is giving us. This is valuable guidance."

*(From Curtis Roberts – Finance Director for Elk Ridge)*

"Subject: 1) Can water fund revenues be used to finance general fund operations and 2) philosophies regarding water rates and water fund operations

Date: August 30, 2008

The purpose of this memo is to communicate in writing the key areas of our discussion by phone. One of the challenges with governmental accounting and operations is determining the operating activities that: 1) are legally required to be done, 2) can be done legally but may not be prudent to running the government, and 3) can't be done legally.

Whenever I am asked the question "can we do this", I try to explain the difference between what can be legally done (realizing that I am not a lawyer but I know that the law allows the operation) and what is best for the operations of the city. I also try to explain options and then express my opinion of which is better for the city in my professional opinion.

The remainder of this memo will focus explaining what can be done legally to finance general fund operations with water fund revenues, what I consider prudent for this issue and why (my professional opinion), the two philosophies regarding the setting of water rates, and my professional opinion about setting water rates.

I will not discuss in this memo the differences between the water fund and the general fund or why they must have a separate accounting because this has been discussed several times in city council meetings and trainings.

What can be done legally to finance general fund operations with water fund revenues?

I am often asked the question about using one fund to finance the operations of another fund. Therefore, I have extensive experience in this area.

The simple answer is that it is legal to transfer funds from the water fund to the general fund to finance general fund operations and, in essence, keep property taxes or other fees lower. The same is true for any business-like fund of the city (sewer fund or drainage fund). The city is required to give notice to all the users of the water system that must comply with state legal requirements and must be done before the transfer of funds is budgeted and occurs.

This practice is most common in cities that have significant commercial property tax bases versus residential property tax bases. The idea of city leaders is to keep the property tax rates low while allowing water rates to rise because water rates are usually accepted better by businesses than property taxes.

What I consider prudent relative to Elk Ridge City's operations

1. As we will discuss later, I monitor water fund operating income and net income to make sure that the water fund is in the best financial condition that the city can obtain. However, the movement of funds out of the water fund can distort the financial position by blurring the lines between the funds. This leads to confusion with the citizens and can allow for accusations of financial improprieties. My professional opinion is that we should strive for openness in the financial reporting of the city and honestly explain costs of providing services and the related revenues to pay for those costs. Therefore, I would not recommend using water fund revenues to pay for general fund expenses.



2. The city currently allocates a portion of the administrative costs to the water fund from the general fund. The purpose of this allocation is to charge the water fund for services provided by the general funds (council oversight, mayoral administration, other administrative costs that are not feasible to charge directly to the water fund, etc.). Transferring additional funds from the water fund to the general fund distorts the reason for this administrative charge. I must be clear that the administrative fee is designed to have the water fund pay its fair portion of administrative costs; costs the water fund would have to incur if it was not part of the city. My professional opinion is that the allocation is the most proper way to recover administrative costs and that a transfer would confuse this issue.

In summary, my professional opinion is that making an additional transfer of money from the water fund to the general fund would simply be shifting from property taxes to water rates to fund the general fund and I don't believe it would be beneficial to the city in the long-term.

#### The two philosophies in setting water rates

There are two basic philosophies that are advocated when setting water rates. One philosophy is to set water rates to cover the bare minimum necessary to pay the costs of operating the system for the current year. The theory is that the citizens should not let the government hold have any "extra" money and the citizens not be asked to pay for expenses that "may be incurred" in future years.

This philosophy has the benefit of keeping water rates low in the short term and allowing citizens to possibly keep more money that they could invest or use to grow the economy. The disadvantage is that if something breaks, those same citizens would have to pay additional money in the year the need for additional funds occurs. The result is water rates would change dramatically between years as cash flow requirements change. The entire payment for any new water bonds would be allocated to the citizens in the year the bonds are issued, which could cause water rates to rise 100% or more.

I am unfamiliar with any successful business that operates under this philosophy. This type of operation tends to ignore maintenance in an effort to not increase water rates. Therefore, large repairs tend to occur more often. Certain Municipal water systems are starting to recognize the cost of ignoring maintenance costs and are raising their water rates dramatically to address system needs.

The second philosophy focuses on recovering the costs of operating the system while providing money to repair and replace water system assets. With this philosophy, the water rates must be structured not only to provide the cash flow to operate the system, but also provide enough revenue to recover all the expenses to operate the system and a little bit more for inflation. The benefit of this approach is that all citizens pay for the entire cost to operate the system when they use it and provide for future replacement of assets (as opposed to making future generations pay to replace a system that we are using now). The approach tends to keep water rates more constant but does require adjustments for inflation. The disadvantage is that the government will build up cash balances which should be used for water system asset replacement and minimize the need for long-term debt (bonds).

#### My professional opinion regarding these two philosophies

As you can tell, my professional opinion is that the second approach is much better than the first. The approach keeps water rates constant. Elk ridge has been able to not raise water rates even though significant improvements have been made to the system. In addition, the reliance on long-term debt is minimized, as evidenced with the last bond issued by the city. Finally, the city can openly show how citizens are paying for current services and leaving a system that will not be a huge financial burden on future generations. We have experienced and seen the impact when other governments ignore the true costs of a system and focus only on cash flow (social security is a huge example).

As always, I will gladly clarify any of my positions and discuss them with any council member or you (Mayor) at any time."

