

NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular City Council Meeting on Tuesday, March 11, 2008, at 7:00 PM, to be preceded by a City Council Work Session at 6:00 PM and a City Council Closed Session at 6:45 PM.

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

6:00 - PM GENERAL PLAN SUB-COMMITTEE

General Plan Re-write – Circulation Element – Shawn Eliot

6:45 – PM CITY COUNCIL CLOSED SESSION

Consideration of Negotiations for Land Acquisition

7:00 - PM REGULAR COUNCIL MEETING AGENDA ITEMS:

Opening Remarks and Pledge of Allegiance Invitation

Approval/Agenda Time Frame

7:05 Public Forum:

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

7:15 1. Conditional Use Permit – Ridge View Meadows, Plat B – Flag Lot

7:30 2. Fairway Heights, Plat C – Discussion – Brian Ewell

8:00 3. South Utah Valley Municipal Water Association (SUVMWA) Regional Treatment Facility – Nelson Abbott

CONSIDERATION FOR ADOPTION OF A RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION BY THE CITY OF AN ANNUALLY RENEWABLE MASTER LEASE AGREEMENT WITH SOUTH UTAH VALLEY MUNICIPAL WATER ASSOCIATION, UTAH ("SUVMWA"); APPROVING THE ISSUANCE AND SALE BY SUVMWA OF ITS LEASE REVENUE BONDS, SERIES 2008 IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$6,000,000 (THE "BONDS"), TO FINANCE THE COST OF ACQUIRING LAND AS THE SITE OF A FUTURE REGIONAL WASTEWATER FACILITY; AND RELATED MATTERS.

8:15 4. Re-schedule Public Hearing for Amended Budget for 2007/2008 Fiscal Year (3-25-08 @ 7:15 PM)

8:20 5. Report of Water Conference – Mayor Dunn

8:35 6. Approval of Minutes of Previous Meetings

8:40 7. Expenditures:

General:

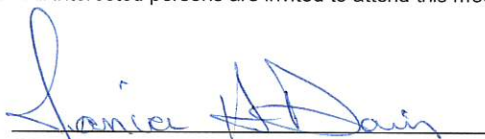
Adjournment

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

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

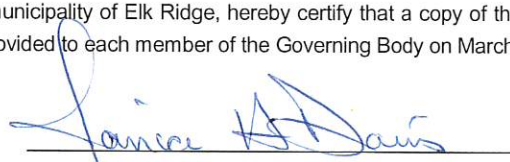
Dated this 6th day of March, 2008.




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 March 6, 2008.


City Recorder

ELK RIDGE
CITY COUNCIL MEETING
March 11, 2008

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, March 11, 2008, at 7:00 PM**; this was preceded by a **City Council Closed Session at 6:45 PM, and a General Plan Sub-Committee Meeting at 6:00 PM.**

All interested persons were invited to be heard.

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

Notice of the time, place and Agenda of this Meeting was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on March 6, 2008.

6:00 PM -

GENERAL PLAN SUB-COMMITTEE

6:45 PM -

CITY COUNCIL CLOSED SESSION

ROLL

Mayor: Dennis A. Dunn; *City Council:* Derrek Johnson, Julie Haskell, Raymond Brown, Nelson Abbott & Sean Roylance

Discussion of negotiations for land acquisition.

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7:40 PM -

CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS

ROLL

Mayor: Dennis A. Dunn; *City Council:* Raymond Brown, Nelson Abbott, Derrek Johnson, Julie Haskell & Sean Roylance; *City Planner:* Shawn Eliot; *Planning Commission:* Dayna Hughes & Scot Bell; *Fire Dept:* Bob Van Parys; *Scouts:* Wesley Jones, Nick Christensen, Elias Moeai, Porter Barnes; *Public:* Mark Moeai, Stewart Jolley, Karl Borklund, Tom Ingram, Gary Frankovich, Dean Ingram, Dennis Christensen, David Ewell, Brian & Carolee Ewell and *City Recorder:* Janice H. Davis

REMARKS
& PLEDGE OF
ALLEGIANCE

An Invocation was offered by Julie Haskell and Scout Nick Christensen 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 7:40 PM
VOTE: YES (5) NO (0)

PUBLIC FORUM

The Mayor explained the difference between a Public Hearing and a Public Forum. No action can be taken on a topic brought up in a public forum. Each speaker should take about three minutes.
No comments.

CONDITIONAL USE
PERMIT –
RIDGE VIEW
MEADOWS, PLAT B

(Memo from Planner to Council, dated 3-11-08)

“Background

The applicant has been working with the staff on Ridge View Meadows, Plat B, on and off since spring 2007. Some prior concerns were how to locate the sewer easement through the property (the main sewer line for the City runs through the property) as well as whether lot 3 of Ridge View Meadows, Plat A, should be reconfigured to be a part of the proposed subdivision. These issues have since been worked out.

The planning commission approved the preliminary plat on 24 January 2008 with contingencies required by the city engineer as well as the conditional use permit for the flag lot. Since the project includes a flag lot, the applicant wants to gauge the council's allowance of the conditional use permit for the flag lot prior to incurring additional costs required by staff on the preliminary plat.

Planning Commission Motion

John Hoschouer made a motion that was seconded by Paul Squires to recommend approval to the city council for preliminary plat of Ridge View Meadows, plat B and the conditional use of a flag lot within the subdivision. The commission finds that the proposed development conforms to the intent and regulations of the R-1-15,000 zone and the goals of the general plan in allowing orderly development. The commission also finds that the flag lot conforms to the code and that the area is not practically developable under conventional development procedures.

The commission's recommended approval is based on the following contingencies being met and approved by staff prior to submittal to the city council:

- 1) Plat map needs to show property ownership of surrounding properties.
- 2) Plat map needs to show how the vertical datum was established for the benchmark.
- 3) Plat map needs to show existing ground contours.
- 4) A driveway needs to be shown and labeled with the requirements in 10-12-25D.

VOTE: YES (6), NO (1) DAYNA HUGHES, ABSENT (1) WESTON YOUD.

Dayna Hughes voted no as she did not feel there were significant findings to demonstrate the need for the flag lot. Kevin Hansbrow voted yes because he felt the flag lot would give access to the city to an area the city would need to service, and since none of the neighbors came to the hearing to express negative sentiments, it warranted a positive vote.

City Council Discussion/Decision

The city council should decide:

1. If the preliminary plat fits the intent and regulations of the code.
2. The council should use the check list on the back (flag lot code) in making their decision on the flag lot. Requirements marked with a ✓ show the proposed flag lot development complies with the code, those marked with a ? are parts of the code that the council has a decision to make.
3. The council should approve, approve with conditions, or deny the conditional use permit. Use the code and state law on the back to base your findings.

Flag Lot - Elk Ridge Code 10-12-25

A flag lot development may be approved by the city council, subject to receipt of a recommendation, in writing, by the planning commission and compliance with the following findings and standards:

- ✓ A. The access requirements of the zone permit flag lot developments.
- ? B. In the opinion of the city council, the proposed building site is **not practically developable under conventional development procedures** and that approval of a flag lot will not preclude the proper development of any residual parcel or the adjacent properties. (Ord. 97-7-8-8, 7-8-1997)
- ✓ C. The "flag pole" portion of the lot (i.e., portion connecting the building site area with the abutting city street) shall be at least twenty four feet (24') in width and not more than one hundred fifty feet (150') in length. The flag pole portion shall be owned in fee as part of the lot.
- ? D. A driveway connecting the building site with the abutting city street shall be located within the flag pole portion of the lot and shall have an improved surface not less than twenty feet (20') in width, maintained for the length of the "flag pole" area, maintaining at least two feet (2') on both sides of the paved and/or concrete surfacing, and terminating at the dwelling with a turnaround area capable of readily accommodating waste removal, fire trucks and other commercial public service vehicles. (Ord. 02-10-22-19, 10-22-2002, eff. 10-30-2002)
- ✓ E. The area of the building site, exclusive of the flag pole portion, shall not be less than the minimum area requirement of the zone.
- ✓ F. Any residual lot created by the action shall conform to the minimum zone requirements.
- ✓ G. The setbacks from the boundaries of the building site shall be the same as those required within the zone. Measurements of the front setback shall be made from the lot line of the building site portion of the flag lot most closely paralleling the abutting street.
- ✓ H. The dwelling shall be located not further than two hundred fifty feet (250') from a fire hydrant capable of delivering fire flows in accordance with the city fire code.
- ✓ I. A detailed site plan prepared in conformance with the above conditions shall be submitted and approved by the planning commission. Where, because of adverse natural vegetative conditions, the city may require the establishment of a firebreak around the perimeter of the dwelling, including, but not limited to, the removal and/or replacement of fire susceptible vegetation. (Ord. 97-7-8-8, 7-8-1997)

State Law

10-9a-507. Conditional uses.

(1) A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.

(2) (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

Access by Sewer Department - Elk Ridge Code 8-3-10

The sewer superintendent and his agents shall at all ordinary hours have free access to places supplied with sewer services from the municipal system for the purpose of examining the apparatus, ascertaining the sewer service being used and the manner of its use.

Right-Of-Way - Elk Ridge Development Standard 02.30.110

B. Furnishing of right-of-way. Whenever it is necessary for utility to occupy private rights-of-way, property owner shall furnish or assist in acquiring, without charge to utility, such right-of-way as is necessary and will assist utility in securing such other right-of-way as may be necessary to provide service to consumer.

(Copies of the Planning Commission minutes were provided to the Council in their packets.)

(The Mayor read the Code regarding "Flag Lots" and asked for any comments)

(Regarding "B" of the check list...with ?):

Julie Haskell: The area is stubbed for two lots currently; so she does not understand how it could not be developed under the conventional development process.

Nelson Abbott: There would not be a section that would be "landlocked".

Raymond Brown: Lee Haskell installed the water and sewer lines for two lots.

Dean Ingram: (History) When the road was being installed, Karl Shuler decided that he would have the laterals put in for any future development, rather than tear up the road later. There was no real plan for any specific development; in fact, Mr. Ingram owned part of the land.

(Regarding "D" of Check list...with ?)

Shawn Eliot: It looks like they have enough room to indicate the driveway; they just did not have it drawn on the map.

Sean Roylance: As long as that is drawn correctly, there is no issue with this; it comes down to "B" of the Check list. Councilmember Roylance re-read "B". He has a hard time seeing why the land is "not practically developable under conventional development procedures"; he asked for a reason for the consideration.

Dean Ingram: Any parcel in town could be developed as a big lot and not use the flag lot option. The issue with this parcel is that it is "skinny and long"; about 150 feet of back yard would have to be maintained, which, with the water prices in Elk Ridge, would not be appealing. The bigger issue with Mr. Ingram is that he does not think it is reasonable for a future buyer to purchase a lot that is 100' X 260 ft. and to leave a dirt/gravel access to the sewer line. He plans to have a tree-lined, well maintained area, asphalted from the front of the fence all the way to the other end. That access would always be there for the City. People plant in utility easements all the time, and the City can come in and access that easement and tear everything out; but he feels this would be a better solution. The proposal is not just to get an extra lot...if the lots are going to be larger, perhaps he should be in a different zone with animal rights attached.

Julie Haskell: She recalls being able to access that line; however the landscaping has changed where the easement is and there is a garage on top of part of the easement. *(Mr. Ingram responded that the garage is on part of the easement. The sewer manhole could be accessed, but one could not access the ridge.)*

Nelson Abbott: He questions the need for the access; is it possible to move that section of sewer line?

Mayor Dunn: The box (used to be a "gauge box") for this sewer line; this box now collects rock and gravel and has a bottom to it where the outlet is higher than the bottom, so all the gravel and sediment cannot be processed; this could actually be taken out and a manhole installed. The existing line could be drawn to that manhole and the "box" abandoned.

Dean Ingram: Three different lines flow into that lower line: one by the Church, another one up a few houses and then the one up by Stewart Jolley's house. The City could minimize that, but you would still need to get to it. He said that the Public Works Superintendent (Kent Haskell) would like to have an alternate access. Mr. Ingram has been proactive in giving the City access to this. Points made:

1. Staff has been "on board" with this;
2. He has spoken to all the neighbors bordering the proposed flag lot and they have agreed with the concept...they would also like access to their back yards.
3. Planning Commission: thought it was a good solution

That access should not come through someone's yard.

Stewart Jolley: The "flag" portion of the proposed development would be for the City's own access.

Raymond Brown: He is not in favor of having flag lots in the Code at all. There are safety issues involved, they are hard to find and difficult to service.

Dean Ingram: The City has passed the requirement for fire suppression systems and there are places that do not even have fire hydrants. Houses are difficult to find that are poorly addressed, too. Much depends on the visibility of the numbering.

Raymond Brown: The visibility of the numbering has less to do with the difficulty in locating a flag lot as the fact that the numbering skips a number...with the flag lot being less visible. If the driveway is not plowed, then a 2-wheel drive police car cannot get into the lot.

Dean Ingram: He sees little difference in accessing a home whether on a flag lot or if it is placed at the very back of a large lot, with a long driveway (Burke Cloward's property is an example).

Sean Roylance: There are two issues:

- If the home is located behind another house, it would be more difficult to locate
- Just because there are things allowed by the current Code that are not ideal, that is not a good reason to perpetuate these things.

Dean Ingram: He develops all over the County; and there is a need for the flag lot option County-wide. He feels it would be a mistake to remove this option from the Code. The Council has the duty to remove personal feelings and weigh the issues in relationship to what is best for the Community.

Sean Roylance: Regarding "B" of the Check list: there are no personal feelings about the issue of whether or not this land could be developed through conventional development processes.

Dean Ingram: He does not see where this is the case; however he just does not see how this access can go un-maintained.

Sean Roylance: He sees Mr. Ingram's point regarding the access but he does not see that this establishes a reason to approve the flag lot. He is a bit divided in his opinion; he does not see that "B" has been answered.

Nelson Abbott: There is one flag lot he is aware of in town; that ground was completely land-locked and that was the only way this lot could have developed. There is a driveway proposed along one side of the property; he cannot see a reason why the driveway could not still be along that side of a regular lot. (*Mr. Ingram commented: With no flag lot...a driveway to what?*)

He is still not convinced that there is no other option to develop this ground.

(*Comment by a neighbor – unidentified*) He owns neighboring property and the proposed flag lot would allow him access to his back yard. He is in favor of it.

Stewart Jolley: Having a lot filled with weeds would not be in the City's best interest.

Nelson Abbott: He maintains the weeds around his lots; he does not see why that would be a problem, including the City's easement. The part of the Code stating that there is no other option for development remains the issue.

