

AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, May 13, 2008, at 7:00 PM, to be preceded by a City Council Budget Work Session, at 5:30 PM.**

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

5:30 PM - CITY COUNCIL BUDGET WORK SESSION

Budget Discussion

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. Ordinance Adoption/Building Heights – Shawn Eliot

7:30 2. City Code Discussions:

A. ATV's

B. Projectiles

7:45 3. Code Violations: - Mayor Dunn

A. Animal Rights in Zones

B. Landscaping

8:00 4. Fire Service Inter-local Cooperative Agreement – Mayor Dunn

8:05 5. Revised Impact Fee Study – Work Release (Aqua Engineering) – Mayor Dunn

8:10 6. Lease Contract Approval – Snowplow/Dump Truck – Raymond Brown

8:20 7. Garbage Collection Discussion – Mayor Dunn

8:30 8. Park Walking Path Maintenance/Repairs – Mayor Dunn & Derrek Johnson

8:40 9. Expense Sharing Proposal/Lee Haskell – Mayor Dunn

8:50 10. Off-site Reimbursements: (Mayor Dunn)

A. Over-all Policy

B. Elk Ridge Meadows PUD, Phases 1 & 2

9:10 11. Schedule Public Hearings:

A. Tentative Budget for 2008-2009 Fiscal Year

B. Truth in Taxation Hearing (Tax Rate)

9:20 12. Planning Commission – Code Modifications - Sean Roylance

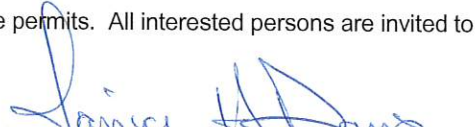
9:30 13. Minutes

Adjournment



Handicap Access, Upon Request. (48 Hours Notice)

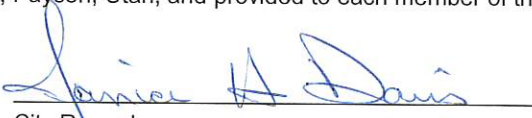
The times that appear on this Agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 9th day of May, 2008.



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 May 8, 2008; and an Amended Agenda on 5-9-08.



City Recorder



ELK RIDGE
CITY COUNCIL MEETING
May 13, 2008

TIME & PLACE
OF MEETING

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530 PM –

CITY COUNCIL WORK SESSION

ROLL

Mayor: Dennis A. Dunn; *City Council:* Nelson Abbott, Derrek Johnson, Julie Haskell, Sean Roylance & Raymond Brown; *City Planner:* Shawn Eliot; *Scouts:* Elias Moeai, Michael Caplin, Kade Johnson, Jacob & Tyson Cazier, Landon & Gavin Pozernick, Josh Reece & Colby Stoker; *Public:* Mark & Ofa Moeai, Paul Cazier, Keith Hayes, Randy Cloward & Stephanie Pozernick; and the *City Recorder:* Janice H. Davis

BUDGET
DISCUSSION

Discussion of the proposed Budget Work Sheet for the Tentative Budget for the 2008/2009 Fiscal Year:

*(Julie Haskell: Councilmember Haskell mentioned the continued “conflict of interest” stated at the beginning of her term of Office; that she is married to one of the employees in the Public Works Dept. and anything affecting wages or salaries would affect her indirectly. As stated previously, she feels she can vote on these issues in her good conscience and fairly.)

The City Recorder explained the basic Budget format and areas of particular concern.

General Fund:

- Explanation of Fund Balance for the General Fund and the required 18% maximum for the current year
Fund Balance occurs only when the Revenue exceeds the Expenditures...this appears to not be the case in either the current fiscal year or in the projected budget for 2008/2009.
- Review of Bond Payments: Water Revenue & Sales Tax Bonds
The purchase of equipment (Snowplow in this case) and preparation for the future in providing a certain level of services to residents keeps the costs higher than our current sources of revenue allow for. The Council will be considering other sources of revenue in developing some of the City-owner properties.
- There is a need to house the equipment necessary to maintain Fire & Emergency services, as well as snowplowing.
(Councilmember Haskell mentioned that the Fire Chief mentioned reconfiguring the current City Hall/Fire Station to better house the Fire Dept. vehicles.)
- CERT needs a larger, more permanent place for storage.
- The Tax Rate will be reviewed by the Council; this affects the amount of property tax budgeted.
- The Finance Director suggested an increase in the Water & Sewer Administrative Fees to the General Fund to more realistically reflect actual costs and to help with the Bond Payment for the Sales Tax Revenue Bond. An additional area to add to these two fees would be the “Non-Departmental” (Planner, Attorney, Engineer, Auditors) as well as a portion of Corbett Stephens’ salary.
- Public Safety Grants or Public Safety Impact Fees could be used for part of the future City Center since the Sheriff’s Dept. would like to have a sub-station at the proposed new City Center.
- Road Impact Fees: The Study should be finished and fees charged; this would be an additional source of income for the General Fund.
- COLA (3.5%) + 4% (possible) Bonuses: This was presented by recommendation of the Mayor for the City Employees. This will be reviewed and discussed at the next Council Meeting Work Session.
- Discussion of Sewer Rate Increases: Finance Director recommends an increase of at least \$10/connection. Though this seems high, the Sewer Fund has not been the focus for many years and the City is at a point of not being able to cover even basic “operations and maintenance” costs. An increase in impact fees will not help in covering costs for operations.
- The budget for road repair needs to be addressed and lowered.

Sean Roylance: He is not in favor of increasing the sewer rate by \$10 all at once; he prefers to do this in phases. The residents need to be educated on the reasons why. There should be a budget for "advertising". (The Council felt the amount budgeted should start out lower and build, a needed.) Resident must be better informed on City business, through various means.

Raymond Brown: He agrees that the public must be informed and assisted in understanding issues.

Nelson Abbott: The City should include the web site address on all City vehicles.

City Recorder: Recommendation: Possibly paying the SUVMWA Regional Sewer Facility Bond payments up front (as much as possible) with accrued Sewer Impact Fees. The Bond Documents need to be reviewed to see if the City can do this.

It is important that each of the Councilmembers consider where the General Fund budget (expenditures) can be cut and to come to the next Council Meeting with suggestions.

Grants: Public Safety, Trails and Parks are areas where grants can be obtained.

Other areas reflecting increases:

- Police: Increase to \$53/hour increases budget by about \$2,000
- City Planner: Increase from \$15,000 to \$24,900 (Planner: 1,200/month and 10,500 to MAG
- Roads and anything oil-based: Gas prices and oil prices are at almost \$4/gal; this affects many different areas.
- Can Fire Dept. cut some of their budget? (Fire Dept. does have grants available.)

Review of Capital Projects Funds:

1. *Town Hall – Fire Station:*

Bond Payment shows the Sales Tax Revenue coming into the budget in the 2007/2008 budget; as well as the purchase of the property on Goosenest Drive.

2. *Fire Apparatus Replacement:*

The transfer to this Fund will stay in the General Fund; could that be decreased a bit from \$15,000 for one year to a lower amount?

3. *Future Improvement:*

It is not yet clear how much it will take to balance the General Fund to zero.

4. *Special Revenue Funds:*

A. Parks: All transfers from the General Fund have been eliminated for now; impact fees are currently the only source of revenue.

B. Fire Dept. - EMS: New Fund. This moves the grants and the expenditures for the Fire Dept. to one place, which is easier to track. Since this Dept. has a separate source of revenue (grants), the Fund qualifies as a "Special Revenue Fund".

Enterprise Funds:

1. *Storm Drainage Fund:* The loan from the Water Fund in 2007/2008 will begin the payback in 2008/2009 (loan: \$10,000).

2. *Water Fund:* (Adding an average of 10 new homes)

SUVMWA Water Rights: It is unclear as to the amount that will be brought in.

Explanation of Impact Fees and Connection Fees: Cannot really budget these; they are considered "windfall" revenues. Some of the water impacts fees will be reimbursing Phases 1, 2 & 3 for the "up-front" money paid to the City (this was to be used on the Water Project).

Suggestion: Consider paying off 2002 Bond early.

3. *Sewer Fund:* Sewer Rates will need to increase to cover costs. Operating costs will stay the same and even be added to that when we begin to pay Salem City for those connections on the north side of the County Rd.

Recorder: She asked that the Council decide if the City will go to August to a "Truth in Taxation" Hearing...they agree that arrangements should be made with Utah County for a Hearing on the Tax Rate.

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7:17 PM -

CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS

ROLL

Mayor: Dennis A. Dunn; *City Council:* Nelson Abbott, Derrek Johnson, Julie Haskell, Sean Roylance & Raymond Brown; *City Planner:* Shawn Eliot; *Fire Chief:* Seth Waite; *Scouts:* Elias Moeai, Michael Caplin, Kade Johnson, Jacob & Tyson Cazier, Landon & Gavin Pozernick, Josh Reece & Colby Stoker; *Public:* Mark & Ofa Moeai, Paul Cazier, Keith Hayes, Randy Cloward & Stephanie Pozernick; and the *City Recorder:* Janice H. Davis

REMARKS
& PLEDGE OF
ALLEGIANCE

An Invocation was offered by Nelson Abbott and Scout Colby Stoker 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 7:17 PM
VOTE: YES (5) NO (0)

PUBLIC FORUM

1. Stop Signs

Ofa Moeai: (She lives at 1050 Goosenest Drive.) Re: Proposed stop sign removal on Elk Horn Drive & Goosenest Drive: She feels strongly that the stop sign should not be removed. The sign has been in existence for some time and it does help control the speeding on Goosenest Drive. There are many school age children in the immediate area and she is concerned for their safety. Is the subject still open for discussion or has the decision been made?

Shawn Eliot: The City Planner explained the Stop Sign Standard adopted by the Council:

- Stop signs should not be used for slowing traffic.
- If there is a speeding problem, then enforcing the 30 mph speed limit should be a priority. Studies have shown that people tend to speed up even more after stopping at an “unwarranted” stop sign. He feels the speed limit could even change to 35 mph to better accommodate the fact that this is a major collector road for Elk Ridge.

Mayor Dunn: Instructs the sheriff to ticket people for speeding and failure to stop, rather than issuing warnings. Stop means “stop”, not slow down and the speed limits must be obeyed. He has also encouraged more frequent use of the speed machine to allow people the opportunity to adjust their speed; if they are unwilling to do so then they should pay for that unwillingness.

There are always avenues for communicating feelings and opinions to the Council; through email, letters, coming into the office to speak with the Mayor and to come into the meetings, as the folks did that evening.

New signs will be installed and some signs removed with the Standard being applied City-wide.

Mark Moeai: (Resident on Goosenest Drive) He is opposed to the removal of the stop sign on Goosenest and Elk Horn, as well. He has many small children (all under the age of 12) that would be affected by increased speeding in that area. Speeding is already an issue and he feels it would be worsened by the removal of a stop sign that has been there for a while. Is there any possibility to have this decision reversed? There should be a higher level of reasoning for the removal of an existing stop sign.

Shawn Eliot: The Standard does not use stop signs on major roads for traffic control. The object is to allow traffic to flow. The Standard is from the manual on “Uniform Traffic Control Devices”.

Recorder: There are small children all over the City; if stop signs were installed based on the number of children in the area, there would be stop signs all over the City. This problem has been addressed in the past and this is why the Council feels a Standard should be applied equally across the City. Enforcement has been the problem since we have an officer 20 hours/week at \$55,000/year. Our City just cannot afford the many services provided by the City currently.

Ofa Moeai: There is an officer that lives right on that 3-way intersection and that tends to make

people at least be more aware. Request: To postpone the removal of that stop sign until more residents in that area can come to another public meeting.

Nelson Abbott: There is a Standard and one of the Council's jobs is to apply that Standard. That Standard is applied to new development; how can the City require this of developers if we are unwilling to apply the same Standard? That Standard is to be enforced without making exceptions.

Stephanie Pozernick: (A resident in another part of the City) How will enforcement increase if the City cannot afford to dedicate any more money for Police patrol? She brought up the point that when one travels on Goosenest Drive, there is more of an "out-of-town" feeling; thus a tendency to speed up. She stated that she has experience with feeling the need to slow down due to the stop sign in question.

Paul Cazier: He agrees that the speeds vary more with stop signs and that a more constant flow of traffic is easier to predict. Teach children to not play in the road.

Raymond Brown: Suggested signs that warn of double fines in school zones...this is done in construction zones.

Keith Hayes: If the Standard does not allow stop signs, then some type of sign like "Slow – Children in the Area" should be posted.

Other Options for Traffic Control were discussed:

- Speed bumps
- Speed dips
- Other signs

Shawn Eliot:

- Speed machines warn drivers (particularly with cameras)
- Flashing lights around the school zone signs

Sean Roylance: Though he sympathizes with the danger to small children, there cannot be a 4-way stop at every intersection in the City. He finds the comments interesting that were made by the resident (Mrs. Pozernick) regarding:

- The "out-of-town" feeling... he feels people tend to speed up when they get out of the City. He had not thought of that, but agrees.
- He was unaware there is a bus stop at Elk Horn & Goosenest.

These two factors make this situation a bit different. He is not convinced that these reasons justify leaving the signs in; but perhaps to leave them in until other solutions for traffic control are arrived at by the Council.

Mr. Moeai: The Standard should take into consideration the history of the stop sign; which has been there for about 10 Years (the length of time was questioned).

Mayor Dunn: School busses have stop signs on the busses and create their own safety areas.

Mrs. Pozernick: Question: Are there machines available that actually monitor speeds and record the speeds? The point is that children arrive at the bus stops before the bus comes and are congregated in those areas for a while.

Shawn Eliot: The signs available to the City are not the "photo-cop" signs.

Further suggestions:

- A speed study could be conducted in that area
- Striping on the roads is a traffic-calming device
- Update speed signs and place more speed signs along the road

Apply these calming devices and see how effective they are; then revisit the issues at a later date.

Randy Cloward: What changes will be made?

Mayor Dunn: The signs will be removed, but they can be the last ones removed. Other options can be looked into, as well. The Sheriff will be directed to increase his patrol in that area.

Mrs. Pozernick: If people know that the speeds will be adhered to or tickets will be handed out, then that will put people on the alert.

ORDINANCE –
BUILDING HEIGHTS

Mayor Dunn: (Brief History of this regulation) About 2 ½ years ago, the former Council found out that the building heights had been changed from 35' as measured from highest point of grade to 30' from the highest point of grade. When the Mayor took office, he asked that the Planning Commission review this ordinance and to get the regulation back to what it was. The regulation was changed to 36' from the highest point of grade. The Planning Commission brought the ordinance back to the Council with some concerns and the Council said they were fine with it the way it was. In November, 2007, the ordinance came back to the Council again (neither time did the Council direct that the ordinance should be re-visited); again the City Council decided to adhere to the Code the way it was written. The Council at the time included Mark Johnson, a member of the Fire Dept. Once again (not by Council direction), this ordinance is back before the Council for review. There

have been some studies to support perhaps changing the Code.
(Fire Chief Seth Waite was present and the Mayor asked that he offer an opinion, since it was the prior Chief that was quoted in the Planner's memo to the Council.)
(Memo from Planner to Council, dated May, 2008)

“Background

The planning commission was asked to pass a new building height ordinance back in 2006 that would raise the then current height of 30 feet to 36 feet. The commission held a public hearing at which the fire chief attended. His main concern with the proposed code was the proposal that the 36 feet was measured at the front of the home at the highest grade. The concern was that the fire department only had a 24 foot ladder and on sloped front yards, could have a problem reaching a second story window. The fire chief was not as worried about the rear of the home, but the commission did want to limit the height of 3 story walk out basement type homes. The code recommended to the city council was 36 feet high measured from the front at the medium grade and 48 feet high of the rear medium grade.

The planning commission recommendation was never forwarded by staff to the city council. The original proposal of 36 feet from the highest front grade mistakenly was given to the council as recommended by the commission. The current building height code is second to Payson for the highest allowed structures in the county on level land and highest in the county on sloped land. This is been a concern for the commission since the fire chiefs testimony was used in their recommended code.

Proposal

After staff reviewed building height code for the majority of the cities within the county, it is proposed that the code be amended to change the height requirement by lowering it to 34 feet and tying it with the average natural grade of the terrain being built on at the four corners of the building. Using the four corners tied with the natural terrain will help keep height to a safer level and control the rear height of 3 story walk out basements. Also proposed is a conditional use to allow one side of the home to be taller under certain conditions and that accessory structures also be held to the natural terrain and average 4 corners standard.

The planning commission reviewed the Alpine code that allowed 34' height, measured to the average finished grade to the mid-point of a gable roof. This code also allowed a conditional use permit for a taller side (usually a walk out basement). The planning commission asked staff to contact Alpine to see if this code worked well for them. Their comment was that they would change the mid-point of a gable roof requirement to the high point. To date they have never had to use the conditional use for a higher side because the mid-point requirement allows for very tall homes. The commission also liked Provo's code requirement that natural terrain be used for the ground measurement versus the finished grade. Provo does allow for some grading needed for proper drainage around a structure. The proposed code marries the Alpine and Provo code with the change Alpine recommended.