City Recorder: Mr. Roberts has been at the city on one of his regular visits in preparation for the annual audit; he was asked about the additional sales tax revenue that the City is supposed to be receiving; he responded that we have likely received it at the end of the last fiscal year (2007/2008). We checked the latest deposits to the PTIF General Account and we did receive a bit more with the final deposit. In making the motion to stay with the suggested tax rate for 2008, Councilmember Abbott referred to the prospect of receiving more sales tax revenue as one of the reasons he felt that property taxes should not be raised. The City will not be receiving this additional revenue in 2008/2009. The impression was that the reimbursement would be significant.

The City property could be prepared for sale; but what would it sell for with the economy as it is?

Raymond Brown: There was a water line break in the main line on Canyon View Drive; this is the second or third break in this section of this old line. The line is routed right through people's property. He spoke to Kent Haskell regarding the possibility of putting in another line in to replace this old one (in the right-of way); they agreed that this would be preferable to the existing line. The cost would be about \$106,000; even with the work being done "in house". Limes all over the City are at a point of wearing out...the water dept. needs the money for the inevitable replacement of these old lines.

Mayor Dunn: (Explained the most recent water main break on Canyon View Drive.) These lines have been in about 35 years; and they were not installed properly back then. There was no sand to surround the pipes; these pipes are buried in dirt and rocks...the result is cracked lines. This 6" line needs to be replaced with an 8" line and moved over. This will happen next year when the weather permits.

This is the Council that is facing the replacement of these lines; as will future City Councils. These costs must be budgeted for.

#### OFF-ROAD VEHICLES (CONTINUED)

(The arrival of Deputy Tindall re-opened the discussion on the proposed code for ATV's)

The Mayor updated Deputy Tindall on the previous discussion and asked him for any input he may have.

- All riders should wear helmets regardless of age...to be safe.

- He read from Section 6-2-5; he was not sure of the intent.

(Mayor Dunn explained the section and the exceptions that would allow a person to operate an off-road vehicle on public streets)

The Deputy feels this section could be considered "open-ended"...example: if the neighbor's son (who happens to be 18) tells the neighbor (who is 16) that he can ride an ATV; ultimately if there is damage or

injury, it will come back on the parents of the 16 year old. Another option would be to restrict it to a "legal guardian" over 18 being allowed to give permission. He feels this should be tightened up.

Mayor Dunn: Enforcement would be after the fact; as a result of an accident and the sheriff getting involved and gathering information. There is always the possibility of the youngster lying. Wording would be, "Only a parent or legal guardian over the age of 18 may give permission to an operator of an ATV under the age of 16, within the City limits of Elk Ridge." This would be listed under an additional section "D".

*There was an in depth discussion of the minimum ages allowed to operate an ATV within the City, under the supervision of a parent or guardian. No decision was made at this time.*

Derrek Johnson: He does not favor being too restrictive.

*(It was decided to remove snowmobiles from the Definitions and out of Section 6-2-7 (a).)*

Deputy Tindall: Suggested posting ATV speed limits in various locations on the City streets, particularly at the entrances to the City. (The Council agreed.)

He was asked if he felt that 20 MPH is too fast for ATV's and, though he understand the concern, he also pointed out that there have been very few incidents and people seem to be mostly responsible. The response since the issues have been addressed has been positive. He also feels the City should look into offering the ATV certification course. *(Councilmember Johnson added that Mapleton's speed limit for ATV's is 20 MPH.)*

#### GOOSENEST DRIVE SPEED STUDY

Shawn Eliot: *(Mr. Eliot used the same information as provided to the Council for the Meeting that was held on 9-9-08...with a few added notes in red.)*

The current speed limit on Gooseneast Drive is 30 MPH; and about 51% of the people driving on Gooseneast are driving the speed limit or under. 45% were driving over the speed limit. The 85<sup>th</sup> percentile, which is what you would normally set your speed limit at, is 36 MPH...so the majority of the drivers feel "safe" at 36 MPH due to the design of the road. Only 4% drove over 40 MPH and only 8 drivers that were over 50 MPH (not even a percentage) in an entire week.

##### 1. Create a safe place for pedestrians to walk:

He explained that everything in the memo in black was what had been presented to the Council previously; and all notes in red are answers to questions discussed at the last Meeting.

Under *Short Term Recommendations*: A letter was sent to Randy Cloward and he has been busy with something in front of his home.

Mayor Dunn: Mr. Cloward has started to re-do some of the issues on his corner (Gooseneast & Elkhorn).

Shawn Eliot: we are basically asking for a shoulder to be created.

##### 2. Upgrade worn out signage:

One speed limit sign was replaced. The estimated cost of replacing 2 speed limit signs, 2 school bus stop signs & 2 "share the road" signs is about \$510.

##### 3. Stripe the road:

He called Done Right Striping for the cost to stripe this portion of Gooseneast between 1600 West and the west City limit and the cost was about \$900. Their minimum mobilization cost for a project is \$1,500, which would bring the cost of this project to \$1,500. With this in mind, he recommended striping the newly paved area on the Gooseneast Elk Ridge Drive curve going south to the Park Drive intersection; as well as to re-stripe the stretch of Gooseneast between 1600 West to the new pave job. This, added with the other job would cost about \$2,000. One last option would be to paint all the currently striped roads in town long with the portion of Gooseneast in (a) and the new pave job. The current stripes are fading and won't last through the winter. (Cost = about \$3,200.)

**Decision:** (c) Stripe the newly paved area on the Gooseneast Elk Ridge Drive curve going south to the Park Drive intersection; as well as to re-stripe the stretch of Gooseneast between 1600 West to the new pave job. This, added with the other job would cost about \$2,000.