Dean Ingram: The Council and the Planning Commission must consider each project by itself.

Raymond Brown: Agrees that each development is considered on its own merits and issues.

Mayor Dunn: The Council seems to be at an impasse regarding "B" of the check list.

Raymond Brown: That land is developable through the regular process; whatever they do with the land in the back.

Sean Roylance: He does not feel the implication that personal feelings enter into this is the case. In this case, he would like to see a way to make it happen without violating the Code. He agrees with Councilmember Abbott; that how they treat this decision will affect other developers in the future.

Mayor Dunn: It is not comparing one location to another; it is how the Code is applied. A flag lot Code is not always an optional code to exercise; the indicator is if it the only remaining logical choice for utilizing that ground. To create that allowance is not the intent of the Code.

Dean Ingram: What would the direction from the Council be? There are only two choices:

- Flag Lot, or
- Develop two 100' wide...260' long lots...that is what would be allowable.

Sean Roylance: "B" seems to be pretty clear; this would indicate that a flag lot would not be allowable in this case. Due to the sewer access, could there be an exception?

Dean Ingram: He feels the Code is somewhat vague and leaves a bit of leeway. He does not feel it is as black and white as everyone is assuming. The Planning Commission had the exact same to Code to consider, and they recommended approval.

Sean Roylance: He was there when the Planning Commission voted on this issue; and the overall impression he got was that they said this "may" be an exception, based on the access.

This would be considered and granted by the Council. The “approval” was with conditions to be decided upon by the Council.

Dean Ingram: He feels that the “practicality” comes in with the issue of the access.

(The frontage on Goosenest Drive is about 240’.)

Mayor Dunn: The sewer line...where the manhole is located, next to the box (with the plywood covering, which needs to go); “it looks like it is approximately 100’ to the east for the west edge of the driveway”.

Discussion of driveway and access...indicating various ideas to access the line at the back of the property that were verbally non-descriptive.

Sean Roylance: Regardless of how this is developed, there may be the necessity to tear up yard to provide access to this line and the necessary easement.

Unidentified comment: Residents cannot afford the water to landscape their property as it is; yet these larger lots are being encouraged. Who would want to pay to landscape these large lots?

The driveways do not seem to be an issue.

Shawn Eliot: Part of the “Conditional Use” is that the Council can require the condition that there be some type of driveway continuing to this line.

Nelson Abbott: He sees the access issue as the main argument to allow this proposed flag lot; but access would still be at least 100’ away from the manhole.

Dean Ingram: But it would access the easement; and there are other manholes back there. There is no other area to access those manholes and that line. This would be the whole basis of being able to justify an exception being granted to allow this flag lot. There has been no planning all along for access to this line; this would solve this problem. It will only become more difficult to access this area.

Sean Roylance: If this were to be approved, he would want the reasons to be clear and within the Code as valid reasons to approve. The only reason he can see to even consider approval would be access to this manhole.

Dean Ingram: He feels he is proposing a very generous offer...to double the asphalt (whatever it takes) and take it from the very bottom, past the home...all the way to the top.

Sean Roylance: He still feels that if any approval were to be granted, they would need to have some kind of driveway access all the way to the manhole, not stopping 100’ short of it.

Dean Ingram: “But how would you propose that, though?” He can only control his own property. The manhole is not on his property.

Mayor Dunn: They simply need access if the need arises. He and Kent Haskell have discussed getting rid of that box/plywood. That would help.

Julie Haskell: (RE: Pg 2 of memo...“Access by Sewer Dept. – Elk Ridge Code 8-3-10)

She questioned the phrase “ordinary hours” that the sewer superintendent shall have access to places supplied with sewer services...the hours are seldom “normal”.

Shawn Eliot: Emergencies are different...the difference is that this is not the normal utility easement that would be located on the side of a lot; the City needs to have an access easement to this area. Whichever way the Council goes with this, the Council needs to be sure how this easement and the maintenance of that easement will be worked out. The City needs to do something with it. If it is not approved, we still need to be able to get back there; but there would not be the ability to require the improvement as there is with the Conditional Use Permit.

Something has to be done to preserve that easement.

Derrek Johnson: What type of liability would there be associated with the asphalt on a hot day...with a big truck possibly tearing up the asphalt?

Dean Ingram: The road would need to be installed according to standards that would withstand the weight of a big truck.

Shawn Eliot: As part of the motion, this would need to go back to the Technical Review Committee.

Mayor Dunn: Questioned if everyone was comfortable enough for a motion? He mentioned some of the details associated:

- Going west to east along that easement to give access to that manhole
- If not an emergency, you would not want to see a big truck coming through there about 1:00 AM

Sean Roylance: If he votes in favor of the flag lot conditional use, it is not because the City has not planned for access to this area; he feels this would put the City “on the hook” for any other issue where some individual in the future could claim that the City “messed up” on...that is not a reason for him to grant approval.

Mayor Dunn: It is not a perfect City; they simply do not want to perpetuate mistakes that cause homeowners of a flag lot continued problems. This cannot be the primary issue. It is the duty of the Council to try to apply the Code properly.

Raymond Brown: Safety issues are always the main concern for him.

Shawn Eliot: One of the conditions could be to require more obvious address numbering or have it be lighted...something that would address the safety issues.

Derrek Johnson: He agrees with the concerns of Councilmember Brown regarding the safety issues; but where it is the City's lack of planning to provide better access to this area, he feels the developer is trying to work with the City. If it weren't for the sewer, he would have to stay with the regular development option.

Dean Ingram: Agrees...but there is this access problem.

MOTION WAS MADE BY SEAN ROYLANCE AND SECONDED BY DERREK JOHNSON TO APPROVE THE CONDITIONAL USE PERMIT WITH THE FOLLOWING CONDITIONS:

1. TO ADDRESS THE SAFETY ISSUES IN BEING ABLE TO SEE THE ADDRESS, AS WELL AS MAKING THE ADDRESS AS OBVIOUS AS POSSIBLE, TO SHOW THAT THERE IS A HOME LOCATED IN THE BACK
2. THAT THE APPROPRAITE ROAD BASE IS PROVIDED AND ACCESS ALL THE WAY TO THE MANHOLE IN THE BACK OF THE PROPERTY; TO BE DETERMINED IN FUTURE DISCUSSIONS WITH THE TECHNICAL REVIEW COMMITTEE

Additional Discussion?

Nelson Abbott: He referred to the flag lot owned by the Money's: the two driveways belonging to the two neighboring lots...they parallel one another and they are close...if there is a way to situate the driveway on lot three to mitigate confusion...he feels this could be considered as the process moves forward...not necessarily as part of the motion.

Julie Haskell: She feels there are too many problems with this proposal to vote in favor of it.

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

Motion does not pass, with 3-2 not in favor

Explaining the process:

Shawn Eliot: The development needs to go back to the Planning Commission, since the plat that was recommended for approval was with the flag lot attached. This will have to be redesigned.

Dean Ingram: (Directed to the Council) So, they are in favor of two deep lots?

Nelson Abbott: Would a cul-de-sac work? He does not know.

Shawn Eliot: A question would be whether the developer is still willing to assist in an improvement for an access easement?

Dean Ingram: Does he need to do anything with that? "Right now there is no...I mean I don't even think we will address that."

Shawn Eliot: The Code does state that when you develop, the engineer can require that there be an access to a utility easement.

Request from unidentified member of audience (Was it Tom Ingram?): He wanted in writing from each of the Councilmembers voting negatively, the reason(s) behind their vote.

Nelson Abbott: "Because it doesn't fit the Code."

Mayor Dunn: If you want it in writing, let's do it this way; let's give you each a chance to explain your position, which will be part of the minutes and that will put it in writing. Then it is part of the official record.

Nelson Abbott: "I just feel that the..."practically developable under conventional development procedures" is...that right there is my reason for denial."

(Tom Ingram: The watering of a ½ acre lot becomes unaffordable.)

"Well, that may be true; but at the same point, there are people who would love to have a ½ acre lot so they could come in and build a big garage, like your son has done...behind their house and other things like that...I just don't feel we've met the Code and the intent there."

Raymond Brown: "Mine's always been safety. It's always a concern of getting emergency vehicles back there in case of an emergency; and I think flag lots go against that...totally."

Julie Haskell: "Mine was both issues; and I did bring up the "not practically developable under conventional development procedures" before...so that was my main concern right there; but safety is also a concern."

Mayor Dunn: He said he would make sure that the City Recorder will transcribe these comments "verbatim" in the minutes, so you have them word for word as part of the public record.

FAIRWAY HEIGHTS
PLAT C –
DISCUSSION

(The directions to the developers from the previous Council Meeting was to bring back proof that the area identified on the slope map as the "light blue" area (20% & under slope) on lot #24 equals 2,000 sq. ft. or ½ the area allowed in the 4,000 sq. ft. buildable area. The Planner did not write a memo to the Council for this week's Council Meeting because he felt that he could see no change in what was being presented to the Council. The Planner felt that if the developers have further information to present to the Council, that they could present that directly at the Meeting. The developers did submit maps to the Council for their packets with no written explanation to accompany them.)

(One of the Ewell's...unidentified; Brian?) They did not see that as a requirement to be met for this Council Meeting; they felt that Councilmember Abbott had asked that they show that they are only grading ½ of the grading envelope. They were going to show how a home would fit on the lot, with the cross-section.

Mayor Dunn: Commented that the memo regarding the light blue area was from comments by Councilmember Roylance (Councilmember Roylance agreed that was a concern of his); those comments included the concern regarding the light blue area shown on the map.

Brian Ewell: (Cross section of lot #24 was submitted to the Council.) The cross section showed the proposed building envelope, with the proposed grading area within the building envelope. The footprint area would be roughly 2,500 sq. ft. The proposed road was shown with the existing ground surface.

Discussion of slopes and grading.

Derrek Johnson: He drove to the site, and the ground appears to be much steeper than the map indicates.

Brian Ewell: The engineer (Tony Trane) has created this topographical map, and it is correct.

Discussion of road placement and slopes.

The map also shows that only ½ of the building envelope is going to be graded.

Nelson Abbott: When would the grading on that be done?

Shawn Eliot: The issue would be how big the City will allow the building envelope to be.

Brian Ewell: This building envelope is 8,000 sq. ft.

Sean Roylance: He asks the same question he did before; how many square feet is the property that is "less than 20% slope"?

Brian Ewell: The light blue area is about 1,200 sq. ft.

Further Discussion of gradable slopes on lot #24.

(Pointing to the light blue area on the map; he then referred to another map indicating the darker blue slopes that show slopes of 20% to 22% slopes.) The light blue area (20% & under) would add to an area with only an extra 2% slope.

Nelson Abbott: So, you would only be grading into just a small part of the darker blue.

Derrek Johnson: Suggested another field trip; because he just does not see how the slopes on the map equal the actual slope of the land.

Mayor Dunn: According to the Code, the requirement would be complied with by meeting 60% of the pad site (not the building envelope) for the actual house; this would be the 1,200 sq. ft. under 20%...which means he could add another 1,200 sq. ft. to that pad and move some of the blue area, which would be a 2,400 sq. ft. pad. So, according what has been demonstrated, they could place a house on that lot with a footprint of 2,400 sq. ft.

(4,000 sq. ft. minimum = building envelope)

Shawn Eliot: What you mean to say is, what portion of that lot would be gradable that is over 20% to 29% slopes? If it is under 20%, that can be graded within reason. How much of the proposed building envelope is under 20% and how much is over?

Brian Ewell: That is still a matter of interpretation: if one interpretation is used: than the light blue area is approximately 1,200 sq. ft. The engineers have a differing interpretation.

David Ewell: (Seeking clarification) "So you are saying if we have the 1,200 sq. ft. that is under 20%, then...according to what you are saying, Shawn...with a minimum buildable area of 4,000 sq. ft., we can only grade up to ½ of that 2,000...so we need an additional 800 sq. ft. to be able to grade." This would be ½ of the 4,000 sq. ft. minimum.

Shawn Eliot: With his interpretation, you could have the 2,000 sq. ft. + the 1,200 sq. ft. = 3,200 sq. ft. This would be more restrictive than what Mr. Ewell said. Setbacks would have to be taken into consideration. The driveway would be in the graded area, and not part of the buildable area.

Brian Ewell: Again, that is a matter of the interpretation of a few.

Shawn Eliot: True; that is one of the decisions the Council is to make; which of the interpretations will be acceptable?

Mr. Ewell: He feels the Code could be met with either interpretation.

Nelson Abbott: He gets concerned about rock walls.

Mr. Ewell: "We don't even need that." He would prefer not having a rock wall; it was just drawn in on the map. The point when they left the last Council Meeting they were at, was that the Council wanted to see how this would work.

Nelson Abbott: He said that they had done a reasonable job with that; but one other thing he would like to see when it comes before the Council for official action would be to show an engineering stamp on the latest maps.

Julie Haskell: Suggested including a scale on the maps.

Mr. Ewell: Each portion is scaled; but the maps are not scaled to one another.

Shawn Eliot: (Regarding lot #23, on the Slope Analysis Map) The building envelope included a triangular area of lesser slope; that building envelope probably ought to include this area. Since the front of lot #23 is flatter, could the property line be adjusted to allow the envelope to move over? These are large frontages.

Mr. Ewell: This was necessary to maintain the acreage...the City requires one acre lots. Lot #22 would also be affected. They do want to encroach on the red area (30% slope or greater).

Nelson Abbott: He is still having a hard time visualizing the location of the proposed road. Would the slope actually increase as a result of the road be there? There could be a gentler slope.

Mr. Ewell: The yellow indicates where the slopes are the flattest (5% slope and under); that is where the road is planned. Mr. Ewell had another grading map for the Council, altering lot #21. The map shows that the top of lot#21 will not be graded off; they will have to some grading elsewhere instead.

Discussion of proposed roads and required grading. (There were several conversations going on at the same time...this needs to be avoided. The Mayor pointed out that "sidebar" discussions are actually an unethical manner in treating the public process. One discussion at a time is what is expected.)

Nelson Abbott: Councilmember Johnson was referring to a "silt fence" that would be located outside of the area to be graded...he would like to see it further out and tightened up, instead of being closer to the edge of the hill. (Lot #21) Neighbors will be watching the installation of a fence in the area.

Derrek Johnson: (To Shawn Eliot) How far outside the boundary of the road is the fence supposed to be?

Shawn Eliot: It will be where they have to grade; so it depends. It looks like it is proposed for about 25' from the road. The City would prefer it a bit closer.