Staff Finding

- The additions to the code are more in line with many other cities within the valley.
- Aligning height with natural terrain while allowing for some grading helps constrain fill and excessive heights.
- Allowing additional height on one side of structure with a conditional use permit allows for exceptions and neighborhood input.
- The lower height allows for better fire personnel access.

Planning Commission Motion

A motion was made by Dayna Hughes and seconded by Weston Youd to recommend approval to the city council of the proposed rescinding and amendments to the code regarding building heights in sections 10-7a-8-c; 10-7b-8-c; 10-7c-8-c; 10-7d-8-c, 10-8a-8-c; 10-8b-8-c; 10-9b-8-c- 10-12-5 and 10-12-37. The commission finds the proposed changes are better suited for the protection of citizens and for building with varying slopes. The use of the conditional use permit for an extra height exception is appropriated in that there are criteria for approving extra height and a conditional use permit requires a public hearing.

On item 2-h in the last sentence, a change is proposed and that will now read:
“generally this would average 2% slope away from the building for a maximum distance of 10 feet required for proper drainage”

On item 2-i in line 4, a change is proposed and that will now read:
“Gable, Hip or Gambrel Roof – the elevation measured at the high point of the roof line”

Vote: yes-all (4), no-none (0), absent (4) Russ Adamson, Scot Bell, Kevin Hansbrow, Paul Squires.

City Council Discussion

The council should decide:

- If the proposed code amendment is better suited for safety and the varying terrains of Elk Ridge?
- If a conditional use permit is appropriate for extra height?

Staff Recommendation for Motion

- Motion: The city council approve the proposed rescinding and amendments to the code regarding building heights in sections 10-7A-8-C; 10-7B-8-C; 10-7C-8-C; 10-7D-8-C; 10-8A-8-C; 10-8B-8-C; 10-9B-8-C; 10-12-5; 10-12-37. The commission finds that the proposed changes are better suited for the protection of citizens and for building with

varying slopes. The use of the conditional use permit for an extra height exception is appropriate in that there are criteria for approving extra height and a conditional use permit requires a public hearing. "

(A copy of Planning Commission minutes were included in the Council packets, as well as the proposed Code amendments.)

Mayor Dunn: (Directed to Chief Waite) The Council has information that the Fire Dept. has a ladder that only extends to 24', is that correct? (Chief Waite: Yes.)

That appears to be insufficient to reach into a 3rd story or level.

The Mayor opened the Meeting up to comments and discussion:

Sean Roylance:

- He does not agree that the Council is required to initiate changes in the Code; the Planning Commission has the right to generate Code proposals.
- He was present when a member of the City Council requested that the Planning Commission look at this requirement.

Mayor Dunn: The Mayor expressed his understanding that the Planning Commission takes their direction from the City Council, as a body. (Councilmember Johnson: If it was a concern of the Fire Chief, shouldn't it be looked at?) The Fire Chief at the time (Chief Olson) was asked if it was a concern... the current Fire Chief was not consulted.

He related an experience with the City Attorney wherein he (David Church) reviewed the order of authority with City Government. The City Council is the legislative body of the City and the Planning Commission is the "recommending" body. When an item needs to be addressed, the Planning Commission should come to the City Council with their concerns, explain why they have certain concerns and then ask if they should address the issues. The Planning Commissioners should not take it upon themselves to address items without the Council's direction. The Council has been fine with the Code as it was written... all the times proposed changes came back to the Council. The Mayor questioned why the issue is back before the Council when it has not been an action item from the Council to the Planning Commission.

Nelson Abbott: (To Mayor Dunn) "When you were out of Town and Ray Brown was Mayor Pro-tempore, we passed the HR-1 Code... correct me if I'm wrong... but I've got it in the back of my mind that this was discussed then and there was more than two... there were three of us that requested that this be looked at that point in time... as near as I can recollect. Without the minutes in front of me, I believe that was when we asked Shawn to take this back to the Planning Commission as part of the process of cleaning up our Code. It is not that we were necessarily looking to shorten height; it's to come up with a better way... a more uniform way... to apply the Code across the board in all of the zones... so that it is not as subjective. One of the things we have in the HR-1 Zone that you don't have in any other part of Town is the highest finished grade... averaging after grade... and some of these other things that apply in different areas... and it's a way for us to come up with a uniform Code; across the board, that can be applied to all of the different areas." Councilmember Abbott reiterated that he does not have the information in front of him (referring back to the minutes of that meeting when the Mayor was out of town on February 26, 2008) but he believes that was when it was requested.

(Note: [Not to be part of the final version of the minutes for 5-13-08] Due to the agenda item on the discussion of ridgelines, which was the same meeting referred to by Councilmember Abbott on 2/26... I listened to the portion of the recorded minutes of that last part of the meeting when Planner Shawn Eliot asked that the Council authorize him to begin to re-organize Title 10 of the Development Code... to clarify it in places... and he only referred to cul-de-sac frontages and flag lots simply as examples of areas needing clarification. Neither he nor the Council mentioned building heights as part of the Code to be re-visited. During the discussion of the HR-1 Zone, itself, the minutes are nearly verbatim due to the controversial nature of the subject matter... there seemed to be no direction on this matter at that time. Typically, when there is direction from the Council to anyone, whether the Planning Commission, or anyone else, I will star that direction in my rough notes of the minutes and place an asterisk beside that item in the final minutes; unless it is part of a formal motion.)

Sean Roylance: He referred to the City Code, Section 2-1-6, (reading from the Code) "The Planning Commission, through its own initiative, may, or upon receipt of a petition from an affected property owner, or by order of the city council, shall make and certify to the city council recommendations for the amendment of the zoning regulations and map." All those choices are possible through the City's Code, whether directed by the Council or by their own initiative.

Mayor Dunn: He referred to a letter he read about a year ago from David Church describing the duties of the Planning Commission... (Mr. Church, the City Attorney and the Attorney for the Utah League of Cities & Towns, writes the training manuals for Planning Commissioners). He says that Planning Commissions should take their requests to the Council to get direction. They should not be doing things all on their own. He again expressed concern that in two years this is the 4th time

1 this proposed amendment has been presented to the Council...the last time was in November,
2 2007. He is concerned that this will continue to happen when there should be a policy of things
3 being done in their proper order.

4 Sean Roylance: He felt there were two things to look at:

5 1. This case is unique in that there were various comments from Fire Marshals and there has been
6 a change in City Council members. He feels it is fair that several City Council members are
7 interested in this part of the Code. The Planning Commission members did not do this on their own;
8 it was done because there were members of the Council interested in this.

9
10 The proposed change could go forward due to a new Council. He does not feel it is a matter of
11 simply putting this forward until there is a "yes"; the Planning Commission was asked to
12 re-visit the matter.

13 2. Referring to the future policy: Unless the Code is changed, it says the Planning Commission can
14 propose changes to the Code. It is in the best interest of the Planning Commission to work with the
15 Council; but it is also wise for the Council to respect the judgment of the Planning Commission,
16 since they study the Code and work with it more than the Council does.

17 Mayor Dunn: He agreed with that perspective; but he is still unaware from the minutes or by
18 anything he has read, that there was an action item from the Council that directed the Planning
19 Commission to re-visit this matter. He spent over five years on planning commissions...and the
20 procedure is for the planning commission to take their concerns to the city council to initiate a
21 change that should take place in the Code and ask for direction from the Council if they should
22 proceed.

23 Raymond Brown: (Question)

24 1. (Directed to Shawn Eliot) What precipitated this action?

25 Mr. Eliot: Two & 1/2 years ago, when the Code was re-done; the Planning Commission proposed a
26 different Code than the one that made it to the City Council; it took 4 or 5 months to discover that
27 this fact. They had safety concerns with using high point and having sloped front yards. Then the
28 Planning Commission asked the City Planner at the time (Ken Young) to bring this up to the City
29 Council; but that did not happen. Last November, building heights came up in some way and the
30 members felt the Council should be approached again regarding their concerns. That is when the
31 Council was consulted in the fall and the Council said to not change it.

32 During the Joint General Plan Workshop took place, Councilmember Abbott mentioned that since
33 there is a new City Council, perhaps the building heights should be reviewed. At the end of the
34 meeting, Mr. Eliot asked the Planning Commission what he should do with the suggestion...the
35 Commission was hesitant to give any direction due to the sensitivity of approaching the Council
36 first; however, Councilmember Roylance read that section of the Code he referred to earlier, that
37 changes can be initiated by the Planning Commission...that, plus the fact that Mr. Roylance is a
38 member of the City Council...and, with both bodies present with no objection...the Planning
39 Commission went forward.

40 Sean Roylance: He did say that it would be appropriate for the matter to be re-addressed...so, two
41 Councilmembers gave them direction to re-visit the issue.

42 Mayor Dunn: He pointed out that he, as Mayor, is responsible for what happens...and he reminded
43 those present that it takes 3 voting members of the Council to make a quorum; not two. Action
44 from the Council, as a body, comes from a quorum, or at least three voting members.

45 Derrek Johnson: He was at the meeting; and he was aware that it was an issue.

46 Raymond Brown: His next question was to ask the current Fire Chief his opinion...

47 Sean Roylance: Based on the section of the Code he read earlier, he still maintained that the
48 Planning Commission did not need a quorum of the Council to initiate this action.

49 Mayor Dunn: He felt that the City Attorney should be consulted for the "final say" on this issue;
50 rather than to continue to try interpreting the Code. (Councilmember Roylance did not see how he
51 could say otherwise.)

52 Nelson Abbott: If the Attorney's opinion of this matter is different than what the Code states, perhaps
53 the Code should be altered. He can see where Councilmember Roylance is coming from.

54 Sean Roylance: Councilmember Roylance said he would like to be involved with any
55 communication with the Attorney; so there's no "filtering" ...not necessarily intentional; but
56 "everything goes through a filter".

57 Mayor Dunn: Commented that he would have the Attorney write everything down...and he will have
58 him look at this section of the Code referred to. His biggest concern is to have things legislated
59 properly. He appreciated the information brought together by Councilmember Roylance and he said
60 that he felt the discussions by the Planning Commission were well thought-out and well-done; he
61 just felt that the procedure could have been handled differently. He wanted to allow Chief Waite to

comment...

Sean Roylance: He stated that he understands that the Mayor is most concerned about "how things were done"; but, from Councilmember Roylance's position, he feels the Planning Commission members are "scared to bring up anything" due to statements which are intimidating in nature. He feels those statements are inappropriate and cause the Planning Commission members to be unable to perform their jobs right now.

Mayor Dunn: He countered that he is trying to get them to do their job in the right order. *(Councilmember Roylance feels they have been.)*

The Mayor has been on the Planning Commission side of the perspective for many years and he is concerned about the manner in which certain things are conducted on the Planning Commission...

(Councilmember Roylance interrupted that between all of the members, including himself...that they "dwarf" the Mayor in experience.)

He continued that the point he was making was that there is a "right way to present material...his concern extends to statements made by members of the Planning Commission that tell developers that their projects are not wanted here in this City...this is inappropriate..." a Planning Commissioner's job is to take the Code and see that it is properly applied...not to make it up as they go along".

Sean Roylance: Feel this is "off the topic"...the discussion was on their responsibilities and "they do not feel they can do it right now...because they feel bullied".

(Argument ensued between the Mayor and Councilmember Roylance...regarding how things are presented both from the Mayor to the Planning Commission and from the Planning Commission to the Council. Councilmember Roylance made the point that differences should be aired privately rather than making public statements chastising the Planning Commission and that the Code should be adhered to.)

(Note: [Not part of the final minutes] This is true of derogatory statements and accusations made between Council members and from the Council to the public in open and public meetings.)

Derrek Johnson: He feels the Code is clearly written in this case; and he feels it states clearly the Planning Commission should be able to take their own initiative. He feels that the Code can be complicated at times.

(The subject got off the agenda items and discussion followed regarding a one-lot subdivision in the City wherein the procedure of development was questioned. The Mayor presented information to for Councilmember Johnson based on two different conversations the Mayor had with the City Attorney.)

Mayor Dunn: (Getting back to the discussion at hand regarding the authority of the Planning Commission to initiate changes in the Code...) The Planning Commission has to do the job they were trained to do...and the are; he said he was not complaining about that...his concern is with the "possible improprieties that may result if they just start doing things on their own and sending to us; then feel offended as we may not agree with them". He continued that he would "love to see them bring their concerns to this body" either through Councilmember Roylance (Council assignment: Planning Commission liaison) or through the City Planner or the Planning Commission Chairman, Russ Adamson and get direction from the Council as to the direction they should proceed with...that is "initiating action". Then the Council is aware of the work being pursued on a given matter. It was through this process that the HR-1 Zone changes took place; and he feels that worked well.

Sean Roylance: He does not disagree with this procedure; but the process, if strictly adhered to, could become very cumbersome; particularly on smaller items to address, like a simple removal or correction..."this could slow any potential progress to a crawl". He agrees that David Church should be consulted.

Councilmember Roylance does, however, feel there that a situation exists within the Planning Commission wherein they are timid in the execution of their duties and somewhat confused as to their authority. This problem needs to be solved and their duties clarified. *(Mayor Dunn agreed.)*

Raymond Brown: (To Chief Waite) He asked if the Chief had a chance to review the proposed Code change... *(Chief Waite responded that he had not had a chance to review the document in its entirety.)*

Councilmember Brown explained that the proposal is to change building heights from 36' as measured from the highest point of finished grade to 34', as measured by the average "natural" grade.

Nelson Abbott: (Explanation)

- (Current) Someone could pour a basement deep enough to get footings in, and bring in 6' to 8' of fill and it would be measured from that point to the highest.

- (Proposed) Take the 4 outer corners, averaging those heights and then going up 34' from that point.

(At this point, the City Recorder asked what the Building Official (Corbett Stephens) had to say...there was no response.)

Mayor Dunn: It seems the Fire Dept. has some concerns. He asked Chief Waite if he feels the City has a problem with the Code the way it is.

Chief Waite: The issue he finds is that of access to sleeping areas. He spoke with Councilmember Haskell about this. If a bedroom is at the back of the house and on the downhill side, that is a full 3 stories if the home has a basement. Currently he does not have the equipment to get there...if he would have to ventilate the window or get someone out of a window in that position in the house (if he could not get to that person any other way). If this Code were to remain, he would need bigger and longer ladders to allow ways to access these areas. He also feels the City should conduct training activities for the homeowners; they need to take some responsibility for these types of situations and get an escape ladder or some way to get out of there, if there is a blocked passageway out of that room. ...in most cases, those are bedrooms. To clarify...if we

continue to have big homes on the hillside, he thinks the homeowners need to be educated to take responsibility for an escape plan. Building heights is an issue...other cities have more sophisticated equipment to access those hard to reach areas...Elk Ridge does not. There are some big homes up here and we need to address them with education rather than trying to accommodate every possible means of getting into some areas of the home.

Mayor Dunn: Pointed out that the new Code would only apply to new construction and we have a Code in place now requiring a fire suppression system (*Chief Waite agreed that this will help; and with the existing homes, the owners could be encouraged to install them*).

Chief Waite: He does not want to just encourage single story homes on a hillside where there could be a walk-out basement...his home on the west6 dies is two-stories due to the way the ground slopes, but he only has a single floor home with a full basement. Due the slope of the land, he has a second floor window. We live in that environment. He does not want to restrict buildings; he simply needs to prepare to meet the needs. Of course, we would not want a 5 or 6 story home...that could destroy the look of the area; but that is not a Fire Dept. concern; that is a matter of aesthetics.

Mayor Dunn: As the Code is written now: 36' from the highest point of grade to the highest point of the roof, includes all the trusses as part of the height. 34' from the average natural grade to the highest point; that will change according to the pitch of the roof. Steep pitches are common due to snow loads...are we restricting certain homes based on the proposed formula?

Chief Waite: There are many factors to weigh with this...do we want each individual home be a separate issue? He needs to know how he can defend the Code and help the homeowner to deal with the Code.

Mayor Dunn: Wouldn't it just be easier and more cost effective to simply purchase a new ladder that extends to 30'?

Chief Waite: There are already existing homes where all areas cannot be accessed. Perhaps a new ladder is the best way to address this.

Sean Roylance: That sounds like a necessity regardless of the Code; in either case, a longer ladder would be beneficial. (*Chief Waite agreed,*)

Chief Waite: He is not sure what the purpose of going with the natural grade would be...he has to deal with where the grade is right now.