Raymond Brown: He commented that the City would not be striping until the spring.

##### 4. Install 2 Radar Speed Signs to alert drivers to keep the speed limit (These are costly: about \$2,500 to \$5,000).

He checked on the cost of the flashing lights that were discussed and they come to about \$600 for the assembly...solar are more at about \$5,200 for two.

He also contacted the power company: It is about a \$40/month fee for two flashing lights.

There would also be an impact fee charged (\$2,100 each).

The point was made that a flashing light is noticeable at night, but not as much in the day...people get used to it. There are battery packs for the lights or "led" lights.

**Decision:** (a) Single flashing light placed above the speed limit signs (also have the signs taller so they are not so easily reached by vandals).

##### 5. When other improvements are in place, raise speed limit to 35 MPH (85<sup>th</sup> percentile for main corridor...

Adding: & remove stop signs facing Gooseneast Drive.

Mr. Eliot has been approached that the above mentioned stop sign is an "unfair" stop sign.

\*Perhaps Dale Bigler could grade the south side of Gooseneast Drive.

#### SENSITIVE AREA MAP

Shawn Eliot: *(Memo from Planner to Council, dated 9-23-08)*

"Background

The Hillside Residential 1 Zone code was passed unanimously by the city council on 26 Feb 2008. As a part of the new zone the city attorney suggested that to better allow developers/landowners to identify what sensitive land features the city wanted to preserve that the HR-1 code references a map that the city would have on file. At the last commission meeting, part of the discussion was whether to leave off the map areas behind High Sierra DR as being designated as a ridgeline. It was decided that it would be better to keep the area as a ridgeline, but to change the HR-1 Zone ridgeline setback requirement from 100 feet to 50 feet as well as change the slopes to set back from, from the current 20 percent slopes to 30 percent slopes. The motion was made that if the council didn't change the ridgeline code in this manner that the commission wanted to revisit the map to reevaluate if the ridgeline designation was appropriate for the area behind High Sierra DR.

The council passed the ridgeline code at their last meeting changing the ridgeline setback requirement from 100 feet to 50 feet, but they were not so inclined to change the areas to setback from, from the 20 percent slopes to 30 percent. Their concern was partially with this being a new code they didn't want to erode it away before it was even applied to any development. If it became a problem at development, they could make changes to lessen requirements then, but they can't at that time make changes to make it stricter.

#### **Staff Finding**

At the last commission meeting, it was brought up by landowners that our ridgeline ordinance was the most restrictive of any of the codes they reviewed. Further review by staff shows this not to be completely correct. One part of our code might be restrictive as compared to others, yet other portions are less restrictive. You must look at the code as a whole and what it is trying to accomplish cumulatively.

Park City defines a ridgeline as "The top, ridge or Crest of Hill, or Slope plus the land located within **one hundred fifty feet (150')** on both sides of the top, crest or ridge." Then they couple this with the use of vantage points, or locations within the city, that at these points you cannot see any structure's silhouette along the ridge. They identify 9 locations spread out throughout the city as vantage points. Also, Park City allows third acre lots (down to fifth acre in a Master Planned Development), but they also require 70 percent of any development be open space. Elk Ridge allows one acre lots with no open space and half acre lots with 40 percent open space.

Other cities: The city of Herriman has 3 vantage points in the city for ridgelines, but they only allow minimum one acre lots in their most dense hillside zone and 20 acre lots in their least dense zone. Mapleton doesn't have a ridgeline ordinance, but their hillside zone only allows 3 acre lots. Alpine does not allow any homes over 5,350 in elevation (in Elk Ridge this location would only be half way up High Sierra DR).

After the planning commission reviewed the map with the new information, they decided to recommend the remove the ridgeline designation on the Karl Shuler property where is currently begin just south of the current termination of High Sierra DR westward to where the steep slopes sharply bend southward on land within the Payson city limits.

#### **Planning Commission Motion**

Kelly Liddiard made a motion and Kevin Hansbrow seconded that the planning commission recommend that the city council adopt the existing ridgeline on the sensitive areas map leaving out a portion of ridgeline on the Karl Shuler property going from the pinnacle of the property within Payson, circling up to high sierra drive.

Paul Squires asked to see the ridgeline defined on a street map. Kelly Liddiard showed Paul where it was located.

VOTE: YES-ALL (4), NO-NONE (0), ABSENT (4) - SCOT Bell, Dave Holman, Russ Adamson, Dayna Hughes

#### **Recommendation for Council Motion**

Motion: That the city council adopt by resolution the Sensitive Areas map as referenced by the Hillside Residential 1 Zone (*add if desired:* and removed the section of ridgeline designed on the Karl Shuler property as shown on the map. The council finds that the map is an appropriate tool to aid developers, landowners, and the city in identifying sensitive environmental features and prominent hillsides. The council finds that this map, as referenced in the HR-1 Zone code is in line with the general plan in regards to environmental protection, aesthetics, and safety."

#### **Discussion:**

Julie Haskell: Asked for clarification on the part of the memo where the Planning Commission made their motion...is there a possible annexation with Payson? Where is the area that was referred to?

Shawn Eliot: Mr. Eliot indicated on the map the area referred to, which is a knoll, is in Payson. The only way to access or to build in that area would be through Elk Ridge; there is a good chance that Elk Ridge will not want nor be able to service that area. He added that the land in question, on Shuler's property, did not need to be considered a "ridgeline"; but once you get to a particular corner, coming down the golf course, they left it as is. The members felt that, since

Elk Ridge would probably own that area some day, and that the pinnacle in Payson should be included in the plans and on the map.