Nelson Abbott: He would like to see much of the hill untouched until permits are issued to build a house.

Mr. Ewell: The only place fencing is shown, it is "hugging" right up against the areas where grading will take place. (*Shawn Eliot corrected that it is not shown up Ewell Circle where grading is not shown.*) Big trucks have to get in there. Backing trucks up requires room to do it...that is what has been indicated to him.)

Shawn Eliot: There was a difference of opinion with RL Yergensen and the Building Inspector for Elk Ridge; it seems that not as much room was required as it was thought. It is how one is required to work in an area. The right-of-way for the road includes the utilities, so it is not just the road; you still have 9' on each side.

Nelson Abbott: It comes down to the reality that sometimes lots won't sell as quickly as others; we do not want to be looking at "sterile ground where nothing will grow...that is a concern. When there is not growth to hold the dirt down, dust becomes a huge problem and it is unsightly.

Mr. Ewell: We will definitely do what we can; they will check with the engineer.

Derrek Johnson: He feels a great selling point would be to leave as many of the trees on the property as possible.

Shawn Eliot: The Code requires that you can cluster trees and thin out trees, but care needs to be taken to not remove them all. Haley's Lookout is a good example of trees being left on the land as much as possible. The Code also requires an approved grading plan; that you have to show what vegetation is being removed...the Planning Commission and the Council have to agree with the plan.

Derrek Johnson: Biggest concern is to see the net tightened up.

Julie Haskell: Has no other concerns.

Mayor Dunn: He commented that the developers had "come a long way" and that the plans look good.

Nelson Abbott: Lot #24...He is still concerned with the issues of the grading area; he wants to be able to make an informed vote that he can have a good feeling about.

Sean Roylance: He wants to continue to review the issues surrounding Lot #24; he wants to study it more...he is not completely convinced that 1,200 feet of 20% slope & under is sufficient. His only other concern is with building envelopes, in general...referring to Lot #21; if possible he would like to see the back of the building envelope brought forward as far as possible.

Mr. Ewell: We've "snugged" those building envelopes up to 20 ft. from the road (*Councilmember Roylance is concerned with the back edge of the lots*).

Nelson Abbott: If you move this up 10 feet, you also move the back.

Sean Roylance: The point is to keep building as much on the flatter area as possible.

Mr. Ewell: We are showing that the building envelope is less than 20%.

Sean Roylance: Regardless of what the percent of the slope is, he would still like to see that back line moved as far forward as one can.

Shawn Eliot: It is right at the edge of the 30%; and what he is saying is that the house could be built right at the edge of 30%. Any builder would also have to submit a grading plan and obtain a grading permit to show what they plan on doing and that the plans for the house will fit within the building envelope.

Mr. Ewell: "If that is the case, why do we need to establish what our building envelope is?"

Shawn Eliot: The building envelope has to be shown as part of the subdivision plat. The builder submits their plans and shows how their proposed building will fit within the established building envelope.

Sean Roylance: He said, "I am not asking for you to make it unreasonably shallow, I'm saying to make it as shallow as you reasonably can."

(Mr. Ewell: "So, this is a suggestion on your part...right?") No.

Mr. Ewell: "Yeah, but...whether you would like to see it; or whether it is Code that we have to do it that way..."

Shawn Eliot: There is that part of the Code that allows them to choose the layout of how these things fit (the building envelope, the size of it...stays away from those steeper slopes; that is why the 20% to 30% slopes have a clause that they have to be reviewed and that the Planning Commission and the Engineer have to say that it fits the proper criteria...that it will not create a hazard.

Mayor Dunn: (Directed to Brian Ewell) I think, at this point; because this is a "discussion item", we cannot make you do it; we can suggest it, and if you understand it, try to "tighten it up" to be more conservative. When this comes forward as an action item; that is one of things the Council will consider as a criteria for approval.

Sean Roylance: (RE: Lot #23) "That looks pretty good where it is at; you picked the right spot.

(Lot #21) "If you can, again, I don't know how deep that is...so I don't know..."

Mr. Ewell: "We can 'snug it up' into this area."

Sean Roylance: (Lot #24) "This is the best map; the other ones, you can't even see the lines...obviously, it's not on. If that's deep, I would say the same thing."

Julie Haskell: She questioned how the road would be affected; if the grades are changed on this.

(Mr. Ewell felt this would not be an issue.)

Brian Ewell: It should be remembered that we are just going to have the sidewalk on the east side of the circle.

Shawn Eliot: He feels Councilmember Roylance is trying to say to go back and see if "you can make it shorter...if you can't make it shorter, then when you come in for approvals, explain why it has to be that way. But, if it can work, they want to see it set back from the steeper slope."

(*Review of maps submitted.*)

Derrek Johnson: "I would like to see it pushed as far west as we can."

Brian Ewell: He wanted to know the reason behind this opinion.

(*Councilmember Johnson responded that it would look down on his home.*)

Sean Roylance: Another reason would be to have a driveway that would have much less impact.

Mr. Ewell: We can look at bringing that back up; but is this an issue that would cause a denial?

Sean Roylance: "The more you stretch it out, the more scarring, damage, whatever you're going to do to the natural look of it; and this is a one acre..."

Mr. Ewell: How will the land be "scarred" by putting a house back further...it will be "scarred" towards the back or toward the front. A driveway would be the access to that.

Shawn Eliot: (The old Code and the new Code regarding the building envelope): when it talks about the 20% and above slopes (the dark blue areas on the map)...

- Old Code: It used to say that you could not build on 20% or above (it contradicted another part of the Code that said you could build on 20% to 30%...so it changed:
- New Code: It says that outside of the approved building envelope (meaning that all get to approve what it looks like), anything that is 20% or greater outside of that approved area cannot be graded or touched; other than having additional landscaping or fire breaks, etc.

It is coming back and saying that we are going to try to insure that this buildable area will be fit into the most appropriate area available. We might even allow you to put it in these 20% slopes; but outside of that, we still want the pristine kept.

What Councilmember Roylance is saying is that the further back you go, the more you are going to have some of those 20% slopes. The other side is that this lot is similar to Lot #21 because you have 30% slopes to the east that just drop straight off...the difference is that you are going to have a side-facing house by that 30% slope...you have to go over into those 20% slopes on that west side to be able to stay away from those 30% slopes.

Sean Roylance: He said he is mostly concerned with the backs of the lots.

(Brian Ewell said that they agreed to "bring the backs up a little bit.")

Brian Ewell: So, if we make the following changes:

- Move the silt fence in on two areas (Lot #21)
- See if we can move up the silt fence along Lots 24 and 23
- (For Sean Roylance) We can bring the building envelopes up just a little bit on Lots 21, 22

(Question on Lot #22 re: silt fence? This is where dirt will be stock-piled...he (Mr. Ewell) does not anticipate much need for this. It does not make sense to move dirt twice.)

Derrek Johnson: Wants the homeowners in the area protected; there are a lot of trees in there. Could the City require something more of the developers? He feels that developers tend to abuse privileges in the cities they develop in.

(The Mayor said that is not necessarily true.)

Shawn Elliot: He spoke to the City Engineer about obtaining an aerial of the area to assist in this process. It might be possible to keep the stock-piled dirt confined to a specific area, which would help in preserving the natural vegetation.

Brian Ewell: They are anticipating approval at the next Meeting they come to; so it has been good to discuss the issues and to try to work things out.

Nelson Abbott: Question: Do you have water rights available?

Mr. Ewell: We will have water shares. They have two sources firmed up; they are charging about \$3,500 and the other is about \$4,000 *(The assumption is that they mean per acre-foot)*.

Mayor Dunn: The transfer process takes about 10 months to a year to complete through the State. The City is selling water right allocations at \$4,500/acre-foot; these are available currently.

SUVMWA – REGIONAL TREATMENT FACILITY

South Utah Valley Municipal Water Association – Regional Sewer Treatment Facility:

(Copies of the proposed documents up for adoption were emailed to the City Council, due to the length of the Resolutions and Agreements. The hard copies have been available at the City Hall.)

Mayor Dunn: There are several cities involved, through SUVMWA, to purchase the land for the proposed Regional Sewer Facility. This has been planned for some years and is now becoming reality. (Mayor Dunn had the hard copies with him at the Meeting.)

Nelson Abbott: The documents under consideration are to procure the bonding necessary for the purchase of the land required for the eventual Regional Plant. Ballard and Spahr is the law firm handling the closing. The various cities that are expected to adopt this Resolution are:

Springville, Mapleton, Spanish Fork, Salem, Woodland Hills, Elk Ridge and Payson. Elk Ridge's percentage of this bond is based upon population in 2006.

(Pg 3) This page contains a reasonable summary of the considerations:

- Total Project cost: Just over \$5,000,000
- A Reserve Fund is required with this bond: this would be paid up front
Every member on SUVMWA will contribute to this amount.
- The bond is for a 10-year period of time.
- Elk Ridge's payment would be \$15, 083, annually.
- A one-time deposit of \$22,532 would be paid up front for the Reserve Fund (due in April)
- Most of the cities will be financing a large portion of this through impact fees.

Recommendation: to have the Sewer Impact Fee Study updated as soon as possible, to include the Regional Plant (Water Impact Fees can be utilized as well.)

The Dept. of Water Quality wanted to make sure that this is not just a land acquisition project; that we are actually going to move forward with the Sewer Facility. He has many documents demonstrating the intentions of the project in how to connect the various existing facilities in the named cities to the Regional Facility.

Mayor Dunn: He has the engineering report for review, as well.

Nelson Abbott: We need to grant SUVMWA the authorization to purchase the land.

Recommendation: Pay the up front money and recalculate the sewer rates. He has asked Curtis Roberts to propose where the rates should be to keep up with costs.

Mayor Dunn: (FYI) Any trunk line or main within Elk Ridge is ours; anything that extends from the main to the house belongs to the homeowner. Elk Ridge's ownership and liability stops where Elk Ridge connects to Payson. In the north area of the City, we also own what is in the road there; until it connects to the old existing line that goes to Salem; then Salem will own the line from that point on.

Nelson Abbott: There is good possibility that we will need to begin a program of replacing old lines before too long.

Raymond Brown: The issue is that if we do not support this, where will all of the cities sewer?

Mayor Dunn: SUVMWA has been considering this project for many years. Bruce Ward was hired as the engineer and actually approached the various cities a couple of years ago, to begin the orientation to the project.

There is also a north regional sewer plant out where Geneva Steel is located that is currently operating.

Shawn Eliot: There have been a few problems with that plant to be worked out. The smell around the "drying pond" has been a problem and that will be enclosed; but it is near the Pleasant Grove Interchange, so the new businesses have been affected.

Mayor Dunn: Santaquin is not a part of this, since they just got through upgrading their sewer plant to deal with all the growth at the south end of town. They did not feel they should be a part of this; which may be the case right now; but 10 years from now when federal guidelines come in and make lagoon systems like Salem's obsolete, they may have a different opinion.

Nelson Abbott: This property site is in a location where the property next to it is going to be a site where a transfer station (solid waste) will be located.

Anyone that does not go with the Regional Plant now and wants to join later will be charged the current rate for a buy-in; it will be more expensive later than now.

Mayor Dunn: By disconnecting with Salem and connecting to Payson, Elk Ridge has already prepared for this change-over to the Regional Facility. Woodland Hills is not in a position to connect to Payson currently; they do not have the infrastructure in place.

Sean Roylance: Asked when the appraisal on this site was done.

Nelson Abbott: The appraisal was done a couple of months ago; we are actually getting the land at a rate below what market value is on this property; that is part of the reason for the 2.5% interest rate on the bond.

Sean Roylance: There seems to be things that come before the Council regularly, where the Council really does not seem to have a choice in the matters to be considered.

(It does seem that way, particularly to the newly-elected Councilmembers.)

Raymond Brown: Even if the City stayed with Salem City (sewerage), they are also part of this regional plan. Payson City has had a change in attitude regarding joining the program now, due to federal guidelines...this was good for Elk Ridge's position.

Sean Roylance: We can simply hope that SUVMWA is spending the money from the various communities wisely.

Nelson Abbott: He has been in SUVMWA Meetings where these proposed documents were reviewed one page at a time. This is only for the purchase of the property; the bond is for 10 years. The actual facility is probably 20 to 30 years in the future. The plan will be implemented in phases. With costs going up, purchasing the land now is the judicious thing to do.

The area will be re-zoned to accommodate the sewer plant.

Phase 2 will be working on getting the infrastructure in place; they will not have projected costs until the engineering is worked out.

Mayor Dunn: Craig Neeley needs to be contacted to update the Sewer and Water Impact Fee Studies.

Nelson Abbott: According to Dave Tuckett (Attorney for Payson City and SUVMWA) and the other members of SUVMWA, impact fees can be used for this Project.

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY RAYMOND BROWN TO ADOPT THE RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION BY THE CITY OF AN ANNUALLY RENEWABLE MASTERLEASE AGREEMENT WITH SOUTH UTAH VALLEY MUNICIPAL WATER ASSOCIATION, UTAH ("SUVMWA"); APPROVING THE ISSUANCE AND SALE BY SUVMWA OF ITS LEASE REVENUE BONDS, SERIES 2008, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$6,000,000 ("THE BONDS"). TO FINANCE THE COST OF ACQUIRING LAND AS THE SITE OF THE FUTURE REGIONAL WASTEWATER FACILITY; AND RELATED MATTERS

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

NO (0)

Passes 5-0

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY JULIE HASKELL TO APPROVE THE ONE-TIME DSR OF \$22,532.36 (RESERVE FUND)
VOTE (POLL): SEAN ROYLANCE-AYE, NELSON ABBOTT-AYE, RAYMOND BROWN-AYE, JULIE HASKELL-AYE & DERREK JOHNSON-AYE
NO (0)

Passes 5-0

RE-SCHEDULE
PUBLIC HEARING –
AMENDED
BUDGET

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY JULIE HASKELL TO RESCHEDULE THE PUBLIC HEARING TO CONSIDER THE AMENDED BUDGET FOR THE 2007/2008 FISCAL YEAR, FOR MARCH 25, 2008, AT 7:15 PM
VOTE: YES (5) NO (0)

REPORT ON
WATER
CONFERENCE

Mayor Dunn: The Mayor attended a Conference for Rural Water. Elk Ridge is a member of this organization. They have a conference every year. The seminars were worth attending. Kent Haskell also attends.

1. The City needs two certified water operators (Kent Haskell is one; Corbett Stephens has been asked to also certify.)

2. Planning for Future Water Development: Covering various subjects like future water needs, water conservation, water development and State water planning; as well as population growth, modeling of water demands, code and resolution writing (also another class the Mayor attended), pricing of water.