Sean Roylance: From his perspective, the natural grade vs. the finished grade isn't a safety issue...that is more of a "what are you doing to your neighbors" issue. On the safety issues...the lower we can make them, combined with a taller ladder...that all helps; but we don't want to be 'unreasonably low'".

Nelson Abbott: If this was brought forward improperly, and if the Council desires that it be presented in the proper way, what is the next step?

Mayor Dunn: The proposed Code is here, regardless of how it got here...we can't discount it...he simply wanted to express his concern about the process.

Raymond Brown: Commented that Mark Johnson, who was on the Council, was also on the Fire Dept. and he has maintained for two years that the City needs a longer ladder truck or ladder. Two feet is not going to matter with a longer ladder.

Mayor Dunn: He felt that the proposed changes need to be put to a vote, since the document was there at the meeting.

Shawn Eliot: (Drawing on the board) On the Planning side, there are two sides: the safety side and the aesthetic side. (He apologized for not consulting with the current Fire Chief) The previous Chief had some concerns with certain slopes with the 36' requirement. He would not be able to reach certain areas of the home. The back of the homes are hard to get to anyway, so his primary worry was to get access to the full front of the house. That was why the Code was reviewed.

Regarding the "natural grade" vs. the finished grade: Take the 4 corners of the house; take each elevation of where the house is going to be in the natural environment...divide it by 4; and that is the starting point of the calculations...upward. Woodland Hills says just the lowest natural...that is their way of saying, we want to keep it built with what is there now, rather than bringing in a lot of fill. Provo does allow what is adequate for proper drainage around the house (their engineer said that 2% for 10' would be more than adequate).

A good example of how problems can occur using the "finished grade" is at a home on Oak Lane...the Jeff Christensen house: "They had something similar...to where it is about 15' above the grade; then they took their house on the side with the driveway and they are allowed up to 36'...I don't know if it's 36' tall...it's pretty tall...it's basically a one-story with a 'bonus room on top. What this has done by allowing this finished grade to built up to bring in that amount of fill...then taking the side where the roof is the shortest...it has made that home stick out in that neighborhood.

The neighboring house right next to it is also a two-story home; but it is 'dwarfed' now because it built with the natural terrain and this other house brought in a lot of fill to build up above it.

Salt Lake City just recently changed their Zone in the Avenues to say that you have to build your homes in the Avenue area "like" the other homes in the neighborhood."

Mayor Dunn: Added that they actually have an "architectural committee" to check plans to match historical amenities.

Shawn Eliot: By allowing the ultimate amount of fill, which is what we do now; it allows that home to be perched up more than anyone else's in the neighborhood. With the natural terrain, you would have that anyway...but, when one house towers above all the others, it does have an impact.

This proposed Code is trying to look at the safety issues by taking the 4 corners and use the natural

terrain...with what is allowed for proper drainage...and trying to meet safety needs as well as aesthetics. This is in line with what went through in the HR-1 Code, so that you build with the "lay of the land". On Oak Lane, if the home had built with the lay of the land, they probably would be sticking out the way it does.

Sean Roylance: (Adding to the drawing on the board)

- He wanted to assist everyone visualize the drainage issue
- To double check if he understands the concepts

He demonstrated more of the build-up for drainage.

Shawn Eliot: The fact that we can go from the finished grade to 36' to the top; if you are on a hill, it could be 46' to 50' tall on one side...that is quite extreme.

Mayor Dunn: Addressed the sewer depth on the home on Oak Lane...was the fall line a consideration?

Shawn Eliot: Pumps (lift station) are often used in basements due to being lower than the sewer.

Mayor Dunn: Are we complicating the building height regulations by going to the natural grade? Is the end result going to be a home where we simply need a higher ladder?

Sean Roylance:

- The ladder is an issue, regardless. We should just approve the purchase.
- He went to see the house referred to on Oak Ln. He agrees that it sticks out from the neighboring homes. Though we want to give people the freedom to develop their land, there need to be limits and management.

The key point is building with the natural terrain vs. the fill. You can still build some pretty big homes; it just prevents one home sticking out.

Shawn Eliot: He feels another important issue is that other cities do allow for an exception...in this case a "conditional use permit"...for one side of the home to be taller; accompanied by a check list of conditions. An approval can be obtained, with conditions. Alpine uses the mid-point; they do not like that and want to change it...because no one has ever used the conditional use permit for the one side that is taller; even though most of their homes are on hillsides also...this is because going to the mid-point allowed them to have some pretty tall homes without ever coming to the restriction.

Mayor Dunn: He was unsure that the natural grade is really the best calculation...it could be complicated. He questioned the number of homes that are really offensive to people. Are we trying to legislate views?

Shawn Eliot: "Part of it, I'd say." The City is at the full end in allowing the highest in the County...plus it can be built up. We can at least try to limit the height to something that is reasonable. Not everyone will have their view forever; but we should not allow a home that towers over others.

Julie Haskell: Even building with the natural terrain doesn't always appease the neighbors. Trees can destroy views as much as a home.

Shawn Eliot: The HR-1 Code seems to lean toward the lay of the land.

Raymond Brown: Questioned the "exception rule"...

Mayor Dunn: (Read the proposed Code on "exceptions") This allows neighbors to have a say in building a home...

Raymond Brown: Karl Shuler said that the new Code would lower the height 5' to 8'...is that correct?

Shawn Eliot: That would depend on the terrain...a house on flat land would only be lowered by two feet. If on a slope, then yes it could be limited.

Derrek Johnson: (When asked) He relies on the expertise of the Planning Commission and is inclined to vote yes on the new Code.

MOTION WAS MADE BY NELSOIN ABBOTT AND SECONDED BY SEAN ROYLANCE THAT THE CITY COUNCIL APPROVE THE PROPOSED RESCENDING AND AMENDMENTS TO THE CODE REGARDING BUILDING HEIGHTS IN SECTIONS 10-7A-8-C; 10-7B-8-C; 10-7C-8-C; 10-7D-8-C; 10-8A-8-C; 10-8B-8-C; 10-9B-8-C; 10-12-5; AND 10-12-37. THE CITY COUNCIL FINDS THAT THE PROPOSED CHANGES ARE BETTER SUITED FOR THE PROTECTION OF CITIZENS AND FOR BUILDING WITH VARYING SLOPES. THE USE OF THE CONDITIONAL USE PERMIT FOR AN EXTRA HEIGHT EXCEPTION IS APPROPRIATE IN THAT THERE ARE CRITERIA FOR APPROVING EXTRA HEIGHT AND A CONDITIONAL USE PERMIT REQUIRES A PUBLIC HEARING

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

Passes 5-0

DISCUSSIONS

Mayor Dunn: There was a bill that allows ATV's in small communities, under 7,500 population. It is up to the Council to set the rules on this. He encourages the Council to consider this and be prepared to re-visit this item.

2. Projectiles: (Mayor Dunn)

Mayor Dunn: The City has no Code which prohibits shooting a compound bow within the City boundaries. There has been a complaint and this cause the Sheriff to get involved. He has nothing to refer to in proving a violation.

CODE VIOLATIONS

1. Animal Rights in Zones:

Mayor Dunn: The Mayor will include in the next newsletter, an article on animal rights within the residential zoning. There are many violations in the residential zones. There are complaints and questions regarding these violations and they must be dealt with.

Nelson Abbott: There must be a balance arrived at with the numbers allowed.

Derrek Johnson: He agrees. Animals that are permitted, like cats...some people have way too many.

Sean Eliot: It is like the Stop Sign Standard; either people will be responsible with animals, or not. **The Council was in agreement that the Planning Commission should amend the Code regarding a balance in the numbers of animals allowed.*

2. Landscaping:

Mayor Dunn: There are homes across the City with no front yard. There is a landscaping Code that needs to be enforced. The Code states that a yard must be in within 24 months of Occupation of a home. Many homes without yards were there prior to the Code being in place, so they are "grandfathered". The people in violation will be receiving letters of warning, allowing them time to comply, or they will be charged.

Sean Roylance & Raymond Brown: Agree with this action.

Nelson Abbott: Questioned the minimum level of improvements before being allowed to occupy a house; not having a driveway is part of having landscaping. The driveway should have to come out to the curbing for a cleaner look.

Raymond Brown: There is little leverage with the lots that are grandfathered in prior to this controlling ordinance.

Discussion of various homes in violation of the Code.

The Council was in agreement that the homes in violation of the Landscaping Code should be notified, in as polite and fair manner possible.

Mayor Dunn: Reviewed the notification process with the Council:

- Letter from the Mayor goes out (certified), after the approval from the City Attorney
- The offending party has to sign for the letter (some may not accept the letter)
- Involve City Attorney if the Code not complied with; charging a Class "C" Misdemeanor
- The Mayor gave a dead-line of Sept. 21' 2008 to respond in some manner to the notice.

The Mayor warns that there will be negative responses. A general warning will also appear in the City newsletter.

**(The Mayor will provide a copy of the content of the letters to the Council; in their folders.)*

FIRE SERVICE –
INTERLOCAL
COOPERATIVE
AGREEMENT

This is an agreement which allows for regular payment for fire protection provided by the individual entities for services rendered to Utah County in unincorporated areas. The Agreement is for one year; from 7-1-2008 to 7-1-2009.

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO APPROVE THE FIRE SERVICE INTERLOCAL AGREEMENT BETWEEN ELK RIDGE CITY AND UTAH COUNTY

VOTE: YES (5)

NO (0)

REVISED IMPACT
FEE STUDY –
AQUA ENGINEERING

It is necessary to update the Water, Sewer & Road Impact Fee Study; Aqua Engineering proposes to do this update for \$2,000.

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY JULIE HASKELL TO REVISE THE WATER, SEWER AND ROADS IMPACT FEE STUDY BY AQUA ENGINEERING, FOR AN AMOUNT NOT TO EXCEED \$2,000.00

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

Passes 5-0

- 1 NEW SNOWPLOW - This is to provide funding through a Capital Lease with Zion's Bank for the purchase of the new
2 DUMP TRUCK - snowplow-dump truck (purchase price previously approved by the Council
3 LEASE CONTRACT The City will provide \$50,006.00 for a down payment; the remainder will be through the lease/
4 APPROVAL purchase from Zion's Bank. The terms are for five years at 4.2%. (Zion's Bank miscalculated the
5 amount in the documents by \$6; Zion's Bank offered to re-do the documents; however, it was
6 decided that the City would simply add \$6 onto the down payment.
7 **MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY RAYMOND BROWN TO**
8 **APPROVE THE CAPITAL LEASE – PURCHASE AGREEMENT BETWEEN ZION'S BANK AND**
9 **ELK RIDGE CITY FOR THE PURCHASE OF A NEW SNOWPLOW/DUMP TRUCK FROM LAKE**
10 **CITY**
11 **VOTE: YES (5) NO (0)**
- 12
13 GARBAGE Mayor Dunn: The City's current collectors, Allied Waste, is increasing their fees from \$9.80 to
14 COLLECTION \$10.05 per residence; and \$4.67 to \$4.77 for an extra container...beginning July 1, 2008.
15 The City would increase the charge for the service (including the 1st can) to \$10.50 or \$11.00 and
16 keep the cost of the 2nd can at \$5.00.
17
18 There may be the opportunity to negotiate a contract with Payson City for garbage collection:
19 The cost could be \$10 (1st can) + \$10 for the 2nd can; however this would include a 6-punch pass to
20 Payson's land fill, which could eliminate the need for a 2nd can for most people.
21 The Council would need to authorize a contract to be drafted to review.
22 *Check out: When is the contract with Allied up...would July be a good terminating point?*
23 Issues:
24 > If the City terminates with Allied: Do they pick up their own containers? Or Would Payson
25 purchase them for a "used-can" price? or
26 > How many can available through Payson City? Dave Tuckett (Payson Attorney) thought
27 they could provide the cans; but he will look into this.
28 Raymond Brown: Suggestion: Waste Management is another option (they service Woodland
29 Hills)...perhaps if they serviced both neighboring communities, would they decrease the price
30 somewhat?
31 Mayor Dunn: Adding information: (Mayor Henderson and Mayor Harding have both spoken
32 Mayor Dunn about Waste Management)
33 > The Springville facility is to move their site more to the west (serving Waste Management)
34 > Mayor Harding said that Woodland Hills was required to pay \$20,000 to buy into that
35 system. The Mayor is not sure what the basis for the charge is; *he will ask at the next*
36 *South County Mayor's Meeting.*
37 > The Mayor will bring that information back to the Council.
38
39 Nelson Abbott: He added that under our current contract with Allied, a resident could pay for up to
40 three cans and not need a dumping pass. Is it worth the change to Payson?
41 Mayor Dunn: He pointed out that the City also pays about \$7,500 for extra dumpsters that would be
42 eliminated with Payson.
43 Sean Roylance: Any chance of using the Springville facility? (*Unknown at this time*)
44 *The Council will re-visit this issue with more information.*
45
- 46 WALKING PATH – The walking path around the Park is in need of weed control and repairs.
47 CITY PARK - Derrek Johnson: Not only the walking path; but there is a trail from Mahogany to the Playground
48 REPAIRS area that needs to be installed. There is an easement between the two lots for the trail.
49 > Weed killer and Crack & Seal on walking path
50 > Trail from Mahogany: Park Impact Fees can be used on this.
51 The trail would vary slightly in width where some existing fencing, etc. exists
52
- 53 EXPENSE SHARING Removed from the Agenda for this meeting.
54 PROPOSAL –
55 LEE HASKELL
- 56
57 OFF-SITE Mayor Dunn: (Background)
58 REIMBURSEMENT – (A letter from Wentworth Development, developers for Phase 1 of the PUD, was included in the
59 ELK MEADOWS PUD Council packets.)
60 The letter from Wentworth Development states that they are willing to pay a part of the costs, but
61 not all of them. They claim that the widening of the County Road (11200 South), as required by

Utah County, was an "unlawful exaction". They do not believe that DAI should have been required to widen the road, and that "DAI may well have a cause of action against the County".

Development Associates, Inc., or "DAI" (Phase 2 of the PUD), installed certain improvements benefited by Phase 1; therefore the improvements are subject to reimbursement to DAI. The City's Code requires payment of the Off-site Reimbursement; but it does not constitute an "agreement" for that repayment.

Wentworth Development claim that they were unaware of this requirement and that they should not be held to it.

The two developers met with their attorneys and the Mayor, Corbett Stephens and Davis Church at the City Offices to try to work through the issues.

The City Attorney believes that the City's Code may need to include the requirement of a written agreement for reimbursement, signed by both developers. Mr. Church's suggestion is to make sure that the Code is very clear.

DAI is claiming that because the City's Code may be flawed, they feel the City should make up the difference between what Wentworth Dev. Is willing to pay and what the actual amount of the reimbursement.

David Church does not believe that the City should be drawn into this dispute.

Nelson Abbott: The advice from the City Attorney is that once a party has threatened litigation, then all conversation and negotiations between the City and that party are ended; the rest is between attorneys.

Mayor Dunn: David Church is to determine what the Code should say. The Mayor wanted the Council to be aware of this issue.

Sean Roylance: Suggestions:

- This is a problem between the two developers; the City should stay out of it. If the issue with the City is pushed, they can be referred to David Church.
- The City should wait a bit to confer with the Attorney; to allow this dispute to be resolved between the two developers.

**David Church: Direction from the Mayor to David Church...Inform Mr. Church that the Council does not wish to be involved in this dispute or any litigation; they do not feel any responsibility. He will ask, at some later date, that Mr. Church review the City's Code to assure that the Code is written as clearly as it could be.*

The requirement is listed on the Final Checklist for any development; perhaps the developers could be reminded of this upfront...to look ahead and make sure the requirement is noted.

The Mayor referred to the earlier discussion where feeling got a bit "heated": He wants the Council to know that he wants to do what is right for the City and if he challenges any member of the Council, it is not due to anything against that individual; it is because of his concerns with the issues being dealt with.

The Mayor's goal is to have all the Council on the "same page" and to try to understand all the perspectives shared with one another. He loves the Planning Commission and the work they do.

He gets upset with misinformation and rumors.

Strong feelings will be felt and, at times, shared.

Sean Roylance: He admitted that he is a bit defensive regarding the role of the Planning Commission (having served on that body).

SCHEDULE
PUBLIC HEARINGS

1. Tentative Budget for 2008/2009 Fiscal Year Budget:

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY RAYMOND BROWN TO SCHEDULE A PUBLIC HEARING ON MAY 27, 2008, AT 6:00 PM, REGARDING THE ADOPTION OF A TENTATIVE BUDGET FOR THE 2008-2009 FISCAL YEAR BUDGET, FOR THE OPERATION OF ELK RIDGE CITY

Discussion:

Sean Roylance: Wanted to be sure the Council would have more time to discuss the budget figures before the adoption of the Budget. *(The entire Work Session + Public Hearing would be dedicated to this discussion. This Budget is tentative until August, when the Final Budget will be adopted.)*

VOTE: YES (5)

NO (0)

2. Truth in Taxation Public Hearing (Tax Rate):

The Finance Director would be a good one to explain the need for increasing the Tax Rate.