#### **SMOKE FREE PARKS**

(Letter from Utah County Health Dept. – Health Educators – to Mayors of Utah County; was included in the Packets for Council)

"The Utah County Health Dept. & Outrage would like to thank you for the opportunity to speak at the Council of Governments regarding adopting a regulation for smoke free parks over the past several months. Dr. Miner has asked us to follow up with you to get your input as to whether you would like to see a county wide regulation or if you would rather pass a regulation individually as cities. The county wide regulation would be a baseline ordinance with room for cities to expand it as desired. This makes a more streamlined approach that will be clear to residents throughout the county. If supported, this



regulation will go to public hearing at the November 24 Board of Health meeting. Dr. Miner and the Board of Health are anxious to hear your opinions at this next Board of Health meeting on Monday September 22. Please email me with your opinion, questions and concerns by 1pm on Monday, September 22. Thank you so much for helping make our communities healthier." (Attached were the proposed Code changes.)

Mayor Dunn: This is simple and a suggested ordinance is attached to the letter. The letter accompanying the code changes states that if the city does not want to take action, we can wait to see what the County will do after public hearings, and let this guide the cities. A few communities went ahead and passed some regulations and their codes ended up being very different from one another. To make this a County wide standard, it is better to wait. Included in the letter from the County, are options for the cities to consider.

Raymond Brown: Suggested waiting for the County. (No one disagreed.)

#### CITY PARK CONSIDERATIONS

Derrek Johnson: Councilmember Johnson informed the Council of an "auction sign" up in the Elk Meadows Development area. (*The Development has been turned back over to the Bank.*)

Within the Development Agreement, the Park associated with this Development was to be maintained by the Homeowner's Association; it is dried up and not being maintained. He wants to pursue determining what the City's options are in demanding this maintenance. The whole area is unattractive and is a "blight" to the City. The PUD was met with many mixed feelings from the residents and this just adds to the problem.

Mayor Dunn: The Development (Elk Ridge Meadows II) went back to the Bank about 3 weeks prior to that date (9/23). The Mayor had Corbett Stephens call the Bank because Mr. Stephens brought up a very good point: this past June, the developers were to address the 1" overlay on the roads. Another point was that the City has a contract with DAI (developers) on the impact fees coming in from that subdivision; to reimburse the up-front water system money paid (\$233,000 for that phase of the PUD). The question is, who does the reimbursement go to now? The Bank says that they actually financed that up-front money. Mr. Stephens pointed out that when a contractor comes in and builds a house in Phase 2; that under the current contract, that DAI is to receive the reimbursement. The Bank was unaware of that. They were told to arrange this with DAI and to contact the City with any approved change to the Agreement the City has with DAI. They have not done that.

Since that time, the auction sign has gone up. The auction will take place on September 30, 2008, in Salt Lake, at the Wells Fargo Building. There may be some single (Individual) buyers bidding on that property. They can sell the property in a block or as individual lots.

Homeowner's Associations generally go out of business as time passes. When the Mayor was on the Planning Commission (during the negotiations for this Agreement with the developers), and he wanted to see something in that Agreement that would allow the park to revert back to the City if the Homeowner's Association ceased to be. This may not have been part of the final Agreement (this needs to be checked out).

It is not known what will happen to this park.

Action:

- Check the Development Agreement regarding what happens to the park.
- Determine if the Durability Bond can be tapped into for the sake of reviving the park

City Recorder: Reminded the Council that the Durability Bond did not include the cost of the installation of the park because it was to be maintained by the Homeowner's Association. The overlay is included, but not the park.

\*Legal question: (Contact David Church) How do we keep the park?

Shawn Eliot: The overall PUD has extra density do to the designated open space. We have a contract; the developers have broken that contract; what are the options at this point? Can they be considered "in default"?

Sean Roylance: A further question would be if the City can refuse any more building permits until that part of the Agreement is kept?

Shawn Eliot: Feels there may be some leverage.

Mayor Dunn: Suggested contacting the Bank and offering to "take the park off their hands"; for them to give the City 1<sup>st</sup> option on the park at a fair price...or even allow the City to just have the park and fix it up...it would assist in the sale of the property.

Sean Roylance: The Park might actually be a liability to the Bank; perhaps they would be glad to give it to the City or sell it to the City at a reduced price.

City Recorder: There is a default portion in the Agreement that gives the detail of how the developer or the City could be considered "in default" if terms of the Agreement are not met. This needs to be reviewed to determine the best way to handle this situation.

(There is no evidence of the City having the right of first refusal in the Agreement.)

\*The Mayor and Mr. Stephens will contact the Bank to see what steps to take next; the Mayor will contact David Church.

#### FIREARMS & WEAPONS (CONTINUED)

Deputy Tindall: (Added one more point to the ATV Code): Bottom part of the *Definitions*:  
Weapon:" ....expel a projectile capable of doing causing bodily harm and/or property damage."



**ELK RIDGE  
CITY COUNCIL MEETING  
September 23, 2008**

**TIME & PLACE  
OF MEETING**

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, September 23, 2008, 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 these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on September 19, 2008.