Comparatively, Elk Ridge has a great pricing structure. It could be more complicated, but the City is not doing that.

3. Manager's Guide to Water Rates: Referred to above.

4. Conservation: Report on what other communities are doing to get water back into the aquifers.

5. Conflict Management: Due to Mayor's position and the resulting conflicts that come up.

6. Water Rights: The demands will continue to increase, as will the needs to protect those rights.

It also covered water law and the process.

Discussion of replacing pump in Loafer Canyon Well and increased capacity in storage, as applied to water conservation.

7. Emergency Response Plans: He learned that redundancy is good.

Personal preparedness and car lists (ties into CERT).

He got a disc on self assessing the water system.

He got sample bylaws in assisting in the governing of water systems.

He felt the conference was useful in looking forward to build-out in Elk Ridge.

NON-AGENDA
ITEM

Sean Roylance: (City Web Site) He will be meeting with Margaret Leckie to start going over plans to upgrade the City web site. He wants to achieve ease in updating the web site. He would like to have several people able to update the site. There are some "blog" engines that would allow various user accounts; this would allow the Council to be able to have access to the web page.

Further discussion regarding access to the web site.

Better communication to the public is a goal.

All of the Council needs to get involved with writing articles for the newsletter.

MINUTES

City Council Minutes of February 26, 2008:

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY JULIE HASKELL TO APPROVE THE CITY COUNCIL MINUTES OF 2-26-08, WITH CORRECTIONS:

➤ PG 1: (LINE 17) CORRECT SPELLING OF "COUNCILMEMBERS"

➤ PG 9: (LINE 44): ELIMINATE ONE OF THE "TO'S"

VOTE: YES (5)

NO (0)


EXPENDITURES

General: None

ADJOURNMENT

Mayor Dunn adjourned the Meeting at 9:20 PM.




City Recorder

AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, March 25, 2008, at 7:00 PM, to be preceded by a General Plan Sub-Committee Meeting at 6:00PM.** The City Council will also hold a **Public Hearing at 7:15 PM,** to consider an Amendment to the 2007/2008 Fiscal Year Budget.

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

6:00 PM - GENERAL PLAN SUB-COMMITTEE

General Plan Re-write – Environment Element – Shawn Eliot

7:00 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:

Opening Remarks and Pledge of Allegiance Invitation

Approval/Agenda Time Frame

- 7:05
1. Ratify SESD Franchise Agreement – Mayor Dunn
 2. Discussion of 2007/2008 Budget Amendment
 3. Expenditures: General

7:15 PM - 4. PUBLIC HEARING – PROPOSED AMENDMENT TO THE 2007/2008 FISCAL YEAR BUDGET


Public Hearing/ To consider a proposed amendment to the 2007/2008 Fiscal Year Budget for the Operation of Elk Ridge City

- 7:25
5. Adopt Budget Amendment for 2007/2008 Fiscal Year for the Operation of Elk Ridge City
- Adjournment

*(Note: The Agenda is being amended to shorten the agenda items to allow individuals to attend the Republican and Democratic Caucuses, held that same night.)

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 24th day of March, 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 March 21, 2008; and an Amended Agenda on March 24, 2008.





City Recorder

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ELK RIDGE
March 25, 2008

6:00 PM -

GENERAL PLAN SUB-COMMITTEE

General Plan Re-write – Environment Element – Shawn Eliot

ELK RIDGE
CITY COUNCIL MEETING
March 25, 2008

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, March 25, 2008, at 7:00 PM;** this was preceded by a **General Plan Sub-Committee Meeting at 6:00 PM. At 7:15 PM,** the City Council held **Public Hearing** regarding a proposed Amendment to the 2007/2008 Fiscal Year Budget for the operation of Elk Ridge City.
All interested persons were invited to be heard.
The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of this Meeting was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on March 21, 2008; & an Amended Agenda on 3-24-08.

7:00 PM -

CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS

ROLL

Mayor: Dennis A. Dunn; *City Council:* Raymond Brown, Nelson Abbott, Derrek Johnson, Julie Haskell (Absent: Sean Roylance); and *City Recorder:* Janice H. Davis

REMARKS
& PLEDGE OF
ALLEGIANCE

An Invocation was offered by Raymond Brown and Mayor Dennis A. 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 NELSON ABBOTT TO APPROVE THE AGENDA TIME FRAME AS AMENDED
VOTE: YES (4) NO (0) ABSENT (1) SEAN ROYLANCE

Mayor Dunn explained that the majority of the City Council Agenda items will be postponed until the next City Council Meeting, to be held April 8, 2008. The reason for this postponement was to allow the City Council members to attend the neighborhood Caucuses for their preferred political parties. *(The Public Hearing was advertised in the newspaper, so the Public Hearing was held and the Budget Amendment voted on.)*

RATIFY POLLED
VOTE – SESD
FRANCHISE
AGREEMENT

Mayor Dunn: There was a change in the dating of the Agreement and required the document to be amended. The Mayor previously polled the Council to allow this action to take place; this vote will be to ratify that polled decision. This is allowing SESD to be the exclusive provider for power to Elk Ridge. For any other power company to service Elk Ridge, that company would have to buy-out the lines and boxes (equipment) installed by SESD over the years in Elk Ridge. The buy-out would also apply to Elk Ridge City, if we decided to provide our own power.

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY RAYMOND BROWN TO RATIFY THE AFFIRMATIVE POLLED VOTE BY THE COUNCIL TO APPROVE THE AMENDED SESD FRANCHISE AGREEMENT WITH ELK RIDGE CITY
VOTE: YES (4) NO (0) ABSENT (1) SEAN ROYLANCE

2007/2008 AMENDED
BUDGET
DISCUSSION

City Recorder: 1) Review of the major budget notes provided to the Council and explanation of the formatting of the budget worksheet.
2) The City Finance Director is trying to arrange when he will come to the City for finances and for Training for the Council on Government Finances.
3) The Council needs to decide if there will be a Truth in Taxation Public Hearing in August. The arrangements with the County need to be made for the Hearing as soon as possible, if that is the case. (This would be to propose a Property Tax increase.) Councilmember Abbott felt that the City should consider a sort of "cost-of-living" adjustment each year, in the amount of Property Tax charged to the citizens. Revenues do not keep up with costs.

Raymond Brown: He agreed with Councilmember Abbott in that the costs for anything petroleum-based will do nothing but increase.

City Recorder: The City receives little of the actual property tax bill sent out to residents; the school district actually receives most of the assessment.

The valuations seem to be behind and the result of this is that there are many disputes/appeals to the valuations.

Does the Council want to postpone the decision until next Council Meeting? *(The question was not answered.)*

- The Sewer Dept. appears to be approximately \$29,999 (Operating Expenses over Operating Revenue) in the "red". Non-operating revenues are a bit out of balance in that impact fees have collected, but a portion of those go to Payson and those have not been paid yet as they are payable at the time of "connection" to the system; once those are paid out, this will take that revenue total down considerably.

Sewer rates will have to be increased to be able to meet operating costs.

The 1st of five buy-out payments from Salem has been collected (\$50,000 per year) and will go out to Payson as soon as the City receives an invoice from Payson.

- The Storm Drainage Fund will have to be subsidized by the Water Fund through a loan; the expenses were over due to the three sumps being installed by the City this year. This will not be the case every year; the storm drainage fee (\$3.00/household) will be sufficient to cover the cost of cleaning out sumps and maintenance, unless the City decides to take on any new projects regarding storm drainage.

- Water Fund: The budget does reflect \$500,000 coming in from developers purchasing water right allocations (SUV MWA Rights) as well as the \$500,000 going out to SUV MWA to purchase those rights... assuming this becomes a reality by the end of this fiscal year.

"Purchase of Water Rights" also includes the pay-back of the money paid to the City for upgrades to water rights at the time of building permits from 2000 to 2006; as well as the \$399 already paid to SUV MWA.

Nelson Abbott: Questioned the purchase of water meters budgeted for this year (\$30,000) and the fact that that money has not been spent. That was clarified; the auto-read meters will yet be purchased in this fiscal year.]

-General Fund: The financing of the new snowplow has yet to be decided; will it be paid for out of fund balance or financed with a "Capital Lease"? The Council is leaning toward the lease option.

- Budget Notes: They come directly after the individual line items in the budget; the Council was encouraged to read those for explanations.

(The Council decided that April 12th is a good day for Curtis Roberts to come for training on Government Finance. The City Recorder will check with Mr. Roberts on this date.)

7:15 PM -

PUBLIC HEARING – PROPOSED AMENDMENT TO THE 2007/2008 FISCAL YEAR BUDGET
Public Hearing/To consider a proposed amendment to the 2007/2008 Fiscal Year Budget for the operation of Elk Ridge City.

ROLL

Mayor: Dennis A. Dunn; *City Council*: Raymond Brown, Nelson Abbott, Derrek Johnson, Julie Haskell (Absent: Sean Roylance); and *City Recorder*: Janice H. Davis

Mayor Dunn opened the Public Hearing at 7:15 PM.

(Continuation of Budget Discussion)

City Recorder: General Fund: Building and Subdivision Inspections:

The City's Building Inspector did some fill-in inspections for Salem and Payson and that revenue shows up in the General Fund; as well as the money now generated for the subdivision inspections being done by Mr. Stephens. This has created some extra revenue for the City.

Explanation of the budget process and how amendments work throughout the fiscal year.

- Fire Dept.: a new truck is anticipated for the Fire Dept. There is the possibility of having them take the truck used currently by the Building Inspector and purchasing a natural gas truck for Mr. Stephens. The Fire Dept. needs a 4-wheel drive pick-up.

Raymond Brown: Suggested looking into the possibility of converting the City trucks over to propane.

Mayor Dunn closed the Public Hearing at 7:31 PM.

2
3 ADOPT THE
4 2007/2008
5 BUDGET
6 AMENDMENT

There were no further comments.

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

VOTE: YES (4)

NO (0)

ABSENT (1) SEAN ROYLANCE

9 NON-AGENDA
10 ITEM

Derrek Johnson: He suggested another Field Trip for the Council to visit the site of the proposed Fairway Heights Subdivision (Brian Ewell). He does not see that the slopes as shown on the maps match the actual topography of the land. Councilmember Abbott agreed and felt that it would be useful to have Mr. Ewell present to point out the various places in question. The Mayor said he would see about arranging that with Mr. Ewell.

14
15 ADJOURNMENT

Mayor Dunn adjourned the Council Meeting at 7:32 PM.

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City Recorder



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AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, April 8, 2008, at 7:00 PM, to be preceded by a General Plan Sub-Committee Meeting at 6:30PM & a City Council Field Trip 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 FIELD TRIP

Field Trip to the Fairway Heights area

6:30 PM - GENERAL PLAN SUB-COMMITTEE

General Plan Re-write – Economic Element – 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:

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

7:10 Flag Presentation – Mayor Dunn

7:15 1. Fairway Heights, Plats C & D – Preliminary Plat Approval

7:30 2. Elk Ridge Meadows, Phase 1 – Durability Retainer Time Period

7:40 3. Pressurized Irrigation Discussion – Memo from Planner

8:00 4. Street Signs Discussion – Shawn Eliot

8:10 5. Ordinances:

A. Fire Sprinkling Systems Code

B. Public Facilities Zone

8:30 6. Water Rights Discussion:

A. SUVMWA Water Rights – Mayor Dunn/Nelson Abbott

B. Open Space Requirements – Mayor Dunn

9:00 7. SUVMWA Regional Sewer Project

9:10 8. Resolution/Municipal Wastewater Planning Program Report

9:15 9. City Celebration Update – Derrek Johnson

9:20 10. Expenditures:

General

A. Ratify Vote to Repair Pick-up/Building Inspector – Mayor Dunn

B. Bid on Curbing on South Loafer Canyon Road/Lee Haskell

9:30 11. Minutes

Adjournment

CITY COUNCIL CLOSED SESSION

Land Acquisition Negotiations

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 7th day of April, 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 April 3, 2008; & an Amended Agenda on April 7, 2008.


City Recorder



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ELK RIDGE
CITY COUNCIL MEETING
April 8, 2008

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, April 8, 2008, at 7:00 PM**; this was preceded by a **City Council Field Trip at 6:00 PM**, and a **General Plan Sub-Committee Meeting at 6:30 PM**. The Regular City Council Meeting was followed by a **City Council Closed Session**.

All interested persons were invited to be heard.

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

Notice of the time, place and Agenda of this Meeting was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on April 3, 2008.

6:00 PM -

CITY COUNCIL FIELD TRIP

Fairway Heights, Plat C Area

6:30 PM -

GENERAL PLAN SUB-COMMITTEE

Economic Element

ELK RIDGE
CITY COUNCIL MEETING
April 8, 2008

TIME & PLACE
OF MEETING

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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 April 3, 2008.

7:40 PM -

CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS

ROLL

Mayor: Dennis A. Dunn; *City Council:* Nelson Abbott, Derrek Johnson, Julie Haskell & Sean Roylance (Absent: Raymond Brown); *City Planner:* Shawn Eliot; *Scouts:* Elias Moeai & Gage Oliver; *Former City Councilmember:* Alvin Harward; *Public:* Mark Moeai, Kurt Jones, Carolee & Brian Ewell, David Ewell, Todd Trane, Rob & Lari Fitzgerald, Tom Henriod, Dave Millheim & Bob Peavely; and the *City Recorder:* Janice H. Davis

REMARKS
& PLEDGE OF
ALLEGIANCE

An Invocation was offered by Derrek Johnson and Scout Elias Moreai led those present in the Pledge of Allegiance, for those willing to participate.

AGENDA TIME
FRAME

MOTION WAS MADE BY SEAN ROYLANCE AND SECONDED BY JULIE HASKELL TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:25 PM
VOTE: YES (4) NO (0) ABSENT (1) RAYMOND BROWN

PUBLIC FORUM

No comments.

FLAG
PRESENTATION

Mayor Dunn: Honored former City Councilmembers by inviting them to the Council Meeting to be presented with American Flags that have flown over the Nation's Capital and were placed in an appropriate case. Alvin Harward was the only former Councilmember present. The Flag presented to him was flown on a particular date, mentioned on the accompanying certificate, for Mr. Harward.

Mayor Dunn thanked Mr. Harward for his service to the City and commented on the many duties and hours spent in behalf of the Community; these hours and service, for the most part, go unnoticed. He wants all to know that this current City Council does recognize this service and are grateful. The City will place a plaque on each case, according to what the person desires.