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY SEAN ROYLANCE TO SCHEDULE A TRUTH IN TAXATION PUBLIC HEARING ON AUGUST 12, 2008, AT 6:00 PM; TO CONSIDER AN INCREASE IN THE TAX RATE FOR THE 2008 TAX YEAR FOR ELK RIDGE CITY

VOTE: YES (5) NO (0)

3. Adoption of the 2008/2009 fiscal Year Budget:

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY RAYMOND BROWN TO SCHEDULE A PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE 2008/2009 FISCAL YEAR BUDGET ON AUGUST 12, 2008, AT 6:30 PM

VOTE: YES (5) NO (0)

13 PLANNING
14 COMMISSION –
15 CODE
16 MODIFICATIONS

Sean Roylance: The policy of the authorization for the Planning Commission to initiate Code changes was covered in the earlier discussion; but there are a couple of points that need to be clear:

1. David Church will be contacted to clarify the law as compared to the City's current Code.
2. There is an issue that the Planning Commission feels should be addressed: that the current PUD Code can be applied to any zone in Elk Ridge, including the CE-1 Zone and the HR-1 Zone.

- A. Does the Council feel the Planning Commission should address this issue?
- B. Should there be a joint Planning Commission/City Council Work Session?

**The City Council agreed to have the Planning Commission consider amending the City Code regarding PUD's and which zones a PUD would be applicable. Councilmember Roylance shall contact the Planning Commission to get this matter on the Planning Commission agenda.*

26 MINUTES

Postponed.

28 NON-AGENDA
29 ITEM

Raymond Brown: Pointed out that the motion regarding the removal of stop signs involved either "public information and input" or a "public hearing"; so the Council should address just the removal of the 6 designated signs once again.
Suggestion: To have double fines at stop signs.

33 EXPENDITURES

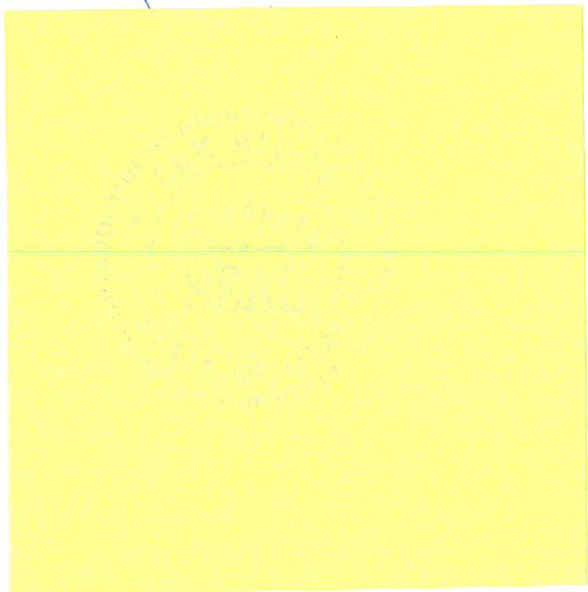
General: None
Councilmember Brown shall obtain another bid on the curb & gutter in Loafer Canyon from Commander Concrete.

37 ADJOURNMENT

At 10:55 PM, the Mayor adjourned the Meeting.



City Recorder



AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, May 27, 2008, at 7:00 PM, to be preceded by a Public Hearing at 6:00 PM,** to consider adoption of the Tentative Budget for the 2008/2009 Fiscal Year Budget; and a **City Council Work Session at 6:15 PM & to be continued at 6:45 PM.** There will also be a **City Council Closed Session at 6:30 PM.**

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

- 6:00 PM - PUBLIC HEARING – PROPOSED TENTATIVE 2008-2009 FISCAL YEAR BUDGET**
Public Hearing/Proposed Tentative Budget for the 2008/2009 Fiscal Year, for the Operation of Elk Ridge City (Interested persons shall be given an opportunity to be heard.)

- 6:15 PM - CITY COUNCIL WORK SESSION**
Tentative Budget Discussion (Continued)

- 6:30 PM - CITY COUNCIL CLOSED SESSION**
Discussion of Personnel

- 6:45 PM - CITY COUNCIL WORK SESSION (CONT.)**
Tentative Budget Discussion (Continued)

- 7:00 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:**
Opening Remarks and Pledge of Allegiance Invitation
Approval/Agenda Time Frame
 - 7:05 Public Forum
 - 7:10 1. Code Amendment/Senior Housing Overlay Zone
 - 7:35 2. Horizon View Farms (Elk Ridge Meadows PUD, Phase 4) – Preliminary & Final Plat Approval
 - 7:55 3. Ordinance – Code Amendment on Building Heights – Building Inspector, Corbett Stephens
 - 8:25 4. Change Order for Water Project – Aqua Engineering
(Mountainland Supply Co. Valves for Water Project – Mayor Dunn)
 - 8:40 5. Stop Signs (Update and Action) – Raymond Brown
 - 8:50 6. SUVMWA Water Rights/Update – Nelson Abbott/Mayor Dunn
 - A. Fairway Estates, Plats C & D – Water Right Allocation
 - B. Allocation Policy for the City
 - 9:00 7. ATV Allowance - Discussion – Mayor Dunn
 - 9:10 8. Hazardous Projectiles – Mayor Dunn
 - 9:20 9. 2008/2009 Tentative Budget – Discussion & Adoption
 - 9:30 10. Subdivision Extensions:
 - A. Elk Haven Subdivision, Plats A, B, C & D
 - 9:35 11. Expenditures: General
 - A. Ratify Polled Vote to Approve Fire Dept. Damage Costs to Autos
 - 9:40 12. City Council Minutes
Adjournment



Handicap Access, Upon Request. (48 Hours Notice)

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 23rd day of May, 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 May 22, 2008; & an amended Agenda on 5-23-08.

City Recorder



ELK RIDGE
CITY COUNCIL MEETING
May 27, 2008

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, May 27, 2008, at 7:00 PM**; this was preceded by a **Public Hearing at 6:00 PM**, on the proposed adoption of the Tentative Budget for 2008/2009 Fiscal Year; and a **City Council Work Session at 6:15 PM**; as well as a **City Council Closed Session at 6:30 PM**, for the Discussion of Personnel. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on May 22, 2008; & an Amended Agenda on 5-23-08.

6:10 PM -

PUBLIC HEARING - PROPOSED TENTATIVE 2008-2009 FISCAL YEAR BUDGET

Public Hearing/Proposed Tentative Budget for the 2008/2009 Fiscal Year, for the Operation of Elk Ridge City. All interested persons were given an opportunity to be heard.

ROLL

*Mayor: Dennis A. Dunn; City Council: Nelson Abbott, Derrek Johnson, Julie Haskell, Sean Roylance & Raymond Brown; and the City Recorder: Janice H. Davis
(No public present for the Public Hearing)*

Mayor Pro-tempore opened the Public Hearing (Mayor Dunn was present in the building; however was in conference with someone at the start of the Hearing).

Budget Discussion:

City Recorder: The Recorder reported that the Deputy Recorder brought a problem with payroll to her attention that has been on-going since December, 2006. Evidently, a little-used field in Caselle was utilized to pay staff bonuses in November, 2006, which is entitled "Misc. Pay". Something within that field was apparently mishandled and \$100 per month continued to be distributed to four employees since December, 2006 to present; the four employees: Andrea Muhlestein (former Deputy Recorder), Margaret Leckie, Linda Cooper and Kent Haskell. The staff member in charge of this error would have been Andrea Muhlestein, who has since terminated her position with the City. Three months ago, the current Deputy Recorder, Janine Nilsson, was receiving support advice from Caselle on some of the Fire Dept. employees and was led into the same field; the result was the same thing: \$100/month was added onto the paycheck for the City Recorder for three months.

The timing of this last error was such that the extra \$100 was not noticed because the Recorder had been authorized for over-time pay for work on Council Meeting minutes and the Budget process. The amount for the four original staff members = \$1,800 each. Caselle has been notified and the problem corrected in the appropriate field; however, their advice was to have the employees pay back the amount of over-payment.

The Recorder consulted with the City Finance Director and was advised that the Council should handle the matter the same with all of the employees; the difficulty being with collection from the former employee (Andrea Muhlestein) and Margaret Leckie (terminating in the next couple of months). If the City ended up in court to collect from Mrs. Muhlestein, her case would have on its side the fact that the Mayor and City Council approved the expenditures and payroll all those months and the error was not caught.

The choice is to:

- make sure this error does not reoccur and then to move forward, since the error was not the fault of the staff members receiving the extra pay
- Require the money be paid back by the employees benefiting from the error:
 - A. All at once
 - B. Over time; either directly from their paychecks or from each of the employees involved
 - C. Eliminating that portion of their annual performance-based bonuses in November
 - D. Eliminating the Cost-of-living adjustment from their paychecks up to the amount owing

The Finance director simply advised that whatever they expect from one employee, they should expect the same from all the affected employees.

Since the current Deputy Recorder accidentally entered the same field and made the same error three months ago, she feels that it is doubtful that this was intentional back in December, 2006.

The line item on the check stubs is at the bottom, directly above the line where mileage reimbursements are entered and could be missed fairly easily. Kent Haskell puts in a great deal of over-time and Margaret Leckie works on minutes at home a great deal; so the extra \$100 just blended in with the other pay.

The Council must discuss this and decide how this error should be handled. Whatever is decided, that is what will be enforced with the staff members.

The Recorder also called attention to page four of the draft of the Tentative Budget included in the Council's packets: Explanation of the different columns on the Budget Worksheet...the 4th column from the left of the page show the budget figures for the current year, while the 5th column shows the Tentative budget figures for 2008-2009 (the budget for the Public Hearing that night).

The Council will also have to look at various areas of expenditures to cut so as to lessen the gap between General Fund Revenue and Expenditures.

- Chief Waite turned in an amended budget wherein he cut his expected budget for "Purchase of Equipment" in half (\$24,000 to \$12,000) + \$1,000 off of "Salaries and Wages".

- Councilmember Brown: He decreases the budget for Road Repair down from about \$140,000 to \$180,000 (matching the amount of revenue coming in to the General Fund through B&C Road Funds and Franchise

Taxes) Road work for 2008-2009 must include curb & gutter in Loafer Canyon...we are waiting for another bid from Commander Concrete for that work, since the two amounts we have now are very different.
- The "Budget notes" explain some of the accounts in the budget. The amount of balance left in each Capital Projects Fund is listed in these budget notes.
- The Council needs to discuss ways to bring in added revenue to the General Fun.
At 6:30 PM, Mayor Dunn closed the Public Hearing.

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY RAYMOND BROWN TO MOVE INTO A CLOSED SESSION

VOTE: YES (5) NO (0)

6:30 - CITY COUNCIL CLOSED SESSION

ROLL *Mayor: Dennis A. Dunn; City Council: Nelson Abbott, Derrek Johnson, Julie Haskell, Sean Roylance & Raymond Brown; and the City Recorder: Janice H. Davis (for just part of the Session)*

Discussion of Personnel

7:40 PM - CITY COUNCIL WORK SESSION

ROLL *Mayor: Dennis A. Dunn; City Council: Nelson Abbott, Derrek Johnson, Julie Haskell, Sean Roylance & Raymond Brown; City Planner: Shawn Eliot; Building Inspector: Corbett Stephens; Public: Mark & Ofa Moeai, Onna Oliver, Dorothy Quist, Allen Nelson, Joann Bigler, Richard & Janice Donegan, Ron & Dawn Parr, Patrick Gerrard, Jed Shuler, Eric Allen, LeGrand Woolstenhedine, Lynn E. Thomsen, Cory Pierce, Rick Salisbury, Brad & Melissa Shuler, Leslie Johnson, Doris Gasser, Jodi & David Oliver, Julie Osborn; and the City Recorder: Janice H. Davis*

There were no further comments and due to the time, the Council moved directly into the Regular Session.

ELK RIDGE
CITY COUNCIL MEETING
May 27, 2008

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, May 27, 2008, at 7:00 PM**; this was preceded by a **Public Hearing at 6:00 PM**, on the proposed adoption of the Tentative Budget for 2008/2009 Fiscal Year; and a **City Council Work Session at 6:15 PM**; as well as a **City Council Closed Session at 6:30 PM**, for the Discussion of Personnel. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

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7:17 PM -

CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS

ROLL

Mayor: Dennis A. Dunn; *City Council:* Nelson Abbott, Derrek Johnson, Julie Haskell, Sean Royslance & Raymond Brown; *City Planner:* Shawn Eliot; *Building Inspector:* Corbett Stephens; *Public:* Mark & Ofa Moeai, Onna Oliver, Dorothy Quist, Allen Nelson, Joann Bigler, Richard & Janice Donegan, Ron & Dawn Parr, Patrick Gerrard, Jed Shuler, Eric Allen, LeGrand Woolstenhedine, Lynn E. Thomsen, Cory Pierce, Rick Salisbury, Brad & Melissa Shuler, Leslie Johnson, Doris Gasser, Jodi & David Oliver, Julie Osborn; and the *City Recorder:* Janice H. Davis

REMARKS
& PLEDGE OF
ALLEGIANCE

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

AGENDA TIME
FRAME

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY SEAN ROYLANCE TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:35 PM; MOVE AGENDA ITEM #10 TO THE #1 POSITION, AND DELETED THE #4 AGENDA ITEM FROM THE AGENDA

VOTE: YES (5)

NO (0)

PUBLIC FORUM

1. Allen Nelson: Regarding the proposed Senior Housing proposal:

When Eric Allen came in with his first plan with a flag lot, he was opposed to it; but he is in favor of the current subdivision proposal (Senior Housing) and expressed his support of the project...he thinks it is an "excellent project".

Reasons: The fire hazard of a vacant lot full of weeds would be eliminated and after reviewing the plans, feels it would be attractive.

(Mr. Nelson will have time in the Discussion of this topic in the regular Agenda.)

No further comments.

SUBDIVISION
EXTENSION
REQUEST

1. Elk Haven Development, Plats A, B, C & D:

The developers are requesting an extension to the Preliminary Approvals granted to their Plats (Preliminary Approvals are good for one year, and then are considered void).

Discussion:

Nelson Abbott:

The letters indicate that the road is to be re-routed the primary east road access; will the road still access Hillside Drive?

(Response by Jed Shuler: Yes; the road will simply extend up further south, so that there will be fewer cuts & fills. The road will still access Hillside Drive.)

Sean Royslance: He feels the request is reasonable; but how far along is the process of re-routing the road? When can the Planning Commission look forward to the next submittal?

(Negotiations are at a point where engineering is involved with re-routing the road.)

Mayor Dunn: Preliminary approvals are good for one year; Finals are good for just 6 months. The question would be if there are disadvantages to either the City or the applicants.

No further comments.

MOTION WAS MADE BY JULIE HASKELL AND SECONDED BY SEAN ROYLANCE TO GRANT EXTENSIONS OF ONE YEAR FROM MAY 27, 2008; TO ELK HAVEN SUBDIVISION, PLATS A, B, C, & D

VOTE: YES (5)

NO (0)

CODE
AMENDMENT –
SENIOR HOUSING
OVERLAY ZONE

(Memo fro Planner to Council, dated 5-27-08)

"Background

Eric Allen presented to the Planning Commission 18 October 2007 regarding creating a new R-1-8000 PUD Code to allow for twin homes to be constructed on two properties the applicant owns. He showed renditions of what the proposed code would allow for his developments.

The planning commission was concerned of what the ramifications could be for creating a zone allowing such high densities in other areas of the city. Another concern was that the city has currently approved over 70 condominium units near 11200 South (for affordable housing as required by the state) and that it was appropriate to allow these units to come online before deciding if future high-density units were needed. Also of concern were the twin homes themselves. The planning commission had just received the results of the citywide survey that they had conducted showing a high percentage of those surveyed did not desire the city to allow condominium (79% against), apartment (94% against), or twin home (75% against) developments. When polled, the majority of the planning commission stated they would recommend denial of the R-1-8000 PUD code if it were presented to them to go forward in the current form.

There were members of the planning commission that were in favor of allowing some type of senior housing. The survey showed that just over 50% of the respondents did not favor senior housing, but there were many comments in the survey that requested it.

The planning commission and city council met 22 January 2008 in a joint work session to discuss the proposed new zone. The conclusion of the meeting was that the new zone was desirable, that the age limit would be 62 and older, and that caregivers 18 and over could live with the senior.