**7:43 PM -**

**CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS**

**ROLL**

*Mayor: Dennis A. Dunn; City Council: Nelson Abbott, Julie Haskell, Sean Roylance, Raymond Brown & Derrek Johnson; City Planner: Shawn Eliot; Sheriff: Deputy Tindall; Scouts: Cody Towse & Jonathan Larsen; Public: Jed Shuler; and the City Recorder: Janice H. Davis*

**REMARKS  
& PLEDGE OF  
ALLEGIANCE**

An Invocation was offered by Raymond Brown and Scout Jonathan Larsen 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 JULIE HASKELL TO  
APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:43 PM  
VOTE: YES (5) NO (0)**

**PUBLIC FORUM**

No one was present to address the Council.

**EAGLE PROJECT  
APPROVAL**

Jonathan Larsen: Proposal: to build benches in the Playground area. The price of one bench is about \$250; he plans to build 2 benches. Other scouts, family members and Ward members will assist in passing out fliers to ask people for donations for the project. The amount of money he is able to gather will determine the number of benches he will install. He plans to build the benches out of wood and metal composite material. He could build a flat bench out of the wood for \$150 or \$200 (9 1/2' X 3').  
1/2 of a yard of cement = \$83.

He is going to cement the benches in. There will be one replacement bench. (Kent Haskell directed him to where the replacement bench will be.)

He plans on having his father assist in building the wood bench.

Fliers for donations will be handed out across the City; starting with his Ward boundaries...he will begin as soon as possible.

Mayor Dunn: Pointed out the location of the broken bench that needs to be replaced. He suggested a flat bench by the Playground area to give people the chance to sit either direction to be able to watch their children. One of the locations has a sprinkler head that would need to be moved.

Nelson Abbott: It is important to utilize the other scouts for leadership purposes in Eagle Projects.

Mayor Dunn: A person can be used that is a source of information in building the benches; but scouts are needed; with a list of the names of the scouts and the number of hours they each worked. The Eagle Board will want to know what he did to develop leadership skills in directing others.

He directed the scout to gather as much money as he could; then, if needed, the City will determine if the City will donate up to \$100.

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO APPROVE  
THE EAGLE PROJECT FOR JONATHAN LARSEN  
VOTE: YES (5) NO (0)**

Jacob Cazier: Eagle Scout Project

Julie Haskell: Another Scout has proposed his Project and has already had it signed off and is ready to start; it also involves benches in the Playground/Park area. Councilmember Johnson signed it off. He wants to know where to locate it. It is Jacob Cazier. They plan on starting at 5:00 PM on 9-24-08. Since two scouts are doing benches, the locations need to be coordinated.

Mayor Dunn: He should replace the one the Mayor marked with "replace". The Mayor will call him and inform him which location he should use.

*(The Council was in agreement that his project should move forward; he should have presented his Project formally to the Council for their approval.)*

Scout Cazier should be prepared to report to the Council to follow-up after the Project is complete.

**BUILDING HEIGHT  
ORDINANCE**

*(This matter is being re-visited from a previous Council Meeting; there were only three members of the Council present at the last Meeting, voting on the proposed ordinance was tabled.)*

The same memo from the City Planner, provided for the previous meeting, was used for this meeting.

Julie Haskell: Reiterated her opinion as she stated in the other Council Meeting; that she is in favor of the proposed changes to the Code, as presented.

Nelson Abbott: Those of the Council who would have not voted in favor of the proposed Code have had additional time to review the matter and they have come to a different opinion; they are "okay with it now".

The proposed Code would not prohibit anyone from building what has been built thus far in the City.

Sean Roylance: He has to ask again:

1. What is the purpose of the Code? At the last Meeting, there was no good answer. He has thought about it and feels that we are not trying to create adobe buildings with flat roofs; not single-story houses. He feels the measurement to mid-point is good.
2. We are trying to avoid mound of dirt being brought in for fill; so a change he would propose from the current draft would be measuring from "natural grade" rather than from "final grade". This still gives people building a great deal of leeway. Exceptions can still be granted.

So, there is concern with language included that might not catch any abuse of fill; this relies on the Inspector having to catch the problem or potential problem. Measuring from "natural grade" would safeguard this, if the Inspector misses anything.

Nelson Abbott & Derrek Johnson: Agreed with Councilmember Roylance's recommendation.

City Recorder: A question that the Building Official had before was how to determine "natural" grade...and who would determine this? Fill could have been brought in years ago...so what is "natural"?

Mayor Dunn: Example: The homes belonging to the Parr's and the Donegan's...Consider the vacant lot lying between the two homes...there is a lot of fill on this vacant lot. Will the people owning that lot have to go down to "natural grade"; where ever that is? There has been no proper compaction of this fill and will not pass compaction tests.

Shawn Eliot: Our Code also states that they should have an approved grading plan when bringing in that type of material. If they are creating steep slopes, there will need to be re-seeding to avoid erosion.

City Recorder: So there would be two houses way above this home in the middle due to them having to build on "natural grade"? (*The Mayor answered that, according to what has been proposed, yes.*) Could this be an example of where an exception could be granted?

Derrek Johnson: There is also the safety issue of not compacting the dirt properly.

Sean Roylance: If this is an "infill" situation, then likely an exception would be appropriate.

Shawn Eliot: Under the exceptions, it does say that the structure could be designed for the topographic issues existing on the particular lot; and additional impact on neighboring properties is also addressed.

1. So you are not adding more height than the structures next to you
2. And the existing conditions: if the dirt has been sitting there for a while...that is what is "existing". doesn't say "existing natural conditions"; it just says "existing".