FAIRWAY HEIGHTS, (Memo from Planner to the Council, dated 4-8-08)
PLATS C & D –
PRELIMINARY
APPROVAL

"Background"

The Fitzgerald's have requested to be part of the preliminary plat approval of Fairway Heights D and have requested that the two issues remaining on their portion of the development be discussed with the Council to receive guidance from the Council on the direction they should go. The two issues include the length of the cul-de-sac and open space dedication. The applicants have requested that these issues be addressed and that they be given approval of the preliminary plat at this meeting.

Staff Finding

Hillside Issues

1. Discussion of the findings on the field trip.

Fairway DR Cul-de-Sac

2. The applicants and the city have worked diligently with the Peterson's to try to extend the road through their property to connect the proposed cul-de-sac to Salem Hills DR, to no avail.
3. The cul-de-sac length of 980' is acceptable by the new HR-1 code (with the council's approval).
4. The 19 new and existing homes on Fairway DR are acceptable by the new code.
5. There are temporary dead end roads within the city that are twice as long (High Sierra, Salem Hills DR).
6. Long cul-de-sacs within the city include Clark LN, Astor LN, Highland CIR, Ocampo LN (each about 700').
7. The proposal shows a temporary turn around and is designed to allow for continuance to Salem Hills DR in the future.

Open Space Dedication

8. The applicant wants to deed the open space area to the city.
9. The applicant feels that an HOA would be unfair to the citizens and make the development less attractive to buyers if an HOA fee was required for unimproved open space.
10. The applicant might be willing to improve some of the open space with a park to deed to the city.
11. The applicant feels that most citizens would want to enjoy the area, but an HOA could restrict use.
12. The planning commission recommended that the open space be deeded to the city for the public use.

Other Issues

13. The silt fence has been moved closer to the roads.
14. The building envelope on lot 21 has been adjusted further away from steep areas. (About 8' on N end)
15. To minimize cuts the turnaround circle on Ewell's Landing is smaller than code allows (100' vs. 120'). The public works director was ok with this due to the limited amount of lots serviced.
16. The Fairway Heights turn around needs to be constructed to city standards (curb, gutter, sidewalk, road base) so if the extension is never constructed to Salem Hills DR, the improvements are complete.
17. Debris/soil storage on lot 1 needs set back 10 feet from rear property line to preserve vegetation in drainage area. (S. Eliot: Make sure change takes place before Final Approval.)
18. End pipe shown on lot 1 need to be shown as being carried through the Eliot property, not ending at it. (S. Eliot: A pipe was installed through his property for sewer; the plans need to show connection to that pipe rather than into his basement.)
19. The city will need to negotiate an easement for an 8 inch culinary line through the Peterson property prior to final. (S. Eliot: It would be the City's water line for connection to the new tank; the Engineer and Kent Haskell felt access would be better if the line were in the future road.
Nelson Abbott: Can the line be run along the edge of the property line rather than directly through the Peterson's property? They may have other plans for the property.
Shawn Eliot: If the road does go through in the future, the City would probably require that the easement be moved out into the road. This line would not service this subdivision. This note is to indicate that this still needs to be settled. The City can require "continuous circulation" with regards to the road system. Originally, this road was shown going through to Salem Hills Drive.
Mayor Dunn: Mr. Peterson actual said he is okay with the easement as planned. The way to protect this for future development is to always show this road continuing through on the Circulation Map for the City; this is his recommendation.
Todd Trane: When the Peterson property develops, the Master Plan of the City says that the road will go through; the Master Plan should be adhered to.
20. Drainage issues at Fairway DR/Hillside DR intersection are to be engineered prior to final plat. (Mayor Dunn: Asked Corbett Stephens if RL Yergensen's calculations included the Fairway area?
Todd Trane: It does, but there are some issues with drainage in that intersection & RL has agreed to fix the situation. RL's detention area takes care of all the drainage.
21. The actual location of the trail through the open space area will be determined using aerial photos to help minimize the amount of trees removed. This can be done prior to final plat. (Note: that this will be addressed prior to Final.)
22. A trail connection between lots 12 and 13 connecting to the golf course and Cove DR needs further engineering work to make sure it can be constructed. This can be done prior to final plat.
23. Building Area Notation = Need a notation placed on the recorded plat that all main and accessory buildings shall be located within the designated buildable area.

Staff Recommendation

1. Overall the plan does strike the balance between development and preservation.
2. Still concerned about the steepness of lot 24. (This is specifically referring to the building envelope.)

Discussion:

Sean Roylance: (1) Is it realistic that someone will want to purchase this lot with this restrictive of a building envelope; the combined footprint area would be 2,400 sq. ft.? How would a 3-car garage affect the home?

Todd Trane: There are lots all over the City with similar circumstances such as, an exposed basement. Their interpretation (& the City Engineer agrees) is that the lot does conform to Code. The building envelope was left larger because the Code does state that only ½ of it can be graded. Slope will dictate the placement of a home on the lot...it is a buildable Lot.

Mayor Dunn: The home would have the possibility of 6,000 to 7,000 sq. ft.; that is a large home.

[There was additional discussion about the "buildable area" within Lot 24.]

Todd Trane: This is a preliminary plat; talking of homes on lots at this stage is not appropriate. The buildable area is 8,000 sq. ft. and 4,000 sq. ft. can be graded.

Sean Roylance: He does not agree with that interpretation of the Code.

Shawn Eliot: The Code says you can go down to 4,000 sq. ft.; meaning that it can be approved down to 4,000; but the other part of the Code says you can only grade ½ of slopes that are 20% to 29%...and on this plat there are only 1,200 sq. ft. of 20% to 29% slopes.

Todd Trane: The entire lot 24 is under 30% slope. The entire buildable area is 20% to 29%; 4,000 sq. ft. of the 8,000 sq. ft. envelope can be graded.

Shawn Eliot: Disagrees. The Code does not say that it does not matter what the slopes are within the envelope; it says that the 20% to 29% slopes of the area to be graded...that you can only grade ½ of that.

Nelson Abbott: If we are saying ½ of the 20% to 29% slope...then the only part that is above the 30% is a very small part at the back of the lot. Does that mean that one could grade nearly ½ of the entire building lot, which is 42,000 sq. ft.

Todd Trane: The building envelope could be huge, but that is not what they are proposing. They are trying to keep out of the vegetated area and minimize their impact. The City Engineer has approved lot 24 as a lot that conforms to Code.

Sean Roylance: But there was a memo from the Planner with many pages of documentation that takes a different position on the Code; which is that "you take the area that is less than that, which provides 1,200 sq. ft." (He does not know if that is accurate or not, but that is what was provided. Basically, that is ½ of the grading area...that would result in a 2,400 sq. ft. grading area.

Todd Trane: Then they need to sell the lot to someone who wants to build on that, but it conforms.

Mr. Ewell: The 1,200 sq. ft. was a rough estimate.

Shawn Eliot: The Code says that the 20% to 29%...only ½ of that can be graded of the area proposed to be graded. The Engineer was saying that the entire area in the entire proposed subdivision with 20% to 29% slopes; you could grade ½ of that. If you look at the entire subdivision, that would be a large area; which goes against the rest of the Code that encourages preservation.

Nelson Abbott: He does not see using the entire subdivision; but he can see how that same idea could be applied to individual lots.

Sean Roylance: According to Craig Neeley, you could say that if that were a 1-acre lot, and if the slopes were between 20% and 29%, you could grade ½ of that.

Shawn Eliot: "...not just the lot; the whole subdivision; so really, under that interpretation, you could grade that entire lot right now, because there are plenty of surpluses."

Mayor Dunn: "Either way, the lot conforms...right?"

Sean Roylance: "That's according to that interpretation."

Shawn Eliot: The graded area that you're proposing...that only ½ of it can be in the 20% to 29% slopes; and on that lot, there are roughly 1,200 sq. ft. in that far corner..."

Nelson Abbott: "You take 12 and you add another 12...you're at 2,400 (sq. ft.)."

Todd Trane: It's a pretty good chunk in the top corner that is 20% to 22%...the entire lot is 20% to 29%.

Shawn Eliot: "...But it still says 20% to 29%...it doesn't say 20% to 22%...or 22% to 30%." When the memos were brought to the Council, the Council was asked to decide which of the two (Planner's or Engineer's) they agreed with.

Sean Roylance: With Elk Haven, Plat A...the developer was asked to combine lots 2 & 3 mostly because of the overall steepness of the lot, even though in 2 & 3 they actually had more of the "less than 20% than lot 24 (Fairway Heights). To Councilmember Roylance, "it seems like a similar circumstance except that you add onto the fact that you're talking about 2,400 ft. as your grading area...realistically. Depending on which interpretation you want to go to". He went on to say that when someone buys a lot, they are going to look at the building envelope, not the Code, to determine if they have 2,400 sq. ft. to deal with. "Given this issue and given what we have done in the past; in my opinion, it should be done similar to what we have done in the past...those are my concerns or thoughts on it."

Mayor Dunn: "My concern and thought is...if there's a discrepancy between our two professionals, where do we 'marry' the two? Why is that discrepancy there?"

Sean Roylance: The Code is different now...but why?...because we had some Code that was a little difficult...it wasn't completely straight forward; I guess that 's where we (the Council) come in...that's why we were elected here; to handle these kind of situations."

Nelson Abbott: The Council has been informed often that when the Code is ambiguous; should the matter go to court, the court will side with the developer, not with the City.

Sean Roylance: "Depending on whom you talk to...again..."

Mayor Dunn: "That was actually our other professional, Dave Church, our Attorney, that says that."

Sean Roylance: "Yeah...and you talk to some other attorneys and they are not quite so 'black & white' on that; so it depends on who you're going to talk to. To me, if that's the case, then why are we elected?"

Todd Trane: He feels it is up to the developer to find a buyer for this particular lot, the way it is; it shouldn't be something that holds up an approval on a subdivision...because there may be a concern about whether the lot can be sold. It is a lot that conforms.

Nelson Abbott: It is their (developer's) problem; not the City's. That is part of the risk in being a developer. He pointed out that may factors could affect the appeal of the lot; but that is not the City's problem.

Derrek Johnson: Are there procedures in place to have negative information passed on to the buyer?

Alvin Harward: The Real Estate Code in Utah says, "Buyer Beware"; it the buyer's responsibility...if they have a question, to check it out.

Todd Trane: Anyone that buys a lot should always look at the recorded plat for easements, buildable areas, etc.

Shawn Eliot: The current building envelope is showing on the plat as 8,000 sq. ft.; the issue discussed earlier was to require them to go down to 4,000 sq. ft.

City Recorder: Pointed out that another safeguard is the Assessment List kept on each lot in each subdivision; it lists any particulars to be addressed at the time of building. A copy of the applicable page is included in the building permit packet and the information is also given out in conjunction with title searches.

Sean Roylance: That is after they purchase the lot.

Todd Trane: That is their problem.

Nelson Abbott: That is just the way it is; sometimes you get into a process and find out there are things you can't do...that's just the way it works.

Sean Roylance: He is not in favor of approving lots that he feels will create problems.

Nelson Abbott: They could build a house that is larger than his on this lot. He feels it is a matter of perspective.

Brian Ewell: Problems in building on a lot happen all the time; such as problem in installing a particular fence.

Sean Roylance: He feels this is a larger issue than the installation of a fence.

Nelson Abbott: The matter of fencing can be a large issue to some. He understands from experience the "Buyer Beware" point of view.

Mayor Dunn: He suggested, as the Council considers the professional that they hire, that we have an Attorney who has been in the business of municipal law for about 28 year...he is probably the best; and the Mayor feels that the advice is a primary consideration. He also feels the City Engineer (Craig Neeley) has given an opinion that is worth something; he also feels that Shawn Eliot's comments as a Planner are worth something. The Mayor realizes that there are mistakes that have been made and that there is misinformation about properties.

He feels Dave Church's opinion regarding the perspective of the courts regarding developments (as stated by Councilmember Abbott) is accurate; that in the case of vagueness in the Code, the courts would side with the property owner. The Mayor recommended going with the professional opinions already provided to the City.

3. The longer cul-de-sac and the reason for it (preserve environmentally sensitive areas) fit the new code. The easement area to Peterson property is a good compromise if Peterson's decide to develop later. There are many examples of longer cul-de-sacs in the city that do not have traffic problems. The council should approve the longer cul-de-sacs as proposed.
4. The smaller turn around (Ewell's Landing) does not have safety or staff concerns.
5. The natural open space area would be similar to other open spaces the city currently owns (the retention basin south of Shuler Park, the open space area where the new water tank is being constructed). The city is in a better position to preserve the open space as intended leaving it open for the citizens. The city could ask that a park be a part of the agreement. The city should approve the dedication of the open space area to the city.

Staff Recommendations (The Mayor skipped to City Council Recommendations because he wanted to review the check list with the Council.)

City Council Decision

Use this check list to aid in decision:

1. Is the balance between development and preservation is being met?
(The Mayor felt that balance is being met; he asked for any comments...there were none.)
2. Is the council comfortable with the amount of 20 to 30 percent slopes in the building envelopes on the lots on top of the hill and is lot 24 a buildable lot?
Nelson Abbott: Lots at the top of the hill (Specifically lots 21 & 22)?
Sean Roylance: Feels this refers to lots 23 & 24 as well.
Shawn Eliot: In the last meeting, the developers were asked to adjust the building envelopes; does the Council agree with the adjustments; and with the 8,000 sq. ft. building envelope on lot 24.
Sean Roylance: He said he had already voiced his opinion.
Nelson Abbott: "Lot 24, honestly, doesn't give me a lot of heartburn now that I've been up there and I've seen it...would it be a lot I would choose? No, but if it conforms to the Code, which I believe it does; I thin we're okay there. The only one that really gives me heartburn...maybe because I've been up there...is 21; again I believe it fits the Code. That would be a fun driveway in the winter; but I think we're headed in the right direction."
Julie Haskell: She commented that she is "okay with lot 24".
Derrek Johnson: He said that his concern with lot 21 was with the back of the lot. He realizes that an exception has been made to allow the 20' front setback rather than the 30'; but he still feels that the back drops off.
Brian Ewell: Responded that they are still in the "under 20%" area at the back of the envelope.
Derrek Johnson: "But from there, it just drops right off." He wondered if the envelope could be pulled forward even more?
Shawn Eliot: Question: Is that lot deep enough for a house? How deep is it?
David Ewell: The envelope has been pulled 8' more forward...18 ft. from where the envelope could have been.
Todd Trane: This is Preliminary Plat stage; could these details be handled at Final Plat? Further adjustments could be made. We need Preliminary Approval.
Sean Roylance: The point that has been brought up previously is that it should not be difficult to go into the CAD Program and drag the envelope forward. It should be brought forward as much as possible.
Derrek Johnson: He feels these issues should be brought up earlier in the process so they do not slip by with Final.
Shawn Eliot: Suggestion: The distance to move the envelope forward could be part of the motion; but the Preliminary Plat could be moved on in the process, without requiring that they go back and redraw the Plat prior to Approval.
Todd Trane: They were told to move the envelope forward and they did. The lot needs to remain "buildable". What is a "reasonable" amount?
Derrek Johnson: If this can be addressed at a later time that is okay with him, as long as it is addressed.
Todd Trane: It is a large buildable lot they could move the envelope forward more, according to an average sized home. The back has been moved 18' forward and the front has been moved 10' forward.