Proposal

The applicant approached city staff and asked what would be appropriate as a next step. After doing some research of what other cities allow for senior housing, staff used the city of Alpine Senior Housing Overlay Zone code as a template to design a code that could work for Elk Ridge. The proposed Senior Housing Overlay Zone accomplishes the following:

- Allows higher density for senior housing
- Allows single and two unit structures
- Requires private lots to conform to the structure or building footprint
- Requires common areas landscaping to be maintained for maintenance free living
- Allows overlay zone to only be approved if found appropriate for the proposed area
- Allows placement of overlay zone only along main roads in city
- Defines senior as 62 or older
- Allows for non-senior persons to live with the senior as caregivers
- Does not allow anyone under 18 years of age
- Requires amenities
- Allows city to have a say in layout and building material and design

Staff Finding

- Since this is new code, the council can weight public comment about the merits and disadvantages of the zone and allowed uses. This is different than when a project is proposed using already approved code. Once a code is legally adopted, if a project meets the code requirements, public comment against a project (other than that alerting to issue that the code allows to be addressed) becomes public clamor.
- The general plan supports the allowance for twin homes in the PUD setting. The planning commission decision points out that the general plan only supports PUD's in the northern area of the city.
- There is no discussion in the general plan about retirement communities.
- The results of the general plan survey indicated 54% of respondents didn't favor a retirement community.
- General comments made on the survey included that retirement communities would be ok if they were upscale, not a convalescent home, and placed to the north side of the city.
- Though no one was present at the public hearing in favor of this new code, there were calls to the city office of citizens who desired senior housing.
- To obtain the amount of units the applicant desires on Park View Corner, the density in the proposed code would have to be raised to 4.25 units per acre. The original proposal would have allowed 5 units per acre. Members of the council in the joint work session held on the proposed code suggested that "4 units per acre" was more appropriate.
- After reviewing numerous renditions of Gladstan View, with driveway and road grades at 12%, it was decided that senior developments need a restriction to road, driveway, sidewalk, and trail grades. 6% total was chosen.
- The planning commission recommended denial of this new code (see PC motion).

Planning Commission Motion

Dayna Hughes made a motion that was seconded by Weston Youd that the planning commission recommends denying approval of the Senior-Housing Overlay zone. The commission finds that the need for retired citizens in the area can be met by other PUD areas in the city. The commission finds that arbitrarily allowing this zone in other areas of the city could be injurious. Vote: yes-all (4), no-none (0), absent (3) Kevin Hansbrow, Paul squires, Kelly Liddiard.

Weston Youd made a motion that was seconded by Scot Bell to defer agenda item 2 (Park View Corner Senior Housing subdivision – preliminary plat, public hearing and action) and item 4 (Gladstan View Senior Housing subdivision – concept), until the determination of the Senior Overlay Zone is completed by the city council. Vote: yes-all (4), no-none (0), absent (3) Kevin Hansbrow, Paul squires, Kelly Liddiard.

Check List for Council Discussion

- The preliminary plat and concept map of the two subdivisions are for info only to see what is being proposed. If the code is passed, the developments will need review and a motion from the planning commission.
- Is the new overlay zone desired and/or needed within the city? If so where?
- What are the positive and/or negative ramifications of allowing the new zone?
- Is the density allowed in this code appropriate? Should it be higher or lower? (applicant would need the code to allow 4.25 units per acre)
- Are the setbacks appropriate? The proposed code requires 20 foot spacing between units as compared to 24 feet in the underlying single family residential zone. The difference is the majority of single family homes do not utilize the entire building envelop area from side to side, whereas the proposed development the units would.
- Is the control of the city over allowing this development and building materials appropriate?
- Are the allowed locations appropriate (major collectors and arterials in the R-1-12000PUD and R-1-15000 zones)?

- Is the age restriction for caregivers appropriate? (only over 18)
- Are the landscaping and amenities requirements appropriate?
- Are the locations proposed by the applicant appropriate for this type of use?
- Is the grade requirement for roads, driveways, trails, and sidewalks too steep?
- Any other items to discuss?

Mayor Dunn: He sought to clarify what had been said to the developer, Eric Allen, about a year ago: he spoke of "supply and demand". There is a demand for "senior housing" in the City; it is generated by the citizens themselves. There are a group of "seniors" here in the City who have been in Elk Ridge for much of their lives and wish to remain, but there is no place to retire and have less up-keep; some have expressed their desires for "senior housing"...so the demand is here. The demand does not represent the majority of the citizens, but there is a demand and it should be addressed. The Mayor did tell Mr. Allen that he would be the "tip of the ice-berg" and go through a great deal to establish the zoning to allow senior housing because he is the first one bringing the issues forward. Perhaps the responses to the survey was not with full understanding of what is meant by "senior housing"; maybe they were thinking more of regular "twin homes" or of "care centers".

Discussion:

Eric Allen: (He brought photos of a similar project in Provo to display to the Council) The project shown in the photos is located in the vicinity of Jamestown (up-scale business park). The photos are pretty consistent with the project being proposed for Elk Ridge. The project in Provo has been well-received in the various communities it has gone into. He feels the market can handle this type of project, where the rest of the development market is down right now. There is a demand for senior housing. You trade single family homes for open space and park areas, still with the foot-print of single family homes.

Mayor Dunn: Reviewed the amenities mentioned in the memo from the Planner.

Discussion of the Check List for the Council:

(Mayor Dunn read through the Check List from the Memo)

- The preliminary plat and concept map of the two subdivisions are for info only to see what is being proposed. If the code is passed, the developments will need review and a motion from the planning commission.

(No comments)

- Is the new overlay zone desired and/or needed within the city? If so where?

Nelson Abbott: He has a concern with the Gladstan site of a possible development. His concern is with the steepness of the grades and of the road coming out onto Elk Ridge Drive, for the future homeowners...particularly if the residents are senior citizens; he cannot imagine seniors wanting to deal with those conditions.

(One of the roads is up to 8% grade, the other one is projected at a ½% grade; that one is a private drive and is nearly flat.)

Richard Donegan: (Resident on Gladstan Drive) He expressed his opinion in defense of the proposal of senior housing; he and his wife feel there is definitely a need. They have known people in this area for over 30 years, though they are fairly new residents and there are a lot of people that would like to stay in Elk Ridge when they can no longer care for a single family dwelling. He does have a concern with one of the roads coming out onto Elk Ridge Drive; visibility would be poor with a left-hand turn; but they are in favor of the concept.

Dorothy Quist: (Former resident of Elk Ridge) She is very much in favor of this type of project and is interested in the currently proposed senior housing project.

Ron Parr: (Owns a lot on Gladstan Drive) They (he and his wife) are not opposed to this proposed code. He appreciates that the planned residences would be single-story. They are concerned that the units be required to maintain the same kinds of covenants as those in the neighborhood just south of the planned site for senior housing; to maintain property values. They would like to see around 50% brick and stone...with stucco.

Sean Roylance: (Directed to those in the audience who are in favor of a senior zone) What features make this type of housing desirable to you?

Allen Nelson: As a potential buyer, the greatest asset for him would be the ability to have yard work and outside maintenance done for him. He wants the freedom to be able to leave when he needs to and know that the property will be cared for. He has spoken to various residents that would like to stay.

Sean Roylance: He mentioned a point made with the Planning Commission previously: Why not simply hire that type of maintenance out and stay in your current home or purchase another smaller single family dwelling; wouldn't this give you what you are looking for?

Allen Nelson: He understands that he would have to pay for this kind of care; but he would feel more comfortable knowing that a home owner's association would be caring for the project. He feels there would be a bit more "clout" than working with an individual.

Nelson Abbott: There is also a priority of service given based on the number of units (he stated an example of the opposite situation). He agrees that there is more "clout" with a home owner's association. "That is the point with retirement; you want to be able to pick up and go when you want to."

- What are the positive and/or negative ramifications of allowing the new zone?

Nelson Abbott: (Speaking from the perspective of EMS) With more seniors, there will be more calls in the community. He really could not think of a negative ramification. *(Councilmember Brown commented that they would all be in the same area.)*

Mayor Dunn: He expressed his feelings that it is not negative to want to keep some of the long-time residents of Elk Ridge, as well as the new residents. (He cited examples of certain long-time residents wanting a place to stay in this Community.)

1 - RE: numbers of cars with visiting relatives: He does not see that as any more of a problem that we have
2 currently; the City already has these numbers...but they come and go. (This was a concern brought out in the
3 from the Planning Commission notes.)

4 - There was a concern about the amount of asphalt (driveways): The City already has a Code about driveway
5 on arterial roads; "hammerhead" or circular drives are required. ..these have a great deal of cement. He does
6 not see a problem with the proposed drives for this proposed senior housing development.

7 Shawn Eliot: He thinks the concern comes in with the proposed Park View Corner; the circular drives connect
8 all of the units, rather than having individual drives for each unit. The concern was that it looked like a "parking
9 lot" right by the road. The Planner also said that this could be mitigated with various suggested options.

- 10 • Is the density allowed in this code appropriate? Should it be higher or lower? (applicant would need the code to allow
11 4.25 units per acre)

12 Shawn Eliot: Alpine Code allows 5 units per acre; during the joint work session with the Council, the
13 suggestion was made to decrease this to 4 units per acre. The property at Park View Corner = 1.9 acres and
14 this would only allow 7 units rather than 8; the only way he could have 8 units was to have the Code require
15 4.25 units per acre, or have one less unit.

16 *Council Response:*

17 Sean Roylance: He always has a concern when density is increased; it is generally not desired in Elk Ridge.
18 He feels that the requirement of 4 units per acre is already pretty dense; to increase it is not something he
19 feels he could support.

20 Julie Haskell: She would also prefer to the Code to only allow 4 units per acre. Could there be three twin home
21 units and one single family unit?

22 Raymond Brown: He likes the suggestion to go to 7 units with a gazebo.

23 The Council was generally in agreement.

- 24 • Are the setbacks appropriate? The proposed code requires 20 foot spacing between units as compared to 24 feet in
25 the underlying single family residential zone. The difference is the majority of single family homes do not utilize the
26 entire building envelop area from side to side, whereas the proposed development the units would.

27 Mayor Dunn: This may be one of the defining differences in a regular zone and a senior overlay zone;
28 considering the difference between 20' and the current requirement of 24'.

29 Eric Allen: If the units are closer together, it creates more open space; allowing room for the gazebo and park
30 area.

31 Shawn Eliot: To most of the public in attendance at the Planning Commission, the closeness of the units gave
32 the feeling of a "wall" behind the neighboring homes. With the 7 units rather than 8, a bit of rearranging could
33 be done to possibly address this issue.

34 Eric Allen: He pointed out that these homes would be ramblers, rather than a two-story home, allowed in
35 regular zoning; ramblers would be less of a "wall" and give better views.

- 36 • Is the control of the city over allowing this development and building materials appropriate?

37 *Comments:*

38 Mayor Dunn: He does not feel that the City should get into building material details, like a HOA; but he thinks
39 we do have the latitude of working with a developer; asking/requesting that the products used on these
40 buildings be more permanent in nature and less "plastic". He suggests this type of requirement not be part of
41 the Code for the City. This could be part of a "development agreement".

42 Raymond Brown: He agreed; but he feels the materials should blend in and meet the standard of the
43 surrounding area.

44 Nelson Abbott: He agreed that this does not belong in the City's Code.

45 Shawn Eliot: This is a PUD, which is different; and the Code does say that we may request the use of specific
46 materials...these is acceptable in PUD's.

47 Sean Roylance: He suggested not listing materials out; but leaving the City the ability to accept or reject the
48 development, based on the materials used.

49 Mayor Dunn: (Summarizing) "Instead of accept or reject; have this as a negotiated item and that
50 negotiation should lead to a project that is conducive to the surrounding properties...that won't
51 harm the integrity of what's around it."

52 Shawn Eliot: (Reading from page 3 of the proposed ordinance) "The Planning Commission may request the
53 use of an architectural style, exterior color, or material that would be most compatible with the purpose of the
54 underlying zone district, assure greater compatibility with surrounding development, or create an aesthetically
55 pleasing visual theme for the project."

56 Sean Roylance: He agrees with the Code as it is written; an application could be denied based on these
57 certain exteriors.

- 58 • Are the allowed locations appropriate (major collectors and arterials in the R-1-12000PUD and R-1-15000 zones)?

59 *Comments:*

60 Mayor Dunn: He feels the proposed locations are appropriate.

61 Nelson Abbott: He would rather see seniors on this road as opposed to single family dwellings.

62 Sean Roylance: This is the area of most concern for him: He referred to the survey that went out to the
63 residents...the results showed a 2 to 1 ratio against a senior area. To him, this says that one out of three
64 prefer having a senior area. Perhaps the younger residents out-number the senior citizens...so to eliminate th
65 senior aspect would be to ignore this entire contingency of the City. There is another number that he finds
66 significant: with twin homes, there was a 6 to 1 ratio against twin homes. His concern about the location:

- 67 1. The General Plan has been to have the higher density areas located more north of the City.
- 68 2. If there are so many people against twin homes...it concerns him that the proposal is for main arterials

and collector roads, rather than the opposite...off the main streets.

Raymond Brown: The survey referred to the twin homes independent of the senior living accommodations; this leads to a view of rental-type twin homes with a more transient citizenry. When the twin home concept is mixed with the senior living; that is a very different issue.

Sean Roylance: The public represented at the Council Meeting that night was very pro senior housing; while the public that came to the Planning Commission Meeting was mostly against the proposal. The point being that the twin homes seem to have a certain "look" about them; whereas many people prefer the "look" of the single family dwelling.

He summarized by saying he is for the senior overlay zone; but the location remains the issue for him in an attempt to please the citizens that do not agree with twin homes. He feels this would be a good compromise.

Mayor Dunn: He prefers the Senior Overlay to be in different areas. He does not feel seniors should be placed in areas that are not conducive to the quiet atmosphere they are seeking. Many PUD's would have more children and younger residents. The proposed projects are beautiful and would add to the more central areas of the City. Being located on a major road would be easier access for seniors.

Raymond Brown: Example: Proposed Park View Corner the sidewalks would connect to the other sidewalks in the area, which would eventually connect to the future City Center. This is a plus for seniors; to be centrally located.

Sean Roylance: These are all good points, but he feels a compromise that would satisfy both sides of the issues would be preferable. He does not feel that one smaller contingency should be "made happy at the expense of the others".

Nelson Abbott: He agrees that seniors would prefer to be along side other seniors, rather than having small children and the accompanying noise be in the same area...he speaks from experience. Seniors in a PUD Zone could deny them of the peaceful surrounding they would prefer.

He feels this proposal has been well thought out...this is not the first concept to come before the Council for this development.

Eric Allen: They are trying to provide different amenities to the Community that would be well received and beneficial.

Sean Roylance: If the overlay zone were not located on the major collectors, it does not necessarily mean that they would have to be next to the current PUD; it is not "one or the other".

Nelson Abbott: There are not a lot of un-platted spaces available in the Community.
(*Councilmember Roylance responded that there are not a lot, but there are "some".*)

Eric Allen: He does not own property north of the City; he owns property where the proposed project is located. He feels the corner of Park Drive and Elk Ridge Drive is a great location.

Melissa Shuler: (Resident of Goosenest area) Seniors drive slower; so perhaps Goosenest Drive could be considered.

- Is the age restriction for caregivers appropriate? (only over 18)

Comments:

Nelson Abbott: He has a hard time with the idea of restricting people.

(*Allen Nelson: How could there be "senior housing" without restricting the age of people?*) He would like to see the project open to anyone willing to pay the price of living there. He just has difficulty dictating what people do inside their own homes. If a teenage grandchild needs to come to live with them for a period, to help out; this would not be possible.

(*Allen Nelson feels that is one of the benefits.*)

Julie Haskell: She does not see why a senior couple would want to live by a younger family.

Mayor Dunn: There is a great deal of senior housing in St. George; the restrictive covenants set the parameters of the "care-givers: and the corresponding ages; they tend to be strict... How far should the City get involved with restrictions; perhaps the HOA's should be responsible for the more serious restriction.

Shawn Eliot: Federal Guidelines dictate fairly "narrow" restrictions for ages; the choices were:

- 1) 55 + for 80% of the units...and the remaining units are not restricted to age; or
- 2) 62 yrs and above...(flat)

This was modeled after Alpine City's Code; 18 and over (care-givers) is the limit; they say the seniors, themselves to a great job "policing" this. Since the City is promoting the "Senior Zone", it should be in the Code.

Mayor Dunn: How do we get around some if the family issues that come up? What does Alpine experience?

Shawn Eliot: Typically, the City does not react until there is a complaint. This would be the case with the age issues; if there are no problems, there may not be complaints. From the Federal definition, a "resident" is someone living in a place six months out of the year; so if a grandchild came for the summer, he/she would not be considered a permanent resident. Senior developments typically have Accommodations for grandchildren.