**MOTION WAS MADE BY SEAN ROYLANCE AND SECONDED BY NELSON ABBOTT TO ADOPT THE BUILDING HEIGHT CODE, AS PRESENTED; WITH THE FOLLOWING CHANGE:  
THAT THE BUILDING HEIGHT WILL BE MEASURED FROM THE NATURAL GRADE, AS OPPOSED TO THE FINAL GRADE**

**VOTE (POLL): DERREK JOHNSON-AYE, JULIE HASKELL-AYE, RAYMOND BROWN-AYE, NELSON ABBOTT-AYE & SEAN ROYLANCE-AYE (5) NAY (0)**

*Passes 5-0*

**ACTION ON  
WORK SESSION  
ITEMS:**

**A. Gooseneck Drive Speed Study:**

**MOTION WAS MADE BY RAYMOND BROWN TO ADOPT THE GOOSENECK DR. SPEED STUDY):**

**- REGARDING ROAD STRIPING: ITEM "C" IS AGREED UPON:**

(Stripe the newly paved area on the Gooseneck Drive/Elk Ridge Drive curve going south to the Park Drive intersection; as well as re-stripe the stretch of Gooseneck Dr. between 1600 W. to the new pave job.)

- **NO RADAR SPEED SIGNS (DUE TO BUDGET CONCERNS); BUT ONCE THE CHANGES ARE IN PLACE, THE SPEED LIMIT SHOULD BE RAISED TO 35 MPH**
- **LEAVE THE STOP SIGNS IN PLACE AT THE INTERSECTION OF GOOSENECK DRIVE UNTIL SPRING OR UNTIL THE IMPROVEMENTS ARE COMPLETE**

**Discussion:**

Sean Roylance: Seeking clarification: Would the speed limit signs be posted twice? The current ones need to be replaced and then later, would we be changing the signs to 35 MPH?

Raymond Brown: No, that is why he stated the motion to wait until the other improvements are in place...then the signs would be posted at 35 MPH.

Shawn Eliot: He asked about the gravel at the side of the road...a safe place for children to walk...#1 on the memo to the Council...

Raymond Brown: (Referring to grading and graveling a 10' space at the south side of the road) He does not believe the City will have enough money this year to address this...he is not sure about next fiscal year.

He agrees with the recommendation; he does not know if it would be an "action" item at this point. Perhaps we can get tractor time donated.

Nelson Abbott: There is a lot of extra space on that side of the road.

Raymond Brown: He is having a hard time funding the completion of Loafer Canyon Road and the striping. He wants to leave the stop signs in until the spring or until the improvements are complete.

City Recorder: Park Impact Fees can be used for trails; the Council may want to consider this.

Nelson Abbott: He feels that some of the problems will be taken care of with less traffic due to school children going to school in Salem. We should review this in the spring and see what results come from this change.  
Mayor Dunn: It is an unsafe intersection. The striping needs to be done and the trees cleared away; some of this responsibility is with the residents.

Raymond Brown: he still has a concern about snowplows coming off of Elkhorn Drive onto Goosenest Drive; that is a steep grade. Drivers cannot even see around that corner until they get in the middle of the intersection. That is one argument for the stop signs being there on Goosenest.  
 The motion should include leaving the stop signs in place until spring.

Shawn Eliot: There are many intersections like that in hilly areas...and there are not many stop signs on main roads like that. State law states that snowplows are not exempt from stopping at stop signs. Perhaps clearing the trees will help with this problem.

**THE MOTION WAS SECONDED BY SEAN ROYLANCE**

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

*B. Sensitive Area Map:*

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY JULIE HASKELL TO ADOPT THE SENSITIVE AREA MAP AS PRESENTED**

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

*C. Schedule Public Hearings:*

*1. Off-Road Vehicles & Firearms & Weapons:*

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY JULIE HASKELL TO SCHEDULE TWO PUBLIC HEARINGS:**

**1. FIREARMS & WEAPONS: OCTOBER 14, 2008, AT 6:00 PM**

**2. OFF-ROAD VEHICLES: OCTOBER 14, 2008, AT 6:30 PM**

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

CODE ENFORCEMENT  
OFFICER

Mayor Dunn: (Background) "Nuisance Inspector for abatement purposes"

(The current Code was provided to the Council, along with a memo from the Mayor)

"I have added, for your clarification, copies of our code: 4-2-2: NUISANCE INSPECTOR and 4-2-5: ABATEMENT PROCEDURE. This is our current code for land use issues that primarily bind us as to the steps we can take. Please pay attention to 4-2-5-(A) PURPOSE. The time line for this section is long and cumbersome yet follows the Utah Code as required.

Items that can have instant action are things such as animals in zones that have no animal rights, building standard and code infractions, traffic laws, noise abatement, etc. Some issues will be assisted by our contracted law services."

The Mayor reviewed the handout.

Councilmember Brown attended the Utah League of Cities & Towns Conference and got some useful information regarding a "Code Enforcement Officer".

(Memo from Councilmember Brown to Council, dated 9-23-08)

"Discussion: Presently there are very little teeth in our codes as far as enforcement. I believe that most citizens, if they knew they were doing something incorrect or if they realize there is no enforcement or attached penalty, will violate our City codes/ordinances. I believe those same people would comply if they were knowledgeable of the violation or if they were put under notice of financial burden."

*Recommendations:* It is my recommendation that we establish a part time position of "Code Enforcement Officer" in order to address an ongoing problem of code or ordinance violations. It is a disservice to those citizens who obey rules and regulations established by the City as well as a failing by the City Administrators (us) to implement any type of enforcement or penalty. This would address several problems and address some concerns that seem to fall, incorrectly, to law enforcement. This position would more appropriately address concerns of code and ordinances. It would also lend to consistency and assist in monitoring/enforcing without additional law enforcement personnel and additional law enforcement expense. (He attached a draft of a possible job description for this position for review; it outlined duties, responsibilities, pay and authority.)"