- An approval should not be based on being able to see into another backyard. Currently, there are about 32' from the back of the buildable envelope to the edge of the 30% slope area.
3. Are the lot envelopes designed in the proper locations? (Already addressed.)
 4. Has the applicant and the city done their due diligence in trying to work with the Peterson's? (Yes.)
 5. Will the city accept the open space area as public land or require an HOA?
(Mayor Dunn suggested getting away from HOA's.)
The planning commission recommends it should so all citizens can utilize it. Would the city accept the open space if city park space was added?
Nelson Abbott: He has no problem with additional park space.
Mayor Dunn: Parks are expensive to maintain. He wants to make sure the budget can handle any additional park area. The City must be careful in accepting smaller park areas that have to be maintained by the City; do we want that liability?
Nelson Abbott: Park space does not have to be planted and irrigated; it can be natural terrain...a place for kids to play. Trails present a different type of liability.
Shawn Eliot: Feels trails space through the trees is a good idea; but if the Council does not like the idea of accepting park space, then the question goes back to HOA vs. natural space?
Mayor Dunn: Prefers natural with trail space. There could be a notation on the Plat that the open space be kept as "green space" in perpetuity. The benches and gazebos could be removed.
Shawn Eliot: There is an agreement that the developer would sign with the City; if the City is to own the open space, it would be zoning Public Facility.
 6. Are the longer cul-de-sacs (Fairway DR = 980 feet, Ewell's Landing = 520 feet) better at preserving the unique terrain features? New HR-1 code allows this exception.
(Mayor Dunn: it has already been established that Fairway Dr. would be a Temporary Turnaround, with the preservation of that future through street being endorsed by keeping the through street a part of the City's Master Circulation Map and General Plan.)
 7. Is allowing 19 lots on a cul-de-sac (Fairway DR) appropriate? New HR-1 code allows this.
 8. Is the smaller turnaround circle on Ewell's Landing appropriate? (Mayor Dunn: The determination was that this was fine.)

Comments:

Nelson Abbott: (To Shawn Eliot) Question on setback for lots with 100' width lots...

Shawn Eliot: Front & back setbacks: 30' & side setbacks: 12' (24' between structures). The new Code is 15' for the side setback. According to the Attorney, while in the process of writing new Code, the Council can allow the developer to utilize portions of the new Code, but the developer cannot be required to do so.

Sean Roylance: We can't require it, but the result seems to be to choose the least amount of restrictions from both the old and new Codes.

Nelson Abbott: He feels some of the lots along the proposed Fairway Dr. are pretty close. He would be more comfortable if the lots widths were a bit wider, allowing for more distance between the homes.

Sean Roylance: But to allow the cul-de-sac at this point requires an exception to be approved; the cul-de-sac exception could be denied, but not to the setbacks and the 1/3 acre lots.

Shawn Eliot: The current Code allows it as is.

: That could be addressed at Final Plat stage.

Lari Fitzgerald: She questioned the typical lot width in the general area. (Derrek Johnson: His lot is 105'.)

Todd Trane: All the lots "up there" are typically about 100' wide X 150' deep. The subdivision that Councilmember Johnson lives in was designed by Trane Engineering and this will be similar.

Lari Fitzgerald: Question on average home size in Councilmember's area.

Derrek Johnson: Probably 4,000 sq. ft. + for the entire home.

Todd Trane: Plats C & D are to be split from one another at Final. Many of these concerns can be addressed at that time.

(Memo from Planner continued)

Proposed Council Motion

(Mayor Dunn read the proposed motion to be made by the City Council and a 5th item was added to the list of conditions:

5. Explore a rock wall and cut & fill areas to see if less cut would be needed.

Derrek Johnson: Where were the silt fence moved to?

Todd Trane: They tried to stay with where the actual cut or fill line would go to; they gave around 3 or 4 ft. at the most. It varies between 10' and 15' from the right-of-way. That area would be re-vegetated at some point, as well.

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY JULIE HASKELL THAT THE CITY COUNCIL APPROVES FAIRWAY HEIGHTS PLATS C & D, FINDING PRELIMINARY PLAT, THAT THEY FOLLOW THE INTENT AND REGULATIONS OF THE CE-1 CODE IN THAT THEY STRIKE A BALANCE BETWEEN DEVELOPMENT AND PRESERVATION. THE COUNCIL REQUIRES THAT ITEMS 16-23 UNDER STAFF FINDINGS WILL NEED TO BE ADDRESSED PRIOR TO FINAL PLAT APPROVAL. AS PART OF THE PRELIMINARY PLAT THE COUNCIL APPROVES:

1. THE LONGER CUL-DE-SAC LENGTHS SHOWN ON THE PLAT FOR FAIRWAY DRIVE AND EWELL'S LANDING DUE TO THEIR ALLOWANCE AS AN EXCEPTION IN THE NEW HR-1 CODE
2. 100 FOOT TURN AROUND RADIUS ON EWELL'S LANDING TO PRESERVE THE LANDSCAPE; FINDING THAT IT IS NOT A SAFETY CONCERN
3. 19 LOTS ON FAIRWAY DRIVE; FINDING THAT THE NEW HR-1 CODE ALLOWS FOR UP TO 20 IN THIS TYPE OF DEVELOPMENT
4. THE ACCEPTANCE OF THE OPEN SPACE AREA AS DEEDED TO THE CITY; FINDING THAT IT WILL ALLOW THE CITY TO BETTER PRESERVE NATURAL OPEN SPACE AREAS AND KEEP THEM OPEN TO ALL CITIZENS
5. EXPLORE A ROCK WALL AND CUT & FILL AREAS TO SEE IF LESS CUT& FILL WOULD BE NEEDED

VOTE: YES (3)

NO (1) SEAN ROYLANCE

ABSENT (1) RAYMOND BROWN

Passes 3-1

A reason for the "no" vote was requested for the record:

Sean Roylance: He feels lot 24 is not buildable; aside from that he feels that almost all of the rest of the proposed development looks good; there are a couple of things that were discussed in this meeting that will need to be addressed...outside of lot 24. He would still like to see some numbers in terms of the depth of some of the building envelopes; assuming those are reasonable, he is good with this.

Comments:

Derrek Johnson: Asked if RL Yergensen will be involved in the development of this subdivision.

Mr. Ewell: The last time they spoke with Mr. Yergensen, he probably would not be involved. They have gotten bids from other developers.

(He is still in Costa Rica.)

ELK RIDGE
MEADOWS,
PHASE 1 –
BEGIN
DURABILITY
RETAINER

Mayor Dunn: Read from the approval letter from Aqua Engineering, dated 4-3-2008:

"This memorandum serves as notification that all of the punch list items have been completed and the referenced project is recommended for final acceptance. The beginning of the two-year durability period for this project is April 2, 2008."

(The Mayor gave a brief explanation of the bonding/durability time period process.)

Dave Millheim: Commented on the new Senate Bill 196; wherein developments practices are addressed in an effort to standardize them from community to community. One of the matters addressed is the durability period.

Sean Roylance: Expressed concern that the "testing period" may not be valid in that there won't be much traffic on the road during this 1st two-year period.

Nelson Abbott: Disagreed; he felt the traffic would have more heavy traffic with construction vehicles during the 1st two years.

Mayor Dunn: The roads are installed according to City Standards, including a 1" overlay one year into the durability time period.

MOTION WAS MADE BY JULIE HASKELL AND SECONDED BY SEAN ROYLANCE TO ACCEPT THE IMPROVEMENTS AS COMPLETE FOR THE ELK RIDGE MEADOWS, PHASE 1 DEVELOPMENT; AND, AS PER ENGINEERING RECOMMENDATION DATED 4-3-08, TO BEGIN THE TWO-YEAR DURABILITY TIME PERIOD AS OF APRIL 2, 2008

VOTE: YES (4)

NO (0)

ABSENT (1) RAYMOND BROWN

PRESSURIZED
IRRIGATION
DISCUSSION

(Memo from Planner to City Council, dated 4-8-08)

"Background

With the various developments that have been approved over the last few years, some have been required to install pressurized irrigation lines and some haven't. The planning commission has questions regarding the requirements of the pressurized irrigation system; what are the plans, where do they need to discuss this issue. Since there are no general plan update group meetings the last two meetings in April, the commission requests that a work session be scheduled for April 22 prior to the scheduled City Council meeting."

Shawn Eliot: The Planning Commission would like for Councilmember Abbott to come to a Planning Commission meeting to speak to the members about what the Council expects regarding the current requirement. The Commission simply needs information.

Mayor Dunn: (Brief history of the issue, as it involves Elk Ridge City)

When he was on the Elk Ridge Planning Commission, pressurized irrigation was discussed on the Commission level. They wanted it for the Community. Many cities are providing pressurized irrigation water and that has been an easy way to have outside watering without tapping into the culinary water supply.

Elk Ridge only has one source of water; that is our wells that provide culinary water to the residents. The water is not treated from the wells in place.

We have, over a period of a decade or more, been aware of CUP (Central Utah Project) Water. This is available to the various communities. Randy Brailsford (3-term Mayor in Salem City) was the authority regarding CUP Water. He works for the CUP (that is his profession). Salem City is currently installing pressurized irrigation in their streets. Most of the older communities have had irrigation water and much of it is now in pipes, rather than running on the surface. Payson has been charging residents \$6/month. Spanish Fork has it in pipes and has metered it, just like their inside water...resulting in 2 meters per household.

The discussion on the Planning Commission was about where would this opportunity for CUP Water lead to? Literally, the pressure would take it to the elevation of the current City Hall. If CUP Water comes out of Spanish Fork Canyon in the next within the next 8 to 10 years, it *may* follow the Highline Canal right-of-way and the Highline water and CUP Water *may* be in parallel pipes or maybe in the same pipe, and ownership would be determined by the two companies.

If it goes into the pipe as planned, because of where it comes from, our Community will only have opportunity for pressurized irrigation from that pipe to the elevation of this building (the current City Hall) and everything north. Anything south of the City Hall would have to have secondary water pumped to a holding area (pond/tank) and disbursed to the residents; those costs would be high. Former Councilmember Harward looked into this when he was in office; he has some "upfront figures" on what it would cost for a distribution system like this.

The rate structure would have to cover the pumping, storage, the distribution and maintenance of the system...one of the figures he provided was about \$8,000,000 for the entire City.

With inflation, it could be even more.

Since pressurized irrigation has become popular, there are a couple of points to consider:

1. Historically, we have not had it here...no one irrigated here; but Fourbay (up higher) has been for the orchards...it has never come to Elk Ridge. He and Councilmember Abbott have been to Payson City to talk to them about getting some of their surface water diverted to Elk Ridge and they have responded that they can't since they may not have sufficient to meet their own needs at build-out.

Sean Roylance: What are the known expenses in getting the pressurized water up to the City Hall?

Mayor Dunn: Where ever there are existing roads, it will be expensive because the pipe system has to be installed. To get the water higher would be more expensive.

Sean Roylance: Is it worth it to consider the portions of the City north of the City Hall?

Mayor Dunn: The developments in the north sections of the City have been required to install the infrastructure for a secondary system. There is grant money available; the City should look into this. Anything south of Goosenest Drive would have to be retro-fitted for the piping.

Nelson Abbott: The reality of obtaining this CUP water is being actively pursued by SUVMWA.

Sean Roylance: Perhaps the Council should consider requiring the infrastructure north of Goosenest Drive, since it is the retro-fitting that is so expensive.

Mayor Dunn: He learned about "Gray Water Systems" at the Water Conferences.

Brief explanation: When it is not cost effective to install a secondary system, a person could install one of these "gray water systems". About 35% of the inside water use is from toilets. When other appliances are added to this, there is an extreme amount of excess is considered "gray water". This excess is stored in some type of a holding tank and disbursed to different sections of the yard. The incentive is that the person is using water he/she has already paid for; the additional cost comes in providing power to run the pump to get the water out of the tank. There are no certified systems in the State, but he is aware of one out in Duchesne that has been there at least 10 year. This might be an option for homes where the gray water is not available. More information is needed on this.

*The Council decided to assign Councilmember Abbott to speak to the Planning Commission to discuss the issues surrounding pressurized irrigation and to answer any questions. Councilmember Abbott is to arrange with the Planning Commission Chairman to be on the agenda on May 22, 2008. The Planner said he would place this item on the agenda.

STREET SIGNS

Shawn Eliot: (City Planner) Mr. Eliot had maps to pass out to the Council showing the proposed stop sign plan. There have been issues with some of the existing stop signs in the City. The "Street Name Sign Project" has been completed and the next project was to address the stop signs. Problems:

- Stop signs in places where stop signs are on main roads, where they are not warranted nor expected by drivers

- 4 Intersections: 1) Goosenest & Elk Horn Dr. [3-way stop – awkward]; 2) Alpine & Escalante [“T” Intersection with stop on the through road]; 3) Canyon View Dr. & Alpine Drive [3-way stop at a 4-way intersection]; 4) Park Drive & Elk Ridge Drive [3-way intersection with 2 stop signs]

RE: Unwarranted stop signs: Typically drivers will slow down (no stop), go through it, or stop and then speed up after the stop to make up for the lost time; this is why stop signs should not be used to slow traffic down.

- Lack of stop signs in places drivers would expect them to be
This problem exists all over town.
Drivers disregard other stop signs.
- Lack of enforcement
He has noticed the sheriff pulling people over to warn or ticket them on Park Drive. This does raise awareness.