Allen Nelson: Does the City have an ordinance in place to prevent these units from becoming "rentals"
(*The protective covenants have not been provided yet.*)

Lynn Thomsen: (Partner to Eric Allen)

In some CC&R's, there is a "hardship" condition, allowing people to go on missions, or someone under-age living in one of the units...or some change is a family structure; but this condition would be for a limited period of time. The CC&R's are the guidelines; cities really don't get involved in this...it is administered by the Association (HOA) and a Board of Trustees.

- Are the landscaping and amenities requirements appropriate?

Comments:

1 Mayor Dunn: He feels the proposed landscaping for the Park View Corner is desirable.

2 Shawn Eliot: The landscaping could be altered with the 1 unit being a single family dwelling, if needed.

3 Sean Roylance: This is a general requirement, not specifically Park View Corner development.

4 (Unknown speaker commenting) With 7 units rather than 8, the costs for maintenance would go up slightly;

5 density is not always a negative; there are trade-offs.

6 • Are the locations proposed by the applicant appropriate for this type of use?

7 Mayor Dunn: This may be premature; and he feels this has already been addressed. The proposed projects

8 are really not being voted on. Both proposals are different, with varying problems to address.

9 There are other areas that have been unofficially proposed for senior housing... Mr. Cloward's land west of the

10 Ball Field, areas of Loafer Canyon, as well as others. Each proposal will have to be considered individually.

11 • Is the grade requirement for roads, driveways, trails, and sidewalks too steep?

12 Comments:

13 Shawn Eliot: (RE: Gladstan View) Some of the driveways started out at 12% and at Technical Review,

14 comments were made that this did not seem appropriate for a "senior" development. Currently, the Concept

15 has two elements of concern with grade:

16 > One of the proposed roads has an 8% grade

17 > Having the layout of the two cul-de-sacs, the grade between the two is 30% +. What we were trying to

18 create in a senior development was the ability to walk to each other's houses and be integrated as a

19 neighborhood. 8% and 12% seemed pretty steep. The discussion that was given to the Planning

20 Commission was to cap it at 6%. This was a concern, but it was not really decided on.

21 This has yet to be decided.

22 At Concept, these things could be worked out.

23 Raymond Brown: What is the slope from the end to the park area?

24 (Proposed plats were reviewed.)

25 Shawn Eliot: On the west side, there is a 32% slope between those two units.

26 (Discussion between various Councilmembers.)

27 There could be a walkway between the units that is engineered to be less steep. Does the Council want this to

28 be a flatter development? If so, there needs to be more work on the Concept.

29 Sean Roylance: In the general case, what does the Council want... are slopes not important or are they... with

30 driveways, roads and walkways in between... should they be limited in any way?

31 Raymond Brown: He wondered if there could be some way for everyone to get to the park and visit with

32 each other... whether by an engineered walkway, or some other way.

33 Sean Roylance: "Not all seniors are made equal"; some may be able to walk the steeper slopes; some would

34 not. Roads, driveways and trail are not the same.

35 Nelson Abbott: The Council has not received any recommendation from the Planning Commission on this

36 specific development; the issue is on either passing the Code Amendment or not.

37 Mayor Dunn: The Planning Commission has to have the tools to work with. He would like to see the "Senior

38 Overlay Zone" made part of the Code.

39 Shawn Eliot: The reason this Code Amendment is even being considered is due to the reaction from the

40 proposed senior housing projects. Within the projects, 6% Roads were included; if the Council agrees with

41 that, then it would be part of the Code; if not then it needs to be discussed further.

42 (Councilmember Brown asked the Donegan's what they think, since they have elderly parents that they would

43 like to move into this development.)

44 Janice Donegan: They are in their 80's; and they feel that part of the attraction of moving to Elk Ridge is the

45 terrain. If they wanted flatter land, they could go elsewhere; but they prefer the terrain as it is in Elk Ridge.

46 Her father walks a great deal, at 86.

47

48 **MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO APPROVE**

49 **THE SENIOR HOUSING OVERLAY ZONE AMENDMENT TO THE ELK RIDGE CITY CODE, AS WRITTEN**

50 **AND PRESENTED**

51 *Discussion:*

52 Sean Roylance: He still has concerns: he does not feel there was a solid response to the proposed location of

53 the senior housing: whether on arterials vs. non-arterial roads. He likes the rest of the Code, but the location is

54 key in his mind. He again asked for good reasoning to have them located in the central part of the City, on a

55 main road. He knows that there are a large percentage of residents not in agreement with this and they

56 have a chance to take this into consideration.

57 Raymond Brown: He does not feel it is as important which road they are on as it is how they are laid out and

58 how they are developed. He thinks the concept fits next to a Golf Course.

59 Nelson Abbott: He does not think these proposed projects are designed to "look like a duplex". These are

60 designed to appear the same as a single family dwelling; and he agrees.

61 Raymond Brown: Those folks in town not in agreement are going to get older and have a differing opinion.

62 **VOTE (POLLED): NELSON ABBOTT-AYE, RAYMOND BROWN-AYE & JULIE HASKELL-AYE (3)**

63 **SEAN ROYLANCE-NAY & DERREK JOHNSON-NAY (2)**

64 *Passes 3-2*

65

66 (Suggestion by Councilmember Johnson to move the Stop Sign issue forward, due to the previous lengthy

67 discussion and the fact that there have been citizens waiting for this agenda item...the Council agreed.)

68 (Brief Break)

**MOTION WAS MADE BY DERREK JOHNSON AND SECONDED BY RAYMOND BROWN TO MOVE
AGENDA ITEM 5 UP TO BE CONSIDERED NEXT ON THE AGENDA
VOTE: YES (5) NO (0)**

STOP SIGNS
UPDATE

Mayor Dunn: (Read memo from the Recorder to the Council)

"The Standard was adopted for the stop signs in the City; however, the motion contained wording that allows for a 'chance for a period of public input or a hearing for the removal of six of the stop signs'. The Council needs to decide what type of 'public input' you will allow and if a public hearing should be scheduled or simply allowing a portion of the regular meeting for input...another option might be to welcome written comments to be weighed by the Council."

The "removal of six of the stop signs" is the only consideration and the parameters of the discussion.

Mark & Ofa Moeai: (acting as spokespersons for the Goosenest area)

They felt the best way to express the views regarding the removal of the stop sign on Goosenest Drive and Elk Horn Drive was to present a petition with the names of the affected residents (submitted). There were 30 signatures representing 19 households around Goosenest Drive, against the removal of the stop sign on Goosenest Drive at Elk Horn Drive. They are in favor of either leaving the stop sign in, for safety reasons; or to come up with another effective way to slow traffic in this area.

(The substance of the petition was read by Mr. Moeai.)

Mayor Dunn: He spoke to the sheriff and had the Deputy address the issue of speed enforcement.

Deputy Tindall: Enforcement will increase in the area, all the way into Payson. Elk Ridge pays for 20 hours per week of enforcement; he divides his time between Elk Ridge, Woodland Hills and Goshen...and he assured those present that Elk Ridge gets more than the allotted 20 hours. He wants to get the speed machine back into Elk Ridge (it was here recently). He is looking into a grant to purchase an additional one.

Dave Oliver: (Deputy Sheriff & resident of Goosenest Drive) The Sheriff Dept. does a great job, but 20 hours per week is just not enough. Goosenest Drive is not just another City road; it is a "feeder" road to Elk Ridge. The speeds are high and the road only has a 19' width. (He speaks from experience as a former deputy assigned to Elk Ridge and the fact that he lives right at the intersection of Goosenest Drive and Elk Horn Drive.) There are no sidewalks on the road and it is narrower than most any road in the City. The Deputy will not be able to give adequate enforcement on the speeding on this road. The speeding goes on all day and night. Suggestions have been made for speed bumps or dips. Linden City has snow and they have speed bumps, with no problem to their snowplows. There are other options; but until those may or may not be implemented, he feels the stop sign must stay in place for the safety of the children in the area.

The speed limit is 30 mph on that road; the speeds are generally 40 to 50 + mph.

Mayor Dunn: Indicated the portion of the road being discussed...part of the road is County road. The City does not have the funding to widen that road; and he doubts the County will consider it. He agrees that it is one of the main roads feeding Elk Ridge. People need to pay attention to the laws.

There are opposing views from other citizens in the City that insist that the sign should be removed.

The sign is not respect by many, even though there is an officer that lives right at the intersection... it is not effective now. The question is what does the City do and why don't people obey the law? Tickets should be handed out.

Randy Cloward: (Resident in the area) When the stop sign was originally installed, the residents did not want it there. They proposed speed bumps or dips in the road. These suggestions were denied due to possible damage to the snowplows. Three dogs have been killed because there is no time to move out of the way. We cannot have this be a child!

Deputy Oliver: He is against having the road widened; that would only increase speeds. There are other, better options. Parents do have responsibility to educate their children to stay out of the road; but there has to be some effort to keep speeds down.

Mayor Dunn: Traffic-calming devices are effective...like dips (as the one by Loafer Elementary). The Mayor listed other traffic-calming ideas. Dips channel water and must be dealt with. The expense of the City's snowplows and their repairs must be taken into consideration when the City is trying to conserve spending as much as possible.

Randy Cloward: The water can be channeled through a dip to a sump. (This has been done in the past...some of the expense is dealt with by the affected residents.)

Raymond Brown: Sumps cost more now than last year...He will have Staker come out and look at the area and recommend a "snowplow friendly" dip and how to channel the water...with a sump; he will get a bid on this and bring the information back to the Council.

Deputy Oliver: One dip would not be enough; he suggested 2 or 3.

Randy Cloward: Offered to assist in any way he can; whether financially or through doing part of the work.

Shawn Eliot: Regarding possible removal of the stop sign:

Issues:

1. With 19' pavement: there is a visual problem with more foliage along the sides
2. Gravel could be placed on the sides of the road, to give a safer place to walk.
3. It is a major collector into the City; and should have a 30mph speed limit or a speed appropriate to the type of road it is.

1 Mark Moeai: Having the foliage at the corner encourages drivers to slow down.

2 Shawn Eliot: Trees and foliage are traffic-calming; however, at an intersection, it is a hazard when a driver
3 cannot see on-coming traffic. A speed study could be conducted.

4 *(Discussion of the merits of foliage vs. wider roads)*

5 Raymond Brown: Summarized:

- 6 ➤ Leave stop sign as it is until more research has been conducted on the types of traffic-calming
- 7 devices would be the best in that particular area.
- 8 ➤ In the mean time, enforcement will be stepped up by the Sheriff
- 9 ➤ Signs could be posted that warn of "double fines" for speeding (Is this possible?)
10 *(Sheriff: The City would have to pass an ordinance; but he would like to try other options first to see*
- 11 *how the citizens respond.)*
- 12 ➤ Councilmember Brown will get together with Staker and Mr. Cloward to determine costs
- 13 ➤ Flashers on speed limit signs
- 14 ➤ Look into speed signs that remind drivers of their speed
- 15 ➤ Sheriff can look into traffic measuring devices are available

16 Deputy Oliver: Warned that increased enforcement works for a while, but it picks back up. He would prefer
17 some other solution besides stop signs; but until those solutions are arrived at, the sign should be left as is.

18 Julie Haskell: There are other stop signs in the City...and other issues; what about those?

19 *(There was no one at the meeting protesting any of the other stop signs.)*

20 **MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY SEAN ROYLANCE TO LEAVE THE**
21 **STOP SIGN AT THE INTERSECTION OF GOOSNEST DRIVE AND ELK HORN DRIVE IN AND TO**
22 **REMOVE THE OTHER FIVE LISTED IN THE STANDARD ADOPTED BY THE CITY COUNCIL**

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

24
25 HORIZON VIEW FARMS *(This is the second proposal for Horizon View Farms. They received Final Approval Previously, but have*
26 ELK RIDGE *since changed some things. They were required to resubmit and go through the Planning Commission again.)*

27 MEADOWS PUD, Shawn Eliot:

28 PHASE 4 – *The Mayor turned the time over to the Planner:*
29 PRELIMINARY & FINAL *(Memo from Planner to Council, dated 5-27-08)*

30 APPROVALS

31 **"Background**

32 This is a 74 unit town home project that was approved last year by the planning commission and city council as part of the Elk Ridge
33 Meadows Planned Unit Development along UC-11200 South. The developer is requesting a change to the project that requires going
34 through the approval process again. They are proposing to make the units larger (most now are 3,000 sq.ft. units instead of 2,000).
35 This change would take some of the open space they had proposed with the first project, but the new design is still within the requir
36 25% open space required by code. Since the project was already approved staff is allowing preliminary and final plats together.

37 **Staff Finding**

- 38 1. The new proposal fits the intent of the PUD code in allowing a mix of housing types and open space.
- 39 2. The amenities proposed have not changed from the previous plan.
- 40 3. The elevations of the units are more varied and offer more appealing housing.
- 41 4. Code requires hard surfaces (stucco, stone, brick, hardiplank, etc) for building siding if density bonus is used. The overall Elk Ridge
42 Meadows project did not raise to a high enough density to require any density bonus (probably a problem in our code.) Randy
43 Young stated to the planning commission at concept approval that the issue of using hard surfaces would be taken care of with
44 the project CC&R's (which it was). The original Harvest View Farms development used only hard surfaces for exterior materials.
45 This development had its own CC&R's which also required hard surfaces. In this new proposal, the applicant is proposing vinyl
46 siding. Since the density bonus was not used, there is no code to back up the city to require hard surfaces. At this point it can
47 only be a request. If this is an issue for the council, the other developers and Randy Young should be notified to see if they have
48 any concerns.

49 **Staff Recommendation**

- 50 1. The additional size to the units and varying elevations will make the development more attractive and be a better product for the
51 community.
- 52 2. Request that hard surfaces (hardiplank vs. vinyl siding) be used.
- 53 3. Staff recommends approval of Horizon View Farms preliminary & final plats.

54 **Planning Commission Motion**

55 Weston Youd made a motion that was seconded by Dayna Hughes that the planning commission recommends approval to the city
56 council the Horizon View Farms landscaping and preliminary and final plats. The commission finds that the proposed development
57 follows the intent and regulations of the R-1-12,000 PUD zone and conforms to the approved Elk Ridge Meadows concept plan. The
58 commission finds that the development strikes a balance between development and amenities and that the larger units and varying
59 elevations will be a better fit for the city. The commission finds that this type of housing is needed within the city to aid in the city's
responsibility to provide affordable housing and that this location is appropriate for it.

60 The commission also suggests the following conditions be met:

- 61 1. The commission suggests that additional benches be placed near the tot lot as indicated on the attached drawing provided
62 to the engineer.
- 63 2. The developer provide a colored rendering of the units along with samples of the exterior materials to staff for review prior
64 to going forward to city council.
- 65 3. Water rights are in place prior to approval.

66 Vote: yes-(3), no- (1) Scot Bell, absent (3) Kevin Hansbrow, Paul Squires, Kelly Liddiard.

67 Scot Bell voted "no" as he did not feel that the exterior materials represented what the current exterior materials are in the
68 community.

Proposed Council Motion

The city council approves the preliminary and final plats of Horizon View Farms. The council agrees with the planning commission in their finding that: the proposed development follows the intent and regulations of the R-12000-PUD zone, conforms to the approved Elk Ridge Meadows concept plan, strikes a balance between development and amenities, that the larger units and varying elevations will be a better fit for the city, this type of housing is needed within the city to aid in the city's responsibility to provide affordable housing, and this location is appropriate for it."

Shawn Eliot: There was talk with the City Engineer about 5 sumps...there was concern having 5 sumps in the basin...he asked if this had been resolved.

Mr. Salisberry: (developer): Craig Neeley preferred one larger sump with a gravel "envelope" in the basin rather than more. The changes are not on the plat. He needs to review the calculations. Five sumps would be more difficult to keep clean. The new design is all self-cleaning.

Shawn Eliot: This would be the one contingency; to have them change the design.
(Discussion of the design.)

Comments:

Nelson Abbott: Asked for any renderings for the design of the units.

(They provided drawings of the broken up roof line and the way the units will look.)

The Council examined the drawings.

Shawn Eliot: One of the issues was the "siding issue"; he asked that this be explained.

Mr. Salisberry: He showed the Council some samples of the proposed siding and the various designs and colors they plan to utilize on the units. They feel this is more of an "upscale" product, which simulates fiber cement more than the typical siding. They had used this in quite a few subdivisions and feel it is attractive. (One is located at 750 East 50 South.)

Nelson Abbott: Are the various materials to break up the units even more than just stucco and stone? (Yes)

Mr. Salisberry: It is not a matter of cost, these products are relatively expensive. Siding typically has a bad reputation.

Nelson Abbott: Is the change stirred by wanting to get away from some of the liability issues with stucco?
(No; it is simply the design and more flexibility.)

Raymond Brown: Do the units share a common wall?

(Yes, there are 4 units per building.)