Raymond Brown: The Council has been criticized for not enforcing the codes; for the most part, he agrees.

Currently, the Planner is the Code Enforcer...it has been the Building Inspector in the past. He feels the position calls for someone with the time a personality that would not take personally all the negative response to the duties involved.

(The Planner has been sending out letters to those in violation of the code.)

He spoke to David Church regarding the authority this position would have: can this person serve citations for a Class B Misdemeanor? Warning notices are also handed out at times. Mr. Church responded that we can have this person do all those things. If we have an issue where we need police assistance, then that would be available.

He tried to find a community that is in the same situation as Elk Ridge; he came up with the City of Honeyville. Honeyville has 480 homes. They are getting a Code Enforcement Officer. This part-time position will be paid \$12/hour (without benefits); she (In Honeyville it is a woman) will be under the direction of the Mayor & City Council.

He does not like the title of "Nuisance Inspector" and would like to change that in the code.

Mr. Church also counseled that people that are used to violating certain laws will not change overnight; that it takes time and educating the public; because of this tendency, the City will actually make some revenue through fines...but in the long term, it usually ends up being a "break-even" situation.

Code violations will be addressed one at a time and eventually change things in the City.



Mayor Dunn: He has talked to both the Planner and the Building Official about sharing the responsibility of code enforcement; both were fine with the idea.

Sean Roylance: He does not feel the City needs another part-time employee at this point; perhaps in the future. He feels the responsibility could be shared with other people.

Raymond Brown: Non-paying duties added onto other duties are usually not addressed. We may not have the budget now, but there must be enforcement of the Code by someone with the authority to do so, in uniform.

Mayor Dunn: 23 letters are going out to residents, with photos, to those in violation of the code; ½ will be signed by Shawn Eliot and ½ by Corbett Stephens.

Deputy Tindall: After listening to the discussion, he added that he is now fulfilling this responsibility for Woodland Hills. The City is already paying the Sheriff's Dept. for services to the City. Woodland Hills has an enforcement officer...but he works with the Sheriff to hand out the letters or citations. He agrees with Councilmember Brown that there is something more serious about having a citation delivered by a uniformed officer (the Sheriff). Deputy Tindall offered his services to do this.

He has had a very good response from the articles written for the Newsletter and people seem to be aware of certain problems. He is trying to build a good relationship with the residents and acquaint them with the laws in Elk Ridge.

He feels it would not take much time to knock on doors and deliver these letters, and it would give him the opportunity to create an even better rapport with the residents by visiting the homes and being in the neighborhoods. He is being paid to service the City already.

Raymond Brown: This arrangement would work; the information is already in the letters and he would not have to explain anything. Many of the Deputies would not be willing to offer this service.

Deputy Tindall: Not every officer understands what it is to be a Sheriff. Having him deliver these letters creates a paper trail; and he would be available if legal actions were required.

Shawn Eliot: He is in favor of having the Sheriff deliver the letters; he wants the Council to understand that there will be some in violation of certain laws that will be angry when they receive the letters...the Council needs to stand behind the code.

Sean Roylance: He is in favor of the Sheriff delivering the letters and citations.

*(The Council was in agreement.)*

"Cat traps" were discussed. If cats are trapped, a Sheriff will pick it up and return the trap. After warnings in the Newsletter, there have been fewer cats roaming the streets. Perhaps the City could purchase a few traps for people to use.

The Code should be addressed to designate the number of cats allowed to an owner. Shawn Eliot was given direction to take this to the Planning Commission.

The Mayor was authorized to purchase a couple of traps for the City.

#### CHANGE ORDER – WATER PROJECT

The Council postponed approving the change order for stabilizing the tank site until more information was made available regarding the type of re-seeding that will be used.

Aqua Engineering provided a breakdown of the mix to be used in a letter, dated 9-22-08.

*Discussion of various options presented in the letter:*

\*The Mayor can call Aqua to say they only want the blue flax & California poppy for an acre and ½ at the tank.

Sean Roylance: He appreciates the added information and would like to see a little color on the hillside; adding \$150 onto a 2 million dollar project is not significant.

**MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY SEAN ROYLANCE TO APPROVE THE CHANGE ORDER IN THE AMOUNT OF \$7,330.40 PLUS THE COST FOR 1 ½ ACRES OF ADDED COLOR WITH THE BLUE FLAX AND CALIFORNIA POPPY AT THE FAIRWAY TANK SITE**

**VOTE: YES (4)**

**NO (1) RAYMOND BROWN**

#### NON-AGENDA ITEMS

1. Mayor Dunn: The auto-read meter project is nearly complete; after they are all installed, the meter reading will be done "in-house" again. Some are going to auto-read and some to touch-read.

2. City Recorder: Curtis Roberts (Finance Director), preparing the City finances for the annual audit, said that he will propose to the auditors to dedicate water impact fees for the next 10 or 15 years to reimburse the City for the costs associated with the Fairway Tank Project. We can do that, and then we would not have to track water impact fees for those years to prove up where they were used.

#### PURCHASE OF SUVMWA WATER RIGHTS

There is about \$122,000 left in retained earnings for water rights. These water rights are only available at the current price until November 13, 2008.

Sean Roylance: How many acre feet of water rights can be purchased for that amount of money?