Other Comments:

- Placing of stop signs should be based on normal weather conditions; not for snow days. (Example: In other cities, there are stop signs and lights on hills...if there is snow on the road, there could be a temporary problem in stopping...but, usually there isn't a problem.)
- Stop signs are not placed for the residents that live on that road who are used to that intersection; stop signs are placed for drivers unfamiliar with the area. Residents get used to entering onto a busier street from a local road and learn to stop and look because they know the area; others visiting Elk Ridge may not know to stop with no stop sign.
- Examples of bad stop sign placement: In Payson, many of the 4-way intersections are not signed at all and there have been some bad accidents as a result.
- Good Examples: Spanish Fork & Salem do a good job in placing stop signs. Sean Roylance agrees that uncontrolled intersections can be disastrous (speaking from experience with a relative having lost her life in a situation like this).
- The City adopted a sign placement standard two years ago, when street name signs were an issue. The plan was adopted for a standard for new development in the City. At that time, the Council determined that when the street name signing was complete, we would return to address a stop sign plan.

Proposal: (Referring to the proposed map based on the Manual of Uniform Traffic Design)

Mr. Eliot proposed following the proposed standard for the placement of stop signs, rather than attempting to use them for slowing traffic. Typically, the main streets should be “through traffic”, without stop signs (to move the flow of traffic); with the stop signs on the local streets turning onto a main street.

Recommendation:

It was recommended to check with the school bus routes.

Discussion:

- Yield signs: The Manual of Uniform Traffic Design says: if you are going the speed limit (25 mph or the 80th percentile speed); you have to be able to come to that intersection and see the traffic for a far enough distance to be able to make your judgment whether to stop or not. In Elk Ridge, most areas with trees and bushes do not fit into that description of circumstances. Yields work better out on open farm-type roads surrounded by fields.
- The plan proposes removal of yield signs.
- Upgrade some of the stop signs (about 5)
- 11 signs on “T” intersections
- 4-way intersections: place signs in proper place
- “Blind” Intersections
- (Green signs on the map) Recommended but not priority

Costs:

Proposed \$3,100

*Mr. Eliot is to check with the School District on the bus routes and the proposed stop signs. He would like the Council to determine if he should move forward with the plan.

Nelson Abbott: (Questions) Is there any chance to recycle the signs (6) to be removed and replaced?

Mr. Eliot: Perhaps one; most of them are really messed up or have no reflection left. The stop signs cost \$43 (new).

Nelson Abbott: He wanted to know the time frame. Can there be approval with contingencies? (Yes, there could be approval based upon Mr. Eliot contacting the school district.) There will be the public to consider.

Mayor Dunn: Summarized: 24 new signs to be installed that did not exist before. He cautioned the Councilmembers to expect there to be public discussion on this proposal; there has been in the past and it could be unpleasant.

Nelson Abbott: Some will cause more negative feelings than others; however, he feels the key thing is that we (the City) have a standard in place throughout the City. This standard has been required of new development and he does not see the point of having a standard if it is not upheld throughout the City.

Sean Roylance: This is a safety issue, not just visual. We want to avoid any serious injury.

Shawn Eliot: The State law: if there is no stop sign at an intersection and there is an accident, then the City would not be liable; but if there were a sign in place and it was removed, then there would be liability.

Mayor Dunn: He recently received a form from the City's insurance adjuster (ULGT) that indicates that the City's signs should be checked out and that they are in good repair.

Nelson Abbott: Suggestion: On the signs to be removed, schedule a public hearing for input; but he is fine with the rest of the proposed changes.

Derrek Johnson: He feels the signs on Elk Ridge Drive and Park Drive should be revisited.

Shawn Eliot: He feels this is a "confusing" intersection.

Shawn Eliot: He would like the newsletter to have information regarding the proposed changes before they happen. It is not required to have a public hearing for stop signs.

Nelson Abbott: He does feel the information should be supplied to the public...there is time to inform the residents.

Mayor Dunn: Suggested leaving the sign in on Elk Ridge Drive, heading north. (*Councilmember Roylance agreed, and he has to stop at it.*) The intersection is not just a "T"...it is a major change of direction.

Shawn Eliot: He feels this should be a 3-way stop, but there is the "up-hill" issue.

Park View Corner (proposed development on the corner of Park Drive & Elk Ridge Drive) plans to realign that whole intersection...to put it where it is supposed to be; it would straighten the roads.

**Mr. Eliot is to contact Councilmember Raymond Brown to discuss funding these signs from the Roads Dept. budget. Class "C" Roads does cover the cost of stop signs.*

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY SEAN ROYLANCE TO APPROVE THE PROPOSED STOP SIGN PLAN, AS RECOMMENDED BY THE CITY PLANNER, INCLUDING THE PROPOSED COST OF \$3,100.00. THIS MOTION APPROVES ADDING THE DISCUSSED STOP SIGNS AS SHOWN ON THE MAP PRESENTED TO THE CITY COUNCIL AT THIS COUNCIL MEETING; AS WELL AS APPROVING THE UPGRADE OF THE FIVE (5) STOP SIGNS INDICATED ON SAID MAP, CONTINGENT UPON:

1. THERE BEING A CHANCE FOR A PERIOD OF PUBLIC INPUT OR A HEARING FOR THE REMOVAL OF SIX (6) OF THE STOP SIGNS
2. THE PROPOSED STOP SIGN ON COLUMBUS LANE BEING REVIEWED AND APPROVED BY THE NEBO SCHOOL DISTRICT (REGARDING THE BUS ROUTES)
3. SHAWN ELIOT CHECKING WITH NEBO SCHOOL DISTRICT REGARDING THE ENTIRE BUS ROUTE FOR ELK RIDGE CITY

VOTE (POLL): SEAN ROYLANCE-AYE, NELSON ABBOTT-AYE, JULIE HASKELL-AYE & DERREK JOHNSONS-AYE NAY (0) ABSENT (1) RAYMOND BROWN

ORDINANCES

1. Fire Sprinkling Systems Code:

(Memo from Planner to City Council, dated March 25, 2008)

"Background

The city council approved the new fire sprinkler code in November 2007. The planning commission was concerned the portion of the code that stated that "the fire sprinkler system comply with the fire code and related regulations and standards adopted by the city". The building inspector clarified that developers would be referred to the requirements of the National Fire Protection Association, Article 13D. The planning commission requested that this verbiage be added to the code. The building inspector also wanted to clarify that the requirement to have sprinklers within the heated structure included the garage (the lines are not filled with water until activated by a fire, so freezing should not be an issue). Since passage of this new code, the development community and the Utah Home Builders Association have come out against the fire sprinkler requirement.

Proposal

It is proposed that the code be amended to add language directing an applicant to the National Fire Protection Association, Article 13D and to add language to clarify that garages are required to have sprinklers. Below are the proposed changes shown in bold and underlined:

10-12-38: FIRE SPRINKLING SYSTEMS REQUIREMENTS

Fire sprinkler systems are required to be installed in all new residential development serviced by the Elk Ridge City and Goosenest Water Company water systems. This requirement is for new construction of any heated structure or construction that constitutes more than 50% expansion of any dwelling unit **and shall include any attached garage**. The fire sprinkler system shall comply with the Fire Code and related regulations and **the National Fire Protection Association, Article 13D** standards adopted by the city. Sprinklers shall be provided with an exterior inspector's test port that complies with the following specifications or other material approved by the Fire Chief: (i) a wall hydrant that is a Woodford Model 65 (exposed type) or B65.

Staff Finding

- The additions to the code will better direct an applicant to required specifications.
- The additions to the code will clarify that attached garages must have sprinklers (freezing is not an issue since these systems are dry until they are activated).

Planning Commission Motion

John Hoschouer made a motion that was seconded by Kevin Hansbrow to recommend approval by the city council of the proposed amendment to the development code, title 10, chapter 12, section 38: Fire Sprinkler Systems Requirements, adding language to direct developers to the National Fire Protection Association, article 13D and clarifying that attached garages shall have sprinklers. The planning commission finds that these amendments to the code are better suited to inform applicants what is required for fire sprinkler systems. Vote: yes-all (7), no-none (0), absent (1) Kelly Liddiard.

Proposed Council Motion

Motion: The city council amend the development code title 10, chapter 12, section 38 - Fire Sprinkler Systems Requirements, adding language to direct developers to the National Fire Protection Association, Article 13D and clarifying that attached garages shall have sprinklers shown in the attached amended ordinance. The council finds that these amendments to the code are better suited to inform applicants what is required for fire sprinkler systems."

(The Planner also included the Planning Commission minutes of January 10, 2008, when this was discussed.)

Mayor Dunn: He summarized by saying that the Council should be looking for an ordinance referencing Article 13D of the National Fire Protection Association Standards. The fire sprinkler system shall comply with the Fire Code adopted by the City and related regulations in the National Fire Protection Assoc. Standards. Wording is also proposed that requires sprinkler heads in the garage, as well as the house. There was discussion about the lines in the garages freezing, but the initial lines can be charged with anti-freeze (not alcohol based) that would prevent this.

Nelson Abbott: Questioned the reasoning behind extending the sprinklers into the garage.

Corbett Stephens: ½ inch sheetrock is all that would be required in the garage (if the garage is sheet-rocked at all), with the addition of sprinklers in the garage.

(Discussion of sheet-rocking requirements)

Nelson Abbott: So, there would be a savings on sheet-rocking.

Sean Roylance: Asked for clarification as to the reason for the change.

Shawn Eliot: The Code just referred to "heated structures"; the Planning Commission wanted to clarify the Code that the garage is included; this is partly due to so many home fires starting in the garage.

Corbett Stephens: 80% of the last five fires in Woodland Hills have all started in the garage; the only one that was not...an arsinine was suspected.

Shawn Eliot: The Planning Commission also wanted to have the National Fire Code referenced.

Corbett Stephens: When the National Code is amended, the City requirement would also change.

MOTION WAS MADE BY SEAN ROYLANCE AND SECONDED BY DERREK JOHNSON TO AMEND THE ELK RIDGE DEVELOPMENT, TITLE 10, CHAPTER 12, SECTION 38 – FIRE SPRINKLER SYSTEMS REQUIREMENTS; ADDING LANGUAGE TO DIRECT DEVELOPERS TO THE NATIONAL FIRE PROTECTION ASSOCIATION, ARTICLE 13D AND CLARIFYING THAT ATTACHED GARAGES SHALL HAVE SPRINKLERS SHOWN IN THE ATTACHED AMENDED ORDINANCE. THE COUNCIL FINDS THAT THESE AMENDMENTS TO THE CITY CODE ARE BETTER SUITED TO INFORM APPLICANTS WHAT IS REQUIRED FOR FIRE SPRINKLER SYSTEMS

VOTE (POLL): SEAN ROYLANCE-AYE, NELSON ABBOTT-AYE, JULIE HASKELL-AYE & DERREK JOHNSONS-AYE NAY (0) ABSENT (1) RAYMOND BROWN

Passes 4-0

2. Public Facilities Zone:

(Memo from Planner to Council, dated 4-8-08)

Background

The city council requested that the planning commission review zoning for open space areas. It was decided that the current (but unused) Public Facilities zone would be a logical place to add open space as a designation. The planning commission has reviewed the proposed code, held a public hearing, and had no significant comments. The code changes borrowed from the current Public Facilities code of Woodland Hills.

Proposal

It is proposed that the code be changed to all for open space, golf courses, churches and other quasi-governmental uses to be included within the zone. Also, proposed, is changes to the zoning map and general plan future land use maps to show what areas of the city will have the Public Facilities zone applied.

Staff Finding

- The additions to the code and maps are clearer and better represent government and quasi-governmental uses.
- The additions better protect the environmentally sensitive areas of the city.
- The proposed zoning and future land use maps show the location that have uses allowed in the PF zone.

Planning Commission Motion

The planning commission recommended to the city council:

- A MOTION WAS MADE BY DAYNA HUGHES AND SECONDED BY KEVIN HANSBROW TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE PROPOSED CHANGES TO THE PUBLIC FACILITIES ZONE. THE COMMISSION FINDS THE PROPOSED CHANGES ARE CLEARER TO UNDERSTAND, BETTER REPRESENT GOVERNMENT AND QUASI-GOVERNMENTAL USES, AND SHALL PROTECT THE ENVIRONMENTALLY SENSITIVE AREAS OF THE CITY. VOTE: YES-ALL (7), NO-NONE (0) KELLY LIDDIARD AND PAUL SQUIRES.
- A MOTION WAS MADE BY DAYNA HUGHES AND SECONDED BY KEVIN HASBROW TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE PROPOSED ZONING MAP AND GENERAL PLAN FUTURE LAND USE MAP. THE COMMISSION FINDS THAT THE PROPOSED CHANGES TO EACH MAP ARE APPROPRIATE IN IMPLEMENTING THE INTENT OF THE PUBLIC FACILITIES ZONE. VOTE: YES-ALL (7), NO-NONE (0) KELLY LIDDIARD AND PAUL SQUIRES.

Staff Recommendation for City Council Motion

- 1st Motion: The city council approves the proposed PF Zone code changes as recommended by the planning commission. The council finds that the proposed changes are clearer to understand, better represent government and quasi-governmental uses, and shall protect the environmentally sensitive areas of the city.
- 2nd Motion: The city council approves the proposed Zoning Map and General Plan Future Land Use Map as recommended by the planning commission. The commission finds that the proposed changes to each map are appropriate in implementing the intent of PF Zone."

(Also included in the Council packets were copies of the proposed Public Facilities Zoning Map and the General Plan Future Land Use Map)

Shawn Eliot: The Planning Commission has taken a while sending this forward for action; there has been one hold-up in Payson that still exists.

(An error was located on the maps provided to the Council; Mr. Eliot provided new, corrected maps at the meeting.) He noted the removal of a large red square on the old maps that belongs to Payson (the new golf hole are located in these areas). The heading was also incorrect on the Zoning Map; it said the same thing as the Future Land Use Map.

There is an existing Public Facilities Zone; all of the properties were not included and the map had to be amended.

Many of the changes were made in Section 10-11A-2: "Permitted Uses", Section 10-22A-3: "Area, Yard, and Heights Regulations" & Section 10-11A-4: "Lighting".

Review of the proposed amendments to the maps:

- Add a strip of public owned property at the southwest corner of the City-owned land at the corner of Goosenest & Elk Ridge Drive...it is currently marked as "Commercial"
- Eventually the school site
- Issue with Payson along the north boundary of the Golf Course...this portion, currently owned by Payson and marked in red as a part of the Public Facilities Zone, is the area that Payson wants to de-annex into Payson. If that happens, this will no longer be part of the City map. (Shawn Eliot has some of the paper work for this de-annexation and will be working with Payson to work through this.)
- The property known as Hole #8; ½ of this property is part of the Golf Course. Payson City does not own the land, but it is part of the Golf Course. Payson is trying to figure out the history on this. It could be left off until it is figured out.