Mr. Salisberry: The design is such that the common wall will be smaller vs. the whole wall...due to the setbacks...the units are staggered. The building is actually 4' smaller than the envelope so he has the flexibility of moving the building up to 4' back and forth...staggering the units. There are 5 or 6 color combinations but have the colors blend as they go down the street. There are many manufacturers of the siding.

Julie Haskell: She was not particularly impressed with the design or the colors; she felt they simply were not attractive for the entrance to Elk Ridge. She is not particularly in favor of the siding being proposed. She does not feel it blends with the established look in Elk Ridge.

Shawn Eliot: The original developer (for entire PUD) was asked about surfaces and he said he would take care of those in the CC&R's; which he did. But the City cannot enforce CC&R's; but the Code allows the City to require hard surface if they enter into the "density bonuses", which they did not...they came in under it. The City cannot say that they have to use stone or stucco.

Sean Roylance: He does have some concerns with straight vinyl. 1) Is it as good as it should be? Is it the best?

Mr. Salisberry: That depends on one's preference.

Mayor Dunn: Asked how much stone or brick will be used? (20% / 30% of the buildings.)

Nelson Abbott: (to Shawn Eliot) Does this proposal fit the Code? (Yes.)

(No further comments)

Shawn Eliot: Advised that the motion insist on the sump being one rather than 5, contingent that the plan be submitted for review by the City Engineer.

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY RAYMOND BROWN THAT THE CITY COUNCIL APPROVES THE PRELIMINARY AND FINAL PLATS OF HORIZON VIEW FARMS. THE COUNCIL AGREES WITH THE PLANNING COMMISSION IN THEIR FINDINGS THAT: THE PROPOSED DEVELOPMENT FOLLOWS THE INTENT AND REGULATIONS OF THE R-12,000-PUD ZONE, CONFORMS TO THE APPROVED ELK RIDGE MEADOWS CONCEPT PLAN, STRIKES A BALANCE BETWEEN DEVELOPMENT AND AMENITIES, THAT THE LARGER UNITS AND VARYING ELEVATIONS WILL BE A BETTER FIT FOR THE CITY, THIS TYPE OF HOUSING IS NEEDED WITHIN THE CITY TO AID IN THE CITY'S RESPONSIBILITY TO PROVIDE AFFORDABLE HOUSING, AND THIS LOCATION IS APPROPRIATE FOR IT; CONTINGENT UPON THE DESIGN FOR ONE SUMP VS. FIVE SUMPS IN THE RETENSION BASIN BE REVIEWED AND APPROVED BY THE CITY ENGINEER

Discussion:

Sean Roylance: He could not vote in favor of this project based on the "intent" portion of the motion: he feels that he does not know enough about the proposed exteriors...or perhaps if there were an upgrade to the exteriors...he is simply not convinced that the proposed exteriors are the best for the project. He feels the "intent" was somewhat skirted with the current proposal. He would like to know more about the proposed products. He still sees that other materials could be used. It was originally passed with other materials; now the project comes back changed.

Julie Haskell: Agrees with Councilmember Roylance.

1 Corbett Stephens (Building Inspector for the City) With the new State law being legislated; he advised that the
2 Council include within the motion that the plat meets all applicable standards and Code in force in the City
3 Code at this time. He worries that if it is not on the plans, they cannot be enforced.

4 Shawn Eliot: Basically this requires that the developers are responsible for the contents of the Development
5 Standards and Code and that they agree to the requirements.

6 The term used by the Planning Commission regarding the materials to be used was "request" ...
7 The Council cannot require the harder surface materials; there can be negotiations and a "request" ...and that
8 about it.

9 *(Further explanation about the materials and the various brands. The developer offered to answer
10 questions to supply added information.)*

11 Mr. Salisberry: He feels the proposed materials fit the Elk Ridge area and will be more "marketable" and
12 accepted.

13 Sean Roylance: (Summarizing)

- 14 > Larger size – He agrees with
- 15 > Breaking up the building – He agrees with
- 16 > Breaking up the surfaces in the front of the units – He like this
- 17 > Brick & stone added – This is good
- 18 > He is more concerned about a "life-time warrantee"...in reality, 30 years from now: what will this
19 product look like as compared to another one that can achieve the same look...are there other
20 materials that are better? It seems that a hard surface over time would be a more durable surface,
21 over a "life-time"

22 *(Fiber cement does have the same warrantee as the siding, but there is more maintenance; it is
23 only as good as the paint used on it. Siding holds its true color, without the maintenance issues.)*

24 Sean Roylance: He cannot vote in favor without more research by staff or the City Council.

25 Julie Haskell: How long does the color last? How long has this product been developed? *(Since the 70's)*

26 Raymond Brown: Asked about "wind resistance".

27 *(Wind resistance ratings were provided:*

28 *Example: Hard tack siding...normally mid-grade...has a 252 mph wind rating)*

29 Sean Roylance: Two weeks from now he could be convinced; but not at this point.

30 Shawn Eliot: He reminded the Councilmembers that the project cannot be denied based on the materials
31 being proposed. There is the point that the original developer committed to different materials...that would
32 require going back to the original developer.

33 The concerns with typical siding:

- 34 > Long slats
- 35 > Seams
- 36 > Fading and sagging

37 This does seem like a better product than typical siding.

38 **AN AMENDED MOTION WAS MADE BY NELSON ABBOTT ADDING THAT THE DEVELOPERS MUST
39 COMPLY WITH ALL CURRENT AND APPLICABLE DEVELOPMENT AND CONSTRUCTION**

40 **STANDARDS, AS ADOPTED BY ELK RIDGE CITY**

41 **THE SECOND BY RAYMOND BROWN STILL STANDS**

42 **VOTE: YES (4) NO (1) SEAN ROYLANCE**

43 *Passes 4-1*

44 Sean Roylance explained that his "no" vote was due to him disagreeing with the "intent" being met.
45 He would have preferred to table this for 2 more weeks.

46 **Check with Tony Fuller regarding any possible change in water rights requirements.*

48 BUILDING HEIGHTS –
49 CODE AMENDMENT

50 Corbett Stephens:

51 **"DISCUSSION** *(Memo from Planner to City Council)*

52 The recently passed regulation, concerning building heights, generates some concerns with regards to
53 enforcement. I have always understood that anytime there is ambiguity in the code, it is to always be
54 interpreted in favor of the property owner. I understand property disputes happen and that property owners
55 have rights. As code is written, the clarity of that code and its' enforceability make the entire process much
56 simpler.

57 The first concern I have is in the second sentence of paragraph H...

58 *"Building height shall be the vertical distance from the average elevation of the natural grade of the
59 structure to the roof line of the structure",*

60 would this be clearer if it read something like,

61 *"Building height shall be the vertical height, as measured from the average elevation of the natural grade of
62 the four major corners, where the structure is to be located, to the highest point of the structure."*

63 The next concern is the verbiage allowing backfill to be counted as "natural" grade...

64 *"The natural grade can include that which is required for backfill or foundation drainage. Generally this
65 would average 2% slope away from the building for a maximum distance of 10 feet required for proper
66 drainage."*

Section 401.3 of the 2006 International Residential Code states

"...Lots shall be graded to drain surface water away from foundation walls. The grade shall fall a minimum of 6 inches within the first 10 feet."

If you limit the drainage to 10 feet by placing a "maximum" distance, and there is a problem, it seems to me that the problem would then be ours as a city. When the code gives only a minimum and there ends up being a problem, there is no liability on the part of the city, as the owner/builder could have taken drainage further, had they chosen to. Some sites that grade towards the structure, like the Holman's on Cove Drive, would do much better to have even a greater distance sloping away from the structure, as the potential for runoff can easily overpower the ability to drain away.

Paragraph K. Additional Height: states...

"One side of the building could exceed the maximum height of 34 feet with the approval of the planning commission..."

This verbiage suggests that no side could be taller than 34 feet, yet the text of the code uses an "average of the four major corners" suggesting just the opposite. In order for the average to be 34 feet, some sides will be taller while others shorter. Would this read clearer simply stating that

"the average height may exceed 34 feet where it is determined by the planning commission that...."

This code change, even in its' present form; will require property owners to have a topographical survey done in order to verify these measurements. Currently a property owner or contractor can give elevations to satisfy the requirement for the grading plan, as it uses final grade for the reference point. This topo will add an additional cost to the overall cost of construction, and these measurements would be very difficult to obtain without it.

In conclusion I simply ask that the code be looked at from both sides, city and owner. If it doesn't accomplish what you're after, change it so it will. Please make it clear, if it's not, it will only cause problems down the road. If we're concerned about the access for fire department personnel, than address the eave height with a maximum measurement. When fire departments get on the roof, is the roof too steep? Are we going limit the roof pitch to 6/12? When access is anticipated to windows, do we require a minimum flat yard area under them for ladder stability? Are these even issues? With what is anticipated for future buildout of Elk Ridge, will there ever be a way to justify a fulltime department, or will they primarily concentrate on containment (keep it from spreading to neighboring homes, while letting the initial house burn to the ground)?

Bottom line, keep it simple and address the issues. If someone can interpret it another way, they will."

Comments:

Mayor Dunn: After the Council Meeting where the Code Amendment was voted on by the Council, the Mayor related speaking with the Building Official to inform him of the changes in the Code. He shared the information that had been in the Council packets with him and asked him to see how he would apply the regulations. They spoke for a while as Corbett acquainted himself with the changes; several issues evidenced themselves. (Mayor Dunn then used the white board to draw some diagrams for the Council.)

The Mayor spoke of homes in hillside communities, like Elk Ridge.

He spoke of how some homes have been built in Elk Ridge where fill has been brought in to build up the ground and then terraced...if these home had been built with the new regulations, the homes would drop down and could create some pretty steep driveways or winding driveways; this situation also creates an issue with sewerage...would these homes need lifts to pump to the main lines? Pumps are not typically a great option; there are many problems associated with them.

Currently, the Construction Standards allow fill to be brought in, compacted and tested on 8" lifts, or for the soil to come in and lay dormant for a period of time to compact naturally. The Construction Standards would have to be amended to remove this or to figure out another solution. He does not recommend creating a situation that would require sewer pumps in homes. Some of the "sidebar effects" of the Code changes would be the steepness of the driveways and reverse slope driveways; and when you look at where the City started two years ago...from the highest point of grade to the top of the building: (old Code) 30 feet; then it changed. With the current Code being altered yet again, the new changes would take us back to what the Code was two years ago. Two years ago the Council gave the Planning Commission direction to raise the building heights. The information presented to the Council at the last Council Meeting did not include opinions from the current Fire Chief nor counsel from the Building Official for the City, Corbett Stephens, who was not informed of these proposed changes nor was he given the chance to comment on them prior to action being taken. It was in asking Mr. Stephens for his input regarding the enforcement of the new Code that the decision was made to bring the issue back to the Council for discussion.

Summary of results of changing the Code:

- We are back to 30' (where it was 2 years ago)
- In most cases, there would be an encumbrance placed on homes with basements below the existing sewer main, to have a pump for sewer

34' from the "natural" point of grade sounds good, but creates some problem. He feels the goal was actually to maintain the safety, yet allow some of the more elegant homes to be built. Another issue: flatter roofs require heavier truss requirements to handle snow loads; there are higher costs involved with less steepness (pitch) to the roof.

Corbett Stephens: (Building Official)

(RE: Pumps) There are other ways to do it; but the track record has been (example): Parr's were willing to spend \$40,000 to raise their basement floor so they could "gravity-feed" their sewer; that is not just for the view, it is economics and avoiding hassles later.

1 He simply asks that the Council make the Code clear enough that he can enforce it without a lot of argument;
2 because he guarantees that there will be argument. He feels the Code changes are not clear and could be
3 interpreted in many ways. The law states that if there is any ambiguity, the interpretation will favor the property
4 owner; not the City...therefore, the Code has to be clear.

5 He understands that the Christensen home (Oak Lane) came up at the last Council Meeting in part of the
6 discussion...his house, from basement floor to ridge is 38'. The new Code says that required backfill can be
7 considered "natural grade"; so on his house, you can take your measurement from the required backfill...the
8 backfill required to get the slope away from the structure. Who is to determine this? There is enough
9 vagueness to cause problems in enforcement. Code says you have to slope away from the structure a
10 minimum of 5% for the 1st ten feet; that is a minimum...not a maximum...so are we saying that the property
11 owner has to stop at 10 feet? Many times 10 ft. is not enough. If we limit the property owner to 10', then there
12 will be problems if the basement gets flooded...who is going to be responsible for damages? The City will; that
13 is what he worries about. As a building official, he rarely allows himself to be "pinned down" any more than he
14 has to be; because he wants the responsibility on the property owner when it comes to decisions that could
15 create problems down the road.

16 *Referring to the Christensen house again:*

17 38' from basement floor to ridge: that house could still be built under the new Code. (Mr. Stephens understood
18 that the Christensen house was used as an example of a home with heights that the City would try to avoid
19 with the Code changes.) He stressed that clarity must be improved or the result will be an enforcement
20 "nightmare".

21 Raymond Brown: Rather than "beat this to death" for a couple of hours that night, he suggested that the City
22 Planner and the City Inspector (he trusts them both) get together and come up with a Code that is clear and
23 more enforceable.

24 Corbett Stephens: The way the new Code is written places much responsibility on the Planning Commission;
25 he would not want to offer an interpretation...he would send the property owners to the Planning Commission
26 for an interpretation. "Do you want that nightmare?" He asked if the Council wants the Planning Commission to
27 be forced to review these cases.

28 Mayor Dunn: "I don't want the Planning Commission to be part of that equation; where, according to the Utah
29 Local Government's Trust, the biggest payouts for insurance policies for municipalities are for planning and
30 zoning issues. Part of this issue centers around the interpretation of Code. These are critical issues and when
31 interpretation is left to seven different opinions and interpretations, then a great deal of dialog results...it
32 happens at the City Council level, with five or six people. If we can put the Code together so that it is simple,
33 with exact parameters...not left open to constant interpretation, then fewer problems will result.

34 Raymond Brown: The City has two professionals (the Planner and the Building Official) that can provide the
35 correct information for the Council to then be able to make an informed decision. This has been before the
36 Council several times and it is getting "ridiculous". He wants to see a recommendation come back to the
37 Council from these two individuals that is enforceable, "doable" and is reasonable. We keep going back and
38 forth with these issues. He has no problem rescinding the previous Council decision, if the result is clarity. He
39 recommended tabling the matter until the Planner and the Inspector submit another version of the Code.

40 Mayor Dunn: The reason this was brought back before the Council was to allow the Council to be made aware
41 of this added information.

42 Shawn Eliot: He said he is okay with this proposal to meet with Mr. Stephens.

43 *Comments:*

- 44 ➤ (RE: Fire Chief) He went with what the former Fire Chief had told them, but the Assistant Fire Chief
45 was also on the Planning Commission until just recently, so they felt they were safe with the
46 information they had. He admitted they should have taken "another step".
- 47 ➤ The 2% grade (10'): that was suggested by the City Engineer; so he should have gone to Mr.
48 Stephens, but he did not think about it, since he had the opinion of the Engineer.
- 49 ➤ (RE: 30' in front) This is Provo's Code and the back can be taller. We do have included in the Code
50 changes the Conditional Use Permit. So there are conditions where a higher back.
51 The Planning Commission was hoping to accomplish being able to ask if the added fill is necessary;
52 and if it is necessary, then the Planning Commission could take an extra look at the reasons why.
53 The burden of proof would be on the property owner.
- 54 ➤ Another issue: He (the Planner) spoke to our lawyer about the "interpretation of code" issue: he said
55 that the "vagueness rule" (when the State law says that when the code is vague)...his comments:
56 1. The applicant has to first challenge the City's interpretation of the City's own Code
57 2. The City interprets its own Code all the time at the staff level; if there is some discrepancy, you
58 go to the Planning Commission if it is a planning issue.
59 3. The vagueness issue is more that it is "moving around on itself" or is it contradicting its self or
60 does it not make sense...

61 The building height code that has been presented, where you measure the 4 corners...those were from Alpine
62 City's Code; which has been approved by our City Lawyer. He is okay with "stiffening it up" or adding more
63 clarity; but "if you run a city and you have these laws...a good example is the "driveway slope" regulation: the
64 Code says that "driveways shall be under 12% slope"...and as Mr. Stephens has interpreted this, he has said
65 that it is the "average slope"...yet the Code does not actually say "average". He has made that determination
66 as staff. If someone wanted to refute this, then it would go "up the ladder" to determine what was meant. It is
67 not necessarily "vague".

68 He can go back and review the Code, but he thinks the Conditional Use Permit option takes care of any

1 exceptions. Some cities require all building permits to go through the Planning Commission, especially in
2 hillside zones; because they understand why the regulations for a particular area were put into place. It is felt
3 that they should make sure any given development or home being built is following that code.