*(At \$3,500 per acre foot...about 35 acre feet. The City will likely need about 15 to 17 acre feet for the City.)*

The economy is failing and unpredictable; water rights may be the same. About 1/3 of the equity was lost with the City property. He is not sure the \$3,500/acre foot is a great deal.

Derrek Johnson: What other options are there for this money? Is the purchase of more water rights the only choice we have? *(No, as long as the money is spent on projects for the Water Fund.)*

Mayor Dunn: An advantage in getting these SUVMWA rights is, if anyone comes in proposing infill and do not have water rights, the City could provide these for sale to them...we are paying \$3,500 and are selling them for \$4,500.

City Recorder: If we develop more park space, or even sell some of the City property, there will need to be water rights attached to the land. The water rights for the PUD park are attached to the homes somehow; this needs to be reviewed. These rights are already transferred.



Nelson Abbott: He does not see the City being able to purchase water rights at this price...he feels it is a good deal. There may be more water rights that could become available through SUVMWA.

City Recorder: The purchase is already budgeted for; does there need to be another approval?

Nelson Abbott: He does not think so.

Sean Roylance: He does not understand what the option for that money. He needs to be able to explain it.

Derrek Johnson: Choices: 1) Leave the money 2) Purchase the rights 3) Wait & apply it to another project

Mayor Dunn: The City still needs another well; it will likely be developer driven.

Derrek Johnson: Can we do anything to fortify the water system in case of calamity? Could this money be used for this? How much diesel fuel does it take to run the generator up by the Loafer Well?

Mayor Dunn: There is the fuel that is in the generator and an extra 50 gal. drum here at the City Hall (Public Works uses it on occasion to fill up their trucks. There is not additional fuel. The parameters on water right money are fairly restrictive.

\*We can discuss this further at the next Council Meeting.

## EXPENDITURES

General:

*Check Register for July and August, 2008:*

June is still not completely cleared off and won't be until after the Audit. We need to get started on the expenses for this current fiscal year.

*Discussion (Review and questions):*

\*Check into the billing for the services rendered by Corbett Stephens to Woodland Hills.

Sean Roylance: In considering the budget and finances; would it be possible to bring the codification process "in house"? He feels the conversion time Sterling takes is too long and is costly; he feels that the City could do better. Perhaps the legal check could be done by David Church. Does the Council want him to look into this?

City Recorder: Explanation of what Sterling Codifiers do for the City: They do check the code changes against current state and federal codes to be sure there are no discrepancies in either the comparison to these other codes or within the City's own code. They email questions to the City and they are forwarded onto Shawn Eliot, as the Planner.

His goal is to make the Web Site easier to update for the staff.

Sean Roylance: He feels it would be worth it to check into other options.

Mayor Dunn: This past year has been a bit more expensive due to the significant amount of changes there have been to the Code. He got a call from one of the representatives of Sterling warning us that a change-over to a point system rather than using the dashes, could be very costly for a smaller city. He said he has dealt with many communities over many years and the tendency is to have new planners come in with many proposed changes, according to their own perspectives...and this costs cities and towns money. He was simply warning the City of the possible costs. The Mayor told the Planner to not make the change to a point system. He has looked into other companies...they seem to be good and many communities use them.

Sean Roylance: He does not think that changing dashes and numbers should take that much time and be that much money. He wonders if there is a better way that could save the City money.

Should he check out other options and gather some additional information?

\*The suggestion was made to actually call Sterling Codifiers to talk to the contact person (Rob) regarding the services they render.

Nelson Abbott: He feels the main focus should be keeping the Web site updated with current information.

The web site is there as a resource.

Raymond Brown: There is a great deal of misinformation and clarification is needed with better communication with the public.

Sean Roylance: He would like to see a place on the web site to:

- Read about frequently asked questions
- Have a place to submit questions and comments
- He wants to have residents turn in their email addresses and receive emails from the City

He wants to more proactive with information.

*No further comments on the expenditures:*

**MOTION WAS MADE BY JULIE HASKELL AND SECONDED BY RAYMOND BROWN TO ACCEPT THE EXPENDITURES FOR JULY AND AUGUST, 2008**

**VOTE: YES (5)**

**NO (0)**

### 3. Dump Truck/Snowplow (Big plow):

There are certain things that need to be done to the truck to even pass inspection. To rebuild the differential in the engine would save some money, rather than replace it.

\*Mayor Dunn needs to find out what kind of warrantee comes with replacing the parts? On the rebuild: Is there a warrantee?

\* Mayor Dunn will find out about these things. Should we just go with the best warrantee?

(FYI: Salt has tripled in price this coming year.)

The cost estimate on the repairs was \$4,625.78, from Lake City Trucks in Springville.

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO APPROVE REPAIRS ON THE 10-WHEELER TRUCK; TO GO WITH THE BEST WARANTEE ON THE DIFFERENTIAL FOR THE TRUCK**

VOTE (POLL): DERREK JOHNSON-AYE, JULIE HASKELL-AYE, RAYMOND BROWN-AYE. NELSON  
ABBOTT-AYE & SENA ROYLANCE-AYE NAY (0)  
Passes 5-0


MINUTES

City Council Minutes from 8-12-08.

MOTION WAS MADE BY SEAN ROYLANCE AND SECONDED BY RAYMOND BROWN TO APPROV  
THE CITY COUNCIL MINUTES OF 8-12-08, AS AMENDED  
VOTE: YES (5) NO (0)

ADJOURNMENT

At 10:15 PM, the Mayor adjourned the Meeting.

  
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City Recorder