Nelson Abbott: he felt it should be left off the map to allow the property owners to figure it out.

Shawn Eliot: Both parts could be left off the map for now.

- Add back in the strip of driveway to the City property that is south of Brown's property.
- Another issue to consider: by rezoning all of the City property (future site of the City Center), this leaves only a small island of Commercial zoning on the west side of Elk Ridge Drive. Does the Council want to leave it that way or to re-zone it to either RR-1 or R-1-15,000?

1. Code Amendment: Public Facility Zone:

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY DERREK JOHNSON TO APPROVE THE PROPOSED PUBLIC FACILITIES ZONE CODE CHANGES AS RECOMMENDED BY THE PLANNING COMMISSION. THE COUNCIL FINDS THAT THE PROPOSED CHANGES ARE CLEARER TO UNDERSTAND, BETTER REPRESENT GOVERNMENT AND QUASI-GOVERNMENTAL USES, AND SHALL PROTECT THE ENVIRONMENTALLY SENSITIVE AREAS OF THE CITY

Discussion:

Sean Roylance: Are there conditions to be added onto the motion?

Mayor Dunn: Yes. Add strip (driveway) that leads to City property on corner of Goosenest and Elk Ridge Drive; and take off the piece west of Elk Ridge Drive

Shawn Eliot: Leave portion off the Golf Course property along Elk Ridge Drive.

MOTION WAS MADE BY SEAN ROYLANCE AND SECONDED BY JULIE HASKELL TO APPROVE THE PROPOSED PUBLIC FACILITIES ZONE CODE CHANGES AS RECOMMENDED BY THE PLANNING COMMISSION. THE COUNCIL FINDS THAT THE PROPOSED CHANGES ARE CLEARER TO UNDERSTAND, BETTER REPRESENT GOVERNMENT AND QUASI-GOVERNMENTAL USES, AND SHALL PROTECT THE ENVIRONMENTALLY SENSITIVE AREAS OF THE CITY; THE ADOPTION SHALL BE WITH THE FOLLOWING CONTINGENCIES:

1. ADD TO THE MAP: STRIP OF LAND WEST OF ELK RIDGE DRIVE OWNED BY THE CITY THAT LEADS TO THE CITY OWNED PROPERTY AT THE CORNER OF GOOSENEST DRIVE AND ELK RIDGE DRIVE

2. REMOVE FROM MAP:

- **PORTION OF GOLF COURSE ALONG ELK RIDGE DRIVE**
- **PIECE OF LAND WEST OF CITY PROPERTY AT ELK RIDGE DRIVE AND GOOSENEST DRIVE**

VOTE (POLL): DERREK JOHNSON-AYE, JULIE HASKELL-AYE, NELSON ABBOTT-AYE, SEAN ROYLANCE-AYE NO (0) ABSENT (1) RAYMOND BROWN

Passes 4-0

WATER RIGHTS

1. SUVMWA Water Rights:

Mayor Dunn: The Mayor spent some time with Wayne Anderson (Chairman of SUVMWA) at a Council of Governments' (COG) Meeting; they spoke of the SYUVMWA Water rights. The contract requires cash payments for those rights; and they have not sold as anticipated since development has slowed down so much. The Council had authorized the Mayor to send out letters to developers giving them the opportunity to purchase the acre feet required for their pending developments; he sent out about 20 of those letters and has received about 10 phone calls back with positive responses, but the developers do not have the money to purchase them right now. The City has until the end of November to purchase the rights from SUVMWA, or the water rights go back to SUVMWA. SUVMWA was putting some pressure on Elk Ridge to pay ½ now and ½ in the fall because they need money to initiate the purchase process on a little over 200 acres for the eventual site of the regional sewer plant.

Mr. Anderson and the attorney, Dave Tuckett, both understand the position Elk Ridge is in. There have been some changes in the city participation in SUVMWA regarding the regional facility; Springville is backing out of certain commitments and Salem is absorbing those commitments (they want more).

Nelson Abbott: Salem purchased 9% of Springville's portion of the sewer project.

Mayor Dunn: We are okay until the end of November; we need to figure out how to secure those water rights.

City Recorder: Could the contract be renegotiated on a "pay-as-you-go" basis? That was how this contract was originally presented. At this point, there really is no authority to allocate those rights to individual developers, as we were instructed previously by Tony Fuller? (*No, not under the current contract.*)

Nelson Abbott: He has asked for the option of changing the contract from the "all-or-nothing" concept to something that would allow us to pay as we receive the money in. and it has not been received positively. (The cost is currently at \$3,500/acre ft.)

Mayor Dunn: Renegotiating would be preferable; the economy took a turn that no one had predicted...changing the development prospects.

**He will contact Dave Tuckett (Attorney for SUVMWA) to see if renegotiating the contract is possible.*

It would take about 1.4 million dollars to purchase all of the rights. If an investor could come in a purchase the rights at \$3,700/acre foot, then the City could keep \$200/acre foot and the rights could be sold at \$4,200/acre ft. It would be a good investment for someone with the money to invest. This would allow the water rights to stay here in the City.

Dave Milheim: It would take a while to realize the profit from a sizeable investment, given the economy and the projected growth. It is a tough situation. The point of diversion is very important in determining the value of the shares of water. He suggested putting the announcement in the Newsletter to see if there is anyone with land that would be willing to make this investment.

2. Open Space Requirements:

The issue is that there are pending developments with designated open space; the Planning Commission would like guidance from the Council in the area of open space water rights requirements. The question is: if there is open space land that is basically considered "untouchable" or "undevelopable", why are water rights required for these areas?

City Recorder:

Brief History of same topic:

This matter has come up and has been considered by past City Councils. The basis for continuing to require water rights for open space (though the requirement is different, based on the chart produced by Tony Fuller, water right expert) was that it is impossible to dictate what is or is not to be considered "developable". In the past, there are areas that were not even considered for development, that are now being developed. The same idea is true of landscaping; who is to say what can or cannot be landscaped, and who is going to monitor this?

There was lot that was developed in Loafer Canyon where part of the lot goes up the hill and the owner claimed the side of the hill would never be touched...why does it need water rights? The Council adhered to the requirement and the owners had to upgrade their water rights to include the portion of their lot on the side of the hill. Rock wall creating a tiered affect on the side of a hill is very common; it is likely that those areas will be landscaped.

Mayor Dunn: The argument would be; why require water on something that is "useless" to the owner? Why should they water something that is supposed to remain natural? The question seems to be just in the new HR-1 Zone.

Nelson Abbott: There are examples of problems that occur when property owners come back to the city after time and want to further develop their property. He feels the water rights are figured on the scale provided by Mr. Fuller for a reason and that it would be best for the Council to err on the side of caution rather than simply over-ride the current requirement.

**After some discussion, it was decided that Tony Fuller should come to address the Council to explain the scale he uses to figure the amount of water rights required.*

Mayor Dunn will place a copy of the water right grid in each of the Councilmembers' folders on the City Office to review. Councilmember Abbott also suggested having all of the affected developers here at the meeting when Mr. Fuller explains his system.

SUVMWA REGIONAL SEWER PLANT (The update has already been covered previously in the meeting.)

RESOLUTION – MUNICIPAL WASTEWATER PLANNING PROGRAM REPORT
Mayor Dunn: This is a report that is filled out annually; it provides information regarding the City's wastewater system. The report is adopted by resolution.
Sean Roylance: He has questions on the report, but he would prefer postponing the questions until another time, due to the late hour. He would like to discuss this at a later date.
MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY JULIE HASKELL TO ADOPT THE MUNICIPAL WASTEWATER PLANNING PROGRAM RESOLUTION FOR ELK RIDGE CITY
VOTE: YES (4) NO (0) ABSENT (1) RAYMOND BROWN
Passes 4-0

CITY CELEBRATION Derrek Johnson: (Update) Some of the areas are assigned out already. Councilmember Johnson will have more to report at a later date.

**Caution: The carnival rental things go fast; those need to be reserved as soon as possible.*

EXPENDITURES

General: None

1. Ratify Vote to Repair Pick-up/Building Inspector:

Mayor Dunn polled the Councilmembers to repair the truck that Corbett Stephens uses. The cost was about \$1,400

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY JULIE HASKELL TO RATIFY THE POLLED VOTE TO APPROVE THE REPAIR OF THE BUILDING INSPECTOR'S TRUCK, AT A COST OF APPROXIMATELY \$1,400

VOTE (POLL): DERREK JOHNSON-AYE, JULIE HASKELL-AYE, NELSON ABBOTT-AYE, SEAN ROYLANCE-AYE NO (0) ABSENT (1) RAYMOND BROWN

2. Bid on Curbing Extension on South Loafer Canyon Road:

Mayor Dunn: This extension was by Council motion (previous Council...motion by Councilmember Mark Johnson) to have the curb & gutter in within one year of the road extension on Loafer Canyon Road. It has been about three years ago.

The bid came in well above the budgeted amount of \$21,000 submitted by Councilmember Raymond Brown...the bid was in the amount of \$71,425.00.

**It was felt by the Council that Councilmember Brown should be present for the vote and that he should obtain further bids.*

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY SEAN ROYLANCE TO TABLE THE APPROVAL UNTIL A LATER TIME

MINUTES

City Council Minutes of March 11, 2008:

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY DERREK JOHNSON TO APPROVE THE CITY COUNCIL MINUTES OF 3-11-08; WITH CORRECTIONS

➤ PGS 5 & 8 (TYPOGRAPHICAL ERRORS)

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

City Council Minutes of March 25, 2008:


MOTION WAS MADE BY JULIE HASKELL AND SECONDED BY NELSON ABBOTT TO APPROVE THE CITY COUNCIL MINUTES OF 3-25-08

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

ADJOURNMENT
&
CLOSED SESSION

AT 11:15 PM, MOTION WAS MADE BY SEAN ROYLANCE AND SECONDED BY NELSON ABBOTT TO ADJOURN THE REGULAR CITY COUNCIL MEETING AND TO MOVE TO A COUNCIL CLOSED SESSION

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



City Recorder

11:15 PM

CITY COUNCIL CLOSED SESSION

Discussion of Land Acquisition Negotiations

ROLL

Mayor: Dennis A. Dunn; *City Council:* Nelson Abbott, Derrek Johnson, Julie Haskell & Sean Roylance (Absent: Raymond Brown)



NOTICE OF CANCELLATION

Notice is hereby given that the **Regularly Scheduled City Council Meeting for Elk Ridge City: scheduled for April 22, 2008;** normally held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah; **was cancelled due to lack of Agenda items,** **by order of the Elk Ridge City Mayor.**

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

CANCELLED

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 THE Cancellation of this City Council Meeting was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and provided to each member of the Governing Body on April 17, 2008; and an Amended Agenda on 4-21-08.



City Recorder



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NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a Special City Council Meeting on Saturday, May 3, 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.

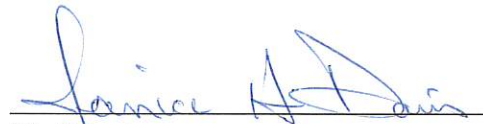
8:00 AM - SPECIAL CITY COUNCIL TRAINING SESSION:

Government Finance – Curtis Roberts (Finance Director for Elk Ridge City)

12:00 Noon Adjournment

Handicap Access, Upon Request. (48 Hours Notice)


The time that appears on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.
Dated this 2nd day of May, 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 May 2, 2008.



City Recorder



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ELK RIDGE
CITY COUNCIL MEETING
May 3, 2008

TIME & PLACE
OF MEETING

This Specially-Scheduled Training Meeting of the Elk Ridge City Council, was scheduled for **Saturday, May 3, 2008, at 8:00 AM.**
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 May 2, 2008.

8:00 AM -

CITY COUNCIL SPECIAL TRAINING MEETING:

ROLL

Mayor: Dennis A. Dunn; *City Council:* Raymond Brown, Nelson Abbott, Derrek Johnson, Julie Haskell & Sean Roylance; *Finance Director:* Curtis Roberts; and *City Recorder:* Janice H. Davis

GOVERNMENT
FINANCE
TRAINING

Finance Director – Curtis Roberts:

This special Training Session on Government Finance is held annually to refresh/teach Council Members about the City Budget and Government Finances.

Mr. Roberts is the City's Finance Director, hired last fiscal year.

Over-all Understanding of Goals in Budgeting for the City:

Mr. Roberts explained to Councilmembers that cities are in the business of providing services to residents. The level of services desired must be weighed against the amount of money the city budgets for those services. Higher levels of services require more money.

In a "bedroom" type community, like Elk Ridge, the sources of revenue are limited.

The Councilmembers were provided with copies of the Audit Report for Fiscal Year ending June 30, 2007; and copies of a notebook entitled "Introduction to Government Accounting and Budgeting"

Reviewed with the Council:

- Accounting Terms & Definitions
- Government Funds & Proprietary Funds (Water, Sewer & Storm Drainage)
- Budget & Planning
- What Should the Financial Statement Tell Me?

Mr. Roberts used the Elk Ridge Financial Statements (Audit Report) to demonstrate the points he was making.

*Mr. Roberts contacted David Tuckett (SUVMTWA Attorney & Attorney for Payson City) to question him regarding the arrangement of ownership of the land purchased for the future Regional Sewer Plant. There is the possibility that Mr. Roberts will attend the next SUVMTWA Meeting to explain some of the information he pointed out to the Council.

The Meeting is on 5-15-08.

*Councilmember Nelson is to arrange the visit of Mr. Roberts with SUVMTWA.

In the course of the Training Session, the point was made that most businesses (& the City is in the "business" of providing services) allocate a certain amount of money to advertising...Councilmember Roylance requested \$10,000 to "advertise" to the residents; to keep them better informed of what is going on in the City.

Sewer Dept.

Sewer Rates were discussed. Mr. Roberts recommended an increase of at least \$10/connection to be able to meet costs.

Discussion:

The Council discussed the possibility of raising the rates in a gradual manner...this may not accomplish the necessity of meeting costs for operations and maintenance to Payson and to Salem.

A further discussion was scheduled for 5:30 PM on 5-13-08; just prior to the regular City Council Meeting.

The Council will have a rough draft of the Budget to discuss.

It must be decided soon if the Council will move to a Truth in Taxation Public Hearing in August.

The Public Hearing must be arranged through Utah County (Auditor's Office); and the Tentative Budget adopted in May.

ADJOURNMENT

Mayor Dunn adjourned the Meeting at 12:40 PM.




City Recorder