4 The reason the Code has the "Conditional Use" is that many cities do use this avenue to ensure the building
5 fits. It is like the "reverse slope driveway" portion of the Code...this allows the Planning Commission to review
6 the plans and check for any possible drainage problems. It is not saying that reverse slope driveways are
7 "bad"; it is just that it allows another look at the reasons behind one.

8 So, there is an avenue to have the higher homes, it is just that they would have to go through a process.

9 Mayor Dunn: Perhaps the new Code could apply to the "Hillside Residential Zone" and in the regular zoning
10 allow the property owners to have fewer restrictions.

11 Shawn Eliot: He feels that the only place this will be an issue is on the steeper slopes; there are some steeper
12 slopes in the other zones.

13 > (*Christensen home was addressed*) They built their basement on ground level, built their home and
14 then brought in a great deal of fill to come to their front. It seems as if the fill issues and the rock
15 walls...are issues. He will review the Code with Mr. Stephens; but he does not feel it is that vague
16 since many cities already use it...but we can smooth out some of the areas.

17 Perhaps the issues are:

- 18 - Natural terrain vs. not natural terrain
- 19 - 34'
- 20 - Conditional Use Permits

21 These are issues that need to be decided by the Council.

22 Sean Roylance: He agrees that the matter should be tabled until after the Building Inspector and the Planner
23 meet. There are some of the issues he would like to address, but he did not feel that was the time since there
24 are other agenda items to get to. He feels there are fairly direct solutions to each of the issues already "built
25 into" the Code.

26 Corbett Stephens: The issues are being dealt with now, at 34' from final grade. Parr's modified their plans
27 twice before they built their home; a house being built by Robert Nelson has been modified twice...it is
28 already an issue. The first thing builders do is to look up the Code on the internet and pick it apart to try to get
29 a home as tall as they can...they do it now. If the available height is lowered, they will "pick" even harder. It
30 just makes enforcement very difficult...to try to defend the position of using required backfill as "native" grade
31 measurement. Who is to say what is "required" and what is not? When the builder says they have to slope
32 away from the house to get the water away from the house, then building Code says what has to be done. It is
33 hard to argue the point back to get the elevation down, when building code is lifting it up. The International
34 Building Code is adopted and he is to enforce that in its entirety, but then the City passes a Code that better
35 suites the "intent" or whatever the wording is. It just makes his job difficult.

36 Sean Roylance: Offered to explain the Code, as written, to Mr. Stephens; since it is clear to him...if you look at
37 it a certain way. Perhaps with a different perspective, he would then be better able to defend it. He would be
38 willing to talk to anyone else, as well. At that point in time, he simply wanted to move forward with the Agenda.

39 Corbett Stephens: He always steps back and takes the position of the contractor or the home owner...this is
40 how it comes back to him.

41 Mayor Dunn: The item is tabled for now. The Mayor encouraged any of the Councilmembers with comments or
42 questions, to contact either the Planner or Mr. Stephens.

43
44 SUVMWA WATER
45 RIGHTS – UPDATE

46 Nelson Abbott: The Mayor and Councilmember Abbott met with the Board of Directors at the last SUVMWA
47 Meeting and made a presentation along with Mr. Tuckett (Attorney for Payson City and SUVMWA) and the
48 motion was made and passed that Elk Ridge City can sell the water rights on an "as needed" basis until the
49 expiration of the contract in November, 2008. In November, 2008, the contract will be re-negotiated, if the City
50 still wants to...at the current market value. Councilmember Abbott said he was surprised that the Board of
51 Directors would allow the City to do this. The City needs to sell as much as we can, then purchase as much as
52 the City can afford before the contract is up.

53 City Recorder: The City Council needs to review the current policy to allocate water rights to developers.
54 Currently, developers apply for water right allocation after receiving Preliminary Approval; but if individuals are
55 to be encouraged to purchase water rights from the City regardless of their approval status, then the policy
56 should change. Tony Fuller said that developers should not expect to purchase water rights from the City and
57 then put them into a "non-use" status...we should simply allocate the rights and then hope they are put to use.

58 Nelson Abbott: He proposed selling the water rights to the developers on a first-come-first-serve basis.
59 Whoever has the money, they just come to purchase the rights.

60 Mayor Dunn: A developer comes to the City with a development proposal and a need for a certain number of
61 acre feet of water rights...if there is a difference in the number of acre feet required for their subdivision
62 between the time of purchase and Final Plat Approval, then they can either purchase more (if available) or sell
63 any excess to another developer. There may be a difference. The advantage of purchasing the water rights
64 through the City is eliminating the time required to go through the change process at the State level.
65 The water rights stay with the land, not the person.

66 City Recorder: She pointed out that the conveyance of water rights is a condition of annexation that the City
67 has not adhered to. This requirement has been brought to the attention of the City Planner, as well as the
68 amount of water rights required; those sections of the Code need to be reviewed and perhaps amended.
69 This is in the Code and has been for some time.

70 This is also an example of proposed development required to convey water rights before any approval have

been granted. Is this wise, to require rights prior to any planned development?
Derrek Johnson: He brought up a good point: What if the proposed annexation is denied, what happens to the water rights, if they have been conveyed to the City?
(Perhaps the rights could be conveyed after the annexation process is finalized, as with a subdivision.)

*The City also needs to retain some of those rights for the proposed City Center.

(The other action was to approve the water right allocation for Fairway Heights, Plat C & D.)

The Council determined that, in light of the new policy of "1st come 1st serve", an actual allocation should not be required; the developers can simply come in and purchase the rights.

The Ewell's and RL Yergensen do not have to wait for the Fitzgerald's to purchase the rights they need.

Nelson Abbott: Should there be a time limit laced on the time allowed to actually purchase the rights?

Mayor Dunn: If an actual allocation is to be made, a financial time limit should be attached to the allocation.

If the time limit is not met, then the rights go back into the City "coffers".

Nelson Abbott: He does not feel there should be any formal allocation of the rights. If someone comes in with the money, sell the rights for cash.

The Council agreed.

19 ATV ALLOWANCE –
20 DISCUSSION

Mayor Dunn: (Memo to Council)

"This year, the Utah State Legislators passed a bill (S.B. 181) that allows ATV's to be driven on the streets in small communities less than 7,500 people. The State Senate leaves it up to the municipalities to come up with their own code that follows the provisions of the bill. The bill goes into effect October 1, 2008."

The Mayor included part of the bill with the Council packets. The Mayor asked the Council to review this issue and consider what, if any, changes should be made.

Nelson Abbott: In concept, the bill says that ATV's are required to have the same regulations as an off-road bike.

Deputy Tindall: The bill says that certain streets can be designated as open to ATV travel...speed limits are mentioned. Hazards particular to Elk Ridge should be taken into consideration. He feels regulations should consider what the primary purpose of ATV's should be. Basic safety precautions should be followed. Licensing could be required...helmets, etc.

32 HAZARDOUS
33 PROJECTILES -
34 DISCUSSION

Mayor Dunn: (Memo to Council)

"A resident called to report that her neighbor was shooting a bow & arrow in their own backyard but was concerned that the action was unsafe. The caller was reticent to be concerned, as her husband did the same action in their own backyard. This is an unsafe activity in residential areas and brings up the need and concern for a code that defines what a projectile is and the parameters of their use or non-use. Things to be considered are: model rockets, sling shots, wrist rockets, BB-guns, bows & arrows, potato canons and any devise that can cause harm or property damage."

Mayor Dunn asked that the Council also consider this issue for a recommendation at a future meeting.

41 2008/2009
42 TENTATIVE BUDGET –
43 DISCUSSION &
44 ADOPTION

Nelson Abbott: This is the Tentative Budget; there has been much discussion thus far and he feels the figures are agreeable, as presented...there will be a chance to adjust the figures somewhat between now and August, when the Final Budget is adopted for 2008/2009.

The sewer rates will likely be adjusted and this will affect the Budget.

(The Budget figures do reflect a \$10 per month increase to the sewer rates.)

City Recorder: Requested the Council make a decision on the wages for City employees, since this is an area of consideration in the General Fund expenditures.

Discussion:

(The subject was discussed in the Council Closed Session earlier that evening under the heading, "Discussion of Personnel". Action on that discussion must take place in the open meeting. The question also remains: how to handle the extra money paid to certain staff by mistake?)

The proposed wage included COLA of 3.5% with a performance bonus at a possible 4% of annual wage.

Raymond Brown:

- COLA...should remain at 3.5%
- Bonuses: Should the extra money be counted as part or all of the bonuses for these people?
- He felt that perhaps Corbett Stephens should leave his truck at the City Hall to save some money.
- To cover the extra money: perhaps the affected staff could take a wage cut of at least \$100/month until the overage is paid back.

(Question: how to handle the staff that is either gone or leaving employment? The Finance Director said to treat all employees the same, to avoid problems.)

Nelson Abbott: The suggestion was made to consider a wage reduction for the Councilmembers, as well.

The economy has affected all aspects of the City finances.

Sean Roylance: He suggested utilizing funds from the Water Fund to subsidize the General Fund until the General Fund is generating more cash flow. He reviewed the various sources of revenue available to the City. Rather than spending down the Fund Balance in the General Fund, shifting money from another Fund may be preferable. This should not be a long-term plan.

Water Rates were also discussed and the inevitable replacement of older lines.

If the City has gotten to the point of freezing wages and bonuses, then perhaps creative measures should be considered. Using current money for current expenses may be preferable to using up savings.

Mayor Dunn: Discussed change in sewer rates and balancing that Fund. The Water Fund also has other improvements to consider in the future. In preparation for this, rates have to be carefully considered. Enterprise Funds should remain independent of other Funds to build up the necessary retained earnings for the future.

City Recorder: Considering Councilmember Roylance's ideas; there are loans, transfers and even contributions that have been done. This should not be done on a regular basis.

Raymond Brown: Our debt to income ratio needs to be carefully guarded. He suggests balancing the General Fund as best we can this year; then change revenues and possibilities for the future.

Discussion of taxes.

- Balance the budget this year
- Avoid borrowing from other Funds

Sean Roylance: A temporary situation in borrowing from a healthy section of the City finances is not creating a hardship long term.

City Recorder: (Discussed the increase of Water & Sewer Administration Fees) There are other sources to figure these two contractual fees.

Nelson Abbott: Warned against using current sales for services for paying for new improvements.

(Discussion of Impact Fees and the uses)

Raymond Brown:

- Balance the General Fund Budget with Fund Balance
- Keep the 3.5% COLA + Bonuses
- No raises in wages
- Raise property taxes at least as much as the COLA rate
- Don't keep doing this!

Nelson Abbott: Sewer Rates must be adjusted by July 1, 2008.

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY JULIE HASKELL TO SCHEDULE A PUBLIC HEARING TO ADJUST THE SEWER RATES, FOR JUNE 10, 2008, AT 7:15 PM

VOTE: YES (5) NO (0)

**An article needs to go out in the Newsletter explaining this adjustment to the public.*

***Discussion of these rates can be in the Work Session of the same night.*

Nelson Abbott: Explained property taxes.

City Recorder: Demonstrated on the board how property taxes are figured by multiplying the adjusted valuations by the tax rate. Typically, the tax rate is lower than the previous year in an attempt to keep property taxes about the same, with a slight increase...even with growth. The suggested tax rate will not be known until June; then the tax rate can be discussed. This does not need to be decided in this meeting.

Mayor Dunn: Agrees with Councilmember Roylance, that property taxes are difficult to understand.

Sean Roylance: Though he needs to understand the area of property taxes better, he feels the Council can move forward with the adoption of the Tentative Budget.

Nelson Abbott: By adopting the Budget, the proposed COLA + bonuses (4%) would also be adopted.

**The matter of vehicle costs and the City policy for City vehicles will be discussed at a later time.*

Mayor Dunn does not feel the staff that have been paid the extra money be accident should have to pay that back; perhaps the money could be paid back through bonuses...then the issue of calendar year vs. fiscal year and personal taxes having been paid. Should the pay-back go back to January 2008? This can be decided through bonuses.

Sean Roylance: Suggests weighing this matter at the time of bonuses...skewing the bonuses slightly toward towards the staff that were not involved in the over-payment.

Raymond Brown: If the money is not paid back, it is not fair to the other employees, since some will have already received extra money.

Julie Haskell: She agrees that it is not "fair"; but, the employees were unaware of the situation and received this money through no fault of their own and is it "fair" to make them pay that back? They did not ask for it.

Raymond Brown: The money was accepted and spent; he does not feel that is fair to the other employees.

City Recorder: She commented that, as a staff member, she would not feel "slighted" knowing these few employees had received this money by mistake. She does not feel the other employees would care either.

Nelson Abbott: The employees that make more would be less likely to notice the extra money on their paychecks. At this point in time he feels it is simply "water under the bridge" and is "gone".

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY SEAN ROYLANCE TO ADOPT THE TENTATIVE BUDGET FOR THE 2008/2009 FISCAL YEAR FOR THE OPERATION OF ELK RIDGE CITY

VOTE: YES (5) NO (0)

EXPENDITURES

General: None

A. *Ratify Polled Vote – Fire Dept. Auto Damage:*

Mayor Dunn: He called the Councilmembers for a polled vote regarding some damage that had been caused to vehicles owned by members of the EMT's Force in the line of duty. He received three affirmative votes and stopped calling, since he had a majority vote.

Mayor Dunn gave a brief history of the issue: There was an accident about 4 months ago when one EMT backed her car into a car owned by another EMT, while they were on duty. Chief Waite requested that the City consider covering the costs of the repairs, since the City's insurance does not include this type of damage. Not covering the costs might result in members of the Force either quitting or being reticent to continue serving the Community. They have researched other options for insurance of this type... and have not come up with much.

Mayor Dunn spent some time up at the ULGT (Trust) at a meeting; he spent some time with David Church and John Ferrell (Trust) and he asked them about insurance...

Nelson Abbott: He explained coverage that is an extension of the City's general liability coverage policy that extends liability coverage to people who are employees of the City, driving their own vehicles...if they are in an accident while on City business, then the City's insurance covers the costs.

Mayor Dunn: Asked that the Trust Representative assist with the situation. The City can have this coverage; we need to submit specific information on all of the vehicles that would be used and be covered under this policy. The Mayor suggested that Chief Waite get the information together.

Nelson Abbott: They should be private passenger-type vehicles...under 20,000 lbs.

In February 2006, he and the Mayor met with the ULGT Representative and they were under the impression that the City did have this coverage (he brought it up because his wife is an EMT and uses her vehicle).

Mayor Dunn: The polled vote was to cover the cost of the damage to the two vehicles and then to put into place the research on how much this policy would cost and all of the details.

The current repairs will come out of the current Fire Dept. budget; under "equipment"...this will not be "new money".

Nelson Abbott: He agreed that a resolution to this issue must be reached, or the Dept. may suffer a loss in personnel, due to liability issues.

Raymond Brown: Expressed his concern that this could set precedence for other like situations in the City. Will this be true of City Council members, other staff members, etc?

Nelson Abbott: Shifts are handed off at odd hours for the EMT's and it would be difficult to use the City vehicle to serve on the Force.

Derrek Johnson: It can be done at specific times...at the City Hall; that is how his father did it in Springville.

Nelson Abbott: Losing members of the force would create problems in training other volunteers and even attracting new members. This is an issue that should be addressed for any of the members of the City staff or Council, etc.

Mayor Dunn: The polled vote was in the affirmative and he called for a motion to ratify that polled vote. He wanted the Council to understand the issues associated with this incident. The costs to be ratified were the amount of about \$3,200.

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY DERREK JOHNSON RATIFY THE POLLED VOTE TO APPROVE THE RAPAIR COSTS OF THE TWO PRIVATELY OWNED AUTOMOBILES DAMAGED IN THE LINE OF DUTY FOR EMT SERVICES, IN THE AMOUNT OF APPROXIMATELY \$3,200
VOTE (POLL): DERREK JOHNSON-AYE, JULIE HASKELL-AYE, NELSON ABBOTT-AYE & SEAN ROYLANCE-AYE
NAY (1) RAYMOND BROWN

Passes 4-1

Councilmember Brown feels that care should be taken in driving and the City should not be responsible for their mistakes. On the police force he served on, this was not the case.

MINUTES

1. City Council Minutes of 4-8-08:

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY RAYMOND BROWN TO APPROVE THE CITY COUNCIL MINUTES OF 4-8-08, WITH CORRECTIONS
VOTE: YES (5) NO (0)

2. City Council Minutes of 5-3-08:

MOTION WAS MADE BY JULIE HASKELL AND SECONDED BY RAYMOND BROWN TO APPROVE THE CITY COUNCIL MINUTES OF 5-3-08, AS PRESENTED
VOTE: YES (5)

ADJOURNMENT

At 1:15 AM, the Mayor adjourned the Meet